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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, February 2, 1984*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, we stand before You this day in the spirit of prayer, thanking You for our blessings and seeking Your guidance.

May our words of prayer and thanksgiving be not idle words spoken only for our justification or our approval—prayers heard only by ourselves—but rather earnest and honest supplications for people who live in fear, or who are lonely, or anxious, or who know not the gift of freedom or for those seeking direction and purpose for life. As Your word reminds, may we not practice piety before others only to be seen by them, but rather let us be open to Your presence that our words of supplication and thanksgiving be given in a spirit of reverence and blessed by Your grace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

PRESIDENT'S BUDGET REFLECTS MISUNDERSTANDING OF NATIONAL NEEDS

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, the President's budget reflects a misunderstanding of our national needs.

At a time when we should invest in our economic future, he asks us to retreat on the most promising fronts.

We must invest in the effort to achieve energy independence, but the President proposes a 24-percent cut in research and development for new coal technologies.

We must invest in rebuilding the economy in areas of high unemployment, but the President proposes no funding for the Appalachian Regional Commission, our most effective industrial development agency.

At a time when greater fairness is called for, the President proposes abolishing legal services for the poor, and with all of these cuts the President still endorses a 1-year deficit of $180 billion.

We cannot purchase our way to prosperity, but with the resources available to us we must bolster those programs which will make our economy stronger and which promote greater fairness for all of our citizens.

THE LOSERS IN THE PRESIDENT'S BUDGET

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as the President's budget continues to sink in, let us look again at who the big losers are.

The biggest losers are the American people continuing to pay for the $100 billion deficits for years to come.

The big losers and every one of us, who because there will be no tax reform this year, will continue to pay into this inequitable tax system, while the corporations and the rich continue to go scot-free and not hardly pay any taxes.

Who else loses, Mr. Speaker? If you are poor, forget it, because there will be no more Legal Services Corporation to defend you.

If you are a city, a State, or a county, and you are interested in some economic development funds, forget it, because the EDA is going to be abolished.

If you want to go to a national park or a forest, it is now going to cost you more to go. The average person and his family will pay for this deficit.

Mr. Speaker, the Grace Commission, the President's own Commission on finding and rooting out waste, where in the budget are ways to implement the Grace recommendations. Nowhere. Mr. Stockman has said there is no more waste.

Mr. Speaker, the issues in 1984 are going to be clear. They are the issues of fairness, and I think, Mr. Speaker, the President has failed in this regard.

LEGISLATION TO PROVIDE AID TO SCHOOLS AND CITIES

(Mr. ORTIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, today I am introducing a bill that will provide additional revenue not only to the people of this Nation, but to local governing units in a portion of the 27th District in Texas. By removing an impediment to oil and gas leasing at the naval air station in Corpus Christi, Tex., Congress can provide much needed revenue to the local units of government in Nueces County, and, at the same time, reaffirm its commitment to expanding our country's domestic energy supplies.

In 1981, the Interior Department lifted an existing ban on oil and gas leasing on military lands. The Mineral Lands Leasing Act provides that one-half of the royalty revenues derived from such leases be paid to the U.S. Treasury with the remaining half to go to the State.

This past year, the Texas State Legislature decreed that the State's portion will be distributed to those subdivisions impacted by such leasing; 50 percent of the revenues will go to the school districts in the county, 35 percent will be kept by the county, and 15

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

percent will be disbursed to the cities involved.

As a lease was being processed, it was learned that the naval air station had been incorporated in the city of Corpus Christi, and unfortunately, there also exists a regulation prohibiting leases being issued for drilling on military lands incorporated into cities.

Time is no longer a luxury in expediting this matter. Due to the geological formation of the naval air station land, drilling on surrounding private lands will drain the oil under this base. When that happens, a potential source of revenue to this Nation, to the local school districts, to the county and to the city will be forever lost.

Mr. Speaker, in this period of fiscal restraint, we can ill afford losing this revenue to private interests. Our Nation's schools are in dire need of aid. This bill will provide additional income for improvements to curriculum, facilities and personnel to schools in this county. Our Nation's cities have been told they must be less dependent on the Federal Government for financial support. This bill will enable Corpus Christi to provide better services to its citizenry at no cost to the Federal Government.

Surely, this body will not allow such a technicality as I mentioned to frustrate the general welfare of the people. I urge my colleagues to consider these facts and to support this legislation.

LEGISLATION TO SUSPEND JOINT MILITARY MANEUVERS BETWEEN THE UNITED STATES AND HONDURAS

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, I am today introducing, along with 50 other Members of the House, a bill to suspend joint military maneuvers between the United States and Honduras and place a limit of 200 on the number of U.S. military personnel in that country.

This bill is prompted by a conviction that the Reagan administration is leading the United States toward direct involvement in a Central American war. Large scale military activities in Honduras are described as maneuvers, but they have become, in reality, a semipermanent deployment of U.S. combat troops. This deployment, when combined with U.S. support for Nicaraguan counterrevolutionaries, and large training programs for Honduran and Salvadoran troops, has had a profound and harmful impact upon the political life of Honduras. It impedes, as well, progress toward the kind of political settlement in Central America which ought to be the foremost objective of our policy in that region.

Our legislation will not put an end to U.S. military aid to Honduras—assistance, which in reasonable quantities, I fully support—but it would reduce the massive military presence which in recent days, has made Honduras look more like midsixties Vietnam than a struggling and desperately poor democracy which requires insulation from—rather than direct involvement in—the problems of its neighbors.

TIME TO REVIEW THE PRESIDENT'S POLICY IN LEBANON

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, Larry Speakes, the man in the White House who speaks for the President, stated in a published report this morning that Democrats are playing politics on Lebanon and that Democrats are aiding and abetting the Syrians in their policy of conquest in the Middle East.

I would remind the President that some of us in this body, indeed I, voted for the President's resolution on Lebanon for two specific reasons: One, that the Speaker of the House admonished us Democrats that we should not make a partisan issue out of Lebanon, and second, the Speaker would review the President's policy in Lebanon on a weekly basis.

I have been a member of that committee and I have reviewed the President's policy. I now question the wisdom of the President's policy on Lebanon. I question the judgment of the President's policy on Lebanon. It is time to review that policy, to debate that issue for the American people and to promote a change in the direction of the United States in the Middle East.

But, Mr. Speaker, I vigorously object to the implications of Mr. Speakes' comments that those of us who question the President's policies are partisan and even aiding the enemies of our Nation. All of us want to do what is best for this country. All of us want to see that this country's interests abroad are protected. All of us want to see that our country continues to be a beacon of freedom in every part of the world.

However, this is a democracy where we believe that the best public policy is one which is determined by free and open debate. During the 1950's our country was engulfed in a dark and frightening period known as the McCarthy era. Let me suggest to Mr. Speakes that Members of Congress are open to hearing the arguments of the White House in support of its policy in Lebanon. However, no one—particularly the Americans in Lebanon—is well served by his extending the shadows of the 1950's to our present-day discussion.

□ 1110

THE PRESIDENT'S BUDGET

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Madam Speaker, President Reagan is attempting to hoodwink the American people by including in his budget social security funding, which is a self-funded program. If we take the actual Federal budget paid for out of general fund revenues, we find that instead of the military being 25 percent, it is almost 60 percent of the Federal budget.

This is a chart and it is very simple. The second item, by the way, is not social spending either. It is interest on the national debt, $110 billion, or $115 billion. Way down here is social spending.

And I put in unemployment compensation. If you cut it all out, all food stamps, medicaid, unemployment compensation, you would cut President Reagan's enormous deficit by one-third.

Here is education and health research down here. It is a very small amount and shows what the President thinks of education.

FAMILY VIOLENCE PREVENTION AND SERVICES AMENDMENT

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Madam Speaker, when the House considers the Child Abuse Amendments of 1983, the Miller-Mikulski family violence prevention and services amendment will be offered. We can no longer sit idly by and ignore the necessity for domestic violence shelter services. Federal assistance which provides funds for shelters has been drastically reduced or totally eliminated. The demand is so high for these services that shelters turn away 10 victims for every 1 person they can help. The Miller-Mikulski amendment would provide limited assistance and community services to victims of family violence.

I am appalled that there are no specific Federal programs for victims of spouse abuse. Over 6 million wives are abused by husbands, and approximately 4,000 women are beaten to death annually. In my own section of Florida, the Women in Distress Shelter is the only shelter in Broward County with a population of 1.3 million, and it is woefully inadequate to cope with the numbers although it does a great job with those it can save.

This problem affects all ages, races, income levels, and communities. I hope my colleagues will join with me in supporting the Miller-Mikulski amendment and the Waxman amendment to H.R. 1904.

DEFICITS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Madam Speaker, I want to make a few things perfectly clear today.

I oppose deficits. I also oppose those who cause deficits. I oppose those who support deficits. I oppose those who spend too much. I oppose those who tax too little. I oppose those who are friends of those who support deficits.

I realized I had to make these things perfectly clear when I went home last night and my wife asked me if we in the Democratic Party were still soft on deficits.

Now, it is not true. We Democrats will talk this budget balanced any day now, just like the Republicans.

PRESIDENT REAGAN'S BUDGET

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Madam Speaker, with the introduction of his fiscal year 1985 budget, replete with astronomical deficits stretching into the foreseeable future, in spite of the most incredibly optimistic economic projections, President Reagan has abdicated his responsibilities as an economic leader. To ignore the reality of the deficit is to ignore the economic future of our Nation. It is a cynical and politically expedient choice that invites economic distress on a scale far greater than the recent recession.

The President's budget director claims that all stones have been turned over in the effort to cut the deficit. Perhaps he means to suggest that the tax giveaways of 1981 and the swollen military budget amount to immovable boulders or mountains of debt. Yet we can and must move these mountains if we are to solve the deficit crisis and safeguard the future of our Nation.

By clinging to an inequitable tax policy and an unjustifiably large military budget as sacred cows, President Reagan charts a course for social and economic disaster. Under the Reagan plan, America is not back, it is backing down. The Reagan administration, too, is backing down from its responsibility as steward of the Nation's economy. It is backing down from its responsibility to the poor. And it is backing down from its obligations to the American people.

REPRESENTATIVE PETRI INTRODUCES LEGISLATION FOR PRINCIPAL TRAINING PROGRAM

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Madam Speaker, America's future depends on the education we provide for our youth. Yet, our incredible budget deficits require us to be as careful as possible with the taxpayers' money. Accordingly, I am pleased to report that I have developed a proposal which will significantly improve education in America, yet cost surprisingly little.

Studies have shown that the most cost-effective way to improve the quality of a school is to be sure that the school principal is properly trained for his or her job. The most important variable which could account for the differences in student performance at different schools is the quality of leadership provided by the principal.

This is why I plan to introduce legislation for a principal training program. This legislation would establish regional centers tied to both the school of education and the school of business at a given university. After a startup grant, Federal aid for the program would end, and the sponsoring university would assume responsibility for the program.

The opportunity for cost-effective educational progress through the training of principals is too great to be ignored. I recommend this proposal for your attention, and I invite all my colleagues to cosponsor it.

PUNXSUTAWNEY PHIL PREDICTS 6 MORE WEEKS OF WINTER

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Madam Speaker, it gives me the greatest pleasure to once again announce to my colleagues that the most famous groundhog in the world, and I am speaking of none other than Punxsutawney Phil of Punxsutawney, Pa., has emerged from his underground home for the 98th consecutive year to make his annual forecast. Now it has come to my attention that there are pretenders to the throne. Groundhogs from other States are being touted as famous furry forecasters. Pay no attention to them. They are all impostors. Our Phil has been doing this for almost a century. And just like in government, it is experience that really counts. This being the appointed day for the greatest of all pronouncements of a meteorological sort issued from Punxsutawney, Pa., a community I am proud to represent in Congress, I have the high and distinct honor of reporting to Congress on the prediction of Punxsutawney Phil, the only reliable weather forecasting groundhog, as relayed to me this morning by the president of the Punxsutawney Groundhog Club. And I might add that following this morning's event, Phil was united in marriage to a young bride, courtesy of the Philadelphia Zoo. Congratulations Phil. And now the proclamation:

Here ye, here ye. To all faithful followers assembled here on Gobblers Knob, and to all believers around the world, I, James H. Means, president of the Punxsutawney Groundhog Club, hereby proclaim that His Imperial Majesty, King Philip, has emerged from his Royal burrow at 7:20 a.m. In the dimness of the early winter dawn, he stood for a moment, tall and proud, then in seconds he saw a thin grey shadow over his right shoulder. In this prophetic year of 1984, Punxsutawney Phil has indeed seen a shadow that indicates 6 more weeks of mild winter weather are still ahead of us. Just as President Reagan promised in his state of the Union address, Phil wants all his loyal followers to know that better days are coming. We have weathered the worst. Having made his infallible prediction, His Majesty has quickly scurried back into the warmth and safety of his burrow. This is the official word today, February 2, from Punxsutawney, Pennsylvania, the weather capital of the world, where the only reliable weather forecasting groundhog wants to remind us that big Phil is watching you in 1984.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Madam Speaker, I must say a couple of words on behalf of Octoraro Orphie, the other prognosticating groundhog. Octoraro Orphie has had problems getting that information with regard to predictions to Congress because we had to fortify his position to protect against terrorists this year. But he has always been more accurate than Punxsutawney Phil, I have to inform the House.

On a more serious subject, Madam Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to permit voluntary school prayer. The Chair has ruled in order to make this request that I must have the clearance of the majority and minority leadership.

This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for the appropriate clearance.

Madam Speaker, I hear no response. That should make it clear to the American people who stands in the way of voluntary school prayer: the Democratic leadership of this House.

□ 1120

WILL WE PERMIT A LINE-ITEM VETO

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Madam Speaker, at this time I would like to offer a unanimous request for consideration of an amendment to permit a line-item veto. This idea has been supported by Members of both parties as one way to help cut the deficit which worries us all. The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships.

Madam Speaker, the request has been cleared by the minority leadership. I would now yield for a spokesman from the majority leadership for an appropriate clearance.

Madam Speaker, there is silence; that should make it clear to the American people who stands in the way of deficit reduction and the line-item veto: the Democratic leadership.

EXTENDING EXPIRATION DATE FOR MORTGAGE REVENUE BOND PROGRAM

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Madam Speaker, in the rush to adjourn last year this Congress let the December 31 expiration date for the mortgage revenue bond program lapse, casting uncertainty and gloom upon the homebuilding industry and the home-buying public. The dream of homeownership of thousands of low- and middle-income families has been put on hold, bottled up in a controversial tax bill and held hostage to a dispute over other tax changes.

Today I am introducing legislation to repeal the December 31 sunset tax date on MRB's.

Our Connecticut housing financing authority last year made possible almost 5,000 low-interest mortgages to Connecticut families through the MRB program. These mortgages totaled over $238 million, a tremendous boost to Connecticut's economy. Since this program has been in effect, CHFA has made homeownership possible for more than 31,000 Connecticut residents, families, $2 billion in mortgages, and it has provided a similar stimulus to the economy and opportunity for families throughout this Nation.

I urge the Committee on Ways and Means to proceed promptly on an extension of this important program.

THE SPEAKER NOW WANTS TO BRING OUR TROOPS HOME—I CAN'T BELIEVE IT

(Mr. HARTNETT asked and was given permission to address the House for 1 minute.)

Mr. HARNETT. I thank Madam Speaker.

Madam Speaker, a couple of months ago I overheard the Speaker of the House of Representatives addressing his colleagues in the Democratic caucus assembled here on the floor of this House and he said something like this, Madam Speaker, he said, "It has been said that I am the most partisan politician in America. It has been said that I am probably the most political person in America. And I am proud of it. I am proud to be called the most political person and the most partisan person in America. But you just can't play politics with our troops in Lebanon; you just have to support our President and the troops in Lebanon. You have to do it. It is the American way."

Madam Speaker, nothing has changed in Lebanon except perhaps our position has gotten a little bit better. We have let a terrorist act, we have let a terrorist act change the great nonpartisan and nonpolitical nature of the Speaker of this House of Representatives who worked out a compromise to leave our troops there and now wants to renege on his commitment to the President and bring our troops home. I cannot believe it.

DEFICIT SPENDING HONOR ROLL

(Mr. MACK asked and was give permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Madam Speaker, yesterday and today we continued to hear the discussion and the concern about the size of deficits and whose fault it is. Well, frankly, a lot of the discussion on the Democratic side of the aisle caught us a little bit off guard and many of us really could not believe what we were hearing. So we reviewed 18 amendments to both the appropriations and authorization bills voted on during the 1st session of the 98th Congress and placed some of these names in the RECORD to put things straight about who voted how on what particular spending bills.

Afterwards, some Members came up to us and said that their names were not included in that particular list and asked us why. Unfortunately, we just did not have the time yesterday to list them. So I am taking the time to add names to what we are calling the deficit spending honor roll. The following individual, Mr. BOUCHER of Virginia, even though he indicated concern about the deficit, voted 16 of 18 amendments which added $21.11 billion to deficit spending.

IS OUR NATIONAL SECURITY WORTH 3.87 PERCENT?

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. I thank Madam Speaker.

Madam Speaker, I am hearing a lot of critcism of the President's budget for fiscal year 1985 and I cannot quite understand some of the twisted rhetoric. Perhaps some of our colleagues can help me to understand what they mean when they wring their hands about the budget deficit and blame it on increased defense spending proposed by the President.

Now, as I understand it, the President is proposing total outlays of $925.5 billion, of which for fiscal year 1985 $34.5 billion is increased defense outlays. That is 3.72 percent of the total outlays.

Now, is the problem really just that 3.72 percent of the budget outlays? If it is, we should be able to fix that rather easily, should we not? I have calculated the rest of the spending would have to be reduced by 3.87 percent to offset that $34.5 billion.

Now, is it really true that we cannot reduce other types of spending by a mere 3.87 percent in order to offset that increase in defense spending? Is our effort to help maintain peace in our time and defend our Nation's security not worth a 3.87 percent reduction in other spending outlays, if it is necessary? Would that really mean a 3.87 percent reduction in the number of Democrats in the House of Representatives? I do not think it would. I surely do not think so. And, besides, you would still have enough Democrats left to control the House of Representatives, would you not?

A TRIBUTE TO THE LATE HONORABLE WILLIAM B. WIDNALL

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Madam Speaker, I rise this morning to ask my colleagues to join with me to pay tribute to a man who served with distinction in this body for 25 years and to mourn his recent death.

William B. Widnall at one time held the congressional seat I now occupy and was the ranking minority member on the House Banking and Currency Committee. He served the people of his district and this country selflessly. His was the voice of moderation and reason, respected by Members of both parties.

Bill Widnall loved this institution and loved the people of New Jersey. His beloved wife, Marjorie, expressed it well when at the time of his passing she said that after he left the House, "It kind of broke his heart."

Bill Widnall was a pioneer in developing housing programs for the Nation's senior citizens. Indeed, the Widnall Towers in Hackensack, a senior citizen residential community, is a lasting monument to his dedication.

PRESIDENT REAGAN'S SYMPATHY ENDS WITH THE BIRTH OF THE CHILD

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Madam Speaker, I have been very disturbed by many of the President's comments over the past week, but I do not think any were as hypocritical or offensive as his remarks before the Christian Broadcasters' Association. The President expresses concern for the unborn, but it would seem his sympathies end with the birth of the child.

His proposed budget for the women's children and infant's program is insufficient to meet the current need. Unless supplemental funding is approved, 500,000 mothers and children will be forced out of the WIC program beginning in April of this year. Poor mothers and their children need our help desperately and they need it now if they are ever to climb out of the poverty that keeps them dependent upon government aid.

WIC is more than a social program—it is a survival program. I believe that it is one of the best investments we can make in our Nation's future. I call upon the administration to request supplemental funding so that the 3 million very alive children and their mothers who are dependent upon this program can receive this most basic of assistance.

□ 1130

MOST UNFAIR BUDGET IN HISTORY OF THE UNITED STATES

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Madam Speaker, this is the most unfair budget in the history of the United States. While the Pentagon gets an additional $130 million a day, domestic spending is slashed billions. This is a budget which proposes to spend: More money for housing people in outer space than for housing our elderly on Earth; seven times more money for research on new missiles than for research on heart disease, cancer, diabetes, arthritis, and lung disease—combined; more money on military bands than for arms control; and, more money to do the laundry at the Naval Academy than for studying education for severely handicapped children.

Ronald Reagan, who 4 years ago promised us a balanced budget, today gives us a budget with the largest deficit in American history. The budget is a travesty, and I will oppose it as vigorously as I can. Yet this unfair budget should be no surprise—it comes to us from an administration that says that people are in soup lines because the food is good, and that they are homeless because they prefer to live on the streets.

A BALANCED BUDGET AMENDMENT

(Mr. PARRIS asked and was given permission to address the House for 1 minute.)

Mr. PARRIS. Madam Speaker, at this time I had hoped to offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. The request has been cleared by the minority leadership. And I wonder if a spokesman from the majority leadership would give us the same appropriate clearance.

Apparently not, Madam Speaker. That should make it clear to the American people who stands in the way of a balanced budget, the Democratic leadership of this House.

LEGISLATION ESTABLISHING COMMISSION ON MISSING CHILDREN

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Madam Speaker, today I am introducing legislation to establish the Commission on Missing Children. Over 1 million children disappear from their homes each year in America. Many of these children are the victims of senseless acts of violence and exploitation, of sexual and physical abuse. The children themselves and their families suffer through periods of great pain and frustration. This is no longer an issue that can be dealt with solely by individuals and families. It is a complex and tragic problem of national dimension.

The bill I am introducing today will bring together experts and professionals on the Federal, State, and local levels to conduct a comprehensive study on the problem of missing children. The Commission will offer solutions to help prevent the disappearance of children and to return missing children safely to their homes. Furthermore, the Commission will make recommendations to the President and the Congress for legislative and regulatory changes necessary to carry out the purposes of this act and will help establish a program to assist all those concerned with missing children.

Let us act together to gain a better understanding of this national tragedy and to provide children and families across this Nation with the support and assistance they so desperately need.

DEMOCRATIC CAUCUS DECISION ON LEBANON MAY POSE GRAVE THREAT TO AMERICAN LIVES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Madam Speaker, I simply want to bring to the notice of the House that the fun and games being played by the Democratic Caucus about Lebanon pose a very grave threat to American lives.

There is a Syrian dictator whose staff watches the American news media and American politicians. There are Russian advisers to that dictator who watch the American news media and American politicians.

We had an 18-month truce on politics with American lives which tragically the Speaker of this House has decided to break.

Yesterday's decision by the Democratic Caucus may cost many American lives in the future, and as a reversion to the McGovern-Mondale wing of weakness, which may frankly threaten all of us before it is over.

IS DEFENSE SPENDING ON THE TABLE FOR CUTTING?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Madam Speaker, the President has asked our party to negotiate on the budget deficit. And we welcome those negotiations. But a question remains: Mr. President, is defense spending on the table for cutting?

We have seen the defense budget go up countless billions of dollars with no cutting in sight. We have seen our Government pay $9,000 for a wrench that should cost 49 cents. We have seen the Secretary of Defense, Caspar Weinberger, "Cap the Knife," become "Cap the Sap."

Or are we going to ask the hungry and the homeless and the poor to once again bear all of the brunt of balancing this budget?

Once and for all, Mr. President, is defense spending on the table when you talk compromise and cut?

RESOLUTION CALLING FOR RESIGNATION OF CASPAR WEINBERGER

(Ms. MIKULSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MIKULSKI. Madam Speaker, I rise today to introduce a resolution calling for the resignation of the Secretary of Defense, Caspar Weinberger. As the administration official in charge of the deployment of our Marines in Lebanon, he must take responsibility for the lax security at Marine headquarters in Beirut prior to the bombing which killed 241 Americans last October.

As a member of the Speaker's Ad Hoc Committee on Lebanon, I have been able to follow events in Lebanon with particular closeness. I have also read both the Long Commission report and the report by our own House Armed Services Committee which investigated the bombing. I believe the results of these investigations warrant the strong action I am proposing.

We now know from the investigations that our Secretary of Defense has mismanaged and miscalculated our mission in Lebanon and that even the bombing of our Embassy in Beirut last spring was not sufficient enough warning to Mr. Weinberger to direct our military to take the necessary precautions against the grim realities of terrorism.

We now know from the reports that the murkiness of our mission in Lebanon has increased the risks for the Marines there.

And we now know that our Secretary of Defense is more interested in finding shelter for the MX missile than in finding shelter for the deployment of our Marines.

If our troops are in Beirut on a political mission to keep peace rather than on a military mission to wage war, then the politicians who decide their fate and who fail to adequately provide for their safety must be held accountable for their negligence.

We must not permit the policy which has led to such tragedies as the Marine massacre to continue. It is time for Congress to hold responsible those persons who failed to protect our Marines. Since political decisions have put our men at risk, the policymakers must accept the blame. This is the very least we can do for the men who died and for their families and loved ones.

I urge my colleagues to join me and call upon the Secretary of Defense to resign.

INCONSISTENCIES IN THE BUDGET

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Madam Speaker, this will be the second of a series of 1-minute speeches I will give regarding the internal inconsistencies of the 1985 Federal budget, which has just been submitted by the President.

Yesterday I pointed out that for the outyears of 1985 through 1989 it was impossible to simultaneously have: First, $180 billion deficits; second, robust economic growth, as indicated by the President's unemployment rate projections of 6 percent or less, and project—after inflation—growth rates of 4 percent; and third, continuously falling interest rates, as indicated by the President's projection for 91-day Treasury bills falling from 7.1 percent in 1986 to 5.0 percent in 1989. That is an impossibility.

We cannot have rapid economic growth—4-percent real growth would be rapid in light of our economy's performance in recent history—tight labor markets, huge budget deficits, and low interest rates. That the President expects us to believe that 1989 interest rates will be at 5 percent at the end of a sequence of hefty recovery, tightened labor markets, and huge deficits is preposterous.

Today, I want to point out another inconsistency. This one concerns the outyear deficits as percentage of GNP.

If you make different assumptions about outyear interest rates, then deficits as a percentage of GNP look very different. Let me give you two examples to illustrate the point. The President claims that 1985 and 1987 deficits will be only—only is used advisedly here—4.6 percent and 3.9 percent, respectively, of GNP. If we use an optimistic, but more realistic figure for interest rates of 8 percent, then deficits jump to 5.7 percent of GNP in each year.

These are not trivial differences, but represent billions and billions of dollars annually, as interest charges themselves become the heaviest and most rapidly growing component of the deficit.

Unfortunately, the internal inconsistencies of the President's budget seriously understates the magnitude of the deficit crisis and makes meaningful remedy that much harder.

PROVIDING DUTY-FREE TREATMENT OF PERSONAL EFFECTS AND OTHER ARTICLES OF FOREIGN PARTICIPANTS IN THE XXIII OLYMPIAD

Mr. ROSTENKOWSKI. Madam Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 290) to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984, with a Senate amendment thereto, and concur in the Senate amendment, with an amendment.

The Clerk read the title of the joint resolution.

The Clerk read the House amendment, to the Senate amendment follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"915.00	Personal effects of aliens who are participants in or officials of the XXIII Olympiad, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with the games; and other related articles as prescribed in regulations issued by the Secretary of the Treasury.	Free	Free	On or before 9/30/84".

SEC. 2. The amendment made by the first section of this joint resolution shall apply with respect to articles—

(1) entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Joint Resolution; or

(2) entered under temporary importation bond after June 30, 1983 and before such 15th day.

The SPEAKER pro tempore (Ms. FERRARO). Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Madam Speaker, reserving the right to object, I do so for the purpose of asking the distinguished chairman of the Ways and Means Committee if he will give us a basic description of the measure he is now asking us to consider.

Mr. ROSTENKOWSKI. Madam Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding.

Madam Speaker, House Joint Resolution 290, as it passed the House on April 28 last year, provided duty-free treatment of the personal effects, equipment, and related articles imported into the United States for use by foreign delegations to the 1984 summer Olympic games in Los Angeles.

On November 18 the Senate passed House Joint Resolution 290 with an amendment which deleted the Olympiad provisions in the House resolution and substituted a provision relating to information reporting requirements on State and local tax refunds. The Tax Equity and Fiscal Responsibility Act of 1982 required State and local governments to send a tax refund notice in January of each year. The Senate amendment eliminates the January notice requirement. Instead, under the Senate amendment, these reports could be sent out with the refund in the preceding April. In addition, the Senate amendment eliminates the notice requirement on 1983 refunds due on or before January 31, 1984.

The Senate amendment is estimated to reduce revenues by $20 million each year, as a result of reduced compliance due to individuals receiving the refund notice in April, rather than January of the subsequent year. In discussing the Senate amendment, the Committee on Ways and Means felt strongly that in these times of budgetary crisis, even $20 million was significant. If we are serious about deficits, we must be willing to act consistently with our rhetoric. The States have opposed this requirement, but they appear to be in better fiscal condition than the Federal Government. Further, the administrative costs to the States will be sharply reduced once the Internal Revenue Service is able to provide them the names of itemizers.

I propose that the House return House Joint Resolution 290, rejecting the Senate tax amendment and making technical amendments only to the original House-passed resolution providing duty-free treatment of equipment and personal effects for use by foreign participants and their families in the summer Olympic games.

The purpose of such treatment is to reduce the burden on the U.S. Customs Service of administering entry of these articles duty free under temporary importation bonds and enable it to concentrate resources on necessary security measures at the Olympics. Technical amendments I propose to the original House-passed resolution would terminate duty-free treatment on September 30, 1984 and apply it retroactively to entries which have already occurred since June 30, 1983, under temporary importation bonds.

It is the understanding of the committee that regulations will be issued by the Secretary of the Treasury to advise participating countries that articles accorded duty-free entry under this provision may not be sold in the United States and must be reexported unless consumed or totally destroyed. I understand that deletion of duty-free treatment in the Senate-passed resolution was inadvertent.

□ 1140

Mr. CONABLE. Madam Speaker, further reserving the right to object, I would like to say that I support the modification of House Joint Resolution 290 to add back the original language of the resolution allowing duty-free entry of equipment and other effects of Olympic athletes and to strike the language added by the other body which would have repealed a provision enacted in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). This provision required the States to notify taxpayers in January that any income tax refund they received the year before should be included in their Federal income tax computation if the tax previously was deducted for Federal income tax purposes. This provision was enacted because of a serious compliance problem in that individual taxpayers may deduct State taxes paid but may not include in income any refund of the amount which has been deducted. The Joint Committee on Taxation estimates that the repeal of this provision would result in a revenue loss of approximately $20 million per year. The States would like the provision repealed because it does involve some administrative expense upon them as a result of the mailing requirement. I agree with the decision to maintain current law. At least at this time, for several reasons.

First, the States receive a significant benefit as a result of their taxpayers being able to deduct the payment of State income taxes, because the effect of this deduction is to reduce the after tax cost to their taxpayers and thus increase the amount of tax burden which can be imposed on them. This deduction alone results in a revenue loss to the Federal Government of $15 billion annually. As a result, our requiring the States to assist us in a modest way to prevent the underpayment of tax from the failure to report refunds is not unreasonable.

Second, we have not had a sufficient opportunity to examine the claims of the State relative to the costs of implementing this requirement and thus it seems premature for us to move to repeal it now.

Third, the time period for sending the notifications for 1984 has already expired, and that should negate the need for haste as well.

Finally, it would appear curious, at the very least, if this body's first tax action of the year, as my distinguished chairman has pointed out, in a highly charged deficit-conscious atmosphere, were repeal of a provision which simply would insure that people pay the taxes which they already owe and which would result in a significant revenue loss.

Madam Speaker, I have no reason to maintain my reservation of objection. I withdraw it, and I ask the body to pass this legislation which the distinguished chairman has brought up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

IMPROVING WORKER TRAINING UNDER TRADE ACT OF 1974

Mr. ROSTENKOWSKI. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the House amendment to the Senate amendment.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out "for a period of three years after such effective date" and inserting in lieu thereof "until December 31, 1986".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Madam Speaker, reserving the right to object, I will ask the distinguished chairman if he would report the reason for this legislation.

Mr. ROSTENKOWSKI. Madam Speaker, if the gentleman will yield, this legislation, as amended by the Senate, makes two changes in the Social Security Act:

First, it extends for 6 months, through June 7, 1984, the authority to continue disability insurance payments to individuals while they appeal a decision to terminate such benefits; and

Second, it extends for 3 years the temporary authority contained in section 1619 of the Social Security Act that provides for the continuation of SSI benefits and/or medicaid for disabled recipients who are able to work despite the continuation of their impairments.

Madam Speaker, my amendment would drop the 6-month extension of the authority to continue disability insurance payments during appeal. This issue is being considered as part of a larger reform of the disability insurance system and should remain a part of that comprehensive legislation.

My amendment would, however, accept the 3-year extension of section 1619. This program expired on December 31, 1983, and unless it is extended

nearly 6,000 disabled individuals who are working will lose their SSI benefits and their medicaid benefits. This section was enacted as part of the disability amendments of 1980. It was intended to lessen the work disincentives for SSI disabled recipients who, under prior law, risked the loss of SSI and medicaid when they increased their work effort in spite of their disability.

Madam Speaker, this is a vital program for these disabled individuals. An extension of the program is supported by the administration and the Department of Health and Human Services has administratively provided for a temporary extension of the program in anticipation of congressional action. I urge my colleagues to agree with my unanimous-consent request.

Mr. CONABLE. Madam Speaker, further reserving the right to object, I would like to add some comments to what the chairman has said about this measure.

In the final hours of the 1st session of the 98th Congress the other body sent us a Social Security Act amendment, using as a vehicle the "shell" of H.R. 3391, which had been a trade bill. The amendment contained two provisions, one of which would have extended section 1619 by 3 years, to December 31, 1986. CBO estimates the cost of this at about $5 million to $10 million annually.

The second part of the amendment would have extended by 6 months the provision in present law which permits social security disability insurance beneficiaries, who are found ineligible for benefits on review, to elect continued payments during appeal to administrative law judges (ALJ's). The 5-year cost of this amendment is $110 million, CBO reports.

The motion before us is to strike part 2 of the amendment and send the remains back to the other body. I must say that I have reservations about doing this, not because I object to the section 1619 SSI provisions, but because I want to see benefits continued to those who are appealing their removal from the disability rolls as a result of continuing disability reviews, or CDR's. Members may recall the mail and telephone calls they received when widespread hardship stories were reported throughout the country as a result of these CDR's.

□ 1150

Language to continue these benefits is, of course, included in title IX of H.R. 4170, which may be on the floor again within the next several months. There is some significant opposition to this language, however. Perhaps the possibility of passing H.R. 4170 is enhanced by the hardship which otherwise would result.

The provisions we are striking serves as a sweetener for H.R. 4170 and might enhance its chances of passage, but frankly, I prefer the bird-in-hand approach. I think we should assure continuation of payment as soon as possible and not gamble with this sweetener being able to pass the other measure, which is considerably broader and has several problems.

Section 1619 provides for maintaining supplemental security income and/or medicaid benefits for disabled SSI recipients who manage to do some work despite their impairments. The provision expired at the end of 1983, and I believe it should be extended. I will not use my reservations with respect to the other half of the amendment as a roadblock, but I do think the Members of this body should consider some of these strategic considerations and their possible implications for the future.

Madam Speaker, I withdraw my reservation of objection, and believe that the equities favor enactment of this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. ROSTENKOWSKI)?

Mr. FORD of Tennessee. Madam Speaker, reserving the right to object, and I shall not object, I want to commend the chairman of the Ways and Means Committee for making this request. As the chairman pointed out, this program expired on December 31, 1983. This has created a terrible degree of uncertainty among those disabled individuals who, despite their disability, have been able to work as a result of the assistance they receive under section 1619.

The Subcommittee on Public Assistance and Unemployment Compensation, which I chair, held hearings on the extension of section 1619 on August 3 of last year. At that hearing, Bill Malleris, the executive director of the Center for Independent Living in Rochester, Minn., provided the subcommittee some very graphic case examples of the value of section 1619. I would like to insert an excerpt from Bill Malleris' testimony in the RECORD at this point:

In order for this committee to realize the impact of section 1619, a description of two cases should provide you with information that will, hopefully, assist in your decision. The first is a 26 year old woman who is a quadriplegic and requires an attendant to assist with her personal care and home care needs such as bathing, dressing, grooming, cooking, shopping and other needs. Vocational rehabilitation helped her complete a college program, providing funds for training and for attendant care. After graduating from college, she obtained full time employment as a computer operator with earnings of $650 a month. Although she briefly received attendant care under a State medical program, she eventually was told she must either quit working or lose her eligibility. Since she was unable to pay this herself, she decided to quit working.

The second case is a personal friend on SSI who has overcome great barriers with his disability. He is a quadriplegic who has no use of his legs, right arm and limited mobility with his left arm. He obtained his Bachelor's degree in 1975 with assistance from the Vocational Rehabilitation Program. He then moved to Minnesota to continue with graduate school. Since no Medicaid Title 19 was available to assist with Attendant Care costs, he was forced into institutional care. In 1978, he was able to move out into the community of Minnesota due to the Attendant Care Program funded through the Federal and State Governments.

While finishing his education, he began full time work for a Rehabilitation Center, but after the nine month Trial Work Period, he would lose SSI status and, therefore, eligibility for Medicaid Title XIX and Social Services Title XX which paid for his Attendant Care. Ultimately, he had to quit an excellent position at the conclusion of his Trial Work Period or be forced to return to a life of dependency and institutional care. The cost of such care far exceeds the cost of continuing to live independently in the community with partial benefits.

Passage of the 1980 Social Security Disability Amendments, which included the provisions in Section 1619, changed the picture dramatically for these two individuals. In 1981, my friend was able to obtain employment at another Rehabilitation Center in Minneapolis. He has retained Medicaid Title XIX and Social Services Title XX, and receives some SSI payments which make it possible to pay the additional expenses of living independently.

Today, he holds a new position with a private non-profit consulting firm that provides technical assistance on disability awareness to corporations and businesses in the private sector. The firm sponsors seminars that show supervisors and management how to work and communicate with disabled employees, thus, creating increased employment opportunities for persons with disabilities.

If SSI Special Benefits Amendment (Section 1619) is not continued, he will again be forced to quit his job in order to avoid institutional care, since he cannot afford the cost of attendant services without public assistance while engaged in employment.

The extension is noncontroversial, supported by the administration and by Members on both sides of the aisle. I urge my colleagues to support the chairman's unanimous consent request.

Madam Speaker, I withdraw my reservation of objection at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. ROSTENKOWSKI)?

There was no objection.

A motion to reconsider was laid on the table.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together

with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, February 2, 1984.)

PROVIDING FOR CONSIDERATION OF H.R. 1904, CHILD ABUSE AMENDMENTS OF 1983

Mr. WHEAT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 350

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. It shall be in order to consider an amendment printed in the Congressional Record of October 27, 1983, by, and if offered by, Representative Miller of California and all points of order against the amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1200

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

Mr. WHEAT. Madam Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Madam Speaker, House Resolution 350 is an open rule providing for the consideration of H.R. 1904, the Child Abuse Amendments of 1983. The rule provides for 1 hour of general debate to be divided equally between the chairman and ranking minority member of the Committee on Education and Labor and makes in order an amendment in the nature of a substitute which is recommended by the Committee on Education and Labor and is now printed in the bill. This amendment in the nature of a substitute shall be considered as original text for the purpose of amendment under the 5-minute rule. The bill shall be considered by title instead of by section for amendment and each title shall be considered as having been read.

Additionally, Madam Speaker, the rule also makes in order an amendment printed in the CONGRESSIONAL RECORD on October 27, 1983, by the gentleman from California (Mr. MILLER). The amendment relates to the establishment of temporary shelters for victims of domestic violence. All points of order against the amendment for failure to comply with clause 7 of rule XVI, the germaneness rule, are waived.

Madam Speaker, House Resolution 350 also permits a separate vote in the House on any amendment adopted in the Committee of the Whole or to the committee amendment in the nature of a substitute.

Finally, Madam Speaker, the rule provides for one motion to recommit, with or without instructions.

H.R. 1904 extends and improves the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. Specifically, the legislation extends authorizations of appropriations for programs established under the two acts for an additional 4 years, through September 30, 1987. Thirty million dollars have been authorized for fiscal year 1984 and 5 percent increases in authorizations are provided for the 4 succeeding years.

H.R. 1904 further amends the Child Abuse Prevention and Treatment Act by adding several new provisions pertaining to the denial of nutrition, medically indicated treatment, general care and appropriate social services for infants determined to be at risk with life-threatening, congenital impairments. There have been reports that these services have been denied handicapped infants but provided for nonhandicapped infants who may have the same illness.

The provisions of this bill are designed to eliminate the distinction in services provided. The bill also directs the Secretary of Health and Human Services to review all model adoption legislation and procedures so that the adoption of infants with life-threatening congenital impairments can be facilitated.

In addition, Madam Speaker, H.R. 1904 further defines sexual abuse so that the definition conforms with the Supreme Court ruling in Ferber against New York. The bill also directs the Secretary to set a share of assistance under Public Law 93-247 to be used for activities to prevent child abuse and neglect. Finally, H.R. 1904 requires that moneys appropriated under the Child Abuse Prevention and Treatment Adoption Reform Act be used solely for the purposes specified in legislation.

Madam Speaker, the problems of child abuse and neglect are ones which deeply concern us all. H.R. 1904 provides a means by which their causes and consequences can be examined, and solutions provided.

Therefore, I urge that we adopt the rule so that we may proceed to consideration of this important legislation.

Mr. LOTT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 350 is a 1-hour open rule providing for the consideration of H.R. 1904, the Child Abuse Amendments of 1983. The rule does provide for the consideration of the Education and Labor Committee's amendment in the nature of a substitute, now printed in the bill, as an original bill for the purpose of amendment under the 5-minute rule. In addition, the rule makes in order an amendment printed in the CONGRESSIONAL RECORD of October 27, 1983, by and if offered by Representative MILLER of California, and waives the germaneness rule of the House, clause 7 of rule 16, against the amendment. That amendment would add a new title III to the bill authorizing $65 million over 3 years for grants to States to prevent family violence and provide shelter and other assistance for victims and dependents of victims of family violence. Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, H.R. 1904 was unanimously reported from the Education and Labor Committee on May 5, 1983, by voice vote. The bill extends for for 4 years authorizations for programs established under the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. Specifically, the bill authorizes $30 million in fiscal year 1984 for such programs, and increases that amount by 5 percent for each of the succeeding 3 years. This brings the total 4-year authorization to approximately $129.3 million.

Madam Speaker, I do not want to get into the detailed provisions of this bill during this debate on the rule since I am sure those will be handled adequately during the hour of general debate provided under this rule, as well as during the amendment process, I think it should be pointed out, however, that the committee has added

some new provisions to the underlying statutes which are not totally without controversy and which will be the subject of some discussion and various amendments.

Probably the most prominent issue in this bill is the so-called Baby Doe provisions. H.R. 1904 would broaden the definition of child abuse under existing law to include infants who are born with life-threatening conditions and who are discriminated against by the denial of medical or nutritional treatment. The bill sets a timetable for the Department of Health and Human Services to meet a number of requirements relating to the denial of care to at-risk infants, and would make future State eligibility for grants under these programs contingent on compliance with procedures to provide care to at-risk infants and report known or suspected denial of such care. It is my understanding that the Baby Doe provisions of the bill will be subject to some perfecting amendments by the subcommittee chairman (Mr. MURPHY) as well as by others.

I would simply emphasize to my colleagues, in closing, that this is an open rule and that there will be ample opportunity to air these issues and consider various alternatives during the amendment process. The rule itself was reported from the Rules Committee by unanimous voice vote, and I urge its adoption.

Madam Speaker, I have no requests for time.

Mr. WHEAT. Madam Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 555, CONSTRUCTION WORK IN PROGRESS POLICY ACT OF 1983

Mr. WHEAT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 555) to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

□ 1210

Mr. WHEAT. Madam Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Madam Speaker, House Resolution 375 provides for the consideration of H.R. 555, the Construction Work in Progress Policy Act of 1983. It is a simple open rule allowing any germane amendment to be considered under the 5-minute rule. House Resolution 375 provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Energy and Commerce Committee.

The resolution facilitates the amendment process by making the Commerce Committee amendment in the nature of a substitute in order as original text for amendment purposes. Also, the rule safeguards the customary rights of all members by explicitly providing for a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or the committee amendment in the nature of a substitute and for a motion to recommit the bill either with or without instructions.

There are no waivers of rules of the House recommended in this resolution.

Madam Speaker, H.R. 555 addresses the issue of how soon publicly held electric utilities can include the cost of new capital equipment in local rate bases. Traditionally, utilities have not received a return on such costs until the new equipment is actually completed and in service. The Federal Energy Regulatory Commission, however, has issued a rule allowing utilities to recover a substantial proportion of such costs during the construction period. If this policy is allowed to go into effect, it will result in local ratepayers footing the bill for facilities whose benefit they may never receive and will transfer the risk involved in undertaking expensive new projects from the utility's stockholders to local consumers. H.R. 555 will supersede this agency policy and establish instead a procedure under which the Commission may, on a case-by-case basis, allow electric utilities in truly straightened circumstances to include an appropriate amount of construction costs in local rates.

H.R. 555 addresses the needs of the relatively few financially pressed electric utilities, while insuring that local consumers will not be saddled with costs and risks more properly borne by the utilities' stockholders. I urge my colleagues to begin consideration of H.R. 555 by adopting the rule before us. I reserve the balance of my time.

Mr. LOTT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 375 is a 1-hour open rule providing for the consideration of H.R. 555, the Construction Work in Progress Policy Act of 1983.

The rule makes in order an Energy and Commerce Committee substitute, now printed in the bill, as an original bill for the purpose of amendment under the 5-minute rule.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, this bill would establish policies and procedures governing the inclusion of costs of construction work in progress in the rate bases of public utilities regulated by the Federal Energy Regulatory Commission. While the bill was reported from the Legislative Committee by voice vote, minority views in opposition to the bill were filed by eight minority Members.

Moreover, the administration opposes enactment of the bill on grounds that it would remove the discretion historically granted to the Federal Energy Regulatory Commission to determine the appropriate level of construction costs to include in electric utility rate bases.

The rule was narrowly adopted by the Rules Committee on a 6 to 5 recorded vote.

Now, I am not going to ask for a recorded vote, because it is an open rule, but I want to register my feeling that this legislation should not be brought up. It has not been adequately considered by the committee. We did not have any notice that this rule was going to be taken up this week. It was not on the schedule that was given to the Members last week. We found out about it when we walked on the floor a few minutes ago.

The bill is not going to be considered until next week and, frankly, I do not think the rule should be adopted and certainly the legislation should not be adopted.

With those loving remarks, I reserve the balance of my time.

Mr. WHEAT. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Madam Speaker, I strongly urge adoption of the rule reported by the Committee on Rules with respect to H.R. 555.

H.R. 555 is a carefully drafted bill to prevent the imposition of unnecessary rate increases on the constituents of the Members of this body.

Briefly, what H.R. 555 does is to direct the extraordinary remedy of the inclusion of CWIP, or construction work in progress, in utility rate bases regulated by the Federal Energy Regulatory Commission, to situations in which that remedy is truly needed and, thus, is likely to be in the interest of the utility's ratepayers. The bill would overturn a presently effective FERC rule which is resulting in totally needless and unfair rate increases in New England and other regions of the country for powerplants that are not needed. If there was ever a rule that should be adopted so that the House can debate a matter of direct, economic impact on our constituents, it is this rule.

Let me explain why my subcommittee got into this area of regulation. We took this issue on because utilities and their friends at the FERC decided to let utilities include 50 percent of the CWIP costs in rate base on an across-the-board basis, without consideration whether any individual utility needs this extraordinary relief. The result is that utilities have begun to charge the customers of public power agencies and rural cooperatives for the costs of constructing new powerplants the need for which is questionable at very best. The effect of this rule change at the FERC is to transfer financial risk from shareholder to ratepayer, make ratepayers pay for plants that may be canceled and encourage utilities to ignore conservation and other less costly investments that they do not need CWIP for. Really, I could not stand by while this happened.

We started our consideration of this issue by taking up H.R. 555, as originally introduced by Congressman HARKIN. We decided that that bill needed to be made a little more flexible and so we adopted a substitute bill, which Mr. HARKIN supports, which I authored in subcommittee. This bill, with two small amendments, was passed by the subcommittee and, then, overwhelmingly reported to the floor by the Energy and Commerce Committee.

Our bill is fair to utilities. It says: If you can show that you have a bona fide need for CWIP in rate base to initiate or finish a powerplant or other resource that is needed, after you have seen whether conservation or other investments may be a better way of meeting your customer's demands, you can include some CWIP in rate base at the FERC. The key difference between our bill and the Commission rule is that we mandate that the Commission look at the facts of each case before deciding whether to allow CWIP. This is essential if we are to avoid the return of our country's electric utilities to a round of construction of expensive and often totally unnecessary new powerplants. Those of you from areas suffering under the onus of wildly uneconomic nuclear powerplants that threaten to drag down your local utility and its customers with it know what I am talking about.

I submit that the House must be permitted to debate these issues in open forum. That is what the rule reported by the Committee on Rules would allow. I urge adoption of the rule.

Mr. LOTT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Madam Speaker, I have no further requests for time. I urge adoption of the resolution, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHILD ABUSE AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 350 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1904.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, with Mr. OTTINGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Pennsylvania (Mr. MURPHY) will be recognized for 30 minutes and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1904 is the only bill Congress will consider which protects children through our State child protection agencies. The bill is a product of many months of detailed study, committee action, and careful wording. I want to thank my colleague, Mr. ERLENBORN, for the many hours of dedication he contributed in making this bill a bipartisan effort. The bill was unanimously reported from committee, and I believe we have a sound measure for the House to consider today.

Much has happened since we last reauthorized this act several years ago. The committee has given careful consideration to all aspects of child protection, and has produced the following changes:

We now hold accountable persons who may abuse or neglect children while working in foster care homes or other residential facilities.

States may not use funds from this bill to investigate reports of child abuse or neglect in those residential facilities.

We redefine sexual child abuse to conform with a recent Supreme Court ruling in New York against Ferber. No longer will we have a varied definition of sexual abuse based on local definitions of pornography. We now have a uniform definition of sexual abuse which is tough on criminals.

Also in an attempt to maintain uniformity, we have given legislative authority to the States to address and investigate cases where infants are denied beneficial treatment solely because they are handicapped. Courts have no legislative guidance and have thus been handing down different decisions in various sections of our country. Our bill addresses the new phenomena known as Baby Doe by requiring the States to use a procedure in dealing with infants that is consistent with their current standards used for older children.

H.R. 1904 further provides for a 4-year reauthorization of $25 million for child abuse treatment and prevention programs through the national center in the Department of Health and Human Services. In addition, $3 million is reauthorized specifically for sexual abuse programs and $2 million for adoption opportunities programs.

Finally, the bill reaffirms the civil rights of all children to have an opportunity to live without fear of being denied the necessities of life. This includes section 504 of the Rehabilitation Act of 1973 which applies to handicapped persons.

The committee has been working on this bill for over a year now. We have incorporated suggestions from medical organizations, rehabilitation groups, and advocates of the rights of children. The bill contains recommendations from the Surgeon General, child protection coalitions, and the Presidential Commission reporting on ethical problems in medicine and biomedical research. Furthermore, since the promulgation of HHS regulations has

created a question of the impact of this legislation, I am offering a package of bipartisan technical amendments which insures that this bill and the regulations complement each other, clarify any misunderstandings, and assist, not hinder, the agreements worked out by all parties involved in this matter.

Mr. Chairman, H.R. 1904 is a child protection bill. It addresses all forms of child protection. It has two important points, which if deleted, would create confusion throughout our judicial system.

First, we must address all aspects of child protection. To do less is to signal to the courts that we have no uniform standards on a national level. We would invite much litigation on the premise that the Congress did not intend to protect a child from the moment of birth until the age of legal reason.

Second, we must write child protection language in our codes and statutes. Administrative rules or regulations alone do not stand the test of time because administrations will change, and along with them the interpretations guiding those rules. I do not believe that we should leave child protection interpretations to bureaucrats who are not directly accountable to the American public.

Finally, Mr. Chairman, I want to express my appreciation to all of my colleagues on both sides of the aisle who assisted me in committee, and to the 56 cosponsors of this bill. We had many other Members of Congress who expressed interest in cosponsoring, but House rules prevented us from adding their names after the bill was reported out of committee. You will find that H.R. 1904 and my bipartisan amendments are designed to conform to current law and regulations. It is a practical bill which creates reasonable procedures for States to follow. No Federal involvement is required in this bill. The principal question we should ask today is simply, "Do we in Congress intend to protect all children who can be protected?" My colleagues, your support of the committee version of this bill will answer in a resounding "yes."

Mr. Chairman, I am inserting an article I wrote on this issue.

WHO AMONG US SHALL DECIDE?

(By Congressman Austin J. Murphy)

A California judge recently ordered a hospital to force-feed a quadriplegic woman who was attempting to starve herself to death. She complained of severe pain and claimed that her life had no redeeming value. However, the court, following other precedents affirming life, ruled that the woman's personal welfare must be the ultimate consideration in its deliberations.

This nation was founded on a belief in life. Our society values life. Our scientists strive to prolong life. Our laws protect life. Over two centuries ago the Continental Congress affirmed the right of life to all citizens. Nearly two decades ago Congress prohibited discrimination on the basis of race, color, or creed. A decade ago Congress passed Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination solely on the basis of handicap. These are the laws that show what this country was, what it is, and what the ideals have been which have defined our faith and shaped our history.

During the early days of this year's Congressional session, the House of Representatives will consider legislation I co-authored regarding the treatment of infants at risk born with life threatening congenital impairments. Known as the "Baby Doe" bill, H. R. 1904 reauthorizes funding for Child Abuse Programs as well as reaffirms the civil rights of handicapped infants. The bill guarantees that identical standards applied to older handicapped children be applied to handicapped infants—even if parents decide the child's life would be inconvenient, traumatic, or without acceptable quality.

The measure adds to our laws another structure basic to democracy. It affirms our determination that when a child is born handicapped, that child may share a place in our society. This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1984 should have to endure, but many do.

Not every child has equal talent or an equal ability or an equal motivation, but all children should have an equal right to develop their talent and their ability and their motivation, to make something of themselve. Members currently serving in both the U.S. House and Senate are handicapped. Years ago who among us could have said with certainly that my colleagues were not worthy of the high office they now hold?

When then should we deny medical or nutritional treatment to a newly-born infant, thus assuring its death? This is a moral issue some suggest is prohibited by the Holy Word and the American Constitution. Others believe that a minimum "quality of life" standard should dictate policy. It is, however, a matter Congress must soon address as both a moral obligation as well as an obligation of citizenship. For while some believe the physicians and parents should decide the minimally acceptable quality of life standards, I submit that previously enacted civil rights laws override the "quality of life" concept. A child who can live with reasonable treatment must live.

We cannot permit, through the eighties, any segment of our population to be denied an opportunity to live, to fall below the guarantees of our laws, or to be denied the experiences we, as a people, share. That is not an acceptable situation. However, we will not solve this problem by blaming any group or individual for past actions in the hospitals or in the courtrooms. But neither will this problem be solved by clinging to patterns of the past. Since many are hesitant to act in support of the infants' rights, nationwide guidance is needed if we are to move this problem from the courts to state child protection agencies.

I think we have an obligation of country, especially a country as rich as ours, especially a country with so much dedication to the promotion of freedom and the value of life, to establish another new priority in the series of anti-discrimination efforts. Congress must offer hope to the millions who are afflicted with handicapped conditions and to those who would be afflicted and not treated. In short, enactment of the "Baby Doe" bill at this session of Congress—however long it may take and however troublesome it may be—is imperative. It will go far toward providing reasonable men with the reasonable means of meeting these problems.

Many will, as in any debate, pressure the Congress to do less in this area as in so many others. They will tempt us to do something else that is perhaps easier. But the fight for handicapped rights must go on. That much we know. That much we can say with confidence and conviction.

Parents frequently must face decisions in hospitals of what therapy should be adopted to preserve a child's life, knowing that that therapy may bring about mental retardation or other complications. H.R. 1904 proposes no new forms of intervention into medical practice. Rather, it clarifies child abuse language so that state child protection agencies will investigate and dispose of cases involving infants in the same manner they do for two-year-olds, eight-year-olds, or sixteen-year-olds. The bill simply reaffirms two principles under current law.

The first reaffirmed principle concerns the states' obligation to assume custody of a child to order treatment over parents' objections. Established precedent in the American courts over-rule parents' religious convictions to prevent medical care, such as transfusions, when the treatment is vital to the benefit of the child. State child protection officials, not the Federal Government, have traditionally been the first line of defense for the child's welfare in the courts.

The second reaffirmation concerns Section 504 civil rights as they apply to the infants. Withholding of treatment is not automatically acceptable simply because the child is handicapped. The child is protected the first second after birth through the last second of life. Again, the right to life traditionally outweighs anyone's interpretation of a minimally acceptable quality of life. Even the U.S. Commission on Civil Rights in its report, "Accommodating the Spectrum of Individual Abilities" (Clearing-house Publication 81), recently recognized such cases as involving violations of handicapped citizens' civil rights.

H.R. 1904 does not assume that all parents are child abusers. Nor does it conclude that medical professionals are potential child abusers. The legislation establishes Congressional intent that this problem is a national one and should be administered on a local level where the uniqueness of each case can be considered in a reasonable manner. We can then say with some assurance that, although children may be the victims of fate, they will not be the victims of our neglect.

It ought to be possible for Americans to rely upon medical professionals for a sound, constructive diagnosis. It ought to be possible for American parents to place an unwanted handicapped child in foster care, and it ought to be possible for today's American handicapped infants to someday serve in the U.S. Congress. In short, it ought to be possible to have some government guidelines regarding the rights and care of handicapped infants without dictating unreasonable and extraordinary medical procedures. H.R. 104 assumes these premises while placing local responsibilities under the child protection agencies' jurisdiction. It further insures that no child need die for reasons which are wholly in our control.

We face, therefore, a moral problem as a country and as a people. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat handicapped infants as we want our children

treated. We cherish life here at home, but are we to say to the world that this is a land of opportunity only to the physically strong; that we have no second-class citizens except the handicapped?

This nation, with all its hopes and all its boasts, will not be fully democratic until all its citizens, young and old, are protected. This is one country. It has become one country because all of us and all of our ancestors who came before us had an equal chance to develop their talents. They asked but for the one plain, proud, and priceless quality that unites us all as Americans: a sense of equality.

We in Congress must act, and will act, boldly by recognizing right as well as reality. The problem cannot be left to a minority who are inconvenienced by handicapped infants. It cannot be met by courts that have no legislative guidance. It cannot be quieted by token moves or talk. It is a time to act in the Congress, in state child protection offices, and above all, in all of our daily lives. Together we all must support the principles upon which this nation was built and provide the kind of equality of treatment which we would want ourselves—to give a chance for every infant to experience the limits of that child's talents. For who among us shall decide anything less?

□ 1220

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1904, the Child Abuse Amendments of 1983, as reported by the House Committee on Education and Labor and amended by the bloc of bipartisan amendments to be offered by the gentleman from Pennsylvania (Mr. MURPHY).

I do want to take a moment to commend the chairman of our Seclect Education Subcommittee (Mr. MURPHY), and the gentleman from California (Mr. MILLER), for their untiring efforts to bring to the floor a sound bill that will not only extend but improve the act as well as the adoption opportunities provisions now in current law.

I shall first touch briefly upon the major provisions incorporated in H.R. 1904. Then, I would like to use the remainder of my time to explain the development and purposes of the bloc of amendments that Mr. MURPHY will be offering.

H.R. 1904, as reported, would—

First, reauthorize through September 30, 1987, all of the major expiring statutory child abuse and neglect and adoption opportunity authorities;

Second, provide fiscal year 1984 authorizations of appropriations for the title I child abuse and neglect programs and projects, those activities dealing specifically with the needs of sexually abused children, and the title II adoption opportunities initiatives of $25 million, $3 million, and $2 million, respectively. These authorizations are increased by 5 percent for each of the succeeding fiscal years;

Third, require the Secretary of Health and Human Services to provide technical assistance and training to help the States in developing and implementing new—or improving existing—procedures to be followed by child protective service agencies, health care facilities, health and allied medical professionals, social service providers, and courts of competent jurisdiction to better insure that nutrition, medically indicated treatment, general care and appropriate social services are provided to newborns at risk with life-threatening handicapping conditions;

Fourth, require the States to have, if not already available, procedures designed to more fully meet the very special needs of such infants. That provision in current law which requires States wishing to receive State grant moneys to "provide for the reporting of known and suspected instances of child abuse and neglect" is extended to include the reporting of instances involving the denial of nutrition, medically indicated treatment, and general care to Baby Doe infants;

Fifth, provide those States, who do not now meet all of the criteria necessary to receive State grant funds, a 2-year waiver, with the exception of those criteria relevant to Infant Doe situations, if the Secretary of Health and Human Services determines that such States are making a good-faith compliance effort;

Sixth, state unequivocally that "no provision in this act may be so construed as to limit or lessen any right or protection under section 504 of the Rehabilitation Act of 1973;" and

Seventh, clarify the language in the adoption opportunities title to insure that the elimination of barriers to the adoption of special needs children extends now to severely handicapped infants at risk.

In summary, H.R. 1904, is designed to build upon the existing child abuse and neglect and adoption opportunities legislative framework in order to establish an appropriate and stronger Federal-State public and private sector partnership. This partnership will better insure that the very special needs of infants at risk with serious handicapping conditions are more fully met.

The challenge of improving this partnership that Mr. MURPHY, Mr. MILLER, and I, as principal cosponsors of this bill, have undertaken has been a difficult and protracted one.

H.R. 1904 has raised some vital, legitimate, and sensitive issues for a host of interested parties. We have spent months working with spokesmen representing medical professionals, health care facilities, child advocacy groups, the disability community, religious organizations, the administration and all those who cherish the sanctity of human life.

Our objective has been to resolve or narrow the outstanding differences that divide them. Out of this ongoing dialog have come some very constructive suggestions to clarify and improve some of the provisions of the bill relating to the needs of newborns at risk with serious handicapping conditions.

Let me cite one example. Section 106(3)(c) of the bill, as reported, required the Secretary of HHS to issue procedural guidelines to encourage and assist the States in establishing local health care review mechanisms to review to care provided in Infant Doe cases.

A number of medical and hospital spokesmen objected to this language. They argued that it could be construed so that the federally issued procedural guidelines would become the basis on which State child protective service agencies could mandate not only the creation but also dictate the type of local health care review mechanism by which local health care providers would be bound.

To address this concern, the bloc of perfecting amendments changes the original language to state that any HHS procedural guidelines issued encourage and assist those health care providers—not the States—desiring—and I emphasize "desiring"—to establish local health care review mechanisms for review of the care afforded to at risk severely handicapped newborns. This change should remove any doubts regarding the voluntary or optional nature of any HHS-issued local health care review mechanism procedural guidelines.

Not all of the interest groups with whom we have met will be totally satisfied with the provisions of H.R. 1904. Some have urged that we delay action on this measure and continue a dialog that has been under way for approximately 6 months. Others may argue that we should do nothing. A few will suggest that discrimination solely or exclusively on the basis of handicapping conditions would be beyond the realm of lawful or acceptable or compassionate behavior, if the individual in question were 2 years old, 5 years old, or 55 years of age.

Again, an illustration of my point is in order. If a robust 10-year-old youngster became a victim of a serious automobile accident and sustained a series of injuries that were both life-threatening and likely to result in severe and permanent handicaps, there would be no question in anyone's mind that this 10-year-old should receive immediately the best medically indicated treatment, nutrition, appropriate general care and social services.

Why, therefore, should a day old infant who, at birth, is at risk with life-threatening congenital impairments be denied the right to equal treatment and care?

Somehow, through a convoluted logic that I cannot accept, some will

argue that such behavior can and should be tolerated in the case of infants or newborns. I do not understand—nor can I accept—a line of argument that life and death decisions involving newborns should be made differently from similar decisions involving older children or adults.

Mr. Chairman, I believe that H.R. 1904, with its perfecting child abuse and neglect amendments, enjoys not only broad bipartisan and public support but, first and foremost, is a bill that makes good public policy.

H.R. 1904 does not, in any way, interfere with or co-opt or second-guess the informed judgment of the medical profession in the care and treatment of at risk severely handicapped newborns. H.R. 1904, does not, in any way, require or invite that heroic and painfully intrusive treatment be provided for these children when such treatment is deemed futile. Moreover, H.R. 1904 is not a punitive measure.

H.R. 1904 does attempt to more adequately insure that equal treatment is afforded to severely handicapped infants at risk. H.R. 1904 does reaffirm any rights afforded these newborns under section 504 of the Rehabilitation Act of 1973.

Mr. Chairman, let me also touch upon the fact that the Department of Health and Human Services (HHS) has recently issued final regulations setting forth procedures and guidelines relating to nondiscrimination on the basis of handicap in connection with health care for handicapped infants. Published in the Federal Register on January 12, 1984, these regulations were issued under the authority of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

Secretary Heckler, the Department of Health and Human Services, and others within the administration are to be commended for their untiring efforts to promulgate a set of regulations that seek to address longstanding and very difficult issues associated with the provision of medical treatment and health care for severely handicapped infants. Representatives from a host of organizations within the medical and disability communities are to be commended, too, for their willingness to particpate in this initiative in a spirit of full and constructive cooperation.

While it is higly unlikely that any body of regulations will fully satisfy all interested parties, it appears that all interested groups can and will continue to work together to refine and improve regulations designed to achieve a common goal.

Nonetheless, key policymakers within any administration may change—as can administrations themselves. With any such changes, major policy initiatives are reviewed and may be subject to sudden and dramatic changes or reversal. As a consequence, regulations—which appear today to enjoy broad-based support and represent a reasonable approach to a difficult social issue—are subject to change to reflect new directions in public policy.

In my view, Congress has a clear and necessary responsibility to establish public policy by taking timely and appropriate legislative action. We cannot abrogate this responsibility by acquiescing to a body of regulations with which we may agree today. Our obligation goes well beyond that. We have a responsibility to participate actively in the development of difficult public policy by taking positive statutory or legislative action. I believe that H.R. 1904 represents such a timely and positive step forward to the end that the rights of severely handicapped infants are more fully protected. I firmly believe that H.R. 1904 will provide a complimentary statutory basis for the HHS regulatory initiative developed under section 504 of the Rehabilitation Act.

Therefore, I urge my colleagues to join me in voting for H.R. 1904, as reported by the Education and Labor Committee and amended by the perfecting child abuse and neglect floor amendments to be offered by Mr. MURPHY.

□ 1230

The CHAIRMAN. The gentleman from Illinois (Mr. ERLENBORN) has consumed 9 minutes.

Mr. MURPHY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER) for the purpose of debate.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the Child Abuse Amendments of 1983, to extend the Child Abuse Prevention and Treatment and Reform Act for 4 years.

This bill is dear to me. As a member of the Select Committee on Children, I think it goes a long way toward providing children with the treatment they so desperately need in this time of epidemic child abuse. As co-chair of the Congressional Caucus on Women's Issues, I am happy to see that Rep. GEORGE MILLER will offer an amendment to authorize $65 million to support programs to prevent family violence and get at the problem of spouse abuse. We have worked long and hard in the caucus on this issue for the past several years. I am glad to see that the House will be able once again to go on record to respond to this growing problem.

This bill is especially dear to me, however, because in 1973, I sponsored the first Child Abuse Prevention and Treatment Act of 1973 in the House. In the Senate, that bill was sponsored by then Senator Walter F. Mondale. The Mondale-Schroeder legislation began the Federal Government's involvement in fighting child abuse, primarily through special demonstration programs and research activities.

The primary program that laid the groundwork in the area of child abuse and prompted that first piece of Federal legislation is that of the National Center for Child Abuse and Neglect in Denver. Its founder Dr. C. Henry Kempe, after whom the center has been renamed, and psychiatrist colleague, Dr. Brandt Steele, created a multidisciplinary team that has been a model for the development of hundreds of child protection teams in the United States and around the world. Because of his pioneering work in the treatment of child abuse, I have nominated Dr. Kempe for a Nobel Peace Prize.

I would like to point out to my colleagues some of the statistics and research that the Kempe Center has gathered on the child abuse issue. Dr. Richard Krugman, director of the center, reported to the Select Committee on Children findings of an analysis correlating severe child abuse cases seen in Denver from 1964 through 1982 and unemployment. Child abuse fluctuated in concert with unemployment peaking in 1974 and 1982, and declining for the years between. Dr. Krugman also noted that for the first 9 months of 1983, as the unemployment rate dropped, so did the number of cases of physical abuse.

The Select Committee's Task Force on Economic Security, which I chair, has been looking into unemployment and its effect on children. Indeed, its correlation with child abuse is very, very serious. For this reason, I am glad to see that H.R. 1904 provides that the National Center for Child Abuse and Neglect is to study the relationship between unemployment and nonpayment of child support and the national incidence of child abuse and neglect, and report to Congress within 2 years. I, and the Congressional Caucus on Women's Issues, will be following the progress of the study.

Mr. Chairman, I again want to thank the subcommittee and the full committee for bringing this to the House floor and continuing the long hard-fought battle to get this issue in America's forefront and move it so that no child in America will ever have to be worried about being battered or abused again.

Mr. Chairman, I yield back the balance of my time.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 1904, the Child Abuse Prevention

and Treatment and Adoption Reform Act amendments of 1983. This act was developed in the spirit of bipartisan cooperation. Even though I have and other Members have considerable concern over the large percentage increases in the authorization for this program, I do support the Child Abuse Act and I support the bipartisan amendments that will be offered by Mr. MURPHY and Mr. ERLENBORN.

This cooperation has been continued even through recent discussions on Murphy-Erlenborn floor amendments to clarify and strengthen the committee's intent to insure that nutrition, medically indicated treatment, general care and appropriate social services are provided to infants with life-threatening congenital impairments. My colleagues, Mr. ERLENBORN and Mr. MURPHY, are to be complimented on their efforts and their dedication to insure that this language was put into this legislation in the most effective way possible.

Furthermore, I believe that we recognize the need to continue and reaffirm Federal assistance in adoption of hard-to-place children.

The inclusion of the "Infant Doe" provisions has enormous and positive significance for this Nation for the rights of handicapped newborns in this Nation. It was perhaps summed up best by George Will in his recent column in which he described as what he referred to as "unfashionable civil rights," the civil rights of those who at age 1 day or 1 week are too young and too helpless to speak for themselves.

Mr. Will continues:

> The treatment should not be withheld to cause the death of a newborn because parents decide, on the basis of the doctors' guesses, that the child's life would be inconvenient, disappointing or without acceptable quality.

Mr. Chairman, abused children have the right to protection and help so that they may grow up and achieve their God-given potential.

Now it is true, it is often difficult in these circumstances; choices often appear to be untenable and decisions are very difficult to reach. But infants at risk with life-threatening congenital impairments have a right to our protection and to our help.

The intent of the new Infant Doe in H.R. 1904 affirms simply and unequivocably that such infants are to be afforded the same rights to live that is guaranteed to an individual of any age with or without a handicapping condition.

These are rights and protections already guaranteed by section 504 of the Rehabilitation Act and other laws of this Nation and the 50 States.

I would read the applicable provision of the statute so there is no misunderstanding.

The States within 1 year would have procedures to place "to ensure that nutrition, including fluid maintenance, medically indicated treatment, general care and appropriate social services are provided to infants at risk with life-threatening congenital impairments."

The bipartisan package of amendments to be offered by Mr. MURPHY, if adopted, would complement—I repeat, would complement—not replace, regulations recently published by the Department of Health and Human Services.

□ 1240

And would assist those concerned with and those responsible for handicapped infants at risk to work in a cooperative manner.

These amendments attempt to strike a balance and flexibility which address concerns raised by HHS officials, disability rights groups, and associations representing the medical community.

But these amendments, nevertheless, protect the rights of the newborn infants to live.

It is my understanding that some of our colleagues may intend to offer other amendments to H.R. 1904, including perhaps new spending programs.

Mr. Chairman, I, for one, will oppose any new proposal which, no matter how nice sounding or enticing, would create new Federal agencies and new Federal programs by adding to the deficit, to unemployment, to unemployment lines, to inflation, and to the misery index of this Nation.

We have already increased the cost and the commitment of the dollar level of the Federal Government in child abuse by a significant amount and to add more to it, I think, would be counterproductive to the cause.

I would hope that since we have achieved bipartisan agreement on the sensitive Infant Doe provisions and since we have achieved bipartisan agreement on the rest of the Child Abuse Act and amendments which strengthen and add a significant positive approach to that act, that we would limit any additional amendments to those which would strengthen the bill without expanding its scope and would contribute to the adoption of the bill without dissension.

Mr. MURPHY. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 1904, the Child Abuse and Adoption Reform Act, which would extend for 4 years Federal efforts toward the prevention of child abuse and neglect.

Child abuse is a serious and growing problem in American society—1.1 million children are reported experiencing problems of mistreatment each year, and for every case reported, it is estimated that two cases go undetected. Child protection service programs are indicating increases in the overall number of reports of abuse, in the numbers of clients faced with economic problems, and in the numbers of serious injury cases and abuse-related deaths. In addition, studies have shown that economic pressures on the family, such as unemployment, are a factor in the incidence of child abuse, and the severity of that abuse.

Mr. Chairman, I am pleased to be cosponsor of H.R. 1904, which will reaffirm the strong Federal-State-local partnership which currently exists in meeting the needs of these abused children. While the Federal contribution to this network is relatively small in monetary terms, the leverage these funds represent in mobilizing State and local moneys is vital to the expansion of child abuse prevention and treatment services. Also, the role of the Federal Government in coordinating efforts in the various States and territories, providing a consistent reporting system throughout the Nation, has proved invaluable in developing the network of delivery systems now in place.

I urge my colleagues to join me in support of H.R. 1904, continuing the effective child mistreatment prevention and treatment efforts available to a growing number of abuse-prone children.

Mr. MURPHY. Mr. Chairman, I reserve the balance of my time.

Mr. ERLENBORN. Mr. Chairman, I yield 10 minutes to the gentleman from Washington (Mr. CHANDLER).

Mr. CHANDLER. Mr. Chairman, when debating the questions of treatment of at-risk newborns, it is important that Members of Congress recognize that we are speaking of a decisionmaking process. The question is not whether children should be treated in order to live, or allowed to die as George Will would suggest. Rather, the issue is, who should decide: Should it be the State or the child's parents?

In spite of the considerable publicity attending the question of cases such as Baby Doe of Bloomington, Ind., and the more recent Baby Jane Doe from the State of New York, it should be understood that we are dealing with an issue represented by very few actual cases. The President's Commission on Ethical Problems in Medicine reported that of 3 million babies born each year in the United States, tens of thousands are premature and suffer congenital anomalies. Many would die if not treated quickly. "Yet," the Commission concludes, "it is rare for treatment not to be provided when it is predicted to provide a means of remedying the medical problem."

In the case of Baby Jane Doe, a couple from Port Jefferson, N.Y., faced the agonizing decision of whether to allow surgery on their daughter or withhold treatment. Without sur-

gery, the child is predicted to die within 2 years. With surgery, the baby might live—no one can be absolutely sure—into her twenties. In any event, a team of specialists advised the parents that the child would be bedridden and massively retarded. The couple, which had anticipated the birth of their first child with excitement and enthusiasm, decided against surgery. They reached that conclusion after consultation with doctors, social workers, and clergymen.

In a unanimous opinion, the New York Court of Appeals decided that the parents of Baby Jane Doe had the right to decide this issue. The decision came in a case brought by a lawyer, previously unknown to the family, named Lawrence Washburn, who had somehow learned of the child. A trial court actually ordered the surgery, but that decision was overturned by the appeals court.

The court declared that the parents "in consultation with others, had responsibly decided upon a course of medical treatment." The decision went on to suggest that for anyone to take the action of Mr. Washburn was to, in effect, catapult him into the very heart of a family circle, there to challenge the most private and most precious responsibility vested in the parents for the care and nurture of their children * * *"

Again, the question here is not the decision reached for Baby Jane Doe, but who should make the decision. The New York Court of Appeals recognized that State law protects infants from uninformed and indifferent parental decisions. In those cases, according to the President's Commission on Ethical Problems in Medicine, "* * * the stage is set for public intervention."

Obviously, newborns are unable to make decisions for themselves and they will always need a surrogate acting in their behalf. The choice for the Congress is: Who should the surrogate be?

For those who advocate a State role, perhaps interjecting the child protection services of State welfare agencies, some points need to be considered. How well prepared are these people to make such decisions?

In testimony before the Senate Committee on Labor and Human Resources, Wayne M. Holder, director of the children's division of the American Humane Association commented on the quality of CPS personnel in relation to its task of preventing child abuse generally.

"* * * The current state of the art in child protective services is marginal to poor* * * The field has moved forward," he said. But serious problems in service delivery exist due to "overload, worker incompetence, inadequate supervision, inadequate leadership, lack of resources, and inadequate community support."

Is it reasonable to suggest that these people should make decisions on at-risk infants in place of parents? Why would they reach a better decision than a parent guided by doctors, clergy, and social workers? It seems clear to me that our faith should be placed in well-informed parents.

In addition, the President's Commission concluded that parents are best equipped to decide in behalf of their children. "Public policy should resist State instrusion into family decisionmaking * * *" the report concludes. Recognizing the difficult position of parents of at-risk infants, the Commission calls for well-informed decisions. Undoubtedly, parents who had anticipated with excitement the birth of a normal, healthy child, will be devastated emotionally to learn their newborn is seriously ill. They may be faced with conflicting advice from professionals. In all but a few cases, they will have no prior knowledge of the illness in question or the long-term prospects for the child. The mother will be recovering from delivery.

"Yet," the Commission concludes, "with suitable assistance, most parents can overcome these difficulties and make decisions on the child's behalf in an appropriate fashion." No one suggests that parents should face these issues without advice and counsel. In fact, the approach my colleagues and I propose would assure the best possible information and counsel for parents.

It would appear that the goal of some who advocate State control of decisions concerning at-risk infants take the view that, regardless of consequences, the lives of all infants should be maintained if it is technically feasible to do so. This raises the moral question of whether it is more correct to keep a seriously ill child in suffering or to allow nature to take its merciful course. In many cases, the issue is not whether the child will die, but when.

In Coquille, Oreg., parents of a newborn were brought to court by Oregon Right to Life when they chose not to allow any treatment of their newborn. All sides in the case agreed that the child could not possibly live regardless of treatment given.

An article in the April 23, 1983, Washington Post described the infant. "The girl's skull had not grown together properly, and a membrane sac containing fluids and some primitive brain parts hung from the back of her head. * * * The infant's brain was only partly intact. She was apparently unable to see or hear."

The child has, of course, died. But not before the family of the infant was dragged into court. An Oregon State assistant attorney general expressed outrage that "* * * a family which had the trauma of having a deformed child in the first place should then be dragged into court and have it suggested that they are not being proper parents."

In testimony before the U.S. Senate, Father John J. Paris, S.J., associate professor of social ethics at Holy Cross College called those who believe life should be sustained under any circumstances, "vitalists." This view, he states, requires that life be prolonged "regardless of the quality, regardless of the cost, regardless of the consequences, regardless of the suffering." In rejecting the notion that there are never instances when it makes sense to withhold medical treatment, Father Paris said, "Life-sustaining interventions are not always morally obligatory, not morally obligatory for handicapped children, nor morally obligatory to any other patient."

Once again, a reminder. The issue facing Congress is not "life or death." The question is who, of those involved, is best suited to reach a decision when a seriously ill newborn faces death without medical treatment.

My conclusion is, the parents. Because we are human, no one can guarantee the "correct" decision in every instance. But since a surrogate must make the decision, agonizing though it may be, why not allow the very people who must live with the consequences to do it. We must provide the best possible advice and counsel, both medically and spiritually. And practitioners must be constantly alert for those who would selfishly sacrifice a newborn out of convenience or indifference.

There are mechanisms in law to deal with the exceptions in these cases. And we often read about them. But in the few cases which do occur where a decision must be made between life and death for an infant, let us allow the parents the freedom they deserve to make the decision without privacy-violating intrusions from outside.

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When we reach the point of the debate on the Chandler amendment today, which will be a substitute offered to the Erlenborn amendment, I hope my colleagues will keep these thoughts in mind, that we are debating a decisionmaking process, and we are trying to protect the rights of people to act in behalf of their children.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Let me assure the gentleman that the example that he gave about the case of the child who was going to die, in any event, would not be affected by the legislation brought out by our committee. There is no requirement in this legislation, and we have made it very clear,

not ony in the legislation but in the supporting reports and our colloquy here on the floor, there is no intention to require futile treatment to prolong when there is no chance for a successful recovery of the child.

So the example you give is, of course, heart rending, but would not be affected by this legislation.

Mr. CHANDLER. If I might just respond for a moment, my concern is that the gentleman's amendment certainly does provide for maintenance of the child, fluids, feeding, which any rational person would suggest. But medically indicated treatment is a broad term without definition and certainly people will disagree, as they did in the case of the Coquille baby. My concern is that one person's medically indicated treatment is another person's futile gesture, and that even in a case like that the potential does exist for abuse of what I think were the parents' rights to make a decision.

Mr. ERLENBORN. If the gentleman will yield further, let me suggest to the gentleman that I agree that medically indicated treatment is difficult to define. But the gentleman is aware, I believe, that the regulations adopted under section 504 do encourage the medical panels to be established in health care facilities so that medical experts can give their advice as to what is medically indicated.

Our legislation would do the same thing, would encourage the creation of these panels, and that was something suggested by the medical profession itself. I think that both the regulations and this legislation will help resolve that question.

But let me suggest to the gentleman that your basic premise that the parents should have the sole authority to make this decision is faulty.

Let me suggest to the gentleman that already we have had many cases where there are life-threatening conditions to a child, regardless of age, where blood transfusions have been medically indicated and there was no question but what that was medically indicated; but for religious or other reasons the parents have decided that the blood transfusion would not be given to the child.

It already is well established in many of these cases that the interested parties may go into court and have a guardian ad litem appointed to make that decision over the objections of the parents, because the decision to protect that child is more important than the privacy of the parents.

I would also suggest that this argument of privacy and the parents being paramount is already recognized as having limitations if food, nutrition or medically indicated treatment for a child who is not a newborn with a life-threatening condition is being withheld by the parents in their own home, the authorities can go into that home and remove the child from the home to see that the child gets the care and the attention the child is entitled to.

So there are exceptions already to the privacy argument and to the argument that the parents have the sole authority to make this decision. I do not see, in my own personal opinion, why a newborn infant should have less protection under the law than the older.

Mr. CHANDLER. I would quarrel with the point that they do have less protection. I agree with the gentleman in the case of a child who is ill and the parents, for religious reasons, want to withhold treatment, the States do have a right to intervene, and they do. That is also true of newborn infants. In the case of Baby Doe in Bloomington, Ind., it was the medical authorities who brought that case to the attention of the courts.

The tragedy is twofold: First, we do not know very much about the case, because the records have been sealed, as the gentleman knows; the other is that the process could not act quickly enough to save that child, in any event. It died, I think, within 8 days.

I maintain we do not need to do what H.R. 1904, with the gentleman's amendment, proposes, because, as the gentleman points out, that is already taken care of with a statute that is protecting children and their rights at this point.

Mr. ERLENBORN. If the gentleman will yield further, the argument seems to be made today that the newborn infants do have less rights. As a matter of fact, from the reports that I have seen, the Bloomington baby died, yes, during the court proceedings because food and water were withheld from the child.

That child was starved to death. I really do not see that the parents should have under any circumstances the right to starve a child to death.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just to advise the gentleman from Washington, I appreciate his concerns. I would like to request that he listen very carefully and examine the amendments that we have prepared from the committee, and he will find that there is little or no Federal involvement in this entire matter. We are relegating to the States the supervisory matter through their existing child welfare agencies, there will be no additional layer of bureaucracy, and also I am sure that the gentleman recognizes that 85 percent of child abuse cases are already being reported by our medical facilities and by our medical authorities. We appreciate that. We are attempting to encourage it insofar as infants are concerned, and, likewise, to protect the medical profession when they do that reporting and when they have to make those very vital decisions.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. BARTLETT. Is the gentleman then saying that the applicable words in the gentleman's prepared amendments are very carefully drawn to refer only to medically indicated treatment, and nutrition. The amendments have established a mechanism to help define medically indicated treatment. What the committee proposes and what the bipartisan amendments propose is to insure that if medical treatment would otherwise be appropriate, it would not be denied to a child merely because a child has Downs syndrome or has some other handicapping condition? The amendments, as the gentleman knows, have been carefully drafted to protect all interests, but primarily to protect that infant from being starved to death or having appropriate medical treatment withheld merely because of a handicapping condition. Is that the intent and the letter of the statute?

Mr. MURPHY. The gentleman is totally correct. That is the intent. And when the amendments are unveiled in a very few minutes, he will see that his statement is exactly correct.

Mr. BARTLETT. I thank the gentleman.

● Mr. RATCHFORD. Mr. Chairman, children are our most precious commodity. They are our future. As a civilized society, it seems quite ironical that there is a need for legislation to protect our children from the evil of child abuse. In 1982 alone, over 900,000 cases of child abuse were reported to local and State authorities. If nothing else, this is a very strong statement about our society. We advocate peace and democracy around the world. Yet, in our very own backyard, thousands of innocent children are being betrayed by their parents and by our society.

These children experience physical cruelties which should not be inflicted on any living being, let alone innocent children. The real damage, however, is the emotional harm that is usually permanent. Studies show that some 90 percent of abusive parents were themselves abused children, many of whom grow up and spend a great deal of their adult lives in therapy. And sadly enough, many are never really able to lead truly productive lives. What we have is a vicious cycle where generation after generation of an entire segment of our population were abused children. This is such a tragedy and such an ugly scar on our entire society.

As a society we pay a high price for this tragedy. Studies of prison populations show that 90 percent of all in-

mates claim to have been abused children. This suggests a direct link between criminal activity and the abused child. Furthermore, the costs of medical bills and absenteeism related to child abuse causes are a tremendous burden on our Nation.

The Child Abuse Prevention and Treatment Act has indeed led us closer to eliminating this horrible problem. The various programs funded under this act have been instrumental in preventing child abuse, providing counseling, and in bringing about public awareness of this problem.

I, therefore, rise in support of the reauthorization of the Child Abuse Prevention and Treatment Act with hopes of continued success in combating this problem which so burdens our society. I sincerely believe that what we accomplish here today will help clear up this ugly scar on our Nation, thereby ending this nightmare for thousands of innocent children.●

● Ms. SNOWE. Mr. Chairman, I rise in support of the Miller amendment to H.R. 1904, the family violence and prevention services amendment.

Several months ago, Time magazine brought the horror of family violence out of the closet, and into the public eye. The victims of family violence, who even to this day must hide their bruises, burns, and broken bones in a cloak of secrecy because there is seldom any place to go for help, revealed their awful stories in the center pages of this popular news magazine. No one who read their stories could walk away unaffected.

That cover story did in 1 week what many in Congress, including the Congressional Caucus for Women's Issues, have been trying to do for 5 years. It made all of us painfully aware of the need for legislation responsive to preventing the violence which kills thousands of women, children, and elderly persons every year.

Clearly, domestic abuse prevention projects across the country lack sufficient funding. Of the 650 projects existing nationally, more than three-quarters reported that they are unable to meet the needs of the communities they serve. Many report having to turn away 10 people for every 1 they serve. And still, many communities have no such projects at all.

Family violence occurs with startling frequency in millions of American homes. The senseless beating and brutalization of children, wives, and elders is particular to no income level, to no race, to no age, and to no community.

Each year about 600,000 cases of elder abuse are reported nationally. Further, at least 652,000 children are abused, neglected, or sexually exploited every year. Child abuse ranks as the second leading cause of cerebral palsy—tragic testimony to the extent of abuse existing in the American family.

Yet another gruesome fact is that 6 million wives will be beaten by their husbands this year. Two thousand to four thousand women will die as a result of these beatings.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes, or muggings. Further, many women are forced to remain in homes where their lives are at risk every day, because there is simply no place else to go. The Miller amendment will help provide community shelters and counselors trained to deal with the terror many women and children experience within their own homes.

Finally, the Miller amendment considers not only the jeopardies existing within the home, but the risks faced by those outside the home whose duty it is to intervene. Law enforcement officers know firsthand the reality of domestic violence; 20 percent of all officers killed while on duty and 40 percent of all such injuries were incurred by police when responding to a domestic violence call. The Miller amendment provides $2 million for the training of law enforcement officers vulnerable to such violence in the course of their job duty. Not only must our police be able to protect themselves, but also the millions who need their protection—not on the streets—but in the awful privacy of their own homes.

I urge my colleagues to support the family violence prevention and services amendment.●

● Mr. ROYBAL. Mr. Chairman, I rise today in support of four specific amendments to H.R. 1904, the Child Abuse Amendments of 1983.

As chairman of the Select Committee on Aging, I cannot stress enough how important these protective and innovative amendments are to the quality of life of far too many older Americans.

The first amendment, offered by my distinguished colleague from California (Mr. MILLER) if passed will: Authorize $65 million over the next 3 fiscal years for State grants to support programs to prevent family violence and provide immediate shelter to victims of family violence; insure that at least 75 percent of the State funds must go to agencies that provide immediate shelter to family violence victims; require that the grant recipients must provide a local match, half of which must come from private sources, and individual grants would be limited to $50,000 per year; authorize $2 million for each of the next 3 fiscal years for training programs for law enforcement officials to handle family violence cases; and direct the Department of Health and Human Services to study the extent of abuse of the elderly.

The remaining three amendments of which I speak will be offered as amendments to the Miller amendment by fellow Aging Committee members, Representatives BIAGGI, OAKAR, and RINALDO.

Congressman BIAGGI, whose Subcommittee on Human Services of the Aging Committee, has done extensive research and work in the issue of abuse and the elderly, will offer an amendment to the Miller amendment to prohibit discrimination based on age in the use of family violence prevention funds, and to explicitly include in the definition of family violence, abuse of elderly family members.

Congresswoman OAKAR, who is an extremely committed and active member of the Aging Committee, will offer an amendment to the Miller amendment to establish a National Center on Elderly Abuse to study and disseminate information on this problem, and to direct the Department of Health and Human Services to study the need for and implications of requiring State or local authorities to report to HHS on the incidence of family violence.

Last, Congressman RINALDO, the ranking minority member of the Aging Committee, will offer an amendment to the Miller amendment to require HHS, in conducting its study of elderly abuse called for by the Miller amendment, to consult and coordinate with the Administration on Aging and the National Institute on Aging.

Again, I voice my strong support for the Miller amendment and subsequent Biaggi, Oakar, and Rinaldo amendments. And I urge my colleagues to vote for their passage; 600,000 cases of elderly abuse a year is proof enough that help is needed immediately.●

● Mrs. COLLINS. Mr. Chairman, as a strong supporter of the need to provide Federal moneys for the prevention and treatment of child abuse, I rise today in support of H.R. 1904, Child Abuse Amendments of 1983. It is indeed encouraging to note that finally our Nation is beginning to realize the long- and short-term effects of child abuse on the individual and our society.

It is currently estimated that 1.5 million children in this country are victims of abuse and neglect. It is also estimated that close to 2,000 children die each year under circumstances which suggest child abuse. Such atrocities can only be stopped or prevented if Congress steps in to strengthen and properly fund programs to identify and combat child abuse.

It should come as no surprise to any of us in Congress that child abuse incidents are on the rise. There is a direct correlation between high unemployment and cutbacks in social services and mental health funding and the increase in the abuse of children by frustrated adults. Leave it to the President to cure this problem by requesting $9

million in funding in fiscal year 1984 and for pushing through Congress legislation which eliminated funding for sexual abuse programs.

Surely any intelligent person could understand the need to fund newly recognized forms of child abuse: child pornography. The bill before us does, to the tune of $3 million. Toward that end, I fully support an amendment to increase funding for sexual abuse prevention. The statistics on sexual abuse are shocking. A confirmed national estimate is that one in four girls are victims of sexual mistreatment by age 18.

Let me take this opportunity to highlight a provision of this bill that I firmly believe should not be included.

As my colleagues are aware, the Baby Doe issue has surfaced again. This bill now requires that the Health and Human Services Department determine instances where medical care, nutrition, or social services are withheld from infants born with severe, life threatening congenital handicaps. We have absolutely no business legislating this determination. Unfortunately all we will do if we allow this provision to stand is create even more confusion for the courts. That is why I plan to join my like-minded colleagues in voting for the Waxman amendment which, if adopted, will strike this provision.

I also support an amendment to authorize money for State grants to support programs to prevent family violence, provide shelter to victims of family violence and direct HHS to study the extent of abuse of the elderly.

In closing, let me say that H.R. 1904 provides for $30 million worth of concern, love, and most of all, ACTION. A figure that is approximately one-fifth of the price of just one of the 100 MX missiles the President has requested.●

● Mr. GILMAN. Mr. Chairman, the Child Abuse and Adoption Reform Act (H.R. 1904), which is in need of reauthorization today, is a piece of legislation which attempts to target some of the most important problems facing us and our children today. It has been estimated that child abuse and neglect claim approximately 1.5 million victims annually, and an estimated 2,000 children die each year under circumstances that suggest child abuse. Furthermore, children residing in foster homes and institutions deserve the chance for a loving and caring homelife that will enable them to grow up in a stable environment with parents who have the time and love to devote to them. H.R. 1904 contains important provisions designed to increase the opportunities for all these children, and I appreciate having the time to discuss them with my colleagues.

The National Center on Child Abuse and Neglect was established a decade ago; it was meant to focus attention on the growing problem of child abuse and neglect, and was charged with both collection and dissemination of information on the subject and incidence of this tragedy. Today we strengthen the act by asking the center to indentify and disseminate information about practical and effective approaches for preventing child abuse and neglect. It has been noted that there is a relationship between nonpayment of child support and the incidence of child abuse and neglect. Statistics reveal that of the 4 million women awarded child support payments in 1983, only 1.9 million received the full amount, 1 million received partial payment, and 1.1 million did not receive any payment at all. These children therefore, appear to be "at risk" for child abuse and neglect, since the increased and inequitable financial burden that the female head of household is forced to bear becomes the germ for possible neglect or abuse. Other pertinent information uncovered by the Committee on Education and Labor includes the fact that 80 to 90 percent of the Nation's male prison population were abused as children. By strengthening programs that are designed to prevent and study child abuse and neglect, we can hope that future years will see a drop in our prison population.

Another section of H.R. 1904 deals with adoption opportunities available to prospective parents and needy children. Whenever possible, children who are now living with foster families or in institutions should be permanently placed with an adoptive family. The legislation before us would facilitate the elimination of barriers to adoption, and would take into particular account the special needs of special children. The Department of Health and Human Services is requested to promote quality standards for adoption services, including preplacement, postplacement, and postadoption counseling. Furthermore, a national adoption and foster care information data gathering and analysis system is advocated, and a national adoption information exchange system would be most valuable in bringing together children who would benefit from adoption and qualified prospective parents.

One problem that I have been pursuing and will continue to probe is a solution to siblings who were separated at birth or later, and now wish to establish contact with each other. Although there is much controversy surrounding this situation, it is agreed, I believe, that siblings should have the right of contact. I appreciate the opportunity to work with the committee on this problem, and look forward to our continued mutual efforts in this area.

The funds provided by this act today will continue and strengthen our commitment to the next generation. In order to facilitate this duty, I reiterate my support for the demonstration and research projects conducted by the National Center on Child Abuse and Neglect as well as the strengthening provisions of this reauthorization. One amendment offered today, and which I was pleased to cosponsor, would create a new title for the bill, in order to allocate funds for State grants to support programs to prevent family violence and provide immediate shelter to victims of family violence. This important provision would require that at least 75 percent of the State funds must go to agencies that provide immediate aid and comfort to family violence victims, and that grant recipients provide a local match of which half must come from a private source. Individual grants to combat this tragic situation would be limited to $50,000 a year, while moneys are authorized by the amendment to train law enforcement officials to handle family violence cases.

Family violence is a serious and growing problem, and by targeting families, children, and single parent households through this legislation, we can hope that these individuals can be assisted in living stable and happy lives. There can be no more laudable effort than that which seeks to improve the quality of life for all troubled people, and with that in mind I urge my colleagues to support these important changes of law. Accordingly, I urge passage of the Child Abuse and Adoption Reform Act, and urge my colleagues to join me in this effort.●

● Mr. JEFFORDS. Mr. Chairman, I rise in support of the family violence prevention and services amendment to H.R. 1904, the Child Abuse Amendments of 1983.

Family violence is a severe problem affecting millions of men, women, and children throughout this Nation. It harms family members of all ages and of all economic and racial backgrounds.

It should be clear, Mr. Chairman, that the problem of family violence is one that deserves national recognition.

This legislation, if passed, will create the only Federal program to specifically address this issue. The only two Federal programs ever in existence are now discontinued. The Reagan administration's task force on family violence is a good start in recognizing the severity of the problem, and it is now time to build on that beginning and implement prevention and treatment services to the victims of family violence.

I would like to remind my distinguished colleagues that because of its matching requirements, this legislation will stimulate the States to address the family violence issue on their own. It will aid the States to better ac-

commodate the growing need for services for abuse victims.

I know that in my own State, there is a significant and growing need for family violence prevention and treatment services. Utilization of the existing services is rapidly increasing. Between fiscal year 1982 and fiscal year 1983 alone, there was an 80-percent increase in the number of adults and children served by emergency and counseling services. Furthermore, there was a 101-percent increase in the services provided to children alone.

To summarize, then, Mr. Chairman, family violence is a severe and widespread problem. It threatens the mental and physical well-being of millions in America. There is a great need for a Federal commitment to treat its victims and prevent it from spreading further. I urge this distinguished body to create the only Federal program that would address this critical issue.●

● Mr. BIAGGI. Mr. Chairman, the date December 3, 1973, stands very clearly in my mind, for it was on that day that I rose as I am today in support of legislation to fight the national scourge of child abuse and neglect. In 1973 I was working for the passage of the first law ever to address this national problem. Today I rise to urge we renew and expand this program for an additional 4 years. I assure my colleagues the problem is as serious today as it was in 1973, thus our commitment to act must be as strong.

Before discussing the many salient features of this legislation which I am proud to be a cosponsor, I must comment and convey my strong opposition to the fiscal year 1985 budget proposal for child abuse programs. It would eliminate entirely funds for discretionary programs under the Child Abuse Act, while once again freezing funding levels for State grant programs. It is an unconscionable cut directed at a program which works to combat a most serious problem. I hope all of my colleagues who are here today to support this bill will maintain their advocacy when it comes to providing necessary appropriations in fiscal year 1985.

My involvement with the issue of child abuse and neglect prevention and treatment encompasses my entire 15-year career in Congress, for the very first bill I ever sponsored was a forerunner to Public Law 93-247. I worked closely with the development of the initial law and with subsequent amendments in 1978. Again today, I am proud to have worked closely with the distinguished subcommittee chairman, Mr. MURPHY in fashioning a bill which reaffirms our commitment to this program.

The importance of retaining the Child Abuse Prevention and Treatment Act remains critical as long as the problem it seeks to eradicate remains serious. In this Nation we saw a doubling of reported child abuse cases between 1976 and 1981. The rate has increased another 12 percent in the past 2 years. Major increases have been recorded in the past year in a number of States, including my home State of New York. The national concern about this problem is dramatically indicated in a recent Harris poll which placed public concern for this problem at 90 percent as compared to just 10 percent in 1976.

H.R. 1904 provides a blueprint for the future of the Child Abuse Act. It reaffirms a support for key provisions in the act and key programs that have developed from the act. It also broadens the scope of the act to address a number of new concerns in this area. Finally, if certain amendments which I support are approved, we will in the confines of this bill, recognize the tragic intergenerational aspect of abuse and will take first-time steps to deal with the problem in all of its component parts.

Before detailing some of the specifics of the bill as reported by the committee, I wish to focus on one amendment which I offered which was approved, authorizing a study to determine links between nonpayment of child support and child abuse. The fight against child abuse and the fight against non- or underpayment of child support are by far the two major children's rights issues of our day. The nonpayment of child support contributes in a significant way to economic abuse for more than 13 million children in this Nation today. These children are deprived of some $4 billion in needed support payments which, when combined with the fact that the average mother suffers a 73-percent decline in income in the first year following a divorce, presents a grim picture in many households across this Nation. The study I am calling for should establish the link and then should provide us with the impetus to pass even stronger laws to combat this problem.

H.R. 1904 as reported, provides grants to eligible States to assist them in the implementation of programs which provide for prevention and treatment activities. These programs include the all-important reporting of known or suspected cases of abuse and neglect, which must be improved, for it is estimated that as much as 75-90 percent of abuse cases go unreported. H.R. 1904 also provides for investigation of such reports by authorities; provision of protection and treatment of endangered children providing for effective administrative procedures and personnel to deal with abuse and neglect, immunity provisions for those persons reporting cases, confidentiality of records being kept and fostering cooperation between all social service agencies which have a role in the prevention and treatment activities by States. States also provide funds to parental groups which can assist victims as well as abusers.

Mr. Chairman, I will add a number of other elements to my statement in support, but let me observe that the program we are discussing and hopefully expanding is one of the most important domestic programs we have. It is a program which reflects on us as a society. It is a program which mirrors a national conscience of concern about young oftentimes defenseless children suffering from abuse and neglect. It is a program which has the courage to take the problem out of the closet and bring forth solutions. We are developing a perception problem in this Nation that we do not care about the needs of our children—if we fail to pass this bill today—we will go beyond a mere perception problem—it will be a reality and a disturbing one at that. Let us not have that happen.

In addition to State grant funds, the National Center on Child Abuse and Neglect (NCCAN) is continued. In H.R. 1904 this Center has been critical in providing technical assistance to States as well as providing research and demonstration projects which help us detect, prevent, and treat child abuse.

The success of this program is best indicated by the historic growth in the program as well as the increased number of eligible States, which have increased from 3 in fiscal year 1974 to 48 in fiscal year 1982. Funding for the program began at a modest $4.5 million in 1974 and remains at $16.199 million today. This is a reduction from fiscal year 1980 which has seen the program grow to $22.9 million, which included a new, separate authorization and appropriation of $4 million specifically for sexual abuse activities. This earmark was removed in the 1981 Omnibus Reconciliation Act but is reinstated in H.R. 1904 at a level of $3 million.

This bill extends these programs for 4 years, through fiscal year 1987, at a level of $30 million in fiscal year 1984 with a 5-percent increase each year thereafter. Of this $30 million in fiscal year 1984, $25 million is authorized for State grants and $3 million for sexual abuse activities.

As mentioned earlier my deep and longstanding involvement in this issue has encompassed my entire congressional career but its origins can actually be traced back to my days as a police officer in New York City for some 23 years. I saw the problem firsthand and also made acquaintance with one of the main pioneers in the fight against child abuse and neglect—Dr. Vincent Fontana who to this day continues to be involved and committed and his counsel remains invaluable to me.

The 1974 act and the subsequent amendments in 1978—Public Law 95-

266—placed a national spotlight on the problem and provided States the funds to attack the problem once they put into place the appropriate State legislation.

The 1981 Omnibus Reconciliation Act reauthorized the program through this year and made substantial cuts in State grants. As a strong opponent of the 1981 Reconciliation Act, I believe that passage of H.R. 1904 today will assist us in restoring, in part, some of the much needed funding that was eliminated in 1981.

Let me take a moment to discuss an issue in this legislation which has evoked great controversy. I refer to the so-called "Baby Doe" language contained in this bill. In a sincere and bipartisan effort to deal with the horrible instances where treatment has been withheld to children born with severe handicaps—H.R. 1904 attempts to address the problem from several perspectives. First it expands the definition of child abuse to include those instances where medical treatment is withheld from severely handicapped infants because of their handicaps.

In addition the bill as reported requires HHS to determine the incidences of cases where medical care, nutrition or social services such as adoption services are withheld from infants born with severe life-threatening congenital handicaps. The bill directs HHS to promulgate guidelines after its study is completed that will encourage and assist States in establishing local health care review mechanisms such as boards or panels composed of health care professionals, representatives of disabled groups and those concerned with the rights of infants. These panels would both provide guidance to health care personnel and would review any decision to withhold treatment.

Finally the bill would condition future State child abuse funds on State implementation of procedures consistent with guidelines set forth by HHS in this area.

As a cosponsor of this legislation I felt that this language was critical to address this most serious of issues. I also consider it to be consistent with my longstanding support and advocacy for the "right to life." However it should be noted that in the ensuing months since this bill was reported by the committee to the House HHS has promulgated some final rules that encourage hospitals to establish infant care review committees to offer assistance and review decisions to withhold treatment. The rule also retains the requirement that hospitals post notices regarding the legal rights of handicapped infants in places where doctors and nurses will see them and establishes a national hotline to receive reports of withheld care but only gives doctors and nurses access to the toll free number. The rule also requires that State child protective service agencies have established procedures for applying their own State laws to the protection of children from medical neglect.

The issue we may have to confront today is whether these rules obviate the need for the retention of the "Baby Doe" language in this bill. I contend that these rules must be given an opportunity to be implemented and in that capacity it may be redundant to have the language in 1904 locked in for 4 years. The critical factor here is monitoring both by HHS and of course Congress over how we take steps to keep this abuse of children from proliferating. The rules were developed in response to H.R. 1904 as reported. This is unusual as usually the reverse occurs in this process. If we have the unique and beneficial situation where the implementation tool is in place even before the bill is passed that may be enough. The key is we must maintain our commitment to preserve the right to life wherever and whenever it is threatened.●

● Mr. DASCHLE. Mr. Chairman, I rise in support of the child abuse amendments. This legislation provides for continued Federal support for State and local activities designed to prevent family violence. If strengthening amendments are adopted, additional funds will be available for State grants for these purposes and for programs which seek to prevent and provide treatment for sexual abuse of children.

Domestic violence is a growing problem and is finally receiving the attention it warrants. Though it is not a new problem, there is greater awareness and consequently a tremendous increase in the number of domestic violence cases that are reported to authorities.

Domestic violence is not limited to child or spouse abuse, it can also include grandparents. The statistics are frightening.

Over the past 5 years, child neglect and abuse have increased by 106 percent. Over 652,000 children in the past year alone have been abused, neglected, or sexually exploited.

As many as 6 million wives are abused by their husbands each year. Some 2,000 to 4,000 annually are beaten to death.

Over 600,000 cases of senior citizen abuse are also reported each year.

The impact of this problem is staggering. Police, medical, and social services are strained to the limit. In fact, it is estimated that our Nation's police spend fully one-third of their time responding to domestic violence cases. Twenty percent of all police deaths and 40 percent of all injuries occur during responses to domestic violence complaints.

Initial medical diagnoses are estimated to cost over $100 million a year. Followup costs for medical treatment and psychological/psychiatric services are most likely much higher.

Abused children are 10 times more likely to need special education which in itself costs 3 to 7 times more than regular education. Child abuse is also the second leading cause of cerebral palsy according to the Cerebral Palsy Association.

Unfortunately, the increase in domestic violence is outpacing efforts to combat it. H.R. 1904 is a positive and substantive effort to deal with this problem.

Two important organizations will be given a new lease on life once this legislation is approved. One, the National Center on Child Abuse and Neglect collects and disseminates information concerning child abuse. The other is an advisory board on child abuse and neglect, which provides assistance to the Secretary of the Department of Health and Human Services in coordinating Federal programs dealing with these problems. Grants for research and technical assistance to public and private nonprofit agencies are also available, as is money for State programs to identify child abuse cases. Funding is also available for shelters and treatment services.

Funding will commence with $30 million for fiscal year 1984, increasing by 5 percent every year thereafter. Thirty percent of funding is for State grants and 5 percent for programs to prevent sexual abuse of children.

I also plan to support strengthening amendments which would increase the authorization for State grants to $65 million. The States are free to provide funding for a whole range of programs, including shelter, prevention, and treatment.

Domestic and family violence is not limited to any social, economic, or racial category. It can and does happen to the rich as well as the poor. It is increasing in South Dakota as it is nationwide. Though a number of initiatives at the State and local level are underway, especially in South Dakota, approval of this legislation will insure that the Federal commitment does not wane. A number of shelters and other services are operating in South Dakota that would benefit through passage of this legislation.

I encourage all Members to support both of these bills and all strengthening amendments.●

● Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 1904, the Child Abuse Amendments of 1983.

One of the greatest tragedies of our modern society is the growing number of cases of mistreatment of our young. As a former educator, I had an opportunity to witness firsthand the devastating effects of child abuse on its victims. Abused children either used school as an escape—plunging them-

selves into their studies to avoid thinking of what possibly awaited them when they went home—or, more often than not, would sit quietly at their desks, withdrawn and lost in their world of neglect and physical and verbal abuse. Most of these children could not benefit from the educational system. The opportunity to learn was lost to them. They were too emotionally destroyed. Their feeling of self-worth was almost nonexistent and they felt that they could not do anything right. How could they possibly master their studies successfully? Their whole self-image was poor.

Yet, this would not be the end of the suffering. Years later, these abused children, ill-equipped emotionally and lacking the skills necessary to succeed once they became adults would, in turn, abuse their own children and instill in them a feeling of worthlessness.

Mr. Chairman, although the passage of this legislation will not completely wipe out child abuse in our country, I can only hope that it can pave the way for future programs that can assist families to such an extent that it will put an end to the cycle of child abuse once and for all. We have too much at stake to permit the mistreatment of our children to continue.

I hope my colleagues will join me in voting for the passage of this bill.●

● Mrs. HALL of Indiana. Mr. Chairman, many of our colleagues have spoken in eloquent detail on H.R. 1904, the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983. Reauthorization of this bill is a much-needed step in the right direction.

However, the expanded definition of child abuse concerns me greatly. According to the revised act, the definition of child abuse includes cases where extraordinary life support measures are terminated for terminally handicapped infants.

Surely, the parents of an infant with terminal congenital impairments who have agonized over the painful decision to stop the prolonged agony of their child are not child abusers. The tragedy of these cases is only compounded by charging the parents, clergy, and medical professionals as child abusers while they are trying to deal with the agony of the right thing to do.

The Baby Doe provisions take the private decision of loving parents and their physician and place it in the hands of the Government—which will never know the child's circumstances.

The inclusion of these provisions could cause me to reconsider support of the bill. Therefore, I speak in favor of the amendment offered by Representative WAXMAN which would eliminate the Baby Doe language in H.R. 1904.

Mr. Chairman, I would also like to speak in favor of the family violence prevention and services amendment. This amendment provides limited, matching aid to shelters and service programs which work with the victims of family violence.

Study after study has established the extent and severity of the problems of domestic violence. According to FBI reports, domestic violence results in 25 percent of all homicides, 40 percent of all police injuries, and 80 percent of violent juvenile and adult offenders. And even more startling, 1 out of every 6 couples in America experiences domestic violence.

The movement to provide shelters for battered wives and children, though in its infancy, has grown dramatically in the last few years. These initial efforts have taken root and have resulted in broad networks of community assistance services. Still, in many areas of the country, battered women and children have no alternatives to a dangerous home situation.

The following statistics show that domestic violence is still on the rise:

Nearly 6 million wives will be abused by their husbands in 1 year.

Some 2,000 to 4,000 women are beaten to death annually.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes or muggings.

It is incumbent upon the Congress to make every effort to eliminate the barriers and prejudice that perpetuate this situation, and insure the continuance of programs that make available the necessary support and guidance.●

● Mr. THOMAS of California. Mr. Chairman, I would like to rise in support of an amendment which will be offered during the amending process by Mr. CHANDLER of Washington to the Child Abuse Prevention and Adoption Reform Act, H.R. 1904. At present, H.R. 1904, and the committee amendments that will be offered to it, require that "nutrition (including fluid maintenance), medically indicated treatment, general care, and appropriate social services are provided to infants at risk with life-threatening congenital impairments." Any decision not to provide such measures must be reported by the States as "child abuse." The Chandler amendment would strike the existing language and substitute language which would establish voluntary hospital committees which would provide advice on individual cases of severely impaired infants as well as recommend overall institutional policy on the issues involved.

It is absolutely appalling that any attempt be made to include the denial of life-prolonging medical procedures in the definition of child abuse. However one may feel about the right to die or the quality of life, it is preposterous to argue that a decision agonized over by parents in consultation with their physician and clergy be viewed as comparable to the beating or sexual molesting of a child. Such an inclusion questions the integrity of parents and clergy as well as physicians, nurses, and other health care professionals who staff neonatal intensive care units. While it is of vital importance that appropriate life-sustaining measures for all infants be secured, it must be recognized that despite the increasing advances in medical technology not all infants can be saved. Extraordinary life saving measures in these instances result in inappropriate and often painful treatment unnecessarily prolonging the dying process.

The present bill's language, if left to stand, presents an invasion of privacy at a time when parents are facing personal anguish and sorrow. It seeks to ignore the report, "Deciding to Forego Life-Sustaining Treatment" (March 1983), released by President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. This report concluded that decisions regarding medical treatment should not be legislated or regulated but should be carried out by parents in consultation with a health-care team.

The President's commission went on to recommend the establishment of hospital review committees to develop policies and procedures to provide advice to parents and health care professionals when the decision is made to withdraw or withhold medical treatment. The report also stated that hospital policies and procedures should insure that parents are provided with up-to-date information on the infant's medical condition to assist in the decisionmaking process. The establishment of hospital review committees, with rules promulgated by the Secretary of Health and Human Services, as suggested by the President's commission, is exactly what the Chandler amendment seeks to initiate.

Given the complexity and emotional significance attached to this legislation, I feel that this Chandler compromise is a more responsible effort than the committee's language. I hope you will consider the implications of allowing Federal bureaucrats to reject decisions arrived at by parents during consultation with their doctors and clergy. The transfer of decisionmaking regarding medical treatment of the infant from the medical team to Federal bureaucrats must not be allowed. After considering these implications, please join me in supporting Mr. CHANDLER's amendment.

● Mr. GREEN. Mr. Chairman, I would like to rise in support of an amendment which will be offered by Mr. CHANDLER to the Child Abuse Prevention and Adoption Reform Act, H.R.

1904. At present, H.R. 1904 and the committee amendments that will be offered to it, require that:

Nutrition (including fluid maintenance), medically indicated treatment, general care, and appropriate social services are provided to infants at risk with life-threatening congenital impairments.

Any decision not to provide such measures must be reported by the States as child abuse. The Chandler amendment would strike the existing language and substitute language which would establish voluntary hospital committees which would provide advice on individual cases of severely impaired infants as well as recommend overall institutional policy on the issues involved.

It is absolutely appalling that any attempt be made to include the denial of life-prolonging medical procedures in the definition of child abuse. However one may feel about the right to die or the quality of life, it is preposterous to argue that a decision agonized over by parents in consultation with their physician and clergy be viewed as comparable to the beating or sexual molesting of a child. Such an inclusion questions the integrity of parents and clergy as well as physicians, nurses, and other health care professionals who staff neonatal intensive care units. While it is of vital importance that appropriate life-sustaining measures for all infants be secured, it must be recognized that despite the increasing advances in medical technology not all infants can be saved. Extraordinary lifesaving measures in these instances result in inappropriate and often painful treatment unnecessarily prolonging the dying process.

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● Mr. ROTH. Mr. Chairman, as we consider H.R. 1904, the child abuse amendments, I urge my colleagues to reflect upon the importance of families. Families are the foundation on which our society is built.

Yet, behind closed doors, many families are being torn apart by violence. Although the statistics are relatively few, the picture is startlingly clear—family violence is a very serious problem.

Family violence does not exempt race, class, or region. In my home State of Wisconsin, an estimated 75,000 cases of wife abuse occurred in 1982, affecting poor, rich, and middle-class families, and urban and rural families. Plainly, family violence affects us all. It is more than a shame—it is a crime.

In light of the tragic facts, a real solution is necessary. Congress must take a leading role in effectively solving family violence, because of the crime's complexities and its short- and long-term dangers. Action must be prompt. Family violence is a time bomb, because children raised in violent homes often become abusers and violent criminals in the next generation.

I support funding for the treatment and prevention of family violence. Immediate attention is, of course, crucial to the life and limb of the hapless victims. Community-based shelters, which offer prompt relief and assistance to battered wives and children, have created a safety net for wives who previously would have been afraid to seek help.

The spotlight must be on the prevention of family violence, too. The link between present and future violence must be broken, with the help from counseling, alcohol and drug abuse treatment, and self-help services to both the abuser and the victim. Religious, charitable, voluntary, and other nonprofit organizations are invaluable resources in making sure that family violence does not recur at all.

The family violence prevention and services amendment is an excellent and very timely opportunity to bolster State, local, and private resources in the treatment and prevention of the tragedy called family violence. I urge its swift approval.●

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment. Each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Amendments of 1983".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—AMENDMENTS TO CHILD ABUSE PREVENTION AND TREATMENT ACT

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 101. (a) Section 2(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101(a)) (hereinafter in this title referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Section 2(b) of the Act is amended by striking out paragraphs (6) and (7) and inserting in lieu thereof the following:

"(6) study and investigate the natonal incidence of child abuse and neglect, including a determination of what relationship may exist between unemployment, and between nonpayment of child support, and child abuse and neglect, and the extent to which incidents of child abuse and neglect are increasing in number and severity, and submit such findings to Congress together with such recommendations for administrative and legislative changes as are appropriate within two years after the date of enactment of the Child Abuse Amendments of 1983;

"(7) the Advisory Board on Child Abuse and Neglect shall annually prepare a report on efforts to bring about coordination of the goals, objectives, and activities of agenices and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such report annually to Congress; and

"(8) beginning not later than one year after the date of enactment of the Child Abuse Amendments of 1983, compile, publish, and disseminate information relating to the development of resources for the prevention of child abuse and neglect and provide technical assistance to States on the development of resources.".

(c) Section 2(c) of the Act is amended by striking out "The Secretary may carry out his functions under subsection (b) of this section" and inserting in lieu thereof "The

functions of the Secretary under subsection (b) of this section may be carried out".

(d) Section 2 of the Act is further amended by inserting after subsection (d) the following new subsection:

"(e) No funds appropriated under this Act for any grant or contract may be used for any purpose other than that for which such funds were specifically authorized.".

DEFINITION

SEC. 102. Section 3 of the Act is amended by inserting "(including any employee of a residential facility or any staff person providing out-of-home care)" after "by a person".

DEMONSTRATION OF SERVICE PROGRAMS AND PROJECTS

SEC. 103. (a) Section 4(b)(2) of the Act is amended by—

(1) striking out "and" at the end of subparagraph (I);

(2) striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and "; and

(3) inserting after subparagraph (J) the following new subparagraph:

"(K) within one year after the date of enactment of the Child Abuse Amendments of 1983, have in place throughout the State procedures (consistent with guidelines promulgated by the Secretary under section 7(d)) to be followed by child protective service agencies, health care facilities, health and allied medical professionals, such other agencies or individuals as a State may deem appropriate, social service providers, and courts of competent jurisdiction, to insure that nutrition (including fluid maintenance), medically indicated treatment, general care, and appropriate social services are provided to infants at risk with life-threatening congenital impairments.".

(b) Section 4(b)(2)(B) of the Act is amended by inserting before the semicolon the following: ", including (within one year after the date of enactment of the Child Abuse Amendments of 1983) the establishment of a procedure for any interested person to report to appropriate authorities any known or suspected instance of the denial of nutrition (including fluid maintenance), medically indicated treatment, general care, or appropriate social services to infants at risk with life-threatening congenital impairments".

(c) Section 4(b)(2)(E) of the Act is amended by striking out "his" and inserting in lieu thereof "and the child's".

(d) Section 4(b) of the Act is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) Subject to subparagraph (B), any State, which on the date of enactment of the Child Abuse Amendments of 1983 does not qualify for assistance under this subsection, may be granted a waiver of any requirements under paragraph (2), for a period of not more than two years, if the Secretary makes a finding that such State is making a good-faith effort to comply with any such requirements.

"(B) No waiver under subparagraph (A) may apply to any requirement under paragraph (2)(K), or any requirement involving infants at risk with life-threatening congenital impairments under paragraph (2)(B).

"(4) Programs or projects related to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in subparagraphs (B), (C), (E), (F), and (K) of paragraph (2), and these requirements shall apply, to the extent the State finds feasible, to child abuse and neglect programs and projects assisted under title XX (Social Services Block Grant) of such Act.".

(3) Section 4 of this Act is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) a new subsection (e) as follows:

"(e) The Secretary, in consultation with the Advisory Board on Child Abuse and Neglect, shall insure that a proportionate share of assistance under this Act is available for activities related to the prevention of child abuse and neglect.".

AUTHORIZATIONS

SEC. 104. (a) Section 5(a) of the Act is amended—

(1) by inserting after the first sentence the following new sentence: "There are hereby further authorized to be appropriated for the purposes of this Act $25,000,000 for fiscal year 1984, $26,250,000 for fiscal year 1985, $27,563,000 for fiscal year 1986, and $28,941,000 for fiscal year 1987."; and

(2) in the second sentence by striking out "and 4(a)" and all that follows through the end of such subsection, and inserting in lieu thereof ", 4(a); (relating to demonstration or service projects), and 2(b)(1) and 2(b)(3) (relating to information dissemination), giving special consideration to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, and not less than 30 per centum shall be used for making grants or contracts under section 4(b)(1) (relating to grants to States) for each of fiscal years 1984 through 1987.".

(b) Section 5(b)(1) of the Act is amended by striking out "$3,000,000 for the fiscal" and all that follows through "respectively," and inserting in lieu thereof "$3,000,000 for fiscal year 1984, $3,150,000 for fiscal year 1985, $3,308,000 for fiscal year 1986, and $3,473,000 for fiscal year 1987".

(c) Section 5(b)(3)(A) of the Act is amended by striking out "for commercial purposes," and inserting in lieu thereof "including the use or intent to use a child in any play, motion picture, photograph, or dance, or any other visual presentation exhibited before an audience, if knowing the character and content thereof, any individual or entity employs, authorizes, or induces a child to engage in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals,".

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 105. The first sentence of section 6(a) of the Act is amended by striking out "including" and all that follows thereafter through "Administration".

COORDINATION

SEC. 106. Section 7 of the Act is amended—

(1) by striking out "between" and inserting in lieu thereof "among";

(2) by inserting "(a)" after "SEC. 7."; and

(3) by inserting at the end thereof the following new subsections:

"(b) The Secretary, in coordination with the Surgeon General, the Assistant Secretary of Health, and the Assistant Secretary of Human Development Services, shall study and determine those incidents involving the denial of nutrition (including fluid maintenance), medically indicated treatment, general care, or appropriate social services to infants at risk with life-threatening congenital impairments, shall conduct a review, including a review of the report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research entitled 'Deciding to Forego Life-Sustaining Treatment', and shall submit such findings to Congress together with such recommendations for administrative and legislative changes as are appropriate within ninety days after the date of enactment of the Child Abuse Amendments of 1983.

"(c) The Secretary of Health and Human Services shall conduct a study to determine the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for infants at risk with life-threatening congenital impairments. The Secretary shall report the results of the study to the Congress not later than two hundred and seventy days after the date of the enactment of the Child Abuse Amendments of 1983 and shall include in the report recommendations for legislation to provide such financial support.

"(d) Based on the findings and recommendations of the studies required in subsection (b), the Secretary, in coordination with the Surgeon General and the Assistant Secretary of Health, and the Assistant Secretary of Human Development Services, and in consultation with providers of health care to infants at risk with life-threatening congenital impairments and their advocates, shall publish, no later than ninety days after submission to Congress of the findings and recommendations required in subsection (b), procedural guidelines to encourage and assist the States in establishing local health care mechanisms for the review of care provided to infants at risk with life-threatening congenital impairments. The guidelines shall address procedures to be implemented in instances in which such infants may be denied nutrition (including fluid maintenance) medically indicated treatment, and general care.

"(e) Within three days after the promulgation of procedural guidelines required in subsection (d), the Secretary shall, in consultation with the Advisory Board on Child Abuse and Neglect, provide technical assistance and training to encourage and assist the States in developing and implementing new procedures or improving present procedures, consistent with such guidelines, to enable child protective service agencies, health care facilities, health and allied medical professionals, such other agencies or individuals as a State may deem appropriate, social service providers, and courts of competent jurisdiction to respond to instances of the withholding of nutrition (including fluid maintenance), medically indicated treatment, or general care and appropriate social services to infants at risk with life-threatening congenital impairments.".

STATUTORY CONSTRUCTION

SEC. 107. The Act is further amended by inserting at the end thereof the following new section:

"STATUTORY CONSTRUCTION

"SEC. 8. No provision of this Act may be so construed as to limit or lessen any right or protection under section 504 of the Rehabilitation Act of 1973.".

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that all debate on

title I and all amendments thereto close at 2 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

□ 1300

Mr. WAXMAN. Mr. Chairman, reserving the right to object, I do so only to inquire whether that time limit would exclude any period of time in which the House is voting on any proposition that may be before us, and this would only be debate time.

Mr. MURPHY. Mr. Chairman, it would be my intention to exclude from that 1 hour any time consumed in actual voting.

Mr. WAXMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair would advise that if there were voting at the end of the time, time would still be expired.

Mr. MURPHY. Mr. Chairman, I am willing to extend that time to an hour and a half, to 2:30, if that will alleviate the problem.

Mr. Chairman, I ask unanimous consent that debate time only, excluding any time for voting on title I and all amendments thereto, be closed in 1 hour.

The CHAIRMAN. The Chair will advise that if time is limited to a time certain, then voting time is included.

If the gentleman wishes, and of course it is up to him, he can say that debate shall continue to a specified hour.

Mr. MURPHY. Mr. Chairman, I just reworded my unanimous-consent request to state again that I ask unanimous consent that debate only on title I and all amendments thereto be closed in 1 hour, excluding from that any time consumed in voting.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania (Mr. MURPHY)?

Mr. LUNGREN. Mr. Chairman, reserving the right to object, I would just ask the gentleman who is making the request as to whether he knows how many amendments are anticipated. I have one amendment. I would just like to make sure that I have the opportunity to offer that, and not being a member of the committee, since I would not be recognized first but, rather, last, I would like to preserve my right. Is there some assurance on that?

Mr. MURPHY. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman's concern. I have viewed his amendment. I was looking for him before we started general debate to let him know that I agree with his amendment and would be happy to join him in the presentation of that amendment. So he will not be excluded from offering it, not being a member of the committee.

Mr. LUNGREN. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. I thank the Chair, and I thank my colleagues. I think we can now conclude this matter this afternoon, as we intended.

AMENDMENTS OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Chairman, I offer amendments and ask unanimous consent that the amendments be considered as read.

Mr. Chairman, I also ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The amendments are as follows:

Amendments offered by Mr. MURPHY: Page 4, line 20, strike out "guidelines and all that follows through "7(d))" and insert in lieu thereof "this Act)".

Page 5, line 7, strike out "(within" and all that follows through "instance of" on line 11, and insert in lieu thereof "instances involving".

Beginning on page 8, strike out line 22 and all that follows through line 11 on page 9.

Page 9, line 12, strike out "(c)" and insert in lieu thereof "(b)".

Page 9, line 24, strike out "(d)" and all that follows through "the" on line 25, and insert in lieu thereof "(c) The".

Page 10, strike out lines 6 and 7, and insert in lieu thereof "90 days after the date of enactment of the Child Abuse Amendments of 1983, procedural".

Page 10, line 8, strike out "the States in establishing" and insert in lieu thereof "local health care providers desiring to establish".

Page 10, after line 14, insert the following new subsection:

"(d) In order to ensure that the most up-to-date and complete information regarding medical treatment procedures and community resources is available to physicians, parents, and child protective service agencies, the Secretary shall instruct each regional office of the Department of Health and Human Services to—

"(1)(A) compile, maintain, and update a directory of physicians (including pediatricians, neonatologists, and pediatric surgeons) within the region served by the regional office who have expertise in the care and treatment of infants at risk with life-threatening congenital impairments and who have agreed to be included in such directory; and

"(B) provide and publicize to all hospitals and child protective service agencies within the region served by the regional office a toll-free number which physicians, hospitals, and child protective service agencies may use to seek relevant information from such directory;

"(2) develop and coordinate within such region other appropriate educational programs or resources for ensuring that all physicians in the region have access to the most up-to-date and complete information concerning the care and treatment of infants at risk with life-threatening congenital impairments; and

"(3) compile and maintain a directory of community services and resources within such region to assist parents and families in the care of infants at risk with life-threatening congenital impairments.

Page 10, line 15, strike out "three" and insert in lieu thereof "30".

Page 10, line 16, strike out "(d)," and insert in lieu thereof "(c)".

Mr. MURPHY. Mr. Chairman, the bipartisan amendments that have been very long and carefully drafted by the gentleman from Illinois (Mr. ERLENBORN) and myself and our very able staffs bring the bill in line to complement the HHS regulations that were recently adopted, clarifies the bill's language, eliminates a study that we believe is unnecessary, and provides additional assistance to families and doctors. This package of technical amendments:

Complements the HHS regulations by providing statutory language which conforms with requirements mandated for State child protection agencies.

Clarifies language in the bill so that infant care review committees are an option States may chose in addressing this matter on a local level. States may utilize existing policies rather than create another agency or bureaucracy.

Eliminates the study of the number of incidents and cases of infants born at risk because we believe these studies are already being conducted, many of them having been concluded.

Creates a directory of physicians, on a regional basis, being prepared by HHS, who have an expertise in the treatment of handicapped infants, that other physicians may call and receive referrals. Health care providers may consult these experts and avoid a disruption in the care of the infants. We also rely upon regional support.

And creates a directory of the resources and State agencies available to assist families and parents in the care of handicapped infants so that they may make the proper choice.

I urge the adoption of this package.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to my colleague, the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendments. As I said in general debate, I want to compliment the gentleman from Pennsylvania and, as well, the gentleman from California (Mr. MILLER) for the many hours of efforts put in by them personally and also by their respective staffs in meeting with the interested parties. It was very difficult and time consuming. Many meetings were held, some of those in my office.

I think we had a very good dialog, many good suggestions, and the amendments now being offered by the gentleman from Pennsylvania (Mr.

MURPHY) incorporate some of those suggestions.

As I also said in general debate, I do not want to give the impression that all controversy about the bill has been removed or that all of the parties have been satisfied. I think we have moved ahead very carefully, and I hope that the amendments will be adopted.

AMENDMENTS OFFERED BY MR. CHANDLER AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. MURPHY

Mr. CHANDLER. Mr. Chairman, I offer amendments as a substitute for the amendments.

Mr. MURPHY. Mr. Chairman, I have a point of order.

I have not been advised there is a substitute. May I ask the gentleman from Washington: Are these his amendments or a substitute for our amendments?

Mr. CHANDLER. Mr. Chairman, these are substitutes for the amendments offered by the gentleman from Pennsylvania. They had been commonly known as the Waxman amendments until today.

The CHAIRMAN. The Clerk will report the substitute amendments.

The Clerk read as follows:

Amendments offered by Mr. CHANDLER as a substitute for the amendments offered by Mr. MURPHY: Page 4, strike out line 10 and all that follows through "(c)" in line 15 on page 5 and insert in lieu thereof "SEC. 103. (a)".

Page 5, line 17, strike out "(d)" and insert in lieu thereof "(b)".

Page 5, line 19, strike out "(A) Subject to subparagraph (B), and" and insert in lieu thereof "Any".

Page 6, strike out lines 1 through 4.

Page 6, line 8, strike out "(F), and (K)" and insert in lieu thereof "and (F)".

Page 8, strike out line 22 and all that follows through "(c)" in line 12 on page 9 and insert in lieu thereof "(b)".

Page 9, insert close quotation marks at the end of line 23 and strike out line 24 and all that follows through line 4 on page 11.

Page 11, insert after line 11 the following:

GUIDELINES AND DIRECTORY FOR CARE AND TREATMENT OF SERIOUSLY ILL NEWBORNS

SEC. 108. (a) The Secretary of Health and Human Services shall by regulations establish guidelines for advisory committees to provide advice to hospitals that provide care for seriously ill newborns and to the physicians and families using the hospitals respecting the care and treatment of seriously ill newborns and to—

(1) provide advice when decisions are being considered to withhold or withdraw from such newborns life sustaining medical or surgical treatment; and

(2) recommend institutional policies concerning the withholding or withdrawal of medical or surgical treatment to such newborns.

The guidelines shall provide that such advisory committees should include representatives of the medical, nursing, and other health care professions, providers of social services, hospitals, organizations which represent the disabled, and persons with training in ethics or theology.

(b) In order to insure that the most up-to-date and complete information regarding medical treatment procedures and community resources is available to physicians and parents who must make decisions concerning the care and treatment provided to seriously ill newborns, the Secretary of Health and Human Services shall instruct each regional office of the Department of Health and Human Services to—

(1)(A) compile, maintain, and update a directory of all physicians (including pediatricians, neonatologists, and pediatric surgeons) within the region served by the regional office who have stated that they have expertise in the provision or care and treatment to seriously ill newborns and who have agreed to be included in such directory; and

(B) provide and publicize to all hospitals within the region served by the regional office a toll-free number which physicians and hospitals may use to seek relevant information from such directory;

(2) develop and coordinate within such region other appropriate educational programs or resources for ensuring that all physicians in the region have access to the most up-to-date and complete information concerning the care and treatment of seriously ill newborns, and

(3) compile and maintain a directory of community services and resources within such region to assist parents and families in the care of disabled children.

(c) The Secretary of Health and Human Services shall review the implementation of subsections (a) and (b) and upon the expiration of eighteen months after the date of the enactment of this Act shall report to the Congress on the implementation of such subsections together with any recommendations for additional legislation which the Secretary considers appropriate.

STUDY

SEC. 109. (a) The Secretary of Health and Human Services shall, in accordance with subsection (d), arrange for the conduct of a study of the issues faced by hospitals, physicians, and other health care providers, parents, and society in the treatment and care of severely impaired newborns.

(b)(1) The study prescribed by subsection (a) shall—

(A) identify and classify the degrees of severe impairment in newborns;

(B) compile data on the incidence of severely impaired newborns in relation to the total number of live births, the incidence of severely impaired newborns in each of the classifications established under subparagraph (A), the number of severely impaired newborns successfully treated in each such classification, the number of severely impaired newborns that are treated where treatment is unsuccessful in each such classification, and the number of severely impaired newborns in each such classification where corrected treatment is not undertaken;

(C) identify the issues involved in the medical management of severely impaired newborns;

(D) identify the mechanisms currently used by hospitals to address situations involving severely impaired newborns;

(E) identify mechanisms currently used in the States to address and respond to situations involving severely impaired newborns;

(F) describe the availability of facilities for the care and the treatment of severely impaired newborns;

(G) identify the resources available for, and the costs of, care for newborns, including severely impaired newborns; and

(H) identify the volunteer and State agencies available to provide assistance, information, and support to parents of severely impaired newborns and the resources available to such agencies.

(2) The study shall include an assessment of the impact of the various alternative means of addressing and responding to situations involving severely impaired newborns, including the impact on—

(A) the ongoing treatment of newborns, including severely impaired newborns;

(B) the families of severely impaired newborns;

(C) the operation of health care facilities;

(D) the confidentiality of patient-physician relationships;

(E) the liability of health care providers;

(F) the availability of facilities and resources for the treatment of newborns, including severely impaired newborns; and

(G) the resources and costs of care for newborns, including severely impaired newborns.

(c) The study prescribed by subsection (a) shall be completed not later than eighteen months after the date of the enactment of this Act. A report shall be prepared detailing the results of the study and shall be submitted to the Secretary and the Congress.

(d) The Secretary shall arrange with the Institute of Medicine of the National Academy of Sciences to conduct the study prescribed by subsection (a). Under the arrangement the actual expenses incurred by the Institute in conducting such study will be paid by the Secretary.

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the Chandler amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CHANDLER. Mr. Chairman, I certainly want to point out that it is not out of any disrespect for the chairman or the ranking member of the committee that I offer this amendment.

I also want to reemphasize, as I did during general debate, that what we are talking about here is a question of a decisionmaking process. There is no one in the House of Representatives who is indifferent to the welfare of infants. I might point out that this amendment has very broad philosophical support. Included as cosponsors or supporters are the gentleman from California (Mr. WAXMAN), the gentleman from Tennessee (Mr. QUILLEN), the gentleman from Georgia (Mr. ROWLAND), and the gentleman from Michigan (Mr. DINGELL).

This is also not a debate on a right to life or any other related issue.

It is also not a debate on section 504 of the Rehabilitation Act.

This amendment that I propose affects only this legislation and does not impact the recent HHS regulations. Those remain in effect.

What this amendment does is, it requires the Secretary of HHS to establish model procedures to provide guidance to local health-care facilities desiring to establish review committees

which would advise parents in decisions concerning severely ill newborns. It also requires HHS to establish in each regional office a directory of physicians having expertise in the treatment of infants at risk with life-threatening congenital impairments.

Third, it establishes an independent commission to study the broad range of issues involved.

Why would we do this in the form of a substitute? Why do we do this in the form of an amendment?

As proposed, the Murphy-Erlenborn amendment encourages the Government, I believe, to second-guess parental decisions regarding what is the best medical treatment for their child, even when that is not indicated.

□ 1310

It places an impossible burden, I believe, on the States to insure that medically indicated treatment and appropriate social services are provided to infants at risk with life-threatening congenital impairments. How can States, certainly 50 of them, in any uniform way ever meet such an absolute requirement?

The problem is even more difficult on the States, parents, and hospitals because this bill uses terms that are impossible to define in this context, such as "medically indicated treatment" and "appropriate social services."

The issue is extremely complex, with enormous impact, yet there has been no real study by the House. In fact, proposed legislation flies in the face of the President's Commission on Bioethics which studied the problem and, as I indicated earlier, recommended that the Government stay out of this process.

Today I am offering an amendment which I believe allows Congress to act positively to assist infants, their families, and physicians in a most emotional and troubling time rather than requiring States and the Federal Government to second-guess every parental decision regarding medical treatment.

Mr. Chairman, I urge its adoption.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, let me say at the outset that in no way do I criticize nor derogate the sensitivity and compassion of the Members who are offering and supporting this amendment. This is a controversial area, but I want to express a few thoughts that I hope Members will bear in mind when they evaluate whether or not Mr. MURPHY's and Mr. ERLENBORN's minimal, I might say, and reasonably consensus-determined protections for the preborn can be accepted as a part of this child abuse legislation.

My friend, the gentleman from the State of Washington, just said that Murphy-Erlenborn second-guesses parental decisions. Well, is it not odd that when it comes to the subject of a teenage girl seeking an abortion, the law insists on keeping the parents out of that decision? And I dare say the same Members who support this well-intentioned but flawed amendment also want to keep the parents out of the decision as to whether a young girl shall get an abortion or not; that they will insist, is none of the parents' business.

So, on the one hand, we want maximum parental decisional authority over an infants life or death, but on the other hand, we keep the parents out of the abortion decision—a strange anomaly. I do not use the word "hypocrisy"; I use the word, "anomaly." But that is what it is.

Now, governmental intervention: Nobody likes the Government sticking its nose into private decisions, but I suggest that there is something more important here than a parent deciding whether Junior gets the car tonight. We are talking about this human person—not animal, not vegetable, not mineral, not a tumor, not an exhibit on a slide under a microscope, but a born person. Oh, yes, not perfect, not planned, not privileged, but handicapped and maybe does not measure up to the physical or mental standards that are set by some committee implementing the quality-of-life ethic, but, nonetheless, human, defective, crippled, handicapped, less than perfect, a born person. So all the semantic evasions about not being a person, not being yet born, not being human life, we cannot really use those. We have got a human being here.

So the question really is, Does the Constitution apply to that person, the Constitution which says that no person shall be deprived of life without due process of law nor deprived of equal protection of the law?

You would not starve a yellow dog in your basement to death without the cruelty society prosecuting you. But that is what they did in Bloomington with the imprimatur of the courts—the courts—which are set up to enforce the law, the law which is designed to protect the weak from the strong. That is all it does. All those law books, all they do is protect the weak from the strong.

Now, I am for parental authority. I wish we had more parental authority. I wish the schools stood in locus parents. But parents are not infallible, and they may have a serious problem in having to raise a child that presents a terrible burden. It takes heroism to save a life, and it may take extensive, prolonged heroism to take care of a handicapped child.

That is not the question. Society owes those parents and children help and support and ought to help and support them. But the question is: Is that little, defenseless, vulnerable child that cannot escape, that cannot vote, that cannot rise up in the streets, entitled to equal protection of the law, entitled to be treated equally well with a dog or with a cat or with an animal?

Now, that really is the question. The quality of life? Let me tell the Members about the Bloomington baby. It was not just that the baby had Downs syndrome and maybe would not have been able to attain a high IQ—maybe. You can learn a lot from a Downs syndrome child, as you know. They do not know much about greed or selfishness. They can teach us about love. But there were families that wanted to adopt that child. That is the tragedy. They say, "If the parents can't carry that burden, give us your child. We will do it. We have an excess of love for the child."

Now, the baby died. That is as tragic an event as ever happened in this century. Stalin said, "One death is a tragedy. A million deaths are statistics." But I suggest to the Members we should give this minimal protection to this little unwanted child. Somebody may want that child.

Mr. Chairman, I urge the Members to think very carefully and, with compassion, reject the Chandler amendment.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the substitute amendments.

First of all, Mr. Chairman, let me say that my colleague, the gentleman from Illinois, is a hard act to follow, but I agree with everything that he said.

Let me also suggest that no one yet has questioned the right of the authorities, under the Rehabilitation Act, under the Child Abuse Act, or under State statutes, to review decisions that parents make about handicapped children who are not new-born infants. There have been many cases on the question of whether the parents are making the proper decision about providing food, nutrition, fluid, maintenance, or the medically indicated treatment for a victim of an auto accident or a skiing accident, whatever it might be. The authorities have the right to review that decision, and if the parents are not giving, with that decision, proper treatment and maintenance for that child, the authorities may step in to see that the child gets proper treatment and maintenance.

How is it any different for the newborn? An unspoken assumption by those who have been opposing this effort is that somehow or other the newborn is not quite fully human. The law unfortunately, in my opinion, now says the pre-born, the fetus, is not human and is, therefore, not entitled to the full protection of the Constitution.

Should we go that next step now by adopting this amendment that has the

philosophy behind it that the newborn also is not quite human? Should we adopt the arguments that are being made that the quality of the life of that newborn may be a factor or the principal factor that is utilized in determining whether that child has an opportunity to live or shall die because the death has been procured by withholding medical treatment, food, and fluid maintenance?

I submit that if we do allow public policy to go that next step to deny the humanness of the newborn and to adopt the quality-of-life argument, it can then be extended even further.

How about at the other end of life? Not the newborn but one whose useful life appears to have come to an end, one who is senile, who really has little or no opportunity for what some would call a good quality of life. Will we then in the next step say, "Well, yes, we can also make those life or death decisions for these people because, having become senile, they are not quite human, either"?

Mr. Chairman, I do not think we are going to do that, and I think it is the obligation of this Congress to establish public policy clearly by the rejection of this amendment and the adoption of the Murphy amendment and the passage of this bill, and not rely merely upon regulations that are transitory at best and can be changed without elected officials such as ourselves in this body making that decision.

Mr. Chairman, I hope the amendment will be rejected and the Murphy amendment will be adopted.

□ 1320

Mr. CHANDLER. I thank the gentleman for yielding.

I certainly want to correct one statement, that the philosophy of this legislation, this amendment, is not that those who proposed it believe that there is anything less human about handicapped infants. That is the furthest thing from our minds.

We find ourselves, I think, in a society with the tragedy of facing the decision in the first place. It was so much simpler then when technology did not make life maintenance as possible as it is today.

So now we face the question and as a rational, caring, human society, we have to come to a conclusion about it; so you face then a situation where very often you are not absolutely sure, where well-meaning people, where professionals and clergy will disagree as to the course of treatment to follow, whether there should be any treatment at all, whether it should be limited or whether it should be unlimited in an attempt to sustain life. That is the question.

So that being the case then, who is it that is best equipped to make the decision? I am a conservative on this point. I think it rests with the individual. That is what Thomas Jefferson talked about. That is why we have tolerance on this podium in front here.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(At the request of Mr. HYDE, and by unanimous consent, Mr. ERLENBORN was allowed to proceed for an additional 5 minutes.)

Mr. CHANDLER. Mr. Chairman, if the gentleman will yield further, we understand in this country that for people to experience and to have freedom, it is to make decisions for themselves, and in this case for their loved ones.

Now, if in a case where there is the obvious abuse of the right of the child, of course the Constitution protects that child. It does now.

I suspect that under any proposal that we could bring out, that there will be mistakes made. I think the judgment of the Government of the United States or the State of Washington or the State of Illinois could be just as faulty as the judgment of JOHN ERLENBORN. That is just the way life is; but I would rather give you the decision than to take it away from you and put it in the hands of some bureaucrat.

Mr. ERLENBORN. Let me suggest to the gentleman that I reject the concept that the argument is what type of medical treatment should be afforded to the handicapped infant, the newborn. That is not the argument.

All we are saying here is medically indicated treatment. That is a medical decision. That is not a decision that I am going to make or the gentleman is going to make or the courts would make, unless there is a medical controversy.

The question is, Will the same medical treatment be given the handicapped as the nonhandicapped? That is what this whole argument is about. Do the handicapped have the same rights to honest medical decisions as the nonhandicapped?

The question is, Are we going to allow quality of life arguments, saying that this handicapped child has lesser rights to that medically indicated treatment?

We are not going to second-guess the medical profession. I know that is their fear, but we are talking about handicapped versus nonhandicapped. That is all we are addressing here.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Illinois, and if I have time, I will then yield to the gentleman from California.

Mr. HYDE. Mr. Chairman, I think the gentleman has stated the question precisely. The Government is not going to be telling the doctor nor the parents what type of treatment over some other type of treatment they should receive; but the fact is that there are many children that are permitted to die because minimal routine medical care is withheld from them and the parents who have the emotional trauma of being confronted with this horrendous decision and seeing ahead a bleak prospect may well not be at that time and in that place the best people to decide; but I suggest to you if that child were black, you could not withhold medical reasonable, ordinary—not heroic, not all kinds of expensive machines, although I suggest that the dialysis machine is very costly and we use it on anybody that needs it; but I suggest that a question of life or death for a born person ought to belong to nobody, whether they are parents or not. The Constitution ought to protect that child.

All that the Erlenborn-Murphy legislation does is make that decision open to people who do not have and are not confronted with the emotional trauma nor with having to face the burden; but the individual has to be protected and get equal protection of the law.

Because they are handicapped, they are not to be treated differently than if they were a woman or a Hispanic or an American Indian or black. They are handicapped. That is a mental condition or a physical condition; but by God, they are human, and nobody has the right to kill them by passive starvation or anything else.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman.

I promised to yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, if I may have the attention of the gentleman from Illinois (Mr. HYDE), let me just ask something. The debate so far has been in the context of the handicapped and in the case of the Bloomington baby, which had Downes Syndrome, a generally recognized "handicap." But when we talk about medically indicated treatment, and this is one thing that troubled me in drafting this amendment to try to improve the language in the original bill, I assume we are also talking about—I do not want to use the word handicapped, but a medical condition, if you will. We know there are babies born with the brain outside the skull. There are babies that are born with their intestines outside. There are unbelievable conditions which newborn babies are saddled with.

We visited the Jackson Memorial Hospital in Miami, and we saw a number of these babies where it would just be a soul-wrenching decision for the parents who expected so much.

I am just trying to determine whether we are not placing limits on medical judgments about medical treatment

for a child whom we would not consider as having recognized handicaps, but medical conditions that are far beyond our lay persons ability to comprehend.

As the gentleman from Illinois (Mr. ERLENBORN) started to point out, we are not dictating or trying to dictate the medical treatment.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield further, I would assume it would be the intent of the amendment, as I sat in the discussions, to continue to allow the doctors and the parents to make determinations that the gentleman from Illinois (Mr. HYDE) talked about, the heroic determinations of turning loose on their child all the extra special things that we can do in medical practice today.

Mr. ERLENBORN. Mr. Chairman, in answer to the gentleman, let me say that the gentleman is right. It is our intention here not to specify what kind of treatment should be rendered, except that it be the same treatment that would be rendered to a nonhandicapped person, that there should not be discrimination based upon the handicapped condition.

As the gentleman knows, in the amendment pending that the gentleman from Pennsylvania (Mr. MURPHY) has offered, there is the adoption of the voluntary medical review panel in the health care institutions. I think this is going to eliminate, if not entirely, most of the controversy, because instead of letting the one family doctor and the parents make the decision, here in those institutions that will avail themselves of the opportunity of using the medical review panel, they will have the panel to determine what is the medically indicated treatment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield further on that point?

Mr. ERLENBORN. I am happy to yield to the gentleman from California.

Mr. MILLER of California. After that decision is made, and let us assume that it is a decision that we all agree with, is that doctor or those parents, that priest, are they now liable for child abuse? That is what concerns me. If somebody disagrees with that decision and an interested party now brings a lawsuit and files charges against these parents who have gone through these decisions, would they be liable for child abuse?

Mr. ERLENBORN. Mr. Chairman, let me say to the gentleman that I do not think anyone contemplates that they would be charged with child abuse. I cannot envision any circumstance where they would, unless they took an absolutely arbitrary attitude that was demonstrably meant to take a life when the life could have been and should have been saved. No one is going to do that. That just is not going to happen.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I must say that I would disagree with that assurance that the gentleman has given us. After all, we have that situation in New York where the parents have been faced with this horrible tragedy trying to make their decision. They have consulted with the medical people. They have consulted with their consciences. They may well have consulted with the clergy as well. If somebody did not agree with their decision, when someone did not agree with their decision, they brought them into court and asked that the parents be removed from responsibility.

I believe under this bill, to answer the question of the gentleman from California (Mr. MILLER) that if someone disagrees with a conclusion that was reached, that the parents may well find themselves accused of child abuse under the provisions of this law. I would not accept those assurances if someone disagrees with the parents.

□ 1330

Mr. ERLENBORN. Let me just say, Mr. Chairman, I think that is a red herring.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ERLENBORN) has again expired.

(On request of Mr. MILLER of California and by unanimous consent, Mr. ERLENBORN was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman.

Mr. MILLER of California. I do not think it is quite a red herring. I think it is a legitimate concern.

We are talking about discrimination against the handicapped and, as I understand it, the HHS regulations were filed based upon 504, which protects individuals against discrimination on the basis of handicap where Federal services and dollars are involved.

Now we are talking about putting it into the child abuse bill. I guess my concern is that this language asks for expectations that none of us really believe can be fulfilled because even though all parties do agree, if we were to get an agreement among any 5 or 20 of us, or everybody here on the floor, somebody can still come in and people can find themselves, loving parents, caring doctors, the family's religious adviser, friends themselves, hauled in for child abuse.

Mr. ERLENBORN. Let me say I do believe this is a red herring. There are no criminal sanctions in this bill.

Child abuse laws are State laws. We already have medical review panels that have been voluntarily adopted by health care institutions.

This bill in no way changes the definition of child abuse, in no way amends the laws of the States, in no way puts these doctors and health care professionals in any more jeopardy than they are today, and it is absolutely a red herring argument to haul this out and say that somehow or other if this bill passes we are going to be putting at risk the medical profession in some way they were not before.

Mr. MILLER of California. Let me just ask you, what would the State's attorney charge somebody with who violated the provisions of the statute? It is under the Child Abuse Act.

Mr. ERLENBORN. There are no criminal sanctions in this bill. He will charge them with nothing.

This is preventative. There are no criminal sanctions.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Chandler amendment.

Mr. Chairman, let us understand at the outset what this debate and this amendment are not about. This amendment is not about the controversial regulations that have been much publicized at the Department of Health and Human Services that various medical and hospital and disability groups have been working on. Those regulations are based on a completely different statute. Those regulations are based on the Rehabilitation Act and make provisions that affect another section of the law.

I do not mean to support or oppose regulations at this time. They will stand or fall on their own merits, but they are not before this House today.

The Chandler amendment is also not an attempt to address the complicated issues of section 504 of the Rehabilitation Act. As you will note, H.R. 1904 contains clear language saying that this bill is not to be used to limit any protection of that act.

The Chandler amendment does not amend that portion of H.R. 1904 and would not affect the legal status of section 504 in any way.

It simply says that in this bill which deals with child abuse money to go to the States we should not impose a whole new set of regulations on the States which will be confusing to the hospitals and to the patients.

Why do we need this bill? This bill says that if the State does not adopt its own set of regulations, and does not ask the hospital to abide by the State regulations in addition to the Federal

regulations, the State will lose the money to carry out its child abuse programs. That is the sanction under this bill. We are going to punish a State by holding back their child abuse funds so they cannot do any work to deal with the child abuse problems.

The Chandler amendment to the amendment would instead provide guidelines for local hospitals to create local review committees. This approach is patterned after the recommendations of the President's Commission on Biomedical Ethics.

I do not believe it is appropriate or necessary for the Federal Government to intrude in these tragic cases at all. Decisions concerning medical treatment of severely handicapped newborns should be left to those most involved: the parents, their doctors, and their clergy.

But since the HHS regulations have been promulgated, it is particularly inappropriate for us now to adopt additional statutory language to deal with Infant Doe and its family.

However you may feel about the final regulations, you should not support another set of laws, regulation upon regulation. This can only serve to confuse hospital, doctor, nurse, and parent about which rule to follow and which procedure is required not in the interest of the child, but in the interest of Federal and State bureaucracies.

Because of this confusion, all medical groups—the AMA, the American Hospital Association, even many groups that have supported the Department's regulations—oppose the language of this bill.

Parents should have sufficient medical information to understand their choice. The Chandler amendment provides for the creation of a directory of health care providers with the best expertise in treating handicapped infants.

What it does not and should not provide are committees of bureaucrats and teams of lawyers to second-guess and overrule the informed decisions of parents and doctors and clergy. Families alone will know the grief of dying children. With all available support, families alone should be left to make the decisions about treating their children.

For those who think that Government should not be involved in our lives, I ask you to step back and look at what is being accomplished. The Department is looking at setting up a Federal regulatory scheme to deal with intruding, I believe, in the right of the parents to get information to make a decision as to their newborn baby.

Now, this bill would have us set a whole new set under the State auspices, regulation on top of regulation.

If we pass this bill and define that as child abuse, we could withhold money from the State. We can bring people into court and say they are guilty of child abuse.

What have we accomplished then? Nothing other than trying to say again and again and again how we feel very concerned about newborns.

The Federal child abuse statute is a most inappropriate forum for discussing these heartrending decisions. However much reasonable people may differ about the right to die or the importance of the quality of life, no one can argue that a decision by parents, doctors, and clergymen is the same as beating or sexually molesting a child.

The remedy for noncompliance with this section would, indeed, only make the problems of real child abuse far worse. If one hospital disagrees with HHS on the appropriate treatment for a child and the State does not enforce the HHS judgment, the entire State would be ineligible for child abuse funds.

I ask you, who suffers if child abuse money is withdrawn? Not hospital administrators. Not physicians. Not even the family of Baby Doe. The victims of H.R. 1904's remedy are all the abused and molested children of a State.

Finally, I believe that the bill and the committee amendment are badly drafted in attempting to reach any reasonable or humanitarian interest. The terms "necessary medical treatment," "general care," and even "ensure"—all are vague and unclear. Physicians and parents attempting to follow such directives will be forced to prolong even those severe cases that everyone would agree are only hopeless pain. Ironically, avoiding this hopeless pain would make professionals and families run the risk of being labeled—and even prosecuted—as "child abusers."

For these and other reasons, I urge my colleagues to support the Chandler amendment. This body is unprepared to decide each Baby Doe case this afternoon. Even if it were scientifically and professionally trained, it would not have the moral right to force its own decisions into thoughtful and painful family judgments.

The American Medical Association, the American Hospital Association, the Federation of American Hospitals, the American Academy of Pediatrics, the Association of American Medical Colleges, the American College of Obstetrics and Gynecologists, the American Academy of Family Physicians, the National Association of Children's Hospitals, and related institutions all support the Chandler amendment.

I would urge that we agree to the Chandler amendment and go forward and renew the authorizations for the child abuse program.

Mr. QUILLEN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the substitute.

I am a cosponsor of the substitutes offered by the gentleman from California and the gentleman from the State of Washington.

I think the debate today demonstrates we have a sober realization that this very sensitive matter directly affects families in a most personal and immediate way. I hope none of us will ever be faced with making a decision about the medical care to be given to a newborn baby with life-threatening impairment. Yet some people will be faced with such decisions.

The question here is, who will make that decision: The loving parents in consultation with trusted doctors and clergy, or Government bureaucrats? That is the question. Let no one say otherwise.

This substitute leaves the decision with parents, and in my opinion, they probably need our prayers far more than they need laws and regulations.

I have given this matter a great deal of thought, as I said, and have consulted with a number of people with experience in this most difficult of human situations.

At length, I have concluded that the role of Government advocated by some has no appropriate place in these decisions.

The new HHS rule issued in early January, after months of discussion with medical and disability groups, is based on the Vocational Rehabilitation Act. These new regulations, which the administration has said are adequate, are by no means the same as what is in this bill or in the Murphy-Erlenborn amendment. Those provisions are based on the child abuse laws.

The new HHS rule is an improvement over the original regulation of last year, definitely an improvement. It encourages the establishment of local hospital review committees and reduces the earlier emphasis on direct Government intervention.

I fear the implications of inviting bureaucrats to make review-and-reject decisions that loving parents have made with their doctors and clergy. Government cannot provide a uniform answer to these most intimate and personal tragedies. Government cannot do this and must not be allowed to try. Each case is unique and can be decided only by those intimately involved.

Our substitute provides the right approach and is more in tune with the new HHS regulations.

□ 1340

The substitute will require HHS to establish guidelines to assist hospitals and doctors who deal with severely impaired newborn infants. These guidelines would include procedures for local hospital review committees to provide professional advice on individ-

ual cases and to recommend overall institutional policy.

The substitute is patterned on the formal recommendations of the President's Commission on Biomedical Ethics. It requires HHS to establish a national commission to study the medical and ethical issues involved in the care of infants with severe birth defects. Finally, the substitute requires HHS regional offices to establish and maintain a directory of physicians having expertise in the care and treatment of infants with severe birth defects. These doctors can also act as consultants in cases involving severely handicapped infants.

Mr. Chairman, in these most difficult situations, I believe the inevitable agony will be less if these decisions are left with the families involved. The parents will decide, after consultation with medical professionals and clergy, on the basis of love. In any event, it is the family that must live with the decision and the Government bureaucrats must not be involved.

I have heard fine statements from the gentleman from Illinois, from both gentlemen from Illinois. They share the same concern about human life as I share. My point is this, that I do not want the bureaucrats from Washington or a regional level to prescribe treatment over the objections of the parents, the doctors, and clergy involved.

We all agree that newborns should have every opportunity to grow up in a society of freedom and have the same rights that we all have. That is not the issue here.

The CHAIRMAN. The time of the gentleman (Mr. QUILLEN) has expired.

(By unanimous consent, Mr. QUILLEN was allowed to proceed for 3 additional minutes.)

Mr. QUILLEN. The newborn, if he or she is suffering to the point of death and they have to call the regional office or call Washington, D.C., and say, "Get a man on a plane down here to this hospital and tell us what we should do," and in the meantime this infant, this severely handicapped individual, could die before the bureaucrats can act. Is this the next step?

I think it is a mistake that we would have legislation to direct us in that vein. I do not say that the sponsors of the Murphy-Erlenborn amendment have that in mind, but they are opening the door for the bureaucrats to take over and we must stop that approach dead in its tracks.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. QUILLEN. I will be happy to yield to the gentleman.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, let me say the gentleman is extremely eloquent. As he describes it, I thoroughly agree with him and I would vote against such a bill. The only trouble is he is not describing our bill.

Mr. QUILLEN. Mr. Chairman, I am describing my substitute and the gentleman's (Mr. ERLENBORN) amendment. I think if we look at a letter from the Association of American Medical Colleges signed by Dr. John A. Cooper, and dated February 1, we will see that they are strongly opposed to the Murphy-Erlenborn amendment. Let me read:

ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
Washington, D.C., February 1, 1984.

Hon. JAMES H. QUILLEN,
House of Representatives,
Washington, D.C.

DEAR MR. QUILLEN: The Association of American Medical Colleges (AAMC) is opposed to one provision in the Child Abuse Prevention and Treatment Reauthorization Act (H.R. 1904) now being considered by the House. As stated in the letter sent to all members of Congress on November 4, 1983 by nine major organizations representing medical care, including the AAMC, we have grave misgivings about the section of this bill that would interject the Federal Government and state child abuse protective agencies into the decisions about medical treatment that parents must make when their child is born with life-threatening or other severe medical problems. The bill proposes that they would be subject to criminal action if their difficult decisions are at variance with the views of the government.

Most severely ill infants are cared for by the clinical faculty of the medical schools in affiliated teaching hospitals. Research carried on in these institutions has developed medical treatment and new procedures which make it possible for babies with formerly fatal conditions to live productive lives. We will continue to develop ways to improve the medical care for these unfortunate infants and are certain that by pushing back the boundaries of biomedical knowledge more of them can be saved to contribute to society.

The bill reported by the Committee on Education and Labor includes a provision, offered by Mr. Erlenborn, that would label some medical treatment decided upon by parents, in consultation with their physician, to be child abuse. It also includes a requirement for a "hot line" that could summon investigators from state and federal agencies that would add to the distress of already distraught parents. From past experience, we know that these investigations bring disruption of hospital care to all infants. The requirements imposed by the legislation would also so overwhelm child abuse agencies that they could not adequately carry out their other responsibilities to prevent real child abuse.

The Association enthusiastically supports the amendment that you, Mr. Chandler and Mr. Waxman have introduced. It provides a more rational approach by encouraging the voluntary development of review boards by hospitals made up of medical and ethical experts and members of the community who can provide advice to parents, physicians, and other health care personnel about the treatment of severely ill infants. Your amendment would preserve the rights of parents to make rational decisions and the important and long-standing relationship between physicians, their patients, and the patients' parents.

Sincerely,

JOHN A. D. COOPER, *M.D.*

I think if we take advice from the professionals, the doctors involved, that we will see that the Government has no place in this society in the role proposed for Murphy-Erlenborn. I urge the adoption of the substitute and the defeat of the Murphy-Erlenborn amendment.

The CHAIRMAN. The Chair would like to advise the Members that there are 20 minutes remaining under the time limitation, and that there are three amendments pending at the desk.

Mr. ROWLAND. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I wish to speak to the amendment from the perspective of one who has been involved in making these decisions before with families, and we are not talking about whether or not this newborn handicapped is fully a human being or not. I have never been a member of a hospital staff that we did not have a committee that would address this particular problem. I have been involved with parents in the utter depravity of this situation, a situation where there has been abject hopelessness, a situation where the parents already find almost insurmountable the decision to be made. I believe that in this particular legislation we will see the focus possibly taken away from the family and the doctor and the clergy and maybe put into the courts.

We are having increasing difficulty now with the new and highly sophisticated life support systems that we have, in making the decision about what to do with badly handicapped newborn children. To not recognize the part that the family has to play in this decision, and may possibly be removed from them, is unconscionable, I believe, on our part.

I think that doctors will feel in jeopardy. Many doctors now feel in jeopardy with people who are severely handicapped, possibly because of brain death and are being kept alive on extraordinary life support systems, they are fearful of what might take place and being brought into court. I see exactly the same thing happening under this particular situation.

I urge my colleagues to support this amendment.

Ms. FERRARO. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment, the Chandler amendment.

I must say that this was one set of circumstances that gave me a good deal of thought. I was not quite sure how I was going to come down on this

issue, having worked in the DA's office with so many child abuse and child abuse homicide cases. I really was not sure what I was going to do, but I must tell you that I have done a lot of study on the subject. I do not think it is overstating the case to say that this is likely to be the most intensely personal and gut-wrenching legislation we will deal with this year. It is absolutely impossible not to have a strong emotional reaction to the "Baby Doe" situations which have arisen. The committee report on this bill says, and I quote:

It is the intent of the Committee to save the life to any at-risk infant (whether or not family members agree with the judgment of the attending physician) when the attending physician deems it medically reasonable to do so.

I do not think there is any Member of this body who would not be able to understand the motivation of the committee in that statement. I certainly understand it. Extending help to a baby in trouble is a most natural and human instinct.

But there is much more to this issue. Are we really prepared to say we will substitute our judgment or that of a community review board in these tragically personal, terribly painful situations for those of the parents? Are we really going to add to the grief and torment of a young couple, whose hopes and prayers for a healthy baby have been shattered, the burden of complying with that ill-advised intrusion of Federal law? To my colleagues on both sides of the aisle who are concerned about excessive Government regulation of peoples' private lives let me say this: The issue here is not whether as a government we have an affirmative responsibility to our children. We do. We have a responsibility to provide for and to nurture and to protect them. And that responsibility extends to stopping the activities of an abusive parent. We do not believe the law stops where the family begins. But surely we can draw a distinction between a law which restrains a parent guilty of physical and verbal abuse against a child and a law which subjects a family in the midst of a private ordeal to a public inquest.

□ 1350

There is a case in New York which has recently attracted considerable media attention and which has been the subject of considerable legal and political maneuvering.

On Long Island, a baby girl was born with severe handicaps. She had spina bifida, hydrocephalus, and microcephaly, which means that she had a hole in her spine, she had water on the brain, it was an enlarged brain.

The doctors prognosis was that with surgery, the infant might live to be 20 years old, while with alternative treatment she would live only 2 years.

The doctors also said, however, that the surgery would leave her severely retarded, paralyzed from the waist down, and subject to persistent and painful infections of the bladder and kidneys. And they told the parents her only awareness of the world would be her pain.

After consulting with the doctors, their clergyman, and social workers, and their own soul-searching, these young parents of this first-born child, the parents chose not to have the surgery performed. Few if any of us in this Chamber can know the pain and difficulty of that decision.

Since they made that decision, they have been hounded and harassed through the legal system of New York State by a private attorney with no connection or relationship to the family, and the Reagan Justice Department. They have been forced to defend their decision through three levels of State courts. And I spoke in a great deal of detail with two of the appellate division judges who decided the case and a Federal district court where the attorney was finally fined $500 for harassment.

The Justice Department has appealed the Federal district court's ruling supporting the parents' decision to withhold treatment.

All these endless legal proceedings only serve to add to the emotional burden of those parents, not to mention adding a financial drain on their resources.

The question is not what is the right decision. God knows there can be no right decision. The most we can hope for, as happened in the Long Island case, is that the decision is knowingly made by loving parents with the best interests of their children—and I repeat, their child—at heart. These parents consulted with doctors, clergy, and social workers, and then decided on a conservative course of treatment rather than extraordinary procedures.

I think that is the best we can hope for under these tragic circumstances. Our goal should be to provide support for the parents, not to compound their grief by forcing them to submit to the will of strangers.

It is argued that not all parents will have the best interests of their baby at heart. And the response: let me quote for the Members from an editorial from the largest Catholic newspaper in New York. It is called the Tablet.

Ideally, the decision over ordinary and extraordinary means is made by the physician and the patient. Where the patient is incompetent, it is a decision for family and physician. The physician, with consultation, determines the prudent limits of ordinary procedures. The family must decide about the use and extent of extraordinary means.

The possibility, even the inevitability, that there will be some abuse of such procedures should not enter the debate. Perhaps there are coldly irresponsible parents seeking only their convenience. Perhaps venal doctors will violate the sacred oath of their profession. We should pray for them, not make them the norm for public policy.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. FERRARO) has expired.

(By unanimous consent, Ms. FERRARO was allowed to proceed for 1 additional minute.)

Ms. FERRARO. The Surgeon General of the United States, showing a complete lack of faith in the parents of America, has warned that failure to adopt Baby Doe rules will lead to massive euthanasia. I believe that view is utterly without basis in either public opinion or medical practice, but is, in fact, based on an ideological view, and an extreme one.

In discussing the Long Island case, Surgeon General said:

We are not just fighting for this baby. We are fighting for the principle that every life is individually and uniquely sacred.

Let us not decide this question on the basis of abstract expressions of ideology. Let us support the individual parents, who are the people who must deal not in abstracts, but with the baby they know and love.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute.

Apparently there is a great deal of misunderstanding and misinformation being given about the bill and the committee amendments.

We recognize in the measure and in the committee amendments that the physician's judgment is the sole basis to treat or to withhold treatment. All infants, unfortunately, do not survive. And we place no restrictions upon doctors or hospitals. We protect those infants who doctors diagnose as treatable and we protect the doctors who make that decision by providing a means for them to report a case in which they may disagree with the parents' decision.

And this is where we come into the definition that is so often being referred to here today as "loving parents."

I wish that we could assume that every parent is loving, that every parent cares about their child, but unfortunately, Mr. Chairman, and my colleagues, as we conduct hearings around the country, as we hear from groups that come in, and we have had parents, repentant ones at that, who have come in after 20 years of child abuse. In 80 percent of all of the reported cases of child abuse in this country, the abuse is at the hands of parents and we could hardly call them loving parents. Eighty percent of all cases of sexual abuse in this country is at the hands of parents, and those who serve in loco parentis. They are not loving parents.

Yes; if all parents were loving, then I would leave the decision to them for I know in my own family what loving parents do when they care about savings an infant who weighs under 2 pounds and who is possibly blind. And we care, we pray, and we trust the physicians who are trying to save that life at this very moment.

We cannot step back from our commitment that we put in this bill, and as the Congressman from Illinois (Mr. HYDE) spoke a little while ago about our commitment to infants and our commitment to children. But if we adopt this substitute we are saying to HHS, we are saying to parents who are not loving, we are saying to the country that infants are no longer children, that we are removing from this bill of child protection those children who are infants. We are telling the country very clearly that infants are not children and do not deserve child protection.

None of us may want to go through life with the handicaps and the disabilities that we envision that some infants might have and might incur, but who among us will say, "I do not want to lead that life, therefore, that life should not be led." We cannot place ourselves in that position.

Nor do we, as the gentleman from Tennessee indicated, say that the Federal Government is going to enter and decide. We absolutely do not say that. We are saying the contrary. The Federal Government does not have any say in who shall live and who shall die. We are merely saying to the States, provide an agency to oversee what should be done, provide a committee, if you want to, in each medical care facility to have that doctor consult with, provide a directory that parents may find where there is help for such children.

Let me read off the list of those agencies that support our bill, as amended: The Association for Retarded Citizens, the American Life Lobby, Disability Rights Center, Pro-Life Action League, Christian Action Council, Spina Bifida Association, National Right to Life Committee, National Doctors for Life, the Reagan administration, HHS, and the 56 cosponsors of this bill.

I can only say, Mr. Chairman, there has been a terrible amount of misinformation disseminated on the floor today. I regret that. We believe that our measure, with our amendments that have been so meticulously worked out for a year, on both sides, and reported out of committee unanimously, provides the proper protection at a very minimum level.

And I ask my colleagues to join me in opposing the substitute.

□ 1400

Mrs. BOXER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, faced with a severely handicapped child, probably the most painful decision of a parent's life, I say very simply that Government does not belong in the hospital room.

I say that parents love their infant. And I ask: Does anyone have the right to judge that, least of all those Members sitting here in this Chamber? What gives us that right?

And I say that doctors are advocates for these newborns, and if anyone has worked with pediatricians, you will know what I am talking about.

Having had two premature children myself, I know what incredible efforts are made—and in our case, thank goodness they were incredibly successful efforts. I know what loving parents and doctors will do.

I have visited pediatric wards all over my district. Anyone who questions the dedication of nurses and doctors in pediatric hospitals I say is simply uninformed or misinformed or is prejudiced.

You cannot imagine the hurt that these doctors and nurses are feeling right now because there are those in government who question their dedication to life. That is why they are there. That is what they are trained for, to preserve and enhance life. In the case of pediatricians and nurses who are dedicated to this, it is indeed their whole life.

Think about parents, who are hurt beyond belief by this terrible tragedy in their lives, being hauled into court for their loving judgment because Members of Congress wish to dictate their personal decision which must be made in the family with consultation with their doctor and their God.

So this amendment is very important to all of us, for those of us who treasure and value family and value love and value children and value life. I urge Members on both sides of the aisle to support it.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Chandler substitute.

Mr. Chairman, I think that the Chandler substitute is a much superior way to address what is a very difficult problem.

During the past year I have had an opportunity to visit a number of hospitals and to meet with a number of doctors who have been involved in the incidents and the concerns that we are expressing here today about newborn infants with very serious medical conditions. I only wish every Member of this Congress could listen to the doctors describe the involvement of the parents. of the grandparents, of the brothers and sisters of the newborn, in trying to arrive at a decision of what kind of medical care should be carried out and what kind of procedure should be followed. I only wish every Member could listen to the doctors describing the parents coming back to the hospital in the middle of the night, sitting at the side of the child that is in the intensive care unit, the grandparents coming to look at the child and to sit all night with the child, and making a decision as to whether it is going to be conservative medical treatment, ordinary medical treatment or heroic efforts; I only wish every Member could listen to those involved in making those kinds of decisions, calling in all kinds of experts, calling in religious advisers to help these people.

That is the norm in the situations. That is the norm

My fear, and I believe it is a real one, is that after a family goes through that, they can find themselves in the situation of the family of Baby Jane Doe. Not Baby Doe. That was an outrageous situation repugnant to every Member of this House. But because someone determines that they are an interested party they will sue under this statute or under the conformed statutes, or a district attorney who has political ambitions will determine he is an interested party and now that family is on public display. Yes this family has just made a very private, difficult, troublesome and anguishing decision, and many times parents must make these decisions because of time lines that run on the condition of the baby. And we just watched this. And I do not think that is what the authors want to happen. I think that the Chandler amendment allows us to push hospitals into making conscientious efforts to make sure that proper medically indicated services are provided.

The question of the handicapped child is in fact addressed under the regulations HHS issued under section 504. As the Members know, I fought in committee to insure that we not denigrate any rights to the handicapped to medical services or any other services because of their handicap.

I think the amendment is troublesome, it is meddlesome, and, at best, it is redundant of the rights that are already guaranteed to the handicapped under the Surgeon General's recently issued regulations under that act.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, a little while ago the gentleman was talking about charging doctors on the panel with child abuse under this act, and I assured you there are no criminal sanctions.

Let me assure you equally there is no cause of action against parents under this bill. So you are just beating the wrong horse.

Mr. MILLER of California. Let me reclaim my time.

Let me assure you that people get charged every day with actions that do not hold up after a court hearing. As we know, in this country you can sue anybody for anything. The gentleman's amendment requires that the States conform to this statute, which is to insure this medically indicated treatment, and therefore the failure to provide that must be something—it is not a vacuum out there—and so this family, which, according to the medical profession and the people we have talked to, is the norm, now finds they are on public display and they are saddled with this situation.

I just think we are going way beyond the bounds of decency. That child, the handicapped child, the Bloomington case which outraged this Nation, is in fact taken care of and protected under section 504. I think the Chandler amendment heads us in the direction of making sure that we continue with the norm and that for those cases that are outside of the norm hospitals set up committees so that they do not happen again. I think that is the best way to handle the most difficult, difficult situation. I just wish that the Members of this Congress would spend more time talking to these families, to the members of these families, be they extended families or the parents of these children, to understand what it meant during that pregnancy to believe that the best of all worlds was going to be visited upon them in a healthy, normal, wonderful bouncy child, and then to find out that no skull existed, to find out that the intestines were outside the body, to find out that the child, at best, is going to die within a year, to find out all of that, and then to find out that somebody proclaims they are an interested party and hauls you off to court to second-guess every medical decision you made, every ethical decision you have made, and every personal decision you have made.

I think the Chandler amendment allows us to go forward and secure the privacy and the sanctity of these children and at the same time does not put the State in the business of making these determinations.

The CHAIRMAN. The Chair will advise the Members that under the unanimous-consent agreement previously entered into, all time for debate on title I has expired.

The Chair will advise the Members that any Member who has an amendment that is not printed in the RECORD may offer that amendment without further unanimous consent. No debate may be had on it.

AMENDMENT OFFERED BY MS. FIEDLER TO THE AMENDMENTS OFFERED BY MR. CHANDLER AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. MURPHY

Ms. FIEDLER. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes in order to offer an amendment which I believe will be accepted by the author of the amendments.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. FIEDLER to the amendments offered by Mr. CHANDLER as a substitute for the amendments offered by Mr. MURPHY: On page 2, line 4, of the amendment immediately before the semicolon add, "but not by withholding nourishment".

The CHAIRMAN. The gentlewoman from California (Ms. FIEDLER) is recognized for 3 minutes.

Ms. FIEDLER. I thank the Chairman.

Mr. Chairman, the reason that I offer this amendment is that I, and perhaps you, have heard of cases of infants that have been left without nourishment after decisions have been made not to offer additional medical treatment.

While I believe that the basic components of the Chandler amendment are appropriate, I also want to make certain that infants in the future under this amendment, should it be adopted, are not left without nourishment. I think that it is inappropriate under any circumstances, and certainly it is not the intent of the maker of the motion to leave any question on this issue.

So I would ask that the maker of the motion consider this.

Mr. CHANDLER. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, I would just like to indicate to the body that I have no objection to this amendment, and I think it strengthens our amendment.

Ms. FIEDLER. I thank the gentleman.

□ 1410

PARLIAMENTARY INQUIRY

Mr. LUNGREN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUNGREN. Mr. Chairman, if a Member has an amendment to this section, but not to the amendments that are now before us, which was printed in the RECORD, is it the understanding of the Chair that that Member will be protected to offer that amendment and have 5 minutes of debate time following the vote on the amendments now pending?

The CHAIRMAN. The gentleman is correct. The Chair would advise the gentleman that he must offer the exact amendment that was printed in the RECORD.

The question is on the amendment offered by the gentlewoman from California (Ms. FIEDLER) to the amendments offered by the gentleman from Washington (Mr. CHANDLER) as a substitute for the amendments offered by the gentleman from Pennsylvania (Mr. MURPHY).

The amendment to the amendments offered as a substitute for the amendments was agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Washington (Mr. CHANDLER), as amended, as a substitute for the amendments offered by the gentleman from Pennsylvania (Mr. MURPHY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 16]

Ackerman	Bosco	Craig
Addabbo	Boucher	Crane, Daniel
Akaka	Boxer	Crane, Philip
Albosta	Breaux	Crockett
Alexander	Britt	Daniel
Anderson	Brooks	Dannemeyer
Andrews (NC)	Broomfield	Darden
Andrews (TX)	Brown (CA)	Daschle
Annunzio	Brown (CO)	Daub
Anthony	Broyhill	Davis
Applegate	Bryant	de la Garza
Archer	Burton (CA)	Dellums
Aspin	Burton (IN)	Derrick
AuCoin	Byron	DeWine
Badham	Campbell	Dickinson
Barnard	Carney	Dicks
Barnes	Carper	Dingell
Bartlett	Carr	Dixon
Bateman	Chandler	Dorgan
Bates	Chappell	Dowdy
Bedell	Chappie	Downey
Beilenson	Cheney	Dreier
Bennett	Clarke	Duncan
Bereuter	Clay	Durbin
Berman	Clinger	Dwyer
Bethune	Coats	Dymally
Bevill	Coelho	Dyson
Biaggi	Coleman (MO)	Eckart
Bilirakis	Coleman (TX)	Edgar
Bliley	Collins	Edwards (AL)
Boehlert	Conable	Edwards (CA)
Boggs	Conte	Edwards (OK)
Boner	Conyers	Emerson
Bonior	Cooper	English
Bonker	Coughlin	Erdreich
Borski	Courter	Erlenborn

Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1420

The CHAIRMAN. Four hundred one Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. WAXMAN) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This vote is a 5-minute vote. Time for voting is limited to 5 minutes.

The vote was taken by electronic device, and there were—ayes 182, noes 231, not voting 20, as follows:

[Roll No. 17]

AYES—182

Ackerman
Akaka
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Anthony
AuCoin
Barnard
Bates
Beilenson
Berman
Boner
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Brown (CO)
Bryant
Burton (CA)
Carper
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conable
Conyers
Cooper
Crockett
Darden
Daschle
Dellums
Derrick
Dicks
Dingell
Dixon
Dowdy
Downey
Duncan
Dwyer
Dymally
Eckart
Edgar
Edwards (CA)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Flippo
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Gonzalez
Gray
Green
Guarini
Hall (IN)
Hatcher
Hawkins
Hayes
Hightower
Hopkins
Horton
Howard
Hubbard
Hughes
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kogovsek
Kostmayer
Lantos
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Loeffler
Long (MD)
Lowry (WA)
MacKay
Markey
Martin (IL)
Martinez
Matsui
McCandless
McCurdy
McKernan
McKinney
Mikulski
Miller (CA)
Mineta
Mitchell
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Neal
Olin
Ottinger
Owens
Panetta
Patman
Patterson
Pickle
Porter
Pritchard
Pursell
Quillen
Rangel
Ratchford
Richardson
Rodino
Rogers
Rose
Rowland
Roybal
Sabo
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shuster
Sisisky
Smith (FL)
Snowe
Solarz
Spratt
Stark
Studds
Swift
Synar
Tallon
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Valentine
Vandergriff
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams (MT)
Wirth
Wolpe
Wright
Wyden
Yates
Zschau

NOES—231

Addabbo
Albosta
Annunzio
Applegate
Archer
Aspin
Badham
Barnes
Bartlett
Bateman
Bedell
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Broomfield
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carr
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conte
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daub
Davis
de la Garza
DeWine
Dickinson
Dorgan
Dreier
Durbin
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fields
Fish
Florio
Fuqua
Gaydos
Gephardt
Gingrich
Glickman
Gore
Gradison
Gramm
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hefner
Hertel
Hiler
Hillis
Holt
Hoyer
Huckaby
Hunter
Hutto
Hyde
Ireland
Jones (OK)
Kasich
Kemp
Kildee
Kindness
Kolter
Kramer
LaFalce
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (NC)
Martin (NY)
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McNulty
Mica
Michel
Miller (OH)
Minish
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Murphy
Murtha
Myers
Natcher
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Oxley
Packard
Parris
Pashayan
Pease
Penny
Perkins
Petri
Price
Rahall
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rostenkowski
Roth
Roukema
Rudd
Russo
Sawyer
Schaefer
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Skeen
Skelton
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
St Germain
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauke
Taylor
Traxler
Vander Jagt
Vento
Volkmer
Vucanovich
Walker
Weber
Whitten
Williams (OH)
Wilson
Winn
Wise
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—20

Boland
Corcoran
Donnelly
Early
Ford (MI)
Forsythe
Goodling
Hance
Heftel
Jeffords
Leland
Nichols
Paul
Pepper
Savage
Shannon
Simon
Smith (IA)
Stokes
Tauzin

□ 1430

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Boland against.

Mr. Ford of Michigan for, with Mr. Donnelly against.

Mr. Pepper for, with Mr. Tauzin against.

Mr. Leland for, with Mr. Goodling against.

Mr. Savage for, with Mr. Corcoran against.

Messrs. ST GERMAIN, BEDELL, McHUGH, HUCKABY, and CARR changed their votes from "aye" to "no."

Mrs. JOHNSON changed her vote from "no" to "aye."

So the amendments, as amended, offered as a substitute for the amendments, were rejected.

The result of the vote was announced as above recorded.

□ 1440

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. MURPHY).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 3, after line 18, add the following new subsection:

"(9) The Advisory Board on Child Abuse and Neglect shall prepare and transmit to the Congress annual reports making recommendations on how to reduce the incidence of child prostitution in our Nation."

Mr. WALKER. Mr. Chairman, I ask unanimous consent to proceed for 1 minute to explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WALKER) is recognized for 1 minute.

Mr. WALKER. Mr. Chairman, one of the tragedies of our time on the streets of our cities is the incidence of child prostitution where organized crime is literally kidnaping young children and forcing them into prostitution in this country.

This is an amendment to see to it that we do take some steps toward reducing the incidence of that in this country.

Mr. MURPHY. Will the gentleman yield?

Mr. WALKER. I will be very glad to yield to the gentleman from Pennsylvania, who I understand is prepared to accept the amendment.

Mr. MURPHY. I thank the gentleman and advise my colleague that today only, I agree with my colleague from Pennsylvania and accept the amendment.

Mr. WALKER. I thank the chairman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS: Page 8, after line 14, insert the following new subsection:

(b) Section 6 of the Act is further amended by inserting at the end thereof the following new section:

"(d) The Advisory Board on Child Abuse and Neglect shall conduct a study on the relationship between the providers of child care services under this Act and State and local law enforcement agencies, with particular emphasis on the provisions of this Act and appropriate State laws which affect the ability of child care providers and law enforcement agencies to share information concerning repeated or life-threatening cases of child abuse. Such study shall not consider instances of infants at risk with life-threatening congenital impairments. Not later than one year after the date of enactment of the Child Abuse Amendments of 1983, the Advisory Board on Child Abuse and Neglect shall prepare and submit to the Congress a report of such study.".

Page 8, line 12, insert "(a)" after "SEC. 105.".

The CHAIRMAN. The Chair would inquire of the gentleman whether this is identical to the amendment the gentleman inserted in the RECORD.

Mr. GEKAS. No, it is not, Mr. Chairman. This is an amendment to which there has been agreement rendered by both sides.

But I do ask unanimous consent, Mr. Chairman, to proceed for 1 minute in order to explain the contents of the amendment, which, as I said, has been agreed to.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GEKAS) is recognized for 1 minute.

Mr. GEKAS. I thank first of all the Chairman for giving me this 1 minute, and also I thank the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. ERLENBORN) for agreeing to the amendment.

This would simply add to the duties of the Advisory Board on Child Abuse and Neglect one additional facet of the study which they are to conduct under this bill, and that would be to reasonably investigate the relationship between law enforcement agencies and the social agencies, both of whom have different aspects of involvement in the child abuse process.

Sometimes we run into problems as to confidentiality and other things in which they might come into conflict. This study now, with my amendment included, would include a report back to us on that relationship so that law enforcement would have its proper role in wherever it may count.

I thank the gentleman and yield back the balance of my time.

□ 1450

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Chairman, I offer an amendment which was printed in the RECORD on January 30.

The Clerk read as follows:

Amendment offered by Mr. LUNGREN: On page 2, line 18, insert "between abortion, between child pornography," after "unemployment,".

Mr. LUNGREN. Mr. Chairman, it is estimated that in the next decade there will be 1.5 million battered children in the United States resulting in 50,000 deaths, 300,000 permanently injured children and more who are developmentally retarded. In fact, numerous studies confirm that child abuse is one of the most frequent causes of death among children. As Dr. Irwin Hedlner, who investigated child abuse at Jackson Memorial Hospital in Miami put it: "If child abuse were polio, the whole country would be up in arms looking for a solution."

It is therefore fitting that this serious national tragedy should be accorded equally serious treatment. The language in H.R. 1904 calls for studies to determine the relationship between both unemployment and nonpayment of child support with child abuse and neglect. Due to the magnitude and serious nature of the problem of child abuse, it is quite evident that the scope of inquiry covered by the studies called for in the bill is much too narrow. In addition, I might add parenthetically that I am somewhat skeptical about how meaningful the current language of the bill will prove to be. Are we supposed to believe that the record decline in unemployment during 1983 (involving nearly 4 million people who entered the labor force) was accompanied by a similar decline in child abuse. I seriously doubt it.

Nevertheless, if we are to instruct HHS to proceed with such a study, it is my feeling that it should be broadened. If we are really serious about understanding the underlying causes of this terrible social problem we should not foreclose the scope of inquiry so narrowly. Although there are many causal factors that might be studied, I intend to offer an amendment to add both abortion and child pornography to the inquiry. Thus if my amendment is adopted HHS will be instructed to look at the relationship between unemployment and child abuse and neglect; between abortion and child abuse and neglect; between child pornography and child abuse and neglect, and between nonpayment of child support and child abuse and neglect.

It is my feeling that any analysis of the causes of child abuse would be incomplete if it did not include consideration of the impact of abortion. While there are numerous correlational studies with regard to this area it is my

feeling that further research is needed with respect to the issue of causation itself.

With this in mind, Dr. Philip Ney of the University of British Columbia, reports that death to Canadian children from social causes rapidly increased after abortion became available on demand in 1969. He found that in British Columbia and Ontario, with the highest rates of abortion, are also the Provinces with the highest rates of child abuse. Newfoundland, Prince Edward Island, and New Brunswick, with low rates of abortion, were found to also have low rates of abuse. The rates of increase of child abuse were found to parallel the rate of increase in abortions.

Ney found a similar correlation in the United States where the incidence of child abuse and abortion have risen together.

In Japan, abortion laws have been liberalized for many years. At the same time, Dr. Wanda Franz of the University of West Virginia reports that the incidence of child abuse is a serious national problem for the Japanese.

While the existence of related variables does not alone prove causation, it is my feeling that sufficient question has been raised to warrant an inquiry into the relationship between abortion and child abuse.

My amendment also provides for a study to examine the relationship between child pornography and child abuse and neglect. I cannot imagine a clearer example of the dehumanization and exploitation of our children than that of child pornography. If we are sincere in our desire to examine the problem of child abuse then it follows that the brutalization that takes place in sex films and other forms of perverse expression ought to be subject to our inquiry.

The exploitation of children in pornography is in itself a form of child abuse. The scope of consideration under my amendment would go beyond this however, to include the impact that this dehumanization of children has on the general question of child abuse. In this regard, the relationship of child pornography to the sexual exploitation of children would seem to be a particularly important part of this inquiry.

Unlike the abortion question, there is surprisingly a paucity of correlational data on the existence of any relationship between pornography and child abuse and neglect. However, the existence of much anecdotal evidence derived from child welfare agencies, law enforcement authorities, and others, gives rise to the conclusion that systematic compilation and study would constitute a constructive contribution toward a better understanding of the problem of child abuse and neglect. I ask you to join me in support of my amendment.

Mr. Chairman, I believe the gentleman from Pennsylvania (Mr. MURPHY), and the gentleman from Illinois (Mr. ERLENBORN), the chairman and ranking member of the committee, accept this amendment.

With that, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LUNGREN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENTS OFFERED BY MR. MARRIOTT

Mr. MARRIOTT. Mr. Chairman, I have three amendments which were printed in the RECORD on October 26. I will drop the third one and I ask unanimous consent to put the first two en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MARRIOTT. Mr. Chairman, I offer the two amendments en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. MARRIOTT:

Page 7, beginning on line 4, strike out "$25,000,000" and all that follows through "1987" and insert in lieu thereof "$35,000,000 for fiscal year 1984, $36,250,000 for fiscal year 1985, $37,563,000 for fiscal year 1986, and $38,941,000 for fiscal year 1987."

Page 7, beginning on line 22, strike out "$3,000,000" and all that follows through "1987", and insert in lieu thereof "$10,000,000 for each of the fiscal years 1984, 1985, 1986 and 1987."

Mr. MARRIOTT. Mr. Chairman, I am offering two very important amendments on the floor of the House today. I ask my colleagues to join with me to help our abused children. If we do not, we, too, will be guilty of child neglect.

My first amendment will increase by $10 million the authorization for child abuse for State grants, research and improvement in the delivery of services providing for a $35 million authorization level rather than the $25 million contained in the committee bill.

My second amendment will add $7 million to help prevent sexual abuse, including the exploitation of children in the production of pornography. My amendment will increase the $3 million figure contained in H.R. 1904 to $10 million—a figure still absurdly low.

Mr. Chairman, let's put some meat into this bill. I believe that the members of the Education and Labor Committee did an excellent job in holding the necessary hearings, and have drafted a good reauthorization measure. This measure will greatly benefit our youth. But, I firmly believe that the need for increased funding is more than obvious. Join with me in providing a child abuse funding level that is adequate to meet our individual States' needs.

Let us look at some figures:

First, 850,000 children are abused and neglected annually.

Second, 547,680 children are severely injured, or seriously impaired.

Third, unreported child abuse cases are in excess of 1 million.

Fourth, 1,500 cases of the 12,000 new cases of cerebral palsy in 1977 were a direct result of child abuse.

Fifth, in 1982, there were 3,000 new cases of cerebral palsy in children under age 5 due to child abuse.

Sixth, abused juveniles are 24 more times as likely to engage in hostile assaults, 58 more times likely to commit rape, and twice as likely to commit murder.

Seventh, abused children are 10 times more likely to need special education which costs 3 to 7 times more than regular education.

Eighth, one-third of all homicides show child abuse in the murderer's childhood.

Ninth, the majority of runaways try to escape abuse, often sexual abuse, then become child prostitutes and receive more abuse.

We know what child abuse costs in terms of human loss, do you know what rampant child abuse costs financially? Look at these:

First, $101.2 million per year for initial medical diagnosis of physically abused children, based on only 250,000 cases of abuse. And we know this figure is soaring.

Second, $101.2 million does not include the costs of: Foster care, adjudication, hospital treatment, therapy, law enforcement and social service agency costs.

Third, $1.14 million for each child with life time neurological damage requiring institutional care, just until they reach age 45—and we know that many live beyond this age.

Fourth, Children's Hospital in Washington, D.C., alone, admits at least 150 child abuses cases per year to intensive care at a price tag of $2,880 per child—collectively $500,000.

Fifth, intensive care for a seriously abused child in metropolitan hospitals is $960 per day per child.

Sixth, uncalculated costs for the care of the prison population where 70 percent to 80 percent of the sexual offenders have been victims of sexual abuse.

Seventh, dramatically increasing costs reported by 32 States in the number of child abuse and neglect cases each social worker has.

Eighth, the human cost in the fact that 23 percent of the police killed in the line of duty and 40 percent of the

police injured in the line of duty are responding to a "domestic" problem.

Mr. Chairman, I could go on and on with these statistics, but, I believe that every Member in this Chamber knows the sad realities of child abuse. I also believe that every Member in this Chamber agrees that the $17 million increase I am proposing in these two amendments, combined, is desperately needed.

It will save our taxpayers, Mr. Chairman, if we treat the currently abused children so they can become productive citizens and eliminate the intergenerational occurrences of child abuse. It will save our taxpayers if the Federal Government can work with the States in establishing preventive care for the abusers to eliminate these soaring statistics.

My most important message to my colleagues here today is twofold:

First, we must help our children currently being abused.

Second, rampant child abuse is preventable—and we can help.

Mr. Chairman, I believe my amendments are worthy, but even they do not go far enough in solving these problems. Children have a right to a healthy childhood.

There are good conservative Members in the Chamber, and I consider myself to be one of them, who are worried about our deficits. I am well aware of the need to keep Federal spending within reasonable bounds.

Given the statistics of child abuse and neglect which this Nation faces annually, we would be "penny-wise and pound-foolish" if we fail to support State efforts to combat a problem that is 100 times greater than the last polio epidemic.

These are modest increases—modest in light of the ultimate costs of abuse and neglect. If we turn our back on the need for these increases, we will be guilty of child neglect ourselves.

The abused and the abusers alike need our help—I for one am ready to give it, are you?

Please join with me in supporting these two amendments. Let us start in the prevention of a phenomenon that robs millions of children—year after year—of their right to a healthy childhood. This phenomenon robs the taxpayers—year after year—by draining our Nation's health resources, social systems and Nation's schools.

Let our children know they have a voice in the Congress. They are our future. I stand before you today to speak for our children.

One year ago, this body recognized the need for a select committee to look after the problems facing our children. As ranking Republican on the Select Committee on Children, Youth and Families, I report back to you that I have thoroughly studied the crisis of child abuse.

Our help is needed—now. Let us not neglect this need or our children.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield to me?

Mr. MARRIOTT. I yield to the gentleman from California.

□ 1500

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. It is a travesty that this Congress would let this law expire which is already so inadequate to the need of abused and neglected children across this Nation. I rise in support of Mr. MARRIOTT's amendment. As my ranking minority member on the Select Committee on Children, Youth, and Families, we have learned together, in hearings throughout the country, of the need for additional funding for this legislation:

The National Conference on Catholic Charities, the largest private social service organization in the Nation, told us their agencies have experienced a 65-percent increase in the number of abused children served between 1980 and 1982.

In Utah, we learned that reports of child abuse have increased 61 percent since 1979.

In Maine, reports of child maltreatment increased 166 percent between 1976 and 1980.

Michigan had 38,000 cases reported in 1983 and experienced a severity of cases.

The American Humane Association recently determined that the total number of child abuse reports for 1982 reached 936,000 cases. This is 10 percent more than reports in 1981 and 16 percent more than in 1980. A nationwide survey completed this past October by the National Center on Prevention of Child Abuse reports that, in the previous 12 months 38 States witnessed an increase in the severity of child abuse cases; 43 States witnessed an increase in reports of sexual abuse of children; 32 States witnessed a dramatic increase in worker caseload size.

Yet despite this outbreak of violence against children, often fueled by unemployment, public resources for treatment are shrinking:

Federal child abuse money was reduced from $22.9 million to $16.9 million. Funds for title XX, the major Federal program of support to States for social services, was cut 23 percent in 1982.

Mr. MARRIOTT and I heard testimony at Select Committee hearings about the effects of these budget cuts:

In Los Angeles, the number of child abuse cases referred to the Department of Public Services increased 46 percent between 1978 and 1982, while the number of children services workers available to handle the cases correspondingly declined 18 percent.

Many witnesses described adoption of "triaging" procedures—only the most severe cases receive services.

In my own district of Contra Costa County, these screening procedures mean that no child age 12 or older, except in the most extreme cases, can receive protective services. Many troubled teenagers, including sexually abused adolescents, are now rejects of the protective services system.

I am especially pleased that this bill restores funding for programs for sexually abused children and their families which I created in 1978. Funding for these programs was callously eliminated in 1981 by the Reagan administration.

I commend Mr. MARRIOTT for requesting additional appropriations for victims of sexual abuse. At select committee hearings, Mr. MARRIOTT and I have heard from witnesses across the Nation that the problem of child sexual abuse is increasing:

Maine reported that sexual abuse increased 42.3 percent between 1976 and 1980.

At University Hospital in Colorado, the number of sexual-abuse cases seen increased eightfold from 1980 and 1983.

A sexual-abuse awareness and treatment program, reaching 12,000 children in a three-county area of Minnesota, found one in four girls are victims of sexual abuse.

In a recent survey conducted by the National Committee for Prevention of Child Abuse, 43 States report noticeable increases in reports of sexual abuse.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, it is, of course, always difficult to speak in opposition to spending more money on a problem that is pervasive, that is as difficult, and as important as child abuse in this country. But it would seem to me that some facts need to be brought to the attention of this House.

We cannot continue to decide how much money or how much Federal money we spend on a problem in this country based on the emotion of the moment and the title of the bill.

As the amendment's sponsor, a gentleman whom I respect a great deal, has said he could just as easily have made the argument for $100 million or billion or $100 billion because the problems of child abuse are so difficult.

I would bring to the committee's and the Congress attention that last year the Congress spent on this bill $16.199 million on the Child Abuse Act. This committee, in a bipartisan effort, has increased it in the bill before us without the amendment by 73 percent in the fiscal year to $28 million, but the

gentleman's amendment would increase that to $45 million in the first year, an increase over last year of 196 percent in 1 year.

I would suggest to my colleagues that in addition, Mr. Chairman, that there is a non sequitur contained within the bill. That is a non sequitur that refutes in many ways the gentleman's amendment. It is contained in title 1 in which the department is instructed to "study and investigate the national incidents of child abuse and neglect, including a determination of what relationship may exist between unemployment and nonpayment of child support and child abuse and neglect."

Mr. Chairman, every dollar that we spend when we do not show our sincerity to reducing that deficit is going to be a dollar that is going to add to inflation, add to interest rates, and add to unemployment in this country.

I realize that is the same argument that is made about every increase in spending. I would suggest that a 196-percent increase in 1 year goes too far, is something that in many ways could well, by adding to inflation and by adding to the deficit, could add to child abuse. So says the bill itself in studying that relationship.

Mr. MARRIOTT. Mr. Chairman, would the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Utah.

Mr. MARRIOTT. I thank the gentleman for yielding.

I appreciate what the gentleman is saying and I think the gentleman is taking a fiscally responsible position in trying to keep the cost down, but the facts are—and I have studied child abuse now for the last year—by assisting in preventing child abuse we will save the Federal Government millions and millions and millions of dollars.

Child abuse in America is a serious problem. It is eroding the family, it is getting at the hard base of some of our economic problems, and it seems to me that for the sake of an additional $7 or $10 million this is a very small price to pay to see if we cannot solve the problem. We have got lots of money. We are throwing dollars around here like it is going out of style.

To reallocate some of it to helping our children is absolutely essential.

Mr. BARTLETT. Reclaiming my time, Mr. Chairman, I respect the gentleman a great deal, but what he proposes is not to reallocate some of the funds that we spend around here. It is to spend more funds. It shows the House's continued lack of sincerity on the deficit and it would add to unemployment, which ultimately could add to child abuse and cost more pain and more money in the long run.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, I would like to reiterate what the gentleman has already said that in a bipartisan fashion, after negotiation and compromise within our committee, we increased the funding authorized in this bill almost 75 percent over what was spent last year.

Now, to have someone, not a member of the committee and not part of that process, come on the floor and say, "I can prove I am more dedicated to this than the committee, because I am going to offer an amendment to add $10 million to it," I do not think is quite fair.

If we are going to try to outbid each other with the taxpayers' funds, we know what is going to happen. That has been going on around here for the last 20 years and that is what has happened today. We have a $200 billion deficit.

Now, day after day under 1-minute speeches, I hear Members down in the well telling us that we are going to have to "cut that deficit, cut that deficit."

Well, let me just say we are not going to cut that deficit by trying to outbid each other with the taxpayers' dollars by adding more to every appealing program that comes along.

Let us put some faith in the committee. Let us put some faith in the negotiation and compromise already undertaken.

Mr. BARTLETT. I thank the gentleman for his remarks and concur.

Outbidding is a good analogy because that is what we are doing. We are saying, "I want to increase the ante," because the bill has a popular title, without consideration, without reason, without regard for how much would be effective.

I urge the House to reject this amendment and adopt a reasonable 73-percent increase for title I of H.R. 1904.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MARRIOTT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

FINDINGS AND DECLARATION OF PURPOSE

SEC. 201. (a) Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) (hereinafter in this title referred to as "the Act") is amended by inserting "the welfare of infants at risk with life-threatening congenital impairments may be in serious jeopardy;" after "finds that".

(b) Section 201 of the Act is amended in the second sentence by inserting ", including infants at risk with life-threatening congenital impairments," after "special needs".

(c) Section 201(2) of the act is amended by striking out ", Education and Welfare" and inserting in lieu thereof "and Human Services".

MODEL ADOPTION LEGISLATION AND PROCEDURES

SEC. 202. (a) Section 202(a) of the Act is amended by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services".

(b) Section 202 of the Act is further amended by inserting at the end thereof a new subsection (d) as follows:

"(d) The Secretary shall review all model adoption legislation and procedures developed or promulgated under the terms of this section for the purpose of making such changes as are considered appropriate to facilitate adoption opportunities for infants at risk with life-threatening congenital impairments.".

INFORMATION AND SERVICES

SEC. 203. Section 203 of the Act is amended in subsection (a) and (b)(5) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services".

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. Section 205 of the Act is amended by striking out "$5,000,000" and all that follows through "fiscal years" and inserting in lieu thereof "$2,000,000 for fiscal year 1984, $2,100,000 for fiscal year 1985, $2,205,000 for fiscal year 1986, and $2,315,000 for fiscal year 1987".

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 12, strike out line 21 and all that follows through line 2 on page 13, and insert in lieu thereof the following:

SEC. 204. Section 205 of the Act is amended by striking out "$5,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for the succeeding three fiscal years" and inserting in lieu thereof "$2,500,000 for fiscal year 1984, and for each of the three subsequent fiscal years".

Mr. GOODLING. Mr. Chairman, I rise to offer an amendment to section 204 of the bill for the purpose of increasing the adoption opportunities programs, authorization of appropriation to $2.5 million for fiscal years 1984 through 1987. Today less than $2 million is directly available to promote adoption for children with special needs.

I believe this increase is consistent with our awareness of increased rates of child abuse and neglect across the country. Fully one-third of the inherent victims of abuse, neglect, and abandonment will find a secure and loving home only through adoption. Estimates of the number of children who need adoptive parents range from 50,000 to 100,000.

These children are more difficult to place than the eagerly sought healthy infants. Waiting children are school-aged, mentally, physically, or emotionally handicapped, members of a sibling

group or a racial or ethnic minority. Title II is specifically focused on the plight of these youngsters, who all too often grow up in a series of foster homes and institutions.

I am especially aware of adoption because of the successful work and national reputation of Tressler-Lutheran Service Associates of York, Pa. This agency's unique adoption program is directed by a remarkable couple, Bill and Barbara Tremitiere, themselves parents of 12 adopted youngsters.

For the past 10 years, T-LSA has focused entirely on placement and of children of special needs. Over 1,500 children have found permanent families through the efforts of Tressler-Lutheran's innovative program. Hundreds of new families have been formed in my district through adoption. The agency has no children in its care. It serves as a special home finding service for public and private agencies across the country.

The unique methods developed by Tressler-Lutheran have been shared through funding made available under title II. Working with the North American Council on Adoptable Children, a national umbrella group for adoptive parents, the Tremitieres and other T-LSA staff presented training workshops in four locations. The TEAM program they developed has demonstrated the value and applicability of using volunteer parents as coleaders and agency resources in recruiting, training, and assisting families who accept the challenges of adopting children with special needs. Adoption is cost effective, as it reduces the ongoing burden on social service systems. Adoption costs an average of approximately $3,000 per placement. This is a one-time cost for family services and a significant savings, as the child placed is legally adopted. By contrast, foster care services are the largest single child welfare expense, increasing each year as a child remains in public care. Institutional placements range from $10,000 to $25,000 per child per year.

These youngsters and families need Congress continued help. The children who are the focus of title II are by definition among the most vulnerable in our society. They have been abused, neglected, or abandoned by their biological parents. They are without family ties, the basis for human identity, dignity, and self-worth.

Yet, programs begun with these Federal funds have demonstrated that parents can be found, capable of giving these children a new opportunity at family life. Targeted efforts to reach black and Hispanic families can have a crucial impact, since over one-half of the children legally free for adoption are of minority race or heritage. Homes for Black Children projects and special efforts like the National Adoption Exchange match children with parents. Tressler-Lutheran has worked closely with these groups to find families for waiting children wherever they live in the country.

This network is local, State, and national programs is helping reduce the delays and procedural difficulties that have been major barriers to adoption across State and county jurisdictional lines. Expansion of these initiatives will help more children find adoptive homes.

Judges and court staff and mental health professionals have also been engaged in working cooperatively on behalf of waiting children. The newly formed Specialized Pennsylvania Adoption Network (SPAN), organized by Tressler-Lutheran is an example of the fine results possible when parents, community groups, and social service professionals unite. The staff and volunteers at Tressler-Lutheran have successfully placed 11 children with Down's Syndrome this year and over a dozen with similar severe disabilities, including autism, cerebral palsy, blindness, profound hearing loss, and spina bifida.

Tressler-Lutheran has proven that no child is unadoptable. Families can be found and waiting children can be placed in permanent loving homes. Surely these initiatives must continue as an important national priority. The children who are victims of child abuse and neglect deserve our support and the assistance offered by title II programs in starting a new life.

I would urge my colleagues who are committed to continuing to meet the adoptive needs of very special youngsters everywhere to wholeheartedly support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: At the end of the bill add the following new title:

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SHORT TITLE

SEC. 301. This title may be cited as the "Family Violence Prevention and Services Act".

DECLARATION OF PURPOSE

SEC. 302. It is the purpose of this title—

(1) to assist States in efforts to prevent family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence; and

(2) to provide technical assistance and training relating to family violence program to States, local public agencies (including law enforcement agencies), nonprofit private organizations, and other persons seeking such assistance.

GRANTS AUTHORIZED

SEC. 303. (a)(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence, the Secretary is authorized, in accordance with the provisions of this title, to make grants to States.

(2) No grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in grants to local public agencies and nonprofit private organizations for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not less than 70 per centum of such funds will be distributed in grants to nonprofit private organizations within the State; and

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, particularly those projects the primary purpose of which is to operate shelters for victims and dependents of victims of family violence;

(C) set forth procedures designed to assure an equitable distribution of grants and grant funds within the State;

(D) specify the State agency to be designated as responsible for the administration of programs and activities relating to family violence which are carried out by the State under this title and for coordination of related programs within the State;

(E) provide for keeping records and making such reasonable reports as the Secretary may deem essential to carry out the purposes and provisions of this title;

(F) develop procedures to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by a program, project, or activity conducted, regulated, or assisted by the Department of Health and Human Services, and provide assurances that the address or location of any shelter for victims and dependents of victims of family violence which is in receipt of a grant under this subsection will, except with written authorization of the person responsible for the operation of such shelter, not be made public;

(G) set forth procedures to assure active participation by knowledgeable individuals and organizations in the development and review of programs and projects within the State funded under this title; and

(H) provide assurances that any project for which a grant is made under this subsection will—

(i) seek to coordinate its activities with other related public and private programs in the area; and

(ii) be administered and operated by personnel with appropriate skills (including language skills), training, or experience.

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove, and opportunity for correction of any deficiencies.

(b)(1) The Secretary is authorized to make grants to Indian tribes and intertribal organizations for projects designed to prevent family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence.

(2) No grant shall be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (D), (F), and (G) of subsection (a)(2) of this section.

(c) No grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of $50,000, and the total amount of such grants to any single entity may not exceed $150,000, or be awarded in excess of three fiscal years.

(d) No funds provided through grants made under this section may be used as direct payment to any victim or any dependent of a victim of family violence.

(e) No income eligibility standard may be imposed with respect to any individual seeking assistance or services from any local public agency or nonprofit private organization which receives a grant under this title.

(f) No grant may be made under this section to any local public agency or nonprofit private organization unless such agency or organization provides for the following local share as a proportion of the total amount of Federal funds provided under this title to the program or project involved: 20 per centum in the first year such program or project receives a grant under this title, 30 per centum in the second such year, and 33⅓ per centum in the third such year. Except in the case of a public entity, not less than 50 per centum of the local share of such agency or organization shall be raised from private sources. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

(g) The Secretary shall assure that not less than 75 per centum of the funds distributed under subsections (a) or (b) of this section shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims and dependents of victims of family violence.

ALLOTMENT OF FUNDS

SEC. 304. (a) From the sums appropriated under section 308 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 303 an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than whichever is the greater of the following amounts: one-half of 1 per centum of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or $50,000 for the purposes of section 303; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 per centum of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made.

For the purpose of the exception contained in paragraph (1) of this subsection only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent satisfactory census data available to the Secretary.

(c) If the sums appropriated under section 308 for any fiscal year for grants to States under section 303 are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(d)(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 308, the amount allotted to a State has not been made available to such State in grants under section 303 because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallot such amount to States which are eligible to receive grants under section 303.

(2) Funds made available by the Secretary through reallotment under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

ADMINISTRATION

SEC. 305. (a) The Secretary shall designate an individual within the department to administer the programs and activities carried out under this title (including activities described in subsection (b) of this section). This individual shall have expertise relating to the family violence prevention and services programs administered by the department.

(b) The Secretary shall—

(1) Be responsible for overseeing and maintaining records on all programs and activities carried out under this title and shall seek to coordinate all Federal programs and activities, to the extent such programs and activities relate to family violence;

(2) encourage and support research activities associated with the provision of shelter and other assistance to victims and dependents of victims of family violence; and

(3) provide for the establishment of a national information and resource clearinghouse on family violence and for its operation in coordination with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101(b)(2)), in order to—

(A) collect, analyze, prepare, and disseminate information and statistics relating to the incidence and prevention of family violence and the provision of immediate shelter and other assistance to victims and dependents of victims of family violence; and

(B) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provisions of immediate shelter and other assistance to victims and dependents of victims of family violence.

(c) The Secretary is authorized to make grants to public or nonprofit private entities or enter into contracts with public or private entitles to provide technical assistance, training, and outreach services, to the extent that such assistance is not otherwise available, to States, local public agencies, and nonprofit private organizations participating or interested in

EVALUATION

SEC. 306. The Secretary shall review, evaluate, and report to the Congress, not later than two years after the date funds are obligated under section 303(a) for the first time after the date of enactment of this title, as to the effectiveness of the program administered and operated pursuant to this title.

DEFINITIONS

SEC. 307. As used in this title:

(1) The term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual to whom such person is or was related by blood or marriage or otherwise legally related, or against another individual with whom such person is or was residing in a relationship of husband and wife.

(2) The term "Indian tribe" means—

(A) any tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688); or

(B) any Indian community the members of which are recognized as eligible for services under the Indian Health Care Improvement Act (90 Stat. 1400).

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "Shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law or regulations governing the provision, on a regular basis, or shelter, safe home, meals, and related assistance to victims and dependents of victims of family violence.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 308. (a) There are authorized to be appropriated to carry out the provisions of this title $15,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $30,000,000 for fiscal year 1986.

(b) Of the sums appropriated under subsection (a) for any fiscal year—

(1) 90 per centum shall be used by the Secretary for making grants to States, Indian tribes, and intertribal organizations under sections 303(a) and 303(b), of which not less than one-half of 1 per centum or more than 1 per centum of such sums appropriated under subsection (a) shall be available for the purposes of making grants to Indian tribes and intertribal organizations under section 303(b); and

(2) 10 per centum shall be used by the Secretary for carrying out the provisions of this title.

STUDY OF ABUSE OF ELDERLY INDIVIDUALS

SEC. 309. (a) The Secretary shall conduct a full and complete investigation and study, including analysis of necessary data, of the nature and incidence of abuse of elderly individuals.

(b) Not later than eighteen months after the date of enactment of this Act, the Secretary shall prepare and submit a report to the President and to the Congress on the results of the study required by subsection (a) of this section, together with such recommendations, including recommendations for legislation, as the Secretary deems appropriate.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS

SEC. 310. (a) From the amount appropriated pursuant to subsection (c) for any fiscal year, the Attorney General shall make grants for the purpose of providing regionally-based training and technical assistance to provide the personnel of local and State law enforcement agencies with means for responding to incidents of family violence.

(b) Grants under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Attorney General may require by regulation. In selecting grant recipients, the Attorney General shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to those applications which propose projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement officers.

(c) There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years for which this title is in effect.

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Mr. MURPHY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close within 1 hour.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Debate on this amendment and all amendments thereto will be limited to 1 hour.

Mr. MILLER of California. Mr. Chairman, I rise to offer our amendment to H.R. 1904. The family violence prevention and services amendment addresses one of the most serious problems in our Nation today.

I especially want to thank the gentlewoman from Maryland (Ms. MIKULSKI) and the gentlewoman from Louisiana (Mrs. BOGGS) who have been along on this effort year after year as we have brought it to the House of Representatives where it has received overwhelming bipartisan support. I also want to thank the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from New York (Mr. BIAGGI) for their continuing help in these efforts.

The amendment provides modest funding to States—$65 million over a 3-year period—to establish, maintain, or expand family violence programs. Seventy-five percent of moneys are designated for programs providing immediate shelter care for the victims of family violence and their dependents, and for other related assistance such as family counseling services coordinated with existing community agencies, and outreach services for victims remaining in their homes. The remaining 25 percent is reserved for efforts to prevent family violence such as counseling programs for abusers, crisis hotlines, and teaching of nonviolent behavior to children.

Seventy percent of the grants to States must also go to private nonprofit groups. There are limits on the amount any one project can receive: No more than $50,000 in any year and no more than $150,000 over 3 years. Stringent matching of funds from 20 percent the first year up to 33⅓ percent the third year, 50 percent of which must be raised from private sources, is also a requirement.

In addition to the basic grant, a small amount—$2 million over 3 years—is designated for training of law enforcement officials and police to aid them in responding to incidents of family violence.

In sum, this amendment provides for a limited Federal role to support programs at the local level that are making an effort to support themselves.

But while the House saw the need to act against family violence, its will has been thwarted. And while the Federal Government has rested, abuse at home has escalated. Battery is now the single major cause of injury to women, more significant than auto accidents, rapes, or muggings. Some 2,000 to 4,000 women are beaten to death annually—40 percent of all women killed, and 10 percent of men are murdered by their partners.

Witnesses, in hearings held across the Nation by the Select Committee on Children, Youth and Families, provided stark evidence that family violence is getting worse. The National Conference of Catholic Charities testified that the number of abused adults coming to its agencies jumped from 7,244 in 1980 to 13,566 in 1981—nearly double. In Utah, we learned that five shelters have opened in the State since 1976, and served 3,000 women and their children in 1983 alone. State-funded shelters in Michigan have seen a 58-percent increase between 1980 and 1983. And committee members heard about similar increases in the demand for shelter services by abused women in New York and California.

Women are not the only victims of family violence. Shelter programs for abused wives report an increasing number of residents are children in need of services. Children exposed to the violence of parent against parent, often exhibit a wide range of emotional and behavioral problems. They frequently grow up to become adults who inflict violence on their own children and spouses, or become the next generation of victims.

Yet, women and children are still not the whole story of family violence. Many more men than we realized suffer silently as battered husbands. And we are beginning to understand that many dependent elderly people live in fear of abuse by their adult children.

The Department of Defense reports that 1,000 military families across the Nation each month need the services that the family violence prevention and services amendment would provide. Special effort should be made by family violence programs to reach the families of our Armed Forces. Their presence in a given State should be counted as part of the census when determining grant allocations.

Finally, all too often, family violence reaches beyond the confines of family relationships. Police spend one-third of their time responding to domestic violence calls. Twenty percent of all police deaths on duty and 40 percent of all injuries occur during response to a domestic complaint.

It has been 4 years since this body passed family violence legislation. During that period, unemployment peaked at 10.8 percent and in its wake has been a corresponding escalation of violence at home. Last year in a Labor Standards Subcommittee hearing of the effects of unemployment, the Illinois Coalition Against Domestic Violence reported that in one community, 75 percent of the women seeking shelter cited their husband's layoff as the reason precipitating first time physical abuse. In Youngstown, Ohio, where unemployment reached 21 percent in

1982, cases of domestic violence have increased 404 percent since 1979.

But while the Federal Government has been slow to respond to this major social problem, States and local communities have acted. Over 500 community shelters now dot the American landscape. Working with a network of other nonprofit agencies, they have formed coalitions to assist victims of family violence. Many States have also strengthened their laws to provide better protection for the victims of family violence.

One of the most important grassroots developments has been the effort to prevent family violence. Shelters often together with other local and State public and private nonprofit agencies have created community and public education programs, including teaching nonviolent behavior to children. They have established crisis hotlines and training to improve intervention within criminal justice, medical and social service agencies. Finally, they have developed counseling and education programs for abusers, as well as family counseling aimed to achieve, where appropriate, reunification and rehabilitation of a family affected by violence.

But much remains to be done—and now more than ever. A recent survey of 665 family violence programs found that at a time of skyrocketing demand, 75 percent have had to reduce services due to cutbacks in title XX funds, VISTA, and LEAA, and elimination of the CETA program. Junior Leagues, YWCA's, women's groups, church groups, and many other throughout the country, who serve as the backbone of local shelters and safe homes, are stretching their dollars and their energy to the limit. They are trying, but the private sector simply cannot bridge the gap of dramatically increasing demand and diminished public funding.

Family violence is not a partisan issue. Over 130 of our colleagues—Republicans and Democrats alike—have joined in cosponsoring this amendment. In years past, an overwhelming majority of the Members of this body have voted for similar legislation. The list of cosponsors of the family violence prevention and services amendment, and supporting organizations follows:

FAMILY VIOLENCE AMENDMENT COSPONSORS

Mr. Miller of California, Mrs. Boggs of Louisiana, Ms. Mikulski of Maryland, Mr. Biaggi of New York, Mr. Murphy of Pennsylvania, Mr. Ackerman of New York, Mr. Addabbo of New York, Mr. Akaka of Hawaii, Mr. Anderson of California, Mr. Barnes of Maryland, Mr. Bereuter of Nebraska, Mr. Berman of California, Mr. Bevill of Alabama, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Boucher of Virginia, Mrs. Boxer of California, Mr. Britt of North Carolina, Mr. Brown of California, and Mrs. Burton of California.

Mr. Carr of Michigan, Mr. Chappell of Florida, Mr. Clay of Missouri, Mr. Coelho of California, Mrs. Collins of Illinois, Mr. Conable of New York, Mr. Conte of Massachusetts, Mr. Conyers of Michigan, Mr. Corrada of Puerto Rico, Mr. Crockett of Michigan, Mr. D'Amours of New Hampshire, Mr. Dellums of California, Mr. DeWine of Ohio, Mr. Dixon of California, Mr. Downey of New York, Mr. Dymally of California, Mr. Eckart of Ohio, Mr. Edgar of Pennsylvania, Mr. Edwards of California, Mr. Evans of Illinois, Mr. Fascell of Florida, Mr. Fauntroy of the District of Columbia, Mr. Fazio of California, and Mr. Feighan of Ohio.

Ms. Ferraro, of New York, Mr. Fish, of New York, Mr. Florio, of New York, Mr. Foglietta, of Pennsylvania, Mr. Ford, of Tennessee, Mr. Frank, of Maine, Mr. Frost, of Texas, Mr. Garcia, of New York, Mr. Gejdenson, of Connecticut, Mr. Gilman, of New York, Mr. Gray, of Pennsylvania, Mr. Green, of New York, Mrs. Hall, of Indiana, Mr. Harrison, of Pennsylvania, Mr. Hawkins, of California, Mr. Hefner, of North Carolina, Mr. Heftel, of Hawaii, Mr. Hertel, of Michigan, Mr. Horton, of New York, Mr. Howard, of New Jersey, and Mr. Hoyer, of Maryland.

Mr. Jeffords, of Vermont, Mrs. Johnson, of Connecticut, Ms. Kaptur, of Ohio, Mrs. Kennelly, of Connecticut, Mr. Kildee, of Michigan, Mr. Kostmayer, of Pennsylvania, Mr. Lantos, of California, Mr. Lehman, of Florida, Mr. Leland, of Texas, Mr. Levin, of Michigan, Mr. Levine, of California, Mr. Long, of Maryland, Mr. McCloskey, of Indiana, Mr. McDade, of Pennsylvania, Mr. McHugh, of New York, Mr. McKernan, of Maine, Mr. McNulty, of Arizona, Mr. Markey, of Maine, Mr. Matsui, of California, Mr. Mineta, of California, Mr. Minish, of New Jersey, Mr. Mitchell, of Maryland, Mr. Morrison, of Connecticut, and Mr. Mrazek, of New York.

Mr. Neal, of North Carolina, Mr. Oberstar, of Minnesota, Ms. Oakar, of Ohio, Mr. Ortiz, of Texas, Mr. Ottinger, of New York, Mr. Owens, of New York, Mr. Patterson, of California, Mr. Price, of Illinois, Mr. Pritchard, of Washington, Mr. Ratchford, of Connecticut, Mr. Rahall, of West Virginia, Mr. Richardson, of New Mexico, Mr. Rodino, of New Jersey, Mr. Roe, of New Jersey, Mr. Roybal, of California, Mr. Scheuer, of New York, Mrs. Schneider, of Rhode Island, Mrs. Schroeder, of Colorado, Mr. Schumer, of New York, Mr. Seiberling, of Ohio, and Mr. Sikorski, of Minnesota.

Mr. Simon, of Illinois, Mr. Smith, of Florida, Ms. Snowe, of Maine, Mr. Solarz, of New York, Mr. Stark, of California, Mr. Sunia, of American Samoa, Mr. Tallon, of South Carolina, Mr. Torricelli, of New Jersey, Mr. Towns, of New York, Mr. Vento, of Minnesota, Mr. Waxman, of California, Mr. Weaver, of Oregon, Mr. Weiss, of New York, Mr. Wheat, of Missouri, Mr. Williams, of Montana, Mr. Wilson, of Texas, Mr. Wirth, of Colorado, Mr. Wise, of West Virginia, Mr. Wolpe, of Mississippi, Mr. Won Pat, of Guam, Mr. Yates, of Illinois, Mr. Young, of Alaska, and Mr. Pepper, of Florida.

ORGANIZATIONS SUPPORTING THE FAMILY VIOLENCE AMENDMENT (PARTIAL LIST)

Congressional Caucus on Women's Issues.
American Academy of Pediatrics.
American Association of University Women.
American Bar Association.
American Humane Association.
American Nurses Association.
AFL-CIO.
Association of Junior Leagues.
Campfire, Inc.
Center for Women Policy Studies.
Family Service America.
Federally Employed Women.
Friends Committee on National Legislation.
General Federation of Women's Clubs.
Lutheran Council—USA—Office of Government Affairs.
Mississippi Federation of Business and Professional Women, Inc.
National Association of Black Law Enforcement Officials.
National Association of Women Businesses.
National Coalition Against Domestic Violence.
National Committee for the Prevention of Child Abuse.
National Conference of Catholic Charities.
National Council of Jewish Women.
National Council of Senior Citizens.
National Federal of Business and Professional Clubs.
National Institute for Women of Color
National Organization for Victim Assistance.
National Organization of Women.
National Urban League.
National Women's Health Network.
National Women's Party.
National Women's Political Caucus.
People for the America Way.
Police Executive Research Forum.
Police Management Association.
Presbyterian Church, U.S.A., Washington Office.
Rural America.
Union of America Hebrew Congregations.
United Church of Christ, Office of Church and Society.
United Methodist Church, Women's Division, Office of Public Policy.
YMCA.
Women's Equity Action League.
Women's Legal Defense Fund.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise as a coauthor of this amendment to express my strong support for its provisions and urge my colleagues to join us in going on record to address a growing problem of hidden—yet major dimensions.

The problem of family violence is not a new one. It has been a part of our society for many years, yet has remained, for the most part, submerged behind walls. It is also a delicate subject for it involves violence against family members. Family violence and all its unpleasant aspects is not new to me as I witnessed it firsthand on countless occasions in my 23-year career as a New York City police officer. My experience with family violence prompted me to introduce, as one of my first acts upon coming to Congress, legislation to treat victims of child abuse. The reauthorization of that landmark legislation is what we have before us today.

The family violence prevention and services amendment is a consistent outgrowth of our efforts to address child abuse. Just as we recognized that child abuse was the problem of the

1960's—domestic violence became the problem of the 1970's. Five years ago, I was one of several authors of legislation to create programs to assist victims of domestic violence. Despite our best efforts, a domestic violence bill was never signed into law.

This amendment here today is an attempt to expand the success of the child abuse program to assist other family members who also suffer from similar acts of violence. Laudibly, we have adopted a Federal response to the problem of child abuse. Now is the time to move forward with a long overdue Federal response to aid spouses and other family members—including the elderly—which will replicate our success in combating child abuse.

As the author of companion legislation, H.R. 1007, I believe that this amendment is a well-constructed outgrowth of that legislation. The family violence amendment recognizes that if we are to assist many of these helpless victims—Federal leadership is essential ingredient to assistance.

This amendment provides help to the estimated 2.5 million victims of family violence by authorizing a total of $65 million over the next 3 years in the form of grant assistance to States, localities, or organizations in order to assist them in prevention and treatment activities. These activities could include the establishment or expansion of shelters to temporarily house victims and their dependents, and counselors and related social services from agencies and from within communities that will assist victims. No funds can be used to pay money directly to victims. No program sponsored by funds under this amendment can apply a mean test—although it is expected that local projects will prioritize so that the neediest are served first.

This amendment also calls for a national incidence study of the abuse of elderly family members. Just as the 1970's saw the rise of spousal abuser—and national attention focused on the problem—the 1980's is the decade of elder abuse. As an original member of the Select Committee on Aging, I have joined with a number of my colleagues, including our distinguished former chairman, CLAUDE PEPPER, in calling attention to this disgraceful problem. Despite our efforts to mobilize a coordinated response to this problem, only 27 States mandate reporting of elder abuse. As a result, our knowledge of the problem is sketchy yet, it is estimated to occur almost as frequently as child abuse—some 600,000 per year. This national study is critical as we are to mobilize local resources and make existing aging-related programs respond to this problem.

I also wish to point out for the record here, the family violence prevention and service amendment has been endorsed by two of our national aging organizations specifically because it addresses this problem. The National Council of Senior Citizens and the American Association of Retired Persons have both provided me with letters supporting our efforts here.

The second part of this amendment which also requires some attention is section 310 which provides training to law enforcement personnel. Two million dollars is authorized in competitive grants which would be awarded by the Justice Department to agencies which would establish programs to respond to incidents of family violence. The need for this program is clearly established. Our law enforcement officers spend one-third of their time responding to domestic-battery calls. Equally as important is the fact the battery remains the single major cause of injury to women—passing auto accidents, rapes, and muggings. If we can put effective deterrent techniques into place through our law enforcement system—it would be central to breaking the vicious cycle of family violence which has gone undetected on a major scale for decades.

The merits of this proposal are well-spelled out and have been skillfully articulated by my colleague, GEORGE MILLER, who also serves as the first chairman of the Select Committee on Children, Youth, and Families. Family violence is intergenerational—it effects spouses, parents, and children.

This amendment represents a solution in that it provides what these victims so desperately need—services. Victims of family violence are so often totally dependent—economically, psychologically, and socially—upon the other members of the family units. This, the cycle of violence is most often times perpetuated because these victims have no where else to turn.

This bill provides an alternative—it supports services to victims. Recognizing that family violence is multidimensional we cannot hope to stop the abuse, especially when it often has gone on for years. However, we can provide alternatives to abuse for those individuals who have no where else to turn. We can give them temporary shelter; we can provide them with avenues to help them prevent and treat being abused—as well as abusers themselves.

For the first time, we are also providing help to victims of elder abuse. I want to make it clear that this program will not only help spouses but will also help elderly family members who face the same kind of abuse. We know that existing shelters and social service agencies pay scant little attention to helping these victims. While we cannot hope to serve all those who are so brutally victimized by their children, we can at least begin to mobilize States and social service agencies to recognize the problem and provide them with avenues to treat it.

Mr. Chairman, I believe this amendment is consistent with the Child Abuse Act for it—for the first time—sees the problem and attempts to address it through the family unit.

This legislation has received the endorsement of countless of organizations, ranging from the American Bar Association, the Junior League, the National Council of Churches and as I mentioned, the National Council of Senior Citizens and the American Association of Retired Persons, to name but a few. It also represents the cumulative efforts of many of my colleagues here who have shared my interest in enacting such legislation—Representatives MURPHY, chairman of our subcommittee, MIKULSKI and BOGGS.

I urge my colleagues to join with us in supporting this bill.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to compliment my good friend, the gentleman from New York (Mr. BIAGGI).

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. MILLER). I am proud to be a cosponsor of this amendment which would extend the Child Abuse Prevention and Treatment Act to include programs assisting victims of family violence.

Family violence is a serious problem in this country. It is estimated that our law enforcement officials spend one-third of their time responding to domestic violence calls, and the FBI has reported that 25 percent of all police officers killed in the line of duty, as well as 40 percent of those injured, were responding to incidents of family violence.

In addition to the well-documented tragedy of child abuse, family violence includes two other aspects that are somewhat neglected by current Federal legislation—wife beating and elder abuse. Reports have revealed that nearly 6 million wives are abused by their husbands each year, and some 2,000 to 4,000 women are beaten to death annually. With respect to the elderly, the Select Committee on Aging has found that there are approximately 600,000 cases of elder abuse each year, and that 84 percent of the abusers are related to the elder victim. This amendment would allow Federal funding to be used to address these additional aspects of family violence.

Private charitable organizations are to be commended for having taken the lead in providing much needed shelter and support services for family violence victims. These agencies, however, have depended largely on Federal funding for past activities and that

funding has been drastically reduced. As a result, these organizations are unable to meet the ever-increasing need for these services. Some reports have indicated that for every person that these agencies can help, 10 people must be turned away.

Mr. Chairman, this intolerable situation must be reversed. The family violence prevention and services amendment would provide a small but necessary measure of Federal assistance to help stem the tide of this national tragedy. Its need was perhaps best summarized by Police Chief Reuben Greenberg of Charleston, S.C., when testifying before the House Subcommittee on Select Education on behalf of the Police Executive Research Forum:

On behalf of battered women and their children and on behalf of police officers who risk their lives every day to answer calls for help, we request the Congress to provide the necessary resources and assistance that will put a stop to this intolerable violence.

Mr. Chairman, I hope that my colleagues will join me in supporting the family violence prevention and services amendment.

FAMILY VIOLENCE—CHILD ABUSE STATS FOR FIRST DISTRICT

For 1983, in the Springfield-Holyoke-Greenfield Area: 434 women were sheltered, the highest number of any region in the Commonwealth of Massachusetts; 710 children were sheltered in the State; 933 women received face-to-face services; 6,015 abused people called the hotline from this area; and 41 beds are available in the area for shelter of abused people.

Therefore, these stats reflect a very active area where there is a great demand for these services.

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in enthusiastic support of the family violence amendment offered to H.R. 1904.

Our passage today of this amendment and of H.R. 1904 would mark the resolve of the U.S. House of Representatives to remedy the ugly and pervasive problem of violence that affects families in each congressional district. I would like to speak about the amendment from my perspective as chair of the Task Force on Crisis Intervention, one of three task forces established by the House Select Committee on Children, Youth, and Families.

The family violence amendment we are considering addresses three themes that have arisen in Select Committee hearings over and over again. Namely, that the crises of spouse abuse, battering of the elderly, and child abuse are on the increase; that private agencies have been outstanding in helping troubled families but cannot keep up with demand; and that we must both assist those in immediate need and take steps to prevent further incidences of violence.

PRIVATE SECTOR RESPONSE

An important featue of the family violence amendment is its recognition of a partnership between the Federal Government and private service agencies. Not less than 70 percent of the State grants awarded by the U.S. Department of Health and Human Services each year would be distributed to nonprofit private service organizations. Special emphasis will be given to community-based projects of proven effectiveness.

This type of partnership was applauded by witnesses who testified on July 12, 1983, at a hearing conducted by my Task Force on Crisis Intervention. The first witness, Fr. Thomas Harvey, executive director of the National Conference on Catholic Charities, discussed the increase in families seeking assistance following abuse:

From 1980 to 1981, the number of abused adults coming to our agencies jumped from 7,244 to 13,566. Many of our agencies have opened new shelters for abused wives and children. Many have increased their counseling to the total family involved, because most abused spouses go back home. And children? In 1980 our agencies served 13,312 abused children. In 1981, 19,070. And in 1982, we served 21,988 abused children.

But Father Harvey noted that, despite Catholic Charities' willingness to help these families in crisis, its resources were stretched too thin by increased demand and shrinking Federal grants to accommodate everyone.

This is certainly true at Crescent House, New Orleans' only shelter for battered women and their children. It is operated by Associated Catholic Charities.

Crescent House's statistical report for the month of October 1983 clearly indicates that private efforts alone are not enough to cope with the rising tide of family violence. In October, Crescent House sheltered 22 adult women and 24 children, for a total of 46 people. Yet it had to turn away 52 clients—more than it handled. Eighteen of the 22 women who sought shelter at Crescent House reported annual income between $0 and $8,000. None of the remaining four earned more than $25,000.

This demonstrates that women do not remain in abusive households because they love the pain, or because they seek violence. Rather, they are economically vulnerable and frequently cannot afford to live elsewhere. Moderate Federal aid to shelters such as Crescent House would increase the likelihood that more abused spouses and children could be cared for, and that services could be improved.

It is encouraging that community support of shelters nationwide has been so strong. Again, our New Orleans shelter is an example. Last October, Brownie Troop 35 donated pumpkins filled with candy and stuffed animals for the children. A local K-Mart store donated 24 boxes of crayons. Students volunteered a considerable amount of time to care for the children. A doctor spent 8 hours caring for residents. Individuals donated clothing, books, toys, linens, furniture; even a barbecue grill.

But more people were turned away from Crescent House than could be let in. This is not suprising, since it is the only shelter facility serving Louisiana's largest metropolitan area.

PREVENTION SERVICES

In addition to the vital need for shelters and related services, abused victims must be aided so that future incidents of violence can be prevented.

The committee report on the child abuse bill (H. Rpt. 98-159) emphasizes the importance of prevention in terms of child abuse. It directs the National Center for Child Abuse and Neglect to spend a substantial portion of its funds on efforts to prevent child abuse and to encourage States to use a portion of their grants on prevention activities.

In keeping with the spirit and intent of the bill, I believe it's important to make prevention an integral part of the coordinated Federal effort addressing spouse abuse and abuse of the elderly. One type of this effort is the provision of family counseling where appropriate to achieve reunification and rehabilitation of a family affected by violence.

In conclusion, I hope that all of our colleagues will support the Miller-Murphy-Boggs-Mikulski-Biaggi family violence amendment. It is a modest and well thought out remedy to a national problem of dramatic but unknown proportions.

By passing this amendment, we can help dispel the feelings of shame and the torment of silence borne by victims of violent abuse and—hopefully—begin to break the cycle of violence that can plague many generations.

□ 1520

Ms. MIKULSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the family violence prevention and services amendment will provide aid to millions of victims—abused children, battered women, and abused elderly. This amendment provides for $65 million over 3 years to fund programs which provide crisis services to these victims. It requires that 75 percent of these funds go to support and develop local or nonprofit programs providing immediate shelter and other services. Other funds establish a national clearinghouse and provide technical assistance grants. We talk a lot in this Congress about the local responsibility for providing social services. This legislation is a chance to

recognize and support the valiant efforts of local groups who first served these victims—when no one else did. These community groups continue to lead the struggle to end family violence.

As a social worker, I witnessed firsthand the tragic impact of this problem on families of every social class and in every neighborhood. These experiences have made the prevention of family violence a priority with me since 1978, when this concept was first introduced.

I am gravely concerned that nearly 6 million wives are abused by their husbands each year: That physical battery is the single major cause of injury to women—more significant than auto accidents, rape, muggings. I am also concerned that 25 percent of the murders each year are committed by persons related to the victim. In 85 percent of the cases, the police had been called to the address once before to intervene in the violence.

Over 1 million children are abused each year—in 20 percent of the cases, a spouse is also being assaulted.

The 62 percent of the children who grow up in violent homes become violent adults.

Police spend one-third of their time responding to family violence calls. Over 30 percent of the police killed in the line of duty are killed responding to these calls.

These millions of victims—primarily women, children, and elderly—live in danger, fear, and isolation. Most shelters provide immediate safety and services 24 hours a day. Yet budget cuts at the State level and in title XX, CETA and LEAA have resulted in 76 percent of the shelters reducing their services. Now, many shelters must turn away 10 victims for every 1 they serve due to lack of space. For the millions of victims abused each year, there are only about 260,000 spaces available each year in shelters.

Being "Pro-Family" means providing this desperately needed support to insure that all families can be free from violence. This is a modest proposal in face of these staggering statistics, but it is a beginning toward ending the cycle of violence. We must act now. I would hope that we would adopt the amendment offered by the gentleman from California, Mr. MILLER, because I think it is a very important step in providing the shelter resources needed to deal with this most terrible problem.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the family violence amendment.

During the last 2 years, the incidence of spouse abuse has increased dramatically. The National League of Cities and the U.S. Conference of Mayors reports that the incidence of assaults upon wives has become so pervasive in our society that half of all wives will experience some form of spouse inflicted violence during their marriage regardless of race of socioeconomic status. However, statistics surrounding spouse abuse continue to remain unclear because the majority of cases of abuse go unreported. In fact, in 1980, the Office of Domestic Violence, which I might add, no longer exists as a result of budget reductions, noted that only 1 in 10 cases of spouse abuse is ever reported to the authorities. And until recently, law enforcement officials did not even keep statistics on those reported cases.

In response to this growing problem, our subcommittee has devoted a considerable amount of time to investigating the extent and severity of family violence. We have received testimony from advocates for victims, police officials, private, nonprofit organizations, and former victims and abusers. We have also visited several domestic violence centers to learn more about the current situation, and services being made available to victims and their families.

The No. 1 concern surfacing from these discussions and site visits has been the need for funding to insure that women and their children have a place to seek refuge from their abuser. During 1981-82, the Pennsylvania Coalition Against Domestic Violence alone documented over 8,000 victims and children who were turned away from shelters due to lack of space. This is particularly alarming when you consider that women seek shelter only as a last resort—when they have absolutely no other place to turn.

We have found that shelters not only provide the safe space which is so desperately needed by victims, but they also provide the support which victims need to regain their self-confidence and self-respect. Shelters provide hot-line services where many women can call to discuss their problems and seek assistance in determining what options they have in improving their abusive home environment. Child care and counseling for the victim's children is also provided in many shelters. Responding to reports that about 65 percent of the battered women return to their abusive partners, many shelters have attempted to expand their services to include abuser programs. One shelter in my district has managed to gain enough community support that they are now able to provide schooling for children while they are at the shelter. However, providing these services requires money, and shelter services vary according to funding available. The subcommittee has received testimony that in many instances lack of adequate funding has not only limited the number of women that can be accommodated but it has forced a number of valuable projects to close their doors. Many shelters are having a difficult time in covering operating costs due to the funding constraints. Although 29 States have appropriated State funds to assist victims of family violence, the funding is still largely unmet. I might add, that contrary to the administration's position, very little, if any of the $2.7 billion social service block grant money has been able to be directed toward victim services since the amount which States receive is not even adequate to cover many of their already existing social service activities.

In September of this year, Attorney General William French Smith cited the need for the Federal Government to take a leading role in the area of family violence. In taking this leading role I urge my colleagues to support this amendment which will help to insure the survival of these most valuable projects which help to rebuild the lives of victims and their families.

AMENDMENT OFFERED BY MR. BLILEY TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. BLILEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLILEY to the amendment offered by Mr. MILLER of California. Strike out "shelter and other assistance" wherever it appears and insert in lieu thereof "shelter and related assistance".

In section 303(2)(A) insert "(including religious and charitable organizations, and voluntary associations)" after "nonprofit private organizations".

In section 303(a)(2)(A) insert "in order to prevent future violent incidents" immediately before the semicolon at the end of such subparagraph.

In section 303(a)(2)(B)(ii) insert ", and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims" immediately before the semicolon at the end of such clause.

In section 303(a)(2), strike out "and" at the end of subparagraph (G), strike out the period at the end of subparagraph (H) and insert in lieu thereof a semicolon, and after subparagraph (H) insert the following new subparagraphs:

(I) provide assurances that any project for which a grant is made under this subsection will not—

(i) require a minimum length of stay for shelter residents; or

(ii) censor mail or telephone calls of shelter residents, or interfere in any way with reconciliation efforts, unless requested to do so by the resident; and

(J) within one year after receipt of funds under this subsection, certify to the Secretary that the State has a procedure for the eviction of an abusing spouse from a shared residence.

In section 303 insert at the end thereof the following new subsection:

(b) Funds provided under this section may be used to provide shelter and related assistance to victims of violence by individuals with whom they reside, provided that victims of family violence are first served.

In section 305(b)(3)(A) insert "(particularly the prevention of repeated incidents of vi-

olence)" after "prevention of family violence".

In section 306 insert ", particularly in relation to repeated incidents of family violence" immediately before the period at the end of such section.

In section 307(1)(B) strike out "or against another individual with whom such person is or was residing in a relationship of husband and wife".

In section 307, insert after paragraph (4) the following new paragraph (and redesignate the subsequent paragraph accordingly):

(5) The term "related assistance" means—

(A) food, clothing, child care, transportation, and emergency medical care for victims of family violence and their dependents; and

(B) counseling, alcohol and drug abuse treatment, and self-help services to abusers, victims, and dependents in family violence situations.

Mr. BLILEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Chairman, we all understand that family violence is a serious and growing problem. The damage to individuals and to society cannot be measured in dollars and cents; it is truly incalculable.

Thus, I would support a program for the prevention of family violence if it cost two or three times what the proposal of the gentleman from California (Mr. MILLER) costs; that is, if I believed that it would really provide a solution.

I support the idea of a Federal family violence program, but I also have a substantial amendment which I would make to the proposal of the gentleman from California in order that it better direct funds to the actual prevention of family violence.

As it now stands, 75 percent of the funds for grants under this amendment must go to shelters for victims of family violence. My amendment would open up that funding to counseling and other prevention services for victims and their families. I do this because of my own experience with organizations such as Parents Anonymous and Parents United, which have done an outstanding job in the area of self-help and counseling to stop family violence. I think it is wrong for us to despair of finding solutions to family violence and spend 75 percent of our resources on nonsolutions.

My amendment will require that States receiving grants under this act have procedures for the eviction of an abusing spouse from a residence shared with the victim. Forty States already have such procedures, and I believe that any State which is serious about helping victims of family violence ought to have them. The use of protection orders and eviction procedures ought to be encouraged.

Only a small percentage of women who come to shelters need to remove themselves from their homes in order to be safe. For these, shelter must be provided. But for the great majority, it would be far better for the woman to remain at home and the husband to leave. It is far more comfortable for the woman, and certainly more equitable, that she be allowed to stay in her own house and in her own neighborhood. This is especially true when children are involved.

Yet, if we provide millions of dollars to shelters and neglect to do anything to promote the use of protection orders and eviction procedures, we will only reinforce the senseless notion that it is the victim who must always leave home, while the abuser stays.

When the use of a shelter is needed, it is important that the rights of the victim be acknowledged and protected. My amendment will insure that immediate emergency shelter be provided by all shelters under this program, and it will prevent coercive and unnecessary invasions of the privacy of the residents of shelters. It will help to insure freedom of choice for victims of family violence by specifying that religious and charitable organizations are to be included among the organizations receiving grants under this program.

□ 1530

Further, it will define services to be provided by shelters, so that we can avoid as much as possible the problem of having this money spent in ways we never intended.

Let me add at this point that, after discussions with several persons, I have decided to add transportation to the list of services included in the amendment that was printed in the RECORD yesterday.

The primary purpose of the amendment is to turn the Family Violence, Prevention and Services Act into something which better deserves the name. This act needs more emphasis on family, more emphasis on prevention, and more emphasis on services for the whole family.

It would be false to say that a proposal which defines the family to include persons who used to live together is a family-centered proposal. We do not need to redefine the family in order to get the job done. My amendment changes the proposed definition and replaces it with something we all might find a little more comfortable. It does this, let me add, without denying any of the services to any persons who would be served by the Miller amendment. I do not want to deny services to anyone. I just do not think that it is in order to serve those persons we have to subvert our understanding of what a family is.

Finally, counseling, treatment, and other prevention services should be available to the whole family. Most women who go to a shelter end up returning to their husbands, only to be abused again. It is obvious that the abuser needs counseling more than anyone else, and it is equally obvious that if an abused spouse wishes to return to her husband, then the abuser needs counseling for the good of both.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BLILEY) has expired.

(By unanimous consent, Mr. BLILEY was allowed to proceed for 2 additional minutes.)

Mr. BLILEY. Mr. Chairman, we should not fall prey to the notion that the solution to family violence is the breakup of the family or that we have done our best for victims of family violence by merely providing them with shelter. Organizations such as Parents Anonymous and Parents United, with 1,400 chapters across the United States, have shown us that the battle against family violence can be won if we are just willing to put our resources and energies in the right places.

I am convinced that real solutions to the problem of family violence will be found if solutions are what we are looking for. But one thing is certain: Solutions will never be found if we do not seek them.

Mr. Chairman, I hope that my colleagues will support my amendment.

Mr. Chairman, just today I received a copy of the letter sent to the gentleman from California (Mr. MILLER) by several organizations. In fact, I will read the names at this time: The Association of Junior Leagues; the Child Welfare League of America; the Council of Jewish Federations; Family Service America; the National Association of Social Workers; the National Conference of Catholic Charities; and United Way of America.

These organizations agree with me that the Miller amendment is a good idea, but that it needs several alterations to make it work properly. In fact, I could hardly have made a better case for my own amendment than they did. Their chief concern is that the Miller amendment is too narrow in focus. That is my chief concern, too. They say they had hoped the amendment would—and I quote—"allow for more community integration, broader funding objectives, and a more family-oriented focus."

Mr. Chairman, I include the letter at the end of my remark, as follows:

FAMILY SERVICE AMERICA,
Washington, D.C., January 30, 1984.

Hon. GEORGE MILLER,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MILLER: The undersigned organizations met with several staff persons on Tuesday, January 17th, to dicuss the Family Violence Prevention and Serv-

ices Amendment to H.R. 1904. We met to express our interest in having a broader focus incorporated into the legislation which would allow for more community integration, broader funding objectives, and a more family-oriented focus.

Many suggestions and recommendations were made during this meeting. Due to shortness of time, however, we have limited our focus to four key recommendations for additional wording or change in the Family Violence Prevention and Services Act and/or its preamble which we hope you will be able to accommodate. As we understand floor procedure, two of the recommendations outlined below could be included in the colloquy on the floor and two would require an amendment, presumably by Congressman Austin Murphy, Chairman of the Subcommittee on Select Education, to whom this letter will also be sent.

Item I: The two additions below are recommended to be added to the "Findings Section" of the bill's preamble. We are advised that the preamble will be read on the floor of the House when H.R. 1904 is under consideration.

A. Sec. 302(a)(4) now reads: "family violence is a complex problem affecting families from all social and economic backgrounds"; we would like to add: "and has long term behavioral consequences for both this generation and the next and for society at large. Children in violent families often grow up to become adults who inflict violence on their own children and spouses".

B. Also needed is a new and separate finding which might most appropriately be inserted following (4) to become a new number (5)—and changing all item numbering that follows. The new (5) would read as follows: "a significant number of abused spouses who may not seek shelter protection remain in the home with their family and may need appropriate services within that context to assist the family in overcoming the problems causing the violent behavior. These services may include direct assistance for the abuser to prevent continued violence."

Item II: Two other recommendations relate to the amendment as printed in the Congressional Record on October 27, 1983, Section 303(g), page H 8781. This section targets the funding narrowly, provides only for shelters and limited services to be provided in the shelters, and is silent about the needs of other spouse abuse victims in the community who may choose to remain with their families.

Therefore, we recommend the following language be adopted as indicated below:

A. Section 303 (a): "The Secretary shall assure that not less than 75 per centum of the funds distributed under subsections (a) or (b) of this section shall be distributed to entities for the purpose of providing *necessary services to assist victims and families experiencing the problem of spouse abuse. These services can include shelters and related services and services to victims who remain in their homes with their families.* (Italic section has been added).

B. Section 307, page H 8781, would be improved if a number (6) were added to define services under this legislation to read as follows: "The term "services" under this legislation means those services that may be necessary to assist a victim and the victim's family, including the children and the abusing spouse, whether the victim is living in a shelter or at home. These services may include the following: shelters, training to improve intervention within criminal justice systems, community and public education, crisis hotlines, medical and social services, counseling and education programs for abusers, services for intact families experiencing problems of spouse abuse, and information and referral.

The above four recommendations conclude our comment on the family violence amendment. We hope that you find them helpful and that you and Congressman Murphy will incorporate our recommendations into the legislation on the floor of the House.

Thanking you for your time and attention,

Sincerely,

PATRICIA A. LANGLEY,
Director, FSA Office on Governmental Affairs.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BLILEY) has again expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. BLILEY was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Virginia (Mr. BLILEY) for his support and for his amendment. I would just like to ask him a couple of questions with respect to the amendment.

The first is in terms of who may be provided services under the gentleman's amendment. It is my understanding, after some discussion with the gentleman, that he would not prohibit shelters from providing services to individuals who were not married; is that correct?

Mr. BLILEY. That is exactly correct. What my amendment would say is that, all things being equal, the shelter would have to recognize family members first because it is harder for them to move out of the home than it is for people who do not have the formal bonds. But if it is an emergency situation and the shelter determines that the person who is not from the family has a more pressing problem, then certainly that would take precedence because that would not be an equal situation.

Mr. MILLER of California. Then the gentleman would in no way require a shelter to take somebody out who was already there because a married woman or spouse who also had been the subject of family violence showed up?

Mr. BLILEY. Absolutely not.

Mr. MURPHY. Mr. Chairman, will the gentleman yield for a further clarification of that point?

Mr. BLILEY. I believe it is my time, and I am happy to yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Chairman, I thank the gentleman for yielding.

I just wondered, how are we going to determine it? Are we not throwing an unusual burden upon the shelters to determine the marital or family status of abused persons who come out of a home?

Mr. MILLER of California. I think that is the concern that I have.

Mr. BLILEY. Mr. Chairman, if I may reclaim my time, in most instances they would have one person or one family arriving at a time, and they would be able to take the situation into control. But in the case where the home had room for but one person, we will say, and two arrive at the same time—one is a wife and the other is a person who had a living arrangement or a former living arrangement with someone—then the wife would take precedence. That is all my amendment says.

Mr. MURPHY. Well, suppose we had a situation where the home was filled and one of the inmates or one of the residents happens to not be able to prove her marital status and then a woman who comes up with her marriage license shows up; can she bump her and say, "Well, I have priority"?

Mr. BLILEY. No, the people who are already there could not be bumped. We are talking about new situations.

Mr. MURPHY. That is not what the amendment says, however.

Mr. BLILEY. That might be the gentleman's interpretation, but it is not mine.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield further, that is the point we are trying to clarify.

I think the author of the amendment, the gentleman from Virginia, has clarified it, that this is not a mandate to only take married women.

In another part of the gentleman's amendment, in terms of the definition of related services, again he is not mandating that the shelter-based programs offer these services; he is saying that they may offer these services as part of a comprehensive program to try to prevent recurring family violence. But it is not a mandate that each shelter must offer these counseling and other programs; is that correct?

Mr. BLILEY. That is correct.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for his clarifying comments.

Mr. HANSEN of Idaho. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support Mr. BLILEY's amendment to the Miller amendment on family violence because it corrects two important definitional problems within the amendment. First is the problem that the services which would be provided by the shelters funded under this proposal are left completely undefined. The second is a redefinition of the family which I am sure that few of us could agree to.

If we are going to be funding these shelters up to 80 percent in the first year and 66 percent by the third year, it seems to me that we ought to have a better idea where this money is going. There are big differences in the costs and services offered by shelters. In the 1980 Senate hearings on this subject, one witness from Peoria compared the two shelters which served her local area. The first, a 55-year-old, privately funded shelter served 1,785 women and children in the previous year, with a budget of $160,000. The second, a 2-year-old affiliate of the Illinois Coalition Against Domestic Violence, served 367 women and children with a budget of $150,000. It is interesting to note by the way, that the first shelter, a nondenominational organization called the South Side Mission, has never received a penny from Federal, State, or local government. The second shelter, on the other hand, Tri-County Womenstrength, received 80 percent of its funds from the Federal Government.

Why should one shelter serve one-fourth the number of persons for about the same cost? I do not know the answer to that question in specific terms, but it seems to me that the question is well worth examining. One explanation is that different shelters offer different kinds of services. In 1978, there was a proposal in Tennessee which would allow State-funded shelters to pay for the educatoin of a victim of domestic violence up to the degree of doctorate. This proposal was of course made in the interests of helping women to regain self-sufficiency after breaking from a violent family situation, and I have no argument with that. But I do think that the example points to a need for us to define within our own proposal just exactly what are the services which the Federal Government intends to fund under this program.

The Bliley amendment does this. It defines the services provided by shelters to include food, clothing, shelter, child care, counseling, alcohol and drug abuse treatment, and self-help services. I believe that this definition is quite broad enough to include whatever emergency and preventative services that we have in mind, while at the same time avoiding the funding of those proposals that we never intended, and for this reason, I support it.

Further, there is a second definitional problem corrected by the Bliley amendment. The Miller amendment, as it now stands, would include in the definition of family violence many situations which none of us would call family. The Bliley amendment does not exclude persons in those situations from services. It simply clarifies the definition of family—turns it back into something we can all recognize—and gives priority to the victims of family violence. It recognizes, as I am sure we all do, the special situation of those who suffer violence at the hands of persons to whom they are bound by commitments of marriage and family, and acknowledges their special tragedy. With this provision of the Bliley amendment I wholeheartedly agree, and I hope that you will join with me in support of it.

□ 1540

Mr. COATS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment. I want to commend the gentleman from California (Mr. MILLER) for bringing this to us. I think it is a worthy effort; however, I think the Bliley amendment is a further refinement of that effort and adds something that the amendment does not have.

Primarily, in my opinion, the strength of the Bliley amendment is that it begins to deal with the problem of how do we go about preventing some of the problems that we are dealing with. If one thing came through to this Member in our many, many hearings and from the many experts we heard testify before the Select Committee on Children, Youth and Family, it was the fact that we are continually playing catchup with treating the problems that exist.

We need to start thinking and focusing on how do we prevent the problems from happening in the first place. The Bliley amendment in a number of ways deals with that question and brings to us a mechanism whereby we can start the process of trying to prevent the situtation from occurring.

Now, we have a long way to go on that and I am not pretending that we should swing totally to the preventive side and forget the treatment side. We do need to provide funds for treatment. We do need to provide facilities for treatment; but we also need to look at the prevention aspect and the Bliley amendment does that.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. COATS. I am happy to yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's yielding.

I rise in support of the Bliley amendment and commend the gentleman from California for his work. I think the Bliley amendment refines this thing and deals with the question exactly as the gentleman was saying, the question of prevention.

Mr. Chairman, I rise in support of Representative BLILEY's amendment to the reauthorization bill of the Child Abuse Prevention and Treatment Act."

The title of this bill dictates that congressional action in regard to family violence should provide prevention strategies that work to keep families together and eliminate violent behavior patterns rather than encourage separation. Dissolving the family unit is only an alternative, not a solution. A former director of a shelter in my district observed that most women want their husbands to be helped. They do not want to be rid of their husbands, they just want to be rid of the beatings. Currently, programs are not designed to assist husbands.

The move to a shelter tends to further traumatize an already emotional traumatic situation. At least 60 percent of the women who leave shelters return to situations which are essentially unaltered. Families should be able to get help which Mr. BLILEY's proposal emphasizes and proper treatment can enhance working relationships vital to maintaining the integrity of family units.

Mr. BLILEY's amendment places emphasis on prevention of repeat instances of family violence and provides needed services to those families with histories of violence. This amendment provides the same amount of funding as the Miller amendment and while focusing on preventive programs which can arrest problems before they are transferred to the next generation, it also provides systems whereby families have a better chance of working out their problems and staying together.

I support efforts to provide assistance to victims of family violence, but shelters are a matter of last resort. While recognizing the need for shelters this amendment goes one step further to help families before the last resort becomes the only option left. I urge other Members to examine the intent of this amendment and support this initiative.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment that has been offered by the gentleman from California (Mr. MILLER) and in opposition to the amendment by the gentleman from Virginia (Mr. BLILEY). I applaud the efforts of Congressman MILLER in drafting provisions for inclusion in H.R. 1904, the Child Abuse Amendments of 1983, that will offer help to millions of battered women and children, through providing assistance for shelters and community-based prevention and services programs. The amendment to MILLER's provisions that has been offered by the gentleman from Virginia, I believe, is seriously flawed. I believe that my colleagues who have authored or may be in support of the Bliley amendment have been misinformed, and I would like to take this opportunity to share with you some realities about victims of family violence and their needs.

By seeking to direct money away from the provision of shelter for battered women, the Bliley amendment fails to recognize that, first and foremost, battered women need safety from the immediate threat of abuse, which often means that the battered woman must seek shelter for herself and her children outside the home for a while. Eviction orders that remove the batterer from the home are insufficient, by themselves, to prevent further abuse because police in many communities have neither the resources nor the training to enforce the laws adequately. Furthermore, in many cases, the batterer returns to his home despite efforts to enforce eviction orders.

The Bliley amendment fails to recognize that, in most cases, a shelter for battered women is not just a bed and a roof over the woman's head, but that shelters provide a variety of prevention and treatment services that the battered woman and her family desperately need—counseling, legal advocacy, programs for children, and referrals to other organizations—and are instrumental in many communities in helping social service, criminal justice, and medical professionals to develop appropriate responses to victims and their families. Indeed, one out of every two shelters around the country also coordinate efforts to help the battered woman and her children with counseling programs for men who batter.

By seeking to narrow the definition of family violence to exclude couples who live or have lived together as husband and wife, the Bliley amendment fails to recognize the reality that violence between individuals living together may occur both before and after marriage. Why should we require that a couple living together in a violent relationship be married before they or their children can receive help?

I therefore urge my colleagues to support the Miller amendment and reject the amendment to the amendment of the gentleman from Virginia (Mr. BLILEY).

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a cosponsor of the family violence prevention and services amendment I rise to urge its adoption.

The amendment offered by our distinguished colleague, Chairman MILLER, authorizes $65 million through fiscal year 1987 for State grants to support family violence prevention programs and to shelter victims of family violence. Seventy-five percent of the funds are designated for use by shelters. Grant recipients must provide a local match, half of which must be derived from private sources. Thus, this amendment clearly will supplement local and private efforts to aid family violence victims.

The need for this amendment dispels the myth that spouse and child abuse is a problem peculiar to the poor. Rather family violence infects all social, racial, and economic classes. Husbands beat their wives; wives attack their husbands; and parents abuse their children. This phenomenon is so perverse, so seemingly out of control, that Time magazine says "there is no place so violent as home."

Just how violent our homes are is difficult to determine. Statistics on public violence—that is, the number of murders, robberies, and assaults—are kept by the Department of Justice. Incidents of public violence are normally reported and, because they are reported, the Justice Department's statistics are reliable. But comparatively few reports of family violence are reported to law enforcement authorities, so tallying incidents of family violence is still an imprecise science.

For example, although the American Humane Association found that reports of child abuse to State and local authorities doubled between 1976 and 1981, it is believed that well over half of such crimes are never reported. Estimates are that 1.5 million children this year will be victimized by child abuse. A child may be physically or sexually abused by a parent, stepparent, or intimate friend of a single parent.

This year more than 6 million wives will be pummeled by their husbands, and as many as 4,000 of them will be beaten to death. Something which may come as a surprise to many of us is that 282,000 men this year will be battered by their wives. And even though law enforcement officials now spend one-third of their time responding to domestic violence cases, perhaps as much as two-thirds of their time could be consumed in responding to family violence if its victims felt more secure in coming forward.

One statistic associated with family violence is clear: Organizations, both public and private, that assist victims of domestic violence are effective, but there are not enough of them to help the number of victims. Virtually all of the domestic violence shelters, of which there are 800 in the United States, have extensive waiting lists. The YWCA, which operates 210 domestic shelters or related programs, believes it is turning away 80 percent of those in need of help.

I submit to my colleagues, and especially to those who may consider rising in opposition to this amendment, that an abused child or spouse cannot afford the agony of being placed on a waiting list or being turned away. The alternatives for a victim who is refused treatment are few. He or she can run away or return to a home of violence, neglect, and abuse.

Domestic violence is self-perpetuating. Abused children become abusive parents. A child who grows up in a home where one parent batters the other grows up believing that violence is a constructive method of exerting control and keeping order. Is it at all surprising that 90 percent of prison inmates surveyed say that they were abused as children?

No matter how one looks at it, this amendment is justified. More domestic violence programs and shelters are needed to assist victims. Law enforcement agencies need funds to train police officers and other personnel who may be called upon to handle victims or perpetrators of family violence. From a cost/benefit perspective, this amendment would help alleviate the incidence of a crime that is out of control and, perhaps, over the long-run reduce the taxpayers' expense for supporting incarcerated criminals.

I call on my colleagues to join me in supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BLILEY) to the amendment offered by the gentleman from California (Mr. MILLER).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. BIAGGI TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA, AS AMENDED

Mr. BIAGGI. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI to the amendment offered by Mr. MILLER of California, as amended: After section 306 insert the following new section (and redesignate the subsequent sections accordingly):

DISCRIMINATION PROHIBITED

SEC. 307. (a) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect to such program specifically provides that no individual with responsibilities in the operation of such program will discriminate unlawfully with respect to any such program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(b) No individual in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this title. Nothing in this title shall require any such program to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C 2000d-1). Section 603 of such Act (42 U.S.C 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy.

In section 308(1)(B) (as so redesignated) insert "(including elderly family members)" after "related".

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BIAGGI. Mr. Chairman, I thank the ranking member of the Committee on Education and Labor for his courtesy, as always.

Mr. Chairman, I rise to offer what I consider to be a complimentary amendment to the major amendment offered by my friend and colleague GEORGE MILLER. In his amendment, which I am proud to cosponsor, $65 million in funds are authorized for State grants to support programs to prevent family violence and to provide immediate shelter to victims of family violence. My amendment simply insures that no discrimination on the basis of race, creed, belief, color, national origin, sex handicap or political affiliation is practiced by any of those receiving grants under this section.

The most critical feature of this amendment is to insure that there is also no discrimination on the basis of age in these programs so that victims of elder abuse are provided with the same access to shelters as other groups.

I offer this amendment as an original member of the House Select Committee on Aging which has spent extensive time looking into the problem of abuse against the elderly in the family setting. Our committee's research and others point to the fact that it does exist and is in fact a burgeoning national scandal. It takes many forms ranging from straight physical abuse to psychological abuse including starvation and deprivation of needs to material abuse to coerced entry into nursing homes. We learned that the average victim is a 75-year-old woman in poor health. We also learn that like all other forms of family violence—it too often goes unreported. The Miller amendment seeks to provide a real approach toward a solution to the problem. The Biaggi amendment seeks to guarantee that a victim of family violence does not have to endure the dual indignity of being denied entrance into a shelter on the basis of age.

I offer this amendment after having conducted an informal survey of domestic violence shelters in some 27 States and a disturbing number of them did not provide any services to victims of elder abuse. Some said so because they had limited resources—others because they were not aware of what constituted an elder abuse victim.

It is tragic that we have a nation where intergenerational abuse against family members is so prevalent. If it affects all age groups—then our solutions must be available to them as well. I urge support of my amendment to the Miller amendment and of course passage of this critical amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI) to the amendment offered by the gentleman from California (Mr. MILLER) as amended.

The amendment to the amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. RINALDO TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA, AS AMENDED.

Mr. RINALDO. Mr Chairmen, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. RINALDO to the amendment offered by Mr. MILLER of California, as amended: In section 309(a), insert ", in consultation with the Administration on Aging and the National Institute on Aging," after "Secretary".

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Illinois.

PARLIAMENTARY INQUIRY

Mr. ERLENBORN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding. I asked the gentleman to yield to direct this parliamentary inquiry to the Chair.

How much time is remaining under the time limitation?

The CHAIRMAN. Twenty-seven minutes.

Mr. RINALDO. Mr. Chairman, I rise to offer an amendment to amend section 309 of the Miller amendment to H.R. 1904—legislation which I strongly support. As ranking minority member of the Select Committee on Aging.

I believe it is important for Congress to require the Secretary of Health and Human Services to consult and cooperate with both the Administration on Aging and the National Institute on Aging in conducting its study of elder abuse and in issuing legislative recommendations as mandated by this section.

The Administration on Aging, Mr. Chairman, is the sole Federal agency charged with advocacy on behalf of, and coordination of services to, the Nation's elderly.

AOA and its network of State and area agencies on aging are vital links in the effort to reach and serve elder abuse victims.

On the national level, AOA has funded three model projects to develop and demonstrate alternative methods for prevention and treatment of elder abuse.

I brought the Aging Committee to my own State of New Jersey in 1980 for a hearing on this subject. Even then the New Jersey Division on Aging had begun outreach to older individuals needing help. In November 1983 the division on aging and Kean College in Union, N.J., helped sponsor a major conference on elder abuse. And a study just released by the New Jersey Division on Aging and Youth and Family Services stresses the need for more concentrated national research on the nature of elder abuse and greater intergovernmental cooperation.

While the National Institute on Aging has not been involved, elder abuse research is clearly within the purview of its behavior sciences research program.

This amendment specifically recognizes the crucial role the Administration on Aging and the aging network are playing, and the role the National Institute on Aging could play, in combating the pitiful problem of elder abuse.

I want to thank the manager of the bill, the gentleman from Pennsylvania (Mr. MURPHY), and my distinguished colleagues, the gentleman from California (Mr. MILLER), and the gentlewoman from Ohio (Ms. OAKAR), who is really the legislative pioneer on this subject, as well as the gentleman from New York (Mr. BIAGGI) and the gentleman from Illinois (Mr. ERLENBORN) for their consideration of this amendment. I urge its adoption.

□ 1550

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RINALDO) to the amendment offered by the gentleman from California (Mr. MILLER), as amended.

The amendment to the amendment, as amended, was agreed to.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Miller amendment.

Mr. Chairman, I hate to rain on this Miller parade that has had so much sunshine so much of the time this afternoon, almost exclusively sunshine. But let me just suggest first of all I am not in favor of spousal abuse. I want to make that clear from the outset.

My opposition to the Miller amendment is that we already have social services block grants funneling $2.5 billion of Federal funds into the State and local governments where they, in their discretion, may use them for the very purposes set forth in this new categorical aid program.

The cost of this program, as I compute it, over the authorized life of the

program, the period of years where it is authorized is $65 million. We are going to add this to the $2.5 billion already made available through block grants.

A little while ago this Committee, in its wisdom, adopted the Marriott amendment, which by chance also happened to add up to approximately $65 million over the life of the bill. I point out that the bill as reported by the committee during its effective life was less than $120 million, so with the adoption of these two little amendments we are going to more than double the cost of this bill.

I have to reiterate, Mr. Chairman, when we spend a half an hour to an hour every day with 1-minute speeches out of the well, with people from both sides of the aisle decrying the horrible deficits that are facing this country, and then have those very same people come here on the floor during committee consideration to offer amendments creating new programs, adding spending on top of the spending we already have for the same purposes already capable of being served, it just makes you wonder is there a real note of sincerity to those who are crying out against the deficits.

I guess it is easy to be against deficits and for all of the individual spending programs. As a matter of fact, this Congress has been doing it for so long it seems to have become a habit.

But we are never going to control the deficit, we are never going to get that so-called down payment on deficit control from either side of the aisle if we continue acting in this irresponsible manner.

So I would suggest that this amendment be defeated, that we allow the States in their discretion to use block grant moneys to provide this service, which they can do today, and have been able to do since the block grant was created.

And I am serving notice that I intend to ask for a separate vote on the Marriott amendment when we get to the House, hoping that maybe on the record vote we can overturn the adoption of that amendment. Then we can cut what would be more than half of the total of this bill with the amendments back to the original expenditure level approved by the committee. So I would just make that observation, Mr. Chairman, and yield back the balance of my time.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the Miller amendment.

Mr. Chairman, like my distinguished colleague from Illinois, I would note that it is difficult, as on the last one, to rise in opposition to a nice sounding title of an amendment that would purport to help prevent a problem which is so emotional and so difficult and so pervasive in this country. Who can be against the prevention of family violence?

I would note for the House that this gentleman has a long-time commitment to that prevention. I have acted in my own city to help create a shelter for the prevention of family violence. It was difficult to create, but we have now one of the models and one of the more successful ones in the country.

But, Mr. Chairman, just because family violence is a difficult problem and is one that has to be addressed, the decision this House has to make is what it is we should do about it. Just because it is a title in which everyone wants to get on record to up the ante, and to add more money, the question becomes what is the best strategy and at what level of government that strategy should be pursued.

What the amendment that is before us today does is to add, let us just say it, another Federal program at this time, a Federal program to create domestic violence shelters throughout this country. That may sound attractive until you begin to look at the facts, and one of the facts—and we will go through them—is that we have successfully added and built in this country approximately 700 shelters for domestic violence in the past 10 years without this new Federal program.

I would submit to you that it may sound attractive, but the Miller amendment is the wrong approach. I would suggest to the House there are three problems with the amendment before us that this House has to think about very clearly.

The first one is money. The first one is the deficit. That is the unemployment rate and the risk of continuing to throw more money out of the Federal deficits which are already at the $180 billion annual category, and already Members of this House go to that floor microphone and in the well day after day and they decry that deficit and question the sincerity of the White House or the sincerity of the leadership at one level or another. Yet they would come back and add to that deficit one bill at a time, one title at a time.

And in this case, after this House, after the committee added 73 percent to the Federal program in 1 year, then the Marriott amendment added more to make it a 196-percent increase.

Now, this amendment would add another 100 percent approximately for a 396-percent increase for the first year, and continuing that program for years to come.

I would suggest that throwing more money and adding more money and creating another Federal program is the wrong approach. Of course, the danger is when you continue to add to the Federal deficit you create higher interest rates, higher unemployment, and higher inflation, and the higher unemployment that indeed, as per the words of the bill itself, could end up causing more domestic violence and more child abuse, exactly what we are trying to prevent.

Mr. Chairman, there is a second problem which is much more specific. The first problem you could talk about with any new Federal spending progam, and it seems as if in spite of the cries against the deficit we get to talk about new Federal spending programs almost every day. But the second problem is very specific, and that is we had one hearing on this bill and we discovered through that one hearing and from further information that was sent to this Congress that over the last 10 years in excess of 700 shelters have been created. They have been created the hard way, through community involvement, through private involvement, through charitable contributions, through the United Way, through city councils such as my own, through State action, through local government actions. But they have been created and we have gone from virtually zero to 700 in less than 10 years.

Sure, it was difficult. But the result is that those shelters are locally designed to meet local problems. They have the highest level of community support and in each shelter there are contributions of thousands of hours of volunteer hours per week.

That is what we face today, is the danger of short circuiting that process, which is successful. We indeed could end up with fewer shelters if we tell the people of this country that it is the Federal Government that is going to solve it, and that leads to problem No. 3.

Problem No. 3 is that the permanent funding of what should be a rather simple amendment of new Federal shelters requires or will require, and there is no way it can be avoided because we have just added more definitions with the Bliley amendment, which I supported, but we have added definition after definition, regulation after regulation, and we have taken shelters that otherwise could be completely locally designed, and not just a scarcity of Federal regulations, but an absence of those regulations, and we have added three pages of statutes and no telling how many pages of regulations when finally implemented.

So I would suggest to the House that if we want to be for the prevention of domestic violence and for lowered unemployment we should vote no on this new Federal spending program.

AMENDMENTS OFFERED BY MS. OAKAR TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA, AS AMENDED

Ms. OAKAR. Mr. Chairman, I offer two amendments to the amendment, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Ms. OAKAR to the amendment offered by Mr. MILLER of California, as amended: Strike out section 309 and insert in lieu thereof the following:

NATIONAL CENTER ON ELDER ABUSE

SEC. 309. The Secretary shall establish an office to be known as the National Center on Elder Abuse (hereinafter referred to in this section as the "Center").

(b) The Secretary, through the Center, shall—

(1) compile, publish, and disseminate a summary annually of recently conducted research on elder abuse, neglect, and exploitation;

(2) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

(3) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation;

(5) conduct research into the causes of elder abuse, neglect, and exploitation, and into the prevention, identification, and treatment thereof; and

(6) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of elder abuse, neglect, and exploitation, including a determination of the extent to which incidents of elder abuse, neglect, and exploitation are increasing in number or severity.

(c) Not later than eighteen months after the date of the enactment of this Act, the Secretary shall prepare and submit a report to the President and the Congress on the results of the research required by paragraphs (5) and (6) of subsection (b), together with such recommendations (including recommendations for legislation) as the Secretary considers appropriate.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

After section 310, insert the following new section:

STUDY OF MANDATORY REPORTING

SEC. 311. (a) The Secretary shall conduct a study on the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly elder abuse. Such study shall consider the effect of immunity on the mandatory reporting process.

(b) Not later than eighteen months after the date of enactment of this Act, the Secretary shall prepare and submit a report to the Congress on the results of the study, together with such recommendations as the Secretary considers appropriate.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Ms. OAKAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

□ 1600

Ms. OAKAR. Mr. Chairman, first of all, I would like to commend Mr. MILLER and all the individuals responsible, the chairmen of the subcommittee and the full committee, for their work on the issue of family violence.

This is an issue long ignored by this Congress and the few dollars here are a pittance as compared with the cost overruns of the defense projects. This issue is a very, very worthwhile one and will prevent pain which exists with our men, women, and children and our elderly who really do experience violence and abuse.

I would like to focus in on the subject of elder abuse. It is true that I have a comprehensive bill on this subject and it is also true that we estimate that 1 out of 20 older Americans are victims of elder abuse. They are victims of a form of family violence that includes physical and psychological and verbal assault, and forceable restraint, isolation, exploitation of their money or property, neglect, failure to provide for physical and health needs including abuse by medication.

Now, we as a Congress have not addressed ourselves to what is a very subtle, often not talked about difficulty, and that is the subject of elder abuse. We know that only one out of six of these cases that relate to elder abuse is ever reported. We know that elderly are very often embarrassed to tell anybody and are afraid to tell anybody that they are being abused.

We also know that often, most often, the abuser, unfortunately, is the child of that elderly person. We know that there are many reasons for elder abuse: lack of congregate services to help the child take care of that frail, elderly person, high unemployment, and other psychological problems which take place.

We also know that we do not have a National Center on Elder Abuse within the Department of Health and Human Services, just as we have a clearinghouse for child abuse, et cetera.

So one of the amendments would establish this National Center on Elder Abuse within HHS. It would conduct research into the causes and national incidents, the prevention and the treatment of elder abuse which is a serious problem.

Mr. Chairman, the Center would also serve as a clearinghouse disseminating information about programs and the special problems related to elder abuse.

Although elder abuse has been identified as one of the most growing problems and concerns of the older American population, little information and research has been released.

My amendment would centralize the process and attempts to identify and define the problem.

My other amendment calls for a study to be conducted by the Secretary of HHS on the necessity and the effects of mandatory reporting on family abuse cases.

Elder abuse protection laws have not been a priority item in many areas. Mandating protective services for elder adults is more difficult sometimes than for children. Laws must safeguard adults' rights to privacy, consent, and determination. Mandatory reporting is controversial, so I think we ought to study that problem.

We also know one of the reasons why people do not report elder abuse, such as caseworkers, doctors, nurses, who work in emergency rooms in hospitals, is because they are not immune from prosecution. So we can give the example of the 81-year-old woman who was brought in by her daughter and son-in-law, into an emergency room. They told the physician that she had fallen and sustained these injuries.

This individual, 81 years old, had a fractured skull. The doctor, the nurse, the caseworker, all suspected that it was the daughter and son-in-law who had perpetrated those injuries, but they had concerns about immunity because people who report cases such as elder abuse and child abuse can often get sued.

So I think we have to study the problems of the immunity, and that is what my second amendment relates to.

I personally feel we would be better off.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Ms. OAKAR was allowed to proceed for 1 additional minute.)

Ms. OAKAR. Mr. Chairman, the city of Cleveland was one of the first to conduct a study on elder abuse. The Cleveland Chronic Illness Center and Case Western Reserve University did the study on elder abuse in 1979 and showed extensive elder abuse.

Another study released in Cuyahoga County, done by the Federation of Community Planning, was released in 1982 and found that 10 percent of the dependent elderly in the country were victims of elder abuse.

Mr. Chairman, I would like to engage in a colloquy with Congressman MILLER.

Congressman MILLER, am I correct in assuming that the family Violence Prevention and Services Act provides for a small amount of money, in the form of grants, to shelters?

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentlewoman for yielding.

Yes, the gentlewoman is correct. Section 303 of the amendment provides for grants to be given to States which house shelter center victims of abuse.

Ms. OAKAR. I realize that most shelters provide assistance to battered wives and their dependents. However, a shelter would never turn away a victim because of age or sex or national origin?

Mr. MILLER of California. The Congresswoman is correct. I think with the Biaggi amendment, which she is a supporter of, that part has been strengthened.

Ms. OAKAR. I may conclude, therefore, that the amendment includes the protection and treatment of victims of elder abuse also?

Mr. MILLER of California. The gentlewoman is correct.

Ms. OAKAR. I thank the gentleman.

By the way, the two issues, in fact, several issues related to family violence do not conflict with each other. They are not in competition. we really think there are problems with violence at various levels. That is the importance of the Miller amendment.

Mr. Chairman, I thank the chairman as well as the author of the amendment.

Mr. BARNES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment.

I commend my friend from California for his leadership on this issue.

Mr Chairman, I rise in strong support of the amendment and commend the gentleman from California (Mr. MILLER) for his fine work on this issue. A number of us in the House have actively pursued legislative solutions to the tragic problem of domestic violence over the last few years, and adoption of this amendment today will be a major step forward.

This problem is national in scope. It reaches into every community in America. In some local communities, such as in my district in Montgomery County, Md. domestic violence has been recognized as a serious crime and measures have been taken to deal with its causes and to assist its victims. But shelters and counseling services are grossly underfunded.

The Miller amendment will begin to provide the necessary national commitment to protect the safety of individuals and families. It will help increase popular awareness that domestic violence, as well as being a tragedy, is a crime. It will remove the feeling of helplessness that many families faced with this problem have. The amendment deserves the overwhelming endorsement of this House. Action is long overdue.

Mrs. JOHNSON. Mr. Chairman, I rise today in support of the amendment offered by Mr. MILLER to the bill H.R. 1904, the Child Abuse Prevention and Treatment Act, which authorizes $65 million over the next 3 fiscal years for State grants to support programs to prevent family violence and provide immediate shelter to victims of family violence.

I have witnessed in my own district the impressive work of the dedicated individuals who work in shelters for abused women. Over 90 percent of the women who entered the State's shelters last year had a history of being abused before the incident which led them to contact the shelter. Half of the women who entered the shelters were battered by individuals other than their spouse. Many women are battered by husbands from whom they are separated, or by men with whom they are no longer involved, but who continue to harass them.

Statistics in my State show that battering affects the entire family, and occurs in all income groups. Nearly three-fourths of the women who enter the shelters do so with their children, and although close to one-third had jobs of their own, close to one-half were economically dependent on the men who abused them. About one-fifth of the women who entered the shelters were welfare recipients.

Funding sources, in addition to the State of Connecticut (which provides only a portion of any shelter's budget) includes some from private donations, church groups, and private foundations. Most funding, however, is precarious. One shelter, for example, was recently reduced from 12 people to 4 because of Federal cuts, yet the community expected the same level of service from the shelter.

Shelter programs provide high-quality service at a low cost. Prudence Crandall Center in New Britain, for example, can care for a woman and her children for about one-third the cost to house a family at a hotel where there would be no support services. The New Britain City welfare director has said "Without Prudence Crandall women with children would be housed * * * at several times the cost to the city."

Shelters also suffer from lack of space and ability to handle calls. Some estimates are as high as 80 women per month who cannot be sheltered because of lack of space in the shelter in their communities. Some of these women can be placed in other parts of the State, but many have no alternatives. Shelters receive as many as 600 calls per month, calls for crisis service, referrals, information, and advocacy.

I strongly support the provision of the amendment which requires three-fourths of the State funds to go to agencies that provide immediate shelter to family violence victims. I am also pleased that $2 million is earmarked for training programs for law enforcement officials to handle family violence cases.

That violence occurs in families comes as no suprise, sadly enough. Most of us have become accustomed to hearing of stories of children and adults who are beaten by family members. The effects of these incidents of family violence, however, have an impact on our whole society. This syndrome has been our legacy for long enough, and I believe it is time for the Congress to finally address this problem in a real and substantive fashion.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Ohio (Ms. OAKAR) to the amendment offered by the gentleman from California (Mr. MILLER), as amended.

The amendments to the amendments, as amended, were agreed to.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to make a technical correction in the amendment offered by the gentleman from Virginia (Mr. BLILEY). In that amendment, in the second paragraph, I ask unanimous consent to insert "(a)" after "303."

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. MURPHY TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA, AS AMENDED

Mr. MURPHY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY to the amendment offered by Mr. MILLER of California; as amended: Section 303(a)(2)(B), on page 2, after line 17 of the amendment:

Insert the following new clause after "year, that" (and redesignate the subsequent clauses accordingly):

(i) not more than 5 per centum of such funds will be used for State administrative costs;

Mr. MURPHY. Just a brief explanation, Mr. Chairman. As we know, 25 percent of the funding goes back to the States for State grant money and my amendment would merely provide that the State is not entitled to use any more than one-fifth of that amount for administrative costs and that the remaining four-fifths of the

funding would go to encourage the actual programs in existence so that they do not consume all of the money in administrative costs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY) to the amendment offered by the gentleman from California (Mr. MILLER) as amended.

The amendment to the amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments?

● Mr. HERTEL of Michigan. Mr. Chairman, I rise today in support of the child abuse amendments and the family violence prevention and services amendment. Domestic violence, whether in the form of child, spouse or elder abuse, is a tragic crime injuring millions of people annually. These amendments support measures to prevent family violence and to provide immediate shelter for the victims.

Child abuse is the most frightening of crimes. It is an attack on helpless victims—infants and children—who cannot know or understand the complex reasons that cause the assault. Even more alarming, child abuse is a violent act committed by a loved one who often does not know the reason for the outburst and may regret it later. Yet, unfortunately, this person will probably repeat the brutal act.

In the safety of their own homes, children suffer physically as well as emotionally. It is the nature of the crime that makes it so very difficult to recognize and prevent. The crime is not defined by race, sex, or income, although it is often aggravated by problems such as unemployment or stress. There are few statistics on child abuse because most of the crimes go unreported. Increasing public awareness of this grave problem is a critical step toward preventing further assaults. Since the first child abuse prevention bill was enacted in 1974, incident reports have risen over 100 percent.

It is a well known fact that child abuse causes more than physical damage; emotional problems stemming from child abuse have lasting effects. Reports indicate that most parents who abuse their children were themselves victims of child abuse.

Passage of H.R. 1904, the child abuse amendments and family violence prevention and service amendment is critical to the welfare of people of all ages. There is no question that solutions to this most serious and complex problem depend on assistance from the Federal Government. Preventive measures, treatment, shelters, and adoption opportunities are vital steps toward protecting our children and families. We must build on the legislative framework to establish appropriate and stronger State, local and Federal activities to prevent family violence and provide help for its many victims. We must not shy away from this responsibility.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of the amendment to H.R. 1904 offered by the distinguished gentleman from California (Mr. MILLER). I am a cosponsor of this important amendment to provide assistance to the victims of family violence.

Mr. Chairman, family violence is on the rise in America. The cover story in the September 5, 1983, issue of time magazine vividly describes this horrifying national problem. According to the Time article, nearly 6 million wives are abused by their husbands each year, some 2,000 to 4,000 women are beaten to death annually, and the Nation's police spend one-third of their time responding to domestic-violence calls. The article told shocking stories about the pain and suffering that has been inflicted upon thousands of women and children. But the saddest part of many of these stories was that the victims had no place to turn. More than 75 percent of the 650 family violence projects across the Nation have had to reduce services as a result of budget cuts by the Reagan administration. Many victims are simply forced to endure the punishment and in some cases kill their husbands or themselves. There must be another choice. We must make certain that no one who is fleeing from family violence and seeking assistant is turned away. The Miller amendment is a step in that direction.

This amendment authorizes $65 million over the next 3 fiscal years for State grants for shelters and service programs which work with the victims of family violence. At least 75 percent of the State funds must go to agencies that provide immediate shelter to family violence victims. The amendment also authorizes $2 million over the next 3 years for training programs for law enforcement officials to handle family violence cases. Forty percent of all police injuries occur during the response to a domestic complaint. With the proper training, many of these injuries could be prevented.

Mr. Chairman, Congress must respond to this growing national crisis. This amendment will provide the victims of family violence an opportunity to escape a life of abuse.●

● Mrs. KENNELLY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. I would like to commend the gentleman on his fine work on this legislation. Family violence is a problem in our society of alarming dimensions, and it is especially a problem for women. According to Time magazine, battering results in injuries to more women than auto accidents, rapes, or muggings. Fortunately, we no longer accept family violence as a fact of life, nor as a private matter to be left within the confines of the family. Over the last two decades, over 800 shelters for abused women have been created in this country. This legislation would provide much-needed Federal funds to help these shelters.

In Connecticut there are 10 shelters for battered women. In a recent 1 year period, over 2,000 women and children were admitted to these shelters, yet another 2,500 were turned away for lack of space. Hot lines in Connecticut in that same year received nearly 40,000 calls. This is partly a story of success and partly a story of failure. The Connecticut Task Force on Abused Women reports that 82 percent of the women who came through these shelters did not return to the battering situation. This is a significant indication of success. Yet the many women who were turned away represent a failure that might be corrected by the availability of Federal grants. As long as the tragedy of family violence continues, it is vital that we provide what help we can to prevent such violence and to provide help to its victims.

Mr. Chairman, this is a very important amendment, and I strongly urge my colleagues to support it.●

The question is on the amendment offered by the gentleman from California (Mr. MILLER) as amended.

The question was taken, and on a division (demanded by Mr. ERLENBORN) there were—ayes 14, noes 1.

RECORDED VOTE

Mr. ERLENBORN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 31, not voting 35, as follows:

[Roll No. 18]

AYES—367

Ackerman	Brooks	Daschle
Addabbo	Broomfield	Davis
Akaka	Brown (CA)	de la Garza
Alexander	Brown (CO)	Dellums
Anderson	Broyhill	Derrick
Andrews (NC)	Bryant	DeWine
Andrews (TX)	Burton (CA)	Dickinson
Annunzio	Burton (IN)	Dicks
Anthony	Byron	Dingell
Applegate	Campbell	Dixon
AuCoin	Carney	Dorgan
Barnard	Carper	Dowdy
Barnes	Carr	Downey
Bates	Chandler	Duncan
Bedell	Chappell	Durbin
Beilenson	Chappie	Dwyer
Bennett	Clarke	Dymally
Bereuter	Clay	Dyson
Berman	Clinger	Eckart
Bevill	Coats	Edgar
Biaggi	Coleman (MO)	Edwards (AL)
Bilirakis	Coleman (TX)	Edwards (CA)
Bliley	Collins	Edwards (OK)
Boehlert	Conable	Emerson
Boggs	Conte	English
Boner	Conyers	Erdreich
Bonior	Cooper	Evans (IA)
Bonker	Coughlin	Evans (IL)
Borski	Courter	Fascell
Bosco	Coyne	Fazio
Boucher	Crockett	Feighan
Boxer	D'Amours	Fiedler
Breaux	Daniel	Fish
Britt	Darden	Flippo

Florio	Luken	Rogers
Foglietta	Lundine	Rose
Foley	MacKay	Rostenkowski
Ford (TN)	Madigan	Roth
Fowler	Markey	Roukema
Frank	Marlenee	Rowland
Franklin	Marriott	Roybal
Frenzel	Martin (IL)	Russo
Frost	Martin (NC)	Sabo
Fuqua	Martinez	Sawyer
Garcia	Matsui	Schaefer
Gaydos	Mavroules	Scheuer
Gejdenson	Mazzoli	Schneider
Gephardt	McCain	Schroeder
Gibbons	McCandless	Schulze
Gilman	McCloskey	Schumer
Gingrich	McCollum	Seiberling
Glickman	McCurdy	Sensenbrenner
Gonzalez	McDade	Sharp
Goodling	McEwen	Shaw
Gore	McGrath	Shelby
Gradison	McHugh	Siljander
Gray	McKernan	Simon
Green	McKinney	Sisisky
Guarini	McNulty	Skeen
Gunderson	Mica	Slattery
Hall (IN)	Michel	Smith (FL)
Hall (OH)	Mikulski	Smith (NE)
Hall, Ralph	Miller (CA)	Smith (NJ)
Hall, Sam	Miller (OH)	Smith, Robert
Hamilton	Mineta	Snowe
Hammerschmidt	Minish	Snyder
Hansen (UT)	Mitchell	Solarz
Harkin	Moakley	Solomon
Harrison	Molinari	Spence
Hatcher	Mollohan	Spratt
Hawkins	Moody	St Germain
Hayes	Moore	Staggers
Hefner	Moorhead	Stangeland
Hertel	Morrison (CT)	Stark
Hightower	Morrison (WA)	Stratton
Hiler	Mrazek	Studds
Hillis	Murphy	Sundquist
Horton	Murtha	Swift
Hoyer	Myers	Synar
Hubbard	Natcher	Tallon
Huckaby	Neal	Tauke
Hughes	Nelson	Taylor
Hutto	Nichols	Thomas (CA)
Hyde	Nowak	Thomas (GA)
Ireland	O'Brien	Torres
Jacobs	Oakar	Torricelli
Jenkins	Oberstar	Towns
Johnson	Obey	Traxler
Jones (OK)	Olin	Udall
Jones (TN)	Ortiz	Vander Jagt
Kaptur	Ottinger	Vandergriff
Kasich	Owens	Vento
Kastenmeier	Oxley	Volkmer
Kazen	Packard	Vucanovich
Kemp	Panetta	Walgren
Kennelly	Parris	Walker
Kildee	Pashayan	Watkins
Kindness	Patman	Waxman
Kogovsek	Patterson	Weaver
Kolter	Pease	Weber
Kostmayer	Penny	Weiss
Kramer	Perkins	Wheat
LaFalce	Petri	Whitehurst
Lagomarsino	Pickle	Whitley
Lantos	Porter	Whittaker
Latta	Price	Whitten
Leach	Pritchard	Williams (MT)
Lehman (FL)	Quillen	Williams (OH)
Lent	Rahall	Wilson
Levin	Rangel	Winn
Levine	Ratchford	Wise
Levitas	Ray	Wolf
Lewis (CA)	Regula	Wolpe
Lewis (FL)	Reid	Wortley
Lipinski	Richardson	Wright
Livingston	Ridge	Wylie
Lloyd	Rinaldo	Yates
Long (LA)	Ritter	Yatron
Long (MD)	Roberts	Young (AK)
Lott	Robinson	Young (FL)
Lowery (CA)	Rodino	Young (MO)
Lowry (WA)	Roe	
Lujan	Roemer	

NOES—31

Badham	Craig	Daub
Bartlett	Crane, Daniel	Dreier
Bateman	Crane, Philip	Erlenborn
Cheney	Dannemeyer	Fields
Gekas	Leath	Shuster
Gramm	Loeffler	Smith, Denny
Gregg	Lungren	Stenholm
Hansen (ID)	Mack	Stump
Hartnett	Montgomery	Zschau
Holt	Nielson	
Hunter	Shumway	

NOT VOTING—35

Albosta	Hance	Rudd
Archer	Heftel	Savage
Aspin	Hopkins	Shannon
Bethune	Howard	Sikorski
Boland	Jeffords	Skelton
Coelho	Jones (NC)	Smith (IA)
Corcoran	Lehman (CA)	Stokes
Donnelly	Leland	Tauzin
Early	Martin (NY)	Valentine
Ferraro	Paul	Wirth
Ford (MI)	Pepper	Wyden
Forsythe	Pursell	

□ 1620

Mr. HUNTER and Mr. MACK changed their votes from "aye" to "no."

Mr. SAWYER changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the voice vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SIKORSKI. Mr. Chairman, I was unavoidably absent for rollcall No. 18, the vote on the Miller amendment. If I had been here, I would have voted for it.

□ 1630

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this bill seems like an old friend to me now. Hopefully you will come to feel the same way about it. I cosponsored this measure early last year and worked with it in committee. After a long delay during which many amendments were considered, I was pleased to appear before the Rules Committee on behalf of this bill last fall. But my work was minor compared to that of my good colleagues on the Education and Labor Committee, Messrs. MURPHY, MILLER, and ERLENBORN. I commend them for their bipartisan efforts. Now we can all join to complete House action on this vital bill reauthorizing and improving the Child Abuse Prevention and Treatment and Adoption Reform Act.

That is quite a long title, but its needed to capture all this measure addresses. First, the bill reauthorizes and improves our statutory Federal programs designed to reduce the horrors of child abuse. Second, the act helps facilitate adoption. This bill specifically expands that help to include the adoption of severely handicapped children. While both of these elements of the bill are vitally important, I would like to focus on yet another good feature of this legislation: it improves the act's child protection programs by responsibly addressing the grave threats aimed at so-called infants at risk—those youngest members of our society who are left to die without food or care solely because they are handicapped.

This issue arose as the tragic events surrounded Baby Doe came to light. There, a slightly handicapped but easily treated young life was left to die without nutrition or routine medical care because his parents and doctor did not want an allegedly imperfect child. The administration stepped in with a lifesaving hotline to help insure care for other handicapped newborns. Since then, several similar cases have emerged where simple treatment or nutrition was intentionally denied to infants at risk. This is child abuse at its very worst—and is properly addressed here.

The provisions in H.R. 1904 help protect future Baby Does by encouraging responsible State action. Inappropriate measures are not required—just a fair chance for every newborn. I believe these provisions will bolster existing Federal efforts in saving young lives. Those Federal efforts must continue as well.

Let us not be distracted by claims that individuals have the complete discretion to do as they wish with their newborn children. It is a well established fact that when parents seek to deny their children lifesaving medical treatment for religious reasons, doctors and hospitals take them to court and courts order the treatment be given. We should show no less concern for the child when the reason for denying treatment is disrespect for the value of a handicapped human being. A child's right to receive routine, life-sustaining treatment must not be denied for any reason.

We need to protect all children from the very real horrors of child abuse. This goes for infants at risk as well as for other children. A civilized society must protect all its children from any momentary madness. We must take an especially firm stand against the even more insidious horror presented by those who would withhold food and medical care from a newborn simply because that infant is deemed to be less than physically perfect. It is unfortunate that legislation is needed to do this, but apparently it is. I am for life—let us give all children a chance to live and grow.

Mr. HUTTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of H.R. 1904.

Mr. Chairman, I rise in support of H.R. 1904, the Child Abuse and Adoption Reform Act. Having introduced legislation last year on the issue of child pornography, I feel these amendments will significantly improve present law.

Congress has taken an active role in the prevention and elimination of the

growing victimization of children. With passage of legislation such as the Child Protection Act of 1983, passed late last year, Congress has clearly brought the issue of child abuse to the forefront.

There are two aspects of the child abuse amendments which deserve our attention. First, this bill emphasizes preventative rather than curative support for the treatment of child abuse. The scope of the problem has unfortunately expanded to include domestic disputes and the abuse of the elderly. In short, family violence is at the center of the problem, and our current level of assistance is less than adequate. Too often, the police officer is the first and only outsider to come to the aid of these families. H.R. 1904 would provide for assistance to existing family violence prevention programs and spark innovative ways to meet the needs of family violence victims.

My second concern is for children who are victims of sexual abuse. We have a responsibility to end child pornography, child molestation, and all other sex-related crimes affecting children. As our Nation's greatest resource, our children must be protected. The passage of these amendments will help to secure a safe future for our children.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. OTTINGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, pursuant to House Resolution 350, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. ERLENBORN. Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Utah (Mr. MARRIOTT).

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 7, beginning on line 4, strike out "$25,000,000" and all that follows through "1987" and insert in lieu thereof "$35,000,000 for fiscal year 1984, $36,250,000 for fiscal year 1985, $37,563,000 for fiscal year 1986, and $38,941,000 for fiscal year 1987."

Page 7, beginning on line 22, strike out "$3,000,000" and all that follows through "1987", and insert in lieu thereof "$10,000,000 for each of the fiscal years 1984, 1985, 1986 and 1987."

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. MARRIOTT. Mr. Speaker, I demand a recorded vote.

A recorded voted was refused.

So the amendment was rejected.

The SPEAKER. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 4, not voting 33, as follows:

[Roll No. 19]

YEAS—396

Ackerman	Boxer	Coyne
Addabbo	Breaux	Craig
Akaka	Britt	Crockett
Alexander	Brooks	D'Amours
Anderson	Broomfield	Daniel
Andrews (NC)	Brown (CO)	Darden
Andrews (TX)	Broyhill	Daschle
Annunzio	Bryant	Daub
Anthony	Burton (IN)	Davis
Applegate	Byron	de la Garza
AuCoin	Campbell	Dellums
Barnard	Carney	Derrick
Barnes	Carper	DeWine
Bartlett	Carr	Dickinson
Bateman	Chandler	Dicks
Bates	Chappell	Dingell
Bedell	Chappie	Dixon
Beilenson	Cheney	Dorgan
Bennett	Clarke	Dowdy
Bereuter	Clay	Downey
Berman	Clinger	Dreier
Bevill	Coats	Duncan
Biaggi	Coelho	Durbin
Bilirakis	Coleman (MO)	Dwyer
Bliley	Coleman (TX)	Dymally
Boehlert	Collins	Dyson
Boggs	Conable	Eckart
Boner	Conte	Edgar
Bonior	Conyers	Edwards (AL)
Bonker	Cooper	Edwards (CA)
Borski	Coughlin	Edwards (OK)
Boucher	Courter	Emerson
English	Lent	Ratchford
Erdreich	Levin	Ray
Erlenborn	Levine	Regula
Evans (IA)	Levitas	Reid
Evans (IL)	Lewis (CA)	Richardson
Fascell	Lewis (FL)	Ridge
Fazio	Lipinski	Rinaldo
Feighan	Livingston	Ritter
Fiedler	Lloyd	Roberts
Fields	Loeffler	Robinson
Fish	Long (LA)	Rodino
Flippo	Long (MD)	Roe
Florio	Lott	Roemer
Foglietta	Lowery (CA)	Rogers
Foley	Lowry (WA)	Rose
Ford (TN)	Lujan	Rostenkowski
Fowler	Luken	Roth
Frank	Lundine	Roukema
Franklin	Lungren	Rowland
Frenzel	Mack	Roybal
Frost	Madigan	Russo
Fuqua	Markey	Sabo
Garcia	Marlenee	Savage
Gaydos	Marriott	Sawyer
Gejdenson	Martin (IL)	Schaefer
Gekas	Martin (NC)	Scheuer
Gephardt	Martin (NY)	Schneider
Gibbons	Martinez	Schroeder
Gilman	Matsui	Schulze
Gingrich	Mavroules	Schumer
Glickman	Mazzoli	Seiberling
Gonzalez	McCain	Sensenbrenner
Goodling	McCandless	Sharp
Gore	McCloskey	Shaw
Gradison	McCollum	Shelby
Gramm	McCurdy	Shumway
Gray	McDade	Shuster
Green	McEwen	Sikorski
Gregg	McGrath	Siljander
Guarini	McHugh	Simon
Gunderson	McKernan	Sisisky
Hall (IN)	McKinney	Skeen
Hall (OH)	McNulty	Slattery
Hall, Ralph	Mica	Smith (FL)
Hall, Sam	Michel	Smith (NE)
Hamilton	Mikulski	Smith (NJ)
Hammerschmidt	Miller (CA)	Smith, Denny
Hansen (ID)	Miller (OH)	Smith, Robert
Hansen (UT)	Mineta	Snowe
Harkin	Minish	Snyder
Harrison	Mitchell	Solarz
Hartnett	Moakley	Solomon
Hatcher	Molinari	Spence
Hawkins	Mollohan	Spratt
Hayes	Montgomery	St Germain
Hefner	Moody	Staggers
Hertel	Moore	Stangeland
Hightower	Moorhead	Stark
Hiler	Morrison (CT)	Stenholm
Hillis	Morrison (WA)	Stratton
Holt	Mrazek	Studds
Hopkins	Murphy	Stump
Horton	Murtha	Sundquist
Hoyer	Myers	Swift
Hubbard	Natcher	Synar
Huckaby	Neal	Tallon
Hughes	Nelson	Tauke
Hunter	Nichols	Taylor
Hutto	Nielson	Thomas (CA)
Hyde	Nowak	Thomas (GA)
Ireland	O'Brien	Torres
Jacobs	Oakar	Torricelli
Jenkins	Oberstar	Towns
Johnson	Obey	Traxler
Jones (OK)	Olin	Udall
Jones (TN)	Ortiz	Vander Jagt
Kaptur	Ottinger	Vandergriff
Kasich	Owens	Vento
Kastenmeier	Oxley	Volkmer
Kazen	Packard	Vucanovich
Kemp	Panetta	Walgren
Kennelly	Parris	Walker
Kildee	Pashayan	Watkins
Kindness	Patman	Waxman
Kogovsek	Patterson	Weaver
Kolter	Pease	Weber
Kostmayer	Penny	Weiss
Kramer	Perkins	Wheat
LaFalce	Petri	Whitehurst
Lagomarsino	Pickle	Whitley
Lantos	Porter	Whittaker
Latta	Price	Whitten
Leach	Pritchard	Williams (MT)
Leath	Quillen	Williams (OH)
Lehman (CA)	Rahall	Wilson
Lehman (FL)	Rangel	Winn

Wise	Wright	Young (AK)
Wolf	Wylie	Young (FL)
Wolpe	Yates	Young (MO)
Wortley	Yatron	Zschau

NAYS—4

Badham	Crane, Philip
Crane, Daniel	Dannemeyer

NOT VOTING—33

Albosta	Ferraro	Pepper
Archer	Ford (MI)	Pursell
Aspin	Forsythe	Rudd
Bethune	Hance	Shannon
Boland	Heftel	Skelton
Bosco	Howard	Smith (IA)
Brown (CA)	Jeffords	Stokes
Burton (CA)	Jones (NC)	Tauzin
Corcoran	Leland	Valentine
Donnelly	MacKay	Wirth
Early	Paul	Wyden

□ 1650

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1904, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 1904

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of H.R. 1904, and, as part of such technical changes, to change each reference in the bill to the "Child Abuse Amendments of 1983" to read "Child Abuse Amendments of 1984".

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TRIBUTE TO GENE RAYMOND MILLER

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to, and memory of, a longtime friend of mine, Gene Raymond Miller, who died unexpectedly at the age of 89 on November 29, 1983, in Mayfield, Ky.

Gene Raymond Miller operated Miller Dairy Products in Mayfield for many years, and he was a successful businessman and extemely well liked by the people of Mayfield and Graves County, Ky. A veteran of World War II, Raymond Miller was actively involved in Mayfield in various ways, especially as a member of the First United Methodist Church and the Mayfield Rotary Club. In fact, he held a 40-year perfect attendance record as a Rotarian, devoting much of his time to his community development and progress.

He was a very concerned citizen—anxious about the future of his country, his State, and his community. Highway safety was a project to which he was devoted, even sending pens and pencils with the words inscribed: "Please drive carefully."

I was pleased to have had Raymond Miller as a constituent and proud to have been his State Senator in Kentucky and his Congressman in the U.S. House of Representatives.

Survivors include his lovely wife, Conolia Miller, of Mayfield; a son, Gene Ray Miller, senior vice president of Liberty Savings Bank in Mayfield, Ky.; a daughter, Mrs. Elaine Sarr, of Cincinnati, Ohio; a sister, Mrs. Alma Toler, of Metropolis, Ill.; and six grandchildren.

I extend my sympathy to the survivors and friends of this fine Kentuckian who was truly an inspiration to those of us who knew him.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of section 9355(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members of the House:

Mr. FOLEY of Washington; Mr. DICKS of Washington; Mr. KRAMER of Colorado; and Mr. LEWIS of California.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194(a), title 14 of the United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. GEJDENSON of Connecticut; and Mr. MCKINNEY of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of title 10 United States Code 4355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. DIXON of California; Mr. HEFNER of North Carolina; Mr. ROTH of Wisconsin; and Mr. FISH of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of title 10, United States Code, section 6968(a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House:

Mr. LONG of Maryland; Mr. MURTHA of Pennsylvania; Mrs. HOLT of Maryland; and Mr. SPENCE of South Carolina.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of section 2, Public Law 96-453, as amended, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House:

Ms. FERRARO of New York; and Mr. CARNEY of New York.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of inquiring of the distinguished majority whip the program for the balance of this day, this week, and next week, if possible.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield to me?

Mr. MICHEL. I am happy to yield.

Mr. FOLEY. Well, Mr. Speaker, this concludes the business for today and for this week.

The House will meet at noon on Monday to consider the Consent Calendar and one bill under suspension of the rules. That bill, H.R. 3625, is the Inspector General Act Amendments of 1983. Any vote required on this bill will be postponed until Tuesday, February 7.

Also on February 6, Monday, the House will undertake general debate only on H.R. 555, the Construction Work in Progress Policy Act of 1983, under an open rule with 1 hour of debate. The rule has already been adopted. Again, this will be for general debate only.

On Tuesday, February 7, the House will meet at noon to consider the Private Calendar and three bills under suspension. These include:

H.R. 4656, regarding the Presidential certification on conditions in El Salvador; H.R. 4504, the rotation of chairmen to Commission on Security and Cooperation in Europe; and Senate Concurrent Resolution 80, the sense of

Congress regarding self-determination of Baltic States.

Recorded votes on that day and any recorded vote postponed from Monday will be taken on Tuesday at the conclusion of the debate on suspensions.

The House will meet at 3 p.m. on Wednesday, February 8, and at 11 a.m. on Thursday the 9th to complete consideration of H.R. 555, the construction work in progress bill, and, subject to a rule being granted, to take up H.R. 2899, the Environmental Research, Development, and Demonstration Act.

The announcement is made with the usual condition that the House may consider other legislation to be announced later. However, it is contemplated that at the conclusion of next week's business the House will adjourn for the Lincoln-Washington district work period and will reconvene at 12 o'clock noon on Tuesday, February 21, 1984.

Mr. MICHEL. I thank the gentleman.

I have two questions. No. 1, H.R. 4656, regarding the Presidential certification on conditions in El Salvador, is that the precise language of the measure that was so-called pocket vetoed, or has there been a change? I do not have any member of the Foreign Affairs Committee on this.

Mr. FOLEY. It is my understanding that the bill is identical to legislation that was adopted by the House and Senate, by voice vote, I believe and that the President so-called pocket vetoed by not signing it during the time the House was in recess.

Mr. MICHEL. Of course, as a result of that, I am not sure whether or not we have ever had any little dialog on the floor of the House here relative to the position of the House leadership joining in with the other body in the suit that would for all practical purposes get us a more clear definitive ruling on pocket vetoes so-called that take place between sessions on an ongoing Congress; is that right?

Mr. FOLEY. Well, if the gentleman will yield further, it might be of interest to the Members to know that the bipartisan committee assisting the Speaker on questions of law and of the Clerk's counsel had a discussion of this matter last week. At that time they determined tentatively to join with the U.S. Senate in the suit contesting the constitutionality of the so-called pocket veto when the House has not adjourned at the end of a Congress and where the House and the Senate have appointed officers to receive any veto messages.

□ 1700

Without elaborating on the history of this issue, a case was decided by the U.S. Supreme Court in 1921 upholding the use of the so-called pocket veto during an intrasession recess. One of the principal elements of that decision was the assertion that the President was not able to return a veto to the House.

Since that time it has been customary for both the House and the Senate to appoint officers to receive veto messages and, indeed, I think this matter was the subject of an agreement with the Justice Department during the administration of President Ford regarding Senate-originated lawsuit.

So, regardless of the other issues involved in a so-called pocket veto during an intersession recess, it appears to the bipartisan leadership that this is an important constitutional question around which a certain ambiguity and vagueness still hang, and that it would be desirable for that matter to be resolved by the courts.

Mr. MICHEL. I thank the gentleman for his explanation and would have to concur that it is the issue itself, rather than the vehicle. In other words, we are not prejudicing in any way our feelings with respect to that El Salvador resolution in this regard.

Mr. FOLEY. Absolutely not.

Mr. MICHEL. That is beside the point. It could have been anything else. It is just that we have some gray area here that really ought to be more clearly defined for us in the future, and for that reason there was bipartisan support in the leadership group to have that finally adjudicated in the courts.

Then the other question would be there is no mention made here of the so-called resolution having to do with the withdrawal of forces or whatever in Lebanon. What insight does the gentleman have on when we might be faced with that issue?

Mr. FOLEY. I would tell the gentleman that that bill has been introduced and has been referred to the Committee on Foreign Affairs. I think the question is going to be considered by that committee.

However, whether the committee would be in a position to report that resolution in sufficient time for its consideration next week is not yet clear. I think that on that particular question the leadership on this side would have to reserve the possibility of listing that action later if time permits its consideration and if the Foreign Affairs and Rules Committee clear the bill for position on the Union Calendar.

Mr. MICHEL. I thank the gentleman. I have been given to understand that it was on a very fast track.

My personal wish would be that we would not really be dealing with this subject until, since we are so pressed for time here, until after the Lincoln day recess. I know the administration, too, would very much like to have an opportunity to develop something with Members who will have to deal with this subject precisely on the Foreign Affairs Committee.

Mr. FOLEY. I would certainly go so far as to say to the gentleman that there is no plan to consider it by any extraordinarily expedited manner such as suspension of the rules or anything of that kind. If the bill is considered next week it will be considered under the normal procedures of the House, under a rule granted by the Committee on Rules and approved by the House.

Mr. MICHEL. I thank the gentleman for that assurance, because an issue as important as that, to play games I think would just do the House a disservice. And then I suspect we just have our Members standing by, and with the gentleman having reserved on the point, that if it is ready for presentation to the House that could very well be one of the orders of business for next week.

Mr. FOLEY. I might say, too, that there is a possibility of some other minor additions to the scheduling next week. I do not think that these would be any major additions other than the possibility of the Lebanon resolution. At the same time, there is the possibility of another bill being added that we have attempted to consult with the Committee on Education and Labor about.

Mr. WALKER. Will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think the minority leader has done an excellent job of getting some clarification on the matter with regard to the Lebanon resolution, that it will not come out under any extraordinary means.

I wonder also if we could get some idea as to whether we could get some advanced notice, like 48 hours of advanced notice, if it is going to come on to the floor so that some of the Members would have an opportunity to prepare for that, rather than simply have it rushed to the floor in a way that we are not informed.

Mr. MICHEL. As the gentleman knows, we do not do the scheduling on our side of the aisle. That question would be more appropriately put to the majority whip.

Mr. FOLEY. Will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. I will only say that since the bill will come to the floor only under a rule, and I do not anticipate a rule's being offered for action other than under the conditions of a 1-day layover, the gentleman would know at the time the Rules Committee considered what the possible schedule for floor action would be. Under the

circumstances, I do not think there is any possibility of a sudden surprise scheduling of this legislation.

It is not intended to ask any extraordinary or special consideration of it other than the usual calendar consideration after a rule has been adopted.

Mr. WALKER. If the gentleman will yield further, I guess my concern is that we have had some instances where we have had unanimous consent requests to waive that 1-day rule where the Rules Committee has met late in the evening and the rule filed here after special orders have begun. We have had some instances of that, and we have at times then had things rather rushed to the floor. If the gentleman from Washington is assuring us that that is not going to take place.

Mr. FOLEY. I cannot assure the gentleman that any of the normal procedures by which rules are adopted would not be taken, but I doubt very much that any special unanimous consent request is going to be offered. To put it in perspective, I think the gentleman's concern would give evidence that no such unanimous consent agreement would be arrived at. So I do not think it is really a matter of concern.

Mr. WALKER. If the gentleman will yield further, I thank the gentleman and I do have that concern. I can assure the gentleman that that is one reason why I have asked the questions that I do. I think it provides maybe appropriate warning, and I thank the gentleman from Illinois for yielding.

Mr. FOLEY. If the gentleman from Illinois will continue to yield, we had no doubt about the gentleman's concern on that, and I think we took it into account.

Mr. GONZALEZ. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend from Texas.

Mr. GONZALEZ. I rise after I heard this discussion and the question about 48-hour notice prior to bringing up something. I want to state that I am disappointed bitterly that there is no priority given to the fact that we have Americans under the shadow of death while we are dilly-dallying around here about telling the President that he is unnecessarily causing their deaths, their imminent death.

I would like to know who would be willing to give those Marines 48 minutes time to duck of advance notice?

Mr. FOLEY. Will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. I say in answer to the gentleman from Texas that I did not suggest that we were going to provide any special 48-hour notice on the consideration of this bill if it is brought up next week. What I told the gentleman from Pennsylvania and the gentleman from Illinois is that the bill will be brought up in the usual order, without attempting to proceed in an expeditious way.

Very frankly, I think the bill is controversial enough that there is no possibility, as a practical matter, that a unanimous-consent agreement could be obtained for the expedited consideration of the bill.

I think that is realistically the situation.

The other thing I would like to say is that there are many Members in the House who would like to vote on this matter as early as possible. I cannot and will not give any assurances that if the Committee on Foreign Affairs is able to report the bill, in time for its consideration next week, it would not be taken up; indeed, I think it will be taken up if that occurs. I simply gave the assurance that we are not going to attempt to report the bill under suspension of the rules or under unanimous consent. As a practical matter, that could not be obtained.

So the assurance, I think, is in line with the realistic assessment of the House situation. I know how strongly Members, on both sides of the aisle feel about the issues involved, and I think that the earliest practical time the matter can be considered, it should.

Yet, I would remind the gentleman from Texas that that is a concurrent resolution and requires the action of the U.S. Senate as well as the House. To my knowledge, there are no plans to take up the legislation next week in the other body.

The very fact that such a resolution has been introduced, I would assure the gentleman from Texas, signals that there is a concern on the part of a great number of Members of the House. It is also a signal, I think, that it is being understood, however controversial it may be in some quarters.

Mr. MICHEL. I do not think from what I understand of the situation that certainly we would expect any action on that resolution Monday or Tuesday and that the earliest could possibly be Wednesday. I may be wrong, but that is the way I see it developing.

Then, of course, as I said again, and I would want to emphasize and underscore, I would hope that it would be delayed until after the recess for a number of reasons that I think, if necessary, we can talk about.

□ 1710

But I would rather not at the moment.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield to me?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman, the leader, for yielding.

I would inquire of the distinguished majority whip. There are a number of issues the country would like to see brought up. I know the very light schedule in the near future. I think, for example, of a constitutional amendment to permit prayer in schools, of an omnibus crime package, which the President sent up a long time ago, of the immigration bill, of the Bankruptcy Act, of a constitutional amendment to require a balanced budget or legislation concerning line-item veto. I wonder if the distinguished majority whip might tell us, since later in the year we will undoubtedly be told that there are too many things to do, the House is too busy, why is it not possible in the early part of the year to schedule some of these things and, in the case, for example, of voluntary prayer in school, an issue which is almost 25 years old and which has been studied long enough, and surely we could schedule a debate and have an up or down vote and allow the American people to see things.

I wondered if the distinguished majority whip might tell us why we are having such a light schedule when there are issues which the overwhelming majority of the American people would like to see this Congress act upon.

Mr. FOLEY. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the minority leader for yielding.

Mr. Speaker, it is a mattter of proceeding through the normal and appropriate procedures and arrangements of the House. As I have just assured the gentleman, because of the controversy surrounding the resolution on Lebanon, we are not going to attempt to bring it up in a manner outside of the normal consideration of the Committee on Foreign Affairs and, the normal rules procedures. So I would have to tell him that several of those issues which he has mentioned have been pending before committees in the Congress. If they report those bills to the Committee on Rules, I have no doubt that they will be scheduled for action.

I might tell the gentleman that we have in fact voted on some of those issues more recently than 25 years ago. The House of Representatives in the late 1960's voted on a prayer in the public school amendment. We voted on a balanced budget amendment in the last Congress.

When the situations are appropriate for consideration, consideration will again be given to them. I have no predictions as to the constitutional amendments, which are within the jurisdiction of the Committee on the Judiciary; but I have every reason to believe that we will be considering the Immigration Act, I also think that

there is a likelihood that the bankruptcy legislation will be considered. That is a Committee on the Judiciary bill as well.

I believe it will be considered this year, probably this spring, because of the pendency of the Supreme Court deadline.

As the gentleman knows, however, the business on the floor of the House is to some extent conditioned by the actions of the committees. When the committees have reported bills we schedule them, but when they are considering them we have to give the committees the opportunity to work their will. That is the traditional legislative pattern.

Mr. GINGRICH. Mr. Speaker, will our leader yield one more time?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding again.

Let me say to the distinguished whip two things: First of all, some of those bills I have mentioned have been reported out of committee, including Immigration, which has been out for several months. Second, I am certain that the distinguished majority whip, a great scholar of this great institution, in the 200 year history of our institution sees a period going back to the 1960's as but a short time. But I was in college at the time. I think in fact, the majority of this House was either in high school or college at the time we voted on prayer in school. Some of us were in grammar school and grade school. We simply feel it would be useful for our generation to have a chance to vote also on this issue, and we would like some sort of indication, since the gentleman's side controls the committees, including the Rules Committee, and his side controls the Calendar, if we could have some promise from the gentleman or the Speaker or the distinguished majority leader that at some time before we adjourn for the election that we might have an up or down vote on, say, prayer in school. I think we would all on this side find it very useful.

Mr. FOLEY. If the distinguished minority leader would yield further, I thank the gentleman (Mr. GINGRICH) for his comments.

The gentleman from Georgia makes my years weigh heavy. It was George Bernard Shaw, who once said, I think that he was an old man before he stopped thinking of himself as a boy. Some of us, though years of seniority pile up, still feel as useful and energetic as the gentleman from Georgia is and appears to be. I know that this youthful energy and vitality are directed toward service to his State and country and that he desires to deal with these issues as soon as possible. Still, I would say to him that, as in the case we have just discussed with respect to the Lebanon issue, in my judgment, it would be unwise for us to disrupt the orderly and normal procedures of the House. There are provisions under the rules by which a majority of the House can command the committees to consider legislation.

Those procedures are ensconced in the rules, and the gentleman and his colleague, the gentleman from Pennsylvania (Mr. WALKER) are well acquainted with the rules. Other than by those extraordinary means, we depend upon the committees of Congress that are assigned the responsibility of reviewing legislation, to consider and debate legislation before it is brought to the floor.

So I cannot give the gentleman, my friend (Mr. GINGRICH), the assurance that the committees will act with any particularity on the amendments or legislation that are pending before them. I did offer him my opinion that the Immigration Act would be considered this year, that the bankruptcy legislation, in my judgment, will be considered this year; but it is not the intention of the leadership on this side to usurp the authority of the committees of Congress.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, FEBRUARY 6, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington.

Mr. LUNGREN. Reserving the right to object, Mr. Speaker, the distinguished majority whip might tell us, he has already mentioned the bankruptcy bill as one that he expects to be on the floor since the Supreme Court set another deadline, but I point out that it was passed out by our committee approximately a year ago, February of last year. But if the distinguished whip might be able to inform us as to whether or not we might expect in our normal order of things through the Rules Committee process and the scheduling procedures, whether we might expect to consider the insanity defense bill. The reason I bring this up is with the passage of time, next week and then out for some time after that, some period of time almost on the third anniversary of a tragic event that occurred here in Washington, that is the shooting of the President, at which time the American people were outraged by the insanity defense and there was a reconsideration of that nationwide.

A number of States have made some changes. We considered it in the House, and yet it still has not been scheduled for floor duty here.

Does the gentleman have any information as to when we might expect an issue as important as that to come here to the floor?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman under my reservation.

Mr. FOLEY. That bill has not been reported by the Committee on the Judiciary.

Mr. LUNGREN. It has been reported by the Committee on the Judiciary.

Mr. FOLEY. It has been?

Mr. LUNGREN. It has been, last year.

Mr. FOLEY. Then I think the question is now whether the committee has asked or has been granted a rule. I am personally not aware, obviously, of the circumstance with respect to this particular piece of legislation, so I cannot give the gentleman any assurance.

Mr. LUNGREN. I appreciate the gentleman's remarks. I would just suggest on the one major committee I serve on we have issues such as immigration, bankruptcy, insanity defense, and others, which apparently are not important enough to reach the floor of the House under the normal procedure.

Therefore, I think we ought to protect our rights to Calendar Wednesday. And if the chairmen of the committees do not consider them important enough to bring up, so be it. But in that regard I would be constrained to object.

The SPEAKER pro tempore. Objection is heard.

Mr. FOLEY. I thank the Speaker.

MANUFACTURING OPPORTUNITIES IN SPACE

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, I want to take this opportunity to call to your attention the fact that space is already a place for new business opportunities. And, just in case any of my colleagues may think that the value of space-based manufacturing to the private sector is highly exaggerated, let me

encourage them to read all about it in Business Week. The article I am talking about describes the production of trillions of microscopic spheres, each one made of latex and perfectly round. These peculiar spheres will be the first product manufactured in orbit and sold commercially. And, Mr. Speaker, I assure you that this is just the beginning. If we are smart enough to realize the full commercial potential that space offers us, and if we are smart enough to do what we can to create a climate which is conducive to private-sector investment in space, then we may very well see a thriving commercial space economy by the year 2000.

Mr. Speaker, I include the text of the article "Perfect Spheres: The First Product From Space," in the RECORD immediately following my remarks.

[From the Businessweek, Jan. 30, 1984]

PERFECT SPHERES: THE FIRST PRODUCT FROM SPACE

Like the rocks U.S. astronauts brought back from the moon, the material in the beaker at Lehigh University seems pretty ordinary. But what looks like dust is actually a collection of trillions of microscopic latex spheres, each one perfectly round and precisely the same size. Even more than the moon rocks, these beads mark an important step in the exploitation of space: They will be the first product manufactured in orbit to be sold commercially.

Because of their uniformity, the tiny beads—each is 10 microns, or one four-thousandth of an inch, in diameter—can be used as standards to calibrate delicate scientific instruments and to make precise measurements of such diverse things as human cells, paint pigments, and the pores in filters and membranes. One ounce of the spheres—enough to fill 600 vials—is being turned over to the National Bureau of Standards, which plans to sell them at cost—$350 per vial.

The "microspheres" have been manufactured over the past year on four flights of the space shuttle in an experimental apparatus designed by researchers from Lehigh and built by General Electric Co. Shuttle crews tend four small cylindrical reactors that are mounted in the midsection of the space vehicle. Each is loaded with about 4 oz. of latex chemicals suspended in water. When the reactors are heated, the spheres begin growing slowly in the mixture. It takes about 20 hours for them to reach the 10-micron size.

A gap. When such spheres are formed on earth, gravity begins distorting them after they grow larger than three microns. They also tend to stick together and form clumps. Larger spheres can be made in space because they stay perfectly round until they solidify. "This is a gap [in measurement standards] that we could not fill without the space-produced material," says Stanley D. Rasberry, chief of the NBS' Office of Standard Reference Materials, which sells some 900 different measurement standards to industry for about $4 million a year.

The current supply of microspheres is owned by the National Aeronautics & Space Administration, which has spent about $700,000 on the project since it began funding the Lehigh researchers in 1978. NASA is turning the microspheres over to the NBS and will split the revenues from the sale with the standards agency to recoup some of its expenses. NASA had planned to end the project after the next shuttle flight, but the NBS prevailed on the space agency to extend it in order to make larger microspheres for measurement standards. Plans now call for making 30-micron spheres on the shuttle flight scheduled for Feb. 3 and 100-micron spheres on later flights.

The NBS estimates that the supply of 10-micron microspheres that have been made so far will last from three to six years. But John W. Vanderhoff, who is co-director of Lehigh's Emulsion Polymers Institute and heads the research project, is convinced that the market for spheres will be far larger. In fact, he and two co-experimenters are forming their own company to market microspheres in a range of sizes.

When the current research program ends, the space manufacturing startup will contract with NASA for use of space on the shuttle. The Lehigh scientists are already designing reactors to make microspheres that will be 20 times larger than the ones being used now. And the company plans to have its first latex spheres commercially available within three to five years. At that point, Vanderhoff foresees a market for the spheres of at least $1 million a year. "We think there is a commercial demand we can fill—at a profit," he says.

□ 1720

THE AGENDA OF THE AMERICAN PEOPLE IS BEING ABANDONED BY CONGRESS

The SPEAKER pro tempore (Mr. HUBBARD). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, for some days now a number of us have been trying to carry to the floor of the House of Representatives the idea that this House should be speaking far more to the agenda of the American people than to the agenda of the greedy special interests that exist throughout this country.

We feel very strongly that what we have seen in the House over the last several years is more and more of greedy special interests coming here and having their legislative program acted upon and enacted, while the American people see their program abandoned by this Congress.

So we have attempted, over a period of last week and again this week, to do a couple of things. No. 1, to open up the processes of the House in such a way that more issues have an opportunity to be discussed, to open up the debate in this House so that more people have a chance to participate, and to try, through the amendment process, to bring some of the issues to the floor that we think the American people are concerned about, even if we have to bring those amendments to the floor under the agenda as announced and brought forward by the Democratic Party.

This was a week in which some of those kinds of things were done. And I thought this evening what I would do is review a little bit of what took place this week that both frustrated the agenda of the American people and, in some cases, advanced, to some small extent, the agenda of the American people.

Early in the week we took up a couple of bills. One of those bills was the Excellence in Education Act or the teacher excellence bill that we had before us. That bill came out, reported out of committee, in the form that the Democratic majority would like to have it passed by the Congress. It did not include any references to matters of intense concern to the American people like merit pay, to assure that only the best teachers are getting paid the top money, and school discipline, which assures that our schools are safe to teach in and to learn in.

Through the efforts of amendments from our side of the aisle we were able to attach to that bill amendments dealing with those topics, amendments dealing with competency for teachers, amendments dealing with merit pay, and amendments dealing with school discipline.

We think that those were small steps in the right direction, but they did assure that when the Democratic agenda was addressed out here some of things of importance to a majority of Americans also were heard.

The Library Services and Construction Act was brought to the floor. A couple of things were done in the course of the consideration of that bill, but I think the most important indication of how badly this House is out of touch with the American people was when a jobs amendment was brought to the floor, an attempt to deal specifically with special-interest legislation that has been put in place over a period of years by this Congress that prevents people from working.

Now, understand what I am saying. This Congress has, over a period of years, enacted special-interest bills that prevent people from getting jobs. And there was an amendment offered that would say that nothing in that bill could be used to allow that special-interest power to keep people from getting jobs in library construction.

That amendment was turned down here. Now that tells you something. It tells you that when it comes to the issue of whether or not jobs are more important—and I would refer people back to the debate—than certain greedy special interests, this House came down on the side of greedy special interests and against jobs.

I submit to you that the working people of this country feel jobs are one of the more important things in their lives and that they do not appreciate a majority in Congress who feels as though jobs are less important than making certain that the avarice of special interests is rewarded on the House floor.

We proceeded to Wednesday when we had a call of the Calendar of the House of Representatives. That is a period of time in which individual chairmen have the ability to bring to the floor those bills that have been reported out of their committee, bring them to the floor for 2 hours of debate and then an open rule in which they can be amended by all 435 Members of the House, if that is their wish.

That calendar, when it was called this week, was totally skipped over. Every chairman of the House of Representatives said that he had no bill important enough to bring to the House floor. No bill that has been reported through the regular processes of the Congress was important enough to bring to the floor on Wednesday of this week.

We just had a discussion here a few minutes ago, a discussion by the majority whip of the House, in which he said one of the things we want to do around here is stick to the regular processes, stick to the rules.

Well, some of us have a problem at times when those rules are basically used to oppress the minority. But in this case we are following the process precisely. And the process is that certain committees of this Congress have reported bills out of them. The committee has acted. The bills exist on what is called the Union Calendar. They exist ready for action on the House floor. They were allowed to be brought to this House floor under Calendar Wednesday and every chairman said he was not going to do it.

Now, some of those bills are pretty important to the American people. One of those bills was the tax reform bill. It was a bill where a rule was turned in the last Congress.

It is important to understand why the rule was turned down. The rule was turned down because they were bringing the tax-reform measure out here under a closed rule, which meant that we would not be able to offer certain key amendments.

□ 1730

Under Calendar Wednesday, that tax-reform bill could have been brought to the floor under an open procedure that would have allowed any and all amendments, it would have allowed a total reform of the Tax Code right here on the floor, with 435 Members of Congress offering things like maybe flat tax, maybe making the tax system more equitable, maybe getting rid of some of the big business perks like being able to buy Super Bowl tickets and charging them off on your taxes.

We could have some reforms of that kind right here on the floor this week. But guess what. The chairman of the Ways and Means Committee decided that was not important enough to the American people to bring to the floor, even though the procedure was available.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I think the gentleman has made a very valuable point. But I just want to underscore that point, because the American people may think: "Well, Congress is so busy dealing with other items of such importance that it is understandable that they could not bring up the tax reform bill or any of the other items that are on the Union Calendar that the gentleman mentioned."

I just want to underscore that this last week in Congress, like the week before, was a very light week. We had very little substantive work that was conducted on the floor of the House. And is it not true that there is really no reason, in terms of the schedule of the Congress, why we could not have dealt with any of the issues that the gentleman has just mentioned?

Mr. WALKER. The gentleman is absolutely right. We worked ourselves into a real sweat on Wednesday. On Wednesday we had all of 2 hours of session. I mean we really worked hard. And an hour of that was partisan wrangling during the 1 minute speeches.

So I mean we were really at it. We were really maintaining a tough schedule around here on Wednesday that prevented the committee chairmen from coming forth with any kind of important bills. I mean they would not have wanted to interrupt all that important work that we were doing out here on Wednesday. Why, good heavens, we might not have gotten home in time for dinner if we had taken up one of these important bills. We might have had to stay here past 6:30 in the evening, having started the session at 3 o'clock in the afternoon, taking up a tax reform measure. That would be just too much to ask of those of us who have just come back from about 3 months at home.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. MACK. Just so that we can again put this in perspective, I want to make sure that we understand what the gentleman is saying here.

Several months ago, when we were holding town meetings in southwest Florida—immigration reform is a very, very important issue in southwest Florida—people kept asking, "Why are you not discussing it?"

And the first reaction that came back from this gentleman was that the rules did not permit us to discuss it; that, in essence, the Speaker decided it was not going to come to the floor during the first year of the session.

What the gentleman is saying to me now is that under Calendar Wednesday, in fact just this past Wednesday, the chairman of the committee could have brought that to the floor of the House; is that correct?

Mr. WALKER. I can understand why the gentleman would be shocked by that, but that is absolutely the case. It needed no rule, it needed no approval from the Speaker, the chairman of the Judiciary Committee could have come out here and called to the floor for action the immigration reform bill. It would have been fully subject to amendment. Some of us have concerns about certain provisions in that bill, but we could have offered amendments to address those concerns.

Mr. MACK. If the gentleman will yield further, some people could say, you know, "maybe they were not ready, I mean that there were some other things that would have to be done before it could be brought to the floor."

Has this been done before? I understand the Senate debated this issue for the last several years. Is that correct?

Mr. WALKER. The gentleman is absolutely correct. It has been in the Senate. It passed the Senate. The place it is being held up is here. It has been reported out of the committee now for weeks. So I would assume that everybody is pretty much ready as soon as it come to the floor.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. It is important to keep in mind, on the immigration bill, the bill has actually at one point come to the floor of the House and was debated, I cannot recall for exactly how long, but it was 5 or 6 or 7 hours of intensive debate on the floor of the House before the gentleman from Florida was elected to the Congress. However, we were precluded from voting on it.

So, in the case of the immigration bill, not only has it been considered in the Senate, not only has it been subjected to intensive hearings and debate in committee, but it actually has come to the floor to be debated by the full membership, which is unusual in this institution. It is the voting that they do not want to let us do on it. They will not permit us to pass this piece of legislation.

Mr. MACK. If the gentleman will yield further, having been here only for 1 year, there is obviously a lot to learn. Can the gentleman give me some explanation as to why we did not have that brought up on Wednesday? Is there something that I could do to see that it does come up to the floor?

Mr. WALKER. Well, I would love to be able to give an answer to the gen-

tleman on that, but that is up to the individual committee chairmen. I would suggest that probably we are going to have to make direct appeals to the committee chairman, and I would suggest that probably the American people may have to begin making direct appeals to that committee chairman, because it is wholly in his hands.

I would love to think that under Calendar Wednesday individual Members of Congress might have the power to call up bills that have been reported from committee, but we do not have that. That is not in the rules. The rules give that strictly to the chairman of the committee. It is the chairman of the committee that is responsible if those bills do not come up on the floor.

I would think that an awful lot of the American people, particularly some of those groups out across the country that have been watching some of this legislation and wondering why it does not come up, would begin to ask those chairmen, "Why in the world when the calendar was called, and nobody responded, didn't you come out with our bill and say, 'I want to take this up?' Why did you let that opportunity go by? Why is that something that was not done?"

Mr. WEBER. If the gentleman will yield further, I just have to make the point, as we have made in the past, with no lack of respect intended for our committee chairmen, it is not mere coincidence that every committee chairman declined to call up a single piece of legislation.

When you have that kind of procedure where every single committee chairman refuses to bring up a single piece of legislation under the Calendar Wednesday procedure, it obviously is a party decision, it is obvious that the Democratic majority decided that it is party policy not to bring up any of the legislation we have discussing here today. I think that is worth keeping in mind.

Mr. WALKER. And let us understand why that could happen. Why that happens is because it comes out here under a procedure where it would be fully debated and fully amendable. They would not have the power of the Rules Committee to limit what amendments might be put on these bills, they would not have the power to limit the amount of debate time, they would not have any of these powers. It would come out here in a way that all of the Members of the House would have an opportunity to work their will on a piece of legislation. That is something that this increasingly dictatorial body is not about to permit. That just does not happen around here because we want to keep the whole thing contained. And that is precisely why every committee chairman was, I suppose, ordered not to participate in Calendar Wednesday this week.

Mr. WEBER. If the gentleman will yield further, I want to make a point. As the gentleman puts it, we are not exactly working ourselves into a sweat around here. What really strikes me is that we were home for almost 2 months on what we call the district work period, which is partially a vacation but also partially for Members of Congress to have an opportunity to go back and work in their districts, listening to their constituents. All of us came back here, having spent a good deal of time throughout the entire month of December and the entire month of January listening to our constituents to hear what is on their minds. Primarily I heard in my district concern about the deficit. The gentleman from Florida indicated earlier that one of the main issues that he heard about was the question of immigration. Other issues we have heard about is bankruptcy reform legislation and school prayer. So we came back at the end of January, having spent better than 2 months in our districts, listening to our constituents, finding out what is on their minds.

Now, the first 2 weeks we have been back in session, have we dealt with a single one of these concerns that we have heard from our constituents back in our districts? No. In fact, we have specifically refused to deal with the issue of the deficit. We have voted down the application of the line-item veto to a specific piece of legislation. We voted more money for weatherization. That may be a good project or it may be a bad project, but it certainly does not deal with the deficit to add money to that program.

We have refused on every day, every day that this House has been in session, to bring to the floor under unanimous-consent request either the balanced budget constitutional amendment or the line-item veto amendment. And, of course, we have made no progress on the other issues we have discussed—school prayer, immigration, the other issues of major concern.

Now, keep in mind that these are the issues we were told over the months of December and January by our constituents that we should be acting on. We have not acted on them yet. I suspect that next week the same procedure will be followed. We will act on none of these issues again next week.

And then what happens? Then we go home for another district work period, where we will be told that we should again find out what is on our constituents' minds so that we can run back to Washington to act on them just as quickly as we did before.

Well, I will tell you, my constituents are not going to give me a substantially different message, I will bet you, when I go home in 2 weeks than they did when I was home in December and January. They are going to say to me, "Why have you still not done anything about the deficit?"

I suspect that the gentleman from Florida is going to hear from his constituents, "Why have you still not done anything about immigration reform, school prayer, bankruptcy reform, all of the other issues?"

And then we will come back and go into session again, and the process just repeats itself. It is really discouraging. It is worth stating that it is as discouraging for many of us here in the Congress as it must be for our constituents.

Mr. WALKER. I thank the gentleman for his statement. The gentleman is correct. What is happening out there is that the American people are becoming more and more disgusted with Congress. More and more polls show that Congress is at a low ebb in terms of popular opinion and popular support. And that is almost understandable, given the way we perform around here.

The fact is that some of the Members here are going to go back to their districts and they are going to explain, "Well, it is true, we did not do anything on the floor, you will not find very much, but, boy, were we working in committee. I mean I was in my committee and I was in there just plugging away, and we were doing all kinds of great things in committee, and I assure you we may not have been working up much sweat on the floor, but we sure were in committee."

Well, I would remind the American people that in those committees, those committees are stacked against their agenda. If they are working hard in the committees, they are working hard in a situation where, No. 1, the American people are not represented proportionately as to how they voted to send Members to this House of Representatives. The committees are working, using a ghost voting procedure to assure that some members who are not there are still voted.

□ 1740

So if in fact those committees are working, that is unfairness and inequitability at work against the agenda of the American people. I think what they ought to be concerned about is the fact that none of that activity is making it out here to the floor where they can hold their members accountable.

We do not allow ghost voting on the floor, so members are accountable out here. They are far less accountable in committee, and the American people should be demanding that those votes be cast here on the floor, not by ghosts in committee.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, a moment ago the gentleman may have come up with one of the reasons why items have not been brought to the floor under Calendar Wednesday.

It was mentioned that we had some 5 to 10 hours of debate on the immigration reform bill a little over a year ago, I guess.

Mr. WEBER. I believe it was in the lameduck session of the 97th Congress.

Mr. WALKER. I believe the gentleman is correct.

Mr. MACK. Then the gentleman said that if it did come to the floor that in essence it was an open rule and that basically any kind of amendment could be brought forward and that could be debated for quite a length of time.

Mr. WALKER. The gentleman is correct.

Mr. MACK. I guess the point that I am raising with the gentleman is: Is it because there are so many other things that we have to do here that we could not allot enough time? Of course, one would have to say that if that were the case, why are we not in session tomorrow?

Mr. WALKER. Well, the gentleman knows that on Calendar Wednesday, when we could have brought this up, we did have a piece of legislation before us that demanded our immediate attention, and that was the Earthquake Reduction and Fire Prevention Act which, as we all know, was a very controversial piece of legislation, something that the Members of this House were going to debate for hours. We knew that when it came out here.

The fact is, I think the bill passed on a voice vote. I have kind of forgotten now.

Mr. WEBER. The gentleman is correct.

Mr. WALKER. It was a totally acceptable piece of legislation to everyone. If Congress can prevent earthquakes, I think we ought to do all in our power to do that, and if we can do something about fire prevention, who is against that?

As a matter of fact, those of us on our side of the aisle put on an amendment which praised volunteer fire companies as a part of that effort, and I am kind of proud of the fact that we said that the public health and safety can be protected by people in their local communities without Federal interference through organizations like volunteer fire companies. I think we markedly improved the bill by doing that.

But the fact is, that was not a piece of legislation that was preventing us from getting to Calendar Wednesday. It was a piece of legislation that we could have basically wrapped up in a matter of a few minutes and, in fact, did within a matter of an hour. We could very well have taken care of that legislation along with anything that would have been put on the calendar as a result of the application of Calendar Wednesday.

Mr. MACK. What the gentleman is saying, then, is that really there is sufficient time to debate fully the issues that are of concern to the American people; that we cannot use the excuse that there are still things that have to be done in committee or there are still things that have to be worked out before it gets to the floor, or there are other things that demand our attention to where we cannot spend the time on those important issues. Those things just do not hold up, then, is what the gentleman is saying.

Mr. WALKER. I am sure those arguments are going to be used out across the country. What we have been doing on the House floor has been billed by some as obstructionist tactics. My question on that is: Obstructing what? We have not been doing anything. It is a real question as to what in the world we would be obstructing out here.

The fact is, we do not have anything on the schedule. We did not have much on the schedule this week. We do not have anything that amounts to much of anything next week, unless they add the Lebanon resolution. That would be a very important resolution, but that is not reflected on what they have actually scheduled for next week. That may get added later on.

So we have plenty of time to debate these things. Let me tell my colleagues, what we are going to hear later on in this session when we try to bring these important matters to the floor is precisely what the gentleman from Georgia referred to a little bit ago in his colloquy with the majority whip. We are going to be told along about May and June and July and August that there is no way we can get to that agenda; we are far too busy. At that time we will have a list of legislation. We will have suspension bills, 20 bills on the calendar for every Tuesday to the point that the Members will not be able to know in detail what is in any of the bills.

We will be running legislation through here all the time, and we will probably not have time to schedule some of these important matters, and that will be the excuse then as to why we cannot get to this important agenda for the American people. They will hope that we have forgotten these dog days of January, February, and March when the Congress could have been acting, but refused to yield.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, that is a very important point, because the American people need to understand that the rules are being used explicitly to block action on their agenda. I would venture to guess that when we get to the point that the calendar is rather crowded, as the gentleman suggests, later on in the year, and that that is then an excuse for not debating these items that are of concern to the American people, we will also find another interesting phenomenon.

We will find then that the rules are used under some extraordinary circumstances to bring things to the floor that the majority wants to be voted upon. In the colloquy between the gentleman from Georgia and the distinguished majority whip earlier today, the majority whip pointed out that one of the reasons we could not bring items such as school prayer to this House of Representatives for a vote is because we must respect the integrity of the process, we must respect the committee system, we must allow the rules to function in a normal manner.

I would just point out that toward the end of the session last year, on at least two occasions extraordinary rules were used to bring items to the floor that the administration in some cases, but most often the Democratic majority wanted to bring to the floor of this House, and I am sure the gentleman in the well as well as the gentleman from Florida remember them very well.

We were asked, for instance, on one of the last days of the session to come to the House floor and vote on a rule on a continuing appropriations bill that appropriated money for the International Monetary Fund and for certain housing assistance. In voting for the rule, we were, in essence, voting for the appropriation. That is because this entire matter was considered under an extraordinary rule reported by the Committee on Rules; a real bending of rules, not a breaking of the rules, but the use of the rules in an extraordinary manner to bring something to the floor that the majority wanted to be voted on, in this case the IMF bailout.

Also toward the end of the last session, most of the American people are aware that this Congress voted on ERA.

Mr. WALKER. Mr. Speaker, if I could reclaim my time for just a moment, let us focus on that for the American people.

In other words, the big banks, when they came in here, when the greedy special interests came in here with some matter that was important to them that the American people had some question about because it was $8½ billion of their money, but when

the greedy special interests came in here and wanted an extraordinary procedure used, we found a way to do it at that point.

But when we suggest that maybe some procedure should be used to get things to the floor that have 80 percent support among the American people but do not have any greedy special-interest support, then we cannot get to those; we have to be very, very careful that we follow every little minute detail precisely and we surely cannot use the same procedure that was used to spend $8½ billion of taxpayer money for the big banks.

Mr. WEBER. If the gentleman will yield further, he is precisely correct. The point again, of course, is that we can bring anything to the floor we want by using the rules in some manner so that we can act on the American people's agenda, but just as the gentleman points out, some legislation has the support of greedy special-interest groups and they manage to convince the majority to utilize the rules to bring their interests to the floor; whereas, schoolchildren who want to pray are not necessarily that well organized so we have to abide by the rules very carefully, which in this case means that their interests are never represented on the floor of the House.

A second example that the American people were all aware of is that this House of Representatives voted on the equal rights amendment toward the end of the last session. That was also brought to the House floor for a vote under an extraordinary procedure, put on what we call the Suspension Calendar, which means that any item brought up on the Suspension Calendar is limited to only 40 minutes of debate and is not subject to amendment, normally reserved for only noncontroversial items, but in this case the Democratic majority felt it was sufficiently important that we vote on the ERA so it was brought up under this extraordinary procedure.

□ 1750

The only point I am making is that extraordinary procedures which are within the rules are used all the time to bring up items that are of importance to the Democratic majority, but when they do not want to bring items up such as the balanced budget constitutional amendment, the line-item veto constitutional amendment, voluntary school prayer, bankruptcy reform, immigration reform, the President's crime package, or any of the other items that are opposed by the Democratic majority, then they do not say to the American people, "We are opposed to those things." Then they say, "Oh, well, we must abide by the rules, and for various reasons the rules will not allow us to bring this legislation to the floor for a vote."

The American people do not understand why their agenda is not being acted upon. Their representatives do not have to be accountable for their action or inaction, and that is causing a cynicism and lack of confidence in this institution that the gentleman from Pennsylvania referred to earlier.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Minnesota.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, let us go a step further. I know we have them talking about it, but I think we ought to go a step further and think that, even without being concerned about the rules, after having gone through all those questions, again coming back to Calendar Wednesday, there are pieces of legislation that could have been brought out here this Wednesday. It was not a problem of following every minute detail; it was just a simple fact that they were not going to bring it out.

Mr. WALKER. Yes, Mr. Speaker, the gentleman from Florida is exactly right.

I would suspect—it is just a guess because I do not know of any polling data on it, but I am just suspecting that the vast majority of the American people think that we ought to reform the insanity defense plea in our criminal courts and not permit people to get off the hook when they commit murder and other kinds of foul deeds by pleading insanity, that we ought to at least make certain that that insanity plea implies guilt.

We have a bill around here, a tough new bill on insanity defense, that has come out of committee and that could have come to the floor. That is something that the vast majority of Americans would agree on.

The American people are upset about crime. They are upset about the fact that they do not feel safe in their homes, they do not feel safe on the streets, and they do not feel safe in the parking lot and shopping centers. They are upset about that. And here was one way of toughening up on the law that could have been brought to the floor under Calendar Wednesday.

Was it brought out? No, we passed it over. We did not consider a measure like that that I would be willing to guess has overwhelming public support in every community of this Nation.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding.

Lest the American people think that the Calendar Wednesday procedure is an extraordinary procedure that has never been used in the past, I would just like to recount a conversation that the gentleman from Georgia (Mr. GINGRICH) and I had with a member of the majority a few days ago. Actually, in this case, this is a member of the majority who is a committee chairman and a liberal Democrat. And he just explained to us that when he first came to Congress, the Calendar Wednesday procedure was used extensively to bring legislation to the floor supported by liberals, in this case civil rights legislation that could not be brought to the floor through any other procedure.

The Calendar Wednesday procedure is a tool that has been utilized effectively in the past when the agenda of the American people has been blocked by various interests in the Congress of the United States. What the gentleman from Pennsylvania is suggesting, what I am suggesting, and what the gentleman from Florida and others are suggesting is that now we ought to use the Calendar Wednesday procedure again to bring to the floor another agenda that again is being ignored by this body.

Mr. WALKER. Mr. Speaker, the gentleman is correct. In the late forties and early fifties, the people in this country were way ahead of the Congress on the issue of civil rights. The American people understood inherently and innately that it was only fair to allow people to have full civil rights in this country, and yet when those bills came to the floor or came to the Congress, they were held up. They were held in committee in much the same way as the bills that we are talking about are being held today. So this procedure was used to bring some of those civil rights measures to the floor for action because the American people knew that that was right.

I am suggesting that the American people know that some of the things that we are saying now are right. They are in that civil rights tradition. We are talking of human rights issues, we are talking of basic policy decisions that need to be made on behalf of a people's agenda in this body that are being blocked, and we are disappointed because the majority side that has the power to bring some of these things to the floor refuses to do so, even though they are provided with the mechanism by which to do it.

Mr. Speaker, I have one more item, and then I want to close. But I do think it is important also to reflect on the fact that today we had another bill on the floor that dealt with child adoption and child abuse and some of the family violence problems that plague this Nation. Again the majority brought out a bill which reflected their version of how these programs should be treated.

I think it is important to note that in the course of consideration of that

bill a couple of items that I think are on the agenda of the American people also got in. I think the American people are disturbed about the pervasive problem that has affected many of our major cities of child prostitution, of children that are literally being kidnapped, runaways that are being held hostage by organized crime and other interests and are being forced into prostitution on the streets of our cities.

We brought to the floor language that was adopted by this body to try to deal in some small way with that problem. I think that is in line with the American people's agenda.

I think that what we attempted to do to protect the lives of disabled infants was also in line with the agenda that the American people want addressed on this floor.

So I would say that this has been a week of a few successes, but mostly failure—failure, not because we did not try, but failure because the system has been designed in such a way as to assure that the agenda of the American people does not get properly addressed. Maybe next week we will be more successful. I would hope so because I think the American people are watching and waiting for us to act responsively and responsibly.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I wonder if the gentleman would just go a step further. I know he has recounted some of the events of this past week, but it might be helpful if the gentleman could go back and pull together what has happened in the last several weeks, covering the discussions we have had about committee ratios, the discussions we have had about the staff assignments, what the ratio is there, and the discussion about—the gentleman used the term, "ghost voting," that some people refer to as proxy voting. I think possibly if the gentleman said pull those together, it might be helpful.

Mr. WALKER. Mr. Speaker, I think what we have developed here is a pattern. We have shown a pattern of abuse of power in this House. It is a pattern of abuse of power which begins with committees, and they are not one-man, one-vote but, rather, are stacked in favor of a majority that does not wish to address the real issues. It goes to a pattern of abuse which includes "ghost voting" in those committees.

It goes to a pattern of abuse which permits, as the Reader's Digest has described the CONGRESSIONAL RECORD process in this House, a license to lie on the part of Members of this Congress.

Mr. MACK. What do you mean by "a license to lie"?

Mr. WALKER. Well, what happens on the floor is that under the procedures of the House, when I am through speaking here, I have the power to be able to take the remarks that I have made here and do what we call revise and extend them, and if I wanted to turn those around 180 degrees and say that I said something different than what I really said, that is within my power to do so.

Mr. MACK. Is that the official record of this body that the gentleman is speaking of?

Mr. WALKER. This is the official document that is used for legislative history. It is the official record of this Congress that I am talking about having the power to do it, and it is done out here all too often. As I say, it has been documented, and it has been called by the Reader's Digest and some others "a license to lie." And I do not think that that is what the American people see as being in their best interests.

We have seen an abuse of power where legitimate special order requests were made and they were objected to because they did not want to see time lined up in such a way that a different agenda than what this House is pursuing could be debated each and every night.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I believe one of the reasons we were asking for those special orders was because all during the day during which this floor is controlled by the Democratic majority we are not able to talk about the issues that concern us and concern the American people, and all we were asking for is the opportunity to be able to express those concerns and those ideas; is that not correct?

Mr. WALKER. The gentleman is absolutely right, and there was nothing extraordinary about it. We spend several hours a day talking about the Democrats' agenda. We just felt it might be well to spend a couple of hours every day talking about our agenda.

□ 1800

As it is, we are taking the special orders day by day, but it does keep us from lining up, for instance, some special orders where we could bring in people and really address a lot of these issues in a far more meaningful way; but of course, the Democrats wanted to block it. The Democrats knew that was what we might do, so they wanted to block that. You know, to me it is an abuse of power. It is an attempt to rein in the minority. It is the type of thing that would be unacceptable in a parliamentary body that was truly democratic in nature.

We also attempted through unanimous-consent requests to bring some things to the floor that are important to the American people, like a balanced budget, school prayer, the line-item veto. When we were doing that by unanimous-consent requests, a few Democrats found themselves on the wrong side of that issue. They objected and found themselves in trouble back in their districts for doing so.

So what did we have? We had a ruling from the Chair that we could no longer do that, that that was no longer going to be permitted because we do not want anybody on the other side to have their constituents really know what it is they are doing up here in Washington. It seems to me that was power used to curtail the rights of the minority.

We have had a whole pattern of that being built. I think what it tells the American people is that there is something drastically wrong in the way the people's body is run and it needs to be changed.

Mr. MACK. Well, I want to thank the gentleman for taking this time to recap what we have seen happen during the past several weeks.

I kind of have a feeling that possibly toward the latter part of this session, if in fact we have been unable to get those issues which concern the American people, we are unable to get those to the floor of the House and we are told now it is because we are too busy, that we have other things to take care of, I am sure the gentleman and others will continue to remind the leaders just exactly what is going on in this House, the Democratic leadership.

Mr. WALKER. I can assure the gentleman that I am looking very carefully at how we make certain that the CONGRESSIONAL RECORD reflects the fact that we did not do very much here early on and we will remind them of it.

RETURN OF THE McGOVERN-MONDALE WING OF THE DEMOCRATIC PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk today about Lebanon and the return of the McGovern-Mondale wing of the Democratic party. Indeed, the title of my special order for today is "The Return of the McGovern-Mondale Wing of the Democratic Party."

There has been a great deal of talk in the last 2 days about Lebanon and about the House Democratic Caucus unusual action in drafting a purely political resolution on Lebanon in the Democratic Causus. It was then sent to the Foreign Affairs Committee with instructions that the Foreign Affairs

Committee will report out Democratic Party policy, probably the clearest break with a bipratisan foreign policy that we have had in recent years. I think that the last page of the Wall Street Journal for today, page 62, really outlines and I want to share with the House this page because from the bottom up it says, "House Speaker O'NEILL endorses Mondale."

Then it says, "Split over pulling Marines out of Lebanon widens as Democrats push for resolution."

At the top it says, "Doves Return to Harvard for a Day."

That story begins:

At times, Tuesday night at Harvard it seemed that someone had set the clock back 12 years. Seven Democratic Presidential candidates were denouncing an allegedly war-mongering Republican President before a liberal college audience, competing as to who could sound the most dovish. George McGovern, who led the Democratic anti-war crusade in 1972, said that perhaps his earlier losing campaign had been ten years ahead of its time. Indeed, it was Mr. McGovern who delivered the most articulate critique of the Reagan administration's policies and who seemed to get the most applause from the audience.

Now, I think it is significant that every major Democratic candidate for the Presidency would go to Harvard with George McGovern to recreate the policies of the past, because I think it teaches us something. The McGovern-Mondale wing of the Democratic Party has returned in full force in foreign policy. The weakness of the Carter administration in foreign policy was not a reflection of the Carter personality. It was a reflection of the deep commitment of the McGovern-Mondale wing of the Democratic Party to a policy of weakness, isolation and withdrawal from the world, a policy that goes all the way back to George McGovern's 1972 campaign for the Presidency.

They said in this particular meeting on foreign policy:

The debate offered a rough outline of what seems to be a Democratic consensus on the foreign policy issues where Mr. Reagan is vulnerable politically. These include Lebanon and all the candidates support an early withdrawal of U.S. Marines from Beirut. Some, like Senator Hart, want to make "bringing the troops home" a central campaign issue.

Central America: The candidates seemed to agree that growing U.S. military assistance to El Salvador is a mistake because it focuses on Communist subversion and that poverty and injustice should be addressed.

U.S.-Soviet relations: The candidates generally support a nuclear arms freeze and a more conciliatory approach to Moscow.

Then they go on to say what I think is the most damning and the most clear statement in this article:

It was open season on rightwing, anti-Communist governments Tuesday night from Mr. McGovern's attack on the—this is a quote from Mr. McGovern—"the corrupt, murderous gang in El Salvador" to Mr. Mondale's disdain for the Christian "minority faction" that is ruling Lebanon. The message was clear: Anti-Communism alone won't be enough to assure support from a Democratic President.

Note that there is no liberal Democratic opposition to Soviet tyranny, to the Syrian dictatorship, to the Iranian tyranny, to the Nicaraguan, or Cuban Communist dictatorships.

One can summarize the McGovern-Mondale liberalism on foreign policy. Indeed, the lack of courage of the McGovern-Mondale wing is unbelievable.

I quote again:

To be sure, there were some hard-hitting statements. Former Vice President Walter Mondale said that he supported World War II. Jessie Jackson said he accepted Israel's right to exist. Senator Alan Cranston said he opposed "the cold war mentality," and Senator Gary Hart said he believed in the idealism of John F. Kennedy.

Let me say that it is courageous of Walter Mondale to embrace World War II 45 years later, now that we know the Nazis really were bad, unlike the Stalinist rhetoric of the thirties and now that we know that the West won and now that it is over.

I am not sure who gave Jessie Jackson the right to accept Israel's right to exist. It seems to me the Israelis have tried to get that right in part because of the Jewish experience in World War II.

Furthermore, while Senator Cranston may oppose the cold war mentality, I am not sure that does much to stop the Soviets from creating a cold war, and for Senator HART to say that he believes in the idealism of John F. Kennedy, who said, "We will go anywhere, pay any price, bear any burden to sustain freedom." This seems ironic, since Senator HART was George McGovern's campaign manager in 1972 and belongs to a McGovern-Mondale wing that will go nowhere, pay nothing, and do little to sustain freedom.

The Wall Street Journal noted the absence of any positive ideas:

The Democrats at this point in the campaign seem to be defining themselves on foreign policy largely in terms of their opposition to President Reagan's policies. The candidates agreed the U.S. Marines should be pulled out of Lebanon, but they did not advance any coherent new policies for dealing with the turmoil of the Middle East. They urged arms control agreements with the Soviet Union without offering a framework for dealing with Moscow.

Let me say that if Ronald Reagan was the greatest threat to peace and freedom on the planet, I am confident the McGovern-Mondale wing of the Democratic Party could deal with it; however, dealing with Assad, who is a dictator in Syria, dealing with Khomeini, who is a dictator in Iran, dealing with Qadhafi, who is a dictator in Libya, dealing with Andropov who is a dictator in the Soviet Union, or Castro who is a dictator in Cuba, I think those are very different issues, indeed. In fact, it is precisely because the McGovern-Mondale Democrats feel so comfortable fighting Ronald Reagan that their discomfort dealing with the others is so obvious.

Indeed, in one interview last year, one leading Democratic member of the McGovern-Mondale wing in a half page interview in the Washington Post could not bring himself to admit that Fidel Castro was a dictator.

As bad—and I quote Mr. McGovern—"as bad as the corrupt murderous gang in El Salvador is."

As bad as—and I quote Mr. Mondale, "Minority faction" Christian leadership in Lebanon is, those are easy for the McGovern-Mondale wing of the Democratic Party. They are weak. They are pro-American. They are precisely the kind of people the McGovern-Mondale wing has been kicking around for the last 10 years.

□ 1810

What we have today from the Democrats is a petty, bickering anti-Reagan kind of foreign policy.

Mondale claimed experience at Harvard with Carter. He pointed out he had served on the National Security Council, and what an experience that was: The Russian invasion of Afghanistan, the Iranian seizure of American hostages, the capture of Nicaragua by Communists.

Indeed, Mr. Mondale was attacked by Senator HART who felt that the Carter administration's human rights policies were too easy, and I quote, "too easy on America's friends. The United States should have been tougher on conservative rulers like the Shah of Iran and President Ferdinand E. Marcos of the Philippines," Senator HART said. In other words, not a single Democrat talked about being tough on America's enemies, about taking them in Latin America. We talk about elections in El Salvador, not Nicaragua.

In the Middle East the McGovern-Mondale Democrats demand elections in Lebanon but not in Syria. The Lebanon Democrats and the McGovern-Mondale tradition say that if you are pro-Soviet, a Communist, a dictatorship, or anti-American, the liberal Democrats will turn a blind eye on you. But if you are pro-American, struggling to be free, and trying to hold elections, the liberal Democrats will hold you up to very high standards and nothing you do will ever be good enough.

Take El Salvador, for instance. We have had elections in El Salvador and no elections in Nicaragua. And what do the McGovern-Mondale Democrats demand? More elections in El Salvador.

Let us take the situation in Lebanon. We have a government struggling to establish a coalition in Lebanon. It

also happens to be pro-American. It is not good enough.

Next take Assad in Syria who just last year killed thousands of people bombing one of the Syrian cities to suppress a rebellion, and what is the McGovern position on having elections in Syria? That is not an issue. In other words, you had better be careful if you are pro-American because you probably will not be good enough. You will be slandered by Mr. McGovern, disdained by Mr. Mondale. Was that not precisely what led to the collapse of the Shah and the rise of the Iranian hostage crisis?

There is a consistent pattern to the McGovern-Mondale Democrat foreign policy of weakness when faced with violence and blindness and when faced with communism.

Many Democrats in this House have been a part and parcel of that McGovern-Mondale liberalism. In 1975 there was a vote in the House of Representatives which sent the signal to the North Vietnamese and they have said so in print, and they have admitted it. They watched this House of Representatives and when we cut off aid in this House because of the McGovern-Mondale wing of Democratic Party seizing control in the election, then the North Vietnamese knew they could invade the south.

And it was this House and the McGovern-Mondale Democrats which adopted the Clark amendment which crippled America in Africa, and put 25,000 Cubans in Angola, which led to the Soviet Union deal with the Cubans that they would provide troops in Africa in return for the Soviet approval of their Cuban adventurism in South America. That then led to the Soviet presence in Africa and advances in Ethiopia and Mozambique. The Soviets then felt emboldened enough to invade Afghanistan.

In 1979, Nicaragua went Communist with the strong support of the Cubans and the Soviets.

In 1979 the Iranians felt America was so weak they could seize hostages.

And in 1980 the Soviets despised us so much they crushed Walesa and the free labor unions in Poland.

The rest of us remember the humiliation of the McGovern-Mondale policies under Carter where we remember America as helpless in Iran, and we remember America as helpful in Afghaninstan, and we remember America helpless in Nicaragua. We remember America helpless in Angola. But the Americans got tired of it and we voted for a change.

As President Reagan said just last week in this House, America is back. We elected Ronald Reagan and the day he was sworn in the American hostages in Iran were released.

Ronald Reagan stood up to communism in Central America, and despite the best efforts of the McGovern-Mondale wing in this House to cripple him, we still have not lost the fight for freedom in Central America.

Ronald Reagan saved 800 American students in Grenada and returned freedom to a little island in our backyard. Despite the movement to impeach him by some members of the McGovern-Mondale group of the Democratic Party, overwhelmingly both the people of Grenada and the people of America are glad we had strength in that area.

Ronald Reagan saved Beirut from a continuation of the brutal, horrible bombings in the summer of 1983. Frankly, I was very skeptical of our going in there and remain very skeptical of our being there. But at the time, with Israeli forces on the outskirts, with the PLO, with the Palestinian Liberation Organization in the city, and with hundreds of thousands of civilians at stake, the humanitarian thing was to take the risk, and this President had the courage to take that risk.

Go back to that crisis. Remember the pictures night after night of civilians, of children being bombed, and threats by the Israelis to cut off the water supply of the city, and the promise by the Palestinians to fight block by block, causing thousands of civilian casualties.

The fact is it was a courageous thing to do. It was done and now we are stuck with the consequences, and we have to work carefully and slowly to figure out what to do and not rush hastily in 1 week with a partisan political package.

An example that our strength works is the fact Ronald Reagan worked hard with the Japanese to rebuild our strength in the Far East, and just recently the North Koreans for the first time have offered to hold peace talks which the South Koreans were invited to.

What are Ronald Reagan's goals in the world? A free, peaceful El Salvador; a free and peaceful Lebanon; a free, peaceful Western Europe; and a free, peaceful Japan and South Korea.

And what are the McGovern-Mondale Democratic goals in the world? We know they are to beat Reagan, but what else? As the Wall Street Journal said:

> The Democrats at this point in the campaign seem to be defining themselves on foreign policy largely in terms of their opposition to President Reagan's policies.

It is in this McGovern-Mondale setting of weakness to our silent enemies, blindness to our Communist enemies, and an arrogant, moral, self-righteousness to cover up a policy of withdrawal and isolationism that as a history teacher I have to refer back to Chamberlain in the 1930's. There is not any difference between Mondale's disdaining for the Christian minority faction, as he calls it, in Lebanon, and Chamberlain's willingness to sell out the free Czechs in Czechoslovakia.

There is no difference between McGovern's attack and slander on the Government of El Salvador and the willingness of those Britains who were afraid in the 1930's to say anything, do anything about Austria, about Czechoslovakia, about Poland, to give Hitler whatever he wanted to eat, to ignore the Soviet Union when it took Estonia, Latvia, and Lithuania, and turned a blind eye to the war in Finland.

Peace at any price, as Churchill warned over and over again, becomes the most certain avenue to war.

I would challenge the McGovern-Mondale Democrats. Is there any place in the world they would protect, they would stand firm? Where would it be?

They stood up here last year and were against putting missiles in Europe. They assured us that the Germans, who had just voted to accept those missiles, did not want them.

They stood here day after day and fought against any effort to reinforce NATO.

They are against us in El Salvador. They are against us in the Middle East.

Where, then, would they in fact draw a line? El Salvador, after all, is closer to Texas then Texas is to Washington. If El Salvador is not close enough, where would be? Mexico? Houston? Possibly Phoenix, Bethesda?

At what point would a McGovern-Mondale Democrat really decide that it was worth doing anything except running?

Just a few months ago, just 4 months ago in September the Congress adopted an 18-month resolution, and it tells you a great deal about the leadership of this House. That 18-month resolution binds for 4 months. At that time the Speaker of the House said we should not be partisan. The Speaker of the House said he had contempt for Democrats who were going to be partisan. The Speaker said we must put Lebanon outside of politics, and now, 4 months later, where is it?

Well, as this paper said, the dogs are returned to Harvard, the Speaker endorsed Mondale, and there is a fight over Lebanon in the House of Representatives.

We deliberately tried to schedule a long enough truce to get American foreign policy in the Middle East beyond the election. What has changed in 4 months? Why would we bring it up now?

Our enemies continue to hate us. Terrorists continue to try to kill our men. We have added concrete pillars not only for the marines in Lebanon but we have added concrete around the Capitol and around the White House.

The world is, if anything, more dangerous. A vicious, ruthless dictator Assad pulls the strings of terrorists in Lebanon. And let us be clear about it, not a single marine would die if Assad in Damascus said do not kill them. Not a single opposition shot would be fired at our side if the dictator of Syria wanted to stop it. He controls the Iranian extremists in Lebanon, controls the Druze in Lebanon; he controls all of the forces trying to kill the marines.

For the first time in almost 200 years, the United States is facing state terrorism, not an extremist, not a nut, not a faction, not some weak politician with a bomb.

□ 1820

I have been told that in Iran there are three terrorist camps, as a matter of an act of government policy. We have all seen statements by the leading ayatollahs in Iran, they are recruiting young men and women to kill Americans, to kill Frenchmen, to drive the West to defeat. Deliberately, as an act of policy, they do not use jet aircraft. They use trucks. They do not fight with armed forces in uniforms, and they use civilians who sneak in with bombs. In Libya there are two such camps and I have been told that they are available for rent. Not only does the Libyan Government use them but for a monthly fee will provide you room, board, training, and you get to keep the weapons after you are done with your training.

What does this mean? It means that the combination of Islamic fundamentalism, Arab hatred for Israel and Soviet terrorist activities as taught by the KGB and the Cubans is becoming a stew which threatens the capacity of Western civilization to respond.

What should our response be to state terrorism if they send a young man in and he kills 200 marines? Should we then try to kill 200 Iranians? Or 200 Iraqis? Or 200 Syrians? Or 200 Lebanese?

How does a Western society, a democracy, a country which cherishes its children, respond to a dictatorship which does not care how many of its children die? We clearly cannot exchange our young men for theirs. That is an exchange rate no free society can stand. It is one that we lost in Vietnam and one we would lose in the Middle East.

We do not have a policy for that yet. We have to deal with it. This administration does not have a policy for it, but it at least recognizes it is a problem. The French do not have a policy, but they know it is a problem. They had bombs go off in Marseilles and in their very famous rapid transit train. We are going to have to respond in the West to terrorism. Ironically the Marines probably understand the historical perspective because the "Marine Corps Hymn" talks about "the shores of Tripoli," shores which the Marines went to the last time in that part of the world that there were barbaric states that preyed upon Americans.

There was a quote back then, a toast which said "Millions for defense but not one cent for tribute."

Thomas Jefferson, possibly one of our most pacifist Presidents, a man who at one point would embargo American trade to avoid offending the British, would lock up American ships to avoid a war, nonetheless felt pushed to the limit by the barbarians that he had to send the Marines. We were a much smaller and much weaker country then and the Barbary coast was much further away. But he sent the Marines to the shores of Tripoli. They cleaned up bandits, and pirates, and they changed the politics of the Mediterranean.

What would the McGovern-Mondale response have been? "Millions for tribute, but not one cent for defense"?

I spoke recently at a Veterans Day meeting and at the Marine Corps birthday ball in Atlanta. A young man in my district was killed in Beirut. A young man at the Marine Corps birthday ball had been wounded in Grenada. The public information officer in Beirut at the time so many of our young men were killed by the truck with the terrorist in it, Major Jordan, comes from my district.

Both at the Veterans Day and at the birthday ball I drew an analogy with "Gunsmoke."

I reminded the group, particularly the marines, that freedom starts with the willingness to stop evil, that peace starts with the willingness to suppress violence, that free societies exist because they are willing to stand up to barbarians, and that democracies survive because they are willing to stop dictatorships.

Should we go starting fights? No. Should we be strong enough so that no one comes looking for a fight with us? Yes.

I reminded everyone that the television show "Gunsmoke," which ran for 17 years, began every night that it was on television with Matt Dillon as the U.S. Marshal standing in the street drawing and shooting a bad man who was trying to kill him.

Well, "Gunsmoke" normally had very little violence, it was really sort of a soap opera with cowboys and people sat around the saloon and talked with Kitty, and "Doc" dropped by. The premise was that Dodge City was peaceful because there was a marshal.

The show began not with Matt Dillon saying "I guess I had better leave now, you might hurt me." It did not begin with the marshal running away from town and not by hiding. The show did not begin with 12 people gang-raping Kitty or the marshal said, "Gee, we cannot get involved, the ACLU will get upset." The show began with the force of the United States as embodied in a marshal who wore a badge standing and saying "If I have to I will stop you." Because that is what justice and freedom demands.

Irving Krystal, in a brilliant speech the other evening, pointed out how far we had come from Marshal Dillon and from the courage that America could stand up for its beliefs.

He pointed out that he had read recently an article about piracy in the South China Sea and about the fact that as people tried to flee the communism which defeated us in South Vietnam. As they get in boats and go across that ocean, over half of them are now stopped by pirates, that virtually every woman is raped and if they are young enough they are abducted and never seen again and either sold into prostitution or killed.

Irving Krystal made the point that we have not seen piracy as a public act in 200 years, and that between the British Navy and the American Navy for two centuries the Western World has been able to police the high seas. It is not a question of stopping somebody else in their own country. It is illegal under international law to be a pirate.

Any navy in the world at any point that it intercepts a pirate can stop them, and sink the ship. Let me assure you that one or two American task forces sweeping the South China Sea would rather quickly stop piracy, and stop the raping of young girls who are fleeing the communism which defeated us because the McGovern-Mondale wing in this Congress cut off aid to South Vietnam.

Irving Krystal is a man who lived through seeing millions of Jews killed by Adolph Hitler while nothing was done until too late, a man who has lived through the entire history of Israel's struggle for survival despite the McGovern-Mondale type weakness, a man who probably does not appreciate Jessie Jackson's point that Jessie Jackson accepts Israel's right to exist because Irving Krystal thought Israel had earned its own right to exist by its own strength of character and effort.

Irving Krystal stood and said to the audience he felt ashamed as an American to know that young women are fleeing communism because we lack the will to win, and that they cannot even flee communism in safety because we lack the will to police and that knowing about it, nothing is done.

I was reminded of the great moment in the rise of the Wesleyan movement in the Methodist Church when Wesley was able to convince a leading politician that slavery was wrong. Then, the antislavery movement was created as a direct outgrowth of the rise of the Methodist Church and for the first time about 200 years ago people stood

up and said, "We must stamp out slavery across this planet."

You know, the victory of evil is not inevitable.

George Bernard Shaw said that all that is required for evil to succeed is for good men to do nothing, and good men in the McGovern-Mondale wing of the Democratic Party are quite willing to do nothing, because the McGovern-Mondale philosophy does not recognize evil at home or abroad, they do not recognize evil in cocaine dealing which is why they are not for strong laws on crime, they do not recognize evil in violent crimes which is why they are not willing to lock up violent criminals. They do not recognize that evil exists and can only be stopped by a return to traditional values, including prayer and patriotism.

Just today I asked the distinguished Democratic whip why we could not bring up prayer in school next week. It is after all a very light week, not much happening. He said, "Well, we brought it up once before, in 1969," at a time when I was in college and one of my colleagues yelled out that she was in grammar school.

I suggested that we could bring it up more often than once in a generation, that prayer in school has some purpose, just as patriotism has some purpose.

□ 1830

It is possible to bring up a purely demagogic political document on Lebanon in 1 week. It is possible to draft it on a Wednesday morning in the Democratic Caucus and order it in the Foreign Affairs Committee on a Thursday, but it is not possible to bring up prayer in school in 15 years.

The McGovern-Mondale wing does not recognize that there really is evil, evil in the cocaine dealer, evil in the violent criminal, evil abroad, that the Khomeini regime with its persecution of people who do not agree with it is an evil regime; that Assad is an evil dictator; that Qadhafi is an evil dictator; that Castro has a police state; that as President Reagan said earlier, Moscow is in charge of an evil empire. And the KGB, a secret police force that today has 2 million Russian people as slave laborers working today. This not 100 years ago, not 30 years ago under Stalin—today, there are 2 million Russians working is slave labor camps.

The McGovern-Mondale wing does not recognize evil at home or evil abroad.

But let me say something which I think is even more troubling. They also do not recognize the role of television in foreign policy. Let me be clear. What is at stake on the Lebanon debate with the McGovern-Mondale wing is not a matter of philosophy. They are risking the death of American soldiers and the collapse of Western interests in the Middle East. Every dictatorship in the World now has embassies in Washington that watch television, that read the newspapers, that analyze the American politicians.

If this House passes a resolution next week, this is not the Democratic Convention, this is not a Walter Mondale political rally, this is the Congress of the United States. And if we pass a partisan political document it is not going to be read as a campaign brochure in Syria, it is going to be read across the entire Third World by terrorist groups as a statement of American official policy by one branch of the American Government.

If terrorists come to think they can kill Americans and we will run, they are going to kill more Americans. If we think we have problems now, let the word get out in Iran, and in Libya, and among the Irish Republican Army, and in other areas of the world if you want to get the Americans to do something, go drive a truck in and kill some of them, go shoot one or two of them, and not an American on this planet will be safe overseas. And if you think we are safe here at home, then walk outside this Capitol and look at those concrete pillars. They are not there as a game. The are there because we are no longer safe anywhere on the planet because terrorists know how to buy jet airplane tickets and terrorists know how to ride on boats and terrorists can come here.

If the oil states in the Persian Gulf decide we lack the will to help them against Iran or the Soviet Union or against terrorists, the oil states are going to go neutral. They are not going to help us. They are not going to favor us. They are not going to work with us.

Jimmy Carter already gave us gasoline lines once. And his understudy Walter Mondale, with this kind of McGovern-Mondale foreign policy is doing all he can to give us gasoline lines again.

If Israel's survival is threatened as the Soviets move into a power vacuum created by our collapse and withdrawal from Lebanon, and if Israel no longer is capable of defending itself against what are already 5 to 8,000 Russian troops in Syria, and notice again, if there are 55 Americans in El Salvador, that is a crisis for the McGovern-Mondale wing. If there are 2,000 Cubans in Nicaragua that is not noticed.

If there are 1,200 Americans in Beirut that is a crisis with the McGovern-Mondale wing. If there are 8,000 Soviets in Syria that is not noticed.

No one at Harvard for the McGovern-Mondale wing said anything about what the Soviets are doing. The Soviets apparently do nothing that really matters to the McGovern-Mondale wing.

The McGovern-Mondale Democrats have been wrong on every major foreign policy crisis for a decade and we have the trophies to prove it: Ho Chi Minh City instead of Saigon; death in Cambodia instead of a pro-Western government; yellow rain chemical warfare in Laos by the Soviets; Soviet troops in Afghanistan; Cuban troops in Africa, American hostages in Iran, a Communist dictatorship in Nicaragua. These were the bitter fruits of the McGovern-Mondale Democratic policies of the last decade.

Now the same men would add a Communist El Salvador, a Syrian and Soviet-controlled Lebanon, an embattled Israel, and a neutralized Persian Gulf.

It is this large choice between a policy of weakness, collapse, fear, and isolation on the part of the McGovern-Mondale Democrats; and a policy of strength, firmness, and determination to pursue peace with freedom which is really at stake next week in this House when it takes up the McGovern-Mondale Democratic proposals for an immediate and precipitous withdrawal from Lebanon.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank my colleague from Georgia for yielding.

I would like to compliment him on not just a thoughtful statement, but a truly courageous and statesmanlike approach to a very difficult issue.

One of the things that always strikes me is that most of us here in the Congress of the United States have very little reason to address foreign policy issues. We get elected and reelected based on issues that are of direct concern to our friends and neighbors and can most often manage our political affairs without addressing the basic foreign policy issues that affect our country.

The President, on the other hand, has the responsibility for conducting the foreign policy and does not have the luxury of ducking those issues.

So it is truly unfortunate when we find many of our colleagues seeking to address foreign policy issues only in the context of an attack, politically motivated, on the President of the United States and his policy.

I think that the gentleman makes a particularly important point in contrasting the views of the McGovern-Mondale Democratic Party with the John F. Kennedy Democratic Party. And I think what it comes down to is that modern liberalism is no longer based on pride and responsibility as it was when Kennedy was President.

Now the McGovern-Mondale wing of the Democratic Party reflects a foreign policy based instead on guilt and insecurity.

If you think about the debates that we go through in this Congress and that we hear in the political community at large, just think about the presumptions that underlie the thinking of the McGovern-Mondale wing of the Democratic Party. In the arms race it is not the Soviet buildup as documented as that is that is the cause of the arms race, it is the United States response to that buildup suddenly that becomes the cause of the arms race. We are responsible. It is not the Soviets who are responsible for the icing of relations between our two countries, not their invasion of Afghanistan, not their suppression of Poland, not their use of yellow rain chemical weapons in Afghanistan and Laos; it is the United States and the Reagan administration who do not countenance such behavior that suddenly become responsible for the bad state of relations between the United States and the Soviet Union, reflections of the guilt that too many Americans in the McGovern-Mondale wing of the Democratic Party unfortunately feel about the role that America plays in the world.

And in that context it is particularly unfortunate that we are going to apparently let that kind of thinking pervade our actions on Lebanon next week. And I say it is particularly unfortunate because Speaker O'NEILL for a short period, managed to rise above that kind of thinking.

And I think it is worth recalling for the RECORD his statements—not so long ago—on September 28, 1983, when he stood in the well of the House in a patriotic and bipartisan appeal for support for the policy that we are now conducting in Lebanon.

And I would just like to quote from that statement of some 4 short months ago.

The Speaker said:

I support the amendment as offered by the gentleman from Wisconsin. I rise in support of this resolution because I believe, first, that withdrawal of all foreign troops from Lebanon and the establishment of a free sovereign independent Lebanon is a very real possibility.

Second, I believe that the presence of the multinational force in Beirut promotes peace in the area and helps the process of national reconstruction of Lebanon.

Was this just an off-end comment? No, the Speaker went on to say:

I have put serious effort and thought into these remarks that I am making today. I believe that as a result of the current ceasefire and the resignation of the Cabinet in Lebanon, the government in Beirut will make every effort to show it will serve and represent the interests and the rights of all of the people in Lebanon.

I believe this resolution clearly limits the scope and the role of the U.S. Forces in Lebanon so that the danger of a Vietnam-type escalation is avoided.

Furthermore, the resolution that was passed on that day which constructs the context in which American foreign policy toward Lebanon is now conducted is the responsibility in large measure of the Speaker of the Democratic Party.

The Speaker went on later to say, referring to himself and the Democratic Party:

So we are the ones who came up, after consideration of our Committee on Foreign Affairs and our leaders, and their staff, working with the White House, on the 18 months. It was a hard decision to make, but I thought it was the best one.

Later on, the Speaker goes on to say:

My colleagues, I have risen on many occasions over the last 2 years to oppose the President, and on several occasions when I believed him to be right I supported him. In this case, he initiated contact with me. You, the Members on the side of the aisle, you elected me as the Speaker of the House and JIM WRIGHT as your leader. We were speaking for you not as Democrats, but what we thought was truly right as Americans, that it was time to act in a bipartisan manner. And so he contacted me, he wanted congressional support for his policies in Lebanon. I am willing to pledge my support as long as the War Powers Act is adhered to.

The debate here today is solemn and serious, and the concerns expressed are deeply held. The fate of a nation, Lebanon, awaits our action. This is not an easy decision for anyone. But, believe me, it is a necessary one, and a necessary one for our country and for the rest of the world.

And in closing his remarks, the Speaker made, I think, a very powerful statement:

I hope we will act today to help the President to bring peace and stability in Lebanon, a country worthy of our attention, a country worthy of our assistance, a country worthy of our best efforts. I hope the resolution is adopted.

The Speaker in that closing statement sounded, if I might say so, almost Kennedyesque in terms of the statement the gentleman of Georgia quoted from President Kennedy some time earlier. He talked about America's moral responsibility in the world.

And the point that I am making nothing has basically changed in the situation in the 4 short months that have elapsed since the Speaker made that statement in the well of the House of Representatives. yet, now we find the Speaker has changed course 180 degrees and he is going to lead the Democratic Party basically in support of a resolution calling for a full scale reversal of American policy in the Middle East.

□ 1840

In many ways, it should not come as any surprise to us that the Mondale-McGovern Democrats, now led by the Speaker in the House of Representatives, base their foreign policy on guilt and insecurity. That is also, as the gentleman from Georgia has pointed out, their policy toward domestic violence. They are guilty about American wealth, so their attitude toward criminals is that the rest of us, as law abiding citizens, are responsible for criminals' guilty behavior because somehow they have not gotten the upbringing they should, so we cannot punish criminals, we cannot infringe upon their liberties, and the victims of crime have to just live with it.

It is, in many ways, fitting that the party that says in terms of its foreign policy, as George McGovern did in 1972, that our policy should be "Come home America," when they are speaking to Americans at home with regard to crime says, basically, "Stay home America, because you are not going to be safe anywhere else." And that is just too bad. It is indeed a low state of affairs that our country has come to.

Mr. GINGRICH. I appreciate the gentleman's comments. Let me just say that he makes a good point. Speaker O'NEILL, of course, does represent John F. Kennedy's seat in the Congress. Historically, President Kennedy was the most articulate Democrat since Franklin Roosevelt. In explaining that freedom does matter, during this famous trip to Berlin when he looked at the Berlin Wall, that horrible testimony to the Soviet police state and its habits in East Germany, he said, "Ich bein ein Berliner," and he then said, "We are all Berliners."

What he meant by that was that freedom is inseparable, that wherever freedom dies on the planet, America dies a little bit. But as long as America is strong and courageous and bold, freedom will survive on the planet.

In closing, I would just ask the people of the country and the Members of this House to think for a minute about the scenes we see on television, about the people who come here to see us, about the African freedom fighters, men and women who have lost their children, their families, in some cases entire villages, about the refugees from Vietnam, Cambodia, Laos, who have joined us, many of whom have left behind loved ones, about the pictures we have seen of the children in Beirut who have been severely wounded, crippled, in some cases losing an arm or a leg. So many children have been crippled that there are now doctors who specialize in helping young people acquire an artifical arm or an artifical leg.

Imagine a child of 9 or 10 living in a world, as someone said, that to get from home to school means that you avoid the snipers, the mines, the terrorists, the bombs, and the artillery shells, until you get to your schoolroom, where you may be hit by bombs or mines or artillery shells. What a life that is. And yet everywhere in the world people who want to be free or people who are free understand one basic truth: That as long as America is courageous, as long as America is strong, as long as America is willing to be their friend, as long as, in Franklin Roosevelt's term, we are a good neighbor, freedom may survive. But free-

dom will not survive anywhere if we cut and run. There will be no freedom in Lebanon if we leave, because the Syrians will move in and the Soviet advisers will move in. There is not more freedom in Iran today because the United States pulled out. There is less freedom. There is not more freedom in Nicaragua because we are not there. There is less freedom. Does anyone truly believe that Cuba is freer than it was before Castro?

We are at a great choice in 1984, a choice between a McGovern-Mondale policy of withdrawal, of being a bad neighbor, repudiating Franklin Roosevelt, repudiating Harry Truman, repudiating John F. Kennedy, and a policy which in the bipartisan tradition saved the West, that stopped the Soviet dictatorship, that preserved freedom in Japan, in South Korea, in Europe, that is trying to find the right path through a difficult world, to continue to move forward.

And for us to turn this House of Representatives, with its televised proceedings, with the news media watching, into a political battleground for the McGovern-Mondale campaign brochure, while American soldiers and marines are on real battlegrounds, is an act so shallow, so shortsighted, so lacking in commonsense, that if it were not happening, one could not write about it in a novel.

I hope that in the next week this House will come to its senses, the Democratic leadership will decide to revert to Speaker O'NEILL's earlier statement of patriotism and bipartisanship, will pull the resolution and conclude that, in fact, freedom is more important than votes.

Thank you, Mr. Speaker.

YOUTH OF RUFFIN, S.C., DISPLAY UNSELFISH BRAVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. HARTNETT) is recognized for 5 minutes.

● Mr. HARTNETT. Mr. Speaker, on October 27, 1983, in the little town of Ruffin in the First District of South Carolina, an event took place which I feel worthy of note. On that day, a group of young students in my district bolstered my faith in the basic values of our American youth.

Returning home from Smoaks Middle School and Ruffin High School, these students spotted a burning house by the roadside. They stopped their school bus and entered the house at great personal risk. Although the house was totally destroyed, these young heroes saved the life and some of the possessions of Mrs. Ottie Parnell.

In their hometown, these young people were honored by a front page newspaper account of their heroism. Such unselfish bravery deserves the greatest exposure we can give. Their display of courage is contrary to the general public image of the young people of today. Congratulations to and may God bless all these young heroes. They are: Kennard Capers, Irvin Jones, Quintone Wrice, Willie Haynes, Terry Haynes, Barry Capers, Andre Capers, Ronald Grant, Dondi Jones, Gale Joyner, Lonvondee Bryant, Marion Capers and Alphonse Bryant.●

THE AGRICULTURAL EXPORT TRADE EQUITY ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SILJANDER) is recognized for 60 minutes.

● Mr. SILJANDER. Mr. Speaker, I am today introducing the Agricultural Export Trade Equity Act of 1984 in efforts to give the U.S. Government more strength when dealing with foreign export subsidies that are taking markets away from the American farmer. It is estimated that the Europeans alone are costing U.S. agriculture more than $5 billion each year in lost exports, and if something is not done soon the loss could reach $8 billion by 1987. The Economic Research Service at USDA published a report entitled "High-Value Agricultural Exports: U.S. Opportunities in the 1980's." This report emphasizes that the European Community has dominated trade in high-value products due to their aggressive export promotion and export subsidies.

There are no costs to the taxpayer in this bill. In fact, it should provide a savings in the long run, since it will increase dairy product sales and reduce the cost for storage. In addition, this legislation will bring added revenues to the Federal Government. This bill is designed to expand markets for U.S. agricultural products through increased targeting of Commodity Credit Corporation export funds; expanded exports of Commodity Credit Corporation dairy products; and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales; to emphasize the need for increased exports of processed and protein fortified agricultural products; and for other purposes.

The bill has four parts. First, it targets existing export assistance funds for those commodities and products that have been adversely affected by foreign export subsidies. The commodities that could be made available include wheat, feed, grains, upland cotton, rice, milk, and their products, and any other agricultural commodities or products acquired by the Commodity Credit Corporation. Second, it provides for the shipment of 100,000 tons of dairy products in fiscal year 1984 and 1985. It authorizes an export payment-in-kind program, and it encourages the use of processed, value added products in Public Law 480.

The bill's counter part in the Senate is S. 2005, introduced by Senator JESSE HELMS, the chairman of the Committee on Agriculture, Nutrition, and Forestry.

There is broad support for the content of this legislation. Those expressing support are: Corn Refiners Association, Dairymen, Inc., Millers National Federation, National Association of Wheat Growers, National Broiler Council, National Council of Farmer Cooperatives, National Grange, National Milk Producers Federation, National Pasta Association, Rice Millers Federation, the Fertilizer Institute, and United Egg Producers.●

EXPRESSING THE SENSE OF CONGRESS THAT OUR U.N. DELEGATION SHOULD INTRODUCE A RESOLUTION TO ESTABLISH A U.N. PEACEKEEPING FORCE TO REPLACE THE MULTINATIONAL FORCE IN BEIRUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

● Mr. MCKINNEY. Mr. Speaker, last week I introduced House Concurrent Resolution 242, which expresses the sense of the Congress that our United Nations delegation should introduce a resolution to establish a U.N. peacekeeping force to replace the multinational force (MF) currently stationed in Beirut. It is clear, on the one hand, that the sudden withdrawal of the MF would precipitate a resumption of full-scale hostilities, threatening to nullify the heroic efforts of the troops currently deployed in Beirut. It is equally clear that the marines have become as much a part of the immediate problems in Lebanon as the warring factions themselves. We can balance our commitment to Lebanese sovereignty and our pressing desire to see our embattled marines come home through the creation of a neutral, U.N.-sponsored force. With the passage of the Lebanon resolution last September, Congress expressed its desire to hold discussions within the United Nations on possible creation of a peacekeeping force in Beirut. Those discussions have been held. It is time to proceed and introduce such a resolution in the United Nations.

I plan to submit House Concurrent Resolution 242 as a bipartisan substitute to the proposed resolution calling for the abrupt withdrawal of the marines, should such a resolution come before the House. I believe that many of my colleagues, on both sides of the aisle, would like to urge the President to act on the already discussed plans to create a U.N. force to replace the

MF. Acting through the United Nations, we can fullfill our desire to bring the marines home without backing out of our commitments in the troubled Middle East.

The resolution follows:

H. CON. RES. 242

Concurrent resolution expressing the sense of the Congress that the President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council to establish a United Nations peacekeeping force to replace the multinational peacekeeping force now deployed in Beirut, Lebanon

Whereas the world community recognizes the importance of an independent and sovereign Lebanon and the need for peace and stability in the Middle East;

Whereas the current Multinational Force in Lebanon is composed of troops from the United States, United Kingdom, France, and Italy, and was deployed in Beirut to stabilize the area;

Whereas each country that volunteered troops can be proud that their men served to the best of their ability under extremely difficult and dangerous conditions;

Whereas a United Nations peacekeeping force in which many member nations are participants can better fulfill a neutral peacekeeping role;

Whereas the United Nations Interim Force in Lebanon is composed of personnel from seven countries and has been deployed in southern Lebanon for the past five years; and

Whereas the United States would be fully supportive of a United Nations peacekeeping force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council to establish a United Nations peacekeeping force to replace the Multinational Force in Lebanon.●

ANALYSIS OF FISCAL YEAR 1985 DEFENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 60 minutes.

● Mr. ADDABBO. Mr. Speaker, for the interest of my colleagues, I would like to give my analysis of the fiscal year 1985 Defense budget. My remarks were to have appeared in yesterday's CONGRESSIONAL RECORD of February 1, 1984, pursuant to my unanimous consent, but they were inadvertently excluded from the RECORD by the Public Printer.

I commend my colleague, Mr. EDWARDS of Alabama, for his remarks of yesterday concerning the fiscal year 1985 Defense budget. As he well knows, we will have our differences over the Defense budget throughout the year.

I believe there are many proper request for production in the budget, but there are also many examples of improper requests for production of certain weapons systems, such as the B–1 bomber and the MX missile to name a few. These weapons systems are not needed, and do not add to our national defense.

There can be little justification for a 17- to 18-percent increase in Defense budget requests when the President's budget for fiscal 1985 shows reductions in so many human need programs as depicted in the following list of major program reductions and eliminations:

1985 PRESIDENT'S BUDGET—MAJOR PROGRAMS ELIMINATED

[In millions of dollars]

Program	Fiscal year 1984 [1]		Fiscal year 1985			
			Current policy [1]		President's budget	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Higher education:						
Supplemental opportunity grants	375	346	398	376	.....	NA
Direct education loans	181	185	192	184	.....	NA
Student incentive grants	76	64	81	77	.....	NA
Community services block grant	352	354	374	373	3	123
Work incentive (WIN)	271	270	287	286	.....	57
Economic Development Administration	240	332	254	316	.....	287
Appalachian Regional Commission (nonhighway programs)	44	203	47	217	.....	184
Legal Services Corporation	275	271	292	290	.....	20
Juvenile justice programs and grants	84	84	87	87	.....	.....
Northeast corridor improvement program	100	306	105	254	.....	266
Public library support	87	104	92	109	.....	90
Health planning	58	58	58	58	.....	.....
Rehabilitation loan fund (sec. 312)	.....	18	.....	10	.....	.....
Rural development insurance fund, industrial development loan guarantee program	(300)		(314)		(...)	
Community development grants, sec. 108 loan guarantees	(225)		(235)		(...)	
Resource conservation and development, Department of Agriculture	26	31	27	27	.....	6
Historic preservation fund	27	48	28	27	.....	20
Solar Energy and Energy Conservation Bank	25	31	26	56	.....	31

[1] The 1984 amounts represent current level; 1985 current policy amounts are estimates of the 1984 level plus inflation.

1985 PRESIDENT'S BUDGET—MAJOR PROGRAM REDUCTIONS

[In millions of dollars]

Program	Fiscal year 1984 [1]		Fiscal year 1985					
			Current policy [1]		President's budget		Percentage reduction	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Medicare	62,318	60,508	71,212	62,291	70,203	69,683	−1	+(2)
Medicaid	20,738	20,738	23,376	23,376	20,213	22,129	−9	−5
Civil service retirement	36,060	22,095	38,300	23,470	39,998	23,192	+4	−1
Military retirement	16,743	16,743	27,749	17,597	27,325	17,326	−2	−2
Subsidized housing	7,079	8,673	8,803	9,520	4,267	9,314	−52	−2
Public housing operating subsidies	1,362	1,421	1,447	1,418	1,124	1,175	−22	−17
Guaranteed student loans	2,257	2,902	3,142	3,121	2,841	2,747	−10	−12
Food stamps	12,076	12,082	11,849	11,852	11,606	11,596	−2	−2
AFDC	8,020	8,020	7,936	7,955	6,944	7,144	−12	−10
WIC and CSFP	1,360	1,366	1,471	1,462	1,254	1,299	−15	−16
Job Training Partnership Act	6,419	3,694	3,850	3,755	3,523	3,523	−8	−6
Postal subsidy for nonprofit Mail	879	879	1,166	1,166	692	692	−41	−41
Sec. 202 housing for the elderly or handicapped loans (direct loan level)	(666)		(703)		(500)		−29	
Small business loans (direct loan level)	(242)		(252)		(41)		−84	
FmHA rural housing loans (direct loan level)	(3,285)		(3,465)		(2,320)		−33	
Mass transit	4,268	4,051	4,325	4,284	4,112	8,990	−5	−7
Amtrak	716	720	752	750	680	738	−10	−2

1985 PRESIDENT'S BUDGET—MAJOR PROGRAM REDUCTIONS—Continued

[In millions of dollars]

Program	Fiscal year 1984[1]		Fiscal year 1985					
			Current policy[1]		President's budget		Percentage reduction	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Coast Guard operations, acquisition, and construction	2,325	2,076	2,436	2,266	2,121	2,278	−13	NA
Maritime operating differential subsidies	427	425	449	421	378	388	−16	−8
Agriculture conservation program, water bank, forestry incentive, and emergency conservation program	219	232	230	220	80	185	−65	−16
State and private forestry	61	61	64	63	26	31	−59	−51
NOAA—Operations and research	1,012	984	1,060	1,044	913	954	−14	−9
Rural Electrification Administration (new off-budget loan/loan guarantee commitments):								
Insured loans (electric)	(850)	NA	(894)	NA	(500)	NA	−44	NA
Insured loans (telephone)	(250)	NA	(263)	(75)	NA	−71	NA	
Loan guarantees	(3,360)	NA	(3,534)	NA	(1,325)	NA	−62	NA

[1] The 1984 amounts represent current level; 1985 current policy amounts are estimates of the 1984 level plus inflation.
[2] Less than 1 percent.

FISCAL YEAR 1985 DEFENSE BUDGET

The fiscal year 1985 Defense budget estimate for those items included in the annual Defense appropriations bill totals $292.2 billion, which excludes in excess of $3 billion estimated for contingencies consisting mostly of pay raise costs. The fiscal year 1985 Defense budget represents an increase of $42.4 billion more than the $249.8 billion appropriated and made available to date for fiscal year 1984. The fiscal year 1985 request is 17 percent more than the fiscal year 1984 appropriations.

The press release of Secretary of Defense Weinberger alludes to a real increase in fiscal year 1985 budget authority of 13 percent after adjustments for anticipated inflation. This real increase, of course, refers to the total Department of Defense budget which includes military construction, family housing, and certain supplementals and contingencies anticipated in both fiscal years 1984 and 1985.

The figures supplied by the Department of Defense anticipate proposed supplementals for fiscal year 1984 of $2.3 billion, of which $1.8 billion for increased pay costs has already been transmitted to Congress in January 1984. The remaining $500 million is contained in the fiscal 1985 budget appendix, and would be used to cover costs associated with military operations in Lebanon and Grenada, and with revised health benefits, social security taxes and disability compensation.

The Department of Defense figures also include an amount in excess of $3 billion for fiscal year 1985 to cover civilian and military pay raises and other legislative proposals. The budget proposes a military pay raise of 5.5 percent, and a civilian pay raise of 3.5 percent both effective in January 1985.

The outlays estimated in the accounts covered in the annual Defense appropriations bill total $254.1 billion for fiscal year 1985 as compared with $224.9 billion in fiscal year 1984 to date. The $29.2 billion increase in outlays in fiscal year 1985 equates to a 13-percent increase which is not quite as sharp an increase as the 17-percent increase projected in budget authority. This simply means that unexpended balances will continue to grow in the various Defense accounts.

The budget authority increase in fiscal year 1985 over fiscal 1984 for the Defense bill alone, is distributed by military service as follows:

[In billions of dollars]

	Fiscal year—		Increase
	1984	1985	
Army	59.1	74.5	+15.4
Navy	79.1	98.6	+19.5
Air Force	82.9	105.4	+22.5
OSD/Defense agencies	10.7	13.7	+3.0

Another interesting comparison is the budget authority increase in fiscal year 1985 over fiscal 1984 for the Defense bill alone as distributed by appropriation accounts.

[In billions of dollars]

	Fiscal year—		Increase	Percentage increase
	1984	1985		
Operation and maintenance	72.5	82.7	+10.2	+14.0
Procurement	85.6	107.6	+22.0	+25.7
Research, Development, test and evaluation	26.7	34.0	+7.3	+27.3

The above figures emphasize the trend toward large growth rates in the investment accounts—procurment and RDT&E—while the operation and maintenance accounts receive much smaller increases. This situation will result in the need to provide large amounts of funds in the outyears to pay for these major weapons systems resulting in less funding availability for the troops in the field and other readiness programs. Readiness will have to suffer further in order to finance this "bow wave" of new weapons systems coming on line in future years.

MILITARY PERSONNEL/MILITARY RETIRED PAY

Overall funding for active and reserve manpower requirements and military retired pay increases by about $2.5 billion to a total of $67.8 billion for fiscal year 1985. A summary table follows:

SUMMARY OF BUDGET REQUEST FOR ACTIVE AND RESERVE FORCES AND MILITARY RETIRED PAY

[In millions of dollars]

	Fiscal year 1983	Fiscal year 1984			Fiscal year 1985	Change
		Enacted	Supplementals and transfers	Total		
Mil. pers	45,638	47,360	1,214	48,574	[1] 67,832	[1] +19,258
Ret. pay	15,954	16,593	202	16,795	0	−16,795
Total	61,592	63,953	1,416	65,369	67,832	+2,463

[1] Includes $16,913 in military retired pay under new accrual accounting procedures begun in fiscal year 1985.

Included in the above amounts for military personnel are their pay and allowances plus the funds required to move personnel between duty stations and the funds needed to provide subsistence to enlisted personnel.

The major increases in the military personnel budget result from the 29,900 increase in active duty end strengths and 52,200 increase in reserve component end strengths. There are also increases resulting from annualization of the fiscal year 1984 pay raise and new initiatives on the part of the Defense Department concerning the variable housing allowance, bonuses and permanent change of station (PCS) travel.

The Department has provided for a 5.5-percent military pay raise effective January 1, 1985, within the defensewide contingency portion of the overall budget request. If approved, this pay raise would add $2.4 billion to the military personnel accounts.

It is important to note the offsetting increases and decreases between the military personnel and military retired pay accounts. Effective in fiscal year 1985, the Defense Department will begin to budget for military retired pay under accrual accounting proce-

dures. Under this concept, the Defense budget will make payments to a military retirement trust fund for the accruing liability for retirement payments to personnel currently on active duty. Payments to individual retirees will be made from the trust fund under the income security function of the Federal budget. Since the Defense Department no longer makes payments to individual retirees, the military retired pay appropriation was terminated. Accrued retirement liability costs are included in the military personnel appropriations. As a result of this change, the defense budget will reflect the retirement costs of current active duty forces, a truer picture of the cost of today's defense.

SUMMARY OF ACTIVE DUTY END STRENGTH

	1983 actual	1984 estimate	1985 estimate	Change fiscal years 1984–85
Army	779,643	780,000	780,800	+800
Navy	557,573	564,800	575,300	+10,500
Marine Corps	194,089	196,600	199,500	+2,900
Air Force	592,044	594,500	610,200	+15,700
Total, Defense active duty	2,123,349	2,135,900	2,165,800	+29,900

End strength for the active forces is proposed to increase by 29,900 in fiscal year 1985 to a total of 2,165,800. Retention and recruiting experience in recent years has been excellent. End strength goals have been achieved and quality has improved. Even with the pay raise being capped at 4 percent, the military departments anticipate achieving their strength goals for fiscal year 1984. An important issue to be addressed for fiscal year 1985 is the impact on recruiting and retention of a number of factors: The improving economy, the successive military pay caps, and military compensation legislation.

SUMMARY OF GUARD AND RESERVE END STRENGTH

	Fiscal year 1983 actual	Fiscal year 1984 estimate	Fiscal year 1985 estimate	Change fiscal years 1984–85
Army Reserve	266,188	278,117	298,447	+20,330
Navy Reserve	109,094	122,496	128,800	+6,304
Marine Corps Reserve	42,690	43,883	46,447	+2,564
Air Force Reserve	67,227	69,880	74,829	+4,949
Army National Guard	417,178	433,000	447,283	+14,283
Air National Guard	102,170	104,104	107,890	+3,786
Total	1,004,547	1,051,480	1,103,696	+52,216

End strength for the Guard and Reserves is proposed to increase by 52,216 to a total of 1,103,696 for fiscal year 1985. The proposed increases result from additional full-time support personnel of 19,263, additional individual mobilization augmentees of 3,600, and additional paid drilling reservists of 29,353. One of the major issues to again be addressed in fiscal year 1985 is the mix of full-time support personnel between Active Guard/Reserve (AGR) and military—civilian—technicians, especially since the Department has requested an increase in AGR's only.

OPERATIONS AND MAINTENANCE

In the operations and maintenance area, the budget requests $82.7 billion in fiscal year 1985, an increase of $10.1 billion or 14 percent above the $72.5 billion already appropriated for fiscal year 1983. In addition, the administration has announced that it will be requesting fiscal year 1984 supplementals totaling $872.2 million for pay and program increases. In real terms, the fiscal year 1985 request for O&M is up 10.7 percent and is larger than any amount since the final year of World War II when we had over 12 million troops in combat all over the globe. In fiscal year 1985 DOD will have only 2,166,000 personnel on active duty.

These appropriations finance the costs of operating and maintaining the Armed Forces, including the Reserve components and related support activities of the Department of Defense, except military personnel costs. Included are amounts for pay of civilians, contract services for maintenance of equipment and facilities, fuel, supplies, and repair parts for weapons and equipment. Financial requirements are influenced by many factors, including force levels such as the number of aircraft squadrons, Army or Marine Corps divisions, installations, military strength and deployments, rates of operational activity, and quantity and complexity of major equipment—aircraft, ships, missiles, tanks, et cetera—in operations.

The budget as proposed for fiscal year 1985 provides day-to-day support to meet the higher levels of readiness being recommended. For example, major increases include $2.1 billion for additional depot maintenance performed in-house in DOD industrial activities; $4.5 billion for growth in contracts for depot maintenance, support of new weapons systems, and base maintenance functions; and $2.1 billion supports higher levels of operating tempos, spare parts, supply consumption, and real property maintenance. In addition, an increase of $485 million primarily reflects annualization of the fiscal year 1984 civilian pay raise. The single most significant program change may well be the Army proposal to create a new active light infantry division. It is proposed that the necessary 10,000 personnel for this division will come from within the existing force structure despite past testimony from the Army that existing units are short of personnel.

Since O&M funding provides for near-term readiness, it is no surprise that the major readiness indicators are projected to rise in fiscal year 1985. However, despite real growth of 10.7 percent in the funds being requested, the number of aircraft being operated increases by only 1.2 percent; the flying hours only increase by 3.6 percent; the number of ships increases by 3.8 percent while the steaming hours only increases by 1.8 percent; and finally, the number of battalion training days increases by only 1.8 percent. Although I have traditionally supported increases directly for readiness, I am concerned that readiness items should increase so slightly in a year when O&M as a whole has a real increase of over 10 percent. The committee will diligently analyze this large increase to ferret out the fluff and administrative luxuries that could well be eliminated without adversely impacting on readiness.

The fiscal year 1984 supplemental includes $580.2 million for costs associated with the January 1, 1984, civilian pay raise of 3.5 percent, and $298 million for several fact of life increases. Of particular interest is $72.1 million included to finance the cost of the rescue operation in Grenada and an additional $57.5 million for the unbudgeted costs associated with the continuing peacekeeping forces in Lebanon.

PROCUREMENT

The proposed fiscal year 1985 procurement budget is $107.6 billion, an increase of $21.1 billion or 24.3 percent over the $86.5 billion total funding made available to date in fiscal year 1984. For the third year in a row, the increase for procurement again represents the largest increase of any category in the new Defense budget. The increase is in addition to the 26.4-percent increase in fiscal year 1981 over fiscal year 1980, the 30.5-percent increase in fiscal year 1982 over fiscal year 1981, and the 23.5-percent increase in fiscal year 1983 over fiscal year 1982, and the 6.5-percent increase in fiscal year 1984 over fiscal year 1983. Since fiscal year 1981, the total procurement budget has more than doubled.

The fiscal year 1985 budget continues the trend, begun in fiscal year 1982, of procurement appropriations surpassing the operation and maintenance appropriations as the largest category in the budget.

The fiscal year 1985 budget proposes to delete a separate appropriation for Guard and Reserve equipment procurement which the Congress has provided for the past several years. The budget includes a new appropriation request of $25 million for Defense Production Act purchases.

The Air Force procurement budget is 45 percent of the total and consumes about half of the fiscal year 1985 increase. This reflects the administration's emphasis on strategic programs like the B–1 bomber and MX missile. To put this into perspective, the amount included for the B–1 alone is greater than the total of any of the Army procurement appropriations; it

is more than twice the total for Army ammunition and three times the total for all Marine Corps procurement.

The fiscal year 1985 budget includes about $105 million in production-related funding for binary chemical weapons. A $124.4 million request for this purpose was denied by Congress last year.

While the total procurement budget of $107.6 billion is huge, it is $15.1 billion less than was projected for fiscal year 1985 when the fiscal year 1984 budget was submitted a year ago.

ARMY PROCUREMENT

The Army consumes 19 percent of the procurement budget in fiscal year 1985, a total of $21 billion. This is an increase of $3.6 billion, or 20 percent over the amounts made available in the current fiscal year.

The Army aircraft procurement budget is $4 billion, an increase of $794 million, or 25 percent over last year. The total number of aircraft to be procured is 260, including 18 EH-60A Quickfix helicopters, 144 AH-64 attack helicopters, 78 UH-60A Blackhawk helicopters, 11 CH-47 Chinook helicopters, and 9 RC-12D Guardrail aircraft. This compares with a total of 214 aircraft funded last year.

The aircraft spares and repair parts budget goes from $599.4 million to $633.4 million, a 6-percent increase.

The Army missile procurement budget is $3.4 billion, an increase of $587.1 million, or 21 percent over last year. Over 77,000 missiles are budgeted, compared with about 61,000 in the current year. Included in the budget are 93 Pershing II missiles, 585 Patriot air defense missiles, 2,360 Stinger missiles, 6,026 Laser Hellfire air-to-surface missiles, and 18,000 TOW antitank missiles. The budget also includes a continuation of the multiyear contract for the multiple launch rocket system, with 50,472 missiles to be procured.

The budget for procurement of weapons and tracked combat vehicles is $5.1 billion, an increase of $349.6 million, or 7 percent over last year, the smallest increase of any of the Army procurement appropriations. Over 2,000 tracked combat vehicles are budgeted, slightly more than the number funded in the current fiscal year. The new budget provides for procurement of 710 Bradley fighting vehicles, and 720 M-1 tanks, a decrease from the 840 funded in the current fiscal year. The budget also provides for procurement of command post carriers, armored personnel carriers, artillery ammunition support vehicles, self-propelled howitzers, and recovery vehicles. For weapons and other combat vehicles, the budget provides $936 million, about the same as the current year. The budget provides for procurement of 132 Sergeant York air defense systems.

The Army ammunition procurement budget is $2.5 billion, an increase of $513.9 million, or 26 percent over last year. Upgraded 81-millimeter mortar and 105-millimeter tank ammunition are being introduced, and production rates for new 120-millimeter tank ammunition are being increased. The budget for production base support increases from $155 million to $302 million, with a large portion of the increase going to chemical weapon production facilities.

The other procurement, Army budget is $6 billion, an increase of $1.3 billion, or 29 percent. For the second year in a row, this is the largest Army procurement increase in absolute and percentage terms and continues as the largest of the Army procurement appropriations. The increase is spread about evenly among the three budget activities: tactical and support vehicles, electronic and telecommunications equipment, and other support equipment. Procurement of remotely piloted vehicles and related electronic equipment is budgeted for the first time in fiscal year 1985.

NAVY PROCUREMENT

The Navy procurement request of $37.2 billion represents nearly 35 percent of the total procurement budget in fiscal year 1985. This is an increase of $5.7 billion, or 18 percent from the amounts made available in the current fiscal year.

The Navy aircraft procurement budget is $11.5 billion, an increase of $1.3 billion, or 13 percent over last year. The total number of aircraft to be procured is 287 compared with 230 funded in the current year. Overall, the aircraft budget includes the procurement of 6 A-6E and 6 EA-6B aircraft, 32 AV-8B V/STOL aircraft for the Marine Corps, 84 F-18 aircraft, 24 F-14 aircraft, 10 CH-53E heavy lift helicopters, 18, SH-60B Seahawk helicopters, 9 P-3C Orion aircraft, 6 E-2C Hawkeye aircraft, 8 C-2 COD aircraft, and 8 Adversary aircraft. The aircraft modification budget increases from $1.4 billion to $1.9 billion, and the spares and repair parts budget decreases $440 million from $2 billion to $1.6 billion.

The Navy request for procurement of weapons is $4.7 billion, an increase of $848 million, or 22 percent, over the amount provided for last year. No Trident I missiles are requested, reflecting phasedown of that system and preparation for production in future years of the new Trident II ballistic missile. A total of 180 sea-launched Tomahawk cruise missiles are requested, up from the 124 provided last year. The total number of tactical missiles, which includes a variety of airborne and shipborne weapons, is requested to rise by 78 percent, from the 3,700 total units funded last year to 6,600 units in the current budget. There also is a 26-percent increase in funding for torpedoes and other related equipment. The most significant increases relates directly to the multiyear procurement of the MK-46 torpedo modification program.

The shipbuilding and conversion budget is $13.1 billion, an increase of $1.7 billion, or 15 percent from last year. A total of 38 vessels—new construction, conversion, and major craft—are included in the budget request, which includes the procurement of one Trident submarine, the unprecedented annual procurement of 4 SSN-688 attack submarines, 3 Aegis cruisers, 2 LSD-41 landing ships, 4 mine countermeasures ships, 3 T-AO fleet oilers, and 3 Surtass ships, 2 surveying ships, and 9 LCAC landing craft. Although no funds are being requested for cost growth, a new category called potential cost growth is in this years request and represents a request of $187 million.

The other procurement, Navy budget is nearly $6 billion, an increase of 38 percent over last year. The increase is spread across the entire spectrum of budget activities in this multifaceted appropriation.

The Marine Corps procurement budget is almost $2 billion, an increase of $237 million, or about 14 percent from last year. Increases are included for ammunition—8 percent—guided missiles and equipment—65 percent—and engineering and support—31 percent. The budget provides for procurement of 4 LVT-7 amphibious assault vehicles and 240 LVT-7 service life extensions, 292 light armored vehicles, 500 Hawk missiles, 800 Stinger missiles, and 3,822 TOW missiles.

I believe as we study the Navy budget request, we must consider expanding our merchant fleet which is so necessary to our national defense.

AIR FORCE PROCUREMENT

The Air Force consumes 45 percent of the procurement budget in fiscal year 1985, a total of $48.1 billion. This is an increase of $11.9 billion, or 33 percent over the amounts made available in the current fiscal year. The Air Force consumes the largest portion of the procurement budget, a fact accounted for in large measure by the procurement programs for the MX missile, tactical fighter aircraft, and the B-1 bomber.

The Air Force aircraft procurement budget is $28.7 billion, an increase of $7.3 billion, or 34 percent over last year. This appropriation has the largest increase by far of all the procurement appropriations, and is continued as the largest of all procurement appropriations. The new budget provides for procurement of 271 aircraft, an increase from the 241 funded in the current year. A total of $5.6 billion is included for procurement of 34 B-1 aircraft, and an additional $1.5 billion is included for B-1 advance procurement.

Initial procurement funding is included in fiscal year 1985 for tactical fighter derivative aircraft which will be modified F-15's or F-16's. Initial funding is also provided for 10 T-46A next generation trainer aircraft, 3 C-20A special air mission aircraft, and 2 range control aircraft. Other aircraft funded include 48 F-15 aircraft, 150 F-16 aircraft, 8 KC-10 tanker aircraft, 2 MC-130 special mission aircraft, 10 C-5B cargo aircraft, and 4 TR-1/U-2 aircraft. the aircraft modification program increases by 22 percent to $3.4 billion. Major programs in this category include the B-52, F/RF-4, C-5, C-130, C-135, E-3, and the Civil Reserve Air Fleet (CRAF). The aircraft spares budget shows a 29-percent increase to $6 billion.

The Air force missile procurement budget is $9.8 billion, an increase of $2 billion, or 26 percent over last year. The budget includes $2.9 billion for 40 MX missiles which accounts for the largest portion of the increase. the budget proposes to initiate Air Force procurement of the Harpoon missile and includes initial procurement funding for the new medium range air-to-air missile. Also, the budget includes 120 ground launched cruise missiles, 4,500 Maverick missiles, 871 HARM missiles, and 156 Stinger missiles. Modification of missiles increases by 25 percent to $162.3 million while missile spares and repair parts increase by 90 percent to $639.8 million. Other support programs increase by 16 percent to $4 billion. This category includes a number of space programs. The budget proposes initial funding of $83 million for the space defense system.

The other procurement, Air Force budget is $9.6 billion, an increase of $2.6 billion, or 38 percent over last year. The munitions and associated equipment budget increases by 57 percent to $1.4 billion. The budget for vehicular equipment increases by 36 percent to $441.6 million. Electronics and telecommunications equipment increases by 55 percent to $2.7 billion, and other base maintenance and support equipment increases by 22 percent to $5 billion.

DEFENSE AGENCIES

Defense agencies procurement, which represents about 1 percent of the total DOD procurement budget, totals $1.2 billion in the fiscal year 1985 budget. This is an increase of $300 million, or 32 percent over the fiscal year 1984 level. Funding of procurement items for OSD, Defense Nuclear Agency, Defense communications Agency, Defense Logistics Agency, Defense Intelligence Agency, and other intelligence and related agencies are included in this appropriation.

DEFENSE PRODUCTION ACT PURCHASES

The budget includes an appropriation request of $25 million for Defense Production Act purchases. A fiscal year 1984 request of $200 million for this program was denied authorization.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The fiscal year 1985 budget request for RDT&E of $34 billion is $7.3 billion more than was provided for this purpose in fiscal year 1984. This is a 27-percent increase over last year. In constant dollars, the 1985 RDT&E budget shows a 22-percent real growth over the 1984 appropriation, when the administration's projected defense inflation rate of 4.9 percent is considered within the overall RDT&E program, the budget request for basic research and advanced development is up 45 percent in constant dollars over last year, strategic programs are up 6 percent, tactical programs are up 28 percent, intelligence and communications are up 19 percent, and program support is up 13 percent.

The budget includes a total of $1.53 billion for new DOD efforts on ballistic missile defense (BMD). These "Star Wars" efforts, called potentially feasible by the Department, have been assigned to the Defense Advanced Research Projects Agency. These efforts are now carried in the advanced development category, rather than in the strategic category as in former years, thus accounting in part for the growth figures for those categories stated in the preceding paragraph.

In strategic programs, ICBM modernization, which includes MX and Midgetman, is budgeted $2.4 billion. The Air Force has also requested $508 million for continued development of the B-1 bomber. The Navy budgeted $2.1 billion for the Trident II missile system, and projects that $2.3 billion will be required in fiscal year 1986 for that program.

Major Army tactical programs being continued include antitactical missile—$92 million—remotely piloted vehicles—$103 million—and Division Defense Command and Control—$129 million. The Navy budget request includes continuation of such tactical programs as JVX—$198 million—DDG-51—$125 million—and advanced light weight torpedo—$147 million. Air Force tactical programs being continued include C-17—$147 million—advanced medium range air-to-air missile—$218 million—and precision location strike system—$83 million.

New starts requested for fiscal year 1985 include the Army's advanced antitank weapon—$25 million—the Navy's wide aperature array—$15 million, and the Air Force's advanced air-to-surface missile—$54 million.

As in previous years, the Air Force is budgeted to receive the largest portion of DOD's RDT&E funds. This year, the relative shares are: Air Force, 42 percent; Navy, 29 percent; Army, 15 percent; and Defense agencies, 14 percent.

INTELLIGENCE AND COMMUNICATIONS

The budget request for intelligence, tactical intelligence and related activities, and communications contains significant increases for a number of programs and subprograms, many of which are a continuation of initiatives started in recent years. The budget request in these areas, while proposing some new programs, appears to reflect acceptance by the Department of Defense and the need of moderate the initiation of new programs in order to adequately fund existing programs.

In the area of communications, command and control, significant increases are requested for a number of satellite programs, including the following:

MILSTAR satellite program	+$180,000,000
NAVSTAR GPS	+100,000,000
Defense Satellite Communication System (DSCS)	+200,000,000

I hope the Defense Department does not again attempt to fund a rapid deployment force in Jordan in this budget which I have opposed. If it is still the administration's desire to fund this force, it should be done in the open, and it should be considered by the Foreign Operations Appropriations Subcommittee and not included in a Defense appropriations bill.●

PRIVATE LEGISLATION FOR THE RELIEF OF ALBERT W. STRAHORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I rise today to introduce private legislation for the relief of Mr. Albert W. Strahorn who has been denied his rightful claim to naval retirement.

In 1929 Albert Strahorn graduated from the U.S. Naval Academy and entered service in the U.S. Navy. Early in 1930, the Department of the Navy issued a directive offering young officers who had not yet completed the statutory minimum years of naval service, the opportunity to resign from the Navy and be recommissioned in the Naval Reserve. This directive sought to make vacancies available for the commissioning of upcoming U.S. Naval Academy graduates without exceeding the quota of officers allowed in the service as established by Congress. In a letter from the Naval Bureau of Navigation, then Ensign Strahorn was told he would be "given the date of preference" which he held in the Navy as long as he enlisted in the Naval Reserve within 4 months. In accordance with the Navy's directive, Albert Strahorn resigned from the Navy on June 1, 1930 and was recommissioned in the Naval Reserve in active status on October 8, 1930.

After some 23 years of service in the Naval Reserve, including active service during World War II, Lieutenant Strahorn retired from the Naval Reserve. Mr. Strahorn retired in 1953 after being informed by the Bureau of Personnel that he was qualified for retirement as a result of "over minimum service." Unfortunately, Mr. Strahorn did not receive a complete record of his retirement credits from the Bureau of Naval Personnel until 1962. At that time Mr. Strahorn learned that the Navy had not credited him with military service during the period in which he transferred from the Navy to the Naval Reserve under the special 1930 directive, contrary to the "date of precedent" promise made to then Ensign Strahorn.

As a result, Mr. Strahorn was declared to be 3 months short of the required 20 years of military service to qualify for Navy retirement. Since this time, Mr. Strahorn has petitioned twice to the Board for Correction of Naval Records and both times was rejected. Mr. Speaker, this body has traditionally offered citizens, after all avenues of administrative recourse have been exhausted, a final means of resolving claims with the U.S. Government. I believe this body has a responsibility to live up to the commitments made to those who have stood by this Nation during wartime and who have served in our Nation's Armed Forces.

Accordingly, I am introducing private legislation declaring the period in question as military service, thereby making Mr. Strahorn eligible for his long-awaited retirement pay.

The following is the text of my bill:

H.R. 4751

A bill for the relief of Albert W. Strahorn

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of determining the entitlement of Albert W. Strahorn, United States Naval Reserve, Retired, ([redacted] xxx-xx-xxxx [redacted]) of Carmel, California, to retired pay under chapter 67 of title 10, United States Code, and for the purpose of computing any retired pay which becomes payable on the basis of such entitlement, Albert W. Strahorn shall be considered to have been a member of the Naval Reserve for the period beginning on June 1, 1930, and ending on October 7, 1930.

SEC. 2. (a) Any retired pay which becomes payable by reason of the first section of this Act shall be computed as though Albert W. Strahorn had become entitled to retired pay under chapter 67 of title 10, United States Code, effective on December 15, 1965.

(b) Any amounts of retired pay which become payable by reason of this Act for any months which occur before the date of the enactment of this Act shall be paid in a lump sum by the Secretary of the Navy to Albert W. Strahorn.●

SUPPLEMENTAL APPROPRIATION NEEDED TO PROVIDE FAMINE RELIEF TO AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 5 minutes.

● Mr. MITCHELL. Mr. Speaker, I want to join with my colleagues in strenuous support of an immediate supplemental appropriation to relieve the rampant famine which prevails in Africa. Currently, the most severely stricken area—the Sahel—contains some 120 million people who are in desperate need of food assistance. We cannot ignore the urgency of this situation.

It is imperative that we realize the potential devastation and significant loss of lives if indeed we do not move quickly to provide the United States share of the approximate 3 million tons of needed food. We must also recognize the threat of basic infrastructural breakdowns which could be precipitated by the prevailing drought and the dire need for agriculture assistance.

I would submit to my colleagues that such a bleak picture should never be the sole determinant for the action which many of us urge today. Rather, this country should consistently evaluate continuing needs in Africa and other countries, and remain steadfast in our pledge to provide needed assistance.

We are faced with the fact that our own pledges of food assistance to Africa have fallen far below historical levels. In fact, such assistance has fallen to under 25 percent of immediate African need. This is appalling, and I would urge that this House move expeditiously in the passage of a supplemental appropriation to address this matter.●

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I have introduced today a resolution which would designate March 25, 1984, and each March 25 thereafter, "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

I have done so, Mr. Speaker, with full knowledge that such a resolution is highly unusual, if not unique. It is not common for the Congress to officially recognize for celebration a historical event that is not peculiarly American.

That notwithstanding, I believe that our common experience with democracy has forged a bond between the Greek and American peoples; and that it is both worthy and appropriate that we join in the celebration of Greek Independence.

More than 2,000 years ago, the ancient Greeks flourished under a democratic form of government in which the supreme power to govern was vested in the people. In setting up our representative democracy, the Founding Fathers drew heavily upon the experience of the ancient Greeks; and while there are many differences between modern American and ancient Greek democracy, the underlying principles are strikingly similar.

The high value we place upon individual freedoms and equal justice—and our constitutional precept of trial by jury—can be traced, for example, to the ancient Greeks. Aside from law, of course, our lives as people and as a nation are touched daily by the influence of Greek philosophy, art, architecture, medicine, and language.

Greek Independence Day commemorates the beginning, in 1821, of an uprising against the Ottoman Turks, which had ruled Greece in a despotic way for some 400 years. The Greek Revolution, coming about 50 years after our own struggle for independence, was enspirited by the American Revolution. It lasted 8 years, until finally—with the help of Russia, France, and England—the Ottoman yoke was thrown off. In forming a new democratic government, the founders of modern Greece looked again to the American experience. Thus it may be said that bread cast upon the waters in ancient days came home to Hellene.

Mr. Speaker, it is fitting, I believe, that we join with the people of Greece in celebrating one of mankind's greatest achievements—the capacity, given the chance, to govern itself. It is an opportunity that both we and the people of Greece share gratefully, a stewardship we accept gladly, and a right we guard passionately. Let us, then, celebrate it together.

The resolution follows:

H.J. RES. 468

Joint resolution designating March 25, 1984, and every March 25 thereafter, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people; and

Whereas the founding fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy; and

Whereas March 25, 1984, marks the 183rd anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas the founders of modern Greece, in their turn, looked to the American experience in forming their new government; and

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang; Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1984, and each March 25 thereafter, is designated "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.●

EXTENSION OF THE MORTGAGE REVENUE BOND PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

● Mr. DICKS. Mr. Speaker, I am introducing a bill today to reauthorize the mortgage revenue bond program; a program which was has made housing affordable for millions of Americans. Though over three-fourths of the Members of the House and Senate cosponsored legislation like this during the first congressional session, the program was allowed to expire on December 31, 1983, when the House failed to act on H.R. 4170, the Tax Reform Act, into which it had been incorporated.

Mortgage revenue bonds have been an invaluable source of financing for the housing industry, with particular impact during the recent period of high interest rates. When buyers were priced out of the market by high financing costs, bonds were an important source of housing capital. In 1982, for example, more than one-third of all first-time home buyers in this country received financing through the use of mortgage revenue bonds. And in 1983, roughly 220,000 families bought homes with capital generated through the sale of revenue bonds.

My State of Washington only recently created a housing finance agency. Until the formation of this agency, Washington home buyers were unable to take advantage of the benefits of the mortgage revenue bond program. Now, when this funding mechanism is finally available to Washington citizens, authority to issue the bonds has been allowed to expire.

As the National Conference of State Legislatures emphasized in testimony before the House Ways and Means Committee:

Mortgage revenue bonds constitute a valuable use of State and local credit. Moreover, mortgage revenue bonds represent a program where volume is controlled and where losses to the Federal Treasury are limited.

Indeed, housing has long been a primary stimulant of economic activity and an industry which helps lead the Nation out of recession. Mortgage revenue bonds are one of the tools which help housing fulfill that pivotal role.

Because of the importance of mortgage revenue bonds to the housing construction industry and to America's home buyers, I hope the Congress will act quickly to reauthorize the program. I am submitting legislation today to reemphasize the vital nature of these bonds, and to restate my interest in seeing the program approved at the earliest date possible. I urge the chairman and members of the Committee on Ways and Means to make the extension of this authority a high priority during the first weeks of this session.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACKAY) is recognized for 5 minutes.

● Mr. MACKAY. Mr. Speaker, earlier today I was unable to be present on the House floor to cast my vote on final passage of H.R. 1904, to extend the Child Abuse Prevention and Adoption Reform Act.

Had I been able to be present, I would have voted "yes" on H.R. 1904.

I appreciate having this opportunity to state my position for the RECORD.●

KICKING THE HOMELESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, in a statement January 31, the day before yesterday, the President offered the opinion that there are vast numbers of homeless people who are homeless by choice. That is very much like saying that the hungry are that way because they are hungry by choice, that the mentally ill are happy being mentally ill, or that the cold find joy in shivering. Blaming the victim does not cure the problem. It never has, and it never will.

The White House claims that there is a study that shows as many as one-fourth of the homeless have refused help. That does not prove that even those unfortunates enjoy their condition. All it proves is that they are so ill that they cannot understand the difference between an offer of assistance and a threat to their well being. Indeed, in hearings on homelessness in the Subcommittee on Housing, which I have the honor of chairing, which we held December 15, 1982, the last week of the lame duck session, the record shows that many of the young, chronically mentally ill "often reject offers of ongoing outpatient treatment or hospitalization." That is a direct quote from the hearings and the proceedings that we held that week in 1982.

□ 1850

But this did not mean these people were the happy bums that the President portrays; it simply means that, again, from the testimony, and I quote: "Traditional treatment methods do not work with this subgroup, this particular small subgroup." Many people who are young, male, and chronically sick end up on the streets. Apparently this subgroup is the one that the President cited as being people who could get along fine if they just wanted to. But there is not a shred of evidence that shows the mentally ill can just wish their illness away, any more than the sores and dirt of street life can be simply wished away. No; it takes real care and real baths to get rid of the sores and dirt, and it takes real care to deal with the illness that plagues so many of the homeless.

The homeless are not by any measure, not by any stretch of the imagination, happy vagabonds. In a followup hearing on homelessness held here in Washington last week on Wednesday, the Housing Subcommittee found that the problem is greater than ever. The homeless are not living in shelters because they like it or because that is what they want; they simply have no other choice. Some of them of course are not insane, some of them may be sick, but our testimony included the remark that if some of the street people did not get help soon, they might really become mentally ill. And the homeless themselves reaffirmed the 1982 testimony: They are anything but happy with their situation. Many of them tragically come from perfectly ordinary normal backgrounds, and have simply just run out of luck. Many of them want help, but there is no way that they can get into the care system simply because they have no address, or do not know where to go, or cannot find an agency that can or will meet their needs.

Let us suppose that Ronald Reagan became a street person tonight. How would he go about finding a job? It would be hard, because he would not have a phone to answer if some employer happened to call in response to an application. He would not have an address to receive mail from any prospective employer. He would probably not have any references to offer. He would have a difficult time even getting to a prospective interview, because there would be no money. He would have difficulty in making himself presentable, because the homeless do not enjoy a bath every day, and there is no place to keep a set of clean clothes if you live on the street. That is the reality of homelessness: Not with the best will in the world is it

possible to lift yourself into the mainstream of life, alone and unaided, broke and a stranger, unskilled and friendless.

It is easy for the comfortable to kick the poor, and that is what Mr. Reagan did. But if he had gone out and moved among them, as I did, and as some of my colleagues did, he would see a different world. He would see that even in the case of mental illness it is certainly not fun; he would see that living on the street is not easy; he would see that those who are on the streets are there because they have no choice, or have no idea of who or what they are, and no way of getting help. Or even if Mr. Reagan were to go into a church basement two blocks from his present residence, he would find homeless people, desperate for help, and looking for just a little solace. They are not there because they want to be. They are not there because they enjoy the handouts. They have no choice, and they have no other place to go.

The homeless are by and large those with the least skills. They have the least to offer any prospective employer. Some may be ill. Some may be mentally disturbed. But in no case do they have the resources of friends and families, nor even access to the pitiful welfare system such as it is. Neither can they get adequate mental health care. They are trapped, prisoners of their own weaknesses, and bound to their helplessness by the bonds of our own indifference. It is incredible that in the face of all reality and in absolute ignorance of all evidence, the leader of the free world could so callously dismiss the needs and wants of the most helpless people among us—those modern-day lepers, the street people.

Witness after witness, both in 1982 and just last week, told the Subcommittee on Housing how strained community resources are by the vast and growing numbers of the homeless. Witness after witness detailed what communities are tying to do, what dedicated volunteers are trying to do, and how overwhelmed they are. The sad and brutal fact is that the number of homeless people is growing, and no one can say either how big that population is or how vast it might yet become.

The problems of the homeless will not be solved by kicking them. These people are already down and out. What they need is a helping hand. They need housing, they need treatment, they need training. That is what would enable them to start making some choices in their lives. As it is today, they have no choices; they either live on the streets or they live not at all.

Mr. President, you do not have to go to Calcutta. Americans are dying on the streets right now. Truthfully, the street people have been abandoned. They have no family, nor friends, and there is no agency, public or private, that meets their most basic needs. The best they can get is a little emergency shelter, an occasional meal, and ever so rarely, a little real compassion, a little real help. But their numbers are so great, their needs so overwhelming, that there is no reasonable or responsible course but to try and establish programs that can provide the help that is essential. Sending the homeless to the jails only multiplies their problems; returning them to mental institutions is neither workable nor economical, let alone effective. The homeless need help, but there is no system to provide that help. They need compassion, but the President appears to offer them less than he would a cringing dog.

Yesterday, a number of my colleagues joined me in an invitation to the President to get to know something about the realities of street people and shelters for the homeless. We invited him to visit with us the biggest shelter for the homeless in this country—the same shelter where we conducted our hearing last week—three blocks from the Capitol, and within easy sight of a favorite waterringhole of the rich and powerful, a hotel that Mr. Reagan likes to visit on political occasions. Maybe just maybe, one night he would pass up the glitter and go see the grime. Maybe he would then learn something about what street people must face every hour of every day. Maybe then he would see how little power the homeless have over their lives, much less power or influence over the powers that be.

It solves no problem to blame the victims. The homeless are, of all the victims in this world, least responsible for their plight, least able to alter their circumstances, least able to find their way. It is a shame, an indictment of our own indifference that they are ignored, and a greater shame yet that our President, Mr. Reagan chooses to spit on them, rather than offer even a glimmer of interest or compassion.

Mr. Speaker, I offer for the RECORD at this point a letter to Mr. Reagan signed by myself and 11 of my colleagues, and a copy of the newspaper article to which I referred earlier.

The letter and article follow:

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, D.C., February 1, 1984.

Hon. RONALD REAGAN,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: It is tragic that you believe the thousands of homeless individuals and families who are huddled on the streets of our cities, housed in temporary shelters or lined up to receive food are living that way because they choose to do so. In the vast majority of cases, nothing could be further from the truth.

Last week, the Housing and Community Development Subcommittee held a nine-hour hearing in a shelter for 500 homeless people that is operated by the Center for Creative Non-Violence (CCNV) in Washington, D.C.—only two miles from your doorstep. Thirty-seven witnesses—representing the Governors' Conference; the Conference of Mayors; and voluntary service providers from Boston, Phoenix, New Orleans, San Francisco, Chicago, New York, Birmingham, Detroit, Orange County, California, Baltimore, and Washington, D.C.; the Salvation Army; church volunteers; and individual homeless people—provided clear and uncontroverted testimony that the homeless are not suffering by choice and that local community resources are stretched to the breaking point in trying to address the need. the homeless need jobs, training, affordable housing, medical and sometimes psychiatric assistance—not an assertion that the problem does not exist.

In this, the wealthiest nation in the world, it is an indictment of our social policies that we have not taken care of our most vulnerable and desperate citizens. We call upon you, the elected leader of this nation, to join us, the elected representatives of the homeless, as well as the well-housed, citizens of this nation, in solving this problem.

As a beginning, we urge you to support the appropriation of $60 million authorized by Public Law 98-181, which would be used by communities and nonprofit organizations to provide shelters and supportive services in communities that have the greatest need to care for their homeless residents.

In addition, immediate efforts should be undertaken to provide desperately needed psychiatric care for deinstitutionalized mental patients who are incapable of working and caring for themselves without federal financial help.

Finally, Mr. President, we invite you to return with us to the shelter operated by the CCNV, to meet the dedicated volunteers and the guests who are sheltered there. The General Services Administration has permitted the building to be used as a shelter until March 31, 1984, when the building will be offered for sale. Given the desperate need for housing, we urge you to direct the G.S.A. to make the building available until all of the 500 people sheltered there each night find permanent, affordable and safe housing alternatives.

Sincerely,

Henry B. Gonzalez, Chairman, Bruce F. Vento, Mary Rose Oakar, Parren J. Mitchell, Barney Frank, Marcy Kaptur, William J. Coyne, Charles Schumer, Jerry M. Patterson, Mike Lowry, Sander M. Levin, Jim Cooper.

[From the Washington Post, Feb., 1, 1984]

HOMELESS CHOOSE TO BE, REAGAN SAYS

(By Jaun Williams)

CHICAGO, Jan. 31.—President Reagan, responding in a television interview and a political speech to charges that his administration has favored the rich over the poor, and said today that people sleeping on outdoor grates in cities are homeless "by choice."

Asked on ABC's "Good Morning, America" in an interview from the White House why "people across this country . . . say, 'Yes he is the nicest man and we like him but his policies are causing misery,'" Reagan responded that his administration is spending more on programs for the needy, health care and food stamps.

"What we have found in this country, and maybe we're more aware of it now," Reagan added, "is one problem that we've had, even in the best of times, and that is the people who are sleeping on the grates, the homeless who are homeless, you might say, by choice."

White House spokesman Anson Franklin said later that some studies show that as much as 25 percent of the homeless refuse help from government agencies. Reagan added in the television interview that the problem has been "aggravated" by new laws requiring some mental institutions to release disturbed persons when "they have no place to go".

Later today, in a speech here at a convention of concrete, gravel and stone producers, Reagan charged that political opponents who say his policies favor the rich are trying to appeal to "greed and envy."

"As the political rhetoric heats up," he said, "there will be those trying to appeal to greed and envy—make no mistake that that is what they are trying to do—who suggest our tax program favors the rich. This is the same anti-business, anti-success attitude that brought this country to the brink of economic disaster."

"The finger-pointers and hand-wringers of today were the policy makers of yesterday," Reagan said, "and they gave us economic stagnation and double-digit inflation. There was only one thing fair about their policies: they didn't discriminate, they made everyone miserable."

The estimated $30,000 to $35,000 cost of the presidential trip here was paid by the government rather than the Reagan-Bush '84 campaign. White House spokesman Larry Speakes said White House and campaign lawyers made a judgment that the trip was not political because "he doesn't have any 'reelect me' in the speech" and that it is "no different from speeches we've been making for three years." Ed Rollins, the Reagan-Bush campaign director, told the Cable News Network in an interview that the trip is "official business. It's not a partisan campaign trip . . . he's not asking anyone to vote for him. He's going on totally about his programs that have . . . worked."

In the "Good Morning, America" interview, Reagan branded the charge that he favors the rich as an "absolute falsehood." He contended that President Kennedy proposed tax cuts that offered more benefits for the rich than his do. In his speech here to 4,000 members of the International Concrete and Aggregates Industries, Reagan drew a sharp contrast between his critics' complaints about economic policies that favor the rich and their "distasteful" attitude toward the profit motive.

"I for one have no trouble with the profit motive," he said. "When people are free to work for themselves, they work longer and harder . . . it hasn't been perfect and our country has made mistakes but with freedom and the profit motive we have achieved greatness as a nation." Reagan said he rejected the proposition that supporting government programs for the poor is a form of charity. He said charity is a reflection of what an individual chooses to do with his or her money and not what one group feels the government should do with everyone's money.

The president said working people can see the beneficial results of his economic program in the rising rate of real wages and the record number of people now employed. He did not mention the 8.2 percent unemployment rate and said that, despite lower inflation and interest rates, much remains to be done.

"Turning the economy around was priority No. 1," he said. "Now we can turn to the equally difficult task of streamlining government, making it more efficient and responsive."

Among the unfinished work Reagan listed was the $180 billion budget deficit. But he got the most applause of the day when he told the convention that he will not raise taxes to reduce the deficit.

TOM CLARK: AN AMERICAN GENTLEMAN

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, during the recent congressional recess, the Nation lost an outstanding citizen and a true American gentleman. On December 7, 1983, Mr. Thomas Raymond Clark died.

I am sure many in this Chamber have benefited throughout the years from the consultation and advice of Mr. Tom Clark. Tom, as an executive of the General Electric Co., served his country with honor and heroism as a sailor during World War II. He then joined the General Electric Co., where he served with distinction until he retired in 1982. The last 20 years of his illustrious career, he spent as the manager of GE operations in Washington, D.C., with responsibility for energy-generation matters. Prior to his service in Washington, Tom built up an outstanding reputation in the service of his company and the Nation in frontier fields such as the development of nuclear power for military and civilian uses and in the production of special nuclear material for the defense and security of our Nation.

Tom had an outstanding understanding of the critical importance of energy to the security and welfare of our Nation. All of us owe him a debt of gratitude for educating us on this matter. We have not as yet attained the goal he advocated which was the attainment of independence of foreign sources for our basic energy supplies but he did accomplish much in pointing out the road. Although with the loss of his counsel and guidance it will be more difficult to reach our objective, we can, in the honor of his memory, work harder toward the goal of energy independence which he so strongly advocated.

Tom, in addition to his many official responsibilities found time to devote to many civic and social functions. He was a member of the board of directors of Americans for Energy Independence which spent so much time in the education of the public concerning energy production and conservation. He also found time to devote efforts to the support of the theatrical arts. He had a great interest in music and was an accomplished musician.

We all will miss Tom's counsel and friendship. Although our loss will be great with the passing of such an outstanding American gentleman, I am sure the grief of his outstanding family will be even greater. I want to extend to his most gracious and devoted wife, Jane Mitchell Clark, and to his beautiful and devoted daughter, Sally Mitchell Clark, my sincerest sympathy on their great loss. May God bless you and keep you both.

I would like to include two excellent public statements made in memoriam of Tom's death. One is a resolution passed by the board of directors of the American Nuclear Energy Council in memory of Tom. The other is an article written by Llewellyn King, the publisher of the Energy Daily. I commend both of these statements to my colleagues since they reflect, from my own knowledge, a number of outstanding characteristics of this great American, Tom Clark.

RESOLUTION IN MEMORY OF TOM CLARK

Whereas, Tom Clark worked diligently and tirelessly through the years for the General Electric Company; and

Whereas, his service to his company in turn benefited the U.S. commercial nuclear industry; and

Whereas, in a long and productive career as an industry executive, he played an instrumental role in the development of commercial nuclear power, thereby serving the Nation; and

Whereas, for many years he served as an advisor to Members and staff of the Congress and officials of the United States government who were responsible for our Nation's energy policies; and

Whereas, he was recognized by industry and government as a creative and conscientious contributor in matters of national energy policy; and

Whereas, he was a good friend and was loved, honored and respected by all who had the good fortune to know him; now, therefore be it

Resolved, That the Board of Directors of the American Nuclear Energy Council, extends its heartfelt grief at his passing to his wife Jane and daughter Sally.

[From the Energy Daily, Monday, Dec. 12, 1983

TOM CLARK, AN AMERICAN GENTLEMAN

(By Llewellyn King)

My first meeting with Thomas Clark, the revered former General Electric lobbyist who died in Cincinnati last week, was not an auspicious one. He was upset by an article I had written in the trade paper Nucleonics Week and planned, as he said, to straighten out the young whippersnapper. He asked me to meet him at the University Club and we settled down in the men's grill to do battle. Half way through he said, "I think I like you" And so we gave up our discussion and had probably more gins than were good for us and a rattling good time.

Tom was an institution in Washington: a lobbyist of the old school who won the admiration of lawmakers and administration figures by his charm, his graciousness, and a patrician quality nearly unique in a political

city. Tom was a gentleman and he exuded it through his dignified handsomeness. What is more, he was an American gentleman, not a clone of the European or an imitation Englishman. He bought his clothes at Brooks Brothers, drove a top-of-the-line American car and devoted most of his working life to the General Electric Company.

He once explained to me that General Electric had been good to him and he felt the need to return the favor. It is more likely that he simply didn't know how to behave otherwise. It was not in his soul to jump jobs or to engage in company politics. He worked for the company in Cincinnati, in Hanford, before becoming General Electric's Washington nuclear lobbyist. An engineeer by training, Tom loved the Washington assignment but always reserved a special affection for Cincinnati. He said it had the finest people in America. He relished being a lobbyist, although high-powered operators today, like those at the Gray Company, might not recognize his courteous and informed practice of the craft.

"The purpose of being in Washington is to ingratiate yourself, but that won't do you any good if you don't know something," I recall him telling me. Tom's lobbying was based on knowledge; a profound knowledge of his subject and a consuming knowledge of history.

When the late Olin Teague, powerful chairman of the House Science Committee was ill in Bethesda Naval Hospital, he asked Tom out to see him because he was worried about nuclear proliferation. It was a time when a 16-year-old boy was getting national attention by claiming that he could make a nuclear weapon in his garage. "Was it true?" asked Teague. Tom unscrewed a lightbulb from a bedside lamp and held it up: "Do you think he could make this in his garage?" asked Tom. Teague was reassured.

At least six people who headed either the Atomic Energy Commission or the Energy Research and Development Administration told me at various times that they thought Tom was simply the best lobbyist in town because he didn't threaten or cajole or make deals and he was a source of good, reliable information.

He was not to be found batting down the halls of Congress too often. No. The central part of his day was the Tom Clark lunch at Le Provencal. These lunches were almost to Washington what the Algonquin roundtable was to New York in the 1930s. I used to marvel at the speed with which new members of Congress, just appointed Cabinet Secretaries or assistant secretaries, or new members of the Atomic Energy Commission, would be swept up by Tom's hospitality. In Washington a lot of people want to get to know the new players quickly; journalists do, lawyers do, politicians do, and lobbyists do. Tom always beat us to it. Hardly had a name been sent to Congress than Tom would have him at lunch.

He was able to do it because he was a decent man with honorable wares to sell.

Unhappily, with the Carter Administration, with its paranoia about business lunches, some of the magic went. The boys at the table were more often men who had lost some of their former glory and who hankered for the way things were. Carter people were out jogging at noon and eating sprout sandwiches. It was the beginning of the end of the Washington lunch as a high art form and the master of the form was Tom Clark.

Last year Tom retired and not long after he suffered a debilitating stroke from which he never recovered. His wife Jane and his daughter Sally moved him back to Cincinnati where he had been so happy.

What made Tom work was that he delivered for his employers, for the politicians and administrators who sought his help, and abundantly for his friends. He was not the first subscriber to this publication because the messenger with his order and check got lost. But he had meant to be.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WEAVER, for 30 minutes, today.

(The following Members (at the request of Mrs. MARTIN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. LATTA, for 30 minutes, February 7.

Mr. HARTNETT, for 5 minutes, February 2.

Mr. WALKER, for 60 minutes, February 6.

Mr. WEBER of Minnesota, for 60 minutes, February 6.

Mr. GINGRICH, for 60 minutes, February 6.

Mr. MACK, for 60 minutes, February 6.

Mr. SILJANDER, for 60 minutes, February 2.

Mr. SILJANDER, for 60 minutes, February 3.

Mr. MCKINNEY, for 5 minutes, today.

Mr. SILJANDER, for 60 minutes, February 6.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 30 minutes, today.

Mr. ADDABBO, for 60 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. MITCHELL, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. STUDDS, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. REID, for 30 minutes, February 6.

Mr. GAYDOS, for 60 minutes, February 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDGAR, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,698.

Mrs. JOHNSON, in support of Miller-Mikulski amendment in H.R. 1904 in that part of the debate.

(The following Members (at the request of Mrs. MARTIN of Illinois) and to include extraneous matter:)

Mr. KINDNESS.

Mr. CHENEY.

Mr. MCKERNAN in two instances.

Mr. PORTER.

Mr. HYDE in three instances.

Mr. CORCORAN.

Mr. WHITTAKER.

Mr. SOLOMON.

Mr. LOWERY of California.

Mr. GOODLING.

Mr. SMITH of New Jersey.

Mr. WOLF.

Mr. FRENZEL.

Mr. O'BRIEN.

Mr. MCCAIN.

Mr. KEMP.

Mr. GILMAN in two instances.

Mr. LAGOMARSINO in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. STUDDS.

Mr. TRAXLER.

Mr. MRAZEK.

Mr. NOWAK.

Mr. ANDREWS of Texas.

Mr. TALLON.

Mr. ORTIZ.

Mr. MAZZOLI.

Mr. WILLIAMS of Montana.

Mr. ERDREICH.

Mr. SHELBY.

Ms. OAKAR.

Mr. DINGELL in two instances.

Mr. ADDABBO.

Mr. HARRISON.

Mr. FLORIO.

Mr. TORRES.

Mr. HAWKINS.

Mrs. KENNELLY.

Mr. DORGAN.

Mr. OBERSTAR in two instances.

Mr. LELAND.

Mr. OBEY in three instances.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 2727. An act to codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock p.m.), under its previous order, the House adjourned until Monday, February 6, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2564. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a proposed final rule revising procedures for registration of pesticides, pursuant to June 25, 1947, chapter 125, section 25(a)(4) (94 Stat. 3195); to the Committee on Agriculture.

2565. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the annual report on the administration of the Equal Credit Opportunity Act for calendar year 1983, pursuant to Public Law 90-321 section 707 (90 Stat. 255; 94 Stat. 174); to the Committee on Banking, Finance and Urban Affairs.

2566. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting its annual report for fiscal year 1982, pursuant to FPA, section 4(d) (46 Stat. 798; 49 Stat. 839; 91 Stat. 584); Public Law 95-617, section 205(b)(2); to the Committee on Energy and Commerce.

2567. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Investment Company Act of 1940; to the Committee on Energy and Commerce.

2568. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to Colombia (Transmittal No. MC-6-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

2569. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles to Peru (Transmittal No. MC-7-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

2570. A letter from the Secretary of Energy, transmitting the second annual revised program management plan for ocean thermal energy conversion systems, pursuant to Public Law 96-310, section 3(d); to the Committee on Science and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLEMAN of Missouri:

H.R. 4723. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mrs. COLLINS:

H.R. 4724. A bill to protect purchasers and prospective purchasers of condominium housing units, and residents of multifamily structures being converted to condominium units, by providing for the establishment of national minimum standards for condominiums (to be administered by a newly created Assistant Secretary in the Department of Housing and Urban Development), to encourage the State to establish similar standards, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4725. A bill to amend the Internal Revenue Code of 1954 to impose an additional tax on handguns, to establish a program for the compensation of victims of handgun crimes, and to use the proceeds of such additional tax to fund victim compensation under such program; to the Committees on Ways and Means and the Judiciary.

By Mr. DICKS:

H.R. 4726. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. DOWDY of Mississippi:

H.R. 4727. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 4728. A bill to establish the position of Associate Director for Minority Concerns in the Naitonal Institute on Alcohol Abuse and Alcoholism; to the Committee on Energy and Commerce.

H.R. 4729. A bill to establish the position of Associate Director for Minority Concerns in the National Institute on Drug Abuse; to the Committee on Energy and Commerce.

By Mr. HATCHER (for himself, Mr. THOMAS of Georgia, Mr. ROWLAND, and Mr. RAY):

H.R. 4730. A bill to establish conservation reserve and agricultural forestation programs, and for other purposes; to the Committee on Agriculture.

By Mr. HAWKINS:

H.R. 4731. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to promote more effective schools and excellence in education, and for other purposes; to the Committee on Education and Labor.

By Mr. JENKINS:

H.R. 4732. A bill to revise tax law relating to publisher inventories; to the Committee on Ways and Means.

By Mrs. JOHNSON:

H.R. 4733. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. MOODY, Mr. ASPIN, Mr. GUNDERSON, Mr. OBEY, Mr. PETRI, Mr. ROTH, and Mr. SENSENBRENNER):

H.R. 4734. A bill to name the Veterans' Administration Medical Center in Milwaukee, Wis., the Clement J. Zablocki Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. KINDNESS:

H.R. 4735. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. KOLTER:

H.R. 4736. A bill to provide for the continuation of certain rail freight service by Conrail, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4737. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. LOWERY of California (for himself, Mr. MARTIN of North Carolina, Mr. ERLENBORN, Mr. WYLIE, Mr. CAMPBELL, Mr. JEFFORDS, Mrs. MARTIN of Illinois, and Mr. SILJANDER):

H.R. 4738. A bill to provide a tax credit for retraining expenses for individuals who are unemployed, and for other purposes; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 4739. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage revenue bonds to be issued; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 4740. A bill to establish the Commission on Missing Children; to the Committee on Education and Labor.

By Mr. NOWAK:

H.R. 4741. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of American international trade corporations with special rules for small American international trade corporations; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 4742. A bill to remove an impediment to oil and gas leasing at the Naval Air Station at Corpus Christi, Tex.; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. SILJANDER:

H.R. 4743. A bill to expand markets for U.S. agricultural products through increased targeting of Commodity Credit Corporation export funds, expanded exports of Commodity Credit Corporation dairy products, and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales, to emphasize the need for increased exports of processed and protein fortified agricultural products, and for other purposes; jointly, to the Committees on Foreign Affairs and Agriculture.

By Mr. SKELTON (for himself, Mr. YOUNG of Missouri, Mr. WHEAT, Mr. VOLKMER, and Mr. TAYLOR):

H.R. 4744. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mr. BARNES, Mr. EDGAR, Mr. OTTINGER, Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. WEISS, Mr. HARKIN, Mr. MOAKLEY, Mr. DELLUMS, Mr. STOKES, Mr. LELAND, Mr. FRANK, Mr. MITCHELL, Mr. SEIBERLING, Mr. FAUNTROY, Mr. BONIOR of Michigan, Mr. BEDELL, Mr. CONYERS, Mr. AUCOIN, Ms. KAPTUR, Mr. MARTINEZ, Mr. BERMAN, Mr. MARKEY, Mr. LEHMAN of Florida, Mr. ACKERMAN, Mr. MILLER of California, Mr. LOWRY of Washington, Mr. LEVINE of California, Mrs. BURTON of California, Mrs. BOXER, Mr. WOLPE, Mr. FEIGHAN, Mr. TORRICELLI, Mr. CROCKETT, Mr. WILLIAMS of Montana, Mr. EDWARDS of California, Mr. GEJDENSON, Mr. KASTENMEIER, Mr. DOWNEY of New York, Mr. BATES, Mr. FOGLIETTA, Mr. COYNE, Mr. MRAZEK, Mr. KOSTMAYER, Mr. SHANNON, Mr. SAVAGE, Mr. GARCIA, and Mr. DYMALLY):

H.R. 4745. A bill to prohibit the U.S. Armed Forces from participating in additional joint military exercises with the armed forces of Honduras and to place a ceiling on the number of members of the U.S. Armed Forces who may be in Honduras; to the Committee on Foreign Affairs.

By Mr. WATKINS:

H.R. 4746. A bill to authorize and direct the Secretary of the Interior to conduct a study of the feasibility of Federal development of the water and related land resources in certain counties in south central

Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS of Montana (for himself and Mr. HOYER):

H.R. 4747. A bill to establish certain requirements to insure that the Employment and Training Administration of the Department of Labor is able to perform its functions adequately, and for other purposes; to the Committee on Education and Labor.

By Mr. WOLF (for himself, Mr. BARNES, Mr. PARIS, and Mr. HOYER):

H.R. 4748. A bill to amend title 5, United States Code, to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.R. 4749. A bill to support the Government of the Republic of Cyprus as the sole legitimate Government on Cyprus and to facilitate the withdrawal of Turkish military forces from Cyprus; to the Committee on Foreign Affairs.

By Mr. LUJAN:

H.J. Res. 465. Joint resolution to provide for the designation of chili as the official food of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. MCCOLLUM (for himself, Mr. ACKERMAN, Mr. ADDABBO, Mr. ALBOSTA, Mr. ANDERSON, Mr. BARNARD, Mr. BARNES, Mr. BEREUTER, Mr. BERMAN, Mr. BETHUNE, Mr. BEVILL, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. BOXER, Mr. BRITT, Mr. BROOKS, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BURTON of Indiana, Mr. CARNEY, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CHENEY, Mr. CLARKE, Mr. CLINGER, Mr. COATS, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. CORCORAN, Mr. CRAIG, Mr. DANIEL B. CRANE, Mr. CROCKETT, Mr. DANIEL, Mr. DAUB, Mr. DAVIS, Mr. DE LA GARZA, Mr. DERRICK, Mr. DEWINE, Mr. DICKINSON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYSON, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. ERDREICH, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, Mr. FIELDS, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GEKAS, Mr. GEPHARDT, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLING, Mr. GRAMM, Mr. GREGG, Mr. GREEN, Mr. GUARINI, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HARTNETT, Mr. HATCHER, Mr. HERTEL of Michigan, Mr. HEFNER, Mr. HILER, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JACOBS, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KINDNESS, Mr. KOLTER, Mr. LA FALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LONG of Louisiana, Mr. LUNGREN, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCCURDY, Mr. MCGRATH, Mr. MCEWEN, Mr. MCKERNAN, Mr. MACK, Mr. MACKAY, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MARTIN of North Carolina, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAZZOLI, Mr. MICHEL, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MURTHA, Mr. MYERS, Mr. NEAL, Mr. NELSON of Florida, Mr. NEILSON of Utah, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PARRIS, Mr. PASHAYAN, Mr. PAUL, Mr. PEPPER, Mr. PETRI, Mr. PRITCHARD, Mr. QUILLEN, Mr. RATCHFORD, Mr. REGULA, Mr. REID, Mr. RINALDO, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. ROTH, Mrs. ROUKEMA, Mr. ROWLAND, Mr. ROYBAL, Mr. SAWYER, Mr. SCHAEFER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SHAW, Mr. SHELBY, Mr. SHUMWAY, Mr. SIMON, Mr. SKEEN, Mr. SKELTON, Mr. DENNY SMITH, Mr. SMITH of Florida, Mrs. SMITH of Nebraska, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SOLARZ, Mr. SOLOMON, Mr. SPENCE, Mr. STAGGERS, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. SYNAR, Mr. TALLON, Mr. TAUKE, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TORRICELLI, Mr. TRAXLER, Mr. VANDERGRIFF, Mr. VOLKMER, Mr. WALKER, Mr. WATKINS, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WINN, Mr. WIRTH, Mr. WOLF, Mr. WORTLEY, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. ZSCHAU, Mr. NATCHER, Mr. APPLEGATE, Mr. LEWIS of California, Mr. WON PAT, Mr. ANNUNZIO, Mr. DASCHLE, Mr. LOWERY of California, Mr. HUNTER, Mr. LELAND, Mr. LUNDINE, Mr. MOLLOHAN, Mr. BRYANT, Mr. DIXON, Mr. BENNETT, Mr. FLORIO, Mr. HANCE, Mr. MCCLOSKEY, Mr. RICHARDSON, Mr. SISISKY, Mr. DICKS, Mr. KASICH, Mr. PORTER, Mr. KOGOVSEK, Mr. JENKINS, Mr. MOAKLEY, Mr. CORRADA, Mr. MARTINEZ, Mr. TAUZIN, Mr. TORRES, Mr. MAVROULES, Mr. VANDER JAGT, Mr. HIGHTOWER, Mr. DURBIN, Mrs. BURTON of California, Mr. PATTERSON, Mr. GRADISON, Mr. SIKORSKI, Mr. YATRON, Mr. CAMPBELL, Mr. MILLER of Ohio, Mr. BATEMAN, Mr. SPRATT, Mr. MCHUGH, Mr. WYDEN, and Mr. BATES):

H.J. Res. 466. Joint resolution designating May 1984 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. NEAL:

H.J. Res. 467. Joint resolution to express the sense of the Congress that the President should immediately resume negotiations with the Soviet Union and Great Britain on a comprehensive treaty to end the testing of nuclear weapons, and that the President should seek to include in the negotiations all other nuclear and nonnuclear weapons nations; to the Committee on Foreign Affairs.

H.J. Res. 468. Joint resolution designating March 25, 1984, and every March 25 thereafter, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

By Mr. MAZZOLI;

H.J. Res. 469. Joint resolution designating the week of April 15 through 21, 1984, as "National Recreational Sports Week"; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.J. Res. 470. Joint resolution entitled: "Rehabilitation of Structures for the Homeless"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAMILTON (for himself, Mr. FASCELL, Mr. FOLEY, Mr. ALEXANDER, Mr. BONIOR of Michigan, Mr. GEJDENSON, Mr. MATSUI, Ms. MIKULSKI, Mr. MURTHA, Mr. SMITH of Florida, Mr. WILLIAMS of Montana, Mr. RAHALL, Mr. SIMON, and Mr. ASPIN):

H. Con. Res. 248. Concurrent resolution to bring about the prompt and orderly withdrawal of the U.S. Armed Forces participating in the multinational force in Lebanon; to the Committee on Foreign Affairs.

By Ms. MIKULSKI:

H. Con. Res. 249. Concurrent resolution expressing the sense of the Congress that the Secretary of Defense should resign; to the Committee on Armed Services.

By Mr. OBEY (for himself, Mr. BEDELL, Mr. BERMAN, Mr. COELHO, Mr. COOPER, Mr. DORGAN, Mr. HARKIN, Mr. MACKAY, Mr. MITCHELL, Mr. MOODY, Mr. MRAZEK, Mr. REID, Mr. SABO, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. STARK, and Mr. TOWNS):

H. Con. Res. 250. Concurrent resolution expressing the sense of Congress that the President should submit to Congress a revised annual budget for fiscal year 1984 making adjustments to insure that expenditures do not exceed revenues; to the Committee on Government Operations.

By Mr. SCHUMER:

H. Con. Res. 251. Concurrent resolution expressing the sense of Congress that the President of Syria should permit Jewish emigration to the United States; to the Committee on Foreign Affairs.

By Mr. ZSCHAU (for himself, Mr. PRITCHARD, Ms. SNOWE, Mr. SILJANDER, Mr. MCCANDLESS, Mr. CHANDLER, Mr. CRAIG, Mr. BATEMAN, Mr. EVANS of Iowa, Mr. DREIER of California, Mr. MCKERNAN, Mr. MCNULTY, Mr. CONABLE, and Mr. WINN):

H. Con. Res. 252. Concurrent resolution concerning U.S. policy toward Lebanon; to the Committee on Foreign Affairs.

By Mr. BOLAND:

H. Res. 421. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the second session of the 98th Congress; to the Committee on House Administration.

By Mr. FASCELL:

H. Res. 422. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the second session of the 98th Congress; to the Committee on House Administration.

By Mr. HOWARD (for himself and Mr. SNYDER):

H. Res. 423. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by the Committee on Public Works and Transportation in the second session of the

98th Congress; to the Committee on House Administration.

By Mr. LOTT:

H. Res. 424. Resolution providing for the consideration of the joint resolution (H.J. Res. 100) proposing an amendment to the Constitution to permit prayer in public schools; to the Committee on Rules.

By Mr. RANGEL (for himself and Mr. GILMAN):

H. Res. 425. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the second session of the 98th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McKERNAN:

H.R. 4750. A bill for the relief of Guy R. Allen; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 4751. A bill for the relief of Albert W. Strahorn; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 991: Mr. ROYBAL, Mr. COYNE, and Mr. FAZIO.

H.R. 1016: Mr. LUJAN.

H.R. 1028: Mr. MCCOLLUM and Mr. WHITTAKER.

H.R. 1580: Mr. ROGERS.

H.R. 1959: Mr. BEVILL.

H.R. 2017: Mr. LEWIS of Florida.

H.R. 2053: Mr. WHITLEY.

H.R. 2440: Mr. TAUKE.

H.R. 2468: Mr. BETHUNE, Mr. BATEMAN, Mr. BROYHILL, and Mr. SENSENBRENNER.

H.R. 2996: Mr. WILSON and Mr. MOLLOHAN.

H.R. 3282: Mr. MOODY and Mr. SAVAGE.

H.R. 3581: Mr. SHUMWAY, Mr. BADHAM, and Mr. MOORHEAD.

H.R. 3755: Mrs. JOHNSON.

H.R. 3950: Mr. MARTINEZ and Mr. WHITEHURST.

H.R. 4054: Mrs. JOHNSON.

H.R. 4055: Mrs. JOHNSON.

H.R. 4080: Mrs. BYRON, Mr. UDALL, Mr. MOLLOHAN, Mr. LAFALCE, Mr. LUNDINE, Mr. BROYHILL, and Mr. MADIGAN.

H.R. 4098: Mr. BEILENSON, Mr. GRAY, Mr. LEACH of Iowa, Mr. WALGREN, Mr. SIKORSKI, Mr. SOLARZ, Mr. HEFNER, Ms. OAKAR, Mr. DIXON, Mr. HAWKINS, Mr. HUGHES, Mr. ALEXANDER, Mr. MARKEY, Mr. MAVROULES, Mr. DICKS, Mr. KASTENMEIER, Mr. JACOBS, Mr. SOLOMON, Ms. SNOWE, Mr. BEREUTER, Mr. ROTH, Mr. PRITCHARD, Mr. LAGOMARSINO, Mr. GILMAN, Mr. LEVINE of California, Mr. CROCKETT, Mr. YATRON, Mr. GARCIA, Mr. FEIGHAN, Mr. STUDDS, Mr. SMITH of Florida, Mr. DYMALLY, Mr. SILJANDER, Mr. BROOMFIELD, Mr. HYDE, Mr. LOWRY of Washington, Mr. BOEHLERT, Mr. MOAKLEY, Mrs. ROUKEMA, Mr. WALKER, Mr. GINGRICH, Mr. SAVAGE, and Mr. TOWNS.

H.R. 4161: Mr. TAUKE.

H.R. 4287: Mr. MARTINEZ.

H.R. 4358: Mr. BARNES, Mr. HARRISON, Mr. ROE, Mrs. BOXER, Mr. SEIBERLING, Mr. HUGHES, Mr. MCNULTY, Mr. LEHMAN of Florida, Mr. VENTO, Mr. BEVILL, and Mr. EDGAR.

H.R. 4360: Mr. LOWRY of Washington, Mr. STRATTON, Mr. PEASE, Mr. MITCHELL, Mr. SEIBERLING, Mr. KOLTER, and Mr. MURPHY.

H.R. 4375: Mr. RAHALL, Mr. WON PAT, Mr. MOLLOHAN, and Mr. ACKERMAN.

H.R. 4402: Mr. TAUZIN, Mr. GUNDERSON, Mr. NOWAK, Mr. HORTON, Mr. SENSENBRENNER, and Mr. HANSEN of Utah.

H.R. 4457: Mr. FRANK, Mr. MITCHELL, Mr. OWENS, Mrs. SCHNEIDER, Mr. MRAZEK, Mr. LEVIN of Michigan, Mr. VENTO, Mr. REID, Mr. MORRISON of Connecticut, Mr. FAZIO, Mrs. BOXER, Mr. CLINGER, Mr. WEISS, Mr. PEASE, and Mr. GREEN.

H.R. 4540: Mr. YOUNG of Missouri, Mr. RAHALL, Mr. OBERSTAR, and Mr. TOWNS.

H.R. 4544: Mr. PRICE and Mr. HARKIN.

H.R. 4622: Mr. WORTLEY, Mr. WON PAT, Mr. ROE, Mr. MITCHELL, and Mr. SENSENBRENNER.

H.R. 4642: Mr. MRAZEK, Mr. SIKORSKI, Mr. CHAPPIE, Mr. TRAXLER, Mr. WILLIAMS of Montana, Mr. LOWRY of Washington, Mr. JACOBS, Mr. ST GERMAIN, Mr. FLORIO, Mr. LEHMAN of Florida, Mr. COYNE, Mr. CLAY, Mr. SNYDER, Mr. YATES, and Mrs. SCHNEIDER.

H.R. 4660: Mr. HUNTER, Mr. ANDERSON, Mr. FAZIO, Mr. DIXON, Mr. MARTINEZ, and Mrs. BOXER.

H.R. 4663: Mr. BARNES, Mr. OTTINGER, Mr. GRAY, Mr. D'AMOURS, Mrs. BOXER, and Mr. MITCHELL.

H.R. 4677: Mr. BEILENSON, Mr. DEWINE, Mr. SOLOMON, Mr. BLILEY, Mr. SKEEN, Mr. O'BRIEN, Mr. FRANK, Mrs. BOXER, and Mr. SKELTON.

H.J. Res. 95: Mr. CHAPPIE.

H.J. Res. 296: Mr. MATSUI.

H.J. Res. 326: Mr. KINDNESS, Mr. ROEMER, Mr. SUNDQUIST, Mr. LEWIS of California, Mr. WILLIAMS of Ohio, Mr. O'BRIEN, Mrs. JOHNSON, Mr. WOLF, Mr. BURTON of Indiana, Mr. NELSON of Florida, Mr. ORTIZ, Mr. LAGOMARSINO, Mr. CONYERS, Mr. MADIGAN, Mr. FORSYTHE, Mr. FISH, Mr. PRICE, Mr. SHAW, Mr. LEWIS of Florida, Mr. REGULA, Mr. MCEWEN, Mr. DYMALLY, Mr. ANDREWS of Texas, Mr. WATKINS, Mr. KEMP, Mr. SMITH of Florida, Mr. BLILEY, Mr. BONER of Tennessee, Mr. MCGRATH, Mr. VALENTINE, Mr. OWENS, Mr. PEPPER, and Mr. MICHEL.

H.J. Res. 394: Mr. MARKEY, Mr. ADDABBO, Mr. LIPINSKI, Mr. CLAY, Mr. LONG of Louisiana, Mr. DEWINE, and Mr. COOPER.

H.J. Res. 395: Mr. EDGAR, Mr. MINETA, Mr. FORD of Michigan, Mr. OTTINGER, Mr. WEISS, Mrs. HALL of Indiana, Mr. MCCLOSKEY, Mr. DOWDY of Mississippi, and Mr. SAVAGE.

H.J. Res. 404: Mr. YOUNG of Florida.

H.J. Res. 454: Mr. SKEEN, Mrs. BOGGS, Mr. CONABLE, Mr. MONTGOMERY, Mr. EDWARDS of Alabama, Mr. DICKINSON, Mr. WOLFE, Mr. CHENEY, Mr. BATEMAN, Mr. BETHUNE, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. CARR, Mr. CHANDLER, Mr. CLINGER, Mr. COATS, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DELLUMS, Mr. DEWINE, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRENZEL, Mr. GEKAS, Mr. GREGG, Mr. SAM B. HALL, JR., Mr. HEFNER, Mrs. HOLT, Mr. HUNTER, Mr. HAYES, Ms. KAPTUR, Mr. KEMP, Mrs. KENNELLY, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. LELAND, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCGRATH, Mr. MCKERNAN, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MICHEL, Mr. MOODY, Mr. MOORE, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. NEILSON of Utah, Mr. OTTINGER, Mr. PACKARD, Mr. PATTERSON, Mr. PEPPER, Mr. PRITCHARD, Mr. RATCHFORD, Mr. SAWYER, Mr. SCHAEFER, Mrs. SCHNEIDER, Mr. SHAW, Mr. SKELTON, Mr. ROBERT F. SMITH, Mr. TOWNS, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WAXMAN, Mr. WEBER, Mr. WIRTH, and Mr. ZSCHAU.

H.J. Res. 461: Mr. ROEMER and Mrs. LLOYD.

H. Con. Res. 9: Mr. VALENTINE.

H. Con. Res. 216: Mr. RUDD and Mrs. VUCANOVICH.

H. Con. Res. 229: Mr. STARK, Mr. CLARK, Mr. DARDEN, Mr. BERMAN, H. Con. Res. 229: Mr. Stark, Mr. Clark, Mr. Darden, Mr. Berman, Mr. MCGRATH, Mr. BATEMAN, and Mr. MCCLOSKEY.

H. Con. Res. 232: Mr. EVANS of Illinois, Mr. ADDABBO, Mr. MARKEY, Mr. CROCKETT, Mr. SMITH of Florida, Mr. LEVINE of California, Mr. GARCIA, Mr. LEHMAN of California, Mr. BEILENSON, Mr. SEIBERLING, Ms. KAPTUR, Mr. BERMAN, Mr. JEFFORDS, Mr. PEASE, Mr. VENTO, Mr. LAFALCE, Mr. WOLPE, Mr. SCHEUER, Mr. FAUNTROY, Mr. UDALL, Mr. MOAKLEY, Mr. WIRTH, Mr. DIXON, Mr. STARK, Mr. EDGAR, Mr. ACKERMAN, Mr. HOYER, Mr. LUNDINE, Mr. MILLER of California, Mr. SABO, Mr. GRAY, Mr. HOWARD, Mr. TOWNS, Mr. OBERSTAR, Mrs. SCHROEDER, Mrs. HALL of Indiana, Mr. MINETA, Mr. MITCHELL, Mr. WEAVER, Mrs. BOXER, Mr. RATCHFORD, Mr. SOLARZ, Ms. MIKULSKI, Mr. SIMON, Mr. RANGEL, Mr. KILDEE, Mr. KASTENMEIER, Mr. LUKEN, Mr. COELHO, and Mr. PANETTA.

H. Con. Res. 242: Mr. BLILEY, Mr. CLINGER, Mr. BILIRAKIS, Mr. KOLTER, Mr. GINGRICH, and Mr. FORSYTHE.

H. Res. 337: Mr. BERMAN, Mr. HAYES, Mr. DONNELLY, Mrs. SCHNEIDER, Mr. TORRES, Mr. WHEAT, Mr. OBERSTAR, Mr. SABO, Mr. WIRTH, Mr. WALGREN, Mr. KOSTMAYER, Mr. HUGHES, Mrs. SCHROEDER, Mr. WOLPE, Mr. FRANK, Mr. JACOBS, Mr. LUKEN, Mr. OLIN, Mr. WISE, Mr. GRAY, Mr. DELLUMS, and Mr. MOODY.

H. Res. 372: Mr. RUDD and Mrs. VUCANOVICH.

H. Res. 411: Mr. MITCHELL, Mr. MARTINEZ, Mrs. SCHROEDER, Mr. WEAVER, Mr. MCNULTY, Mr. RICHARDSON, Mr. WAXMAN, Mr. AUCOIN, Mr. TOWNS, Mr. PATTERSON, Mr. MACKAY, Mr. MILLER of California, Mr. STARK, Mr. DASCHLE, Mr. FEIGHAN, Mr. HUCKABY, Mr. SCHUMER, and Mr. OBERSTAR.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1983:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

Organization or Individual Filing	Employer/Client
ADKINSON & LEBOW, 11 DUPONT CIRCLE, NW, #610 WASHINGTON DC 20036	U.S. PHOTOVOLTAICS MANUFACTURERS' AD HOC COMM
TERRANCE M. ADLHOCK, 1119 19TH STREET, NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO
MICHAEL J. AHERN, 1200 PILLSBURY CENTER MINNEAPOLIS MN 55402	MOSS & BARNETT (FOR: WASIE FOUNDATION)
AKIN, GUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CELANESE CORP
Do	CONTINENTAL AIRLINES
Do	LEVI STRAUSS & CO
Do	NATIONAL CABLE TELEVISION ASSN
Do	RAUSCHER PIERCE REFSNES, INC
Do	SANCHEZ-O'BRIEN OIL & GAS CORP
Do	WERTHEIM & CO
ALABAMA FARM BUREAU FEDERATION, P.O. BOX 11000 MONTGOMERY AL 36198	
MORRIS J. AMITAY, P.C., SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	ELBE PRODUCTS, INC
Do	THOMPSON MEDICAL
BETTE B. ANDERSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)
JAMES A. ANDERSON JR., 1725 K STREET, NW, #710 WASHINGTON DC 20006	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS
ROMILDA R. ANDERSON, 10 WESTPORT ROAD WILTON CT 06897	RICHARDSON-VICKS
FLORIAN J. ANFANG, 815 16TH ST., NW WASHINGTON DC 20036	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
AMY APPERSON, 810 18TH STREET, NW WASHINGTON DC 20006	HANDGUN CONTROL, INC
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CENTRAL SERVICES ORGANIZATION
Do	CITY OF MIAMI
Do	CITY OF NEW YORK
Do	PUBLIC BROADCASTING SERVICE
Do	TULANE UNIVERSITY
ASSOCIATION FOR WOMEN IN SCIENCE, 1346 CONNECTICUT AVENUE, NW, #1122 WASHINGTON DC 20036	
BAKER & MCKENZIE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FAMARCO LTD, INC
CHRIS ANN BAKER, 2000 P STREET, NW, #305 WASHINGTON DC 20036	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)
ELIZABETH BALDWIN, 1346 CONNECTICUT AVENUE, NW, #1122 WASHINGTON DC 20036	ASSOCIATION FOR WOMEN IN SCIENCE
BARBARA BARCHARD, 810 18TH STREET, NW WASHINGTON DC 20006	HANDGUN CONTROL, INC
DONALD S. BEATTIE, 1815 H STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN PETROCHEMICAL CONSUMERS
CHRISTOPHER M. BEERMANN, 143 EAST 36TH STREET, APT. C NEW YORK NY 10115	MORALITY IN MEDIA, INC
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	MESA PETROLEUM CO
BEVERLY ENTERPRISES, INC, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	
LEONARD BICKWIT JR., MILLER & CHEVALIER, CHTD. 655 15TH STREET, NW WASHINGTON DC 20005	CONSOLIDATED EDISON CO OF NEW YORK
SUSAN BINGHAM-NEAL, 3255 GRACE STREET WASHINGTON DC 20007	THOMPSON & CO
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	PRUDENTIAL LINES, INC
BLACK MANAFORT & STONE, 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	KAMAN AEROSPACE
Do	MOSBACHER PRODUCTION CO
Do	NATURAL GAS SUPPLY ASSN
Do	DON SHELDON & CO
ROSLYNNE BLAKE, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC
JOANNE BLUM, 2010 MASSACHUSETTS AVENUE, NW, #500 WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC
BOND AND LAXALT, INC, 813 MARYLAND AVENUE, NE WASHINGTON DC 20002	BARNESS ORGANIZATION
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	D. MOODY & CO, INC
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	AIR LINE PILOTS ASSN
Do	CSX CORPORATION
Do	ESTES COMPANY
CHARLES BRIMER, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN
BRYAN CAVE MCPHEETERS & MCROBERTS, 1015 15TH STREET, NW, #1000 WASHINGTON DC 20005	MICROELECTRONICS & COMPUTER TECHNOLOGY CORP
SALLY J. BURKE, BARNETT & ALAGIA 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	LEAF TOBACCO EXPORTERS ASSN
MICHAEL BURNS, 21 DUPONT CIRCLE, NW, #401 WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY
FRANK BURTNETT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPMENT
JAMES J. BUTERA, 4TH FLOOR 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS
MICHAEL F. BUTLER, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ANDREWS & KURTH (FOR: HUGHES HELICOPTERS, INC)
Do	ANDREWS & KURTH (FOR: TRANSCO EXPLORATION PARTNERS, LTD & TRANSCO ENERGY CO)
ANDREW A. CAFFEY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN
NANCY CAMM, 1800 K STREET, NW, #900 WASHINGTON DC 20006	BANKAMERICA CORP
CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	SIGNAL COMPANIES, INC
CHARLES O. CAMPBELL, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INST
CARR-GOTTSTEIN PROPERTIES, INC, 1314 FAIRBANKS ST. ANCHORAGE AK 99501	
WESLEY E. CARSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
DANIEL J. CASSIDY, 2925 RICHMOND AVE. HOUSTON TX 77098	GREATER HOUSTON HOSPITAL COUNCIL
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE CATOR & ASSOCIATES, INC (FOR: LATIN AMERICAN MANUFACTURERS ASSN (LAMA))
CHADBOURNE, PARKE, WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	NEWMONT MINING CORP
DEBORAH M. CHALFIE, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION
JOHN M. CHAPMAN, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR
PEGGY CHARREN, 33 HANCOCK AVENUE NEWTON CENTRE MA 02159	ACTION FOR CHILDREN'S TELEVISION
CITIZENS POLITICAL ACTION COMMITTEE, P.O. BOX 645 228 SOUTH A STREET, #2 OXNARD CA 93032	
CECIL D. CLAY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INT'L ASSN
CLEAR CHANNEL BROADCASTING SERVICE (CCBS), 1776 K STREET, NW, #1100 WASHINGTON DC 20006	
COLLIER, SHANNON, RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	LUKENS, INC
COMMITTEE FOR PRIVATE EDUCATION, 1025 MICHIGAN AVENUE, NE WASHINGTON DC 20036	
COMMUNICATIONS MANAGEMENT, INC, 1925 NORTH LYNN STREET, #1140 ARLINGTON VA 22209	AMERICAN TELEPHONE & TELEGRAPH (AT&T)
CHARLES E. CONLON, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE
T. GARY CONNETT, P.O. BOX 14042 ST. PETERSBURG FL 33733	FLORIDA POWER CORP
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	WESTERN PEANUT GROWERS' ASSN
LAW OFFICES, JAMES C CORMAN, 1420 16TH STREET, NW WASHINGTON DC 20036	COOPERATIVE OF AMERICAN PHYSICIANS, INC
Do	GENERAL AMERICAN LIFE INSURANCE CO
Do	HOME LIFE INSURANCE CO
Do	INTERNATIONAL TAXICAB ASSN
Do	MUSIC CORP OF AMERICA, INC
Do	PACIFIC MUTUAL LIFE INSURANCE CO
Do	PROVIDENT LIFE INSURANCE CO
Do	SHAH & ASSOCIATES
Do	STATE MUTUAL LIFE ASSURANCE CO OF AMERICA
Do	SYSTEMS AND APPLIED SCIENCES
Do	TEXAS AIR CORP
Do	UCI, INC
Do	UNITED ENERGY CORP
REGINA A. COSTA, 600 MARYLAND AVENUE, SW, #510 WASHINGTON DC 20024	AMERICAN SOYBEAN ASSN
JAMES COUSINS, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	COALITION TO PRESERVE THE INTEGRITY OF AMERICAN TRADEMARKS
Do	GEORGE ROWE, JR (CO-EXECUTOR FOR THE ESTATE OF EDMUND G. MONELL)
Do	SUN LIFE ASSURANCE CO OF CANADA (U.S.)
C. DEMING COWLES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	UNITED FISHERMEN OF ALASKA
THOMAS CRICHTON IV , 3400 FIRST CITY TOWER HOUSTON TX 77002	VINSON & ELKINS (FOR: MCCORMICK OIL & GAS CO)
HAROLD L. CROSIER, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
CROWELL & MORING, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	COMMUNICATIONS SATELLITE CORP
MICHAEL M. CUNNIFF, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
D L ASSOCIATES, 1730 RHODE ISLAND AVENUE, NW, #210 WASHINGTON DC 20036	METROPOLITAN LIFE INSURANCE CO
DALEY AND GEORGE, 111 W. WASHINGTON STREET, #2035 CHICAGO IL 60602	EXECUTIVE AFFILIATES
CHRISTOPHER L. DAVIS, 2501 M STREET, NW, #400 WASHINGTON DC 20037	
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	MORGAN GUARANTY TRUST CO OF NEW YORK
ROBERT DEBRAGGA, P.O. BOX 26 STONINGTON CT 06388	PROJECT CURE, INC
DELOITTE HASKINS & SELLS, 655 15TH STREET, NW WASHINGTON DC 20005	INDEPENDENT LIFE & ACCIDENT INSURANCE CO
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.
Do	INTERSTATE NATURAL GAS ASSN OF AMERICA
Do	SHEARSON/AMERICAN EXPRESS, INC
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	BEAR, STEARNS & CO
Do	MARINETTE MARINE CORP
Do	OPTIONS POLICY ASSN
TIMOTHY V. A. DILLON, 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004	SACRAMENTO MUNICIPAL UTILITY DISTRICT
DONOVAN LEISURE NEWTON & IRVINE, 30 ROCKEFELLER PLAZA NEW YORK NY 10112	AMERICAN TELEPHONE & TELEGRAPH, INC

Organization or Individual Filing	Employer/Client
THOMAS F. DONOVAN, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
KENNETH W. DORSCH, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN
DIANE DOUGHTY, 425 13TH STREET, NW, #723 WASHINGTON DC 20004	NATIONAL ORGANIZATION FOR WOMEN, INC
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALGOMA STEEL CORP, LTD, ET AL
Do	TOBACCO MARKETING BOARD OF ZIMBABWE
RONALD W. DRACH, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS
MICHAEL J. DUFF, 1101 16TH STREET, NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN
DANIEL A. DUTKO, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	CENERGY EXPLORATION CO
Do	MITCHELL ENERGY & DEVELOPMENT CORP
Do	PITTS ENERGY GROUP
Do	TEXAS OIL & GAS CORP (TXO)
Do	WESSELY ENERGY CORP
THOMAS J. DWYER, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
JAMES W. DYKE JR., SIDLEY & AUSTIN 1722 EYE STREET, NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC
EUGENE EIDENBERG, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP
SAMUEL E. ENFIELD, SUITE 510 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN WIND ENERGY ASSN
GEORGE T. ESHERICK, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN IRON & STEEL INSTITUTE
F. S. FALLON JR., P.O. BOX 888-F-9 ASHLAND KY 41101	
WILLIAM T. FARLEY, 1126 16TH STREET, NW WASHINGTON DC 20036	IUE-AFL-CIO
FARM CREDIT COUNCIL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	
JAMES L. FEELY, 1225 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	MCDONNELL DOUGLAS CORP
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	MAGNAVOX GOVERNMENT & INDUSTRIAL ELECTRONICS CO
Do	TELLABS
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, 1775 K STREET, NW WASHINGTON DC 20006	DIGITAL EQUIPMENT CO
CHARLES L. FISHMAN, P.C., 1717 K STREET, NW, #502 WASHINGTON DC 20036	CONSOLIDATED EDISON CO OF NEW YORK
Do	STONE & WEBSTER ENGINEERING CORP
Do	WESTINGHOUSE ELECTRIC CORP
ALAN M. FITZWATER, 176 E. FIFTH STREET ST. PAUL MN 55101	BURLINGTON NORTHERN RAILROAD
MICHAEL L. FLANAGAN, 1200 PILLSBUR CENTER MINNEAPOLIS MN 55402	MOSS & BARNETT (FOR: WASIE FOUNDATION)
ROBERT J. FOGEL, 1620 I STREET, NW, #304 WASHINGTON DC 20006	CITY OF PHILADELPHIA
FOREMAN & DYESS, 1920 N STREET, NW WASHINGTON DC 20036	CENERGY EXPLORATION CO
Do	MITCHELL ENERGY & DEVELOPMENT CORP
Do	PITTS ENERGY GROUP
Do	TEXAS OIL & GAS CORP
Do	U.S. TELEPHONE, INC
Do	WESSELY ENERGY CORP
MARTI FORMAN, 3471 N. FEDERAL HIGHWAY, #511 FT. LAUDERDALE FL 33306	AMERISERV, INC
LUISE FORSETH, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440	MEDTRONIC, INC
JAMES F. FORT, 316 PENNSYLVANIA AVE., SE, #304 WASHINGTON DC 20003	UNITED PARCEL SERVICE
NANCY E. FOSTER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES
ALLAN FOX, KAYE SCHOLER FIERMAN HAYS & HANDLER 1575 I STREET, NW, #1150 WASHINGTON DC 20005	AMERICAN MEAT INSTITUTE
Do	AMERICAN SOCIAL HEALTH ASSN
DAVID C. FRANKIL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS
MAX L. FRIEDERSDORF, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC
GARVEY, SCHUBERT, ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	GTE SERVICE CORP
GARY-WILLIAMS OIL PRODUCERS, FOUR INVERNESS COURT EAST ENGLEWOOD CO 80112	
MARY A. GARZA, P.O. BOX 152777, 5B-7 IRVING TX 75015	ZALE CORP
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	SANTA CLARA PUEBLO
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)
GOLDBERG & SPECTOR, 1920 N STREET, NW, #650 WASHINGTON DC 20036	EQUATORIAL COMMUNICATIONS SERVICES
RUTH M. GOLTZER, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION
ROBERT D. GORDON, 117 C STREET, SE WASHINGTON DC 20003	UNITED FEDERATION POLICE
DAVID W. GORMAN, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS
KARLA L. GRAUE, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: CANADIAN ASBESTOS INFORMATION CENTRE)
JOHN D. GREGORY, AUSTIN & LEWIS 1529 LAUREL STREET, P.O. BOX 11208 COLUMBIA SC 29211	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN
MARYBETH GRISWOLD, 1828 L STREET, NW, #500 WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	DYCO PETROLEUM CO
Do	INEXCO OIL CO
Do	17TH GUAM LEGISLATURE
CHERYL A. HALEY, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN
REBECCA L. HALKIAS, 1850 K STREET, NW, #1100 WASHINGTON DC 20006	BALLARD, SPAHR, ANDREWS & INGERSOLL
HANSEN ENGINE CORP, 14920 MINNETONKA INDUSTRIAL ROAD MINNETONKA MN 55343	
HARTZ/MEEK INTERNATIONAL, 806 15TH STREET, NW, #210 WASHINGTON DC 20005	OKLAHOMA INDEPENDENT COMMUNICATIONS ASSN
BILL HECHT, SUITE 501 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	BKK CORP
Do	CONGER LIFE INSURANCE CO
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	MENOMINEE INDIAN TRIBE
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	MUTUAL LIFE INSURANCE CO OF NEW YORK
HOUDAILLE INDUSTRIES, INC, ONE FINANCIAL PLAZA FORT LAUDERDALE FL 33394	
ANNE L. HOWARD, ANNE L. HOWARD AND ASSOCIATES 888 17TH STREET, NW, #600 WASHINGTON DC 20006	LITTLE SIX BINGO
Do	PASCUA PUEBLO BINGO
Do	PUEBLO OF SANDIA TRIBE
GARY HOWELL, 1745 JEFFERSON DAVIS HIGHWAY, #1006 ARLINGTON VA 22202	TEXAS INSTRUMENTS, INC
MARGARET RENKEN HUDSON, CAPITAL GALLERY EAST, SUITE 695, 600 MARYLAND AVE, SW, WASHINGTON, DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS
K. ADRIAN HUNNINGS, 1030 15TH STREET, NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA
FRANCIS M. HUNT, 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL CO
F. H. HUTCHISON & CO., 1744 R STREET, NW WASHINGTON DC 20009	IDAHO FOREST GROUP
Do	IDAHO FOREST INDUSTRY COUNCIL
Do	IDAHO WILDERNESS GROUP
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: CANADIAN ASBESTOS INFORMATION CENTRE)
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)
INDIANA RAILROAD ASSN, 143 W. MARKET STREET, #201 INDIANAPOLIS IN 46204	
NEAL A. JACKSON, 1156 15TH ST, NW, WASHINGTON, DC 20005	CAROLINAS COTTON GROWERS ASSOCIATION, INC.
JERRY CHAMBERS EXPLORATION CO, 3401 W. PERSHING ROAD CHICAGO IL 60632	
BEVERLY E. JONES, 2501 M ST., NW SUITE 380 WASHINGTON DC 20037	AMERICAN INDEPENDENT REFINERS ASSN
JONES DAY REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	FRENCH & POLYCLINIC MED. SCHOOL & HEALTH CENTER (TRUSTEES)
DANIEL W. KALUZA, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
RICHARD S. KAUFMAN, 3471 N. FEDERAL HIGHWAY, #511 FT. LAUDERDALE FL 33306	AMERISERV, INC
ROBIN E. KEENEY, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS
JOHN F. KELLY, 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO, INC
INGOLF N. KILAND JR., 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP
BRIAN M. KILBURY, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
KING & SPALDING, 1915 I STREET, NW WASHINGTON DC 20006	BELLSOUTH CORP
Do	BETHLEHEM STEEL CORP
Do	NATIONAL ASSN OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	H. K. PORTER COMPANY, INC
SAUL B. KLAMAN, 1101 15TH STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS
KARL R. KLINGELHOFER, 5417 THETFORD PLACE ALEXANDRIA VA 22310	COLORADO RIVER BASIN SALINITY CONTROL FORUM
MICHAEL R. KLIPPER, 522 FIFTH AVENUE NEW YORK NY 10036	MOTION PICTURE ASSN OF AMERICA
PETER E. KNIGHT, 1101 15TH ST, NW, SUITE 400, WASHINGTON, DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS
CHRIS KOYANAGI, 1702 WOODMAN DRIVE MCLEAN VA 22101	WASHINGTON ALTERNATIVES, INC
JOSEPH H. KRAMER III, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)
ANNE M. KRONENBERG, 1004 SOUTH CAROLINA AVENUE, SE WASHINGTON DC 20003	CITIZENS FOR A NUCLEAR FREEZE
THEODORE G. KRONMILLER, ELY RITTS PIETROWSKI & BRICKFIELD WATERGATE 600 BUILDING WASHINGTON DC 20037	PEREGRINE CORP
RONALD H. KUNISAKI, 1730 RHODE ISLAND AVENUE, NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE
BROCK R. LANDRY, 1333 NEW HAMPSHIRE AVENUE, NW, #1220 WASHINGTON DC 20036	NATIONAL WATER WELL ASSN
Do	WATER SYSTEMS COUNCIL
LANE & EDSON, P.C., SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF ENERGY SERVICE COS
A. MICHAEL LEBECK, P.O. BOX 925, ALBUQUERQUE, NM 87103	
LEIGHTON LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	SALOMON BROTHERS
LUKENS, INC, 50 SOUTH FIRST AVENUE COATESVILLE PA 19320	

Organization or Individual Filing	Employer/Client
LUMAN & SCHOOR, 1050 17TH STREET, NW WASHINGTON DC 20036	BURNS & ROE, INC
Do	NATIONAL ASSN OF PERSONNEL CONSULTANTS
JERRY R. LYMAN, 11300 ROCKVILLE PIKE ROCKVILLE MD 20852	RKO GENERAL, INC
JACK A. MACDONALD, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES, INC
MIRIAM A. MACDONALD, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS
DAVID MALLINO, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPT, AFL-CIO
MANATT, PHELPS, ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	KAUFMAN & BROAD, INC
Do	NATIONAL INVESTMENT DEVELOPMENT CORPORATION
FRANK MANKIEWICZ, THE POWER HOUSE, 3255 GRACE ST. NW, WASHINGTON, DC 20007	GRAY AND COMPANY (FOR TELECOMMUNICATIONS USERS COALITION)
JON G. MASSEY, 610 POYDRAS STREET, #318 NEW ORLEAN LA 70130	APACHE CORP
JOHN W. MATTHEWS, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
GILBERT MATTOX, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
LAW OFFICES OF R. C. MCCANDLESS, 1707 H ST., NW WASHINGTON DC 20006	SANTA ANITA REALTY ENTERPRISES, INC
ROBERT MCCLORY, BAKER & MCKENZIE 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FRANCISCA WEI
ALVIN MCCOY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES
MCDERMOTT, WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	AM INTERNATIONAL
Do	TIMBER REALIZATION
JACK MCDONALD ASSOCIATES, SUITE 610 1120 20TH ST., NW WASHINGTON DC 20036	MUTUAL BENEFIT LIFE INSURANCE CO
JACK MCDONALD, 1120 20TH STREET, NW, #610 WASHINGTON DC 20036	JACK MCDONALD ASSOCIATES, INC (FOR: MUTUAL BENEFIT LIFE INSURANCE CO)
MCDONOUGH HOLLAND & ALLEN, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	FRANKLIN REINFORCING STEEL CO, INC
Do	IRVINE CITY SAVINGS & LOAN ASSN
ELDEN C. MCKEEN, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
MICHAEL R. MCLEOD, BARNETT & ALAGIA 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	DAIRYMEN, INC
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AIR TRANSPORT ASSN OF AMERICA
Do	BANKERS TRUST OF SOUTH CAROLINA
Do	CHARLESTON CENTER #3, LTD
Do	PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY
MEDTRONIC, INC, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440	
CLAUDE W. MERLO, 315 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
THOMAS L. MESKAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS
CHRISTOPHER L. MEYER, P.O. BOX 888 ASHLAND KY 41101	
ANN A. MICHEL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS
THOMAS A. MICHELETTI, 1111 19TH STREET, NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO
MILBANK, TWEED, HADLEY & MCCLOY, 1825 EYE STREET, NW, #900 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.
DAVID T. MODI, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO
POWELL A. MOORE, 8637 WINTHROP DRIVE ALEXANDRIA VA 22307	LOCKHEED CORP
MORALITY IN MEDIA, INC., 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115	
W. PATRICK MORRIS, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA
MORRISON & FOERSTER, 1920 N STREET, NW, #800 WASHINGTON DC 20036	EASTDIL EQUITY
Do	LOCKHEED AIR TERMINALS, INC
PHILIP D. MORRISON, 1700 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20006	AMF, INC
Do	BLUE BELL, INC
Do	EATON CORP
Do	ROCHESTER TAX COUNCIL
JAMES W. MOSES, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE
MOSS & BARNETT, 1200 PILLSBURY CENTER MINNEAPOLIS MN 55402	WASIE FOUNDATION
JEANNE MARIE MURPHY, 1730 RHODE ISLAND AVENUE, NW, #810 WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSN, INC
NATIONAL ASSN OF ENERGY SERVICE COMPANIES, SUITE 400 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	
NATIONAL CHILD FINDERS TASK FORCE, 515 E. WASHINGTON STREET, #1 CHARLES TOWN WV 25414	
NATIONAL CONSUMERS LEAGUE, INC, 1522 K STREET, NW, #406 WASHINGTON DC 20005	
NATIONAL COUNCIL OF SAVINGS INSTITUTIONS, SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005	
NATIONAL WATER WELL ASSN, 500 W. WILSON BRIDGE ROAD WORTHINGTON OH 43085	
JEFFREY NEDELMAN, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC
NEECE, CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	LATIN AMERICAN MANUFACTURERS ASSN (LAMA)
MARY ELIZABETH NEESE, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS
LIZ NICHOLSON, 425 13TH STREET, NW, #723 WASHINGTON DC 20004	NATIONAL ORGANIZATION FOR WOMEN, INC
THOMAS NICKELS, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN
WILLIAM W. NICKERSON, BRAND LOWELL NICKERSON & DOLE 923 15TH STREET, NW WASHINGTON DC 20005	FEDERAL LAW ENFORCEMENT OFFICERS ASSN
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AMERICAN INDEPENDENT REFINERS ASSN
Do	HANDGUN CONTROL, INC
Do	NATIONAL SHORTHAND REPORTERS ASSN
Do	LOU ZANARDI
KENNETH E. NYQUIST, 8600 BRYN MAWR AVENUE CHICAGO IL 60631	NATIONAL ROOFING CONTRACTORS ASSN
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	CENTURY MEDIA CORP
Do	COMMITTEE FOR PRUDENT DEREGULATION
Do	COMMUNICATIONS COUNSEL
Do	GOVERNMENT OF JAMAICA
Do	HULES MEXICANOS, S.A.
Do	INDUSTRIAS NEGROMEX, S.A. DE C.V.
Do	MEXICAN CEMENT CHAMBER
Do	NEBRASKA HIGHER EDUCATION LOAN PROGRAM, INC
Do	ROLLINS ENVIRONMENTAL SERVICES
PATRICK C. O'CONNOR, KENT & O'CONNOR, INC 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	ASSOCIATION OF FOOD INDUSTRIES
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	AMAX, INC
SARAH E. O'NEIL, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AYDIN CORP
DAVID A. ODAHOWSKI, 909 FOSHAY TOWER MINNEAPOLIS MN 55402	WASIE FOUNDATION
FRANZ M. OPPENHEIMER, CAPLIN & DRYSDALE 1101 17TH STREET, NW, #1100 WASHINGTON DC 20036	COMMERZBANK AG
DAVID S. OSTERHOUT, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR
KEVIN D. OTT, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS
ROBERT W. OWEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: REPUBLIC OF HAITI)
ANTHONY PADILLA, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
PAKHOED USA, 2000 WEST LOOP SOUTH, #1800 HOUSTON TX 77027	
PALUMBO & CERRELL, INC, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	AMERICAN SOC OF COMPOSERS, AUTHORS & PUBLISHERS
Do	DISTILLED SPIRITS COUNCIL OF THE U.S., INC
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	BABCOCK & BROWN
Do	C. F. BEAN
Do	GREAT LAKES DREDGE & DOCK
PAUL HASTINGS JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	OGLETHORPE POWER CORP
Do	WESTERN FARMERS ELECTRIC COOPERATIVE
LOUIS R. PAULICK, 1901 NORTH FORT MYER DR, ARLINGTON, VA 22209	GAS APPLIANCE MANUFACTURERS ASSOCIATION, INC
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	TEST MARKETING GROUP, INC
PERITO, DUERK & PINCO, P.C., 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AMERICAN COLLEGE OF NEUROPSYCHOPHARMACOLOGY
Do	JOHNSON & JOHNSON
Do	NATIONAL ASSN OF ALCOHOLISM TREATMENT PROGRAMS, INC
ROBERT A. PERKINS, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHRYSLER CORP
G. STEPHEN PERRY, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP (COMSAT)
SUSAN E. PHILLIPS, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD ASSN
PAULETTE C. PIDCOCK, 1100 CONNECTICUT AVENUE, NW, #530 WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO
ROBERT R. PIERCE, 5719 BEECH AVE, BETHESDA, MD 20817	NATIONAL PARKS & CONSERVATION ASSOCIATION
CHARLES C. PIXLEY, 15809 ANAMOSA DRIVE DERWOOD MD 20855	
PHYLLIS R. PLEASANTS, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COS OF AMERICA
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	FLOOD CONTROL ADVISORY COMMITTEE
Do	HAYES MICROCOMPUTER PRODUCT, INC
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	SUNMAR SHIPPING, INC
PROJECT CURE, INC, 2020 K STREET, NW, #350 WASHINGTON DC 20006	
ARTHUR LEE QUINN, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	COOPER LABORATORIES, INC
Do	GOVERNMENT OF BELIZE
Do	GOVERNMENT OF REPUBLIC OF PANAMA
Do	SUGAR ASSN OF THE CARIBBEAN
PATRICK H. QUINN, 435 SOUTHERN BUILDING 1425 H STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS
RAGAN & MASON, 900 17TH ST., NW WASHINGTON DC 20006	DELAWARE NORTH COMPANIES, INC

Organization or Individual Filing	Employer/Client
JEANNETTE H. RANDALL, 3471 N. FEDERAL HIGHWAY, #511 FORT LAUDERDALE FL 33306	AMERISERV, INC
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20036	HILATURAS LERMA, S.A., DE C.V. AND AMYTEX CORP
RONALD H. REIMANN, 176 E. FIFTH STREET ST. PAUL MN 55101	BURLINGTON NORTHERN RAILROAD
VINCENT P. REUSING, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS
JOHN J. RHODES, CUMMINGS & LOCKWOOD 1090 VERMONT AVENUE, NW, #650 WASHINGTON DC 20005	ESTATE OF HELEN W. HALBACH
DOUGLAS B. RICHARDSON, 2001 WISCONSIN AVENUE, NW, #100 WASHINGTON DC 20007	GEORESEARCH, INC
DOUGLAS C. RICHARDSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
RICHARD Y. ROBERTS, PAPPANASTOS SAMFORD ROBERTS & BLANCHARD P.O. BOX 1402 MONTGOMERY AL 36102	ALABAMA POWER CO
MARK ROBERTSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)
JAMES ANTHONY ROCK, 1730 M STREET, NW, #607 WASHINGTON DC 20036	MONTANA POWER CO AND WASHINGTON WATER POWER CO
LELAND MICHAEL ROGAN, 9 INWOOD ROAD STATEN ISLAND NY 10301	
JAMES A. ROGERS, 316 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	UNITED PARCEL SERVICE
KEITH ROGERS, 47 LAFAYETTE PLACE, APT. 6D GREENWICH CT 06830	U.S. TOBACCO COMPANY
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	M LIFE INSURANCE CO
ROSE SCHMIDT DIXON & HASLEY, 1575 EYE STREET, NW, #500 WASHINGTON DC 20005	CIGAR ASSN OF AMERICA
LESLEY A. ROSSE, 1000 16TH STREET NW, #604 WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN
ROBERT C. RUPPERT, 1660 L STREET, NW, #901 WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC
DOROTHEA L. RUSSELL, 1120 VERMONT AVENUE, NW, #1120 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	PACIFIC AGRICULTURAL SERVICES, INC
THOMAS C. SAWYER, 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC. 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	INDEPENDENT RADIO COMMON CARRIERS ASSN
TIMOTHY SCULLY, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	COMMITTEE FOR PRIVATE EDUCATION
HOWARD J. SILVER, 1755 MASSACHUSETTS AVENUE, NW, #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS
SKADDEN ARPS SLATE MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	TEXACO, INC
JOHN E. SLOAN JR., CAPITAL GALLERY EAST, #695 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	NATIONAL FED OF INDEPENDENT BUSINESS
ELEANOR SMEAL & ASSOCIATES, 2600 VIRGINIA AVENUE, NW, #606 WASHINGTON DC 20037	NATIONAL ORGANIZATION FOR WOMEN
MICHAEL E. SMITH, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO
RONALD E. SMITH, 2501 M STREET, NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSN
WILLIAM C. SMITH, 1850 K STREET, NW, #1100 WASHINGTON DC 20006	BALLARD, SPAHR, ANDREWS & INGERSOLL
LARRY S. SNOWHITE, 1825 EYE ST., NW WASHINGTON DC 20006	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MAINE EDUCATIONAL LOAN MARKETING CORP)
JOHN M. SNYDER, 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS
KURT A. SOMMER, SCHLENKER & LEBECK, P.A., P.O. BOX 925, ALBUQUERQUE, NM 87103	
IAN D. SPATZ, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION
JOHN B. SPEARS, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
ALAN P. SPIELMAN, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD ASSN
SQUIRE SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	AMERICAN CHAMBER OF COMMERCE IN GERMANY
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	MCDERMOTT INTERNATIONAL
BARBARA STINSON, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	FIFTH AVENUE & 59TH CORP
Do	PLAZA 400 OWNERS CORP
BONNIE A. SULLIVAN, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	UNITED NATIONS STAFF UNION
SUTIN, THAYER & BROWNE, P.O. BOX 1945 ALBUQUERQUE NM 87103	MISSISSIPPI CHEMICAL CORP
DAVID A. SYKUTA, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INSTITUTE
Z. MICHAEL SZAZ, 6415 FRANCONIA COURT SPRINGFIELD VA 22150	AMERICAN HUNGARIAN FEDERATION
Do	OFFICE OF THE TURKISH STATE OF NORTH CYPRUS
ROBERT TAFT JR., SUITE 600 21 DUPONT CIRCLE NW WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: GROCERY MANUFACTURERS OF AMERICA, INC.)
JOE TALLAKSON, SUITE 421 1010 VERMONT AVE., NW WASHINGTON DC 20005	SENSE, INC (FOR: LUMMI INDIAN TRIBE)
Do	SENSE, INC (FOR: MUCKLESHOOT INDIAN TRIBE)
Do	SENSE, INC (FOR: SUQUAMISH INDIAN TRIBE)
MARGIE A. TAYLOR, P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN
TEST MARKETING GROUP, INC, 140 S. DEARBORN STREET, #910 CHICAGO IL 60603	TUNA RESEARCH FOUNDATION, INC
RANDI PARKS THOMAS, 1101 17TH STREET, NW, #603 WASHINGTON DC 20036	THOMPSON & CO
ROBERT J. THOMPSON, UTICA TOWER, SUITE 912 1924 SOUTH UTICA TULSA OK 74104	COMMITTEE ON PIPE & TUBE IMPORTS
THOMPSON, HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES
THOMAS J. TRABUCCO, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CANADIAN ASBESTOS INFORMATION CENTRE
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	
TUNA RESEARCH FOUNDATION, INC, 1101 17TH ST., NW WASHINGTON DC 20036	
RITA M. TURKIEWICZ, 444 NORTH CAPITOL TREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)
TURNER BROADCASTING SYSTEM, INC, 1050 TECHWOOD DRIVE, NW ATLANTA GA 30318	
PHILIP J. UFHOLZ, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	PEABODY HOLDING CO, INC
VERNER LIIPFERT BERNHARD & MCPHERSON, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	BROWN & ROOT, INC
Do	LEVI STRAUSS & CO
Do	ORION SATELLITE CORP
VORYS, SATER, SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	NATIONAL BROADCASTING CO
WALD, HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	BANCO DO BRASIL, S.A.
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	IBM
Do	NETHERLANDS ANTILLES
R. DUFFY WALL & ASSOCIATES, INC, 1317 F STREET, NW, #400 WASHINGTON DC 20004	LYKES BROTHERS STEAMSHIP CO
WASIE FOUNDATION, 909 FOSHAY TOWER MINNEAPOLIS MN 55402	
WATER SYSTEMS COUNCIL, 221 N. LASALLE STREET, #2026 CHICAGO IL 60601	
STEPHEN L. WATSON, 1343 SOUTHVIEW DRIVE INDIANAPOLIS IN 46227	INDIANA RAILROAD ASSN
WEBSTER & SHEFFIELD, 1200 NEW HAMPSHIRE AVE., NW, #350 WASHINGTON DC 20036	CITIBANK N.A.
WEBSTER CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	NATIONAL GUARD ASSN OF THE U.S.
WEXLER REYNOLDS HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	AMERICAN IRON & STEEL INSTITUTE
Do	AMERICAN LOW POWER TELEVISION ASSN
Do	DYCO PETROLEUM CO
Do	INEXCO OIL CO
CHARLES W. WHEELER, 1120 CONNECTICUT AVE, NW, WASHINGTON, DC 20036	AMERICAN BANKERS ASSOCIATION
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	CLAVEY-WARD'S FERRY PROJECT
FRED WHITING, 214 MASSACHUSETTS AVENUE, NE, #420 WASHINGTON DC 20002	AMERICAN SPACE FOUNDATION
W. SCOTT WILBER, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN
WILKINSON, BARKER, KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	MOUNTAIN STATES TELEPHONE CO
Do	NORTHWESTERN BELL TELEPHONE CO
Do	PACIFIC NORTHWEST BELL TELEPHONE CO
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	DESIGN PROFESSIONALS COALITION
Do	KELLY, APPLEMAN, HART & HALLMAN
H. HANK WILSON, 3 WASHINGTON CIRCLE, NW, #608 WASHINGTON DC 20037	HANK WILSON & ASSOCIATES
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	FFV
JAMES L. WINSTON, 1730 M STREET, NW, #708 WASHINGTON DC 20036	NATIONAL ASSN OF BLACK OWNED BROADCASTERS
RONALD S. WISHART JR., 1100 15TH STREET, NW, #1200 WASHINGTON DC 20005	UNION CARBIDE CORP
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)
CLAUDIA A. WITHERS, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND
WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	FOREMOST INSURANCE CO
Do	SHORT LINE LEGISLATIVE COALITION
S.R. WOJDAK AND ASSOCIATES, INC, 8 PENN CENTER PLAZA, #1000 PHILADELPHIA PA 19103	BASIX CONTROLS SYSTEMS CORP
Do	COLDWELL BANKER, INC
Do	READING COMPANY
THOMAS L. WYLIE, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1983:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $....."Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor*
	(*"Period"* from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K ASSOCIATES, INC., 1225 8TH STREET, STE 590 SACRAMENTO CA 95814	DIRECTOR OF TIMBER COUNTIES COALITION	11,250.00	9,893.14
Do	GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT	6,000.00	9,074.31
Do	NATIONAL AIR TANKERS ASSN	15,000.00	10,662.71
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	17,443.44
ROBERT J. AAGRE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	937.00	124.00
PAUL C. ABENANTE, SUITE 850 2020 K ST., NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	687.50	2.35
THOMAS G. ABERNETHY SR , 3973 STUART PLACE JACKSON MS 39211	U.S. CANE SUGAR REFINERS' ASSN		
GEORGIA ABRAHAM, 2033 M STREET, NW, #905 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	375.00
ACTION FOR CHILDREN'S TELEVISION, 46 AUSTIN ST. NEWTONVILLE MA 02160		44,859.10	
JOHN J. ADAMS, 2000 PENNSYLVANIA AVE., NW, #900 WASHINGTON DC 20006	VEPCO	27.00	
KENNETH R. ADAMS, 1850 K STREET, NW, #210 WASHINGTON DC 20006	CABOT CORPORATION	100.00	25.00
HOBSON H. ADCOCK, 700 ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC		
ADDUCI, DINAN AND MASTRIANI, 1140 CONNECTICUT AVENUE, NW, #250 WASHINGTON DC 20036	VULCAN FOUNDRY, INC	2,079.00	14,043.77
ADKINSON & LEBOW, 11 DUPONT CIRCLE, NW, #610 WASHINGTON DC 20036	U.S. PHOTOVOLTAICS MANUFACTURERS' AD HOC COMM	2,625.00	
AEROSPACE INDUSTRIES ASSN OF AMERICA, 1725 DESALES ST., NW WASHINGTON DC 20036		15,731.30	15,731.30
AFL-CIO MARITIME COMMITTEE, 100 INDIANA AVE., NW WASHINGTON DC 20001		5,465.00	5,601.87
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
MICHAEL J. AHERN, 1200 PILLSBURY CENTER MINNEAPOLIS MN 55402	MOSS & BARNETT (FOR: WASIE FOUNDATION)		
HERBERT ALLEN AILSWORTH, SUITE 1101 1050 17TH STREET, NW WASHINGTON DC 20036	SANDOZ, INC		41.00
AIR CONDITIONING & REFRIGERATION INSTITUTE, 1501 WILSON BLVD. ARLINGTON VA 22209		21,000.00	10,500.00
AIR PRODUCTS & CHEMICALS, INC, 1800 K ST., NW SUITE 1016 WASHINGTON DC 20006			866.00
RANDOLF H. AIRES, 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	1,050.00	17.50
AKIN, GUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AIR FREIGHT ASSOCIATION	2,375.00	45.00
Do	AMERADA HESS CORPORATION	850.00	15.00
Do	AMERICAN INTERNATIONAL GROUP	100.00	4.00
Do	AMERICAN SOYBEAN ASSN		
Do	AMERICAN TELEPHONE & TELEGRAPH CO	6,425.00	123.00
Do	ARCHER DANIELS MIDLAND COMPANY		
Do	ATCOR		
Do	BENEFICIAL CORPORATION	5,725.00	109.00
Do	COALITION OF SERVICE INDUSTRIES, INC	1,050.00	22.00
Do	COMMITTEE FOR PRUDENT DEREGULATION	44,750.00	1,100.00
Do	CONTINENTAL AIRLINES	250.00	
Do	DOMESTIC NITROGEN PRODUCERS AD HOC COMMITTEE	750.00	16.00
Do	DOW CHEMICAL COMPANY	2,375.00	45.00
Do	E & J GALLO WINERY	550.00	10.00
Do	FARM LABOR ALLIANCE	2,150.00	41.00
Do	GOLDMAN SACHS & CO	1,550.00	29.00
Do	LEVI STRAUSS & CO	3,350.00	64.00
Do	LONE STAR INDUSTRIES, INC	500.00	
Do	LONE STAR STEEL CO	7,525.00	143.00
Do	MARRIOTT CORP	625.00	10.00
Do	MESA PETROLEUM CO	6,550.00	124.00
Do	METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY	1,350.00	26.00
Do	MILITARY ACCESSORIES SERVICE ASSN., INC	200.00	
Do	MOTION PICTURE ASSN OF AMERICA, INC	2,125.00	
Do	NATIONAL CABLE TELEVISION ASSN	4,975.00	61.00
Do	NATIONAL FOOTBALL LEAGUE		
Do	NATIONAL SOYBEAN PROCESSORS ASSN		
Do	NEW YORK AIR	600.00	
Do	NORTHWEST ENERGY COMPANY		
Do	PIPELINE INDUSTRY ADVANCEMENT FUND		
Do	PUROLATOR, INC	4,950.00	94.00
Do	RAUSCHER PIERCE REFSNES, INC	100.00	
Do	RINGLING BROS. BARNUM AND BAILEY		
Do	RIVIANA FOODS, INC		
Do	SANCHEZ-O'BRIEN OIL & GAS CORP	200.00	
Do	SOUTHERN CALIFORNIA EDISON CO	8,725.00	276.00
Do	TEXAS AIR CORPORATION		
Do	TIPPERARY CORP	775.00	
Do	WESTERN GOVERNORS POLICY OFFICE	1,200.00	52.00
ALASKA LUMBER & PULP COMPANY, INC, P.O. BOX 1050 SITKA AK 99835			24,846.74
JAMES J. ALBERTINE, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
JOHN M. ALBERTINE, SUITE 209 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	1,750.00	132.65
H. MEADE ALCORN JR., ALCORN, BAKEWELL & SMITH ONE AMERICAN ROW HARTFORD CT 06103	HELEN WODELL HALBACH ESTATE		
FREDERICK K. ALDERSON, 1730 M STREET, NW, #607 WASHINGTON DC 20036	ARIZONA PUBLIC SERVICE COMPANY	648.00	296.01
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	ALIGNPAC	70.00	
Do	BALDWIN-UNITED CORPORATION	80.00	
Do	BECHTEL POWER CORPORATION		
Do	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
Do	DISABLED AMERICAN VETERANS	10.00	
Do	EASTERN AIR LINES, INC		
Do	EVANS PRODUCT CO		
Do	FAMILY LIFE INSURANCE COMPANY	20.00	
Do	LUCASFILM LTD	20.00	
Do	SECURITY PACIFIC INT'L. LEASING (EUROPE), INC		
KAREN D. ALEXANDER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	110.00	
WILLIS W. ALEXANDER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,500.00	55.47
MAXTON ALLCOX, 400 FIRST ST., NW, RM 801 WASHINGTON DC 20001	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES	13,812.26	
ROBERT G. ALLEN, 511 C STREET, NE WASHINGTON DC 20002	C.A.R.E.		
ALLIANCE AGAINST HANDGUNS, P.O. BOX 75700 WASHINGTON DC 20013			
ALLIANCE OF AMERICAN INSURERS, 1501 WOODFIELD ROAD, #400 WEST SCHAUMBURG IL 60195			3,313.79
ALLIANCE TO SAVE ENERGY, 1925 K ST., NW SUITE 507 WASHINGTON DC 20006			4,168.31
ALLTEL CORPORATION, 100 EXECUTIVE PARKWAY HUDSON OH 44236			5,980.00
JOSEPH C. ALLWARDEN, 220 DANIEL WEBSTER HWY SOUTH MERRIMACK NH 03054	KOLLSMAN INSTRUMENT CO		
HARVEY ALTER, 1615 H STREET., N.W. WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	200.00	
RICARDO R. ALVARADO, 2550 M STREET, NW, #600 WASHINGTON DC 20037	SIGNAL COMPANIES, INC	3,176.00	
AMALGAMATED TRANSIT UNION, AFL-CIO, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016			8,000.00
AMALGAMATED TRANSIT UNION, NATL CAP DIV. 689, 100 INDIANA AVE., NW, #403 WASHINGTON DC 20001			
JEROME A. AMBRO ASSOCIATES, SUITE 719 2301 S. JEFFERSON DAVIS DR. ARLINGTON VA 22202	ASSOCIATED UNIVERSITIES	6,300.00	5,862.87
Do	COUNTY OF SUFFOLK, NEW YORK	10,625.00	9,845.12
ROBERT P. AMBROSE, 14615 LONE OAK ROAD EDEN PRAIRIE MN 55344	COOPERATIVE POWER ASSOCIATION	2,300.00	1,420.10
AMERICAN ACADEMY OF FAMILY PHYSICIANS, 1740 WEST 92ND ST. KANSAS CITY MO 64114		9,507.44	9,507.44
AMERICAN ADVERTISING FEDERATION, SUITE 1000 1400 K ST., NW WASHINGTON DC 20005			
AMERICAN ARTS ALLIANCE, 424 C ST., NE WASHINGTON DC 20002		59,110.29	72,703.20
AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304		38,300.18	21,431.35
AMERICAN ASSN OF BLOOD BANKS, SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF EQUIPMENT LESSORS, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF MEAT PROCESSORS, P.O. BOX 269 ELIZABETHTOWN PA 17022		578.34	1,046.00
AMERICAN ASSN OF PORT AUTHORITIES, INC, 1612 K ST., NW WASHINGTON DC 20006		12,500.00	31,093.43
AMERICAN AUTOMOBILE ASSN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047			
AMERICAN BANKERS ASSN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036		46,463.55	46,463.55
AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036			2,759.29
AMERICAN BUSINESS CONFERENCE, INC, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036		3,250.00	2,729.57
AMERICAN COUNCIL FOR CAPITAL FORMATION, SUITE 520 1850 K ST., NW WASHINGTON DC 20006		2,601.00	3,972.00
AMERICAN COUNCIL OF LIFE INSURANCE, INC, 1850 K ST., NW WASHINGTON DC 20006			13,685.19
AMERICAN DRUZE PUBLIC AFFAIRS COMMITTEE, P.O. BOX 7739 WASHINGTON DC 20044		4,487.22	11,207.55
AMERICAN FARM BUREAU FED, 225 TOUHY AVE PARK RIDGE IL 60068		103,676.00	103,676.00
AMERICAN FED OF LABOR AND CONG OF INDUSTRIAL ORGANIZATIONS, 815 16TH ST., NW WASHINGTON DC 20006			141,048.30
AMERICAN FEED MFRS ASSN, 1701 N. FT. MYER DR. ARLINGTON VA 22209		3,240.00	3,240.00
AMERICAN FROZEN FOOD INST, 1700 OLD MEADOW RD., #100 MCLEAN VA 22102			6,000.00
AMERICAN GUARANTY LIFE INSURANCE CO, 1430 S.W. BROADWAY PORTLAND OR 97201			
AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE, 1730 K ST., NW WASHINGTON DC 20006			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
AMERICAN HONEY PRODUCERS ASSN, PO BOX 368 MINCO OK 73059			
AMERICAN HOSPITAL ASSN, 840 N. LAKE SHORE DR. CHICAGO IL 60611		45,369.46	45,369.46
AMERICAN HOTEL & MOTEL ASSN, 888 SEVENTH AVE. NEW YORK NY 10019		17,214.49	11,203.25
AMERICAN INST OF MERCHANT SHIPPING, SUITE 1000 1625 K ST., NW WASHINGTON DC 20006			1,498.40
AMERICAN INSURANCE ASSN, 85 JOHN ST. NEW YORK NY 10038		945.00	945.00
AMERICAN ISRAEL PUBLIC AFFAIRS COMM, #412 444 N. CAPITOL ST., NW WASHINGTON DC 20001		97,171.00	91,624.15
AMERICAN LAND TITLE ASSN, 1828 L ST., NW WASHINGTON DC 20036			5,879.00
AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, #4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024		17,109.00	18,853.56
AMERICAN MEAT INSTITUTE, PO BOX 3556 WASHINGTON DC 20007			6,500.00
AMERICAN MEDICAL ASSN, 535 NORTH DEARBORN ST. CHICAGO IL 60610		1,183.75	37,644.69
AMERICAN MEDICAL CARE AND REVIEW ASSOCIATION, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814			20.65
AMERICAN MEDICAL PEER REVIEW ASSN, SUITE 510 440 FIRST ST., NW WASHINGTON DC 20001			
AMERICAN METAL DETECTOR MANUFACTURERS' ASSN, 2814 NATIONAL DR. GARLAND TX 75401		581.25	274.84
AMERICAN MOVERS CONFERENCE, 400 ARMY-NAVY DR. ARLINGTON VA 22202			1,099.88
AMERICAN NEWSPAPER PUBLISHERS ASSN, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		1,125.00	1,125.00
AMERICAN NUCLEAR ENERGY COUNCIL, 410 1ST ST., SE WASHINGTON DC 20003		6,645.46	31,276.47
AMERICAN NURSES' ASSN, 2420 PERSHING RD KANSAS CITY MO 64108		16,540.56	16,540.56
AMERICAN OPTOMETRIC ASSN, C/O DR. JOHN D. TUMBLIN SUITE 400E 600 MARYLAND AVE., SW WASHINGTON DC 20024			
AMERICAN PAPER INST, INC, 260 MADISON AVE. NEW YORK NY 10016			6,387.39
AMERICAN PARATRANSIT INSTITUTE, P.O. BOX 340276 CORAL GABLES FL 33134			2,000.00
AMERICAN PETROCHEMICAL CONSUMERS, 1815 H STREET, NW, #1000 WASHINGTON DC 20006		150,000.00	141,605.00
AMERICAN PETROLEUM INST, 1220 L ST., NW WASHINGTON DC 20037		131,027.00	125,956.00
AMERICAN PODIATRY ASSN, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015			24,046.04
AMERICAN POSTAL WORKERS UNION, AFL-CIO, 817 14TH ST., NW WASHINGTON DC 20005		47,104.94	56,286.51
AMERICAN PUBLIC TRANSIT ASSN, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036		14,445.56	14,445.56
AMERICAN PULPWOOD ASSN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SCIENCE AND TECHNOLOGY CORP, 600 WATER STREET, SW, #207 WASHINGTON DC 20024			
AMERICAN SHORT LINE RAILROAD ASSN, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SOYBEAN ASSOCIATION, SUITE 510 600 MARYLAND AVE., S.W. WASHINGTON DC 20024			
AMERICAN SPACE FOUNDATION, SUITE 420 214 MASSACHUSETTS AVE., NE WASHINGTON DC 20002		23,674.89	27,860.92
AMERICAN TEXTILE MFRS INST, SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		43,890.74	43,890.74
AMERICAN TRADE AND FINANCE COMPANY, 2001 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202		19,080.00	23,917.88
AMERICAN TRUCKING ASSNS, INC, 1616 P ST., NW WASHINGTON DC 20036		10,290.06	78,520.98
AMERICAN VETERANS OF WORLD WAR II, KOREA & VIETNAM (AMVETS) , 4647 FORBES BOULEVARD LANHAM MD 20706		6,950.47	6,960.47
AMERICAN VETERINARY MEDICAL ASSN, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
AMERICAN WATERWAYS OPERATORS, INC, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		2,071.71	3,192.88
AMERICAN WATERWAYS SHIPYARD CONFERENCE, 1600 WILSON BOULEVARD, #500 ARLINGTON VA 22209			
AMERICAN WOOD PRESERVERS INSTITUTE, 1945 GALLOWS ROAD, #405 VIENNA VA 22180		1,521.70	1,521.70
AMERICANS FOR THE NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N ST., NW WASHINGTON DC 20007			
MORRIS J. AMITAY, P.C., SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	ELBE PRODUCTS, INC.	2,250.00	
Do	NATIONAL SATELLITE CABLE ASSN	4,500.00	
Do	NORTHROP CORP	3,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC	4,500.00	
Do	THOMPSON MEDICAL	2,000.00	
JAN S. AMUNDSON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
EDWARD ANDERSEN, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	785.00	
BETTE B. ANDERSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)	500.00	
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
GWEN A. ANDERSON, SUITE 704 1200 18TH STREET, NW WASHINGTON DC 20036	SMALL BUSINESS ON-PREMISE SIGN FOUNDATION		
J. LEM ANDERSON, 4111 FRANCONIA RD. ALEXANDRIA VA 22310	TIME INC	1,000.00	
ROBERT L. ANDERSON, JOHN DEERE RD. MOLINE IL 61265	DEERE & COMPANY		
ROMILDA R. ANDERSON, 10 WESTPORT ROAD WILTON CT 06897	RICHARDSON-VICKS	42,000.00	
STEVEN C. ANDERSON, 1700 OLD MEADOW RD. MCLEAN, VA 22102	AMERICAN FROZEN FOOD INST	5,000.00	
WAYNE C. ANDERSON, SUITE 300 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NABISCO BRNADS, INC	5,000.00	1,238.38
WILLIAM C. ANDERSON, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		112.50
ANDREWS & KURTH, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SPACE SERVICES INC. OF AMERICA		
FLORIAN J. ANFANG, 815 16TH ST., NW WASHINGTON DC 20036	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
ROBERT ANGEL, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
JACK R. ANGELL, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO		
JAY ANGOFF, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	5,249.99	
J. DONALD ANNETT, 1050 17TH ST., NW, #500 WASHINGTON DC 20036	TEXACO, INC	500.00	
TOBIAS ANTHONY, 1819 H STREET, NW, #510 WASHINGTON DC 20006	NATIONAL ASH ASSN, INC		
LORI A. ANTOLOCK, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN	1,500.00	
PATRICK S. ANTRIM, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	9.28	1,853.83
APARTMENT & OFFICE BUILDING ASSOC. OF METROPOLITAN WASH.D.C., SUITE 600 1413 K ST., NW WASHINGTON DC 20005.			
JOHN D. AQUILINO JR , 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
JOHN CHRISTIAN ARCHER, 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
JOHN ARCHER, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	56,515.77	4,196.25
Do	GUARDIAN LIFE INSURANCE CO. OF AMERICA	21,089.43	518.91
Do	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION		
Do	PUEBLO INTERNATIONAL	1,497.10	
Do	SITMAR CRUISES, INC	33,000.00	1,332.14
Do	TOYOTA MOTOR CORPORATION		49.69
JOHN A. ARMBRUSTER, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
R. G. ARMISTEAD, 8613 JANET LANE VIENNA VA 22180			
ARMSTRONG, TEASDALE, KRAMER & VAUGHAN, 611 OLIVE STREET, #1900 ST. LOUIS MO 63101	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN	20,101.00	1,045.76
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLUOR CORPORATION	300.00	
Do	INEXCO OIL CO		
Do	WERNER FLEISCHMANN		
CARL F. ARNOLD, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN FAMILY CORP	450.00	
Do	AMERICAN IRON & STEEL INSTITUTE	900.00	
Do	CORPORATE PROPERTY INVESTORS	667.00	
Do	MEAD CORPORATION		
Do	MORTGAGE GUARANTY INSURANCE CORP	467.00	
Do	NATIONAL REALTY COMMITTEE	600.00	
Do	QUINTANA PETROLEUM CORP	937.25	
Do	SECURITIES INDUSTRY ASSN	350.00	
Do	SECURITY FIRST GROUP, INC	333.00	
SANDY ARNOLD, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
H. L. ARONSON JR., ONE ILLINOIS CENTER 111 E. WACKER DR. CHICAGO IL 60610	NORTHWEST PIPELINE COMPANY		
ASBILL & JUNKIN, SUITE 603 1302 18TH ST., NW WASHINGTON DC 20036	COALITION ON SMOKING OR HEALTH	21,577.50	14,695.13
LUD ASHLEY, P.C., 1735 NEW YORK AVENUE, NW, 6TH FL. WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC	4,000.00	
Do	FEDERAL HOME LOAN MORTGAGE CORP	15,000.00	
Do	GENERAL PUBLIC UTILITIES, INC		
Do	ISFA CORPORATION	3,600.00	
Do	MANVILLE CORPORATION	15,511.87	
Do	SAVINGS BANK OF PUGET SOUND		
Do	WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, P.C	16,012.50	
JOSEPH ASHOOH, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ASPHALT ROOFING MANUFACTURERS ASSOCIATION, 6288 MONTROSE ROAD ROCKVILLE MD 20852			
ASSOCIATED BUILDERS & CONTRACTORS, INC, 729 15TH ST., NW WASHINGTON DC 20005		5,833.00	
ASSOCIATED CREDIT BUREAUS, INC, P.O. BOX 218300 16211 PARK 10 PLACE HOUSTON TX 77084			431.00
ASSOCIATED EMPLOYERS, INC, SUITE 315 A 1222 N. MAIN SAN ANTONIO TX 78212			
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, 1957 E ST., NW WASHINGTON DC 20006			
ASSOCIATION FOR BIOMEDICAL RESEARCH, 400-2 TOTTEN POND ROAD SUITE 200 WALTHAM MA 02154		43,325.00	9,181.73
ASSOCIATION FOR BROADCAST ENGINEERING STANDARDS, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036			
ASSOCIATION FOR DEVELOPMENT POLICY RESEARCH, 1309 L STREET, NW WASHINGTON DC 20005		466.51	466.51
ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, 10 BROADWAY ST.LOUIS MO 63102			774.50
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN, P.O. BOX 8068 WASHINGTON DC 20024		7,215.00	
ASSOCIATION OF AMERICAN LAW SCHOOLS, ONE DUPONT CIRCLE, NW, #370 WASHINGTON DC 20036			
ASSOCIATION OF AMERICAN PUBLISHERS, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		8,604.39	8,604.39

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ASSOCIATION OF AMERICAN RAILROADS, AMERICAN RAILROADS BLDG., SUITE 720 1920 L ST., NW WASHINGTON DC 20036.		82,977.84	82,977.84
ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, 1300 NORTH 17TH ST. SUITE 300 ARLINGTON VA 22209			10.50
ASSOCIATION OF GOVERNMENT ACCOUNTANTS, SUITE 100 727 SOUTH 23RD ST. ARLINGTON VA 22202			
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC, 1735 DESALES ST., NW WASHINGTON DC 20036			1,456.00
ASSOCIATION OF TRIAL LAWYERS OF AMERICA, 1050 31ST ST., NW WASHINGTON DC 20007		16,670.00	16,670.00
ASSOCIATION OF URBAN UNIVERSITIES, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		9,000.00	10,735.68
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
ATLANTIC RICHFIELD CO, 515 SOUTH FLOWER STREET LOS ANGELES CA 90071			2,018.98
LLOYD G. ATOR JR., 1120 CONNECTICUT AVE., NW WASHINGTON, DC 20036	AMERICAN BANKERS ASSN	1,500.00	63.13
FRITZ E. ATTAWAY, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC		
AUDIO RECORDING RIGHTS COALITION, P.O. BOX 33705 WASHINGTON DC 20033		22,500.00	3,943.96
AUTOMOTIVE PARTS REBUILDERS ASSN, 6849 OLD DOMINION DRIVE MCLEAN VA 22101			
JOHN S. AUTRY, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION	2,100.00	1,200.00
AVENEL ASSOCIATES, INC, P.O. BOX 53131 WASHINGTON DC 20009	BROWARD FEDERAL SAVINGS & LOAN ASSN.		
Do	FLORIDA DEFENDERS OF THE ENVIRONMENT		
AVON PRODUCTS, INC, 9 WEST 57TH ST. NEW YORK NY 10019			
GUS AVRAKOTOS, 1522 K ST., NW #406 WASHINGTON DC 20005	NATIONAL CONSUMERS LEAGUE	1,493.66	9.50
GEORGE C. AXTELL, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	22.18
WILLIAM H AXTMAN, RM. 160 950 N. GLEBE RD. AARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC	90.00	136.90
WALTER C. AYERS, VIRGINIA PETROLEUM COUNCIL 1809 STAPLES MILL RD. RICHMOND VA 23230	AMERICAN PETROLEUM INST		
CRAIG H. BAAB, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	3.00
JED L. BABBIN, 4910 NORTH 27TH STREET ARLINGTON VA 22207	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	
PATTI JO BABER, SUITE 400 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,500.00	156.40
DALE R. BABIONE, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	338.00	
ROBERT A. BACHA, SUITE 711 444 NORTH CAPITOL ST. WASHINGTON DC 20001	THE KEEFE CO. (FOR: WESTINGHOUSE ELECTRIC CORP)	6,400.00	
Do	KEEFE COMPANY (FOR: YOUNGS DRUG PRODUCTS CORP.)	1,400.00	
BAENEN, TIMME, DE REITZES & MIDDLETON, 1049 30TH STREET, NW WASHINGTON DC 20007	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES.		
Do	NANA REGIONAL CORP, INC		
Do	SHEE ATIKA, INC.		
CARL E. BAGGE, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	2,850.00	100.00
JOAN N. BAGGETT, 815 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN		
GEORGE F. BAILEY JR , P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PAUL C. BAILEY JR., 1545 18TH STREET, NW WASHINGTON DC 20036	SOUTHERN COMPANY SERVICES, INC	270.00	526.02
WILLIAM W. BAILEY, 1050 17TH ST., NW SUITE 650 WASHINGTON DC 20036	MERCK & CO., INC.	1,000.00	85.57
JUDITH L. BAIRD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	100.00	
JOHN BAIZE, CAPITOL GALLERY BLDG., #510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION		
EDWARD R. BAJER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	450.00	
BAKER & BOTTS, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	HOUSTON LIGHTING & POWER COMPANY		
Do	PENNZOIL CO		
Do	PETRO-LEWIS CORPORATION		
BAKER & HOSTETLER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND INSTITUTE OF ELECTRONICS		
Do	FEDERAL CARTRIDGE CORP	200.00	
Do	KNIGHT FOUNDATION	200.00	
Do	MANVILLE CORPORATION		
Do	TIMKEN FOUNDATION	200.00	
BAKER & MCKENZIE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FAMARCO LTD, INC		
B. KIMBALL BAKER, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
EMIL F. BAKER, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
JAMES JAY BAKER, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	775.00	127.63
KEITH L. BAKER, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
WALDON L. BAKER, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	100.00	
H.R. BALIKOV, THORNALL STREET EDISON NJ 08818	J. M. HUBER CORP		
JACQUELINE BALK-TUSA, 1625 EYE ST., NW, #809 WASHINGTON DC 20006	BOISE CASCADE CORP	14,900.00	15,214.02
KAREN S. BALL, 610 LOCUST COURT BUILDING HARRISBURG PA 17101	PHILADELPHIA STOCK EXCHANGE		
BANK OF BOSTON CORPORATION, 100 FEDERAL ST. BOSTON MA 02110			
ROBERT D. BANNISTER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.	16,442.33	14.25
SAMUEL J. BAPTISTA, SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
JUDY BARDACKE, 11 DUPONT CIRCLE,NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
ROBERT O. BARKER, 801 NORTHLAND TOWERS WEST SOUTHFIELD MI 48075	NATIONAL ASSN OF MANUFACTURERS	1,500.00	
THOMAS H. BARKSDALE JR., 1220 L ST., NW WASHINGTON DC 20036	AMERICAN PETROLEUM INST	5,500.00	496.09
DONNA R. BARNAKO, SUITE 1100 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	940.00	275.55
JOHN H. BARNARD JR , 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CORP		
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	EHA VENTILFABRIK WILHELM FRITZ KG		236.48
Do	FLORIDA CITRUS MUTUAL		2,205.50
Do	UNIROYAL, INC		33.20
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	AMERICAN SCHOOL FOOD SERVICE ASSN	9,000.00	1,715.36
Do	CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL		
Do	FARM CREDIT BANKS		
Do	FLORDIA FRUIT AND VEGETABLE	17,330.91	
Do	FLORIDA TOMATO EXCHANGE	6,298.76	
LARRY P. BARNETT, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	7,000.00	
PAMELA H. BARNETT, 100 MARYLAND AVE., N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC.	5,500.02	
BARNETT, YINGLING, & SHAY, SUITE 810 1090 VERMONT AVE., NW WASHINGTON DC 20005	CITIBANK, N.A.	3,800.00	32.00
JAMES C. BARR, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC		
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2555 M STREET, NW, #100 WASHINGTON DC 20037	ALLIED TUBE & CONDUIT CORP	7,804.00	2,406.92
Do	ENERGY CONSUMERS & PRODUCERS ASSN	1,000.00	787.72
Do	NATIONAL MEDICAL ENTERPRISES, INC	6,000.00	1,670.11
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, 1201 PENNSYLVANIA AVENUE, NW, #821 WASHINGTON DC 20004	CSC CLEARING CORP		
Do	HUGO NEU & SONS, INC		
Do	IRVING TRUST CO		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NEW YORK FUTURES EXCHANGE, INC		
Do	SINGAPORE AIRLINES, LTD	465.00	
ROBERT W. BARRIE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	2,500.00	
HARVEY BARRISON, 291 BROADWAY NEW YORK NY 10007	C. A. SHEA & COMPANY, INC		
DAVID S. BARROWS, 1201 S. W. 12TH, #200 PORTLAND OR 97205	ASSOCIATION OF OREGON & CALIFORNIA LAND GRANT COUNTIES	1,200.00	
JOHN BARRY, 715 8TH ST., SE WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
LINDA LEIGH BARTLETT, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
JAMES E. BARTLEY, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	5,000.00	29.00
DIANE BATEMAN, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	10,000.00	3,174.51
ROBERT E. BATES JR , 1100 CONNECTICUT AVE, NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
DAVIS M. BATSON, 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	1,600.00	
LAURIE C. BATTLE, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	2,600.00	
LYNNE D. BATTLE, 1101 CONNECTICUT AVE., NW, #705 WASHINGTON DC 20036	COLLEGE PLACEMENT COUNCIL, INC		
JOHN F. BATTLES, MASSACHUSETTS PETROLEUM COUNCIL 11 BEACON ST., #515 BOSTON MA 02108	AMERICAN PETROLEUM INST	3,000.00	993.03
BARBARA BAUMAN, 1990 M STREET, NW, #480 WASHINGTON DC 20036	DETROIT EDISON COMPANY	450.00	20.00
BARRY H. BAUMAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	
JAMES R. BAXTER, 2033 K ST., NW, #200 WASHINGTON DC 20006	NATIONAL CONSTRUCTION EMPLOYERS COUNCIL		
BAYH, TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	ALLIED FIDELITY CORP		
Do	AMERICAN CANCER SOCIETY	16,000.00	6,000.00
Do	CUMMINS ENGINE CO, INC		
Do	LEXITEL CORPORATION	13,200.00	375.00
Do	NATIONAL BASKETBALL ASSN		
Do	NATIONAL SOLID WASTES MANAGEMENT ASSN		
Do	NEW ENERGY CORPORATION		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	900.00	250.00
Do	SUGAR USERS GROUP	2,000.00	400.00
Do	WARNER COMMUNICATIONS, INC		
TINA MARTS BEACH, 777 14TH ST., NW WASHINGTON DC 20005	FRANK W. WINNE & SON, INC	2,800.00	300.00
BRUCE A. BEAM, SUITE 1041 1801 K ST., NW WASHINGTON DC 20006	GENERAL ELECTRIC CO	84.00	
	AMERICAN ELECTRIC POWER SERVICE CORP	143.10	749.61

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JEFFREY L. BEARD, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
THERESA E. BEARMAN, 9TH FLOOR 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE		
DONALD S. BEATTIE, 1815 H STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN PETROCHEMICAL CONSUMERS	15,200.00	1,387.80
Do	RAILWAY LABOR EXECUTIVES' ASSN	2,916.73	787.10
CHRISTINE T. BEATTY, 1730 RHODE ISLAND AVE., NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORP	7,500.00	465.87
HUBERT BEATTY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LAURA L. BEATY, 806 N. JEFFERSON ST. ARLINGTON VA 22205	NATIONAL PARKS & CONSERVATION ASSOCIATION	270.30	4.25
EDWARD A. BECK III, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ROBERT J. BECKER, SUITE 204 3077 W. JEFFERSON JOLIET IL 60435	JOINT COUNCIL OF ALLERGY & IMMUNOLOGY		
WILLIAM W. BEDDOW, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	925.00	
LYDIA I. BEEBE, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON USA, INC	135.00	
RONALD L. BEEBER, 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,830.30
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 1320 19TH STREET, NW WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
CHRISTOPHER M. BEERMANN, 143 EAST 36TH STREET, APT. C NEW YORK NY 10115	MORALITY IN MEDIA, INC	630.00	
ROBERT M. BEERS, 2101 E STREET, NW WASHINGTON DC 20037	AMERICAN FOREIGN SERVICE ASSN	4,971.83	501.00
EDWIN L. BEHRENS, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	30.00	
MAX J. BEILKE, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	1,516.56	
ALEXANDER B. BELL, 9618 COTTRELL TERRACE SILVER SPRING MD 20903	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	3,750.00	222.48
HOWARD H. BELL, 1400 K ST., NW, #1000 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
WINSTON EVERETT BELL, P.O. BOX 26543 LAS VEGAS NV 89126			
BENCHMARK TECHNOLOGIES CORP, 1995 TREMAINSVILLE RD. TOLEDO OH 43613			
C. THOMAS BENDORF, 3615 OVERCREEK DR. COLUMBIA SC 29206	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	5,000.00	950.00
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA, 1100 CARR RD. WILMINGTON DE 19899			
BRUCE BENEFIELD, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
KENNETH U. BENJAMIN JR , 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,887.00	210.42
W. M. BENKERT, 1625 K ST., NW, #1000 WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING	1,250.00	4.00
BEVERLY L. BENNETT, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	500.00	
JAMES M. BENNETT, 355 LEXINGTON AVE. NEW YORK NY 10017	SOCIETY OF THE PLASTICS INDUSTRY, INC		
MEREDITH BENNETT, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	833.00	
WILLIAM C. BENNETT JR , 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	270.00	
JOHN C. BENNISON, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	7,000.00	
BENOIT, SMITH & LAUGHLIN, 2001 JEFFERSON DAVIS HIGHWAY SUITE 501 ARLINGTON VA 22202	ECONOPURE		
Do	HUGHES AIRCRAFT COMPANY		
FREDERICK S. BENSON III, 1625 EYE STREET, NW, #902 WASHINGTON DC 20006	WEYERHAEUSER COMPANY		
NANCY C. BENSON, 1575 EYE ST., NW, #220 WASHINGTON DC 20005	AMERICAN CYANAMID CO	480.00	432.12
TOM BENSON, 501 UNION STREET, #506 NASHVILLE TN 37219	TENNESSEE RAILROAD ASSN		
JAMES E. BENTON, N. J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	185.00	211.17
DANIEL E. BEREN, 610 LOCUST COURT BUILDING HARRISBURG PA 17101	PHILADELPHIA STOCK EXCHANGE		
DAVID A. BEREN, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
REBECCA J. BERG, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	400.00	34.00
O. M. BERGE, 12050 WOODWARD AVE. DETROIT MI 48203	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES		
EDWIN M. BERGSMARK, THREE SEAGATE TOLEDO OH 43603	TOLEDO TRUST COMPANY		
PAUL C. BERGSON, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,883.00	50.00
FRANK BRETT BERLIN, SUITE 201 1828 L ST., NW WASHINGTON DC 20036	CRAY RESEARCH, INC		
JASON S. BERMAN, SUITE 250 2020 K ST., NW WASHINGTON DC 20006	WARNER COMMUNICATIONS INC	15,000.00	11,298.74
WILLIAM R. BERMAN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
MARY E. BERNHARD, 1090 VERMONT AVENUE, N.W. SUITE 500 WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
CHARLES BERNHARDT, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	16.16	
RACHELLE B. BERNSTEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,000.00	27.31
MAX N. BERRY, 3213 O ST., NW WASHINGTON DC 20007	AMERICAN IMPORTERS MEAT PRODUCTS GROUP		
Do	CENTRE NATIONAL INTERPROFESSIONNEL DE L'ECONOMIC LAITIERE		
Do	COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN		9.00
FRANK S. BESSON III, 1725 JEFFERSON DAVIS HWY, #900 ARLINGTON VA 22202	AM GENERAL CORPORATION	1,450.00	
WILLIAM M. BEUTE, 25 BROADWAY CLARK NJ 07066			
ROBERT L. BEVAN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	900.00	34.11
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	MESA PETROLEUM CO		
Do	TEXAS OIL & GAS CORP		
Do	UNION MINES		
Do	UNITED CHURCH OF CHRIST		
BEVERLY ENTERPRISES, INC, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209			236.40
LEONARD BICKWIT JR., MILLER & CHEVALIER, CHTD. 655 15TH STREET, NW WASHINGTON DC 20005	CONSOLIDATED EDISON CO OF NEW YORK		11,909.00
JOAN T. BIER, 1726 M STREET, NW, #701 WASHINGTON DC 20036	INTERNATIONAL MINERALS & CHEMICAL CORP		
BILLIG SHER & JONES, 2033 K ST., NW, #300 WASHINGTON DC 20006	'PORT USERS'	2,500.00	60.00
Do	ADHERENCE GROUP, INC		
Do	AMERICAN BAKERS ASSN		
Do	HAPAG-LLOYD, A.G.	250.00	5.00
Do	PRIVATE TRUCK COUNCIL OF AMERICA, INC	300.00	13.00
Do	SOUTH DAKOTA DEPT. OF TRANSPORTATION, DIV. OF RAILROADS		
Do	STEAMSHIP CONFERENCES	4,750.00	225.86
LEON G. BILLINGS, INC., SUITE 713 1660 L STREET, NW WASHINGTON DC 20036	STATE OF MONTANA	15,000.00	
ROBERT HENRI BINDER, 1150 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	INTERNATIONAL AIRFORWARDER & AGENTS ASSOCIATION	5,000.00	1,065.96
SUSAN BINGHAM-NEAL, 3255 GRACE STREET WASHINGTON DC 20007	THOMPSON & CO	11,250.00	1,482.42
BINGHAM, DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSUMER BANKERS ASSN	1,086.00	9.50
Do	VISA U.S.A., INC	420.00	15.25
BIPARTISAN BUDGET APPEAL, P.O. BOX 9 BOWLING GREEN STATION NEW YORK NY 10004		52,350.00	19,365.62
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASCOM, INC		
Do	ALASKA BANKERS ASSN		
Do	ALASKA PACIFIC BANCORPORATION		
Do	ALASKA POWER AUTHORITY		
Do	ALASKA RAILROAD LEASEHOLDERS ASSN		
Do	AMERICAN BUS ASSN		
Do	CITY OF WHITTIER		
Do	COASTAL CORP		
Do	COOK INLET REGION, INC		
Do	FIRST FEDERAL SAVINGS & LOAN ASSN OF ALASKA		
Do	JIM JONES, GOV'T RESEARCH & DEVELOPMENT CORP		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO		
Do	SEALASKA CORP		
Do	ST. GEORGE TANAQ CORP		
Do	TEAMSTER LOCAL 959		
Do	TEAMSTERS LOCAL 959		
Do	WESTINGHOUSE ELECTRIC CORP		
Do	WIEN AIR ALASKA		
Do	YUKON PACIFIC CORP		
WILLIAM J. BIRKHOFER, 1015 - 15TH STREET, N.W. # 802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	875.00	
WILLIAM H. BIRTCIL JR., SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,000.00	
H. RADFORD BISHOP II , SUITE 2001 100 COLONY SQUARE ATLANTA GA 30318	NATIONAL HEALTH CARE FINANCING ASSN		
PHIL M. BITTER, 1700 K STREET N W. SUITE 1204 WASHINGTON DC 20006	CHEVRON USA, INC	400.00	
GERRIE BJORNSON, 1800 K ST., NW, #929 WASHINGTON DC 20006	B.F. GOODRICH CO	100.00	
NEAL R. BJORNSON, 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,950.00	
EDWARD J. BLACK, TENDLER, BLACK & BIGGINS 1110 VERMONT AVENUE, NW WASHINGTON DC 20006	COMPUTER & COMMUNICATION INDUSTRY ASSOCIATION	9,000.00	9,700.00
BLACK MANAFORT & STONE, 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	AMERICAN PETROFINA, INC	15,000.00	496.95
Do	TOSCO CORPORATION	21,000.00	1,752.15
SPENCER BLACK, 214 N. HENRY ST., #203 MADISON WI 53703	SIERRA CLUB	1,462.50	380.75
TOM G. BLACK, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
BEV D. BLACKWOOD, 1899 L STREET, N.W. STE. 1100 WASHINGTON DC 20036	EXXON CORPORATION		
BARBARA S. BLAINE, P.C., 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	1,875.00	
BOWEN BLAIR JR., 519 S.W. THIRD AVE., #810 PORTLAND OR 97204	FRIENDS OF THE COLUMBIA GORGE	119.70	
DAVID A. BLAIR, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORTAION	150.00	
SMITH BLAIR, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES		
ROSLYNNE BLAKE, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	573.00	28.37
HELEN BLANK, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	1,363.95	
MELODY J. BLANK, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	700.00	45.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	AMERICAN PRESIDENT LINES		
Do	GOVERNMENT OF AMERICAN SOMOA		
Do	GULF OIL CORP	450.00	24.92
Do	ST. JOE MINERALS CORPORATION	416.66	47.13
Do	SUNEDCO	877.50	45.65
Do	TEXAS EASTERN TRANSMISSION COMPANY		48.67
VIRGINIA B. BLISS, 1725 K STREET, NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
JERALD BLIZIN, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC		
ELLEN BLOCK, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	2,206.88	18.50
L. THOMAS BLOCK, ONE WALL STREET NEW YORK NY 10015	IRVING TRUST CO	1,000.00	825.00
PETER L. BLOCKLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
HOLTON E. BLOMGREN, 1015 15TH STREET, NW, #1220 WASHINGTON DC 20005	NATIONAL MANUFACTURED HOUSING FEDERATION	18,750.00	
DOUGLAS M. BLOOMFIELD, 444 NORTH CAPITOL ST, NW #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	15,499.98	
MARK BLOOMFIELD, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	438.00	
JOHN B. BLOUNT JR., 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	359.57
BLUM & NASH, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	FLOATING POINT SYSTEM		
JARED O. BLUM, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	168.90
MILLY S. BLUMEL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA		819.83
CHARLES R. BLUMENFELD, BOGLE & GATES 2100 THE BANK OF CALIFORNIA CENTER SEATTLE WA 98164	PACIFIC SEAFOOD PROCESSORS ASSN		
WAYNE F. BOAN, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,300.00	
BOAT OWNERS ASSOCIATION OF THE U.S., 880 S. PICKETT ST. ALEXANDRIA VA 22304		30,000.00	39,125.00
DAVID A. BOCKORNY, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	501.34
ROBERT SPURRIER BOEGE, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
DONALD P. BOGARD, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP		
TIMOTHY A. BOGGS, 2020 K STREET, NW, #250 WASHINGTON DC 20006	WARNER COMMUNICATIONS, INC	11,250.00	8,633.90
ROBERT Z. BOHAN, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	89.43	607.95
PATRICIA BOINSKI, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	50.00	
RICHARD O. BOLGER, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	175.00	
ROBERT J. BOLGER, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,650.00	
BERNADETTE BOLTON, 400 FIRST ST., NW SUITE 800 WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	300.00	
A. DEWEY BOND, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
BOND AND LAXALT, INC, 813 MARYLAND AVENUE, NE WASHINGTON DC 20002	BARNESS ORGANIZATION	4,000.00	
Do	MOTION PICTURE ASSN OF AMERICA, INC	15,000.00	
Do	CITIZENS FOR AMERICA	9,000.00	
JAY BONITT, SUITE 700 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIED CORP	900.00	
SHARON LEE BONITT, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
KATHLEEN BONNER, 600 WATER STREET, SW, #207 WASHINGTON DC 20024	AMERICAN SCIENCE AND TECHNOLOGY CORP		
Do	SPACE AMERICA		
BONSIB, INC, P.O. BOX 1807 WASHINGTON DC 20013			
GAYLON B. BOOKER, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
EDWARD T. BORDA, 1625 EYE ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	4,000.00	
ROBERT N. BORENS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	5,625.00	308.12
LAURENCE D. BORY, SUITE 802 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
G. STEWART BOSWELL, 1611 NORTH KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	4,700.00	133.30
CHARLES G. BOTSFORD, SUITE 515 1730 M ST., NW WASHINGTON DC 20036		1,200.00	143.00
JOHN E. BOUCHARD, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	198.00	11.00
MARY M. BOURDETTE, 4TH FLOOR 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND OF THE WASHINGTON RESEARCH PROJECT	1,539.20	
ALBERT D. BOURLAND, 1901 N. FORT MYER DRIVE, 12TH FL. ROSSLYN VA 22209	COMMITTEE FOR EQUITABLE COMPENSATION	1,600.00	46.70
FRANK J. BOWDEN JR., ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
DAVID W. BOWERS, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. TELEPHONE ASSOCIATION	1,000.00	
ROBERT R. BOWERS, WEST VIRGINIA PETROLEUM COUNCIL SUITE 714 ATLAS BLDG. CHARLESTON WV 25301	AMERICAN PETROLEUM INST	450.00	388.59
BOWERY SAVINGS BANK, 110 EAST 42ND STREET NEW YORK NY 10017			1,004.12
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	D. MOODY & CO, INC	180.00	
Do	NATIONAL ASSN OF ARCRAFT & COMMUNICATIONS SUPPLIERS, INC	5,325.00	581.62
Do	NATIONAL SMALL BUSINESS GOVERNMENT CONTRACTORS ASSN		
JIM D. BOWMER, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		65.73
BOWMER, COURTNEY, BURLESON, PEMBERTON & NORMAND, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		78.85
JOAN COSTAIN BOWYER, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	150.00	
JOHN G. BOYD, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	555.00	26.35
J. PATRICK BOYLE, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN	779.80	95.60
STEPHEN S. BOYNTON, 1015 MOOREFIELD HILL GROVE VIENNA VA 22180	AMERICAN FUR RESOURCES INSTITUTE		
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	ACCOUNTS MANAGEMENT CORPORATION	210.00	83.79
Do	AUSTRIAN, LANCE & STEWART, P.C.	675.00	269.33
Do	DRESSER INDUSTRIES, INC	787.50	314.21
Do	HOUSTON NATURAL GAS CORP	600.00	239.40
Do	LOUISIANA LAND & EXPLORATION CO	300.00	119.70
Do	PENNSYLVANIA NATURAL GAS ASSOCIATES	2,760.00	1,101.24
Do	SOUTHDOWN/PELTO OIL COMPANY	525.00	209.48
Do	U.S. TUNA FOUNDATION		
Do	VALERO ENERGY CORPORATION	2,100.00	837.90
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	AIR LINE PILOTS ASSN	3,000.00	3,771.00
Do	CALIFORNIA NICKEL CORP	15,000.00	18,716.00
Do	CITY OF TUCSON	7,000.00	5,204.00
Do	CSX CORPORATION	1,500.00	1,067.00
Do	ENERGY ABSORPTION SYSTEMS, INC	8,000.00	6,540.00
Do	ESTES COMPANY	3,000.00	3,475.00
Do	PRATT & WHITNEY AIRCRAFT GROUP	10,000.00	4,894.00
Do	SOUTHERN ARIZONA WATER RESOURCES ASSOCIATION	3,000.00	4,310.00
FRANK W. BRADLEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	2,200.00	
GENE BRADLEY, 1700 N. MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
WAYNE W. BRADLEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	500.00	56.17
DENNIS M. BRADSHAW, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES N. BRADY, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
HUGH S. BRADY, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	400.00	
CARREN BRAGG, 1901 L STREET, NW, #303 WASHINGTON DC 20036	COLT INDUSTRIES, INC		
CHARLES G. BRAGG, P.O. BOX 12285 MEMPHIS TN 38182	NATIONAL COTTON COUNCIL OF AMER		
RAYMOND F. BRAGG JR., 114 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN INDEPENDENT REFINERS ASSN	100.00	
STUART J. BRAHS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	420.53	422.91
ROBERT M. BRANDON, 1300 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	1,850.00	66.20
RICHARD D. BRANNICK, R.D. #2, BOX 108 DEXTER NY 13636	NATIONAL BORDER PATROL COUNCIL	830.40	1,532.85
GERARD M. BRANNON, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
ROY BRAUNSTEIN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	11,526.41	100.00
PETER ELLIOT BRAVEMAN, SUITE 2200 10100 SANTA MONICA BLVD. LOS ANGELES CA 90067	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)		
NOEL BRAZIL, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
EDWARD T. BREATHITT, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
ROY S. BREDDER, SUITE 1004 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
BRENDA I. BREGMAN, 100 MARYLAND AVENUE , N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC	3,450.00	
BREGMAN, ABELL & KAY, SUITE 610 1900 L ST., NW WASHINGTON DC 20036	AFL-CIO		
Do	AIR TRANSPORT ASSN OF AMERICA		
Do	AMERICAN CAR RENTAL ASSN	1,250.00	
Do	AVIS, INC		
Do	BUDGET RENT A CAR CORP	1,000.00	
Do	COMMITTEE FOR EFFECTIVE TAX INCENTIVES		
Do	CONSOLIDATED FREIGHTWAY CORP		
Do	HILTON INTERNATIONAL, INC		
Do	NATIONAL CAR RENTAL SYSTEM, INC	1,000.00	
Do	NORTON SIMON, INC	5,000.00	
Do	ROADWAY EXPRESS, INC		
Do	RYDER SYSTEMS, INC	2,000.00	
Do	TRANS WORLD AIRLINES, INC		
Do	TRANS WORLD CORPORATION		
Do	TRUCK RENTING & LEASING ASSN	1,250.00	
MICHAEL J. BRENNAN, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS	10,800.00	397.39

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MILES H. BRESEE JR , 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		
ALAN E. BRIAN, P.O. BOX 130 LEVIS, QUEBEC, CANADA	DAVIE SHIPBUILDING LIMITED		
ROBERT J. BRINKMANN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	5,000.00	104.63
ELIZABETH Y. BRITTON, 2550 M STREET , N.W. WASHINGTON DC 20037	RJR INDUSTRIES, INC	241.92	93.09
MARTHA M. BROAD, 1725 I STREET, NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL		
ELLEN BROADMAN, 1146 19TH STREET, NW WASHINGTON DC 20036	CONSUMERS UNION OF U.S., INC	250.00	
MARINA L. BROCKMANN, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: COUNCIL OF MICHIGAN FOUNDATIONS).	6,637.50	1,043.70
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: MICHIGAN CONSOLIDATED GAS CO).		
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: CITY OF DETROIT, MICHIGAN).	7,500.00	331.25
DAVID A. BRODY, 1640 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH	2,500.00	
NANCY B. BROFF, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN	363.63	
PHILLIP J. BROMAN, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	60.00	
MICHAEL D. BROMBERG, 1111 19TH ST., NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
DAVID W. BROOME, 1800 M ST., NW, #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
DANIEL T. BROSS, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	1,000.00	229.89
MARIO BROSSI, 1730 M STREET, NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	78.69
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006.		17,500.00	32,762.48
DONALD G. BROTZMAN, 1400 K ST., NW WASHINGTON DC 20005	RUBBER MFGRS ASSN	10,000.00	
BEN JARRATT BROWN, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC	18,700.00	
CHARLES T. BROWN, P.O. BOX 100 MIAMI AZ 85539	CITIES SERVICE CO		
Do	PINTO VALLEY COPPER CORP		
DAVID S. J. BROWN, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	600.00	313.36
ELLEN B. BROWN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,400.00	73.75
HOWARD C. BROWN JR , 1919 PENNSYLVANIA AVE., NW, #702 WASHINGTON DC 20006	CENTAR ASSOCIATES		
Do	NATIONAL ASSN OF LIFE SCIENCE INDUSTRIES, INC		
JAMES F. BROWN, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	186.25	
JESSE B. BROWN, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	3.05	
JESSE P. BROWN JR., 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
RALPH BROWN, SUITE 107 701 S. 22ND STREET OMAHA NB 68102	M.O.A.A.I.O.A. & SUBS, INC		
BROWN TODD & HEYBURN, 1600 CITIZENS PLAZA LOUISVILLE KY 40202	BROWN & WILLIAMSON TOBACCO CORP		
VINCENT D. BROWN, NEBRASKA PETROLEUM COUNCIL P.O. BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST	500.00	37.40
WILLIAM E. BROWN, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	250.03	149.61
WILLIAM R. BROWN, SUITE 200 122 C ST., NW WASHINGTON DC 20001	COUNCIL OF STATE CHAMBERS OF COMMERCE	220.00	
DONALD T. BROWNE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
STANLEY R. BROWNE, SUITE 1120 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CANADIAN FINANCIAL CORPORATION		
Do	MERRILL LYNCH, HUBBARD INC		
Do	MORTGAGE GUARANTY INSURANCE CORP		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL HOUSING REHABILITATION ASSOCIATION		
Do	NEW YORK CITY HOUSING DEVELOPMENT CORP	27,204.45	
Do	NEW YORK STATE MORTGAGE LOAN ENFORCEMENT & ADMIN. CORP	7,257.50	
Do	NEW YORK STATE URBAN DEVELOPMENT CORP		
Do	REMCO ENTERPRISES, INC		
Do	SCHOCHET ASSOCIATES		
DAVID BRUBAKER, P.O. BOX 329 B-110 EPHRATA PA 17522	PENNAG INDUSTRIES ASSOCIATION		
JAMES W. BRUNER JR , 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE	10,000.00	
KATHRYNE M. BRUNER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GA TECHNOLOGIES, INC	750.00	183.74
WILLIAM K. BRUNETTE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	398.31	75.72
ROBERT O. BRUNNER, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN. OF RETIRED PERSONS	457.69	
J. CHARLES BRUSE, SUITE 802 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLSTATE INSURANCE GROUP	680.00	347.73
DAWN M. BRYDON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
ROBERT D. BUEHLER, 1800 K ST., NW, #929 WASHINGTON DC 20006	BF GOODRICH CO	400.00	
BUILDING OWNERS & MANAGERS ASSN INTL, 1250 EYE ST., NW, #200 WASHINGTON DC 20005			
DOUGLAS W. BULCAO, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	1,000.00	6.70
DARREL D. BUNGE, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BUILDING ST. PAUL MN 55102	AMERICAN PETROLEUM INST		
J. THOMAS BURCH JR., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
LAWRENCE E. BURCH, 1711 KING ST. ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION		
NORMAN D. BURCH, SUITE 401 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	COLLEGE OF AMER PATHOLOGISTS	5,220.00	69.25
BURCH, WILHELM & MCDONALD, P.C., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
PAUL F. BURDETT, 10 EMERSON COURT SEVERNA PARK MD 21146	MERRELL DOW PHARMACEUTICALS INC		45.00
CLAIR W. BURGENER, P.O. BOX 8186 RANCH SANTA FE CA 92067	G A TECHNOLOGIES, INC	8,000.00	1,136.50
WILLIAM J. BURHOP, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	10,000.00	
GERARD P. BURKE, SUITE 400 1707 H STREET, NW WASHINGTON DC 20006	INTERNATIONAL AIR LEASES, INC		
J.J. BURKE JR , 40 E. BROADWAY BUTTE MT 59701	MONTANA POWER CO		9.00
PAUL T. BURKE, 1050 17TH STREET, NW, #500 WASHINGTON DC 20036	TEXACO, INC	1,136.25	
FRANCIS X. BURKHARDT, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
BURLEY & DARK LEAF TOBACCO EXPORT ASSN., 1100 17TH ST., NW WASHINGTON DC 20036		42,292.63	1,248.57
BILL D. BURLISON, 499 SOUTH CAPITOL STREET, SE, #103 WASHINGTON DC 20003	EMERSON ELECTRIC CO	3,750.00	167.51
Do	MCDONNELL DOUGLAS CORPORATION	8,750.00	628.16
Do	PLANNING RESEARCH CORPORATION	250.00	36.45
CHARLES S. BURNS, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	1,200.00	
TIMOTHY F. BURNS, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
BURR PEASE & KURTZ, INC, 810 N ST. ANCHORAGE AK 99501	EKLUTNA, INC		
B. KENT BURTON, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	8,000.00	324.74
BUSBY, REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	UNIVERSAL LEAF TOBACCO CO., INC		
Do	AUTOMOBILE IMPORTERS OF AMERICA, INC	8,700.00	493.25
BARBARA L. BUSH, 1220 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	200.00	
BUSINESS PRODUCTS COUNCIL ASSN., P.O. BOX 8855, FH STATION DURHAM NC 27707			
JAMES J. BUTERA, 4TH FLOOR 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	4,687.50	
BUTLER & BINION, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CITY OF HOUSTON/DEPT. OF AVIATION	2,475.00	291.00
Do	CITY OF PHILADELPHIA	6,090.00	240.00
Do	NEW MEXICO PUBLIC SERVICE COMMISSION/ENERGY & MINERALS DEPT		
Do	PENINSULA AIRWAYS, INC		
Do	PENNSYLVANIA SHIPBUILDING CO		
Do	PEOPLE EXPRESS AIRLINES, INC		
Do	PHILADELPHIA FACILITIES MANAGEMENT CORP	35,240.00	1,148.50
Do	PHILADELPHIA PORT CORP		
Do	SEATTLE & NORTH COAST RAILROAD CO	2,602.50	168.00
M. CALDWELL BUTLER, P.O. BOX 720 ROANOKE VA 24004	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	9,520.00	634.14
MICHAEL F. BUTLER, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ANDREWS & KURTH (FOR: HUGHES HELICOPTERS, INC)		
Do	ANDREWS & KURTH (FOR: TRANSCO EXPLORATION PARTNERS, LTD & TRANSCO ENERGY CO).	10,560.00	
C.A.R.E., 511 C STREET, NE WASHINGTON DC 20002			
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AD HOC COMMITTEE OF FLOOR BROKERS		
Do	ASPHALT ROOFING MANUFACTURERS ASSOCIATION		
Do	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS	7,500.00	
Do	KWAJALEIN ATOLL CORP		
Do	MOCATTA METALS CORP		
Do	PHILADELPHIA STOCK EXCHANGE, INC		
ANDREW A. CAFFEY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN	433.00	133.00
ROY C. CAHOON, 6100 KNOLLWOOD DR. FALLS CHURCH VA 22041	NATIONAL AUTOMATIC MERCHANDISING ASSN		
MORRISON G. CAIN, 1625 I ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	6,250.00	
ALAN CALDWELL, SUITE 770 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,200.00	49.95
FRANK W. CALHOUN, 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		2,685.72
JOHN C. CALLIHAN, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORP		
CALMAR COMMUNICATIONS, 500 NORTH DEARBORN STREET, #1115 CHICAGO IL 60610	SUGAR USERS GROUP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CALORIE CONTROL COUNCIL, #500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342			1,842.00
VICTORIA R. CALVERT, THE CAPITAL GALLERY, EAST WING 600 MARYLAND AVENUE, SW, #450 WASHINGTON DC 20025	NATIONAL FROZEN FOOD ASSOCIATION		
ARTHUR E. CAMERON, SUITE 110 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GREYHOUND TRACK OPERATORS ASSN	2,250.00	
Do	REDLAND PRISMO CORP., ETAL	7,014.00	
Do	SAFETRAN SYSTEMS CORPORATION	7,890.00	
Do	SIGNAL COMMUNICATIONS		
NANCY CAMM, 1800 K STREET, NW, #900 WASHINGTON DC 20006	BANKAMERICA CORP		
CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	GEORGE K. BAUM & COMPANY		
Do	BLYTH EASTMAN PAINE WEBBER, INC		
Do	CENTRAL & SOUTHERN MOTOR FREIGHT TRAFFIC ASSN		
Do	CENTRAL STATES MOTOR FREIGHT BUREAU		
Do	CHAMPLIN PETROLEUM COMPANY		
Do	CHAPMAN & CUTLER		
Do	CHEMICAL MANUFACTURERS ASSOCIATION, INC		
Do	CUMBERLAND SECURITIES		
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	ESSEX		
Do	FRAZIER LANIER COMPANY		
Do	GOLDMAN SACHS & CO		
Do	INTERMEDICS		
Do	KIDDER, PEABODY & CO, INC		
Do	KING & SPALDING		
Do	LEHMAN BROTHERS		
Do	MCDONALD & COMPANY		
Do	METROPOLITAN INSURANCE COMPANIES		
Do	MIDDLE ATLANTIC CONFERENCE		
Do	MIDDLEWEST MOTOR FREIGHT BUREAU		
Do	MOBIL OIL CORP	2,475.00	
Do	NATURAL GAS SUPPLY ASSN	712.50	
Do	NEW ENGLAND MOTOR RATE BUREAU		
Do	NIAGARA FRONTIER TARIFF BUREAU		
Do	NORTH HASKELL SLAUGHTER YOUNG & LEWIS		
Do	OCCIDENTAL PETROLEUM CORP		
Do	PACIFIC INLAND TARIFF BUREAU		
Do	PAKHOED	979.00	
Do	PENNZOIL CO	150.00	
Do	PPG INDUSTRIES, INC		
Do	RAUSCHER PIERCE REFSNES		
Do	ROCKY MOUNTAIN MOTOR TARIFF BUREAU		
Do	SIGNAL COMPANIES, INC		
Do	SOUTHERN MOTOR CARRIERS RATE CONFERENCE		
Do	STERN, AGEE & LEACH		
Do	TEXACO, INC	1,275.00	
Do	THORNTON, FARISH & GAUNTT	300.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
Do	WHEAT FIRST SECURITIES		
CAMPAIGN FOR U.N. REFORM - POLITICAL EDUCATION COMMITTEE, 600 VALLEY ROAD WAYNE NJ 07470		3,233.40	4,422.13
C. R. CAMPBELL JR , SUITE 900 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	GTE CORP.	2,500.00	
CARL C. CAMPBELL, 1030 15TH ST., NW, SUITE 700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	300.00	
CHARLES ARGYLL CAMPBELL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
CHARLES O. CAMPBELL, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	NEW ENGLAND COUNCIL, INC		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
JERRY L. CAMPBELL, 831 CHESTNUT ST. CHATTANOOGA TN 37402	TENNESSEE VALLEY PUBLIC POWER ASSN		
KEVIN B. CAMPBELL, 101 CONSTITUTION AVENUE, N.W. WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	7,800.00	4,106.28
ROBERT E. CAMPBELL, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE JASKIEWICZ GILLIAM AND COBERT (FOR: ATLANTIC CITY BUS OPERATORS ASSN).		
THOMAS D. CAMPBELL, SUITE 500 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	285.51
CHARLES J. CAMPISI, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	200.00	
ALYCE D. CANADAY, 918 16TH ST., NW WASHINGTON DC 20006	PACIFIC POWER AND LIGHT CO	740.00	692.55
CANADIAN COALITION ON ACID RAIN, 112 ST. CLAIR AVENUE, #504 TORONTO, ONTARIO M4V 2Y3		2,845.00	9,464.29
SHARON M. CANAVAN, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	5,895.00	404.00
CANDLELIGHTERS, 123 C ST., SE WASHINGTON DC 20003			
PAUL W. CANE, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVE CANNARD, 113 W. 1ST VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE		
W. DEAN CANNON JR , 9800 S. SEPULVEDA BLVD. SUITE 500 LOS ANGELES CA 90045	CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS	3,000.00	410.00
DAVID L. CANTOR, SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	PORTER WRIGHT MORRIS & ARTHUR (FOR: COALITION FOR ENVIRONMENTAL-ENERGY BALANCE).	26.10	
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INSTITUTE		
CAPLIN AND DRYSDALE, CHARTERED, 1101 17TH ST., NW WASHINGTON DC 20036	COUNCIL ON FOUNDATIONS, INC	12,475.00	694.81
HOLLYE E. CAPPLEMAN, SUITE 800 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	GETTY OIL COMPANY	2,563.00	874.78
DONALD L. CAPSHAW, 2426 DOGWOOD TRAIL DR. GERMANTOWN TN 38138	AIRLINE PILOTS' ASSN		
ARNOLD P. CAPUTO, 1970 HOPEWOOD DRIVE FALLS CHURCH VA 22043	NATIONAL CONCRETE MASONRY ASSN	150.00	117.88
CONSTANTINE G. CARAS, 2828 PENNSYLVANIA AVENUE, NW, #205 WASHINGTON DC 20007	OGDEN CORPORATION		
DENISE A. CARDMAN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
NORVAL E. CAREY, 1025 CONNECTICUT AVE., NW #704 WASHINGTON DC 20036	GULF OIL CORP (FOR GA TECHNOLOGIES, INC)	2,673.00	614.73
CAROLE R. CARLIN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
EDWARD J. CARLOUGH, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	23,625.00	
J. PHILIP CARLSON, SUITE 935, WASHINGTON BUILDING 1435 G STREET, NW WASHINGTON DC 20005	EUGENE L. STEWART AND ROSES, INC	6,000.00	294.87
ROBERT E. CARLSTROM JR., 1730 RHODE ISLAND AVENUE, NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORPORATION	6,000.00	107.40
GEORGE D. CARPENTER, 7162 READING ROAD CINCINNATI OH 45222	PROCTER & GAMBLE COMPANY		
CARR-GOTTSTEIN PROPERTIES, INC, 1314 FAIRBANKS ST. ANCHORAGE AK 99501			3,591.42
LAWRENCE W. CARROLL, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO		
THOMAS W. CARROLL, 129 BELMONT AVENUE BUFFALO NY 14223			
JOHN R. CARSON, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015	AMERICAN PODIATRY ASSN	16,000.00	
HANS L CARSTENSEN, 1625 EYE STREET N.W. #902 WASHINGTON DC 20006	WEYERHAEUSER CO	465.50	24.20
DAVID C. CARTER, 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
HARLON B. CARTER, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	2,187.50	
JOSEPH L. CARTER JR , 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	797.25	362.66
JAMES P. CARTY, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
SUSAN B. CARVER, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	475.00	1,914.20
JIM CASEY, 3470 MILDRED DR. FALLS CHURCH VA 22042	BELLE FOURCHE IRRIGATION DISTRICT	3,000.00	173.92
Do	GARRISON DIVERSION CONSERVANCY DISTRICT		
Do	LEAFFER COMPANY, INC	1,500.00	86.96
Do	NORTH CENTRAL NEBRASKA RECLAMATION DISTRICT		
JAMES B. CASH JR , 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
ALLEN R. CASKIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
EUGENE I. CASRAISS JR , 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,543.44	120.75
WILLIAM E. CASSELMAN II , SUITE 675 NORTH 1800 M STREET, NW WASHINGTON DC 20036	DORSEY & WHITNEY (FOR: NORTHROP UNIVERSITY)		
DANIEL J. CASSIDY, 2925 RICHMOND AVE. HOUSTON TX 77098	GREATER HOUSTON HOSPITAL COUNCIL		
J. WARREN CASSIDY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN	1,937.50	
LAWRENCE J. CASSIDY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	12,663.00	
JOHN J. CASTELLANI, 27TH FLOOR 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,200.00	
RITA L. CASTLE, 100 NE ADAMS PEORIA IL 61629	CATERPILLAR TRACTOR CO		
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE CATOR & ASSOCIATES, INC (FOR: LATIN AMERICAN MANUFACTURERS ASSN (LAMA)).	1,600.00	
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS).	200.00	
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SOUTHEASTERN LUMBER MANUFACTURERS ASSN).	1,800.00	720.00
JOSEPH E. CAVANAGH, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO-CLC	4,600.00	350.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
GORDON CAVANAUGH, 509 C ST., NE WASHINGTON DC 20002	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	20,111.22	84.13
RED CAVANEY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	245.00	
DOROTHY D. CECELSKI, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,624.98	
CEDERBERG & ASSOCIATES, 7100 SUSSEX PLACE ALEXANDRIA VA 22307	GRUMMAN CORPORATION	200.00	
Do	MARTIN MARIETTA CORP.	200.00	
Do	RCA	200.00	
Do	UNITED TECHNOLOGIES CORPORATION	200.00	
CENERGY EXPLORATION COMPANY, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231			
CENTER FOR LAW AND EDUCATION, INC., 6 APPIAN WAY CAMBRIDGE MA 02138		5,093.45	534.16
CENTRAL STATES RESOURCE CENTER, P.O. BOX 577 URBANA IL 61801			
CF INDUSTRIES, INC., SALEM LAKE DR. LONG GROVE IL 60047			500.00
CHADBOURNE, PARKE, WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	ACUREX SOLAR CORP.		31.80
Do	ARCO SOLAR, INC.		
Do	BERENERGY CORPORATION		12.73
Do	CRINCO INVESTMENTS, INC		77.58
Do	MANUFACTURERS LIFE INSURANCE CO AND MAINE FIDELITY LIC	44,794.00	109.72
Do	MONEGON, LTD		56.35
Do	NEWMONT MINING CORP		3.75
Do	SOLAREX CORPORATION		
Do	STANDARD OIL CO OF INDIANA		
Do	U.S. PHOTOVOLTAICS MANUFACTURERS' AD HOC COMMITTEE		233.85
Do	WASHINGTON PSYCHIATRIC SOCIETY	9,155.00	17.88
CHARLES M. CHAFER, 600 WATER ST. WASHINGTON DC 20024	SPACE SERVICES INC OF AMERICA		
CHAIN SAW MFGRS ASSN, SUITE 1008 4340 EAST-WEST HIGHWAY BETHESDA MD 20814			
DURWOOD CHALKER, P.O. BOX 220164 2121 SAN JACINTO ST., #2500 DALLAS TX 75222	CENTRAL AND SOUTH WEST CORP		
WALTON M. CHALMERS II , 6815 GEORGIA STREET CHEVY CHASE MD 20815	CITIZENS FOR A NUCLEAR FREEZE		
CHARLES E. CHAMBERLAIN, 1747 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	COMMITTEE FOR 806.30 AND 807, INC.	750.00	
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	2,066.25	
Do	APACHE CORPORATION	7,811.63	
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE	187.50	
Do	FACET, CORP		
Do	MANVILLE CORPORATION	5,056.25	
Do	STATE OF OREGON, DEPT. OF HUMAN RESOURCES		
ED CHANDLER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	8,470.00	500.00
J. W. CHANDLER, 1575 I ST., NW WASHINGTON DC 20005	YORK DIV., BORG-WARNER CORP		22.50
WILLIAM J. CHANDLER, SUITE 300 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	LAURANCE S. ROCKEFELLER		
JOHN M. CHAPMAN, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR		
WILLIAM C. CHAPMAN, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	7,229.09
CHAPMAN, DUFF AND PAUL, 1825 EYE ST., NW WASHINGTON DC 20006	ANNUAL CHARGES POLICY GROUP	1,895.00	16.00
CHARLES, KARALEKAS, MCCAHILL & WILSON, 1250 CONNECTICUT AVENUE, NW, #318 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA		
RICHARD M. CHARLTON, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	480.00	443.00
LESLIE CHEEK III, SUITE 414 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CRUM & FOSTER CORP	16,250.00	708.06
JANE CHEEVER, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
CHEMICAL MANUFACTURERS ASSOCIATION, INC., 2501 M ST., NW WASHINGTON DC 20037		5,000.00	3,000.00
CHEMICAL SPECIALTIES MFGRS ASSN, SUITE 1120 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036			1,379.99
WILLIAM B. CHERKASKY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
B. H. CHERRY, 100 INTERPACE PARKWAY PARSIPPANY NJ 07054	GPU SERVICE CORPORATION	328.00	58.00
STEPHAN E. CHERTOFF, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
MICHAEL W. CHINWORTH, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	150.00	
BRUCE L. CHRISTENSEN, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	150.00
HAL M. CHRISTENSEN, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
WILLIAM T. CHRISTIAN, 1333 NEW HAMPSHIRE AVENUE,N.W. WASHINGTON, DC 20036	ATLANTIC RICHFIELD CO	250.00	
JACK E. CHRISTY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN. OF RETIRED PERSONS	448.27	327.39
CHUGACH ELECTRIC ASSN, INC, PO BOX 3518 ANCHORAGE AK 99501			2,571.61
DONALD T. CHUNN, ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC.		
CHWAT/WEIGEND ASSOCIATES, 400 FIRST STREET, NW, #816 WASHINGTON DC 20001	AMERICAN HOME SEWING ASSN, INC	500.00	500.00
Do	MORSE TYPEWRITER CO., INC	1,500.00	1,500.00
Do	NATIONAL ASSN. OF TOBACCO DISTRIBUTORS	3,000.00	3,000.00
Do	WINNIE M. TSE	360.84	360.84
CIGAR ASSN OF AMERICA, INC, SUITE 1201 1100 17TH STREET, NW WASHINGTON DC 20036			602.18
CITIZEN/LABOR ENERGY COALITION, RM. 401 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036		8,650.00	8,635.00
CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS, LIBERTY PARK, 12500 NE TENTH PLACE 1601 114TH SE BELLEVUE WA 98005.		382,089.79	119,190.65
CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR), P.O. BOX 33729 WASHINGTON DC 20033		220,500.00	
CITIZENS POLITICAL ACTION COMMITTEE, P.O. BOX 645 228 SOUTH A STREET, #2 OXNARD CA 93032		20.00	20.00
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SMITH, BARNEY, HARRIS, UPHAM & CO.	2,000.00	
JOHN W. CLAGGETT, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC.		
BOB CLARK, SUITE 1908 400 MADISON ST. ALEXANDRIA VA 22314	RYDER SYSTEMS, INC.		
GILBERT CLARK, SUITE 600 1117 N. 19TH ST. ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JAMES F. CLARK, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 200 NATIONAL BANK OF ALASKA BLDG. P.O. BOX 1211 JUNEAU AK 99802.	ALASKA LUMBER & PULP		4,074.88
JAMES W. CLARK JR , 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JOSEPH J. F. CLARK, 1750 K ST., NW, #260 WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
JULIE CLARK, 1625 K ST., NW EIGHTH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSN.	9,347.00	546.43
PHILLIP A. CLARK, SUITE 700 1050 17TH STREET, NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	3,750.00	
VERNON A. CLARK, 1899 L ST., NW, #403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	2,238.00	4,408.00
WADE P. CLARKE JR , JOHN DEERE RD MOLINE IL 61265	DEERE & COMPANY		
SCOTT CHARLES CLARKSON, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	1,000.00	
CECIL D. CLAY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INT'L ASSN	21,735.00	
JOAN CLAYBROOK, SUITE 605 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC.	255.00	
CLEAR CHANNEL BROADCASTING SERVICE (CCBS), 1776 K STREET, NW, #1100 WASHINGTON DC 20006			
CLEARY, GOTTLIEB, STEEN & HAMILTON, 1752 N STREET, NW WASHINGTON DC 20036	FORMALDEHYDE INSTITUTE		
Do	PUBLIC SECURITIES ASSOCIATION	750.00	
JACQUELINE W. CLEMENTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	1,500.00	
RONALD D. CLEMENTS, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,300.00	509.62
CLEVELAND ELECTRIC ILLUMINATING CO., 55 PUBLIC SQUARE P.O. BOX 5000 CLEVELAND OH 44113			206.00
W. M. CLICK, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AUSTRALIAN MEAT & LIVE-STOCK CORP		
Do	JOINT CORPORATE COMM ON CUBAN CLAIMS	600.00	180.00
DEXANNE CLOHAN, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,769.00	47.50
CHRISTOPHER E. CLOUSER, 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC.		
COALITION FOR ENVIRONMENTAL DATA, C/O CHWAT/WEIGEND ASSOCIATES 400 FIRST STREET, NW, #816 WASHINGTON DC 20001.		300.00	874.05
COALITION FOR UNIFORM PRODUCT LIABILITY LAW, SUITE 303 1901 L STREET, NW WASHINGTON DC 20036		1,797.39	1,797.39
COAN, COUTURE, LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	A - C VALLEY CORPORATION		
Do	VIETNAM VETERANS OF AMERICA	1,982.50	
Do	WESTINGHOUSE ELECTRIC CORPORATION		
COASTAL PROPERTIES INSTITUTE, INC., P.O. BOX 6255 HILTON HEAD SC 29938			
THOMAS B. COATES, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
RICHARD B. COBB, PETROLEUM COUNCIL OF GA 230 PEACHTREE ST., NW, #1500 ATLANTA GA 30303	AMERICAN PETROLEUM INST	300.00	252.43
JOHN J. COFFEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	650.00	
DON V. COGMAN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	4,750.00	445.50
DANIEL L. COHEN, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	2,000.00	100.00
DAVID COHEN, 2010 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	HANDGUN CONTROL, INC.		
RHEA L. COHEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC.	107.00	30.00
HERBERT B. COHN, MORGAN, LEWIS, & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
COLE & CORETTE, P.C., 1100 VERMONT AVE., NW WASHINGTON DC 20005	CHASE MANHATTAN BANK, N.A.		
Do	DOW CHEMICAL CO		
Do	GOVERNMENT OF THE NETHERLANDS ANTILLES		
Do	MEDTRONIC, INC.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ANN COLE, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
E. WILLIAM COLE, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	700.00	76.50
KEN W. COLE, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION		
STACEY W. COLE, NEW HAMPSHIRE PETROLEUM COUNCIL 23 SCHOOL ST. CONCORD NH 03301	AMERICAN PETROLEUM INST	690.00	312.80
COLLIER, SHANNON, RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN FROZEN FOOD INST		
Do	AMERICAN MEAT INSTITUTE		
Do	CROP INSURANCE RESEARCH BUREAU		
Do	CSX CORPORATION		
Do	CYLINDER MANUFACTURERS ASSOCIATION		
Do	FERROS SCRAP CONSUMERS COALITION	320.00	320.00
Do	FOOD MARKETING INSTITUTE		
Do	HUFFY CORPORATION	4,714.00	4,714.00
Do	INDEPENDENT LUBRICANT MANUFACTURERS ASSN		
Do	LUKENS, INC	525.00	
Do	NATIONAL ASSN OF CONVENIENCE STORES		
Do	NATIONAL BROILER COUNCIL		
Do	NATIONAL HAIRDRESSERS & COSMETOLOGISTS ASSN		
Do	NORRIS INDUSTRIES	1,000.00	
Do	OUTDOOR POWER EQUIPMENT INSTITUTE		
Do	PITTSBURGH CORNING CORPORATION		
Do	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA	2,000.00	
Do	SPECIALTY STEEL INDUSTRY OF THE UNITED STATES	310.00	310.00
Do	WEST TEXAS LAND & ROYALTY OWNERS ASSN		
GEORGE COLLINS, 1126 16TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS	600.00	300.00
STEPHEN J. COLLINS, SUITE 1000 1620 EYE ST., NW WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
COLORADO RAILROAD ASSN, 236 DENVER CLUB BUILDING DENVER CO 80202			
COLORADO SKI COUNTRY USA, INC., SUITE A-201 1410 GRANT STREET DENVER CO 80203			
COMMERCIAL UNION INSURANCE COMPANIES, ONE BEACON STREET BOSTON MA 02108			
COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT, C/O HERBERT COHN 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036.			
COMMITTEE FOR CONSTITUTIONAL INTEGRITY, 1900 L STREET, NW, #610 WASHINGTON DC 20036			
COMMITTEE FOR DO-IT-YOURSELF HOUSEHOLD MOVING, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036			
COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY, SUITE 303 1901 L ST., NW WASHINGTON DC 20036		300.00	300.00
COMMITTEE FOR EFFECTIVE TAX INCENTIVES, ONE FARRAGUT SQUARE 8TH FLOOR WASHINGTON DC 20006			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS, 2762 N. CLAYBOURN AVENUE CHICAGO IL 60614		175,488.00	100,088.67
COMMITTEE FOR FAIR INSURANCE RATES, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003		9,401.16	13,466.71
COMMITTEE FOR HUMANE LEGISLATION, INC, 11 WEST 60TH ST. NEW YORK NY 10023			
COMMITTEE FOR PROPOSITION THIRTY, P.O. BOX 915 HARTSELLE AL 35640		17,000.00	
COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN, 3213 O ST., NW WASHINGTON DC 20007		2,509,421.00	460,156.65
COMMON CAUSE, 2030 M ST., NW WASHINGTON DC 20036			
COMMUNICATIONS MANAGEMENT, INC, 1925 NORTH LYNN STREET, #1140 ARLINGTON VA 22209	CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR)		
Do	NATURAL GAS SUPPLY ASSN	592,406.00	592,406.00
COMMUNITY NUTRITION INSTITUTE, RM. 300 1146 19TH ST., NW WASHINGTON DC 20036			
LANCE COMPA, 1411 K ST., NW, #410 WASHINGTON DC 20005	UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMER	5,513.48	
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, 1500 WILSON BLVD SUITE 512 ARLINGTON VA 22209		9,119.00	9,700.00
EDWARD C. CONE P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
CAROLE K. CONES, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	3,800.00	
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			2,437.00
CONGRESS WATCH, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		76,713.72	72,227.22
CONGRESSIONAL DIST ACTION COMM, DIST 7, C/O JOE TOMAINO 2735 IVY ST. TAMPA FL 33607			
RAYMOND F. CONKLING, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	200.00	
JOHN B. CONNALLY, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		463.92
ROBERT J. CONNER JR., 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	1,398.77
STEPHEN N. CONNER, ROUTE 1, BOX 506 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA		1,344.94
T. GARY CONNETT, P.O. BOX 14042 ST. PETERSBURG FL 33733	FLORIDA POWER CORP	150.00	245.00
JOHN P. CONNOLLY, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK, ET AL (FOR CHICAGO MERCANTILE EXCHANGE)		
RICHARD J. CONNOR JR., 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	1,725.00	150.00
JERRY C. CONNORS, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	1,000.00	100.00
MARK R. CONRAD, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION	10,800.00	967.10
CONSERVATIVES AGAINST LIBERAL LEGISLATION, 104-A S. COLUMBUS ST. ALEXANDRIA VA 22314			
CONSOLIDATED EDISON CO OF NEW YORK, INC, 4 IRVING PLACE NEW YORK NY 10003			512.50
CONSOLIDATED RAIL CORPORATION, PO BOX 23451 WASHINGTON DC 20024			12,996.00
CONSORTIUM OF SOCIAL SCIENCE ASSNS., SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		16,250.00	965.34
CONSUMERS UNION OF U.S., INC., 256 WASHINGTON ST. MOUNT VERNON NY 10550			10,300.00
CONTACT SYSTEMS CORP, 200 MADISON AVENUE, #1207 NEW YORK NY 10016			
JOHN J. CONTNEY, 1250 E. HOLLANDALE BEACH BLVD. HOLLANDALE FL 33009	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
EMERY S. CONYERS, P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL CO		
ALEXANDRA W. COOK, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	400.00	1,032.90
FREDERCK N. COOK, VERMONT PETROLEUM ASSOCIATION P.O. BOX 566 MONTPELIER VT 05602	AMERICAN PETROLEUM INST	900.00	627.52
HARRY N. COOK, 1130 17TH ST., NW WASHINGTON DC 20036	NATIONAL WATERWAYS CONFERENCE, INC		
K. RICHARD COOK, 777 14TH ST., NW, SUITE 700 WASHINGTON DC 20005	GENERAL ELECTRIC CO	525.00	
THOMAS M. COOK, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	ALEUTIAN/PRIBILOF ISLANDS ASSN, INC	1,000.00	
Do	AMERICAN ACADEMY OF OPHTHALMOLOGY		
Do	AMERICAN RICE, INC	36,419.57	
Do	ASHLAND OIL, INC		
Do	ASSOCIATION OF PESTICIDE PRODUCERS (PPA)	26,487.50	
Do	AUDIO RECORDING RIGHTS COALITION		
Do	BENENSON CAPITAL COMPANY		
Do	BOARD OF TRADE OF KANSAS CITY, MO., INC	10,064.99	
Do	CNA INSURANCE CO OF CHICAGO, ILLINOIS	1,225.00	
Do	COALITION FOR COMPETITION	2,500.00	57.70
Do	CONSOLIDATED NATURAL GAS CO		
Do	EMPLOYEE ORGAN. FED. EMPLOYEES HEALTH BENEFITS PROGRAM ASSN		
Do	HOME RECORDING RIGHTS COALITION	12,581.25	272.49
Do	IOWA BEEF PROCESSORS, INC	15,000.00	
Do	PIONEER CORP	11,887.50	
Do	PLANTERS PEANUTS	4,852.50	
Do	ROADWAY EXPRESS, INC		
Do	TANADGUSIX CORPORATION	4,000.00	
Do	TEXACO, INC	6,000.00	
Do	TEXAS GAS TRANSMISSION CORP	4,000.00	64.44
Do	TOBACCO INSTITUTE	25,000.00	137.04
Do	WESTERN PEANUT GROWERS' ASSN	13,923.75	
BERNARD J. COONEY, SUITE 1000 1101 14TH ST., NW WASHINGTON DC 20005	CATERPILLAR TRACTOR CO		
BENJAMIN Y. COOPER JR., 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	7,500.00	
JESSE D. COOPER, SUITE 314 1155 15TH ST., NW WASHINGTON DC 20005	ROCKY MOUNTAIN OIL & GAS ASSN	1,600.00	1,031.88
JOSHUA W. COOPER, 400 MADISON STREET, APT. 808 ALEXANDRIA VA 22314	PORTSMOUTH-KITTERY ARMED SERVICES COMM, INC	2,400.00	643.25
KATHY J. COOPER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	175.00	
MITCHELL J. COOPER, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES	3,000.00	218.00
Do	FOOTWEAR DIV., RUBBER MFGRS ASSN	13,000.00	31.27
DARRELL COOVER, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	2,000.00	612.00
JOHN F. CORCORAN, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CO	1,000.00	
PATRICK H. CORCORAN, SUITE 1205 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF OIL PIPELINES		
ALFRED C. CORDON, GORDON & JACOBS 2000 L ST., NW, #616 WASHINGTON DC 20036	BUFFALO BROADCASTING CO., INC		
GORDON R. COREY, 2511 PARK PLACE EVANSTON IL 60201	COMMONWEALTH EDISON CO	1,700.00	590.11
Do	OCCIDENTAL CHEMICAL CORP	2,000.00	243.13
LAW OFFICES, JAMES C CORMAN, 1420 16TH STREET, NW WASHINGTON DC 20036	COOPERATIVE OF AMERICAN PHYSICIANS, INC	2,625.00	
Do	GENERAL AMERICAN LIFE INSURANCE CO	2,900.00	
Do	HOME LIFE INSURANCE CO	2,900.00	
Do	INTERNATIONAL TAXICAB ASSN	2,125.00	
Do	MUSIC CORP OF AMERICA, INC	18,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PACIFIC MUTUAL LIFE INSURANCE CO	2,900.00	
Do	PROVIDENT LIFE INSURANCE CO	2,900.00	
Do	SHAH & ASSOCIATES	2,250.00	
Do	STATE MUTUAL LIFE ASSURANCE CO OF AMERICA	2,900.00	
Do	SYSTEMS AND APPLIED SCIENCES	3,875.00	
Do	TEXAS AIR CORP	9,268.00	
Do	UCI, INC	5,000.00	
CORN REFINERS ASSOCIATION, INC., 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		3,404.00	1,988.00
CORNELL, PELCOVITS & BRENNER ECONOMISTS, INC., SUITE 708 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AUDIO RECORDING RIGHTS COALITION		
Do	SONY CORP OF AMERICA		
CORPORATION FOR GOVERNMENT ACTION, INC, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		29,884.88	30,366.05
ERNEST J. CORRADO, SUITE 1000 1625 K STREET, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF MERCHANT SHIPPING	180.00	64.40
MARY MARCOTTE CORRIGAN, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
RICHARD L. CORRIGAN, 1201 PENNSYLVANIA AVENUE, NW, #250 WASHINGTON DC 20004	CH2M HILL, INC	1,675.00	
MARTY CORRY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	457.69	463.10
ALLAN D. CORS, 1800 K ST., NW, SUITE 1104 WASHINGTON DC 20006	CORNING GLASS WORKS	450.00	
R. H. CORY, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	216.00	439.05
COSMETIC, TOILETRY & FRAGRANCE ASSN, INC, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005			
JAMES R. COSTELLO JR , 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	500.00	24.30
MICHAEL E. COSTELLO, SUITE 600 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		127.53
DIANE COSTENOBLE, 815 16TH ST., NW WASHINGTON DC 20006	FOOD & ALLIED SERVICE TRADES DEPARTMENT, AFL-CIO	572.46	
MARY ALICE COTTER, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	223.29	
J. BARRY COUGHLIN, 815 CONNECTICUT AVE.,N.W. WASHINGTON DC 20006	FORD MOTOR CO	825.00	525.92
COUNCIL FOR LANGUAGES AND OTHER INT'L STUDIES, 3520 PROSPECT ST., NW WASHINGTON DC 20007		10,410.00	6,377.37
COUNCIL FOR RURAL HOUSING AND DEVELOPMENT, SUITE 400S 1800 M ST., NW WASHINGTON DC 20036		4,000.00	4,000.00
COUNCIL OF STATE CHAMBERS OF COMMERCE, SUITE 200 122 C ST., NW WASHINGTON DC 20001		374.50	661.51
COUNCIL ON MULTIEMPLOYER PENSION SECURITY, INC, 1000 POTOMAC STREET, NW, #103 WASHINGTON DC 20007		11,250.00	32,502.22
COURSEN & COMPANY, 910 17TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN HALBACH	9,000.00	583.00
WILLIAM R. COURTNEY, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JAMES COUSINS, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	5,000.00	
JOHN F. COVE, SUITE 702 918 16TH ST., NW WASHINGTON DC 20006	COVE ASSOCIATES INC. (FOR: ASSN. OF U.S. NIGHT VISION MFRS.)		
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN ASSN OF ORAL & MAXILLOFACIAL SURGEONS	650.00	
Do	AMERICAN WATCH ASSN	500.00	
Do	ANCHOR NATL LIFE INSURANCE CO		
Do	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	100.00	
Do	COALITION TO PRESERVE THE INTEGRITY OF AMERICAN TRADEMARKS		48.00
Do	HOUDAILLE INDUSTRIES, INC	720.00	
Do	INVESTMENT COMPANY INSTITUTE	9,750.00	250.28
Do	IRVING TRUST CO		
Do	NATIONAL FOOTBALL LEAGUE		
Do	SECURITIES INDUSTRY ASSN		
Do	SUN LIFE ASSURANCE CO OF CANADA (U.S.)		152.00
EUGENE S. COWEN, 2759 UNICORN LN., NW WASHINGTON DC 20015	AMERICAN BROADCASTING CO, INC	336.60	
C. DEMING COWLES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	ALASKA LUMBER & PULP CO AND KETCHIKAN PULP CO	3,487.50	30.52
Do	RICHMOND R. FARRING		
Do	MUNICIPALITY OF ANCHORAGE	6,664.00	341.43
ARCHIBALD COX, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,806.24	2,148.18
C. BRYAN COX, PO BOX 139 KANSAS CITY MO 64141	KANSAS CITY LIFE INSURANCE CO		
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	ALASKA LUMBER & PULP, INC		
Do	AMERICAN PRESIDENT LINES		
Do	NAVAJO-HOPI RELOCATION COMMISSION	1,300.00	38.20
Do	ST. JOE MINERALS CORPORATION		
Do	SUNOCO ENERGY DEVELOPMENT COMPANY (SUNEDCO)	877.50	45.65
Do	TEXAS EASTERN CORPORATION		48.69
DONALD FORSYTH CRAIB III, 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SEARS, ROEBUCK & CO	297.00	27.98
CRAMER HOFFMAN & HABER, ORLANDO, P.A., SUITE 101 57 W. PINE ST. ORLANDO FL 32801	GLOBAL EXPLORATION & DEVELOPMENT CORP		
WILLIAM C. CRAMER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
CRAMER, HABER & LUKIS, P.C., 818 CONNECTICUT AVE., NW WASHINGTON DC 20036	CANAVERAL PORT AUTHORITY	13,500.00	21.00
Do	CITY OF MIAMI	5,500.00	92.64
Do	DADE COUNTY	9,000.00	
Do	REPUBLIC OF GABON		
JOHN R. CRANE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
JOSEPH S. CRANE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS		
CHARLES S. CRAWFORD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
WILLIAM D. CRAWFORD, 400 FIRST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILWAY CARMEN OF THE U.S. & CANADA	2,032.53	
CREDIT UNION NATL ASSN, INC, SUITE 810 1730 RHODE ISLAND AVE. WASHINGTON DC 20036		300.00	849.02
RICHARD C. CREIGHTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	5,000.00	500.00
KEN A. CRERAR, 1611 NO. KENT STREET, #900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	2,700.00	369.11
JOSEPH M. CRIBBEN, 6900 VALLEY BROOK DR. FALLS CHURCH VA 22042	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	1,750.00	30.00
RICHARD E. CRISTOL, 5775 PEACHTREE-DUNWOODY RD., #500D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
PHILIP R. CROESSMANN, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS		
P. H. CROFT, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN SHORT LINE RAILROAD ASSN		
ROBERT W. CROMARTIE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	50.00	
CHARLES H. CROMWELL, INC., 6709 GEORGIA ST. CHEVY CHASE MD 20815	GENERAL ELECTRIC CO		
Do	HUGHES HELICOPTERS		
Do	NORTHROP CORP		
DONALD J. CRONIN, 1511 K STREET, NW, #820 WASHINGTON DC 20005	FRANK G. KINGSLEY	3,000.00	100.00
Do	MILLIKEN & COMPANY	6,000.00	60.00
LAUREN JEANNE CRONIN, 300 LAKESIDE DRIVE OAKLAND CA 94612	KAISER CEMENT CORPORATION	7,820.00	11,371.00
RAE E. CRONMILLER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	160.00	
THOMAS R. CROSBY JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
DONALD A. CROSIER, NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST., PO BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST		
HAROLD L. CROSIER, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
BOBBY E. CROW, PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
CROWELL & MORING, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASARCO INC	862.50	10.00
Do	ASSOCIATED GAS DISTRIBUTORS		
Do	AVON PRODUCTS, INC		
Do	BROOKLYN UNION GAS CO	107.50	
Do	COMMUNICATIONS SATELLITE CORP		20.00
Do	CONTROL DATA CORPORATION		
Do	ELI LILLY AND COMPANY	2,472.50	10.00
Do	HELICOPTER ASSOCIATION INTERNATIONAL		
Do	HOME OWNERS WARRANTY CORPORATION	7,370.00	106.38
Do	NATIONAL ASSN OF MANUFACTURERS	440.00	9.00
Do	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS	6,360.00	10.00
Do	PAN AMERICAN WORLD AIRWAYS, INC	988.75	30.00
Do	REGIONAL AIRLINE ASSOCIATION		
CUBA CLAIMS ASSOCIATION, PO BOX 014004 MIAMI FL 33101			40.00
CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL, 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007			
CHARLES T. CUDLIP, 1100 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20036	CHRYSLER CORPORATION		
WILLIAM E. CUMBERLAND, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
MICHAEL M. CUNNIFF, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
SCOTT S. CUNNINGHAM, 1100 15TH STREET, NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JOHN T. CURRAN, 815 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	14,182.50	215.30
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS		
KATHLEEN L. CURRY, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	4,494.00	217.00
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	FIRE ISLAND ASSOCIATES, INC	4,380.00	220.80
EDWARD P. CURTIS JR., GENESEE PUBLIC AFFAIRS, INC 36 W. MAIN STREET ROCHESTER NY 14614	LAKE ONTARIO CEMENT LIMITED	7,000.00	1,159.41
Do	MINISTRY OF THE ENVIRONMENT PROVINCE OF ONTARIO, CANADA	3,600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
M. RUPERT CUTLER, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY		
EVERETT E. CUTTER, 620 SW FIFTH AVENUE BLDG., SUITE 912 PORTLAND OR 97204	OREGON RAILROAD ASSN		
D L ASSOCIATES, 1730 RHODE ISLAND AVENUE, NW, #210 WASHINGTON DC 20036	METROPOLITAN LIFE INSURANCE CO	500.00	
RUDOLPH N. D'AGARIS, 4708 NORBECK RD. ROCKVILLE MD 20853			
TERESE C. D'ALESSIO, 2020 NORTH 14TH ST. ARLINGTON VA 22201	MEDIA GENERAL, INC	1,800.00	215.00
WILLIAM D. D'ONOFRIO, 1800 W. 8TH ST. WILMINGTON DE 19805	NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC		
DAEDALUS ENTERPRISES, INC, P.O. BOX 1869 ANN ARBOR MI 48106			
WILLIAM KAY DAINES, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	450.00	59.00
LEWIS I. DALE, SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	170.00	
DALEY AND GEORGE, 111 W. WASHINGTON STREET, #2035 CHICAGO IL 60602	EXECUTIVE AFFILIATES	10,000.00	1,442.00
DONALD W. DALRYMPLE, 1575 I ST., NW WASHINGTON DC 20005	AMERICAN CYNAMID COMPANY (FOR: LEDERLE LABORATORIES)	2,025.00	1,000.16
JAMES G. DALTON, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,500.00	
JOHN M. DAMGARD, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
DAMRELL, DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	CENTRAL SAN JOAQUIN RIVER ASSN		
Do	CLAVEY-WARDS FERRY PROJECT, ET AL	1,039.50	143.40
Do	STOCKTON TERMINAL & EASTERN RAILROAD	72.56	47.80
JOHN E. DANIEL, 1133 15TH STREET, NW, #1200 WASHINGTON DC 20005	OHIO EDISON CO		
DAVID S. DANIELSON, SUITE 400 E 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
A. JOAN DANNELLEY, P.O. BOX 269 ELIZABETHTOWN PA 17022	AMERICAN ASSN OF MEAT PROCESSORS		
WILLIAM H. DARDEN, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	714.23	58.40
ONEIDA L. DARLEY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	780.00	
DIANE DAVENNY DARNEILLE, 1100 17TH ST., NW, #1206 WASHINGTON DC 20036	SCHERING-PLOUGH CORP	3,625.00	1,169.43
THOMAS ROGER DART, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	180.00	
M. DENNIS DAUGHERTY, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP		
JOHN B. DAVENPORT JR., 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	115.00	
LARRY C. DAVENPORT, 5775 PEACHTREE-DUNWOODY RD. SUITE 500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
THEODORE S. J. DAVI, P.O. BOX 131 #6 MAGNOLIA AVENUE MONTVALE NJ 07645			
EARL F. DAVID, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO	1,000.00	
DANIEL I. DAVIDSON, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	SPIEGEL & MCDIARMID (FOR: NORTHERN CALIFORNIA POWER AGENCY)		
DAVID R. DAVIS, INDIANA PETROLEUM COUNCIL 714 HARRISON BLDG. INDIANAPOLIS IN 46204	AMERICAN PETROLEUM INST	297.69	19.00
DREW M DAVIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	201.90	93.00
EDWARD M. DAVIS, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,812.50	439.51
FRED G. DAVIS, 1111 19TH STREET, N.W. WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,370.00	283.62
DAVIS GRAHAM & STUBBS, SUITE 500 1001 22ND ST., NW WASHINGTON DC 20037	MUNICIPAL SUBDISTRICT, NO. COLORADO WATER CONSERVANCY DIST	760.50	760.50
Do	NORTHERN COLORADO WATER CONSERVANCY DISTRICT	571.50	571.50
DAVIS HOCKENBERG WINE BROWN & KOEHN, 2300 FINANCIAL CENTER DES MOINES IA 50309	NORTHWESTERN BELL (IOWA DIV.)	38,790.00	859.56
OVID R. DAVIS, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY		
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	MORGAN GUARANTY TRUST CO OF NEW YORK	250.00	
Do	NORWEST CORP		
Do	OTTO BREMER FOUNDATION		
R. HILTON DAVIS, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
ROBERT DAVIS, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	808.00	337.00
DAVIS SIMPICH & SIENA, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CALIFORNIA HOUSING COUNCIL	23,193.00	272.54
DAVIS, WRIGHT, TODD, RIESE & JONES, SUITE 800 1752 N ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS	3,225.00	42.50
Do	NATIONAL INDEPENDENT DAIRY FOODS ASSN		
J. EDWARD DAY, 5TH FL. 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ELECTRONIC INDUSTRIES ASSN		
Do	THIRD CLASS MAIL ASSOCIATION		
DCM GROUP, SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	AD HOC COMMITTEE FOR AMERICAN SILVER	3,487.50	6,952.13
GASTON DE BEARN, SUITE 401 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
O. MARK DE MICHELE, 411 NORTH CENTRAL AVENUE P.O. BOX 21666 PHOENIX AZ 85014	ARIZONA PUBLIC SERVICE COMPANY		
JOHN RUSSELL DEANE III, 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MFRS., INC	581.25	274.84
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	NATIONAL OUTDOOR COALITION		
Do	SPECIALTY EQUIPMENT MARKET ASSN	588.94	402.41
Do	AUTO INTERNACIONAL ASSN	342.25	188.36
DEBEVOISE & PLIMPTON, 1777 F STREET, NW, #700 WASHINGTON DC 20006	SONY CORP OF AMERICA	19,110.40	80.45
ROBERT L. DEBO, MISSOURI OIL COUNCIL 428 E. CAPITOL, #203 JEFFERSON CIY MO 65101	AMERICAN PETROLEUM INST		
EDWARD S. DEBOLT, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	987.50	
MARK O. DECKER, SUITE 1100 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	625.00	
WINSTON M. DECKER, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN		
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
BRIAN DEERY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD H. DEFOE, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO		
GEORGE K. DEGNON ASSOCIATES, INC., SUITE 3A 1311-A DOLLEY MADISON BLDG. MCLEAN VA 22101	ASSOCIATION OF STATE & TERRITORIAL HEALTH OFFICIALS		
STEPHEN T. DELAMATER, 2600 SOUTHLAND CENTER 400 N. OLIVE ST. DALLAS TX 75201	HALLIBURTON CO		
JOHN W. DELANEY, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
JOHN L. DELANO, 7 EDWARDS - BOX 1172 HELENA MT 59624	MONTANA RAILROAD ASSN		
ROBERT B. DELANO, 225 TOUHY AVE. PARK RIDGE IL 60068	AMERICAN FARM BUREAU FED	2,750.00	
CARTHA D. DELOACH, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC		
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,035.00	64.50
GEORGIA L. DELYANNIS, 1730 K STREET, NW, #903 WASHINGTON DC 20006	AMERICAN HELLENIC INSTITUTE OF PUBLIC AFFAIRS COMMITTEE		
WILLIAM F. DEMAREST JR., FOREMAN & DYESS 1920 N STREET, NW WASHINGTON DC 20036	ENHANCED ENERGY RESOURCES, INC		
SUSAN C. DEMARR, 1615 H ST., N.W. WASHINGTON DC 20061	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
ELIZABETH C. DEMATO, 5210 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	67.50
TANIA DEMCHUK, 499 SOUTH CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	100.00	
BRADFORD T. DEMPSEY, 512 W. MAPLE AVE. SUITE 210 VIENNA VA 22180			
GEORGE H. DENISON, 4837 DEL RAY AVE. WASHINGTON DC 20814	NATIONAL OFFICE PRODUCTS ASSN	300.00	
Do	WESTINGHOUSE ELECTRIC CORP	1,200.00	
RAY DENISON, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	16,359.70	374.92
JOHN H. DENMAN, MISSOURI OIL COUNCIL 428 E. CAPITAL ST., #203 JEFFERSON CITY MO 65101	AMERICAN PETROLEUM INST	498.00	721.28
DAVID W. DENSFORD, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	1,000.00	100.00
WELLS DENYES, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC	500.00	107.91
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		8,085.39	8,085.39
ALPHONSE DEROSSO, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		110.76
LLOYD J. DERRICKSON, SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC	4,500.00	
MICHAEL DESANTO, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN, INC	1,447.00	120.00
MARCIA L. DESMOND, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,149.79	171.39
JAMES T. DEVINE, LAW OFFICES OF DERRIS LEONARD, P.C. 900 17TH ST., NW, #1020 WASHINGTON DC 20006	BOWLING PROPRIETORS ASSN OF AMER		
SAMUEL L. DEVINE, 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20004	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	OCCIDENTAL PETROLEUM CORP	19,999.98	
Do	PAYCO AMERICAN CORPORATION		
Do	PEPSICO, INC	10,000.00	9.28
R. DANIEL DEVLIN, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC	325.00	
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN CAN CO	1,572.50	
Do	AMERICAN STOCK EXCHANGE, INC	540.00	8.50
Do	BENEFICIAL CORPORATION		
Do	BROWNING-FERRIS INDUSTRIES, INC	87.50	5.00
Do	DAMSON OIL CORP	255.00	5.00
Do	FEDERAL NATIONAL MORTGAGE ASSN	390.00	
Do	GENERAL ELECTRIC PENSION TRUST		
Do	NATIONAL ASSN OF PUBLIC HOSPITALS		
Do	PANHANDLE EASTERN PIPE LINE CO		
Do	PHIBRO-SALOMON, INC		
RALPH B. DEWEY, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	TEACHERS INSURANCE AND ANNUITY ASSN OF AMERICA		
DORIS J. DEWTON, 1025 CONNECTICUT AVENUE, NW SUITE 507 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	636.00	339.98
KENDALL P. DEXTER, 9 COUNTRY CLUB ROAD MOBILE AL 36608	ASHLAND OIL, INC	2,000.00	
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	MACMILLAN BLOEDEL INC	1,050.00	943.00
Do	AIRBUS INDUSTRIE		
Do	DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS		
Do	SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION	2,700.00	676.80
	SOFREAVIA	3,547.50	808.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DIAMOND SHAMROCK CORPORATION, 717 N. HARWOOD STREET DALLAS TX 75201			1,271.17
CHARLES J. DIBONA, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	1,875.00	
JOHN M. DICKERMAN, SUITE 700 1015 15TH ST., NW WASHINGTON DC 20005	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	1,000.00	56.00
CHESTER T. DICKERSON JR., 1101 17TH STREET , N.W. SUITE 604 WASHINGTON DC 20036	MONSANTO CO		753.08
WILLIAM E. DICKINSON, SUITE 300 206 N. WASHINGTON STREET ALEXANDRIA VA 22314	SALT INSTITUTE	3,000.00	250.00
DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN, 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	GENERAL MOTORS CORP	5,820.00	497.64
Do	K MART CORP		
Do	OAKLAND COUNTY D.P.W.		
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	BOUNDARY GAS, INC		
Do	CORAL PETROLEUM, INC		
Do	CUSTOM AUTOMOTIVE SOUND ASSN, INC	500.00	
Do	FEDERATED CASH MANAGEMENT SYSTEMS	6,140.00	
Do	GILBANE BUILDING CO		
Do	HOME HEALTH SERVICES & STAFFING ASSN	1,200.00	
Do	HVIDE SHIPPING, INC		
Do	MARINE ENGINEERS' BENEFICIAL ASSN		
Do	MARINETTE MARINE CORP		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	500.00	
Do	NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK	600.00	
Do	NATURAL GAS SUPPLY ASSN	5,000.00	
Do	OPTIONS POLICY ASSN		
Do	JOSEPH E. SEAGRAM & SONS, INC		
Do	STATE OF DELAWARE, STATE OF IOWA, STATE OF LOUISIANA, ET AL	200.00	
RICK DIEGEL, 1125 15TH STREET, NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOD OF ELECTRICAL WORKERS, ALF-CIO-CLC	2,281.25	150.00
TIMOTHY V. A. DILLON, 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004	WESTLANDS WATER DISTRICT	2,292.55	42.55
THOMAS A. DINE, 444 NORTH CAPITOL ST, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	12,999.99	
MICHAEL F. DINEEN, 600 PENNSYLVANIA AVE., SE, #206 WASHINGTON DC 20003	FEDERAL KEMPER LIFE ASSURANCE COMPANY	435.51	216.21
Do	KEMPER INVESTORS LIFE INSURANCE CO	155.05	104.19
Do	LUMBERMENS MUTUAL CASUALTY COMPANY	1,800.00	117.76
HARLEY M. DIRKS, 400 FIRST STREET, NW, #712 WASHINGTON DC 20002	HEALTH & MEDICINE COUNSEL OF WASHINGTON		
Do	PROFESSIONAL SERVICES COUNCIL		
DISABLED AMERICAN VETERANS, 3725 ALEXANDRIA PIKE COLD SPRING KY 41076		107,126.39	107,126.39
DENNIS C. DIX, 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
O. L. DIXON III, P.O. BOX 1151 PENSACOLA FL 32520	GULF POWER COMPANY	1,809.41	785.32
STEVEN P. DOEHLER, SUITE 1405 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,500.00	135.20
JOHN D. DOHERTY JR., 900 17TH STREET, NW, #706 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.		
GREGORY S. DOLE, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	5,005.00	1,546.27
ROBIN C. DOLE, SUITE 350 1825 EYE ST., NW WASHINGTON DC 20006	CENTURY 21 REAL ESTATE CORP	860.00	
JULIE DOMENICK, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	385.48	324.00
DOMESTIC PETROLEUM COUNCIL TRADE ASSOCIATION, 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036			
DOMESTIC WILDCATTERS ASSN, P.O. BOX 4394 HOUSTON TX 77210		7,000.00	44,973.00
BRIAN J. DONADIO, SUITE 875 122 C ST., NW WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	2,265.00	
SALLY S. DONNER, 4TH FL. 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	GENERAL FOODS CORPORATION	850.00	12.80
THOMAS J. DONOHUE, 1615 H ST., NW WASHINGTON DC 20062	CITIZENS' CHOICE, INC	5,000.10	
JACK C. DONOVAN, P. O. BOX 5000, #612 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		
DONOVAN LEISURE NEWTON & IRVINE, 30 ROCKEFELLER PLAZA NEW YORK NY 10112	AMERICAN TELEPHONE & TELEGRAPH, INC	25,000.00	1,391.02
THOMAS F. DONOVAN, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
WILLIAM DONOVAN, 1111 N. 19TH ST. #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	2,500.00	44.00
FRANCIS X. DOOLEY, 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSN	6,000.00	630.00
IRA DORFMAN, SUITE 850 2020 K STREET, NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	111.24	1.10
MAY DEL RIO DORFMAN, 380 SECOND AVENUE NEW YORK NY 10010	PLANNED PARENTHOOD OF NEW YORK CITY, INC		
JAMES A. DORSCH, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
KENNETH W. DORSCH, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
DEAN R. DORT II , SUITE 808 910 17TH ST., NW WASHINGTON DC 20006	DEERE & COMPANY	160.00	
JOSEPH K. DOSS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	2,530.00	
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	LAKE ONTARIO CEMENT LIMITED		
Do	TOBACCO MARKETING BOARD OF ZIMBABWE	1,139.00	
CHARLES P. DOWNER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	900.00	250.00
JANE LIND DOWNEY, P.O. OC 2303 400 ARMY-NAVY DR. ARLINGTON VA 22002	AMERICAN MOVERS CONFERENCE	433.84	
CONNIE M. DOWNS, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORP		
JOHN H. DOWNS JR., 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		49.04
JOHN P. DOYLE, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	3,656.60	1,960.54
ROBERT H. DOYLE, 1130 17TH STREET, NW, #200 WASHINGTON DC 20036	WATER QUALITY ASSN		
NANCY DRABBLE, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	6,000.00	
JAMES E. DRAKE, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,826.00	
JOAN ALBERT DREUX, 600 PENN AVE SE #202 WASHINGTON DC 20015	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	2,059.00	892.37
JEROME L. DREYER, 1300 N. 17TH ST. SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
STEPHEN D. DRIESLER, SUITE 306 1150 17TH ST., NW WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	5,775.00	466.00
KEVIN J. DRISCOLL, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
DOROTHY J. DRUMMER, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
W.H. DRUSHEL JR , 3500 FIRST CITY TOWERS HOUSTON TX 77002	VINSON & ELKINS (FOR: QUINTANA PETROLEUM CORP)		
Do	VINSON & ELKINS (FOR: QUINTANA REFINERY COMPANY)		
FRAN DU MELLE, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	2,890.00	953.00
EVELYN DUBROW, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	10,341.50	4,732.72
MORGAN D. DUBROW, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	110.00	
BARBARA S. DUDECK, 955 L'ENFANT PLAZA, SW # 905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	65.58
JANE MCPIKE DUDLEY, 1101 15TH STREET, N.W. WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	375.00	
DOUGLAS F. DUERR, 1730 RHODE ISLAND AVE. SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC		
ANN ANDERSON DUFF, 222 S. PROSPECT AVE. PARK RIDGE IL 60068	NATIONAL ASSOCIATION OF MANUFACTURERS	1,200.00	
C. R. DUGGAN, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,300.00	3,300.00
FRANCIS J. DUGGAN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	700.77	273.90
EVELYN DUKOVIC, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC	5.36	
MERVIN E. DULLUM, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC	200.00	39.06
DON R. DUNCAN, 1825 K ST.,NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	4,500.00	817.00
DUNCAN, WEINBERG & MILLER, P.C., SUITE 1200 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EAST BAY REGIONAL PARK DISTRICT		
Do	HURON-CLINTON METROPOLITAN AUTHORITY		
Do	MID WEST ELECTRIC CONSUMERS' ASSN, INC	100.00	
Do	STATE OF NEVADA	62.50	
Do	STATE OF NORTH DAKOTA		
Do	WESTERN FUELS ASSOCIATION, INC		
JAMES W. DUNLOP, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
MARI LEE DUNN, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION		
DUNNELLS, DUVALL, BENNETT & PORTER, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN	55,092.50	61,116.13
JAMES A. DUPREE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	2,175.00	676.20
JOSEPH L. DURAN, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JUDY C. DURAND, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	666.00	527.84
B. J. DURHAM, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY		
DANIEL A. DUTKO, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	CENERGY EXPLORATION CO	1,381.25	
Do	MITCHELL ENERGY & DEVELOPMENT CORP	1,381.25	
Do	PITTS ENERGY GROUP	1,381.25	
Do	SCHLENSKER DRILLING CO		
Do	TEXAS OIL & GAS CORP (TXO)	1,381.25	
Do	TRADE MAX, INC	2,285.00	
Do	U.S. TELEPHONE, INC	6,000.00	
Do	WESSELY ENERGY CORP	1,381.25	
L. L. DUXBURY, 210 7TH STREET, SE, #517 WASHINGTON DC 20003	RAILROAD RETIREMENT ASSN		525.00
DENIS J. DWYER, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	342.00	
THOMAS J. DWYER, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
JAMES W. DYKE JR., SIDLEY & AUSTIN 1722 EYE STREET, NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC	3,000.00	
DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG, 1752 N ST., NW, 6TH FL. WASHINGTON DC 20036	DAEDALUS ENTERPRISES, INC		
Do	TOTAL PETROLEUM, INC		
EDITH W. DYLAN, SUITE 906 1818 L ST., NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DENNIS J. EARHART, 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	757.50	
JACK D. EARLY, 1155 15TH ST., NW, #514 WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	192.50	16.00
ROY W. EASLEY, 1735 DE SALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
GEORGE H. EATMAN, 1800 CONNECTICUT AVE., NW WASHINGTON DC 20009	SLURRY TRANSPORT ASSN		
EATON ASSOCIATES, INC, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. EATON, SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. L. EATON, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. EBEL, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	1,450.00	857.00
LUCINDA E. EBERSOLE, 1347 MARYLAND AVENUE, NE WASHINGTON DC 20002	CITIZENS FOR A NUCLEAR FREEZE		
N. BOYD ECKER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,500.00	63.25
ROBERT C. ECKHARDT, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CERTAIN TEXAS CLAIMANTS LAWYERS		
Do	CONSOLIDATED NATURAL GAS CO	5,000.01	
Do	CONSUMER FEDERATION OF AMERICA		
Do	INVESTMENT COMPANY INSTITUTE	5,000.01	
Do	SLURRY TRANSPORT ASSN	5,000.00	
Do	STATE BAR OF TEXAS		
Do	WALTON & SON, STEVEDORING COMPANY		
Do	WESTERN FUELS ASSOCIATION, INC	9,999.99	
PATRICIA K. ECONOMOS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM R. EDGAR, SUITE 501 1620 EYE ST., NW WASHINGTON DC 20006	GATES LEARJET CORPORATION		
HELEN H. EDGE, 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	391.25	
ARTHUR B. EDGEWORTH JR , 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	2,750.00	
EDISON ELECTRIC INSTITUTE, 9TH FLOOR 1111 19TH ST., NW WASHINGTON DC 20036		19,234.82	72,734.36
V. ANNE EDLUND, 1620 EYE ST., NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
STEPHEN L. EDMISTON, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	12,194.00	396.65
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMMITTEE		
Do	CHEROKEE NATION		
Do	DOSS AVIATION, INC		
Do	IU INTERNATIONAL MANAGEMENT CORP		
Do	OKLAHOMA ASSN OF ELECTRIC COOPS		
Do	U.S. MARITIME COMMITTEE, INC		
EDS CORPORATION, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003			3,023.39
JOHN M. EDSALL, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	218.00	119.47
CHRISTINE A. EDWARDS, 1211 CONNECTICUT AVE., N.W. SUITE 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	252.00	61.30
J. RODNEY EDWARDS, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
MACON T. EDWARDS, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	450.00	11.67
MAX N. EDWARDS, 1511 K STREET, NW, #1100 WASHINGTON DC 20005	FRANK G. KINGSLEY	6,000.00	85.00
WILLIAM A. EDWARDS, 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING CO	1,925.00	903.82
PAUL S. EGAN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	7,735.00	170.00
EGGERS & GREENE, 1407 MAIN ST. SUITE 335 DALLAS TX 75202	LTV CORPORATION	3,000.00	204.87
SARA EHRMAN, 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM		
MARY ANN EICHENBERGER, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,800.00	
EUGENE EIDENBERG, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	5,000.00	
YVONNE B. EIDER, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001	FRIENDS OF ANIMALS, INC	5,018.82	596.26
JILL W. EILAND, 507 SECOND STREET, NE WASHINGTON DC 20002	PORTLAND GENERAL ELECTRIC		
ALBERT C. EISENBERG, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	8,500.00	166.20
CARL W. EK, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	1,356.91	
H. J. ELAM III, 1201 MAPLE ST. GREENSBORO NC 27405	CONE MILLS CORPORATION		
JANE ELDER, SUITE 203 214 N. HENRY ST. MADISON WI 53703	SIERRA CLUB	1,725.00	1,384.83
TIMOTHY L. ELDER, 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	1,496.91
GEORGE K. ELIADES, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	300.00	310.00
J. BURTON ELLER JR , 425 13TH ST., NW, #1032 WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
CHARLES W. ELLIOTT, WISCONSIN PETROLEUM COUNCIL 25 W. MAIN ST., #703 MADISON WI 53703	AMERICAN PETROLEUM INST	62.00	
JOHN DOYLE ELLIOTT, 5500 QUINCY ST. HYATTSVILLE MD 20784			13.32
JOHN ELLIS, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,337.50	
DOROTHY A. ELLSWORTH, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	12,804.42	127.75
ELY RITTS PIETROWSKI & BRICKFIELD, SUITE 915 WATERGATE 600 BLDG. WASHINGTON DC 20037	OCEAN MINING ASSOCS		
CARL F. EMDE, 1800 K ST., NW, #1016 WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	696.00	
EMERGENCY COMMITTEE FOR AMERICAN TRADE, 1211 CONNECTICUT AVE. WASHINGTON DC 20036		104,392.95	92,758.58
EMERSON ELECTRIC CO, 8000 FLORISSANT ST. LOUIS MO 63136			251.72
CAROL R. EMERY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC	3,500.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,500.00	
Do	STATE OF LOUISIANA	14,500.00	4,950.00
EMPLOYEE RELOCATION COUNCIL, SUITE 600 1627 K ST., NW WASHINGTON DC 20006			2,070.43
EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		328.55	328.55
IRENE R. EMSELLEM, 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	62.68
LOWELL J. ENDAHL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	60.00	
ENERGY CONSUMERS & PRODUCERS ASSN, BOX 1726 PETROLEUM PLAZA SEMINOLE OK 74868		21,290.00	2,621.29
SAMUEL E. ENFIELD, SUITE 510 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN WIND ENERGY ASSN	375.00	
Do	SOLAR LOBBY	1,080.70	
RALPH ENGEL, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	109.60	12.00
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSN FOR MARRIAGE & FAMILY THERAPY		
LEWIS A. ENGMAN, 1100 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	2,500.00	
PATRICIA HANAHAN ENGMAN, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	2,500.00	
CHRISTOPHER ENGQUIST, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
M. DALE ENSIGN, 2600 VIRGINIA AVENUE, NW, #901 WASHINGTON DC 20037	SINCLAIR OIL CORPORATION	500.00	115.50
PAUL A. EQUALE, 600 PENNSYLVANIA AVE., SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	9,683.33	
JOHN S. ERTHEIN & ASSOCIATES, INC, 1800 M STREET, NW, #600N WASHINGTON DC 20036	CBS, INC	5,000.00	288.00
MARTHA M. ESCUTIA, 20 F STREET, NW, #200 WASHINGTON DC 20001	NATIONAL COUNCIL OF LA RAZA		
INGOLF G. ESDERS, 815 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	4,682.92	
GEORGE T. ESHERICK, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION		
ESTATE OF MABEL R. LADD, R.R. 1 BUNKER HILL IN 46914			
JANE B. ESTERLY, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	255.00	68.00
JOHN T. ESTES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,500.00	15.00
ETHYL CORPORATION, SUITE 611 1155 15TH ST., NW WASHINGTON DC 20005			2,800.00
ALEXANDER J. EUCARE JR., 1025 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	ENVIRONMENTAL MANAGEMENT CONSULTANTS, INC		
STEPHEN E. EURE, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
EUROPEAN TRAVEL COMMISSION, 630 FIFTH AVENUE NEW YORK NY 10111			
DAVE EVANS ASSOCIATES, 160 N. CAROLINA AVENUE, SE WASHINGTON DC 20003	AMERICAN EXPRESS CO		
Do	CREDIT UNION NATL ASSN, INC		
Do	U.S. LEAGUE OF SAVING INSTITUTIONS		
BROCK EVANS, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	2,500.00	900.00
DONALD C. EVANS, P.O. BOX 1496 SARASOTA FL 33577	EVANS INVESTIGATIVE & SECURITY SERVICE		
JOSEPH O. EVANS, APARTMENT 21 4401 LEE HWY. ARLINGTON VA 22207			
RAE FORKER EVANS, SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ROBERT D. EVANS, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
FAWN K. EVENSON, 1611 NORTH KENT ST. SUITE 900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	4,000.00	89.85
ELLEN E. EVES, NEW MURPHY RD. AND CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
JEFFREY P. EVES, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY		
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ALFRED C. GLASSELL JR.)		20.89
Do	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		183.46
Do	VINSON & ELKINS (FOR: PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TX)		61.16
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE CO)		2,169.85
WAYNE S. EWING, ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST	141.42	35.60
ROBBIE G. EXLEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
F/P RESEARCH ASSOCIATES, SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	NATIONAL CABLE TELEVISION ASSN, INC	2,500.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	WESTERN UNION TELEGRAPH COMPANY	1,000.00	
MICHAEL FADEN, SUITE 1101 1346 CONNECTICUT AVE., NW WASHINGTON DC 20006	UNION OF CONCERNED SCIENTISTS	6,825.00	
ROBERT R. FAHS, SUITE 205 1101 15TH ST., NW WASHINGTON DC 20005	CARGILL INC	2,500.00	18.25
DALE W. FALLAT, P.O. BOX 119 MAUMEE OH 43537	ANDERSONS		
F. S. FALLON JR., P.O. BOX 888-F-9 ASHLAND KY 41101			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
GEORGE W. FALLTRICK, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
MICHAEL I. FANNING, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
THOMAS B. FARLEY II, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,977.00	114.00
WILLIAM T. FARLEY, 1126 16TH STREET, NW WASHINGTON DC 20036	IUE-AFL-CIO	600.00	300.00
FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA, P.O. BOX 2251 DENVER CO 80251		83,294.89	58,853.60
JOHN W. FARQUHAR, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
ROBERT M. FARQUHAR, P.O. BOX 130 LEVIS, QUEBEC, CANADA G6V 6N7	DAVIE SHIPBUILDING LIMITED		
DAGMAR T. FARR, 1750 K STREET, N.W. WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MICHAEL FARRAR, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	200.00	
JOSEPH A. FARRELL, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
PENELOPE S. FARTHING, SUITE 415 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	290.00	
MARCUS G. FAUST, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	KENNECOTT CORPORATION	9,000.00	
CLINTON B. FAWCETT, NINE GREENWAY PLAZA HOUSTON TX 77046	COASTAL CORPORATION		
JANE FAWCETT-HOOVER, 801 18TH ST., NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	12.50	
FEDERAL KEMPER LIFE ASSURANCE COMPANY, KEMPER BLDG. D-3 LONG GROVE IL 60049			
FEDERATION EMPLOYMENT & GUIDANCE SERVICE, 114 FIFTH AVENUE NEW YORK NY 10011			
FEDERATION OF AMERICAN CONTROLLED SHIPPING, 50 BROADWAY NEW YORK NY 10004		1,389.61	1,389.61
FEDERATION OF AMERICAN HOSPITALS, SUITE 402 1111 19TH ST., NW WASHINGTON DC 20036		10,000.00	10,000.00
FEDERATION OF AMERICAN SCIENTISTS, 307 MASSACHUSETTS AVE., NE WASHINGTON DC 20002			1,644.58
JOEL F. FELDMAN, LAW OFFICES OF SHELDON I. LONDON 1725 DESALES STREET, NW, #401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,000.00	
MARK B. FELDMAN, DONOVAN, LEISURE, NEWTON & IRVINE 1850 K STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC		
JANICE A. FENBERG, SUITE 602 1155 15TH STREET, NW WASHINGTON DC 20005	PENNZOIL CO	90.00	
JUDITH W. FENSTERER, 242 E. 80TH STREET NEW YORK NY 10021	GENERIC PHARMACEUTICAL INDUSTRY ASSN	736.00	354.50
FENSTERWALD & ASSOCIATES, 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	5,000.01	282.49
EDWARD T. FERGUS, 100 GOLD ST. NEW YORK NY 10292	PRUDENTIAL-BACHE SECURITIES INC	750.00	
JACK FERGUSON ASSOCIATES, 203 MARYLAND AVE., NE WASHINGTON DC 20002	ALASKA INTERNATIONAL INDUSTRIES		
Do	DILLINGHAM CONSTRUCTION GROUP	8,968.75	1,200.67
Do	DILLINGHAM SHIP REPAIR	500.00	750.00
Do	FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE	5,450.00	947.35
Do	NORTHWEST ENERGY CO	7,200.00	850.00
Do	U.S. BORAX	16,575.00	1,959.00
BETSY FERGUSON, 1875 EYE STREET,N.W. SUITE 1110 WASHINGTON DC 20006	TIMES MIRROR COMPANY		
DENISE G. FERGUSON, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
JOHN T. FERGUSON II , 1875 EYE STREET, NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP	600.00	35.00
JOHN L. FESTA, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
FRED C. FIELDING, 1725 JEFFERSON DAVIS HWY, #900 ARLINGTON VA 22202	AM GENERAL CORPORATION	2,750.00	93.00
GARY W. FIELDS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,800.00	917.43
HERBERT A. FIERST, 610 RING BLDG. 1200 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES OF B.C.	13,125.00	465.00
MATTHEW P. FINK, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	121.16	4.00
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	DIRECT BROADCAST SATELLITE CORP		
Do	GOVERNMENT OF ANTIGUA & BARBUDA		
Do	M/A-COM, INC	3,857.00	
Do	POPULATION CRISIS COMMITTEE	1,500.00	
Do	STROMBERG-CARLSON CORPORATION		
Do	TDI WINSTON NETWORK, INC		
Do	TELOCATOR NETWORK OF AMERICA	2,575.00	
Do	TRANSIT ADVERTISING ASSN, INC		
Do	TRT TELECOMMUNICATIONS CORP	3,200.00	
Do	TURNER BROADCASTING SYSTEM, INC	2,625.00	
Do	MAGNAVOX GOVERNMENT & INDUSTRIAL ELECTRONICS CO	3,875.00	
Do	TELLABS	3,875.00	
STEPHEN A. FINN, P.O. BOX 520783 - GENERAL MAIL FACILITY MIAMI FL 33152	BURGER KING CORP		
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, 1775 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL COMMUNICATIONS ASSN	2,000.00	350.00
THOMAS D. FINNIGAN, OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORP		
JILL FINSEN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	4,500.00	716.80
M. J. FIOCCO, 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	4,250.00	21.00
LAURIE A. FIORI, 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	514.23	315.41
RICHARD J. FIORINI, P.O. BOX 15278 DENVER CO 80215	NORANDA MINING INC		
FIRST NATIONAL BANK OF BOSTON, 100 FEDERAL ST. BOSTON MA 02110			11,844.19
L. RICHARD FISCHER, MORRISON & FOERSTER 1920 N STREET, NW WASHINGTON DC 20036	MASTERCARD INTERNATIONAL, INC		
RICHARD L. FISCHER, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	910.00	
DONALD W. FISHER, 3814 IVANHOE LANE ALEXANDRIA VA 22310	AMERICAN GROUP PRACTICE ASSN, INC		
WILLIAM L. FISHER, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
LAURI J. FITZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: REPUBLIC OF HAITI)		
MARK FITZGERALD, 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
MARY CLARE FITZGERALD, SUITE 900-N 1800 M STREET, NW WASHINGTON DC 20036	GOLEMBE ASSOCIATES, INC		
HILLIARD J. FJORD, 602 MAIN ST., #600 CINCINNATI OH 45202	OHIO RIVER CO	1,500.00	382.12
DANIEL V. FLANAGAN JR., 1730 RHODE ISLAND AVENUE, NW, #206 WASHINGTON DC 20036	VEPCO	4,800.00	1,965.13
JAMES J. FLANAGAN, 25 RESEARCH DR. WESTBOROUGH MA 01581	NEW ENGLAND POWER SERVICE CO	521.28	111.80
MICHAEL L. FLANAGAN, 1200 PILLSBUR CENTER MINNEAPOLIS MN 55402	MOSS & BARNETT (FOR: WASIE FOUNDATION)		
MICHAEL FLEMING, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF EQUIPMENT LESSORS		
WAYNE A. FLETCHER, 200 W. MADISON STREET, #1600 CHICAGO IL 60606	NATIONAL FUTURES ASSOCIATION		
FLORIDA BUSINESS ASSOCIATES, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP	9,000.00	67.50
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,384.39	
VERONICA M. FLOYD, 2001 S. JEFF DAVIS HIGHWAY, #1107 ARLINGTON VA 22202	BRUNSWICK CORP	5,700.00	828.41
WILLIAM J. FOGARTY, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,000.00	
FOLEY LARDNER HOLLABAUGH & JACOBS, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
Do	INVESTORS MORTGAGE INSURANCE CO	3,800.00	38.72
Do	LAWYERS TITLE INSURANCE CORP	27,140.00	99.79
R. D. FOLSOM, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: FREEPORT MCMORAN, INC)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: SCHULMAN MANAGEMENT CO)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WESTERN FOREST INDUSTRIES ASSN)		
FOOD & ALLIED SERVICE TRADES DEPT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		14,821.05	14,821.05
FOOD MARKETING INSTITUTE, 1750 K ST., NW WASHINGTON DC 20006			5,000.00
GORDON FORBES, 303 HANOVER BLDG., 480 CEDAR ST. ST. PAUL MN 55101	MINNESOTA RAILROADS		
LAURENCE S. FORDHAM, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC		
FOREMAN & DYESS, 1920 N STREET, NW WASHINGTON DC 20036	CENERGY EXPLORATION CO		1,769.89
Do	MITCHELL ENERGY & DEVELOPMENT CORP		1,769.89
Do	PITTS ENERGY GROUP	27,772.18	770.31
Do	TEXAS OIL & GAS CORP		1,769.89
Do	U.S. TELEPHONE, INC	10,000.00	1,031.54
Do	WESSELY ENERGY CORP		1,769.89
DONALD D. FOREMAN, 13716 E. WELLINGTON COURT BURNSVILLE MN 55337	STANDARD OIL CO (INDIANA)		
FOREST FARMERS ASSOCIATION, P.O. BOX 95385 ATLANTA GA 30347			
FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036.			
MARK A. FORMAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	625.00	308.51
SALLIE H. FORMAN, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	1,945.00	264.76
LUISE FORSETH, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440	MEDTRONIC, INC	533.00	782.19
RICHARD C. FORTUNA, 4201 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20016	HAZARDOUS WASTE TREATMENT COUNCIL	4,000.00	4,000.00
ERIC R. FOX, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	APPLE COMPUTER CORP		
DAVID E. FRANASIAK, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	1,284.80	248.38
DOUGLAS L. FRANCISCO, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		62.50
ALFRED S. FRANK JR., SUITE 320 1140 19TH ST., NW WASHINGTON DC 20036	NCR CORPORATION		
PETER M. FRANK, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORP	2,500.00	1,460.75
WALTER L. FRANKLAND JR , 1717 K ST., NW WASHINGTON DC 20006	SILVER USERS ASSN, INC	1,399.80	198.05
GEORGE FRANKLIN, 2000 L STREET, NW, #200 WASHINGTON DC 20036	KELLOGG COMPANY	3,000.00	325.00
THOMAS C. FRANKS, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN	1,500.00	57.51
CHARLES W. FRANZ, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	10,375.00	83.69

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARIAN C. FRANZ, 2121 DECATUR PLACE, NW WASHINGTON DC 20008	NATIONAL COUNCIL FOR A WORLD PEACE TAX FUND	450.00	138.00
CHARLES L. FRAZIER, 475 L'ENFANT PLAZA, SW, #2250 WASHINGTON DC 20024	NATIONAL FARMERS ORGANIZATION	4,145.83	3,327.23
ROBERT M. FREDERICK, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	4,687.50	
FREDERICK SERVICE GROUP, 102 W. CHURCH STREET FREDERICK MD 21701			
ANN TODD FREE, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	300.00	
D. MICHAL FREEDMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	6,848.02	
JAMES O. FREEMAN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,400.00	14.50
LEWIS R. FREEMAN JR., 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
LINDA J. FREEMAN, 1140 CONNECTICUT AVENUE, NW, #1006 WASHINGTON DC 20036	TURNER BROADCASTING SYSTEM, LTD	4,600.00	1,000.00
MARY ANN FREEMAN, 777 14TH STREET, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	82.00	
PAULA A. FREER, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND OCMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: ASARCO INC)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		
Do	GRAY AND COMPANY (FOR: BUDD COMPANY)	62.50	
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MOTOROLA, INC)		
Do	GRAY AND COMPANY (FOR: NATIONAL BRAODCASTING COMPANY)	62.50	
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPANY (FOR: STROH BREWERY CO)	125.00	
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)		
VERRICK O. FRENCH, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	600.00	20.00
SARA HAMRIC FREUND, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
GEORGE L. FRICK, DELAWARE PETROLEUM COUNCIL 20 E.DIVISION ST. DOVER DE 19901	AMERICAN PETROLEUM INST		
SUSAN FRIDY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,490.00	
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	ASSINIBOINE TRIBE		
Do	CHEYENNE RIVER SIOUX TRIBE		26.70
Do	GENERAL ELECTRIC CO	3,560.00	15.31
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		
Do	NEZ PERCE TRIBE	4,592.00	10.70
Do	PUEBLO OF LAGUNA	2,784.00	38.65
Do	SENECA NATION OF INDIANS		34.75
Do	UNIVERSAL MARITIME SERVICE CORPORATION		
MAX L. FRIEDERSDORF, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC		1,096.83
PHILIP P. FRIEDLANDER JR., 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	400.00	
FRIEDMAN & MANN, P.C., 3315 QUESADA STREET, NW WASHINGTON DC 20015	COUSHATTA TRIBE OF LOUISIANA		
JAMES M. FRIEDMAN, 700 TERMINAL TOWER CLEVELAND OH 44113	CLEVELAND ELECTRIC ILLUMINATING CO	9,705.00	478.59
Do	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	12,514.20	1,710.97
GAY H. FRIEDMANN, 1150 CONNECTICUT AVE., NW, #717 WASHINGTON DC 20036	SOUTHERN CALIFORNIA GAS CO	7,625.00	260.00
FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 245 2ND ST., NE WASHINGTON DC 20002			20,659.41
FRIENDS OF ANIMALS, INC, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001		10,000.00	7,420.43
FRIENDS OF THE COLUMBIA GORGE, 519 S.W. THIRD AVENUE, #310 519 SW THIRD PORTLAND OR 97204		1,255.81	2,466.30
OWEN V. FRISBY, 900 17TH ST., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A	375.00	38.46
SUSAN T. FRITSCHLER, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	680.00	335.97
CHARLES H. FRITTS, 1125 15TH STREET, NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSN	5,700.00	
CHARLES H. FRITZEL, 499 S. CAPITOL ST., SE, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	350.00	250.00
JEFFREY FRITZLEN, 1120 20TH STREET, NW, #600-S WASHINGTON DC 20036	UNION PACIFIC CORP	2,000.00	
ALBERT E. FRY, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	400.00	
GORDON H. FRY, SUITE 1201 1100 17TH ST., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC		
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	CONSOLIDATED CAPITAL EQUITIES CORP	976.25	10.26
Do	CRYSTAL OIL COMPANY		
Do	HOTEL INVESTORS TRUST	2,090.63	16.74
Do	HOUSTON POST COMPANY	300.00	80.43
Do	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC		1.62
Do	SAMUEL GARY OIL PRODUCER, INC	16,452.25	338.13
Do	SANTA ANITA REALTY ENTERPRISES, INC	4,295.12	43.73
DWIGHT B. FULLINGIM, 10210 NORTH CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO		
CLAUDIA R. FUQUAY, 1401 NEW YORK AVE., NW, #400 WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	500.00	14.50
JOSEPH F. FURLONG, 284 SOUTH AVENUE POUGHKEEPSIE NY 12601	CENTRAL HUDSON GAS & ELECTRIC CORP		
DAVID H. FYOCK, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	5,462.00	888.38
MARC P. GABOR, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	3,000.00	125.61
TERRY GABRIELSON, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCONTINENTAL GAS PIPELINE CORP		
JAMES E. GAFFIGAN, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL	1,625.00	
JOHN G. GAINE, ALSTON & BIRD 1800 M STREET, NW, #1000 WASHINGTON DC 20036	MEAT PRICE INVESTIGATORS ASSN		
NORMAN S. GAINES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	2,200.54	850.32
JOE H. GALIS, P.O. BOX 1100 SLOTE 1455 AVON PARK FL 33825			
HENRY T. GALLAGHER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	
MARK J. GALLAGHER, 1707 L ST., NW, #400 WASHINGTON DC 20036	NATIONAL COMM FOR A HUMAN LIFE AMENDMENT, INC	5,187.00	4,243.00
KARL GALLANT, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	2,000.00	244.92
LARRY GALLO, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN		
HARRY GANDERSON, P.O. BOX 871 CHARLOTTSVILLE VA 22902			
NICOLE GARA, 1117 NORTH 19TH STREET, NW, #300 ARLINGTON VA 22209	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS		
SHERWIN GARDNER, 1010 WISCONSIN AVE., NW SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
GARDNER, CARTON & DOUGLAS, 1875 I ST., NW WASHINGTON DC 20006	AMERICAN HEALTH CARE ASSN		
Do	FTC COMMUNICATIONS, INC		
Do	K-A COMPANY		
Do	MIDCON CORP		
EDWARD A. GARMATZ, 2210 LAKE AVE. BALTIMORE MD 21213	BALTIMORE GAS & ELECTRIC CO		
NICHOLAS P. GARNETT, SUITE 410 1025 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
JOHN C. GARTLAND, 7575 EAST FULTON ROAD ADA MI 49355	AMWAY CORP	8,250.00	57.00
E. JUNE GARVIN, OHIO PETROLEUM COUNCIL 88 E. BROAD SUITE 1960 COLUMBUS OH 43215	AMERICAN PETROLEUM INST	4,000.00	716.47
W. BRADFORD GARY, 1050 17TH STREET, NW, #1126 WASHINGTON DC 20036	BAXTER TRAVENOL LABORATORIES, INC		
GARY-WILLIAMS OIL PRODUCERS, FOUR INVERNESS COURT EAST ENGLEWOOD CO 80112			
MARY A. GARZA, P.O. BOX 152777, 5B-7 IRVING TX 75015	ZALE CORP		
GAS APPLIANCE MANUFACTURERS ASSOCIATION, INC., 1901 NORTH FORT MYER DR. ARLINGTON VA 22209			
LILLIAN B. GASKIN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
PHILIP GASTEYER, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	6,250.00	
WAYNE GATHERS, 1925 K STREET, NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	157.69	
JOHN GAUTHIER, 923 15TH STREET, N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	179.08
GEARY, STAHL & SPENCER, 2800 ONE MAIN PLACE DALLAS TX 75250	CITIES FOR RESPONSIBLE CABLE POLICY		1,780.95
MARGARET L. GEHRES, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	600.00	8.20
RONALD L. GEIGLE, 1030 15TH STREET, NW, #1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSOCIATION		
ROBERT C. GELARDI, 5775 PEACHTREE-DUNWOODY RD. #500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	360.00	
MORTON A. GELLER, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
GENERAL AVIATION MANUFACTURERS ASSOCIATION, 1400 K STREET, NW, #801 1025 CONNECTICUT AVE., NW WASHINGTON DC 20005.			3,210.60
GENERIC PHARMACEUTICAL INDUSTRY ASSN., 18TH FLOOR 600 THIRD AVENUE NEW YORK NY 10016		11,664.60	11,664.60
FRED J. GENTILE, 195 MONTAGUE STREET BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
JOHN GENTILLE, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
NANCY WHORTON GEORGE, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	CELERON		
Do	TRANSCO, INC		
GEORGE WASHINGTON UNIVERSITY STUDENT ASSN, 800 21ST STREET, NW, RM. 424 #424 MARVIN CENTER WASHINGTON DC 20052.			
GEORGIA ASSN OF PETROLEUM RETAILERS, INC, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083			
GEORGE W. GEPHART, P.O. BOX 1475 BALTIMORE MD 21203	BALTIMORE GAS & ELECTRIC CO		
JOSEPH G. GERARD, 918 16TH ST., N.W. # 402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	1,500.00	970.06
LOUIS GERBER, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	5,467.38	100.80
LLEWELLYN H. GERSON, 425 13TH STREET, NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	300.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PHYLLIS H. GERSTELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
CHRIS GERSTEN, 444 NORTH CAPITOL STREET, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,500.00	
GETTY OIL COMPANY, 3810 WILSHIRE BLVD. LOS ANGELES CA 90010			31,450.17
DOROTHY F. GEVINSON, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO		
ROBERT N. GIAIMO, 499 SOUTH CAPITOL ST., S.W. SUITE 110 WASHINGTON DC 20003	AETNA LIFE & CASUALTY	9,375.00	
Do	INSURANCE ASSOCIATION OF CONNECTICUT	3,750.00	
WAYNE GIBBENS, 1919 PENNSYLVANIA AVE., NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	12,000.00	199.50
ANNE MARIE GIBBONS, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
GIBSON DUNN & CRUTCHER, 1776 G STREET, NW WASHINGTON DC 20006	ASSOCIATED SPECIALTY CONTRACTORS, INC		
Do	COOPERATIVE FOR AMERICAN RELIEF EVERYWHERE, INC (CARE)		
Do	FEDERATION OF APPAREL MANUFACTURERS		
Do	INSURANCE ASSN OF CONNECTICUT		
Do	MECHANICAL CONTRACTORS ASSN OF AMERICA, INC		
RICHARD GILBERT, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	1,222.00	
ARTHUR P. GILDEA, 274 GLENFIELD CT. CINCINNATI OH 45238	BREWERY & SOFT DRINK WORKERS, NATIONAL CONFERENCE		
MICHAEL GILDEA, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,654.22	
JOHN E. GILES, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	529.00	445.34
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC		
JOSEPH S. GILL, BRICKER & ECKLER 100 E. BROAD STREET COLUMBUS OH 43215	NORFOLK SOUTHERN	3,000.00	
MARK W. GILLASPIE, P.O. BOX 1188 HOUSTON TX 77001	HOUSTON NATURAL GAS CORP		
NEAL P. GILLEN, 1707 L ST., NW, #460 WASHINGTON DC 20036	AMERICAN COTTON SHIPPERS ASSN	24,000.00	1,042.68
WILLIAM GILMARTIN, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	169.51	28.00
DAVID S. GILROY, 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
GINN & EDINGTON, INC, 121 SOUTH COLUMBUS STREET ALEXANDRIA VA 22314	GULFSTREAM AEROSPACE CORP	1,000.00	46.60
Do	HERCULES INC		
Do	LOCKHEED-GEORGIA COMPANY	5,500.00	77.66
Do	PROFESSIONAL INSURANCE AGENTS	6,000.00	46.60
Do	TURNER BROADCASTING SYSTEM, INC	2,000.00	46.60
Do	U.S. CANE SUGAR REFINERS' ASSN		
GERARD GIOVANIELLO, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	504.79
MICHAEL K. GIRE, BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
BRENDA M. GIRTON, 1211 CONNECTICUT AVENUE, N.W. # 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO		
MICHAEL J. GIUFFRIDA, SUITE 450 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FROZEN FOOD ASSOCIATION	3,457.00	
SOL GLASNER, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
CLAUDE R. GLAZE, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
GEORGE L. GLEASON, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,412.50	110.31
JOHN P. GLEASON, 1750 OLD MEADOW RD. MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
LAW OFFICES OF THOS 90 BROAD STREET, #600 NEW YORK NY 10004	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO		
ROBERT GLEASON, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	7,073.57	
GARY GLENN, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	2,748.00	233.64
ELMER G. GLESKE, 300 METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	FLIGHT SAFETY INTL INC		
GLOBAL USA, INC, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	FANUC, LTD	7,500.00	9,062.00
Do	KOMATSU LTD	9,375.00	9,062.00
Do	MAZAK CORPORATION	7,500.00	9,062.00
JERE W. GLOVER, SUITE 1201 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
Do	SERVICE STATION DEALERS OF AMERICA		
GODFREY ASSOC, INC, SUITE S-501 918 16TH ST., NW WASHINGTON DC 20006			
HORACE D. GODFREY, 918 16TH ST., NW, SUITE S-501 WASHINGTON DC 20006	GODFREY ASSOC, INC		
THOMAS G. GODFREY, P.O. BOX 69 WOLWORTH WI 53184	KIKKOMAN FOODS, INC		
RICHARD P. GODWIN, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CIVIL & MINERALS, INC		
A. JAMES GOLATO, 1701 K STREET, NW WASHINGTON DC 20006	H&R BLOCK, INC		
HARVEY S. GOLD, 1015 15TH ST., NW, #909 WASHINGTON DC 20005	VELSICOL CHEMICAL CORP	240.00	94.52
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN FISHING TACKLE MANUFACTURERS ASSN)	2,050.00	
Do	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)	1,435.00	
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	4,100.00	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)	615.00	
Do	GRAY AND COMPANY (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.)	820.00	
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)	2,460.00	
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)	1,640.00	
Do	GRAY AND COMPANY (FOR: STROH BREWERY CO)		
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)		
GOLDBERG & SPECTOR, 1920 N STREET, NW, #650 WASHINGTON DC 20036	EQUATORIAL COMMUNICATIONS SERVICES	750.00	
HOWARD S. GOLDBERG, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
Do	DGA INTL, INC. (FOR: SOFREAVIA)	75.20	75.61
RONALD L. GOLDFARB, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20003	WASHINGTON INDEPENDENT WRITERS, INC		
MICHAEL GOLDSTEIN, 276 FIFTH AVENUE NEW YORK NY 10001	NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISERS		
JACK GOLODNER, 815 16TH ST., N.W. WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	3,735.31	
RUTH M GOLTZER, 1785 MASSACHUSETTS AVE, NW, WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION		
JOHN GONELLA, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	1,813.26	169.50
RUTH GONZE, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CHARLES E. GOODELL, KING & SPALDING 1915 I ST., NW WASHINGTON DC 20006	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTL INC (FOR SOFREAVIA)		
Do	DGA INTL, INC (FOR SNECMA)	130.00	
Do	THOMSON-CSF, INC		1,205.10
DANIEL GOODWIN, SUITE 2600 333 WEST WACKER DR. CHICAGO IL 60606	FINANCIAL INVESTMENT ASSOCIATES, INC	540.00	87.39
ROBERT F. GOODWIN, 1850 K ST., NW, SUITE 275 WASHINGTON DC 20006	MEREDITH CORP	40.00	30.50
DOUGLAS GORDON, SUITE 400 1401 NEW YORK AVE., NW WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	375.00	
ROBERT D. GORDON, 117 C STREET, SE WASHINGTON DC 20003	INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO		
IRMGARD GORDOS, GREENWOOD 10 GREENVILLE NY 12083	AMERICAN SECURITY COUNCIL		
BRENDA J. GORE, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
MILLICENT GORHAM, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JAMES D. GORMLEY, 1400 K STREET, NW, #801 WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	2,042.25	77.60
PETER GOSSENS, 1717 MASSACHUSETTS AVE., NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	7,225.00	170.00
JOHN T. GOULD JR., SUITE 805 1625 EYE STREET, NW WASHINGTON DC 20006	ST. REGIS PAPER CO	400.00	700.00
GOVERNMENT RELATIONS ASSOCIATES, INC., SUITE 401 1629 K STREET, NW WASHINGTON DC 20006	KAISER STEEL CORP		
HUGH J. GOWNLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SNECMA)	75.20	80.50
EDMOND GRABER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
JOHN R. GRAFF, SUITE 330 1025 VERMONT AVE., NW WASHINGTON DC 20005	INTERNATIONAL ASSN OF AMUSEMENT PARKS AND ATTRACTIONS		
GRAHAM & JAMES, SUITE 1200 1050 17TH STREET, NW WASHINGTON DC 20036	NEPTUNE ORIENT LINES, LTD		
DONALD E. GRAHAM, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	NATIONAL COUNCIL OF FARMER COOPERATIVES		
LAWRENCE T. GRAHAM, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,453.85	
JOHN K. GRAM, 319 SW WASHINGTON STREET, #714 PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	421.50
MARY GRANGER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
WILLIAM W. GRANT, SUITE 710 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	UTAH INTL, INC		46.55
JAMES L. GRANUM, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORP	1,000.00	
GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC, 1900 L STREET, NW WASHINGTON DC 20036		17,309.00	19,390.00
RUTH P. GRAVES, SUITE 500 600 MARYLAND AVE., SW WASHINGTON DC 20024	READING IS FUNDAMENTAL, INC		
JAMES A. GRAY, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	786.70	25.00
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: AMERICAN TRUCKING ASSNS, INC)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)		
Do	GRAY AND COMPANY (FOR: ASARCO INC)		
Do	GRAY AND COMPANY (FOR: BATUS)		
Do	GRAY AND COMPANY (FOR: BENDIX CORPORATION)		
Do	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		
Do	BUDD COMPANY		
Do	GRAY AND COMPANY (FOR: CANADIAN ASBESTOS INFORMATION CENTRE)		
Do	GRAY AND COMPANY (FOR: COLLEGE OF AMER PATHOLOGISTS)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	87.50	
Do	GRAY AND COMPANY (FOR: RAMZI A. DALLOUL)		
Do	GRAY AND COMPANY (FOR: EL PASO NATURAL GAS CO)		
Do	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GENERAL TELEPHONE & ELECTRONICS		
Do	GRAY AND COMPANY		
Do	GRAY AND COMPANY (FOR: GRUMMAN CORPORATION)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)	87.50	
Do	MARTIN BAKER AIRCRAFT COMPANY LTD		
Do	GRAY AND COMPANY (FOR: MOTOROLA, INC)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO, INC)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: NICHOLAS SALGO)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT AND COMPANY)		
Do	GRAY AND COMPANY (FOR: STROH BREWERY CO)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)	87.50	
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)		
JOHN F. GRAYBEAL, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
MARK E. GRAYSON, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
SAMUEL A. GRAYSON, P.O. BOX 1745 BOISE ID 83701	UNION PACIFIC RAILROAD		
GREATER WASHINGTON BOARD OF TRADE, 1129 20TH ST., NW WASHINGTON DC 20036			
JAMES R. GRECO, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC	2,000.00	1,356.75
DONALD R. GREELEY, 1101 17TH ST., NW, #307 WASHINGTON DC 20036	CELANESE CORP	1,200.00	281.24
GEORGE R. GREEN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JOHN K. GREEN, 800 AMERICAN CHARTER CENTER 1623 FARNAM ST. OMAHA NB 68102	PAPILLION-LAVISTA NEBRASK SCHOOL DISTRICT	114.00	
KAYLENE H. GREEN, SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORPORATION	250.00	451.18
ROY G. GREEN, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	1,000.00	
JANE E. GREENBAUM, SUITE 210 1201 PENNSYLVANIA AVE. NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ALLEN GREENBERG, SUITE 708 2000 P STREET, NW WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
ELDON V. C. GREENBERG, GALLOWAY & GREENBERG 1725 EYE STREE, NW, #601 WASHINGTON DC 20006	SOUTHEASTERN FISHERIES ASSN, INC	1,500.00	1,417.24
LOUISE S. GREENFIELD, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	2,083.30	
ROBERT GREENSTEIN, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER ON BUDGET & POLICY PRIORITIES	334.42	34.00
DALE W. GREENWOOD, 612 HOGE BLDG. SEATTLE WA 98104	WASHINGTON RAILROAD ASSN		
JOHN M. GREER, 1900 L STREET, NW WASHINGTON DC 20036	GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC	17,309.00	19,390.00
SAUNDERS GREGG, PO BOX 2628 HOUSTON TX 77001	ENTEX, INC	313.50	1,567.09
CHELLIS O. GREGORY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL AND KNOWLTON, INC (FOR: T. RAMIREZ AND COMPANY, INC)	2,050.00	21.00
JOHN D. GREGORY, AUSTIN & LEWIS 1529 LAUREL STREET, P.O. BOX 11208 COLUMBIA SC 29211	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN	29,800.00	34,194.18
WILLIAM G. GREIF, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	40,000.00	
EDWARD F. GREISSING JR , 1660 L ST., NW, #205 WASHINGTON DC 20036	UPJOHN COMPANY		
MARK N. GRIFFITHS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
JACK GRIMES, 8100 OAK STREET DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
NORMAN E. GRIMM JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
OLGA GRKAVAC, 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		10.50
GROCERY MANUFACTURERS OF AMERICA, INC., SUITE 800 1010 WISCONSIN AVE., NW WASHINGTON DC 20007			2,191.88
HOWARD M. GROEDEL, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
GROH, EGGERS & PRICE, 550 WEST 7TH AVENUE, #1250 ANCHORAGE AK 99501	AMERICAN PETROFINA, INC		
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	AD HOC GROUP ON LIFE INSURANCE CO. TAXATION OF PENSION FUNDS		
Do	AETNA LIFE & CASUALTY		
Do	BANKERS LIFE COMPANY	400.00	8.00
Do	BAXTER TRAVENOL LABORATORIES, INC		
Do	COLORADO-UTE		
Do	CONNECTICUT GENERAL LIFE INSURANCE COMPANY		
Do	ELI LILLY AND COMPANY		
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	400.00	8.00
Do	GLOBAL MARINE, INC		
Do	GOLDMAN SACHS & CO		
Do	GUARDIAN LIFE INSURANCE CO OF AMERICA	400.00	8.00
Do	GULF OIL CORP	200.00	4.00
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO	400.00	8.00
Do	MINNESOTA MUTUAL LIFE INSURANCE COMPANY	400.00	8.00
Do	NEW YORK LIFE INSURANCE COMPANY	400.00	8.00
Do	OCEAN DRILLING & EXPLORATION CO		
Do	PHILLIPS PETROLEUM COMPANY		
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
Do	PROVIDENT MUTUAL LIFE INSURANCE CO OF PHILADELPHIA	400.00	8.00
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	400.00	8.00
Do	READING & BATES CORPORATION		
Do	SOUTHERN CALIFORNIA EDISON COMPANY		
Do	TRAVELERS		
Do	UNION TEXAS PETROLEUM		
Do	WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND		
Do	WESTINGHOUSE ELECTRIC CORP		
DAVID B. GROSS, P.O. DRAWER 1120 JACKSON MS 39265			
NINA G. GROSS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	200.00	102.03
STANLEY C. GROSS, 249 MAITLAND AVENUE ALTAMONE SPRINGS FL 32701	INSTITUTE OF INTERNAL AUDITORS, INC		
JOHN R. GROUNDWATER JR., 1840 WILSON BOULEVARD, #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	2,090.00	
WALTER B. GRUBBS, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO	388.88	444.85
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC		
JAMES E. GUIRARD JR., 1730 RHODE ISLAND AVENUE, NW, #419 WASHINGTON DC 20036	BASF WYANDOTTE CORP		570.00
Do	BELL AEROSPACE TEXTRON	1,000.00	375.00
Do	KMS FUSION, INC	6,000.00	975.00
Do	TANO CORPORATION	1,000.00	820.00
JEROME R. GULAN, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	4,500.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL	2,500.00	
GUN OWNERS OF AMERICA, INC., 5881 LEESBURG PIKE, #204 FALLS CHURCH VA 22041		211,407.66	197,280.97
DAVID GUSKY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	9,925.44	
SUSAN L. GUSTAFSON, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NED H. GUTHRIE, 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FEDERATION OF MUSICIANS	1,685.00	2,238.32
ROBERT F. GUTHRIE, #608 815 16TH ST., NW WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	3,141.67	
RICHARD E. GUTTING JR., 1101 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	NATIONAL FISHERIES INST	6,000.00	291.98
C. JAMES HACKETT, P.O. BOX 11700 TACOMA WA 98411	AMERICAN PLYWOOD ASSN		
JAMES M. HACKING, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	706.73	190.20
CRAIG HACKLER, 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	3,000.00	
Do	CADILLAC FAIRVIEW U.S., INC		
Do	INTERNATIONAL CHIROPRACTIC ASSN		
Do	ST. JOE MINERALS CORPORATION		
LOYD HACKLER, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	51.50
CHARLES W. HACKNEY JR , 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM F. HADDAD, 924 WEST END AVE., #91 NEW YORK NY 10025	GENERIC PHARMACEUTICAL INDUSTRY ASSN	6,300.00	790.88
THOMAS M. HAGAN, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	353.50	939.53
ANN HAGEMANN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN BROADCASTING CO, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BRUCE N. HAHN, 9300 LIVINGSTON RD. WASHINGTON DC 20022	NATIONAL TOOLING & MACHINING ASSOCIATION	13,915.39	587.53
JOHN REED HAINES, P.O. BOX 1102 READING PA 19603	MERIDIAN BANCORP, INC	1,894.00	929.00
THOMAS F. HAIRSTON, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	6,000.00	1,137.67
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	COMPO INDUSTRIES, INC	720.00	4,528.10
Do	DYCO PETROLEUM CO	1,250.00	3,695.39
Do	GHK COMPANIES		
Do	INDIAN LAND CLAIM COMMITTEE		
Do	INEXCO OIL CO	1,250.00	3,695.39
Do	MEOH, INC	240.00	
Do	TOWN OF MASHPEE		
Do	17TH GUAM LEGISLATURE		235.59
RANDOLPH M. HALE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
BEVERLY HALEM, 414 HIGHPOINT DR. COCA FL 32926	HALEM INDUSTRIES, INC		
HALEY BADER & POTTS, SUITE 600 2000 M STREET, NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	656.27	565.04
MARTIN HALEY COMPANIES, 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN ENERGY INC		
Do	CENTRAL TEXAS GRAIN PRODUCTS MARKETING COOPERATIVE		
Do	M&M/MARS		
HALL ESTILL HARDWICK GABLE COLLINGSWORTH & NELSON, SUITE 350 1750 K ST., NW WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
JOHN F. HALL, 1619 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	300.00	
RICHARD F. HALL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	2,000.00	7,684.06
WILLIAM F. HALL, P.O. BOX 5880 CHICAGO IL 60680			
MARIAN HALL-CRAWFORD, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	1,125.00	2,176.38
KIMBERLEY C. HALLAMORE, 1725 K STREET, NW WASHINGTON DC 20006	REPUBLIC OF SOUTH AFRICA, EMBASSY		
JOSEPH HALOW, SUITE 610-N 1800 M ST., NW WASHINGTON DC 20036	NORTH AMERICAN EXPORT GRAIN ASSN., INC		
MAURICE E. HALSEY, 1001 CONNECTICUT AVENUE, NW, #501 WASHINGTON DC 20036	NORTHERN ILLINOIS GAS COMPANY	5,000.00	
J. PHILLIP HALSTEAD, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY		
PAUL T. HALUZA, SUITE 333 1120 19TH STREET, NW WASHINGTON DC 20036	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION	3,000.00	297.61
JERALD V. HALVORSEN, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	7,875.00	2,109.33
HAMEL & PARK, 888 16TH STREET, NW WASHINGTON DC 20006	BENEFICIAL FOUNDATION		
Do	ESTATE OF HELEN WODELL HALBACH	87.50	
Do	GRAEPER-VAN NOY-WAGNER, INC		
Do	SKYLINK CORPORATION, INC		
Do	TANDY CORPORATION		
Do	UNITED STUDENT AID FUNDS, INC		
BRUCE HAMILTON, BOX 1078 LANDER WY 82520	SIERRA CLUB	1,083.33	275.34
JAMES L. HAMILTON III, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	612.50	90.78
J. LEE HAMILTON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	119.16	
PHILIP W. HAMILTON, 2029 K STREET, NW, #603 WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS		
STANLEY HAMILTON, 1616 P ST., NW, #204 WASHINGTON DC 20036	INTERSTATE CARRIERS CONFERENCE	500.00	50.00
WILLIAM W. HAMILTON JR., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	362.06	12.00
SUSAN WOODWARD HAMLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
AMY R. HAMMER, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		988.99
CHRISTINA HAMMOND, 2033 M ST. NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	375.00
ROBERT E. HAMPTON, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
TIMOTHY A. HANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL CORPORATION	1,500.00	
TED HANDEL, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,500.00	
GEORGE J. HANKS JR., 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JAMES M. HANLEY, JAMES M. HANLEY AND ASSOCIATES 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004.	ALLIANCE OF THIRD CLASS NON-PROFIT MAILERS	12,501.00	
ELIZABETH HANLIN, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
HANNAFORD CO., INC., SUITE 200 655 15TH ST., NW WASHINGTON DC 20005	ALASKA LUMBER & PULP CO, INC		
Do	CENTURY 21 REAL ESTATE CORP		
Do	CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL		
Do	COMMITTEE FOR FAIR INSURANCE RATES		
Do	FIREMAN'S FUND INSURANCE COS		
Do	GENERAL MOTORS CORP		
Do	ROCKWELL INTERNATIONAL		
Do	TOSCO OIL CORPORATION		
Do	TRANS WORLD AIRLINES, INC		
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	AMERICAN SECURITY INSURANCE COMPANY	8,952.00	80.60
Do	ROCKWELL INTERNATIONAL CORP	6,000.00	48.44
HANSEN ENGINE CORP, 14920 MINNETONKA INDUSTRIAL ROAD MINNETONKA MN 55343			9,000.00
ERLING HANSEN, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
J. E. HANSEN, 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PETER J. HAPWORTH, 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC	500.00	9.00
MARGARET K. HARDING, 1201 PENNSYLVANIA AVENUE, NW, #730 WASHINGTON DC 20004	KIMBERLY-CLARK CORP		
RALPH HARDING, SUITE 717 WATERGATE 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	AMPCO FOODS, INC		
Do	PHILIPPINE SUGAR COMMISSION	40,000.00	29,044.00
WILLIAM E. HARDMAN, 9300 LIVINGSTON ROAD FT. WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN	24,422.11	
EUGENE J. HARDY, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036	GERBER PRODUCTS COMPANY		
GILBERT HARDY, WALD, HARKRADER & ROSS 1300 19TH STREET, NW WASHINGTON DC 20036	NATIONAL CONFERENCE OF BLACK MAYORS		
J. RICHARD HARGIS, 2550 M STREET, NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	157.66	65.40
JON HARKAVY, 205 EAST 42ND STREET NEW YORK NY 10017	RISK AND INSURANCE MANAGEMENT SOCIETY, INC		
CHARLES N. HARKEY, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
DAN R. HARLOW, 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	3,000.00	
LEON HARPER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	250.00	
WILEY C. HARRELL JR., 1211 CONNECTICUT AVE., NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
MARCIA L. HARRINGTON, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,500.00	66.00
TONI HARRINGTON, 955 L'ENFANT PLAZA NORTH, SW, #905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	98.20
HARRIS BEACH WILCOX RUBIN & LEVEY, TWO STATE ST. ROCHESTER NY 14614	UNITED SOCIETIES OF PHYSIOTHERAPISTS, INC		
ALLEN HARRIS, 1300 CLASSEN BLDG, OKLAHOMA, OK 73106	TEXAS COUNTY IRRIGATION ASSN		
GARY K. HARRIS, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)	200.00	
MARILYN A. HARRIS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	720.00	57.00
ROBERT L. HARRIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		
HARRIS, BERG & CRESKOFF, 1100 15TH STREET, NW, #1100 WASHINGTON DC 20005	ASSOCIATION OF FOOD INDUSTRIES, INC	465.24	249.99
Do	COMMITTEE OF DOMESTIC STEEL WIRE ROPE & SPECIALTY CABLE MFRS		
Do	P. L. THOMAS & COMPANY, INC, ET AL		106.60
JIM HARRISON, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	6,250.00	
J. WILLIAM W. HARSCH, 1825 K STREET, NW, #503 WASHINGTON DC 20006	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC		394.35
WILLIAM H. HARSHA, 1102 DELF DRIVE MCLEAN VA 22101	WILLIAM H. HARSHA & ASSOCIATES, INC. (FOR: AMERICAN TRUCKING ASSNS, INC)	7,500.00	50.65
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: CECOS INTERNATIONAL)	6,000.00	
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: ECOLOGICAL PROFESSIONAL INDUSTRIES, INC).		
LYNN S. HART, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,654.19	230.17
HARTFORD FIRE INSURANCE CO, HARTFORD PLAZA HARTFORD CT 06115			17,957.41
CHARLES D. HARTMAN, 1050 17TH ST., NW, SUITE 500 WASHINGTON DC 20036	TEXACO, INC	1,475.00	
MARY L. HARTMAN, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ARTHUR W. HARTMANN, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN		
NORMAN B. HARTNETT, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS		
HARTZ/MEEK INTERNATIONAL, 806 15TH STREET, NW, #210 WASHINGTON DC 20005	OKLAHOMA INDEPENDENT COMMUNICATIONS ASSN	1,000.00	
EDWIN HAROLD HARVEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
JAY HARVEY, 815 16TH STREET, NW, #408 WASHINGTON DC 20006	FOOD & ALLIED SERVICE TRADES DEPT, AFL-CIO	476.20	80.27
CLIFFORD J. HARVISON, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
HOLLY HASSETT, 2000 L STREET, NW, #200 WASHINGTON DC 20036	HERSHEY FOODS CORP		
WALTER A. HASTY JR., SUITE 230 1801 K ST., NW WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	1,175.00	
JANET HATHAWAY, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,208.33	
MELINDA R. HATTON, 1101 VERMONT AVENUE, NW, #300 WASHINGTON DC 20005	AMERICAN ACADEMY OF OPHTHALMOLOGY		
BARBARA S. HAUGEN, 311 FIRST STREET, NW, #700 WASHINGTON DC 20003	NATIONAL ASSN OF INSURANCE BROKERS		
BARBARA J. HAUGH, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		897.12
RODNEY E. HAUGH, 1711 KING STREET, #903 ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION	600.00	
MARY W. HAUGHT, 1800 K ST., NW, #820 WASHINGTON DC 20006	SUN CO, INC	700.00	30.42
CHARLES W. HAVENS III, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
SIDNEY G. HAWKES, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	500.00	50.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAVID G. HAWKINS, 1725 I ST., NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	4,002.23	13.50
JOHN H. HAWKINS JR , 600 N. 18TH ST. BIRMINGHAM AL 35291	ALABAMA POWER CO	13,515.00	
WESLEY F. HAYDEN, 5224 CHEROKEE AVE. ALEXANDRIA VA 22312	INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES	7,766.22	16.00
ROBERT A. HAYNOS, 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION	11,967.00	706.55
JOHN W. HAZARD JR., WEBSTER, CHAMBERLAIN & BEAN 1747 PENNSYLVANIA AVENUE, NW, #1000 WASHINGTON DC 20006.	DIAGNOSTIC/RETREIVAL SYSTEMS, INC		
HEALTH INSURANCE ASSOCIATION OF AMERICA, INC., 1750 K ST., NW WASHINGTON DC 20006			
HEALTH RESEARCH GROUP, SUITE 708 2000 P ST., NW WASHINGTON DC 20036			
PATRICK B. HEALY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	543.75	
ROBERT L. HEALY, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	300.00	
CHARLES L. HEBNER, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
JAY HEDLUND, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,560.02	2,064.71
HEFFERNAN & MOSEMAN, P.C., 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	ALASKA LUMBER & PULP CO	6,000.00	1,937.49
EDWARD D. HEFFERNAN, 1875 EYE ST., NW, # 1025 WASHINGTON DC 20006	CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C.	18,000.00	
Do	DUCTILE IRON PIPE RESEARCH ASSN		
Do	HAZELTINE CORPORATION	6,000.00	5.45
JOHN HEFFNER, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT E. HEGGESTAD, CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INST		
ELIZABETH W. HEILIG, 1660 L STREET, NW, #215 WASHINGTON DC 20036	CROWN ZELLERABACH CORPORATION		
JOHN F. HEILMAN, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	15,568.80	355.48
ROBERT M. HEINE, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONOCO, INC	1,000.00	
JOHN R. HEISSE II , SUITE 900 1828 L STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF DEMOLITION CONTRACTORS		
RICHARD L. HELLWEGE, 1911 JEFFERSON DAVIS HIGHWAY, #1002 ARLINGTON VA 22202	LEAR SIEGLER, INC		
THOMAS M. HELSCHER, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO	450.00	251.60
ALBERTA L. HENDERSON, 1100 15TH STREET, NW, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	2,000.00	
RICHARD DEAN HENDERSON, SUITE 310 1101 17TH ST., NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMER, INC		40.00
TOM HENDERSON, 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC		
C. DAYLE HENINGTON, 1101 CONNECTICUT AVE., NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY, 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORP		
GEORGE F. HENNRIKUS JR , 201 N. WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	5,916.00	
LEANN HENSCHE, 2550 M STREET, NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	263.74	166.02
BRUCE HEPPEN, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
STEPHEN HERM, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
LAWRENCE R. HERMAN, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	9,990.57	
CATHERINE L. HERON, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
HERON, BURCHETTE, RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	ASSOCIATION OF FLORAL IMPORTERS OF FLORIDA		2,756.34
Do	CALIFORNIA ALMOND GROWERS EXCHANGE	4,248.63	865.19
Do	CHICAGO MERCANTILE EXCHANGE	3,935.25	1,354.01
Do	FARM LABOR ALLIANCE	17,737.50	2,209.60
Do	IMPERIAL VALLEY ASPARAGUS GROWERS ASSN	167.33	62.82
Do	INDEPENDENT CEMENT CORP	47,710.00	9,959.91
Do	NATIONAL ASSN OF INSURANCE COMMISSIONERS	1,275.00	56.50
Do	NATIONAL CABLE TELEVISION ASSN	11,426.25	3,467.88
Do	NATIONAL POTATO COUNCIL	300.00	113.34
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	3,110.00	422.18
Do	SUN-DIAMOND GROWERS OF CALIFORNIA	5,977.38	1,473.36
Do	SUNKIST GROWERS, INC	9,010.68	1,389.48
Do	WESTERN COTTON GROWERS ASSN	150.00	33.93
CAROL M. HERRINGTON, 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	EMERSON ELECTRIC CO		
WILLIAM G. HERROLD, SUITE 608 1111 19TH ST., NW WASHINGTON DC 20036	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
FRED HERVEY, P.O. BOX 29021 2645 E. WASHINGTON PHOENIX AZ 85038	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		
BARBARA V. HESS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
PAT I. HETH, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORPORATION	2,500.00	629.65
HEUBLEIN, INC., C/O MAUREEN BRIGGS MUNSON RD. FARMINGTON CT 06032			23,955.56
TED ALLEN HEYDINGER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	600.00	195.60
G. BROCKWEL HEYLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
PAUL T. HICKS, RHODE ISLAND PETROLEUM ASSN 154 FRANCIS ST. PROVIDENCE RI 02903	AMERICAN PETROLEUM INST	100.00	21.80
J. THOMAS HIGGINBOTHAM, MELLON BANK, N.A. PITTSBURGH PA 15230	MELLON BANK N.A. AND MELLON NATIONAL CORP	2,000.00	2,853.90
LAWRENCE P. HIGGINS, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
SHARON L. HILDEBRANDT, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,511.29	132.17
CLIFTON T. HILDERLEY JR., SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
GERALD 'JERRY' HILL, 6 EXECUTIVE PARK DRIVE ATLANTA GA 30329	STANDARD OIL CO (INDIANA)		
J. ELDRED HILL JR , SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	2,000.00	
MORTON A. HILL, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC		
PATRICIA HILL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	3,760.29	62.50
ROBERT B. HILL, 2501 M STREET, N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	2,021.84
STEPHEN HITCHNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	12,037.50	15.00
SHEILA K. HIXSON, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
LAWRENCE S. HOBART, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CLAUDE E. HOBBS, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP		
CARL D. HOBELMAN, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: EDISON ELECTRIC INSTITUTE)	450.00	12.00
HOWARD E. HOELTER, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST		
IRVIN A. HOFF, 20 N. LIVE OAK RD. HILTON HEAD ISLAND SC 29928	U.S. CANE SUGAR REFINERS' ASSN		
ELMO R. HOFFMAN, PARKER, JOHNSON, OWEN & MCGUIRE 108 EAST HILLCREST STREET P.O. BOX 2867 ORLANDO FL 32801.	GLOBAL EXPLORATION & DEVELOPMENT CORP		
THOMAS F. HOFFMAN, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONSOLIDATION COAL CO	24.25	8.00
WILLIAM L. HOFFMAN, 516 FIRST ST., S.E. WASHINGTON DC 20003	AMERICAN UNIVERSITY OF BEIRUT	10,395.00	1,141.24
F. NORDY HOFFMANN AND ASSOC., INC, SUITE 327 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND COMPANY		
Do	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
Do	MARINE ENGINEERS BENEFICIAL ASSN	1,000.00	
Do	O'CONNOR & HANNAN		
Do	PAGE AIRWAYS		
Do	WESTINGHOUSE ELECTRIC		
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND CLINIC FOUNDATION		
Do	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN		
Do	MEDTRONIC, INC	971.25	
Do	MEHARRY MEDICAL COLLEGE		
Do	METHODIST HOSPITAL		2.75
Do	MUTUAL LIFE INSURANCE CO OF NEW YORK	4,797.50	
Do	NATIONAL FARMERS ORGANIZATION		2.60
Do	NATIONAL HOSPICE EDUCATION PROJECT		
Do	NATIONAL HOSPICE ORGANIZATION	4,421.58	17.37
Do	NATIONAL SOFT DRINK ASSN	5,217.50	101.64
Do	PILLSBURY COMPANY	2,460.00	11.50
Do	TOYOTA MOTOR SALES, U.S.A., INC	11,857.50	57.50
JAMES F. HOGG, P.O. BOX HQW04J MINNEAPOLIS MN 55440	CONTROL DATA CORPORATION		
RICHARD F. HOHLT, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,375.00	
WALTER HOLAN, 20 NORTH WACKER DRIVE CHICAGO IL 60606	PROFIT SHARING COUNCIL OF AMER		
WILLIAM J. HOLAYTER, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	7,042.37	59.94
BRUCE E. HOLBEIN, 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	12,500.00	
MICHELE O'DONNELL HOLBROOK, 10 LAFAYETTE SQUARE ROOM 900 BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	1,315.16	2,684.96
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	6,710.00	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
HOLIDAY INNS, INC, 3742 LAMAR AVE. MEMPHIS TN 38195			2,600.00
PHILIP C. HOLLADAY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	AMERICAN PETROCHEMICAL CONSUMERS	50,000.00	1,455.64
Do	LIBERTY CORPORATION	28,700.00	7,695.22
STEPHEN B. HOLLAND, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	250.00	276.00
WENDELL M. HOLLOWAY, 815 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20006	FORD MOTOR CO	2,520.00	1,701.28
HOLME, ROBERTS & OWEN, 1700 BROADWAY, #1800 DENVER CO 80290	SAMUEL GARY OIL PRODUCER, INC; JERRY CHAMBERS OIL PRODUCER		
PETER E. HOLMES, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	500.00	
E.Y. HOLT JR , 1111 NORTH 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
A. LINWOOD HOLTON JR , 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	500.00	
PAUL R. HOLTZ, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
MARC L. HOLTZMAN, 214 MASSACHUSETTS AVENUE, NE, #340 WASHINGTON DC 20002	NATIONAL COALITION FOR LOWER PRICES	6,000.00	68.17
LOIS HOLWERDA - HOYT, SUITE 875 122 C ST., NW WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	1,500.00	
HOME RECORDING RIGHTS COALITION, P.O. BOX 33576 1015 15TH STREET, NW WASHINGTON DC 20033		79,795.88	91,044.58
GARY C. HONG, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	347.50	12.75
KAREN C. HONTZ, SUITE 940 1875 EYE STREET, NW WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT COMPANY	510.00	63.25
LILLIE E. HOOVER, P.O. BOX 1085 MARTINSBURG WV 25401	NATIONAL PEACH COUNCIL		
ANNA MARY HOOVLER, 9300 LIVINGSTON ROAD FORT WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN	5,976.71	192.94
VIRGINIA E. HOPKINS, 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE AND DATA SYSTEMS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
ROBERT JACK HORN, SUITE 480 1990 M ST., NW WASHINGTON DC 20036	DETROIT EDISON COMPANY	730.00	25.00
HARRY J. HORROCKS II , 40 IVY STREET, SE WASHINGTON DC 20003	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	8,334.00	
SANFORD D. HORWITT, 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION, INC	6,000.00	94.58
Do	FRIENDS OF ANIMALS, INC		
HOSPITAL CORP OF AMERICA, 2000 L STREET, NW, #200 WASHINGTON DC 20035		900.00	305.93
WILLIAM J. HOTES, 919 18TH ST., NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,000.00	
MARGARET A. HOULIHAN, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
THOMAS B. HOUSE, 1700 OLD MEADOW RD. MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	1,000.00	
HOUSLEY, GOLDBERG & KANTARIAN, P.C., SUITE 500 2301 M ST., NW WASHINGTON DC 20037			
JACK W. HOUSTON, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC		
MARY GREER HOUSTON, 1901 L ST., NW #804 WASHINGTON DC 20036	SIEGEL HOUSTON & ASSOC., INC. (FOR: FARM LABOR RESEARCH COMM)		
HOUSTON NATURAL GAS CORP, P.O. BOX 1188 HOUSTON TX 77001			163.45
HOVING GROUP, 2550 M STREET, NW, #695 WASHINGTON DC 20037	EAGLE-PICHER INDUSTRIES	250.00	
ROBERT M. HOWARD, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR CO	1,462.50	1,057.81
HOWELL CORP, 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
GARY HOWELL, 1745 JEFFERSON DAVIS HIGHWAY, #1006 ARLINGTON VA 22202	TEXAS INSTRUMENTS, INC	210.00	
J. WILLIAM HOWELL, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	448.80	
MARY J. LYNCH HOWELL, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,500.00	280.00
STEVEN K. HOWELL, SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORP		
JOHN B. HOWERTON, 1730 RHODE ISLAND AVE., NW, #209 WASHINGTON DC 20036	ASARCO INC	2,000.00	
JOANNE MASSEY HOWES, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	152.60	12.00
JOHN A. HOWES, SUITE 290 1050 17TH STREET, NW WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
HOWREY & SIMON, 1730 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	MEAD CORPORATION		
Do	SUMMIT ENTERPRISES, INC OF VIRGINIA		
KARL T. HOYLE, SUITE 810 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	333.18
PAUL R. HUARD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,500.00	
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	413.60
MARGARET RENKEN HUDSON, 600 MARYLAND AVENUE, SW, #695 WASHINGTON DC 20024	KORF INDUSTRIES, INC		
HUDSON, LEFTWICH & DAVENPORT, SUITE 806 1101 15TH ST., NW WASHINGTON DC 20005	CITY OF DETROIT		
HARRY HUGE, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)		
DAVID EMERY HUGHES, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO		
GARY E. HUGHES, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	BUSINESS ROUNDTABLE		
Do	CONTINENTAL AIR LINES, INC		
Do	FORD MOTOR CO		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	TEXAS AIR CORP		
PETER W. HUGHES, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	1,138.31	54.35
VESTER T. HUGHES JR., HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	SAMMONS ENTERPRISES, INC		
VINCENT C. HUGHES, 1235 JEFFERSON DAVIS HIGHWAY, #500 ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
WILLIAM HUGHES, 1522 K ST., NW, #836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS	34.92	
EDWARD L. HUIE, WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS		1,173.21
CORDELL W. HULL, 50 BEALE ST., P O BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVID C. HULL, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
GREGORY A. HUMPHREY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	13,315.00	72.00
MARGOT SMILEY HUMPHREY, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		8.00
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		13.00
K. ADRIAN HUNNINGS, 1030 15TH STREET, NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA	75.00	
JAMES W. HUNT, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO	4,750.00	13,874.10
PETER C. HUNT, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
RICHARD M. HUNT, 1150 CONNECTICUT AVE., NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC	4,775.00	
JAMES C. HUNTER, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE CO	1,110.00	394.17
MICHAEL M. HUNTER, 1707 L ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		2,150.00
MILTON F. HUNTINGTON, MAINE PETROLEUM ASSN 283 WATER ST. AUGUSTA ME 04330	AMERICAN PETROLEUM INST		
HUNTON & WILLIAMS, P.O. BOX 1535 RICHMOND VA 23212	EDISON ELECTRIC INSTITUTE	8,550.00	322.96
J. JAMES HUR, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO		
ADELE M. HURLEY, 112 ST. CLAIR AVE., WEST SUITE 504 TORONTO ONTARIO CANADA M4V 2Y3 DC 20006	CANADIAN COALITION ON ACID RAIN	2,842.28	568.32
GERARD F. HURLEY, 1625 I ST., NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
ROBERT R. HURT, SUITE 650 1050 17TH STREET, NW WASHINGTON DC 20036	MERCK & CO., INC		
CATHY HURWIT, 1300 CONNECTICUT AVENUE, NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	5,000.00	144.28
BENJAMIN MELVIN HURWITZ, SUITE 200 1925 K ST., NW WASHINGTON DC 20006	MITCHELL ENERGY & DEVELOPMENT CORP		100.00
GEOFFREY B. HURWITZ, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	67.18
RAYMOND W. HUSSEY, 29400 LAKELAND BLVD. WICKLIFFE OH 44092	LUBRIZOL CORPORATION	700.00	700.88
DEWEY M. HUTCHINS, 1919 PENNSYLVANIA AVE., NW, # 705 WASHINGTON DC 20006	EASTMAN KODAK CO	500.00	245.00
PHILIP A. HUTCHINSON, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	250.00	
ROBERT E. HUTCHINSON, P.O. BOX 20230 4500 SOUTH 40TH STREET PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION	200.00	200.00
F. H. HUTCHISON & CO., 1744 R STREET, NW WASHINGTON DC 20009	IDAHO FOREST GROUP	2,611.72	367.07
Do	IDAHO WILDERNESS GROUP	1,500.00	
Do	GEOPRODUCTS CORPORATION	2,407.50	667.69
Do	HYDROTHERMAL ENERGY CORPORATION	2,819.03	172.39
JAMES L. HUTCHISON, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC		
RANDY HUWA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,060.00	2,296.70
B. F. HYDE, TENNESSEE PETROLEUM COUNCIL 211 7TH AVENUE, NORTH, 4TH FL. NASHVILLE TN 37219	AMERICAN PETROLEUM INST	420.00	110.70
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)		
Do	GRAY AND COMPANY (FOR: ASARCO INC)		
Do	GRAY AND COMPANY (FOR: BATUS)		
Do	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		
Do	GRAY AND COMPANY (FOR: CANADIAN ASBESTOS INFORMATION CENTRE)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	360.00	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	GRAY AND COMPANY (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.)		
Do	GRAY AND COMPANY (FOR: MOTOROLA, INC)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO, INC)	405.00	
Do	GRAY AND COMPANY (FOR: NIU, INC)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)	135.00	
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)		
Do	GRAY AND COMPAY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
ROBERT D. HYNES JR , SUITE 807 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	242.73
RICHARD H. ICHORD, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	AAI CORPORATION	600.00	84.87
Do	EMERSON ELECTRIC CO	600.00	345.72
Do	MAGNAVOX CORPORATION	187.50	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
ANNELISE ILSCHENKO, 101 S. REYNOLDS STREET, #H-116 ALEXANDRIA VA 22304			
BERNARD J IMMING, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION, C/O SQUIRE SANDERS & DEMPSEY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.		750.00	750.00
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., 100 CHURCH ST. NEW YORK NY 10007		20,879.62	20,879.62
INDEPENDENT LUBRICANT MANUFACTURERS ASSN, 1055 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007			
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202			
INDUSTRIAL UNION DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		21,211.60	20,211.60
EDWIN T. C. ING, CADES SCHUTTE FLEMING & WRIGHT 1001 22ND STREET, #740 WASHINGTON DC 20037	HAWAIIAN ELECTRIC COMPANY, INC	7,525.00	67.94
NANCY J. INGALSBEE, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	U.S. RECREATIONAL SKI ASSOCIATION		
ANDREA L. INNES, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	5,000.00	773.65
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS, BEDFORD CONSULTANTS BUILDING BOX 605 BEDFORD NY 10506		7,500.00	7,500.00
INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS, 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036			26,076.19
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006			
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, 25 LOUISIANA AVE., NW WASHINGTON DC 20001			54,310.30
INTERNATIONAL GOLD CORPORATION LIMITED, 645 FIFTH AVENUE NEW YORK NY 10022			186.00
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, 17 BATTERY PLACE SUITE 1500 NEW YORK NY 10004			47,614.60
INTERNATIONAL TRADE SERVICES CORPORATION (ITSE), P.O. BOX 2593 WASHINGTON DC 20013			
INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN, 815 15TH ST., NW WASHINGTON DC 20005			
INVESTMENT COMPANY INSTITUTE, 1775 K ST., NW WASHINGTON DC 20006			12,601.83
INVESTMENT COUNSEL ASSN OF AMERICA, INC., 50 BROAD ST. NEW YORK NY 10004			
CHARLES C. IRIONS, 400 ARMY-NAVY DR. ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	629.08	
IRON ORE LESSORS ASSN, INC, 1500 FIRST NATL BANK BLDG. SAINT PAUL MN 55101		11,284.58	12,839.98
ITEL CORPORATION, CONTAINER DIVISION, #2 EMBARCADERO CENTER 24TH FLOOR SAN FRANCISCO CA 94111			
IVINS, PHILLIPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION	325.00	2.34
ROBERT A. JABLON, SPIEGAL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL		
CARLTON JACKSON, FLORIDA PETROLEUM COUNCIL 111 N. GADSDEN STREET TALLAHASSEE FL 32301	AMERICAN PETROLEUM INST	848.00	672.00
CHARLES L. JACKSON, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
MERCER L. JACKSON, 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	400.00	
NEAL A. JACKSON, 1156 15TH STREET, NW WASHINGTON DC 20005	CAROLINAS COTTON GROWERS ASSN, INC	8,879.25	665.24
ROBERT S. JACKSON, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP		
WILLIAM P. JACKSON JR., JACKSON & JESSUP, P.C. 3426 N. WASHINGTON BOULEVARD ARLINGTON VA 22201	OSBORNE TRUCK LINE, INC, ET AL	5,691.67	7,861.41
JOSEPH J. JACQUAY, 5025 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
WALTER K. JAENICKE, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
DANIEL L. JAFFE, SUITE 1000 1400 K ST., NW WASHINGTON DC 20005	AMERICAN ADVERTISING FEDERATION		
JAPAN ECONOMIC INSTITUTE OF AMERICA, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,344.86	4,344.86
EVELYN JARVIS-FERRIS, 444 MARKET STREET SAN FRANCISCO CA 94111	SHAKLEE CORPORATION		
JERRY J. JASINOWSKI, 1776 F STREET, N.W. WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,000.00	
PATRICIA A. JEFFERS, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
JOSEPH S. JENCKES, SUITE 300 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	123.48
LINDA JENCKES, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
JENNER & BLOCK, ONE IBM PLAZA CHICAGO IL 60611	AMUSEMENT & MUSIC OPERATORS ASSN	14,770.00	148.00
JAMES C. JENNINGS, 3255 GRACE ST., NW WASHINGTON DC 20007	GRAY AND COMPANY		
JENNINGS, STROUSS & SALMON, 111 WEST MONROE PHOENIX AZ 85003	SHAMROCK FOODS CO		
CHRIS L. JENSEN, FLORIDA PETROLEUM COUNCIL 111 NORTH GADSDEN ST. TALLAHASSEE FL 32301	AMERICAN PETROLEUM INST		
JERRY CHAMBERS EXPLORATION CO, 3401 W. PERSHING ROAD CHICAGO IL 60632			
NANCY H. JESSICK, 425 13TH STREET, NW WASHINGTON DC 20004	HIRAM WALKER & SONS, INC		
GUY E. JESTER, 2150 KIENLEN AVE. ST. LOUIS MO 63121	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
CHARLES E. JOECKEL JR , 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	15,367.72	3,422.41
WALTER W. JOHN, RM. 1414 SOUTH BUILDING USDA WASHINGTON DC 20250	ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA	786.30	
RONALD P. JOHNSEN, SUITE 303 1625 EYE ST., NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP	175.00	201.82
B. GERALD JOHNSON, 500 MAYNARD BUILDING SEATTLE WA 98104	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY		
Do	STATE OF ALASKA		
CARL T. JOHNSON, SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	CORNING GLASS WORKS	300.00	
CLIFFORD T. JOHNSON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING MILITARY AIRPLANE COMPANY		
DAVID H. JOHNSON, MISSISSIPPI PETROLEUM COUNCIL 215 LAMAR LIFE BLDG., P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INST	200.00	521.35
JESS JOHNSON JR , SUITE 200 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
JOEL L. JOHNSON, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	464.90
JOHN B. JOHNSON, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	925.71	495.00
JUSTIN W. JOHNSON, P.O. BOX 970 FT. WORTH TX 76101	TEXAS ELECTRIC SERVICE CO	130.77	49.50
KENNETH A. JOHNSON, PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY		2,893.75
LARRY W. JOHNSON, P.O. BOX 3000 LEESBURG VA 22075	VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, INC		
NANCIE S. JOHNSON, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	800.00	
NANCY J. JOHNSON, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	700.00	17.00
RADY A. JOHNSON, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,400.00	
RICHARD W. JOHNSON JR., 219 N. WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	5,417.04	
SPENCER A. JOHNSON, SUITE 411 1101 VERMONT AVE., NW WASHINGTON DC 20005	PAPERBOARD PACKAGING COUNCIL		
STANLEY L. JOHNSON, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	75.00	
STEPHEN M. JOHNSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
WALLACE E. JOHNSON, MOFFET, LARSON & JOHNSON, P.C. 1925 NORTH LYNN STREET, #700 ARLINGTON VA 22209	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
WILLIAM L. JOHNSON, SUITE 301 1050 17TH STREET, NW WASHINGTON DC 20036	MICHIGAN CONSOLIDATED GAS CO	1,000.00	
BARBARA W. JOHNSTON, 1150 CONNECTICUT AVE. NW #710 WASHINGTON DC 20036	UTAH INTERNATIONAL INC		
DAVID JOHNSTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JAMES D. JOHNSTON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	5,339.87
JOINT CORPORATE COMM ON CUBAN CLAIMS, C/O LONE STAR INDUSTRIES, INC PO BOX 5050 GREENWICH CT 06830			180.00
JOINT TASK FORCE ON FEDERAL FINANCIAL ASSIST. FOR STUDENTS, C/O LAW SCHOOL ADMISSION COUNCIL 11 DUPONT CIRCLE, NW WASHINGTON DC 20036.			
MARY KAAREN JOLLY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	800.00	128.04
HERBERT A. JOLOVITZ, 900 17TH STREET, NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION	1,250.00	
ALLAN R. JONES, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	1,281.31
CHARLIE W. JONES, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	300.00	150.00
JONES DAY REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	FRENCH & POLYCLINIC MED. SCHOOL & HEALTH CENTER (TRUSTEES)	1,980.00	6.00
ERNEST W. JONES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GERALD R. JONES, SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
JAMES E. JONES JR , 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	275.00	150.50
JAMES E. JONES, 40 FRANKLIN RD., SW P.O. BOX 2021 ROANOKE VA 24022	APPALACHIAN POWER COMPANY		
NORVILL JONES, 1620 EYE ST., NW WASHINGTON DC 20006	REYNOLDS METALS CO	250.00	
WILEY N. JONES, SUITE 525 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	SOUTHERN PACIFIC CO. & AFFILIATES	1,000.00	500.00
GREGORY N. JONSSON, 1000 CONNECTICUT AVE., NW, #1200 WASHINGTON DC 20036	U.S. BUSINESS & INDUSTRIAL COUNCIL		
DE SOTO JORDAN, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	220.00	58.00
JAMES V. JORDAN III, PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
JEFFREY H. JOSEPH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,365.00	10.00
MARY LOU JOSEPH, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	13,461.57	300.53
ARDON B. JUDD JR , 1100 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	DRESSER INDUSTRIES, INC		
ROBERT E. JULIANO, 1875 I ST., NW, #450 WASHINGTON DC 20006	HOTEL & RESTAURANT EMPLOYEES & BARTENDERS INTL UNION	16,238.64	927.84

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BYRON E. KABOT, LEGAL DEPARTMENT - 43-33 77 WEST 45TH ST. NEW YORK NY 10036	INTERNATIONAL PAPER CO		
GEZA KADAR, 1750 K STREET, N.W. WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
KAISER CEMENT CORPORATION, 300 LAKESIDE DRIVE OAKLAND CA 94612			
SUZANNE KALFUS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
DANIEL W. KALUZA, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
LINDA HELLER KAMM, 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INVESTORS MORTGAGE INSURANCE CO).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP).		
DONALD J. KANIEWSKI, 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	6,647.49	53.50
FRED G. KAREM, SHUFFETT, KENTON, CURRY & KAREM 109 NORTH MILL STREET LEXINGTON KY 40507	LINCOLN PROPERTY CO		
Do	NATIONAL MULTI HOUSING COUNCIL		
MARYANN M. KASWELL, SUITE 1200 1300 NORTH 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	2,333.33	919.72
PATRICIA L. KATSON, 11215 OAK LEAF DR. SILVERSPRING MD 20901	LIBERTY LOBBY	4,500.00	
HOWARD C. KATZ, 85 BROAD STREET NEW YORK NY 10004	J. ARON & CO. (FOR: COFFEE, SUGAR & COCOA EXCHANGE, INC.)		
LAWRENCE W. KATZ, 8283 GREENSBORO DR. MCLEAN VA 22102	SATELLITE BUSINESS SYSTEMS	1,000.00	
EVERETT E. KAVANAUGH, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC		
KAYE SCHOLER FIERMAN HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	AMERICAN MEAT INSTITUTE		
Do	AMERICAN PSYCHOANALYTIC ASSOCIATION		
Do	AMERICAN SOCIAL HEALTH ASSN		
Do	BRISTOL-MYERS COMPANY		168.00
Do	CHRIS CRAFT INDUSTRIES, INC		
Do	DOW CHEMICAL CO		
Do	ELSEVIER SCIENTIFIC PUBLISHERS		
RICHARD F. KEATING, SUITE 502 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
WILLIAM J. KEATING, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN	45.00	
HOWARD B. KECK, 555 S. FLOWER ST. LOS ANGELES CA 90071	SUPERIOR OIL CO		300.00
Do	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)		
Do	THE KEEFE CO. (FOR: CORDAGE INSTITUTE)		
JOSEPH D. KEEFER, SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)		
VICKI R. KEENAN, 1620 EYE ST. NW, SUITE 703 WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
DAVID A. KEENE, 919 PRINCE ST. ALEXANDRIA VA 22314	BECHTEL POWER CORPORATION		
KEITH KEENEY, SUITE 500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342	NATIONAL TAX LIMITATION COMMITTEE	200.00	10.00
ROBERT C. KEENEY, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	200.00	
JEFFERSON D. KEITH, 8100 OAK ST. DUNN LORING VA 22027	UNITED FRESH FRUIT & VEGETABLE ASSN	1,104.88	576.34
ROBERT H. KELLEN, 5775 PEACHTREE-DUNWOODY RD., #500-D ATLANTA GA 20342	NATIONAL PEST CONTROL ASSN		
KELLER & HECKMAN, 1150 17TH STREET, NW, #1000 WASHINGTON DC 20036	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
Do	AMERICAN INSTITUTE OF MERCHANT SHIPPING	19,442.50	108.34
Do	LAND MOBILE COMMUNICATIONS COUNCIL		
Do	SPECIALTY ADVERTISING ASSN. INT'L	5,250.00	105.00
DONALD W. KELLER, 601 JEFFERSON, #3800 HOUSTON TX 77002	UTILITIES TELECOMMUNICATIONS COUNCIL	24,372.50	1,474.54
JAY KELLER, 2030 M STREET, NW WASHINGTON DC 20036	QUINTANA PETROLEUM CORP		
DONALD KELLERMANN, SUITE 1110 1875 EYE ST., NW WASHINGTON DC 20006	COMMON CAUSE	4,791.66	3,019.40
JOHN B. KELLEY, 1025 CONNECTICUT AVE., NW, #1200 WASHINGTON DC 20036	TIMES MIRROR COMPANY		
TY KELLEY, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	AVCO CORP	2,500.00	
STEPHEN G. KELLISON, 1835 K ST., NW, #515 WASHINGTON DC 20006	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
STEPHEN S. KELLNER, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	AMERICAN ACADEMY OF ACTUARIES		
BRIAN F. KELLY, 1211 CONNECTICUT AVENUE, N.W. SUITE 802 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	155.87	49.50
EARL KELLY, 801 18TH STREET, NW WASHINGTON DC 20006	SEARS, ROEBUCK AND CO	500.00	155.67
ERNEST B. KELLY III, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	PARALYZED VETERANS OF AMERICA	8,965.66	
HAROLD V. KELLY, 1101 15TH ST., NW WASHINGTON DC 20005	COMMUNICATIONS SATELLITE CORPORATION	1,250.00	785.85
JOHN F. KELLY, 1828 L STREET, NW WASHINGTON DC 20036	REPUBLIC STEEL CORP		
MARK L. KEMMER, 1660 L STREET, N.W. WASHINGTON DC 20036	MERRILL LYNCH & CO, INC		
KENDALL & ASSOCIATES, 1750 NEW YORK AVENUE, NW, #210 WASHINGTON DC 20006	GENERAL MOTORS CORP	2,500.00	722.36
Do	ANDERSON HIBEY NAUHEIM & BLAIR (FOR MARRIOTT CORP)	200.00	
Do	CLADOUHOS & BRASHARES (FOR SMITH BARNEY HARRIS UPHAM & CO)		
Do	CARL M. FREEMAN ASSOCIATES, INC		
Do	HELLER, EHRMAN, WHITE & MCAULIFFE	150.00	
Do	MANVILLE CORPORATION	500.00	
Do	TOYOTA MOTOR SALES, U.S.A.	400.00	
Do	WASHINGTON PSYCHIATRIC SOCIETY		
Do	WORLDWIDE INFORMATION RESOURCES, INC		
WILLIAM T. KENDALL, SUITE 210 1750 NEW YORK AVE., NW WASHINGTON DC 20006	ALLIANCE FOR FREE ENTERPRISE		
JOSEPH W. KENNEBECK, 475 L'ENFANT PLAZA, S.W. SUITE 2450 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
ART KENNEDY, P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC		
MICHAEL E. KENNEDY, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
EDWARD E. KENNEY & ASSOCIATES, INC., SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA CORPORATION		
JEREMIAH J. KENNEY JR , 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		264.80
BRENDAN KENNY, 1709 NEW YORK AVE., N.W. WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,500.00	
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVE., NW SUITE 300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN	2,284.15	1,125.73
Do	AMERICAN SUPPLY ASSOCIATION		
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION		
Do	CFS CONTINENTAL		
Do	GOULD, INC	3,000.00	1,557.69
Do	MOTOR CARRIER LAWYERS ASSN		
VYTAUTAS KERBELIS, 69 COTTAGE ST. BAR HARBOR ME 04609	ARAS		
PAUL A. KERSCHNER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	858.84	22.90
ROBERT M. KETCHEL, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
GILBERT W. KEYES, PO BOX 3999 SEATTLE WA 98124	BOEING COMPANY		
EARLINE A. KEYSER, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
KIAWAH ISLAND COMPANY, P.O. BOX 12910 CHARLESTON SC 29142			
RICHARD F. KIBBEN, 200 PARK AVE. NEW YORK NY 10166	BUSINESS ROUNDTABLE		
MARJORIE CARROLL KICAK, 1711 KING ST. ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION	65.00	
EDWARD J. KIERNAN, 815 16TH STREET, NW, #30 WASHINGTON DC 20006	INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO		
ROBERT W. KIERNAN, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
WILLIAM S. KIES, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
INGOLF N. KILAND JR., 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,484.26
BRIAN M. KILBURY, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
MARYANN KILDUFF, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	295.91
DANIEL L. KILEY, P.O. BOX 3609 NORFOLK VA 23514	NORFOLK SOUTHERN CORPORATION		
ROBERTA D. KIMBALL, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	200.00	
RICHARD H. KIMBERLY, 1201 PENNSYLVANIA AVENUE, NW, #730 WASHINGTON DC 20004	KIMBERLY-CLARK CORP	5,247.72	342.74
KIMBERLY-CLARK CORP, 401 NORTH LAKE STREET NEENAH WI 54956			30,483.44
JAMES L. KIMBLE, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
GENE KIMMELMAN, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	3,312.49	
KING & SPALDING, 1915 I STREET, NW WASHINGTON DC 20006	BELLSOUTH CORP		
Do	BETHLEHEM STEEL CORP		83.25
Do			531.17
Do	NATIONAL ASSN OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS	1,200.00	
AUBREY C. KING, 1625 EYE STREET, NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
CHARLES L. KING, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	150.00	
EDWARD H. KING, 200 WILMOT RD. DEERFIELD IL 60015	WALGREEN CO		
G. JACK KING, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	1,000.00	
W. RUSSELL KING, SUITE 400 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	FREEPORT MCMORAN, INC	300.00	61.00
DANIEL T. KINGSLEY, 1730 NORTH LYNN STREET, #400 ARLINGTON VA 22209	NATIONAL VENTURE CAPITAL ASSN		2,081.87
ROGER P. KINGSLEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
FRANK J. KINNEY, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	4,213.68	278.44
JANIE A. KINNEY, #408 1015 18TH ST., NW WASHINGTON DC 20036	FLOATING POINT SYSTEMS, INC		
MARCIA Y. KINTER, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CECILIA ANNE KIRBY, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,163.07	
KIRBY, GILLICK, SCHWARTZ & TUOHEY, P.C., SUITE 303 EAST 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	LAKE ONTARIO CEMENT LIMITED	11,937.50	262.81
ALAN G. KIRK II , 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	10.28	
JOHN R. KIRK, BINGHAM, DANA & GOULD 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON	100.00	21.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PAUL G. KIRK JR., SULLIVAN & WORCESTER 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FOOTBALL LEAGUE		
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	COLUMBIA PICTURES INDUSTRIES, INC.	2,645.00	
Do	COUNCIL OF STATE HOUSING AGENCIES		
Do	COUNTY OF SUFFOLK, NEW YORK	360.00	
Do	GROCERY MANUFACTURERS OF AMERICA, INC.		
Do	INTERNATIONAL GOLD CORPORATION LIMITED	4,569.50	
Do	H. K. PORTER COMPANY, INC.		
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
Do	SEARCH GROUP, INC.		
Do	WHITNEY NATIONAL BANK OF NEW ORLEANS		
SALLY ANN KIRKPATRICK, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	588.00	97.39
KIRLIN, CAMPBELL & KEATING, SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	8,400.00	665.45
ROBERT A. KIRSHNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	100.00	
SAUL B. KLAMAN, 1101 15TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	2,150.00	
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
RICHARD P. KLEEMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS		
RICHARD A. KLINE, 650 INDEPENDENCE AVE., SE WASHINGTON DC 20003	COUNCIL OF ACTIVE INDEPENDENT OIL & GAS PRODUCERS	7,629.00	
KLINE, KNOPF & WOJDAK, INC., 355 N. 21ST STREET, #105 CAMP HILL PA 17011	GENERAL PUBLIC UTILITIES CORPORATION		
KARL R. KLINGELHOFER, 5417 THETFORD PLACE ALEXANDRIA VA 22310	COLORADO RIVER BASIN SALINITY CONTROL FORUM		
Do	ROBERT P. WILL		
MICHAEL R. KLIPPER, 522 FIFTH AVENUE NEW YORK NY 10036	MOTION PICTURE ASSN OF AMERICA	278.18	87.25
JOHN J. KLOCKO III, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
GLENN KNAPP, 773 DARTMOUTH AVE. SAN CARLOS CA 94070			
JAMES E. KNEALE, 2335 SOUTH MEADE ST. ARLINGTON VA 22202	LOCKHEED CORPORATION	3,130.00	353.61
JEFFREY W. KNIGHT, 1045 SANSOME ST. SAN FRANCISCO CA 94111	FRIENDS OF THE EARTH		
PETER E. KNIGHT, 1101 15TH STREET, NW, #400 WASHINGTON DC 20005	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	2,500.00	
DANIEL F. KNISE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT L. KNOUS JR., SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
RUTH E. KOBELL, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	5,019.23	83.00
THOMAS G. KOBUS, SUITE 350 2000 K ST., NW WASHINGTON DC 20006	NATIONAL PARKING ASSOCIATION	15,812.42	
BRADLEY R. KOCH, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	144.29	
GEORGE W. KOCH, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC.	31.33	
PATRICK C. KOCH, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC.	800.00	
PAUL E. KOHL, J.C. PENNY CO., INC. 1301 AVENUE OF THE AMERICAS NEW YORK NY 10019	18TH CONG. DIST. FOR PRO-LIFE ACTIVITIES		
STANLEY E. KOLBE JR., 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	3,000.00	
MICHAEL S. KOLEDA, SUITE 1050 1825 EYE ST., NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
KOMINERS, FORT, SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	APEX MARINE CORP	38,720.00	3,854.89
Do	COMMITTEE FOR TITLE XI VESSEL FINANCING		
Do	CROWLEY MARITIME CORP AND SUBSIDIARIES	20,861.00	1,755.11
Do	INGRAM CORPORATION		
NICHOLAS KOMINUS, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSN		18.95
STEPHEN KOPLAN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,552.18	559.26
EUGENE P. KOPP, SUITE 600 SOUTH 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	1,250.00	
STEVEN KOPPERUD, 1701 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FEED MANUFACTURERS ASSN	3,240.00	
HORACE R. KORNEGAY, 1875 I ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	275.00	22.67
KENNETH S. KOVACK, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	8,856.39	
JOAN M KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS COMPANY)		
JEANNE P. KOWALSKY, SUITE 500 1828 L ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	4,500.00	90.06
CHRIS KOYANAGI, 1702 WOODMAN DRIVE MCLEAN VA 22101	WASHINGTON ALTERNATIVES, INC	937.50	76.79
PATRICIA S. KOZIOL, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	600.00	
MYLIO S. KRAJA, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	3,088.02	290.25
AMOS KRAMER, KANSAS PETROLEUM COUNCIL SUITE 1414 MERCHANTS BANK BLDG. 8TH & JACKSON STS. TOPEKA KS 66612.	AMERICAN PETROLEUM INST	616.25	733.18
JOSEPH H. KRAMER III, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)		
STEPHEN W. KRAUS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.		
RAYMOND ROGER KRAUSE, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC.	1,000.00	
JEFFREY KRAUSS, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850	M/A-COM, INC.	2,500.00	290.20
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS		
DAWN C. KRISTOF, P.O. BOX 17402 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	WATER & WASTEWATER EQUIPMENT MANUFACTURERS ASSN, INC		
KROGER COMPANY, 1014 VINE ST. CINCINNATI OH 45201			4,039.36
JAMES C. KRONE, 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC.	1,500.00	1,075.07
ANNE M. KRONENBERG, 1004 SOUTH CAROLINA AVENUE, SE WASHINGTON DC 20003	CITIZENS FOR A NUCLEAR FREEZE		
THEODORE G. KRONMILLER, ELY RITTS PIETROWSKI & BRICKFIELD WATERGATE 600 BUILDING WASHINGTON DC 20037	PEREGRINE CORP	12,075.00	1,266.85
ARTHUR J. KROPP, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
K. H. KRUKE, 1776 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY	397.75	12.70
LLOYD R. KUHN, 1725 DESALES ST., NW WASHINGTON DC 20036	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC.	14,088.00	
THOMAS R. KUHN, 410 FIRST ST., SE WASHINGTON DC.	AMERICAN NUCLEAR ENERGY COUNCIL	3,375.00	404.59
RONALD H. KUNISAKI, 1730 RHODE ISLAND AVENUE, NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	4,800.00	592.77
JUDITH KUNOFSKY, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB	2,250.00	31.66
ESTER KURZ, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	10,899.96	
DANIEL M. KUSH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,000.00	280.00
GARY JAY KUSHNER, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HENRY J. KUSS JR., 1426 LADY BIRD DRIVE MCLEAN VA 22101	AMERICAN TRADE AND FINANCE COMPANY	1,802.08	
JAMES M. KUSZAJ, SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	DOW CHEMICAL U.S.A.		
KUTAK, ROCK & HUIE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES		629.79
Do	FIRST NATIONAL BANK OF OMAHA		
Do	HAYES, INC.		106.08
Do	METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY		27.04
Do	RONALD E. ROBINSON		
KWAJALEIN ATOLL CORP, P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLAN			
LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO, 905 16TH ST., NW WASHINGTON DC 20006			21,098.79
JOSEPH L. LACH, 1025 CONNECTICUT AVENUE, NW, #214 WASHINGTON DC 20036	MANVILLE CORPORATION		
JOHN D. LACOPO, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	EDS CORPORATION		
BRUCE C. LADD JR., 1776 K STREET, NW WASHINGTON DC 20006	MOTOROLA, INC.	16,500.00	18.00
ROBERT A. LADIG, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	1,050.00	750.38
SANDRA L. LAFEVRE, 2500 RIVA ROAD, SE ANNAPOLIS MD 21401	NATIONWIDE INSURANCE CO & AFFILIATES	1,500.00	
LAKE CARRIERS' ASSN, 915 ROCKEFELLER BLDG. CLEVELAND OH 44113			
ROBERT LAMB, 2101 L STREET, N.W. WASHINGTON DC 20037	AMERICAN PETROLEUM INST	5,000.00	206.52
V. KIM LAMB, SUITE 515 1835 K STREET, NW WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
DAVID F. LAMBERT III, 311 FIRST STREET, NW, #700 WASHINGTON DC 20001	NATIONAL ASSN OF INSURANCE BROKERS	650.00	
DAVID M. F. LAMBERT, 1000 POTOMAC STREET, NW, #302 SUITE 900 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
MARCY LAMBOURNE, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	183.15
STEPHEN K. LAMBRIGHT, ONE BUSCH PLACE ST. LOUIS MO 63118	ANHEUSER-BUSCH COMPANIES, INC.		
LAMON, ELROD & HARKLEROAD, 2500 PEACHTREE CENTER - CAIN TOWER 229 PEACHTREE STREET, NE ATLANTA GA 30043	NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC	1,400.00	369.91
VIRGINIA A. LAMPLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION).	225.60	156.85
Do	DGA INTERNATIONAL, INC (FOR: SOFREAVIA)		
L. CHARLES LANDGRAF, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
THOMAS M. LANDIN, ONE FRANKLIN PLAZA PHILADELPHIA PA 19101	SMITH KLINE BECKMAN CORP.		
LANDIS, COHEN, SINGMAN AND RAUH, 1019 19TH STREET, N.W. # 500 WASHINGTON DC 20036	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS	1,500.00	
Do	COUNCIL OF CREATIVE ARTISTS, LIBRARIES & MUSEUMS		
Do	NFL PLAYERS ASSOCIATION	1,500.00	
BROCK R. LANDRY, 1333 NEW HAMPSHIRE AVENUE, NW, #1220 WASHINGTON DC 20036	NATIONAL WATER WELL ASSN	2,254.50	
Do	WATER SYSTEMS COUNCIL	500.00	
KARL S. LANDSTROM, 510 N. EDISON ST. ARLINGTON VA 22203	GEOTHERMAL RESOURCES INTL, INC		
BRUCE ALAN LANDY, 2700 VIRGINIA AVE., NW WASHINGTON DC 20037	B.A.L CO.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CRYOGENIC VACUUM TECHNOLOGY CO		
Do			
LANE & EDSON, P.C., SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	CITY OF BALTIMORE	600.00	
Do	COUNCIL FOR RURAL HOUSING AND DEVELOPMENT		
Do	GENERAL ELECTRIC CREDIT CORP		
Do	NATIONAL LEASED HOUSING ASSN	450.00	
LANE & MITTENDORF, 1750 K STREET, NW, #1200 WASHINGTON DC 20006	GHK COMPANIES		10.84
Do	INDEPENDENT GAS PRODUCERS' COMM	21,071.25	1,390.60
ALBERT E. LANE, SUITE 537 1377 K STREET, NW WASHINGTON DC 20005	MEDCOM-MIC		
Do	PEOPLE OPPOSED TO ENERGY LOBBY - POTEL		
RICHARD F. LANE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBIN W. LANIER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	150.00	10.00
WAYNE R. LAPIERRE JR., 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,125.00	250.00
CLIFFORD LAPLANTE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	1,030.00	
REED E. LARSON, 8001 BRADDOCK ROAD, #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM		
JAMES LASALA, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,000.00	
LATHAM, WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	DRIFTWOOD DAIRY	522.50	246.99
Do	WILSHIRE TERRACE COOPERATIVE HOUSING CORP	335.00	66.96
LOUIS F. LAUN, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
CHARLES B. LAVIN JR., 1016 20TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS		
JOAN H. LAVOR, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
HENRY J. LAWRENCE, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
ERNEST M. LE SUEUR, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEAD-ZINC PRODUCERS COMMITTEE, SUITE 3415 120 BROADWAY NEW YORK NY 10271		399.55	6,550.91
LEAGUE OF CALIFORNIA MILK PRODUCERS, 1225 8TH STREET, #385 SACRAMENTO CA 95814			7,701.08
LEAGUE TO SAVE LAKE TAHOE, 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731			70.02
THOMAS B. LEARY, HOGAN & HARTSON 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	14,218.53	
RICHARD J. LEASE, 2145 BOISE DRIVE LAS CRUCES NM 88001			
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	525.00	12.00
Do	SHIPPING CORP. OF INDIA, LTD		17.00
Do	UNDERWRITERS AT LLOYD'S LONDON		
LECHNER & BUTSAVAGE, P.C., 3101 SOUTH ST., NW WASHINGTON DC 20007	NATIONAL ASSN OF POLICE ORGANIZATIONS	11,250.00	8,337.00
THOMAS J. LEE JR., P.O. BOX 2628 HOUSTON TX 77001	ENTEX, INC		
LEIGHTON LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSN OF NURSE ANESTHETISTS		
Do	AMERICAN DENTAL ASSISTANTS ASSN		
Do	CITY & REGIONAL MAGAZINE ASSN		
Do	CLOROX COMPANY		
Do	EXPRESS FOODS CO., INC		
Do	FEDERATION OF APPAREL MANUFACTURERS	3,023.25	86.63
Do	GENERAL ATOMIC CO		
Do	GENERAL INSTRUMENT CORPORATION		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	INTRAOCULAR LENS MFRS ASSN		
Do	MUTUAL SAVINGS CENTRAL FUND, INC	1,500.00	100.00
Do	NATIONAL GLASS DEALERS ASSN		
Do	SAVINGS BANKS ASSN. OF MASSACHUSETTS	500.00	100.00
Do	WHEY PRODUCTS INST		
TERRY L. LEITZELL, ONE THOMAS CIRCLE, NW, #900 WASHINGTON DC 20005	AMERICAN SHRIMPBOAT ASSOCIATION	1,000.00	
Do	MARINE CONSTRUCTION & DESIGN CO	750.00	
Do	BOGLE & GATES (FOR: PACIFIC SEAFOOD PROCESSORS ASSN)	1,500.00	
JOSEPH L. LEITZINGER, 900 4TH AVE. SEATTLE WA 98164	PORT OF SEATTLE	1,000.00	
ELIZABETH LEMOND, 1111 19TH STREET, NW WASHINGTON DC 20036	SIMPSON TIMBER CO	120.00	100.07
LYNETTE B. LENARD, 1800 M STREET, NW, #700S WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	400.00	712.95
DONNA LENHOFF, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	DOW CHEMICAL CO	125.00	62.50
PAUL A. LENZINI, CHAPMAN, DUFF AND PAUL 1825 I STREET, NW, #300 WASHINGTON DC 20006	WOMEN'S LEGAL DEFENSE FUND	176.55	73.48
Do	CHR. BJELLAND & CO., INC		
BETTY JANE LEONARD, P.O. BOX 19109 GREENSBORO NC 27419	INDUSTRIAL SIDERURGICA, INC		
EARL T. LEONARD JR., P.O. DRAWER 1734 ATLANTA GA 30301	UNIFI, INC		
LAW OFFICE OF JERRIS LEONARD, 900 17TH STREET, NW, #1020 WASHINGTON DC 20006	COCA-COLA COMPANY	1,556.00	1,770.17
RODNEY E. LEONARD, 2001 S STREET, NW, #530 WASHINGTON DC 20009	KANSAS CORPORATION COMMMISSION		
CHARLES LEPPERT JR., 801 18TH STREET, NW, #400 WASHINGTON DC 20006	COMMUNITY NUTRITION INSTITUTE		
LERCH & CO., INC, 1030 15TH STREET, NW, #840 WASHINGTON DC 20005	PROCTER & GAMBLE MANUFACTURING CO	127.40	
RICHARD L. LESHER, 1615 H ST., NW WASHINGTON DC 20062	NATURAL GAS SUPPLY ASSN	1,100.00	260.98
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CHAMBER OF COMMERCE OF THE U.S		
ROBERT JOHN LEVERING, 1730 M ST., NW, #610 WASHINGTON DC 20036	FINNIGAN CORPORATION		
S.R. LEVERING, 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	DIRECT SELLING ASSOCIATION	300.00	22.00
BARBARA W. LEVINE, 1015 15TH STREET, NW WASHINGTON DC 20005	U.S. COMMITTEE FOR THE OCEANS	120.00	
HARRY LEVINE JR., 777 14TH ST., NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	634.50	
KENNETH S. LEVINE, SUITE 220 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	230.00	
LESLIE LEVY, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	JOSEPH SEAGRAM & SONS, INC	977.50	
ROGER N. LEVY, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	6,825.00	
E. DAVID LEWIS, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	15,925.77	
MICHAEL R. LEWIS, 1133 15TH ST., NW SUITE 640 WASHINGTON DC 20005	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	200.00	435.00
RICHARD LEWIS, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION	9,733.00	1,377.00
STUART A. LEWIS, SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN PULPWOOD ASSN		
Do	MANUFACTURERS HANOVER CORP	500.00	
BURTON LEWKOWITZ, 1410 N. 3RD STREET P.O. BOX 25489 PHOENIX AZ 85002	NATIONAL BANK OF DETROIT	400.00	
JOHN F. LEYDEN, 815 16TH STREET, NW, #308 WASHINGTON DC 20006	SAMARITAN HEALTH SERVICE		
WILLIAM J. LHOTA, 215 N. FRONT STREET COLUMBUS OH 43215	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	3,478.76	
JUDITH LICHTMAN, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	COLUMBUS AND SOUTHERN OHIO ELECTRIC CO		
HOWARD S. LIEBENGOOD, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	WOMEN'S LEGAL DEFENSE FUND	103.50	22.57
HERBERT LIEBENSON, 1604 K ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE	30,000.00	
Do	NATIONAL SMALL BUSINESS ASSN	5,625.00	
SANDRA COHEN LIEBERMAN, 1775 K STREET, NW WASHINGTON DC 20006	SMALL BUSINESS LEGISLATIVE COUNCIL		
WILLIAM C. LIENESCH, 238 10TH ST., SE WASHINGTON DC 20003	INVESTMENT COMPANY INSTITUTE		
DUKE R. LIGON, 1575 EYE STREET, NW, #510 WASHINGTON DC 20005	NATIONAL PARKS & CONSERVATION ASSOCIATION	224.40	14.50
	CORCORAN HARDESTY WHYTE HEMPHILL & LIGON, P.C. (FOR: NOVA SCOTIA RESOURCES, LTD)		
ROSS W. LILLARD, 2100 CHARTERBANK CENTER KANSAS CITY MO 64105	STINSON, MAG & FIZZELL (FOR: FARMLAND INDUSTRIES, INC)		
RICHARD A. LILLQUIST, SUITE 500 1090 VERMONT AVE., NW WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
DIANE PALMER LILLY, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION		
EDWARD J. LINCOLN, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	100.00	
STEPHEN R. LINDAUER, 1957 E STREET, NW WASHINGTON DC 20515	ASSOCIATED GENERAL CONTRACTORS		
KATHLEEN M. LINEHAN, 1025 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	GULF OIL CORP	800.00	109.00
ELENA LINTHICUM, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORP		
RON M. LINTON, SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	DENVER TECHNOLOGICAL CENTER	2,070.00	
LINTON, MIELDS, REISLER & COTTONE, LTD., SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	AMBASSADOR BRIDGE CO	1,000.00	
Do	CITY GAS COMPANY	136.00	
Do	COUNCIL OF POLLUTION CONTROL FINANCING AGENCIES	7,500.00	61.33
Do	IOWA DEPARTMENT OF TRANSPORTATION	4,196.00	
Do	LAKE SUPERIOR DISTRICT POWER CO	608.00	
Do	MADISON GAS & ELECTRIC CO	1,395.00	
Do	METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO	741.00	
Do	NATIONAL ASSN OF URBAN FLOOD MANAGEMENT AGENCIES	5,250.00	
Do	NORTHERN STATES POWER CO	1,625.00	
Do	OREGON DEPT OF TRANSPORTATION	3,000.00	
Do	STATE OF IL, DEPT OF TRANS, DIV OF WATER RES	2,677.00	
Do	STATE OF IL, DEPT OF TRANSPORTATION	7,708.00	
Do	SUPERIOR WATER, LIGHT & POWER CO	437.00	
Do	WISCONSIN ELECTRIC POWER CO	4,475.00	273.95
Do	WISCONSIN FUEL AND LIGHT CO	266.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	WISCONSIN GAS CO	1,708.00	104.13
Do	WISCONSIN NATURAL GAS CO	938.00	
Do	WISCONSIN POWER & LIGHT CO	2,413.00	
Do	WISCONSIN PUBLIC SERVICE CORP	2,266.00	
Do	WISCONSIN SOUTHERN GAS CO	164.00	
FRANCES S. LIPSCOMB, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	200.00	
CRAIG LISKE, P.O. BOX 2120 HOUSTON TX 77252	UNION TEXAS PETROLEUM CORP		
SARA E. LISTER, PATTERSON, BELKNAP, WEBB & TYLER 1730 PENNSYLVANIA AVENUE, NW, #1060 WASHINGTON DC 20006.	F M S CORPORATION		793.00
ROBERT G. LITSCHERT, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	581.00	23.50
BARBARA A. LITTLE, SUITE 611 1155 15TH STREET, NW WASHINGTON DC 20005	ETHYL CORPORATION	1,200.00	
CHARLES B. LITTLE, SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	1,000.00	
WILLIAM F. LITTLE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	487.00	338.10
ROY LITTLEFIELD, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	5,200.00	180.00
THEODORE M. LITTMAN, 12213 LAKEWOOD BLVD. DOWNEY CA 90241	ROCKWELL INTL	72.63	74.98
E.F. LIVAUDAIS JR., 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	340.00	20.00
LIVESTOCK MARKETING ASSOCIATION, 301 E. ARMOUR BLVD. KANSAS CIT Y MO 64111			4,681.00
NEIL C. LIVINGSTONE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: RAMZI A. DALLOUL)	300.00	
Do	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
LOBEL NOVINS & LAMONT, 1523 L STREET, NW, #200 WASHINGTON DC 20005	GENERIC PHARMACEUTICAL INDUSTRY ASSN	1,174.23	105.99
PAUL LOCIGNO, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	15,448.11	
ROBERT F. LOCKHART JR., 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
CHARLES H. LOCKWOOD II, 300 NEW CENTER BUILDING DETROIT MI 48202	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
KAREN LOCKWOOD, 444 NORTH CAPITOL ST., NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,168.42	210.83
NILS LOFGREN, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAW OFCS OF SHELDON SUITE 401 1725 DESALES ST., NW WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,500.00	
ALAN W. LONG JR., 500 W. 22ND STREET NEW YORK NY 10011			
THOMAS R. LONG, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORPORATION		
JOHN H. LONNQUIST, 1025 CONNECTICUT AVE., NW SUITE 214 WASHINGTON DC 20036	MANVILLE CORPORATION	1,500.00	
LAURA LOOMIS, 419 N. NELSON STREET ARLINGTON VA 22203	NATIONAL PARKS & CONSERVATION ASSN	149.64	
LOOMIS OWEN FELLMAN & HOWE, 2020 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF BITUMINOUS CONTRACTORS		
Do	CLASSROOM (PERIODICAL) PUBLISHERS ASSN		
Do	INDUSTRIAL DIAMOND ASSN		
Do	OPTICAL MFGRS ASSN		
Do	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
SUSAN J. LOOMIS, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
LORD, DAY & LORD, 1120 20TH ST., NW WASHINGTON DC 20036	BOWATER NORTH AMERICA CORPORATION	6,167.31	
Do	CONTINENTAL GRAIN COMPANY		
PHILIP J. LOREE, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	.20
ROBERT E. LOSCH, P.C., 1716 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN DREDGING CO., ET AL	17,500.00	3,091.15
Do	PELICAN TERMINAL CORP & PORT OF GALVESTON		3.19
CLAUDIA J. LOUIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JAMES F. LOVETT, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	500.00	200.00
RODNEY W. LOWMAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	66.00
GERALD M. LOWRIE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	10,000.00	
DONALD C. LUBICK, 1776 F STREET, NW WASHINGTON DC 20006	BUFFALO PHILHARMONIC ORCHESTRA		
MRS. FREDDIE H. LUCAS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	350.51
PETER J. LUCIANO, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	5,000.00	12.00
WILLIAM F. LUDLAM SR., P.O. BOX 5282 VIRGINIA BEACH VA 23455	ARBA LICENSEES ASSN		393.00
SYLVESTER LUKIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
LUMBERMENS MUTUAL CASUALTY COMPANY, LONG GROVE IL 60049			3,880.43
MILTON F. LUNCH, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,000.00	
LUND & O'BRIEN, 1625 EYE ST., NW WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	600.00	12.47
Do	PENNSYLVANIA POWER & LIGHT CO	2,394.70	137.42
CHRISTIAN J. LUND, 1825 I STREET, NW, #700 WASHINGTON DC 20006	UNITED TECHNOLOGIES CORPORATION		
ROBERT C. LUTTRELL, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO		
W. FLETCHER LUTZ, SUITE 100 727 SOUTH 23RD STREET ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
JOHN C. LYNCH, 1615 H STREET, NW WASHINGTON DC 20062	CITIZEN'S CHOICE, INC	7,125.00	
TIMOTHY P. LYNCH, SUITE 910 1510 WILSON BLVD. ARLINGTON VA 22209	ROADWAY EXPRESS, INC	425.00	200.00
M/A-COM, INC, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850			7,857.00
TIMOTHY MACCARTHY, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	308.00	
ANTHONY R. MACCHIA, 127 JOHN STREET NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC		
RUSSELL MACCLEERY, 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	4,600.00	95.00
JACK A. MACDONALD, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES, INC	6,250.00	41.96
MIRIAM A. MACDONALD, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
JAMES E. MACK, 9005 CONGRESSIONAL COURT POTOMAC MD 20854	NATIONAL ASSN OF MIRROR MFGRS		
Do	PEANUT BUTTER & NUT PROCESSORS ASSN		
JAMES H. MACK, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	12,998.70	500.00
THOMAS L. MACK, P.O. BOX 49 PALO VERDE AZ 85343	BECHTEL POWER CORPORATION		
MARK J. MACKEY, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
MARION M. MACRAE, 1800 K ST., NW, #920 WASHINGTON DC 20006	BANKAMERICA CORPORATION		
J. LYNN MADDOX, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	365.00	
LEIGH U. MADDUX, 3600 NORTH 36TH ROAD ARLINGTON VA 22207	CERTAINTEED CORP		
SUSAN MAGAW, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
CHARLES MAGUIRE, 3315 P STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC	1,200.00	
FRANCIS E. MAGUIRE JR., 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
W. TERRY MAGUIRE, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,125.00	
DAVID L. MAHAN, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
THOMAS D. MAHER, 1775 K STREET,N.W. WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	27.75	
JOHN F. MAHONEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,980.00	99.72
TERENCE P. MAHONY, 1825 K STREET, NW, #807 WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	203.71
MICHAEL C. MAIBACH, 1850 K STREET, NW, #925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO		
ROBERT L. MAIER, SUITE 1000 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	165.00	10.00
STEVEN R. MAIMON, P.O. BOX 7579 WASHINGTON DC 20044			
F. ANTHONY MAIO, FOLEY, LARDNER, HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVE., NW, SUITE 1000 WASHINGTON DC 20006.	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
ANDRE MAISONPIERRE, 1110 VERMONT AVENUE, NW, #1010 WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	285.00	
DAVID MALLINO, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPT, AFL-CIO	5,583.15	72.25
J. WILSON MALLOY JR., 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICALS DIVISION	800.00	62.00
KURT L. MALMGREN, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	444.00	
MARY JO MALONE, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,857.00	1,175.60
ROBERT H. MALONEY, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
WILLIAM R. MALONI, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	4,125.00	2,357.58
MAN-MADE FIBER PRODUCERS ASSN, INC, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036			600.00
CARTER MANASCO, 5932 CHESTERBROOK RD. MCLEAN VA 22101	NATIONAL COAL ASSN	7,500.00	125.18
MANATT, PHELPS, ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLIED TUBE & CONDUIT CORP		
Do	BKK CORPORATION	1,900.00	
Do	KAUFMAN & BROAD, INC	3,460.00	
Do	MANUFACTURERS HANOVER LEASING CORPORATION	1,900.00	
Do	NATIONAL INVESTMENT DEVELOPMENT CORPORATION	1,500.00	
Do	NORTHROP CORP	4,400.00	
Do	NORTHWEST ALASKAN PIPELINE CO		
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	1,400.00	
MANCHESTER ASSOCIATES, LTD., 1155 15TH ST.,NW. SUITE 1010 WASHINGTON, DC 20005	NISSAN MOTOR COMPANY, LTD	8,143.09	8,143.09
FRANK MANKIEWICZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)		
FORBES MANN, 11128 TURTLE BEACH ROAD LOST TREE VILLAGE NORTH PALM BEACH FL 33408	LTV CORPORATION	84.00	5.00
RICHARD J. MANNIX, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
CYNTHIA MANSFIELD, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	1,140.00	645.27
ARMAND G MANSON, 1090 VERMONT AVE. N.W. STE 1100 WASHINGTON DC 20006	BELL AEROSPACE TEXTRON	2,760.00	
MANUFACTURED HOUSING INST, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202			500.00
MARCH FOR LIFE, INC, PO BOX 2950 WASHINGTON DC 20013		26,873.17	28,772.50
CHARLES T. MARCK, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO		
R. V. MARIANI, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	4,400.00	4,400.00
MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT, SUITE 600 1133 15TH STREET, NW WASHINGTON DC 20005.			13,255.00
RICHARD P. MARKEY, 729 15TH ST., NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
E. VERNON MARKHAM III, 2121 K STREET, NW, #830 WASHINGTON DC 20037	STEPHENS OVERSEAS SERVICES, INC		
LAWRENCE D. MARKLEY, PO BOX 3518 ANCHORAGE AK 99501	CHUGACH ELECTRIC ASSN, INC	1,350.00	1,221.61
NATHAN FRED MARKS, 685 N.W. 8TH STREET GRESHAM OR 97030			
LUTHER A. MARKWART, SUITE 1019 1156 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
JOHN C. MARLIN, 307 W. NEVADA URBANA IL 61801	CENTRAL STATES RESOURCE CENTER		
HOWARD MARLOWE, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,821.40	221.59
CHALMERS H. MARQUIS, 3430 BLAIR RD. FALLS CHURCH VA 22041	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
Do	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS	600.00	150.00
JOHN MARSH, 100 OAKVIEW DRIVE TRUMBULL CT 06611	RAYMARK CORPORATION		
C. TRAVIS MARSHALL, 1776 K ST., NW WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	39.75
DAVID O. MARTIN, NORTH LAKE ST. NEENAH WI 54956	KIMBERLY-CLARK CORP		
DONALD N. MARTIN, DONALD N. MARTIN & COMPANY, INC. 488 MADISON AVE. NEW YORK NY 10022			
FRED J. MARTIN JR., 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	95.23	3,638.88
JAMES D. MARTIN, 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORPORATION	2,000.00	170.30
JOHN M. MARTIN JR., 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	FOOD MARKETING INSTITUTE	100.00	
Do	JEWELRY INDUSTRY COORDINATING COMMITTEE		
KATHERINE E. MARTIN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	289.73	143.48
LARRY K. MARTIN, 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	150.00	
STEPHEN I. MARTIN, HARTFORD PLAZA HARTFORD CT 06115	HARTFORD FIRE INSURANCE CO	1,800.00	
JAMES C. MARTINELLI, 1025 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	ENVIRONMENTAL MANAGEMENT CONSULTANTS, INC		
VILMA S. MARTINEZ, 612 S. FLOWER STREET, 5TH FLOOR LOS ANGELES CA 90017	MUNGER, TOLLES & RICKERSHAUSER (FOR: SPANISH INTERNATIONAL COMMUNICATION CORP).	3,000.00	1,254.56
ERNEST MARTY, 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			
JUDITH MARTY, 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
JOSEPH J. MARTYAK, 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
MARYLAND SAVINGS-SHARE INSURANCE CORP., 901 NORTH HOWARD STREET BALTIMORE MD 21201			15.97
MIKE M. MASAOKA, SUITE 520, THE FARRAGUT BLDG. 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN JAPANESE TRADE COMM		
Do	JAPAN TELESCOPES MANUFACTURERS ASSN	200.00	
Do	NISEI LOBBY		
Do	TOYOTA MOTOR SALES, U.S.A., INC	750.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
W. A. MASON, P.O. BOX 21106 SHREVEPORT LA 71156	SOUTHWESTERN ELECTRIC POWER CO		
JON G. MASSEY, 610 POYDRAS STREET, #318 NEW ORLEAN LA 70130	APACHE CORP	2,000.00	
JAMES D. MASSIE, 1015 - 18TH STREET, N.W. WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	4,132.16
WILLIAM F. MASSMANN, PO BOX 225086 DALLAS TX 75265	DR PEPPER CO		
RICHARD D. MATHIAS, SUITE 901 1660 L STREET, NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
CHARLES D. MATTHEWS, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	1,320.00	60.99
JOHN W. MATTHEWS, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
ROBERT A. MATTHEWS, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	937.50	
JOANNE E. MATTIACE, 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	35.00	6.10
GILBERT MATTOX, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
WILLIAM C. MATTOX, 1775 PENNSYLVANIA AVENUE, NW, #701 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S	220.00	25.20
MARSHALL L. MATZ, BARNETT & ALAGIA 1000 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	AFFILIATED FOOD PROCESSORS, INC		
Do	AMERICAN BAKERS ASSN	100.00	44.60
Do	PLASTICS MANUFACTURING CO	1,500.00	539.99
C.V. & R.V. MAUDLIN, 1511 K STREET, NW, #535 WASHINGTON DC 20005	BRASS AND BRONZE INGOT INSTITUTE		
ANTHONY F. MAURIELLO, NEW YORK STATE PETROLEUM COUNCIL 150 STATE STREET ALBANY NY 12207	AMERICAN PETROLEUM INST		
THOMAS H. MAXEDON, KENTUCKY PETROLEUM COUNCIL 612-A SHELBY STREET FRANKFORT KY 40601	AMERICAN PETROLEUM INST		103.84
ALBERT E. MAY, 1625 K ST., NW WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	4,800.00	68.33
JAMES C. MAY, 700 ANDERSON ROAD PURCHASE NY 10577	PEPSICO, INC		
WALTER R. MAY, 7004 PARK TERRACE DRIVE ALEXANDRIA VA 22307	YELLOW FREIGHT SYSTEM, INC	10,500.00	2,990.42
ARNOLD MAYER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	16,828.86	439.71
MAYER, BROWN & PLATT, 888 17TH ST., NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC	700.00	
Do	COMDISCO, INC		
Do	ERISA INDUSTRY COMMITTEE	686.00	
Do	GATX CORP		
Do	JMB REALTY CORP		
Do	TRANSCANADA PIPELINES LTD		
C. H. MAYER, INC., SUITE 701 3421 NORTH CAUSEWAY BLVD. METAIRIE LA 70002	LANGHAM ENERGY CO		
JEFFREY G. MAYS, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
WILLIAM J. MCAULIFFE JR , 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN		
LARRY D. MCBENNETT, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
ANN MCBRIDE, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	12,037.50	1,877.24
MICHAEL J. MCCABE, ALLSTATE PLAZA NORTHBROOK IL 60062	ALLSTATE ENTERPRISES, INC		
Do	ALLSTATE INSURANCE COS		
JOHN A. MCCAHILL, 1250 CONNECTICUT AVE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE		
KATHERINE S. MCCARTER, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	2,566.00	
CAROLYN KIM MCCARTHY, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	1,250.00	500.00
JAMES R. MCCARTHY, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
JOHN C. MCCARTHY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC		
Do	MELAMINE CHEMICALS, INC		
Do	STATE OF LOUISIANA	14,500.00	4,950.00
MCCARTY NOONE & WILLIAMS, SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	AMERICAN MEDICAL TECHNOLOGISTS	285.00	70.94
MICHAEL A. MCCLELLAND, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
ROBERT MCCLORY, BAKER & MCKENZIE 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FRANCISCA WEI		
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC		
Do	COCA-COLA COMPANY	1,186.88	133.04
Do	ESTATE OF CHARLES G. BLUHDORN		1.87
Do	GULF & WESTERN INDUSTRIES, INC	689.06	332.44
Do	MOBIL OIL CORP	568.75	255.62
Do	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	2,205.00	
Do	PROVIDENCE CAPITOL CORP	334.69	53.87
ROBERT S. MCCONNAUGHEY, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
SALLY MCCONNELL, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,499.96	900.00
MOLLY MCCORMICK, 2301 MARKET STREET, S24-4 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	2,282.30	228.19
E. L. MCCULLOCH, 819 RAILWAY LABOR BLDG., 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF LOCOMOTIVE ENGINEERS	284.60	319.69
ROSE MCCULLOUGH, 421 SOUTH 9TH STREET, #210 LINCOLN NB 68508	SIERRA CLUB	2,500.00	1,208.59
ALBERT L. MCDERMOTT, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	2,291.27	
MARK T. MCDERMOTT, JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036.	CIVIL PILOTS FOR REGULATORY REFORM	257.00	
MCDERMOTT, WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	AM INTERNATIONAL	1,240.00	15.55
Do	FEDERAL KEMPER LIFE ASSURANCE COMPANY	1,080.00	37.60
Do	FEDERATION OF JAPAN SALMON FISHERIES COOPERATIVE ASSN		
Do	KEMPER CASUALTY CO		
Do	KEMPER INVESTORS LIFE INSURANCE CO	520.00	18.11
Do	SPRINGFIELD MARINE BANK (FOR: ESTATE OF GEORGE W. BUNN)	400.00	6.19
Do	TIMBER REALIZATION	2,640.00	36.30
Do	TUNA RESEARCH FOUNDATION, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
E. T. MCDONALD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,200.00	2,200.00
MICHAEL D. MCDONALD, MARYLAND PETROLEUM ASSN 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	450.00	193.58
MCDONOUGH HOLLAND & ALLEN, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	CARMA-SANDLING GROUP		
Do	COUNTY OF ORANGE	10,000.00	450.00
Do	STEPHEN D. COX		
Do	IRVINE CITY SAVINGS & LOAN ASSN	2,500.00	
Do	NELCO PRODUCTS, INC		
Do	ORANGE COUNTY TRANSPORTATION COMMISSION	6,000.00	300.00
Do	SANTA ANA RIVER FLOOD PROTECTION AGENCY	300.00	
Do	SANTA ANA VALLEY IRRIGATION CO.		
PATRICK J. MCDONOUGH, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT	3,483.00	
DINAH D. MCELFRESH, SUITE 1030N 1800 M ST., NW WASHINGTON DC 20036	HAUCK & ASSOCIATES (FOR: NATIONAL ASSN OF CHILD CARE MANAGEMENT)		
DARRYL D. MCEWEN, 901 N. WASHINGTON ST. ALEXANDRIA VA 22134	SOCIETY OF AMERICAN FLORISTS	2,500.00	
ROBERT H. MCFADDEN, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	240.00	5.50
PAUL J. MCGEADY, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC	19.23	
DONNA LEE MCGEE, 1800 M STREET,N.W. #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
W. CURT MCGEE, 1620 I ST., NW, SUITE 703 WASHINGTON DC 20006	BECHTEL NATIONAL, INC		
P. ANNE MCGHEE, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
ROBERT M. MCGLOTTEN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,552.18	1,862.11
PHYLLIS M. MCGOVERN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE		
CHRISTOPHER C. MCGRATH, NEW YORK STATE PETROLEUM COUNCIL 551 FIFTH AVENUE, RM. 718 NEW YORK NY 10176	AMERICAN PETROLEUM INST		
JEROME J. MCGRATH, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	500.00	
JOSEPH M. MCGUIRE, 1815 N. FORT MYER DR. ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	3,000.00	
PETER E. MCGUIRE, 400 FIRST ST., NW WASHINGTON DC 20001	NATIONAL ASSN OF RETIRED & VETERAN RAILWAY EMPLOYEES	4,999.98	
MCHALE, COOK & WELCH, P.C., 1122 CHAMBER OF COMMERCE BUILDING INDIANAPOLIS IN 46204	ESTATE OF MABEL R. LADD		
MCHENRY & STAFFIER, P.C., SUITE 408 1300 19TH STREET, NW WASHINGTON DC 20036	FOOTHILLS PIPE LINES (YUKON) LTD	20,336.00	53.75
Do	PAN-ALBERTA GAS LTD		25.75
CLARENCE M. MCINTOSH JR., 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	1,303.01	273.87
PHIL A. MCKEANEY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	9,516.96	105.00
CHRISTINE E. MCKECHNIE, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	250.00	132.88
ELDEN C. MCKEEN, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
WILLIAM F. MCKENNA, SUITE 500 2301 M ST., NW WASHINGTON DC 20037	HOUSLEY, GOLDBERG & KANTARIAN, P.C.		
MCKENNA, CONNER & CUNEO, 3435 WILSHIRE BLVD., 28TH FL. LOS ANGELES CA 90010	AHMANSON FOUNDATION		
Do	CALIFORNIA SAVINGS & LOAN LEAGUE		
JAN E. MCKENZIE, 1111 19TH ST., NW SUITE 702 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	748.00	236.11
ROBERT T. MCKERNAN, 1619 MASSACHUSETTS AVENUE, N.W. WASJINGTON DC 20036	AMERICAN PAPER INST, INC	500.00	
WILLIAM COLM MCKEVENY, 30 ROCKEFELLER PLAZA NEW YORK NY 10112	AMERICAN PULPWOOD ASSN		
JAMES D. MCKEVITT, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
C. A. 'MACK' MCKINNEY, 219 NORTH WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	7,123.14	10,463.10
THOMAS I. MCKNEW JR., 1100 CONNECTICUT AVENUE, NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,500.00	
JAMES D. MCLAUGHLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	250.00	67.65
WILLIAM F. MCMANUS, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	510.00	
JAMES D. MCMILLAN, 1899 L ST., NW, #1100 WASHINGTON DC	EXXON CORPORATION		1,096.96
MCMURRAY & PENDERGAST, 1575 EYE STREET, NW, #600 WASHINGTON DC 20005	COOPER LABORATORIES, INC	8,000.00	109.78
Do	GOVERNMENT OF BELIZE	3,000.00	557.37
Do	GOVERNMENT OF REPUBLIC OF PANAMA	1,000.00	22.60
Do	SUGAR ASSN OF THE CARIBBEAN	11,300.00	57.61
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AIRCO, INC		
Do	AMERICAN PETROLEUM INST		
Do	BUSINESS ROUNDTABLE	2,765.00	348.55
Do	CBS, INC	25,641.00	1,287.17
Do	COLT INDUSTRIES, INC		
Do	DAVIS POLK & WARDWELL	2,590.00	207.92
Do	GENERAL MILLS		234.44
Do	GENERAL TELEPHONE & ELECTRONICS	18,504.00	880.21
Do	GEORGIA PACIFIC CORP	6,254.00	813.09
Do	GROCERY MANUFACTURERS OF AMERICA, INC	1,081.00	
Do	HARRIS CORPORATION	7,000.00	251.82
Do	METROPOLITAN INSURANCE	1,690.00	
Do	NATIONAL ASSN OF REALTORS		
Do	NATIONAL FOOTBALL LEAGUE		
Do	PHARMACEUTICAL MANUFACTURERS' ASSN	6,470.00	
Do	SONY CORP OF AMERICA	14,345.00	
Do	WESTINGHOUSE ELECTRIC CORP	1,075.00	
LARAMIE FAITH MCNAMARA, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
PETER F. MCNEISH, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	3,000.00	
MICHAEL J. MCSHANE, 1200 NEW HAMPSHIRE AVENUE, NW, #320 WASHINGTON DC 20036	TECHNOLOGY FOR ENERGY CORP		
ROBERT MCVICKER, 2001 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	KOLLSMAN INSTRUMENT CO		
RONALD E. MCWILLIAMS, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING MARINE SYSTEMS		
GEORGE G. MEAD, 430 FIRST ST., SE WASHINGTON DC 20003	AMERICAN TRUCKING ASSNS, INC		
JOHN K. MEAGHER, 1155 15TH ST.,N.W. SUITE 1004 WASHINGTON DC 20005	LTV CORPORATION	2,500.00	640.00
JOSEPH J. MEDER, SUITE 1100 1050 17TH ST., NW WASHINGTON DC 20036	INTERLAKE, INC	9,000.00	97.54
MEDTRONIC, INC, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440			2,266.19
DAVID O. MEEKER, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,500.00	
WILLIAM H. MEGONNELL, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,413.00	121.68
RICHARD A. MEHLER, 1742 N ST., NW WASHINGTON DC 20036	AUTOMOTIVE PARTS REBUILDERS ASSN		
STEPHEN J. MELMAN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
HOWARD H. MENAKER, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
MENDELSOHN ASSOCIATES, INC., 1826 JEFFERSON PLACE, NW, #101 WASHINGTON DC 20036	AMERICAN PRESIDENT LINES		
Do	WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS		
HOWARD A. MENELL, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
EDWARD L. MENNING, 1522 K STREET N.W. SUITE 836 WASHINGTON DC 20005	ASSOCIATION OF FEDERAL VETERINARIANS	30.82	
STEPHANIE MENSH, 1101 VERMONT AVENUE, NW, #300 WASHINGTON DC 20005	AMERICAN ACADEMY OF OPHTHALMOLOGY		
ELLIS E. MEREDITH, 1611 NORTH KENT ST. ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
CHARLES L. MERIN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	5,000.00	1,515.80
EDWARD A. MERLIS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN	5,000.00	
CLAUDE W. MERLO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVE., NW WASHINGTON DC 20815	CENTRAL GULF LINES, INC	2,500.00	257.59
Do	NATIONAL ASSN OF RECYCLING INDUSTRIES, INC	15,000.00	276.04
MERRILL LYNCH & CO., INC., SUITE 906 1828 L STREET, NW WASHINGTON DC 20036			4,500.00
ORREN MERRIN, 701 WASHINGTON BUILDING 15TH STREET AND NEW YORK AVENUE, NW WASHINGTON DC 20005	PORTFOLIO OF AGRICULTURE AND CAYMAN TURTLE FARM LTD		
THOMAS L. MESKAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	393.94
JEAN L. MESTRES, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	748.00	
WILLIAM M. METHENITIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	1,565.00	798.39
METZGER, SHADYAC & SCHWARZ, 1275 K ST., NW WASHINGTON DC 20005	MELEX USA, INC		
CHRISTOPHER L. MEYER, P.O. BOX 888 ASHLAND KY 41101			
M. BARRY MEYER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		27.05
LARRY D. MEYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	25,000.00	2,248.01
JAMES G. MICHAUX, 1200 NEW HAMPSHIRE AVENUE, NW, #430 WASHINGTON DC 20036	FEDERATED DEPT STORES, INC	500.00	
LAURIE L. MICHEL, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NABISCO BRANDS, INC	4,300.00	1,863.36
RONALD A. MICHIELI, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
MID CONTINENT WILDCATTERS ASSN., 200 DOUGLAS BLDG. WICHITA KS 67202		94,973.00	7,729.00
MID-CONTINENT OIL & GAS ASSN, 711 ADAMS OFFICE BLDG. TULSA OK 74103		398.04	16,720.35
JOY MIDMAN, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	200.00	
PAUL J. MIGNINI SR., 815 16TH STREET, NW WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION		
MILBANK, TWEED, HADLEY & MCCLOY, 1825 EYE STREET, NW, #900 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	22,877.60	
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO	10,877.60	
Do	JOINT TASK FORCE ON FEDERAL FINAN. ASSIST. FOR LAW STUDENTS		
Do	MUTUAL LIFE INSURANCE COMPANY OF NEW YORK	10,877.61	
Do	NEW YORK LIFE INSURANCE COMPANY	10,877.61	
Do	PRUDENTIAL LIFE INSURANCE COMPANY OF AMERICA	10,877.60	
MILES & STOCKBRIDGE, SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLACK AND DECKER MANUFACTURING COMPANY		110.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PEPSICO, INC		60.00
Do	PIZZA HUT, INC		160.00
KATHERINE MILLARD, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	150.00	
ROY H. MILLENSON, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	750.00	71.13
MILLER & CHEVALIER CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	WEBSTER, JEPPSON, JONES & AGRAN		106.03
MILLER ASSOCIATES, INC., 2500 QUE ST.,NW WASHINGTON DC 20007	TOSCO CORPORATION	1,500.00	44.50
DALE MILLER, 4000 RENO ROAD, NW WASHINGTON DC 20008	GULF INTRACOASTAL CANAL ASSN		
Do	TEXASGULF, INC		
DAVID H. MILLER, 900 17TH STREET, NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A	125.00	16.36
DEBORAH IMLE MILLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
JAMES C. MILLER, 1616 H ST, NW WASHINGTON DC 20006	NATIONAL GRANGE	3,315.00	
JOSEPH E. MILLER JR., 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	6,034.00	6.80
PAUL J. MILLER, 8000 SEARS TOWER CHICAGO IL 60606	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
RICHARD G. MILLER, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	3,836.64	749.56
ROBERT H. MILLER, 490 L'ENFANT PLAZA EAST, SW, #2202 WASHINGTON DC 20024	TENNECO INC		
ROBERTA BALSTAD MILLER, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	210.00	
ROBIN MILLER, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	961.86	
STEVEN T. MILLER, 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MANUFACTURERS, INC	581.25	274.84
Do	AUTO INTERNACIONAL ASSN	342.25	188.36
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN	588.94	402.41
MILLER, CANFIELD, PADDOCK & STONE, SUITE 300 2555 M ST., NW WASHINGTON DC 20037	FEDERAL HOME LIFE INSURANCE CO	1,020.00	539.00
MILLER, CASSIDY, LARROCA & LEWIN, SUITE 500 2555 M ST., NW WASHINGTON DC 20037	NATIONAL PUBLIC RADIO		
C.G. PETE MILLIGAN, 4360 N.E. JOE'S POINT STUART FL 33494	AMERICAN TELEPHONE & TELEGRAPH CO	3,700.00	316.38
CHRISTINE TOPPING MILLIKEN, 1717 MASSACHUSETTS AVE., #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	6,314.00	110.00
JOHN C. MILLINER P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
RICHARD M. MILLMAN, P.C., 1420 16TH STREET, NW WASHINGTON DC 20036	HOUSE OF REPRESENTATIVES, SAN JUAN, PR		
Do	SENATE OF PUERTO RICO		
JOHN F. MILLS, 1875 I ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE		
ROBERT G. MILLS, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	600.00	
EDWARD J. MILNE JR., 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHT CO	2,106.00	1,194.08
RICHARD V. MINCK, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	900.00	
MINERAL EXPLORATION COALITION, INC, P.O. BOX 15638 LAKEWOOD CO 80215			
THOMAS B. MIRANDA, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	462.50	24.38
THOMAS F. MITCHELL, 1875 I STREET, NW, #470 WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		210.00
STACEY J. MOBLEY, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
KENNETH E. MOFFETT, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
ROBERT M. MOLITER, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
JOHN V. MOLLER, 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20005	MANCHESTER ASSOCIATES, LTD. (FOR: NISSAN MOTOR COMPANY, LTD.)	4,500.00	45.00
ROBERT A. MOLOFSKY, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	5,000.00	72.00
MICHAEL J. MOLONEY, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	60.00	
C. MANLY MOLPUS, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HERMAN J. MOLZAHN, 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CHRISTOPHER MONEK, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES A. MONFORT, SUITE 1101 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OF CONCERNED SCIENTISTS	4,900.00	126.90
JOHN M. MONLEY, SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		
ELIZABETH R. MONRO, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,000.00	
MARY MONROE, 1919 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	INTERNATIONAL AIRLINE PASSENGERS ASSN, INC	600.00	140.00
MICHAEL MONRONEY, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JOHN C. MONSUL, 923 RIVA RIDGE DRIVE GREAT FALLS VA 22066			
STEVEN M. MOODIE, 910 16TH STREET ROOM 302 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
JAMES P. MOONEY, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	5,700.00	
ALAN J. MOORE, SUITE 840, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
JANIS E. MOORE, 1776 F ST., NW WASHINGTON, DC 20006	NATIONAL ASSN OF MANUFACTURERS	250.00	
MORALITY IN MEDIA, INC., 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115		1,296.84	1,296.84
VINCENT L. MORELLI, 2550 M ST., NW SUITE 225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	399.00	450.26
JOHN MORGAN, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	875.00	62.85
MORGAN, LEWIS & BOCKIUS, SUITE 800 NORTH 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
Do	KNOLL FINE CHEMICALS, INC		
JEANNE MORIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	700.00	74.00
ROBERT E. MORIN, 600 NEW HAMPSHIRE AVENUE, NW, #354 WASHINGTON DC 20037	SOCIETY OF REAL ESTATE APPRAISERS		
JAMES A. MORRILL, SCOTT PLAZA I PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	1,326.47
GERALD D. MORRIS, 11 DUPONT CIRCLE WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	11,182.41	162.00
MARTIN S. MORRIS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
W. PATRICK MORRIS, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA		
MORRISON & FOERSTER, 1920 N STREET, NW, #800 WASHINGTON DC 20036	CITY AND COUNTY OF SAN FRANCISCO	170.00	
Do	CROCKER NATIONAL BANK	8,848.87	140.00
Do	EASTDIL EQUITY		90.00
Do	LOCKHEED AIR TERMINALS, INC		4,037.36
Do	MASTERCARD INTERNATIONAL, INC	7,928.00	480.43
Do	ROSENBERG REAL ESTATE EQUITY FUND, INC	24,475.00	618.86
JULIAN K. MORRISON III, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
WILLIAM C. MORRISON, 2001 NORTH ADAMS ST. ARLINGTON VA 22201	MEAT IMPORTERS COUNCIL OF AMERICA, INC	875.00	
VALERIE T. MORSE, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
FRANK D. MORUZZI, SUITE 500 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
JOHN H. MOSEMAN, 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS		
RUSSELL N. MOSHER, SUITE 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC	146.67	136.90
SOL MOSHER, 1660 L ST., NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH CORPORATION		
MOSS & BARNETT, 1200 PILLSBURY CENTER MINNEAPOLIS MN 55402	WASIE FOUNDATION		
MOSS ASSOCIATES, INC, 2440 VIRGINIA AVENUE, NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COS	900.00	
LYNN E. MOTE, 1015 15TH ST., NW, #900 WASHINGTON DC 20005	INTERNORTH	2,000.00	
MOTION PICTURE ASSN OF AMERICA, INC, 1600 EYE STREET, NW WASHINGTON DC 20006		6,824.70	6,824.70
JOHN J. MOTLEY, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION, 1120 19TH ST., NW SUITE 333 WASHINGTON DC 20036			3,297.61
MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC., 300 NEW CENTER BLDG. DETROIT MI 48202		1,263.90	1,263.90
MOUNTAIN WEST ASSOCIATES, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	GREAT NATIONAL CORPORATION	3,000.00	76.36
Do	PUBLIC SERVICE COMPANY OF NEW MEXICO	11,000.00	197.05
Do	UTAH POWER & LIGHT CO	21,571.00	3,961.83
HAROLD P. MUELLER III, P.O. BOX 7755 PHILADELPHIA PA 19101	TAXPAYERS FOR FEDERAL PENSION REFORM		
JAMES MULAR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
WILLIAM G. MULLEN, SUITE 1037 1133 15TH ST., NW WASHINGTON DC 20006	THIRD CLASS MAIL ASSOCIATION	600.00	
RICHARD J. MULLER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	105.00
JOHN P. MULLIGAN, 1101 17TH ST., NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION	1,590.00	
ALBERT E. MULLIN JR., 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	4,000.00	
TRACY MULLIN, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	150.00	20.00
ROBERT J. MULLINS, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	7,680.00	
C. LEON MURPHY, P.O. BOX 12910 CHARLESTON SC 29412	KIAWAH ISLAND CO, LTD		
JEANNE MARIE MURPHY, 1730 RHODE ISLAND AVENUE, NW, #810 WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSN, INC	300.00	86.00
Do	INDEPENDENT BANKERS ASSOCIATION OF AMERICA		
K. R. MURPHY, 1025 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	GULF OIL CORP	1,000.00	
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
RICHARD W. MURPHY, 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	500.00	167.92
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROADS	400.00	
Do	CLEVELAND CLIFFS IRON CO	250.00	
Do	CONNECTICUT MUTUAL LIFE INSURANCE CO	500.00	
Do	FREEPORT MINERALS CO		
Do	IRON ORE LESSORS ASSN, INC	250.00	
Do	LTV CORPORATION	450.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	500.00	
Do	MUTUAL BENEFIT LIFE	500.00	
Do	NATIONAL BUSINESS AIRCRAFT ASSN	500.00	
Do	NATIONAL COUNCIL OF COAL LESSORS	300.00	
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PENN MUTUAL LIFE INSURANCE CO	100.00	
Do	SWAZILAND SUGAR ASSN	500.00	
GORDON L. MURRAY, SUITE 1002 1911 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	LEAR SIEGLER, INC./ENERGY PRODUCTS DIV	67.11	67.11
WILLIAM E. MURRAY, 1800 MASS. AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	179.50	
CRAIG E. MUSICK, 5913 OAKLAND PARK DRIVE BURKE VA 22015	AMERICAN TRADE AND FINANCE COMPANY	10,000.02	
ROBERT J. MUTH, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	200.00	
LAWRENCE P. MUTTER, 6849 OLD DOMINION DR. MCLEAN VA 22102	AUTOMOTIVE PARTS REBUILDERS ASSN		
FRED J. MUTZ, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3,500.00	17.50
GARY D. MYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	4,500.00	
CLIFFORD M. NAEVE, SUITE 503 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	1,944.00	10.00
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
NANCY A. NAGY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
LINDA K. NAIDA, 1616 H STREET, NW WASHINGTON DC 20006	NATIONAL GRANGE	875.00	
ANNETTE NAJJAR, 2033 M ST., NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
JULIA NANAY, 2550 M STREET, NW WASHINGTON DC 20037	CHARTER OIL CO		
JOHN L. NAPIER, 232 EAST CAPITOL ST. WASHINGTON DC 20003	DARE COUNTY OREGON INLET COMMISSION	18,000.00	1,324.19
Do	FLUE CURED TOBACCO STABILIZATION CORPORATION	6,000.00	346.37
Do	GENERAL MILLS CORPORATION		
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC	10,000.00	1,141.43
Do	TURNER BROADCASTING SYSTEM, INC		
Do	DON WALLACE ASSOCIATES, INC		
FRANCES E NATHAN, 455 FIFTH AVENUE NEW YORK NY 10016	NEW YORK PUBLIC LIBRARY	4,305.00	
HARDY L. NATHAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
RAYMOND NATHAN, 4242 EAST-WEST HWY CHEVY CHASE MD 20815	AMERICAN ETHICAL UNION	585.00	292.43
NATIONAL AGRICULTURAL CHEMICALS ASSN, 1155 15TH ST., NW WASHINGTON DC 20005		10,016.94	10,016.94
NATIONAL AIR CARRIER ASSN, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL AMERICAN WHOLESALE GROCERS' ASSN, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046		3,000.00	3,000.00
NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC, P.O. BOX 14887 COLUMBUS OH 43214		3,140.48	2,266.72
NATIONAL ASSN FOR UNIFORMED SERVICES, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151		2,261.29	2,376.89
NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS, SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902		7,824.00	
NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC, 23871 MADISON TORRANCE CA 90505			7,300.46
NATIONAL ASSN OF BEVERAGE IMPORTERS, 1025 VERMONT AVENUE, NW, #1205 WASHINGTON DC 20005			
NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISERS, 276 FIFTH AVENUE NEW YORK NY 10021			
NATIONAL ASSN OF CHAIN DRUG STORES, INC., P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC		6,202.75
NATIONAL ASSN OF FEDERAL VETERINARIANS, SUITE 836 1522 K ST., NW WASHINGTON DC 20005			65.74
NATIONAL ASSN OF FEDERALLY LICENSED FIREARMS DEALERS, 2801 E. OAKLAND PARK BLVD. FT. LAUDERDALE FL 33306			
NATIONAL ASSN OF HOMES FOR CHILDREN, 104 EAST 35TH ST. NEW YORK NY 10016			2,050.00
NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		15,174.00	60,289.00
NATIONAL ASSN OF INSURANCE BROKERS, INC, SUITE 700 311 FIRST STREET, NW WASHINGTON DC 20001			
NATIONAL ASSN OF MANUFACTURERS, 1776 F ST., NW WASHINGTON DC 20006		61,340.55	61,340.55
NATIONAL ASSN OF MARGARINE MFGRS, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006			
NATIONAL ASSN OF MUTUAL INSURANCE COS., 3707 WOODVIEW TRACE P.O. BOX 68700 INDIANAPOLIS IN 46268			
NATIONAL ASSN OF MUTUAL SAVINGS BANKS, 200 PARK AVE. NEW YORK NY 10166		9,514.03	9,514.03
NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC, SUITE 300 3 PIEDMONT CENTER ATLANTA GA 30305		6,450.00	3,258.94
NATIONAL ASSN OF PHARMACEUTICAL MANUFACTURERS, 747 THIRD AVENUE NEW YORK NY 10017		9,200.00	1,900.00
NATIONAL ASSN OF PRIVATE ENTERPRISE, ALAMEDA ROOSEVELT 2827 SAN SALVADOR, EL SALVADOR			
NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC., 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036			1,900.00
NATIONAL ASSN OF STEVEDORES, 2011 I STREET, NW, #601 WASHINGTON DC 20006		61,376.00	13,885.00
NATIONAL ASSN OF TRUCK STOP OPERATORS, INC, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314			
NATIONAL ASSN OF WHEAT GROWERS, SUITE 300 415 2ND ST., NE WASHINGTON DC 20002		110.00	5,248.54
NATIONAL AUDIO-VISUAL ASSN, INC, 3150 SPRING ST. FAIRFAX VA 22031		4,993.00	4,060.50
NATIONAL BROILER COUNCIL, 1155 15TH ST., NW WASHINGTON DC 20005		1,750.00	1,750.00
NATIONAL BUSINESS AIRCRAFT ASSN, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006			
NATIONAL CABLE TELEVISION ASSN, INC, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		57,442.50	58,858.50
NATIONAL CATTLEMEN'S ASSN, 5420 S. QUEBEC ST. P.O. BOX 3469 ENGLEWOOD CO 80155			3,000.00
NATIONAL CLUB ASSOCIATION, 1625 EYE ST., NW, #609 WASHINGTON DC 20006			
NATIONAL COAL ASSN, COAL BLDG. WASHINGTON DC 20036		1,158,524.00	12,294.00
NATIONAL COALITION FOR LOWER PRICES, 765 FIFTH AVENUE NEW YORK NY 10001		900.00	11,118.05
NATIONAL COALITION FOR MARINE CONSERVATION, INC., P.O. BOX 23298 SAVANNAH GA 31403		13,485.00	16,200.02
NATIONAL COMM FOR A HUMAN LIFE AMENDMENT, INC, SUITE 400 1707 L ST., NW WASHINGTON DC 20036		38,016.00	9,430.00
NATIONAL COMM FOR CITIZENS IN EDUCATION, SUITE 410 WILDE LAKE VILLAGE GREEN COLUMBIA MD 21044			
NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS, BOX 1, 900 SOUTH 1800 M ST., NW WASHINGTON DC 20036.		13,257.00	13,257.00
NATIONAL COMMERCIAL FINANCE ASSOCIATION, ONE PENN PLAZA NEW YORK NY 10001		2,046.00	4,020.19
NATIONAL CONSUMERS LEAGUE, INC, 1522 K STREET, NW, #406 WASHINGTON DC 20005			1,503.16
NATIONAL COTTON COUNCIL OF AMER, P.O. BOX 12285 MEMPHIS TN 38182		4,456.02	4,456.02
NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC, 7216 STAFFORD RD. ALEXANDRIA VA 22307			
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, 435 SOUTHERN BLDG. 1425 H ST., NW WASHINGTON DC 20005		5,800.00	3,650.00
NATIONAL COUNCIL OF HEALTH CENTERS, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037		2,614.49	4,002.35
NATIONAL COUNCIL OF SAVINGS INSTITUTIONS, SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005		716,176.53	
NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION, 1825 EYE STREET, NW, #1050 WASHINGTON DC 20006			
NATIONAL ELECTRICAL MFGRS ASSN, 2101 L ST., NW WASHINGTON DC 20037			
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH ST., NW WASHINGTON DC 20036		20,071.84	20,071.84
NATIONAL FEDERATION OF INDEPENDENT BUSINESS, 150 W. 20TH AVE. SAN MATEO CA 94403		9,800.00	9,800.00
NATIONAL FERTILIZER SOLUTIONS ASSN, 8823 NORTH INDUSTRIAL ROAD PEORIA IL 61615		3,647.69	3,647.69
NATIONAL FOOD PROCESSORS ASSN., 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005		1,932.42	1,932.42
NATIONAL GRAIN & FEED ASSN, 725 15TH ST., NW WASHINGTON DC 20005			45.00
NATIONAL GRANGE, 1616 H ST., NW WASHINGTON DC 20006		12,500.00	9,662.50
NATIONAL GUARD ASSN OF THE U.S., ONE MASSACHUSETTS AVE., NW WASHINGTON DC 20001		83,081.50	798.39
NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, SUITE 410 1090 VERMONT AVE., NW WASHINGTON DC 20005		10,000.00	9,940.00
NATIONAL LEAGUE OF POSTMASTERS OF THE U.S., 1023 NORTH ROYAL STREET ALEXANDRIA VA 22314			26,189.00
NATIONAL LEASED HOUSING ASSN, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036		450.00	450.00
NATIONAL LIMESTONE INST, INC, 1840 WILSON BLVD., #203 ARLINGTON VA 22201		22,745.43	22,745.43
NATIONAL MARITIME COUNCIL, 1748 N ST., NW WASHINGTON DC 20036			
NATIONAL MILK PRODUCERS FEDERATION, 1840 WILSON BLVD. ARLINGTON VA 22201		8,617.52	8,617.52
NATIONAL MOTORSPORTS COMM OF ACCUS, SUITE 1204 1701 K ST., NW WASHINGTON DC 20006		40.10	
NATIONAL MULTIFAMILY HOUSING FINANCE ASSOCIATION, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036			112,181.71
NATIONAL NEWSPAPER ASSN, SUITE 400 1627 K ST., NW WASHINGTON DC 20006		97,830.00	5,904.63
NATIONAL OFFICE MACHINE DEALERS ASSOCIATION, 810 LIVELY BLVD., P.O. BOX 707 WOOD DALE IL 60191		26.00	1.67
NATIONAL OIL JOBBERS COUNCIL, INC., 1707 H ST., NW 11TH FLOOR WASHINGTON DC 20006		194,105.75	13,762.00
NATIONAL ORGANIZATION FOR WOMEN, 425 13TH ST., NW WASHINGTON DC 20004			3,201.09
NATIONAL PARKING ASSOCIATION, 2000 K ST., NW, #350 WASHINGTON DC 20036			28,111.75
NATIONAL PEST CONTROL ASSN, 8100 OAK ST. DUNN LORING VA 22027			
NATIONAL PRINTING EQUIPMENT & SUPPLIES ASSN, INC, 6849 OLD DOMINION DRIVE, #200 MCLEAN VA 22101			
NATIONAL PUBLIC AFFAIRS CORP., ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	300.00	
NATIONAL REHABILITATION ASSN, 633 S. WASHINGTON ST. ALEXANDRIA VA 22314			4,500.00
NATIONAL RETAIL MERCHANTS ASSN, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			4,950.00
NATIONAL RIGHT TO WORK COMMITTEE, SUITE 600 8001 BRADDOCK RD. SPRINGFIELD VA 22160		9,278.78	9,278.78
NATIONAL RURAL ELECTRIC COOPERATIVE ASSN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			3,026.04
NATIONAL SECURITY TRADERS ASSN, INC, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048			3,958.33
NATIONAL SMALL BUSINESS ASSN, 1604 K ST., NW WASHINGTON DC 20006		5,000.00	138.10
NATIONAL SMALL BUSINESS INDEX, R.R. #1 AITKIN MN 56431			
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS, 2029 K ST., NW WASHINGTON DC 20006		12,500.00	8,850.00
NATIONAL SOFT DRINK ASSN, 1101 16TH ST., NW WASHINGTON DC 20036			42,595.07
NATIONAL TAX EQUALITY ASSN, 1000 CONNECTICUT AVNEUE, NW, #615 WASHINGTON DC 20036		4,797.80	6,960.45
NATIONAL TAX LIMITATION COMMITTEE, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005		4,000.00	3,530.00
NATIONAL TIRE DEALERS & RETREADERS ASSN, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005		17,294.00	17,294.00
NATIONAL VICTIMS OF CRIME, 715 EIGHTH STREET, SE WASHINGTON DC 20003			
NATIONAL WATER WELL ASSN, 500 W. WILSON BRIDGE ROAD WORTHINGTON OH 43085		2,254.50	2,254.50
KAREN J. NEALE, 2501 M STREET N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ALLEN NEECE JR., 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS).	1,400.00	200.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL VENTURE CAPITAL ASSN)	1,500.00	1,300.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS UNITED)	1,700.00	1,700.00
NEECE, CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS	1,400.00	200.00
Do	LATIN AMERICAN MANUFACTURERS ASSN (LAMA)	1,600.00	
Do	NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS	200.00	
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	1,500.00	1,300.00
Do	SMALL BUSINESS UNITED	1,700.00	1,700.00
Do	SOUTHEASTERN LUMBER MANUFACTURERS ASSN (SLMA)	1,800.00	720.00
FRANCES E. NEELY, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,845.76	
MARY ELIZABETH NEESE, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	1,000.00	94.33
STANLEY NEHMER, 1320 19TH STREET, NW, #500 WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	ARAB REPUBLIC OF EGYPT		1,300.00
Do	GOVERNMENT OF EL SALVADOR		
Do	HASHEMITE KINGDOM OF JORDAN		
Do	KINGDOM OF MOROCCO		
NEILL & MULLENHOLZ, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR	70,000.00	1,000.00
Do	HASHEMITE KINGDOM OF JORDAN	55,000.00	350.00
Do	KINGDOM OF MOROCCO	125,000.00	2,850.00
Do	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSN	1,500.00	
Do	SENIOR EXECUTIVES ASSN	5,000.00	150.00
CAROLYN B. NELSON, #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC		
MARK D. NELSON, SUITE 900 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20036	E. I. DU PONT DE NEMOURS & CO		
MILTON E. NESHEK, THE GODFREY BLDG. 11 N. WISCONSIN ST. ELKHORN WI 53121	KIKKOMAN FOODS, INC		
GIL NETTLETON, 4101 CATHEDRAL AVENUE, NW WASHINGTON DC 20016	CHARLES E. GOODELL (FOR THOMSON-CSF, INC)	1,100.00	105.10
Do	DGA INTERNATIONAL, INC (FOR SNECMA)		
NETWORK, 806 RHODE ISLAND AVE., NE WASHINGTON DC 20018		26,622.27	23,148.56
E. JOHN NEUMANN, SUITE 820 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	782.98	453.35
ROBERT B. NEVILLE, 311 1ST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		2,000.00
NEW YORK COMM OF INTL COMM OF PASSENGER LINES, 74 TRINITY PLACE NEW YORK NY 10006			
MARY BENNETT NEWBOULD, 122 C STREET, NW, #875 WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	1,100.00	
LESLIE F. NEWCOMER, 226 W. RITTENHOUSE SQUARE PHILADELPHIA PA 19103	PHILADELPHIA NATIONAL BANK		
NEWMAN & HOLTZINGER, P.C., 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UTILITY NUCLEAR WASTE MANAGEMENT GROUP		
KATHRYN L. NEWMAN, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
THOMAS E. NEWMAN, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	250.00	
WILLIAM B. NEWMAN,JR., P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	3,850.00	
JANET G. NEWPORT, 1707 H ST., NW, 11TH FL WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL		
CHARLES E. NICHOLS, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	19,500.00	778.03
NICHOLAS JOHN NICHOLS, 1620 EYE ST., NW WASHINGTON DC 20006	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS		
ROBERT W. NICHOLS, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC	6,000.00	40.00
THOMAS NICKELS, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	5,143.96	396.14
PATRICK J. NILAN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	9,211.95	2,160.20
NISSAN MOTOR CORPORATION IN U.S.A., 1919 PENNSYLVANIA AVENUE, NW, #707 WASHINGTON DC 20006			269.32
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			11,679.98
LOIS A. NOACK, 1828 L STREET, NW, #905 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC		
ROBERT W. NOLAN, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN	100.00	
WALKER F. NOLAN, 1111-19TH STREET,N.W. 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,532.00	368.86
H. CHRISTOPHER NOLDE, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
NONPROFIT MAILERS FEDERATION, 2555 M STREET, NW, #405 WASHINGTON DC 20037			4,992.74
CHARLES M. NOONE, 490 L'ENFANT PLAZA EAST SUITE 3306 WASHINGTON DC 20024	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	1,800.00	75.48
M. KATHRYN NORDSTROM, SUITE 900 ONE THOMAS CIRCLE, NW WASHINGTON DC 20005	PACIFIC SEAFOOD PROCESSORS ASSN	3,750.00	183.23
JAMES O. E. NORELL, 733 15TH ST., NW WASHINGTON DC 20005	LEGAL SERVICES CORP		
JOSEPH M. NORMANDY III, 1101 17TH STREET, NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMERICA, INC		
JULIA J. NORRELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	5,325.00	141.75
NORTH AMERICAN EXPORT GRAIN ASSN., INC., 1800 M ST., NW, SUITE 610-N WASHINGTON DC 20036			
EVANS W. NORTH, 1216 16TH STREET, NW WASHINGTON DC 20036			
J. HALLOCK NORTHCOTT, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO	2,000.00	260.00
NORTHEAST UTILITIES SERVICE CO, SELDEN ST. BERLIN CT 06037			1,470.15
CLIFFORD R. NORTHUP, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	429.84
MORGAN NORVAL, 1202 S. WASHINGTON ST., #2 ALEXANDRIA VA 22314	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	300.00	
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AETNA LIFE & CASUALTY	800.00	200.00
Do	BURLINGTON NORTHERN, INC		
Do	CALIFORNIA STUDENT LOAN FINANCE CORP		
Do	COOK INLET REGION, INC		
Do	DIVIDEND SUPPORT GROUP		
Do	GENERAL ELECTRIC CO	100.00	
Do	HELIONETICS, INC		
Do	INSURANCE ASSOCIATION OF CONNECTICUT	100.00	300.00
Do	NEW YORK LIFE INSURANCE COMPANY		
Do	TRUST FOR PUBLIC LANDS		
MICHAEL NOVELLI, 3012 CAMBRIDGE PLACE, NW WASHINGTON DC 20007	PACIFIC POTOMAC SERVICES		
P. MICHAEL NUGENT, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	256.00	276.35
RALPH D. NURNBERGER, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	10,133.52	
FRANKLIN W. NUTTER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
MARK J. NUZZACO, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	5,716.70	500.00
C.D. NYBERG, P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & CO		
KENNETH E. NYQUIST, 8600 BRYN MAWR AVENUE CHICAGO IL 60631	NATIONAL ROOFING CONTRACTORS ASSN	6,900.00	6,900.00
HUBERT K. O'BANNON, P.O. BOX 23451 WASHINGTON DC 20026	CONSOLIDATED RAIL CORPORATION	2,050.00	
GEORGE O'BEA JR., 815 16TH ST., NW, #304 WASHINGTON DC 20006	UNITED PAPERWORKERS INT'L UNION		
COLEMAN C. O'BRIEN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	6,250.00	97.66
JOHN F. O'BRIEN, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
MARY EILEEN O'BRIEN, 1800 M ST., NW, SUITE 710 SOUTH WASHINGTON DC 20036	DOW CORNING CORPORATION		
RAYMOND V. O'BRIEN, 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,000.00	75.00
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC	500.00	259.24
DAVID S. O'BRYON, 1916 WILSON BLVD. ARLINGTON VA 22201	AMERICAN CHIROPRACTIC ASSN	450.00	137.50
DANIEL O'CONNELL, ONE POST OFFICE SQUARE BOSTON MA 02109	GADSBY & HANNAH (FOR: WANG LABORATORIES, INC)		
JAMES J. O'CONNELL, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	504.00	202.93
RICHARD T. O'CONNELL, RICHARD T. O'CONNELL & ASSOCIATES, INC 3208 TRAVELER STREET FAIRFAX VA 22030	CHOCOLATE MANUFACTURERS ASSN OF THE USA		
Do	NATIONAL CONFECTIONERS ASSN OF THE U.S.		
TERRENCE M. O'CONNELL II , 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	7,000.00	
WILLIAM B. O'CONNELL, 111 EAST WACKER DR. CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS INSTITUTIONS	17,500.00	2,385.35
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	ALLIS-CHALMERS CORP	500.00	
Do	AMERICAN CLINICAL LABORATORY ASSN	3,500.00	
Do	AMERICAN FAMILY LIFE ASSURANCE CO		
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS		
Do	ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC	356.00	
Do	AUTOMOTIVE PARTS & ACCESSORIES ASSN		
Do	BLYTH EASTMAN PAINE WEBBER		
Do	BLYTH EASTMAN PAINE WEBBER HEALTH CARE FUNDING, INC		
Do	BORDEN, INC	5,505.27	
Do	CAMBRIDGE REDEVELOPMENT AUTHORITY		
Do	CITY OF MINNEAPOLIS	500.00	
Do	CKLW RADIO BROADCASTING, LTD		
Do	CNA INSURANCE	5,906.23	
Do	COMMUNICATIONS COUNSEL		
Do	ELECTRONIC DATA SYSTEMS CORPORATION	878.00	
Do	FAIRCHILD INDUSTRIES, INC	22,500.00	
Do	FIRST NATIONAL MONETARY CORPORATION	2,121.98	
Do	FIRST PENNSYLVANIA BANK		
Do	GLASS PACKAGING INSTITUTE		
Do	GOLDMAN SACHS & CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GOVERNMENT OF JAMAICA	4,000.00	
Do	GOVERNMENT OF SUDAN		
Do	GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO		
Do	HEALTH CARE FINANCING STUDY GROUP	2,700.00	
Do	HENNEPIN COUNTY	500.00	
Do	HULES MEXICANOS, S.A.		4.50
Do	INDUSTRIAS NEGROMEX, S.A. DE C.V.		4.50
Do	INSURANCE ASSN OF CONNECTICUT	31,842.00	
Do	INVESTMENT COMPANY INSTITUTE		
Do	INVESTORS DIVERSIFIED SERVICES, INC.		
Do	ITEL CORPORATION	3,000.00	
Do	J. C. PENNEY CO, INC	250.00	
Do	JAMAICAN BROADCASTING CORP	4,000.00	
Do	JOSEPH E. SEAGRAM & SONS, INC.	228.50	
Do	KIMBERLY-CLARK CORP	1,900.00	
Do	LORD, BISSELL & BROOK		
Do	MERRILL LYNCH WHITE WELD CAPITAL MARKETS GROUP		
Do	MEXICAN CEMENT CHAMBER		9.00
Do	MOTION PICTURE ASSN OF AMERICA, INC		
Do	NATIONAL COAL CONSUMERS ALLIANCE		
Do	NATIONAL COMM FOR QUALITY HEALTH CARE	2,665.00	
Do	NATIONAL SECURITY & RETIREMENT PROGRAM		
Do	NEBRASKA HIGHER EDUCATION LOAN PROGRAM, INC	500.00	
Do	NEIGHBORHOOD TV COMPANY, INC.		
Do	PACIFIC TELEPHONE & TELEGRAPH	7,765.00	
Do	PADDOCK PUBLICATIONS, INC.		
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	4,560.00	
Do	RLC CORPORATION	2,000.00	
Do	ROLLINS ENVIRONMENTAL SERVICES		
Do	SECURITIES INDUSTRY ASSN	6,000.00	
Do	TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY		
Do	U.S. TELECOMMUNICATIONS SUPPLIERS ASSN		
GEORGE E. O'CONNOR, 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	NEW YORK LIFE INSURANCE COMPANY	5,000.00	1,000.00
LEONARD F. O'CONNOR, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PATRICK C. O'CONNOR, KENT & O'CONNOR, INC 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN		
Do	AMERICAN SUPPLY ASSOCIATION	4,237.71	2,338.79
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION	1,601.53	759.27
Do	TRANSPORTATION LAWYERS ASSOCIATION	1,733.98	949.09
THOMAS A. O'DAY, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	500.00	107.90
ASHTON J. O'DONNELL, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL NATIONAL, INC		
JANE O'GRADY, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,552.18	101.60
BARBARA E. O'HARA, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	100.00	
O'KEEFFE ASHENDEN LYONS & WARD, ONE FIRST NATIONAL PLAZA - SUITE 5100 CHICAGO IL 60603	AMERICAN INVSCO CORPORATION		
KATHLEEN O'LEARY, 1625 EYE ST., N. W. ROOM 301 WASHINGTON DC 20006	COLUMBIA GAS DISTRIBUTION COMPANIES	3,500.00	120.79
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMERICA	2,000.00	35.00
Do	SANTA FE INTERNATIONAL CORP		
Do	WARNER COMMUNICATIONS, INC.		
JOHN F. O'NEAL, P.C., 600 NEW HAMPSHIRE AVENUE, NW, #952 WASHINGTON DC 20037	NATIONAL REA TELEPHONE ASSN	2,805.00	
SARAH E. O'NEIL, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLEGHENY COUNTY COMMISSION		
Do	ASSOCIATION OF PROGRESIVE RENTAL ORGANIZATIONS		
Do	BEER INDUSTRY ALLIANCE	3,200.00	
Do	BRIGHAM AND WOMEN'S HOSPITAL, INC.		
Do	COMMERICAL UNION INSURANCE COMPANIES		
Do	CRUISE AMERICA LINE, INC.	25,000.00	500.00
Do	GLASS PACKAGING INSTITUTE	1,200.00	
Do	HARVARD MEDICAL CENTER		
Do	MARRIOTT CORPORATION	800.00	
Do	MASSACHUSETTS GENERAL HOSPITAL		
Do	MILK INDUSTRY FOUNDATION		
Do	NORTHWESTERN MUTUAL LIFE		
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PUGET SOUND POWER & LIGHT COMPANY	1,250.00	
Do	TEXAS UTILITIES SERVICES, INC.	1,400.00	
Do	U.S. FOOTBALL LEAGUE		
DONALD K. O'NEILL, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	WESTINGHOUSE ELECTRIC CORP		
J. DENIS O'TOOLE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	TRW, INC.	1,000.00	
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	AMERICAN BANKERS ASSN	4,500.00	
STEPHEN E. O'TOOLE, 1660 L STREET, N.W. WASHINGTON DC 20036	NORTHROP CORP		339.62
HARRY R. OBLEY, MELLON SQUARE PITTSBURGH PA 15230	GENERAL MOTORS CORP	3,000.00	4,051.03
G. H. OCHENRIDER, 1000 WILSON BLVD. ARLINGTON VA 22209	MELLON BANK N.A. AND MELLON NATIONAL CORP	2,000.00	393.15
DAVID A. ODAHOWSKI, 909 FOSHAY TOWER MINNEAPOLIS MN 55402	GRUMMAN AEROSPACE CORPORATION	2,500.00	308.83
T. J. ODEN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	WASIE FOUNDATION		
BRADFORD C. OELMAN, 900 17TH STREET, NW, #508 WASHINGTON DC 20006	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
OIL INVESTMENT INST, PO BOX 8293 WASHINGTON DC 20024	OWENS-CORNING FIBERGLAS CORPORATION		
R.Q. OLD AND ASSOCIATES, INC., 205 THE STRAND ALEXANDRIA VA 22314			
Do	GRUMMAN AEROSPACE CORPORATION	200.00	
ALVIN E. OLIVER, 725 15TH ST., NW WASHINGTON DC 20005	SPERRY ELECTRONIC SYSTEMS	100.00	
AUSTIN P. OLNEY, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	NATIONAL GRAIN & FEED ASSN		
DENNIS M. OLSEN, 485 E STREET IDAHO FALLS ID 83402	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: SHIPPING CORP OF INDIA, INC)	13.00	4.00
Do	AETNA INSURANCE CO	1.87	
Do	AMERICAN BANKERS INSURANCE OF FLORIDA	11.87	
Do	CENTENNIAL INSURANCE COMPANY	.89	
Do	CHARTER OAK INSURANCE	.90	
Do	FLORISTS' MUTUAL INSURANCE CO	4.44	
Do	FOREMOST INSURANCE CO	23.67	
Do	GREAT AMERICAN INSURANCE COMPANY	2.54	
Do	MINNEHOMA INSURANCE COMPANY	.82	
Do	MONSANTO CO.		
Do	NATIONAL FARMERS UNION PROPERTY & CASUALTY INSURANCE CO	4.18	
Do	STATE FARM FIRE AND CASUALTY CO	2.06	
Do	STATE FARM INSURANCE COMPANY	17.05	
Do	STATE FARM MUTUAL AUTOMOBILE INSURANCE CO	27.76	
Do	TRAVELER'S INDEMNITY OF RHODE ISLAND	1.10	
Do	TRAVELERS	24.60	
VAN R. OLSEN, 1156 15TH ST., NW, #1019 WASHINGTON DC 20006	U.S. BEET SUGAR ASSN		
GERALD L. OLSON, 200 S. 6TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
ROY E. OLSON, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
ALAN M. OLSZEWSKI, 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	6,174.00	34.50
JOSEPH N. ONEK, ONEK, KLEIN AND FARR 2550 M STREET, NW, #250 WASHINGTON DC 20037	MAJOR LEAGUE BASEBALL PLAYERS ASSN	1,250.00	15.64
PHILIP C. ONSTAD, 500 WEST PUTNAM AVE. GREENWICH CT 06830	CONTROL DATA CORPORATION	50.00	
FRANZ M. OPPENHEIMER, CAPLIN & DRYSDALE 1101 17TH STREET, NW, #1100 WASHINGTON DC 20036	COMMERZBANK AG		
ORGAN. FOR PROTECTION & ADVANCEMENT OF SMALL TELEPHONE COS, 2301 M STREET, NW, #530 WASHINGTON DC 20037.		35.00	600.00
ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA, RM. 1414 S. BUILDING U.S. DEPT OF AGRICULTURE WASHINGTON DC 20250.		7,102.84	1,532.03
ABRAHAM ORLOFSKY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,137.28	
ELVIRA J. ORLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	4,610.00	873.47
DAVID S. OSTERHOUT, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR		
HIDEAKI OTAKA, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC.		
J. F. OTERO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	100.00
ROLAND A. OUELLETTE, 1660 L ST., NW, #501 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	2,640.99
CLIFF OUSE, 1800 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
OUTDOOR POWER EQUIPMENT INSTITUTE, SUITE 700 1901 L ST., NW WASHINGTON DC 20036			
GENE E. OVERBECK, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN AIRLINES, INC	2,125.00	
JACK W. OWEN, SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		
ROBERT W. OWEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: REPUBLIC OF HAITI)		
THOMAS J. OWENS, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK, ET AL	22,070.00	9,936.41
WILLIAM H. OWENS JR., SUITE 1002 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
WILLIAM J. OWENS, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
R. RAY PAABO, SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
PACIFIC MANAGEMENT DYNAMICS CORP, SUITE 107 910 FLOEIN RD. SACRAMENTO CA 95831			
JOHN N. PACKS, 1425 S STREET, NW WASHINGTON DC 20009	CITIZENS FOR A NUCLEAR FREEZE		
LEE W. PADEN, P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
ANTHONY PADILLA, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
W. D. PAGE, SUITE 6 1581 PHOENIX BLVD. ATLANTA GA 30349	AMERICAN PLYWOOD ASSN		
HENRY H. PAIGE, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	400.00	3.00
PAKHOED USA, 2000 WEST LOOP SOUTH, #1800 HOUSTON TX 77027			
JOHN M. PALATIELLO, 210 LITTLE FALLS STREET FALLS CHURCH VA 22046	AMERICAN CONG. ON SURVEY. & MAPP./AMER SOC OF PHOTOGRAMMETRY	9,517.93	1,807.84
HENRY S. PALAU, 201 N WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	979.00	
BRADLEY D. PALMER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	2,400.00	
PALUMBO & CERRELL, INC, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	AMERICAN SOC OF COMPOSERS, AUTHORS & PUBLISHERS	10,000.00	
Do	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	5,381.25	
Do	NATIONAL SCHOOL TRANSPORTATION ASSN	4,500.00	
Do	R.J. REYNOLDS TOBACCO CO	13,500.00	
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	6,000.00	
BENJAMIN L. PALUMBO, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP	1,618.75	
PETER J. PANTUSO, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	NATIONAL CONFECTIONERS ASSN OF THE U.S.		
JAMES E. PANYARD, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
PAPERBOARD PACKAGING COUNCIL, SUITE 411 1101 VERMONT AVENUE, NW WASHINGTON DC 20005			
G. OLIVER PAPPS, N.J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST		
HERSCHELL E. PARENT, 460 TWIN CITY BANK ONE RIVERFRONT PLACE NORTH LITTLE ROCK AR 72114	AMERICAN PETROLEUM INST	387.50	229.53
PARENTS ADVOCATE LOBBY, INC, 4847 S. HIGHT SCHOOL ROAD INDIANAPOLIS IN 46241			
JOHN N. PARKER, 1100 CONNECTICUT AVE., NW SUITE 620 WASHINGTON DC 20036	MOBIL OIL CORP	375.00	
TOM E. PARO, 1735 DESALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	1,173.00	
JACK PARTRIDGE, 1014 VINE ST. CINCINNATI OH 45201	KROGER COMPANY	2,500.00	804.36
ROBERT D. PARTRIDGE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	385.00	
PASKUS, GORDON & HYMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL MUSIC PUBLISHERS' ASSN		
DAVID J. PASSAMANECK, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
RICHARD M. PATTERSON, 1800 M ST., NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	239.50
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	195.00	
KENTON H. PATTIE, 3150 SPRING ST. FAIRFAX VA 22031	NATIONAL AUDIO-VISUAL ASSN, INC	3,337.50	
DAVID J. PATTISON, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AIR PRODUCTS & CHEMICALS, INC	2,765.00	
Do	AIWA AMERICA, INC	9.12	
Do	AKAI AMERICA, LTD	20.80	
Do	ALUMINUM COMPANY OF AMERICA	326.66	66.66
Do	AMERICAN BROADCASTING CO	5,765.00	
Do	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS	280.00	
Do	AMERICAN CONGRESS OF SURVEYING & MAPPING		
Do	AMERICAN INTERNATIONAL AUTOMOBILE DEALERS ASSN		
Do	AMERICAN MARITIME ASSN	5,320.00	196.75
Do	AMERICAN MOVERS CONFERENCE		
Do	AMERICAN SOCIETY OF ASSN EXECUTIVES		
Do	ARMCO, INC	326.66	66.66
Do	ARTPAC		
Do	ASOCIACION DE AZUCAREROS DE GUATEMALA		
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	8,050.00	2,072.90
Do	BABCOCK & BROWN		
Do	BASIC INDUSTRIES COALITION, INC	2,232.50	
Do	C. F. BEAN	3,845.00	
Do	BURLINGTON INDUSTRIES, INC		
Do	CASTLE & COOKE, INC		
Do	CHICAGO BOARD OPTIONS EXCHANGE	2,705.00	148.15
Do	CHRYSLER CORPORATION	1,925.00	139.25
Do	COMPUTER DEALERS & LESSORS ASSOCIATION, INC	1,000.00	
Do	COUNCIL OF STATE CHAMBERS OF COMMERCE		
Do	DUTY FREE SHOPPERS, LTD	538.75	
Do	ENERGY RESEARCH CORPORATION		
Do	FUJI PHOTO FILM U.S.A., INC	33.28	
Do	GEORGIA PACIFIC CORP	2,765.00	
Do	GREAT LAKES DREDGE & DOCK	3,845.00	
Do	HITACHI SALES CORP OF AMERICA	139.20	
Do	E.F. HUTTON LIFE INSURANCE COMPANY	5,085.00	342.75
Do	INSTITUTE OF SCRAP IRON & STEEL, INC	1,250.00	
Do	INTERMEDICS, INC		
Do	KAISER ALUMINUM & CHEMICAL CORP	2,765.00	
Do	KENWOOD U.S.A. CORPORATION	9.60	
Do	KONISHIROKU AMPEX CO, LTD	17.92	
Do	LASCO SHIPPING CO		
Do	LAUNDRY CLEANING COUNCIL	2,800.00	
Do	LOOP, INC	11,850.00	
Do	LOSS RESERVE DEDUCTION COMMITTEE		
Do	MARS, INC		
Do	MATSUSHITA ELECTRIC CORP OF AMERICA	453.60	
Do	MAXELL CORP OF AMERICA	46.88	
Do	MCI TELECOMMUNICATIONS, INC	24,527.00	435.99
Do	MEAD CORPORATION	326.66	66.66
Do	MICHIGAN INSURANCE ASSN		
Do	MITSUBISHI ELECTRIC SALES OF AMERICA, INC	54.08	
Do	MOCATTA METALS CORP	120.00	
Do	NAKAMICHI U.S.A. CORP	9.44	
Do	NATIONAL ASSN OF CHAIN DRUG STORES		
Do	NATIONAL ASSN OF RETAIL DRUGGISTS		
Do	NATIONAL CABLE TELEVISION ASSN, INC	2,320.00	
Do	NATIONAL COALITION FOR PORT PROGRESS		
Do	NATIONAL MARINE MFRS ASSN	3,500.00	33.00
Do	NATIONAL SOFT DRINK ASSN		
Do	NEC ELECTRONICS (USA) INC	41.44	
Do	NEW PROCESS CO		
Do	OCEAN MINERALS CO		
Do	OSG BULK SHIPS, INC		
Do	PIONEER ELECTRONICS (U.S.A.) INC	19.36	
Do	PPG INDUSTRIES, INC	2,765.00	
Do	READER'S DIGEST ASSN, INC	2,000.00	
Do	REDWOOD INDUSTRY PARK COMM	250.00	
Do	REPUBLIQUE D'HAITI	2,200.00	
Do	RETAIL TAX COMMITTEE	3,000.00	60.50
Do	ROCKWELL INTERNATIONAL CORP		
Do	SANSUI ELECTRONICS CORP	8.00	
Do	SANYO ELECTRIC INC	146.08	
Do	SHARP ELECTRONICS CORP	65.76	
Do	SLURRY TRANSPORT ASSN	400.00	1,988.90
Do	SONY CORPORATION OF AMERICA	246.40	
Do	ST. JOE MINERALS CORP		
Do	STATE OF LA, DEPT OF CONSERVATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	STEPHENS, INC	657.50	
Do	SUMITOMO 3M LTD	19.20	
Do	TDK U.S.A. CORP	54.08	
Do	TEAC CORP	17.92	
Do	TEKNIKA ELECTRONICS CORP	.32	
Do	TOSHIBA AMERICAN, INC	66.08	
Do	U.S. LIFESAVING MANUFACTURERS ASSN	375.00	
Do	UNITED PLANT GUARD WORKERS ASSN		
Do	US JVC CORPORATION	102.24	
Do	VICTOR MAGNETAPE CO, LTD	19.52	
Do	ZEISS AVIONICS SYSTEMS, INC	705.00	
ANDREW R. PAUL, 1875 EYE STREET, NW, #940 WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT CO	2,000.00	168.88
PAUL HASTINGS JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH CO	3,001.00	175.09
Do	CALIFORNIA PORTLAND CEMENT CO	16,995.00	881.80
Do	GAF CORPORATION	367.00	954.27
Do	M LIFE INSURANCE COMPANY	23,252.00	165.14
Do	SECURITY LIFE OF DENVER	19,541.50	1,010.49
PAUL WEISS RIFKIND WHARTON & GARRISON, 345 PARK AVE. NEW YORK NY 10154	NEC ELECTRONICS U.S.A., INC	22,905.09	12,541.81
LARRY E. PAULICK, 2111 EISENHOWER AVENUE ALEXANDRIA VA 22314	NATIONAL SPA & POOL INSTITUTE		
RICHARD A. PAYSOR, SUITE 135 1415 ELBRIDGE PAYNE RD. ST. LOUIS MO 63017	FIRST CAPITOL ASSOCIATES - GATEWAY, INC.		
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MICHIGAN KNIFE CO		
FRANK PECQUEX, 5201 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	42.00
JAMES M. PEIRCE JR., 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,667.35	
PELTON RESEARCH CENTER, 1400 S. JOYCE STREET ARLINGTON VA 22202	HELP, INC		
HUMBERTO R. PENA, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	500.00	
ANDREW PENN, 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSN		
CRIS PENN, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
PENNSYLVANIA POWER & LIGHT CO, 2 N. 9TH ST. ALLENTOWN PA 18101			2,522.93
DOMINIC V. PENSABENE, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	1,100.00	
GREGORY M. PENSABENE, 1100 CONNECTICUT AVE., NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	2,056.00	
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	SOUTHERN SATELITE SYSTEMS INC		
Do	TEST MARKETING GROUP, INC		
VICTOR J. PERINI JR., 1776 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY		
PERITO, DUERK & PINCO, P.C., 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AMERICAN PROTESTANT HOSPITAL ASSN		
Do	COMBINED HEALTH RESOURCES, INC		
Do	JOHNSON & JOHNSON	1,000.00	25.00
Do	SAMARITAN HEALTH SERVICE		
Do	SOCIETY OF REAL ESTATE APPRAISERS	1,282.50	110.25
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BURLINGTON NORTHERN, INC		
Do	DEPARTMENT OF NATURAL RESOURCES		
TONY PERKINS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	50.00	
GARY J. PERKINSON, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
ERNEST MICHAEL PERLEY, 112 ST CLAIR AVENUE, WEST, #504 TORONTO, ONTARIO M4V 2Y3	CANADIAN COALITION ON ACID RAIN	1,421.14	169.79
JEFFRY L. PERLMAN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,420.00	346.18
LEONARD PERLMAN, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPMENT	3,225.00	178.06
MARK PERMAR, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY, LTD		
G. STEPHEN PERRY, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP (COMSAT)	3,000.00	
SUSAN PERRY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSN	2,687.50	75.00
JOHN J. PESCH, 3422 STONEYBRAE DRIVE FALLS CHURCH VA 22044	NORTHROP CORPORATION		
PHILLIPS S. PETER, 777 14TH STREET, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	100.00	
A. HAROLD PETERSON, 715 CARGILL BLDG. MINNEAPOLIS MN 55402	NATIONAL R.E.A. TELEPHONE ASSN	1,500.00	839.24
GEOFFREY G. PETERSON, SUITE 1300 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	400.00
LARS E. PETERSON, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARY B. PETERSON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	647.61
RUSSELL W. PETERSON, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	
PETERSON, ENGBERG & PETERSON, SUITE 907 1730 M ST., NW WASHINGTON DC 20036	FEDERATED RESEARCH CORP	18,000.00	367.65
SUSAN F. PETNIUNAS, SUITE 214 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MANVILLE CORP	500.00	
MICHAEL J. PETRINA JR., 1110 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC		
PAUL F. PETRUS, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,200.00	
H. WILLIAM PETRY, P.O. BOX 1927 SPARTANBURG SC 29304	MILLIKEN RESEARCH CORP		
BRIAN T. PETTY, SUITE 702 1901 L ST., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF DRILLING CONTRACTORS		
JAMES R. PHALEN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC	3,250.00	124.95
PHARMACEUTICAL MANUFACTURERS ASSN., 1100 15TH STREET, NW WASHINGTON DC 20005		28,262.00	28,262.00
GWEN PHARO, 1101 S. ARLINGTON RIDGE RD., #1213 ARLINGTON VA 22202	OILFIELD INDUSTRIAL LINES, INC		
MARSHALL A. PHARR, 6103 ADIRONDACK AMARILLO TX 79106	SOUTHWESTERN PUBLIC SERVICE CO	3,091.20	226.75
JOHN D. PHILLIPS, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	10,462.00	542.00
MARK W. A. PHILLIPS, 507 SECOND ST., NE WASHINGTON DC 20002	CONFEDERATED TRIBES OF WARM SPRINGS		
RICHARD F. PHILLIPS, 1825 K STREET, N.W. SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	1,500.00	1,250.00
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	AIR QUALITY RESEARCH, INC	6,500.00	104.14
Do	ASSOCIATION OF UNIV. PROGRAMS IN OCCUPA HEALTH & SAFETY	4,500.00	849.66
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS	2,700.00	40.41
Do	HARVARD SCHOOL OF PUBLIC HEALTH	1,400.00	91.73
Do	METAL TRADES DEPARTMENT, AFL-CIO	4,470.00	120.82
SAM PICKARD, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	500.00	900.56
BILL PICKENS, 1111 19TH ST., NW SUITE 900 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	990.00	291.77
W.D. PICKETT, 400 FIRST ST. WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PAULETTE C. PIDCOCK, 1100 CONNECTICUT AVENUE, NW, #530 WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	75.92	74.52
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	DUN & BRADSTREET CORP		
Do	INTERNATIONAL FUTURES EXCHANGE (BERMUDA) LTD		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	2,914.53	
Do	NATIONAL MUSIC PUBLISHERS ASSN	1,913.52	
Do	SATELLITE BUSINESS SYSTEMS	2,500.00	
Do	SECURITIES INDUSTRY ASSN	2,750.00	
PIERSON SEMMES CROLIUS & FINLEY, 1054 31ST., NW WASHINGTON DC 20007	AMERICAN LAND TITLE ASSN	90.00	8.20
Do	SIX FLAGS, INC		
DANIEL J. PILIERO II, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMMITTEE FOR RESPONSIBLE TAX POLICY	7,250.00	278.00
Do	AD HOC COMMITTEE OF MUTUAL FUND MANAGERS	1,449.14	
Do	CBS, INC	1,525.00	
Do	NL INDUSTRIES	1,875.00	
Do	PRUDENTIAL LINES, INC	2,750.00	
PILOTS RIGHTS ASSOCIATION, P.O. BOX 7000-367 REDONDO BEACH CA 90277		2,865.00	5,202.41
LINDA PINEGAR, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	3,000.00	
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	BANKERS LEASING CORP & AFFILIATES, ET AL	700.00	3,021.75
Do	CTI-CONTAINER TRANSPORT INTERNATIONAL, INC, ET AL		3,015.79
Do	XTRA CORP & AFFILIATES		
LILLIAN M.S. PITCAITHLY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
WILLIAM PITKIN, 1025 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
CHARLES C. PIXLEY, 15809 ANAMOSA DRIVE DERWOOD MD 20855			
PLAINS COTTON GROWERS, INC, PO BOX 3640 LUBBOCK TX 79452			
PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036		2,006.65	2,006.65
PLANNED PARENTHOOD OF NEW YORK CITY, INC, 5TH FLOOR 2010 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
WYLL W. PLEGER, 1730 RHODE ISLAND AVENUE, N.W. # 213 WASHINGTON DC 20036	BROWN & ROOT, INC		
MICHAEL PODHORZER, SUITE 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION		
SHERMAN S. POLAND, ROSS, MARSH & FOSTER 888 16TH STREET, NW WASHINGTON DC 20006	DORCHESTER GAS PRODUCING CO		
NANCY POLIKOFF, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
RICHARD J. POLLACK, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN NURSES' ASSN	4,347.28	621.64
FRANCES A. POLLAK, SUITE 390 1850 K STREET, NW WASHINGTON DC 20006	UNION CAMP CORPORATION		1,199.58
ALFRED M. POLLARD, 1819 L STREET, NW, #800 WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK		
KAREN POLLITZ, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,573.01	
RAYMOND K. POPE, 2000 L STREET, NW, #200 WASHINGTON DC 20036	AMFAC, INC	3,437.49	589.80
POPULATION RESOURCE CENTER, INC, 622 THIRD AVE. NEW YORK NY 10017			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PAULA D. PORPILIA, 1120 CONNECTICUT AVENUE, N.W. SEVENTH FLOOR WASHINGTON DC 20036	AMERICAN BANKERS ASSN	900.00	105.03
PHILLIP PORTE & ASSOCS., INC., SUITE 208 1301 ARLINGTON RIDGE RD. ARLINGTON VA 22202	AMERICAN ASSN FOR RESPIRATORY THERAPY	8,000.00	
Do	AMERICAN MEDICAL RECORDS ASSN	2,000.00	
Do	NATIONAL ASSN OF MEDICAL DIRECTORS OF RESPIRATORY CARE	2,500.00	
CAROL ALICE PORTER, SUITE 1101 1612 K ST., NW WASHINGTON DC 20036	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
PORTER, WRIGHT, MORRIS & ARTHUR, 37 WEST BROAD STREET COLUMBUS OH 43215	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	48,457.65	2,803.81
SHARON T. PORTNOY, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERCIAL FINANCE ASSN	3,052.50	386.02
WILLIAM J. POTTS JR., HALEY, BADER & POTTS 2000 M STREET, NW, #600 WASHINGTON DC 20036	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC	1,959.29	
Do	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
JOHN MICHAEL POWDERLY, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	8,856.39	
CATHERINE POWELL, 880 S. PICKETT STREET ALEXANDRIA VA 22304	BOAT OWNERS OF THE U.S	4,000.00	
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	ASSOCIATION OF EXECUTIVE SEARCH CONSULTANTS, INC		
Do	ANNE M. BURFORD		
Do	CORNING ASSOCIATES	1,000.00	
Do	COUNCIL OF STATE HOUSING AGENCIES	3,760.00	
Do	CRUM & FORSTER INSURANCE COS	2,330.00	25.00
Do	FEDERAL NATIONAL MORTGAGE ASSN	1,375.00	
Do	FLOOD CONTROL ADVISORY COMMITTEE		
Do	GOVERNMENT OF NICARAGUA		
Do	JACQUES BOREL ENTERPRISES, INC	1,250.00	
Do	MARYLAND SAVINGS-SHARE INSURANCE CORP		
Do	NATIONAL MULTI HOUSING COUNCIL	3,316.00	
RICHARD M. POWELL, 7315 WISCONSIN AVE. WASHINGTON DC 20014	INTERNATIONAL ASSN OF REFRIGERATED WAREHOUSES		272.00
ROBERT D. POWELL, SUITE 400 1300 19TH ST., NW WASHINGTON DC 20036	NATIONAL BUSINESS AIRCRAFT ASSN		
JANET POWER, 1620 I ST., NW WASHINGTON DC 20006	VISA USA, INC		
JOHN J. POWER, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,617.82	577.75
GRAYDON R. POWERS JR , 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
PRATHER SEEGER DOOLITTLE & FARMER, 1101 16TH ST., NW WASHINGTON DC 20036	BANKER'S ASSN FOR FOREIGN TRADE	10,000.00	
ROBERT L. PRATT, 101 FIRST AVENUE WALTHAM MA 02254	THERMO ELECTRON CORPORATION		
WILLIAM B. PRENDERGAST, 6215 KELLOGG DRIVE MCLEAN VA 22101	TOBACCO INSTITUTE	1,000.00	80.40
BRAINARD E. PRESCOTT, 670 MAIN ST. EAST AURORA NY 14052	SECURITY NEW YORK STATE CORPORATION		
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	AETNA LIFE & CASUALTY	1,205.50	13.94
Do	ALASKA LUMBER & PULP CO./LOUISIANA PACIFIC OF KETCHIKAN		
Do	AMERICAN INSURANCE ASSN		
Do	AMERICAN PRESIDENT LINES	612.50	
Do	AMERICAN WATERWAYS SHIPYARD CONFERENCE		
Do	BELLINGHAM COLD STORAGE		
Do	CALISTA CORP	30.00	
Do	CHUGACH NATIVES, INC		
Do	CITIES & COUNTIES FOR CABLE	120.00	38.45
Do	CITY OF CINCINNATI	1,470.00	
Do	CITY OF LAKEWOOD	750.00	
Do	CITY OF SCOTTSDALE	470.00	
Do	CITY OF ST. LOUIS	1,745.00	80.91
Do	CORPORATION FOR PUBLIC BROADCASTING	2,475.00	
Do	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	336.00	
Do	DRAVO CORPORATION		
Do	EMPLOYERS REINSURANCE CORP		
Do	HUDSON WATERWAYS	8,518.00	
Do	INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY	1,382.50	
Do	LUMMI INDIAN BUSINESS COUNCIL	450.00	
Do	MOORE MCCORMACK RESOURCES, INC	555.00	
Do	NORTH WEST TIMBER ASSN		
Do	PORT OF SEATTLE		
Do	STATE OF ALASKA	7,410.00	401.14
Do	TENNESSEE GAS PIPELINE CO	75.00	
Do	TRANSPORTATION INSTITUTE	375.00	
Do	WESTERN FOREST INDUSTRIES ASSN		
Do	WESTERN RESOURCE ALLIANCE	405.00	
Do	WOMETCO ENTERPRISES, INC	2,157.00	130.70
KEITH A. PRETTY, 322 W. OTTAWA LANSING MI 48933	STANDARD OIL CO (INDIANA)		
FORREST J. PRETTYMAN, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,031.25	
BARBARA J. PRICE, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	1,150.00	250.00
JAMES M. PRICE, P.O. BOX 11248 KNOXVILLE TN 37919	SIERRA CLUB	6,801.00	1,284.66
PATRICIA PRIDE, 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING STANDARDS BOARD	357.97	23.51
BEVERLY HINES PRINCE, 1620 EYE STREET N.W. WASHINGTON DC 20006	VISA USA, INC		
GWENYTH PRITCHARD, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
JERRY C. PRITCHETT, SUITE 750 5530 WISCONSIN AVE., NW CHEVY CHASE MD 20815	MECHANICAL CONTRACTORS ASSN OF AMER, INC		
PRO-LIFE CDAC 12, P.O. BOX 7145 MENLO PARK CA 94025		177.00	1,339.45
PRO-LIFE CONGRESSIONAL DIST ACTION COMM, IN/2, 208 TINKLER LAFAYETTE IN 47901			
PRO/LIFE CONGRESSIONAL DISTRICT 11, P.O. BOX 727 SAN CARLOS CA 94070		788.37	808.98
SYDNEY PROBST, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
EARL PROCTOR, 561-2 SHELBY AVENUE PAINESVILLE OH 44077	LAKE COUNTY VETERANS SERVICES		
STUART PROCTOR, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,292.00	161.00
PROFIT SHARING COUNCIL OF AMER, 20 N. WACKER DRIVE CHICAGO IL 60606			
PROJECT CURE, INC, 2020 K STREET, NW, #350 WASHINGTON DC 20006			3,025.00
PROPRIETARY ASSN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	SUPERIOR OIL COMPANY & SUPERIOR FARMING COMPANY		
DAVID P. PROSPERI, 1725 K STREET, NW, #909 WASHINGTON DC 20006			750.00
PRUDENTIAL-BACHE SECURITIES INC., 100 GOLD ST. NEW YORK NY 10272	TEXACO, INC	92.00	
JAMES C. PRUITT, SUITE 500 1050 17TH STREET, NW WASHINGTON DC 20036	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	11,307.66	277.00
STEVEN L. PRUITT, SUITE 308 815 16TH STREET, NW WASHINGTON DC 20006		31,642.66	22,143.56
PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		40,684.13	4,171.19
PUBLIC TIMBER PURCHASERS GROUP, 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204			
DAVID E. PULLEN, 1025 CONNECTICUT AVE., NW, #214 WASHINGTON DC 20036	MANVILLE CORP	1,000.00	
F. EUGENE PURCELL, 1919 PENNSYLVANIA AVE., N.W. SUITE 300 WASHINGTON DC 20036	LONE STAR INDUSTRIES, INC	1,000.00	205.00
WILLIAM E. PURSLEY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
EARLE W. PUTNAM, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
HOWARD PYLE III, 4930 QUEBEC ST., NW WASHINGTON DC 20016	HOUSTON LIGHTING & POWER COMPANY	3,600.00	
ROBERT N. PYLE, P.O. BOX 3731 WASHINGTON DC 20007	ELKEM METALS COMPANY	2,850.00	300.00
Do	INDEPENDENT BAKERS ASSN	3,000.00	
JOHN R. QUARLES JR , MORGAN, LEWIS & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ENVIRONMENTAL DEVELOPMENT ASSN CLEAN AIR ACT PROJ	1,000.00	25.00
WILLIAM A. QUINLAN, 3045 RIVA RD. RIVA MD 21140	NATIONAL CANDY WHOLESALERS ASSN, INC		
Do	RETAIL BAKERS OF AMERICA		
PATRICK H. QUINN, 435 SOUTHERN BUILDING 1425 H STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS	2,000.00	200.00
QUINN, RACUSIN, YOUNG & DELANEY, CHTD, 1730 K STREET, NW, #700 WASHINGTON DC 20006	GOVERNMENT EMPLOYEES INSURANCE COMPANY	39,380.00	1,911.00
Do	MARYLAND-SAVINGS SHARE INSURANCE CORP	2,636.00	107.00
CLIFFORD RABER, ONE MCDONALD'S PLAZA OAK BROOK IL 60521	MCDONALD'S CORP		
ALEX RADIN, 2301 M ST., NW WASHINGTON DC 20036	AMERICAN PUBLIC POWER ASSN	444.70	
TESS A. RAE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
ROBERT A. RAGLAND, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	75.00	75.00
RICHARD W. RAHN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	1,239.00	6.40
RAILROAD RETIREMENT ASSN, 236 MASSACHUSETTS AVENUE, NE, #510 WASHINGTON DC 20002		4,519.50	7,871.40
TOM RAILSBACK, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	680.00	932.43
RAILWAY LABOR EXECUTIVES' ASSN, 400 FIRST ST., NW SUITE 804 WASHINGTON DC 20001		48,250.00	65,620.64
RAILWAY PROGRESS INST, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314			
RANDALL & BANGERT, 1625 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	1,000.00	
Do	GROCERY MANUFACTURERS OF AMERICA, INC	1,000.00	
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN	7,600.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DONALD A. RANDALL, SUITE 1205 1625 K ST., NW WASHINGTON DC 20006	AUTOMOTIVE SERVICE COUNCILS, INC	2,820.00	
R. RAY RANDLETT, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	200.00	4.00
D. MICHAEL RAPPOPORT, P.O. BOX 1980 PHOENIX AZ 85001	SALT RIVER PROJECT	1,680.00	6,312.21
RARE, INC., 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009			
CARL L. RASAK, 8301 FORT HUNT ROAD ALEXANDRIA VA 22308			
MAGDA RATAJSKI, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
HELEN RAUCH, 1755 MASSACHUSETTS AVENUE, NW, #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	141.15	
CAROL L. RAULSTON, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	1,200.00	44.60
G. DAVID RAVENCRAFT, SUITE 507 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
W. RANDALL RAWSON, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	7,700.00	
RAYMARK CORPORATION, 100 OAKVIEW DRIVE TRUMBULL CT 06611			
J. GENE RAYMOND, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	779.42	
RBC ASSOCIATES, 324 FOURTH STREET, NE WASHINGTON DC 20003	BANGOR & AROOSTOOK RAILROAD	3,750.00	2,110.70
Do	BOSTON & MAINE RAILROAD	7,678.40	5,454.34
Do	CHICAGO & NORTH WESTERN TRANSPORTATION CORP	28,500.00	2,733.68
Do	DELAWARE OTSEGO SYSTEM	3,000.00	2,305.07
Do	FORUM COMMUNICATIONS		
Do	GENESEE & WYOMING CORP	750.00	2,110.70
Do	PANDROL	2,000.00	2,140.70
Do	PITTSBURG & SHAWMUT RAILROAD	2,100.00	2,143.83
Do	SPENO RAIL SERVICES	4,500.00	2,307.81
JULIAN O. READ, 807 BRAZOS, #901 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORP		
READING IS FUNDAMENTAL, INC., 600 MARYLAND AVE.SW RM 500 WASHINGTON DC 20560			
SYDNEY C. REAGAN, NO. 10 DUNCANNON CT. DALLAS TX 75225	SOUTHWESTERN PEANUT SHELLERS ASSN		
LINDA S. REARICK, 5205 LEESBURG PIKE, #505 FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS ASSN	5,000.00	41.42
JOHN DANIEL REAVES, 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	1,250.00	
JOHN M. RECTOR, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00
ROBERT E REDDING, 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004	SHIPPERS NATIONAL FREIGHT CLAIM	500.00	66.00
TIMOTHY J. REDMON, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
DWIGHT C. REED, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		8.00
JO REED, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	393.23	
CHARLES C. REELY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	3,240.00	
JOSEPH M. REES, 444 NORTH CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	1,100.00	
Do	DELTA DENTAL PLANS ASSOCIATION	1,000.00	22.88
MARTHA L. REES, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
ROBERT S. REESE JR., 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	538.54
J. RONALD REEVES, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	2,000.00	206.25
JOHN T. REGGITTS JR., 95 BOOTON AVE. P.O. BOX 470 BOONTON NJ 07005			
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	188.00	7.00
Do	HILATURAS LERMA, S.A., DE C.V. AND AMYTEX CORP	20,960.57	10,219.75
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	5,530.00	313.38
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	5,530.00	313.39
Do	TUCSON ELECTRIC POWER CO		
Do	UTILITY GROUP	1,485.00	11,566.50
REID & RIEGE, P.C., ONE STATE STREET HARTFORD CT 06103	WESLEYAN UNIVERSITY	2,412.00	
CHARLOTTE REID, 2466 CHATHAM ROAD AURORA IL 60506	MOTOROLA, INC	3,000.00	
MICHAEL W. REID, SUITE 507 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	689.93	
JERRY E. REIDER, 1235 JEFFERSON DAVIS HWY., #305 ARLINGTON VA 22202	EMERSON ELECTRIC CO		
MARYALYCE REILLY, 1010 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS	7,303.33	476.44
RONALD H. REIMANN, 176 E. FIFTH STREET ST. PAUL MN 55101	BURLINGTON NORTHERN RAILROAD	15,000.00	2,600.00
HARRY O. REINSCH, 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
MURRAY P. REISER, 4 LONGFELLOW PLACE BOSTON MA 02114	EDWARD BLANKSTEIN, INC		
JACK REITER, 1800 K STREET, N.W. SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC	2,100.00	243.46
RELIGIOUS COALITION FOR ABORTION RIGHTS, INC., 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002		15,890.91	14,522.82
GEORGE E. RENAULT, 1800 M STREET, NW WASHINGTON DC 20035	AMERICAN ENERGY PRODUCTS, INC		
RENDON COMPANY, 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005			
JOHN W. RENDON JR., 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005	RENDON COMPANY		
SARAH M. RENFROE, 1995 TREMAINSVILLE ROAD TOLEDO OH 43613	BENCHMARK TECHNOLOGIES CORP		
W. W. RENFROE, 69 FOUNTAIN PL. - P.O. BOX 417 FRANKFORT KY 40602	KENTUCKY RAILROAD ASSN		
DIANE RENNERT, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	4,300.00	422.18
RESOURCES FUND, INC, 810 18TH ST., NW, #804 WASHINGTON DC 20006		100,000.00	10,000.00
RETIRED OFFICERS ASSN, 201 N. WASHINGTON ST. ALEXANDRIA VA 22314		8,566.00	
JOHN H. REURS, 74 TRINITY PLACE NEW YORK NY 10006	NEW YORK COMM OF INTL COMM OF PASSENGER LINES		
VINCENT P. REUSING, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
ALAN V. REUTHER, 1757 N STREET, NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	12,081.88	53.80
ALLAN R. REXINGER, 1700 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20006	PROPRIETARY ASSN	2,875.00	150.00
MARK E. REY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	200.00	
MARY ANNE REYNOLDS, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
AUSTIN T. RHOADS, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
JOHN J. RHODES, CUMMINGS & LOCKWOOD 1090 VERMONT AVENUE, NW, #650 WASHINGTON DC 20005	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	ESTATE OF HELEN W. HALBACH	4,900.00	
EDMUND B. RICE, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	4,846.17	90.84
RICE GENOCIDE RESEARCH, 3046 ROOSEVELT STREET DETROIT MI 48216			189.81
LOIS D. RICE, 1201 PENNSYLVANIA AVNEUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	612.50	37.94
M. LEE RICE, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA	2,950.00	
THERON J. RICE, SUITE 900 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CONOCO, INC		
JAMES E. RICH JR., SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	ALASKA LUMBER & PULP, INC		
Do	AMERICAN PRESIDENT LINES		
Do	SIKORSKY AIRCRAFT	1,200.00	13.40
STACY RICHARDS, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
ALAN H. RICHARDSON, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,500.00	
JOHN G. RICHARDSON, 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER CO		
K. O. RICHARDSON, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,600.00	3,600.00
LOIS RICHERSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,000.00	
JUDY NOEL RIDDLE, P.O. BOX 27567 RICHMOND VA 23261	LAWYERS TITLE INSURANCE CORP		
LOWELL J. RIDGEWAY, NORTH DAKOTA PETROLEUM COUNCIL 418 EAST ROSSER, P.O. BOX 1395 BISMARCK ND 58502	AMERICAN PETROLEUM INST	717.00	
E. GEORGE RIEDEL, SUITE 200 1707 L STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,800.00	150.00
MARK J. RIEDY, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
SIERT F. RIEPMA, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MARGARINE MFGRS		
E. PHILIP RIGGIN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	10,248.00	456.59
PAT RILEY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
SUSAN RILEY, 1150 17TH STREET, NW, #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	5,800.00	
MARK ALAN RILLING, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,500.00	
R. SCOTT RINN, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
DALE P. RIORDAN, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	20,000.00	709.34
KEVIN J. RIORDAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	308.25
JOHN S. RIPPEY, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	937.50	40.00
CAROL A. RISHER, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,000.00	
ROBIN RISSO, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
JAMES E. RITCHIE & ASSOCIATES, SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GAMING INDUSTRY ASSN OF NEVADA, INC	3,200.00	717.38
Do	LIBERTY FINANCIAL		
Do	NATIONAL ASSN OF OFF-TRACK BETTING	2,000.00	759.63
Do	NATIONAL ASSN OF OPTOMETRISTS & OPTICIANS, INC	9,000.00	66.47
Do	NEVADA RESORT ASSN	4,800.00	1,076.13
PHILLIP W. RIVERS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	2,430.00	176.80
RIVKIN, SHERMAN AND LEVY, 900 17TH STREET, NW WASHINGTON DC 20006	SAVIN CORPORATION	75.00	
Do	TOYOTA MOTOR CORPORATION	2,387.50	108.00
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27106			12,105.75
RAY ROBERTS & ASSOCIATES, 2224 PEMBROOKE DENTON TX 76201	J. W. BATESON & CO.,INC	3,000.00	800.30
Do	NORTH TEXAS MUNICIPAL WATER DISTRICT	3,000.00	2,001.67
Do	TEXAS UTILITIES SERVICES, INC	3,000.00	1,391.96
PATRICIA L. ROBERTS, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO	1,250.00	200.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PERRY A. ROBERTS, 8000 FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC CO		200.49
RICHARD R. ROBERTS, SUITE 403 1899 L ST., NW WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	475.00	3,769.00
RICHARD Y. ROBERTS, PAPPANASTOS SAMFORD ROBERTS & BLANCHARD P.O. BOX 1402 MONTGOMERY AL 36102	ALABAMA POWER CO	10,000.00	2,256.75
Do	NATURAL GAS SUPPLY ASSN	10,000.00	2,664.47
Do	U.S. CAPITAL CORPORATION	20,775.00	210.12
MARK ROBERTSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)		
BETTY S. ROBINSON, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,693.44	204.50
CHARLES A. ROBINSON JR , 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	103.57	
THOMAS E. ROBINSON, SUITE 700 1101 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	1,500.00	
ROBINSON, SILVERMAN, PEARCE, ARONSOHN & BERMAN, 230 PARK AVE. NEW YORK NY 10169	NATIONAL REALTY COMMITTEE		
BOB JOHN ROBISON, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC	1,250.00	168.86
ANTOINETTE K. ROCHE, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GA TECHNOLOGIES, INC	1,000.00	200.00
JAMES ANTHONY ROCK, 1730 M STREET, NW, #607 WASHINGTON DC 20036	MONTANA POWER CO AND WASHINGTON WATER POWER CO	300.00	
DAVID W. RODERER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	18,000.00	126.34
RODEY, DICKASON, SLOAN, AKIN & ROBB, P.O. BOX 1888 ALBURQERQUE NM 87103	NAVAJO TRIBE		1,595.59
WILLI ROELLI, VOLKART BROTHERS, INC. 120 WALL ST. NEW YORK NY 10005	COFFEE, SUGAR & COCOA EXCHANGE, INC		
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	ALLIED TUBE & CONDUIT CORP		
Do	CAMPAGNIE FINANCIERE DE PARIS ET DES PAYS-BAS		
Do	DESERT PALACE, INC		
Do	WILLIAM ANTHONY HOGAN		
Do	MAGIC PANTRY FOODS, INC		
Do	MERRILL LYNCH & CO., INC		
Do	MERRILL LYNCH COMMODITIES, INC		
Do	MERRILL LYNCH LEASING, INC		
Do	MORRIS & GWENDOLYN CAFRITZ FOUNDATION		
Do	NATIONAL ASSN OF BEDDING MANUFACTURERS		
Do	NATIONAL COAL CONSUMERS ALLIANCE		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	SQUIBB CORP		
BRUCE N. ROGERS, 1660 L ST., NW WASHINGTON DC 20036	TEACHERS INSURANCE & ANNUITY ASSN/COLLEGE RET. EQUITIES FUND		
DONALD L. ROGERS, 730 15TH ST., NW WASHINGTON DC 20005	GENERAL MOTORS CORP	2,500.00	2,534.54
KEITH ROGERS, 47 LAFAYETTE PLACE, APT. 6D GREENWICH CT 06830	ASSOCIATION OF BANK HOLDING COS	1,900.00	
MARGARET ROGERS, 1730 NORTH LYNN ST. ARLINGTON VA 22209	U.S. TOBACCO COMPANY	1,045.00	663.00
CAROLE M. ROGIN, 1800 M STREET, NW, #1030 WASHINGTON DC 20036	PRINTING INDUSTRIES OF AMER, INC	1,000.00	
Do	HAUCK & ASSOCIATES, INC (FOR: HEARING INDUSTRIES ASSN)		
	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSN FOR CHILD CARE MANAGEMENT).		
ROGOVIN, HUGE & LENZNER, P.C., 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	CKLW RADIO BROADCASTING, LTD	6,289.85	1,281.02
RICHARD A. ROHRBACH, 1625 I ST., NW SUITE 809 WASHINGTON DC 20006	BOISE CASCADE CORP	22,250.00	
JOHN F. ROLPH III, SUITE 350 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CITIBANK, N.A	1,000.00	
KENNETH S. ROLSTON JR , 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
EMIL A. ROMAGNOLI, 120 BROADWAY NEW YORK NY 10271	ASARCO INC		
TENO RONCALIO, P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP	1,500.00	
NICHOLAS ROOMY JR , P.O. BOX 1986 CHARLESTON WV 25327	APPALACHIAN POWER COMPANY	269.23	221.68
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN IRON & STEEL INSTITUTE	125.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	350.00	
Do	CALIFORNIA PORTLAND CEMENT COMPANY	125.00	
Do	CONRAIL		
Do	CRAWFORD FITTING CO	125.00	
Do	LONE STAR INDUSTRIES, INC	350.00	
Do	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)	300.00	
JOHN C. ROOTS, SUITE 1001 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	285.98	
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
BURT ROSEN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	1,000.00	1,179.69
RICHARD ROSEN, SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
ALBERT B. ROSENBAUM III, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
SARA ROSENBAUM, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	2,345.00	
MIRIAM A. ROSENBERG, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPEMENT	4,906.00	
FRANCIS C. ROSENBERGER, 6809 MELROSE DRIVE MCLEAN VA 22101	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	3,750.00	
PETER ROSENSTEIN, 1117 NORTH 19TH STREET, #300 ARLINGTON VA 22209	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS		
ROGER C. ROSENTHAL, SUITE 600 806 15TH STREET, NW WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAN, INC		
ROSES, INC., 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840		12,709.00	5,631.04
JEREMY D. ROSNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,680.00	535.62
JOE ROSS, P.O. BOX 1582 LITTLE ROCK AR 72201			
WILLIAM F. ROSS, SOUTH CAROLINA PETROLEUM COUNCIL 716 KEENAN BLDG. COLUMBIA SC 29201	AMERICAN PETROLEUM INST		
ALAN J. ROTH, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL		
BARRY N. ROTH, 1120 20TH STREET, NW, #700 WASHINGTON DC 20036	WILLIAMS COMPANIES	100.00	
SAMUEL A. ROTH, 1615 H STREET, NW, WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE UNITED STATES		
EDWIN ROTHSCHILD, 2000 P ST., NW, #310 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	1,500.00	77.40
DONALD D. ROUNDS, SOUTH DAKOTA PETROLEUM COUNCIL P.O. BOX 669 PIERRE SD 57501	AMERICAN PETROLEUM INST	805.00	812.55
PETER M. ROUSE, 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	ALASKA LUMBER & PULP CO	4,500.00	
MICHAEL O. ROUSH, CAPITAL GALLERY EAST, #695 600 MARYLAND AVE. WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MARK ROVNER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,473.02	
EUGENE F. ROWAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC		
JAMES C. ROWLAND JR , 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JOHN W. ROWLAND, 5025 WISCONSIN AVE.,NW WASHINGTON DC 20006	AMALGAMATED TRANSIT UNION, AFL-CIO		
KEVIN P. ROWLAND, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
ROBRT STEWART ROYER, 1747 PENNSYLVANIA AVNEUE, NW, #950 WASHINGTON DC 20036	AMERICAN MILITARY SALES		
Do	CHRYSLER MILITARY SALES CORP		
Do	CITY OF AKRON, OHIO		
Do	FORD, RIFF & BURGESS		
Do	HARLEY-DAVIDSON MILITARY SALES		
Do	INTERNATIONAL FUTURES EXCHANGE		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	MICHIGAN TRADE EXCHANGE		
Do	MORGAN STANLEY & CO., INC		
Do	OVERSEAS MILITARY SALES GROUP		
Do	SECURITIES INDUSTRY ASSOCIATION		
TOBI Z. ROZEN, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
RUBENSTEIN WOLFSON & COMPANY, INC, 220 EAST 42ND STREET NEW YORK NY 10017	INTERNATIONAL GOLD CORPORATION LIMITED		
JAMES S. RUBIN, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORP	3,135.00	
PAUL M. RUDEN, WILNER & SCHEINER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS	1,000.00	50.00
DEBORAH K. RUDOLPH, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	6,000.00	28.56
CAMILLE KEARNS RUDY, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
HENRY C. RUEMPLER, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	CITIBANK, N.A	500.00	
TIMOTHY R. RUGH, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	CHOCOLATE MANUFACTURERS ASSN OF THE USA		
JOHN RUNYAN, 1730 NORTH LYNN STREET SUITE 409 ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMERICA, INC	300.00	
MORGAN S. RUPH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
LEONARD H. RUPPERT, NEW JERSEY PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST		
CHARLOTTE RUSH, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	950.00	19.00
BARRY RUSSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		50.50
NANCY RUSSELL, 4921 SW HEWETT BLVD. PORTLAND OR 97221	FRIENDS OF THE COLUMBIA GORGE		
ROBERT M. RUSSELL, 2170 PIEDMONT RD., NE ATLANTA GA 30324	ORKIN EXTERMINATING CO	94.00	523.40
WALLY RUSTAD, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
J. T. RUTHERFORD & ASSOCIATES, INC., SUITE 514 1660 L ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF BIOANALYSTS/INTL SOC OF CLINICAL LAB TECHS		230.00
Do	AMERICAN COLLEGE OF RADIOLOGY		170.00
Do	AMERICAN OPTOMETRIC ASSN		220.00
ELLA MARICE RYAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	100.00	
FRANK T. RYAN, 1400 K STREET, NW WASHINGTON DC 20005	RUBBER MANUFACTURERS ASSN	2,500.00	
GEORGE J. RYAN, 915 ROCKEFELLER BUILDING CLEVELAND OH 44113	LAKE CARRIERS' ASSN		
JOHN F. RYAN, 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
JOHN G. RYAN, 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORP		
PAUL R. SACIA, SUITE 202, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	3,876.91	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAVID J. SADD, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	375.00
THOMAS L. SAGER, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
GREGORY A. SAHD, 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
SAMARITAN HEALTH SERVICE, 1410 NORTH 3RD ST. P.O. BOX 25489 PHOENIX AZ 85004			
SAMMONS ENTERPRISES, INC., 403 SOUTH AKARD DALLAS TX 75202			
JAMES H. SAMMONS, 535 NORTH DEARBORN STREET CHICAGO IL 60610	AMERICAN MEDICAL ASSN	350.00	
COLIN D. SANDISON, 1899 L STREET, NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		322.06
CHARLES E. SANDLER, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	5,000.00	
PETER G. SANDLUND, 1725 EYE ST., NW, #315 WASHINGTON DC 20006	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	300.00	
JAMES D. SANTINI, JONES JONES BELL CLOSE & BROWN, CHTD 1110 VERMONT AVENUE, NW, #1060 WASHINGTON DC 20005.	GREENS CREEK JOINT VENTURE	6,000.00	531.76
Do	LORIMAR PRODUCTIONS	9,000.00	1,470.00
Do	NATIONAL TOUR ASSN	11,250.00	789.06
Do	NORANDA EXPLORATION, INC	3,750.00	259.40
Do	NORANDA MINING, INC	3,750.00	
Do	REDFIELD LAND COMPANY	12,888.50	1,445.53
CHARLES SAPP, 3500 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		1,178.18
RONALD A. SARASIN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
KLARA B. SAUER, 9 VASSAR STREET POUGHKEEPSIE NY 12601	SCENIC HUDSON, INC		
ALBERT C. SAUNDERS, 1100 15TH ST., NW #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	12.00
SAVE OUR SECURITY, SUITE 222 1201 16TH STREET, NW WASHINGTON DC 20036		16,663.00	11,044.10
THOMAS C. SAWYER, 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO	500.00	179.00
VICTORIA V. SCHAFF, SUITE 1014 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ENSERCH CORPORATION	2,289.00	1,129.30
JEROME D. SCHALLER, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO.	10,000.00	509.75
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77253	AMERICAN GENERAL CORP	6,250.00	3,331.66
RONALD A. SCHECHTER, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20006	WASHINGTON INDEPENDENT WRITERS, INC	147.00	
JAY T. SCHECK JR., RT. 202-206 NORTH SOMERVILLE NJ 08876	AMERICAN HOECHST CORPORATION		
JOHN M. SCHEER, P.O. BOX 17402 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	WATER & WASTEWATER EQUIPMENT MANUFACTURERS ASSN, INC		
JANE N. SCHERER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	100.00	
JOSEPH SCHERER, 1801 NORTH MOORE ST. ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
SCHIFF HARDIN & WAITE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO BOARD OPTIONS EXCHANGE		
JONATHAN D. SCHILLER, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)	1,800.00	38.00
JACQUES T. SCHLENGER, 1800 MERCANTILE BANK & TRUST BLDG. THE HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		15.97
Do			32.00
JAMES P. SCHLICHT, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
KENNETH D. SCHLOMAN, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	915.00	55.09
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC, 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	ATLANTA UNIVERSITY		10.00
Do	BARRY UNIVERSITY		
Do	BOSTON COLLEGE	200.00	20.00
Do	BOSTON UNIVERSITY	1,550.00	80.00
Do	CATHOLIC UNIVERSITY OF AMERICA	100.00	
Do	COLUMBIA UNIVERSITY	100.00	
Do	ELECTRONICS CORPORATION OF AMERICA	100.00	
Do	INDEPENDENT RADIO COMMON CARRIERS ASSN	800.00	22.50
Do	INDIANA UNIVERSITY	650.00	23.00
Do	LESLEY COLLEGE		6.00
Do	NORTHWESTERN UNIVERSITY		
Do	OCEAN SPRAY CRANBERRIES, INC.	1,100.00	17.00
Do	PIRELLI CABLE CORPORATION	100.00	
Do	PRATT INSTITUTE		
Do	RENSSELAER POLYTECHNIC INSTITUTE		
Do	TUFTS UNIVERSITY	900.00	
RICHARD M. SCHMIDT JR , SUITE 600 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	500.00	
ROBERT RICHARD SCHMITT, 11304-047 UNIT C P.O. BOX 888 ASHLAND KY 41101			
FRANK SCHNELLER, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JACK J. SCHRAMM, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	1,000.00	22.75
MARSHA SCHRAMM, 1101 CONNECTICUT AVE., NW, #406 WASHINGTON DC 20036	DOMESTIC PETROLEUM COUNCIL, INC		
ROBERT I. SCHRAMM, 1725 K ST., NW, #909 WASHINGTON DC 20006	SUPERIOR OIL CO & SUPERIOR FARMING CO		
A. KOLBET SCHRICHTE, SUITE 500 1133 15TH STREET, NW WASHINGTON DC 20005	AMERICAN LOGISTICS ASSOCIATION		
H. B. W. SCHROEDER, 1050 17TH STREET, NW SUITE 290 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
N. DONALD SCHROEDER, MARYLAND PETROLEUM COUNCIL 60 WEST ST., #403 ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	450.00	122.25
MARK SCHULTZ, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	185.60
ROBERT L. SCHULZ, C/O IOWA PETROLEUM COUNCIL 1012 FLEMING BLDG. DES MOINES IA 50309	AMERICAN PETROLEUM INST		
WALTER A. SCHUMANN III, 1511 NATALIE JOY LN. MCLEAN VA 22101	POTOMAC OVERLOOK ASSOCIATES		
NEIL D. SCHUSTER, 1909 K STREET, NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
JAMES H SCHUYLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
DONALD H. SCHWAB, 200 MARYLAND AVE., NE WASHINGTON DC 20002	VETERANS OF FOREIGN WARS OF THE U.S.	8,750.00	91.20
LYNDLEY M. SCHWAB, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	1,050.00	34.54
DEBORAH M. SCHWARTZ, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,266.00	280.40
ELINOR SCHWARTZ, 318 S. ABINGDON STREET ARLINGTON VA 22204	CALIFORNIA STATE LANDS COMMISSION	8,000.00	28.04
HARRY K. SCHWARTZ, 1800 M ST., NW SUITE 400 SOUTH WASHINGTON DC 20036	TOSCO CORPORATION	3,000.00	
RICHARD SCHWARTZ, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
RICHARD S. SCHWEIKER, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	4,525.00	
RICHARD P. SCHWEITZER, 2022 P STREET, NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMERICA, INC		40.00
CARL F. SCHWENSEN, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	1,443.75	
SCIENTIFIC APPARATUS MAKERS ASSN, 1101 16TH ST., NW WASHINGTON DC 20036		6,789.57	4,617.31
MICHAEL SCIULLA, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
HAROLD B. SCOGGINS, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		17.25
SCOTT COMPANY, INC., 8 JACANA ROAD HILTON HEAD SC 29928	COASTAL PROPERTIES INSTITUTE, INC		
JAMES M. SCOTT, 8 JACANA ROAD HILTON HEAD SC 29928	SCOTT COMPANY		
JOHN N. SCOTT, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	222.00	369.00
SCRIBNER HALL & THOMPSON, SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	JEFFERSON-PILOT CORP. AND SUBSIDIARIES		15.00
Do	OCCIDENTAL LIFE INSURANCE CO OF CALIFORNIA		14.00
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO		13,748.04
EARL W. SEARS, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
SANDY SEDACCA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,038.43	
PAMELA SEDERHOLM, 2828 N. HASKELL AVENUE DALLAS TX 75221	SOUTHLAND CORPORATION		
CHARLES M. SEEGER III, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK ET AL.(FOR: CHICAGO MERCANTILE EXCHANGE)		
H. RICHARD SEIBERT JR , 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,030.00	
PAUL J. SEIDMAN, FEDERAL BAR BUILDING, #1000 1815 H STREET, NW WASHINGTON DC 20006	NATIONAL TOOLING & MACHINE ASSN	17,401.00	1,233.69
PEGGY SEIPEL, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS		
GEORGE M. SEITTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	2,000.00	
ARMISTEAD I. SELDEN, SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON, DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	5,000.00	64.43
M. FRANK SELLERS, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	977.15
STANTON P. SENDER, 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	1,400.00	52.91
STUART D. SERKIN, 1800 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	SLURRY TRANSPORT ASSN		
SERVICE MASTER INDUSTRIES, INC, 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			1,000.00
SARAH SETTON, 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC	150.00	8.00
SEVEN MONTHS SESSION FOR CONGRESS, 3306 YELLOWPINE TERRACE AUSTIN TX 78757			576.00
J. RICHARD SEWELL, 1111 19TH ST., NW, #1102 WASHINGTON DC 20036	FLORIDA POWER & LIGHT CO	240.00	590.85
SEYFARTH SHAW FAIRWEATHER & GERALDSON, 1111 19TH ST., NW WASHINGTON DC 20036	AGRICULTURAL PRODUCERS	4,909.67	
WILLIAM H. SHAKER, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	500.00	30.00
JAMES M. SHAMBERGER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
SHAMROCK FOODS CO., 2228 N. BLACK CANYON PHOENIX AZ 85009			
DEBBIE SHANNON, 5TH FLOOR 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	223.70
DAVID L. SHAPIRO, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
HARRY D. SHAPIRO, 1800 MERCANTILE BANK & TRUST BLDG. TWO HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		15.97
NORMAN F. SHARP, 1100 17TH STREET, NW, #1201 WASHINGTON DC 20036	CIGAR ASSN OF AMERICA, INC		300.00
KAREN DOLMATCH SHAW, SUITE 920 1800 K ST., NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	438.80	1,314.71
LUTHER W. SHAW, SUITE 514 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	5,625.00	54.20
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	774.50	
Do	ATLAS MINERALS DIVISION	2,125.50	
Do	COMMITTEE FOR PRIVATE EDUCATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	EMERSON ELECTRIC CO		
Do	FARMERS FOR FAIRNESS	3,500.00	
Do	INSTITUTE OF FOREIGN BANKERS	2,400.00	
Do	INVESTMENT COMPANY INSTITUTE		
Do	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
Do	NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS	13,257.00	40.15
Do	UTILITY NUCLEAR WASTE MANAGEMENT GROUP	713.25	17.22
WILLIAM H. SHAWN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE JASKIEWICZ GILLIAM AND COBERT (FOR: ATLANTIC CITY BUS OPERATORS ASSN).		
SHEA & GOULD, 330 MADISON AVE. NEW YORK NY 10017	CHAMPION INTERNATIONAL CORP		
Do	CINCINNATI MILACRON		
Do	ELEANOR A. CLARK		236.30
Do	HOSPITAL CORP OF AMERICA		
Do	NABISCO, INC		
JOHN J. SHEEHAN, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	11,420.76	
KATHLEEN SHEEKEY, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	9,138.03	2,886.89
JOHN P. SHEFFEY, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	746.25	
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON CO OF NEW YORK, INC	512.50	
LOIS BURKE SHEPARD, 8602 HIDDEN HILL LANE POTOMAC MD 20854	REPUBLICANS ABROAD		
SEYMOUR SHERIFF, 1126 WOODWARD BLDG. WASHINGTON DC 20005	MAN-MADE FIBER PRODUCERS ASSN, INC		
RUSSELL L. SHIPLEY JR , 1120 VERMONT AVENUE, NW, #1120 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
HARVEY A. SHIPMAN, 1701 PENNSYLVANIA AVENUE, NW, #830 WASHINGTON DC 20006	PENN CENTRAL CORPORATION		
FRED B. SHIPPEE, 1611 N. KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
SHIPPERS NATIONAL FREIGHT CLAIM COUNCIL, INC, 120 MAIN STREET HUNTINGTON NY 11743			500.00
MARY FRANCES SHLAGEL, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
W. RAY SHOCKLEY, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	2,550.00	
THOMAS K. SHOEMAKER, 1899 L STREET, NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSN OF AMERICA		
SHOOSHAN & JACKSON, INC., 1850 K STREET, NW WASHINGTON DC 20006	ROGERS U.S. CABLESYSTEMS, INC		
HARRY M. SHOOSHAN III, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
SCOTT SHOTWELL, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	2,475.00	
A. Z. SHOWS, RM 203 1801 COLUMBIA RD., NW WASHINGTON DC 20009		7,461.07	6,562.35
JOHN SHUEY, P.O. BOX 3151 HOUSTON TX 77253	BROWNING-FERRIS INDUSTRIES, INC	100.00	15.00
CANDICE J. SHY, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	4,813.00	1,471.54
MARK SILBERGELD, 2001 S STREET, SW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC	3,200.00	10.00
RONALD G. SILLS, BOX 7000, TEXARKANA, TX 75501			
DAVID SILVER, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
HOWARD J. SILVER, 1755 MASSACHUSETTS AVENUE, NW, #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	41.72	4.00
STEVEN W. SILVER, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY P.O. BOX 1211 JUNEAU AK 99802	ALASKA LUMBER & PULP		
Do	CARR-GOTTSTEIN PROPERTIES, INC	3,591.42	595.92
Do	NORANDA MINING, INC		
SILVER USERS ASSN, INC, 1717 K ST., NW WASHINGTON DC 20006		7,718.10	3,395.70
BRUCE A. SILVERGLADE, 1757 S STREET, NW WASHINGTON DC 20009	CENTER FOR SCIENCE IN THE PUBLIC INTEREST		
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	ASSOCIATION FOR ADVANCED LIFE UNDERWRITING	5,000.00	
Do	BRISTOL-MYERS CO		
Do	F.W. WOOLWORTH CO		
Do	GATX CORP		
Do	MUSIC CORPORATION OF AMERICA, INC		
Do	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
Do	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS		
JEFFREY A. SIMERING, 5320 FIVE FINGERS WAY COLUMBIA MD 21045	CHICAGO BOARD OF EDUCATION	1,325.00	
M. P. SIMMONS, P.O. BOX 860 VALLEY FORGE PA 19482	CERTAINTEED CORP		
SIMONELLI AND HALL, 1420 N STREET, NW, #10 WASHINGTON DC 20005	FAIR TRADE SUBCOMM OF INTL TRADE COMM OF CAST METALS FEDER		
TALMAGE E. SIMPKINS, 100 INDIANA AVE., NW WASHINGTON DC 20001	AFL-CIO MARITIME COMMITTEE	300.00	293.85
WILLIAM G. SIMPSON, SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	FIRST MISSISSIPPI CORPORATION	2,000.00	
Do	MISSISSIPPI POWER & LIGHT COMPANY	2,000.00	
Do	J.R. SCRIBNER ENTERPRISES	2,000.00	
Do	STATE OF MISSISSIPPI	4,000.00	
MARGARET SIMS, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	8,521.17	41.86
ROBERT C. SINGER, 475 PARK AVE., SO. AT 32ND ST. NEW YORK NY 10016	SOAP & DETERGENT ASSN		
JAMES C. SIVON, 730 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,125.00	28.50
SKADDEN ARPS SLATE MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	12,000.00	
Do	TRANSCO ENERGY COMPANY	10,600.00	
Do	TRICENTROL U.S., INC	1,000.00	
WILLIAM J. SKINNER, 815 15TH ST., NW WASHINGTON DC 20005	U.S. PHARMACOPEIAL CONVENTION, INC	816.34	18.60
BARNEY J. SKLADANY JR , 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
RUTH L. SKY, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO	640.00	1,475.19
SL SOMMER & ASSOCIATES,INC., 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORP	2,000.00	497.00
F. SLATINSHEK & ASSOCIATES, INC., 1102 BELLE VISTA DR. ALEXANDRIA VA 20007	GRUMMAN AERO CORP; D.L. LYNCH & ASSOCS	250.00	
BARRY S. SLEVIN, 1000 POTOMAC STREET, NW WASHINGTON DC 20007	SEIFMAN, SEMO, SLEVIN & MARCUS, P.C. (FOR: UNITED FOOD & COMMERCIAL WORKERS INT'L UNION).		
RONALD J. SLINN, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC		
CATHERINE REISS SLOAN, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
SLURRY TRANSPORT ASSN, 490 L'ENFANT PLAZA EAST, SW SUITE 3210 WASHINGTON DC 20024			
SMALL BUSINESS LEGISLATIVE COUNCIL, 1604 K ST., NW WASHINGTON DC 20006		3,000.00	104.00
PETER SMALL, 400 MADISON AVENUE NEW YORK NY 10017	PETER SMALL & ASSOCIATES, INC. (FOR: WILLIAM M. MERCER, INC.)		
SMATHERS SYMINGTON & HERLONG, SUITE 400 1700 K ST., NW WASHINGTON DC 20006	AMERICAN HORSE COUNCIL	3,666.00	
Do	COALITION OF COMMUNITY BANKS OF FLORIDA	40,000.00	
Do	FLORIDA EAST COAST RAILWAY CO	750.00	
Do	GOLDMAN SACHS & CO	1,500.00	
Do	NATIONAL HOCKEY LEAGUE	1,500.00	
Do	PENNZOIL CO	6,000.00	
Do	REPUBLIC OF SOUTH AFRICA	7,500.00	
DONALD E. SMILEY, 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		86.60
JAMES R. SMIRCINA, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO	205.00	206.00
DOUGLAS J. SMITH & ASSOCIATES, SUITE 704 1200 18TH ST., NW WASHINGTON DC 20036	INSTITUTE OF SIGNAGE RESEARCH		
Do	NATIONAL ELECTRIC SIGN ASSN		
Do	NORANDA MINING INC		
Do	SPERRY GYROSCOPE		
ARTHUR J. SMITH, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
CATHERINE S. SMITH, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
DAVID S. SMITH, 1701 PENNSYLVANIA AVE., NW, #1102 WASHINGTON DC 20006	MARTIN, BECK & SMITH		
DOUGLAS J. SMITH, SUITE 704 1200 18TH ST., NW WASHINGTON DC 20036	DOUGLAS J. SMITH & ASSOCIATES (FOR: AMERICAN SIGN & INDICATOR CORP)		
DOUGLAS S. SMITH, 3219 MAGNOLIA AVENUE FALLS CHURCH VA 22041	NATIONAL INHOLDERS ASSN		
GARY K. SMITH, 600 PENNSYLVANIA AVENUE, SE, #300 WASHINGTON DC 20003	GREETING CARD ASSN		
GORDON L. SMITH, 1201 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: FLORISTS' TRANSWORLD DELIVERY ASSN)	2,062.50	
GRACE H. SMITH, 2000 M STREET, NW, #230 WASHINGTON DC 20036	TELOCATOR NETWORK OF AMERICA	8,942.00	658.49
JEFFREY A. SMITH, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	1,500.00	59.46
JEFFREY A. SMITH, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	287.50	107.14
JENNIFER L. SMITH, 900 17TH STREET, NW, #520 WASHINGTON DC 20006	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	300.00	
JULIAN H. SMITH JR., 600 NORTH 18TH STREET BIRMINGHAM AL 35291	ALABAMA POWER CO	11,712.00	13,039.17
MICHAEL E. SMITH, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		
MICHAEL P. SMITH, 485 LEXINGTON AVE. NEW YORK NY 10017	NEW YORK STATE BANKERS ASSN	544.00	551.00
ROBERT BLAND SMITH JR , 1100 15TH STREET, WN, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	15.00
SHALAH SMITH, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	2,150.00	357.19
WILLIAM H. SMITH, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
WAYNE H. SMITHEY, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	1,125.00	375.15
ARTHUR V. SMYTH, 1625 EYE ST., NW, #902 WASHINGTON DC 20006	WEYERHAEUSER CO		
PETER LEIGH SNELL, 510 C STREET, NE WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT		
FRANK B. SNODGRASS, 1100 17TH ST., NW, #306 WASHINGTON DC 20036	BURLEY & DARK LEAF TOBACCO EXPORT ASSN	1,103.02	145.55
LARRY S. SNOWHITE, 1825 EYE ST., NW WASHINGTON DC 20006	ENVIRITE CORPORATION	2,500.00	64.34
Do	LIBERTY MUTUAL INSURANCE CO	2,291.00	22.65
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO (FOR: LION LINES, LTD.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MAINE EDUCATIONAL LOAN MARKETING CORP).	4,445.00	58.95
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MASS. CONSTRUCTION INDUS. COUNCIL TRUCK WEIGHT COMM).		
Do	NEW ENGLAND EDUCATION LOAN MARKETING CORP	4,089.00	58.95
Do	MINTZ, LEVIN, COHN, GLOVSKY AND POPEO (FOR: SCA SERVICES)	3,340.00	34.90
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: SECURITIES INDUSTRY ASSN)		
EDWARD F. SNYDER, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	4,153.50	
J. R. SNYDER, 400 1ST ST., NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		1,491.65
JOHN M. SNYDER, 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	8,500.00	
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, P.O. BOX 3719 GEORGETOWN STATION WASHINGTON DC 20007		33,423.80	19,657.30
EDMUND T. SOMMER JR , 1627 K STREET, NW, #1200 WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS		
CHARLES B. SONNEBORN, 1750 K ST. NW SUITE 370 WASHINGTON DC 20006	AMERICAN ACADEMY OF OPTHALMOLOGY		
CHARLES R. SONNIER, SONNIER & HEBERT P.O. DRAWER 1040 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
SONOSKY CHAMBERS SACHSE & GUIDO, 1050 31ST ST., NW WASHINGTON DC 20007	ASSINIBOINE AND SIOUX TRIBES		
Do	MULTI-HOUSING LAUNDRY ASSOCIATION, INC		
Do	SHOSHONE INDIAN TRIBE		
Do	STANDING ROCK SIOUX TRIBE		
SOUTHERN FOREST PRODUCTS ASSN, P.O. BOX 52468 NEW ORLEANS LA 70152			
SOUTHWEST HOME FURNISHINGS ASSN, 4313 NORTH CENTRAL EXPRESSWAY P.O. BOX 64545 DALLAS TX 75205			
SOUTHWESTERN PEANUT SHELLERS ASSN, 10 DUNCANNON CT. DALLAS TX 75225			
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	1,166.96
SPACE AMERICA, 600 WATER STREET, SW, #207 WASHINGTON DC 20024			
IAN D. SPATZ, 1785 MASSACHUSETTS AVE, NW, WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	408.00	24.60
JOHN B. SPEARS, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
SPECIALIZED CARRIERS & RIGGING ASSOCIATION, 733 15TH STREET, NW WASHINGTON DC 20005			
JOHN F. SPEER JR , 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
WILLIAM C. SPENCE, 3805 W. ALABAMA HOUSTON TX 77027	COLUMBIA GULF TRANSMISSION CO		
SPIEGEL & MCDIARMID, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL		
GEORGE SPIEGEL, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY		
NICHOLAS J. SPIEZIO, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN		
LARRY N. SPILLER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	900.00	
JOSEPH L. SPILMAN JR , 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
SPRIGGS BODE & HOLLINGSWORTH, 1015 15TH ST., NW WASHINGTON DC 20005	ENERGY CYCLE, INC	943.75	
ELISABETH A. SQUEGLIA, BRICKER & ECKLER 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20515	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
SQUIRE SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ALAMO CEMENT COMPANY, ET AL	8,968.00	65.50
Do	AMERICAN CHAMBER OF COMMERCE IN EUROPE & THE MEDITERRANEAN		
Do	AMERICAN CHAMBER OF COMMERCE IN GERMANY		928.25
Do	AMERICAN CHAMBER OF COMMERCE IN ITALY, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN SPAIN, INC		
Do	AMERICAN SOCIETY OF ANESTHESIOLOGISTS	50.00	17.72
Do	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
Do	INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION	750.00	50.00
Do	MICROBAND CORP OF AMERICA		
Do	NATIONAL COLLEGIATE ATHLETIC ASSN		
Do	TYMNET, INC		
JOHN W. SROKA, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CARL F. ST. CIN, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO		
ROBERT P. ST. LOUIS, 2550 M ST., NW, #225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	1,000.00	315.41
DAVID E. STAHL, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
MELVIN R. STAHL, SUITE 1410 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL, INC		
LYNN E. STALBAUM, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,610.00	23.77
TYRONE STALLWORTH, 220 NORTH DEVILLERS STREET PENSACOLA FL 32501			
MITCHEL STANFIELD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COASTAL CORPORATION	400.00	24.00
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	AMERICAN INCOME LIFE INSURANCE CO	16.22	
Do	BROWN & ROOT, INC		
Do	COMMITTEE FOR AD VALOREM EQUITY	42.95	
Do	EMPLOYEE STOCK OWNERSHIP ASSN	39.46	
Do	MCDERMOTT INTERNATIONAL	69.42	
Do	NATIONAL ASSN OF ROYALTY OWNERS, INC	1.15	
Do	OCEAN MINERALS CO	67.52	
Do	OFFSHORE INDUSTRY COMMITTEE		
Do	OFFSHORE MARINE SERVICE ASSN	37.11	
Do	POTTS INDUSTRIES, INC		
Do	SUN COMPANY, INC	32.49	
Do	TEXAS & SOUTHWESTERN CATTLE RAISERS ASSN	5.00	
Do	TEXAS CATTLE FEEDERS ASSN	10.00	
MICHAEL J. STANTON, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	320.00	
MELVIN L. STARK, SUITE 321 1707 L ST., NW WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO	6,000.00	
WALTER M. STARKE, P.O. BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
LOIS STARKEY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	700.00	100.00
RONALD W. STASCH, 205 E. 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
CHARLES D. STATTON, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
SAMUEL E. STAVISKY & ASSOCIATES, INC, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	BROADCAST MUSIC INC. (BMI)	200.00	80.00
SAMUEL E. STAVISKY, 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		50.00
RANDOLPH J. STAYIN, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).	3,203.75	57.06
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)	7,750.00	
Do	TAFT STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)	5,962.50	31.25
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP	300.00	91.93
DAVID J. STEINBERG, 7216 STAFFORD RD. ALEXANDRIA VA 22307	NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC		
STEPHENS OVERSEAS SERVICES, INC., 2121 K STREET, NW, #830 WASHINGTON DC 20037	NATIONAL OFFICE MACHINE DEALERS ASSN	50.00	1.66
Do		26.00	33.68
MICHAEL K. STEPHENSON, SUITE 703 1620 EYE ST., NW WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
STEPTOE & JOHNSON CHARTERED, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	COALITION FOR UNIFORM PRODUCT LIABILITY LAW		1,797.39
Do	COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY		300.00
Do	FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO., ET AL	5,000.00	500.00
RICHARD H. STERN, 2555 M ST., NW WASHINGTON DC 20037	INTEL CORPORATION		
RICHARD W. STERNBERG, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
HEATHER STEVENS-KITTNER, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	3,168.00	80.00
MICHAEL E. STEWARD, 7957 REVENNA LANE SPRINGFIELD VA 22153	PUGET SOUND POWER & LIGHT CO	5,024.00	111.18
EUGENE L. STEWART, 1001 CONNECTICUT AVE., NW, #910 WASHINGTON DC 20036	ROSES, INC	2,600.00	6,531.22
TRAVIS B. STEWART, 1050 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
WALTER J. STEWART, SUITE 700 1100 15TH ST., NW WASHINGTON DC 20005	SONAT, INC		
VICTORIA STEWART-SHAIN, 1710 RHODE ISLAND AVENUE, NW, #300 WASHINGTON DC 20036	ABBOTT LABORATORIES	1,000.00	
WARREN E. STICKLE, SUITE 1120 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	853.27	199.75
LAVERNE STILL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	375.00	17.23
STEPHEN W. STILL, 1100 15TH STREET, NW, #700 WASHINGTON DC 20005	SONAT, INC		
NANCY M. STIMPFLE, 1441 OAKVIEW DRIVE MCLEAN VA 22101	CITIZENS FOR A NUCLEAR FREEZE		
EDWARD W. STIMPSON, SUITE 801 1400 K ST., NW WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,168.35	
KENNETH F. STINGER, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	349.37
BARBARA STINSON, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES	4,500.00	194.44
JOHN J. STOCKER, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	
STOCKHOLDERS OF AMERICA, INC., 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006		7,348.00	1,077.98
STEVEN F. STOCKMEYER, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS		
PATTI A. STOLL, 100 FEDERAL STREET BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
GEORGE W. STONE, 600 MARYLAND AVENUE, SW, #202W WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,750.00	337.53
JAY STONE, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,500.00	
Do	MELAMINE CHEMICALS, INC	2,000.00	1,600.00
Do	STATE OF LOUISIANA	14,500.00	4,950.00
STOVALL SPRADLIN ARMSTRONG & ISRAEL, 1819 H STREET, NW, #700 WASHINGTON DC 20006	COMMISSION ON FUTURE POLITICAL STATUS & TRANSITION		
Do	INGERSOLL-RAND COMPANY	5,040.45	8.82
ALAN STOVER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS		
WILLIAM M. STOVER, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	1,000.00	
STRADLEY, RONON, STEVENS & YOUNG, 1100 ONE FRANKLIN PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP		
STRASBURGER & PRICE, 1200 ONE MAIN PLACE DALLAS TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD		1,344.75
TERRENCE D. STRAUB, 818 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20006	U.S. STEEL CORPORATION	250.00	452.85
JAMES R. STREETER, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	94.40	18.00
RICHARD H. STREETER, 1729 H STREET, NW WASHINGTON DC 20006	CAST NORTH AMERICA LTD		
ROGER J. STROH, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN RED CROSS RETIREMENT SYSTEM	619.70	50.00
Do	AMERICAN TRUCKING ASSNS, INC		
Do	CITY OF TUCSON	700.00	5.00
Do	DREYFUS CORPORATION	400.00	
Do	FIFTH AVENUE & 59TH CORP	300.00	20.00
Do	INGERSOLL & BLOCH	1,300.00	83.00
Do	J. ARON & CO, INC	2,000.00	110.00
Do	PACIFIC EXPRESS, INC		
Do	PLAZA 400 OWNERS CORP	300.00	20.00
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION	100.00	
Do	TENANT-OWNED APARTMENT ASSN., INC		
Do	WARNER COMMUNICATIONS, INC	500.00	22.00
GEORGE STRUMPF, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
WALTER B. STULTS, 618 WASHINGTON BLDG. WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	4,000.00	
EUGENE F. STURGEON, 182 CRATER LANE KENSINGTON CT 06037	NORTHEAST UTILITIES SERVICE CO	912.23	557.92
JOSEPH SUBIC JR., SUITE 21 800 21ST STREET, NW WASHINGTON DC 20052	GEORGE WASHINGTON UNIVERSITY STUDENT ASSN		
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC		
Do	GOLDMAN SACHS & CO		
Do	INCO UNITED STATES, INC		
Do	SECURITIES INDUSTRY ASSN		25.25
SULLIVAN & WORCESTER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA LUMBER & PULP CO, INC		
Do	MARION LABORATORIES, INC	22,100.00	542.32
AUSTIN P. SULLIVAN JR , P.O. BOX 1113 MINNEAPOLIS MN 55440	GENERAL MILLS, INC		
BONNIE A. SULLIVAN, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
GAEL M. SULLIVAN, SUITE 1004 1155 15TH STREET, NW WASHINGTON DC 20005	LTV CORPORATION	2,344.00	640.00
HAROLD R. SULLIVAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
JUDY M. SULLIVAN, SUITE S-700 1120 20TH STREET, NW WASHINGTON DC 20036	NORTHWEST ENERGY		
MARCIA Z. SULLIVAN, SUITE 1200 1300 N. 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	2,000.00	960.61
MARGARET COX SULLIVAN, 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC		
MARY BETH SULLIVAN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	684.21
PATRICK J. SULLIVAN, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	7,982.81	914.78
RICHARD C. SULLIVAN JR., SUITE 409 110 MARYLAND AVE., N.E. WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	6,550.00	123.44
J. MITCHELL SUMMERS, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	819.00	250.19
IRIS SUNSHINE, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES GARMENT WORKERS UNION	4,249.96	149.80
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	CAVALIER CLOTHING		
Do	DALE FASHIONS		
Do	DEROSSI & SON CO		
Do	LONDON CHAMBER OF COMMERCE AND INDUSTRY		
Do	MAJOR CLOTHING CO		
Do	PATHFINDER FUND	64.00	4.50
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PIETRO BERETTA, S.P.A.		
Do	SOUTH JERSEY CLOTHING		
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	AD HOC COMM FOR EQUITABLE TRANSPORTATION		
Do	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN	214.38	32.69
Do	ANGLO-AMERICAN CLAYS CORP	214.38	32.69
Do	ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY		
Do	ATLANTA LIFE INSURANCE COMPANY	2,891.75	41.85
Do	CONSUMER CREDIT INSURANCE ASSOCIATION	758.75	
Do	COUNCIL OF INDUSTRIAL BOILER OWNERS		
Do	DIRECT MARKETING INSURANCE GROUP		
Do	ENGELHARD MINERALS & CHEMICALS CORP	214.38	32.69
Do	FREEPORT KAOLIN	214.38	32.69
Do	INDUSTRIAL OIL CONSUMERS GROUP		
Do	J. M. HUBER CORP	214.38	32.69
Do	LIFETIME COMMUNITIES, INC		69.20
Do	MULLITE CO OF AMER	214.38	32.69
Do	MUTUAL OF OMAHA INSURANCE CO		
Do	NATIONAL ASSN OF LIFE COS	3,000.00	
Do	NATIONAL HOME LIFE ASSURANCE COMPANY	2,029.37	50.20
Do	NORD RESOURCES CORP	214.38	32.69
Do	STOCK INFORMATION GROUP	25,307.63	3,557.40
Do	THIELE KAOLIN CO	214.38	32.69
Do	WOODSTREAM CORPORATION	7,703.50	133.85
WILLIAM F. SUTHERLAND, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DONNAE SUTHERLIN, 3845 FM 1960 WEST, SUITE 401 HOUSTON TX 77068	NATIONAL ASSN OF MANUFACTURERS	400.00	
SUTIN, THAYER & BROWNE, P.O. BOX 1945 ALBUQUERQUE NM 87103	MISSISSIPPI CHEMICAL CORP		256.50
W. THOMAS SUTTLE, SUITE 4 1755 WILLARD STREET, NW WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,200.00	625.00
WILLIAM W. SUTTLE, 1025 CONNECTICUT AVE., NW SUITE 415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
IRVING W. SWANSON, 11212 FARMLAND DRIVE ROCKVILLE MD 20852	HARRIS CORPORATION	14,587.00	1,745.38
DAVID A. SWEENEY, 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	17,278.29	
ROSEMARIE SWEENEY, SUITE 770 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN ACADEMY OF FAMILY PHYSICIANS	1,999.98	839.50
SWIDLER, BERLIN & STRELOW, CHTD., 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	MD PEOPLE'S COUNSEL (NATL ASSN OF STATE UTIL CONSUMER ADVO)	5,125.50	100.25
TRICIA L. SWIFT, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	1,200.00	
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
CHRISTOPHER U. SYLVESTER, 1831 BRIAR RIDGE COURT MCLEAN VA 22101	GARRISON DIVERSION CONSERVANCY DISTRICT	6,000.00	276.63
SYRDAL DANELO KLEIN & MYRE, P.C., 24TH FLOOR FOURTH & BLANCHARD BLDG. SEATTLE WA 98121	WASHINGTON STATE CHARTERBOAT ASSN		
Z. MICHAEL SZAZ, 6415 FRANCONIA COURT SPRINGFIELD VA 22150	AMERICAN HUNGARIAN FEDERATION	1,900.00	
ROBERT TAFT JR., SUITE 600 21 DUPONT CIRCLE NW WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOSPITAL ASSN)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: DOSIMETER CORP OF NORTH AMERICA)	3,000.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)	460.70	48.44
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PIPER, JAFFRAY & HOPWOOD)		50.69
Do	TAFT, STETTINIUS & HOLLISTER (FOR: RCA GLOBAL COMMUNICATIONS, INC)	5,000.00	6.20
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)	3,938.75	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).	2,130.00	95.18
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)	9,500.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE & DATA SYSTEMS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)	6,895.00	754.46
TAGGART & ASSOCIATES, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	MARION LABORATORIES, INC		
Do	TELEPHONE & DATA SYSTEMS, INC		
WALTER G. TALAREK, SUITE 405 1945 GALLOWS RD. VIENNA VA 22180	AMERICAN WOOD PRESERVERS INSTITUTE	1,325.00	196.70
TALCOTT MCCABE & ASSOCIATES, SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC	2,600.00	
Do	NATIONAL ASSN OF HOMES FOR CHILDREN	2,050.00	
Do	SERVICEMASTER INDUSTRIES, INC	1,000.00	
TANAKA WALDERS & RITGER, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BRIDGESTONE TIRE CO., LTD		
Do	ELECTRONIC INDUSTRIES ASSN OF JAPAN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SUSAN TANNENBAUM, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,743.78	106.60
C. MICHAEL TARONE, 2033 M ST., NW, #700 WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A.		
Do	SANTARELLI & GIMER (FOR: KINGS RIVER WATER USERS COMM)		
JOHN F. TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
M. LOUISE TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	900.00	
GRACA DA SILVA TAVARES, 17 PERKINS STREET WEST NEWTON MA 02165			
TAXPAYERS FOR FEDERAL PENSION REFORM, P.O. BOX 7755 PHILADELPHIA PA 19101			
CHARLES A. TAYLOR III, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	1,000.00	
DENNIS J. TAYLOR, SUITE 650 1090 VERMONT AVE., NW WASHINGTON DC 20005	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	5,000.00	
Do	U.S. SURGICAL CORPORATION	2,500.00	
FRANK A. TAYLOR, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
MARGIE A. TAYLOR, P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PEGGY TAYLOR, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,552.18	495.11
R. WILLIAM TAYLOR, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
ELAYNE L. TEMPEL, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: BASCOM, INC.)		
Do	PAUL TENDLER ASSOCITES, INC (FOR: NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES).	2,000.00	370.00
Do	PAUL TENDLER ASSOCIATES, INC (FOR: NATIONAL INSTITUTE OF TENANTS)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: RASCH ELEKTRONIK)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SCHOENEMAN, INC)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SOUTHEASTERN EXPORTERS)		
TENNESSEE HOME MEDICAL PROVIDERS ASSOCIATION, INC., P.O. BOX 23130 KNOXVILLE TN 37933			
BETTY-GRACE TERPSTRA, 918 16TH ST., NW, #402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	750.00	553.61
EDWARD F. TERRAR JR., 499 SOUTH CAPITOL ST., S.W. ROOM 400 WASHINGTON DC 20003	WASHINGTON INDUSTRIAL TEAM, INC.	600.00	
TEST MARKETING GROUP, INC, 140 S. DEARBORN STREET, #910 CHICAGO IL 60603			
THACHER PROFFITT & WOOD, SUITE 512 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	GRINDLAYS BANK LIMITED		158.00
Do	SALOMON BROTHERS, INC	1,880.00	1,124.26
BRUCE D. THEVENOT, 1155 15TH ST., NW, #424 WASHINGTON DC 20005	CASSON CALLIGARO & MUTRYN (FOR HUMANA, INC)	1,850.00	
Do	OKLAHOMA STATE NURSING HOME ASSN	2,340.00	
ALAN J. THIEMANN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE JASKIEWICZ GILLIAM AND COBERT (FOR: ATLANTIC CITY BUS OPERATORS ASSN).		
BARBARA BRENDES THIES, RM. 330W 1500 PLANNING RESEARCH DR. MCLEAN VA 22102	PLANNING RESEARCH CORPORATION		543.59
THIRD CLASS MAIL ASSOCIATION, 1133 15TH ST., NW, #1037 WASHINGTON DC 20005		600.00	600.00
EDLU J. THOM, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY, INC		
DORIS I. THOMAS, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES M. THOMAS JR., 100 INDIANA AVENUE, NW, #403 WASHINGTON DC 20001	AMALGAMATED TRANSIT UNION, NATL CAP LOCAL 689		
JOHN W. THOMAS, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN		
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
MESHALL THOMAS, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
PATRICIA THOMAS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	6,546.19	
ROBERT L. THOMAS, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	50.00	
THOMAS E. THOMASON, 1620 EYE STREET, NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORP		
THOMPSON & MITCHELL, 1120 VERMONT AVENUE, NW, #1000 WASHINGTON DC 20005	AMERICAN INLAND WATERWAYS COMMITTEE	279.00	
Do	CONTACT LENS MANUFACTURERS ASSN		
Do	CROWN LIFE INSURANCE CO	9,000.00	2,069.35
Do	MIDLAND ENTERPRISES, INC.		
Do	VALLEY LINE COMPANY		
BOYD THOMPSON, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814	AMERICAN MEDICAL CARE & REVIEW ASSN		20.65
JAMES F. THOMPSON JR., 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KENNETH W. THOMPSON, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
LAW OFFICES OF FRED 1919 PENNSYLVANIA AVENUE, NW, #850 WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	3,638.00	
Do	WESTINGHOUSE ELECTRIC CORP	4,749.50	
NANCY THOMPSON, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC		
ROGER G. THOMPSON, 117 BELLEFONTE DRIVE ASHLAND KY 41101	KENTUCKY POWER CO	6,500.00	2,253.38
SAMUEL C. THOMPSON JR., SCHIFF HARDIN & WAITE 1101 CONNECTICUT AVENUE, NW, #600 WASHINGTON DC 20036	CHIAGO BOARD OPTIONS EXCHANGE, INC.		
W. REID THOMPSON, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO		
THOMPSON, HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	ALLTEL CORPORATION	5,980.00	262.17
TERENCE H. THORN, SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP	163.45	
RICHARD B. THORNBURG, SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSN		155.94
JOHN A. THORNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN		
WILLIAM R. THORNHILL, P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE CO		
MARGO THORNING, 1850 K ST., NW, #520 WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION		
WALTER L. THREADGILL, 1220 19TH STREET, NW WASHINGTON DC 20036	STORER COMMUNICATIONS, INC	250.00	
SAMUEL THURM, 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATL ADVERTISERS		
CYRUS C. TICHENOR III, 1101 VERMONT AVENUE, NW, #405 WASHINGTON DC 20005	A. H. ROBINS CO, INC	785.00	71.00
DREW V. TIDWELL, SUITE 1200 1300 N. 17TH ST. ARLINGTON VA 22209	CONSUMER BANKERS ASSN	4,012.50	3,876.92
MICHAEL M. TIERNAN, 1501 WILSON BLVD. ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	1,000.00	
ROBERT O. TIERNAN, 1800 M STREET, NW, #299 WASHINGTON DC 20036	PENN CENTRAL CORP		
WALLACE TILLMAN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
MARTIN R. TILSON JR., PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO	469.44	1,262.88
PATTI A. TILSON, SUITE 520 900 17TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
C. H. TIMBERLAKE, 1825 K ST., NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	975.00	351.42
TIMMONS & CO, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING CO, INC	2,250.00	
Do	AMERICAN INLAND WATERWAYS COMMITTEE	630.00	
Do	AMERICAN PETROLEUM INST	360.00	
Do	ANHEUSER-BUSCH COMPANIES, INC	585.00	
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	120.00	
Do	BOEING COMPANY	630.00	
Do	BROWN GROUP, INC	495.00	
Do	CHRYSLER CORPORATION	945.00	
Do	EASTERN AIR LINES, INC	855.00	
Do	G. D. SEARLE & CO	315.00	
Do	H. J. HEINZ CO	225.00	
Do	MAJOR LEAGUE BASEBALL	675.00	
Do	MIDDLE SOUTH SERVICES, INC	1,080.00	
Do	NATIONAL RIFLE ASSN OF AMER	360.00	
Do	NORTHROP CORP	875.00	
Do	STANDARD OIL CO (INDIANA)	855.00	
MICHAEL L. TINER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	10,136.52	763.77
CONSTANCE D. TIPTON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
E. LINWOOD TIPTON, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		1,435.30
EBEN S. TISDALE, 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,450.00	206.86
TITLE ASSOCIATES, INC., RT.2, BOX 89 COLUMBIA TN 38401			
TOBACCO ASSOCIATES, INC, SUITE 912 1101 17TH ST., NW WASHINGTON DC 20036			3,342.82
JAMES R. TOBIN, MACK CENTRE DR. PARAMUS NJ 07652	BECTON, DICKINSON & CO	2,000.00	
ROBERT TOBIN, 605 14TH STREET, NW, #302 WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC	2,600.00	1,897.20
WILLIAM J. TOBIN, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,000.00	20.00
DAVID G. TODD, 1025 CONNECTICUT AVE., NW, #507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
M. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORPORATION		20.00
DAVID R. TOLL, SUITE 1100 1111 19TH STREET, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP		
WILLIAM R. TOLLEY JR., PO BOX 37 MELBOURNE FL 32919	HARRIS CORPORATION		391.95
SALLY AUSTEN TOM, SUITE 1120 1522 K STREET, NW WASHINGTON DC 20005	AMERICAN COLLEGE OF NURSE-MIDWIVES		
EDWARD TONAT, 6723 BRIGADOON DRIVE BETHESDA MD 20817	ROBERT GOFF & ASSOCIATES, INC		
ANN TONJES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	115.00
WILLIAM D. TOOHEY, 1899 L ST., NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSOCIATION OF AMERICA		
TOTAL PETROLEUM, INC, 999 18TH STREET, SUITE 2201 DENVER CO 80202			
WANDA TOWNSEND, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	318.75	
BURKE A. TRACEY, 2111 JEFFERSON DAVIS HIGHWAY #1009-S ARLINGTON VA 22202	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS		
JOHN P. TRACEY, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. TELEPHONE ASSN	1,000.00	
RICHARD L. TRACHTMAN, SUITE 500 1101 VERMONT AVE. NW WASHINGTON DC 20005	AMERICAN SOCIETY OF INTERNAL MEDICINE	2,117.95	558.28
JOSEPH P. TRAINOR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	662.48
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CANADIAN ASBESTOS INFORMATION CENTRE		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MOTOROLA, INC)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO, INC)	520.00	
Do	GRAY AND COMPANY (FOR: NIU, INC)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
TRANSPORTATION INSTITUTE, 923 15TH ST., NW WASHINGTON DC 20005			22,088.90
HUBERT TRAVAILLE, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	1,250.00	230.48
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036		1,635.00	1,635.00
TRAVEL INDUSTRY ASSOCIATION OF AMERICA, 1899 L ST., NW WASHINGTON DC 20036			
ERNEST B. TREMMEL, INC., 5908 ROSSMORE DRIVE BETHESDA MD 20014	BURNS & ROE, INC	1,121.00	344.65
R. S. TRIBBE, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC	90.00	
LAURENCE H. TRIBE, P.C., 1525 MASSACHUSETTS AVENUE CAMBRIDGE MA 02138	MOTION PICTURE ASSN OF AMERICA, INC		
SALLY A. TRIPLETT, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC INC. (BMI))		30.00
EUGENE M. TRISKO, 9817 ROSENSTEEL AVENUE SILVER SPRING MD 20910	STERN BROS., INC	6,960.00	1,023.00
MICHAEL G. TROOP, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	1,080.00	6.75
ROBERT C. TROUP, BOX 893 NEW CANAAN CT 06840			
GEORGE G. TROUTMAN, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER, INC	300.00	
ALEXANDER B. TROWBRIDGE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	850.00	
THOMAS L. TRUEBLOOD, 401 NORTH MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO	1,000.00	21.81
TUCKER & BROWN, WESTERN FEDERAL SAVINGS BLDG., #1330 718 17TH ST. DENVER CO 80202	PETRO-LEWIS CORPORATION	1,012.50	
Do	REGIONAL TRANSPORTATION AUTHORITY	1,000.00	
Do	THE MANVILLE CORPORATION		
TUNA RESEARCH FOUNDATION, INC. 1101 17TH ST., NW WASHINGTON DC 20036		1,945.50	3,716.94
B. ELIZABETH TUNNEY, 124 SALEM CHURCH ROAD MECHANICSBURG PA 17055	RETAIL, WHOLESALE & DEPT STORE UNION (INT'L), ET AL	7,995.00	1,177.39
NORMAN B. TURE, 1100 CONNECTICUT AVENUE, NW, #550 WASHINGTON DC 20036			
RITA M. TURKIEWICZ, 444 NORTH CAPITOL TREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	5,000.00	
BRIAN TURNER, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	6,821.00	122.20
RICHARD F. TURNEY, 1725 K ST., NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
ST. CLAIR J. TWEEDIE, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	12,750.00	460.32
U.S. CANE SUGAR REFINERS' ASSN, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036			
U.S. COMMITTEE FOR THE OCEANS, 100 MARYLAND AVE., NE WASHINGTON DC 20002		120.00	
U.S. DEFENSE COMMITTEE, 3238 WYNFORD DRIVE FAIRFAX VA 22031		9,520.94	9,520.94
U.S. LEAGUE OF SAVINGS INSTITUTIONS, 111 E. WACKER DR. CHICAGO IL 60601			145,918.58
U.S. RECREATIONAL SKI ASSOCIATION, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006			
JERRY G. UDELL, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	200.00	51.25
PHILIP J. UFHOLZ, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
LEWIS K. UHLER, SUITE 600 1523 L ST., NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,000.00	20.00
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION		
Do	INTERNATIONAL TITANIUM, INC	5,000.00	
Do	MERCK & CO., INC	10,000.00	
Do	OREGON METALLURGICAL CORP	1,000.00	
Do	SPRUELL DEVELOPMENT CORPORATION		
Do	TIMET TITANIUM		
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,500.00	
Do	WESTERN FOREST INDUSTRIES ASSOCIATION	4,300.00	
MANYA S. UNGAR, 10 BRANDYWINE COURT SCOTCH PLAINS NJ 07076	NATIONAL CONGRESS OF PARENTS & TEACHERS	222.00	2,466.11
CHARLES K. UNGER, 1600 PRINCE STREET, #212 ALEXANDRIA VA 22314	NATIONAL ASSN OF STEVEDORES	3,000.00	145.20
UNIFI, INC., P.O. BOX 19109 GREENSBORO NC 27419			
UNION MUTUAL LIFE INSURANCE CO, 2211 CONGRESS ST. PORTLAND ME 04122			1,475.19
THOMAS C. UNIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
THOMAS C. UNIS, P.C., 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS, WORKERS OF AMERICA (UAW) 8000 E. JEFFERSON DETROIT MI 48214.		103,513.15	103,513.15
UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001			32,184.31
UNITED FOOD & COMMERCIAL WORKERS INTL UNION, 1775 K ST., NW WASHINGTON DC 20006		183,165.40	44,644.52
UNITED FRESH FRUIT & VEGETABLE ASSN, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314		2,556.62	2,556.62
UNITED GAS PIPE LINE CO, PO BOX 1478 HOUSTON TX 77001			1,889.69
UNITED IRISH & AMERICAN SOCIETY OF ILLINOIS, BOX 219 3400 W. 111TH STREET CHICAGO IL 60655		560.00	377.80
UNITED SERVICES AUTOMOBILE ASSOCIATION, 9800 FREDERICKSBURG ROAD SAN ANTONIO TX 78288			
LLOYD N. UNSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		75.00
A. RUSSELL UPSHAW JR., 1030 15TH STREET, NW WASHINGTON DC 20005	EASTERN AIRLINES		275.00
DREW A. UPTON, 1100 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
MARIAN S. URNIKIS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
YOSHINORI USUI, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	100.00	160.47
UTILITY NUCLEAR WASTE MANAGEMENT GROUP, C/O EDISON ELECTRIC INSTITUTE 1111 19TH ST., NW WASHINGTON DC 20036.		730.47	730.47
RONALD D. UTT, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	340.00	20.59
ANTHONY VALANZANO, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	570.00	230.00
JACK J. VALENTI, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	1,440.00	
LIONEL VAN DEERLIN, 2945 FRUITLAND DRIVE VISTA CA 92083	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC	800.00	172.94
JULIANE H. VAN EGMOND, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	92.70	66.71
LAURA VAN ETTEN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
VAN FLEET ASSOCIATES, INC, SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	CADILLAC GAGE	11,250.00	
Do	FORD AEROSPACE & COMMUNICATIONS CORP	3,000.00	
Do	MARCONI ELECTRONICS	3,000.00	
NICK L. VAN NELSON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007.	AD HOC COMMITTEE ON ALTERNATIVE ENERGY TAX CREDITS	2,670.00	
Do	ALLIED-GENERAL NUCLEAR SERVICES		
Do	AMERICAN ELECTRIC POWER CO., INC., ET AL	4,309.00	30.00
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS		
Do	AMERICAN PRESIDENT LINES	2,895.00	88.49
Do	ARCTIC SLOPE REGIONAL CORP		
Do	ASHLEY, THOMAS LUDLOW (FOR GENERAL PUBLIC UTILIES)		
Do	BRAE CORPORATION	2,899.98	133.16
Do	COLUMBIA GAS SYSTEM SERVICE CORP	8,730.00	79.18
Do	FLORIDA AGRICULTURE COALITION, INC		
Do	HAWAIIAN ELECTRIC COMPANY, INC		
Do	JACOBS ENGINEERING GROUP, INC		
Do	MCDONNELL DOUGLAS ASTRONAUTICS CORP		
Do	NATOMAS COMPANY		
Do	PENNSYLVANIA ELECTRIC CO; NEW YORK STATE ELECTRIC & GAS CO		
Do	REPUBLIC GEOTHERMAL, INC	675.00	
Do	REPUBLIC OF KENYA	300.00	
Do	REPUBLIC OF PALAU		
Do	JOSEPH SEAGRAM & SONS, INC		
Do	SLURRY TRANSPORT ASSN		233.37
Do	STATE OF ALASKA	1,175.00	
Do	TEXAS AIR CORP	1,725.00	36.82
Do	UNION CARBIDE CORP		
Do	WINDFARMS, LTD		
GLENN R. VAN SCHOONEVELD, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	1,464.65	335.00
JOHN A. VANCE, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	3,696.00	2,206.80
JAY N. VARON, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
JENNIFER VASILOFF, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,000.04	1,776.95
DONALD R. VAUGHAN, P.O. BOX 1288 ASHEBORO NC 27204	STEDMAN CORP		
ROBYN E. VAUGHAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
M. DAVID VAUGHN, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN	545.45	116.24
A. RANDALL VEHAR, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		334.52
VELSICOL CHEMICAL CORP, 341 EAST OHIO ST. CHICAGO IL 60611			
JERRY T. VERKLER, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	6,250.00	451.39
VERNER LIIPFERT BERNHARD & MCPHERSON, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	BROWN & ROOT, INC	612.50	
Do	JOHN D. & CATHERINE T. MACARTHUR FOUNDATION	6,440.00	
Do	LABOR-INDUSTRY COALITION FOR INTL TRADE	750.00	
Do	LEVI STRAUSS & CO	2,275.00	
Do	ORION SATELLITE CORP		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	SEMICONDUCTOR INDUSTRY ASSOCIATION		462.85
Do	TRAVELERS CORP	2,070.00	
Do	TURNER BROADCASTING SYSTEM, INC		
FRANK VERRASTRO, 1155 15TH STREET, NW, #600 WASHINGTON DC 20005	PENNZOIL COMPANY	937.50	
LINDA VICKERS, 1706 23RD ST., SOUTH ARLINGTON VA 22202	COMMUNICATING FOR AGRICULTURE, INC	4,249.99	
Do	NATIONAL ASSN OF CROP INUSRANCE AGENTS	8,750.06	
BRENDA R. VIEHE-NAESS, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN		
Do	NATIONAL ASSN OF CREDIT MANAGEMENT		
R. ERIC VIGE, SUITE 300 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	1,785.00	486.50
MICHAEL F. VIGIL JR., 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED		
HOWARD A. VINE, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	400.00	
RALPH VINOVICH, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	23,000.00	
WALTER D. VINYARD JR., ALSTON & BIRD 1800 M STREET, NW, #1000 WASHINGTON DC 20036	CONTINENTAL INSURANCE COMPANIES	12,000.00	
Do	HARTFORD INSURANCE GROUP	4,000.00	
Do	ITT CORP	500.00	
VIRGINIA ASSOCIATION OF RAILWAY PATRONS, P.O.BOX 867 RICHMOND VA 23207		20.00	23.20
ANDREW VITALI JR , 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	4,000.00	64.76
GEORGE A. VIVERETTE JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
VOLKSWAGEN OF AMERICA, INC, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024			580.00
DOUGLAS K. VOLLMER, 801 18TH ST., NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	11,063.68	
VOLPE, BOSKEY & LYONS, SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF EQUIPMENT LESSORS		
INGRID A. VOORHEES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
VORYS, SATER, SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	BOWERY SAVINGS BANK		
Do	CABOT CORPORATION	7,555.00	62.38
Do	COMMITTEE OF PUBLICLY OWNED COMPANIES		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	MOWSAFE PRODUCTS, INC		
Do	NATIONAL BROADCASTING CO	1,850.00	27.08
Do	OHIO MFRS ASSN	880.00	34.32
Do	SOUTHERN HOTEL DEVELOPMENT CO		29.95
Do	TOLEDO TRUSTCORP	15,600.00	517.91
Do	YANKEE RESOURCES, INC	3,800.00	29.10
W.A.W. WAR AGAINST WOMEN, 1224 FLEEMONT, ROSEBERG, OR 97470			
CATHERINE WAELDER, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
ROBERT J. WAGER, 2020 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BAKERS ASSN	802.49	2.00
KERRI WAGNER, 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	750.00	
HOWARD W. WAHL, P.O. BOX 1000 ANN ARBOR MI 48106	BECHTEL POWER CORPORATION		
CHRISTINE M. WAISANEN, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
HERBERT R. WAITE, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON	4,200.00	7,522.29
WALD, HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
Do	HARTFORD STEAM BOILER INSPECTION & INSURANCE CO		
Do	JAPAN IRON & STEEL EXPORTERS' ASSN		
ANGELA S. WALDORF, N.C. PETROLEUM COUNCIL P.O. BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST		
ROBERT E. WALDRON, ASSOCIATED PETROLEUM INDUSTRIES OF MICHI 930 MICHIGAN NATL TOWER, PO BOX 10070 LANSING MI 48901.	AMERICAN PETROLEUM INST	805.00	632.69
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AGRICO CHEMICAL COMPANY, ET AL	6,000.00	
Do	AIR TRANSPORT ASSN OF AMERICA		
Do	ALUMINUM CO OF AMER	625.00	
Do	AMERICAN GUILD OF AUTHORS & COMPOSERS	3,000.00	
Do	AMERICAN TELEPHONE & TELEGRAPH CO	3,125.00	
Do	ANHEUSER-BUSCH COMPANIES, INC	3,000.00	
Do	BECHTEL CIVIL & MINERALS, INC	625.00	
Do	BETHLEHEM STEEL CORP	750.00	
Do	CBS, INC	10,000.00	
Do	COPIAT	4,500.00	
Do	DEALER BANK ASSN		
Do	DIMENSION FINANCIAL CORPORATION, INC		
Do	DRESSER INDUSTRIES, INC	625.00	
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	FORD MOTOR CO	625.00	
Do	GENERAL PUBLIC UTILITIES CORP, ET AL		
Do	GOODYEAR TIRE & RUBBER CO	625.00	
Do	GTE CORPORATION	625.00	
Do	HBO & COMPANY	3,000.00	
Do	LONE STAR STEEL CO	3,700.00	
Do	NATIONAL PAYMENT SYSTEMS COALITION	300.00	
Do	NETHERLANDS ANTILLES		
Do	NORTHVILLE INDUSTRIES CORP	6,000.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	6,250.00	
Do	OWENS-ILLINOIS	625.00	
Do	PROCTER & GAMBLE MANUFACTURING CO	625.00	
Do	SCOTT PAPER CO	750.00	
Do	SEACO, INC	2,500.00	
Do	UNION CARBIDE CORP	625.00	
Do	WEYERHAEUSER CO	625.00	
DOUGLAS K. WALKER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
R. DUFFY WALL & ASSOCIATES, INC, 1317 F STREET, NW, #400 WASHINGTON DC 20004	FREEPORT MCMORAN, INC	450.00	200.00
Do	LIFE OF VIRGINIA, ET AL	500.00	200.00
Do	LYKES BROTHERS STEAMSHIP CO	350.00	
Do	SCHULMAN MANAGEMENT COMPANY	400.00	200.00
Do	VOLUME FOOTWEAR RETAILERS OF AMERICA	400.00	200.00
Do	WESTERN FOREST INDUSTRIES ASSN		
MARTIN A. WALL, 1025 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	AMERICAN OSTEOPATHIC HOSPITAL ASSN	2,125.00	1,165.00
RAYMOND C. WALLACE, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LIONEL L. WALLENROD, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
R. DOUGLAS WALLIN JR , 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	EMERSON ELECTRIC CO		51.23
CHARLES S. WALSH, FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	26,002.50	2,307.35
JAMES P. WALSH, DAVIS WRIGHT TODD RIESE & JONES 1752 N ST., NW, #800 WASHINGTON DC 20036	AMERICAN TUNABOAT ASSN		
MAVIS A. WALTERS, 900 17TH STREET, NW, #1010 WASHINGTON DC 20006	INSURANCE SERVICES OFFICE		
HENRY L. WALTHER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	3,000.00	
WILLIAM C. WAMPLER, 412 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN MEAT INSTITUTE	600.00	
HERBERT C. WAMSLEY, 1800 M STREET, NW, #1030N WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC	16,250.00	
JOHN F. WANAMAKER, 201 N. WASHINGTON, ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	1,671.00	
BARBARA WANNER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	100.00	
JOHN E. WARD, 182 SOUNDVIEW AVE. WHITE PLAINS NY 10606	MEAT IMPORTERS COUNCIL OF AMERICA, INC		
BARBARA F. WARDEN, 1522 K ST., NW #406 WASHINGTON DC 20005	NATIONAL CONSUMERS LEAGUE		
RICHARD D. WARDEN, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	17,578.06	468.00
JACK WARE, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	4,995.00	74.90
MICHAEL O. WARE, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	1,200.00	
PETER F. WARKER, SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,250.00	
WARNER AMEX CABLE COMMUNICATIONS, 75 ROCKEFELLER PLAZA NEW YORK NY 10019			17,768.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC. (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS).		
Do	DGA INTERNATIONAL, INC. (FOR: SNECMA)	338.40	485.20
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)	733.20	567.28
CHRISTINE M. WARNKE, SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	400.00	201.50
B. JACK WARREN, P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSN		
BARBARA J. WASHBURN, 1201 PENNSYLVANIA AVENUE, NW, #370 WASHINGTON DC 20004	CONTROL DATA CORPORATION	700.49	289.96
WASHINGTON INDUSTRIAL TEAM, INC., 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	BOEING COMPANY	750.00	532.74
Do	GENERAL DYNAMICS CORPORATION	750.00	532.74
Do	GRUMMAN AEROSPACE CORPORATION	750.00	532.74
Do	HUGHES AIRCRAFT COMPANY	750.00	532.74
Do	MCDONNELL DOUGLAS CORPORATION	750.00	532.74
Do	ROCKWELL INTL	750.00	532.74
Do	TRW, INC.	750.00	532.74
Do	UNITED TECHNOLOGIES CORPORATION	750.00	532.74
Do	WESTINGHOUSE ELECTRIC CORP	750.00	532.74
WASIE FOUNDATION, 909 FOSHAY TOWER MINNEAPOLIS MN 55402			
WATER SYSTEMS COUNCIL, 221 N. LASALLE STREET, #2026 CHICAGO IL 60601		500.00	500.00
ROBERT E. WATKINS, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
CLARKE R. WATSON, 769 DETROIT DENVER CO 80206	WESTLAND COMPANIES, INC.		
KENNETH W. WATSON, 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED	75.00	
CAROLYN HERR WATTS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN.	75.00	
DOUGLAS R. WATTS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC.	1,000.00	
GEORGE B. WATTS, 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	1,000.00	
BRUCE H. WATZMAN, 1130 17TH STREET, N.W. WASHINGTON DC 20036	NATIONAL COAL ASSN.	5,050.00	879.96
WILLIAM J. WAY, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	1,991.66
RAYMOND J. WEATHERLY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
WILLIAM H. WEATHERSPOON, NORTH CAROLINA PETROLEUM COUNCIL PO BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST	600.00	445.35
A. VERNON WEAVER, 2121 K STREET, NW, #830 WASHINGTON DC 20037	STEPHENS OVERSEAS SERVICES, INC.	26.00	
HORACE S. WEBB, P.O. BOX 351 CEDAR RAPIDS IA 52406	IOWA ELECTRIC LIGHT AND POWER COMPANY		
ANDREW H. WEBBER, 440 FIRST STREET, NW, #510 WASHINGTON DC 20001	AMERICAN MEDICAL PEER REVIEW ASSN		
FREDERICK L. WEBBER, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	3,000.00	129.90
LANA N. WEBER, SUITE 205B 5455 BUFORD HWY. ATLANTA GA 30340	DENTAL MANAGEMENT SERVICES, INC		
WEBSTER & SHEFFIELD, 1200 NEW HAMPSHIRE AVE., NW, #350 WASHINGTON DC 20036	ADAMS COUNTY, COLORADO	58,030.12	2,359.98
Do	CITIBANK N.A.		539.29
Do	DOMESTIC PETROLEUM COUNCIL, INC	15,900.00	
WEBSTER CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	AMERICAN PARATRANSIT INSTITUTE	2,000.00	
Do	BEER INDUSTRY ALLIANCE		
Do	MILLER BREWING COMPANY	360.00	33.00
Do	MUTUAL PROTECTION TRUST		
Do	NATIONAL GUARD ASSN OF THE U.S.	300.00	6.00
PAUL WECKSTEIN, 236 MASSACHUSETTS AVENUE, NE, #504 WASHINGTON DC 20002	CENTER FOR LAW AND EDUCATION, INC.	352.17	7.75
CHARLES W. WEGNER JR., 600 PENNSYLVANIA AVENUE, SE, #203 WASHINGTON DC 20003	PROFESSIONAL INSURANCE AGENTS	400.00	6,200.00
JACK R. WEHRLY, SUITE 790 SOUTH 1800 M ST., NW WASHINGTON DC 20036	DOW CORNING CORPORATION		
NANCY WEINBERG, 1434 NEW YORK AVENUE, NW, #743 WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	198.09
DONALD G. WEINERT, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,500.00	
ARTHUR E. WEISBERG, 2200 FIRST BANK PLACE EAST MINNEAPOLIS MN 55402	DORSEY & WHITNEY		
JOEL A. WEISS, 1730 N. LYNN ST. # 400 ROSSLYN VA 22209	ACUREX CORPORATION	4,405.00	327.75
MICHAEL A. WEISS, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		50.00
MORTON N. WEISS, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048	NATIONAL SECURITY TRADERS ASSN, INC.	3,958.33	
JUDITH H. WEITZ, 122 C ST., NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	493.99	
DON WELCH, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO		
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF, SUITE 450 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CANADIAN EMBASSY	700.00	
Do	DEPARTMENT OF NATURAL RESOURCES, PROVINCE OF MANITOBA	900.00	
Do	GRANTS & CONTRACTS PROJECTS, UNITED WAY OF AMERICA	400.00	
Do	JOHNS-MANVILLE	4,000.00	
Do	MITEX	4,000.00	
Do	PETRO-LEWIS CORPORATION	550.00	
L. H. WELLS, SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL CO.	500.00	
FRED WERTHEIMER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	14,418.78	1,215.80
WEST MEXICO VEGETABLE DISTRIBUTORS ASSN, PO BOX 848 NOGALES AZ 85621			1,000.00
W. P. WEST 1629 K ST., NW ROOM 204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	273.00	110.87
HARRY H. WESTBAY III, SUITE 805 1625 EYE ST., NW WASHINGTON DC 20006	ST. REGIS CORP	1,600.00	800.00
JOSEPH J. WESTWATER, 10140 LINN STATION ROAD LOUISVILLE KY 40223	DAIRYMEN, INC.	9,000.00	4,238.79
JOHN F. WETZEL JR., 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	134.75	116.82
WEXLER REYNOLDS HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	AETNA LIFE & CASUALTY		
Do	AMERICAN IRON & STEEL INSTITUTE	200.00	10.00
Do	AMERICAN LOW POWER TELEVISION ASSN		
Do	ARMCO, INC		
Do	ASSOCIATION OF AMERICAN RAILROADS		
Do	BENEFICIAL MANAGEMENT CORP OF AMERICA		
Do	BENENSON REALTY COMPANY		
Do	COMMITTEE FOR PRUDENT DEREGULATION	15,000.00	2,108.20
Do	DYCO PETROLEUM CO	7,000.00	30.75
Do	FOOTHILLS PIPE LINES (YUKON) LTD	10,017.50	282.50
Do	GHK COMPANIES		
Do	INDEPENDENT GAS PRODUCERS' COMM		
Do	INEXCO OIL CO	7,000.00	30.75
Do	MANVILLE CORPORATION	1,250.00	
Do	MOTION PICTURE ASSN OF AMERICA, INC	250.00	57.50
Do	NATIONAL CABLE TELEVISION ASSN, INC.	1,680.00	167.58
Do	NATIONAL FOOTBALL LEAGUE		
Do	NATIONAL RADIO BROADCASTERS ASSOCIATION	2,760.00	193.75
Do	NEW YORK POWER AUTHORITY	5,238.00	1,036.39
Do	TOSCO CORPORATION		
ROBERT G. WEYMUELLER, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN.	3,685.00	1,504.00
BRIAN B. WHALEN JR , 401 N. MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO.	1,250.00	96.03
CLYDE A. WHEELER JR , SUITE 820 1800 K ST., NW WASHINGTON DC 20006	SUN CO. INC	15,000.00	674.37
EDWIN M. WHEELER, 1815 H STREET, NW, #100 WASHINGTON DC 20006	AMERICAN PETROCHEMICAL CONSUMERS	75,000.00	1,555.00
THOMAS E. WHEELER, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC.	1,375.00	
JUNE M. WHELAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	1,250.00	243.03
WHITE & CASE, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	REPUBLIC OF INDONESIA		
DONALD F. WHITE, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	105.00
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	AMERICAN EDUCATORS OF ARKANSAS, INC, ET AL	19,290.00	
Do	CENTRAL HUDSON GAS & ELECTRIC CORP	662.50	63.07
Do	CLAVEY-WARD'S FERRY PROJECT	6,799.80	
Do	TURLOCK IRRIGATION DISTRICT		
Do	WESTINGHOUSE		
GEORGE E. WHITE JR., P.O. BOX 61000 NEW ORLEANS LA 70161	MIDDLE SOUTH SERVICES, INC	915.50	1,242.87
JOHN C. WHITE, SUITE 207 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORP & CHICAGO MERCANTILE EXCHANGE		
JOHN S. WHITE, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
JOHN THOMAS WHITE II , SUITE 2202 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
SAM WHITE, 412 FIRST STREET, SE WASHINGTON DC 20003	INDEPENDENT CATTLEMEN'S ASSN	4,500.00	
Do	NATIONAL PEANUT GROWERS GROUP	4,500.00	
Do	SAM KANE PACKING		
BRYAN K. WHITEHEAD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
FRED WHITING, 214 MASSACHUSETTS AVENUE, NE, #420 WASHINGTON DC 20002	AMERICAN SPACE FOUNDATION	6,000.00	
BENNETT C. WHITLOCK JR , 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC.	7,500.00	344.42
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVE., NW, #650 WASHINGTON DC 20036	JAPAN EXTERNAL TRADE ORGANIZATION (JETRO)		285.55
JAMES A. WHITMAN, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	500.00	
WILLIAM F. WHITSITT, 1800 K ST., NW SUITE 820 WASHINGTON DC 20006	SUN CO, INC	2,600.00	376.19
WILLIAM E. WICKERT JR., 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WICKWIRE, LEWIS, GOLDMARK & SCHORR, 500 MAYNARD BLDG. SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORP. ET AL	490.00	575.75
Do	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY		
Do	STATE OF ALASKA, TRANSPORTATION SECTION		
RICHARD J. WIECHMANN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
ANN R. WIESENECK, 900 17TH STREET, NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	42.00	15.30
W. SCOTT WILBER, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,975.00	
THOMAS D. WILCOX, P.C., SUITE 601 2011 EYE ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF STEVEDORES	6,600.00	785.00
HARRY G. WILES II , 499 S. CAPITOL STREET, SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS		127.00
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	CBS, INC	400.00	16.00
Do	CLEAR CHANNEL BROADCASTING SERVICE		
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	U.S. TELEPHONE, INC		
GUENTHER O. WILHELM, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
JULIAN A. WILHELM, 1320 19TH STREET, NW WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
CARL B. WILKERSON, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JERRY C. WILKERSON, 1025 CONNECTICUT AVE., NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN	650.00	200.00
WILKINSON, BARKER, KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	BONNEVILLE INTERNATIONAL CORP		13.01
Do	MANVILLE CORPORATION	21,715.10	1,498.86
Do	MOUNTAIN STATES TELEPHONE CO		
Do	NORTHWESTERN BELL TELEPHONE CO	2,834.66	8.91
Do	PACIFIC NORTHWEST BELL TELEPHONE CO	16,251.88	237.91
Do	U.S. WEST, INC		
THOMAS N. WILLESS, 700 N. FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS, INC		
PAUL R. WILLGING, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	1,125.00	13.00
RALPH E. WILLHAM, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTL ASSN	10,773.00	
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	BENENSON REALTY CO		
Do	GADSDEN TIMES, INC	2,500.00	43.49
Do	PUBLIC WELFARE FOUNDATION, INC	10,000.00	173.96
Do	SPARTANBURG HERALD & JOURNAL, INC	5,000.00	87.00
Do	TUSCALOOSA NEWS, INC	2,500.00	43.48
F. LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
JAMES H. WILLIAMS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	4,254.00	
KAREN WILLIAMS, 1750 K STREET, NW WASHINGTON DC 20006	HEALTH INSURANCE ASSN OF AMERICA		
LEONARD B. WILLIAMS, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	105.00	
LUCINDA L. WILLIAMS, 1111 19TH ST., NW, #402 ARLINGTON VA 20036	FEDERATION OF AMERICAN HOSPITALS	5,500.00	
MARGIE R. WILLIAMS, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	1,494.36	
ROBERT E. WILLIAMS, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500.00	
ROBERT R. WILLIAMS, 2400 VIRGINIA AVENUE, NW, #628 WASHINGTON DC 20037	SHEA PRODUCTS, INC		
W.G. WILLIAMS, 1100 17TH STREET, NW, #1000 WASHINGTON DC 20036			
JOHN C. WILLIAMSON, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,700.00	27.85
PHILIP WILLIFORD, #12140 057 U.J. P.O. BOX 888 ASHLAND KY 41101			
DAVID K. WILLIS, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
WILLKIE FARR & GALLAGHER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	RELIANCE GROUP, INC		
CHARLOTTE M. WILMER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	75.00	
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	APACHE CORPORATION	1,039.00	
Do	BUSINESS ROUNDTABLE		
Do	CBS, INC	1,483.75	112.02
Do	CITICORP		
Do	DEALER BANK ASSN		
Do	FORD MOTOR CO		
Do	G-4 CHILDREN'S COALITION	3,517.91	
Do	HANDGUN CONTROL, INC		7.05
Do	HAPAG-LLOYD, A.G		
Do	MORGAN GUARANTY TRUST CO		
Do	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL STEEL & SHIPBUILDING CO	2,743.50	
Do	OWENS-ILLINOIS		
CHARLES D. WILSON, 1850 K ST., NW, #390 WASHINGTON DC 20006	UNION CAMP CORP	596.14	1,254.08
DENA L. WILSON, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	1,500.00	133.42
DOROTHY WILSON, 4201 CATHEDRAL AVE., NW SUITE 1205E WASHINGTON DC 20016	COALITION OF CONCERNED CHARITIES		
ROBERT C. WILSON, RM 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	RMI, INC	380.00	
Do	SOUTHWEST MARINE, INC	120.00	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
ROSEMARY L. WILSON, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BLDG. ST. PAUL MN 55102	AMERICAN PETROLEUM INST		
WILLIAM A. WILSON III, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	750.00	
JUDY WINCHESTER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	8,582.00	116.85
WINDELS, MARX, DAVIES & IVES, 1701 PENNSYLVANIA AVENUE, NW, #940 WASHINGTON DC 20006	SOLITRON DEVICES, INC		
JOSEPH B. WINKELMANN, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	385.80
KATHLEEN J. WINN, 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20006	PENNZOIL CO	475.00	23.86
MARIE WINSLOW, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN OF MUSEUMS		
Do	BEATRICE FOODS CO	1,466.25	84.00
Do	BUILDING OWNERS & MANAGERS ASSN INTL	40.00	227.35
Do	CUMMINS ENGINE CO, INC		
Do	GIC FINANCIAL SERVICES CORP		
Do	GOULD, INC		
Do	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	3,125.00	257.85
Do	LEASE MANAGEMENT CORP		
Do	NATIONAL AUDUBON SOCIETY		
Do	TERSON COMPANY, INC		
MARK E. WINTER, 1828 L ST., NW WASHINGTON DC 20036	VOLVO OF AMERICA CORP	1,068.75	
WINTHROP, WEINSTEIN & SEXTON, 1800 CONWED TOWER, 444 CEDAR STREET ST. PAUL MN 55101	AMERICAN LAND TITLE ASSN	3,223.00	
WISE & WRENN, INC, 2600 VIRGINIA AVENUE, NW, #408 WASHINGTON DC 20037	OTTO BREMER FOUNDATION		
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	JAPANESE AMERICAN CITIZENS LEAGUE	3,000.00	3,000.00
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)	200.00	
Do	GRAY AND COMPANY (FOR: CANADIAN ASBESTOS INFORMATION CENTRE)	200.00	
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	50.00	
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)	2,550.00	
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO, INC)	650.00	
Do	GRAY AND COMPANY (FOR: NIU, INC)	250.00	
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: TELECOMMUNICATIONS USERS COALITION)	350.00	
RICHARD F. WITHERALL, 236 DENVER CLUB BLDG. DENVER CO 80202	COLORADO RAILROAD ASSN		
CLAUDIA A. WITHERS, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COMMERCIAL CREDIT CORP	2,968.50	80.95
Do	COORDINATING COUNCIL ON MANUFACTURED HOUSING FINANCE	14,031.00	18.00
Do	FOREMOST INSURANCE CO	1,572.00	63.50
Do	NATIONAL MANUFACTURED HOUSING FINANCE ASSN	5,733.00	230.52
Do	SHORT LINE LEGISLATIVE COALITION	1,000.00	100.00
GLENN P. WITTE, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
ERNEST WITTENBERG ASSOCIATES, INC, 1616 H ST., NW WASHINGTON DC 20006	ALTMAN FOUNDATION		
HERMAN C. WITTHAUS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	3,147.55
S.R. WOJDAK AND ASSOCIATES, INC, 8 PENN CENTER PLAZA, #1000 PHILADELPHIA PA 19103	BASIX CONTROLS SYSTEMS CORP	18,375.00	
Do	COLDWELL BANKER, INC		
Do	MEDICAL COLLEGE OF PENNSYLVANIA	1,600.00	1,323.78
Do	READING COMPANY	11,025.00	901.80
Do	ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	2,000.00	1,450.80
CLINTON WOLCOTT, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
JAMES E. WOLF, 2020 14TH ST., NORTH ARLINGTON VA 22201	TRANE COMPANY	750.00	
JAMES WOLF, 1925 K ST., NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	538.84	
SIDNEY M. WOLFE, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
THOMAS F. WOLFE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
RONALD WOLSEY, P.O. BOX 507 BALTIMORE MD 21203	AMOCO OIL COMPANY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DON WOMACK, SUITE 303 1825 K ST., NW WASHINGTON DC 20006	TEXAS UTILITIES SERVICES, INC.	2,575.00	118.61
BURTON C. WOOD, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	11,850.00	3,252.00
CHARLES A. WOOD, 10 LAFAYETTE SQUARE BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL		
JOHN L. WOOD, 2121 SAN JACINTO ST. P.O. BOX 220164 DALLAS TX 75222	CENTRAL AND SOUTH WEST CORP		
W. ALAN WOODFORD, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
DIANE WOODRUFF, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	9,750.00	
RICHARD P. WOODS, 2501 M ST., N.W. SUITE 540 WASHINGTON DC 20037	PACIFIC RESOURCES, INC.	500.00	
WILLIAM E. WOODS, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	1,500.00	300.00
PERRY W. WOOFTER, SUITE 530 1800 K ST. NW WASHINGTON DC 20006	TESORO PETROLEUM CORP	2,500.00	
LINDA ANZALONE WOOLLEY, 1707 L STREET, NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
NOEL C. WOOSLEY, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
DEE WORKMAN, 405 LEXINGTON AVE. NEW YORK NY 10017	MOBIL OIL CORP	18,750.00	1,600.00
ROSS WORKMAN, P.O. BOX 1396 HOUSTON TX 77251	TRANSCO ENERGY COMPANY	8,333.00	2,738.32
WORLDWIDE INFORMATION RESOURCES, LTD, 1717 K STREET, NW, #706 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	HEUBLEIN, INC.		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	STATE OF MONTANA		
Do	TOYOTA MOTOR SALES U.S.A., INC.		
W. ROBERT WORLEY, 1736 CREEK CROSSING ROAD VIENNA VA 22180	SOUTHERN COMPANY SERVICES, INC.	132.00	866.70
STEVEN M. WORTH, 3255 GRACE ST., NW THE POWER HOUSE WASHINGTON DC 20007	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)		
SAMUEL H. WRIGHT, 11333 MCCORMICK ROAD HUNT VALLEY MD 21031	PHH GROUP, INC.	2,000.00	260.50
FREDERICK S. WYLE, 3 GREENWOOD COMMON BERKELEY CA 94708	FEDERATED STATES OF MICRONESIA		
WYMAN, BAUTZER, ROTHMAN, KUCHEL & SILBERT, SUITE 580 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AMERICAN BOILER MANUFACTURERS ASSN, INC.		
Do	AUTOMOTIVE DISMANTLERS & RECYCLERS ASSN		
Do	BRISTOL BAY NATIVE CORP		
Do	CARL M. FREEMAN ASSOCIATES		
Do	EKLUTNA, INC.		
Do	FILMWAYS, INC.		
MARC D. YACKER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	375.00	
DAVID V. YADEN, 1101 15TH STREET, NW, #200 WASHINGTON DC 20005	NERCO, INC.	300.00	113.80
T. ALBERT YAMADA, SUITE 520 900 17TH ST., NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC.	500.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
NANCY FOSTER YANISH, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
EDWARD R. YAWN, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	358.44	330.57
KIM YELTON, 8120 FENTON ST. SILVER SPRING MD 20910	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	6,410.56	1,331.92
JACK YELVERTON, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
D. SCOTT YOHE, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	390.00	102.70
ANDREW YOOD, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
EDWARD A. YOPP, P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
G. REYNOLDS YOUNG, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,000.00	
JOHN ANDREW YOUNG, 1333 NEW HAMPSHIRE AVE., NW, #207 WASHINGTON DC 20036	COASTAL CORPORATION		
JUDITH A. YOUNG, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,500.00	387.56
THANE YOUNG, 777 14TH STREET, N.W. WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	189.74
BETSY YOUNKINS, 1220 L STREET, NW, #1200 WASHINGTON DC 20005	AMERICAN PETROLEUM INST	6,000.00	169.53
EUGENE A. YOURCH, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
RALPH ZAAYENGA, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC.	1,419.60	146.20
HARRY M ZACHEM, 1025 CONNECTICUT AVE., #507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
LYNN ZAKUPOWSKY, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	600.00	
STEVEN S. ZALEZNICK, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	495.39	23.00
JOHN S. ZAPP, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,900.00	118.99
JANICE ZARRO, SUITE 715-16 1660 L ST., NW WASHINGTON DC 20036	AVON PRODUCTS, INC.		
L. ANDREW ZAUSNER, 1155 15TH ST., NW, #602 WASHINGTON DC 20005	PENNZOIL CO.	1,000.00	20.00
DENIS R. ZEGAR, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
PHILIP F. ZEIDMAN, 1025 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC.		
DON J. ZELLER, SUITE 503 1000 16TH STREET, NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,700.00	202.38
ZERO POPULATION GROWTH, INC, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		1,521.00	1,609.00
RONALD L. ZIEGLER, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS, INC		
ZIMMER & CARNAVOS, 2501 M STREET, NW, #370 WASHINGTON DC 20037	COLORTYME, INC.		
ZIONTZ, PIRTLE, MORRISSET, ERNSTOFF, & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101.	CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION		
Do	INUPIAT COMMUNITY OF THE ARCTIC SLOPE		
Do	LUMMI TRIBE OF INDIANS		
Do	METLAKATLA INDIAN COMMUNITY		
Do	NORTHERN CHEYENNE INDIAN TRIBE		
Do	QUILEUTE INDIAN TRIBE		
Do	TULALIP INDIAN TRIBE		
JOHN L. ZORACK, COOK, PURCELL, HANSEN, & HENDERSON 1015 18TH ST., NW WASHINGTON DC 20006	FEDERAL EXPRESS CORP	25,000.00	
LEIGH ANN ZUNKE, SUITE 400 1401 NEW YORK AVE., NW WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN.	375.00	
CHARLES O. ZUVER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	5,000.00	
CARL E. ZWISLER III, 1025 CONNECTICUT AVE., NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
1ST PRO-LIFE CONG DISTRICT ACTION COMM (RI), 6 MAXFIELD CT. BARRINGTON RI 02806			1,012.73
23RD CONGRESSIONAL DISTRICT ACTION COMM., 575 CHARLES ST. ST. MARYS PA 15857			
39TH CONGRESSIONAL DISTRICT ACTION COMM, RD 2 ALLEGANY NY 14706			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1983 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....''Expense money'' and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A & S TRANSPORTATION COMPANY, 75 JACOBUS AVENUE SOUTH KEARNY NJ 07032			2,079.88
GEORGIA ABRAHAM, 2033 M STREET, NW, #905 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	375.00
ALBERT E. ABRAHAMS, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	8,000.00	404.19
ACTION FOR CHILDREN'S TELEVISION, 46 AUSTIN ST. NEWTONVILLE MA 02160		44,523.73	417.42
CHARLES F. ADAMS, SUITE 700 1899 L ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF ADVERTISING AGENCIES	2,500.00	750.00
KENNETH R. ADAMS, 1850 K STREET, NW, #210 WASHINGTON DC 20006	CABOT CORPORATION	300.00	50.00
ADVOCATES TO SAVE LEGAL SERVICES, INC., 1625 K STREET, N.W. 8TH FLOOR WASHINGTON DC 20006			
AFL-CIO MARITIME COMMITTEE, 100 INDIANA AVE., NW WASHINGTON DC 20001		5,825.00	4,561.35
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
ELIZABETH AGLE, 530 7TH ST., SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC.	9,068.29	400.65
SUSAN ALEXANDER, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	2,327.82	106.00
ALLIANCE AGAINST HANDGUNS, P.O. BOX 75700 WASHINGTON DC 20013			
JEROME A. AMBRO ASSOCIATES, SUITE 719 2301 S. JEFFERSON DAVIS DR. ARLINGTON VA 22202	ASSOCIATED UNIVERSITIES	6,650.00	5,679.56
Do	COUNTY OF SUFFOLK, NEW YORK	13,875.00	12,069.07
AMERICAN ASSN FOR RESPIRATORY THERAPY, 1720 REGAL ROW DALLAS TX 75235		1,984.26	20,848.15
AMERICAN ASSN OF CROP INSURERS, 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007		6,000.00	6,000.00
AMERICAN ASSN OF UNIVERSITY WOMEN, 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			192.27
AMERICAN CANCER SOCIETY, 777 THIRD AVE. NEW YORK NY 10017			23,500.00
AMERICAN CLEAN WATER ASSN, SUITE 519 2025 I ST., NW WASHINGTON DC 20006		19,480.65	21,045.70
AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS, 415 SECOND ST., NE WASHINGTON DC 20002		13,620.81	13,620.81
AMERICAN DENTAL ASSN, 211 E. CHICAGO AVE. CHICAGO IL 60611		34,164.06	34,164.06
AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES, 1625 L ST., NW WASHINGTON DC 20036			80,061.25
AMERICAN FINANCIAL SERVICES ASSN, 1101 14TH ST., NW WASHINGTON DC 20005			5,600.00
AMERICAN GAS ASSN, 1515 WILSON BLVD ARLINGTON VA 22209		40,828.00	40,738.00
AMERICAN ORTHOTIC AND PROSTHETIC ASSN., 717 PENDLETON ST. ALEXANDRIA VA 22314			
AMERICAN PHYSICAL THERAPY ASSN, 1111 N. FAIRFAX ST. ALEXANDRIA VA 22314		3,336.61	3,336.61
AMERICAN REFUGEES IN AMERICA, P.O. BOX 1274 GREENFIELD MA 01302			
AMERICAN RIVERS CONSERVATION COUNCIL, 323 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		47,717.00	56,229.00
AMERICAN SPACE FOUNDATION, SUITE 420 214 MASSACHUSETTS AVE., NE WASHINGTON DC 20002		2,856.00	2,284.66
AMERICAN SUBCONTRACTORS ASSN, SUITE 540 8401 CORPORATE DR. LANDOVER MD 20785			1,050.00
AMERICANS FOR THE NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N ST., NW WASHINGTON DC 20007			
NANCY AMIDEI, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
MORRIS J. AMITAY, P.C., SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	ELBE PRODUCTS, INC.	1,375.00	
ARNE ANDERSON, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATIOM OF GOVERNMENT EMPLOYEES	8,235.43	
J. LEM ANDERSON, 4111 FRANCONIA RD. ALEXANDRIA VA 22310	TIME INC.	1,000.00	
JAMES A. ANDERSON JR., 1725 K STREET, NW, #710 WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
LINDA D. ANDERSON, 1411 K STREET, NW, #1110 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS	427.88	6.75
ANDERSON, HIBEY, NAUHEIM & BLAIR, 1708 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	INSTITUTE OF FINANCIAL FISCAL STUDIES OF CURACAO, ET AL	11,193.00	6,803.00
Do	TEXAS AIR CORP. (FOR N.Y. AIR & TEXAS INT'L AIRWAYS)	4,130.58	87.25
L. J. ANDOLSEK, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	606.00	
FLORIAN J. ANFANG, 815 16TH ST., NW WASHINGTON DC 20036	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		1,100.00
JACK R. ANGELL, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO.	325.50	14.20
TOBIAS ANTHONY, 1819 H STREET, NW, #510 WASHINGTON DC 20006	NATIONAL ASH ASSN, INC.		
LORI A. ANTOLOCK, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN	1,500.00	
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTELSAT		12.00
R. G. ARMISTEAD, 8613 JANET LANE VIENNA VA 22180			
W. STANLEY ARMSTRONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	90.00	9.25
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO	108.75	
Do	LONE STAR INDUSTRIES, INC.	180.00	
Do	WERNER FLEISCHMANN		
CARL F. ARNOLD, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	QUINTANA REFINERY COMPANY		
ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, 1300 NORTH 17TH ST. SUITE 300 ARLINGTON VA 22209			1,244.25
ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC., SUITE 340 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.		15,774.67	15,774.67
ASSOCIATION OF URBAN UNIVERSITIES, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		9,000.00	10,537.06
JOHN D. AUSTIN JR., 1920 N STREET, N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS	105.00	
RONALD R. AUSTIN, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN.	1,525.00	620.00
HOPE M. BABCOCK, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	2,450.00	35.78
BEVERLY J. BAILEY, 1101 17TH STREET, NW, #1002 WASHINGTON DC 20036	AMERICAN DENTAL ASSN.	1,000.00	564.04
DAVID BAKER, 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC.	3,406.65	100.00
JAMES JAY BAKER, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER.	775.00	106.08
ALBERT L. BALDOCK, 1050 17TH ST., NW WASHINGTON DC 20036	RICHARDSON-VICKS INC.	140,000.00	
BALLARD, SPAHR, ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN CAN CO.		
MICHAEL P. BALZANO JR., 444 NORTH CAPITOL ST., NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	933.80	
DELMAR K. BANNER, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL	500.00	
ROBERT D. BANNISTER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
SAMUEL J. BAPTISTA, SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC.		
BARAFF, KOERNER, OLENDER & HOCHBERG, P.C., SUITE 203 2033 M STREET, NW WASHINGTON DC 20036	COLLEGE FOOTBALL ASSOCIATION	7,000.00	30.00
Do	NATIONAL BASKETBALL ASSN.		
Do	NORTH AMERICAN SOCCER LEAGUE		
JAMES C. BARR, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC.	300.00	67.87
DAVID S. BARROWS, 1201 S. W. 12TH, #200 PORTLAND OR 97205	ASSOCIATION OF OREGON & CALIFORNIA LAND GRANT COUNTIES	1,200.00	
T. MICHAEL BARRY, 2626 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN.	3,500.00	692.53
JAMES E. BARTLEY, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	5,000.00	40.00
RICHARD A. BARTON, 1730 K ST., NW, #905 WASHINGTON DC 20006	DIRECT MARKETING ASSN.	1,400.00	
BASKINS AND SEARS, P.C., 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	EMBASSY OF THE REPUBLIC OF SOUTH AFRICA		
ROBERT J. BAUGHMAN, 717 PENDLETON ST. ALEXANDRIA VA 22314	AMERICAN ORTHOTIC AND PROSTHETIC ASSN.		
BAYH, TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	NATIONAL SOLID WASTES MANAGEMENT ASSN	15,500.00	285.00
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 1320 19TH STREET, NW WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP.		
CAROL M. BEIM, LUMBER EXCHANGE BUILDING 10 S. 5TH ST., #920 MINNEAPOLIS MN 55401	NATIONAL AUDUBON SOCIETY		
JAMES BEIZER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
BENCHMARK TECHNOLOGIES CORP, 1995 TREMAINSVILLE RD. TOLEDO OH 43613			1,062.24
CATHERINE BENNETT, SUITE 730 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC.	700.00	737.79
JAMES M. BENNETT, 355 LEXINGTON AVE. NEW YORK NY 10017	SOCIETY OF THE PLASTICS INDUSTRY, INC.		
BENOIT, SMITH & LAUGHLIN, 2001 JEFFERSON DAVIS HIGHWAY SUITE 501 ARLINGTON VA 22202	ECONOPURE		
Do	HUGHES AIRCRAFT COMPANY		
JANE W. BERGWIN, SUITE 290 1050 17TH ST.,NW WASHINGTON DC 20036	CONSUMERS POWER CO.	200.00	
ROBERT BETZ, 1101 14TH STREET, NW, #1100 WASHINGTON DC 20005	ROBERT BETZ ASSOCIATES, INC. (FOR: ALABAMA HOSPITAL ASSOCIATION)	3,000.00	126.07
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE. NW WASHINGTON DC 20036	NEW ENGLAND ELECTRIC SYSTEM		
H. RADFORD BISHOP II, SUITE 2001 100 COLONY SQUARE ATLANTA GA 30318	NATIONAL HEALTH CARE RETIREMENT ASSN		
NEAL B. BLAIR, 236 MASSACHUSETTS AVENUE, NE, #603 WASHINGTON DC 20002	FREE THE EAGLE & TARGET, INC.	12,000.00	
SMITH BLAIR, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	723.00	
GERRY BLANCHARD, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	LINEAR AIR MOTORS		
Do	NETCO		
Do	SAFEKEEPER SYSTEMS, INC.		
Do	SAFLOK/COMPUTERIZED SECURITY SYSTEMS, INC.		
Do	U.S. MANUFACTURING COMPANY		
BLATCHFORD, EPSTEIN & BRADY, 1000 POTOMAC ST., NW WASHINGTON DC 20007	NATIONAL ASSN OF PRIVATE ENTERPRISE		
KENNETH T. BLAYLOCK, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	21,850.57	3,482.09
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	GULF OIL CORP.	1,500.00	58.86
Do	ST. JOE MINERALS CORPORATION	1,313.33	76.01
Do	SUNEDCO		
Do	TEXAS EASTERN TRANSMISSION		
BLUM & NASH, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	FLOATING POINT SYSTEM		
Do	GENERAL ELECTRIC CO.	750.00	5.00
Do	MERCK & CO., INC.		
Do	TIME, INC.		
JACK A. BLUM, 1015 18TH ST., NW WASHINGTON DC 20036	INDEPENDENT GASOLINE MARKETERS COUNCIL	25,000.00	699.00
LARRY A. BOGGS, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
ROBERT N. BORENS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	2,812.50	755.94
WAYNE A. BOUTWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	915.00	
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	AMERICAN PETROFINA, INC.	5,665.00	2,365.00
Do	D. MOODY & CO, INC.	125.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NATIONAL ASSN OF ARCRAFT & COMMUNICATIONS SUPPLIERS, INC	3,450.00	813.72
Do	NATIONAL SMALL BUSINESS GOVERNMENT CONTRACTORS ASSN		
J. PATRICK BOYLE, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN	1,119.80	54.28
THERESA M. BRADY, 444 NORTH CAPITOL STREET, N.W. SUITE 801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	1,406.40	
THOMAS EDWARD BRASWELL, CORCORAN, YOUNGMAN & ROWE 888 17TH ST., NW, SUITE 600 WASHINGTON DC 20006	NEWPORT NEWS SHIPBUILDING & DRYDOCK CO		
CAROLYN BRICKEY, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	1,524.18	140.25
ROBERT J. BRINKMANN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	5,000.00	145.11
MARTHA M. BROAD, 1725 I STREET, NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL	4,500.00	60.80
DANIEL T. BROSS, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	1,000.00	234.36
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006.		24,350.00	50,624.53
BROWN & FINN, SUITE 510 1920 N STREET, NW WASHINGTON DC 20036	S.P.A.C.E.	2,435.00	
Do	SUBURBAN CABLEVISION AND WAYNE CABLEVISION		
DONALD K. BROWN, 1127 11TH ST., #544 SACRAMENTO CA 95814	CROWLEY MARITIME CORPORATION		
Do	SUMMA CORPORATION	8,706.90	
JOHN J. BROWN, 1125 17TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	8,500.00	612.00
MARGUERITE BRACY BROWN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,514.36	71.50
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CAN-AMERICAN REALTY CORP		
Do	CANADIAN FINANCIAL CORPORATION		
Do	INTERNATIONAL FOODSERVICE MANUFACTURERS ASSOCIATION		
Do	MERRILL LYNCH, HUBBARD INC		
Do	MULTIFAMILY FINANCE ACTION GROUP		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL HOUSING REHABILITATION ASSOCIATION		
Do	NEW YORK STATE MORTGAGE LOAN ENFORCEMENT & ADMIN. CORP	4,476.50	
Do	REMCO ENTERPRISES, INC		
WALTER W. BRUDNO, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	SCHOCHET ASSOCIATES		
Do	DEMINEX U.S. OIL CO	12,499.98	
GARY W. BRUNER, P.O. BOX 2159 DALLAS TX 75221	TEXASGULF, INC	12,499.98	
MARGARET H. BRYANT, 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN PETROFINA, INC	270.00	150.00
SUSAN M. BUFFONE, 3604 34TH STREET, NW WASHINGTON DC 20009	AMERICAN NATURAL RESOURCES CO	503.00	18.00
DAVID A. BUNN, SUITE 406 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL PARKS AND CONSERVATION ASSN		
Do	HEARST CORPORATION	900.00	
Do	MAGAZINE PUBLISHERS ASSN, INC	4,000.00	
CHRISTINE CAPITO BURCH, 1625 L STREET, N.W. WASHINGTON DC 20036	PARCEL SHIPPERS ASSN	1,000.00	
J. THOMAS BURCH JR., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,950.50	167.98
BURCH, WILHELM & MCDONALD, P.C., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
SALLY J. BURKE, BARNETT & ALAGIA 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	M.A.N. TRUCK & BUS CORP		
FRANCIS X. BURKHARDT, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN ASSN OF CROP INSURERS		
DAVID G. BURNEY, 2040 HARBOR ISLAND DR., #208 SAN DIEGO CA 92101	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
BURR PEASE & KURTZ, INC, 810 N ST. ANCHORAGE AK 99501	U.S. TUNA FOUNDATION	6,000.00	3,000.00
BUSBY, REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	EKLUTNA, INC		
NICHOLAS J. BUSH, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	AUTOMOBILE IMPORTERS OF AMERICA, INC	3,100.00	202.05
BUTLER & BINION, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	NATURAL GAS SUPPLY ASSN	4,500.00	4,934.19
Do	CITY OF HOUSTON/DEPT. OF AVIATION	13,518.75	503.00
Do	NEW MEXICO PUBLIC SERVICE COMMISSION/ENERGY & MINERALS DEPT		
WILLIAM A. BUTLER, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	PEOPLE EXPRESS AIRLINES, INC	2,934.75	155.00
ARKIE BYRD, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	NATIONAL AUDUBON SOCIETY	5,000.00	150.00
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
Do	AD HOC COMMITTEE OF FLOOR BROKERS		
JOHN D. CAHILL, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS		2,280.00
JOHN C. CALLIHAN, 299 PARK AVENUE NEW YORK NY 10171	MASSACHUSETTS PORT AUTHORITY	8,675.00	235.21
CALMAR COMMUNICATIONS, 500 NORTH DEARBORN STREET, #1115 CHICAGO IL 60610	WESTVACO CORP		
CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	SUGAR USERS GROUP		
Do	GEORGE K. BAUM & COMPANY		
Do	BLYTH EASTMAN PAINE WEBBER, INC		
Do	CHAPMAN & CUTLER		
Do	CHEMICAL MANUFACTURERS ASSOCIATION, INC		
Do	CUMBERLAND SECURITIES		
Do	ESSEX		
Do	FRAZIER LANIER COMPANY		
Do	GOLDMAN SACHS & CO		
Do	INTERMEDICS		
CANDLELIGHTERS, 123 C ST., SE WASHINGTON DC 20003			200.00
CAPITOL ADVOCATES, 1127 11TH STREET, #950 SACRAMENTO CA 95814	CROWLEY MARITIME CORP	12,600.00	4,666.95
Do	DISTILLED SPIRITS COUNCIL OF THE US, INC		
Do	PACIFIC MERCHANT SHIPPING ASSN		
Do	SUMMA CORPORATION	6,000.00	376.39
MARVIN H. CAPLAN, 815 16TH ST., NW WASHINGTON DC 20006	LEADERSHIP CONFERENCE ON CIVIL RIGHTS		
ROSS CAPON, 417 NEW JERSEY AVE., SE WASHINGTON DC 20003	NATIONAL ASSN OF RAILROAD PASSENGERS	10,080.00	
HOLLYE E. CAPPLEMAN, SUITE 800 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	GETTY OIL COMPANY	3,575.25	775.84
EDWARD J. CARLOUGH, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	23,625.00	
JACK CARPENTER, 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	40.00	17.75
JOHN BENJAMIN CARROLL, SUITE 206 100 E. WASHINGTON ST. SYRACUSE NY 13202	DAIRY FARMER DISTRIBUTORS OF AMERICA, INC	30,000.00	20,279.03
HARLON B. CARTER, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	2,187.50	
J. WARREN CASSIDY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN	1,937.50	
LAWRENCE J. CASSIDY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	12,663.00	
JOHN J. CASTELLANI, 27TH FLOOR 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	750.00	
GORDON CAVANAUGH, 509 C ST., NE WASHINGTON DC 20002	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	11,100.00	465.52
CENTER FOR ENVIRONMENTAL EDUCATION, INC, SUITE 500 624 9TH STREET, NW WASHINGTON DC 20001		345,228.00	367.50
CENTER FOR LAW AND EDUCATION, INC., 6 APPIAN WAY CAMBRIDGE MA 02138		2,167.46	415.23
CHADBOURNE, PARKE, WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	ARCO SOLAR, INC		3,655.38
Do	BERENERGY CORPORATION		
Do	CRINCO INVESTMENTS, INC		202.56
HENRY CHAJET, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
HAL M. CHRISTENSEN, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
PHILLIP A. CLARK, SUITE 700 1050 17TH STREET, NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	3,750.00	
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA	2,500.00	833.37
Do	INGERSOLL-RAND COMPANY	4,000.00	1,333.33
Do	NATIONAL TOUR ASSOCIATION, INC		
COALITION FOR LEGAL SERVICES, INC., 1625 K STREET, N.W. ROOM 908 WASHINGTON DC 20006		30,787.85	24,160.40
COHEN & WHITE, 2934 M ST., NW WASHINGTON DC 20007	COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION	100.00	4.00
COHEN AND URETZ, 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	ESTATE OF SYLVIA S. BURING	11,847.50	572.74
Do	ITT CORPORATION		
DAVID COHEN, 2010 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATL SECURITY		
RHEA L. COHEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC	150.00	14.00
COLE & CORETTE, P.C., 1100 VERMONT AVE., NW WASHINGTON DC 20005	CHASE MANHATTAN BANK, N.A		
KEN W. COLE, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION		
COLLIER, SHANNON, RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	PITTSBURGH CORNING CORPORATION		
COLORADO SKI COUNTRY USA, INC., SUITE A-201 1410 GRANT STREET DENVER CO 80203			
COMMITTEE FOR DO-IT-YOURSELF HOUSEHOLD MOVING, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS, 2762 N. CLAYBOURN AVENUE CHICAGO IL 60614			
COMMITTEE FOR 806.30 AND 807, INC, SUITE 800 1611 NORTH KENT ST. ARLINGTON VA 22209		2,764.42	13,901.32
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			1,228.22
CONGRESSIONAL DIST ACTION COMM, DIST 7, C/O JOE TOMAINO 2735 IVY ST. TAMPA FL 33607			
ROBERT J. CONNER JR , 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	876.72
JOHN J. CONNOLLY, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT & ASSOCIATES, INC	1,500.00	
JOHN P. CONNOLLY, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK, ET AL (FOR CHICAGO MERCANTILE EXCHANGE)		
DAVID CONRAD, 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	826.10	
GREGORY E. CONRAD, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
HARRY N. COOK, 1130 17TH ST., NW WASHINGTON DC 20036	NATIONAL WATERWAYS CONFERENCE, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	AMERICAN RICE, INC.	24,908.75	
Do	ASSOCIATION OF PESTICIDE PRODUCERS (PPA)		
Do	BOARD OF TRADE OF KANSAS CITY, MO., INC.	19,644.99	
Do	IOWA BEEF PROCESSORS, INC	22,096.25	
Do	PIONEER CORP	25,775.00	
Do	PLANTERS PEANUTS	7,713.75	
EDWARD COONEY, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	2,271.60	
C. WILLIAM COOPER, 159 TOWN HALL SQUARE FALMOUTH MA 02540	UNITED DISTRIBUTION COMPANIES	300.00	185.00
WILLIAM C. COPP, 510 21ST STREET, NW, #308 WASHINGTON DC 20006	HALE FOUNDATION	1,435.50	
WILLIAM R. CORSON, 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTL LTD	10,500.00	7,450.00
TOM COSGROVE, 530 7TH ST., S.E. WASHINGTON DC 20002	NATIONAL CLEAN AIR COALITION, INC.	1,607.75	
CLARK R. COSSE III, 2900 INDIANA AVE. KENNER LA 70062	SOUTHERN FOREST PRODUCTS ASSN		
COUNCIL OF ENERGY RESOURCE TRIBES, 5660 S. SYRACUSE CIRCLE PLAZA NORTH, #206 ENGLEWOOD CO 80111			
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	KERR-MCGEE CORP AND KERR-MCGEE NUCLEAR CORP		
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	NAVAJO-HOPI RELOCATION COMMISSION	1,500.00	308.00
Do	SUNOCO ENERGY DEVELOPMENT COMPANY (SUNEDCO)		
Do	TEXAS EASTERN CORPORATION	3,971.25	199.23
CREDIT UNION NATL ASSN, INC, SUITE 810 1730 RHODE ISLAND AVE. WASHINGTON DC 20036		300.00	1,370.60
THOMAS R. CROSBY JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
HAROLD L. CROSIER, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		1,100.00
DAVID T. CROW, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	170.83	
MICHAEL M. CUNNIFF, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
JAY B. CUTLER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	5,254.48	869.50
DAIRY-FARMER DISTRIBUTORS OF AMERICA, INC. * CHITTENANGO NY 13037		59,881.80	70,194.40
DALEY AND GEORGE, 111 W. WASHINGTON STREET, #2035 CHICAGO IL 60602	COMBINED INSURANCE CO	10,000.00	2,000.00
TRACY DANESE, P.O. BOX 14000 JUNO BEACH FL 33408	FLORIDA POWER & LIGHT CO	438.00	2,436.03
DANIELS, HOULIHAN & PALMETER, P.C., 1331 PENNSYLVANIA AVE. NW, #515 WASHINGTON DC 20004	JAPAN LUMBER IMPORTERS ASSN		
A. JOAN DANNELLEY, P.O. BOX 269 ELIZABETHTOWN PA 17022	AMERICAN ASSN OF MEAT PROCESSORS		
EDWARD J. DAVEY, 1201 PENNSYLVANIA AVENUE, NW, #340 WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC.	4,050.00	
CHRISTOPHER L. DAVIS, 2501 M STREET, NW, #400 WASHINGTON DC 20037	ALLNET COMMUNICATION SERVICES, INC.	19,912.50	1,890.50
GASTON DE BEARN, SUITE 401 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
ROBERT DEBRAGGA, P.O. BOX 26 STONINGTON CT 06388	PROJECT CURE, INC.		
JOHN J. DEGNAN, SHANLEY & FISHER, P.C. 550 BROAD STREET NEWARK NJ 07102	SHARP ELECTRONICS CORP	520.00	
STEPHEN T. DELAMATER, 2600 SOUTHLAND CENTER 400 N. OLIVE ST. DALLAS TX 75201	HALLIBURTON CO		
DELOITTE HASKINS & SELLS, 655 15TH STREET, NW WASHINGTON DC 20005	HALLMARK CARDS, INC.	3,100.00	14.00
Do	UNION PACIFIC CORP	6,100.00	12.00
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	517.50	41.97
WILLIAM F. DEMAREST JR., FOREMAN & DYESS 1920 N STREET, NW WASHINGTON DC 20036	ENHANCED ENERGY RESOURCES, INC	300.00	
DEMINEX U.S. OIL COMPANY, SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201			1,613.27
RALPH B. DEWEY, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	1,272.00	1,245.31
KENDALL P. DEXTER, 9 COUNTRY CLUB ROAD MOBILE AL 36608	MACMILLAN BLOEDEL INC.		
NANCY DIETZ, 45 EVERETT ST. NEWTON CENTER MA 02159	ACTION FOR CHILDREN'S TELEVISION	376.42	
DIRECT SELLING ASSOCIATION, 1730 M ST., NW WASHINGTON DC 20036			2,143.35
DENNIS C. DIX, 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
JOHN D. DOHERTY JR., 900 17TH STREET, NW, #706 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	167.00	18.37
ROLAND DOLLY, 1899 L STREET, NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	146.00	16.00
MARLA M. DONAHUE, 1625 K STREET, NW WASHINGTON DC 20006	COUNCIL OF AMRICAN-FLAG SHIP OPERATORS		
THOMAS F. DONOVAN, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		1,100.00
CHARLENE DOUGHERTY, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	8,000.00	3,250.00
RICHARD MORGAN DOWNEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
JEROME L. DREYER, 1300 N. 17TH ST. SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
W.H. DRUSHEL JR , 3500 FIRST CITY TOWERS HOUSTON TX 77002	VINSON & ELKINS (FOR: QUINTANA PETROLEUM CORP)		
Do	VINSON & ELKINS (FOR: QUINTANA REFINERY COMPANY)		
MARY JANE C. DUE, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	30.00	
MICHAEL F. DUFFY, 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
C. R. DUGGAN, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,200.00	2,200.00
HENRY I. DWORSHAK, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
DENIS J. DWYER, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	342.00	
RODERICK T. DWYER, 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS	15.00	9.00
THOMAS J. DWYER, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
DENNIS J. EARHART, 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	690.00	
CATHERINE EAST, 1411 K STREET, NW, #1110 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS	230.72	
LUCINDA E. EBERSOLE, 1347 MARYLAND AVENUE, NE WASHINGTON DC 20002	CITIZENS FOR A NUCLEAR FREEZE		
WILLIAM ECHOLS, 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
HELEN H. EDGE, 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	391.25	
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMMITTEE		
Do	CHEROKEE NATION		
Do	DOSS AVIATION, INC.		
Do	IU INTERNATIONAL MANAGEMENT CORP		
Do	OKLAHOMA ASSN OF ELECTRIC COOPS		
Do	U.S. MARITIME COMMITTEE, INC.		
EDWARDS ASSOCIATES, 507 SECOND ST., NE WASHINGTON DC 20002	CONFEDERATED TRIBES OF WARM SPRINGS		
MARY ANN EICHENBERGER, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,800.00	
TIMOTHY L. ELDER, 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	966.78
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY CO		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	668.75	
ELY RITTS PIETROWSKI & BRICKFIELD, SUITE 915 WATERGATE 600 BLDG. WASHINGTON DC 20037	OCEAN MINING ASSOCS		
STEPHEN ENDEAN, 750 7TH ST., SE WASHINGTON DC 20003	GAY RIGHTS NATIONAL LOBBY, INC	5,239.99	
SAMUEL E. ENFIELD, SUITE 510 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	SOLAR LOBBY	818.10	
ENHANCED ENERGY RESOURCES, INC, 14141 SOUTHWEST FREEWAY SUGARLAND TX 77478			300.00
KIMBERLY NEILSEN EPSTEIN, 2626 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVES ASSN	1,862.50	52.00
PAUL A. EQUALE, 600 PENNSYLVANIA AVE., SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC.	10,365.39	
GEORGE T. ESHERICK, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	532.00	557.00
ESTATE OF MABEL R. LADD, R.R. 1 BUNKER HILL IN 46914			
ALEXANDER J. EUCARE JR., 1025 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	ENVIRONMENTAL MANAGEMENT CONSULTANTS, INC.		
BROCK EVANS, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	2,500.00	200.00
WILLIAM J. EVANS JR., SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD SERVICES, INC.	380.00	155.58
GEORGE W. FALLTRICK, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
FARM CREDIT COUNCIL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		5,316.55	547.73
FARMERS FOR FAIRNESS, P.O. BOX 6288 CAMILLA GA 31730			
ROBERT M. FARQUHAR, P.O. BOX 130 LEVIS, QUEBEC, CANADA G6V 6N7	DAVIE SHIPBUILDING LIMITED		
FREDERICK FEDELI, 1400 K ST., NW WASHINGTON DC 20006	AMERICAN PSYCHIATRIC ASSN	1,711.75	1,137.00
FEDERAL EXPRESS CORP, BOX 727 MEMPHIS TN 38194			24,702.32
JOEL F. FELDMAN, LAW OFFICES OF SHELDON I. LONDON 1725 DESALES STREET, NW, #401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	166.67	
FENSTERWALD & ASSOCIATES, 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	5,000.01	249.99
THEODORA FINE, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	2,377.10	1,214.84
JILL FINSEN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	4,500.00	807.98
M. J. FIOCCO, 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	4,250.00	41.50
DONALD W. FISHER, 3814 IVANHOE LANE ALEXANDRIA VA 22310	AMERICAN GROUP PRACTICE ASSN, INC.	40.00	
FISHER, KELLY, FALLON, SALERNO & BETLESKY, 770 LEXINGTON AVENUE NEW YORK NY 10021	NATIONAL COALITION FOR LOWER PRICES		
JOHN H. FITCH JR., 1725 K STREET, NW SUITE 1200 WASHINGTON DC 20006	NATIONAL ASSN. OF WHOLESALER-DISTRIBUTORS		
DAVID M. FITZGERALD, 900 17TH STREET, NW WASHINGTON DC 20006	GOODYEAR AEROSPACE CORPORATION	1,000.00	
Do	LITTON DATA SYSTEMS	1,100.00	
REV. MSGR. JAMES H. 15 COMPUTER DRIVE WEST ALBANY NY 12205	HOSPITAL ASSOCIATION OF NEW YORK STATE	182.00	
FLORIDA BUSINESS ASSOCIATES, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP		
JOHN J. FLYNN, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	235.00
FOOD RESEARCH & ACTION CENTER, 1319 F STREET, NW WASHINGTON DC 20004			10,653.06
FOODSERVICE & LODGING INST, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			
FORESIGHT, INC, SUITE 305 2000 P ST., NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	100.00	
Do	SOCIETY FOR AMERICAN ARCHAEOLOGY	4,200.00	1,400.00
MARTI FORMAN, 3471 N. FEDERAL HIGHWAY, #511 FT. LAUDERDALE FL 33306	AMERISERV, INC.	5,000.00	1,130.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DONALD FRAHER, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	5,501.00	150.00
FRANCIS & MCGINNIS ASSOCIATES, INC, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN	12,000.00	7,500.00
LESLIE C. FRANCIS, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN	1,000.00	25.00
THOMAS C. FRANKS, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN	1,500.00	132.46
DONALD A. FREDERICK, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
FREDERICK SERVICE GROUP, 102 W. CHURCH STREET FREDERICK MD 21701		581,619.78	458,068.57
FREE THE EAGLE NATIONAL CITIZEN'S LOBBY, P.O. BOX 881 CENTERVILLE VA 22020	SOCIETY OF THE PLASTICS INDUSTRY		
LEWIS R. FREEMAN JR., 605 14TH STREET, NW WASHINGTON DC 20005	TURNER BROADCASTING SYSTEM, LTD	4,600.00	1,000.00
LINDA J. FREEMAN, 1140 CONNECTICUT AVENUE, NW, #1006 WASHINGTON DC 20036	INTERNATIONAL LADIES' GARMENT WORKERS UNION		
PAMELA B. FREER, 1710 BROADWAY NEW YORK CITY NY 10019			56,955.56
FRIENDS OF THE EARTH, 530 7TH ST., SE WASHINGTON DC 20003	CHASE MANHATTAN BANK, N.A	375.00	157.62
OWEN V. FRISBY, 900 17TH ST., NW WASHINGTON DC 20006	NEW BEDFORD SEAFOOD COUNCIL, INC		
CHARLES H. FRITTS, 1125 15TH STREET, NW WASHINGTON DC 20005	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
ROBERT D. FRITZ, 815 16TH ST., NW WASHINGTON DC 20006		1,946.55	6,016.90
FULL EMPLOYMENT ACTION COUNCIL, 815 16TH STREET, NW WASHINGTON DC 20006	BOEING COMPANY	393.70	446.18
NANCY H. FUSSELL, 1700 N. MOORE ST. ROSSLYN VA 22209		885.78	2,790.70
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006	NATIONAL COMM FOR A HUMAN LIFE AMENDMENT, INC	6,052.00	2,550.00
MARK J. GALLAGHER, 1707 L ST., NW, #400 WASHINGTON DC 20036	U.S. COMMITTEE FOR UNICEF	5,829.60	
KIMBERLY A. GAMBLE, 110 MARYLAND AVENUE, NE WASHINGTON DC 20002	COMINCO AMERICAN, INC	605.00	
GARVEY, SCHUBERT, ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	ENERGY RESOURCES OF AUSTRALIA AND COUNSELORS FOR MANAGEMENT		
Do	GTE SERVICE CORP	1,250.00	
Do	JAPAN FISHERIES ASSOCIATION	3,290.00	
Do	NORANDA MINING INC	6,282.50	
Do	NORTHWEST MARINE IRON WORKS	2,450.00	
Do	PACCAR, INC	1,050.00	
Do	PACIFIC RIM TRADE ASSN		
Do	TOTEM OCEAN TRAILER EXPRESS, INC	3,325.00	
Do	WASHINGTON CITIZENS FOR WORLD TRADE	5,637.50	
LILLIAN B. GASKIN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
JOHN GAUTHIER, 923 15TH STREET, N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	205.84
GAY RIGHTS NATIONAL LOBBY, INC, 750 7TH ST., SE WASHINGTON DC 20003		84,794.77	90,290.87
GENERAL INSTRUMENT CORPORATION, 1775 BROADWAY NEW YORK NY 10019		600.00	134.52
CLAIRE M. GEOGHEGAN, 415 2ND ST., NE WASHINGTON DC 20002	AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS	5,465.46	
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY		
Do	COMMISSIONED OFFICERS ASSN OF THE U.S. PUBLIC HEALTH SERVICE	406.00	
Do	MINNESOTA CHIPPEWA TRIBE	300.00	
Do	TULALIP TRIBES	1,376.00	
GETTY OIL COMPANY, 3810 WILSHIRE BLVD. LOS ANGELES CA 90010			31,663.11
WILLIAM G. GIERY, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOODSERVICE & LODGING INST		
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC		
JONAH GITLITZ, SUITE 905 1730 K ST., NW WASHINGTON DC 20006	DIRECT MAIL MARKETING ASSN		
CLAUDE R. GLAZE, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
JAMES T. GLENN, 840 WASHINGTON BUIDING 15TH STREET & NEW YORK AVE., NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	641.63
ELMER G. GLESKE, 300 METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	FLIGHT SAFETY INTL INC		
JERE W. GLOVER, SUITE 1201 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
GNAU, CARTER, JACOBSEN & ASSOC., INC., 1777 F STREET, NW WASHINGTON DC 20006	LINEAR AIR MOTORS		
Do	NETCO		
Do	SAFEKEEPER SYSTEMS, INC		
Do	SAFLOK		
Do	U.S. MANUFACTURING COMPANY		
GODFREY ASSOC, INC, SUITE S-501 918 16TH ST., NW WASHINGTON DC 20006			
HORACE D. GODFREY, 918 16TH ST., NW, SUITE S-501 WASHINGTON DC 20006	GODFREY ASSOC, INC		
MICHAEL GOLDSTEIN, 276 FIFTH AVENUE NEW YORK NY 10001	NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISERS		
ALFONSO J. GONZALEZ, 7981 SILVER SPRING MD 20910	NATIONAL ASSN OF SOCIAL WORKERS	10,000.00	535.00
DANIEL GOODWIN, SUITE 2600 333 WEST WACKER DR. CHICAGO IL 60606	FINANCIAL INVESTMENT ASSOCIATES, INC	28,130.00	2,499.57
GEORGE B. GOULD III, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	11,240.03	6,623.85
GOVERNMENT RELATIONS ASSOCIATES, INC., SUITE 401 1629 K STREET, NW WASHINGTON DC 20006	KAISER STEEL CORP	735.00	735.00
MARY GRANGER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
GREAT WESTERN SUGAR CO, P.O. BOX 5308 DENVER CO 80217			
KAYLENE H. GREEN, SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORPORATION	250.00	530.38
ELDON V. C. GREENBERG, GALLOWAY & GREENBERG 1725 EYE STREE, NW, #601 WASHINGTON DC 20006	SOUTHEASTERN FISHERIES ASSN, INC	7,500.00	869.31
PHYLLIS GREENBERGER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,711.75	1,210.26
EDWARD F. GREISSING JR , 1660 L ST., NW, #205 WASHINGTON DC 20036	UPJOHN COMPANY		
NORMAN E. GRIMM JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
OLGA GRKAVAC, 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
HOWARD M. GROEDEL, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
GROH, EGGERS & PRICE, 550 WEST 7TH AVENUE, #1250 ANCHORAGE AK 99501	AMERICAN PETROFINA, INC	675.00	41.00
RICHARD A. GROSS, WALD, HARKRADER & ROSS 1300 19TH STREET, NW WASHINGTON DC 20036	NATIONAL CONFERENCE OF BLACK MAYORS		
LARRY GRUPP, BOX 8032 MOSCOW ID 83843	J. R. SIMPLOT CO		
ELLEN HAAS, 1001 CONNECTICUT AVE., NW, #519 WASHINGTON DC 20036	PUBLIC VOICE FOR FOOD & HEALTH POLICY	72.50	
HALE FOUNDATION, 422 FIRST STREET, SE, #208 WASHINGTON DC 20003		11,705.50	1,822.54
HALEY BADER & POTTS, SUITE 600 2000 M STREET, NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	557.21	88.09
WILLIAM F. HALL, P.O. BOX 5880 CHICAGO IL 60680			
CHRISTINA HAMMOND, 2033 M ST. NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	375.00
HANDGUN CONTROL, INC, 810 18TH ST., NW WASHINGTON DC 20006		444,383.00	75,548.00
DONALD K. HANES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	FIRST NATIONAL BANK OF ATLANTA		
MARCIA L. HARRINGTON, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN		
JIM HARRISON, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	6,250.00	
HARTKE & HARTKE, 7637 LEESBURG PIKE FALLS CHURCH VA 22043	NATIONAL CULTURAL LIBERATION MOVEMENT & S.A. BLACK ALLIANCE		
BOB HATTOY, 2410 BEVERLY BOULEVARD, #3 LOS ANGELES CA 90057	SIERRA CLUB	1,760.00	2,632.51
BARBARA S. HAUGEN, 311 FIRST STREET, NW, #700 WASHINGTON DC 20003	NATIONAL ASSN OF INSURANCE BROKERS		
DAVID G. HAWKINS, 1725 I ST., NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	2,722.98	7.50
BILL HECHT, SUITE 501 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	BROWN & WILLIAMSON TOBACCO CORP	3,000.00	
Do	LOS ANGELES RAIDERS		
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	2,000.00	
Do	U.S. TOBACCO CO		
PATTI HEDGE, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,477.88	845.15
ELIZABETH W. HEILIG, 1660 L STREET, NW, #215 WASHINGTON DC 20036	CROWN ZELLERABACH CORPORATION		
JOHN B. HENDERSON, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,990.00	295.00
HERCULES INC, 910 MARKET ST. WILMINGTON DE 19899			5,552.00
LAWRENCE R. HERMAN, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	10,455.62	
HERON, BURCHETTE, RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	ASSOCIATION OF FLORAL IMPORTERS OF FLORIDA		138.90
Do	CALIFORNIA ALMOND GROWERS EXCHANGE	2,878.25	801.23
Do	FARM LABOR ALLIANCE	98,588.75	10,832.18
Do	IMPERIAL VALLEY ASPARAGUS GROWERS ASSN	422.83	45.94
Do	NATIONAL ASSN OF INSURANCE COMMISSIONERS	1,275.00	112.52
Do	NATIONAL POTATO COUNCIL	350.38	107.66
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	25,275.00	1,570.14
Do	SUN-DIAMOND GROWERS OF CALIFORNIA	7,907.60	3,786.37
Do	SUNKIST GROWERS, INC	9,127.50	3,137.43
Do	WESTERN COTTON GROWERS ASSN	200.00	44.82
WILLIAM G. HERROLD, SUITE 608 1111 19TH ST., NW WASHINGTON DC 20036	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	600.00	650.40
PAT I. HETH, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORPORATION	2,500.00	493.96
MORTON A. HILL, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC		
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	2,760.78
MAUREEN K. HINKLE, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	920.46	215.67
J.D. HITTLE, 3137 S. 14TH ST. ARLINGTON VA	VOUGHT CORP	2,500.00	474.30
SHEILA K. HIXSON, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	METLAKATLA INDIAN COMMUNITY	237.50	9.62
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA	54.00	
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OGLALA SIOUX TRIBE	450.00	14.79
Do	PUEBLO DE COCHITI	4,580.00	220.35
Do	THREE AFFILIATES TRIBES OF THE FORT BERTHOLD RESERVATION		8.90
GLEN D. HOFER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	666.08	
LAWRENCE S. HOFFHEIMER, SUITE 520 1120 20TH STREET, NW WASHINGTON DC 20037	BRAZOS RIVER HARBOR NAVIGATION DISTRICT	5,500.00	
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN		
Do	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN		
Do	INTEL CORPORATION		
Do	NATIONAL FARMERS ORGANIZATION		1.50
HOLLAND & KNIGHT, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WACKENHUT CORPORATION		12.00
STEPHEN B. HOLLAND, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	250.00	231.75
PAUL R. HOLTZ, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
HOSPITAL ASSOCIATION OF NEW YORK STATE, 15 COMPUTER DRIVE WEST ALBANY NY 12205		233.00	233.00
MARY GREER HOUSTON, 1901 L ST., NW #804 WASHINGTON DC 20036	SIEGEL HOUSTON & ASSOC., INC. (FOR: FARM LABOR RESEARCH COMM)		
ANNE L. HOWARD, ANNE L. HOWARD AND ASSOCIATES 888 17TH STREET, NW, #500 WASHINGTON DC 20006	LITTLE SIX BINGO	600.00	602.00
Do	PAN AMERICAN MANAGEMENT CO		
Do	PASCUA PUEBLO BINGO	675.00	
Do	PASCUA-YAQUI TRIBE		
Do	SHAKOPEE MDEUAKAUTON SIOUX COMMUNITY		
JAMES P. HOWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,029.88	
JOHN A. HOWES, SUITE 290 1050 17TH STREET, NW WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	424.20
HUDSON, LEFTWICH & DAVENPORT, SUITE 806 1101 15TH ST., NW WASHINGTON DC 20005	CITY OF DETROIT		
TONY R. HUERTA, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	5,100.30	2,528.00
STEVEN D. HUFF, 111 EAST WISCONSIN AVENUE, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INST	2,000.00	
EDWARD L. HUIE, WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS		5,874.24
GREGORY A. HUMPHREY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	10,748.60	140.00
ROBERT R. HUMPHREYS, 1915 EYE ST., NW, #500 WASHINGTON DC 20006	ARTHRITIS FOUNDATION	3,025.00	3,100.00
Do	HELEN KELLER NATIONAL CENTER	875.00	620.00
RICHARD M. HUNT, 1150 CONNECTICUT AVE., NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC	4,775.00	
MICHAEL M. HUNTER, 1707 L ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		40.00
F. H. HUTCHISON & CO., 1744 R STREET, NW WASHINGTON DC 20009	IDAHO FOREST GROUP	2,518.16	212.51
Do	IDAHO FOREST INDUSTRY COUNCIL		486.03
Do	IDAHO WILDERNESS GROUP	6,388.80	6,448.00
Do	GEOPRODUCTS CORPORATION	4,153.60	432.17
Do	HYDROTHERMAL ENERGY CORPORATION		209.41
ISABEL E. HYDE, 1800 K STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	2,000.00	
BERNARD J IMMING, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
INSTITUTE OF FOREIGN BANKERS, SUITE 303 EAST, RM. 23 200 PARK AVE. NEW YORK NY 10017		2,100.00	2,100.00
INTER-AMERICAN SERVICES, INC, 106 MOCKINGBIRD PLAZA I 5372 FREDERICKSBURG ROAD SAN ANTONIO TX 78229	UAG ALUMNI ASSOCIATION		
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006			
INTERNATIONAL UNION OF OPERATING ENGINEERS, 1125 17TH ST., NW WASHINGTON DC 20036		16,000.00	847.00
INTERSTATE CARRIERS CONFERENCE, 1616 P STREET, NW WASHINGTON DC 20036			
JOHN ISAACS, 100 MARYLAND AVE., NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	7,706.00	502.82
ITEL CORPORATION, CONTAINER DIVISION, #2 EMBARCADERO CENTER 24TH FLOOR SAN FRANCISCO CA 94111			350.58
ROY T. JACOBSEN, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	AMURCON CORPORATOIN		
Do	BEZTAK COMPANY		
Do	LINEAR AIR MOTORS		
Do	NETCO		
Do	PRIMARK CORPORATION		
Do	SAFEKEEPER SYSTEMS, INC		
Do	SAFLOK/COMPUTORIZED SECURITY SYSTEMS, INC		
Do	U.S. MANUFACTURING COMPANY		
E. A. JAENKE & ASSOCIATES, INC, 1575 EYE ST., NW, SUITE 230 WASHINGTON DC 20005	FARMLAND INDUSTRIES	500.00	
Do	UNIVERSITY OF KANSAS	250.00	
HERBERT N. JASPER, 415 2ND ST., NE WASHINGTON DC 20002	AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS	8,155.35	
JOSEPH A. JEFFREY, 1920 N STREET,N.W. SUITE 300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS	600.00	
PHILIP F. JEHLE, 1150 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	SMITHKLINE BECKMAN CORP	1,500.00	
WALTER W. JOHN, RM. 1414 SOUTH BUILDING USDA WASHINGTON DC 20250	ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA	786.30	
RONALD P. JOHNSEN, SUITE 303 1625 EYE ST., NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP	175.00	231.15
CALVIN P. JOHNSON, HOFFHEIMER & JOHNSON 2555 M ST., NW, #100 WASHINGTON DC 20037	COMPUTER SCIENCES CORP	6,000.00	
NICHOLAS JOHNSON, BOX 1876 IOWA CITY IA 52244	NATIONAL CITIZENS COMMUNICATIONS LOBBY		
JOINT MARITIME CONGRESS, 444 N. CAPITOL ST. WASHINGTON DC 20001		24,693.27	24,693.27
MARY KAAREN JOLLY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	800.00	63.95
BEVERLY E. JONES, 2501 M ST., NW SUITE 380 WASHINGTON DC 20037	ASHLAND OIL, INC		
Do	SISK, FOLEY, HULTIN & DRIVER (FOR: MAY CO)		
JONES DAY REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	FOOD POLICY CENTER		
RANDALL T. JONES, 1030 15TH ST., NW, #700 WASHINGTON DC 20006	NATIONAL COUNCIL OF FARMER COOPERATIVES	397.73	
THEODORE L. JONES, 3081 TEDDY DR. BATON ROUGE LA 70896	INSURANCE ASSN OF CONNECTICUT	20,673.25	8,034.28
DANIEL W. KALUZA, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
MARYANN M. KASWELL, SUITE 1200 1300 NORTH 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	2,333.33	1,049.33
PATRICIA L. KATSON, 11215 OAK LEAF DR. SILVERSPRING MD 20901	LIBERTY LOBBY	4,500.00	
KAYE SCHOLER FIERMAN HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	BRISTOL-MYERS COMPANY		330.00
DAVID A. KEENE, 919 PRINCE ST. ALEXANDRIA VA 22314	NATIONAL TAX LIMITATION COMMITTEE	300.00	10.00
ROBERT C. KEENEY, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN	1,104.88	612.08
DONALD W. KELLER, P.O. BOX 3331, HOUSTON TX 77253	QUINTANA REFINERY COMPANY		
PAUL J. KELLEY, 2727 NORTH CENTRAL AVE. PHOENIX AZ 85004	U-HAUL INTL, INC	5,000.00	
KEMPER INVESTORS LIFE INSURANCE CO, 120 SOUTH LASALLE STREET CHICAGO IL 60603			2,751.05
EDWARD E. KENNEY & ASSOCIATES, INC., SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA CORPORATION		
VYTAUTAS KERBELIS, 69 COTTAGE ST. BAR HARBOR ME 04609	ARAS		
PAUL A. KIEFER, KIEFER & MORRISON 1341 G ST., NW, #602 WASHINGTON DC 20005	AMERICAN FUR INDUSTRY, INC; FUR CONSERVATION INST OF AMER	4,800.00	5,773.50
WILLIAM S. KIES, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
BRIAN M. KILBURY, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
MARYANN KILDUFF, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	421.12
KILGORE & KILGORE, INC, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	1,248.00	21,824.92
Do	TEXASGULF, INC		21,647.48
JANIE A. KINNEY, #408 1015 18TH ST., NW WASHINGTON DC 20036	MERCK & CO., INC		
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	COLUMBIA PICTURES INDUSTRIES, INC	390.00	
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
DONALD R. KIRTLEY, 910 MARKET ST. WILMINGTON DE 19899	HERCULES INC		
RALPH W. KITTLE, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO	2,250.00	800.59
MARK KLEINMAN, 3800 VEAZEY ST.,NW WASHINGTON DC 20016			
KARL R. KLINGELHOFER, 5417 THETFORD PLACE ALEXANDRIA VA 22310	COLORADO RIVER BASIN SALINITY CONTROL FORUM	550.00	36.85
Do	ROBERT P. WILL		
JOHN J. KLOCKO III, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
JAMES E. KNEALE, 2335 SOUTH MEADE ST. ARLINGTON VA 22202	LOCKHEED CORPORATION	3,125.00	398.94
JEFFREY W. KNIGHT, 1045 SANSOME ST. SAN FRANCISCO CA 94111	FRIENDS OF THE EARTH		
KEITH R. KNOBLOCK, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	50.00	7.50
ROBERT L. KNOUS JR., SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
PAUL E. KOHL, J.C. PENNY CO., INC. 1301 AVENUE OF THE AMERICAS NEW YORK NY 10019	18TH CONG. DIST. FOR PRO-LIFE ACTIVITIES		
KOMINERS, FORT, SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	APEX MARINE CORP	38,720.00	1,447.17
Do	COMMITTEE FOR TITLE XI VESSEL FINANCING		
Do	CROWLEY MARITIME CORP AND SUBSIDIARIES	12,000.00	230.00
Do	INGRAM CORPORATION		
JEANNE P. KOWALSKY, SUITE 500 1828 L ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	4,500.00	262.81
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS		
KRIVIT & KRIVIT, 101 DUDDINGTON PLACE, SE WASHINGTON DC 20003	CITY OF ST PETERSBURG, OFFICE OF INTERGOVERNMENTAL RELATIONS	2,083.00	2,083.00
NEIL B. KRUGMAN, SUITE 320 1050 17TH STREET, NW WASHINGTON DC 20036	FAMILY HEALTH PROGRAM, INC	2,187.00	173.00
JAMES S. KRZYMINSKI, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
JEFFREY KURZWEIL, HILL, BETTS & NASH 1220 19TH ST., NW, #302 WASHINGTON DC 20036	MARRIOTT CORPORATION	3,175.00	
JAMES M. KUSZAI, SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	DOW CHEMICAL U.S.A.		
PETER M. LAFEN, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	2,224.19	
LAKE CARRIERS' ASSN, 915 ROCKEFELLER BLDG. CLEVELAND OH 44113			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAVID F. LAMBERT III, 311 FIRST STREET, NW, #700 WASHINGTON DC 20001	NATIONAL ASSN OF INSURANCE BROKERS		
REBECCA F. LAMBERT, 813 MARYLAND AVENUE, NE WASHINGTON DC 20002	CBS, INC	300.00	18.00
LANE & MITTENDORF, 1750 K STREET, NW, #1200 WASHINGTON DC 20006	GHK COMPANIES	2,192.31	223.13
Do	INDEPENDENT GAS PRODUCERS' COMM	35,923.59	2,242.21
WAYNE R. LAPIERRE JR , 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,125.00	350.00
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
LATHAM, WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	DRIFTWOOD DAIRY	77.50	71.56
HENRY J. LAWRENCE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
LECHNER & BUTSAVAGE, P.C., 3101 SOUTH ST., NW WASHINGTON DC 20007	NATIONAL ASSN OF POLICE ORGANIZATIONS	11,250.00	9,876.47
DAVID A. LEFF, 444 NORTH CAPITOL WASHINGTON DC 20001	JOINT MARITIME CONGRESS	2,403.60	
DONNA LENHOFF, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	160.80	
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	COMMERZBANK AG		
Do	GENERAL CABLE CORPORATION		
Do	UNION INVESTMENT GMBH		
MORRIS J. LEVIN, 1050 17TH ST., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	2,500.00	
JAMES F. LEVY, 5301 TRENHOLM ROAD COLUMBIA SC 29260	DENTAL MANAGEMENT SERVICES, INC		
ROGER N. LEVY, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	16,153.90	
LEWIS & RICE, SUITE 1400 611 OLIVE ST. ST. LOUIS MO 63101	ST. LOUIS MERCANTILE LIBRARY ASSN.	956.00	613.22
STUART A. LEWIS, SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MANUFACTURERS HANOVER CORP	500.00	
Do	NATIONAL BANK OF DETROIT	400.00	
JUDITH LICHTMAN, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
LILLICK MCHOSE & CHARLES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	JOHNSON SCANSTAR	4,646.50	156.37
Do	KAISER STEEL CORP	7,031.50	268.72
Do	PACIFIC MARITIME ASSOCIATION	1,386.50	106.03
Do	PACIFIC WESTBOUND CONFERENCE	412.50	96.60
LINTON, MIELDS, REISLER & COTTONE, LTD., SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	AMBASSADOR BRIDGE CO		
JANICE C. LIPSEN, 900 17TH ST., NW, #504 WASHINGTON DC 20006	COUNSELORS FOR MANAGEMENT, INC. (FOR: INDEPENDENT ZINC ALLOYERS ASSN)		
ROBERT W. LONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
CHARLES M. LOVELESS, 1625 L STREET, NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,742.62	306.98
PETER J. LUCIANO, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	5,000.00	12.00
WILLIAM T. LYONS, SUITE 700 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CIBA-GEIGY CORP	4,409.00	3,544.00
SAMUEL A. MABRY, 1800 K ST., NW WASHINGTON DC 20006	HERCULES INC	1,650.00	1,008.00
RUSSELL MACCLEERY, 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	2,545.00	45.00
MICHAEL MAHDESIAN, 1514 17TH STREET, NW, #306 WASHINGTON DC 20009	ARMENIAN NATIONAL COMMITTEE	4,160.00	1,077.26
ARMAND G MANSON, 1090 VERMONT AVE. N.W. STE 1100 WASHINGTON DC 20006	BELL AEROSPACE TEXTRON	2,760.00	
JOHN V. MARANEY, 324 EAST CAPITOL ST., NE WASHINGTON DC 20003	NATIONAL STAR ROUTE MAIL CARRIERS' ASSN		
R. V. MARIANI, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
PATRICIA MARKEY, SUITE 505 1899 L STREET, NW WASHINGTON DC 20036	UNITED DISTRIBUTION COMPANIES	3,044.00	105.00
CHALMERS H. MARQUIS, 3430 BLAIR RD. FALLS CHURCH VA 22041	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
JOHN W. MATTHEWS, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		1,100.00
ROBERT A. MATTHEWS, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	937.50	
GILBERT MATTOX, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
ARNOLD MAYER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	18,846.17	537.17
MAYER, BROWN & PLATT, 888 17TH ST., NW WASHINGTON DC 20006	TRANSCANADA PIPELINES LTD		
DOUGLAS E. McALLISTER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	30.00	3.00
JOHN A. McCAHILL, 1250 CONNECTICUT AVE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE		
LAW OFFICES OF R. C. McCANDLESS, 1707 H ST., NW WASHINGTON DC 20006	MILLER & SCHROEDER MUNICIPALS, INC	3,000.00	1,000.00
Do	TRANSAMERICA CORPORATION		
Do	TRANSAMERICA INTERWAY CORP	7,500.00	1,875.00
Do	TRANSAMERICA-OCCIDENTAL INSURANCE CORP	40,000.00	4,585.00
CATHY McCHAREN, 499 S. CAPITOL STREET, S.W. # 411 WASHINGTON DC 20003	UNITED EGG PRODUCERS		
ROSE McCULLOUGH, 421 SOUTH 9TH STREET, #210 LINCOLN NB 68508	SIERRA CLUB	2,500.00	2,596.45
E. T. McDONALD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,200.00	2,200.00
PATRICIA G. McGINNIS, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN	1,000.00	25.00
ROBERT McINTYRE, ROOM 200 2020 K ST., NW WASHINGTON DC 20006	CITIZENS FOR TAX JUSTICE	7,196.54	
PHIL A. McKEANEY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	9,183.60	105.00
ELDEN C. McKEEN, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
MICHAEL R. McLEOD, BARNETT & ALAGIA 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN ASSN OF CROP INSURERS	525.00	
Do	CHICAGO BOARD OF TRADE		
Do	LEAF TOBACCO EXPORTERS ASSN	220.00	
Do	UNITED EGG PRODUCERS	187.50	
JANE PIERSON McMICHAEL, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	13,179.04	21,406.60
JOSEPH F. MEADOW, 7100 BALTIMORE AVENUE COLLEGE PARK MD 20740	UNITED ACTION FOR ANIMALS, INC	1,200.00	
NANINE MEIKLEJOHN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	10,300.74	104.75
CHARLES L. MERIN, 1750 PENNSYLVANIA AVE, NW, WASHINGTON DC 20006	NATIONAL RURAL LETTER CARRIERS' ASSN	12,277.00	924.00
CLAUDE W. MERLO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
ORREN MERRIN, 701 WASHINGTON BUILDING 15TH STREET AND NEW YORK AVENUE, NW WASHINGTON DC 20005	PORTFOLIO OF AGRICULTURE AND CAYMAN TURTLE FARM LTD		
HAROLD E. MESIROW, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	LILLICK, MCHOSE & CHARLES (FOR: FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE)	2,854.50	
Do	WESTERN PIONEER, INC	594.00	
PAUL J. MIGNINI SR., 815 16TH STREET, NW WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	2,595.00	
SHARON MIHNOVETS, 2809 S. JOYCE ST. ARLINGTON VA 22202			
DAVID H. MILLER, 900 17TH STREET, NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	125.00	9.37
JOHN B. MONAHAN JR., 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN		
JOHN C. MONSUL, 923 RIVA RIDGE DRIVE GREAT FALLS VA 22066			
FRANCIS B. MOORE, 3003 BUTTERFIELD ROAD OAK BROOK IL 60521	WASTE MANAGEMENT, INC	4,000.00	868.59
MORAL MAJORITY, 499 SOUTH CAPITOL STREET, SW, #101 WASHINGTON DC 20003		900.00	
MORALITY IN MEDIA, INC., 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115			
E. JOYCE MORGAN, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JOHN MORGAN, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	875.00	66.25
GERALD D. MORRIS, 11 DUPONT CIRCLE WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	9,159.08	162.00
LYLE J. MORRIS, 2000 P ST., NW, #305 WASHINGTON DC 20036	FORESIGHT, INC (FOR: CONSORTIUM OF SOCIAL SCIENCE ASSNS)	10.00	
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	100.00	
SOL MOSHER, 1660 L ST., NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH CORPORATION		
MOSS, McGEE & BELLMON, 122 C ST., NW WASHINGTON DC 20001	NATIONAL BANKERS ASSN	2,981.25	
Do	NATIONAL COMMUNITY ACTION FOUNDATION, INC	30,000.00	
Do	NATIONAL RURAL DEVELOPMENT & FINANCE CORP	3,000.00	
MOTORCYCLE INDUSTRY COUNCIL, INC, 1235 JEFF DAVIS HWY, ARLINGTON VA 22202			
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BASIN ELECTRIC POWER COOPERATIVE		
JAMES MULAR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
RICHARD J. MULLER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	105.00
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	FREEPORT MINERALS CO		
ROSEMARY GRIFFIN MURRAY, SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
ROBERT J. MUTH, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	600.00	
PAUL J. MYER, 1150 17TH ST., NW, 11TH FLOOR WASHINGTON DC 20036	AMERICAN BROADCASTING CO, INC		
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
BERNARD NASH, 1015 18TH ST., NW SUITE 408 WASHINGTON DC 20036	GENERAL ELECTRIC CO	750.00	5.00
Do	MERCK & CO., INC		
Do	TIME, INC		
NATIONAL ASSN FOR HUMANE LEGISLATION, INC, PO BOX 11675 ST. PETERSBURG FL 33733		2.34	319.03
NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS, SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902		5,470.99	403.75
NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISERS, 276 FIFTH AVENUE NEW YORK NY 10021			
NATIONAL ASSN OF HOME BUILDERS OF THE U.S., 15TH & M STS., NW WASHINGTON DC 20005		47,608.41	85,104.92
NATIONAL ASSN OF INSURANCE BROKERS, INC, SUITE 700 311 FIRST STREET, NW WASHINGTON DC 20001			
NATIONAL ASSN OF LETTER CARRIERS, 100 INDIANA AVE., NW WASHINGTON DC 20001		2,877,458.67	172,248.96
NATIONAL ASSN OF MARGARINE MFGRS, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006			
NATIONAL ASSN OF RAILROAD PASSENGERS, 417 NEW JERSEY AVE., SE WASHINGTON DC 20003		47,055.00	30,267.71
NATIONAL ASSN OF REALTORS, 777 14TH ST., NW WASHINGTON DC 20005			59,920.38
NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036		2,653.00	3,071.00
NATIONAL CITIZENS COMMUNICATIONS LOBBY, P.O. BOX 1876 IOWA CITY IA 52244			
NATIONAL CLEAN AIR COALITION, INC, 530 7TH ST., SE WASHINGTON DC 20003		45,296.00	36,972.48

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NATIONAL COALITION FOR LOWER PRICES, 765 FIFTH AVENUE NEW YORK NY 10001		742.62	4,400.75
NATIONAL COMM FOR A HUMAN LIFE AMENDMENT, INC, SUITE 400 1707 L ST., NW WASHINGTON DC 20036		33,606.00	8,602.00
NATIONAL COMMUNITY ACTION FOUNDATION, INC., 2101 L STREET, N.W. SUITE 906 WASHINGTON DC 20037		60,271.00	24,754.00
NATIONAL COUNCIL OF FARMER COOPERATIVES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		22,115.90	5,926.35
NATIONAL EDUCATION ASSN, 1201 16TH ST., NW WASHINGTON DC 20036		18,857.65	18,857.65
NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC, 1110 VERMONT AVENUE, NW, #1210 WASHINGTON DC 20005.		62,426.00	2,150.00
NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS, 577 SIXTH STREET BROOKLYN NY 11215			
NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES, P.O. BOX 11038 DURHAM NC 27703		2,000.00	2,000.00
NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, SUITE 410 1090 VERMONT AVE., NW WASHINGTON DC 20005		10,000.00	9,941.50
NATIONAL NEWSPAPER ASSN, SUITE 400 1627 K ST., NW WASHINGTON DC 20006		116,313.00	5,945.11
NATIONAL ORGANIZATION FOR WOMEN, 425 13TH ST., NW WASHINGTON DC 20004			1,293.93
NATIONAL PRINTING EQUIPMENT & SUPPLIES ASSN, INC, 6849 OLD DOMINION DRIVE, #200 MCLEAN VA 22101			
NATIONAL RIFLE ASSOCIATION OF AMERICA, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036		164,874.00	111,537.00
NATIONAL RURAL HOUSING COALITION, 1016 16TH STREET, NW, #8G WASHINGTON DC 20036		18,596.82	14,168.22
NATIONAL RURAL LETTER CARRIERS' ASSN, SUITE 1204 1750 PENNSYLVANIA AVE., NW WASHINGTON DC 20006		7,140.00	16,450.00
NATIONAL TOUR ASSOCIATION, INC., 120 KENTUCKY AVE LEXINGTON KY 40502		28,955.00	28,955.00
NATIONAL TURKEY FEDERATION, 11319 SUNSET HILLS RD. RESTON VA 22090			
NATIONAL WATER RESOURCES ASSN, SUITE 1202 955 L'ENFANT PLAZA NORTH, SW WASHINGTON DC 20024		8,790.00	10,795.00
NATURAL GAS SUPPLY ASSN., 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036		2,376,890.00	875,834.81
C. B. NEELY JR., P.O. BOX 829 RALEIGH NC 27602	BENEFICIAL MANAGEMENT CORP OF AMERICA		
CAROLYN B. NELSON, #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC.		
E. COLETTE NELSON, SUITE 540 8401 CORPORATE DRIVE LANDOVER MD 20785	AMERICAN SUBCONTRACTORS ASSN	1,050.00	
FREDERICK H. NESBITT, 100 INDIANA AVENUE, NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	7,832.86	304.75
ROBERT B. NEVILLE, 311 1ST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		6,000.00
NEW YORK SHIPPING ASSN, 80 BROAD STREET, 12TH FL. NEW YORK NY 10004			
MARY BENNETT NEWBOULD, 122 C STREET, NW, #875 WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	1,100.00	
W. F. NICHOLAS, 69 CANNON STREET LONDON E C4 ENGLAND	LONDON CHAMBER OF COMMERCE AND INDUSTRY	11,866.68	12,730.53
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			13,304.98
NONPROFIT MAILERS FEDERATION, 2555 M STREET, NW, #405 WASHINGTON DC 20037			7,398.78
CLIFFORD R. NORTHUP, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	632.61
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AETNA LIFE & CASUALTY	400.00	800.00
Do	BURLINGTON NORTHERN, INC.	480.00	
Do	CALIFORNIA STUDENT LOAN FINANCE CORP.		
Do	COOK INLET REGION, INC.		
Do	DIVIDEND SUPPORT GROUP		
Do	GENERAL ELECTRIC CO		100.00
Do	HELIONETICS, INC.		
Do	INSURANCE ASSOCIATION OF CONNECTICUT	1,200.00	100.00
Do	NEW YORK LIFE INSURANCE COMPANY		
Do	TRUST FOR PUBLIC LANDS		
RAYMOND V. O'BRIEN, 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	700.00	100.00
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	JAMAICAN BROADCASTING CORP.	4,000.00	
TERRI O'GRADY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	562.50	64.36
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	WARNER COMMUNICATIONS, INC.		
JOHN F. O'NEAL, P.C., 600 NEW HAMPSHIRE AVENUE, NW, #952 WASHINGTON DC 20037	NATIONAL REA TELEPHONE ASSN.	1,815.00	
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	MARRIOTT CORPORATION	900.00	
Do	MASSACHUSETTS GENERAL HOSPITAL		
MARY E. OAKES, 1800 K ST., NW WASHINGTON DC 20006	HERCULES INC.	419.00	
NEIL H. OFFEN, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	1,000.00	
GERALD L. OLSON, 200 S. 6TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
CHARLES J. ORASIN, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC.	3,186.00	
ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA, RM. 1414 S. BUILDING U.S. DEPT OF AGRICULTURE WASHINGTON DC 20250.		1,531.20	1,074.41
ELVIRA J. ORLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	5,526.15	1,704.90
J. F. OTERO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	200.00
OUTDOOR POWER EQUIPMENT INSTITUTE, SUITE 700 1901 L ST., NW WASHINGTON DC 20036			525.00
OVERSEAS EDUCATION ASSOCIATION, 1201 16TH STREET, NW WASHINGTON DC 20036		1,525.00	620.00
J. ALLEN OVERTON, 1920 N ST.,NW SUITE 300 WASHINGTON DC 20006	AMERICAN MINING CONGRESS	427.50	23.80
WILLIAM H. OWENS JR , SUITE 1002 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
KATHERINE ANN OZER, 2000 P STREET, NW, #300 WASHINGTON DC 20036	U.S. STUDENT ASSN	2,750.04	
ANTHONY PADILLA, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
WILLIAM STEVEN PALEOS, P.O. BOX 57466-0466 WASHINGTON DC 20037			
GERARD PAUL PANARO, WEBSTER & CHAMBERLAIN 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RETAIL BAKERS ASSN	320.00	
JUDY E. PARK, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	11,433.00	
KIMBERLY C. PARKER, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	8,614.83	72.00
SARA LYNN PARKER, 1319 F. ST., NW SUITE 500 WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
PRUDENCE H. PARKS, 1100 H STREET, NW WASHINGTON DC 20080	WASHINGTON GAS LIGHT CO	367.84	186.62
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	220.00	
PAUL WEISS RIFKIND WHARTON & GARRISON, 345 PARK AVE. NEW YORK NY 10154	NEC ELECTRONICS U.S.A., INC	1,966.50	8,336.58
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MICHIGAN KNIFE CO		
Do	NATIONAL MASS RETAILING INSTITUTE	720.00	12.00
FRANK PECQUEX, 5201 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	87.40
PENSION RIGHTS CENTER, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036			601.57
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	SOUTHERN SATELITE SYSTEMS INC.		
PEPPER HAMILTON & SCHEETZ, 1777 F STREET, NW WASHINGTON DC 20006	GLENMEDE TRUST (FOR: TRUSTEE FOR PEW MEMORIAL TRUST)		
EDMUND J. PERRET II , 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN.	1,783.89	802.50
EDWARD B. PETERSEN, SUITE 700 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORP.		
A. HAROLD PETERSON, 715 CARGILL BLDG. MINNEAPOLIS MN 55402	NATIONAL R.E.A. TELEPHONE ASSN	1,500.00	1,413.85
BRIAN T. PETTY, SUITE 702 1901 L ST., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF DRILLING CONTRACTORS		
DEBORAH M. PHILLIPS, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		60.75
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	AMERICAN ACADEMY OF PEDIATRICS	7,000.00	
Do	ASPEN SYSTEMS CORPORATION	6,018.04	
Do	COMMUNITY PSYCHIATRIC CENTERS	1,758.78	
Do	DAY TRUST	4,452.89	
Do	DUN & BRADSTREET CORP.		
Do	GENENTECH	5,000.00	
Do	INFECTIOUS DISEASES SOCIETY OF AMERICA	3,031.12	
Do	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	3,282.00	
Do	NATIONAL MUSIC PUBLISHERS ASSN	4,315.00	
Do	SECURITIES INDUSTRY ASSN	2,750.00	
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	BANKERS LEASING CORP & AFFILIATES, ET AL	225.00	22.90
RONALD L. PLATT, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT & ASSOCIATES, INC.	3,500.00	
NANCY POLIKOFF, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
MICHAEL A. POLING, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	MARYLAND SAVINGS-SHARE INSURANCE CORP.		
JANET POWER, 1620 I ST., NW WASHINGTON DC 20006	VISA USA, INC.		
PRATHER SEEGER DOOLITTLE & FARMER, 1101 16TH ST., NW WASHINGTON DC 20036	BANKER'S ASSN FOR FOREIGN TRADE	10,000.00	250.00
WILLIAM B. PRENDERGAST, 6215 KELLOGG DRIVE MCLEAN VA 22101	TOBACCO INSTITUTE	6,000.00	750.40
WOODRUFF M. PRICE, 840 WASHINGTON BLDG. 15TH ST. & NEW YORK AVE. WASHINGTON DC 20005	CSX CORPORATION	3,000.00	497.04
EARL PROCTOR, 561-2 SHELBY AVENUE PAINESVILLE OH 44077	LAKE COUNTY VETERANS SERVICES		
PROJECT ADVISORY GROUP, 1029 VERMONT AVE., NW SUITE 860 WASHINGTON DC 20005			273.00
PROTECT THE INNOCENT, INC., 451 SOUTH INDIANA STREET MOORESVILLE IN 46158			161.33
QUINTANA REFINERY COMPANY, P.O. BOX 3331 HOUSTON TX 77001			
RAGAN & MASON, 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN SHIP BUILDING CO	1,000.00	
Do	BECHTEL CORP	22,500.00	
Do	CURTISS-WRIGHT CORP	16,575.00	
Do	GOVERNMENT OF BERMUDA	3,000.00	
Do	GULF OIL CORP.	4,000.00	
Do	NATIONAL BULK CARRIERS, INC.	4,500.00	
Do	R. J. REYNOLDS TOBACCO COMPANY	12,000.00	
Do	RJ REYNOLDS INDUSTRIES, INC.		
Do	SEA-LAND INDUSTRIES, INC.	20,000.00	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SECURITY PACIFIC LEASING CORPORATION		
Do	SECURITY PACIFIC NATL BANK		
Do	STIMSON LUMBER CO & MILLER REDWOOD CO	3,000.00	
RAILWAY PROGRESS INST, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314			
ELIZABETH RAISBECK, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	3,806.76	
TIM RANSDELL, FRANCIS & McGINNIS ASSOCIATES, INC 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSOCIATION	1,000.00	35.00
ROBERT A. RAPOZA, SUITE 8G 1016 16TH STREET, NW WASHINGTON DC 20036	CAMPAIGN FOR COMMUNITY ECONOMIC DEVELOPMENT	2,320.00	
Do	NATIONAL RURAL HOUSING COALITION	9,076.88	
RECORDING INDUSTRY ASSN OF AMER, INC, 888 SEVENTH AVENUE, 9TH FL. NEW YORK NY 10106		6,471.16	6,471.16
ROBERT E REDDING, 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004	SHIPPERS NATIONAL FREIGHT CLAIM	530.00	259.00
JOSEPH M. REES, 444 NORTH CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	1,800.00	42.70
Do	DELTA DENTAL PLANS ASSOCIATION	1,500.00	26.12
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20036	B. ALTMAN & CO	24,650.00	1,871.53
Do	AMERICAN EXPRESS CO	1,850.00	47.62
Do	FRED T. FRANZIA, JOHN G. FRANZIA & JOSEPH S. FRANZIA		
Do	KAMEHAMEH SCHOOLS/BERNICE P. BISHOP ESTATE	10,650.00	15,930.27
Do	VELO-BIND, INC		
RENEWABLE FUELS ASSOCIATION, 499 S. CAPITOL STREET, S.W. # 420 WASHINGTON DC 20003		62,348.21	6,635.53
SARAH M. RENFROE, 1995 TREMAINSVILLE ROAD TOLEDO OH 43613	BENCHMARK TECHNOLOGIES CORP	596.00	414.24
RESERVE OFFICERS ASSN OF THE US, 1 CONSTITUTION AVE., NE WASHINGTON DC 20002		1,715.82	22,146.15
MARY ANNE REYNOLDS, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ROBERT J. RHUDY, 1625 K STREET, NW, #908 WASHINGTON DC 20006	COALITION FOR LEGAL SERVICES, INC	10,000.02	1,894.27
GRACE ELLEN RICE, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,824.99	33.00
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	ALASKA LUMBER & PULP, INC		
Do	SIKORSKY AIRCRAFT	1,200.00	34.10
JOHN G. RICHARDSON, 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER CO	16,212.00	10,354.97
K. O. RICHARDSON, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,200.00	2,200.00
E. GEORGE RIEDEL, SUITE 200 1707 L STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,800.00	150.00
SIERT F. RIEPMA, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MARGARINE MFGRS		
PHILLIP W. RIVERS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	2,410.00	771.67
ELIZABETH JANE ROBBINS, 43 D STREET, S.E. WASHINGTON DC 20003	NATIONAL MUSIC PUBLISHERS ASSN, INC	5,256.76	1,121.05
Do	SCHOLASTIC MAGAZINES, INC	3,000.00	
TOM ROBINSON, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	3,730.75	2,629.05
QUINCY RODGERS, 1200 NEW HAMPSHIRE AVE., NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	600.00	73.77
ROGERS HOGE & HILLS, SUITE 301 1111 19TH STREET, NW WASHINGTON DC 20036	BACARDI CORPORATION		
JAMES T. ROGERS, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
TERRENCE L. ROGERS, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	10,108.70	95.50
CAROLE M. ROGIN, 1800 M STREET, NW, #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC (FOR: HEARING INDUSTRIES ASSN)		
JACK ROLLINS, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN & NATIONAL EDUCATION ASSN	1,525.00	620.00
JOHN F. ROLPH III, SUITE 350 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CITIBANK, N.A	1,000.00	
EMIL A. ROMAGNOLI, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	300.00	
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
MARK ROTH, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	6,154.68	
GLORIA CATANEO RUDMAN, SUITE 801 444 N. CAPITOL ST., NW WASHINGTON DC 20001	JOINT MARITIME CONGRESS	5,623.80	
RANDALL M. RUSSELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	375.00	
GEORGE J. RYAN, 915 ROCKEFELLER BUILDING CLEVELAND OH 44113	LAKE CARRIERS' ASSN		
JOHN F. RYAN, 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
JOSEPH RYAN, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
VINCENT J. RYAN, 300 INDEPENDENCE AVENUE, SE WASHINGTON DC 20003	LIBERTY LOBBY, INC		
DAVID J. SADD, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	375.00
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A	500.00	250.00
Do	SAFARI CLUB INTERNATIONAL	1,000.00	170.00
Do	STURM, RUGER COMPANY, INC	500.00	200.00
JAMES D. SANTINI, JONES JONES BELL CLOSE & BROWN, CHTD 1110 VERMONT AVENUE, NW, #1060 WASHINGTON DC 20005.	GREENS CREEK JOINT VENTURE	6,000.00	717.38
Do	LORIMAR PRODUCTIONS	4,500.00	1,617.36
Do	NATIONAL TOUR ASSN	11,250.00	786.43
Do	NORANDA EXPLORATION, INC	3,750.00	434.47
Do	NORANDA MINING, INC	3,750.00	6.60
Do	REDFIELD LAND COMPANY	10,175.00	561.91
KLARA B. SAUER, 9 VASSAR STREET POUGHKEEPSIE NY 12601	SCENIC HUDSON, INC		
LAWRENCE H. SAWYER, 1200 NEW HAMPSHIRE AVE., NW SUITE 370 WASHINGTON DC 20036	GENERAL MILLS, INC		
MARK L. SCHAFFER, ASHCRAFT & GEREL 2000 L STREET, NW, #700 WASHINGTON DC 20036	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	2,886.00	10.00
HAROLD A. SCHAITBERGER, 1750 NEW YORK AVE. WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	11,657.88	
JEROME D. SCHALLER, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO	10,000.00	263.10
JACQUES T. SCHLENGER, 1800 MERCANTILE BANK & TRUST BLDG. THE HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		4.95
KENNETH D. SCHLOMAN, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	915.00	86.26
SCHNITZER INVESTMENT CORP., 3200 N.W. YEON AVE. PORTLAND OR 97210			
H. B. W. SCHROEDER, 1050 17TH STREET, NW SUITE 290 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
JANET L. SCHUESSLER, 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN IRON & STEEL INSTITUTE		200.00
MICHAEL SCOTT, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,609.41	505.35
CHARLES M. SEEGER III, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK ET AL (FOR: CHICAGO MERCANTILE EXCHANGE)		
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	VISA U.S.A., INC		
HARRY D. SHAPIRO, 1800 MERCANTILE BANK & TRUST BLDG. TWO HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		4.95
RICHARD N. SHAROOD, 8TH FL. 1752 N ST., NW WASHINGTON DC 20036	CHEMICAL WASTE MANAGEMENT, INC	4,156.25	
RUSSELL H. SHAY, 6014 COLLEGE AVE. OAKLAND CA 94618	SIERRA CLUB	3,444.30	2,574.17
SHEARMAN & STERLING, 153 EAST 53RD ST. NEW YORK NY 10005	BUSINESS ROUNDTABLE	2,800.00	741.31
DALE SHERWIN, 1735 I ST., NW, #717 WASHINGTON DC 20006	A.E. STALEY MFGR CO	9,000.00	10,698.80
NELSON T. SHIELDS, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	2,310.00	
RUSSELL L. SHIPLEY JR., 1120 VERMONT AVENUE, NW, #1120 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
SHIPPERS NATIONAL FREIGHT CLAIM COUNCIL, INC, 120 MAIN STREET HUNTINGTON NY 11743			530.00
FLETCHER SHIVES, 1901 PENNSYLVANIA AVENUE, NW ATLANTA GA 30305	WILDERNESS SOCIETY	49.21	1,025.43
SIERRA CLUB, 50 BUSH ST. SAN FRANCISCO CA 94108		231,952.11	231,952.11
STEPHEN SILBIGER, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	12,508.14	371.00
SIMON DEITCH SIEFMAN TUCKER & FRIEDMAN, P.C., SUITE 1500 4000 TOWN CENTER SOUTHFIELD MI 48075	FIRST NATIONAL MONETARY CORPORATION		
TALMAGE E. SIMPKINS, 100 INDIANA AVE., NW WASHINGTON DC 20001	AFL-CIO MARITIME COMMITTEE	300.00	162.55
J. R. SIMPLOT CO., P.O. BOX 27 BOISE ID 83707			
JEAN SINDAB, 2480 16TH ST., NW, #610 WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	4,321.60	
SISK, FOLEY, HULTIN & DRIVER, 2501 M ST., NW SUITE 380 WASHINGTON DC 20037	ASHLAND OIL, INC, ET AL		
Do	MAY CO		
Do	TOSCO CORPORATION	6,850.00	
AMY SKILBRED, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	618.02	
SCOTT SKLAR, 1001 CONNECTICUT AVENUE, NW, #510 WASHINGTON DC 20036	SOLAR LOBBY	3,423.98	
ROBERT SLAUGHTER, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	9,999.96	1,689.43
SCOTT L. SLESINGER, SUITE 804 1101 14TH ST., NW WASHINGTON DC 20005	NATIONAL APARTMENT ASSN		
SMATHERS SYMINGTON & HERLONG, SUITE 400 1700 K ST., NW WASHINGTON DC 20006	AMERICAN HORSE COUNCIL	3,666.00	
Do	FLORIDA EAST COAST RAILWAY CO	750.00	
Do	GOLDMAN SACHS & CO	1,500.00	
Do	NATIONAL HOCKEY LEAGUE	3,014.75	
Do	PENNZOIL CO	6,000.00	
Do	REPUBLIC OF SOUTH AFRICA	7,500.00	
ELEANOR SMEAL & ASSOCIATES, 2600 VIRGINIA AVENUE, NW, #606 WASHINGTON DC 20037	NATIONAL ORGANIZATION FOR WOMEN	5,400.00	59.25
ELIZABETH M. SMITH, 815 16TH ST., NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	4,939.48	16.25
GRACE H. SMITH, 2000 M STREET, NW, #230 WASHINGTON DC 20036	TELOCATOR NETWORK OF AMERICA	8,942.00	260.17
THOMAS BLAISDELL SMITH, SUITE 519 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	PUBLIC VOICE FOR FOOD & HEALTH POLICY	1,383.75	
SOCIETY FOR NUTRITION EDUCATION, 1736 FRANKLIN STREET OAKLAND CA 94612		35.84	147.00
SOLAR LOBBY, SUITE 510 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		70,645.00	5,011.49
WILLIAM L. SOLLEE, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PUBLIC SERVICE ELECTRIC & GAS CO		
VINCENT R. SOMBROTTO, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	3,557.98	
SONOSKY CHAMBERS SACHSE & GUIDO, 1050 31ST ST., NW WASHINGTON DC 20007	ASSINIBOINE AND SIOUX TRIBES		
Do	MULTI-HOUSING LAUNDRY ASSOCIATION, INC		
Do	SHOSHONE INDIAN TRIBE		
Do	STANDING ROCK SIOUX TRIBE		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SOUTHWESTERN PEANUT SHELLERS ASSN, 10 DUNCANNON CT. DALLAS TX 75225			
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	1,226.34
JOHN B. SPEARS, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
PHILIP SPESER, 2000 P ST., NW WASHINGTON DC 20036	FORESIGHT, INC (FOR: CONSORTIUM OF SOCIAL SCIENCE ASSNS)	90.00	
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	600.00	
SQUIRE SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	PUBLIC SECURITIES ASSN		
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	FOREMAN & DYESS		
CHARLES D. STATTON, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
STEPTOE & JOHNSON CHARTERED, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS		253.94
Do	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC.	9,590.00	808.72
STEVEN F. STOCKMEYER, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	3,000.00	223.50
JACK MARK STOLIER, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
RICHARD BOYLE STOREY, 455-B CARLISLE DR. HERNDON VA 22070	INTERNATIONAL MILITARY CLUB EXECUTIVES' ASSN		
STOVALL SPRADLIN ARMSTRONG & ISRAEL, 1819 H STREET, NW, #700 WASHINGTON DC 20006	COMMISSION ON FUTURE POLITICAL STATUS & TRANSITION		
Do	INGERSOLL-RAND COMPANY		
DAVID E. STRACHAN, 1432 DUKE STREET ALEXANDRIA VA 22314	NATIONAL ASSN OF PERSONNEL CONSULTANTS		
STRADLEY, RONON, STEVENS & YOUNG, 1100 ONE FRANKLIN PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP		
ROGER J. STROH, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
SULLIVAN & WORCESTER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	MARION LABORATORIES, INC	16,655.00	88.70
MARCIA Z. SULLIVAN, SUITE 1200 1300 N. 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	2,000.00	1,288.24
MARY BETH SULLIVAN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	525.22
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	ATLANTA LIFE INSURANCE COMPANY	150.00	7.00
Do	CONSUMER CREDIT INSURANCE ASSOCIATION		
Do	DIRECT MARKETING INSURANCE GROUP		
Do	EQUIFAX, INC	3,120.00	478.02
Do	FLATHEAD JOINT BOARD OF CONTROL		565.70
Do	LIFETIME COMMUNITIES, INC		
Do	MUTUAL OF OMAHA INSURANCE CO		
Do	NATIONAL ASSN OF LIFE COS	461.11	19.00
Do	NATIONAL HOME LIFE ASSURANCE COMPANY	285.00	6.80
Do	STOCK INFORMATION GROUP	26,850.00	4,106.74
Do	WOODSTREAM CORPORATION	995.00	50.25
ROSEMARIE SWEENEY, SUITE 770 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN ACADEMY OF FAMILY PHYSICIANS	1,999.98	1,147.04
DONALD R. SWEITZER, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
SWIDLER, BERLIN & STRELOW, CHTD., 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	AIRCO, INC	5,940.00	
Do	MD PEOPLE'S COUNSEL (NATL ASSN OF STATE UTIL. CONSUMER ADVO)	1,224.00	25.25
Do	NATIONAL ASSN FOR HOSPITAL DEVELOPMENT		
Do	NATIONAL COUNCIL OF COMMUNITY HOSPITALS	2,846.25	
SCOTT R. SWIRLING, SUITE 950 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC	1,762.00	33.00
Z. MICHAEL SZAZ, 6415 FRANCONIA COURT SPRINGFIELD VA 22150	AMERICAN HUNGARIAN FEDERATION	900.00	
JOE TALLAKSON, SUITE 421 1010 VERMONT AVE., NW WASHINGTON DC 20005	SENSE, INC (FOR: LUMMI INDIAN TRIBE)		815.55
Do	SENSE, INC (FOR: MUCKLESHOOT INDIAN TRIBE)	1,260.00	831.23
Do	SENSE, INC. (FOR: QUINAULT INDIAN NATION)	2,500.00	1,251.43
Do	SENSE, INC (FOR: SUQUAMISH INDIAN TRIBE)	1,102.50	556.54
TARGET, INC., 6612 OWENS DR. PLEASANTON CA 94566			15,000.00
DENNIS J. TAYLOR, SUITE 650 1090 VERMONT AVE., NW WASHINGTON DC 20005	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	5,000.00	
Do	U.S. SURGICAL CORPORATION	2,000.00	
JOSEPH L. S. TERRELL, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL		
TEXASGULF, INC., HIGH RIDGE PARK STAMFORD CT 06904			209.83
TEXTRON, INC., 40 WESTMINSTER ST. PROVIDENCE RI 02903			12,592.14
MESHALL THOMAS, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
CHARLES P. THOMPSON, P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY	1,000.00	100.61
ROBERT J. THOMPSON, UTICA TOWER, SUITE 912 1924 SOUTH UTICA TULSA OK 74104	THOMPSON & CO	34,267.50	4,584.40
THOMPSON, HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	GREAT WESTERN SUGAR CO		
GIL THURM, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	56.51
DREW V. TIDWELL, SUITE 1200 1300 N. 17TH ST. ARLINGTON VA 22209	CONSUMER BANKERS ASSN	4,012.50	68,055.15
ROBERT O. TIERNAN, 1800 M STREET, NW, #299 WASHINGTON DC 20036	PENN CENTRAL CORP		
MICHAEL L. TINER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	11,038.44	652.03
RON TIPTON, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	841.42	23.00
DAVID R. TOLL, SUITE 1100 1111 19TH STREET, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP		
THOMAS J. TRABUCCO, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	7,076.00	
RICHARD L. TRACHTMAN, SUITE 500 1101 VERMONT AVE. NW WASHINGTON DC 20005	AMERICAN SOCIETY OF INTERNAL MEDICINE	2,044.20	293.89
JOSEPH P. TRAINOR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	324.53
TRANSPORTATION INSTITUTE, 923 15TH ST., NW WASHINGTON DC 20005			22,362.14
ANH TU, SUITE 860 1029 VERMONT AVE., NW WASHINGTON DC 20005	PROJECT ADVISORY GROUP	151.00	
WILLIAM J. TURENNE, 1901 L STREET, NW WASHINGTON DC 20036	ELI LILLY AND COMPANY	3,000.00	24.00
JOSEPH UEHLEIN, 815 16TH ST., NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	5,922.00	136.50
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	SPRUELL DEVELOPMENT CORPORATION		
UNITED FOOD & COMMERCIAL WORKERS INTL UNION, 1775 K ST., NW WASHINGTON DC 20006		138,520.88	47,549.47
UNITED FRESH FRUIT & VEGETABLE ASSN, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314		2,113.46	2,974.86
UNITED GAS PIPE LINE CO, PO BOX 1478 HOUSTON TX 77001			2,397.01
R. THOMAS VAN ARSDALL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	690.00	
LAURA VAN ETTEN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
JOHN A. VANCE, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	2,404.00	1,406.57
DONALD R. VAUGHAN, P.O. BOX 1288 ASHEBORO NC 27204	STEDMAN CORP	1,500.00	
JOSPEH T. VENTURA ENTERPRISES, INC, 1725 K STREET, NW, #401 WASHINGTON DC 20006	NATIONAL FOOTBALL LEAGUE		
VENTURE ENTREPRENEURS, INC., SUITE 206 1201 SAN MARCO BLVD. JACKSONVILLE FL 32207			
VERNER LIIPFERT BERNHARD & MCPHERSON, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	SEMICONDUCTOR INDUSTRY ASSOCIATION		40.00
RUDOLPH A. VIGNONE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	4,000.00	
ABE J. VORON, 6204 WHITE OAK LANE TAMARAC FL 33319	NATIONAL RADIO BROADCASTERS ASSOCIATION	1,450.00	1,100.00
WAGNER & BARODDY, INC, 1100 17TH STREET, NW, #804 WASHINGTON DC 20036	AMERICAN BUS ASSN		
Do	BURNS & ROE, INC	7,925.00	2,185.26
Do	CHICAGO AND NORTHWESTERN RAILROAD	6,100.00	2,262.65
Do	E-SYSTEMS	12,000.00	163.42
Do	JARTRAN, INC	10,600.00	3,763.22
Do	LANIHAU CORPORATIONS		1,184.94
Do	LONG ISLAND TRUST COMPANY	2,425.00	919.49
Do	NATIONAL BEER WHOLESALERS OF AMERICA	18,175.00	5,727.86
DON WALLACE ASSOCIATES, INC., 232 E. CAPITOL ST. WASHINGTON DC 20003	ALABAMA FARM BUREAU FEDERATION	6,000.00	2,648.84
Do	AMERICAN SUGAR CANE LEAGUE OF THE USA, INC	6,000.00	2,697.45
Do	COTTON WAREHOUSE ASSOCIATION OF AMERICA	11,000.00	2,335.41
DONALD L. WALLACE JR., 232 E. CAPITOL ST. WASHINGTON DC 20003	MERCHANTS GRAIN & TRANSPORTATION, INC		
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC	4,000.00	
Do	OREGON INLET COMMISSION		
GREGG WARD, 418 S. CAPITOL STREET, SE WASHINGTON DC 20003	SHEET METAL & AIR CONDITIONING CONTRACTORS NATIONAL ASSN		
WILLIAM L. WARFIELD, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN		
WASHINGTON GAS LIGHT CO, 1100 H ST., NW WASHINGTON DC 20080			838.76
WASHINGTON INDEPENDENT WRITERS, INC., 525 NATIONAL PRESS BUILDING WASHINGTON DC 20045		35.00	
WASHINGTON OFFICE ON AFRICA, 110 MARYLAND AVE., NE WASHINGTON DC 20002		6,366.87	23,866.65
CLARKE R. WATSON, 769 DETROIT DENVER CO 80206	WESTLAND COMPANIES, INC		
WATT, TIEDER, KILLIAN & HOFFAR, 1742 R STREET, NW WASHINGTON DC 20009	OHIO CASUALTY INSURANCE CO		
ANDREW H. WEBBER, 440 FIRST STREET, NW, #510 WASHINGTON DC 20001	AMERICAN MEDICAL PEER REVIEW ASSN		
LANA N. WEBER, SUITE 205B 5455 BUFORD HWY. ATLANTA GA 30340	DENTAL MANAGEMENT SERVICES, INC		
PAUL WECKSTEIN, 236 MASSACHUSETTS AVENUE, NE, #504 WASHINGTON DC 20002	CENTER FOR LAW AND EDUCATION, INC	251.55	11.75
THEODORE F. WEIHE, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ADVISORY COMM ON OVERSEAS COOPERATIVE DEVELOPMENT	2,812.00	
STANLEY A. WEISS, SUITE 401 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY		
WILLIAM B. WELSH, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	21,582.32	102.01
WESTERN RESOURCE ALLIANCE, 2565 W. 23RD ST. EUGENE OR 97401			
STEPHEN M. WHEELER, 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	3,057.30	
WHITE & CASE, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	REPUBLIC OF INDONESIA		
JOHN C. WHITE, SUITE 207 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORP & CHICAGO MERCANTILE EXCHANGE		
BRYAN K. WHITEHEAD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	550.00	550.00
JULIAN A. WILHELM, 1320 19TH STREET, NW WASHINGTON DC 20036	BURCH, WILHELM & McDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILKINSON, BARKER, KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	MOUNTAIN STATES TELEPHONE CO	10,904.54	145.49
Do	NORTHWESTERN BELL TELEPHONE CO		
Do	PACIFIC NORTHWEST BELL TELEPHONE CO	7,795.13	81.46
Do	U.S. WEST, INC		
RALPH E. WILLHAM, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTL ASSN	10,773.00	
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	BENENSON REALTY CO		
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALAMO CEMENT COMPANY	155.00	6.62
Do	ALASKA LUMBER & PULP, INC		
Do	AMERICAN PHYSICAL THERAPY ASSN		
Do	BRAUM ICE CREAM STORES, INC		
Do	CENTURY 21 REAL ESTATE CORP		
Do	CIGNA	11,137.50	264.57
Do	COMMITTEE FOR EMPLOYMENT OPPORTUNITIES		
Do	CONSOLIDATED FOODS CORP		
Do	ESTEE LAUDER, INC		
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM	2,415.00	264.57
Do	FIRST BOSTON CORP	175.00	13.23
Do	FREIGHT FORWARDERS INSTITUTE		
Do	GENERAL ELECTRIC CO	2,500.00	132.29
Do	GENERAL PORTLAND, INC	155.00	6.62
Do	GIFFORD-HILL & COMPANY, INC	120.00	5.29
Do	HIGHER EDUCATION ASSISTANCE FOUNDATION	1,275.00	105.83
Do	HOUSTON ENDOWMENT, INC	4,637.50	264.57
Do	IU INTERNATIONAL MANAGEMENT CORP	327.50	39.69
Do	KAISER CEMENT CORPORATION	120.00	5.29
Do	KELLOGG COMPANY		
Do	KRAUSE MILLING CO	42.50	6.62
Do	MONOLITH PORTLAND CEMENT COMPANY	120.00	5.29
Do	MUSTANG FUEL CORPORATION	5,741.00	529.17
Do	NATIONAL ASSN OF WATER COS	785.00	66.15
Do	NATIONAL CABLE TELEVISION ASSN, INC	1,220.00	92.60
Do	NATIONAL OFFICE MACHINE DEALERS ASSN	1,509.50	79.38
Do	NATIONAL SOFT DRINK ASSN		
Do	NATIONWIDE INSURANCE COMPANIES		
Do	OLYMPIA & YORK DEVELOPMENTS LTD		
Do	OLYMPIA & YORK EQUITY CORP		
Do	PARALYZED VETERANS OF AMERICA	8.50	1.32
Do	PFIZER, INC		
Do	PROTECTIVE CORPORATION		
Do	RECORDING INDUSTRY OF AMERICA, INC		
Do	SOUTHLAND ROYALTY CO	525.00	26.46
Do	SOUTHWESTERN PORTLAND CEMENT COMPANY	120.00	5.29
Do	STUDENT LOAN MARKETING ASSN	1,125.00	92.60
Do	U.S. TELEPHONE COMMUNICATIONS, INC		
Do	UNIVERSAL FOODS , INC		
BARRY WILLIAMS, 417 NEW JERSEY AVE., SE WASHINGTON DC 20003	NATIONAL ASSN OF RAILROAD PASSENGERS	5,220.02	
MARGIE R. WILLIAMS, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	1,630.20	
JOSEPH B. WINKELMANN, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	499.76
WISE & WRENN, INC, 2600 VIRGINIA AVENUE, NW, #408 WASHINGTON DC 20037	JAPANESE AMERICAN CITIZENS LEAGUE		
ERNEST WITTENBERG ASSOCIATES, INC, 1616 H ST., NW WASHINGTON DC 20006	ALTMAN FOUNDATION		
REBECCA WODDER, 1901 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	3,730.75	37.90
S.R. WOJDAK AND ASSOCIATES, INC, 8 PENN CENTER PLAZA, #1000 PHILADELPHIA PA 19103	MEDICAL COLLEGE OF PENNSYLVANIA	1,600.00	958.42
Do	ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	2,000.00	1,185.42
HUGH A. WOOD, 515 S. FLOWER STREET LOS ANGELES CA 92678	ATLANTIC RICHFIELD CO		
WILBUR S. WOOD, 1750 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	NATIONAL RURAL LETTER CARRIERS' ASSN	5,526.00	
DIANE WOODRUFF, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	3,250.00	
LINDA ANZALONE WOOLLEY, 1707 L STREET, NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
ZERO POPULATION GROWTH, INC, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		1,145.00	2,113.00
MICHAEL J. ZIMMER, WICKWIRE, GAVIN & GIBBS 1828 L ST., NW WASHINGTON DC 20036	COGENERATION COALITION, INC		
KENNETH ZINN, 1837 WYOMING AVE., NW WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	1,500.00	
13TH CONGRESSIONAL DISTRICT ACTION COMM, 986 VICAR LANE SAN JOSE CA 95117			24.50
31ST PRO LIFE CONGRESSIONAL DISTRICT ACTION COMM, 8654 BONVIEW TERRACE WILLIAMSVILLE NY 14221			
9TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMMITTEE, 1120 MICHIGAN BOULEVARD DUNEDIN FL 33528		20.00	73.76

SENATE—*Thursday, February 2, 1984*

(Legislative day of Monday, January 30, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Almighty God, Sovereign Lord of all, Thy word declares, *". . . there is no authority except from God, and those that exist have been instituted by God."*—Romans 13: 1.

Grant that Thy servants remember that they are here by divine appointment and accountable to Thee in their work.

Give them Thy wisdom as they wrestle with complex issues—clarity in debate—courage of conviction as they vote. Keep them from compromise which sacrifices principle. Lead them to justice and compassionate decisions. May Thy grace guide their deliberations and Thy blessing crown their efforts.

In the name of Him Who is the light of the world. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, there are special orders this morning in favor of three Senators, which will consume about 45 minutes, and 20 minutes of leadership time. That will get us a little past 11, plus whatever time we use in quorum calls and other permitted activity.

I hope that we may be able to do something on the pending business and the pending question. But Senators will remember that there has been an order entered that the Senate will recess from 12 noon until 2 p.m. in order to accommodate the requirement of Senators to attend functions away from the floor of the Senate within the Capitol or the Capitol area.

Mr. President, I hope we can finish this bill today. I still do not know whether we are going to have a compromise worked out on the Metzenbaum-Bumpers proposals or whether we are going to have a vote up or down or whether we are going to have a tabling motion. I do not wish to sound preemptory, but we are going to have something, and we are going to do it at about 2:30 or thereabouts, because we have to get on with the matter at hand.

As I indicated last night, I think overnight we have been permitted to explore the possibility of compromise. I hope it works out. But if it does not work out, it will be the intention of the leadership on this side to ask for a vote on these measures. If Members are not agreeable to a vote on the merits then it would be the intention of the leadership on this side, if we cannot get an agreement on a time to vote within reasonable boundaries, then to make a tabling motion at some point today.

Mr. President, we also have the other bills that are referred to as ancillary to this bill. We will take them up today or tomorrow depending on what we do with the package itself.

We will not be in on Saturday. We set aside most of next week to finish this sequence. We are a little behind schedule but we can still do it. So I urge Senators to consider that we need to get on with the business at hand.

Mr. President, I ask that I may reserve the balance of my time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

EXPORT ADMINISTRATION ACT

Mr. BYRD. Mr. President, on Monday of this week, the distinguished majority leader raised the prospect that we may deal with the Export Administration Act sometime next week or in the very near future, I believe. We had hoped to take up that legislation at the end of the last session, but there were some Senators who had problems with the bill and the Senate agreed to an extension of existing law on the last day of the session.

At the time we passed that extension, we were under Presidential emergency authority because the old statute had expired. That situation created potential problems for American exporters and gave rise to legal uncertainties. I am pleased that we were able to agree to a temporary extension, and I said so at the time.

But that extension will expire at the end of February and I am concerned that, if we do not act soon on S. 979, we could find ourselves faced with the same problems again today.

I know that the AFL-CIO and many of its affiliate unions, the Emergency Committee for American Trade, many U.S. corporations, as well as other interested groups are urging prompt consideration of this important bill to improve export licensing and controls. Senator GARN and Senator PROXMIRE are most interested, I believe, in fulfilling this responsibility to bring the bill forward. And I believe they are prepared to do so.

The House completed its bill last October. I understand that there are some substantive differences between the House and Senate versions and the conference could be long and difficult.

I know that the majority leader wants to bring this legislation before the Senate. He has made that clear. I would like to ask him if he can elaborate on his earlier statement and give us some definite indication, in view of the approaching time deadline, as to when we might expect the bill to be taken up in the Senate.

Mr. BAKER. Mr. President, I thank the minority leader. I share with him the concern for action on the Export Administration Act, and I agree with him that the Banking Committee, Senators GARN and PROXMIRE, have indicated their readiness to go forward with this matter at this time.

The minority leader will recall that we tried to get that up yesterday in order to take up some of the slack in time that we were not using in trying to address the crime package, but we were not able to do that then. I am going to continue to try to do that because we do need to get it up and any slack period I find I may, after first consulting with the minority leader, attempt to get that up again.

But, in any event, it is the intention of the leadership on this side to try to have the Export Administration Act up and acted on before the end of next week. So the minority leader and other Senators can be assured that I am aware of the urgency of the situation and that I share his concern and that we will persist in the effort to get it up.

I might also say that there are some problems still on the matter that concern some Senators, and I have arranged a meeting in my office today to try to iron those things out. But in

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

any event, we are going to take it up, if the Senate will permit the leadership to do so, and to do that before the end of next week.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his very positive statement and I feel reassured by it. I am confident that those on the outside, some of which groups I have alluded to, will also be grateful. As far as I am concerned, the majority leader will have all the cooperation that I can give him in helping him to bring this matter up.

Mr. BAKER. Mr. President, I thank the minority leader.

ORDER OF PROCEDURE

Mr. BYRD. I yield the remainder of my time to the majority leader.

Mr. BAKER. Mr. President, I have no immediate need for additional time and I thank the minority leader most generously for his action.

Mr. President, could I require of the minority leader if he has any further need for his time?

Mr. BYRD. Mr. President, I do not have any further need.

Mr. BAKER. I thank the minority leader.

Mr. President, I yield back the time remaining.

Mr. President, the first special order is in favor of the Senator from Texas (Mr. BENTSEN). I do not see Senator BENTSEN in the Chamber at this moment.

Mr. BYRD. Mr. President, would the majority leader ask unanimous consent that the time allocated to Senator BENTSEN be transferred to the control of Senator KENNEDY, and that Senators wishing to utilize that time may be recognized in whatever order they may wish?

Mr. BAKER. Mr. President, I would be happy to. Do I understand that all three orders are to be transferred to Senator KENNEDY?

Mr. BYRD. Just the time allocated to Senator BENTSEN.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the time allocated to Senator BENTSEN be transferred to the control of Senator KENNEDY.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I also ask unanimous consent that Senators who have special orders may be recognized in any order convenient to them.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum without the time being charged to the three Senators having special orders.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wish to express my appreciation and that of my colleagues for the arrangements that have been made by the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, I suggest the absence of a quorum under the condition previously stated.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR BUMPERS

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

THE PRESENCE OF AMERICAN MARINES IN LEBANON

Mr. BUMPERS. Mr. President, I rise this morning to make a few comments about the presence of American marines in Lebanon and what that portends for the Middle East and our foreign policy, and whether or not this is wise and what kind of price we are likely to pay for the benefits received.

First, Mr. President, I wish to exculpate myself from the decision to send marines there in the first place. I am reading from the CONGRESSIONAL RECORD of September 21, 1982, and I am quoting a speech I made on the floor of the Senate that day when I said:

> Mr. President, I just want to go on record this morning as expressing my sincere and deep concern about the President's commitment, or apparent commitment, to send American troops back into Beirut.
>
> When the decision was made to send troops to Beirut the first time—

Incidentally, that was just a month before, on August 25—

> there were several of us who met with Secretary of State Shultz, who told us that the President had decided to send 800 marines into Beirut along with French and Italian forces. I was the only person there who expressed some reservation about it at that time. I did not object strenuously, though I thought it was a mistake.

Today, I think it is a grave mistake.

Mr. President, I am not going to belabor the record with the rest of the speech that was already in the CONGRESSIONAL RECORD on September 21, 1982, well over a year ago, but will state that my position has not changed and, so far as I am concerned, my position has been fully vindicated. The United States is not preceived by anybody in the Middle East to be a peacekeeper. We are not ferreting out terrorists, we are not actually engaged in any kind of fighting on the side of the Lebanese forces of Amin Gemayel.

What is the definition of a peacekeeper? It is one who keeps the peace. And what are the American marines doing there? Guarding a civilian airport. Are they standing tall as the President said in his state of the Union address? Is America standing tall? Well, the marines in Beirut are being asked to carry out a function that violates ever single precept of the U.S. Marines.

I do not mind boasting that I was a marine for 3 years I know what the Marines teach. I know what they believe. To ask them to guard a civilian airport in carrying out not a military mission but a diplomatic mission, to ask them to do that from 15 feet underground violates, in the most flagrant way, every tradition of the U.S. Marine Corps.

So, Mr. President, the debate in this country is ongoing and it is reaching a crescendo. The President cannot much longer avoid grave responsibility for a misguided foreign policy.

There are those who say the Democrats make much of this and that the Democrats would beat the President over the head this fall in the elections if we "cut and run." Here is one Senator who will happily stand on the steps of the Senate wing of the Capitol and praise the President to high heaven if he makes a very courageous and statesmanlike decision to withdraw the American marines from Lebanon.

Yesterday, the President of Lebanon, Amin Gemayel, said that if the American marines withdraw, the Soviets will take over all of Lebanon. No. 1, I do not believe that; second, I find that threat offensive. How many times did we hear that from 1963 until 1975?

Well, the Communists did take over in Vietnam and the Chinese, who financed a large share of the war for Vietnam, are now the mortal enemy of Vietnam and vice versa.

So were we a big loser? We were a terrible loser and this country now suffers from that war and will continue for the next several decades to suffer from that war. But not because we lost the war and not because the Communists took it over. We shall suffer because we should never have been there in the first place. It was a misguided foreign policy and everybody recognizes it in hindsight.

So, why in the name of all that is good and holy, do we never seem to learn from our experiences and from history?

Tell Walid Jumblatt, the leader of the Druze, that the United States is trying to help that area resolve its difficulties in a very fair and equitable manner between the Christians and the Moslems, and he will laugh you out of town.

Last week, the Washington Post reported that there are "no negotiations going on at this time."

And it was not 2 weeks before that an agreement had been reached, so we were told, to resolve that conflict. And no more had that been uttered by the President of the United States and carried by the media until Walid Jumblatt said, "You must be out of your mind. We are not about to accept this agreement." And so the war proceeds apace, and this morning Walid Jumblatt says he sees absolutely no possibility of reconciling irreconcilable differences between the Druze and the Maronite Christians.

Does that sound like a Communist war? A war between democracy and communism? It is not. It is a religious war, pure and simple. You cannot separate the players in Lebanon without a score card. You have the Syrians, you have the PLO, you have the anti-PLO, you have the Druze, you have the Maronites, you have the Israelis and the Americans and the French and the British and the Italians.

So what are we accomplishing? So far we have lost 260 men and the Commandant of the Marine Corps, Gen. Paul Kelley has said privately and publicly and before Senate committees that if this Government continues to insist that the Marine Corps carry out the mission as it is presently designed, then, please prepare to receive more pine boxes in Dover, Del.

Now, when the Commandant of the Marine Corps is telling you that he does not like the mission, that it is an impossible mission, and that more and more of the cream of the crop of the U.S. Marine Corps are going to die, for no discernible purpose, how do you justify the policy?

You talk about Mideast oil. Mideast oil is almost 1,000 miles away from the area.

We debated the War Powers Resolution last year. I really found the President's action almost contemptible, and I do not take issue with the President lightly. When I was Governor, I felt that everybody in the legislature felt he ought to be in my seat, and sometimes I rather resented it. I recognize the awesome responsibilities of the President and he does need our help, he needs our cooperation, and he ought to get it in a bipartisan way when he is right. But I note that there are a lot of people in this body, both of the President's party and the opposition party, who are increasingly taking issue with our policy in Lebanon because they cannot see any light at the end of the tunnel. But the President, in what I will not call contemptible but I thought was a violation of the law, sent American marines to Beirut and then refused to trigger the War Powers Act which had been passed in 1973 over Presidential veto, passed overwhelmingly over a Presidential veto, in fact. And many constitutional scholars in the United States said this was a constitutional act on the part of the Congress. It was nothing more or less than to say we are not going to fight any more undeclared wars like Vietnam.

But the President refused to abide by that law. And as things began to get hotter and hotter, finally we went to one of these study commissions and everybody goes to the White House and works out this deal, and they came back and they say, "Well, Congress can trigger the War Powers Act."

Indeed, Senator Javits, the great towering intellectual who served in this body for so many years with distinction, said during that debate that Congress could trigger the War Powers Act if the President refused to. That was legislative history. And so they finally agreed to send a resolution to the Congress which said the President may leave the marines there for 18 months, but that was not all the resolution said. It said he can leave them there for 18 months or until there is a stable government in Lebanon and until all foreign forces have been withdrawn.

When you look at those provisions, you realize that we threw the ball right into Syria's court, because if Syria decides not ever to withdraw, we have no choice but to either push them out or stay as long as they do. When you put two virtually impossible chores into a war powers resolution, both of which put our future into the hands of other people, that is just plain dumb.

Well, I can tell you, and I say happily and with some exhilaration, that I voted against that war powers resolution. The Senator from Georgia, Senator NUNN, made the point, I think more cogently than anybody, that either you had to take out the 18 months or you had to take out the two conditions under which we would withdraw. Otherwise the resolution was fatally flawed, because if you are going to stay until all foreign forces are gone and Lebanon has a stable government, it should be for 18 years, not 18 months, because neither of those things are likely to happen in 18 months.

The point has also been made, and I think it is true in most cases, that Congress ought not to dictate the conduct of war, once you are in a war. If Abraham Lincoln had not been a very strong President and removed General McClellan because he would not fight, we would probably be meeting in Richmond today instead of in Washington. But the President was a strong President; he removed the General, and he conducted that war oftentimes over the objection of Congress, and that is fine because he is the Commander in Chief under the Constitution.

But in this case we are not waging a war. We are in a war zone. We are in a war zone where we are losing men just as certainly as if we were engaging in hostilities against any country, and we are going to continue to lose men.

Well, I thought we made a grave mistake in passing that war powers resolution, and I am very happy to say that a number of people here who voted for that war powers resolution now say they are wrong and they want to have another crack at it.

Mr. President, I keep repeating on the floor of the Senate that old adage about those who do not understand history are doomed to repeat it. That is what we are doing. When will Lebanon be stable? The Maronite Christians are a minority in Lebanon. The Constitution of Lebanon says that the Christians are the majority and therefore shall dominate Parliament. At the time the Constitution was agreed to, they were in fact a majority, but they are not now; the Moslems are in the majority. Unless Gemayel is willing to share power and give up some power, the Moslems are not going to negotiate and Lebanon is never going to be stable. Therefore, we are going to stay 18 months and leave then with nothing being accomplished except the deaths of more marines.

Well, let me close by issuing a personal plea and a promise to the President. No. 1, please at the earliest possible time go to the United Nations and ask them to send a U.N. peacekeeping force in there to replace us. And short of that, remove American marines from Lebanon just as expeditiously as possible.

I was criticized one day because I said people ought not to vote on where American troops are going to die for our national security unless they stop and ponder especially, if they have sons, are they willing for their sons to die in that situation and for that cause? That is putting it on a very personal level, but Senator BIDEN, from Delaware, said he ran for the Senate because he was tired of the old men of this Senate deciding where young men like him were going to die.

Our Lebanon policy is a wrongheaded policy. History says that it is doomed to failure. Experience of every kind says it is doomed to failure. So why not cut our losses now, save lives, change our policy? I promise you that nothing much is going to change in Lebanon.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR LEAHY

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Vermont is recognized for not to exceed 15 minutes.

THE PRESENCE OF AMERICAN MARINES IN LEBANON

Mr. LEAHY. Mr. President, the distinguished Senator from Arkansas has spoken clearly, cogently, and with some passion on this issue.

I think it is good that we are hearing it debated, because I recall the situation last fall. Last fall, we were told that we were finally going to have a classic example of why the war Powers Act was passed after Vietnam.

I recall well when I came to the U.S. Senate nearly 10 years ago. It was in January 1975; the Vietnam war was winding down. In April of that year, we voted in the Armed Services Committee, by a one-vote margin, to cut off further authorizations for the war in Vietnam. That effectively ended it. Within 6 months after that time, the last Americans were home.

Of course, events took place in Vietnam that probably, in all likelihood, would have taken place even had we not spent 55,000 American lives and hundreds of thousands of Vietnamese lives and enormous fortunes and a great deal of our political capital. Events occurred that would have occurred anyway.

However, the interesting thing is that, in the Congress of the United States, it became harder and harder to find anybody who had ever voted for money for Vietnam.

You have to wonder how that war kept going. Congress passed the War Powers Act to make sure this would never happen again, and finally Congress would have a handle so that it could stand up, do its sworn duty, be statesmanlike, show foresight, and stop anything like this from happening again. We did not get ourselves into major international conflicts or entanglements from the time of the War Powers Act to now, so Congress never had to speak up. If anybody ever asked how we got into Vietnam, a Member of Congress could say, "We have the War Powers Act. That sort of thing is never going to happen again."

So what happened the very first time we have a chance to test the War Power Act? Both bodies of Congress cut and ran, cut and ran.

We passed a resolution, carefully crafted, not to bring peace in Lebanon, not to bring our American Marines home, not to protect the safety of the American boys who are over there dying, not to preserve the honor and integrity of the United States, not to maintain our status as a superpower, but to do only one thing: to make sure this question got beyond us and will not come up again until after both the congressional and Presidential elections of this year.

Profile in courage, Mr. President? It is a profile in timidity. Both Democrats and Republicans were willing to put this issue beyond them, so that they would not have to face it, so that they would not have to actually stand up and be counted. Let the events go on, let the marines die, let our honor be besmirched, let the situation in Lebanon continue to be as bad as always. But at least we will not have to face up to it until after the election.

Unless, of course, we go home on a couple of weeks' recess and find the people are saying, "Maybe you should do something about it." We will be statesmen and say, "We should do something about it."

What will we do? Some of us will have the best of all possible worlds for a politician: We can say: "Yes, the Marines ought to get out. But unfortunately, some Members of Congress, put the decision off beyond next year's elections. But maybe we ought to do something about it."

Is that not the same kind of thing that got us and kept us in Vietnam? Is that not the same kind of thing that makes a mockery of the War Powers Act?

If we want to repeal the War Powers Act, we should bring it up and repeal it. At least, it would be honest. The American people would know what we have done. We would have said, Congress gives this responsibility for peace or war entirely over to the executive branch of Government. Congress, the elected representatives of the people, will have no part in foreign policy whatsoever. But at least we will be honest about it.

Then we can go on and debate ad infinitum whose pork barrel project will take precedence this week; how we will roll back our salaries by a couple of thousand dollars or whatever the amount was; whether we will refurbish our offices or not—all those "major" things. But we sure will not get into foreign policy, where the honor of our country is committed, and where our soldiers and marines may die.

Mr. President, tragically, this week the 259th young American died in the Lebanon conflict. The administration gives us no reason to hope that the grim toll will end.

The worst thing about it is when we sit here and try to explain why we did not have the courage to stand up and exercise the War Powers Act. As we try to do that, more Americans will surely die.

It was a terrible mistake to have intervened militarily in the age-old Lebanese religious and factional struggle. One need not be an expert on the Middle East to know the Lebanese civil war is a bottomless morass. It was gross arrogance by the administration to think a token force of marines could affect the course of that struggle simply by landing and running up the Stars and Stripes.

The marines were put in a position where they were sitting ducks; the sentries on duty were not even allowed to have bullets in their weapons. Can you imagine the reaction had a previous President sent marines in with no clear purpose, put them in a barrack where they were a perfect target for one of the classic terrorist mechanisms in Lebanon, the truck bomb, told the sentries they would have to have unarmed weapons, that they would not have the proper security around it? If a previous President had done that, can you not imagine the cries of the weakness of this country?

But now we say no, we will just stay the course, it is a new beginning. Somehow we will bring peace.

When the marines were sent back to Lebanon after covering the PLO evacuation in late 1982, their mission was supposed to be short and carefully limited.

They were to help keep the peace. And do you know what else they were supposed to do? Project a calming presence among the factions fighting for power. A calming presence—is this an ad for some kind of an over-the-counter tranquilizer, or is this a discussion of foreign policy? In either case it makes no sense.

But, as the administration became more committed to the minority Christian government of Amin Gemayel, the role of the marine contingent has drastically changed. Supported by naval gunfire and aircraft, it has given direct military support to the forces of the Gemayel government against other factions. The marines have become a participant in the civil war, and what is worse, on the side of a minority which cannot defeat its opponents, or to negotiate a peaceful settlement.

The administration says that its objectives in Lebanon now are the restoration of the sovereignty of the Gemayel government over the entire territory of Lebanon, and the withdrawal of all foreign forces.

You only have to read the newspapers to know how little success the Gemayel government is having in its talks with the other factions.

President Gemayel was reported in the press as predicting chaos in Lebanon if the marines withdraw, and an expansion of Soviet and Syrian power. Those are the words of a man who knows how dependent he is for survival on the military support of the United States and who wants to scare us into staying.

I was about 20 years younger, Mr. President, when I heard similar statements coming out of Southeast Asia.

I have no doubt that one reason is because the minority Christian group led by President Gemayel does not want to give up any of its privileged political position under the Lebanese constitution to the Moslem and Druze communities.

Why is the Gemayel government following a hard line in the talks? I think

it is because it believes it has the military, diplomatic, and political backing of the United States. As long as the Gemayel government believes the United States will protect it, why should it make major concessions to promote national reconciliation?

The second objective, withdrawal of foreign forces, means, in plain English, withdrawal of the Syrian forces. Israel has already made clear it will not pull out completely until Syria does. Syria says it will not withdraw until the May 17 agreement between Israel and the Gemayel government is scrapped and a new withdrawal agreement negotiated which treats Syria differently than Israel. So, the administration's real objective is forcing the withdrawal of Syria.

Mr. President, on the one hand, 1,800 beleaguered marines are far too few to compel Syria to withdraw. On the other hand, it is out of the question to put in enough American military power to push Syria out. The administration knows the American people will not support U.S. involvement in a Middle East war. This is an unfair position in which to place our men, and it is making this country look weak, confused and uncertain, the exact posture a superpower can never allow itself to get into.

Does any one of us want to see the United States look that way?

Our only effective means for getting Syria to leave is through prolonged diplomacy and pressure on the factions to negotiate a national reconciliation in Lebanon that reduces their need for Syrian support.

So, as I have done repeatedly on the floor of the Senate, I ask the President the central question: What purpose are the marines serving in Lebanon? The unavoidable conclusion I come to is that they are a target, doing little more than defend themselves against the constant attacks of one or another of the parties in the Lebanese civil war.

Is this really a posture into which we want to put the bravest and best fighting men this country has? Is that really fair to them or to their families? I think not.

Mr. President, before concluding, I want to touch on another argument we are now hearing from the administration and its supporters for not withdrawing. The claim is that "cutting and running," as they call it, would seriously damage American prestige and credibility around the world.

It has not said about how much prestige and credibility is being damaged by staying. Again, it is an argument that calls to mind the arguments and memories of Vietnam.

This is the most infuriating argument of all. Having made a gross blunder by committing American forces in the first place, the administration now tries to justify hanging on by saying it is a test of American credibility. They even dredge up the time-tested excuse to cover foreign policy mistakes, an excuse made by both Democratic and Republican administrations in the past. If we do not stay in spite of every commonsense argument, the Nation's real interests and the wishes of the American people, the Russians will, of course, come in.

Mr. President, it is time to start getting our men out of a no-win, sure-lose situation. I urge President Reagan to listen and act before the casualty list gets longer.

Mr. President, I yield whatever time I have remaining to the Senator from Massachusetts who I understand has time on his own right.

Mr. KENNEDY. I thank the Senator from Vermont.

RECOGNITION OF SENATOR KENNEDY

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15½ minutes.

Mr. KENNEDY. Thank you very much.

LEBANON

Mr. KENNEDY. Mr. President, yesterday, certain Members of the House of Representatives called on President Reagan to begin a prompt and orderly withdrawal of the Marines from Beirut. In reply, the President said, "I'm not going to pay any attention to it."

Yesterday, certain Members of the House of Representatives expressed concern about the increased dangers to U.S. forces in Lebanon. In reply, the White House accused the Democrats of playing politics with a critical foreign policy issue.

Today, I urge Congress to send a message to the President. "We will not be ignored, and we will no longer be partners in your folly in Lebanon. Mr. Reagan, if you will not bring back the Marines, we will." Let us look at the facts.

First, the multinational force is under frequent attack. The casualties continue to mount. The October attack on our Marines was a terrorist Pearl Harbor. And this past Monday, the 263d serviceman gave up his life. In retaliation, we kill civilians.

Second, U.S. forces in Beirut are no longer perceived as peacekeepers but as participants in Lebanon's violent factional conflict.

Third, the Marines are no longer a presence: They are now only a target. They spend their time trying to keep alive rather than trying to keep the peace. They perform no military function today.

As a matter of fact, in the Armed Services Committee yesterday with Secretary Weinberger and General Vessey, General Vessey was asked particularly about what is the combat role of the U.S. Marines, and he said: "Virtually, there is none. Their presence is only psychological."

I daresay that the civilians who are involved in our mission over in Lebanon are a good deal safer than the U.S. Marines.

Fourth, since the Marines went into Lebanon in September 1982, the situation has changed—in the words of the Long Commission—"To the extent that not one of the conditions upon which the mission statement was premised is still valid." There is no way today that the United States can keep the peace in Lebanon with 1,600 Marines.

For those who really wonder about the role of the U.S. Marines in Lebanon, I urge them to read what I consider to be an outstanding report, the McNichols report of the House of Representatives. It reviews the history and documents and supports the statement that I have just read that is part of the Long Commission.

Fifth, our military role has expanded. Last September, we bombarded the mountains overlooking Beirut. This was to support the Lebanese Army. Last December we sent in fighter bombers and more naval gunfire to retaliate against the Syrians for shooting down a U.S. reconnaissance plane. As the Long Commission reported, our decisions in Lebanon have emphasized military options and the expansion of the U.S. military role despite the fact that the security of our forces has deteriorated and progress toward a diplomatic solution has slowed.

And finally, the September ceasefire has collapsed and negotiations are at an impasse. We have no reason to think that a peaceful settlement of the civil war in Lebanon is possible either next month or next year.

The administration cannot present a persuasive rationale for keeping the Marines in Beirut. We are never told why the Marines are in Beirut: Instead we are always told why they cannot leave.

Current law permits the President to continue U.S. military involvement in Lebanon without further permission from Congress until Apirl 1985. That blank check undermines the historic purpose of the War Powers Act. It violates the spirit of our constitutional and statutory responsibilities on the most important issue ever to face a Congress—the question of war and peace.

The War Powers Resolution states that its purpose is to fulfill the intent of the framers of the Constitution * * * and insure that the collective judgment of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities or into situations where im-

minent involvement in hostilities is clearly indicated by circumstances.

By its vote last September, however, the Congress excused itself from further participation in policy on Lebanon. We told the President, "Take the *New Jersey* and take 1,600 Marines and do what you want in Lebanon. Do not call us until after the 1984 election."

That was a mistake, and I urge Congress to change course.

Last November, I joined with Senators EAGLETON, DIXON, and PELL to introduce a resolution that would shorten the authorization period for our military presence. This resolution would restore Congress to its proper role. We believe that Congress should insist on frequent, periodic review of our policy in Lebanon. Our Marines are in hostilities, and Congress should participate in the decision on whether the Marines should stay or whether they should return. This resolution remains the pending business of the Senate Foreign Relations Committee.

I will support any effort in Congress that promises to bring back the U.S. Marines from Lebanon. That mission is not worth the life of one more American serviceman.

My fellow critics of the President's policy fear that they will be accused of losing Lebanon. I think we should stop talking about nations as if they were trophies to be won or lost as if in a football game or a tennis tournment. Lebanon was never ours to win, and it is not ours to lose. Lebanon belongs to the Lebanese, and the destiny of Lebanon must be determined by the Lebanese. Lebanon must make peace with itself, and only then will it be possible to think of a lasting peace in the region.

I urge you to read the testimony of former Secretary of Defense James Schlesinger before the Senate Foreign Relations Committee. Secretary Schlesinger stated:

> A continuation of the existing cat and mouse game might well enhance Syrian prestige even more than an American withdrawal—and increase Syrian influence over the moderate Arab States. A continuation of the present stalemate, subsequent to the Israeli withdrawal, may increasingly make the United States a lightning rod for Arab nationalism, displacing the Israelis in this role. Finally, the continuing turbulence in Lebanon both contributes substantially to the Shiite awakening outside of Iran and helps to focus Shiite resentment against the United States.

American forces must be withdrawn from Beirut and they must be withdrawn immediately. This does not represent a retreat from our basic objectives in the Middle East. Our naval presence provides ample military might to preserve our real interests in the region. Vigorous American diplomacy combined with a strong economic and military assistance program will demonstrate our continued commitment. Removal of our ground forces is a simple recognition that those forces no longer have a purpose there. And as the last marine departs, I would advise our adversaries to shift their gaze offshore to the Mediterranean where the battleship *New Jersey* still floats.

I congratulate the Members of the House of Representatives—particularly Speaker O'NEILL, Chairman FASCELL, and Representative HAMILTON—for the action they took yesterday. I urge my colleagues in the Senate to do likewise. There is no more time to spare.

Mr. President, I reserve the balance of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHIAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator's time is yielded back.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time now remaining before the hour of 11:30 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2241—BILL TO CLARIFY THE OBLIGATIONS OF BROADCASTERS TO LEGALLY QUALIFIED CANDIDATES FOR PUBLIC OFFICE, FEBRUARY 2, 1984

Mr. THURMOND. Mr. President, I am pleased to join with my distinguished colleague from Alabama, Senator DENTON, and others, in introducing legislation to clarify the obligations of broadcasters under the Communications Act of 1934 with respect to candidates for public office.

This measure, referred to as the "Broadcasters' Protection Act," would close a dangerous loophole which exists in the present law. As we are all aware, legally qualified candidates for public office have very broad discretion in regard to the form and content of campaign statements. Under present law, such a candidate may include in his or her campaign broadcasts an unlimited array of subjects.

Mr. President, the lack of limitations on broadcast content has heretofore not been a source of any significant problems. However, the recent case involving a publisher of a pornographic magazine demonstrates the need for this legislative action. No one ever intended or anticipated that political campaigns would be a vehicle for bringing into our homes the kind of pornographic trash which this "candidate" promised to broadcast.

Under existing law, a broadcaster carrying campaign material for a legally qualified candidate must provide equal opportunity, with no right of censorship, to other qualified candidates. Consequently, such a broadcaster must choose between violating the "equal access" provision, or violating Federal laws and regulations designed to control obscenity.

Mr. President, the Broadcasters' Protection Act will clarify a broadcaster's responsibility by permitting a broadcaster to refuse to air material which is reasonably believed to be in violation of Federal criminal law. The bill also provides for immediate review in the district court by either the broadcaster or the candidate.

Mr. President, I strongly endorse the principles of this bill, and I would urge my colleagues in the Senate to give it their support.

FOR THE PAST 15 YEARS THE UNITED STATES HAS FOLLOWED A NUCLEAR "BUILD DOWN"—RESULT: BUILD UP

Mr. PROXMIRE. Mr. President, immediately following the ABC showing of the television movie on nuclear war, "The Day After," Secretary of State George Schultz said on the same television network, that our country had been following a policy of reducing our nuclear weapons for the past 15 years or more. Schultz argued that the country—including the 3 years of the Reagan administration—has not been building up its nuclear arsenal. On the contrary in the Schultz view the country has been pursuing a policy of unilateral peace through arms control more far reaching than the proposed nuclear freeze. It has actually reduced the number of nuclear weapons. A couple of days later Secretary of Defense Weinberger backed up Schultz with the assertion that the number of U.S. nuclear arms have declined since the 1960's by 25 percent. On December 27, Walter Pincus reported all this in the Washington Post. He then pointed out that the Schultz and Weinberger reports are true. But they overlook the most significant fact: That today's nuclear weapons stockpile though smaller and with less explosive yield could wreak far greater damage on the Soviet Union. How can this be? How can a smaller arsenal carry more destruction to the Soviet Union than a larger one? And especially how can an arsenal with less power deliver "vastly more damage" in Pincus' words, to the Soviet Union than the more powerful nuclear arsenal of the 1960's? The

answer as Pincus points out is that many of the nuclear bombs of the 1960's would not have made it to their targets. Today our nuclear arsenal can be counted on to get through and dish out their death and destruction for sure. As Pincus says—they are "unstoppable." It is instructive to put the recently proposed "build down" program championed by three of our Senate colleagues and supported by the President in this context. "Build down" was hailed by the administration and its supporters as a novel approach to arms control that would more surely bring the arms race under control than the nuclear freeze. Why? Because build down would not simply stop future testing, production, and deployment as the freeze would, it would provide that any changes we make in our nuclear arsenal would reduce the size of that arsenal. "Build down" would provide further a more stable arsenal. In introducing less stable multiwarhead missiles such as the MX into the nuclear arsenal, there would be a reduction of three weapons for every one introduced. On others that provided more stability, the trade-off would be the retirement of two missiles for each new one. For the most stable new weapons, that is the single warhead missiles such as the new so-called midgetman, there would be an even one-for-one trade-off. How would this new "build down" policy differ from what we have been doing with our nuclear arsenal since 1967? In that year the Nuclear Weapons Data Book tells us the U.S. nuclear weapons stockpile contained 32,000 bombs, missile warheads, and shells. Today, 15 years later, there are 25,000 weapons in the stockpile. But the "build down" has been even sharper. In the early sixties the explosive yield of U.S. nuclear weapons was roughly 44,000 megatons. Today, it is 8,000 to 11,000. What has been going on here? Has the military that controls these nuclear arsenals followed a policy of quiet, unilateral disarmament? Do we have a cote of doves over in the Pentagon that has been deliberately reducing our nuclear military power administration after administration—including the Reagan administration? Of course not. In fact, precisely the opposite. Our military leaders have been doing exactly what the advocates of the so-called build down call on us to introduce as our "new" nuclear arms policy. They have been "modernizing" our nuclear arsenal. They have knocked out the "monster" bombs many of which could not make it to the target anyway. They have vastly improved the delivery system that will carry the nuclear bombs to their target through hundreds of tests. They are now assured that they have far greater accuracy, greater reliability, and the firm assurance that they can certainly take out more Russian cities and prime military targets than ever before. Some "build down." In fact, they have built up not "build down" the real, ultimate power of our nuclear arsenal. And this, of course, is what any nuclear policy supported and executed by the military is bound to do. What military officer would ever follow a policy of deliberately diminishing his effective military capability? Those military officers who have pushed for more and more weapons of all kinds support "build down." Why? Because for more than 15 years they have pursued this policy and succeeded in building an ever more deadly and devastating nuclear capability. If the two nuclear superpowers either unilaterally or by negotiations continue to pursue this policy, it will mean the arms race will go on. The nuclear weapons will grow more devastating on both sides. And the technology of nuclear destruction will race ahead out of control as we march like lemmings to the sea of our destruction.

Mr. President, I ask unanimous consent that the article to which I have referred by Walter Pincus from the December 27, 1983, Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TODAY'S U.S. NUCLEAR ARMS STOCKS SMALLER BUT MORE EFFICIENT

CLAIMS OF REDUCTION ARE BASED ON RETIRING OUTMODED BOMBS

Top Reagan administration officials are pointing to reductions since the 1960s in the number and explosive power of the American nuclear stockpile in an effort to calm today's fears that the arms race is getting out of hand.

For example, after the showing of the television movie "The Day After," Secretary of State George P. Shultz said, "We work to reduce the number of these weapons" and "if you go back to the 1960s and compare the amount of destructive capability of our nuclear arsenal now as compared with then . . . it's about 70 percent less."

Two days later, Defense Secretary Caspar W. Weinberger told reporters that the stockpile numbers had declined by 25 percent from the 1960s.

What these officials have ignored, however, is that those 1960s reductions were based on a secret stockpile filled with thousands of nuclear bombs that by today's standards would be considered far too big for efficient military use.

And what they also neglect to mention is that today's stockpile, although smaller in both number and explosive yield, is made up primarily of missile warheads, which could cause vastly more damage to the Soviet Union. Although there were many more bombs two decades ago, not as many were expected to make it to their targets. In contrast, today's missiles are considered unstoppable.

In addition, one bomb with enormous megatonnage, such as the 1960s B41, can be used to destroy only one major city, while one missile with several warheads can hit more than one target. For example, today's planned MX intercontinental ballistic missile, with less than one-sixth the total megatonnage of a B41 bomb, can destroy up to five times as many target areas with its 10 individually aimed warheads.

The official numbers are classified, but sources estimate that in the early 1960s the U.S. nuclear stockpile explosive yield was roughly 4,000 megatons. According to the recently published Nuclear Weapons Databook, in 1967 the stockpile contained 32,000 bombs, missile warheads, mines and shells.

Today there are roughly 25,000 weapons in the stockpile with a total yield of about 2,000 megatons.

In the 1950s and early 1960s, many U.S. strategic bombers carried the B41 bomb, which at over 20 megatons would produce the equivalent destructive power of 400 Hiroshima bombs, according to knowledgeable officials.

The giant size of the U.S. weapon was classified, and the public was led to believe that the Pentagon did not have an interest in an explosive of giant size.

In October, 1961, when the Soviets exploded large nuclear devices first at 25 megatons and later at 50 megatons, the Pentagon declared that weapons of that size "would be a mass killer of people." The statement added that the United States "considered this matter carefully several years ago and concluded that such weapons would not provide an essential capability."

In fact, however, at that time the Air Force was beginning to take its giant, 20-megaton bomb out of service and replace it with smaller ones that could hit more targets.

The B41 was an example of "overkill," as one scientist who worked on it said recently, and "the weapon that represented the massive retaliation policy of that time."

NEWS ANALYSIS

Massive retaliation, the Eisenhower administration policy of the 1950s that threatened complete destruction of the Soviet homeland if it attacked western Europe, brought on enormous expansion in the American nuclear stockpile and with it a bitter, long-running interservice battle over who would control nuclear weapons and how many of each type would be built.

However, beginning in 1961, with the advent of the Kennedy administration, the Air Force began to phase hundreds of their giant B41s out of service and replace them with smaller, 5- and 1-megaton bombs and intercontinental ballistic missiles whose warheads also delivered a far smaller nuclear explosion, one former general said.

The numbers of nuclear warheads and bombs began to go up in the early 1960s, as the total destructive power in megatonnage sharply dropped.

Though the total megatonnage of the American nuclear stockpile decreased as the monster weapons were retired, the newer weapons carried a far greater destructive threat to the Soviet Union because they could be delivered to, and thus destroy, many more cities and military target areas.

At a Senate Armed Services subcommittee hearing earlier this year Dr. Richard L. Wagner, assistant to the secretary of defense for atomic energy, described two charts, one of which showed what he called a "striking reduction" in "total megatonnage of U.S. nuclear weapons stockpile" from a 1959 high to its 1980 level.

Wagner accurately told the senators that the reductions developed because "during the early '60s we had a large number of bomber-carried weapons and we modernized the forces in the late '60s and '70s."

"We reduced the bomber component and increased the missile component," he said."

Those reductions of 20 years ago were not made as part of arms control negotiations. According to former officers and material in an article in the spring, 1983, issue of the Harvard-published International Affairs, the cuts had to do with Pentagon interservice rivalry and the realization of the potential damage the monster bombs could cause outside the target area.

During the 1950s and 1960s, according to the article, a secret debate went on inside the Pentagon over Stratetic Air Command plans for attacking the Soviet Union. Navy admirals and an adviser to President Eisenhower criticized as excessive the number of nuclear weapons SAC said it needed and planned to use on Soviet targets, according to documents obtained by the author of the article, Prof. David Alan Rosenberg of the University of Houston.

By 1960 the Navy, which was pushing forward with its Polaris nuclear missile-firing submarine, was in revolt against SAC's extensive control over retaliation strategy.

In a 1961 message to his superiors, Adm. Harry Felt, then commander of the Pacific Fleet, wrote that if the strategic nuclear attack plans of the Air Force, which he had just reviewed, were carried out his organization would have to be "more concerned about residual radiation damage resulting from our own weapons than from those of the enemy."

Another recently declassified Navy internal memorandum from that time estimates that carrying out SAC's alert provisions "and assuming only one weapon delivered to each [designated target], the fallout already exceeds JCS [Joint Chiefs of Staff] limits for points such as Helsinki, Berlin, Budapest, northern Japan and Seoul."

Eisenhower began to voice his concern that the building of nuclear weapons by the military had gotten out of hand.

In January, 1959, according to White House notes, Eisenhower was critical of military requests for nuclear weapons when he had to approve a new plutonium reactor at Hanford, Wash., according to the article.

"They [the military] are trying to get themselves into an incredible position of having enough to destroy every conceivable target all over the world, plus a three-fold reserve," he was quoted as saying.

In November, 1960, Eisenhower ordered his science advisor, George B. Kistiakowsky, who had worked on building the first atomic bomb, to go to SAC headquarters in Omaha and review the nation's nuclear strike plan.

Kistiakowsky reported, according to notes, that "damage criteria and the directives to the planners are such as to lead to unnecessary and undesirable overkill."

One immediate outcome, sources said, was the decision to retire the monster B41 bomb.

IN MEMORY OF MARTIN LUTHER KING: THE SENATE MUST MOVE TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last month the Nation celebrated the birthday of one of our Nation's greatest patriots and humanitarians, the Reverend Martin Luther King, Jr., Congress has voted to honor this day as a national holiday, demonstrating the high esteem in which Americans hold Dr. King and the principles that he lived and died for. King's legacy, while specific to the plight of black Americans, retains a global resonance, giving substance and meaning to Abraham Lincoln's ringing description of the United States as "a Nation conceived in liberty and dedicated to the proposition that all men are created equal."

King demonstrated his potential at an early age. At 15, he was a top-randed college student. Three years later, he was ordained a minister and elected assistant pastor of the Ebenezer Baptist Church. During this period he was devoted to reading and study, formulating his vision of a just and egalitarian Nation that would carry him to international reknown.

America is proud of Martin Luther King. Why? Because he represented, through word and deed, the ideals upon which this Nation was founded and because his influence was critical in the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act, two landmark pieces of legislation affirming the rights of black Americans. We can be proud because, in the eyes of the whole world, King was deemed worthy of one of the highest accolades offered by the international community, the Nobel Peace Prize.

Yet a cloud hangs over this global tribute to Martin Luther King. Our Nation, despite its oft-stated commitment to human rights, despite its clear appreciation of the achievements of Reverend King, is guilty of a glaring inconsistency, an embarrassing example of hypocrisy. This cloud is our continuing refusal, over the last four decades, to ratify the Genocide Convention.

The Genocide Convention, first drafted in 1946, declares genocide and the serious mental or physical harm of an ethnic, racial or religious group, to be international punishable crimes. It is merely the written expression of a concept that has governed our international behavior since the Declaration of Independence, a value that all civilized peoples take for granted. Yet the United States has never signed. In fact, America remains the only industrialized country to have not ratified the treaty. Can we as a nation simultaneously honor the memory of Martin Luther King and ignore an international convention that upholds the very principles that King lived and died for? Can we afford to continue this tragic neglect when our credibility in the international arena is at stake?

I think not. I have spoken many times in this forum on the need to ratify the Genocide Convention. And I pledge to continue. Why? Because a commitment to human rights demands vigilance and consistency. Vigilance, because human rights abuses persist around the globe and it is our duty to point them out and bring international pressure to bear. Consistency, because sending a conflicting, ambiguous message to the world community undermines our well-deserved status as a nation firmly committed to the basic rights of all mankind. I urge may colleagues to stand by our globally recognized position on human rights, and, in memory of Martin Luther King, to move to ratify the Genocide Convention.

ORDER FOR RECESS FROM 11:30 A.M. UNTIL 2 P.M.

Mr. BAKER. Mr. President, there is presently an order for the Senate to stand in recess at 12 noon until 2 p.m. It appears to me that it would better serve the requirements of Senators if we went ahead and did that at 11:30 a.m. I have not discussed that with the minority leader except in a general way. If he has any problem with it, I will change it.

Mr. President, I now ask unanimous consent that at 11:30 a.m. instead of 12 noon, the Senate stand in recess until 2 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, we are still in morning business and do not have any takers. Unless somebody now seeks recognition, I am going to ask the Senate to stand in recess.

Mr. METZENBAUM. If the majority leader will be good enough to give me about 1 minute or so to make a short statement, I would appreciate it.

ORDER FOR RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that, at the conclusion of the statement by the Senator from Ohio, without any intervening business, the Chair place the Senate in recess until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

COMPREHENSIVE CRIME CONTROL ACT

Mr. METZENBAUM. Mr. President, my short statement is made in behalf of myself and my cosponsors of this legislation. We had said yesterday, privately as well as publicly, that if there is some amendment that the intelligence agencies feel they need in order

to exempt their activity from this amendment, we would certainly be very willing and anxious to note its contents and undoubtedly be prepared to accept it as an amendment to our amendment. We have said that in private meetings with representatives of the Department of Justice. We have told it to a number of Senators who have concern with respect to the intelligence communities involved. But just to make certain that there is no question about our position, we are willing, we are anxious, to have any spokesperson for the intelligence community or for the Department of Justice, the Attorney General, come forward with such language as they feel should be included in our amendment. I feel certain that they will have no difficulty in prevailing upon us to see to it that it is included.

I have taken the floor only for the purpose of being certain that this position, which was stated in the past—yesterday—is repeated today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that?

Mr. METZENBAUM. Certainly.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. MATHIAS). The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(h)-276(k), as amended, appoints the Senator from Kansas (Mrs. KASSEBAUM) to chair the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d session of the 98th Congress.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m. today.

Thereupon, the Senate, at 11:28 a.m., recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. COCHRAN).

COMPREHENSIVE CRIME CONTROL ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983."

The Senate resumed consideration of the bill.

AMENDMENT NO. 2690, AS MODIFIED

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the pending question is the Bumpers amendment to the Metzenbaum amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I continue to hope we can find a way to resolve this issue without making a tabling motion. When the managers of the bill and the sponsors of the amendment arrive, I would like to confer with them. I do anticipate we will have some sort of a vote in the very near future. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I see the distinguished chairman of the Judiciary Committee is here. I will inquire if he is prepared to proceed, and I would timidly inquire if he has any prospect that we may get a vote on the amendment or something before long.

Mr. THURMOND. Mr. President, we are here, and we are ready to proceed. If the distinguished Senator from Ohio wishes to push his amendment, I think it would be important for him to be here now to proceed.

Mr. BAKER. Very well.

Mr. President, at the moment, I once again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the more I study the amendment by the distinguished Senator from Ohio and the amendment by the distinguished Senator from Arkansas, the more I am convinced that these amendments should not be adopted.

I placed in the RECORD yesterday a letter from the Department of Justice, concerning this amendment. I discussed it some as I did so.

I now have another letter from the Department of Justice that I would like to present to the Senate. It reads as follows:

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning yet another version of the wiretap amendment sponsored by Senator Metzenbaum. We have not had the opportunity to review the language of the latest draft but are informed that it would give the Attorney General unfettered power to except from the reach of the amended wiretap statute any federal officer or any federal activity which he determines, in his sole discretaion, should be excepted.

Let me reiterate that we view the Metzenbaum amendment as raising not only law enforcement and intelligence issues but other issues. Yesterday afternoon, for example, we noted that the General Services Administration regulations governing recording of wire communications contain an exception for handicapped federal employees who rely upon recording devices because of blindness or physical disability. There are indications from the U.S. Secret Service this morning that the amendment may interfere with the protective functions of the Secret Service. We are still in the process of attempting to determine how many other different types of exceptions would be required to avoid injustice or interference with vital governmental functions. This latest proposal by Senator Metzenbaum attempts to deal with the complexities and unknowns by making all such conduct a felony but then giving the Attorney General, as the official charged with enforcing the criminal law, the power to determine whether any, all or no such conduct will be punished.

We are unaware of any precedent for enactment of criminal legislation in which the Executive is delegated the power effectively to define the substantive conduct to be punished. Moreover, the new version of the amendment does not respond to our concerns expressed in my February 1 letter regarding the level of punishment issue.

In light of these considerations, we must emphatically reject this "exceptions" approach. We do so out of recognition of the immense complexity of the issue before the Senate and out of a deep respect for the separation of powers provided for in our Constitution and the role of Congress in determining whether any particular conduct shall be made criminal under the federal law. We note that both you as the Chairman of the Committee on the Judiciary, and the Chairman of the Intelligence Committee, Senator Goldwater, have expressed a willingness to hold hearings on the subject apparently sought to be addressed by the sponsor of this amendment. Full hearings and review are the responsible course of action. We urge the Senate to reject this wiretap amendment effort in favor of public hearings and informed, deliberate action. Our wiretap laws and the careful balance they create are far too important to be the subject of hastily conceived floor amendments.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

Mr. THURMOND. Mr. President, I also have a letter from the general counsel of the National Security Agency.

DEAR MR. CHAIRMAN: I wish to express, as General Counsel of the National Security Agency (NSA), my uncertainty concerning the effect Amendment 2689 might have upon certain of NSA's activities and by way of imposing possible criminal exposures upon NSA personnel engaged in certain activities, recognizing that the amendment is stated not to be intended to affect NSA activities in any respect, and, further, that the text of the amendment may have been changed from that discussed below. General concerns about the amendment including various policy considerations, have been, of course, expressed in a letter provided to you yesterday by the Department of Justice.

The uncertainty noted arises from the following matters:

(1) The amendment appears to be an enactment of general application, and its relation to more specific authorizing enact-

ments, such as the Foreign Intelligence Surveillance Act, is not clear.

(2) The general declaration of illegality in the first sentence refers to the "intercept" of a "wire or oral communication," although the title of the amendment refers to "tape-recording," and, further, expresses a requirement of all party consent to the act of "intercept." The word intercept typically is understood to refer to activity by other than an intended recipient of a communication and thus, by definition and by current statutory authorization, occurs without the consent of any party. The first sentence is thus inconsistent with the manner in which government agencies must conduct "intercept" activities.

(3) The general declaration of legality in the second sentence sets out two types of conditions establishing legality: first, inclusion within the three listed classes of individuals or categories of activity (law enforcement or intelligence officers; under their direction; in accordance with Attorney-General authorization and regulation), and, second, that the interceptor of the communication be a party or have the consent of one of the parties. Again, even if all NSA activities are considered included within the three listed classes, a requirement of consent or participation is inconsistent with the manner in which government agencies must conduct "intercept" activities.

(4) The third category listed—"Attorney General authorization in accordance with the regulations of the Attorney General"—is unclear as to whether one or two acts of the Attorney General are required and as to each intercept activity. If the condition is interpreted stringently, it is inconsistent with and could inhibit the conduct of certain activities. Further, it should be noted that the regulations referred to are not in existence and the conduct of certain activities pending their issuance could be questioned.

Finally, it should be noted that certain NSA activities conducted within the scope of the Foreign Intelligence Surveillance Act reflect an extended, intensive Congressional review and balancing of intelligence, counterintelligence and other significant interests. It is not feasible in a short period of time to ensure that the provisions of Amendment 2689 would not act so as to unintentionally impair this balance.

Very truly yours,

JON T. ANDERSON,
General Counsel.

Mr. THURMOND. Mr. President, I wish now to present to the Senate certain points which I feel are very important on the Metzenbaum amendment.

First, this is a last-minute amendment involving complex issues and potential major impact on legitimate government activities, including foreign intelligence, counter-intelligence, and law inforcement.

Second, deficiencies of the original amendment were so readily apparent that the sponsors have had to repeatedly further amend the amendment.

Third, by amending their own amendment, the sponsors have established a parliamentary situation in which no further amendments are in order.

I believe the distinguished Senator from Ohio did say that they would consider consenting to certain amendments being offered if we came forth with them. Mr. President, that is not the question. No amendment is in order or will be in order unless the amendment is agreed to by the distinguished Senator from Ohio or the distinguished Senator from Arkansas. In other words, under the procedure now, we have no authority to offer an amendment if we wanted to offer one. We are foreclosed from offering an amendment that we may wish to offer which is unacceptable to the sponsor of the amendment.

Fourth, the amendment deals with governmental activities of the most sensitive type presently regulated under complex legislation which, in combination, took over 7 years of drafting effort (3 years for wiretap statute; 4 years for Foreign Intelligence Surveillance Act).

Fifth, the amendment adopts a drafting style of a total ban on nonconsensual recording of wire and oral communications, thereby placing the burden on others to identify an unknown number of possibly critical and important exceptions. The burden should be on the sponsors of the amendment to identify the specific scope of the criminal offense they intend to create. In this light, the claim by the sponsor of this amendment that it is simple rather than complex is naive at best. Moreover, listing remotely adequate exceptions would require revealing of classified intelligence methods and operations.

Sixth, 5-year felony treatment for taping of a telephone conversation by a party solely to preserve the communication without the knowledge of other parties borders on the absurd.

Seventh, this means endless litigation. I quote from a Department of Justice letter:

First, the effort to provide an exception for consensual monitoring by undercover law enforcement and intelligence officers and informants appears so vague as to provoke endless litigation. At the very least, defense attorneys for drug traffickers, organized crime leaders and corrupt public officials will be able to raise questions concerning any investigation involving consensual monitoring due to vague concepts in the amendment, e.g., was the law enforcement official "acting under cover of law"; was the law enforcement officer "acting within the normal course of his or her employment"; was the informant "acting under color of law"; was that informant "performing a law enforcement function"; was the informant, at the time the recording occurred, "under the direction and control" of law enforcement officers, etc. Busy prosecutors and federal courts can be assured of expanded litigation in the years ahead given these new limitations on law enforcement activities.

Eighth, the amendment's exemptions for law enforcement and intelligence officers are too narrow. Such officers could intercept conversations only if party to the communication, if consent is given, or if the communication is a crime or tort. A telephone call made in furtherance of a crime, however, might not constitute a crime in and of itself: An officer intercepting a bomb threat could be subject to criminal liability. The amendment also makes no provision for the collection of positive intelligence or for gathering of information on terrorist activities abroad.

Ninth, the amendment does not define a foreign intelligence or counterintelligence officer. It is uncertain whether the double agents and informants would be considered officers.

Tenth, the amendment is so broad that it extends even to handicapped government workers who of necessity have their phone conversation recorded and transcribed. If passed, it would produce a myriad of such unintended consequences.

Mr. President, I again appeal to the distinguished Senators who propose this amendment to withdraw it and let us hold hearings. Senator LAXALT has consented to hold hearings on this subject. I have assured the proponents of the amendment that as soon as Senator LAXALT's subcommittee reports to the full committee there would be no undue delay there. I hope that a bill might be brought out that will be sound and one which we can all support. I think this matter is of interest to the public. It is certainly of interest to the National Security Agency and the CIA. It is of interest to the intelligence agencies. Senator GOLDWATER spoke yesterday about the dangers of this amendment. He is chairman of the Intelligence Committee of the Senate.

Mr. President, again I want to say that this amendment is opposed by the administration. It is opposed by the Justice Department. It is opposed by the National Security Agency. It is opposed by the Judiciary Committee.

Senator BIDEN, the ranking member of the Judiciary Committee, and I have worked on this criminal package for several years. We removed from it provisions on the death penalty, habeas corpus, the exclusionary rule, and the Federal Tort Claims Act, because those matters were controversial. We tried to take out of this package what we thought might raise controversial questions on the floor of the Senate. They will come up individually after this package has been completed. I am sure some of them will be opposed. But on this package we all agree. Therefore, we hope that no other amendments that might cause trouble later in the House, or elsewhere, or may bring a veto will jeopardize this package. We are anxious to get this package passed by the Senate and sent to the House. Then we will act on these other matters following

completion of the package in the Senate.

Mr. President, I again appeal to these distinguished Senators to withdraw this amendment. Let us go ahead and pass the package. Again I assure them, on behalf of Senator LAXALT, hearings will be held on the amendment and the Judiciary Committee will act as soon as the subcommittee has acted. Then we can bring a bill to the Senate about which all the Government agencies have had a chance to testify, about which the public has had a chance to testify, and about which anybody with any special interest, including the distinguished Senators who sponsor these amendments, will have a chance to testify. We think that is reasonable. We hope the Senators will agree to that. I see both of them on the floor at this time. I am just wondering if they would care to respond.

● Mr. LAXALT. Mr. President, I must oppose this amendment. The drafting is too vague and overly broad, and the exemption for law enforcement and intelligence activities is too narrow.

If this amendment is adopted, law enforcement and intelligence officers could intercept conversations only if consent is given or if the communication constitutes a crime or tort. A telephone call where a crime is planned, however, might not constitute a crime within the meaning of the exemption. Certainly vital intelligence and law enforcement activities will be chilled. Moreover, this vagueness will encourage any criminal defense lawyer whose client was wiretapped to litigate and relitigate the legality of the officer's conduct.

The broad language of the amendment will produce a number of unintended and unforeseeable consequences. For example, a Federal employee who is sexually harassed by her employer should be allowed to record relevant conversations as evidence of her claim. If the Metzenbaum/Bumpers amendment is adopted, this employee's conduct would subject her to a 5-year penal sanction.

Some of these unintended consequences could be eliminated by careful, considered drafting. But simply amending the statute is not enough. Hearings are necessary to determine whether there are problems that we cannot foresee at this time.

Both the distinguished chairman of the Senate Select Committee on Intelligence and I have offered to hold hearings on this proposal. My offer remains open. In the absence of hearings and thorough consideration of this measure, however, I cannot support this amendment and I urge my colleagues to join with me. We simply cannot tolerate the disastrous effects that this will have on our national security.●

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, while the distingushed chairman of the Judiciary Committee was making his presentation, I had the opportunity to briefly confer with the Senator from Ohio and the Senator from Arkansas. I have no idea what might develop, but I think it is worth a little time to suggest that there might be an informal conversation between the parties. If they are willing to do that at this time, I am prepared to suggest the absence of a quorum so that the parties can get together and talk about it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2690—FURTHER MODIFICATION

Mr. BUMPERS. Mr. President, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified further, is as follows:

Amend amendment number 2689 by striking line 3 and all that follows and insert in lieu thereof:

Section 2511 of title 18, United States Code, is amended by adding at the end thereof the following subsection.

"(g) Notwithstanding the provisions of paragraphs (c) and (d) of this subsection, it shall be unlawful for any person who is an official, elected official, appointed official, employee or agent of the United States, while acting in an official capacity, to intercept a wire or oral communication to which such person is a party, unless all parties to the communication have given prior consent to such interception or such person is—

"(i) an investigative, law enforcement, security, foreign intelligence or counterintelligence officer acting within the normal course of his or her employment;

"(ii) performing a law enforcement, security, foreign intelligence or counterintelligence function under the direction and control of an officer described in subparagraph (i); or

"(iii) acting in accordance with guidelines or regulations approved by the Attorney General.

Provided, however, That a person whose action would not have been unlawful but for this paragraph shall be fined not more than $1,000 or imprisoned not more than six months, or both. The amendment made by this subsection shall become effective six months after the date of enactment."

Mr. BUMPERS. Mr. President, this modification is being offered at the suggestion of some members of the intelligence committee. Basically, it says three things. First, it shall be an offense to record a conversation by any party acting in an official capacity if he is a party to the conversation.

No. 2, it adds security to those who are exempt from the amendment, such as intelligence, foreign intelligence, and counter-intelligence. The word "security" is added.

No. 3, the effect of the amendment would be postponed for 6 months, which would give the Attorney General time to draft the guidelines.

Finally, it reduces the penalty from a maximum of 5 years in prison and a $10,000 fine to a maximum of 6 months in prison and a $1,000 fine.

Mr. President, I think the majority leader wants to vote on this at 3 o'clock. I have no intention of holding it up. My colleague from Ohio has a few words to say, and I yield the floor.

Mr. METZENBAUM. Mr. President, I think the Senator from New York would like to be heard, and I yield to him.

Mr. MOYNIHAN. I thank the Senator from Ohio.

Mr. President, the new language has been offered as a substitute, as I understand. It is directly intended to address the problems which could arise in the original language with respect to the work of investigative, law enforcement, security, foreign intelligence, or counterintelligence officers acting within the normal course of their employment, and persons involved in law enforcement, security, foreign intelligence, and counterintelligence functions, under the direction and control of an officer of that kind.

In addition, there is a very broad exception—acting in accordance with guidelines or regulations approved by the Attorney General.

As vice chairman of the Select Committee on Intelligence, this seems to me to be satisfactory. It seems to me to be a very comprehensive statement, that this provision in no way is intended to affect, change, alter, inhibit, or diminish the legitimate intelligence activities of the U.S. Government which are now covered by a very comprehensive statute, the Foreign Intelligence Surveillance Act (FISA), which has unique provisions for authorizing intercepts of various kinds and involves a special panel of Federal judges. This has been in place for some time, and there has been no violation or misuse of this measure which has come to my attention.

The authority to conduct electronic surveillance under FISA and Executive order would in no way be affected by this amendment. Indeed, those activities are specifically excepted from the restrictions of title III by subsections (2)(e) and (2)(f) of section 2511, which selections would not be changed by the amendment.

I cannot speak for the intelligence community, but I can speak as a Member of this body who has been concerned for the interests of that community, whose resource we have

considerably chanced in our intelligence authorizations, especially in the past 5 years. I see no way in which their work would be impaired or diminished or in any other way affected.

I offer the final thought that if this should prove to be the case, we can come to this body and make the necessary changes. This body has shown no disinclination to provide our intelligence and security agencies with the legal authority to do what they have to do, nor any disinclination to provide them with the resources or the men and women and moneys they need. In my judgment, we can proceed with some confidence that this will not in any way impair those activities; and if it should, we can be certain that we will hear of it and we can respond.

Mr. BIDEN. Mr. President, I am in a bit of a quandry here, and let me explain it briefly—not that I want anyone to share my dilemma with me, but to explain what I am about to do in terms of voting.

Yesterday, prior to the clarification that was made, I, as one of the members who works with Senator MOYNIHAN on the Intelligence Committee, shared a concern that was expressed by the National Security Agency and the Central Intelligence Agency in a letter sent to Senator THURMOND.

I note that in that letter they say—not that they are sure that this would in any way impede their effort or activity—but they say they express uncertainty, and that is the state that I was in as of yesterday on the merits of this, an uncertainty. And in the face of uncertainty, my view was that we should withhold from moving until that uncertainty was clarified one way or another and then move legislatively to correct it, and there will be other opportunities to do so.

I am more persuaded today, especially after hearing the vice chairman of the committee suggest that he is satisfied. I am much more persuaded at least on the merits of this.

But I still have a problem, and my problem is that the Senator from South Carolina and I have joined hands and knocked heads for the last 2 years on trying to get out what I would characterize as the most significant piece of anticrime legislation that we have been able to get out in this body since I have been here, and I have been here over a decade, not the length of time the Senator from South Carolina has been. And we made a commitment to one another at some jeopardy to both of us and each of our parties, and probably our home States, on this package. We would resist anything remotely approaching a controversial amendment, whether or not it was meritorious because we have seen too many of our efforts fail as a consequence of matters unrelated to the substance of our anticrime initiative.

And we have seen that anticrime initiative, nonetheless, fail because of matters that were not fully agreed on prior to coming to the floor with a package.

So I am going to, very reluctantly but, nonetheless, vote against not only to keep the commitment but because I think Senator THURMOND is correct that we should not encumber this legislation with something that is not—I cannot say it is unrelated because it is, it does have a relationship—but because it is one item that has not been fully aired, has not had hearings and, consequently, it will, I am confident, cause some difficulty for the package.

So I am going, to the extent that anyone wishes to listen to me, to urge my Democratic colleagues to not abandon the position but to suggest that this is not the vehicle. There will be several others to come up that it could be attached to.

So I plan on voting against it. This is as a consequence of my high regard and respect for the chairman of the Judiciary Committee who has kept his word every step of the way on keeping this legislation as clean as possible so we could get it through.

So I plan on voting against it, but I am not speaking on the merits of it. I am speaking to the procedural impact I believe it would have on the package.

Mr. BAKER. Mr. President, I wish to join with the distinguished chairman and ranking minority member in stating that I will vote against this amendment or this series of amendments relating to this subject matter, and I urge Senators to do the same.

I do not speak to the relevance of this issue or its relative importance at this point.

But I am about to say something once again that may sound, to those who are not as familiar as we are with Senate procedure, cynical, but it is not. It is simply that we have to get on with the business at hand.

It would be so easy for this body to fall into a situation where it could never do anything if we all strive for absolute perfection or an expression of the last ounce of our own personal conviction or preference. And it is in the very essence of my job to see that the Senate does not become an ineffectual body, but that we do pass meaningful legislation.

In order to accomplish that, Mr. President, the chairman and ranking minority member of the Judiciary Committee have brought us a crime package which has had stripped out of it the major controversies, that is, the death penalty, the habeas corpus rule, the exclusionary rule, the Federal Tort Claims Act, the Career Criminal Commission, and three others that I cannot recall off the top of my head. We took all of those things out of what otherwise might have been a comprehensive crime package and laid them aside with the expectation that if we would get something done we could pass a crime package. If we start adding those things back, Mr. President, we are sunk and we will do nothing.

If we add on to this package, I am very much afraid you will lose this package, and believe you me if we lose this package those other items have not got a prayer. Maybe they do not anyway. Who knows? But all I know is this bill, as reported by the Judiciary Committee, offers the best hope of the Senate making a meaningful and important statement on the subject of crime control in this session of Congress this year.

And I would hate to see it undone because we get embroiled in controversy on a wiretap issue.

We have addressed this issue before, Mr. President, and at length. I believe I am right when I say that in the aggregate we spent 7 years of Senate time working on the wiretap bill and the Foreign Intelligence Surveillance Act, 4 years on one and 3 years on the other.

It was a difficult and tedious and sometimes painful balancing act that we went through before we finally made a statement of legislative purpose in those fields.

Mr. President, I do not think we should do it with these amendments on this bill at this time.

I urge Senators to consider that if this measure is adopted it may jeopardize the passage of this bill and, if this bill does not pass, you are not likely to make any statement on crime control in this session of Congress.

Mr. President, I tried all day yesterday to get this thing to a vote and I could not.

And I acknowledge and commend the Senator from Ohio and the Senator from Arkansas for their efforts to try to work something out that was satisfactory and would make it acceptable and we could go forward, but we have invested a whole day in it yesterday and in my conversation with the sponsors of this amendment I have indicated to them that we need to get to a vote this afternoon.

I think we ought to have a vote on the merits up and down. And I believe they have informally agreed that that is what we ought to do.

So I do not plan to make a tabling motion, but I do urge Senators to consider that we need to get on with the business at hand and as soon as Members have said their piece and as close to 3 o'clock as we can make it, I hope we can get to a vote on these issues.

Now, may I make one further statement from a procedural standpoint? We are confronted with a second-degree amendment which has been modified to a first-degree amendment. In the normal sequence of things, the

vote would occur first on the second-degree amendment and then on the first-degree amendment as amended if amended.

That is all right. We can have two votes. But as far as I am concerned, I would be willing—it does not require my consent, I believe—but I would be willing for the first-degree amendment to be modified to embrace the provisions of the second-degree amendment, and I would also be willing to provide by unanimous consent, if no one objects, that no other second-degree amendment would be in order so there would be no complication in that respect.

Mr. METZENBAUM. I agree with the Senator.

Mr. BUMPERS. If the Senator will put it in a formal request that we do it, we will have one vote.

Mr. BAKER. May I inquire, is there any need for us to proceed further on clearance with the distinguished minority leader on that subject?

Based on the conversations I have already had with him, I feel certain he would not have any objection. If he does, I will proceed to try to undo it.

Mr. President, I ask unanimous consent that, if the first-degree amendment of the distinguished Senator from Ohio (Senator METZENBAUM) is modified to embrace the provisions of the second-degree amendment as modified now pending, no further second-degree amendment to the Metzenbaum amendment as modified shall be in order during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, and I thank my friend.

Mr. METZENBAUM. If the majority leader can assure me that there will be no speeches, I had gems of wisdom I wanted to share with the colleagues but I am willing to put them in the RECORD and go to a vote immediately unless—I am sorry I spoke too soon. The Senator from Arkansas wishes to be heard.

Mr. BAKER. The chairman of the Intelligence Committee may wish to speak.

Mr. President, I yield.

Mr. GOLDWATER. Mr. President, I had the floor several times yesterday attempting to point out to my colleagues that the Metzenbaum amendment, as written and as modified, is not acceptable to the intelligence community. The main purpose may be misunderstood.

The amendment, as I have it now, is not specific enough. It does not mention the NSA. It does not mention the CIA, or the FBI or any other of the 19 different divisions of our intelligence family.

I can understand as thoroughly as any Senator on this floor the desire to make illegal the use of wiretapping. In fact, it already is. For any member of an intelligence agency or the FBI to employ wiretapping or any other kind of snooping device requires the permission of the Justice Department. The fact that one man acting on his own, where information to gather information about some other office, about some other man, or about some agency of absolutely no value to him is beside the point.

I would support an understandable, workable piece of legislation that would punish a person like that. But we find language, for example, such as a Government employee cannot "intercept a wire or oral communication, unless all parties to the communication have given prior consent to such interception."

That is not necessarily the method intelligence agencies use to find out things. You do not go to the man you are trying to interrogate and ask his permission to listen in on his conversations.

It goes on to provide an exception to the above: "investigative or law enforcement officers acting within the normal course of their employment" or others acting "under the direction or control of such" investigative or law enforcement officers.

Again, this is not specific. It does not say that the CIA shall not do it or the NSA is not allowed to do it. It merely picks out an employee. That gets to be a pretty big affair when we look at over 2½-million people working for the Federal Government.

I cannot add much to what I said yesterday. The whole subject of improper surveillance is a very, very broad one. For us to try to rewrite the law because one man in a stupid, uninformed, misinformed way took it onto himself to snoop on somebody else, I think would be a very dangerous mistake.

I think this is a serious enough matter that we should not act on it on the floor from merely an amendment. Not enough Members of the body have even heard about this. Not enough Members of the body have taken the trouble to read it.

I have told the Senator from Ohio, and I have told other interested Senators that if they so desire the Intelligence Committee would be very glad to hold hearings on this.

I think the Judiciary Committee would be the committee to assign this to. I know the chairman of the Judiciary Committee has no more tolerance for this act than I have or anyone else has.

To ask us to pass our judgment on something we know practically nothing about except we do not like it is like saying we are going to have a 55-mile speed limit and it works some places and it does not work other places. We do these things because we do not take the time to investigate.

I do not want to see anything happen that is going to slow down any activities of our intelligence community. I have to remind my colleagues that 10 years or so ago our intelligence agencies underwent a terrible castigation by the press, by the media, by Members of the Congress to the point that we nearly lost our intelligence-gathering ability. Now I am happy to say that it is coming back up, that we are building an intelligence community in this country that I would put maybe third or fourth. I would put it next to the Israeli Government I would certainly put it next to the English and next to the KGB.

The least we can do, and the least I can implore my colleagues to do, is not to act on this at the present time, but let us go through some hearings. We may turn up a lot of other things. There are all kinds of surveillance possible today.

As I mentioned yesterday, the Soviet Embassy in this town is covered with antenna directed at our conversations, friendly and family conversations. The Soviet Union in San Francisco has a greater surveillance capability than any agency of our Government, and much greater than it has here.

There has been a modification offered that was not seen by any of the law enforcement or intelligence agencies. We do not know what it means any more than we know what the original amendment meant when it was first offered. We found many problems with the first one. Give us time is all I ask to see if we harm intelligence or law enforcement.

I do not think there is a Member of this body who would want to feel that within a few weeks or few months, by their hurried-up action caused by one man, one man who did something indecent, illegal, unethical, they would want to harm the whole intelligence community to get even with somebody. We say, "This is only going to apply to people who work for the Federal Government." How about people who do not work for the Federal Government?

Yesterday I likened this to the bloodhound pushing his nose into every crack and crevice, looking for everything that he might get. Is that any more dangerous to us than some member of the Federal Government doing it? I do not think so.

Let me finish my few remarks, and I will make no more. I implore the writers of this amendment to seriously consider withdrawing it with the promise that I can give, that my committee will conduct very thorough hearings on this, probably far more thorough hearings than have ever been held in this country.

I cannot speak for the chairman of the Judiciary Committee, but I think he in a like manner, knowing him as I

do, would want to conduct the same kind of hearings. But what we are doing, in a very punitive, small, misguided way, is inadvertently throwing a roadblock in the path of our intelligence agencies. We have had enough roadblocks thrown at those agencies in the past without this Congress going a step further.

Mr. President, I hope those colleagues who are responsible for the amendment, offered in good faith and good spirit, would reconsider and give us a chance to bring something back to the floor that has substance and reason to it.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Utah.

Mr. HATCH. Mr. President, I am very concerned about this because for the last 7 years we spent our time working on the Criminal Code, the Criminal Code revisions, this anticrime package, up and down the field of criminal law. We have had extensive hearings and extensive debate within the committee. We have had all kinds of effort by almost everybody in a bipartisan way to resolve the issues involving criminal law. I think we have accommodated almost everybody we possibly could.

Everybody knows that this anticrime package is not everything some of us would like it to be, and I might add some of us on both sides of the aisle. Everybody knows we have tried to accommodate those whose positions and opinions are different, and everybody knows there has been a lot of time, effort, thought, and constructive work put into this.

I might also add that most of that constructive work has been backed up by extensive hearings, in an extensive hearings process.

It bothers me that in the middle of this particular bill, about which many of us on both sides of the aisle have worked and tried to resolve issues, we suddenly have this amendment, or another amendment, and then this amendment brought up, and we are not even sure exactly of the length or extent to which this amendment really applies.

I can think of a number of areas, and I am sure some if not all have been mentioned here on the floor. I do not mean to belabor them, but if I were to pick just one area, that would be the area of people who call to extort you or try to bribe you or do other things in Government. You ought to be able to record whatever they say.

The blind have need to record. I do not even know, and nobody here on the floor even knows, how many other areas may be legitimate areas where recordings probably should be permitted or at least criminal sanctions should not be incurred under those circumstances.

That is why I think we ought to have hearings on this.

I just hope our colleagues in the Senate will give the Judiciary Committee credit for the amount of hearings we have held and the effort we put forth in trying to get to the bottom of these matters, and give some credence to the chairman of this committee and the chairman of the appropriate subcommittee, both of whom, as I understand it, have represented on the floor of the Senate that they will hold hearings on this and see if it can be resolved in a reasonable way so that it is not just a helter-skelter amendment, the extent of which nobody here on the floor today, no matter how vast their knowledge might be, can really describe and describe accurately.

I hope our colleagues will vote this amendment down, because I think we ought to pass this anticrime package, this bipartisan package. It has taken a lot of effort of everybody on the Judiciary Committee. I do not think that, just to teach a lesson to one individual in our society, who is not used to Washington as much as so many people feel he should be, we should suddenly go with an amendment like this, where there is no hearing record to back it up or even a complete understanding of what it may mean.

I commend those who try to do this to the extent that I know they are trying to resolve ills and wrongs in our society that none of us really want to tolerate or even have any appreciation for. I suggest that we go through the hearing process. Those offers have been made and I think we should do everything we possibly can to try to give credence to what the distinguished chairman of this committee and the distinguished chairman of the Subcommittee on Intelligence have recommended on the floor of the Senate. I hope my colleagues will vote this down and consider turning it over to the hearings of the Judiciary Committee.

Mr. METZENBAUM. Mr. President, I hoped we would be at a vote earlier than this. I understand my colleague from Arkansas wishes to speak for 6 or 7 minutes. As the Senator from Utah and the Senator from Arizona chose to raise a few points, I shall speak for a few minutes and modify my amendment and call for the yeas and nays and go to a vote.

I point out to my friend from Arizona that he overlooked the language which followed the word "or" in line 12, which provides an exemption from the provisions. It says or such person is "an investigative or law enforcement, security, foreign intelligence or counterintelligence officer acting within the normal course of his or her employment."

It goes on, in case the first exemption was not strong enough. It provides a second exemption for a person performing a law enforcement, security, foreign intelligence, or counterintelligence function and so on.

Then we put in a broad-based exemption for people the Attorney General authorizes and for people acting in accordance with guidelines or regulations issued by the Attorney General. It originally provided for regulations only. The Attorney General indicated concern because he had to go through the Administrative Procedures Act. We said, good enough, he can use guidelines if appropriate, instead.

Then we provided additional exemptions which Senator BUMPERS has also explained.

Mr. GOLDWATER. Will the Senator yield on that point?

Mr. METZENBAUM. Yes.

Mr. GOLDWATER. The agencies have not seen this language.

Mr. METZENBAUM. I am glad the Senator said that. I could not be more pleased.

I have been in this body many years less than my colleague from Arizona, but I have been here long enough and I have been engaged in enough debates and enough battles on the floor of the Senate. I know of no instance in the past when I have done what I did in this instance. I said on the floor of the Senate, I said in the reception room outside, I said it again this morning, "NSA, CIA, USIA—anybody—come forth and tell us what amendment you want." So when you say they have not seen the amendment, let me say my efforts to communicate with them have been as strong as any I have ever seen.

I said to the distinguished Senator from Nevada (Mr. LAXALT) yesterday in unequivocal terms, "Tell me what you want and I will give it to you."

Mr. HATCH. Will the Senator yield on that?

Mr. METZENBAUM. No, I shall not yield. I am not going to yield at this point. I did not interrupt when he spoke. The distinguished chairman of the Intelligence Committee asked me a question. I would like to conclude my remarks. I am not looking to win this debate. I want it to go to a vote. The majority leader wants it to go to a vote. There are a few comments I wish to make, then I am prepared to move along.

When some members of the Intelligence Committee, including the vice chairman, came up with some ideas to make additional exemptions, we included them. We did not even negotiate. I have never gone as far as I have gone in connection with this legislation, and indicated a willingness to accept whatever the intelligence community felt they needed.

I have even gone further than that here. I have said if the amendment gets through the Senate and there is some confusion, some problem, some complication, I shall be the one who will go to the House and ask it to change the amendment.

The issue before us, I say to the Members of the Senate, is simple: Are you for or are you against unauthorized secret taping by Government officials? That is all the issue is. Are you for or against upholding that long-cherished American value, the right to privacy? That is the only thing we are talking about.

We have heard from opponents that passage of this amendment would bring the entire law enforcement and national security apparatus to a screeching halt. We have exemptions for law enforcement activities, and for intelligence activities. We have even given the Attorney General broad discretion to authorize wire or oral interceptions for other purposes.

There was some concern that the legislation applied to third-person wiretapping. We have exempted that from our language. We have exempted wiretapping that a Government official or a Government employee may do in his own home. Instead, we address that which he does in an official capacity. Still, we are told that is inadequate.

It is a fact that the Senator from Ohio offered this amendment several days ago and it is a fact that the Senator from Arkansas offered his second-degree amendment several days ago. It also is a fact that neither of us has asked for the yeas and nays.

Why did we not ask for the yas and nays? So we would have an opportunity to amend without parliamentary complications if somebody from the Government came to us and said, "We need this provision in the law." I have never, in my experience, found a government so obdurate, so indifferent, so silent, so unwilling to speak.

I spoke with some of them out here yesterday and they said, "It is just too complicated. We cannot understand it."

What is so complicated that you cannot fiigure out a way to exempt that which you are doing?

We said time and time again, we would accept an amendment to exempt national security or law enforcement activity. But the agencies have not produced a single sheet of paper.

As a matter of fact, to indicate this indifference, yesterday afternoon, when the Senate was still negotiating on this issue, one of the Members on that side was looking for the members of the Department of Justice. But it was time for them to quit, so they went home. They were nowhere to be found.

They have told us they cannot help improve the amendment because they do not really know what is wrong with it. We are told we need hearings. We adopt a lot of matters here on the floor that are a lot more substantive than this one without hearings and we do it as a normal part of our process. I am starting to wonder, Mr. President, what is this whole thing about?

I am beginning to think there is a lot more secret taping going on in this Government than any of us imagined. I am not talking about legitimate security or law enforcement taping; I am talking about all of the other agencies. What are they doing? I sense that there is considerable taping that does not fall within these exemptions. Why else would the administration refuse to offer specific language?

I might say that I do not consider this an antiadministration measure. I just do not understand why the administration has not been forthcoming with some specific language.

We have said again and again that we will accommodate any national security problem. If there is some other problem, some other activity we do not know about, maybe we shall accommodate that. But at least, we ought to be informed.

The fact is, Mr. President, that the national security and law enforcement argument against this amendment is a smoke screen. There is absolutely no reason to oppose this amendment for national security reasons. We can perfect it in a matter of minutes. The only thing preventing us from doing so is the refusal of the agencies involved to come forward with specific proposals.

Let us be clear about one fact: The issue here is not national security or law enforcement; it is whether the Senate wants to make a forceful statement that Government officials should not secretly tape the conversations of American citizens. Do we want to make a forceful statement on the side of privacy or do we want to let the best chance we shall have to prohibit this practice disappear beneath the shroud of a vague national security question?

Mr. President, I understand my colleague from Arkansas has a few more minutes of debate. Following that, if my colleague from Utah does not have too many gems of wisdom, I am prepared to go forward with a vote up or down.

Mr. HATCH. Mr. President, I shall not take much time. I am not sure my arguments differ that much from those of the Senator from Ohio. I do not particularly like this practice of tape recording people without their knowledge, either, and I do not know anybody who does. But this is now, I think, the fourth proposal that has been made since the distinguished Senators from Arkansas and Ohio brought this matter up. It has been modified and modified until the last version is "as further modified."

If that does not tell us something, I do not know what does, because what it is saying is that as sincere as my two colleagues are, and I know they are and I am not saying I differ too much from them, they have had to make one modification right here on the floor. We do that all the time, but we are talking about criminal law in this society. We are talking about an amendment here that is a wide, sweeping amendment that cuts across the whole Federal scene. Nobody here, and I am not sure anybody there in the Justice Department or in the myriad agencies of Government, knows what this really means as it applies to them.

As I understand, the distinguished chairman of the Intelligence Committee has offered to hold hearings on this. He empathizes with the goals here. The distinguished chairman of the Judiciary Committee has offered to hold hearings. He is empathetic.

The distinguished chairman of the subcommittee, Senator LAXALT, from Nevada, would like to hold hearings. I think it deserves that type of consideration. What I have difficulties with is I do not want to see this anticrime package do down because we have a problem here with this one amendment, because nobody fully knows what it means, including the authors of it, and they admit that. I do not think it is good enough to just stand here and say you will work with the House to change the language later. I suspect I will be on the conference committee, but that does not necessarily mean we will be able to arrive at any degree of consensus by the time we get this matter done.

If this was the normal run-of-the-mill piece of legislation, I could understand maybe trying to amend it in this way with modification upon modification, with change upon change, with language upon language. But this is not. This is something that we have worked on for years. It is a far cry from what many of us would like it to be, but it is a step in the right direction, and it is bipartisan.

I have heard remarks from colleagues that this amendment alone could shoot this down. Now, I hope that is not true also, assuming this amendment might pass. I hope it does not. But I would hate to see this whole crime package jeopardized because of a desire to solve a problem that cannot be solved through exigency but can be solved in the normal legislative process of hearing and working together. I believe there is good faith intention to do that.

Now, I admit that there is much to be said in criticizing what has gone on by the one individual who in my opinion has made some mistakes here and

as far as I am concerned has had all the public condemnation that anybody is going to get for that type of a mistake. I am not sure that that mistake or series of mistakes justifies trying on the floor of the Senate to ignore all of the myriad complications that this particular amendment actually consists of.

I have worked pretty hard on this package, as have many others on the Judiciary Committee and elsewhere. I think I understand a little bit about criminal law, but I have to admit I do not know the full implications of this amendment. I can think off the top of my head of a number of instances where this amendment could jeopardize the rights of people that presently exist and could make it very difficult in ways that literally were never intended by the authors of this amendment or anybody else on the floor of the Senate.

I just end by saying I have empathy for what the two distinguished Senators are trying to do. I think it is the wrong way to do it. I think we have plenty of good faith representations as to how this could be done, how it could be done in an intelligent, thoughtful way. All I can say is this has been going on for a number of months. Why did the distinguished sponsors of this particular amendment not bring it up several months ago during the committee process? I do not object to them legislating by headline, that is all right, but what I do object to is faulty legislating by headline.

I do not think we can tolerate that particularly in the context of criminal law where individual liberties are so directly at stake. I do not know what the end result of this is, and that is one reason why we ought to have hearings and do it the right way. With the representations of the distinguished chairman of the Intelligence Committee and those of the full committee and subcommittee of the Judiciary Committee and the rest of us who are as interested in this issue as I am sure the two distinguished Senators are who are pushing this particular amendment, I hope our colleagues will vote this down for now and let us see if we can bring it up in a more pure form with all the advantages and benefits of the various agencies of Government appearing at full-fledged hearings where they are going to have to stand up and justify their particular positions.

Right now it is pretty tough to ask them to do it just out in the hallway, in the reception room, or even after the fact in a conference, or even during the debate on the House floor. I prefer to do it in a more professional way, and I hope that we can. I surely hope that the two distinguished Senators would either withdraw this amendment or that we will vote it down as Members of the Senate. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The question is on the amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I will just take a few moments to sort of summarize and review where we are and where we started. I must say that I cannot fathom most of the objections I have heard to this amendment. Under existing law, anybody who tape records a telephone conversation of anybody else and is acting under "color of law" is exempt. Anybody who tape records a criminal or tortious act or threat is exempt.

Let me say, first of all, the law is unclear and has been for centuries on what "color of law" means. There just never has been a uniform definition of the term "color of law," and yet under existing law, the law is that if you tape record a telephone conversation with another party and you are acting under color of law, that is exempt.

Mr. HATCH. Will the Senator yield for an impression on just one comment?

Mr. BUMPERS. Yes.

Mr. HATCH. I believe under this modified version, which is a fourth modification, as I recall, the criminal or tortious threat is not included. Now, I like the idea; I think it is a good idea, but if the Senator will look at your version now, it is not even in that version. It has been taken out.

That is one of the points I am having difficulties with—it has been changed so many times on the floor. Can you imagine what will really happen if we have a hearing and look at it as thoroughly as we can?

Mr. BUMPERS. Well, let me just continue if I may. And now we have modified the bill after several days of waiting for the intelligence community to tell us what they did not like about this. We have modified the bill at the suggestion of some members of the Intelligence Committee, but we had already changed the bill to really give the intelligence community a broader exemption than they already had. I think even the Senator from Utah will agree with me that color of law is not a clearly defined term. And so what we have done is exempt the intelligence community, foreign intelligence, counterintelligence, and allow for such further exemption as the Attorney General may prescribe by rules and regulations. Right now under existing law somebody in the intelligence community may tape-record and he might be subject to challenge because he is not operating under color of law.

Under our amendment, he would not be subject to challenge because he is acting in an official capacity and is a member of the intelligence-gathering community. How much bigger exemption can you give the intelligence community? I am beginning to wonder if they are up to something I do not know about because their opposition to this just does not make any sense to me.

We have included counterintelligence-gathering activities. The problem with the existing law is that there is an exception that negates the entire statute, and it is that as long as one party to the conversation knows it is being taped, it is OK. I can call any of the other 99 Senators of the Senate and tape-record our conversation with absolute immunity and I do not have to tell them the conversation is being taped. That is what this amendment is designed to correct.

Is that complicated? Does that sound like it is going to create a lot of prolonged litigation? I am saying that it is indecent, it is uncivil, it is unfair, and it is a terrible, outrageous, egregious invasion of people's privacy, to call them on the telephone and record their conversation without telling them it is being recorded.

I have repeatedly compared it to window peeping, odious as that is. It is the same thing. It is no more odious than this is. We are not trying to hamstring the FBI, DIA, CIA, NSA, nobody, who has a legitimate right. This amendment does not hamstring anybody that has a legitimate right in the Federal Government.

You walk around the Capitol Grounds and ask the tourists: "Do you think it ought to be against the law for somebody to tape record a conversation with you and not tell you?" And the normal answer will be, "You mean it isn't already?" The answer is, "No, it is not." It is in 13 States, and I applaud the enlightenment of those 13 States. This amendment does not go nearly as far as it ought to go. It ought not just apply to Federal employees. It ought to apply to every man and woman in the United States. All I have heard is, No. 1, you are going to create all kinds of prolonged litigation. No. 2, you are going to hamstring everybody in the Federal Government. You have already modified it, and there is no telling how many different exemptions ought to be in this bill that you do not have. We have waited patiently day after day after day for somebody to tell us what they are, and nobody has come forward with one. You should vote for this amendment if you think it is an invasion of privacy and basically unfair to record telephone conversations without having the decency to tell the party on the other end you are doing it.

Vote for it if you believe that is unfair, and vote against it if you do not think that is unfair. The lines are drawn just that simply.

I have heard that this is going to take this crime package down. I must say that I had intended to vote for this crime package, regardless of what happened to this amendment. I applaud the Senator from South Carolina and the Senator from Delaware and everybody else who had anything to do with crafting this bill. It is long overdue. But if it is so weak and tenuous that an amendment that prohibits one of the most indecent things I can imagine—if that bill is so fragile that it is going down because you put this amendment on it, I am not sure I want to vote for it in the first place.

The House has not passed a bill. The House has not agreed to this package. They do not have to pass a bill. If they do, they have to go to conference with us. Nobody believes for an instant that their bill is going to imitate ours. There will be a conference.

If the House thinks this is bad, they will not agree to it, and it will never see the light of day.

Wait, wait, wait. Let us do this; let us do that. There may be something here we do not know about.

I must say, in all fairness, that I have been here 9 years, and that is not the first time I have heard those arguments used; but I can tell you that when something needs to be tended to by legislation in this body, all those arguments ought to fall.

George Orwell is surely smiling from ear to ear, wherever he is. Here it is 1984, with a technological explosion and the ability to eavesdrop and to spy and to invade privacy 10 times greater than even Orwell imagined in his magnificent vision of the future. There are microphones so precise that you can pinpoint them at someone 100 yards away and understand his conversation. Big Brother is watching.

This is a very simple amendment just to keep our privacy, and there are all these specious arguments about how you may impinge on this and you may impinge on that.

The intelligence community does an excellent job, and I have no quarrel with it. There is not one thing in this amendment that will hamstring the intelligence community for an instant. As I said, they probably have more authority under the amendment than they do without it.

Mr. President, as I say, we have waited patiently to hear from the intelligence community or anybody else—or the administration—who says this amendment is fatally flawed. What is flawed about it? I am telling you that the silence of the response has been deafening.

The suggestion has been made that because of the Charles Wick affair, it is a slap at the President. It has nothing to do with the President. But I will remind you that what Charles Wick did was a violation of the Federal regulation, and I ask you what happened to Charles Wick for tape recording 80 telephone conversations. Nothing. Not so much as a slap on the back of the hand for calling up a former President of the United States—Wick initiated the call—and then recording the conversation. He called Jim Baker, the President's No. 1 aide, who could surely have the President fire him and hire him at the drop of a hat, and taped that conversation without telling him. And Charles Wick is still in his job. Not so much as even a small reprimand.

If you want to take a slap at the President, do it because he did not deal with that in an administrative way as he should have. But do not say there is something flawed about this amendment, when nothing has happened to Charles Wick for an egregious offense against the privacy of other people. If this amendment fails, Charles Wick and all his ilk will continue to do exactly what they have been doing, because there is no reason to believe anybody is going to get a reprimand.

Mr. President, we have modified the amendment to say that, first of all, it covers only Federal employees; second, that employee has to be operating in an official capacity. Third, we have added the term "security" to the exemption, so that the Secret Service and anybody else who is furnishing security services in the administration or in the Federal Government are also exempt.

We have said that third parties who happen to be listening, such as a wiretap, are excluded because they are covered by other provisions in title 18.

Finally, we have reduced it from felony status to misdemeanor status. We have reduced the penalty from 5 years and a $10,000 fine to 6 months and a $1,000 fine.

When you have the administration, the majority leader, and the intelligence community all saying, "But, but, but," there are going to be a lot of "But" votes.

I am going to tell you something: I believe this issue is broader than most people think. I know that everybody who votes "No" is going to go home and say, "I really hated to vote against that, but it would hamstring our intelligence-gathering activities," and no red-blooded American patriot wants to do that.

You had better check the statutes carefully, to make sure, and you had better check your opponent very carefully, to make sure he does not know what it is about, because he will come back and say the intelligence community had a broader exemption under the amendment you voted against than they did before the amendment was offered.

Finally, this is not an end-all, be-all, civil libertarian issue. But to stand by and not redress a problem of this magnitude is an abdication of our responsibility.

Why do we consider ourselves different from the Soviets, a country the Senator from Ohio and I visited about 6 months ago? We found it so odious because everything is wiretapped; every conversation is monitored by the State. God, how offensive it was to be in a society where people are afraid to speak, even on the streets, for fear they are being wiretapped or overheard and for fear of that midnight knock on the door.

This is just a small, embryonic thing. It should have been redressed many years ago.

We pride ourselves on our freedom of privacy. We pride ourselves on all those freedoms, and we pride ourselves on being different, as a democracy, from those totalitarian States where everything is monitored.

This debate reminds me of people sitting around the coffee shop condemning Government, and every time they condemn Government and erode the confidence of people in Government, freedom becomes a little shakier. They erode their own freedoms as well as denigrating Congress.

It may be that this speech is entirely too loud for the magnitude of the proposition, but I happen to be especially concerned in remembering that this is 1984 and recalling reading Orwell's "1984." And I also think of wading through Thomas Jefferson's biography and finding, time and time again, where Thomas Jefferson warned us about how those little acorns of invasions of constitutional freedoms become big oak trees, and freedoms are gone before you realize that the tree has grown completely out of control.

Mr. President, I yield the floor.

SEVERAL SENATORS. Vote! Vote!

Mr. THURMOND. Mr. President, I regret that the sponsors of this amendment have not seen fit to withdraw it. The Judiciary Committee has worked for several years to bring to the floor a package of crime bills to try to reduce crime in this country. The crime situation in this country has gotten out of hand.

There is a murder committed in this country every 25 seconds, a forcible rape every 7 minutes, a robbery every 59 seconds, an aggravated assault every 49 seconds, a burglary every 9 seconds, a larceny theft every 4 seconds, a motor vehicle theft every 30 seconds. There is a crime committed in this country, on average, every 2 seconds.

Mr. President, the Judiciary Committee has worked hard to try to prepare a package here that would be noncontroversial. We tried to agree on those matters that the members of the committee felt were important to the

public good and could be enacted on a consensus basis.

The administration sent down a crime legislative program that included the matters in this package and several others that are controversial, such as the death penalty. We took out those that were controversial. No one expected this package to be amended with controversial issues. Senator BIDEN, the able ranking member of the committee, and I, and the members of the committee, felt we had a noncontroversial consensus bill that would help the public good and that we had all agreed on. Now we have an amendment here that can destroy that consensus.

If this amendment is adopted, I do not know what will happen to this bill. The whole effect that we have exerted for several years may go down the drain. The President may see fit to veto this because, the way it is drafted, this amendment is a dangerous amendment. They got up the amendment hurriedly. It is ill-written. It is ill-prepared.

And in the words of the Justice Department:

. . . Mr. Chairman, we believe very strongly that the amendment at hand is a gravely flawed product and that its approval at this time would be the height of irresponsibility.

Who is that talking? That is the Justice Department that stands for justice, that stands for law and order. It is the highest Department of law and order in this country. Are you going to believe them?

They go further and say:

Were we to endeavor to draft such a prohibition in the form of an amendment to the very technical and closely inter-related wiretap laws, we would proceed with utmost caution and subject such a proposal to careful review not only within the Department of Justice but among all other Federal agencies as well.

Other Federal agences are interested. The FBI is interested. The Central Intelligence Agency is interested.

The National Security Agency, which is to protect the national security of this Nation, is interested. Here is a letter from them opposing this amendment:

In addition, we would think that the public should be given an opportunity to review and comment upon such legislation. Such careful review is, we believe, essential to avoid producing adverse effects far beyond those intended by the authors of the amendment. As currently written, the amendment would be a serious impediment to law enforcement and intelligence activities at a time when we should be strengthening our ability to deal with crime and terrorism.

Mr. President, you heard the chairman of the Intelligence Committee here talk on this subject. Senator GOLDWATER has stated emphatically that he does not know what this amendment means. It is a dangerous amendment. And you cannot write an amendment like this just in a day or so. This is a complicated matter. There should be hearings on it. Senator GOLDWATER says he will hold hearings on it. Senator PAUL LAXALT, the chairman of the Criminal Law Subcommittee, says that he will hold hearings, report to the full Judiciary Committee and we will take prompt action.

Why the rush all of a sudden? Why the rush? Why not take time and work on this bill. Give all the agencies of Government and give the public a chance to come in and express themselves. Then we will come out with a sound bill that we can probably all support.

Mr. President, I just want to say that this package contains bail reform. Did you know right now a Federal judge cannot refuse bail to a defendant except as a flight risk—not danger? He may have killed six people and is charged with killing another man, and the judge cannot refuse bail to protect the community. All he can do is fix the amount of bail. We think if the judge determines that this man is a menace to society and a danger to the public he ought to have the right to deny him bail until his trial is held. That is what a provision in this package provides for on bail reform.

And we have sentencing reform. We have forfeiture. We have insanity defense. We are narrowing the defense and shifting the burden of proof to the defendant rather than requiring the Government to prove sanity beyond a reasonable doubt.

We have justice assistance, surplus Federal property for correction purposes amendment, a labor racketeering amendment, Foreign Currency and Transaction Reporting Act improvements, and violent crime amendments.

Mr. President, I gave you the figures on violent crime here a few moments ago. As to the violent crimes in this country, the 1982 report shows there was a violent crime committed every 3 seconds. These 1,285,705 violent crimes were committed in the United States that year.

Mr. President, we are trying to do something about this. We are trying to help the public. The public is crying to Congress to act. That is what we are trying to do.

I plead with the Senators to pass this package that is agreed to by Senator BIDEN and myself. It is favored by the full Judiciary Committee. It is favored by the administration. It is favored by the Justice Department. It is favored by the CIA. It is favored by the FBI. And it is favored by the NSA. It is favored by Senator GOLDWATER, chairman of the Intelligence Committee. And it is favored by the majority leader of this Senate.

Mr. President, how much longer is the public going to have to wait? If this amendment should cause a veto of this package, then we would have to start all over again. It may be several years more before we can agree upon such a package.

I hope the Senate will see fit to defeat this amendment. Let us pass this package.

Mr. President, that is not the way to legislate. The way to legislate in the Senate is the regular way. Let important bills go to a committee. Let the committee give careful consideration and due deliberation to them. Then bring them to the Senate. Then we know what we are doing. Again, I say I hope the Senate will see fit to defeat this amendment.

● Mr. KENNEDY. Mr. President, I commend the Senators from Ohio and Arkansas for their amendment. I will vote against the amendment because I share the conviction of the chairman and ranking minority member of the Judiciary Committee and the chairman of the Criminal Law Subcommittee that the criminal law reforms contained in this bill are so essential and long overdue that they should not be jeopardized by the addition of controversial amendments to this measure.●

● Mr. GRASSLEY. Mr. President, I wish to share with my colleagues the reasons for the vote that I am about to cast on the Metzenbaum/Bumpers amendment, No. 2689, to the Comprehensive Crime Control Act, S. 1762.

As the distinguished chairman of the Judiciary Committee and the ranking minority member have pointed out, this crime bill has been delicately balanced to give it a genuine chance of becoming law. Our country's crime problem is a matter of prime importance and a federal response is absolutely necessary.

While I share Senator METZENBAUM's belief that it ought to be illegal to tape record telephone conversations without the consent of both parties, it is evident from the last 2 days' discussion of this amendment that there are technical and substantive problems with this amendment that, if passed, could jeopardize the passage of the Crime Control Act. Because of this, I shall cast my vote against the Metzenbaum/Bumpers amendment, and urge my colleagues to do so as well.

Mr. SPECTER. Mr. President, I have voted against the Metzenbaum amendment because it departs from the fundamental principle of American jurisprudence that a criminal statute applies to all without an overriding reason for that distinction. Although there are other difficulties with the amendment, this factor was my primary motivation.

The amendment would make it a crime for a public official to do an act that would be perfectly lawful if performed by anyone else. It does so even though the act—recording one's own telephone conversation without the express consent of the other party to the conversation—does not require any

use of power unique to public officials, but can be performed by anyone.

In order to maintain the basic fairness of American law, it must apply equally to all. Accordingly, criminal statutes apply to the rich, powerful, and those in public office as well as to everyone else.

Statutes, like bribery, prohibiting misuse of government office are not analogous to the Metzenbaum amendment. Only the officeholder can misuse the office. Anyone can misuse the telephone.

There is much to recommend a law, like the one I enforced so a prosecuting attorney in Pennsylvania, which would prohibit anyone from recording a telephone conversations without the consent of all parties. Hearings should be held on such a bill, as promised by the distinguished chairman of the Criminal Law Subcommittee, Senator LAXALT, before deciding on the passage of such a bill.

Mr. LEVIN. Mr. President, I have cosponsored and will vote for the Bumpers/Metzenbaum amendment to S. 1762, which amends section 2511 of title 18 of the United States Code, to prevent Government officials from taperecording conversations unless all parties to the conversation have given their prior consent. The current law is deficient because it permits oral or wire interceptions to a communication where one of the parties to the communication has given prior consent to such interception.

The Charles Wick episode has dramatically demonstrated the need to amend the current law to narrow this broad exception in the wiretap statute. The right to privacy is guaranteed by the Constitution. It is particularly important that Government officials refrain from taking any actions which might undermine that right. Regulations promulgated by the GSA on Federal agency taping of telephone conversations recognize the importance of restricting such invasions of privacy. These regulations prohibit consensual listening-in or recording of telephone conversations except when performed under one of the delineated exceptions to the regulations. Unfortunately, the GSA regulations lack an effective enforcement mechanism.

The intent of the amendment is simply to change the law so that taping of telephone conversation by Government officials will be prohibited in the future under Federal law unless all parties to the conversation have given their prior consent. The amendment will make all Americans more secure in their right to privacy and I applaud Senators BUMPERS and METZENBAUM for bringing this matter before the Senate.

Mr. METZENBAUM. Mr. President, I now modify my first-degree amendment by adding in lieu thereof all the terms of the second-degree amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, could I make an inquiry of the distinguished Senator?

The PRESIDING OFFICER. Yes.

Mr. THURMOND. As I understand it, the majority leader said he wishes to have one vote on this matter.

Mr. METZENBAUM. That is right. We have done that by modifying the first-degree amendment by inserting in lieu thereof all the terms of the second-degree amendment. It is our intention to have one vote. Of course, if there is a motion to reconsider or something like that, that is another matter.

Mr. THURMOND. I understand the Senator prefers an up-and-down vote, not a tabling motion.

Mr. METZENBAUM. The Senator from South Carolina is 100 percent accurate.

Mr. THURMOND. We are amenable to that.

VOTE ON AMENDMENT NO. 2689, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Ohio.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG) and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 51, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—41

Andrews	Chiles	Jepsen
Baucus	Cohen	Lautenberg
Bentsen	Dixon	Leahy
Bingaman	Dodd	Levin
Boren	Exon	Mathias
Boschwitz	Ford	Matsunaga
Bradley	Hatfield	Melcher
Bumpers	Huddleston	Metzenbaum
Burdick	Humphrey	Mitchell
Byrd	Inouye	Moynihan
Packwood	Randolph	Sasser
Pell	Riegle	Tsongas
Proxmire	Rudman	Weicker
Pryor	Sarbanes	

NAYS—51

Abdnor	Grassley	Nunn
Baker	Hatch	Percy
Biden	Hawkins	Pressler
Chafee	Hecht	Quayle
Cochran	Heflin	Roth
D'Amato	Heinz	Simpson
Danforth	Helms	Specter
DeConcini	Johnston	Stafford
Denton	Kassebaum	Stennis
Dole	Kasten	Stevens
Domenici	Kennedy	Symms
Durenberger	Laxalt	Thurmond
East	Lugar	Trible
Evans	Mattingly	Wallop
Garn	McClure	Warner
Goldwater	Murkowski	Wilson
Gorton	Nickles	Zorinsky

NOT VOTING—8

Armstrong	Glenn	Long
Cranston	Hart	Tower
Eagleton	Hollings	

So the amendment (No. 2689), as further modified, was rejected.

Mr. THURMOND. I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRYOR. Mr. President, I am pleased that the Senate is now considering the Comprehensive Crime Control Act of 1983. I can think of no topic more deserving of the Senate's consideration, and I commend the chairman of ranking minority member of the Judiciary Committee for their leadership of this matter.

This legislation is an extensive revision of current Federal laws regarding bail, sentencing, forfeiture, insanity defense, drug penalties, and a number of other Federal provisions. It is a major step toward bringing our Federal statutes and procedures into the 1980's. I am proud to be a cosponsor.

I am hopeful that these revisions will expedite the processes of the Federal justice system while protecting all concerned—the defendant, law enforcement officials, the victim, and the public.

Our Nation's criminal justice system represents an enormous amount of public resources. Expenditures were estimated for a recent year at $26 billion in Federal, State, and local spending including $13.8 billion for police, $6 billion for prisons, $3.4 billion for courts, $2.2 billion for attorneys and investigators, and $500 million for other services.

While the Federal role could be described as modest in comparison with State and local efforts, it is a crucial role. We in the Congress need to make sure Federal procedures and substantive law provisions enhance the effort that must be made at the Federal level.

Among the most distributing crime-related statistics is the increase in the

public's fear of crime. Numerous public opinion surveys have documented that public concern about, and apprehension of, crime has grown. Unfortunately, these fears are often well-founded.

In 1981, almost a third of American households were victims of violence or theft. While the Uniform Crime Report issued last fall for January to June 1983 crimes indicate a decrease of 5 percent in the number of offenses reported as compared with the same period a year earlier, this statistic is little reassurance to those whose lives have been touched by crime. Moreover, it is sobering to all of us to hear that a murder is committed every 23 minutes, a rape every 6 minutes, a robbery every 58 seconds, and a burglary every 8 seconds.

This bill will not solve the criminal justice crisis in this country. It will, however, help. It is a step in the right direction. This country needs a bipartisan, comprehensive commitment to crime reduction. This legislation is an important part of that effort.

Some of the major provisions are:

First, bail reform: Amends the Bail Reform Act of 1966 to address among other things, the need to: (a) consider community safety in setting nonfinancial pretrial conditions of release; (b) expand the list of statutory release conditions; (c) permit the pretrial detention of defendants as to whom no conditions or release will assure their appearance at trial.

Second, sentencing reform: Abolishes parole and establishes a sentencing commission to issue sentencing guidelines.

Third, criminal forfeiture: Enhances the requirement that convicted defendant forfeit to the Government the profits of his drug or organized crime enterprise.

Fourth, insanity: Defines the insanity defense, and shifts the burden of proof to the defendant to prove he was insane.

Fifth, drug enforcement amendments: Substantially increases the fines for drug trafficking and the penalties for trafficking in amounts of the most dangerous drugs.

Sixth, justice assistance: Authorizes a modest program of financial assistance to State and local law enforcement to help finance anticrime programs of proven effectiveness.

Public safety officers' death benefits: Provides for payment of $50,000 to a prescribed survivor of a public safety officer who dies from personal injury sustained in the line of duty.

FBI training of State and local criminal justice personnel.

Emergency Federal law enforcement assistance: Authorizes Federal assistance to any State the Attorney General approves as a law enforcement emergency jurisdiction in emergency situations.

Seventh, surplus Federal property: Provides for transfer of unused surplus Federal property to the States to help alleviate overcrowded jail facilities.

Eighth, labor racketeering amendments: Increases penalties for labor racketeering and supplements the list of crimes which disqualify defendants from holding union-related positions.

Ninth, currency and foreign transaction reporting amendments: Increases penalties for false reporting and tightens existing law.

Mr. DECONCINI. Mr. President, I support the comprehensive crime control bill and urge my colleagues to join me in voting for its passage. The provisions of the bill will give our criminal justice system major new tools in fighting crime in the United States.

Our country is losing ground in its battle against the lawless. Organized crime is flourishing; individuals are committing crime with impunity. Criminals are all too aware that our society has hamstrung itself with laws and court decisions that have made it almost impossible for law enforcement officials to stop them. The bill we are presented with today reverses the past trend of favoring the criminal over the victim or society itself.

The most important provision of the bill, in my opinion, is the reform of our bail laws. I have worked for many years on the Judiciary Committee, along with my colleagues from both parties, to come up with a meaningful reform of our absolutely irresponsible system of bail. It is incomprehensible to me that our judges are prevented by law from considering the likelihood that a defendant accused of a violent or drug-related crime, is going to commit another. I believe that the preventive detention provision of this bill is vital in restoring balance to our justice system.

I am also pleased that the comprehensive crime control bill retains a provision which is of particular interest to me in the area of bail for drug law offenders. This provision creates a presumption that a defendant accused of a serious drug violation is automatically dangerous to the community and must be detained prior to trial. This provision will go a long way toward closing the revolving door that our jails have developed into.

I have long supported many of the other provisions of this bill. Among those I consider to be vital are the reform of our sentencing procedures, an expedited forfeiture provision which will allow the Government to seize the proceeds and equipment used in criminal activity, an increase in penalties from major drug law violations, a reversal of the burden of proof in insanity cases to put the burden on the defendant to prove his insanity, an increase in penalties for labor racketeering and an expansion of the offenses which preclude an individual from holding union-related positions, and the modest program of financial assistance to State and local law enforcement agencies for programs that have proven to be effective in fighting crime. There are other important provisions in the bill which I also support.

Although I believe the Comprehensive Crime Control Act of 1984 is a major step forward, I would have reached even farther. I supported efforts to include in this legislation provisions providing for a Federal death penalty, a modification of the so-called exclusionary rule, and a provision creating an overall coordinator of our illegal drug law efforts.

While I am disappointed that these additional provisions were not included in the bill, I am firmly convinced that the comprehensive crime control bill is a good bill and is absolutely necessary to provide law enforcement officers, prosecutors, judges, and corrections officials, the necessary tools to fight back against crime. While I urge my colleagues to vote in favor of this legislation today, I am confident that the bill will pass this body overwhelmingly. I believe that more than just my colleagues' votes are needed to see this bill enacted into law. I believe it is necessary that we encourage our colleagues in the House of Representatives to take quick action on this bill. I intend to do so. I am hopeful that our efforts here will not be in vain.

Mr. PRESSLER. Mr. President, I am pleased to join as a cosponsor of S. 1762, the Comprehensive Crime Control Act of 1983. This legislation is the product of a lengthy bipartisan effort on behalf of the Senate Judiciary Committee and many other Members of this distinguished body. Major changes must be made in the Federal criminal laws. During my term in the U.S. Senate, I have expressed a deep concern about the staggering increase in crime. The people of this country have been calling for tougher action on crime, and they certainly are correct in doing so. The Department of Justice has reported that in 1982 almost one-third of all the households in the United States were victimized by crime. The time for action is now. S. 1762 offers an answer.

Under the provisions of this legislation, judges will be able to consider the possible danger to the community when determining whether a defendant awaiting trial should be released on bail. Most importantly, danger to the community will be presumed if the defendant is accused of a serious drug trafficking offense or has used a firearm during the commission of a violent crime. This action is long overdue.

Major provisions of this bill deal with sentencing reform. As a cosponsor of S. 668, the separate bill to reform the Federal criminal sentenc-

ing procedures, I am pleased to see this inclusion in the comprehensive bill. Under this legislation, reforms in the guidelines for sentencing and parole will be made more clear and the Federal courts will be required to follow guidelines which would assure that criminals who commit similar Federal offenses receive similar sentences and serve similar terms. The Government will also be able to appeal any sentence which is more lenient than the sentence guidelines.

Also included in this bill is a revision of the Federal insanity defense. During the extensive congressional debate on the insanity defense which took place after John Hinckley was acquitted, I introduced S. 2669, a bill which would have corrected the obvious deficiencies in the application of this defense. Many of the points raised in that bill have become a part of the compromise provisions which are presently included in this crime package. Two of the most significant changes that this bill would make are placing the burden of proving the insanity defense on the defendant and providing commitment procedures for anyone acquitted only by reason of insanity. Under the present law, there is no Federal procedure for commitment to a mental institution—Federal officials can obtain civil commitment only by urging local authorities to institute such proceedings.

Tougher sentences, bail reform, and a crackdown on drug trafficking are most important legislative reforms. Other provisions which limit the insanity defense, combat the sexual exploitation of children, revise the laws dealing with criminal forfeiture, and authorize financial assistance to State and local law enforcement agencies are also necessary inclusions in this major reform legislation.

I am pleased that the Senate has approved this measure and remain confident that the House of Representatives will follow our lead. People throughout this country need to know that our criminal justice system is becoming strong again. There can be no law without order, and no order without law.

Mr. PERCY. Mr. President, I rise in support of the Comprehensive Crime Control Act of 1983. This legislation is the product of lengthy and careful study by the Committee on the Judiciary, the Committee on Foreign Relations, and Members of the Senate who have taken an active interest in improving the stucture of Federal laws for fighting crime. I am pleased to see that it has come to the Senate floor for action today, and I would like to speak about several of the bill's provisions which I believe are especially significant.

In the first place, I am proud and gratified that the language of the amendment which I sponsored on armor-piercing bullets in the last Congress has been adopted by the Judiciary Committee as part E of title X of the bill they reported for action. Armor-piercing handgun ammunition represents a serious threat against the lives of dedicated law enforcement officers. These deadly bullets defeat the protection of the soft body armor which is now being worn by more and more of our policemen, and which has helped save lives on many occasions. In Chicago, with great support from the general public, a major campaign is underway to raise the money needed so that every police officer can be equipped with this life-saving body armor. A similar effort is underway in the District of Columbia. These efforts could be rendered useless if we fail to take action to deter criminals from using ammunition that can penetrate the vests. Although the legislation I originally sponsored was much further reaching than the language contained in S. 1762, I believe that the tough mandatory penalties provided in the bill are an important first step. As we gain experience with the subject, we may find that further legislative measures are definitely in order. Furthermore, the States remain free to enact legislation at the State level providing penalties for illegal use of armor-piercing handgun bullets, or outlawing possession of them. What is important to me is that the Senate Judiciary Committee has taken the first step and the Senate as a whole will shortly take another, to removing or eliminating this potent threat to lives and well-being of thousands of law enforcement officials throughout our country. Truly, we owe it to them to make this improvement in our laws.

I am also pleased to see in the committee bill amendments to existing laws on child pornography which should greatly assist the Federal Government to combat the sexual exploitation of children. It is perfectly clear to me that the children who become involved with child pornography suffer harm. Without question, their lives can be warped or scarred by the experiences they have. Last July, the Supreme Court removed one of the obstacles that confronted our efforts to crack down on this illicit industry by holding that when children are involved, States can restrict even nonobscene materials because of the State's profound interest in protecting the physiological, emotional, and mental health of children. I think it is a tribute to the original sponsors of this legislation—and I am proud to have cosponsored the original bill in the form it passed the Senate last year—that they have moved so swiftly to bring the Federal statutes up to date with the latest determinations of the Supreme Court.

The bill also expands the scope of Federal laws against the robbery or burglary of a pharmacy in which a controlled substance is taken. Controlled substances, of course, are regulated by the Federal Government. Criminal penalties are provided for certain violations of the controlled substances statutes but, for years, no similar Federal penalties have applied to robberies or burglaries of pharmacies. Recognizing that State and local law enforcement agencies retain a vital role in the investigation and prosecution of such crimes, I nonetheless believe that an expanded Federal effort is warranted. I certainly hope that putting a new series of penalties in place, and expanding the mandate of Federal law enforcement agencies to cooperate in combating such crimes, will create a strong and effective deterrent.

Mr. President, I also believe that in the years that have passed since Federal criminal laws to deal with drug trafficking were enacted, the situation has changed drastically. Illegal drug transactions used to be relatively small. Federal law enforcement agencies are now faced with a very tough struggle to hold down the massive increase in both the volume of drugs imported into this country, and the serious crimes that are associated with that increase. The dollar volume of illegal drug trafficking has grown geometrically. The revisions in this bill to augment the penalties in this area are greatly needed. Where the profits from a single illegal deal can easily reach hundreds of thousands of dollars, it is important that the penalties, too, be in that range. Otherwise, Federal laws will allow drug dealers to pocket the difference between fines that are far too lenient, and often are not collected, and profits which have become frighteningly high.

Mr. President, I believe that the Federal Government should have better tools to carry the war on crime to the criminals. I think one of the best possible ways of doing this is to provide the Government with authority to seize property that has been acquired with the proceeds of illegal dealing. Today, when a drug dealer buys a farm and a yacht and other luxurious goods, there is frequently little the Government can do to make him feel the weight of the law, even if a conviction is obtained. He simply sits through his sentence, and when he is once again at large, he is free to enjoy his ill-gotten gains. This bill would help to address that situation by expanding the forfeiture provisions in existing law, so that the Government could go after that farm, that yacht, and other things obtained with the proceeds of his illegal dealings.

Another important way to insure that narcotics crimes do not pay is to be sure that when a convicted narcotics offender is sentenced to a fine, that

that fine is paid. Too often, criminals are walking away from these fines, without consequence. As you might imagine, drug dealers are especially adept at concealing their assets, hiring sophisticated defense counsel, and, in general, finding ways to avoid payment. The amendment which I introduced last fall, incorporating the Criminal Fine Collection Act of 1983, will toughen the statutes considerably to allow the Justice Department and the courts to deal with this problem.

It is vital that we make criminal enterprises less attractive, that we enact into law the authority the Government now needs to stem this tide of lawlessness. I think that the provisions we are considering today are an important move in the right direction.

In summary, Mr. President, I believe S. 1762 contains many provisions which will be of material help to the fight against crime in this country. I commend the distinguished chairman of the Judiciary Committee, Senator THURMOND, for his diligence and persistence in bringing this bill to the floor.

Mr. CHAFEE. Mr. President, let me first make it abundantly clear that I am unalterably opposed to the practice of any person secretly taping his or her telephone or personal conversations without the consent and approval of the other party. The recent incident where Mr. Wick of the USIA secretly taped telephone conversations with several people—including a U.S. Senator and several administration officials—cannot be justified and is intolerable.

However, the amendment before us today is woefully deficient, as the Justice Department has pointed out in a letter to the chairman of the Judiciary Committee, Senator THURMOND. The Justice Department raises serious questions about the effect of such restrictions on legitimate law enforcement operations. This may or may not be true. But we owe it to ourselves to examine these issues carefully. If ever there were a case where the thorough consideration of legislation is essential, this is it.

Before we rush to pass legislation that may well create more problems than it solves, let us take the time and do the job right. Rather than acting today, let us give the Judiciary Committee an opportunity to hold hearings and to draft a bill that addresses the problem on the basis of full information, taking into account the legal ramifications that exist.

For these reasons, I will vote "no" on the Metzenbaum amendment. However, I want to serve notice that I do not take this matter lightly. I believe prudence requires that we give the Judiciary Committee an opportunity to hold hearings and vote out appropriate legislation. At the same time, I do not want this matter forgotten. If this amendment is defeated and the Judiciary Committee then fails to come forward with its own bill during the course of this session, then it would be my intention to vote for a future amendment if it appears that is the only way to secure action.

With those thoughts in mind, I would urge my colleagues to vote "no" on this amendment to give the Judiciary Committee time to do its job. But I also urge the committee to schedule early hearings and to report legislation to outlaw the surreptitious taping of telephone and private conversations as quickly as possible.

Mr. SYMMS. Mr. President, in efforts to fairly judge those accused of crime, our judicial system is often overgenerous in being fair and impartial. Many times, it extends beyond commonsense and prudence. All too often we have seen judges hamstrung by technicalities and forced to disregard the most heinous crimes, or seemingly blinded to the great danger posed to society by a criminal as some judges pursue a personal "social" ideology that neglects the needs of society at large.

Last year there were more than 50 murders per day, and some 100 violent crimes every hour in America. This is not the kind of America we want, for ourselves, or for our children.

The crime rate has decreased a fraction, but we still have a long way to go before Americans can once again feel safe on our streets and in our homes. We can take a major stride in making our streets and homes safer by passing the Comprehensive Crime Control Act, S. 1660, which is now before this body.

By passing this legislation, we can, for the first time, allow judges to deny bail to a defendant on the basis that his release would pose a threat to the community. S. 1762 would limit parole and require more uniform sentences. We could also take millions of dollars of revenue away from organized crime with the package's increased penalties for narcotic offenses.

Most of all, the package would address an inequity that has been of particular concern to my constituents—the insanity defense. They have been especially concerned about this loophole in the law since the shooting of the President and the serious wounding of Mr. James Brady, his press secretary. They are outraged that one who would murder can commit an act such as this, and not face harsh judgment.

The Hinckley trial only coalesced popular dissatisfaction with our arcane legal system. This dissatisfaction has been building for years with increasing reports of psychopathic killers being set free after a few years or even months of easy times in mental institutions.

Who among us in society, in the universities, in the laboratories, in the clinics, holds a degree so worthy, or commands knowledge so penetrating, that he knows whether or not a killer will kill again? If we took such risks with a new chemical food additive or airplane design, the public would revolt. Frankly, they would be right in doing so.

Once a human being has demonstrated that he is so deranged as to wantonly take a life or lives, who among us is so insightful as to determine that the killer's return to society is an acceptable risk? The insanity defense, in the way it is structured today, places that burden on society in an unfair manner.

The legislation I am supporting changes the law by minimizing the use of the insanity plea, placing the burden of proof on the defendant and not on the prosecutor. The insanity plea is inimical to justice because it negates the principles of guilt and responsibility.

The Comprehensive Crime Control Act addresses many of the problems and inequities in our Criminal Code. Law, to be effective, must respected. And in numerous cases, our legal system today is not respected because it often has no correlation to commonsense.

A recent court decision emphasizes my point. Authorities at the San Diego airport, through a trained police dog at the Fort Lauderdale airport, traced a traveling suspect's suitcase. Inside the suitcase, officials found several pounds of illegal narcotics. The drug smuggler was arrested, prosecuted and convicted. However, the defendant's lawyers appealed the conviction to the Ninth Circuit U.S. Court of Appeals. The appeals court ruled that the police dog had violated the suspect's rights by sniffing his luggage.

The effect of the ruling in this case seems to insure the suspect's right to smuggle narcotics. This example exemplifies the distorted priorities of today's American criminal justice system. Rather than being solicitious of the protection of society from murderers, rapists, drug smugglers and the like, the courts engage in judicial gymnastics to protect criminals from law enforcement agencies.

To be sure, we have to have a body of laws that protects the accused from the whims of popular opinion. But in doing so, the courts have often overcorrected—disconnecting criminal law from any semblance of basic justice or common wisdom.

Any body of law that long ignores the needs of victims or society is a system that invites disrespect. To keep respect for the law, we must uphold the standards of justice, and to do that Congress must enact the Comprehensive Crime Control Act this year.

Mr. KENNEDY. Mr. President, we face a serious problem of crime in America, and there is an urgent need for effective leadership by the Federal Government.

Although major crime indicators are showing a slight decrease, the staggering figures that remain are unacceptably high. Each year, more than 25,000 Americans are killed by violent criminals. In Massachusetts, for example, every 16 minutes another innocent citizen falls victim to a violent crime.

Americans believe that security in our homes and neighborhoods is as important as international security.

The bill which the Senate approved today is a major anticrime package containing essential reforms with widespread bipartisan support.

In my view, the most important provisions in this legislation relate to sentencing and bail—the two areas where reform is most overdue. The bill replaces our haphazard approach to sentencing with a new system which establishes a commission to develop sentencing guidelines for judges, abolishes parole, and provides for appellate review of sentences. The sentencing provisions of this bill are identical to those in S. 668, which I introduced earlier this year. S. 668 has been reported to the Senate, and will be acted on shortly.

With respect to bail, the crime package for the first time allows judges to consider the dangerousness of a defendant in determining whether and under what conditions to permit release on bail.

The bill provides important weapons againt drug trafficking and organized crime through stiffer penalties and stronger forfeiture statutes. The bill also provides procedures to deal with violent juvenile offenders. Finally, it gives desperately needed Federal assistance to State and local prosecutors.

This legislation embodies a unique consensus that has been developing in the Senate to achieve reforms needed to wage a successful war on crime. It excludes controversial proposals to limit the exclusionary rule and habeas corpus, and to reinstate the death penalty. Judiciary Committee Senators in both parties know that we cannot enact effective anticrime legislation unless we separate these divisive issues from the major effort.

The continued bipartisan cooperation that has brought us to this point is an unusual achievement for which many Senators deserve great credit. The measure before us is proof that Congress can adopt significant anticrime legislation, without jeopardizing the constitutional rights or the civil liberties of any citizen.

Approval of this measure today is a significant step forward in or continuing war against crime.

● Mr. LAXALT. Mr. President, to protect innocent citizens from the depredations of others is the highest duty of Government. The bill that we have passed today contains a great many measures that enable the Federal Government to combat crime more effectively, and therefore, I fervently hope that S. 1762 will be approved by the House and signed into law in short order. I realize that over these last several days of debate, we have touched on many of the bill's most significant provisions, and I do not intend now to catalog again all of the major advances that this legislation makes possible. Suffice it to say that it should help enormously to restore public confidence in America's criminal law system.

The Comprehensive Crime Control Act goes far toward helping our criminal justice system actually dispense justice. When this bill becomes law, Congress will have acted for the first time in history to define the Federal insanity defense; we will have limited that defense and brought some commonsense to the issue. When this bill becomes law, Federal judges will once again be able to take danger to the community into account in setting bail. When this bill becomes law, society can be more certain that convicted criminals will receive just jail sentences. The forfeiture, drug enforcement, and labor racketeering reforms that we have passed are also essential to a properly functioning system of justice.

Passage of this bill is indeed a singular accomplishment. I want to express my great appreciation for the extraordinary effort put into this legislation by a great many Senators on both sides of the aisle. My special gratitude goes to Senator THURMOND, distinguished chairman of the Judiciary Committee, who shouldered the enormous task of shepherding this bill to passage. I also thank Senators BIDEN and KENNEDY, who were instrumental in this terribly important endeavor. The Department of Justice, which worked so hard in helping to assemble the administration's anticrime package, should be greatly commended as well.●

● Mr. WARNER. Mr. President, I want to commend the distinguished chairman of the Judiciary Committee and the entire committee for bringing this bill before the Senate.

I supported this legislation when it came before the Senate in 1982, and I have cosponsored legislation this session dealing with child pornography, bail reform, insanity defense, and drug trafficking, which are basically included in this bill.

We now have before us a composition piece of legislation that has been almost a decade in the making—it deserves the support of the Senate.

Americans expect their Congress to provide laws that will do a better job in controlling crime. It is imperative that the Federal Government has the tools to be effective. As a former assistant U.S. attorney, I am familiar with the need for this important legislation, and I want the members of the committee to know that law enforcement agencies and American people will appreciate their efforts.

Mr. President, this is a fair bill, this is a bipartisan bill, this is needed legislation, and I urge its speedy approval.●

● Mr. BENTSEN. Mr. President, and, distinguished colleagues, I would like to take this opportunity to express my support of the Comprehensive Crime Control Act of 1983. I would especially like to thank the distinguished Senator from South Carolina (Mr. THURMOND), chairman of the Judiciary Committee, and the committee members for their diligence in delivering this crime package. I believe that this legislation represents the urgent need for laws which protect society from those individuals who perpetrate conscienceless, senseless, and often brutal crimes on law-abiding citizens in our country.

It is with pleasure that I recognize the actions of the Judiciary Committee in reform legislation in the two areas of sentencing and drug enforcement which I have found to be severely inadequate in the past.

During the first session of the 98th Congress, I was prepared to submit an amendment to the Federal Rules of Criminal Procedure which would have required consecutive sentencing for an individual who committed a felony while on bail or released on personal recognizance for another offense. We should not tolerate criminals taking advantage of the shortcomings in our criminal justice system without suffering the consequences of their aberrant and hostile behavior.

I am pleased to note that with the cooperation of the distinguished chairman of the Judiciary Committee, Mr. THURMOND, and my esteemed colleagues on the Judiciary Committee, it became unnecessary for me to submit my consecutive sentencing provision as an amendment. This crime package incorporates my proposal on consecutive sentencing which would mandate that a person who commits a felony or misdemeanor while on bail or released on personal recognizance for another offense, must be sentenced to a consecutive term of imprisonment.

I also commend the Judiciary Committee for its response to the need for corrective legislation in the area of controlled substances. I was prepared to offer an amendment that would have increased the penalties for trafficking in schedule I and II drugs, and by removing the distinction between narcotic and nonnarcotic drugs as they are presently defined in schedules I

and II of the controlled substances act.

Once again, the committee understood the failings of our current laws with the illegal sale of drugs. This bill amends the Controlled Substances Act by increasing penalties for the trafficking in drugs specified in schedules I and II and, most importantly, removes the distinction between narcotic and nonnarcotic drugs that currently prevents effective punitive sanctions from being placed on drug traffickers.

Criminals are now on notice that society will no longer tolerate their callous disregard of our criminal justice system and allow leniency to be shown where no leniency is deserved due to shortcomings in our criminal laws. It is gratifying to know that my efforts to correct the abuses of our criminal justice system have been recognized in the Crime Control Act.●

TOUGH CRIMINAL REFORM LEGISLATION NEEDED

● Mr. JEPSEN. Mr. President, I rise in support of S. 1762, the Comprehensive Crime Control Act of 1983. I must say this legislation is long overdue.

As you know, Congress passed similar legislation during the 97th Congress but due to some differences of opinion over a number of controversial issues, that legislation was vetoed.

I believe that the bill before us today enjoys the support of the administration and, if passed by the House, would be signed into law.

Some of the issues addressed in this bill are: Sentencing reform; bail reform; assault on Federal officials; murder-for-hire; bank bribery; bank fraud; and mandatory penalties for use of fire arm.

This is by no means a complete list of the many issues dealt with in this bill. But, I think it does give you an idea of some of the serious topics that we are dealing with.

There is no question, Mr. President, that there is strong support for increased enforcement and increased penalties for crimes and criminals.

Poll after poll shows that the American people place fear of crime at the top of the list of things that concern them the most.

To say that this legislation has been a long time in coming, Mr. President, is an understatement. In some cases, these issues have been debated by successive Congress for the past 20 years.

I commend the Judiciary Committee, both the majority and minority members, for this major effort.

Mr. President, I am questioned by Iowans on a regular basis when I am back home and this most recent time away from Washington is no exception.

Very often during these meetings I am asked why it is that the criminal justice system seems more interested in protecting the rights of the criminal rather than the rights of the victim.

Indeed, some have suggested that our system of criminal justice is aptly named because it is only concerned about the rights of criminals.

Unfortunately, this is often an accurate assessment of our legal system.

While S. 1762 does not go as far in protecting victim's rights as I might like, I would say that it goes a long way toward bringing some semblance of sanity to the system.

Of particular importance in this area is the section of the bill dealing with sentencing reform.

As anyone who has closely examined Federal sentencing procedures knows, there is often very little consistency on the part of Federal judges.

It is hard for anyone to accept the notion that a crime might be more heinous in one part of the country than another despite the fact that the circumstances surrounding the particular cases are identical.

It is not hard to find situations where individuals convicted of drug possession might receive a very light sentence in one court while another person convicted of the same offense receives a very tough sentence in another court.

The sentencing reform provision cannot guarantee that this will never occur again but it goes a long way toward bringing a great deal of consistency to Federal sentencing procedures.

One final note, Mr. President. I would like to take this opportunity to strongly urge the Judiciary Committee to take a serious look at victims' rights legislation.

As you know, many States have already enacted various forms of victims' rights legislation and early studies indicate that it is working quite well.

In many cases, these victims' rights laws establish compensation funds within a State from which victims can be compensated for their losses. The money in these funds comes from the criminals.

Although I realize that trying to establish something like this on a national level might be a monumental undertaking, I still believe it is worth a try.

I urge my colleagues to support S. 1762. It is legislation that is long overdue and the people of America have strongly indicated their support for efforts such as this.●

PROVISIONS TO UTILIZE SURPLUS PROPERTY IN PRISON CONSTRUCTION

● Mr. GRASSLEY. Mr. President, I am pleased to see incorporated within title VII, a provision that I introduced in the 97th Congress, S. 1422. That bill passed the Senate unanimously in that Congress but was not acted upon by the House. This year I again introduced this provision, currently numbered S. 329. This legislation authorizes the donation of surplus property to any State for the construction of criminal justice facilities and incorporates one of the recommendations of the President's Task Force on Violent Crime.

Prison overcrowding is a problem which we can no longer overlook. It is a problem which goes beyond corrections. Potentially, it leads to a circumvention of the overall public and criminal justice system. Probation is meted out instead of incarceration because judges are aware that there is no available prison space. At a time when we are leaning toward harsher, longer prison sentences, available prison space is indispensable.

It is no secret that States are currently faced with the question of how to eliminate overcrowding in prisons so as to fashion programs that rise to constitutionally acceptable levels of legality and humanity. Society cannot permit crime to go unpunished for want of prison space, and for the present, prison is the only sanction available for violent crime. A revolutionary breakthrough in the range of available rehabilitative sanctions is not on the horizon. Again, I applaud the inclusion of this important provision in the comprehensive crime control package and urge all of my colleagues to support its enactment.

ARSON AMENDMENTS TO THE CRIME CONTROL ACT

Mr. President, I have the privilege of being the author of another section of the Crime Control Act. Part "N" of title 10 of this bill is the Public Safety Officer's Protection Act.

This provision makes clear the intent of the Congress that the enhanced penalty sections of the Federal arson laws apply whenever a fireman or police officer are injured while fighting a fire set by an arsonist. Already Federal law doubles the maximum penalty from 10 to 20 years whenever a person is injured by a fire set by an arsonist. That law allows the court to impose any penalty, including the death penalty if someone is killed in the blaze. It may amaze my colleagues that at least one Federal court has held that this enhanced penalty section of 18 U.S.C. 844 did not apply when the dead and injured were firemen performing their duties.

As a result, the arsonists were convicted and sentenced as though all that they had done was destroy a place of business. No mention was made of the fact that two courageous firefighters in Sioux City, Iowa lost their lives as a result of the arsonists' conduct, and that six others were injured.

Mr. President, I believe that Congress intended public safety officers as well as the public at large to be protected by the enhanced penalty provisions. Apparently, however, we did not make our intent clear enough and that

is the purpose of this legislation. I urge my colleagues to adopt it without modification.

PHARMACY ROBBERY LEGISLATION

Mr. President, I am delighted that the Senate has now turned its attention to our Nation's crime problem. I have the privilege of having authored several provisions of S. 1762 and I would like to discuss these provisions at this time.

One important provision of the Comprehensive Crime Control Act of 1983 is contained in title 10, part O of S. 1762. This provision makes it a Federal crime to rob or burglarize a pharmacy or federally registered warehouse its drugs.

Mr. President, this Congress and administration have devoted a major part of their work to disrupting the flow of illegal drugs into our country where they poison, primarily our young people. One of the unintended effects of these efforts has been an increase in the number of robberies and burglaries of pharmacies and pharmaceutical warehouses.

We often fail to realize the depth of the problem of diversion of drugs from legal to illegal sources. Between 1978 and 1982, there were 516 incidents of robbery and burglary against pharmacies, according to American Druggist magazine. In recent years, we have witnessed an annual increase in the number of armed robberies at pharmacies at an annual rate of over 150 percent.

Of often neglected significance is the additional cost on society of the illegally diverted drug. The narcotics traffic value of pharmaceuticals diverted from legal sources is even more astounding. At one recent warehouse burglary, the wholesale value of the controlled substances stolen was a mere $16,500. But State police estimated the street value to be as high as $1,200,000. When one measures the social cost of this crime as the amount of property stolen to obtain the money needed to purchase the diverted drugs illegally, the problem becomes even more apparent. Assuming that only one-half of the diverted drugs were with stolen money or the fruits of stolen property, the social cost to the Nation for this one crime was as high as $4,600,000. Now imagine, if you will, what the cost to the Nation was for the total of those 516 crimes occurring between 1978 and 1982 and I believe that you will have an indication of the seriousness of this problem.

As other Federal and State drug-interdiction programs take hold and have an impact, the incidence of this crime seems likely to increase. Already some 40 percent of pharmacists have stopped stocking certain types of drugs that are targets of thefts, according to one survey. In our major cities, delivery services have all but stopped and the kid on the bicycle delivering drugs for the neighborhood pharmacy is a thing of the past. This finding has serious implications for the legal drug distribution system. Over 12 percent of the pharmacists in the survey now keep a gun in the pharmacy and 11 percent have shortened their hours. In many ways, a seige mentality has taken hold at the Nation's legal drug distribution outlets.

Neither is this crime contained to our urban centers alone. In the last Congress, my good friend and colleague Senator JEPSEN brought us an example of a pharmacist in Blue Ridge, Ga., who had been robbed 10 times in 4 years. Clearly, a Federal attack on the drug diversion that occurs when a pharmacy is robbed or burglarized is an important link in any chain of crime and drug-crime control legislation.

PROVISIONS TO COMBAT CHILD PORNOGRAPHY—TITLE XI

Mr. President, at this time I wish to lend my strong endorsement to the provisions of the Comprehensive Crime Control Act dealing with child pornography. It is heartening to see this bill adopts the provisions of S. 1469, a bill that significantly strengthens Federal efforts to eradicate child pornography.

Due to the outstanding efforts of Senators LAXALT, SPECTER, DENTON and, of course, the distinguished chairman, STROM THURMOND, we have before us a provision that shields as effectively as possible those children vulnerable to sexual exploitation. This measure was agreed to after much deliberation as to what standards would both protect children and pass constitutional muster.

Taking its lead from the Supreme Court's 1982 decision in New York against Ferber, these provisions outlaw the distribution of all child pornography—not simply that which is technically obscene. The Court recognized in Ferber that the need to protect our children from sexual exploitation far outweighed the need of the exploiters to first amendment protection, and the bill before us writes that conclusion into law.

Currently, we are involved in resolving some of the differences between the House and Senate versions of child pornography legislation. And I, like the distinguished chairman of the Juvenile Justice Subcommittee, Senator ARLEN SPECTER, look forward to a quick resolution of these differences so that we might get this tool into the United States Code as quickly as possible.

All of us recognize that this bill marks only the beginning of heightened efforts to abolish child pornography. The true test of its effectiveness remains in the hands of our Federal prosecutors. Let us hope that through this legislation we will have armed them adequately.●

● Mr. MATTINGLY. Mr. President, I rise today in support of this long overdue reform of the criminal justice system and to commend my colleagues on the Judciary Committee for their tireless work on this bipartisan package. It is my view, and I believe that of a great many citizens of this Nation, that the Comprehensive Crime Control Act is one of the most important measures the Senate will consider during this Congress. There is nothing so deserving of the attention of this body as the protection of our Nation's citizens and there is nothing that places them in more real jeopardy, on a daily basis throughout this land, than the rising tide of crime. I believe Senate bill 1762 will provide a mechanism for stemming that tide.

In conversations with my fellow citizens I find an underlying sense of frustration that our current laws seem to protect the rights of criminals at the expense of victims and other law-abiding citizens; or that our criminal justice system is arbitrary, and that the penalty for a crime depends as much upon the sentencing judge as it does on the offense itself. Like the numbers of Georgians from whom I have heard, I believe that restoring respect for the law should be a national priority. And if we are to be successful at this, criminals must know that they will be swiftly tried and surely punished.

Title II of Senate bill 1762 goes far toward achieving that goal. By establishing a determinate sentencing system and promoting uniform sentencing, it seeks to remove the uncertainty, and I would add injustice, which currently prevails. The present system is one that one of our colleagues has aptly termed "roulette." But sentencing is not a game, despite the fact that criminals who now are willing to stake a chance on appearing before a lenient judge may believe it to be. Uniform sentencing will go far to remedy this problem.

I am particularly pleased that the committee has included extensive bail reform provisions in the legislation. The provision allowing the courts to consider the danger to the community in making bail determinations is, in my view, long overdue. The safety of the community should be of primary concern to lawmakers, law enforcement officials, and the courts. History is only too full of gruesome accounts of heinous crimes committed by felons released on bail.

The current insanity defense has often made a mockery of our criminal justice system. Most recently, John Hinckley loudly and tragically drove that point home. I am pleased to see revisions in the insanity defense which place the burden of proof on the defendant and which provide for Federal

commitment of persons found guilty by reason of insanity.

Mr. President, perhaps the most dangerous criminal this Nation faces is the illegal drug trafficker. Illegal drugs increase the number of accidents and suicides among youths, contribute to other crimes, rip apart the lives of friends and families, and even of whole communities. My wife, Carolyn, has been particularly active in drawing attention to the widespread problem of drug abuse in this Nation. We are all victims of it, and we cannot adequately protect ourselves and our children until we can remove the source of illegal drugs themselves. Stronger Federal penalties for narcotic offenses, I believe, will serve as a much-needed deterrent.

I hope my colleagues will join me in supporting this bill, and in sending a loud signal to the criminal element in this country and the world that America is tough on crime and that the Senate of the United States is serious about protecting the well-being of our citizens.●

I. BAIL REFORM

● Mr. LAXALT. Mr President, the bail reform proposal in this crime package will permit Federal courts to consider the danger the defendant poses to the community as a factor in decisions on pretrial release. Present law authorizes the courts to place conditions on pretrial release only for the purpose of assuring the defendant's presence at trial. As a result of this limitation, current law is too liberal in allowing release of defendants and too inflexible when it comes to permitting the judges to fashion reasonable conditions for the release of particular individuals.

In particular, current Federal law does not give courts the authority to impose conditions of release that are geared toward assuring community safety, yet, recent studies have shown that a significant number of persons are rearrested for other crimes while they are released on bail. The proposed reform provides this authority and, where necessary, the authority to deny release altogether to individuals who pose especially grave risks to the safety of the community. By "safety of the community" the committee means more than merely the danger of harm involving personal physical violence: Harms such as corrupting unions, drug trafficking, and continued acts of theft are included in this concept of community safety.

The major criticism that has been made of the bill is that it permits pretrial detention of dangerous individuals even though studies have shown that future criminal behavior cannot be accurately predicted. There are, I believe, three responses to this charge. First, present law requires the judges to fix bail amounts that are based upon predictions of the defendant's likelihood of future appearance at trial, yet there is no evidence that judges are more able to make this prediction better than they can predict future criminal behavior. Defendants in capital cases, of course, are presently not eligible for pretrial release, and it is clear that release on bail is not an absolute, constitutional right.

Second, the courts are covertly making these determinations already. When faced with a clearly dangerous defendant, judges often impose a high money bond for the ostensible purpose of assuring appearance but not for the actual purpose of protecting the public. The proposed reform makes this subterfuge unnecessary and will promote candor and effectiveness by permitting the court to request evidence for the express purpose of determining whether the defendant should be detained before trial in order to protect the public safety.

Third, the bill provides Federal judges with a broad range of options for their decisions regarding pretrial release. The judge may first, release a defendant on his own recognizance or upon execution of an unsecured appearance bond; or second, release him subject to conditions listed in the bill; or third, detain the defendant temporarily if the defendant is already on conditional release; or fourth, detain the person until trial.

The decision to detain the defendant before trial is not an automatic one: In order to detain the defendant before trial, a hearing must be held and the judicial officer must specifically find that no release condition or combination of conditions will reasonably assure the appearance of the person and the safety of any other person and the community. Thus, the bill provides the basis for making the most reasonable, defensible decision on whether an individual should be released before trial. While no statutory scheme can guarantee 100 percent accuracy in predicting future criminal behavior, that failure is no reason to preclude the reasonable, commonsense precaution of denying to obviously dangerous individuals the freedom to commit more crimes while awaiting trial.

The bill is sound in purpose and design. It should be approved without amendment.

II. SENTENCING REFORM

Mr. President, criminal sentencing in the Federal courts today is marked by two serious defects: first, the sentences imposed upon similarly situated defendants vary widely from district to district, and from judge to judge. Second, when a defendant is sentenced to a term of imprisonment, no one—not the judge, the defendant, the Parole Commission, nor the public—is ever certain of just how much time the individual will serve. The sentencing reform title of S. 1762 focuses on these problems and provides a solution.

It addresses the problem of disparity in sentencing by establishing a sentencing commission that will promulgate sentencing guidelines for the Federal judges. In cases where imprisonment is appropriate, the guidelines will prescribe a narrow range of sentences for defendants with particular offender and offense characteristics. A judge will be able to sentence a defendant outside of the prescribed range, but if the sentence exceeds the guideline, the defendant may appeal on the ground that the sentence is unreasonable; if the sentence is lower than the guideline, the Government may appeal. Thus, judges will finally have guidance in their sentencing decisions, and the defendants and prosecutors will have a means to assure greater consistency of sentences throughout the Nation's Federal courts.

The proposal also addresses the problem of sentencing uncertainty by establishing a system of determinate sentencing and by abolishing parole and phasing out the U.S. Parole Commission over a 5-year period. No longer will a judge sentence a defendant to prison 1 day only to have the Parole Commission later set the actual release date, a date which, however, is then subject to continual changes by the Commission and the Bureau of Prisons. Under the sentencing reform proposal, the sentence imposed by the judge will be the sentence to be served by the defendant, subject only to the possibility of 10 percent good time or early release based upon the conduct of the prisoner within the Federal prison system. This good-time provision is a necessary device to control the behavior of prisoners.

In addition to offering these well-considered responses to the problems of disparity and uncertainty, the bill also contains a series of directives to the sentencing commission in the creation of the guidelines. The bill requires the Commission to specify stiff prison terms for those who commit violent crimes, drug offenses, and other serious crimes. On the other hand, the Commission is directed to insure that first offenders of less serious crimes be considered for alternative forms of punishment, rather than imprisonment. The bill does not alter the existing maximum terms of imprisonment set out in the statutes, but it does substitute realistic fine levels for the present, obsolete maximums. The maximum fine level is raised to $250,000 in felony cases and in cases of misdemeanors that result in loss of human life and raises the maximum fine level for all other misdemeanors to $25,000.

All in all, title II affords several much-needed changes in Federal sentencing law. The bill is the result of

more than 10 years of hard work and legislative debate. This reform merits the support of all Members of the Senate.

III. FORFEITURE

Mr. President, the forfeiture provisions of S. 1762 are intended to improve civil and criminal forfeiture proceedings so that Federal prosecutors can make effective use of this weapon in the war against racketeering and drug trafficking. Forfeiture proceedings permit law enforcement officials to cripple and not merely wound racketeers and drug dealers by seizing the proceeds of their criminal organizations. However, current Federal statutes and case law impede Federal prosecutors from taking full advantage of civil and criminal forfeiture in these categories of cases. The forfeiture provisions address these problems of current law.

In particular, title III clarifies present law regarding the forfeitability of racketerring proceeds under the RICO statute. The bill provides new authority permitting preindictment restraining orders for the purpose of preventing suspects who know they are under investigation from eluding forfeiture by getting rid of their tainted assets before they are actually named as defendants. And it also authorizes courts to order a defendant to forfeit substitute assets when his forfeitable property has been made unavailable at the time of conviction.

Title III extends criminal forfeiture to all Federal felony drug cases and amends the existing civil forfeiture statutes to permit the seizing of real property in certain drug cases.

Finally, in addition to other clarification and adjustments of present statutes, the bill expands the availability of efficient administrative forfeiture proceedings in uncontested cases and sets up, under trial programs, special funding mechanisms to meet the expenses associated with seizures and forfeitures by the Federal justice and customs authorities.

These amendments do not greatly expand the scope of property subject to forfeiture. Rather, they primarily adjust present law to overcome problems arising from ambiguity and unnecessary limitations that now exist. Forfeiture is a powerful weapon in the arsenal of prosecutors; accordingly, the bill takes special care to safeguard the rights of third parties and of defendants subject to forfeiture proceedings. I believe the proposals strike a proper balance between individual rights and the need of society to eliminate organized racketeering and drug trafficking.

V. DRUG ENFORCEMENT AMENDMENTS

Mr. President, the drug enforcement amendments improve the penalty structure for major drug trafficking offenses and improve regulatory authority regarding controlled substances.

Present law, the Comprehensive Drug Abuse Protection and Control Act of 1970, makes penalties for major drug trafficking offenses—except marijuana offenses—depend solely on the nature of the controlled substance involved in the offense. Title V makes the amount of the drug a factor as well. This permits the courts to impose the more severe penalties that are appropriate in cases involving large amounts of drugs. Title V also boosts present fine levels to more realistic amounts and eliminates the unnecessary distinction between narcotic and nonnarcotic drugs for the purpose of sentencing. These three changes will provide a set of tough and consistent penalties for the drug offenses that constitute one of the most serious crime problems facing our country.

Part B of the title focuses on the Government's authority to regulate the diversions controlled substances of legitimate origin into the illicit market. Recent studies indicate that as many as 60 to 70 percent of the drugrelated deaths and injuries in our country involve drugs that are originally part of the legitimate production and distribution chain.

Current law—the Controlled Substances Act of 1970—provides necessary regulation of manufacturers and distributors, but it does not adequately cover the practitioner level of the distribution chain, the level at which 80 to 90 percent of current diversion of drugs into illicit markets takes place.

Title V responds to the problems of diversion control under current law by providing several significant improvements. First, it expands the standards for practitioner registration beyond the current exclusive reliance upon authorization by the practitioner's own jurisdiction. At the same time, title V removes the unnecessary burden of mandatory annual registration by permitting the Attorney General to extend the registration period up to 3 years. Current time-consuming scheduling procedures have been amended to provide swift, emergency scheduling of dangerous drugs. And the bill provides new grant authority for the expansion of assistance to States for curtailing practitioner diversion.

These drug enforcement amendments are at the heart of the administration's efforts to combat drug-related crime. The amendments improve existing law and make possible harsher, more appropriate penalties for major drug offenders. The bill merits the approval of the Senate.

VII. SURPLUS PROPERTY AMENDMENTS

Mr. President, the present crisis in prison overcrowding is equal in magnitude to any of the crime problems addressed by this bill. Once all of the gaps in the criminal law are plugged and the prosecutors and law enforcement officers are fully equipped to win the war on crime, what do we do with the convicts? Certainly, as enlightened policymakers, we must place more emphasis in the use of alternatives to imprisonment in sentencing, and the directives to the Sentencing Commission in title II of this bill provide just that emphasis. Yet, we are still left with several hundred thousand criminals for whom imprisonment is the most appropriate penalty, not just because their conduct merits harsh retribution, but because the public safety requires these individuals to be isolated from the rest of us.

At present, prison population growth far exceeds the rate of prison construction and the rate of population growth in general; 90 percent of these criminals are imprisoned in State facilities. Over 40 percent of all prisoners are housed in jails and prisons that were built before 1925. The cost of prison construction and prison expansion is enormous—maximum security facilities run between $75,000 and $95,000 per cell and medium security cells average between $50,000 and $60,000 apiece.

Most States are under Federal court order to reduce overcrowding, and in practice this has meant that dangerous criminals are set free after serving less time than the courts, the public, and the victims believe appropriate.

Title VII offers help to the States in responding to this problem. Under present law, surplus Federal properties may be leased or donated to the States at little or no cost for certain purposes. The use of such properties for correctional facilities is not one of these statutory purposes. Therefore, title VII adds correctional facilities to the list of public benefit disposals for surplus Federal property and authorizes the Administrator of the GSA to donate such property to States and local governments for correctional uses upon the recommendation of the Attorney General.

The cost to the Federal Government is negligible. The aid to the States is necessary and significant. This title is worthy of immediate approval by the Congress so that the crisis in our prisons can be effectively resolved.

VIII. LABOR RACKETEERING AMENDMENTS

Mr. President, the labor racketeering amendments (title VIII) of S. 1762 are designed to provide unions and employee benefit plans greater protection from corrupt union and management officials. The amendments increase the penalties for violating portions of three statutes—ERISA, the Taft-Hartley Act, and the Landrum-Griffin Act—by making these violating felonies punishable by fines of up to $15,000 and prison terms of up to 5-years, or both.

The amendments expand the lists of crimes in ERISA and Landrum-Griffin that disqualify individuals from holding responsible positions in employee benefit plans and in unions. Further, the maximum period of disqualification is increased to 10 years.

Finally, the amendments clarify the elements of the crimes of buying and selling of labor peace in Taft-Hartley by adding the element that the proscribed conduct be "with intent to benefit himself or to benefit other persons whom he knows are not permitted to receive such payment, loan, money, or other thing of value under subsection 302 (c)(4) through (c)(9)." This clarification restricts the criminal sanctions to those who properly merit them, while present law sometimes applies to individuals who act in the good faith belief that their conduct falls within one of the technical exceptions listed in section 302. In short, title VIII offers greater protection to the employees who contribute to benefit plans and who are members of unions and also to the officials who are confronted with a complicated set of restrictions in their daily work.

The amendments in title VIII have already been approved by the Senate in S. 336. Because these amendments provide important tools in combating organized crime, one of the two main targets of S. 1762, it is appropriate to include the provisions of S. 336 in this comprehensive crime package as well.

IX. CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS

Mr. President, title IX of S. 1762 gets at one of the most important elements of current drug trafficking and organized crime—the laundering of illicit proceeds by concealing the money in foreign countries with strict banksecrecy laws. The Currency and Foreign Transactions Reporting Act of 1982 is a useful device to inhibit money laundering through foreign banks, but problems have already surfaced with the law. This title is intended to close the loopholes that favor the drug traffickers and criminal organizations the act was intended to affect.

In particular, title IX increases the penalties for failure to report the international movement of money from the current maximums of 1 year and $1,000 to 5 years and $5,000. At the same time, the amendments raise the reporting threshold from $5,000 to $10,000 in order to focus on large transactions and to relieve the legitimate international traveler who goes abroad with amounts of between $5,000 and $10,000 of the burden of paperwork imposed by the reporting requirement.

The most misunderstood part of the proposal is the provision authorizing customs officers to conduct warrantless searches of individuals and property "with respect to which the officer has reasonable cause to believe there is a monetary instrument being transported" in violation of the reporting requirements. Present statutes require warrants for these searches, but the case law regarding warrantless border searches under the fourth amendment indicates that such searches are constitutional even without warrants or probable cause. The normal factual situation is one in which customs officers at international airports are faced with a very limited period of time to act upon their reasonable suspicion that an individual is violating the statute. It is reasonable and constitutional to authorize searches without warrants in such situations in order to respond to a major problem posed by organized and drug-related crime.

Finally, title IX expands the reporting requirement to apply to a person who knowingly attempts to transport or have transported money under circumstances otherwise requiring a report. The criminal attempt provision is proposed in order to respond to problems posed by the interpretations of the present statute. Recent cases require customs officers to wait until the individual is on the verge of boarding the plane or taking off before the elements of the offense are satisfied.

As you can see, this title, which, I might add, passed this Senate last year as part of S. 2572 and which has been introduced again this Congress by Senator ROTH as a separate bill, proposes reasonable, commonsense changes designed to make the existing law better accomplish its purpose. I urge wholehearted support by the Senate of title IX.●

Mr. THURMOND. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER (Mr. SPECTER). Are there any further amendments to be proposed? If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG) and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessary absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. LONG), and the Senator from South Carolina (Mr. HOLLINGS) would each vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 1—as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—91

Abdnor	Goldwater	Nickles
Andrews	Gorton	Nunn
Baker	Grassley	Packwood
Baucus	Hatch	Pell
Bentsen	Hatfield	Percy
Biden	Hawkins	Pressler
Bingaman	Hecht	Proxmire
Boren	Heflin	Pryor
Boschwitz	Heinz	Quayle
Bradley	Helms	Randolph
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Roth
Byrd	Inouye	Rudman
Chafee	Jepsen	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
D'Amato	Kennedy	Stafford
Danforth	Lautenberg	Stennis
DeConcini	Laxalt	Stevens
Denton	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Lugar	Trible
Dole	Matsunaga	Tsongas
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
East	Melcher	Weicker
Evans	Metzenbaum	Wilson
Exon	Mitchell	Zorinsky
Ford	Moynihan	
Garn	Murkowski	

NAYS—1

Mathias

NOT VOTING—8

Armstrong	Glenn	Long
Cranston	Hart	Tower
Eagleton	Hollings	

So the bill (S. 1762) as amended, was passed as follows:

S. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Crime Control Act of 1984".

TITLE I—BAIL

SEC. 101. This title may be cited as the "Bail Reform Act of 1984".

SEC. 102. (a) Sections 3141 through 3151 of title 18, United States Code, are repealed and the following new sections are inserted in lieu thereof:

"§ 3141. Release and detention authority generally

"(a) PENDING TRIAL.—A judicial officer who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released or detained, pending judicial proceedings, pursuant to the provisions of this chapter.

"(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a

Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained pursuant to the provisions of this chapter.

"§ 3142. Release or detention of a defendant pending trial

"(a) IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

"(1) released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of subsection (b);

"(2) released on a condition or combination of conditions pursuant to the provisions of subsection (c);

"(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion pursuant to the provisions of subsection (d); or

"(4) detained pursuant to the provisions of subsection (e).

"(b) RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—The judicial officer shall order the pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of his release, unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

"(c) RELEASE ON CONDITIONS.—If the judicial officer determines that the release described in subsection (b) will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrial release of the person—

"(1) subject to the condition that the person not commit a Federal, State, or local crime during the period of release; and

"(2) subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

"(A) remain in the custody of a designated person, who agrees to supervise him and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

"(B) maintain employment, or, if unemployed, actively seek employment;

"(C) maintain or commence an educational program;

"(D) abide by specified restrictions on his personal associations, place of abode, or travel;

"(E) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

"(F) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

"(G) comply with a specified curfew;

"(H) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(I) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(J) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

"(K) execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the judicial officer may specify;

"(L) execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the person as required;

"(M) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

"(N) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person. The judicial officer may at any time amend his order to impose additional or different conditions of release.

"(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

"(1) the person—

"(A) is, and was at the time the offense was committed, on—

"(i) release pending trial for a felony under Federal, State, or local law;

"(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

"(iii) probation or parole for any offense under Federal, State, or local law; or

"(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(2) the person may flee or pose a danger to any other person or the community;

he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing release pending trial or deportation or exclusion proceedings. If temporary detention is sought under paragraph (1)(B), the person has the burden of proving to the court that he is a citizen of the United States or is lawfully admitted for permanent residence.

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, he shall order the detention of the person prior to trial. In a case described in (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judge finds that—

"(1) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(2) the offense described in paragraph (1) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(3) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or an offense under section 924(c) of title 18 of the United States Code.

"(f) DETENTION HEARING.—The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) will reasonably assure the appearance of the person as required and the safety of any other person and the community in a case—

"(1) upon motion of the attorney for the Government, that involves—

"(A) a crime of violence;

"(B) an offense for which the maximum sentence is life imprisonment or death;

"(C) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); or

"(D) any felony committed after the person had been convicted of two or more prior offenses described in subparagraphs (A) through (C), or two or more State or local offenses that would have been offenses described in subparagraphs (A) through (C) if a circumstance giving rise to Federal jurisdiction had existed; or

"(2) Upon motion of the attorney for the Government or upon the judicial officer's own motion, that involves—

"(A) a serious risk that the person will flee;

"(B) a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed five days, and a continuance on motion of the attorney for the Government may not exceed three days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the Government or on his own motion, may

order that, while in custody, a person who appears to be a narcotics addict receive a medical examination to determine whether he is an addict. At the hearing, the person has the right to be represented by counsel, and, if he is financially unable to obtain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding pursuant to subsection (e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community shall be supported by clear and convincing evidence. The person may be detained pending completion of the hearing.

"(g) FACTORS TO BE CONSIDERED.—The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning—

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;

"(2) the weight of the evidence against the person;

"(3) the history and characteristics of the person, including—

"(A) his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

"(B) whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

"(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection (c)(2)(K) or (c)(2)(L), the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

"(h) CONTENTS OF RELEASE ORDER.—In a release order issued pursuant to the provisions of subsection (b) or (c), the judicial officer shall—

"(1) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

"(2) advise the person of—

"(A) the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

"(B) the consequences of violating a condition of release, including the immediate issuance of a warrant for the person's arrest; and

"(C) the provisions of sections 1503 of this title (relating to intimidation of witnesses, jurors, and officers of the court), 1510 (relating to obstruction of criminal investigations), 1512 (tampering with a witness, victim, or an informant), and 1513 (retaliating against a witness, victim, or an informant).

"(i) CONTENTS OF DETENTION ORDER.—In a detention order issued pursuant to the provisions of subsection (e), the judicial officer shall—

"(1) include written findings of fact and a written statement of the reasons for the detention;

"(2) direct that the person be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

"(3) direct that the person be afforded reasonable opportunity for private consultation with his counsel; and

"(4) direct that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding.

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

"(j) PRESUMPTION OF INNOCENCE.—Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

"§ 3143. Release or detention of a defendant pending sentence or appeal

"(a) RELEASE OR DETENTION PENDING SENTENCE.—The judicial officer shall order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c). If the judicial officer makes such a finding, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(b) RELEASE OR DETENTION PENDING APPEAL BY THE DEFENDANT.—The judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

"(1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c); and

"(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

If the judicial officer makes such findings, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(c) RELEASE OR DETENTION PENDING APPEAL BY THE GOVERNMENT.—The judicial officer shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3731 of this title, in accordance with the provisions of section 3142, unless the defendant is otherwise subject to a release or detention order.

"§ 3144. Release or detention of a material witness

"If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpena, a judicial officer may order the arrest of the person and treat the person in accordance with the provisions of section 3142. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 3145. Review and appeal of a release or detention order

"(a) REVIEW OF A RELEASE ORDER.—If a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court—

"(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release; and

"(2) the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.

The motion shall be determined promptly.

"(b) REVIEW OF A DETENTION ORDER.—If a person is ordered detained by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

"(c) APPEAL FROM A RELEASE OR DETENTION ORDER.—An appeal from a release or detention order, or from a decision denying revocation or amendment of such an order, is governed by the provisions of section 1291 of title 28 and section 3731 of this title. The appeal shall be determined promptly.

"§ 3146. Penalty for failure to appear

"(a) OFFENSE.—A person commits an offense if, after having been released pursuant to this chapter—

"(1) he knowingly fails to appear before a court as required by the conditions of his release; or

"(2) he knowingly fails to surrender for service of sentence pursuant to a court order.

"(b) GRADING.—If the person was released—

"(1) in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction, for—

"(A) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, he shall be fined not more than $25,000 or imprisoned for not more than ten years, or both;

"(B) an offense punishable by imprisonment for a term of five or more years, but less than fifteen years, he shall be fined not more than $10,000 or imprisoned for not more than five years, or both;

"(C) any other felony, he shall be fined not more than $5,000 or imprisoned for not more than two years, or both; or

"(D) a misdemeanor, he shall be fined not more than $2,000 or imprisoned for not more than one year, or both; or

"(2) for appearance as a material witness, he shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

"(d) DECLARATION OF FORFEITURE.—If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to section 3142(b) or is subject to the release condition set forth in section 3142 (c)(2)(K), or (c)(2)(L), the judicial officer may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the United States.

"§ 3147. Penalty for an offense committed while on release

"A person convicted of an offense committed while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to—

"(1) a term of imprisonment of not less than two years and not more than ten years if the offense is a felony; or

"(2) a term of imprisonment of not less than ninety days and not more than one year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3148. Sanctions for violation of a release condition

"(a) AVAILABLE SANCTIONS.—A person who has been released pursuant to the provisions of section 3142, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

"(b) REVOCATION OF RELEASE.—The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which his arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

"(1) finds that there is—

"(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

"(B) clear and convincing evidence that the person has violated any other condition of his release; and

"(2) finds that—

"(A) based on the factors set forth in section 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

"(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, he shall treat the person in accordance with the provisions of section 3142 and may amend the conditions of release accordingly.

"(c) PROSECUTION FOR CONTEMPT.—The judge may commence a prosecution for contempt, pursuant to the provisions of section 401, if the person has violated a condition of his release.

"§ 3149. Surrender of an offender by a surety

"A person charged with an offense, who is released upon the execution of an appearance bond with a surety, may be arrested by the surety, and if so arrested, shall be delivered promptly to a United States marshal and brought before a judicial officer. The judicial officer shall determine in accordance with the provisions of section 3148(b) whether to revoke the release of the person, and may absolve the surety of responsibility to pay all or part of the bond in accordance with the provisions of Rule 46 of the Federal Rules of Criminal Procedure. The person so committed shall be held in official detention until released pursuant to this chapter or another provision of law.

"§ 3150. Applicability to a case removed from a State court

"The provisions of this chapter apply to a criminal case removed to a Federal court from a State court.".

(b) Section 3154 of title 18, United States Code, is amended—

(1) in subsection (1), by striking out "and recommend appropriate release conditions for each such person" and inserting in lieu thereof "and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release"; and

(2) in subsection (2), by striking out "section 3146(e) or section 3147" and inserting in lieu thereof "section 3145".

(c) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "3146" and inserting in lieu thereof "3141";

(2) in paragraph (1)—

(A) by striking out "bail or otherwise" and inserting in lieu thereof "detain or"; and

(B) by deleting "and" at the end thereof;

(3) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and";

(4) by adding after paragraph (2) the following new paragraphs:

"(3) The term 'felony' means an offense punishable by a maximum term of imprisonment of more than one year; and

"(4) The term 'crime of violence' means—

"(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."; and

(5) in subsection (b)(1), by striking out "bail or otherwise" and inserting in lieu thereof "detain or".

(d) The item relating to chapter 207 in the analysis of part II of title 18, United States Code, is amended to read as follows:

"207. Release and detention pending judicial proceedings ..... 3141".

(e)(1) The caption of chapter 207 is amended to read as follows:

"CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS".

(2) The section analysis for chapter 207 is amended by striking out the items relating to section 3141 through 3151 and inserting in lieu thereof the following:

"3141. Release and detention authority generally.
"3142. Release or detention of a defendant pending trial.
"3143. Release or detention of a defendant pending sentence or appeal.
"3144. Release or detention of a material witness.
"3145. Review and appeal of a release or detention order.
"3146. Penalty for failure to appear.
"3147. Penalty for an offense committed while on release.
"3148. Sanctions for violation of a release condition.
"3149. Surrender of an offender by a surety.
"3150. Applicability to a case removed from a State court."

SEC. 103. Chapter 203 of title 18, United States Code, is amended as follows:

(a) The last sentence of section 3041 is amended by striking out "determining to hold the prisoner for trial" and inserting in lieu thereof "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial".

(b) The second paragraph of section 3042 is amended by striking out "imprisoned or admitted to bail" and inserting in lieu thereof "detained or conditionally released pursuant to section 3142 of this title".

(c) Section 3043 is repealed.

(d) The following new section is added after section 3061:

"§ 3062. General arrest authority for violation of release conditions

"A law enforcement officer, who is authorized to arrest for an offense committed in his presence, may arrest a person who is released pursuant to chapter 207 if the officer has reasonable grounds to believe that the person is violating, in his presence, a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J).".

(e) The section analysis is amended—

(1) by amending the item relating to section 3043 to read as follows:

"3043. Repealed."; and

(2) by adding the following new item after the item relating to section 3061:

"3062. General arrest authority for violation of release conditions.".

SEC. 104. Section 3731 of title 18, United States Code, is amended by adding after the second paragraph the following new paragraph:

"An appeal by the United States shall lie to a court of appeals from a decision or order, entered by a district court of the United States, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.".

SEC. 105. The second paragraph of section 3772 of title 18, United States Code, is amended by striking out "bail" and inserting in lieu thereof "release pending appeal."

SEC. 106. Section 4282 of title 18, United States Code, is amended—

(a) by striking out "and not admitted to bail" and substituting "and detained pursuant to chapter 207"; and

(b) by striking out "and unable to make bail".

SEC. 107. Section 636 of title 28, United States Code, is amended by striking out "impose conditions of release under section 3146 of title 18" and inserting in lieu thereof "issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial".

SEC. 108. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 5(c) is amended by striking out "shall admit the defendant to bail" and inserting in lieu thereof "shall detain or conditionally release the defendant".

(b) The second sentence of rule 15(a) is amended by striking out "committed for failure to give bail to appear to testify at a trial or hearing" and inserting in lieu thereof "detained pursuant to section 3144 of title 18, United States Code".

(c) Rule 40(f) is amended to read as follows:

"(f) RELEASE OR DETENTION.—If a person was previously detained or conditionally released, pursuant to chapter 207 of title 18, United States Code, in another district where a warrant, information or indictment issued, the Federal magistrate shall take into account the decision previously made and the reasons set forth therefor, if any, but will not be bound by that decision. If the Federal magistrate amends the release or detention decision or alters the conditions of release, he shall set forth the reasons for his action in writing.".

(d) Rule 46 is amended—

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and 3144";

(2) in subdivision (c), by striking out "3148" and inserting in lieu thereof "3143";

(3) by amending subdivision (e)(2) to read as follows:

"(2) SETTING ASIDE.—The court may direct that a forfeiture be set aside in whole or in part, upon such conditions as the court may impose, if a person released upon execution of an appearance bond with a surety is subsequently surrendered by the surety into custody or if it otherwise appears that justice does not require the forfeiture."; and

(4) by adding the following new subdivision at the end thereof:

"(h) FORFEITURE OF PROPERTY.—

"Nothing in this rule or in chapter 207 of title 18, United States Code, shall prevent the court from disposing of any charge by entering an order directing forfeiture of property pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the property is an amount that would be an appropriate sentence after conviction of the offense charged and if such forfeiture is authorized by statute or regulation.".

(e) Rule 54(b)(3) is amended by striking out "under 18 U.S.C. § 3043, and".

SEC. 109. Rule 9(c) of the Federal Rules of Appellate Procedure is amended by striking out "3148" and inserting in lieu thereof "3143", and following the word "community", inserting "and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or in an order for a new trial".

TITLE II—SENTENCING REFORM

SEC. 201. This title may be cited as the "Sentencing Reform Act of 1983".

SEC. 202. (a) Title 18 of the United States Code is amended by—

(1) redesignating sections 3577, 3578, 3579, 3580, 3611, 3612, 3615, 3617, 3618, 3619, 3620, and 3656 as sections 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, and 3672 of a new chapter 232 of title 18 of the United States Code, respectively;

(2) repealing chapters 227, 229, and 231 and substituting the following new chapters:

"CHAPTER 227—SENTENCES

"Subchapter
"A. General Provisions 3551
"B. Probation 3561
"C. Fines 3571
"D. Imprisonment 3581

"SUBCHAPTER A—GENERAL PROVISIONS

"Sec.
"3551. Authorized sentences.
"3552. Presentence reports.
"3553. Imposition of a sentence.
"3554. Order of criminal forfeiture.
"3555. Order of notice to victims.
"3556. Order of restitution.
"3557. Review of a sentence.
"3558. Implementation of a sentence.
"3559. Sentencing classification of offenses.

"SUBCHAPTER A—GENERAL PROVISIONS

"§ 3551. Authorized sentences

"(a) IN GENERAL.—Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in any Federal statute, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a)(2) to the extent that they are applicable in light of all the circumstances of the case.

"(b) INDIVIDUALS.—An individual found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B;

"(2) a fine as authorized by subchapter C; or

"(3) a term of imprisonment as authorized by subchapter D.

A sentence to pay a fine may be imposed in addition to any other sentence. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"(c) ORGANIZATIONS.—An organization found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B; or

"(2) a fine as authorized by subchapter C. A sentence to pay a fine may be imposed in addition to a sentence to probation. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"§ 3552. Presentence reports

"(a) PRESENTENCE INVESTIGATION AND REPORT BY PROBATION OFFICER.—A United States probation officer shall make a presentence investigation of a defendant that is required pursuant to the provisions of Rule 32(c) of the Federal Rules of Criminal Procedure, and shall, before the imposition of sentence, report the results of the investigation to the court.

"(b) PRESENTENCE STUDY AND REPORT BY BUREAU OF PRISONS.—If the court, before or after its receipt of a report specified in subsection (a) or (c), desires more information than is otherwise available to it as a basis for determining the sentence to be imposed on a defendant found guilty of a misdemeanor or felony, it may order a study of the defendant. The study shall be conducted in the local community by qualified consultants unless the sentencing judge finds that there is a compelling reason for the study to be done by the Bureau of Prisons or there are no adequate professional resources available in the local community to perform the study. The period of the study shall take no more than sixty days. The order shall specify the additional information that the court needs before determining the sentence to be imposed. Such an order shall be treated for administrative purposes as a provisional sentence of imprisonment for the maximum term authorized by section 3581(b) for the offense committed. The study shall inquire into such matters as are specified by the court and any other matters that the Bureau of Prisons or the professional consultants believe are pertinent to the factors set forth in section 3553(a). The period of the study may, in the discretion of the court, be extended for an additional period of not more than sixty days. By the expiration of the period of the study, or by the expiration of any extension granted by the court, the United States marshal shall return the defendant to the court for final sentencing. The Bureau of Prisons or the professional consultants shall provide the court with a written report of the pertinent results of the study and make to the court whatever recommendations the Bureau or the consultants believe will be helpful to a proper resolution of the case. The report shall include recommendations of the Bureau or the consultants concerning the guidelines and policy statements, promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994(a), that they believe are applicable to the defendant's case. After receiving the report and the recommendations, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives and procedures available under this chapter.

"(c) PRESENTENCE EXAMINATION AND REPORT BY PSYCHIATRIC OR PSYCHOLOGICAL

EXAMINERS.—If the court, before or after its receipt of a report specified in subsection (a) or (b) desires more information than is otherwise available to it as a basis for determining the mental condition of the defendant, it may order that the defendant undergo a psychiatric or psychological examination and that the court be provided with a written report of the results of the examination pursuant to the provisions of section 4247.

"(d) DISCLOSURE OF PRESENTENCE REPORTS.—The court shall assure that a report filed pursuant to this section is disclosed to the defendant, the counsel for the defendant, and the attorney for the Government at least ten days prior to the date set for sentencing, unless this minimum period is waived by the defendant.

"§ 3553. Imposition of a sentence

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.—The court, in determining the particular sentence to be imposed, shall consider—

"(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

"(2) the need for the sentenced imposed—

"(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

"(B) to afford adequate deterrence to criminal conduct;

"(C) to protect the public from further crimes of the defendant; and

"(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

"(3) the kinds of sentences available;

"(4) the kinds of sentence and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines that are issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and that are in effect on the date the defendant is sentenced;

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2) that is in effect on the date the defendant is sentenced; and

"(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

"(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that an aggravating or mitigating circumstance exists that was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines and that should result in a sentence different from that described.

"(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence—

"(1) is of the kind, and within the range, described in subsection (a)(4), the reason for imposing a sentence at a particular point within the range; or

"(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described.

If the sentence does not include an order of restitution, the court shall include in the statement the reason therefor. The clerk of the court shall provide a transcription of the court's statement of reasons to the Probation System, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

"(d) PRESENTENCE PROCEDURE FOR AN ORDER OF NOTICE OR RESTITUTION.—Prior to imposing an order of notice pursuant to section 3555, or an order of restitution pursuant to section 3556, the court shall give notice to the defendant and the Government that it is considering imposing such an order. Upon motion of the defendant or the Government, or on its own motion, the court shall—

"(1) permit the defendant and the Government to submit affidavits and written memoranda addressing matters relevant to the imposition of such an order;

"(2) afford counsel an opportunity in open court to address orally the appropriateness of the imposition of such an order; and

"(3) include in its statement of reasons pursuant to subsection (c) specific reasons underlying its determinations regarding the nature of such an order.

Upon motion of the defendant or the Government, or on its own motion, the court may in its discretion employ any additional procedures that it concludes will not unduly complicate or prolong the sentencing process.

"§ 3554. Order of criminal forfeiture

"The court, in imposing a sentence on a defendant who has been found guilty of an offense described in section 1962 of this title or in title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant forfeit property to the United States in accordance with the provisions of section 1963 of this title or section 413 of the Comprehensive Drug Abuse and Control Act of 1970.

"§ 3555. Order of notice to victims

"The court, in imposing a sentence on a defendant who has been found guilty of an offense involving fraud or other intentionally deceptive practices, may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant give reasonable notice and explanation of the conviction, in such form as the court may approve, to the victims of the offense. The notice may be ordered to be given by mail, by advertising in designated areas or through designated media, or by other appropriate means. In determining whether to require the defendant to give such notice, the court shall consider the factors set forth in section 3553(a) to the extent that they are applicable and shall consider the cost involved in giving the notice as it relates to the loss caused by the offense, and shall not require the defendant to bear the costs of notice in excess of $20,000.

"§ 3556. Order of restitution

"The court, in imposing a sentence on a defendant who has been found guilty of an offense under this title, or an offense under section 902 (h), (i), (j), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant make restitution to any victim of the offense in accordance with the provisions of sections 3663 and 3664.

"§ 3557. Review of a sentence

"The review of a sentence imposed pursuant to section 3551 is governed by the provisions of section 3742.

"§ 3558. Implementation of a sentence

"The implementation of a sentence imposed pursuant to section 3551 is governed by the provisions of chapter 229.

"§ 3559. Sentencing classification of offenses

"(a) CLASSIFICATION.—An offense that is not specifically classified by a letter grade in the section defining it, is classified—

"(1) if the maximum term of imprisonment authorized is—

"(A) life imprisonment, or if the maximum penalty is death, as a Class A felony;

"(B) twenty years or more, as a Class B felony;

"(C) less than twenty years but ten or more years, as a Class C felony;

"(D) less than ten years but five or more years, as a Class D felony;

"(E) less than five years but more than one year, as a Class E felony;

"(F) one year or less but more than six months, as a Class A misdemeanor;

"(G) six months or less but more than thirty days, as a Class B misdemeanor;

"(H) thirty days or less but more than five days, as a Class C misdemeanor; or

"(I) five days or less, or if no imprisonment is authorized, as an infraction.

"(b) EFFECT OF CLASSIFICATION.—An offense classified under subsection (a) carries all the incidents assigned to the applicable letter designation except that:

"(1) the maximum fine that may be imposed is the fine authorized by the statute describing the offense, or by this chapter, whichever is the greater; and

"(2) the maximum term of imprisonment is the term authorized by the statute describing the offense.

"SUBCHAPTER B—PROBATION

"Sec.
"3561. Sentence of probation.
"3562. Imposition of a sentence of probation.
"3563. Conditions of probation.
"3564. Running of a term of probation.
"3565. Revocation of probation.
"3566. Implementation of a sentence of probation.

"SUBCHAPTER B—PROBATION

"§ 3561. Sentence of probation

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of probation unless—

"(1) the offense is a Class A or Class B felony;

"(2) the offense is an offense for which probation has been expressly precluded; or

"(3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense.

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation

"(b) AUTHORIZED TERMS.—The authorized terms of probation are—

"(1) for a felony, not less than one nor more than five years;

"(2) for a misdemeanor, not more than five years; and

"(3) for an infraction, not more than one year.

"§ 3562. Imposition of a sentence of probation

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF PROBATION.—The court, in determining whether to impose a term of probation, and, if a term of probation is to be imposed, in determining the length of the term and the conditions of probation, shall

consider the factors set forth in section 3553(a) to the extent that they are applicable.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence of probation can subsequently be—

"(1) modified or revoked pursuant to the provisions of section 3564 or 3565;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3563. Conditions of probation

"(a) MANDATORY CONDITIONS.—The court shall provide, as an explicit condition of a sentence of probation—

"(1) for a felony, a misdemeanor, or an infraction, that the defendant not commit another Federal, State, or local crime during the term of probation; and

"(2) for a felony, that the defendant also abide by at least one condition set forth in subsection (b)(2), (b)(3), or (b)(13).

If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

"(b) DISCRETIONARY CONDITIONS.—The court may provide, as further conditions of a sentence of probation, to the extent that such conditions are reasonably related to the factors set forth in section 3553 (a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in section 3553(a)(2), that the defendant—

"(1) support his dependents and meet other family responsibilities;

"(2) pay a fine imposed pursuant to the provisions of subchapter C;

"(3) make restitution to a victim of the offense pursuant to the provisions of section 3556;

"(4) give to the victims of the offense the notice ordered pursuant to the provisions of section 3555;

"(5) work conscientiously at suitable employment or pursue conscientiously a course of study or vocational training that will equip him for suitable employment;

"(6) refrain, in the case of an individual, from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in such a specified occupation, business, or profession only to a stated degree or under stated circumstances;

"(7) refrain from frequenting specified kinds of places or from associating unnecessarily with specified persons;

"(8) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(9) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(10) undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the court, and remain in a specified institution if required for that purpose;

"(11) remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling no more than the lesser of one year or the term of imprisonment authorized for the offense in section 3581(b), during the first year of the term of probation;

"(12) reside at, or participate in the program of, a community corrections facility for all or part of the term of probation;

"(13) work in community service as directed by the court;

"(14) reside in a specified place or area, or refrain from residing in a specified place or area;

"(15) remain within the jurisdiction of the court, unless granted permission to leave by the court or a probation officer;

"(16) report to a probation officer as directed by the court or the probation officer;

"(17) permit a probation officer to visit him at his home or elsewhere as specified by the court;

"(18) answer inquiries by a probation officer and notify the probation officer promptly of any change in address or employment;

"(19) notify the probation officer promptly if arrested or questioned by a law enforcement officer; or

"(20) satisfy such other conditions as the court may impose.

"(c) MODIFICATIONS OF CONDITIONS.—The court may, after a hearing, modify, reduce, or enlarge the conditions of a sentence of probation at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the conditions of probation.

"(d) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the sentence is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3564. Running of a term of probation

"(a) COMMENCEMENT.—A term of probation commences on the day that the sentence of probation is imposed, unless otherwise ordered by the court.

"(b) CONCURRENCE WITH OTHER SENTENCES.—Multiple terms of probation, whether imposed at the same time or at different times, run concurrently with each other. A term of probation runs concurrently with any Federal, State, or local term of probation, or supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation, except that it does not run during any period in which the defendant is imprisoned for a period of at least 30 consecutive days in connection with a conviction for a Federal, State, or local crime.

"(c) EARLY TERMINATION.—The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

"(d) EXTENSION.—The court may, after a hearing, extend a term of probation, if less than the maximum authorized term was previously imposed, at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the term of probation.

"(e) SUBJECT TO REVOCATION.— A sentence of probation remains conditional and subject to revocation until its expiration or termination.

"§ 3565. Revocation of probation

"(a) CONTINUATION OR REVOCATION.—If the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, and after considering the factors set forth in section 3553(a) to the extent that they are applicable—

"(1) continue him on probation, with or without extending the term of modifying or enlarging the conditions; or

"(2) revoke the sentence of probation and impose any other sentence that was available under subchapter A at the time of the initial sentencing.

"(b) DELAYED REVOCATION.—The power of the court to revoke a sentence of probation for violation of a condition of probation, and to impose another sentence, extends beyond the expiration of the term of probation for any period reasonably necessary for the adjudication of matters arising before its expiration if, prior to its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

"§ 3566. Implementation of a sentence of probation

"The implementation of a sentence of probation is governed by the provisions of subchapter A of chapter 229.

"SUBCHAPTER C—FINES

"Sec.
"3571. Sentence of fine.
"3572. Imposition of a sentence of fine.
"3573. Modification or remission of fine.
"3574. Implementation of a sentence of fine.

"SUBCHAPTER C—FINES

"§ 3571. Sentence of fine

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to pay a fine.

"(b) AUTHORIZED FINES.—Except as otherwise provided in this chapter, the authorized fines are—

"(1) if the defendant is an individual—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $250,000;

"(B) for any other misdemeanor, not more than $25,000; and

"(C) for an infraction, not more than $1,000; and

"(2) if the defendant is an organization—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $500,000;

"(B) for any other misdemeanor, not more than $100,000; and

"(C) for an infraction, not more than $10,000.

"§ 3572. Imposition of a sentence of fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING FINE.—The court, in determining whether to impose a fine, and, if a fine is to be imposed, in determining the amount of the fine, the time for payment, and the method of payment, shall consider—

"(1) the factors set forth in section 3553(a), to the extent they are applicable, including, with regard to the characteristics of the defendant under section 3553(a), the ability of the defendant to pay the fine in view of the defendant's income, earning capacity, and financial resources and, if the

defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent upon the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant to the victim of the offense, and any obligation imposed upon the defendant to make such restitution or reparation to the victim of the offense;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent equitable consideration.

"(b) LIMIT ON AGGREGATE OF MULTIPLE FINES.—Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense.

"(c) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3573;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(e) ALTERNATIVE SENTENCE PRECLUDED.—At the time a defendant is sentenced to pay a fine, the court may not impose an alternative sentence to be served in the event that the fine is not paid.

"(f) INDIVIDUAL RESPONSIBILITY FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3573. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3574. Implementation of a sentence of fine

"The implementation of a sentence to pay a fine is governed by the provisions of subchapter B of chapter 229.

"SUBCHAPTER D—IMPRISONMENT

"Sec.

"3581. Sentence of imprisonment.

"3582. Imposition of a sentence of imprisonment.

"3583. Inclusion of a term of supervised release after imprisonment.

"3584. Multiple sentences of imprisonment.

"3585. Calculation of a term of imprisonment.

"3586. Implementation of a sentence of imprisonment.

"SUBCHAPTER D—IMPRISONMENT

"§ 3581. Sentence of imprisonment

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of imprisonment.

"(b) AUTHORIZED TERMS.—The authorized terms of imprisonment are—

"(1) for a Class A felony, the duration of the defendant's life or any period of time;

"(2) for a Class B felony, not more than twenty-five years;

"(3) for a Class C felony, not more than twelve years;

"(4) for a Class D felony, not more than six years;

"(5) for a Class E felony, not more than three years;

"(6) for a Class A misdemeanor, not more than one year;

"(7) for a Class B misdemeanor, not more than six months;

"(8) for a Class C misdemeanor, not more than thirty days; and

"(9) for an infraction, not more than five days.

"§ 3582. Imposition of a sentence of imprisonment

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF IMPRISONMENT.—The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation. In determining whether to make a recommendation concerning the type of prison facility appropriate for the defendant, the court shall consider any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2).

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

"(1) modified pursuant to the provisions of subsection (c);

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT.—The court may not modify a term of imprisonment once it has been imposed except that—

"(1) in any case—

"(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that extraordinary and compelling reasons warrant such a reduction and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

"(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

"(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(n), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own

motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

"(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFENDERS.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

"§ 3583. Inclusion of a term of supervised release after imprisonment

"(a) IN GENERAL.—The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment.

"(b) AUTHORIZED TERMS OF SUPERVISED RELEASE.—The authorized terms of supervised release are—

"(1) for a Class A or Class B felony, not more than three years;

"(2) for a Class C or Class D felony, not more than two years; and

"(3) for a Class E felony, or for a misdemeanor, not more than one year.

"(c) FACTORS TO BE CONSIDERED IN INCLUDING A TERM OF SUPERVISED RELEASE.—The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6).

"(d) CONDITIONS OF SUPERVISED RELEASE.—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision. The court may order, as a further condition of supervised release, to the extent that such condition—

"(1) is reasonably related to the factors set forth in section 3553 (a)(1), (a)(2)(B), and (a)(2)(D);

"(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553 (a)(2)(B) and (a)(2)(D); and

"(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563 (b)(1) through (b)(10) and (b)(12) through (b)(19), and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation.

"(e) MODIFICATION OF TERM OR CONDITIONS.—The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6)—

"(1) terminate a term of supervised release previously ordered and discharge the person released at any time after the expiration of one year of supervised release, if it is satisfied that such action is warranted by the conduct of the person released and the interest of justice;

"(2) after a hearing, extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions applicable to the initial setting of the term and conditions of post-release supervision; or

"(3) treat a violation of a condition of a term of supervised release as contempt of court pursuant to section 401(3) of this title.

"(f) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3584. Multiple sentences of imprisonment

"(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE TERMS.—If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objective of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

"(b) FACTORS TO BE CONSIDERED IN IMPOSING CONCURRENT OR CONSECUTIVE TERMS.—The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

"(c) TREATMENT OF MULTIPLE SENTENCE AS AN AGGREGATE.—Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

"§ 3585. Calculation of a term of imprisonment

"(a) COMMENCEMENT OF SENTENCE.—A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

"(b) CREDIT FOR PRIOR CUSTODY.—A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences—

"(1) as a result of the offense for which the sentence was imposed; or

"(2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

"§ 3586. Implementation of a sentence of imprisonment

"The implementation of a sentence of imprisonment is governed by the provisions of subchapter C of chapter 229 and, if the sentence includes a term of supervised release, by the provisions of subchapter A of chapter 229.

"CHAPTER 229—POSTSENTENCE ADMINISTRATION

"Subchapter
"A. Probation 3601
"B. Fines 3611
"C. Imprisonment 3621

"SUBCHAPTER A—PROBATION

"Sec.
"3601. Supervision of probation.
"3602. Appointment of probation officers.
"3603. Duties of probation officers.
"3604. Transportation of a probationer.
"3605. Transfer of jurisdiction over a probationer.
"3606. Arrest and return of a probationer.
"3607. Special probation and expungement procedures for drug possessor.

"SUBCHAPTER A—PROBATION

"§ 3601. Supervision of probation

"A person who has been sentenced to probation pursuant to the provisions of subchapter B of chapter 227, or placed on probation pursuant to the provisions of chapter 403, or placed on supervised release pursuant to the provisions of section 3583, shall, during the term imposed, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

"§ 3602. Appointment of probation officers

"(a) APPOINTMENT.—A district court of the United States shall appoint qualified persons to serve, with or without compensation, as probation officers within the jurisdiction and under the direction of the court making the appointment. The court may, for cause, remove a probation officer appointed to serve with compensation, and may, in its discretion, remove a probation officer appointed to serve without compensation.

"(b) RECORD OF APPOINTMENT.—The order of appointment shall be entered on the records of the court, a copy of the order shall be delivered to the officer appointed, and a copy shall be sent to the Director of the Administrative Office of the United States Courts.

"(c) CHIEF PROBATION OFFICER.—If the court appoints more than one probation officer, one may be designated by the court as chief probation officer and shall direct the work of all probation officers serving in the judicial district.

"§ 3603. Duties of probation officers

"A probation officer shall—

"(a) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;

"(b) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;

"(c) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;

"(d) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;

"(e) keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require;

"(f) upon request of the Attorney General or his designee, supervise and furnish information about a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c);

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked; and

"(h) perform any other duty that the court may designate.

"§ 3604. Transportation of a probationer

"A court, after imposing a sentence of probation, may direct a United States marshal to furnish the probationer with—

"(a) transportation to the place to which he is required to proceed as a condition of his probation; and

"(b) money, not to exceed such amount as the Attorney General may prescribe, for subsistence expenses while traveling to his destination.

"§ 3605. Transfer of jurisdiction over a probationer

"A court, after imposing a sentence, may transfer jurisdiction over a probationer or person on supervised release to the district court for any other district to which the person is required to proceed as a condition of his probation or release, or is permitted to proceed, with the concurrence of such court. A later transfer of jurisdiction may be made in the same manner. A court to which jurisdiction is transferred under this section is authorized to exercise all powers over the probationer or releasee that are permitted by this subchapter or subchapter B or D of chapter 227.

"§ 3606. Arrest and return of a probationer

"If there is probable cause to believe that a probationer or a person on supervised release has violated a condition of his probation or release, he may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. A probation officer may make such an arrest wherever the probationer or releasee is found, and may make the arrest without a warrant. The court having supervision of the probationer or releasee, or, if there is no such court, the court last having supervision of the probationer or releasee, may issue a warrant for the arrest of a probationer or releasee for violation of a condition of release, and a probation officer or United States marshal may execute the warrant in the district in which the warrant was issued or in any district in which the probationer or releasee is found.

"§ 3607. Special probation and expungement procedures for drug possessors

"(a) PRE-JUDGMENT PROBATION.—If a person found guilty of an offense described in section 404 of the Controlled Substances Act (21 U.S.C. 844)—

"(1) has not, prior to the commission of such offense, been convicted of violating a Federal or State law relating to controlled substances; and

"(2) has not previously been the subject of a disposition under this subsection;

the court may, with the consent of such person, place him on probation for a term of not more than one year without entering a judgment of conviction. At any time before the expiration of the term of probation, if the person has not violated a condition of his probation, the court may, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. At the expiration of the term of probation, if the person has not violated a condition of his probation, the court shall, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. If the person violates a condition of his probation, the court shall proceed in accordance with the provisions of section 3565.

"(b) RECORD OF DISPOSITION.—A nonpublic record of a disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall be retained by the Department of Justice solely for the purpose of use by the courts in determining in any subsequent proceeding whether a person qualifies for the disposition provided in subsection (a) or the expungement provided in subsection (c). A disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall not be considered a conviction for the purpose of a disqualification or a disability imposed by law upon conviction of a crime, or for any other purpose.

"(c) EXPUNGEMENT OF RECORD OF DISPOSITION.—If the case against a person found guilty of an offense under section 404 of the Controlled Substances Act (21 U.S.C. 844) is the subject of a disposition under subsection (a), and the person was less than twenty-one years old at the time of the offense, the court shall enter an expungement order upon the application of such person. The expungement order shall direct that there be expunged from all official records, except the nonpublic records referred to in subsection (b), all references to his arrest for the offense, the institution of criminal proceedings against him, and the results thereof. The effect of the order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or institution of criminal proceedings. A person concerning whom such an order has been entered shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge such arrests or institution of criminal proceedings, or the results thereof, in response to an inquiry made of him for any purpose.

"SUBCHAPTER B—FINES

"Sec.
"3611. Payment of a fine.
"3612. Collection of an unpaid fine.
"3613. Civil remedies for satisfaction of an unpaid fine.
"3614. Resentencing upon failure to pay a fine.
"3615. Criminal default.

"SUBCHAPTER B—FINES

"§ 3611. Payment of a fine

"A person who has been sentenced to pay a fine pursuant to the provisions of subchapter C of chapter 227 shall pay the fine immediately, or by the time and method specified by the sentencing court, to the clerk of the court. The clerk shall forward the payment to the United States Treasury.

"§ 3612. Collection of an unpaid fine

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a). An order of restitution, pursuant to section 3556, does not create any right of action against the United States by the person to whom restitution is ordered to be paid.

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within ten working days after a fine is determined to be in default as provided in section 3572 (j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3613. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable and liability to pay a fine expires—

"(1) twenty years after the entry of the judgment; or

"(2) upon the death of the individual fined.

The period set forth in paragraph (1) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in paragraph (1) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT OF NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases, but in no event shall liability for payment of a fine extend beyond the period specified in subsection (b).

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

"SUBCHAPTER C—IMPRISONMENT

"Sec.
"3621. Imprisonment of a convicted person.
"3622. Temporary release of a prisoner.
"3623. Transfer of a prisoner to state authority.
"3624. Release of a prisoner.
"3625. Inapplicability of the Administrative Procedure Act.

"SUBCHAPTER C—IMPRISONMENT

"§ 3621. Imprisonment of a convicted person

"(a) COMMITMENT TO CUSTODY OF BUREAU OF PRISONS.—A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

"(b) PLACE OF IMPRISONMENT.—The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering—

"(1) the resources of the facility contemplated;

"(2) the nature and circumstances of the offense;

"(3) the history and characteristics of the prisoner;

"(4) any statement by the court that imposed the sentence—

"(A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or

"(B) recommending a type of penal or correctional facility as appropriate; and

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another.

"(c) DELIVERY OF ORDER OF COMMITMENT.—When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

"(d) DELIVERY OF PRISONER FOR COURT APPEARANCES.—The United States Marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

"§ 3622. Temporary release of a prisoner

"The Bureau of Prisons may release a prisoner from the place of his imprisonment for a limited period if such release appears to be consistent with the purpose for which the sentence was imposed and any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2), if such release otherwise appears to be consistent with the public interest and if there is reasonable cause to believe that a prisoner will honor the trust to be imposed in him, by authorizing him, under prescribed conditions, to—

"(a) visit a designated place for a period not to exceed thirty days, and then return to the same or another facility, for the purpose of—

"(1) visiting a relative who is dying;

"(2) attending a funeral of a relative;

"(3) obtaining medical treatment not otherwise available;

"(4) contacting a prospective employer;

"(5) establishing or reestablishing family or community ties; or

"(6) engaging in any other significant activity consistent with the public interest;

"(b) participate in a training or educational program in the community while continuing in official detention at the prison facility; or

"(c) work at paid employment in the community while continuing in official detention at the penal or correctional facility if—

"(1) the rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the community; and

"(2) the prisoner agrees to pay to the Bureau such costs incident to official detention as the Bureau finds appropriate and reasonable under all the circumstances, such costs to be collected by the Bureau and deposited in the Treasury to the credit of the appropriation available for such costs at the time such collections are made.

"§ 3623. Transfer of a prisoner to state authority

"The Director of the Bureau of Prisons shall order that a prisoner who has been charged in an indictment or information with, or convicted of, a State felony, be transferred to an official detention facility within such State prior to his release from a Federal prison facility if—

"(1) the transfer has been requested by the Governor or other executive authority of the State;

"(2) the State has presented to the Director a certified copy of the indictment, information, or judgment of conviction; and

"(3) the Director finds that the transfer would be in the public interest.

If more than one request is presented with respect to a prisoner, the Director shall determine which request should receive preference. The expenses of such transfer shall be borne by the State requesting the transfer.

"§ 3624. Release of a prisoner

"(a) DATE OF RELEASE.—A prisoner shall be released by the Bureau of Prisons on the date of the expiration of his term of imprisonment, less any time credited toward the service of his sentence as provided in subsection (b). If the date for a prisoner's release falls on a Saturday, a Sunday, or a legal holiday at the place of confinement, the prisoner may be released by the Bureau on the last preceding weekday.

"(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of thirty-six days at the end of each year of his term of imprisonment, beginning after the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that, during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

"(c) PRE-RELEASE CUSTODY.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last ten percent of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his reentry into the community. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

"(d) ALLOTMENT OF CLOTHING, FUNDS, AND TRANSPORTATION.—Upon the release of a prisoner on the expiration of his term of imprisonment, the Bureau of Prisons shall furnish him with—

"(1) suitable clothing;

"(2) an amount of money, not more than $500, determined by the Director to be consistent with the needs of the offender and the public interest, unless the Director determines that the financial position of the offender is such that no sum should be furnished; and

"(3) transportation to the place of his conviction, to his bona fide residence within the United States, or to such other place within the United States as may be authorized by the Director.

"(e) SUPERVISION AFTER RELEASE.—A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer who shall, during the term imposed, supervise the person released to the degree warranted by the conditions specified by the sentencing court. The term of supervised release commences on the day the person is released from imprisonment. The term runs concurrently with any Federal, State, or local term of probation or supervised release or parole for another offense to which the person is subject or becomes subject during the term of supervised release, except that it does not run during any period in which the person is imprisoned, other than during limited intervals as a condition of probation or supervised release, in connection with a conviction for a Federal, State, or local crime. No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.

"§ 3625. Inapplicability of the Administrative Procedure Act

"The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this subchapter.";

(3) in section 3663 (formerly section 3579):

(A) by amending subsection (g) to read as follows:

"(g) If such defendant is placed on probation or sentenced to a term of supervised release under this title, any restitution ordered under this section shall be a condition of such probation or supervised release. The court may revoke probation, or modify the term or conditions of a term of supervised release, or hold a defendant in contempt pursuant to section 3583(e) if the defendant fails to comply with such order. In determining whether to revoke probation, modify the term or conditions of supervised release, or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay."; and

(B) by amending subsection (h) to read as follows:

"(h) An order of restitution may be enforced by the United States in the manner provided in sections 3812 and 3813 or in the same manner as a judgment in a civil action, and by the victim named in the order to receive the restitution in the same manner as a judgment in a civil action.";

(4) adding the following new section at the end of chapter 232:

"§ 3673. Definitions for sentencing provisions

"As used in chapters 227 and 229—

"(a) 'found guilty' includes acceptance by a court of a plea of guilty or nolo contendere;

"(b) 'commission of an offense' includes the attempted commission of an offense, the consummation of an offense, and any immediate flight after the commission of an offense; and

"(c) 'law enforcement officer' means a public servant authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense."; and

(5) adding the following caption and sectional analysis at the beginning of new chapter 232:

"CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS

"Sec.
"3661. Use of information for sentencing.
"3662. Conviction records.
"3663. Order of restitution.
"3664. Procedure for issuing order of restitution.
"3665. Firearms possessed by convicted felons.
"3666. Bribe moneys.
"3667. Liquors and related property; definitions.
"3668. Remission or mitigation of forfeitures under liquor laws; possession pending trial.
"3669. Conveyance carrying liquor.
"3670. Disposition of conveyances seized for violation of the Indian liquor laws.
"3671. Vessels carrying explosives and steerage passengers.
"3672. Duties of Director of Administrative Office of the United States Courts.
"3673. Definitions for sentencing provisions.".

(b) The chapter analysis of Part II of title 18, United States Code, is amended by striking out the items relating to chapters 227, 229, and 231, and inserting in lieu thereof the following:

"227. Sentences 3551
"229. Post-Sentence Administration 3601
"231. Repealed ..... .
"232. Miscellaneous Sentencing Provisions ..... 3661".

SEC. 203. (a) Chapter 235 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ 3742. Review of a sentence

"(a) APPEAL BY A DEFENDANT.—A defendant may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

"(b) APPEAL BY THE GOVERNMENT.—The Government may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure: or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;

and the Attorney General or the Solicitor General personally approves the filing of the notice of appeal.

"(c) RECORD ON REVIEW.—If a notice of appeal is filed in the district court pursuant to subsection (a) or (b), the clerk shall certify to the court of appeals—

"(1) that portion of the record in the case that is designated as pertinent by either of the parties;

"(2) the presentence report; and

"(3) the information submitted during the sentencing proceeding.

"(d) CONSIDERATION.—Upon review of the record, the court of appeals shall determine whether the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines; or

"(3) is outside the range of the applicable sentencing guideline, and is unreasonable, having regard for—

"(A) the factors to be considered in imposing a sentence, as set forth in chapter 227 of this title; and

"(B) the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c).

The court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous.

"(e) DECISION AND DISPOSITION.—If the court of appeals determines that the sentence—

"(1) was imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, it shall—

"(A) remand the case for further sentencing proceedings; or

"(B) correct the sentence;

"(2) is outside the range of the applicable sentencing guideline and is unreasonable, it shall state specific reasons for its conclusions and—

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and—

"(i) remand the case for imposition of a lesser sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a lesser sentence;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and—

"(i) remand the case for imposition of a greater sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a greater sentence; or

"(3) was not imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, and is not unreasonable, it shall affirm the sentence.".

(b) The sectional analysis of chapter 235 of title 18, United States Code, is amended by adding the following new item after the item relating to section 3741:

"3742. Review of a sentence.".

SEC. 204. Chapter 403 of title 18, United States Code is amended as follows:

(a) Section 5037 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking out subsections (a) and (b) and inserting the following new subsections in lieu thereof:

"(a) If the court finds a juvenile to be a juvenile delinquent, the court shall hold a disposition hearing concerning the appropriate disposition no later than twenty court days after the juvenile delinquency hearing unless the court has ordered further study pursuant to subsection (e). After the disposition hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994, the court may suspend the findings of juvenile delinquency, enter an order of restitution pursuant to section 3556, place him on probation, or commit him to official detention. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old, beyond the lesser of—

"(A) three years; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult.

The provisions dealing with probation set forth in sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond five years; or

"(B) in any other case beyond the lesser of—

"(i) three years; or

"(ii) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult.".

(b) Section 5041 is repealed.

(c) Section 5042 is amended by—

(1) striking out "parole or" each place it appears in the caption and text; and

(2) striking out "parolee or".

(d) The sectional analysis is amended by striking out the items relating to sections 5041 and 5042 and inserting in lieu thereof the following:

"5041. Repealed.

"5042. Revocation of Probation.".

SEC. 205. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 32 is amended—

(1) by deleting subdivision (a)(1) and inserting in lieu thereof the following:

"(1) IMPOSITION OF SENTENCE.—Sentence shall be imposed without unnecessary delay, but the court may, upon a motion that is jointly filed by the defendant and by the attorney for the Government and that asserts a factor important to the sentencing determination is not capable of being resolved at that time, postpone the imposition of sentence for a reasonable time until the factor is capable of being resolved. Prior to the sentencing hearing, the court shall provide the counsel for the defendant and the attorney for the Government with notice of the probation officer's determination, pursuant to the provisions of subdivision (c)(2)(B), of the sentencing classifications and sentencing guideline range believed to be applicable to the case. At the sentencing hearing, the court shall afford the counsel for the defendant and the attorney for the Government an opportunity to comment upon the probation officer's determination and on other matters relating to the appropriate sentence. Before imposing sentence, the court shall also—

"(A) determine that the defendant and his counsel have had the opportunity to read and discuss the presentence investigation report made available pursuant to subdivision (c)(3)(A) or summary thereof made available pursuant to subdivision (c)(3)(B);

"(B) afford counsel for the defendant an opportunity to speak on behalf of the defendant; and

"(C) address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of the sentence.

The attorney for the Government shall have an equivalent opportunity to speak to the court. Upon a motion that is jointly filed by the defendant and by the attorney for the Government, the court may hear in camera such a statement by the defendant, counsel for the defendant, or the attorney for the Government.";

(2) in subdivision (a)(2), by adding ", including any right to appeal the sentence," after "right to appeal" in the first sentence;

(3) in subdivision (a)(2), by adding ", except that the court shall advise the defendant of any right to appeal his sentence"

after "nolo contendere" in the second sentence;

(4) by amending the first sentence of subdivision (c)(1) to read as follows:

"A probation officer shall make a presentence investigation and report to the court before the imposition of sentence unless the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553, and the court explains this finding on the record.";

(5) by amending subdivision (c)(2) to read as follows:

"(2) REPORT.—The report of the presentence investigation shall contain—

"(A) information about the history and characteristics of the defendant, including his prior criminal record, if any, his financial condition, and any circumstances affecting his behavior that may be helpful in imposing sentence or in the correctional treatment of the defendant;

"(B) the classification of the offense and of the defendant under the categories established by the Sentencing Commission pursuant to section 994(a) of title 28, that the probation officer believes to be applicable to the defendant's case; the kinds of sentence and the sentencing range suggested for such a category of offense committed by such a category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1); and an explanation by the probation officer of any factors that may indicate that a sentence of a different kind or of a different length than one within the applicable guideline would be more appropriate under all the circumstances;

"(C) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2);

"(D) verified information stated in a nonargumentative style containing an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offense has been committed;

"(E) unless the court orders otherwise, information concerning the nature and extent of nonprison programs and resources available for the defendant; and

"(F) such other information as may be required by the court.";

(6) in subdivision (c)(3)(A), by deleting "exclusive of any recommendations as to sentence" and inserting in lieu thereof ", including the information required by subdivision (c)(2) but not including any final recommendation as to sentence,";

(7) in subdivision (c)(3)(D), delete "or the Parole Commission";

(8) in subdivision (c)(3)(F), delete "or the Parole Commission pursuant to 18 U.S.C. §§ 4205(c), 4252, 5010(e), or 5037(c)" and substitute "pursuant to 18 U.S.C. § 3552(b)";

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18 U.S.C. § 4205(c)," in subdivision (d).

(b) Rule 35 is amended to read as follows:

"Rule 35. Correction of Sentence

"(a) CORRECTION OF A SENTENCE ON REMAND.—The court shall correct a sentence that is determined on appeal under 18 U.S.C. 3742 to have been imposed in violation of law, to have been imposed as a result of an incorrect application of the sentencing guidelines, or to be unreasonable, upon remand of the case to the court—

"(1) for imposition of a sentence in accord with the findings of the court of appeals; or

"(2) for further sentencing proceedings if, after such proceedings, the court determines that the original sentence was incorrect.

"(b) CORRECTION OF SENTENCE FOR CHANGED CIRCUMSTANCES.—The court, on motion of the government, may within one year after the imposition of a sentence, lower a sentence to reflect a defendant's subsequent, substantial assistance in the investigation or prosecution of another person who has committed an offense, to the extent that such assistance is a factor in applicable guidelines or policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a).".

(c) Rule 38 is amended—

(1) by amending the caption to read: "Stay of Execution" and deleting "(a) Stay of Execution.";

(2) by deleting subdivisions (b) and (c);

(3) by redesignating subdivisions (a)(1) through (a)(4) as subdivisions (a) through (d), respectively;

(4) in subdivision (a), by adding "from the conviction or sentence" after "is taken";

(5) in the first sentence of subdivision (b), by adding "from the conviction or sentence" after "is taken";

(6) by amending subdivision (d) to read as follows:

"(d) PROBATION.—A sentence of probation may be stayed if an appeal from the conviction or sentence is taken. If the sentence is stayed, the court shall fix the terms of the stay."; and

(7) by adding new subdivisions (e) and (f) as follows:

"(e) CRIMINAL FORFEITURE, NOTICE TO VICTIMS, AND RESTITUTION.—A sanction imposed as part of the sentence pursuant to 18 U.S.C. 3554, 3555, or 3556 may, if an appeal of the conviction or sentence is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may issue such orders as may be reasonably necessary to ensure compliance with the sanction upon disposition of the appeal, including the entering of a restraining order or an injunction or requiring a deposit in whole or in part of the monetary amount involved into the registry of the district court or execution of a performance bond.

"(f) DISABILITIES.—A civil or employment disability arising under a Federal statute by reason of the defendant's conviction or sentence, may, if an appeal is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may enter a restraining order or an injunction, or take any other action that may be reasonably necessary to protect the interest represented by the disability pending disposition of the appeal.".

(d) Rule 40 is amended by deleting "3653" in subdivision (d)(1) and inserting in lieu thereof "3605".

(e) Rule 54 is amended by amending the definition of "Petty offense" in subdivision (c) to read as follows: " 'Petty offense' means a class B or C misdemeanor or an infraction.".

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

(g) The Table of Rules that precedes Rule 1 is amended as follows:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.
"(a) Correction of a sentence on remand.
"(b) Correction of a sentence for changed circumstances."

(2) The item relating to Rule 38 is amended to read as follows:

"38. Stay of Execution.
"(a) Death.
"(b) Imprisonment.
"(c) Fine.
"(d) Probation.
"(e) Criminal forfeiture, notice to victims, and restitution.
"(f) Disabilities.".

SEC. 206. (a) The Rules of Procedure for the Trial of Misdemeanors Before United States Magistrates are amended by adding the following new rule at the end thereof:

"Rule 9. Definition

"As used in these rules, 'petty offense' means a Class B or C misdemeanor or an infraction.".

(b) The Table of Rules that precedes Rule 1 is amended by adding at the end thereof the following new item:

"9. Definition".

SEC. 207. (a) Title 28 of the United States Code is amended by adding the following new chapter after chapter 57:

CHAPTER 58—UNITED STATES SENTENCING COMMISSION

"Sec.
"991. United States Sentencing Commission; establishment and purposes.
"992. Terms of office; compensation.
"993. Powers and duties of Chairman.
"994. Duties of the Commission.
"995. Powers of the Commission.
"996. Director and staff.
"997. Annual report.
"998. Definitions.

"§ 991. United States Sentencing Commission; establishment and purposes

"(a) There is established as an independent commission in the judicial branch of the United States a United States Sentencing Commission which shall consist of seven voting members and one nonvoting member. The President, after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process, shall appoint the voting members of the Commission, by and with the advice and consent of the Senate, one of whom shall be appointed, by and with the advice and consent of the Senate, as the Chairman. At least two of the members shall be Federal judges in regular active service selected after considering a list of six judges recommended to the President by the Judicial Conference of the United States. Not more than four of the members of the Commission shall be members of the same political party. The Attorney General, or his designee, shall be an ex officio, nonvoting member of the Commission. The Chairman and members of the Commission shall be subject to removal from the Commission by the President only for neglect of duty or malfeasance in office or for other good cause shown.

"(b) The purposes of the United States Sentencing Commission are to—

"(1) establish sentencing policies and practices for the Federal criminal justice system that—

"(A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

"(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and

"(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and

"(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

"§ 992. Terms of office; compensation

"(a) The voting members of the United States Sentencing Commission shall be appointed for six-year terms, except that the initial terms of the first members of the Commission shall be staggered so that—

"(1) two members, including the chairman, serve terms of six years;

"(2) three members serve terms of four years; and

"(3) two members serve terms of two years.

"(b) No voting member may serve more than two full terms. A voting member appointed to fill a vacancy that occurs before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(c) The Chairman of the Commission shall hold a full-time position and shall be compensated during the term of office at the annual rate at which judges of the United States courts of appeals are compensated. The voting members of the Commission, other than the Chairman, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect pursuant to section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983, and shall be compensated at the annual rate at which judges of the United States courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chairman, shall hold part-time positions and shall be paid at the daily rate at which judges of the United States courts of appeals are compensated. A Federal judge may serve as a member of the Commission without resigning his appointment as a Federal judge.

"§ 993. Powers and duties of Chairman

"The Chairman shall—

"(a) call and preside at meetings of the Commission, which shall be held for at least two weeks in each quarter after the members of the Commission hold part-time positions; and

"(b) direct—

"(1) the preparation of requests for appropriations for the Commission; and

"(2) the use of funds made available to the Commission.

"§ 994. Duties of the Commission

"(a) The Commission, by affirmative vote of at least four members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of this title and title 18, United States Code, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

"(1) guidelines, as described in this section, for use of a sentencing court in determining the sentence to be imposed in a criminal case, including—

"(A) a determination whether to impose a sentence to probation, a fine, or a term of imprisonment;

"(B) a determination as to the appropriate amount of a fine or the appropriate length of a term of probation or a term of imprisonment;

"(C) a determination whether a sentence to a term of imprisonment should include a requirement that the defendant be placed on a term of supervised release after imprisonment, and, if so, the appropriate length of such a term; and

"(D) a determination whether multiple sentences to terms of imprisonment should be ordered to run concurrently or consecutively;

"(2) general policy statements regarding application of the guidelines or any other aspect of sentencing or sentence implementation that in the view of the Commission would further the purposes set forth in section 3553(a)(2) of title 18, United States Code, including the appropriate use of—

"(A) the sanctions set forth in sections 3554, 3555, and 3556 of title 18;

"(B) the conditions of probation and supervised release set forth in sections 3563(b) and 3583(d) of title 18;

"(C) the sentence modification provisions set forth in sections 3563(c), 3573, and 3582(c) of title 18;

"(D) the authority granted under rule 11(e)(2) of the Federal Rules of Criminal Procedure to accept or reject a plea agreement entered into pursuant to rule 11(e)(1); and

"(E) the temporary release provisions set forth in section 3622 of title 18, and the prerelease custody provisions set forth in section 3624(c) of title 18; and

"(3) guidelines or general policy statements regarding the appropriate use of the probation revocation provisions set forth in section 3565 of title 18, and the provisions for modification of the term or conditions of probation or supervised release set forth in sections 3563(c), 3564(d), and 3583(e) of title 18.

"(b) The Commission, in the guidelines promulgated pursuant to subsection (a)(1), shall, for each category of offense involving each category of defendant, establish a sentencing range that is consistent with all pertinent provisions of title 18, United States Code. If a sentence specified by the guidelines includes a term of imprisonment, the maximum of the range established for such a term shall not exceed the minimum of that range by more than 25 per centum.

"(c) The Commission, in establishing categories of offenses for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) the grade of the offense;

"(2) the circumstances under which the offense was committed which mitigate or aggravate the seriousness of the offense;

"(3) the nature and degree of the harm caused by the offense, including whether it involved property, irreplaceable property, a person, a number of persons, or a breach of public trust;

"(4) the community view of the gravity of the offense;

"(5) the public concern generated by the offense;

"(6) the deterrent effect a particular sentence may have on the commission of the offense by others; and

"(7) the current incidence of the offense in the community and in the nation as a whole.

"(d) The Commission in establishing categories of defendants for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, with respect to a defendant, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) age;

"(2) education;

"(3) vocational skills;

"(4) mental and emotional condition to the extent that such condition mitigates the defendant's culpability or to the extent that such condition is otherwise plainly relevant;

"(5) physical condition, including drug dependence;

"(6) previous employment record;

"(7) family ties and responsibilities;

"(8) community ties;

"(9) role in the offense;

"(10) criminal history; and

"(11) degree of dependence upon criminal activity for a livelihood.

The Commission shall assure that the guidelines and policy statements are entirely neutral as to the race, sex, national origin, creed, and socioeconomic status of offenders.

"(e) The Commission shall assure that the guidelines and policy statements, in recommending a term of imprisonment or length of a term of imprisonment, reflect the general inappropriateness of considering the education, vocational skills, employment record, family ties and responsibilities, and community ties of the defendant.

"(f) The Commission, in promulgating guidelines pursuant to subsection (a)(1), shall promote the purposes set forth in section 991(b)(1), with particular attention to the requirements of subsection 991(b)(1)(B) for providing certainty and fairness in sentencing and reducing unwarranted sentence disparities.

"(g) The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code, shall take into account the nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change or expansion in the nature or capacity of such facilities and services that might become necessary as a

result of the guidelines promulgated pursuant to the provisions of this chapter.

"(h) The Commission shall assure that the guidelines will specify a sentence to a term of imprisonment at or near the maximum term authorized by section 3581(b) of title 18, United States Code, for categories of defendants in which the defendant is eighteen years old or older and—

"(1) has been convicted of a felony that is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); and

"(2) has previously been convicted of two or more prior felonies, each of which is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a).

"(i) The Commission shall assure that the guidelines will specify a sentence to a substantial term of imprisonment for categories of defendants in which the defendant—

"(1) has a history of two or more prior Federal, State, or local felony convictions for offenses committed on different occasions;

"(2) committed the offense as part of a pattern of criminal conduct from which he derived a substantial portion of his income;

"(3) committed the offense in furtherance of a conspiracy with three or more persons engaging in a pattern of racketeering activity in which the defendant participated in a managerial or supervisory capacity;

"(4) committed a crime of violence that constitutes a felony while on release pending trial, sentence, or appeal from a Federal, State, or local felony for which he was ultimately convicted; or

"(5) committed a felony that is set forth in section 401 or 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 and 960), and that involved trafficking in a substantial quantity of a controlled substance.

"(j) The Commission shall insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense, and the general appropriateness of imposing a term of imprisonment on a person convicted of a crime of violence that results in serious bodily injury.

"(k) The Commission shall insure that the guidelines reflect the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the defendant or providing the defendant with needed educational or vocational training, medical care, or other correctional treatment.

"(l) The Commission shall insure that the guidelines promulgated pursuant to subsection (a)(1) reflect—

"(1) the appropriateness of imposing an incremental penalty for each offense in a case in which a defendant is convicted of—

"(A) multiple offenses committed in the same course of conduct that result in the exercise of ancillary jurisdiction over one or more of the offenses; and

"(B) multiple offenses committed at different times, including those cases in which the subsequent offense is a violation of section 3146 (penalty for failure to appear) or is committed while the person is released pursuant to the provisions of section 3147 (penalty for an offense committed while on release) of title 18; and

"(2) the general inappropriateness of imposing consecutive terms of imprisonment for an offense of conspiring to commit an offense or soliciting commission of an offense and for an offense that was the sole object of the conspiracy or solicitation.

"(m) The Commission shall insure that the guidelines reflect the fact that, in many cases, current sentences do not accurately reflect the seriousness of the offense. This will require that, as a starting point in its development of the initial sets of guidelines for particular categories of cases, the Commission ascertain the average sentences imposed in such categories of cases prior to the creation of the Commission, and in cases involving sentences to terms of imprisonment, the length of such terms actually served. The Commission shall not be bound by such average sentences, and shall independently develop a sentencing range that is consistent with the purposes of sentencing described in section 3553(a)(2) of title 18, United States Code.

"(n) The Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section. In fulfilling its duties and in exercising its powers, the Commission shall consult with authorities on, and individual and institutional representatives of, various aspects of the Federal criminal justice system. The United States Probation System, the Bureau of Prisons, the Judicial Conference of the United States, the Criminal Division of the United States Department of Justice, and a representative of the Federal Public Defenders shall submit to the Commission any observations, comments, or questions pertinent to the work of the Commission whenever they believe such communication would be useful, and shall, at least annually, submit to the Commission a written report commenting on the operation of the Commission's guidelines, suggesting changes in the guidelines that appear to be warranted, and otherwise assessing the Commission's work.

"(o) The Commission, at or after the beginning of a regular session of Congress but not later than the first day of May, shall report to the Congress any amendments of the guidelines promulgated pursuant to subsection (a)(1), and a report of the reasons therefor, and the amended guidelines shall take effect one hundred and eighty days after the Commission reports them, except to the extent the effective date is enlarged or the guidelines are disapproved or modified by Act of Congress.

"(p) The Commission and the Bureau of Prisons shall submit to Congress an analysis and recommendations concerning maximum utilization of resources to deal effectively with the Federal prison population. Such report shall be based upon consideration of a variety of alternatives, including—

"(1) modernization of existing facilities;

"(2) inmate classification and periodic review of such classification for use in placing inmates in the least restrictive facility necessary to ensure adequate security; and

"(3) use of existing Federal facilities, such as those currently within military jurisdiction.

"(q) The Commission, within three years of the date of enactment of the Sentencing Reform Act of 1983, and thereafter whenever it finds it advisable, shall recommend to the Congress that it raise or lower the grades, or otherwise modify the maximum penalties, of those offenses for which such an adjustment appears appropriate.

"(r) The Commission shall give due consideration to any petition filed by a defendant requesting modification of the guidelines utilized in the sentencing of such defendant, on the basis of changed circumstances unrelated to the defendant, including changes in—

"(1) the community view of the gravity of the offense;

"(2) the public concern generated by the offense; and

"(3) the deterrent effect particular sentences may have on the commission of the offense by others.

Within one hundred and eighty days of the filing of such petition the Commission shall provide written notice to the defendant whether or not it has approved the petition. If the petition is disapproved the written notice shall contain the reasons for such disapproval. The Commission shall submit to the Congress at least annually an analysis of such written notices.

"(s) The Commission, in promulgating general policy statements regarding the sentencing modification provisions in section 3582(c)(1)(A) of title 18, shall describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples. Rehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason.

"(t) If the Commission reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses, it shall specify by what amount the sentences of prisoners serving terms of imprisonment that are outside the applicable guideline ranges for the offense may be reduced.

"(u) The Commission shall ensure that the general policy statements promulgated pursuant to subsection (a)(2) include a policy limiting consecutive terms of imprisonment for an offense involving a violation of a general prohibition and for an offense involving a violation of a specific prohibition encompassed within the general prohibition.

"(v) The appropriate judge or officer shall submit to the Commission in connection with each sentence imposed a written report of the sentence, the offense for which it is imposed, the age, race, and sex of the offender, information regarding factors made relevant by the guidelines, and such other information as the Commission finds appropriate. The Commission shall submit to Congress at least annually an analysis of these reports and any recommendations for legislation that the Commission concludes is warranted by that analysis.

"(w) The provisions of section 553 of title 5, relating to publication in the Federal Register and public hearing procedure, shall apply to the promulgation of guidelines pursuant to this section.

"§ 995. Powers of the Commission

"(a) The Commission, by vote of a majority of the members present and voting, shall have the power to—

"(1) establish general policies and promulgate such rules and regulations for the

Commission as are necessary to carry out the purposes of this chapter;

"(2) appoint and fix the salary and duties of the Staff Director of the Sentencing Commission, who shall serve at the discretion of the Commission and who shall be compensated at a rate not to exceed the highest rate now or hereafter prescribed for grade 18 of the General Schedule pay rates (5 U.S.C. 5332);

"(3) deny, revise, or ratify any request for regular, supplemental, or deficiency appropriations prior to any submission of such request to the Office of Management and Budget by the Chairman;

"(4) procure for the Commission temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code;

"(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(6) without regard to 31 U.S.C. 3324, enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or non-profit organization;

"(7) accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services, notwithstanding the provisions of 31 U.S.C. 1342, however, individuals providing such services shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims;

"(8) request such information, data, and reports from any Federal agency or judicial officer as the Commission may from time to time require and as may be produced consistent with other law;

"(9) monitor the performance of probation officers with regard to sentencing recommendations, including application of the Sentencing Commission guidelines and policy statements;

"(10) issue instructions to probation officers concerning the application of Commission guidelines and policy statements;

"(11) arrange with the head of any other Federal agency for the performance by such agency of any function of the Commission, with or without reimbursement;

"(12) establish a research and development program within the Commission for the purpose of—

"(A) serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on Federal sentencing practices; and

"(B) assisting and serving in a consulting capacity to Federal courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices;

"(13) collect systematically the data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing process;

"(14) publish data concerning the sentencing process;

"(15) collect systematically and disseminate information concerning sentences actually imposed, and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code;

"(16) collect systematically and disseminate information regarding effectiveness of sentences imposed;

"(17) devise and conduct, in various geographical locations, seminars and workshops providing continuing studies for persons engaged in the sentencing field;

"(18) devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process;

"(19) study the feasibility of developing guidelines for the disposition of juvenile delinquents;

"(20) make recommendations to Congress concerning modification or enactment of statutes relating to sentencing, penal, and correctional matters that the Commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing policy;

"(21) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties; and

"(22) perform such other functions as are required to permit Federal courts to meet their responsibilities under section 3553(a) of title 18, United States Code, and to permit others involved in the Federal criminal justice system to meet their related responsibilities.

"(b) The Commission shall have such other powers and duties and shall perform such other functions as may be necessary to carry out the purposes of this chapter, and may delegate to any member or designated person such powers as may be appropriate other than the power to establish general policy statements and guidelines pursuant to section 994(a) (1) and (2), the issuance of general policies and promulgation of rules and regulations pursuant to subsection (a)(1) of this section, and the decisions as to the factors to be considered in establishment of categories of offenses and offenders pursuant to section 994(b). The Commission shall, with respect to its activities under subsections (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the extent practicable, utilize existing resources of the Administrative Office of the United States Courts and the Federal Judicial Center for the purpose of avoiding unnecessary duplication.

"(c) Upon the request of the Commission, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

"(d) A simple majority of the membership then serving shall constitute a quorum for the conduct of business. Other than for the promulgation of guidelines and policy statements pursuant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

"(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it.

"§ 996. Director and staff

"(a) The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to him by the Commission.

"(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, United States Code, except the following chapters: 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), 89 (Health Insurance), and 91 (Conflicts of Interest).

"§ 997. Annual report

"The Commission shall report annually to the Judicial Conference of the United States, the Congress, and the President of the United States on the activities of the Commission.

"§ 998. Definitions

"As used in this chapter—

"(a) 'Commission' means the United States Sentencing Commission;

"(b) 'Commissioner' means a member of the United States Sentencing Commission;

"(c) 'guidelines' means the guidelines promulgated by the Commission pursuant to section 994(a) of this title; and

"(d) 'rules and regulations' means rules and regulations promulgated by the Commission pursuant to section 995 of this title.".

(b) The chapter analysis of part III of title 28, United States Code, is amended by adding after the item relating to chapter 57 the following new item:

"58. United States Sentencing Commission ..... 991".

REPEALERS

SEC. 208. (a) The following provisions of title 18, United States Code, are repealed:

(1) section 1;

(2) section 3012;

(3) sections 4082(a), 4082(b), 4082(c), 4082(e), 4084, and 4085;

(4) chapter 309;

(5) chapter 311;

(6) chapter 314;

(7) sections 4281, 4283, and 4284; and

(8) chapter 402.

Redesignate subsections in section 4082 accordingly.

(b) The item relating to section 1 in the sectional analysis of chapter 1 of title 18, United States Code, is amended to read:

"1. Repealed.".

(c) The item relating to section 3012 in the sectional analysis of chapter 201 of title 18, United States Code, is amended to read:

"3012. Repealed.".

(d) The chapter analysis of Part III of title 18, United States Code, is amended by amending the items relating to—

(1) chapters 309 and 311 to read as follows:

"309. Repealed .....

"311. Repealed ..... "; and

(2) chapter 314 to read as follows:

"314. Repealed ..... ".

(e) The items relating to sections 4084 and 4085 in the sectional analysis of chapter 305 of title 18, United States Code, are amended to read as follows:

"4084. Repealed.

"4085. Repealed.".

(f) The sectional analysis of chapter 315 of title 18, United States Code, is amended by amending the items relating to—

(1) section 4281 to read:

"4281. Repealed."; and

(2) sections 4283 and 4284 to read as follows:

"4283. Repealed.
"4284. Repealed.".

(g) The item relating to chapter 402 in the chapter analysis of Part IV of title 18, United States Code, is amended to read as follows:

"402. Repealed ..... ".

SEC. 209. (a) Sections 404(b) and 409 of the Controlled Substances Act (21 U.S.C. 844(b) and 849) are repealed.

(b) Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by deleting the designation "(a)" at the beginning of the subsection.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 210. The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended as follows:

(a) The second sentence of section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended to read: "An alien who would be excludable because of the conviction of an offense for which the sentence actually imposed did not exceed a term of imprisonment in excess of six months, or who would be excludable as one who admits the commission of an offense for which a sentence not to exceed one year's imprisonment might have been imposed on him, may be granted a visa and admitted to the United States if otherwise admissible: *Provided*, That the alien has committed only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense.".

(b) Section 242(h) (8 U.S.C. 1252(h)) is amended by adding "supervised release," after "parole,".

SEC. 211. Section 4 of the Act of September 28, 1962 (16 U.S.C. 460k-3) is amended by deleting "petty offense (18 U.S.C. 1)" and substituting "misdemeanor".

SEC. 212. Section 9 of the Act of October 8, 1964 (16 U.S.C. 460n-8) is amended—

(a) in the first paragraph, by deleting "commissioner" each place it appears and substituting "magistrate"; and

(b) in the second paragraph, by amending the first sentence to read: "The functions of the magistrate shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18, United States Code.".

SEC. 213. Title 18 of the United States Code is amended as follows:

(a) Section 924(a) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

(b) Section 1161 is amended by deleting "3618" and substituting "3669".

(c) Section 1761(a) is amended by adding ", supervised release," after "parole".

(d) Section 2114 is amended by adding "not more than" after "imprisoned".

(e) Section 3006A is amended—

(1) in subsections (a)(1) and (b), by deleting "misdemeanor (other than a petty offense as defined in section 1 of this title)" each place it appears and substituting "Class A misdemeanor"; and

(2) in subsections (a)(3) and (g), deleting "subject to revocation of parole," each place it appears.

(f) Section 3143, as amended by this Act, is amended—

(1) in subsection (a), by adding "other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment," after "sentence,"; and

(2) in subsection (c), by adding the following at the end thereof: "The judge shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3742 in accordance with the provisions of—

"(1) subsection (a) if the person has been sentenced to a term of imprisonment; or

"(2) section 3142 if the person has not been sentenced to a term of imprisonment.".

(g) Section 3147, as amended by this Act, is amended—

(1) in paragraph (1), by deleting "not less than two years and"; and

(2) in paragraph (2), by deleting "not less than ninety days and".

(h) Section 3156(b)(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(i) Section 3172(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(j) Section 3401 is amended—

(1) by repealing subsection (g) and redesignating (h) to (g); and

(2) in subsection (h), by deleting "petty offense case" and substituting "Class B or C misdemeanor case, or infraction case,".

(k) Section 3670 (formerly section 3619) is amended by deleting "3617" and "3618" and substituting "3668" and "3669", respectively.

(l) Section 4004 is amended by deleting "record clerks, and parole officers" and substituting "and record clerks".

(m) Chapter 306 is amended as follows:

(1) Section 4101 is amended—

(A) in subsection (f), by adding ", including a term of supervised release pursuant to section 3583" after "supervision"; and

(B) in subsection (g), by deleting "to a penalty of imprisonment the execution of which is suspended and" and substituting "under which", and by deleting "the suspended" and substituting "a".

(2) Section 4105(c) is amended—

(A) in paragraph (1), by deleting "for good time" the second place it appears and substituting "toward service of sentence for satisfactory behavior";

(B) in paragraphs (1) and (2), by deleting "section 4161" and substituting "section 3624(b)";

(C) in paragraph (1), by deleting "section 4164" and substituting "section 3624(a)";

(D) by repealing paragraph (3); and

(E) by amending paragraph (4) to read as follows:

"(3) Credit toward service of sentence may be withheld as provided in section 3624(b) of this title."; and

(F) by redesignating paragraphs accordingly.

(3) Section 4106 is amended—

(A) in subsection (a), by deleting "Parole Commission" and substituting "Probation System";

(B) by amending subsection (b) to read as follows:

"(b) An offender transferred to the United States to serve a sentence of imprisonment shall be released pursuant to section 3624(a) of this title after serving the period of time specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1). He shall be released to serve a term of supervised release for any term specified in the applicable guideline. The provisions of section 3742 of this title apply to a sentence to a term of imprisonment under this subsection, and the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States has jurisdiction to review the period of imprisonment as though it had been imposed by the United States district court."; and

(C) by repealing subsection (c).

(4) Section 4108(a) is amended by adding ", including any term of imprisonment or term of supervised release specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1)," after "consequences thereof".

(n) Section 4321 is amended by deleting "parole or".

(o) Section 4351(b) is amended by deleting "Parole Board" and substituting "Sentencing Commission".

(p) Section 5002 is amended by deleting "Board of Parole, the Chairman of the Youth Division," and substituting "United States Sentencing Commission,".

SEC. 214. The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended as follows:

(a) Section 401 (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A), by deleting the last sentence;

(2) in subsection (b)(1)(B), by deleting the last sentence;

(3) in subsection (b)(2), by deleting the last sentence;

(4) in subsection (b)(4), by deleting "subsections (a) and (b) of", and by adding "and section 3607 of title 18, United States Code" after "404";

(5) in subsection (b)(5), by deleting the last sentence; and

(6) by repealing subsection (c).

(b) Section 405 (21 U.S.C. 845) is amended—

(1) in subsection (a), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule"; and

(2) in subsection (b), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving the same controlled substance and schedule".

(c) Section 408(c) (21 U.S.C. 848(c)) is amended by deleting "and section 4202 of title 18 of the United States Code".

SEC. 215. The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended as follows:

(a) Section 1010 (21 U.S.C. 960) is amended—

(1) in subsection (b)(1), by deleting the last sentence;

(2) in subsection (b)(2), by deleting the last sentence; and

(3) by repealing subsection (c).

(b) Section 1012(a) (21 U.S.C. 962(a)) is amended by deleting the last sentence.

SEC. 216. Section 114(b) of title 23, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 217. Section 5871 of the Internal Revenue Code of 1954 (26 U.S.C. 5871) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

SEC. 218. Title 28 of the United States Code is amended as follows:

(a) Section 509 is amended—

(1) by adding "and" after paragraph (2) and, in paragraph (3), by deleting "; and" and substituting a period; and

(2) by repealing paragraph (4).

(b) Section 591(a) is amended by deleting "petty offense" and substituting "Class B or C misdemeanor or an infraction".

(c) Section 2901 is amended—

(1) in subsection (e), by deleting "section 1" and substituting "section 3581"; and

(2) in subsection (g)(3), by adding ", supervised release," after "parole", and by adding "supervised release," after "parole,".

SEC. 219. Section 504(a) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)) and section 411(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)) are amended—

(a) by deleting "the Board of Parole of the United States Department of Justice" and substituting "if the offense is a Federal offense, the sentencing judge or, if the offense is a State or local offense, on motion of the United States Department of Justice, the district court of the United States for the district in which the offense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

(b) by deleting "Board" and "Board's" and substituting "court" and "court's", respectively; and

(c) by deleting "an administrative" and substituting "a".

SEC. 220. Section 411 (c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(c)(3)) is amended by adding "or supervised release" after "parole".

SEC. 221. Section 425(b) of the Job Training and Partnership Act is amended by deleting "or parole" the first place it appears and substituting ", parole, or supervised release".

SEC. 222. The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(a) Section 341(a) (42 U.S.C. 257(a)) is amended by deleting "or convicted of offenses against the United States and sentenced to treatment" and "addicts who are committed to the custody of the Attorney General pursuant to provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code),".

(b) Section 343(d) (42 U.S.C. 259(d)) is amended by adding "or supervised release" after "parole".

SEC. 222A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

SEC. 223. Section 11507 of title 49, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 224. Section 10(b)(7) of the Military Selective Service Act (50 U.S.C. App. 460(b)(7)) is amended by deleting "parole" and substituting "release".

EFFECTIVE DATE

SEC. 225. (a)(1) This title shall take effect on the first day of the first calendar month beginning twenty-four months after the date of enactment, except that—

(A) the repeal of chapter 402 of title 18, United States Code, shall take effect on the date of enactment;

(B)(i) chapter 58 of title 28, United States Code, shall take effect on the date of enactment of this Act or October 1, 1983, whichever occurs later, and the United States Sentencing Commission shall submit the initial sentencing guidelines promulgated to section 994(a)(1) of title 28 to the Congress within eighteen months of the effective date of the chapter; and

(ii) the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, shall not go into effect until the day after—

(I) the United States Sentencing Commission has submitted the initial set of sentencing guidelines to the Congress pursuant to subparagraph (B)(i), along with a report stating the reasons for the Commission's recommendations;

(II) the General Accounting Office has undertaken a study of the guidelines, and their potential impact in comparison with the operation of the existing sentencing and parole release system, and has, within 150 days of submission of the guidelines, reported to the Congress the results of its study; and

(III) the Congress has had six months after the date described in subclause (a) in which to examine the guidelines and consider the reports; and

(d) the provisons of sections 227 and 228 shall take effect on the date of enactment.

(2) For the purposes of section 992(a) of title 28, the terms of the first members of the United States Sentencing Commission shall not begin to run until the sentencing guidelines go into effect pursuant to paragraph (1)(B)(ii).

(b)(1) The following provisions of law in effect on the day before the effective date of this Act shall remain in effect for five years after the effective date as to an individual convicted of an offense or adjudicated to be a juvenile delinquent before the effective date and as to a term of imprisonment during the period described in subsection (a)(1)(B):

(A) Chapter 311 of title 18, United States Code.

(B) Chapter 309 of title 18, United States Code.

(C) Sections 4251 through 4255 of title 18, United States Code.

(D) Sections 5041 and 5042 of title 18, United States Code.

(E) Sections 5017 through 5020 of title 18, United States Code, as to a sentence imposed before the date of enactment.

(F) The maximum term of imprisonment in effect on the effective date for an offense committed before the effective date.

(G) Any other law relating to a violation of a condition of release or to arrest authority with regard to a person who violates a condition of release.

(2) Notwithstanding the provisions of section 4202 of title 18, United States Code, as in effect on the day before the effective date of this Act, the term of office of a Commissioner who is in office on the effective date is extended to the end of the five-year period after the effective date of this Act.

(3) The United States Parole Commission shall set a release date, for an individual who will be in its jurisdiction the day before the expiration of five years after the effective date of this Act, that is within the range that applies to the prisoner under the applicable parole guideline. A release date set pursuant to this paragraph shall be set early enough to permit consideration of an appeal of the release date, in accordance with Parole Commission procedures, before the expiration of five years following the effective date of this Act.

(4) Notwithstanding the other provisions of this subsection, all laws in effect on the day before the effective date of this Act pertaining to an individual who is—

(A) released pursuant to a provision listed in paragraph (1); and

(B)(i) subject to supervision on the day before the expiration of the five-year period following the effective date of this Act; or

(ii) released on a date set pursuant to paragraph (3);

including laws pertaining to terms and conditions of release, revocation of release, provision of counsel, and payment of transportation costs, shall remain in effect as to the individual until the expiration of his sentence, except that the district court shall determine, in accord with the Federal Rules of Criminal Procedure, whether release should be revoked or the conditions of release amended for violation of a condition of release.

(5) Notwithstanding the provisions of section 991 of title 28, United States Code, and sections 4351 and 5002 of title 18, United States Code, the Chairman of the United States Parole Commission or his designee shall be a member of the National Institute of Corrections, and the Chairman of the United States Parole Commission shall be a member of the Advisory Corrections Council and a nonvoting member of the United States Sentencing Commission, ex officio, until the expiration of the five-year period following the effective date of this Act. Notwithstanding the provisions of section 4351 of title 18, during the five-year period the National Institute of Corrections shall have seventeen members, including seven ex officio members. Notwithstanding the provisions of section 991 of title 28, during the five-year period the United States Sentencing Commission shall consist of nine members, including two ex officio, nonvoting members.

SEC. 226. (a)(1) Four years after the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, go into effect, the General Accounting Office shall undertake a study of the guidelines in order to determine their impact and compare the guidelines system with the operation of the previous sentencing and parole release system, and, within six months of the undertaking of such study, report to the Congress the results of its study.

(2) Within one month of the start of the study required under subsection (a), the United States Sentencing Commission shall submit a report to the General Accounting Office, all appropriate courts, the Department of Justice, and the Congress detailing the operation of the sentencing guideline system and discussing any problems with the system or reforms needed. The report shall include an evaluation of the impact of the sentencing guidelines on prosecutorial discretion, plea bargaining, disparities in sentencing, and the use of incarceration, and shall be issued by affirmative vote of a majority of the voting members of the Commission.

(b) The Congress shall review the study submitted pursuant to subsection (a) in order to determine—

(1) whether the sentencing guideline system has been effective;

(2) whether any changes should be made in the sentencing guideline system; and

(3) whether the parole system should be reinstated in some form and the life of the Parole Commission extended.

SEC. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within one hundred twenty days,

notify the person by certified mail of his obligation, within thirty days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within one hundred and eighty days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for delinquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferrring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due with thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within thirteen working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, begin-

ning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

§ 3598. Statute of limitations

"(a) LIABILITY TO PAY A FINE EXPIRES.—

"(1) twenty years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within thirty days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed.".

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning twenty-four months after the date of enactment of this Act.

SEC. 229. Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since, sentencing decisions should be designed to insure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of nonviolent and nonserious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, Federal sentencing practice should insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, Federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

TITLE III—FORFEITURE

SEC. 301. This title may be cited as the "Comprehensive Forfeiture Act of 1984".

PART A

SEC. 302. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsist-

ent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

PART B

SEC. 303. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forefeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on

any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph

(2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 304. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 305. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 306. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 307. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 308. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new items:

"Sec. 413. Criminal forfeitures.

"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

PART C

SEC. 309. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2)" the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the Department of Justice—

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate At-

torney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisons of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

PART D

SEC. 311. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 312. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 313. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 314. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 315. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 316. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 317. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of the Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 318. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 319. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 320. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 321. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 322. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of Title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this chapter and any other provisions of law classified to this title.".

SEC. 323. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

TITLE IV—OFFENDERS WITH MENTAL DISEASE OR DEFECT

SEC. 401. This title may be sited as the "Insanity Defense Reform Act of 1984."

SEC. 402. (a) Chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 20. Insanity defense

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The defendant has the burden of proving the defense of insanity by clear and convincing evidence.".

"(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity Defense.".

SEC. 403. (a) Chapter 313 of title 18, United States Code, is amended to read as follows:

"CHAPTER 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT

"Sec.

"4241. Determination of mental competency to stand trial.
"4242. Determination of the existence of insanity at the time of the offense.
"4243. Hospitalization of a person found not guilty only by reason of insanity.
"4244. Hospitalization of a convicted person suffering from mental disease or defect.
"4245. Hospitalization of an imprisoned person suffering from mental disease or defect.
"4246. Hospitalization of a person due for release but suffering from mental disease or defect.
"4247. General provisions for chapter.

"§ 4241. Determination of mental competency to stand trial

"(a) MOTION TO DETERMINE COMPETENCY OF DEFENDANT.—At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, the defendant or the attorney for the government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility—

"(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and

"(2) for an additional reasonable period of time until—

"(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

"(B) the pending charges against him are disposed of according to law;

whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the trial to proceed, the defendant is subject to the provisions of section 4246.

"(e) DISCHARGE.—When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the government. The court shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine the competency of the defendant. If, after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge from the facility in which he is hospitalized and shall set the date for trial. Upon discharge, the defendant is subject to the provisions of chapter 207.

"(f) ADMISSIBILITY OF FINDING OF COMPETENCY.—A finding by the court that the defendant is mentally competent to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trial for the offense charged.

"§ 4242. Determination of the existence of insanity at the time of the offense

"(a) MOTION FOR PRETRIAL PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—Upon the filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense of insanity, the court, upon motion of the attorney for the government, shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(b) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in Rule 12.2 of the Federal Rules of Criminal Procedure on motion of the defendant or of the attorney for the government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find the defendant—

"(1) guilty;

"(2) not guilty; or

"(3) not guilty only by reason of insanity.

"§ 4243. Hospitalization of a person found not guilty only by reason of insanity

"(a) DETERMINATION OF PRESENT MENTAL CONDITION OF ACQUITTED PERSON.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (e).

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, pursuant to subsection (c), the court shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—A hearing shall be conducted pursuant to the provisions of section 4247(d) and shall take place not later than forty days following the special verdict.

"(d) BURDEN OF PROOF.—In a hearing pursuant to subsection (c) of this section, a person found not guilty only by reason of insanity of an offense involving bodily injury to, or serious damage to the property of, another person, or involving a substantial risk of such injury or damage, has the burden of proving by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect. With respect to any other offense, the person has the burden of such proof by a preponderance of the evidence.

"(e) DETERMINATION AND DISPOSITION.—If, after the hearing, the court fails to find by the standard specified in subsection (d) of this section that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(f) DISCHARGE.—When the director of the facility in which an acquitted person is hospitalized pursuant to subsection (e) determines that the person has recovered from his mental disease or defect to such an extent that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the government. The court shall order the discharge of the acquitted person or, on the motion of the attorney for the government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by the standard specified in subsection (d) that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(g) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on an acquitted person conditionally discharged under subsection (f) shall notify the Attorney General and the court having jurisidiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"§ 4244. Hospitalization of a convicted person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant if the motion is supported by substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order such a hearing on its own motion, if it is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c). In addition to the information required to be included in the psychiatric or psychological report pursuant to the provisions of section 4247(c), if the report includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need.

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment constitutes a provisional sentence of imprisonment to the maximum term authorized by law for the offense for which the defendant was found guilty.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentencing and may modify the provisional sentence.

"§ 4245. Hospitalization of an imprisoned person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF IMPRISONED PERSON.—If a person serving a sentence of imprisonment objects either in writing or through his attorney to being transferred to a suita-

ble facility for care or treatment, an attorney for the government, at the request of the director of the facility in which the person is imprisoned, may file a motion with the court for the district in which the facility is located for a hearing on the present mental condition of the person. The court shall grant the motion if there is reasonable cause to believe that the person may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. A motion filed under this subsection shall stay the transfer of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the person may be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the person is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, the court shall commit the person to the custody of the Attorney General. The Attorney General shall hospitalize the person for treatment in a suitable facility until he is no longer in need of such custody for care or treatment or until the expiration of the sentence of imprisonment, whichever occurs earlier.

"(e) DISCHARGE.—When the director of the facility in which the person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the government. If, at the time of the filing of the certificate, the term of imprisonment imposed upon the person has not expired, the court shall order that the person be reimprisoned until the expiration of his sentence of imprisonment.

"§ 4246. Hospitalization of a person due for release but suffering from mental disease or defect

"(a) INSTITUTION OF PROCEEDING.—If the director of a facility in which a person is hospitalized certifies that a person whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE.—When the director of the facility in which a person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the government. The court shall order the discharge of the person or, on the motion of the attorney for the government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of a facility in which a person is hospitalized pursuant to this subchapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.

"§ 4247. General provisions for chapter—

"(a) DEFINITIONS.—As used in this chapter—

"(1) 'rehabilitation program' includes—

"(A) basic educational training that will assist the individual in understanding the society to which he will return and that will assist him in understanding the magnitude of his offense and its impact on society;

"(B) vocational training that will assist the individual in contributing to, and in participating in, the society to which he will return;

"(C) drug, alcohol, and other treatment programs that will assist the individual in overcoming his psychological or physical dependence; and

"(D) organized physical sports and recreation programs; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or clinical psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245 or 4246, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4246, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC OR PSYCHOLOGICAL REPORTS.—A psychiatric or psychological report ordered pursuant to this chapter shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychiatric, psychological, and medical tests that were employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 4241, whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

"(B) if the examination is ordered under section 4242, whether the person was insane at the time of the offense charged;

"(C) if the examination is ordered under section 4243 or 4246, whether the person is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

"(D) if the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease or defect as a result of which he is in need of custody for care or treatment in a suitable facility; or

"(E) if the examination is ordered as a part of a presentence investigation, any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence.

"(d) HEARING.—At a hearing ordered pursuant to this chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006A. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS.—(1) The director of the facility in which a person is hospitalized pursuant to—

"(A) section 4241 shall prepare semiannual reports; or

"(B) section 4243, 4244, 4245, or 4246 shall prepare annual reports concerning the mental condition of the person and containing recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to section 4241, 4243, 4244, 4245, or 4246 shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) VIDEOTAPE RECORD.—Upon written request of defense counsel, the court may order a videotape record made of the defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such videotape record shall be submitted to the court along with the periodic report.

"(g) HABEAS CORPUS UNIMPAIRED.—Nothing contained in section 4243 or 4246 precludes a person who is committed under either of such sections from establishing by writ of habeas corpus the illegality of his detention.

"(h) DISCHARGE.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsection (e) of section 4241, 4243, 4244, 4245, or 4246, counsel for the person or his legal guardian may, at any time during such person's hospitalization, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged from such facility, but no such motion may be filed within one hundred and eighty days of a court determination that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the government.

"(i) AUTHORITY AND RESPONSIBILITY OF THE ATTORNEY GENERAL.—The Attorney General—

"(A) may contract with a State, a political subdivision, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to his custody pursuant to this chapter;

"(B) may apply for the civil commitment, pursuant to State law, of a person committed to his custody pursuant to section 4243 or 4246;

"(C) shall, before placing a person in a facility pursuant to the provisions of section 4241, 4243, 4244, 4245, or 4246, consider the suitability of the facility's rehabilitation programs in meeting the needs of the person; and

"(D) shall consult with the Secretary of the Department of Health and Human Services in the general implementation of the provisions of this chapter and in the establishment of standards for facilities used in the implementation of this chapter.

"(j) This chapter does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice.".

(b) The item relating to chapter 313 in the chapter analysis of part III of title 18, United States Code, is amended to read as follows:

"313. Offenders with mental disease or defect.".

SEC. 404. Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(a) by deleting "crime" in subdivision (a) and inserting in lieu thereof "offense";

(b) by deleting "other condition bearing upon the issue of whether he had the mental state required for the offense charged" in subdivision (b) and inserting in lieu thereof "any other mental condition bearing upon the issue of guilt";

(c) by deleting "to a psychiatric examination by a psychiatrist designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "to an examination pursuant to 18 U.S.C. 4242"; and

(d) by deleting "mental state" in subdivision (d) and inserting in lieu thereof "guilt".

SEC. 405. Section 3006A of title 18, United States Code, is amended—

(a) in subsection (a), by deleting "or, (4)" and substituting "(4) whose mental condition is the subject of a hearing pursuant to chapter 313 of this title, or (5)"; and

(b) in subsection (g), by deleting "or section 4245 of title 18".

SEC. 406. Rule 704 of the Federal Rules of Evidence is amended to read as follows:

"Rule 704. Opinion on Ultimate Issue

"(a) Except as provided in subdivision (b), testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

"(b) No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.".

TITLE V—DRUG ENFORCEMENT AMENDMENTS

PART A—CONTROLLED SUBSTANCES PENALTIES

SEC. 501. This title may be cited as the "Controlled Substances Penalties Amendments Act of 1984".

SEC. 502. Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1), by—

(A) redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and inserting after "(1)" a new subparagraph to read as follows:

"(A) In the case of a violation of subsection (a) of this section involving—

"(i) 100 grams or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable

amount of a narcotic drug other than a narcotic drug consisting of—

"(a) coca leaves;

"(b) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(c) a substance chemically identical thereto;

"(ii) a kilogram or more of any other controlled substance in schedule I or II which is a narcotic drug;

"(iii) 500 grams or more of phencyclidine (PCP); or

"(iv) 5 grams or more of lysergic acid diethylamide (LSD); such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $250,000, or both.

If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than $500,000, or both";

(B) in subparagraph (B), as redesignated above, by—

(i) striking out "which is a narcotic drug" in the first sentence and inserting in lieu thereof "except as provided in subparagraphs (A) and (C),"

(ii) striking out "$25,000" and "$50,000" and inserting in lieu thereof "$125,000" and "$250,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country"; and

(C) in subparagraph (C), as redesignated above, by—

(i) striking out "a controlled substance in schedule I or II which is not a narcotic drug" and ", (5), and (6)" and inserting in lieu thereof "less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil" and "and (5)", respectively;

(ii) striking out "$15,000" and "$30,000" and inserting in lieu thereof "$50,000" and "$100,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country";

(2) in paragraph (2), by—

(A) striking out "$10,000" and "$20,000" and inserting in lieu thereof "$25,000" and "$50,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(3) in paragraph (3), by—

(A) striking out "$5,000" and "$10,000" and inserting in lieu thereof "$10,000" and "$20,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(4) in paragraph (4), by striking out "(1)(B)" and inserting in lieu thereof "(1)(C)";

(5) by striking out paragraphs (5) and (6);

(6) by adding at the end thereof the following:

"(5) Notwithstanding paragraph (1), any person who violates subsection (a) by cultivating a controlled substance on Federal property shall be fined not more than—

"(A) $500,000 if such person is an individual; and

"(B) $1,000,000 if such person is not an individual.".

SEC. 503. (a) Part D of the Controlled Substances Act is amended by adding after section 405 the following new section:

"DISTRIBUTION IN OR NEAR SCHOOLS

"SEC. 405A. (a) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section 401(b) for a first offense involving the same controlled substance and schedule.

"(b) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school after a prior conviction or convictions under subsection (a) have become final is punishable (1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 401(b) for a second or subsequent offense involving the same controlled substance and schedule.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under section 4202 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.".

(b)(1) Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "or 405A" after "405".

(2) Section 401(c) of such Act is amended by inserting "405A" after "405" each place it occurs.

(3) Section 405 of such Act (21 U.S.C. 845) is amended by striking out "Any" in subsections (a) and (b) and inserting in lieu thereof "Except as provided in section 405A, any".

SEC. 504. Subsection (b) of section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting after "(b)" a new paragraph to read as follows:

"(1) In the case of a violation under subsection (a) of this section involving—

"(A) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

"(i) coca leaves;

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto;

"(B) a kilogram or more of any other narcotic drug in schedule I or II;

"(C) 500 grams or more of phencyclidine (PCP);

"(D) 5 grams or more of lysergic acid diethylamide (LSD);

the person committing such violation shall be imprisoned for not more than twenty years, or fined not more than $250,000, or both.";

(2) in paragraph (2), as redesignated above, by—

(A) striking out "narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1) and (3),"; and

(B) striking out "$25,000" and inserting in lieu thereof "$125,000";

(3) in paragraph (3), as redesignated above, by—

(A) striking out "a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "less than 50 kilograms of marihuana, less than 10 kilograms of hashish, less than one kilogram of hashish oil, or any quantity of a controlled substance in schedule III, IV, or V, the person committing such violation shall, except as provided in paragraph (4)"; and

(B) striking out "$15,000" and substituting "$50,000".

SEC. 505. Section 1012 of the Controlled Substances Import and Export Act (21 U.S.C. 962) is amended by striking out "the United States" in subsection (b) and inserting in lieu thereof "a State, the United States, or a foreign country".

PART B—DIVERSION CONTROL AMENDMENTS

SEC. 506. Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding the following new paragraph (14):

"(14) The term 'isomer' means the optical isomer, except as used in section 202(c) schedule I(c) and section 202(c) schedule II(a)(4). As used in section 202(c) schedule I(c), the term 'isomer' means the optical, positional or geometric isomer. As used in section 202(c) schedule II(a)(4), the term 'isomer' means the optical or geometric isomer.".

Section 102 is further amended by redesignating subsequent paragraphs accordingly and by amending redesignated paragraph (17) to read as follows:

"(17) The term 'narcotic drug' means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

"(A) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

"(B) Poppy straw and concentrate of poppy straw.

"(C) Coca leaves. Such term does not include coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine of their salts have been removed.

"(D) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

"(E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

"(F) Any compound, mixture or preparation which contains any quantity of any of the substances referred to in clauses (A) through (E).".

SEC. 507. Section 202(c) schedule II(a)(4) of the Controlled Substances Act (21 U.S.C. 812(c) schedule II(a)(4)) is amended by adding the following sentence at the end thereof: "The substances described in this paragraph shall include cocaine, ecgonine,

their salts, isomers, derivatives, and salts of isomers and derivatives.".

SEC. 508. Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding a new subsection (h) as follows:

"(h) If the Attorney General finds that such action is necessary to avoid an imminent hazard to the public safety, he may, by temporary rule without prior notice or hearing, and without regard to the requirements of subsection (b) relating to the Secretary of Health and Human Services, control any drug or other substance. A finding that the issuance of a temporary rule under this subsection is necessary to avoid an imminent hazard to the public safety shall be good cause for and, unless otherwise provided by the Attorney General, shall constitute a finding for the purpose of section 553(b) of title 5, United States Code, that notice and public procedure on making such a temporary rule are impractical, unnecessary, and contrary to the public interest.

"(1) When issuing a temporary rule under this subsection, the Attorney General shall be required to consider, with respect to this finding of an imminent hazard to the public safety, only those factors set forth in section 201(c) (4), (5) and (6), including, but not limited to, actual abuse, diversion from legitimate channels, and clandestine importation, manufacture or marketing.

"(2) The Attorney General shall transmit notice of the temporary scheduling of any drug or substance to the Secretary of Health and Human Services who, within thirty days from the date of such notice, may object to the temporary placement. Unless the Secretary has currently available evidence relating to the lack of abuse potential of the drug or substance, his consideration shall be limited to the factors set forth in subsection (1) of this section. The Secretary's objection to temporary control shall be binding upon the Attorney General but shall be considered as affecting the temporary scheduling only and shall in no way reflect upon any subsequent proceedings under section 201(a) to permanently control or reschedule the same drug or substance.

"(3) The temporary scheduling of any drug or substance shall expire at the end of one year from the date of the temporary scheduling thereof, except that the Attorney General may, during the pendency of proceedings under section 201(a)(1), extend the temporary placement for periods of six months.

"(4) A temporary rule issued under this subsection shall be vacated upon the conclusion of a subsequent rulemaking proceeding initiated under section 201(a) and no such temporary rule may be issued subsequent to the initiation of formal rulemaking proceedings as to the same drug or substance.

"(5) Notwithstanding the schedule in which a drug is placed pursuant to this subsection, the penalty for the illegal manufacture, distribution, dispensing or possession with intent to manufacture, distribute or dispense, shall be that provided by section 401(b)(1)(c) for schedule III controlled substances.

"(6) With respect to the requirements of title II, part C, only the requirements of section 302 (registration) and section 307 (recordkeeping and reporting) shall apply to a drug for as long as it is temporarily scheduled.

"(7) The issuance of a temporary rule under this subsection shall not constitute a final determination for purposes of review under section 507 of this title, nor shall such temporary rule be otherwise reviewable.".

SEC. 509. Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended to add the following new paragraph:

"(3) The Attorney General may, by regulation, exempt any compound, mixture, or preparation containing a controlled substance from the application of all or any part of this title if he finds such compound, mixture, or preparation meets the requirements of one of the following categories:

"(A) EXEMPT PRESCRIPTION PREPARATIONS.—A compound, mixture or preparation containing a non-narcotic controlled substance and which is approved for prescription use and which contains one or more other active ingredients which are not listed in any schedule. In addition, such other ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse.

"(B) EXEMPT CHEMICAL PREPARATIONS.—A compound, mixture or preparation which contains any controlled substance and which is not for administration to a human being or animal, and is packaged in such form or concentration, or with adulterants or denaturants, so that the packaged quantities do not present any significant potential for abuse.".

SEC. 510. Section 202(d) of the Controlled Substances Act (21 U.S.C. 812(d)) is deleted.

SEC. 511. Section 302(a) of the Controlled Substances Act (21 U.S.C. 822(a)) is amended to read as follows:

"(a)(1) Every person who manufacturers or distributes any controlled substance, or who proposes to engage in the manufacture or distribution of any controlled substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.

"(2) Every person who dispenses, or who proposes to dispense, any controlled substance, shall obtain from the Attorney General a registration issued in accordance with the rules and regulations promulgated by him. The Attorney General shall, by regulation, determine the period of such registrations. In no event, however, shall such registrations be issued for less than one year nor for more than three years.".

SEC. 512. Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended to read as follows:

"(f) The Attorney General shall register practitioners (including pharmacies, as distinguished from—pharmacists) to dispense, or conduct research with, controlled substances in schedule II, III, IV, or V, if the applicant is authorized to dispense, or conduct research with respect to, controlled substances under the laws of the State in which he practices; provided, however, that the Attorney General may deny an application for such registration if he determines that the issuance of such registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) the recommendation of the appropriate State licensing board or professional disciplinary authority;

"(2) the applicant's past experience in dispensing, or conducting research with respect to controlled substances;

"(3) the applicant's prior conviction record under Federal, State or local laws relating to the manufacture, distribution, or dispensing of controlled substances;

"(4) compliance with applicable State, Federal or local laws relating to controlled substances; and,

"(5) such other factors as may be relevant to and consistent with the public health and safety.

"Separate registration under this part for practitioners engaging in research with controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Secretary, who shall determine the qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a). Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.".

SEC. 513. Section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended by deleting "or" at the end of subsection (2), by the addition of the word "or" to the end of subsection (3) thereof, and by the addition of a new subsection (4) as follows:

"(4) has committed such acts as would render his registration under section 303 inconsistent with the public interest as defined therein.".

SEC. 514. Section 304(f) of the Controlled Substances Act (21 U.S.C. 824(f)) is redesignated section 304(f)(1) and the following new section 304(f) is added:

"(2) The Attorney General may, in his discretion, place under seal any controlled substances owned or possessed by a registrant whose registration has expired, or who has ceased to practice or do business in the manner contemplated by his registration. Such controlled substances shall be held for the benefit of the registrant, or his successor in interest, for a period of ninety days, following which the Attorney General may dispose of such controlled substances in accordance with section 511(e).".

SEC. 515. Section 307(c)(1)(A) of the Controlled Substances Act (21 U.S.C. 827(C)(1)(A)) is amended to read:

"(A) to the prescribing of controlled substances in schedule II, III, IV, or V by practitioners acting in the lawful course of their professional practice";

SEC. 516. Section 307(c)(1)(B) of the Controlled Substances Act (21 U.S.C. 827(c)(1)(B)) is amended to read:

"(B) to the administering of a controlled substance in schedule II, III, IV, or V unless the practitioner regularly engages in the dispensing or administering of controlled substances and charges his patients, either separately or together with charges for other professional services, for substances so administered.".

SEC. 517. Section 307 of the Controlled Substances Act (21 U.S.C. 827) is further amended by adding thereto a new subsection (g) as follows:

"(g) Every registrant under this title shall be required to report any change of profes-

sional or business address in such manner as the Attorney General shall by regulation require.".

SEC. 518. Section 403(a)(2) of the Controlled Substances Act (21 U.S.C. 843(a)(2)) is amended to read as follows:

"(2) to use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired, or issued to another person.".

SEC. 519. Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by deleting "and" after paragraph (4), deleting the period and substituting "; and" after paragraph (5), and adding thereto a new paragraph (6) as follows:

"(6) enter into grant-in-aid programs with state and local governments to assist them to suppress the diversion of controlled substances from legitimate medical, scientific, and commercial channels. Funds annually appropriated for this purpose shall remain available until expended.".

SEC. 520. Section 511(a)(1) of the Controlled Substances Act (21 U.S.C. 881(a)(1)) is amended to read as follows:

"(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this title.".

SEC. 521. Section 1002(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a)(2)) is amended by deleting "or" at the end of subpart (A), by adding the word "or," at the end of subpart (B) thereof, and by adding the following new subpart (C):

"(C) in limited quantities for ultimate scientific, analytical or research uses exclusively,".

SEC. 522. Section 1002(b)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 952(b)(2)) is amended to read as follows:

"(2) is imported pursuant to such notification, or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification or declaration, as the Attorney General may by regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

SEC. 523. Section 1003(e) of the Controlled Substances Import and Export Act (21 U.S.C. 953(e)) is amended to read as follows:

"(e) It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substance in schedule III or IV or any controlled substances in schedule V unless—

"(1) there is furnished (before export) to the Attorney General documentary proof that importation is not contrary to the laws or regulations of the country of destination for consumption for medical, scientific or other legitimate purposes;

"(2) it is exported pursuant to such notification, or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification or declaration, as the Attorney General may by regulation prescribe; and

"(3) in any case when a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of any notification or declaration required by paragraph (2) of this subsection.".

SEC. 524. Section 1007(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 957(a)(2)) is amended to read as follows:

"(2) export from the United States any controlled substance in schedule I, II, III, IV, or V,".

SEC. 525. Section 1008(a) of the Controlled Substances Import and Export Act (21 U.S.C. 958(a)) is amended to read as follows:

"(a) The Attorney General shall register an applicant to import or export a controlled substance in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this section. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against the diversion of any controlled substances both within the United States and international commerce;

"(2) compliance with applicable State and local laws;

"(3) prior conviction record of the applicant under Federal and State laws relating to controlled substances;

"(4) past experience in the handling of controlled substances; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

SEC. 526. Section 1008(b) of the Controlled Substances Import and Export Act (21 U.S.C. 958(b)) is amended to read as follows:

"(b) Registration granted under this section shall not entitle a registrant to import or export controlled substances other than those specified in the registration.".

SEC. 527. Section 1008(c) of the Controlled Substances Import and Export Act (21 U.S.C. 958(c)) is amended to read as follows:

"(c) The Attorney General shall register an applicant to import or to export a controlled substance in schedules III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against the diversion of any controlled substances;

"(2) compliance with applicable State and local laws;

"(3) prior conviction record of the applicant under Federal and State laws relating to controlled substances;

"(4) past experience in the handling of controlled substances;

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

SEC. 528. Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958), is further amended by redesignating subsections (d), (e), (f), (g), and (h), as subsections (e), (f), (g), (h), and (i), respectively, and—

(1) by inserting the following new subsection (d):

"(d) Actions to deny an application for registration or to revoke or suspend a registration under this section.

"(1) The Attorney General may deny an application for registration or revoke or suspend a registration under subsection (a) if he is unable to determine that such registration is consistent with the public interest (as defined in subsection (a)) and with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(2) The Attorney General may deny an application for registration or revoke or suspend a registration under subsection (c), if he determines that such registration is inconsistent with the public interest (as defined in subsection (c)) or with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(3) The Attorney General may limit the revocation or suspension of a registration to the particular controlled substance, or substances, with respect to which grounds for revocation or suspension exist.

"(4) Before taking action pursuant to this section, the Attorney General shall serve upon the applicant or registrant an order to show cause as to why the registration should not be denied, revoked or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General, or his designee, at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceeding shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

"(5) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health and safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

"(6) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306 of the Controlled Substances Act.

"(7) In the event that the Attorney General suspends or revokes a registration granted under this section, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of the sale thereof which have been deposited with the court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e) of the Controlled Substances Act.".

(2) by deleting "304" in the second sentence of redesignated subsection (e); and

(3) by amending redesignated subsection (i) to read as follows:

"(i) prior to issuing a registration under section 1002(a)(2)(B), the Attorney General shall give manufacturers holding registrations for the bulk manufacture of such controlled substance an opportunity to comment upon the adequacy of existing competition among domestic manufacturers.".

SEC. 529. Section 1002(a)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a)(1)) is amended to read as follows:

"(1) such amounts of crude opium, poppy straw, concentrate of poppy straw and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and".

SEC. 530. (a) Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) inserting at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

(b) Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) as amended by this Act is further amended by—

(1) striking out "and" at the end of clause (5);

(2) striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provison of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

TITLE VI—JUSTICE ASSISTANCE

SEC. 601. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—JUSTICE ASSISTANCE

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"Sec. 1401. Continuation of rules, authorities, and proceedings.

"ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE

"SEC. 101. There is hereby established an Office of Justice Assistance within the Department of Justice under the general authority of the Attorney General. The Office of Justice Assistance (hereafter referred to in this title as the 'Office') shall be headed by an Assistant Attorney General appointed by the President, by and with the consent of the Senate. The Assistant Attorney General shall have authority to award all grants, cooperative agreements, and contracts authorized under this title.

"DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

"SEC. 102. (a) The Assistant Attorney General shall—

"(1) publish and disseminate information on the conditions and progress of the criminal justice systems;

"(2) maintain liaison with the executive and judicial branches of the Federal and State Governments in matters relating to justice research and statistics, and cooperate in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

"(3) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice research and statistics;

"(4) maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations concerning justice research and statistics;

"(5) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

"(6) insure conformance with security and privacy regulations issued pursuant to section 810 and, identify, analyze and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities;

"(7) directly provide staff support to, supervise and coordinate the activities of the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice, the Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention;

"(8) exercise the powers and functions set out in part G; and

"(9) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General.

"(b) The Attorney General shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each annual report shall describe the activities carried out under the provisions of this title and shall contain such findings and recommendations as the Attorney General considers necessary or appropriate after consultation with the Assistant Attorney General and the Advisory Board.

"ADVISORY BOARD

"SEC. 103. (a) There is hereby established a Justice Assistance Board (hereinafter referred to as the 'Board'). The Board shall consist of not more than twenty-one members who shall be appointed by the President. The members shall include representatives of the public, various components of the criminal justice system at all levels of government, and persons experienced in the criminal justice system, including the design, operation and management of programs at the State and local level. The Board shall include at least one member who is experienced in addressing the unique problem of crime committed against the elderly. The President shall designate from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Assist-

ant Attorney General shall be a non-voting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of an original appointment.

"(b) The Board may make such rules respecting organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the full Board assents.

"(c) The members of the Board shall serve at the pleasure of the President and shall have no fixed term. The members of the Board shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses.

"(d) The Board shall—

"(1) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice and the Bureau of Justice Statistics in research, statistics and program priorities;

"(2) review demonstration programs funded under part B, and evaluations thereof, and advise the Assistant Attorney General of the results of such review and evaluations; and

"(3) undertake such additional related tasks as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Assistant Attorney General shall exercise such powers and duties of the Board as may be delegated to the Assistant Attorney General by the Board.

"(f) The Assistant Attorney General shall provide staff support to assist the Board in carrying out its activities.

"PART B—BUREAU OF JUSTICE PROGRAMS

"ESTABLISHMENT OF BUREAU OF JUSTICE PROGRAMS

"SEC. 201. (a) There is established within the Office of Justice Assistance a Bureau of Justice Programs (hereinafter referred to in this part as the "Bureau").

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"DUTIES AND FUNCTIONS OF DIRECTOR

"SEC. 202. The Director shall—

"(1) provide funds to eligible States, units of local government and private nonprofit organizations pursuant to part E and part F;

"(2) establish priorities for programs in accordance with part E and, following public announcement of such priorities, award and allocate funds and technical assistance in accordance with the criteria of part F and on terms and conditions determined by the Director to be consistent with part F;

"(3) cooperate with and provide technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(4) provide for the development of technical assistance and training programs for State and local criminal justice agencies and foster local participation in such activities;

"(5) encourage the targeting of State and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders;

"(6) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Bureau; and

"(7) exercise such other powers and functions as may be vested in the Director pursuant to this title.

"PART C—NATIONAL INSTITUTE OF JUSTICE

"NATIONAL INSTITUTE OF JUSTICE

"SEC. 301. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

"(1) improving Federal, State and local criminal justice systems and related aspects of the civil justice system;

"(2) preventing and reducing crimes;

"(3) insuring citizen access to appropriate dispute-resolution forums;

"(4) improving efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption;

"(5) addressing the unique problem of crime committed against the elderly;

"(6) identifying programs of proven and demonstrated success or programs which are likely to be successful; and

"(7) developing improved strategies for rural areas to better utilize their dispersed resources in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to units of Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop and demonstrate new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part the Institute shall give primary emphasis to the problems of State and local justice systems.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 302. (a) There is established within the Office of Justice Assistance a National Institute of Justice (hereinafter referred to in this title as the "Institute").

"(b) The Institute shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in justice research. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangements under this title.

"(c) The Institute is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with, States, units of local government or combinations thereof, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstration or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

"(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

"(A) to identify alternative programs for achieving system goals;

"(B) to provide more accurate information on the causes and correlates of crime;

"(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

"(D) to improve the functioning of the criminal justice system;

"(E) to develop new methods for the prevention and reduction of crime, including but not limited to the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

"(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption. In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

"(3) evaluate the effectiveness of projects or programs carried out under this title;

"(4) make recommendations to the Assistant Attorney General for action which can be taken by units of Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

"(5) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

"(6) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of

higher education, and private organizations relating to the purposes of this part;

"(7) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

"(8) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services;

"(9) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Institute; and

"(10) exercise such administrative functions under part H as may be delegated by the Assistant Attorney General.

"(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Institute is authorized to—

"(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefore;

"(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

"(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"PART D—BUREAU OF JUSTICE STATISTICS

"BUREAU OF JUSTICE STATISTICS

"SEC. 401. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to encourage the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall give primary emphasis to the needs of State and local justice systems, both individually and as a whole.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 402. (a) There is established within the Office of Justice Assistance a Bureau of Justice Statistics (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in statistical programs. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

"(c) The Bureau is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

"(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

"(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of National, State, and local justice policy and decisionmaking;

"(4) collect and analyze statistical information concerning the operations of the criminal justice system at the Federal, State, and local levels;

"(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels.

"(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

"(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, rural crime, and civil disputes in the various States;

"(8) recommend to the Assistant Attorney General national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

"(9) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

"(10) conduct or support research relating to methods of gathering or analyzing justice statistics;

"(11) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

"(12) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

"(13) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data and other justice information;

"(14) insure conformance with security and privacy requirements of section 810 and regulations issued pursuant thereto;

"(15) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Bureau; and

"(16) exercise such administrative functions under part H as may be delegated by the Assistant Attorney General.

"(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Bureau is authorized to—

"(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefore, and to enter into agreements with the aforementioned agencies and instrumentalities for purposes of data collection and analysis;

"(2) confer and cooperate with State, municipal, and other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title;

"(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

"(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

"(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

"(f) In recommending standards for gathering justice statistics under this section, the Bureau shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"USE OF DATA

"SEC. 404. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

"PART E—STATE AND LOCAL ALLOCATIONS

"DESCRIPTION OF PROGRAM

"SEC. 501. (a) It is the purpose of this part to assist States and units of local government in carrying out specific programs of proven effectiveness or which offer a high probability of improving the functions of the criminal justice systems and which focus primarily on violent crime and serious offenders. The Bureau of Justice Programs (hereinafter referred to in this part as the 'Bureau') is authorized, pursuant to authority delegated by the Assistant Attorney

General, to establish criteria and make grants under this part to States for the purpose of funding specific programs and projects that—

"(1) increase the conviction rate of repeat or violent offenders through focused enforcement and prosecution units which target serious offenders for special prosecution action;

"(2) address the problem of serious and violent offenses committed by juveniles;

"(3) combat arson;

"(4) disrupt illicit commerce in stolen goods and property;

"(5) improve assistance (other than compensation) to crime victims and witnesses;

"(6) improve the operational effectiveness of law enforcement by integrating and maximizing the effectiveness of police field operations and the use of crime analysis techniques;

"(7) encourage citizen action in crime prevention and cooperation with law enforcement;

"(8) reduce recidivism among drug or alcohol abusing offenders;

"(9) improve workload management systems for prosecutors and expedite felony case processing by the courts;

"(10) provide training and technical assistance to justice personnel;

"(11) provide programs which alleviate prison and jail overcrowding, including alternatives to pretrial detention and alternative programs for non-violent offenders;

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures, and improve court system management;

"(13) provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention;

"(14) address the unique problem of crime committed against the elderly; and

"(15) implement programs that address critical problems of crime, such as drug trafficking, which have been certified by the Director, after consultation with the directors of National Institute of Justice, Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention, as having proved successful or which are innovative and have been deemed by the Director likely to prove successful.

"FEDERAL SHARE

"SEC. 502. (a) The Federal portion of any grant to a State made under this part shall be 50 per centum of the aggregate cost of programs and projects specified in the application for such grant.

"(b) The non-Federal portion of the cost of such programs or project shall be in cash.

"(c) In the case of a grant to an Indian tribe or other aboriginal group, the Bureau may increase the Federal portion of the cost of such program to the extent the Bureau deems necessary if the Bureau determines that the tribe or group does not have sufficient funds available to meet the non-Federal portion of such cost.

"(d) The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years.

"APPLICATIONS

"SEC. 503. (a) No grant may be made by the Bureau to a State, or by a State to an eligible recipient pursuant to part E, unless the application sets forth criminal justice programs covering a two-year period which meet the objectives of section 501, designates which objective specified in section 501(a) each such program is intended to achieve, and identifies the State agency or unit of local government which will implement each such program. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

"(1) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau, where the applicant is a State;

"(A) a performance report concerning the activities carried out pursuant to this title; and

"(B) an assessment by the applicant of the impact of those activities on the objectives of this title and the needs and objectives identified in the applicant's statement;

"(2) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

"(3) fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau shall prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

"(4) an assurance that the State will maintain such data and information and submit such reports in such form, at such times and containing such data and information as the Bureau may reasonably require to administer other provisions of this title;

"(5) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or other officer of the applicant qualified under regulations promulgated by the Bureau;

"(6) satisfactory assurances that equipment, whose purchase was previously made in connection with a program or project in such State assisted under this title and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the commencement of such use and has continued in use during its useful life.

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the objectives of section 501.

"REVIEW OF APPLICATIONS

"SEC. 504. (a) The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that the application or amendment thereof is consistent with requirements of this title and with the priorities and criteria established by the Bureau under section 501. Each application or amendment made and submitted for approval to the Bureau pursuant to section 503 of this title shall be deemed approved, in whole or in part, by the Bureau within sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) The Bureau shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the requirements or statutory objectives of this Act. The Bureau may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

"(c) Grant funds awarded under this part and part F shall not be used for—

"(1) the purchase of equipment or hardware, or the payment of personnel costs, unless the cost of such purchases and payments is incurred as an incidental and necessary part of a program under section 501(a);

"(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

"(3) construction projects; or

"(4) programs or projects which, based upon evaluations by the Bureau, the National Institute of Justice, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

"(d) The Bureau shall not finally disapprove any application submitted to the Director under this part, or any amendments thereof, without first affording the applicant reasonable notice and opportunity for reconsideration.

"DISTRIBUTION OF FUNDS

"SEC. 505. (a) Of the total amount appropriated for this part and part F in any fiscal year, 80 per centum shall be set aside for this part and 20 per centum shall be set aside for part F. Funds set aside for this part shall be allocated to States as follows:

"(1) $250,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining for this part after the allocation under paragraph (1) there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all the States.

"(b) Notwithstanding the requirements of section 505(a), if the total amount appropriated for this part and part F is less than $80,000,000 in any fiscal year, then the entire amount shall be set aside and reserved for allocation to the States according to the criteria established by the Director to provide for equitable distribution among the States.

"(c)(1) Each State which receives funds under this part in a fiscal year shall distribute among units or local government, or combinations of units of local government, in such State for the purposes specified in section 501(a) not less than that portion of such funds which bears the same ratio to the aggregate amount of such funds as the

amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) In distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

"(3) Any funds not distributed to units of local government under paragraphs (1) and (2) shall be available for expenditure by the State involved.

"(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(5) In distributing funds received under this part the State shall make every effort to distribute to units of local government and combinations thereof, the maximum amount of such available funds.

"(d) No funds allocated to a State under subsection (a) or (b) or received by a State for distribution under subsection (c) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(e) If the Bureau determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established by this part, then such portion shall be awarded by the Director to urban, rural and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(f) Any funds not distributed under subsections (d) and (e) shall be available for obligation under part F.

"STATE OFFICE

"SEC. 506. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under this part; and

"(2) administering funds received from the Bureau of Justice Programs, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"PART F—DISCRETIONARY GRANTS

"PURPOSE

"SEC. 601. (a) The purpose of this part is to provide additional Federal financial assistance to States, units of local government, combinations of such units, and private nonprofit organizations for purposes of—

"(1) educational and training programs for criminal justice personnel;

"(2) providing technical assistance to States and local units of governments;

"(3) projects which are national or multi-State in scope and which address the purposes specified in section 501, and programs to improve the professionalism and performance of criminal justice agencies through the development of standards and voluntary accreditation processes; and

"(4) providing financial assistance to States, units of local government and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with moneys from other sources.

"(b) The Director is authorized, pursuant to such authority as delegated by the Assistant Attorney General, to make grants, enter into cooperative agreements, and contracts with, states, units of local governments or combinations thereof, public agencies, institutions of higher education or private organizations.

"(c) The Federal portion of any grants made under this part may be made in amounts up to 100 per centum of the costs of the program or project.

"PROCEDURE FOR ESTABLISHING FUNDING AND SELECTION CRITERIA

"SEC. 602. The Bureau shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment.

"APPLICATION REQUIREMENTS

"SEC. 603. (a) No grant may be made pursuant to this part unless an application has been submitted to the Bureau in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to this part;

"(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

"(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the Bureau;

"(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program or project.

"(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau.

"PERIOD FOR AWARD

"SEC. 604. The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to two years if—

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from part E funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. Funding for the management and the administration of national nonprofit organizations under section 601(c) of this part is not subject to the funding limitations of this section.

"PART G—CRIMINAL JUSTICE FACILITIES

"ESTABLISHMENT OF THE BUREAU OF CRIMINAL JUSTICE FACILITIES

"SEC. 701. (a) There is established within the Office of Justice Assistance a Bureau of Criminal Justice Facilities (hereinafter referred to in this part as the "Bureau").

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"FUNCTIONS OF THE BUREAU

"SEC. 702. In order to carry out the purposes of this part, the Bureau shall—

"(1) make grants to States for the construction and modernization of correctional facilities in accordance with sections 703, 704, 705, 706, and 708; and

"(2) provide for the widest practical and appropriate dissemination of information obtained from the programs and projects assisted under this part.

"GRANTS AUTHORIZED FOR THE RENOVATION AND CONSTRUCTION OF CRIMINAL JUSTICE FACILITIES

"SEC. 703. The Director of the Office of Criminal Justice Facilities is authorized to make grants to States in accordance with the provisions of this part for the renovation and construction of correctional facilities beginning October 1, 1984 and ending September 30, 1987.

"ALLOTMENT

"SEC. 704. (a) From the sums appropriated for each fiscal year, the Director shall allot not more than 1½ per centum thereof among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands according to their respective needs.

"(b)(1) From the remaining 98½ per centum of such funds the Director—

"(A) shall allot to each State with a plan approved pursuant to section 705 an amount which bears the same ratio to 50 per centum of the remaining funds as the population in such State bears to the population in all States; and

"(B) from the remaining 50 per centum of the remainder from this paragraph, States submitting a State plan approved by the Director shall be awarded assistance under this part based on the relative needs of each State relating to correctional facilities. In determining the relative needs of each State the Director shall consider—

"(i) whether population levels or conditions of confinement in State or local facilities are in violation of the Federal Constitution or State statutes, codes, or standards and the amount and type of assistance required to bring such facilities into compliance with the law;

"(ii) the numbers and general characteristics of the inmate population, to include factors such as offender ages, offenses, average term of incarceration, and custody status; and

"(iii) other relevant criteria.

In allocating assistance under this part, the Director shall give primary consideration to the needs of States which have made satis-

factory assurances that they have implemented, or are in the process of implementing, significant measures to reduce overcrowding and improve conditions of confinement in State and local correctional facilities, through legislative, executive, or judicial initiatives.

"(2) Notwithstanding the provisions of subsection (b), during the period within which funds are available under this part, each State with an approved plan shall be entitled to grant or bond interest subsidy assistance totaling no less than one-half of 1 per centum of available funds.

"(3) For the purpose of this section, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

"STATE PLANS

"SEC. 705. (a) Any State desiring to receive its allotment of Federal funds under this part shall, within 180 days following the promulgation of rules implementing this subpart, submit a State-needs assessment and action plan for a three-year period, supplemented by such annual revisions as may be necessary, which is consistent with such basic criteria as the Director may prescribe under section 706. Each such plan shall—

"(1) provide for the administration of the plan by a State agency designated by the chief executive of such State;

"(2) set forth a comprehensive statewide program assessing needs and establishing priorities and action plans which involve both construction and nonconstruction initiatives to relieve overcrowding and improve conditions of confinement in correctional facilities;

"(3) provide satisfactory assurance that the control of funds granted under this part and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property for such purposes;

"(4) provide assurances that the State agency or local government will, after a reasonable period of Federal assistance, pay from non-Federal sources any remaining or continuing construction or nonconstruction costs of the program for which application is made including the cost of programs to be carried out in the facilities for which assistance is sought under this part;

"(5) provide assurances that, to the extent practical, correctional facilities will be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built;

"(6) provide assurances that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of projects reducing overcrowding and improving conditions of confinement in corrections facilities not assisted under this part;

"(7) provide, based on requests and relative need, for appropriately balanced allocation of funds between the State and units of general local government within the State and among such units for projects for the construction and modernization of correctional facilities;

"(8) provide for appropriate executive and judicial review of any actions taken by the State agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or any combination of such units for assistance under this part;

"(9) set forth policies and procedures designed to assure that Federal funds made available under this part will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the construction and renovation of corrections facilities in the State;

"(10) provide assurances that the State is making diligent efforts, consistent with public safety, to reduce overcrowding and improve programs and conditions of confinement in its correction facilities through legislative, executive, and judicial advanced practice initiatives such as incentives, for greater use of community corrections facilities, development of State corrections standards, more effective use of prisoner classification methods and overcrowding contingency plans, as well as prison industry, education, and work-release programs;

"(11) provide assurances that all projects under this part utilize advanced practices in the design and construction of corrections facilities.

"(b) The Director shall approve a State plan and any revision thereof only if the State plan complies with the requirements set forth in subsection (a).

"BASIC CRITERIA

"SEC. 706. As soon as practicable after enactment of this part, the Director shall by regulation prescribe basic criteria to be applied by the State agency under section 705. In addition to other matters, such basic criteria shall provide the general manner in which the State agency will determine priority of projects based upon—

"(1) the relative needs of the area within such State for correctional facility assistance, particularly where such assistance is necessary to bring existing facilities into compliance with Federal or State law;

"(2) the relative ability of the particular public agency in the area to support a program of construction or modernization; and

"(3) the extent to which the project contributes to an equitable distribution of assistance under this part within the State.

"CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

"SEC. 707. The Director shall establish and operate a clearinghouse on the construction and modernization of correctional facilities, which shall collect and disseminate to the public information pertaining to the construction and modernization of correctional facilities, including information concerning ways in which a construction program may be used to improve the administration of the criminal justice system within each State and concerning the provision of inmate health care and other services and programs. The Director is authorized to enter into contracts with public agencies or private organizations to operate the clearinghouse established or designated under this section.

"INTEREST SUBSIDY FOR CRIMINAL JUSTICE FACILITY CONSTRUCTION BONDS

"SEC. 708. (a) The Secretary of the Treasury is authorized to pay to any State or political subdivision thereof which issues obligations described in section 103(a) of the Internal Revenue Code of 1954 which are issued as part of an issue substantially all of the proceeds of which are to be used to finance correctional facilities such amounts as may be necessary to reduce the cost to the issuer of such bonds to a rate of interest not in excess of 5 per centum per annum. Such payments shall be made only upon application of the issuer made in such form, in such manner, and at such times as the Director shall require consistent with the criteria established for allocating funds under section 705 and 706.

"(b) Payments under subsection (a) may be made in advance, by installment, or in any other manner determined by the Secretary, in consultation with the Director, to be appropriate under the circumstances, and may be made on the basis of estimates, if necessary, with corrections in later payments to the extent necessary to compensate for overpayments or underpayments arising out of errors of estimate or otherwise.

"(c) No State may receive a combination of bond subsidies under this section grant under this part in excess of such State's allocation formula.

"(d) The payment, by the Secretary of any amount under subsection (a) to a State or a political subdivision thereof, shall not affect the status of any such obligation under section 103 of such Code, nor shall it cause the interest thereon to be excludable only in part under such section.

"DEFINITIONS

"SEC. 709. As used in this part—

"(1) The term 'correctional facility' means any prison, jail, reformatory, work farm, detention center, pretrial detention facility, community-based correctional facility, halfway house, or other institution designed for the confinement or rehabilitation of individuals charged with or convicted of any criminal offense, including juvenile offenders.

"(2) The term 'construction' includes the preparation of drawings and specifications for facilities; erecting, building, acquiring, altering, remodeling, renovating, improving, or extending such facilities; and the inspection and supervision of the construction of such facilities. The term does not include interest in land or offsite improvements.

"PART H—ADMINISTRATIVE PROVISIONS

"ESTABLISHMENT OF RULES AND DELEGATION OF FUNCTIONS

"SEC. 801. (a) The Attorney General is authorized, after appropriate consultation with representative of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of the functions of the Office, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the Institute and the Bureau of Justice Statistics, and as are consistent with the stated purpose of this title.

"(b) The Attorney General may delegate to any of his respective officers or employees such functions as the Attorney General deems appropriate.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"SEC. 802. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Office finds that a recipient of assistance under this title has failed to comply substantially with—

"(1) any provisions of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

the Assistant Attorney General, until satisfied that there is no longer any such failure to comply, shall terminate payments to the

recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If any grant under this title has been terminated, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice or the Bureau of Justice Statistics, as appropriate, shall notify the grantee of its action and set forth the reason for the action taken. Whenever such a grantee requests a hearing, the Office, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such grantee; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Office is authorized to take final action without a hearing if after an administrative review of the termination it is determined that the basis for the appeal, if substantiated, would not establish a basis for continuation of the grant. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the grantee.

"(c) If such recipient is dissatisfied with the findings and determinations of the Office, following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Office may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

"FINALITY OF DETERMINATIONS

"SEC. 803. In carrying out the functions vested by this title in the Office, its determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all grants.

"SUBPOENA POWER; AUTHORITY TO HOLD HEARINGS

"SEC. 804. The Office may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out the powers and duties under this title. The Office, or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"PERSONNEL AND ADMINISTRATIVE AUTHORITY

"SEC. 805. (a) The Office is authorized to select, appoint, employ and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics under this title.

"(b) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

"(c) The Office may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"(d) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics in carrying out their respective functions may use grants, contracts or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

"(e) The Office may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(f) The Office is authorized to appoint pursuant to the Advisory Committee Management Act, but without regard to the remaining provisions of title 5, United States Code, technical or other advisory committees to advise it with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of the committees shall be compensated at rates to be fixed by the Office but not exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"(g) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of 31 U.S.C. 1345.

"(h) The Office is authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding the provisions of 31 U.S.C. 1342. Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

"TITLE TO PERSONAL PROPERTY

"SEC. 806. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this Act as in effect before the date of the enactment of the Justice Assistance Act of 1983, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office described in Section 506 that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

"PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

"SEC. 807. Nothing in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

"NONDISCRIMINATION

"SEC. 808. (a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the Office of Justice Assistance—

"(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

"(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system or other program.

"(c) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such a court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(d) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after filing has been granted such preliminary relief with regard to the suspension or repayment of funds as may be otherwise available by law, the Office of Justice Assistance shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

"RECORDKEEPING REQUIREMENT

"SEC. 809. (a) Each recipient of funds under this title shall keep such records as the Office shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total

cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Office or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(d) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

"CONFIDENTIALITY OF INFORMATION

"SEC. 810. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and indentifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

"(d) any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000 in addition to any other penalty imposed by law.

"PART I—DEFINITIONS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) 'criminal justice' means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

"(2) 'State' means any State of the United States, the District of Columbia and the Commonwealth of Puerto Rico;

"(3) 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, any agency of the District of Columbia government or the United States performing law enforcement functions in and for the District of Columbia, and the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) 'public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

"(5) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice information system, compiled by law enforcement agencies for the purpose of indentifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

"(6) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

"(7) 'Attorney General' means the Attorney General of the United States or his designee;

"(8) 'Assistant Attorney General' means the Assistant Attorney General for Justice Assistance.

"PART J—FUNDING

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1001. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated to carry out the functions of the National Institute of Justice such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated for parts A, B, E, F, G, and H, and for the purposes of carrying out the remaining function of the Office of Justice Assistance other than parts K and M, such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. The appropriation authorized for the Bureau of Criminal Justice Facilities or for any function or activity authorized for part G shall not exceed in total $25,000,000 for any fiscal year ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part K and part M.

"PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 1101. (a) In any case in which the Office determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Office shall pay a benefit of $50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Office determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Office may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Office may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

"(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)); or

"(2) benefits authorized by section 8191 of title 5, United States Code; such beneficiaries shall only receive benefits under that section that are in excess of the benefits received under this part.

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. 1102. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety offi-

cer or by such officer's intention to bring about his death;

"(2) if the public safety officer was voluntarily intoxicated at the time of his death;

"(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death; or

"(4) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"DEFINITIONS

"SEC. 1103. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(i) eighteen years of age or under;

"(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire or police emergency;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

"(i) a postmortem blood alcohol level of 0.20 per centum or greater;

"(ii) a postmortem blood alcohol level of at least 0.10 per centum but less than 0.20 per centum, unless the Office receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;

or resulting from drugs or other substances in the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

"ADMINISTRATIVE PROVISIONS

"SEC. 1104. (a) The Office is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Office. The Office may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Office, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 1101, the Office may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Office.

"JUDICIAL REVIEW

"SEC. 1105. The United States Claims Court shall have exclusive jurisdiction over all actions seeking review of the final decisions of the Office under this part.

"PART L—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"SEC. 1201. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. In rural areas such training shall emphasize effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"(c) Notwithstanding the provisions of subsection (a), the Secretary of the Treasury is authorized to fund and continue to develop, establish and conduct training programs at the Federal Law Enforcement Training Center at Glynco, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel so long as that training does not interfere with the Center's mission to train Federal law enforcement personnel.

"PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"APPLICATION REQUIREMENTS

"SEC. 1301. (a) The Attorney General is authorized to receive from the chief executive of any State a request for designation of a State or local jurisdiction as a law enforcement emergency jurisdiction. Such application shall be submitted in such manner and containing or accompanied by such information as the Attorney General may prescribe. Such application for designation as a law enforcement emergency jurisdiction shall be evaluated by the Attorney General according to such criteria, and on such terms and conditions as he shall establish and shall publish in the Federal Register prior to the beginning of fiscal year 1984 and each fiscal year thereafter for which appropriations will be available to carry out the program.

"(b) The Attorney General shall, in accordance with the criteria established, approve or disapprove such application not later than ten days after receiving such application.

"ASSISTANCE PROVIDED

"SEC. 1302. (a) Upon a finding by the Attorney General that a law enforcement emergency exists in accordance with the provisions of section 1301 of this title, the Federal law enforcement community is authorized to provide emergency assistance for the duration of the emergency. The cost of such assistance may be paid by the Office of Justice Assistance from funds appropriated under this part, in accordance with procedures established by the Office and the heads of the participating Federal law enforcement agencies and with the approval of the Attorney General.

"(b) Upon such finding by the Attorney General, the Office of Justice Assistance may provide technical assistance, funds for the lease or rental of specialized equipment and other forms of emergency assistance to the jurisdiction, except that no funds may be used to pay the salaries of local criminal justice personnel or otherwise supplant State or local funds that would in the absence of such Federal funds be made available for law enforcement. The cost of assistance provided under this section shall be paid by the Office of Justice Assistance from funds appropriated under this part. The Federal share of such assistance may be up to 100 per centum of project costs.

"DEFINITIONS

"SEC. 1303. For the purposes of this part—

"(1) the term 'Federal law enforcement assistance' means equipment, training, intelligence information, and technical expertise;

"(2) the term 'Federal law enforcement community' means the heads of—

"(A) the Department of Justice;

"(B) the Internal Revenue Service;

"(C) the Customs Service;

"(D) the National Park Service;

"(E) the Secret Service;

"(F) the Coast Guard;

"(G) the Bureau of Alcohol, Tobacco and Firearms; and

"(H) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws;

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) the term 'law enforcement emergency' means an uncommon situation in which state and local resources are inadequate to protect the lives and property of citizens or enforce the criminal law.

"ADMINISTRATIVE REQUIREMENT

"SEC. 1304. The recordkeeping and administrative requirements of section 809 and section 810 shall apply to funds provided under this part.

"PART N—TRANSITION

"CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

"SEC. 1401. (a) All orders, determinations, rules, regulations, and instructions of the

Office of Justice Assistance, Research, and Statistics which are in effect on the date of the enactment of this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, or his designee, or by operation of law.

"(b) The amendments made to this title by the Justice Assistance Act of 1983 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

"(c) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice Assistance Act of 1983, may be carried out with funds appropriated for purposes of this title.

"(d) The Assistant Attorney General may award new grants, enter into new contracts or cooperative agreements and otherwise obligate unused or reversionary funds previously appropriated for the purposes of Parts D, E and F of this title as in effect on the day before the date of enactment of the Justice Assistance Act of 1983, or for purposes consistent with this title.

"(e) Notwithstanding any other provisions of law, the Assistant Attorney General shall have all the authority previously vested in the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration necessary to terminate the activities of the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics, and all provisions of this title, as in effect on the day before the enactment of the Justice Assistance Act of 1983, which are necessary for this purpose remain in effect for the sole purpose of carrying out the termination of these activities.".

REFERENCES IN OTHER LAWS

SEC. 602. Any reference to the Office of Justice Assistance, Research, and Statistics or the Law Enforcement Assistance Administration in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Assistance shall be deemed to be a reference to the Office of Justice Assistance or to the Assistant Attorney General, Office of Justice Assistance, as the case may be.

COMPENSATION OF FEDERAL OFFICERS

SEC. 603. (a) Section 5314 of title 5, United States Code is amended by striking out "Director, Office of Justice Assistance, Research, and Statistics.".

(b) Section 5315 of title 5, United States Code is amended by striking out "Administrator of Law Enforcement Assistance.", "Director of the National Institute of Justice.", and "Director of the Bureau of Justice Statistics.".

(c) Section 5316 of title 5, United States Code is amended by adding "Director of the National Institute of Justice, Director of the Bureau of Justice Statistics, the Director of the Bureau of Criminal Justice Facilities, and Director of the Bureau of Justice Programs.".

PRISON INDUSTRY ENHANCEMENT

SEC. 604. (a) Section 1761, subsection (c), of title 18, United States Code, is amended to read as follows—

"(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, services or merchandise manufactured, produced, provided or mined by convicts or prisoners participating in a program of not more than twenty projects designated by the Director of the Bureau of Criminal Justice Facilities, who—

"(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows—

"(A) taxes (Federal, State, local);

"(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief correctional officer of the jurisdiction;

"(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

"(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

"(2) are entitled to compensation for injury sustained in the course of participation in these projects;

"(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.".

(b)(1) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (d) as follows:

"(d) The provisions of subsection (c) shall not apply unless—

"(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project otherwise qualifying for any exception created by subsection (c); and

"(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.".

(2) The second sentence of Section 11507 of title 49, United States Code, is amended by adding after "use" the following: ", or to commodities produced by a project designated by the Director of the Bureau of Criminal Justice Facilities under Section 1761(c) of title 18, United States Code".

(c) The first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before "; and", the following: "except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of sections 1761(c) and 1761(d) of title 18, United States Code".

SEC. 605. (a) Section 1028 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) To the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in this section, shall utilize common descriptive terms and formats designed to:

"(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities; and

"(2) facilitate positive identification of bona fide holders of identification documents.".

(b) The President shall, no later than three years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups, make recommendations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system;

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information; and

(3) make recommendations providing for the exchange of personal identification information as authorized be Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

TITLE VII—SURPLUS FEDERAL PROPERTY AMENDMENTS

SEC. 701. Section 203 of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 484), is further amended by adding at the end thereof the following new subsection:

"(p)(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

"(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in

its then existing condition, at the option of the United States, revert to the United States; and

"(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

"(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

"(B) to reform, correct, or amend any such instrument by the execution of a corrective reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

"(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States.".

SEC. 702. The first sentence of subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is further amended by revising the first sentence of such subsection to read as follows:

"(o) The Administrator with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyanced under subsection (p) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section, shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.".

TITLE VIII—LABOR RACKETEERING AMENDMENTS

SEC. 801. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186), is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of Rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee violates this section,

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and sections 1 through 15 of the Act entitled 'An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101-115).".

SEC. 802. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or as a consultant to any employee benefit plan without a notice, hearing, and determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction, any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's convic-

tion on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 803. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce, or

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 804. (a) The amendments made by section 802 and section 803 of this title shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this title, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this title if a right of appeal or an appeal from such judgment is pending on the date of enactment of this title.

(b) Subject to subsection (a) the amendments made by sections 803 and 804 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this title.

SEC. 805. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

TITLE IX—CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS

SEC. 901. (a) Section 5321(a)(1) of title 31, United States Code, is amended by striking out "a civil penalty of not more than $1,000" and inserting in lieu thereof "a civil penalty of not more than $10,000".

(b) Subsection (a) of section 5322 of title 31, United States Code, is amended by striking out "$1,000, or imprisonment not more than one year, or both" and inserting in lieu thereof "$250,000, or imprisonment not more than five years, or both".

(c) Subsection (a) of section 5316 of title 31, United States Code, is amended—

(1) by inserting ", or attempts to transport or have transported," after "transports or has transported" in paragraph (1); and

(2) by striking out "more than $5,000" and inserting in lieu thereof "more than $10,000" in paragraph (1).

(d) Section 5317 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following new subsection after subsection (a):

"(b) A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.".

(e) Chapter 53 of title 31 of the United States Code is amended by adding a new section 5323 at the end thereof as follows:

"§ 5323. Rewards for informants

"(a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds $50,000, for a violation of this chapter.

"(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or $150,000, whichever is less.

"(c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(f) The table of contents of chapter 53 of title 31 is amended by adding the following new item after the item relating to section 5322:

"5323. Rewards for informants.".

(g) Section 1961(1) of title 18, United States Code, is amended—

(1) by striking out "or" after "(relating to embezzlement from union funds),"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act".

TITLE X—MISCELLANEOUS VIOLENT CRIME AMENDMENTS

PART A—MURDER-FOR-HIRE AND VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY

SEC. 1001. (a) Chapter 1 of title 18 of the United States Code is amended by adding a new section 16 as follows:

"§ 16. Crime of violence defined

"The term 'crime of violence' means—

"(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

"(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

(b) The analysis for chapter 1 of title 18 of the United States Code is amended by adding at the end thereof the following:

"16. Crime of violence defined.".

SEC. 1002. (a) Chapter 95 of title 18, United States Code, is amended by adding new sections 1952A and 1952B, following section 1952, as follows:

"§ 1952A. Use of interstate commerce facilities in the commission of murder-for-hire

"(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, shall be fined not more than $10,000 or imprisoned for not more than five years, or both; and if personal injury results, shall be fined not more than $20,000 and imprisoned for not more than twenty years, or both; and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both.

"(b) As used in this section and section 1952B—

"(1) 'anything of pecuniary value' means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; and

"(2) 'facility of interstate commerce' includes means of transportation and communication.

"§ 1952B. Violent crimes in aid of racketeering activity

"(a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

"(1) for murder or kidnaping, by imprisonment for any term of years or for life or a fine of not more than $50,000, or both;

"(2) for maiming, by imprisonment for not more than thirty years or a fine of not more than $30,000, or both;

"(3) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine of not more than $20,000, or both;

"(4) for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine of not more than $5,000, or both;

"(5) for attempting or conspiring to commit murder or kidnaping, by imprisonment for not more than ten years or a fine of not more than $10,000, or both; and

"(6) for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of not more than $3,000, or both.

"(b) As used in this section—

"(1) 'racketeering activity' has the meaning set forth in section 1961 of this title; and

"(2) 'enterprise' includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.".

(b) The analysis at the beginning of chapter 95 of title 18 is amended by adding after the item relating to section 1952 the following:

"1952A. Use of interstate commerce facilities in the commission of murder-for-hire.

"1952B. Violent crimes in aid of racketeering activity.".

PART B—SOLICITATION TO COMMIT A CRIME OF VIOLENCE

SEC. 1003. (a) Chapter 19 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 373. Solicitation to commit a crime of violence

"(a) Whoever, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, solicits, commands, induces, or otherwise endeavors to persuade such other person to engage in such conduct, shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half of the maximum fine prescribed for the punishment of the crime solicited, or both; or if the crime solicited is punishable by death, shall be imprisoned for not more than twenty years.

"(b) It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited. A renunciation is not 'voluntary and complete' if it is motivated in whole or in part by a decision to postpone the commission of the crime until another time or to substitute another victim or another but similar objective. If the defendant raises the affirmative defense at trial, the defendant has the burden of proving the defense by a preponderance of the evidence.

"(c) It is not a defense to a prosecution under this section that the person solicited could not be convicted of the crime because he lacked the state of mind required for its commission, because he was incompetent or irresponsible, or because he is immune from prosecution or is not subject to prosecution.".

(b) The analysis at the beginning of chapter 19 of title 18 is amended by adding after the item relating to section 372 the following:

"373. Solicitation to commit a crime of violence.".

PART C—FELONY-MURDER RULE

SEC. 1004. Section 1111 of title 18 of the United States Code is amended by adding after the word "arson" the words "escape, murder, kidnaping, treason, espionage, sabotage,".

PART D—MANDATORY PENALTY FOR USE OF A FIREARM DURING A FEDERAL CRIME OF VIOLENCE

SEC. 1005. (a) Subsection (c) of section 924 of title 18 is amended to read as follows:

"(c) Whoever, during and in relation to any crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence, be sentenced to imprisonment for five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

PART E—ARMOR-PIERCING BULLETS

SEC. 1006. (a) Chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 929. Use of restricted ammunition

"(a) Whoever, during and in relation to the commission of a crime of violence including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device for which he may be prosecuted in a court of the United States, uses or carries any handgun loaded with armor-piercing ammunition as defined in subsection (b), shall, in addition to the punishment provided for the commission of such crime of violence be sentenced to a term of imprisonment for not less than five nor more than ten years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other terms of imprisonment including that imposed for the felony in which the armor-piercing handgun ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.

"(b) For purposes of this section—

"(1) 'armor-piercing ammunition' means ammunition which, when or if fired from any handgun used or carrried in violation of

subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December, 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978; and

"(2) 'handgun' means any firearm, including a pistol or revolver, originally designed to be fired by the use of a single hand.".

(b) The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"929. Use of restricted ammunition.".

PART F—KIDNAPING OF FEDERAL OFFICIALS

SEC. 1007. Section 1201 of title 18 of the United States Code is amended—

(1) in subsection (a)(3), by deleting "or" at the end thereof;

(2) in subsection (a)(4), by deleting the comma at the end thereof and substituting "; or"; and

(3) by adding after subsection (a)(4) a new subsection (a)(5) to read as follows:

"(5) The person is among those officers and employees designated in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of his official duties,".

PART G—CRIMES AGAINST FAMILY MEMBERS OF FEDERAL OFFICIALS

SEC. 1008. (a) Chapter 7 of title 18 of the United States Code is amended by adding a new section at the end thereof to read as follows:

"§ 115. Influencing, impeding, or retaliating against a federal official by threatening or injuring a family member

"(a) Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a federal law enforcement officer, or an official whose killing would be a crime under 18 U.S.C. § 1114, as amended, with intent to impede, intimidate, interfere with, or retaliate against such official, judge or law enforcement officer while he is engaged in or on account of the performance of his official duties, shall be punished as provided in subsection (b).

"(b)(1) An assault in violation of this section shall be punished as provided in section 111 of this title.

"(2) A kidnaping or attempted kidnaping in violation of this section shall be punished as provided in section 1201 of this title.

"(3) A murder or attempted murder in violation of this section shall be punished as provided in sections 1111 and 1113 of this title.

"(4) A threat made in violation of this section shall be punished by a fine of not more than $5,000 or imprisonment for a term of not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

"(c) As used in this section, the term—

"(1) 'Federal law enforcement officer' means any officer, agent, or employee of the United States authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law;

"(2) 'immediate family member' of an individual means—

"(A) his spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or

"(B) any other person living in his household and related to him by blood or marriage;

"(3) 'United States judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate; and

"(4) 'United States official' means the President, President-elect, Vice President, Vice President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of The Central Intelligence Agency.".

"(b) The analysis of chapter 7 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"115. Influencing, impeding, or retaliating against a federal official by threatening or injuring a family member.".

PART H—ADDITION OF CRIMES OF MAIMING AND INVOLUNTARY SODOMY TO MAJOR CRIMES ACT

SEC. 1009. Section 1153 of title 18 is amended to read as follows:

"Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, maiming, rape, involuntary sodomy, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

"As used in this section, the offenses of burglary, involuntary sodomy, and incest shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

"In addition to the offenses of burglary, involuntary sodomy, and incest, any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense."

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

PART I—DESTRUCTION OF MOTOR VEHICLES

SEC. 1010. Section 31 of title 18 of the United States Code is amended in the definition of "motor vehicle" by striking out "or passengers and property;" and inserting in lieu thereof "passengers and property, or property or cargo;".

PART J—DESTRUCTION OF ENERGY FACILITIES

SEC. 1011. (a) Chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1365. Destruction of an energy facility

"(a) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $100,000, or damages the property of an energy facility in any amount and causes a significant interruption or impairment of a function of an energy facility, shall be punishable by a fine of not more than $50,000 or imprisonment for not more than ten years, or both.

"(b) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $5,000 shall be punishable by a fine of not more than $25,000, or imprisonment for not more than five years, or both.

"(c) For purposes of this section, the term 'energy facility' means a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy, or research, development, or demonstration facilities relating thereto, regardless of whether such facility is still under construction or is otherwise not functioning, except a facility subject to the jurisdiction, administration, or in the custody of the Nuclear Regulatory Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.

"(d) The table of contents for chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1365. Destruction of an energy facility.".

PART K—ASSAULTS UPON FEDERAL OFFICIALS

SEC. 1012. Section 1114 of title 18 of the United States Code is amended—

(1) by inserting "or attempts to kill" after "kills";

(2) by striking out "while engaged in the performance of his official duties or on account of the performance of his official duties" and inserting in lieu thereof "or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section,";

(3) by adding ", or any other officer, agency, or employee of the United States designated for coverage under this section in regulations issued by the Attorney General" after "National Credit Union Administration"; and

(4) by inserting before the period at the end thereof the following: ", except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

PART L—ESCAPE FROM CUSTODY RESULTING FROM CIVIL COMMITMENT

SEC. 1013. Section 1826 of title 28, United States Code is amended by adding a new subsection (c) as follows:

"(c) Whoever escapes or attempts to escape from the custody of any facility or from any place in which or to which he is confined pursuant to this section or section 4243 of title 18, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person, shall be subject to imprisonment for not more than three years, or a fine of not more than $10,000, or both.".

PART M—ARSON AMENDMENTS

SEC. 1014. Section 844 of title 18, United States Code, is amended by—

(1) by deleting "personal injury results" in subsections (d), (f), and (i) and substitute "personal injury results to any person, including any public safety officer performing

duties as a direct or proximate result of conduct prohibited by this subsection,";

(2) by deleting "death results" in subsections (d), (f), and (i) and substitute "death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection,".

PART N—PHARMACY ROBBERY AND BURGLARY

SEC. 1015. This part may be cited as the "Pharmacy Protection and Violent Offender Control Act of 1984".

SEC. 1016. The Congress finds and declares that—

(1) robbers and other vicious criminals seeking to obtain controlled substances have targeted federally registered pharmacies and other registrants with increasing frequency;

(2) the dramatic escalation of the diversion of controlled substances for illegal purposes by persons who rob and terrorize federally registered pharmacies is directly related to successful efforts by the Department of Justice to prevent other forms of diversion of such substances;

(3) Congress did not intend that terrorization and victimization of pharmacists and other registrants and their families, employees, and customers should result from the aggressive enforcement of Federal drug laws;

(4) in order to address a discrepancy in Federal law, it is necessary to make robbery and burglary of a pharmacy or other registrant to obtain controlled substances a Federal offense, as is the case when such substances are obtained by fraud, forgery, or illegal dispensing or prescribing; and

(5) although the investigation and prosecution of pharmacy robbery and burglary is primarily the responsibility of State and local officials, any truly comprehensive strategy designed to curb crime must make available in appropriate cases the investigative and prosecutorial resources of the Federal government which are made available when controlled substances are obtained by other unlawful means.

PURPOSE

SEC. 1017. It is the purpose of this part—

(1) to assist State and local law enforcement officials to more effectively repress pharmacy related crime;

(2) to enhance the expeditious prosecution and conviction of persons guilty of pharmacy crimes;

(3) to assure that convicted offenders receive appropriate penalties; and

(4) to provide additional protection for pharmacies, pharmacists, and other registrants against the increasing level of violence which accompanies unlawful efforts to obtain controlled substances.

PROHIBITED ACTS

SEC. 1018. (a) Part D of the Controlled Substances Act is amended by adding at the end thereof the following new section:

"ROBBERY OR BURGLARY OF A CONTROLLED SUBSTANCE FROM A PHARMACY

"SEC. 413. (a)(1) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, any material, compound, mixture, or prescription containing any quantity of a controlled substance belonging to, or in the care, custody, control, management, or possession of any pharmacy or a person registered with the Drug Enforcement Administration under section 202 shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(2) Whoever enters or attempts to enter the business premises or property of a pharmacy or a person registered with the Drug Enforcement Administration under section 302 with the intent to steal any material, compound, mixture, or prescription containing any quantity of a controlled substance shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(b) Whoever, in committing any offense under this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more than $10,000 and imprisoned not more than twenty-five years.

"(c) Whoever in committing any offense under this section kills any person, shall be subject to imprisonment for any term of years or for life.

"(d) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

"(e) For the purposes of this section, the term—

"(1) 'pharmacy' means the business premises or property, including storage facilities, vehicles, aircraft, trucks, or other means of transport or delivery;

"(2) 'pharmacist' means any person registered in accordance with this Act for the purpose of engaging in commercial activities involving the dispensing of any controlled substance to an ultimate user pursuant to the lawful order of a practitioner; and

"(3) 'controlled substance' has the meaning set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(f) Violators of this section may be prosecuted only upon approval by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a designated Assistant Attorney General, unless assistance is requested by a State or local law enforcement official.".

(b) The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 412 the following new item:

"Sec. 413. Robbery or burglary of a controlled substance from a pharmacist.".

COLLECTION OF DATE

SEC. 1019. In order to provide accurate and current information on the nature and extent of pharmacy crime, the Department of Justice shall collect relevant data and submit an annual report for each of the first three years after the date of enactment of this Act, to the Congress with respect to its enforcement activities relating to the offense described in this section.

PART O—RACKETEERING IN OBSCENE MATTER

SEC. 1020. Section 1961(1) of title 18, United States Code, is amended—

(1) in clause (A) by inserting after "extortion," the following: "dealing in obscene matter,"; and

(2) in clause (B) by inserting after "section 1343 (relating to wire fraud)," the following: "sections 1461-1465 (relating to obscene matter),".

TITLE XI—SERIOUS NONVIOLENT OFFENSES

PART A—CHILD PORNOGRAPHY

SEC. 1101. (a) Congress hereby finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 1102. Chapter 110 of title 18, United States Code, is amended to read as follows:

"CHAPTER 110—SEXUAL EXPLOITATION OF CHILDREN

"Sec. 2251. Definitions for chapter.
"Sec. 2252. Sexual exploitation of children.
"Sec. 2253. Certain activities relating to material involving the sexual exploitation of minors.
"Sec. 2254. Criminal forfeiture.
"Sec. 2255. Civil forfeiture.
"Sec. 2256. Reporting.

"§ 2251. Definitions for chapter

"For the purposes of this chapter, the term—

"(1) 'minor' means any person under the age of eighteen years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) sado-masochistic abuse;

"(D) masturbation; or

"(E) a display of the genitals or pubic area of any person for the purpose of arousing or inciting sexual desire;

"(3) 'simulated' means the explicit depiction of any conduct described in clause (2) of this section which creates the actual appearance of such conduct;

"(4) 'producing' means producing, directing, manufacturing, issuing, publishing, or advertising; and

"(5) 'visual or print medium' means any film, photograph, negative, slide, book, magazine, or other visual or print medium.

"§ 2252. Sexual exploitation of children

"(a) Any person who knowingly employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both.

"§ 2253. Certain activities relating to material involving the sexual exploitation of minors

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails any visual or print medium, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct; or

"(2) knowingly receives, sells or distributes any visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct;

shall be punished as provided in subsection (b) of this section.

"(b)(1) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both. Any organization which violates this section shall be fined not more than $250,000.

"(2) For purposes of this section, the term 'organization' means a person other than an individual.

"§ 2254. Criminal forfeiture

"(a) Whoever violates any provision of section 2252 shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 2252, and (2) any interest in, security of, claim against, or property or contractural right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 2252.

"(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders of prohibitions, or to take such other action, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

"(c)(1) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person.

"(2) All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions thereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General.

"(3) The United States shall dispose of all such property as soon as commercially reasonable, making due provision for the rights of innocent persons.

"§ 2255. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) any visual or print medium produced, transported, shipped, or received in violation of this chapter; and

"(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

"§ 2256. Reporting

"Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to Congress the number of cases and convictions brought under section 2252 of title 18, United States Code, and the dollar amount of any forfeiture of assets under section 2254 of such title.".

PART B—WARNING THE SUBJECT OF A SEARCH

SEC. 1103. Section 2232 of title 18 of the United States Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2,000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned not more than five years, or both;

(b) by adding a new paragraph as follows:

"Whoever, having knowledge that any person authorized to make searches and seizures has been authorized or is otherwise likely to make a search or seizure, in order to prevent the authorized seizing or securing of any person, goods, wares, merchandise or other property, gives notice or attempts to give notice of the possible search or seizure to any person shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

PART C—PROGRAM FRAUD AND BRIBERY

SEC. 1104. (a) Chapter 31 of title 18 of the United States Code is amended by adding a new section 666 as follows:

"§ 666. Theft or bribery concerning programs receiving Federal funds

"(a) Whoever, being an agent of an organization, or of a State or local government agency, that receives benefits in excess of $10,000 in any one year period pursuant to a Federal program involving a grant, a contract, a subsidy, a loan, a guarantee, insurance, or another form of Federal assistance, embezzles, steals, purloins, willfully misapplies, obtains by fraud, or otherwise knowingly without authority converts to his own use or to the use of another, property having a value of $5,000 or more owned by or under the care, custody, or control of such organization or State or local government agency, shall be imprisoned for not more than ten years and fined not more than $100,000 or an amount equal to twice that which was obtained in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(b) Whoever, being an agent of an organization, or of a State or local government agency, described in subsection (a), solicits, demands, accepts, or agrees to accept anything of value from a person or organization other than his employer or principal for or because of the recipient's conduct in any transaction or matter or a series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned for not more than ten years or fined not more than $100,000 or an amount equal to twice that which was obtained, demanded, solicited or agreed upon in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(c) Whoever offers, gives, or agrees to give to an agent of an organization or of a State or local government agency, described in subsection (a), anything of value for or because of the recipient's conduct in any transaction or matter or any series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned not more than ten years or fined not more than $100,000 or an amount equal to twice that offered, given or agreed to be given, whichever is greater, or both so imprisoned and fined.

"(d) For purposes of this section—

"(1) 'agent' means a person or organization authorized to act on behalf of another person, organization or a government and, in the case of an organization or a government, includes a servant or employee, a partner, director, officer, manager and representative;

"(2) 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, and any other association of persons;

"(3) 'government agency' means a subdivision of the executive, legislative, judicial, or other branch of a government, including a department, independent establishment, commission, administration, authority, board, and bureau; or a corporation or other legal entity established by, and subject to control by, a government or governments

for execution of a governmental or intergovernmental program; and

"(4) 'local' means of or pertaining to a political subdivision within a State.".

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code is amended by adding after the item relating to section 665 the following:

"666. Theft or bribery concerning programs receiving Federal funds.".

PART D—COUNTERFEITING OF STATE AND CORPORATE SECURITIES AND FORGING OF ENDORSEMENTS OR SIGNATURES ON UNITED STATES SECURITIES

SEC. 1105. (a) Chapter 25 of title 18 of the United States Code is amended by adding the following new sections at the end thereof:

"§ 510. Securities of the States and private entities

"(a) Whoever makes, utters or possesses a counterfeited security of a State or a political subdivision thereof or of an organization, or whoever makes, utters or possesses a forged security of a State or political subdivision thereof or of an organization, with intent to deceive another person, organization, or government shall be fined not more than $250,000 or imprisoned for not more than ten years, or both.

"(b) Whoever makes, receives, possesses, sells or otherwise transfers an implement designed for or particularly suited for making a counterfeit or forged security with the intent that it be so used shall be punished by a fine of not more than $250,000 or by imprisonment for not more than ten years, or both.

"(c) For purposes of this section—

"(1) the term 'counterfeited' means a document that purports to be genuine but is not, because it has been falsely made or manufactured in its entirety;

"(2) the term 'forged' means a document that purports to be genuine but is not because it has been falsely altered, completed, signed, or endorsed, or contains a false addition thereto or insertion therein, or is a combination of parts of two or more genuine documents;

"(3) the term 'security' means—

"(A) a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument as defined in section 916(c) of the Electronic Fund Transfer Act (15 U.S.C. 1693(c)), money order, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in any profit-sharing agreement collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, voting trust certificate, or certificate of interest in tangible or intangible property;

"(B) an instrument evidencing ownership of goods, wares, or merchandise;

"(C) any other written instrument commonly known as a security;

"(D) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase, any of the foregoing; or

"(E) a blank form of any of the foregoing;

"(4) the term 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, or any other association or persons which operates in or the activities of which affect interstate or foreign commerce; and

"(5) the term 'State' includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

"§ 511. Forging endorsements or signature on securities of the United States

"(a) Whoever—

"(1) with intent to defraud, forges any endorsement or signature on a security of the United States;

"(2) with intent to defraud, passes, utters, or publishes, or attempts to pass, utter, or publish any security of the United States bearing a forged endorsement or signature; or

"(3) with knowledge that a security of the United States is stolen or bears a forged endorsement or signature, buys, sells, exchanges, receives, delivers, retains, or conceals any such security of the United States that in fact is stolen or bears a forged endorsement or signature—

shall be fined not more than $250,000 or imprisoned not more than ten years, or both; but if the face value of the security of the United States or the aggregate face value, if more than one security, does not exceed $500 in any of the above offenses, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(b) For purposes of this section—

"(1) the term 'forge' means to create an endorsement or signature which purports to be genuine but is not because it has been falsely signed, made, completed, altered, subjected to a false addition, or subjected to a combination of parts of two or more genuine endorsements or signatures;

"(2) the term 'security' means (A) an obligation of the United States or (B) any security as defined in section 510(c)(3) of this title.".

(b) The analysis at the beginning of chapter 25 of title 18 is amended by adding after the item relating to section 509 the following:

"510. Securities of the State and private entities.

"511. Forging endorsements or signatures on securities of the United States.".

(c) Section 3056(a) of title 18 of the United States Code is amended by inserting "511," after "509,".

PART E—RECEIPT OF STOLEN BANK PROPERTY

SEC. 1106. Subsection (c) of section 2113 of title 18 is amended to read as follows:

"(c) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing of value which has been taken or stolen from a bank, credit union, or savings and loan association in violation of subsection (b), knowing the same to be property which has been stolen shall be subject to the punishment provided in subsection (b) for the taker.".

PART F—BANK BRIBERY

SEC. 1107. (a) Section 215 of title 18 is amended to read as follows:

"(a) Whoever, being an officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, except as provided by law, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value, for himself or for any other person or entity, other than such financial institution, from any person or entity for or in connection with any transaction or business of such financial institution; or

"(b) Whoever, except as provided by law, directly or indirectly, gives, offers, or promises anything of value to any officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, or offers or promises any such officer, director, employee, agent, or attorney to give anything of value to any person or entity, other than such financial institution, for or in connection with any transaction or business of such financial institution—

"Shall be fined not more than $5,000 or three times the value of anything offered, asked, given, received, or agreed to be given or received, whichever is greater, or imprisoned not more than five years, or both; but if the value of anything offered, asked, given, received, or agreed to be given or received does not exceed $100, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) As used in this section—

"(1) 'financial institution' means—

"(A) any bank the deposits of which are insured by the Federal Deposit Insurance Corporation;

"(B) any member, as defined in section 2 of the Federal Home Loan Bank Act, as amended, of the Federal Home Loan Bank System and any Federal Home Loan Bank;

"(C) any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

"(D) any credit union the accounts of which are insured by the Administrator of the National Credit Union Administration;

"(E) any Federal land bank, Federal land bank association, Federal intermediate credit bank, production credit association, bank for cooperatives; and

"(F) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

"(2) 'bank holding company' or 'savings and loan holding company' means any person, corporation, partnership, business trust, association or similar organization which controls a financial institution in such a manner as to be a bank holding company or a savings and loan holding company under the Bank Holding Company Act Amendments of 1956 (12 U.S.C. 1841) or the Savings and Loan Holding Company Amendments of 1967 (12 U.S.C. 1730a).

"(d) This section shall not apply to the payment by a financial institution of the usual salary or director's fee paid to an officer, director, employee, agent, or attorney thereof, or to a reasonable fee paid by such financial institution to such officer, director, employee, agent, or attorney for services rendered to such financial institution.".

(b) Section 216 of title 18 is repealed, and the section analysis of chapter 11 for section 216 be amended to read:

"216. Repealed.".

PART G—BANK FRAUD

SEC. 1108. (a) Chapter 63 of title 18 of the United States Code is amended by adding a new section as follows:

"§ 1344. Bank fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud a federally chartered or insured financial institution; or

"(2) to obtain any of the moneys, funds, credits, assets, securities or other property owned by or under the custody or control of a federally chartered or insured financial institution by means of false or fraudulent pretenses, representations, or promises, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) As used in this section, the term 'federally chartered or insured financial institution' means—

"(1) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(2) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(3) a credit union with accounts insured by the National Credit Union Administration Board;

"(4) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system; or

"(5) a bank, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States.".

(b) The analysis for chapter 63 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1344. Bank fraud.".

PART H—POSSESSION OF CONTRABAND IN PRISON

SEC. 1109. (a) Section 1791 of title 18, United States Code is amended to read as follows:

"§ 1791. Providing or possessing contraband in prison

"(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

"(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

"(A) a firearm or destructive device;

"(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

"(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or an alcoholic beverage;

"(E) United States currency; or

"(F) any other object; or

"(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or otherwise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

(b) GRADING.—An offense described in this section is punishable by—

"(1) imprisonment for not more than ten years, a fine of not more than $25,000, or both, if the object is anything set forth in paragraph (1)(A);

"(2) imprisonment for not more than five years, a fine of not more than $10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

"(3) imprisonment for not more than one year, a fine of not more than $5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

"(4) imprisonment for not more than six months, a fine of not more than $1,000, or both, if the object is any other object.

"(c) DEFINITIONS.—As used in this section, 'firearm' and 'destructive device' have the meaning given those terms, respectively, in 18 U.S.C. 921(a) (3) and (4).".

(b) Section 1792 of title 18, United States Code, is amended to read as follows:

"§ 1792. Mutiny and riot prohibited

"Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional facility, shall be imprisoned not more than ten years or fined not more than $25,000, or both.";

(c) The analysis at the beginning of chapter 87 of title 18, United States Code, is amended to read as follows:

"CHAPTER 87

"Sec.
"1791. Providing or possessing contraband in prison.
"1792. Mutiny and riot prohibited.";

(d) Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4012. Summary seizure and forfeiture of prison contraband

"An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States."; and

(e) The analysis at the beginning of chapter 301 of title 18, United States Code, is amended by adding after the item relating to section 4011 the following:

"4012. Summary seizure and forfeiture of prison contraband.".

PART I—LIVESTOCK FRAUD

SEC. 1110. This Part may be cited as the "Livestock Fraud Protection Act".

SEC. 1111. Chapter 31 of title 18, United States Code, is amended by adding a new section 667 to read a follows:

"§ 667. Theft of livestock

"Whoever obtains or uses the property of another which has a value of $10,000 or more in connection with the marketing of livestock in interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

SEC. 1112. The analysis of chapter 31 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"666. Theft of livestock.".

SEC. 1113. Section 2316 of title 18, United States Code, is amended by striking out "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1114. Section 2317 of title 18, United States Code, is amended by striking "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1115. The analysis of chapter 113 of title 18, United States Code, is amended by striking out "cattle" in sections 2316 and 2317 and inserting in lieu thereof "livestock".

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

(2) adding at the end thereof the following new paragraph:

"For the purpose of this section:

"public official" means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government, thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.".

TITLE XII—PROCEDURAL AMENDMENTS

PART A—PROSECUTION OF CERTAIN JUVENILES AS ADULTS

SEC. 1201. (a) The first paragraph of section 5032 of title 18 of the United States Code is amended to read as follows:

"A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, (2) the State does not have available programs and services adequate for the needs of juveniles, or (3) the offense charged is a crime of violence that is a felony or an offense described in section 841, 952(a), 955, or 959 of title 21, and that there is a subtantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction."

(b) The fourth paragraph of section 5032 of title 18 of the United States Code is amended—

(1) by striking "punishable by a maximum term of ten years imprisonment or more, life imprisonment or death," and inserting in lieu thereof: "that is a crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21,";

(2) by striking out "sixteen" and "sixteenth" and inserting in lieu thereof "fifteen" and "fifteenth" respectively; and

(3) by striking out the period at the end of the paragraph and inserting in lieu thereof: "; however, a juvenile who is alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses

set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution."; and

(c) Section 5032 of title 18 of the United States Code is further amended by adding at the end thereof the following:

"Whenever a juvenile transferred to district court under this section is not convicted of the crime upon which the transfer was based or another crime which would have warranted transfer had the juvenile been initially charged with that crime, further proceedings concerning the juvenile shall be conducted pursuant to the provisions of this chapter.

"Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until any prior juvenile court records of such juvenile have been received by the court, or the clerk of the juvenile court has certified in writing that the juvenile has no prior record, or that the juvenile's record is unavailable and why it is unavailable.

"Whenever a juvenile is adjudged delinquent pursuant to the provisions of this chapter, the specific acts which the juvenile has been found to have committed shall be described as part of the official record of the proceedings and part of the juvenile's official record.".

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), or 955 or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.".

PART B—WIRETAP AMENDMENTS

SEC. 1203. (a) Section 2518(7) of title 18 of the United States Code is amended by inserting ", the Deputy Attorney General, the Associate Attorney General," after the words "Attorney General";

(b) Paragraph (a) of section 2518(7) of title 18 of the United States Code is amended to read as follows:

"(a) an emergency situation exists that involves—

"(i) immediate danger of death or serious physical injury to any person.

"(ii) conspiratorial activities threatening the national security interest, or

"(iii) conspiratorial activities characteristic of organized crime,

that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and".

(c) Subsection (1) of section 2516 of title 18 of the United States Code is amended—

(1) in paragraph (c) by adding "section 1343 (fraud by wire, radio, or television), section 2252 or 2253 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),";

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

"(g) a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions); or" and

(4) in the first paragraph by inserting the words "Deputy Attorney General, Associate Attorney General," after the words "Attorney General.".

PART C—EXPANSION OF VENUE FOR THREAT OFFENSES

SEC. 1204. (a) The second paragraph of subsection (a) of section 3237 of title 18, United States Code is amended to read as follows:

"Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.".

(b) Section 3239 of title 18 of the United States Code is deleted, and amend section analysis accordingly.".

PART D—INJUNCTIONS AGAINST FRAUD

SEC. 1205. (a) Chapter 63 of title 18 of the United States Code is amended by adding at the end thereof a new section 1345 as follows:

"§ 1345. Injunctions against fraud

"Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a violation of this chapter, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such violation. The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.".

(b) The analysis at the beginning of chapter 63 of title 18 is amended by adding after the item relating to section 1343 the following:

"1345. Injunctions against fraud.".

PART E—GOVERNMENT APPEAL OF POST-CONVICTION NEW TRIAL ORDERS

SEC. 1206. The first paragraph of section 3731 of title 18 of the United States Code is amended by adding, after "indictment or information" the words, "or granting a new trial after verdict or judgment,".

PART F—WITNESS SECURITY PROGRAM IMPROVEMENTS

SEC. 1207. (a) Title 18 of the United States Code is amended by adding after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witness relocation and protection.
"3522. Reimbursement of expenses.
"3523. Penalty for wrongful disclosure.
"3524. Definition for chapter.

"§ 3521. Witness relocation and protection

"(a) RELOCATION.—The Attorney General may provide for the relocation or protection of a government witness in an official proceeding concerning an organized criminal activity or other serious offense if the Attorney General determines that an offense described in section 1512 or 1513, or a State or local offense that is similar in nature or

that involves a crime of violence directed at a witness, is likely to be committed. The Attorney General may also provide for the relocation or protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered. The Attorney General shall issue guidelines defining the types of cases for which the exercise of authority of the Attorney General contained in this subsection would be appropriate. Before providing protection to any person under this chapter, the Attorney General shall—

"(1) to the extent practicable, obtain and consider information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psychological evaluation of, the person;

"(2) make a written assessment in each case of the seriousness of the investigation or case in which the person's information or testimony has been or will be provided, and the possible risk of danger to persons and property in the community where the person is to be relocated; and

"(3) determine that the need for such protection outweighs the risk of danger to the public.

Neither the United States nor the Attorney General shall be subject to civil liability on account of a decision to provide protection under this chapter.

"(b) RELATED PROTECTIVE MEASURES.—In connection with the relocation or protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General may take any action he determines to be necessary to protect such person from bodily injury, and otherwise to assure his health, safety, and welfare, for as long as, in the judgment of the Attorney General, such danger exists. The Attorney General may—

"(1) provide suitable official documents to enable a person relocated to establish a new identity;

"(2) provide housing for the person relocated or protected;

"(3) provide for the transportation of household furniture and other personal property to the new residence of the person relocated;

"(4) provide a tax free subsistence payment, in a sum established in regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(5) assist the person relocated in obtaining employment; and

"(6) disclose or refuse to disclose the identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing the danger such a disclosure would pose to the person, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure, except that the Attorney General shall, upon the request of State or local law enforcement officials, promptly disclose to such officials the identity and location, criminal records, fingerprints, and other relevant information relating to the person relocated or protected when it appears that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence. The Attorney General shall establish an accurate and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in this paragraph.

"(c) CIVIL ACTION AGAINST A RELOCATED PERSON.—Notwithstanding the provisions of subsection (b)(6), if a person relocated under this section is named as a defendant in a civil cause of action, arising prior to the person's relocation, for damages resulting from bodily injury, property damage, or injury to business, process in the civil proceeding may be served upon the Attorney General. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person relocated at his last known address. If a judgment in such an action is entered against the person relocated, the Attorney General shall determine whether the person has made reasonable efforts to comply with the provisions of that judgment. The Attorney General shall take affirmative steps to urge the person relocated to comply with any judgment rendered. If the Attorney General determines that the person has not made reasonable efforts to comply with the provisions of the judgment, he may, in his discretion, after weighing the danger to the person relocated, disclose the identity and location of that person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the government to liability in any action based upon the consequences thereof.

"(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION BY SPECIAL MASTER.—(1) Anytime one hundred twenty days after a decision by the Attorney General to deny disclosure of the current identity and location of a person provided protection under this chapter to any person who holds a judicial order or judgment for money or damages entered by a Federal or State court in his favor against the protected person, the person who holds the judicial order or judgment for money or damages shall have standing to petition the United States district court in the district where the petitioner resides for appointment of a special master. The United States district court in the district where the petitioner resides shall have jurisdiction over actions brought under this subsection.

"(2) (A) Upon a determination that—

"(i) the petitioner holds a Federal or State judicial order or judgment; and

"(ii) the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person with respect to whom the order of judgment was entered,

the court shall appoint a special master to act on behalf of the petitioner to enforce the order or judgment.

"(B) The clerk of the court shall promptly furnish the master appointed pursuant to clause (A) with a copy of the order of appointment. The Attorney General shall disclose to the master the current identity and location of such protected person and any other information necessary to enable the master to carry out his duties under this subsection. It is the responsibility of the court to assure that the master proceeds with all reasonable diligence and dispatch to enforce the rights of the petitioner.

"(3) It is the duty of the master to—

"(A) proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner; and

"(B) to carry out his enforcement duties in a manner that minimizes, to the extent practicable, the safety and security of the protected person.

The master may disclose to State or Federal court judges, to the extent necessary to affect the judgment, the new identity or location of the protected person. In no other cases shall the master disclose the new identity or location of the protected person without permission of the Attorney General. Any good faith disclosure made by the master in the performance of his duties under this subsection shall not create civil liability against the United States.

"(4) Upon appointment, the master shall have the power to take any action with respect to the judgment or order which the petitioner could take including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law.

"(5) The costs of the action authorized by this subsection and the compensation to be allowed to a master shall be fixed by the court and shall be apportioned among the parties as follows:

"(A) the petitioner shall be assessed in the amount he would have paid to collect on his judgment in an action not arising under the provisions of this section; and

"(B) the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought pursuant to this section.

In the event that the costs and compensation to the master are not met by the petitioner or protected person, the court may, in its discretion, enter judgment against the United States for costs and fees reasonably incurred as a result of an action brought pursuant to this section.

"(e) RESOLUTION OF COMPLAINTS OR GRIEVANCES.—The Attorney General shall establish guidelines and procedures for the resolution of complaints or grievances of persons provided protection under this chapter regarding the administration of the program.

"§ 3522. Reimbursement of expenses

"The provision of transportation, housing, subsistence, or other assistance to a person under section 3521 may be conditioned by the Attorney General upon reimbursement of expenses in whole or in part to the United States by a State or local government.

"§ 3523. Penalty for Wrongful Disclosure

"Whoever without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under section 3521(b)(6) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"§ 3524. Definition for chapter

"As used in this subchapter 'government' includes the Federal Government and a State or local government.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding after the item for chapter 223 the following new item:

"224. Protection of witnesses ..... 3521".

(c) Title V of the Organized Crime Control Act of 1970 (84 Stat. 933) is repealed.

(d) Section 568 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof a new subsection to read as follows:

"(b) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized, to the extent provided in the Appropriations Act, to credit to its appropriations account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpoenas, and similar process;

"(2) seizures, levies, and sales associated with judicial orders of execution;

for the purposes of carying out these activities. Such credited amounts may be carried over from year to year for these purposes.".

PART G—CLARIFICATION OF CHANGE OF VENUE FOR CERTAIN TAX OFFENSES

SEC. 1208. Section 3237(b) of title 18 of the United States Code is amended to read as follows:

"(b) Notwithstanding the second paragraph of subsection (a), where an offense is described in section 7203 of the Internal Revenue Code of 1954, or where venue for prosecution of an offense described in section 7201 or 7206 (1), (2) or (5) of such Code (whether or not the offense is also described in another provision of law) is based solely on a mailing to the Internal Revenue Service, and prosecution is begun in a judicial district other than the judicial district in which the defendant resides, he may upon motion filed in the district in which the prosecution is begun, elect to be tried in the district in which he was residing at the time of the alleged offense was committed: *Provided*, That the motion is filed within twenty days after arraignment of the defendant upon indictment or information.".

PART H—18 U.S.C. 951 AMENDMENTS

SEC. 1209. Section 951 of title 18, United States Code, is amended by—

(1) striking out "Secretary of State" and inserting in lieu thereof "Attorney General if required in subsection (b)";

(2) inserting "(a)" before "Whoever" and adding at the end of such subsection the following new subsections:

"(b) The Attorney General shall promulgate rules and regulations establishing requirements for notification.

"(c) The Attorney General shall, upon receipt, promptly transmit one copy of each notification statement filed under this section to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General to do so shall not be a bar to prosecution under this section.

"(d) For purposes of this section, the term 'agent of a foreign government' means an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official, except that such term does not include—

"(1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State;

"(2) any officially and publicly acknowledged and sponsored official or representative of a foreign government;

"(3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen; or

"(4) any person engaged in a legal commercial transaction.".

PART I—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1210. Section 7 of title 18 United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States."

PART J—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this Act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon by criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited be Federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that Federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

PART K—NOTICE ON SOCIAL SECURITY CHECKS

SEC. 1212. (a) The Secretary of the Treasury shall take such steps as may be necessary to provide that all checks issued for payment of benefits under title II of the Social Security Act, and the envelopes in which such checks are mailed, contain a printed notice that the commission of forgery in conjunction with the cashing or attempted cashing of such checks constitutes a violation of Federal law. Such notice shall also state the maximum penalties for forgery under the applicable provisions of title 18 of the United States Code.

(b) Subsection (a) shall apply with respect to checks issued for months after the ninth month after the date of the enactment of this Act.

PART L—FOREIGN EVIDENCE IMPROVEMENTS

SEC. 1213. This part may be cited as the "Acquisition of Foreign Evidence Improvements Act".

FOREIGN RECORDS ADMISSIBILITY

SEC. 1214. (a) Chapter 223 of title 12, United States Code, is amended by striking out sections 3491 through 3494 and all references thereto and inserting in lieu thereof the following:

"§ 3491. Foreign records of regularly conducted activity

"(a) A document, or copy thereof, which is a memorandum, report, record, or data compilation in any form of acts, events, conditions, opinions or diagnoses, made or maintained in a foreign country shall be admissible in any criminal action or proceeding in any court of the United States as evidence of the matters set forth therein if a competent person certifies, under circumstances which subject him to the penalties for perjury in that country—

"(1) that the document is made or kept in the course of a regularly conducted business activity;

"(2) that it is a regular practice of that business activity to make or keep a document of that kind;

"(3) that the document was made at or about the time of the occurrence of the matters set forth, by, or from information transmitted by a person with knowledge of those matters;

"(4) his position in the management or employ of the business activity and how he is in a position to know the matters which he certifies under paragraphs (1) through (3) and paragraph (5); and

"(5) if the document is not the original, that it is a true and exact copy of the original.

"(b) A certification in compliance with subsection (a) shall constitute prima facie proof of the genuineness and trustworthiness of the document, and of the competency of the person making the certification.

"(c) The memorandum, report, record or data compilation and the statement of the custodian or other qualified witness may not be admitted in evidence unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the custodian or other qualified witness.

"(d) Upon written demand of the proponent of the evidence to be admitted, the adverse party shall serve upon such proponent, within ten days after such demand, a written notice of his intention to object. Such notice of intention shall state the nature and basis for such objection.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by striking out the items relating to sections 3491 through 3494 and inserting in lieu thereof the following:

"3491. Foreign records of regularly conducted activity.".

APPOINTMENT OF MASTERS

SEC. 1215. Rule 15 of the Federal Rules of Criminal Procedure is amended by adding at the end thereof the following:

"(h) MASTERS AT FOREIGN DEPOSITIONS.—A court may appoint a master to attend a deposition taken outside the United States to act on behalf of the court to the extent possible. Such deposition shall be taken and filed in a manner consistent with this rule and subject to any additional conditions as the court shall provide, except that, notwithstanding any other provision of law, the Federal Rules of Evidence shall not apply.".

NOTICE TO UNITED STATES AUTHORITY

SEC. 1216. Section 1781 of title 28, United States Code, is amended by adding at the end thereof the following:

"(c) No person or entity subject to the jurisdiction of the United States shall take, or cause to be taken, any action in a foreign country to impair, delay, challenge or prevent the execution of a request by the United States or any agency or authority thereof either through letters rogatory, treaty, convention, or any other means, for evidence located in that country, without having simultaneously served the United States or private litigant with copies of every pleading, objection, opposition, or other document submitted to any foreign authority in furtherance of such action.".

LIMITATION AMENDMENT

SEC. 1217. (a) Chapter 213 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§3292. Suspension of limitations to obtain foreign information or evidence

"(a) Upon application to the court in which the offense lies, the running of any period of limitations applicable to any offense shall be ordered to be suspended for such period as provided in subsection (b) of this section to allow the United States to obtain or to seek to obtain information or evidence from one or more foreign jurisdictions if it reasonably appears that material evidence, fruits, or instrumentalities of a crime are in such jurisdictions.

"(b) The period of suspension under this section shall run from the date of issuance of a request for foreign information or evidence, until the foreign authority takes final action upon the request; but in no case shall the period of suspension exceed three years.

"(c) If more than one such request is made, the respective periods of suspension may be aggregated, but not to exceed a total of three years.

"(d) Nothing in this section shall extend the period of limitations if final action on such requests by all foreign authorities is complete before the period of limitations would expire without regard to this section.".

(b) The table of sections for chapter 213 of title 18, United States Code, is amended by adding after the item relating to section 3291 the following:

"3292. Suspension of limitations to obtain foreign information or evidence.".

SPEEDY TRIAL AMENDMENT

SEC. 1218. Section 3161 (h) of title 18, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) by striking cut "paragraph (8)(A)" in paragraph (9) as redesignated herein and inserting in lieu thereof "subparagraph (A)"; and

(3) by inserting the following new paragraph after paragraph (7):

"(8) Any period of delay, for the purpose of obtaining or seeking to obtain foreign information or evidence, which would qualify as a period of suspension of the running of any statute of limitations under section 3292 of this title.".

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I send an amendment to the title to the desk and ask the clerk to report.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amend the title of the bill so as to read: "A bill entitled the 'Comprehensive Crime Control Act of 1984'."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I take this opportunity to thank the Senators here for their fine support of this bill.

I especially wish to express my appreciation to Senator BIDEN, the ranking minority member of the committee, who worked with us for several years to bring this package to the floor.

Senator KENNEDY of Massachusetts also is to be commended. He worked hard on the sentencing provision of this bill and I wish to thank him.

I thank Senator GOLDWATER for his excellent work here in connection with the Metzenbaum amendment. He did a very fine job in connection with that. I also appreciate the outstanding assistance given to us by Victoria Toensing, chief counsel of the Committee on Intelligence, in successfully dealing with this amendment.

I thank Senator LAXALT, likewise, who was of great assistance on the Laxalt amendments and on the entire package. Senator LAXALT is chairman of the Criminal Law Subcommittee and he did an outstanding job on this matter.

I express my appreciation to Senator HATCH who has been a consistent strong supporter of crime legislation, particularly with respect to bail reform. He was with us awhile today to speak against the Metzenbaum amendment and rendered a good service.

Mr. President, we could not have gotten this package passed if it had not been for the able majority leader, Senator BAKER. He handled this matter in an exemplary fashion. We are very grateful to him.

I wish I could thank everyone here, all the Senators for what they did. The distinguished Senator from Pennsylvania (Mr. SPECTER), who is the present occupant of the chair, worked hard on this package, and there were many others.

Mr. STENNIS. Mr. President, will the Senator yield to me less than a half-minute?

Mr. THURMOND. I yield.

Mr. STENNIS. Mr. President, I highly commend the chairman of the Judiciary Committee and thank him, and also thank the Senator from Delaware for the excellent work they have done, and thank the dozens of others. I have not contributed anything. But in my public service, which does include some years as a trial judge, as such I knew something about the deficiencies, as I saw it, of this law.

This bill really is several years late reaching this final place.

And these two Senators, as well as those who helped them, had intestinal fortitude to stay with it and they rode it through. We owe them a debt of gratitude.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Mississippi for his kind remarks. He has been a stalwart here for many years not only in defense but on crime measures and other important matters.

Mr. President, I express my appreciation to the minority leader also for cooperating in getting this bill up and for what he did to expedite it.

Mr. President, I express my appreciation to a few of the staff members who did outstanding work with some of the Senators. Mr. Vinton D. Lide, who is chief counsel of the Judiciary Committee; Paul C. Summitt, who is special counsel for criminal law on the Judiciary Committee staff; Jock Nash, chief counsel of the Criminal Law Subcommittee; Mr. Bill Miller, counsel on the Criminal Law Subcommittee with Senator LAXALT; Mr. Mike Wooten of the Judiciary Committee staff; Miss Carolyn Osolinik, with Senator KENNEDY, who worked hard on the bill; Mr. Mark Gitenstein, who is counsel to the ranking minority member on the Judiciary Committee; Miss Kathryn Zebrowski, counsel with Senator BIDEN, who worked hard on this matter; Mr. Arthur Briskman, with Senator HEFLIN, who rendered a good service, Mr. Bill Bowman, with Senator SPECTER, who was very helpful with this bill and worked with him and the committee; Steven Markman and Randy Rader, with Senator HATCH, who were very valuable staff members and have been very helpful; and Linda Nercessian and Terry Campo, with Senator GRASSLEY, who have provided excellent support and cooperation in processing this bill.

I am sure I have overlooked someone, but these are the ones who come to my attention that I certainly felt deserve to be commended for their outstanding work.

Again, I express my appreciation to the ranking minority member for his fine cooperation.

Mr. BIDEN. Mr. President, I wish to take 30 seconds to concur in all the complimentary remarks to everyone

that the Senator from South Carolina made. He was a gem to work with.

I wish to say from my side of the aisle, from the standpoint of my being able to get to the point of being able to do the work, Senator KENNEDY was the guy in this thing long before I got involved. He really deserves the credit for this, not me.

I would say that Paul Summitt worked on this probably more than anyone in here except Senator KENNEDY.

I would also like to thank Chip Reid and Scott Green of my staff.

I compliment them all.

I hope that in the future we can work as we did on this on other matters and get other things done.

I thank the Chair.

Mr. BAKER. Mr. President, this is a remarkable pair, the chairman and minority member of this committee, Senators THURMOND and BIDEN. They have made a real contribution on this bill.

I also commend them for a job well done. They were extraordinary Senators and they have performed in an exemplary way.

I congratulate, as well, Senator KENNEDY and Senator LAXALT and others for their work as well.

There were moments when I thought we never would get to this point, but we did, as the Senate usually does, and I, in that respect, once again wish to thank the minority leader, without whose cooperation it would not be possible for the Senate to operate in an orderly way.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I thank the majority leader and I wish to associate myself with his complimentary remarks and the managers of the bill and other Senators.

Mr. BAKER. Mr. President, the principals involved in this and the sequence of legislative matters that we are still going to address have momentarily left the floor.

I may say for the benefit of those who are listening elsewhere on public address systems that I understand that the next one of the so-called crime bills will be the sentencing bill. That is one of the eight ancillary bills that was listed when we began this. I do not know of any objection to proceeding to its consideration today on this side. If we can reach that bill, I do not expect that the time for debate will be longer than 15 or 20 minutes, and I do expect a rollcall vote today.

Mr. President, I also wish to say to Senators that the Senate will be in tomorrow.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

Mr. PRYOR. Mr. President, may I ask the majority leader what time he said we would go into session tomorrow?

Mr. BAKER. At 10 a.m. is the request.

Mr. PRYOR. Does the majority leader anticipate a long session tomorrow?

Mr. BAKER. No, Mr. President, I do not.

As a matter of fact, as we did last week, I would expect we will come in fairly early, yes, at 10 a.m., and be out by about 3 p.m.

Mr. PRYOR. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is one other matter that we may be able to take up this afternoon. It is on the Executive Calendar. It is the nomination of William H. Taft IV, of Virginia, to be Deputy Secretary of Defense.

That is cleared on this side, and I will say to the minority leader that we have no requirement for a rollcall. I believe we can do that in 5 minutes if it can be cleared on the other side.

So I will not now try to get to that, but if the minority leader is prepared to clear it yet today, I wish to do that as well.

Mr. BYRD. Mr. President, we are in the process on this side of clearing that nomination.

May I say also that we are in the process of clearing the sentencing bill, and I do not at the moment know of any objection to either, but if the majority leader would give us just a few minutes longer, we will probably be able to clear both.

Mr. BAKER. I thank the minority leader.

Then, Mr. President, in order to gain time, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the majority leader withhold that request for a second?

Mr. BAKER. I withhold.

Mr. BYRD. Mr. President, the majority leader, in response to a question from Senator PRYOR, mentioned the hour of 3 p.m.

Would the majority leader have any objection, once we have completed the business of the Senate on tomorrow, if it is no later than 3 o'clock or some such, that I take the opportunity to make one of my speeches concerning the history of the Senate?

Mr. BAKER. No, Mr. President, I would not. Indeed, I would look forward to it. It will be the first in this session in the series of presentations by the distinguished minority leader on that subject. I can assure him I welcome the chance to make such provision.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DANFORTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised that the nomination of William H. Taft IV, of Virginia, to be Deputy Secretary of Defense has been cleared on this side and the minority leader has advised me that he is prepared to clear it on his side. Is that correct?

Mr. BYRD. Mr. President, the majority leader is correct.

Mr. BAKER. I thank the minority leader. Mr. President, I know of no requirement for a rollcall vote on that nomination.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, on the assumption that we can finish the nomination in a matter of minutes, I ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar No. 446, the nomination of William H. Taft IV, of Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of William H. Taft IV, of Virginia, to be Deputy Secretary of Defense.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, all of the Members of this body are called upon to exercise our right and duty, under the Constitution, to pass judgment on individuals nominated by the President for high office in the executive branch of the Government. This important obligation must not be taken lightly, nor should such a vital decision ever be made along party lines. Reasonable men can and will disagree from time to time and that is the position I find myself in regarding the nomination of William H. Taft IV, to become Deputy Secretary of Defense.

The position of Deputy Secretary of Defense is, in my view, one of the most

difficult and demanding, not to mention one of the most important, in Government. Traditionally, this post has been filled by men with extensive experience in the business world and the requisite technical background and know-how to make the difficult judgments concerning weapons systems required by the incumbent. This is not the case with this particular nomination. Mr. Taft, by training and experience, is a superb attorney and a fine, decent individual for whom I have the utmost respect and admiration as a lawyer and a man. He does not possess, however, the necessary qualifications needed to adequately carry out the duties of Deputy Secretary of Defense. We must all, in cases of this nature, vote our conscience and that is what I intend to do and have done in the Armed Services Committee by voting "No" on this nomination.

Mr. WARNER. Mr. President, I rise in support of the confirmation of William Howard Taft IV, the President's nominee to the position of Deputy Secretary of Defense.

Mr. Taft is a veteran of significant responsibilities in the Federal Government.

He has served for the last 3 years as General Counsel of the Department of Defense. In that capacity, he served as a member of the Defense Resources Board and as a member of the Council on Integrity and Management Improvement.

Prior to 1977, Mr. Taft was in the Federal service for 7 years with the Federal Trade Commission, the Office of Management and Budget, and the Department of Health, Education and Welfare.

From 1970 to 1973, he was the principal assistant to Caspar Weinberger, serving as Deputy Director and later as Director of the Office of Management and Budget.

Mr. Taft comes from a family with a distinguished record of public service to our Nation. His great-great grandfather served as Secretary of War, his great grandfather as the 27th President of the United States, and his grandfather as a distinguished Senator from Ohio.

With such an exceptional family, Mr. Taft's dedication to public service is not surprising.

Mr. President, I believe that it is accurate to say that Mr. Taft's service has gained for him a special relationship with Mr. Weinberger. Having served in the Department of Defense, I recognize the importance of the personal and confidential relationship between the Secretary and his principal Deputy.

I believe that the special trust and confidence which Mr. Taft enjoys, combined with the experience which he brings to the position of Deputy Secretary, will allow him to build on the progress which was made under his two able predecessors, Secretary Thayer and Secretary Carlucci.

Mr. President, I strongly support Mr. Taft's confirmation and urge my colleagues to confirm him without delay.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William H. Taft IV, of Virginia, to be Deputy Secretary of Defense?

The nomination was confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 668

Mr. BAKER. Mr. President, in a moment I believe we will be ready to go on to the sentencing bill. Let me propound a unanimous-consent request to that bill which I believe has been cleared on both sides.

Mr. President, I ask unanimous consent that during the consideration of the sentencing bill, Calendar Order No. 349, S. 668, that no amendment dealing with the following matters shall be in order: The death penalty, the exclusionary rule, the control of firearms, the Hobbs Act, habeas corpus, Office of the Director of National and International Drug Operations and Policy, a Select Commission on Drug Interdiction and Enforcement, the Federal Tort Claims Act, or a proposed limitation of jurisdiction of authority of the Federal Judiciary.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am told that there is a possibility of clearing a very short time limitation, but very honestly it takes longer to clear the time limitation than the time they are talking about. As soon as the manager on this side is in the Chamber, I hope we can lay down the sentencing bill and dispose of it quickly by rollcall vote.

May I reiterate for those who may be listening elsewhere that a rollcall vote on this is expected.

Mr. BYRD. Mr. President, I am glad that the majority leader has stated again that there will be a rollcall vote. He told me that earlier. I want to be certain that Senators on both sides of the aisle will be well aware of the fact that there will be a rollcall vote, as announced by the majority leader.

Even though the matter is not before the Senate, would the majority leader wish to order in a rollcall vote at this point so there will be no question about it?

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order at this time to ask for the yeas and nays on passage of the sentencing bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. For the record and for our colleagues who, perhaps, are listening in, does the majority leader anticipate a rollcall vote tomorrow, or rollcall votes?

Mr. BAKER. Yes, Mr. President, I do. I expect there will be a rollcall vote or votes tomorrow. I do not think it will be a heavy day, but I fully expect one or two votes tomorrow.

Mr. NUNN. Will the majority leader yield on that?

Mr. BAKER. Yes, Mr. President, I yield.

Mr. NUNN. Does he intend to lay down or take up the habeas corpus bill this afternoon?

Mr. BAKER. Mr. President, I may try to lay it down, but in all candor, I must say to my friend and colleague from Georgia that we have a notation on our calendar that there will be an objection to a unanimous-consent request to proceed to that matter, so it will most likely be done on a motion. Given that it may be tomorrow or Monday when we have an opportunity to have some debate on it, I would not expect to do that tonight.

Mr. NUNN. Does the majority leader have some idea about the business we shall be dealing with tomorrow? I understand there will be one or two rollcall votes. What will be the substance?

Mr. BAKER. Mr. President, it will be one of the remaining bills that I referred to collectively as the ancillary bills to the crime package. They are the habeas corpus reform bill, exclusionary rule reform, forfeiture of bail reform, sentencing reform, which I hope we do this afternoon, Federal

tort claim reform, armed career criminal, the so-called drug czar bill, the Federal death penalty bill. What I have done so far is invite the distinguished chairman and ranking member of the Judiciary Committee to decide how they will sequence those matters.

The Senator from Georgia will recall when we got consent to go to the crime package, it was stated we would proceed to these items afterward.

Mr. NUNN. I am delighted we are, Mr. President. I want to be here particularly if the habeas corpus bill is coming up. I was supposed to be out of town but I shall cancel those plans gladly if we are going to take up those bills. If we could get some idea from the managers and the majority leader this afternoon what the substance is of the matters we shall be proceeding on tomorrow, it will be helpful.

Mr. BAKER. Maybe the Senator from Georgia and I can confer with the managers of this bill and we can get that information.

Mr. NUNN. Mr. President, this has been one of the priorities of this Congress, and I am delighted the majority leader is proceeding this way. I would not want to hold up any bill from coming up. I would like to see them come up and dispose of them.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, there is a budget waiver to accompany this bill which has been cleared for action on this side. May 1 inquire of the minority leader if he is prepared to proceed on this?

Mr. BYRD. Mr. President, there is no objection to proceeding to the bill, therefore there should not be any objection to proceeding to the budget waiver. It is perfectly all right if the majority leader wishes to proceed.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate turn to consideration of Calendar Order No. 421, Senate Resolution 216, the budget waiver to accompany the sentencing bill, which is S. 668.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 216) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 668.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 216) was agreed to, as follows:

S. RES. 216

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 668. Such waiver is necessary because S. 668, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. Although this bill was originally introducted as separate legislation, the Senate Committee on the Judiciary felt that because S. 668 related so closely to the provisions of the Comprehensive Crime Control Act that was presented by the administration, it made sense to consider the two together. The package from the administration did not come before the committee until March 23, 1983. Due to the volume of the proposals, the committee could not hold hearings and take responsible action prior to the deadline.

The budget waiver will allow Senate consideration of S. 668 which provides for the establishment of a United States Sentencing Commission as an independent commission within the judicial branch. The Commission is to establish sentencing policies for the criminal justice system and to develop methods for measuring the effectiveness of alternate sentencing practices. The bill also raises the maximum fines which may be imposed on individuals and organizations, increases the cap on prisoner allotment payments from $100 to $500, and amends those sections of the United States Code and the Rules of Criminal Procedure dealing with the preparation of presentence reports.

The estimated cost to the Federal Government for S. 668 is $5,000,000 for fiscal year 1984, $8,000,000 for each of the fiscal years 1985, 1986, and 1987, and $9,000,000 for fiscal year 1988.

Mr. BAKER. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENTENCING REFORM ACT

Mr. BAKER. Mr. President, I observe the managers are here, the chairman of the Committee on the Judiciary and the ranking member, the Senator from Massachusetts. I ask that the Chair lay before the Senate, S. 668.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 668) to reform Federal criminal sentencing procedures.

The Senate proceeded to consider the bill; which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert new language.

Mr. MATHIAS. Mr. President, S. 668, the Sentencing Reform Act of 1983, is identical to title II of S. 1762, the Comprehensive Crime Control Act. I have already presented, at considerable length, my objections to the sentencing reform contained in S. 1762. I have offered four amendments to that measure to correct its deficiencies; these amendments were thoroughly debated by the Senate. No purpose would be served by offering the amendments to this vehicle as well. My views on the changes which would be made by this bill are already on record, as is the response of the Senate to those views. I rise simply to make it clear that, just as I opposed title II of S. 1762, so I also oppose S. 668, which contains, in my view, an ill-considered, inflexible, and potentially costly sentencing reform proposal.

Mr. THURMOND. Mr. President, this bill, as it will be amended by amendments to be offered by the distinguished Senator from Massachusetts, will be the same provisions contained in title II of the crime package. Therefore, after it is amended to conform to the sentencing provision in the crime package, we have no objection to the bill and are willing to support it.

Mr. KENNEDY. Mr. President, I shall not take the time of the Senate to speak at length on the bill. As the Senator from South Carolina pointed out, it is identical to title II of S. 1762, which the Senate just passed by an overwhelming margin.

This bill revises Federal sentencing procedures to achieve a rationality, uniformity, and fairness that does not exist in the current system. This proposal has a long history of strong bipartisan support in the Senate. In 1978, this legislation passed the Senate unanimously as part of the comprehensive criminal code legislation. In the 96th Congress, it was reported unanimously by the Senate Judiciary Committee. In the 97th Congress, sentencing reform passed the Senate 95–1, as part of S. 2572. The 97th Congress ended before the House-Senate conference reached agreement on sentencing reform. But I have received assurances from the distinguished chairman of the House Judiciary Committee, Mr. RODINO, that the House committee will act this year on sentencing reform legislation.

Federal criminal sentencing is a national disgrace. Under current procedures, judges mete out an unjustifiably wide range of sentences to offenders convicted of similar crimes. One offender may receive a sentence of probation, while another—convicted of the very same crime and possessing a comparable criminal history—may be sentenced to a lengthy term of imprisonment. In one well-known study conducted in 1974, 50 Federal district court judges from the second circuit were given 20 identical files based on actual cases and were asked what sentence they would impose on each defendant. The sentencing disparities were astonishing. In one extortion case, for example, the range of sentence varied from 20 years imprisonment and a $65,000 fine to 3 years imprisonment and no fine.

The reforms needed to achieve a workable, rational sentencing system are neither too complicated to legislate, nor too difficult to implement. This legislation clearly articulated the purpose of sentencing, establishes a Sentencing Commission to develop guidelines for sentencing, abolishes parole, and provides for appellate review of sentences which are outside the guidelines. This sentencing reform proposal enjoys strong support of the administration.

Federal sentencing reform is long overdue. During the several years that this proposal has been pending in Congress, it has served as a model for sentencing reform at the State and local level. I look forward to favorable action on sentencing reform by both the Senate and the House of Representatives.

AMENDMENT NO. 2693

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes and amendment numbered 2693.

On page 158, line 5, delete "3671" and insert in lieu thereof "3673".

On page 159, beginning with "or" on line 16, delete through page 160 line 13, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563(b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11(e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11(e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

On page 107, line 7, strike "1983" and insert "1984".

On page 202, line 10, delete "3667" and insert in lieu thereof "3669".

On page 202, delete lines 13 through 19, and redesignate subsequent subsections accordingly through page 206, line 3.

On page 203, line 12, after "(g)" insert "and redesignating (h) to (g)".

On page 203, lines 17 and 18, delete "3666" and "3667" and insert in lieu thereof "3668" and "3669", respectively.

On page 204, line 19, delete "(4)" and insert in lieu thereof "(3)".

On page 204, line 20, delete "title."." and insert in lieu thereof "title,"; and ".

On page 204, after line 20, insert the following: (F) by redesignating paragraphs accordingly.

On page 208, line 4, after "(1)" insert "by adding "and" after paragraph (2) and,".

On page 208, line 20, delete "Board" and insert in lieu thereof "the Board".

On page 209, delete lines 2 through 5, and insert in lieu thereof the following: fense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

On page 210, after line 2, insert the following:

SEC. 22A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

On page 209, lines 13 through 15, delete "454(b) of the Comprehensive Employment and Training Act of 1973, as added by section 2 of the Act of October 17, 1978, (29 U.S.C. 927(b))" and insert in lieu thereof "425(b) of the Job Training and Partnership Act".

On page 160, beginning with "or" on line 21, delete through page 16 line 13, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule II (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;".

On page 162, line 17, delete "c" and insert in lieu thereof "e".

On page 171, delete line 9 through 12, and insert in lieu thereof the following:

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18.

On page 174, after line 8 insert the following and reletter subsequent subsections accordingly:

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

On page 174, delete lines 11 and 12, and insert in lieu thereof the following:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.

"(a) Correction of a sentence on remand.

"(b) Correction of a sentence for changed circumstances.".

On page 174, delete "12" from the bottom of the page and insert "9" in lieu thereof.

On page 175, insert a quotation mark at the beginning of line 4.

On page 199, after line 12, insert the following: Redesignate subsections in section 4082 accordingly.

On page 118, between lines 13 and 14, insert the following: The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

On page 120, between lines 3 and 4, insert the following: If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

On page 127, line 10, after "defendant" insert ", relative to the burden which alternative punishments would impose".

On page 128, strike out lines 14 through 18 and insert in lieu thereof the following:

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

On page 129, between lines 6 and 7 insert the following:

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(1) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due within 30 days of notification of the default, notwithstanding any installment.

On page 129 strike out line 7 through line 4 on page 130 and insert in lieu thereof the following:

"§ 3573. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

On page 141, line 13, strike out "and".

On page 141, between lines 13 and 14, insert the following:

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked; and

On page 141, line 14, strike out "(g)" and insert in lieu thereof "(h)".

On page 145, after line 7, strike the item relating to section 3613, and insert in lieu thereof the following:

"3613. Civil remedies for satisfaction of an unpaid fine.
"3614. Resentencing upon failure to pay a fine.
"3615. Criminal default.

On page 145, strike out lines 16 through page 146, line 11 and insert in lieu thereof the following:

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

On page 146, line 12, strike out "(b)" and insert in lieu thereof "(c)".

On page 146, after line 18, add the following:

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

On page 146, strike out line 19 and insert in lieu thereof the following:

"§ 3613. Civil remedies for satisfaction of an unpaid fine

On page 149, after line 17 and before the subchapter heading insert the following:

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully falls to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

On page 156, line 22, after the period insert the following: "No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.".

On page 210, line 15, strike "and".

On page 211, line 17, strike the period, and insert in lieu threof "; and".

On page 211, after line 17, insert the following:

"(d) the provisions of sections 227 and 228 shall take effect on the date of enactment.".

On page 215, after line 20, insert the following:

SEC. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within 120 days, notify the person by certified mail of his obligation, within 30 days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish, with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) The Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within 180 days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for delinquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who if financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restriction or reparation made by the defendant in connection with the of-

fense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organizations to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay-

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due within 30 days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification of remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine'.

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 20 U.S.C. 1962, of the judg-

ment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3598. Statute of limitations

"(a) Liability to pay a fine expires—

"(1) 20 years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the account, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within 30 days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed.".

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning 24 months after the date of enactment of this Act.

At the appropriate place in the bill, add the following:

SEC. 27. Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants:

Since, sentencing decisions should be designed to insure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of non-violent and non-serious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, federal sentencing practice should insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, that it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.●

Mr. KENNEDY. Mr. President, this amendment consists of those amendments which the Senate adopted to title II of S. 1762, the sentencing title of the bill. With the adoption of this amendment, S. 668 will be identical to title II of S. 1762 as passed by the Senate. I know of no objection to this amendment, and I urge its adoption by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2693) was agreed to.

Mr. KENNEDY. Mr. President, I want to express my very deep sense of appreciation to the chairman of the committee Mr. THURMOND for his cooperation and his help and support through the long period of time that the Judiciary Committee has considered this legislation; for the cooperation of the chairman of the Subcommittee on Criminal Law Mr. LAXALT; and particularly the cooperation of the Senator from Delaware (Mr. BIDEN) who has had a long history in sentencing reform.

I am aware also of the deep and strong feelings of the Senator from Maryland (Mr. MATHIAS), who has addressed sentencing reform in the committee and on the floor in previous debate on this sentencing reform legislation. I am sure he would have the same views on this separate bill. He has cooperated with us so at least we would have the opportunity to vote on this measure, and I appreciate that. I hope the Senate can now proceed to a vote.

Mr. THURMOND. Mr. President, I believe the Senate has just adopted the amendment of the Senator from Massachusetts. I move to reconsider the vote.

Mr. KENNEDY. I move to lay it on the table, Mr. President.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments to be proposed? If not, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered.

Mr. BYRD. Mr. President, I am going to suggest the absence of a quorum so Senators will know the rollcall is occurring. Perhaps we shall not need to hold the vote so long if the Senators hear the rollcall and know what it is about.

Mr. BAKER. Mr. President, I do not anticipate another rollcall vote after this one. This will be the last one today.

Mr. BYRD. I thank the majority leader.

Mr. President, there will be a rollcall immediately following the quorum call, as far as I can ascertain. I hope the cloakrooms will so inform Senators. I do not expect the quorum call will go very long, unless there is an objection to my calling it off. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on final passage of the bill. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. LAXALT) would vote "yea".

Mr. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 85, nays 3, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—85

Abdnor	Bradley	DeConcini
Andrews	Bumpers	Denton
Baker	Burdick	Dixon
Baucus	Byrd	Dodd
Bentsen	Chafee	Dole
Biden	Cochran	Domenici
Bingaman	Cohen	Durenberger
Boren	D'Amato	East
Boschwitz	Danforth	Evans
Exon	Lugar	Roth
Ford	Matsunaga	Rudman
Garn	Mattingly	Sarbanes
Gorton	McClure	Sasser
Grassley	Melcher	Simpson
Hatch	Metzenbaum	Specter
Hawkins	Mitchell	Stafford
Hecht	Moynihan	Stennis
Helms	Murkowski	Stevens
Huddleston	Nickles	Symms
Humphrey	Nunn	Thurmond
Inouye	Packwood	Trible
Jepsen	Pell	Tsongas
Johnston	Percy	Wallop
Kassebaum	Pressler	Warner
Kasten	Proxmire	Weicker
Kennedy	Pryor	Wilson
Lautenberg	Quayle	Zorinsky
Leahy	Randolph	
Levin	Riegle	

NAYS—3

Hatfield	Heflin	Mathias

NOT VOTING—12

Armstrong	Glenn	Hollings
Chiles	Goldwater	Laxalt
Cranston	Hart	Long
Eagleton	Heinz	Tower

So the bill (S. 668), as amended, was passed, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sentencing Reform Act of 1984".

SEC. 2. (a) Title 18 of the United States Code is amended by—

(1) redesignating sections 3577, 3578, 3579, 3580, 3611, 3612, 3615, 3617, 3618, 3619, 3620, and 3656 as sections 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, and 3672 of a new chapter 232 of title 18 of the United States Code, respectively;

(2) repealing chapters 227, 229, and 231 and substituting the following new chapters:

"CHAPTER 227—SENTENCES

"Subchapter
"A. General Provisions 3551
"B. Probation 3561
"C. Fines 3571
"D. Imprisonment 3581

"SUBCHAPTER A—GENERAL PROVISIONS

"Sec.
"3551. Authorized sentences.
"3552. Presentence reports.
"3553. Imposition of a sentence.
"3554. Order of criminal forfeiture.
"3555. Order of notice to victims.
"3556. Order of restitution.
"3557. Review of a sentence.
"3558. Implementation of a sentence.
"3559. Sentencing classification of offenses.

"SUBCHAPTER A—GENERAL PROVISIONS

"§ 3551. Authorized sentences

"(a) IN GENERAL.—Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in any Federal statute, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a)(2) to the extent that they are applicable in light of all the circumstances of the case.

"(b) INDIVIDUALS.—An individual found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B;

"(2) a fine as authorized by subchapter C; or

"(3) a term of imprisonment as authorized by subchapter D.

A sentence to pay a fine may be imposed in addition to any other sentence. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"(c) ORGANIZATIONS.—An organization found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B; or

"(2) a fine as authorized by subchapter C.

A sentence to pay a fine may be imposed in addition to a sentence to probation. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"§ 3552. Presentence reports

"(a) PRESENTENCE INVESTIGATION AND REPORT BY PROBATION OFFICER.—A United States probation officer shall make a presentence investigation of a defendant that is required pursuant to the provisions of Rule 32(c) of the Federal Rules of Criminal Procedure, and shall, before the imposition of sentence, report the results of the investigation to the court.

"(b) PRESENTENCE STUDY AND REPORT BY BUREAU OF PRISONS.—If the court, before or after its receipt of a report specified in subsection (a) or (c), desires more information than is otherwise available to it as a basis for determining the sentence to be imposed on a defendant found guilty of a misdemeanor or felony, it may order a study of the defendant. The study shall be conducted in the local community by qualified consultants unless the sentencing judge finds that there is a compelling reason for the study to be done by the Bureau of Prisons or there are no adequate professional resources available in the local community to perform the study. The period of the study shall take no more than sixty days. The order shall specify the additional information that the court needs before determining the sentence to be imposed. Such an order shall be treated for administrative purposes as a provisional sentence of imprisonment for the maximum term authorized by section 3581(b) for the offense committed. The study shall inquire into such matters as are specified by the court and any other matters that the Bureau of Prisons or the professional consultants believe are pertinent to the factors set forth in section 3553(a). The period of the study may, in the discretion of the court, be extended for an additional period of not more than sixty days. By the expiration of the period of the study, or by the expiration of any extension granted by the court, the United States marshal shall return the defendant to the court for final sentencing. The Bureau of Prisons or the professional consultants shall provide the court with a written report of the pertinent results of the study and make to the court whatever recommendations the Bureau or the consultants believe will be helpful to a proper resolution of the case. The report shall include recommendations of the Bureau or the consultants concerning the guidelines and policy statements, promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994(a), that they be-

lieve are applicable to the defendant's case. After receiving the report and the recommendations, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives and procedures available under this chapter.

"(c) PRESENTENCE EXAMINATION AND REPORT BY PSYCHIATRIC OR PSYCHOLOGICAL EXAMINERS.—If the court, before or after its receipt of a report specified in subsection (a) or (b) desires more information than is otherwise available to it as a basis for determining the mental condition of the defendant, it may order that the defendant undergo a psychiatric or psychological examination and that the court be provided with a written report of the results of the examination pursuant to the provisions of section 4247.

"(d) DISCLOSURE OF PRESENTENCE REPORTS.—The court shall assure that a report filed pursuant to this section is disclosed to the defendant, the counsel for the defendant, and the attorney for the Government at least ten days prior to the date set for sentencing, unless this minimum period is waived by the defendant.

"§ 3553. Imposition of a sentence

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.—The court, in determining the particular sentence to be imposed, shall consider—

"(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

"(2) the need for the sentenced imposed—

"(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

"(B) to afford adequate deterrence to criminal conduct;

"(C) to protect the public from further crimes of the defendant; and

"(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

"(3) the kinds of sentences available;

"(4) the kinds of sentence and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines that are issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and that are in effect on the date the defendant is sentenced;

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2) that is in effect on the date the defendant is sentenced; and

"(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

"(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that an aggravating or mitigating circumstance exists that was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines and that should result in a sentence different from that described.

"(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence—

"(1) is of the kind, and within the range, described in subsection (a)(4), the reason for imposing a sentence at a particular point within the range; or

"(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described.

If the sentence does not include an order of restitution, the court shall include in the statement the reason therefor. The clerk of the court shall provide a transcription of the court's statement of reasons to the Probation System, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

"(d) PRESENTENCE PROCEDURE FOR AN ORDER OF NOTICE OR RESTITUTION.—Prior to imposing an order of notice pursuant to section 3555, or an order of restitution pursuant to section 3556, the court shall give notice to the defendant and the Government that it is considering imposing such an order. Upon motion of the defendant or the Government, or on its own motion, the court shall—

"(1) permit the defendant and the Government to submit affidavits and written memoranda addressing matters relevant to the imposition of such an order;

"(2) afford counsel an opportunity in open court to address orally the appropriateness of the imposition of such an order; and

"(3) include in its statement of reasons pursuant to subsection (c) specific reasons underlying its determinations regarding the nature of such an order.

Upon motion of the defendant or the Government, or on its own motion, the court may in its discretion employ any additional procedures that it concludes will not unduly complicate or prolong the sentencing process.

"§ 3554. Order of criminal forfeiture

"The court, in imposing a sentence on a defendant who has been found guilty of an offense described in section 1962 of this title or in title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant forfeit property to the United States in accordance with the provisions of section 1963 of this title or section 413 of the Comprehensive Drug Abuse and Control Act of 1970.

"§ 3555. Order of notice to victims

"The court, in imposing a sentence on a defendant who has been found guilty of an offense involving fraud or other intentionally deceptive practices, may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant give reasonable notice and explanation of the conviction, in such form as the court may approve, to the victims of the offense. The notice may be ordered to be given by mail, by advertising in designated areas or through designated media, or by other appropriate means. In determining whether to require the defendant to give such notice, the court shall consider the factors set forth in section 3553(a) to the extent that they are applicable and shall consider the cost involved in giving the notice as it relates to the loss caused by the offense, and shall not require the defendant to bear the costs of notice in excess of $20,000.

"§ 3556. Order of restitution

"The court, in imposing a sentence on a defendant who has been found guilty of an offense under this title, or an offense under section 902 (h), (i), (j), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant make restitution to any victim of the offense in accordance with the provisions of sections 3663 and 3664.

"§ 3557. Review of a sentence

"The review of a sentence imposed pursuant to section 3551 is governed by the provisions of section 3742.

"§ 3558. Implementation of a sentence

"The implementation of a sentence imposed pursuant to section 3551 is governed by the provisions of chapter 229.

"§ 3559. Sentencing classification of offenses

"(a) CLASSIFICATION.—An offense that is not specifically classified by a letter grade in the section defining it, is classified—

"(1) if the maximum term of imprisonment authorized is—

"(A) life imprisonment, or if the maximum penalty is death, as a Class A felony;

"(B) twenty years or more, as a Class B felony;

"(C) less than twenty years but ten or more years, as a Class C felony;

"(D) less than ten years but five or more years, as a Class D felony;

"(E) less than five years but more than one year, as a Class E felony;

"(F) one year or less but more than six months, as a Class A misdemeanor;

"(G) six months or less but more than thirty days, as a Class B misdemeanor;

"(H) thirty days or less but more than five days, as a Class C misdemeanor; or

"(I) five days or less, or if no imprisonment is authorized, as an infraction.

"(b) EFFECT OF CLASSIFICATION.—An offense classified under subsection (a) carries all the incidents assigned to the applicable letter designation except that:

"(1) the maximum fine that may be imposed is the fine authorized by the statute describing the offense, or by this chapter, whichever is the greater; and

"(2) the maximum term of imprisonment is the term authorized by the statute describing the offense.

"SUBCHAPTER B—PROBATION

"Sec.
"3561. Sentence of probation.
"3562. Imposition of a sentence of probation.
"3563. Conditions of probation.
"3564. Running of a term of probation.
"3565. Revocation of probation.
"3566. Implementation of a sentence of probation.

"SUBCHAPTER B—PROBATION

"§ 3561. Sentence of probation

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of probation unless—

"(1) the offense is a Class A or Class B felony;

"(2) the offense is an offense for which probation has been expressly precluded; or

"(3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense.

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

"(b) AUTHORIZED TERMS.—The authorized terms of probation are—

"(1) for a felony, not less than one nor more than five years;

"(2) for a misdemeanor, not more than five years; and

"(3) for an infraction, not more than one year.

"§ 3562. Imposition of a sentence of probation

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF PROBATION.—The court, in determining whether to impose a term of probation, and, if a term of probation is to be imposed, in determining the length of the term and the conditions of probation, shall consider the factors set forth in section 3553(a) to the extent that they are applicable.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence of probation can subsequently be—

"(1) modified or revoked pursuant to the provisions of section 3564 or 3565;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3563. Conditions of probation

"(a) MANDATORY CONDITIONS.—The court shall provide, as an explicit condition of a sentence of probation—

"(1) for a felony, a misdemeanor, or an infraction, that the defendant not commit another Federal, State, or local crime during the term of probation; and

"(2) for a felony, that the defendant also abide by at least one condition set forth in subsection (b)(2), (b)(3), or (b)(13).

If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

"(b) DISCRETIONARY CONDITIONS.—The court may provide, as further conditions of a sentence of probation, to the extent that such conditions are reasonably related to the factors set forth in section 3553 (a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in section 3553(a)(2), that the defendant—

"(1) support his dependents and meet other family responsibilities;

"(2) pay a fine imposed pursuant to the provisions of subchapter C;

"(3) make restitution to a victim of the offense pursuant to the provisions of section 3556;

"(4) give to the victims of the offense the notice ordered pursuant to the provisions of section 3555;

"(5) work conscientiously at suitable employment or pursue conscientiously a course of study or vocational training that will equip him for suitable employment;

"(6) refrain, in the case of an individual, from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in such a specified occupation, business, or profession only to a stated degree or under stated circumstances;

"(7) refrain from frequenting specified kinds of places or from associating unnecessarily with specified persons;

"(8) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(9) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(10) undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the court, and remain in a specified institution if required for that purpose;

"(11) remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling no more than the lesser of one year or the term of imprisonment authorized for the offense in section 3581(b), during the first year of the term of probation;

"(12) reside at, or participate in the program of, a community corrections facility for all or part of the term of probation;

"(13) work in community service as directed by the court;

"(14) reside in a specified place or area, or refrain from residing in a specified place or area;

"(15) remain within the jurisdiction of the court, unless granted permission to leave by the court or a probation officer;

"(16) report to a probation officer as directed by the court or the probation officer;

"(17) permit a probation officer to visit him at his home or elsewhere as specified by the court;

"(18) answer inquiries by a probation officer and notify the probation officer promptly of any change in address or employment;

"(19) notify the probation officer promptly if arrested or questioned by a law enforcement officer; or

"(20) satisfy such other conditions as the court may impose.

"(c) MODIFICATIONS OF CONDITIONS.—The court may, after a hearing, modify, reduce, or enlarge the conditions of a sentence of probation at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the conditions of probation.

"(d) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the sentence is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3564. Running of a term of probation

"(a) COMMENCEMENT.—A term of probation commences on the day that the sentence of probation is imposed, unless otherwise ordered by the court.

"(b) CONCURRENCE WITH OTHER SENTENCES.—Multiple terms of probation, whether imposed at the same time or at different times, run concurrently with each other. A term of probation runs concurrently with any Federal, State, or local term of probation, or supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation, except that it does not run during any period in which the defendant is imprisoned for a period of at least 30 consecutive days in connection with a conviction for a Federal, State, or local crime.

"(c) EARLY TERMINATION.—The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

"(d) EXTENSION.—The court may, after a hearing, extend a term of probation, if less than the maximum authorized term was previously imposed, at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the term of probation.

"(e) SUBJECT TO REVOCATION.— A sentence of probation remains conditional and subject to revocation until its expiration or termination.

"§ 3565. Revocation of probation

"(a) CONTINUATION OR REVOCATION.—If the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, and after considering the factors set forth in section 3553(a) to the extent that they are applicable—

"(1) continue him on probation, with or without extending the term of modifying or enlarging the conditions; or

"(2) revoke the sentence of probation and impose any other sentence that was available under subchapter A at the time of the initial sentencing.

"(b) DELAYED REVOCATION.—The power of the court to revoke a sentence of probation for violation of a condition of probation, and to impose another sentence, extends beyond the expiration of the term of probation for any period reasonably necessary for the adjudication of matters arising before its expiration if, prior to its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

"§ 3566. Implementation of a sentence of probation

"The implementation of a sentence of probation is governed by the provisions of subchapter A of chapter 229.

"SUBCHAPTER C—FINES

"Sec.
"3571. Sentence of fine.
"3572. Imposition of a sentence of fine.
"3573. Modification or remission of fine.
"3574. Implementation of a sentence of fine.

"SUBCHAPTER C—FINES

"§ 3571. Sentence of fine

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to pay a fine.

"(b) AUTHORIZED FINES.—Except as otherwise provided in this chapter, the authorized fines are—

"(1) if the defendant is an individual—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $250,000;

"(B) for any other misdemeanor, not more than $25,000; and

"(C) for an infraction, not more than $1,000; and

"(2) if the defendant is an organization—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $500,000;

"(B) for any other misdemeanor, not more than $100,000; and

"(C) for an infraction, not more than $10,000.

"§ 3572. Imposition of a sentence of fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING FINE.—The court, in determining whether to impose a fine, and, if a fine is to be imposed, in determining the amount of the

fine, the time for payment, and the method of payment, shall consider—

"(1) the factors set forth in section 3553(a), to the extent they are applicable, including, with regard to the characteristics of the defendant under section 3553(a), the ability of the defendant to pay the fine in view of the defendant's income, earning capacity, and financial resources and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent upon the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant to the victim of the offense, and any obligation imposed upon the defendant to make such restitution or reparation to the victim of the offense;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent equitable consideration.

"(b) LIMIT ON AGGREGATE OF MULTIPLE FINES.—Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense.

"(c) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3573;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(e) ALTERNATIVE SENTENCE PRECLUDED.—At the time a defendant is sentenced to pay a fine, the court may not impose an alternative sentence to be served in the event that the fine is not paid.

"(f) INDIVIDUAL RESPONSIBILITY FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within 30 days of notification of the default, notwithstanding any installment schedule.

"S. 3573. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was orginally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3574. Implementation of a sentence of fine

"The implementation of a sentence to pay a fine is governed by the provisions of subchapter B of chapter 229.

"SUBCHAPTER D—IMPRISONMENT

"Sec.
"3581. Sentence of imprisonment.
"3582. Imposition of a sentence of imprisonment.
"3583. Inclusion of a term of supervised release after imprisonment.
"3584. Multiple sentences of imprisonment.
"3585. Calculation of a term of imprisonment.
"3586. Implementation of a sentence of imprisonment.

"SUBCHAPTER D—IMPRISONMENT

"§ 3581. Sentence of imprisonment

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of imprisonment.

"(b) AUTHORIZED TERMS.—The authorized terms of imprisonment are—

"(1) for a Class A felony, the duration of the defendant's life or any period of time;

"(2) for a Class B felony, not more than twenty-five years;

"(3) for a Class C felony, not more than twelve years;

"(4) for a Class D felony, not more than six years;

"(5) for a Class E felony, not more than three years;

"(6) for a Class A misdemeanor, not more than one year;

"(7) for a Class B misdemeanor, not more than six months;

"(8) for a Class C misdemeanor, not more than thirty days; and

"(9) for an infraction, not more than five days.

"§ 3582. Imposition of a sentence of imprisonment

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF IMPRISONMENT.—The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation. In determining whether to make a recommendation concerning the type of prison facility appropriate for the defendant, the court shall consider any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2).

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

"(1) modified pursuant to the provisions of subsection (c);

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT.—The court may not modify a term of imprisonment once it has been imposed except that—

"(1) in any case—

"(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that extraordinary and compelling reasons warrant such a reduction and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

"(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

"(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(n), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

"(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFENDERS.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

"§ 3583. Inclusion of a term of supervised release after imprisonment

"(a) IN GENERAL.—The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment.

"(b) AUTHORIZED TERMS OF SUPERVISED RELEASE.—The authorized terms of supervised release are—

"(1) for a Class A or Class B felony, not more than three years;

"(2) for a Class C or Class D felony, not more than two years; and

"(3) for a Class E felony, or for a misdemeanor, not more than one year.

"(c) FACTORS TO BE CONSIDERED IN INCLUDING A TERM OF SUPERVISED RELEASE.—The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6).

"(d) CONDITIONS OF SUPERVISED RELEASE.—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision. The court may order, as a further condition of supervised release, to the extent that such condition—

"(1) is reasonably related to the factors set forth in section 3553 (a)(1), (a)(2)(B), and (a)(2)(D);

"(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553 (a)(2)(B) and (a)(2)(D); and

"(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563 (b)(1) through (b)(10) and (b)(12) through (b)(19), and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation.

"(e) MODIFICATION OF TERM OR CONDITIONS.—The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6)—

"(1) terminate a term of supervised release previously ordered and discharge the person released at any time after the expiration of one year of supervised release, if it is satisfied that such action is warranted by the conduct of the person released and the interest of justice;

"(2) after a hearing, extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions applicable to the initial setting of the term and conditions of post-release supervision; or

"(3) treat a violation of a condition of a term of supervised release as contempt of court pursuant to section 401(3) of this title.

"(f) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3584. Multiple sentences of imprisonment

"(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE TERMS.—If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objective of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

"(b) FACTORS TO BE CONSIDERED IN IMPOSING CONCURRENT OR CONSECUTIVE TERMS.—The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

"(c) TREATMENT OF MULTIPLE SENTENCE AS AN AGGREGATE.—Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

"§ 3585. Calculation of a term of imprisonment

"(a) COMMENCEMENT OF SENTENCE.—A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

"(b) CREDIT FOR PRIOR CUSTODY.—A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences—

"(1) as a result of the offense for which the sentence was imposed; or

"(2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

"§ 3586. Implementation of a sentence of imprisonment

"The implementation of a sentence of imprisonment is governed by the provisions of subchapter C of chapter 229 and, if the sentence includes a term of supervised release, by the provisions of subchapter A of chapter 229.

"CHAPTER 229—POSTSENTENCE ADMINISTRATION

"Subchapter
"A. Probation 3601
"B. Fines 3611
"C. Imprisonment 3621

"SUBCHAPTER A—PROBATION

"Sec.
"3601. Supervision of probation.
"3602. Appointment of probation officers.
"3603. Duties of probation officers.
"3604. Transportation of a probationer.
"3605. Transfer of jurisdiction over a probationer.
"3606. Arrest and return of a probationer.
"3607. Special probation and expungement procedures for drug possessor.

"SUBCHAPTER A—PROBATION

"§ 3601. Supervision of probation

"A person who has been sentenced to probation pursuant to the provisions of subchapter B of chapter 227, or placed on probation pursuant to the provisions of chapter 403, or placed on supervised release pursuant to the provisions of section 3583, shall, during the term imposed, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

"§ 3602. Appointment of probation officers

"(a) APPOINTMENT.—A district court of the United States shall appoint qualified persons to serve, with or without compensation, as probation officers within the jurisdiction and under the direction of the court making the appointment. The court may, for cause, remove a probation officer appointed to serve with compensation, and may, in its discretion, remove a probation officer appointed to serve without compensation.

"(b) RECORD OF APPOINTMENT.—The order of appointment shall be entered on the records of the court, a copy of the order shall be delivered to the officer appointed, and a copy shall be sent to the Director of the Administrative Office of the United States Courts.

"(c) CHIEF PROBATION OFFICER.—If the court appoints more than one probation officer, one may be designated by the court as chief probation officer and shall direct the work of all probation officers serving in the judicial district.

"§ 3603. Duties of probation officers

"A probation officer shall—

"(a) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;

"(b) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;

"(c) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;

"(d) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;

"(e) keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require;

"(f) upon request of the Attorney General or his designee, supervise and furnish information about a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c);

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked; and

"(h) perform any other duty that the court may designate.

"§ 3604. Transportation of a probationer

"A court, after imposing a sentence of probation, may direct a United States marshal to furnish the probationer with—

"(a) transportation to the place to which he is required to proceed as a condition of his probation; and

"(b) money, not to exceed such amount as the Attorney General may prescribe, for subsistence expenses while traveling to his destination.

"§ 3605. Transfer of jurisdiction over a probationer

"A court, after imposing a sentence, may transfer jurisdiction over a probationer or person on supervised release to the district court for any other district to which the person is required to proceed as a condition of his probation or release, or is permitted to proceed, with the concurrence of such court. A later transfer of jurisdiction may be made in the same manner. A court to which jurisdiction is transferred under this section is authorized to exercise all powers over the probationer or releasee that are permitted by this subchapter or subchapter B or D of chapter 227.

"§ 3606. Arrest and return of a probationer

"If there is probable cause to believe that a probationer or a person on supervised release has violated a condition of his probation or release, he may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. A probation officer may make such an arrest wherever the probationer or releasee is found, and may make the arrest without a warrant. The court having supervision of the probationer or releasee, or, if there is no such court, the court last having supervision of the probationer or releasee, may issue a warrant for the arrest of a probationer or releasee for violation of a condition of release, and a probation officer or United States marshal may execute the warrant in the district in which the warrant was issued or in any district in which the probationer or releasee is found.

"§ 3607. Special probation and expungement procedures for drug possessors

"(a) PRE-JUDGMENT PROBATION.—If a person found guilty of an offense described in section 404 of the Controlled Substances Act (21 U.S.C. 844)—

"(1) has not, prior to the commission of such offense, been convicted of violating a Federal or State law relating to controlled substances; and

"(2) has not previously been the subject of a disposition under this subsection;

the court may, with the consent of such person, place him on probation for a term of not more than one year without entering a judgment of conviction. At any time before the expiration of the term of probation, if the person has not violated a condition of his probation, the court may, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. At the expiration of the term of probation, if the person has not violated a condition of his probation, the court shall, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. If the person violates a condition of his probation, the court shall proceed in accordance with the provisions of section 3565.

"(b) RECORD OF DISPOSITION.—A nonpublic record of a disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall be retained by the Department of Justice solely for the purpose of use by the courts in determining in any subsequent proceeding whether a person qualifies for the disposition provided in subsection (a) or the expungement provided in subsection (c). A disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall not be considered a conviction for the purpose of a disqualification or a disability imposed by law upon conviction of a crime, or for any other purpose.

"(c) EXPUNGEMENT OF RECORD OF DISPOSITION.—If the case against a person found guilty of an offense under section 404 of the Controlled Substances Act (21 U.S.C. 844) is the subject of a disposition under subsection (a), and the person was less than twenty-one years old at the time of the offense, the court shall enter an expungement order upon the application of such person. The expungement order shall direct that there be expunged from all official records, except the nonpublic records referred to in subsection (b), all references to his arrest for the offense, the institution of criminal proceedings against him, and the results thereof. The effect of the order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or institution of criminal proceedings. A person concerning whom such an order has been entered shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge such arrests or institution of criminal proceedings, or the results thereof, in response to an inquiry made of him for any purpose.

"SUBCHAPTER B—FINES

"Sec.
"3611. Payment of a fine.
"3612. Collection of an unpaid fine.
"3613. Civil remedies for satisfaction of an unpaid fine.
"3614. Resentencing upon failure to pay a fine.
"3615. Criminal default.

"SUBCHAPTER B—FINES

"§ 3611. Payment of a fine

"A person who has been sentenced to pay a fine pursuant to the provisions of subchapter C of chapter 227 shall pay the fine immediately, or by the time and method specified by the sentencing court, to the clerk of the court. The clerk shall forward the payment to the United States Treasury.

"§ 3612. Collection of an unpaid fine

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a). An order of restitution, pursuant to section 3556, does not create any right of action against the United States by the person to whom restitution is ordered to be paid.

"§ 3613. Civil remedies for satisfaction of an unpaid fine

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinguent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provisions of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums

to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"(a) LIEN.—A fine imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable and liability to pay a fine expires—

"(1) twenty years after the entry of the judgment; or

"(2) upon the death of the individual fined.

The period set forth in paragraph (1) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in paragraph (1) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT OF NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providng for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases, but in no event shall liability for payment of a fine extend beyond the period specified in subsection (b).

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully falls to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

"SUBCHAPTER C—IMPRISONMENT

"Sec.
"3621. Imprisonment of a convicted person.
"3622. Temporary release of a prisoner.
"3623. Transfer of a prisoner to State authority.
"3624. Release of a prisoner.
"3625. Inapplicability of the Administrative Procedure Act.

"SUBCHAPTER C—IMPRISONMENT

"§ 3621. Imprisonment of a convicted person

"(a) COMMITMENT TO CUSTODY OF BUREAU OF PRISONS.—A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

"(b) PLACE OF IMPRISONMENT.—The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering—

"(1) the resources of the facility contemplated;

"(2) the nature and circumstances of the offense;

"(3) the history and characteristics of the prisoner;

"(4) any statement by the court that imposed the sentence—

"(A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or

"(B) recommending a type of penal or correctional facility as appropriate; and

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another.

"(c) DELIVERY OF ORDER OF COMMITMENT.—When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

"(d) DELIVERY OF PRISONER FOR COURT APPEARANCES.—The United States Marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

"§ 3622. Temporary release of a prisoner

"The Bureau of Prisons may release a prisoner from the place of his imprisonment for a limited period if such release appears to be consistent with the purpose for which the sentence was imposed and any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2), if such release otherwise appears to be consistent with the public interest and if there is reasonable cause to believe that a prisoner will honor the trust to be imposed in him, by authorizing him, under prescribed conditions, to—

"(a) visit a designated place for a period not to exceed thirty days, and then return to the same or another facility, for the purpose of—

"(1) visiting a relative who is dying;

"(2) attending a funeral of a relative;

"(3) obtaining medical treatment not otherwise available;

"(4) contacting a prospective employer;

"(5) establishing or reestablishing family or community ties; or

"(6) engaging in any other significant activity consistent with the public interest;

"(b) participate in a training or educational program in the community while continuing in official detention at the prison facility; or

"(c) work at paid employment in the community while continuing in official detention at the penal or correctional facility if—

"(1) the rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the community; and

"(2) the prisoner agrees to pay to the Bureau such costs incident to official detention as the Bureau finds appropriate and reasonable under all the circumstances, such costs to be collected by the Bureau and deposited in the Treasury to the credit of the appropriation available for such costs at the time such collections are made.

"§ 3623. Transfer of a prisoner to State authority

"The Director of the Bureau of Prisons shall order that a prisoner who has been charged in an indictment or information with, or convicted of, a State felony, be transferred to an official detention facility within such State prior to his release from a Federal prison facility if—

"(1) the transfer has been requested by the Governor or other executive authority of the State;

"(2) the State has presented to the Director a certified copy of the indictment, information, or judgment of conviction; and

"(3) the Director finds that the transfer would be in the public interest.

If more than one request is presented with respect to a prisoner, the Director shall determine which request should receive preference. The expenses of such transfer shall be borne by the State requesting the transfer.

"§ 3624. Release of a prisoner

"(a) DATE OF RELEASE.—A prisoner shall be released by the Bureau of Prisons on the date of the expiration of his term of imprisonment, less any time credited toward the service of his sentence as provided in subsection (b). If the date for a prisoner's release falls on a Saturday, a Sunday, or a legal holiday at the place of confinement, the prisoner may be released by the Bureau on the last preceding weekday.

"(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of thirty-six days at the end of each year of his term of imprisonment, beginning after the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that, during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

"(c) PRE-RELEASE CUSTODY.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last ten percent of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his reentry into the community. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

"(d) ALLOTMENT OF CLOTHING, FUNDS, AND TRANSPORTATION.—Upon the release of a prisoner on the expiration of his term of imprisonment, the Bureau of Prisons shall furnish him with—

"(1) suitable clothing;

"(2) an amount of money, not more than $500, determined by the Director to be consistent with the needs of the offender and the public interest, unless the Director determines that the financial position of the offender is such that no sum should be furnished; and

"(3) transportation to the place of his conviction, to his bona fide residence within the United States, or to such other place within the United States as may be authorized by the Director.

"(e) SUPERVISION AFTER RELEASE.—A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer who shall, during the term imposed, supervise the person released to the degree warranted by the conditions specified by the sentencing court. The term of supervised release commences on the day the person is released from imprisonment. The term runs concurrently with any Federal, State, or local term of probation or supervised release or parole for another offense to which the person is subject or becomes subject during the term of supervised release, except that it does not run during any period in which the person is imprisoned, other than during limited intervals as a condition of probation or supervised release, in connection with a conviction for a Federal, State, or local crime. No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.

"§ 3625. Inapplicability of the Administrative Procedure Act

"The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this subchapter.";

(3) in section 3663 (formerly section 3579):

(A) by amending subsection (g) to read as follows:

"(g) If such defendant is placed on probation or sentenced to a term of supervised release under this title, any restitution ordered under this section shall be a condition of such probation or supervised release. The court may revoke probation, or modify the term or conditions of a term of supervised release, or hold a defendant in contempt pursuant to section 3583(e) if the defendant fails to comply with such order. In determining whether to revoke probation, modify the term or conditions of supervised release, or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay."; and

(B) by amending subsection (h) to read as follows:

"(h) An order of restitution may be enforced by the United States in the manner provided in sections 3812 and 3813 or in the same manner as a judgment in a civil action, and by the victim named in the order to receive the restitution in the same manner as a judgment in a civil action.";

(4) adding the following new section at the end of chapter 232:

"§ 3673. Definitions for sentencing provisions

"As used in chapters 227 and 229—

"(a) 'found guilty' includes acceptance by a court of a plea of guilty or nolo contendere;

"(b) 'commission of an offense' includes the attempted commission of an offense, the consummation of an offense, and any immediate flight after the commission of an offense; and

"(c) 'law enforcement officer' means a public servant authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense."; and

(5) adding the following caption and sectional analysis at the beginning of new chapter 232:

"CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS

"Sec.
"3661. Use of information for sentencing.
"3662. Conviction records.
"3663. Order of restitution.
"3664. Procedure for issuing order of restitution.
"3665. Firearms possessed by convicted felons.
"3666. Bribe moneys.
"3667. Liquors and related property; definitions.
"3668. Remission or mitigation of forfeitures under liquor laws; possession pending trial.
"3669. Conveyance carrying liquor.
"3670. Disposition of conveyances seized for violation of the Indian liquor laws.
"3671. Vessels carrying explosives and steerage passengers.
"3672. Duties of Director of Administrative Office of the United States Courts.
"3673. Definitions for sentencing provisions.".

(b) The chapter analysis of Part II of title 18, United States Code, is amended by striking out the items relating to chapters 227, 229, and 231, and inserting in lieu thereof the following:

"227. Sentences..... 3551
"229. Post-Sentence Administration..... 3601
"231. Repealed.....
"232. Miscellaneous Sentencing Provisions..... 3661".

SEC. 3. (a) Chapter 235 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ 3742. Review of a sentence

"(a) APPEAL BY A DEFENDANT.—A defendant may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or

(e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

"(b) APPEAL BY THE GOVERNMENT.—The Government may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;

and the Attorney General or the Solicitor General personally approves the filing of the notice of appeal.

"(c) RECORD ON REVIEW.—If a notice of appeal is filed in the district court pursuant to subsection (a) or b), the clerk shall certify to the court of appeals—

"(1) that portion of the record in the case that is designated as pertinent by either of the parties;

"(2) the presentence report; and

"(3) the information submitted during the sentencing proceeding.

"(d) CONSIDERATION.—Upon review of the record, the court of appeals shall determine whether the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines; or

"(3) is outside the range of the applicable sentencing guideline, and is unreasonable, having regard for—

"(A) the factors to be considered in imposing a sentence, as set forth in chapter 227 of this title; and

"(B) the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c).

The court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous.

"(e) DECISION AND DISPOSITION.—If the court of appeals determines that the sentence—

"(1) was imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, it shall—

"(A) remand the case for further sentencing proceedings; or

"(B) correct the sentence;

"(2) is outside the range of the applicable sentencing guideline and is unreasonable, it shall state specific reasons for its conclusions and—

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and—

"(i) remand the case for imposition of a lesser sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a lesser sentence;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and—

"(i) remand the case for imposition of a greater sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a greater sentence; or

"(3) was not imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, and is not unreasonable, it shall affirm the sentence.".

(b) The sectional analysis of chapter 235 of title 18, United States Code, is amended by adding the following new item after the item relating to section 3741:

"3742. Review of a sentence.".

SEC. 4. Chapter 403 of title 18, United States Code is amended as follows:

(a) Section 5037 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking out subsections (a) and (b) and inserting the following new subsections in lieu thereof:

"(a) If the court finds a juvenile to be a juvenile delinquent, the court shall hold a disposition hearing concerning the appropriate disposition no later than twenty court days after the juvenile delinquency hearing unless the court has ordered further study pursuant to subsection (e). After the disposition hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994, the court may suspend the findings of juvenile delinquency, enter an order of restitution pursuant to section 3556, place him on probation, or commit him to official detention. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old, beyond the lesser of—

"(A) three years; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult.

The provisions dealing with probation set forth in sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond five years; or

"(B) in any other case beyond the lesser of—

"(i) three years; or

"(ii) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult.".

(b) Section 5041 is repealed.

(c) Section 5042 is amended by—

(1) striking out "parole or" each place it appears in the caption and text; and

(2) striking out "parolee or".

(d) The sectional analysis is amended by striking out the items relating to sections 5041 and 5042 and inserting in lieu thereof the following:

"5041. Repealed.

"5042. Revocation of Probation.".

SEC. 5. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 32 is amended—

(1) by deleting subdivision (a)(1) and inserting in lieu thereof the following:

"(1) IMPOSITION OF SENTENCE.—Sentence shall be imposed without unnecessary delay, but the court may, upon a motion that is jointly filed by the defendant and by the attorney for the Government and that asserts a factor important to the sentencing determination is not capable of being resolved at that time, postpone the imposition of sentence for a reasonable time until the factor is capable of being resolved. Prior to the sentencing hearing, the court shall provide the counsel for the defendant and the attorney for the Government with notice of the probation officer's determination, pursuant to the provisions of subdivision (c)(2)(B), of the sentencing classifications and sentencing guideline range believed to be applicable to the case. At the sentencing hearing, the court shall afford the counsel for the defendant and the attorney for the Government an opportunity to comment upon the probation officer's determination and on other matters relating to the appropriate sentence. Before imposing sentence, the court shall also—

"(A) determine that the defendant and his counsel have had the opportunity to read and discuss the presentence investigation report made available pursuant to subdivision (c)(3)(A) or summary thereof made available pursuant to subdivision (c)(3)(B);

"(B) afford counsel for the defendant an opportunity to speak on behalf of the defendant; and

"(C) address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of the sentence.

The attorney for the Government shall have an equivalent opportunity to speak to the court. Upon a motion that is jointly filed by the defendant and by the attorney for the Government, the court may hear in

camera such a statement by the defendant, counsel for the defendant, or the attorney for the Government.";

(2) in subdivision (a)(2), by adding ", including any right to appeal the sentence," after "right to appeal" in the first sentence;

(3) in subdivision (a)(2), by adding ", except that the court shall advise the defendant of any right to appeal his sentence" after "nolo contendere" in the second sentence;

(4) by amending the first sentence of subdivision (c)(1) to read as follows:

"A probation officer shall make a presentence investigation and report to the court before the imposition of sentence unless the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553, and the court explains this finding on the record.";

(5) by amending subdivision (c)(2) to read as follows:

"(2) REPORT.—The report of the presentence investigation shall contain—

"(A) information about the history and characteristics of the defendant, including his prior criminal record, if any, his financial condition, and any circumstances affecting his behavior that may be helpful in imposing sentence or in the correctional treatment of the defendant;

"(B) the classification of the offense and of the defendant under the categories established by the Sentencing Commission pursuant to section 994(a) of title 28, that the probation officer believes to be applicable to the defendant's case; the kinds of sentence and the sentencing range suggested for such a category of offense committed by such a category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1); and an explanation by the probation officer of any factors that may indicate that a sentence of a different kind or of a different length than one within the applicable guideline would be more appropriate under all the circumstances;

"(C) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2);

"(D) verified information stated in a nonargumentative style containing an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offense has been committed;

"(E) unless the court orders otherwise, information concerning the nature and extent of nonprison programs and resources available for the defendant; and

"(F) such other information as may be required by the court.";

(6) in subdivision (c)(3)(A), by deleting "exclusive of any recommendations as to sentence" and inserting in lieu thereof ", including the information required by subdivision (c)(2) but not including any final recommendation as to sentence,";

(7) in subdivision (c)(3)(D), delete "or the Parole Commission";

(8) in subdivision (c)(3)(F), delete "or the Parole Commission pursuant to 18 U.S.C. §§ 4205(c), 4252, 5010(e), or 5037(c)" and substitute "pursuant to 18 U.S.C. § 3552(b)";

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18 U.S.C. § 4205(c)," in subsection (d).

(b) Rule 35 is amended to read as follows:

"Rule 35. Correction of Sentence

"(a) CORRECTION OF A SENTENCE ON REMAND.—The court shall correct a sentence that is determined on appeal under 18 U.S.C. 3742 to have been imposed in violation of law, to have been imposed as a result of an incorrect application of the sentencing guidelines, or to be unreasonable, upon remand of the case to the court—

"(1) for imposition of a sentence in accord with the findings of the court of appeals; or

"(2) for further sentencing proceedings if, after such proceedings, the court determines that the original sentence was incorrect.

"(b) CORRECTION OF SENTENCE FOR CHANGED CIRCUMSTANCES.—The court, on motion of the government, may within one year after the imposition of a sentence, lower a sentence to reflect a defendant's subsequent, substantial assistance in the investigation or prosecution of another person who has committed an offense, to the extent that such assistance is a factor in applicable guidelines or policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a).".

(c) Rule 38 is amended—

(1) by amending the caption to read: "Stay of Execution" and deleting "(a) Stay of Execution.";

(2) by deleting subdivisions (b) and (c);

(3) by redesignating subdivisions (a)(1) through (a)(4) as subdivisions (a) through (d), respectively;

(4) in subdivision (a), by adding "from the conviction or sentence" after "is taken";

(5) in the first sentence of subdivision (b), by adding "from the conviction or sentence" after "is taken";

(6) by amending subdivision (d) to read as follows:

"(d) PROBATION.—A sentence of probation may be stayed if an appeal from the conviction or sentence is taken. If the sentence is stayed, the court shall fix the terms of the stay."; and

(7) by adding new subdivisions (e) and (f) as follows:

"(e) CRIMINAL FORFEITURE, NOTICE TO VICTIMS, AND RESTITUTION.—A sanction imposed as part of the sentence pursuant to 18 U.S.C. 3554, 3555, or 3556 may, if an appeal of the conviction or sentence is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may issue such orders as may be reasonably necessary to ensure compliance with the sanction upon disposition of the appeal, including the entering of a restraining order or an injunction or requiring a deposit in whole or in part of the monetary amount involved into the registry of the district court or execution of a performance bond.

"(f) DISABILITIES.—A civil or employment disability arising under a Federal statute by reason of the defendant's conviction or sentence, may, if an appeal is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may enter a restraining order or an injunction, or take any other action that may be reasonably necessary to protect the interest represented by the disability pending disposition of the appeal.".

(d) Rule 40 is amended by deleting "3653" in subdivision (d)(1) and inserting in lieu thereof "3605".

(e) Rule 54 is amended by amending the definition of "Petty offense" in subdivision (c) to read as follows: " 'Petty offense' means a class B or C misdemeanor or an infraction.".

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision;

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

(f) The Table of Rules that precedes Rule 1 is amended as follows:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.
"(a) Correction of a sentence on remand.
"(b) Correction of a sentence for changed circumstances.".

(2) The item relating to Rule 38 is amended to read as follows:

"38. Stay of Execution.
"(a) Death.
"(b) Imprisonment.
"(c) Fine.
"(d) Probation.
"(e) Criminal forfeiture, notice to victims, and restitution.
"(f) Disabilities.".

SEC. 6. (a) The Rules of Procedure for the Trial of Misdemeanors Before United States Magistrates are amended by adding the following new rule at the end thereof:

"Rule 9. Definition

"As used in these rules, 'petty offense' means a Class B or C misdemeanor or an infraction.".

(b) The Table of Rules that precedes Rule 1 is amended by adding at the end thereof the following new item:

"9. Definition".

SEC. 7. (a) Title 28 of the United States Code is amended by adding the following new chapter after chapter 57:

"CHAPTER 58—UNITED STATES SENTENCING COMMISSION

"Sec.
"991. United States Sentencing Commission; establishment and purposes.
"992. Terms of office; compensation.
"993. Powers and duties of Chairman.
"994. Duties of the Commission.
"995. Powers of the Commission.
"996. Director and staff.
"997. Annual report.
"998. Definitions.

"§ 991. United States Sentencing Commission; establishment and purposes

"(a) There is established as an independent commission in the judicial branch of the United States a United States Sentencing Commission which shall consist of seven voting members and one nonvoting member. The President, after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process, shall appoint the voting members of the Commission, by and with the advice and consent of the Senate, one of whom shall be appointed, by and with the advice and consent of the Senate, as the Chairman. At least two of the members shall be Federal judges in regular active service selected after considering a list of six judges recommended to the President by the Judicial Conference of the United States. Not more than four of the members of the Commission shall be members of the same political party. The Attorney General, or his designee, shall be an ex officio, nonvoting member of the Commission. The Chairman and members of the Commission shall be subject to removal from the Commission by the President only for neglect of duty or

malfeasance in office or for other good cause shown.

"(b) The purposes of the United States Sentencing Commission are to—

"(1) establish sentencing policies and practices for the Federal criminal justice system that—

"(A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

"(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and

"(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and

"(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

"§ 992. Terms of office; compensation

"(a) The voting members of the United States Sentencing Commission shall be appointed for six-year terms, except that the initial terms of the first members of the Commission shall be staggered so that—

"(1) two members, including the chairman, serve terms of six years;

"(2) three members serve terms of four years; and

"(3) two members serve terms of two years.

"(b) No voting member may serve more than two full terms. A voting member appointed to fill a vacancy that occurs before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(c) The Chairman of the Commission shall hold a full-time position and shall be compensated during the term of office at the annual rate at which judges of the United States courts of appeals are compensated. The voting members of the Commission, other than the Chairman, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect pursuant to section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983, and shall be compensated at the annual rate at which judges of the United States courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chairman, shall hold part-time positions and shall be paid at the daily rate at which judges of the United States courts of appeals are compensated. A Federal judge may serve as a member of the Commission without resigning his appointment as a Federal judge.

"§ 993. Powers and duties of Chairman

"The Chairman shall—

"(a) call and preside at meetings of the Commission, which shall be held for at least two weeks in each quarter after the members of the Commission hold part-time positions; and

"(b) direct—

"(1) the preparation of requests for appropriations for the Commission; and

"(2) the use of funds made available to the Commission.

"§ 994. Duties of the Commission

"(a) The Commission, by affirmative vote of at least four members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of this title and title 18, United States Code, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

"(1) guidelines, as described in this section, for use of a sentencing court in determining the sentence to be imposed in a criminal case, including—

"(A) a determination whether to impose a sentence to probation, a fine, or a term of imprisonment;

"(B) a determination as to the appropriate amount of a fine or the appropriate length of a term of probation or a term of imprisonment;

"(C) a determination whether a sentence to a term of imprisonment should include a requirement that the defendant be placed on a term of supervised release after imprisonment, and, if so, the appropriate length of such a term; and

"(D) a determination whether multiple sentences to terms of imprisonment should be ordered to run concurrently or consecutively;

"(2) general policy statements regarding application of the guidelines or any other aspect of sentencing or sentence implementation that in the view of the Commission would further the purposes set forth in section 3553(a)(2) of title 18, United States Code, including the appropriate use of—

"(A) the sanctions set forth in sections 3554, 3555, and 3556 of title 18;

"(B) the conditions of probation and supervised release set forth in sections 3563(b) and 3583(d) of title 18;

"(C) the sentence modification provisions set forth in sections 3563(c), 3573, and 3582(c) of title 18;

"(D) the authority granted under rule 11(e)(2) of the Federal Rules of Criminal Procedure to accept or reject a plea agreement entered into pursuant to rule 11(e)(1); and

"(E) the temporary release provisions set forth in section 3622 of title 18, and the prerelease custody provisions set forth in section 3624(c) of title 18; and

"(3) guidelines or general policy statements regarding the appropriate use of the probation revocation provisions set forth in section 3565 of title 18, and the provisions for modification of the term or conditions of probation or supervised release set forth in sections 3563(c), 3564(d), and 3583(e) of title 18.

"(b) The Commission, in the guidelines promulgated pursuant to subsection (a)(1), shall, for each category of offense involving each category of defendant, establish a sentencing range that is consistent with all pertinent provisions of title 18, United States Code. If a sentence specified by the guidelines includes a term of imprisonment, the maximum of the range established for such a term shall not exceed the minimum of that range by more than 25 per centum.

"(c) The Commission, in establishing categories of offenses for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) the grade of the offense;

"(2) the circumstances under which the offense was committed which mitigate or aggravate the seriousness of the offense;

"(3) the nature and degree of the harm caused by the offense, including whether it involved property, irreplaceable property, a person, a number of persons, or a breach of public trust;

"(4) the community view of the gravity of the offense;

"(5) the public concern generated by the offense;

"(6) the deterrent effect a particular sentence may have on the commission of the offense by others; and

"(7) the current incidence of the offense in the community and in the nation as a whole.

"(d) The Commission in establishing categories of defendants for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, with respect to a defendant, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) age;

"(2) education;

"(3) vocational skills;

"(4) mental and emotional condition to the extent that such condition mitigates the defendant's culpability or to the extent that such condition is otherwise plainly relevant;

"(5) physical condition, including drug dependence;

"(6) previous employment record;

"(7) family ties and responsibilities;

"(8) community ties;

"(9) role in the offense;

"(10) criminal history; and

"(11) degree of dependence upon criminal activity for a livelihood.

The Commission shall assure that the guidelines and policy statements are entirely neutral as to the race, sex, national origin, creed, and socioeconomic status of offenders.

"(e) The Commission shall assure that the guidelines and policy statements, in recommending a term of imprisonment or length of a term of imprisonment, reflect the general inappropriateness of considering the education, vocational skills, employment record, family ties and responsibilities, and community ties of the defendant.

"(f) The Commission, in promulgating guidelines pursuant to subsection (a)(1), shall promote the purposes set forth in section 991(b)(1), with particular attention to the requirements of subsection 991(b)(1)(B) for providing certainty and fairness in sentencing and reducing unwarranted sentence disparities.

"(g) The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code, shall take into account the

nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change or expansion in the nature or capacity of such facilities and services that might become necessary as a result of the guidelines promulgated pursuant to the provisions of this chapter.

"(h) The Commission shall assure that the guidelines will specify a sentence to a term of imprisonment at or near the maximum term authorized by section 3581(b) of title 18, United States Code, for categories of defendants in which the defendant is eighteen years old or older and—

"(1) has been convicted of a felony that is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); and

"(2) has previously been convicted of two or more prior felonies, each of which is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a).

"(i) The Commission shall assure that the guidelines will specify a sentence to a substantial term of imprisonment for categories of defendants in which the defendant—

"(1) has a history of two or more prior Federal, State, or local felony convictions for offenses committed on different occasions;

"(2) committed the offense as part of a pattern of criminal conduct from which he derived a substantial portion of his income;

"(3) committed the offense in furtherance of a conspiracy with three or more persons engaging in a pattern of racketeering activity in which the defendant participated in a managerial or supervisory capacity;

"(4) committed a crime of violence that constitutes a felony while on release pending trial, sentence, or appeal from a Federal, State, or local felony for which he was ultimately convicted; or

"(5) committed a felony that is set forth in section 401 or 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 and 960), and that involved trafficking in a substantial quantity of a controlled substance.

"(j) The Commission shall insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense, and the general appropriateness of imposing a term of imprisonment on a person convicted of a crime of violence that results in serious bodily injury.

"(k) The Commission shall insure that the guidelines reflect the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the defendant or providing the defendant with needed educational or vocational training, medical care, or other correctional treatment.

"(l) The Commission shall insure that the guidelines promulgated pursuant to subsection (a)(1) reflect—

"(1) the appropriateness of imposing an incremental penalty for each offense in a case in which a defendant is convicted of—

"(A) multiple offenses committed in the same course of conduct that result in the exercise of ancillary jurisdiction over one or more of the offenses; and

"(B) multiple offenses committed at different times, including those cases in which the subsequent offense is a violation of section 3150 (penalties for failure to appear) of title 18; and

"(2) the general inappropriateness of imposing consecutive terms of imprisonment for an offense of conspiring to commit an offense or soliciting commission of an offense and for an offense that was the sole object of the conspiracy or solicitation.

"(m) The Commission shall insure that the guidelines reflect the fact that, in many cases, current sentences do not accurately reflect the seriousness of the offense. This will require that, as a starting point in its development of the initial sets of guidelines for particular categories of cases, the Commission ascertain the average sentences imposed in such categories of cases prior to the creation of the Commission, and in cases involving sentences to terms of imprisonment, the length of such terms actually served. The Commission shall not be bound by such average sentences, and shall independently develop a sentencing range that is consistent with the purposes of sentencing described in section 3553(a)(2) of title 18, United States Code.

"(n) The Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section. In fulfilling its duties and in exercising its powers, the Commission shall consult with authorities on, and individual and institutional representatives of, various aspects of the Federal criminal justice system. The United States Probation System, the Bureau of Prisons, the Judicial Conference of the United States, the Criminal Division of the United States Department of Justice, and a representative of the Federal Public Defenders shall submit to the Commission any observations, comments, or questions pertinent to the work of the Commission whenever they believe such communication would be useful, and shall, at least annually, submit to the Commission a written report commenting on the operation of the Commission's guidelines, suggesting changes in the guidelines that appear to be warranted, and otherwise assessing the Commission's work.

"(o) The Commission, at or after the beginning of a regular session of Congress but not later than the first day of May, shall report to the Congress any amendments of the guidelines promulgated pursuant to subsection (a)(1), and a report of the reasons therefor, and the amended guidelines shall take effect one hundred and eighty days after the Commission reports them, except to the extent the effective date is enlarged or the guidelines are disapproved or modified by Act of Congress.

"(p) The Commission and the Bureau of Prisons shall submit to Congress an analysis and recommendations concerning maximum utilization of resources to deal effectively with the Federal prison population. Such report shall be based upon consideration of a variety of alternatives, including—

"(1) modernization of existing facilities;

"(2) inmate classification and periodic review of such classification for use in placing inmates in the least restrictive facility necessary to ensure adequate security; and

"(3) use of existing Federal facilities, such as those currently within military jurisdiction.

"(q) The Commission, within three years of the date of enactment of the Sentencing Reform Act of 1983, and thereafter whenever it finds it advisable, shall recommend to the Congress that it raise or lower the grades, or otherwise modify the maximum penalties, of those offenses for which such an adjustment appears appropriate.

"(r) The Commission shall give due consideration to any petition filed by a defendant requesting modification of the guidelines utilized in the sentencing of such defendant, on the basis of changed circumstances unrelated to the defendant, including changes in—

"(1) the community view of the gravity of the offense;

"(2) the public concern generated by the offense; and

"(3) the deterrent effect particular sentences may have on the commission of the offense by others.

Within one hundred and eighty days of the filing of such petition the Commission shall provide written notice to the defendant whether or not it has approved the petition. If the petition is disapproved the written notice shall contain the reasons for such disapproval. The Commission shall submit to the Congress at least annually an analysis of such written notices.

"(s) The Commission, in promulgating general policy statements regarding the sentencing modification provisions in section 3582(c)(1)(A) of title 18, shall describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples. Rehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason.

"(t) If the Commission reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses, it shall specify by what amount the sentences of prisoners serving terms of imprisonment that are outside the applicable guideline ranges for the offense may be reduced.

"(u) The Commission shall ensure that the general policy statements promulgated pursuant to subsection (a)(2) include a policy limiting consecutive terms of imprisonment for an offense involving a violation of a general prohibition and for an offense involving a violation of a specific prohibition encompassed within the general prohibition.

"(v) The appropriate judge or officer shall submit to the Commission in connection with each sentence imposed a written report of the sentence, the offense for which it is imposed, the age, race, and sex of the offender, information regarding factors made relevant by the guidelines, and such other information as the Commission finds appropriate. The Commission shall submit to Congress at least annually an analysis of these reports and any recommendations for legislation that the Commission concludes is warranted by that analysis.

"(w) The provisions of section 553 of title 5, relating to publication in the Federal Register and public hearing procedure, shall apply to the promulgation of guidelines pursuant to this section.

"§ 995. Powers of the Commission

"(a) The Commission, by vote of a majority of the members present and voting, shall have the power to—

"(1) establish general policies and promulgate such rules and regulations for the Commission as are necessary to carry out the purposes of this chapter;

"(2) appoint and fix the salary and duties of the Staff Director of the Sentencing Commission, who shall serve at the discretion of the Commission and who shall be compensated at a rate not to exceed the highest rate now or hereafter prescribed for grade 18 of the General Schedule pay rates (5 U.S.C. 5332);

"(3) deny, revise, or ratify any request for regular, supplemental, or deficiency appropriations prior to any submission of such request to the Office of Management and Budget by the Chairman;

"(4) procure for the Commission temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code;

"(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(6) without regard to 31 U.S.C. 3324, enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or non-profit organization;

"(7) accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services, notwithstanding the provisions of 31 U.S.C. 1342, however, individuals providing such services shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims;

"(8) request such information, data, and reports from any Federal agency or judicial officer as the Commission may from time to time require and as may be produced consistent with other law;

"(9) monitor the performance of probation officers with regard to sentencing recommendations, including application of the Sentencing Commission guidelines and policy statements;

"(10) issue instructions to probation officers concerning the application of Commission guidelines and policy statements;

"(11) arrange with the head of any other Federal agency for the performance by such agency of any function of the Commission, with or without reimbursement;

"(12) establish a research and development program within the Commission for the purpose of—

"(A) serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on Federal sentencing practices; and

"(B) assisting and serving in a consulting capacity to Federal courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices;

"(13) collect systematically the data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing process;

"(14) publish data concerning the sentencing process;

"(15) collect systematically and disseminate information concerning sentences actually imposed, and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code;

"(16) collect systematically and disseminate information regarding effectiveness of sentences imposed;

"(17) devise and conduct, in various geographical locations, seminars and workshops providing continuing studies for persons engaged in the sentencing field;

"(18) devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process;

"(19) study the feasibility of developing guidelines for the disposition of juvenile delinquents;

"(20) make recommendations to Congress concerning modification or enactment of statutes relating to sentencing, penal, and correctional matters that the Commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing policy;

"(21) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties; and

"(22) perform such other functions as are required to permit Federal courts to meet their responsibilities under section 3553(a) of title 18, United States Code, and to permit others involved in the Federal criminal justice system to meet their related responsibilities.

"(b) The Commission shall have such other powers and duties and shall perform such other functions as may be necessary to carry out the purposes of this chapter, and may delegate to any member or designated person such powers as may be appropriate other than the power to establish general policy statements and guidelines pursuant to section 994(a) (1) and (2), the issuance of general policies and promulgation of rules and regulations pursuant to subsection (a)(1) of this section, and the decisions as to the factors to be considered in establishment of categories of offenses and offenders pursuant to section 994(b). The Commission shall, with respect to its activities under subsections (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the extent practicable, utilize existing resources of the Administrative Office of the United States Courts and the Federal Judicial Center for the purpose of avoiding unnecessary duplication.

"(c) Upon the request of the Commission, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

"(d) A simple majority of the membership then serving shall constitute a quorum for the conduct of business. Other than for the promulgation of guidelines and policy statements pursuant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

"(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it.

"§ 996. Director and staff

"(a) The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to him by the Commission.

"(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, United States Code, except the following chapters: 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), 89 (Health Insurance), and 91 (Conflicts of Interest).

"§ 997. Annual report

"The Commission shall report annually to the Judicial Conference of the United States, the Congress, and the President of the United States on the activities of the Commission.

"§ 998. Definitions

"As used in this chapter—

"(a) 'Commission' means the United States Sentencing Commission;

"(b) 'Commissioner' means a member of the United States Sentencing Commission;

"(c) 'guidelines' means the guidelines promulgated by the Commission pursuant to section 994(a) of this title; and

"(d) 'rules and regulations' means rules and regulations promulgated by the Commission pursuant to section 995 of this title.".

(b) The chapter analysis of part III of title 28, United States Code, is amended by adding after the item relating to chapter 57 the following new item:

"58. United States Sentencing Commission ..... 991".

REPEALERS

SEC. 8. (a) The following provisions of title 18, United States Code, are repealed:

(1) section 1;

(2) section 3012;

(3) sections 4082(a), 4082(b), 4082(c), 4082(e), 4084, and 4085;

(4) chapter 309;

(5) chapter 311;

(6) chapter 314;

(7) sections 4281, 4283, and 4284; and

(8) chapter 402.

Redesignate subsections in section 4082 accordingly.

(b) The item relating to section 1 in the sectional analysis of chapter 1 of title 18, United States Code, is amended to read:

"1. Repealed.".

(c) The item relating to section 3012 in the sectional analysis of chapter 201 of title 18, United States Code, is amended to read:

"3012. Repealed.".

(d) The chapter analysis of Part III of title 18, United States Code, is amended by amending the items relating to—

(1) chapters 309 and 311 to read as follows:

"309. Repealed .....
"311. Repealed ..... "; and

(2) chapter 314 to read as follows:

"314. Repealed ..... ".

(e) The items relating to sections 4084 and 4085 in the sectional analysis of chapter 305 of title 18, United States Code, are amended to read as follows:

"4084. Repealed.
"4085. Repealed.".

(f) The sectional analysis of chapter 315 of title 18, United States Code, is amended by amending the items relating to—

(1) section 4281 to read:

"4281. Repealed."; and

(2) sections 4283 and 4284 to read as follows:

"4283. Repealed.
"4284. Repealed.".

(g) The item relating to chapter 402 in the chapter analysis of Part IV of title 18, United States Code, is amended to read as follows:

"402. Repealed ..... ".

SEC. 9. (a) Sections 404(b) and 409 of the Controlled Substances Act (21 U.S.C. 844(b) and 849) are repealed.

(b) Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by deleting the designation "(a)" at the beginning of the subsection.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 10. The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended as follows:

(a) The second sentence of section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended to read: "An alien who would be excludable because of the conviction of an offense for which the sentence actually imposed did not exceed a term of imprisonment in excess of six months, or who would be excludable as one who admits the commission of an offense for which a sentence not to exceed one year's imprisonment might have been imposed on him, may be granted a visa and admitted to the United States if otherwise admissible: *Provided*, That the alien has committed only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense.".

(b) Section 242(h) (8 U.S.C. 1252(h)) is amended by adding "supervised release," after "parole,".

SEC. 11. Section 4 of the Act of September 28, 1962 (16 U.S.C. 460k-3) is amended by deleting "petty offense (18 U.S.C. 1)" and substituting "misdemeanor".

SEC. 12. Section 9 of the Act of October 8, 1964 (16 U.S.C. 460n-8) is amended—

(a) in the first paragraph, by deleting "commissioner" each place it appears and substituting "magistrate"; and

(b) in the second paragraph, by amending the first sentence to read: "The functions of the magistrate shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18, United States Code.".

SEC. 13. Title 18 of the United States Code is amended as follows:

(a) Section 924(a) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

(b) Section 1161 is amended by deleting "3618" and substituting "3669".

(c) Section 1761(a) is amended by adding ", supervised release," after "parole".

(d) Section 2114 is amended by adding "not more than" after "imprisoned".

(e) Section 3006A is amended—

(1) in subsections (a)(1) and (b), by deleting "misdemeanor (other than a petty offense as defined in section 1 of this title)" each place it appears and substituting "Class A misdemeanor"; and

(2) in subsections (a)(3) and (g), deleting "subject to revocation of parole," each place it appears.

(f) Section 3156(b)(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(g) Section 3172(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(h) Section 3401 is amended—

(1) by repealing subsection (g) and redesignating (h) to (g); and

(2) in subsection (h), by deleting "petty offense case" and substituting "Class B or C misdemeanor case, or infraction case,".

(i) Section 3670 (formerly section 3619) is amended by deleting "3617" and "3618" and substituting "3668" and "3669", respectively.

(j) Section 4004 is amended by deleting "record clerks, and parole officers" and substituting "and record clerks".

(k) Chapter 306 is amended as follows:

(1) Section 4101 is amended—

(A) in subsection (f), by adding ", including a term of supervised release pursuant to section 3583" after "supervision"; and

(B) in subsection (g), by deleting "to a penalty of imprisonment the execution of which is suspended and" and substituting "under which", and by deleting "the suspended" and substituting "a".

(2) Section 4105(c) is amended—

(A) in paragraph (1), by deleting "for good time" the second place it appears and substituting "toward service of sentence for satisfactory behavior";

(B) in paragraphs (1) and (2), by deleting "section 4161" and substituting "section 3624(b)";

(C) in paragraph (1), by deleting "section 4164" and substituting "section 3624(a)";

(D) by repealing paragraph (3); and

(E) by amending paragraph (4) to read as follows:

"(3) Credit toward service of sentence may be withheld as provided in section 3624(b) of this title."; and

(F) by redesignating paragraphs accordingly.

(3) Section 4106 is amended—

(A) in subsection (a), by deleting "Parole Commission" and substituting "Probation System";

(B) by amending subsection (b) to read as follows:

"(b) An offender transferred to the United States to serve a sentence of imprisonment shall be released pursuant to section 3624(a) of this title after serving the period of time specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1). He shall be released to serve a term of supervised release for any term specified in the applicable guideline. The provisions of section 3742 of this title apply to a sentence to a term of imprisonment under this subsection, and the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States has jurisdiction to review the period of imprisonment as though it had been imposed by the United States district court."; and

(C) by repealing subsection (c).

(4) Section 4108(a) is amended by adding ", including any term of imprisonment or term of supervised release specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1)," after "consequences thereof".

(l) Section 4321 is amended by deleting "parole or".

(m) Section 4351(b) is amended by deleting "Parole Board" and substituting "Sentencing Commission".

(n) Section 5002 is amended by deleting "Board of Parole, the Chairman of the Youth Division," and substituting "United States Sentencing Commission,".

SEC. 14. The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended as follows:

(a) Section 401 (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A), by deleting the last sentence;

(2) in subsection (b)(1)(B), by deleting the last sentence;

(3) in subsection (b)(2), by deleting the last sentence;

(4) in subsection (b)(4), by deleting "subsections (a) and (b) of", and by adding "and section 3607 of title 18, United States Code" after "404";

(5) in subsection (b)(5), by deleting the last sentence; and

(6) by repealing subsection (c).

(b) Section 405 (21 U.S.C. 845) is amended—

(1) in subsection (a), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule"; and

(2) in subsection (b), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving the same controlled substance and schedule".

(c) Section 408(c) (21 U.S.C. 848(c)) is amended by deleting "and section 4202 of title 18 of the United States Code".

SEC. 15. The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended as follows:

(a) Section 1010 (21 U.S.C. 960) is amended—

(1) in subsection (b)(1), by deleting the last sentence;

(2) in subsection (b)(2), by deleting the last sentence; and

(3) by repealing subsection (c).

(b) Section 1012(a) (21 U.S.C. 962(a)) is amended by deleting the last sentence.

SEC. 16. Section 114(b) of title 23, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 17. Section 5871 of the Internal Revenue Code of 1954 (26 U.S.C. 5871) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

SEC. 18. Title 28 of the United States Code is amended as follows:

(a) Section 509 is amended—

(1) by adding "and" after paragraph (2) and, in paragraph (3), by deleting "; and" and substituting a period; and

(2) by repealing paragraph (4).

(b) Section 591(a) is amended by deleting "petty offense" and substituting "Class B or C misdemeanor or an infraction".

(c) Section 2901 is amended—

(1) in subsection (e), by deleting "section 1" and substituting "section 3581"; and

(2) in subsection (g)(3), by adding ", supervised release," after "parole", and by adding "supervised release," after "parole,".

SEC. 19. Section 504(a) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)) and section 411(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)) are amended—

(a) by deleting "the Board of Parole of the United States Department of Justice" and substituting "if the offense is a Federal offense, the sentencing judge or, if the offense is a State or local offense, on motion of the United States Department of Justice, the district court of the United States for the district in which the offense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

(c) by deleting "Board" and "Board's" and substituting "court" and "court's", respectively; and

(d) by deleting "an administrative" and substituting "a".

SEC. 20. Section 411 (c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(c)(3)) is amended by adding "or supervised release" after "parole".

SEC. 21. Section 425(b) of the Job Training and Partnership Act, is amended by deleting "or parole" the first place it appears and substituting ", parole, or supervised release".

SEC. 22. The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(a) Section 341(a) (42 U.S.C. 257(a)) is amended by deleting "or convicted of offenses against the United States and sentenced to treatment" and "addicts who are committed to the custody of the Attorney General pursuant to provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code),".

(b) Section 343(d) (42 U.S.C. 259(d)) is amended by adding "or supervised release" after "parole".

SEC. 22A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

SEC. 23. Section 11507 of title 49, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 24. Section 10(b)(7) of the Military Selective Service Act (50 U.S.C. App. 460(b)(7)) is amended by deleting "parole" and substituting "release".

EFFECTIVE DATE

SEC. 25. (a)(1) This Act shall take effect on the first day of the first calendar month beginning twenty-four months after the date of enactment, except that—

(A) the repeal of chapter 402 of title 18, United States Code, shall take effect on the date of enactment;

(B)(i) chapter 58 of title 28, United States Code, shall take effect on the date of enactment of this Act or October 1, 1983, whichever occurs later, and the United States Sentencing Commission shall submit the initial sentencing guidelines promulgated to section 994(a)(1) of title 28 to the Congress within eighteen months of the effective date of the chapter; and

(ii) the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, shall not go into effect until the day after—

(a) the United States Sentencing Commission has submitted the initial set of sentencing guidelines to the Congress pursuant to subparagraph (B)(i), along with a report stating the reasons for the Commission's recommendations;

(b) the General Accounting Office has undertaken a study of the guidelines, and their potential impact in comparison with the operation of the existing sentencing and parole release system, and has, within 150 days of submission of the guidelines, reported to the Congress the results of its study; and

(c) the Congress has had six months after the date described in subclause (a) in which to examine the guidelines and consider the reports; and

(d) the provisions of sections 27 and 28 shall take effect on the date of enactment.

(2) For the purposes of section 992(a) of title 28, the terms of the first members of the United States Sentencing Commission shall not begin to run until the sentencing guidelines go into effect pursuant to paragraph (1)(B)(ii).

(b)(1) The following provisions of law in effect on the day before the effective date of this Act shall remain in effect for five years after the effective date as to an individual convicted of an offense or adjudicated to be a juvenile delinquent before the effective date and as to a term of imprisonment during the period described in subsection (a)(1)(B):

(A) Chapter 311 of title 18, United States Code.

(B) Chapter 309 of title 18, United States Code.

(C) Sections 4251 through 4255 of title 18, United States Code.

(D) Sections 5041 and 5042 of title 18, United States Code.

(E) Sections 5017 through 5020 of title 18, United States Code, as to a sentence imposed before the date of enactment.

(F) The maximum term of imprisonment in effect on the effective date for an offense committed before the effective date.

(G) Any other law relating to a violation of a condition of release or to arrest authority with regard to a person who violates a condition of release.

(2) Notwithstanding the provisions of section 4202 of title 18, United States Code, as in effect on the day before the effective date of this Act, the term of office of a Commissioner who is in office on the effective date is extended to the end of the five-year period after the effective date of this Act.

(3) The United States Parole Commission shall set a release date, for an individual who will be in its jurisdiction the day before the expiration of five years after the effective date of this Act, that is within the range that applies to the prisoner under the applicable parole guideline. A release date set pursuant to this paragraph shall be set early enough to permit consideration of an appeal of the release date, in accordance with Parole Commission procedures, before the expiration of five years following the effective date of this Act.

(4) Notwithstanding the other provisions of this subsection, all laws in effect on the day before the effective date of this Act pertaining to an individual who is—

(A) released pursuant to a provision listed in paragraph (1); and

(B)(i) subject to supervision on the day before the expiration of the five-year period following the effective date of this Act; or

(ii) released on a date set pursuant to paragraph (3);

including laws pertaining to terms and conditions of release, revocation of release, provision of counsel, and payment of transportation costs, shall remain in effect as to the individual until the expiration of his sentence, except that the district court shall determine, in accord with the Federal Rules of Criminal Procedure, whether release should be revoked or the conditions of release amended for violation of a condition of release.

(5) Notwithstanding the provisions of section 991 of title 28, United States Code, and sections 4351 and 5002 of title 18, United States Code, the Chairman of the United States Parole Commission or his designee shall be a member of the National Institute of Corrections, and the Chairman of the United States Parole Commission shall be a member of the Advisory Corrections Council and a nonvoting member of the United States Sentencing Commission, ex officio, until the expiration of the five-year period following the effective date of this Act. Notwithstanding the provisions of section 4351 of title 18, during the five-year period the National Institute of Corrections shall have seventeen members, including seven ex officio members. Notwithstanding the provisions of section 991 of title 28, during the five-year period the United States Sentencing Commission shall consist of nine members, including two ex officio, nonvoting members.

SEC. 26. (a)(1) Four years after the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, go into effect, the General Accounting Office shall undertake a study of the guidelines in order to determine their impact and compare the guidelines system with the operation of the previous sentencing and parole release system, and, within six months of the undertaking of such study, report to the Congress the results of its study.

(2) Within one month of the start of the study required under subsection (a), the United States Sentencing Commission shall submit a report to the General Accounting Office, all appropriate courts, the Department of Justice, and the Congress detailing the operation of the sentencing guideline system and discussing any problems with the system or reforms needed. The report shall include an evaluation of the impact of the sentencing guidelines on prosecutorial discretion, plea bargaining, disparities in sentencing, and the use of incarceration, and shall be issued by affirmative vote of a majority of the voting members of the Commission.

(b) The Congress shall review the study submitted pursuant to subsection (a) in order to determine—

(1) whether the sentencing guideline system has been effective;

(2) whether any changes should be made in the sentencing guideline system; and

(3) whether the parole system should be reinstated in some form and the life of the Parole Commission extended.

SEC. 27. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within 120 days, notify the person by certified mail of his obligation, within 30 days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within 180 days after the effective date of this Act, declare all fines for which this obligation is unfilfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney Gen-

eral shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 28. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for delinquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fines shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under the applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) A requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within 30 days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attoney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installation schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within thirteen working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine'.

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State of local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323 (f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323 (f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS. INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3598. Statute of limitations

"(a) LIABILITY TO PAY A FINE EXPIRES.—

"(1) twenty years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within 30 days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed."

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning twenty four months after the date of enactment of this Act.

SEC. 29. Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since sentencing decisions should be designed to insure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of nonviolent and nonserious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, Federal sentencing practice should insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, Federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay on the table the distinguished majority leader's motion.

The motion to lay on the table was agreed to.

Mr. BAKER. Strange as it may seem, I thank the minority leader.

Mr. President, I once again commend the managers of the bill.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business to extend not past the hour of 6 p.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTURE OF DEPUTY ATTORNEY GENERAL SCHMULTS

Mr. THURMOND. Mr. President, as chairman of the Senate Judiciary Committee, it is with considerable regret that I note the imminent departure of Edward C. Schmults from the position of Deputy Attorney General of the United States.

During his tenure at the Department, Ed Schmults has been of invaluable assistance to the Attorney General in connection with a wide variety of major initiatives. Foremost among these is the substantial increase in law enforcement efforts against organized crime and drug trafficking. While law enforcement resources have substantially increased during the last 3 fiscal years, resource increases have been accompanied by imaginative management improvements, such as the Law Enforcement Coordinating Committees and the task force approach. These changes have greatly increased the value that the American taxpayer receives for each dollar in the Justice Department budget.

Mr. President, in addition to the initiatives which Ed Schmults has most ably facilitated, one of his major accomplishments has been his effective liaison with the Congress. He has met with the leadership of the House and Senate Judiciary Committees on a regular basis to keep us advised and to receive our views on various matters. He has consistently impressed us with his integrity, competence and cooperative spirit. He will be greatly missed.

Mr. President, on behalf of my colleagues, I commend Ed Schmults on his many accomplishments as Deputy Attorney General and wish him continued success as he reenters the private sector.

THE ARMY'S FISCAL 1985 BUDGET REQUEST—TOO LITTLE AND SACRIFICED BY THE ADMINISTRATION TO BUY STRATEGIC NUCLEAR WEAPONS

Mr. LEVIN. Mr. President, at yesterday's hearing before our Armed Services Committee, I told the Secretary of Defense that the $305 billion budget he is requesting for fiscal 1985 represented the wrong defense spending priorities for our Nation—too much money for unnecessary strategic nuclear weapons and too little for long overdue improvements to our conventional forces, especially in the combat readiness accounts.

The Army's fiscal year 1985 budget we heard about today is an example of these backward and militarily unjustified priorities. Plainly put, it is too small to permit the Army to accomplish its critical national defense missions, and it has been kept that way to fund the wasteful strategic nuclear programs.

No doubt, some will defend this Army budget as sufficient to meet our true security needs by stating it represents about 10-percent growth since fiscal year 1984 after excluding inflation effects. They will imply this means the administration is addressing adequately our conventional forces deficiencies.

But upon what is this 10 percent real growth founded? On the lowest budget base of all three major services. And of all the services, which one needs the most improvement and modernization to counter the Soviet threat? The unglamorous, unmodernized and usually neglected Army.

During the 1970's, the alleged decade of neglect in defense spending, the only service which truly was starved for budget resources was the Army. As the Air Force modernized its forces with a new generation of aircraft—F-15's, F-16's, and A-10's—and the Navy built new ships and aircraft, the F-14's and A-6's, the Army averaged a real decline in its budgets of 5 percent each year.

For the past 16 years, fiscal years 1970-85, the Army has had the lowest real growth, if any, more often than any other service—almost three times more often than the Navy and more than twice as often as the Air Force—Army, 9 years; Navy, 3 years; and Air Force, 4 years. In 14 of the last 16 years, the Army has actually received the lowest or second lowest real growth rate.

The upshot of all this is that while the Navy and the Air Force can point to many areas in which they are qualitatively or quantitatively superior to their Soviet counterparts, the Army enjoys few such advantages at the present time.

This sorry record leads to the inescapable conclusion that our defense programs, especially in recent years, have been terribly out of balance in terms of meeting our security needs.

It means we have underfunded the Army for far too long, despite the fact that we rely on the Army as our first line of defense in NATO Europe, South Korea, Central America, and even Southwest Asia, where Army units are an important part of the rapid deployment force.

Given all this, one would expect that our defense priorities would give the Army the highest real growth in our defense budgets each year, not the lowest. Yet the fiscal year 1985 budget now before us simply perpetuates the unwise trends of the past: the Army is dead last, again, in real growth. Its 10 percent is far less impressive when compared with the Air Force's about 18 percent real growth and the Navy's 15 percent in fiscal year 1985.

When specific programs in the budget are examined, the picture becomes even gloomier.

In fiscal year 1935, the Air Force is expected to spend $8.2 billion for the B-1B bomber and $5 billion for the MX missile. Those numbers will be even larger in fiscal year 1986 in each program. The President's star wars missile defense system will cost a relatively small amount of dollars in fiscal year 1985, but in the next few years its price is expected to skyrocket to a total of about $24 billion.

While the Air Force is getting billions for nuclear weapons, the Army's fiscal year 1985 budget requests for M-1 tanks and improved 155-millimeter, self-propelled howitzers actually are well below the production levels approved in fiscal year 1984 by Congress—M-1: fiscal year 1984/840 tanks; fiscal year 1985/720 requested; M109A2 howitzer: fiscal year 1984/120; fiscal year 1985/70 requested.

The administration's request now for new Bradley fighting vehicles actually is well below the number it said in last year's defense budget it would procure in fiscal year 1985: fiscal year 1984 projection for fiscal year 1985—830; actual fiscal year 1985 request—710.

Whenever the administration sells its unbalanced defense budget, it flashes charts showing that the Soviets outproduce us by wide margins in many weapons categories. Usually those comparisons are distorted, because allies on both sides are excluded. Tanks, other armored vehicles and artillery, mortars and rocket launchers always are displayed.

Unfortunately, even when you include the allies on both sides, the Warsaw Pact still outproduced NATO by significant margins in these Army weapons between 1974-83. Yet, as I mentioned, the administration's response to this real imbalance has been to reduce the production plans for these programs, thus making the imbalances worse.

If we bought two less B-1 bombers in fiscal year 1985, we probably could restore the production plans in all three of these high priority Army modernization programs.

Now let us look at the rest of the Army's budget as outlined in the joint posture statement submitted by Secretary Marsh and the Chief of Staff, General Wickham. It is replete with references to the Army's combat readiness shortfalls:

Shortfalls in ability to mobilize enough skilled manpower;

Reserve Components that fail desired readiness standards, especially in the combat service support forces;

Critically low war reserve stocks to replace expected combat losses especially ammunition;

Insufficient chemical warfare decontamination equipment;

Shortages of experience NCOs in the combat and intelligence troops;

Serious shortfalls in the Logistics-Over-The Shore equipment delivery capabilities so important to our Rapid Deployment Forces;

A depot maintenance backlog, even though this Administration pledged two years ago to reduce such backlogs to zero at that time;

Major shortages for supporting systems and equipment, including, battlefield recovery, ammunition handling and distribution, and petroleum distribution;

Other known Army readiness shortfalls are: not even enough individual clothing and equipment to outfit the required number of recruits upon mobilization; and probably not enough money in the FY 85-89 defense program to buy enough;

A $1.6 Billion backlog in facilities maintenance and repair, with no reduction to manageable levels until end FY 89;

Possible reduction in ammo procurement rates in FY 85, despite ammunition shortfalls;

Major shortages in Reserve/National Guard equipment, even at end of FY 85-89 program;

A shortage of more than 50,000 tactical vehicles, even after FY 85-89 program;

A $1.25 Billion set of deficiencies in laidaway ammo production base facilities and equipment, according to GAO, with only about $150 million in the Army's FY 86-90 plans to begin addressing it.

This list does not even address the Army's continued modernization needs in such areas as attack helicopters, communications equipment and new howitzers.

That such a list exists is an indictment of both past administrations and the present one when it comes to the Army. At a time when it is spending tens of billions on the B-1B and the MX missile, to say nothing of plans for star wars defenses, this administration's neglect of these important readiness needs is particularly troubling.

I did not ask the Army witnesses today to criticize the budgets of the other services, but I do hope they share my concerns that all this spending on strategic weapons will further threaten the Army's ability to buy the conventional weapons it needs and to support the forces it needs to accomplish its missions.

As this election approaches, more and more people talk about the "peace issue" and the need for arms control to reduce the risks of nuclear war. The President takes to the airwaves to convince the world he is as wary of nuclear war as the rest of us.

One of the best deterrents to nuclear war, as NATO Commander Gen. Bernard Rogers has said, is to have strong conventional forces. We should be investing more in our ground forces who will be the first to brunt any Soviet attack and thus lower the need for us to resort to nuclear weapons. We should be spending less on "pie-in-the sky" missile defenses, nuclear/bombers which will not penetrate long enough or nuclear/missiles which will be vulnerable once they are fully deployed.

As our committee continues its budget deliberations, I hope it will keep uppermost in mind these conventional shortfalls and recognize they are the inevitable legacy of both past neglect and the present administration's unbalanced defense priorities.

I hope Congress will be able to set right these priorities this year.

S. 2219—REMOVAL OF REQUIREMENTS FOR FILING INFORMATIONAL TAX RETURNS

Mr. PRYOR. Mr. President, on January 26, 1984, the Senator from Oklahoma (Mr. BOREN) introduced S. 2219, a bill removing the requirements for filing informational tax returns when services are rendered of $600 or more per year. I believe this is a much-needed change, and one which will receive the strong support of small businesses in this country, and I have added my name as a cosponsor of the bill.

Mr. President, this new reporting requirement, which was contained in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), is one which is going to place an unreasonable amount of paperwork on many small businesses, and I seriously question whether or not any significant amount of revenue will be raised. I voted against TEFRA when it was before the Senate, and one of the reasons I did was because many of the provisions, while increasing tax compliance, also brought about new forms and requirements that many individuals and businesses will have a great deal of difficulty understanding.

The specific reporting requirement which S. 2219 seeks to repeal requires payors of more than $600 to file informational returns with the Internal Revenue Service setting forth the amount of the payment, the person who received the payment, and their name and address. An additional requirement is that the payor must give notice to the other party by January 31 of the following year, the name, address, taxpayer identification number, and amount of the payment.

Mr. President, in TEFRA the penalties for failure to file an informational return were also increased from $10 to $50 per failure to report, and the maximum penalty is now $50,000.

Mr. President, although I voted against TEFRA, my reason for seeking the repeal of this reporting requirement is simple. It will put additional requirements on paperwork on already strapped small businesses, and force some of them to hire more people just to fill out forms. Although everybody wants to improve tax compliance, I think we have to be very careful before passing legislation which imposes additional costs on individuals and businesses. In some cases, like this one, I do not think the added record-keeping is worth the additional burdens placed on the businessman. Therefore, I think we should repeal this provision.

I urge my colleagues to support this effort, and I hope the Senate will have the opportunity to act on this issue in the near future.

AARP HEALTH AND LONG-TERM CARE POLICY STATEMENT

Mr. PRYOR. Mr. President, the high cost of health care is of major concern to all Americans today.

During 1983, the Congress was successful in enacting a new, prospective payment system for hospital reimbursement under the medicare program. This change has been heralded as the most revolutionary health care change since the beginnings of medicare and medicaid in the mid-1960's, and will certainly be only the first step of many the Federal Government will take over the next few years to help control health care costs. It is heartening to note that private health insurers, employers, and employee groups, as well as others, are beginning to focus their attentions on health care cost containment strategies as well. Health care in the 1990's and beyond will bear little resemblance to that which we know today.

The American Association of Retired Persons has made exemplary efforts toward raising issues relative to the improvement of our health care systems and to bring the mounting costs of health care under control. Recently the AARP Legislative Council developed a comprehensive health and long-term-care policy statement. This statement is not only timely, but also deserves the close attention of the Congress.

Mr. President, I ask unanimous consent that the AARP health and long-term-care policy statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH POLICY

THE HEALTH INDUSTRY

The health care industry is one of the nation's largest economic sectors. In 1981, health spending totalled $287 billion, 15.1 percent above 1980 levels; in 1982, the total was $322 billion, 12.5 percent above the 1981 level. Health care services are taking an increasing share of the nation's total resources—rising from 6.7 percent of GNP in 1967 to 9.8 percent in 1981 and to 10.5 percent in 1982. Federal health care expenditures, if left unchecked, will continue to escalate from $71 billion in FY 1981, to over

$110 billion in FY 1984—more than 15 percent of all federal expenditures.

Over the years, government subsidies have encouraged growth in both demand for health care services and in the supply of health care providers. On the demand side, the growth of the third-party payment system has been promoted by the tax laws as well as by the creation of the Medicare and Medicaid programs.

On the supply side, hospital expansion was stimulated by, among other things, the Hill-Burton program and the tax exempt status of hospital construction bonds. In addition, the supply of health professionals has been stimulated by billions of dollars in federal spending for health education and training.

Ironically, government subsidies to increase the supply of medical facilities, services and personnel were expected to moderate growth in health care costs. Policymakers failed to recognize, however, that physician fee-for-service and hospital and other institution cost-plus reimbursement arrangements—both by third-party payors—are the most lucrative payment methods imaginable and are inherently inflationary. The system rewards providers with more and more income for giving more and more care (whether or not it is necessary and beneficial) and for acquiring more and more means for delivering that care.

Morever, because of the focus of third-party reimbursement on hospitals, physicians tend to utilize hospitals—the most expensive component of the medical care system and hospitals tend to expand, encouraging even more utilization.

Expenditures for hospital care have been increasing at double-digit rates for many years. The rate of increase in hospital expenditures in 1981 was 19.3 percent. Hospital expenditures were the largest component (over 41 percent) and the fastest growing component of total health spending, accounting for 4 percent of the gross national product (GNP) in 1981. If greater resources are to be allocated to more health-effective and cost-effective measures and less to purely medical care, the heatlh care industry must be restructured away from costly in-patient care delivered in the hospital setting.

MEDICARE

The most important health care program serving the elderly is Medicare. Because of the structure and economics of the health care system, medical costs in general and hospital costs in particular have been driving up the costs of Medicare. Medicare expenditures were $43.5 billion in 1981, up 21.5 percent since 1980. Hospital care accounted for 74 percent of these expenditures. Medicare's payments to hospitals was 18.8 percent in 1982. Considering the uncontrolled increases in hospital costs in recent years, it is no wonder Medicare costs are escalating so rapidly. The Health Care Financing Administration (HCFA) which administers Medicare estimates that the Hospital Insurance Trust Fund (Medicare Part A) will be exhausted some time in 1990.

Unless fundamental changes in the system are made, cost escalation problems will overwhelm Medicare causing a disintegration of the program's protections and a major disruption in the availability of health care for the elderly and disabled. The longer the delay in addressing the underlying causes of Medicare's financial problems, the more drastic will be the solutions.

Although costs of the Medicare program have continued to escalate, Medicare's per capita share of the elderly's health care bill, estimated to be between 38-44 percent, has been effectively static over time. Today the elderly pay 43 percent of their annual health bill out-of-pocket. One reason for this situation is that only about half of the physicians participating in Medicare Part B (Supplementary Medicare Insurance) are willing to accept "assignment" (i.e., accept as payment in full whatever Medicare determines to be the allowable charge for the service provided). As a result, despite Medicare, the elderly pay 60 percent of all their total doctor bills out-of-pocket.

Anxious to reduce the rate of increase in program costs, Congress has enacted several changes that are expected to reduce Medicare expenditures by an estimated $25-30 billion through fiscal year 1986. Rising costs could prompt more reductions in the near future. However, merely reducing Medicare expenditures through the introduction of either higher premiums and deductibles or changes in reimbursement methods limited to Medicare alone cannot solve the fundamental problems contributing to Medicare's cost escalation nor contribute to a more efficient, less wasteful and more accessible health care delivery system. The most important step in moderating the growth of Medicare expenditures is to control the underlying problem of rising health care costs in general and escalating hospital costs in particular.

MEDICAID

Deep expenditure reductions in Medicare have been compounded by $2.7 billion in Medicaid expenditure reductions through FY 1985. Medicaid is important to the elderly because it finances almost half of long-term, non-acute institutional care. Medicare covers less than 3% of total nursing home costs. Under the Medicaid program, the elderly are forced to rely on their own resources until those are depleted ("spent down") to the point where they become eligible for Medicaid assistance for nursing home care. Given the rapid rate of growth in Medicaid expenditures and the budgetary problems facing the States, it is likely that Medicaid will continue to be a target for further spending reductions.

SHORT-TERM COST CONTAINMENT STRATEGY

Incremental regulatory efforts to restrain the rate of increase in health care costs have generally been overwhelmed by the powerful economic incentives contributing to the growth of health care spending. The Association believes that a better coordinated and more broadly based national cost containment strategy must be pursued. This should have four basic objectives: First, the economic incentives that are causing excessive expansion of conventional medical facilities, particularly hospitals, should be removed. Second, the rate of increase in hospital expenditures and physician fees should be capped across-the-board (that is, for all types of reimbursement, not just public reimbursement, such as under Medicare) to "free-up" resources for other, more health-effective uses. Third, health care service delivery should be restructured away from acute-care institutional settings to make available more needed but less costly services (e.g., home health services). Fourth, government regulatory programs with the potential to yield significant savings should be promoted along with effective measures to develop competition in the health care industry.

Six states (Massachusetts, Connecticut, New York, New Jersey, Maryland and Washington) have had some measure of success in limiting hospital cost escalation by utilizing mandatory prospective budgeting and/or rate review programs. The Association therefore continues to urge the enactment of federal legislation that establishes minimum standards for the creation and operation of mandatory hospital prospective budgeting and rate review programs at the state level and provides strong financial incentives for the states to act in accordance with those standards.

New initiatives

PROSPECTIVE REIMBURSEMENT

Congress has enacted a prospective payment plan to govern and control Medicare's payments to hospitals. The Association believes that prospective payment can help dampen the rate of increase in hospital costs because: 1. hospitals would be motivated to anticipate and justify future expenditures; 2. hospitals would have the incentive to identify and monitor the cost implications of the quantity, quality and scope of their services; and 3. hospitals would be motivated to keep their actual costs below their reimbursement rates to avoid losses and achieve surpluses.

Unless a prospective payment system applies to all third-party payors however—not just to the public programs, like Medicare and Medicaid—it will not be able to control total health care spending. Hospitals will merely shift unrecovered costs on to private third-party payors.

Under the new prospective payment plan, patients will be grouped according to major diagnostic categories. A hospital will be paid on a per case basis with the amount of payment based on rates calculated for each diagnostic related group (DRG). If a hospital spends more than its DRG rate for a specific diagnosis, it loses money. If it is able to treat the patient for less, the hospital keeps the savings.

The Association supports the continued development of the DRG system because it offers reasonable prospects for achieving a significant degree of cost containment. However, it is essential that states, within certain guidelines, have the flexibility to implement the prospective payment system as they see fit, as long as the savings projected are equal to or greater than the savings under the overall federal plan.

To be successful, the prospective payment system must have a strong utilization review component, otherwise health care providers will manipulate the system to increase their revenue, as for example, by increasing the volume of admissions.

VOUCHERS

Another proposal advanced as a means for controlling costs is the Medicare "voucher" concept. Under a voucher system Medicare beneficiaries would be given a fixed sum or credit with which to purchase a health insurance package in the private insurance marketplace. The intention of such a system is to restrain costs by fostering competition among health insurers and to provide the Medicare beneficiary greater flexibility in choosing a plan that best suits his/her needs. Voucher systems also attempt to make individual insured beneficiaries more cost conscious by requiring them to assume a greater portion of costs out-of-pocket.

Perhaps the most difficult task in developing any Medicare voucher system is establishing a realistic voucher amount. The Association believes that the health status of the individual is one factor that must be

taken into account so that participants would obtain benefit coverage that is related to their actual need. However, taking the individual's health status into account in establishing the amount of the health plan premium charged the beneficiary by the insurer should not be allowed. Otherwise, those elderly who have the greatest need for health care services would end up having to pay the highest premiums.

The key to the success of any voucher proposal is informed consumer choice among competing qualified plans. Unfortunately, because of continued provider insistence upon confidentiality and privacy, health care consumers continue to lack necessary comparative cost, quality and performance information upon which to base vital health care decisions. It is essential, therefore, that any Medicare voucher plan contain provisions requiring extensive and specific disclosure with respect to the terms and conditions of coverage provided by participating qualified plans; also essential is ready access to comparative cost, quality and performance information.

BENEFICIARY COST SHARING

Proposals to shift a greater share of Medicare costs onto beneficiaries fall generally into one of two categories. First, there are proposals that would make eligibility for benefits contingent upon a showing of financial need or would vary the amount of cost sharing required (i.e., through deductibles, coinsurance, premiums, etc.) in accordance with income. The second category consists of proposals that would increase cost sharing across-the-board.

Neither of these groups of proposals would do anything to stem the rate of increase in health care costs in general or hospital costs in particular. Although such proposals may reduce the rate of growth in Medicare expenditures in the short term, they would do so at the expense of program beneficiaries, increasing numbers of whom would find themselves unable to afford to enter a hospital or see a physician.

NURSING HOME DEREGULATION

To reduce long-term care expenditures under the Medicaid program the Administration has embarked upon a course of deregulating the nursing home industry. A new set of Survey and Certification Regulations was proposed as a first step in the process. However, Congress passed legislation temporarily blocking implementation of the new regulations. The Association opposes the proposed changes on the grounds that they will undermine the quality of nursing home care and believes they should be replaced by regulations that focus on the actual quality of services received by nursing home patients.

FAMILY SUPPLEMENTATION

The Administration, as part of its FY 1983 budget recommendations, proposed that states be allowed to force the families of Medicaid beneficiaries who are in nursing homes to pay a part of nursing home costs; Congress rejected this idea. HCFA, however, is attempting to reinterpret current law in a manner that will allow states to require adult children to contribute to the cost of nursing home care of a parent receiving Medicaid benefits. The Association firmly believes that HCFA is wrong in its reinterpretation of current law which clearly forbids such "family responsibility" assessments.

Moreover, "family supplementation" or "family responsibility" is wrong as a matter of public policy. Inherent in such a policy would be difficult questions of definition, equity and due process of law—questions which could be resolved only in the most blatantly arbitrary manner.

Since the elderly are major consumers of prescription drugs, they have a major interest in legislation affecting drugs and especially drug prices. Drug manufacturers are supporting legislation to extend the term of patent protection for prescription drugs. They claim such protection is necessary to generate the money to support drug research and development. AARP is opposed to this legislation: First, extending the term of patent protection on prescription drugs, however, would sharply increase the price of patent-protected drugs and delay the introduction of low-cost generic drug substitutes. Second, recent Food and Drug Administration (FDA) changes speed up new drug approval procedures. Third, recent legislation providing tax credits and new subsidies for drug research and innovation provide drug manufactuers with sufficient additional incentive for research and development activity.

The prospect that the drug industry may be allowed to advertise prescription products directly to consumers is another cause for concern. First, consumers may be exposed to misleading information. Second, the cost of advertising could increase drug prices. Third, advertising "brand name" prescription drugs, may cause patents to ask for them by name instead of chemically-equivalent, less expensive generic drugs.

A RESTRUCTURED HEALTH CARE SYSTEM: THE CHALLENGE FOR THE FUTURE

Over the years the Association has supported the development of a comprehensive and coordinated national health care system that would result in more cost-effective delivery of care and the availability of adequate health care for all Americans without regard to ability to pay. Given the firmly entrenched health industry structure, however, and the present budgetary climate of limited resources and fiscal austerity, the achievement of such a comprehensive and coordinated health care system, must remain a long range goal to be achieved in incremental steps.

In addition, in response to demographic trends toward an aging population, an explicit strategy for the delivery of geriatric medical care and health services to the elderly should be adopted. Certainly, health manpower monies should be appropriated for the establishment and operation of educational programs in geriatrics at medical schools and other centers of professional health activities.

In the process of restructuring the health care delivery and financing system, the large and growing out-of-pocket costs the elderly incur for their health care services should be reduced. Although the Association approaches the issue of mandatory Part B assignment with caution, merging Part A and Part B services—and in the process requiring physicians to accept assignment for the services they render to inpatients—seems to offer both financial and administrative advantages. An effective cost containment program along with a substantial reduction in provider fraud and abuse could help pay for the extension of Medicare benefits to include some of the non-covered items and services that account for significant shares of the elderly's out-of-pocket costs, such as outpatient prescription drugs, routine physical exams, eye and hearing care, dental care, and custodial nursing home care. Going further, a Medicare Part C program covering such items and services could be enacted with the cost financed from a monthly premium similar to the Part B premium, federal general revenues or perhaps earmarked excise taxes. Finally, as a component of a restructured health care system, comprehensive mental/physical geriatric assessment units and expanded community-based services should be established to increase access to services. These would also prevent needless institutionalization and facilitate appropriate placement of the mentally infirm.

Failure to contain costs by reforming the way in which health care services are delivered and paid for will condemn the Medicare program to insolvency before the end of this decade. The challenge is to guide the restructuring of the health care system to deemphasize its acute-care, institutionalization bias so that the commitment to accessible, affordable health care for the elderly and disabled is maintained and expanded in areas where needs are not currently being met.

Long-term care

From the elderly's point of view, the lack of a long-term care system that encompasses medical, social and personal care services provided in a variety of community, home-based and institutional settings is the greatest deficiency in the present health care system. Today, 11 percent of the population is age 65 or older; by the year 2015, over 18 percent of the population will be age 65 or older. Moreover, among the elderly, the subgroup of persons age 75 and older is growing most rapidly. These trends are important because the incidence of chronic disease and impairment and the utilization of medical services tends to increase with age, and increase dramatically after age 75.

These factors point to the need for the development and implementation of a long-term care program that would provide not just institutional care, but a complete continum of services, including home-based and community based services. It is generally understood that the eldely are better served when they are helped in maintaining their independence in their homes and communities as long as possible. Yet thorough analysis of existing Federal programs for the delivery of health care and social services (i.e. Medicare, Medicaid, and social services under Title XX of the Social Security Act and Title III of the Older Americans Act) reveals an obvious bias in favor of acute care—not chronic care—and institutional long-term care—not long-term services in the home or community. Furthermore, when it comes to in-home services, community services, special living arrangements, nursing home care and other forms of long-term care at the state or local level, there has been no serious, comprehensive effort from the federal level to encourage the linkage and coordination of the management of these services within the community. All this must change. The ultimate goal must be a long-term care program which provides a complete continuum of care and creates in the process a network of community-based centers that would function as providers, payors, certifiers and evaluators of services.

In addition, the family unit is an important contributor of supporting services and must not be ignored. Certain disincentives to family assistance (such as the one-third reduction in SSI benefits when the beneficiary lives with his/her family) should be removed. On the positive side, federal income tax credits should be made available to pro-

vide taxpayers with strong incentives to care for their dependent elderly at home and to utilize adult day care facilities.

Despite the economic and budgetary constraints that are impeding the development of a national long-term care program, some modest steps can be taken that would build upon the progress made in the recent past. For example, with respect to home health services, Medicare's "homebound' and "skilled care" requirements should be eliminated and coverage of homemaker/chore services should be provided. In addition, a comprehensive pre-nursing home admission screening and assessment program for potential nursing home residents should be established.

Increased private sector involvement in meeting long-term care needs should also be explored. Private insurance companies, for example, should be encouraged to add long-term care benefits to existing policies and develop new policies which would specifically address the elderly's long-term care needs.

REVENUE SHARING WORKS IN ARLINGTON HEIGHTS, ILL.

Mr. PERCY. Mr. President, on September 21, 1983, the Senate voted overwhelmingly to reauthorize the Federal general revenue-sharing program. As all of my colleagues know, I have been an original sponsor and a longtime supporter of this program. It has provided vital assistance to many local governments who could not otherwise afford to make even minimal improvements in the quality of services provided our constituients.

This summer I had the honor of speaking at the annual advisory council dinner for the Community Counseling Center, which is sponsored by the Salvation Army in Arlington Heights, Ill. The center actually serves a five-township area in northwestern Cook County. I was most impressed by the services provided by this outstanding organization. Almost half of the counseling center budget is covered by revenue-sharing funds.

This is the kind of local effort which really makes a difference in the quality of life for so many people across the Nation. I ask that a description of the center's activities be printed in the RECORD at this point. This report, provided to me by Ikuo Yamaguchi, director of the family service division, gives a vivid description of how our Federal revenue-sharing funds are being used at the local level in Illinois.

The material follows:

THE SALVATION ARMY COMMUNITY COUNSELING CENTER

The Salvation Army Community Counseling Center, a private family service agency established in 1965, is a joint effort of the Community and The Salvation Army to provide comprehensive, professional counseling services to a five township area northwest of Chicago, Illinois.

Our primary goal is to strengthen the family. We believe that the family as a social institution, is the most important human resource. People seek our help when a marriage is in jeopardy, when divorce has torn a family apart, when parents and children are in conflict, when a child has a special problem as a learning disability, when an individual has emotional or behavioral problems, when a child or spouse, has been physically abused, when there is drug abuse or alcoholism, when illness or death of a loved one is disruptive to family functioning, and when families are in need of the basic necessities of food, clothing and shelter.

In an effort to assist with these problems, we provide individual, marital, family and group counseling. We make home visits when necessary; we advocate for our clients with public utilities and in court matters; we facilitate client enrollment in educational and job training programs; we participate in school conferences. If we can help, we will coordinate extensively with other agencies to ensure a problem is addressed. We are prepared to work in whatever form and for however long it takes to stabilize and strengthen a family.

If these problems are not addressed, the resultant cost to the community is very high—divorce, family breakdown, individuals unable to function in school and on jobs, increase in dependency on General Assistance and Public Welfare, residential placement of children, hospitalization.

During the past five years we served an average of 3,400 individuals per year or more than 1,000 families annually. During this same five year period our agency received over $729,000 in Federal Revenue Sharing funds from the townships of Wheeling, Schaumburg, Palatine, and Elk Grove. Maine Township will be funding us for the first time this next fiscal year.

On the average, Federal Revenue Sharing funds constitute 43% of our total budget. If Revenue Sharing were to end, either local communities or the state would have to raise their taxes considerably to continue supporting us. Othewise, the number of families we could serve would be cut in half and possibly more. Even now, we are unable to meet the demand for our services and consistently maintain a long waiting list.

A TRIBUTE TO JOHN E. WALLER

Mr. HEFLIN. Mr. President, today I rise in recognition of a great Alabamian who has had a long and distinguished career in the business equipment industry.

John E. Waller, of Mobile, Ala., is featured in a four-page spread, highlighted with many pictures, including a full page photograph of John, in the November issue of Nation's Business, a U.S. Chamber of Commerce publication. The article is as follows:

THANK YOU, JOHN WALLER

Waller Brothers opened its doors on January 2, 1953. Like a lot of small businesses, it began life with no customers, a good deal of faith and some hard-working dedicated people.

Today, Waller Brothers has 6 stores, 156 employees and sells office supplies, furniture and office machines throughout Alabama, Northern Florida and Southern Mississippi. 1983 will be its best year yet and the future looks even rosier.

John Waller as a director of the company he helped build, is enjoying his retirement with a 621 acre farm. He's proud of the people who now run his company who are all long-term employees.

"I always worked on the premise that a depression was right around the corner. If a customer could only afford one color ink, why, we sold him red. And if you ordered a whole lot of that, we began to worry," says John, with a twinkle in his eye.

People are the key to success. I tried to hire folks from good familes who wanted to work. Once they came here, I did my best to make sure they did work hard.

John Waller has always been deeply involved in his community. He has been director of the Mobile Area Chamber of Commerce, and active member of the Dauphin Way United Methodist Church and past president of the Boys Club of America in Mobile.

He's still a member of the board of the police and firemen's pension fund, and is particularly proud of the fact that the fund has grown in total assets to over $14 million.

In 1978, John Waller underwent open heart surgery. His doctors told him to make the choice between continuing his business and dropping dead or taking it easier and enjoying life.

I came to a crossroads. I knew I had to sell out. I had a very lucrative offer from a large company. But I chose to sell to my employees. That was the best business decision I've ever made. Not only for them, but for me. The business has blossomed, they are successfully operating as a team and I know Waller Brothers is in good hands, run by people who have proven their loyalty to the business and their ability to work hard.

Waller is a native of Mobile, Ala. He attended Southern Military Academy at Greensboro, Ala., and graduated from Riverside Military Academy at Gainesville, Ga., in 1936. His first job was with R. J. Reynolds Tobacco Co., in southern Mississippi where he served as a sales representative.

In 1941, he joined the U.S. Army as a private and became a second lieutenant after attending OCS. Waller served with Gen. George Patton during World War II in the 65th and 9th Infantry Divisions of the 3d Army and rose to the rank of major.

He was with Patton when they met the Russians in 1945 at Enns, Austria. Waller is especially proud of the fact that he served as battalion executive officer and acting battalion commander under Gen. William C. Westmoreland, who was then regimental commander in the 60th Infantry Regiment of the 9th Division. He served as a special aide to General Patton for a short period in the Army of Occupation. He received the Bronze Star with a cluster and the combat infantryman's badge.

Following World War II, he served as sales manager for Radio Station WKRG, in Mobile. He was recalled to the service in the Korean conflict and served for 2 years at Fort Jackson, S.C. He then returned to Mobile and founded Waller Bros. along with his brother, Joe, in 1953.

Waller served as G-3 in the 31st Division of the Alabama National Guard until 1955 when he retired as a lieutenant colonel.

He is married to the former Mary Anne Risen of Mobile and they have one daughter, Mrs. Suzanne Silva, of Mobile, and two granddaughters, Mary Anne and Margaret. Mrs. Silva's husband, Terry, is executive vice president and general manager of Waller Bros.

Mr. President, I conclude my remarks in recognition of Mr. Waller, with congratulations to him on building Waller Bros. into one of the largest office supply companies in the United States, and for his outstanding business, military, and civic career spanning more than five decades, and with the words: "Thank you, John Waller."

CLEMENT J. ZABLOCKI: STEADFAST SOLON AND FRIEND

Mr. MATSUNAGA. Mr. President, in looking forward to a new year of new challenges for the 98th Congress, it is well for us to pause at its beginning for a moment to consider the year we leave behind and, specifically, those of our colleagues the year gone by has claimed.

To date the recesses of this Congress have taken their toll of our membership. In this Chamber we have mourned the loss of Scoop Jackson, a giant of our number who first came to the Hill to serve the State of Washington more than four decades ago. Nor has death spared the other Chamber: Representative Burton of California, McDonald of Georgia, and now one of my closest friends from my own service in the House of whom I would speak here today: Clement J. Zablocki, who represented his congressional district in Wisconsin since 1948 until his sudden and unexpected death from cardiac arrest on December 3, 1983.

Our friendship had its foundations in our common background: We both grew up in blue-collar neighborhoods, trained as school teachers and began our political careers as State legislators before coming to Washington. The building blocks of this friendship were many: I had enjoyed the hospitality of the people of Wisconsin in World War II as a soldier stationed at Camp McCoy. He in turn had experienced Hawaiian hospitality when he visited us as chairman of the Pacific and Asian Affairs Subcommittee of the House Foreign Affairs Committee. By virtue of this position he and I had considerable contact. He was one of the earliest of our national leaders to focus attention upon the Pacific and our emerging national interests there. While we were in the House together we worked in concert on energy and foreign trade matters as well as aspects of the sea grant program. In 1965 we were members of a congressional delegation from the United States that toured Korea, Taiwan, Vietnam and, en route back, Pakistan and Egypt. I especially remember from that trip lengthy visits we made together with President Chiang Kai-Schek at his villa on Taiwan, and President Shastri of India. After coming to the Senate in 1977 it was my good fortune not to have lost touch with him. His courtesies were always offered in a generous spirit and were most appreciated.

Mr. President, Representative Zablocki served our Nation with distinction and with steadfast service in the House over a period of 35 years. It was Clem's strength that he always kept firm principles in view, recognizing inevitable change with clear insight while retaining a steady outlook on the world. For this he was not thought to be politically fashionable, at times, and his abilities were, occasionally, underestimated by those of lesser experience and stronger passions. Yet his record was consistent, leavened with the selflessness and practical judgment that marked his unpretentious, affable personality. He was a foe of Communist imperialism and supported its enemies of whatever political stripe, but he endeavored to rein in the nuclear arms race and unfailingly worked for economic aid to the Third World, and again without regard to ideological distinctions of the right or left. Under his leadership since 1977 the House Foreign Affairs Committee maintained its key role in helping to forge our foreign policy. He was not one to push himself into the limelight, nor was he one to jealously guard his leadership prerogatives; he allowed his colleagues full sway in their deliberations while he himself steered a central course, in large part behind the scenes.

Nevertheless, he zealously guarded the prerogatives of the institution he served with such dedication for so long a period. When the need was paramount his leadership was asserted—creatively, judiciously, and effectively. As a Milwaukee civics teacher he had instructed his students in the separation of powers under our Constitution. In the years that followed he held fast to the principles he taught at that time. His bias, if it can be called that, was toward supporting the Executive's lead in foreign affairs, without regard to partisanship, but he expected the President to recognize the role of the Congress in initiatives that bore risk to peace. It was his resolution in 1970 which led to the War Powers Act, a historic piece of legislation for which he was the architect. While supportive of President Carter's foreign policy, he was quick to point out any lapse in congressional consultation. Again last year when President Reagan ignored his constitutional responsibilities in regard to the deployment of troops in a peacekeeping mission to Lebanon, he held our Commander in Chief to account. Such was the force of his calm persistence and his decent demeanor that a constitutional crisis was averted on the application of the War Powers Act.

Now that he has left us we keenly appreciate his qualities across the political spectrum. Mr. President, if ever there was a Member of Congress of whom it could be said, "He walked with kings and never lost the common touch," it was he. The President spoke of his "great patriotism" and "wise counsel." Franklin Wallick of the United Auto Workers, noting his unassuming, straightforward manner, remarked that "his common sense and ordinary decency will be sorely missed." Amen to that.

He once wrote to me, "As we advance in life, we acquire a keener sense of the value—and good friends."

Time has taken Clem Zablocki from us, but I, for one, will always treasure having known him and having enjoyed his friendship. His daughter, Jane Frances, and son, Joseph, can take some comfort in the fact that their great loss and deep sorrow is shared by countless friends, like myself.

MR. CONSERVATIVE

Mr. STEVENS. Mr. President, the distinguished Senator from Arizona, Mr. GOLDWATER, saddened us all recently with the announcement that he would not stand for reelection in 1986. We will greatly miss his counsel and friendship in these halls. There is no man or woman among us who would not admit that BARRY GOLDWATER has done more than his share of shouldering the burdens of this Nation. He has fought long and hard for the principles that made this Nation great.

This morning's Washington Times carried an excellent editorial entitled "Mr. Conservative." It points out, and I could not agree more, that it is "difficult to contemplate a Senate devoid of Mr. GOLDWATER'S forceful opinions, incisive intellect, and sparkling wit." We intend to continue seeking his advice and counsel while he is in the Senate with us and look forward to working with him during the next 3 years.

I ask unanimous consent to have printed in the RECORD the complete text of the editorial which appeared in the February 2 edition of the Washington Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. CONSERVATIVE

It is indicative of the intellectual growth and sustaining power of political conservatism in the United States that a whole generation of young rightists has come of age without ever having glanced at, or, in some cases, even heard of, Sen. Barry Goldwater's

1960 work, *The Conscience of A Conservative.* Yet for an earlier band of embattled conservatives, the senator's book, indeed even his name, was the banner around which thinking men and women first rallied in the long march from political obscurity to the White House.

We're reminded of those days because Sen. Goldwater, the grand old man of the Grand Old Party, has announced he will not seek re-election when his term expires in 1986. Age and a severe hip ailment have taken their toll on the person many cherish as the paladin of modern conservatism.

Few are the conservatives over age 40 who can forget the fight to the death between the GOP's conservative and liberal wings in the 1964 nominating convention. Today, the words "extremism in the defense of liberty is no vice" have a faintly quaint ring, but 20 years ago they were the call to battle of a nascent grass-roots movement that one day would sweep all before it. The 1964 campaign proved to be the crucible in which the conservative movement was forged.

We also recall that it was during Sen. Goldwater's campaign for the presidency that another conservative of equally indisputable talent and charisma delivered what has come to be called The Speech. Historians and political scientists trace Ronald Reagan's first steps to the White House to the nationwide TV address he made on behalf of Mr. Goldwater two decades ago.

It is difficult to contemplate a Senate devoid of Mr. Goldwater's forceful opinions, incisive intellect, and sparkling wit. From the dark days of 1964 to Mr. Reagan's landslide victory in 1980, Sen. Goldwater has been one of the most effective and galvanizing forces in American politics. He can take a considerable measure of pride in the knowledge that today most Americans, in their hearts, knew he was right.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United states submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 113

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

I have long believed that the vitality of the American economy and the prosperity of the American people have been diminished by inappropriate policies of the Federal Government: unnecessary government regulations that discouraged initiative and wasted scarce capital and labor; an inefficient and unfair tax system that penalized effort, saving, and investment; excessive government spending that wasted taxpayers' money, misused our Nation's resources, and created budget deficits that reduced capital formation and added to the burden of the national debt; and monetary policies that produced frequent business cycles and a path of increasing inflation.

I came to Washington to change these policies. The needed reforms are far from complete, but substantial progress can already be seen: The burden of regulation has been reduced, tax rates have been lowered and the tax structure improved, Government spending on a wide range of domestic programs has been curtailed, and a sound monetary policy has been established.

Although the full favorable effect of those reforms on our Nation's rate of economic growth will take time to develop, some of the benefit of our economic policies is already visible in the current recovery. The economy's performance in 1983 was very gratifying to me. The 3.2 percent rise in consumer prices between 1982 and 1983 was the lowest rate of inflation since 1967. The recovery produced a sharp drop in unemployment and a substantial increase in the income of American families. The number of people at work increased by more than 4 million and the unemployment rate fell from a high of 10.7 percent in December 1982 to 8.2 percent in December 1983. The 6.1 percent rise in real gross national product (GNP) last year means that real annual income per person in the United States rose $700.

Reducing Unemployment

Despite the substantial reduction in unemployment, the number of unemployed workers remains unacceptably high. Continued economic recovery will mean millions of additional jobs in the years ahead and further declines in the rate of unemployment. In 1984 alone, the American economy is expected to add more than 3 million additional jobs. By the end of the decade, we will need 16 million new jobs to absorb a growing labor force. Only a strong and expanding economy can provide those jobs while achieving a progressively lower level of unemployment over the next 6 years.

Although economic growth is by far the most important way to reduce unemployment, special policies to help the structurally unemployed and particularly disadvantaged groups can also be helpful. To assist these individuals in developing job-related skills that will lead to productive careers in the private sector, I proposed the Job Training Partnership Act that I signed into law in 1982. Last year I proposed additional measures to increase opportunities for training and retraining. Although the Congress has enacted some of my employment proposals, I am still waiting for congressional action on others.

Of particular concern to me is the unemployment among teenagers. Such unemployment is not only a problem in itself, but is also indicative of lost opportunities to acquire on-the-job training and job-related skills. It is widely recognized that the minimum wage law is a substantial barrier to the employment of teenagers, especially minority teenagers. I have proposed that during the summer months the minimum wage for teenagers be reduced to 75 percent of the regular minimum wage. This reform would give many teenagers the opportunity to get a first job and acquire the skills needed to help them with subsequent employment and would not hurt adult employment. With an unemployment rate of nearly 50 percent among black teenagers and with only about 20 percent of black teenagers employed, we must act. The Federal Government must not be the source of barriers to employment.

Inflation and Monetary Policy

Reducing the rate of inflation was my most immediate economic goal when I arrived in Washington. In the preceding 24 months, the consumer price level had increased more than 27 percent. Many people feared the U.S. Government had lost its ability to control inflation. Until inflation was brought under control, a healthy recovery could not get under way.

The inflation rate has declined dramatically over the past 3 years. Between 1982 and 1983, the consumer price index rose only 3.2 percent. Americans can again have confidence in the value of the dollar, and they can save for the future without fearing that the purchasing power of these savings will be destroyed by inflation. I am firmly committed to keeping inflation on a downward path. We must never relax in our pursuit of price stability.

The basic requirement for a continued moderation of inflation is a sound monetary policy. I continue to support the Federal Reserve in its pursuit of price stability through sound monetary policy. Last year was a particularly difficult time for monetary policy because of the substantial changes in financial regulations. I am pleased that, in spite of these difficulties, the monetary aggregates at the end of the year were within their target ranges. I expect that in 1984 the Federal Reserve will expand the money stock at a moderate rate that is consistent with

both a sustained recovery and continuing progress against inflation.

There are those who advocate a fast rate of money growth in an attempt to depress interest rates. Experience shows, however, that rapid money growth inevitably leads to an increased rate of inflation and higher interest rates. The only monetary policy that can bring interest rates down, and keep them down, is one that promotes confidence that inflation will continue to decline in the years ahead.

The Dollar and the Trade Deficit

The high interest rates in the United States and our low rate of inflation continue to make dollar securities an appealing investment for individuals and businesses around the world. In addition, the United States has been an attractive place for stock market investment and for direct business investment. The result has been a continued rise in the dollar's exchange value relative to other currencies of the world.

The sharp rise in the value of the dollar since 1980 has made it cheaper for Americans to purchase products from overseas, thereby helping us fight inflation. But the dollar's sharp rise has made it difficult for American businesses and farmers to compete in world markets. The decline in U.S. exports and the substantial rise in our imports has resulted in record trade deficits in 1982 and 1983. The trade deficit has been temporarily exacerbated by the international debt problems and by the more advanced stage of recovery in the United States than in the world at large.

Despite these problems, I remain committed to the principle of free trade as the best way to bring the benefits of competition to American consumers and businesses. It would be totally inappropriate to respond by erecting trade barriers or by using taxpayers' dollars to subsidize exports. Instead, we must work with the other nations of the world to reduce the export subsidies and import barriers that currently hurt U.S. farmers, businesses, and workers.

I am also firmly opposed to any attempt to depress the dollar's exchange value by intervention in international currency markets. Pure exchange market intervention cannot offset the fundamental factors that determine the dollar's value. Intervention in the foreign exchange market would be an exercise in futility that would probably enrich currency speculators at the expense of American taxpayers. A combination of exchange market intervention and expansionary monetary policy could reduce the dollar's exchange value, but only by causing an unacceptable increase in the rate of inflation. The dollar must therefore be allowed to seek its natural value without exchange market intervention.

Regulation

One of the four key elements of my program for economic recovery is a far-reaching program of regulatory relief. Substantial progress has been made during the last 3 years. The growth of new regulations has been reduced by more than a third. The demands on the private sector of government paperwork have been reduced by several hundred million hours a year. The Congress approved legislation that has led to substantial deregulation of financial markets and intercity bus transportation. The Federal Communications Commission, with our support, has reduced the regulation of broadcasting and of new communications technology, and the Interstate Commerce Commission and the Civil Aeronautics Board have gone far down the path of deregulation of competitive transportation markets. The benefits of these and other deregulation measures are now increasingly apparent to American consumers and businesses.

It is also apparent that substantial further deregulation and regulatory reform will require changes in the basic regulatory legislation. I urge the Congress to act on the several measures that I proposed last year on natural gas decontrol, financial deregulation, and reform of private pension regulation. I remain confident that there is a basis for agreement on measures that would reduce the burden of Federal regulations, while protecting our shared values and not jeopardizing safety.

Tax Reforms

The final installment of the 3-year personal tax cut took effect in July, giving a helpful boost to the economic recovery. The income tax rate at each income level has been reduced by about 25 percent since 1980. In 1984 a median income four-person family will pay about $1,100 less than it would have without these tax reductions. And, beginning in 1985, the tax brackets will be adjusted automatically so that inflation will no longer push taxpayers into higher brackets and increase the share of their income taken in taxes.

The Economic Recovery Tax Act of 1981 went beyond reducing tax rates to establish important reforms in the structure of the tax system. For businesses, the Accelerated Cost Recovery System increased the after-tax profitability of investments in plant and equipment. The sharp fall in inflation has also increased after-tax profitability. As a result, investment in business equipment has recently been quite strong despite the high real interest rates.

For individuals, the Economic Recovery Tax Act reduced the marriage tax penalty, the estate tax burden, and tax discrimination against saving. The response to the universal eligibility of Individual Retirement Accounts (IRAs) has been far greater than was originally expected. It is estimated that more than 15 million individuals now use IRAs to save for their retirement. Last year, I proposed to expand the opportunity for all married couples to use IRAs fully by allowing them to contribute up to $2,000 each per year to an IRA even if only one has wage income.

Further improvement and simplification of our tax system are sorely needed. The burden of taxation depends not only on the quantity of tax revenue that is collected but also on the quality of the tax system. I have asked the Secretary of the Treasury to develop a plan of action with specific recommendations to make our tax system fairer, simpler, and less of a burden on our Nation's economy. By broadening the tax base, personal tax rates could come down, not go up. Our tax system would stimulate greater economic growth and provide more revenue.

Government Spending

One of my principal goals when I came to Washington was to reverse the dramatic growth of Federal spending on domestic programs and to shift more resources to our Nation's defense. Although many doubted this could be done, both goals are being achieved. We must do everything that we can to avoid waste in defense as in other areas of government. But we must also be willing to pay the cost of providing the military capability to defend our country and to meet our responsibilities as the leading Nation of the free world. Outlays for defense had declined to only 5.2 percent of GNP in 1980, less than one-fourth of total government outlays. By the current fiscal year, defense outlays have increased to 6.7 percent of GNP and 28 percent of total outlays. Real defense outlays have grown 39 percent since 1980. Our spending on defense, however, remains a far smaller percentage of our national income than it was in 1960, when defense outlays took 9.7 percent of GNP.

Real spending has been cut on a wide range of domestic programs and activities. Many wasteful bureaucratic activities have been eliminated and the number of nondefense employees on the Federal payroll has been reduced by 71,000. We have examined every area of Federal Government spending, and sought to eliminate unnecessay and wasteful spending while protecting the benefits needed by the poor and the aged. As a result, total nondefense spending now takes a smaller share of our GNP than it did in 1980. Moreover, under present law, nondefense spending will continue to take a declining share of our GNP in the years ahead.

This reduction has been accomplished without any decrease in existing social security benefits or any change in the medicare benefits for the elderly. Spending on all other nondefense activities and programs has actually declined over 12 percent in real terms since 1980. Even with no further reductions in these activities and programs, their share of GNP in 1986 will be nearly back to the level of 1965.

I am committed to continuing the search for ways to reduce Government spending. The budget that I am submitting to the Congress identifies significant savings in entitlement programs and reductions in outlays for other programs that are excessive or that are not the proper responsibility of the Federal Government. The Grace Commission has given us some 2500 ways to reduce wasteful spending that could save billions of dollars in the years ahead.

Budget Deficits

I have long believed that our Nation's budget must be balanced. A pattern of overspending by the Federal Government has produced a deficit in 22 of the last 23 years. My most serious economic disappointment in 1983 was therefore the failure of the Congress to enact the deficit reduction proposals that I submitted last January in my budget for fiscal 1984. We would be much closer to a balanced budget today if the Congress had enacted all of the spending cuts that I have requested since assuming office, and if the long recession and the sharp decline in inflation had not substantially reduced real tax revenue. In last year's budget I proposed changes in outlays and revenues that could put the deficit on a sharply declining path that, by 1988, would have been less than 2 percent of GNP and on its way to a balance of revenues and outlays.

The unwillingness of the Congress to accept the proposals that I offered has made it clear to me that we must wait until after this year's election to enact spending reductions coupled with tax simplification that will eventually eliminate our budget deficit. But we cannot delay until 1985 to start reducing the deficits that are threatening to prevent a sustained and healthy recovery. I have therefore called on the Democratic and Republican leaders in the Congress to designate representatives to work with the Administration on the development of a "downpayment" deficit reduction program.

I believe that this bipartisan group could develop a package that could be enacted this spring which would reduce the deficit by about $100 billion over the next 3 fiscal years. The package could include a number of the less contentious spending cuts that are pending before the Congress plus additional outlay savings based on the proposals of the Grace Commission. Additional revenue could be provided by measures to close certain tax loopholes—measures that the Department of the Treasury has previously said are worthy of support.

These deficit reductions can increase the public's confidence in our economic future and their faith in the ability of the political system to deal satisfactorily with the deficit. The downpayment package can be a first step toward full elimination of the remaining deficits. Even with a 3-year $100 billion package, the deficits projected for fiscal 1986 and beyond are totally unacceptable to me. They would be a serious threat to our Nation's economic health and a heavy burden to future generations. I am committed to finding ways to reduce further the growth of spending and to put the budget on a path that will lead to a balance between outlays and receipts. In 1985 I will submit a budget that can achieve this goal. But we must go further and make basic structural reforms in the budgetary process—including the line-item veto and the balanced budget amendment—that will keep spending under control and prevent deficits in the future.

Looking Ahead

As I look ahead, I am very optimistic about the prospects for the American economy. Substantial progress has been made in reforming the economic policies that will shape our economic future. If we continue to develop and pursue sound policies, our Nation can achieve a long period of strong economic growth with low inflation, and the American people can enjoy unprecedented prosperity and economic security.

RONALD REAGAN.

February 2, 1984.

MESSAGES FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 820. An act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes.

ENROLLED BILL SIGNED

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2727. An act to codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2441. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-98 adopted by the Council on January 3, 1984; to the Committee on Governmental Affairs.

EC-2442. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Reducing Federal Paperwork 1980-1983"; to the Committee on Governmental Affairs.

EC-2443. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2444. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the opposition of the Judicial Conference to the passage of H.R. 4403; to the Committee on Committee on the Judiciary.

EC-2445. A communication from the Clerk of the U.S. Claims Court, transmitting, pursuant to law, the annual report on the decisions and judgements of the Court rendered in fiscal year 1983; to the Committee on the Judiciary.

EC-2446. A communication from Judge Connelly, of the district of Minnesota, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2447. A communication from Judge Huffstutler, of the Eastern District of Texas, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2448. A communication from Secretary of the Chrysler Corporation Loan Guarantee Board, transmitting, pursuant to law, the annual report of the Board on activities under the Freedom of Information Act during calendar year 1983; to the Committee on the Judiciary.

EC-2449. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the attorney General for fiscal year 1982; to the Committee on the Judiciary.

EC-2450. A communication from the Acting Executive Secretary, Department of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for fiscal year 1983; to the Committee on Small Business.

EC-2451. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's fourth special message for fiscal year 1984; pursuant to the order of January 30, 1975, referred jointly, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Labor and Human Resources.

EC-2452. A communication from the Executive Associate Director for Budget, Exec-

utive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation on a basis that indicates a need for a supplemental appropriation; to the Committee on Appropriations.

EC-2453. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2454. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2455. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, the annual report on agreements and transactions entered into under the NATO Mutual Support Act of 1979 for fiscal year 1983; to the Committee on Armed Services.

EC-2456. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Saudi Arabia for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2457. A communication from the Secretary of Energy, transmitting, pursuant to law, the third annual report on the Methane Transportation Research, Development, and Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2458. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's first annual report entitled "Initial Implementation Plan For Deployment of Federal Interim Storage Facilities for Commercial Spent Nuclear Fuel"; to the Committee on Environment and Public Works.

EC-2459. A communication from the Secretary of State, transmitting, pursuant to law, a report on the status of land reform in El Salvador; to the Committee on Foreign Relations.

EC-2460. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the review of the general ledger and payroll systems of the Department; to the Committee on Governmental Affairs.

EC-2461. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the system of internal accounting and administrative control in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2462. A communication from the Inspector General, General Services Administration, a report on methods used to communicate to employees on the missions and functions of his office; to the Committee on Governmental Affairs.

EC-2463. A communication from the Executive Director of the Board for International Broadcasting, transmitting, pursuant to law, a report on the system of internal accounting and administrative control in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2464. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative control during calendar year 1983; to the Committee on Governmental Affairs.

EC-2465. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report stating that during 1983 there were no scientific or professional positions established in NASA; to the Committee on Governmental Affairs.

EC-2466. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, the annual report on the Foreign Service Retirement and Disability System for fiscal year 1982; to the Committee on Governmental Affairs.

EC-2467. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report of the Federal Judicial Center for 1983; to the Committee on the Judiciary.

EC-2468. A communication from the Chairman of the Board of Trustees of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation for 1982-83; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-519. Resolution adopted by the Evrytanian Association of American "Velouchi" relating to Cyprus; to the Committee on Foreign Relations.

POM-520. Resolution adopted by the Fifth Chief Executives Conference of the Federated States of Micronesia relating to the Compact of Free Association legislation; to the Committee on Foreign Relations.

POM-521. Resolution adopted by the Legislature of the Territory of Guam; to the Committee on Finance.

"RESOLUTION No. 51

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Sections 301 and 303 of U.S. Public Law 92-603 amended Title XIV of the Social Security Act in its entirety under the title "Supplemental Security Income (SSI) Program for the Aged, Blind, and Disabled" and repealed Title XIV of the Social Security Act respectively, effective January 1, 1974; and

"Whereas, Section 303(b) of U.S. Public Law 92-603 did not repeal Title XIV of the Social Security Act, therefore not extending the benefits to the territories of Guam, Puerto Rico and the Virgin Islands; and

"Whereas, all of the residents of the fifty states of the United States who are eligible and have applied for this assistance under the Supplemental Security Income Program for the Aged, Blind, and Disabled, are now enjoying its full benefits; and

"Whereas, the residents of Guam's neighboring islands of the Commonwealth of the Northern Marianas are now enjoying the full benefits of the Supplemental Security Income (SSI) Program as a result of their present political status; and

"Whereas, the people of Guam firmly believe in the equal right to equal treatment of any resident or citizen of the United States to the benefits available to them from the United States Federal Government with no regard to race, color, creed and geological remoteness or boundaries; and

"Whereas, there are presently 930 residents of Guam presently receiving public assistance under the Aged, Blind and Disabled Programs, and other potentially eligible residents of this territory who would definitely prefer to receive the more expanded benefits of the Supplemental Security Income Program; now, therefore, be it

"Resolved, That the Seventeenth Guam Legislature respectfully request the Honorable Antonio B. Won Pat to introduce legislation to amend appropriate sections of the Social Security Act and thereby make possible the extension of the benefits of the Supplemental Security Income Program to the territory; and be it further

"Resolved, That the Seventeenth Guam Legislature request the Governor and Lieutenant Governor of Guam, through their Washington, D.C. Office, and the Director of Public Health and Social Services to seek the support of the Federal Government, specifically the Department of Health, and Human Services, to aid in passage of this particular legislation; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Speaker of the U.S. House of Representatives; to the President of the U.S. Senate; to the Secretary of Health and Human Services; to Guam's Delegate to Congress; to the Director of Public Health and Social Services; to the Governor's Special Assistant in Washington, D.C.; to the Lieutenant Governor of Guam and to the Governor of Guam."

POM-522. Joint resolution adopted by the House of Representatives of the General Assembly of the State of Illinois; to the Committee on Finance.

"HOUSE JOINT RESOLUTION No. 76

"Whereas, Unemployment in the auto and related industries continues to be one of the most pressing problems in the State of Illinois; and

"Whereas, A proposed increase of the Japanese Voluntary Restraint Agreement level from 1.68 to two million units would cost our Country nearly 100,000 jobs; and

"Whereas, The increase could result in the loss of 11,000 jobs in this State from auto manufacturers, suppliers and related industries; and

"Whereas, The increase in the Voluntary Restraint Agreement could result in the closing of a major auto assembly plant in this State with the direct loss of 4,200 jobs, over $75 million annually in payroll, and a loss to the State of over $5 million in taxes; therefore it

"Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, the Senate Concurring herein, That we urge the President of the United States to instruct the U.S. Trade Representative to achieve a commitment from the Japanese Government for a continued Voluntary Restraint Agreement not to exceed the present 1.68 million units and preferably reduced by 250,000 units; and further to extend the terms of such agreement for a period of three years or until such time as the current difficult economic adjustments shall have been achieved; and be it further

"Resolved, That a suitable copy of this preamble and resolution be presented to President Ronald Reagan, the President of the United States Senate, the Speaker of

the House of Representatives, and to each Senator and Representative from Illinois in the Congress of the United States."

POM-523. Joint resolution adopted by the General Assembly of the State of Delaware; to the Committee on Finance.

"SENATE JOINT RESOLUTION No. 2

"Whereas, the Social Security system represents the bulwark of our nation's income maintenance effort for well over 36 million Americans; and

"Whereas, two-thirds of all Social Security beneficiaries depend upon this program for half of their annual income; and

"Whereas, the United States Congress is presently considering plans to make the Social Security System more actuarially sound; and

"Whereas, a payroll tax speed-up and reduced benefits for those presently in the work force are regrettably among the options being considered by Congress; and

"Whereas, present recipients of Social Security, who have earned their benefits and have a "contract" with the United States government guaranteeing their benefits, should not be required to suffer because of actuarial mistakes of the past. Now, therefore:

"Be it resolved, By the Senate and the House of Representatives of the 132d General Assembly of the State of Delaware, with the approval of the Governor, that members of the 98th Congress of the United States are hereby urged to vote against any reduction in benefits for current recipients of Social Security benefits.

"Be it further resolved, That suitable copies of this Senate Joint Resolution be forwarded to the Clerk of the House of Representatives and the Secretary of the Senate, United States Congress, and to members of the Delaware Congressional delegation immediately upon its adoption and signature by the Governor."

POM-524. Resolution adopted by the Florida Federation of Republican Women requesting Congress to provide for the President the power to disapprove any item of appropriation in any act or joint resolution, except legislative and judicial appropriations; to the Committee on the Judiciary.

POM-525. Resolution adopted by the Board of Directors of the National Association of Women Judges relating to dealing with funding for judicial education and other court improvement programs; to the Committee on the Judiciary.

POM-526. Resolution adopted by the House of Representatives of the State of Illinois; to the Committee on the Judiciary.

"HOUSE RESOLUTION No. 314

"Whereas, Within a little more than a decade since the enactment of Title IX of the Education Amendments of 1972, which prohibited sex discrimination against students and employees in institutions receiving federal assistance, significant strides have been made on behalf of economic, educational and social equality for women; and

"Whereas, included among the positive results of the application of Title IX have been a marked increase in the enrollment of women in graduate schools—particularly law and medical schools, greater athletic opportunities for women, the development of policies prohibiting sexual harassment and procedures to redress sex discrimination, increased fairness in the awarding of financial aid to women students, and the general erosion of tired notions regarding appropriate and inappropriate occupational and societal roles for women; and

"Whereas, The progress Title IX has accomplished in its short lifetime is evidenced by statistics which reveal a greater than 1000% increase in the number of women enrolled in dental schools, a 28% increase in girls' participation in interscholastic high school athletics and the 440 more colleges now offering athletic scholarships for women; and

"Whereas, While the achievements accomplished as a result of Title IX have been many, a great deal remains to be done if total equality for women in our society is to be a reality; therefore be it

"Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, That this House recognizes the positive contributions which the provisions of Title IX have made to the women of this State, and thereby to Illinois as a whole, and reaffirms its commitment to the maintenance of those provisions and their continued application; and be it further

"Resolved, That suitable copies of this preamble and resolution shall be presented, respectively, to President Ronald Reagan, Vice President George Bush in his capacity as President of the Senate, Speaker Thomas P. O'Neill, and the members of the Illinois Congressional Delegation."

POM-527. Concurrent resolution adopted by the General Assembly of the State of Pennsylvania; to the Committee on the Judiciary.

"RESOLUTION

"Whereas, Congress is currently considering legislation which would substantially reform this country's immigration laws; and

"Whereas, A section of this legislation provides for permanent resident status for aliens who have resided continuously in the United States for a fixed period; and

"Whereas, Passage of the immigration reform bill would necessitate the selection of a computer center to process the aliens' applications; and

"Whereas, The Immigration and Naturalization Service will apparently select either a site in Pennsylvania or a site in Tennessee as the central processing center for these applications; and

"Whereas, Being designated as the processing center will mean approximately 700 temporary jobs to the site selected and most likely would provide a number of permanent benefits; and

"Whereas, The Immigration and Naturalization Service would do well to choose a site in Pennsylvania because the State's economic situation would benefit dramatically, because there are excellent facilities already in place, and because of Pennsylvania's industrious workforce; therefore be it

"Resolved, (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the United States Immigration and Naturalization Service to choose a site in Pennsylvania as the computer center to process aliens' applications as provided in the Immigration Reform Act if enacted; and be it further

"Resolved, That copies of this resolution be, upon final adoption, transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, each Senator and Representative from Pennsylvania, and the Commissioner of the Immigration and Naturalization Service in the United States Department of Justice."

POM-528. A resolution adopted by the Southeast Conference of Mayors, borough managers, and council person relating to the Environmental Protection Agency; to the Committee on Environment and Public Works.

POM-529. A resolution adopted by the House of Representatives of the State of Alaska; to the Committee on the Judiciary.

"HOUSE RESOLVE No. 4

"Be it resolved by the House of Representatives:

"Whereas Audun Endestad has lived in the United States since 1974, and is married to an American citizen; and

"Whereas he has substantially complied with the requirements for American citizenship; and

"Whereas he placed first in the United States cross-country skiing time trials, thus qualifying for a position on the United States Olympic Cross-country Ski Team, but will be allowed by the United States Olympic Committee to ski in the 1984 Winter Olympic Games only if he has been granted full American citizenship by January 29, 1984; and

"Whereas Audun Endestad developed his skiing ability in large measure in the United States and is an inspiration to the United States Olympic Cross-country Ski Team both as an athlete and personality; and

"Whereas the United States would be both honored and benefitted by Audun Endestad's participation on the United States Olympic Cross-country Ski Team at the 1984 Winter Olympic Games; and

"Whereas the State of Alaska would be honored if Audun Endestad was granted his citizenship in time to permit him to participate in the 1984 Winter Olympic Games as a member of the United States Olympic Cross-country Ski Team inasmuch as Mr. Endestad is a resident of this state and is married to a daughter of a Supreme Court justice of this state; and

"Whereas the United States Senate passed S. 1863 on November 18, 1983, to allow Mr. Endestad to become a naturalized citizen without delay but the United States House of Representatives has not yet passed the legislation;

"Be it resolved by the Alaska House of Representatives that Congress is respectfully urged to expedite favorable the citizenship of Audun Endestad; and be it

"Further resolved that the United States Immigation and Naturlization Service is respectfully urged to expedite the naturalization of Mr. Endestad before January 29, 1984.

"Copies of this resolution shall be sent to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-530. Joint resolution adopted by the Legislature of the State of Maine; to the Committee on Appropriations.

"JOINT RESOLUTION

"We, your Memorialists, the Senate and the House of Representatives of the State of Maine in the Second Special Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present

and petition the Congress of the United States, as follows:

"Whereas, military action against recognized governments of nations in Central America is in violation of American and international law, and this violation is now under court-ordered investigation by the United States Department of Justice; and

"Whereas, convert paramilitary operations run a grave risk of provoking full scale war at a time when over 5,000 United States troops are in Honduras and United States warships are stationed off both coasts of Nicaragua; and

"Whereas, these covert paramilitary operations do serious injury to the world reputation of the United States as a defender of peaceful democratic change; and

"Whereas, funding of such covert paramilitary operations contradicts our own democratic process by denying the United States Congress and the American public any information or debate on this action; now, therefore, be it

"Resolved: That We, your Memorialists, do hereby respectfully urge and request the United States Congress to vote to end immediately the funding for United States covert paramilitary operations in Central America; and be it further

"Resolved: That a duly authenticated copy of this resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate and the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives of the United States Congress, and to the members of the United States Senate and the United States House of Representatives from the State of Maine."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 330. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; referred to the Committee on Rules and Administration.

By Mr. DOLE, from the Committee on Finance, without amendment:

S. Res. 331. An original resolution authorizing expenditures by the Committee on Finance referred to the Committee on Rules and Administration

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 332. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs: Mary A. Grigsby, of Texas, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1986,

The above nomination from the Committee on Banking, Housing, and Urban Affairs was reported with the recommendation that the nomination be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOSCHWITZ:

S. 2248. A bill for the relief of Basile Georgiou; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 2249. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts distributed from individual retirement accounts and certain qualified trusts which are attributable to tax-exempt interest; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2250. A bill to authorize Federal financial assistance to the government of Nassau County, New York, for necessary anti-terrorist and security-related expenses associated with hosting the 1984 International Games for the Disabled; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 2251. A bill to establish a uniform Federal policy governing the use of Federal funds for lobbying by contractors and grantees, and to provide for the disclosure to members of Congress of the costs of certain exempted activities; to the Committee on Governmental Affairs.

By Mr. HATCH:

S 2252. A bill to restructure the Federal Employees Health Benefits Program to strengthen financial control over the Program and enhance competition among participating health benefits plans, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KASTEN (for himself and Mr. PROXMIRE):

S. 2253. A bill to name the Veterans' Administration Medical Center in Milwaukee, Wisconsin, the "Clement J. Zablocki Veterans' Administration Medical Center"; to the Committee on Veterans Affairs.

By Mr. BOREN:

S.J. Res. 224. A joint resolution to designate the week of April 1, 1984, as "National Amateur Wrestling Week"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. KENNEDY, Mr. LEVIN, Mr. MATSUNAGA, Mr. MCCLURE, Mr. NUNN, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STENNIS, Mr. TSONGAS, and Mr. WILSON):

S.J. Res. 225. A joint resolution designating the month of March 1984 as "National Eye Donor Month"; to the Committee on the Judiciary.

By Mr. KASTEN:

S.J. Res. 226. A joint resolution to renounce the 1945 Yalta Agreement; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 330. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. DOLE, from the Committee on Finance:

S. Res. 331. An original resolution authorizing expenditures by the Committee on Finance; to the Committee on Rules and Administration.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. Res. 332. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. DECONCINI (for himself, Mr. HOLLINGS, Mr. RIEGLE, Mr. CRANSTON, and Mr. DODD):

S. Con. Res. 91. A concurrent resolution expressing the sense of the Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and the regulations prescribed by the Secretary of the Treasury under such provisions, or any other provisions of the Internal Revenue Code or regulations, should not be modified or amended in any way that will alter the manner in which mortgage backed builder bond transactions are currently taxed; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. BYRD, Mr. PELL, Mr. BAUCUS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BUMPERS, Mr. BURDICK, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. HART, Mr. HUDDLESTON, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LONG, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, and Mr. TSONGAS):

S. Con. Res. 92. A concurrent resolution to bring about the prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 2249, a bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts distributed from individual retirement accounts and certain qualified trusts which are attributable to tax exempt interest; to the Committee on Finance.

DIVERSIFICATION OF IRA INVESTMENTS

● Mr. D'AMATO. Mr. President, today I introduce legislation which would diversify the range of investments available to individuals contributing to Individual Retirement Accounts (IRA's) and Keogh plans and, at the same time, provide a much-needed infusion of funding for city and State govern-

ments. My proposal would permit the distribution of income from IRA and Keogh plans to be tax exempt if the income was derived from investments in State or local bonds.

There are many IRA proposals presently before the Senate. Unfortunately, most of these bills involve significant revenue losses for the Federal Government. My bill, on the other hand, would provide the municipal bond market with over $20 billion a year in additional funds, with only a negligible cost to the Treasury in the first year, and $100 million in each of the following 2 years, according to estimates completed by the Congressional Budget Office.

As part of the Economic Recovery Tax Act of 1981 (ERTA), Congress greatly expanded the use of IRA's and retirement plans for self-employed individuals (Keoghs). Congress expanded these investment vehicles because of concern that a large number of the country's workers would otherwise face the prospect of retiring without the resources needed to provide adequate income levels.

These provisions were designed to promote retirement savings by individuals during their working years by increasing the amount which individuals could set aside in an IRA or Keogh plan. The expanded use of IRA's and Keogh's is consistent with the Reagan administratin's goal of encouraging capital formation, rather than consumption. IRA's and Keogh's were part of an array of investment vehicles created or expanded by ERTA, all designed to assure sustained economic growth through higher savings levels.

IRA's and Keogh's have been a tremendous success. In 1982, over $28 billion flowed into IRA and Keogh instruments. Individuals received substantial tax breaks, while our Nation's economy was stimulted by the accumulation of investment capital.

IRA and Keogh plans provide two tax benefits: contributors enjoy tax deferral on the principal invested and the interest earned, and most individuals are in a lower tax bracket when the funds eventually are distributed.

In spite of the great benefits of these savings programs, however, there has been an unintended side effect: they encourage people to invest in taxable, rather than tax-exempt securities. This is because IRA's and Keogh's have reduced tax rates for contributors and lower tax rates reduce the incentive to purchase municipal bonds. This otherwise beneficial program can produce a trend of long-term damage to the municipal bond market. I do not oppose IRA's and Keogh's, but as a former local official, I remain sensitive to how vital the municipal market is for the continued health of city and State governments.

The tax-exempt municipal market is the primary source of funding for State and local governments. Without this avenue of financing, local governments would simply be unable to provide essential services for their citizens.

Several factors in the past few years have contributed to the decline of this important market. The 3-year, 25 percent reduction in personal income taxes mandated in ERTA has had the positive effect of encouraging investment by corporations and saving by individuals. However, as I noted, lower tax rates also have had the effect of encouraging individuals to shift their investments from tax-exempt securities to taxable activities. This, in turn, reduces the demand for municipal bonds and drives up tax-exempt rates. I say this not as a criticism of the President's tax strategy. I believe the tax cuts have been beneficial to the economy. I only point out the negative effect this has had on the municipal bond market.

The recession has also had a detrimental impact on the tax-exempt bond market. The tax base has been eroded, causing the credit quality of States and cities to deteriorate. This lower credit quality makes municipal bonds less attractive. The Federal Government also has reduced aid to local governments, which has further exacerbated their credit decline. In addition, the demand for municipal bonds by commercial banks and savings and loans has dropped. Heretofore, financial institutions have been the single largest purchaser of municipal securities. Part of this decline in demand can be attributed to the provision of TEFRA which dissallowed 15 percent of the otherwise allowable interest deduction allocable to debt incurred to purchase tax-exempt obligations by financial institutions. Finally, reduced capital gains rates have worked to weaken the municipal bond market. Again, a decline in tax rates reduces the incentive to shelter income in municipal bonds.

IRA's and Keogh's have had a beneficial effect on savings and on the economy in general, but unfortunately have contributed to the deterioration of the municipal bond market. Because all tax-deferred income distributions from an IRA or Keogh are treated as ordinary income, individuals saving for retirement have no incentive to place their contributions in tax-exempt assets. This is because interest rates on municipal bonds are lower than rates on taxable bonds. Thus, the IRA's overall yield net of tax would be lower if the funds were invested in municipal securities, as opposed to in taxable bonds. The result is that billions of dollars in IRA's and Keogh's are now being funneled into taxable investments, rather than into city and State bonds. This phenomenon has contributed to the further erosion of the ability of local government to raise capital. The resultant reduced demand for municipal bonds will mean higher interest rates. These increased interest expenses are passed along in the form of either higher taxes, borne primarily by middle-class local property owners, or a reduction in services. This reduction in services hurts all citizens, but the burden falls most heavily on the needy.

My proposal, Mr. President, would help rectify this problem. By allowing individuals who invest their IRA or Keogh contributions in municipal bonds to receive tax-exempt distributions of income, we would not be creating another tax shelter—we would simply be returning to the municipal bond market a potential pool of capital which it has been deprived of since the creation of IRA's and Keogh's. Furthermore, my proposal would not mandate that any funds be directed into municipal securities. It would simply give investors of IRA's and Keogh's this option. The municipal bond market, as well as the corporate market, should benefit from IRA and Keogh investment capital.

In 1982, there were 14.5 million individuals participating in IRA's and 865,000 participating in Keogh's. Many of these people would benefit from my proposal. In fact, the Congressional Budget Office (CBO) estimates that if this bill were to go into effect in fiscal year 1984, up to 12 million people would invest their IRA contributions in tax-exempt obligations. This is because IRA funds can be distributed before a person retires, as early as age 59½. Because these people are still working, many of them are in a tax bracket high enough to benefit from the special tax status afforded municipal bonds. CBO estimates that these people could invest up to $15 to $20 billion the first year, and $23 to $24 billion the second year, a much needed infusion of capital into the municipal bond market.

As I noted, the revenue loss from this program is estimated to be very small, negligible the first year and only about $100 million a year for the 2 years following. This is surely a small price to pay for the tremendous benefits of a stimulated municipal bond market and additional savings incentives for individuals planning for retirement.

Mr. President, I urge my colleagues on both sides of the aisle to support this legislation.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2250. A bill to authorize Federal financial assistance to the government of Nassau County, N.Y., for necessary antiterrorist and security-related expenses associated with hosting the

1984 International Games for the Disabled; to the Committee on the Judiciary.

SECURITY ASSISTANCE FOR INTERNATIONAL GAMES FOR THE DISABLED

● Mr. D'AMATO. Mr. President, today I am introducing legislation authorizing the Department of Justice to assist Nassau County, N.Y., in meeting extraordinary and necessary antiterrorist and security-related expenses during the 1984 International Games for the Disabled.

I am pleased to have my distinguished colleague from New York join me as a cosponsor of this legislation. In June of this Year, these games will bring together, for the first time in the United States, world-class amputee and blind athletes, and athletes with cerebral palsy, multiple sclerosis, muscular dystrophy, and other handicaps; 1,500 disabled athletes from dozens of countries will compete in a variety of Olympic events.

These games are a significant, formally recognized, international athletic competition, officially sanctioned by the International Olympics Committee. They require of their host-country-support services, similar to those required of Los Angeles, to assure that they are conducted in a secure and hospitable environment.

Unfortunately, we live in a time of increased terrorist activity. Thus, there is cause for concern over possible terrorist activity at the games. The Nassau County Police Department estimates that its cost for security at the games will exceed $6 million.

Even under the legislation I am introducing today, however, local government will meet approximately 90 percent of the security costs for the games. Nevertheless, it is appropriate that the Federal Government provide some small measure of assistance. The recent bombings at the Capitol and elsewhere are vivid reminders of the destruction that can result when security is not adequate. For reasons I do not pretend to understand, international athletic events have been especially favorite targets of terrorists.

Last November, the Congress approved $45 million in the Department of Defense appropriations bill to provide security and other essential services at the Olympics being held this year in Los Angeles. The International Games for the Disabled may not be as well publicized as the Olympics, but they, too, might become the targets of terrorism. They are certainly no less deserving because they feature the physically disabled.

For these reasons, I urge my colleagues to support this legislation and the humanitarian goals and principles it seeks to promote. I also ask unanimous consent, Mr. President, that my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2250

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. The Congress finds that—

(1) the 1984 International Games for the Disabled, which are to be held in Nassau County, New York, in June, 1984, will provide the citizens of the United States the unique opportunity to host an athletic competition involving disabled athletes;

(2) the Games will bring together for the first time in the United States world-class amputee, blind, cerebral palsy, and les autres athletes representing dozens of nations in a variety of athletic events;

(3) the Games will increase appreciation for life-long physical fitness and expand competitive sports programs for the disabled throughout the United States; and

(4) Nassau County will incur extraordinary and substantial cost in providing police protection and security for the Games, particularly against terrorism, and, because of the substantial national benefit to be derived from these Games, it is appropriate for the Federal government to provide financial assistance.

SEC. 2. The Attorney General shall make grants totaling $850,000 to the government of Nassau County for anti-terrorist and other security-related expenses associated with hosting the 1984 International Games for the Disabled.

SEC. 3. The Attorney General is authorized to prescribe such rules as are necessary to carry out ths Act.

SEC. 4. Grants under this Act may be made in advance or by way of reimbursement.

SEC. 5. There are hereby authorized to be appropriated $850,000 for the fiscal years ending September 30, 1984 and September 30, 1985 for payments to the government of Nassau County for anti-terrorist and other security-related expenses associated with hosting the 1984 International Games for the Disabled.

SEC. 6. The preceding provisions of this Act shall take effect on the date of enactment of this Act.●

● Mr. MOYNIHAN. Mr. President, I rise today and join my colleague from New York, Senator D'AMATO, in offering legislation authorizing financial assistance, in the form of grants to the government of Nassau County, N.Y., to help defray certain expenses incurred in hosting the 1984 International Games for the Disabled. It is traditional for the host of the Winter Olympics to host this competition 4 years later. The State of New York and the village of Lake Placid had the honor of hosting the 1980 Winter Games, and this summer Nassau County will reciprocate by hosting the games for the disabled. This unique competition will be one of the Nation's most important sporting events and will be widely attended. President Reagan himself is expected to be on hand for the games.

In view of the tremendous costs Nassau County already will be absorbing, I believe it would be appropriate to help the county defray the costs of the extensive security arrangements required to host these games. Hosting the games for the disabled is an honor for the entire country, and one that is not often bestowed upon us. The financial burden should not rest entirely on the shoulders of the county of Nassau, N.Y. I encourage my colleagues to support this legislation.●

By Mr. DURENBERGER:

S. 2251. A bill to establish a uniform Federal policy governing the use of Federal funds for lobbying by contractors and grantees and to provide for the disclosure to Members of Congress of the costs of certain exempted activities; to the Committee on Governmental Affairs.

LOBBYING BY FEDERAL GRANTEES

● Mr. DURENBERGER. Mr. President, today it is my pleasure to introduce the Uniform Lobbying Cost Principles Act of 1984. This bill establishes a uniform Federal policy governing the use of Federal funds for lobbying by contractors and grantees, and provides for the disclosure to Members of Congress of the cost of certain exempted communications. The legislation is designed primarily to provide specific legislative guidance to the Office of Management and Budget and other agencies currently promulgating lobbying cost principles through revisions to OMB Circular A-122 and Federal procurement regulations.

"A-122" is the name that has been given to the Reagan administration's proposal to establish general restrictions on the use of Federal funds for "lobbying and related legislative activities." By now, I doubt that many of my colleagues could have avoided hearing about the A-122 controversy—a small number of Washington-based organizations have expended a great many resources to keep it in the spotlight. These lobbying organizations have skillfully manipulated facts, dragged out conservative "defund the left" rhetoric, and tapped a reservoir of anger at the administration over other issues to inflame the emotions of many well-meaning members of the nonprofit community. They have generated thousands of letters, all of them urging exactly the same thing: Withdraw A-122.

Many of the individuals and organizations who have written in response to this orchestrated grassroots campaign are my friends. I care about their concerns, both real and imagined. But I also care deeply about the integrity of the legislative process. Except in certain cases, when I vote for Federal programs to purchase a good or service, or to assist a particular segment of society, I am not voting to fund aggressive lobbying campaigns in the Congress or State legislatures in behalf of any vested third-party interests. As a general rule, lobbying campaigns are not appropriate items of ex-

penditure under Federal grants or contracts. And were Congress to precipitate the withdrawal of A-122, as we are being pressured to do, it would not only undercut this basic "good government" policy, but it would confirm in the minds of much of the body politic that Congress has lost control of its own process.

Accordingly, I am introducing S. 2251 as a constructive middle ground in this debate. The legislation would supersede A-122 with congressionally mandated cost principles specifically designed to resolve the major substantive issues surrounding the administration's proposal. One legitimate concern is that A-122 could inhibit desirable nonpolitical communications between the grantees and contracts, who carry out Federal programs, and the Congress, which authorizes them. Another is that organizations would face unnecessary recordkeeping costs in conforming to nonuniform procurement regulations and Circular A-122 definitions that differ from section 4911 of the Internal Revenue Code.

S. 2251 would restrict the use of Federal funds only with respect to costs knowingly incurred in direct support of "influencing legislation," as defined in the Internal Revenue Code with minor modifications. Exempt from this definition would be traditionally nonpolitical legislative activities such as legislative liaison, making available the results of nonpartisan analysis, and providing technical advice and assistance to governmental officials. Moreover, the legislation exempts from restrictions all local lobbying, all activities funded under block grants and competitive fixed priced contracts, and most State-level lobbying. In States that have waived the lobbying restrictions, all State-level lobbying would be exempt. Clearly, the design of this approach is to err, if we must err, on the side of free and open dialog between legislators and contractors and grantees.

But in opting for only minimal restrictions in this area, we are also leaving open the possibility that considerable grant and contract funds could be channeled into exempted communications that would otherwise constitute the influencing of legislation. To address this legitimate concern of OMB, I have included a provision in the legislation to require organizations to notify a Member of Congress when the cost of the technical advice they are providing the Member will exceed $100 and it will be allocated to a grant or contract. This modest disclosure requirement will assure that those of us who initiate requests for technical assistance will be aware of their cost and that they are publicly funded. This, in turn, will permit us to exercise appropriate restraint in making such requests and eliminate the need for suffocating rules to prevent abuses of this activity.

Finally, the legislation instructs the Director of OMB to develop, in full and open consultation with all interested parties, the minimum number of guidelines that are required to implement this policy. As part of this process, the Director would be required to identify and publicize any authorizations in Federal programs which promote the participation of certain underrepresented groups in the political process. Programs such as the Older Americans Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Rehabilitation Act, the Head Start Act, and title IV-B of the Social Security Act all contain such authorizations. These authorized activities would not be restricted under this legislation.

Mr. President, I recognize that this bill is not yet perfect in the eyes of those affected. I am sure the specifics will change somewhat over the coming weeks of negotiations. What I am trying to begin here is a process in which all interested parties can work with me in a spirit of good will and nonpartisanship to develop a suitable policy to replace A-122. I will continue to negotiate for substantive changes in A-122 in hopes of narrowing the differences between the administration's proposal and my bill. However, I retain my belief that any policy that comprehensively regulates lobbying activities—even when they are federally subsidized—is more appropriately formulated in legislation than through initiatives of the executive branch.

The Congress is an affected party under A-122, and Congress should have the final say in formulating any such policy. Mr. President, I do not unconditionally oppose the withdrawal of A-122. But until it becomes clear that my efforts to develop a legislative compromise in this area cannot be successful, I will continue to oppose the withdrawal of A-122 and to urge my colleagues to join me on the constructive middle ground.

Mr. President, at this time I ask that a copy of S. 2251 a factsheet and a section-by-section analysis be printed in the RECORD, along with my comments this afternoon. Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Lobbying Cost Principles Act of 1984".

SEC. 2. Except as otherwise provided under Federal law, a commercial or nonprofit organization shall not allocate the cost of influencing legislation to—

(1) a Federal or federally assisted grant or cooperative agreement, other than a block grant; or

(2) a contract with a Federal agency, other than a competitive firm fixed price contract.

DEFINITIONS

SEC. 3. (a) As used in this Act the term—

(1) "influencing legislation", except as otherwise provided in paragraph (2), means—

(A) any attempt to influence legislation through trying to affect the opinions of the general public or any segment thereof, and

(B) any attempt to influence legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation,

(2) "influencing legislation" for the purpose of this section, does not include—

(A) making available the results of nonpartisan analysis, study or research;

(B) providing technical advice or assistance (where such advice would otherwise constitute the influencing of legislation) to a governmental body or to a committee or a subdivision thereof in response to a request by any official or employee of such body or subdivision, as the case may be;

(C) communication between an organization and its bona fide members with respect to legislation or proposed legislation of direct interest to the organization and such members, other than communications described in subsection (b);

(D) any communication with a government official or employee, other than—

(i) a communication with a member or employee of a legislative body (where such communication would otherwise constitute the influencing of legislation), or

(ii) a communication the principal purpose of which is to influence legislation;

(E) any communication (where such communication would otherwise constitute the influencing of legislation) in connection with an employee's service as an elected or appointed government official or member of a governmental advisory panel; and

(F) any communication (where such communication would otherwise constitute the influencing of State legislation)—

(i) in a State which has waived the applicability of this Act to such communication pursuant to section 4(a) of this Act, or

(ii) with respect to a possible decision by a governmental body or committee or subdivision thereof which might affect the ability of the organization or cost to the organization of performing any grant, cooperative agreement, or contract described in section 2 of this Act;

(3) "legislation" includes action with respect to Acts, bills, resolutions, or similar items by the Congress or any State legislature, or by the public in a referendum, initiative constitutional amendment, or similar items;

(4) "action", when used with respect to legislation, is limited to introduction, amendment, enactment, defeat, or repeal;

(5) "making available" means the least costly method of communicating the results of nonpartisan analysis, study or research to an official or employee of a governmental body or committee or subdivision thereof;

(6) "nonprofit organization" means any organization described in sections 501 (c)(3) and (c)(4) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c) (3) and (4));

(7) "the cost of influencing legislation" means the total of expenditures knowingly undertaken in direct support of a communi-

cation when the purpose of such communication is to influence legislation; and

(8) "governmental body" means a Federal, or State executive or legislative body.

(b)(1) A communication between an organization and any bona fide member of such organization to directly encourage such member to communicate as provided in subsection (a)(1)(B) shall be treated as a communication described in such subsection.

(2) A communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or (B) of paragraph (1) shall be treated as a communication described in paragraph (1)(A).

STATE WAIVER

SEC. 4. (a) A State may waive the application of this Act to all communications which would otherwise constitute the influencing of State legislation by notifying the Director of Management and Budget of such election in writing.

(b) Except as provided in section 3(a)(2)(F)(ii), nothing in this Act shall prohibit a State which has provided a notification under subsection (a) from promulgating uniform rules for the allocation of the cost of influencing State legislation under federally assisted grants or cooperative agreements which are administered by such State.

DISCLOSURE OF FUNDING

SEC. 5. (a) Whenever the cost of an organization's technical advice or assistance to a Member of Congress, or the Member's staff, under section 3(a)(2)(B) will (1) be allocated to a grant, agreement, or contract described in section 2, pursuant to this Act, and (2) the amount so allocated will exceed $100, the organization shall provide a written notice to such Member setting forth the actual or estimated cost of such advice or assistance, and specifying the particular grant, agreement or contract to which such costs will be allocated.

(b) This section shall not apply with respect to any activity which has been specifically authorized by Congress.

(c) Whenever the cost of a communication described in subsection (a) will be allocated to more than one grant, agreement, or contract, an organization may, in lieu of specifying the particular Federal or federally assisted grant or agreement, or the particular contract with a Federal agency, to which such cost will be allocated, provide an estimate of the percentage of the organization's total revenues which are derived from Federal or federally assisted grants or agreements, or from contracts with a Federal agency.

ADMINISTRATION

SEC. 6. (a) The Director of the Office of Management and Budget (hereinafter referred to as the "Director") shall promulgate in full and open consultation with the heads of other Federal agencies, interested commericial and nonprofit organizations, and the Congress, such uniform guidelines as are minimally necessary to carry out this Act. Such consultation shall include public hearings designed to educate affected parties with respect to the applicability and intent of this Act.

(b) The heads of Federal agencies shall implement by regulations the guidelines promulgated under subsection (a).

(c) The guidelines promulgated under subsection (a) shall be developed in full accord with the Paperwork Reduction Act of 1980 (44 U.S.C 3501 et seq.) and chapter 6 of title 5, United States Code.

(d) Prior to promulgating any guidelines under subsection (a), the Director shall identify and publicize any authorization in the laws of the United States which permits any communication the purpose of which is to influence legislation.

REPEALS

SEC. 7. Notwithstanding any other provision of law, any portion of any Federal rule, regulation, circular or guideline which is in conflict with this Act is hereby superseded.

EFFECTIVE DATE

SEC. 8. This Act shall take effect on the date of its enactment.

SECTION BY SECTION ANALYSIS: THE UNIFORM LOBBYING COST PRINCIPLES ACT

POLICY

Section 1. This section establishes a uniform Federal policy governing the use of Federal funds to influence legislation by contractors and grantees. It provides that, except as otherwise provided in Federal law, commercial and nonprofit organizations may not allocate the cost of influencing legislation to a grant, other that a block grant, or a contract, other that a competitive firm fixed price contract. Block grants are excluded from coverage under the Act because the purpose of such a grant is to give the administering State or local government the greatest possible discretion over the uses of the grant moneys. Currently, for example, federal grant cost principles contained in OMB Circular A-122 ("Cost Principles for Nonprofit Organizations") do not apply to block grants. Competitive firm fixed price contracts are excluded because the awarding of such contracts is based primarily on cost.

DEFINITIONS

Section 2. Subsection (a)(1) defines the term "influencing legislation," a term which is modified further throughout this section. This definition is essentially similar to the definition of such term in section 4911 of the Internal Revenue Code of 1954. Under paragraph (1), the general rule is that "influencing legislation" means any attempt to influence legislation through (1) trying to influence the opinions of the general public or any segment thereof, or (2) communication with any government official or employee who may participate in the formulation of legislation.

Paragraph (2) identifies those communications not included in the term "influencing legislation." These exceptions adhere closely to those provided in section 4911 of the IRC, with minor modification. Subparagraph (A) provides that "making available the results of nonpartisan analysis, study or research" is not influencing legislation. This exemption is to assure that Members of Congress and other governmental officials are appraised of objective facts which may assist them in policy formulation. As with other exemptions in this paragraph, the cost of making available such information would not be subject to general disallowance. However, auditors will continue to have the discretion to disallow reimbursement for such activity when it is not an "ordinary and necessary expenditure" within the purpose of the grant or contract. This definition is modified in paragraph (5), which provides that the term "making available" is limited to the least costly method of communicating the results of nonpartisan analysis, study or research to an official or employee of a governmental body. This modification is designed to prohibit extravagant expenditures.

Subparagraph (B) exempts from general disallowance any "technical advice and assistance" provided at the specific request of an official or employee of a governmental body. The purpose of this exception is to assure that governmental officials may continue to have access to the technical expertise of contractors and grantees who administer Federal programs. This exception differs from an analogous exception in section 4911 of the IRC in that it would not require a "written" request as documentation for the purpose of making this area of expenditure reimbursible under a grant or contract. However, prudent accounting principles would dictate that in the vast majority of cases, it will be desirable to solicit a written request from a governmental official or employee in order to document that such advice and assistance is not "influencing legislation." Since nonprofit organizations require such records under section 4911, the impact of not requiring a written request is not expected to be significant; it is primarily to insure that oral responses to oral requests for information are not the subject of onerous recordkeeping burdens. Also, the notification required in section 4(a) would normally constitute sufficient documentation. Finally, it is intended that a general invitation to testify in the CONGRESSIONAL RECORD would constitute a request for assistance.

Subparagraph (C) provides that communications by an organization to its bona fide membership with respect to legislation or proposed legislation of direct interest to such members is not influencing legislation, except as provided in subsection (b). Subsection (b) modifies this subparagraph to provide that any communication to such members which directly encourages such members to influence legislation or to urge other persons to influence legislation constitutes the influencing of legislation. The language of subparagraph (C) and subsection (b) is drawn directly from section 4911 of the IRC.

Subparagraph (D) is also drawn from section 4911 and provides that any communication with a governmental official does not constitute the influencing of legislation, except where the communication (1) is with a member or employee of a legislative body, and would otherwise constitute the influencing of legislation, or (2) has as its principal purpose the influencing of legislation.

Subparagraph (E) provides that any communication made in connection with an employee's service as an elected or appointed governmental official or member of a governmental advisory panel does not constitute the influencing of legislation. This exception is not found in section 4911 of the IRC and has been added for the protection of State and local officials.

Subparagraph (F) provides that certain communications at the State level will not constitute the influencing of State legislation. Any communication in a State which has waived the applicability of this Act under section 3 is exempted. Also, any communication with respect to a possible decision by a governmental body or committee or subdivision thereof which might affect the ability of the organization or cost to the organization of performing any grant, contract or agreement identified in section 1 would not constitute the influencing of State legislation. These exceptions are not found in section 4911 of the IRC. However,

a "self-defense" lobbying provision, analogous to the one described in this subparagraph, is found in section 4911 which excepts lobbying with respect to an organization's tax status. That section was omitted from this Act, as its purpose is specific to the Tax Code. The "self defense" provision in this subparagraph is to allow the grantee or contractor to lobby in behalf of the Federal Government when State actions would impose a burden on the efficient accomplishment of a grant, contract or agreement that is federally funded.

Paragraph (3) defines the term "legislation" to include action with respect to Acts, bills, resolutions, or similar items by the Congress or any State legislature, or by the public in a referendum, initiative, constitutional amendment, or similar items. This definition is taken from section 4911 of the IRC, except that section 4911 also covers action by local city councils. This legislation would not cover any action by a local city council.

Paragraph (4) defines the term "action" as limited to the introduction, amendment, enactment, defeat or repeal of legislation. This language is taken directly from section 4911 of the IRC.

Paragraph (5) defines the term "making available" as the least costly method of communicating the results of nonpartisan analysis, study or research to an official or employee of a governmental body.

Paragraph (6) describes a "nonprofit organization" as any organization described in sections 501 (c)(3) and (c)(4) of the IRC. This definition is purposely narrow in order to provide the Federal Government with the necessary flexibility to apply the policies and objectives of this Act to other kinds of nonprofit organizations in ways that take into account their particular circumstances and characteristics. However, this section is not intended to limit the applicability of this Act only to the kinds of nonprofit organizations that are described in this paragraph.

Paragraph (7) defines the "cost of influencing legislation" to mean any expenditure knowingly undertaken in direct support of a communication the purpose of which is to influence legislation. This is the basic cost principle of the Act, and is designed to provide that legislative liaison and other nonpolitical legislative activities are not construed to be unallowable items of expenditure under Federal grants and contracts.

Subsection (b) modifies subsection (a)(2)(C) to provide that an organization's communication with its membership would constitute the influencing of legislation if such communication directly encourages such members to influence legislation or to urge others to influence legislation.

STATE WAIVER

Section 3. This section set forth the procedure under which a State could waive the restrictions in this Act with respect to the influencing of State legislation, and establish State regulations governing the allowability of allocating the cost of influencing State legislation to grants and contracts. Subsection (a) provides that a State may waive the applicability of this Act to all communications which would otherwise constitute the influencing of State legislation by notifying the Office of Management and Budget or such an election in writing. Subsection (b) establishes that nothing in this section prohibits a State which has exercised a waiver under subsection (a) from promulgating its own regulations in this area, except that organizations will still be able to influence legislation as provided under section 2(a)(2)(F)(ii). The intent of this section is to give State governments the greatest possible discretion over whether or not there should be any general restriction with respect to the allowability of the cost of influencing State legislation. Nothing in this section, however, permits a State to develop regulations that allow the influencing of Federal legislation under Federal contracts or Federal or federally funded grants or cooperative agreements.

DISCLOSURE OF FUNDING

Section 4. This section provides for the disclosure to Members of Congress of the cost of certain exempted communications which would otherwise constitute the influencing of legislation. Subsection (a) requires an organization to notify any member when the cost of providing technical advice and assistance to such member or the member's staff will exceed $100 and will be allocated to a grant, contract or agreement. Such notification would include a statement of the actual or estimated cost of such assistance and the particular grant, contract, or agreement to which such cost will be allocated.

The intent of this section is to assure that Members of Congress who initiate requests for technical advice or assistance will be aware of its cost and that it is publicly funded, so that they may exercise the appropriate restraint in the absense of general rules to the contrary. This section is deemed necessary to complement the very narrow definition of "influencing legislation" used in this Act.

Subsection (b) establishes a special rule when the cost described in subsection (a) is an indirect cost that is allocated among more than one grant, agreement, or contract. In lieu of identifying the particular grants, agreements or contracts to which such cost would be allocated, the organization may provide an estimate of the percentage of the organizations revenues which are derived from all such grants, agreements, or contracts.

Subsection (c) provides that this section shall not apply with respect to any activity which has been specifically authorized by Congress. These include certain activities authorized under the Older Americans Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, and title IV-B of the Social Security Act—a list that is not meant to be all-inclusive.

ADMINISTRATION

Section 5. This section establishes requirements for the implementation of this Act. Subsection (a) provides that the Director of the Office of Management and Budget shall develop in full and open consultation with the heads of other Federal agencies, interested commercial and nonprofit organizations, and the Congress, the minimum number of guidelines necessary to implement this Act. The provision requires that such guidelines shall be designed to apply uniformly to all commercial and nonprofit organizations. Subsection (b) requires the heads of other Federal agencies to incorporate such guidelines in regulation. Subsection (c) requires that the guidelines developed pursuant to subsection (a) be undertaken in accord with the Paperwork Reduction Act of 1980 and the Regulatory Flexibility Act of 1980 in order to minimize paperwork costs.

Subsection (d) requires the Director of OMB to identify and publicize any authorization in Federal law requiring a State or local agency, or a nonprofit organization, to advocate for or otherwise promote the political interests of a particular segment of society. Such authorizations permit the influencing of legislation using federal grant funds. Examples of such authorizations include: the Older Americans Act (42 U.S.C. 3205, 3206, 3027); the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6012, 6063, 6067); the Rehabilitation Act (29 U.S.C. 731); and the Social Security Act, title IV-B (42 U.S.C. 625). The intent of this section is that an exhaustive review of all Federal grant authorizations will identify all authorized activities that are not subject to the provisions of this Act.

REPEALS

Section 6. This section provides that any portion of any Federal rule, regulation, circular, or guideline which is in conflict with this Act would be superseded. The intent is not only to supercede OMB Circular A-122, to the extent that it is in conflict with this Act, but NASA, DOD, GSA and other procurement regulations as well. These agencies presently have the authority to promulgate procurement regulations that may vary from guidelines recommended by the Office of Management and Budget. It is expressly intended that this section constitute an exception to the authority in the Property Acts of such agencies to deviate from the guidelines developed pursuant to section 4(a) of this Act.

EFFECTIVE DATE

Section 7. This section provides that the Act will take effect immediately upon its enactment.●

By Mr. HATCH:

S. 2252. A bill to restructure the Federal employees health benefits program to strengthen financial control over the program and enhance competition among participating health benefits plans, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES HEALTH BENEFITS REFORM ACT

Mr. HATCH. Mr. President, today I am pleased to introduce and share with my colleagues an important legislative effort to increase Federal employees' freedom of choice in their selection of a health benefits' program.

The current Federal employee health benefit program offers considerable choice to employees and retirees. Federal employees have a wide range of health benefit coverage to select from at varying rates. The FEHB has demonstrated the feasibility of a competitive multiple choice health plan. In 1983, a large number of Federal employees were cost conscious in their selection of health insurance. Savings attributed to employees selecting low option plans with higher cost sharing or employees shifting to other health plans are estimated to be $90 to $150 per family.

Its reliance on employees' individual selection among competing health insurance plans makes the FEHBP illustrative of a free market competition plan. The legislation I am today introducing would improve upon it, to make the FEHB more competitive and so,

more conducive to improving health care quality at less cost.

The Federal Employees Health Benefit Reform Act would convert the mammoth Federal health insurance program to a system that would provide workers and retirees with annual vouchers to buy their own health insurance.

The bill allows the Federal Government to issue a voucher to each employee and retiree that would more than cover the full cost of so-called no frills, low option health plans. Vouchers would come in two amounts: One for single coverage; or a higher amount for those purchasing more expensive family plans. The voucher would allow Federal workers to pick low-cost plans and pocket any difference between the premium and the amount of the voucher. It institutionalizes an incentive for health insurers to cut their premium costs, and for employers to choose more economical plans. Coverage for families would be assured while increasing patient awareness of the cost of services.

Last May, as chairman of the Senate Labor and Human Resources Committee, I chaired 2 full days of hearings on the rising tide of health care costs. For example, we learned that in 1982, health care costs were $322 billion or 10.5 percent of the gross national product, up from 6 percent in 1965. Economic forecasters suggested that unless effective action is taken, costs in health care will continue to rise unabated and that by 1990 projected costs will be over $750 billion or 12 percent of the GNP. It is no secret that our country's health care system is inherently inflationary and too often rewards waste, inefficiency, duplication of services, and overutilization.

This is principally why I advocate increased health care competition. I believe competition will control some of the problems. Competition among suppliers of health services must include a wider consumer choice and a greater price sensitivity on selection of the health benefits and protections.

My hearings and their conclusions lead naturally to the Federal Employees Health Benefit Reform Act. Others have reached the same conclusion. I would like to pay tribute to Representative DANNEMEYER who has introduced this same legislation in the House of Representatives, H.R. 3798, and to OPM Director, Dr. Donald J. Devine for daring this novel approach which exemplifies the legislative spirit of health care competition. In line with Dr. Devine's spirited advocacy of increased competition; I understand President Reagan is including Federal health insurance vouchers in his forthcoming budget request. As more of our Federal budget is absorbed by health expenditures, I applaud competitive approaches like these as the only solution in sight. How else are we as responsible legislators going to conquer health care cost inflation without vanquishing our liberties along with it.

Dr. Devine, Director of the Office of Personnel Management has suggested to me a number of important objectives which would be accomplished by the legislation:

Encourage vouchered competition among health benefit plans by opening programs to a broader range of private insurance carriers, to allow more choice to employees and to encourage price competition among plans. Decrease Government intrusion into benefit design and rate setting of these private insurance plans and rely on market forces instead to encourage carriers to offer the most attractive benefits at the lowest rates, subject to minimum requirements with respect to catastrophic protection.

Give Federal employees and annuitants a broader range of plans, with different benefits and rates, from which to choose a health benefits package best suited to the needs of themselves and their families.

Control costs to the Government, by replacing the present benefit-driven Government contribution formula with a new formula indexed to the percentage change in the implicit price deflator for the gross national product.

Encourage employees and annuitants to select lower cost plans, with their built-in incentives for discouraging overutilization of services, by removing the present 75-percent limitation on the Government contribution toward the cost of any particular health plan or level of benefits and by authorizing case rebates of up to 40 percent of the authorized Government contribution rate in cases of enrollees who select health benefits plans which cost less than such contribution.

Reduce administrative expenses for the entire program by lessening Government involvement in the private health plans and their relationship with their enrollees.

Require OPM to declare a 30-day open enrollment season in advance of any changes in benefits or premiums under approved health plans.

Although this legislation will probably be referred to the Governmental Affairs Committee, chaired by my distinguished colleague, Senator STEVENS, I have great interest in this legislation and give my full commitment to working with like-minded colleagues in fashioning a health insurance voucher system worthy of congressional approval and the President's signature. At this time I ask unanimous consent that the full text of the legislation be printed in the RECORD and I further urge my colleagues review this far-reaching positive approach to reducing health care costs.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Health Benefits Reform Act of 1983".

SEC. 2. (a) Chapter 89 of title 5, United States Code, is revised and reenacted as follows:

"CHAPTER 89—EMPLOYEE HEALTH INSURANCE

"Sec.
"8901. Definitions.
"8902. Qualified health benefits plans.
"8903. Enrollment procedures.
"8904. Government contributions and enrollee premiums.
"8905. Coverage of reinstated employees and restored annuitants.
"8906. Employees Health Benefits Fund.
"8907. Studies and Reports.
"8908. Jurisdiction of courts.
"8909. Regulations.

"§ 8901. Definitions

"For purposes of this chapter—

"(1) 'employee' means—

"(A) an employee as defined by section 2105 of this title;

"(B) a Member of Congress as defined by section 2106 of this title;

"(C) a Congressional employee as defined by section 2107 of this title;

"(D) the President;

"(E) an individual employed by the government of the District of Columbia, unless otherwise provided by the District of Columbia Council in accordance with section 714(c) of the Act of December 24, 1973 (87 Stat. 819);

"(F) officers and employees of the United States Postal Service, unless otherwise provided by the Postal Service in accordance with section 1005(f) of title 39, United States Code;

"(G) an individual employed by Gallaudet College;

"(H) an individual employed by a county committee established under section 590h(b) of title 16; and

"(I) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat 838);

but does not include—

"(i) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

"(ii) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone;

"(iii) an employee of the Tennessee Valley Authority; or

"(iv) an employee excluded by regulation of the Office of Personnel Management under section 8909(b) of this title;

"(2) 'Government' means the Government of the United States and the government of the District of Columbia;

"(3) "annuitant" means—

"(A) an employee who retires on an immediate annuity under subchapter III of chapter 83 of this title or another retirement system for employees of the Government, after five or more years of service or for disability;

"(B) a family member who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;

"(C) an employee who receives monthly compensation under subchapter I of chapter 81 of this title and who is determined by the Secretary of Labor to be unable to return to duty; and

"(D) a family member who receives monthly compensation under subchapter I of chapter 81 of this title as the surviving beneficiary of—

"(i) an employee who died as a result of injury or illness compensable under that subchapter; or

"(ii) a former employee who died while receiving monthly compensation under the subchapter and who had been held by the Secretary to have been unable to return to duty;

"(4) 'service' as used in paragraph (3) of this section, means service which is creditable under subchapter III of chapter 83 of this title;

"(5) 'family member' means the spouse of an employee or annuitant and an unmarried dependent child under 22 years of age, including—

"(A) an adopted child or recognized natural child; and

"(B) a stepchild or foster child, but only if the child lives with the employee or annuitant in a regular parent-child relationship; or such an unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22;

"(6) 'dependent', in the case of any child, means that the employee or annuitant involved is either living with or contributing to the support of such child, as determined in accordance with such regulations as the Office shall prescribe, or if the employee or annuitant is deceased, the deceased individual lived with or contributed to the support of such child immediately before death;

"(7) 'health benefits plan' means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, paying for, or reimbursing expenses for health services;

"(8) 'carrier' means—

"(A) one or more not-for-profit corporations which are organized and authorized under the laws of a State or the District of Columbia for the primary purpose of operating a service benefit health plan, or plans, under which prepaid hospital, medical, surgical, and related services are provided to subscribers to such plan or plans pursuant to participation agreements between the corporation and physicians, hospitals, and other providers of health services, or any legal entity which is licensed under the laws of a State or the District of Columbia to issue group health insurance policies providing indemnity benefits to covered individuals for specified health care expenses and which chooses to offer a qualified health benefits plan, or plans, under this chapter;

"(B) an employee organization, as defined in paragraph (9) of this section, which sponsors, and administers in whole or in substantial part, a health plan available only to individuals, and their family members, who are regular or associate of the organization, provided however, that if an employee organization elects to offer limited associate memberships for purposes of health plan participation under this chapter, associate memberships must be offered to all employees and annuitants eligible to enroll in a qualified health benefits plan pursuant to this chapter;

"(C) a Federally qualified health maintenance organization within the meaning of section 1310(d)(1) of title XIII of the Public Health Service Act (42 U.S.C. 200e-9(d)(1)); and

"(D) any corporation, association, partnership, or other organization which contracted with the Office of Personnel Management as of September 30, 1984, to offer a comprehensive medical plan or network of plans described in section 8903(4) of this title as then in effect, provided such organization continuously offers such qualified health benefits plan or network of plans under this chapter after September 30, 1984;

"(9) 'employee organization' means an association or other organization of employees or retired employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a qualified health benefits plan under this chapter;

"(10) 'open enrollment season' means a 30-day period, which shall be designated by the Office of Personnel Management prior to the beginning of any plan year with respect to which changes in premium rates or benefits are approved by the Office in its administration of this chapter, during which period any eligible employee who is not enrolled in a qualified health benefits plan described in section 8902 of this title may enroll and any enrolled employee or annuitant may change his enrollment to another plan or benefits option;

"(11) 'health care voucher' means a document for use in enrolling in a health benefits plan or changing enrollment to another plan or benefits option pursuant to this chapter on which an individual shall indicate a choice of a qualified health benefits plan and level of benefits, if applicable, under this chapter; and

"(12) 'plan year' means the twelve-month period beginning each October 1, corresponding to the Federal Government's fiscal year.

"§ 8902. Qualified health benefits plans

"(a) A carrier, as defined in section 8901(8) of this title, that wishes to offer one or more group health insurance plans to employees and annuitants pursuant to this chapter shall apply for approval of such plan or plans by the Office of Personnel Management in such manner as the Office may require by regulation. The Office shall approve all plans as qualified for participation under this chapter which satisfy the following conditions:

"(1) The carrier shall certify that premium charges for enrollments under this chapter in each level of benefits of the plan shall be consistent with the lowest schedule of rates charged for comparable benefits levels under the carrier's other group policies;

"(2) The carrier shall certify that each level of benefits under a proposed plan will provide comprehensive benefits for covered services and supplies provided to an enrollee or eligible family member in any plan year, with no out-of-pocket expenditure by the enrollee, after the enrollee has incurred creditable deductible and coinsurance expenditures in that plan year equal to a maximum enrollee financial participation requirement which shall be specified under the terms of the plan, and which shall not be greater than a maximum permissible enrollee financial participation amount which the Office establishes as appropriate for that category of health plan, and which shall take into consideration enrollee payments for such services as medical, hospital, and surgical benefits, as the Office determines appropriate;

"(3) The carrier agrees to offer each level of benefits to all eligible enrollees at a uniform premium rate for self-only enrollments, and a uniform premium rate for self-and-family enrollments, for a term of at least one plan year;

"(4) The carrier shall agree to operate, or contract for, a health services utilization review system satisfactory to the Office;

"(5) The carrier shall agree to accept for enrollment, without regard to race, sex, health status, or age, and in accordance with procedures established pursuant to section 8903 of this title, any employee or annitant who is eligible to enroll in a qualified health benefits plan pursuant to this chapter and, if the employee or annuitant so elects, family members, as defined in section 8901(5) of this title, provided, however, that plans offered by carriers described in subparagraph (B) of section 8901(8) of this title shall be open to employees and annuitants who reside in a State (or the District of Columbia) in which the carrier is licensed to do business, and plans offered by carriers described in subparagraph (B) of section 8901(8) of this title shall be open only to employees and annuitants who at the time of enrollment are members or associate members of the sponsoring employee organization, and plans offered by carriers described in subparagraphs (C) and (D) of section 8901(8) of this title may be limited to employees and annuitants who live or work in the geographic area served by a particular plan;

"(6) The carrier shall agree to provide detailed written statements of the rights and obligations of the plan and its enrollees, including services and benefits to which plan enrollees are entitled and any maximums, limitations, and exclusions applicable to such services and benefits, in a format approved by the Office, and to provide an enrollee identification card, and a description of procedures for obtaining benefits, to all who enroll in the plan pursuant to this chapter;

"(7) The carrier shall agree that if, during the course of a plan year, an enrollee changes his enrollment to another health benefits plan under conditions prescribed by this chapter, or applicable regulations issued by the Office, the former health plan shall permit such enrollee to terminate enrollment and shall not require any premium or other payment after enrollment in the plan is terminated;

"(8) The carrier shall agree to offer each employee, annuitant, or family member whose eligibility under this chapter is ended, except by voluntary cancellation of health plan enrollment, a 31-day extension of coverage during which such individual shall have the option to convert without evidence of good health to a nongroup contract with the carrier providing health benefits. Such nongroup contract shall provide benefits at least equal to the lowest level of benefits offered under the qualified health benefits plan from which the individual terminated. The premium for such nongroup con-

tract shall be consistent with the lowest rates charged by the carrier under comparable nongroup policies. Any individual who exercises this conversion option shall pay the full periodic premium charges of the nongroup contract directly to the carrier;

"(9) The carrier shall furnish to the Office such evidence as the Office may require that the carrier has obtained adequate reinsurance of its health benefits plan against loss, except that the Office may waive such requirement for reinsurance if the carrier petitions the Office for such waiver, on the basis that such reinsurance is unnecessary because of the carrier's financial stability and capacity for risk absorption;

"(10) The carrier shall agree to furnish such reports as the Office determines to be necessary to enable the Office to carry out its functions under this chapter, and to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to determine the carrier's financial stability and otherwise carry out the purposes of this chapter.

"(b) Approval of a plan for participation under this chapter as a qualified health benefits plan may be withdrawn by the Office, after notice of the reasons for withdrawal and opportunity for a hearing for the carrier concerned and without regard to subchapter II of chapter 5 and chapter 7 of this title, if the Office determines that the plan is not in compliance with any provision of this chapter or applicable regulations.

"(c) The provisions of any health benefits plan approved by the Office for participation under this chapter, which provisions are set forth in a written plan description furnished to enrollees pursuant to subsection (a)(6) of this section and relate to the nature or extent of coverage or benefits (including payments with respect to benefits), shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance and plans or the format of informational materials, to the extent that such law or regulation is inconsistent with such provisions.

"§ 8903. Enrollment procedures.

"(a) Each eligible employee shall, upon entering on duty, be issued by the employing office a list of qualified health benefits plans available pursuant to this chapter and the applicable premium rates, and a health care voucher, as described in section 8901(11) of this title, on which to indicate a choice of plans and, if applicable, level of benefits, and whether his enrollment is for self-only or for self-and-family.

"(b) An annuitant who at the time he becomes an annuitant has been enrolled in a qualified health benefits plan pursuant to this chapter—

"(1) as an employee for a period of not less than—

"(A) the five years of service immediately before retirement; or

"(B) The full period or periods of service between the last day of the first period in which he was eligible to enroll in a health benefits plan under this chapter (or similar provisions of prior law) and the date on which he becomes an annuitant, if less than five years; or

"(2) as a family member of an employee or annuitant; shall continue to be eligible while an annuitant to be enrolled in a qualified health benefits plan pursuant to this chapter so long as such individual remains continuously enrolled in any health benefits plan pursuant to this chapter.

"(c) If an employee or annuitant has a spouse who is also an employee or annuitant, either spouse, but not both, may enroll in a qualified health benefits plan for self-and-family coverage or each spouse may enroll as an individual. However, an individual may not be enrolled both individually as an employee or annuitant and as a family member of another enrollee.

"(d) Each eligible employee and annuitant shall, at the beginning of each open enrollment season, be issued, by his employing office or retirement system, such materials as the Office may prescribe for purposes of facilitating a choice among available health benefits plans, including: A list of qualified health benefits plans and their respective premium rates, instructions for obtaining benefit brochers from carriers, and a health care voucher to be completed and returned to the individual's employing office or retirement system indicating his choice of plan, level of benefits, and whether the enrollment is for self-only or self-and-family coverage. The Office shall take such steps as it considers appropriate and feasible to ensure that comparative information on available qualified health benefits plan is available to each eligible employee and annuitant during each open enrollment season. Employees and annuitants who are enrolled in a qualified health benefits plan under this chapter and who do not complete and return the health care voucher to their employing office or retirement system during the open enrollment season to change their enrollment shall continue to be enrolled in the same health benefits plan or, in the event such plan ceases participation under this chapter, in a plan which is reasonably similar to the discontinued plan, as determined by the Office.

"(e) An employee or annuitant may, under conditions prescribed by regulations of the Office, be issued a health care voucher for the purpose of changing his coverage, or that of himself and his family members, upon application filed with the employing office or retirement system within 60 days after a change in family status.

"(f) An employee or annuitant may be issued a health care voucher for use in transferring his enrollment from one qualified health benefits plan to another if the health benefits plan in which such individual is enrolled ceases participation under this chapter, and at such other times and under conditions prescribed by regulations of the Office.

"(g)(1) Each employing office or retirement system to which a completed health care voucher is returned by an eligible employee or annuitant under the provisions of this section shall promptly send a copy of the completed voucher to the carrier selected by the employee or annuitant.

"(2) Each employing office or retirement system that is responsible for the enrollment of employees or annuitants in qualified health benefits plans under this chapter shall promptly notify the affected carrier, in a manner to be prescribed by the Office, if an employee or annuitant becomes ineligible for continued coverage under that carrier's plan because the employee or annuitant has elected to transfer his enrollment to another carrier in accordance with the procedures under this section or has separated from the service or otherwise became ineligible for continued coverage.

"(3) Each employing office or retirement system that is responsible for the enrollment of employees or annuitants in qulified health benefits plans under this chapter shall, at the beginning of each calender year and in a manner to be prescribed by the Office, transmit to each carrier a list of all employees or annuitants for whom the employing office or retirement system is responsible and who are enrolled in the carrier's plan, together with an identification of the level of benefits under which the employee or annuitant is covered and whether the coverage is for self-only or self-and-family.

"§ 8904. Government contributions and enrollee premiums.

"(a)(1) The Office of Personnel Management shall determine in advance of each plan year the basic rates of Government contributions available under this chapter toward the premium cost of self-only and self-and-family enrollments, respectively, in qualified health benefits plans, in accordance with the provisions of this subsection.

"(2) For purposes of determining the Government contribution rates per enrollee for each plan year, the Office shall first determine for the fiscal year preceding the new plan year the average biweekly Government contribution made toward self-only and self-and-family health plan enrollments under this chapter, respectively, on behalf of enrollees other than active and retired officers and employees of the United States Postal Service and the survivors of such individuals, including in such average Government contribution the amount of any excess Government contribution paid to employees and annuitants under subsection (c)(1) of this section. The Office shall then adjust such average contribution rates in accordance with the Office's determination of the percentage change in the implicit price deflator for the Gross National Product for the calendar quarter ending March 31 immediately preceding a new plan year, relative to the implicit price deflator for the Gross National Product for the calender quarter ending the preceding March 31, as such quarterly figures are pubished by the Bureau of Economic Analysis of the Department of Commerce.

"(3) The Office shall provide for conversion of biweekly rates of Government contributions and enrollee premiums determined under this section to rates for employees and annuitants paid on other than a biweekly basis, and for this purpose may provide for the adjustment of the converted rate to the nearest cent.

"(b)(1) Except as provided by paragraph (2) of this subsection and paragraph (2) of subsection (e) of this section, for all periods during which an enrollment under this chapter continues, a Government contribution as determined by the Office under subsection (a) of this section shall be payable on behalf of each enrolled employee and annuitant. For employees, adjustments in the Government premium contribution rates computed by the Office in accordance with subsection (a) of this section and changes in health benefits plan premium rates shall take effect on the first day of the first pay period beginning on or after the beginning of the plan year. For an annuitant, the adjustments in contribution and premium rates shall take effect on the first day of the plan year.

"(2) In the case of an enrolled employee who is occuping a position on less than a full-time basis, the biweekly Government contribution shall be an amount which bears the same ratio to the adjusted contribution rates determined under subsection (a) of this section as the average number of

hours of such employee's regulary scheduled workweek bears to the average number of hours in the regularly scheduled workweek of an employee serving in a comparable position on a full-time basis (as determined under regulations prescribed by the Office).

"(c)(1) Each employee or annuitant who elects to enroll in a qualified health benefits plan pursuant to this chapter shall be responsible for payment of any group premium charge applicable to such enrollment in excess of the biweekly Government contribution authorized under subsection (b) of this section for each pay period during which the enrollment continues. Withholdings for this purpose shall be made from the pay of each enrolled employee and the annuity of each enrolled annuitant.

"(2) If the periodic Government contribution rate authorized under subsection (b) of this section for self-only or self-and-family health plan enrollments exceeds the periodic premium charge for an approved health benefits plan and enrollment category selected by an eligible employee or annuitant under this chapter, the excess Government contribution shall be paid directly to the enrolled employee or annuitant each pay period in accordance with subsections (f) and (g) of this section, but only to the extent that such excess amount does not exceed 40 percent of the authorized Government contribution rate.

"(d) In addition to Government contributions authorized under subsection (b) of this section, there shall be contributed by the Government for each enrollment an amount which the Office determines to be necessary for administrative costs in accordance with section 8906(b) of this title.

"(e)(1) An employee enrolled in a health benefits plan under this chapter who is placed in a leave without pay status may have his coverage and the coverage of his family members continued under the plan for not to exceed one year, subject to payment of the appropriate amounts by the Government and the enrollee as required by subsections (b) and (c) of this section.

"(2) An employee who enters on approved leave without pay to serve as a full-time officer or employee of a labor organization, as defined by section 7103(a)(4) of this title, may, within 60 days after entering on that leave without pay, file with his employing agency an election to continue his enrollment under this chapter and arrange to pay currently into the Employees Health Benefits Fund, through his employing agency, both employee and agency contributions from the beginning of the period of leave without pay. The employing agency shall forward the enrollment charges so paid to the Office for deposit to the Fund. If the employee does not so elect, his enrollment will be subject to paragraph (1) of this subsection and implementing regulations.

"(f) The Government contributions toward health plan premiums and administrative costs under this section for an employee, and any payments to employees under subsection (c)(2) of this section, shall be paid—

"(1) in the case of employees generally, from the appropriation or fund which is used to pay the employee;

"(2) in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment;

"(3) in the case of an employee of the legislative branch who is paid by the Clerk of the House of Representatives, from the contingent fund of the House; and

"(4) in the case of an employee in a leave without pay status, from the appropriation or fund which would be used to pay the employee if he were in a pay status.

"(g)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, Government contributions toward health plan premiums and administrative costs authorized under this section relative to annuitant enrollments under this chapter, and any payments to annuitants under subsection (c)(2) of this section, shall be paid by the Office from annual appropriations which are authorized to be made for that purpose and which may be made available until expended.

"(2) In the case of annuitants who are retired officers or employees of the United States Postal Service or the Post Office Department, or the survivors of such individuals, the United States Postal Service shall pay all Government contributions authorized by this section and shall forward contributions required by subsections (b) and (d) of this section to the Employees Health Benefits Fund upon notification by the Office of the amounts which the Office determines are necessary for this purpose.

"(3) In the case of annuitants who are retired officers or employees of the government of the District of Columbia, or the survivors of such individuals, the District of Columbia government shall pay all Government contributions authorized by this section and shall forward contributions required by subsections (b) and (d) of this section to the Employees Health Benefits Fund upon notification by the Office of the amounts which the Office determines are necessary for this purpose.

"(4) In the case of annuitants who receive monthly compensation under subchapter I of chapter 81 of this title, all Government contributions authorized by this section shall be paid from the Employees' Compensation Fund established under section 8147(a) of this title, with such contributions charged back to the former employing agency in accordance with section 8147(b) of this title. The Secretary of Labor shall authorize payment to the Employees Health Benefits Fund of contributions required by subsections (b) and (d) of this section upon notification by the Office of the amounts the Office determines are necessary for this purpose.

"(h)(1) In accordance with regulations prescribed by the Office, an employing agency or retirement system which fails to collect enrollee premium contributions and forward them, along with Government contributions toward health plan premiums and administrative expenses, to the Office in the correct amounts and in a timely manner for deposit to the credit of the Employees Health Benefits Fund shall be liable for the appropriate amounts, plus interest at a rate determined by the Office and computed from the time such payment should have been forwarded to the Office.

"(2) If an agency fails to withhold the proper amount of health benefits premium contributions from an individual's salary, compensation, or retirement annuity, the collection of unpaid premiums may be waived by the agency if, in the judgment of the agency, the individual is without fault and recovery would be against equity and good conscience. However, if the agency so waives the collection of unpaid enrollee premium contributions, the agency shall submit an amount equal to the sum of the uncollected enrollee contributions and appropriate Government contributions, plus interest, as required by paragraph (1) of this subsection.

"(i) The Office shall forward enrollee premium contributions and applicable Government premium contributions for enrollees in each health benefits plan to the carrier no later than 30 days after such monies are received by the Office for deposit to the Employees Health Benefits Fund.

"§ 8905. Coverage of reinstated employees and restored annuitants.

"(a) An employee enrolled in a health benefits plan under this chapter who is removed or suspended without pay and later reinstated or restored to duty on the grounds that the removal or suspension was unjustified or unwarranted may, at his option, be issued a health care voucher for purposes of enrolling as a new employee or have his coverage restored, with appropriate adjustments made in contributions and claims, to the same extent and effect as though the removal or suspension had not taken place.

"(b) A disability annuitant whose annuity under section 8337 of this title, or a similar provision of another retirement system for employees of the Government, is terminated because the annuitant recovers from disability or is restored to an earning capacity fairly comparable to the current rate of pay of the position occupied at the time of retirement, and whose annuity is later restored due to recurrence of the disability or loss of earning capacity, shall upon such restoration, be issued a health care voucher by his retirement system for purposes of enrolling in a health benefits plan pursuant to this chapter, if such annuitant was covered by any such plan immediately prior to the termination of annuity.

"(c) A surviving spouse whose survivor annuity under this title was terminated because of remarriage and is later restored shall, under such regulations as the Office of Personnel Management may prescribe, be issued a health care voucher by the retirement system for purposes of enrolling in a health benefits plan under this chapter, if such spouse was covered by any such plan immediately before such annuity was terminated.

"§ 8906. Employees Health Benefits Fund.

"(a) Pursuant to this section and similar provisions of prior law, there is authorized to be in the Treasury of the United States an Employees Health Benefits Fund which shall be administered by the Office of Personnel Management. The contributions of employees, annuitants, and the Government toward health plan premium charges and administrative expense prescribed by section 8904 of this title shall be paid into the Fund. The Fund, other than accounts identified for specific purposes under this section and the Retired Federal Employees Health Benefits Act (74 Stat. 850), is available, without fiscal year limitation, for payments by the Office to approved health benefits plans of premium charges with respect to enrollments under this chapter.

"(b) An amount, as determined by the Office to be necessary from time to time, but not to exceed one percent of the Government contribution rates as determined by the Office pursuant to section 8904(a)(2) of this title, shall be set aside from Government contributions paid into the Fund for each enrollment during a plan year under section 8904 of this title as an administrative expense reserve to be available, within the limitations that may be specified annually by Congress, to pay the administrative

expenses incurred by the Office under this chapter.

"(c) There shall be an enrollees' contingency reserve account in the Fund. The Office, from time to time and in amounts it considers appropriate, may transfer any amounts credited to the general Employees Health Benefits Fund in prior plan years in excess of premiums due carriers to the enrollees' contingency reserve account. This account shall be available to the Office, without fiscal year limitation, for payment of any expenses which the Office may, in its discretion, deem proper for the benefit of individuals enrolled in health plans pursuant to this chapter.

"(d) The Secretary of the Treasury may invest and reinvest any of the money in the Fund which is not immediately required for premium payments to carriers, adminstrative expenses, or authorized disbursements from the enrollee contingency reserve, in interest-bearing obligations of the United States, and may sell these obligations for the purposes of the Fund. The interest on and the proceeds from the sale of these obligations shall become a part of the enrollees' contingency reserve in the Fund as authorized under subsection (c) of this section.

"§ 8907. Studies and reports.

"(a) The Office of Personnel Management shall make a continuing study of the operation and administration of this chapter, including surveys and reports on health benefits plans available to employees and on the experience of the plans.

"(b) Each Government agency shall keep such records, make such certification, and furnish the Office with such information and reports as may be necessary to enable the Office to carry out its functions under this chapter.

"§ 8908. Jurisdiction of courts.

"The district courts of the United States have original jurisdiction, concurrent with the United States Claims Court, of a civil action or claim against the United States founded on this chapter.

"§ 8909. Regulations.

"(a) The Office of Personnel Management shall prescribe regulations necessary to carry out the purposes of this chapter.

"(b) The regulations of the Office may exclude an employee from coverage under this chapter on the basis of the nature and type of his employment or conditions pertaining to it, such as short-term appointments, seasonal or intermittent employment, and employment of like nature. The Office may not exclude—

"(1) an employee or group of employees solely on the basis of the hazardous nature of employment;

"(2) a teacher in the employ of the Board of Education of the District of Columbia, whose pay is fixed by section 1501 of title 31, District of Columbia Code, on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the Board for a period or periods totaling not less than two school years; or

"(3) an employee solely on the basis of occupying a position on a part-time career employment basis (as defined in section 3402(2) of this title).

"(c) The regulations of the Office shall provide for the beginning and ending dates of coverage of employees and annuitants and their family members under health benefits plans. The regulations may require the coverage to continue, exclusive of the temporary extension of coverage described by section 8902(a)(8) of this title, until the end of the pay period in which an employee is separated from the service, or until the end of the month in which an annuitant ceases to be entitled to annuity, and in case of the death of an employee or annuitant, may permit a temporary extension of the coverage of his family members for not to exceed 90 days.

"(d) The Secretary of Agriculture shall prescribe regulations to effect the application and operation of this chapter to an individual named by section 8901(1)(H) of this title.".

(b)(1) The amendments made by subsection (a) of this section shall take effect on October 1, 1984, and shall be effective with respect to health plan enrollments and Government contributions under chapter 89 of title 5, United States Code, on and after that date, and the Office of Personnel Management shall take such steps as it considers necessary prior to that date, including scheduling a special open enrollment season, to ensure that such provisions will be able to be implemented on that date. The Office may, with respect to enrollees in health benefits plans available pursuant to chapter 89 of title 5, United States Code, before October 1, 1984, automatically assign any individuals who do not specify a choice with respect to health plan coverage effective on and after that date to an appropriate level of benefits in a successor plan offered by the same carrier, or, in the event such carrier is no longer a participant under this chapter, to a plan which the Office determines is reasonably similar to the individual's health plan coverage under this chapter before October 1, 1984, unless the individual enrollee gives notice in accordance with regulations prescribed by the Office that the automatic assignment is unacceptable.

(2) Notwithstanding section 8902(a)(9) of title 5, United States Code as amended by subsection (a) of this section, any carrier that, on the day before the date of enactment of this Act, is operating a health benefits plan under chapter 89 of title 5, as in effect before the amendments made by subsection (a) shall not be subject to the requirements of such section 8902(a)(9), provided that the Office of Personnel Management determines such carrier to be financially stable.

SEC. 3. (a) Section 8902 of title 5, United States Code, as in effect prior to October 1, 1984, is amended on the date of enactment of this Act by adding the following sentence at the end thereof:

"Notwithstanding the foregoing sentence, all contracts for health plans under this chapter which become effective as of January 1984 shall terminate effective September 30, 1984."

(b) Contingency reserve funds set aside in the Employees Health Benefits Fund for individual health benefits plans pursuant to section 8909(b)(2) of title 5, United States Code, as in effect on September 30, 1984, shall for a period of two years beyond termination of health plan contracts pursuant to section 8902(a) of title 5, United States Code, as amended by subsection (a) of this section, remain available to pay accrued claims against the respective health benefits plans to the extent that the Office of Personnel Management determines that other reserves held by the carrier of a terminated plan are insufficient to liquidate outstanding claims. Effective October 1, 1986, the Office shall determine the total of any individual health plan contingency reserve accounts remaining in the Employees Health Benefits Fund, and shall transfer all such contingency reserve funds, together with any interest income earned from the investment of such funds by the Secretary of the Treasury in interest-bearing obligations of the United States, to the enrollees' contingency reserve account established in the Employees Health Benefits Fund pursuant to section 8906(c) of title 5, United States Code.

(c) Any unused administrative reserve funds set aside in the Employees Health Benefits Fund pursuant to subsection 8909(b)(1) of title 5, United States Code, as in effect immediately before the effective date of section 2 of this Act, shall be available, without limitation, to pay administrative expenses incurred by the Office in implementing the provisions of this Act.

SEC. 4. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849) is amended as follows:

(1) The word "Commission" is deleted wherever it appears and the words "Office of Personnel Management" substituted in place thereof;

(2) Section 2(1) is amended to read:

"(1) the terms 'employee' and 'Government' have the same meanings when used in this Act as such terms have for purposes of section 8901 of title 5, United States Code.";

(3) Sections 3, 5, and 10 are repealed;

(4) Section 4 is amended by replacing the first two sentences with the following sentence:

"If a retired employee enrolls for self-only in a health benefits plan as provided for by section 6 of this Act, the Government shall contribute each month toward his subscription charge an amount equal to the current monthly premium of an individual for each month under section 1839(c)(3) of the Social Security Act.";

(5) Section 6(a) is amended in the first sentence by striking out ", other than the plan provided for under section 3 of this Act,";

(6) Section 7 is amended to read:

"Each retired employee shall, within such time after March 1, 1961, as the Office of Personnel Management shall prescribe, notify the Office of his election to enroll in or retain existing coverage in a private health benefits plan and receive Government contributions under section 6 of this Act, or not to participate in the program offered under this Act. If the retired employee elects to enroll under this section, his election shall be accompanied by a certificate of the carrier certifying the fact of his enrollment and the cost to him of the health benefits plan, or of the health benefits portion of the plan.";

(7) Section 8 is amended to read:

"(a) The Government contribution toward the cost of enrollments in private health benefits plans under sections 4 and 6 of this Act, and expenses incurred by the Office of Personnel Management in the administration of this Act, shall be paid from funds that shall be credited for this purpose by the Secretary of the Treasury, out of money in the Treasury of the United States which is not otherwise appropriated, to the Employees Health Benefits Fund established in the Treasury of the United States for purposes of chapter 89 of title 5, United States Code, upon notification by the Office of the amounts which the Office determines are necessary for purposes of this section.

"(b) The funds credited to the Employees Health Benefits Fund under subsection (a) of this section shall be available without

fiscal year limitation for payment of the Government contributions provided for by sections 4 and 6 of this Act through agencies of the Government which administer a retirement system for employees of the Government and for expenses incurred by the Office in administering this Act.";

"(8) The first sentence of section 9(b) is repealed;

"(9) Section 9(c) is amended by—

(A) striking out ", and withholdings required by section 5 of this Act" in clause (4);

(B) repealing clause (6); and

(C) striking out the words "and withholding" in clause (8); and

(10) Section 12 is amended by striking out the words "and withholdings".

(b) Subsection (a) of this section becomes effective on January 1, 1984. On that date, all monies credited to the Retired Employees Health Benefits Fund in the Treasury of the United States shall, except as provided by subsection (d) of this section, be transferred to the Employees Health Benefits Fund established pursuant to section 8909 of title 5, United States Code, and set aside for purposes of the Retired Federal Employees Health Benefits Act.

(c) Each individual enrolled in the Government-wide plan pursuant to section 3 of the Retired Federal Employees Health Benefits Act on December 31, 1983, shall be automatically transferred to an appropriate level of benefits under the Indemnity Benefit Plan described in paragraph (2) of section 8903 of title 5, United States Code, as in effect on the date of enactment of this Act, effective January 1, 1984, unless the individual elects enrollment in another type of plan described in section 8903.

(d) Effective January 1, 1984, any contingency reserve to the credit of the Government-wide plan under the Retired Employees Health Benefits Act, and any monies received on or after that date with respect to enrollments in such plan, shall be transferred to the contingency reserve of the Indemnity Plan in the Employees Health Benefits Fund established under section 8909(b) of title 5, United States Code, which contingency reserve shall be made available for payment of any outstanding obligations of the terminated Government-wide plan.

By Mr. KASTEN (for himself, and Mr. PROXMIRE):

S. 2253. A bill to name the Veterans' Administration Medical Center in Milwaukee, Wis., the "Clement J. Zablocki Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

CLEMENT J. ZABLOCKI VETERANS' ADMINISTRATION MEDICAL CENTER

Mr. KASTEN. Mr. President, today, joined by Senator PROXMIRE and in conjunction with our House colleagues of the Wisconsin delegation, I am introducing a bill that would honor the late Clem Zablocki, by renaming the Milwaukee Veterans' Hospital Administration Center after him.

Such an action cannot, of course, compensate us for the loss of our good friend, who served with distinction as Congressman of the fourth Wisconsin Congressional District for nearly 35 consecutive years, and as chairman of the House Foreign Affairs Committee since 1977. He was truly a man of the people, whose public career was characterized by warmth, simplicity, honesty and compassion.

As small a token as this act may be, it is still fitting and proper that we memorialize Clem in this fashion, given the great love he demonstrated for his constituency, and the care he manifested for its sons and daughters who served in the Armed Forces of the United States.

I hope that all of my colleagues will join Senator PROXMIRE and me in taking this opportunity to express our appreciation and love for Clem Zablocki, and that they will help us to honor him in this small but significant way.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration Medical Center in Milwaukee, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Clement J. Zablocki Veterans' Administration Medical Center." Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Clement J. Zablocki Veterans' Administration Medical Center.

Mr. PROXMIRE. Mr. President, I am pleased to join with my colleague from Wisconsin (Mr. KASTEN) today in introducing a bill to name the Veterans' Administration medical center in Milwaukee, Wis., the Clement J. Zablocki Veterans' Administration Medical Center.

This is a small but fitting tribute to the 35-year career of a great legislator and my personal friend, Clem Zablocki.

It is fitting because in every sense of the word, Clem Zablocki was a patriot. His dedication to serving his country earned him the respect of his constituents, his colleagues and of Government officials around the world.

As chairman of the House Foreign Affairs Committee, Clem Zablocki was an able negotiator in foreign policy who sought balance during his tenure, and who sought bipartisan solutions to problems facing our country and the world. He favored a strong defense posture, but also was a leading proponent of the nuclear freeze resolution. He crafted the War Powers Resolution 10 years ago, but also supported a strong Presidency and a consistent U.S. foreign policy.

Congressman Zablocki was an unassuming legislator who never allowed the arrogance of power to affect his quiet method of consensus building. He effectively chose to work behind the scenes, and was a confident of Presidents, Secretaries of States, and foreign leaders worldwide. Few of us will serve with greater distinction than our departed friend.

As a person, Clem was full of warmth and accommodation. His devotion to his church and his family sets an example which all of us can admire.

We will miss his wisdom, his skill, and his great contibutions to our country.

I hope the Senate will see fit to pass this bill as a final tribute to one of the outstanding legislators of our time.

By Mr. BOREN:

S.J. Res. 224. Joint resolution to designate the week beginning April 1, 1984, as "National Amateur Wrestling Week;" to the Committee on the Judiciary.

NATIONAL AMATEUR WRESTLING WEEK

● Mr. BOREN. Mr. President, today it is my pleasure to introduce a Senate joint resolution to designate the first week in April as "National Amateur Wrestling Week." Introduction of this resolution is particularly appropriate since 1984 is an Olympic year, with the summer games to take place in Los Angeles.

Oklahomans are proud of our wrestling heritage. The U.S. Wrestling Association, the national governing body for wrestling, is located in Stillwater, Okla. Oklahoma has been the home of many national and Olympic champion wrestlers.

It is estimated that over 1 million young people in the United States actively pursue the sport of wrestling at the amateur level.

Wrestling is a demanding sport filled with many hours of practice and conditioning. For the dedication of these young people who wrestle, their parents, families and coaches, I think it is appropriate that we honor them with this week of special activities and ceremonies.

Mr. President, our Nation's athletes have always brought great pride to our country with their accomplishments in the Olympics and other events. This resolution will be a small step toward returning some of that honor that these athletes have given us over the years.

I urge my colleagues to join me in supporting the swift passage of this resolution.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 224

Whereas the sport of wrestling has been recognized since ancient times as a test of both physical development and mental awareness;

Whereas an estimated one million young people throughout the United States actively pursue the sport of wrestling at the amateur level; and

Whereas those young people involved in amateur wrestling at all levels, as well as parents, families, coaches, officials, and others who support these young athletes, ought to be recognized for their accomplishments and dedication to this demanding sport: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the events of the National Open Greco-Roman and the National Open Free Style Championships serve to focus our attention on the sport of amateur wrestling and our respect and admiration for all those who participate in amateur wrestling; and be it further

Resolved, That the week beginning April 1, 1984, is designated "National Amateur Wrestling Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. MOYNIHAN (for himself, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. KENNEDY, Mr. LEVIN, Mr. MATSUNAGA, Mr. MCCLURE, Mr. NUNN, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STENNIS, Mr. TSONGAS, and Mr. WILSON):

S.J. Res. 225. Joint resolution designating the month of March 1984 as National Eye Donor Month; to the Committee on the Judiciary.

NATIONAL EYE DONOR MONTH

● Mr. MOYNIHAN. Mr. President, I am honored today to introduce this joint resolution, proclaiming March 1984 as "National Eye Donor Month."

Each year, nearly 30,000 Americans suffer impaired vision due to corneal injury or disease. Between 22,000 and 25,000 of these victims—and their numbers increase annually—have their sight restored by an important procedure called the corneal transplant. This procedure was successfully performed for the first time in 1909; today it ranks as the most reliable and frequent of all human transplants. Over the last 75 years, nearly 150,000 corneal transplants have been performed, and the success rate has grown to 95 percent (depending on the underlying pathology). The success of the operation has made it practically routine.

The major problem facing the field of corneal transplants is not technique, but supply. The operation can be performed only when a cornea has been donated at death. If more Americans appreciated the importance of such donations, the necessary arrangements could be completed far in advance of a death or, at least, in the hours following the death of a loved one. A broad program of public education would increase these donations, and the proclamation of a National Eye Donor Month will contribute greatly to this effort. When Congress declared a month of recognition last year, the national network of patients, professionals, and eye-donor volunteers benefited immensely.

The pivotal organization here is the American eyebank, which collects, processes, and distributes eye tissue for transplant, research, and education. The first eyebank in America, the Eye-Bank for Sight Restoration, Inc., was founded in 1944, in my home State of New York. Since 1944, the Eye-Bank Association of America has grown from one pioneering institution to 93 affiliated eyebanks. This organization sets transplant standards, trains and certifies eyebank technicians, and works with the national network of eyebanks to locate and transport suitable corneal tissue. I cannot commend enough the devoted professionals and volunteers who have helped restore the vision of thousands of Americans. Proclaiming National Eye Donor Month for 1984 is one small step Congress can take to recognize these efforts and to educate the American people to the continuing need for cornea donations.

Mr. President, I would ask unanimous consent that the full text of the resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 225

Whereas 1.4 million Americans suffer from serious disorders of the eye, many of which can be eased by the efforts of eye banks;

Whereas eye banks in the United States have grown from a single institution in 1944 to ninety-three in 1984;

Whereas eye banks have sought to encourage research into the prevention and treatment of eye disease and injury in the United States;

Whereas some 150,000 Americans have had their vision restored, and 22,000 to 25,000 such operations are performed annually in the United States; and

Whereas increased national awareness of the benefits of eye donations has lent impetus to expanded research activities, and helps Americans affected by blinding diseases: Now,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1984 is designated as "National Eye Donor Month," and the President is authorized and requested to issue a proclamation calling on all citizens to join in recognizing this humanitarian cause with appropriate activity.●

By Mr. KASTEN:

S.J. Res. 226. Joint resolution to renounce the 1945 Yalta Agreement; to the Committee on Foreign Relations.

RENOUNCING THE 1945 YALTA AGREEMENT

Mr. KASTEN. Mr. President, today I am introducing legislation that calls on Congress to renounce an agreement that has plagued the conscience of this Nation for nearly two decades. I refer to the Yalta Executive Agreement of February 1945, which had the ultimate effect of establishing Soviet domination over Central and Eastern Europe, and which resulted in the enslavement of millions of people in those regions.

By introducing this joint resolution, I am acting in the spirit of President Dwight D. Eisenhower, who stated in his message to Congress of February 2, 1953, that he would ask that body to join in, "Making it clear that we would never acquiesce in the enslavement of any people in order to purchase fancied gain for ourselves, and that we would not feel that any past agreement committed us to any enslavement." I am acting in the spirit of Zbigniew Brzezinski, President Carter's National Security Advisor, who, in the wake of the 1981 Polish crackdown, called for a repudiation of the Yalta Agreements. And I am acting in the spirit of Secretary of State George Shultz, who, speaking at the Stockholm Conference on European Disarmament earlier this month, said, "The United States does not recognize the legitimacy of the artificially imposed division of Europe." That division of Europe has as its basis the Yalta Agreement.

The intention of the Western leaders who signed the Yalta Agreements was to help bring about peace and security in the post-war world. But, instead, the de facto division of Europe that resulted from the Yalta Agreement became a major source of tension and instability. This tension has been made worse by the fact that the Soviets massively violated the Yalta Agreements from the beginning by not holding free elections in the captive nations as promised, and the fact that they have used their conquest of Eastern and Central Europe as a springboard by which to threaten Western Europe.

I do not question the motives of the Western leaders who negotiated this agreement with Stalin in 1945. After all, the Red army already controlled much of Eastern Europe at the time of the meeting, and the Western leaders believed that by acquiescing temporarily to Soviet control of this region, they could extract valuable concessions from Stalin. History has proven them wrong. But the reasons for renouncing Yalta have less to do with questioning these political judgments than with fact that the agreements themselves were contrary to both the Atlantic Charter and the great founding principles of this Nation.

Both the Atlantic Charter and the founding principles of this Nation stress the idea of self-determination. There was no self-determination at Yalta. The representatives of the peoples whose fates were being determined were not even consulted. Instead, the future of millions of people was laid out on the basis of geographical location alone.

The Soviet Union looks to Yalta to justify its subjugation of Central and

Eastern Europe. Therefore to renounce Yalta would make it clear that we do not accept the forcible division of Europe. To renounce Yalta would make it clear to the Soviet Union—and to our allies—that cooperation with the U.S.S.R. will not be at the expense of the subjugated people of Central and Eastern Europe. And to renounce Yalta would send a message to those subjugated people that we have not forgotten them.

Mr. President, I believe that it is cynical and immoral to determine the fate of nations on the basis of geography rather than on the aspirations and will of the people themselves. I believe that the recent events in Poland—as well as events in Prague in 1968, Budapest and Poznan in 1956, and East Berlin in 1954—make it clear that the desire for self-determination is strong among the enslaved peoples of Central and Eastern Europe, and that they certainly do not accept the bargain made for them at Yalta. I ask my colleagues to support me in this effort to send a clear message to the people of Central and Eastern Europe that we have not written off their hopes and aspirations for a better world.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD at this point, along with several editorials on the subject and a memo from the Polish Government-in-exile on the Yalta Agreements.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 226

Whereas, during World War II, representatives of the United States took part in secret agreements and understandings concerning other peoples who were not represented;

Whereas, for millions around the world, especially those residing in Central and Eastern Europe, the 1945 Yalta executive agreement is particularly associated with alleged United States acquiescence in the enslavement of entire nations under a Soviet totalitarian system of government;

Whereas, at the Yalta Conference, representatives of the United States recognized the Soviet-backed Lublin Committee of National Liberation as the Provisional Government of Poland, although it had no widespread support or following;

Whereas, at the Yalta Conference, representatives of the United States agreed to repatriate all Soviet citizens who remained abroad after the war, irrespective of their individual wishes and by force if necessary, resulting in mass death and suffering;

Whereas, at the Yalta Conference and the other wartime conferences, representatives of the United States failed to object to the forcible incorporation of Estonia, Latvia, and Lithuania into the Union of Soviet Socialist Republics;

Whereas, the Yalta agreement, resulting in the enslavement of half of Europe, did not bring about peace and security for the rest of the world, but rather became the source of permanent unbalance and tension;

Whereas, the Soviet domination of Central and Eastern Europe turned out to be not a final satisfaction of Soviet claims but rather a springboard for further Soviet expansion;

Whereas, the situation created in Central and Eastern Europe as a result of agreement such as the Yalta agreement continues to be dramatically contested by its victims, as for example in East Berlin in 1953, Poznan in 1956, Budapest in 1956, Prague in 1968, and Poland in 1970 and again in 1980, 1981, 1982, and 1983;

Whereas, these results of the Yalta agreement threaten the peace and security of all freedom-loving people;

Whereas, the Soviet Union violated the Yalta guarantee of free elections in the countries involved;

Whereas, it is appropriate for the United States, according to the principles on which this Nation was founded, to respect the desires and aspirations of all freedom-loving people around the world;

Whereas, it is appropriate that the United States express the hopes of the people of the United States for the freedom of the peoples subjected to the captivity of Soviet despotism in Central and Eastern Europe, as well as elsewhere around the world; and

Whereas, it is appropriate for the United States to reject any interpretation or application that, as a result of the signing of the 1945 Yalta executive agreement, the United States accepts the present position of nations being held captive by the Soviet Union. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States renounces the Yalta agreement, declares that it is no longer binding, and hereby expresses its solidarity with the desires and aspirations of the peoples of Bulgaria, Byelorussia, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Ukraine, Yugoslavia, and all the peoples of Central and Eastern Europe.

[From the Wall Street Journal, Jan. 6, 1982]

RENOUNCE YALTA?

The Yalta agreements that divided up Europe toward the close of World War II have long been the source of bitter controversy, much of it generating more heat than light. Now in the wake of the Polish crackdown, Zbigniew Brezinski, President Carter's national security adviser and scarcely one of the anti-FDR isolationists, has suggested that the U.S. renounce the 1946 agreements.

Such a renunciation would of course be mostly a symbolic step. Symbols should not be a substitute for real action, such as shutting down the flow of Western credits that help keep the Soviet economy and military machine afloat. But symbols do have their uses, and Mr. Brzezinski's suggestion not only deserves to be taken seriously but has much to recommend it.

At the Yalta Conference in February 1945, Roosevelt and Churchill implicitly acquiesced in Soviet hegemony over Eastern Europe in return for what they thought were valuable concessions by Stalin, among them Russia's entry into the war against Japan and agreement to go forward with the United Nations. Stalin, of course, proved the better bargainer. He provided little real help against Japan and he managed to persuade the allies to accept a voting formula in the UN that reduced the body to a shell.

It's true, of course, that the Red Armies already controlled much of Eastern Europe. There was no real prospect of making the Soviets relinquish their gains without a fight. In that sense Yalta ratified the inevitable.

But what is happening now in Poland—and in Hungary in 1956 and Czechoslovakia in 1968—shows that the oppressed peoples of Eastern Europe have themselves never accepted the Yalta bargain. At long last we should give serious consideration to following their lead. In many ways it would be the most fitting of all our possible symbolic responses to the Polish tragedy.

The Soviets, after all, have massively violated the Yalta agreements by not holding free elections in the captive countries as promised in the Yalta communique. And though Yalta may have been viewed at the time as an act of Realpolitik, surley it's no act of Realpolitik to refuse to acknowledge that times and circumstances have changed, or to ignore the manifest yearnings for freedom and independence of the East Europeans.

We suspect that Poland, even more than the Hungarian and Czech uprising, signifies a dramatic and historic change in the postwar situation. Detente was premised on certain assumptions, among them that Communist systems were at least economically stable and thus susceptible to amelioration of their political harshness. But we suspect that Poland will reveal both these assumptions as untrue. Renouncing Yalta would prepare the way for an urgent and vital debate on the implications of this untruth.

Lastly, renouncing Yalta would send a clear message to Eastern Europe's peoples that we have not written off their aspirations for a better future. It would also be a message of hope to Western Europe, which has found detente so attractive in part out of natural concern for Europeans behind the Iron Curtain. As Mr. Brzezinski puts it, Yalta stands as the symbol of the division and the decline of Europe vis-a-vis the two superpowers. We should take the occasion to make clear to all Europeans that we don't simply consider them as pawns on a chessboard to be divided up into "spheres of influence."

THE SPIRIT OF YALTA STILL HAUNTS EUROPE

(By William Pfaff)

"This war is not as in the past. Whoever occupies a territory also imposes on it his own social system. Everyone imposes his own system as far as his army can reach."

Josef Stalin made this statement to Marshal Tito in April, 1945. It explains why Europe has been divided ever since then. It is the reason the Soviet Union reacts so violently when "Yalta" is challenged—"Yalta" being the shorthand term for Europe's division.

French President Francois Mitterrand said in his New Year's message. "Anything which would permit us to escape from Yalta would be good, on condition that we never confuse our wishes with the reality of the present day." For that, he got a jeering response from the Soviet press—suggesting, in its very violence, uneasiness that Mitterrand's comment might be true.

The Yalta system is the foundation of Soviet European policy, which finds itself at an impasse. It is difficult for the Soviets to concede this, because Stalin's policy expressed a much older Russian expectation that safety would lie in the domination of the East European states. If an East Euro-

pean system rested on shared interests and consent, it could be secure. The present system relies, of course, on force and repression, and therefore has proved to be a recurrent source of both risk and insecurity.

Yalta is a symbol, not the real cause, of Europe's division. The war had already divided Europe before Stalin, Winston Churchill and Franklin D. Roosevelt met at the Black Sea resort in 1945. Only Poland was discussed at Yalta. The issue was which government to install in Warsaw the London exiles, to whom the underground Home Army and the Polish Legion serving with the British army were loyal, or the so-called Lublin Committee of communists, which had entered Poland in the train of the Red Army. The Allies decided that the Lublin group would take in some noncommunists, and that free elections would be held. The elections eventually took place in 1947, after large-scale arrests of noncommunists, including 135 opposition parliamentary candidates, and a purge of the election lists.

The division of the Balkans had been ratified four months before Yalta, when Churchill met Stalin in Moscow in October, 1944. The Soviet army was in Romania and Bulgaria, the British in Greece. Churchill wrote out percentages on a half-sheet of paper: in Romania, 90% Russian influence, 10% "for the others" in Greece, the reverse; in Yugoslavia and Hungary, "50-50"; in Bulgaria, 75% to Russia. Stalin took the paper, paused, then "took his blue pencil and made a large tick upon it." Churchill's account goes on: "At length I said, might it not be thought rather cynical if it seemed we had disposed of these issues, so fateful to millions of people, in such an offhand manner? Let us burn the paper. No, you keep it, said Stalin."

This, too, was after the fact. Britain was in no position to expel the Soviet Union from the Balkans, and the United States at the time would not have imagined doing so. American diplomacy remained suspicious of British intentions and indulgent toward Russians. The recurrent sentiment expressed in the American records during 1944 is that the United States "will not pull Britain's chestnuts out of the fire."

It took another three years before the United States began seriously to contest what the Soviet Union was doing in Eastern Europe. By then it was much too late. Moscow was not only in possession, but the non-communist forces in the area had been maimed, their leaders sent to camps, or in exile, or dead. The West eventually conceded the contest by allowing the East Berlin rising of 1953 and the Hungarian revolution of 1956 to be crushed.

Nothing has changed since then in Western policy. The sanctions that President Reagan imposed on the Soviet Union and Poland in December are, regrettably, empty gestures, changing nothing.

The future choice is simple. Either "Yalta" is reversed or the West goes on practicing an effective complicity in Europe's division, tolerating the dictatorships that exist in the East and the consequent dangers. There are two ways by which Yalta might be undone, by the peaceful way, and by war. It obviously will not be done by war, short of some immense catastrophe brought about against the will of the West.

That leaves the peaceful way—to persuade the Soviet Union that its occupation of Eastern Europe produces insecurity and trouble for Russia, and that a better solution can be found. Stalin himself described that solution to Churchill at Yalta. He said that Poland in the past had been the corridor through which Russia's enemies repeatedly had attacked it. The corridor had to be closed, Stalin said, by Poland, "of her own strength." For that reason, he went on, "Poland must be free, independent and powerful"

If only Stalin had believed in the plain meaning of his own words, the Soviet Union's western borders today would be secure, not insecure Poland would be at peace with itself Yalta would be a term of approbation rather than of reproach. Stalin's successors must have this said to them by the Western governments, and repeated again and again.

The safety of both East and West depend on a European security system that rests on consent. Without consent, nothing is settled, nothing is final, nothing is secure.

Memorandum of the Polish Government-in-Exile on the Repudiation of the Yalta Agreements of February 1945

SUMMARY

1. The Yalta decisions have their origin in the Soviet territorial expansion in the period from 1939 to 1941, made possible by the Soviet-German collaboration following the Ribbentrop-Molotov Pact.

2. The Yalta decisions on Poland constituted an internationally consecrated satellisation of an independent state.

3. The real meaning of the Yalta agreement was that it facilitated further Soviet expansion up to the Elbe by way of both, formal annexations and the creation of a belt of satellite states. It is, however, incorrect to speak of the partition of Europe into two spheres of influence, the situation in Western Europe not being comparable in any way to that prevailing in the East.

4. The legal nature of the Yalta decisions remains obscure; whether or not these constitute an international treaty, there is no legal obstacle to their termination.

5. Such termination cannot by itself change the actual situation in Central and Eastern Europe; it would, however, be of major moral and political significance in the shaping of new policies aiming at such a change.

6. The Polish Government-in-Exile which, in 1945, vigorously protested against the Yalta decisions and refused to recognize their validity, now requests the Governments of the Free World to repudiate the Yalta agreements and to declare them null and void.

INTRODUCTION

The recent events in Poland have broken the silence which has prevailed over the Yalta decisions for 37 years. As the question is now reopened, it seems useful to attempt a reassessment of the Yalta agreement, its origins, meaning and consequences for Europe.

THE ORIGINS

The Yalta meeting between Churchill, Roosevelt and Stalin on 4-11 February 1945 was not an isolated event but a link in the chain of historical events of which it grew. Soviet-German collaboration for almost two years after the start of the Second World War brought the Soviet Union important territorial acquisitions: from a strip of Finnish territory in the north, through the three Baltic states, Eastern Poland, down to Rumanian Bessarabia and Bukovina, i.e. to the mouth of the Danube in the South. The acquisition of Eastern Poland proved to be of decisive influence for the future.[1]

Even prior to the German attack on 22 June 1941, the Soviet Union made it clear that she expected Great Britain to recognize here annexation of the Baltic states before relations between the two countries could improve.[2] Having found herself in the Allied camp as a result of the German attack, the USSR made her position unmistakably clear as early as December 1941: she intended not only to keep all the gains achieved during the period of Soviet-German collaboration but demanded moreover the right to establish basis in Finland and Rumania, while signalling her agreement to possible future British bases in Denmark and Norway.[3] It soon became evident that the intended Soviet expansion would take two forms: straightforward annexations and the creation of a belt of satellite states endowed with "friendly" governments along the Soviet formal frontiers. It is impossible, within the limits of this paper, to trace the long road the Western powers have travelled from an initial categorical rejection of all such demands, through successive partial concessions, to their complete endorsement. The process is now fully documented both in official publications and in memoirs of statesmen.

THE YALTA DECISIONS

In this process the Yalta Conference represents a crucial development. The Conference dealt with a wide range of problems.[4] It was, however, the Polish question which occupied most of its time and which, by common admission, was of particular importance. The decisions on Poland must therefore briefly be recalled.

Poland, the ally on whose behalf Britain and France want into war, was absent from a conference which was to decide her future frontiers and her government. Moreover, Poland was treated as if she existed only in a vacuum, possessing no statehood, no government, no frontiers and not even a population which need be consulted. This vacuum was now filled in complete accordance with the long standing Soviet claims. Poland's eastern frontier was drawn as the Soviet Union demanded, thus confirming the territorial gains already made under the 1939 Ribbentrop-Molotov agreement. Against this decision, the compensation Poland was to receive in the West was left undetermined both in its geographical extent and in its legal status. This new territorial entity, determined in the loss but undetermined in the gain, was to be endowed with a "friendly" government which, by common consent,[5] was to be a Soviet puppet, intended to act as an instrument of Soviet policy, which the Western powers for this very reason had consistently refused to recognise. To make such recognition now palatable, this body had to be slightly refashioned by the inclusion of an insignificant number of outsiders, the refashioning to take place in Moscow, under the auspices of Molotov, the Soviet Foreign Minister, accompanied by the British and American ambassadors accredited to the Soviet Government. This "new" Polish government itself not a party to the decision—was to conduct "free and unfettered" elections at an unspecified date and in the absence of all institutional guarantees.

The Yalta decision on Poland was thus a clear case of an internationally consecrated satellisation of an independent state, to be

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Footnotes at end of article.

borne out later by events within Poland and outside.

THE REAL MEANING OF YALTA

The question must now be asked a/what was the real meaning of Yalta and b/what it was not.

(a) If the decision on Poland was given pre-eminence in this paper it was because it transcends by far the fate of the Polish nation. Indeed, the abandonment of Poland to the Soviet empire, combined with the already existing Soviet occupation of Baltic states and the impending control of Eastern Germany, was inexorably bound to result in the loss of independence of all countries lying between Germany and Russia and in the establishment of Soviet domination up to the Elbe. It may be a matter of speculation whether a joint military occupation of Germany, on the model of the joint occupation of Berlin and Vienna, would have impeded or at least rendered more difficult such domination.[6] The fact remains that the attribution of individual Allied zones of occupation had already been decided long before the Yalta conference [7] and that this obviously helped to close the Soviet ring around Poland.

The satellisation of Poland, an international act performed at a single stroke, was followed by unilateral and more gradual satellisation of the other countries in Central and Eastern Europe. Thus, for instance, the subjugation of Czechoslovakia took place as a result of unilateral Soviet pressure and as late as February 1948.[8]

As a result, this stage of Soviet empire-building was completed around 1953, with formal annexations including strips of Finland, the Baltic states, part of East Prussia with Konigsberg, Eastern Poland, Subcarpathian Ukraine, Bessarabia and Bukovina. The formal Soviet frontiers now surpass anything Czarist Russia even held in Europe. To the West of these formal frontiers there was erected an advanced glacis of satellite states, including Poland, East Germany, Czechoslovakia, Hungary, Rumania, Bulgaria, Yugoslavia and Albania, although the last two succeeded later in recovering their independence from the Soviet suzerainty.

This then is the real meaning of Yalta: the extension of the formal Soviet frontiers and the enslavement of half of Europe not by way of a formal stipulation to this effect, but as a result of an internationally consecrated satellisation of a state holding a geographical key position in the area.[9]

It was in this way that Yalta has become the foundation of the Soviet colonial empire in Europe.[10]

This is why the USSR clings to the Yalta decisions with the utmost tenacity and violently reacts to all attempts to re-open the question.

(b) This situation has given rise to the widespread myth of a Yalta partition of Europe into spheres of influence. The myth does not correspond to reality. Yalta has indeed divided Europe into a vast Soviet-dominated area and one that is not Soviet-dominated; but this has been done not by a parallel attribution of respective spheres of influence to the participating powers, but by the Western allies condoning unilateral Soviet expansion. Neither in their text nor by their implications do the Yalta decisions provide for either territorial gains by or a hegemony of the Anglo-Saxon powers in Western Europe.

This remains true in spite of the fact that the idea of spheres of influence did in fact time and again appear in the course of the Western-Soviet negotiations during the war. Suggestions to this effect originated with the USSR, in the obvious intention of strengthening its own expansionist case [11] Such suggestions were met with the same vacillations as were all other Soviet demands, ranging from straight refusal [12] through partial acceptance, qualified as a matter of military responsibility and for a limited period of time [13] to downright local deals of sordid character.[14] While such developments should in no case be glossed over, the general context would seem to indicate that what was at stake for the Western powers was less an actual establishment of their own spheres of influence than an attempt to set limits to growing Soviet expansion. This led to differing results, such agreements being in some cases respected,[15] and in others disregarded.[16]

The myth of Yalta partition of Europe into two spheres of influence founders equally on further developments and on the present day situation. Indeed, what has come to be known as the two blocs or alliance systems, is not comparable. As already mentioned, there are neither territorial gains by the Anglo-Saxon powers in Europe, nor any sort of hegemony. Great Britain is anyway no longer a world power and the United States heads an alliance system within which she is confronted not with vassal states but with authentic and, at times, very difficult allies. This system is based on a free decision of its members. France and Greece were free to leave the military organization of NATO without American tanks rolling into Paris or Athens and every Western European state is free to determine its own political, social and economic system without facing the danger of "normalisation". The existing division of Europe must be seen for what it is: a monolithic empire in the East from which no secession is permitted and within which no deviation, however slight, is tolerated, and a free alliance of heterogenous states in the West, with freedom of decisions, diverging interests and, all too often, conflicting policies.

THE LEGAL ASPECTS OF THE YALTA DECISIONS

The Yalta decisions have been described by a prominent American international lawyer as a "legal monstrosity".[17] They certainly stand unique in the history of international instruments both in form and in contents.

As regards forms, they lack all normal characteristics of an international treaty, even by most lenient standards. However great the flexibility of international law in matters of form, some minimum requirements have yet to be met for an instrument so to quality. Thus, an international treaty, whatever its designation/treaty, convention, agreement, protocol, etc./is an agreement between two or more subjects of international law, giving rise to rights and obligations under that law; it is not an agreement between individuals, however elevated their rank.

Nowhere in the Yalta decisions is there any mention of the participating states. They are couched in the form of personal understandings between three highly placed political figures, speaking in their own name "we have considered", "we have agreed", "we came", "we discussed", in the absence of any indication of their acting as organs of their respective states. They thus bear such a personal character as to prompt the question "whether the United States, in contrast possibly to President Roosevelt, was ever legally bound upon signature of the agreement by the latter."[18] Nor do the Yalta decisions carry any of the usual final clauses determining the coming into force of the treaty, its duration, termination, possible denunciation, etc. In fact, the decisions did not provide for ratification without at the same time indicating their entry into force upon signature. While purporting to deal with problems of general interest, they do not carry an accession clause and were in fact not acceded to by any other state.[19]

As regards contents, the instruments are a monument of obscurity, couched in a language of political proclamations, rarely encountered in legal acts, full of general statements with no discernible normative meaning and abounding in ambiguous qualifications "democratic", "free and unfettered", "peace-loving", etc. which were bound to give rise to widely differing interpretations, especially in the obvious absence of any common value judgment. This, by the way, is exactly what was to happen long after the Yalta conference. It is finally unclear what precise rights and obligations arise out of these decisions for the contracting parties, though this may result from the fact that these deal mostly with rights and obligations of third states, Poland, China, Yugoslavia, etc.

The participants at the Yalta conference chose, however, to qualify ex post the Yalta decisions as an international treaty and it must be conceded that they were free to do so. It was on the strength of such qualifications that the Western powers were repeatedly to accuse the Soviet Union of its violation.

But if that is so, and if the Yalta decisions in fact constitute a treaty, then it is a treaty tainted ab initio with illegality, being concluded in violation both of the basic principle of general international law according to which no state can, without its consent, be deprived of its rights by other states, and also of an impressive list of existing treaties to which the Yalta participants were contracting parties.[20]

Summing up: on all generally accepted criteria, the treaty character of the Yalta decisions is subject to doubt; on the authentic interpretation of the contracting parties, it is not. On either assumption, the way is free for putting an end to Yalta: for either the decisions do not constitute an international treaty and thus have no legal existence whatsoever; or else, they do constitute such a treaty binding on the three contracting parties, but have been, as forcefully asserted by the two Western powers, repeatedly violated by the Soviet Union and are thus ripe for denunciation on the strength of the general principle of international, as of any law, that of inadimplenti non est adimplendum, i.e. termination of the treaty on account of its violation by a contracting party.[21]

Thus there is no legal obstacle to ending the Yalta decisions for their participants; for the third states, Yalta anyway was and remains a res inter alios acta—a matter settled between other parties.

CONCLUSION

The Yalta decisions, spelling the enslavement of half of Europe, did not even bring about the expected peace and security for the rest of the world. On the contrary, the division of Europe became the source of permanent unbalance and tension. Moreover, the Soviet domination of Central-East Europe turned out to be not a final satisfaction of Soviet claims but a mere springboard for further Soviet expansion which is nowdays spreading over all continents.

Last but not least, the situation created in Central-East Europe as a result of Yalta keeps on being dramatically contested by its victims. East Berlin 1953, Poznan 1956, Budapest 1956, Prague 1968 and Poland 1970 and again 1980-81, bear witness to the determination of the enslaved peoples of that region to re-assert the rights of which they have been deprived. Nothing indicates that this process will stop, sparing the Western world recurring crises and even greater tensions. The end of Yalta is therefore in the common interest of those who are already enslaved and those who are still free.

Admittedly, the situation of fact prevailing in Central-East Europe will not cease by a mere withdrawal of its legal or pseudo-legal basis. Such withdrawal would, however, represent an immense moral and political asset in the shaping of new policies aimed at bringing about an effective change in Europe and the world. It is long overdue.

FOOTNOTES

[1] "From the partition of Poland the path leads, even in a roundabout way, to the agreements with the Western democracies that culminated in Yalta and actually placed East Central Europe within Russia's sphere of interest." Ripka, "Eastern Europe in the Post-War World," London 1961, p. 52.

[2] The Rt. Hon. the Earl of Avon. "The Eden Memoirs," vol. II, The Reckoning, London 1965, p. 263.

[3] Eden, op. cit., p. 290. Cf. Stettinius, "Roosevelt and the Russians," The Yalta Conference, London 1950, p. 18.

[4] Its decisions, released on 12 February 1945 in the form of a "communique", bore on 1/the defeat of Germany, 2/the occupation and control of Germany, 3/reparations from Germany, 4/United Nations Conference, 5/liberated Europe, 6/Poland, 7/ Yugoslavia, 8/meetings of Foreign Secretaries and 9/unity for peace as for war. The so-called "Protocol of Proceedings, released only on 24 March 1947, repeated textually the decisions mentioned above under 5/, 6/ and 7/, as well as the decisions under 8/ in a slightly abridged form, while carrying moreover an enlarged section on World Organisation, a distinct section on the dismemberment of Germany, though with no precise indications and subject to future study, a distinct section on the French zone of occupation in Germany as well as the French participation in the Control Council for Germany, and finally an enlarged section on German reparations. Furthermore, the questions of major war criminals, the Italo-Yugoslav and the Italo-Austrian frontiers, relations between Yugoslavia and Bulgaria, South Eastern Europe, Iran, the Montreux Convention and the question of the Straits were mentioned as problems for further study and consideration. A separate protocol on German reparations was attached. The agreement regarding entry of the Soviet Union into the war against Japan was classified top secret and was released only on 11 February 1946. Finally, a bilateral agreement between the United States and the USSR concerning liberated prisoners of war and civilian persons was released on 8 March 1946. "Foreign Relations of the United States, Diplomatic Papers, The Conferences at Malta and Yalta 1945," United States Government Printing Office, Washington 1955, pp. 968-987.

[5] Churchill, *The Second World War*, vol. VI: Triumph and Tragedy, London 1954, pp. 205 and 207; Eden, *op. cit.*, p. 486; De Gaulle, *Memories de guerre*, Le Salut, Paris 1959, p. 71.

[6] Thus Ripka: ". . . it was regrettable that Germany . . . was not subject to a joint occupation, but was divided into four occupation administrations . . . such a division of Germany into Western and Soviet spheres meant a division of all Europe." op. cit., p. 58.

[7] Stettinius, op cit., p. 43.

[8] For the history of the satellisation of Central-East European countries, see Fejto, "Histoire des démocraties populaires, L'ére de Staline 1945/ 1952," Paris 1952.

[9] "There appears to be little doubt that Poland, due to its geographical position, was the primary objective of Soviet policy in East Central Europe. A non-Communist Poland would have resulted in the exclusion of the USSR from Central Europe." Brzezinski "The Soviet Bloc—Unity and Conflict," revised edition, New York 1961, p. 4.

[10] In foreign language.

[11] A typical example is the conversation between Maisky and Eden in August 1943: "Maisky then said that after the war we could each have a sphere of influence in Europe, the Soviet Union in the east and Britain and American in the west." Eden, op. cit., p. 405.

[12] Stettinius, op. cit., pp. 20-21; Eden, op. cit., p. 405.

[13] Churchill, op. cit., p. 198; Stettinius, op. cit., pp. 20-21; Eden, op. cit., p. 459.

[14] Thus the truly unique Churchill-Stalin "percentage deal" for the Balkans in October 1944 in Moscow. The Churchill proposal for zones—or degrees of influence there, accepted by Stalin, was as follows: "Rumania: Russia 90 percent, the others—10 percent, Greece: Great Britain/in accord with the USA/90 percent, Russia—10 percent, Yugoslavia: 50-50 percent, Hungary: 50-50 percent, Bulgaria: Russia—75 percent, the others—25 percent." The question was settled "on no more time than it takes to sit down." Churchill, op. cit., p. 198.

[15] E.g. Greece; Stettinius, op. cit., p. 195.

[16] E.g. Yugoslavia; Churchill, op. cit., p. 550.

[17] Briggs, The Leaders' Agreement of Yalta, "American Journal of International Law," 1946, p. 383. The study of Prof. Briggs bears more particularly on the Yalta decisions dealing with the Far East; his formal criticisms however apply with equal force and accuracy to the whole of the decisions.

[18] Briggs, op. cit., p. 380. While not concluded under Article 2, section 2, clause 2 of the Constitution, requiring the "advice and consent of the Senate", the Yalta decisions could of course have fallen into the category of executive agreements for which such advice and consent are not required. Concerning the Far Eastern part of the decisions, Prof. Briggs held, however, that they "contain commitments of such uncertain meaning and doubtful duration as to raise serious doubts as to the President's constitutional competence to commit the United States by executive agreement." Ibid., p. 381. Here again, "uncertain meaning" and "doubtful duration" are characteristic of the whole of the Yalta packet and not only of its Far Eastern part.

[19] Curiously enough, not even the Yalta-sponsored government of Poland accomplished a formal act of accession, choosing instead the rather unusual formula of "recognition" of the Crimean decisions on Poland. "Documents on American Foreign Relations," VII, p. 904.

[20] For the list of treaties violated by the Yalta decisions in the case of Poland, see Marek, "Identity and Continuity of States in Public International Law," 2nd edition, Geneva 1968, pp. 490-491. For an analogous list concerning China, see Pan, Legal Aspects of the Yalta Agreement, "American Journal of International Law" 1952, pp. 51-55.

[21] The principle was qualified by one of the greatest international lawyers of our century, Dionisio Anzilotti, as "so just, so equitable, so universally recognised, that it must be applied in international relations also." "Permanent Court of International Justice, Series A/B No. 70" p. 50. It is today codified in article 60 of the 1969 Vienna Conventional on the Law of Treaties.

ADDITIONAL COSPONSORS

S. 214

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 214, a bill to permit a married individual filing a joint return to deduct certain payments made to an individual retirement plan established for the benefit of a working spouse.

S. 563

At the request of Mr. CHILES, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 563, a bill to reform the laws relating to former Presidents.

S. 668

At the request of Mr. BYRD, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 668, a bill to reform Federal criminal sentencing procedures.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 888

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 888, a bill entitled "The Economic Equity Act."

S. 1115

At the request of Mr. MATSUNAGA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1115, a bill to amend titles XVIII and XIX of the Social Security Act to treat certain sensory and communication aids as medical and other health services, and for other purposes.

S. 1579

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1579, a bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction.

At the request of Mr. ARMSTRONG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1579, supra.

S. 1756

At the request of Mr. DURENBERGER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. LUGAR), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

S. 1762

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

At the request of Mr. BYRD, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1762, supra.

S. 1763

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1763, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 1857

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1857, a bill to amend the Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations.

S. 1976

At the request of Mr PERCY, the names of the Senator from Delaware (Mr. ROTH), the Sentor from Illinois (Mr. DIXON), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 1976, a bill to improve the collection of criminal fines.

S. 1992

At the request of Mr. BENTSEN, the names of the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. HELMS), the Senator from Indiana (Mr. QUAYLE), and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2006

At the request of Mr. STAFFORD, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Texas (Mr. BENTSEN), the Senator from Wyoming (Mr. SIMPSON), the Senator from North Dakota (Mr. BURDICK), the Senator from South Dakota (Mr. ABDNOR), the Senator from Colorado (Mr. HART), the Senator from Idaho (Mr. SYMMS), the Senator from New York (Mr. MOYNIHAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Maine (Mr. MITCHELL), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Montana (Mr. BAUCUS), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 2006, a bill to amend the Clean Water Act to provide for a program for reduction of nonpoint sources of pollution.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2083

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2083, a bill to amend the Internal Revenue Code of 1954 to exempt from Federal income taxes members of the Armed Forces of the United States who die as a result of hostile action.

At the request of Mr. ARMSTRONG, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 2083, supra.

S. 2116

At the request of Mr. MATSUNAGA, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2116, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

S. 2182

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2182, a bill to harmonize, reduce, and eliminate barriers to trade in wine on a basis which assures substantially equivalent competitive opportunities for all wine moving in international trade.

S. 2190

At the request of Mr. HUDDLESTON, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2229

At the request of Mr. BOSCHWITZ, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Michigan (Mr. LEVIN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2229, a bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction.

S. 2232

At the request of Mr. MOYNIHAN, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2232, a bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation, investment tax credit, and deductions allowable for luxury automobiles.

S. 2241

At the request of Mr. DENTON, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 2241, a bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes.

SENATE JOINT RESOLUTION 70

At the request of Mr. GARN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to designate the week beginning April 17, 1983, as "National Building Safety Week".

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the names of the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Maine (Mr. MITCHELL), the Senator from Delaware (Mr. ROTH), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day".

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Joint Resolution 204, a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 206

At the request of Mr. TSONGAS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Michigan (Mr. RIEGLE), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating the first Sunday of every August as "National Day of Peace."

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the names of the Senator from Idaho (Mr. SYMMS), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "year of Excellence in Education."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kentucky (Mr. FORD), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "The year of the Secretary."

SENATE JOINT RESOLUTION 218

At the request of Mr. BOREN, his name was added as a cosponsor of Senate Joint Resolution 218, a joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. TSONGAS, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. DURENBERGER, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Concurrent Resolution 84, a concurrent resolution to encourage State and local governments to focus on the problems of child custody, child support, and related domestic issues.

At the request of Mr. BOREN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Concurrent Resolution 84, supra.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. CHILES, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. CHILES, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking.

SENATE CONCURRENT RESOLUTION 90

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Concurrent Resolution 90, a concurrent resolution expressing the sense of Congress that the President of Syria should permit Jewish emmigration.

SENATE RESOLUTION 287

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 287, a resolution establishing a task force on agricultural credit.

At the request of Mr. HUDDLESTON, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of Senate Resolution 287, supra.

SENATE RESOLUTION 292

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Resolution 292, a resolution expressing the appreciation of the Senate to certain organizations for their efforts in carrying out an emergency food distribution and shelter program provided for in Public Law 98-8.

SENATE CONCURRENT RESOLUTION 91—RELATING TO BUILDER BONDS

Mr. DECONCINI (for himself, Mr. HOLLINGS, Mr. RIEGLE, Mr. CRANSTON, and Mr. DODD) submitted the following concurrent resolution: which was referred to the Committee on Finance.

S. CON. RES. 91

Whereas the homebuilding industry is critical to the health of our Nation's economy;

Whereas certain mortgage-backed bonds, known as "builder bonds", are means of self-help developed by the homebuilding industry within the limitations of traditional tax laws and business practices to provide needed financing for construction and purchase of homes;

Whereas mortgage-backed builder bonds have provided the means by which thousands of home buyers have been able to acquire homes;

Whereas mortgage-backed builder bonds are currently a useful method for making housing available during periods of high interest rates;

Whereas additional benefits are obtained by both home buyers and the economy through the use of GNMA or other Federal agency securities as collateral for such bonds;

Whereas the taxation of mortgage-backed builder bonds is currently governed by principles of taxation that have existed for almost sixty years, and whereas these principles of taxation were not modified when the Internal Revenue Code of 1954 was substantially amended in 1980 after several years of careful study; and

Whereas any precipitous change in the currently existing taxation of mortgage-backed builder bond transactions could have a catastrophic impact on the homebuilding industry: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and the regulations prescribed by the Secretary of the Treasury under such provisions, or any other provision of the Internal Revenue Code or regulation, should not be modified or amended in any way that will alter the manner in which mortgage backed builder bond transactions are currently taxed.

Mr. DECONCINI. Mr. President, today I am introducing a concurrent resolution expressing the sense of the Congress that the tax treatment of builder bonds should not be altered.

Homeownership is a fundamental element of the American dream. The homebuilding industry is one of the largest employers in the United States and a dominant contributor to the economy. As we all well know, the homebuilding industry has, in recent years, been subjected to unprecedented strains. We in Congress have considered a number of proposals to try to help this beleaguered industry. Now, when the homebuilding industry is seeking to help itself, the Treasury is seeking to stop that self-help in its tracks.

I will remind my colleagues of some of the gruesome facts of the past few years. From well over 2 million housing starts in 1978, the industry plunged to a historic low of just 1 million housing starts in 1982. During the past 4 years, there have been more than 100 changes in the prime rate and more than 25 changes in the VA/FHA mortgage interest rates. Interest rates have been at historic highs, the savings and loan industry has been sick, and practically every source of long-term financing has been strained. The fact that housing starts are once again nearing the 2 million mark demonstrates the resilience and creativity of the homebuilding industry.

In simple terms, builder bonds are bonds sold to the public as a means of raising construction capital and financing the purchase of homes by consumers. The collateral used to back these bonds comes from home mortgages held by the issuer. Under present provisions of the Tax Code, the funds raised through builder bonds are not considered taxable; however, the funds generated from the home mortgages serving as collateral are considered taxable income. This tax treatment also serves the purpose of allowing the builder to obtain the maximum level of usable investment capital through the long recognized installment sales method of reporting income.

Builder bonds allow the builder to pay taxes only on income received from payment of mortgages and not on moneys borrowed through the sale of bonds.

The Treasury Department is now considering sending legislation to Congress which would eliminate the builder bond source of home mortgages. This legislation would impose a tax on builders when moneys are borrowed; that is, the bonds are sold, as opposed to when actual income is received; that is, the mortgages are paid off. The Treasury proposal would be devastating to the homebuilding industry and to the home buying public without significantly increasing overall revenues to the Federal Government.

This administration has consistently pushed for private sector support and initiatives. The homebuilders did not come to Congress or the administration and ask for help. Instead, through their own initiative they found a new financing mechanism within already existing perimeters. Yet, this administration seeks to stymie that initiative and return homebuilders to the position they were in 2 years ago.

Therefore, today, I am introducing a sense of the Congress resolution that this Congress is opposed to any modification of the installment sales reporting provisions of the IRS Code as it applies to mortgage-backed bond transactions.

Mr. President, I frankly do not understand what the administration is attempting to do with this threat of new legislation or administrative action. To pick on the homebuilding industry, an industry that has suffered and now is making a comeback, while at the same time refusing to make any serious efforts to overhaul the tax system or to make inroads into this outrageous deficit, baffles me. I hope that my colleagues will join me in sending a signal to the Treasury Department and this administration that says leave builder bonds alone.

SENATE CONCURRENT RESOLUTION 92—RELATING TO THE WITHDRAWAL OF U.S. ARMED FORCES IN LEBANON

Mr. BIDEN (for himself, Mr. BYRD, Mr. PELL, Mr. BAUCUS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BUMPERS, Mr. BURDICK, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. HART, Mr. HUDDLESTON, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LONG, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, and Mr. TSONGAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 92

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress finds as follows:

(1) Lebanon is important to United States interests in the Middle East, and the goal of United States policy with respect to Lebanon remains the territorial integrity and independence of Lebanon.

(2) There is, however, widespread confusion among the American people about the mission of the United States Marines in Lebanon, and the President has been unable to present a convincing rationale for continued participation by United States Armed Forces in the Multinational Force in Lebanon under present circumstances.

(3) As the situation in Lebanon has deteriorated in recent months, it has posed increased dangers to the United States Armed Forces participating in the Multinational Force in Lebanon and has prohibited them from performing the peacekeeping mission which was the original justification for their presence in Lebanon.

(4) As the Department of Defense Commission on the Beirut International Airport Terrorist Act of 23 October 1983 (commonly known as the "Long Commission") concluded, United States policy with respect to Lebanon has emphasized military options and the expansion of the United States military role and there is an urgent need for a reassessment of alternative means to achieve United States objectives in Lebanon in light of the changed circumstances.

(5) The Investigations Subcommittee of the Committee on Armed Services of the House of Representatives, in its report dated December 19, 1983, concluded that, "Sustained deployment of personnel in the situation of almost certain further casualties should only be undertaken if the policy objectives are visible, profoundly important and clearly obtainable. Failure of the administration to adequately reexamine its policy and relate it to present conditions will only mean that such reexamination will have to be done by Congress".

(6) The United States Marines in Lebanon have performed superbly despite the lack of a realistic United States policy and the confusion about their mission, and every effort must be made to ensure that, pending their withdrawal from Lebanon, measures are taken to protect their security which are commensurate with the risks of further terrorist and other attacks.

(7) The situation in Lebanon, which is mired in internal domestic stalemate because of internal fighting and the refusal of the parties to the conflict to make the compromises necessary to promote progress toward a peaceful resolution of the country's problems, requires a United States policy which gives higher priority to diplomatic and political solutions.

(8) The situation in Lebanon is drifting out of control and the administration's policy regarding Lebanon is not working. The United States is reacting to events rather than implementing policies which are in the national interest of the United States.

(9) The administration has failed to impress upon the Government of Lebanon the urgent need for it to develop a viable reconciliation plan, which might include such objectives as more equitable power sharing, early parliamentary elections, a new census, and the formation of a government of national reconciliation.

(10) The administration has allowed the situation in Lebanon to dominate the United States agenda in the Middle East to the detriment of efforts for progress in the broader, and ultimately more important, Middle East peace process.

(11) The failure of the administration's policy has led to widespread concern among the American people that continued participation by United States Armed Forces in the Multinational Force in Lebanon is not in the national interest.

(b) Therefore, the Congress declares that United States policy toward Lebanon should include the following elements:

(1) The prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon, in consultation with other members of the Multinational Force.

(2) A concerted diplomatic effort at the United Nations to replace the Multinational Force in Lebanon with another international peacekeeping force under United Nations auspices, as called for in section 5(c) of the Multinational Force in Lebanon Resolution, such effort to include discussions with the Secretary General of the United Nations, the President of the Security Council, and all members of the Security Council. If this is not successful, the United States must intensify efforts to obtain agreement by other countries to assume peacekeeping responsibilities in the Beirut area.

(3) Advising the Government of Lebanon of the urgent need for that Government to develop a reconciliation plan which recognizes the legitimate aspirations of all confessional groups.

(4) Development of intensified diplomatic efforts with Syria, as soon as possible, to achieve acceptance by Syria, and the factions it supports in Lebanon, of a reconciliation plan for Lebanon.

(5) Promotion of a continuing dialogue between the Governments of Israel and Lebanon concerning security arrangements and a reconciliation plan for Lebanon.

(6) Continuation of other efforts to achieve the withdrawal of all foreign troops from Lebanon and the reestablishment of a sovereign independent Lebanon, taking into account the legitimate security concerns of Syria and Israel.

(7) Renewal of efforts to pursue vigorously a broader Middle East peace to reduce tensions through the region as a step in facilitating peace and reconciliation in Lebanon.

(8) Intensification of United States efforts to retrain and reequip the Lebanese Armed Forces, including efforts to increase military assistance and the delivery of defense articles and defense services to enable the Government of Lebanon to assume the responsibilities of the Multinational Force in Lebanon and enable local security forces to assume internal security functions among various communities in the country.

(9) Implementation of an economic assistance program for Lebanon with funds already appropriated, and with the immediate assistance of the International Bank for Reconstruction and Development, to start sound economic reconstruction and development projects and energize the Lebanese Government to provide better services and more presence in as much of the country as possible.

(10) Implementation of a series of plans, including military contingency plans, to protect against the increasing threat which terrorism poses to the United States and its friends and interests in the region. Such plans should include improvement of United States intelligence gathering, coordination, and assessment capabilities in Lebanon in order to protect United States interests, citizens, and Armed Forces in Lebanon and to guard against terrorist attacks.

(c) Not later than 30 days after the adoption of this resolution, the President shall submit a written report to the Congress on the actions he has taken to implement these policies.

Mr. BYRD. Mr. President, on behalf of Senators BIDEN, PELL, myself, and 29 other Democratic Senators, I am introducing a Senate concurrent resolution which, among other things, urges the prompt and orderly withdrawal of U.S. Armed Forces participating in the multinational force in Lebanon.

The resolution stipulates that such a withdrawal should be carried out in consultation with the other members of the multinational force. In addition, the resolution calls upon the President to submit within 30 days of enactment by the Congress a written report to the Congress on actions he has taken to implement the withdrawal.

This resolution is identical to the one introduced by the House Democrats yesterday.

Mr. President, I do not think it is necessary to go into a lengthy discussion of the administration's Lebanon policy. It suffices to point out that the

policy has failed. I also believe it is cynical of administration spokesmen to characterize the House resolution as being blatantly partisan and undercutting the President's policies in the Middle East.

On September 29, 1983, the Senate followed the lead of the House of Representatives and passed an authorization bill extending by 18 months the continued participation of U.S. troops in the multinational force. All Democratic Senators, except two, voted against that 18-month authorization. On October 23, 1983, 241 U.S. servicemen were killed in a terrorist attack on the Beirut Airport.

Presidential press spokesman Larry Speakes stated yesterday that any talk of withdrawal in the Congress "aids and abets" Syria "and others" bent on a destructive route in the Middle East. He stated: "We have some deep concerns that the Democrats are playing politics with a critical issue."

Well, let us talk about politics. In effect, the Congress gave the President carte blanche last fall when we passed the 18-month authorization. And what did it produce? Today, we are further away from achieving the stated goals of this administration than ever before. The stated goal of administration policy is as follows: Our presence in Lebanon is required until all foreign forces are withdrawn from that country and until the Lebanese Government is able to exercise sovereignty over all its territory. The Lebanese Government can hardly exercise sovereignty over Beirut, let alone the countryside.

Yet, since Congress gave the administration what it wanted, 255 marines have died. And while 255 marines have died since Congress passed the President's authorization, the American people still do not know why we are in Lebanon.

I wonder whether the administration spokesmen are more concerned about the image of this administration than they are the prestige and credibility of this Nation? I wonder whether the administration's standing-tall slogan has been placed above the concern for the lives of American boys who are virtual hostages at the Beirut Airport?

It is with these concerns in mind—the concerns that 1,600 American boys are being held hostage to events beyond their control—that the Democrats have proceeded with this resolution. Accusing Congress of playing partisan politics is no substitute for a policy. The administration does not have a workable policy and it knows that. The administration is only looking for a scapegoat to blame for its failed policy in Lebanon. It is tragic that rhetoric about partisanship is the only answer the administration can give the American people as to why our marines remain in Lebanon.

Mr. BIDEN. Mr. President, I wish to take a few moments to speak in support of the resolution that Senator BYRD has just introduced. We all have differing views on the situation in Lebanon. We argued this point at length when the issue came up as to whether or not to extend the 18 months that the President wanted and some of our colleagues on the Democratic side and on the other side of this building, along with Republicans, were inclined to do so.

I, and the Democratic leader and others, thought that was not a good idea. But now we find ourselves, quite frankly, in a situation where we are faced with one of three alternatives. We can move in the direction that some on both sides of the aisle and both ends of the building want to setting a date certain—which I think is a mistake to say to the President of the United States that you must, in fact, withdraw, particularly when I do not think it is very practical for that to occur, and even if we could do it, I do not think it is a good idea to do it.

The second alternative is to do nothing at all and let the President work his way. Well, what concerns some of us is that I am not sure—and I realize there is strong disagreement on this—but I am not at all sure that the administration has figured out the way they wish to deal with the matter and I am not sure they have thought through the next several steps. They may have thought them through, but I am not sure that their judgment is correct.

And there is a third alternative, and that is that the U.S. Senate and the U.S. House of Representatives go on record and say, "Mr. President, to the extent that there was a consensus before, to the extent that you had bipartisan support, and that, in turn, emboldened you to continue to move in this direction, we have concluded there is no longer any useful purpose for the marines to be on the ground in Lebanon and we suggest a blunt movement and withdrawal of those marines."

That seems to me to give the President both the message and the flexibility that a President should have.

Quite frankly, I hope that the President, who has been saying—I forget his exact words—something like he does not pay attention or does not care or "I will not pay attention to what the Congress says on this matter," I suspect that he may be able to use this resolution in a whole host of ways that will allow him maybe to change his mind.

Quite frankly, I, as one Senator, do not care whether or not he removes the marines and blames the Democrats, removes the marines and blames the Congress, or removes the marines and compliments anybody. I do not care why they are out. I do not care how he gets them out. But the fact of the matter is I think they are counterproductive to U.S. interests in the region and they are a hazard to their own safety. There is no way we can protect them.

For those reasons, I think that this resolution sends a clear message, assuming we pass it, a clear message to the President that we believe that the marines do not serve a useful purpose and that we leave it up to his good judgment to figure out when and under what conditions they should be moved, but to move on it promptly.

So that is the reason I have worked on this matter.

With that, I yield the floor to the leader.

Mr. BYRD. Mr. President, I now send to the desk a concurrent resolution for appropriate referral, offered on behalf of Mr. BIDEN, Mr. PELL, and myself, and 27 other Senators.

Would the majority leader be opposed to my request that Senators have until 6:30 this afternoon to add their names?

Mr. BAKER. Of course not.

Mr. BYRD. It was acted upon in caucus today, but I have not had time to do a thorough canvass of all the Senators who were not present. If that could be done, it would be appreciated.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be received and appropriately referred.

Mr. BAKER. Mr. President, the portion of the request that it remain open for additional cosponsors is included also?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the majority leader.

SENATE RESOLUTION 330—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 330

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1984 through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on

Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,390,885, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 331—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. DOLE, from the Committee on Finance, reported the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 331

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,379,000, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 332—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 332

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1984 through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2 The expenses of the committee under this resolution shall not exceed $1,806,300, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislation Reorganization Act of 1946, as amended,) and (2) not to exceed $1,000 may be expended for training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3 The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4 Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED

IMPROVEMENTS TO RIVERS AND HARBORS

DOMENICI AMENDMENT NO. 2692

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill (S. 1739) to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 104, following line 18, insert the following:

SEC. 334. The Secretary is authorized, at Federal expense, to modify the outlet conduit of the Galisteo Dam, New Mexico, in order to increase the sediment-trapping efficiency of the project. For the purpose of this section, the sum of $2,000,000 is authorized to be appropriated to the Secretary in the fiscal year ending September 30, 1985, or thereafter, such sums to remain available until expended.

Mr. DOMENICI. Mr. President, I send to the desk for printing an amendment to authorize a modification at Galisteo Dam in New Mexico.

This amendment is noncontroversial. It is a proposal that will cost the taxpayers at most $2,000,000, yet make the dam far more effective in protecting this Nation's waters.

The current outlet to the dam can best be described as a pipe. When flood waters flow into the reservoir, those waters flow out as rapidly as the pipe can handle them. No capability exists to retain the waters, and thus allowing sediments that are carried in the water to settle out.

My amendment would direct the corps to modify the Galisteo outlet, permitting the retention of water, at least temporarily, to augment the effectiveness of the dam in trapping sediment. This will allow cleaner, better water to flow downstream.

Such a change might be accomplished by installation of a gated structure, or a riser at the inlet to the pipe. The corps is expected to select whichever alternative would prove most cost-effective.

It is my hope that the Senate will approve this proposal when S. 1739 is considered on the Senate floor.

FEDERAL SENTENCING REFORM

KENNEDY AMENDMENT NO. 2693

Mr. KENNEDY proposed an amendment to the bill (S. 668) to reform Federal criminal sentencing procedure; as follows:

On page 158, line 5, delete "3671" and insert in lieu thereof "3673".

On page 159, beginning with "or" on line 16, delete through page 160 line 13, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any,

under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

On page 107, line 7, strike "1983" and insert "1984"

On page 202, line 10, delete "3667" and insert in lieu thereof "3669".

On page 202, delete lines 13 through 19, and redesignate subsequent subsections accordingly through page 206, line 3.

On page 203, line 12, after "(g)" insert "and redesignating (h) to (g)".

On page 203, lines 17 and 18, delete "3666" and "3667" and insert in lieu thereof "3668" and "3669", respectively.

On page 204, line 19, delete "(4)" and insert in lieu thereof "(3)".

On page 204, line 20, delete "title."." and insert in lieu thereof "title."; and".

On page 204, after line 20, insert the following: (F) by redesignating paragraphs accordingly.

On page 208, line 4, after "(1)" insert "by adding "and" after paragraph (2), and,".

On page 208, line 20, delete "Board" and insert in lieu thereof "the Board".

On page 209, delete lines 2 through 5, and insert in lieu thereof the following: fense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

On page 210, after line 2, insert the following:

SEC. 22A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

On page 209, lines 13 through 15, delete "454(b) of the Comprehensive Employment and Training Act of 1973, as added by section 2 of the Act of October 17, 1978, (29 U.S.C. 927(b))" and insert in lieu thereof "425(b) of the Job Training and Partnership Act".

On page 160, beginning with "or" on line 21, delete through page 16 line 13, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plan agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;".

On page 162, line 17, delete "c" and insert in lieu thereof "e".

On page 171, delete lines 9 through 12, and insert in lieu thereof the following:

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18

On page 174, after line 8 insert the following and reletter subsequent subsections accordingly:

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

On page 174, delete lines 11 and 12, and insert in lieu thereof the following:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.
"(a) Correction of a sentence on remand.
"(b) Correction of a sentence for changed circumstances.".

On page 174, delete "12" from the bottom of the page and insert "9" in lieu thereof.

On page 175, insert a quotation mark at the beginning of line 4.

On page 199, after line 12, insert the following:

Redesignate subsections in section 4082 accordingly.

On page 118 between lines 13 and 14, insert the following:

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

On page 120 between lines 3 and 4 insert the following: If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

On page 127, line 10, after "defendant" insert ", relative to the burden which alternative punishments would impose".

On page 128, strike out lines 14 through 18 and insert in lieu thereof the following:

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

On page 129, between lines 6 and 7, insert the following:

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.— At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due within 30 days of notification of the default, notwithstanding any installment schedule.

On page 129 strike out line 7 through line 4 on page 130 and insert in lieu thereof the following:

"§ 3573. Modification of remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

On page 141, line 13, strike out "and".

On page 141, between lines 13 and 14, insert the following:

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked; and

On page 141, line 14, strike out "(g)" and insert in lieu thereof "(h)".

On page 145, after line 7, strike the item relating to section 3613, and insert in lieu thereof the following:

"3613. Civil remedies for satisfaction of an unpaid fine.
"3614. Resentencing upon failure to pay a fine.
"3615. Criminal default.

On page 145, strike out lines 16 through page 146, line 11 and insert in lieu thereof the following:

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

On page 146 line 12, strike out "(b)" and insert in lieu thereof "(c)".

On page 146, after line 18, add the following:

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties.

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

On page 146, strike out line 19 and insert in lieu thereof the following:

"§ 3613. Civil remedies for satisfaction of an unpaid fine

On page 149, after line 17 and before the subchapter heading insert the following:

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

On page 156, line 22, after the period insert the following: "No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.".

On page 210, line 15, strike "and".

On page 211, line 17, strike the period, and insert in lieu thereof "; and ".

On page 211, after line 17, insert the following:

"(d) the provisions of sections 227 and 228 shall take effect on the date of enactment.".

On page 215, after line 20, insert the following:

SEC. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within 120 days, notify the person by certified mail of his obligation, within 30 days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within 180 days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.

"3591. Imposition of a fine.

"3592. Payment of a fine, delinquency and default.

"3593. Modification or remission of fine.

"3594. Certification and notification.

"3595. Interest, monetary penalties for deliquency, and default.

"3596. Civil remedies for satisfaction of an unpaid fine.

"3597. Resentencing upon failure to pay a fine.

"3598. Statute of limitations.

"3599. Criminal default.

"§ 3591. Imposition of a fine.

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsibile for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets

found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due with 30 days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the persons fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337 (a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine'.

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323 (f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3598. Statute of limitations

"(a) LIABILITY TO PAY A FINE EXPIRES.—

"(1) 20 years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any

persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within 30 days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed.".

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning 24 months after the date of enactment of this Act.

At the appropriate place in the bill, add the following:

SEC. 27. Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since, sentencing decisions should be designed to insure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of non-violent and non-serious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, federal sentencing practice should insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, that it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GORTON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Committee on Banking, Housing, and Urban Affairs on the Cash Discount Act and proposals to extend the ban on credit card surcharges which expires on February 27, 1984. The hearing will be held on Tuesday, February 7, beginning at 9:30 a.m. in room SD-538 of the Dirksen Senate Office Building. For further information regarding this hearing, please contact Ms. Linda Zemke of the Banking Committee staff at 224-1564.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Intergovernmental Relations on the subject of "Metropolitan Regional Governance." The hearing will be held on Monday, February 6, beginning at 9:30 a.m. in room SD-342 of the Dirksen Senate Office Building.

Over the past 20 years, Congress has defined a national interest in promoting "substate regionalism"—efforts to solve the problems of metropolitan regions on an areawide basis. This oversight hearing will examine the concept of metropolitan regionalism in this historical perspective. Also to be discussed will be the role Congress envisioned for metropolitan councils within our federal system, whether that role has been realized and where metropolitan regional government may be headed in the future.

A major objective of the hearing will be to define principles to guide an approach to regionalism in the future: What are the appropriate circumstances for States and local governments to coordinate their efforts to solve collective problems on an areawide basis rather than by independent action of each separate government; What is the role of regional councils in this coordinated approach; What is the Federal role, if any, in promoting and supporting regional governance; and what are the most appropriate means available to Congress when such action is desirable?

Those wishing to testify or who wish to submit written statements for hearing record should write to the Subcommittee on Intergovernmental Relations, room 432, Senate Hart Office Building, Washington, D.C. 20510. In accordance with the rules of the committee, witnesses should have 20 copies of their testimony sent to the subcommittee 3 days—February 2—before the hearing, and make 80 copies available on the day of the hearing. Witnesses are requested to limit their oral testimony to 5 minutes.

For further information regarding this hearing, you may wish to contact Mr. Mike Quaranta, of the subcommittee staff at (202) 224-4718.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nominations of Ann Dore McLaughlin, of the District of Columbia, to be Under Secretary of the Interior; and Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior (Territorial and International Affairs).

The hearing will be held on Monday, February 6, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power to receive testimony on S. 2176, to authorize the Secretary of the Interior to construct, operate, and maintain the Lake Andes-Wagner unit, South Dakota pumping division, Pick-Sloan Missouri basin program, South Dakota; and S. 2189, to authorize the Secretary of the Interior to construct, operate, and maintain the central South Dakota water supply system

(CENDAK unit), Pick-Sloan Missouri basin program, South Dakota.

The hearing will be held on Tuesday, February 14, beginning at 9 a.m. and concluding about 4:30 p.m., at the National Guard Armory, East Highway 34, Pierre, S. Dak.

Those wishing to testify or who wish to submit written statements for the hearing record should contact either the office of Senator ABDNOR, 260 Federal Building, Pierre, S. Dak. 57501, telephone 605-224-2891; or Mr. Russ Brown, Committee on Energy and Natural Resources, Subcommittee on Water and Power, room SD-360, U.S. Senate, Washington, D.C. 20510, telephone 202-224-2366.

For further information regarding this hearing, you may wish to contact Mr. Russ Brown, of the subcommittee staff, at the above-listed number.

ADDITIONAL STATEMENTS

S. 888—THE ECONOMIC EQUITY ACT

● Mr. D'AMATO. Mr. President, I rise today to lend my full support as a cosponsor of S. 888, the Economic Equity Act. This legislation would provide improved economic opportunity for all American women.

Women have been citizens of the United States since the Declaration of Independence in 1776. However, it took another 143 years before women acquired suffrage. Despite the right to vote, women are still discriminated against under the law. The economic rights of women are quantitatively inferior to those of men.

Data abounds that describe the plight of women in the working world. Of the 441 job classifications described by the U.S. Census Bureau, women are concentrated in the 20 lowest paid occupations. Women, on average, earn only 59 percent of what men earn. These statistics are shocking, but the real story is their impact on average people.

The laws established by Congress have erected barriers to the further advancement of women. S. 888 would eliminate many of these barriers. This legislation would allow, among other things, nonworking women equal access to pension and retirement benefits. For instance, nonworking wives are currently denied any claim to pension survivorship benefits accrued during marriage. Such benefits would flow to the second wife. S. 888 would rectify this inequity. Also, the legislation would reform individual retirement account provisions that clearly discriminate against nonworking women. The legislation would increase the zero bracket amount for the head of household to that of a married couple filing jointly. In this way, women independently running a family would receive the same minimum tax deduction as a married couple.

I am pleased that the President has endorsed many of the provisions of S. 888 in his fiscal year 1985 budget. In particular, the President has proposed that the dependent care tax credit be increased and made more available to low income individuals. Furthermore, the President has proposed that qualifying nonprofit day care centers be given tax-exempt status.

The Congress has also taken the first step toward equal economic rights for women by passing the Pension Equity Act, H.R. 4032, last November. This legislation, which I was proud to cosponsor in the Senate as S. 19, made necessary corrections in retirement law. In particular, the bill required that joint or survivor insurance coverage be canceled only with consent of the spouse. Previously, a man could cancel coverage without informing his nonworking wife. The legislation also reduced the age for vesting under ERISA from 25 to 21. This is important since women quite often enter the work force at an earlier age than men. The legislation also insures that maternity leave not constitute a break in service and, thus, a forfeiture of vesting.

Mr. President, the Congress and the President have begun to address the economic discrimination against women prevalent in our pension and tax laws. Enactment of S. 888 would continue the process of extending women equal economic treatment under the law. I urge my colleagues to join me in support of this vital legislation.●

EDUCATIONAL ASSISTANCE FOR EMPLOYEES

● Mr. PACKWOOD. Mr. President, today I would like to place in the RECORD an article written by Timothy Clark for the National Journal. The article deals with tax-free employer-provided educational assistance plans, section 127 of the Internal Revenue Code. These plans have been tax-free to employees since 1978, but expired at the end of 1983.

Last January, I introduced S. 249 which would make tax-free employer-provided educational assistance plans a permanent part of the law. Hearings were held in the Subcommittee on Taxation and Debt Management in April. A 2-year extension of the law was approved as part of the Senate Finance Committee's deficit and spending reduction tax package. You will note that the article incorrectly states this point.

I hope that the Finance Committee and the Senate can act on the tax package promptly and that this vital means of learning new skills to improve one's job will remain tax free.

I submit the article for the RECORD.

IN AN ERA OF $200 BILLION BUDGET DEFICITS, EVEN MODEST TAX BREAKS FACE CHALLENGE

(By Timothy B. Clark)

The Reagan Administration is opposing renewal of a five-year-old tax break for career advancement courses that would cost the Treasury only $25 million this year.

Because a five-year-old tax break was allowed to expire on Dec. 31, thousands of workers seeking to advance their careers by taking courses financed by their employers face substantial additional federal tax payments in 1984.

Whether they will actually pay the additional taxes is not clear, because a broad coalition of companies, unions and educators will push for retroactive reinstatement of the tax break when Congress returns. In the meantime, many tuition payments by employers count as income to employees, withholding on some payments must begin and workers can deduct only those educational expenses that they can prove are directly related to their current jobs.

This seems out of line with the Reagan Administration's support of tuition tax credits and improved education and training for the American labor force. Yet the Treasury Department opposes extending the 1978 law that excluded nonjob-related employer-education expenses from employees' income, arguing that the tax break discriminates in favor of those lucky enough to have employer-financed education programs and that high-income taxpayers benefit disproportionately.

Another concern for Treasury is the revenue loss that would result from extending the tax break: $25 million in 1984, and in the five years ending in 1988, a total of $218 million.

Paltry as these sums are in an era of $200 billion deficits, they are large enough to have stymied congressional action last session on bills to extend the education tax break. In earlier times, the extension would likely have sailed through Congress. That it has encountered difficulty so far, and faces an uncertain future, is testimony to the controversy that virtually every tax proposal attracts in these times of high deficits. The fate of the legislation last November, particularly in the House Ways and Means Committee, illustrated what is becoming a new fact of life for those pushing tax bills: any proposals entailing tax losses must be accompanied by measures to raise offsetting revenues.

Supporters of the extension were not able to get it added to the modest revenue-raising bill (HR 4170) approved by the Ways and Means Committee or to the tax package that was considered by the Senate Finance Committee. And the education provision may get lost in the shuffle again in 1984 as Congress debates the size and content of a tax bill, whether to have more than one bill or whether to have a bill at all.

All of this is frustrating to the companies, unions and educational interests that have been pushing for extension of the 1978 law. They have argued that failure to extend the tax break would work against the interests of American companies and workers struggling to stay abreast of foreign competition in technologically sophisticated lines of business. Workers faced with additional taxes stemming from education frequently pursued on their own time, would be inclined simply to quit their studies, advocates say. The burden would be especially harsh on participants in relatively new, union-ne-

gotiated programs aimed at helping unemployed workers in the automobile industry.

Finally, supporters of the program contend that it has particularly benefited women and minorities because companies have frequently aimed educational benefits at these groups as a means of meeting affirmative action goals. These beneficiaries cannot afford to shoulder added taxes, advocates say.

At a Finance Committee meeting last November, Bob Packwood, R-Ore, blew up at Treasury witnesses who insisted on imposing corporate reporting requirements and limiting the duration and scope of the tax break if it were extended. Packwood, the chief Senate backer of the extension, later wrote a letter asking Treasury not to require employers to withhold taxes on tuition payments to employees while Congress considers an extension early this year. But assistant secretary John E. Chapoton declined in a Dec. 22 reply.

"I do not expect them to take any public action to encourage withholding," Packwood said in a Jan. 4 interview. Nonetheless, major employers are prepared to start withholding. Packwood said that he was confident Congress would enact an extension and that he saw no reason to raise the issue at higher levels within the Administration. "We have the votes," he said. "There is no serious opposition."

But others are not so sure. At Treasury, the education tax break is seen as part of increasing efforts by workers and companies to shift compensation from taxable wages to nontaxable fringe benefits. Treasury has tried to resist this erosion of the tax base and has found some sympathy in Congress from Members concerned about the financing of the social security system. *(For a report on fringe benefits. see NJ. 6/25/83. p. 1332.)*

Packwood says the Treasury opposition cannot be seen as "serious," but the same might be said of support for the extension, which is broad but not particularly deep. "In the universe of tax issues facing corporations, many have a higher panic level than this one does," said Mark D. Wineck, who is lobbying for the extension on behalf of several clients of his law firm, Kilpatrick & Cody. The reluctance of top corporate officers to use up political capital on such a small issue is matched in the government, Wineck said.

"This issue is relegated to the staff level at Treasury and elsewhere in the Administration and to the staff level on the Hill," he said.

Another obstacle is the federal budget deficit, which has motivated Congress to raise taxes, not cut them. "Last year, in the congressional budget, we were ordered to raise $73 billion over three years," said a Ways and Means staff member, "and so a lot of people looked with a great deal of care at any proposals that entailed revenue losses." Committee leaders last year saw extension of the education tax break as entailing "fairly important revenue losses," he said.

ORIGINS OF PROGRAM

The Internal Revenue Code treats most educational expenditures as non-deductible personal expenses. No deductions are allowed for the costs of private secondary school, vocational school or college education to prepare people for entry-level jobs in occupations of their choice.

But the tax code makes an exception for educational expenditures individuals make to maintain or improve their job skills or to meet requirements of their employers. These "job-related education" expenses can be deducted. Not deductible, however, are expenses for education or training designed to qualify a worker for a new trade or business.

Until 1978, the code treated educational and training expenditures by corporations the same way. The cost of education or training financed by corporations and designed to maintain or improve workers' skills in their present jobs was not considered compensation to the employee. If, however, companies financed education that was not directly job-related, the cost had to be considered part of the employee's compensation and taxes withheld.

It proved difficult to determine what education was job-related. As the Joint Taxation Committee said in its explanation of the 1978 law, which eliminated the job-related test: "The 'job-related' distinction often seems both ambiguous and restrictive. For example, if a person with little or no work experience is employed in an entry-level position and receives training from his employer to advance to a job requiring some greater skills or experience, the value of the training may be taxable. This may discourage self-improvement.

"If a typist, for example, receives training to be a secretary, or if a secretary receives training in a paralegal program, it might be considered not job-related. Also, if a clerical employee receives computer training, it may be treated as not job-related, even though the employee's job may require computer skills in the future because of normal advances in business technology."

Companies had to decide on their own whether the education and training they were providing employees met the job-relatedness test and thus required no withholding. Or, in some instances, they relied on Internal Revenue Service agents' analyses of individual cases. Inevitably this led to variations in the tax treatment of similar situations.

A "more serious" reason for changing the law, the Joint Taxation Committee said, was that it served as a "disincentive to upward mobility. Although most citizens recognize the need to provide greater access to educational and economic opportunity to those who have had limited access in the past, the tax law . . . required out-of-pocket tax payments for employer-provided educational assistance from those least able to pay, even though they receive only services, not an increased paycheck."

And so, in 1978, Congress said that employees could exclude from income the cost of tuition or other educational fees, books, supplies and equipment provided or financed by his employer. In a new Section 127 of the Internal Revenue Code, the job-relatedness test was eliminated, and virtually any course of study could receive this favorable tax treatment, except those involving sports, games or hobbies.

Congress also tried to make sure there would be no discrimination against rank-and-file workers. Section 127 provided that not more than 5 per cent of the benefits in an educational assistance program could be paid to anyone owning more than 5 per cent of the company. And it included a sunset clause stipulating that the program would terminate on Dec. 31, 1983.

EMPLOYER EXPENSES

Public and private employers in the United States spend an estimated $30 billion a year on education and training. Most of these outlays are designed to improve the performance of employees in their current occupations.

In addition, a small but growing portion is spent to help employees advance to new jobs. Just how much is not known, but the Treasury Department's office of tax analysis on Nov. 8 estimated that if Section 127 were made permanent, the government would forego $25 million in revenues in 1984, $43 million in 1985, and an average of $50 million a year in 1986-88. These figures represent the taxes that would be paid by employees who were obliged to count as income education aid not directly related to their current jobs. Treasury assumed that these employees, on average, would have a marginal tax rate of a bit less than 25 per cent, implying that the actual value of the education assistance would be roughly four times the revenue loss. Thus Treasury estimated that companies in 1984 will spend about $100 million on education assistance unrelated to employees' jobs and that this will rise to $200 million within three years.

Treasury concedes that these are only guesses; indeed, one of its objections to the program is that there is no way to find out who is benefiting. But anecdotal evidence suggests that Treasury's estimate may be low and that the popularity of education assistance is growing fast.

Tuition aid programs are offered by 80-90 per cent of companies with more than 500 workers, according to estimates compiled by the American Society for Training and Development Inc., which is leading the lobbying drive for extension of Section 127. A growing number of companies offer courses that employees can count toward bachelor's or master's degrees, and 14 companies, including Rand Corp. and Chrysler Corp., actually offer bachelor's degrees.

Citibank spends $1 million a year on tuition reimbursement. About 10 per cent of the 45,000 employees at Rockwell International Corp.'s West Coast operations participate in employer-reimbursed education, at a cost of $2.8 million in 1983—16 per cent higher than in 1982. At Caterpillar Tractor Co., 2,750 employees were reimbursed for more than $500,000 in tuition costs during the 1981-82 academic year. Carolina Power and Light Co.'s educational assistance program has paid for an average of 667 courses completed by employees during the past four years. In 1983, 943 courses were completed, at a cost to the company of about $80,000, according to James P. Stone, who is manager of manpower planning and career development.

American Telephone & Telegraph Co. (AT&T), which had about 1 million employees before its breakup on Jan. 1, has sponsored probably the nation's largest corporate tuition assistance program. In the 1981-82 academic year, the company spent about $16 million on tuition aid. About 4 percent of the company's 800,000 nonmanagement workers benefited, as did 8 per cent of management employees.

Educational aid programs are also found at some small companies. Machine tool shops, which have an average of 25 employees, frequently send their machinists and die and mold makers to high schools, vocational schools and junior colleges for training. The industry has a larger number of government-registered apprentices than any other, according to John A. Bell, training manager of the National Tooling and Machining Association.

According to testimony at hearings held by a Finance subcommittee in April and a Ways and Means subcommittee in Novem-

ber, interest and participation in tuition aid programs have increased markedly since Section 127 took effect on Jan. 1, 1979. Caterpillar's participation has jumped by 50 per cent, and "we believe this is directly related to changes in the tax laws that made reimbursement for courses related to future opportunites tax-exempt," a Caterpillar witness told the Senate panel. After increasing by only 1 per cent from 1974-77, participation in Carolina Power and Light's tuition reimbursement program increased by 66 per cent in the next three yeas.

The fact that taxes were not withheld from the paychecks of workers whose companies were giving them education assistance very likely helped boost participation. A 1977 study conducted by AT&T showed that withholding served as a powerful deterrent: three times as many employees participated in continuing education when companies did not withhold.

The tax break has helped people at both ends of the spectrum of skills and income. For many of Rockwell's highly educated scientists and engineers, continuing education "is an indispensable means of avoiding technological obsolescence," M. Patrick Crotty, Rockwell's vice president for industrial relations told the Ways and Means Subcommittee on Select Revenue Measures on Nov. 3. "Continued education for them is a must, not a luxury." Tuition for the kind of advanced study the scientists pursue can "easily" run to $2,000 a year or more, Crotty said in an interview.

These scientists probably would not be hurt much if the education tax break is not renewed. The company could raise their compensation to ensure that they did not suffer financially. And a good case could probably be made that most of their continuing education was job-related and therefore tax-exempt under the old regulations, which now apply again. The company would face an added administrative burden, because it would have to determine case-by-case if the education pursued by employees was job-related.

Relatively low-paid, rank-and-file employees of companies such as AT&T and Carolina Power and Light might be more seriously affected. A key argument for enacting Section 127 was that the old job-relatedness test discriminated in favor of relatively highly paid management employees who, unlike secretaries, clerks and janitors, could make a case that many kinds of courses were related to their responsibilities. AT&T contends that its educational assistance program has been particularly helpful to women and minorities. Similarly, Stone said that his utility's program "provides opportunities for minorities to get education and improve their skills in areas they might not be able to if they had to pay directly, or pay taxes on the value of their education."

Major labor unions are worried that the lapse of the education tax break will affect laid-off members as well as those who are working. At both General Motors Corp. and Ford Motor Co., the United Auto Workers (UAW) union has negotiated training programs worth, respectively, about $10 million and $40 million a year. Workers can be reimbursed for as much as $1,000 a year in tuition expenses over a four-year stretch. Recently, the training programs have been focusing on laid-off workers, providing upfront tuition money instead of tuition reimbursement.

The object is to enable them "to pursue self-chosen education and training to improve their chances for reemployment within or outside the company." UAW research director Sheldon Friedman told the House subcommittee. "Very few people could have taken advantage of these . . . opportunities had the assistance received been taxable," he said. At Ford, 18,000 brochures advertising the tuition assistance program were mailed to workers in August 1982, and the response was enthusiastic. More than 2,800 course enrollments had been approved by last November, and applications were flowing in at a rate of 100 a week.

The Communications Workers of America, most of whose 675,000 members work for AT&T and the Bell System, has also emphasized training in its recent contracts, partly out of fear that the breakup of AT&T will force the divested companies to search for labor-saving productivity improvements. For several years, the union has had a national training fund that has spent about $200,000 a year to help union locals operate training centers in cities around the country. And in the labor settlement that ended last summer's telephone workers' strike, the union and AT&T agreed to establish "personal or career development training" programs throughout the telephone company. If union members were forced to pay income taxes on the value of employer contributions toward training programs, "there would be a tremendous disincentive to participate, with the ultimate result being our members' inability to compete for jobs in the modern economy," CWA executive vice president M. E. Nichols told the House subcommittee.

LEGISLATIVE ACTION

Action on legislation to extend the education tax break began last year with an April 29 hearing on Packwood's bill (S. 249) to liberalize Section 127 and make it permanent. Packwood is Congress's most ardent advocate of tax-free fringe benefits, arguing that some social goals are more cheaply achieved through the tax code than through direct spending programs.

Packwood's bill would not only have permanently excluded corporate educational aid from employees' income, but also would have extended this benefit to tuition aid provided by companies to employees' spouses and dependents. And it would have allowed tax-free reimbursement for the cost of education-related meals, travel and lodging, which was prohibited under Section 127.

Treasury strongly opposed these provisions and said that the entire program should be scrapped because it was not fair to favor people whose employers would pay for their education.

Treasury was fighting a lonely battle. A coalition of unions, companies and educational institutions, coordinated by the American Society for Training and Development, testified in favor of extending the tax break. A desire for greater achievements by workers and companies was not their only motive. As Dorothy Walsh, government affairs coordinator for the Training and Development Society, said. "The educational community is very dependent on adult students, and this means more bodies and money for them."

As time passed, Treasury began to suggest compromises, including limiting the extension to two years, placing a cap of $1,000 a year on aid to an individual employee and, in an effort to generate reliable data on who was benefiting, imposing reporting requirements on companies with education aid programs. At a Finance Committee session shortly before Congress adjourned, Packwood objected strongly to these suggestions, but he was not able to get his bill added to the Finance tax package, which itself was not approved by the committee before Congress adjourned.

In the House, a bill (HR 2568) to make the tax break permanent was introduced by Rep. James M. Shannon, D-Mass. In early November, the Ways and Means Select Revenue Measures Subcommittee amended it to include the two-year iimit and corporate reporting requirements. And the panel also sought to offset about a third of the revenue loss by adding provisions designed to stop professional corporations formed by doctors, lawyers and others from taking current tax deductions on money set aside to spend on their children's future college education. It then sent the bill to the full committee, but chairman Dan Rostenkowski, D-Ill., refused to add revenue loss measures to the small tax bill (HR 4170) he was preparing for floor action.

Will Section 127 see the light of day again? No one knows, but it seems clear that an extension cannot move through Congress on its own, and so it must seek a larger train to ride.

The Finance Committee seems likely to become embroiled again in a debate over broader tax measures to reduce the huge budget deficits; its staff has been instructed to prepare a four-year, $75 billion package of revenue increases by Feb. 15. But if the committee approves a tax bill, Section 127's chances of hopping on board seem reasonably good. Prospects for an extension "have aways been good," said chief committee counsel Roderick A. DeArment. "Nobody has said, 'Hey, let's eliminate the tax-exempt status of these fringe benefits.' "

In the House, Rostenkowski is not planning to open his tax bill to amendment before trying to pass it on the floor. Last year, the committee planned to send a second, minor tax bill to the floor that would have been the vehicle for Shannon's bill. But discussions have not yet begun on the possibility of a second bill, and likely would not unless the first is enacted.

In the meantime, employees benefiting from education assistance may soon begin to see the paychecks cut by additional withholding. Stone of Carolina Power and Light said withholding would not begin before February, while the company gauged the mood of Congress on extending the tax break. At Rockwell, Crotty predicted that withholding would begin quickly. "That's the law," he said.●

THE VICTORIA PRINCIPAL

● Mr. SYMMS. Mr. President, this past Tuesday I was privileged to join Victoria Principal, national campaign chairperson for the Arthritis Foundation, at a Capitol Hill reception. Miss Principal, star of the popular television show, "Dallas," is well known as a proponent of physical fitness. Now she is lending her support and influence on behalf of the Arthritis Foundation, to raise public awareness and to raise funds to help conquer arthritis.

At a luncheon attended by a number of Members of Congress, Miss Principal spoke eloquently for improved national awareness of the problems of arthritis in America. She is personally

involved because both her parents have arthritis-related diseases.

Senator ORRIN HATCH, chairman of the Labor and Human Resources Committee, introduced Miss Principal and indicated his strong support for a separate institute for arthritis at the National Institutes of Health. His committee oversees the Nation's biomedical research effort, including the NIH.

As Miss Principal pointed out, arthritis is the No. 1 disabling disease in our country, affecting 1 of every 7 Americans. I believe that insufficient attention has been given to government-supported research on the more than 100 forms of arthritis and other musculoskeletal diseases. This lack of attention has led me to become an active proponent of a separate Institute for Arthritis and Musculoskeletal Diseases within the National Institutes of Health.

I hope that after reading Miss Principal's remarks, my colleagues in the Senate will want to join me and the 45 Senators who have consponsored S. 540, Senator GOLDWATER's legislation establishing the separate institute for arthritis. Provisions for the separate arthritis institute are also included in Senator HATCH's authorizing legislation for NIH research, S. 773, which has been reported by the Labor and Human Resources Committee and is on the Senate Calendar.

I ask that Miss Principal's remarks be printed in the RECORD in their entirety.

The remarks follow:

REMARKS BY VICTORIA PRINCIPAL

My mother is a victim of an arthritis-related disease, Lupus erythematosus, and my Father has osteoarthritis. So actually it was my parents who generated my interest in serving as national campaign chairperson for the arthritis foundation. In that capacity, I am very honored to be here today and to address such a distinguished group.

For the past 25 years, I have seen my parents suffer the pain of arthritis. Pain has been a part of their daily lives, and their pain was part of my life as I was growing up. I became sensitive to their suffering . . . and sensitive later in life to friends, colleagues and coworkers who also suffer the pain of arthritis. I have seen arthritis erode the quality of their lives. Simple tasks such as writing a letter, dressing or crossing the room can be difficult, if not impossible. Helping those who are near to me, who suffer from arthritis, has become part of my life . . . and I was eager to extend myself to the Arthritis Foundation in any capacity that would be of help. It has been my privilege to serve this organization and cause.

I stand before you today representing a vast constituency . . . 36 million Americans with arthritis. I care about them and I want to make life better for them. I appeal to you because we need your help.

This disease is so often pictured as an affliction of the elderly, an inevitable process of erosion as you get older. No doubt there are many Americans that suffer this degenerative process, but arthritis is not just a disease of old age . . . it is a disease of all ages and it affects so many young people, so many people in the prime of life. This disease is a serious, staggering health problem. Arthritis is our country's number one crippling disease. The most staggering fact is, that 1 in every 7 Americans has one form of arthritis or another. One in every seven. That means if this statistic holds true, one of the persons you love most in your life . . . whether it be your mother, father, sister or brother, your spouse, or your dearest friend or your child . . . one of these seven so very dear to you will be a victim of arthritis.

In fact, I did a little research and I found that the average age of the Senators and Representatives invited here today is 58.5 years of age. Men in their age group have a 26.5 percent chance of developing arthritis. Within 10 years from now, at least 41.8 percent of the people in this room will develop some form of arthritis. That means that right now, one in four will develop some form of arthritis . . . and within 10 years, almost half of you will have arthritis.

One of every three families is affected, as is mine. Every 32 seconds another American develops arthritis. That's a million new victims each year. If people were developing something as simple as the flu at this rate, our Nation would consider this a major epidemic and a top priority. Why should arthritis deserve any less?

I suspect that arthritis has received less attention than other diseases because, as former First Lady Betty Ford—who serves on the Arthritis Foundation's board of trustees—has said, (quote) "arthritis is not a very glamorous disease." (end quote) I believe that Mrs. Ford is right. Arthritis does not relate to mortality so much as morbidity. There are no fatalities. But if having a fatal disease is considered a death sentence, then having arthritis should be considered life imprisonment.

Our society is very conscious of fitness and exercise and well-being. Many of us work hard to improve our health. But people with arthritis must work hard just to stay even. We're a country of jogging and tennis and skiing and sailing and golf. Yet millions of Americans can't tie their shoes or comb their hair or walk up a flight of stairs. We must overcome this disease with both research and treatment, and yet this is so difficult to do when the public is so apathetic about arthritis. My hope is that you will help me to overcome this public apathy and indifference.

When I volunteered my services to the arthritis foundation, I fully expected to be making public service spots, attending fund raising events and talking to the media. My goal being to raise awareness and to raise money. As flattered as I am to be here today speaking to all of you, my goal remains the same, to raise your awareness and to raise more money . . . on behalf of the millons of Americans who are counting on me—and you—to help conquer arthritis. You, as this country's leadership, are in a position to not only allocate the essentially needed funds, but also to inspire our fellow Americans to pitch in and do their share.

I know that as legislators, you are called upon to deal with the full range of moral issues that affect the quality of American life, from civil rights and national security to education and the preservation of the environment. It is just that issue about which I speak . . . the quality of American life. Science and technology have done so much in recent decades to improve our longevity, the quantity of our lives. But, it is the quality of life which is so greatly compromised by this disease.

The problems of arthritis are another such moral issue you must address. The challenge is before all of us now to strike a major blow against arthritis through Federal action and commitment. This is a moral responsibility which I do not believe can be postponed any longer. In 1968, President Lyndon Johnson said, (quote) "surely no more vexing health problem can be named than arthritis. Like most of our problems, it is within our power to solve it. If we have the will, we will find the way." (end quote) Sixteen years later, I am here to ask your help in finding a way.

America is the land of the free and the home of the brave. Let us assume our full responsibility in freeing those millions of Americans who have lost their freedom. Give them freedom of motion, freedom from pain. And let us acknowledge their bravery in coping and living with such a dreadful disease. Let us not turn our backs on so many Americans who suffer from this disease without glamour . . . a disease which deprives them of enjoying their full potential and the richness of life.

Thank you for sharing your time . . . and lunch with me today. This is a most memorable day for me for many reasons . . . but I pray to God that when I reflect upon this occasion in the future, I will remember it as having taken place the year that Congress established the Arthritis Institute.

Thank you.●

THE HANDICAPPED ENTREPRENEURS OF THE POSSIBLE

● Mr. SYMMS. Mr. President, it is all too easy to forget, in the course of a hectic day, how challenging our daily routines would be if we were handicapped; to be without sight, or a limb, or to be paralyzed or to suffer from epilepsy. And yet, millions of Americans hampered by disabilities meet these challenges every day. They not only cope with their daily routines, they master them.

As old myths and preconceptions of the handicapped slowly disappear, millions of Americans are learning to be productive and enjoy their lives. These valiant people are taking advantage of many opportunities and are utilizing their experiences to achieve personal accomplishments. They can do this because they live in a free society. Our Nation has helped to provide a more suitable environment for opportunities for the disabled, but it is the dogged, untiring quest for independence that drives the handicapped. That drive springs from the need to be useful, as basic a human need as food or air. And that need has blossomed into a great adventure in human achievement in the last decade. The American handicapped have become the new entrepreneurs—the entrepreneurs of the possible.

Mr. President, in this spirit, I would like to introduce into the RECORD brief, inspiring descriptions of 15 handicapped individuals in the Boise area who have met the challenge, who have become their own masters. Although they are a small representation of the handicapped throughout Idaho and America, these 15 are as

outstanding as the group they represent.

I ask that the publication "They Can Do," by the Idaho Veterans Administration Medical Center, be printed in the RECORD.

The material follows:

THEY CAN DO

Many times employers and handicapped people themselves do not realize what is possible to achieve with a little ingenuity and determination.

This booklet contains a small representation of successful handicapped persons in the Boise area. Their stories may give you an idea of what is possible and what "they can do."

JOSEPH KARPACH, JR.

In 1974, Joe received a neck injury while participating in an unusual sport at Bogus Basin. The contestants would race down the snow-covered hill on kitchen trays and dive into a man-made pound. When Joe dove into the pond, he broke his neck. The accident resulted in Joe becoming a quadriplegic.

Joe continued his education and earned a BA in History in 1979, with minors in Psychology and Communications from Boise State University. He graduated with a 3.1 grade point average. In 1982 he received a Doctorate of Law from the University of Idaho, College of Law, in Moscow, Idaho and is currently a licensed attorney.

While at BSU, Joe was a member of the Handicapped Advisory Committee and assisted them in making the dorms and campus accessible to handicapped students. He also performed general advocacy work for CO-AD, Coalition of Advocates for the Disabled.

Joe was a member of the University of Idaho Handicapped Advisory Committee, Sergeant of Arms of the Student Bar Association and a member of the Board of Director's of the Stepping Stones, which was a grant program to promote and educate handicapped adults in Latah County.

Always athletically inclined, Joe is now an avid Bronco Booster. He watches sporting events on television and attends games in Boise and other states. He has recently become interested in fishing.

Joe is currently a law clerk for Judge Newhouse, researching legal motions presented in the courtroom. Joe says, "My future goal is to become more involved in trail work. I also have a major interest in working on the rights of handicapped persons."

MIKE WETHERELL

At the age of five, Mike was stricken with a disease which caused loss of balance and high fevers. Doctors gave him six months to live. However, massive dosages of penicillin, used as a last resort, saved his life. Twenty years later, five months after he was married, he suffered a grand mal seizure. It was determined that Mike suffered from epilepsy.

"Epilepsy is an especially difficult disability," Mike says, "because it is hidden, except for brief but dramatic periods when you are actually having a seizure and because it is so misunderstood. Only a few years ago a nationally prominent entertainer said he considered epilepsy to be caused by the sufferer being possessed by the devil."

"Epilepsy, in fact," Mike continues, "is no different from any other disability. It can vary in its intensity and effect upon a person. I have been fortunate, in that like 80% of those who have epilepsy, my seizures are now completely controlled by medication. I take the position that I think most persons with a disability take. I can do basically anything I want to, only other people have a problem if they think I can't."

During the time Mike has known of his epilepsy, he finished law school. He then became chief counsel to United States Senator Frank Church and later Church's Administrative Assistant, the highest staff position it is possible to attain in the United States Senate. Mike helped set-up Church's presidential campaign effort, traveled throughout the United States with Church, acted as the road coordinator for the campaign and was Church's chief liaison with the U.S. Secret Service.

He left Church's staff in 1975 and returned to Idaho. In 1976 he was the Democratic Party's nominee for the Office of Idaho State Attorney General.

He is a member of the Idaho Epilepsy League Board of Directors and performs free legal services for the League. In 1979 he acted as a friend of the court in filing a brief with the Idaho Supreme Court in the case of Moye v. Moye, which established the rights of parents of epilepsy in custody proceedings in the Idaho Courts.

In 1980 he was awarded the Idaho State Bar Association's Outstanding Public Service Award for his work on behalf of the rights of the disabled. In 1979 he was elected to the National Board of Directors of the Epilepsy Foundation of America, where as Chairman of that group's litigation subcommittee, he helps determine in what cases the EFA will take an active role to establish the legal rights of those who suffer from Epilepsy.

Since 1978, he has served on the Board of Governors of the Idaho Trial Lawyers Association and edits their magazine, "The Idaho Trial Lawyer". He is active in Boise Little Theatre, Vice President of the Kiwanis Club of Boise and Chairman of the Kellogg Foundation's Volunteer Leadership Advisory Committee.

He recently opened his own private law practice in Boise under the firm name of Hyde and Wetherell. He specializes in copyright, real estate, and personal injury law.

JUNE BUSH

In 1949, at the age of 16, June became seriously ill. Diagnosis: Infantile Paralysis, more commonly known as "polio." June was in quarantine for two weeks and then transferred to the Elks Convalescent Home on Sycamore Drive. (This was before the new Elks Rehabilitation Center was built). June was a patient for over two years.

After being discharged from the Elks, June was ready to "get on with her life." She married and had two children. June says of those early years, "It was a real challenge being a full-time wife, mother, and housekeeper, all from a wheelchair. We were a very active family, fishing, camping, hunting, snowmobiling, and boating. There are always problems to solve, and believe me, experience is the best teacher." June speaks of the early years when most handicapped people were still "in the closet;" you rarely saw a disabled person out on the street. She is so glad for the changes and better acceptance by the majority of people towards handicapped individuals. June can remember when people would literally shut the door in her face because of the word "polio."

After June's children married and left home, the days were long and boring. She then decided to set some goals for herself; (1) to get a job; (2) learn to drive; (3) get her own vehicle. She has accomplished all three of her goals. She's now making a list of new goals to achieve.

June works at the VA Medical Center, operating an IBM System 6 Information Processor. She had on-the-job training and says the work is interesting and varied because she does work for numerous departments. "My co-workers and fellow employees are a wonderful group of people and have been so supportive," she commented.

Shortly after starting her job, June became a member of the VA's Handicapped Advisory Committee. She is now the current Chairperson. "I hope that by setting good examples, more disabled persons will go out and seek work. Twenty or thirty years ago it was unheard of to have a handicapped employee. Now the jobs are there. You have to have the courage to go out and find it. And keep trying if at first you don't succeed, " she said.

June wants to become more involved with handicapped groups and to see as many advances in the next thirty years as she has seen in the past thirty years.

I asked June about her feelings on being handicapped. Her reply was, "I'm not handicapped or disabled, I have a slight inconvenience. Where you use your legs to get around, I have wheels. It might take me a little longer to get something done, or I might have to figure out a way to do it, but I'll get the job done or accomplish any goal I set for myself."

SCOTT PARRISH

Scott Parrish was born in Boise, Idaho on October 24, 1961. He was discovered at the age of three to have a rare form of Down's Syndrome, Mosaic Mongolism. Since Scott's potential was not known, doctors and parents, after extensive testing, decided that he should be trained in regular school to see how far he could progress.

Prior to attending school, Scott had special training at the Idaho Easter Seal Center in both speech therapy and motor skills where it was discovered that he had a potential in drawing.

Scott attended schools in Sandpoint, Riggins, and Boise, graduating from Boise High School in 1981 where he received the Student of the Month Award and the Boise High Art Award.

While in school, Scott took advantage of all of the art classes possible. Two of his most inspirational instructors were Mr. Hollis Richardson of Salmon River High School and Mr. Robert Auth of Boise High School.

His most enjoyable forms of art are the pencil sketching and woodburning of various animals, with members of the cat family being his favorites. Calligraphy, photography, and painting ceramics are other forms of art enjoyed by Scott.

Recently, one of Scott's sketches was selected for the Idaho State Elks Association and Elks Rehabilitation Hospital Christmas card for 1983. A reproduction of one of his wood burnings and a pencil sketch were published in a newly established magazine, "The Idaho Sportsman."

DEE LOWE

Dee Lowe lost his right leg below the knee in Southern France, October 30, 1944, during World War II. The story of how he

received his disability is certainly worth telling.

Dee and several of his buddies had befriended a goat while in Southern France. On returning from a patrol mission "Uncle Billy" was there to greet them. As they were about to move into the shambles of a blasted farmhouse, the goat crossed directly in front of Lowe's foot and exploded a land mine. The explosion blasted Dee's right foot but blew the goat into a million pieces. Dee feels that "Uncle Billy" saved his life and that of a fellow standing near him.

Dee has worked as a carpenter, rancher, welder, and truck driver. He is currently employed at Idaho Power where he has been a custodian for the past three years. he trims and shoes horses in his spare time.

When asked about his recreational activities or hobbies, Dee responded, "My first love is horseback riding. I also like to fish and hunt when I get the chance. I have enjoyed umpiring softball and refereeing basketball for many years."

He and Helena, his wife of 36 years, raised four children, one of which is still at home.

Dee stated, "After I became accustomed to my artificial leg, life went on as before. In fact, I was so active I wore out 13 legs in 13 years. I am happy that I have been able to lead a normal life and do nearly all of the things that I was able to do before, despite my disability."

CORKY CARICO

In 1967, while working as a lineman for Idaho Power Company, Corky fell from a power pole, breaking his neck at the 5-6 cervical vertebrae. This resulted in quadriplegia. Corky has some movement of both arms and hands with the use of a prehensile splint.

While receiving rehabilitation in Denver, Colorado Corky used his G.I. benefits and completed a four-year course in Engineering from ICS.

When asked about his disability Corky responded, "When I was in Denver, the doctors told me I should try to accept my disability and make the best of my life. I decided the doctors were right."

In 1972 Corky ran for and was elected as County Commissioner for Payette County. United States Senators James McClure and Steve Symms have known Corky for years. Both agree he has achieved accomplishments that would challenge the most ambitious nonhandicapped person.

Corky began his Federal career in 1979 as a Civil Engineering Technician for the Boise National Forest. In 1980 he obtained a position at the Boise VA Medical Center where he is currently employed as a Maintenance Scheduler.

Corky has redesigned ventilation, duct, and electrical systems at the Medical Center. These have been significant accomplishments as he often cannot visit worksites because of their inaccessibility and must rely on verbal descriptions and "as-built" prints in order to accomplish the work.

In 1982 he received the Outstanding Handicapped Employee of the Year Award from both the Boise Mayor's Committee for Hiring the Handicapped and the Governor's Committee for Hiring the Handicapped. He was Idaho's nomination for the President's Trophy for Outstanding Handicapped American of the Year.

"I enjoy reading and listening to country music," says Corky, "but most of all, I love to travel. If I had the time and money, I would travel a lot more."

CHARLES HIRSCH

Charles Hirsch has a voice and breathing disability caused by scar tissue masses in the throat, called lipoidproteinosis. He has had this disability since childhood. When asked about his handicap, Mr. Hirsch responded, "It is distinctly a social rather than a physical handicap."

As Building Maintenance supervisor for Boise City, Charles has spent the last six years supervising the operations and maintenance program for 38 city buildings. He directs the work in roofing, structural, mechanical, landscaping, and custodial areas.

Charles is currently restoring a 1940 Dodge business coupe. He also enjoys floating down the Boise River. He is active in neighborhood groups, the Boise Ditch Safety Committee, and a professional society. He also counsels inmates at the Idaho State Correctional Institution.

Hirsch comments, "In every community program or involvement I've chosen, the rewards have always made my personal costs seem insignificant. We do best when we all work together."

Charles is currently a Certificate Member of the Refrigeration Service Engineer's Society and Chairman of the Architectural Barriers Subcommittee for the Mayor's Committee on Employment of the Handicapped and Elderly.

DENNIS WALKER

Mr. Walker was born and raised on a farm in eastern Idaho. He joined the 116th Combat Engineer National Guard unit shortly after graduating from high school. The unit was federalized in 1968 and sent to Viet Nam.

While operating a bulldozer, he hit an enemy booby trapped rocket, which resulted in total blindness. He was hospitalized at Fitzsimmons General Army Hospital for almost the entire year of 1969 where he underwent several operations for his eyes.

He was discharged from the military in December of 1969 to the Veterans Administration Western Blind Rehabilitation Center in Palo Alto, California.

Completing the training in about three months, I had learned to travel with the use of a long cane, read braille, and many other skills that have proven to be very useful in my life as a blind person. I was determined to overcome the disability and live my life as normally as I possibly could.

I enrolled in Ricks College in the fall of 1970. I transferred to Boise State University where I received a Bachelors degree in Business Administration.

I met my wife Carol while I was at the Blind Center. We were married in 1971 and now have three children, Matthew, Jennifer and Steven.

I was hired by the Veterans Administration as a Veterans Benefits Counselor in 1974. I am able to perform my job as well as the sighted counselors with the assistance of a braille writer, talking computer and a talking calculator. I was the first blind Viet Nam era Benefits Counselor the V.A. hired.

I have been honored with several awards during my employment with the V.A. I received the No Greater Love Award and was honored by the governor during handicapped week. In 1977 I was selected as one of the Outstanding Handicapped Federal Employees of the year. My family and I were flown to Washington, D.C., to be honored. We had the opportunity to meet the administrator, Max Cleland.

Since I have been blind I have always tried to live my life without letting my blindness interfere. Some of my hobbies are wood working, gardening, and camping. I spend a lot of my time in my workshop working on projects and making saw dust.

CHARLENE LIDGARD

I was born 31 years ago in California with cerebral palsy. My greatest accomplishment has been the constant battle with myself in overcoming the effects of my disability. However, I believe that I have overcome most of the hang-ups that I had in association with my disability.

I was born in Burbank, California in 1951, and at the age of three was one of two children selected as a National Cerebral Palsy Poster Child.

In 1963 we moved to Idaho from New Jersey, settling first in Boise and then later moving to Idaho Falls. I returned to Boise in 1970 to recuperate from surgery and decided to stay in the Idaho Capital.

After my release from the Elks Rehabilitation Center, I attended Vocational Technical courses at Boise State University, taking classes for GED preparation and job orientation. Upon completion of my schooling and receipt of my GED, I worked as a Teacher's Aid for a short time at the Elks.

Later, I worked as a cab dispatcher for a year, followed by work as a switchboard operator at an answering service for two years.

While working as a switchboard operator, my Vocational Rehabilitation Counselor contacted me about a position with the U.S. Civil Service Commission (OPM). I was hired under a Schedule A (handicapped) appointment as a Staffing Clerk in the Job Information Center, a position I held for two years before applying for my current position as Information Receptionist for the Bureau of Land Management at BIFC.

Along with my duties as Information Receptionist, I compile, collate, and type the material for the Federal Women's Program Vacancy Listing, distributed each week to Federal agencies within the Boise area and to various Federal agencies in other states. I received a Certificate of Appreciation from FWPM's for my work on the Vacancy Listing. I am also the Upward Mobility Coordinator for BLM-BIFC.

As a single, working mother with a 4½-year-old son, my career goal is to someday get back into the personnel field.

My biggest accomplishments have been overcoming the fear of doing things new and becoming more self-confident.

When you are born with a disability, at least in my case, you tend to grow up with very little confidence and, "I can't," is a big part of your vocabulary. I believe that it may take me a little longer, but I can and will do whatever I set out to do. This includes driving a car with confidence. Right now I am overcoming the fear of driving at night, and I know I will succeed.

ADAM HAMILTON

Adam was born deaf and although he does not read lips, he has learned to communicate by using sign language. He will begin his junior year at Borah High School this fall. He says, "The teachers write me notes to let me know what my assignments will be. My friends have been very helpful, too."

He worked in the Pharmacy at the Boise VA Medical Center this past summer and co-workers agreed that he did a very good job. His duties consisted of opening the mail, pulling and processing files, and helping prepare prescriptions to be mailed out. One Pharmacy Technician learned enough

sign language to assist the other staff in communicating with Adam.

One of Adam's career goals is to be an architect. He enjoys snow skiing, water skiing, soccer and dancing. He currently lives at home with his mother, step-father, and sisters.

Adam is particularly proud that he was on the winning All-Star Soccer Team, the Boise Timbers, who came in fifth in the Far West Regional Championship games in Las Vegas, Nevada.

WARREN TOOPS

Warren Toops, called "T" by his many friends, was injured in May of 1980. While at work, a container fell from a truck and landed on top of him. As a result of the accident, "T" was paralyzed from the waist down.

For the past two years, "T" has worked at the Van Factory where he is the store manager. He also orders parts and gives estimates on van conversions.

He enjoys playing exhibition basketball with the "Star Riders." Although informally organized, this team recently played the inmates of the Idaho State Penitentiary and won the game. One of the requirements of the game is that all players must use a wheelchair.

Softball, hiking, and camping are among "T's" other recreational interests. He commented, "I enjoy many activities. I even do stained glass work, mostly windows, lamps, and personal items. I have not completed any large scale stained glass projects, but I would love to do a few."

His five-year old daughter, Amanda, is a special joy and "T" spends as much time with her as possible. Sometimes "T", in his sportschair and Amanda on her bicycle have races. Other times they may just go for a walk.

In the past, "T" was an active member of a disabled support group called "Different Spokes," and has assisted the State Industrial Commission with counseling newly disabled people in the community.

"T" says, "I have a very supportive wife who helped me realize I could still do anything I wanted to do. My friends and family have all been very understanding. They would help when needed, but stayed away when not needed. The only accomplishment I think I've made is that I didn't lay down and quit when I got hurt."

CHARLES F. HANSEN

Chuck Hansen, the Chief of Social Work Service at the Boise VA Medical Center, has an "invisible" disabling medical condition called Narcolepsy (invisible in the sense that the condition does not show to the individual making casual contact). Narcolepsy is known by its two most important and disabling symptoms: Sleep Attacks, responsible for excessive daytime sleepiness (EDS) and usually expressed as, "always being tired and sleepy, lack of energy, falling asleep at inappropriate times," etc.; Cataplexy, a rapid or abrupt short lasting loss of voluntary muscle control leading to partial muscle weakness or a complete body collapse.

Chuck reports that in retrospect he probably had narcolepsy from childhood but was not diagnosed and treated for the problem until he reached the age of 40. Prior to that time he went to a number of different physicians for help because of his difficulty in staying awake, but with little success. Finally, around 1966, a VA neurologist that Chuck worked with became aware of his narcoleptic symptoms. She explained Narcolepsy to him and got him started on proper treatment. Chuck noted that proper diagnosis and treatment improved his quality of life and staying awake became easier, especially if he kept pushing.

The pushing, uptight and other aggressive behavior that helped Chuck stay awake, had its positive and negative effects. On the plus side Chuck has been successfully employed by the VA in a number of different Social Work positions for the past 26 years, the last 16 in Idaho. In his free time he has been very involved in community affairs, including representing the VA Medical Center in the Treasure Valley Comprehensive Health Planning Agency for five years, serving as Chairman of the grant review committee; past president of the Ada County Mental Health Assoc., (he called the first meeting of what was to become the Idaho Planned Parenthood Assoc.) and served as organizing chairman and first board president. He was elected Boise Federal Employee of the Year, was very involved in helping to lobby through the State Legislature a Social Work Licensing Bill, was appointed by the governor to the first full term on the Social Work Licensing Board, and was the first board chairperson. He is the past president of the Idaho Chapter of the National Association of Social Workers and has served on a large number of Community Advisory Boards.

On the negative side his constant pushing has at times offended those he worked with. "When you are always tired and have to push to keep going, you sometimes unfairly expect that others should do the same," commented Chuck. To others who have who had Narcolepsy he suggests, "You can't sit back and relax. You have to keep pushing or you won't stay awake."

BILL KINKADE

In 1962 Bill Kinkade was logging when a log swung around and broke his back in the thoracic-lumbar region. He is a paraplegic, but with the aid of long leg braces he is able to stand.

Bill enjoys his work at Brownfields Prosthetic and Orthotic Services. He says, "I have been Brownfield's leather finish man for 20 years. That means I make a number of leather items used in manufacturing prostheses. The work is challenging and there is a lot of variety. I really like my job."

As an avid archer, Bill won the 1973 Class B in the State of Idaho. Aside from archery, his next love is fishing. He also swims and has even tried scuba diving. Bill commented, "I tried scuba diving once and I really enjoyed it. I would like to try it again sometime."

Bill likes to hunt and, in the past, has played basketball with the "Whirling Wheelers," an exhibition team that played other teams such as Channel 7-TV and church groups all over the valley. Donations were accepted at the door and the team used the funds to help other handicapped people.

In the past he has been honored by the Mayor's and Governor's Committees for Employment of the Handicapped as Handicapped Employee of the Month. He has assisted the Mayor's Committee in their efforts to get curb-cuts installed in the city.

Bill states, "Ten years ago, when we were trying to get the community involved in helping the handicapped, there was little interest. I am pleased with the progress the community has made in those ten years. Now most people are interested in seeing the city accessible to the handicapped."

From 1966 to 1967, Bill was president of the Indoors Sports Club. The club developed recreational activities, such as square dancing, for the handicapped.

Bill and his beautiful wife, Sandy, are raising a 14-year-old daughter, Tammy, and a 10-year-old son, Steven. They spend as much time as possible together and enjoy camping, fishing and going on picnics.

In September Bill will start Bible College at the Word of Life on Fairview. He says, "I will be studying the Bible. I don't know where that will lead me—maybe into something great."

Commenting on his disability, Bill says, "The biggest handicap people have is the six inches between their ears. Handicapped people can do whatever they want to do and should realize that there are enough people around who are willing to help them accomplish their goals."

CHARLES DANNHEIM

In Texas, in 1970, Charles was taking down a television antenna from his house when he fell in the electrical high-line wires, burning both arms and both legs. The burns were so extensive, amputation was needed on all four extremities.

Charles was determined to make the best of the situation and while receiving rehabilitation at the VA Medical Center in Shreveport, Louisiana, he was using artificial legs and walking within six months.

He returned to farming and ranching for the next two years and used this time learning how to use his four prostheses.

Recognizing the need for more education, Charles went to college, majoring in Agri-Business.

During 1976 through 1978, he worked for the Science and Technology Committee of the U.S. House of Representatives, showing them how to apply their technology in the field of the physically handicapped.

Hot weather is an enemy of an amputee as they are more susceptible to heat stroke. In 1979 Texas suffered 45 days of 100° weather. It became apparent to Charles that he should make a change from his farming and ranching career. Wanting to work with the handicapped, he applied for a training position as a Prosthetics Representative for the Veterans Administration in Dallas, Texas. Since then, he has been at the Denver VAMC and is currently the Chief of Prosthetics at the Boise VA Medical Center.

He and his wife Beth are raising two boys, Chuck and Chad. Charles says, "I love to ride horses and hunt deer, elk or birds as well as fishing. I often ride a three-wheeled motorcycle and have recently become an avid photographer. My philosophy is to enjoy life and look for the good instead of the bad. With this attitude, I have been able to accomplish the goals I have set for myself."

NILLA KNIFFIN

Nilla Kniffin was thrown from a racehorse 23 years ago and broke her back. She has been a paraplegic since she was 16 years old.

For the past six years, Nilla has worked for the Social Security Administration in Boise. She spent five years as a Claims Development Clerk. She is presently employed as a teletypist and states, "I really enjoy the job I have now." In the past she worked 12 years as a switchboard operator for various banks and answering services in Idaho.

Nilla says, "My hobbies include sewing, stitchery, reading and refinishing furniture. I love the outdoors, and my recreational interests encompass a wide variety of activities. I swim, ride motorcycles, do some gardening, and go horseback riding. I recently returned from a one week camping and fishing trip where I had a wonderful time.

I am engaged to a fantastic guy, and I'm training to be the stepmother of his three children," continued Nilla. "My family has been very supportive and helped guide me through the years of adjustment that were necessary for me to live a normal life."

About her handicap, Nilla comments, "After becoming a paraplegic, I found that simple things like driving a car, putting my wheelchair into the car, going shopping, vaccuming, and handling the everyday chores necessary to be indepedent—the things most people take for granted—were special accomplishments for me. I am proud of each one of my goals I have accomplished. I don't have a lot of hang-ups about being disabled. I think we're all human and we shouldn't need special laws to make people hire the handicapped."

HUNGER: THE CRISIS

● Mr. SARBANES. Mr. President, I would like to bring to the attention of my colleagues a moving and extensively researched series, "Hunger: The Crisis," which appeared in the Baltimore Sun between December 11 and 15, 1983. This series, which focuses on the existence of hunger both here in the United States and abroad, thoughtfully explores the political, economic, structural, and technological reasons for the malnutrition and starvation which continue to be a severe problem in our world.

"Hunger: The Crisis" series documents the situation in Maryland and nationally—the increased utilization of soup kitchens, the problems of those who go hungry even in the face of our Federal nutrition programs, and the hopelessness of those who for the first time in their lives cannot be self-sufficient because of the ravages of our present economic situation. Nationally, many families are reeling from the effects of the high unemployment we have seen under the Reagan administration. In 1980, the average unemployment rate was 7.1 percent. Since that time, it has snowballed to a high of 10.8 percent in November 1982 and is currently at the intolerable rate of 8.2 percent. Many areas of my own State of Maryland exceed the current rate. During November, the last month for which figures are available, Somerset County reported a 15.8-percent unemployment rate; Garrett and Worcester Counties exceeded 14 percent, and 3 other counties, Allegany, Washington, and Calvert, recorded rates over 10 percent.

Many Maryland workers, as well as others throughout our Nation, have now exhausted their unemployment benefits. More than two-thirds of our Nation's unemployed workers no longer receive benefits, and this situation will continue to worsen until unemployment rates in our hardest-hit areas drop significantly. As this series notes, many must also cope with the effects of drastic cuts in Federal nutrition benefits, which under the Reagan administration have amounted to more than $2 billion. In Maryland, child nutrition programs have been particularly hard hit. Between 1980 and 1982, the number of students receiving reduced-priced lunches dropped 42 percent, and those receiving reduced-priced breakfasts dropped 78 percent. Figures such as these are repeated throughout most child nutrition programs.

In Maryland, various community and religious groups serving the hungry have been forced to expand their programs to meet the serious needs of their communities. In Baltimore, the South Baltimore Emergency Relief Center (SOBER) reported a 100-percent increase in the number of people served daily since 1982. The St. James Outreach Center served 1,600 families a month in 1983, an increase of more than 95 percent since 1980. Community Ministry of Montgomery County, which meets emergency needs in a county with a median income of $33,711, assisted 250 people in 1979 and more than 1,000 in 1983. Churches and synagogues in the county responded to about 17,000 requests for emergency food in 1983. Other organizations throughout the State report similar statistics.

Figures such as these have been widely reported during the past three years. Despite this, President Reagan's Task Force on Food Assistance denies the seriousness of our hunger problem and then proposes a range of recommendations which would generally make this problem much worse. As the Maryland Food Committee states, "notably absent from the report is any acknowledgement of the relationship between the Reagan administration food policies and the growing number of hungry people." The task force fails to go to the heart of the problem—that we must continue to fund our nutrition programs adequately and to put our people back to work in order to alleviate the present tragic situation.

Mr. President, I ask that the recent series, "Hunger: The Crisis" which details the widespread hunger problem we now have, be printed in the RECORD.

The series follows:

HUNGER—THE CRISIS: "A GRAY AREA"

HUNGER IN AMERICA: AS EXPERTS DISAGREE, THE SOUP LINES SPREAD

(By Stephen E. Nordlinger)

[Charts and graphs mentioned through articles not reproducible in the RECORD.]

DES MOINES, IOWA.—In the drought-plagued corn and livestock country just south of here, Ron Tuttle, a 37-year-old farmer, winced slightly.

"My kids are getting free lunch at school," he said. "I'm not proud. There is a limit. I hope I don't have to go beyond that. I still have pride left."

In a nation of plenty, symbolized by Iowa's overflowing corn bins, the lines for free soup and crackers are growing longer.

Even this area, which is to grain what Saudi Arabia is to oil, more and more poor people are crowding soup kitchens and coming to churches and community halls for boxes or bags of free groceries.

Five years ago, the heart-rending quest for food to survive was concentrated in about 50 counties nationwide, mainly in the South. Today, thousands of soup kitchens and centers for the distribution of free groceries stretch across the country from the industrial North to the Farm Belt and fast-growing Southern cities.

Reports by mayors, governors and public-interest groups tell of the return of hunger on a significant scale to big cities and rural hamlets, with attendant concern about long-term health risks.

A few blocks from the White House, in Washington's Farragut Square, a middle-aged woman in a dark overcoat pleads from a bench, "Give me some money for food. I'm hungry. Please, please."

"Here we are with people going hungry in a country that has millions of tons of surplus food," said James E. Johnston, an agricultural official with the Rockefeller Foundation.

The long lines at the soup kitchens reflect a strong demand for assistance. Second Harvest, the center of the national network of free food distribution, supplies 60 of the country's 150 food banks, and the number is expected to rise. Food corporations and groceries are delivering three million pounds a week of food they cannot use—products damaged but still usable.

Experts are also raising questions about the size of the problem and its causes.

Is hunger returning to the United States? Is it growing worse even in the midst of the current strong economic recovery? Is there a current measure of the problem?

Yes, answers nutritionist Jean Mayer. Citing the rising demand for food givaways and hospital reports of undernourishment and rising infant mortality in some areas, he says, "Hunger is reappearing at the same time we are having farm surpluses coming out of our ears."

Others disagree.

"There is an awful lot of nonsense written about hunger in this country," said Thomas T. Poleman, a Cornell agriculture professor. "It doesn't cost a great deal to get adequate nutrition. Why are people hungry then? They may not be spending their money properly. But I doubt there is a huge hunger problem."

In a report last June on public and private food programs, the General Accounting Office, the investigative agency of Congress, explicitly distinguished between the growing numbers seeking free food and the actual need, which it could not determine.

There is not even an accepted definition of what constitutes hunger. Dr. Poleman's definition is: the insufficiency of nutrient intake so that normal body activity cannot be maintained without weight loss.

The Food Research and Action Center, a Washington based advocacy group, defines hunger as "the sensation caused by not having enough food." Depending on age and health, prolonged lack of sufficient food can cause physical and mental health problems and eventually endanger the chance of survival, the group says.

The National Center for Health Statistics says it is rare in this country for the cause of death to be attributed to nutritional deficiency, but doctors point out that malnourished people are more susceptible to other illnesses, such as pneumonia, that can be life-threatening.

One leading congressional authority on this issue said, "There is no solid information pertaining to hunger itself. There are many pieces to the puzzle, but we don't know the whole thing. We just don't know whether hunger is rising, falling or staying where it has been for years. It is a gray area."

A visit to Iowa, in the midst of plenty but with poverty of its own, offered only mixed clues to the size of the problem.

"Hunger is a very serious problem," said Sharon Brooks, who runs a free grocery pantry outside Des Moines. "The help the poor get really isn't adequate, and a lot are falling through the cracks anyway."

Alice MacDonald, who runs a similar food center in Chariton, in depressed southern Iowa, said, "We figure that half the people who came in are in need and half are taking advantage, and the [latter] percentage may be low."

One of the pieces of the hunger puzzle involves widespread anecdotal evidence, most of it related to the large demand for food at soup kitchens and outlets for free groceries. A survey of 181 food programs by the Center on Budget and Policy Priorities, a nonprofit group that studies the impact of budget cuts on the poor, shows that in more than half of the programs examined the number of people served grew by more than 50 percent between February, 1982, and February, 1983.

The U.S. Conference of Mayors reported last December that a majority of 55 cities surveyed identified food as "the emergency service most in demand." In June, after an additional study in eight major cities, the mayors said that "hunger is probably the most prevalent and the most insidious" problem they face.

These reports provide an index of acute economic hardship in the United States, which has gone through three recessions in the last decade, but it is unclear to what extent those on soup kitchen lines are actually hungry.

A number are from the so-called "new poor," who may have lost their jobs but who have too many assets to qualify for government nutrition programs.

William Hoagland, an expert on food aid for the Senate Budget Committee, says the food outlets provide a safety valve for those who are facing other pressing financial obligations but who may not be in the kind of desperate straits associated with hunger.

Figures on unemployment and other government statistics reflecting a strong economic rebound suggest that hunger should be receding since, to a considerable extent, it is related to the nation's economic condition. There are about 10 million unemployed, two million fewer than at the recession's high point last December.

The number of people too discouraged to look for work and the number of long-term unemployed are also declining.

Nevertheless, in a sign of continuing hardship, only a third of the jobless are still getting unemployment benefits. That compares with 67 percent as the nation emerged from the 1973-1975 recession and 44 percent after the 1980 recession. The most recent long downturn has exhausted the benefits of millions of workers.

"When you include the discouraged workers, only 28 percent of the unemployed are getting benefits," said Robert Greenstein, director of the Center on Budget and Policy Priorities. "Eventually, the hunger problem should diminish, but it is not happening yet. It is extremely severe."

The nation's poverty rate is still another piece of the hunger puzzle. Last year, there were 34.4 million Americans, 15 percent of the population, living in poverty, compared to 14 percent in 1981. The 1982 figure was the highest since 1965. But is this an index of hunger? The way the poverty rate is determined is itself controversial.

Nancy Amidei, director of the Food Research and Action Center, says the national poverty rate "is a surrogate for hunger by showing the scale of the problem, the number of people at risk."

The poverty line was established in the mid-1960s, but a Census Bureau official says it is no longer a reliable guide to hunger because since the rate was formulated, public food aid programs have been created but only cash is counted in computing the poverty rate.

According to the Census Bureau, the poverty rate of 11.1 percent in 1979 would have been 9.4 percent if housing and food aid had been included and 6.4 percent if all public aid programs, including medical, had been counted.

The other side of the coin is that the annual poverty rate is based on tripling the government's economy food budget—based on the government's calculation of food costs for a low-income family—of the mid-1960s, adjusting for inflation. It does not reflect the lower relative amounts spent on food in recent years and other high costs, such as heating. A recalculation on this basis would raise the poverty rate.

There are no government figures that calculate hunger by taking into account all these ingredients of an accurate poverty rate.

The food stamp program, the nation's largest effort to feed the poor, is part of the puzzle involved in quantifying hunger. The number of food stamp recipients rises and falls with economic conditions. It fell from 17.1 million in 1975 in the wake of that recession to 16 million in 1978. It rose to 22.5 million last March, but since then it has declined to about 21 million as the economy has improved.

That might be viewed as an indication that hunger is waning, but those who maintain the soup kitchens attribute their long lines to the inadequacy of the food stamp program.

Food stamps provide an average of only 47 cents a meal, but that is supposed to be supplemented by the recipient's income. For a single person with no income, the government provides 83 cents a meal.

As a result of budget cuts, about 850,000 people have been removed from the food stamp rolls, and benefits have been reduced for others in the program, some to a point where they do not bother to collect them.

But Mr. Hoagland, of the Senate budget office, disputes assertions that recent cuts in the food stamp program have led to the soup-kitchen lines. Instead, he contends that the lines reflect a change in the 1977 law dropping the requirement that food stamp recipients pay for part of the cost of food stamps.

The change achieved its purpose of making stamps available to those who could not afford them: The rolls expanded by three million. However, Mr. Hoagland contends that this "watershed" change converted the program from food aid to an income supplement.

Under the old law, a family might get $200 in stamps by paying $150. After the change, the family got $50 in stamps free. That meant the family could use as it chose the $150 it once paid for foods stamps. According to Mr. Hoagland, pressing needs like housing or heating costs might take precedence over food expenditures if a soup kitchen or free groceries were available. These food sources are used to stretch out limited resources as result of inadequate budgeting, he says, but are not a reliable index of hunger.

A recent University of Michigan study that traced 5,000 food stamp families from 1968 showed that the program played a major role in reducing the decline in food purchases that would have occurred with drops in income. At the same time, the study found that ending the purchase requirement lowered the amounts set aside for food.

The demand for food giveaways remains an ambiguous clue to hunger, and the medical evidence of malnutrition is also not fully documented. There is no longer the clearly discernible evidence of hunger in America that was found by a team of doctors who went to the South in 1967. Their findings led to the profusion of federal food programs, which now total $18 billion a year.

"The children suffering from growth failure do not have kwashiorkor, the nutritional disease often associated with Third World countries," says J. Larry Brown, a public health officer in Boston. "Rather they suffer from what the World Health Organization terms 'silent undernutrition,' a condition less apparent to casual observation."

Even the fragmentary evidence that has been gathered often cannot be directly related to hunger.

At the Jackson-Hinds Comprehensive Health Center in Jackson, Miss., a quarter of the preschool children who are not enrolled in Head Start or day care programs providing food are showing evidence of iron deficiency anemia, compared with a normal rate of 5 percent among the clinic's first-time patients enrolled in those programs.

A study of 400 children at the peridatric walk-in clinic at Boston City Hospital showed that 56 of the children age 5 or below were in the lowest fifth percentile of growth. This age group, said Dr. Brown, experiences the most rapid brain growth—"a time when the brain is uniquely susceptible to irreversible damage from nutritional deprivation."

At Cook County Hospital in Chicago, there has been a 24 percent increase over the last two years in admissions for such malnutrition-related symptoms as abnormally low weight and height, wrinkled skin, diarrhea and dehydration.

Dr. Victor W. Sidel, president of the Public Health Association of New York, used interviews last April by medical students with 418 people at free-food outlets, welfare offices and health clinics to determine the extent of hunger.

He said the evidence they provided showed that their average caloric intake fell below the average recommended by the National Academy of Sciences.

One possible measure of "silent undernutrition" is the infant mortality rate, but it gives mixed results. Nationally, this rate has been declining steadily since the 1900s, falling to 12.6 deaths for each 1,000 live births in 1980. In economically hard-hit areas,

however, it is far higher than the national average.

The national rate also exceeds the rates in major European countries. Infant mortality is nearly twice as high for blacks as for whites. Premature births and low birth weights are also twice as common for blacks and other minorities as for whites.

There are causes of infant mortality other than nutritional deficiencies, however, including the age of the mother and hospital procedures.

The cure for hunger and malnutrition, to the degree that one exists, is also a difficult issue, since the problem may not be poverty at all, but ignorance. Some doctors believe that people with proper knowledge of foods may be able to avoid malnutrition even on low-cost diets.

"Many eligible people just don't have the information they need about [food] programs," said Walter P. Falcon, director of Stanford University's Food Research Institute.

In the end, there may be a question about whether the nation can wait until the hunger riddle is solved to develop remedies. On this point, Dr. Brown, the Boston health official, is emphatic:

"A child's health is much like a construction site. You have materials and a work crew. But the crew will be there only for a fixed time. If the bricks are delivered after the crew is gone, they won't become part of the building. A child's brain cannot wait for economic upswings."

UNDERNUTRITION: THE STAGES

Mild

Occurs when weight falls 10 percent to 25 percent below that considered normal for a given age and height, according to Dr. Nevin S. Scrimshaw, director of the International Food and Nutrition Program at the Massachusetts Institute of Technology.

Outward signs are apathy, increased frequency of infection and, in a child, failure to grow.

Moderate

Occurs when weight is 25 percent to 40 percent below normal, increased susceptibility to infection continues. Lack of nutrients and bouts of infection affect the immune system, leading to more illness and undernutrition. Biochemical evidence of damage to the immune system is detectable by testing.

Depending on severity of protein insufficiency, an acute condition called kwashiorkor can develop at this stage of undernutrition, says Dr. David Paige, of the Johns Hopkins School of Hygiene and Public Health.

Death can occur within two weeks of the appearance of symptoms of kwashiorkor. These include swelling from fluid that collects in the feet, ankles and abdomen; irritable personality; loss of appetite; and changes in skin and hair, including lightening of color and brownish spots that break into open sores and loss of hair.

Severe

Occurs when weight falls more than 40 percent below normal. In its severe forms, undernutrition results in kwashiorkor or a general wasting known as marasmus, or sometimes both, depending on diet.

In contrast to kwashiorkor, which results from protein insufficiency, marasmus is caused by insufficiency of the entire diet. The victim of marasmus feels very hungry, has no bloating, but loses so much fat and muscle tissue that the skin appears stretched over the bones.

HUNGRY MARYLANDERS TURN MORE AND MORE TO PRIVATE FOOD PROGRAMS

(By Eileen Canzian)

WESTOVER, MD.—The battered frame house off Turkey Branch road is a stunning symbol of Somerset county's poverty.

The floor boards sag, and the wallpaper is peeling. There is no indoor plumbing, an outhouse and a pump stand in the yard. Heat for the 11 people who live here is supplied by a single wood stove. It could be a scene from Appalachia 20 years ago—but something is different.

The people who live in the house say they don't want for food.

In the summer, there is money raised by doing field work for a local farmer. In the winter, there are food stamps. And when the food stamps run out at the end of the month, there is "the pantry"—the food program run by the church down the road, which distributes bags of free groceries to needy families.

In the last three years, an uncountable number of private emergency food programs has sprouted at churches and community centers throughout Maryland, joining older organizations that have expanded their programs to meet an explosion in the number of Marylanders seeking free food.

The programs seem to be everywhere—in reputedly wealthy Montgomery county, as well as the poverty-ridden Eastern Shore. They are in Dundalk and Frederick, in Cumberland and Elkton and Hagerstown. In Baltimore city, food pantries and soup kitchens now seem nearly as prevalent as neighborhood bars.

The product of homespun charity, such programs now represent a second, privately woven safety-net that supplements the government's food stamp program. These private providers have become a regular source of food to people who cannot make their monthly food stamps last for a month, to others who do not qualify for food stamps under new federal rules, and to others who—for a variety of reasons—choose not to receive food stamps.

What is not clear is whether the people who turn to these programs therefore are eating sufficiently—nor whether everyone who might need the programs is using them.

In short, experts say they just don't know whether there are people in Maryland who aren't getting enough to eat.

"Clearly in India and South America and many Third World countries, the nature and scope of the problem is far greater," said Dr. David Paige, a noted nutritionist at Johns Hopkins University and chairman of a state Hunger Task Force established by the legislature earlier this year.

But while there do not seem to be people in Maryland who are literally starving, no studies have been done to determine the extent to which there are people who are not getting enough to eat, or not enough of the right foods. Such "under-nutrition" can lead to anemia, increased susceptibility to disease, and in children, to poor physical and intellectual development.

Absent hard nutritional data, observers like Dr. Paige can offer only their impressions.

"We have a general feeling that the situation is clearly not as bad as India, but not as good as we want it to be," Dr. Paige said.

That feeling is shared by many advocates for the poor, who fear there is indeed under-nutrition in Maryland and that the problem has gotten worse in the last few years.

They note that unemployment has risen sharply here in the past five years—from 5.6 percent in 1978 to 8.4 percent in 1982—and unemployment is an even bigger problem in some parts of the state. In Somerset county, unemployment was nearly 20 percent last year. The rate was more than 17 percent in Garrett county.

Advocates also point out that at a time when economic conditions were worsening, more than 20,000 Marylanders were cut from the federal food stamp program under stricter eligibility rules imposed by the Reagan administration during fiscal 1982. By last summer, the program was serving fewer than 308,000 Marylanders.

Given economic conditions and the food stamp cuts, most advocates believe it isn't surprising that growing numbers of people have turned to churches and other charities seeking food assistance—though others have questioned whether some people aren't requesting the food simply because it is available.

Similarly, most advocates see the growing lines at the private food programs as a sign of a problem—while others regard the growth of such programs as a sign that a problem is being addressed.

George Musgrove, director of the Baltimore city Department of Social Services, pointedly distinguished between the two views in comments at a recent hearing before members of President Reagan's task force on hunger.

Telling the task force of people he had seen waiting in line for a free meal from a Baltimore soup kitchen, Dr. Musgrove said, "I would say that those people are hungry. Under your definition, the fact that they got a plate of food to eat means they were not hungry."

Problem or solution, the giving and receiving of free food has become a social phenomenon.

There are now more than 25 food pantries distributing emergency groceries in Allegany, Garrett and Washington counties—about a third of which have opened in the last year.

"They're springing up. There seems to be another one opening every month," said Mae Baugher, a volunteer with the Cumberland branch of the Maryland Food Bank.

The Cumberland branch—itself just four months old—reflects an effort to help keep the pantries stocked by soliciting surplus food from local merchants, as well as transporting similar donations from the main food bank in Baltimore.

In Silver Spring, the First Baptist Church dedicated Montgomery county's first soup kitchen last week, and Saint Martin's Church in Gaithersburg is about to open a second.

Montgomery county also has its own food bank now, formed because the county's network of church-supported food pantries found they could not keep up with the growing numbers of people asking for help.

The Fish program in Rockville, for instance, distributed roughly 1,000 emergency grocery packages during 1980; the number grew to 1,500 in 1981 and to 1,900 last year.

Three years ago, there were half a dozen soup kitchens in Baltimore city. Now there are 24, half of which have opened in the last year. There are more than 100 emergency food pantries in the city—though so many have opened in the last three years that officials cannot keep track of them all.

It is difficult to know for certain just how many people are turning to these programs for help. One report prepared for the city

health department last summer estimated that Baltimore soup kitchens were serving 1,900 to 2,600 meals every day. The Maryland Food Bank estimates that roughly 12,000 families turned to emergency food pantries in the city or Baltimore county during May—and officials believe the number is much higher now.

Throughout the city, such programs are reporting dramatic increases in the numbers of people seeking assistance. Our Daily Bread, a downtown soup kitchen run by Associated Catholic Charities, was serving fewer than 200 people a day when it opened in June, 1981. It now serves more than 400—and the number nears 600 at the end of the month. The food pantry at Saint James Episcopal Church in West Baltimore now provides emergency food to 1,600 people each month—more than 10 times the number of people it was serving three years ago.

There are similar stories on the Eastern Shore, where dozens of pantries have opened in the last three years; in Frederick, where the caseload at one pantry jumped from 40 families a month two years ago to more than 100 today; and in Cecil county, where requests for emergency food from the Help Center in Elkton have nearly doubled since August, 1982.

There is no single way to describe the people who make up the growing lines at these programs.

The soup kitchens—which are few in number outside Baltimore city—often see a different type of patron than do the pantries that distribute groceries. Though some kitchens say they are seeing growing numbers of women with children, most of their clients seem to be single men. Some are elderly, who may be stretching a Social Security check by eating one meal a day at the soup kitchens.

Other patrons have no income at all. This group includes recently released prisoners and other jobless men defined by the welfare system as "able-bodied single adults." Ineligible for public assistance, they survive by sleeping at church missions and eating at the soup kitchens.

Others in the cycle of missions and soup kitchens are believed to be former mental patients, who generally are eligible for government disability benefits but may have become too disoriented to keep up with the process involved in receiving them.

Food pantries, on the other hand, are much more likely to serve families. Many receive welfare and food stamp benefits, but turn to the pantries at the end of the month when those benefits have run out.

Others are newly unemployed, or grappling with the limited fixed income that comes with age.

Phyllis Fisher, a 32-year-old former steelworker at Sparrows Point, applied for food stamps when she was laid off last year, but was found ineligible because her car, a 1981 Oldsmobile, was worth too much.

She was getting $153 a week in unemployment benefits but found that little was left for food for herself and three children once she had paid the rent, utility bills and her car payment. For several months until finding a new job, she relied on the grocery program run by her union for its unemployed members.

Marie Collins, a 72-year-old widow who lives in Westover, says she doesn't know how she'd eat at the end of the month if it weren't for the pantry run by St. James United Methodist Church here.

Mrs. Collins is eligible for only $12 a month in food stamps because she receives a $294 Social Security check—much of which goes to heat and maintain the neat frame house that she and her husband bought nearly 50 years ago.

The emergency food pantry at St. Rita's Church in Dundalk also serves a number of elderly patrons—many of whom will not apply for food stamps, according to Mary Catherine Haines, who helps run the pantry.

"Some of them seem to feel it's a little bit different taking help from the church," Mrs. Haines said. Others, she said, seem to be afraid that they will have to give up their homes if they apply for food stamps, even though that is not the case.

Patricia Mannion, director of the Department of Social Services in Somerset county, believes there is no reason for anyone to be hungry here.

"Between food stamps and the pantries that the churches have set up, they should not be," Ms. Mannion said. "I think there may still be people out there who are choosing not to take advantage of the programs—who would rather be hungry and proud—but I frankly don't know how you force them" to accept help.

The Rev. Joseph Henry, pastor of Saint James Church here in Westover, sees things a little differently.

"At our church, we believe it's our job as Christians to go out and look for these folks, and to bring them the food if they need it, not to wait for people to come here," Mr. Henry said.

He knows that most pantries don't do that, and he worries that people in some parts of the county may not know about the pantries—or may not be able to travel to them. He also knows that many pantries limit the amount of food a family can receive or the number of times a year they can get it.

"If people would go out and walk in the community, I think they would find hungry people," he said.

FOR POOREST COUNTRIES, GOAL OF SELF-SUFFICIENCY BECOMES A FADING DREAM

(By Tom Horton)

AKROSO DISTRICT, GHANA.—It is nine years since a landmark international food conference pledged eradication of world hunger by 1985. Three years ago, the United Nations General Assembly said it could be done by century's end.

But all the world's goals can seem mocked by sights like 21-month-old Emanuel Kwame Okyere, who has just weighed in at 15 pounds, listless and wasted, at one of the nutrition clinics run across rural Africa by the U.S.-based Catholic Relief Services.

He should survive all right, says a clinic nurse—that is, if the rains are better for crops this year, if the rest of the family at home is not so hungry that they add Emanuel's 11 pounds of food supplements from Catholic Relief to the general cooking pot, and if he has not already had the irreversible physical or mental retardation malnutrition can cause in children under 5; and if he is not hit by malaria or any other of several common illnesses here that become fatal to children in his weakened condition.

Emanuel, according to relatively conservative estimates by the U.N. Food and Agriculture Organization (FAO) in Rome, is among an estimated 450 million people in the world's poorest countries who are trying to survive on such a thin edge.

In 1983, despite some notable success stories about food production in Asia, the prospects seem more daunting then ever for reversing, or even checking, the rapid growth in the number of these desperately hungry people, who amount to a 10th of the world's population, or twice the population of the United States.

"Ten years ago, there was much more optimism about the poorest countries feeding themselves adequately," said Christopher Delgado, an economist with the International Food Policy Research Institute, a think tank specializing in long-range hunger issues.

Ten years ago, for example, Ghana was a bright spot in Africa's hunger picture, a net exporter of food, blessed with plenty of fertile land, adequate rainfall, good irrigation potential and one of the continent's better governmental and educational systems.

Now, a top FAO official for Africa calls it "a country gone bonkers. . . . Some wonder if it is a viable country at all."

Ghana's economy has gone bankrupt because of governmental instability, corruption and mismanagement, and because of the burden of oil imports. Both its domestic and export agriculture, already deteriorating rapidly, has been hammered further this year by drought and brush fires.

Food production per person has fallen 26 percent in a decade, at a time when the country is increasingly less able to generate the foreign exchange it needs for imported food.

The ultimate tragedy of all this shows up graphically on the age-weight charts meticulously kept on the thousands of children that come monthly to Catholic Relief's clinics to get their supplemental food.

About half of them are growing below a standard for the third percentile for American children. (Ghana was developing its own age-weight standards, but widespread malnutrition was skewing the results so much health officials canceled the effort.)

Hannah Evans-Lutterodt, a dietitian who oversees the Catholic Relief clinics in Ghana, says the agency is planning to increase the monthly supplements from 11 pounds to 45 pounds "because we are not seeing the results we would like. Often the food goes into the family pot."

"We are reaching only 7.1 percent of the country's children" under the age of 5, she says. "No one systematically reaches the rest."

Across Africa, despite a decade of unprecedented international food and development aid (albeit aid that never came close to FAO's estimated needs for the continent), Ghana's gloomy, downward spiral has been more the norm than the exception.

Alone of all the world's economic regions, sub-Saharan Africa (which excludes South Africa) is producing less food per capita than it was a decade ago, and since per capita incomes are also falling, people are less able to make up the difference with imported food.

If present trends continue, by the start of the next century, the U.N. target for ending world hunger, the situation in Africa, with its rapidly growing population, will be "almost a nightmare," says a recent, gloomy assessment by the World Bank. The number of hungry there will rise from 72 million to at least 127 million, the FAO estimates.

Also, though the food-production picture has not been nearly as grim in Asia and Latin America, even a continuation of present progress there, given projected population growth, would still allow the number of hungry to increase worldwide from 450 to 685 million—the bulk of them in the populous Far East—by 2000, says FAO.

All this seems paradoxical at first when viewed against the world's immense capacity to produce food. All the world's undernourished, for example, could get adequate calories from an additional 37 million tons of grain a year—only 2.4 percent of the 1981 world grain harvest, or about $6.6 billion worth of food.

Throughout the 1970s, annual food production increases for the world as a whole comfortably outpaced population growth—that is, food available per capita actually increased each year.

FAO estimates that if total world food supplies were apportioned equally, there would be enough for 3,000 calories a person a day, probably more than enough for most of the world's people.

In reality though, the world's food goes to those who grow it or can afford to buy it. More than 90 percent of all food never crosses a national border, according to FAO.

The disparities in food allocation can be just as great within nations, within regions and even within the poorest of African villages: A chronic drought area of Tanzania visited by a Sun reporter recently showed striking variations in malnutrition rates among children from 11 closely grouped villages.

FAO officials in Rome say their experience has proved beyond a doubt that "hunger and poverty are related to the point that we can use one as a statistical proxy for the other."

In the broadest sense, this is why even in Asian countries like India that are considered the food success stories of the 1970s, rising from widespread starvation to become food exporters, there are still millions of hungry, too impoverished to afford food, who underlie the glowing overall statistics.

"The question is not 'can the world's farmers increase food,'" says Lester Brown, head of Worldwatch Institute in Washington, an environmental think tank. "They can; they will. The important question is how it relates to the ability of the people who need it most to pay for it."

Ghana provides a graphic example of how much of Africa's ability to pay for food is deteriorating. A marketbasket survey by Catholic Relief Services shows 12 basic food items costing 78 times as much as they did seven years ago, while the minimum wage is only 12.5 times as high.

During the same period, salaries of nurses and teachers increased to 5.5 times their former level. "Feeding three square meals a day to a typical family of six would cost six times the average income of a couple of adults, both working," said Nancy Keteku, of Catholic Relief.

Mr. Brown concludes that "without effective efforts to redistribute income, meaningful progress in the eradication of hunger is unlikely."

Similarly, Barbara Huddleston, an expert on international food aid, said, "You need more than surplus grain to feed the world's hungry. The world already has surplus grain. It's an outright transfer of purchasing power to places like Africa that must happen."

It is also crucial that the poor countries of the world—most notably in Africa—reverse what international food and development experts all agree is an "alarming" and growing dependence on food imports.

Before World War II, according to Mr. Brown's book "Building a Sustainable Society," every major region of the world, except Western Europe, was largely self-sufficient in the grains that make up the bulk of human food. Even Africa was a net exporter.

By 1980, almost every region of the world imported substantial amounts of its grain from just two countries, the United States and Canada.

That huge and still growing dependence is ominous enough even for the wealthier food importers, says Mr. Brown, because there are definite indications that even the North American breadbasket's capacity to increase agricultural production faster than population has drastically slowed since the 1970s.

In addition, the increased costs of energy (fertilizers and pesticides are largely petroleum-based) means increases in production will become much more expensive.

The outlook is for heavily increased competition for scarcer, more expensive food, a price competition from which the poorest countries are bound to be increasingly excluded, writes Terry N. Barr, an official of the World Agricultural Outlook Board of the U.S. Department of Agriculture.

The traditional foreign exchange crops for most of Africa, commodities like sugar and tea and cocoa and coffee, "face a deteriorating future market," according to the World Bank.

The only solution for such countries, Mr. Barr and other world food authorities agree, is to increase their capacity to grow, market and distribute their own food, both within their own borders and regionally.

This notion of self-sufficiency is hardly new, but achieving it for hundreds of millions of the world's poor—most notably in Africa—has proved much harder than anticipated.

African governments have often discriminated against local agriculture in favor of developing industrial projects and pursuing cheap food to keep swelling urban populations content, say agricultural aid agencies.

Agricultural undertakings often have put too much emphasis on generating badly needed foreign exchange (raising tea, coffee and cocoa, for example) rather than on growing food for local consumption.

In addition, there now appears to be much less optimism among international aid donors that the food problem can be solved by simply applying technology and research to African agriculture.

So basic are the continent's problems in stimulating agriculture that countries are unable even to afford or put into widespread use basic, existing technology like plows, draft animals and fertilizer.

Much of the problem can lie with government policies. For example, in Tanzania last year the government's National Milling Corporation, the only legal market for farmers, distributed only 900,000 tons of a 2.8 millionton harvest, "and there were areas in this country that could have used that grain desperately," said a relief official there.

In the gap left after the world's poorest countries grow what they can and import what they can afford lies international aid in the form of food.

The total of this, including strickly humanitarian emergency shipments to famine areas, is about 45 million tons a year, enough to make up the calories needed by the FAO's estimated 450 million desperately hungry if it could be distributed equally.

In fact, the apportionment of food aid is influenced by many forces, a major one being political and strategic alliances, and it tends to get distributed to urban dwellers rather than the scattered, rural subsistence-level people who make up the bulk of many of the poorest nations' populations.

No one feels that increased world food aid—though it seems likely that large boosts will be necessary for years to come—is more than a stopgap solution to world hunger.

Sometimes the very existence of food aid tends to underscore the staggering problems in addressing world hunger from outside sources:

In August, an estimated 100 Ethiopian children died from malnutrition in a refugee camp in the Sudan as tons of food-aid grain destined for them sat in storage in a nearby town.

Trucks could not reach the camp for most of a two-month rainy season. Even so, the grain could have been shipped before the rains, but aid officials simply did not know that most of the refugees were too newly arrived to have gotten a good crop planted, or that lack of rain had caused a disastrous harvest.

In Ethiopia, where famine is threatening an estimated two to three million people in the country's remote northern provinces, a U.N. team recently concluded that even though the Ethiopian government was distributing international grain shipments with commendable efficiency, only "an alarmingly small fraction are being reached."

Perhaps half of Ethiopia's people live more than 20 miles from any kind of road, and even transporting the grain from the nearest port to the famine areas—perhaps a day's drive in normal times—was taking up to three months because of internal military rebellions in the affected region.

"In our lifetime we have had no experience with a sustained decline in living standards over a large region," said Lester Brown, of Worldwatch, "but it's happening in Africa and it seems likely to continue.

"We don't know if that will lead to . . . unrest, social and political disintegration. It's uncharted waters . . . really more than just a hunger story."

A HOMELESS MAN FINDS "HOW TOUGH LIFE CAN BE"

Liver and onions, rice, green beans, three slices of white bread and coffee. Raymond Hovey quickly devoured it all. "Super," he said. "My best meal in months."

It was a free meal, his second that day, shared with a couple hundred others at the Open Door Diner and a "blessing" for a 39-year-old homeless man with two nickels and five pennies to his name.

His fourth marriage and an $8.50-an-hour job abandoned in New Hampshire, he hopped a Trailways bus for Baltimore in August, shortly lost his $800 bankroll in a mugging and wound up sleeping in church missions, working when possible as a day laborer and making the soup-kitchen circuit.

By mid-November, he had lost 20 pounds and gained some lessons about being "beat on the street" in Baltimore—about the short distance between the comfortable life of nightly home-cooked dinners and beers in front of the TV set to the "desperate and scared" experience of not eating for a few days and eating poorly otherwise.

The lessons are basic. There's little public aid available to a single man. There's not much work, even for an able-bodied eager man with a year of college and five years as a printer.

Keep yourself clean. Keep hoping. Keep the fear at bay. Look at the others—the winos, the embittered, the scrambled, the damaged—it could be worse.

Learn the ropes. There're places to sleep—the missions. There're places to eat—the two dozen or so soup kitchens.

The daily drill is this:

The missions give out "tea and Twinkies" and boot you out early. Go downtown and wait for the daily lunch at Our Daily Bread. Pick butts off the street. Sell your blood twice a week. Cop a paper and look for work if you can get there or have 20 cents for the call. Walk over to Dunbar High for weekday dinners at the Open Door Diner.

In this, he differs little from hundreds of others in Baltimore. His clothers are newer and cleaner than most, his eye clearer, his pride more intact. But he is new to this life, and these are all he has.

"I am learning," he says in his vastly understated manner, "how tough life can be."

It is certainly not what Mr. Hovey imagined: a job here, an apartment, the bachelor life. Still, he blames no one else. And he takes comfort in the belief he will not starve—as long as the soup kitchens run, as long as he can get there.

"There is food out there; there's a place for a man to go to eat," he says, affirming his knowledge of a new-found bottom line. "It's enough to survive."

There'll be fish to eat this coming night at the Open Door Diner. You can bank on it when Raymond Hovey says he'll be there.

THE HORN OF PLENTY OVERFLOWS INTO HUGE SURPLUS STOCKPILES

(By Gilbert A. Lewthwaite)

INDEPENDENCE, MO.—The final measure of just what a land of plenty this is lies deep beneath the ground here in the cavernous remains of abandoned limestone mines.

It is a 2.6 billion-pound federal stockpile of dairy food that just keeps growing. In this subterranean warehouse of Commercial Distribution Center Inc., there is cheese, butter, nonfat dry milk, stacked floor to ceiling, wall to wall, from cavern to cavern, covering acre after acre. It is part of the world's largest stock of surplus food.

It cost the federal government $58 million in fiscal 1982 just to store the stuff in privately owned caves like this one and surface warehouses around the country. The government owns no storage space of its own.

As of November, the government had on its hands 388 million pounds of butter, 912 million pounds of cheese, 1.3 billion pounds of nonfat dry milk. Its outlay on dairy support programs this year will be $2.5 billion, almost 10 times what it was a decade ago.

Even last year's massive federal giveaway of dairy products to the needy, both at home and abroad, has only slowed the awesome stockpile's rate of growth, not reduced it.

During the cheese giveaway, the government received requests for 60 million pounds a month from the states. As soon as it tried to meet this demand, however, it ran into protests from cheese manufacturers that the giveaway would have an impact on market prices and sales.

The program, which first involved more than 40 million pounds a month, was reduced to 25 million a month. It has currently edged back up to about 35 million a month.

Lee A. Waller, executive vice president of Commercial Distribution Center, Inc., disputes assertions that the food is going bad. In his underground office here at the entrance to the 160 acres of storage he oversees—not all of it leased by the federal government—he says, "We have not lost a single pound of product because of age."

This year the government will buy 16.8 billion pounds of milk, 13 percent of all milk production in this country, at a cost of $2.5 billion. Last year it bought 11 percent of production, in 1981, 10 percent.

IN TANZANIA, "NORMAL" IS SCRAPING BY, AND TIMES AREN'T EVEN THAT GOOD

MVUME MAKULU, TANZANIA.—Her weight is about that of a big, healthy American baby shortly after birth, but Martha Mzungu is 6 months old and clearly in trouble, says Joy Chitenge, director of the nutrition clinic run here by Catholic Relief Services.

"Her weight [9 pounds, 11 ounces] has actually fallen since we weighed her last month," said Ms. Chitenge.

"Her family, like most here, is large—six people—and quite likely they all use the monthly supplement [11 pounds of high-nutrition food] we give," she said.

Martha's mother tells clinic workers that she has tried to augment her breast-feeding with a porridge made from millet, "the only food we have."

They don't even have much of that, she says, and it is still half a year until the next harvest can be expected from their small farm.

Because of poor rains, the last crop was less than 25 percent of normal, and "normal means just enough to get by on," adds one relief worker.

There is grain available at the village store, but the family has no money to buy it. Like most villagers, they are trying to raise wine grapes, the government's major attempt to provide a cash crop in this hot, dry highland area of central Tanzania.

Villagers say they can't get commercial fertilizer, however (Tanzania's imports of fertilizer have not risen from low levels for the last seven years), and they get less manure than they used to from their livestock.

Not that there are fewer animals—there are more than ever, so many that they have overgrazed to the point that they must be pastured so far away that collecting their manure is almost impossible.

Cattle and goats are seldom butchered for meat for a variety of cultural reasons.

The grapes, other villagers say, have also encountered pest problems that seem to grow worse each year, but there are few pesticides available, either. Also, the grapes should have been pruned, but by the time an agricultural extension worker arrived, it was past time for doing it.

No rain, no fertilizer, no expertise, no money—the problems here all seem to run together after awhile. But they focus clearly when you look again at little Martha Mzungu.

And even that might not be as unsettling if this area weren't so typical of many around the world.

REGION THAT COULD FEED ITSELF PLAGUED BY "VAST UNDERNOURISHMENT"

While hunger in the Third World is frequently most dramatically illustrated in Africa, millions face the same fate in Latin America, ironically a region capable of producing more than enough food for its people.

As many as 105 million people, a third of the region's population, have "calorie intake below acceptable levels," according to estimates by the U.N. Food and Agriculture Organization, which says 41 million people, 13 percent of the region's people, are victims of "severe undernutrition."

Particularly affected are children, pregnant women, nursing mothers and the elderly, according to the agency, which said more than 60 percent of Latin American children under the age of 5 are undernourished.

Brazil and Colombia are among the 12 countries worldwide that the agency says are "suffering from undernourishment on a vast scale."

Latin America as a whole produces 111 percent of the population's calorie requirements, but "the fact of the matter is that sugar destined for the external market accounts for much of the surplus," according to the United Nations Children's Fund (UNICEF).

In the interior of northeastern Brazil, drought has drained food supplies, and along the country's coast, which has some of the richest agricultural land, sugar cane—for which the United States pays a premium price—is grown on almost every available piece of land. Children with distended bellies, a sign of malnutrition, and rotten teeth from munching cane are a common sight.

In the Bolivian Andes, Indians chew the leaves of the coca bush, from which cocaine is derived, to stave off the cold and hunger pangs.

Food surpluses are declining steadily, UNICEF says, and there is a growing dependence on food imports.

As recently as October, the U.N. food agency said, there were abnormal food shortages or unfavorable crop conditions in Bolivia, Brazil, Cuba, Ecuador, El Salvador, Grenada, Haiti, Nicaragua, Panama, Paraguay and Peru.

UNICEF and other international organizations say that despite significant advances in economic development in Latin America, there has been little progress in the last decade in eliminating undernourishment.

The problem has been compounded by intense urbanization as peasants flee to the overcrowded cities.

FEEDING THE POOR HELPS FEED PROFITS OF AGRIBUSINESS

(By Stephen E. Nordlinger)

WASHINGTON.—Feeding large segments of the nation out of public funds is turning into big business for farm, food-processing and marketing interests—America's largest industry.

From food stamps to school lunches and Meals on Wheels, government spending on food programs has shot up rapidly from little more than a billion dollars 15 years ago, when evidence of hunger first shocked the nation into remedial action, to more than $18 billion this year, even after budget cuts.

The money will be spent for food aid, primarily to benefit at least 25 million people classified as poor or near poor, the chief victims of the long economic stagnation.

A dozen federal programs with beneficiaries as diverse as pregnant women, children at day-care centers and the disabled and elderly have become firmly established as the nation's chief source of food assistance.

These programs evolved from the government's first emergency food program. It began during the Depression and was aimed primarily at propping up farm income by distributing surplus commodities to the poor.

As medical reports of hunger came to the fore in the late 1960s, the government decided to change its policy by relying on the country's market-oriented food-distribution

system to help the poor. That meant food stamps, which expanded nationwide in the 1970s as a more efficient form of food assistance than the old commodity handouts.

Just as with the surplus-distribution program of the 1930s, the current wide array of feeding programs, with food stamps as the centerpiece, has become good business for farmers and the food industry. These programs have also turned out to be good politics for urban lawmakers and advocates for the poor.

The level of spending for food assistance has been stirring a deep debate on Capitol Hill, however. The arguments have been intensified by pressure on the one hand from the mammoth budget deficits and on the other by reports of lengthening lines at soup kitchens and centers for free groceries as many Americans continue to feel the impact of the recession with 10 million still unemployed.

Both sides in this debate are holding hearings and issuing statements to document their theses.

"The reality of the 'hunger' problem has been distorted by media in response to complaints by 'hunger' critics who seldom offer constructive ideas," say Senator Robert J. Dole (R. Kan.), a chief architect and supporter of the food stamp program who wants local and state governments and the private sector to assume a greater role in feeding the poor.

Based on a Senate hearing on the nutritional status of low-income Americans, Mr. Dole concluded that "comprehensive, objective, up-to-date information" on the extent of hunger "is not available."

In contrast, Representative Leon Panetta (D. Calif.), chairman of the House nutrition subcommittee, after a series of hearings in Washington and around the country at which reports of lengthening soup kitchen lines were heard, said that "there is a serious problem of hunger in this country."

An anti-hunger coalition of churches, civil rights organizations, labor unions and public-interest groups has been lobbying to restore money to the program. These organizations managed to get congressional approval of a resolution stating that money for federal nutrition programs "should be protected from further budget cuts."

This stand, backed by a wide margin on Capitol Hill, was very much in keeping with the views of the nation's farm, food-processing and marketing interests, known collectively as agribusiness, which over the years have profited from the array of federal food programs. This industry has become a leading force in keeping the assistance by and large intact.

In a twist, however, these interests are often pressing for policies that tend to keep prices higher than they would be otherwise and that work in numerous other ways against the interest of the general public, hurting the poor the most.

The food stamp program, centerpiece of the federal food aid at a cost of $12 billion this year, is the model of a social program acceptable to the agriculture and food-distribution industries despite their conservative bent.

It is especially well regarded by the politically potent grocery industry, which has put some of its muscle behind sustaining the program despite recurrent criticism that it is overly expensive and fraught with fraud and abuse.

Numerous stores in the inner cities would be forced to close if it were not for food stamp trade. Many of them do more then 90 percent of their business in these subsidized purchases.

This year, the nation's grocers will reap about $5 billion in additional sales from the program, an executive of a nationwide chain estimated, which would be about 5 percent of total grocery retail sales.

Most experts, however, argue that the food stamp program, while granting a profit, operates more efficiently than commodity distributions, which would depend on which excess supplies were available at any moment and would entail large transportation and distribution costs.

Administrative costs, one gauge of efficiency, amount to 6 percent of total expenditures in the food stamp program, compared to the 9 percent that is for social programs.

While backing the federal feeding programs, agribusiness—to the detriment of consumers—has been shaping policies that have reduced the distribution of free commodities to the poor and kept lower-priced goods off the market. As food prices stay high or rise, an increasing number of the poor are less able to pay for the food they need. Moreover, industry promotes the sale of "junk" foods, which tend to be expensive in relation to nutritional value.

These are some of the policies and practices that run counter to the interests of the poor:

The Agriculture Department, in carrying out the dairy industry's price-support program, sharply curtailed the distribution last summer of surplus cheese and butter to the poor. The giveaways were cutting into store sales with the result that the government was being forced to buy dairy products to shore up the federally guaranteed price. Under pressure from Congress, the department has partially restored the distribution of free food.

At the time the government was finding calcium deficiencies, it yielded to pressure from the dairy industry for policies that effectively ended the sale of reconstituted milk, which is made from mixing powdered milk with butter and water to produce a drink that tastes like milk but would cost as much as 30 cents a gallon less because of savings in transportation costs. The Agriculture Department decreed that it could not be sold for less than whole milk, a move that protected dairy farmers' income.

At the behest of the citrus industry, the government has a wide range of marketing orders that restrict supplies of grapefruits, oranges and lemons to the market, raising prices. There are also import restrictions on beef and dairy products that keep domestic prices higher.

Quotas on imports add as much as 10 cents to the price of a pound of sugar. President Reagan backed off from limiting such quotas in 1981 to win the support of sugar-state House members for his tax cut.

The food industry successfully put pressure on Congress to block the Federal Trade Commission from curbing television ads for non-nutritious food during children's television programs.

Moreover, the Reagan administration is shying from enforcement of a ban on sales of junk foods in cafeterias during school lunch periods. Purchases of non-nutritious food have an especially severe impact on the limited budgets of the poor.

Cereal-makers recently tried but failed to persuade the Agriculture Department to allow cereals with higher sugar content in the federal programs that aid poor women, children and infants.

"The Reagan administration has been terrible on nutrition," says Michael Jacobson, executive director of the Center for Science in the Public Interest. "It has shown disdain for nutrition education."

In contrast, John W. Bode, an Agriculture Department nutrition official, says that "the administration is dedicated to good nutrition but is not taking a strident approach of the past administration. One of the biggest problems to good nutrition is faddism."

While the large food-assistance programs have raised profits of agribusinesses, the industry has also benefited from a crucial trade-off on Capitol Hill with urban interests. In exchange for supporting the feeding programs, the farm lobby won the backing of the urban bloc for the expensive price-support programs that help farmers directly.

Some authorities believe these price props have added to the cost of food.

"The institutional framework is geared to producing surpluses, not to distributing food at a reasonable price," says Rodney Leonard, of the Community Nutrition Institute. "The food programs are not related to need. There is no food policy."

Howard Hjort, assistant agriculture secretary for economics in the Carter administration, has another view. "In the broad scheme of things that includes all forms of government involvement from price supports to irrigation and pest control," he says, "the consumer is better off than he would have been without government involvement."

On average, Americans spend less of their disposable income on food than most other countries, but the poor spend more than the U.S. average.

Farmers, backed by some of the largest political action committees, have wielded enormous power. Their five largest PACs contributed $2.5 million in the 1980 campaigns, and the median contribution received by members of the House Agriculture Committee from all sources in the first six months of this non-election year was $27,922.

Many of the farm lobbyists have been working on farm politics for 10 to 20 years. At the Agriculture Department, vested interests are in key positions, including Secretary John R. Block, a prosperous hog farmer, and Richard E. Lyng, the deputy agriculture secretary and former president of the American Meat Institute.

"The decision-making process [in the government] is dominated by agriculture interests," says Lynn Daft, an agriculture adviser in the Carter administration. "There is not much of a voice by the consumers in these decisions."

Nevertheless, at a time of tight federal budgets and soaring costs in the price-support program, which reached $30 billion this year, the farm lobby is splitting up, which may weaken it. Various sectors—grain, dairy, cotton, livestock—are fighting for their interests.

Increasingly, lobbyists for the poor are having to go their own way.

"We are not depending on the farm lobby," says Robert Greenstein, director of the Center on Budget and Policy Priorities, an advocacy group for the poor. "Over the last four years, there have been separate food stamp bills."

By their nature, the poor on their own lack the scale of political power wielded by the farm lobby. A profile of food stamp recipients shows that almost half are below the age of 18, 16 percent are women heading households, and 9 percent are over 60. One out of every four food stamp households

has at least one person who is elderly or disabled.

The long lines at the soup kitchens, however, are providing an argument groups backing the poor can use to press their cause. Over the last year, the U.S. Conference of Mayors; the 42,000-member Bread for the World, a national Christian citizens lobby; and the Greenstein Group have issued reports depicting the sharp increase in those seeking food at soup kitchens and centers for free groceries. Religious organizations have also joined this effort.

The food stamp program, because of its size and visibility, is the most vulnerable to budget cutbacks.

"Food stamps are something a lot of people find it easy to hate," says Nancy Amidei, director of the Food Research and Action Center. "When they see people with food stamps buying sugary doughnuts they want to know what's happening with their tax money. But the program doesn't deserve that kind of reputation."

Aside from the hunger arguments, food stamp advocates are citing a number of federal reports to support their claims that the program is effective.

One of them, issued by the Agriculture Department this year, said that those households receiving food stamps use "significantly larger quantities of each nutrient [vitamins, minerals] studied" than households eligible but not taking part in the program.

Although segments of the food industry have hampered improved nutrition and favored policies that raise food prices, some of the major American food-processing and distribution companies, along with other businesses, have responded to the rising requests for free food.

Millions of pounds of safe but unmarketable food are being supplied weekly by these companies, which have been encouraged to make donations by a little-known 1976 tax break they sought.

This concession allows a company donating food to a charity to deduct not only the loss of the unmarketable product but also half the difference between the production cost and market value.

This extra benefit has made a "dramatic difference" in stimulating donations, said John Milliken, a Washington lawyer who represents food companies. He added, however, that the additional tax break merely covers the higher cost of donating food rather than throwing it away.

The Treasury Department estimated when the tax break was passed that it would mean a loss to the Treasury of $19 million in 1977 and $24 million in 1981, but those amounts probably are larger now because of the steep rise in food donations.

By channeling this food to the soup kitchens and food pantries, these companies are cutting into the huge waste of food in the United States. The General Accounting Office estimated in 1977 that $6.2 billion of food was wasted in 1974, but a GAO official said that estimate was "conservative."

According to Lynn Parker, of the Food Research and Action Center, an estimated 20 percent to 25 percent of the food in the United States is wasted, the highest of any nation. The waste rate is 3 percent in Britain, the lowest.

For the poor, she said, federal programs figure waste of only 5 percent.

CASH, NO STRINGS ATTACHED, INSTEAD OF FOOD STAMPS

(By Hal Piper)

LONDON.—"You give them money and it's up to them how they live their lives after that."

That is the European approach to hunger, as expressed by Martin Smith, of Britain's Department of Health and Social Services.

Most of the welfare states of Western Europe do not view hunger and nutrition as being separate from the basic problem of poverty. Therefore, they typically give cash grants to poor or unemployed people. There are no restrictions—as in the American food stamp program—on how the money is spent.

Food stamps would be "below our dignity," chuckled a Swedish government spokesman.

News pictures of Detroiters in soup lines drew wide attention in West Germany last winter. Left-wing politicians said it proved the Reagan administration's failures, and some pro-American groups tried to organize CARE packages in reverse—as a gesture of appreciation, sponsors said, for America's postwar food assistance in West Germany.

In West Germany and other West European countries, however, hunger is not considered a domestic issue. Swedish, British and West German spokesmen said they did not know whether anyone had even studied hunger in their countries.

"We're not supposed to have that sort of thing here," a British social worker said.

"It would come up only in individual cases through neglect," Mr. Smith said, giving as examples elderly people unable to care for themselves or immigrant families unable to follow traditional diets who might need nutritional information or supplementary vitamins. These cases are handled through Britain's state-run National Health Service.

Private charities such as the Salvation Army and Caritas feed the hungry, and West Germany has its union-run "workers' welfare" agency to assist laid-off workers or those on part-time. There are no government programs focusing directly on hunger, however.

In Britain, even the school-lunch program is under review and may be cut back. Local education authorities have discretion to provide milk, lunch or other refreshments and to decide how much to charge—except that children of families on public assistance must receive their provisions free.

Mr. Smith said the National Education Department was conducting studies of nutrition in districts that provide subsidized lunches and those that do not to find out whether there are significant differences in the children's health. Again, the idea is that provision for poverty has been made in the cash income supplements and that subsidies for school meals amount to double coverage, Mr. Smith explained.

MARYLANDERS AGREE: WASHINGTON MUST HELP

(By Sandy Banisky)

The people who work for Maryland's charities and churches and state social agencies agree on this:

The best way to feed the hungry, the way to make sure that people really have enough to eat, has little to do with handing out 5-pound blocks of cheese or ladling up meals in soup kitchens.

The best way to feed the hungry is to give people jobs or provide adequate welfare checks.

And that, the advocates of the poor say, is largely the responsibility of the federal government. City, county and state governments, as well as churches and charities, do not have the resources to provide more than supplemental or emergency services.

"You're never going to solve hunger problems with food programs," said Kalman R. Hettleman, former head of Maryland's Department of Human Resources.

"Jobs must come first, for those able to work. Then, for those unable to work, you have to have adequate income-maintenance programs," said Mr. Hettleman who, in his four years as a member of Governor Hughes's cabinet, moved welfare increases totaling about 30 percent through the state legislature.

"You really need to provide people with more money in their pockets," said Cheryl Lynch, former Annapolis lobbyist for Associated Catholic Charities.

"So long as there are federal programs, even if they're underfunded, states will be wary of taking on added responsibility," said Jan Houbolt, head of the Maryland Food Committee.

Thus, local government budgets include no line items for food assistance programs. Instead, according to Quentin R. Lawson, who for 10 years oversaw human service programs for Mayor Schaefer, the local governments provide emergency supplies, "a physical facility—say an old school that is not being used—or a capital grant go get the facility ready."

"Their job is to push and to prod the private sector, but local governments generally cannot pick up the operating costs. And it's the operating costs that are so devastating," he said.

That leaves much to be done, local advocates say, and much debate on how best to do it. And no matter how much the activists do, they say, it seems never to be enough.

More than 50,000 Marylanders have been cut from the food stamp rolls because of tighter eligibility requirements since President Reagan took office. Then there are the "new poor"—people who worked all their lives and suddenly found themselves laid off and looking for help.

Ann Miller, head of Maryland Food Bank, which collects surplus food for distribution to food pantries, says her business is flourishing—"unfortunately."

Sister Josanna Abromaitis, director of Our Daily Bread, the West Franklin street soup kitchen, says her staff serves an average of 450 hot meals a day, and about 25 percent more by month's end when welfare checks have run out. By the end of the year, she expects that total to be 175,000 meals, and she does not expect the pace to slacken soon.

Local efforts to feed the hungry fall into two categories:

The long-range: Lobbying to increase welfare benefits and food stamps—or to prevent cuts in those programs; and other related efforts, such as calls to open federal warehouses and distribute surplus food to the poor.

The immediate: Emergency food supplies, such as soup kitchens, food banks and supplemental food services.

The advocates for the poor all have the same goals. They vary greatly, however, in style.

Ms. Lynch, in her job with Associated Catholic Charities, focused on Annapolis, where she worked to persuade legislators to help the needy.

The Maryland Food Committee—a private group founded by the religious community—monitors food programs, publicizes the available services and helps organize food pantries. It also lobbies to avoid cuts in programs.

Groups such as the All People's Congress or the Baltimore Welfare Rights Organization work in less traditional ways. In April, 1982, the All People's Congress organized a march to demand the opening of federal warehouses and the distribution of the food to the poor.

The group drew some criticism at that time from people who said that opening food warehouses was nothing more than a Band-Aid on the long-term problem of hunger.

"We never asserted it was a long-term solution, or even a short-term solution," said Sharon Ceci, an organizer with the All People's Congress. The group, she said, also lobbies against cuts in federal programs. "We feel we have to work on all fronts," she said.

Bob Cheeks, of the Baltimore Welfare Rights Organization, says the reason people are hungry is simple: Food costs too much.

To ease that problem, he suggests that poor people use some of their food stamp allotment to buy seeds, then plant on vacant lots around the city.

The city government, he asserts, could do more to encourage the organizing of food co-ops to cut the cost of food to poor people. Also, despite City Hall's claims to the contrary, Mr. Cheeks believes the Schaefer administration could find more funds for the hungry.

"If they have the money to put millions in the Aquarium, they have the money for poor people. It's not a question of money," Mr. Cheeks said. "It's a question of priorities."

Mr. Houbolt, head of the Maryland Food Committee, believes the state can do many things to help ease hunger—without spending much money.

For example, the governor could name a panel to coordinate the various food programs: food stamps, handled by the Department of Human Resources; Women, Infants and Children (WIC), administered by the health department, and various programs for the elderly, run by the Office on Aging.

The state also could set aside a small insurance fund, say $75,000, to cover any overspending in the WIC program, Mr. Houbolt said. State officials, fearing federal sanctions if they spend more than alloted them for WIC, have been careful not to leave a cushion of the federal funds in their account.

That, however, meant the state returned $1.4 million in WIC money to the federal government last year—money that should have gone to pregnant women, nursing mothers or children, instead of being held in a useless reserve, Mr. Houbolt said.

At Our Daily Bread, Sister Josanna says she hopes that advocacy groups are successful in expanding government programs for the poor and increasing welfare and food stamp allowances. That surely would cut down business at her soup kitchen.

Meanwhile, the volunteers at the soup kitchen have a different job to do, she says. They face the hundreds of people who line up on Franklin street every noon hour. "There are people who are hungry and have to be fed right now," she said.

Dairy Lobby: Even in Off Year, It Can't Lose for Winning

(By Vernon A. Guidry, Jr.)

WASHINGTON.—In U.S. agriculture, it may be that the only thing more productive than the American cow is the American dairy lobby in Washington.

Superbly organized, immensely well-financed and free-spending, the lobby has an unparalleled record of successes in the Congress. That makes the events of the last year all the more surprising, for 1983 was the year Congress, backed by a conservative White House, demonstrated to the dairy lobby that there are limits to what even it can do.

The history of the dairy industry on Capitol Hill offers a clear illustration of the political process that enables decent, law-abiding, productive citizens, if they are single-minded and effective enough, to soak the Treasury for billions and hold up the consumer at the grocery check-out counter.

The dairy story may have no arch-villians, but it has winners and losers. And even in an off year for the industry, it was the winner and the consumer was a loser.

The central fact of the dairy business in America is that the government is purchaser of last resort for everything the dairy farmer can't or doesn't bother to sell elsewhere. All of it, no limit—and the government doesn't buy at fire sale prices. Surplus dairy products are bought at a rate equivalent to $13.10 for each 100 pounds of milk. That's the federal support price, and it is generous. It is fixed not by market forces but by political forces in Congress.

Those political forces produced what might be called the dairy lobby's high-water mark in 1977, when Congress made changes in the dairy support price that removed the discretion of the secretary of agriculture to raise or lower it somewhat in response to market conditions. The legislation fixed the support price at 80 percent of parity, which is a price target for an agricultural commodity based on market conditions between 1910 and 1914, a particularly good time for dairy farmers.

The 1977 legislation also gave dairy farmers what were in effect cost-of-living increases based on inflation. They didn't even have to wait for the end of the year. The legislation specified that the program was to be adjusted for inflation every six months.

"They were too successful," says Joe Fields, of the American Farm Bureau Federation. "It was a sweetheart deal."

Other factors increased the problem or enhanced the bonanza, depending on the point of view. For years, feed costs stayed low, and so did beef prices, indicating to dairy farmers that they would be better off keeping marginal cows in milk production rather than selling them off for meat.

Then, the milk began to gush. Billions of pounds of powdered milk, butter and cheddar cheese began to pile up in government warehouses, and annual program costs skyrocketed into the billions.

In this federally cushioned environment, some smaller dairy cooperatives—groups organized to collect, process and sell the dairy farmer's milk—found ways to become more efficient. They fired their salesmen.

"Why pay three or four men $20,000 a year when you can just sell it to the government?" asks an Agriculture Department official.

Money flowed not only from the Treasury to dairymen but from the dairymen to Congress. According to Common Cause, a liberal public policy lobbying group, the "big three" cooperatives, Associated Milk Producers, Inc. (AMPI), Mid-American Dairymen and Dairymen, Inc., poured $2.8 million through political action committees into congressional campaigns from 1978 through 1982.

Nothing lasts forever, though. The Reagan administration entered the picture and proved unsympathetic, persuading Congress to do away with the twice-yearly review of the support price. "It was the first chink in their armor," says a consumer advocate who watches dairy issues.

More trouble was brewing. The administration won from Congress assessments on dairy farmers totaling $1 for every 100 pounds of milk. One of the things that was supposed to achieve was reduction in production. It did not. Dairy farmers simply increased production to keep up their cash flow, and they developed an abiding hatred for the "dairy tax."

Another thing the fee did not do was help consumers, something a reduction in the support price would have accomplished. The Milk Industry Foundation, which represents milk consumers, estimated that every reduction of $1 per 100 pounds in the support price would bring supermarket prices down 9 cents for a gallon of milk, 11 cents for a pound of butter and 12 cents for a pound of cheese.

"Speaking frankly and bluntly, the bottom line for the farmer is going to be about the same" with a reduction in assessments or support prices, says a USDA official. "With the assessment, the consumer doesn't benefit, because he's paying the higher price, but the government pays less."

The struggle over the dairy program, then, is one over how to apportion the costs of the program, as well as how to reduce the costs. By early this year, all segments were convinced something had to be done. The question was who would pay for it.

The National Milk Producers Federation and the major cooperatives, with one exception, backed a plan of strict production controls on dairy farmers but were adamantly opposed to other schemes requiring a reduction in the support price. The exception was the 8,000-member Dairymen, Inc., in the Southeast, which figured its membership would fare better with a $1.50 cut in the price support, which would also give the consumers a break.

There was talk of compromise, particularly on a plan being worked on in the Senate, but Pat Healy, head of the National Milk Producers Federation, told one interviewer he didn't have to compromise because he had the votes. That was a reference to the House Agriculture Committee, and by all accounts, it was no empty boast. Mr. Healy, whose group is the senior partner in the milk lobby, did have the votes—barely.

Then, an extraordinary thing happened that changed the course of the dairy issue in 1983. It was May 17 at a routine business session of the House agriculture panel, which was scheduled to adopt the bill backed by Mr. Healy and the majority of the industry. Charlie Rose, a committee member and Democrat from North Carolina, laid bare the political fault lines caused by dairy lobby pressures and the mountains of surplus products in government storage.

Mr. Rose, reportedly looking hard at Mr. Healy in the audience, fumed: "I think it is absolutely idiotic to split this committee * * * and make us choose, based on local politics, which bill we are going to support.

I'm going to vote with the local cooperatives that have been my friends."

Mr. Rose didn't want the vote to come at all, however. He wanted everyone on the same bill.

"Agriculture is not strong enough on the floor of the House to have regional fights, and that is what we are about to work into, friends and neighbors," he said.

One by one, other committee members echoed his misgivings and a vote was postponed in favor of a more informal meeting that same evening attended by Mr. Rose, other key congressmen and the chief players in the dairy industry.

The second meeting was "very frank," says one person present.

"I had 85 percent of the industry," recalls Mr. Healy. "Charlie and I yelled at each other over this. I said, 'Charlie, if you went to the floor with 280 votes in your pocket, you'd think you were a genius, wouldn't you?'—85 percent of the House—'and you yell at me because that's all I've got.' * * * but Charlie and I are friends; we've got no problems."

AMPI stuck to its guns, as did Mr. Healy's group. "They didn't think they had to go along with anything," says the disgruntled staff member of a pro-compromise congressman. Eventually, however, all came to back a Senate-written compromise.

Ironically, that compromise was worked out largely in the absence of the dairy lobby, which had its attention focused on the House. Nevertheless, it was one that took very good care of the dairy farmer.

The Senate bill, passed in October, was a radical change for the dairy program. For the first time, farmers would be paid for not producing milk. Under the bill's provisions, farmers can agree to forgo as much as 30 percent of their previous year's production and receive $10 for each 100 pounds of milk they don't produce.

The bill retains 50 cents of the hated $1-per-100-pounds "dairy tax" to help pay for the new program, and an initial 50-cent cut in the support price to be followed by two more 50-cent cuts if conditions warrant.

The length of time it had taken the dairy industry to get behind the bill, however, had allowed time for opposition to build. Consumer groups, pizza chains, ice cream makers, frozen baked goods concerns and cattlemen who don't want competition from culled milk cows all joined to back a straight cut in the support price. So did the American Farm Bureau Federation. The bill "is bad for the farmer and it's bad for the farmer's image," says Mr. Fields, of the bureau's Washington office.

The main opposition measure, introduced by Representative Barber B. Conable (R., N.Y.), would have given the secretary of agriculture authority to cut the support price by up to $1.50, which, somewhat surprisingly, picked up administration support late in the debate.

Thus, the House was faced with three alternatives: status quo, the compromise or some form of cut in the support price. Figures supplied by the Agriculture Department showed dramatically who would pay for each.

If the compromise is in effect in fiscal 1984 and 1985, according to the USDA figures, dairy farmers' income is likely to be $1.3 billion higher than expected under the current law, and the government's costs are expected to be $300 million lower.

For consumers, however, things are different. For fiscal 1984 and 1985, the compromise would cost them $1.8 billion more than would the current law, according to USDA, and $3.7 billion more than a straight cut of $1.50 in the support price.

Last month, the House defeated the Conable amendment, 250-174, despite the coalition fighting the dairy lobby and went on to adopt the Senate compromise by a vote of 325-91.

With some setbacks, the dairy industry got legislation it could live with. So did the events of 1983 signal a reduction in influence?

"I don't think so," says Mr. Healy. "We have been quite successful in the Congress for many, many years because we are persistent and we are consistent. We arrive at a position . . . and eventually we get it. . . . We march inexorably toward our desires."

Late last month President Reagan signed the dairy compromise into law, heeding the advice of his agriculture officials who said it was at least better than the existing law.

INTERACTION CAN BE RUTHLESS OR HUMANE

(By Henry Trewhitt)

How much does global politics affect food aid?

Politics, sometimes ruthless, sometimes humane, is the one constant in every national decision—by every nation—in the management of food.

"You can't escape it," a State Department official says. "Anything that relates to food is political. It has always been the case. The Reagan administration is more candid about it than most. It acknowledges that with resources limited, more of your aid goes to your friends. The same standard is applied by every government I know about."

What are some examples?

Only a stern no from Secretary of State George P. Shultz saved aid to Zimbabwe last September. President Robert Mugabe's government has voted against the United States in the United Nations, and the adminstration was furious, but Mr. Shultz ruled that Zimbabwe was still worth cultivating.

U.S. aid to Tanzania was slashed, the administration said, because of that country's failure to make needed economic reforms, but aid pours into Egypt, despite waste that is being reduced with agonizing slowness.

President Julius K. Nyerere of Tanzania, an independent-minded socialist, is not a U.S. strategic client. President Hosni Mubarak of Egypt is, and he is also a key figure in the alignment of forces that can determine whether there is war or peace in the Middle East.

France favors its former colonies in Africa. The Soviet Union, militarly powerful and economically unstable, makes certain its aid, little of it in food, goes to the politically sympathetic.

Do agricultural earnings have anything to do with feeding the world's hungry?

"Absolutely," says another State Department official. "How we stand in the world economy affects our relations with allies and the Third World. It has a direct bearing on how we treat the poor and how much we can give them."

He puts the option, as seen in Washington, starkly: "If we can't sell enough to pay the bills, we can't afford to give it to the poor."

How effective is the food weapon?

America's political decisions regarding food are not always successful. Former President Carter's order of January 4, 1980, to limit grain sales to the Soviet Union was a political decision, punishment for the Soviet invasion of Afghanistan.

President Reagan's decision to lift the partial embargo in April, 1981, fulfilling a campaign promise to American farmers, also was political.The sequence set off repercussions that are still developing.

The American farmer, says a World Bank official, became "politicized and internationalized as never before" in his eagerness to sell grain. Canada and Argentina stepped happily into the market vacated by the United States. Now the Soviets, distrustful of the Americans as suppliers, have limited U.S. supplies to a 20 percent share of their imports, down from 70 percent previously.

Do we ever give food aid purely for humanitarian reasons?

Yes. Ethiopia, where starvation is increasing, now receives about $9.2 million in U.S. relief aid through Catholic Relief Services, and the administration is asking $11.7 million for next year. To get it, the Communist government there agreed to monitoring that would guarantee distribution to the truly hungry. The decision to give the aid, one official says, "was the decision that we simply had to respond to humanitarian need."

How does food aid relate to military aid?

The real interest of the United States in the Horn of Africa is in Somalia, Sudan and Kenya, which border Ethiopia. While Ethiopia receives U.S. food, the other three receive food money as well as arms from the United States.

Nick Mottern, of Bread for The World, a church lobby for better food distribution, argues that "military aid to surrounding countries diverts Ethiopia's attention from development and relief." A U.S. official responds: "The Soviets and Cubans in Ethiopia might do well to convert some of their military support to more constructive aid."

Do our interests sometimes work against the hungry?

Some authorities worry that the developed democracies may ration knowledge—in technology and agricultural techniques, for example—to preserve markets among the poor.

M. Peter McPherson, the administrator of the Agency for International Development (AID), rejects the premise. Development in poor countries, he says, means even greater markets for both agricultural products and finished goods as wealthier people buy more.

"Besides," another AID official remarks, "the notion of food sufficiency is so remote as to not be a consideration. But should we achieve it, we can compete for the expanded markets as we need to. After all, we are not only the greatest grain exporter in the world, we are the residual, swing supplier, and what we do is felt everywhere."

How well do the international organizations work?

There is substantial cooperation among internationl organizations ranging from the World Bank to United Nations children's programs.

Nevertheless, ideological, economic, and political differences sometimes prevent dramatic progress. In 1978 and 1979, the U.N. Conference on Trade and Development tried to create an international wheat reserve program to provide "food security" for everyone. It failed.

Would an international food reserve work?

In a forthcoming book, Dale Hathaway, a former U.S negotiatior and now a consultant in Washington, tells why an attempt to create one failed:

"Different groups of countries had different objectives for the agreement. The five

major wheat exporters wanted a shared stocking system that would stabilize prices within a wide band of movement. Developing countries wanted a system that would provide food aid and balance-of-payments assistance, and that would stabilize prices within a much lower and narrower range. And the centrally planned [communist] economies wanted guaranteed supplies and relatively fixed prices."

No one has had a better idea since. Besides Mr. Hathaway says, no such system would have worked. It would have foundered, he concludes, on the inflation of the late 1970s and "the currency instability that has occurred since 1980."

How much does the United States do for the world's poor?

That is reflected in the budget of the Agency for International Development. AID has asked for about $4.9 billion in the pending budget, about the same amount as it received for the fiscal year that just ended.

In addition it wants about $1.4 billion for the distribution of grain under the Food for Peace program, about the same amount as that for fiscal 1983. Food for Peace, inaugurated under former President Eisenhower in 1954 for the disposal of surplus grain, has taken on broader economic and political implications since then.

What does the United States usually ask in return for its aid?

The United States increasingly has emphasized internal economic reforms, directed at long-term development more than short-term relief, as an important condition for aid. By and large they are free-market measures. They are hard to swallow ideologically for some governments and dangerous for all dealing with volatile populations.

Fragile governments of poor countries are reluctant to raise farm prices to encourage food production at the expense of growing volatile urban populations. Farmers, says Mr. McPherson, "rarely riot. Urban populations do."

Do out demands produce tensions with other governments?

Officials of the World Bank, the State Department and AID frequently repeat, with variations an anecdote that attributes the Green Revolution in India to Prime Minister Indira Gandhi's fury at President Lyndon B. Johnson.

Mr. Johnson, they say, fixed unacceptable economic terms and demanded Mrs. Gandhi's support for the United States in Vietnam as conditions for receiving U.S. grain. In response, a World Bank official recalls, "she waited until she had a couple of good crop years and told [the United States] to stuff it."

How do the left-leaning Third World countries fare with the United States?

The notion of reshaping economies under U.S. tutelage, or the tutelage of the World Bank, for that matter, tends to cull out Communists and committed socialist governments quickly. But is it an ideological act when the United States then cuts back or eliminates aid? Mr. McPherson puts it differently.

"We tell them," he says, "that we really don't see the need for helping them when they discriminate, in effect, against their own poor by refusing to make necessary reforms.

Have U.S. programs produced successes?

AID's Mr. McPherson cites Pakistan and India as nations that have made hard economic decisions with impressive results. Still, the $225 million requested in aid for Pakistan, officials acknowledge, is based at least partly on that country's status as a major strategic client of the United States. India is not such a client, though it still receives $87 million in aid.

Diets of the hungry, Mr. McPherson says, are "modestly improving," child mortality is down, and the average age of populations is rising in Asia and Latin America. In Africa, however, "we are losing ground," he says.

Mr. Mottern, of Bread for The World, agrees that "we may be reducing absolute starvation," but adds that in "just about every place you have extremes of hunger you also have warfare," and war destroys the resources that could end the poverty that makes hunger inevitable.

And war is always a political decision on the part of someone.

China and India Take Different Paths to the Same Goal: Self-Sufficiency

(By John Woodruff)

Peking.—in 1967, while Americans were burning ghettos, draft cards and effigies of Lydon Johnson, Chairman Mao's Cultural Revolution reached white heat in China and the Third World's Green Revolution began to reach the wheatfields of northwestern India.

In Sichuan province, China's traditional granary, hundreds of desperate peasants were hitching rides on freight trains to the cities to beg and scavenge some relief from the hunger created by the chairman's agricultural policies. In contrast, India was already on the way to getting off the international grain dole.

China and India, respectively the world's most populous and second most populous countries, account between them for 44 percent of the 4.5 billion mouths the human race has to feed every day.

For thousands of years, the sheer pressure of people on their limited farmlands has made food the paramount question—paramount in every person's waking hours and paramount in politics at every level.

"Food, that's what you have to understand if you want to understand politics in Asia," one Western analyst said recently. "Food, food food. And if you want to understand food, you have to understand not only how it interacts with the land but also how food and politics are always affecting each other in ever-changing ways."

Both China's emperors and India's rajahs knew their political successes would depend in part on their successes in controlling water for irrigation. The importance of water for crops led one respected European scholar to build on it an entire theory of politics in these two countries, which he called "hydraulic societies."

When the two countries joined the wave of Third World lands that drove out foreign colonialists after World War II, they took diametrically opposite political courses, China as a one-party dictatorship with a state-run economy, India as a British-style democracy with a largely free-market economy.

Both governments, however, have repeatedly bent or sacrificed political theory in favor of the waterworks that are major sources of their political legitimacy.

Throughout the valleys of the Yellow and Yangtze rivers, heartlands of China's civilization, the proudest claim of local and provincial officials is the work done since 1949 in making these rivers serve rather than threaten farmers.

Throughout northwest India, where the country's Green Revolution has been concentrated, the method has been canals and tube wells first, miracle seeds second.

Today, the politics of both countries resound with the importance of food.

When Sichuan began to recover from the disasters of Chairman Mao's Cultural Revolution, Zhao Ziyang, the province's new party boss, benefited from a slogan of that recovery, "Yao Liang, Zhao Ziyang," which means, roughly, "If you want food, you want Zhao Ziyang." Today Mr. Zhao is premier of China and a member of the party's standing committee, the six men who rule the country.

In India, whenever the monsoons bring adequate rains two years in a row, elections tend to follow. The monsoons were good last year and excellent this year, and already talk has begun that Prime Minister Indira Gandhi will try to capitalize on the prosperity by calling an election in 1984.

Seventeen years after natural disasters in India and political disasters in China spread hunger, each country has reached a point of basically raising the grain its people eat.

Both still import a few million tons of wheat, but when India does it is usually to replace buffer stocks after a drought, and when China does it is a calculated decision that it is cheaper to bring foreign wheat to coastal cities by ship than to further strain China's creaking rail system by forcing it to carry wheat from the interior.

For all the similarities, however, the kinds of self-sufficiency the two countries have, and the stories of their achieving it, differ as radically as their political and economic systems.

China's first order of business after the Communists took power in 1949 was to get production back to normal while breaking the grip of landlords and moneylenders who had lived by the sweat of the peasant farmer.

For a few years, those jobs reinforced each other and grain harvests rose dramatically.

By the late 1950s, however, Chairman Mao had determined that China must have a "Great Leap Forward," including a jump directly to massive peasant communes that would carry China toward its Communist utopia by an act of national will.

His timing could not have been worse.

There followed three years of monstrous natural disaster; droughts followed by floods followed by more droughts.

Peasants flush with the victory of the Communist revolution rushed into the chairman's communes, but the combination of natural disaster and political miscalculation was devastating.

"Those were the days when people ate the bark off the trees, the leaves, worms, grass—the stories are too widespread not to be authentic," a Western expert on the period said recently in Peking. Some analysts believe millions of Chinese died.

Retrenchment began in the early 1960s, over Chairman Mao's objections, but by the late 1960s he was ready with a new vision, the Great Proletarian Cultural Revolution.

The Cultural Revolution is widely regarded as having been aimed at urban intellectuals, but in the countryside it became heresy not to follow the chairman's instructions to "take grain as the key link" and to distribute the surpluses.

That meant planting more acres in grain, and the Chinese people's already-skimpy vegetable, fruit and meat supplies rapidly shrank as rice and wheat took up more of their land each year.

As factories and universities closed to free students and workers for factional battles, the flow of fertilizers, machinery and information to the countryside began to slow. Egalitarian distribution of farm surpluses, allotted without regard to effort, stripped peasants of their incentive to work, and grain was planted on land better suited to other crops.

Statistics of that period are regarded as unreliable by both Chinese and foreigners, but estimates are that grain production either declined or remained stagnant during five years of rapid population growth.

Traditional granaries like Sichuan struggled without hope to revive their agriculture.

Historically poor areas had it even worse.

In Tibet, hard-line Chinese cadres, desperate to show the higher yields Peking demanded, ordered peasants to plant wheat instead of the highland barley they had eaten for centuries. The cadres did not teach them to bake bread, however, and wheat flour does not lend itself to the tsampa paste Tibetans had always made of barley flour.

The product of this experiment was widespread hunger from which Tibet is still recovering.

In Xinjiany province, China's northwestern desert area, grain rations in 1979 were reported to be as low as 1,600 calories a day, barely three-fourths of what is normally recommended for adults.

Even in Shanghai, China's premier city and headquarters of the Cultural Revolution radicals, adults doing light to moderate work were reportedly getting about 1,715 calories a day as recently as 1980.

Recovery had to wait for Chairman Mao's death, however, and the return to power of Deng Xiaoping and others the chairman had banished.

It began in 1978 with a dramatic increase in the prices the state paid for farm products, and it continued through a series of reforms that all but erased from China's countryside the traces of Chairman Mao's influence.

Peasants are now allowed to sell surpluses on the free market once they meet government quotas, an obvious but un-Maoist incentive to overfill quotas. The communes are being stripped of their political powers and left as little more than community tool centers.

These and various other reforms have made agriculture the leader in China's recovery from the Cultural Revolution.

This year's grain harvest is widely expected to exceed last year's, which would mean two successive record-breaking years.

If that happens, China's annual grain output will have risen by a total of 30 percent in six years, even while vegetables, cotton and other cash crops have steadily expanded into lands the Cultural Revolution had turned over to grain.

Recovery from the Cultural Revolution has basically brought China's food-grain situation back from a political disaster to its normal condition, which is to say severe problems.

The country's rail system, still unable to handle the massive coal and ore shipments demanded by the Deng government's modernization ambitions, cannot ease the inequities between grain-rich provinces like Sichuan in the southwest and Anhui in northeast, where estimates are that peanuts still get less than 80 percent of the recommended number of calories.

In Peking, the government recently announced a survey showing that the capital's residents now receive "almost" the 2,300 calories a day recommended for them. In the countryside, though, estimates still run under 2,100 calories for the average and substantially lower in poor areas.

Relatively better food supply in cities, even though food is grown in the countryside, is a recurring theme of Third World agriculture, and most analysts attribute it to a simple fact of politics: People in cities are better able to organize and cause trouble if they are left hungry.

As a result, urban residents also become beneficiaries of China's increasingly disjointed price structure. While the price the government pays farmers for grain have risen during the reforms, the prices it charges consumers have not kept pace.

The net effect of this policy is that food, like housing and other major consumer sectors, has become a subsidized product that is estimated to cost the government several billion dollars a year.

India's progress to self-sufficiency has included neither a Great Leap Forward nor a Cultural Revolution, but it has not been without political twists and turns.

By far the greatest came with the two-year ascendancy of the Janata government, a coalition of squabbling minority parties that ousted Prime Minister Indira Gandhi in 1977 to end the emergency rule by which she had evaded a court ruling invalidating her election.

Suddenly, in 1977, a rush of leaders from India's middle-level rural castes, many of them still in raged dhotis and smelling of cow dung, moved into the posh bungalows of New Delhi's power-holders.

With them came a sudden rural orientation that rapidly increased subsidies for irrigation, fertilizer and other factors in farm production even while raising the prices paid to farmers.

"Food grain procurement," one American student of that period later wrote, "intended originally to provide food for ration shops for the poor, became a form of agricultural price support."

Indian farmers were quick to demonstrate that they could respond when an incentive was offered. For the first time in its modern history, India, barely a decade after the long, bitter years on international grain charity, became a major grain exporter. Grain production rose by 25 percent in two years.

Those were heady years, but the seeming success had an articifical quality. The national grain subsidy grew to more than $1.5 billion a year.

The Janata government fell, essentially of its own weight, in mid-1980, and Mrs. Gandhi was swept back to power the following January.

India has since de-emphasized grain exports, but some of the genies released by the Janata years have not been easy to put back in the bottle.

The Janata "food or work" program, a scheme of paying out food in return for work on rural construction, has been changed to a purchasing-power program and de-emphasized, but Mrs. Gandhi's forces have felt compelled to match and extend the growth of grain-ration shops.

Having raised the aspirations of both farmers and consumers, India has yet to build into its economy the purchasing power that would enable poor people to buy rice on their own.

As a result, the national food and farm subsidy, which looked like a shock wave at $1.5 billion in 1979, is now estimated by a toplevel government economic adviser at more than $2 billion and rising.

India's more open politics also leaves room for opposition control of state governments, which frequently creates strains in government food policy.

Under the Janata government, eastern India's poor, rice-growing states got unaccustomed emphasis on irrigation programs. Today, with Mrs. Gandhi's Congress Party back in power, those states complain that they are being kept poor by lack of irrigation money from the central government, and they claim that New Delhi is holding back because the opposition controls the governments in the states.

In other places, opposition governments play their own game, forcing the pace of school-lunch programs that inflate the governments overall food subsidy.

Even in Punjab state, where India's Green Revolution has been centered, some argue that prosperity has become a factor in the growing rebellion of the Sikh religious minority.

"The Sikhs have always had separatist tendencies," one Western analysts said, "so the question is: why violence now? One part of the answer is that they feel they are handling their economy better than anyone else in India and could make it on their own."

Three and a half decades of following radically divergent political and social systems have not made China and India easy places to find out whether communism or democracy will better guide a large, poor country to solutions to its most pressing political problem: how to feed its people.

In recent years, however, the grain situations of the two countries have taken on more and more common characteristics.

Both feed their people significantly less than is recommended by world standards, both import substantial amounts of wheat to solve problems related not to their grain production but to shortcomings in their other physical facilities, and both feed some or all of their city dwellers substantially more than their rural people.

India, which started out essentially with a market economy in grain supplemented by an emergency dole, has rapidly expanded its network of ration shops and its government purchases to supply the shops until state purchase and distribution is now a major feature in good years and bad.

China, which set out under Chairman Mao to make grain strictly a state monopoly, is now cautiously introducing a free-market element.

So, while the emphasis still differs greatly, each country is now making growing use of elements resembling the other's basic system.

China, which tried to make a virtue out of necessity under Chairman Mao by striving for grain self-sufficiency even down to the county and commune level, has established in recent years a regional grain system, which has been India's policy from the outset.

As the two countries' grain systems take on some similarities, however, their prospects diverge considerably, more for physical reasons than for political ones.

China has practically no arable space untilled. Terracing takes cultivation up the hillsides until the rocks will not yield another square foot. Irrigation is everywhere, leaving only fertilizers and new seed varieties to provide the potential for advancement.

India, by contrast, has vast areas that can be opened to irrigation and vaster areas

where production can be doubled or tripled if the means and will can be found to control the floods of the Ganges plain.

The longer-range picture, then, may leave India much more room than China to expand its food production.

China, in recent years, has instituted a birth-control policy calling for one child per couple—a policy often enforced by draconian means—that has reduced the country's population growth rate to between 1.7 percent and 1.8 percent a year.

Mrs. Gandhi gave population control high priority in the 1970s, putting her late son and heir-apparent, Sanjay Gandhi, in charge of an effort known for its excesses, including the rounding up of men to be trucked off for sterilization.

Opposition to those excesses is believed to have contributed to her electoral defeat in 1977, and many local politicians have since been slow to resume the crusade. India's population growth rate now is well over 2-percent a year.

If China and India maintain their current growth rates, India will overtake China as the world's most populous country some time in the first quarter of the Twenty-first Century. Many economists regard that as a prescription for disaster in India, even though India's land may eventually support far more people than China's does.

"India and China are likely to have very roughly comparable economic growth rates for the foreseeable future," one Western economist said in New Delhi last month. "If one country contains its population growth this much better than the other, that country will in a few years have a great deal more surplus to reinvest and to spread about among consumers.

"You don't have to be an economist to guess what that will mean in a quarter or half a century when people in one country look up and wonder why they're being left behind."

INDONESIA UNLOCKS ITS FOOD PROBLEMS; KEY: DISTRIBUTION

(By Ellen L. James)

JAKARTA, INDONESIA.—In the dense, emerald rain forest of Irian Jaya, on Indonesia's most easterly island, a freak October drought caused the sweet-potato crop to shrivel and fail. In a small, Stone Age settlement there, 30 people starved.

Back in the capital of Jakarta, government officials were stunned to learn of the incident from a local newspaper account. To save the settlement's 4,000 other residents, they immediately ordered the airlift of 350,000 pounds of sweet potatoes waiting in a warehouse on the other side of the province.

Although oil-producing Indonesia has enough food for its burgeoning population, topography poses tremendous obstacles as the country grapples with distribution.

The nation is an archipelago of 992 populated islands stretched across 3,200 miles of equatorial ocean between the mainland of Southeast Asia and Australia. Some of the islands are so primitive that roads are nonexistent, and news can take months to trickle out. Across this difficult landscape is sprinkled the world's fifth-largest population, 154 million people.

Even so, incidents like that in Irian Jaya "are becoming extremely rare in contemporary Indonesia," said Alfred M. Lehn, the Indonesian desk officer at the U.S. State Department.

Especially remarkable, said Peter Timmer, a Harvard University agriculture specialist, is that during the last decade starvation has been obliterated on the main island of Java, where two-thirds of the population is concentrated.

To those who know food policy, Indonesia's progress in managing the distribution of its food supplies is nothing less than "a miracle." Dr. Timmer and other analysts credit this marvel to the Badan Urusan Logistik. Its name translates to "national logistics agency," but in newspaper headlines and on television it is known simply as "Bulog."

Bulog is a small but powerful governmental agency that maintains control of the rice market each year by buying, transporting and stocking rice worth as much as $525 million. When the prevailing price in Indonesia rises above the ceiling mandated by Bulog, the agency can pump thousands of tons into the open market until the price is brought back in line.

In Asia, the Indonesian government is widely viewed as infected with corruption, and Mr. Lehn said, "It would be extraordinary if corruption weren't involved in the Bulog system."

Nevertheless, while regional officials of Bulog have been caught in scandals, its top leaders—who manage a $200 million-a-year credit line from the country's central bank—have kept their reputations intact.

The mastermind behind Bulog is a 58-year-old retired army general, Bustanil Arifin, a charismatic confidant of President Suharto and a man characterized as having a "sixth sense" for the world's food markets: when Indonesia should buy, when it should hold and when it should sell.

Because he built the food agency from its beginning and because President Suharto felt it necessary to call him back to the agency in a crisis, the question often arises as to whether Bulog is General Arifin, or whether the well-oiled system could manage without him.

Bulog was born in 1967, shortly after General Suharto, commander of the army's strategic reserve, seized power through the crushing of an attempted communist coup d'etat that led to the downfall of the Sukarno government.

During that chaotic period, the price of rice—the country's staple food—rose by as much as 600 percent a year, helping ignite widespread student protests. It was a period General Suharto wanted never to be repeated.

The president's solution was a high-profile national agency, reporting directly to his office, with the prestige, money and mandate to do the job. Bulog's first charge was to stabilize rice prices—keeping them high enough to satisfy farmers (75 percent of the population), but not high enough to cause discontent among urban dwellers.

Bulog soon became the sole importer of rice for Indonesia, a major undertaking since the nation—which brings in one to three million tons a year—is one of the major importing countries. (The world consumes 410 million tons of rice a year, but only about 12 million of that is traded.) The agency also was given control of corn, soybeans, soybean meal, mung beans, sugar, wheat and wheat flour.

Most important, Bulog was charged with amassing an "iron" food stock for the nation, and it built a network of warehouses capable of holding three million tons of rice. The men who run Bulog have filled their warehouses with rice—in plump white burlap bags—and bought a Sperry Rand computer to monitor the stocks, all with the purpose of counteracting local shortages.

As an oil exporter and member of the Organization of Petroleum Exporting Countries, oil price gains in the late 1970s spurred remarkable economic growth in Indonesia. The nation's oil-export revenues rose from $1.1 billion in 1973 to $16.7 billion in 1981, and per-capita income (still low by world standards) increased by 5 percent.

Just as the oil-price bonanza helped bankroll a major spurt in Indonesia's agricultural development, permitting substantial fertilizer subsidies, the recent oil-price slide brought a sudden halt to the rapid growth. In the past year, Indonesian agriculture has been buffeted by a faltering economy and by the worst drought since 1972.

The dual adversities have compelled Bulog to play a more than usually aggressive role. To guard against shortages, Bulog imported 1.7 million tons of rice last year and bought 1.8 million tons more from the nation's farmers. At the same time, determined to keep the market price from increasing, it sold or gave away 3.3 million tons.

Bulog's moves are closely tracked by the Indonesian public. Last month's decision by the agency to raise the price it pays wholesalers for unprocessed rice made banner headlines in Jakarta's daily newspapers.

Ibrahim Hasan, a deputy Bulog chairman, said, "Food is a very sensitive, emotional thing for the people. One way to stabilize a country is to stabilize the stomach."

"If you take rice from these people, you'll have a revolution," added Raphael Totah, of Continental Grain, an octogenarian rice trader who is a close associate of General Arifin and is known on Wall Street as the "grandmaster of rice."

General Arifin was a quartermaster in the army logistics corps. Dr. Timmer, a consultant in Bulog's "kitchen cabinet" since 1970, said, "There's still an element of the logistics corps in Arifin. The way Bulog is run like a paramilitary organization, moving food to the troops."

Aides to General Arifin say he has the gift of "cold hands," a Chinese expression for someone who—like a good doctor capable of bringing a patient's fever down with his hands—improves whatever he touches.

Besides running Bulog, Mr. Suharto last year gave general Arifin a second post as minister of cooperatives, a priority in the president's development plan.)

"The whole country knows the name of Arifin," said the chief of the Bulog district office in Denpasar, on the island of Bali.

Just as General Arifin has managed his public image, he has studiously avoided making political enemies. "My philosophy is: 'If someone gives you poison, give him milk,'" he said.

General Arifin is considered a brilliant yet impulsive manager whose staff say he operates in an intuitive, highly personal style.

Dr. Timmer recalls going out with General Arifin on troubleshsooting missions arranged by the Bulog chief to learn why the price of rice was rising. "He never stood on protocol but would go through the rice markets, asking people why rice was high, and he'd usually find out what to do. His batting average was pretty high."

By taking personal control of Indonesia's substantial grain-importing program, General Arifin has developed a grasp of world grain markets said to be rivaled only by that of Mr. Totah, of Continental grain. The Bulog chief has also developed "enormous international contacts," said Mr. Lehn, of the State Department.

It is a usual part of General Arfin's daily routine to telephone the big grain-trading houses, to examine many pages of economic statistics and to study world food-production reports—all to decide when it is wise for Indonesia to buy shiploads of imported grain and when it is not.

Although Bulog has gradually increased its rice imports over the last three years, this is largely in response to heightened demand from people in rural areas who mainly produce other staples.

Because of what has come to be known as the Green Revolution, Indonesia underwent a "big takeoff" in rice production in the late 1970s after the introduction of a new variety developed at a research center in the Philippines, according to Mark Rosegrant, of the International Food Policy Research Group in Washington.

During this period, Dr. Rosegrant said, 40 percent of Indonesia's rice land was planted with the new strain and use of fertilizers (derived from petroleum) nearly tripled.

Though most Indonesians would like to eat rice three times a day, the country's fertile fields also grow thousands of acres of corn, cassava—a starchy white root—and a vegetable from the palm tree known as "sago palm." While such foods are deemed inferior, they provide the country a cushion against starvation in times of need.

"In Indonesia, dying [of hunger] is very difficult. Everything is so green," said Muslimin Nasution, an aide to General Arifin.

Atmaja Sukriya, Bulog's vice chairman, said, "Calorie-wise, nationwide we're self-sufficient. Now it's just a matter of distribution."

Mr. Sukriya is General Arifin's main aide at Bulog and the first person the chairman telephones in the morning from his black Volvo limousine, to get a daily report from Bulog's "early warning system."

The vice chairman arrives at Bulog headquarters—a futuristic steel-and-glass-Jakarta office tower—at 4:30 a.m. each weekday. After a jog around the grounds and a hot bath, he is presented an intricately drawn, multicolored "early warning" map of Indonesia, showing the flow of imports into the country, the status of stocks at all the nation's warehouses and how stock has been moved from warehouse to warehouse.

If he spots an area where stocks appear to be dwindling to minimum levels, he acts at once to get in touch—by short-wave radio or telephone—with the chief of the district Bulog office (known as a "Dulog"). Where he sees a surplus, he will arrange for a "move out" operation to a deficit area.

The local Dulogs also give large amounts of free rice (last year 1.4 million tons) to employees of the government, quasi-government agencies and the military, partly as a compensation to public employees for poor wages. Though they give out rice on an emergency basis to the general population, the distribution system's main channel is through the nation's commercial markets.

A Dulog's minimum "iron stock" is equal to two months' provision for local public employees. If a Dulog has more than that, some of its rice may be moved. For instance, the Bali Dulog, which now has a six-month stock totaling 12,000 tons, is a likely candidate for a move-out operation.

A majority of the rice Indonesia consumes is produced domestically, and the local Dulog chiefs often replenish their stocks through purchases from local farmers' cooperatives.

The co-ops truck the rice to the Dulog storehouses, where workers use stainless steel rods to draw samples from the bags. Each sample is carefully studied for quality—including water content and the number of broken kernels—before the warehouse will sign for the delivery.

Through what it calls "market operations," the Bulog system manipulates the rice supply in the open market to control the market price of milled rice.

If the prevailing market price exceeds the ceiling price set by Bulog, then Bulog floods the market with rice until the price comes down. If the prevailing price drops below Bulog's floor (a rare occurrence), Bulog will buy unusually large quantities of rice for its warehouses.

Since local market conditions vary, each Dulog has its own ceiling price. In Bali, for example, the ceiling price for a kilogram (2.2 pounds) of milled rice is 32 cents, and the floor (set nationally) is 24 cents. Because the current market price is 26 cents, the Dulog chief is neither buying nor selling to affect Bali's price.

Food analysts say one of the achievements of the Bulog system is its ability to hold price stability for rice through the manipulation of only about 10 percent of Indonesia's rice crop. (Fifty percent of the country's production is consumed by farm families themselves.)

"Bulog usually intervenes only when the private sector is trying to increase the price too much," said Mr. Sukriya. "We keep the market forces still alive."

Since the Indonesian government recently had to trim the massive fertilizer subsidies it gives farmers, Bulog has increased the price it pays for rough rice, known as "paddy."

The Bulog is passing on to farmers about $50 million in price subsidies this year, but this remains a relatively low subsidy level compared to many other nations.

Indonesia's private markets involve an intricate hierarchy of thousands of "local traders," the middlemen who sell to merchants what the farmers produce. Since Bulog has brought price stability to a once-volatile private market, the agency is generally popular.

Said one shopkeeper: "In a lean season, Bulog makes a positive impression."

Those who run the farmers' cooperatives say they like to sell their crops to Bulog because the agency buys on a "cash and carry" basis, while they may have to wait weeks for payment when they sell to local traders.

The Bulog system has several soft spots, however, that make it vulnerable to breakdown. One reality, as illustrated by the recent incident in Irian Jaya, is that poor communications may mean Bulog leaders fail to learn quickly about spot shortages.

In Indonesia's case, according to Mr. Lehn of the State Department, this problem is compounded by poor feedback by local government officials. "People are hesitant to report problems to the government," he said.

Bulog, which owns no trucks or ships of its own and has to rely on the rental market, can also face delays in moving stock to shortage areas simply because of the country's lack of cargo-carrying capacity. Most rice is moved among islands on sailing schooners, and is common for Bulog to be forced to wait as long as 10 days before such a vessel can be booked.

Analysts who have studied the Bulog system say its most troubling aspect is its heavy personal reliance on General Arifin as manager.

This became apparent in the fall of 1973. Shortly after General Arifin left his Bulog post to become Indonesia's consul in New York, the world plunged into a food crisis that brought a critical shortage of rice. The market price of rice rose suddenly and Bulog, under General Arifin's replacement, searched foreign markets without success for rice it could import to hold down the cost.

"When Arifin was gone, Bulog was a mess," remembered Rochsid Setyoko, economic counselor at the Indonesian Embassy in Washington.

President Suharto, worried that renewed food riots would break out, instructed General Arifin—against his will—to go back to his Bulog post.

Upon his return, General Arifin worked through Mr. Totah and other rice traders to find a volume of "parboiled" rice in Pakistan, India and Brazil. Though it was considered to be of substandard quality, it met the immediate need.

"At that time it was a very big crisis, and he made quick decisions," said Mr. Nasution, an Arifin assistant.

Since the last big crisis, food analysts say, Indonesia has come a long way in equipping itself for future problems. Indonesia was dependent on imports to feed itself in 1973, but it has been self-sufficient in food since about 1980.

At this point, the consensus among analysts is that Indonesia has one of the best food-management systems in the world—and certainly the best in Southeast Asia.

"They have three things going for them: training, expertise and personnel," Mr. Lehn said.

"They have the managerial capability to carry out the task, a strong political commitment and painful memories of the riots of the mid-1960s," said Dr. Timmer.

"There is no country in the world I have seen that has brought up production as much in the last six years, and Bulog has played a very important role," said D. Bap Reddy, the Indonesia representative of the United Nations Food and Agriculture Organization.

"I think Indonesia has the ability and the capacity to avert a national disaster in the food area—barring a freakish meteorological situation," said Mr. Lehn.

Still, Mr. Reddy cautioned, "Indonesia will have to stay vigilant."

Soviet Diet Heavy on Fat and Sugar, Light on Vitamins

(By Antero Pietila)

Moscow.—When the Bolsheviks took over this vast land in 1917, their rallying cry was "Peace, Land and Bread!"

Sixty-six years after Lenin's revolution, heavily subsidized, cheap bread is such a staple of the Soviet diet that this country's 272 million people consume and average of 298 pounds of bread apiece each year.

Bread and potatoes may assure that most people here get enough calories, but those starchy items also bear chief responsibility for the serious imbalance of Soviet diets.

"The figures are not bad, but it's quite necessary to increase meat production in order for people to use less carbohydrates," Khail Volgarev, director of the institute of nutrition of the U.S.S.R. Academy of Medical Sciences, said in an interview.

According to Dr. Volgarev, a recent study on eating habits in the Moscow region, the Ukraine and the Baltic republics disclosed that typical diets were heavy on fat and sugar, but seriously lacking of vitamin-rich vegetables and fruits.

Figures compiled by the U.S.S.R. State Planning Committee's Economic Research Institute show that an average Soviet citizen eats less than half the amount of vegetables and fruits prescribed in official nutrition norms.

While the availability of fruits has improved somewhat recently, no major improvement is in sight.

The capacity of Soviet agriculture to increase food production as fast as the population increases apparently has run into trouble in the last 10 years. According to the U.S. Department of Agriculture, the growth rate of Soviet per capita food production, at 1.8 percent since 1950, fell to minus 0.9 percent over the last decade.

This country's main agricultural problem, however, is that, once harvested, about 20 percent of fruits and potatoes simply rot because of insufficient storage and transportation.

A drive in mid-October—after the harvest—from Helsinki to Moscow, through Vyborg, Leningrad and Novgorod, suggested that very little beyond bread, potatoes and cucumbers was available in stores along that main road.

Obtaining green vegetables in the dead of winter is problematic even in Moscow, which is usually better supplied than smaller towns.

Because all Soviets work and shopping is a time-consuming headache of standing in long lines, most people here eat their one basic daily meal at their places of work.

At the Kama River truck plant, 500 miles east of Moscow, the management boasts that 3,000 workers can be seated, served a three-course dinner and moved out, all in 15 or 20 minutes.

Why?

To save the rest of the lunch for volleyball, explained the manager.

HUNGER ABOARD, SURPLUSES AT HOME, AND THE U.S. FARMER IN THE MIDDLE

(By Ted Shelsby)

OGALLALA, NEB.—It disturbs Carl Brun that a big portion of the world's population goes to bed hungry each night.

"God never put people on this world to starve," he says softly.

A 68-year old wheat farmer who tills 5,000 acres near this tiny railroad town that once served as the final destination for countless cattle drives, Mr. Brun is tormented by the contrast between the abundance around him and the scarcity he knows lies on the other side of the earth.

He knows that he and the rest of the country's farmers—representatives of one of the few remaining American industries that still retain the envy of the rest of the world—have the production capacity to put more rice in the bowls of the hungry in India and more bread on the tables of the poor in Sudan.

If only they were free to produce it.

Instead of channeling more life-saving grain to Third World nations, however, Mr. Brun is caught up in a complex agricultural system that encourages, even rewards, farmers for producing less with the result that in some cases farmers end up feeding wheat to feedlot cattle and hogs—"because right now it's cheaper than corn"—rather than grind it into flour or cereal to feed hungry people.

Taking a break from the day's chore of branding new calves, Mr. Brun, a past president of the National Association of Wheat Growers who once served on an international committee in Geneva studying imbalances in the world's food supply, upends a five-gallon bucket for a seat and begins to explain the economics of a farm policy that often makes it more profitable for farms like his to produce less food rather than more.

He also tells why he discounts the fears of consumer advocates that the nation's farms may eventually end up under the control of a few giant corporations and touches on what he thought might have been a better U.S. food policy than the one it has now.

"You see that bin over there," pointing to an aluminum storage structure, "it's full of PIK [payment in kind] wheat. We went in and cut down about a quarter of wheat—that's about 160 acres we destroyed. In return, they [the Agriculture Department] gave us 95 percent of our normal production.

"And we're looking hard at the possibility of tearing up another 750 acres [about 41,000 bushels] next spring", he continues, to participate in yet another government program, a price-support plan that acts as an insurance policy guaranteeing wheat growers an established price for their crop in return for not harvesting a portion of it.

Wheat farmers are not the only ones affected by the government's incentives to grow less. American farmers took more than eight billion pounds of rice out of production this year alone. An additional 32 million acres normally planted in oats, corn, sorghum and barley was left fallow.

If you could put it all together, the normal production acreage left untilled this year would cover all of New York, New Jersey and Pennsylvania and part of Maryland.

The price-support program Mr. Brun referred to works like this: The government sets a loan rate and target price. This year the loan rate for wheat was $3.65 a bushel and the target price was $4.30. A loan on the unharvested crop is obtained from the government's Commodity Credit Corporation. If the market price is below the loan rate, which it was much of the year, the farmer can turn his crops over to the CCC in full payment for the loan.

In addition to the $3.65 loan rate, the farmer receives an additional deficiency payment of 65 cents a bushel, the difference between the loan rate and target price for wheat, bringing the total government payment to $4.30.

To participate in the program this year, growers were required to set aside 20 percent of the land they normally sow. The majority of wheat growers liked the offer: Three out of every four participated in the program.

"Each farm is different," Mr. Brun said as he eased into a discussion of the government's subsidy program. "I think this farm, with the land being pretty much paid for—versus some young fellow just starting out who owes for the land and owes for equipment—can probably live on $3.50 [a bushel] wheat."

Casting a glance toward the horizon, he said, "The way it stands now, I'd say we will harvest every damn acre of it, but this could change. Before we tear it up we'll just have to take another look at things. There's a lot of trouble in the world. Should there be a major conflict it might be desirable to have some extra surplus."

The Brun farm, which incorporates the efforts and assets of Mr. Brun, his son Gary and Gary's son-in-law, is in the high plains region, where moisture is scarce. They plant only half their 5,000 acres each year. The other half lies idle to conserve moisture and will not have a crop ready for harvest until the following year.

As a result, Mr. Brun actually began preparing his 1984 crop last spring and is now preparing the seedbed for his 1985 crop.

This makes the decision he faces early next year even harder. Because he had to start his planting before the full details of the government's 1984 price-support program were disclosed, Mr. Brun sowed the full 2,500 acres.

Unless he plows up 30 percent (the program set-aside requirement rises from 20 percent this year to 30 percent for 1984), however, he will be ineligible for price supports.

"The sign-up period is next January or February. At that time we'll have to say leave it be or decide, OK, we're going to tear up the land.

"But, my God, we'll have $45 an acre into it by then," he said, counting up the costs of the seed, fertilizer, fuel for the tractor and other costs of planting. "This makes it awfully hard to say tear it up."

The decision will be a financial, not a moral one. It will be based on a calculation of whether the farm will post a larger profit from selling the full harvest on the open market or only 70 percent of the crop under the price-support program.

Mr. Brun says it would be helpful to wheat farmers if the government had a long-term agricultural policy. "We would like to know what the program is before we start planting. The way it stands now, it's like a poker game where the rules are changed after the cards are dealt."

Mr. Brun is not alone in planting his full acreage. Based on early indications, wheat farmers in overwhelming numbers are rejecting the government's reduction plan and planting fence row to fence row. According to preliminary predictions, next year's harvest could be a record three billion bushels.

The current price-support program was enacted by Congress in 1973. It followed a major grain sale to the Soviet Union and came at a time of high grain prices and consumer concerns about the prospect of paying a dollar for a loaf of bread.

In an effort to ease those concerns, the government encouraged farmers to greatly boost production. Supporting the price was the government's way of sharing with growers the risk of a possible price decline.

The program was hailed as a "historic turning point in the philosophy of farm programs in the United States," by Earl L. Butz, secretary of agriculture at the time.

After 40 years of having programs wedded to "cutbacks" and "containment," Mr. Butz said, the new plan was geared to "expanded output." President Richard M. Nixon was not nearly as enthusiastic about agriculture's new direction, however, threatening to veto the plan.

He didn't, though, and tractors all across the nation began tearing into the soil with new vigor. Wheat output grew from 1.5 billion bushels in 1972 to a record 2.8 billion by 1982. Corn and soybeans, the main feed for livestock and poultry, posted similar gains.

While this outpouring, coupled with several embargoes on grain sales abroad, abolished the fears of $1 bread, it created a new problem: A 142-million-ton grain surplus by 1982.

By 1978, farmers were being asked to shift their combines into a lower gear. The government ordered a 20 percent reduction in wheat acreage planted and encouraged a similar percentage set-aside in corn acreage.

Full production resumed in 1980, the year of a major Corn Belt drought, and 1981, but by 1982 farmers were again being asked to reduce plantings, this time by 15 percent.

As their planted acreage shrank, farmers' financial problems grew. Depressed grain prices, along with high interest rates on money borrowed, have resulted in more farm foreclosure sales in the last year than at any time since the Depression of the 1930s.

Their problems brought the plight of farming to the attention of Washington, and the Reagan administration is currently moving to end the 10-year-old price-support program.

"With the big surplus, world hunger and no profit in farming, it's perfectly clear the present system is not working," said Jeffrey Idleman, a USDA economist, in explaining the new thinking in Washington.

A better system, according to the Agriculture Department, is a market-oriented program in which the world market determines the price received by the farmer. With this in mind the Reagan administration is moving to abolish price supports.

Such a shift, will not be easy, however. This was evidenced by enactment of recent legislation that for the first time pays dairy farmers for not producing milk.

Nor will it be painless. Mr. Idleman conceded that shake-out—similar to those already encountered by the steel, trucking and airline industries—was likely in farming, after which only the stronger, most efficient producers would survive and prosper.

Such a shake-out may not be to the benefit of consumers. It could lead to the development of more "super" farms, a designation the Agriculture Department gives to large farming operations grossing $500,000 or more a year, and put food production under the control of fewer producers.

Although the super farms—some of which are controlled by large corporations primarily in other lines of business, such as petroleum and insurance—account for 1 percent of all farms, they accounted for 30 percent of cash receipts (sales at the farm level) and 60 percent of net farm income last year. This is up from 14 percent of sales and 16 percent of income in 1969, when they also made up 1 percent of the total number of farms.

In 1978, the year of the latest data on land ownership, these large farms owned, rented or leased 84.5 million acres of land, 8.2 percent of all U.S. farmland.

This trend has caused concern among some agriculture observers, who fear that such large farms could manipulate the market to contrive shortages and boost prices.

Farms controlled by corporate board rooms don't seem to bother Mr. Brun. "Gates Rubber Company tried that," he says. "They bought a bunch of land in Eastern Colorado. They hired the smartest technicians they could to run that farm. They put down wells and developed the land. They had seed specialists, soil specialists, fertilizer specialists. They had the best brains they could get.

"And the farmers around there were beside themselves. They were really upset. But it didn't last very long. What killed them was Saturdays, Sundays, 8 o'clock to 5 o'clock. A corporation farm is going to have a hell of a time if you hire labor and work like you do in an office.

"The thing that killed them was they didn't get planted in time. They had the best equipment, but there was nobody out there that would run that damn thing 24 hours a day. In this country, corporate farming is not going to make it unless there is some kind of tax write-off."

Mr. Brun is more concerned about hunger in the world than about the threat of being taken over by a conglomerate. "We knew the people who needed the food didn't have the money to buy it," he said of his participation in federal legislation in late 1950s that established a two-tier pricing structure in which farmers received a higher price for grain consumed in the United States than for that shipped abroad.

"It was a good program, but in world economics you could say that's not fair competition," Mr. Brun said.

The single price system resumed with the adoption of price supports in 1973.

FOOD IS EXPENSIVE, BUT SO ARE HEALTH COSTS OF MALNUTRITION

(By Michael K. Burns)

CHICAGO.—The child was admitted to Cook County Hospital unconscious, his tiny limbs shaking, his face twitching—classic symptoms of grand mal seizure.

As his mother talked with the emergency room doctor, attendants drew blood for tests and inserted a needle into the vein of his arm to begin the intravenous solutions, first a sugar liquid, then a solution of salt.

Within a few minutes, the child's salt and sugar balance in the brain was restored and he was resting comfortably, the danger past. The physician had determined the cause: infant water intoxication from being fed water instead of milk or formula.

The scenario is becoming more common as an increasing number of non-nursing mothers are trying to get by with water when they run out of money, according to Kathryn Vedder, a staff pediatrician. Normally, one or two cases might enter the Chicago hospital in a year; in the last year there have been 15 of these cases.

It is an example of false economy among low-income families and in national feeding programs, she said.

"It costs $600 a day to treat a child in the hospital. It only costs $500 to feed a baby in the entire first year—that's the sad thing," Dr. Vedder said. "These are not cases of neglect or abuse—many of these mothers were desperate and they were hungry themselves.

While Washington debates the value of $18 billion in food and nutrition programs, scientists are striving to quantify the health costs of hunger and malnutrition in America.

Hard economic analysis is scarce and fragmentary. Nutrition's role in health is generally recognized, but the measured health results of specific feeding programs remain elusive and subject to interpretation.

"You can't show cause and effect relationships when you can't separate causes from effects," says Dr. Mahlon A. Burnette III, former executive officer of the National Nutrition Consortium. "And when you talk about spending money, people fall apart on whether there are significant health ramifications. Then it's three steps removed from science."

"In federal programs you cannot do causal associations, but the federal government can take some credit for large numbers of the programs that they have put into effect . . . to combat the problems of nutritional deficit among people. I think the results are very encouraging," said Dr. Milton Kotelchuck, of Harvard University.

"We should be hearing admissions of failure," responds Dr. George G. Graham, professor of pediatrics and nutrition at the Johns Hopkins University. "What I cannot accept are unsubstantiated claims of nutritional gains attributed to these programs—even less of improved school performance and social adjustment."

Surveys show that poorer people have worse nutrition than those with higher incomes, and people with better nutrition have better health and seem to perform better.

Nevertheless, the conclusion that improving the nutrition of lower-income groups will automatically improve their health and productivity is a matter of dispute. Other factors—unheated housing, inadequate hygiene, social and psychological conditions, even genetics—also play critical roles in health of the poor.

Society may not be able to cut the costs of institutional care for the poor simply by spending more money to provide them better diets.

The puzzle is complicated by the fact that the food stamp program, which aids 22 million low-income Americans, was the political product of agricultural interests and poverty interests, not a scientifically designed nutritional supplement effort. After more than 15 years as a nationwide institution, the program is viewed by conservatives and liberals alike as an income-redistribution scheme as much as an anti-hunger effort.

"Our knowledge, unfortunately, of the impact of health effects [of hunger] is less than the knowledge of its existence," Harvard's Dr. J. Larry Brown told a Senate nutrition panel. Dr. Brown sees "early clinical warning signs of damage to health" in the significant numbers low-income children with growth failure or malnutrition who enter Boston City Hospital. He concedes, however, that "it's troublesome data."

Most of the economic projections of costs and benefits from nutrition programs have focused on the 10-year-old Women Infants and Children (WIC) food-supplement program, which serves about 2.5 million low-income people who have health risks.

A major goal of WIC is raising the nutritional status of pregnant women to reduce the incidence of low birth-weight babies, who are more likely to die in infancy or to have birth defects and mental retardation.

A Harvard study in Massachusetts calculated savings of $3 in hospitalization costs for every $1 spent to provide food packages to mothers and infants. In Missouri, researchers comparing medical expenses of participating and non-participating mothers found a saving of $1.42 for each dollar spent on WIC.

On Montana Indian reservations, where malnutrition was a problem, other studies reported that infant mortality rates were cut in half where WIC programs operated.

Nutritionist Jean Mayer, president of Tufts University, projects millions of dollars of savings in lifetime care costs for each retarded or learning disabled child that would have been born to a malnourished mother.

"These programs are more than paying their own way," he concludes.

Senator Robert J. Dole (R. Kan.), chairman of the Senate nutrition subcommittee, believes that well-targeted programs can produce dividends.

"Nutrition assistance to mothers and children can substantially reduce the incidence of low birth-weight and infant mortality. . . . It is perhaps one of the most worthwhile investments [we] can make," he said.

Federal surveys cite the elimination of nutritional-deficiency diseases in pockets of rural poverty in the mid-1960s, but surveys

do not establish that more food, or even better nutrition, was responsible, since better medical care was available.

Three decades of school lunch programs are credited with improving classroom attention of low-income pupils (although not necessarily improving scholastic achievement). Children who eat school lunches, free or subsidized, get more essential nutrients than those who bring a lunch-box, a University of North Carolina nutrition team reported recently. There was no attempt to link results with health improvements, however.

For the more easily monitored WIC programs, at least a half-dozen studies have claimed reductions in the rates of low-weight births and improved health of infants born to mothers receiving food and medical counseling under the program.

"Even if there was no specific dollar value attached to benefits," said Dr. Eileen T. Kennedy, director of the Harvard WIC study, "the question is: What is it worth to improve the quality of life of a child?"

Dr. Graham, a member of the President's Task Force on Food Assistance that is studying federal programs, is skeptical of such questions.

Nutritional achievements of feeding programs remain to be proved, he argues, although there may be other benefits. For example, food stamps may supplement income of the poor, school lunch programs may free mothers from preparing their children's lunches and WIC mothers and babies may receive valuable medical attention that is part of the program.

There are chronically malnourished children, Dr. Graham said, but "this is seldom a food problem; it is a complex social problem and shotgun food-distribution programs are not going to solve it."

Dr. Graham also disputed claims that the incidence of low-weight birth was reduced by WIC. Two-thirds of low-weight births are trully premature births, especially among blacks of all economic levels, he said.

Dr. David Rush, of Columbia University's medical faculty, criticizes WIC studies that link all measures of well-being with higher birth-weight and says there are serious defects in the methodology.

"Unless accompanied by reduced [infant] mortality, it is not at all certain that small changes in birth-weight confer other health benefits," he wrote in the American Journal of Public Health. Subtle malnutrition defects—the only ones that could be expected—are difficult to identify with such a program, he added.

Other nutritionists see value in the social benefits of food programs for the needy, even if they cannot claim precise health results.

Dr. C. E. Butterworth, Jr., head of the nutrition department at the University of Alabama, testified in Washington recently that nutritional benefits of food stamps and WIC remain to be established, but he concluded that "these programs have contributed enormously to the health and welfare of the population of our state."

"Nutritional cost-benefits of food stamps? That's a good question, and I don't think anybody has the answer," said Dr. Walter P. Falcon, chairman of Stanford University's Food Research Institute.

"There is a higher incidence of illness, there are more work and school days lost, and there is more time spent in the hospital among these same [nutritional] high-risk, low-income groups than among the general population," said Dr. Burnette. But the linkage between health of the poor and undernutrition is still to be precisely defined, he added.

Researchers are puzzled by national surveys that report more nutritional deficiencies among lower income groups while finding that low-income people spend about the same amount per person that middle-income families do on at-home food.

The difference, suggests a pharmaceutical industry publication, may be that higher-income groups take more multi-vitamin pills.

The incidence of iron-deficiency anemia among low-income children has not changed significantly in more than a decade, despite attempts to improve their diets, according to the Center for Disease Control.

But nutritionists are divided on the efficacy of solving the problem by dispensing bottles of multi-vitamin or iron with food stamps; even efforts to increase iron fortification of cereals provokes violent controversies.

Food stamps, which provide an average benefit of 47 cents a meal per person, are not meeting current needs, especially since benefits have been cut just as the numbers of poor and unemployed have risen sharply, she said.

Food stamps—a uniquely American system—are generally considered the most efficient means of distributing food to the nation's needy. The program uses existing food markets for distribution, combined federal-local administrative costs are a modest 9 percent, and recipients retain the dignity of choosing what foods to buy, said Dr. Benjamin Senauer of the University of Minnesota's agriculture school.

"Study after study shows that food stamps have a greater impact on food expenditures than would cash grants," said Dr. Senauer.

"But there is not strong evidence that food stamps have a direct impact on the nutritional status" of recipients, Dr. Senauer said.

"Certainly there are parts of the hunger problem that cannot be measured by biomedical indices or by national nutritional status surveys," said Dr. Johanna T. Dwyer, nutritionist with Tufts New England Medical Center. "I don't think people in this country should have to worry about getting enough to eat."

Food Plan for Needy Doesn't Always Work Out the Way It's Supposed To

(By Stephen E. Nordlinger)

WASHINGTON.—Food stamps may be costing almost $13 billion this year, but that figure is a world apart from the kind of aid reaching a family at the bottom of the economic ladder.

A family of four without any cash coming in is getting $253 a month, about 70 cents a meal per person, for food. Children make up a large proportion of those families. The average food stamp payment comes to 47 cents a meal.

Even with that small amount, the government says, low-income families should be able to get an adequate diet, especially since families with income are supposed to supplement their food stamps with cash.

Betty Peterkin, of the Agriculture Department's Human Nutrition Information Service, said that if the government's thrifty food plan is followed, families will obtain "the necessary nutrition requirements."

The thrifty food plan, which is at the heart of the food stamp program, comprises a marketbasket of nutritious foods in 31 groupings. Its composition basically reflects congressional appropriations for the program, which have been cut in recent years.

There seems to be a large gap between theory and practice, however, which may account for some of the lines at soup kitchens.

"The biggest problem is getting nutrition information to the families," said Dr. Mardelle Amstutz, state coordinator of nutrition education at the University of Maryland. "It is very frustrating."

Dr. Amstutz supervises a staff of 54 nutrition experts in Maryland who at times go door to door in low-income neighborhoods to try to educate families about nutrition.

L. Mick Allman, assistant director of the food stamp division in Maryland, said his staff screens food stamp applicants for eligibility but added, "We're not in the business of supplying nutrition information. We don't have the staff or the knowledge. If there is a request, we do provide (nutrition) brochures."

Federal studies show that food stamp recipients have a more nutritious diet than similar low-income families not applying for food stamps. The studies also show that food stamp recipients, dollar for dollar, buy more nutritious food than people with higher incomes.

Dr. Amstutz noted, however, that "there is not a lot of slack" in the food budgets of low-income people, so any uneconomic purchases or food waste at home can have a greater impact on their nutrition.

A federal study indicated that of households with no income and depending entirely on food stamps, only 9 percent achieve a diet that meets the recommended levels for the 11 important vitamins and minerals, and that only three out of 10 achieve 80 percent of those nutrients. By comparison, seven out of 10 of all households nationwide get at least 80 percent of the recommended levels, and half of the families have a diet meeting the full recommended levels of vitamins and minerals.

Families or individuals with no income receive the maximum food stamp allotment. Those households with cash income get proportionately less, based on an assumption that 30 percent of the income should be spent on food as a supplement to the food stamp allotment. The lowest food stamp allotment to families with income is $10 a month.

There is no requirement that stamp recipients buy nutritious food, but there is some built-in incentive if stamps are to last the full month.

A recently updated federal study shows that families overall are spending $13 a week more for food than is provided by the food stamp allotment, or about 24 percent more than the thrifty food plan calls for.

"The thrifty food plan is based on a national average price of food, but food costs more in some areas," said Lynn Parker, of the Food Research and Action Center, an advocacy group for the poor. "It is also based on a hypothetical family of four and takes no account of pregnant women or people who do hard labor or teenagers who need more food."

Jean Mayer, a nutritionist who is president of Tufts University, called the government plan "very inadequate."

Helping the Hungry From a Station Wagon

Brother Tom Rochacewicz's station wagon has about had it. More than 70,000 miles of

hauling loaves of bread, bananas and anything else he can scrounge to help the hungry have taken their toll.

After struggling to get the wagon in gear, Brother Tom looks up and says, "You have to have faith." He pulls away from the bakery loading dock and adds, "But a new van would be nice."

From St. Michael's Roman Catholic Church, at South Wolfe and Lombard Streets, Brother Tom has been operating the St. Michael's Food Outreach Program for 4½ years. Since February, he has given away more than 9,000 bags of food.

Much of his time is spent collecting benefactors. One recent day, H & S bakery filled his wagon with a variety of breads and a French bakery in Harborplace chipped in more than 25 pounds of dated croissants. There are ups and downs, though. A half ton of beef kidneys mistakenly shipped to the East Coast provided a recent up, but a banana importer's move to Wilmington, Del., was a down that estimated a source of 40 cases of bananas a week.

Brother Tom says he is of the ministry of the here and now. And while the aged station wagon gets more rickety by the day, Brother Tom's adrenaline seems to pump harder to compensate. But a new van would be nice.

FARM SCIENCE BATTLES AGAINST HUNGER, CRITICS

(By Albert Sehistedt, Jr.)

WASHINGTON.—In the next 60 seconds, the world's population will increase by 164 persons. Thirty-three of them will be fed by the United States, thanks in large part to America's advances in agricultural research during this century.

To meet the demands of hungry people abroad and a well-fed populace at home, the nation's agricultural scientists are using genetic engitious, devising biological controls to fight insects that destroy $30 billion worth of crops annually and seeking effective methods of preserving the quality of the soil and the purity of the waterways.

The researchers are even changing the shape of pigs to reduce their fat content, while devising birth control methods for boll weevils by blocking egg formation in the female.

"It's never been a more exciting time," said Thomas J. Army, deputy chief of the Agricultural Research Service at Beltsville.

True, perhaps, but critics claim that agricultural science is beset by serious problems, including "sluggish" research practices, too few topnotch people in the laboratory and a low priority in the national consciousness when compared with such glamorous pursuits as nuclear physics and manned space flight.

Agricultural scientists, however, point to a broad range of current projects that would indicate the nation's laboratories are staying current.

Some examples:

By moving genes from one kind of plant to another, government researchers and scientist at the University of Wisconsin have taken the first step toward increasing the nutritive value of crops and making them more resistant to disease-duction of a major protein in a particular bean seed to a sunflower cell. They call the result "sunbeam." Scientists hope it will be the first step in making more crops capable of "fixing" nitrogen from the air, one of the most important chemical processes in nature.

At the Beltsville Agricultural Research Center, Gideon W. Schaeffer grew pollen in a test tube to capture "an extra increment of dwarfness" in a California-bred rice plant.

The "dwarfness" shortens the stalks of the plants, so that they will not blow over in the wind and rot—not a major breakthrough for the Baltimore housewife, perhaps, but a hopeful development for millions in other parts of the world who subsist primarily on rice.

Government researchers in Arizona have developed an infrared "gun" that records the temperature of crop foliage during dry spells.

The gun takes advantage of the scientific principle that dry plants radiate more heat. The infrared test should, therefore, make it easier for farmers in arid areas to hoard critical supplies of irrigation water until the plants really need the water.

Other scientists are trying to apply recombinant DNA technology to produce "super seeds" for barley, rice and wheat to ensure more uniform growth in the fields. Still others are investigating ways to make livestock feed more nourishing while improving the animals' metabolism.

Are these kinds of research efforts, however encouraging, good enough to meet the demands of a constantly growing world population that is expected to climb from the current four billion to six billion by 2000?

In this regard, the concern of informed critics is directed not only at some of the more complex scientific hurdles facing agricultural research but also at an attitudinal problem among the citizenry at large that can be summed up in six words: Too few people give a damn.

"Inadequate public understanding of the importance of agriculture to the strength and vitality of this country and the well-being of its citizens leads public officials generally to undervalue agricultural research," said last year's Winrock Report, a study sponsored by the Rockefeller Foundation and the White House.

As a result, agricultural research has a relatively low priority at the national level; federal appropriations for agricultural research are well below the level consistent with its payoff and value to society, and distribution of funds is largely on the basis of geopolitics, rather than need or expected return," the report said.

A congressional study a year earlier took the same tack.

"United States Department of Agriculture [USDA] research expenditures are proportionally the smallest of any major federal research agency," said the congressional Office of Technology Assessment (OTA).

The Office of Management and Budget (OMB) placed agriculture's 1982 share of the federal expenditures for research and development at 2 percent of the total. Defense and military research got 53 percent, energy related activities got 14 percent and the Department of Health and Human Services 16 percent.

The list of complaints is not confined to money, organizational structure or national attitudes.

Other critics complain of an aging corps of agricultural researchers, allegedly skeptical of modern methods of inquiry; fragmented approaches to acquiring new scientific knowledge, and a lack of coherent agricultural research policy directed by strong national leadership.

Add to all that an apparent disdain among some scientists for agricultural research generally. Many in the scientific community, in keeping with the thinking of the country as a whole, would appear to bestow second-class status on scientists in agriculture compared, say, to those in biochemistry or nuclear physics.

In this regard, the Winrock study pointed to the "relatively small numbers of agricultural research scientists in the National Academy of Sciences," the nation's premier organization of researchers, chosen by election.

This attitude may be one reason too few students are entering agricultural schools at the nation's major universities.

There is today "a human capital shortage," in the words of Donald A. Hegwood, dean of the College of Agriculture at the University of Maryland, College Park.

Arguing that "colleges of agriculture will have to market themselves to students," Dr. Hegwood, in a recent interview, said that against a need of 59,000 agricultural science graduates yearly, the nation's colleges are graduating only 51,000.

Terry B. Kinney, Jr., head of the USDA's Agricultural Research Service (ARS) in Washington, agrees. He said, "If I got $100 million tomorrow to go into a major genetic-engineering program, I couldn't get enough scientists." (The current budget for the Agricultural Research Service is approximately $450 million.)

Is the state of agricultural research really so bad?

Leaders within the agricultural establishment, including Dr. Kinney, take a generally optimistic view—predictably, perhaps. They point out that while innovative research has its place in agricultural science, many of the cures for current problems lie along the traditional avenues of study that their colleagues have pursued for decades.

To begin with, agricultural research—unlike nuclear physics or biochemistry—is not strictly a laboratory science but must be conducted in the light of nature's imponderables.

"Soil, water and air," said Dr. Army, the deputy chief of USDA's Agricultural Research Service (ARS), "are the three essentials," and research in these areas must be maintained.

"We're still losing tons of top soil per acre every year from wind and water," said Dr. Kinney, "and they ain't making any more."

The erosion of the shallow (18 to 24 inches) layer of topsoil that supports plant and animal life around the globe has already removed about half of it from U.S. farmlands, according to government data. A third of the ground water used for irrigation in the West is being pumped from aquifers faster than the aquifers can be recharged.

Developing better ways to preserve topsoil, forestalling erosion and protecting the water and the air are also the province of agricultural research, ARS officials asserted, and their importance must not be minimized.

Research in these areas has contributed to increasing the nation's agricultural productivity 240 percent in the past 50 years and has made it possible for Americans to spend a smaller part of their income on food—about 16 percent—than people in any other country.

USDA officials say research in other lackluster subjects, such as storage and transportation, is important.

Dr. Army recalled seeing a field of sorghum choked by weeds in the Sudan because a herbicide had not arrived in time.

That sort of transportation problem may seem curious or outrageous to the average

American, but it is not an uncommon difficulty in many Third World countries.

Despite concern about some aspects of research, the Winrock study, named for the Winrock International Conference Center in Morrilton, Ark., found cause for optimism: "Annual rates of return on research expenditures in agriculture range from 35 to 50 percent, well above the returns to other public investments and a clear indication that we are seriously underinvesting in this national resource."

Dr. Kinney also was generally optimistic that ways can be found to feed the world "as far down the road as we can see," but cautioned, "Sooner or later there has got to be a restriction on the population of the world."

His concern can be summed up in a Malthusian corollary: The ability of humankind to reproduce itself is theoretically unlimited; the Earth's ability to produce food seems disturbingly finite.

Today, though, "there's sufficient food to feed everyone in the world," he said.

Why, then, are people starving?

"Distribution," was his one-word summation. Many developing countries have nothing like Western nations' road, rail and air networks, or their warehouses.

"If we could ship and store food at overseas depots, we could minimize the food problem right quickly," he said.

Dr. Kinney and Dr. Army also agreed more research is needed into a related, but separate, science: human nutrition.

"Hell," said Dr. Army with a chuckle, "we know more about animal nutrition than we do about human nutrition."

"The stickler in this whole thing, looking to the future," summarized Dr. Kinney, "is the fact that it takes time to do research. It takes time to make the mistakes that have to be made."

Marek's disease is a case in point.

Research on the poultry virus began in 1939. The virus was finally isloated in 1967, and the vaccine was licensed for national use in 1971.

Elapsed time: 32 years.

By 1974, though, the vaccine's annual benefit was $180 million, according to the USDA. The total research cost was $31 million, a cost-benefit ratio any bureaucrat would be happy to report to congressional appropriations committees.

One promising road to solutions is genetic engineering—manipulating the genes of plants and animals to make them healthier, more resistant to disease and more tolerant of drought.

USDA announced such a breakthrough in 1981, describing a new vaccine against foot-and-mouth disease that scientists hope will increase the world's meat supply substantially and prevent billions of dollars in livestock losses.

The disease, widespread in Africa and Latin America, is found in cattle, swine and other animals and is very contagious. There is no cure, and animals infected by it have traditionally been destroyed.

Agriculture researchers have also reported encouraging studies of genetic materials in corn and sorghum that may play a key role in making the crops sturdier and more disease-resistant.

"But it will be 10, 15, 25 years before we see any significant payoff from genetic engineering in production agriculture," Dr. Kinney said.

On this count, the agricultural research establishment has come under fire from another source, George A. Keyworth II, science adviser to President Reagan and director of the White House Office of Science and Technology Policy.

"My impression is that there are two basic reasons for the relatively sluggish application of the 'new' biology to plant science," Dr. Keyworth said October 4.

"One is that many people involved in agricultural research don't have the training and experience in molecular biology, or are preoccupied—and comfortable with—traditional approaches.

"The other reason is the rudimentary state of plant molecular biology—a legacy of the biologists' highly developed intuition for devoting their lives to model organisms that are relatively easy to work with, but not necessarily good to eat or wear."

Dr. Kinney and his associates have been examining their own house and have made changes they think will improve their science and their administering of it.

The plan outlines steps to cut back research in some traditional areas, such as the development of plant varieties, while putting more emphasis on nutrition, genetic engineering, conservation of resources and basic research.

Basic research, which in all the branches of science is a quest for fundamental answers locked in nature, takes time and demands a steady flow of cash.

It also demands a special kind of person, an insightful but patient scientist who is willing to encounter baffling problems and frustrating disappointments before hitting upon an answer, perhaps accidentally, that will unravel the riddle at hand.

Albert Einstein, the most renowned basic researcher of this century, put it best, perhaps, when he said, "You ask me how I work: I grope."

It is that kind of painstaking—and costly—effort that the citizens of the world will ask of agricultural research, which has been called "the mother of sciences," if six billion people are going to have enough to eat in 2000.

THE TRADE-OFF: WHAT SCIENCE GAINS, NATURE CAN TAKE AWAY

(By Albert Sehlstedt, Jr.)

Agricultural science has reached a level of sophistication at which researchers know a good deal about how to improve the quality of many crops—but sometimes at a price.

For example, a scientist may try to enhance the nutrition in an ear of corn, but at the expense of the leaves, which absorb sunlight in the world's most important chemical reaction, photosynthesis.

In other words, these kinds of crop improvements involve trade-offs, or what might be called a "shell game" in which one part of the plant is improved but another is harmed, making the whole plant vulnerable to disease or the ravages of weather.

There is little value in a potentially delicious ear of corn growing on a weakened stalk that will blow over in a rainstorm and rot on the ground.

The solution to this sort of dilemma would seem to lie in basic research, in trying to undertand as much as possible about the total life cycle of plants needed for human survival.

Dr. Steven J. Britz, a plant physiologist at the Beltsville Agricultural Research Center, reduced the problem to a simple sentence: "We don't understand as much as we would like to about how plants work."

Photosynthesis might be improved, Dr. Britz suggested, but "there is a practical limit to which plants can convert light energy into food."

"Plants use less than half the total energy in sunlight," noted Dr. James A. Bunce, a colleague at Beltsville's Light and Plant Growth Laboratory.

One way to improve photosynthesis is to increase the size of the leaf.

Among the unknowns in this line of research are, again, the potential trade-offs.

"When we start doing all this, sometimes things may backfire, such as producing a plant with smaller leaves," said Dr. Britze.

The researcher then finds himself back at square one.

INDIA HAS CONQUERED MASS STARVATION, BUT NOT ALL ITS NUTRITIONAL PROBLEMS

(By John Woodruff)

NEW DELHI.—M. Das Mukherjee lives in the third tent in a row that houses a few dozen farm workers just off the road about two hours out of the national capital in the state of Haryana.

The sun burns into his tent, and the dust rising from freshy plowed furrows filters through its muslin sides until it is impossible to say whether the cloth looks more bleached or dirty.

Amid the mixed fragrances of the farm and of group housing that has neither water nor sanitation, Mr. Mukherjee lives on a daily ration of a few handfuls of boiled rice, a few slices of bread and a boiled vegetable. He wears a cotton undershirt with three small holes in the left side.

The undershirt, a dhoti worn like trousers, some blankets, a toothbrush, a metal cup, a metal pot for water and a string bed he bought recently are the possessions in his half of the tent.

Mr. Mukherjee is quick to declare himself one of the beneficiaries of India's share in the Green Revolution.

"It's much better that I came here," he says. "I can earn over a hundred rupees ($9.50) in a month, and usually I can send more than half of that back to my family in Bengal."

One hundred rupees is far more than most of India's hundreds of millions of landless farmworkers can hope to earn in a month. Millions live from dust storm to monsoon without seeing that much cash in a year.

Nevertheless, starvation is waning. It is now more than a decade since India had to go begging for tens of millions of tons of grain a year in aid or on concessional terms just to feed its people during a drought.

The new grain-sufficient India has passed the tests of two droughts in the last 10 years that were as severe as any in the mid-1960s and has been able both times to pay market prices for the relatively small quantities of wheat that had to be imported to rebuild buffer stocks.

A variety of factors, including government policies aimed at providing food and purchasing power, and advanced agricultural education, have contributed to the newly won self-sufficiency. And the success of the Green Revolution in the wheat fields of Haryana, Punjab and western Uttar Pradesh, the three northern Indian states where it has been concentrated, has produced jobs that have drawn landless farmworkers from all over the country.

The progress has not been uniform, however. Mr. Mukherjee's move here, along with hundreds of thousands of other farmworkers from West Bengal, Bihar and Orissa in eastern India, reflects both the successes and the failures of the new farm-

ing methods that have revolutionized major segments of Indian agriculture in the last 15 years.

On the one hand, the Green Revolution has begun to free Indians from the tyranny of unreliable weather. On the other, it has not spread much beyond the borders of the three states.

Also, except for the few hundred thousand who have found jobs, its benefit to the country's hundreds of millions of landless rural workers has not extended much beyond insulating them against mass starvation the next time the monsoon fails to blow enough rain across India's fields.

Why the Green Revolution has come to northern India and not to most of the rest of the country is a topic of continuing debate here, but mainly the answer is water—too little and too much.

In northern India, the success of the new-technology wheat relied on heavy chemical fertilization and massive irrigation, requiring hundreds of thousands of tube well. Dr. K.G. Tejwani, who for 25 years directed India's soil conservation and irrigation efforts, estimates that only 40 percent of the country's farmland can be irrigated. About five-eighths of that 40 percent—or one-fourth of India's arable land—had been irrigated.

In southern India, the problem was almost the reverse. The miracle rice hybrids, growing on dwarf stalks, require carefully limited flood levels. Some control of the rivers in southern India has been achieved, but there is no such control across most of the vast Ganges plain, where annual flooding during the growing season forces farmers to stay with traditional rice varieties that can endure high waters but have low yields by today's standards.

"Wherever we have provided the physical environment, the farmers have adopted the new strains and succeeded with them," said an Indian planning commission adviser.

That physical environment has included not only control over the waters but also construction of a fertilizer supply and distribution system, a farmer-training plan similar to American extension programs and a system of agricultural universities patterned on the American land-grant colleges. The latter have been made all the more successful by an educational level among farmers that is already higher than that usually encountered in developing countries.

"Organizing human activity has been a major part of the job," the planning commission adviser says, "and it has to extend beyond just producing the gain. In many ways, how you deliver the grain is more crucial than how much you produce."

The key, many Indian and foreign officials believe, has been making it possible for very low-level officials to make on-the-spot decisions that can head off local food problems. "A district officer today can call in and report a shortage and the grain will begin to move the next day," the adviser said.

As important as logistics, he said, has been organizing a means to see that the poorest Indians have the means to buy the grain they need.

"Drought studies show over and over again that what dries up even worse than food production in a drought is purchasing power," the planning adviser said. "We try to deal with this through our food-for-work program."

Under that program, hundreds of millions of landless and jobless Indians a year earn their food as a result of being steered into massive public works projects, directed by the individual states and subsidized by the central government in New Delhi.

"That is the hard part—getting the grain to the people after you have it in hand," the adviser said. "Organizing that is not to be thought of as a job of a few weeks to be done in response to some emergency. You have to be ready with a permanent system, and it takes not years but decades to build that system, and when it is built there are hundreds of thousands of people and always work to do to maintain it and always new ways to improve it."

After more than three decades of independence and 15 years of the Green Revolution, where does India stand today?

No one starves to death here anymore, one Western development expert says, but the population is growing just as fast as the grain harvests and it is literally true that last year India harvested just exactly as much grain per person as it did in a good year 15 years ago.

The difference is that irrigation and the Green Revolution have leveled off the dips in production that come when the rain fails, and that the government has learned how to get available grain into the people's bellies.

Despite the impressive successes, then, reality remains grim.

Hundreds of millions of Indians go through every day with fewer calories than world nutrition experts recommend. Estimates of those living below the official "poverty line"—estimated in caloric intake, not in cash income—range from an Indian government figure of about 200 million to a U.S. Department of Agriculture calculation that just over half the country's 740 million people eat less than they need to be productive workers.

While the country has struggled to maintain even this marginal level of basic food grains, the other two elements of the national diet have fallen upon hard times.

India once exported cooking oils and the nuts and seeds from which they are made, but since 1975 it has become the world's largest importer of these basic commodities.

In addition, production of pulses—beans, lentils, chick-peas and other protein sources that are fundamental in a largely vegetarian society—has stagnated, necessitating imports that have become a major drain on the country's foreign-exchange earnings.

"What we have saved on imports by raising more grain, we have lost by ever-increasing imports of oils and pulses," an Indian agricultural expert said.

"In part, the problem is that grain has become so attractive to raise with the high-yield varieties that farmers won't raise these others."

Experts agree that the land can produce enough for all, even in India and even at current rates of population growth, but many wonder how India will get beyond constantly feeding hundreds of millions at or below the margin of subsistence.

"The problem is not rooted in underproduction or in overpopulation," one Western development expert says, "The root of the problem is that hundreds of millions of Indians simply do not have the means to buy any more than subsistence rations.

"But if more people had more income to buy more food, you can bet the farmers would be producing it. They would have the incentive to put in the investments and raise more no matter if the government helped or not."

In this view, a major problem is the government's commitment to an industrial policy modeled largely after Stalin's program of putting heavy priority on heavy industries, which create fewer jobs than consumer and farm-support industries do.

"My guess is that they're going to slush along like this, right at the margin, never starving anyone but with enervating undernutrition, until they run out of new land to irrigate, somewhere near the end of this century. After that, its anybody's guess what's next," the development expert said.

High Yields Were Turning Point for Starving Millions in Asia

(By Gilbert A. Lewthwaite)

WASHINGTON.—Daynatha Jha remembers the time, 20 years ago when he commanded little respect in his native India. He was an agricultural scientist in a land committed to developing heavy industry.

That all began to change in 1963, the day those sacks arrived at the Indian Agricultural Research Institute in New Delhi. They came from Mexico, and they contained the first seeds of a new high-yield wheat to be transferred to Asia.

Mr. Jha and his colleagues planted a sample and watched the plants grow.

"It was mind-boggling," he says now. "It was almost a traumatic shock to see the kind of yield levels that were obtained."

He was witnessing the beginning of the Green Revolution in Asia.

It would soon spread from India to other nations in Asia, and new strains of high-yield rice paralleled the increased production of wheat. The Green Revolution, started in Mexico, had a considerable impact in Central America, and Africa benefited little, but for Asia's hungry millions, it proved to be a real godsend.

Within five years of the arrival of those sacks in New Delhi, wheat production by India's 70 million farmers had doubled to 23.4 million tons.

Today, India, once the archetypal "beggar's bowl" nation, for years dependant on massive grain imports from the United States to feed its starving millions, is basically self-sufficient in food. One of the main reasons is the Green Revolution.

It is a revolution credited by some with having a more dramatic impact on the lives of more people than any other upheaval, past or present.

It is a revolution that, according to Robert Evenson, professor of economics at Yale and a student of the Green Revolution for 15 years, produces a staggering annual return on investment of 50 to 100 percent.

"That is far higher than virtually any other investment that one knows about," says Dr. Evenson, noting that public sector investment normally produces annual returns of around 10 percent, while private investments might produce pre-tax returns of about 20 percent yearly.

Today, more than one-third of rice paddies and half of all wheat fields in the 3.2 billion hectares of cropland in the Third World are planted with high-yield seed varieties. (A hectare is a metric unit equal to 2.47 acres.)

Production in these areas is frequently double or triple the traditional harvest. The Green Revolution, which includes use of irrigation and fertilization, has accounted for the major portion of the increase.

One agricultural survey of eight Asian countries shows that of the 117 million-ton increase in rice production—worth $19.3 billion—between 1965 and 1980, 89.8 million tons was a result of the Green Revolution.

Yet, "for all its achievements, the Green Revolution has not yet occurred in many parts of the world. . . . When the results are added up, they leave no room for complacency, particularly when they are set alongside the rise in population," says the World Bank's "World Development Report 1982."

It notes that while world agricultural output rose at just under 3 percent yearly in the 1960s and 1970s, it barely kept ahead of population growth. In Africa, per capita agricultural output actually declined by 1.4 percent yearly during the 1970s, partly because of lack of suitable Green Revolution technology.

Unlike much of Asia, great portions of Africa rely on natural rainfall that is notoriously variable. Although the region has vast irrigation potential, realizing it will be expensive. Irrigation cannot be expected to play much of a role in Africa in the next 20 years, reports by the Food and Agriculture Organization (FAO) of the United Nations and the World Bank conclude.

"It should not be seen as a disappointment that the Green Revolution didn't do more for Africa," said David Walsh, an official with the U.S. Agency for International Development in Washington.

"It was designed from the start to work in a few countries that could supply the water, the pesticides and fertilizers required by those high yielding varieties—and Africa doesn't have any of that capability."

D. F. Bommer, a top agricultural technology official with the FAO in Rome agrees, saying, "There are numerous revolutions required for Africa before it will have the ability to benefit from many new technologies—stability for example."

In Asia, the so-called revolution provided for the first time a major way of boosting food production without an increase in cultivated land. That remains one of its major attractions in the many overcrowded areas of the world.

"By the end of this century, there will be almost no areas in the world where you can get any increase in output without intensification of production," says Vernon Ruttan, of the University of Minnesota.

The basic secret of success for the high-yield plants is their size.

They are shorter and sturdier than traditional plants. The advantages: when fertilized, they do not grow so tall that they break or fall over, cutting out light from each other and trapping in disease and insect-attracting humidity; the short stems also produce fewer leaves, leaving more energy for the growth of the food product.

Dwarf varieties of grains, initially bred in Japan last century, were used in the 1950s and 1960s to develop the modern semi-dwarf strains of wheat and rice. Most of the breeding work was done at the International Maize and Wheat Improvement center run by Nobel Peace Prize winner Norman Borlaug in Mexico, and at the International Rice Research Institute in the Philippines, both backed by the Ford and Rockefeller foundations. Today an increasing amount of research is done in national research centers.

To be successful the new plants must usually be adapted to local ecological and climatic conditions. They must also satisfy established consumer tastes.

The first high-yield Mexican wheat to arrive in India, for example, was ecologically suitable but had red seeds. Indian farmers were used to amber seeds. The grain size was also smaller than that of traditional Indian crops. This led to initial consumer resistance. But within two years, Indian agriculturists had adapted the Mexican plants to local preferences.

Not all developing nations have the technical capacity for pursuing such plant development. If the Green Revolution is to keep spreading, more local facilities will have to be created.

Explains Robert W. Herdt, scientific adviser to the Consultative Group on International Agricultural Research:

"Agricultural production is not like automobile production. It is not like printing a newspaper. Agricultural production takes place in a tremendous variety of different types of soil, water, temperature, pests and environmental conditions.

"The simple answer as to why the other 70 percent [of cropland in the Third World] is not planted to these [high-yield] varieties is that for that 70 percent there have not been better varieties [of plants] developed than they are using."

To overcome this limitation, new strains of high-yield plants are now being developed: rice that can grow in drought-prone areas or floodwater; wheat tolerant of salt and aluminate toxicity; fast-growing rice to make up to four crops a year possible; corn for the tropics, which would enable parts of Africa to benefit; new strains of vegetables to reverse the comparative neglect of these sources of protein.

It takes about 10 years to process from crossing plants to producing enough seed for large-scale cultivation, but it is clear that the painstaking adaptation of high-yield strains to peculiar local conditions, as well as other successes of bio-technology, is the future challenge of the Green Revolution.

In Mexico, where the new wheat strains were first bred, agricultural production increased between 4 percent and 7 percent annually during the 1950s and 1960s. This was when the new seeds were being planted in irrigated areas.

In the 1970s, however, growth slowed to 2 percent or 3 percent yearly as irrigation became more expensive and the bulk of Mexican farming continued on rain-dependent lands. New plant varieties were developed for these conditions, and in 1980 Mexico's agricultural growth rate had climbed to 5.5 percent. In 1981 it was 8 percent, most of it from new-technology, rain-dependent cultivation.

Walter P. Falcon, director of the Food Research Institute at Stanford University, who has studied the Green Revolution since its introduction, says, "I don't think we will see quite the rapid, widespread, spectacular successes that we saw in the cases of rice and wheat. Maybe they were too easy. Maybe the world thought we could do that on all crops, for all ecological regions.

"Clearly, the marginal rainfall zones are going to be tougher, and clearly, most other crops are going to be tougher."

Most scientists agree that the Green Revolution's impact on food production will be less dramatic in the future than in the past.

Pierre Antoine, a program officer in the International Agricultural Development Service, says, "I think right now the emphasis is shifting to farming systems and overall programs. I think that breeding, as such, has had its time. It's time to concentrate on other things."

Mr. Jha, who left India to become a research fellow at the International Food Policy Research Institute here, says: "The wheat story is almost over. Now what's happening in wheat is its movement away from traditional wheat-growing areas. We don't expect to obtain significant growth in wheat now."

Critics of the Green Revolution charge that it has helped large farmers more than small, widening the gap between the rich and the poor and increasing social tensions.

The basis of the charge is that to be used most successfully, the high-yield grains need to be fertilized and irrigated. These are two costly operations, which frequently involve obtaining credit, which is easier for large operators than for small farmers.

In a 1979 report on the social consequences of the Green Revolution, U.N. Secretary-General Kurt Waldheim said:

"It appears that some farmers, usually large-scale ones, have rapidly profited from the Green Revolution, while others, particularly small farmers and tenants, having fewer resource endowments, have lagged behind.

"The result has been that the Green Revolution has not made any considerable impact on alleviating the disadvantaged position of small cultivators who form the bulk of the farming population in developing countries."

Most proponents of the Green Revolution admit that the large operators were able to take first advantage of the new techniques. But, they argue, once the small farmers saw what was happening, they quickly—and successfully—jumped on the hay wagon.

Dana G. Dalrymple, international agricultural research economist with the Agency for International Development, says of the critics: "They were extremely vocal at the time, but nowadays you don't hear much from them . . . Of course, there were some things that obviously could be criticized. They just took the first returns without waiting for the full set of returns, which, I think, would have given them a more balanced picture of what was going on. There was a certain amount of shooting from the hip, although well-intentioned."

James E. Johnston, deputy director for agricultural sciences at the Rockefeller Foundation, which has contributed $200 million to international agricultural research, says: "The evidence is conclusive that the large farmers adapted more quickly. The small farmers were slower in adapting, but did adapt. Now the small farmers are getting higher yields [than the large]. It's just a matter of management."

Charles Sykes, assistant executive director for legislative affairs of CARE, who served in Pakistan and India in the mid-1960s and early 1970s, says: "In the short run, there were certainly negative sides, but in the longer run, the production of larger amounts of food tended to stabilize prices, so it had overall medium-term and long-term benefits."

There is general agreement that the program favored areas with controlled water supplies, giving rise to regional disparties. The current research on new high-yielding varieties for drought- and flood-prone areas, focuses on this problem.

One nightmare scenario suggests that by limiting the types of grain grown regionally, producers, risk leaving their crops open to a single devastating epidemic.

"It is something that breeders are very alert to, and something that breeders and geneticists are keeping an eye on. As far as I know, there have been no real disasters," says Christopher Chapman, genetics resource officer for the International Board for Plant Genetic Resources.

The board is working with governments to establish crop collections so that old strains do not disappear but are kept for future possible use in breeding. To date plant gene banks have been established in 38 countries to hold base collections of 34 crops or groups of crops. One of them is the small grains collection held in Beltsville, Md.

For all its shortcomings, and the slower pace at which it is now likely to proceed, the Green Revolution has been successful enough to save hundreds of millions in the world from hunger and to give scientists time to look for new ways to keep food production ahead of demand.

Says Harry Walters, a World Bank economist:

"It's very hard realistically to come out and say it should not have happened, that it has not done a tremendous amount of good for the world, that it was not a big eye-opener. It was all of those.

"Given the circumstances and the timing, it was probably the only thing people could have done to get enough food."

THE END OF THE LINE FOR SOUP KITCHENS ISN'T YET IN SIGHT

(By Stephen E. Nordlinger)

WASHINGTON.—Poverty in America and one of its symptoms, the long lines at soup kitchens, are unlikely to recede significantly for years to come.

The economy is on an upswing now, but there is a host of economic, cultural and political reasons that militate against improving the lot of the 42 million Americans who live below or near the poverty line.

A family of four was classified as poor last year if it had cash income of less than $9,862. The poverty rate, which has increased for the last four years, was 15 percent of the population, the highest level since 1965. The climb resulted primarily from an economic slide since 1979.

"People may not want to recognize it, but we have a growing underclass whose resources are really being stretched out," Cincinnati Mayor Thomas B. Brush recently told a congressional panel investigating hunger in the United States. "Many of them are over 40, they are not highly skilled and they will need help on and off for a long time."

The unemployment rate, swollen by those unable to adjust to the swift economic transformation to high technology, is going to stay high by historical standards well into the 1980s, according to most economists. It is expected to remain above 6 percent as late as 1988, twice the level considered unacceptable a decade ago.

That means millions of people out of work for long stretches and the frequent exhaustion of unemployment benefits, two of the chief causes for the growing soup-kitchen lines of the last two years.

The grim prospects for relieving poverty also reflect the large numbers of people who are members of households headed by women. These women and their children are the ones often seen seeking free meals at soup kitchens or bags of groceries at outlets for free food.

About a seventh of American families are headed by women. Approximately half of the families below the poverty line are in this group, the size of which has doubled since 1959. The economic recovery will have to be sustained for years before there will be a significant reduction in poverty among these households.

"Today women who maintain their own families are an ever-increasing proportion of the poverty ranks," said a recent report by the U.S. Civil Rights Commission. "In general, women have been restricted to low-paying jobs in occupations with limited potential for advancement."

There are other roots of poverty and the closely related problem of undernutrition. Ben E. Laden, chief economist for T. Rowe Price Associates, pointed to the "failure of the education system" to improve the lot of the low-income groups, particularly the failure of vocational schools to prepare youths for highly skilled jobs.

Other experts referred to the scarcity of food stores in many decaying city neighborhoods and sparsely populated rural areas, and poor public transit systems that limit poor people's access to stores and government offices that process applications for social aid.

A study by the U.S. Agriculture Department this year found that households in less densely populated areas near cities were 10 percent less likely than other households to take part in the food stamp program.

The study also indicated that the inadequacy of day-care centers also impedes raising people out of poverty and raising their nutrition levels. Heads of households who are working are 22 percent to 30 percent less likely that others to take part in the food stamp program.

Part of this gap could also be traced to recent budget cuts in the food stamp program that hurt the working poor. A. Lawrence Chickering, executive director of the Institute for Contemporary Studies, said that to protect the lowest income groups, the budget cuts fell heavily on the working poor.

Despite federal civil rights laws, a racial imbalance in hiring remains a major obstacle to reducing poverty. The unemployment rate among blacks is about 18 percent, more than twice the 8 percent rate for whites.

As a measure of the scale of the future problem, Rudolph G. Penner, director of the nonpartisan Congressional Budget Office, said it would take a shift of $43 billion a year of cash income from the affluent to the poor to erase poverty in this country. That is the total amount by which poor people fell below the poverty line last year.

Federal programs, from welfare to food aid and medical assistance, fill that gap to some extent. About 40 percent of the poor people eligible for these programs do not apply, however.

"In the case of malnutrition," said Dr. George Graham, professor of human nutrition and pediatrics at the Johns Hopkins University, "its causes in this country are very complex, but they're not that mysterious—social disruption of families, drugs, alcohol, jail, very young teenage mothers—when you talk about children."

"When you talk about the elderly, there is illness, isolation, fear to go out and buy and the boredom of preparing their own food," he said.

John Weicher, a fellow at the American Enterprise Institute, noted that even in the economically strong year of 1978 the poverty rate was 11.4 percent. It has been rising steadily since then, and Mr. Weicher said he doubted it would soon return to the 1978 level.

According to Peter Gottschalk, an economist at the Institute for Research on Poverty, the poverty rate for all Americans will decline to 14.6 percent this year from 15 percent in 1982 and stay there through 1984.

Since poverty is directly related to inadequate nutrition, Jack Ramsey, executive director of the Phoenix-based Second Harvest, which distributes food to food banks nationwide, said he expected demand at soup kitchens and outlets for free groceries to rise "well through" the 1980s.

There are ideological as well as political reasons that limit spending on social programs that could relieve poverty. President Reagan is leading the way toward redirecting budget priorities away from social programs that benefit the poor and toward military spending.

With some restraint, Congress is accepting this change. According to the Congressional Budget Office, 40 percent of the cutbacks in benefit programs over the last two years affected households with annual incomes below $10,000. The cutbacks totaled 28 percent in child nutrition programs and 13 percent in welfare and food stamps and 60 percent in employment and training programs.

In assessing the prospects for reducing hunger, a number of authorities are focusing on the nutrition issue itself. Is the diet of the poor improving or getting worse?

Well documented, objective evidence of the status of poor people's diets is not available. President Reagan's task force on hunger, which he announced last August, is attempting to respond to this question.

There are a few clues. The Agriculture Department's most recent national food consumption survey, conducted in 1977 and 1978, showed that of 4,365 low-income households, less than half, 42 percent, were eating the recommended amounts of 11 important vitamins and minerals.

That survey came during relatively strong economic growth with unemployment rapidly declining after the recession of 1973-1975. Now, an Agriculture Department official said, "the [recent] recession and budget cuts must have had an impact" on worsening the diets of the poor.

Another government analysis of low-income diets shows a varying pattern across the country:

The poor are eating the least nutritious diets in the rural West, where the participation in food stamps is also lowest.

Low-income households in the urban North Central states on average had diets with higher nutrient levels than those in any other region, but in the rural parts of that region the diets were among the least adequate.

The average spend on food among low-income groups differed widely across the country. It ranged from 34.8 percent of income among the rural Westerners to 40.5 percent among the poor in the urban Northeast, where food tends to be more expensive.

There appears to be a basic variation among economic groups themselves.

"We've got a very large class division in the quality of nutrition in this country," said Michael Pertschuk, a member of the Federal Trade Commission. "The upper classes have vastly improved their diets, but it is a problem in the middle class and it is impossible for the lower classes to use the little money they have for a decent diet."

Recognizing this problem and the obstacles faced by the poor in obtaining information on nutrition, the Agriculture Department is trying to encourage improved diets.

As one means of doing so, it has proposed a revision in its thrifty food plan, which is used as a basis for food stamps, to include larger amounts of vegetables, fruit, meat, cereal, grain products, beans, peas and legumes. To keep within the federal budget limits, the plan includes smaller quantities of fats, sugar, eggs, milk, bakery products

and potatoes. It is the first revision of the plan since 1976.

"Higher income groups, because they are better educated, have been the leaders in cultural changes concerning purchases including improved diets," said Michael Jacobson, executive director of the Center for Science in the Public Interest, "but my gut feeling is that this will over time percolate down to the lower-income groups. Eating a nutritious diet is going to be considered OK. Burger King now has a vegetarian salad bar."

The path to improved nutrition may not be all smooth, however. The 1984 Olympic Games have named, M&M's the "official snack food" of the 1984 games and Coca-Cola the "official soft drink."

CREDITS

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TO GET HELP

If you need food assistance, you can get information about the emergency food program nearest your home by calling the Information and Referral Service of the Health and Welfare Council. The number is 685-0525 for Baltimore area residents, and the toll-free number for residents of other parts of Maryland is 1-800-492-0618.

TO GIVE HELP

If you would like to help an emergency food porgram, you can get information by calling or writing the Maryland Food Committee, 105 West Monument Street, Baltimore, Md., 21201. The phone number is 837-5667 in Baltimore.

CITY'S HUNGRY DEPEND ON "PEOPLE WHO CARE"

(by Jane A. Smith)

Anyone walking by 17 West Franklin street around noontime will see a long line of down-and-out people, mostly men, waiting to be fed a free meal.

Similar lines form in other parts of the city, depending on the schedule of the 21 soup kitchens. Some of them are open only one or two days a week, not because the demand is lacking, but because the resources aren't there.

The people who run the kitchens and emergency food pantries say they make no pretense of meeting the needs of the hungry, but whatever can be done is worth the effort.

"They are necessary Band-Aids on ever-growing wounds," said Jan Houbolt, executive director of the Maryland Food Committee, a statewide anti-hunger group funded primarily by the religious community.

"However, if you literally don't have any money to your name and no food in the kitchen it is very effective in the short run."

At Our Daily Bread, on Franklin street, an average of 450 people are served hot meals every day. At the end of the month, when welfare checks and food stamps have run out, the number of people climbs close to 600.

Sister Josanna Abromaitis, who runs Our Daily Bread, doesn't see much hope for feeding many more people. "We're tapping as many people as we can," she said recently, referring to the members of the 47 groups and churches who prepare and serve a meal once a month. Many of the volunteers pay for the food out of their own pockets.

"We've seen a tremendous public response . . . but there is still a need for more places like this," she said.

Every soup kitchen and emergency food center "is being wiped out. They don't have the resources to meet the demand. This past year has gotten so bad. I don't think people are starving to death necessarily, but some are in very sad straits," Sister Josanna said.

She attributed some of the increase in clients to "a lot more deinstitutionalized people."

"It's not uncommon to see two to three new faces a day. They are very disturbed people. And there seems to be a lot more transients."

Beatrice Gaddy, who started the Patterson Park Emergency Food Center in her North Collington avenue house two years ago and began serving hot meals Monday through Friday last month, also gets by day to day on the generosity of people who can afford to give away food or money—a grocer who donated canned goods, a man who offered six free turkeys or an anonymous donor who gave $2,000 to help launch the project.

Her food center has served up chicken wings, canned soup or potatoes to people "from Chase, Maryland, Bel Air, all over. . . .You'd be shocked to see the food in here that lasts only two hours," she said.

She opened the food center, she said, because the government was making it harder and harder for people to qualify for food stamps.

The United States is the world's richest country and "people are walking the streets eating out of garbage cans," she said.

Mrs. Gaddy has no idea how long the goodwill of vounteer contributors can last. "Every day we wait to see what we get . . . I have such a positive attitude. It all boils down to people who really care."

About 40 percent of the food she doles out comes from the Maryland Food Bank, which last year gathered 5.5 million pounds of damaged or dated food which was edible but would have been thrown away. That food was distributed to about 425 places statewide—churches, soup kitchens, halfway houses, housing projects, shelters for battered women, emergency food pantries—for a service charge of 9 cents a pound.

Not all the food that could be saved is being saved, said Ann Miller, who runs the food bank. "Americans throw out over 60 million tons of edible food a year, 20 percent of the food supply, and we're rescuing a very small piece of that."

The food bank gets edible but unsalable food from the supermarkets every week, and workers visit the farmers' market on Pratt street every Sunday to retrieve what the farmers don't want to take home.

Because the food bank is part of Second Harvest, a national group devoted to reducing food waste, it sometimes gets shipments from other states. For example, the Maryland Food Bank shared in a huge load of potatoes from Providence, R.I., that had been rejected from a potato chip factory because they were the wrong size.

Ms. Miller said the volunteer community doesn't now and never will be able to take care of all the people who need food.

"As the economy improves, I am sure there will be people who have jobs, but there are a lot of people who cannot be reemployed if they are not retrained. Who knows how long it will take and who will do it? Where will the money come from?"

"And there are plenty of women and children who need help who will keep on needing help. That's true for a large number of old people as well. I'm afraid there never will be a time when people don't need food from somewhere."

The food bank is trying to encourage churches and other groups in Baltimore to contribute. In one neighborhood last month, six churches joined to begin a Monday through Friday evening soup kitchen at Steuart Hill Elementary School, Gilmore and Lombard streets.

The night it opened, 75 persons showed up to eat fish sticks and a grilled-cheese or peanut butter sandwich.

Sister Josanna is convinced that without soup kitchens, some people would be very hungry. Elderly people, she said, show up most often at the end of the month when their Social Security money has run out and some apologize for coming.

Mr. Houbolt blames the need for soup kitchens on the federal government. "The food policies are absurd," he says. "The government spends $16 billion on food programs and $22 billion paying farmers not to produce food. What is the logic?

"A lot of countries cope with unemployment without having to resort to dismal soup kitchens. Japan and West Germany, two of the most successful economies in the capitalist world, appropriate a significant percentage of resources to guaranteeing people a good standard of living. It doesn't destroy the economy. In fact, it complements an overall healthy society."

People running the food programs do not expect radical solutions, but some of them say they believe a Democratic president would ease the load.

EASING HUNGER: THE WORLD MUST MAKE ITS CHOICES

(By Tom Horton)

There are choices to be made.

If present trends in world hunger continue for 20 years, some problems will be solved and the number of severely undernourished people will grow from 450 million to 685 million.

In the same period, according to an "optimistic but feasible" scenario, the 450 million figure can be cut in half, Third World food production can be doubled, and the bill will be about $2 trillion.

That is the view of the United Nations Food and Agriculture Organization in a study that examines the prospects for combating world hunger through 2000.

The solutions, at least until then, FAO says, involve "nothing new . . . more of what we already know." The magnitude and difficulty of the problem are such, however, that making significant headway will require "almost a revolution."

The 117 developing countries, if they redirected their investments to make agriculture their top priority, could by themselves generate more than 80 percent of the massive investment FAO says is needed—it works out to more than $100 billion a year.

The world's affluent countries would need to kick in an average of $18 billion a year, which would require such aid to increase more than twice as fast as called for by current U.N. goals and would be more than triple the $5 billion a year the rich countries now spend on Third World agricultural development.

About a third of the increased food production envisioned in the FAO scenario would result from farming more land, expanding irrigation and planting more than one crop a year. Much of the remaining two-thirds would come from higher yields, gained largely through tripling pesticide use and quintupling commercial fertilizer applications.

This vastly expanded use of petroleum-based chemicals, along with more use of machinery, would make Third World agriculture five times as dependent on energy in 2000, FAO estimates. That is a daunting prospect in many of the poorest countries in view of the already crushing burden of oil imports.

"The oil burden is simply the toughest nut many of these countries have to crack," said a Western development expert in east Africa, because "unlike developed countries, their need is not to cut back on energy use—they need to use many times more if their economies are to get going."

Tanzania illustrates the dilemma. In order to pay for a tanker of Arab oil to keep its near-bankrupt economy lurching along, the government recently let slide repayment of $2.5 million in interest on a U.S. development-aid loan. In doing so, it violated a congressional edict, and the United States has had to cut off all new development aid to Tanzania.

Solutions to these difficulties—the needs for more investment and more help for food production—are relatively straightforward, "a matter of political will," FAO says.

"If you are talking just about the technical problems, you can turn agricultural production around radically in most places in a relatively short time, says five years," said an expert with the U.S. Agency for International Development.

The problem of hunger, however, is imbedded in a far broader context, the experts agree, perhaps no continent illustrates this better than Africa, which alone among the world's economic regions has actually slipped in its ability to feed itself during a decade of unparalleled attention to solving the hunger problem.

"The truth is that governments in Africa have been ripping off agriculture," said Christopher Delgado, of the Institute for Food Policy Research in Washington, a think tank that deals with long-range hunger issues.

"You have a number of recently independent nations, with most of their people still in rural, subsistence agriculture, who have put the bulk of their investments into trying to promote rapid growth of a modern, non-agriculture sector . . . subsidizing urban populations, increasing their imports while their own production is declining.

"I don't see that most African governments yet realize the route to sustained economic development is through a productive agriculture," Mr. Delgado said. "In the struggle going on for limited resources, agriculture is losing, and it needs top priority."

Graham Donaldson, a World Bank economist, said, "We see two sets of determinants why Africa has been going backward.

"They have screwed up the frame within which the rural economy works, setting unreal ceiling prices on food in an attempt to keep it cheap, destroying any price incentive for farmers.

"And they have neglected the markets, the distribution networks, the farm credit systems, standard weights and measures, the trained manpower . . . all the things you must have to employ better food production technology."

Beyond these constraints to seriously reducing hunger, the experts say, are social problems. For example, FAO calls the huge percentage of poor people who do not own land "the most important priority for social change in most developing countries" if hunger is to be attacked.

A recent six-nation study by the U.N. International Labor Organization estimated that equal distribution of land among all rural families would raise food output from 10 percent to 80 percent, depending on the country.

FAO estimates that redistributing 5 percent of the farmland in India could reduce rural poverty by 30 percent. An important corollary to land reform, this study noted, was providing equal access to water. "Most irrigation projects have tended to favor big farmers," FAO said.

Such redistribution of the basic resources of food production has made scant progress in many of the areas that need it most, notably Latin America and parts of Asia, yet FAO says there are enough success stories like China, South Korea, Hungary and Japan to show how it can be done.

A second major priority, especially in populous, land-scarce Asia, is creating jobs outside agriculture, according to the FAO study, which notes: "Food production is as much a function of purchasers' ability to pay farmers as it is technology."

Up to 2000, the FAO scenario envisions no need for "startlingly new technological breakthroughs" to feed the world's hungry. Beyond that, however, population growth begins to push more ominously against some hard limits like land and water.

Theoretically, the world could produce enough food for any conceivable level of population.

The United Nations, in a study prepared for a conference last month in Rome, estimates that if all the potentially cultivatable land in the world's 117 developing countries was farmed at a level of production equal to the best U.S. agriculture, even the poor world could feed 25 percent more people than it would have to even at the highest population projections extending through the end of the Twenty-first Century.

Aside from the unlikely prospects for ultra-modernizing all agriculture, however, such aggregate numbers are so misleading as to be almost meaningless, the study acknowledges.

For example, even if such maximum levels of agricultural production were attained in the poor world, it would still not be evenly distributed among the 117 nations. There would still be 19 countries that could not feed even their turn-of-the-century populations, let alone the numbers who would be living there in a century. An additional 18 countries could just feed their populations in 2000 at maximum production.

Therefore, although the total food production in the developing world would make it seem self-sufficient, actually linking the people with the food "would presuppose massive movements of food and probably also population on a scale that seems barely feasible," the U.N. study concludes.

World population is now about 4.7 billion, three-quarters of it in the developing nations. By 2050, it will be 90 percent of the way toward what 90 percent of the way toward what the United Nations projects will be a peak of more than 10 billion, and 85 percent of all these people will be in the 117 developing nations.

These staggering additions to population (speculative, since they are only projections of current trends) will mean "there can be no respite for another 75-100 years from the need to continue increasing world [food] output year by year," FAO says.

The problem is more severe than that, the agency adds, since to be effective in combating hunger, the need of that increased output will have to occur in the resource-poor developing countries, where most of the population will be.

This sort of future, combined with a growing pessimism about repeating big, relatively quick leaps in food supplies like the Green Revolution of the 1960s, leads an increasing number of international development authorities to reexamine population—the "demand side" of the hunger equation.

Lester Brown, of the Worldwatch Institute, a Washington think tank on the global environment, is a leading exponent of the need to control demand for food as well as promoting supply.

He argues that it is imperative for the world to hold its population at about 6.5 billion rather than simply accept its eventual peaking at about 10 billion, "if widespread misery is to be avoided."

It would not be an easy undertaking, he concedes, but he cites examples of huge and populous countries like China, which have shown it is possible to reverse high population growth rates radically in a decade or less.

"Only in the last few weeks have I begun to see the same kind of thinking being stated by major aid donors like the World Bank," he said. "In most of the poorest countries there's been little progress."

Mr. Brown is also skeptical of those who put all their faith in technological leaps to increase yields, or who look at the huge acreages of unused land in places like Africa and Latin America and assume they can be used to erase any conceivable food deficits.

Also, the extent and implications of environmental problems such as soil erosion are only beginning to be widely appreciated, Mr. Brown and most agricultural experts feel.

Even in the world breadbasket of North America, there are serious concerns that producing grain at the present level of intensity is causing loss of irreplaceable topsoil at a rate that will seriously reduce fertility and yields in the next few decades.

Long-term studies in the United States cited by Mr. Brown show that eroded soils have yields 30 percent less than and four times as variable (depending on moisture) as less marginal soils.

In most of the world, the land that is now not farmed is generally the more marginal land. Bringing it into production will help, but not as much as some people think, writes Terry Barr, of the USDA's World Outlook Agricultural Board.

"It seems clear that with use of more marginal land, higher-yielding plant varieties [heavily dependent on] limited water resources, the world is forming an increasingly susceptible production base, one that will afford excellent production with good weather, but sharply lower with bad weather," he said.

"This increased volatility will generate increased problems. . . ."

In some of the developing countries, soil erosion has already worsened to an alarming extent, and it is being exacerbated by continuing deforestation as poor people cut trees for fuel far faster than they are being replanted.

FAO estimates that current rates of deforestation—which show almost no signs of being reversed on a significant scale—will leave three billion people without "enough fuel to cook their food properly" by the end of this century.

Even as the FAO's scenario for halving world hunger sounds an urgent plea for nearly tripling foreign development aid to the poor countries, aid donors are reassessing their policies of the last decade in light of widespread failures to make a dent in hunger in places like Africa.

"Basically, many of the donors here are standing back and saying, 'we goofed,'" said a Western government official in Tanzania, which has shown declining per capita food production and income despite receiving more per capita development aid than any other African nation.

There is increasing pressure on the Tanzanians and other lagging governments in Africa from foreign aid donors like the World Bank and AID to concentrate on development policies that favor agriculture.

"The Tanzanians are aware of what they need to do, and they are talking about it, but it's too soon to tell if they are going to be able, politically, to reform their agriculture," said one knowledgeable official here.

Food aid to the developing world also seems likely to remain vital to solving hunger for the foreseeable future. It is currently in what one FAO study calls a state of "quasi-stagnation," however.

The United States, in just the last few months, has begun to use its enormous surplus of dairy products, in addition to the traditional grain surpluses, as food aid, but so far it is scarcely more than a dent in the 2.6 billion pounds of milk, cheese and butter in government surplus stores.

This year, about 200,000 pounds of dairy products have been distributed as food aid. The government would like to triple that in 1984, according to Jose Rodriquez, of AID's Food for Peace program.

As with most food aid, Mr. Rodriquez said, it is not as simple as just shipping it.

Except for aid during crises, recipient nations have to pay for and provide distribution of the food from their ports, and in many cases their capacity to handle larger amounts of such aid cannot be rapidly increased.

There has been considerable progress in giving advance warning to the food-rich nations on where their aid will be needed next to help ward off famine, FAO says.

From Rome, the U.N. agency runs a global early warning system that monitors everything from drought to locust hordes to natural disasters. For example, by August of this year, FAO's monitoring had assured it that by sometime this winter, the Sahelian states of northern Africa will have a crop failure to rival that of the famine in 1974 that killed hundreds of thousands—perhaps millions—of people and was an impetus to start the early warning system.

"It doesn't mean people won't die, but we will have a six-month headstart over 1974 in handling it," said an FAO planner in Rome.

A factor often ignored in dealing with world hunger is that it is not only population growth that drives demand for more food. The urge for more varied and higher quality diets as people gain even a little more wealth can be a powerful factor, FAO experts say.

"For example, a big unanswered question for Africa is that countries, by subsidizing food imports for their growing urban populations have created a rapidly rising demand for wheat," says D. F. Bommer, an agricultural technology official with FAO.

"This is a problem in attaining food self-sufficiency, as wheat can't be grown in most of Africa. Also, maize is replacing millet in some local diets there, and millet is more drought-resistant."

Many of the critical decisions in a stepped-up assault on reducing world hunger by 2000 "must be taken within the next few years," given the lag time in implementing new agricultural and economic developments, the FAO said in its study Agriculture: Toward 2000.

That study was published nearly three years ago, and none of the dozens of people interviewed for this article felt that progress since then has been nearly fast enough to meet the goal of halving the number of hungry by century's end.

African Village's Daily Life Haunted by Specter of Famine

(By Tom Horton)

Sasagila, Tanzania.—When health workers from the nearby Anglican missionary hospital asked the 315 families in this remote village what was foremost on their minds, 63 percent said famine.

The survey came only a month after the annual June harvest, but slightly more than half the families had less than three bushels of millet apiece to last them for the next 11 months. Now many of the men have scattered to other regions desperate for work to buy additional food.

Nearly a fifth of the children here under 5 years old—the age at which proper nutrition is most critical to prevent permanent health damange—are "severely malnourished" (a child of 2, weighing about 20 pounds, was typical of these); and more than half of those under 5 are not gettting enough to sustain proper growth.

Of the young children in Sasagila and in eight nearby villages in the survey, about one in 30 are dying of disease (compared to one in 1,000 in industrialized countries). Often the disease is termed "directly attributable to malnutrition"—that is, the children starved to death.

For all this, perhaps the most unsettling thing about Sasagila is that its situation is not extreme. Rather, it is all too typical of the complex, contradictory, frustrating and seemingly intractable situation in which the great majority of Africa's 72 million malnourished people find themselves.

Tanzania, climatically, is nothing like northern Africa's Sahelian desert zones, or like eroded, deforested Ethiopia—places where harsh enivironmental conditions dictate chronic hunger and, sometimes, the famine with its heart-rending starvation that is the stuff of relief agencies' fund-raising pictures.

Indeed, for most of its history Tanzania was a food exporter. It has the widely acknowledged potential to be one of this hungry continent's breadbaskets. And to devleop that capacity it has for more than a decade received the highest per capita foreign aid of any nation in Africa.

All of this has made so little progress toward filling bellies in places like Sasagila, however, that major aid donors are asking painful questions of themselves and governments all across Africa as to what went wrong.

Even though Sasagila and surrounding villages are in Tanzania's most drought-prone area, the farmers all say that most years the rains would support larger crops.

It would take minimal modern technology, like animal-drawn plows, fertilizer and pesticides, but Tanzania and other African nations have directed much of their development aid into creating industries and subsidizing relatively small but politically more powerful urban populations while neglecting to build a solid agricultural base.

Equally disastrous here, international development experts say, have been artificially low grain prices set by the government-controlled National Milling Company.

Farmers, even in the best grain-growing areas, have little incentive to produce at more than subsistence levels, and if they do, they sell much of the crop illegally on the blackmarket to surrounding countries.

Overriding even that is the fact that Tanzania, which must pay staggering portions of its income for imported oil, is virtually bankrupt.

Last month crops lay in the fields in some regions because the National Milling Company did not have gunny sacks to bag it. Where there were enough gunny sacks, there were truck shortages. If trucks were available, there were shortages of tires and spare parts.

For two months recently, women in Sasagila spent all their time waiting to get water from the trickle that ran from the town well. Its pump motor was broken and could not be fixed because there were no parts in the country.

At that, the town was luckier than many of its neighbors, whose people walk most of the day to and from the nearest water holes.

"As you can see, it is a little difficult to talk about these people doing development projects when they have to spend all their time just getting water," said Joy Chitenge, a relief worker familiar with the villages here.

The hunger problem here is more complex than mere physical shortages. For example, Sasagila's 315 families own more than 4,600 cattle and goats, according to the church survey.

That is not an uncommon number, and even though the survey shows ownership is uneven—60 percent to 80 percent of families have no cattle; some own as many as 1,000—it is still a large potential source of protein in an area that badly needs it.

But rural Tanzanians, for variety of cultural reasons, seldom butcher cattle, despite recent attempts to persuade them to reduce herd sizes. (In one village near Sasagila, cattle herds have overgrazed, and now have to be pastured so far away the village can no longer use their manure for vital fertilizer.)

"Cattle are an existential object to those people, their reservoir of wealth, their guarantee of security in an area where you can never depend on crops from year to year," said Dr. M.K.S. Matomora, a Tanzanian community health doctor who works in the nine villages surveyed.

"It is not so easy or mechanical as going to someone's house and saying, 'Look, you have 30, 40 cattle and two malnourished kids; sell a couple.' And of course many people couldn't afford the meat if it were available."

The government has attempted to promote grape-raising as a way of giving the region's villages a source of income, but here,

too, prices have been low and essential elements—from fertilizer to the simplest technical advice—have been lacking.

"I think you have to have general economic development of Tanzania before you can improve the microclimate," Dr. Matomora says. "You can't just pick a village here and there out of an ocean of despairing villages and expect it to prosper."

Meanwhile, Sasagila presses on. Fields are already being cleared and hoed by hand from morning to late evening in preparation for planting after the rains begin in December or January

Everyone hopes this will be a good year. And if not?

"Well, as always, there are a lot of kids here in Sasagila that can't be said, really, to be starving to death, but they aren't getting enough to maintain health either," said Rajabu Alli, the rural medical aid person here.

"And if measles comes along, or another poor harvest . . . then some just die. They are always on that margin. There's never room for error."●

A TRIBUTE TO SENATOR CHURCH

Mr. SARBANES. Mr. President, on January 15, 1984, at All Souls Church in New York City, the Reverend Dr. F. Forrester Church preached a remarkable sermon whose text was inserted in the CONGRESSIONAL RECORD for January 23 by our distinguished colleague from New York (Senator MOYNIHAN.). One could not help but be struck by the eloquence of Reverend Church's words, which were in large measure a tribute to his father, our former colleague from Idaho, Senator Frank Church. Reverend Church's moving sermon was also an admirable reflection of Senator Church: of his devotion to his family; of his distinguished service to the Nation in this body over the course of 24 years; of his high principles, his profound sense of public responsibility; of his intelligence, his wisdom, and his courage.

One week later, on January 22, there appeared in the Washington Post a column by the widely-respected political columnist, David Broder, under the title, "Frank Church's Challenge." Mr. Broder, like Reverend Church, took note of Senator Church's serious illness. Like Reverend Church, but from the very different perspective of the seasoned political observer, Mr. Broder paid his own tribute to Senator Church. I ask that Mr. Broder's column, which reminds us movingly again of Senator Church's extraordinary wisdom and courage, of his unstinting service to our Nation, be reprinted in its entirety.

The material follows:

FRANK CHURCH'S CHALLENGE

"The stupidity of it!" former senator Frank Church of Idaho exclaimed.

We were sitting in his Washington law office a few weeks ago, and when we had finished with the topic I had come to discuss, the conversation swung to foreign policy. The former chairman of the Senate Foreign Relations Committee began speaking with such passion that I had trouble keeping up with my notes.

I pulled out those notes the other day when I read that Church was in a New York hospital after exploratory surgery for a serious, perhaps life-threatening, illness.

Over the years, I had watched Church in some dramatic moments: during the civil rights debates in the 1950s, when he played a key role; in a Democratic convention keynote speech; an Idaho reelection campaign; and in his try for the Democratic presidential nomination in 1976. But sitting in his law office, interviewing Church for the first time since he lost his Senate seat in 1980, what I remembered was a dinner he organized for a group of reporters in a Capitol Hill restaurant about 1964.

American forces were in Vietnam, but the issue was certainly not at the top of the nation's consciousness. In fact, the reason for the dinner seminar, as I recall, was that Church had been unable to interest Sen. J. W. Fulbright, then chairman of the Foreign Relations Committee, in holding public hearings on Vietnam.

Church's guest at the dinner was Hans J. Morgenthau of the Unviersity of Chicago, an authority on foreign policy. The two men tried their best to make a largely skeptical group of reporters reexamine the prevailing assumptions about Vietnam. The struggle taking place there, they asserted, was not aggression by proxy from China or Moscow but an indigenous revolution, led by a man—Ho Chi Minh—who appeared to be the only authentic Vietnamese leader on the scene.

The French had tried and failed to halt that revolution by military intervention. If Americans were so steadfastly ignorant of the anti-colonial forces at work in that part of the world that we went down the path the French had followed, Church and Morgenthau said, then we would pay a terrible price.

I went home thoroughly unconvinced that night, but had many occasions in the next dozen years to recollect the warning.

There was the same passion in Church's voice as we talked in his law office as there had been that night, almost 20 years ago. He knew he was ill and indicated in the conversation that it might be serious. But more than the gravity that fact imparted to his words, it was the recollection of the earlier occasion that gave them weight.

"Remember," Church said, "how many years we pursued stupid policies in Asia, based on ignorance and an irrelevant ideological view of the world. The stupidity of it! All those years of trying to 'contain' China, a pygmy nation beset by problems of its own. And then we finally woke up one day and recognized the reality, through the eyes of two very unlikely witnesses, Richard Nixon and Henry Kissinger.

"Yet we seem unable to learn from the failure of our Vietnam policy, or the equally evident failure of our hard-line policy toward Castro in Cuba. It is this idea that the communist threat is everywhere that had made our government its captive and its victim.

"Somehow, some day, this country has got to learn to live with revolution in the Third World. It's endemic. It's relatively easy to suppress revolution in Grenada, so we congratulate ourselves. It's more difficult to suppress it in Nicaragua or Central America, so we fret about that. But it will be impossible when it comes to Brazil or Argentina.

"This country has become so conservative—so fearful—that we have come to see revolution anywhere in the world as a threat to the United States. It's nonsense. And yet that policy we have followed has cost us so many lives, so much treasure, such setbacks to our vital interests, as a great power ought not to endure.

"Until we learn to live with revolution, we will continue to blunder, and it will work to the Soviets' advantage. It will put them on the winning side, while we put ourselves on the side of rotten, corrupt regimes that end up losing.

"And each time one of those regimes is overthrown, it feeds the paranoia in this country about the spread of communism. It furthers the premise of the national security state, which means more militarism, more censorship, more spending, more deficits—and more casualties.

"The thing that is so discouraging is that no one seems to challenge the premise of our policy. What does it matter to us, really, the nature of the government in Lebanon? And yet we've reached the point in Lebanon where our troops are hostage and we can't even define their mission."

There was more—but I think those lines suggest the challenge Frank Church was raising. Considering the source—and the circumstances of his life—it is a challenge worth pondering.●

THE WORLD'S MONETARY AND TRADE (NON)SYSTEMS

● Mr. HATCH. Mr. President, in my view, Mr. Willard C. Butcher, chairman, the Chase Manhattan Bank, made some most useful comments in the continuing national debate over trade and international monetary affairs in a speech delivered during the American Enterprise Institute's public policy week on December 8, 1983. I ask that those remarks be printed in the RECORD so that my colleagues may have the opportunity to analyze the significant points he makes.

The remarks follow:

THE WORLD'S MONETARY AND TRADE (NON)SYSTEMS

(Willard C. Butcher)

Thank you, President Ford. We all knew that you were a "Distinguished Fellow" long before the American Enterprise Institute made it official. I know that I speak for Americans throughout the nation when I express sincere gratitude that you have remained active in public affairs, serving the Republic in such forums as this, cultivating public awareness of the key issues facing us as a nation.

In a similar vein, I hope that I might add something useful to the national debate over trade and international monetary affairs. I am frankly convinced that our present policies in both areas have gotten us into serious trouble. And if the underlying issues are not addressed, the situation will continue to deteriorate.

I trust the AEI won't expunge my name from its mailing list, if anything I say here today fails to meet the test of orthodoxy. But I am persuaded that these basic, systemic problems are too urgent and too complex to be left for eventual working out through ideological purity. As one Michigan legislator (not Gerald Ford) once announced to his colleagues, "The time comes when you have to lay principle aside and do what's right."

I believe, for example, in the principle of free trade—provided, of course, that our trading partners believe in it, too—strongly enough to practice it.

I believe in the principle of free flowing international investment—provided it does not distort exchange rates, thus eroding U.S. exports and the fundamental strength of our economy.

Even long-standing principles need reappraisal—when they don't work. The principles, for example, that are supposed to govern the world's money flows need immediate attention, because they no longer do what they were intended to do—facilitate world trade. A continuing U.S. recovery depends on a broad global recovery built on a balanced expansion of world trade. And that is impossible with an international monetary system that isn't functioning properly.

On August 15, 1971, President Nixon in effect, ended the Bretton Woods exchange rate system by severing the U.S. dollar's ties to gold. It was expected that currency values would adjust to levels that reflect the underlying strength or weakness of each country's trade balance. But it isn't working that way.

If currency values were really responding to trade patterns, the dollar would be weak and the yen strong, because Japan enjoys a massive surplus in its bilateral trade account with the U.S. The Commerce Department estimates that our worldwide merchandise trade deficit—which set new record highs in the second and third quarters—will be up around $60 billion this year. Of that total, more than a third will be with Japan—alone.

In the face of continuing trade deficits with Japan, the dollar should have been falling in value against the yen. Instead, it's risen by 30 percent since 1979.

This overvaluation of the dollar has made vital segments of American industry uncompetitive, by making our goods too expensive to buy abroad and foreign-made goods so cheap they undersell comparable American-made products here at home. And anyone who thinks the U.S. trade deficit is offset by favorable balances in our service and investment accounts, should be aware that the U.S. has just recorded its largest quarterly overall current account deficit in history—nearly $10 billion! And there's no turnaround in sight.

The reason that currency values no longer reflect changing trade patterns is that the system has been overwhelmed by capital and short-term money flows that are unrelated to trade. Currency values are now a function of these flows. And they are massive.

Take the volume of foreign exchange transactions, including spots, swaps, forward and futures contracts turned over by large U.S. banks and brokers. The Federal Reserve Bank of New York reports that for the single month of April, this year, the dollar value came to about $560 billion. That works out to something like $27 billion each trading day or roughly $6.7 trillion a year. At the same time, U.S. merchandise trade volumes—imports and exports—were running about $37 billion a month or well under half a trillion a year. In other words foreign exchange contracts are overpowering trade transactions by more than 15-to-1. In New York there are $180 billion of international dollar transfers a day. Clearly not all of these involve a foreign exchange contract but they all could. They reflect a free choice not to convert into another currency. So whether the ratio is 15-to-1 or 25-to-1 the facts strongly indicate that money transactions are overwhelming trade transactions.

Under these circumstances, it's hardly surprising that the monetary system is unresponsive to changing trade patterns.

Whether that flood of foreign money is driven here by perceived political and economic uncertainties elsewhere in the world, or is enticed here by our generally higher interest rates, it ends up in dollar-denominated assets, driving up the dollar's exchange value, and making it harder for American producers to sell their goods and services.

U.S. manufacturers are told to fight back by cutting waste, slimming down, getting more efficient. That's always good advice. And they're doing it But the benefits are automatically wiped out by the dollar's upward float.

For an American manufacturer, trying to compete against the incoming tide of capital that's lifting the dollar is like jumping into the deck pool on the QE-2 and swimming east, while the ship is steaming west. No matter how good a shape he's in, or how hard he strokes toward Southampton, he is still going to end up in New York!

Clearly, it is time to consider how to reform the world monetary system so that it will go back to doing what it's supposed to do—facilitate trade.

What options have been proposed? The first is to do nothing—that is, just continue enjoying low-cost imports while our basic industries continue to erode. That may work for a small economy like Switzerland with only one major industry—but does America really need 234 million bankers?

Some say we should go back to the gold standard with fixed exchange rates. But the global economy has grown too large and dynamic. There simply isn't enough gold in the world to serve as the basis for today's world economy. The economy would simply sail away, dragging its gold anchor behind it. And, if we tried to counter this fact by periodically repricing gold by fiat, that would undermine the very discipline that the gold standard is supposed to impose.

Others proposed all-out protectionism—slamming the door on imports until we get our trade deficit back into balance and restricting the inflow of foreign capital to deflate the dollar's exchange value. But reciprocal actions by our trading partners would very likely abort recovery and nudge the world toward an isolationist dead-end.

But with nearly 20 percent of our goods and services sold abroad, over 12 million Americans working on some aspect of foreign business, 40 percent of our farm produce exported, and nearly one third of all U.S. corporate profits coming from international trade and investment, just picking up our marbles and going home is no remedy for what ails us.

Direct government intervention has been proposed to stabilize exchange rates, but last summer when several governments purchased $3 billion worth of other currencies to slow the dollar's rise, the effects washed out in a couple of weeks. Given the $27 billion of foreign exchange transactions every day, one has to raise the question: "How large a fund would be required to stabilize rates?"

Dual exchange rates have also been tried in Great Britain, Belgium, France, Italy and Latin America—with one set of managed exchange rates for current account transactions, while capital transactions float free and find their own rates. There are in reality two different dollars today—one for the value of goods and one as a financial haven. Either we will have to bring the two values closer together, or learn to live with formal dual rates, as such.

Those are the main options and, frankly, I have serious doubts that any of them will be able to restore fundamental equilibrium to our economy, so long as we continue to think of our trade deficit as the entire problem—and to imagine that some sort of manipulation of the international system is going to fix it.

I would argue that the nation's basic ills derive from two deficits—not one. The trade deficit and the budget deficit. And neither one is going to be corrected, if we depend totally on some marginal adjustments in monetary policies to do the job.

Indeed, I believe our economy is far too complex for any one "ism" to be successful—whether it be supply side economics or monetarism. We ask too much of monetary policy and the central bankers of the world. Their efforts for monetary discipline have to be supplemented by increased effort for fiscal discipline.

The first place to look—it bears repeating—is U.S. fiscal policy. We have got to get government spending under control again. Over the past three years, Washington has been spending about 12 percent more each year, while nominal GNP has been growing about 8 percent. We can't continue to spend the nation's wherewithal 50 percent faster than we produce it. And the way to reduce $200 billion deficits that are keeping up U.S. interest rates, inflating the exchange value of the dollar, and making U.S. goods uncompetitive, is not another taxing spree.

If we look back at the Kennedy administration, we see that the government took in 19 percent of GNP in taxes and spent about 19 percent. We are still taking in 19 percent in taxes—even after the so-called Reagan tax cuts. Unfortunately we are now spending 25 percent of GNP. And therein lies the problem. The culprit is spending not taxes. While it may be necessary to make some tax compromises along the way, the solution must lie primarily with reducing the level of government spending.

Another vital policy initiative for the U.S. is to help our Latin American neighbors get back on their own feet, so they can reopen and expand their markets for U.S. exports. I am not a disinterested party, I grant you. But it is not only bankers—it is all Americans—who have a major investment in those economies. As recently as 1981, Mexico absorbed almost $18 billion of U.S. exports. Brazil took $4 billion. Argentina, $2 billion. Latin America, overall, consumed more than $40 billion of products made by U.S. workers. But from first quarter 1982 to first quarter 1983, about 40 percent of that buying stopped.

That translates to a lot of lost jobs for U.S. workers and is a big chunk of our trade problem. This is why the IMF funding bill was important and why this nation's continued attention to the economies of this hemisphere should be a major priority for us.

The biggest chunk of our trade deficit, is with Japan. That's a special matter that needs special attention. Clearly, several steps must be taken. There is a need for restraint on the part of the Japanese on their exports here. There's a need to pursue monetary policies in Japan that would make the exit of money from Japan to the United States less attractive. There's a need to open the Japanese market. And there's a need for Japan to liberalize investment rules and ease capital controls.

The final area in which I believe we should be more supportive of our export manufacturing sector is in the Eximbank.

Just consider for a moment the total value of all exports for which the Eximbank and it's four major foreign counterparts provided key credits, guarantees or insurance assistance last year. While Eximbank—representing the largest economy in the world—was providing less than $11 billion worth, Hermes in Germany provided $16.5 billion; Coface in France gave over $27 billion; ECGD in the U.K., nearly $33 billion; and EXIMBANK of Japan, $47 billion!

Looked at as a share of each country's total exports, only 5 percent of ours got assistance, while more than a third of Japan's exports benefited.

I submit that it isn't fair—and it isn't right—to ask American companies to compete at such a glaring disadvantage—to say nothing of the tariff and non-tariff barriers they must confront, even after the overvalued dollar and inequitable subsidies have been surmounted. I'm for free trade, but that clearly must mean fair trade. We in the United States have to work for fairer trade on the part of all of our trading partners. We have to pursue economic policies here at home that will minimize distortions to the value of the dollar. We have to provide assistance to our exporters. And we have to be concerned about the health of potential buyers of American goods—the developing nations.

The policy mix I've outlined does not pass anyone's test of orthodoxy. But I believe it is a pragmatic approach for strengthening our economy and nation.●

THE FEDERAL GOVERNMENT AND SCHOOL DESEGREGATION

● Mr. MOYNIHAN. Mr. President, on May 11, 1983, I introduced legislation (S. 1256) to reauthorize a separate program of funding for public school desegregation. I did so in response to the devastating loss of Federal desegregation funding incurred by local school districts 1 year after implementation of President Reagan's chapter 2 education block grant. School districts receiving funds under the Emergency School Aid Act, a categorical program of desegregation assistance that was folded into the education block grant in the Omnibus Reconciliation Act of 1981, suffered an 83-percent funding reduction between fiscal year 1981 and fiscal year 1982.

The loss of Federal desegregation assistance is a national disgrace. The Emergency School Aid Act was not a frill; it was not an option; it was legislation that helped the Nation overcome a constitutional crisis when the Federal Government mandated an end to segregation in our public schools.

The legislation I introduced has the bipartisan support of 21 Senate cosponsors. A similar measure has already passed the House by an overwhelming margin. Nevertheless, the Reagan administration remains vehemently opposed to any restoration of funding for school desegregation, voluntary or otherwise.

At this time, I would like to share with my colleagues a newspaper article and two editorials that focus on the issue of the Federal Government's role in school desegregation.

Two recent New York Times editorials contrast the Reagan administration's rhetoric on voluntary desegregation and magnet school programs with its record of strident opposition to Federal support for these efforts. In addition, an article written by Virginia Robinson for Education Times provides an overview of congressional action to restore the Federal Government's commitment to school desegregation. Her article also documents the findings of a report commissioned by the U.S. Education Department's Office of Planning, Budget, and Evaluation on magnet schools and desegregations. Not surprisingly, the conclusions of the study, which found that magnet schools can have a significant impact on both educational achievement and the success of systemwide desegregation plans, have not been widely distributed by the Department.

During the coming months the Senate will focus its attention on a variety of concerns. It is my hope that my colleagues will find the time to address the issues of educational equity and excellence, which is a matter of great importance to millions of parents and children across the country. The need for Federal involvement in public school desegregation continues; it cannot be ignored; it will not dissipate. It is, indeed, our constitutional responsibility to afford equal educational opportunities to all of our Nation's schoolchildren.

Mr. President, I ask that the full text of the Education Times article and the New York Times editorials be printed in the RECORD.

The material follows:

[From Education Times, Jan. 30, 1984]

HOUSE, SENATE BILLS WOULD GIVE NEW FEDERAL DESEGREGATION AID

A bill to create a new Emergency School Aid Act, which its Senate sponsors will try to add as an amendment to the first education bill that comes up in this session of Congress, is close in spirit to a bill (H.R. 2207) passed by the House of Representatives with strong bipartisan support last June (*Education Times*, June 13).

Like the House bill, the new legislation being introduced by Sens. Daniel Moynihan, D-N.Y., Thomas Eagleton, D-Mo., and Senate education leader Robert Stafford, Vt., would reauthorize the old Emergency School Aid Act and make it a free-standing categorical grant program.

Also like the House bill, the Senate proposal would remove desegregation aid from the Chapter 2 block grant into which Congress folded it in 1981.

Although they keep the ESAA name, the two bills differ considerably from the old ESAA, which gave school districts federal aid for desegregation for 10 years, from 1972 to 1982.

In a change from the old Emergency School Aid Act, the new proposals would allow local school districts to apply for grants directly to the U.S. Department of Education, and there would be no allocations of funds by states on the basis of minority population, as was true under the old law. The bills indicate that grants are to be well distributed geographically.

In deciding who gets grants, both bills say voluntary plans are to get the same preference as court-ordered desegregation, but priority will go to the most recently adopted plans and to school districts that most need the money.

The new legislation also eliminates many special types of grants, including television programming, which were allowed under the old law.

Both bills come up with pretty much the same spending authorization—approximately $100 million a year.

The House bill carefully specifies that whatever funds are appropriated for desegregation under the new law will not be subtracted from the block grant, which would continue to get at least 95 percent of what it got the previous year.

The Senate bill as proposed has no such guarantee, though it relates ESAA funding to the block grant, saying the authorized appropriation for the new program would be "an amount not to exceed 22 percent" of what Chapter 2 got in the preceding year. For fiscal 1984, the sponsors point out, that would be roughly $100 million (22 percent of the $450.6 million Chapter 2 1984 state allocation).

Both bills say school districts are eligible for grants if they are planning or carrying out desegregation plans, court-ordered or voluntary, including "metropolitan" or interdistrict plans.

Both bills put magnet schools high on the list of activities school districts could carry out with their ESAA funds and say districts also could spend their money for compensatory education, staff training, community relations, and "innovative activities in which minority and nonminority children participate together."

Both bills specify that none of the federal funds can be used for busing.

Under both the House and Senate bills, school districts wouldn't be eligible for ESAA funds if they discriminate in hiring, promoting or assigning employees, or if they assign students to classes in such a way as to separate minority group children.

MAGNETS FOR DESEGREGATION?

To bolster the case for renewing ESAA, Sen. Moynihan's office urges attention to a federally funded report on magnet schools and desegregation which has been given low-key distribution by the U.S. Education Department's Office of Planning, Budget and Evaluation since its release last November.

The report, prepared by Abt Associates, Inc., under subcontract to James Lowry Associates, examined 15 unidentified school districts which have magnet schools.

The report concluded that magnet schools themselves are usually integrated, but conceded that magnet schools aid desgregation systemwide most when they are part of a general program which includes pairing, rezoning, two-way busing and mandatory pupil assignment—the usual techniques of school desegregation—and strong staff commitment to both magnets and desgregation. The report also said magnets help reduce white flight.

The report found magnet schools less expensive than is commonly believed, saying the extra per puple cost in the startup year is usually not more than $200, a figure

which dorps sharply in following years to something like $59 per pupil.

The report also took on the charge of "elitism" often levelled at magnet schools, saying most magnets don't have highly selective admissions policies but rely on high student motivation and the "themes" around which the schools are built to boost academic achievement.

What Moynihan likes best about the report, and what probably accounts for its so-far limited distribution by the Education Department, is its positive view of the Emergency School Aid Act, which it credits with "helping districts plan and implement [magnet] programs and bear necessary startup and early operational costs."

"ESAA funds," the report said, "typically allowed magnet schools a great deal of flexibility in programming that helped make the schools unique, e.g. part-time professionals, equipment, special activities, curriculum development."

The report noted that federal funds for magnets and other desegregation activities dropped from a high of $398.5 million from ESAA in 1979 to $25.2 million spent on comparable activities under the Chapter 2 block grant in fiscal 1982 (the 1982-83 school year). These funding reductions "shivered the timbers" of magnet schools, and while many survived, very few new ones are being created, the report said.

If federal policy were aimed at developing magnet schools that are "well designed, located and managed to provide high-quality integrated education," the minimum cost (assuming 300 school districts are realistically willing and able to employ magnets, with an average enrollment of 35,000 and 15 percent of students enrolled in magnets, a total of 1.6 million students at extra cost of $200 per year) would be $320 million a year, the report calculated, possibly dropping off to $80 million or $100 million as magnet costs stabilized after the first year of operation.

At the state level, the report cautioned against the effect on magnet schools of the increasing tendency of state boards to regulate curriculum and testing.

"Magnets require permission to be different," the report pointed out.

The report also identified some local policy issues, including the need to involve communities in planning magnet schools and, most specifically, the need for strong administrative commitment to the magnet idea.

An executive summary of the report, *Survey of Magnet Schools: Analyzing a Model for Quality Integrated Education*, is available from the *U.S. Department of Education, Office of Planning, Budget and Evaluation, 400 Maryland Ave. SW, Washington DC 20202*, or by telephone ask for *Rhonda Lewis* at *(202) 245-9401.*

[From the New York Times, Nov. 23, 1983]

HOLLOW TALK ABOUT DESEGREGATION

In criticizing court-ordered busing for school desegregation, the Reagan Administration has often had kind words for an alternative: voluntary desegregation plans. But that kindness does not extend beyond words to the money that is often crucial to making voluntary plans work.

Desegregation fails for lack of funds as often as for lack of will. Congress recognized as much in 1972 when it enacted the Emergency School Aid Act to help finance desegregation. That helped ease the transition to integrated schools by financing interracial community programs and special training for teachers and counselors. The act also supported "magnet schools" whose special curriculums attract students of all races.

In 1981 the law become a casualty of the Administration's concern for federalism and budget-cutting. The School Aid Act's money was compressed into an education block grant with more than 20 other programs, all of them funded at 85 percent of the previous level. That was a heavy blow for desegregation plans. Especially in urban areas, they were scaled back as school districts competed for fewer subsidies. And without the promise of Federal financial support, districts seeking to avoid court-ordered plans have been discouraged from taking voluntary action.

Aware of the problem, Congress has tried to reestablish a separate, relatively inexpensive fund for both voluntary and court-ordered desegregation. A bill authorizing $100 million for that purpose passed the House in June. Similar legislation, sponsored by Senators Moynihan and Eagleton, failed to reach the Senate floor before adjournment but will be pending next year.

The Reagan Administration, after averring support for voluntary desegregation, now opposes even these modest Congressional proposals. It contends that the block grant needs more time to prove its effectiveness.

Time isn't the problem. Folding funds for controversial programs into any reduced block grant is a sure way to make those programs vulnerable. Until the Administration is willing to earmark the desegregation money, its arguments for voluntary plans ring hollow.

[From the New York Times, Feb. 1, 1984]

A "BLUEPRINT" ALL RIGHT—FOR SEGREGATION

President Reagan's Department of Justice so abhors mandatory busing that it does everything possible to avoid it in school desegregation cases, even to the point of tolerating continued segregation.

Now, in Bakersfield, Calif., the department's civil rights chief, William Bradford Reynolds, says he has the perfect "blueprint" for desegregation without relying on mandatory busing which does not work anywhere in a very meaningful way." It's certainly a blueprint: for evasion and for continuing the Administration's lax approach to school desegregation.

The Bakersfield school district has confounded Federal anti-discrimination investigators for nearly 15 years. Situated about 100 miles north of Los Angeles, the district serves 18,500 students, half of whom are Hispanic and black.

As far back as 1969, Federal education officials found that Bakersfield's school system was violating the law that prohibits racial discrimination in federally financed programs. An administrative law judge concluded that the district had created a dual school system "by intentionally segregating black and Hispanic students from white students."

Even in 1982, four of the district's 32 elementary and junior high schools were still racially imbalanced, with minority enrollments of at least 92 percent. The Department of Education concluded that the district refused to "dismantle fully its intentionally segregated elementary school system because the remedy . . . will necessarily have to include the transportation of some students."

It then referred the case to the Justice Department for "judicial enforcement." The Justice Department's response was merely to encourage Bakersfield to create special programs in the four schools—in areas like science, computers and performing arts—to make them "magnets" for more white students.

Under a consent decree negotiated by the department last week, the school district has three years to bring those four schools within 20 percent of the racial ratio of the district populations. But if even then the school district fails to make such progress it will not, in Mr. Reynolds's view, necessarily be violating the order.

Although the district already buses more than 3,000 students, its school officials and the Justice Department have studiously avoided any additional busing to insure the success of the desegregation plan. Mr. Reynolds continues to believe that "school systems can be desegregated by voluntary means that eliminate racial isolation and improve education programs."

But these are costly programs, and the Reagan Administration has consistently refused financial support for even voluntary desegregation efforts. Mr. Reynold's Bakersfield "blueprint" contained no Federal funds.

By looking only to voluntary measures, many large urban school districts are simply unable to dismantle the racial isolation that in many places has been perpetuated by deliberate acts of school officials. When Mr. Reynolds insists in such circumstances that "mandatory busing is unacceptable," what it means is that the Administration thinks segregation is acceptable.●

MAN OF THE YEAR

● Mr. HATCH. Mr. President, it would seem to me that our Ambassador to Morocco, the Honorable Joseph Verner Reed, has expressed a view which is common among us that the U.S. marine is, and should be the Man of the Year. I am pleased to share his comments with my colleagues and ask that they be printed in the RECORD.

The comments follow:

EMBASSY OF THE
UNITED STATES OF AMERICA,
Rabat, Morocco, January 1, 1984.

From: The Ambassador.

MAN OF THE YEAR

At this time of year it is customary for various groups and publications to choose their "Man of the Year." As I look back on 1983, a year stained in blood, especially in this troubled region of the world, I know that there can only be one choice for "Man of the Year," that is: The United States Marine.

Tireless in the all-but-impossible peacekeeping task in the ongoing fury of Lebanon, a staunch symbol of the American commitment to freedom and democracy, the Marine showed the world the strength of our values and hopes.

The Marine demonstrated to an anxious free world that the fighting arm of the U.S. is still a force to be reckoned with in deadly seriousness. In so doing he sent a warning to the tyrants and terrorists who would threaten the peace and safety of others.

Meanwhile, back home, the Marine's countrymen had at long last good reason to feel pride in their fighting forces overseas. Americans rallied to support the Marine as he fought to preserve the peace. All Americans could feel more secure at home because

they knew our Marines were overseas keeping our beloved country safe.

Though not officially at war, our Marines in Lebanon now endure what all young men sent to distant wars which they did not start, and may never end, must endure—days of boredom, days of peril; nights of abject despair and loneliness, nights of shared danger.

Yet through all the danger and misery, America's Marine can proudly describe himself as "one of the few, the proud."

Marines, the Americans of the Year, all your countrymen salute you.●

MEETING OF COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I have a unanimous-consent request in respect to a committee meeting today that for a variety of reasons was not put prior to the meeting, and I do not ordinarily do that, but it bears the approval notation of the minority leader and he delivered it long before this, so it is my fault, not his.

I ask unanimous consent that the Committee on Foreign Relations shall have been deemed to have been authorized to meet during the session of the Senate today at 2:30 p.m. to hold a hearing on the nomination of William Wilson to be Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER INDEFINITELY POSTPONING CONSIDERATION OF CERTAIN MEASURES

Mr. BAKER. Mr. President, I am also advised that there are three items on the calendar that have been dealt with on companion measures. They are Senate appropriations measures that are eligible to be indefinitely postponed. They are Calendar Orders 306, 334, and 410.

Could I inquire of the minority leader if he would object to the request that they be indefinitely postponed?

Mr. BYRD. Mr. President there will be no objection from this side.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that those three items be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, we have requests from three Senators for special orders on tomorrow. Therefore, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, Senators MURKOWSKI, BENTSEN, and BUMPERS be recognized for not to exceed 15 minutes each and in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

BAIL REFORM—FORFEITURE—DRUG CZAR

Mr. BAKER. Mr. President, it is anticipated that after the execution of the special orders there be a period for the transaction of routine morning business. After that, it is the hope of the leadership on this side that we can turn to three measures, bail reform, forfeiture, and the drug czar bill, which are Calendar Orders 229, 350, and 359, respectively.

I anticipate the Senate will be in until midafternoon, perhaps a little later. Rollcall votes are expected during the day tomorrow. There is a notation on our calendar for requests for rollcall vote on one of those bills. There may be others.

Before I state the program for tomorrow, does the minority leader have anything further he wishes to address to the Senate?

Mr. BYRD. Yes.

Mr. President, if the distinguished majority leader wishes to proceed with the bail legislation, forfeiture legislation, and the drug czar legislation tomorrow, those matters have been cleared for laying down on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, rather than get an order now for those three items, since I do not know what order they will come in, let me do this: I ask unanimous consent, if the minority leader is agreeable, that it be in order tomorrow at any time during the day to proceed to the consideration of Calendar Orders 229, 350, or 359 after first consulting with the minority leader as to the sequence of those measures.

Mr. BYRD. Mr. President, it is my understanding from the numbering of the measures that they will deal with bail, forfeiture, and the drug czar, but not necessarily in that order.

Mr. BAKER. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10 a.m.

After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes. It is anticipated that there will be a period provided for the transaction of routine morning business either immediately after the execution of the special orders or at some time during the course of the day.

The Senate tomorrow will turn to the consideration of three items, the bail reform bill, the forfeiture bill, and the drug czar bill, orders 229, 350, and 359. The sequence has not yet been ascertained. It will be announced after consulting with the distinguished manager of the bill tomorrow and with the minority leader.

It is anticipated that at least one rollcall vote will occur, perhaps more. It is hoped that we can finish all three measures and it is hoped as well that the Senate can complete its business by midafternoon.

There will be no session on Saturday.

It is anticipated that on Monday the Senate will continue to consider the so-called ancillary bills to the crime package which will include such things as death penalty, exclusionary rule, and habeas corpus.

I also anticipate that these measures may be controversial and it may be even controversial in the matter of trying to reach them, but we will attempt to do that and I intend to persevere.

Also, may I add the career criminal bill.

Mr. SPECTER. I thank the majority leader.

Mr. BAKER. Mr. President, I have no further business to address the Senate. I inquire of the minority leader if he has anything further.

Mr. BYRD. Mr. President, I have nothing. I believe I did get consent that I would be permitted to offer for appropriate referral the concurrent resolution to which I alluded, together with a statement in support of it.

Mr. BAKER. Mr. President, there is certainly no objection to that. I believe the minority leader clearly intended that request and I hope the RECORD will note or the Chair will acknowledge that that consent was given.

The PRESIDING OFFICER. That is correct.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Therefore, I now move, in accordance with the order previously entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to and the Senate, at 6:06 p.m., recessed until Friday, February 3, 1984, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1983:

U.S. INFORMATION AGENCY

Woodward Kingman, of California, to be an Associate Director of the U.S. Information Agency, vice James T. Hackett, resigned.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Max Baratz, xxx-xx-xxxx.
Brig. Gen. Roy Gray, Jr., xxx-xx-xxxx.
Brig. Gen. Daniel C. Helix, xxx-xx-xxxx.
Brig. Gen. John P. Henderson, Jr., xxx-x... xxx...
Brig. Gen. Robert Q. Jones, xxx-xx-xxxx.
Brig. Gen. Warren A. E. Magruder, xx... xxx-xx-...
Brig. Gen. Harold J. Wages, xxx-xx-xxxx

To be brigadier general

Col. Marvin G. Back, xxx-xx-xxxx.
Col. George E. Barker, xxx-xx-xxxx.
Col. James T. Craig, xxx-xx-xxxx.
Col. Wilson T. Dreger, III, xxx-xx-xxxx.
Col. James E. Haught, xxx-xx-xxxx.
Col. Lewis M. Helm, xxx-xx-xxxx.
Col. Robert G. Hope, xxx-xx-xxxx.
Col. Merwyn L. Jackson, xxx-xx-xxxx.
Col. Charlton B. McArthur, xxx-xx-xxxx.
Col. Richard H. MacMillan, Jr., xxx-x... xx...
Col. Robert M. Overbey, xxx-xx-xxxx.
Col. Antone F. Remich, xxx-xx-xxxx.
Col. Roger W. Sandler, xxx-xx-xxxx.
Col. Anthony S. Sarbanes, xxx-xx-xxxx.
Col. Walter R. Schellhase, xxx-xx-xxxx.
Col. James R. Sims, Jr., xxx-xx-xxxx.
Col. Dennis A. Wilkie, xxx-xx-xxxx.

The following-named Army Medical Department officers for appointment in the U.S. Army to the grades indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. Frank F. Ledford, Jr., xxx-x... [redacted], Medical Corps, U.S. Army.
Brig. Gen. Lewis A. Mologne, xxx-xx-... [redacted], Medical Corps, U.S. Army.

To be permanent brigadier general

Col. Alcide M. LaNoue, xxx-xx-xxxx, Medical Corps, U.S. Army.

The following-named officer for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. William K. Suter, xxx-xx-xxxx, Judge Advocate General Corps, U.S. Army.

CONFIRMATION

Executive nomination confirmed by the Senate February 2, 1984:

DEPARTMENT OF DEFENSE

William H. Taft, IV, of Virginia, to be Deputy Secretary of Defense.

EXTENSION OF REMARKS

BLACK HISTORY MONTH

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HAWKINS. Mr. Speaker, once again during the month of February our Nation honors the historical contributions and achievements of black Americans.

Many of these achievements were realized, despite the brutal legacy of slavery before the Civil War, and the period of limited freedom afterward characterized by restrictive "Black Codes," inferior educational opportunities, and institutionalized racism.

The countless and significant accomplishments of black Americans marks the success of the American spirit of achievement, and serves as an enduring source of cultural pride for all our citizens.

The contributions of blacks in America dates back to its discovery, when Pedro Alonzo Nino accompanied Christopher Columbus on his new world voyage. In our Nation's struggle for independence, a black man named Crispus Attucks was killed in the Boston massacre while defying British soldiers. James Armistead risked his life behind enemy lines, providing the Marquis de Lafayette with valuable reports, enabling the French commander to check the troop advances of British General Cornwallis. Blacks served as part of the Continental Army at Valley Forge. One black who died there, Salem Poor, also fought at the Battle of Bunker Hill.

One of the best kept secrets of our day is the fact that the overwhelming majority of the original founders of Los Angeles were black. Los Angeles was founded in 1781 by a group of 44 individuals, of which 16 were Indians, 22 were black, and 2 white.

Frederick Douglass, a black abolitionist, delivered powerful speeches against slavery, persuading many Northerners that their own civil liberties, as well as his, were in danger. An exslave and runway, Douglass founded an abolitionist newspaper called the "North Star," and used his eloquent style to urge emancipation for black slaves.

Another abolitionist, Sojourner Truth, later became an advocate for women's rights and served as an intermediary during the Civil War between Government officials and blacks in Washington, D.C., and other parts of the country.

Known as the "Moses of her people," Harriet Tubman was the famous conductor of the "Underground Railroad," an informal series of networks that aided fugitive slaves to escape slave-catchers of secure passage to Canada.

Within the walls of this very institution, 22 black Congressmen served their country honorably in the early Reconstruction era, although the constant victims of racial harassment. There legal status was often challenged, their supporters intimidated and even murdered and yet they continued their public service, sharing the common goal of forging a better America for all citizens.

Booker T. Washington built Tuskegee Institute in Alabama into a nationally known black industrial, vocational and agricultural college. George Washington Carver, a former slave, became the leading agricultural scientist of his day as the discoverer of hundreds of industrial and commercial uses of the peanut.

Dr. Charles R. Drew, pioneered the use of blood plasma and the blood bank. He ironically and tragically died due to loss of blood because he could not gain admittance to a hospital because of the color of his skin.

Other blacks have made tremendous societal contributions, although less well known. Andrew Beard invented couplers for railroad cars, Garrett A. Morgan invented the traffic sign and the gas mask, and C. B. Brooks invented the streetsweeper. Blacks also contributed to the development of the lawnmower, fountain pen, the ultraviolet camera for *Apollo 16*, and new techniques for transplant surgery.

Matthew A. Henson, a black explorer, accompanied Lt. Robert Peary on the historic first expedition to the North Pole in 1909, and placed the American flag there in behalf of the United States.

Phyllis Wheatley, one of the best known black American poets, came over from Africa at the age of 8 and within 16 months was able to read the most difficult verses of the Bible. Her work "Poems on Various Subjects," was the first volume published by an Afro-American writer.

Black Americans participated in 449 engagements in the Civil War in behalf of the Union Army, despite the threat of being captured and facing execution by Confederate forces. All black cavalry units, also known by the Indians as "Buffalo Soldiers," were part of the American trailblazing spirit which tamed the Western frontier. A black, by the name of York, accompanied Lewis and Clark on what would become one of the greatest scientific and geographical expeditions undertaken in the United States. York was a hunter, fisherman and interpreter and significantly contributed to this historic enterprise which opened up the Northwest.

Nat Love, better known as "Deadwood Dick" was the most famous black cowboy of his time. Bill Pickett, another black cowboy, was the originator of steer wrestling and also invented bull-dogging.

In the Spanish-American War, there were 16 regiments of black volunteers. The all-black 92d and 93d infantry divisions served heroically in World War I. The 364th Infantry Regiment, part of the 93d Division, became known as the "Hell Fighters," and were the first Allied regiment to reach the Rhine River in the offensive against Germany.

A cruel policy of strict segregation in the armed services did not influence the valiant efforts of these outstanding black fighting men.

In World War II about a million black Americans served in the Armed Forces. The largest black combat unit was the 92d Infantry Division, known as the "Buffalo Division," taken from the all-black calvary unit of post-Civil War American West fame. The 93d Infantry Division served in the Pacific theatre, and was the largest combat unit in that region. Even in WWII blacks were restricted to segregated units. This policy was enforced at all military posts, the theatres, mess halls, service clubs, et cetera. This obvious policy of discrimination created enormous barriers for blacks in military promotions and duty assignments.

With regard to military segregation, John F. Kennedy would later say:

> No one has been barred on account of his race from fighting or dying for America—there are no "white" or "colored" signs on the foxholes or graveyards of battle. Surely, in 1963, 100 years after Emancipation, it should not be necessary for any American citizen to demonstrate in the streets for the opportunity to stop at a hotel, or to eat at a lunch counter in the very department store in which he is shopping, or to enter a motion picture house, on the same terms as any other customer.

In the Korean conflict, a black combat unit known as the "Suicide Six" were reputedly one of the fastest gun crews in the 2d Infantry Division. Thousands of blacks served their country in Vietnam and have gone on

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

to assume high-ranking positions in the armed services.

Blacks have added an awesome dimension to the quality of American collegiate and professional sports. Athletes such as Henry Aaron—most homeruns—in baseball, Wilt Chamberlain—most points scored in a game and career—in basketball, and Jim Brown—most yardage gained running—in football—are testimony to the great athletic achievements of blacks.

Jesse Owens embarrassed Adolph Hitler when he dominated the 1936 Berlin Olympics with his track and field efforts. A former congressional colleague of ours, Ralph Metcalfe, was part of that memorable winning relay team.

And as an anxious world watched a boxing bout filled with nationalistic zeal, Joe Louis, knocked out German boxer Max Schmeling in the first round. Louis who was inducted into the U.S. Armed Forces in WWII in the prime of his boxing career, fought for charity, donating his proceeds to the Army.

Jackie Robinson, became the first black to play major league baseball, thus paving the way for other talented black players who until that time were denied the right to play America's favorite sport.

Althea Gibson and Arthur Ashe also broke the color barrier for their respective sexes in the sport of tennis, and both went on to win titles at Wimbledon.

Blacks have excelled to achieve important positions in the field of education, as teachers, principals and administrators. The road to achieve equity in education was not easy for blacks in this country. Because of the lack of schools for blacks in the South after the Civil War, groups of children could be found studying in the streets. The Freedman's Bureau, organized in 1865 to unify and coordinate the many organizations dealing with the problems faced by freed slaves, helped to establish schools for blacks. When these schools were burned down, they were quickly rebuilt. Gen. Oliver Otis Howard was appointed Commissioner of the Bureau, and later Howard University was named in his honor.

And of course there are the countless black heroes who championed the cause of civil rights in America. W. E. B. DuBois, in 1905 played a leading role in the formation of the Niagara Movement, a coalition of black intellectuals who pressed for full citizenship rights and articulated the contributions of black Americans. Many members of the Niagara Movement, together with a number of whites, later formed the National Association for the Advancement of Colored People—NAACP.

The list of American civil rights advocates are endless, Medgar Evans; Whitney Young; the quiet yet effective leadership of Roy Wilkins; A. Philip Randolph; and Dr. Martin Luther King, Jr. who through his nonviolent methods gave our Nation an education on the black experience and helped to bring the issue of equal opportunity and discrimination to a national debate. Last year I was proud to support the successful legislative initiative commemorating Dr. King's birthday with a national holiday.

And who can forget the undominatable spirit of Rosa Parks, the 42-year-old black seamstress who refused to get up when ordered to give up her bus seat to make way for white passengers. Her courageous stand inspired a successful black boycott of the Montgomery City lines. A black minister, operating a carpool during the boycott, stopped to pick up an old woman who had obviously walked a long way, "Sister," said he, "aren't you getting tired?" Her reply: "My soul has been tired for a long time. Now my feet are tired and my soul is resting."

Only in this past year we have seen the first black Miss America and first black astronaut in space. With so much progress realized it would be a national tragedy to narrow the avenue of equal opportunities for minorities. At a time when the first significant signs of civil rights policies and mechanisms are becoming visible—we must insure that we maintain a strong and viable national policy of affirmative action and equal employment opportunity for all those who have the desire and the ambition to contribute and succeed.

Mr. Speaker, "Black History Month" is a celebration for all Americans. It is both a time to reflect on great achievements and a time to plan for the possibilities of the future. In short, it is a time to work for the realization of a better world.●

TRIBUTE FOR JOSEPH J. SCHAPPERT, JR.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HARRISON. Mr. Speaker, on Tuesday, February 7, the Wyoming Valley Chapter of the American Red Cross will present its highest award, the Certificate of Merit, to Joseph J. Schappert, Jr., of Kingston, Pa.

This award represents an outstanding achievement and one in which all of us take justifiable pride. Mr. Schappert earned this award for his efforts in reviving a drowning victim, Debbie Johnson of North Gates Street in Kingston, who was found floating face down in the Hamilton Street pool. Mr. Schappert used cardiopulmonary resuscitation skills, which he learned in a Red Cross course, which resulted in the survival of Debbie Johnson.

Mr. Schappert is currently a freshman at the Pennsylvania State University's Wilkes-Barre campus. He is the son of Mr. and Mrs. Joseph J. Schappert of Kingston, Pa.

Mr. Speaker, I join with the family and friends of Joseph J. Schappert, Jr., in paying tribute to this outstanding young man.●

EUROPEAN SUPPORT FOR SPACE-BASED DEFENSE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HYDE. Mr. Speaker, one argument that has been made against the President's proposal to develop a space-based antiballistic missile system is that it would serve to decouple the United States from our NATO allies.

The following article, from the London Times of last December 28, gives another European perspective. In the view of Mr. Gerald Frost, executive director of the Institute for European Defence and Strategic Studies, a "star wars" defensive system would solidify the NATO alliance because it would perform "the inestimably valuable task of reducing the scale of the risks to the United States in providing nuclear protection to its European allies." The potential for Soviet nuclear intimidation of Western Europe would be sharply diminished, and the prospects for a stable peace strengthened.

[From the London Times, Dec. 28, 1984]

WHY A STAR WARS STRATEGY COULD HELP KEEP THE PEACE

(By Gerald Frost)

European attitudes to President Reagan's "star wars" proposals—the move to develop a space-based antiballistic missile system, agreed in principle a few weeks ago—have generally contained elements of both amazement and derision.

The arguments advanced by United States analysts in favour of the programme, aimed initially at long-term research, have not even been thought worthy of serious examination in Britain, despite their revoluntary nature and their possibly momentous consequences.

The European media have variously described the Reagan proposals as "absurd", "irresponsibly expensive", "dangerous" and "alarming". There has been almost universal agreement that the development represents another dangerous and escalatory round of the arms race. Strategic studies departments and institutes have either doubted that the proposals are feasible or have suggested that they represent a return to United States isolationism. Few people, if any, have publicly suggested that there might be some important political or strategic advantage to Europe or, for that matter, that there might be colossal dangers to

Europe if the Soviet Union were to obtain an unmatched advance in "star wars" weaponry.

It is taken for granted that any benefits the proposals might yield would be purely and narrowly American ones. But if the development is taken in the context of the continuing crisis in transatlantic relations and the recent Soviet arms build-up, then it may be seen altogether more favourably.

Indeed, it may provide the answer to problems, inherent in the NATO strategy of flexible response, which have long been perceived by a number of those with a professional interest in strategic issues—weaknesses which politicians have generally not been keen to expose to public scrutiny. These weaknesses flow from the nature of the ultimate step in the flexible response strategy; the use of US intercontinental missiles in retaliation against a Soviet attack on Europe.

According to common view, even if the United States was willing to unleash its intercontinental ballistic missiles for this purpose, there would be little point in doing so, for Europe would have already been devastated. In any event, the critics say, no United States president in full possession of his mental faculties would risk American cities to defend frequently "disloyal" European ones. Yet if the Soviets came to believe that the United States might feel this way, they might no longer be effectively deterred.

Evidently, the United States' nuclear umbrella is not what it was in the secure and happy days of American strategic superiority. The only merit in the present policy, it is said, is that the Soviets could not be *sure* that the United States would not so respond—and this doubt is sufficient to provide Europe with adequate deterrence against a Soviet attack. But with the progessive deterioration in transatlantic relations—of which the Grenada episode is but the latest chapter—and with further increases in Soviet military might, NATO's credibility has now been significantly eroded. How much more erosion can it withstand before the whole strategy becomes plainly incredible is a difficult question to answer.

Moreover, even with significant numbers of cruise and Pershing missiles in place, such doubts and anxieties are likely to remain. The question that may come to be asked is not "would the United States press the button against the wishes of European leaders?" but "would the United States ever contemplate pressing the button if it believed that by not doing so war could be limited to Europe?"

An effective western anti-ballistic missile system in space, however, could transform this situation by performing the inestimably valuable task of reducing the scale of the risks to the United States in providing nuclear protection to its European allies. If the risks are judged to be fewer, it follows that United States readiness to accept them is likely to be much enhanced, and the Soviet Union will have to take account of this in its strategic calculations. This is an important argument, but so far no European public figure appears even to have taken it into account.

Supposing, however, the Soviet Union continues to exploit space for military purposes, ignoring the Anti-Ballistic Missile Treaty of 1972 while the United States feels restrained by that treaty or by its critics at home and abroad. A moment's reflection suggests that if that happens, the western alliance will be doomed; close examination of the consequences only confirms one's initial fears.

If the Soviet Union were to develop the ability to destroy 90 per cent or so of the enemy's ballistic missiles before they re-entered the atmosphere while the United States failed to obtain a similar capacity, the Warsaw Pact might face a new and unique experience; a queue of admiring, friendly and sycophantic West European states waiting to join.

Since the United States Administration is committed so far only to examining the feasibility of "star wars" weaponry, we cannot be sure what degree of direct protection would be provided against missiles targeted on Europe. It is possible, however, that the "killer satellites" thought to be envisaged under the proposals could destroy ballistic missiles such as the SS20 as well as the strategic weapons aimed at the United States.

It is objected that the whole "star wars" phenomenon is in some ways more alarming than existing weaponry. Its development would certainly result in a substantial change of nuclear doctrine and strategy. Instead of the West signalling its intention to cause massive and unacceptable damage if attacked with nuclear weapons, it would instead be signalling its capacity substantially to withstand such an attack. Assuming that the Soviets continue to develop a similar capacity, we would have moved from mutually assured destruction, a policy which has caused profound if irrational anxiety, to mutually assured survival.

This arguably, could well bring about a less turbulent and danger-fraught international climate in which it would be easier to reach agreement about reductions in offensive weapons because by switching the emphasis to defensive systems, the stakes would not be so appallingly high. Is this so "alarming"? Historically speaking, most effective strategies have generally included a defensive as well as an offensive element; the present massive reliance on weapons of attack is an aberration, and may well account for many of the fears and apprehensions that have fuelled the growth of the peace movement, however illogically.

To be sure, there is a strange breed of extra-terrestrial ecologists who argue that it is immoral to "take warfare" into space. But it is not warfare which would be sent there, but new instruments of deterrence. If that deterrence failed, the result would be a conflict between sophisticated and unmanned machines hurtling through the arid wastes of space, but it would be a war without initial loss of human life.

It cannot be safely asserted that war would remain conveniently in space. What may be said is that the immediate targets would be spaceborne vehicles, missiles, or satellites, rather than cities or manned military installations on earth, and that such a conflict could conceivably end with a political settlement before human life had been lost.

This is a small part of the case that may be advanced in favour of some kind of "star wars" defence in the United States. Although it is new and strange to most people, it is not demonstrably absurd. Nor, I think, should it alarm Europeans more than, say, the deployment of the SS20s. It deserves serious and searching examination rather than scorn and derision.●

FINANCIAL DEREGULATION AND H.R. 4506

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. FLORIO. Mr. Speaker, the deregulation and amalgamation of our Nation's financial institutions, including banks, securities dealers, insurance companies, and others continues at a furious pace.

These changes are occurring without review by Congress, and often in spite of Federal and State laws designed to protect consumers. This is a matter of concern to me, and, I believe, other Members of Congress.

On November 18, I introduced H.R. 4506, which proposes a rational scheme within which Congress can review this question in an orderly way. H.R. 4506 established a commission to study specific questions, and report to Congress its recommendations. During this deliberation period the financial community could not make structural changes that were not specifically permitted by law. After Congress acts on the commission's recommendation the financial community will be free to make any change then permitted by law.

On January 30, 1984, the New York Times editorially raised similar concerns about the ongoing changes in the financial marketplace. I place this editorial in the RECORD for the information of the Members.

BANKING'S BUSTING OUT ALL OVER

While Government has been struggling to define a proper level of regulation in many industries, one critical sector of the nation's economy has been vigorously deregulating itself. Banks and thrift institutions, stockbrokers and mutual funds, insurance companies and even Sears, Roebuck have encroached on each other's traditional functions to an extent none could imagine only a decade ago.

The longer Congress and the Administration avoid facing up to the confusion, the more likely that the nation's financial structure will evolve in chaotic and dangerous ways.

Three issues now dominate debate about reordering the system: What functions should various institutions be authorized to perform? Who should regulate their activities? Should they be permitted to operate nationwide?

The basic banking laws of the 1930's and 1950's set barriers between banks and the stock markets to prevent any recurrence of the massive Depression failures, and forbade bank holding companies from venturing into non-banking commercial activities. These barriers have since been partially relaxed, by regulation and legislation. They are also being eroded by technology and the aggressiveness of many financial institutions.

New York's giant Citicorp, for example, has acquired or established banking, savings and loan, credit and insurance operations in many parts of the country. BankAmerica,

Merrill Lynch, Sears, Prudential, American Express and many mutual funds are in hot pursuit, branching and buying into each other's former domains.

Yet the laws by which they are regulated lag far behind and the regulators, far from getting together, are feuding over turf.

Senator Jake Garn, the chairman of the Banking Committee, has long tried to alert Congress to the dangers. His proposals, focusing on function, would expand but nonetheless control the services various financial institutions may perform. He should be listened to.

So should Vice President Bush's task force, which would concentrate Federal financial regulation, reclaiming it from a variety of agencies. If similar services are to be offered by once dissimilar enterprises, their rules should be the same.

Neither Mr. Garn nor Mr. Bush has addressed the question about the proper geographical scope for banking companies. Money markets have a way of merging themselves, and computers have made that easy. But this situation may require entirely new safeguards to govern the conduct of huge financial conglomerates. Guidelines in this area are urgently needed.

Fortunately, the public does not see any of this as politically controversial. No member of Congress risks a seat by trying to understand, and provide for the safety of, the financial system. The importunings of industry lobbyists notwithstanding, Congress should stop ducking this difficult but vital responsibility.●

THE SEARCH FOR PEACE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. DORGAN. Mr. Speaker, when I was in North Dakota at the end of last year, I had a chance to read an enlightening editorial which appeared in a publication known as the Small Voice. It is published in Fargo, N. Dak., and I would like to bring it to the attention of my colleagues.

Editor Jerome Lamb makes important points about the struggle for peace, about the willingness of the world's people to rush into war, and about the threads of hope to which we must continue to cling.

DECEMBER 1983.

We think about peace a lot. Who doesn't? As a subject for meditation it's always in season, and in the wake of Beirut, Grenada, "The Day After", Tripoli it occupies a larger than usual chunk of our horizon.

Like most things much sought after but seldom, perhaps never, attained, like happiness, like love, like wisdom, there isn't a whole lot of agreement about peace, what it is or how it is to be got. Everybody's for it though. Even old unshaven Mars, the bloody handed, pot bellied, armor clad Roman bully political cartoonists are (or were) so fond of probably billed himself as a guardian of the peace. Certainly generations of statesmen have confessed to a passionate yearning for peace, which would long since have been achieved if only the statesmen on the other side had not been such intractable boneheads and bastards. Likewise generals, when memoir time rolls around, are invariably four square in favor of peace, a sentiment they seem to share with munitions manufacturers and terrorists. One might expect someone in that line of work to point out occasionally how good warfare can be for the soul, character building and, don't you know, kind of fun. But it almost never happens. From earliest times warriors have professed profound discontent with their career field.

So for a while we wondered if maybe the trouble with peace was that everyone was for it. It might fare better if it had a few natural enemies. As it stands people seem to favor it so avidly and rigorously they're inclined to lay hold and throttle those whose avidity and/or tactical purity are questionable. Wars, according to this view, may be no more than a matter of peace seekers on one side of the fence, deciding to knock a little sense into the heads of peace seekers on the other side who are going about the quest in the wrong way. It's a useful theory when it comes to explaining the ease with which some folks, sincerely devoted to the cause can assume a "more peaceable than thou" stance, and shout down disagreement, while muttering dark thoughts like "a boot in the behind is the only thing these jackasses will ever understand."

As a theory it is nonetheless all wet. Everyone's for peace, no doubt about that, but great numbers of people believe having a war is the best way of reaching peace. It's not only mad dogs like Bonaparte and Adolf and the Ayatollah but a lot of plain, mostly decent people who appear to feel that war is just dandy, as long as it's going their way. And located in distant lands. It was, though it should not have been, a surprise to find out in the aftermath of the Beirut-Grenada week how quickly questions of why and what for get buried in the bluster of what passes for patriotism. When we heard all the man-in-the-street type crowing about how great it was to win a war at last (a war?), how necessary it was to stop the Commies dead in their tracks, how admirable it was to be tough and decisive, we couldn't help remembering the Italians in 1936, swept away in the euphoria of their famous Abyssinian victory (a victory?). The moral, we suppose, is that now and fifty years ago, just as in Aesop's time, the cock must close his eyes to crow.

It is not pleasant to go into the Christmas season with a re-awakened awareness of the bellicosity of humanity, but here we are. Well, what we have to offer for the season is the observation that as unpeaceful as the prospects may be there is still and always hope. Brutality and stupidity abound; intolerance increases; winter sets in. There is still and always hope. In the loops and shadows of the days that become history sense has sometimes prevailed. Rhetoric has been known to cool down, dumb notions to fade. Perhaps now. It is Christmas, a season reknown for hovering angels, unusual stars, mysterious babies, and hope. Whatever peace may be, it is a good part hope; patience, forbearance, firmness and a hundred other things, but mainly hope.●

TRIBUTE TO BRET HUTTENSTINE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HARRISON. Mr. Speaker, on February 25, 1984, the Greater Hazleton Jaycees will honor Bret Huttenstine of West Hazleton, Pa., as their 1983 recipient of the Distinguished Service Award honoring the "Outstanding Young Man of the Year." This represents an outstanding achievement, and one in which all of us take justifiable pride.

Mr. Huttenstine is a graduate of West Hazleton High School and of the Union Special Technical Training Center in Huntley, Ill. He is presently employed as a mechanical technician for Geissler's Knitting Mills, Inc., Hazleton.

Mr. Huttenstine has been involved in a number of youth oriented programs. He has served on the West Hazleton Recreation Board and coordinated that community's first tennis tournament. His involvement with youth also included serving as coach for West Hazleton Biddy Basketball, working with Boy Scouts of America, and serving as chairman of the Luzerne County Junior Miss Program.

Mr. Huttenstine is currently the external vice president of the Greater Hazleton Jaycees. He is the son of Mrs. Doris Huttenstine of West Hazleton and is engaged to be married to Ms. Linda Barletta, Hazleton. He was nominated for the award by the Soroptimist International of Hazleton, the Hazleton Community Concert Association, and the West Hazleton Recreation Board.

Mr. Speaker, I join with the family and friends of Bret Huttenstine in paying tribute to this outstanding young person.●

NORTHEAST-MIDWEST CONGRESSIONAL COALITION BUDGET TASK FORCE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. EDGAR. Mr. Speaker, the Northeast-Midwest Congressional Coalition has looked carefully at President Reagan's new budget for fiscal year 1985. As cochairs of the coalition's budget task force, Representative STEWART MCKINNEY and I have prepared an analysis of the budget's impact on our region of the country and the Nation as a whole. We wish to share the product of our review with

our colleagues: our statement and the regional analysis follow:

STATEMENT BY REPRESENTATIVE ROBERT W. EDGAR AND REPRESENTATIVE STEWART B. MCKINNEY, COCHAIRS, NORTHEAST-MIDWEST CONGRESSIONAL COALITION TASK FORCE ON THE BUDGET, FEBRUARY 1, 1984

President Reagan's proposed fiscal 1985 budget contains few surprises, but nevertheless is a major disappointment for members of Congress who hoped to see movement toward increased fiscal responsibility and measures to prolong the economic recovery. By continuing—and in some cases accelerating—the trends of the past three years, this budget would jeopardize the economic revitalization of the Northeast-Midwest region and undermine its prospects for long-term prosperity.

In addition, the budget ignores several of the major challenges currently facing the federal government: the need to better balance income and expenditures, more fairly distribute federal resources, and correct the inequities resulting from government policies.

These challenges require hard choices, but this budget doesn't make them. Instead, it focuses its attacks on domestic programs that already have suffered severe cuts and that now constitute only a small percentage of federal spending. In so doing, the budget fails to address the critical needs of a region attempting to cope with the impact of fundamental economic change. The programs it would cut are the very ones that have been used by our states and communities to foster new economic growth, preserve their employment and tax base, and relieve the pain of those who have been victimized by economic forces beyond their control.

Since taking office in 1981, President Reagan has achieved the great majority of his objectives regarding federal budget and spending practices and tax policy. His program is in place, and deserves to be judged fairly. Inflation has been reduced significantly, the economy is improving, the dollar is strong. Unfortunately, however, more people remain unemployed than in January 1981, our balance of payments deficits are at historic highs, and we face unprecedented federal budget deficits into the foreseeable future.

The Northeast-Midwest region has borne the brunt of the economic adjustments of the past three years, with exceptionally high unemployment, extensive worker displacement, numerous plant closings, state budget shortfalls, and disproportionate losses of federal programs. The recovery has brought relief, and some parts of the region—particularly in New England—apparently have regained economic health, with relatively low unemployment rates. However, even in New England pockets of severe distress remain. Youth unemployment—especially among minorities—remains exceptionally high in central cities throughout the Northeast and Midwest. And in some of our largest industrial states, unemployment still is above the national average and confidence in continued growth is tenuous.

The budget we have before us would shrink further many of the domestic programs on which the rejuvenation of our region's economy depends. From 1981 to 1984, federal grants to state and local governments went through a sharp decline, then rose to just above their previous level. The 1985 request would put them at $102 billion—a drop of 21 percent in four years when adjusted for inflation. In 1985 such grants would constitute only 10 percent of federal budget authority compared to 14.7 percent in 1981.

The administration has emphasized the need for state and local governments to take greater responsibility for economic development and other domestic programs. However, those areas that have been hit hardest by the three recessions of the last decade have the least resources to do the job. For the federal governments to abandon its role in fostering economic growth is to leave these areas at an unfair disadvantage to more prosperous states and communities with more abundant resources of their own.

Ironically, the administration has taken just the opposite tack in the realm of foreign policy. The president's Caribbean Basin initiative proposes to use targeted economic development to modernize the economy and increase the political stability of that region. The Kissinger commission on Central America proposed similar measures as part of its plan for that troubled area. We don't need another commission to tell us that the older industrial states in our country could use this same type of assistance. A domestic Caribbean initiative targeted to distressed communities could provide the infrastructure improvements and repairs needed to stimulate economic growth and offer new employment opportunities to millions of Americans.

Instead, the budget confirms the patterns of the past for those programs that could be part of such an initiative. For example:

For the fourth year in a row, the budget seeks to eliminate the Economic Development Administration. Even though Congress has refused to go along with this request in the past, funding for the program now is 45 percent lower than in 1981.

Once again the administration is proposing to phase out all operating assistance for public transportation. For fiscal 1985, funding would be limited to $546 million—$329 million below the statutory cap in current law.

The Urban Development Action Grant (UDAG) and Community Development Block Grant (CDBG) programs would be maintained at the same levels as in 1984. However, that level of funding would represent an inflation-adjusted decline since 1981 of 46.7 percent for UDAG and 23.2 percent for CDBG.

While the administration's budget continues the cutback in programs essential to the economic revival of our region, it pumps more money into programs that perform some of the same functions in the South and West. Only last week the administration announced that the federal government would pay the full cost of Bureau of Reclamation dam repair projects and increase irrigation and flood control subsidies. This decision contradicts efforts by Congress to reduce subsidies to large landowners and water users. It will cost the federal government hundreds of millions of dollars in coming years and magnify inequities in the distribution of water development funds. Our region traditionally has received less than 15 percent of the federal water supply budget. New England in the past received only $6 per capita for water projects, compared to $38 per capita for the West.

The budget also continues the rapid expansion of military spending, and would obligate us to even larger increases in future years. The 1985 request would increase defense budget authority by 18 percent over 1984, which would mean a nomimal increase of 71 percent since 1981. Not only do increases of this magnitude drain our national resources and raise the deficit, they add to the current imbalance in the distribution of federal funds. For example, this year per capita defense spending in our region will be $290, while in the South and West it will be $741. An increase of the kind proposed by the administration will do little to enhance our national security, but it will undermine the economic security of most of the region.

Over all considerations about the fiscal 1985 budget looms the prospect of continuing huge deficits. The president's proposal projects a deficit next year of $180 billion, and continuing deficits of over $150 billion through 1988. This imbalance between income and expenditures is unacceptable. We all have heard warnings that high deficits could choke off economic recovery by driving up interest rates and soaking up available capital. We are here to warn that such a development could have its most devastating impact on our region, especially those areas whose economy depends on the manufacture of higher cost durable goods.

The recent deep recession demonstrated convincingly the sensitivity of the Northeast and Midwest to fluctuations in interest rates and the money supply. Lowered interest rates have allowed industries in the region to undertake massive investments in plan modernization, new products, and productivity improvements. This process must continue if American industry is to regain its international competitiveness and provide jobs for millions of workers. Much of the recovery in our region has been fueled by increased consumer purchases of durable goods, especially automobiles, appliances, and electronic equipment. A return to the higher interest rates of a few years ago could stop this recovery in its tracks and plunge much of the region into another recession.

Domestic programs no longer can serve as the whipping boy in attacks on "wasteful federal spending"—especially when defense and entitlement programs together constitute 75 percent of federal outlays and interest charges account for nearly half the rest. Courageous efforts are needed to reign in areas of rapid growth—such as military pensions and health care costs—that if left unchecked will saddle future generations with an intolerable burden. In the 1960s the federal deficit averaged $6 billion; in the 1970s it averaged $30 billion; we cannot simply accept its multiplying five-fold again in this decade.

The president's suggestions for attacking the problem—a balanced budget amendment, a line item veto, a report on tax reform next December—either are of dubious constitutionality or cannot be enacted in time, if at all, to have any major impact on the deficits projected for the next several years.

We in the Northeast-Midwest Congressional Coalition have tried to get the administration to recognize the inequitable impact of its policies on our region. It has failed to do so, and as a result has unnecessarily prolonged the pain and insecurity of millions of citizens and delayed the economic renewal of a region with 44 percent of the nation's population.

This year we will renew our efforts to control the growth of military spending; to insure the continued existence and viability of programs that sustain the needy; to target resources to distressed states and communities so that they can build for the future; and to achieve a more equitable dis-

tribution of federal funds among states and regions.

After the major buildup of the past three years, we believe defense spending increases should be limited to the level of inflation—between 3.5 percent and 4 percent. This would result in savings of $36.5 billion in budget authority and $24 billion in outlays in fiscal 1985. The Pentagon should be forced to make the same difficult choices that face other government agencies and sectors of the economy. Elimination of some of the waste in defense procurement and other areas alone would increase Pentagon buying power significantly, even at an inflation-level increase.

We will work to restore the cuts that have been proposed in crucial programs serving human needs such as food stamps and Medicaid. We will work to continue if not expand the Economic Development Administration, and to improve its targeting mechanisms so that aid is focused more closely on distressed communities. And we will seek continued funding of mass transit operating assistance, which the president has proposed to phase out.

We also will fight for increases in education and training funds. These programs represent an investment in our future, and are needed to guarantee the continued health of our economy. They are especially important to our region, with its heavy concentration of long-term unemployment and unemployed youth in our central cities.

These programs and others may be more mundane than a permanent space laboratory, but they are not less essential. We are not necessarily opposed to spending $8 billion in space, but we must recognize an equal claim on federal resource for infrastructure improvements, education, and training, which are essential to economic growth.

We also will seek changes in pension, Medicare, and other entitlement programs that are not based on need. Budget authority for military pensions alone is expected to grow by 65 percent in 1985, from $16.5 billion to $27.3 billion, with even greater increases in the future. Programs like these have powerful constituencies, but if we are to make headway against federal deficits—which rob future retirees as much as future workers—we must begin to target them more closely to those most in need.

That said, we must acknowledge that 1984 will be a difficult year in which to achieve any significant redirection of federal budget policy. The changes pushed through by the president in the past have taken hold, and the political atmosphere of an election year mitigates in favor of leaving things as they are and against the risky business of reform.

What we need now is leadership—leadership that must begin with the president. The president must take the initiative to attack a deficit that threatens our economy and shakes the confidence of our citizens. The president must work with Congress to create a political consensus behind a serious effort to curb runaway spending in the growth areas of the budget. Presidential leadership is needed to reform the tax system and close the loopholes that cost the government billions of dollars in revenue.

We stand ready to work with and support the president if he offers this kind of leadership.

THE BUDGET AND THE REGION—AN ANALYSIS OF PRESIDENT REAGEAN'S FISCAL YEAR REQUEST

Summary

The federal budget has an extraordinary influence on the economy of the Northeast and Midwest. While state and local economic initiatives play an important role, the tax and spending policies embodied in the federal budget in large measure determine the economic state of the region.

This dominant influence of the federal government has prompted elected officials from the Northeast and Midwest to focus special attention on President Reagan's fiscal 1985 budget request. Due in part to earlier federal policies, states in the region bore the brunt of the recent deep recession. While the current recovery has improved economic conditions, unemployment rates in several states still are well above the national average, which in turn remains higher than three years ago.

The apparent fragility of the recovery and its shallow effect on employment are of special concern to regional leaders. Because the economies of most Northeastern and Midwestern states are dominated by the manufacture of higher cost durable goods, the region is extremely sensitive to increase in interest rates caused by heavy federal borrowing or restrictions in the money supply.

This inital analysis of the President's fiscal 1985 budget request was prepared jointly by the staffs of the Northeast-Midwest Institute and the Northeast-Midwest Congressional and Senate Coalitations. The analysis examines the nature of the president's proposals and their specific impact upon the region, and highlights major areas of the budget considered critical to the region's future by most of its public and private leaders.

As with past budgets submitted by presidents of both parties, the fiscal 1985 proposal would continue a massive redistribution of funds among the states and regions of the country. Current federal tax and spending policies draw billions of dollars each year out of the economies of hard-pressed industrial states and transfer them to areas enjoying higher growth. The large increases proposed for defense spending in the 1985 request would exacerbate this problem. The Northeast and Midwest receive a disproportionately small share of defense spending, and thus derive far less economic benefit from military expenditures than do other regions. In addition, the economic development and social welfare programs on which Northeastern and Midwestern states depend heavily have been the targets in recent years of major cuts or spending freezes.

Many of the cuts proposed by this budget are focused on a range of domestic programs that together constitute only 10 percent of federal budget authority. Included are programs on which many state and local governments in the Northeast and Midwest rely for their efforts to foster economic growth. The few programs targeted for budget increases—such as defense, military retirement, and Bureau of Reclamation water project funding—tend to benefit other regions more than the Northeast and Midwest.

Finally, many argue that the $180 billion deficit proposed for fiscal 1985 could choke off an economic recovery by driving up interest rates and soaking up available capital. Much of this capital now is being used for investment in plant modernization, new products, and productivity increases that are essential to continued prosperity in the region and the nation.

Following are highlights of the budget proposal in major issue areas:

Community Development and General Revenue Sharing

In a reversal from past requests for budget reductions, the administration has asked for level funding for the Urban Development Action Grant (UDAG) and Community Development Block Grant (CDBG) programs at $440 million and $3.468 billion, respectively. Even so, that funding level would represent an inflation-adjusted decline since 1981 of 46.7 percent for UDAG and 23.1 percent for CDBG. The president has dropped those new federalism initiatives that would have turned UDAG back to the states and folded CDBG into a federal-local block grant. Only minor changes are requested in the CDBG program. Sustaining funding for each of these programs is important to efforts to revitalize the economy of the Northeast and Midwest. Between 1978 and 1983, UDAG grants of over $2 billion to cities in the region are credited with leveraging $11 billion in private investment and creating or retaining over 340,000 jobs.

Funding for the General Revenue Sharing (GRS) program, which sends $2.1 billion to communities in the Northeast and Midwest, would be maintained at $4.6 billion for each of the next three fiscal years under the president's request. The dollar figure for the GRS budget has remained constant for the past ten years. Adjusted for inflation, this represents an 18.2 percent decrease in spending power from 1981 to 1985.

Economic Development Administration (EDA)

The fiscal 1985 budget calls for elimination of all program funding for EDA. This is the president's fourth proposal to dismantle the agency. Previous attempts did not gain the support of Congress, which has appropriated $240 million for 1984. Nevertheless, current EDA funding is 45 percent lower than the 1981 level. The regional distribution of economic development program dollars underwent a notable shift last year. The Northeast-Midwest region, where 55 percent of the nation's long-term unemployed reside, received 56 percent of EDA funds in 1980 but only 44 percent in 1983.

Employment and Training

The president's proposal for fiscal 1985 includes $5.552 billion in budget authority for employment and training programs. The proposal requests $1.89 billion in block grants to the states for training disadvantaged youths and adults—Title II of the Job Training Partnership Act (JTPA)—and $223 million for dislocated workers (Title III). Funding for these programs would be maintained at fiscal 1984 levels, compared on a 12-month basis. The 1984 budget authority for JTPA will finance the program for 21 months, from October 1, 1983, to June 30, 1985, to encourage long-term planning. Fiscal 1985 budget authority will finance a 12-month program year beginning on July 1, 1985.

In fiscal 1984 (including the nine-month transition period and the first quarter of the 1984 program year), an estimated 47 percent, or $848 million, of funds for training for the disadvantaged and 50.5 percent, or $55.5 million, of funds for dislocated worker training will go to states in the Northeast and Midwest.

The administration proposes a one-year extension for the Targeted Jobs Tax Credit, whose authority runs out at the end of 1984. In addition, the administration again proposes elimination of the Work Incentive Program (WIN).

Education

The President's 1985 budget request for the Department of Education is $15.5 billion, slightly above the 1984 appropriation of $15.4 billion. Approximately 47 percent of these funds—$7.3 billion—is for elementary, secondary, and vocational programs. Budget authority for the Education for the Disadvantaged program (ECIA Chapter I) and Vocational Education would be maintained at their 1984 levels of $3.48 billion and $738 million, respectively. In fiscal 1984, states in the Northeast and Midwest will receive $1.447 billion for education aid for the disadvantaged and $304 million for vocational education.

The administration again will propose legislation to fold a number of vocational programs into a block grant. However, unlike last year, the proposal would leave adult education as a separate categorical program. In addition, the president is proposing to fund Chapter II, the state block grant program, at $738 million in budget authority—up from $479 million in 1984 and $614 million in 1981. This year the program will send $194 million to states in the Northeast and Midwest.

The president also proposes a number of reforms for the Guaranteed Student Loan Program. One proposal, which the administration estimates would save $24 million, would require all students applying for loans, regardless of income, to meet a "needs analysis test." At present, only students whose families have incomes over $30,000 are subject to a needs test. An additional estimated saving of $10 million would be achieved by reducing federal responsibility for "reinsuring"—i.e. guaranteeing—all new loans. The federal government currently provides 100 percent reinsurance. Under the president's proposal, the federal government would provide 80 percent, with the states required to pick up the remaining 20 percent.

Public Housing

The president's fiscal 1985 budget would reduce public housing operating subsidies by over $200 million from the current appropriation level, asking for $1.123 billion in new budget authority. In addition, the budget proposes a rescission of $331 million from the fiscal 1984 authorization. Part of the 1985 reduction would be offset by carryovers from fiscal 1983 and 1984, but some of it is calculated on the basis of undocumented energy savings and proposed decreases in vacant unit subsidies. The administration has dropped last year's plan, which was potentially devastating to authorities in the Northeast-Midwest region, to base operating subsidies on local private market rents. However, failure in 1985 to fund authorities fully under the present cost-based system would have the most severe impact on large urban authorities operating in the Northeast and Midwest. Serious flaws in the current system already place an extra burden on these authorities. Approximately 60 percent of the 1.2 million units of public housing is located in the Northeast and Midwest.

Food Stamps

The administration's request would cut approximately $555 million from the food stamp program in fiscal 1985. In addition to a $176 million decrease projected to result from lower unemployment and inflation, the administration anticipates achieving substantial cuts through proposals to implement mandatory workfare, simplify the food stamp application process, and hold states liable for erroenous payments in excess of 3 percent of total benefits. Although the administration projects savings of $85 million from its workfare proposal, recent analyses by congressional agencies estimate that actual savings will be significantly less and that new requirements could increase state administrative costs more than total budget savings. Congress refused to enact similar workfare proposals in 1982 and 1983. The administration's proposal to force the states to pay more than $500 million in erroneous benefits will be most costly to state and local governments in the Northeast and Midwest because these states tend to offer higher benefit levels and because high unemployment creates heavy demand for services.

Health

The administration proposes to save $567 million in fiscal 1985 by reducing permanently the federal matching rate for Medicaid by 3 percent. An additional $270 million would be saved by requiring states to charge copayments to all noninstitutionalized beneficiaries, including pregnant women and children. The fiscal 1985 Medicaid budget level of $21.213 billion represents a growth rate more than 2 percent lower than the rate of increase from fiscal 1983 to 1984. Measures proposed by the administration to achieve slower growth could force state legislatures to enact further cutbacks in Medicaid eligibility and coverage. Coupled with changes in Medicare reimbursement, federal Medicaid cutbacks may result in increased local government spending to support public hospitals, which treat a higher proportion of the poor and uninsured.

Energy Conservation

Although the president has, to a large extent, maintained funding levels of many energy conservation programs—largely through the use of oil overcharge funds—the total request still represents a 55.9 percent decrease from the fiscal 1981 level when adjusted for inflation. A total of $252.2 million has been requested for state and local grant programs—the same as in fiscal 1984—with $238 million coming from a newly created Petroleum Overcharge Restitution Fund. The president's budget assumes no funding for the Energy Extension Service or the programs funded under the Energy Production and Conservation Act, but would provide $190 million for the Weatherization program and $48 million for the Schools and Hospitals conservation program. The president's fiscal 1985 budget proposal states that "If receipts deposited into the fund are insufficient, the balance of the budget request for the Weatherization Assistance and Schools and Hospitals Grant programs will be derived from the general fund of the U.S. Treasury." However it is unclear whether the president will stand by these funding levels if Congress does not establish an oil overcharge account.

The fiscal 1985 request for energy conservation research and development is $148 million—$17.1 million of which is to come from appropriated funds not spent in previous years and savings resulting from new management practices. The fiscal 1985 request almost equals the fiscal 1984 appropriations of $150.9 million. The buildings and community systems and industrial portions of the research and development budget are about the same as in fiscal 1984. The transportation portion is reduced from the current level and the multi-sector portion is somewhat higher.

Energy conservation grant and research and development programs are of particular importance to Northeastern and Midwestern states. The region is home to growing numbers of low income people, has a disproportionate share of the nation's older, energy-inefficient housing, and has the highest household energy costs in the nation.

Low Income Energy Assistance

The president has requested a total of $1.875 billion for the Low Income Energy Assistance program for fiscal 1985 and tied the authorization level to the release of oil overcharge funds. The 1985 request represents a substantial increase over the president's previous proposals, and equals the amount appropriated so far by Congress for fiscal 1984. The president proposes to finance the program from a newly-created Petroleum Overcharge Restitution Fund, rather than from general revenues. Legislation will be sent to Congress in the near future to both create the fund and finance the program through it.

The fiscal 1985 funding level represents a decrease from fiscal 1981 of 17 percent after adjusting for inflation. The Northeast-Midwest region, with 44 percent of the U.S. population, currently receives approximately 63 percent of the energy assistance funds. The president's decision to finance the program out of oil overcharge funds may be problematical, since many members of Congress believe those funds should be used to supplement rather than supplant current funding sources.

Energy Supply

Although the administration's fiscal 1985 budget submission would increase proposed funding for fossil fuels and renewable programs sharply, overall spending for energy still would be much lower than in 1981. The request for nuclear programs (Fusion and Nuclear Energy) is $1.101 billion; for fossil programs, $272.9 million ($70.2 million of which would come from funds not spent in previous years and new management initiatives); and for solar and other renewables, $191.3 million ($10 million of which would come from funds not spent in previous years).

The nuclear request is down slightly from the fiscal 1984 appropriation level, due mainly to termination of the Clinch River Breeder Reactor. Although the proposed funding for fossil fuels and solar and other renewables is somewhat lower than the amount appropriated by Congress for this year, the fossil fuels request is 98 percent higher than the administration's fiscal 1984 request, and the request for solar and other renewables is 87 percent greater than last year's. However, after adjusting for inflation, between 1981 and 1985 overall spending for nuclear energy would decline by 37.6 percent, for fossil fuels by 75.3 percent, and for solar and other renewables by 77.4 percent.

Development of alternative energy resources is important for the Northeast-Midwest region because all of its states are net energy importers. Research and development programs in both basic and applied energy are needed to bring technologies to full commercialization, and should be encouraged particularly for energy sources indigenous to the region.

Water Resources Development

Construction outlays by the Army Corps of Engineers are scheduled to decline by $228 million in fiscal 1985, as many projects

near completion. Only two new construction starts are included in the Corps' request, which assumes offsetting receipts of $200 million in anticipation of congressional approval of port and navigation user fees. The Bureau of Reclamation budget, which limits funding to 17 Western states, would increase by 17 percent, from $922 million to $1.079 billion, with two new projects authorized for construction. Budget authority for the Soil Conservation Service's watershed and flood prevention program would drop from $184 million to $94 million, but the budget for the Farmers' Home Administration rural water and waste disposal loans and grants program, cut by more than 50 percent between fiscal 1981 and 1984, would decline only slightly next year, from $360 million to $340 million. The Northeast-Midwest region receives 32 percent of FmHA water program funding, but averages less than 20 percent of national spending for all water resource programs combined.

The week before the budget was introduced, the administration withdrew its proposal to establish a uniform cost-sharing requirement for federal water projects in favor of negotiations on a project-by-project basis. This decision will result in extra expenditures over the long term for federal water projects, few of which are located in the Northeast-Midwest region.

Water Quality

The president's fiscal 1985 request would increase funding for EPA regulatory, enforcement, and research programs by 8 percent, from $1.088 billion to $1.177 billion, bringing the agency's budget for these programs to approximately 71 percent of 1981 levels in inflation-adjusted dollars. The acid rain research budget would almost double, from $28 million to $55 million. The administration pledges additional resources for a federal-private sector project to demonstrate a competitive clean coal technology to reduce the sulfur dioxide emissions thought to cause acid rain. However, no funding amount is specified. Budget authority for the Superfund program would increase 39 percent, from $460 million to $640 million, reflecting 133 new additions to EPA's National Priority List of abandoned sites and increased demands on the program as cleanups get under way. Of the 512 identified priority sites, 65 percent are in the Northeast-Midwest region.

The Wastewater Treatment Construction Grants program would be authorized at last year's level of $2.4 billion, although this year the state matching requirement for most projects will increase from 25 percent to 45 percent. The Northeast-Midwest region receives 54 percent of the funds under this program, which is roughly equivalent to EPA's assessment of the region's wastewater treatment needs.

Transportation

The fiscal 1985 budget request asks for $3.4 billion in budget authority for the formula grant, discretionary grant, and interstate transit transfer grant programs of the Urban Mass Transportation Administration, a cut of $194.5 million from the projected fiscal 1984 level. The administration proposes to phase out all operating assistance for public transportation by fiscal 1989, and to limit fiscal 1985 operating assistance to $546 million—$329 million below the statutory cap in current law. With adjustments for inflation, that level of assistance would represent a reduction of 69 percent from 1981 authorizations. Large cities would lose the greatest proportion of funds under the graduated funding system the administration purposes. The Northeast-Midwest region receives approximately 60 percent of the urban formula assistance funds that provide operating and capital assistance.

The Federal Aid Highway Trust Fund programs would receive $14.645 billion in fiscal 1985 budget authority, an increase of $738 million from the estimated fiscal 1984 level of $13.907 billion. However, the budget recommends a fiscal 1985 obligation limitation of $13.875 billion, excluding emergency obligations.

Amtrak would receive $680 million in fiscal 1985 operating budget authority, a reduction of $36.4 million from the fiscal 1984 level of $716.4 million.

The Northeast Corridor Improvement Project will receive no new budget authority under the administration proposal, but will continue to make outlays from previous years' authority. The administration recommends no new authority for the local rail service assistance program, which distributed $12.5 million in fiscal 1984.

Defense

Budget authority for the Department of Defense in fiscal 1985 is proposed to reach $305 billion, and outlays $264.4 billion. This $47 billion or 18 percent increase in authority and $33 billion or 14.5 percent increase in outlays over fiscal 1984 reflects the administration's continuing commitment to real funding increases for national defense. In addition, a fiscal 1984 supplemental appropriation request will be made for military operations in Lebanon and Grenada, as well as to increase certain military benefits.

The defense share of the nation's output of GNP will be 6.8 percent in fiscal 1985, and is projected to average slightly more than 7 percent over the next five years. DOD's share of federal budget outlays is projected to increase to approximately 30 percent.

Heavy emphasis continues to be placed on procurement, which would be funded at $107.6 billion in fiscal 1985. This amount is over one-third of the entire DOD budget, and represents a 25 percent increase over fiscal 1984 levels. Procurement plans for the Pentagon will remain similar to those of fiscal 1984, as they generally are controlled by multi-year actions. The Army however, does, plan to activate a new light infantry division in fiscal 1985, and total active duty strength is projected to increase by 29,900 during the year.

In 1982, only 33 percent of all defense installations, 17 percent of personnel, and 39 percent of military prime contracts were located in the Northeast and Midwest. Over 75 percent of defense expenditures (excluding procurement) are scheduled to go to the South and West in fiscal 1984. Per capita spending in this category for the South and West would be $728, compared to only $290 in the Northeast and Midwest. Between 1981 and 1985, Pentagon budget authority, when adjusted for inflation, would increase almost 40 percent; in procurement, the increase would be over 83 percent.

Small Business Administration (SBA)

The administration has requested $332 million in budget authority for the SBA's Business Loan and Investment Fund program, down from $363 million in 1984 and $609 million in 1981. The president also is requesting $3.3 billion worth of loan guarantee assistance for 1985; however, the administration is seeking to phase down the program to $970 million by 1987. The budget submission also assumes virtual elimination of the SBA direct loan program. The only surviving component would provide $41 million in direct loans to minority enterprise small business investment companies (MESBICs), the same amount requested in 1984. Small businesses are vital to the Northeast-Midwest region; one study found that in the Northeast alone, from 1969 to 1976 small businesses created 166 percent of net new jobs, more than making up for job losses in large companies.●

FEDERAL GRANT REFUSED

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. RICHARDSON. Mr. Speaker, if there is any truth in the old adage that actions speak louder than words, it is certainly demonstrated in the commendable action of my constituent, Mr. Joe Shipman, general sales manager of Navajo Forest Products Industries in Navajo, N. Mex. Mr. Shipman, and members of the board of directors of the Wood Moulding & Millwork Producers Association, upon being notified that they had been awarded a Federal grant of $217,000 from the U.S. Department of Commerce, refused the money.

The board of directors gave as their reason for this action:

It is our view that all such programs should be discontinued until the Federal deficit is brought under control.

The Federal deficit is of such mammoth proportions that obviously no single measure will solve the problem. I continue to believe the Congress should consider a package that will provide for—

First, reasonable reductions in the growth of entitlement programs;

Second, reasonable reductions in the expanding defense programs; and

Third, reasonable adjustments in our tax rates.

You may recall Samuel Johnson's observation that "to do nothing is in every man's power." This is so. But Joe Shipman and the Wood Moulding & Millwork Producers have made a first step in the State of New Mexico. I urge the Reagan administration in Washington to take a page from their notebook.

I would like to share with my colleagues the letters of Mr. Shipman and the board of directors of the Wood Moulding & Millwork Producers Association. The text of the letters is as follows:

NAVAJO FOREST PRODUCTS INDUSTRIES,
Navajo, N. Mex., December 30, 1983.

Hon. BILL RICHARDSON,
House of Representatives,
Washington, D.C.

DEAR MR. RICHARDSON: The Board of Directors of Wood Moulding & Millwork Producers Association recently turned down a cooperative agreement with the U.S. Department of Commerce, International Trade

Administration, Office of Trade Adjustment Assistance, Technical Assistance Division.

While this $217,000 grant might have helped our industry in the long run, the Board of Directors acted prudently in thinking of our country first and our association second. The Board's reason for this action. . . . "It is our view that all such programs should be discontinued until the federal deficit is brought under control."

Our firm concurs with the action taken by the Board of Directors and we commend them on this action. To this end, we express to you our own concern for the deficit and a desire for you, our representative to take whatever action necessary to eliminate the federal deficit.

Your comments and views will be appreciated.

Cordially,

JOSEPH T. SHIPMAN,
General Sales Manager.

WOOD MOULDING & MILLWORK PRODUCERS,
Portland, Oreg., December 13, 1983.

Mr. DANIEL F. HARRINGTON,
Director, Technical Assistance Division, Office of Trade Adjustment Assistance, U.S. Department of Commerce, Washington, D.C.

Mr. HARRINGTON: After additional consideration, and in view of the federal deficit, the Board of Directors of Wood Moulding & Millwork Producers Association has decided the association will not become involved in the TAAC program.

It is our view that all such programs should be discontinued until the federal deficit is brought under control.

For Wood Moulding & Millwork Producers Association's Board of Directors:

Gary D. Moore, President, Cascade Wood Products, Inc.

Loren G. Forrister, Vice President, Forest Products Company.

Theodore R. Allen, Treasurer, Mt. Taylor Millwork, Inc.

Leonard G. Richert, Immediate Past-President, Challenge Lumber Products, Inc.

Bernard J. Tomasko, Executive Vice President, Wood Moulding & Millwork Producers Association.

Charles G. Cannon, Contact Lumber Company.

Tim Drury, Louisiana-Pacific Corporation.

Robert W. Gonsalves, Western Moulding Company, Inc.

Kieran P. Madden, Ponderosa Mouldings, Inc.

Earl J. Moore, Corning Moulding Corporation.

J.D. Robbins, Klamath Moulding Mill, Inc.

Jeff Setzer, Setzer Forest Products.

John Sked, Jr., American Forest Products Company.

Charles Vignal, Canadian Millwork, Inc. (CMI).

BERNARD J. TOMASKO,
Executive Vice President.●

TRIBUTE TO MEMBERS OF LOCAL NO. 44

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HARRISON. Mr. Speaker, on Friday, February 24, 1984, the Sheetmetal Workers Local No. 44 of Wilkes-Barre, Pa. will be honoring 30 of their members with 25-year pins for their service and dedication to the local.

The members receiving pins this year are: James Austin, Grant Bachman, Bill Borton, David Brown, Bill Burns, Joe Ciavarell, Tom Conroy, Andy DeStanfano, Bill Entz, John Everett, Paul Free, Gerald Heck, Ralph Isley, Walter Johns, Ed Kaleshefski, Ed Klein, Al Madara, Charles Milbrand, Andy Petroski, Charles Phoenix, Dan Pisarcik, George Robertine, Vince Savinelli, Adam Semanski, Mitch Sobocinski, Fred Thieman, Don Walsh, Ed Wojtal, Norm Wydila, and Joe Splendido. These pins will be awarded at the Plains American Legion, Carey Street, Plains, Pa.

Local No. 44 became part of the Sheetmetal Workers International on June 19, 1939, under General President Robert Byron and General Secretary William O'Brien.

Mr. Speaker, I join with the entire membership of this local under the management of Thomas Austin, Jr., in paying tribute to these outstanding members.●

GRENADA AND THE PRESS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HYDE. Mr. Speaker, it is noteworthy that a survey of American students on Grenada has found that 92 percent of those questioned approved the President's decision ordering our forces to rescue them.

The survey, conducted by George Washington University's media analysis project, also found that two out of three believed the President was right to hold back the press when our troops landed. As these were the persons whose lives were directly at stake, their views carry special weight.

Curiously, this survey does not seem to have received very much attention in the press. I call to my colleagues' attention the following article from the Washington Times of January 19, 1984.

STUDENTS IN GRENADA HAIL CHIEF, RIP PRESS

(By Carol Innerst)

A new survey of the American medical students on Grenada has found that the students approved of President Reagan and the invasion much more strongly than first thought—and of the press much less than first thought.

Two out of three of the students returning to St. George's Medical College said President Reagan was right to hold the press back when U.S. troops invaded Grenada in October, two George Washington University researchers said yesterday after spending last week on the island interviewing students.

They found the students even more enthusiastic about the president's decision than the American public at large.

According to Dr. Michael Robinson, director of George Washington University's Media Analysis Project, 64 percent of the students interviewed felt reporters should not have been permitted to accompany U.S. troops when they arrived in Grenada because it would have jeopardized the safety of the students, the safety of the reporters themselves and the need for secrecy.

Just under 40 percent of the students interviewed said the press that had covered them "did not behave in a responsible manner." At the same time, "only 3 percent of those interviewed thought the American soldiers had behaved irresponsibly," said Maura Clancy, assistant director of the research project.

Ninety-two percent of those questioned believed the president did the right thing.

Mrs. Clancy said about half the students who left have returned. Others, described as more "gunshy," are on Barbados where a convent has been rented and classes are starting up for the new semester.

The research data were based on interviews with about 115 medical students who are U.S. citizens.

The pair went to Grenada to see whether a systematic survey would reinforce the media-based images about student opinion that emerged after the invasion.

"What we found was these impressions were understated," Mrs. Clancy said.

In a test vote between Mr. Reagan and Democratic presidential candidate Walter Mondale, 80 percent of the students back on Grenada voted for Mr. Reagan.

The Media Analysis Project is a foundation-funded research project that studies how the major media treat public policy news.●

FAA POLICE BILL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. WOLF. Mr. Speaker, today I am introducing legislation to correct the inequitable pay problem of Federal Aviation Administration airport police. My distinguished colleagues from Maryland, Mr. BARNES and Mr. HOYER, join me in this effort along with my fellow Virginian, Mr. PARRIS. Senator PAUL TRIBLE of Virginia will introduce a companion bill next week in the Senate.

This problem was brought to our attention by the Federal police officers at the area's Washington National and Dulles International Airports—the only federally owned and operated airports in the country. These police officers shared with us the hardships placed on them by inequitable salary schedules and the resultant inadequate staffing levels. The staffing problems were resolved last fall by regulation; however, the Department of Transportation's request to the Office of Personnel Management for pay relief went largely unheeded.

The only pay relief these officers have actually received during the past 15 years came in 1974 with adoption of a DOT special pay rates request. These regulatory pay requests, however, are defined as temporary in nature and include sunset provisions. The 1974 effort to provide equitable pay for these officers had totally eroded by 1979. Five years have passed since then and these employees have fallen seriously behind other comparable civil service employees, other Federal law enforcement personnel, and area police departments.

We supported DOT's efforts to alleviate this problem through a special pay rates package and were disappointed with the marginal relief OPM provided. We do feel, however, that a permanent solution to this problem should be sought. For this reason we are establishing a statutory special pay rate for the airport police officers thereby treating them in the same manner as other Federal police forces such as the Library of Congress Police, National Zoo Police, and U.S. Park Police who have had their pay rates established through special pay legislation. This type of relief is long overdue.

Although the entire DOT package was not accepted by OPM, we feel the figures and proposals made by that request reflected a reasonable attempt to provide parity for the FAA police with other Federal law enforcement personnel. Therefore, we are incorporating the pay package request of Secretary Dole in our legislation. The figures used in deriving the pay schedule listed in the bill were determined through a composite of the pay rates for other Federal police officers and the police departments of the surrounding metropolitan area.

To better understand the problem at hand, I provide the following. Police protection at National and Dulles International Airports is provided daily to approximately 50,000 people. In 1982, these airports were used by over 16 million passengers and visitors. The airports' boundaries encompass approximately 11,000 acres, much of which is used for aircraft operations and must be patrolled to maintain adequate security 24 hours each day. The level and scope of police coverage by the FAA police are comparable to the law enforcement requirements of an average-sized community.

This community comparison is reinforced not only by the actual population statistics, land area, and property values protected, but also by comparison of the types of emergencies and other law enforcement incidents that occur at the area airports and in a municipality. In addition, the airports servicing the Nation's Capital, and indeed the capital of the free world, are located in a unique geopolitical environment, serving elected officials of not only the United States but leaders and diplomats from throughout the world. This fact makes these airports more vulnerable to terrorist activities and subject to a higher level of media coverage and scrutiny by the police.

I point out these facts to illustrate the unique job responsibilities of the FAA police. The daily duties and stress they encounter would seem to warrant salary and benefits levels comparable to other Federal police forces; however, that is not the case. The pay for FAA police ranges anywhere from $3,200 to $6,600 less than salaries for police officers at the Library of Congress and Park Service, respectively.

The discrepancies between pay for these officers is not substantiated by the differences of duties performed. In a July 1981 draft Study of Protective Occupations, the Office of Personnel Management found that Federal police work is diverse with differing levels of complexity and responsibility for individual officers and special, sometimes unique, missions for whole forces. Officers stationed in an around most office buildings are likely to encounter situations such as theft, robbery, vandalism, and would less frequently encounter assaults, bomb threats, rapes, or civil disorders. The bulk of any workday in this "closed" police environment would involve checking identification in limited access areas, enforcing parking regulations, and occasionally assisting persons in emergency situations. For example, police officers at the Bureau of Engraving and Printing and those at the Supreme Court whose compensation is based on special legislation, spend most of their time checking ID's, issuing parking tickets, and giving information to tourists.

In contrast, the airport police function in an "open" police environment. the number of passengers and visitors to the airports in not a finite entity and continues to increase as air travel becomes a more economical means of travel. I have talked with police officers at National Airport, in particular, who feel that the Metro station has facilitated easier access to the airport for the general nonflying public and may have contributed to the increase of armed holdups, number of stolen cars, pickpockets, credit card fraud, vagrance, and property crime at the airport since the station opened. With approximately 50,000 people using National and Dulles Airports every day, the variety of situations that must be dealt with by the police includes violent crimes such as murder, robbery, and aggravated assault, as well as possession and/or distribution of drugs, possession of weapons, and fraud.

There is little similarity in complexity of situations encountered by the FAA airport police officers who operate in an "open" police environment and the officers of the Supreme Court and the Library of Congress who operate in a "closed" police environment. Yet the salaries for these officers differ substantially as outlined earlier.

If the compensation comparison is extended to local non-Federal jurisdictions and to police forces of other airports, the FAA airport police force compares even less favorably. Yet the responsibilities of the FAA airport police are comparable to those of other jurisdictions such as the Alexandria and Arlington police forces, U.S. Park Police, Capitol Police, and the Washington Metropolitan Area Transit Authority Police, all of whom operate in a similar "open" environment.

Due to the lack of parity with other neighboring Federal law enforcement agencies, the FAA airport police have become a training ground for these other agencies. The younger officers take the opportunity to transfer to another Federal or non-Federal agency when the opportunity presents itself. I do not believe this represents the best expenditure of taxpayer funds.

We believe the case is clear that the current situation needs immediate correction. For this reason, we urge adoption of this package and passage of this legislation in a timely fashion to resolve this inequity.

A section-by-section analysis and the bill follows:

SECTION-BY-SECTION ANALYSIS

FEDERAL AIRPORTS POLICE SALARY ACT

Section 1. The title of the bill is the "Federal Airport Police Salary Act."

Section 2. Immediately following Section 5375 which details the pay schedules for National Zoological Park police, Section 5376 as "Police Forces of Washington National Airport and Dulles International Airport" is added.

The Airport Police Salary Schedule is listed and consists of 9 levels of positions: Level 1—entry-level police officers; level 2—airport police officers; level 3—special functions officer; level 4—sergeant; level 5—lieutenant; level 6—captain; level 7—deputy inspector; level 8—inspector, and level 9—chief of police. These positions were previously designated by particular grades; however, they will not be listed as a level rather than a GS grade.

Under this section, airport police would be subject to the same periodic step increases as outlined in Section 5335 and Section 5336 of the U.S. Code which govern GS employees. Each level has 10 steps which are corresponding steps to the current general schedule step and grade system. These level and step determinations apply only to police force employees of the Federal Aviation Administration at Washington National Airport and Dulles International Airport.

To convert from steps-in-grade to steps-in-level, employees will retain the current step of their general schedule rating and move to the corresponding step listed in the level structure outlined in section 2 of this act—they will essentially retain the same step.

The conversion from the general schedule to the level system and any pay increases associated with this conversion shall not be

construed as a periodic step increase as outlined in section 5335 of the U.S. Code.

The pay of employee covered under this act shall be reduced as a result of enactment of this bill.

Section 3. Although these employees are no longer subject to general provisions of the Code governing general schedule employees, they will be subject to the same comparability pay increases as general schedule employees.

Section 4. This section insures that FAA police are still subject to the retention rights granted general schedule employees.

Section 5. FAA police could be granted hazardous duty differential pay under this section. These police officers are currently subject to this portion of title V although Office of Personnel Management has never designated these employees eligible for actual receipt of pay under this provision. The inclusion of this portion of the legislation does not entitle FAA police personnel to hazardous duty differential pay; however, should, in the future, OPM determine these employees as eligible for the differential, this section of the legislation would make payment of such rates possible.

Section 6. This pay schedule will become effective the first pay period 30 calendar days after the date of enactment of this legislation. The salaries of FAA police will reflect these new rates in the applicable pay period after enactment.

To convert from grades to level, employees now listed as GS-4 will be rated at level 1; GS-5 employees, level 2; GS-6, level 3; GS-7, level 4; GS-8, level 5; GS-9, level 6; GS-10, level 7; GS-11, level 8; and GS-12, level 9.

H.R. 4748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Airport Police Salary Act".

ESTABLISHMENT OF PAY SCALE

SEC. 2. (a)(1) Subchapter VII of chapter 52 of title 5, United States Code, relating to Federal employee pay rates and systems, is amended by adding at the end thereof the following new section:

"§ 5376. Police forces of Washington National Airport and Dulles International Airport

"(a) Each employee in a position within the police force of Washington National Airport or the police force of Dulles International Airport shall be entitled, under regulations prescribed by the Office of Personnel Management, to have his pay fixed in accordance with the following schedule:

AIRPORT POLICE SALARY SCHEDULE

Grade and title	Annual rates									
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Level 1—Entry-level police officer	$17,919	$18,317	$18,715	$19,113	$19,511	$19,909	$20,307	$20,705	$21,103	$21,501
Level 2—Airport police officer	19,167	19,613	20,059	20,505	20,951	21,397	21,843	22,289	22,735	23,181
Level 3—Special functions officer	20,865	21,362	21,859	22,356	22,853	23,350	23,847	24,344	24,841	25,338
Level 4—Sergeant	22,079	22,631	23,183	23,735	24,287	24,839	25,391	25,943	26,495	27,047
Level 5—Lieutenant	24,449	25,060	25,671	26,282	26,893	27,504	28,115	28,726	29,337	29,948
Level 6—Captain	27,006	27,681	28,356	29,031	29,706	30,381	31,056	31,731	32,406	33,081
Level 7—Deputy Inspector	29,747	30,491	31,235	31,979	32,723	33,467	34,211	34,955	35,699	36,433
Level 8—Inspector	32,678	33,495	34,312	35,129	35,946	36,763	37,580	38,397	39,214	40,031
Level 9—Chief of Police	38,185	39,164	40,143	41,122	42,101	43,080	44,059	45,038	46,017	46,996

"(b) Classification of positions the rate of pay of which is fixed under subsection (a) shall be under such regulations as the Office of Personnel Management shall prescribe.

"(c) The provisions of sections 5335 and 5336 of this title, relating to periodic step-increases, shall be applicable to employees covered under this section. In applying such provisions to employees under this section, the references contained in such sections to grades and pay rates shall be considered to be references to grades and pay rates specified under subsection (a) of this section.

"(d) For purposes of this section—

"(1) the term 'police force of Washington National Airport' refers to employees of the Federal Aviation Administration appointed under section 4(a) of the Act of June 29, 1940, entitled 'An Act to provide for the administration of the Washington National Airport, and for other purposes'; and

"(2) the term 'police force of Dulles International Airport' refers to employees of the Federal Aviation Administration appointed under section 8(a) of the Act of September 7, 1950, entitled 'An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia'."

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5375 the following new item:

"5376. Police forces of Washington National Airport and Dulles International Airport.".

(b) Section 5102(c) of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (26);

(2) by striking out the period at the end of paragraph (27) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(28) members of the police force of Washington National Airport and members of the police force of Dulles International Airport, whose pay is fixed under section 5376 of this title.".

PAY COMPARABILITY

SEC. 3. (a) Section 5301(c) of title 5, United States Code, relating to the pay comparability system, is amended in paragraph (1) by inserting before the semicolon the following: ", or section 5376 of this title, relating to the Airport Police Salary Schedule".

(b) Paragraph (1) of section 5303(a) of title 5, United States Code, relating to authority to prescribe higher minimum rates of pay, is amended by inserting "or 5376" after "5332".

(c) Section 5304 of title 5, United States Code, relating to policies and regulations implementing pay comparability, is amended by inserting "section 5376 of this title," before "chapter 51".

GRADE AND PAY RETENTION

SEC. 4. Section 5361 of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "or section 5376" after "chapter 51"; and

(2) in paragraph (5), by inserting "the Airport Police Salary Schedule under section 5376 of this title," after "the General Schedule,".

HAZARDOUS DUTY DIFFERENTIAL

SEC. 5. The second sentence of section 5545(d) of title 5, United States Code, relating to pay differentials for hazardous or intermittent duty, is amended by inserting ", or section 5376 of this title," after "chapter 53 of this title".

EFFECTIVE DATE; TRANSITION PROVISIONS

SEC. 6. (a) The amendments made by this Act shall become effective at the beginning of the first applicable pay period which commences on or after the thirtieth day following the date of the enactment of this Act.

(b)(1) Effective on the effective date of the amendments made by this Act, initial adjustments of the rates of basic pay of individuals employed as members of the police force of Washington National Airport or Dulles International Airport on such date shall be made in accordance with paragraph (2).

(2)(A) An individual whose pay is within a grade of the General Schedule immediately before the effective date of the amendments made by this Act shall be paid—

(i) within the appropriate grade of the Airport Police Salary Schedule under section 5376(a) of title 5, United States Code (as added by section 2 of this Act), as determined under subparagraph (B); and

(ii) at that step of such grade which corresponds numerically to the step of the grade of the General Schedule at which such individual was paid immediately before such effective date.

(B) For purposes of making the initial adjustment in the rate of basic pay for any individual under this subsection, the appropriate grade under the Airport Police Salary Schedule is the grade appearing across from the grade of the General Schedule at which such individual was paid as a member of the police force of Washington National Airport or Dulles International Airport, as the case may be, immediately before the effective date of the amendments made by this Act, as follows:

General schedule grade:	*Airport police salary Schedule grade*
GS-4	Level 1
GS-5	Level 2
GS-6	Level 3
GS-7	Level 4

	Airport police salary
GS-8	Level 5
GS-9	Level 6
GS-10	Level 7
GS-11	Level 8
GS-12	Level 9

(c)(1) An increase in pay by reason of an initial adjustment under the preceding provisions of this section shall not be deemed to be an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step-increases under the pay structure established by section 5376 of such title (as added by section 2 of this Act).

(2) For purposes of periodic step-increases under such pay structure, an employee shall be credited, as of the effective date of the amendments made by this Act, with all service since such employee's last periodic step-increase under section 5335 of title 5, United States Code, before such effective date.

(d) No rate of basic pay in effect immediately before the effective date of the amendments made by this Act shall be reduced by reason of this Act.

(e) For purposes of this section, the term "police force of Washington National Airport" and the term "police force of Dulles International Airport" each has the meaning given such term by section 5376 of title 5, United States Code (as added by section 2 of this Act).●

UNEMPLOYMENT COMPENSATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. FRENZEL. Mr. Speaker, the chronic indebtedness of many State unemployment compensation systems require prompt attention, both in State legislatures and here in Congress. Financial solvency is paramount, and will only be achieved through a major overhaul of the system.

Over 20 States have had to borrow funds from the Federal Government in order to provide compensation. Many States continue to borrow. Interest on these loans are accruing into millions of dollars, adding further to the State debt burden.

Unemployment compensation should neither be a dole, nor a substitute for work, nor an incentive not to work. As noted by the following Minneapolis Star and Tribune editorial, the program should be comprehensively overhauled to fit the original intention of the program which was to protect temporarily Americans out of work through no fault of their own. The editorial follows:

DO MORE THAN TINKER WITH JOBLESS BENEFITS

The distressed Minnesota unemployment compensation system apparently will get legislative attention in 1984. Attention is overdue. The system owes more than $400 million to the federal government, which is one reason business groups have made reform their top legislative priority for 1984. Unfortunately, most of the reform ideas—good though many are—involve only tinkering to bring benefits paid in balance with taxes collected. But financial solvency alone does not define a good unemployment-compensation system. And few seem willing to re-examine the basic premises of unemployment compensation to see if they remain appropriate.

When the federal-state unemployment compensation program was first devised a half-century ago, the U.S. economy and the U.S. workforce were different. Single-wage, two-parent families predominated. The father worked and the mother remained at home to rear children. Thus, when unemployment-compensation designers determined that the system should make up 50 percent of a worker's previous gross income—subject to maximums—in most cases that amounted to 50 percent of a family's income.

That simple scenario no longer holds, for many reasons. Paramount is the prevalence of two-worker households. Nearly two-thirds of American families now have two or more incomes, and the number continues to grow. For those families, the loss of one income may be a hardship, but it is not the catastrophe that it was—and still is—for single-wage families. If unemployment compensation's purpose is still to make up 50 percent of a family's income, unemployed workers in two-income families need less individual compensation. A 1979 Government Accounting Office study found that when other income was included, unemployment-compensation claimants received an average 64 percent of their working income.

The years since 1935 have also seen the growth of another group—the single-parent provider. When these people—predominantly low-paid women—lose their single income, their fall into poverty is precipitous, and their efforts to climb back are difficult. For them, unemployment compensation equal to 50 percent of income may not suffice.

Other things have changed since 1935. One is tax rates. They have gone up. In 1935, unemployment compensation equal to 50 percent of gross income was close to 50 percent of take-home pay. Today, 50 percent of gross income may exceed 60 percent of take-home pay.

Still another change is the proliferation of welfare programs that cushion the effect of unemployment. In 1935 there were no food stamps, no Aid to Families with Dependent Children, no Medicaid. These programs lessen the amount of unemployment compensation needed.

Some experts oppose redesigning unemployment compensation to take account of these changes. They argue that the judgments involved smack of welfare and destroy unemployment compensation's "insurance" character. But the 1935 unemployment-compensation system was not developed in a vacuum. The decision to make up 50 percent of a worker's wage is itself a judgment about need—a judgment based on worker characteristics at that time. Now those characteristics have changed, and new judgments are needed. The unemployment compensation system should not merely be solvent, it should serve its stated purpose.●

EYE RESEARCH NETTING RESULTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. PORTER. Mr. Speaker, I call attention of my colleagues to recent strides in eye research and their effects on preventing blindness in the United States. A recent article in the Chicago Tribune entitled "Science Dimming Threat Of Blindness," printed on January 22, 1984 explains that "the past 10 years have possibly been the most remarkable in opthalmology in over 100 years."

The new space age technology, mostly developed at the National Eye Institute—which finances 80 percent of eye research in the United States—has created "lasers that permit surgery inside the eye without having to open the delicate eyeball; artificial lenses that restore normal vision; drugs and surgical techniques that dramatically improve visual handicaps; operating microscopes that greatly expand the field of view for surgeons; and fine sutures that mend incisions with practically no trace."

These tools have allowed opthalmologists to treat thousands of patients who would ordinarily have gone blind. For example, with the use of lasers and artificial lasers, cataracts, which are the leading cause of blindness in the world, rarely cause loss of sight in the United States.

I commend the National Eye Institute and others on their wonderful work and hope that the advances of the future will be as fruitful as those of the recent past.

The following is a full transcript of the Chicago Tribune article:

[From the Chicago Tribune, Jan. 22, 1984]

SCIENCE DIMMING THREAT OF BLINDNESS

(By Ronald Kotulak)

More than 90 percent of what we know about the world comes through our eyes. So it is little wonder that a recent survey by the National Society to Prevent Blindness showed that Americans fear blindness above all other medical disabilities.

But the threat behind that fear is rapidly diminishing. A decade of revolutionary advances in eye care has reduced the risk of blindness to its lowest point in history.

Diseases that meant almost certain loss of sight in the recent past are routinely treated, sparing tens of thousands of people what has been called a "living death."

"The restoration of lost sight is an extraordinary achievement," said Lew Wasserman, president of Research to Prevent Blindness, an organization devoted to eye research.

"So too is the preservation of vision threatened by blinding diseases. Both are being accomplished today on a scale never before envisioned—through scientific and medical knowledge only recently attained."

"The past 10 years have possibly been the most remarkable in ophthalmology in over 100 years," said Dr. Frank Newell, a University of Chicago professor and editor of the American Journal of Ophthalmology.

The revolution in eye care is being fueled by Space Age technology: lasers that permit surgery inside the eye without having to open the delicate eyeball; artificial lenses that restore normal vision; drugs and surgical techniques that dramatically improve visual handicaps; operating microscopes that greatly expand the field of view for surgeons; and fine sutures that mend incisions with practically no trace.

These striking advances are a far cry from a decade ago, when eye care primarily involved prescribing glasses, plucking out cataracts and giving drops for glaucoma.

"Ophthalmology is being transformed by an influx of new ideas and technologies from other sciences;" said Dr. Carl Kupfer, director of the federal National Eye Institute, which finances 80 percent of eye research in the United States.

The payoff has been tremendous. The four major causes of blindness in the United States—cataracts, diabetic retinopathy, glaucoma and senile macular degeneration—are being tamed.

Cataracts are the biggest cause of blindness in the world, having stolen the sight of more than 17 million people in other nations. But they are so successfully treated in this country that they rarely lead to blindness among Americans. In addition, thousands of people who were left visual cripples after having cataracts removed years ago are getting back near-normal vision with permanent lens implants.

Blindness from glaucoma, which has ended the eyesight of more than 62,200 Americans and is the leading cause of blindness in the United States, can be prevented in 96 percent of the patients if it is caught early and treated properly.

Blindness in the United States in percent of blind people

Major causes of blindness:	*Percent*
Glaucoma	12.5
Macular degeneration	11.6
Senile cataract	8.3
Optic nerve atrophy	7
Diabetic retinopathy	6.6
Leading causes of new blindness each year:	
Macular degeneration	16.8
Glaucoma	11.5
Diabetic retinopathy	10.1
Senile cataract	9.8
Optic nerve atrophy	4.3

Laser beams are providing a new way to treat glaucoma, the devastating build-up of pressure inside the eye that destroys the optic nerve.

The laser also has opened the door to preventing many cases of blindness among victims of diabetes and sickle-cell anemia. Their illnesses often lead to diabetic or sickle-cell retinopathy, disorders in which fragile blood vessels inside the eye leak, filling the eye with a vision-blocking pool of blood.

Vision loss from macular degeneration, which is emerging as the No. 1 cause of blindness as the population of senior citizens increases, can be prevented in some cases with laser blasts. The laser destroys abnormal blood vessels at the back of the eye that, if allowed to rupture, can destroy the sensitive macula, the thumbtack-size tissue at the back of the eye that governs central vision.

In other instances, sight can be joyously returned to people who have endured total or partial blindness.

Patients blinded by diabetic retinopathy, for example, once considered a permanent loss of vision, are getting back their sight. Surgeons are entering what used to be the "no man's land" in the interior of the eye to delicately remove blood clots and other opaque deposits.

To those whose sight has been restored, the new technology can seem miraculous.

Lynette Porter, an 18-year-old high school senior and cheerleader from Munster, Ind., had lost sight in her left eye because of a rare infection that clouded the vitreous gel that fills the eye.

Local doctors told her that vision in her infected eye was permanently lost. But last December surgeons at the University of Illinois Eye and Ear Infirmary used delicate instruments to extract the opaque gel and replace it with a clear solution.

"I thought I'd always be blind in one eye," she said. "About a month after the operation, I could see again. It's a miracle, just fantasic."

Her mother, Linda, said, "We kept telling her the story about God healing the blind man and that if He did it for him, He'd do it for her. Our prayers were answered."

"The technical revolution has changed my life," said D. Morton Goldberg, head of ophthalmology at the University of Illinois. "It has changed the way I look at patients."

The revolution also has changed the courses taught in ophthalmology schools. Much of what was in textbooks only 10 years ago has become outmoded. Within the last five years, most of the nation's ophthalmologists have had to scurry back to school.

"I don't do anything the way I did during my residency period, which I finished in 1967," Goldberg said.

"Many diseases which were thought to be hopeless are now eminently treatable. Although there are still some risks, the overall outlook is much more optimistic than it has ever been, and it seems to be increasing."

That means new hope for those threatened with blindness or eyesight impairment. Of the 46,600 new cases of blindness that occur each year the National Society to Prevent Blindness estimates, half could be prevented with early detection. Nearly 500,000 Americans are legally blind.

Another 11.5 million Americans suffer from some type of serious visual loss, and 103 million, or nearly half the U.S. population wear corrective lenses.

Many things can go wrong with the delicate parts of the liquid-filled orbs that allow us to see.

In the eye, light first passes through the cornea, the outer covering, and then travels through the lens. The cornea can become infected or damaged, or can suffer from a genetic distortion and may need to be replaced. The lens, over time, may cloud and become a cataract.

The job of the cornea and lens is to focus light on the retina, a lining of light-sensitive cells at the back of the eye. The retina is an extension of the brain, the organ of vision.

The retina's photoreceptor cells convert light into electric signals that travel to the brain, where they are sorted into the images we recognize as vision. Many things, from abnormal blood vessels to infections to age-related degeneration, can damage those cells, blocking signals from reaching the brain.

The cornea and lens are nourished by a clear liquid called the aqueous humor. Like a sink with a running faucet, aqueous humor is constantly being produced and constantly being drained. When this drain is blocked, pressure builds up inside the eye to cause glaucoma.

The center of the eye is filled with a transparent, gel-like substance called the vitreous humor, which helps keep the eye's shape. Strands forming in the gelatinous material can block vision, or they can pull the retina from its foundation, causing retinal tears or detachments. It is this vitreous humor that also becomes filled with blood in diabetic retinopathy and other disorders.

Many of these disorders are rapidly succumbing to the laser. Eye doctors made the first medical use of the laser in the late '60s, and they continue to lead in its development. The majority of ophthalmologists use them routinely.

Unlike regular light sources that spread rays in all directions, a laser produces a narrow beam that can travel a needle-thin path for extremely long distances.

To produce a laser, a material such as krypton or argon is energized, usually by an electric spark. The material's atoms give off energy in the form of synchronized light waves that produce an extremely concentrated and intense laser beam.

Depending on the power, the narrow beam of light can be used for many jobs. At low intensities, it is used to diagnose disorders; at high intensities it is used for surgery without scalpels—spot welding tissue, zapping precise holes in targeted areas and vaporizing internal structures.

The laser is the most perfect tool devised for eye therapy. Most of the eye's internal structure can be viewed from the outside. Laser beams take advantage of this unusual access by harmlessly passing through the cornea and lens to hit diseased tissue.

The new arsenal includes lasers employing argon, krypton and combined helium-neon gases, and, most recently, the YAG laser, which has been called the "dream machine."

The YAG laser was developed for the Swiss watch industry to drill holes in jewels serving as bearings. Unlike other lasers that use heat to burn tissue, its microscopic lightning bolts actually tear atoms asunder, ionizing the target into a microbubble of steam.

It gets its powerful beam from neodymium, a rare metallic element, which is encased in a crystal of yittrium-aluminum-garnet, whence its name is derived. Introduced in this country only in 1982, the YAG laser is expected to have enormous impact.

"If you had told me two years ago that I could remove opaque scar tissue from the pupil of the eye, allowing people who could only see shadows to read a book again, I'd say you were crazy," Goldberg said. "But, in fact, I'm doing five to six patients a week now with the YAG laser."

Lasers can perform four operations inside the eye:

Coagulation. When the red krypton or blue-green argon laser beams hit tissue inside the eye, they create tiny hot spots from 100 to 140 degrees. These hot spots coagulate the tissue to form spot welds made of extremely small scars that are useful in reattaching retinas or sealing off abnormal blood vessels.

Vaporization. At higher temperatures, from 212 to 1,112 degrees, laser beams can vaporize such targets as cancers.

Disruption. With the YAG laser, surgeons can focus a beam to an intense point that cuts tissue inside the eye as easily as a scal-

pel. The burst of energy lasts for only a billionth or a trillionth of a second, but it can reach temperatures of 27,000 degrees and a power level of 10 million watts.

Radiation. Eye tumors treated with chemicals that make them extremely sensitive to light can be destroyed by a low-intensity laser beam.

For patients, the laser is a tremendous boon. Laser surgery means no instruments inserted into the eye, no risk of infection and little or no pain. Operations that used to take hours are done in minutes. The long hospital stays from eye surgery are being eliminated, and many procedures are performed on an outpatient basis.

The following is a listing of the eye dis orders on which lasers are proving most effective:

SECONDARY CATARACTS

As the number of cataract operations skyrockets—exceeding 650,000 a year—surgeons are faced with a growing side effect, the formation of secondary cataracts. When surgeons remove the clouded lens that forms the cataract, they leave behind the membrane sac that held the lens to support an implanted artificial lens. These membranes frequently become clouded over time, causing secondary cataracts and blindness.

Surgeons were forced to cut into the eye to open the clouded membrane so that light could pass through. The YAG laser can blast a hole through the membrane in a painless office procedure that takes only a few minutes. The YAG laser is not used to remove the original cataract, which is surgically extracted.

So successful is the procedure that the American Academy of Ophthalmology recently recommended that the YAG laser be used over conventional surgery for secondary cataracts.

DIABETIC RETINOPATHY

Thanks to the argon laser's ability to photocoagulate tissue, "an untold number of diabetics have been saved from visual impairment," said the eye institute's Kupfer.

Diabetic retinopathy is the proliferation of abnormal blood vessels in the back of the eye, a vision-threatening disorder that affects 50 percent of the people who have had diabetes for 12 years or more. Those fragile vessels frequently rupture. Blood leaking into the eye blocks light from passing through, causing blindness.

In 1976, a study by the eye institute showed that a barrage of as many as 2,000 or more microscopic spot welds on the retina could dry up the abnormal vessels, reducing the risk of blindness by 60 percent. The institute is sponsoring a study to determine if photocoagulation in earlier cases will further reduce the risk.

GLAUCOMA

Glaucoma is the leading cause of irreversible blindness in the United States. The disease, often called the "sneak thief of sight," affects an estimated 2 million Americans, but half don't know they have it.

Ninety percent of the victims have chronic glaucoma. In this condition, the drain, a spongy ring called the trabecular meshwork, becomes blocked. The liquid in the eye builds up, creating pressure that damages the optic nerve, slowly and painlessly destroying sight.

Since side vision goes first, many victims do not seek help until extensive damage has been done. The disease, which tends to run in families, can be detected by a simple eye test that measures intraocular pressure.

In most cases, eye drops and oral medication will lower the pressure by decreasing the production of aqueous humor. Where that fails, the laser raises new hopes for controlling the devastating disorder.

A series of 60 to 100 tiny argon laser burns spaced evenly around the spongy ring is remarkably effective in opening the drain. Most patients still have to take some medication to lower pressure, but some are able to discontinue drugs.

"While much research work remains to be done . . . this new concept of apparently reversing the basic mechanism of glaucoma offers real hope of a cure for this disease," said Dr. James B. Wise of the University of Oklahoma College of Medicine.

The remaining 10 percent of cases involve acute glaucoma, and for these patients the outlook is even brighter. In acute glaucoma, the outflow of fluid through the pupil can be blocked by various means, including the lens pressing too tightly against the iris. Unlike chronic glaucoma, this condition is very painful and can cause blindness if not corrected in one to two days.

Surgeons used to have to open the eye surgically, a procedure fraught with complications. With YAG and argon lasers, they can blast holes through the iris, instantly making an outlet for the pent-up fluid. Since the iris does not heal, the hole remains open permanently, curing acute glaucoma.

MACULAR DEGENERATION

A study by the eye institute completed in 1982 revealed that laser therapy can prevent blindness from senile macular degeneration, which has become the leading cause of new cases of blindness in this country. The disease, whose incidence increases with age, is a deterioration of sensitive eye tissue.

The good news is that laser photocoagulation can prevent 13,000 new cases of blindness a year—one out of every seven people who become blind.

The bad news is that the severe form of the disease, in which abnormal blood vessels form in aging eyes, must be caught early. Once the blood vessels begin to proliferate and damage the retinal cells, they can cause blindness in two to three weeks.

Patients who have abnormal blood-vessel growth represent only a small portion of the people with macular degeneration, but they are the ones most likely to become blind. In the institute's study, ony 25 perent of the laser-treated eyes lost vision, compared with 60 percent rate of vision loss in untreated eyes.

To catch the severe form in its treatable phase, all people over age 50 should have regular eye examinations, medical authorities say. They recommend that an eye doctor be contacted immediately if any of the following symptoms develop: blurring of letters on a page; distortion of straight lines, such as the edge of a door; or a dark or empty area in the center of vision.

OCULAR HISTOPLASMOSIS

The newest laser magic was announced last year after an eye institute study demonstrated that the coagulating beams may be able to spare the sight of 1,500 Americans each year who suffer from ocular histoplasmosis syndrome.

The disorder, most prevalent in the Midwest and Southeast, is caused by a soil fungus. Spores produced by the fungus can be inhaled. Usually, the infection causes only a mild, cold-like respiratory disorder. In some cases the spores settle in the macula at the center of the retina and stimulate abnormal blood vessel growth. When these vessels leak, blood seeps into the sensitive macula cells and destroys central vision.

If the disorder is caught early, the fragile blood vessels can be destroyed with laser blasts, reducing the risk of blindness by 50 percent. The early symptoms of ocular histoplasmosis syndrome are similar to those of senile macular degeneration—distortion of straight lines, blurring and difficulty in reading.

EYE TUMORS

Photoradiation with a low-intensity laser has produced promising early results in shrinking eye tumors without surgery.

A drug that settles in cancerous cells but not in normal cells is injected into the patient. Exposure to a red laser beam activates the chemical to destroy only the tumor cells.

RETINAL DETACHMENTS

Lasers are one of three techniques that have raised the success rate for repairing detached retinas to 85 percent, a nearly threefold increase over the last 30 years.

In the past, patients spent up to 28 days in bed, eyes bandaged and head held immobile by sandbags. Today, the same type of patient is up and about the day after surgery.

Most detachments are preceded by retinal tearing, where the retina begins to pull away from its foundation. Symptoms, include a flicker of light at a regular point in the field of vision, or brown and black specks. If untreated, the condition leads to blindness.

The three treatment techniques are designed to reattach the retina to the back of the eye by forming a binding scar. In cases of serious detachment, a tiny belt around the eyeball creates pressure to force the torn retina back in place, where it can be spot welded.

"All this spells not only a triumph over blindness, but savings of many millions of dollars each year in the nation's bill for hospital care and lost work time," said Wasserman of Research to Prevent Blindness.●

ENERGY SECURITY: THE FREE MARKET SOLUTION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. CORCORAN. Mr. Speaker, yesterday I received a Heritage Foundation executive memorandum written by Mr. Milton R. Copulos, a senior policy analyst for Heritage. The memorandum, entitled "Energy Security: The Free Market Solution," focuses on the issues raised as a result of threats to close the Strait of Hormuz.

Copulos discusses the downward trend of U.S. reliance on petroleum supplies from that area of the world as well as the moderation of petroleum prices since President Reagan decontrolled oil in January 1981. He describes the geographic dimensions of the Strait of Hormuz and concludes that the threat to close the strait is hollow in view of the large size of the strait. Finally, Copulos urges that any

U.S. Government response to a petroleum shortfall be focused on the early use of the strategic petroleum reserve. He also suggests several other appropriate actions.

Mr. Speaker, for the benefit of our colleagues, I would like to include the text of Mr. Copulos' statement in the RECORD at this point.

ENERGY SECURITY: THE FREE MARKET SOLUTION

Threats by both sides in the Iran/Iraq war to close the Strait of Hormuz once again have focused congressional attention on the issue of energy security. Some lawmakers equate energy security with federal oil price and allocation controls. As such, they are pressing for a reimposition of controls.

They fail to recognize, however, that the evidence is overwhelming that controls will not work. Since 1973, moreover, the world oil market has changed in fundamental ways that give the U.S. many new options in the event of an oil cut-off. More important, experience with two oil supply interruptions in a decade has demonstrated that minimizing federal obstacles in the marketplace is the only approach that ensures efficient allocation and conservation in a crisis.

Controls, for example, did little to stem the rising tide of imports. By 1977, the share of U.S. oil consumption accounted for by foreign supplies had risen to 46.5 percent of the total, up from 34.5 percent in 1973. The share coming from Arab members of OPEC (AOPEC) rose from 5.3 percent to 17.3 percent of total U.S. consumption. But once price controls were lifted, the results were dramatic. By the end of 1983, imports had dropped below their 1973 level in absolute terms and were at the lowest point in a decade as a proportion of total supplies. Moreover, the share of imports accounted for by OPEC nations in general—and AOPEC nations in particular—had plunged to levels even below those of 1973.

Prices have moderated with the removal of controls, despite predictions to the contrary by opponents of decontrol. Gasoline now sells for less, in real terms, than it did in 1980. And the nominal price is lower than in March of 1981, even though 10 cents to 14 cents have been added to the pump price in new state and federal taxes. Crude oil prices have been dropping, and few expect an increase in the near term. In short, the market is working, and working well.

Still, because surpluses can change to shortages with alarming speed, energy preparedness is essential. The question is: What form of preparedness? The answer is found in lessons of the past.

During the last two supply disruptions, the principal reason for the gasoline lines, price run-ups, and spot shortages was public fears of a loss of supply—not sharp cutbacks. Therefore, the most important action the federal government could take would be to quell public panic while the market brings supply and demand into balance. This can be accomplished most effectively through market-oriented actions which emphasize voluntary cooperation by the energy industry, in combination with early use of the Strategic Petroleum Reserve (SPR). The SPR is the keystone of a coordinated strategy to deal with an oil interruption. Its use should be announced, with much fanfare, as soon as possible after any oil interruption occurs.

In addition to releasing the SPR's oil, the Secretary of Energy can accomplish much by working closely with the oil industry as soon as an international crisis begins to materialize—and before market forces begin to compensate for the interruption in supply He can ask industrial users of fuel oil, for instance, to switch to natural gas. He can ask refiners to alter their production runs. He can ask petroleum retailers to enforce minimum purchase requirements to prevent tank topping. He can ask federal agencies to reduce their energy consumption. And he can ask utilities to maximize power pooling. By asking for such actions early in a crisis, spot shortages could be avoided.

This informal strategy would be far more effective than the legislated rules and bureaucratic plans that have failed in the past. It would allow a flexible response to a crisis, and speed up the corrective changes set in motion by the market system. A legislated strategy, in contrast, would frustrate market corrections by imposing a rigid plan on the industry.

Congress could help by enacting a measure to recycle windfall profits tax collections during a shortage, through reductions in federal withholding deductions. This would minimize the financial impact of price rises on wage earners. A portion of the tax revenues could be allocated to offest higher fuel costs. Congress could also allow the Secretary of Energy to request waivers from pollution abatement requirements for utilities and industrial firms that want to burn coal instead of oil.

It is important that Congress not allow itself to be panicked into intemperate action. For example, the threat to close the Strait of Hormuz, which precipitated the current debate, is hollow. The strait is nearly 50 nautical miles wide, with a maximum depth of well over 600 feet. Closing a waterway of those dimensions would be no simple task. Neither Iran nor Iraq possesses the naval power to blockade the strait, or the military hardware to mine it. Moreover, Iran may be making such threats, but it stands to lose far more than it would gain from such action. The threat, in other words, is perceived, not real.

Congress must learn the lessons of the past decade, and realize that the best solution to the energy security problem is actuallly the simplest: let the market work.

MILTON R. COPULOS,
Senior Policy Analyst

For further information:

Monthly Energy Review, U. S. Department of Energy , DOE/EIA-0035(83/12(1)).

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FRULI—A SUCCESS STORY HELPED BY AMERICAN FUNDS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. BIAGGI. Mr. Speaker, almost 8 years ago a devastating earthquake ravaged the Friuli region of Italy. One of the first nations to respond to the tragedy was the United States when Congress adopted an amendment I was proud to have sponsored to provide an initial commitment of $25 million which eventually became a total of $53 million.

On November 28, I had the pleasure of attending a ceremony and the official opening of the Friuli Exhibition in New York City. I was proud to receive a special gold medal for my work on behalf of the Friuli effort.

The tremendous work that was accomplished by the people of Friuli is worthy of our commendation. In order to get a flavor of the Friuli experience, I insert into the RECORD two items. The first is an article from the Philadelphia Inquirer and the second is a speech delivered at the opening of the exhibit by the distinguished executive director of Il Progresso newspaper my good friend Carlo Scarsini.

[From the Philadelphia Inquirer, Oct. 1, 1982]

ITALIAN MAYORS VISIT TO THANK U.S. FOR AID AFTER EARTHQUAKE

(By Marc Kaufman)

Mostly, they wanted to hear about Frank Rizzo.

Forty-five mayors and other officials from the Friuli region of northeastern Italy, in the United States to give thanks for help they received after a devastating earthquakes in 1976, were in town yesterday for a brief tour of the historic sites.

They were polite about Philadelphia's "pride in its history" and its urban renewal, but they were clearly less than bowled over. Italian history, after all, stretches back far more than 300 years, and the renewal of Society Hill pales when compared to the almost total reconstruction of a Friulian town such as Gemona, population 11,000, which was nearly destroyed in 1976.

But when it came to Philadelphia's only mayor of Italian descent, the men and women of Friuli were peppering their guide with questions—wanting to know what local people thought of him, why he didn't win the charter change, whether he could win again.

"They all seemed to know about him," explained their guide, Anamaria Rubinic. "To them, he's a proud son of Italy, and that they like—even though he's not from Friuli." Ties that bind the old country with the new were very much on the minds yesterday of the delegation from Friuli, an autonomous region on the hilly Austrian border. Their goal in coming to the United States, explained Friulian vice president Bernardo Dal Mas, was not only to thank Americans for their help, but also to tell those of Italian descent that the area had been reborn.

"We have been able to use the tragedy of the earthquakes to modernize and improve Friuli," he said through a translator. "We want to invite people to come and see this, and to settle with us and rebuild."

The 1976 earthquakes, which killed thousands of people and leveled dozens of cities and villages, brought back many Friulians from abroad to help, Dal Mas said. He said that although few thought of staying in Friuli at first, many remained after seeing that the massive aid money from the Italian government and from abroad was transforming the area.

"The image of Italy here still comes from the tales told by fathers and grandfathers who left the country," he said. "There is a big gap in the image. We are a modern area, with high technology, now."

Special state laws favor Friulians returning to "their home," Dal Mas said. Although the region has 1.2 million people, he said that more than 5 million descendants of Friulian immigrants are scattered around the world.

Italian Counsul General Giuseppe Cassini, who joined the group for lunch, said that the region recovered from the earthquakes partly because it received $53 million from the United States, mostly through the Agency for International Development. Almost all of the villages destroyed have been reconstructed, he said, although most of the aid money did not reach the area until 1978.

"When they were in Washington," Cassini said, "the group actually gave back $3 million because they just didn't need any more aid."

Because few Italian-Americans in Philadelphia were originally from Friuli, the delegation planned only one day here, and there were no meetings with local groups. Some Philadelphians will go to New York this weekend, however, for a meeting of the "Friulian Home," an international group of descendants of Friuli.

"The people of Friuli are a tough, peculiar breed," Dal Mas said. "We are known as hardworking people, often mountain people who can build things and carve in stone."

"A person from Friuli is always from Friuli, wherever he lives."

SPEECH BY CARLO SCARSINI, NOVEMBER 28, 1983

Dear Friends, I have been asked to say a few words for the opening of this exhibition on the history and civilization of Friuli, not in my capacity of chief editor of Il Progresso (the Italian language daily published in the U.S.) but rather as a Friulian born who was brought up and schooled and made his first steps as a journalist in that very special region of Italy which we are celebrating and showing today for the first time in New York City.

Since time immemorial the Friulian people has been traveling the roads of the world, but they did so in a much more humble and unconspicuous way than, for instance, their Venetian neighbors, the sailors and merchants of the very Serene Republic. A silent and tenacious worker, the Friulian emigrant (of any trade and profession) has always been very shy, softspoken, subdued, never boasting of any special achievement. This is the nature of the Friulian people (reflected also by its folklore and its nostalgic songs) whose civilization we see here so vividly depicted and illustrated. These are, in fact, achievements of which every nation in the world would be proud.

But what is Friuli? It's the northernmost—and also easternmost—region of Italy, stretching from the Dolomites to the Yugoslav border, from the Austrian Alps to the Adriatic, its size is approximately one-third that of Massachusetts or, if you want, the double of Rhode Island. Twenty centuries of recorded history have shaped it the way it is now. The word Friuli comes from the Latin forum Julii, because Julius Caesar made it the administrative and military base of his campaigns beyond the Alps, towards the east and the north of Europe, when he was starting to build the Roman Empire.

Four or five centuries later Friuli was known as the "eastern door" of the Italian Peninsula, both for its geographical position and because it became the natural gateway of the invasions from central and eastern Europe whose populations melting with the local ones, brought down the Roman Empire but were at the same time romanized.

This special breed of people settling so between the Alps and the sea have today characteristics so diverse from, say, the Romans, the Neapolitans or the Sicilians, as a native from North Dakota can be different from a native of South Carolina. Actually, much more.

But again, Italy, notwithstanding its very old history, is a much younger sovereign nation than America. It became a unified country just when these United States were fighting the Civil War. For about fifteen centuries Italy was only a geographical entity, in which more than a dozen different nations prospered, or suffered, each with its own peculiar civilization, sometimes with different idioms, linked only by trade and commerce.

Friuli, in fact, has its own language, an offspring of Latin combined with local Celtic dialects, which flourished parallel to Italian and produced a remarkable amount of indigenous literature, spanning from the age of Dante to our days.

Quite properly, therefore, when in the early sixties the Italian state became decentralized and the regional structure was born, with considerable local powers, Friuli became an autonomous region, so much as it was during the two centuries preceding the annexation to the Republic of Venice, in 1420. The Venetian authority on Friuli lasted nearly four centuries, ending in the thunder of the Napoleonic wars, when the young French consul and then Emperor tried to unify Europe under the Aegis of France.

But, history apart, the region we are talking of combines so many interesting features and an environment so beautiful in its variety that the Italian romantic writer Ippolito Nievo—a patriot who fought with Garibaldi—called this land "a small compendium of the universe".

For our American friends who for the first time come in touch, tonight and through these images, with the Friuli region, it is proper to remind that it has been the scenary and the inspiration of one of the masterpieces of modern American literature, the famous "Farewell to Arms" by the late Ernest Hemingway, written when he was a young ambulance driver during the First World War, a war which for the first time in history saw American soldiers fighting in Europe, a war of which Friuli was one of the crucial theatres.

A big tragedy struck Friuli in the spring and summer 1976: The most devastating earthquakes in the history of the region, which killed thousands of people and leveled dozens of cities and villages. Many historic monuments were destroyed or heavily damaged. The tragedy brought back many Friulians from abroad to help.

The Government of this country and the Americans of Italian descent helped generously. (And I am particularly glad to pay homage here to our friend the Congressman Mario Biaggi who was instrumental in coordinating the effort).

With national and international aid combined, but especially through the strenuous work of its people, Friuli is today on its feet again, and, in many ways more prosperous.

I wish to conclude with an episode of which I was myself a witness last year, when a group of mayors and administrators from the urban areas of Friuli which had been most hit by the earthquake, came to Washington with a big check: 3 million dollars. That money was actually given back to the American Government because—as one of the administrators put it—"we just didn't need any more aid".

This episode, I think, speaks eloquently of the nature and of the moral fiber of the Friulian people.

With these feelings in mind, I thank you very much and I welcome everyone to this brilliant visual testimonial of an ancient and glorious civilization.●

TRIBUTE TO SANDOR YELEN, ESQ.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HARRISON. Mr. Speaker, recently the city of Wilkes-Barre honored an outstanding citizen for service to his community. Attorney Sandor Yelen, a resident of Kingston, Pa., was honored by the mayor of the city of Wilkes-Barre, the Honorable Thomas V. McLaughlin, for excellence far beyond the call of duty as solicitor for the Wilkes-Barre Police pension fund.

On December 12, 1983, the city of Wilkes-Barre observed Attorney Sandor Yelen Day, a fitting tribute to this fine professional. Attorney Yelen is a graduate of Meyers High School in Wilkes-Barre, where he excelled in basketball. He is also a graduate of Wilkes College, where he received a bachelor of arts degree in political science. He also holds a juris doctorate from the Dickinson School of Law. After serving in the U.S. Army, attorney Yelen served in the position of Luzerne County solicitor. He is an active member in many fraternal and civic organizations. He is a member of Lodge 655, F&M and Irem Temple Shrine, a member of the Pennsylvania Bar Association, American Trial Lawyers Association, and served as a special assistant attorney general for the Commonwealth of Pennsylvania. Attorney Yelen had previously served as attorney for the Eastern Basketball League and was former owner of the Wilkes-Barre Barons basketball team. Attorney Yelen is associated with his brother and maintains a law office in the United Penn Bank Building, Wilkes-Barre, Pa. He resides with his wife, Janice, and children, Michael, Jeffrey, and Lisa.

Mr. Speaker, I join with the city of Wilkes-Barre and family and friends in paying tribute to this outstanding citizen.●

LIFE IN THE SOVIET UNION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HYDE. Mr. Speaker, Americans traveling abroad always experience surprises and culture shock, and return home with a renewed sense of patriotism and appreciation of American life. This is doubly true when one's trip takes them anywhere behind the Iron Curtain. Two of my constituents, Ken Reeder of Park Ridge, Ill., and Rich Clement of Des Plaines, Ill., recently visited the Soviet Union and upon their return shared their impressions of life under the totalitarian Soviet regime.

The following three articles are most insightful reading. I commend Mr. Reeder and Mr. Clement for sharing their views and experiences with us, and the Park Ridge Herald for publishing their fascinating accounts.

[From the Park Ridge Herald, Jan. 12, 1984]

BACK IN THE U.S.S.R.—PARK RIDGE MAN FINDS ONE PARTY IS NO PARTY

(By Bob Kehoe)

Ask most Americans about the Soviet Union and what you're likely to hear is a diatribe against a society they know little, if anything, about.

Aside from news footage of Soviet government meetings and military displays in Red Square, Russia is as much a mystery to modern America as outer space was to comic book writers in the early 1950s.

Ken Reeder heard the stories about the Soviet regime. As a child, he viewed Russians as a snake views a mongoose—a natural enemy. But somewhere on the road between adolescence and adulthood the Park Ridge native's preconceptions turned to curiosity.

Recently, Reeder took the ultimate step toward satisfying that curiosity. He took a 29-day trip to the land that most people only think they know.

Reeder found many of his suspicions about the massive continent with seven time zones to be true. The Russian people were often reclusive, security was extremely tight, and the food was as about as exciting as the national pastime of waiting in line.

But the lessons Reeder learned about the other side of the Iron Curtain answered many of the questions that Westerners often ponder in idle hours and at dinner table conversations that go nowhere.

"The people don't know what's going on," Reeder said, summing up what many Americans take for granted.

That encompassing statement applies to the way the government makes decisions, to why there is a lack of consumer goods and to why the Russian people don't discuss current events.

"Pravda, which is the state owned newspaper, is typically only two pages. The stories are short. They have political contests, but they aren't public. People don't vote, the party does. And it's not uncommon that all of those in government vote for the same person or the same idea.

"I guess that's why there is only one party. (They think) there is no need for a wrong party. They fear there would be revolution if another party was around to put doubt in peoples' minds," said Reeder, a senior at Illinois State University majoring in economics with a minor in international business.

Reeder began learning about Russian lifestyle and Soviet government in a political science course. He does not consider himself an expert on the country or its people, but Reeder's experiences in the streets of Moscow and other capital cities left lasting impressions.

"The people are very nice. They are warmhearted and invite you into their homes. The thing that struck me was that they don't have the materials and colors and goods that we have," Reeder said.

Learning about the Russian people came quickly for Reeder. He spent three days with a Soviet doctor and his family.

"I was very leery at first when I went there. He asked me not to use the phone. The doctor spoke very good English, but his wife spoke only a little English. Shortly after I got there, the doctor left. Later, when he returned, things got more comfortable. He took me to a pizza place—of which there are supposedly only two or three in the Soviet Union," Reeder continued.

The pizza was only slightly different than what we have here in America, Reeder said. However, the rest of the Soviet diet seemed like something out of an animal version of "Quincy."

"They eat a lot of organs like liver and brains. There is some chicken. The main meal is lunch, where a soup called 'borscht' is often served. Bread and cheese are the main part of the diet and are often served as snacks."

Living with the doctor and his family taught Reeder about some of the differences between Soviet and American enterprise and compensation for one's work.

"The doctor and his family made 130 rubles a month. A Soviet taxi driver can make upwards of 300 rubles a month," Reeder said in a surprised tone.

In the daytime, Reeder and others he was touring with were taken by tour-guide to the major Russian attractions. The almost non-existent Soviet nightlife was left up to the students. Reeder spent much of his time wandering through major Soviet cities trying to get a feel for what Soviet life is like.

"I would hop a bus in the city and walk back. I went to a lot of stores. Things were very expensive. There really aren't any department stores like we have here," Reeder said.

As part of his college work, Reeder researched the Soviet tranportation system. Although similar to American transportation systems in major U.S. cities, Reeder said the Soviet system is cheaper to use and on time more often. Bus rides cost about 5 cents while train and trolley use cost 7 cents, he said.

However, the one major difference between Soviet and American transportation is how far one is allowed to travel. There is no hopping a plane to take a weekend shopping spree in Leningrad. Soviet citizens need visas to travel within the country and are limited to a 25 kilometer radius of travel from their hometown, he said.

Politics is often a taboo subject when talking with Russians, Reeder learned. Questions about what citizens think about their form of government and the country's military operations are often met with shrugs and curt replies, he said.

"People don't dwell long on current events. It's not advisable to bring up politics. You get the feeling Big Brother is always watching.

"But the people who did talk seemed to like President Reagan for the most part. Some people told me they like Americans because they hold their heads high and have a gleam in their eye. They seem to see the U.S. as a little more demanding, and they (the Russians) don't have that attitude," Reeder said.

When Reeder got to talk with a Soviet man who was willing to discuss his country's philosophies, he popped a major question.

"Political scientists there compare the war in Afghanistan to our war in Viet Nam. I posed the question to him 'we realized 10 years down the line we made a mistake in Viet Nam, is there any chance the Soviet Union would do the same?' He couldn't answer that. He said 'maybe.'"

Perhaps the question would not have surprised the man if he had known more about Americans. But much like Americans, the Soviets seem to form most of their opinions of their "super power" counterparts by parroting preconceptions espoused by the Soviet government.

The Soviets may never know what Americans truly think because they will never read or hear or see what Americans do.

"They believe in stamping out any Western influence there," Reeder said. "There is a strong belief that it pollutes young minds."

Likewise, Americans are not likely to see any time soon on the evening news the beautiful countrysides and fairytale-like nineteenth century buildings of the Soviet Union. But for those who have been to both countries, there is an understanding.

Reeder has reached an understanding of the Soviets. He still doesn't like the Soviet governmental system and he may never get used to the food. But he'll probably go back.

"It certainly was not a vacation. There was no nightlife, burlesque or beaches," he laughed. "But there's a good chance I'll go back. It was a learning experience. It taught me to appreciate what we have here."

Reeder figures a sizeable portion of the Russian population would be more than happy to emigrate to America to enjoy "what we have" too. If he were born in Russia, he knows he would work to get out.

"I'd break my back to get out if I lived there. When we were there we tried to think of a way to get out of the country, assuming we were Russians. We couldn't come up with any."

FREELANCE PHOTOGRAPHER CHRONICLES STORY OF THE COUNTRY OF BOILED BEEF

The Soviet Union is not as all-powerful as it would like the world to believe, says photographer Rich Clement.

If the old adage, "you are what you eat" is true, the "land of boiled beef and fried potatoes," as Clement refers to it, doesn't have much to boast about.

Clement visited the Soviet Union for two weeks last October with a group of 26 other "amateur photographers" organized by the Citizen's Exchange Council (CEC) in New York. He himself holds a degree in photo journalism from Northern Illinois University in DeKalb; others on the trip held occupations as diverse as photographer, teacher and police officer.

Clement, 24 is a life-long resident of Des Plaines and a 1977 graduate of Maine West High School. His photographs have appeared in a number of local newspapers, including the Park Ridge Herald.

"Militarily, I don't doubt their advertised strength," said Clement. "Economically, though, the Soviet Union lags several years behind the West.

"I was there for two weeks and got the feeling I was reliving life in America during the 1940s," he said.

Clement, said seeing people wait in line for an hour or more to buy meat and cheese that would be judged subquality by Western standards is common.

"One afternoon in Leningrad, a Russian friend and I went to four shops trying to find some edible-looking chicken," he said. "We didn't, so we retired to the Russian staple—a bottle of vodka."

He also said that there aren't as many cars in Russian cities as there are in the United States, and they all look the same. Coming home and visiting downtown Chicago was almost an overwhelming experience, he said.

Applying for a visa was also an interesting experience, said Clement.

Visas for journalists are harder to come by than they are for tourists, he said, so when he applied he had to list his profession as "artist."

"It's a big hassle if you're a journalist," he said. "They follow you around to make sure you don't get into something they don't want you to."

Clement left on his trip a few weeks after the Soviet Union shot down a Korean jetliner for invading Soviet air space. He was a little worried that the trip would be cancelled, but the CEC assured him it would not be.

"They told me that if flights to the USSR were banned, we would have to take a train from our scheduled stop in Helsinki," he said. As it turned out, the ban was lifted. Their Finnair flight landed in Helsinki and the group caught an Aeroflot flight to the Soviet capital as planned.

"Russians talked about the plane incident, but from a Soviet point of view, of course," said Clement.

"The hotels we stayed in in Moscow and Leningrad were the best in Russia, according to our Intourist guide," said Clement. "One look inside and I felt like I was in an American Hilton."

The Prebaltiyskaya Hotel in Leningrad, he said, is lavishly constructed from marble and resembles a czarist palace.

But lack of variety in meals is as common in tourist hotels as it is to the Soviet citizenry, he said.

"For all the magnificent architecture, the food was horrendous," he said. "Boiled beef, cabbage and fried potatoes were the staples of two weeks' dinners.

"Breakfast was even more adventurous. At the Kosmos Hotel in Moscow we were served egg souffle or runny fried eggs and one cup of coffee each," he said. At the Prebaltiyskaya, said Clement, the waiters realized after two days that some of their guests needed more than one cup of coffee to wake up.

"But when the group asked for seconds of coffee, our breakfast 'rations' were cut in half," he said.

"Rationing food seems to be ingrained in the Russian way of thinking because of the sieges and home-front wars that make up a large portion of their history," said Clement. "But it seems to me the main thing keeping people from having a nutritious, varied diet is the government's inability to run an efficient economy."

If not for Russia's "second economy," the black market, many Russians would not be able to acquire the things most Americans take for granted, said Clement—like a well-made pair of shoes.

"Before I went on the trip, I thought the black market was made up of a bunch of social outcasts who trade in dark alleys," he said.

"Middle-aged men all the way down to teenagers propositioned me to exchange rubles for U.S. dollars for up to five times the official exchange rate," he said. "One younger man offered me 450 rubles on the spot if I would sell him my down jacket, blue jeans and hiking boots. That's about $600 in American money."

The problem with making such a trade, said Clement, is that a tourist is not allowed to leave the country with more money than he declared upon entering.

"Considering I was frisked and my luggage was gone over with a fine-toothed comb by customs officials at the Soviet-Finnish border, I was lucky not to have made the deal," he said.

Other American goods—such as cigarettes, chewing gum and whiskey—are also in high demand in the Soviet Union and can help a tourist get many favors, said Clement.

"One day a friend and I decided to eat lunch in town at the Metropol restaurant," he said. "We placed a pack of Marlboro cigarettes on the table in plain view of the waiter and received the quickest and friendliest service we'd had anywhere in Russia."

After the meal, they gave the waiter the cigarettes and a pack of gum and he agreed to pose for a picture for them.

"Posing for photographers is something few Russians will agree to do," said Clement. "They seem to have a great inferiority complex regarding their living conditions. When a foreigner is seen taking pictures, most Russians assume the photos will be used for anti-Soviet propaganda."

Though he was harassed and leered at quite a bit for taking pictures in public places, said Clement, on a few occasions someone would stop and smile and try to start a conversation in English.

"Most talks I had with the people were one sided," he said. "I answered a barrage of questions about what life in the United States is really like.

"Though they're fed a lot of anti-American propaganda about race riots and mass poverty, few of the people believe it," he said. "They figure it can't be true, otherwise they would be allowed to emigrate here.

"One man grilled me with such basic questions as 'Can any American run for president?', 'Are Americans allowed to emigrate?' and 'Can Americans go to any college they choose?' " said Clement. "I had to laugh, not at the man for asking, but at his government for being so insecure as to not let its people know the truth.

"Any lack of patriotism I felt before the trip was aburptly reversed during those two weeks," said Clement. "It seemed only fitting that the sun should break through the clouds, for the first time in days, as our train passed from the Soviet Union to Finland."

The first stop the group made in Helsinki, he said, was at a deli, where he and his fellow travellers stuffed themselves with "real food."

Russian Couple Yearns for Freedom, Security of Life in the United States

(By Rich Clement)

The reason I went to Russia was to take pictures of the people in their everyday situations and hopefully to meet someone willing to talk openly about Soviet life.

I did meet quite a few people who were able to speak some English (there are more teachers of English in Russia than students of Russian in the United States), but most of them were too afraid of the police to speak their minds.

It wasn't until we arrived in Leningrad that I met a Russian who would speak freely. My roommate, Ernest, had been to the Soviet Union before and speaks fluent Russian. Ernest introduced two women from our group, Glenda and Ann, and me to a friend of his, Sasha, who had taught himself to speak English.

We went to Sasha's apartment to talk and meet his wife, Lara. Their apartment consisted of two rooms: a living room just big enough for the six of us and a bedroom of equal size. They shared the kitchen and bathroom with the other tenants of the building. The bathroom was the size of a small closet; I couldn't figure out where the shower was.

They used a house phone, which was probably bugged, according to Sasha.

Sasha and Lara insisted on cooking dinner for us, even though we told them we had just finished eating dinner in our hotel. The meal consisted of the usual beef and cabbage, but the way they spiced it made it the best tasting meal we had during the trip. As is Russian custom, we drank seemingly endless vodka toasts.

We talked mostly about what life is like in the United States. Sasha knew a good deal about the States since he was able to pick up VOA broadcasts on his radio. But he was also subjected to constant anti-American propaganda his government feeds its people.

Sasha had a deeper reason than most Russians for wanting to know about the United States—he and Lara wanted to defect.

Russian defection has come to a near standstill during the present administration, and KGB knowledge of the desire to emigrate can lead to police harassment and loss of one's job. However, the couple was ready to suffer the consequences if it meant a chance for freedom.

By the end of the night, we had become such close friends that Glenda and Ann had swapped jewelry with Lara.

Lara, in her mid-20s, was one of the most attractive and happiest women I met in Russia. When Glenda and I told her she would have no problem getting a job as a model in the United States, she danced around the room, laughing and pretending to be modeling.

Sasha, also in his mid-20s, was more reserved. He seemed to be doing the worrying for the couple. Being seen in the company of Americans can raise the suspicion of the KGB. He said he had a friend who had been to a psychiatric ward "many times" for anti-government activities, but would not go into detail about what happened.

Occasionally as we talked, he would peer out the shuttered window for black KGB sedans cruising below.

We spent the next three days in Leningrad with Lara and Sasha as our guides. A couple of times Sasha, very matter-of-factly, said some night there might be a knock on their door and they would be taken away.

But he also kept telling us not to worry, they would be all right. He seemed to have the attitude that whatever happens, happens and there is nothing anyone can do to beat the system. His main reason for wanting to defect, he said, was his hatred for the stifling government.

Our last day in Leningrad we met Sasha in town and went to his apartment to discuss the possibility of helping him and Lara get the freedom they desired so much. We also brought them a backpack stuffed with American necessities—jeans, aspirin, cold tablets and make-up—not available to them in Russia.

As we headed back to our hotel, Sasha and Lara rode with us on the buses and metro until they finally had to turn back. We said our tearful goodbyes, but despite all our optimistic talk, realized we would probably never see each other again.●

TRIBUTE TO ROSENBUSH FURNITURE CO.

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a resolution that was adopted by the State of Alabama House of Representatives. The documentation written by Representative Rick Manley commends the Rosenbush Furniture Co. for its 88 years of service to the people of Demopolis and west Alabama.

Following is resolution, H.R. 494 that was adopted on August 1, 1983:

COMMENDING ROSENBUSH FURNITURE CO. FOR 88 YEARS OF CONSECUTIVE SERVICE TO DEMOPOLIS AND THE WEST ALABAMA TRADE AREA

Whereas, Rosenbush Furniture Company was founded in Demopolis, Alabama, in June of 1895, by the late Julius Rosenbush; and

Whereas, Rosenbush Furniture Company has continued, without interruption, its operation and service to the people of Demopolis and its trade area, subsequently by and under the ownership and management of Julius Rosenbush, Essie Rosenbush, Bert Rosenbush, Sr., and then under the management of Bert Rosenbush, Jr., and Mary Louise Rosenbush; and

Whereas, in 1976, Bert and Mary Louise Rosenbush purchased the historic Merchants Grocery building, and other buildings in that complex, completely remodeled them to a beautiful furniture facility which has greatly enhanced the area of Demopolis where their business is located; and

Whereas, Rosenbush Furniture Company is the oldest home-owned and home-operated furniture store in the State of Alabama; now therefore

Be it resolved by the Alabama House of Representatives, That we do hereby heartily congratulate and commend the Rosenbush family for their many years of service to their community and area and their great tradition in the retail furniture business as the oldest privately owned furniture proprietorship in Alabama.

Be it further resolved, That a copy of this resolution be presented to Bert and Mary Louise Rosenbush of Demopolis, Alabama.

Mr. Speaker, it is my pleasure to have this opportunity to extend to my friends, Bert and Mary Louise Rosenbush, the very best of congratulations on the occasion of this resolution. They are a special asset to the Demopolis community and Marengo County. This kind of devotion to a family business should serve as an example to all of us.●

TRIBUTE TO W. ROBERT YACO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I rise today to bring to the attention of my colleagues the announced retirement of W. Robert Yaco, the general manager of the Santa Barbara Metropolitan Transit District after 15 years of service to the Santa Barbara community.

During Bob's tenure of service, he accomplished a myriad of tasks that helped to make the transit district the success it is today. In the past 15 years this operation has grown from 30 to 155 employees. Patronage has increased from 3,000 passengers trips per day to 20,000 or 5.5. million per year. Bob has worked to add service for handicapped and elderly passengers by means of an accessible minibus and purchased buses with wheelchair lifts for fixed route, fixed service in order to broaden the transportation opportunities of handicapped individuals.

Bob has been instrumental in initiating the innovative electric vehicle project in cooperation with Caltrans, the Urban Mass Transportation Administration and the city of Santa Barbara Redevelopment Agency. Most importantly Bob has decreased traffic and air pollution significantly on the south coast of Santa Barbara by reducing onstreet traffic by over 19 million miles annually.

In honor of Bob's outstanding service to his community, his business associates and friends have begun a scholarship fund for children of SBMTD employees which he will administer. Throughout this exceptional career characterized by accomplishment, Bob Yaco contributed his time and energy for the betterment of Santa Barbara. He deserves our heartfelt gratitude. We wish him a productive and enjoyable retirement.●

LEGISLATION TO LIMIT U.S. MILITARY PRESENCE IN HONDURAS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. STUDDS. Mr. Speaker, I am today introducing legislation to suspend joint military maneuvers between the United States and Honduras, and place a limit of 200 of the number of U.S. military personnel in that Central American country. This legislation, which would extend through the end of the 1985 fiscal year, has been cosponsored by Representatives BARNES, EDGAR, OTTINGER, OBERSTAR, WEISS and 44 other Members of the House.

This legislation is prompted by a conviction that the Reagan administration is leading the United States toward direct involvement in a Central American war. Large scale military activities in Honduras are described as "maneuvers," but they have become, in reality, a semipermanent deployment of U.S. combat troops. This combat presence, in combination with U.S. support for Nicaraguan counterrevolutionaries, and large training programs for Honduran and Salvadoran troops, has had a profound and harmful impact upon the political life of Honduras.

The magnitude of our military operation now far exceeds the assistance required to guarantee the defense of the Government in Tegucigalpa. As a result, right-wing extremists throughout Central America are convinced that the Reagan administration will support a military solution to the regional crisis, even if this requires direct U.S. military intervention in an aggressor's role.

Our legislation recognizes that an ongoing relationship of moderate size between the Honduran and U.S. military is appropriate. The bill would not affect our increasingly generous program of direct military assistance to Honduras, nor would it bar the presence of U.S. military advisers needed to administer that program. It would, however, remove the massive American armed presence which has, in recent days, transformed Honduras in appearance from a struggling, but independent, democracy, into a clone for the early days in Saigon.

The Reagan administration has defended its policy on the grounds that a show of force is needed to convince the Government of Nicaragua that it must moderate its own foreign and domestic policies. The military maneuvers, it is argued, are intended merely to demonstrate that the United States has the will and the capacity to use force, if necessary, in Central America. But that lesson—if ever forgotten by Nicaragua, a country once occupied for two decades by U.S. Marines—has by now surely been learned. The suspicion grows, in consequence, that the administration's intent is not merely to bring pressure to bear upon the Government of Nicaragua. The military operations seem, instead, to be masking additional direct and indirect support for Nicaraguan exiles seeking to overthrow the Government by violence, and to be paving the way for the eventual use of U.S. troops to assist those exiles.

The United States-Honduran military maneuvers began in March 1983, under the designation "Big Pine." The initial operation lasted only 10 days, and cost $5.5 million.

Last August, Big Pine II began. This operation, and actions associated with it, will involve as many as 5,000 United States and 6,000 Honduran troops, and cost $50 million or more. It consists of two major military exercises, and a variety of training, construction, logistics and communications projects.

Big Pine III is expected to begin approximately 3 months after the present exercises conclude in March. The U.S. military presence, which will remain at a high level between the exercises, has expanded, as well, because of ongoing support for Nicaraguan counter-revolutionaries based in that country, and the creation of a "Regional Military Training Center" at Puerto Castillo. The training center, which has ample room for expansion, is presently used for training Salvadoran soldiers, and is staffed by more than 100 U.S. Green Berets.

The Big Pine exercises would not be troublesome if they were of lesser scope, and if they were not being carried out in combination with the "covert" operation. Nor would they be objectionable if Honduras were seriously threatened by conventional military attack. Honduras' most likely foe, Nicaragua, has increased its armed strength, but has little air capability, no ability to launch a major ground invasion, virtually no navy, and no incentive to invite the American intervention that would surely follow over aggression on their part.

The elements of Big Pine II, taken as a whole, constitute less a design for self-defense, than a plan for conquest.

A major radar facility has been constructed, staffed by 60 to 100 U.S. servicemen, and a second is planned. Four Honduran airfields have been built or lengthened. A base for a U.S. Army helicopter squadron has been established. Exercises have included amphibious assault, and paratroop landings. An airbase access agreement between the United States and Honduras has been signed. More and more U.S. equipment has been brought to—and left at—strategic locations inside Honduras. Plans are being laid for construction of a large permanent base at Puerto Castillo. A military hospital built at Comoyagua is considered one of the best medical facilities of any kind in the region. U.S. aid is now equal to half the military budget of Honduras.

With U.S. guidance, military cooperation has been fostered not only between Honduras and the Nicaraguan exiles, but among other governments in the region, as well. The reconstitution of CONDECA, a regional defense pact, could provide the basis for a multinational armed response to any threat—whether genuine or not—from Nicaragua or Nicaraguan-supported troops.

The American invasion of Grenada was justified by a request from East Caribbean states for assistance tenuously predicated on a regional agreement similar in many respects to CONDECA. Consider, for example, article 12 of the CONDECA pact:

> If the inviolability, the territorial integrity, the sovereignty or the independence of any of the States of the Central American Isthmus should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of the Central American Isthmus, the Defense Council shall meet immediately in order to agree on the measures which should be taken, in case of aggression, to assist the victim of the aggression, or on other measures necessary for the common defense and for the maintenance of the peace and security of the Central American Isthmus.

Liberally interpreted, this provision could be used to justify a United States move to help CONDECA whenever a politically and strategically opportune moment should arise.

Honduras has a solid claim on U.S. respect and support. It is a desperately poor country—aside from Haiti, the poorest in the hemisphere. In November 1981, it embarked on an experiment with democracy after decades of corrupt military rule. Its history has been unmarred by the brutal repression characteristic of neighboring Guatemala, El Salvador, and Somozist Nicaragua. The 1979 revolution in Nicaragua, the explosion of civil war in El Salvador, and the chronic brutality of left and right in Guatemala has placed Honduras in the eye of a deadly storm.

U.S. economic and military assistance to Honduras has quintupled—without controversy in the Congress—since 1979. The conviction that Honduran territory has been used to funnel arms to Salvadoran and Guatemalan guerrillas produced a proposal by congressional Democrats that U.S. aid be provided to the Honduran military for the express purpose of halting that traffic. Last year, Nicaragua sought to retaliate for attacks on its territory by Honduran-based exiles by helping to recruit and train a group of Honduran nationals for subversive activity within that country. That project was uncovered early and effectively crushed.

The Reagan administration is right to be concerned about Honduras, but it is wrong to respond to that concern by seeking to involve, rather than insulate, Honduras from the surrounding conflict. The military of Honduras professes fear of revolutionary Nicaragua. There is evidence, however, that this fear stems less from strategic concerns than from the realization that the revolution's success could result in a propensity on the part of those desperately poor in Honduras to challenge authority, as happened in Nicaragua and El Salvador.

The resentment caused by corruption and privilege exists in Honduras, as in its neighbors, and the risk of ignoring continued social and economic injustice is as great. No country with 30 percent unemployment, a high rate of population growth, and one of the lowest per capita incomes in the world will find its poor forever untempted by the exaggerated promises of those advocating violent revolutionary change.

Thus, the importance of making civilian democratic rule work effectively in Honduras is clear. But the U.S. military presence has had the opposite effect. Just as the military rules in "democratic" El Salvador, so Gen. Gustavo Alvarez—not President Suazo Cordova—is the most powerful political leader in Honduras. The taking of political prisoners and mysterious disappearances of political activists have increased dramatically over the past 2 years. By focusing so visibly on the military, the United States has vested in Alvarez prestige and power that the civilian leadership—which has made no progress on economic or social problems—cannot match.

Just as important, the United States had encouraged the Honduran military to look upon itself not simply as a professional institution charged with defending national territory, but as the cutting edge of a region-wide antirevolutionary armed force. This role may be comfortable for some Honduran military leaders—particularly General Alvarez—but it does not encourage officers with a more balanced and professional long range view.

The growing U.S. role in Honduras runs directly counter to the efforts of the Contadora group—Mexico, Venezuela, Colombia, and Panama—to promote a peaceful resolution of the crisis in Central America. Last September, the five Central American countries joined with the Contadora group in calling upon all countries in the region:

> To stop the arms race in all its forms and begin negotiations for the control and reduction of current stocks of weapons and on the number of armed troops; and
>
> To prevent the installation on their territory of foreign military bases or any other type of foreign military interference.

The United States should be leading the effort to establish a basis for equitable political reconciliation in Central America. We have no more vital long range interest in the region than the creation of just such a settlement. But the Reagan administration has steadily resisted this effort, as if it is still realistic in the 1980's to impose upon all of Central America a political and social order subservient to the most narrow construction of traditional U.S. values, economic interests and geopo-

litical concerns. Leaving aside the question of whether this strategy is "right" or "wrong," it is not working, and it will not, in the long run, ever succeed.

The legislation we are introducing today is intended to focus the attention of Congress and the American people on the true nature of present administration policy in Honduras. It is essential that policymakers and opinion leaders look behind the grandiose design of the Kissinger Commission report, and the rhetoric devoted over and over again by this administration to the goals of economic development, human rights, political dialog and the development of democratic institutions. Between the administration and its congressional critics, these objectives are not at issue, for they are sought by all. What is at issue is the selection of means; the desire to expand rather than contract the basis for a political reconciliation, and to develop a strategy which responds to a balanced rather than a simplistic perception of the causes of armed conflict in the region.

The administration is seeking a military triumph in Central America which it cannot—without the long term and direct involvement of U.S. troops—hope to achieve. The present deployment of American combat forces in Honduras is an essential element of that strategy. Our legislation will challenge that approach, and lay the groundwork, I believe, for a policy far more likely to achieve our goals in Central America, and far more consistent with the desires, interests and values of the American people.●

A TRIBUTE TO BERN AND KAY SMITH

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I rise this afternoon to honor two of the greatest people I have ever known, Bern and Kay Smith, my parents, on the occasion of their 38th wedding anniversary.

Words cannot adequately express the love, admiration, and abiding respect that I have for my parents. Their enduring love for one another is rare and indeed refreshing; their commitment and loyalty to their family, an inspiration.

Mr. Speaker, like most of those who lived through the great depression, my parents knew physical hardship firsthand but grew up with a fierce determination to improve their lot—and that of their children—through hard work and persistence. A decorated veteran of World War II, my dad married my mother on February 2, 1946, and worked at various jobs to earn a decent living. In 1961, my parents invested their life savings on a dream—owning their own business. Ambitious and adventuresome, they were independent, intelligent, rugged individualists. They risked all they had on their dream, started a business from scratch, and over the years, built a profitable wholesale/retail sporting goods business of which we are all justly proud.

Mr. Speaker, at a time when the world is utterly preoccupied with negativism and paralyzed by fear, my parents stand out as beacons of hope, stability, and light. They are the kind of people who made America great. At a time when others shrink from responsibility and sheepishly cry "why," they characteristically say "why not."

Mr. Speaker, I know I will forever be grateful for the love, care, and guidance my parents gave to my two older brothers and me. When we were growing up, they were always there, like the rock of Gibraltar. There was never any doubt or question as to their commitment to our family. We were their first priority. My parents were also actively involved in community affairs. For example, my dad was a founder of our local little league, boyscout troop—my two brothers and I are all Eagle Scouts—and a family oriented swim club.

Looking back, it seems that no burden, no hardship, was ever too much for them to bear. No challenge was ever too much for them to meet. Clearly, their lives squarely rest on the unshakable foundation of Christian values. They love God, revere family, and regard their neighbors with compassion. They are highly competitive, especially my father—he still beats me in tennis half the time although I hate to admit it—and both possess that indomitable will to persevere regardless of cost, to never quit, regardless of the obstacle or barrier.

Bern and Kay Smith, Mr. Speaker, are ethical, honest people. It is they who are the real day-to-day heroes—not the one-shot variety. They live highly principled lives, are always quietly helping others in some way or another—they seek no recognition for themselves, for that is not their way. They are courageous people who face adversity head on and do what is right no matter what others may think, say, or do. I know my brothers Mick and Tom agree with me that our parents have faithfully practiced over the years what they have preached, and that is saying a lot. Indeed, we learned as much, if not more, by their example, as by their words.

Today, Mr. Speaker, my parents celebrate their 38th wedding anniversary. To many, it is just another day. But not to us. Today my family celebrates two people who are truly unique and special. A rare breed indeed.●

OVER-THE-COUNTER DIET PILLS SHOULD BE REMOVED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Ms. OAKAR. Mr. Speaker, on January 26, 1984, I introduced H.R. 4675, a bill to require that over-the-counter diet drugs containing phenylpropanolamine (PPA) be dispensed only by prescription. Millions of Americans use over-the-counter diet pills to lose weight and control their appetite. Some young people use them as a stimulant because PPA has an amphetamine-like molecular structure and therefore gives them a "high." In street parlance, a stimulant such as this is called speed.

Last summer, I chaired a hearing to investigate the efficacy and/or safety of diet pills which contain PPA. After hearing testimony, both by experts, and victims who are permanently disabled as a result of taking these pills, I felt it necessary to take these pills containing PPA off the over-the-counter market and put them under the control of medical doctors. I have done this for several reasons.

PPA when taken in diet pills can cause a spike in blood pressure. It can also affect those with diabetes. Diabetes and hypertension are hidden diseases which are much more prevalent in the obese. It has been shown through various studies, that persons taking this OTC preparation who have normal blood pressures experience a hypertensive upsurge in blood pressure. Two studies substantiate this.

A large, well-conducted study made in Australia in 1980, using healthy medical students, found that 11 to 33 percent of the subjects who receive a single dose of PPA developed significant, sometimes severe hypertension. A newly released study sponsored by the diet pill industry had to be unexpectedly aborted when the blood pressure of one PPA-treated person soared to 200/100. Four other subjects' blood pressure also rose to seriously high levels. These studies involved persons who had normal blood pressure. It is estimated that at least 30 percent of overweight people have high blood pressure.

In the New York Legislature, an attempt was made several times to ban the sale of OTC diet pills containing PPA to those youngsters 18 and under. Because of heavy lobbying, the bills were defeated, even though the package in which these pills are contained clearly states: do not use under the age of 18. The Food and Drug Administration has banned the sale of PPA in combination with caffeine after a specified time when used in OTC diet pills. They have also banned the sale

and manufacture of look-alikes in this and other combinations with PPA. This is to take effect immediately. This means that those OTC diet pills combination of caffeine and PPA are readily accessible to the young people in drug stores, supermarkets, convenience stores, and gas stations throughout the country until such time that the FDA deems it advisable to discontinue the sale of them. However, I strongly believe, after I have carefully reviewed all the evidence presented by experts and the victims I have heard who suffered strokes, were permanently handicapped, suffered psychotic reactions as a result of taking certain diet pills, the real culprit is PPA. The FDA is now in the process of conducting a review that should have been completed in 1977, but which, according to the latest information I have, will not be over before the year 2000. This review studies the efficacy and/or safety of diet pills containing PPA. Since the FDA is foot dragging on this very important issue, I have no alternative but to introduce this bill so that the dispensing of this dangerous substance can be carefully monitored by those who are concerned with supporting the health of people, medical doctors. Over-the-counter diet pills containing PPA should be dispensed as prescription only. I urge my colleagues to cosponsor my bill.

H.R. 4675

A bill to require that diet drugs containing phenylpropanolamine be dispensed only upon prescription.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any drug intended to control the appetite or otherwise assist in the loss of weight and containing phenylpropanolamine may only be dispensed in accordance with the prescription requirements of section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

SEC. 2. This Act shall take effect ninety days after the date of its enactment.●

FAMILY VIOLENCE: A MAJOR PROBLEM

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. McKERNAN. Mr. Speaker, the family violence prevention services amendment, offered by my distinguished colleague from California, the chairman of the Select Committee on Children, Youth and Families, and adopted by the House which will aid millions of Americans, most of them women and children, who are the victims of family violence.

This amendment, with over 100 bipartisan cosponsors, of which I am one, is a response by Congress to the painful reality of nearly 6 million women who are abused by their husbands in any given year; it is a response by Congress to the appalling reality that thousands of these women will be beaten to death as a result of this abuse, and, it is a response by Congress to the fact that our Nation's police officers spend an astounding one-third of their time responding to domestic violence calls, resulting in 20 percent of all police deaths and 40 percent of all police officer injuries. These realities are the national shame from which the cosponsors of this amendment seek relief.

The family violence assistance amendment has as its goals first and foremost the providing of emergency assistance for abuse victims. At east 75 percent of the $65 million provided in this amendment must go to agencies which provide immediate shelter to victims of family violence. Helping private charitable and voluntary groups to offer family violence victims a place to turn is the first priority of this amendment. Strict matching requirements are included in the amendment to insure private sector and local community involvement, so essential to breaking this pattern of violence.

Second, and of equal importance, the amendment provides for Federal assistance for the training of law enforcement officials in the handling of domestic violence. I believe this is an important use of the strongest tool available to combat the domestic abuse problem—the tool of education.

Mr. Speaker, the vicious circle of family violence, domestic abuse, must be broken. This amendment, an amendment to the Child Abuse and Adoption and Reform Act, is an important step toward that goal. In my State of Maine, social isolation, low per capita income, and transportation inadequacies which make it difficult to obtain services, together place severe stress on the resources of many families. This amendment offers the hope that these families all across the United States can break free of the oppressive grip of physical and psychological abuse, abuse from the cruelest of all possible sources—a family member, a loved one. I am pleased my colleagues gave such strong support to this amendment.●

RETRAINING AMERICA'S UNEMPLOYED

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. LOWERY of California. Mr. Speaker, today I, along with my colleagues Mr. MARTIN of North Carolina, Mr. ERLENBORN, Mr. WYLIE, Mr. CAMPBELL, Mr. JEFFORDS, Mrs. MARTIN of Illinois, and Mr. SILJANDER, am submitting legislation to provide a retraining tax credit for educational expenses incurred by unemployed Americans.

This credit would cover 50 percent of a person's educational expenses up to $1,000 and allow an individual to carry back or carry forward to maximize the benefit offered. The course of study need not be applicable to previous employment, as is the case with current tax deductions for educational expenses. If 600,000 people use the credit, anticipated cost to the Treasury will be in the range of $300 to $500 million, easily one of the least costly unemployment solutions on record. In addition, applicants for this credit will not forfeit their unemployment compensation by enrolling in a retraining program.

Changes in our industrial structure are, by now, an integral part of American economic life. Some changes come from outside the economy itself, such as transitions in international competition. Others occur inside the economy, such as changes in the mix between manufacturing and services or increases in productivity and competitiveness through technological advances. The fast pace at which these structural changes are occurring has created a new group—workers dislocated by economic change. These are persons who are not from disadvantaged backgrounds, who formerly enjoyed stable employment at good wages, but who now face job loss and reemployment difficulties. These are the individuals who we seek to assist with this retraining tax credit proposal.

Dislocated workers are best understood primarily as a part of millions of workers, both employed and unemployed, in declining and growing industries, who suffer from imperfections in the workings of the U.S. labor market. The most important imperfections are geographical immobility of workers, insufficient investment in worker training, and inefficiency of labor exchange institutions. My bill addresses the second failure listed, and arguably the most appropriate imperfection for Congress to correct.

Although American industry spends a great deal of money on training workers—one estimate shows that the total cost is some $30 billion per year—this represents only a few hundred dollars a year for each employee.

Unemployed auto workers are an example of how underinvestment in training affects dislocated workers. Many former auto workers have only a low level of specific occupational skills. At the same time, about one-third do not have a high school diploma, and many that do cannot perform at the level of a high school graduate in reading and arithmetic. They are ill prepared for direct entry into the new, usually high-skill jobs that are opening in expanding fields such as microelectronics. They are also relatively

unattractive as trainees for those fields because of their weak general educational backgrounds and their lack of training experience.

One approach to insure adequate training of dislocated workers is to establish special training programs for them. Such an approach is embodied in the Job Training Partnership Act (JTPA) of 1982 which I heartily endorse. However, this approach may not be optimal because it does not address the basic problem that these workers have been undertrained throughout their careers while employed.

Accordingly, a useful role for the Federal Government is to encourage workers' investment in their own retraining. Current public policy often operates in the opposite direction. The Federal income tax allows an individual to deduct educational expenses if they are related to maintaining skills in his/her current occupation, but not if they prepare him/her for a new occupation. Similarly, in most States except my home State of California, unemployment compensation is not available to persons enrolled in full-time training. This combination of public policies reduce or delay the participation of many workers in their own retraining.

While no jobs are directly created through my tax credit proposal, I believe it provides the necessary incentive for dislocated American workers to move into more highly skilled jobs, hence reducing their chances of future unemployment. My colleagues and I invite all Members to embrace this measure as an important step in the building process of the new American labor force needed to staff our growing, emerging industries.●

THE INTERNATIONAL TRADE TAX ACT OF 1984

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. NOWAK. Mr. Speaker, the Congress has taken great steps in the last few years to help American industry compete in world markets. U.S. companies can no longer rely solely on domestic markets to prosper or to meet the needs of a growing work force.

When we speak of a global economy, we must also think in terms of global competition. Exports are now responsible for one out of every seven jobs in the United States. The proportion of American jobs attributable to export sales should continue to grow dramatically.

In this context, Mr. Speaker, I am introducing H.R. 4741, the International Trade Tax Act of 1984. This proposal is a carefully balanced initiative designed to address not only some of the so-called concerns of GATT members, but more importantly, also the need for a viable export promotion initiative. It is an initiative that addresses the financing needs of not only large American companies, but also the needs of the evolving new to export small business. Further, in recognition of the growing importance of service industries to the U.S. economy, my initiative encourages small service business to begin looking at the financial opportunities available through overseas contracting and consulting.

SMALL BUSINESS AND INTERNATIONAL TRADE

As chairman of the Subcommittee on Tax, Access to Equity Capital and Business Opportunities, I am keenly aware of the dynamics in the overall debate over tax policy. Due to both the diverse nature of small business and to its lack of adequate resources, smaller firms are often the last to hear about evolving tax or legislative initiatives, and as a result, often lose substantial economic benefit from not becoming involved in the policy debate over such legislation. I believe that this is most unfortunate and may be the major reason for the inherent complexities of the current domestic international sales corporation (DISC) tax incentives.

The fact that only 8,665 DISC returns were filed in 1981 is indicative of the complexity of the provisions themselves. Moreover, although the DISC's, with more than $10 million in gross receipts, made up only 16 percent of the DISC returns filed in 1981, those same entities comprised about 91.6 percent of the trade volume done that year. As presently structured, DISC could hardly be considered a tangible incentive for small business exporters.

A simplified tax incentive for exporting would be important for two reasons. First, it would provide smaller firms with a meaningful incentive to enter world markets. Second, it would play a critical role in helping the U.S. industry to realize its economic potential.

DISC AND GATT

Almost since its enactment in 1971, the European community has charged that DISC is an illegal subsidy for purposes of the General Agreement on Tariffs and Trade (GATT). According to GATT, it is an illegal subsidy due to the fact that the "domestic income"—as opposed to foreign income—of an American corporation is being deferred.

As a result of this controversy, the administration has designed a proposal which it believes meets the concerns of the European community and the objectives of GATT. This proposal would replace the DISC with a business entity which is incorporated outside the United States. A portion of the income from export sales made through this foreign incorporated entity would be exempt from U.S. tax.

To the extent the administration's proposal alleviates a political problem with our trading partners, I applaud this objective. Nevertheless, the repeal of DISC should not be done at the expense of the small business person. It is small business that creates approximately 80 percent of all the net new jobs in the United States. Moreover, a proposal that does not take into account the concerns of small business, would be turning its back on the thousands of new to export firms. The U.S. Department of Commerce alone estimated that at least 20,000 firms could export, but do not do so because of certain initial barriers.

DISC RETURNS—DISC YEAR 1981 [1]

Size of gross receipts	Number of returns	Gross receipts— Percent in billions	Gross receipts— Percent of total
$0—$250,000	[2] 1,957	.14	1
$250,000—$1,000,000	1,860	1.04	7
$1,000,000—$10,000,000	3,465	[2] 11.73	7.6
$10,000,000—$100,000,000	1,171	34.25	22.2
Over $100,000,000	212	106.92	69.4
Total	8,665	154.08	100.0

[1] Domestic International Sales Corporation Legislation, Department of Treasury—issued July 1982.
[2] Rounded for totaling purposes.

I believe that the European Community and GATT could live with a proposal that is not unduly complex and which meets the concerns of the small business person. This, in effect, would require a so-called de minimis rule or safe harbor for small firms. However, this rule would have to be clearly defined by legislation and, thus, not left to regulation. In addition, an explicitly defined rule would not appreciably upset the trade situation with our trade partners.

H.R. 4741 accomplishes this objective by minimizing the incidences of foreign presence for a small company. In specific, a small firm would be permitted to exempt a portion of its export income as long as it set up a subsidiary, called a "small American international trade corporation" or AITC. Unlike the administration's proposal, my legislation would not require small firms to maintain an office or books and records overseas. It would not require the export subsidiary to have a nonresident director.

Among other provisions, the International Trade Tax Act of 1984 would merely require a small firm to set up a small AITC which is created or organized under the laws of a foreign country. As an alternative, the small AITC could be created or organized in any foreign trade zone. There are approximately 80 foreign trade zones located in various cities throughout the United States. This latter alternative would alleviate the psychological and financial burden on the small business

of incorporating overseas. Further, small firms would have the option of participating on a joint basis—or in a joint trading company venture—as shareholders in an AITC.

In summary, H.R. 4741 is both a job creation and export promotion initiative. It not only meets the capital formation needs of medium and large businesses, but more importantly, it insures that small business is provided with its fair share of economic benefit.

By providing American industry with a meaningful incentive, we will be providing our work force and our cities with a hedge against future economic downturns. With an increasingly competitive and global economy, the future prosperity of this country is largely dependent upon export promotion and development. Based on that premise, I include the following summary of my legislation:

THE INTERNATIONAL TRADE TAX ACT OF 1984

Section 1. Title of bill.

Section 2. American International Trade Corporations (general provisions).

AITC DEFINED

The term American International Trade Corporation (AITC) is a corporation which (in general):

A. was created or organized under the laws of a foreign country or a U.S. possession;

B. has no more than 25 shareholders;

C. does not have preferred stock outstanding;

D. maintains its records and a permanent office outside the U.S.; and

E. has a nonresident director.

In general, the term "small AITC" means a corporation which has:

A. $10 million in average annual foreign trading gross receipts; and

B. was created or organized under the laws of a foreign country, a U.S. possession, or within a U.S. foreign trade zone.

EXEMPT FOREIGN TRADE INCOME

Depending upon the administrative or transfer pricing rules used, a specified portion of the foreign trade income of the AITC or small AITC shall be considered exempt foreign trade income.

FOREIGN TRADING GROSS RECEIPTS

Any AITC may generally derive revenues or foreign trading gross receipts from or for:

A. the sale, exchange or disposition of goods;

B. the lease or rental of goods outside the U.S.;

C. the performance of certain managerial or other services related to the sale, exchange or lease of such goods;

D. certain engineering or architectural services performed abroad.

Except for a small AITC, an AITC may derive foreign trading gross receipts only if it is managed overseas and as long as certain economic processes (such as the solicitation or the making of contracts) take place abroad. In addition, to the ways described above, a small AITC may also derive revenues from the performance of services.

TRANSFER PRICING RULES

Based upon the following administrative or transfer pricing rules, the taxable income of an AITC shall not exceed:

A. 1.83 percent of foreign trading gross receipts;

B. 23 percent of the combined taxable income of the AITC and related person; or

C. the taxable income computed according to section 482.

The Treasury Department shall draft regulations permitting shareholders of an AITC to participate on a joint basis (or in a joint trading company venture).

Section 3. Taxable year of DISC and AITC required to conform to taxable year of majority shareholder.

In general, the taxable year of any AITC or DISC shall be the taxable year of the shareholder (or group of shareholders with the same 12-month taxable year) who has the highest percentage of voting power.

Section 4. Effective date, transition rules.

a. Effective Date—

The amendments made by the Act generally apply to transactions made after December 31, 1983.

b. Transition Rules for DISCs:

1. Except as provided below, the taxable year of each DISC shall close on December 31, 1983.

2. Any accumulated DISC income which is generally derived before January 1, 1984, shall be treated as previously taxed income.

c. Special Rules for Small DISCs.

To the extent a small DISC (defined as having average annual gross receipts not in excess of $10 million) has been operating prior to December 31, 1983, that DISC will be given five years in which to comply with the provisions of the Act. This is intended to give small firms, which often do not hear about changes in tax policy or cannot immediately afford expensive tax professionals, a grace period in which to comply with the changes in the tax law.●

DECLARE VICTORY AND BRING THEM HOME

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. DINGELL. Mr. Speaker, for far too long the United States has maintained forces in Lebanon as part of a so-called peacekeeping force which neither keeps the peace nor is able to defend itself. Worse than this, the commitment of U.S. Marines there carries forward no long-term U.S. policies and has no clear-cut tactical goals or methods to assure the protection of our troops.

It is doubtful that the marine contingent entered Lebanon as a peacekeeping force in the same sense as commonly attributed to other U.N. peacekeeping forces. If they did, it is a role they no longer fill.

Progressively, Lebanese of all religious, political, and factional orientations regard them as actively participating in support of the government, militarily and otherwise. This perception of U.S. involvement makes it impossible for us to mediate the differences between the Lebanese forces supporting the current government and those seeking to alter the status quo. For almost a decade, the current fighting within and over Lebanon has resulted in both the military presence of a half dozen Middle East states and the occupation by an ill-conceived peacekeeping force.

The administration seeks peaceful settlement by attempting to negotiate a withdrawal of all foreign troops. Let us lead by setting a shining example. Let the administration declare a victory and bring our troops home. Perhaps our good-faith effort will lead other nations to do the same. The French and Italian contingents have already announced significant troop reductions. The United States should take the lead and reduce our military involvement to zero. The Americans serving so honorably in our Armed Forces deserve better than their present situation. Our visible presence in Lebanon has been reduced to scattered pipes protruding through the fresh-dug earth marking the buried containers that house our troops. It is Groundhog Day every day in Lebanon for our soldiers who spend all their time in these little manmade caverns.

It is a fact that the administration has no clear-cut U.S. strategic aim in Lebanon which relates to our major concerns in the Middle East. Lebanon's Government is important, but not essential, to the peace and integrity of the entire area. It is also not an essential part of U.S. national policy or goals. To escalate our involvement in Lebanese affairs and our troops presence in Lebanon, is to risk a commitment which Americans will not and should not accept.

The U.S. marines sit in a situation not radically different from our troops at Anzio in World War II, where the goal was to establish a large force ashore which could not move inland to higher and safer ground. They did not move from the beachhead and intolerable losses resulted. Regrettably, the lessons of Anzio, and similar events in Khe Sanh, Vietnam, have not benefited this administration.

If there are areas in the Middle East where U.S. interests need protecting, and clearly there are, then appropriate actions can be taken in those areas without making massive political and military commitments in an area which has been afflicted with religious and regional troubles for centuries. Air attacks and gunfire from both Marine weapons onshore and ships offshore are doing nothing to endear us to the Lebanese people. Further, this same fire is doing very little to suppress the troublesome terrorists who are a massive threat to the safety of our forces.

We are currently only worsening a bad situation. Get our marines out of Lebanon now. Even if the removal of all foreign troops were possible, there would still remain at least a dozen internal groups of significant political influence within Lebanon. We cannot presume to set the future course for this sovereign country. Let the proc-

esses of diplomacy and the Lebanese themselves solve the terrible conflict in Lebanon.●

LEGISLATION TO PROVIDE AID TO SCHOOLS AND CITIES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. ORTIZ. Mr. Speaker, today I am introducing a bill that will provide additional revenue not only to the people of this Nation, but to local governing units in a portion of the 27th District in Texas. By removing an impediment to oil and gas leasing at the Naval Air Station in Corpus Christi, Tex., Congress can provide much needed revenue to the local units of government in Nueces County, and, at the same time, reaffirm its commitment to expanding our country's domestic energy supply.

On July 20, 1981, the Department of the Interior through the Bureau of Land Management lifted an existing moratorium precluding oil and gas leasing on acquired military lands. Section 35 of the Mineral Lands Leasing Act as codified 30 U.S.C. 191 provides that one-half of the royalty revenue derived from production on leases governed by this act will be paid to the Department of the Treasury and the remaining half will be paid to the State. Subsequently, each State legislature may apportion its half of the revenue to those subdivisions that are socially or economically impacted by the development of these mineral leases.

This past year, the Texas State Legislature enacted a law that forwards these funds to the county which encompasses the Federal land in question. The county, in turn, is directed to distribute 50 percent of the revenue to the school districts within the county, retains 35 percent for county use, and disburses the remaining 15 percent to the cities in the county.

As a lease offer was being processed, it was learned that the Naval Air Station had been incorporated into the city of Corpus Christi in 1963. Unfortunatey, even though leasing on acquired military lands is now allowable, there also exists a regulation prohibiting leases being issued in incorporated cities, towns, and villages.

Time is no longer a matter of luxury in expediting this matter. Back in 1962 when leasing was permitted on the Naval Air Station, an amount greater than 1 million barrels of oil was extracted which represents approximately $30 million in current prices. Due to the geological formation of the land occupied by the Naval Air Station, drilling on surrounding private lands will drain the oil under the Naval Air Station. When that happens, a potential source of revenue to this Nation, to the local school districts, to the county, and to the cities in this county will be forever lost.

Mr. Speaker, in this period of severe fiscal restraint, we can ill afford losing this revenue to private interests. Our Nation's schools are in dire need of aid. This bill will provide additional income for improvements to curriculum, facilities and personnel in the schools of Nueces County at no cost to the Federal Government. Our Nation's cities have been told that they must be less dependent on the Federal Government for financial support. This bill will enable the cities of Nueces County to provide better services to their citizens, and at no cost to the Federal Government.

Surely, this body will not allow such a technicality as I mentioned to frustrate the general welfare of the people. I urge my colleagues to consider these facts and to support this legislation.●

RABBI BEN ZION BOKSER

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. ADDABBO. Mr. Speaker, the people of Queens, the city of New York, the State, and the Nation have lost a distinguished religious leader and writer. We who have known him mourn the loss of a great and personal friend.

As a tribute to my friend, I would like to include the following obituary which appeared in the New York Times:

BEN ZION BOKSER, 76; A RABBI AND PROFESSOR

Rabbi Ben Zion Bokser, a leading figure in Conservative Judaism in the United States and spiritual leader for 50 years of the Forest Hills Jewish Center in Queens, died of heart disease Monday at New York Hospital. He was 76 years old and lived in Forest Hills.

Rabbi Bokser was chairman of the Committee on Jewish Law and Standards of the Rabbinical Assembly, an international organization of Conservative rabbis. He was also adjunct professor of political science and religious studies at Queens College, and was director and co-founder of the Center for the Study of Ethics and Public Policy at Queens College.

He was a former professor of homiletics at the Jewish Theological Seminary of America and former visiting professor of Jewish mysticism at the Hebrew University in Jersualem.

Among the books he wrote were "Judaism and the Christian Predicament," a study of Jewish-Christian relations; "Judaism: Profile of a Faith" and "Jews, Judaism and the State of Israel."

Rabbi Bokser, born in Poland, was a graduate of City College, and earned a doctorate at Columbia University.

To his wife, Kallia, daughter Miriam, and son, Baruch, we say that in his lifetime he touched so many people, and with his passing we will continue to remember him for his concerns which have contributed toward the betterment of mankind.●

SOVIET ARMS CONTROL VIOLATIONS AND U.S. SECURITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. KEMP. Mr. Speaker, the evidence of Soviet violations of arms control agreements has simply become to overwhelming to ignore.

The United States repeatedly pressed its concern about these violations through private channels, but the Soviets refused to cooperate. As a result, the President had no choice but to present the record to the American people and the world community.

Pursuant to a unanimous congressional request, President Reagan last week submitted a report on Soviet violations of arms control agreements, with potentially far-reaching implications for the future of arms control and United States-Soviet relations.

This initial report documents seven major violations of accords prohibiting the production or use of chemical or biological weapons, of the Antiballistic Missile Treaty, of SALT II, and of the Threshold Test Ban Treaty. Other compliance questions are currently under study.

In very general terms, the violations cited are:

Use of chemical weapons in Afghanistan, Laos, and Kampuchea, in violation of biological weapons convention and Geneva protocol;

Failure to notify of troop movements, in violation of the Helsinki accords;

Construction of phased array radar near Krasnoyarsk, in central Siberia, in violation of the ABM Treaty;

Encryption of missile telemetry—interfering with our national technical means of verification—in violation of SALT II;

Development of two new types of ICBM's, in violation of SALT II—which limits each side to only one new type;

Deployment of the SS-16 at Plesetsk, in violation of SALT II—which prohibits deployment of SS-16's; and

Nuclear testing in excess of 150 kt, in violation of the Threshold Test Ban Treaty.

This initial report, submitted in response to unanimous congressional request, represents only the tip of the iceberg; many other violations and probable violations have been documented in a complementary highly

classified study, which I hope to see brought to light in the near future.

As President Reagan stated in his letter to Congress:

Soviet non-compliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the U.S.S.R. as a negotiating partner, and thus damages the chances for establishing a more constructive U.S.-Soviet relationship.

Now it is up to the Soviet leadership to correct their behavior, to comply with their obligations under international law.

If the Soviets are serious about arms control, they will desist from this pattern of noncompliance, and change their behavior to live up to their agreements; and then they will return to the negotiating table at Geneva with constructive proposals—and clean hands.

If, on the other hand they fail to take corrective action, then the United States will have to reassess our participation in arms control negotiations. And we will have to face some fundamental questions. Maybe we will want to continue negotiations, to keep communication open. Maybe we will conclude that the Soviets are not negotiating in good faith, and that therefore there is nothing to be gained from arms reduction talks. But certainly the Soviet response to this public report will be a key element in our decision.

Over the past several months, the Wall Street Journal editorial page has presented some of the most cogent and reasonable commentary on arms control policy ever to appear in print. Continuing in this tradition was their editorial of January 25, 1984, entitled "How Now on Cheating?". The Journal reaches the heart of the matter when it points to "the true implication of Soviet cheating: It is extremely dangerous to U.S. and free world security to negotiate and abide by arms agreements that the Soviets do not intend to keep."

From the standpoint of potential implications for U.S. defense, the most ominous of the Soviet violations is the construction of ABM-related phased-array radar near Krasnoyarsk, central Siberia, in violation of the ABM treaty. Experts see these installations, in conjunction with other observed Soviet activity, as building to a Soviet breakout capability in ballistic missile defense.

Some of this information was first brought to light by Clarence Robinson of Aviation Week and Space Technology. In his detailed and incisive article of January 16, Mr. Robinson warns of indications that the Soviet Union is building toward fielding the major elements of a nationwide ballistic missile defense system.

Because of misplaced arms control considerations strategic defense efforts in the United States have stagnated. President Reagan's strategic defense initiative, presented just this week as part of the President's defense budget request, is a vital beginning in reversing this dangerous neglect.

Mr. Speaker, I insert the Wall Street Journal editorial, "How Now on Cheating?" and the Aviation Week article, "Soviets Accelerate Missile Defense" in the RECORD:

[From the Wallstreet Journal, Jan. 25, 1984]

HOW NOW ON CHEATING?

President Reagan Monday sent a 50-page secret document to Congress detailing what the administration called "an expanding pattern of Soviet violations or possible violations of arms control agreements." Press coverage was muted, as the administration apparently hoped it would be. The New York Times used quote marks in such a way as to imply doubts about the validity of what it called a "fact sheet" describing the report for public benefit. The principal implication the president himself had drawn was that "better treaty drafting" and more workable verification procedures would be needed in future arms negotiations.

In short, few people in or out of government are ready yet to face the true implication of Soviet cheating: It is extremely dangerous to U.S. and Free World security to negotiate and abide by arms agreements that the Soviets do not intend to keep. The message this American vacillation sends to Moscow's generals and politburo chieftains is that they can cheat at no cost. The Americans, they will believe, have been immobilized by the politics of arms control—the hope and belief that arms control treaties do in fact limit the construction and deployment of arms.

Fewer than 10 of some 41 Soviet violations listed in a recent Heritage Foundation study are mentioned in the president's report. But even the four termed as definite cheating are profound.

Most important is the construction of radar stations outside the area allowed by the Anti-Ballistic Missile treaty of 1972. In combination with other ABM violations not cited, such as radar testing and surface-to-air missile deployments nearby, the radar sites form a Soviet ABM capability that goes far beyond the treaty restrictions limiting such defenses to either a capital city or a missile field. With the Soviets building screens against our bombers and submarines, plus extensive civil defenses, the effectiveness of our deterrent force becomes increasingly suspect. To the extent that the Soviets gain an edge, their threatening propaganda messages to the West become more credible, as we learned last summer when they stimulated a significant unilateral disarmament groundswell in the U.S. and Europe.

Other Soviet violations include development of an illegal second nuclear missile the SS-X-25 or PL-5, a drastic addition to the firepower of the old SS-13. Some 14 nuclear tests above the limits of the 1963 test-ban treaty have given the Soviets high confidence in the power of their arsenal. Finally, the report charges that the Soviets have been encrypting missile tests above allowable levels. This prevents our fully monitoring Soviet capabilities and, of course, treaty violations.

Last week, a group led by former Carter negotiator Paul Warnke met to chastise Mr. Reagan for "insufficient" evidence of violations that lack "strategic significance" anyway. The administration should't be raising questions that might prevent us from entering into further agreements, they concluded. Aside from the tortured logic of that argument, it's hard to know what you don't know; if the Soviets have been encoding their tests, who can say what they're building? Former CIA analyst David Sullivan estimates that Moscow has stockpiled more than 4,000 delivery vehicles, compared with 2,250 allowed under SALT and 1,850 in the U.S. arsenal.

Meanwhile, the U.S. is required to significantly weaken its own forces. Since Ronald Reagan took office, America has dismantled or has made plans to dismantle 26% to 33% of its existing megatonnage, mostly to conform to SALT II. As Mr. Reagan noted in a recent speech, the U.S. nuclear arsenal is at a 25-year low.

Back when these treaties were being negotiated, a phalanx of U.S. leaders—Henry Kissinger, Melvin Laird, Gerald Smith, James Schlesinger, Harold Brown, Zbigniew Brzezinski—went before Congress to promise that if a situation like today's ever developed, we would cancel out. In 1972, Mr. Kissinger and Mr. Laird told Sen. Henry Jackson that substitution of heavy missiles for the SS-11 would be considered a clear-cut violation. Yet when the Soviets deployed the SS-19, four times the throw-weight of the SS-11, no abrogation followed.

Even Jimmy Carter was clear about the consequences of cheating. He told Congress in 1979 that Soviet violation of just one key clause, the encryption provisions, would undercut the whole treaty. His defense secretary, Harold Brown, outlined a sensible U.S. policy before Congress: "The issue will not be whether we could prove a case to a jury. We do not need proof beyond a reasonable doubt, nor even evidence we can discuss in detail," he said. "If a problem were not resolved . . . I would not hesitate to recommend . . . abrogation."

No doubt some advisers have been telling the president how clever it would be to accuse the Soviets of cheating but do nothing, playing to doves and hawks alike. That strategy may be worse than ignoring violations altogether. The Kremlin now knows that even if it's caught and accused, the Westerners will issue a pardon.

By falling to take actions that follow logically from the evidence, Mr. Reagan casts doubt on the evidence itself. By his response so far to Soviet cheating, Mr. Reagan is telling the public not to take him seriously.

[From Aviation Week & Space Technology, Jan. 16, 1984]

SOVIETS ACCELERATE MISSILE DEFENSE

CIA NOTIFIES PRESIDENT OF HEIGHTENED ACTIVITY, WHICH COMES AS U.S. RECONNAISSANCE SATELLITES FACE FUNDING SHORTAGE

(By Clarence A. Robinson, Jr.)

WASHINGTON.—President Reagan has been given evidence by the Central Intelligence Agency that the Soviet Union is producing components for and has in place or under construction the major elements of a nation wide ballistic missile defense system.

"The CIA's position on Soviet ballistic missile defense activities is unusual in its strength and clarity—an alarm bell that we must watch the situation very closely," a White House official said.

"The U.S. could be witnessing a Soviet move to place itself in a position to abrogate the Antiballistic Missile Treaty and rapidly deploy a system to defend key areas such as intercontinental ballistic missile fields," the official added.

The USSR is permitted by the treaty to operate a ballistic missile defense system with up to 100 interceptor missiles and six radars to protect Moscow. It also is premitted research and development for defensive systems and to apply advances in technology to upgrade that system.

The U.S. has elected not to deploy the defensive system permitted it under the treaty. Either the USSR or the U.S. can withdraw from the treaty with six months' notice to the other nation if extraordinary events jeopardize its interests.

Factors focusing U. S. attention on Soviet ballistic missile programs include:

Construction of new Pushkino phased-array antiballistic missile defense battle management radars. One site is north of Moscow, and others are under construction. The radar has four faces with phase shifters to provide 360-deg. coverage. It is 120 ft. high and 500 ft. wide (AW&ST Mar. 14, 1983, p. 26).

Pechora-class ballistic missile detection radars located at sites around the periphery of the Soviet Union, except for one new radar located internally at Abalakova in the vicinity of SS-18 intercontinental ballistic missile fields. These phased-array radars are positioned for early warning, detection and tracking.

Production of SH-04 and SH-08 nuclear armed interceptor missiles with deployment of the weapons in silos around Moscow as part of improvements to the system there. The SH-04 is an exoatmospheric missile, and the SH-08 a hypersonic endoatmospheric missile that together provide weapons for a layered defense.

Tests at Saryshagan of the SH-08 interceptor in a rapid reload configuration, firing two of the missiles from the same silo within 2 hr.

Production of the Flat Twin tracking and Pawn Shop missile guidance radars for the SH-08 and SH-04 to form the ABM-X-3 defense system. The radars are designed modularly so that components can be produced and stored until required. They can be concealed and assembled rapidly for use in the system.

Testing of the SA-12 surface-to-air missile against ballistic reentry vehicles. The SA-12 is called a strategic air defense or tactical ballistic defense system because of the inherent dual-mode capability in the weapon.

Netting of command, control, communications sytems, air defense and ballistic defense radars with battle management radars to tie together elements of a national defense system.

"It took a variety of sources and methods to piece together the mosaic the agency presented," the official said.

Evidence presented clearly shows that the mutual assured destruction (MAD) concept may be on the way out, a White House official said. The President wants, as an optimist, to offer the nation a way out of mutual assured destruction through a U.S. ballistic missile defense system. But the President concluded that the Soviets are doing everything they can with ballistic missile defense to bring the U.S. to its knees, the official said.

The President offered the hope of a damage denial ballistic defense system last year, the official added, "but the bureaucracy is not responding to what he wants."

The official said the Administration is equally as concerned over a lack "of national means to accomplish first-rate reconnaissance of Soviet ballistic missile defense developments."

National technical means is a euphemism for electronic ferret satellites and photographic reconnaissance spacecraft used to monitor the Soviet Union, including compliance by that nation with arms control agreements.

It took the U.S. more than 18 months to detect and photograph the large phased-array radar at Pechora, and more than a year after construction began at Abalakova to detect construction of the radar there. Neither radar was detected until the U.S. was told to conduct reconnaissance of those areas.

Cost overruns in developing and producing reconnaissance satellites such as the KH-11 digital imaging system, which can relay its imagery via satellite data system spacecraft within an hour to Washington, has damaged the U.S. capability.

USAF is developing new, improved reconnaissance spacecraft, and the service already is facing an approximately $400-million cost overrun this fiscal year.

Development of the KH-11 resulted in an overrun of approximately $1 billion, forcing the Defense Dept. to halt production in film return spacecraft, such as the KH-8 and KH-9, with their higher resolution capability, to free the funds for application to the KH-11.

As a result, the U.S. has only two film-return reconnaissance spacecraft remaining in its inventory. The high-resolution KH-8 dips to altitudes as low as 75 naut. mi. over the target area to obtain imagery.

Because of the expense involved, the Defense Dept. and Central Intelligence Agency are limited in the numbers of KH-11s that can be maintained in space. The U.S. is unable to obtain adequate reconnaissance of the Soviet Union. "This was demonstrated when we failed to discover construction of the large radars at Pechora and Abalakova," the official said.

He added that a massive effort also is under way in the USSR to counter the KH-11's capability. "The Soviets have formed a camouflage, concealment and deception program called Maskirovka [translation: concealing/masking]," he said. "Until recently, it has been controlled by Marshal N. V. Ogarkov, first deputy minister of defense and chief of general staff (AW&ST Dec. 12, 1983, p. 21).

"From various sources, we have been able to determine that the Soviets have a large-scale production capability for the components of a ballistic missile defense system, and with continued production of weapons such as the SA-12, within a year or so they will be able to alter U.S. strategic targeting."

The SA-12 system has a truck-mounted radar with a 150-naut.-mi. range. A second truck carries the missile launcher and missiles, which can engage targets at altitudes as low as 300 ft. and as high as more than 100,000 ft.

Tests with multiple SH-08s fired from the same silo make deployment of the interceptor a difficult situation for the U.S.

The Soviets are permitted by the treaty to deploy the missle around Moscow to upgrade the capability there. The treaty prohibits multiple launches, including testing in that mode. If a rapid reload capability is perfected, the number of missiles defending Moscow could be doubled.

Balance of power

The Soviets have a fundamentally different view of strategic weapons and the balance of power, according to the official. The USSR is building a war-fighting capability, starting with its offensive strategic forces by modernizing them over the past 10 years. "The U.S. has essentially limited itself to research and development with ballistic missile defense technology while the Soviets bought the time they needed to develop a layered defensive system with the ABM Treaty," the official said.

He added that the system now unfolding in the USSR is not only one with overall improvements in each segment, but one largely based on new technology.

Before the U.S. could declare that the Soviet Union is in the process of breaking out of the ABM Treaty, evidence would be required that serial production of interceptor missiles is taking place at high rates, that radars are in full-scale production and that construction of hard stands for phased-array radars in the ABM-X-3 system is taking place, another Administration official said.

"Clearly the agency is not prepared to go that far," he said. "What seems clear, however, is that there is in progress a pattern that places their activity very close to the line in terms of a breakout," he said.

Breakout in arms control community lexicon means that at national ballistic missile defense system is being covertly deployed in violation of a treaty. "It appears that the Soviets are close to that point, but that they are positioning themselves to withdraw from the treaty and then deploy the layered system," he said.

"We already see the long-lead-time items such as the Pechora and Pushkino radars taking shape all over the nation," the official continued. "The SA-12 missile has been tested against reentry vehicles, and with the dual-mode capability of the SA-10, and SA-11 surface-to-air missiles netted into a system, tactical antiballistic missiles assume real importance."

There is still disagreement with the U.S. intelligence community over whether the SA-12 is designed to destroy nuclear-armed reentry vehicles from intercontinental ballistic missiles or Pershing 2 reentry vehicles, making it a theater defensive weapon.

Production of the Flat Twin radar, the system that takes its NATO code name from the two flat faces with phase shifters, is considered the essential element in whether the Soviet Union is preparing to deploy a nationwide defensive system, U.S. officials said. The Flat Twin radar provides the final tracking of ballistic missiles at reentry.

The Pawnshop radar in the system takes its name from three spherical radar antennas mounted side by side.

There is some evidence that the Flat Twin is in production with its modular components, but the hard stands for the radar have not yet appeared across the Soviet Union in large numbers.

The Pushkino radar assigns targets and ties together all of the elements of a BMD system. Additional Pushkino radars will be required before a full system is operational.

"This is a terribly important issue, and a breakout or the potential for a breakout is acute," another Administration official said. "They [Soviet Union] are building more large phased-array radars, but strictly speaking this may not be a violation. And testing the SA-12 against reentry vehicles may not be a violation, if the reentry tar-

gets have the characteristics of a Pershing 2. The violation here is one of intent, if not one of the letter of the treaty. It must be viewed in terms of what the impact is on the overall strategic balance."

Members of the National Security Council are calling for a major evaluation of both Soviet offensive and defensive strategic weapons systems combined and how they affect the balance between the superpowers. "The arms control treaties tended to divide offense and defense, and we have not accomplished a study linking the two. This gives us the perfect opportunity to take a close look at the impact of linking them," the official explained.

The Soviet Union is building the infrastructure for a multitiered defensive program, including the capabilityy to deploy space-based, directed-energy weapons for boost-phase intercepts. The USSR also has a ground-based beam weapons program that could be integrated with the program.

There are three separate directed-energy weapons complexes, each with a different type laser devise, at Saryshagan where weapons tests against targets are being conducted, including tests against reentry vehicle targets.

Useful defense

The Defense Dept. contends that a U.S. ballistic missile defense system is not useful unless it can destroy 99.9% of the hostile warheads fired by intercontinental ballistic missiles. "The Soviet Union, on the other hand, believes that a system that can engage and destroy 40% of the attacking force is worth deploying," the official said.

"The U.S. would have trouble now getting its missiles to all of the targets around Moscow, and with deployment of SA-12 in the vicinity of ICBM fields the capability to respond, making a deterrent credible, would be diminished," the official added. "What makes it even more worrisome is that we know that other systems that have not yet shown up are in research and development."

Politics in an election year make it difficult for the President to call attention to the Soviet Union's ballistic missile defense program, and what appear to be violations of the treaty—testing a dual-mode air defense/ballistic missile defense weapon such as the SA-12 and deployment of the radar at Abalakova where it can protect ICBM fields.

"Arms control is a growth industry in the U.S., and we can sell anything in the name of arms control, especially this year. The U.S. tends to view the world in the prism of arms control agreements and neglect threats not specifically covered by some arms control agreement," the official said.

"We might find this year that we have zero time to respond to an ABM Treaty breakout by the USSR with no way to provide in a timely way a parallel capability. There is no way to accelerate a defensive initiative in the U.S. to duplicate the Soviet capability."●

HEART ATTACK SIGNALS AND ACTION

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. WHITTAKER. Mr. Speaker, as many as 1.5 million Americans may have a heart attack this year and about 550,000 of them will die. It is a very frightening and helpless experience to be with someone who is suffering a heart attack—and it is even more frightening to realize you do not know how to save them. It happened to me. Had I been trained in cardiopulmonary resuscitation (CPR) I might have saved a life.

It is from that experience that I realized the importance of CPR training and I now want to do what I can to encourage others to learn CPR before they find themselves in a situation where they are unable to save a life.

Last February, during American Heart Month, I joined with my colleague Mr. WYDEN, the Office of the Physician of the Congress, Dr. Freeman Cary and the American Heart Association to encourage Members and their staffs to take CPR certification classes. More than 300 Capitol Hill employees completed the course in CPR training. Given the success of last year's program, it will be repeated again this February as we recognize American Heart Month.

CPR enables all Americans to give the greatest gift of all—the gift of life. It is an opportunity that should not be passed by.

CPR is only a part of the process of dealing with a heart attack situation. The American Heart Association in its "Heart Facts—1984" publication makes the following general observations and recommendations for recognizing the signs of and the steps in dealing with a heart attack situation.

HEART ATTACK SIGNALS AND ACTION

1. Know the warning signals of a heart attack:

Uncomfortable pressure, fullness, squeezing or pain in the center of our chest, lasting two minutes or more.

Pain may spread to shoulders, neck or arms.

Severe pain, dizziness, fainting, sweating, nausea or shortness of breath may also occur.

Not all of these signals, however, are always present.

Don't wait. Get help immediately.

2. Know what to do in case of an emergency:

If you are having chest discomfort which lasts for two minutes or more, call the emergency rescue service.

If you can get to a hospital faster by car, have someone drive you.

Find out which hospitals in your area offer 24-hour emergency cardiac care.

Select in advance the facility nearest your home and office and tell your family and friends so that they will know what to do.

Keep a list of emergency rescue service numbers next to your telephone and in a prominent place in your pocket, wallet or purse.

3. Be a heart saver:

If you are with someone who is having the "signals," and if they last for two minutes or longer, act at once.

Expect a "denial." It is normal to deny the possibility of anything as serious as a heart attack—but insist on taking prompt action.

Call the emergency rescue service, or

Get to the nearest hospital emergency room that offers 24-hour emergency care.

Give mouth-to-mouth breathing and chest compression (CPR) if it is necessary and if you are properly trained.

I want to encourage my colleagues to learn the warning signals for a heart attack and what action to take—it could save a life.●

UNDER SECRETARY OF STATE EAGLEBURGER'S REMARKS ON LEBANON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. GILMAN. Mr. Speaker, the Committee on Foreign Affairs, of which I am a member, is reviewing proposals concerning future U.S. policy in Lebanon.

On February 2, 1984, Hon. Lawrence S. Eagleburger, Under Secretary of State for Political Affairs, testified before our committee on the subject of our policy with regard to Lebanon. Mr. Eagleburger's statement is an incisive, comprehensive, and statesmanlike discussion of the adverse consequences facing the United States if legislation is approved calling for the prompt and orderly withdrawal of U.S. Forces from Lebanon. Because this legislation is scheduled, as I understand it, for early floor consideration, I commend Mr. Eagleburger's testimony to my colleagues so they may place the issue of U.S. troop withdrawal from Lebanon within the appropriate perspective.

Accordingly, I insert the full text of Mr. Eagleburger's statement at this point in the RECORD:

PREPARED STATEMENT OF HON. LAWRENCE S. EAGLEBURGER, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS

Mr. Chairman, members of the committee, I am here today to present the Administration's view of the concurrent resolution submitted yesterday "to bring about the prompt and orderly withdrawal" of U.S. armed forces in the Multinational Force in Lebanon.

Just four months ago, the Congress and the President went through a similar extensive review on a similar subject. A Joint Resolution was passed, which the President signed on October 12 because, as he said, it "provide[d] important support for the U.S. presence and policies in Lebanon and facilitate[d] the pursuit of U.S. interests in that region on the bipartisan basis that has been the traditional hallmark of American foreign policy." That Joint Resolution stated the Congress's finding that the Multinational Force in Lebanon "better enables the Government of Lebanon to establish its unity, independence, and territorial integrity." It spoke in favorable terms of our basic objectives in Lebanon: removal of all foreign forces, national political reconciliation, and restoration of the Lebanese government's control over its own territory.

Since the passage of that resolution, one major event has occurred—the terrorist bombing of the Marine barracks in Beirut last October 23. This tragic event seems to have triggered an abrupt change in sentiment about our important interests in Lebanon. It seems, as well, to have been the factor that has led our debate away from a focus on national interests more and more toward partisan, rather than bipartisan, considerations. The President stands solidly behind his conviction of last October, namely that the "traditional hallmark of American foreign policy"—at least of successful American foreign policy—is bipartisanship. Whoever is elected President this November will inherit the consequences of whatever action we take, as a nation, at this moment.

THE DRAFT CONCURRENT RESOLUTION

The Administration is morally bound to oppose this new concurrent resolution. Whether it is legally or constitutionally "binding" on the President or not, is not my concern here. That is not the point. We take sufficiently seriously the importance of Executive-Legislative cooperation to be deeply concerned that such a major divergence of view could develop between the two branches.

We have serious substantive problems with this draft resolution.

It makes a number of sweeping assertions about our policy that are, simply inaccurate, or based on premises that are inaccurate.

It urges, for example, that "every effort must be made" to protect the security of our Marines pending their withdrawal—totally ignoring the extraordinary steps that have already been taken at Beirut airport that make the Marine positions much more secure than before.

It asserts that the Lebanon problem has impeded "efforts for progress" in the broader Middle East peace process—ignoring the recent moves made by King Hussein to strengthen his position, the progress toward the reentry of Egypt into the Arab fold, the increasing cooperation among Arab moderates in response to the Syrian-Iranian-Libyan threat, and the new, fluid situation in the Palestinian movement that resulted from the PLO's debacle in Lebanon. American diplomats from Phil Habib to Bud McFarlane and Dick Fairbanks to Don Rumsfield have given, and continue to give, the highest priority to fostering direct negotiations to solve the basic Arab-Israeli problem. Indeed, it is a precipitate U.S. withdrawal from Lebanon that would pose the greatest danger to the prospects for the peace process.

The draft resolution calls for a "concerted diplomatic effort at the United Nations" to replace the MNF with a UN peacekeeping force, but gives no recognition to the fact that it is Syrian and Soviet opposition to a UN role that has blocked this so far. In September, there were intensive efforts by the United States and other parties to use UN elements as observers in the Shuf; it was Syria that vetoed the concept. Efforts have been underway for some time to explore whether there has been a change in attitude on the part of the Syrians and Soviets; there is no conclusive answer. And we must remember that it is highly unlikely that a UN presence can really replace the MNF as a counterweight to Syrian power: The most important counterweight will be the Lebanese Army, but even that will require backing and support from Lebanon's friends. Indeed, a successful insertion of the UN in whatever capacity presupposes the achievement of a stable balance of forces in Lebanon between the external powers and between the internal forces. That is what we are attempting to bring about.

A more serious flaw in the resolution is that all its criticism is directed at the United States and Lebanon—the two parties working hardest for a peaceful solution. There is not a word of criticism of Syria, Iran, the Soviet Union, or the Lebanese factions that have assaulted the legitimate government and prevented diplomatic progress toward reconciliation. I find it hard to understand the perennial assumption in some quarters that the only way to break an impasse is to beat up our friends. Both the United States and Lebanon have been forthcoming on the issue of political accommodation; Ambassador Rumsfeld has spent several months making clear our willingness to achieve compromise solutions, and indeed discussing formulas; he has had the full backing and authorization of President Gemayel. Our diplomatic efforts have been constant, intense, and flexible. The unpleasant fact remains that Syria will not permit progress toward a government of national unity until the Lebanese government cancels its May 17 agreement with Israel—which would only create a new crisis with Lebanon's southern neighbor. This is a totally artificial barrier erected by Syria. I can assure you that Lebanon, the United States, and Israel have indicated willingness to settle: The obstacle is Syria. And a major factor encouraging Syria to stonewall is the obvious weakening of will in some of the MNF capitals, including our own.

Finally, the draft resolution gives short shrift to the important interests that the United States has at stake in Lebanon, aside from a passing reference in the opening paragraph.

THE STAKES IN LEBANON

We should all understand clearly what the stakes are in Lebanon.

The true subject of this debate, and the true subject of this resolution, is not Lebanon but the Middle East, because the Lebanon problem is part and parcel of the Middle East problem. I do not have to explain to this committee why the Middle East is important to America's strategic interests, and to the free world's strategic interests. You all know that the Middle East is a strategic crossroads, the repository of vital energy resources on which the free world depends, a crucial arena of competition between the United States and the Soviet Union, and a region of many key countries of great importance to us.

Involved in Lebanon are some of the main players in the wider Middle East conflict, such as Syria and Israel, and some of the same key issues. At stake is a small country's right to survive under outside pressures, threats, and blackmail. At stake is the principle of peaceful solutions to conflict, which is under attack by those who would impose their will by force.

Lebanon is a moderate Arab country—indeed a democracy and a long-time friend of the United States—that has dared to negotiate with Israel—and is under assault for that very reason. If the forces of extremism are permitted to overthrow a moderate government that has turned toward peace, what chances are there that other moderate Arab states will risk committing themselves to peace? If extremism takes over in Lebanon, it will strengthen the forces of extremism in the entire Middle East, and weaken, and dishearten, all those who believe in moderation and negotiation. The security of Israel is bound to be affected. To put it positively, if those who believe in peace succeed in Lebanon, it will strengthen the forces of peace in the entire region.

Congressional delegations and staff delegations have visited the Middle East in recent weeks and have heard—in stark and explicit terms—what all our friends in the area think will be the consequences if we desert Lebanon. The virtually unanimous view of both Israelis and moderate Arabs is that a precipitate U.S. withdrawal from Lebanon would be "a disaster" and "devastating"—these are quotes—for the U.S. strategic position in the Middle East and for the future of the region. I can cite some examples:

The Israeli Ambassador said in remarks to the press on January 10 that a precipitate U.S. withdrawal "would carry dire consequences to U.S. foreign policy. It is up to the American government," he said, "to decide if this region is to fall into Soviet control or into the control of radical Arab states."

The government of Egypt has made clear to us its conviction that precipitate withdrawal would be "a serious mistake" and "would heavily erode American credibility and influence throughout the area." An influential Egyptian leader was quoted in the New York Times of January 25 as saying that if America abandoned its commitment in Lebanon, it would "send shock waves throughout the region," "strengthen the position of Syria and, hence, the Soviet Union," and "weaken moderates, such as King Hussein, who must rely on American support should he decide to risk negotiations."

We have heard similar sentiments from many friendly Arab governments, such as Jordan and Saudi Arabia, that have supported our policy of seeking stability, reconciliation, and withdrawal of all foreign forces from Lebanon.

In a case like this, walking away from a difficult problem doesn't solve it—it only postpones the day of reckoning. A victory in Lebanon for the forces of radicalism and extremism will only embolden them. Letting Syria gobble up Lebanon now may only be guaranteeing that in the near-term future, an even greater crisis will occur with Syria, forcing Israel—and perhaps also the United States—to react in even more dangerous circumstances.

We face another, specific problem in Lebanon—the problem of terrorism. The challenge now is state-sponsored terrorism—not the work of random groups of fanatics but of regimes such as Iran, Libya, and Syria using terrorism as a weapon of policy. Because of America's position in the world, Americans are bound to be targets—not only our Marines but our diplomats, and even our distinguished educators like Dr. Malcolm Kerr. They are targets because they represent us. State-sponsored terrorism is a weapon directed against us—against our interests, our policies, and our most basic values. These we cannot abandon. This is a harsh reality we must face up to in the 1980's.

The overwhelming majority of our casualties in Lebanon, as you all know, came not from combat, not from military weakness, not from "confusion" about policies or military missions, but from one terrorist attack. If we abandon a major foreign policy and a major national interest because of this one terrorist assault, we are yielding the field to those who do not wish us well.

If terrorism wins such a major victory in Lebanon, what does it signify for the world's future? Will the world be safer? Or will the world be a more dangerous place? Is this how the United States behaves when it is challenged by terrorists in a region of vital strategic interests? We may bring our boys home to safety now, but we run an enormous risk of encouraging escalating crises which may, down the road, compel us to send our boys out again in even more dangerous circumstances. Whatever the costs and risks of staying—which I do not for one moment deny—what of the costs and risks that will surely be incurred if we hand these forces of extremism such a major victory?

The draft resolution takes note of the problem of terrorism, urging measures to protect against it. This we agree with, and this we are doing. But I regret to say that the resolution's operative recommendation in fact would have us give in to it.

The Congress, I believe—indeed I implore—should think carefully about the implications of deserting a friend that is relying on us, and about the price we will surely pay in the months—and perhaps years—ahead.

OUR POLICY IN LEBANON

Let me try to explain, in positive terms, what our policy is in Lebanon.

We have to distinguish between three things: our long-term goals; the mission of the Marines; and what we will accept in a political compromise:

Our long-term goals remain as they were, and as they are stated in last October's Joint Resolution: the unity, independence and territorial integrity of Lebanon, withdrawal of all foreign forces; restoration of the government's control over its territory. These are goals we would seek for any country.

We do not expect our Marines to bring about these ambitious goals. The mission of the Marines has always been a much more limited one: to provide the Government of Lebanon a breathing spell to begin to sort out the country's political problems. Their presence, from the beginning, was to facilitate the restoration of Lebanese government sovereignty and authority over the Beirut area and to help assure the safety of people in that area. They were never meant as a combat force or as a permanent force.

We recognize that achievement of long-term goals and even short-term goals will require political compromise. That has always been our position. As I said, our diplomacy has been active—and flexible.

Within the last two months, there seemed to be signs of progress:

An agreement was reached on the evacuation of Dayr al-Qamar.

There were indications that the Lebanese opposition was eager to move ahead to a government of national unity.

Negotiations on the security plan for the Beirut area were proceeding.

The release of Lt. Goodman seemed to indicate Syrian interest in a dialogue.

Our willingness to respond vigorously to shelling and to attacks on our reconnaissance planes seemed to create a climate of caution on the part of those whose objectives differed from ours.

In early January, this progress slowed. Syria's position hardened; this was evident to all those who met with Syrian officials. The negotiations over the security plan suddenly bogged down, as one of Syria's principal allies in Lebanon—Walid Jumblatt—began raising a host of new issues after an agreement had been signed.

The reason for this deterioration was almost certainly that the staying power of some of those resisting Syrian pressures seemed to be eroding. Syrian officials commented that the United States seemed "short of breath." In short, when we showed steadiness of purpose, progress was being made. When we wavered, progress stopped. When we show that steadiness again, progress will resume. Thus, Mr. Chairman, the first order of business if we truly seek a solution in Lebanon is to restore the impression and reality of American steadiness.

We must not overlook the positive developments that are still evident. Among them are: the steady growth and effectiveness of the Lebanese Army; the firmness of United States-Israeli relations, which is helping our diplomacy in Lebanon and will continue to do so; the strengthening of the bloc of moderate Arab countries to counter the Syrian-Iranian-Libyan axis; the continuing diplomatic efforts to nail down agreement on the security plan; and the continuing determination of President Gemayel to pursue the path of political accommodation, reform, and reconciliation.

The Administration that I represent here today is well aware of the many problems we face in Lebanon. It makes no claim of total wisdom in what, admittedly, is a difficult—indeed a tragic—situation. We have reviewed our policies and our programs constantly; we will continue to do so, looking always for ways to do what must be done more effectively, and with the safety of all our personnel in Lebanon, civilian and military, always upermost in our minds. We want to work with the Congress in a cooperative and constructive spirit in this effort.

Nothing in the world is simple any more, if it ever was. We face, in this decade, a complex political/military challenge that yields to no simple solutions. The world will never be in a state of either total peace or total war; few military challenges will ever be as clear-cut as an all-out Soviet threat to NATO or as quick as the Grenada operation. There will always be ambiguous, messy problems requiring, above all, perseverance. There are bound to be risks and there is bound to be sacrifice. But we cannot opt out of the game, because if we do so, the world becomes more dangerous for America, for its interests, and for its friends.

I cannot promise you that pursuing our goals with steadfastness and dedication in Lebanon will yield immediate positive results. But I can assure you that failure to pursue them—cutting and running, if you will—will do enormous harm.

Let me repeat: The President and his Administration remain ready, willing, and eager to work with the Congress in a spirit of cooperation. No one has a monopoly of wisdom or of concern for our people. We are prepared to keep Congress informed, and to discuss all the issues. But the President is constitutionally and morally obliged to defend the interests of the United States as he sees them. It is his duty to stand by this nation's international responsibilities. History will never forgive him—or us—if we give in to short-term pressures and fears, only to give rise to more menacing challenges down the road.

Thirty-five years ago this month, Senator Arthur Vanderberg, a distinguished American statesman and legislator told a Lincoln Day audience in Detroit:

"It will be a sad hour for the Republic if we ever desert the fundamental concept that politics shall stop at the water's edge. It will be a triumphant day for those who would divide and conquer us if we abandon the quest for a united voice when America demands peace with honor in the world. In my view nothing has happened to absolve either Democrats or Republicans from continuing to put their country first. Those who don't will serve neither their party nor themselves."

Thank you very much.●

UKRAINIAN INDEPENDENCE DAY

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. CARPER. Mr. Speaker, today, we in Congress are commemorating the 66th anniversary of Ukraine's Independence Day. On January 22, 1918, the Ukrainian National Republic was confirmed with the words:

From now on the Ukrainian National Republic becomes the independent, free and sovereign state of the Ukrainian people.

Through force of Russian arms and the confiscation of grain in Ukraine, millions died in the young republic, and by 1923, the Ukrainian S.S.R. was declared a constituent republic of the Soviet Union. This independence, though short-lived, serves as fuel to the spirit of Ukrainians everywhere, and reminds us of our privileged rights of freedom here in the United States.

Through the Ad Hoc Committee on the Baltic States and Ukraine, I urge President Reagan to open a U.S. Consulate in Kiev. I encourage the State Department to list Ukraine independently from the U.S.S.R. in its country report on human rights. Last summer, I adopted a Ukrainian political prisoner, Stanislav Zubko, a prisoner of conscience sentenced to 4 years of labor camp, and encourage each of my colleagues to do the same.

Let us remember with respect the 66th anniversary of Ukraine's independence, and commit ourselves to a positive approach to securing rights for the Ukrainians today.●

BUCCANEERS OF SPORT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. STARK. Mr. Speaker, it is not very often that I agree with syndicated Columnist George Will. However, this morning I was delighted to read his column "Buccaneers of Sport." He has eloquently outlined the Russian roulette that cities play with each other in trying to get a limited number of sports franchises.

I would like to remind Members that I have introduced legislation, H.R. 2041, which would protect cities from

the ravages of these marauders. I would like to insert Mr. Will's column to show what is happening without the legislation.

BUCCANEERS OF SPORT
(By George F. Will)

The suit involving the Oakland Raiders (a k a, temporarily, the Los Angeles Raiders) may yet become American law's answer to "A Chorus Line, "Broadway's longest-running show. I bring to this interminable case a zest that only a Redskins' fan can feel, but the stakes in the case are enormous for many cities.

When Anaheim lured the Rams from the Los Angeles Colosseum, Los Angeles spent millions to entice Al Davis' Raiders from Oakland, where for 13 straight sessions they had played before sellouts in the stadium the city built for them. Now, Oakland, which has a clever head above its blue collar, wants to seize the team under the power of eminent domain. Davis, who thinks of himself as Dred Scott, cries "Slavery!" He has won in three lower courts, but has been reversed three times.

California's Supreme Court says eminent domain can be sued to acquire intangible property, such as the web of contract rights that is an NFL franchise, and that acquisition of a sports franchise could be an appropriate municipal function. Courts are deferential to local authorities' assessments of public uses for property seized by eminent domain. Oakland argues, irrefutably, that a professional team becomes woven into the civic identity, especially in "second-tier" cities such as Oakland. Oakland also argues that re-acquisition of the Raiders would serve social, recreational and economic needs, including the usefulness of the stadium. Oakland can easily establish all that, using facts that illustrate how much turns on Oakland's winning its case.

Consider Indianapolis, where a booster says major-league teams are essential for a major city's image: "Having a major-league franchise is a state of mind." But using professional sports for municipal psychotherapy is a risky business. Soon the $77 million Hoosier Dome will have 61,000 shiny seats, but it will have no teams. Rock concerts cannot pay for such a building, and teams are scarce. Neither the NFL nor major league baseball is about to expand. And if, as I hope and predict, Oakland recaptures the Raiders, most existing franchises will be deterred from even attempting to relocate.

Even if some are able to move, Indianapolis might not hook one. Cities angling for baseball or football teams include New York, New Orleans, Denver, Tampa, St. Petersburg, Washington, Phoenix, Buffalo, Sacramento, Memphis and Vancouver, British Columbia.

Why? Some economists say that for every dollar spent getting into the stadium, seven dollars are spent outside on hotels, restaurants, taxis, etc. A 1980 study showed that eight home Steelers games meant $11 million to Pittsburgh's economy. Denver thinks a baseball team would mean $70 million a year. Tampa raked in $70 million from the Super Bowl. Last October one World Series game meant $8 million to Baltimore. During the 1982 baseball strike, the major of Cincinnati said that every cancelled game meant $900,000 that was not spent.

Furthermore, the new stadiums have a new wrinkle in money-making luxury boxes. Robert Strauss (a nose guard for the Democratic Party) recently received an offer for the box—it seats 12—that he and two others own at the Cowboys' stadium. The offer was for substantially more than Strauss received recently when he sold a four-bedroom house situated on three-quarters of an acre in a nice section of Dallas. One stadium box recently sold for $1 million.

When cities go seeking major league teams there also is the factor of animal spirits or, if you prefer, cachet. When Hubert Humphrey was asked if keeping the Twins and Vikings in Minneapolis mattered, he replied: "Yes. What do you want to become, a cold Omaha?" Today both teams play in the Hubert H. Humphrey Metrodome, but the Twins are being courted by other cities.

Indianapolis and other cities may want Davis to defeat Oakland's suit so that there can be migratory franchises for them to lure. But if they land one, their huge capital investments (stadiums) will be at the mercy of buccaneers like Davis who are nimble at the art of getting cities to bid against one another.

With teams receiving ever-richer tax breaks and other subsidies, sport is becoming a public, not to say semi-socialist, enterprise. Davis, with the sort of brass that would have caused P. T. Barnum to blush, demands an unconditioned right of private property. But his raw materials (players) are produced largely at public expense; the stadiums he plays in are almost all public costs; and he gets a guaranteed annual fortune from a regulated semi-monopoly (the television networks).

Today Davis is rumored to be dreaming about an even greener pasture—New York, which has lost two teams to New Jersey. The bidding may be about to begin. And you thought entrepreneurship had vanished from America.●

PERSONAL EXPLANATION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. LEHMAN of California. Mr. Speaker, today, February 2, 1984, I was unable to vote on two amendments to H.R. 1904 as offered by Congressman CHANDLER and Congressman MILLER, rollcall No. 19. Had I been present, I would have voted in favor of these amendments.

At the time these votes were taken, I was attending a meeting with Secretary of the Interior, Hon. William P. Clark, and I was unable to return to the House in time to cast my votes.●

EIGHTY-EIGHT HOUSE MEMBERS URGE SOVIETS TO LET LIVSHITS FAMILY GO

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. OBERSTAR. Mr. Speaker, over 3 years ago, Vladimir Livshits sought permission to emigrate from the Soviet Union to Israel.

The consequences for Livshits and his family have been sad—and all too predictable. They are the victims of the Soviet oppression of its Jewish citizens and of the deterioration of Soviet-Western relations. With the Soviets allowing only an averge of 100 Soviet Jews to emigrate a month, there are now hundreds of thousands of families like the Livshits. They are men, women, and children denied the fundamental human right of freedom to emigrate to join families in other countries.

I am sending today an appeal to Soviet President Andropov signed by 88 House Members in which we ask President Andropov to allow the Livshits freedom to go. The response in this House to my invitation to sign this appeal has been most encouraging. I very much hope that our expression of concern will in some way help Vladimir and Anna Livshits and their two children Boris and Maria.

The Members of this House should know that our letters do make a difference for some Soviet Jews. Three years ago, I began writing on behalf of Boris Dekhovich, a Soviet Jew denied permission to emigrate. After several appeals on his behalf, which, according to Soviet practice, were officially refused for delivery, Boris Dekhovich and his family were given permission to emigrate last fall.

The Minnesota-Dakotas Action Council for Soviet Jewry based in Minneapolis brought the Livshits family to my attention. As a member of the Minnesota Elected Officials for Soviet Jewry, I am pleased to lead this effort on behalf of the Livshits.

I ask that the text of our letter and the list of signatories be included in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 27, 1984.

His Excellency YURI ANDROPOV,
Secretary-General of the Communist Party and President of the U.S.S.R., Kremlin, Moscow RSFSR

DEAR MR. PRESIDENT: We are writing to appeal on behalf of the Livshits family, Kirovsky Prospect 64-3-139, Leningrad 197022. Vladimir and Anna Livshits have applied for permission to emigrate to Israel with their two children Boris and Maria.

The Livshits first applied for emigration visas in September 1981. Their application was rejected in December 1981. Since that time, your government has refused similar requests at least four times. As a consequence of their application for emigration visas, both Vladimir and Anna lost their positions. Vladimir has been threatened with the charge of parasitism, despite his strong desire to find meaningful employment.

In November, after a three week hunger strike, he was finally given the lowest possible menial employment.

The rejection of the Livshits' application to emigrate represents a denial of fundamental rights guaranteed them under the Helsinki Accords.

We urge you to reconsider the unfortunate decisions of your government that have resulted in the denial of such a basic human right to the Livshits. Motivated by desire to practice their religion in freedom

and to join family members in Israel, the Livshits have endured harassment and persecution.

As democratically elected members of the United States Congress, we feel that it is our responsibility to speak out on behalf of men and women like Vladimir and Anna Livshits who seek to enjoy fundamental human rights.

We very much hope that the year 1984 will bring freedom for the Livshits family.

Sincerely,

Gary L. Ackerman, James L. Oberstar, Anthony C. Beilenson, Howard L. Berman, Sala Burton, Thomas R. Carper, James McClure Clarke, Daniel B. Crane, Richard J. Durbin, Bernard J. Dwyer, Don Edwards, Walter E. Fauntroy, Vic Fazio, Bobbi Fiedler, James J. Florio, Barney Frank, Sam Gejdenson, Benjamin A. Gilman, Dan Glickman, Tom Harkin, Nancy L. Johnson, Marcy Kaptur.

Jack F. Kemp, Ray Kogovsek, Peter H. Kostmayer, Ken Kramer, Tom Lantos, Mickey Leland, Sander Levin, Mel Levine, Bill Lowery, Mike Lowry, Raymond J. McGrath, Stewart B. McKinney, Lynn Martin, Matthew G. Martinez, Nicholas Mavroules, Barbara A. Mikulski, Parren J. Mitchell, Joe Moakley, Bruce A. Morrison, Solomon P. Ortiz.

Jerry M. Patterson, Claude Pepper, William R. Ratchford, Harry M. Reid, Matthew J. Rinaldo, Martin Olav Sabo, Dan Schaefer, Claudine Schneider, Charles E. Schumer, Lawrence J. Smith, Louis Stokes, Gerry E. Studds, Edolphus Towns, Tom Vandergriff, Bruce F. Vento, Doug Walgren, Ted Weiss, Lyle Williams, Timothy Wirth, George C. Wortley.

Sidney R. Yates, Bill Frenzel, Rod Chandler, Tom Corcoran, James Jeffords, Dale E. Kildee, Edward Markey, Barbara Boxer, Barbara Kennelly, Norman Mineta, James H. Scheuer, Richard L. Ottinger.

Martin Frost, Hamilton Fish, Stephen J. Solarz, Silvio Conte, Paul Simon, Bob Edgar, Tony Hall, Carlos Moorhead, Henry A. Waxman, James Shannon, William J. Hughes, Geraldine Ferraro, Bill Green, and Antonio Borja Won Pat.

Members of Congress.●

SENSE OF THE CONGRESS RESOLUTION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. OBEY. Mr. Speaker, today on behalf of myself and 16 other House Members (Messrs. BEDELL, BERMAN, COELHO, COOPER, DORGAN, HARKIN, MACKAY, MITCHELL, MOODY, MRAZEK, REID, SABO, SIKORSKI, LARRY SMITH, STARK, and TOWNS) I am introducing a "Sense of the Congress Resolution" calling on President Reagan to resubmit his fiscal 1985 budget.

The President indicated in his state of the Union speech that commonsense budgets would be those that spent no more than they take in. Yet his budget request yesterday included a deficit approaching $200 billion.

The President may not have authority to veto individual line items in legislation passed by the Congress, but he certainly has the authority to veto individual spending items proposed within the executive branch before they are included in his budget. We are simply asking that he use that authority and give us a budget that is in balance.

The resolution we are introducing states:

That it is sense of Congress that the President should submit to Congress a revised annual budget for the fiscal year beginning October 1, 1984, making such adjustments as are necessary to ensure that expenditures by the Federal Government do not exceed revenues received by the Federal Government during that fiscal year. If the President deems that such a budget is impossible to achieve during fiscal year 1985, the President should submit to Congress a revised annual budget for the fiscal year beginning October 1, 1984, making such adjustments as would be necessary to ensure that expenditures by the Federal Government would not exceed revenues received by the Federal Government if the economy were at full employment.

This resolution calls upon the President to submit a budget that is in balance, in line with his comments in his state of the Union message. It gives him the option, if he feels it is impossible to accomplish that in 1 year, to propose a budget that would at least be in balance if the economy were in full employment.

Few people fully appreciate the impact which the budget has on overall congressional decisionmaking. These numbers provide the baseline from which we work. They are the product of the efforts of the thousands of people the President has at his command throughout the Government, whose only job is to determine what is essential to run the Government and what can be eliminated. It is with these people that the fight for a commonsense budget must begin.

Most of the sponsors of this resolution will also be signing a letter to the Secretary of the Treasury offering the President temporary 1-year authority to exercise a line item veto on domestic spending bills in return for an agreement to freeze military spending for 1 year.

I will discuss that in more detail next week.●

A VERY SPECIAL LITTLE GIRL

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mrs. SCHNEIDER. Mr. Speaker, I would like to take this opportunity to pay tribute to Justine Pinheiro, a 4½-year-old girl from Pawtucket, R.I. whose life was filled with more courage and bravery than most human beings possess in a lifetime. From the day she was born, Justine fought a life or death battle against biliary atresia, a debilitating and ultimately fatal liver disease. On Tuesday, January 31, Justine finally succumbed to the disease, quietly slipping from a coma in the intensive care unit of the children's hospital in Pittsburgh, Pa.

Over the past year Justine underwent two liver transplant operations intended to save her life. In the process, her family and loved ones were thrust into a cycle of physical, financial, and emotional trauma. Through it all, Justine displayed an unswerving sense of cheerfulness and optimism. Despite the pain and emotional strain, she attempted to live as a normal child, riding her bike, playing with new friends outside children's hospital, and even attending nursery school in the fall. As her story was related to others through the media, she became a sort of hero. Her courage and bravery attracted the hearts of thousands of Rhode Islanders and citizens across the country, including First Lady Nancy Reagan. This remarkable little girl's fight for life was shared by thousands. Her loss is felt by just as great a number.

The novelist Max Lerner once said that the "best tribute you can pay to some one who dies is to share his belief in life by putting your life ahead of his own death." Such is the legacy of Justine Pinheiro. The setbacks this little girl fought against dwarf the everyday misfortunes which, unfortunately, tend to get the better of many of us. Yet Justine met her challenge face on, with vivaviousness, energy, and unflagging optimism. Perhaps it is true that children by their very nature understand better the strange turns which life sometimes takes. Justine certainly did. All of us who followed her saga must take away from her experience the realization that life is the most precious experience, and that every day we should take utmost' advantage of the special talents and opportunities which God has given us. If our own lives can be filled with one-tenth of the courage which this little girl exhibited, the whole world will be a much better place in which to live.

Mr. Speaker, medical advances may one day make the liver transplant operation as safe and sure as a tonsil operation. We, as policymakers, have a responsibility to expedite that process. We should immediately support legislation to increase public awareness of the need for liver donors, to establish a coordinated system for matching needy individuals with donors, to promote research and development into new drugs like cyclosporin which make successful transplants possible, and to provide some form of catastrophic

funding for families like the Pinheiro's who are forced to bear the financial burden of a transplant operation.

I know that all my colleagues join me in extending our consolation and prayers to the Pinheiro family and to the thousands of other children presently waiting to undergo organ transplants. My hope is that these children may face their challenge with the same courage, optimism, and bravery, which Justine Pinheiro so overwhelmingly displayed. She truly was a very special little girl.●

MORTGAGE REVENUE BONDS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mrs. KENNELLY. Mr. Speaker, as a strong supporter of the mortgage revenue bond program, I had read with great interest a press release from the Connecticut Housing Finance Authority regarding the application for mortgages last November. It took only 3 hours on November 25 for anxious applicants to fully apply for the Connecticut Housing Finance Authority's $60 million of mortgage loans at a fixed rate of 9⅞ percent.

This was the greatest demand for any previous single day in CHFA's history, and over 1,200 mortgages have been reserved. In light of the fact that CHFA will soon be accepting applications for the last $50 million of mortgages under the expired mortgage revenue bond program, I want to urge my colleagues to support the continuation of this program when the extension is brought back onto the House floor. Agencies such as CHFA can function for a limited amount of time under the existing conditions, but time is running out and we need to renew this important housing program.●

SCIENCE EDUCATION: THE FEDERAL ROLE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. ANDREWS of Texas. Mr. Speaker, the quality of education in our country has received an unending flow of commentary since the National Commission on Excellence in Education reported the rising tide of mediocrity threatening American schools last spring. The word was dire. And the effect was phenomenal. In Washington, educational excellence became the sexiest issue since nuclear exchange. Apparently, America was finally ready to hear—and not just hear but understand—that the unlimited resources of the American intellectual landscape had been ignored, taken for granted, starved. We had become slack and complacent. We found the laurels that had been sitting so comfortably on our heads for so long replaced again and again by those made in Japan and West Germany.

After we took a look at what had gone wrong, we discovered:

On standardized college entrance exams, the average science and math scores have been dropping steadily for 20 years.

Only one-third of the Nation's school districts require more than 1 year of math and 1 year of science for graduation. It is interesting to note that in the U.S.S.R., China, Japan, and East Germany, specialized study for children begins in the sixth grade with separate courses in math, biology, chemistry, physics, and geology. These courses last 4 to 6 years and are required of all students. The time spent on these subjects, based on class hours, is approximately three times that spent by even the most science-oriented students in the United States. It is no surprise, then, that Japan, with a population half that of the United States, graduates almost twice the number of engineers. The U.S.S.R. produces six times as many.

During the 1970's there was a 77-percent decline nationwide in the number of secondary school math teachers being trained and a 65-percent decline in the number of secondary science teachers being trained. By 1981, 43 of our 50 States reported shortages of math and science teachers.

In 1981, almost five times more science and math teachers left to take nonteaching jobs than left to retire. Very often, the replacements for these trained teachers are not qualified. Of the teachers newly employed in 1981–82 to teach high school science or math, 50 percent were formally unqualified and are teaching with emergency certificates.

Our Nation's scientific strength and technological capabilities depend directly on the quality of scientific education received by its students and on the number of students who enter scientific fields. There is no question that the United States is losing its technological edge. The reason stems directly from our flagging commitment to educational excellence in the science, math, and foreign language areas at the precollege level. We have taken our pioneering role for granted. We can no longer afford to.

As our country continues the transition from an industrial to an information-based economy, technically skilled workers will remain in demand. Twenty percent of our labor force is currently employed in blue-collar manufacturing jobs; and most projections for the year 2005 indicate that only 5 to 10 percent of the work force will be engaged in these types of jobs. Even with 9.2 million out of work, the private sector is crying out for more engineers and technically skilled workers. Yet, only 13 percent of all high school graduates are prepared for the engineering curriculum they encounter in college, compared with 28 percent in 1972. The National Research Council reported that 49 percent of all doctoral degrees awarded in engineering in 1981 went to non-U.S. citizens.

These are sobering facts made more sobering by the recent remarks of Simon Ramo. Dr. Ramo is the "R" in TRW, Inc. He observed that high schools are moving on a trend that will produce scientific illiteracy just at a time when the world is becoming more and more highly technological and when competition both for commercial peacetime products and competition in technological systems having to do with security are reaching new heights. Washington Times, November 29, 1983.

Our schools are crucial to the success of everything we attempted to do. The terms are stark: If our commitment to education ultimately fails, we, as a nation, will ultimately fail. I completely agree with Senator JOHN GLENN when he says that whether or not we do what needs to be done in the area of science education is nothing less than a test of our national will. Granted, we cannot fix the problem overnight. And excellence will require constant vigilance. But we can learn a lesson. We can begin to repair the damage that has been done.

A recent publication by the National Academy of Sciences and the National Academy of Engineering states that kids are turned off by the formal study of math and science. They do not respect their schools or the intellectual effort required of rigorous learning. They do not respect the subject matter nor the people who teach it. The attitude of our children reflects our own attitude, an attitude that must change if we are ever to deal effectively with the mediocrity that has settled on our Nation's schools. The average starting salary for a high school teacher is $11,000. What does that say about the social value we place on education? Instead of expecting teachers to live in genteel poverty on a salary that would starve a church mouse, instead of treating the profession as a glorified form of adolescent day care, it is time we enter the 20th century, and recognized teaching as the strategic profession that it is. We need to pay teachers a decent salary. We need to reward a job well done, and pay attention when the job's poorly done or not done at all. We need to encourage rigorous standards for those that enter the teaching profession and provide incentives for their entry. We need to continue to search for innovative ways to encour-

age those still teaching to remain, and we need to improve their skills and keep their know-how up-to-date. We need to insure that those who are teaching now are qualified and stay qualified.

We have responded to this challenge. The Emergency Math and Science Education Act, of which I was an early cosponsor, was drafted jointly by the Science and Technology Committee and the Education Committee and passed on March 2. The bill, yet to be passed by the Senate, authorizes $425 million to strengthen elementary, secondary, and postsecondary education in math and science. The bill includes direct payments to State and local agencies for educational improvement programs. It sets up a national incentive scholarship program to encourage college students to enter teaching in math, science, and foreign languages. The bill also funds summer institutes, teacher initiative grants, postsecondary curriculum improvement, and educational research. This bill is not a magic cure, nor is it meant to be. But it is a good starting point and signals that the Federal Government not only recognizes the importance of education to our future, but is willing to back up that recognition with funds.

And we need to raise standards. I am also cosponsoring the American Defense Education Act. This bill provides incentives to local school districts to improve the quality of instruction and research in a number of strategic areas including math and science. In addition, the ADEA provides grants aimed at improving teacher training at the college level.

I believe the ADEA is a step in the right direction. If providing strong math and science backgrounds to our Nation's students is tantamount to providing them with an effective defense—and in the long run, I believe it is—is it wise and is it fair to let educational standards be determined on a volunteer basis? How can we expect a local school district in Texas or anywhere to somehow know what is enough science? Does it not make sense to establish national standards of excellence for elementary and secondary schools and then provide financial incentives to our often impoverished school districts to apply them? I certainly think it does.

There are other options to consider. If we are going to require more math and science in the schools, we need to consider expanding the school year. Or offering electives during the summer instead of the regular school year. We need to open up more dialog between the colleges and universities that are trying to deal with scientifically illiterate high school graduates and the educators at the secondary level who are designing curricula.

We need to attract more students into math and sciences. On the secondary level, we can expand offerings for those who are exceptional in math and sciences. We can offer college credit for advanced science and math courses. We can allow high school students to take college courses before they graduate. We can expand summer research opportunities between high schools and universities, industry and government.

We need to rethink math and science curricula and teaching. Maybe we should be teaching students when to multiply and divide now, instead of how. Perhaps we should introduce the video into the classroom. Certainly, up-to-date computer hardware should be available wherever possible. Today's students need to be equipped with the knowledge to work with computers. Schools need advice and they need money for initial startup costs for hardware and software. Simon Ramo suggest that the Federal Government use competent engineers and educators to design a standardized package of experiments and appropriate apparatus for use in our Nation's high school labs. Obviously, he says, the Government would have to make the initial investment, but once the software and hardware packages for a physics lab is designed, they can be mass produced at a cost that local high schools could afford. It is an idea. That is what we need right now, ideas.

Many people spend a lot of time arguing about the Federal Government's role in education. In this day and age, science education is high technology. The Federal Government, whether it wants to be or not, must be involved in high technology. For good. That is a fact. Our very survival depends upon our ability to compete in a technological world that is making dizzying advances in an entire spectrum of fields. Fact 1: The Federal Government is involved. Fact 2: The schools are crying out for help. They need help understanding the changing academic base required by employers, as well as employment trends and the changing nature of work. Administrators and school board members need help planning and evaluating costly hardware and software. They need help developing curricula that meets and beats science education standards set by nations that we compete with in international markets. Fact 3: If we do not take the initiative now to lead, we are mortgaging the future of our children and, I am afraid, the future of this great country.

There is a great deal that can be done. And there is much that we should be working for during this session. It is up to Congress to do it.●

TRIBUTE TO WILLIAM LEARY, JR.

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

Mr. LAGOMARSINO. Mr. Speaker, I rise today to bring to the attention of my colleagues the announced retirement later this month of William Leary, Jr., from Martin-Marietta Corp. at Vandenberg Air Force Base, in my California congressional district. Bill Leary has served as special assistant to the vice president of strategic and launch systems division, and enjoys nearly a half-century affiliation with the U.S. military.

Bill Leary's career began in the U.S. Navy in 1942, after he attended Pennsylvania State University. A highly decorated naval aviator who flew combat missions in both World War II and the Korean conflict, Bill also performed duty as a special projects test pilot at the Navy's Patuxent River Test Center and at the time of his retirement from the service was qualified to fly every type of aircraft in the Navy's inventory. Bill graduated from the University of Pennsylvania in 1948, and also attended the U.S. Naval Post Graduate School at Monterey, Calif. Bill's military retirement took place in 1963, at the naval missile facility at Point Arguello, then located on what is now South Vandenberg Air Force Base.

Bill then began a new and productive career with Martin-Marietta Corp. at Vandenberg. During that tenure of service, he earned the corporation's Operational Performance Award and the USAF (VAFB) "Man of the Hour" Special Award.

It was also Bill who orchestrated the very successful quarterly awards program at Vandenberg for the Lompoc Chamber of Commerce, extending deserved recognition to outstanding personnel serving at the base.

Born in Clementon, N.J. and reared in Pennsylvania, Bill is now, I am happy to say, a permanent and important resident of Lompoc, Calif. An active member of this community, he has supported both the Santa Maria and Lompoc Chambers of Commerce. Recognized as "Man of the Year" by the Lompoc Chamber, he also served as chairman of the chamber's Military Affairs Committee since 1965. Bill is also a member of the Society of Experimental Test Pilots, a past member of the California Council on Criminal Justice, a member of the Lompoc Elks Lodge and the Lompoc Rotary Club as well as several national conservation organizations.

Bill Leary's retirement February 29, 1984, marks the formal conclusion of a distinguished career of service and

dedication in our Nation's military and civilian defense system. I am certain my colleagues in this body join me in an expression of thanks and commendation to Bill Leary for his service to the Nation and to his community. We wish him a productive and enjoyable retirement.●

HELPING THE SEVERELY DISABLED

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. STARK. Mr. Speaker, I wish to thank my colleagues for realizing the importance of the Supplemental Security Income (SSI) special benefits program. The section 1619 benefits, as they are called, permit severely disabled people to be partially self-supporting while retaining entitlement to some SSI benefits and medical coverage. Without the extension of this program, the some 5,000 recipients now on the program, would in all likelihood have been forced to quit their jobs and collect full SSI benefits because they could not have afforded their attendant medical expenses. This would have been a tragedy for these people and for the Nation.

I hope the Senate will act as quickly as we have and with as much unanimity to continue this tremendously important work incentive program.●

AGENT ORANGE

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. SOLOMON. Mr. Speaker, on Monday, January 31, this House passed H.R. 1961, a measure that I would term a significant step forward toward resolving the problems caused by agent orange.

Agent orange has long been a source of concern and anxiety for one of the most important groups in America—our Vietnam veterans. Unfortunately, these concerns have not been matched by medical or scientific data conclusive enough either to substantiate or to allay these fears. We have been subjected by this dearth of conclusive evidence to conflicting and often contradictory reports as to the health effects of exposure to agent orange.

My colleagues on the House Veterans' Affairs Committee have taken decisive action by ordering a comprehensive investigation into the agent orange issue to be conducted by the Center for Disease Control. We hope this will finally answer the many questions still outstanding.

Because this study will not be completed for some time to come, however, our committee has also acted on interim measures to help those Vietnam veterans who believe their health disorders are attributable to agent orange exposure. These interim approaches to the agent orange question are embodied in H.R. 1961—a bill unanimously reported from the House Veterans' Affairs Committee last year.

H.R. 1961 is by no means all things to all people. Strongly differing views on agent orange abound in the land. Those who believe no connection exists between the herbicide and health disorders point to those studies supporting their viewpoint. Those who blame health disorders on exposure to agent orange also cite reports that bolster their contention.

Even while faced with these contradictory positions, our committee never lost sight of our mandate to provide for those who defended our national interests. Although compromise on this sensitive issue seemed at times elusive, I am very proud of my colleagues on the committee; we were able to report a bill unanimously.

H.R. 1961 provides for temporary disability allowances for those Vietnam veterans who were exposed to agent orange if they are shown to have developed soft tissue sarcoma within 20 years from the time they left Southeast Asia. The bill further provides similar monetary benefits to those who have developed a skin condition known as chloracne or a liver ailment known as PCT within 1 year of their departure from Southeast Asia.

I wish to stress, however, that these compensation benefits are scheduled to be terminated 1 year after Congress receives the final results of the comprehensive agent orange research project now underway at the Center for Disease Control. This 1 year time period will allow us to review carefully the study's conclusions, and to determine at that time what further steps should be taken for these veterans. We will be in a much better position to make these determinations when we are armed with conclusive findings on the scope and depth of the agent orange problem, as promised by this CDC study.

As I said earlier, it is a tribute to the Veterans' Affairs Committee and to this House that this compromise could be achieved, and I think we all can be proud of this accomplishment.

H.R. 1961 is not limited to the agent orange issue, however, I am pleased to be able to report that the bill also addresses a long-standing problem facing those of our Nation's veterans who were involved in the testing of early atomic devices during the Second World War.

Under the provisions of H.R. 1961, benefits will be provided for veterans who participated in the testing of nuclear devices while in service. It will also aid those World War II veterans who occupied Hiroshima or Nagasaki and who later suffered from leukemia, cancer of the thyroid, or polcythemia vera—a bone marrow disease—within 20 years from their exposure to nuclear radiation. For those veterans whose disabilities are shown to exist within the time limits in the bill, VA benefit payments will be equal to service-connected disability compensation rates.

In short, Mr. Speaker, this House can be very proud of the steps we have taken through the passage of H.R. 1961 to address issues and concerns of great importance to these special groups of veterans. The health disorders addressed in this legislation are specialized and limited to certain segments of our Nation's veterans population. Nevertheless, they are worthy of our attention if we are to live up to our mandate to care for those who have sacrificed to defend our national interests.●

TRIBUTE TO DR. RONALD E. McNAIR

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. TALLON. Mr. Speaker, the upcoming launch of the space shuttle, *Challenger*, is a particularly special one for me and the citizens of the Sixth District of South Carolina. Chosen as one of the astronauts on this flight is Dr. Ronald McNair, a native of Florence County, S.C.

Dr. McNair was born and raised in Lake City, S.C. After graduating from Carver High School in Lake City, he matriculated to North Carolina A&T State University. Graduating magna cum laude with a bachelor of science degree in physics, he went on to receive a doctor of philosophy in physics from the Massachusetts Institute of Technology.

On Friday, February 3, 1984, Dr. McNair will join an elite group of 70 Americans who have orbited in space. As well, Dr. McNair will become the second black man to travel in space.

For Dr. McNair, selection as an astronaut has been a milestone in a lifetime of remarkable achievement. Dr. McNair has distinguished himself both in his chosen field of science as well as in a variety of other endeavors. His scientific experiments have provided new understandings in the field of physics. Dr. McNair is also a black belt karate champion, a jazz saxophonist, a football, basketball, and track star, a Ford Foundation fellow, and an amateur veterinarian

Dr. McNair's friends and family in Lake City remember him as a youth

destined for success. Watching the early manned space flights, he knew that this was something he wanted to do. Others shared his interest but thought the possibility of actually being chosen for the space program was impossible. But Dr. McNair insisted that it could be done.

This "can do" spirit is an inspiration for the youth of Lake City, of South Carolina, and of the Nation. He represents the type of citizen imbued with the quality, described in the words of President John F. Kennedy, of "having done well, we will strive to do better, having achieved much, we determine to achieve more." His life demonstrates what a dedicated individual can accomplish in this Nation.

Dr. McNair provides a model for a citizen in a democratic society. His life demonstrates those very qualities of aspiration and achievement which have made our Nation great. I am sure my fellow South Carolinians and colleagues in the House of Representatives join me in wishing him and his fellow crew members a safe and successful voyage.●

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. LELAND. Mr. Speaker, on February 2, 1984, I was unable to be here in Washington because I was traveling on official business. I would like the record to indicate that if I had been present I would have voted "yea" on House vote No. 19, final passage on H.R. 1904, the Child Abuse and Adoption Reform Act.●

THE STATE OF EXCELLENCE IN EDUCATION

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. SCHAEFER. Mr. Speaker, this week, Congress passed, by voice vote, House Joint Resolution 203, which recommends that States establish commissions on teacher excellence and evaluate the recommendations of the National Commission on Excellence in Education. I would like to go on record as a firm supporter of this resolution.

Education is the conduit of knowledge, and, ultimately, one of the most important sources of strength in our society. If we are to remain the leader of the free world, quality education must be a national priority.

I would stress that education is primarily the responsibility of parents and local school boards. But I applaud Federal initiatives that complement local efforts without interfering with parental rights and local responsibilities. I think this resolution is just that kind of measure—it encourages States to establish task forces to review key educational issues and suggests general goals for these task forces. Education is properly a local issue, but we must realize that America is the sum of our many unique and diverse, though interdependent, localities—high standards at home mean high national standards.

I would also like to take this opportunity to bring to the attention of my colleagues and the Nation the exemplary initiatives already made in my district and in the State of Colorado. About 6 months before this resolution passed the House, Colorado had already established a group of task forces under an umbrella project called Operation Renaissance. These task forces review various aspects of education in Colorado and make recommendations on how we can make improvements. In fact, some of those recommendations are already being implemented, and others are awaiting consideration by the Colorado State Legislature. The legislative initiatives include toughening teacher certification requirements, changes in the definition of tenure, and providing student proficiency exams throughout students' educational careers.

Task force recommendations concerning teachers include the following changes: eliminating tenure; increasing the entry level salary for teachers providing performance-evaluation criteria/methods; revising the certification law; and providing for participatory management in schools and districts.

As part of the State's overall effort, the Governor established a separate, bipartisan Task Force on Excellence in Education to determine a strategy for improving education in the State. The task force has already made an interim report and will be making a final report in March. Members of the task force have had the opportunity to review the many national reports on education, and their interim recommendations reflect a sensitivity to the concerns raised by these reports.

The Colorado Education Association drew on the expertise and knowledge in their membership at a special delegate assembly, the first held in 13 years, to review the 162 recommendations of the association. They have formulated an extensive report and plan for educational excellence in Colorado schools, and I think their special perspective and understanding adds a great deal to Colorado's efforts.

The Colorado State Advisory Council for Vocational Education recently released a paper titled "A Nation At Risk—The Forgotten Majority," calling attention to the needs of youth who choose not to pursue a 4-year college degree. The Colorado State Board for Community Colleges and Occupational Education has also analyzed some of the problems in vocational education and made initial recommendations for addressing these concerns. This area of education should be of special interest. In Colorado, 63 percent of the jobs expected to open from 1983-88 will require vocational education.

Finally, I am establishing the Sixth Congressional Districts Educational Advisory Committee to review the various reports and recommendations on educational excellence, with special emphasis on determining the proper role of the Federal Government. I think the committee can play a key part in focusing the debate and recommending strategies for implementing the reforms deemed necessary.

Colorado is already addressing the challenge presented to America with the publication of the National Commission on Excellence in Education's Report, "A Nation at Risk," and I am very pleased with these efforts. The education community in Colorado has responded swiftly to a difficult challenge, made significant progress toward education, and set a standard for others to follow.

While Colorado is doing its part, other States should be encouraged to follow this example. Just like a report card, and A in 25 States and an F in 25 others make a mediocre average the Nation cannot afford. Each State must take steps to see that education in America is at the top of the world class. Again, I am glad Congress passed this resolution and sent this signal to the States. Colorado is proof of what can be accomplished by such initiatives.

If anyone would like additional information on any of the studies or recommendations from Colorado, please contact my office. We would be happy to provide you with additional information.●

U.S. INTELLIGENCE IN LEBANON AND CONGRESSIONAL RESPONSIBILITY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. SOLOMON. Mr. Speaker, soon after the October 23 terrorist attack on our marines in Lebanon, several Members of the Congress were quick to point out that our intelligence failed to assess the threat to our troops from a possible terrorist attack. I believe, it is worth noting that these individuals are the very same people who have systematically voted to weaken our intelligence capability over the past decade.

If certain institutions or individuals are to blame for a failure by our intelligence system to provide information which may have safeguarded our marines they are the Congress and the Carter-Mondale administration which attempted to strip our intelligence organization of their strength. The Long Commission reaffirms this assessment. The report noted that data, best provided by carefully trained intelligence agents, could have enabled the American commander to better prepare his forces to blunt the effectiveness of a suicidal terrorist attack. It goes on to state that we lacked effective human intelligence support due to a U.S. policy decision to reduce human intelligence support worldwide. These words by Bobby Inman, the former Deputy Director of Central Intelligence best describe the failure of this policy, "America has not yet recovered from all the buffeting of the last 10 years. We are still suffering from the scars."

The congressional approach to the U.S. Intelligence Service during the 1970's emphasized suspicion and mistrust and still undermines our Nation's ability to confront the serious challenges of espionage and terrorism in the 1980's.

During the Carter-Mondale administration the number of skilled covert agents was cut to less than 300. The President has already increased this number to over 1,000. President Reagan's efforts to rebuild our intelligence system has started to reverse the damage of the previous decade. But it takes time and resources to train a skilled intelligence professional. Congress must begin to adequately address this challenge. Under the leadership of President Reagan and Central Intelligence Director Casey the U.S. intelligence apparatus has once again become a reliable and productive instrument of national policy.

Director Casey has been instrumental in the efforts to improve U.S. intelligence capabilities for technical and clandestine collection, cogent analysis, coordinated counterintelligence and covert action. His work has contributed to the essential elements of a dynamic and effective intelligence system. After a decade of overzealous and damaging criticism by Congress we have begun to revitalize our intelligence capability.

Recognizing the dangers of the coming decades, Congress should act now to further strengthen this all important community. America's intelligence activities are essential to the conduct of our foreign policy. They protect the freedom of all our citizens.

Our intelligence professionals dedicate and sacrifice their lives to the survival of our Nation and they deserve the appreciation and support of all Americans, including Members of the U.S. Congress.●

FELICIA LAMPORT'S POLITICAL POETRY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. FRANK. Mr. Speaker, a week ago I inserted into the RECORD an example of the delightful political poetry of Felicia Lamport. I neglected to mention in that insertion that Ms. Lamport's topical poems are printed biweekly in the Boston Globe on Sunday and I am sure others will find them, as I do, a very enjoyable way to follow current affairs.●

HOUSE RESOLUTION 375

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. HARKIN. Mr. Speaker, the rule is a straightforward open rule and should receive the support of every Member of the House.

The bill is important consumer legislation to preserve long standing regulatory policy which was overturned by new regulations at the Federal Energy Regulatory Commission.

The bill protects the consumer, especially the elderly consumer by helping to keep rates down.

The bill also does provide relief for utilities which are having serious financial difficulties. However, it does not just hand them money regardless of their need.

The bill requires that the Federal Energy Regulatory Commission look at providing for CWIP on a case-by-case basis when there is real financial need and when the utility's construction plans are the least cost way to meet customer energy needs.

Historically—ever since the last century, an electric utility has received payment for the cost of building a new powerplant after the plant is completed and providing power. To have the customer pay some of the costs in advance means higher rates. It also means shifting the burden from the utility to the consumer if a powerplant is never completed. And, we have had a number of very expensive plant cancellations in the last couple of years.

Mr. Speaker, the American people do not want to be charged CWIP unless it is necessary. According to a poll conducted for the Department of Energy, including CWIP costs in customers bills was supported by only 27 percent of the people. It was opposed by 63 percent of the people.

This bill has over 100 cosponsors in the House.

It is supported by the American Association of Retired Persons, Consumer Federation of America, National Association of State Utility Consumer Advocates, United Auto Workers, United Steelworkers of America, National Rural Electric Cooperative Association, Citizen-Labor Energy Coalition, American Public Power Association, Consumers Union, Environmental Action, Friends of the Earth, National Farmers Union, the United Methodist Church, Board of Church and Society, and many other groups.

Mr. Speaker, the rule should be passed.●

MORTGAGE REVENUE BOND PROGRAM

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. KINDNESS. Mr. Speaker, the mortgage revenue bond program is one of those rare Federal programs which, with only a minimal loss to the Federal Treasury and a minimum of Federal intervention, does a considerable amount of good by allowing States and localities to respond to their local housing needs. The authorization for this vital program expired in December 1983.

A bill to reauthorize the program has already been introduced in this body, but was incorporated in the complex and controversial Tax Reform Act of 1983. Today, I introduced a simple bill to extend the mortgage revenue bond program through 1988. I hope that those Members who support the use of mortgage revenue bonds, but who have difficulty supporting the Tax Reform Act in its present form, will take this opportunity to actively work for passage of the program's extension for 5 years.

Government allocation of credit and Government borrowing to finance the Federal deficit has caused homebuilding to be disadvantaged. It is appropriate to give at least a small position of favor to one of this Nation's most basic needs—decent and affordable housing. Developing opportunities for home purchase mortgages ought to have a reasonable priority.●

RECOGNITION FOR CAPT. LEE BACA, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. TORRES. Mr. Speaker, I would like to call to the attention of my colleagues the work of Capt. Lee Baca of the Los Angeles County Sheriff's Department. Lee began his service with

the sheriff's department in 1965. He has been promoted from deputy through the ranks to his current position as captain of the Norwalk Sheriff's Station. The Norwalk Sheriff's Station is located in my district.

Lee started his 18 years of service with the sheriff's department as a deputy at the Wayside Honor Ranch, maximum security unit. He also served as a member of the patrol division of the East Los Angeles Station. In 1968 Lee was promoted to the administrative division of the department. He served as a recruitment officer and a staff drill instructor. In June 1969 Lee moved to the Temple City Station with the rank of sergeant and later that year to the community relations bureau in charge of the sheriff's public education program.

Lee was promoted to the rank of lieutenant in 1971. In April 1972 he was the department group study exchange representative, in London, England. Lee served as the special liasion to the city of London Police, Commissioner of the Metropolitan Police, Greater London City Council, Sheriff of London, Brixton Prison, Pentonville Prison, and the Hendon Police College.

After returning from London in June 1972 Lee assumed his role as the watch commander at the East Los Angeles Station. From June 1972 until October 1978 Lee served as the lieutenant of the Altadena Station, Carson Station, and the Lennox Station. In October 1978 Lee worked in the employee relations bureau. He was the department advocate to the civil service commission, commander of the civil service unit, legal unit and manuals, and orders unit. Lee also provided advice to the executive and unit commanders regarding disciplinary charges, suspensions, staff reductions, and transfers of sworn and civilian personnel.

From July 1981 to October 1981 Lee was transferred to the headquarters unit where he headed the court security unit, special process unit, budget unit, and the clerical unit. Lee was also the liasion to the Los Angeles County Grand Jury, department of superior courts and the economy and efficiency commission. In October 1981 Lee was promoted to the rank of captain. He has since served as the captain of the Norwalk Sheriff's Station. He oversees the patrol, detective, community relations, tactical planning, clerical staff, and reserve personnel operations.

Lee holds an associate of arts from East Los Angeles College; a bachelor of science from the California State University, Los Angeles; a master of public administration from the University of Southern California; and is currently working on his doctorate of public administration at the University of Southern California. In 1972 he received a community college credential from the California State Department of Education.

Lee is also a member of the Phi Kappa Phi Honor Society, the California Teachers' Association, the California Association of Administration of Justice Educators, the Professional Peace Officers' Association and the Mexican-American Police Command Officers' Association of California and Arizona.

Mr. Speaker, Lee's record show a commitment to serving his neighbor and community. I ask my colleagues to join me in thanking Lee for this commitment and wish him well in the year to come.●

NATIONAL RECREATIONAL SPORTS WEEK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. MAZZOLI. Mr. Speaker, today I am introducing a resolution calling upon the President to proclaim the week of April 15 through 21, 1984, as "National Recreational Sports Week."

Recreational sports programs benefit participants in many ways: physically, socially, and emotionally. Plus, they bring fun and enjoyment to all who take part.

The concept of a "National Recreational Sports Week" was developed by the National Intramural-Recreational Sports Association (NIRSA). This nonprofit organization was founded in 1950. Members of NIRSA are professionals in the field of recreational sports, and are working to meet the needs of communities for adequate recreational opportunities.

I commend the National Intramural-Recreational Sports Association on its work in this area. The passage of this resolution will help to increase the public's awareness of the benefits of recreational sports.

I hope my colleagues will join in supporting this measure.●

H.R. 3913

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. WILLIAMS of Montana. Mr. Speaker, today Mr. STENY HOYER and I are introducing a bill to prevent the Employment and Training Administration of the U.S. Department of Labor (DOL-ETA) from implementing reductions in force assumed in the President's fiscal year 1985 budget request at the same time that they implement those approved in the fiscal year 1984 Labor-HHS-Education appropriations bill (Public Law 98-139, H.R. 3913).

The purpose of our bill is to limit the administration to only those reductions approved by the Congress and signed into law by the President. The cuts currently being implemented by the Department of Labor that are beyond what has been approved by law will probably result in the closing down of a number of the Bureau of Apprenticeship and Training (BAT) offices, as well as eliminating the few Indian staff who remain in the division which implements the Native American programs. By limiting reductions in force to current law, the Congress will be able to review the impact of these reductions before making decisions on the fiscal year 1985 budget.

Both the House and Senate Committee reports (H. Rpt. 98-357; S. Rpt. 98-247) accompanying H.R. 3913 were identical in limiting reductions in force from 2,308 positions funded in fiscal year 1983 to 2,009 in fiscal year 1984, or a decrease of 299 positions. Our bill will limit the DOL-ETA to the 2,009 level approved by the Congress and the President.

At the beginning of fiscal year 1984, DOL-ETA had 2,236 positions, and they are currently implementing reductions in force to reach 1,829 positions by May 25, 1984. This is clearly contrary to letter and intent of the law.

It is interesting to note that former Assistant Secretary of Labor, Albert Angrisani, in testifying on the fiscal year 1984 Labor-HHS-Education bill, stated in response to a question by Chairman NATCHER on fiscal year 1984 staff levels:

> Mr. Chairman, we undertook over the last year and a half a thorough management study of our agency. What I basically asked my staff to do was to go back and look at all of our functions, I said, if this is what the Employment and Training Administration is going to look like for the next ten years functionally, tell me how much staff we need to do the job. The number we came up with is 2,000 individuals and our previous levels were 2,300, roughly, which is why we believed that we could take the reduction.
>
> We are not doing it because we want to reduce staff per se, but it is just that I believe we can do the job with this number of people.

Thus, even the Assistant Secretary Angrisani projected a staff level of 2,000 people for the next 10 years.●

MORTGAGE REVENUE BONDS DESERVE IMMEDIATE ACTION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. BONKER. Mr. Speaker, as we begin this 2d session of the 98th Congress, among our top priorities must

be one major piece of unfinished business left over from the first session.

Unless Congress takes immediate action, our failure to reauthorize the mortgage revenue bond program (MRB) could deny thousands of young families and first-time home buyers the opportunity to own a home. And without MRB's, our Nation's vital homebuilding, real estate, and forest products industries will be without perhaps their most effective tool as they struggle to free themselves from the worst industry-wide depressions in decades.

Support for mortgage revenue bonds is not at issue. By last November, 329 House Members—three-quarters of this body—had cosponsored legislation to repeal the December 31, 1983, sunset date for the MRB program. The Omnibus Tax Reform Act of 1983, H.R. 4170, included a provision to extend mortgage bond authority for 5 years. Unfortunately, the MRB program became the innocent victim of a dispute over unrelated provisions of the bill, and H.R. 4170 was never considered by the House. The effectiveness of the MRB program is indisputable. Interest rates on mortgages financed by tax-exempt bonds are typically 2 to 3 percent below conventionally financed mortgages, although the spread can be even greater during times of particularly high interest rates. The tax free status of a bondholder's dividend income enables State and local governments to offer yields below those available on taxable bonds. These savings are passed directly on to eligible home buyers in the form of lower mortgage interest rates.

Nationwide, the approximately $11 billion in bonds issued last year by State and local governments provided financing for 220,000 housing units. Roughly 90,000 of these were new units. This new construction created 100,000 jobs, provided $1.7 billion in payroll, and generated $800 million in Federal, State, and local taxes.

Historically, mortgage revenue bonds have provided financing to first-time home buyers and low- or middle-income buyers who simply could not afford a home otherwise. The median income of State mortgage bond beneficiaries was $18,467 in 1981 and $23,511 in 1982. By contrast, the median income of home buyers served by conventional loans was $39,196. Quite simply, if not for mortgage revenue bonds, tens of thousands of young families and moderate-income individuals would have little hope of affording their dream—a house of their own.

The need for mortgage assistance will be greater than ever for the rest of this decade, as the baby boom generation matures and struggles to purchase homes in a tightening economy. In 1981, I warned that the demographic fallout from the post-war baby boom and the national trend toward smaller households would collide with a lack of available housing and affordable mortgage financing.

[From Housing, High Interest Rates, and the Northwest Economy, Representative Bonker, Aug. 24, 1981]

We have no coherent program to help the housing industry. In fact, the policy of high interest rates is destroying the housing market.

This comes at a time when demand for housing continues to soar. More than 16 million new households will be formed during the 10 year period ending in 1989—an increase of 25 percent. More than 41 million people will turn 30 in the 80's, creating an unprecedented increase in the number of first-time buyers entering the housing market.

Yet the supply of housing is plummeting. Housing production tumbled from an annual rate of 2.1 million units in November of 1978 to 906,000 units in May of 1980, a 57 percent decline. Housing production is expected to increase slightly to 1.2 million units this year, but it is still far below demand.

These demographic, social, and financial realities are every bit as pressing today, and underscore the need for a proven, successful program like mortgage revenue bonds.

Critics have argued that the Federal Treasury cannot afford to underwrite a housing program like MRB's, particularly in the face of the enormous Federal deficits under the Reagan administration. To the contrary, MRB's are a proven moneymaker for the Treasury. Even on a strict, ledger sheet analysis, our Nation cannot afford to let this program die.

Opponents cite an annual revenue loss to the Federal Government of $20 million for every billion of MRB's issued. But this estimate is suspect. The true direct revenue loss may be as little as one-third of that figure, because many investors would seek out some other form of tax-exempt security even if the MRB program was abolished. More importantly, each $1 billion in mortgage bonds provides financing for 21,000 new and existing homes, generates 7,500 jobs and $140 million in wages, and results in $62 million in Federal, State, and local taxes.

Reauthorization of the mortgage revenue bond program is especially critical in my own State of Washington, due to our traditional dependence upon the nationwide construction and wood products industries. In addition, Washington State was one of the last States to authorize the issuance of MRB's. As a result, our first issue of approximately $193 million occurred just before the December 31 cutoff. While it will take some time to assess the full impact of the program, the initial figures are very promising. In just the 2-week period from January 4 to 17 of this year, the State MRB program accounted for $59,400,000 in loans for existing homes, providing financing for 1,127 first-time homebuyers.

Based on the experience of other States with the MRB program, this initial issue of $193 million of tax-exempt bonds will enable over 4,000 families and individuals to buy a home, create close to 1,500 jobs, generate $27 million in wages, and provide nearly $12 million in badly needed State, local, and Federal tax revenues.

Now that Washington State has developed this powerful tool for mortgage financing and economic growth, Congress must not allow it to be taken away.●

VIRGIL BOUCK: A MAN WHO HAS SERVED AGRICULTURE WELL

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. TRAXLER. Mr. Speaker, it is not often that we as elected officials are able to say that we have encountered individuals who have always demonstrated a willingness to do all that they can to help people, but today I am privileged to tell you and our colleagues about such a man.

Tomorrow, February 3, Virgil Bouck, a man who has served as the head of the Agricultural Stabilization and Conservation Service's office in Tuscola County, Mich., one of the counties which is in my Eighth Congressional District, will be honored as he retires from the agency. Virgil will certainly be missed by the farmers of Tuscola County who have come to know him as one individual who is interested in helping them improve the quality of their farming operations.

He has been in Tuscola County for the past 10 years, after having served in Midland County for 12½ years before that. He has seen some tough times at ASCS as he has tried to help farmers deal with both farm price support programs, and worked to provide information that is necessary to the other agencies of USDA when a farmer is forced to apply for disaster assistance.

I have worked closely with Virgil in my years in Congress. He has always provided me with quality information when I needed to know the problems that some of the farmers in my congressional district have faced. In particular, Virgil very skillfully led the development and implementation of a most impressive project to control the nonpoint source pollution that results from the runoff from farmlands. This project was first approved several years ago by ASCS, and was supported by the Environmental Protection Agency. It has been heralded as a model for the rest of the Nation, and

the most successful of the four demonstration projects that were operated around the country.

Virgil has always had a high respect for conserving our agricultural soil and water resources in order to insure a continuing adequate supply of food and fiber while enhancing the environment. He has taken his work seriously, and that is why it has been so successful.

Virgil will certainly be consulted in the years to come when those complicated problems arise that beg to be reviewed by skillful and knowledgeable people. His retirement simply means that he is changing his phone number and work hours, not that he has completed his contribution to Michigan and to agriculture.

I will certainly call on Virgil in the days to come. After all, excellence is too important a quality to ignore.

Mr. Speaker, I ask you and all of our colleagues to wish Virgil Bouck well with his new endeavors.●

INTERNATIONAL GAMES FOR THE DISABLED

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. MRAZEK. Mr. Speaker, the eyes of the world will fall on Sarajevo and Los Angeles this year as the hosts, respectively, for the winter and summer Olympic games.

As the best athletes in the world will be on display, this is only natural. But another international athletic competition also is scheduled for 1984. Like the Olympics, these games will bring together some of the finest athletes in the world for 2 weeks. Like the Olympics, these games will allow the world to put aside petty nationalism and to come together as one in the spirit of healthy competition.

Mr. Speaker, I am referring to the 1984 International Games for the Disabled, to be held June 16-30 in Nassau County, Long Island. These games will bring together 1,500 people who just happen to be blind, or people with cerebral palsy, or other handicapped athletes from more than 40 nations. Competition will be held in more than 20 sports at a number of sites on Long Island.

Nassau County was chosen for this distinction by the International Olympic Committee. The games are a world-class endeavor, and thousands of hours of preparations have been and will be spent to bring off the games in a manner which shows Nassau County, the State of New York, and our entire Nation in the best possible light.

Accordingly, Mr. Speaker, I have introduced legislation to reimburse Nassau County for some of the substantial costs it will incur to stage the games. In addition to the man-hours to be provided by more than 500 Nassau County police officers in gamesite and dormitory security, significant costs also will result from public-safety functions and escorts for touring athletes.

The International Games for the Disabled promote our best national instincts and recognize our national commitment to the handicapped. I urge the support of my colleagues for the Nassau County games in this year of the international athlete.●

LAND OF OPPORTUNITY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. ERDREICH. Mr. Speaker, for the last 2 years, the Vestavia Hills Chamber of Commerce has presented the "Land of Opportunity" to first-generation immigrants with citizenship intentions who are working and domonstrating by example that the United States is still the "Land of Opportunity." Last year I was privileged to have been given the honor of presenting the award to six nominees. They included Tuan A. Le from Vietnam, who arrived in the United States in 1975, acquired a B.S. degree in mathematics, a B.S. degree in English, is working on an M.S. degree in mathematics and electrical engineering, and is employed at Rust International Corp. in Birmingham; Frank Petho, who came from Domborar, Hungary in 1953, graduated from Rutgers University, and is presently a project engineer for Turner Construction Co. in Birmingham; Dana Darlene Idol, who came from Panama to this country in 1958 and is currently credit manager for the Yielding Stores in Birmingham; Prem Tagra from India, who is an engineer with the Rust International Corp.; Galal Abdulla, an Egyptian native who operates a riding school at Oak Mountain State Park; and Tien Le, who came from Vietnam, graduated from Homewood High School at the age of 16 and received a 4-year premedical school scholarship to Birmingham-Southern College.

I was proud to present the "Land of Opportunity Award" to these six individuals who are living proof that America continues to be a land of opportunity and a beacon of democracy around the world.

I would like to commend those responsible for initiating the presentation of these awards, particularly Mr. Herc Levine, committee chairman of the Land of Opportunity Awards, who was instrumental in turning his lifelong dream of recognizing those who came here seeking freedom to live and work and worship as they wish.

The Vestavia Hills Chamber of Commerce is due to be commended for establishing this recognition to exemplify that our democracy remains the land of opportunity, a vibrant and growing nation whose values of personal liberty, hard work, religious freedom, the importance of family and neighborhoods, contribute to make this Nation the land of opportunity for all our citizens.●

CENTRALIZATION OF THE DEPARTMENT OF DEFENSE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. MATSUI. Mr. Speaker, my distinguished colleague from Utah (Mr. HANSEN) and I have introduced H.R. 3950, to give Congress a more effective role in reorganizations of the Defense Department. The comparative voting records of the gentleman from Utah and myself would indicate that we disagree on basic policy much more often than we agree. Nevertheless, we have worked shoulder to shoulder for more than 2 years to oppose an endless series of consolidations of power in our defense establishment, including some which would have created workload windfalls in our districts.

For the last 20 years, through six administrations, the senior permanent bureaucracy in the Pentagon has been accrediting functions from the military services to its own nonaccountable defense agencies. The power to achieve these consolidations comes from language put into the United States Code (10 U.S.C. 125) in 1949 for the purpose of promoting joint functions among the services, long before the autonomous defense agencies even existed. Initially, the creation of some central offices, such as the Defense Mapping Agency, made sense. More recently, however, many of the consolidations have impaired the ability of the services to perform their military mission; and the theoretical efficiencies claimed by their promoters have usually not been realized in practice. Policy direction from the relatively transient appointed officials in the Defense Department, as well as congressional scrutiny, have regularly been evaded.

It is the view of Navy Secretary John Lehman that:

Without question, this building (the Pentagon) could be run at 20 percent savings if we could get rid of the 6,000 bureaucrats in OSD (Office of Secretary of Defense) who are accountable, essentially, to nobody. They masquerade as agents to pull power to the Secretary of Defense, but it's exactly

the opposite. They take power away from the Secretary and appointed officials.

Over the past 3 years, I have worked on three specific consolidations. The first was the proposal to transfer the management—that is the purchasing, warehousing, and distribution—of all nonreparable hardware supply items from the services to the Defense Logistics Agency, in spite of the fact that almost all of those parts still in the control of the services are service-specific, weapon-system-critical parts for tanks, aircraft, and ships. The second was the proposal to take the repair and maintenance of military aircraft away from the services and turn them over to a central manager despite the fact that such a manager would bear no responsibility for missions for which those aircraft would be tasked. The third was the national consolidation of operational control of every military base by a civilian agency, in spite of the fact that the major local experiment of consolidated base operations in San Antonio has been an unmitigated disaster from every perspective. At best, we have only been able to hold off these moves temporarily.

While I have not been directly involved with it, another consolidation would create a civilian Defense Health Agency to take over the medical functions from the military services. In addition, a new initiative is in the works to have the Defense Logistics Agency do the acquisition of all automated data processing equipment for the services. We expect to see even more centralization proposals surface in the future.

Rather than continuing to fight each consolidation piecemeal, we have determined that the best policy approach is to amend the statutory language which grants such broad power to the bureaucracy. Our bill would require that major consolidations of functions from the services to the defense agencies—that is, those involving more than 200 persons or $10 million per year—would have to be authorized by Congress before they could be implemented. We believe this would insure that military readiness is not diminished by empire builders and that projected savings are actual.●

H.R. 555—CWIP BILL

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 1984

● Mr. CHENEY. Mr. Speaker, my name is listed as a cosponsor of H.R. 555, the construction-work-in-progress legislation reported out by the Energy and Commerce Committee.

I want the record to show that in fact I did not wish to cosponsor this bill, and that my name was added by mistake to the cosponsor list. I would have sought unanimous consent to withdraw my name from the bill, except that I did not discover the error until after the bill had already been reported by the committee. At that point, House rules precluded me from having my name removed from the cosponsor list.●

SENATE—*Friday, February 3, 1984*

(Legislative day of Monday, January 30, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, as the Senate moves more deeply into its legislative session and recess is imminent, we pray for our families. Pressure, tension, urgency build, and it is easy to justify neglecting spouse and children. Help us to realize that there is no adequate substitute for a husband and wife—no adequate substitute for a father and mother. Give us the grace to put priority where it belongs, knowing that no matter how one may succeed in life, one is a failure if he defaults as spouse and parent and allows the family to disintegrate. Help us, Lord, to take seriously our God-given responsibility to our families. Bless them, strengthen them, deepen and mature family love. In Jesus' name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. STEVENS. I thank the Chair.

THANKS TO THE CHAPLAIN

Mr. STEVENS. Mr. President, I thank the Chaplain for that guidance. I hope that on one of these late evenings, when the tension rises and we are inclined to say it is easier to stay through the night and!solve the problem than it is to go home and have a clear head the next morning and, meanwhile, spend time with our families and be refreshed, someone will remind me of that prayer and I shall read it to the Senate, just to make sure they all hear it.

CECIL BARNES

Mr. STEVENS. Mr. President, I am sad to rise today to inform the Senate of the passing of a great Alaskan, Cecil Barnes, who some of you came to know during consideration of the legislation which became the Alaska Native Claims Settlement Act of 1971.

Cecil was one of the founders of the Alaska Federation of Natives which played a pivotal role in passage of the Claims Act. He made many trips to Washington during the period leading up to passage of the act.

The existence of the Chugach Region, one of the 12 regional corporations, was in large part, a result of Cecil's untiring efforts. He was also instrumental in establishing Eyak Village Corp., Eyak being the old native town in Cordova where he was born.

In 1971, Cecil became the head of Chugach Native Corp., the corporation overlying the region provided for under the Claims Act. He held that position until 1977, when he left to become a commercial fisherman.

Even after he left the corporate world, Cecil remained active in native affairs, always serving as an inspiration to succeeding native leaders in his region and in the State. His wise council will be missed.

A citation honoring Cecil Barnes was read and passed in the Alaska State Legislature this week. It outlines very well Cecil's contribution to Alaska and the respect all Alaskans had for Cecil. I ask unanimous consent that the text of the citation be printed in the RECORD following these remarks.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CECIL BARNES

The Legislature notes with sadness the passing of Cecil Barnes of Anchorage.

Cecil Barnes was born in Cordova in 1930, and dedicated much of his life to the self-determination and economic development of the Eyak community of the Prince William Sound area, as well as of all Alaskan Natives.

He was the founder of the Eyak Corporation and inspired self-awareness among the Native Alaskans of Cordova and vicinity. At a time when few believed that the Alaskan Native claims movement could succeed either in the courts or in Congress, Cecil Barnes was one of the original pioneers who gave the movement energetic support.

After the passage of the Alaska Native Claims Settlement Act, the shareholders of Chugach Native, Inc., recognizing Cecil Barnes' original leadership and intimate knowledge of the lands and resources of Prince William Sound and the Kenai Peninsula, elected Cecil Barnes as that Native regional corporation's first president.

As its leader Cecil Barnes set a sound foundation for Chugach Natives, Inc. While attentive to the business aspects of the corporation, he retained a keen interest in the quality of life, culture, and well-being of individual shareholders and their families.

For Cecil, a combat Marine veteran from the Korean conflict who received four battle decorations, the Marine motto, "semper fidelis", personified his belief in home and country. Cecil Barnes remained always faithful to his principles.

We extend our deepest sympathy to his wife Anna and to his daughters Nancy Barnes, Carol Barnes, Roxanne Chee and Brenda Curry.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today, after the recognition of the two leaders under the standing order, there are three special orders, in favor of Senator MURKOWSKI, Senator BENTSEN, and Senator BUMPERS. Following that, there will be a period for the transaction of routine morning business.

Following routine morning business, the Senate may consider any or all of the following items during the course of the day: S. 215, the bail reform bill; S. 948, the forfeiture bill; and S. 1787, the drug czar bill. The majority leader has announced that rollcall votes are expected today. A long session, however, is not expected. Senators should be on notice that there will be votes today. I think we shall be able to confirm that in a very short order, the time at which they will commence. It is our estimate that they will commence sometime around 11:30 a.m.

We are attempting at this time to confer with my good friend, the chairman of the Committee on the Judiciary, the distinguished President pro tempore, to determine the order in which he wishes these bills to be considered. That announcement will be made at the close of morning business today. In order that that may be done, I reserve the remainder of leadership time on this side.

(Mr. D'AMATO assumed the Chair.)

Mr. THURMOND. Mr. President, in response to the suggestion by the able acting majority leader, I believe it is understood that we are going to bail reform as the first bill this morning. That should not take more than probably a few minutes.

Next, we go to the bill on forfeiture and then to the drug czar bill. We hope to finish by 1 or 2 p.m.

Mr STEVENS. Mr. President, I thank the distinguished President pro tempore. That is the order in which we hoped they would be taken up. But, of course, under the order, it is his prerogative. We are pleased to have that schedule. It will be noted and the membership will be informed of the schedule.

It is my understanding that a vote is anticipated on the bail reform bill. As the distinguished President pro tempore has stated, the chairman of the Judiciary Committee, that will take a

few minutes, 15 or 20, at the most. The next bill, forfeiture, is also a bill that will take a very short time. We do not anticipate amendments on either of those bills and there has been a request for a rollcall vote on each of them.

Mr. President, in order that Members may be informed of the schedule of special orders, I ask unanimous consent that the special order in favor of my colleague, Mr. MURKOWSKI, be canceled. That will mean Senator BENTSEN will be first on special orders and Senator BUMPERS second. It will also mean that the period for the transaction of routine morning business will occur 15 minutes earlier. We have had a special request for a rollcall in routine morning business, so I wanted to be sure all Members have that information.

Mr. President, I reserve what time I have left.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

ACID RAIN

Mr. BYRD. Mr. President, in the Washington Post this morning there is an article under the headline, "Senators Pelt Ruckelshaus With Acid Rain."

Mr. Ruckelshaus apparently was given some rough treatment at the Environment and Public Works Committee yesterday, according to this news story. He testified in support of the administration's position on the so-called acid rain issue. I think he did an admirable job. According to the reports that I have read, he articulated the President's position on this complex matter and he set forth his program—when I say "his program," I am talking about the President's program—for accelerated research, amelioration of the effects of high acidity, and the development of new technology to burn all types of coal cleanly.

Mr. President, I was pleased with the President's statement in reference to this acid rain phenomenon. I now read from the President's address delivered before the joint session just a few days ago.

> On the question of acid rain, which concerns people in many areas of the U.S. and Canada, I am proposing a research program that doubles our current funding and we will take additional action to restore our lakes and develop new technology to reduce pollution that causes acid rain.

Mr. President, I commend President Reagan on the approach that he has taken with respect to the acid rain phenomenon and shall support the President in that approach. I do not find fault with those of an opposite viewpoint. This Senator, who represents a coal-producing State, a State which is both an industrial State and a rural State at the same time, supports the President's position in this matter and I do not propose to let anything on this subject be railroaded through the Senate without adequate debate before it is enacted.

I hope that people will recognize that the position outlined by Mr. Ruckelshaus was set out by the President in his state of the Union speech after careful deliberation. And that position is shared not only by me but also by a number of my colleagues from other States in Appalachia and in the Midwest which would be adversely affected if there were to be rash and hasty judgment with respect to the installation of equipment in power plants and so on, which in the final analysis, after having cost millions of dollars, perhaps would prove to be ineffective in dealing with this problem.

There is a problem. The President recognized that problem. I recognize the problem. But scientists disagree as to what the origins, causes, and effects of so-called acid rain may be. There is a report which has been mandated by the Congress to be submitted by an interagency task force by 1992 which will give Congress more light and perhaps less heat on the subject. I do not think we should act hastily until we know what we are doing. Scientists disagree. There have been remains or residues of so-called acid rain found in ice cores in the Himalayans and in the Arctic Circle which indicate that there was acid precipitation hundreds of years ago. So I hope that we will not rush into a judgment here which could be a very costly judgment, which could be ineffective in the long run, and in the short run would close down industries, close down coal mines, put people out of work, and raise utility bills.

I do not look at this as a partisan issue. I have a substantial bipartisan group of cosponsors, 15 in all, on my own legislation to accelerate the work of the Interagency Task Force on Acid Precipitation, and in the meantime I would support taking action to ameliorate the acidity in lakes and streams in those parts of the country that are affected. I have heard that there is a good deal of acid precipitation in California. If so, that could not be coming from West Virginia, Pennsylvania, Indiana, Illinois, Ohio, Alabama, or Tennessee, so I think we had better make haste slowly and surely before we jump at some kind of quick fix.

I also have legislation that would promote research into the clean burning of high sulfur coal in such a way that it would not injure the environment.

But I take the floor today to defend Mr. Ruckelshaus. After all, he is taking a position which is difficult perhaps for him, but it is a position which reflects the approach chosen by the President of the United States. I hope that we would not be too hard on Mr. Ruckelshaus. I feel that he is well aware that the opinion of the scientific community is important with respect to this issue. Despite the assurances of those favoring new controls on coal use—that scientific agreement exists on this topic—it is clear that no consensus has been reached. In fact, we are just beginning to see evidence of a scientific backlash as research produces new questions that cannot be ignored concerning the complexity of this issue. And besides the scientific data which continue at an intense level, the economic and energy policy effects of controls remain formidable. My State would lose jobs under any control scenario. The only question is, How many jobs and in what part or parts of West Virginia? West Virginia already has the highest unemployment rate in the country—15 percent as of the last report. States in the Midwest and throughout Appalachia would be similary affected.

I hope the legislation I have introduced to seek new ways to burn coal as cleanly as possible will be enacted. It will add to the improvements in air quality that have occurred as a result of the implementation of the Clean Air Act. This is a forward-looking position on which I am joined by a great number of Senators on both sides of the aisle. So I think it should be clear that the position taken by the President and Mr. Ruckelshaus is supported by a bipartisan group of Senators. We have not been too vocal. Perhaps we have been a little too silent, but I suggest that that silence should not be misleading. The position taken by the President and Mr. Ruckelshaus is the position that I have advocated, and Senators should be fully aware of the importance of the outcome of this issue to the future of West Virginia and to the future of the industrial heartland of America.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used his time in the special order.

Mr. BYRD. I thank the Chair. If I had had any time remaining, I was going to yield it to the distinguished Senator from Texas, who is here ready to proceed with his special order.

RECOGNITION OF SENATOR BENTSEN

The PRESIDING OFFICER. Under the previous order, the Senator from Texas (Mr. BENTSEN) is recognized for not to exceed 15 minutes.

Mr. BENTSEN. Thank you Mr. President. I particularly want to thank the distinguished Senator, the minori-

ty leader, from West Virginia for his very lucid and comprehensive remarks. I should like to address my comments this morning to problems that we are facing in Lebanon.

BEIRUT

Mr. BENTSEN. Mr. President, the presence of American marines in Beirut is forcing confrontation between Congress and the President.

I sincerely hope it is not too late to prevent that from happening. We can all agree that the Middle East is truly important to our national interests. Diplomacy in the area is notoriously difficult; passions run high and war is an ever-present danger.

If we want to avoid a test of wills and partisan bickering over our role in the region, both Congress and the administration must retain some flexibility in their positions. We must look beyond politics and search for solutions that make sense for America.

That process is not facilitated when the President says he will "not pay any attention" to a congressional resolution pressing for a prompt and orderly withdrawal from Beirut. It does not help the process when the White House accuses Democrats of playing politics on Lebanon or suggests we are aiding and abetting those opposed to peace in the Middle East.

As a Democrat who has supported this administration in some controversial aspects of its foreign policy and has tried to keep partisan politics separate from national security, I would like to suggest that the rhetoric being used by the White House undermines the whole basis for bipartisanship.

Bipartisanship does not mean that everyone must line up behind our President, regardless of the wisdom of the policies he is pursuing. I am one who votes with the President when I think he is right and against him when I think he is wrong. In this instance, I believe the President is wrong—dangerously wrong.

True bipartisanship must be a product of prior consultation and consensus building. We did not see that kind of prior planning and consultation on sending U.S. forces into Lebanon. Democrats were not consulted; there was no pretense of bipartisanship. The decision was the President's alone and was even opposed by many of his military advisers.

The marines should never have been sent to Lebanon in the first place, and they should not be there today. The longer they stay the more difficult it becomes to extricate them. But now that the ox is in the ditch, it is suggested, in the name of bipartisanship, that we should all share responsibility—or at least remain silent and pretend that nothing is wrong.

Mr. President, I do not think there is much of a market for that kind of bipartisanship. I believe President Reagan is making a very serious mistake by doggedly insisting on the continued presence of American marines in Lebanon, and suggesting that those who oppose this unexplained folly are somehow opponents of peace.

There is abundant evidence to suggest that Beirut is a foolhardy place to station 1,600 U.S. marines. We have taken the low ground while our antagonists occupy the high ground. It is impossible to identify either the enemy or the purpose of our presence in Lebanon. Most of the factions in Lebanon see our marines not as a peacekeeping force, but as a force that has chosen sides and is working to impose that choice. It really makes no sense to suggest that we are some sort of benign, neutral presence in the killing ground that is Lebanon.

We have injected ourselves into a quarrel that is not ours; a quarrel that has existed for centuries and will continue whether American marines stay at the airport for another week, or 6 months, or 6 years. We have put our troops—and our prestige—on the line in a part of the world where the Soviets have all the comparative advantages, where their supply lines are overland and only a few hundred miles long while ours extend 7,000 miles over the ocean.

If there must be a confrontation, if there must be a test of wills with our adversaries, let us choose someplace where we have the comparative advantage. Where we occupy the high ground; where we have the short supply lines; and, above all, where our objectives are clear and compelling.

Our marines have been in Beirut since September 1982. During the past 16 months, 259 of them have been killed and 126 have been wounded. That tragic loss of life is compounded by the fact that the American people have yet to hear a convincing explanation of why it is necessary or desirable to offer 1,600 marines as hostages to the random violence and terror endemic to Lebanon.

I have expressed deep misgivings about sending the marines to Lebanon since the day that decision was announced. I stated from the outset that the War Powers Act should apply. I voted against the 18-month extension.

I would prefer at this stage not to have Congress demand a date certain for the withdrawal of the marines; I would like to avoid that kind of confrontation with the White House and handicap for our negotiators. I would, however, ask the President to use his talents to explain precisely what purpose is being served by the Marine presence in Lebanon. The American people are well aware that more than 250 marines have died in Beirut. Now they are asking why that sacrifice is necessary.

The President has been unable to provide a convincing explanation, so I think he should move quickly to have our troops replaced by an international peacekeeping force less attractive to terrorists, radicals, and the armed factions so prevalent in Lebanon.

Our allies in the multinational force appear to be having second thoughts about the future of their commitment in Lebanon. The French have redeployed some of their troops, and the Italians have reduced the size of the contingent while stating their disagreement with our purpose and role in Beirut. The British seem less than enthusiastic about their minimal presence. It is only the President who has become completely enthralled by his own rhetoric and wedded to the notion that we must hold on until the dubious dawn of peace in Lebanon.

Mr. President, our marines have been given an impossible task. They have been asked to be peacekeepers in a land that knows no peace. The complex chemistry of hatred in Lebanon involves more than Christians, Moslems, refugees, Israelis, and Syrians. It creates an environment in which it is impossible to identify the enemy or tell friend from foe.

There are Shia Moslems and Suni Moslems. Some of the Shia's belong to the Amal; some are loyal to Nebih Birri; some have taken up arms against the Israeli presence in the south; others—the truly radical—belong to the Hizballah, look to Iran for political inspiration, and commit hari-kari attacks with truckloads of explosives. There are Nasserite Sunis, Baathist Sunnis, Sunnis loyal to Rashid Karami.

There is the Progressive Socialist Party and the renowned Druze militia led by Walid Jumblatt. The Druze are often described as being under the influence of Syria despite the fact that the Syrians murdered Jumblatt's father. There are Armenians and Greek Orthodox of various political outlooks.

There are the Maronite Christians, with their Phalange, who have been fighting Moslems for generations and profess loyalty to the Gemayel family; there are other Maronites led by the Franjiyah family. There are the Free Lebanon Forces, a Christian militia supported by the Israelis.

There have been PLO forces loyal to Yassir Arafat, and PLO forces opposed to Arafat who fought their own brand of civil war in the streets of Tripoli until the Arafat forces were finally evacuated on Greek ships. There are anti-Syrian Moslem fundamentalist militiamen and there are pro-Syrian Alawite militia forces.

Mr. President, there are more than 50,000 Syrian troops in Lebanon. There are 12,000 Israeli troops in the south. There are perhaps 25,000 sol-

diers in the Lebanese Army whose future effectiveness depends to a large degree on the loyalty of Shia recruits.

These factions, armies, and militias—and others too numerous to mention—are all armed to the teeth. They have no compunctions about taking pot shots at one another, nor do they shy away from turning their guns or their terror on the Marine contingent when the mood strikes them or when it is determined that U.S. casualties serve their interests.

Mr. President, an orderly withdrawal from Beirut would not imply that we are backing down, losing face, or knuckling under to terrorism. We did not send the marines to Lebanon to fight Syrians or Shias or pro-Iranian fanatics. We sent them to keep the peace. But it defies all logic to suggest that 1,600 marines at the Beirut airport can bring peace to the kaleidoscope of violence and distrust that is Lebanon.

For the President to remain adamant and for his spokesman to insist that he "wants to stay in Lebanon until there is stability and until there is a plan for the withdrawal of foreign forces" places a heavy strain on the notion of bipartisanship in foreign policy.

Perhaps we could make more sense of the American presence in Beirut if we lay aside the pretense of "peacekeeping" and openly acknowledge that our marines are there as a symbol of support for President Amin Gemayel and as a tacit warning that we will not permit Syria to overrun all of Lebanon.

Those are both serious foreign policy objectives. However, it is not clear to me that the Marine presence is an indispensable aspect of a strategy designed to achieve them.

The prospects for President Gemayel's expanding his authority and area of control are problematic at best. Recent hints that we might assist him in this effort by redeploying the marines were not enthusiastically received. That does not mean, however, that we and our allies in the MNF have abandoned support for the Gemayel government. That support will continue regardless of whether we have 1,600 marines stationed at the airport.

We can—and we will—continue to provide President Gemayel with important diplomatic support. We can—and we will—continue to provide military and economic assistance to Lebanon. We can—and we should—continue to keep elements of the 6th Fleet, including aircraft carriers and the *New Jersey*, off the coast of Lebanon as evidence of our determination not to see that country gobbled up by Syria or subverted by the Soviets.

My point, Mr. President, is that we can demonstrate our resolve to Syria and our support to President Gemayel without exposing 1,600 American marines to constant danger. To the extent that there is a legitimate peacekeeping function to be performed in the Beirut area, it can be performed by volunteers from other nations who are not perceived as being committed to one side or the other in the Lebanese tug of war.

The conventional wisdom is that President Reagan will soon find an honorable way to extract the marines from Beirut. In this instance, I hope the conventional wisdom is correct, because a withdrawal of the marines would not harm our national interests in the Middle East. It would, however, remove a contentious, emotional issue that divides America without paying any national security dividends. I, for one, do not believe it would be an indication of weakness to have the marines replaced by an international peacekeeping force. I think it would be a sign of reason and enlightenment that could actually enhance prospects for peace and stability in Lebanon.

Mr. President, I make these points and this appeal not in the spirit of partisanship, but in an honest effort to convince the administration that there is still time, there is still an opportunity, for all of us to work together and avert confrontation on the Marine presence.

My position on this issue is straightforward. I have not yet heard a convincing explanation of why we are in Beirut. If that case can be made, I am ready to listen. If it can not be made, let us move as quickly as possible to replace our marines with an international peacekeeping force. Such a move would not imply any change in policy, or diminished resolve. It would simply be a signal that we are not prepared to offer 1,600 U.S. marines as hostage to terror and anarchy in Beirut.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. BENTSEN. I yield.

Mr. STENNIS. Mr. President, I commend the Senator from Texas highly for a very fine presentation in a difficult field, a difficult subject where there is no quick answer of any kind.

The Senator from Texas was never given to idle talk. I think he has actually done good in his presentation here. I have been trying to dig into that subject myself, and I know enough about it to know it is an unanswerable matter almost. But he has hit upon a constructive idea here, and I support the idea of the international peace group.

I certainly do not favor us continuing our present role, and we must find an honorable way out.

Mr. BENTSEN. I thank the distinguished Senator from Mississippi.

As the distinguished Senator knows, I have supported this administration on some very contentious foreign policy issues. But in this one I just think they are dangerously wrong and that the longer we stay the more difficult it will be to extricate ourselves.

Mr. STENNIS. I salute the Senator.

VIOLATIONS IN THE ADMINISTRATION OF THE FmHA ECONOMIC EMERGENCY LOAN PROGRAM—SENATE RESOLUTION 333

Mr. BUMPERS. Mr. President, I am today submitting a resolution on behalf of myself, Senators EAGLETON, HEFLIN, STENNIS, BOREN, PRYOR, and HUDDLESTON.

The resolution deals with what I believe is the flagrant violation by the Department of Agriculture, specifically the Farmers Home Administration, of the law in the administration of the economic emergency loan program.

On October 5, in the U.S. District Court for the District of Columbia, Judge Thomas Flannery ruled that Secretary Block had acted in an arbitrary and capricious manner and abused his discretion by withholding these economic emergency loans in 1982.

Later, Judge Flannery ordered the Farmers Home Administration to open this program on December 22, 1983, and to leave it open until September 30, 1984, or until all the $600 million in loan funds that had been appropriated by Congress was obligated.

Mr. President, this program was established with the Agriculture Credit Act of 1978 and was reauthorized in 1981. It is a program that has been available to all farmers and ranchers, not just traditional Farmers Home borrowers who are in economic distress and cannot get sufficient credit from other sources and who need credit to remain viable.

The Secretary can designate the entire Nation as under economic distress or he can designate individual regions, and there is a $400,000 loan limit on any one loan to a farmer.

This program is composed of two types of loans that complement each other. One is insured, and this is a direct loan where the farmer goes to the Farmers Home Administration and FmHA loans the money directly. The other is the guaranteed loan program, where the farmer finds a banker or some other financial institution that will loan money and the Government will guarantee 90 percent of the loan.

The regulations state that borrowers should seek guaranteed loans first but if they cannot get one, then they are entitled to an insured loan if they qualify.

As a matter of practice, most all borrowers go directly to the Farmers Home Administration and try to get a direct loan.

On December 22, in response to Judge Flannery's order, the Farmers Home Administration opened the economic emergency program but no direction was given to the States on what kinds of loans to make and, of course, the Farmers Home Administration in my State—and I feel sure I am speaking for all agricultural States—when Arkansas reopened its program it began to take applications for and, as a matter of fact, commit itself to these direct loans. We have never had much of an insured loan program in our State. They have almost been guaranteed loans. Even at the height of the use of the economic emergency loans in 1980, following the worst drought in the history of my State and several other States, only five guaranteed loans were made in Arkansas.

From 1978, when the program was formed, until 1981, when it was reauthorized, the Farmers Home Administration nationally loaned 95 percent of $6.6 billion in direct insured loans and only $328 million or little under 5 percent in guaranteed loans.

But after we reopened the program in December 1983 and began taking applications and obligating funds, on January 20 the Arkansas office was notified that the Farmers Home Administration would no longer accept insured loans and, in fact, only those loans that had been committed, that is, the direct insured loans that had been processed and approved prior to January 13 were allowed to be funded.

OMB has directed that only $50 million of the $600 million appropriation could be used for these insured direct loans and the balance of $550 million is to be used in guaranteed loans.

Until our program in Arkansas was terminated we had obligated between $2 million and $3 million in insured loans, and so we had 157 farmers caught in the pipeline when the change was announced and countless others denied the opportunity to even apply. And $11 million which was allocated to Arkansas cannot be used.

So what the Farmers Home Administration has done is flagrantly to violate the intent of Congress, probably in violation of the court order, and effectively shut the program down in most parts of the country. Certainly they have shut it down in my State. They are changing all precedents of this program, going from favoring insured loans by a ratio of 19-to-1 to mandating guaranteed loans by a ratio of 11-to-1.

What a dramatic change and what a dramatic hardship on the farmers of this country who have suffered terrible economic catastrophes.

Mr. President, OMB has not even disguised its effort to torpedo this program which Congress has specifically authorized and appropriated the money for to keep alive, and OMB is thwarting the intent of Congress.

I am offering this resolution today asking Congress to go on record saying to Secretary Block and the Department of Agriculture and OMB, that you are violating what we intended for you to do, and the resolution states the sense of the Senate that FmHA should start making those direct loans immediately until the funds are exhausted or until September 30, 1984.

I hope that all of my colleagues will cosponsor this. I certainly hope that at least all those Senators from agricultural States who are similarly afflicted will join as cosponsors of this Senate resolution.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 333

Whereas Congress, with the passage of the Agricultural Credit Act in 1978 established the Economic Emergency (EE) loan program to be administered by the Farmers Home Administration for the purpose of providing temporary credit assistance to farmers and ranchers who would not be able otherwise to maintain a viable agricultural enterprise and who would be unable to obtain credit from normal sources because of national economic stress; and

Whereas, it was and is the intent of Congress that the Economic Emergency loan program should be implemented by FmHA in the fairest and most effective manner possible; and

Whereas, it was and is the intent of Congress that the Economic Emergency loan program be composed of complementary insured and guaranteed loan components, in which farmers and ranchers unable to arrange for guaranteed loans would be allowed under reasonable terms and procedures to seek an insured loan; and

Whereas, it was and is the intent of Congress that neither the guaranteed nor insured component be terminated, but that both should remain viable programs to meet farmers' and ranchers' needs; and

Whereas, for the years 1978 through 1981, the Farmers Home Administration made Economic Emergency loans totaling $6,628,618,000, of which 95.04 percent or $6,299,738,000 were insured loans and only 4.9 percent or $328,880,000 were guaranteed loans; and

Whereas, the U.S. District Court for the District of Columbia in the case of *Kjeldahl* v. *Block* ordered the Secretary of Agriculture to reopen the Economic Emergency loan program for the period December 22, 1983, through September 30, 1984, because of the failure of the Secretary to continue the program in 1982 when dire economic conditions warranted such a continuance; and

Whereas, the Farmers Home Administration reopened a $600,000,000 Economic Emergency loan program on December 22, 1983, with no directions to states about how the money should be obligated, and

Whereas, on January 13, 1984, at the insistence of the Office of Management and Budget, the Farmers Home Administration capped and thereby effectively terminated the insured loan component of the Economic Emergency loan program, thereby effectively shutting down the whole program and causing untold delay and misery for thousands of farmers and ranchers who had applied for loans; be it therefore

Resolved, it is the sense of the Senate that:

(1) The insured loan component of the Economic Emergency loan program is of critical importance to farmers and ranchers, and should remain viable;

(2) The severe limitation and effective termination of the insured loan component of the Economic Emergency loan program violated the intent of Congress in the establishment of this program;

(3) The Farmers Home Administration should immediately begin the obligation of insured Economic Emergency loan funds in a fair and effective manner consistent with Congressional intent, and should continue to obligate such funds until the funds are exhausted or until September 30, 1984.

THE ECONOMIC EMERGENCY LOAN PROGRAM

Mr. PRYOR. Mr. President, I am pleased to cosponsor the sense of the Senate resolution being introduced today by my distinguished colleague from Arkansas, Mr. BUMPERS, in regard to the economic emergency loan program.

This program was established in 1978, Mr. President, and for several years, during times of economic difficulty, it served the farmers of this country well. Farmers could use this program to finance their operations when economic conditions were bleak, and it gave many of them a chance to stay in business. As we all know, the farmers of this country have seen their incomes continue to drop to the point where many of them have either quit voluntarily, or are seriously contemplating it. It is indeed unfortunate, Mr. President, that a program established by Congress, specifically to help farmers in a difficult economic period has been effectively shut down by the administration.

As most Members of the Senate will recall, although we appropriated $600 million for this program, the administration refused to start the program and allow farmers to file applications for benefits under the EE program. Because of that, some farmers filed a suit in the District of Columbia, and a court order was subsequently entered which directed the Farmers Home Administration to use the program. Therefore, in December of last year, the Secretary announced that FmHA offices would begin taking applications. This was very good news to many of us, and I spoke with many farmers during the recess who were in the process of filling out applications for these loans.

On January 13, 1984, however, the program was changed, and no new applications were being taken, and also,

only $50 million of the $600 million would be used for insured loans. This meant that the remaining $550 million would be used for loan guarantees.

Mr. President, this has created serious problems in many parts of the country. Farmers who filed their applications and got under the January 13, 1984, deadline had a chance for loan approval. However, even some of them have been turned down. Others, who had already filled out applications under the assumption that they would be eligible, are now being told that even if they are approved for an EE loan, it will be a guaranteed loan, which will probably mean they will receive no assistance under the program.

It is my understanding, Mr. President, that a House Agriculture Subcommittee held a hearing on the program yesterday, and tht FmHA officials declined to reverse the decisions that have been made. I sincerely hope they will reconsider this position, and I hope the Senate will approve this resolution stating our intent that the program be conducted in a fair, effective manner. The failure to do so, Mr. President, would represent a breach of faith with the farmers of this country. I urge my colleagues to carefully consider this resolution and I urge its adoption by the full Senate.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is no order for morning business yet, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I ask unanimous consent that there now be a period for the transaction of routine morning business in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL EYE CARE PROJECT

Mr. HATCH. Mr. President, it is important that Congress be aware and supportive of private sector efforts to prevent and treat disease. Few such efforts have been as ambitious as the American Academy of Ophthalmology's national eye care project. Last spring, in announcing the kickoff of the pilot phase of this soon to be nationwide program, President Reagan hailed it as "fine example of what can be accomplished when Americans volunteer to help one another." As chairman of the Senate Labor and Human Resources Committee, I would like to add my praise.

The national eye care project is an effort by the American Academy of Ophthalmology, representing 13,000 physicians across the country, to alert our Nation's most vulnerable citizens, the elderly, to the need for regular medical eye care and to direct them to a nearby ophthalmologist who will provide them with whatever medical or surgical eye care is needed—regardless of ability to pay. The project is especially important in light of the fact that 55 percent of the new cases of blindness each year occur in those over 65 years of age, and yet fully 50 percent of persons are losing their eyesight unnecessarily. The cost to our Nation in dollars and in lost human potential is enormous.

In the spring of 1983, the American Academy of Ophthalmology launched a 10-week trial program in three States: Michigan, Washington, and West Virginia. Public service announcements appeared on television and in the newspapers advising the elderly to call a special toll-free helpline if they had no regular source of eye care. More than 2,400 elderly individuals responded to this campaign, and nearly 1,800 were referred to an ophthalmologist in their area. Of the elderly patients examined, 59.3 percent were found to need surgery or follow-up care for cataracts; nearly 7 percent had glaucoma; over 18 percent had macular degeneration; and 3.2 percent had diabetic care disease. Chances are that without the impetus provided by the national eye care project, these elderly patients would not have had their eye diseases detected and might have lost their ability to see clearly and remain independent.

In each State a majority of the practicing ophthalmologists volunteered to see patients referred to them by the national eye care project helpline. The physician's enthusiasm for the pilot program and its success in reaching and improving access to medical care for the elderly convinced the American Academy that its program was needed by a substantial number of elderly persons across the country. Therefore, the academy made a commitment to take its program nationwide, contributing a half million dollars of its own funds. Next fall, the academy will begin a phased in coast-to-coast national eye care project.

As one who has long believed that the private sector has the potential, commitment, and compassion to aid our Nation's senior citizens, I am extremely proud of the American Academy of Ophthalmology's effort to help combat debilitating eye disease in the elderly. Preservation of sight and the potential eradication of treatable eye disease will help our Nation's elderly remain as functional, productive members of our society.

LITHUANIAN INDEPENDENCE DAY NEARS

Mr. PERCY. Mr. President, 60 years ago this month, the independence of the Republic of Lithuania was proclaimed. Eighteen days from today, on February 21, I will lead the Senate's annual commemoration of Lithuanian Independence Day, and I invite my colleagues to join in making their own statements at that time.

As I have done each year for more than a decade, I will welcome my friends from the Lithuanian community to join this commemoration by coming to Washington to observe the commemoration on the floor of the Senate. Americans of Lithuanian descent have been instrumental in keeping the plight of their friends and relatives in the homeland very much in our national awareness. And despite the restrictions placed on their freedom by the Soviet regime, Lithuanians in the homeland continue to affirm their national identity and their pride in their traditions.

I will have more to say on this matter during the morning hour on February 21.

A MINDLESS CAMPAIGN AGAINST THE SEA GRANT COLLEGE PROGRAM

Mr. PELL. Mr. President, the administration has made known, with the release of its budget proposal, that it is continuing its mindless, heedless campaign to destroy the national sea grant college program.

For the third consecutive year the administration has proposed termination of the program, requesting zero funding for it. I must say I find the administration's proposal amazing and exasperating. The proposal to eliminate this program is wrong, it is contrary to the repeated policy directions of the Congress, and it is contrary to the national interest.

The national sea grant college program has a proven record of outstanding accomplishment. The program has strong and broad support from the scientific and academic community, from the business community including fishermen and marine resource industries, from State governments and from educators. The sea grant program also has had strong bipartisan support in both the Senate and the House of Representatives.

The sea grant program even has a ringing endorsement from the Heritage Foundation, the conservative think-tank that this week proposed slashing Federal Government spending by $119 billion in the coming fiscal

year. The Heritage Foundation, in its comprehensive policy recommendations at the outset of this administration said the sea grant program has "an impressive record of success," and recommended that its budget be increased by 10 percent per year for 5 years.

As far as I can determine, the program also is supported by the Commerce Department and its National Oceanic and Atmospheric Administration in internal administration budget requests.

Who then wants to destroy this modest, well-managed, and effective program? No one, it appears, except for nameless gnomes in the President's Office of Management and Budget. There are, I am convinced, people in this administration who are so profoundly opposed to government activity in any area that they cannot tolerate the sight of a government program, like sea grant, that really works and works well.

The national sea grant college program has an appropriation of $36.5 million for the current fiscal year. That money is being invested, on a matching partnership basis with universities, colleges, and other nonprofit institutions, in programs of applied research, education, and extension services to improve our Nation's use of ocean resources. Repeated studies have shown that the program produces measureable dollar benefits many times the cost of the public investment.

For comparison, consider the fact that the administration is proposing to spend more than $1 billion in the 1985 fiscal year on dryland agricultural research and services. And, yet, it is battling to scrap a modest $36 million program of research and extension services for fisheries and marine resources.

It is simply incomprehensible.

Mr. President, I may not succeed, but I intend to do all I can, once again, to continue the national sea grant college program and its contributions to our economic, scientific, and educational advancement. I hope that my colleagues in the Senate, who have given the program strong bipartisan support in the past will continue to do so.

I urge the administration to pause and give renewed, open and objective consideration to adequate funding for the national sea grant college program.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:17 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the following bill and joint resolution, each with an amendment, in which it requests the concurrence of the Senate:

H.R. 3391. An act to improve worker training under the Trade Act of 1974, and for other purposes; and

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympia to be held in the United States in 1984.

The message also announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints as members of the Board of visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. FOLEY, Mr. DICKS, Mr. KRAMER, and Mr. LEWIS of California.

The message further announced, that pursuant to the provisions of section 6968(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members, on the part of the House: Mr. LONG of Maryland, Mr. MURTHA, Mrs. HOLT, and Mr. SPENCE.

The message also announced, that pursuant to the provisions of section 2 of Public Law 96-453, as amended, the Speaker appoints Ms. FERRARO and Mr. CARNEY, on the part of the House, as members of the Board of Visitors to the U.S. Merchant Marine Academy.

The message further announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. DIXON, Mr. HEFNER, Mr. ROTH, and Mr. FISH.

The message further announced that pursuant to the provisions of section 194(a) of title 14 of the United States Code, the Speaker appoints Mr. GEJDENSON and Mr. MCKINNEY, on the part of the House, as members of the Board of Visitors to the U.S. Coast Guard Academy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2469. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Australia; to the Committee on Armed Services.

EC-2470. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Italy; to the Committee on Armed Services.

EC-2471. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Egypt; to the Committee on Armed Services.

EC-2472. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Saudi Arabia; to the Committee on Armed Services.

EC-2473. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "WIC Evaluations Provide Some Favorable But No Conclusive Evidence on the Effects Expected for the Special Supplemental Program for Women, Infants, and Children"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2474. A communication from the Secretary of Energy transmitting, pursuant to law, the Department's annual report on its program for developing improvements in the safety of nuclear powerplants; jointly, pursuant to law, to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-2475. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the use of lifecycle cost factors in rolling stock procurements for mass transit programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-2476. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report of DOE relative to electric and hybrid vehicle research; to the Committee on Commerce, Science, and Transportation.

EC-2477. A communication from the Secretary of Commerce transmitting, pursuant to law, the 12th annual report of the National Advisory Committee on Oceans and Atmosphere; to the Committee on Commerce, Science, and Transportation.

EC-2478. A communication from the Chairman of the Board of the U.S. Synthetic Fuels Corp., transmitting, pursuant to law, the 1983 Annual Report of the Corporation; to the Committee on Energy and Natural Resources.

EC-2479. A communication from the Chairman of the International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1985; to the Committee on Finance.

EC-2480. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Treasury combined statement of the receipts, expenditures, and balances of the U.S. Government for the fiscal year ended September 30, 1983; to the Committee on Finance.

EC-2481. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the status of contracts, guarantees, and insurances for defense articles; to the Committee on Foreign Relations.

EC-2482. A communication from the Assistant Legal Advisor for Treaty Affairs, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States for the 60-day period prior to January 26, 1984; to the Committee on Foreign Relations.

EC-2483. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on surplus real property transferred in fiscal year 1983 for public health purposes; to the Committee on Government Affairs.

EC-2484. A communication from the Secretary of the Mississippi River Commission, Department of the Army, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2485. A communication from Judge Brister, of the northern district of Texas, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2486. A communication from Judge Wilhardt, of the District of Oregon, transmitting, pursuant to law, acceptance of her appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2487. A communication from the Secretary of Education, transmitting, pursuant to law, the sixtieth annual report on the implementation of the Education for All Handicapped Children Act; to the Committee on Labor and Human Resources.

EC-2488. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 958. A bill to amend chapter 54 of title 5, United States Code, to reform the merit pay system (Rept. No. 98-351).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself and Mr. ZORINSKY):

S. 2254. A bill to promote the use of food irradiation as a postharvest treatment for agricultural commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TRIBLE:

S. 2255. A bill to provide for payments in lieu of taxes to be made by the United States to local governments for property exempt from property taxation under Federal law which is located within the jurisdiction of the local government and owned by the United States; to the Committee on Energy and Natural Resources.

By Mr. HUDDLESTON (for himself and Mr. BOREN):

S. 2256. A bill to exempt restaurant central kitchens from Federal inspection requirements; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUMPERS (for himself, Mr. EAGLETON, Mr. HEFLIN, Mr. STENNIS, Mr. BOREN, Mr. PRYOR, and Mr. HUDDLESTON):

S. Res. 333. Resolution to reinstate the Farmers Home Administration economic emergency loan program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 334. Resolution authorizing testimony and representation of Galen Reser in the case of Minnesota Mining and Manufacturing Company against George P. Schultz, et al., Civil Action No. 83-3819; considered and agreed to.

By Mr. MOYNIHAN:

S. Res. 335. Resolution calling on the Office of Management and Budget to withdraw its proposed revisions to Circular A-122; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOREN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. COCHRAN, Mr. EVANS, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HEFLIN, Mr. LUGAR, Mr. MATTINGLY, Mr. MELCHER, Mr. NUNN, Mr. RANDOLPH, Mr. STAFFORD, Mr. STENNIS, and Mr. TOWER):

S. Res. 336. Resolution to proclaim "Circle K International Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself and Mr. ZORINSKY):

S. 2254. A bill to promote the use of food irradiation as a postharvest treatment for agricultural commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD IRRADIATION AS A POSTHARVEST TREATMENT

Mr. GORTON. Mr. President, today, along with Senator ZORINSKY, I am introducing legislation to promote the use of food irradiation as a postharvest treatment for agricultural commodities. This bill is identical to H.R. 4454, introduced in the House of Representatives by Congressman MORRISON and 20 cosponsors on November 18.

Currently, irradiation is defined by a statute as a food additive. In addition to being illogical, this definition means that irradiated food is considered adulterated unless the irradiation process conforms to complex and burdensome Federal regulations. This legislation would exempt sources of radiation from the definition of food additive, and instead subject food irradiation to the same regulations which are applied to pesticide chemicals used on raw agricultural commodities.

Irradiation represents an exciting innovation in food processing. It was developed 30 years ago by the Army Research Laboratory in Natick, Mass. Irradiation has now been approved for various foods by approximately 28 countries. Japan, India, and the Netherlands make extensive use of the process. Canada recently decided to treat irradiation as a food process rather than a food additive, which is the approach taken by this bill.

Food irradiation means exposing fruits, vegetables, meats, and other foodstuffs to low doses of gamma-, beta-, and X-rays. The dosages are so small that they leave no residue in the food. Irradiation delays spoilage of fruits and vegetables, disinfects cereals, fruits, and vegetables of all insects, insect eggs, and fungi, tenderizes meat, and inhibits the natural sprouting of potatoes and onions. It can kill the trichina larvae in pork and can replace the use of ethyl dibromide (EDB) as a post-harvest treatment.

The Food and Drug Administration is considering issuing a regulation permitting irradiation of any food at doses not to exceed 100 kilorads. Two international organizations, the Joint FAO/IAEA/WHO Expert Committee and the Codex Alimentarius Commission, have recommended the use of irradiation on food up to doses 10 times higher than FDA is considering. I believe it is time to ease the heavy restrictions on food irradiation, especially if the use of EDB is prohibited.

I hope this legislation will encourage greater public awareness and discussion of this promising technology. The application of irradiation and this legislation on processed foods is one of many areas that should be addressed.

I ask unanimous consent that an article on food irradiation from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 22, 1984]

TREATING FOOD WITH IRRADIATION: FDA CAUTIOUS ABOUT APPROVAL OF PROCESS

(By Patricia Picone Mitchell)

You reach for a product on your supermarket shelf and see the words "treated with ionizing radiation" printed prominently on the label. Will you put it back? Consumers may encounter such products some-

time in the next two years, once the Food and Drug Administration completes consideration of a regulation to allow foods to be disinfected, pasteurized and preserved with low doses of gamma-, beta- and X-rays.

Food irradiation, as the process is called, has been feasible for more than 30 years, but it is only now that FDA has considered permitting its use in the United States on a widescale basis. In contrast, countries such as the Netherlands have already approved irradiation for many foods among them shrimp, chicken, frog legs and bread. About 50 irradiation-processed foods have been approved by health authorities in approximately 28 countries, including Japan, where 15,000 tons of potatoes are irradiated each year to inhibit sprouting. Excluding Japan's potatoes, it is estimated that total world output of irradiated foods is 2,000 tons per year.

In fact, some Americans have been eating irradiated food on a regular basis. The astronauts have dined in space on irradiated corned beef, smoked turkey and steak. Irradiated foods have also been used for hospital patients who need the sterilized products because of immune deficiencies. The U.S. military has been interested in purchasing such sterilized foods, which it is claimed can be safely eaten years after they are processed, if properly packaged.

The FDA has been reluctant to give widespread approval for irradiation, although it has recently approved its use for spices and permits very low doses for sprout inhibition of potatoes and as a disinfectant for wheat and wheat flour. "It's a hard thing—how do you determine the safety of any process?" asks Clyde Takeguchi of FDA's Division of Food and Color Additives in the Bureau of Foods. The big question that stumped FDA staffers for years, he says, was how to conduct safety studies of food irradiation—especially in an environment where the regulatory science was rapidly changing.

Consumer groups have kept relatively silent on the food irradiation issue, aware that the process could offer significant benefits by replacing the use of dangerous chemicals, but also concerned about still lingering safety questions. Thomas Smith of the Washington-based Public Voice for Food and Health Policy says his group has taken no formal position about the safety of the technology, but adds that he is "glad" that FDA has moved cautiously in permitting expansion of irradiation. "There are still questions that remain about the technology," says Smith, echoing the view of other consumer activists.

Concerns of a different nature have been voiced by other groups, however. The Environmental Policy Institute fears that widespread commercialization of food irradiation will lead to the transport of highly radioactive materials to food irradiation facilities located in America's neighborhoods.

Robert Alvarez, spokesman for EPI, says the federal program in which states agree with the Nuclear Regulatory Commission to regulate such facilities is in "a shambles." Calling irradiation "a high technology that's fairly dangerous," Alvarez says "the jury is still out in terms of its utility." He says his group will seek a legislative remedy to block FDA's approval of the process until a more effective system for regulating irradiation facilities is in place.

The technology could be a boon for both consumers and the food industry, as long as consumers are not scared off by the fear that the foods they are eating will glow in the dark, or worse. Actually, according to researchers and proponents of the process, irradiated foods are treated with beams of radiation that are too small to allow any residual radioactivity to remain in the products. What do get "zapped" are insects, bacteria, molds, fungus and other microorganisms that each year spoil one quarter of the world's food supply. At varying dose levels, irradition has the potential to:

Clean up spices and garlic and onion powder, replacing chemical treatments currently used, such as ethylene oxide, the safety of which has been questioned. (Spices are often contaminated with dirt and insects and conventional heat disinfecting destroys their flavors.) This irradiation use was approved by FDA last summer and is being practiced commercially by Radiation Technology Inc. of Rockaway, N.J.

Control insect infestation in cereals, flours, fresh and dried fruit. Irradiation could replace the use of the chemical fumigant ethylene dibromide or EDB, which the Environmental Protection Agency is considering banning because of tests showing its carcinogenicity.

Control pathogenic bacteria that cause public health problems. Irradiation could kill off the parasites that cause trichinosis, making possible the serving of rarer pork and opening up export markets to countries that don't accept U.S. pork because of the trichinosis problem. Irradiated poultry would be free of salmonella, a pathogen thought to contaminate at least one-third of all the fresh poultry sold in the U.S. and estimated to cause up to one million cases of gastroenteritis each year according to a 1983 Commerce Department report.

Extend the refrigerated shelf life, through its pasteurizing effect, of products that spoil quickly (ground beef, fresh fish and seafood, and such produce as blueberries and strawberries) from several days to several weeks.

Reduce or replace the use of sodium nitrite and nitrate in cured meat products, since meats irradiated at high enough doses would be sterilized and protected from *clostridium botulinum*, one of the major reasons nitrite is used.

The major underlying safety concern of irradiated food centers on the fact that chemical substances, called radiolytic products, are formed in irradiated foods at very low levels. Such reaction products are also a byproduct of other cooking and preserving methods, but researchers are seeking to find out whether the radiolytic products in irradiated foods are unique and/or harmful. Eugen Wierbicki, of the U.S. Department of Agriculture's Eastern Regional Research Center in Philadelphia, who has researched irradiation for over 20 years, says radiolytic products occur very regularly and can be predicted by computer analysis, based on dose and temperature of the product during irradiation. He points out that canned foods contain three times as many reaction products as irradiated products. "They are not unique because they are present in other foods and are all natural compounds," he says.

However, according to FDA's Takeguchi, radiolytic products occur in such small quantities they are often difficult to detect. And it's also difficult to determine if they are unique since a multitude of reaction products that occur in conventionally processed foods have never been identified.

Another controversial issue facing FDA is labeling. Under current FDA regulations, irradiated foods must be labeled with the words "treated with ionizing radiation." (Products not irradiated but which contain irradiated ingredients—like spices—require no special labeling.) Martin Welt, president of Radiation Technology, says such labeling "can only mislead people," and notes that currently there is no requirement for labeling of foods treated with chemical fumigants, even though residues of such chemicals often remain in the food. Several other countries, including Holland, Belgium and South Africa, require labeling along with a small graphic symbol, on directly irradiated foods.

FDA in its upcoming proposal will have to decide whether to continue the current requirement for labeling and if so, in what form. A recent report by the Congressional Research Service noted that alternate names have been suggested for the technology such as "cosmic processing," "picowave processing," or "processed with ionizing energy," which some believe may avoid the public's association of irradiation with "radioactive."

"There's nothing really magic about irradition—it's just another form of energy," says Philip E. Lewis of the U.S. Department of Commerce's Bureau of Industrial Economics, who recently authored a report on the subject. Once the energy source is removed from the food, the food itself emits no energy. Microwaves are another form of radiation, but with a different effect—exciting the molecules and heating up the food. Gamma rays, on the other hand, disrupt the chemical bonds of living things, killing off microorganisms and insects but causing only a slight temperature rise in the food. Therein lies the advantage of food irradiation over conventional food preservation methods such as canning. Without the need for heat, there are fewer flavor and odor changes and nutrient losses, and the foods more closely resemble their raw state.

The source of the gamma rays, most common of the rays used in food irradiation facilities, is cobalt-60, a byproduct of the nuclear industry. In a food irradiation facility, the food is placed on a conveyor belt and passed through a shielded chamber, where it is exposed to the rays emitted by the radioactive metal.

FDA's forthcoming regulation will permit a relatively low radiation dose of 100 kilorads, which is one-tenth that allowed by a host of foreign countries. Canada, for example, strongly motivated by a desire to control salmonella in poultry, has just proposed permitting foods to be irradiated with up to one megarad (1,000 kilorads), the dose advocated by several international organizations, including the Codex Alimentarius Commission, a United Nations food standards setting group operating under the auspices of the World Health Organization and the Food and Agriculture Organization.

For approval of foods irradiated at doses larger than 100 kilorads, the FDA proposal would require studies in which the food is tested on animals.

One reason FDA staffers have been so cautious in conferring their blessing on the process is that the potential for use of irradiation is so great. "The agency is going to be more cautious in approving a process that could eventually be used for a substantial part of the nation's diet than it would be in approving a new food additive that may represent only a minor fraction," says Lewis in his report. Lewis also points out that once large-scale irradation facilities become available, "there would be tremendous pressure to continue their use even if their safety later came into debate."

FDA has in part been stymied by a 1958 amendment to the Food, Drug and Cosmetic Act that says food irradiation must be regulated not as a process like canning or fumigation but as a food additive, requiring premarket approval with stringent safety testing.

Rep. Sid Morrison (R-Wash.), an apple farmer from the Yakima Valley, recently introduced legislation to reverse irradiation's legal status proposing to define it as a postharvest treatment. Currently Washington apples and cherries must be fumigated with suspect chemicals to rid them of coddling moths before they can be exported. An aide to Morrison says the bill has been gaining support among other sectors of the farm industry, including papaya and mango growers in Hawaii, whose produce could travel longer distances if irradiated first.

Even if FDA were to permit irradiation unconditionally, Lewis believes the process "won't take off tremendously." For one thing, he says, food companies already enjoy the advantages of an efficient food production and distribution system and may not see a tremendous opportunity for creating new products with high profit-making potential.

The food industry is also concerned with how consumers will accept the process. Lewis notes in his report, however, that a recent Canadian study suggests that when properly informed, "the public may accept irradiated food more readily than food companies believe." He says Japanese consumers, "naturally sensitive to the issue of radiation," have accepted irradiated potatoes.

While irradiation has been touted by proponents as a cost- and energy-saving preservation process, this may not always be the case. There are the logistical problems and costs of transporting foods to a central irradiation facility. Irradiation, according to Lewis, is currently more expensive for sprout inhibition of potatoes than chemical treatment. It has other drawbacks as well: Some fresh fruits can be successfully irradiated, while others tend to soften and undergo flavor and color changes. Milk products undergo changes in taste when irradiated. Wierbicki believes, however, that further research will overcome these problems.

The potential for widespread use of high-dose irradiation may also be limited. USDA is currently completing a wholesomeness evaluation of high-dose sterilized precooked poultry, and is expected to submit a petition to FDA for approval within a year. Because high-dose radiation requires the food to be precooked and then frozen before it is irradiated, energy savings over freezing or canning may be minimal. Such products may have considerable export potential, however, especially to countries with hot climates and poor refrigeration.

Whatever the benefits or drawbacks of the process, the extent to which food irradiation takes off will ultimately depend on FDA. And while the FDA proposal would expand the uses of this technology, it would not permit doses high enough to take advantage of all the possibilities. The day when consumers routinely store their pouches of chicken in the pantry is years or even decades away.

By Mr. TRIBLE:

S. 2255. A bill to provide for payments in lieu of taxes to be made by the United States to local governments for property exempt from property taxation under Federal law which is loacted within the jurisdiction of the local government and owned by the United States; to the Committee on Energy and Natural Resources.

PAYMENT IN LIEU OF TAX ACT OF 1984

Mr. TRIBLE. Mr. President, each year, localities are deprived of billions of dollars of property tax revenue because of the presence within their borders of untaxed Federal property. In fact, the Federal Government claims a tax exemption for nearly all of its $280 billion in real property holdings.

As a result, some localities suffer a disproportionate erosion in their property tax bases and revenue due to the very large size and uneven distribution of untaxed Federal property.

The Congress has long recognized the seriousness of the problem and has accepted in principle the need for appropriate compensation to localities. In a few cases, the Congress has actually agreed to subject Federal property to local taxation. It has also created a host of programs to compensate localities for their lost property tax revenues through a variety of revenue and receipts sharing arrangements, grants, and special programs of payments in lieu of tax. In fact, a 1978 study by the Advisory Commission on Intergovernmental Relations (ACIR) found there were at least 57 different Federal programs, providing 64 different compensation payments.

Extensive as they are, these schemes have no guiding principle, and the ACIR found that "the result has been * * * a patchwork of uncoordinated and ad hoc special payment programs."

Lacking any guiding principle, Federal compensation is provided unevenly and unfairly. For example, open space Federal properties—such as grazing, forest and park lands—are compensated for under existing programs. But the ACIR was able to identify a huge class of Federal tax exempt properties—so called non-open-space Federal properties—for which little or no compensation was provided. In fact, ACIR estimates that $210 billion of Federal non-open-space properties are locally tax exempt, depriving affected localities of $3.7 billion in annual revenue, and that the losses are largely uncompensated by other Federal programs.

Clearly, this inequity needs to be addressed.

There is another unfair aspect of the current system which also needs attention. When the Federal Government leases taxable property, the rental payments include compensation to the owner for the local property taxes the owner pays. In leasing real property, the Federal Government indirectly pays local property taxes. Yet if the Government owns the property, and conducts the same activity on it, it pays no property taxes by virtue of its tax immunity.

The net result is a situation in which the Federal Government's local taxes depend capriciously on whether the Government chooses to lease or own property.

Today, I am introducing legislation to lessen the inequities and anomalies in the current system.

My "Payment in Lieu of Tax Act of 1984" closely follows the recommendations of the Advisory Commission on Inter-Governmental Relations in its comprehensive 1981 report titled "Payments in Lieu of Taxes on Federal Real Property."

My bill creates a system of modest payments in lieu of tax which would partially compensate localities for their loss of revenues. Payments would begin in fiscal year 1985 and would include non-open-space Federal properties. Specifically, localities would receive a payment equal to 10 percent of the property tax revenues they would collect on such non-open-space properties if the properties were not tax-exempt. Such a system of payments in lieu of tax—PILOT's—would cost approximately $370 million per year.

The basic principle of PILOT's is simple: When the Federal Government acquires real property it also acquires the same taxpaying responsibility as any other property owner. All property owners should pay property taxes. My bill moves us toward that principle.

Because tax exemption for Federal properties is poor policy, it should be eliminated. Therefore, my bill also asks the General Accounting Office to study the feasibility, desirability, and constitutionality of congressional consent to full local property taxation of Federal properties. In the meantime, partial PILOT's can lessen the unfairness inherent in the current situation.

Non-open-space PILOT's will strengthen fiscal federalism by providing localities with funds that they can use for better schools, improved police and fire protection, food and shelter for the hungry and homeless, or for other purposes. This program will offset in part the real reduction in Federal aid to localities which has taken place in recent years, or could provide an opportunity for overdue local property tax relief. It would complement, not threaten, existing compensatory payment schemes.

Mr. President, I believe that my bill is fair. It builds upon principles of compensation which Congress already recognizes, but applies unevenly. It would lessen the arbitrary tax consequences of Government "lease" versus "buy" decisions as those decisions affect the Government's tax bill. And it insists that Government "pay its due" like any other property owner. If we are going to insist that taxpayer bear their "fair share" of the tax

burden, we can ask no less of the Federal Government.

For all these reasons, I urge my colleagues to work with me to secure swift passage of the Payments in Lieu of Tax Act of 1984.

By Mr. HUDDLESTON (for himself and Mr. BOREN):

S. 2256. A bill to exempt restaurant central kitchens from Federal inspection requirements; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL INSPECTION OF CENTRAL KITCHEN FACILITIES

● Mr. HUDDLESTON. Mr. President, today I am introducing legislation that would provide an exemption from Federal inspection requirements for restaurant central kitchens that prepare meat and poultry products for sale to individual consumers at restaurants owned or operated by those owning the restaurant central kitchen. I believe that the requirement for Federal inspection of these restaurant cental kitchens is onerous and unnecessary.

Restaurants per se are exempt from Federal inspection under the Federal Meat Inspection Act and the Poultry Products Inspection Act. Under the bill I am introducing, operations conducted at a restaurant central kitchen facility would be considered as being conducted at a restaurant if the restaurant central kitchen prepares food products that are ready to eat when they leave such facility and served only to customers at restaurants owned or operated by the person owning or operating such facility.

In March 1983, the Food Safety and Inspection Service of the Department of Agriculture released a study stating that its current policy on restaurant central kitchens that supply prepared food to their own restaurants is probably burdensome because it first, requires them to have Federal inspection when they are already under some degree of regulatory scrutiny by State, city, or county health authorities; second, requires them to have prior agency approval of labels and formulas, which prevents them from taking advantage of the price differences for seasonal ingredients; and third, may prevent some central kitchens from expanding their operations, which could result in decreasing competition. In addition, the Department has estimated that spending under current policy requirements for inspection amounts to about $397,000 annually.

Mr. President, it had been my hope that this matter could have been resolved administratively. However, it was the opinion of the Office of General Counsel of the U.S. Department of Agriculture that an exemption for restaurant central kitchens could be accomplished only through legislation.

My legislation will eliminate an unnecessary burden placed on small businessmen. I urge my colleagues to join me in sponsoring my bill.

I ask unanimous consent that the text of the bill, correspondence with the Department of Agriculture on this matter, and the legal opinion of the Office of General Counsel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(c)(2) of the Federal Meat Inspection Act 21 U.S.C. 661(c)(2)) is amended by adding the following sentence at the end thereof: "For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares food products that are ready to eat when they leave such facility and served only to customers at restaurants owned or operated by the person, firm, or corporation owning or operating such facility.".

SEC. 2. Section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) is amended by adding the following sentence at the end thereof: "For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares food products that are ready to eat when they leave such facility and served only to customers at restaurants owned or operated by the person owning or operating such facility.".

SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C., May 10, 1983.

Hon. JOHN R. BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: We urge you to issue regulations that would provide an exemption from Federal inspection for central kitchens distributing meat and poultry products to their own restaurants. In our opinion, the requirement for Federal inspection of these central kitchens is onerous and unnecessary.

The March 1983 Food Safety and Inspection Service study indicates that the current policy on those central kitchens that supply food products to their own restaurants may be burdensome because it—(1) requires them to have Federal inspection when they are already under some degree of regulatory scrutiny by State, city, or county health authorities; (2) requires them to have prior agency approval of labels and formulas, which prevents them from taking advantage of the price differences for seasonal ingredients; and (3) may prevent some central kitchens from expanding their operations, which could result in decreasing competition. In addition, the Department has estimated that spending under current policy requirements for inspection amounts to about $397,000 annually.

Although legislation has been introduced in the past to alleviate this burden, we believe that such an exemption could be accomplished administratively. In addition, we understand from testimony by officials of the Department and from the March 1983 FSIS study that the Department believes that this could be done by regulation.

We, therefore, urge you to issue the regulations providing the exemption as soon as practicable.

Sincerely,

JESSE HELMS.
WALTER D. HUDDLESTON.
DAVID L. BOREN.

SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C., May 24, 1983.

Hon. A. JAMES BARNES,
General Counsel, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. BARNES: On May 10, 1983, I wrote Secretary Block urging him to provide an exemption from Federal inspection for central kitchens distributing meat and poultry products to their own restaurants. The Food Safety and Inspection Service's March 1983 study states that such an exemption could be accomplished administratively.

Although I have not received a formal reply to my May 10 letter, I understand that the Office of the Central Counsel did not review the FSIS March 1983 study for legal sufficiency. I, therefore, would appreciate having your legal opinion on this matter as soon as possible.

Sincerely,

WALTER D. HUDDLESTON.

Enclosure.

U.S., DEPARTMENT OF AGRICULTURE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C. May 31, 1983.

Hon. WALTER D. HUDDLESTON,
Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR SENATOR HUDDLESTON: This is in response to your letter dated May 24, 1983, requesting a legal opinion from our office on the applicability of the routine inspection requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) to the preparation of meat or poultry products at central kitchen facilities by restaurant chains for distributions to their restaurants.

In your letter to Secretary Block of May 10, 1983, you urged that he issue regulations that would provide an exemption from the routine Federal inspection requirements for central kitchens distributing meat and poultry products to their own restaurants. In our view, such an exemption can be accomplished only through statutory amendments. In this regard, we do not agree with the drafters of the Food Safety and Inspection Service's March 1983 study.

On May 23, 1983, we submitted a legal memorandum to Donald L. Houston, the Administrator of the Food Safety and Inspection Service, setting forth our rationale in support of our legal position. We are enclosing a copy of this memorandum for your information. Please contact us if you have any questions on this opinion.

Sincerely,

JOHN E. NOAKES,
Acting General Counsel.

Enclosure.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., May 23, 1983.

To: Donald L. Houston, Administrator, FSIS.

From: Ronald D. Cipolla, Assistant General Counsel, Regulatory Division.

Subject: Central Kitchens:

This has reference to your request for an opinion concerning the applicability of routine inspection requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) to the preparation of meat or poultry products at central kitchen facilities by restaurant chains for distributions to their restaurants.

In March of this year, your agency published an analysis of the exemption provisions of the Federal Meat and Poultry Inspection laws. The final chapter of that study (pages 36-40) deals with the issue of inspection of central kitchens. The drafters of the study conclude that an exemption from inspection for central kitchens which prepare meat and poultry products for sale to individual consumers at restaurants owned or operated by those owning the central kitchen could be accomplished by modifications to the regulations under the Federal Meat and Poultry Products Inspection Acts.

As you know, our office did not review the exemption study prior to its publication. As Mr. Reuben and I advised you at a recent meeting, we support most of the findings contained in the study, but we do not concur in the conclusion that an exemption from inspection for central kitchens can be accomplished merely by changes in the current regulations. To the contrary, we believe that the recommended exemptions relating to central kitchens can be accomplished, in general, only through statutory amendments.

The necessity for statutory amendments to exempt central kitchens from the routine inspection requirements is a position consistently advanced by this office for many years. More importantly, this position has been communicated to members of Congress and their staffs, orally and in writing, by attorneys in this office and representatives of your agency. Additionally, attorneys in this office and representatives of your agency participated last year in a task force involved in the drafting of proposed legislation which, among other things, would have exempted certain central kitchen operations from the routine inspection requirements. Similarly, our office and your agency jointly drafted proposed amendments to the 1981 Farm Bill which would have authorized certain exemptions for central kitchens.

Our position that exemption from routine inspection for central kitchen facilities can be accomplished, in general, only through legislative changes is well-supported by a review of the current statutory provisions and applicable regulations.

The Federal Meat Inspection Act provides that meat or meat food products prepared for commerce in any "slaughtering, meat-canning, salting, packing, rendering, or similar establishment" are required to be derived from livestock (i.e., cattle, sheep, swine, goats, horses, mules or other equines) that receive federal ante-mortem and post-mortem inspection and the articles must be prepared under federal inspection, unless the operations of the establishment are exempted from federal inspection (See sections 3, 4, 6, 10 and 23 of the Act (21 U.S.C. 603, 604, 606, 610 and 623)). Section 301(c)(1) and (3) of the Act (21 U.S.C. 661(c)(1) and (3)) provides, in relevant part, that the Secretary of Agriculture shall designate any state which does not have, or is not effectively enforcing, requirements at least equal to those imposed under titles I and IV of the Act. If a state is so designated, titles I and IV of the Act become applicable to wholly intrastate, as well as interstate, operations and transactions and persons engaged therein in the state. Section 301(c)(2) of the Act (21 U.S.C. 661(c)(2)) provides, in relevant part, that the provisions of said Act requiring inspection of carcasses, parts thereof, meat and meat food products, do not apply to operations of types traditionally and usually conducted at restaurants in any state when conducted at any restaurant for sale in normal retail quantities or service of such articles to consumers at such establishments. This exemption is applicable only to operations of restaurants in intrastate commerce in designated states, and the Act does not require states to provide routine inspection with respect to such establishments. A similar exclusion from routine inspection requirements is applicable to operations of restaurants in interstate commerce in all states based upon this Department's construction of the above-cited provisions of the Act in conjunction with the Opinion of the Attorney General of August 17, 1972 (Vol. 42, Op No. 44).

There is no definition in the Act of the term "restaurant". However, this term is specifically defined in section 303.1(d)(2)(iv) of the federal meat inspection regulations (9 CFR 303.1(d)(2)(iv)). The definition of "restaurant" in the regulations includes "a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph". The regulations do not otherwise define "caterer", but the intent in this regard was to limit the term "caterer" to one who provides food or service for a social affair (*e.g.*, a banquet or wedding) pursuant to sales made (over the telephone or in person) to individual consumers *at the catering establishment.* This interpretation of the term "caterer" is consistent with the provisions of the Act and the dictionary definition of the word "caterer". (See, *Webster's New International Dictionary* (3d Ed.) and *Webster's Seventh New Collegiate Dictionary.)*

The definition of a "restaurant", in section 303.1(d)(2)(iv) of the federal meat inspection regulations, includes "any establishment where product is prepared only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment". The preparation of meat food products at central kitchens by restaurant chains for distribution to their restaurants for sale would not, in our view, be exempt from inspection under section 301(c) of the Act. These operations are analogous to those performed at centralized facilities by chain stores, *e.g.*, Safeway Stores, Inc., and A & P, for distribution to their stores for retail sale. These activities are such as to make the chain stores, with respect to their central facilities, "packers" within the meaning of the Packers and Stockyards Act. (See, *Safeway Stores, Inc., et al.* v. *Freeman*, 369 F. 2d 952 (D.C. Cir. 1966)). Such central facilities have received federal meat inspection service for many years, and, in our view, "at least equal" state inspection service is required under the Act with respect to any such central facilities which distribute products only in intrastate commerce in non-designated states.

The Poultry Products Inspection Act has similar inspection and exemption provisions with respect to the slaughter and preparation of poultry and poultry products by restaurants (See sections 5, 6, 9 and 10 of the Act (21 U.S.C. 454, 455, 458 and 459)). There are, however, additional exemption provisions for small poultry producers in section 15 of the Act (21 U.S.C. 464). Under paragraph (c)(1)(D) of that section, the Secretary could, by regulation, exempt from the inspection requirements the processing of poultry products by a poultry producer or other person solely for intrastate distribution by him "directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers" (21 U.S.C. 464(c)(1)(D)). Under paragraph (c)(3) of that section, the above-exemption is limited to those processing no more than 20,000 turkeys or other poultry during a calendar year (21 U.S.C. 464(c)(3)).

In our view, the exemption provisions contained in section 15(c)(1)(D) of the Act appear to be limited to any person preparing products for sale by him wholly intrastate to other persons, *e.g.* persons operating restaurants, for use in *their* dining rooms or in the preparation of meals for sales direct to consumers. The legislative history of the Wholesome Poultry Products Inspection Act indicates that the Congress intended to so limit the provisions (Cong. Rec., July 29, 1968, pp. S23980-23982). However, even if the provisions were construed to apply to distributions by the producer to restaurants owned or operated by him, the provisions would be very limited in their application to the central kitchen situation. Most central kitchen facilities preparing poultry or poultry products would involve operations apparently too large to qualify for that exemption.

In any event, we assume that your agency would prefer adopting a uniform position with respect to the exemption of central kitchens from both meat and poultry inspection. Accordingly, we believe that the exemption of central kitchens from inspection requirements under the Federal Meat Inspection Act and the Poultry Products Inspection Act should be accomplished through statutory amendments.●

ADDITIONAL COSPONSORS

S. 52

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 52, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 281

At the request of Mr. RANDOLPH, the names of the Senator from California (Mr. CRANSTON), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 281, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give employers and per-

formers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1244

At the request of Mr. PACKWOOD, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1657

At the request of Mr. BURDICK, the names of the Senator from Virginia (Mr. TRIBLE), the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. QUAYLE), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 1657, a bill to designate the week in November which includes Thanksgiving Day as "National Family Week."

S. 1763

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1763, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 1764

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1764, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 1765

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1765, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 1881

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1881, a bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 2185

At the request of Mr. HEINZ, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. MATSUNAGA) the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. BUMPERS), the Senator from Alabama (Mr. HEFLIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2185, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit.

S. 2207

At the request of Mr. BRADLEY, the names of the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Maine (Mr. COHEN), the Senator from Tennessee (Mr. SASSER), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2207, a bill to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes.

S. 2226

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2226, a bill to amend the Internal Revenue Code of 1954 to extend mortgage subsidy bond authority through 1990.

S. 2229

At the request of Mr. BOSCHWITZ, the names of the Senator from North Dakota (Mr. ANDREWS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2229, a bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction.

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2229, supra.

SENATE JOINT RESOLUTION 5

At the request of Mr. THURMOND, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from New Jersey (Mr. BRADLEY) and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 211

At the request of Mr. BURDICK, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. TRIBLE), the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Maryland (Mr. SARBANES), the Senator from Idaho (Mr. SYMMS), the Senator from Arkansas (Mr. BUMPERS), the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. QUAYLE), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Washington (Mr. GORTON), the Senator from Idaho (Mr. MCCLURE), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of Senate Joint Resolution 211, a joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Delaware (Mr. ROTH), the Senator from North Dakota (Mr. BURDICK), the Senator from Texas (Mr. BENTSEN), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "the Year of the Secretary."

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Florida (Mr. CHILES), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Joint Resolution 225, a joint resolution designating the month of March 1984 as "National Eye Donor Month."

SENATE RESOLUTION 287

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of Senate Resolution 287, a resolution establishing a Task Force on Agricultural Credit.

SENATE RESOLUTION 335—RESOLUTION DISAPPROVING LATEST REVISIONS TO OMB CIRCULAR A-122

Mr. MOYNIHAN submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 335

Whereas the Office of Management and Budget (OMB) has promulgated regulations relative to "lobbying and related activities" by non-profit grantees and contractors of the Federal government, without specific statutory authority from Congress; and

Whereas the receipt of Federal assistance cannot and ought not result in the loss of fundamental Constitutional rights of free speech, petition, and association; and

Whereas the unimpeded exchange of views and information between the Federal Government and non-profit organizations receiving Federal funds helps ensure the ef-

fective operation of those programs and facilitates Congressional oversight; and

Whereas the application of the regulations proposed by the Office of Management and Budget in OMB Circular A-122 could have an arbitrary and capricious chilling effect on the First Amendment rights of those affiliated with non-profit organizations, could prove coercive, and could inhibit the flow of information between those organizations and Congress and the executive branch: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Office of Management and Budget should immediately withdraw its proposed revisions to Circular A-122 and refrain from promulgating this or any other rule or regulation that would have similar effects on the recipients of Federal grants or contracts or on the private donors to these non-profit organizations.

● Mr. MOYNIHAN. Mr. President, on March 8, 1983, I submitted a Senate resolution (S. Res. 85) requesting the Office of Management and Budget (OMB) to withdraw its ill-contrived revisions to Circular A-122, a regulation entitled "Cost Principles for Nonprofit Organizations." OMB had proposed these revisions in an effort to restrict the political activities of nonprofit organizations receiving Federal grants and funds. The next day, OMB did in fact withdraw the proposed changes pending further evaluation. This evaluation resulted in the promulgation of additional revisions which were published in the Federal Register on November 3, 1983. The period for public comment on these revisions ended last month, on January 17. I understand that OMB is reviewing correspondence from over 100,000 individuals and groups.

I rise today to offer a second Senate resolution strongly disapproving the most recent revisions to Circular A-122 proposed by OMB. I invite my colleagues to join me in opposing these new regulations, regulations that have no statutory basis and bear little relation to OMB's stated purpose of promoting Government efficiency.

The primary, and most ominous, effect of OMB's proposed revision would be to curtail significantly the political activities of all nonprofit organizations receving Federal support. To date, OMB has failed to demonstrate a need for such far-reaching regulation of the Nation's nonprofit organizations or, further, why its revisions should apply to private citizens who choose to contribute to nonprofit organizations that receive Federal funds.

In my view, OMB does not have the authority to formulate regulations of this scope and specificity without a direct grant of authority to do so from Congress. The Constitution designates Congress, not the executive branch, the broad authority over Federal spending. Certainly, executive agencies, with the consent of Congress properly may regulate the use of Federal funds by public, State, and local agencies. But we must question the propriety of an executive agency—OMB or any other—deciding how a private nonprofit organization shall allocate its resources including those received from the Federal Government and the effect of such regulation on Government efficiency.

Further regulation of nonprofit organizations is unnecessary and duplicative. Current law already regulates the use of Federal moneys by these organizations for political purposes. Nonprofit groups presently must comply with the strict reporting standards of the Internal Revenue Code, which requires detailed records on lobbying activities. The revisions to Circular A-122 would impose additional, burdensome recordkeeping requirements on both nonprofit organizations and the Government, at a time when both Congress and the administration concur that unnecessary regulations and paperwork must be reduced.

Moreover, the proposed regulations raise important constitutional concerns which have not been addressed adequately by OMB. Members of nonprofit organizations would find their first amendment rights of speech, petition and association unduly restricted without compelling reason. The regulations also would attenuate the fourth amendment right of individual contributors to nonprofit organizations who have gifts reported to the Federal Government, even if their donations are not directly or indirectly for what the revised circular deems "lobbying or related activities." This requirement exceeds the stated purpose of monitoring the use of Federal funds by nonprofit organizations, and would result in an impermissible and unconstitutional invasion of the privacy of individual contributors.

Under Circular A-122, the definition of lobbying and related activities could well be interpreted to prevent grassroots efforts from influencing Federal and State legislation, or to discourage citizen groups from participating in public education campaigns such as letter writing or fund raising associated with pending legislation. The circular deems this activity as "concerted public action," within the realm of "lobbying and related activities." This is a significantly more narrow definition than the corresponding one in the Internal Revenue Code. The provision to consider as unallowable expenses the costs of referenda or initiative campaigns, properly public education activities, raises significant first amendment questions. Such public education campaigns are a traditional means of civic involvement, and an executive agency ought not curtail them.

Under the revised circular, if a covered recipient signed a quarterly report and expense statement, this would be considered to constitute his or her binding acceptance of all conditions of the circular. These documents are submitted routinely, as part of the periodic payment process for previously awarded grants or contracts. To secure binding acceptance in this manner is of questionable propriety and almost certainly will be challenged in the courts.

The U.S. Congress, not OMB, has the authority to determine legislative guidelines for issuing regulations by the executive branch. The proposed revisions for Circular A-122 go substantially beyond any current statutory or appropriations restrictions placed on the methods by which grantees can seek to meet the objectives of a grant program. OMB lacks the authority to legislate by administrative action such wide-ranging restrictions and policies, absent a specific delegation of authority from Congress to do so. Congress has not done so.

When the Office of Management and Budget first published Circular A-122 in January 1983, thousands of negative comments followed, from both the public and Federal agencies. At that point, I would have thought, the OMB would have had the good sense to recognize the objections and withdraw this highly suspect proposal. The restrictions of Circular A-122 on the political expression of nonprofit organizations receiving Federal funds would be especially ill-advised at this time, when the millions of Americans represented by these groups feel themselves to be the target of Federal budget cuts. Surely, it is not unwise to restrict the avenues by which they seek to communicate their concerns to the Federal Government. The United States has always prided itself on its special freedoms to insure the exchange of views and information between Government and citizens. Any policy which would restrict or diminish this flow of information and ideas bears a heavy burden of proof. OMB has not offered such proof; the case has not been made.●

SENATE RESOLUTION 336—TO PROCLAIM CIRCLE K INTERNATIONAL WEEK

Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOREN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. COCHRAN, Mr. EVANS, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HEFLIN, Mr. LUGAR, Mr. MATTINGLY, Mr. MELCHER, Mr. NUNN, Mr. RANDOLPH, Mr. STAFFORD, Mr. STENNIS, and Mr. TOWER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 336

Whereas Circle K International is an organization of college students sponsored by Kiwanis International that provides a means for responsible community action by students;

Whereas Circle K International emphasizes the advantages the democratic way of life and provides the opportunity for leadership training in service;

Whereas Circle K International encourages the adoption and the application of high social, business, and professional standards;

Whereas Circle K International promotes the creation and maintenance of righteousness, justice, patriotism, and good will; and

Whereas the members of Circle K International are presently involved in service projects to help families in need of support under the theme, "Achieve Unity Through Service"; Now, therefore, be it

Resolved, That it is the sense of the Senate that the week of February 5, 1984, through February 11, 1984, be proclaimed as "Circle K International Week."

Mr. DOLE. Mr. President, the Senator from Kansas is today submitting a resolution to proclaim the week of February 5 through February 11, 1984, "Circle K International Week."

Circle K International began as a university fraternity in 1936 with the sponsorship of the Pullman, Wash., Kiwanis Club. The organization became international in 1955, under the sponsorship of Kiwanis International. Today, with more than 6,000 members of nearly 800 clubs in 6 countries, it is the world's largest collegiate service organization and still growing.

For nearly half a century, Circle K International has given college students an opportunity to help those in need, and renders a valuable service to our society. The goals of these young people are admirable, and their actions are commendable. Whether working on behalf of Older Americans, teenagers, families, or handicapped citizens in need of assistance, this organization has its heart and soul in the right place—wherever help is needed.

Mr. President, the Senator from Kansas introduced similar resolutions last year and 2 years previous. It is my hope that my colleagues will again join in this worthy effort, and proclaim the week of February 5, "Circle K International Week."

AMENDMENTS SUBMITTED

BAIL REFORM ACT

THURMOND AMENDMENT NO. 2694

Mr. THURMOND proposed an amendment to the bill (S. 215) to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Bail Reform Act of 1984".

SEC. 2. (a) Sections 3141 through 3151 of title 18, Unitd States Code, are repealed and the following new sections are inserted in lieu thereof:

"§ 3141. Release and detention authority generally

"(a) PENDING TRIAL.—A judicial officer who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released or detained, pending judicial proceedings, pursuant to the provisions of this chapter.

"(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained pursuant to the provisions of this chapter.

"§ 3142. Release or detention of a defendant pending trial

"(a) IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

"(1) released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of subsection (b);

"(2) released on a condition or combination of conditions pursuant to the provisions of subsection (c);

"(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion pursuant to the provisions of subsection (d); or

"(4) detained pursuant to the provisions of subsection (e).

"(b) RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—The judicial officer shall order the pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of his release, unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

"(c) RELEASE ON CONDITIONS.—If the judicial officer determines that the release described in subsection (b) will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrail release of the person—

"(1) subject to the condition that the person not commit a Federal, State, or local crime during the period of release; and

"(2) subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

"(A) remain in the custody of a designated person, who agrees to supervise him and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

"(B) maintain employment, or, if unemployed, actively seek employment;

"(C) maintain or commence an educational program;

"(D) abide by specified restrictions on his personal associations, place of abode, or travel;

"(E) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

"(F) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

"(G) comply with a specified curfew;

"(H) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(I) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(J) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

"(K) execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the judicial officer may specify;

"(L) execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the person as required;

"(M) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

"(N) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person. The judicial officer may at any time amend his order to impose additional or different conditions of release.

"(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

"(1) the person—

"(A) is, and was at the time the offense was committed, on—

"(i) release pending trial for a felony under Federal, State, or local law;

"(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

"(iii) probation or parole for any offense under Federal, State, or local law; or

"(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(2) the person may flee or pose a danger to any other person or the community;

he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take the person into custody during that

period, the person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing release pending trial or deportation or exclusion proceedings. If temporary detention is sought under paragraph (1)(B), the person has the burden of proving to the court that he is a citizen of the United States or is lawfully admitted for permanent residence.

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, he shall order the detention of the person prior to trial. In a case described in (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judge finds that—

"(1) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(2) the offense described in paragraph (1) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(3) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or an offense under section 924(c) of title 18 of the United States Code.

"(f) DETENTION HEARING.—The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) will reasonably assure the appearance of the person as required and the safety of any other person and the community in a case—

"(1) upon motion of the attorney for the Government, that involves—

"(A) a crime of violence;

"(B) an offense for which the maximum sentence is life imprisonment or death;

"(C) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); or

"(D) any felony committed after the person had been convicted of two or more prior offenses described in subparagraphs (A) through (C), or two or more State or local offenses that would have been offenses described in subparagraphs (A) through (C) if a circumstance giving rise to Federal jurisdiction had existed; or

"(2) Upon motion of the attorney for the Government or upon the judicial officer's own motion, that involves—

"(A) a serious risk that the person will flee;

"(B) a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed five days, and a continuance on motion of the attorney for the Government may not exceed three days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the Government or on his own motion, may order that, while in custody, a person who appears to be a narcotics addict receive a medical examination to determine whether he is an addict. At the hearing, the person has the right to be represented by counsel, and, if he is financially unable to obtain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding pursuant to subsection (e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community shall be supported by clear and convincing evidence. The person may be detained pending completion of the hearing.

"(g) FACTORS TO BE CONSIDERED.—The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning—

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;

"(2) the weight of the evidence against the person;

"(3) the history and characteristics of the person, including—

"(A) his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

"(B) whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

"(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection (c)(2)(K) or (c)(2)(L), the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

"(h) CONTENTS OF RELEASE ORDER.—In a release order issued pursuant to the provisions of subsection (b) or (c), the judicial officer shall—

"(1) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

"(2) advise the person of—

"(A) the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

"(B) the consequences of violating a condition of release, including the immediate issuance of a warrant for the person's arrest; and

"(C) the provisions of sections 1503 of this title (relating to intimidation of witnesses, jurors, and officers of the court), 1510 (relating to obstruction of criminal investigations), 1512 (tampering with a witness, victim, or an informant), and 1513 (retaliating against a witness, victim, or an informant).

"(i) CONTENTS OF DETENTION ORDER.—In a detention order issued pursuant to the provisions of subsection (e), the judicial officer shall—

"(1) include written findings of fact and a written statement of the reasons for the detention;

"(2) direct that the person be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

"(4) direct that the person be afforded reasonable opportunity for private consultation with his counsel; and

"(3) direct that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding.

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

"(j) PRESUMPTION OF INNOCENCE.—Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

"§ 3143. Release or detention of a defendant pending sentence or appeal

"(a) RELEASE OR DETENTION PENDING SENTENCE.—The judicial officer shall order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c). If the judicial officer makes such a finding, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(b) RELEASE OR DETENTION PENDING APPEAL BY THE DEFENDANT.—The judicial officer shall order that a person who has been found guilty of an offense and sentenced to

a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

"(1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c); and

"(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

If the judicial officer makes such findings, he shall order the release of the person in accordance with the provisions of section 3142(b) or (c).

"(c) RELEASE OR DETENTION PENDING APPEAL BY THE GOVERNMENT.—The judicial officer shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3731 of this title, in accordance with the provisions of section 3142, unless the defendant is otherwise subject to a release or detention order.

"§ 3144. Release or detention of a material witness

"If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpena, a judicial officer may order the arrest of the person and treat the person in accordance with the provisions of section 3142. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 3145. Review and appeal of a release or detention order

"(a) REVIEW OF A RELEASE ORDER.—If a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court—

"(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release; and

"(2) the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.

The motion shall be determined promptly.

"(b) REVIEW OF A DETENTION ORDER.—If a person is ordered detained by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

"(c) APPEAL FROM A RELEASE OR DETENTION ORDER.—An appeal from a release or detention order, or from a decision denying revocation or amendment of such an order, is governed by the provisions of section 1291 of title 28 and section 3731 of this title. The appeal shall be determined promptly.

"§ 3146. Penalty for failure to appear

"(a) OFFENSE.—A person commits an offense if, after having been released pursuant to this chapter—

"(1) he knowingly fails to appear before a court as required by the conditions of his release; or

"(2) he knowingly fails to surrender for service of sentence pursuant to a court order.

"(b) GRADING.—If the person was released—

"(1) in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction, for—

"(A) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, he shall be fined not more than $25,000 or imprisoned for not more than ten years, or both;

"(B) an offense punishable by imprisonment for a term of five or more years, but less than fifteen years, he shall be fined not more than $10,000 or imprisoned for not more than five years, or both;

"(C) any other felony, he shall be fined not more than $5,000 or imprisoned for not more than two years, or both; or

"(D) a misdemeanor, he shall be fined not more than $2,000 or imprisoned for not more than one year, or both; or

"(2) for appearance as a material witness, he shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

"(d) DECLARATION OF FORFEITURE.—If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to section 3142(b) or is subject to the release condition set forth in section 3142(c)(2)(K), or (c)(2)(L), the judicial officer may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the United States.

"§ 3147. Penalty for an offense committed while on release

"A person convicted of an offense committed while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to—

"(1) a term of imprisonment of not less than two years and not more than ten years if the offense is a felony; or

"(2) a term of imprisonment of not less than ninety days and not more than one year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3148. Sanctions for violation of a release condition

"(a) AVAILABLE SANCTIONS.—A person who has been released pursuant to the provisions of section 3142, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

"(b) REVOCATION OF RELEASE.—The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which his arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

"(1) finds that there is—

"(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

"(B) clear and convincing evidence that the person has violated any other condition of his release; and

"(2) finds that—

"(A) based on the factors set forth in section 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

"(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, he shall treat the person in accordance with the provisions of section 3142 and may amend the conditions of release accordingly.

"(c) PROSECUTION FOR CONTEMPT.—The judge may commence a prosecution for contempt, pursuant to the provisions of section 401, if the person has violated a condition of his release.

"§ 3149. Surrender of an offender by a surety

"A person charged with an offense, who is released upon the execution of an appearance bond with a surety, may be arrested by the surety, and if so arrested, shall be delivered promptly to a United States marshal and brought before a judicial officer. The judicial officer shall determine in accordance with the provisions of section 3148(b) whether to revoke the release of the person, and may absolve the surety of responsibility to pay all or part of the bond in accordance with the provisions of Rule 46 of the Federal Rules of Criminal Procedure. The person so committed shall be held in official detention until released pursuant to this chapter or another provision of law.

"§ 3150. Applicability to a case removed from a State court

"The provisions of this chapter apply to a criminal case removed to a Federal court from a State court.".

(b) Section 3154 of title 18, United States Code, is amended—

(1) in subsection (1), by striking out "and recommend appropriate release conditions for each such person" and inserting in lieu thereof "and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if re-

lease is recommended, recommend appropriate conditions of release"; and

(2) in subsection (2), by striking out "section 3146(e) or section 3147" and inserting in lieu thereof "section 3145".

(c) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "3146" and inserting in lieu thereof "3141";

(2) in paragraph (1)—

(A) by striking out "bail or otherwise" and inserting in lieu thereof "detain or"; and

(B) by deleting "and" at the end thereof;

(3) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and";

(4) by adding after paragraph (2) the following new paragraphs:

"(3) The term 'felony' means an offense punishable by a maximum term of imprisonment of more than one year; and

"(4) The term 'crime of violence' means—

"(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."; and

(5) in subsection (b)(1), by striking out "bail or otherwise" and inserting in lieu thereof "detain or".

(d) The item relating to chapter 207 in the analysis of part II of title 18, United States Code, is amended to read as follows:

"207. Release and detention pending judicial proceedings..... 3141".

(e)(1) The caption of chapter 207 is amended to read as follows:

"CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS".

(2) The section analysis for chapter 207 is amended by striking out the items relating to section 3141 through 3151 and inserting in lieu thereof the following:

"3141. Release and detention authority generally.
"3142. Release or detention of a defendant pending trial.
"3143. Release or detention of a defendant pending sentence or appeal.
"3144. Release or detention of a material witness.
"3145. Review and appeal of a release or detention order.
"3146. Penalty for failure to appear.
"3147. Penalty for an offense committed while on release.
"3148. Sanctions for violation of a release condition.
"3149. Surrender of an offender by a surety.
"3150. Applicability to a case removed from a State court."

SEC. 3. Chapter 203 of title 18, United States Code, is amended as follows:

(a) The last sentence of section 3041 is amended by striking out "determining to hold the prisoner for trial" and inserting in lieu thereof "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial".

(b) The second paragraph of section 3042 is amended by striking out "imprisoned or admitted to bail" and inserting in lieu thereof "detained or conditionally released pursuant to section 3142 of this title".

(c) Section 3043 is repealed.

(d) The following new section is added after section 3061:

"§ 3062. General arrest authority for violation of release conditions

"A law enforcement officer, who is authorized to arrest for an offense committed in his presence, may arrest a person who is released pursuant to chapter 207 if the officer has reasonable grounds to believe that the person is violating, in his presence, a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J).".

(e) The section analysis is amended—

(1) by amending the item relating to section 3043 to read as follows:

"3043. Repealed."; and

(2) by adding the following new item after the item relating to section 3061:

"3062. General arrest authority for violation of release conditions.".

SEC. 4. Section 3731 of title 18, United States Code, is amended by adding after the second paragraph the following new paragraph:

"An appeal by the United States shall lie to a court of appeals from a decision or order, entered by a district court of the United States, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.".

SEC. 5. The second paragraph of section 3772 of title 18, United States Code, is amended by striking out "bail" and inserting in lieu thereof "release pending appeal."

SEC. 6. Section 4282 of title 18, United States Code, is amended—

(a) by striking out "and not admitted to bail" and substituting "and detained pursuant to chapter 207"; and

(b) by striking out "and unable to make bail".

SEC. 7. Section 636 of title 28, United States Code, is amended by striking out "impose conditions of release under section 3146 of title 18" and inserting in lieu thereof "issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial".

SEC. 8. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 5(c) is amended by striking out "shall admit the defendant to bail" and inserting in lieu thereof "shall detain or conditionally release the defendant".

(b) The second sentence of rule 15(a) is amended by striking out "committed for failure to give bail to appear to testify at a trial or hearing" and inserting in lieu thereof "detained pursuant to section 3144 of title 18, United States Code".

(c) Rule 40(f) is amended to read as follows:

"(f) RELEASE OR DETENTION.—If a person was previously detained or conditionally released, pursuant to chapter 207 of title 18, United States Code, in another district where a warrant, information or indictment issued, the Federal magistrate shall take into account the decision previously made and the reasons set forth therefor, if any, but will not be bound by that decision. If the Federal magistrate amends the release or detention decision or alters the conditions of release, he shall set forth the reasons for his action in writing.".

(d) Rule 46 is amended—

(1) in subdivision (a), by striking out "§ 3146, § 3148, or ¶ 3149" and inserting in lieu thereof "§§ 3142 and 3144";

(2) in subdivision (c), by striking out "3148" and inserting in lieu thereof "3143";

(3) by amending subdivision (e)(2) to read as follows:

"(2) SETTING ASIDE.—The court may direct that a forfeiture be set aside in whole or in part, upon such conditions as the court may impose, if a person released upon execution of an appearance bond with a surety is subsequently surrendered by the surety into custody or if it otherwise appears that justice does not require the forfeiture."; and

(4) by adding the following new subdivision at the end thereof:

"(h) FORFEITURE OF PROPERTY.—

"Nothing in this rule or in chapter 207 of title 18, United States Code, shall prevent the court from disposing of any charge by entering an order directing forfeiture of property pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the property is an amount that would be an appropriate sentence after conviction of the offense charged and if such forfeiture is authorized by statute or regulation.".

(e) Rule 54(b)(3) is amended by striking out "under 18 U.S.C. § 3043, and".

SEC. 9. Rule 9(c) of the Federal Rules of Appellate Procedure is amended by striking out "3148" and inserting in lieu thereof "3143", and following the word "community", inserting "and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or in an order for a new trial".

MITCHELL (AND OTHERS) AMENDMENT NO. 2695

Mr. MITCHELL (for himself, Mr. SPECTER, and Mr. CRANSTON) proposed an amendment to the bill S. 215, supra; as follows:

At the end of the bill add the following new section:

"SEC. 10. Section 3164 of title 18, United States Code is amended—

(a) by striking in subsection (b) the phrases "(a)(1) or" and "continuous detention or";

(b) by striking in subsection (c) the words "ninety day", and inserting in lieu thereof "sixty day";

(c) by relettering subsection (c) as subsection (d); and

(d) by inserting a new subsection (c) as follows:

(c) The trial of any person described in subsection (a)(1) of this section shall commence not later than sixty days following the beginning of such continuous detention. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitation specified in this section."

CRIMINAL AND CIVIL FOREFEITURE

BIDEN AMENDMENT NO. 2696

Mr. BIDEN proposed an amendment to the bill (S. 948) to reform Federal criminal and civil forfeiture; as follows:

On page 36, line 19, delete "1983" and insert in lieu thereof "1984".

On page 48, line 21, delete "section 413" and insert in lieu thereof "sections 413 and 414".

On page 60, delete the quotation mark and second period on line 11, and insert after line 11 the following:

"'(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.'.".

On page 60, insert before line 12 the following:

"'INVESTMENT OF ILLICIT DRUG PROFITS

"'SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"'(b) Whoever violates this section shall be fined not more than [$50,000] or imprisoned nor more than [ten] years, or both.

"'(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"'(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.'.".

On page 62, line 11, delete "remove" and insert in lieu thereof "and remove".

On page 62, delete the quotation mark and second period on line 23, and insert after line 23 the following:

"'(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.'.".

On page 63, line 13, delete "item" and insert in lieu thereof "items".

On page 63, delete the item after line 13 and insert in lieu thereof the following:

"'Sec. 413. Criminal forfeitures.
"'Sec. 414. Investment of illicit drug profits.'.".

On page 64, insert after line 2 the following:

"(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before 'The proceeds from any sale under paragraph (2)' the following: 'The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.'.".

On page 64, line 3, delete "(b)" and insert in lieu thereof "(c)".

On page 64, line 8, delete "subsection (j) of this section" and insert in lieu thereof "section 524(c) of title 28, United States Code".

On page 64, delete line 9 and all that follows through line 13 on page 67, and insert in lieu thereof the following:

"SEC. 302. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"'(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the "fund") which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

"'(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"'(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"'(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"'(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"'(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one quarter of the amount realized by the United States from the property forfeited.

"'(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"'(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"'(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"'(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"'(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"'(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"'(A) any criminal forfeiture proceeding;

"'(B) any civil judicial forfeiture proceeding; or

"'(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.'.".

On page 72, insert after line 17 the following:

"The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review."

ADDITIONAL STATEMENTS

REPEAL OF SENATE PAY RAISE

● Mr. GARN. Mr. President, S. 2211 seeks to repeal a pay raise that represents the worst of both worlds. The 3.5-percent increase that went into effect on January 1 has still failed to produce a reasonable salary for Members of this body—it was neither reasonable enough in amount to compensate Senators for the expenses that attend this office nor reasonably calculated to insure that Members in the future will be drawn from all walks of life regardless of their economic means. And the unwise and unconstitutional limitation on honoraria that also went into effect on January 1 has only made the situation worse.

Yet this pay raise was not merely inadequate. It was also introduced through the legislative back door,

without the knowledge of many Senators and without ever having come to this floor for a vote. This insult to the American public only compounds the financial injury to Congress that has resulted from our failure to devise a rational approach to the issue of compensation. Our 3.5 percent, back door pay increase richly deserved to be repealed, and I therefore voted in favor of S. 2211.●

COMPREHENSIVE TRADE REFORM ACT

● Mr. MITCHELL. Mr. President, last November I joined Senators HEINZ and MOYNIHAN in introducing S. 2139, the Comprehensive Trade Law Reform Act of 1983. This bill includes several modifications in our trade remedy laws as a response to the many international challenges U.S. industry now faces.

Congress last acted in this area in 1979, when it approved the Trade Agreements Act. Since then we have had the opportunity to determine how closely the implementation of this act has followed Congress intent in passing that legislation.

The provisions of S. 2139 respond to the need to make our trade remedies more effective for domestic petitioners. Changes are proposed in the antidumping and countervailing duty laws and sections 201 and 301 of the Trade Act of 1974. These are the major statutes used to respond to unfair foreign practices and to provide temporary relief from high levels of imports. S. 2139 would make these remedies less complex and costly to use and would provide relief in a more timely manner. The bill would also strengthen current laws in order to respond more effectivley to specific unfair practices, including industrial targeting.

There is substantial support for comprehensive trade law reform. I would like to include in the RECORD a resolution approved by the National League of Cities in support of this effort.

The resolution follows:

PROPOSED RESOLUTION—COMPREHENSIVE TRADE LAW REFORM LEGISLATION

Whereas the United States experienced a $43 billion merchandise trade deficit in 1982 which is expected to reach nearly $80 billion this year and $100 billion in 1984; and

Whereas the United States laws providing remedies for dumping, subsidization, targeting and other unfair trade practices have not provided an effective deterrent to the proliferation of foreign unfair trade practices with respect to both U.S. exports, and U.S. "escape clause" statute has not provided effective relief with respect to imports which cause injury to U.S. workers and producers; and

Whereas serious injury to America's urban economies, in the form of reduced employment and both temporary and permanent plan closings, has resulted from inadequate U.S. trade laws and ineffective trade laws enforcement; and

Whereas the Comprehensive Trade Law Reform Act of 1983 has been introduced in the 98th Congress with the support of a broad coalition of U.S. industry and labor organizations known as the Trade Reform Action Coalition in order to provide for comprehensive trade law reforms which would make existing U.S. laws less complex, less expensive, less arbitrary, more expeditious, more fair and more effective for all petitioners; now, therefore, be it

Resolved That the National League of Cities does hereby express its deep concern over the impact of increasing U.S. merchandise trade deficits on the economies of U.S. urban areas and over the inability of present U.S. trade laws to deter foreign unfair trade practices, to establish fair and equitable conditions of competition in U.S. domestic and export markets, and to provide effective relief from imports which cause serious injury; be it further

Resolved, That the National League of Cities urges the Congress to enact comprehensive trade law reform legislation.●

THE PRESIDENT'S BUDGET AND REGULATORY REFORM

● Mr. GRASSLEY. Mr. President, Congress received the President's budget message Wednesday. In it he described the improved prospects for the Nation's economy as a result of policies to streamline the scope of Government and simplify or eliminate burdensome regulations. Already this administration has instituted procedures, under Executive Order 12291, to make new rules as cost-effective as possible and to screen out hundreds of ill-conceived proposals that would require massive expenditures in the private sector for very little public gain.

Administrative actions under this Executive order are largely responsible for reversing the growth of Federal regulations and making regulatory agencies consider more carefully the need for and the alternatives to proposed rules. There is no doubt that these policies have contributed much to the economic recovery we are now experiencing. However this situation could be reversed at some time in the future when the Nation's leaders may have different priorities and less understanding of the burden of regulation on our free enterprise system.

The President's message insists that these improvements be enacted into law. I could not agree more. His strong statement on regulatory reform says:

"Individual regulatory decisions will always be contentious and controversial, but surely we can all agree on the general need for regulatory reform. Making each Government rule as cost-effective as possible benefits everyone and strengthens the individual regulatory statutes. Regulation has become such an important role of the Federal Government that strong and balanced central oversight is becoming a necessity and a bipartisan objective. The Laxalt/Leahy Regulatory Reform Act, which passed the Senate unanimously in 1982, would have accomplished this reform." And he continues by stating ". . . I strongly urge the Congress to take up and pass similar legislation this year."

I am pleased that President Reagan has taken this means to express support for the Laxalt/Leahy Regulatory Reform Act. Senator HEFLIN and I reintroduced S. 1080 early last year, exactly as it passed the Senate in March 1982 by a vote of 94 to 0. With more than half of the Senate listed as cosponsors, we expect this bill to be considered soon after the February recess.

This country must not be subjected again to the 1970's explosive growth of regulatory programs which sap the strength and the resources of the productive side of our economy. Many of these earlier regulations were promulgated without a proper basis in terms of research and evaluation, and only after the costs had been paid, did the questions arise. Certainly we need regulation to assure the protection of our environment and public health, to expose unfair business practices and protect the integrity of our markets, and to confine our public assistance programs to those for whom the help is essential. What we do not need is regulation based on groundless and unreasonable fears, unsubstantiated or isolated cases which do not call for a national response, and premises which simply call for asserting Government control over the private sector.

Congress bears the ultimate responsibility for regulatory programs. We are elected to make these difficult decisions, and we should not pass them on to nameless bureaucrats in order to avoid that responsibility. If we are not able to provide more specific guidance in statutes creating these agencies, in our budget and appropriations process, and in legislative oversight, then at least we should be willing to enact into law procedures that require careful analysis of proposed regulations, with ample opportunity for public input and full realization of the costs as well as the benefits likely to result.

In the aftermath of the unfortunate Supreme Court decision invalidating almost every form of legislative restraint on the power to enact regulations, many different forms of congressional review have been suggested. Some have been enacted or attached to various proposals, creating a confusing and probably unworkable system for curtailing the legislative power we have delegated to the agencies.

I have been studying this problem and expressing my concern over the failure to face the issue squarely. The Judiciary Subcommittee on Administrative Practice and Procedure, which I chair, has held 3 days of hearings clearly showing regulatory reform is still needed. We must find a strong constitutional method of striking down or forcing the reconsideration of regulatory proposals which we find objectionable or outside original legisla-

tive intent. My conclusion is that Congress must accept responsibility for enacting into law at least those rules which are to have a $100 million impact on the economy, or that have serious effects on more intangible factors such as the environment, productivity, and competition.

Consequently, Senator HEFLIN and I, along with a majority of the Judiciary Committee members, have proposed to amend section 13 of S. 1080 which now contains an unconstitutional procedure for disapproving agency rules. The amendment requires passage of a joint resolution of approval prior to the effectiveness of any "major rule" as defined in S. 1080. A joint resolution of disapproval is the available alternative for all other rules. Under our amendment all proposed final rules are submitted to Congress with a 90-day waiting period during which appropriate resolutions could be passed. Expedited procedures insure that no single Member or group could block the will of the majority or delay consideration.

The Administrative Practice and Procedure Subcommittee will hold a hearing on this proposal on Wednesday, February 8, 1984, at 10 a.m. We will hear testimony on this and other legislative veto proposals, and on regulatory reform in general. I invite my fellow Senators to take notice of this hearing and to participate if possible. In addition, I urge all of you to seriously consider this proposal as the most reasonable compromise between unrestrained bureaucratic rulemaking and the burdensome task of legislating more detailed instructions to regulatory agencies.●

OUR THANKS TO S. DILLON RIPLEY FOR 20 YEARS OF DISTINGUISHED SERVICE

● Mr. MOYNIHAN. Mr. President, it was 20 years ago this week—February 4, 1964—that S. Dillon Ripley became Secretary of the Smithsonian Institution. And, we are all much in his debt.

Secretary Ripley's intellect, vision, and hard work have altered the landscape of this Nation's Capital and the minds and imaginations of individual's around the world. He has set new standards which museums everywhere strive to emulate. In his words, museums should be "points of contact in a life-long process of renewal of personality, of curiosity, and of public enlightenment."

The Smithsonian was Mr. Ripley's natural habitat. A Ph. D. in Zoology from Harvard, several expeditions to the field, assistantships at the American Museum of Natural History and the Smithsonian, 18 years on the Yale faculty, and 4 as director of that university's Peabody Museum of Natural History clearly marked him as the rarest of "rarae aves." Here is a scholar and scientist willing and able to blend respect for nature's majesty with man's inquiring intellect.

His extensive contributions to scholarship, which include the definitive 10 volume, "Handbook of The Birds of India and Pakistan," and informed public discourse, by themselves, leave a trail of distinction. But these personal contributions must be measured against a series of prodigious public works: buildings, publications, new centers for study and festivals.

Twenty-six million people visited the Smithsonian last year, and consider for a moment what their choices included that did not exist 20 years ago: The Anacostia Neighborhood Museum, the renovated U.S. Patent Building, now the home of the National Museum of American Art and the National Portrait Gallery, and the Renwick, the Hirshhorn Museum and Sculpture Garden, the U.S. Air and Space Museum, the Museum of African Art, the Cooper-Hewitt Museum of Design and Decorative Arts in New York City, and the now under construction Quadrangle project, a study and exhibition space for African, Near Eastern, and Asian art and culture.

Always the concerned scientist and engaged humanist, Secretary Ripley aided scholarship in a wide variety of disciplines. New centers—the Chesapeake Bay Center for Environmental Studies, the Astrophysical Observatory and Multiple Mirror Telescope, the Tropical Research Institute, the Museum Support Center, and the Woodrow Wilson International Center for Scholars—proliferated and with them the centrality of the Smithsonian to the world of a mind. Indeed, this prominence is exemplified by the Secretary's magnanimity and sense of the symbolic when he determined that the Wilson Center ought to be at the very center of the Smithsonian, the Castle.

While overseeing all the building and creative endeavors, he did not lose sight of the need to make "these museums our living places. Children of all ages are here. They come to learn. They must learn because it's fun * * *. They shouldn't be footsore and weary." Add to this the marvelous Outreach programs, the Smithsonian Associates, the magazine, the Folklife Festival, and not least his beloved carousel.

Dr. Ripley has embodied and enriched the human spirit. We owe him our thanks for a lifetime of service and 20 years of distinguished stewardship.●

JOSE MARTI

● Mrs. HAWKINS. Mr. President, a few days ago we celebrated the 131st anniversary of the birth of the freedom-loving Cuban patriot, poet, and journalist, Jose Marti.

Marti was born in Havana, the son of a Spanish military official. As a teenager he was imprisoned and later exiled for his democratic beliefs. In exile, he spent 15 years as a journalist in New York where he wrote much of his poetry, plays, and essays, founding the Modernist movement in Spanish literature.

He loved the American people and greatly admired our Nation's strength and the opportunity it offered to men and women to live in freedom. Marti wrote many essays about the United States and while critical of U.S. policy initiatives in the 1880's, he greatly loved the American people and wrote admiringly of Walt Whitman, Ralph Waldo Emerson, the American West, and the Brooklyn Bridge, just to mention a few topics. He lived and wrote in New York, and found great comfort in the Cuban-American communities in south Florida, which in Tampa and Key West had already become devoted to the cause of a free Cuba.

Although a peace-loving individual who spoke against unnecessary violence, he joined the Cuban patriots soon after the revolution against Spain was initiated. He died in battle in eastern Cuba at the age of 42.

Marti's ideals have survived him. His dream of a free and democratic Cuba still burns in the hearts of millions of Cubans in the island and in the hearts of a million Cuban Americans and many friends of a free Cuba in the United States. I would like to quote a brief passage from Marti's writings:

> I want the first law of our republic to be the reverence of Cubans for the full dignity of man . . . Either the republic is built on the character of each one of its children, on their habit of working with their hands and thinking for themselves, on the full exercise of their abilities and respect for the rights of others to fully exercise theirs, as if it were a matter of family honor, a passion, in short, for the dignity of man, or the republic is not worth a single tear from one of our women, a single drop of blood from one of our brave men. . . .

Carlos Ripoll, a Cuban American scholar who is presently professor of romance languages at Queens College, New York, has compiled an excellent anthology of the writings of Jose Marti. The words gathered in his book, "Jose Marti: Thoughts," reveal Marti's acute sensibility to human suffering and a deep concern about the denial of basic human rights and human conduct in government and politics.

As we begin a new year, we will do well to remember the words of Jose Marti:

> Respect for the freedom and ideas of others, of even the most wretched being, is my fanaticism. If I die or am killed, it will be because of that.

In the 1880's and 1890's, Marti's essays about life in the United States were a regular feature in some of

Latin America's most prestigious dailies. Upon the death of Ulysses S. Grant in September of 1885, Marti wrote a thoughtful and heartfelt article about the American hero:

In the end, it was sickness that brought a luminous and memorable conclusion to that life that was pure strength. It was brilliant in some respects, and sordid in others, yet the magnitude of the services he rendered made it definitively, undeniably great. To some it will seem appropriate that an existence, whose great merit was to have preserved without cruelty the greatest political system yet devised by man's imagination, ended with a spectacular funeral in which the entire * * * the tomb on Riverside, covered now by the clinging branches of what was once a shoot from a vine on Napoleon's tomb on St. Helena. They will see a fit ending to that fruitful life in the funeral train that came down from the lofty mountain with its black curtains whipped by the rain and the wind; in the ranks of New York militiamen who accompanied the corpse through the still wet streets from the railroad station to City Hall, where the vestibule had been converted into a funeral crypt; in the tireless homage of men and women, black and white, workers on their way home, soldiers who had fought in his armies, and the curious, who for two days and nights formed a line that stretched unbroken for the distance of a mile from City Hall; in the day of the solemn burial, decreed a day of mourning throughout the land, on which the enormous hearse drawn by twenty-four black horses bore the remains to the tomb through streets hung with crepe and crowded with people, many of whom had been waiting since the previous morning, huddled on corners, clinging to the rooftops, perched on telephone poles, packed on balconies at stations dearly bought, to see General Hancock pass by with the general staff, which included one Southerner; the ranks on ranks of splendid militia; the battalion from Virginia that Grant drove before him, and another battalion of those who drove them under Grant's command; the deceased, at whose passing all heads were bared; the President, in a coach drawn by black horses, and two ex-presidents; five hundred carriages filled with notables, secretaries of state, governors, bishops, and generals; and the daughter and daughters-in-law of the great man, wrapped in their long veils.

But it was not this that brought Grant's life to a luminous conclusion. It was his superior spirit that waxed bright in the last, long days before his death, endured with great fortitude by that wasted old man, in which he revealed the best of his natural energies, long obscured by the passions and vulgarities of existence, through words and acts of great tenderness. A profound self-examination put him in clear possession of the true greatness of his life. The vanities, which he once prized so high, fell from him like dust from an old statue when he came to write his personal memoirs of the war, which was all the fortune he had to leave his children, and whose final pages he wrote with trembling hand and with the sweat of death's agony on his brow. He rose to an awarness of the greatness of the spirit, with the capacity for elevation that is given primary characters by their genuine grace, and he saw, prized, and recorded only the essential acts of his achievement, in which he was great in combat only to be greater in the manner of his triumph.

His deep-set eyes, softened by the gratitude he felt toward his good-hearted countrymen for their forgiveness of his errors and vigil at his death, turned with dignified and elevated kindness toward the mistaken heroes it was his lot to combat without rest, and subdue without anger. The fleshless hand he extended in good will from the border of the grave has been clasped with loving admiration by his gallant former enemies who count that gesture a national treasure. A nation of men has appeared on this earth, and this man, for all his grave errors, helped clear the way.

In the same article, Marti wrote that the United States was:

A nation where questions are asked and answers given, where no man is above public scrutiny, and woe to him who falls under suspicion, for every act is probed to its core.

And he added that:

A nation where newspapers are living things, and no sooner does a cause emerge than it has its organ to which all who are interested have equal access, so that there is no injustice or suspicion that lacks a voice, or a newspaper to air it, or a bar of opinion disposed to censure wrongdoing.

I want to join the many celebrations being held in Jose Marti's honor. I am also very pleased that his name has been chosen for the U.S. radio station that will soon begin broadcasting a message of hope and freedom to the people of Cuba.●

BILL AND DOROTHY JANE WOOD APPRECIATION WEEK

● Mr. MURKOWSKI. Mr. President, in Fairbanks, Alaska, February 6 to 11 is designated as Bill and Dorothy Jane Wood Appreciation Week. My hometown is honoring them for their many years of contributions to Fairbanks.

Bill is currently the executive director of Festival Fairbanks 1984, a committee that organizes the Fairbanks celebration of Alaska's statehood, where I recently had the pleasure of working with him. He has also served as the president of the University of Alaska for 14 years, mayor of Fairbanks, and executive director of the Fairbanks Industrial Development Council.

Dorothy Jane is a member of the Fairbanks Symphony Orchestra, active in numerous volunteer civic and community organizations, and gardening projects in Fairbanks.

It is most fitting that the community honor these two individuals. They are involved, energetic and enthusiastic residents of Fairbanks. Their desire to help others is infectious and they inspire others to join them in contributing to community, church, social, and political events.

By the way, today, February 3, is Bill's 77th birthday. I know Fairbanksans join my colleague, Senator STEVENS and me in wishing him good health and happiness for many years to come.

Thank you Bill and Dorothy Jane for providing us with a recipe for making our community a better place to live: equal parts of dedication and involvement.●

INCREASING THE INTERSPOUSAL IRA TO $4,000

● Mr. D'AMATO. Mr. President, I rise today to lend my support and cosponsorship to S. 2229, legislation to increase the maximum interspousal IRA to $4,000 from $2,250.

The Economic Recovery Tax Act of 1981, reformed the IRA provisions to allow for greater individual participation in this savings incentive. Clearly, the change in the IRA law has been an unbridled success. In 1982, over $27 billion was invested in IRA's. Experts anticipate the amount of participation in IRA's to increase in 1983. The new savings generated is available to fuel continued economic growth, which is the cornerstone of the administration's economic policy.

However, there was one principal flaw in the IRA reform mandated in ERTA; nonworking spouses, primarily women, are discriminated against because they do not earn income. Currently, the law states that a married couple in which both spouses work can establish an IRA of up to $4,000. Yet, a married couple with a non-income-earning spouse can only establish an IRA up to $2,250. Though a non-income-earning spouse works and contributes indirectly to our gross national product, their ability to save for retirement is restricted. This is wrong and discriminates against women.

S. 2229 would increase the maximum interspousal IRA to $4,000, or parity with a married couple in which both spouses earn income. I am pleased that the President endorsed this legislation in his fiscal year 1985 budget proposal. S. 2229 would infuse necessary equity into the IRA provisions.

Mr. President, I urge my colleagues on both sides of the aisle to join me in cosponsoring S. 2229.●

MILITARY FACILITIES IN HONDURAS

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. SASSER. Mr. President, I will be traveling to Honduras on official Senate business in my capacity as ranking member of the Military Construction Subcommittee of the Senate Appropriations Committee in order to analyze the buildup of military facilities in that country. Initial reports indicate that some military facilities that are being constructed in Honduras go beyond what is necessary for current military maneuvers being conducted in that country. In some cases, these facilities are being built without specific congressional approval.

The fiscal year 1984 military construction bill (Public Law 98-116) contained my amendment requiring the Department of Defense to fully disclose the extent of its construction activities in Honduras before funds could be obligated for airfield construction in that country. It is imperative that the Congress be fully apprised of our military construction efforts in this part of Central America. I am confident that this official visit to Honduras will enable the Senate Appropriations Committee to better evaluate the proposed fiscal year 1985 military construction requests for this region.●

NEEDED: PRODUCT LIABILITY REFORM

● Mr. KASTEN. Mr. President, Congress is often accused, with good reason, of passing laws that result in needless spending. It would, therefore, be ironic indeed if the lack of congressional action were to cause an unnecessary expenditure of national resources.

Unfortunately, that is precisely what is happening in one particular case. We have a problem in this country that costs us billions of dollars, forces businesses to close, and requires our citizens to undertake lengthy lawsuits, all because of congressional inaction. It has created, in effect, a hidden tax on every manufactured product purchased in the United States. The only bright spot is that we can easily solve the problem by the adoption of one law.

The problem is product liability. There is no uniform product liability standard, so each State is free to make up one of its own. The resulting crazy-quilt system of often conflicting laws has resulted in sky-rocketing insurance rates and higher consumer prices.

A recent article in the Green Bay, Wis., Press-Gazette summarized the issue well. I commend it to the attention of my colleagues, and I ask that it be printed in the CONGRESSIONAL RECORD. I also urge the Senate to quickly adopt a uniform national product liability law and end the misery the present system allows.

The article follows:

PRODUCT LIABILITY LAWS NEED UNIFORMITY

(By Harry Maier)

There's a reason the American Association of Trial Lawyers is opposed to a national product liability law—big bucks are involved.

Lobbying against the legislation introduced by Sen. Robert Kasten, R-Wis., has been intensive.

The Kasten bill, S-44, is before the Senate Commerce Committee and is expected to be reported out sometime in February. It carries the names of 25 co-sponsors in a bipartisan effort. Backers of the legislation expect the bill will be passed and forwarded to the House.

It has been in the hopper for about three years and already has gone through about 20 revisions to bring it to the level where passage is expected. Legislation directed at product liability is not new, having worked its way through three administrations since 1976.

Product liability has been a thorn in the side of business and industry for years, but more so in recent years with the substantial increase in the amount of court awards.

In 1974, the number of suits filed nationally totaled 1,579. By 1982, the number had risen to 8,944 and when the 1983 figures are in, they are expected to be even higher.

That's been a bonanza for the trial lawyers who have made substantial commissions on the awards. The National Machine Tool Builders Association estimates that lawyers receive $77 for every $66 awarded a claimant. That adds up quickly in suits with awards running into the millions.

Unfortunately, some of the awards border on the absurd.

Here's an example:

To demonstrate his superior physical conditioning, a 41-year-old champion body-builder entered a footrace with a refrigerator strapped to his back. During the run, one of the straps holding the refrigerator slipped and the man was injured.

The injury prevented him from competing in body-building contests for several years, so he sued a number of defendants, including the maker of the strap. In September 1982, a Los Angeles County Superior Court awarded the body-builder $1 million in damages.

There also have been many instances in which a claimant has won a suit after he removed a safety device from a machine and then filed an action following an injury.

Representatives of the Coalition for Uniform Product Liability Law visited Green Bay last week seeking support for the Kasten bill.

Robert Heinz, attorney for Johnson Controls Inc., Milwaukee, pointed out that the cost of products manufactured by a company also reflects the high cost of product liability insurance, often as much as 20 percent.

His company is insured by Wausau Insurance Co., Wausau.

"The annual premiums for that insurance are based on our business on a national and international basis. It's virtually impossible for the insurance carrier to keep up with legislation in every state or country where we sell. That's the prime reason business is supporting a controlling law on the federal level," he said.

"Some rules have to be established nationally so that a single product would be subjected to the same standard for liability. The Kasten bill does nothing to restrict the right to file a lawsuit," Heinz said.

One of the provisions of the proposed legislation also would establish a statute of limitations at 25 years. Many suits continue to be filed on machinery or equipment that has been in use for as much as 30, 40 or even 50 years and often under two, three or more owners. The 25-year limit is longer than any current statute on a state level.

Currently, there is no national legislation, although about 30 states have adopted have some form of product liability law. No two are alike, however.

As a result, a claimant can win a suit in one state, but another can lose an identical suit in another state.

The Kasten legislation basically would provide courts with uniform legal rules to apply in all product liability cases.

Such uniformity would benefit both the manufacturer and the consumer. Passage is overdue.●

LEBANON

● Mr. WARNER. Mr. President, I recently returned from a 7-day, five-nation Middle East tour with Senator JOHN TOWER, chairman of the Senate Committee on Armed Services.

The primary purpose of our trip was to have a firsthand opportunity to consult with and inspect U.S. military forces operating in the area, to review the political and military situation in Lebanon, and to assess the continued U.S. participation in the multinational force.

In accomplishing our purpose, Senator TOWER and I met with the presidents of Egypt and Lebanon, the Prime Minister of Israel, King Hussein I of Jordan, and the Foreign Minister of Syria.

In addition, we met with the commander of each of the contingents constituting the MNF in Lebanon, the commander of the U.S. 6th Fleet, and President Reagan's special Middle East Envoy, Ambassador Rumsfeld.

Mr. President, I believe that we have a dilemma on our hands in the Congress. The Congress has a legitimate responsibility to conduct a serious debate on this important issue but, at the same time, every day that passes as the debate continues increases the probability of our forces in Lebanon, particularly those ashore, becoming high value targets of opportunity for our adversaries.

Wednesday, while receiving testimony from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff before the Committee on Armed Services, I asked General Vessey if it would not be in the interest of all concerned to, as quickly and expeditiously as possible, reconcile whatever differences the Congress may have with the President and conclude that debate, thereby reducing their value as a target of opportunity of our adversaries, the Marines and the Navy afloat.

General Vessey, our senior uniformed officer, supported this position unequivocally. He pointed out in the strongest terms that, and I quote:

Those who want instability in that part of the world want us out of Lebanon.

He went on to say, and I quote again:

If they think that shooting at our people will cause a rift in this country's support for the President's policies, they are certainly going to go ahead and shoot at our people.

Mr. President, my concern—indeed, the concern of the whole of America—is about the safety of our troops both at sea and ashore in that region.

A protracted debate in the Congress is not in the interest of our Nation.

I urge my colleagues to promptly express their views on this vital matter. The issue must be resolved as quickly as possible to reduce the motivation and value of targeting one of the four partners of the multinational force,

namely the U.S. Marines and Naval units offshore. Our personnel are gallantly serving in these difficult circumstances; we owe them individually and collectively our duty to contribute to their safety.

Mr. President, I attach for the reference of my colleagues the actual testimony:

Senator WARNER. Thank you, Mr. Chairman.

My first question is to General Vessey.

Earlier today over breakfast I had the opportunity to visit with you and the Secretary and we discussed the situation in Lebanon.

I expressed to you my support for the President's current policy and at the same time my concern, indeed the concern of many, indeed the whole of America, about the safety of our troops, both at sea and ashore in that region.

General Vessey, it seems to me that we have a dilemma on our hands here in the Congress. We have a responsibility to conduct a legitimate debate on this issue and at the same time I judge from your observations this morning that that debate focuses particularly upon the Marines ashore which enhances their being a target of opportunity by our adversaries.

My question to you would be: Would it not be in the interest of all concerned to as quickly and as expeditiously as possible reconcile whatever differences the Congress may have with the President and conclude that debate, thereby reducing, should we say, the target of opportunity of our adversaries against the Marines and perhaps the Navy afloat?

General VESSEY. I would certainly agree with you, Senator. As you know from your trip in that part of the world, the people who want instability in that part of the world want us out of there.

If they think that shooting at our people will cause a rift in this country's support for the President's policies, they are certainly going to go ahead and shoot at our people.

So, I believe that it is important that those policies be resolved and that we support the President and his negotiator in getting on with peace in Lebanon and peace in the Middle East.

Senator WARNER. The representation has been made, indeed the Chairman and I have testified, that the credibility of the U.S. is very much affected by what we do with those Marines ashore and the manner in which a decision is made on what time to make the withdrawal that all of us hope will be as soon as possible.

Do you agree that their presence ashore very definitely impacts on the present long-range credibility of the United States to be an effective working partner, both diplomatically and militarily, in that region?

General VESSEY. Certainly you found the same things I found. I found in my trips throughout that area that the nations that are interested in peace and stability and who are interested in supporting the United States in that area believe that their presence is very important.

It is a very important psychological presence for the Government of Lebanon to understand that there are nations in the world that support them and it is important to those other nations in the Middle East to understand that we are not going to back off on our commitment.

Senator WARNER. One of the hopeful signs in that area is the progress being made by President Gemayel and others in constituting the Lebanese armed forces.

There are presently five to six, brigades. They are operational. Their goal is perhaps as high as ten brigades by June.

We, as I understand, are supplying as quickly as possible the needed equipment to reconstitute the armed forces of the Government of Lebanon.

Do you see that as a hopeful sign, namely that they in turn could eventually begin to take over some of the responsibility of the Multinational Force, indeed cut Marines at the airport, within a reasonable period of time?

General VESSEY. Yes, Senator, I do. The Marines were sent in as part of that Multinational Force, not to solve all the political problems in the Middle East. That is beyond their ability.

They were sent in there to give a breathing spell to the Government of Lebanon so that they could build up their own capability, both to control their own territory and solve their political problems.

The army of the Government of Lebanon certainly won't solve all the problems alone. The problems are basically political problems.

The army is growing and it is a good army. It represents all the factions in the country. From what I have seen of it, it looks good and it will certainly be able to control its own territory fairly soon.

Senator WARNER. In brief, then, the Joint Chiefs view this situation in a manner consistent with the President?

General VESSEY. That is certainly correct.●

REPEAL OF THE SENATE PAY RAISE

● Mr. LAXALT. Mr. President, I would like to express a few further thoughts on S. 2211, the bill that we passed on January 26 to repeal our backdoor pay increase. I am glad that the bill passed, despite the fact that it not only reduces our pay, but has the further effect of reducing the amount of honoraria income that Senators may earn, since that amount is limited to a fixed 30 percent of our salaries. I do not object to higher Senate salaries, nor do I believe that we should impose more onerous limits on honoraria. Senate salaries have not kept pace with inflation, and fail to take into account the many costs of holding public office today. This body's inability to vote itself a reasonable salary, and its inability to resist imposing a limitation on fully disclosed outside income—a limitation that I consider unconstitutional—have made it increasingly difficult for Congress to attract and retain those citizens best qualified and suited for public office.

But I set these considerations aside in voting on S. 2211 because I am even more bothered by the secretive manner in which this latest pay increase was accomplished. When the Senate seeks to avoid accountability for an action that is so unavoidably self-serving, our public standing is diminished in a way that no amount of money can correct. Therefore, although I believe that the Senate's actions in the area of salary and compensation have been unwise and at times unconstitutional, I was happy to have the opportunity to vote in favor of S. 2211.●

WEINBERGER'S REMARKABLE STATEMENTS

● Mr. LEVIN. Mr. President, a year ago tomorrow, America's newspapers published stories about the testimony before the Senate Budget Committee of Defense Secretary Caspar W. Weinberger. It contained a startling statement, relayed from President Reagan, about proposed cuts in defense spending. The Secretary told the committee that, in his words: "The President was and is of the firm view that we have reached the bone, and that any further cuts would do severe damage to our national security." End of quote. As we all know, Congress—which is at least as concerned as the President is about national security—did make further cuts. In fact, the cuts totaled $15.8 billion. Yet, somehow or other, the bone which the President a year ago warned already had been reached seems not only to have survived those cuts but indeed to have come out strengthened.

For, this week—on Wednesday, to be exact—Secretary Weinberger gave the Senate Armed Services Committee a statement as remarkable as last year's. The Reagan administration had, over the past year, committed itself to "return America's defense programs to a safe and steady course," he said. And—miraculously and notwithstanding the dire forecast of last year, but with what he called "the bipartisan support of Congress, we did just that." In other words, budget cuts which a year ago Congress was warned not to make with the threat of doing severe damage to national security—but which were made—remarkably have led us back to a "safe and steady course" in defense. And those of us who had been warned not to make the cuts, but did, have become part of a "bipartisan support."

Mr. President, if this is not magic, what is it? And if the Defense Secretary is not a magician—at least with words—what is he? Far be it from me to give my judgment. Suffice it to say, I believe that it is important today, as we mark the anniversary of what may go down in history as the administration's famous "we have reached the bone" warning, to be on the alert for still more prestidigitation.

Just as there remains waste and misguided priorities within the defense budget there remains excessive posturing in this administrations rhetoric about that budget.●

ABA ACTIVE IN PROVIDING FOR LEGAL NEEDS OF OLDER CLIENTS

● Mr. GRASSLEY. Mr. President, as chairman of the Subcommittee on Aging and a member of the Judiciary Committee, I have taken a great interest in the ways in which the legal profession is serving older Americans, both through government and private sector efforts.

I have been gratified to learn that this very subject has been a major focus of the American Bar Association, which in 1978 established an interdisciplinary Commission on Legal Problems of the Elderly. The commission today focuses on six areas of particular concern to elderly clients: simplification of administrative procedures and regulations, discrimination against the elderly, provision of legal services to the elderly, long-term care, housing, and social security.

The commission's current projects include model statutes for retirement facilities, model instruments for home equity conversion, and encouraging corporate legal departments to provide pro bono services. But the commission is also active in mobilizing the private bar to improve service to the elderly.

As part of this effort, the commission publishes a newsletter entitled "Bifocal," along with a number of informational pamphlets on specific legal issues affecting the elderly.

I recently reviewed one of those pamphlets for attorneys entitled "Counseling Older Clients," and was so impressed with the quality of the suggestions it includes that I submit it for the RECORD.

Mr. President, I encourage all attorneys, but especially those interested in serving the elderly, to contact the commission or their local bar association for further literature and information. The Commission on Legal Problems of the Elderly is headquartered at the offices of the American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

Mr. President, I ask that a pamphlet published by the commission be printed in the RECORD.

The pamphlet follows:

COUNSELING OLDER CLIENTS

Are you sometimes bewildered in responding to sentiments expressed by older clients? Have you found it difficult to close an interview with an older client? Do you know the signs of hearing and vision loss, and how to compensate for these problems? Are you prepared to make appropriate referrals? Answering questions like these will help you assess your effectiveness as a legal counselor for the elderly.

In working with older persons, attorneys must be sensitive to age-related factors without losing sight of the individuality of every elderly client. No two people age in the same way or at the same pace. The aging process is affected by an individual's economic situation, health, social relationships, and personality.

Certain conditions, such as hearing or vision loss, are more prevalent among older people than younger people, and awareness of these conditions is essential in working with older clients. The central distinction between older and younger clients is the degree to which the aging process has limited the autonomy of the older client. Through no fault of their own, older clients may find themselves severely limited physically, financially, and socially.

Attorneys can play a significant role in restoring or enhancing the independence of older clients. However, their personal attitudes about aging may influence the extent to which they are willing to accept this key role. Therefore, it is of primary importance that any attitudes and stereotypes be examined which might interfere with the attorney's ability to serve the client as an adult—with the same need for autonomy as the younger client.

Listed on the following pages are some fundamentals for counseling older clients. They focus on special skills which attorneys and referral panel coordinators need to develop, many of which are useful in the counseling relationship regardless of the age of the client.

1. Make yourself physically accessible. Some elderly clients have problems getting to an attorney. Be prepared to make house calls or otherwise aid the client in arranging transportation. Make offices safe for older clients; avoid slippery floors and throw rugs in walk areas. Provide for access by clients in wheelchairs.

2. Develop your clients' confidence and trust in a thoughtful way. Take time to explain the process. Stress the confidential nature of your relationship. Some clients may fear that what is discussed could result in a loss of needed benefits; others may resent the need to see an attorney at all. To elicit all possible legal problems, the attorney must take the first steps leading to an open relationship with the older client.

3. Sharpen your active listening skills. Paraphrasing or repeating your client's statements is a useful technique for encouraging and checking for accurate communication. It enhances the client's sense of involvement and trust, and indicates that you care about what is said.

4. Do not assume hearing or vision loss in older clients. Most older people hear and see as well as younger ones. However, if a client has experienced sensory loss, many useful techniques exist for facilitating communication.

5. To compensate for hearing loss: Eliminate background noise. Sit so that the client can see your lips, do not block the view of your face, particularly your mouth. Speak in a low pitch; enunciate clearly. Do not make important points merely in passing. Develop methods of rephrasing important points so that you can check on communication gaps (without being condescending).

6. To compensate for vision loss: Double or triple space all written materials. Allow ample time for the client to read printed materials. Avoid having the client face a source of glare such as a shiny table top, desk top, or window.

7. Organize sessions carefully, allowing sufficient time for all tasks. Sending the client written questions in advance may be helpful in preventing excessively lengthy counseling sessions, and also enhances the client's sense of participation. You may need to plan shorter sessions for clients who show fatigue or difficulty attending for long periods.

8. Actively involve the client and maintain regular contact. Clients may lose interest or retreat from a legal case if there is not continuing contact. If possible, assure the client of the probable benefits of pursuing the case.

9. Learn techniques for closing an interview with the client who wants to stay longer. Set a time limit in advance of the appointment. Stress your intent to stay in contact (and then do it). Let your clients know that you understand and care how they feel.

10. Fully explore the problems your client may (or may not) have before initiating any action. The real problem may be something other than that which the client expresses initially. A combination of patience, sensitivity, and persistence is needed in eliciting all pertinent information.

11. Learn about available community resources for older people. If there is no legal solution, suggest an alternative, or refer the client to the proper service provider.

12. Confront your own pre-existing perceptions and values about aging. Age bias is deeply ingrained in our society and can be detrimental to an attorney's communication with clients.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who propose to participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Mr. Charles Marinaccio of the Banking Committee staff, to participate in a program sponsored by Tunghai University, in Taipei, Taiwan, from January 15 to 22, 1984.

The committee has determined that participation by Mr. Marinaccio in the program in Taiwan, at the expense of Tunghai University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received requests for determination under rule 35 which would permit Mr. Ira S. Shapiro on the staff of the Committee on Governmental Affairs and Mr. Thomas A. Daffron on the staff of Senator COHEN, to participate in a program sponsored by the Chinese Culture University in Taipei, Taiwan, from January 7 through 15, 1984.

The committee has determined that participation by Mr. Shapiro and Mr. Daffron in this program in Taipei, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. John Childers of the Rules Committee, to participate in a program sponsored by the Chinese Culture University, in Taipei, Taiwan, from January 7 to 15, 1984.

The committee has detemined that participation by Mr. Childers in the program in Taipei, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Margo Carlisle of the staff Senator McCLURE, to participate in a program sponsored by the Chinese Culture University, in Taipei, Taiwan, from January 7 to 15, 1984.

The committee has determined that participation by Ms. Carlisle in the program in Taipei, at the expense of the Chinese Cultural University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Susan Schwab of the staff of Senator DANFORTH to participate in a program sponsored by Seoul National University, in Seoul, Korea, from December 2 to 11, 1983.

The committee has determined that participation by Ms. Schwab in the program in Seoul, Korea, at the expense of the Seoul National University, to discuss United States-Korean economic and political relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Paul A. Sivley of the staff of Senator MURKOWSKI, to participate in a program sponsored by the Hebrew University of Jerusalem, in Israel, in early January 1984.

The committee has determined that participation by Mr. Sivley in the program in Israel, at the expense of the Hebrew University, to participate in meetings and seminars, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Senator WILLIAM V. ROTH, JR., and Dr. Ian Butterfield of his staff to participate in a program sponsored by the Institute of International Affairs in Pietermaritzburg, South Africa, from January 15 to 21, 1984.

The committee has determined that participation by Senator ROTH and Dr. Butterfield in the program in South Africa, at the expense of the Institute of International Affairs, to attend a conference concerning international affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. David G. Shoultz, of the staff of Senator HAWKINS, to participate in a program sponsored by the Hebrew University of Jerusalem, in Jerusalem from January 2 to 13, 1984.

The committee has determined that participation by Mr. Shoultz, in the program in Jerusalem, at the expense of the Hebrew University of Jerusalem, to discuss United States-Israeli relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Deborah Harnesberger of the staff of Senator JOHN TOWER to participate in a program sponsored by Tamkang University in Taipei, Taiwan from November 28 to December 11, 1983, and Messrs. Neil Levin and Steven Harris, of the staff of the Committee on Banking, Housing and Urban Affairs, to participate in a program in Seoul, Korea, sponsored by the Seoul National University from December 1 to 11, 1983.

The committee has determined that participation by Ms. Harnesberger in the program in Taipei, at the expense of Tamkang University, as part of a congressional delegation visit, and participation by Messrs. Levin and Harris in the program in Seoul, Korea, sponsored by the Seoul National University, to discuss United States-Korea relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Dr. Clifford Kiracofe of the staff of Senator JESSE HELMS, to participate in a program sponsored by the Asociacion Internacional de Amigos de El Salvador, in El Salvador, from November 21 to 25, 1983.

The committee has determined that participation by Dr. Kiracofe in the program in El Salvador, at the expense of the Asociacion Internacional de Amigos de El Salvador, to confer with political and private sector interests who are affected by U.S. aid policies, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Jeff M. Bingham, of the staff of Senator JAKE GARN, to participate in a program sponsored by the Hanns-Seidel Foundation, and coordinated by the Heritage Foundation, in West Germany, from December 10 to 18, 1983.

The committee has determined that participation by Mr. Bingham in the program in West Germany, at the expense of the Hanns-Seidel Foundation, to meet with government officials, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Dave Sullivan and Ms. Jade West of the staff of Senator STEVE SYMMS to participate in a program sponsored by the Hanns-Seidel Foundation, and coordinated by the Heritage Foundation, in West Germany from December 11 to 18, 1983.

The committee has determined that participation by Mr. Sullivan and Ms. West in the program in West Germany, at the expense of the Hanns-Seidel Foundation to meet with government officials, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Margo Carlisle of the staff of Senator McCLURE to participate in a program sponsored by the Hanns-Seidel Foundation, in Bonn, West Germany, from December 10 to 18, 1983.

The committee has determined that participation by Ms. Carlisle in the program in West Germany, at the expense of the Hanns-Seidel Foundation to attend a conference, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. David Morey of the staff of Senator JOHN GLENN, to participate in a program sponsored by Tamkang University, in Taipei, Taiwan, from November 27 to December 7, 1983.

The committee has determined that participation by Mr. Morey in the program in Taiwan, at the expense of Tamkang University, to discuss Taiwan's culture and institutions, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Grayson Fowler of the staff of Senator ZORINSKY to participate in a program sponsored by the Hebrew University of Jerusalem, in Jerusalem from January 3 to 13, 1984.

The committee has determined that participation by Mr. Fowler in the program in Jerusalem, at the expense of the Hebrew University of Jerusalem, to discuss United States-Israeli relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Ralph B. Everett of the staff of the Commerce Committee, to participate in a program sponsored by the Tunghai University, in Taiwan in mid-January 1984.

The committee has determined that participation by Mr. Everett in the program in Taiwan, at the expense of

Tunghai University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Joel S. Lisker of the Subcommittee on Security and Terrorism, to participate in a conference in Jerusalem, sponsored by the Department of Education and Culture of the Jewish Agency, from January 31 to February 2, 1984.

The committee has determined that participation by Mr. Lisker in the conference in Jerusalem, at the expense of the Department of Education and Culture of the Jewish Agency, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Senator STEVE SYMMS to participate in a factfinding visit to South Africa, sponsored by the South Africa Foundation, from January 11 to 25, 1984.

The committee has determined the participation by Senator SYMMS in the visit to South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Ann Pride of the staff of Senator PRYOR to participate in a program sponsored by Tunghai University, in Taiwan, in mid-January 1984.

The committee has determined that participation by Ms. Pride in the program in Taiwan, at the expense of Tunghai University, to discuss United States-Taiwan relations is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Cynthia Jurciukonis of the staff of Senator RIEGLE, to participate in a program sponsored by Haus Rissen International Institute for Politics and Economics in Hamburg, West Germany, from April 1 to 15, 1984.

The committee has determined that participation by Ms. Jurciukonis in the program in Hamburg, West Germany, at the expense of the Haus Rissen International Institute for Politics and Economics, to discuss United States-German relations, is in the interest of the Senate and the United States.●

ORDER OF PROCEDURE

The PRESIDING OFFICER. Is there further morning business?

Mr. BAKER. Mr. President, on yesterday an order was entered granting authority to the majority leader to call up one of three bills after consulting with the minority leader. I consulted with him on last evening, and it is my understanding that he does not object to proceeding at this time to call up one of these measures. We are doublechecking now, and I wish to announce that the first one of the three bills to be called up will be the bail reform bill which is Calendar Order 229, S. 215. I anticipate that it will take a fairly brief time to dispose of that. It is possible that we will have a rollcall vote, however, on that measure. Indeed, I wish to say to Senators who may be listening in their offices or elsewhere that I anticipate probably two rollcall votes today, but I still hope that we can be out, or at least have no further rollcall votes after about 3 p.m.

Now, Mr. President, while we complete checking with the minority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I ask unanimous consent there now be an additional period for the transaction of routine morning business of no longer than 5 minutes in length in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I thank the distinguished and gracious majority leader.

NUCLEAR FREEZE—YES! BUILD-DOWN—NO!

Mr. PROXMIRE. Mr. President, are we speeding along a high-tech nuclear arms road to death and oblivion? Somehow, we have become so enchanted by the magic of science, and especially by the impressive lingo of nuclear physics, that we assume that the geniuses who gave us the awful power of nuclear weapons can wave another scientific wand and bring all this life-ending power under control.

Brilliant young scientists are working at the Livermore Lab in California and elsewhere to create weapons that will nullify the opposition's nuclear weapons. Of course, these defensive nuclear weapons will also advance the nuclear confrontation another trillion dollars along the dangerous and unpredictable nuclear path.

President Reagan is pushing the Congress to embark on a huge, new nuclear weapons in space initiative designed to end the threat of Russian intercontinental ballistic missiles. This, too, would shove our human, financial, and economic resources further along the unpredictable nuclear race track where every reaction has a reaction.

We know that as we build our immense Star Wars defenses, the Russians will find other ways besides space to deliver their nukes. And now we are wooed by the administration to accept something they cleverly call build-down. They promise that build-down would reduce the nuclear threat by providing an agreement with the U.S.S.R. It would provide that both sides would only replace aging and obsolete nuclear weapons either with fewer or more stable nuclear weapons.

This is the most seductive appeal dreamed up by the nuclear hawks yet. Does it make any sense? No. Here is why: It overlooks the fact that the United States has been following a build-down formula without any agreement for the past 24 years—ever since 1960. We have reduced the number of nuclear warheads in our arsenal from 32,000 in 1960 to 26,000 today. We have slashed the megatonnage from more than 30,000 megatons in 1960 to less than 12,000 today. But have we built down? Whom are we trying to kid? We have built up. We have simply reduced our so-called tactical weapons, sharply increased our strategic weapons, and vastly improved the accuracy and reliability of these strategic weapons. So now we can deliver on the Soviet Union a far more lethal package than we could 24 years ago. Some build-down.

But this phony build-down is precisely what some of our most influential Members in the Senate are pushing; and, indeed, shortly before the recess, the Senate as a whole rejected a nuclear freeze in favor of this same spurious build-down approach to arms control. Ah, the power of words.

Mr. President, the power of words can be critical in our success or failure in stopping the arms race, as Caryl Rivers points out brilliantly in an article in the New York Times on February 2. Listen to these two short paragraphs from the Rivers article:

> Language, after all, is politics, as George Orwell pointed out. The way we talk about something has a great deal to do with how we think about it. There is something wonderfully comforting in high-tech talk. If somebody says he can debolitize a framistan, I breathe a sigh of relief: Now, there is a person who knows what he's doing.
>
> High tech language tends to foster one of the most dangerous myths of modern geopolitics: the illusion of control. If we just push the right buttons, deploy the right missiles with the right initials, input the right set of computer-aided policy objectives, everything will work out just fine.

Finally, Rivers concludes:

> If we are to deal realistically with the nuclear threat, we must abandon—at great cost to egos in Washington—the illusion of control. The truth is we deal with crisis and confrontation roughly the same way we did when we settled things with a barrage of stones. If we're not careful we'll be back to that in short order.

The nuclear nightmare will not be held at bay by high tech dazzle. It will be rolled back only by a sustained, slogging, wearying effort to pare down the nuclear arsenal, and a determination to be absolutely sure we do not wander blindly into a "High Noon" confrontation.

Is the situation hopeless? No; but we do, indeed, have an administration that seems determined not to even try to negotiate an end to the arms race. On that same February 2, on the op ed page of the New York Times, this country's chief negotiator at the Geneva arms talks, Gen. Edward Rowney, writes about how hopeful the outlook for negotiations has become because the administration is pushing build-down. Build-down becomes our final, most sought-after arms control goal.

So even if we conclude a completely successful negotiation with the U.S.S.R., what do we have? We have an agreement to push ahead, full steam, in the technological arms race, while the Russians do likewise.

In all fairness, it is certainly true that build-down might reduce nuclear weapon instability if both sides agree to provide an incentive for introducing more stable weapons by permitting a one-for-one substitution of single warhead launchers while the agreement requires a two-for-one or three-for-one per warhead substitution of new MIRV'd land-based missiles. But build-down would increase the killing power—the capacity to deliver ever greater payloads on the enemy's homeland on both sides, just as it has for the past 14 years with our own unilateral build-down.

With a build-down agreement, we could be sure of two things: First, neither side would make a substitution that did not enhance the lethality of its arsenal. Second, and by far the most important, the technological race would go on as feverishly as ever to refine ever more reliable, cheaper, more portable nuclear devices. And where does this kind of competition lead? Obviously, it leads to possession of nuclear arsenals by more and more countries and ever greater risk that somewhere, sometime, someone will start the last war.

The answer, once again, Mr. President is a freeze—especially a freeze on testing—a mutual, verifiable frontal lobotomy on the research that takes us ever closer to universal death.

Mr. President, I ask unanimous consent that the article to which I have referred, entitled "Armageddon Lingo," by Caryl Rivers, in the February 2, New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMAGEDDON LINGO

(By Caryl Rivers)

BOSTON.—Today, the more gruesome, the more grotesque the weapon of destruction, the more sanitized the terminology by which it is described.

In World War II, when we sent out B-29's against Japan, we called it "fire-bombing." It wasn't hard to visualize the great storms blowing through Tokyo streets. Today, our weapons make those incendiary bombs look like a pack of matches. And what do we call them? Intercontinental ballistic missiles and medium-range tactical cruises and multiple-warhead missiles (that is, MIRV's, or multiple independently targetable re-entry vehicles), and the MX. MX sounds like it ought to be a sports car, and MIRV a new Atari game. Since these devices can turn flesh to molten paste in seconds, the use of high-tech lingo for talking about Armageddon is no accident.

Language, after all, is politics, as George Orwell pointed out. The way we talk about something has a great deal to do with how we think about it. There is something wonderfully comforting in high-tech talk. If somebody says he can debolitize a framistan, I breathe a sight of relief: Now, there is a person who knows what he's doing.

High-tech language tends to foster one of the most dangerous myths of modern geopolitics: the illusion of control. If we just push the right buttons, deploy the right missiles with the right initials, input the right set of computer-aided policy objectives, everything will work out just fine.

I have been dismayed, as the nuclear debate intensifies, to hear politicians, bureaucrats and military men talking in exactly these terms, and looking chipper as they do. Such comments gave me a nagging sense of déjà vu: Where had I heard that sort of thing before? It was 19 years ago, at a press luncheon. Lyndon B. Johnson's people were telling us we were not going to lose the Vietnam War. American power routed? Impossible. I was a green reporter and didn't have the temerity to question their impressive statistics. But I wondered about their absolute lack of self-doubt. I wondered: How do they know?

Of course, they didn't know. And Ronald Reagan and Yuri V. Andropov don't know whether we will blow each other sky high. But American officialdom still suffers from the illusion of control.

If you seek its roots, one place you'll find it is in the deification of science spawned by the 19th century. No longer were we a cowed, primitive species that had to lop off the head of a goat to appease angry gods. We—through science—had become the gods, and had subdued nature. We didn't understand that our mechanisms of control had a dark side—or that we control much less than we imagined.

The illusion of control is also fostered by the male stereotype. To be a man is to be in control, at all times. James Bond, after all, doesn't mess up when he fires one of his ingenious gadgets. The need to be in control—or to appear to be—is programed into the political and military systems. Talking of Vietnam, Lyndon Johnson referred to the coonskin tacked to the wall. Ronald Reagan repeats Teddy Roosevelt's up-San-Juan-Hill maxims. But again and again, the image of control has proved false. We lost in Vietnam. It should have been impossible for fanatics to destroy our Marine headquarters in Beirut and kill 241 servicemen with a truckful of dynamite, but it happened.

If we are to deal realistically with the nuclear threat, we must abandon—at great cost to egos in Washington—the illusion of control. The truth is we deal with crisis and confrontation roughly the same way we did when we settled things with a barrage of stones. If we're not careful, we'll be back to that in short order.

The nuclear nightmare will not be held at bay by high-tech razzle-dazzle. It will be rolled back only by a sustained, slogging, wearying effort to pare down the nuclear arsenal, and a determination to be absolutely sure we do not wander blindly into a "High Noon" confrontation.

J. Robert Oppenheimer, one of the men who created the bomb, felt the elemental danger loosed on the earth when he watched the first atomic sun dawn over the plains of New Mexico. His words were not the jargon of high technology but those of a Hindu poem far more appropriate for the nuclear age: "Now I have become death, the destroyer of worlds."

THE ANNIVERSARY OF THE THIRD REICH'S COMMITMENT TO GENOCIDE: A REMINDER OF THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, 42 years ago last month, at the Wannsee Conference, the Third Reich officially decided upon extermination as the "final solution" to the presence of Jews in occupied Europe. Couched in ambiguous terms but obvious to all participants, history's most barbaric act of genocide was outlined for the regional ministers by Hitler's deputies, setting in motion the grisly logistics of mass murder.

With numbing precision, the macabre details of the Holocaust were ironed out. Conferees discussed whether to murder the children of mixed marriages. They exchanged ideas on how to transport the millions to their deaths. The overall blueprint was revealed, grotesque in its simplicity: the Jews of Europe would be uprooted to Eastern Europe and worked to death. Any survivors would be executed.

If this recounting of the horrors of the Holocaust seems morbid and unnecessary, I relate it with a purpose. Such inhuman atrocities need to be aired and relived for, in remembering, one acts to prevent a recurrence. To dismiss such barbarity as a momentary historical aberration is to invite complacency. George Santayana said:

Progress, far from consisting in change, depends on retentiveness.

The horrors of the Holocaust galvanized the architects of postwar Europe to action. Of the several international human rights documents that were drafted, only the Genocide Convention specifically outlaws the murder and serious mental or physical persecution of an ethnic, racial, or religious group. Eighty-seven nations have chosen to sign the treaty, honoring the millions that died in the Holocaust and binding themselves to an interna-

tional commitment to uphold human rights.

Paradoxically, despite the constant reiteration of our adherence to the principles that characterize this agreement, the United States has yet to sign. Our lack of action betrays our words, and our global reputation is diminished. The right to live has been and always will be defended to the utmost by this country. Consistency in our relationship with the international community demands that we give proof of our commitment to these ideals and move quickly to give our advice and consent to the President, so that we may become cosigners of this crucial humanitarian document.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. TRIBLE). The Chair, on behalf of the Vice President, appoints the Senator from Maryland (Mr. MATHIAS) to attend the Diplomatic Conference to Revise the Paris Convention for the Protection of Industrial Property to be held in Geneva, Switzerland, February 27–March 24, 1984.

The Chair, in its capacity as a Senator from the Commonwealth of Virginia, suggests the absence of a quorum.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BAIL REFORM ACT

Mr. BAKER. Mr. President, I have now consulted with the minority leader, who indicates that he has no difficulty with our proceeding at this point to the consideration of the Bail Reform Act of 1983, which is S. 215, Calendar No. 229.

The distinguished Senator from Maine (Mr. MITCHELL) is here. It is my understanding that we are prepared now to proceed and that the Senator from Maine will manage on his side.

Therefore, Mr. President, in accordance with the order previously entered, I now ask the Chair to lay before the Senate S. 215.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 215) to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes.

The Senate proceeded to consider the bill, which was reported from the Committee on the Judiciary with an amendment in the nature of a substitute.

Mr. BAKER. Mr. President, I repeat what I said a moment ago, for the benefit of those who are listening in their offices and elsewhere.

It appears that there will be two votes on this bill—one in relation to a Mitchell amendment and one in relation to final passage of the bill. There may be other amendments and there may be other votes. But it appears now that there will be at least two votes on this bill.

I hope we can finish the bill by 12 noon or 12:30 p.m., and it will be the intention of the leadership on this side to proceed next to S. 948, the forfeiture bill. I have not yet conferred with the minority leader on that subject, but I say that for the benefit of Senators.

AMENDMENT NO. 2694

Mr. THURMOND. Mr. President, I send to the desk an amendment in the nature of a substitute for S. 215. This substitute is identical to title 1 of S. 1762, which was passed by the Senate yesterday in the crime package.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an amendment numbered 2694.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Bail Reform Act of 1984".

SEC. 2. (a) Sections 3141 through 3151 of title 18, United States Code, are repealed and the following new sections are inserted in lieu thereof:

"§ 3141. Release and detention authority generally

"(a) PENDING TRIAL.—A judicial officer who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released or detained, pending judicial proceedings, pursuant to the provisions of this chapter.

"(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained pursuant to the provisions of this chapter.

"§ 3142. Release or detention of a defendant pending trial

"(a) IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

"(1) released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of subsection (b);

"(2) released on a condition or combination of conditions pursuant to the provisions of subsection (c);

"(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion pursuant to the provisions of subsection (d); or

"(4) detained pursuant to the provisions of subsection (e).

"(b) RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—The judicial officer shall order the pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of his release, unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

"(c) RELEASE ON CONDITIONS.—If the judicial officer determines that the release described in subsection (b) will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrial release of the person—

"(1) subject to the condition that the person not commit a Federal, State, or local crime during the period of release; and

"(2) subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

"(A) remain in the custody of a designated person, who agrees to supervise him and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

"(B) maintain employment, or, if unemployed, actively seek employment;

"(C) maintain or commence an educational program;

"(D) abide by specified restrictions on his personal associations, place of abode, or travel;

"(E) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

"(F) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

"(G) comply with a specified curfew;

"(H) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(I) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(J) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

"(K) execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of

the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the judicial officer may specify;

"(L) execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the person as required;

"(M) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

"(N) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person. The judicial officer may at any time amend his order to impose additional or different conditions of release.

"(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

"(1) the person—

"(A) is, and was at the time the offense was committed, on—

"(i) release pending trial for a felony under Federal, State, or local law;

"(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

"(iii) probation or parole for any offense under Federal, State, or local law; or

"(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(2) the person may flee or pose a danger to any other person or the community;

he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing release pending trial or deportation or exclusion proceedings. If temporary detention is sought under paragraph (1)(B), the person has the burden of proving to the court that he is a citizen of the United States or is lawfully admitted for permanent residence.

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, he shall order the detention of the person prior to trial. In a case described in (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judge finds that—

"(1) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(2) the offense described in paragraph (1) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(3) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or an offense under section 924(c) of title 18 of the United States Code.

"(f) DETENTION HEARING.—The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) will reasonably assure the appearance of the person as required and the safety of any other person and the community in a case—

"(1) upon motion of the attorney for the Government, that involves—

"(A) a crime of violence;

"(B) an offense for which the maximum sentence is life imprisonment or death;

"(C) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); or

"(D) any felony committed after the person had been convicted of two or more prior offenses described in subparagraphs (A) through (C), or two or more State or local offenses that would have been offenses described in subparagraphs (A) through (C) if a circumstance giving rise to Federal jurisdiction had existed; or

"(2) Upon motion of the attorney for the Government or upon the judicial officer's own motion, that involves—

"(A) a serious risk that the person will flee;

"(B) a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed five days, and a continuance on motion of the attorney for the Government may not exceed three days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the Government or on his own motion, may order that, while in custody, a person who appears to be a narcotics addict receive a medical examination to determine whether he is an addict. At the hearing, the person has the right to be represented by counsel, and, if he is financially unable to obtain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding pursuant to subsection (e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community shall be supported by clear and convincing evidence. The person may be detained pending completion of the hearing.

"(g) FACTORS TO BE CONSIDERED.—The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning—

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;

"(2) the weight of the evidence against the person;

"(3) the history and characteristics of the person, including—

"(A) his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

"(B) whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

"(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection (c)(2)(K) or (c)(2)(L), the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

"(h) CONTENTS OF RELEASE ORDER.—In a release order issued pursuant to the provisions of subsection (b) or (c), the judicial officer shall—

"(1) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

"(2) advise the person of—

"(A) the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

"(B) the consequences of violating a condition of release, including the immediate issuance of a warrant for the person's arrest; and

"(C) the provisions of sections 1503 of this title (relating to intimidation of witnesses, jurors, and officers of the court), 1510 (relating to obstruction of criminal investigations), 1512 (tampering with a witness, victim, or an informant), and 1513 (retaliating against a witness, victim, or an informant).

"(i) CONTENTS OF DETENTION ORDER.—In a detention order issued pursuant to the provisions of subsection (e), the judicial officer shall—

"(1) include written findings of fact and a written statement of the reasons for the detention;

"(2) direct that the person be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

"(3) direct that the person be afforded reasonable opportunity for private consultation with his counsel; and

"(4) direct that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding.

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

"(j) PRESUMPTION OF INNOCENCE.—Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

"§ 3143. Release or detention of a defendant pending sentence or appeal

"(a) RELEASE OR DETENTION PENDING SENTENCE.—The judicial officer shall order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c). If the judicial officer makes such a finding, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(b) RELEASE OR DETENTION PENDING APPEAL BY THE DEFENDANT.—The judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

"(1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c); and

"(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

If the judicial officer makes such findings, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(c) RELEASE OR DETENTION PENDING APPEAL BY THE GOVERNMENT.—The judicial officer shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3731 of this title, in accordance with the provisions of section 3142, unless the defendant is otherwise subject to a release or detention order.

"§ 3144. Release or detention of a material witness

"If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpena, a judicial officer may order the arrest of the person and treat the person in accordance with the provisions of section 3142. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 3145. Review and appeal of a release or detention order

"(a) REVIEW OF A RELEASE ORDER.—If a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court—

"(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release; and

"(2) the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.

The motion shall be determined promptly.

"(b) REVIEW OF A DETENTION ORDER.—If a person is ordered detained by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

"(c) APPEAL FROM A RELEASE OR DETENTION ORDER.—An appeal from a release or detention order, or from a decision denying revocation or amendment of such an order, is governed by the provisions of section 1291 of title 28 and section 3731 of this title. The appeal shall be determined promptly.

"§ 3146. Penalty for failure to appear

"(a) OFFENSE.—A person commits an offense if, after having been released pursuant to this chapter—

"(1) he knowingly fails to appear before a court as required by the conditions of his release; or

"(2) he knowingly fails to surrender for service of sentence pursuant to a court order.

"(b) GRADING.—If the person was released—

"(1) in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction, for—

"(A) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, he shall be fined not more than $25,000 or imprisoned for not more than ten years, or both;

"(B) an offense punishable by imprisonment for a term of five or more years, but less than fifteen years, he shall be fined not more than $10,000 or imprisoned for not more than five years, or both;

"(C) any other felony, he shall be fined not more than $5,000 or imprisoned for not more than two years, or both; or

"(D) a misdemeanor, he shall be fined not more than $2,000 or imprisoned for not more than one year, or both; or

"(2) for appearance as a material witness, he shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

"(d) DECLARATION OF FORFEITURE.—If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to section 3142(b) or is subject to the release condition set forth in section 3142(c)(2)(K), or (c)(2)(L), the judicial officer may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the United States.

"§ 3147. Penalty for an offense committed while on release

"A person convicted of an offense committed while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to—

"(1) a term of imprisonment of not less than two years and not more than ten years if the offense is a felony; or

"(2) a term of imprisonment of not less than ninety days and not more than one year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3148. Sanctions for violation of a release condition

"(a) AVAILABLE SANCTIONS.—A person who has been released pursuant to the provisions of section 3142, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

"(b) REVOCATION OF RELEASE.—The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which his arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

"(1) finds that there is—

"(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

"(B) clear and convincing evidence that the person has violated any other condition of his release; and

"(2) finds that—

"(A) based on the factors set forth in section 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a

danger to the safety of any other person or the community; or

"(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, he shall treat the person in accordance with the provisions of section 3142 and may amend the conditions of release accordingly.

"(c) PROSECUTION FOR CONTEMPT.—The judge may commence a prosecution for contempt, pursuant to the provisions of section 401, if the person has violated a condition of his release.

"§ 3149. Surrender of an offender by a surety

"A person charged with an offense, who is released upon the execution of an appearance bond with a surety, may be arrested by the surety, and if so arrested, shall be delivered promptly to a United States marshal and brought before a judicial officer. The judicial officer shall determine in accordance with the provisions of section 3148(b) whether to revoke the release of the person, and may absolve the surety of responsibility to pay all or part of the bond in accordance with the provisions of Rule 46 of the Federal Rules of Criminal Procedure. The person so committed shall be held in official detention until released pursuant to this chapter or another provision of law.

"§ 3150. Applicability to a case removed from a State court

"The provisions of this chapter apply to a criminal case removed to a Federal court from a State court.".

(b) Section 3154 of title 18, United States Code, is amended—

(1) in subsection (1), by striking out "and recommend appropriate release conditions for each such person" and inserting in lieu thereof "and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release"; and

(2) in subsection (2), by striking out "section 3146(e) or section 3147" and inserting in lieu thereof "section 3145".

(c) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "3146" and inserting in lieu thereof "3141";

(2) in paragraph (1)—

(A) by striking out "bail or otherwise" and inserting in lieu thereof "detain or"; and

(B) by deleting "and" at the end thereof;

(3) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and";

(4) by adding after paragraph (2) the following new paragraphs:

"(3) The term 'felony' means an offense punishable by a maximum term of imprisonment of more than one year; and

"(4) The term 'crime of violence' means—

"(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."; and

(5) in subsection (b)(1), by striking out "bail or otherwise" and inserting in lieu thereof "detain or".

(d) The item relating to chapter 207 in the analysis of part II of title 18, United States Code, is amended to read as follows:

"207. Release and detention pending judicial proceedings ..... 3141".

(e)(1) The caption of chapter 207 is amended to read as follows:

"CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS".

(2) The section analysis for chapter 207 is amended by striking out the items relating to section 3141 through 3151 and inserting in lieu thereof the following:

"3141. Release and detention authority generally.
"3142. Release or detention of a defendant pending trial.
"3143. Release or detention of a defendant pending sentence or appeal.
"3144. Release or detention of a material witness.
"3145. Review and appeal of a release or detention order.
"3146. Penalty for failure to appear.
"3147. Penalty for an offense committed while on release.
"3148. Sanctions for violation of a release condition.
"3149. Surrender of an offender by a surety.
"3150. Applicability to a case removed from a State court."

SEC. 3. Chapter 203 of title 18, United States Code, is amended as follows:

(a) The last sentence of section 3041 is amended by striking out "determining to hold the prisoner for trial" and inserting in lieu thereof "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial".

(b) The second paragraph of section 3042 is amended by striking out "imprisoned or admitted to bail" and inserting in lieu thereof "detained or conditionally released pursuant to section 3142 of this title".

(c) Section 3043 is repealed.

(d) The following new section is added after section 3061:

"§ 3062. General arrest authority for violation of release conditions

"A law enforcement officer, who is authorized to arrest for an offense committed in his presence, may arrest a person who is released pursuant to chapter 207 if the officer has reasonable grounds to believe that the person is violating, in his presence, a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J).".

(e) The section analysis is amended—

(1) by amending the item relating to section 3043 to read as follows:

"3043. Repealed."; and

(2) by adding the following new item after the item relating to section 3061:

"3062. General arrest authority for violation of release conditions.".

SEC. 4. Section 3731 of title 18, United States Code, is amended by adding after the second paragraph the following new paragraph:

"An appeal by the United States shall lie to a court of appeals from a decision or order, entered by a district court of the United States, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.".

SEC. 5. The second paragraph of section 3772 of title 18, United States Code, is amended by striking out "bail" and inserting in lieu thereof "release pending appeal."

SEC. 6. Section 4282 of title 18, United States Code, is amended—

(a) by striking out "and not admitted to bail" and substituting "and detained pursuant to chapter 207"; and

(b) by striking out "and unable to make bail".

SEC. 7. Section 636 of title 28, United States Code, is amended by striking out "impose conditions of release under section 3146 of title 18" and inserting in lieu thereof "issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial".

SEC. 8. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 5(c) is amended by striking out "shall admit the defendant to bail" and inserting in lieu thereof "shall detain or conditionally release the defendant".

(b) The second sentence of rule 15(a) is amended by striking out "committed for failure to give bail to appear to testify at a trial or hearing" and inserting in lieu thereof "detained pursuant to section 3144 of title 18, United States Code".

(c) Rule 40(f) is amended to read as follows:

"(f) RELEASE OR DETENTION.—If a person was previously detained or conditionally released, pursuant to chapter 207 of title 18, United States Code, in another district where a warrant, information or indictment issued, the Federal magistrate shall take into account the decision previously made and the reasons set forth therefor, if any, but will not be bound by that decision. If the Federal magistrate amends the release or detention decision or alters the conditions of release, he shall set forth the reasons for his action in writing.".

(d) Rule 46 is amended—

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and 3144";

(2) in subdivision (c), by striking out "3148" and inserting in lieu thereof "3143";

(3) by amending subdivision (e)(2) to read as follows:

"(2) SETTING ASIDE.—The court may direct that a forfeiture be set aside in whole or in part, upon such conditions as the court may impose, if a person released upon execution of an appearance bond with a surety is subsequently surrendered by the surety into custody or if it otherwise appears that justice does not require the forfeiture."; and

(4) by adding the following new subdivision at the end thereof:

"(h) FORFEITURE OF PROPERTY.—

"Nothing in this rule or in chapter 207 of title 18, United States Code, shall prevent the court from disposing of any charge by entering an order directing forfeiture of property pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the property is an amount that would be an appropriate sentence after conviction of the offense

charged and if such forfeiture is authorized by statute or regulation.".

(e) Rule 54(b)(3) is amended by striking out "under 18 U.S.C. § 3043, and".

SEC. 9. Rule 9(c) of the Federal Rules of Appellate Procedure is amended by striking out "3148" and inserting in lieu thereof "3143", and following the word "community", inserting "and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or in an order for a new trial".

Mr. BAKER. Mr. President, since we are dealing now with the substitute, which I believe substitutes the language of one bill for another, I ask unanimous consent that if this substitute amendment is adopted, it be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the substitute.

The amendment in the nature of a substitute (No. 2694) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, S. 215, the Bail Reform Act of 1984, is the product of several years of deliberation by the Committee on the Judiciary. It is comparable to the bill which was reported by the committee and passed by the full Senate almost unanimously as part of the crime package in the 97th Congress. I am pleased to note that identical provisions constitute the first title of the President's Comprehensive Crime Control Act of 1984, as passed by the Senate yesterday.

Mr. President, in my estimation, the Bail Reform Act of 1984 is one of the most important criminal measures that this body will act upon in this or any other Congress. Its significance is twofold. First, it will address problems in the Bail Reform Act of 1966, which have plagued defendants and the judiciary alike. Second, and perhaps more important, it will send a clear message to career criminals and drug traffickers that the elected representatives of the American people are determined to take strong measures to fight the crime wave that has infested this country for far too long.

The Bail Reform Act of 1983 makes several important changes in existing law. First, it includes a commonsense provision which would permit Federal judges in noncapital cases to consider the danger that a defendant's release might pose to the community. Federal judges are currently faced with a deadly Hobson's choice. If they comply with the law, they may be forced to release dangerous drug traffickers and other criminals without considering the danger that they may pose to the community. On the other hand, if they may fulfill what they consider to be their moral duty by considering any potential danger in a sub rosa manner, they must ignore the spirit of the law by imposing high money bond. S. 215 corrects these deficiencies by permitting the consideration of public safety in imposing release conditions and by permitting the pretrial detention of persons for whom no conditions of release will be likely to insure appearance at trial or community safety. This system, which contains numerous due process protections for the defendant, will ultimately accrue to the benefit of defendants by insuring truth in detention. Federal judges will no longer have the incentive to impose high money bond in order to detain defendants without a due process hearing.

The second major change made by this bill is that it would reverse the presumption in favor of releasing individuals who have been found guilty and are awaiting sentencing or appeal. Once someone has been found guilty, there is no longer a presumption of innocence and the burden should be on that person to demonstrate that he will not flee or pose a danger to the community, if released.

Finally, S. 215 recognizes the special problems that major drug traffickers pose in the Federal bail system. The committee has received considerable testimony about the ability of these criminals to post bail in the millions of dollars. Because forfeited bond is merely a cost of doing their heinous business, there is no incentive for them to appear at trial. Accordingly, S. 215 permits Federal judges to refuse to accept anything of value offered as bond if the judge determines that the source of the collateral, such as illegal profits, would not insure appearance at trial or community safety.

Although the Congressional Budget Office cost estimate suggests that the authorized cost of S. 215 to the Federal Government will approach some $45 million after 3 years of operation and then level off, as the sponsor of S. 215, I believe that the costs to the Federal Government will be incidental. While certain career criminals and major drug traffickers will be incarcerated for longer periods, the bill is also designed to eliminate the unnecessary detention of persons currently detained solely because of an inability to post high money bond. The committee, therefore, anticipates that S. 215 will result in incidental additional costs, which will be absorbed by the agencies involved. As a result, S. 215 should have no impact on the appropriations process.

Mr. President, S. 215 is a fair and constitutional response to the problem of bail crime which our citizens frequently identify as an aspect of the crime problem in this country which concerns them most. I am hopeful that the other body will act on this important measure in the near future so that legislation can be sent to the President for his signature by the end of this session.

Mr. President, I now yield to the able distinguished Senator from Maine.

AMENDMENT NO. 2695

(Purpose: To amend speedy trial provision of title 18, U.S.C.)

Mr. MITCHELL. Mr. President, I send to the desk an amendment to the bill as amended and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL) for himself, Mr. SPECTER, and Mr. CRANSTON, proposes an amendment numbered 2695.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

"SEC. 10. Section 3164 of title 18, United States Code is amended—

(a) by striking in subsection (b) the phrases "(a)(1) or" and "continuous detention or";

(b) by striking in subsection (c) the words "ninety day", and inserting in lieu thereof "sixty day";

(c) by relettering subsection (c) as subsection (d); and

(d) by inserting a new subsection (c) as follows:

(c) The trial of any person described in subsection (a)(1) of this section shall commence not later than sixty days following the beginning of such continuous detention. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitation specified in this section."

Mr. MITCHELL. Mr. President, the amendment I am offering today is an amendment which, earlier this week, Senator SPECTER, I, and others were asked not to push because the bill before us then, the Comprehensive Crime Control Act, was a package and its proponents were anxious to maintain it as a package. So earlier this week I did not ask for a rollcall vote on this amendment.

Today, however, we have before us the same provisions to which this amendment was directed as an individual bill. Now there is absolutely no danger of unravelling a carefully crafted package, so I am again offering this amendment for Senator SPECTER, myself, and others, and asking for a rollcall vote because I believe that the individual Members of this body should have an opportunity to clearly express themselves on this issue.

The amendment is a simple one, and its purpose is straightforward. It does not undermine or weaken in any way

whatsoever the fundamental changes in bail procedures this Senate adopted yesterday. It simply seeks to expedite the trial of anyone held under the preventive detention provisions that this change in law will put into effect.

The bill we passed yesterday makes broad and sweeping changes in the Bail Reform Act of 1966 to allow a judge to consider a defendant's dangerousness to the community in setting bail. I believe these changes are both necessary and appropriate.

The Bail Reform Act of 1966 allowed just one factor to be considered in setting bail: The likelihood that a defendant will appear in court for trial or other proceedings. A Federal judge may not now take into account in setting bail a defendant's dangerousness to the community.

As a former Federal prosecutor and Federal judge, I am acutely aware of the difficulty that current law poses. Federal judges are now forced to choose between setting inordinately high monetary bail, which the Bail Reform Act discourages, or permitting a dangerous individual to be released back into the community pending trial.

In the 17 years since the Bail Reform Act was passed, it has been the subject of much criticism—and much of it has been well-warranted criticism—because of this inflexibility.

The primary purpose of the act was to deemphasize the use of monetary bonds in the Federal courts because that often results in disproportionate pretrial incarceration of indigent defendants. The purpose of bail reform was to provide a range of alternative forms of pretrial release flexible enough to safely set conditions of release appropriate to each individual case.

In the 17 years of experience we have had with the law, it has come under criticism as too liberally permitting pretrial release and not allowing judges to give sufficient weight to any other factors involved, particularly the safety of the community.

The need to allow a judge to consider the dangerousness of a defendant to the community when bail or release is contemplated is to me obvious. And it is supported by studies. A 1981 Lazar Institute study found that approximately 1 of 6 defendants awaiting trial was rearrested during the pretrial period. And of those, more than one-third had multiple arrests.

No society can or will maintain its essential civil liberties if a majority of its citizens comes to believe that the Government cannot or will not protect them against random crime. Current bail and pretrial release practice is an area in which the public perception is that apprehension and arrest provide no assurance for public safety.

The bill before us now addresses the inadequacies in current law by making the safety of the community a factor in the judge's decision on pretrial release. It will allow a judge, following a detention hearing at which the defendant can present evidence and witnesses in his own behalf, to order detention if the finding is that "no condition or combination of conditions will reasonably assure the appearance of the person and the safety of any other person and the community."

This is an effort to strike a balance between the rights of any citizen accused—but not convicted—of a crime and the legitimate interests of the people of a community to be secure in their persons and homes.

The principle on which our system of criminal justice is based, the principle which gives it legitimacy, is the presumption that a person is innocent until proven guilty. That is the bedrock right on which individual Americans are assured that they cannot be deprived of their liberty unless they have been proven—in a court after a trial, before a jury of their peers—to have violated the law.

This is a principle which has come into increasing conflict with the realities of modern industrialized, increasingly urban society. Pretrial release of accused individuals, coupled with crowded court dockets, at times results in the commission of further crimes by those released. The public is justifiably outraged when a suspect free on bail commits a crime.

Allowing a judge to order a defendant detained until trial conflicts with but does not undermine the principle of innocent until proven guilty. If it is done with appropriate safeguards, it is a means of satisfying the legitimate public demand for community safety without undermining the rights of the defendant.

The District of Columbia Court of Appeals, hearing a petition against the constitutionality of the preventive detention statute in force in the District, examined in depth the question of bail rights, of pretrial release rights, and the legitimacy of government detention orders under carefully written safeguards. One of the findings of that court, in the case of United States v. Edwards, was that the 60-day limit on preventive detention in the D.C. law was an integral part of the circumstances in which preventive detention does not contravene constitutional guarantees. The court said:

> Significantly, pretrial detention is closely circumscribed so as not to go beyond the need to protect the safety of the community pending the detainee's trial. Such detention is not to exceed 60 days, by which time either the detainee must be brought to trial or bail must be set.

The bail reform legislation before us, which the Senate approved yesterday, is generally drawn to remain within the limits set by that judgment and the District of Columbia law.

But in one significant feature it fails to do so.

The bail reform provision the Senate approved contains no time limitation beyond those limits otherwise applied by the Federal Speedy Trial Act.

The District of Columbia law contains a provision to expedite the trial of those under preventive detention. Such a feature was not identified by the appeals court as central to its determination of when pretrial detention is carefully and narrowly drawn. But in the absence of either a determinate detention period—which the court did single out for comment—or a directive requiring expedited trials for detained suspects, I am concerned that the reforms we have passed may not, in fact, withstand constitutional challenges.

The amendment I am offering is modest in reach and scope. It does not amend the Speedy Trial Act to require trial within 60 days for all defendants. Those free on pretrial release would remain subject to the 90-day limit now in the law.

But for suspects detained prior to trial—and for them only—my amendment would require that trial begin in 60 days, subject to the same kinds of legitimate delays already outlined in the Speedy Trial Act itself.

The amendment specifically excludes from the 60-day period those delays which are recognized within the Speedy Trial Act. They include, for instance, delays when a defendant must undergo psychiatric testing to determine mental competency; delays because witnesses are unavailable; certain continuances granted by a judge; or the time involved in transporting a defendant to another district. In fact, 17 specific legitimate causes of delayed trials, recognized by the Speedy Trial Act, are also recognized by this amendment.

This amendment is not an effort to curtail or undermine the reasoned conclusion of a judge that pretrial detention is necessary to protect the community safety. Nor would it subject either defense or prosecuting attorneys to unworkable time limits. It is an effort to incorporate into the Federal bail reforms we have just approved with the kind of conditions the appeals court has identified as essential components to a constitutional pretrial detention statute.

I believe deeply, after a lifetime spent in dealing with the criminal justice system, that courts should have the authority to detain defendants prior to trial. At the same time, I believe equally strongly that the government has an overriding obligation to expedite the trial of those so detained because their detention conflicts directly with the presumption of innocence which is at the foundation of our criminal justice system.

Frankly, I cannot comprehend opposition to this rather modest proposal. It does not undermine the pending bail reform. It does not impose an unwarranted workload on Federal prosecutors or defense lawyers.

In fact, what it does do is preserve an element of constitutionality that has already been identified by one court, in a statute that we can confidently expect will be subject to substantial court challenges.

One of the few arguments made against this amendment is that we already have a Speedy Trial Act in place that says a defendant must be tried within 90 days, so what difference does another 30 days in jail make?

The first answer to that is that if you are in jail and have not been convicted of anything and you are in fact innocent, then even 1 day in jail is too much. And every day in this country, in every State, people are charged with crimes for which they are not convicted and of which they are in fact innocent.

We have an effective, workable criminal justice system. It is the best that human minds have been able to devise, but it is not infallible. Mistakes have been made. Mistakes are being made. Mistakes will be made. And we have an obligation to minimize the adverse impact of those mistakes, especially when we can maintain the principle that we are all working toward.

The second argument—and I think it is equally significant—is that if this bill becomes law, it will become a model for the 50 States, many of which are considering changes in their bail laws. And while many States have laws or court rules requiring criminal trials to be held within certain times, they are not uniform and vary widely.

As a practical matter, most of the crimes that directly affect community safety in this country are tried in State courts, not Federal courts. The number of crimes of violence prosecuted under Federal law is very small. The overwhelming majority of violent crimes are prosecuted under State laws, as is appropriate.

But when States do not have a Speedy Trial Act, or have varying time limits, and when States model their legislation on the Federal law—and many do—we run the risk of having many Americans in jail who have not been convicted of anything, who are not in fact guilty of anything, and without any standard limit to their detention.

Not only does such an outcome offend our most basic principles, it could easily undermine the entire bail reform statute which has been written and passed by this Senate.

Adoption of my amendment would not alter or weaken the bail changes we have already adopted in the slightest degree. It would not limit the ability of judges to determine that community or individual safety is best served by detaining certain suspects. It would not limit the ability of government prosecutors to ask for detention when their judgment dictates. It would not prevent an adequate defense for anyone so held.

What it would do is to maintain the essential temporary nature of pretrial detention as a matter of law, and to help insulate such a statute from constitutional challenge. I believe it should be adopted.

Mr. President, I hope that those Senators who are listening in their offices, or their staffs, will focus on what is a central issue involved here. We are dealing with a situation in which American citizens are charged with a crime and put in jail before a trial is held to determine whether they are guilty of that crime.

As I said earlier, that conflicts directly with the fundamental principle on which our entire judicial system is based. That is the individual is presumed innocent until proven guilty.

All this amendment says is that if you are going to put a person in jail before a trial, you ought to have the trial as promptly as reasonably possible, consistent with the interest of society and the interest of the defendant. That is all it says. Sixty days.

I have personally been involved in a large number of criminal trials as a prosecuting attorney and for a short time as a Federal judge. I can say to Members of the Senate this is not an unworkable limitation. There remain the opportunities for continuances which are already set forth in the Speedy Trial Act, including a catchall provision that permits a judge to grant a continuance if the interests of justice are best served thereby.

All this does, again, is to say if you are going to have a person put in jail before he has been convicted of anything, then in the United States of America you ought to have a trial within a reasonably prompt time.

Mr. President, I note the presence on the floor of my colleague, the Senator from Pennsylvania, who has been a leader in this effort. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague for yielding to me at this time. I commend Senator MITCHELL for his leadership in this very important matter. I am pleased to join with the distinguished Senator from Maine on this amendment at this time.

The history of this effort, briefly stated, began in the Senate Judiciary Committee in the 97th Congress. This legislation was considered at that time. I had proposed an amendment in the Judiciary Committee to limit the period of detention to 60 days instead of 90. When the bill came before the full Senate, I proposed an amendment on September 30, 1982.

Senator MITCHELL has just noted that he and I proposed an amendment this past Tuesday, but it was withdrawn from consideration in the Comprehensive Crime Control Act as a matter of expediting the disposition of that bill and in deference to the wishes of the distinguished chairman of the committee, Senator THURMOND. At that time, there was recognition that there would be a full opportunity to present this issue at this time during consideration of the separate bail bill, and we do so now.

The entire subject of preventive detention is a complex one. It represents a rather abrupt change in American criminal procedure to call for detention prior to conviction.

There is no principle of American jurisprudence more fundamental than that a person is presumed innocent until proven guilty. Pending the proof of guilt, that person has traditionally been entitled to be at liberty on bail. Bail has heretofore been set solely on the consideration of guaranteeing the appearance of the defendant at trial.

So it is an abrupt departure to say that from this day forward, or once the new bail law is fully effective through passage in both Houses and the signature of the Chief Executive, that the rule will be shifted so we can detain a person prior to the time he has been convicted. Why is such a change necessary?

The experience, and the bitter experience, in this country has been that many people who are on bail commit repeat offenses. In the course of some 14 years of law enforcement and 8 years as district attorney in Philadelphia, I have seen many such cases, where defendants on bail for robbery commit other armed robberies and sometimes murder in the process. Defendants on bail for burglary have committed other burglaries while on bail and sometimes murder in the process. Defendants on bail for rape, arson, and a wide variety of other serious charges commit other crimes while they are out on bail. We thus have an intolerable situation as a matter of public safety, leading to a considerable interest in having a remedy for this serious problem.

In the District of Columbia a preventive detention measure was enacted, has been in effect for some time, and is working reasonably well.

When we come to the issue as to how long the period of detention should be, there has been a debate as to what is reasonable. The legislation as currently drafted provides for a 90-day period.

It is my sense that the period ought to be substantially less than 90 days. There is much to be said for imposing a period of time substantially briefer

than 60 days, where the State in effect says, in the interest of the security of the people of the State, there ought to be this unusual remedy of detention awaiting trial.

What, then, is realistic? What, then, is reasonable? Like Senator MITCHELL, I too have been a prosecuting attorney. Where there is sufficient evidence to warrant an arrest; that is, probable cause, there could be a case made out that a trial should be commenced within a short period of time. If you seek a preliminary injunction in a civil case without a hearing, the maximum period of time you can have a preliminary injunction remain in effect is 5 days. Perhaps the law ought to be established that if you are going to keep someone in detention, there ought to be a 5-day limit wherein a person must be brought to trial or he cannot be detained.

Well, the prosecutors in this country, unfortunately, have limited resources. The problem that I faced as district attorney in Philadelphia is the problem that virtually all prosecutors face in this country.

The Department of Justice says it needs 90 days, that 60 days would be insufficient.

My own sense is that there are sufficient reasons already provided in the Speedy Trial Act for needed extensions beyond the 60 days or beyond the 90 days. If some real justification arises, that extension of time can be obtained.

A more direct answer to the problem of resources is that if the Government wishes to hold a defendant in detention, then the Government ought to provide resources which the prosecutor needs and the court needs to bring the defendant to trial within a very brief period of time. My own judgment is that 60 days is the farthest stretch that a person ought to be held in detention before the trial is commenced and before his guilt or innocence is established.

In setting the 60-day period, my own thinking initially was to follow the standard of the District of Columbia, which originally had a 60-day period for pretrial detention. That rule was tested in the case of United States against Edwards. In 1981, the constitutionality of preventive detention was upheld by the Court of Appeals for the District of Columbia.

The District of Columbia 60-day period has since been extended to 90 days, but its constitutionality has not been tested. As Senator MITCHELL has pointed out, a 90-day period runs a serious constitutional risk.

In supporting an amendment to limit the detention to 60 days, it is my legal opinion that such a 30-day reduction in the bill as it stands is an irreducible minimum. The 60-day period ought to be established and the prosecutors will quickly learn to work with it. If the prosecutors find that their resources are insufficient, that is a matter we can address in the Congress. We really ought to be providing the Department of Justice and the U.S. attorneys around this country with adequate resources to discharge the very important roles they have, not only in the trial of those who are subject to preventive detention, but the trials and the prosecution of other important cases.

I believe also, as Senator MITCHELL has pointed out, that the Federal legislation will be a significant role model for the States; the period of time we establish for preventive detention will inevitably be a model to be followed elsewhere and the Federal Government ought to lead the way.

It is very important that, in our quest for adequate law enforcement, we always maintain a sharp eye on the rights of the accused. That has been the hallmark of the British and American systems of justice. It distinguishes our country from most other judicial systems in the world. It is a hallmark of fairness and decency, one upon which we must always insist. The maintenance of those standards would, in my judgment, require that the maximum period for preventive detention be the 60 days as provided in this amendment.

I thank the Chair. I yield the floor.

Mr. President, the distinguished chairman of the committee has asked for a quorum call at this time, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I oppose the amendment offered by the Senator from Maine (Mr. MITCHELL). It would decrease the time limit for starting the trial under the Speedy Trial Act (18 U.S.C. 3161 et seq.) of a person detained awaiting trial from 90 to 60 days, excluding the periods of delay specified in other parts of the act. Failure to commence trial within the specified time would require release of defendants already determined to be unacceptable flight or danger risks.

Mr. President, the period we are talking about spans the time from arrest through a grand jury indictment to commencement of the trial. The situation would typically involve the most serious crimes and complex drug trafficking cases. Not only must the government utilize this limited time to locate witnesses, find and evaluate evidence, obtain a grand jury indictment, and generally prepare for trial, there are some districts in the United States that do not even have grand juries sit at frequent enough intervals to meet such a deadline.

What is going to happen to them? Others are so congested with large drug and other major cases as to be unable to absorb any more time restrictions. In addition, some districts have relatively high rates of pretrial detention for readily identifiable reasons while other districts do not have such a need. Such comparisons led the Department of Justice to observe that, for example, "[t]he impact of the proposed 60 day deadline in a district such as southern Florida would be devastating."

Let me repeat that: The impact of the proposed 60-day deadline in a district such as southern Florida, where they have all these drug cases, would be devastating.

What do we want to do, turn a dangerous man or potential fugitive loose? That is what this amendment would do. If the prosecutors cannot reach it in 60 days with a heavy docket, with all kinds of heavy drug cases, then the man goes free.

Certainly the public does not want that. The prosecutors of this Nation are against this amendment. Now, I realize the distinguished Senator from Maine and the distinguished Senator from Pennsylvania were once prosecutors, but that was years ago. Since then we have a growing drug problem coming into focus. The distinguished Senator from Maine has not been a Federal judge since then. He has been here in the Senate since then. But conditions have changed. Now drug cases are clogging the dockets. We cannot afford to let these people go free.

Mr. President, the point is that no case has been made for changing the original judgment of Congress in the Speedy Trial Act that a 90-day period struck a sound balance between the desire for swift trial of detained defendants and the effective management of serious, complex cases. Indeed, the 90 days is the worst case limit in a country with diverse problems from jurisdiction to jurisdiction. I hope the amendment will be defeated.

Mr. President, the amendment is also strongly opposed by the Department of Justice. I ask unanimous consent to place in the RECORD a letter from the Department of Justice. This letter has six pages opposing this amendment. These are the people who are responsible for prosecuting Federal crimes. They strongly oppose reducing the time from arrest to trial of obtained defendants from 90 to 60 days. I am not going to take time now to read the entire letter to the Senate. I should like to read about a page. I quote from this letter signed by Robert A. McConnell, Assistant Attor-

ney General, Office of Legislative Affairs for the Department of Justice:

Aside from the fact that the bail reform legislation under consideration provides no justification for reduction of the Speedy Trial Act's current 90 day limitation on detention, the 60 day proposal is on its own merits objectionable. As noted above, nearly 40 percent of federal defendants subject to some term of detention remain in custody from 31 to 90 days. The number of defendants in this group in fiscal year 1982 was 2,614. Unfortunately no further statistical breakdown is available, so we do not know the exact number of these defendants held in excess of 60 days whose cases would have to be accommodated by substantially accelerated trial dates were the proposed 60 day limit enacted. Nonetheless, it is likely that a good proportion fall into this category.

The potential difficulties in significantly accelerating the trials of such defendants so as to avoid the release of persons who are severe flight risks or pose especially grave dangers to community safety are aggravated by the fact that the incidence of pretrial detention is not uniform across all districts. Instead, there is considerable variation among the districts, with relatively high rates of detention occurring in a handful of districts, primarily those which, because of their geographical location, are particularly concerned about defendants fleeing the country to avoid prosecution. This phenomenon has been noted by the Administrative Office of the United States Courts, in citing the Districts of Southern California, Arizona, and Southern Florida, as the districts with the highest detention rates:

"California, Southern and Arizona are border districts and detention is required to be certain that the defendant will be available for trial. For Florida Southern, many defendants are highly mobile and are being prosecuted for drug law violations."

As the members of the Committee are no doubt aware, some of the most egregious examples of the failures of the current bail system have involved major drug traffickers in South Florida. Experience has shown that with respect to such defendants, money bonds that would, in other contexts, appear adeqeuate to assure defendant appearance have proven ineffective, and this district's high detention rate is understandable in light of this experience. The impact of the proposed 60 day deadline in a district such as Southern Florida would be devastating. For example, despite an admirable average compliance rate of 96.3 percent with the Speedy Trial Act's 70 day limit on the period from indictment to trial across all districts, South Florida, with a criminal docket that has swelled in response to an alarming crime rate, much of which is associated with the illegal drug trade, had a compliance rate of only 77.5 percent, the lowest rate of any district within the United States. In this setting, there is little leeway to further accelerate trials to accommodate the proposed 60 day deadline, and we are thus very much concerned that imposition of this proposed limit would result in the release of major drug traffickers who are serious flight risks. As our experience in South Florida has shown, these defendants have both enormous resources and foreign contacts that enable them to flee the country almost immediately upon release.

Mr. President, I ask unanimous consent that this letter by the Justice Department follow my statement in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Now, Mr. President, I want to say again that the Justice Department is strongly opposed to this amendment. They feel that it will handicap the Government prosecutors in doing their duty. Their duty is to try people charged with crime. If they cannot reach a criminal case in 60 days—we already have to try detained defendants within 90 days under the Speedy Trial Act—why cut that off 30 days and turn dangerous people loose?

Mr. President, I want to say, too, that the Judiciary Committee defeated this amendment. Moreover, the Senate itself has voted down this amendment. On September 30, 1982, the distinguished Senator from Pennsylvania (Mr. SPECTER), who is cosponsor of this amendment, offered a similar amendment on the floor of the Senate. The Senate voted it down 64 to 32, a 2-to-1 vote. I hope the Senate will not revise its thinking on this matter and will stand by the previous position. We want to protect the public and not turn defendants who are dangerous or likely to flee loose just because the prosecutors are so busy that they cannot bring all the cases to trial within 90 days and therefore have to turn some of them free.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., April 19, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to a request for the views of the Department of Justice on a proposed amendment to S. 215, the bail reform legislation now under consideration by the Judiciary Committee, that would amend 18 U.S.C. 3164, the provision of the Speedy Trial Act which limits to 90 days the period during which a person may be held in detention pending trial. If a detained person is not released within the current 90 day period, he must be released pursuant to conditions set by the court. In addition to this 90 day limit on pretrial detention, section 3164 also requires that the trial of any person held in detention be afforded priority. The proposed amendment would reduce the current 90 day period of limitation to 60 days. The Department of Justice strongly opposes this amendment.

The current 90 day limit established under section 3164 was originally set on an interim basis. In its 1979 review of the Speedy Trial Act, the Congress adopted this period on a permanent basis.[1] Enactment of the bail reform legislation now before the Committee provides no rationale, in and of itself, for the Congress to now reduce the permitted period of pretrial detention by one-third. Although S. 215 would for the first time incorporate statutory procedures for the issuance of pretrial detention orders and permit consideration of defendant dangerousness as a general matter in all release decisions, under our current bail system—the very context in which Congress reviewed and adopted as a permanent provision the present 90 day limit—pretrial detention is not an uncommon phenomenon. In fiscal year 1982, 18.4% of all federal defendants were subject to some period of pretrial detention. While slightly more than half of these defendants (52.2 percent) were in custody for 10 days or less, 39.5 percent were in custody from 31 to 90 days.[2] Despite the fact that current bail laws do not permit consideration of defendant dangerousness, many believe it is concerns about dangerousness rather than flight risk that have led to the detention of a good proportion of these defendants because of their inability to meet high money bonds.

Certainly, one of the primary reasons for this Department's strong support of S. 215 is that it would specifically authorize pretrial detention in limited circumstances. We have been very much concerned by instances in which even extremely high money bonds have been inadequate to assure appearance and in which judges, operating under the constraints of current law, have released persons who pose especially severe threats to the safety of others. However, in our support of this legislation we have never asserted that pretrial detention would be appropriate for more than a small minority of federal defendants, and anticipate that enactment of this legislation would result in only a minor enlargement of the present number of persons subject to detention.

Indeed, one of the most laudatory aspects of this legislation is that it recognizes that there is already a substantial incidence of pretrial detention in the federal system, and that it responds to this phenomenon by providing for the first time a set of statutory criteria that define the circumstances in which detention may be appropriate and by requiring a pretrial detention hearing with important procedural safeguards in which the court, government, and defendant may address the issue of pretrial detention squarely. The provisions of S. 215 do not set the stage for a wholesale increase in the incidence of pretrial detention, but rather establish procedures to assure that it is imposed with greater rationality and fairness. In sum, enactment of this legislation will not herald a change in circumstances so significant that the Congress's 1979 determination with respect to detention limits in section 3164 should be overturned.

Aside from the fact that the bail reform legislation under consideration provides no justification for reduction of the Speedy Trial Act's current 90 day limitation on detention, the 60 day proposal is on its own merits objectionable. As noted above, nearly 40 percent of federal defendants subject to some term of detention remain in custody from 31 to 90 days. The number of defendants in its group in fiscal year 1982 was 2,614.[3] Unfortunately no further statistical breakdown is available, so we do not know the exact number of these defendants held in excess of 60 days whose cases would have to be accommodated by substantially accelerated trial dates were the proposed 60 day limit enacted. Nonetheless, it is likely that a good proportion fall into this category.

The potential difficulties in significantly accelerating the trials of such defendants so

[1] Pub. L. No. 96-43, § 7, Aug. 2, 1979, 98 Stat. 329.

[2] *Reports of the Proceedings of the Judicial Conference of the United States and Annual Report of the Director of the Administrative Office of the United States Court—1982* (hereinafter cited as "1982 Annual Report"), 352-355 (Table D-13).

[3] *Ibid.*

as to avoid the release of persons who are severe flight risks or pose especially grave dangers to community safety are aggravated by the fact that the incidence of pretrial detention is not uniform across all districts. Instead, there is considerable variation among the districts, with relatively high rates of detention occurring in a handful of districts, primarily those which, because of their geographical location, are particularly concerned about defendants fleeing the country to avoid prosecution. This phenomenon has been noted by the Administrative Office of the United States Courts, in citing the Districts of Southern California, Arizona, and Southern Florida, as the districts with the highest detention rates:

California, Southern and Arizona are border districts and detention is required to be certain that the defendant will be available for trial. For Florida Southern many defendants are highly mobile and are being prosecuted for drug law violations.[4]

As the members of the Committee are no doubt aware, some of the most egregious examples of the failures of the current bail systems have involved major drug traffickers in South Florida. Experience has shown that with respect to such defendants, money bonds that would, in other contexts, appear adequate to assure defendant appearance have proven ineffective, and this district's high detention rate is understandable in light of this experience. The impact of the proposed 60 day deadline in a district such as Southern Florida would be devastating. For example, despite an admirable average compliance rate of 96.3 percent with the Speedy Trial Act's 70 day limit on the period from indictment to trial across all districts, South Florida, with a criminal docket that has swelled in response to an alarming crime rate, much of which is associated with the illegal drug trade, had a compliance rate of only 77.5 percent, the lowest rate of any district within the United States.[5] In this setting, there is little leeway to further accelerate trials to accommodate the proposed 60 day deadline, and we are thus very much concerned that imposition of this proposed limit would result in the release of major drug traffickers who are serious flight risks. As our experience in South Florida has shown, these defendants have both enormous resources and foreign contacts that enable them to flee the country almost immediately upon release.

The difficulties in accelerating trial schedules to meet the proposed 60 day deadline must also be understood in the context of other aspects of the Speedy Trial Act. Where a case is commenced with indictment, trial must occur within 70 days. In such cases, the proposed 60 day detention deadline would not require significant advance of the trial date, although we reiterate that in jurisdictions with particularly crowded criminal dockets such as South Florida even seemingly modest further manipulations of trial schedules may pose significant problems. However, where a case is commenced by arrest and indictment then follows, a substantial acceleration would be required. In these cases, the government must indict within 30 days, and trial must occur within 70 days of the indictment. Thus, the proposed 60 day limit would reduce by 40 percent for pretrial detainees the maximum period that could elapse from arrest to trial.

In cases commenced by arrest, the problem posed by compliance with the proposed 60 day deadline is not confined to the substantial acceleration of trial date that would be required, but also involves the lack of flexibility in setting a trial date within this schedule. After indictment, defendants are afforded under the statute a right to a minimum 30 day trial preparation period.[6] This means that in cases in which indictment occurs at or near the expiration of the Act's 30 day limit on the time that may pass from arrest to indictment, there will be only a few days (or in the case of an indictment falling on the 30th day, a single day) after the defendant's post-indictment trial preparation period has elapsed in which trial may be scheduled so as to avoid the release of a defendant who has been determined to be a serious flight risk or danger to the community.[7] Reserving one of a very limited number of trial dates in advance will be particularly difficult in cases in which pretrial motions and other matters—matters which generally give rise to excludable delay—are being pursued.[8] In these cases, the dates on which the Act's various limitation periods expire will vary from day-to-day as pretrial matters arise and are concluded. In sum, in cases initiated by arrest, the government and the courts will be "boxed in" in the proposed 60 day limit to but a few days in which trial may be held in order to avoid the sanction of release of the defendant. Such inflexibility ignores the scheduling problems the courts and government must now address to comply with the larger scheme of deadlines under the Speedy Trial Act, deadlines which, if not met, entail the sanction of dismissal of the charges against the defendant.

Clearly, the spectre of the proposed 60 day limit operating to require the release of defendants who are significant flight risks or extreme threats to the safety of others will be of greatest concern in cases commenced by arrest rather than indictment. However, it is with respect to these very types of defendants that it will be inadvisable to delay arrest until an indictment is, or is about to be, filed. Obviously, it would ill serve the interests of the public to encourage delay in arresting such persons. Already the arrest to indictment time limitations of the Speedy Trial Act have led to an increase in the proportion of criminal cases commenced by indictment rather than arrest.[9] The proposed 60 day detention deadline would further aggravate this situation and it would do so with respect to the highest risk category of defendants.

In essence, the proposed 60 day limit will present prosecutors with a Hobson's choice. On the one hand, if they choose to delay arrest until indictment occurs or is imminent so as to mitigate the possibility that the defendant will be released because the 60 day limit will elapse before a trial may be set, they then run the risk that the defendant will flee or commit another offense before the indictment is returned. On the other hand, if they choose to arrest immediately and then indict, they may have eliminated the immediate danger, but then run the risk that the defendant will later be released if the crowded criminal docket in their district cannot accommodate a trial date within the very limited number of days that will exist between the expiration of the defendant's statutorily guaranteed trial preparation period and the running of the proposed 60 day period.

We have no doubt that the proposed amendment is well intentioned and agree that a speedy trial is especially important where a defendant must, for the protection of the integrity of the judicial process or the safety of the community, be held pending trial. But the problems posed by the proposed reduction to 60 days of the Speedy Trial Act's present limit on pretrial detention are simply too great to justify its enactment as a means of furthering this principle. We are deeply concerned that this proposed amendment of section 3164 will result in delays in arresting defendants who are significant flight risks or pose grave danger to the safety of the innocent public.

The Department of Justice therefore strongly urges that the Committee retain the current 90 day limit of section 3164. As we noted at the outset, there is no aspect of the bail reform legislation being considered by the Committee that requires that this period, enacted on a permanent basis only four years ago, now be reduced by one-third. Moreover, we stress that super-imposed on this current 90 day limit is section 3164's present requirement that all cases involving pretrial detention be afforded priority. Thus, the present 90 day deadline sets only the outer limit of the time in which a detainee must be tried or released. If an earlier trial date may be set, the law currently requires that this be done.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

Mr. LAXALT. Mr. President, Senator MITCHELL's proposal drastically to

[4] 1982 Annual Report, *supra* note 2, at 150.

[5] *Id.* at 149, 348-9 (Table D-11). Of all districts, only the Northern Marianas had a compliance rate lower than Southern Florida's.

[6] Although section 3161(c)(2) speaks of the 30 day trial preparation period commencing with the defendant's first appearance through counsel, this provision has been interpreted to require that the 30 day period commence with indictment if this occurs after the first appearance. See Committee on the Administration of the Criminal Law of the Judicial Conference of the United States, *Guidelines to the Administration of the Speedy Trial Act of 1974, as Amended*, 10-11 (August, 1981).

[7] The "worst case" scenario evoked by the proposed 60 day limit under section 3164 would occur in instances in which no grand jury is sitting at the time the defendant is arrested. In such cases, the government is permitted an additional 30 days in which to indict, but this extension does not constitute an excludable delay under section 3161(h), and so does not extend the time limits for detention under section 3164. In such cases, therefore, the defendant could assure his release simply by insisting on his 30 day trial preparation period. Such extensions of the indictment period are, however, extremely rare. (Only 0.3 percent of cases in fiscal year 1981 involved such extensions. Administrative Office of the United States Courts, *Report for the Year Ended June 30, 1981 on the Implementation of Title I of the Speedy Trial Act of 1974*, 123.) Nonetheless, the proposed amendment's failure to accommodate such cases, as rare as they may be, is untenable.

[8] It is the position of the Judicial Conference that periods of excludable delay do not apply to the 30 day trial preparation period to which defendants are entitled. See *Guidelines, supra* note 6, at 12-13. However, in *United States* v. *Mers* (No. 81-7777, decided March 21, 1983), the Eleventh Circuit held that periods of excludable delay do apply to extend the 30 day trial preparation period. If this additional scheduling variable must also be considered, setting a firm trial date that will accommodate the existing indictment and trial deadlines, the defendant's 30 day trial preparation period, and the proposed 60 day deadline on detention may be all the more difficult.

[9] United States Department of Justice. *The Processing of Federal Criminal Case Under the Speedy Trial Act of 1974 (as Amended 1979)*, 79-86 (July 1980).

alter the Speedy Trial Act could well undercut the bail reform provisions in this bill that are designed to increase public safety. I oppose this amendment.

In a letter to Chairman THURMOND dated April 19, 1983, the Department of Justice outlined the reasons for its strong opposition to the changes Senator SPECTER advocates.

As the Department notes, Congress reviewed the Speedy Trial Act in 1979 and made permanent the maximum limit of 90 days within which a person may be held in detention while awaiting trial. Nothing in this bill argues in favor of changing that well considered 90-day upper bound, for while S. 1762 does assure that pretrial detention will be imposed with greater rationality and fairness, its passage will not vastly increase the number of defendants held pending trial. I should point out that current law not only establishes the 90-day limit, but also gives priority to the trial or any person held in detention. Trial must, by law, be set for the earliest possible date.

Cutting the maximum allowed detention period by one-third could create real problems. The greatest impact would be on those districts where, because of the exigencies of geography, the incidence of pretrial detention is high. Take a border area such as southern Florida, where defendants are more likely to flee to another country and where drug traffickers, for example, are able to raise high amounts of bail money. The effect of a 60-day deadline would be serious indeed. In those cases that commence with indictments, south Florida is able to comply with present time limits only 77 percent of the time. As the Department of Justice observes, there is little leeway here to accelerate trials to meet the proposed 60-day deadline, passage of the amendment would mean release of more major drug smugglers who pose a significant risk of flight.

Under already existing law, the Government must proceed to indictment within 30 days of arrest. Defendants are guaranteed another 30-day trial preparation period after indictment. Reducing the maximum total detention period to 60 days could thus eliminate any flexibility in scheduling a trial at all, by mandating that a defendant be tried at the very day ending his preparation period, or else be set free. Law officers might therefore choose to delay all arrests until indictments are issued, but such a policy would allow suspects more time to flee or to commit further crimes.

Because the proposed amendment could result in greater danger to the public, I urge that it be defeated.

The PRESIDING OFFICER. The Chair now recognizes the Senator from Maine.

Mr. MITCHELL. Thank you, Mr. President. I should like to respond briefly to the comments made by the distinguished Senator from South Carolina. First, with respect to my own experience, I would note that I was a Federal prosecutor, U.S. attorney, as late as 1979. I personally prosecuted a number of large drug cases, my own State of Maine being a haven for drug smuggling. The situation has not changed since that time, as the Senator suggests.

Second, with respect to the argument that there are no grand juries in small districts, I was the U.S. attorney in one of the smallest districts in the country. We had at all times in our State two grand juries impaneled and available to be called on very short notice. That is a specious argument without any substance.

Third, the Senator suggests that this 90-day period strikes the proper balance. I remind all Senators that the 90-day limit in the Speedy Trial Act is intended to strike the proper balance between the interests of the Government and all defendants, the overwhelming majority of whom are not put in jail before a trial. We are introducing a new element. That is the purpose of the bill which the Senate is now considering, to authorize judges to put people in jail before their trials. Therefore, the balance that is applicable and appropriate when you have a defendant who is free pending trial, as is the ordinary case, is not appropriate for a defendant who is in jail prior to trial.

The situation plainly is not the same. The standard is not the same. The balance is not the same.

With respect to the 1982 vote, I remind all my Senate colleagues that this is a different vote from that which occurred in 1982. This amendment preserves all the exemptions that now exist in the Speedy Trial Act for delay. The 1982 vote did not do so. Therefore, this is a substantially different provision from that which was voted on in the Senate in 1982.

I conclude by saying that nothing better illustrates the lack of understanding of what the American judicial process is about than the repeated references made that if you adopt this amendment, you are going to turn a guilty man loose, as the Senator said, or "Do you want to turn a lot of people loose who are guilty?"

I remind the Senator—I remind the Senate—that we are dealing with a situation in which a person has not been convicted of a crime, and no American is guilty just because he has been charged with a crime. This is not the Soviet Union. This is the United States of America. Every American citizen is innocent until he is proved guilty in a court, after a trial, by a jury, and it does not make any difference how big the government is. It does not make any difference how serious the charge is. Every American is innocent until he is proved guilty.

You cannot say that this will turn guilty people loose. It will result in charges being dismissed against people who have been charged with crimes if the Government does not prosecute them. That is up to the Government.

I say that this is not an unworkable limitation. This is a reasonable limitation. It simply says that in this country, where every citizen is presumed innocent until he is proved guilty, if we put a person in jail before that, then you have an obligation to bring the case to trial within a reasonable period of time; and in doing so, we will achieve the purposes of this bill, without undue violation to the constitutional rights of every American.

I urge the Members of the Senate to note that we are dealing here with a situation in which a person is charged with a crime, not convicted. We are not dealing with guilty people, because no one in this country is guilty until a jury has said he is guilty—not 1 minute before that.

As to the southern district of Florida being devastated and the arguments of these thousands of criminals being let out on the streets: I have tried many cases. A case can be prepared promptly. If the problem is that we do not have enough prosecutors to prosecute these criminals, then I say to the Senator from South Carolina that I will join him in offering an amendment to make the money available to provide the prosecutors, so that we will prosecute the people promptly. But the answer is not to curtail the constitutional rights of other Americans in doing so.

I urge the Senate to adopt this amendment. It is a reasonable, modest proposal.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, most of what needs to be said has been said, perhaps more than once, but one additional point should be made.

This amendment does not take anything away from the prosecuting attorney. This bill gives something new to the prosecuting attorney, and that is the power to detain. The issue is how long a period of time that detention will be after this new grant of authority to the prosecuting attorney.

When we talk about what goes on in the southern district of Florida, let it be understood that we are not adding to problems of the prosecuting attorney who now cannot detain by way of preventive detention. The amendment here, however, may well be the saving

factor which will preserve the contitutionality of preventive detention.

So that when we talk about public protection, if we try to go too far and have too long a period of time, the risk is high that this act will be stricken as unconstitutional.

In the Edwards case, previously cited, which upheld a 60-day period, there was language of concern about detention on constitutional grounds. It is a certainty that there will be a vigorous battle fought in the courts on the constitutional issue of any preventive detention. It is most likely that the courts will impose the strictest scrutiny as to what is appropriate detention. So that this amendment really seeks to preserve this additional, valuable law enforcement tool.

I yield the floor.

Mr. THURMOND. Mr. President, some cases are extremely difficult to bring to trial. For example, we had a drug case in my State recently in which there must have been 25 or 30 defendants. It takes considerable time to prepare a case such as that. If they cannot get it prepared, if other cases on the docket are ahead of it, and if 60 days expire, then these people may never be tried. Drug defendants are notorious for fleeing the jurisdiction and even the country.

It is not a question here of saying people are guilty before they have been tried. Of course they have to be tried. But they cannot even try them to determine whether they are guilty if the 60 days expire and the court must turn them loose.

Mr. MITCHELL. Mr. President, I should like to respond to that and say that the Speedy Trial Act contains 17 provisions which permit delay that is not counted within the 60 days, including a provision that a judge can delay for the reason that he or she finds that the ends of justice would best be served.

This argument that there is an inflexible 60-day limit, that if they cannot get these complex cases ready, the case will be dismissed, is simply not true. If there is discovery beforehand, if there are other proceedings, if there is transportation, if there is psychiatric examination, if there is a whole host of things, that is not included in the 60 days. There is no substance to the argument that suddenly people are going to be on the street.

I further point out that even if cases are dismissed, the court can dismiss them without prejudice, and they can be brought back in a new case on the same charge the very next day.

So there is no thrust to the arguments made against this amendment.

Mr. THURMOND. Mr. President, if the dockets are clogged and they cannot reach the case, detained defendants may have to be released and escape justice altogether.

I hope Senators will follow their previous vote.

Mr. BIDEN. Mr. President, I resisted any amendments on this bail bill as part of the package. However, I do think this is a good amendment. Now that we are looking at this as a separate bill I wish to announce my support for this amendment. I want to make that clear.

Mr. GRASSLEY. Mr. President, this amendment is unnecessary in light of the current limits of the Speedy Trial Act. The Speedy Trial Act already requires any detainee to be brought to trial within 90 days of his arrest. This existing law insures that the objectives of the Mitchell amendment will be carried out: no defendant will be detained indefinitely while the processes of justice grind to a halt.

A 60-day time limit will put inordinate pressure on the prosecution. If a case commences with an arrest, the prosecution has 30 days to bring an indictment followed by a mandatory period of 30 days for the defense to prepare its case. Thus, the prosecution must either cut short its time of indictment, perhaps rushing the process before all evidence is reported, or risk having the 60-day limit expire at the same time the defense's preparation time expires and before the court can schedule a trial time.

Putting an additional time limit on courts will only tax further court dockets which are already overburdened. Other litigants will have to wait longer for trial and court management will in general be disrupted.

If a judge finds a defendant so dangerous that nothing other than detention will insure the safety of the community, it would be unwise to release him into the community due to delays in the litigative process. The Justice Department concludes that this would result in the release of major drug traffickers who are serious flight risks.

No evidence has been presented at any time in our hearings that the 90-day Speedy Trial Act limit has not worked perfectly well to protect against lengthy incarceration. Let us have seperate legislation if this is needed, but let us not complicate the bail reform bill, and jepordize it's passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Nevada (Mr. HECHT), the Senator from Nevada (Mr. LAXALT), the Senator from Texas (Mr. TOWER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. LAXALT) would vote "nay."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. SASSER) is absent on official business.

The Senator from Vermont (Mr. LEAHY) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) and the Senator from Illinois (Mr. DIXON) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 30, nays 54, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—30

Baucus	Hatfield	Metzenbaum
Biden	Heflin	Mitchell
Bingaman	Inouye	Moynihan
Boschwitz	Kennedy	Packwood
Burdick	Lautenberg	Riegle
Chafee	Levin	Sarbanes
Dodd	Mathias	Specter
Durenberger	Matsunaga	Stennis
Evans	McClure	Tsongas
Gorton	Melcher	Weicker

NAYS—54

Abdnor	Garn	Pell
Andrews	Goldwater	Percy
Baker	Grassley	Pressler
Bentsen	Hatch	Proxmire
Boren	Hawkins	Pryor
Bumpers	Heinz	Quayle
Byrd	Helms	Randolph
Chiles	Huddleston	Roth
Cochran	Humphrey	Rudman
Cohen	Jepsen	Simpson
D'Amato	Johnston	Stafford
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	Mattingly	Trible
East	Murkowski	Warner
Exon	Nickles	Wilson
Ford	Nunn	Zorinsky

NOT VOTING—16

Armstrong	Glenn	Long
Bradley	Hart	Sasser
Cranston	Hecht	Tower
DeConcini	Hollings	Wallop
Dixon	Laxalt	
Eagleton	Leahy	

So Mr. MITCHELL's amendment (No. 2695) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, the problem of crime committed by indi-

viduals free on bail is a problem created by the current state of the law. When judges are only permitted to consider conditions of release to assure appearance at trial, a dangerous defendant, one likely to commit other crimes, is required to be released if he can demonstrate an excellent past record of responding to court summons.

Unfortunately, the law permits this to happen all too often. For instance, a defendant was recently apprehended after two plainclothes policemen watched the suspect beat and rob an unsuspecting victim. At the time of his arrest, this defendant had four pending cases in the judicial system for charges of armed robbery—for which he had been arrested only 4 days prior to this last arrest—second degree burglary, grand larceny, receiving stolen property, and attempted unwarranted use of a vehicle. In another case, a 17-year-old was apprehended for the fatal shooting of a 68-year-old in the course of a robbery. This defendant had two armed robbery cases pending at the time of the killing. Finally, a defendant stabbed a man at a bar who refused to buy him a drink. This victim is still only barely clinging to life in a hospital intensive care unit. At the time of the crime, the defendant was on pretrial release for another incident in the same bar under identical circumstances. In addition, he was under grand jury investigation for at least one other unprovoked stabbing.

I mention these actual cases so that we do not make the mistake of concentrating on statistics that fail to account for the human suffering involved in crime. These type of stories become even more alarming, however, when we realize that a study compiled last year in 12 jurisdictions around the country found that 16 percent of all defendants released pending trial were later arrested for other charges while on bail. Thirty percent of these were arrested more than once while on bail and the average number of arrests before trial was 1.4.

S. 251 is a rewrite of the Bail Reform Act of 1966. The Subcommittee on the Constitution, provoked by some of the considerations mentioned above, held hearings and approved this language last Congress and again last year. During its consideration of this question, the subcommittee particularly explored the meaning of the eighth amendment in order to recommend to the Senate language which would address the national problem of crimes committed by persons free on bail without the slightest conflict with the letter or spirit of the Constitution. As chairman of the Constitution Subcommittee, I can confidently announce that title I of S. 1762 implements constitutional authority to resolve this crime problem. My remarks today are designed to assure the Senate that the Constitution fully authorizes these changes in our bail policy.

The primary change in current bail policy made by this title would allow Federal courts to consider community safety in setting pretrial conditions of release. This language expands the list of conditions which the court may impose upon a defendant to assure his appearance for trial. In the event that a judicial officer does not ascertain that these release conditions will assure the safety of the community or of other persons or that conditions will assure the defendant's appearance at trial, he may opt to detain the suspect pending trial. This title also permits temporary detention of individuals who are arrested while subject to some form of conditional release stemming from an earlier arrest. This will allow the authorities to notify the jurisdiction from which the arrestee has fled.

The current policy of the Bail Reform Act presents Federal judicial officers with a genuine dilemma. Without legal authority to deny bail on grounds of dangerousness, courts are in a dilemma. Many judges apparently resolve this difficulty by setting a financial condition of release that exceeds the defendant's ability to pay. The Attorney General's Task Force on Violent Crime recognized this sub rosa form of pretrial detention with the terse observation that "there is a widespread practice of detaining particularly dangerous defendants by the setting of high money bonds to assure appearance." In testimony before the Senate Judiciary Committee a few years after the enactment of the 1966 act, former Judge Tim Murphy of the District of Columbia Court of General Sessions explained the reasons judges may resort to high money bail:

An unreasonable law has the ultimate effect of forcing those who administer it to ignore it, calloused of the consequences, or else to make extreme rationalization in circumventing it; this applies to judges. You cannot expect judges to follow the letter of a law that requires them to turn many dangerous criminals loose day after day.

The ultimate irony of this situation is that the Bail Reform Act of 1966, enacted to protect individuals against detention "because of their financial inability to post bail," placed courts in the posture of regularly setting bail beyond a defendants' financial ability. By forbidding any weighing of the suspect's dangerousness, the statute, in continuing to rely on the category of "capital" offenses to describe the gravest crimes, despite the limitation over time of that category to virtually the sole offense of first-degree murder, and in conjunction with the demographical factors undermining the classical surety system, had the unintended effect of making the detention of defendants on high money bail a "widespread practice."

To remedy this situation, the Chief Justice had stressed the need to provide for greater flexibility in our bail laws to permit judges to give adequate consideration to the issue of threats to community safety. His recommendation is joined by the American Bar Association Standards Relating to the Administration of Justice, the National Conference of Commissions on Uniform State Laws, and the National Association of District Attorneys.

Statutory provisions granting courts the discretion to weigh risk to community safety as a factor in pretrial release decisions, however, have been vaguely criticized as requiring judges to predict future behavior. Although this approach to the problem would involve the courts in weighing as a factor the potential for future behavior based on the defendant's past record, this is not an unusual burden for the courts. The Bail Reform Act itself allows a judge to examine the suspect's proclivity for future violence when determining bail in a capital case. Moreover, the same bail law requires the courts to predict the potential for flight by the defendant in all instances of pretrial release. When balancing protection of the public against the first amendment right to hold a mass demonstration, the courts also must weigh the potential for violence. Thus, projecting potentialities and tendencies in the interest of public safety is not beyond the capability of the courts.

When the court makes a determination about the likelihood of dangerous conduct between arrest and trial, it is not idly gazing into a nonexistent crystal ball, but instead examining a reliable record of past conduct. The current bail act, in effect, blacks out that aspect of the record most relevant to public safety, dangerousness of the defendant, and leaves the court to make its projection based solely on the risk that the suspect will not appear for trial. The current law does not prevent courts from predicting but only withdraws that part of the record that would make the forecast reliable.

Mr. KENNEDY. Mr. President, the legislation which the Senate considers today proposes a comprehensive reform of the unsatisfactory two-century-old system of money bail. Under the two key parts of this proposal, money bail can no longer be used as a means of detaining a defendant prior to trial, and persons accused of crime will be detained in prison prior to trial only if they are a danger to the community or likely to flee before their trial.

Our current system of bail is inadequate from the perspective of both the community and the criminal defendant. As written, the bail laws re-

quire a judge to release a defendant in noncapital cases prior to trial under those minimal conditions reasonably required to assure his presence at trial. Danger to the community and the protection of society are not factors to be considered under current law in the decision to grant bail.

Over the past 18 years, since the enactment of the Bail Reform Act of 1966, there has been rising public concern that our bail laws are not working. With increasing frequency, persons on bail are being arrested and charged with serious felonies—especially burglarly, robbery, larceny, and drug offenses. The public is outraged that these violent repeat offenders, with lengthy records of serious street crime, are put back onto the street to rob and mug again.

Under our present system of bail, it is common knowledge that judges use money bail to detain defendants whom they believe will threaten the community even when there is no indication the defendant will flee. Indeed the major reason today for the pretrial detention of defendants is the inability to post bond. A judge knows that the higher the bond, the less likely the defendant will be released from jail prior to trial. Studies show that approximately 65 percent of the persons with bonds of $10,000 or more were jailed for the entire pretrial period. Thus, in practice, we have a system of preventive detention today, but it operates only against the poor.

In this legislation, we seek to establish a bail system which candidly and openly acknowledges the need to consider safety to the community, and which eliminates the present discrimination against the indigent defendant. Defendants who pose no danger to the community or risk of flight will not be unfairly sent to jail because they cannot afford to pay the cost of bail. No longer will wealthy drug traffickers be able to meet the money bail requirements, and then flee the jurisdiction. Instead, this legislation will permit a judge, in determining whether to release a defendant, to consider both the likelihood of flight and of danger to the community without having to use any subterfuges to reach the legitimate objectives of detaining such persons before trial.

As one who has long been committed to preserving the civil liberties of all our citizens, I firmly believe that this legislation strikes a fair balance between the rights of the accused under the Constitution and the rights of the public to be safe in their homes and neighborhoods. It meets the basic goals of law enforcement without infringing unnecessarily on civil liberties.

Mr. President, I believe that this proposal has the potential to become a historic landmark in the war on crime, and in our ongoing effort to fulfill the great goal of equal justice under law.

This legislation is not a panacea for violent crime in America. Indeed, the Federal Government does not have jurisdiction to deal with many of the most serious crimes committed on the streets of the Nation. But we do have a responsibility to meet the challenge of devising new approaches to the problem of violence. If successful, the States will follow our lead. Bail reform is an important step forward in our continuing crime reduction efforts.

Mr. THURMOND. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. Are there any further amendments to be proposed? If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Nevada (Mr. HECHT), the Senator from Nevada (Mr. LAXALT), the Senator from Texas (Mr. TOWER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. LAXALT), would vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. DIXON), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. SASSER), is absent on official business.

I further announce that the Senator from Vermont (Mr. LEAHY), is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Illinois (Mr. DIXON), the Senator from Tennessee (Mr. SASSER), would each vote "yea."

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 0, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—84

Abdnor	Garn	Murkowski
Andrews	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Heflin	Proxmire
Boschwitz	Heinz	Pryor
Bumpers	Helms	Quayle
Burdick	Humphrey	Randolph
Byrd	Inouye	Riegle
Chafee	Jepsen	Roth
Chiles	Johnston	Rudman
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Simpson
D'Amato	Kennedy	Specter
Danforth	Lautenberg	Stafford
DeConcini	Levin	Stennis
Denton	Lugar	Stevens
Dodd	Mathias	Symms
Dole	Matsunaga	Thurmond
Domenici	Mattingly	Trible
Durenberger	McClure	Tsongas
East	Melcher	Warner
Evans	Metzenbaum	Weicker
Exon	Mitchell	Wilson
Ford	Moynihan	Zorinsky

NOT VOTING—16

Armstrong	Hart	Long
Bradley	Hecht	Sasser
Cranston	Hollings	Tower
Dixon	Huddleston	Wallop
Eagleton	Laxalt	
Glenn	Leahy	

So the bill (S. 215), as amended, was passed, as follows:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bail Reform Act of 1984".

SEC. 2. (a) Sections 3141 through 3151 of title 18, United States Code, are repealed and the following new sections are inserted in lieu thereof:

"§ 3141. Release and detention authority generally

"(a) PENDING TRIAL.—A judicial officer who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released or detained, pending judicial proceedings, pursuant to the provisions of this chapter.

"(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained pursuant to the provisions of this chapter.

"§ 3142. Release or detention of a defendant pending trial

"(a) IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

"(1) released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of subsection (b);

"(2) released on a condition or combination of conditions pursuant to the provisions of subsection (c);

"(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion pursuant to the provisions of subsection (d); or

"(4) detained pursuant to the provisions of subsection (e).

"(b) RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—The judicial officer shall order the pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of his release, unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

"(c) RELEASE ON CONDITIONS.—If the judicial officer determines that the release described in subsection (b) will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrial release of the person—

"(1) subject to the condition that the person not commit a Federal, State, or local crime during the period of release; and

"(2) subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

"(A) remain in the custody of a designated person, who agrees to supervise him and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

"(B) maintain employment, or, if unemployed, actively seek employment;

"(C) maintain or commence an educational program;

"(D) abide by specified restrictions on his personal associations, place of abode, or travel;

"(E) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

"(F) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

"(G) comply with a specified curfew;

"(H) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(I) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(J) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

"(K) execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the judicial officer may specify;

"(L) execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the person as required;

"(M) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

"(N) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person. The judicial officer may at any time amend his order to impose additional or different conditions of release.

"(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

"(1) the person—

"(A) is, and was at the time the offense was committed, on—

"(i) release pending trial for a felony under Federal, State, or local law;

"(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

"(iii) probation or parole for any offense under Federal, State, or local law; or

"(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(2) the person may flee or pose a danger to any other person or the community;

he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing release pending trial or deportation or exclusion proceedings. If temporary detention is sought under paragraph (1)(B), the person has the burden of proving to the court that he is a citizen of the United States or is lawfully admitted for permanent residence.

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, he shall order the detention of the person prior to trial. In a case described in (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judge finds that—

"(1) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(2) the offense described in paragraph (1) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(3) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or an offense under section 924(c) of title 18 of the United States Code.

"(f) DETENTION HEARING.—The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) will reasonably assure the appearance of the person as required and the safety of any other person and the community in a case—

"(1) upon motion of the attorney for the Government, that involves—

"(A) a crime of violence;

"(B) an offense for which the maximum sentence is life imprisonment or death;

"(C) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); or

"(D) any felony committed after the person had been convicted of two or more prior offenses described in subparagraphs (A) through (C), or two or more State or local offenses that would have been offenses described in subparagraphs (A) through (C) if a circumstance giving rise to Federal jurisdiction had existed; or

"(2) Upon motion of the attorney for the Government or upon the judicial officer's own motion, that involves—

"(A) a serious risk that the person will flee;

"(B) a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed five days, and a continuance on motion of the attorney for the Government may not exceed three days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the Government or on his own motion, may order that, while in custody, a person who appears to be a narcotics addict receive a medical examination to determine whether he is an addict. At the hearing, the person has the right to be represented by counsel, and, if he is financially unable to obtain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration

of information at the hearing. The facts the judicial officer uses to support a finding pursuant to subsection (e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community shall be supported by clear and convincing evidence. The person may be detained pending completion of the hearing.

"(g) FACTORS TO BE CONSIDERED.—The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning—

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;

"(2) the weight of the evidence against the person;

"(3) the history and characteristics of the person, including—

"(A) his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

"(B) whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

"(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection (c)(2)(K) or (c)(2)(L), the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

"(h) CONTENTS OF RELEASE ORDER.—In a release order issued pursuant to the provisions of subsection (b) or (c), the judicial officer shall—

"(1) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

"(2) advise the person of—

"(A) the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

"(B) the consequences of violating a condition of release, including the immediate issuance of a warrant for the person's arrest; and

"(C) the provisions of sections 1503 of this title (relating to intimidation of witnesses, jurors, and officers of the court), 1510 (relating to obstruction of criminal investigations), 1512 (tampering with a witness, victim, or an informant), and 1513 (retaliating against a witness, victim, or an informant).

"(i) CONTENTS OF DETENTION ORDER.—In a detention order issued pursuant to the provisions of subsection (e), the judicial officer shall—

"(1) include written findings of fact and a written statement of the reasons for the detention;

"(2) direct that the person be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

"(3) direct that the person be afforded reasonable opportunity for private consultation with his counsel; and

"(4) direct that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding.

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

"(j) PRESUMPTION OF INNOCENCE.—Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

"§ 3143. Release or detention of a defendant pending sentence or appeal

"(a) RELEASE OR DETENTION PENDING SENTENCE.—The judicial officer shall order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c). If the judicial officer makes such a finding, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(b) RELEASE OR DETENTION PENDING APPEAL BY THE DEFENDANT.—The judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

"(1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c); and

"(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

If the judicial officer makes such findings, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(c) RELEASE OR DETENTION PENDING APPEAL BY THE GOVERNMENT.—The judicial officer shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3731 of this title, in accordance with the provisions of section 3142, unless the defendant is otherwise subject to a release or detention order.

"§ 3144. Release or detention of a material witness

"If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpena, a judicial officer may order the arrest of the person and treat the person in accordance with the provisions of section 3142. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 3145. Review and appeal of a release or detention order

"(a) REVIEW OF A RELEASE ORDER.—If a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court—

"(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release; and

"(2) the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.

The motion shall be determined promptly.

"(b) REVIEW OF A DETENTION ORDER.—If a person is ordered detained by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

"(c) APPEAL FROM A RELEASE OR DETENTION ORDER.—An appeal from a release or detention order, or from a decision denying revocation or amendment of such an order, is governed by the provisions of section 1291 of title 28 and section 3731 of this title. The appeal shall be determined promptly.

"§ 3146. Penalty for failure to appear

"(a) OFFENSE.—A person commits an offense if, after having been released pursuant to this chapter—

"(1) he knowingly fails to appear before a court as required by the conditions of his release; or

"(2) he knowingly fails to surrender for service of sentence pursuant to a court order.

"(b) GRADING.—If the person was released—

"(1) in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction, for—

"(A) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, he shall be fined not more than $25,000 or imprisoned for not more than ten years, or both;

"(B) an offense punishable by imprisonment for a term of five or more years, but less than fifteen years, he shall be fined not more than $10,000 or imprisoned for not more than five years, or both;

"(C) any other felony, he shall be fined not more than $5,000 or imprisoned for not more than two years, or both; or

"(D) a misdemeanor, he shall be fined not more than $2,000 or imprisoned for not more than one year, or both; or

"(2) for appearance as a material witness, he shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

"(d) DECLARATION OF FORFEITURE.—If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to section 3142(b) or is subject to the release condition set forth in section 3142 (c)(2)(K), or (c)(2)(L), the judicial officer may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the United States.

"§ 3147. Penalty for an offense committed while on release

"A person convicted of an offense committed while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to—

"(1) a term of imprisonment of not less than two years and not more than ten years if the offense is a felony; or

"(2) a term of imprisonment of not less than ninety days and not more than one year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3148. Sanctions for violation of a release condition

"(a) AVAILABLE SANCTIONS.—A person who has been released pursuant to the provisions of section 3142, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

"(b) REVOCATION OF RELEASE.—The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which his arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

"(1) finds that there is—

"(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

"(B) clear and convincing evidence that the person has violated any other condition of his release; and

"(2) finds that—

"(A) based on the factors set forth in section 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

"(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, he shall treat the person in accordance with the provisions of section 3142 and may amend the conditions of release accordingly.

"(c) PROSECUTION FOR CONTEMPT.—The judge may commence a prosecution for contempt, pursuant to the provisions of section 401, if the person has violated a condition of his release.

"§ 3149. Surrender of an offender by a surety

"A person charged with an offense, who is released upon the execution of an appearance bond with a surety, may be arrested by the surety, and if so arrested, shall be delivered promptly to a United States marshal and brought before a judicial officer. The judicial officer shall determine in accordance with the provisions of section 3148(b) whether to revoke the release of the person, and may absolve the surety of responsibility to pay all or part of the bond in accordance with the provisions of Rule 46 of the Federal Rules of Criminal Procedure. The person so committed shall be held in official detention until released pursuant to this chapter or another provision of law.

"§ 3150. Applicability to a case removed from a State court

"The provisions of this chapter apply to a criminal case removed to a Federal court from a State court.".

(b) Section 3154 of title 18, United States Code, is amended—

(1) in subsection (1), by striking out "and recommend appropriate release conditions for each such person" and inserting in lieu thereof "and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release"; and

(2) in subsection (2), by striking out "section 3146(e) or section 3147" and inserting in lieu thereof "section 3145".

(c) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "3146" and inserting in lieu thereof "3141";

(2) in paragraph (1)—

(A) by striking out "bail or otherwise" and inserting in lieu thereof "detain or"; and

(B) by deleting "and" at the end thereof;

(3) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and";

(4) by adding after paragraph (2) the following new paragraphs:

"(3) The term 'felony' means an offense punishable by a maximum term of imprisonment of more than one year; and

"(4) The term 'crime of violence' means—

"(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."; and

(5) in subsection (b)(1), by striking out "bail or otherwise" and inserting in lieu thereof "detain or".

(d) The item relating to chapter 207 in the analysis of part II of title 18, United States Code, is amended to read as follows:

"207. Release and detention pending judicial proceedings ..... 3141".

(e)(1) The caption of chapter 207 is amended to read as follows:

"CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS".

(2) The section analysis for chapter 207 is amended by striking out the items relating to section 3141 through 3151 and inserting in lieu thereof the following:

"3141. Release and detention authority generally.
"3142. Release or detention of a defendant pending trial.
"3143. Release or detention of a defendant pending sentence or appeal.
"3144. Release or detention of a material witness.
"3145. Review and appeal of a release or detention order.
"3146. Penalty for failure to appear.
"3147. Penalty for an offense committed while on release.
"3148. Sanctions for violation of a release condition.
"3149. Surrender of an offender by a surety.
"3150. Applicability to a case removed from a State court."

SEC. 3. Chapter 203 of title 18, United States Code, is amended as follows:

(a) The last sentence of section 3041 is amended by striking out "determining to hold the prisoner for trial" and inserting in lieu thereof "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial".

(b) The second paragraph of section 3042 is amended by striking out "imprisoned or admitted to bail" and inserting in lieu thereof "detained or conditionally released pursuant to section 3142 of this title".

(c) Section 3043 is repealed.

(d) The following new section is added after section 3061:

"§ 3062. General arrest authority for violation of release conditions

"A law enforcement officer, who is authorized to arrest for an offense committed in his presence, may arrest a person who is released pursuant to chapter 207 if the officer has reasonable grounds to believe that the person is violating, in his presence, a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J).".

(e) The section analysis is amended—

(1) by amending the item relating to section 3043 to read as follows:

"3043. Repealed."; and

(2) by adding the following new item after the item relating to section 3061:

"3062. General arrest authority for violation of release conditions.".

SEC. 4. Section 3731 of title 18, United States Code, is amended by adding after the

second paragraph the following new paragraph:

"An appeal by the United States shall lie to a court of appeals from a decision or order, entered by a district court of the United States, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.".

SEC. 5. The second paragraph of section 3772 of title 18, United States Code, is amended by striking out "bail" and inserting in lieu thereof "release pending appeal."

SEC. 6. Section 4282 of title 18, United States Code, is amended—

(a) by striking out "and not admitted to bail" and substituting "and detained pursuant to chapter 207"; and

(b) by striking out "and unable to make bail".

SEC. 7. Section 636 of title 28, United States Code, is amended by striking out "impose conditions of release under section 3146 of title 18" and inserting in lieu thereof "issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial".

SEC. 8. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 5(c) is amended by striking out "shall admit the defendant to bail" and inserting in lieu thereof "shall detain or conditionally release the defendant".

(b) The second sentence of rule 15(a) is amended by striking out "committed for failure to give bail to appear to testify at a trial or hearing" and inserting in lieu thereof "detained pursuant to section 3144 of title 18, United States Code".

(c) Rule 40(f) is amended to read as follows:

"(f) RELEASE OR DETENTION.—If a person was previously detained or conditionally released, pursuant to chapter 207 of title 18, United States Code, in another district where a warrant, information or indictment issued, the Federal magistrate shall take into account the decision previously made and the reasons set forth therefor, if any, but will not be bound by that decision. If the Federal magistrate amends the release or detention decision or alters the conditions of release, he shall set forth the reasons for his action in writing.".

(d) Rule 46 is amended—

(1) in subdivision (a), by striking out "3146, 3148, or 3149" and inserting in lieu thereof "§§ 3142 and 3144";

(2) in subdivision (c), by striking out "3148" and inserting in lieu thereof "3143";

(3) by amending subdivision (e)(2) to read as follows:

"(2) SETTING ASIDE.—The court may direct that a forfeiture be set aside in whole or in part, upon such conditions as the court may impose, if a person released upon execution of an appearance bond with a surety is subsequently surrendered by the surety into custody or if it otherwise appears that justice does not require the forfeiture."; and

(4) by adding the following new subdivision at the end thereof:

"(h) FORFEITURE OF PROPERTY.—

"Nothing in this rule or in chapter 207 of title 18, United States Code, shall prevent the court from disposing of any charge by entering an order directing forfeiture of property pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the property is an amount that would be an appropriate sentence after conviction of the offense charged and if such forfeiture is authorized by statute or regulation.".

(e) Rule 54(b)(3) is amended by striking out "under 18 U.S.C. § 3043, and".

SEC. 9. Rule 9(c) of the Federal Rules of Appellate Procedure is amended by striking out "3148" and inserting in lieu thereof "3143", and following the word "community", inserting "and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or in an order for a new trial".

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed and move to table that motion.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I am advised by the distinguished managers that we are prepared to go to the forfeiture bill, which is Calendar No. 350, S. 948. I have consulted with the minority leader on this subject, and he has indicated that there is no objection on his side that he is aware of.

There is also a budget waiver to accompany the bill. I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 217, Calendar No. 422, which is a budget waiver to accompany S. 948.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 217) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 948.

The resolution was considered and agreed to, as follows:

S. RES. 217

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 948. Such waiver is necessary because S. 948, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. Although this bill was originally introduced as separate legislation, the Senate Committee on the Judiciary felt that because S. 948 related so closely to the provisions of the Comprehensive Crime Control Act that was presented by the administration, it made sense to consider the two together. The package from the administration did not come before the committee until March 23, 1983. Due to the volume of the proposals, the committee could not hold hearings and take responsible action prior to the deadline.

The budget waiver will allow Senate consideration for S. 948 which provides for the establishment of a four-year trial program to deposit proceeds from the forfeiture of drug profits and drug-related assets in a Drug Assets Forfeiture Fund. To offset the cost of processing forfeitures, $10 million is appropriated for fiscal year 1984, $15 million for fiscal year 1985, and $20 million for each fiscal year 1986 and 1987. The appropriation is to come from the proceeds in the Fund. Any excess amounts in the Fund are to revert to the general fund of the United States Treasury. The bill will also create a Customs Forfeiture Fund which will be set up and operate the same as the Drug Assets Forfeiture Fund. To offset the cost of processing these forfeitures, the identical figures are to be appropriated as listed for the Drug Assets. These funds are to be taken from the Customs Forfeiture Fund.

COMPREHENSIVE FORFEITURE ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 948, Calendar 350, the so-called forfeiture bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 948) to reform Federal criminal and civil forfeiture.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment in the nature of a substitute.

Mr. THURMOND. Mr. President, S. 948, as it will be amended shortly, is identical to the provisions of title III of S. 1762 as passed by the Senate yesterday. S. 948 is Senator BIDEN's bill. He has provided the leadership in this area to improve our fight against organized crime and drug dealers. The distinguished majority leader, Mr. BAKER, also has made a major contribution through amendments to S. 2572 last Congress that have been carried forward here.

Mr. President, this bill would provide for the forfeiture of profits and proceeds of organized crime enterprises. It expands criminal forfeiture so as to apply to all narcotics trafficking cases. The bill improves the procedures for "freezing" forfeitable property pending judicial proceedings and, if the forfeitable property cannot be seized, provides for forfeiture of substitute assets. It also expands the use of administrative forfeiture in noncontested cases and creates revolving funds to help make forfeiture operations more efficient.

Mr. President, these are a few of the improvements in this bill.

Mr. President, the distinguished Senator from Delaware has some amendments that will conform this

bill to the same provisions as contained in the crime package, and he will now offer those amendments.

Mr. President, I believe we have to adopt the committee amendments before the amendments of the Senator from Delaware would be in order.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to and will be considered as original text.

AMENDMENT NO. 2696

Mr. BIDEN. Mr. President, I send amendments to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN) proposes an amendment numbered 2696.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with and that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, line 19, delete "1983" and insert in lieu thereof "1984".

On page 48, line 21, delete "section 413" and insert in lieu thereof "sections 413 and 414".

On page 60, delete the quotation mark and second period on line 11, and insert after line 11 the following:

" '(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.'.".

On page 60, insert before line 12 the following:

" 'INVESTMENT OF ILLICIT DRUG PROFITS

" 'SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

" '(b) Whoever violates this section shall be fined not more than ($50,000) or imprisoned not more than (ten) years, or both.

" '(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

" '(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.'.".

On page 62, line 11, delete "remove" and insert in lieu thereof "and remove".

On page 62, delete the quotation mark and second period on line 23, and insert after line 23 the following:

" '(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.'.".

On page 63, line 13, delete "item" and insert in lieu thereof "items".

On page 63, delete the item after line 13 and insert in lieu thereof the following:

" 'Sec. 413. Criminal forfeitures.

" 'Sec. 414. Investment of illicit drug profits;'.".

On page 64, insert after line 2 the following:

"(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before 'The proceeds from any sale under paragraph (2)' the following: 'The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.'.".

On page 64, line 3, delete "(b)" and insert in lieu thereof "(c)".

On page 64, line 8, delete "subsection (j) of this section" and insert in lieu thereof "section 524(c) of title 28, United States Code".

On page 64, delete line 9 and all that follows through line 13 on page 67, and insert in lieu thereof the following:

"SEC. 302. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

" '(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the "fund") which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

" '(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

" '(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations, statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

" '(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

" '(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

" '(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one quarter of the amount realized by the United States from the property forfeited.

" '(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforcement or administered by the Department of Justice remaining after the payment of expenses for forfeiture and also authorized by law.

" '(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

" '(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

" '(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

" '(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed, $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

" '(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

" '(A) any criminal forfeiture proceeding;

" '(B) any civil judicial forfeiture proceeding; or

" '(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.'.".

On page 72, insert after line 17 the following:

"The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review."

Mr. BIDEN. Mr. President, before passing the forfeiture bill, the chairman of the Judiciary Committee and I would like to offer the same minor amendments to this bill that were made to the forfeiture title, title III, of the crime package that we passed yesterday. These amendments are considered to be noncontroversial and are acceptable to the managers of the bill. They include a further refinement of the Justice Department forfeiture fund, and some amendments proposed by Senator D'AMATO. Explanations of these amendments may be found in the RECORD of January 26, 1984.

Mr. President, in July 1980, as chairman of the Judiciary Subcommittee on Criminal Justice, I chaired hearings on the subject of the Government's efforts to obtain the assets of major drug traffickers. In April 1981, the General Accounting Office released a report that was done at my request entitled "Asset Forfeiture—A Seldom Used Tool in Combatting Drug Trafficking." The central conclusion of both of these endeavors was that since enactment in 1970 of the Racketeer Influenced and Corrupt Organizations statute, commonly known as RICO, and the Comprehensive Drug Prevention and Control Act, which contained the first Federal criminal forfeiture statutes, the Federal Government's record in taking the profit out of organized crime, especially drug trafficking, has been far below Congress expectations. For example, although drug trafficking was estimated to be a $60 billion a year business, in its report the GAO found that between 1970 and 1980 only $2 million in assets had been turned over to the U.S. Treasury. The GAO also concluded that a major reason for the failure of these statutes—which were in 1970 proclaimed as the ideal weapon for breaking the backs of sophisticated narcotics operations—was that the Justice Department had largely ignored the legislation. In addition, when Justice did get around to pursuing forfeitures, it ran into unanticipated legal snags. Mr. President, in the last 2 years the Justice Department has devoted substantially greater resources to forfeiture, and with impressive results. But the legal barriers remain. With enactment of this bill Justice will be able to embark on a new mission in the area of forfeiture, aimed at large-scale drug traffickers and organized crime.

This bill is intended to remove those legal barriers, simplifying and streamlining the process of forfeiture, while at the same time taking into account the requirements of due process.

The bill is divided into four parts. First, the bill would amend RICO. Most importantly, it would:

First, make clear that the proceeds of racketeering activity are subject to criminal forfeiture;

Second, provide a fuller definition of the types of property subject to RICO forfeiture;

Third, provide that title to forfeitable property vests in the United States upon commission of the act giving rise to forfeiture;

Fourth, add a section providing that if forfeitable property cannot be located, or has been transferred or sold, subsitute assets belonging to the defendant can be forfeited;

Fifth, provide judicial power to issue appropriate protective orders to maintain availability of potentially forfeitable property; and

Sixth, provide for orderly consideration of third-party claims, taking into account the requirements of due process.

The second major section of the bill would add a criminal forfeiture statute to the Comprehensive Drug Abuse Prevention and Control Act, which would in almost all respects parallel the RICO statute as amended.

Third, the bill would create a forfeiture fund for the Department of Justice to permit efficient administration of the forfeiture program.

Finally, the bill would amend the civil forfeiture provisions of the Tariff Act to allow the U.S. Customs Service and the Drug Enforcement Administration to process civil forfeiture actions more efficiently, and to allow those agencies to transfer forfeited property to State and local law enforcement agencies who assist them in order to boost Federal-State cooperation. It would also create a forfeiture fund for the U.S. Customs Service.

As many believed in 1970, I still believe that a strong forfeiture statute that is actively implemented is the most effective weapon we have for breaking the backs of sophisticated drug traffickers. I believe that this bill, coupled with a strong Federal effort, will serve that purpose.

● Mr. CHILES. Mr. President, I urge the passage of S. 948, as amended, the Comprehensive Forfeiture Act, which is identical to the language of the recently passed Comprehensive Crime Control Act of 1984. Forfeiture procedure reform is long overdue and greatly needed to solve a problem that continues to get worse. This bill would improve governmental efficiency; it would reduce costs and increase revenues to the Government; it would also improve our drug interdiction and law enforcement capabilities.

Mr. President, as many of our Members know, the Coast Guard, the Customs Service, the Drug Enforcement Administration and other agencies seize over 9,000 vessels, vehicles and aircraft each year. Most of these vessels are used in the transportation of illegal aliens and narcotics. All of them are seized because they have been used in the commission of a crime. The Government machinery and the Federal law established to recycle these properties to their rightful owner or to a proper use is so antiquated that many of the vessels and other equipment diminish in value because of poor maintenance and vandelism. According to a recent GAO report, forfeited vehicles sold for only 58 percent of their value at the time of seizure. Boats sold for only 43 percent of their value at the time of seizure, and aircraft sold for only 35 percent of their value at the time of seizure.

S. 948, as amended, would permit most of the seized property to be forfeited and disposed of by an administrative process which would greatly reduce the amount of time required. Now even in an uncontested case, it takes an average of 18 months of court time. It would free up valuable court time, it would increase net receipts to the Government, and it would put the property back into useful service more quickly. It would make it possible for State and local governments that participated in the seizure of the property to acquire it, and it would set up a revolving fund to help finance the maintenance and security of the property, thereby helping to eliminate the requirement of law enforcement agencies to spend their funds intended to be used in the war against crime instead to secure and maintain seized property.

Mr. President, the bill before the Members has previously passed the Senate by 95 to 1. It has passed the House by 271 to 27. Identical language passed the Senate yesterday 91 to 1. The bill is supported by the administration, particularly OMB and all the affected law enforcement agencies. The language is supported by the General Services Administration, which currently operates the disposal program for surplus property.

I urge my colleagues to show their support once again for this important reform.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 2696) was agreed to.

Mr. THURMOND. Mr. President, if there be no further amendment to be proposed, I move that we go to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the en-

grossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 948), as amended, was passed, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Comprehensive Forfeiture Act of 1984".

TITLE I

SEC. 101. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

TITLE II

SEC. 201. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new section 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forefeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of

conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the pe-

titioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(p) The provision of this section shall be liberally construed to effectuate its remedial purposes.".

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 202. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 203. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 204. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 205. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 206. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new items:

"Sec. 413. Criminal forfeitures.

"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

TITLE III

SEC. 301. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2) "the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 302. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund' which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the

Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

Except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

TITLE IV

SEC. 401. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 402. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 403. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 404. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 405. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 406. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 407. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of the Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 408. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 409. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 410. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 411. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 412. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of Title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this chapter and any other provisions of law classified to this title.".

SEC. 413. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I express my appreciation to Senator BIDEN, who has worked with me on these matters, the ranking minority member of the Judiciary Committee.

On Monday I believe we go into habeas corpus and other matters. At that time we will take up other crime bills.

I also wish to express my appreciation to the able majority leader for his fine assistance and cooperation in getting these bills up and for his assistance in helping us to pass them. We wish to deeply express our gratitude to him and also to the minority leader for allowing these bills to come up with his cooperation.

Mr. BIDEN. Mr. President, if we can move as rapidly on what remains on this criminal calendar, if you will, as we have the last 2 days, we will be in good shape. I am anxious to get to them on Monday.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, now I shall make an announcement that no doubt Members have waited for with some expectation. There will be no more rollcall votes today.

Mr. President, on yesterday and perhaps this morning I announced we hoped also to do the drug czar bill today. There are negotiations in progress on the form and substance of that measure that might expedite the consideration of the bill Monday. So, the leadership chose to bring that matter up today.

Next week, however, we will have a busy week to finish the so-called ancillary bills to the criminal package. We must deal with the Specter career criminal bill, habeas corpus, drug czar, exclusionary rule, Federal tort claims, and death penalty.

I expect we will be a good part of next week, maybe all of next week, doing these things, but it is the intention of the leadership to try to do all of those.

Mr. President, we also must deal with Export Administration, and I hope that by the first of the week we can have a better idea about what we are going to do and when we are going to do it.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period now for the transaction of routine morning business to extend not past the hour of 3 p.m., in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. president, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 6, 1984

Mr. BAKER. Mr. President, it would be my intention to ask the Senate to adjourn today instead of recess. But first I would like to propound a unanimous-consent request for the consideration of the minority leader and other Senators with respect to that.

Mr. President, I ask unanimous consent that, if the Senate adjourns today, when it reconvenes on Monday, February 6, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the Calendar be dispensed with; and that following the recognition of the two leaders under the standing order that there be a special order in favor of the distinguished Senator from Nebraska (Mr. EXON), of not to exceed 15 minutes, to be followed in turn by a period for the transaction of routine morning business to extend not past the hour of 12 noon, in which Senators may speak for not more than 10 minutes each; and provided further that the morning hour shall be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object, and I do not object, would the distinguished majority leader provide an additional 15 minutes order for me?

Mr. BAKER. Yes, Mr. President, I amend the request in that respect.

Mr BYRD. I thank the majority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M., MONDAY, FEBRUARY 6, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m. on Monday next.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there is only one item on today's calendar of business that appears to be cleared on both sides. I would inquire of the minority leader if he is prepared to consider House Concurrent Resolution 220, which is Calendar Order No. 632 at this time.

Mr. BYRD. Mr. President, I am glad to answer in the affirmative.

Mr. BAKER. I thank the minority leader.

CONDEMNING THE TURKISH FEDERATED STATE OF CYPRUS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 220.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 220) condemning the action of the so-called "Turkish Federated State of Cyprus" in declaring itself to be an independent state on Cyprus on November 15, 1983.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

NEGOTIATING A FAIR AND PERMANENT SETTLEMENT ON CYPRUS

Mr. BYRD. Mr. President, I am in sympathy with the general intent of this resolution, but it should not be taken as a criticism of the present governments of Turkey or Greece. There have been some conflicting reports for example, regarding the knowledge available to the Turkish leadership concerning the plan of action by the Turkish Cypriot leader, Mr. Rayf Denktash, to unilaterally declare an independent Turkish State on Cyprus last November, 1983. Nevertheless, it would appear that this action was taken independently by Mr. Denktash, and without the prior knowledge of the Turkish Government.

I would also point out that the present Turkish Government, a representative democracy formed as a result of elections held this past November, came to power after the events condemned by this resolution occurred.

Nevertheless, Mr. President, the action taken by Mr. Denktash is regrettable and should be corrected through appropriate actions taken by all sides to this controversy. The Secretary General of the United Nations, Mr. Javier Perez de Cuellar, has been actively involved in recent weeks in brokering a series of proposals and counterproposals by the leaders of both Cypriot communities—Greek and Turkish—to move toward the goal of a unified government for all of Cyprus which would protect the rights and interests of both communities. The Turkish Cypriots made a series of proposals on December 2, 1983, and those proposals have been met with the offer of a comprehensive framework by the Greek Cypriot leadership. Although the process of negotiation has a long way to go, this movement is healthy, in the right direction, and should be encouraged in every way possible by the Government of the United States.

Mr. President, United States interests in the eastern Mediterranean are critical—they are intimately related to the vitality of NATO, and to the influence and prestige of the United States in the Middle East. Greece and Turkey are both important NATO countries, both critical to deterring Soviet designs on the Middle East and Mediterranean. I have been pleased to note that a series of recent developments strengthens U.S. relations with both nations. This past September 8, the United States signed a 5-year Defense and Economic Cooperation Agreement with Greece which guarantees unchanged American access to the current system of military bases in Greece. This agreement was vociferously opposed by the Communist Party and other left-wing elements in Greece, and the government of Prime Minister Papandreou was under great pressure to abandon the arrangement. Denial of American access to our bases in Greece would have been a bad blow to the capabilities and integrity of NATO.

In addition, relations with Turkey are continuing to develop well. On November 29, 1982, the United States and Turkey signed a memorandum of understanding that would allow the United States to modernize existing Turkish air force bases and establish several new bases. The agreement will also permit us to airlift troops to those bases in times of a NATO-designated crisis. I was particularly pleased that the Appropriations Committee accepted a proposal that I made last year to fund the construction of a new fighter base in eastern Turkey, at the town of Mus, which is well within striking distance of historic Russian invasion routes into Iran. This base would house both Turkish and U.S. fighter squadrons in the event of a crisis.

I would also point out to my colleagues that an additional United States-Turkish agreement was signed in late November 1983 in which the United States was granted rights to use the southern Turkish airbase of Incirlik for purposes of resupplying our troops participating in the multinational force in Lebanon. The agreement permits the movement of 600 men and 350,000 lbs. of equipment through Incirlik every month for purposes of supporting our Lebanon operations. This is the first time that the Turks have allowed us to use any facility in Turkey for any purpose outside the NATO framework.

Turkey's military government, in power since it took control from an incapacitated parliament in 1980, announced and stuck by a schedule for a return to what it has termed a controlled democracy. The generals felt the only way to bring Turkey out of the political turmoil and chaos it had experienced in the late seventies was to refashion the political system and stabilize the economic system. The program apparently met with strong popular support, eliminated the dangerous level of internal terrorist activity that had developed in the late 1970's and stabilized the economy. The elections of last November, although limited in their range of political participation, are to be welcomed and the process of restoring democracy should be applauded.

Greece is an important NATO country. Turkey is an ally of growing importance which is playing significant peacekeeping roles in the Middle East—for example, as a mediator in the Iran-Iraq conflict. The recent series of defense agreements with both nations must be preserved. Good relations with both nations are vital to us.

Therefore, Mr. President, I am pleased to see that some diplomatic movement between the Greek and Turkish Cypriot communities is now occurring and that the goal of a unified Cyprus is still alive. Positive actions by the United States to encourage this process, particularly through the good offices of the United Nations, are to be encouraged.

Mr. D'AMATO. Mr. President, I rise this afternoon to express my sense of shock and outrage over the announced establishment of a Turkish Republic on Cyprus. This action, undertaken by Rauf Denktash, leader of the Turkish Cypriots, clearly has been designed to drive a wedge between the people of Cyprus and to undermine the legitimate government of President Spyros Kyprianou.

During July 1974, an estimated 40,000 Turkish troops invaded Cyprus. More than 200,000 Greek Cypriots were displaced as a result of that illegal invasion. Today, nearly a decade later, a Turkish force of more than 20,000 remains on the island.

The continued presence of these troops on Cyprus is a flagrant violation of the sovereignty of the Cypriot

Government. It must be condemned. In addition, the unilateral declaration of independence proclaimed earlier this week can serve only to further frustrate efforts to bring about a peaceful resolution of hostilities on Cyprus.

Of particular concern is the wholehearted support expressed by the Government of Turkey for the Turkish Republic of Northern Cyprus. The United States has been joined by Greece and a number of other important allies in decrying the action taken by the Turkish Cypriots. I have joined as a cosponsor of the pending resolution which calls for the removal of all Turkish troops from Cyprus, as well as the reunification of that nation.

Mr. President, I urge the adoption of this important resolution as a clear demonstration of our continued support and commitment to Cyprus.

Mr. PELL. Mr. President, I rise in support of House Concurrent Resolution 220. On November 15, 1983, the so-called assembly of the Turkish Federation of Cyprus declared that portion of Cyprus which is occupied by Turkish troops, to be a free and independent state. That illegal act of secession from the Republic of Cyprus was roundly condemned by this Senate, by the U.S. Government, and by most responsible members of the international community. Such an act, if permitted to stand, would violate the physical integrity of Cyprus, and destroy its future ability to reenter the ranks of nations as a unified, democratic society.

This desperate act of attempted bifurcation of Cyprus is but the culmination of a decade of turmoil, dashed hopes, and deep frustration on that troubled island. It is the tragic culmination of a political process that began with the Turkish invasion of Cyprus in 1974, 10 years later Turkish occupation continues over 40 percent of the island Republic. Neither a congressional embargo against arms sales to Turkey, adopted in 1975 and repealed in 1978, nor United Nations-sponsored bicommunal talks aimed at a political resolution has yielded much by way of a progress toward reintegration on Cyprus.

With the surprise election of a new civilian government in Turkey, led by Turgot Ozal and his Motherland party, last November, many of us had hoped for a more conciliatory policy in Ankara. Regrettably, to date, that has not been the case. Turkey's recognition of the illegal delaration of independence continues. We can only hope, Mr. President, that as Prime Minister Ozal's government takes hold, it may yet turn its attention to this most vexing problem, and join with the other interested parties in working for a fair resolution of the Cyprus dilemma.

As a first step, Turkey, the only nation to provide recognition to the illegal independent Turkish Cypriot entity, should withdraw its recognition. Such a move, coupled with full implementation of U.N. Resolution 541, which was adopted on November 18, and calls for the reversal of the declaration of independence could significantly contribute to a climate of cooperation and accommodation in Cyprus.

On January 11, Cypriot President Spyros Kyprianou unveiled a detailed proposal for both a constitutional and territorial settlement for Cyprus. His thoughtful proposals include a power-sharing arrangement that would allow for a Greek Cypriot President and a Turkish Cypriot Vice-President, a final territorial arrangement that would allow maximum local autonomy, while preserving the integrity of the Republic itself. These proposals from Mr. Kyprianou are fair ones and deserve a more thoughtful response from Turkey and the Turkish Cypriot community as well. U.N. Secretary General Perez-Cuellar took these proposals with him to the recently held Islamic conference in Casablanca where he discussed them with Mr. Denktash, the leader of the Turkish Cypriot community, and with President Evren of Turkey. We all await their further response to his suggestions for further talks.

Meanwhile, Mr. President, the problem of Cyprus festers. It will not go away by wishing it so. And as long as it is allowed to fester, it will erode the stability of the vital southern flank of our NATO alliance. The events of the past 2 months have not only challenged the complacency of the international community on this issue, but also offered a rare opportunity for a diplomatic breakthrough. In this regard, the United States must not slacken its resolve to resist, and ultimately reverse, the unilateral and illegal declaration of independence, and to move all parties to the negotiating table for a fair and lasting resolution of the Cyprus problem.

Mr. KENNEDY. Mr. President, I join in strong support of House Concurrent Resolution 220, which condemns the illegal declaration of independence by the Turkish Federated State of Cyprus.

This unjustified action is an unacceptable violation of the sovereignty and territorial integrity of the Republic of Cyprus. It is illegal. It preempts negotiations to resolve the dispute on Cyprus. It must be strongly opposed by the United States, by our allies and by all nations in the world community.

I urge the administration to give the tragic situation in Cyprus a higher priority in our Nation's foreign policy. We must insure that more effective efforts are made to achieve a peaceful settlement.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 220) was agreed to.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, next I have a Senate resolution dealing with the representation of Galen Reser in Civil Action No. 83-3819 and it is to authorize testimony and representation. I ask unanimous consent that it may be in order to consider that Senate resolution at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AUTHORIZING TESTIMONY AND REPRESENTATION OF A SENATE EMPLOYEE

Mr. BAKER. Mr. President, I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 334) authorizing testimony and representation of Galen Reser in the case of *Minnesota Mining and Manufacturing Company* v. *George P. Schultz, et al.* Civil Action No. 83-3819.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BAKER. Mr. President, the plaintiff in a civil case, *Minnesota Mining and Manufacturing Co.* v. *George P. Shultz, et al.*, Civil Action No. 83-3819, currently pending in the U.S. District Court for the District of Columbia, has subpenaed Galen Reser, an employee of Senator PERCY's office, to provide testimony and documents at a hearing on a preliminary injunction. This resolution authorizes Mr. Reser to provide the nonprivileged testimony and documents, and directs the Senate Legal Counsel to represent Mr. Reser in this case.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 334) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 334

Whereas the case of *Minnesota Mining and Manufacturing Company* v. *George P. Shultz, et al.*, Civil Action No. 83-3819, is pending in the United States District Court for the District of Columbia;

Whereas the plaintiff has subpoenaed Galen Reser, an employee of Senator

Percy's office, to testify and to produce documents;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that testimony of an employee of the Senate, and documents, papers, and records under the control of or in the possession of the Senate are needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate;

Whereas pursuant to section 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a) (1982), the Senate may direct its counsel to defend the members and employees of the Senate in any proceeding with respect to any subpoena relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Galen Reser in the case of *Minnesota Mining and Manufacturing Company* v. *George P. Shultz et al.*;

SEC. 2. That Galen Reser is authorized to testify and to produce subpoenaed documents in the case of *Minnesota Mining and Manufacturing Company* v. *George P. Shultz, et al.*, except for such testimony and documents as the Senate Legal Counsel or his representative determines are privileged from disclosure.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, on today's Executive Calendar, there is one item that appears cleared for action by unanimous consent under Federal Home Loan Bank Board and two nominations placed on the Secretary's desk in the Air Force. I inquire of the minority leader if he is prepared to consider all or any portion of those nominations at this time.

Mr. BYRD. Mr. President, we, on this side, are ready to proceed with all nominations on the calendar.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I am afraid I am not prepared to consider all of them, but I do now ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar Order No. 447, the nomination of Mary A. Grigsby to be a member of the Federal Home Loan Bank Board, and those nominations in the Air Force placed on the Secretary's desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FEDERAL HOME LOAN BANK BOARD

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk proceeded to read the nomination of Mary A. Grigsby, of Texas, to be a member of the Federal Home Loan Bank Board.

Mr. BENTSEN. Mr. President, it is my distinct pleasure to recommend that the Senate follow the lead of the Senate Banking Committee and approve the nomination of Mary A. Grigsby to be a member of the Federal Home Loan Bank Board.

Mary Grigsby knows the savings and loan business from the ground up. She started with Houston First Savings as a bookkeeper and worked her way up, becoming the president of the organization in 1971. She has most recently been serving as vice chairman of the board of United Savings, the second largest savings and loan in the State of Texas. She has also held many other industry-related positions, including serving as president of the Texas Savings and Loan League and as a member of the board of the Federal Home Loan Bank of Little Rock.

The Federal Home Loan Bank Board has the responsibility for supervising and assuring the soundness of over 3,000 savings and loan associations throughout America. Mary Grigsby's abilities and experience will enable her to play an active and positive role in the continued progress of this vital segment of our financial industry. The past few years have seen unprecedented strains placed on our financial system, and especially on the savings and loan industry. The current era of financial deregulation is placing additional strains on all our financial institutions. At the same time, there is still a continual need for home mortgage financing—the traditional specialty of the the savings and loan association.

In today's challenging climate, the Federal Home Loan Bank Board needs experienced, forward-looking leadership. Mary Grigsby has long been supplying such leadership in Texas. Mary has proven her ability to work out practical, bipartisan solutions to problems, and I am pleased to join with my distinguished colleague from Texas, Senator TOWER, in wholeheartedly recommending her for confirmation to the Federal Home Loan Bank Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations placed on the Secretary's desk be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

Air Force nominations beginning Paul W. Bishop, and ending Jacquelyn D. Reid, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 18, 1983.

Mr. BAKER. Now, Mr. President, I move to reconsider the vote by which the nomination of Mary A. Grigsby was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, I move to reconsider the vote by which the nominees placed on the Secretary's desk were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I now ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is to ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is to ordered.

THE HISTORY OF THE SENATE

Mr. BAKER. Mr. President, I understand that the distinguished minority leader is now prepared to deliver another statement in the series of statements he has made on the history of the Senate.

I do not want to embellish the matter too much, but I wanted to observe once more that what we are witnessing here in this growing list of speeches on the history of the Senate has become the definitive history of the Senate of the United States and in due course it will be printed as a Senate document, probably running to several volumes.

It is a scholarly work. It is destined to be the standard reference work for scholars, students, and historians who will study this institution and its special relationship to the rest of the Government.

I say these things because I want to express my admiration for the work that the minority leader is doing, and to express the appreciation, I am sure, of every Senator for this ongoing, monumental project.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

In order to accommodate that, Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended today to whatever length may be required for the presentation of this statement today by the minority leader without restriction as to time, and I further ask unanimous consent that when he concludes that statement that the Chair place the Senate in adjournment pursuant to the order previously entered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the majority leader for his remarks, which were very gracious. I appreciate more than I can say the majority leader accommodating me on these statements, always accommodating me. I appreciate the cooperation he has steadfastly shown to me in making provision for me to make these statements.

I have at all times intended that they would be made at a time when there was no business to be transacted in the Senate. I have always also indicated that anytime a Senator comes into the Chamber and wishes to speak, I will yield time to the Member. If the majority leader has further business to transact, I will certainly yield the floor at that time.

Mr. President, I am not only flattered but I am encouraged by the majority leader's statement. I hope these statements do and will live up to his expressions concerning them.

I know of no extended series of statements on the Senate from an insider, except that Journal which was written by Senator Maclay during the first 2 years of the Senate when its doors were closed.

Senator Maclay was not reelected. He was quite acerbic as he talked about other Members. He seemed to find nothing good to say about any of them.

But for that Journal I suppose we would not have very much information concerning the first 2 years of the Senate as an institution operated under the Constitution.

I am sorry to note that he was not reelected after that first 2 years.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President I, too, have observed that without that we would not know much about the earliest days of the Senate, and maybe we do not know much about it anyway.

I have a few copies of the Congressional Globe in my office that go back to the earliest days of the publication, but they were well after the Senate had established itself as an institution in Government.

I also would note that official minutes and records of important and historic events are very rare indeed during our formative years.

I am advised, and I believe this is correct, that among the first actions taken by the Constitutional Convention was a resolution first to close the doors to the public and second to direct no minutes of the proceedings would be kept.

I cannot imagine what would happen in today's circumstances if any public institution were to do that. It would violate the provisions of the Freedom of Information Act and the sunshine laws. But our early Founding Fathers were not overly fastidious about guaranteeing public access to the deliberations.

Mr. BYRD. I thank the majority leader.

Mr. President, this is the 64th statement in the series which began on March 20, 1980.

THE UNITED STATES SENATE

THE SENATE IN THE PROGRESSIVE ERA, 1901-1912

Mr. BYRD. Mr. President, at the close of the Fifty-Sixth Congress, on March 2, 1901, members of the House of Representatives, the Supreme Court, the cabinet, high-ranking military officers and other dignitaries filed into the Senate chamber to witness the swearing in of the new vice president of the United States, forty-two-year-old Theodore Roosevelt. The young vice president was a familiar face to most of those in attendance. For many years he had resided in Washington as chairman of the Civil Service Commission and later as assistant secretary of the Navy. During the war with Spain in 1898 Roosevelt had led his Rough Riders to glory at the battle of San Juan Hill. Triumphantly he returned to be elected governor of New York. He was a cowboy and a scholar, a physical fitness advocate and a naturalist, a reformer and a party loyalist. Above all, young "Teddy" Roosevelt was an unpredictable and impetuous enthusiast for numerous ideas and causes, who made the elders of his party quite nervous. At the Republican convention in 1900 they found the perfect place to temper his ardor: they nominated him for vice president. With a little luck, they felt, he would never be heard from again.

Vice President Roosevelt did not deliver his inaugural address until the opening of the Fifty-Seventh Congress, on March 4. We can imagine him standing in this chamber at the presiding officer's desk. His pince nez glasses perched on his nose, his high pitched voice, his arm pointing skyward for gesture, addressing the members of the Senate. "Senators," he told them, "the history of free government is in large part the history of those representative legislative bodies in which, from the earliest times, free government has found its loftiest express . . . . A great work lies ready to the hand of this generation; and thrice happy is the generation that to it is given such a work to do. A leading part in the work must be taken by this august and powerful legislative body over which I have been called to preside. Most deeply do I appreciate the privilege of my position, for high indeed is the honor of presiding over the American Senate at the beginning of the twentieth century." [1]

Those were fine words, Mr. President, but, in fact, Theodore Roosevelt presided over the Senate only 6 days, during the special session of the 57th Congress. The Senate adjourned on March 9 and did not return to regular session until December 2, 1901. In the interim, President William McKinley was assassinated in September at the Pan-American Exposition in Buffalo. The president had been shaking hands on a receiving line when a slim young man with a bandaged hand stepped up. The bandage concealed a pistol, which he fired twice at the president. President McKinley lingered a week before he died of gangrene and infection—apparently as much a victim of medical incompetency as of assassination. His last words were the title of that old hymn, "Nearer My God To Thee."

The president's assassin was a self-proclaimed anarchist, Leon Czolgosz, who opposed all men in power and authority. The son of Russian Poles who had come to the United States 42 years earlier, Czolgosz had been deeply influenced by labor unrest in the coal fields of Pennsylvania and West Virginia. The treatment of Slavic miners in the Latimer Mines Massacre in 1897 particularly strengthened his anarchistic tendencies.

It is instructive to note the "terrible swift sword" of justice in those days. Czolgosz went on trial on September 23, 9 days after McKinley died. He was convicted of murder the next day, and electrocuted 1 month and 6 days later, on October 29, 1901.

Former President Grover Cleveland eulogized President McKinley. "All our people loved their dead president," said Cleveland. "His kindly nature and lovable traits of character, and his amiable consideration for all about him will long live in the minds and hearts of his countrymen." Paren-

Footnotes at end of article.

thetically, it is interesting to note that Cleveland, whose operation for cancer of the mouth in 1893, which I described in my last address, outlived his successor. Former President Cleveland retired to a home near the Princeton University campus, where he died in 1908 at the age of 71, from ailments unrelated to that disease which nearly claimed his life during his presidency.

Now, with McKinley dead, "that damned cowboy," as Senator Mark Hanna called him, was in the White House. And the first order of the new session was to receive the message of the president of the United States, Theodore Roosevelt. Running over thirty thousand words, Roosevelt's message filled twelve pages in the CONGRESSIONAL RECORD. Some called it a conservative message, and a continuance of McKinley's program, but in it we can see the seeds of a new activist administration by a progressive president. Roosevelt asserted that the old laws and customs concerning the concentration and distribution of wealth were "no longer sufficient." He saw trouble ahead in the development of large-scale industry, and called for national supervision of corporations, a new cabinet department for Commerce and Industries, and revision of the Interstate Commerce Commission Act to equalize railroad rates for all shippers. He advocated protection of our natural resources, protection of forest reserves, and reclamation and settlement of arid lands.[2] Here was the beginning of one of the greatest periods of reform in American history. Theodore Roosevelt was the prototype of what political scientists call a "positive-activist" president. He altered public expectation of what a chief executive should do, and how he should lead. He changed the way the press reported on the presidency. He began a shift of power and attention from Capitol Hill to the White House that culminated in the "Imperial Presidency" of our own time. Quite a difference from the words of the youthful vice president who expected to preside over the "august and powerful" Senate.

Theodore Roosevelt grew to such a monumental figure, both during his own lifetime and in the histories and folktales ever since—with his gleaming teeth, "big stick," and even the Teddy Bear, named for him—that he obscures our view of how "august and powerful" the United States Senate really was during his term, how mightily he had to struggle to enact his programs, and how frequently he had to compromise with the conservative senators who controlled this body. The purpose of my remarks today, in my continuing series of addresses on the history of the United States Senate, is to focus on the powerful leaders of the Senate of that era and on the great struggle that took place in this chamber between the defenders of the status quo and the champions of reform.

Historians say that four men ruled the Senate in those first years of the twentieth century. "The Four," were Nelson W. Aldrich of Rhode Island, William B. Allison of Iowa, Orville H. Platt of Connecticut, and John C. Spooner of Wisconsin. Visitors to the office of the Majority Leader will notice a large photograph of The Four, seated together in wicker chairs and rockers on the porch at Senator Aldrich's estate in Newport, Rhode Island, in 1903, attesting that they were close personal friends who socialized in private as well as collaborated in public. Professor Horace Samuel Merrill and Marion Galbraith Merrill have written a spirited analysis of The Senate Four in their book, *The Republican Command, 1897-1913.* The Merrills describe these powerful senators as "hard-working, knowledgeable, experienced, professional politicians . . . The Four educated each other, helped each other, protected each other . . . The Four arrived at their collective decisions through frequent informal conferences among themselves, often held in Platt's simple but comfortable apartment." Long-time *New York Times* reporter Charles Willis Thompson, who covered the Senate at the turn of the century, corroborates the Merrills' assessment. "The four bosses of the Senate can and do control that body," Thompson wrote. "This means that these four men can block and defeat anything that the president or the House may desire." [3]

Senator Aldrich chaired the Senate Finance Committee, Allison was the chairman of the Appropriations Committee, Spooner chaired the Rules Committee, and Platt chaired the Committee on Cuba. All four were members of Aldrich's Finance Committee. "They ruled as they pleased and wielded the rubber stamps they appropriated from the committee rooms," the Merrills noted. As one Republican senator wrote to William Allison: "I consider the interests of the government as embodied in you and in Senator Aldrich. What you say goes. Kindly keep me posted as to what you do, so that I may not go astray." [4]

Nelson Aldrich, by the way, was the grandfather of former Vice President Nelson Aldrich Rockefeller, and the great-grandfather of the current governor of West Virginia, Jay Rockefeller. Senator Aldrich was perhaps the most powerful member of The Four. A handsome man with piercing eyes and a flowing white mustache, Aldrich had started out as a grocery store clerk in a Rhode Island mill town, advancing quickly through business and politics until he became a millionaire through his consolidation of the street railways in Providence, Rhode Island. In 1881 he was elected to the Senate where he became a member of the Finance Committee. Working his way up through the seniority system, Aldrich became chairman of the committee in 1898, but he had become a power in the committee and on the Senate floor years before. The Finance Committee controlled all tariff legislation, which was the center of so much political attention and controversy during the late nineteenth century. On the Finance Committee, Aldrich represented northeastern industrial and manufacturing interests. He spent his early years in the Senate studying financial questions carefully and reading widely on issues of political economy.

For nearly two decades before Aldrich became chairman, Senator Justin Morrill of Vermont chaired the Finance Committee. But Morrill was more interested in theory than in details, and it was Nelson Aldrich who devoted himself to the intricacies of each tariff bill. When a tariff bill came in from the House, Aldrich would go over each of its schedules, leaving his mark on nearly every area. Observers said that he had almost as much influence in shaping the Democratic Wilson-Gorman tariff as he did over Republican tariffs. Needless to say, Aldrich's importance was soon recognized by other senators and by various industrial interests seeking to shape the tariff rates. By 1901 a leading Washington correspondent called Aldrich "the most influential man in Congress." He was also known as "the boss of the Senate."[5]

Despite these titles, the average visitor in the Senate galleries might never have picked out Nelson Aldrich as the dominant force in the Senate. In a chamber where one could listen to such renowned orators as Albert J. Beveridge, Chauncey Depew, and "Pitchfork Ben" Tillman, one practically never heard Senator Aldrich give an address. "He has no aspirations to shine as an orator," wrote journalist Louis Coolidge. "When he makes a speech in the Senate it is on some dry financial subject and its sole purpose is to supply his side with ammunition. He never jumps into a rough-and-tumble debate, but he has a way of asking questions, or making statements, which are disconcerting to the other side. He is quite ready to let others have all the spectacular advantages."[6]

While Aldrich satisfied himself with committee and cloakroom activities, it was Senator John Coit Spooner of Wisconsin who served as the orator of The Four. Spooner possessed a brilliant legal mind and boasted a successful career as a railroad lawyer and lobbyist before his election to the Senate. He was a favorite of the galleries and was often compared to Stephen A. Douglas, because of his skill in debate and his ability to draft compromises. Although never the power that Al-

drich was, Spooner assured his place in the Senate Republican leadership by making his legal and constitutional knowledge available to the non-lawyer Aldrich. One news correspondent reported entering the Rules Committee, which Spooner chaired, and finding books scattered everywhere on the floor. When asked what happened, Spooner replied: "Oh, I have been trying to get some law into Aldrich."[7]

William B. Allison of Iowa, the "sage old pilot of the Senate," was at home equally in the committee room or on the Senate floor. His service in Congress dated back to the Civil War, and his total tenure in the Senate of thirty-five years and five months puts him eleventh on the list of the longest serving United States senators in history (recently he was surpassed in years of service by our distinguished colleague, who was on the floor just a minute ago, Senator John C. Stennis). Allison is the absolute record-holder as the longest serving committee chairman, having chaired the Appropriations Committee for twenty-five years, from 1881 to 1893, and from 1895 to 1908. (The record for the longest consecutive service as chairman, twenty-two years, is shared by former Senator Warren Magnuson, as chairman of the Commerce Committee, and former Senator James Eastland, as chairman of the Judiciary Committee.)

Allison, with his massive leonine head, immense forehead, and mass of gray hair, was frequently referred to as "the Old Fox." He rarely gave his opinion on any subject to the press, which might account for the length of his Senate career. Although he represented a predominantly rural, agricultural state, Allison spoke for the business, industrial, and railroad interests. He defended the protective tariff and used his powerful positions on both the Appropriations and Finance committees to try to defuse the emotional currency issues of the day. It is a credit to Allison's political skills that he managed to juggle such vastly different constituencies for so many years. "He never made a false step politically," wrote the Merrills. "He moved with such cautious surety that it was widely said that he could walk on eggs ffrom Des Moines to Washington without breaking one of them, or the length of a piano keyboard without making a sound, or glide across the Senate floor in wooden shoes making no more noise than a fly on the ceiling."[8]

The genial Orville Platt of Connecticut was a mild, stately old gentleman with a long white beard, an old New England Yankee who possessed "the face and manner of a pastor emeritus." Platt's biographer appropriately named the book "An Old-Fashioned Senator." Platt had the reputation of being the most constructive legislator of The Four. He was interested in reform of the Senate rules. He wanted to reduce or abolish the many closed-door executive sessions of the Senate—they had more of the closed-door sessions in those days than we do in our day—and he wanted to establish a cloture rule to cut off filibusters. Unlike Aldrich, Allison, and Spooner, Platt's name was more popularly associated with foreign policy than domestic policy. He was the author of the famous "Platt Amendment" in 1901 which made Cuba a virtual protectorate of the United States for the next thirty years. On tariff, currency, and general business issues, Platt added his sage advice and loyal support to the rest of The Four. When Platt died in 1905, Senator Aldrich recalled that "in every phase of my work here I found his counsel most helpful. In his death I am conscious of the loss of a dear friend, who was, all in all the best man I ever knew."[9]

There were other influential senators of the era, men such as Henry Cabot Lodge, Sr., Eugene Hale, and Mark Hanna, but in truth they were lieutenants to The Four and remained in secondary positions so long as Aldrich, Allison, Spooner, and Platt called the shots. These were the "august and powerful" senators with whom the brash young President Theodore Roosevelt would have to deal if he wished to enact his legislative program.

Mr. President, Theodore Roosevelt is a particularly difficult president to assess because he has achieved almost folk hero status. He looms large in the history books, following as he did after a string of rather dowdy and forgettable chief executives. We remember him as perhaps the first modern president. Those of us who participated in the Panama Canal Treaty debates in 1978 got a healthy dose of Theodore Roosevelt and his role in acquiring control over the Canal Zone. Now, in the midst of renewed interests in Central American affairs, we are reminded of his "Roosevelt Corollary" of 1904, justifying American intervention in the Caribbean as "an international police power." By contrast to this interventionism and his more bellicose Rough Rider image, we also recall that he was the first American to win the Nobel Peace Prize for his work in negotiating the Portsmouth Peace Treaty which ended the Russo-Japanese War.

In domestic affairs, Roosevelt was equally active. In 1902 he sided with striking coal miners to bring an end to the anthracite coal strike. That same year he ordered prosecution of the Northern Securities Company, symbolizing a more aggressive Federal antitrust program. He endorsed such landmark legislation as the Newlands Reclamation Act to provide irrigation for arid states of the West; the Elkins Act to end railroad rebates; the Hepburn Act to strengthen the powers of the Interstate Commerce Commission in regulating railroads; the Pure Food and Drug Act and the Meat Inspection Act to protect American consumers; and the Aldrich-Vreeland Act setting up a national banking system and paving the way for the Federal Reserve Board. In addition, his annual messages to Congress contained virtually a catalogue of progressive reforms and demands, many of which were not enacted for decades to come.[10]

All these were notable accomplishments, but the questions I should like to address today are: How much was Roosevelt's reform program shaped by his dealings and compromises with the conservative leaders of the Senate? How far was he willing to go, and how soon was he willing to retreat on an issue? Roosevelt saw himself as a man of the political center, fending off on one side the plutocrats who controlled the great wealth and power of American industry, and on the other side the masses, with their radical and destabilizing demands. He projected this same dichotomy onto the Congress, as he wrote to his son in 1903: "I am having a terrific time trying to get various things through Congress and I pass my days in a state of exasperation, first with the fools who do not want to do any of the things that ought to be done, and, second, with the equally obnoxious fools who insist upon so much that they cannot get anything." Here he divided the Congress, overwhelmingly controlled by members of his own party, between the "Old Guard" who resisted change, and the progressive insurgents who were more ready to fight and lose than to compromise their principles. We think of Roosevelt as a reform president, but he was really a consensus president, cautiously waiting to act until he had public opinion and support in his corner, willing to accept "half a loaf" rather than none. When Roosevelt and his program are seen in this light, we can more readily perceive the influence that Congress—and particularly the struggle between conservative and progressive forces in Congress—had on his programs.[11]

For example, Roosevelt moved cautiously on the controversial issues of currency and tariff reform, sidestepping the demands of reformers and standing with the Old Guard in delaying or avoiding altogether changes in the law through both panics of 1903 and 1907. There was considerable public pressure to reduce the high tariff rates set by the Dingley Tariff of 1897. Agrarian reformers argued that high rates for industrial products discriminated against farmers by increasing the cost they paid for consumer goods, and at the same time fostered the growth of industrial trusts.

The tariff had also become a symbol of political corruption, as lobbyists worked feverishly to raise the rates for those producers who hired them. Certain members of Congress were identified with certain industries, whether pig iron, or textiles, or sugar, and built their campaign chests by working to keep rates high. By 1904 a national consensus seemed to be building for a general reduction in the tariffs, and certainly reform elements favored this solution. The *New York Evening Post* interviewed a thousand people listed in *Who's Who* on their views on tariff legislation, and ten to one they favored revision. Important members of the Republican party, notably former Secretary of War Elihu Root (who was shortly to become Secretary of State), argued with the president in favor of reduction of the tariff; and privately in his correspondence, Roosevelt agreed.

The Senate Four, Speaker of the House Joe Cannon, and other congressional leaders disagreed with this sentiment. "I see the newspaper correspondents are fixing things all up," Senator Platt wrote to Senator Aldrich, "for President Roosevelt to call a special session of Congress to revise the tariff." However, Platt insisted that "it is a time to go slow." Platt also objected to Roosevelt's consideration of creating a joint commission of experts to revise the tariff. As Platt wrote to Aldrich, "You know as well as I do, that a joint commission composed as suggested would be entirely valueless, so far as getting our ideas accepted is concerned." With congressional leaders of his party preferring to "stand pat" on the tariff issue, Roosevelt was reluctant to act. He hesitated to use his recent victory in the 1904 presidential election as leverage for confronting Congress. He decided against calling a special session. He did not ask for tariff revision. The high tariff remained unchanged throughout his presidency. The protectionists had won the war without fighting a battle.[12]

There was danger inherent in adopting a cautious policy, however; press surveys showed dissatisfaction with lack of legislative results in the stalemate between "an aggressive administration and a reluctant Senate." Roosevelt had been able to build a public image as a dynamic reform president through his executive acts, but he needed to build a legislative program if he wished to achieve any long-range reforms of the system. When Roosevelt decided to make his stand, it was on railroad rate regulation rather than a revision of the tariff.

For many years, reformers had denounced the practice of railroad rebating, in which large shippers were able to extract a rebate or reduction in fees for shipping their products on one railroad as opposed to another (and we are talking about an era in which there was intense competition between railroad lines). Naturally, this discriminated against smaller shippers who paid a higher rate. In his message to Congress on December 6, 1904, Theodore Roosevelt stated that "above all else we must strive to keep the highways of commerce open to all on equal terms; and to do this it is necessary to put a complete stop to all rebates." Roosevelt did not go so far as to propose that the Interstate Commerce Commission be given authority to set railroad rates, but he requested that it be vested with the power to review the reasonability of rates. "In my judgment the most important legislative act now needed as regards the regulation of corporations is this act to confer upon the Interstate Commerce Commission the power to revise rates and regulations," Roosevelt concluded.[13]

Throughout 1905 the Republican Congress largely ignored Roosevelt's domestic program, but the president persisted. Again in his annual message in December 1905 he revived the railroad regulation proposal. Conservative newspapers denounced the plan as "centralization," but Roosevelt did receive considerable help from the "muckraking" magazines popular at that time. These journals fired up public sentiment against railroad monopoly and corruption, often using material secretly provided them by the White House.[14]

Examining Roosevelt's proposal, the New York *Sun* predicted that "the House may go through the form of moulding a hasty measure, but the Senate will not; no railway rates bill will be passed by the Fifty-Ninth Congress." This seemed like a safe assumption. Indeed, the railroad bill sailed easily through the House—where it became known as the "Hepburn bill" for Iowa Congressman William P. "Pete" Hepburn, chairman of the House Interstate Commerce Committee—and predictably it ran into stiff opposition in the Senate Interstate Commerce Committee. The chairman of the Senate committee was Stephen B. Elkins of West Virginia, a railroad investor and owner. As the journalist Mark Sullivan commented: "By every rule, precedent, and propriety, if the Republicans were going to work in normal harmony with their own president, it was Chairman Elkins' function to take charge of the bill, to give it his sponsorship and even his name, to pilot it through the committee, and thereafter to steer it through the Senate. But Elkins disavowed the measure, thereby making it a nameless orphan, and, from the offical Republican point of view, a tainted outcast."[15]

By the way, there is a beautiful community located in the mountains of West Virginia named Elkins, and my senior colleague, Senator Randolph, hails from Elkins. That is where his voting residence is located, and we are all very proud of Senator Jennings Randolph and have tremendous respect for him.

With Senator Elkins keeping at arms' length from the bill, the real tactician on the committee was Senator Nelson Aldrich; a man philosophically and politically opposed to government regulations of railroad rates. Realizing that a coalition of Democrats and progressive Republicans had the votes to report out the Hepburn bill, Aldrich set about to sabotage it. He convinced the committee to report the bill out without endorsement, and also arranged that committee members be permitted to add unlimited amendments to the bill on the floor. Thus they could smother it without killing it outright.

Aldrich had an even bolder legislative tactic up his sleeve. Since Senator Elkins had declined to serve as floor manager, and the next ranking Republican, Shelby M. Cullom, was ill, the progressive Republican Jonathan Dolliver of Iowa stood next in line. Dolliver was more than eager for the opportunity to manage the president's railroad bill. But Aldrich agrued that since the majority of Republicans on the committee did not support the bill it would be more honorable to allow the Democrats to take responsibility for it. The committee accepted Aldrich's motion, and Senator Benjamin Tillman, Democrat of South Carolina, found himself manager of the bill. "Somebody, by some hocus pocus—I hardly know how it happened—came to us unexpectedly and in a great hurry dumped this baby in my arms," Tillman observed. "I am suspicious of the paternity of the brat."[16]

Aldrich had conceived a stunning masterstroke. There was no other senator with whom Theodore Roosevelt would be more loath to work than "Pitchfork Ben" Tillman. A product of the Populist Movement, Tillman was a farmer-agitator turned politican who won his nickname by promising to go to Washington and stick his pitchfork into conservative president Grover Cleveland. From all accounts Tillman could be crude in manner, inflammatory in rhetoric, and sloppy in dress. He also possessed a most unparliamentary manner, as he demonstrated one day in 1902 by swinging his fist into the face of his colleague from South Carolina, John McLaurin, while they stood on the Senate floor. McLaurin responded with a blow to Tillman's nose, drawing blood, before the doorkeepers and other senators managed to separate them. As a result of this shocking incident, the Senate censured both Tillman and McLaurin, and President Roosevelt publicly withdrew

an invitation to Tillman to attend a state dinner at the White House.

Roosevelt's public rebuke stung Tillman to the quick, and thereafter the senator never missed an opportunity to assail the president and his program. Now here were these two antagonists thrown together in common battle for railroad reform. As Tillman's biographer, Francis Simpkins, has written: "A Republican committee had placed the president's favorite measure in the hands of a Democratic senator who was a sworn enemy of the chief executive and had openly questioned the bill's wisdom. The appointment seemed unbelievable, a paradox, a weird practical joke; but it was a fact."

Yet, crafty maneuvers have a tendency to backfire on their creators. Much to Senator Aldrich's surprise—everyone's surprise—Senator Tillman and President Roosevelt swallowed their pride and worked together harmoniously in the bill's behalf. Roosevelt wanted, and needed, the legislative victory. Tillman also took his new responsibility very seriously. As a member of the minority he had been excluded from power and influence in the Senate, and as Professor Simpkins noted: "Given the opportunity, he earnestly strove to be a positive force." Tillman himself explained: "I don't propose that this thing shall be turned into a circus with me as a clown." [17]

This turn of events forced Aldrich to rethink his strategy, but once again he proved the master of the situation. Having split Replublican ranks by appointing a Democratic floor manager, Aldrich now called a party caucus to convince his colleagues to the need for party unity and the necessity of reaching a legislative compromise. Here Aldrich was assisted by two factors: first the Democratic ranks were split. Some Democratic senators had announced their opposition to the bill, demonstrating that Tillman could not offer a solid bloc of votes in its favor. Second, the president had recently made a dramatic peace overture to the conservative leaders of his party in the Senate.

President Roosevelt, as I have said, had been working hand-in-glove with a group of crusading magazine writers—Lincoln Steffans, Ray Stannard Baker, Mark Sullivan, and a long list of others—who were using their investigative reporting to stimulate a national progressive reform movement. Generally their articles supported Roosevelt, and his program, but in the spring of 1906 he feared they were going too far, causing too much discontent and popular unrest, and undermining his own political party. What disturbed Roosevelt most was a series of articles published in *Cosmopolitan* magazine (then owned by William Randolph Hearst), entitled, "Treason of the Senate." Written by David Graham Phillips, the series of exposes denounced the leaders of the Senate—Aldrich, Allison, Spooner, Chauncey Depew, Henry Cabot Lodge, Arthur P. Gorman, and others—for selling out to "the interests" and voting against the public good. Month after month *Cosmopolitan* presented villainous-looking senators on its covers and lurid accounts of their business connections and high-class social lives.

In March 1906 Theodore Roosevelt spoke at a dinner given by the Speaker of the House, Joseph Cannon, for the members of the Gridiron Society, the Washington newspaper correspondent's organization. Speaking to this audience of politicians and journalists, the president lashed out at irresponsible articles then appearing in the press. Roosevelt coined the phrase "muckrakers" in this speech by comparing these writers to the "Man with the Muck-Rake" in Bunyan's *Pilgrim's Progress,* whose attention was so focused on the muck that he never saw the blue sky and shining sun above. This slashing attack on the magazine writers won much approval from congressional leaders, many of whom urged the President to repeat the address in public (Gridiron speeches then as now were not to be reported in the papers.) So in April 1906, at the laying of the cornerstone of what we now call the Cannon House Office Building, Roosevelt gave a slightly toned-down version of his "muckraker" speech. Senator Aldrich, who had been a prominent target of the "Treason of the Senate" series, took this for the peace overture that it was, and seized advantage of it.[18]

The time for compromise was at hand. Roosevelt could see that he did not have the votes in the Senate to win approval of the Hepburn Act without amendment. On the one hand, pro-railroad senators like Ohio's Joseph Foraker were bitterly opposed to the bill. Foraker made eighty-seven speeches against it, denouncing it as an unnecessary and "mischief-making" law. On the other hand, reformers like Wisconsin's new Senator Robert M. La Follette, Sr., decided that the bill would benefit only railroad shippers to the detriment of the nation's consumers. La Follette violated the Senate's long-standing tradition against speeches by freshman by rising in the Senate only three months after his arrival to deliver a speech of several days duration (the printed version of which ran to 148 pages) attacking the Hepburn Act. Even the president's close friend Henry Cabot Lodge spoke out against the bill. As Mark Sullivan noted: "Roosevelt had against him every Republican in the Senate whose position and leadership carried weight with the Republican majority." [19]

The chief area of contention narrowed down to court review of Interstate Commerce Commission rulings. Roosevelt favored narrow review, based strictly on the decisions of the commission; Aldrich favored broad review, based on the evidence the commission had used to reach those decisions. The president and the Republican leadership finally reached a compromise which was introduced as the "Allison Amendment." The courts would have the power to review ICC decisions, and also the authority to decide how broad or narrow that review should be. Senator Tillman, meanwhile was shocked at the president's abandonment of narrow review, which he had been loyally defending in the Senate. Senator Aldrich had approached Tillman with an offer of compromise, but Tillman had rejected it, refusing to betray his principles, and believing he had the votes to win. In the president, however, Aldrich found a man more willing to compromise. For the next two weeks Democratic members of the Senate berated the president as a "trimmer" and "quitter" who had emasculated his own bill. They called it "Roosevelt's surrender." But they lacked the votes, and the compromise carried. On May 18, 1906 the Senate passed the Hepburn Act by a vote of 71 to 3, with only Senator Foraker and two Alabama Democrats, John T. Morgan and Edmund Pettus, voting in the negative. Senator Aldrich did not cast a vote.[20]

Although Theodore Roosevelt had backed down, he had in truth won a majority victory. The new Hepburn Act advanced the principle of government regulation of not only the nation's railroads but of business in general. It was landmark legislation in the building of the independent regulatory commissions. Eventually Roosevelt also won a victory in the courts, which chose the narrow review of ICC decisions that he preferred over Senator Aldrich's broad review scheme. Later in the Fifty-Ninth Congress, Roosevelt also won enactment of pure food, drug, and meat inspection laws, all cornerstones of what we call the "Progressive Era" in American history.

Yet, this momentum for reform on the federal level did not continue throughout the remaining years of Roosevelt's administration. With the exception of emergency currency legislation following the Panic of 1907, as the Merrills have noted, Roosevelt and the Republican majorities in Congress "exhibited no desire to initiate any significant legislation on any important matters." They chose to leave reform legislation to state and local governments, where there was indeed a reform fervor. For the remainder of his term, President Roosevelt worked closely with Senator Aldrich, as leader of the Senate, and Speaker Cannon, his counterpart in the House, both pil-

lars of conservatism in that Progressive Era.[21]

Mr. President, my point in focusing on the Hepburn Act has been twofold. First, to demonstrate that Roosevelt won his legislative battles not by locking horns with Congress—charging up Capitol Hill as he had San Juan Hill—but in seeking compromise. His progressive legislation was therefore often shaped and altered by conservatives in Congress, principally The Senate Four. Second, to recall that even as he engaged in these compromises, Roosevelt successfully maintained his image as a progressive reformer. As a result of his shrewd handling of the press, and his colorful, exuberant personality, Roosevelt fixed a strong image of himself in the public mind. He was better known for his bold public pronouncements than for his tempered remarks in closed door meetings with influential senators. The same, alas, was not true for Roosevelt's handpicked successor to the presidency, William Howard Taft.

"Never did any man come into the presidency before with such good will," commented the New York *Sun*.[22] Everyone held high hopes for the popular, genial, rotund Taft. It was universally expected that he would continue Roosevelt's programs, and, in truth, there was much continuity between their two administrations. Today we remember Theodore Roosevelt as a progressive and Taft as a conservative, but Taft was actually the more aggressive in prosecuting antitrust cases and in taking up tariff revisions. Rather than establishing him as a reform leader, however, these efforts—especially his handling of the tariff—proved to be his undoing.

Under Taft, as under Roosevelt, Senator Nelson W. Aldrich remained the single most powerful and influential senator—the man with whom the president would need to cooperate or fight an all-out war to pass his programs. By 1909 Aldrich was the last remaining member of "The Senate Four." Allison and Platt were dead, and Spooner had retired. In the public mind, reinforced by many articles and editorial cartoons, Aldrich embodied the anti-reform element in the Senate. The press denounced him as "boss", "dictator", "despot", and "tyrant." The progressive Senator Albert Beveridge referred to Aldrich as the most powerful member of any legislative body anywhere in the world.

In 1909, Nelson Aldrich held the positions of chairman of the Republican Conference and its Committee on Committees, and chairman of the Senate Finance Committee. In addition, he distributed campaign contributions raised from corporate interests to various Republican senatorial candidates. This was an awesome combination of power for any senator to challenge, and few tried. One of the few to buck Aldrich's leadership was Wisconsin's fiery Robert La Follette. A passionate reformer, La Follette preferred to go down fighting for a deeply felt cause than to accept partial victory through compromise. He believed in the ultimate wisdom of the people, who if kept properly informed would rally to the cause of reform. In the Senate, La Follette built a bloc of Western Republican senators in opposition to Aldrich and the "standpatism" of the East. Among these Western progressives were such senators as Joseph Bristow of Kansas, Albert Cummins of Iowa, Albert Beveridge of Indiana, and William Borah of Idaho. La Follette also courted Senator Jonathan Dolliver to join the insurgents.

Earlier I mentioned Senator Dolliver's interest in becoming floor manager for the Hepburn bill, an ambition frustrated by Senator Aldrich. At this critical moment, Aldrich made another tactical error concerning Dolliver, and drove him into La Follette's ranks. Unitl then, Jonathan Dolliver had stood with the "regular" wing of Senate Republicans. Born in Preston County, West Virginia, Dolliver had gone west as a school teacher and later a frontier lawyer before entering politics. He was a marvelous public speaker, and was eulogized by Albert Beveridge—himself a notable orator—as "the greatest orator in the contemporaneous English-speaking world." Physically, Dolliver was a bear of a man, but he possessed a gentle nature and immense charm; he was described as "a deep, quiet lake, restful to the spirits of those fortunate to come in contact with him." He was also a "magician with his audience." So La Follette considered it worth his time to try to win him over. "Your place, Jonathan," La Follette told him, "is at the head of a movement here in the Senate and in the country for the public interest." Dolliver laughed the suggestion away. "Bob, your liver's out of order," he responded, "cheer up."[23]

As the first session of the Sixty-First Congress organized in 1909 at the beginning of President Taft's administration, Senator Aldrich was busy parceling out committee assignments. Dolliver dearly wanted a seat on the Finance Committee, and let Aldrich know that he would give up his position on the Interstate Commerce Committee in exchange. Although Dolliver did resign from the Interstate Commerce Committee, Aldrich passed over him for Finance and instead arranged for him to chair the Agriculture and Forestry Committee. This did not modify Dolliver, who felt he had been promised Finance. In a personal meeting, Aldrich bluntly told the Iowa senator that he could not work with him in drafting tariff legislation. This Dolliver saw as just another example of Eastern tyranny over the West.

Aldrich's action and explanation infuriated Jonathan Dolliver, who shortly afterwards ran into Senator La Follette in a Capitol corridor. "Jonathan, are you pretty nearly ready to have that conference with me?" La Follette asked. "Yes, I am coming over to see you," Dolliver responded. "Well, come right now," said La Follette.[24] The two men sequestered themselves in La Follette's Census Committee room in the Capitol basement. (The location of committee rooms in those days was a clear sign of their rank. La Follette generally found himself assigned to rooms in the basement and terraces. Senator Aldrich's Finance Committee, by contrast, was just off the Senate floor in the rooms I currently occupy as Democratic leader.)

According to La Follette, during their discussions that day Dolliver proclaimed his independence of Aldrich and the party regulars. He threw his support, his reputation, and his considerable oratorical skills to the insurgents. "This conversion of Dolliver from Saul to Paul was, to Aldrich, most untimely," wrote Mark Sullivan, the keen-eyed journalist, since Congress was at that time organizing in special session to write a new tariff, and Dolliver would prove a most formidable opponent. La Follette may have been the leader of the insurgents, but Dolliver would become their heart.[25]

President Taft believed in tariff reform and insisted upon quick congressional action. Working with Aldrich and Cannon he called Congress into special session on March 15, 1909 to deal with the matter. But Taft soon found himself in over his head. The Democrats traditionally stood for low tariffs, the Republicans for high tariffs. But progressive Republicans, responding to consumer complaints and farmer demands also joined the movement for downward revision of the tariff rates. The Republican platform of 1908 had called for tariff reform, implying but not specifying a reduction of rates. Taft wanted action, but he lacked a clear game-plan, an organized constituency, and an understanding of the technical issues involved. Taft's weaknesses were precisely Aldrich's strengths.

The House Ways and Means Committee, under chairman Sereno Payne, produced a tariff bill with moderate reduction of rates that pleased Taft and speedily passed the House. The Payne bill then went to Aldrich's Finance Committee. But Aldrich threw out the House version and introduced his own, which raised duties on over 600 items. "Without Allison and Spooner in the Senate or Roosevelt in the White House, no one could hold Aldrich in check," the Merrills have noted. Certainly Aldrich's highhanded and impolitic action demonstrated

that he had misjudged the national mood.

On the Senate floor, opposition senators angrily complained of the Aldrich Tariff rates. Democratic leader Joseph Bailey of Texas pointed out that some rates were three times as high as the old tariff law, indicating that the Republican majority had not kept its promise to the American consumer to revise rates downward. Aldrich scoffed: "Mr. President, where did we ever make a statement that we would revise the tariff downward?" Soon Dolliver was on his feet to point out the obvious: that it had hardly been the president's purpose to call Congress into special session to leave tariff rates where they were, or to raise them. "The American people expect us" to reduce rates, Dolliver maintained. And so it went. The insurgents pressed Aldrich on every point. No one member of the Senate could equal Aldrich in his fine knowledge of the intricacies of tariff legislation, so his opponents divided up the bill between them. Dolliver would talk on cotton; La Follette on wool; Bristow on sugar; Cummins on metals; each mastering the technical details of his assigned subject. The debate lingered on through the hot Washington summer, in those days before air conditioning, keeping Aldrich and other protectionists on the defensive. The insurgents accused Aldrich of accepting schedules that had been written by the industries seeking protection, of needing to hire outside experts to explain his own bill to him.

Over and over it was Dolliver who scored the most points, who focused public attention on the high rates for special interests, who used his wit to demolish his opponents. Senator Aldrich protested that Dolliver was conducting an "assault on the very citadel of protection," for which their party had long stood. And as Mark Sullivan observed: "Often Aldrich's only response was not to respond, to walk from the Senate floor, red-faced, for the first time in his life successfully defied," [26] by this man who was born in Preston County, West Virginia.

Defied, yes; defeated, no. Nelson Aldrich was still a champion legislative tactician. Aldrich knew that the Democrats and Western Republican insurgents stood against his tariff, and the he needed to hold the rest of his party intact. But he was concerned that some Eastern Republicans in the Senate—supporters of the president—would desert the high protective tariff in support of an income tax. Reformers from both parties had long been clamoring for income and corporate taxes as a means of financing federal programs, thus reducing one of the key rationales for high tariffs (since the tariff was then the chief source of federal revenue). Aldrich therefore stole their thunder. During the debate he announced that he would submit to the Senate a constitutional amendment to permit Congress to levy an income tax; and that he would insert a corporate tax in the tariff bill. Not only did this move force reformers to vote at least for portions of his tariff bill, but it held the Eastern Republicans in Aldrich's camp. On July 8, 1909 the Senate debate on the Aldrich tariff finally ended, with a vote of 45 to 34 in its favor. The minority consisted of twenty-four Democrats and ten Republican insurgents. The Senate and House then met in conference to reconcile the high Aldrich rates with the more moderate Payne rates.[27]

It was clear to President Taft that the Aldrich bill had little public support behind it, and he hoped that the House conferees could successfully argue for lower duties. For some time, Taft considered vetoing the bill. This would increase his personal popularity, but would reflect badly on his party, which had crafted the bill. Nothing went well for Taft. Speaker Cannon appointed high-tariff men as conferees; and Senator Aldrich skillfully lobbied with them and with the president to convince them that they had crafted "a very scientific tariff bill." The conferees did make some modest downward revisions, allowing Taft to convince himself of the bill's merits. Not only did Taft refrain from vetoing the Payne-Aldrich Tariff, but he took to the stump in its defense. In those days presidents still wrote their own speeches, and Taft was notoriously tardy in preparing his. On the train to Winona, Wisconsin, during a speaking-swing through the Midwest, Taft hastily penned a line he would greatly regret. Not only did he defend the Republican members of Congress who supported the Payne-Aldrich Tariff, but he declared flatly: "I am bound to say that I think the Payne bill is the best bill that the Republican party has ever passed." Thus Taft's public attachment to the high tariff was complete, and done in Robert La Follette's home state no less! [28]

Public response to the Payne-Aldrich Tariff was overwhelmingly negative, undermining the Republican party's once solid majority among the voters. Taft proved himself an inept politician in any number of issues, from the abortive "revolt" against Speaker Cannon in the House to the handling of the infamous Ballinger-Pinchot affair, with its overtones of corruption in the Interior Department. In 1910 Theodore Roosevelt returned from his self-imposed exile in Africa and Europe and made himself the new symbol of the growing Republican insurgency. That year the Republicans suffered their greatest electoral setbacks in a generation. They lost the House of Representatives to the Democrats, and their majority in the Senate shrunk from 61-32 to 51-41. Also in 1910 they lost the leadership of Nelson Aldrich, who announced his decision not to stand for reelection.

Aldrich, as I have said, was the last of The Senate Four. Other senior colleagues were retiring, and as the *New York Times* reported, he felt "tired of being the packhorse, that is, of being held responsible for all legislation because he was so powerful." In 1910, Aldrich was sixty-nine years of age. He was also by then a considerably wealthy man, with a beautiful estate at Newport, Rhode Island, and he wanted a chance to enjoy the fruits of his labor. In recent years he had devoted an increasing amount of his time to the National Monetary Commission, which he chaired, and wanted to give it his full attention. Indeed, the "Aldrich Plan" which emerged from that Commission was an important building block in the Federal Reserve Act of 1913, about which I shall have more to say later. So Aldrich stepped down voluntarily, ending an era in the Senate's history dating back to the 1880s.[29]

Mr. President, I have spent much time discussing Nelson Aldrich because he was such a giant in the Senate's history, and because he represented so much of this institution's power and influence in that era. I have talked also about Robert La Follette, who began his Senate career in this era; and about Jonathan Dolliver, whose career was cut tragically short by his death in October 1910. I have introduced "Pitchfork Ben" Tillman, and Albert J. Beveridge, and other leading Democrats and Republicans. There are many more from that remarkable period whom we should not forget. For example there was the pugnatious Joseph Weldon Bailey of Texas who led the Democrats first in the House and then in the Senate, relying on his mental and oratorical powers to cover his lack of votes on the floor. There was the red-haired and fiery-tongued Senator Edward Carmack of Tennessee, who battled so intensely for Prohibition that he was shot down on the streets of Nashville by anti-Prohibitionists; a statue of Senator Carmack stands today on the state capitol grounds in Nashville.

There was the refined and fastidious William A. Clark of Montana, whose manner belied his rough frontier beginnings. Clark made a fortune in mining and railroad interests, and used it to purchase a Senate seat and to collect great works of art. Today, visitors to the Corcoran Gallery of Art here in Washington can view the Rembrants, Reubens, Gainsboroughs, and Van Dycks in Clark's collection, as well as a bust of the senator who donated them. There was Chauncey M. Depew of New York, the nation's favorite afterdinner speaker; and Henry

Cabot Lodge of Massachusetts, who held the first Ph.D in history ever awarded by an American university. There was the gargantuan Boies Penrose of Pennsylvania, said to have breakfasted regularly on a dozen eggs, twelve rolls, a quart of coffee and a half-inch slab of ham; and who could put away an entire stuffed turkey for lunch. Senator Penrose's appetite for power was equally immense, as he skillfully demonstrated in the Senate cloakrooms and committee rooms. There was William E. Borah of Idaho, the young prosecuting attorney just beginning his long career in the Senate. And the blind Senator Thomas P. Gore of Oklahoma, who, in later years, was often escorted in this chamber by his young grandson, Gore Vidal.[30]

It would be hard to conjure up a more diverse and colorful lot. These were the "standpatter" and insurgent Republicans and unreconstructed Democrats with whom Thoedore Roosevelt and William Howard Taft had to deal. They numbered among them men old enough to have fought in the Civil War, who still peppered their speeches with references to the Union and the Rebellion. They also represented the first generation of twentieth century legislators. But they were the last of an old breed in an important sense, for they were the last senators elected by the state legislatures. In 1913 the singlemost important reform of the Senate took place: the ratification of the constitutional amendment allowing the people to elect directly their United States senators. This reform was of such magnitude that I plan to devote my next address in this series entirely to it and to the ways in which it altered the course of Senate history.

NOTES TO "THE SENATE IN THE PROGRESSIVE ERA, 1901–1912"

[1] *Congressional Record*, 56th Congress, 2nd sess., 3562; and 57th Congress, special sess., 1.

[2] Ibid., 57th Congress, 1st sess., 81-92; and George E. Mowry, *The Era of Theodore Roosevelt, 1900–1912* (New York, 1958), 121.

[3] Horace Samuel Merrill and Marion Galbraith Merrill, *The Republican Command, 1897–1913* (Lexington, 1971), 17; and Charles W. Thompson, *Party Leaders of the time* (New York, 1906), 27.

[4] Merrills, *The Republican Command*, 18–19.

[5] Louis A. Coolidge, "Senator Aldrich—The Most Influential Man in Congress, *Ainslee's Magazine*, VIII (December, 1901), 406–9.

[6] Ibid., 412.

[7] Merrils, *The Republican Command*, 32-34.

[8] Ibid, 29–32; Thompson, *Party Leaders of the Time*, 33.

[9] Louis A. Coolidge, *An Old-Fashioned Senator: Orville H. Platt of Connecticut* (New York, 1910), 260-356, 614-615; Thompson, *Party Leaders of the Time*, 34.

[10] See in general, Mowry, *The Era of Theodore Roosevelt*, and William Henry Harbaugh, *The Life and Times of Theodore Roosevelt* (New York, 1975/1961/).

[11] Merrills, *The Republican Command*, 140.

[12] Ibid., 193–204.

[13] Mowry, *Era of Theodore Roosevelt*, 130; *Congressional Record*, 59th Congress, 1st sess.

[14] Mark Sullivan, *Our Time, The United States, 1900–1925*, Vol. III, *Pre-War America* (New York, 1930), 234-242.

[15] Ibid., 226–229.

[16] Mowry, *Era of Theodore Roosevelt*, 200–204; *Congressional Record*, 59th Congress, 1st sess., 3797.

[17] Francis Butler Simkins, *Pitchfork Ben Tillman, South Carolinian* (Baton Rouge, 1967 /1944/), 1–22, 408–423.

[18] George E. Mowry and Judson A. Grenier, eds., David Graham Phillips, *The Treason of the Senate* (Chicago, 1964 /1906/).

[19] Sullivan, *Our Times*, Vol. III, 242-247; David P. Thelen, *Robert La Follette and the Insurgent Spirit* (Boston, 1976), 55–57.

[20] Simkins, *Pitchfork Ben Tillman*, 432–440; Sullivan, *Our Times*, 258–262; *Congressional Record*, 59th Congress, 1st sess., 7088.

[21] Merrills, *The Republican Command*, 243.

[22] Sullivan, *Our Times*, Vol. IV, *The War Begins, 1909–1914* (New York, 1936), 348.

[23] Ibid., 354–358; Nathaniel Wright Stephenson, *Nelson W. Aldrich, A Leader in American Politics* (New York, 1930), 343–344.

[24] Ibid., 345.

[25] Sullivan, *Our Times*, Vol. IV, 361; Thelen, *Robert La Follette*, 69.

[26] Merrills, *Republican Command*, 284; *Congressional Record*, 61st Congress, 1st Sess., 1450; Sullivan, *Our Times*, Vol. IV, 365–367.

[27] Stephenson, *Nelson W. Aldrich*, 353–361.

[28] Mowry, *The Era of Theodore Roosevelt*, 245–246.

[29] Stephenson, *Nelson W. Aldrich*, 370–372.

[30] Brief biographies of these senators can be found in the *Dictionary of American Biography*.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, it is my understanding that, at the close of my remarks, under the order previously entered by the distinguished majority leader, the Chair will adjourn the Senate over until Monday under the order. I thank the distinguished Senator (Mr. SYMMS), from Idaho, for presiding over this body during this lengthy address. I know it is an inconvenience of no small moment for a Senator to have to sit in the chair and listen to another Senator drone on for hour after hour, sometimes. Not only do I thank the Senator who presides over the Senate at this point, I also thank the officers of the Senate and others who were somewhat, may I say, an audience that unavoidly has to remain as captives to the speaker.

Again, I thank the majority leader for his accommodations in connection with these 64 statements that I have made on the subject of the U.S. Senate.

Mr. President, I yield the floor.

PROGRAM

(The following statement was delivered earlier and is printed at this point by unanimous consent:)

Mr. BAKER. Mr. President, on Monday the Senate will convene at 11 a.m. After the recognition of the two leaders under the standing order, two Senators will be recognized under special orders for not to exceed 15 minutes. The time remaining after the expiration of the special orders until 12 noon will be devoted to the transaction of routine morning business in which Senators may speak for not more than 10 minutes each.

Mr. President, after that, it is anticipated that the Senate will turn to one of the six remaining so-called ancillary bills relating to the crime package: the Specter career criminal bill or the drug czar bill is the most likely candidate to be first considered on Monday. I will consult with the minority leader first on Monday morning before that determination is made. I do anticipate that there will be rollcall votes on Monday. Senators should be advised of that prospect.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 6, 1984 AT 11:00 A.M.

The PRESIDING OFFICER (Mr. SYMMS). Under the previous order, the Senate stands adjourned until 11 a.m. on Monday.

Thereupon, at 3:30 p.m., the Senate adjourned until Monday, February 6, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1984:

DEPARTMENT OF JUSTICE

Edwin Meese III, of California, to be Attorney general.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Edward C. Peter II, XXX-X... XX..., U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 3, 1984:

FEDERAL HOME LOAN BANK BOARD

Mary A. Grigsby, of Texas, to be a member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1986.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

Air Force nominations beginning Paul W. Bishop, and ending Jacquelyn D. Reid, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 18, 1983.

SENATE—*Monday, February 6, 1984*

(Legislative day of Monday, January 30, 1984)

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

* * * *except the Lord keep the city, the watchman waketh but in vain.*—Psalm 127: 1.

Father in Heaven, we pray today for Larry Smith, the Sergeant at Arms and all who work with him. They have a duty to perform which is guaranteed to displease many. We pray that they may be given patience as complaints pour in and grace to respond in love and kindness to those who are angry, who grumble and growl. Help us all to accept the necessity of these restraints, to behave understandingly to those who bear the burden of enforcing them and be grateful for their faithfulness to our welfare.

We pray for the police, the doorkeepers, the plainclothes people and all who have direct contact with the public who have difficulty accepting new rules. Give them grace when people are hostile and help us never to forget that their lives are on the line whenever and wherever security is involved. Dear God, please do not allow these superficial changes to disrupt the deeper harmony and unity of the Senate. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

CHAPLAIN THANKED FOR SUPPLICATIONS

Mr. BAKER. Mr. President, I am not sure whether I am recognized as a grouser or a grousee, but I thank the Chaplain for his prayer this morning. I repeat, facetiously, what I have said on other occasions. There are some things I would rather tell the Lord myself rather than have them told in public but, in any event, we are all grateful for his supplications this morning.

(Mr. DENTON assumed the chair.)

SENATE SCHEDULE

Mr. BAKER. Mr. President, the list keeps growing. We first began with a commitment to take up the crime package, separate and aside from the death penalty, and I guess then there was added the exclusionary rule and habeas corpus, which were originally in the crime package. I made a commitment to the Senator from Arizona (Mr. DECONCINI) the chairman of the Judiciary Committee, Senator THURMOND, and no doubt others that if we took up the crime package the others would follow on immediately, and they will. But, as I say, the list keeps growing of other things that people want to take up. And in addition to that now we have had the drug czar bill, armed career criminal bill, and one or two others until the list got to be eight items that were then considered as ancillary crime bills.

Well, I am sure every one of those are meritorious, but today, on Monday, the second week of our deliberations on the crime packages, I wish to state that I intend to honor the commitments that I made earlier and we will devote today, if the Senate will agree, to doing other and collateral issues but later today before we go out I want to try to reach one of those original three bills, death penalty, habeas corpus, the exclusionary rule, and maybe the Federal tort claims should be included on that list.

But the point is, Mr. President, that if we do not get on with the hard ones, pretty soon we are not going to finish them this week. So we will do whatever we can do of the other bills today during the day, but before the day is out, perhaps just before we go out, it will be the intention of the leadership on this side to get to one of those major items, either the death penalty or habeas corpus, exclusionary rule or Federal torts claims. I do not say this in any way to diminish the importance of other things but to repeat, I made a commitment that I would try to reach those things immediately after we did the crime package. So far I am not doing that, so I am willing to devote today to the other items but before the day is out I would like to at least try to lay down one of the other important issues.

Mr. THURMOND. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. THURMOND. I should like to say that we are ready to go on the habeas corpus and exclusionary rule today, and we hope that that schedule could be kept, and follow that with the death penalty.

Mr. BAKER. All right. Mr. President, could I inquire of the distinguished chairman of the committee, our President pro tempore, and a good friend, and a universally admired statesman in this body and throughout the Nation, does the Senator from South Carolina feel that we can finish all four of those items this week?

Mr. THURMOND. I think there is a chance. I am not sure we could finish the death penalty this week, but I think there is a chance. We may have to have a rollcall on the death penalty. We may have to apply cloture on that. We have the Tort Claims Act which is very important, too. That is extremely important. I think we can finish if we can take those three first and then death penalty, and let Senators know that we are going to stay on them and, if necessary, run some at night until we finish. I really think we can complete them if we do.

Mr. BAKER. Mr. President, the concern I feel rising in my person is that we are going to put off death penalty until the last and then we will be backed up against the Lincoln Day recess. Then when we come back, we are going to be backed up against something else. I wonder if the Senator feels it would be better to get the death penalty first.

Mr. THURMOND. I think we can knock out habeas corpus and the exclusionary rule today and tomorrow and get the death penalty by Wednesday, and then do the Federal tort claims. So if anything has to go over the recess, that could go over.

Mr. BAKER. Very well. Mr. President, I thank the Senator. As the Senator knows, I almost invariably follow his advice, certainly in matters within his jurisdiction as chairman of the Judiciary Committee, and so during the day today I would hope that we can get to——

Mr. THURMOND. As quick as we can get to habeas corpus, Mr. President, this morning, the better. I wish to thank the Senator.

Mr. BAKER. During the day I hope we can get to habeas corpus and we will feel our way along. Let me say, Mr. President, I hope we can finish this whole package this week.

What I am about to say next will be an unwelcome statement, but it is absolutely essential in my opinion. Senators should please take note of the possibility of late evenings every day this week. Senators should assume we will be in on Friday of this week. And

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

all of that in an effort to try to finish this group of bills, because when we come back we are going to have a great deal more to do.

Mr. THURMOND. If the majority leader wishes to run Saturday, it will be fine. I really feel it is very important to finish them. I express my deep appreciation to the majority leader for the excellent leadership and outstanding cooperation he has shown. I also thank the able minority leader, too, for his fine cooperation.

Mr. BAKER. I thank the Senator. Mr. President, may I say we will not be in on Saturday. I regret to say that, but we have a published recess schedule that begins at the close of business on Friday, and I would like to honor that schedule. So rather than come in on Saturday, I urge Senators to be understanding and cooperative when I say the leadership may ask them to remain late any day, perhaps every day, this week in order to finish this job.

One other announcement I might make of a tentative nature. I privately represented to the minority leader that when we come back it would be my hope that we could get to the prayer amendment. I think that that probably will be a little later instead of just after we come back, because I am going to have a few other things backing up against it. So I will talk to the minority leader more about that later, but my guess is the prayer amendment will come maybe the week after we come back instead of immediately after we come back, maybe 2 weeks after we come back. But I will confer more with the minority leader on that point as we go along.

Mr. President, I thank Senators for hearing me make these unwelcome remarks.

Today, we are meeting pursuant to an adjournment, with the usual unanimous consent order.

After the time for the two leaders has expired, two Senators will be recognized on special orders, and then there will be time for the transaction of routine morning business, to extend until noon, at which time we will take up one of the measures that remain to be done in this package.

Mr. President, I apologize to the minority leader for taking so much time. I am sure my time must have expired.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, the majority leader owes no apology to anyone. He is doing his duty when he attempts to lay out the schedule. I know it is a pretty heavy burden to try to develop a schedule and get the bills up which the majority leader feels necessary

I thank the distinguished President pro tempore, Mr. THURMOND, for his kind remarks. He is held in very high esteem by me, and I try to cooperate whenever I can.

Mr. President, I yield my time to Mr. EXON, if he should need it.

RECOGNITION OF SENATOR EXON

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska (Mr. EXON) is recognized for 15 minutes under his special order, plus 9 minutes.

Mr. BYRD. I thank the Chair.

Mr. EXON. I thank the Chair, and I thank the minority leader.

Mr. President, with the death of each marine on the foreign soil of Lebanon, the cry goes forth again to bring them all home. There then follows a period of frantic explanation, driven by pride, of what a glorious mission we are about there and the return fervor subsides somewhat until the next death.

Indeed, the marines now find themselves under orders to do nothing from their exposed and highly vulnerable positions.

They stay alive by keeping their heads below ground level and keep digging deeper into their man-made, steel-reinforced caves. This all bears out the wisdom of the nearly unanimous military command recommendation against the Beirut Airport location for deployment if it was the determination we should land troops on these troubled shores.

Our heroic peacekeepers are prevented by orders from keeping any peace. Their mission has dramatically shifted to one of hunkering down and not taking casualties so as not to increase pressure at home to get them out.

That brings us back to the decision as to what the Congress should do now since the Congress gave the President what he wanted through a bipartisan vote last fall to authorize their deployment for up to 18 months.

Through all of this we have all but forsaken the stated objectives of the deployment in the first instance as neutral peacekeepers.

Whatever cloak of respectability we try and dress up our Beirut adventure in, it still emerges as a tragic Turkey. We had best decide what went wrong with our goals and how to extricate ourselves. To put this in admittedly simplified, but bottom line perspective, we should first concede, given the then clear current and historically known circumstances, that a superpower had no business jumping into the middle of a religious-civil war, even as supposed neutral peacekeepers. Had Great Britain, for example, dug in troops in either Washington or Richmond in the 1860's, who would have perceived them as neutrals?

A reluctance to be drawn deeper into the quagmire of Lebanon's internal problems does not imply an abandonment or reversal of our long-time interest and concern for peace and stability in the Middle East. We should remain as committed as ever to encouraging peaceful solutions to the region's problems, but not as world policemen. We should continue our efforts in seeking a solution to the Palestinian issue. We should continue to support our ally Israel, but certainly not to the extent they are now apparently suggesting that we escalate our open military involvement. Such is a development I feared when we first landed our tripwire ground forces. We should continue to look for negotiated solutions to Lebanon's problems. What I am raising issue with is our method of achieving those goals. In our sincerity to attain peace and stability we have become too carried away by momentum. We have not sufficiently considered the consequences of our actions before taking the next step. In its determination to bring about a lasting solution to the problems of Lebanon the administration has overlooked the many facets of the conflict which are unique to the region. As a result we are finding ourselves helplessly manipulated by events, like the rider on a runaway horse who is unable to stop the horse or get off without injury or embarrassement. We, as well as our marines, are hostage to the events in Lebanon over which we have no control.

I have been opposed to the presence of marines in Lebanon from the beginning. Deploying ground forces is a serious sign of commitment because once they are deployed it is inevitably difficult to withdraw them in a situation short of complete success. History has repeatedly shown that success is possible in such a situation only if we are prepared for an all-out commitment of all the necessary conventional forces to support the tripwire nature of only token forces.

We are again being called upon to supposedly fight Communist interests on the other side of the globe. But there is not any Soviet blood being spilled there as was the case in both Korea and Vietnam. They only fight in or near their homeland or to keep their surrogates in line. If the current situation seems ill-conceived and fraught with danger, it is indeed. We have outfoxed ourselves with our current policy.

I believe, however, that a new consensus, central Lebanese Government deserves our encouragement. Such a government would hold a promise of stability and would be an essential building block for a lasting solution to

Lebanon's problems. But our commitment to such a government should not continue to include the stationing of marines in Lebanon. We could provide some level of military assistance which will help a new consensus Lebanese Government in its attempts to unify the country. And we must apply more pressure on the current Gemayel government so that it will be more flexible in its negotiations with the Druze and other political factions in the country. Sunday's cabinet resignations might make such more possible. On the other hand, it could be the beginning of the end of the Gemayel government.

Are we to once again condone the handcuffing of American fighting men in a situation where the other side is at war against us but we are only allowed to act as if we are at peace? Remaining in place, hunkered down, is no way to protect a ground force except in a peaceful environment. Does that describe Beirut today? I fear we all know the answer. The best way to protect a military force is to wipe out the threats to it—something we cannot do in this case. Once again we have placed American fighting men in a hopeless, no-win military situation while the politicians bicker and posture themselves.

What we must face directly is that we do not want further chaos to result when we withdraw the marines. One untried way to avoid this is to replace the marines with a United Nations or other neutral peacekeeping force. The multinational force as it is presently comprised is not neutral and cannot help achieve stability and control in Lebanon. Therefore, such forces should have no prior affiliation with any side of the Lebanese conflict and should not be deeply involved with any of the ongoing crises in the Middle East.

We are not aggressively pursuing this course. I am most concerned that such inaction tends to only worsen our situation. Why are we so reluctant to pursue such a course of action? This weekend the situation in Lebanon deteriorated further with the collapse of the Gemayel government's cabinet and a threat his army may be ready to fall apart. Only last week the Secretary of Defense told the Armed Services Committee that the army was making great strides in training under our supervision and by April should be a potent force to maintain order. I suggest this is another dream that will not be realized. The deterioration of Gemayel's army would pose a serious further threat to our marines.

There is every indication that Israel, under the pressure of public opinion, may be about ready this spring or summer to withdraw to its northern borders. After we encouraged their withdrawal from Beirut so we could send our troops in, would it not be the height of irony if their boys went home next door while our marines were still pinned down in their Beirut Airport caves halfway around the globe?

We decry terrorism as if we did not know it was part and parcel of the Middle East warfare. It is not new, it is part and parcel of the Mideast world. We might be able to curtail it if we level every city and village in that part of the world, but it would not be eliminated.

Some have trumped up the theory that getting the marines out of Beirut onto ships of the 6th Fleet offshore would endanger the flow of oil in the Pesian Gulf. If 1,800 marines pinned down in a no-win situation at the Beirut Airport is that critical, it only proves the tragedy of putting them there in the first place. Such policy speculation should serve to stimulate a review of what the free world intends to do if the gulf is closed. The United States does not depend on the gulf for oil supplies nearly to the extent others do. I hope we are not expected to be the major world policeman there also.

For all of these reasons and others, I have cosponsored the resolution which was introduced last week calling for intensified diplomatic efforts aimed at Lebanese reconciliation, replacement of current multinational force with a United Nations or other neutral peacekeeping force, and the prompt, orderly withdrawal of U.S. troops. This is what our policy should have been and should be now. We cannot stay on the same course. This resolution and statement of overall U.S. policy represents a legitimate and proper role for the Congresss in foreign policy and does not necessarily tie the President's hands—unless those hands are linked with an indefinite and undefined policy of unacceptable delay in correcting our mistake. To err is human. To seek solutions instead tells the President we will join hands in a revised overall policy which all Americans can support and which has a better chance of achieving the objectives we all share. I have no objections to proper amendments so long as its central point is not altered—which is to begin to plan now for withdrawal and insist that the administration so proceed and advise the Congress.

Mr. President, it is my hope that all Members will consider our initiatives.

Mr. President, I yield any remainder of my time back to the minority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I listened with great interest to his statement. It is a statement which I am sure the Senator must have written himself because he says what he thinks, thinks what he says, believes what he says, and speaks with conviction.

VITIATION OF SPECIAL ORDER FOR SENATOR BYRD

Mr. BYRD. Mr. President, I ask unanimous consent that the special order which was mine be vitiated because no Senator seeks to use any of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements therein limited to 10 minutes each.

The Senator from Wisconsin.

COMPREHENSIVE TEST BAN TREATY ESSENTIAL TO STOP NUCLEAR ARMS RACE

Mr. PROXMIRE. Mr. President, what is at the heart of the difference between those who call for an end to the nuclear arms race and those who contend that peace and salvation lie in our continuing to improve or modernize our nuclear capability? The real difference lies in whether or not we should propose to the Soviet Union an end to the testing of new nuclear weapons.

In a recent article in Long Island's Newsday, David Morrison, a research analyst at the Center for Defense Information, reported the following:

> In 1979 as negotiations on a comprehensive test ban neared completion, the director of the Lawrence Livermore lab and his counterpart at the Los Alamos National Laboratory met with President Carter and urged him not to introduce the treaty—as, indeed, he did not. Reportedly their arguments were based on the need to develop the coming generation of nuclear weapons.

This reminds us that President Reagan carries on this arms race in a bipartisan spirit. He talks of arms control, of returning to the bargaining table with the Soviet Union, of restraining and developments of warheads and launches. The administration has also recently started to discuss trade-offs. We would agree to hold up on our manufacture and deployment of bomber and submarine based nuclear weapons if the Russians will hold off on land based nuclear weapons.

This represents some progress but none of this talk seems likely to lead to any action. In fact, as we know, the superpower negotiations have been suspended and may not resume for months, possibly not until after the election. If they do resume there is not much prospect that the Reagan administration will change their posture and agree to any nuclear arms limitations. But even if they do have a change of heart on limiting nuclear arms, there seems to be virtually no remote possibility that they will consider taking the one step which could have a truly significant effect in halting the arms race: A comprehensive test ban treaty.

The administration's attitude on the test ban treaty was most vividly put by Gen. William Hoover, the Energy Department's Deputy Assistant Secretary for Military Applications who called it, according to reporter Morrison, a unilateral technological lobotomy. Of course, this is nonsense. There is nothing unilateral about the treaty. It calls on mutual—I repeat mutual—cessation of nuclear weapons testing. This ban would, of course, only apply to that testing that we could assuredly monitor. The Soviets would have to cease testing, just as we would. If they did cease, so would we. If they did not, we would not. Sure the treaty would result in closing up Livermore and Los Alamos—as well as their Soviet equivalents, and it would cost the jobs of the 40,000 Americans now employed in testing, producing and deploying nuclear weapons.

But, oh, how worthwhile it would be. It would begin the ending of the world's worst nightmare. Indeed, we would still have to live with nuclear weapons and with the widespread knowledge of how to produce nuclear weapons. And, yes, we would have to live with the continued efforts of scientific genius to develop more and more advanced and lethal nuclear weapons. But without testing, in the words of General Hoover, we would have performed a lobotomy on the technogical arms race. But it would not be a unilateral lobotomy. We can certainly monitor test explosions far, far below the present 150 kiloton level which has been in effect since 1974. We can continue to reach out for ways to slow down the present race to universal nuclear annihilation.

For any who think I may exaggerate the dangers of the technological nuclear arms race, consider the words of George Dacey, president of the Sandia National Laboratories in Albuquerque, when he was asked his view on a nuclear freeze. Dacey's reply:

If you mean by "freeze" that you intend to stop thinking to stop considering what the weapon possibilities are, what modern warfare can, in fact, become then I think you are taking a dangerous risk with this country's security. From a technical standpoint I think there are enormous possibilities for improvement ahead. We do need to make it clear that such progress is in the public interest and that we should charge on at full speed.

And that, Mr. President, is precisely what we are doing: Charging on at full, multibillion dollar a year speed. The President's budget calls for a fat increase in outlays for atomic energy defense activities from about $6 billion in 1984 to $7.1 billion in 1985. In outlays, the increase would go from a 1984 level of $6.7 billion to a 1985 level of $7.8 billion. All of this of course would go for the research and development and production of the nuclear devices themselves. In addition, the Army, Navy, and Air Force would spend tens of billions of dollars to provide the delivery systems—by bomber or submarine or land-based missile. But it is the research and development of newer, more lethal weapons—more certain to pierce any curtain of protection that constitute the driving force behind the arms race and the certainty that it leads to an international graveyard for mankind.

Mr. President, I ask unanimous consent that the article which I have referred to by David Morrison in the January 24, 1984, issue of Long Island Newsday be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POWER BEHIND THE ENERGY DEPARTMENT

(By David C. Morrison)

As is well known, procuring nuclear delivery systems—bombers, missiles and artillery pieces—is the job of the Department of Defense. Not so notorious is the fact that manufacturing the nuclear explosives they carry is the domain of the Department of Energy.

The DOE's weapons production complex is a far-flung nuclear archipelago, occupying a land area the size of Delaware and employing almost 40,000 people. While the agency also oversees civilian energy programs, nuclear weapons consume a growing slice of its budget pie. Out of a 1984 budget of $10.1 billion, $6.5 billion, or 64 per cent, is for military nuclear programs, an almost threefold increase over the last five years.

This sharp increase was explained to a Congressional subcommittee last March by the DOE's deputy assistant secretary for military applications, Maj. Gen. William Hoover. "Ultimately," Hoover said, pointing to a graph detailing U.S. warhead production in the coming years, "our funding requirement is driven by the number of weapons that have been approved by the President. We call this our mountain chart, for obvious reasons, and we are on it and climbing."

But the department is looking far beyond that multi-megaton mountain in anticipation of the revolutionary new "third-generation" nuclear weapons on the horizon. The nuclear first generation were fission or atomic weapons and the second generation fusion or hydrogen weapons. In third-generation weapons, a part of the total energy produced by the explosion will be "tailored" to achieve a specific destructive effect.

According to Richard Wagner, assistant for atomic energy to the secretary of defense, third-generation nukes can "be used in much more discriminating ways than existing nuclear weapons . . . Such an ability to be very selective in the damage done or not done, with the tremendous energy available in nuclear weapons, could be the most significant change in nuclear weapons technology since the early days of the nuclear era."

Enhanced radiation weapons, popularly called "neutron bombs," are crude precursors of the third generation, since they maximize the deadly fast neutrons created by a thermonuclear explosion while minimizing the more broadly destructive blast effect.

The "tailored output" third-generation weapons now under study include: bombs using the electromagnetic pulse, or EMP, created by nuclear detonations to knock out enemy electronics and communications, hydrogen-bomb-boosted X-ray lasers to destroy incoming enemy missiles and warheads, and "directed plasma" weapons that would narrowly focus the effects of a usually spherical nuclear explosion.

Of all the third-generation weapons under consideration, direct plasma will likely be the toughest to realize, given the problems of harnessing and focusing the devastating energy of even a "small" nuclear explosion.

The EMP bomb is another matter. Through a complex interaction with the earth's magnetic field, high-altitude nuclear explosions create an intense burst of electromagnetic energy that can saturate an area thousands of miles in radius. While EMP is harmless to humans, a nuclear warhead detonated hundreds of miles above Nebraska could knock out unprotected computers, telecommunicators and other electronics all across the country.

"What the weapons designers have been able to do," says Donald C. Latham, deputy assistant secretary of defense for command, control and communications, "is to design weapons which could generate very high levels, very efficiently, of EMP." The tricky part will be to concentrate the pulse so as to disable Soviet satellites and ground communications without burning out nearby friendly systems.

The third-generation program that has garnered the most publicity is the H-bomb-boosted X-ray laser. Code-named "Excalibur," it is one of the plethora of future, space-based, laser missile-defense weapons that feed into President Reagan's "Star Wars" proposal.

Excalibur has been most actively promoted by physicist Edward Teller. For more than 15 years, Teller, chief architect of the hydrogen bomb, has campaigned for "defensive" nuclear weapons, arguing that "The sword has been invented; now we must work on the shield."

Teller's shield is being crafted by his proteges at the Lawrence Livermore National Laboratory near San Francisco, one of America's three primary, government-financed nuclear weapons research labs, which he once headed. Last fall, a panel appointed to study beam weapons after Reagan's Star Wars speech of March 23 recommended a full-power Excalibur demonstration by 1988.

The X-ray laser is pumped by a neutron bomb, which vaporize the ends of solid-state lasing rods arrayed around the explosive. In the instant before the whole device is destroyed by the bomb, the rods emit pulses of concentrated X-rays which can—theoretically—zap targets thousands of miles away. Two scaled-down Excalibur experiments have already been conducted since 1980 in

underground vacuum chambers at the Nevada nuclear proving ground.

The usual cast of experts, both inside and outside of the official nuclear weapons community, is typically divided over whether most of these third-generation programs will even pan out.

The Senate Armed Services Committee waxed enthusiastic in a recent report, stating that it "is especially intrigued with emerging new concepts involving the so-called 'third generation' of weapons [and directs] that the Department [of Defense] develop a deliberate, multiyear program to exploit these concepts." Not everyone in Congress is quite so upbeat. A House-Senate conference committee approved $22 million in 1984 for third-generation work, only half the $50 million earmarked in the Senate authorization bill.

Regardless of whether the third generation ever comes fully of age, simply researching it fulfills two important objectives for the Department of Energy: one psychological, the other political.

The former goal has been articulated by the Pentagon's Wagner. "The final reason for accelerating advanced technology in the DOE program," he told a Congressional subcommittee last spring, "relates to what I call keeping the Soviets in a deterred frame of mind. What it comes down to in the end is for us to keep their image of themselves inferior to their image of us, so that if a crisis comes along, they will have a gut feeling that they won't be able to measure up against us."

Of more direct utility for DOE and the weapons laboratories has been the role played by the promise of a revolutionary new generation of weapons in forestalling a comprehensive test ban, which by prohibiting all nuclear explosions would cripple further weapons research. In 1979, as negotiations on a comprehensive test ban neared completion, the director of the Lawrence Livermore lab and his counterpart at the Los Alamos National Laboratory met with President Carter and urged him not to introduce the treaty—as indeed he did not. Reportedly, their arguments were based on the need to develop the coming generation of nuclear weapons.

DOE takes the threat of a test ban—or, as Hoover has it, a "unilateral technological lobotomy"—no less seriously than it does the threat of an unfavorable Soviet "image ratio." DOE's proposed solution to the test-ban threat is inertial confinement fusion. Because it in effect detonates miniature hydrogen bombs in the laboratory, which cannot be detected by the usual verification methods, it has to be permitted.

The inertial confinement fusion concept is relatively simple. A tiny pellet filled with deuterium-tritium gas is uniformly bombarded with powerful lasers. Under ideal conditions, a thermonuclear explosion with a yield of about 100 tons results.

Physicists pursuing parallel experiments at labs around the country are confident of achieving thermonuclear ignition within five to 10 years.

Although the fusion concept has long-term potential for civilian energy production, the program is now devoted solely to realizing its near-term military potential.

The word "progress" has as many definitions as there are societal forces that would impede or accelerate the relentless momentum of 20th-Century technology. The nuclear weapons community's concept of progress was tellingly encapsulated in the April, 1982, Congressional testimony by George Dacey, president of Sandia National Laboratories in Albuquerque, N.M.

Asked his views on the nuclear freeze, Dacey replied: "If you mean by 'freeze' that you intend to stop thinking, to stop considering what the weapon possibilities are, what modern warfare can, in fact, become, then I think you are taking a dangerous risk with this country's security. From a technical standpoint I think there are enormous possibilities for improvement ahead. We do need to make it clear that such progress is in the public interest and that we should charge on at full speed."

NINETEEN HUNDRED AND EIGHTY-FOUR, THE YEAR OF GEORGE ORWELL: THE YEAR TO RATIFY THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, in 1948 George Orwell casually reversed the numbers of the year in which he wrote his most famous book. In doing so, he defined our decade and stirred contemporary historians to paroxysms of conjecture and self-examination. His literary vision of the ultimate totalitarian state, a rigid hierarchy preserved through torture and lies, has become an international benchmark of sorts, a convenient epithet to hurl at rival nations whose internal civil liberties all too often fail to meet global standards.

The impact of Orwell's thought is thus obscured, for too often the criticisms borne of this frightening book are bandied about indiscriminantly by zealots of all political stripes, for purposes devoid of a real concern for human rights. Indeed, even the Soviet Union has recently embraced "1984," distorting its message and clumsily disguising it as a critique of the West.

Orwell's trenchant world view needs to be restored, his noble intentions redefined and clarified. For Orwell was first and foremost a humanitarian, a defender of the dignity and rights of all mankind. His concern was not with ideology and public policy but with the effects of war and peace, state and society, on the daily lives of a country's inhabitants.

Orwell decried the will of the international community to disbelieve and ignore injustices and cruelty, man's inhumanity to man. He wrote:

> A thing that has struck one in recent years is that the most enormous crimes and disasters—purges, deportations, massacres, famines, imprisonment without trial, aggressive wars and broken treaties—not only fail to excite the big public, but can actually escape notice altogether, so long as they do not happen to fit in with the political mood of the moment.

The real tragedy is that the crimes described in 1984 and in the above quote do occur daily, worldwide, regardless of this country's political mood. The 20th century has witnessed unprecedented savagery among men, ignoring the repeated optimistic pronouncements of international social progress.

In recognition of this, the U.N. General Assembly in 1946 drafted the Genocide Convention, declaring the murder of a racial, ethnic, or religious group a crime punishable under international law. Yet despite our demonstrated commitment to human rights, the United States has not ratified this important document.

I urge my colleagues to heed the message of George Orwell: Let us discard the paralyzing vagaries of political moods and our shameful unwillingness to face the tragic realities of countless international human rights violations. Let us join together and give our advice and consent to ratification of the Genocide Convention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I do not know of anything else to do at this time. I am told that it may be close to 1 o'clock before we are prepared to go to the next item of business, which perhaps will be the habeas corpus bill.

Rather than keep us in morning business, since there appear to be no takers for morning business at the moment, I will inquire of the minority leader if he has any requirement for time. If he does not, I will ask the Senate to stand in recess. But while I check that out, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. BAKER. Mr. President, I understand from the distinguished acting minority leader that there is no objection to placing the Senate in recess, and I propose that it be until 1 o'clock, if there is no objection. I note from the nod of the head that there is not.

Therefore, I ask unanimous consent that the Senate now stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:14 p.m., recessed until 1 p.m.; whereupon, the Senate reassem-

bled when called to order by the Presiding Officer (Mr. HUMPHREY).

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1:30 p.m. during which Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

FREEZE, UNCLE SAM!—HOW TO REDUCE THE I O U'S

Mr. HELMS. Mr. President, I hope Senators will take the time to read the text of an address by a distinguished North Carolinian, John G. Medlin, Jr., president of Wachovia Bank & Trust Co. At the conclusion of my remarks, I will ask unanimous consent that the text of this splendid address be printed in the RECORD.

Also, I shall include in the RECORD a column by Rolfe Neill, publisher of the Charlotte (N.C.) Observer, and one by Nick Poulos of the Atlanta (Ga.) Constitution. Both Mr. Neill and Mr. Poulos assess the recommendations made by Mr. Medlin.

I shall not relate Mr. Medlin's point except to say that he not only advocates a freeze in Federal spending—he warns of the consequences if it is not done.

I reiterate my hope that Senators and others will carefully assess Mr. Medlin's advice. He is giving us fair warning.

So, with that, Mr. President, I ask unanimous consent that Mr. Medlin's address, and the columns by Mr. Neill and Mr. Poulos be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN ECONOMIC PERSPECTIVE

(By John G. Medlin, Jr.)

Today, I will present an economic perspective rather than provide an economic forecast as was suggested to me. This is not an attempt to be evasive, but simply an indication that I don't have much confidence anymore in economic forecasts, including mine. The economies of the nation and world are more vulnerable than usual to financial shocks and to abrupt psychological shifts or political developments which could cause the outlook to change quickly for better or worse.

Despite this special contingency and the usual difficulty in forecasting the unpredictable behavior of people and politicians, one can probably feel the greatest sense of confidence in some time about the economic prospects for 1984. It seems reasonable to expect the recovery and expansion cycle currently under way to continue through this year, and possibly longer. This is conditioned, of course, on there being no bad surprises on the domestic or international scene.

The economy should grow at a healthy rate in 1984, although the pace is likely to slow and vary somewhat. The expansion should become more broad based with housing, automobiles, and retail sales remaining good. Industrial production should continue to increase, and capital spending should accelerate. The unemployment rate should edge downward, and real personal income should rise. Price inflation should stay relatively subdued, but will probably creep upward during the year.

Interest rates are likely to fluctuate on an uneven course as market psychology vacillates between optimism and pessimism. Money costs could soften at times in the first half but are likely to remain relatively high due to anxieties about the federal deficit, inflationary expectations, and the international situation. Growing competition between Treasury and private credit demands may give rates an upward bias after the middle part of the year. A reduction or reversal of the large foreign capital inflows could also put pressures on domestic money markets at any time.

While it is possible that elevated interest rates or other adverse factors could soon derail the expansion, the odds seem to favor the optimists over the near term. On balance, the economy for 1984 is more likely to be fairly typical of the second year in previous post-World War II recoveries. It would be nice if I could stop at this point and let you get back to the office early. However, celebration and relaxation are premature. The major problems of the economy in recent years have not been solved, but only temporarily moderated and obscured.

It should be noted that the recovery has been caused more by transitory short-term influences than by enduring long-term fundamentals. Most of the improvement during the past year can be attributed to highly stimulative budget deficits of $111 billion for 1982 and $196 billion in 1983 and to strong money supply growth on the order of 13 percent from June of 1982 until last summer. Monetary policy downshifted to a basically accommodative stance once the recovery was established, but fiscal policy remains excessive and potentially inflationary.

Americans have become too enamoured with quick fixes. There is too much obsession with short-term statistics and not enough concern for long-term trends. Some may have forgotten that excessive fiscal and monetary stimulation provided the breeding ground for earlier post-war recessions as well as recoveries. The favorable forecast for 1984 should not be viewed in isolation or allowed to cause complacency. Rather than talk just about the outlook for this year, it might be more important to review economic prospects in longer perspective.

Private enterprise and individual initiative were largely responsible for America's phenomenal first 150 years of economic and social progress and developed the muscle to protect personal freedom and national security. However, the people understandably got tired of the financial panics, depressions, and human adversities which accompanied laissez-faire economics and unbridled capitalism. With good intentions and considerable justification, many attempts have been made over time to remedy the real and imagined weaknesses of the free market system.

During the past 50 years, there has been an increasing inclination for government to intervene, often with desirable and beneficial short-term results, in an effort to solve the problems of the nation and to minimize the risks of personal and business life. Like narcotic drugs, such remedies can be quite effective in temporarily relieving and preventing pain. Similarly, they can also be addictive and deadly when used habitually or in overdose. There is growing evidence that too much public assistance and protection can eventually be as harmful as too little.

Enormous budget and trade deficits are among the manifestations of the increasing experimentation with social economics since the beginning of the Great Depression. Much of the time for the past 50 years, our nation has consumed more than it has produced and spent more than it has earned. The difference has been made up by excessive imports, borrowing, and money creation. Since 1933, the national debt has risen from $20 billion to $1.4 trillion. The amount owed by the U.S. Treasury has doubled in the past 6 years alone.

Government intervention and stimulation eventually brought supercharged growth and prosperity which proved to be somewhat illusory and temporary. Population and consumption grew at a faster pace than natural and financial resources could sustain without unpleasant side effects. In the late 1960's, the laws of nature and economics began to more noticeably punish the excessive behavior of politicians and people. The punishment eventually included runaway inflation, spiraling interest rates, painful unemployment, and a lower standard of living for many.

In the early 1980's, the nation and world suffered the worst economic experience since the 1930's. Joblessness and failures of businesses and financial institutions reached post-depression records. Imported goods displaced many domestic products and workers as basic industries such as steel and autos had difficulty competing overseas or surviving at home. Market forces overwhelmed government controls and caused turmoil in agriculture, finance, communications, and transportation. Some countries became unable to service external debt.

The damage wrought by the governmental excesses of the past half century is substantial and cannot be repaired overnight. The cumulative effects of three progressively severe business and money cycles since the late sixties have left the domestic and international economic and financial systems in a fragile and vulnerable state. The underpinnings have been weakened, and the ability to withstand stress has been diminished. The years immediately ahead are extremely crucial in determining whether strength and stability can be restored on a sustainable basis.

One cannot help wondering whether the nation is approaching the end of another historic boom-and-bust cycle. Those of the past have been climaxed by worse economic, social, and financial conditions than experienced in recent years. It remains to be seen whether a depression can be prevented by the government assistance and protection put in place during the 1930's and subsequent years. This will depend more than anything else on the willingness and ability of our political leaders to deal with the country's fiscal problems.

Despite what some say, the greatest risk is in projected federal deficits of around $200 billion as far as the eye can see. A slightly lower deficit of $180 to $190 billion is ex-

pected for 1984 as the recovery produces higher tax revenues and as lower unemployment moderates growth in public assistance expenditures. However, the structural or built-in deficit is currently well in excess of $100 billion, even assuming a full employment economy. This poses the real threat, somewhere along the way, of another inflation surge, interest rate spiral, and economic tailspin.

The interest bill alone on the national debt is now over $100 billion per year. Even if federal expenditures, excluding interest, were brought into balance with revenues, the national debt would still double to $2.8 trillion in 7 years with borrowing costs being added on and compounded at a rate of 10 percent. There will have to be substantial reductions in spending and/or increases in taxes to keep from having continuing and rising structural deficits of a magnitude that is dangerous indeed to our economic health.

Some would have you believe that the increase in the deficit over recent years has been caused by the Reagan Administration's tax cuts. In truth, taxes have not really been reduced as much as you might think but only stabilized and shifted around as to the point of collection. Twenty years ago, federal taxes represented about 19 percent to 20 percent of the Gross National Product, approximately the same proportion as last year. The tax relief served only the worthy purpose of keeping the percentage from being much higher due to bracket creep.

The real problem is on the spending side. Twenty years ago, federal expenditures were around 20 percent of the Gross National Product, just slightly higher than taxes. In 1983, federal spending was around 26 percent of GNP. The substantial increase over time is largely in social programs and not in national defense, which represents a smaller percentage than in the early sixties. The growth of social spending is not so much for basic needs of the truly disadvantaged as for excessive subsidization of people quite able to care for themselves.

Financing of the federal deficit, representing 6 percent of GNP, by private savings, totaling only 7 percent of GNP, was made easier in 1983 soft commercial loan demand. Help was provided by heavy foreign capital inflows resulting from low inflation, high real interest rates, and a strong dollar. Savers and foreigners may be able to fund the deficit for a while longer without much strain. However, financial market pressures will grow as stronger business borrowing increases competition for private savings and as foreign money inflow is moderated or reversed by rising inflation, an enlarged trade deficit, and an inevitably softer dollar.

Because of deposit deregulation and international debt problems, the finanical systems at home and abroad are more exposed than before to a rise in money costs. Foreigners can cause serious disruption anytime they choose to dump the dollar. As market pressures develop and intensify, the Federal Reserve may be compelled to relax monetary policy to calm the waters. Eventually, the money growth necessary at the same time to finance federal deficits, accommodate economic expansion, and restrain interest rates will fuel inflation and cause rates to escalate anyway.

This is the catch-22 dilemma facing our nation, and a solution may not wait for the fall elections. The potential for crisis will grow with further procrastination. Raising taxes will not solve the problem, and efforts at spending cuts of the size needed are doomed to failure. A more politically realistic approach would be an across-the-board freeze, including defense, of 1985 budgeted spending at 1984 levels. This simple action would lower next year's deficit by over $70 billion, avoid cuts for anyone, weaken accusations of inequity, and blunt attacks by interest groups.

The courageous enactment of a spending freeze would help alleviate the skepticism about fiscal restraint, reduce interest rates, and sustain economic progress. The favorable effects on the economy and financial markets would make a greater contribution to national security than the proposed 1985 increase in defense spending. All agencies and departments of government would have to reduce waste, inefficiency, and unnecessary personnel in order to maintain essential services and give any pay increases. I suspect most Americans would enthusiastically support a spending freeze, but it probably would not be greeted warmly in the Washington bureaucracy.

Unfortunately, the experience of the past raises serious doubts as to whether the necessary spending control is possible or probable in our democracy, which is so dominated by political expediency and special interests. This is a sad commentary on our citizenship and leadership. Little real progress toward fiscal sanity can be expected until the voters make stronger and more urgent demands of elected officials. Meantime, the Federal Reserve will have the lonely and impossible mission of simultaneously restraining inflation, moderating interest rates, and sustaining recovery.

Except for these assessments of risks and possibilities based on historical experience and fundamental forces, it is difficult to guess what might lie ahead for the economy and money markets in 1984 and beyond. There are many unknowns with potentially major impact, such as the outcome of this year's congressional and presidential elections. Campaign rhetoric and posturing could at times be unsettling to the markets. A change in leadership or a shift in the delicate balance of political power could heighten financial anxiety and economic uncertainty.

Also, one cannot ignore the instablity and stresss overseas. A breakdown of the fragile arrangements to avoid default on the enormous debt of Latin American countries could seriously disrupt international trade and finance. The unrest and brush fires in volatile less-developed nations will grow with further austerity and declines in an already low standard of living. The seemingly perpetual and insoluble turmoil in the Middle East heightens the always ominous risk of an interruption in the flow of oil from the world's largest supplier and a direct confrontation between American and Soviet forces.

Like it or not, our country has inherited the role as the world's banker and policeman. Only the United States is capable of defending freedom. It is also the main engine which pulls the global economy. To ignore and shirk these responsibilities will in the long run hurt America as much as or more than anyone else. World order is more likely to be maintained and military conflict restrained if financial stability can be restored and economic growth sustained. Another roller coaster business and money cycle in the next few years can only produce disastrous results at home and abroad.

To review, 1984 should be a good year. However, you should not let recovery give you a false sense of security about the years beyond. There is likely to still be a risky and unforgiving climate which disciplines and punishes imprudent and excessive behavior. The horizon is clouded by the risk that there will again be a gradual unfolding of developments which eventually lead to another period of severe economic and financial turbulence. No lesser authority than Paul Volcker himself recently described the deficit as "a time bomb with the fuse lit."

If you share my concern, you can do something about it. You can write your President, Senators, and Congressman and ask them to freeze spending. You can support candidates with a realistic balance of fiscal sensibility and human sensitivity. However, little meaningful progress can be expected until more people are willing to make some personal sacrifices and to accept less from their favorite federal subsidy. The nation has an indisputable duty to meet the basic needs of the truly disadvantaged, but it cannot afford to provide luxuries to many others.

Even with its problems, the United States remains the best place in the world to live, work, and do business. You don't find anyone trying to escape, but there are many trying to enter this bastion of human rights and land of economic opportunity. Despite the tendency to often place political and special interests ahead of the public interest, our democracy is still the best form of government yet devised by man. But its effective functioning and durability are at risk unless more people fulfill the responsibilities as well as enjoy the privileges of citizenship.

The period ahead could be pivotal in determining whether the fortunes of the nation and world turn toward the better or the worse. To improve the future chances for peace and prosperity, it is crucial to prove that our fiscal problems can still be solved; to show that our diverse country can still be governed; and to demonstrate that our inseparable partnership of political democracy, private enterprise, and personal freedom can still work. As in the past, perhaps Americans will arise and unite in time to prevent disaster. I hope it will not take another Great Depression to awaken them or a nuclear Pearl Harbor to unify them.

[From the Charlotte Observer, Jan. 29, 1984]

FREEZE, UNCLE SAM! HOW TO REDUCE THE IOU'S

(By Rolfe Neill, Publisher)

That star-spangled joint session of Congress, and the nation, would have been better served Wednesday night had it listened to President John G. Medlin Jr. instead of President Reagan.

President Medlin?

Yes, the man who runs Wachovia Bank, headquartered in Winston-Salem. He could have delivered the commonsense speech he made earlier this month to the Charlotte Rotary Club about America's financial troubles and how to get out of them. (Excerpts are on the front of today's Perspective Section.)

President Reagan proposed nothing except a device for coopting Democratic candidates' criticism of the incredible stack of IOU's enlarged under his presidency, most of them not of his making. Still, had the polls been open Thursday morning I believe R. Reagan would have buried all eight would-be Democratic presidents.

POTOMAC SOBER-UPPER

President Medlin has a proposal as sobering as a January dip in the Potomac River:

An across-the-board freeze, including defense, of 1985 budgeted spending at 1984 levels.

Medlin calculates this would save a minimum of $70 billion, "avoid cuts for anyone, weaken accusations of inequity and blunt attacks by interest groups."

As a man who rents money for one price and lends it for a higher rate, banker Medlin is a pragmatic fellow. He has applied that knowing eye to Congress and concluded that the elected representatives have no stomach for doing the right thing when it comes to setting our financial house in order.

The beauty of his freeze plan is that everyone suffers equally. Meanwhile, legislators don't have to scramble for cover.

President Reagan's Social Security Commission achieved its recommendations utilizing the same theory. Nearly decapitated when he proposed obviously needed Social Security financing reforms, the president circled back to the problem by means of a commission. This enabled Congress to point the finger at the commission and no one on Capitol Hill had to fear voter anger.

ONLY A BEGINNING

The Medlin proposal is a good beginning, but merely that. How do we get out of the deficit? Even more, how do we begin to reduce the existing trillion-plus dollar debt?

Mr. Reagan mentioned again in his State of the Union address a constitutional amendment to require a balanced budget. He cited that many states have this requirement. Ours is one of them. We saw the effect of that balanced budget requirement last year when Gov. Hunt ordered freezes in wages as well as spending reductions when taxes failed to come in at the rate expected.

As a consequence, not a penny of interest will be paid by the State of North Carolina for money borrowed because we lived beyond our income. As far as I know, no one died because of budgetary delays, either.

I'm skittish about the federal balanced budget amendment for two reasons:

1. There are years, such as recessionary ones, when a nation's budget may prudently dip into the red.

2. Having watched Congress, I'm convinced they would find a way around its language just as they now routinely violate their own budget-making restrictions.

WILL TAKE 30 YEARS

We get out of this mess by deciding as a people we are going to balance our budget, say, within the next four or five years and then begin a systematic reduction of the debt. The latter step will take 25 or 30 years but could be done.

We have just passed through a wracking recession. Yet, the prime rate is stuck at 11%. Every indicator that might hold down interest rates going the other way, so a rate increase later this year is inevitable. This will push up inflation's rate, too.

Help! But of course there is none, except that which we provide ourselves. Legislators will listen, but only if the demand for less exceeds the shout for more. Our side is losing.

There is no one to pay the bills but you. As long as you okay them—by silence—those IOU's will continue to be piled up by Congress. Is this what you want? Is this your inheritance to your children and grandchildren?

Thank you, Mr. President—President Medlin, this is.

[From the Atlantic Constitution, Jan. 26, 1984]

N.C. BANKER URGES A SPENDING FREEZE

(By Nick Poulos)

John G. Medlin Jr., president of Wachovia Bank and Trust Co. of Winston-Salem, N.C., proposes what he believes to be a simple and politically acceptable way to address the nagging budget deficit problem.

With projected deficits of around $200 billion "as far as the eye can see," Medlin advocates an across-the-board freeze of 1985 budgeted spending—including funds earmarked for defense—at 1984 levels.

This would lower the 1985 budget deficit by more than $70 billion and avoid cuts for anyone, weaken accusations of inequity, and blunt attacks by special interest groups, the banker asserts.

Raising taxes won't solve the problem and efforts to make spending cuts of the magnitude required are doomed to failure, he adds.

"A spending freeze would reduce interest rates immediately and sustain economic progress for several years," Medlin avers.

Interest rates must come down if the economic recovery is to continue on a sound basis, he asserts. For example, mortgage rates should be around 10 percent and the prime, or basic bank lending rate, about 8 percent, he said.

POTENTIAL FOR CRISIS

Medlin warns that the problem should not await the presidential election, that the potential for a financial crisis will grow with further procrastination.

Financial systems both here and abroad are more vulnerable than before to rising interests costs, the banker emphasizes. Foreigners, he notes, could cause serious disruptions if they choose to dump the overvalued dollar.

Medlin doesn't buy the argument that the big budget deficits will simply melt away as government revenues swell with the economic recovery.

Medlin notes that the structural, or built-in defict, is more than $10 billion, even assuming a full-employment economy. This poses the threat somewhere along the line of another inflationary, and interest-rate, surge culminating in an economic tailspin, he warns.

Although the spending freeze is simple in concept and execution, Medlin harbors no illusions regarding the difficulty of effecting such action.

"I believe most Americans would enthusiastically support a spending freeze, but it probably would not be greeted warmly by the Washington bureaucracy," he said.

No real progress toward fiscal sanity can be achieved until the voters make stronger and more urgent demands upon their political representatives, the banker emphasizes.

FED'S "IMPOSSIBLE MISSION"

In the meantime, he notes, the Federal Reserve Board is stuck with the "lonely and impossible mission" of simultaneously restraining inflation, moderating interest rates, and sustaining recovery.

Medlin acknowledges that a spending freeze would be only an initial step in the effort to solve the deficit problem.

Medlin would couple a spending freeze with implementation of many of the suggestions made by the President's Private Sector Survey on Cost Control. The study highlights 2,287 cost-cutting suggestions which it claims could save more than $400 billion in federal spending over the next three years.

In addition, Medlin said he supports the idea of a constitutional amendment that would require a balanced budget and a limit on spending.

However, Medlin notes that it would take several years before such an amendment could be enacted.

"We've got to get moving on the problem now," Medlin concludes. "We can't wait until after the presidential election. We're running out of time. It's a risky game we're playing by procrastinating. As Paul Volcker has observed, the deficit is a 'time bomb with the fuse lit.' "

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I had hoped we could be on the next bill, which will be habeas corpus, by now. But the people principally involved in the debate are not here. Therefore, I think there is no practical alternative except to wait.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 2 o'clock under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS ACT

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I have conferred with the minority leader who indicates to me that he has no objection to proceeding to the consideration of Calendar 354, S. 1763, which is the so-called habeas corpus bill. The bill will be managed on this side by

the distinguished chairman of the Judiciary Committee, Senator THURMOND. I understand Senator BAUCUS on this side will manage for the minority.

Based on that, I believe we are prepared now to proceed, and I ask unanimous consent that the Chair lay before the Senate Calendar Order 354, S. 1763.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1763) to reform procedures for collateral review of criminal judgments, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending bill—S. 1763—may well be one of the most important measures to be considered by the Senate this Congress. It is designated to ameliorate the heavy burden imposed on Federal and State courts and our Federal system of government by the repetitive, and usually frivolous, resort to collateral attacks in the nature of habeas corpus on criminal convictions. While the bill seeks to enhance the finality of Federal criminal convictions, it is the quasi-appellate habeas corpus jurisdiction of the lower Federal courts over State criminal judgments that has primarily given rise to the problems with which the bill is concerned. The shortcomings of the present system are aptly summarized in a treatise on Federal procedure, cited in the committee report as follows:

The most controversial and friction-producing issue in the relation between the federal courts and the states is federal habeas corpus for state prisoners. Commentators are critical of its present scope, federal judges are unhappy at the burden of thousands of mostly frivolous petitions, state courts resent having their decisions reexamined by a single federal district judge, and the Supreme Court in recent terms has shown a strong inclination to limit its availability. Meanwhile, prisoners thrive on it as a form of occupational therapy and for a few it serves as a means of redressing constitutional violations.

The committee report documents from hearings and other sources the dissatisfaction of Federal and State officials, including judges, prosecuting attorneys, and attorneys general, with the present operation of the Federal habeas corpus statute. Their view—and the committee's view—is that current Federal habeas corpus is unsatisfactory on grounds of federalism, proper regard for the independent stature of the State courts, the need for finality in criminal adjudication, and conservation of limited criminal justice resources. I urge my colleagues to review the committee report—and, if possible, the hearings—on this subject. I am convinced that such a review would persuade a substantial majority of the Senate to join me in passing this important measure.

I ask unanimous consent that a summary of the provisions of S. 1763 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1736. REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS

SUMMARY OF THE BILL

The bill would amend various provisions of title 28, United States Code, and a related Rule of Appellate Procedure, concerning the availability of collateral relief in the federal courts of State and federal prisoners. Among the matters addressed by these amendments are the standard of review in habeas corpus proceedings, the effect of procedural defaults on the subsequent availability of collateral relief, the time within which collateral relief may be sought, the requirement of exhaustion of state remedies, and the procedure on appeal in collateral proceedings.

Section 2 of the bill would add two new subsections to section 2244 title 28, United States Code. Proposed section 2244(d) relates to the effect of a State prisoner's failure to raise a claim properly in State proceedings on the subsequent availability of federal habeas corpus. Proposed subsection (d)(1) of section 2244 sets out a general standard under which such a procedural default would bar access to federal habeas corpus unless it was the result of State action in violation of federal law. The main practical significance of this standard is that attorney error or misjudgment in failing to raise a claim properly would excuse a procedural default if it amounted to constitutionally ineffective assistance of counsel, since in such a case the default would be the result of the State's failure, in violation of the Sixth Amendment, to afford the defendant effective assistance of counsel. *See Cuyler* v. *Sullivan*, 446 U.S. 335, 342-45 (1980). But lesser degrees of attorney error or misjudgment would not excuse a default. This would adopt as the uniform rule the approach of the Second Circuit Court of Appeals in the case of *Indiviglio* v. *United States*, 612 F. 2d 624, 631 (1979), eliminating the great uncertainties that currently exist in this area. Proposed section 2244(d)-(2)-(3) further provides for excuse of a procedural default where a claim raised in a habeas corpus proceeding asserts a new, retroactive right subsequently recognized by the Supreme Court, or where the factual predicate of the claim could not have been discovered prior to the default through the exercise of reasonable diligence.

Proposed new section 2244(e) would establish a one-year time limit on application for federal habeas corpus, normally commencing at the time State remedies are exhausted. This would provide State defendants with ample time to seek federal review following the conclusion of State proceedings, but would avoid the acute difficulties of proof that currently arise when Federal habeas corpus is sought by a prisoner years or decades after the State trial. The proposed limitation rule may be compared to various existing time limits on seeking review or re-opening of criminal judgements in the federal courts, such as the normal ten day limit on appeal by federal defendants under Fed. R. App. P. (4); the normal ninety day limit on a State defendant's application for direct review in the Supreme Court under Sup. Ct. R. 11, 22; and the two year limit on motions for new trials based on newly discovered evidence under Fed. R. Crim. P. 33. Proposed section 2244(e) further provides for deferral of the start of the limitation period in appropriate cases, such as assertion of newly recognized rights or newly discovered claims.

Section 3 of the bill would amend section 2253 of title 28, United States Code, so as to vest in the judges of the courts of appeals exclusive authority to issue certificates of probable cause for appeal in habeas corpus proceedings. It would also create an identical certificate requirement for appeals by federal prisoners in collateral relief proceedings pursuant to section 2255 of title 28, United States Code. This would implement recommendations of Judge Henry Friendly of the Second Circuit Court of Appeals. *See* Friendly, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments*, 38 U. Chi. L. Rev. 142, 144 n. 9 (1970). The reform would correct inefficiencies of the current system under which an appellate court is obliged to hear an appeal on a district court's certification, though it may believe that the certificate was improvidently granted, and under which a prisoner is afforded duplicative opportunities to persuade first a district judge and then an appellate judge that an appeal is warranted. Section 4 of the bill would amend Fed. R. App. P. 22 to conform it to the amendments of section 603.

Section 5 of the bill would make various changes in Section 2254 of title 28, United States Code. Section 5(a) would amend current section 2254(b) to clarify that a habeas corpus petition can be denied on the merits notwithstanding the petitioner's failure to exhaust State remedies. This would implement a recommendation of Professor David Shapiro. *See* Shapiro, *Federal Habeas Corpus: A Study in Massachusetts*, 87 Harv. L. Rev. 321, 358-59 (1973). It would avoid the waste of State and federal resources that presently results when a prisoner presenting a hopeless petition is sent back to the State courts to exhaust State remedies.

Section 5(b) of the bill would add a new subsection (d) to section 2254, United States Code. Proposed subjection (d) would accord deference to the result of full and fair State adjudications. This would establish a standard similar to that stated by the Supreme Court in the case of *Ex Parte Hawk*, 321 U.S. 114, 118 (1944), prior to the unexplained substitution of the current rules of mandatory re-adjudication by the decision in *Brown* v. *Allen*, 344 U.S. 443 (1953). To full and fair in the intended sense the State court determination must be reasonable, and must be arrived at by procedures consistent with applicable federal law, including the constitutional requirement of due process. In addition, re-adjudication by the federal habeas court would be allowed in cases in which new evidence of substantial importance came to light or a retroactive change of law of substantial importance occurred after the State proceedings. The general sense of the proposed reform is that reversal of a State conviction after a lapse of years and affirmance by the appellate courts of the State should rest on a finding by the habeas court of a significant error or deficiency in the State proceedings. A mere reasonable difference of opinion in a case in which the proper disposition is unclear should not be grounds for disturbing a State judgment in a habeas corpus proceeding.

Section 5(c) of the bill would simplify current section 2254(d), which is verbose, confusing, and obscure; redesignate it as section 2254(e); and bring its formulation into conformity with that of proposed new section 2254(d). The provision would be of minor practical significance, coming into play only when the general standard governing deference to State determinations in proposed new section 2254(d) was found by the habeas court to be unsatisfied.

Section 6 of the bill would amend section 2255, 28 United States Code. It would carry out reforms in the collateral remedy for federal prisoners comparable to the rule proposed in section 2 of the bill governing excuse of procedural defaults and time limitation in habeas corpus proceedings.

Mr. THURMOND. Mr. President, I have a letter addressed to all U.S. Senators from the National Association of Attorneys General:

We are informed that you will soon have an opportunity to vote on S. 1763, the Habeas Corpus reform bill, and urge you to vote for it without amendments. It contains provisions which will make vital improvements in the habeas corpus system which now all too frequently results in needlessly delaying the finality of constitutionally sound criminal judgments.

Florida Attorney General Jim Smith has spearheaded the interest of Attorneys General in this subject which is reflected in several resolutions adopted by the Association, including this one adopted in June, 1981 and directed toward S. 1763's predecessor, S. 653 of the 97th Congress:

Whereas one of the principal weaknesses in the criminal justice system today is its lack of certainty and finality; and

Whereas crime rates continue to rise and public confidence in the criminal justice system is at a low point nationally; and

Whereas certainty and swiftness of justice is universally accepted as the strongest deterrent to criminal activity; and

Whereas the diminishing ability of the states to carry out the judgments of their criminal courts has led to erosion of certainty; and

Whereas some of the commendable procedural safeguards attached to the writ of habeas corpus in recent years are being abused, and have become instruments with which to frustrate justice rather than to secure it; and

Whereas on June 10, 1980, the National Association of Attorneys General requested Congress to adopt changes to habeas corpus procedures to require that claims be timely and orderly presented; and

Whereas these changes have been proposed as legislation contained in S. 653 and H.R. 3416;

Now, therefore, be it resolved by the National Association of Attorneys General that:

1. Amendments to the Federal criminal code contained in S. 653 and H.R. 3416 relating to habeas corpus proceedings are necessary to require orderly and timely presentation of claims on behalf of defendants and to restore finality to the criminal process and proper respect for state court factual determinations; and

2. The Congress of the United States is hereby petitioned by the assembled State Attorneys General to amend the Federal Criminal Code as proposed in S. 653 and the companion House bill, H.R. 3416; and

3. The General Counsel of the Association is authorized to transmit these views to the Congress and to the appropriate officials of the Administration.

If we can be helpful to you in any way during your deliberations and debates of the bill, we would be grateful for the opportunity to provide any assistance you may require.

Sincerely and respectfully,

C. RAYMOND MARVIN.

Mr. Marvin is the executive director and general counsel of the National Association of Attorneys General.

Mr. LAXALT. Mr. President, the Constitution does not require Congress to vest habeas corpus jurisdiction or any other jurisdiction in the Federal courts. Congress first extended the habeas corpus jurisdiction of Federal courts to State prisoners in 1867 during Reconstruction, a period of great congressional distrust of the governments and courts of the Southern States. The Federal writ was intended to issue only if the State court committing the prisoner had jurisdiction to do so. But beginning in the 1920's, the Federal courts steadily expanded the scope of Federal habeas jurisdiction until, by 1942, the writ was held to be appropriate in those cases where the State conviction has been in disregard of the constitutional rights of the accused, and where the writ is the only effective means of preserving his rights. The scope of Federal jurisdiction was broadest from 1953 to the mid-1970's. Since then, the Supreme Court has been restricting the jurisdiction. While Congress need not follow the holdings of the Supreme Court, the present legislation does reflect several recent Supreme Court opinions.

Two problems, one of numbers and one of principle, exist today. Concerning numbers, State prisoners filed 8,059 petitions for habeas corpus in the Federal courts in the year ending June 30, 1982. Very few of these (perhaps 170) resulted in evidentiary hearings—that is, the great bulk of them were frivolous or without merit. While opponents of reform point to the small number of hearings and argue that habeas actions are obviously not clogging the Federal courts, their argument overlooks the fact that each petition must be responded to by State attorneys and reviewed by Federal judges. The few hearings and even fewer number of petitions granted by the courts support the counterargument that current Federal jurisdiction over State prisoners is an expensive, time-consuming luxury that seldom results in the correction of a miscarriage of justice.

More important than the numbers problem, however, is the need to correct the faulty rationale which supports the broad present scope of Federal jurisdiction. That reasoning is premised upon the belief that State courts and State judges are inferior to Federal judges and are not to be trusted as guardians of Federal and constitutional rights. Therefore, State criminal defendants are thought to need the Federal judiciary to give a second opinion, even where the State supreme court and the U.S. Supreme Court have affirmed a conviction and the collateral review proceedings of the State have been exhausted. This argument is patently unsound. All judges, Federal and State, swear to uphold the Constitution and the rights it guarantees. It is a direct affront to the States and a violation of the principle of federalism upon which our system of justice is founded.

The argument is also false because it assumes that the appropriate standard for criminal proceedings is perfection and not reasonable fairness. The result is that the finality which is necessary in all litigation—criminal and civil—is presently sacrificed to the belief that justice requires the courts to give defendants an unlimited number of opportunities to find a defect in their trials. And so the defendants file petition after petition in hopes that a Federal judge somewhere will order a new trial.

Therefore, I support this legislation to restrict Federal habeas corpus jurisdiction. This measure would serve to correct the false belief that we cannot trust State criminal justice systems to enforce constitutional rights. The bill will also result in tremendous savings in attorney and court time. While one might argue that the best solution would be to eliminate altogether the Federal jurisdiction over State prisoners, the present proposal is certainly a reasonable and constitutional alternative.

AMENDMENT NO. 2698

Mr. THURMOND. Mr. President, if there are no amendments to the bill, I wish to offer some technical amendments to S. 1763, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an amendment numbered 2698.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TECHNICAL AMENDMENTS TO S. 1763

On page 1, line 4, delete "1983" and substitute "1984".

On page 4, line 17, delete "ro" and substitute "or".

On page 4, line 25, after "pursuant to" insert "section 2255 of title 28, United States Code,".

On page 7, line 19, after "moved" insert a comma.

Mr. THURMOND. Mr. President, I understand that the distinguished

Senator from Florida desires to speak in favor of this bill.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The Senator from Florida.

Mr. CHILES. Mr. President, I am delighted to join Senator THURMOND and others to urge the passage of S. 1763, the Reform of Federal Intervention in State Proceedings Act of 1983.

This bill addressed the need for reform in the Federal habeas corpus law.

Mr. President, I think the reform in this area is very, very long overdue. A number of us in the Senate have been pressing for that for a number of years, and the proponents of this bill in the Senate are not the ones who initiated this pressing. It really has come up from the people and from the court system itself.

I think we should look back to get a little history on habeas corpus. It is a right of each U.S. citizen. It is a right that we have spoken to in the Constitution of the United States. We said that we would not do away with the right except in extreme emergencies when it would be necessary to do away with the right.

So I think we have to look back and see why was this right so important and why did our forefathers and the originators of the Constitution want to express themselves on it. Look back to the history of where the writ of habeas corpus came from to start with.

I understand that the Latin for habeas corpus itself is, produce the body. It goes back very much to our history of the common law and to the English usage. It was a time when a major abuse was taking place. The King would see fit to throw someone into jail, never press charges against that individual but leave him in detention. The writ of habeas corpus was one of the rights that the barons brought issue to the King about in the Magna Carta at Runnymede. They said this practice has to stop.

If someone is arrested he is entitled to know what charges are placed against him and he is entitled to be produced in a court of law so that those charges can be brought. You should not stick someone away in incarceration, in detention, in a prison, as it were, and not allow that person to be brought up for trial.

Mr. President, that is a hallowed right. That is a right that we want to recognize in this country.

But that is not the abuse that we are speaking to in this bill and we are not attempting to curb anything in regard to that right in the bill that is before us now.

What we are talking about is something that has arisen in the late 1900's, in the last 15 or 20 years. Basically, the abuses that came about was the use of the writ of habeas corpus after the trial, after the conviction, after the adjudication of the trial to cause there to be a review or a rehashing of the events that led up to that trial.

Mr. President, 50 years ago no one thought about using a writ of habeas corpus for that purpose. If you even look back 20 or 25 years ago, you will find it was used very sparingly for that particular purpose. And why? I think one reason is we have our regular appellate system. We have our due process in which you are entitled to take questions up on appeal. You can go up through your State court system. You can then even attempt to address those questions in the Federal court after the State court system.

Again this bill does nothing to that right, nothing to that due process change. But to use the writ in a post-conviction situation, that is what we are attempting to get at in this bill.

How are we trying to change it? Again we are not trying to do away with it entirely. But we are trying to codify it, if you will. We are trying to put some kind of a time limitation on it. We are trying to see that it does not completely change the whole system of due process as we have known it before, and that it does not work against the system of punishment being a deterrent to try to keep further crimes from occurring.

What we found are abuses and it is documented and the record is full of it from the hearings that we have held, from the numerous things that have been placed in the RECORD, and from the studies that have been made by the court systems themselves, by the associations of State attorneys general, by the U.S. Attorneys General, by everyone. Every group that has really looked at this question can cite the abuses in the time delays that have been taken where using the writ a person, who has been convicted and who has been given due process, is able to go back years after the offense occurred. By use of the writ, he can require the State court or the Federal court, if his case was prosecuted there, to prove again why he was convicted to start with. In many instances that means that they have to produce witnesses and evidence after 30 years. We have seen cases that have been brought that long ago. In some of those cases the witnesses could not be produced and we saw people turned loose. The court could not tell in those old cases whether the petition was valid or not because you have not been able to, in effect, reconvict him, been able to produce testimony to show that the issues that he raised are invalid.

We have seen one prisoner file multiple petitions over years of time questioning literally the same set of facts in different forums through using the writ of habeas corpus.

So time after time, after you had given him due process on one question, he moves simply to a different court on another question. We see things like this: A prisoner filing a writ of habeas corpus saying he was not properly represented at the trial court; counsel who was appointed for him was not proper. Now, if that takes place 10 to 15 years after the fact, if you cannot produce that lawyer, if you cannot prove the lawyer's competency, if he has gone to his reward or something, that prisoner might have to be released. But assuming that you win, that you are able to do that and you are able to show that competent counsel was appointed, Mr. President, we found the same prisoner then filing a writ of habeas corpus that the lawyer appointed to file his first writ was not competent and, therefore, he tests that issue. Then if you find against him on that, he files a writ that the lawyer appointed to file the second writ testing the first writ was not competent; and the Federal court has to sit down and hold a hearing on this.

We have found from the Federal courts that a major portion of their time, up to a third of the criminal practice time, has been taken in trying to address these writs of habeas corpus.

Mr. President, if everyone who is in jail can be filing these writs they are sort of in league with their fraternity that is outside because you cannot be even trying them on the first offense because we are taking up all of the court's time listening and answering these writs, holding hearings on these writs for the ones who have been incarcerated already.

We see that that is happening time after time and when, Mr. President, one of these people is released 30 years after the trial, not on the merits of the case itself but on one of these legal technicalities, on the basis that the State is unable to produce a witness because the sheriff of that county happens to be dead or happens to be gone or you cannot produce him. What do you think that does to the respect for law, to the moral fiber of the people? what does it do to the law enforcement people who were responsible for making that conviction to start with? What does that do for all of the other people who are determining whether we are going to be a government of laws or not?

So the purpose of this bill, Mr. President, is to try to address those glaring faults that have been raised by the Chief Justice of the Supreme Court and by many of the other Justices of the Supreme Court. They have been raised in law review articles across this land. They have been raised by the Association of State Attorneys General,

by the U.S. attorneys and by their respective groups across the country. They have been raised by many, many law enforcement people and certainly by others, who having watched this situation, see that we have something that just is not working. It is a total breakdown but, as I say, we do not want to do away with the writ. We simply want to reform it to where it conforms more to the purpose for which it is stated. We do not want to do away with due process, but due process has to work in a certain way. It has to work in a way in which everyone understands the rules of the game. In turn, it needs to be fair so that there is due process for the people whom we are attempting to protect by virtue of our criminal laws, by virtue of the fact that we have a sentencing procedure, and that we have a procedure by which we convict people. Finally, Mr. President, we are bringing this bill to the floor today, after 4 years that I know of, that the Senator from Florida has been trying to do something about this problem. We and a number of other people have been speaking on it year after year. Finally we are getting this matter before the people's elected body to simply try to redress these errors, these problems that we have, and to reform the habeas corpus law.

The loss of the respect of society because our system of justice is unable to punish a crime that has occurred, is one of the major faults that has to be corrected if we are going to address this problem. In the hands of skillful lawyers, in the hands of organized criminals, this present writ process and the abuses that can come under that process can tie up the appellate process for endless hours. It can take many, many hours of time that law enforcement officials, prosecutors, judges, and others should be able to otherwise use to attend to the public business. They should be able to attend to their business of trying to protect the public, but they are unable to do so because of the countless stream of appeals, the countless stream of writs that can come and then the appeal from the denying of these writs.

And that again, Mr. President, is something I forgot to speak to. When the writ is denied, then, of course, you can try to appeal the denying of the writ. And that again can tie up the process. This is something that we see certain prisoners using time after time after time and again tying up the entire process.

I am delighted we are seeing it addressed today. I am delighted to be a consponsor of the bill. I hope the Senate is going to work its will on this bill and that we will have passage. Then, Mr. President, I hope that we will be able to get the House to pay attention to this legislation and to take it up and do something about this legislation.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Florida for the statement he has made on this bill. For several years he and the distinguished Senator from Georgia (Mr. NUNN) have been very active in promoting this legislation. It is vital legislation. I just wanted to commend him for the remarks he has made.

Mr. President, I now yield to the distinguished Senator from Connecticut who has a statement to make.

Mr. WEICKER. I thank my distinguished colleague from South Carolina.

Mr. President, I rise in opposition to S. 1763, a bill which proposes substantive and procedural changes to Federal habeas corpus statutes.

The writ of habeas corpus was established by the founders of our Constitution to provide the opportunity for judicial review to any citizen who felt that he or she had been illegally detained or confined. Initially reserved for petitions from Federal prisoners, the privilege of the writ of habeas corpus in Federal courts was specifically extended to State prisoners by the act of February 5, 1867. Today, the provisions of that act are incorporated in the United States Code.

Mr. President, I am constrained to ask the question, why is this matter before us, why are we even considering limitations to this fundamental privilege? The committee report includes this sentence:

> Commentators are critical of its present scope and federal judges are unhappy at the burden of thousands of mostly frivolous petitions.

I daresay that habeas corpus petitions as a class are hardly frivolous. Some of the habeas corpus petitions filed are filed by State prisoners facing the death penalty. If, in the name of expediency, even one of these petitioners is inappropriately or unfairly sentenced to death, the cost of limiting habeas corpus is far too great. In his opinion on the Supreme Court case of Brown against Allen, Justice Frankfurter wrote:

> Experience may be summoned to support the belief that most claims in these attempts to obtain review of State convictions are without merit. Presumably they are adequately dealt with in the State courts.

But Justice Frankfurter goes on to say:

> The meritorious claims are few, but our procedures must ensure that those few claims are not stifled by undiscriminating generalities. The complexities of our federalism and the workings of a scheme of government involving the interplay of two governments, one of which is subject to limitations enforceable by the other, are not to be escaped by simple, rigid rules which, by avoiding some abuses, generate others.
>
> For surely it is an abuse to deal too casually and too lightly with rights guaranteed by the Federal Constitution, even though they involve limitations upon State power and may be invoked by those morally unworthy. Under the guise of fashioning a procedural rule, we are not justified in wiping out the practical efficacy of a jurisdiction conferred by Congress on the District courts. Rules which in effect treat all of these cases indiscriminately as frivolous do not fall far short of abolishing this head of jurisdiction.

Proponents of S. 1763 claim that the Federal courts are bogged down with Federal habeas corpus petitions and that this legislation will reduce the Federal courts' workload. According to the Administration Office of U.S. Courts, the total civil case filings in 1981 were 180,576. Of this number, 7,790 were habeas corpus petitions filed by State prisoners in Federal courts. These filings reflect a decrease from a decade earlier when 9,063 were filed in 1970 and 8,372 in 1971.

In 1981, 177,925 civil cases were terminated in Federal courts. Of these 7,302 were habeas corpus cases.

Habeas corpus matters constituted approximately 4 percent of all civil cases filed and terminated in Federal courts.

Of the total habeas cases tried, 158 took 1 day to try; 26 took 2 days; 10 took 3 days; and only 9 cases in the country took 4 days or longer.

I ask the supporters of this legislation, where is the horrendous burden this bill intends to relieve? These statistics, given me by the American Bar Association, do not establish a compelling need for the reforms this bill would put in place. I am not even sure the proposed reforms are much of a solution. If the pending bill becomes law, petitions will still be filed; State attorneys will still be required to respond accordingly and Federal courts will still have to determine whether a habeas corpus petition was "fully and fairly adjudicated" in the State court.

That is not the only burden this legislation must bear, Mr. President, as if that were not enough to give us serious pause. It is also subject to a number of serious constitutional challenges which should stop this exercise dead in its tracks.

By limiting the opportunities for Federal judicial review of habeas corpus petitions the changes proposed in S. 1763 pose a serious threat to a chief function of our Federal courts—that is, to protect the constitutional rights of its citizens. S. 1763 would require a Federal court reviewing a habeas corpus petition to accept the legal determination of a State court on a Federal constitutional issue, as long as the determination was "fully and fairly adjudicated." The proponents of this bill state that such a reform is "likely to make it possible to decide cases more easily and with less extensive litigation." S. 1763 proposes changes in the law in the name of efficiency. Efficiency, however, is certainly not the highest calling of our judi-

cial system. It is the mandate of our criminal justice system to strive for justice—not efficiency; not expediency. It is far more important to insure that Federal constitutional issues are reviewed by a Federal court, as the writ of habeas corpus provides, than it is to propose changes to the law which make it easier to decide a class of court cases.

As to the determination of whether or not a case has been fully and fairly adjudicated in a State court—I, again, quote Justice Frankfurter, who wrote:

> Vague, undefined directions permitting the District Court to give "consideration" to a prior State determination fall short of appropriate guidance for bringing to the surface the meritorious case. They may serve indiscriminately to preclude a hearing where one should have been granted, and yet this basis for denial may be so woven into the texture of the result that an improper deference to a State court treatment of a Constitutional issue cannot even be corrected on review * * * if left at large in disposing of applications for a Writ of Habeas Corpus, they (district judges) would necessarily be thrown back upon their individual judgments, and that would be the exercise not of law but of arbitrariness.

Mr. President, to deny an individual the opportunity for Federal review of his or her case based solely on an individual determination that a State adjudication was both "full and fair" would be "the exercise not of law but of arbitrariness."

Since Brown against Allen, the Supreme Court has determined that in certain special cases opportunity for habeas corpus petitions may be limited. For instance, in Stone against Powell, the Court did hold that if an individual has had the opportunity to litigate any fourth amendment claims on direct review, he or she may not petition for habeas corpus to litigate those claims in Federal courts. However, in a footnote of the majority opinion, the Court did state:

> We nevertheless afford broad habeas corpus relief, recognizing the need in a free society for an additional safeguard against compelling an innocent man to suffer an unconstitutional loss of liberty * * But in the case of a typical Fourth Amendment claim, asserted on collateral attack, a convicted defendant is usually asking society to redetermine an issue that has no bearing on the basic justice of his incarceration.

In this case and in other recent decisions, the Supreme Court has acted responsibly and within its jurisdiction to insure that the habeas corpus petition process may be used but not misused by petitioners. The Court has clearly demonstrated appropriate comity to State court proceedings. For the Congress to impose further limitations on habeas corpus procedures based on arbitrary determinations of a full and fair adjudication in a State court, does not appear to this Senator to be responsible, warranted, or wise.

The Senator from Montana will offer an amendment to S. 1763 which would delete the section of the bill which limits Federal judicial review of any claim that has previously been "fully and fairly adjudicated" in State court proceedings.

I agree with Senator BAUCUS when he says that the proposed reform "is inconsistent with the basic concepts of federalism and is potentially detrimental to individual constitutional rights." I intend to support the amendment offered by the Senator from Montana, and I encourage my colleagues to do the same.

Deference to a State court's full and fair adjudication, however, is not the only change proposed to our habeas corpus statutes in S. 1763. This bill seeks to broaden the circumstances in which procedural errors would prevent Federal review. In Wainwright against Sykes, the Supreme Court found that if a constitutional issue was not raised in State court in accordance with a State's contemporaneous objection rule, then that issue can be deemed forfeited unless a defendant shows "cause" for failure to raise the issue or "prejudice" arising from the claimed constitutional effect. However, the Court did not precisely define any cause and prejudice standard. Instead, it left such a standard "open for resolution in future decisions." The Court also stated that the "cause-and-prejudice test" would—

> not prevent a Federal habeas court from adjudicating for the first time the Federal constitutional claim of a defendant who, in the absence of such an adjudication, will be the victim of a miscarriage of justice.

Five years later, in Engle against Isaac, the Supreme Court held that:

> The terms "cause" and "actual prejudice" are not rigid concepts. They take their meaning from the principles of comity and finality . . . In appropriate circumstances, those must yield to the imperative of a fundamentally unjust incarceration.

S. 1763 attempts to define the conditions for cause and prejudice by focusing on the question of whether the State has provided the opportunity to raise Federal claims that satisfied the requirements of Federal law. Given the variety of circumstances which can and do arise in habeas corpus cases, the determination of whether or not a petitioner actually had every opportunity to raise a constitutional issue in the State court should be reviewed on a case-by-case basis. To do otherwise could result in "a miscarriage of justice."

There is yet a third constitutional issue raised in S. 1763 with respect to the proposed changes to the statute of limitations. The Constitution clearly states, "The privilege of the Writ of Habeas Corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it." This bill would establish a 1-year limit on access to Federal habeas corpus for State prisoners and a 2-year time limit on application for collateral relief by Federal prisoners. Are the proponents of this bill presuming to establish time limits on individual constitutional rights? Are we to infer that for some people, constitutional rights expire after a certain period of time?

Mr. President, the proposed statutes of limitations are absurd. They impose time limitations on timeless rights. Such limitations could result in the punishment of an individual who has, in fact, been punished in derogation of his or her constitutional rights.

This legislation proposes a significant change in our judicial procedures. It does so in the name of efficiency. I have not been convinced, nor has the American Bar Association, that the potential benefit to our judicial system are worth the constitutional costs.

This matter is not cut and dried. The vote we will hold on this bill is not a procrime or anticrime vote; it deals with fundamental questions of our constitutional system. It is in the best traditions of this body to err on the side of caution in such matters, rather than to forge ahead because the political mood seems right. I will vote against this measure and urge my colleagues to do likewise.

Mr. THURMOND. Mr. President, the distinguished Senator from Georgia (Mr. NUNN) desires to speak in favor of this bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, first, let me commend the distinguished Senator from South Carolina for his leadership on this very important issue. I know the Senator from South Carolina has spent a lot of time on all of these important crime measures. I happen to believe that this one is right at the top of the list in terms of the reform that the American people not only have every right to expect but do expect.

Most people do not understand the technicalities of why a procedure takes so long in the criminal process in America. They do not understand that we have no finality of judgment.

I would very much like to commend the Senator from South Carolina for his very thorough and, I think, very effective job of leadership in this area.

I also want to commend the majority leader, Senator BAKER, for getting this legislation before us at the beginning of the session.

Senator CHILES, the Senator from Florida, has already related the concern that he and I have had for a number of years in this area, and we have urged over and over again that this be given a priority.

I am pleased and delighted that Senator BAKER and Senator BYRD have worked together to make this a priority piece of legislation for the Senate.

I am hoping that the leadership on the House side, both the Democratic leadership and the Republican leadership, will do the same thing.

Mr. President, I gladly rise today as cosponsor and in strong support of legislation, introduced by Senator THURMOND, addressing a most critical area of needed criminal law reform and one which is, by all reports, essential to the continued viability of our judicial system. I refer to the issue of the writ of habeas corpus.

On many occasions I have risen in this Chamber to address my colleagues on the need to restore a sense of finality to our criminal justice system, in part by reform of our Federal habeas corpus laws. Under those laws as they now stand, our courts have been burdened, time and again, with needless and repetitive habeas corpus petitions.

I have consistently sponsored or cosponsored reasonable legislation designed to address the need for habeas corpus reform. Specifically, during this session of Congress, I have cosponsored S. 117, the Crime Control Act of 1983, and S. 217, the Finality of Criminal Judgments Act, both of which contain many of the desired reforms. These bills would serve to streamline current habeas corpus procedure in several important ways. They would prevent Federal habeas corpus relief where first the issue was not raised in State court or second was disposed of on the merits in a collateral proceeding unless the petitioner establishes prejudices and other exceptional circumstances. They provide for specific statutes of limitations on the filing of habeas corpus petitions. Finally, they assign binding authority to State court determinations of certain issues absent a showing of special circumstances by the petitioner.

I am encouraged that the bill which we have before us speaks to precisely the same problems which has caused me such great concern for some time now.

The writ of habeas corpus, as originally conceived in medieval English law, provided a means of reviewing the detention of an individual held under executive, and not judicial, authority. It was never intended to be used to review in any manner, detention as a result of a judicial decision. It was executive, and not judicial, abuse of power that the Founding Fathers had in mind when they specifically prohibited the "suspension" of the writ of habeas corpus in article 1, section 9 of the Constitution. In fact, State prisoners were not specifically granted any right to Federal habeas corpus relief under the enactment of the Habeas Corpus Act of 1867 by Congress, despite the earlier constitutional provision.

Since 1867, experience has shown that the use of the writ now bears little resemblance to the purpose for which it was originally intended. Rather than act as a bulwark of freedom for our citizens, it has been misused as a seemingly endless "appeal" device by convicted felons. Frequently, prisoners wait many years and, after witnesses have died, file a habeas corpus action seeking to set aside the original judgment and sentence. In such cases, the issue raised was often not raised and answered in the original record, and the Government is simply incapable of refuting the prisoner's testimony.

In other cases, prisoners file a series of seemingly endless petitions, wasting precious judicial resources on the needless relitigation of issues clearly and fairly decided years before. In the absence of clear legislative directives, the Federal courts often rehear and reconsider questions properly answered in the State court systems.

Abuse of Federal habeas corpus law by career criminals clearly creates serious and unnecessary manpower problems for our criminal justice system. For the year ending June 20, 1983, some 10,446 petitions for habeas corpus relief were filed in Federal courts across the country. As recently as January 26 of this year, the U.S. attorney from Detroit, Leonard Gilman, testified in hearings before the Senate Permanent Subcommittee on Investigations, that each attorney in his office spends some 20 percent of his or her time on appeals, over half of which consists of habeas corpus litigation. Mr. Gilman expressed full support for the bill we are considering today.

Our State systems are equally burdened in litigating a flood of Federal habeas corpus litigation by State prisoners. Currently, only three full-time and one part-time attorney in the Georgia attorney's general's office are available to handle some 311 pending State prisoner habeas corpus cases pending in Federal court. Those same lawyers are also responsible for ligitating, through State and Federal courts, the State's 121 pending death penalty cases.

When the American public considers the types of cases which are so often litigated under our habeas corpus laws, it is little wonder why they are rapidly losing faith in the ability of our courts to deliver justice to criminal offenders.

Take, for example, the 1973 Georgia murder case in which five members of the Alday family were viciously killed in Donalsonville, Ga., during the robbery of one of their homes by three escaped convicts. The males were lined up, "firing squad" fashion, and, one by one, shot in the back of the head. The wife of one of the brothers was raped at the home and then taken to a wooded area, where she was again raped, sodomized, and then shot and killed.

In 1974, three men were convicted of these murders and sentenced to death. Those convictions were appealed to both the Georgia and U.S. Supreme Courts, and affirmed by both. Since those original appeals, the defendants have spent nearly 10 years pursuing petitions for habeas corpus relief in both Federal and State courts. As a result, they have today yet to face the death penalty. In the recent John Eldon Smith case, punishment was finally imposed only after his sentence had been reviewed 18 times by over 35 State and Federal judges.

A system which encourages these types of abuse can hardly be said to contribute to public confidence in our criminal laws. Most of us agree with those criminal justice experts who tell us that the greatest single deterrent to crime is swift and sure punishment for the guilty. Yet our system too often fails to deliver.

One reason, as Chief Justice Burger pointed out in a recent speech to the American Bar Association, is our inability to reach—at some point—finality of judgment. Judge Coleman of the Fifth Circuit Court of Appeals has stated:

> The (court) decisions say that the writ may not be used as a second appeal, but from experience the outlaws know better. Instead of being a bulwark of freedom for the citizen, it has been allowed to become a last, and too often a sure, refuge for those who have respected neither the law nor the Constitution.

It is a sad comment indeed on our criminal justice system that blatant abuse of the writ of habeas corpus has resulted in two of the most serious shortcomings within that system: needless delay and a lack of certainty and finality in punishment. We have come to the point where the writ, rather than serving to protect innocent individuals from baseless or unknown charges, is being routinely manipulated to insulate the guilty from their just and deserving punishment.

The proposal which Senator THURMOND has offered makes several important and needed revisions to those statutes governing current habeas corpus procedure. It provides for a 1-year statute of limitations for Federal habeas corpus proceedings filed by State prisoners. This 1-year period would not, however, being until the final exhaustion of all State remedies by the State prisoner. The 1-year period is clearly a reasonable and fair requirement for the filing of such petitions. This is particularly true when one considers the great length of time which is often consumed within the State process via both direct and collateral proceedings.

Similarly, the bill provides for a 2-year statute of limitations in habeas corpus proceedings brought by Federal prisoners. That period will begin to run from the latest of specifically

listed events: First, final conviction; second, removal of some Government obstacle to filing; third, creation of a newly recognized right; or fourth, discovery of necessary facts by reasonable diligence. Such limitations are clearly valid given the Supreme Court's decision upholding similar timeliness requirements for the exercise of rights, including those of constitutional origin, within both our criminal and civil judicial system. These periods of limitations are no more than a needed and reasonable requirement that habeas corpus proceedings, as other proceedings, be brought in a timely manner.

The proposal also speaks to the problem of the needless adjudication and readjudication of facts and issues which have already been fairly decided elsewhere in the legal system. We would require Federal courts to defer to State courts findings on factual and legal matters where those findings were the result of a "full and fair determination" by the State court. The Supreme Court has already made clear that there is no need for the Federal courts to rehash and rehash again issues which have already been fully and fairly determined in a State court. This provision will prevent the needless overburdening of the Federal courts with facts and legal issues already clearly and justly decided. In doing so, it will continue to protect petitioners from unjust State court determinations, leaving Federal courts free to review issues which do not meet the specific statutory standard. This was explicitly recognized by the Justice Department in their support of this provision before the Senate Judiciary Committee on April 1, 1982:

> In order to be full and fair in the intended sense the state adjudication must reflect a reasonable determination of the facts based on the evidence presented to the state courts, reasonable view of federal law, and a reasonable application of the law to the facts. It must also be conducted in a manner consistent with the procedural requirements of federal law, including the requirement of due process.

In that context, it is obvious that, under these provisions, Federal courts will still be free to fully employ the writ of habeas corpus in cases where State courts have failed to accord a petitioner a full hearing or where they have failed to act in accord with his Federal rights. It is also clear, however, that Federal courts will no longer be required to burden their already overcrowded dockets with the needless relitigation of issues already clearly, fully and fairly decided by State courts. In these days of scarce judicial resources and mounting criminal caseloads, this type of approach is essential if we are to maintain any semblance of judicial efficiency.

In conclusion, all of these provisions are designed to restore some measure of credibility to the writ of habeas corpus as it has evolved in our criminal justice system. The repetitive and often frivolous filings of habeas corpus petitions by criminal defendants has, for all practical purposes, transformed our courts into overburdened and overcrowded judicial lotteries. Our criminal justice system simply will not withstand, nor will the American public tolerate, the waste of judicial resources produced by the now commonplace abuse of this once great writ. Clearly, Congress should and must act now to end this absurd misuse of our judicial system.

We must act now to restore finality to our criminal justice system and to end this type of abuse that is so prevalent.

Mr. President, again, I congratulate the Senator from South Carolina.

● Mr. HEFLIN. Mr. President, I support the necessary changes in our Federal habeas corpus law. I commend Judiciary Committee Chairman Senator STROM THURMOND, Senator LAWTON CHILES, and my colleagues who have been at the forefront of needed improvements in the "great writ"—habeas corpus.

The ability of a lower Federal court to overturn a State court judgment in collateral habeas corpus proceedings raises serious questions regarding the finality and integrity of State court decisions. This finality and integrity does serve an important function in the Federal system. Under our Constitution, the Federal and State judiciary share the same responsibility to make decisions regarding the Constitution and Federal law.

When a defendant is tried in a State court for a violation of State law, it is the duty of a State judge to conscientiously decide any Federal question which may arise, in accordance with the Constitution. One important check on whether the State court is properly administering Federal law is review by the U.S. Supreme Court. This is available on appeal from decisions by the highest State tribunal.

Given this system of review, some have questioned whether our federal system requires an additional collateral review of State court decisions by lower Federal courts, and what purpose this review will serve.

There is no doubt that the problems of finality and integrity in State court judgments also have an acute effect on the enforcement of our criminal law. This is not a recent phenomenon. The Bible describes well the tendencies of human nature: Ecclesiastes 8: 11, "Because sentence against an evil work is not executed speedily, the heart of the sons of men is fully set to do evil." Our criminal justice system cannot be effective unless one who violates the law knows that he will be punished swiftly and certainly. Criminals who do not fear immediate punishment are much more likely to break the law again.

At the same time, it must be remembered that criminal law involves respect, important for one's constitutional rights. Certainly there is a fundamental concern that our criminal justice system incorporate the notions of due process and equal protection. Ultimately it must strike a balance between the need for presenting claims in an orderly and timely manner, the need to prevent conviction of the innocent, and disregard for our constitutional safeguards.

The discussions surrounding our habeas corpus laws are not new, and Congress is not alone in its recognition of the problem. The need for an escape valve in the exceptional case has not gone unnoticed by certain members of the Supreme Court. In his 1981 yearend report on the judiciary, Chief Justice Warren Burger called for the limiting of Federal collateral review of State court convictions, to claims of manifest miscarriages of justice. Such an approach suggests the desirability of leaving some discretion in the Federal courts, in the case where a State court system does not fulfill the duties mandated by the Constitution.

The Senate Judiciary Committee held hearings on habeas corpus review in the 97th Congress. I had the opportunity to chair one of these hearings. Two witnesses from my home State of Alabama presented testimony: the Honorable C. C. Torbert, Jr., chief justice of the Alabama Supreme Court, and Charles A. Graddick, Alabama's State attorney general.

The testimony, by and large recognized the present ability and the competency of most of our State courts to provide defendants with a full and fair adjudication which would meet constitutional standards. Given these circumstances, we might, with some confidence, consider measures to eliminate the abuse of the "great writ," which we, of course, know as the habeas corpus writ.

Such actions could prevent situations which occurred in my own State of Alabama.

It involved a defendant who went on a seven-State rampage of violent crime, robbery and murder, and a defendant who admitted his guilt, who pled guilty at the time of the trial, who was convicted of capital offense by a jury in April 1977, and who was sentenced to death after a hearing where judicial findings were entered, as required by State law, that the aggravating circumstances outweighed the mitigating circumstances.

This conviction and sentence was affirmed by the Alabama Court of Criminal Appeals, and later by the Alabama Supreme Court. The U.S. Supreme Court denied a petition for writ of certiorari in February 1979, and a date for execution was set.

Two years and four occasions for review had transpired. At this point, the Federal habeas corpus process went into gear and the State court's system was ultimately reversed by the fifth circuit. More than 5 years after indictment, the U.S. Supreme Court granted a petition for certiorari and heard oral arguments. The Supreme Court reversed the decision of the fifth circuit.

On April 21, 1983, a third writ of habeas corpus was filed. The following day, April 22, 1983, 6 years after Evans had pled and been found guilty, the sentence was implemented.

I realize that the review of a capital offense conviction must involve a careful scrutiny based on the principles of procedure, due process, fundamental fairness, equal protection, and other specific constitutional safeguards. State judges, no less than Federal judges, must uphold these principles as their obligation under article VI of the Constitution.

I, too believe it is time we reviewed the overextended use of the writ of habeas corpus. I urge my colleagues to carefully consider the legislation which is before the Senate today.●

Mr. THURMOND. Mr. President, I wish to take this opportunity to commend the able Senator from Georgia for the splendid statement he has made on this question. This is a vital subject and we are very pleased that the Senator has taken such an active part in this matter.

AMENDMENT NO 2699

(Purpose: To retain full Federal court review of constitutional issues raised by State prisoners)

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 2699.

On page 5, line 12, strike out beginning with "by redesignating" through "ed" on line 14.

On page 5, line 25, after the semicolon add "and".

On page 6, lines 1 and 2, strike out "redesignating subsection '(d)' as subsection '(e)', and amending it" and insert in lieu thereof "amending subsection (d)".

On page 6, line 3, strike out "(e)" and insert in lieu thereof "(d)".

On page 6, line 9, strike out "; and" and insert in lieu thereof a period.

On page 6, strike out line 10 through line 15.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I renew my call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I thank the Chair and thank the Members of the Senate who supported my request for the yeas and nays.

This is a very simple amendment that I have offered, Mr. President. Its intent is to provide a balanced approach to the problem we have at hand. The Senator from South Carolina, the Senator from Georgia, and the Senator from Florida were all very accurate, I think, when they pointed out some of the problems we face in our criminal justice system—namely, the need for more finality, the need for more certainty, and the need to reduce what I think most Americans regard as unnecessary, frivolous, and unfair burdens that all too often occur in our criminal justice system.

My amendment is designed to address those problems without going too far—that is, without throwing the baby out with the bathwater, without going overboard, without letting the pendulum swing so far that we are probably going to be causing more problems than we are solving.

Mr. President, my amendment is very simple. It would delete section 5(c) from S. 1763. That is all—just section 5(c). It would not delete other important provisions of the bill which, I think, fairly and properly limit the availability of Federal habeas corpus relief.

Section 5(c)—that is the only section which I seek to delete—is the provision which would preclude Federal judges from granting habeas corpus relief to State prisoners on the basis of legal and constitutional claims that have been fully and fairly adjudicated at the State level. By deleting this section from the bill, my amendment would leave the law on this issue as it now exists. That is, State prisoners would continue to be entitled to a full and independent review of their Federal claims in Federal courts. The effect, therefore, is only to delete that portion.

Other major provisions of the bill, including the statute of limitations of 1 year to State prisoners and 2 years to Federal prisoners as now contained in the bill, will still remain if my amendment passes. The statute of limitations is a very crucial part of the bill, and I wholeheartedly agree with the proponents of S. 1763 that there should be a statute of limitations. My amendment leaves that reform completely intact, because, in my view, it is a cornerstone of this bill.

Mr. President, I fully understand that our habeas corpus statutes are in need of serious and meaningful reform. In both 1982 and 1983, over 8,000 petitions were filed by State prisoners in Federal district courts challenging the legality of their imprisonment. Thousands more were filed by Federal prisoners. Many were repetitious. Many were frivolous. And many alleged errors in convictions that had occurred years in the past.

There is no doubt that we in Congress need to take immediate action to curb these abuses of our habeas system—action that will serve to promote the finality of criminal judgments at both the Federal level and the State level.

Some such action is attempted in the bill before us today. The provision allowing the dismissal of frivolous claims from State prisoners even if State remedies have not been exhausted will alleviate the problem of needless and duplicative adjudication of those issues. And the provision imposing a statute of limitations, as I have already mentioned, will serve to put an end to what is now a seemingly endless routine to recurrent prisoner appeals.

But in my opinion, precluding Federal courts from reviewing Federal claims from State prisoners is neither a necessary nor an advisable reform in our habeas corpus law. It is not necessary because full Federal review of these claims does not actually cause a problem in our existing system. And it is not advisable because it would remove from our laws a provision that in the past has served to protect and vindicate constitutional rights.

The alleged reason for section 5(c) is that our statutes now allow unwarranted intervention by Federal courts into State proceedings and adjudications and that they actually invite Federal courts to substitute their judgments for those made by State courts. History, however, does not support that argument.

Federal courts working under the current statutes do in fact defer to State adjudications on Federal and constitutional issues. In the vast majority of cases, they make reference to and rely upon the State's evaluation of prisoner claims. Of the thousands of State prisoner petitions filed every year, fewer than 3 percent result in a

reversal of a State court determination or a granting of Federal habeas relief. In my view, if something is not broken, it should not be fixed. And in my view, the law on Federal review of Federal claims is not broken.

Proponents of section 5(c) also argue that, even if Federal courts do not overturn State decisions, the statutes now require them to spend an inordinate amount of time relitigating issues that have already been adequately addressed in the State courts. It is argued that deference to full and fair State adjudications will lessen this burden. Again, however, I do not believe the practical realities of Federal habeas litigation support that argument.

Federal judges do not begin blind in their review of constitutional issues raised by State prisoners. They have the benefit of the briefs filed in State courts and the opinions and orders rendered by State judges. They rely heavily on these prior adjudications, and for the most part, do little more than reaffirm the earlier State court judgments.

Furthermore—and this is critical—I do not see how the creation of a new standard of review as contained in section 5(c)—full and fair adjudication—will significantly reduce the workload of the Federal courts. Even under the new standard, judges will be required to review and assess the merits of State decisions to determine whether they are fair or reasonable. Section 5(c) might change the focus of Federal review, but it will not change the fact that a substantive review has to occur and probably will still take just as much time.

As I have said, I do not believe section 5(c) is a necessary reform of the habeas laws, and I do not believe it will actually constitute an improvement over current law. But beyond these practical objections, I also firmly believe that the existing law on this issue should remain as it is. In my view, the ultimate responsibility for the interpretation and application of Federal law should remain in the Federal courts.

Traditionally, State courts are viewed as the final arbiters of issues of State law. Federal courts, on the other hand, have the ultimate and supreme responsibility for resolving and interpreting issues of Federal and constitutional law. I do not believe there are compelling reasons to deviate from accepted principles of federalism and to upset the historic balance of judicial responsibility by requiring Federal courts to defer to State decisions on Federal matters.

Mr. President, I do not mean by these remarks to demean the competence or integrity of State courts and State judges. A great amount of respect and deference should be accorded to their judgments and their legal interpretations.

However, Federal courts enjoy a degree of independence and insulation from local passions and prejudices that may not be available to State courts. Federal judges have lifetime appointments to office, while State judges are most often elected and are therefore logically more susceptible to public pressure and public opinion. The pressure to keep convicted criminals in prison, regardless of whether their rights may have been violated, can be vehement and sometimes overwhelming.

I have no doubt that in the vast majority of cases, State courts can and do adequately protect the constitutional rights of State prisoners. However, there are also rare instances in which their decisions are misguided or influenced by external factors. Because of those rare instances, I would prefer to leave in place the added safeguard of full and independent Federal review.

Mr. President, let me briefly summarize. We all know that there is a groundswell of public opinion to put criminals in jail and stop crime. Indeed, we in the Senate have just passed a criminal reform bill.

That bill contains substantial sentencing reforms that basically provide for fixed and determinate sentences, and cut back on the availability of parole. Those reforms indicate how we in Congress can shoulder the responsibility for fighting crime and for promoting finality in the criminal justice system. Likewise, the sections of the bill now before us on precedural default and statutes of limitations constitute legitimate methods of achieving finality.

Mr. President, this bill tends to go too far.

In essence, it eliminates the right of Federal habeas where there has been a hearing in the State courts. Federal courts will no longer be the final arbiters of Federal constitutional issues in criminal cases. These issues will now basically be left to the States. And if their adjudications can be deemed "reasonable," there will be no further recourse available to State prisoners at all.

Section 5(c) simply goes too far, and I urge you all to accept my amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Delaware.

Mr. BIDEN. Mr. President, I support the amendment of the Senator from Montana.

I must say, quite bluntly, that even if this amendment is adopted, I have some additional concerns about the bill. There are many legitimate criticisms of the present situation and practice. But the procedural constraints that are imposed by the bill at this point unduly restrict what should be a right and an avenue that should remain open.

The second major problem with this bill is with relation to the statute of limitations. I believe the proposed limitations raise serious constitutional questions, in light of the article I prohibition against suspension of the writ of habeas corpus.

The law now permits a court to dismiss a habeas petition if the State has been prejudiced in its ability to respond because of delay, and no evidence has been presented that this provision is insufficient to protect the State's interests. Therefore, even with the adoption of this amendment—and I hope it is adopted—we will still have problems.

Moreover, the 1-year and 2-year statute of limitation provisions are unreasonable and impractical. First, there is no escape clause with respect to manifest injustice; and second, these provisions do not comply with the Supreme Court's suggestion in Rose against Lundy, that all claims be filed in one petition. I believe that the time limits should be extended, at least as regards the 1-year limit, and an exception should be made for cases of "manifest injustice."

Quite frankly, if we cannot adopt what I think is a modest attempt to clean up this bill, as being proposed by the Senator from Montana, I doubt very much whether we will be able to amend it in any other way, so I will not belabor the Senate with additional amendments if this amendment is not adopted.

Mr. President, I am told that another Senator who wishes to speak in behalf of Senator BAUCUS' amendment is on his way to the floor. Since I do not have any more to say at this time, and I see no one seeking recognition, I suggest the absence of a quorum, until he arrives.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in strong opposition to the amendment offered by the gentleman from Montana (Mr. BAUCUS) to delete section 5(c) from the pending measure. This opposition is shared by the full Committee on the Judiciary and by the Department of Justice.

The proposed amendment would eliminate from S. 1763 the prohibition on Federal courts granting relief to State prisoners pursuant to habeas corpus petitions based upon claims

fully and fairly adjudicated in State court proceedings. The result of the proposed amendment would be to require Federal courts to undertake a full de novo review of the legal (and many of the factual) issues presented to them by habeas petitions. This would effectively undermine one of the most important achievements of the present legislation.

The advantages of the policy established by section 5(c) are twofold. First, it would substantially reduce the intrusive interference by Federal courts in the State criminal justice system occasioned over the past two decades by the habeas process. Increasingly, habeas petitions have been employed by those in State custody for the purposes of collateral attack upon convictions fully and fairly secured in State courts. Upon exhaustion of their avenues of State appeals, such individuals have routinely turned to the Federal court system in order to pursue additional appellate opportunities and to repeatedly relitigate already litigated issues. The unfortunate result of this practice today is a criminal justice system that is more congested than necessary, more wasteful of scarce judicial resources than necessary, and more characterized by delays in the administration of justice than necessary. Most importantly, such abuse of the habeas process has resulted in a system of criminal justice widely scorned as arbitrary and unjust. Section 5(c) would help in restoring a measure of commonsense to this system.

The second principal advantage of the policy set forth in section 5(c) is that it would reduce the exorbitant amount of time that Federal courts must devote to the review of habeas petitions from prisoners, the overwhelming number of which are frivolous and without serious legal basis. The sheer quantity of such petitions has grown exponentially over the past two decades and has contributed to an increasingly paralyzed system of criminal justice in this country. Section 5(c) would help in restoring a more efficient system of criminal justice in this country.

The distinguished Senator from Montana raises several points that require brief response. He argues that section 5(c) will have no significant impact upon levels of judicial workload because reviewing courts will still have to determine whether a habeas petition contained claims that had been fully and fairly litigated. This argument is ironic in view of his alternative concern that State prisoners will be denied important opportunities for review of their conviction. In fact, I believe that section 5(c) establishes an appropriate balance in the habeas procedure: State prisoners will continue to be afforded the opportunity to employ the habeas process for what amounts to a final judicial appeal, but it will be a more limited appeal in which the reviewing Federal court is not required to substitute its judgment for that of the trial court. Rather than having to freshly consider each matter raised in the context of the habeas petition, the Federal court would simply be required to determine that the State court acted reasonably in rendering its decision. Instead of overturning reasonable decisions on the basis of finely cut or unsettled questions of law, and setting in motion new criminal trials, the reviewing court would be obligated to resolve such questions in favor of the State courts. The full and fair standard is not only a standard of review far more conducive to expedited judicial review but would apply to both issues of law and fact, this eliminating many difficult and drawn-out determinations by the reviewing court.

The Senator from Montana also argues that the proposed reform is inconsistent with federalism since Federal courts are the ultimate arbiters of Federal and constitutional law. The U.S. Supreme Court is indeed the ultimate arbiter of such law and nothing in S. 1763 would affect that responsibility. The Senator is wrong, however, in his implication that constitutional law questions are any more in the province of the lower Federal courts than in the State courts. The U.S. Constitution is the supreme law of the land and must be faithfully applied by State courts just as it must be faithfully applied by Federal courts. In matters of consitutional interpretation, the State courts have an equal and concurrent responsibility with the lower Federal courts. State courts have, without interruption, routinely addressed constitutional issues involved in State criminal prosecutions from the outset of our Nation's history. In any event, S. 1763 would maintain the ability of the Federal judiciary to overturn a State criminal conviction on the basis of clearly erroneous applications of constitutional law.

Finally, Mr. President, the Senator from Montana argues that the present system of habeas corpus does not unduly interfere with State court judgments since only 3 percent of such petitions result in a reversal of a State court decision. Given the fact that the petitioner must already have exhausted, at minimum, two levels of appeal, I am not sure that I would agree that a 3-percent reversal rate is totally insignificant. Be that as it may, the fact remains that in 100 percent of such cases the considered decisions of State courts are in jeopardy on the basis of nothing more than fine disagreements on technical questions unrelated to the basic issue of whether the petitioner was accorded a fair trial consistent with well-understood concepts of due process. In each of these cases, the reviewing court must redetermine every claim properly presented and second-guess every decision made by the State courts. The intrusiveness of the process is not diminished by the fact that the great majority of the petitions are rejected summarily. These statistics are misleading in any event because of the sheer volume of habeas petitions, often filed by a disproportionately small number of prisoners, which are so blatantly frivolous as to constitute an abuse of the legal process generally.

Mr. President, I strongly urge my colleagues to reject the proposed amendment by the Senator from Montana and let this Nation take one important step in the direction of restoring a rational and just system of criminal law to this country and thereby restoring the respect of the American people. If this body is genuinely serious about criminal justice reform, it will reject the pending amendment.

Mr. President, the Justice Department has written me a letter opposing this amendment that I wish to present to the Senate.

DEAR MR. CHAIRMAN: The Department has been advised that an amendment will be proposed to delete section 5(c) of S. 1763, a provision that would accord deference in habeas corpus proceedings to the result of full and fair state adjudications of federal claims. As you know, section 5(c) would basically establish a standard of reasonableness for habeas corpus review of state court determinations. Compliance with certain other conditions by the state courts, including due process, would also be required.[1]

The Judiciary Committee wisely rejected the same proposal to delete section 5(c) during its consideration of the bill. We believe that the proposed change in the standard of review is one of the most important features of the bill. It would be most regrettable if the full Senate failed to adopt this salutary reform.

The most extreme inaccuracies in the statement supporting the proposed amendment must be addressed. The statement represents that section 5(c) is "inconsistent with the basic concepts of federalism" and that it threatens to "upset the historic balance of judicial responsibility in this country." Both these assertions are simply false.

The bill has no effect at all on the Supreme Court's independent determination of federal questions in direct review of state judgments, and it in no way diminishes the obligation of any court to comply with Supreme Court precedent. It only affects habeas corpus review of state judgments by the lower federal courts.

Historically, de novo determination of federal questions in habeas corpus review is a recent innovation; it is the result of decisions made within the past thirty years.[2] Prior to that time, the Supreme Court clearly held that matters that had been fully and fairly adjudicated in state proceedings could not be re-examined by the lower federal courts.[3]

Considerations of federalism do not weigh against the proposed reform; they strongly

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Footnotes at end of letter.

support it. Justice Powell, for example, has stated:

[T]he present scope of habeas corpus tends to undermine the value inherent in our federal system of government. To the extent that every state criminal judgment is to be subject indefinitely to broad and repetitious federal oversight, we render the actions of state courts a serious disrespect in derogation of the constitutional balance between the two systems.[4]

Similarly, Justice O'Connor, speaking for the Supreme Court in the case of *Engle* v. *Isaac*, has stated:

[H]abeas corpus * * * imposes special costs on our federal system. The States possess primary authority for defining and enforcing the criminal law. In criminal trials they also hold the initial responsibility for vindicating constitutional rights. Federal intrusions into state criminal trials frustrate both the State's sovereign power to punish offenders and their good-faith attempts to honor constitutional rights.[5]

The case for adopting this reform as a means of improving the efficiency of habeas corpus litigation is equally clear. Currently, judgmental differences on close or unsettled questions in the interpretation and application of federal law can result—and do result—in extensive litigation at both the district court and circuit court levels in habeas corpus proceedings.[6] Some authorization exists for deferring to the state courts on purely factual matters, but the standards for such deference are complex and obscure,[7] and their limitations can readily be circumvented by characterizing a state determination as a mixed question of law and fact.[8] The standard of reasonableness proposed in section 5(c), by contrast, would apply to both legal and factual conclusions; it should provide a quick and easy resolution of the vast majority of issues that arise in habeas corpus litigation.

In sum, the case for the reform proposed in section 5(c) of S. 1763 is clear, both as a means of furthering the principles of federalism and as a response to the existing burdens of habeas corpus litigation. The Department of Justice strongly urges the Senate to reject the ill-advised proposal to delete this important measure from the pending legislation.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

[1] See S. Rept. No. 226, 98th Cong., 1st sess. 6-7, 22-28 (1983) (Committee report on S. 1763).

[2] See id. at 23-24.

[3] See Ex parte Hawk, 321 U.S. 114, 118 (1944).

[4] See *Schneckloth* v. *Bustamonte*, 412 U.S. 218, 263 (1973) (concurring opinion).

[5] 456 U.S. 107, 127-28 (1982).

[6] See Habeas Corpus Reform Act of 1982: Hearing on S. 2216 before the Senate Committee on the Judiciary, 97th Cong., 2d sess. 231-34 (1982); Judge Henry J. Friendly, "Is Innocence Irrelevant? Collateral Attack on Criminal Judgments," 38 U. Chi. L. Rev. 165 & n. 125 (1970); see also id. at 143-46, 147-49.

[7] See 28 U.S.C. 2254(d).

[8] See, e.g., *Sumner* v. *Mata*, 449 U.S. 539, 555-59 (1981) (Brennan, J., dissenting).

Mr. President, again, I want to say that I cannot imagine a measure coming before the Senate in this session which means more to relieving the congestion of the courts and which means more to promoting justice in our judicial system than the passage of this particular bill. If I had to choose between all of the provisions that have been included in the crime package or in these other bills, it would be very difficult to put any other provision above this one.

Mr. President, the administration opposes this amendment. The Justice Department opposes this amendment. The Judiciary Committee opposes this amendment. The National Association of Attorneys General opposes this amendment. I hope the Senate will see fit to defeat this amendment so that the bill can pass as brought out by the Judiciary Committee.

Mr. President, if there is no other discussion on this amendment, I believe the yeas and nays have been called for.

Mr. HATCH. Mr. President, I wish to respond to the amendment proposed by the Senator from Montana. The same amendment was proposed by the Senator during the Judiciary Committee's consideration of this bill. It was fully considered and rejected by a majority of the committee.

Let me begin by noting what proposed section 5(c) does not do. It in no way affects the status of the Federal judiciary as the final arbiter of Federal law. Neither section 5(c) nor any other provision of the bill has any effect at all on direct review of State judgments by the Supreme Court. The Supreme Court would be in no way limited in its independent determination of Federal law; all low courts—both State and Federal—would remain fully bound by the Supreme Court's decisions.

Rather, section 5(c) is limited to changing the standard for habeas corpus review of State criminal judgments by the Federal district courts. Even under current law, the lower Federal courts engaged in such review do not make fully independent determinations of Federal claims that have already been decided by the State courts. The factfinding of the State courts in deciding such claims is presumed to be correct under standards set out in section 2254(d) of the Judicial Code. Also, under the decision of the Supreme Court in Stone against Powell in 1976, the lower Federal courts in habeas corpus cases cannot reexamine State court decisions interpreting and applying the fourth amendment to the Constitution, so long as an opportunity for full and fair litigation was provided in the State courts.

In positive terms, section 5(c) would replace the confused and obscure rules that currently govern deference to State determinations in habeas corpus proceedings with a simple and consistent standard that would apply to both factual and legal determinations. The interpretation of the proposed "full and fair" standard has been clearly and consistently set out in the bill's legislative history. The principal requirements are that the State determination be reasonable and that it be arrived at by procedures consistent with due process.

Thus, the complex standards of section 2254(d) of the Judicial Code that now govern deference to State factfinding would be replaced by a simple inquiry as to whether the State court's factual conclusions were reasonable in light of the evidence presented to it. The adequacy of the State court's interpretation and application of Federal law would be judged under the same standard. The State court's determination would have to reflect a reasonable reading and application of Supreme Court precedent. As the committee's report on the bill explains, the State courts could rely on the decisions of the Federal courts of appeals in deciding issues that the Supreme Court has not resolved.[1] Such a reform would clearly not diminish the role of the Federal courts in the interpretation and exposition of Federal law.

Given the requirement of reasonableness and the other requirements of the "full and fair" standard, I see little force in the gentleman's concern over protection of the rights of State prisoners. If a State court acted in defiance or disregard of controlling Federal precedent as a result of political or public pressures, or for any other reason, the standard would not be satisfied and Federal relief would be available.

In closing, I wish to draw attention to the remarks of Justice Sandra O'Connor on this question:

If our nation's bifurcated judicial system is to be retained, as I am sure it will be, it is clear that we should strive to make both the federal and the state systems strong, independent, and viable. State courts will undoubtedly continue in the future to litigate federal constitutional questions. State judges in assuming office take an oath to support the federal as well as the state constitution. State judges do in fact rise to the occasion when given the responsibility and opportunity to do so. It is a step in the right direction to defer to the state courts and give finality to their judgments on federal constitutional questions where a full and fair adjudication has been given in the state court.

I fully agree that it is unseemly to reduce the judges of the highest courts of the States to the status of factfinding commissioners whose factual conclusions may be accepted if a complex set of conditions are satisfied (28 U.S.C. 2254(d)), but whose decisions on questions of law can be overridden in habeas corpus proceedings no matter how reasonable, judicious, and persuasively argued they may be. The reform proposed in section 5(c) of this bill would correct this affront to the dignity of the State judiciaries without impairing the protection of Federal rights.

[1] S. Rept. No. 226, 98th Cong., 1st sess. 26 and n. 106.

I wish to add some observations of my own concerning the suggestion that additional litigation would result from replacing the complex rules that now govern deference to State determinations with the simple standard proposed in section 5(c) of this bill.

This suggestion is contradicted both by historical experience and by contemporary experience with similar standards. The current standards of review in habeas corpus proceedings derive from the decision of Brown against Allen in 1953 and the decision of Townsend against Sain in 1963. These decisions involved an unexplained departure from preexisting standards whose formulation was essentially the same as that proposed in section 5(c) of S. 1763. In ex parte Hawk in 1944, for example, the Supreme Court stated:

> Where the state courts have considered and adjudicated the merits of . . . [a petitioner's] . . . contentions . . . a federal court will not ordinarily reexamine upon writ of habeas corpus the questions thus adjudicated. . . . But where resort to state court remedies has failed to afford a *full and fair adjudication* of the federal contentions raised, either because the state affords no remedy . . . or because in the particular case the remedy afforded by state law proves in practice unavailable or seriously inadequate . . . a federal court should entertain his petition for habeas corpus, else he would be remediless. (Italic added.)

The record of cases from that period does not show that the interpretation or application of this standard gave rise to extensive litigation or otherwise burdened the courts. In fact, the great increase in the volume and complexity of habeas corpus litigation followed the expansion of the scope of review by Brown against Allen and Townsend against Sain.

As the gentleman from Montana has noted, the proposed "full and fair" standard for habeas corpus review is essentially a standard of reasonableness. This is comparable to the current standard of review for State executive action in "civil rights suits" under title 42, United States Code, section 1983. State executive officials have a "good faith" defense in section 1983 suits under which no liability results if the official reasonably believed that his actions were lawful. Thus, the disposition in such cases does not depend on a determination that the State official was correct in his view of Federal law; it depends on whether his view of Federal law and its implications under the circumstances was reasonable.

At bottom, I think, the question is one of commonsense. Serious errors of Federal law in criminal cases that have been reviewed and affirmed by State appellate courts are hardly common. If differences between Federal and State courts do arise in habeas corpus proceedings, they are likely to relate to close questions in the application of Federal law or unsettled questions in its interpretation. A Federal habeas court now has no authority to accept a State court's conclusions on such questions, even though the Federal court may recognize that the State determination is reasonable and that it is consistent with the views of other Federal courts. Overturning a State criminal judgment should depend on a determination by the Federal court that something more serious was amiss in the State proceedings than a mere difference of opinion regarding a matter on which judges may reasonably disagree. In essence, section 5(c) requires no more than that.

Finally, on the workload question, I find it plausible that the proposed reform would reduce the difficulty of habeas corpus litigation. Independently whether a State court's decision of a close or judgmental question was "correct" in some abstract or ideal sense may be difficult and time consuming. Whether the State determination was reasonable, however, would rarely be a real issue.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not going to take too much time here. I think the issues have been fairly well raised and have been joined, discussed, argued, and debated.

But let me make a couple of quick points. The Senator from South Carolina, the chairman of the committee, very forcefully defends the full bill and very forcefully objects to any amendments whatsoever to the pending bill. He makes essentially two arguments: One is that the courts are clogged and that the bill before us will unclog them.

Mr. President, under present law, whenever a defendant petitions a Federal court for Federal habeas corpus, the Federal judge must grant a de novo review of the claims by the prisoner. That means that the Federal court has to de novo, from the beginning, start over again and look to see whether or not the claims by the prisoner are true or not true.

But, Mr. President, the judge is not required to ignore completely the earlier State proceedings. He or she can look at earlier briefs and decisions and very quickly reach a decision whether or not the petition filed by that prisoner is meritorious or frivolous. The fact of the matter is in most cases the State will merely respond that the petition is frivolous; and in the vast majority of the cases, 90 percent of the cases, the Federal judge will agree.

Under this bill, if my amendment does not pass, those State courts are going to have to take the same amount of time to determine whether or not there was a full and fair airing below in the State court as to whether or not the prisoner's Federal constitutional claims were actually violated. That is going to take some time.

What is that judge supposed to do? He is supposed to look at the pleadings, look at the record below, to see whether or not there has been a full and fair review. That is going to take the Federal court just as much time as under present law. So to suggest this bill before us is going to unclog the courts, Mr. President, is just plain not true.

What is the other argument raised today in objection to my amendment? Very simply, it is that, "Well State courts determine Federal constitutional issues just as well as do Federal courts. We do not have to worry about this argument that Federal courts should remain the final arbiters of Federal constitutional issues."

Well, the fact of the matter is, Mr. President, if the amendment I am offering is not adopted, then the only time that a State prisoner will, as a practical matter, have any opportunity to have his Federal claims vindicated is if, after the State proceedings are terminated, he files a writ of certiorari before the U.S. Supreme Court. We all know the Supreme Court today is already so clogged, its docket so full, that in the vast majority of the cases the Supreme Court does not grant these writs of certiorari. That means, as a practical matter, that the State prisoner will not be able to have any full hearing of his claim before any Federal tribunal.

Mr. President, my amendment is the middle position here. The proponents of the bill want to virtually obliterate Federal habeas corpus as it is known today. There are other Senators on the floor here today who oppose this bill down the line, who, by and large, do not favor any of the provisions of this bill.

My amendment is the middle position. My amendment would keep the statute of limitations, and the other provisions restricting Federal habeas corpus. But it also says: "Let's not go too far; let's be moderate and reasonable about this." I, therefore, suggest, as a moderate, reasonable, and balanced position, that this bill with the amendment that I am offering is the way which this Senate should proceed. In my view it should be the law of the land with respect to Federal habeas corpus.

With that, Mr. President, I urge Members to think and reflect a little bit. It is my humble thought that if we do so, the amendment will be adopted.

Mr. President, I yield the floor.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I support the Baucus amendment to strike section 5(c) of this bill. One of the objections to that section of the bill is that it will severely restrict the right of persons who have been sentenced to death under State law to apply for a writ of habeas corpus, thereby increasing the risk of error in capital cases.

Under section 5(c) of Senate bill S. 1763, application for a writ of habeas corpus could not be granted "with respect to any claim that has been fully and fairly adjudicated in State proceedings."

The statute itself does not define explicitly the meaning of "fully and fairly adjudicated."

The committee's attempt to provide a definition in its report does not provide assurance that the constitutional rights of those who have been sentenced to death will be protected. The committee report on S. 1763 does make some effort at a definition of "fully and fairly adjudicated," but it is an inadequate one. It states that a State adjudication "would not be full and fair in the intended sentence if the determination arrived at did not meet a minimum standard of reasonableness."

But the standard of reasonableness is very vague. It is not defined. There is nothing in the statute helping us to define it. The committee report does not tell us how we would define, and how a Federal court would define, reasonableness in order to determine whether a State court adjudication of a constitutional issue has been full and fair.

Mr. President, there is another basic problem, of course, and that is that this is an effort to exclude Federal courts from correcting constitutional errors or errors in the interpretation of Federal law, because even though a State court might be reasonable in its interpretation, it also could be dead wrong in its interpretation of the Constitution or its interpretation of Federal law. And if it is wrong, we cannot let those rights be abdicated or violated.

This is particularly true, of course, where we are now once again executing people, inflicting capital punishment upon people, and it would be absolutely unthinkable that this could be permitted where they have been denied their constitutional rights and access to Federal habeas corpus.

Last year, the Supreme Court in the case of Barefoot against Estelle established procedural guidelines for handling applications for stays of execution on habeas corpus appeals. The Supreme Court emphasized the importance of providing a Federal forum. The Court said:

> It is a matter of public record that an increasing number of death-sentenced petitioners are entering the appellate stages of the Federal habeas corpus process. The fair and efficient consideration of these appeals requires proper procedures for the handling of applications for stays of executions, and demands procedures that allow a decision on the merits of an appeal accompanying the denial of a stay.

The Supreme Court's opinion in Barefoot is pertinent to the debate on the Baucus amendment for two reasons: First, it clearly demonstrates that the Federal judiciary can and does limit access by State prisoners to Federal courts in ways which balance the important interests at stake; second, the opinion emphasizes the importance of providing captial defendants with an opportunity to have their writs of habeas corpus reviewed on the merits in Federal courts.

Mr. President, the significance of providing a Federal forum for claims of constitutional violations made by persons whose lives are at stake cannot be overemphasized.

In Woodson against North Carolina, Justices Stewart, Powell, and Stevens stated that:

> The penalty of death is qualitatively different from a sentance of imprisonment, however long. Death, in its finality, differs more from life imprisonment than a hundred-year prison term differs from one of only a year or two.

In Lockett against Ohio, Chief Justice Burger stated:

> We are satisfied that this qualitative difference between death and other penalties calls for a greater degree of reliability when the death sentence is imposed, in ruling unconstitutional an Ohio death penalty statute which precluded the sentencers from considering any mitigating circumstance of the offense that the defendant proffered.

In addition to the qualitative difference between capital cases and other cases, statistics on the number of capital cases where petitioners have been successful in proving that the State courts' rulings on serious constitutional questions were wrong, reveal that error, as a matter of fact, is the norm in those cases. In an amicus curiae brief in the Barefoot case, the NAACP legal defense and education fund stated the following statistics:

> Since 1976, the Federal Courts of Appeals nationally have decided 41 capital cases on the merits. According to our records, 30, or 73.2 percent of these have been decided in favor of the death-sentenced individuals. In the Fifth Circuit, 27 capital cases have been decided on the merits during this period. Of the 27, 21, or 77.7 percent, have been decided in favor of the death-sentenced individual. Even looking solely at cases in which the death-sentenced habeas corpus petitioner was appellant, the ratio of rulings in the petitioner's favor has been extremely high: of 21 such capital appeals decided by the Fifth Circuit since 1976, 15, or 71.4 percent, were decided favorably to the death-sentenced individual, although one was later reversed by this court and another is presently pending on a grant of certiorari.

These very compelling statistics show the critical importance of habeas corpus being available in Federal courts to correct errors in capital cases committed in State courts.

Mr. President, when the Senate turns to consideration of Senate bill 1765, a bill to reinstitute the death penalty at the Federal level, I will be discussing many cases that I have researched in which an innocent person was convicted of a capital offense and was later found to be innocent.

As these cases will demonstrate, it very often takes years before the defendant is freed, innocent of having committed a crime. The convictions of these people are often the result of procedures at the State level which violate constitutional rights, such as a faulty identification of an innocent person as the perpetrator which is the result of unlawful suggestion by the police.

In other cases, newly discovered evidence has led to the release of an innocent person. The lengthy appeals process in capital cases has provided the opportunity for many of these errors to be detected and corrected before it is too late. Time is very often what is needed and time is provided because persons convicted of capital crimes normally have two separate channels of appeal—one in the State courts and one in the Federal courts through the writ of habeas corpus after their State claims have been exhausted.

We cannot hope to achieve a criminal justice system which is devoid of error, nor can we decrease our efforts to vigorously prosecute those which violate our country's criminal laws because of the risk of error, but we can provide every possible procedural safeguard for those who have been sentenced to die, certainly, and one of these safeguards has clearly been the right to have writs of habeas corpus considered by the Federal courts.

Mr. President, while I recognize that the committee's report on S. 1763 makes an attempt to provide such protection, it simply is not adequate and does not go far enough. I hope that the Senate will adopt the Baucus amendment to delete section 5(c) of the bill and protect the safeguard which has been in our laws for as long as this Senator can remember and which I know has protected people in the exercise of their constitutional rights and, indeed, has saved people from an otherwise wrongful execution.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I think we are ready to vote on this amendment and I do not want to delay that, but I did listen to the argument of the distinguished Senator from Michigan.

I know that he always approaches these questions with great concern.

Let me say to my distinguished colleague from Michigan, the term "reasonable" concerns me the other way. He worries about not defining the term, what that does to the Federal court's jurisdiction. My feeling is that under the term "reasonable" the Federal court can do anything that it wants to do. Certainly, we may be right back to where this amendment is not necessary because the Federal courts are going to say they are going to continue to do things just the way they have done them before.

I think what we do allow by the term is that we allow the Federal courts to say if they feel all of the State's process was reasonable and everything has taken place. You do not have to automatically go in and retry all of these facts. I have heard from many Federal district judges who say right now, they have no alternative. When the writ is filed, regardless of how frivolous they think the writ is and regardless of to what extent due process was afforded in the State courts. I do not think we can say that all of our State courts are kangaroo courts by any manner of means. In my State, we have a very strong court system. The States spend a lot of time in trying to pay adequate compensation and other things to judges to see that we have a good system.

I think what this says to a Federal court is if, in their opinion—and the word "reasonable" gives them all that latitude—if they think the State court has had a good process, they do not have to go through all of these steps again. To me, that has some merit. I would like to narrow the term. That is where I would differ some with my distinguished colleague.

A few years back, we never thought of the fact that you could retry everything in the Federal courts that had been tried in the State courts without clearly showing that there was some constitutional question or error of law or something. Now, the process has been built up through court decisions on the writ of habeas corpus—and I think it is because Congress has failed to act and has allowed this to happen by default. That is why the Chief Justice of the Supreme Court said we had to afford some relief. That is way many other members of the U.S. court and the Justices have said Congress needs to afford some relief. That is why the State Associations of Attorneys General have said they need to have some relief. That is why the district judges have said that.

I think the term "reasonable" is certainly not being defined. It does not take away any power from that Federal judge. In effect, it gives him tremendous power as to whether he wants, under that clause, to require the whole matter to be readjudicated.

Mr. LEVIN. If my friend from Florida will yield, I hope he is right, if we ever did adopt this kind of change in habeas corpus, that Federal courts would define that word to give them all the flexibility they need to do justice. I am very much afraid, though, that you can be reasonable and wrong.

That is the basic problem: What happens when a court is reasonable but it errs? According to the statistics, which I think are undisputed, in three-quarters of the cases which have been adjudicated, habeas corpus cases at the Federal level, Federal courts of appeal have decided in three-quarters of the capital cases they were in error. This applies to capital cases, and that is what we are talking about. Three-quarters of the cases adjudicated on the merits in capital cases, they have found in error.

If a court decides that a State court was reasonable but was wrong, we are going to find people being executed although their constitutional rights were violated. I hope my friend from Florida is right—I think he very well may be—that Federal courts are going to work that word "reasonable," the way they now work the habeas corpus process. I hope he is right. I know he hopes he is wrong on this, but I hope he is right. I think my fears will turn out to be very well justified.

I hope we do not pass this bill, because I do not think we should be writing laws that are that vague that affect constitutional rights. We should not be putting in words that are this vague, this unclear, this undefined, sticking in a word "reasonable" and hoping that somehow or other, we are going to make progress in this area.

Mr. BAUCUS. Will the Senator yield?

Mr. LEVIN. Yes, I am happy to yield, though I do not have the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. There is one point the Senator from Florida raises and I would like to discuss the point with him. The Senator from Florida is rightly very concerned about the lack of finality in all kinds of cases where convicted prisoners apply to Federal courts and make a mockery of the system. To the degree that that is an accurate description of reality, I share the concern of the Senator from Florida. I think every Member of this body shares that concern. I am going to ask the Senator from Florida, though, the degree to which he actually does believe that under present law, whenever a State prisoner files a petition for Federal habeas corpus in a Federal district court, the judge must give a full blown hearing on the allegations made by the prisoner, thereby taking up the Federal judge's time.

I ask that question because it is my very firm understanding that in almost every case today, when a State prisoner files a petition for Federal habeas corpus, that allegation never gets to a hearing in a Federal court. I say that because that is my experience, at least in the State of Montana. There may be other States that are different.

Here is what happens in almost every Federal habeas case. A State prisoner files a petition before a Federal judge alledging that his Federal constitutional rights were not maintained in the State court proceeding. In almost every case, the judge looks at the pleadings, looks at the petitions, and in almost every case, grants the State's motion to dismiss. It is a very rare case where, under the right of a de nova proceeding, there is a full-blown, a new trial again of a case.

Mr. CHILES. If I might just quickly answer the question, I will try not to prolong this debate. I say to my good friend from Montana that the Federal district courts may do differently in Montana. I have been told by a number of the Federal district court judges in my State what their feeling under the existing law is. If the petition is filed, unless there is some clear showing on the fact of the petition itself that would help them in disposing of it on the basis of being frivolous, if it alleges data that support it, their feeling is that they would have to hold at least preliminary hearings on it and could not dismiss it on its face. They have told me how much of their time is taken up on the basis of these writs being filed and refiled and refiled. That is part of the reason we have been talking about this over the years and why we needed this.

Mr. BAUCUS. I appreciate what the Senator is saying. I would like to make one final point. The chief justice of the Montana Supreme Court favors my amendment. He thinks it is wrong for Congress to limit the right the Federal habeas corpus to the degree that this bill would. I hope that his position and mine prevail here today.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, in a moment I intend to make a motion to table on which I anticipate a rollcall vote, but before I do that may I say I fully expect there will be at least one more vote, maybe two more votes, this afternoon. I am advised by the distinguished managers of the bill that there will be a requirement for a rollcall on final passage. I do not believe we know of any other amendments except this one. Then there will perhaps be another vote on another bill following on after this. So Senators should not assume that this is the only vote today. I expect at least one and perhaps two more votes.

Mr. President, unless somebody else is seeking recognition, I now move to

table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE (after having voted in the affirmative). On this vote I have a live pair with the Senator from New York (Mr. MOYNIHAN). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. HECHT), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER), are necessarily.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "nay".

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN) and the Senator from Nevada (Mr. LAXALT), would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), are necessarily absent.

I further announce that the Senator from Tennessee (Mr. SASSER), is absent on official business.

I also announce that the Senator from Vermont (Mr. LEAHY), is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), would vote "nay."

The PRESIDING OFFICER (Mr. RUDMAN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 59, nays 17, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—59

Abdnor	Exon	Nunn
Andrews	Ford	Pressler
Baker	Garn	Quayle
Bingaman	Goldwater	Randolph
Boren	Gorton	Roth
Bumpers	Grassley	Rudman
Burdick	Hatch	Simpson
Byrd	Hawkins	Specter
Chiles	Heflin	Stafford
Cochran	Heinz	Stennis
Cohen	Helms	Stevens
D'Amato	Huddleston	Symms
Danforth	Humphrey	Thurmond
DeConcini	Johnston	Trible
Denton	Kassebaum	Tsongas
Dixon	Lugar	Wallop
Dole	Mattingly	Warner
Domenici	McClure	Wilson
East	Murkowski	Zorinsky
Evans	Nickles	

NAYS—17

Baucus	Levin	Packwood
Biden	Mathias	Pell
Boschwitz	Matsunaga	Proxmire
Chafee	Melcher	Riegle
Cranston	Metzenbaum	Weicker
Durenberger	Mitchell	

PRESENT AND GIVING A LIVE PAIR—1

Inouye, for.

NOT VOTING—23

Armstrong	Hecht	Long
Bentsen	Hollings	Moynihan
Bradley	Jepsen	Percy
Dodd	Kasten	Pryor
Eagleton	Kennedy	Sarbanes
Glenn	Lautenberg	Sasser
Hart	Laxalt	Tower
Hatfield	Leahy	

So the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DENTON. Mr. President, I rise today to speak in support of S. 1763, commonly known as the Reform of Federal Intervention in State Proceedings Act. It is designed to reform certain habeas corpus procedures that are currently in effect.

The writ of habeas corpus originated in the common law. Its importance was recognized by our Founding Fathers when they included in our Constitution a provision that "the privileges of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it." We know from history and the common law, however, that the habeas corpus proceedings to which the Founding Fathers referred in the Constitution were proceedings that sought an initial judicial determination of the legality of a detention imposed by an executive authority. The Founding Fathers did not have in mind proceedings that sought additional judicial reviews of the legality of a judicially imposed detention.

After the Constitution was ratified, the availability of habeas corpus in the Federal courts was restricted to Federal prisoners, and the common law restrictions on the scope of the writ were generally observed. Unfortunately, however, the common law origins of the writ were gradually eroded during the last hundred years or so through statutory and case law development. During the last 30 years, the writ of habeas corpus has routinely served as a means for the lower Federal courts to review State criminal judgments on the ground of alleged deprivation of Federal rights. It is that appalling situation that S. 1763 is designed to redress.

According to our country's leading legal scholars on Federal procedure, the single most controversial and friction-producing issue in the relationship between the Federal courts and the States is Federal habeas corpus for State prisoners. State courts resent having their decisions reviewed by Federal judges, who in turn are unhappy about the burden of reviewing thousands of mostly frivolous petitions.

Several Supreme Court Justices have strongly criticized the current system of Federal habeas corpus, and have called for basic limitations on its scope and availability. Chief Justice Burger has urged Congress to consider restricting the availability of Federal habeas corpus for State prisoners because, in his view, "the administration of justice in this country is bogged down with lack of finality of judgments in criminal cases." As Justice Powell observed over 10 years ago in his opinion in Schneckloth against Bustamonte:

> The present scope of habeas corpus tends to undermine the values inherent in our federal system of government. To the extent that every state criminal judgment is to be subject indefinitely to broad and repetitious federal oversight, we render the actions of state courts a serious disrespect in derogation of the constitutional balance between the two systems.

It is to that very problem, so eloquently expressed by distinguished Supreme Court jurists, that S. 1763, is addressed.

The bill establishes a standard for reviewing habeas corpus proceedings by according deference to State adjudications that are "full and fair." That would be a vast improvement over the current rules, which provide, through habeas corpus proceedings, for mandatory readjudication, and that frequently result in duplicative relitigation of claims that have already been fairly considered by State trial and appellate courts.

The bill also would resolve the major uncetainties about access to Federal collateral remedies after a failure to raise a claim properly in normal criminal proceedings. It does that by establishing "cause and prejudice" as the exclusive governing standard.

In addition, the bill would establish a 1-year time limit on access to Federal habeas corpus for State prisoners, normally running from the time State remedies are exhausted. For similar purposes, it would prescribe a 2-year time limit on applications for collateral relief by Federal prisoners normally running from finality of judgment.

The bill also addresses two technical issues that need to be remedied. First, it would make it clear that a habeas corpus petition can be denied on the merits, notwithstanding the petitioner's failure to exhaust available State remedies. That change would eliminate the waste of time and effort that currently occurs when a frivolous petition is dismissed by a Federal court on grounds of nonexhaustion of State remedies but is later brought back to Federal court following its unsuccessful presentation.

Second, the bill would change the current rule that gives a State prisoner in a habeas corpus proceeding repeated opportunities to persuade a Federal district judge and then a circuit judge that an appeal is warranted. Similarly, it would bring the procedure governing access to appeal in collateral proceedings involving Federal prisoners into line with the procedure employed for habeas corpus proceedings for State prisoners.

I believe that S. 1763 represents a rational, reasoned approach to a problem that has been developing for more than a century, a problem so great that it has led our country's leading jurists to ask us for specific legislative relief. I therefore ask my colleagues to support the bill in order to facilitate the ability of our judicial system to dispense justice, to all our citizens instead of unnecessarily wasting time and effort on a few people who exploit procedural loopholes in the law.

Mr. DOLE. Mr. President, I would take this opportunity to make a brief statement in support of the passage of S. 1763, the Reform of Federal Intervention in State Proceedings Act. The purpose of this bill, sponsored by Senators THURMOND, LAXALT, and others, is quite simply to bring about a greater measure of comity between State and Federal courts in the area of collateral review of State criminal convictions. The legislation, supported by the National Association of Attorneys General, will correct a number of longstanding problems that have existed in this area and its consideration by the Senate is long overdue.

The current state of the law governing Federal habeas review of criminal convictions obtained in State courts can be succinctly summarized as follows: There are too many Federal courts conducting full-blown retrials of State criminal cases under the guise of habeas review. This practice denigrates the stature of the criminal trial courts of the various States; adds to the already burdensome workload of the Federal courts, necessitating the appointment of additional Federal judges; unduly delays the final resolution of State criminal prosecutions; and deprives the State criminal justice systems of a great measure of administrative control which is vital to the proper functioning of those systems.

The disaffection of State officials, including State judges and attorneys general, with the present system of Federal habeas corpus review was amply confirmed in the course of the Judiciary Committee's consideration of S. 1763 and its predecessors. Moreover, Federal judges have been equally emphatic in their calls for reform. One eminent Federal jurist has characterized the present system of collateral attack as a "gigantic waste of effort." Substantially the same sentiments have been expressed by a majority of the Justices of the Supreme Court, who have called for basic limitations on the scope and availability of Federal review of State criminal convictions via the avenue of habeas petitions. Chief Justice Burger, for example, has urged Congress to consider restricting narrowly the availability of Federal habeas for State prisoners, stating that "the administration of justice in this country is plagued and bogged down with lack of reasonable finality of judgments in criminal cases."

To correct these problems, the bill would establish an appropriate standard of review for Federal habeas proceedings which concern a State conviction. That standard would accord deference to the results of State adjudications of issues which arise in the context of a State criminal prosecution where the defendant had a full and fair opportunity to raise the issue which is later placed before the Federal court. This one amendment in the law would overturn present procedures which produce results that border on the absurb, such as the reversal of judgments many years after the normal conclusion of State proceedings on grounds that often constitute no more than reasonable differences of opinion concerning close or unsettled questions in the interpretation or application of Federal constitutional law—questions which, in some cases, the Federal courts themselves disagree upon.

The bill would accomplish many other salutary changes in the law, such as imposing a statute of limitations upon the filing of habeas petitions where the grounds were known to the convicted offender years before the petition is filed; and refining exhaustion requirements. Of course, the bill provides protections to insure that any legitimate claim that the defendant did not have an opportunity to raise and have considered in the State proceedings—or in prior Federal proceedings—will receive a fair hearing.

Mr. President, I am satisfied that the bill is a reasonable and responsible attempt to correct the problems that now surround Federal court consideration of habeas claims that arise from State criminal proceedings. I join with the distinguished chairman of the Senate Judiciary Committee and others in urging passage of the legislation.

Thank you, Mr. President.

Mr. BAKER. Mr. President, I know of no other amendments. If there be no other amendments, I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I take the floor now to ask the majority leader what the schedule for the remainder of the day and tomorrow is.

Mr. BAKER. I thank the minority leader.

Mr. President, the managers I believe next want to go to the exclusionary rule. Apparently, there is going to be a rollcall vote required on that. I doubt that we can get it in this afternoon.

What the leadership on this side wishes to do is after this final passage vote get that bill laid before the Senate and maybe get a time certain for a vote tomorrow, although I am not sure whether there is going to be amendments or not.

I wonder if the Senator will yield to me long enough to ask the distinguished managers if they know of any amendments.

Mr. THURMOND. Mr. President, I do not know of any on our side.

Mr. BIDEN. Mr. President, I do not know of any on our side.

With regard to the time that will be taken by this, I do not expect there will be much time taken. I know of no one who is going to attempt to delay a vote. I expect it will be a couple hours max.

But I see the Senator from Maryland taking the floor.

Mr. MATHIAS. Mr. President, I do not want to be in any great hurry about it. It is a matter that is before the court on several important cases at the moment.

I would think the Senate would want to move with all deliberate speed, but I would emphasize "deliberate."

Mr. BAKER. Mr. President, before I get in any deeper, let me respond to the minority leader by saying what the leadership on this side would like to do then is get this vote and then attempt to lay before the Senate the exclusionary rule with the expectation it may be tomorrow morning before we can finish it.

Mr. BYRD. Mr. President, does the majority leader have an idea at this time when the Senate will come in tomorrow?

Mr. THURMOND. How about 10 a.m.?

Mr. BAKER. I do not know.

I wonder if I could confer with the minority leader about that in just a moment.

Mr. BYRD. I thank the majority leader, and I yield the floor.

Mr. BAKER. Mr. President, then, under these circumstances, no more rollcall votes will occur today after the one about to occur now.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MATSUNAGA (after having voted in the affirmative). On this vote, I have a pair with the distinguished Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. HECHT), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "nay."

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN) and the Senator from Nevada (Mr. LAXALT) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. SASSER) is absent on official business.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. LONG) would vote "yea."

The result was announced—yeas 67, nays 9, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—67

Abdnor	Ford	Pell
Andrews	Garn	Pressler
Baker	Goldwater	Proxmire
Baucus	Gorton	Quayle
Bingaman	Grassley	Randolph
Boren	Hatch	Riegle
Bumpers	Hawkins	Roth
Burdick	Heflin	Rudman
Byrd	Heinz	Simpson
Chafee	Helms	Specter
Chiles	Huddleston	Stafford
Cochran	Humphrey	Stennis
Cohen	Inouye	Stevens
D'Amato	Johnston	Symms
Danforth	Kassebaum	Thurmond
DeConcini	Lugar	Trible
Denton	Mattingly	Tsongas
Dixon	McClure	Wallop
Dole	Mitchell	Warner
Domenici	Murkowski	Wilson
East	Nickles	Zorinsky
Evans	Nunn	
Exon	Packwood	

NAYS—9

Biden	Durenberger	Melcher
Boschwitz	Levin	Metzenbaum
Cranston	Mathias	Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Matsunaga, for.

NOT VOTING—23

Armstrong	Hecht	Long
Bentsen	Hollings	Moynihan
Bradley	Jepsen	Percy
Dodd	Kasten	Pryor
Eagleton	Kennedy	Sarbanes
Glenn	Lautenberg	Sasser
Hart	Laxalt	Tower
Hatfield	Leahy	

So the bill (S. 1763), as amended, was passed, as follows:

S. 1763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reform of Federal Intervention in State Proceedings Act of 1984".

SEC. 2. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules of procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the Unted States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercies of reasonable diligence.".

SEC. 3. Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the vailidity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 4. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"Rule 22.

"HABEAS CORPUS AND § 2255 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus. An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal. In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no

express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 5. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(e)" and "(f)" as subsections "(f)" and "(g)", respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An applications for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the States.";

(b) by redesignating subsection "(d)" as subsection

"(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(c) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in costody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.".

SEC. 6. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States:

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I voted against final passage of S. 1763, the bill to reform Federal habeas corpus proceedings because the limitations which the bill places on the "great writ" would undermine its role as a final bulwark against violations of the U.S. Constitution. Specifically, section 5(c) of the bill strikes at the core of the protection the writ provides against deprivation of constitutional rights in denying prisoners access to Federal courts to pursue violations of their constitutional rights.

I agree with the proponents of this legislation that there are currently abuses of the great writ and that those abuses should be corrected. However, I cannot support legislation which is so vague that it either will fail to achieve its stated goal or place in jeopardy the constitutional rights we cherish.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have consulted with the minoirty leader about the next bill in this package that the managers would like to take up, which is the exclusionary bill, Calendar Order No. 355. I hope we can get some debate out of the way on that today and that in the morning we may be able to set a time certain for a vote. I do not anticipate it will take very long to complete this bill. There probably will be a rollcall vote on passage.

EXCLUSIONARY RULE LIMITATION ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 355, S. 1764.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1764) to amend title XVIII to limit the application of the exclusionary rule.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to the bill.4

Mr. THURMOND. Mr. President, S. 1764 is one of a series of important measures reported to the Senate by the Committee on the Judiciary to enhance the enforcement of the criminal laws. This bill would change the current case law with respect to the admission of illegally seized evidence in a criminal trial so as to permit such use if the evidence is obtained by a law enforcement officer acting with a reasonable good faith belief that his conduct conforms with the fourth amendment. Is also creates a presumption that the test is satisfied if the evidence was obtained pursuant to and within the scope of a judicial warrant, unless the warrant was obtained through intentional and material misrepresentation.

Mr. President, this is a modest effort to make the application of the so-called exclusionary rule consistent with the modern rationale for the rule enunciated by the Supreme Court—the deterrence of unlawful police conduct. I, personally, would prefer to abolish the exclusionary rule altogether and substitute effective alternative civil remedies. Such an approach, however, might require more time for consideration and debate than is available now, and it is important to enact meaningful legislation as soon as possible.

Mr. President, the committee report explores in detail the history of the exclusionary rule and the modern rationale for the rule. In essence, the Supreme Court in recent years has approached the extension of the rule through a cost-benefit analysis under which it has refused to suppress illegally seized evidence where the adverse impact of excluding relevant evidence from a judicial proceeding outweighs the theoretical deterrent effect on police conduct. This line of cases clearly shows that the Court considers the exclusionary rule as a judge-created remedy in the nature of a rule of evidence justified on the ground that it is needed to deter the police from violating the fourth amendment.

Mr. President, the committee applied the balancing approach of the Supreme Court to the searches and seizures encompassed by S. 1764 and concluded that "any fair analysis reveals that the costs of the exclusionary rule far outweigh its presumed benefit when applied to reasonable good faith police conduct that may, in retrospect, be deemed by the courts to be illegal." Indeed, it is, as Mr. Justice White has observed, painfully clear that suppression of evidence seized by a conscientious police officer acting as a reasonable officer would and should act under the circumstances can in no way affect his future conduct—unless it is to make him less willing to do his duty. Moreover, no case can be made on a deterrence theory for suppressing evidence seized pursuant to a judicially issued search warrant obtained without material and intentional misrepresentation. Chief Justice Burger stated the obvious when he character-

ized the use of the exclusionary rule as a sanction in such cases as "nothing less than sophisticated nonsense" because a police officer will never be deterred from executing a warrant held valid by a judge.

On the other hand, Mr. President, the harm caused by the exclusionary rule on the criminal justice system is conceded and is high. First, and the most obvious, is that the truth-finding process is deflected and the trier of fact is deprived of relevant, and often conclusive, evidence. In many cases, the guilty may go free.

Second, application of the exclusionary rule to reasonable good faith conduct may be expected to have a chilling effect on legitimate police activities as the police try to play it safe, thereby preventing effective legitimate law enforcement activities the community is entitled to expect.

Third, the application of the exclusionary rule to circumstances not meaningfully related to the purpose of the rule may undermine public confidence in and respect for the criminal justice system. This is particularly true when the errors of the police officer are minor and conclusive evidence of guilt is suppressed with respect to a serious violent crime.

Fourth, suppression motions are a major burden on law enforcement and judicial resources that serve no useful purpose when applied to reasonable good faith police conduct that is not meaningfully susceptible to being deterred.

Finally, I believe the exclusionary rule undermines fourth amendment values by fostering complex, confusing, and unpredictable rules of decision that encourage judges, reluctant to free the obviously guilty defendant, to make even finer distinctions and nuances to justify admitting the evidence, particularly in serious cases.

Mr. President, there are other harmful effects of the exlusionary rule. The ones I have mentioned, however, are sufficient to demonstrate the sound basis for enacting S. 1764.

In sum, Mr. President, the committee has concluded that the costs of excluding highly relevant, and often conclusive, evidence from the criminal trial far outweigh any theoretical deterrent value with respect to the reasonably well-trained police officer who, in good faith, believes he is acting in conformity with the fourth amendment.

I urge my colleagues to vote for this important measure.

● Mr. DOLE. Mr. President, I wish to comment briefly on the merits of S. 1764, the Exclusionary Rule Limitation Act, and explain why I believe that this bill should be favorably acted upon by the Senate.

The U.S. Supreme Court has repeatedly stated that the principal rationale underlying the exclusionary rule is the objective of deterring intentional police misconduct. Thus, the Court has implied by its decisions applying the rule that officers acting in good faith believe that their actions are legal should not suffer the consequences of the application of the exclusionary rule to evidence they obtain in a search later invalidated on technical grounds. Nevertheless, lower courts have consistently applied the rule in such circumstances. The purpose of the bill is to end that practice, and I believe that it is long overdue.

Search and seizure law is so confusing, so technical, and contains so many fine lines of distinction precisely because we have an exclusionary rule of evidence. The Constitution is clear: No search shall be conducted, nor seizure effected, by warrant except upon probable cause, stated under oath or affirmation. The same standard has generally governed search incident to arrest. The intent of the framers of the fourth amendment was clearly to erect a bar against overzealous prosecutors who would use the power of the law to indiscriminately harass the private citizen without justification. It was never the intent of the drafters, however, to allow the guilty defendant to go free because of some technical aberration in the preparation or execution of a warrant which does not affect the validity of probable cause underlying its issuance. Yet this is the situation which prevails in our courts today.

In short, Mr. President, the exclusionary rule distorts and corrupts the standards which ought to govern search and seizure under the Constitution. If it were not for the rule, there would not be the squirming around by trial judges to find some minor distinction in order to prevent an obviously guilty defendant from going free, nor later would there be the necessary repair work by the Supreme Court to keep intact reasonable rules of search and seizure under the fourth amendment.

The bill before the Senate now would correct this problem by enacting a new section 3505 of Title 38, United States Code, to limit the application of the judicially created rule in such a way that a search or seizure undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment would not result in the exclusion of probative evidence from the trier of fact. And, the bill would further provide that evidence obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable, good faith belief unless the warrant was obtained through intentional and material misrepresentation. The bill, in my view, constitutes a reasonable solution to the problems that have resulted from overeager application of the rule by courts and I believe that it should be approved by this body.

Other solutions—rejected by the committee—would have more severely reduced the scope of the rule, or abolished it altogether. I believe that these approaches would not have been wise and I expressed those views in committee. But the legislation before us now strikes the proper balance between the interests of the public and the rights of defendants, and would provide greater protection for the public and while in no way impairing the integrity of our criminal justice system.

I thank the Chair.●

● Mr. LAXALT. Mr. President, no legal issue has received more public attention than the exclusionary rule. The rule operates to exclude from the trial evidence obtained in violation of the fourth amendment prohibition against unreasonable searches and seizures.

The Supreme Court adopted the rule to deter police misconduct. In the 70 years since its adoption, however, it has become apparent that the rule has very high costs. The evidence excluded is usually the most probative of guilt; hence, many criminals go free. These miscarriages of justice endanger the community and undermine public confidences in our criminal justice system. This is especially troubling in situations where a well-trained law enforcement officer conducts a search he genuinely believes is constitutional. The rule cannot possibly deter such good faith conduct. It is evident, then, that its application in such circumstances extracts a high cost but produces no benefit.

To redress this imbalance between costs and benefits, the Judiciary Committee considered abolishing the rule altogether and substituting a constitutional tort claims remedy against the Government. S. 1764, however, retains the exclusionary rule but limits its application to evidence obtained by an officer acting unreasonably or in bad faith. This is the only kind of police conduct that the exclusionary rule can deter.

Those who oppose this legislation raise two major objections. First, opponents argue that the rule is constitutionally mandated. It is clear from the Supreme Court cases, however, that the exclusionary rule is only a judicially selected remedy to deter police misconduct. This legislation represents a congressional declaration that the rule cannot deter good faith, objectively reasonable conduct that is later found to be unconstitutional.

Second, it is argued that this proposal places a premium on police ignorance, that an officer completely ignorant of fourth amendment law can honestly claim he acted in good faith. The subjective good faith test, however, is only a part of the standard. The conduct must also meet an objective test of reasonableness. The untrained

officer ignorant of the fourth amendment would not meet the objective test no matter how sincerely he believed that his conduct was constitutional.

Those who fear the exclusionary rule will destroy the fourth amendment guarantee against unreasonable searches and seizures should note that the United States is the only civilized country with such a rule. Great Britain and Canada are hardly examples of police states. Moreover, search and seizure law is extremely complex. The Supreme Court often decides cases by a 5-4 margin. If nine justices steeped in the intricacies of fourth amendment law cannot, after considered reflection, agree on a result, an officer cannot be expected to grasp a fine distinction in the heat of the moment.

The present exclusionary rule is simply too broad, and we all pay a high price for its misapplication. Congress must act to limit the rule to situations where its cost produces a corresponding benefit.●

Mr. THURMOND. Mr. President, before we recess until tomorrow, I wish to speak on an editorial which appeared in the the Washington Post today about the crime package—S. 1762—that the Senate passed last Thursday.

The Washington Post does not always see eye to eye with the Judiciary Committee or with the Senator from South Carolina, but I was very pleased to read in the Washington Post today, February 6, 1984, an editorial entitled "DOA in the House?"

DOA IN THE HOUSE?

Does the idea of a comprehensive revision of the federal criminal code sound familiar? It should. It's been kicking around Capitol Hill since 1966, when a national commission was created to review the law and prepare a recodification. In 1971, President Nixon established a special unit in the Justice Department to continue the work of the commission, and in 1973 a bill was introduced by Sens. Hruska and McClellan. It has been reintroduced in one form or another in every Congress since.

The Senate has a history of giving serious consideration to criminal code revision. Why shouldn't it? The subject is of paramount interest to voters, the proposals are the product of long years of expert deliberation and wide-ranging hearings, and the legislative documents themselves offer tens of thousands of pages of information and recommendations. The country has invested both resources and talent in this effort, and it is certainly worthy of consideration by Congress. Why, then, when the bill passed the Senate once again last week, did some House wag pronounce it "deal on arrival" in that chamber? It seems that the House "dosen't like the comprehensive approach" and prefers to consider each change in the criminal law as an individual matter.

Over the past 18 years, proponents of comprehensive reform have made concessions in order to build consensus. This year, for example, they took a number of controversial subjects out of the bill—capital punishment, the exclusionary rule and control of the drug enforcement program, to name a few. Still, the remaining 387-page measure dealt with dozens of important issues. Sentencing and parole, bail procedures, organized crime, the insanity defense and assistance to state and local law enforcement organizations were all included. After five days of debate the measure was passed by the Senate on a vote of 91-1, a fair indication of bipartisan consensus.

Great credit is due the Senate coalition led by Sens. Thurmond and Biden, who had to bargain, negotiate and compromise with opponents on both ends of the political spectrum to win passage of the bill. If they are exasperated by the cavalier decision of some House members not even to look at this package seriously, it is understandable. It won't do to pick one or two items out of hundreds of reforms and throw the rest out without any consideration. The bill put together after more than a decade of work and passed by an almost unanimous Senate deserves a respectful hearing and a thorough debate by the House.

Mr. President, I want to give credit to the Washington Post for this editorial which I think signifies the public sentiment on this bill from almost all points of view. Now, S. 1762 was not really a part of the Criminal Code revision effort, such as S. 1630 last Congress. We will come back to that in the future. Right now we are dealing with a package that contains many of the provisions that were in the recodification bills—such as bail, sentencing, and forfeiture—and extracted those and put them in this package. We hope we can pass these measures now and at some time in the future return to the effort to modernize and revise the whole Federal criminal law. In fact, enactment of S. 1762 should facilitate ultimate Federal Criminal Code revision because many of the important things would already be the law. I am very, very pleased this package has passed the Senate. I hope that S. 1762 will pass the House. The chairman of the Judiciary Committee, I am sure, will give the matter careful consideration, and we hope he will see fit to parcel out to the various subcommittees the provisions of this package for which each subcommittee has jurisdiction, and then, after they have acted, to reassemble them in the package for House action.

We hope the Speaker will bring it up for action.

Then, Mr. President, if there are any differences from the Senate bill, we can go to conference and settle those differences.

Mr. President, I am very pleased to see this editorial. I think it speaks the sentiment of the public in every State in this Nation to get something done to relieve the crime situation.

Mr. President, crime has been rampant in this Nation. An aggravated assault is committed in this country every 49 seconds; a robbery every 59 seconds; a forcible rape every 7 minutes; a murder every 25 minutes. Those are violent crimes. These are classified as violent crimes. Mr. President, there were 1,285,705 violent crimes committed in 1982 as reflected in the 1982 FBI Major Crimes Index reports. That is in addition to property crimes. There is a motor vehicle theft committed every 30 seconds; a larceny theft every 4 seconds; a burglary every 9 seconds. Property crimes aggregated over 11,571,513 in 1982. There is a violent crime committed in this Nation every 25 seconds, less than every half a minute. There is a property crime committed every 3 seconds.

Now, Mr. President, there really is no excuse for this Congress not taking action to relieve this situation. The public wants it done, the administration wants it done, the Justice Department has made recommendations, the Senate Judiciary Committee has acted, the full Senate has acted, and we plead with the House, we plead with the Speaker, we plead with the chairman of the Judiciary Committee and the entire House to please take action on this crime package this session of Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 5:20 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Special report entitled "Activities of the Committee on Governmental Affairs". (Rept. No. 98-352).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself and Mr. HEINZ):

S. 2257. A bill entitled the "Senior Citizens Tax Improvement Act"; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2258. A bill to grant a Federal charter to the 369th Veterans' Association; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. HEINZ):

S. 2257. A bill entitled the "Senior Citizens Tax Improvement Act"; to the Committee to Finance.

SENIOR CITIZENS TAX IMPROVEMENT ACT

Mrs. KASSEBAUM. Mr. President, every so often a constituent comes to a Member of Congress with a problem that makes your blood boil. That happened to me a few months ago, when an 82-year-old women arrived at my Kansas City office.

In her hand was a startling notice from the Internal Revenue Service about the tax return filed by her 84-year-old sister, who is confined to a wheelchair. In simple form, here is what the notice said:

Tax owed	$515.00
Tax paid	514.40
Underpayment	.60
Penalty	50.24
Interest	.04
Amount due	50.88

I hope that every Member of the Senate is as startled, and as dismayed, by those numbers as I was. This woman had underpaid her taxes by 60 cents and she was billed for penalty and interest totaling $50.28. Those figures are so excessive, so absurd that I was ready to flay the hide of the first IRS official I could reach.

Unfortunately, Mr. President, when my staff talked with the IRS office in Austin, Tex., we found that the problem was far worse than even those figures suggested. What I learned is that this was not an IRS mistake, nor was it bureaucratic zeal. Even worse, the IRS said that this problem is not new, and it is not unique. An estimated 300,000 elderly taxpayers are billed for this same kind of penalty each year, despite generally conscientious efforts to pay their fair share of taxes.

IRS officials were completely sympathetic to the problem of my constituent. They agreed that in this case, and nearly all others like it, the penalty should be waived since there was no intent to evade taxes. Here is the catch, Mr. President. Under current tax law, the IRS has no authority to waive these penalties. They would like to, but they cannot because of laws that we in Congress have passed.

So that every Senator can understand what is going on, let me briefly describe what happened to my constituent in Kansas City. For most of her life, she had income taxes withheld from wages and salary, After she retired, she lived on interest income, which was never enough to require the payment of taxes. Then, last year, she was forced to sell some of her securities to make ends meet. This one-time transaction increased her income for that year, so she filed an income tax return and paid what she thought was due. She underpaid by 60 cents. But that was not the problem.

According to IRS, the problem was that she had not filed a quarterly estimated tax return. She didn't file it because she had never heard of it. She had never had enough income from interest or dividends to even be aware that an estimated tax payment was required. That is true of millions of Americans, who are used to having income taxes withheld from wages but are not familiar with estimated tax returns on other forms of income. Most Americans never learn about those requirements until they retire and begin drawing on their life's savings to live. Like this woman in Kansas City, that is when they get a tax bill with a penalty they never expected.

By working with the IRS, my staff was able to get the penalty reduced for this constituent. It turned out that IRS had applied a penalty for the entire tax year when in fact she owed it only for one quarter. However, the IRS could not waive that portion of the penalty, and she was forced to pay it.

Mr. President, when a law is unfair, it is up to the Congress to change it. This law is patently unfair. The IRS agrees that it is, I believe the administration will agree that it is, and I believe most of the Members of this Congress will agree that it is. I believe every American, regardless of age, should pay their fair share of taxes. Most elderly American's do that—or at least try to. But they should not be hit with outlandish penalties for failing to memorize the Federal Tax Code.

Unfortunately, this is not the first time this problem has been brought to the attention of the Congress. In 1982, the Senator from Pennsylvania (Mr. HEINZ) introduced legislation to allow the IRS to waive estimated tax penalties for elderly or retired citizens, if the failure to file was not due to willful neglect. Despite Mr. HEINZ's efforts, this problem is still unresolved 2 years later.

Along with Senator HEINZ, I am introducing legislation today to take care of this problem. It is time for the Congress to take action, and we should do it now.

Failure to address this situation will continue an undue and unfair hardship on many law-abiding elderly citizens. I urge support for this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6654 of the Internal Revenue Code of 1954 (relating to failure by individuals to pay estimated income tax) is amended by adding at the end thereof the following new subsection:

"(i) EXCEPTION FOR ELDERLY OR RETIRED TAXPAYERS.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, the addition to tax with respect to any underpayment of estimated tax (or any portion thereof) shall not be imposed under subsection (a) if the Secretary finds that—

"(A) the taxpayer is retired or at least 65 years of age, and

"(B) such underpayment (or any portion thereof) was due to reasonable cause and not to willful neglect.

"(2) REASONABLE CAUSE.—If any portion of an underpayment of estimated tax by the taxpayer is due to mistake or ignorance of the law on the part of such taxpayer, such underpayment shall be treated, for purposes of paragraph (1), as due to reasonable cause and not willful neglect."

(b) Section 6654(a) of such Code (relating to addition tax tax) is amended by inserting ", (f), or (i)" after "subsection (d)."

(c)(1) The amendments made by this Act shall apply to estimated tax for taxable years beginning after December 31, 1983.

(2) The Secretary of the Treasury shall issue the regulations required under section 6654(i) of the Internal Revenue Code of 1954 by no later than December 31, 1984.

Mr. HEINZ. Mr. President, I am pleased to join with my distinguished colleague, Senator KASSEBAUM, in introducing this legislation, which I originally introduced in 1982. This legislation will have a beneficial impact on hundreds of thousands of elderly and retired Americans, through a small improvement of the Tax Code.

The bill amends the Tax Code's penalties for failure to pay estimated tax by allowing the Internal Revenue Service to waive or reduce the penalties for elderly and retired people where there is "reasonable cause." Without this bill, the elderly will have to bear the burden of $40 million in tax penalties that they can ill afford and which, in most cases, should not be inflicted upon them because of innocent mistakes.

The problem is this: Many elderly people shift from wage earner to retiree status, and their taxable income from pensions, dividends, and interest is not subject to withholding. These newly retired people are often unaware that the IRS requires them to make a declaration of estimated tax and pay regular, quarterly tax payments. When tax time comes along, these people fill out their returns and pay what taxes they owe. But later, they get a letter from the IRS computers notifying them that they have not complied with the rules on estimated tax, and that they must pay a penalty—which IRS has no discretion to waive.

Thus, retired Americans who have paid taxes properly all their lives suddenly end up with the unwelcome surprise that they are being penalized on account of a provision they were unaware of—because it never really applied to them before. In 1979, about

313,000 tax returns incurred estimated tax penalties primarily because of taxable pensions.

The penalty problem is also more urgent now, because the IRS has announced that the interest rate on tax underpayments, which is the basis for the penalty for failure to pay estimated tax, has risen from 12 to 20 percent, effective February 1, 1982. Whether or not the higher interest rate may be justified for general tax policy, the 20-percent charge is altogether usurious in the case of elderly people, whose limited income from savings has already been penalized by high rates of inflation. Further, because the code treats this interest charge as a penalty, it is not deductible from the following year's taxes—as all other interest charges are.

The Economic Recovery Tax Act of 1981 (ERTA) contained provisions that raise the tax threshold liability for required payment of estimated tax, from $100 in 1981 to $200 in 1982, $300 in 1983, $400 in 1984, and $500 in 1985 and thereafter.

The ERTA provision originated in the House version of the tax bill, and the legislative history is germane. In its report on H.R. 4242, the House Ways and Means Committee stated its concern that—

> The $100 tax liability threshold for filing estimated taxes is too low.
>
> Often individuals with modest amounts of income that is not subject to withholding discover that they either must declare and pay estimated taxes or subject themselves to penalties for failure to do so. Accordingly, the committee has agreed to raise the tax liability threshold for individual estimated tax payments to $500. However, in order to minimize the immediate potential revenue loss of this change, the committee decided to phase in the increase over a 4-year period.

In short, the legislative history shows that Congress realized that there is a problem now with this estimated tax provision and the required penalties for failure to comply with the current law, but for reasons of cost, Congress decided to phase in the higher tax liability threshold over 4 years. This change will certainly be a substantial help, once it is fully phased in. But in 1982 and 1983, it affords very little help to the elderly. The Federal Government will continue to impose penalties, and the elderly people especially will suffer an undeserved penalty of $40 million, even though these people had no knowledge of the estimated tax requirements.

This legislation will complement the recent changes in ERTA. It gives the IRS the discretion to waive the penalties or reduce them for elderly or retired taxpayers, where there is reasonable cause. The bill applies only to the penalty and not to the amount of the tax liability.

The IRS has been doing its best to get the word out to older Americans about the estimated tax penalties. But despite their admirable efforts, many elderly people are still snared by this penalty. The Special Committee on Aging has received hundreds of letters from elderly Americans and from groups who serve them. In response, the Aging Committee has emphasized the need to make estimated tax payments in the tax information it makes available each year.

But the only way to really fix this problem is to fix the law itself. We must program into the computer which now sends out these estimated tax penalties—automatically—a small dose of human understanding for the elderly people who fall victim to the complexities of the tax law.

I urge my colleagues to join us in sponsoring this legislation.

Thank you.

By Mr. MOYNIHAN:

S. 2258. A bill to grant a Federal charter to the 369th Veterans' Association; to the Committee on the Judiciary.

FEDERAL CHARTER FOR THE 369TH VETERANS' ASSOCIATION

● Mr. MOYNIHAN. Mr. President, I am today introducing legislation to grant a Federal charter to the 369th Veterans' Association.

The bill is identical to a measure originally introduced in the House of Representatives by my friend and distinguished colleague from New York, Representative CHARLES B. RANGEL. On November 14, 1983, Congressman RANGEL'S proposal was passed by the House by a vote of 406-0. It would be fitting and proper for the Senate also to pass this bill, and I am hopeful that Senators will join me in support of the measure.

I would like first to speak to the illustrious history of the 369th Army Infantry Regiment in World War I—and to its veterans continuing record of outstanding civic service. Then I would like to speak about what a Federal charter is and why it would be appropriate for the Congress to grant one to the 369th Veterans' Association.

As many Senators will know, the association is named for what was once the all-black 369th Infantry Regiment which was organized in Harlem in New York City on June 29, 1916, and dispatched abroad the following year to serve alongside the French Army.

The heroism of the men of the 369th soon became the stuff of legend. The regiment was the most highly decorated American unit to serve in the First World War. The 369th Regiment participated in the campaigns at Champagne-Marne and Meuse-Argonne in 1917, and at Alsace and Champagne in 1918. During this crucial period of the war, the 369th spent 191 days engaged in the horror of trench warfare—the longest period of combat duty of any American unit to serve in the war. The 369th never lost a foot of ground—not a single member of the regiment was captured.

During World War I the 369th Regiment was cited 11 times for courage under fire. The entire unit was awarded the Croix de Guerre by the Government of France. Fittingly, this regiment of remarkable men was the first allied unit to reach the Rhine River and later, was the regiment that led the parade down Fifth Avenue when New York City welcomed home its veterans.

I would also remind my colleagues that Hamilton Fish, Sr., a distinguished former member of the House of Representatives from the State of New York served as captain and company commander of the 369th Regiment during World War I.

In World War II, the 369th Regiment became the 369th Anti-Aircraft Gun Battalion. The regiment served in the Pacific with distinction—particularly at Ryukyus during the Okinawa campaign. Later after the segregation of the Armed Forces was discontinued by order of President Harry S. Truman in Korea, the regiment continued its commendable record of courageous service to the Nation.

The 369th Veterans' Association was founded in 1954, in order to preserve and advance this tradition of selfless service and patriotism. It is today a nonprofit organization made up of more than 2,000 former servicemen and servicewomen, both black and white, from over 40 States and territories, each member committed to serving this Nation in times of war and peace. Membership is open to all honorably discharged men and women who have served in the Armed Forces.

The association is a unique organization with an impressive history of community service, not only in New York, but across the country. Among its many accomplishments, the association has provided counseling to veterans and direct assistance to veterans hospitals. It has sponsored scholarship and tutorial programs for children in need and a host of vital service for the elderly including the purchase of medical equipment for senior citizen centers. The association has rehabilitated three apartment buildings in New York City and sponsored the construction of the Gen. Chauncey M. Hooper Towers, a multimillion-dollar housing development designed for senior citizens and the handicapped.

Why, then, should the 369th Veterans' Association be granted a Federal charter?

Mr. President, since 1791 the Congress has granted Federal charters to private, nonprofit corporations which undertake educational, charitable, and

benevolent activities with a national purpose or scope. Historically, these corporations have been educational institutions, veterans organizations, and sundry cultural and benevolent societies. A Federal charter recognizes an existing State-chartered organization and acknowledges the nationwide character of its benevolent activities. It does not expand corporate rights nor does it relieve any of the corporate responsibilities established by its State charter.

Until 1965, Congress granted Federal charters on a case-by-case basis without applying standard criteria for Federal incorporation—each bill was consideration on its own merits. In 1965, President Johnson vetoed a bill designating a Federal charter and raised the important question of granting charters on a case-by-case basis without the benefit of clearly established criteria as to eligibility. He called on the House and Senate Judiciary Committee—to which such bills are referred—to conduct a comprehensive study on the matter of Federal charters. Four years later, in 1969, the House and Senate Judiciary Committees jointly issued a statement of policy entitled: "Standards for the Granting of Federal Charters." The statement defined the minimum standards that a private organization must demonstrate in seeking a Federal charter. These standards do not have the force of law but they are valuable guidelines for the purposes of congressional deliberation.

Mr. President, the 369th Veterans' Association fully meets the standards established by the Judiciary Committees for the granting of Federal charters. The association is organized under a corporate charter, granted by the State of New York in 1954. It has operated continuously since this date as a nonpartisan and nonprofit organization. It is organized and operated solely for charitable, educational and patriotic purposes. The association performs activities on a national scale and is unique in its glorious history and the scope of its programs, such that a Federal charter is the appropriate form of incorporation.

The 369th Veterans' Association is an organization that merits the recognition of Congress and the American people. The granting of a Federal charter is a natural and proper gesture.

I invite my colleagues to join in cosponsoring this legisation to grant a charter to a truly worthy organization. Too often we bemoan the ills that sometimes plaque our Nation, let us now honor our best.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. MELCHER, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 137

At the request of Mr. ROTH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 1059

At the request of Mr. DENTON, the names of the Senator from Nevada (Mr. LAXALT), the Senator from Utah (Mr. GARN), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act.

S. 1730

At the request of Mr. DIXON, the names of the Senator from North Carolina (Mr. EAST), and the Senator from Nevada (Mr. HECHT) were added as cosponsors of S. 1730, a bill to amend the Small Business Act to increase small business participation in the procurement process, thereby reducing costly noncompetitive procurements and increasing defense preparedness, and for other purposes.

S. 1733

At the request of Mr. TRIBLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1733, a bill to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 1749

At the request of Mr. THURMOND, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1749, a bill to grant the consent of the Congress to the Southeast Interstate Low-Level Radioactive Waste Management Compact.

S. 1934

At the request of Mr. HEINZ, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1934, a bill to amend the Railroad Retirement Act of 1974 to make certain adjustments in benefits contingent on the financial condition of the railroad retirement system.

S. 2001

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2001, a bill to amend the Clean Air Act to reduce interstate transport of pollutants, control acid deposition and for other purposes.

S. 2048

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2048, a bill to provide for the establishment of a task force in organ procurement and transplantation and an organ procurement and transplantation registry, and for other purposes.

S. 2086

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 2086, a bill to revise tax law relating to publisher inventories.

S. 2145

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2145, a bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes.

S. 2165

At the request of Mr. DANFORTH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2185

At the request of Mr. HEINZ, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2185, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit.

S. 2241

At the request of Mr. DENTON, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2241, a bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. THURMOND, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Joint Resolution 73, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 143

At the request of Mr. MELCHER, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Nevada (Mr. HECHT), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arizona (Mr. DECONCINI), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Joint Resolution 204, a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 215

At the request of Mr. THURMOND, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Mississippi (Mr. STENNIS), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 215, a joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week."

SENATE JOINT RESOLUTION 217

At the request of Mr. HEINZ, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Delaware (Mr. ROTH), the Senator from Florida (Mrs. HAWKINS), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. MCCLURE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Iowa (Mr. JEPSEN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Vermont (Mr. STAFFORD), the Senator from Oklahoma (Mr. BOREN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New York (Mr. MOYNIHAN), the Senator from Louisiana (Mr. LONG), the Senator from Arizona (Mr. DECONCINI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Mississippi (Mr. STENNIS), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senator Joint Resolution 217, a joint resolution to authorize and request the President to designate the week of May 6, 1984 through May 12, 1984, as "Senior Center Week."

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 225, a joint resolution designating the month of March 1984 as "National Eye Donor Month."

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Illinois (Mr. PERCY), and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

AMENDMENT NO. 2427

At the request of Mr. BOSCHWITZ, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of amendment No. 2427 intended to be proposed to S. 979, a bill to amend and reauthorize the Export Administration Act of 1979.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

DANFORTH AMENDMENT NO. 2697

(Ordered referred to the Committee on Environment and Public Works.)

Mr. DANFORTH submitted an amendment intended to be proposed by him to the bill (S. 768) to amend the Clean Air Act; as follows:

On page 61, strike out lines 6 through 15 and insert in lieu thereof the following:

"Sec. 181. There is hereby established a long-range transport corridor, hereafter in this part referred to as the "acid deposition impact region," consisting of the States of Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

On page 66, strike out lines 1 through 9.

On page 66, line 10, strike out "(i)" and insert in lieu thereof "(h)".

On page 67, line 11, strike out "8,000,000" and insert in lieu thereof "6,000,000".

On page 70, line 19, strike out "thirty-one".

On page 71, line 14, strike out "8,000,000" and insert in lieu thereof "6,000,000".

On page 77, line 11, strike out the end quotation marks and the second period.

On page 77, between lines 11 and 12, insert the following:

"GRANTS FOR ACID DEPOSITION ABATEMENT; ACID DEPOSITION REDUCTION TRUST FUND

"Sec. 188. (a) The Administrator shall make grants to States in the acid deposition impact region from the Acid Deposition Reduction Fund (established under subsection (c)) for the purpose of assisting utilities in meeting the emission reduction requirements imposed by this part. All grants made under this section shall be used by such States to assist such utilities in meeting such requirements.

(b)(1) The amount of the grant to each such State for each fiscal year shall be an amount which bears the same ratio to the amount available for such fiscal year in the Acid Deposition Reduction Trust Fund, as the actual net after tax expenses incurred by utilities in such State in meeting the emission reduction requirements of this part bears to the actual net after tax expenses incurred by utilities in all the States in the acid deposition impact region in meeting such emission reduction requirements; except that no grant to any State shall exceed 90 percent of the actual net after tax expenses incurred by utilities in such State in meeting such emission reduction requirements.

"(2) The Administrator shall by regulation determine the method for allocating net expenses incurred by utilities in meeting the emission reduction requirements of this part.

"(c)(1) There is established in the Treasury of the United States a trust fund to be known as the 'Acid Deposition Reduction Trust Fund' (hereinafter in this part referred to as the 'Trust Fund'), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

"(2) There are appropriated, out of any money in the Treasury not otherwise appropriated, to the Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this section referred to as the 'Secretary') to be equivalent to the total amount of the fees received in the Treasury under subsection (d) of this section.

"(3) Amounts in the Trust Fund shall be used only for the purpose of making grants under subsection (a) of this section to utilities required to reduce sulfur dioxide emissions under the provisions of this part.

"(4) The amounts appropriated by paragraph (2) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such paragraph. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(5) The Secretary shall be the trustee of the Trust Fund, and shall report to the Congress for each fiscal year, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next five fiscal years.

"(6) It shall be the duty of the Secretary to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of the Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

"(d)(1) There is imposed, on every utility which sells electricity in any State in the acid deposition impact region, an acid deposition reduction fee equal to 3.0 mil per kilowatt-hour on all electricity generated by such utility and sold after the date of the enactment of this part in any State in such region. Such fee shall be for the purpose of paying for the grants provided under subsection (a) of this section.

"(2) The fee imposed by paragraph (1) shall be collected by the person owning or

operating the utility and shall be paid to the Treasury of the United States and deposited in the Acid Deposition Reduction Trust Fund.

"SECONDARY ACID DEPOSITION IMPACT REGION

"SEC. 189. (a)(1) There is established a secondary acid deposition impact region consisting of the States of Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Mississippi, Missouri, and South Carolina.

"(2) If the Administrator determines, based on the results of the study conducted pursuant to section 182(a), that the purposes of this part will be better served by including the group of States comprising the secondary acid deposition impact region in the acid deposition impact region established under section 181, he may include such group of States in the acid deposition impact region, effective on the date of such determination.

"(b) The provisions of this part shall apply to the States added to the acid deposition impact region by reason of subsection (a) in the same manner as such provisions apply to the States originally included in such region under section 181, except that—

"(1) all time requirements imposed under sections 183, 185, and 186 which are measured from the date of the enactment of this part, shall, with respect to such additional States, be measured instead from the date of the inclusion of such additional States;

"(2) the requirements of section 185(b)(4) shall apply to such additional States effective 18 months after the inclusion of such additional States rather than on December 31, 1985; and

"(3) the Governors of such additional States may allocate the additional 2,000,000 tons of sulfur dioxide emission reductions among such additional States in accordance with the same requirements as set forth in section 184.

"(c) If the States in the secondary acid deposition impact area are added to the acid deposition impact area by reason of subsection (a), the term '6,000,000 tons' appearing in sections 183(a) and 185(a)(1) shall thereafter be deemed to be '8,000,000 tons'.".

● Mr. DANFORTH. Mr. President, since the passage of the Clean Air Act in 1970, this country has moved a long way in a short time toward a more healthy atmosphere. But one air pollution threat so far has remained outside the scope of remedial legislation, one that is killing fish and wildlife and possibly damaging human health. I am speaking, of course, of acid rain.

Acid rain is precipitation laced with sulfuric and nitric acids. It is a fact of life, an immediate and destructive reality throughout the Northeastern United States and Southern Canada. In Wheeling, W. Va., rain has fallen that is more acidic than lemon juice.

In several hundred lakes and streams, only algae survive; steady inflows of acidic waters have killed all fish life. Fish-eating birds, such as the common loon, have also been affected. By mobilizing heavy metals in the soil, acid rain can pollute water supplies with elevated levels of toxic materials such as lead. It corrodes stone and metal on buildings and cars. It leaches nutrients from acid-sensitive soils. These are among the known effects of acid precipitation.

In addition, there is growing evidence that acid rain may interfere with crucial soil chemistry such as nitrogen fixation, damage crops, and reduce the productivity of forests.

Acid rain was not discovered in the last year or two—it just seems that way in Washington. The problem of acidifying lakes and streams has been studied in Sweden and this country since the 1950's. But a number of media accounts in 1981 and 1982 brought the issue to the forefront and resulted in the acceptance of the issue as a legitimate topic for legislative action. For the first time, a large number of legislators—myself included—were saying, "Research alone is not enough. We must start on a path of action." It was in that spirit that in October of 1981, I joined as an original cosponsor of legislation requiring a 10-million-ton reduction in sulfur dioxide emissions in the Eastern United States.

Since that time, we have remained at an impasse. Acid rain legislation failed to reach the floor of either House of Congress in 1982 and last year was not dealt with at all. Indeed, the issue has been largely responsible for blocking action on renewal of the Clean Air Act itself. When Bill Ruckelshaus took over at the Environmental Protection Agency, he made a strong commitment to acid rain legislation. But a proposal has not yet emerged.

The primary argument against legislative action on acid rain has been that the scientific evidence does not delineate clearly enough the relationship between sulfur dioxide emissions and dying fish in the Adirondack Mountains of New York. But reports by the National Academy of Sciences and by the President's Office of Science and Technology Policy have laid that argument to rest with a fair degree of certainty.

As the Academy's report put it:

> Although claims have been made that direct evidence linking power-plant emissions to the production of acid rain is inconclusive, we find the circumstantial evidence for their role overwhelming * * *. At current rates of emission of sulfur and nitrogen oxides, the number of affected lakes can be expected to more than double by 1990 and to include larger and deeper lakes. There is little probability that some factor other than emissions of sulfur and nitrogen oxides is responsible for acid rain.

Why, then, has there been no action?

The answer, very simply, is this: The framers of acid rain legislation have placed virtually all of the costs of cleanup on the industrialized States of the Midwest for a program that would largely benefit the Northeast. This is a divisive approach, pitting State against State, region against region. It is unsound policy, both politically and socially.

Mr. President, when I first became involved in this issue, I faced a number of serious, reasonable questions that had no ready answers: What is the relationship between the large amount of sulfur put into the air in Missouri and the deterioration of sensitive areas many hundreds of miles away? What would a cleanup program cost the consumer, particularly in Missouri, where utility bills have been a cause of continuing economic and political concern? What impact would a reduction on sulfur emissions have on the lakes and streams that we are seeking to help?

The uncertainty about these questions has fueled the regional debate. Let us examine them one by one.

First, what is the relative contribution of local and long-distance sources?

There is general scientific agreement that long-distance transport of sulfur emissions contributes to acid rain. What is not as clear is the range of distance involved. Commonsense tells us that particles emitted from a smokestack will fall to the ground, and closer you are to the smokestack, the more particles will fall on you. Conversely, the effect of a smokestack hundreds of miles away will be less than one 50 miles away.

As the report of the National Academy of Sciences put it, "It can be stated as rule of thumb that the farther a source is from a given receptor site, the smaller its influence on that site will be per unit mass emitted." Work done at Washington University in St. Louis suggests that sulfate emissions travel no more than 600 miles.

This presents a conundrum for a Senator from Missouri. On the one hand, Missouri contains some of the worst sulfur emitters in the country. On the other hand, none of them appears to be within 600 miles of an affected ecosystem. Should a cleanup strategy include Missouri or not?

If acid rain is essentially a regional problem, involving only the death of aquatic life in sensitive areas that lack alkaline buffers, then it follows that the solution should be a regional one. On the other hand, if we determine that the effect of acid rain on forest growth and on agriculture is significant, a national strategy may be a better option.

Second, what would be the cost of a cleanup program?

Estimates of the cost of a major reduction in sulfur emissions vary widely. Some analyses conclude benignly that such a program could be implemented with a modest increase of 2 to 5 percent on utility bills in the 31-State eastern region. But that suggests that everyone would share the cost equally, which is not necessarily the case. If each utility is responsible for the cost of cleaning up its own emissions, the costs to some could be

staggering. A reasonable, even conservative, projection by Union Electric Co. in St. Louis resulted in an estimated 20-percent increase in consumer bills. Anyone who is prepared to accept that result has not discussed it with a Missouri consumer.

Other utilities have estimated even greater impacts. In some cases, the substitution of low-sulfur coal would do the job cheaper than the installation of stack gas scrubbers, but that would mean the displacement of high-sulfur coal mined in Appalachia in favor of the cleaner variety found out West. Try suggesting that to a utility in West Virginia. Indeed, the impetus toward acid rain controls jeopardizes the whole future of the high-sulfur coal industry, and with it, the economy of an entire region of the country.

Third, what would be the benefits of a cleanup program?

The White House Office of Science and Technology Policy concluded that any cutback in sulfur emissions would reduce acid deposition and "as a consequence both reduce the probability for major changes in additional acid-sensitive lakes or forests and allow the possibility for a return toward the original biological conditions existing in recently acidified areas."

Polluters emit an estimated 24 million tons of sulfur dioxide annually in the East; thus, a 12-million-ton reduction would equate to 50 percent. This, according to the National Academy of Sciences report, would result in a roughly equivalent reduction in acid deposition. An 8-million-ton reduction, as contained in S. 768, now before the Committee on Environment and Public Works, would amount to a one-third cut.

Let me suggest one caveat, however: If we concentrate on reducing powerplant emissions throughout the region, overlooking the disproportionate contribution of local sources, we risk serious disappointment. If the powerplants of Missouri are not affecting the Adirondacks, neither will a cutback aid them. The rainfall may become less acidic in Ohio—with less of Missouri's sulfur in it—but our central concern is not the rainfall in Ohio. The 50-percent reduction may translate into a cut of 20 percent or less for the smaller local sources that are doing the real damage.

So now, I have presented questions about long-distance transport, worries about the costs of a cleanup program, and uncertainties about the benefits. How should we proceed?

The White House science report provides a useful nudge:

> It is in the nature of the acid deposition problem that actions have to be taken despite incomplete knowledge * * *. If we take the conservative point of view that we must wait until the scientific knowledge is definitive, the accumulated deposition and damaged environment may reach the point of irreversibility.

In short, we know enough to act, and we should act. I believe we should initiate a program of substantial reductions in sulfur dioxide emissions, and we should do so with legislation this year.

But that brings us back to the question: How do we avoid the regional divisiveness that has plagued this issue to date?

My suggestion, which I proposed 2 years ago in S. 2594 and which I renew today in the form of amendments to S. 768, is to fine tune the approach taken in legislation so far, I am offering amendments because I do not propose to reinvent the wheel with respect to acid rain legislation. I do not purport to know whether we should reduce our sulfur dioxide emissions by 8 or 10 or 12 million tons. Instead, I am deferring to the committee's product, S. 768, in all but two particulars.

First, we should reduce the size of the region involved, to take into account the remaining questions about long-range transport of sulfates. My amendments would remove the nine Western and Southern States most distant from the areas that have suffered demonstrable damage from acid rain; these States would constitute a secondary region that could be included in the cleanup program at the discretion of the EPA Administrator.

All of the acid rain proposals to date have established a 31-State "transport corridor." The repeated use of this region in studies of acid rain has suggested a tacit scientific endorsement of the region, which endorsement in fact does not exist. I would suggest, Mr. President, that this particular emperor has no clothes. It is simply a line on a map. What rationale, for example, would include Arkansas and exclude Texas? Why must it be a straight line?

I do not claim any profound scientific basis for my proposal, either. It is simply another line on a map. But I would suggest that we must have a clearly stated rationale for the inclusion of every State in this region before we go forward. It appears clear to me that the closer a State is to the problem, the more likely it is to be contributing to the problem. To impose the profound economic consequences of this legislation on any particular State without compelling evidence of commensurate benefits would be irresponsible. If Missouri, for example, is found to be clearly contributing to ecological damage 800 miles away in the Adirondacks, fine—count us in. But as Missourians often do, first I must say, "Show me."

Second, we should spread the costs of compliance evenly throughout the region. My amendments would impose a surcharge of 3 mils per kilowatt-hour—at most a 5-percent increase in rates—on all electricity sold within the region, regardless of its source. Studies conducted by the Congressional Research Service and by the Congressional Budget Office since I proposed this approach in S. 2594 confirm that it would be sufficient to pay for a major cleanup program.

Financing the program in this way also would tend to lessen the damage done to the high-sulfur coal industry. In order to cut sulfur emissions, a utility must choose between installing stack gas scrubbers and switching to low-sulfur coal. By eliminating the need to finance the large capital cost of scrubbers, we would make that option more attractive—without going so far as to mandate it, regardless of its cost.

As a Senator from Missouri, I could never support a proposal that put all of the costs on my State for the benefit of another. If we are to solve serious and costly environmental problems like acid rain, the burden must be managed fairly, which is to say in a politically acceptable way. You could design a draconian solution that might solve the problem but would never see the light of day. We should be seeking good results without crucifying people.

There is much talk in this debate about the principle of making the polluter pay. And that is fine in principle. But where utilities are involved, it will be the consumer that pays. It is not the fault of John Doe in Columbus, Ohio, or Springfield, Ill., or St. Louis, Mo., that he is hooked up to one utility and not another. He has no choice. He did not participate in the decision to burn high- or low-sulfur coal. He did not advise on the height of the smokestack or the configuration of the boilers or the need for precipitators. And he should not be held accountable for those decisions.

Nor should we be making artificial distinctions between different sources of electricity—between coal, or oil, or gas, or nuclear. The point is to share the burden and go forward together to solve a common problem. We must not let regional divisiveness impede our progress toward that goal.

In dealing with disaster—and almost any environmental problem has the financial scope of a disaster—we must deal with the cleanup collectively, by spreading the costs around. That is the concept of catastrophic health insurance: a group of people share the costs of an individual's catastrophe. Closer to the subject at hand, it is also the concept of Superfund—a program for cleaning up hazardous waste dumps with money from the entire chemical industry.

Mr. President, the States of the Northeast want their rivers and lakes brought back to life. I am a fisherman, and I share that hope. I love to fish in Missouri, and I would love to fish in the Adirondacks, too. But let us not drive people and regions apart with

finger pointing and name calling. If we are to maintain a national consensus on cleaning up the environment, let us join together as equal partners to get the job done.

As a Senator from Missouri, I want to protect my State and the other States of the Midwest from bearing an undue burden. As one of 100 Members of the Senate, I want to see action on acid rain. The time to get started is now.●

HABEAS CORPUS LEGISLATION

THURMOND AMENDMENT NO. 2698

Mr. THURMOND proposed an amendment to the bill (S. 1763) to reform procedures for collateral review of criminal judgments, and for other purposes; as follows:

On page 1, line 4, delete "1983" and substitute "1984".

On page 4, line 17, delete "ro" and substitute "or".

On page 4, line 25, after "pursuant to" insert "section 2255 of title 28, United States Code,".

On page 7, line 19, after "moved" insert a comma.

BAUCUS AMENDMENT NO. 2699

Mr. BAUCUS proposed an amendment to the bill S. 1763, supra; as follows:

On page 5, line 12, strike out beginning with "by redesignating" through "ed" on line 14.

On page 5, line 25, after the semicolon add "and".

On page 6, lines 1 and 2, strike out "redesignating subsection '(d)' as subsection '(e)', and amending it" and insert in lieu thereof "amending subsection (d)".

On page 6, line 3, strike out "(e)" and insert in lieu thereof "(d)".

On page 6, line 9, strike out "; and" and insert in lieu thereof a period.

On page 6, strike out line 10 through line 15.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURE PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on S. 2085, a bill amending section 3 of the Cotton Statistics and Estimates Act.

The hearing will be held on Wednesday, February 8, 1984, at 2 p.m. in room 328-A, Russell Senate Office Building.

For further information contact the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, February 6, to hold an oversight hearing on regionalism.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOCIAL SECURITY AND THE DEFICIT

● Mr. MOYNIHAN. Mr. President, just over 1 year ago, the National Commission on Social Security Reform, on which I served, developed a series of proposals to insure the short- and long-term financial solvency of the social security system. I am pleased to report that reforms embodied in the Social Security Reform Act of 1983 (Public Law 98-21), which closely followed the Commission's proposals, did just that.

Dr. Martin S. Feldstein, Chairman of the President's Council of Economic Advisors, confirmed this report in remarks last November to the Southern Economics Association, noting that after 1984, the separately financed social security program will not contribute to the $200 billion Federal deficits.

In spite of this fact, many continue to suggest cuts in social security benefits to reduce Federal deficits. Not only is this unjustified as a matter of sensible budget policy, it is unfair to social security beneficiaries. Cut back social security in such desperation, and you will abandon a solemn promise of American society.

Robert M. Ball, the distinguished Social Security Commissioner under three Presidents and a member of the National Commission on Social Security Reform, understands the folly and fallacy of looking to social security for budget reductions. Last November 9, he testified before the House Budget Committee's Task Force on Entitlements, Uncontrollables and Indexing, and said: "You start whittling away at social security and you put more and more people into poverty. Social security serves low-income people and those who would be low-income people if it weren't for social security."

Mr. Ball also explained eloquently the real dangers of reducing the purchasing power of social security benefits, a proposal that has become quite fashionable of late. He notes that a 10-percent reduction in social security's purchasing power would be borne disproportionately by those with incomes below the poverty line or less than 125 percent of poverty levels. The poverty gap for the elderly, he calculates, would be increased by over $1 billion.

Mr. President, I often have suggested that everyone is entitled to his own opinion, but not to his own facts. Mr. Ball has the facts. I urge my colleagues to take note of Mr. Ball's facts, as they form their own opinions about the deficit. I assure you I already have. I ask that the articles previously mentioned be printed in full in the RECORD.

The articles referred to follow:

THE GOVERNORS, SOCIAL SECURITY AND THE DEFICIT

The four governors signing the piece on the budget deficit [Outlook, Jan. 22] seemed to have missed the Report of the National Commission on Social Security Reform a year ago and the subsequent 1983 amendments to the Social Security Act. They are right about the need to reduce the budget deficit, but cutting Social Security benefits has no place in the solution. From 1985 on, the self-financed system of Social Security will not contribute one cent to the deficit, and according to the best estimate available there is no long-range deficit in Social Security.

Two of the three proposals the governors offer for cutting back on Social Security are already part of the law (although in slightly different form) as the result of the 1983 amendments. The age of first eligibility for retirement benefits will rise gradually beginning in the year 2000, and starting with the current tax year, half the Social Security benefits of higher-income recipients will be taxed.

Social Security has been put into both short-term and long-term financial balance by last year's amendments. If benefits were to be reduced further, as these governors suggest, by cutting back on the cost-of-living increase, financing should also be reduced and then the budget deficit would be unaffected. The losers would be Social Security beneficiaries now and in the future.

Medicare is a different story. Strong cost-control measures are needed for the entire U.S. health-care system, including Medicare; but the old-age, survivors' and disability insurance program is now in good shape financially and should be left alone.

ROBERT M. BALL.

WASHINGTON. (The writer, a member of the National Commission on Social Security Reform, was Social Security commissioner from 1962 to 1973.)

THE FULL COST-OF-LIVING ADJUSTMENT SHOULD BE PAID TO SOCIAL SECURITY BENEFICIARIES

(Testimony before the Budget Committee Task Force on Entitlements, Uncontrollables and Indexing by Robert M. Ball, Wednesday, Nov. 9, 1983)

MR. CHAIRMAN AND MEMBERS OF THE TASK FORCE: My name is Robert Ball. From April 1962 until March 1973 I was Commissioner of Social Security, serving under Presidents Kennedy, Johnson and Nixon. Prior to becoming Commissioner, I served for approximately 20 years in various positions in the Social Security Administration and its predecessor organization, the Social Security Board, and for the ten years prior to becoming Commissioner I was the top civil servant in the Social Security organization. Since

leaving the government, I have continued my deep interest in programs benefitting the elderly and have written and lectured extensively on the subject. I am currently a Visting Scholar at the Center for the Study of Social Policy and Senior Consultant to the Study Group on Social Security.

I was a member of the National Commission on Social Security Reform whose report formed the basis for the social security legislation that was signed into law by the President on April 20, 1983. I am testifying today as an individual, and the views expressed are not necessarily those of any organization with which I am associated.

I believe it would be unwise to pay only part of the cost-of-living adjustment (COLA) to social security beneficiaries as proposed in H.R. 3790 and in the deficit reduction plans now being considered in the Senate Finance Committee. I believe this for several reasons.

1. *Reduction in the COLA Would Break the Agreement Implicit in the 1983 Amendments and Will Be Considered Unfair.* All during 1981 and 1982, social security beneficiaries—36 million people, principally elderly retired persons, totally disabled people, widows, and motherless and fatherless children—were terrorized by the fear that their benefits would stop or be reduced. There were almost daily reports of social security "bankruptcy." Under this daily pounding, a high proportion of the 116 million contributors to the program became convinced that they would never receive the benefits toward which they were contributing. The nation was greatly disturbed by the possibility that the government might turn its back on the commitments it had made over the last 50 years. The 1983 Amendments to the Social Security Act have restored fiscal solvency to social security and have reassured people that their benefits are safe. I do not believe that we should again be dealing with the subject of benefit cuts.

After a year of study, the National Commission on Social Security Reform, appointed jointly by the President and the Republican and Democratic leadership of the Congress, presented a set of recommendations which were endorsed by 12 of its 15 members. These recommendations became the basis for the 1983 amendments to the Social Security Act.

The recommendations had the support of the President and the Speaker of the House, the majority leaders of both the House and the Senate, the Chairman of the Ways and Means Committee of the House and the Chairman of that Committee's Subcommittee on Social Security, the Chairman of the Senate Finance Committee and a broad range of support within the Congress and without. For example, when the plan was introduced in the Senate by Senator Dole as S.1, it had as initial sponsors both Senator Laxalt and Senator Kennedy. Outside groups supporting the plan included the National Association of Manufacturers, the Business Roundtable, and the AFL-CIO.

No one who supported the plan liked all parts of it. There was some pain for everyone involved in social security, but not too much for any one group:

Beneficiaries had the cost-of-living adjustment postponed and put permanently on a calendar year basis, a move which amounted to approximately a 2 percent benefit cut over the average beneficiary's lifetime.

Contribution rate increases were speeded up for both workers and employers, with employers paying more than under previous law in 1984, 1988, and 1989 and employees paying more in 1988 and 1989.

The self-employed will be required to pay social security rates in the future that are comparable to what is paid by and on behalf of employees, a considerable increase over what they had been paying in the past.

Higher-income social security beneficiaries (about 10% of all beneficiaries) will for the first time pay an income tax on one-half their social security benefits, with the proceeds of the tax going to support social security.

Those non-profit employees not previously covered (about 15% of the total) and newly hired Federal employees will be brought under the system, together with members of Congress and top officials of the Executive Branch.

The Federal government speeded up its payment for military service credits and will pay for the refundable tax credit for employees in the year 1984 and for certain tax credits for the self-employed.

The 1983 amendments were designed to bring the separately-financed OASDI system into balance. There was an agreement struck among many diverse interests as to how to do this. To now impose additional sacrifice on one group—beneficiaries—is a violation of that agreement. Millions of people will consider such a move unfair. Social security would once again become a major unsettling factor in our national life and on the political scene.

2. *The Separately Financed Social Security Program Will Not Contribute to the Deficit after 1984 and Should Not Be Used to Reduce Deficits Caused by Either too Much Spending or Inadequate Income in Other Programs.* The recommendations of the National Commission improved the financing of the program by an estimated $169 billion between now and 1990, solving the short-term financing problem of the old-age, survivors, and disability insurance system (OASDI), and the same proposals solved about two-thirds of the long-range financing problem as projected by the more conservative of the two central sets of projections out of the four made by the trustees of the social security program. The Congress adopted an additional provision—increasing the age of first eligibility for full benefits which takes effect gradually after the year 2000. This provision was not recommended by the whole Commission, but was advocated by some members. As a result of all these changes, in all probability OASDI is now adequately financed for both the short run and over the 75 years for which the long-range estimates are made. The long-range cost of OASDI shown as a percent of payroll was reduced by 1.25 percentage points between the 1982 Trustees' Report and the 1983 Report—from 14.09 percent to 12.84 percent. The income to the system was increased 0.60 percentage points—from 12.27 percent to 12.87 percent, putting the system into approximate actuarial balance, +.02 percent of payroll.

There can, of course, be no absolute guarantee that experience will follow any particular set of estimates. From 1984 through 1987, the system is in rather close balance, although the financing is adequate under all four sets of estimates the trustees have made. Beginning in 1988 and running to 2020, OASDI is projected to build very large surpluses under three of the projections and is adequately financed during this period under even the most pessimistic assumptions used. After 2020, under all but the most pessimistic projections, the trust funds still continue to rise for a long period of time because of interest earnings on the large reserve, but they start to drop somewhat when measured as a percentage of the next year's outgo. All in all, the 1983 amendments have produced adequate financing for the next 75 years under three sets of assumptions and for 50 years under the most pessimistic. Failure to keep social security benefits up to date with purchasing power would be particularly resented because OASDI is now adequately financed, and the benefit reduction clearly would be made for the purpose of reducing the overall deficit.

3. *Keeping Benefits Up to Date with the Cost of Living Makes Sense.* Since the amendments of 1972, the purchasing power of social security benefits has been protected against inflation. The provision was adopted as a conservative measure because its sponsors believed that an automatic provision for meeting increases in the cost of living would tend to prevent ad hoc benefit increases and other expensive changes in the program that went beyond keeping the benefits up to date with price changes. It has turned out to be one of the most valuable provisions in the social security program.

It seems to me to make complete sense to decide on the proper level of benefits that people should get at the time of first receipt and then to maintain the purchasing power of that benefit. It does not seem to me to make sense to pay a benefit that is worth more at the beginning of a period of retirement, say, than it is worth five or ten years later. If we cannot afford to maintain a benefit in real terms—and I have no doubt but that we can—then we should pay lower amounts in the beginning and maintain those lower amounts in real terms.

4. *Modifying Social Security Commitments in Ways Unrelated to Social Security Purposes Undermines Faith in the Program.* Social security promises rest on past earnings and contributions and stretch into the distant future. Workers today are paying for protection that in part will not be realized for 20, 30 or 40 years in the future. To modify benefit promises in ways unrelated to social security needs or purposes would further weaken faith in the system, and, indeed, in the promises of government generally.

5. *Failure to Maintain the Purchasing Power of Social Security Benefits Falls with Particular Harshness on Low-Income People.* There is a mistaken notion—that has recently gained some currency—that social security, because it has no needs test, is somehow a "middle-class" program. Social security is a universal program and is largely responsible for the fact that those over 65, as a group, are now no more likely to be desperately poor than younger people.

If there were no social security and no other income took its place, there would be about 3.5 elderly poor persons for every one now below the poverty level. Social security cuts the incidence of poverty among the elderly by 71 percent. Nine to 10 million people above 65 are kept above the rock-bottom poverty level by social security, and 4 to 5 million other social security beneficiaries are also kept above the poverty level by their social security benefits. Millions more are kept just above the poverty level by social security. Whittling away at social security benefits will reverse the progress we have made and plunge additional people into the poor and near-poor category.

Cutting the purchasing power of social security benefits by 2 percent a year for six years, as in H.R. 3790, or by 3 percent a year

for three years, as in the proposal now being considered in the Senate Finance Committee, is the equivalent of a 12 percent and 9 percent benefit cut, respectively, for those receiving benefits in the years in question. Below I have summarized some of the effects of reducing social security purchasing power by approximately 10 percent.

(a) Nearly 20 percent of the reduction would be borne by people either below the poverty level ($4,626 per year for a single person over 65 and $5,836 for an elderly couple in 1982) or with incomes less than 125 percent of the poverty level. Some of this, perhaps a fourth, would be made up for by additional payments from Supplemental Security Income (SSI).

(b) The poverty gap for the elderly—the difference between poor peoples' income and the Census Bureau's definition of poverty—would be increased by over $1 billion.

(c) The number of elderly poor would be increased by 700,000 and the number of near-poor elderly (125 percent of the poverty level) by 400,000.

6. *Reducing the Cost-of-Living Adjustment over a Specified Period of Time Introduces Unfair Treatment Among Beneficiaries.* Those who are receiving benefits throughout the whole period of reduction will get 12 percent less in benefits under H.R. 3790 than under present law. On the other hand, those who apply first after 1990 will receive full benefits, unless, as many will fear, the reduction provision is extended.

7. *Taking into Account Inflation Rates in Excess of the Same Percentage in Income Tax Indexing and in Benefit Indexing Has Only a Superficial Appearance of Equity.* The fact that there are more taxpayers than beneficiaries means that the two measures contribute about the same amount to deficit reductions, but the effect on individuals is very different. Under H.R. 3790, the purchasing power of benefits is reduced by 12 percent for those on the rolls from 1985 through 1990. The change in indexing the income tax has much less effect on the after-tax income of taxpayers.

If the social security COLA is set at the CPI minus 3 percent, as in the plans being considered by the Senate Finance Committee, the result is a 3 percent a year across-the-board reduction in benefits. After two years, benefits would be 6 percent lower than they would have been if the COLA had been for the full increase in the CPI. For a household which depends on social security as a sole source of income, two years of CPI minus 3 percent results in a 6 percent reduction in income. One in five elderly households depends on social security for at least 80 percent of total income.

If income is half social security and half other income, this would amount to a 3 percent reduction in income. More than half of all elderly recipients derive more than 50 percent of their income from social security.

Reducing tax indexing does not increase taxes by a flat percent across the board. Indexing expands the amount of income that falls into each tax bracket to prevent inflation from forcing taxpayers into higher tax brackets. As a result of indexing minus 3, brackets would not be expanded to accommodate the first 3 percent of inflation. The actual reduction in after-tax income varies. A family filing a joint return with two dependents and earning $30,000 would experience a 0.3 percent reduction in after-tax income for the year 1985. The same family earning $50,000 would experience a 0.4 percent reduction in after-tax income. But in no case will the reduction in after-tax income be nearly as large as the social security cuts.

The attached table shows the effect in 1985 of reducing tax indexing by 3 percentage points on after-tax income for taxpayer units of varying family size and income. The percentages in the last column are to be compared with a straight 3 percent reduction in social security benefits.

CONCLUSION

I am very sympathetic to the goal of bringing down the deficits projected in the general budget, but I do not believe that further cuts in social security benefits are an appropriate part of this effort. Surely there are measures to accomplish the desired objective which would be fairer and which would not reopen the social security issue.

INCOME TAX INDEXING MINUS 3, 1985

Family income:	Income taxes	Social security taxes	After-tax income	Tax increases	Tax increase as percent of after-tax-income
Single Individual					
$10,000	882	715	8,403	21	.2
30,000	4,271	2,145	23,584	69	.3
50,000	9,437	2,831	37,732	148	.4
100,000	26,688	2,831	70,481	293	.4
1,000,000	373,041	2,831	624,128	342	.1
Joint Return, No Dependents					
10,000	500	715	8,785	24	.3
30,000	3,365	2,145	24,490	49	.2
50,000	7,592	2,831	39,577	147	.4
100,000	22,445	2,831	74,724	284	.4
1,000,000	366,244	2,831	630,925	538	.1
Joint Return, Two Dependents					
10,000	248	715	9,037	27	.3
30,000	2,904	2,145	24,951	63	.3
50,000	6,901	2,831	40,268	166	.4
100,000	21,566	2,831	75,603	308	.4
1,000,000	365,197	2,831	631,972	568	.1

Note.—Income tax calculations assume that itemized deductions are 23% of income. Joint returns are assumed to be one-earner couples. Maximum wage base for social security taxes was assumed to be $39,600.●

S. 2001—THE NATIONAL ACID DEPOSITION REDUCTION ACT

● Mr. D'AMATO. Mr. President, I rise today to express my support for and cosponsorship of S. 2001, the National Acid Deposition Reduction Act, introduced by my distinguished colleague from Minnesota, Senator DURENBERGER.

Acid rain is corroding both the environment and the economy throughout the country. It is a particularly serious problem for the State of New York. In the Adirondack Park, 212 lakes are now "dead"—barren of fish—because of acid rain. More than 250 other Adirondack lakes are on the brink. This harm to natural beauty and ecological balance is bad enough in its own right, but the damage to the sportfishing industry puts thousands of jobs at risk.

Acid rain is destroying our forests and eating away at our buildings and monuments. It has even scarred the Statute of Liberty. Mr. President, this acid siege has to end.

The legislation I am cosponsoring today aims at a 10-million-ton net reduction in acid deposition in the 31 States east of or bordering on the Mississippi River. The bill includes a financing mechanism. The reductions will be achieved through buying control technology with revenues from an emissions tax imposed on sulfur dioxide and nitrogen oxide. The tax will raise $40 billion over 10 years. The revenue will go to a trust fund that EPA will use to help utilities and factories with the capital cost and operating expenses of the necessary technology.

The bill is effective. A 10-million-ton reduction should go a long way toward making rainfall less acidic.

The bill is fair. By basing revenues on emissions, it acknowledges that some States have made progress in curbing sulfur dioxide. But by spreading the cost nationwide, it also keeps any one State from bearing an excessive burden.

The bill is prudent. It does not arbitrarily mandate any particular control method. In choosing where to invest money from the trust fund, EPA ought to have the flexibility to consider which methods promise the greatest benefit for every dollar spent.

In some instances, the most reasonable method might consist of switching to low-sulfur coal. But this might raise problems for States that produce high-sulfur coal. Like Senator DURENBERGER, I invite my colleagues from those States to look at this bill. I welcome suggestions as to how we might take account of the needs of coal mining areas.

Mr. President, we should not let this issue pit region against region. We all live under the same sky, but we must lesson the amount of acid rain falling on our heads.●

SENATOR PELL'S REMARKS ON FEDERAL SUPPORT FOR THE ARTS

● Mr. STAFFORD. Mr. President, in 1981, I was fortunate to become chairman of the Senate Education, Arts, and Humanities Subcommittee which has jurisdiction over our important Federal education, arts, and humanities programs. I have greatly enjoyed my work in this area in the last 3 years, and I know that one of the main reasons I have has been that Senator CLAIBORNE PELL has remained as the ranking minority member of the subcommittee after serving very ably as its chairman for many years. And, in the area of the arts and humanities, he has remained the Senate's leader and expert, a distinction he earned many years ago as one of the founding fathers of the Arts and Humanities Endowments.

Last month Senator PELL wrote an article for the Annals, a journal published by the American Academy of Political and Social Science, in which he discusses the future of Federal support for the arts. I commend Senator

PELL's comments on these important issues to all of my colleagues in the Senate, particularly his remarks on the importance of private-public sector cooperation in support of the arts, and I look forward to working with him when the Senate begins its reauthorization of the Arts and Humanities Endowments.

The comments follow:

FEDERAL SUPPORT FOR THE ARTS HAS A FUTURE

(By Claiborne deB. Pell)

Abstract: As one who has been intimately involved for 23 years with the federal programs that support the arts in this country, I have been particularly concerned about recent Reagan administration efforts to reduce the budgets of the National Endowments for the Arts and for the Humanities and to lessen their impact on our cultural scene. The administration's approach to federal arts policy began with some basic misconceptions about the sources of the impressive growth that took place in the sixties and seventies in both the number and quality of American cultural institutions. Moreover the administration contended that as government support for the arts increased, there was a decrease in moneys from the private sector. Statistics seem to indicate that the opposite is true. The federal government through the National Endowment for the Arts has had a major impact in aiding and expanding our nation's cultural institutions. Much of this effect has been achieved in partnership with private resources. This critical government role as catalyst and facilitator must continue to spark increased nonfederal support for the arts.

The direction of federal support for the arts became alarmingly uncertain only a few weeks into the Reagan administration. The drastic reductions proposed for the 1982 fiscal year came as a surprise to those of us in the Congress who had nurtured the steady growth of our twin Arts and Humanities Endowments over the preceding fifteen years, growth that had enjoyed the unique bipartisan support and encouragement of presidents and congressmen alike.

THE THREAT TO FEDERAL SUPPORT

The administration proposal was to reduce the budget authority of the National Endowments for the Arts and for the Humanities by half. A "savings" of 50 percent was foreseen in the programs beginning in the fiscal year 1982. Furthermore, it was recommended at the same time that budgets for the fiscal years 1984 and 1985 be held at the $100 million level.

The Office of Management and Budget (OMB) under the guidance of its director, David Stockman, stated its rationale for these cuts as follows:

Reductions of this magnitude are premised on the notion that the Administration should completely revamp federal policy for arts and humanities support. For too long, the Endowments have spread federal financing into an ever-wider range of artistic and literary endeavor, promoting the notion that the federal government should be the financial patron of first resort for both individuals and institutions engaged in artistic and literary pursuits. This policy has resulted in a reduction in the historic role of private, individual, and corporate support in these key areas. These reductions in federal support are a first step toward reversing this trend.[1]

The most extreme interpretation of these words would be that government does not really have an obligation to support the arts financially or philosophically and should therefore stop or drastically curtail its activity in this area. Others, of a more moderate bent, would hold that government support should extend only to our so-called national treasures, leaving the rest of our artists and cultural institutions to fend for themselves. However one interpreted the OMB rationale, it was a startlingly new concept, which posed serious social and economic consequences for a multitude of communities and institutions.

Mr. Stockman advised the president that such cuts "could generate strong opposition" from the Endowment's "broad and articulate public constituencies."[2] Despite this warning, however, he proceeded to recommend the 50 percent reductions. Some members of the administration tried to put the best face possible on the proposed halving of the Arts Endowment's budget by spreading the word that Stockman had originally asked for the complete elimination of the agency. This generous gesture, if true, was hardly reassuring to the arts community and to their supporters in Congress. With the formal submission of the proposed budget revisions, the battle of the budget was officially under way.

I particularly objected at the time to two of OMB's justifications for the reductions. First, I strongly disagreed with the point that the arts were a "low priority item,"[3] and second, I took issue with the contention that federal support for the arts over the previous 15 years had discouraged or driven out private and corporate support. In fact, in the 10 years prior to the Arts Endowment's establishment, contributions to the arts from the private sector had risen less than 3 percent from an estimated $199 million in 1955, to $205 million in 1964. In the succeeding years, however, when the Endowment has been performing its crucial role as a catalyst, total philanthropic support for the arts and culture had grown to $2.7 billion and corporate support alone had increased from $22 million in 1966 to $435 million currently.

Since its beginning in 1965, the Endowment has also been largely responsible for encouraging growth in support for the arts from state governments, in local arts agency support, in the overall increase in the number of arts institutions, and especially in the size of audiences.

Perhaps the most fundamental concept of my original enabling legislation was that private initiative should always be the principal and primary source for the support and encouragement of the arts in the United States. I envisioned the Endowment as a catalyst that would help spark nonfederal support for the arts in a new and unique role for public moneys. The fact that Endowment grants were to be matched on a one-to-one basis was the key to the entire proposal.

After seeing the success of this plan, the legislation was later amended to provide for the Challenge and Treasury Department grants, which required a match of three nonfederal dollars for each federal dollar granted by the Endowment. I could not have been more pleased when the incoming private dollars began far exceeding those required by the federal guidelines. The concept of "Endowment as catalyst" was clearly working, and it was proving to be of tremendously important assistance to cultural institutions.

IN DEFENSE OF FEDERAL SUPPORT

When the appropriations hearings got under way to address the cuts in the first Reagan budget, the arts community turned out in impressive numbers and with eloquent pleadings and telling statistics with which to make their case. These articulate arts witnesses were supported by representatives from the corporate sector, who were justifiably worried that massive reductions by the government would send a signal that the arts were in fact dispensable. If this belief took hold it would certainly not encourage the private sector to contribute additional sums at a time when they were actually of critical importance.

After lengthy hearings and complicated negotiations between the House of Representatives and the Senate, a final budget of $143 million was approved for the Arts Endowment in fiscal year 1982—approximately a 10-percent reduction from the year before but in reality a more serious blow, owing to the toll taken by inflation. The important element, however, was that the arts constituency in this country had proven to be a powerful force with which Congress and the president could not avoid dealing. Indeed the strength and effectiveness of the outcry may have surprised the administration and convinced it that further major alterations in federal arts policy should be undertaken more cautiously and with an eye to the freshly mobilized and confident arts constituency.

The administration soon responded by appointing the Presidential Task Force on the Arts and Humanities and directed it to conduct a thorough reassessment of federal arts policy. Many who feared that there would be fundamental alterations in the Endowment's structure and purpose were reassured when President Reagan called our cultural institutions "an essential national resource" that "must be kept strong"[4] despite the need to reduce government spending. Others were suspicious that the task force findings were already a foregone conclusion and that the Arts and Humanities Endowments, as we know them, were to be drastically transformed into a government corporation along the lines of the Corporation for Public Broadcasting.

Nevertheless a distinguished group of citizens from the artistic, corporate, and university worlds was appointed by the president to conduct an extensive review of both Endowments. An indication of the future of federal support for the arts can be found in the report that the task force presented at its final meeting. First, it concluded to everyone's great relief that there is indeed a valuable federal role in the arts and humanities. The low priority assigned to the arts by OMB had clearly undergone an impor-

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[1] U.S., Executive Office of the President, *President's Budget Reform Plan, pt. 3, America's New Beginning: A Program for Economic Recovery* (Washington, D.C.: Government Printing Office, 1981), p. 6-39.

[2] U.S. House of Representatives, Democratic Study Group, "Special Report: The Stockman Hit List," 7 Feb. 1981, p. 37.

[3] U.S., Executive Office of the President, *America's New Beginning*, p. 6-39.

[4] U.S., Executive Office of the President, Statement on the Establishment of the Presidential Task Force on the Arts and Humanities, 6 May 1981.

tant alteration. In addition the task force found the basic structure of the two Endowments to be sound. I particularly welcomed this finding, as my confidence in the two agencies and the way they operate has remained steadfast over their entire life span.

Those of us on the Senate authorizing subcommittee exercise our oversight authority by setting the direction of the Endowment's programs. Reauthorization of the Endowments, which now occurs every four or five years, gives us the chance to address specific problems in a program and to hear proposals for change. Some fine tuning has been carried out over the years, but, in general, the original legislation has remained largely unchanged as a testament to its effectiveness as well as to the success of the Endowments.

A further finding of the task force was that support for the arts from the private sector should be increased. The success of the Challenge Grant Program was undoubtedly a guidepost here. But the task force recommendation went further to ask that corporate, foundation, and individual giving be increased so as to make up the shortfall in federal spending. It was speculated at the time that if any one of the top 500 corporations gave the legally allowable 5 percent contribution to the arts, the funding problem would be solved. Furthermore only 30 percent of the nation's corporations were said to be making charitable donations, and that a great deal more could be accomplished if these vast untapped resources were mobilized.

Though business will undoubtedly find it difficult to increase its gifts in the present economic climate, I wish to encourage all efforts in this direction. The Arts Endowment has a superb track record of being able to attract private money. Through the existing mechanism of Treasury Funds and Challenge Grants, the agency is set up to receive gifts that have the wonderful effect of doubling or tripling the funds that it can actually award to a particular applicant institution. This ability to attract private money has been incorporated into the Endowment's structure ano has already proved to be a huge success. With skillful direction and encouragement, the much needed increase in private support can be achieved by expanding this partnership.

THE NEED FOR FEDERAL INVOLVEMENT

Of course a period of dramatic economic growth would help everyone, but I am skeptical that a major recovery is coming soon. Private philanthropy alone is simply not going to fill the gaps that are now occurring with alarming frequency among our arts institutions. Foundations, also pressed by economic conditions, are finding it virtually impossible to increase their giving commitments. It is regrettable but true that corporate and foundation philanthropy can only in rare instances address base budget problems no matter how sincere the interest. Some redirection of foundation funds can be expected to assist in some of the most desperate situations, but this sector cannot possibly be expected to come to the rescue without an assist from the federal government.

Large capital endowments can provide a welcome cushion in hard times, but even our major cultural institutions are just beginning to seek funds for stockpiling in such a reserve. Wisely, the Endowment's Challenge Grant Program permits both the federal and private matching moneys to be used for building such cash reserve funds. Again, it would seem prudent to explore ways of developing and improving this now well-tested method of raising capital funds. It should also be structured so that institutions of all sizes can particpate.

Though each segment of the private sector must be approached and encouraged to assist in ever more creative ways, I want to stress that I believe that the American government should very definitely continue to be actively involved in the business of the arts. I do not agree with some who see the foundations and corporations being forced into taking over programs that the government is abandoning. They have neither the resources nor the desire to do this. The government must continue to play its crucial role as catalyst and ensure that the symbiotic relationship between public funding and private initiatives remains a vital one.

The arts in this country are flourishing as never before, and their audience is expanding. It is, in fact, not the arts that are financially threatened, but only specific arts institutions and activities. Now that the structure and methods of the Arts Endowment have been endorsed by this administration, the only real gap is the gap caused by high inflation and reductions in government support. New ways can be found to increase the participation of the private sector by expanding its partnership with the establish government arts programs.●

REDUCING EUROPEAN ANXIETY

● Mr. BIDEN. Mr. President, despite recent claims that the North Atlantic Alliance has never been stronger, there is ample evidence of fissures just beneath the surface. Western Europeans continue to question many aspects of current U.S. foreign policy, just as they disagree among themselves on many economic and security questions.

The fact that some new neclear missiles have successfully been deployed is no guarantee that the remaining weapons will be welcomed, especially absent any real progress toward arms control.

One of the most perceptive analysts of European affairs, Prof. Stanley Hoffmann of Harvard, writes in the February 6 New York Times that the United States could help reduce European anxieties by a more active and comprehensive East-West diplomacy, especially in the realm of arms control. He also suggests greater European efforts to strengthen their nonnuclear military capabilities.

Mr. President, I ask that Professor Hoffmann's cogent article be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 6, 1984]

TO REDUCE EUROPEANS' ANXIETY

(By Stanley Hoffman)

PARIS.—The crisis provoked in Western Europe by the deployment of medium-range American missiles appears to have been overcome. The peace movement, particularly in West Germany, shows signs of demoralization and splintering. The governments of the major Western European countries have reaffirmed their solidarity with the United States. Nevertheless, the alliance remains in a paradoxical situation: Its European members are full of deep anxieties and wish to assert their common identity, and yet wisdom suggests a series of small steps rather than any grand design.

The anxiety is close to the surface. The very duration of the missile deployments guarantees further troubles, especially if arms control negotiations with the Soviet Union do not resume. The usual doubts about United States policy are as sharp as ever. All Western European governments believe that peace in Europe is not just a question of military equilibrium but also requires constant conversations and understandings with the Kremlin. They are not convinced that American statesmen agree, despite the recent and abrupt moderation of President Reagan's rhetoric. Many Western Europeans fear that, despite official American denials, American strategic planning entails the possibility of a "limited" nuclear war that could spare the superpowers but would devastate Europe. They are even more upset by American attacks, coming from neo-conservatives as well as from former officials of the 1960's, against the North Atlantic Treaty Organization's traditional strategy of threatening the Soviet Union with a first use nuclear weapons in the event of a Soviet conventional attack.

Western Europeans resist America's pressure to rely primarily, both for deterrence and for defense, on conventional forces, not only for economic reasons but also because they remember that conventional deterrents rarely have succeeded in the past and because they are more convinced that many Americans of the inevitable superiority of Soviet conventional forces.

Finally, Western Europeans are disturbed by recurrent United States threats or hints about removing some of America's conventional forces from Europe either in order to lighten the financial burden on the United States or to cope with more serious threats in other parts of the world.

All these possibilities emphasize Western Europe's dependence on the United States. Even the newly deployed missiles teach the same lesson. They remain under Washington's control—and the more Americans stress the declining credibility of a threat of first use, the less can Western Europeans be sure that these missiles actually will play the deterrent role for which they were deployed.

The Western Europeans are also, as usual, divided. The French have a national consensus around nuclear deterrence and often talk as if the accumulation, by the West, of nuclear weapons—any nuclear weapons—is the key to peace and security in Europe. In West Germany, on the contrary, the development both by the Soviet Union and by the United States of nuclear weapons capable of hitting the enemy's nuclear forces has awakened doubts about the long-term stability of nuclear deterrence.

These fears and disagreements have made Western European statesmen eager to revive the dormant ideal of a more autonomous Western European defense within the alliance. There is another reason: The European Economic Community is bogged down in petty discussions about money and milk, its institutions are paralyzed and all its members feel the need to take some initiative proving that the ideal of a united Europe is not dead. But there remain formidable obstacles to a common defense, especially in the nuclear field.

The modernization of the French and British nuclear deterrents will add many warheads, but they remain national forces whose capacity to deter Soviet attacks, espe-

cially conventional ones, on the rest of Europe is dubious. The French realize that their nuclear force could probably not save them from Soviet conventional attacks or blackmail should the Soviet Union reach France's borders, and that France has a vested interest in preventing a North Atlantic Treaty Organization defeat east of the Rhine. But they continue to give priority to nuclear weapons over conventional forces. The creation of a common nuclear deterrent for Western Europe would require not only a dramatic French shift from national independence to collective decision-making but also a willingness to let Bonn have not just the right of veto but a finger on the nuclear trigger. No Western European government, and especially not the West German one, is ready for this.

What is to be done? On the Western European side, there could be joint French, British and West German discussions on the uses of the French and British long-range nuclear forces, and French-German discussions on the targeting of France's tactical nuclear weapons and on the function of the quick deployment force that France plans to create. Better coordination and division of labor in the production of conventional weapons by Western Europe should certainly be undertaken.

But the two pillars of the alliance remain a joint policy toward the Soviet Union and a strategy based both on a credible conventional force and on the continuing risk of nuclear escalation in case of conventional war. The preservation of these pillars requires a greater United States willingness to match the buildup of American strength with far more active and comprehensive East-West diplomacy, especially in the realm of arms control. It also requires the persistence of uncertainty about the use of nuclear weapons in case of a Soviet conventional attack, precisely because there are no technological panaceas that could guarantee the success of a purely conventional deterrence and defense.

In the conventional-war realm, the Western European members ought to increase their efforts in order to foreclose any possibility of a quick Soviet victory. But it would be foolish to expect such an increase as long as the American economic recovery has not spread to Western Europe.

Ultimately, economic ill health and political divergences remain far more dangerous for the alliance than Soviet buildups or peace offenses.●

ARIZONA MEMORIAL SEEKS RENEWED DIPLOMATIC TIES WITH REPUBLIC OF CHINA

● Mr. GOLDWATER. Mr. President, it is my great pleasure to announce that the Arizona State Legislature has overwhelmingly passed a concurrent memorial urging the President to reestablish official governmental relations with the Republic of China. Moreover, the State memorial urges Congress to take all necessary steps to fulfill U.S. commitments to the people and Government of the Republic of China.

Mr. President, I have previously called for what I call the derecognition of Red China and the resumption of our previous official recognition given to the Republic of China as the only legitimate government of the Chinese people. The memorial adopted by the legislature of my State reinforces my feeling that President Reagan should adopt this course.

The Communist regime on the mainland of China will not be here forever. The form of totalitarianism and state socialism practiced by Communist China is a proven failure. Sooner or later, communism will disintegrate from its own corruption and internal contradictions.

The Chinese, with their thousands of years of civilization, know better than anyone else of the cycles in history. Always in the past, the Chinese people have thrown off repressive regimes and have subsequently enjoyed greater heights of achievement and economic and military strength. So it was when the tyrannical Ch'in dynasty was replaced by the great Han China and so it will occur again when the Communist emperors are destroyed or destroy themselves and are succeeded by a free and constitutionally based government.

Rather than bow to the arbitrary demands of Red China, the United States should concentrate on improving its strategic relationships with proven, modern allies, such as Japan, South Korea, Taiwan and the private enterprise nations of ASEAN. Red China is not and can never be a dependable ally or partner of the democratic and free market nations of the world.

Mr. President, in restructuring our foreign policy in the Pacific, I also would urge the President and Congress to follow the recommendation made in the Arizona memorial to give U.S. security guarantees for the Republic of China. Regardless of blind or wishful thinking about the motives of Red China, the fact is that the Republic of China on Taiwan faces serious threats of blockade or invasion of the offshore islands of Kinmen and Matsu, a possible Communist naval blockade of Taiwan itself and the overwhelming of Taiwan's air and naval defenses by the growing sophisticated arms of Red China, especially if Taiwan is not allowed to obtain qualitatively advanced air defense capabilities.

Mr. President, I hope that the Arizona State memorial will encourage other States to adopt similar resolutions reflecting the real wishes of the American people, whose commonsense and loyalty to friends would be useful qualities in our foreign policy.

The memorial follows:

HOUSE CONCURRENT MEMORIAL 2001

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the Republic of China has been and continues to be one of the most faithful allies of the United States since its founding in 1912, having militarily and politically supported our country during World War I, World War II, the Korean War and the Vietnam War; and

Whereas, the Republic of China has built a successful, prosperous and free economy out of the ashes of a half century of revolution, invasion and civil war and now serves as a major trading partner of the United States; and

Whereas, the Republic of China holds a pivotal, strategic position in the defense of East Asia and the Western Pacific, which is vitally important to the interest and the defense of the United States, with extensive air and naval base systems available to the United States on request, and has always utilized its military power in the interests of the free world; and

Whereas, the political and economic stability of the Republic of China and the freedom way of life, high standard of living and fundamental human rights of its 18 million people, and the military security of this nation, would be significantly enhanced by the reestablishment of official diplomatic and military relations between the Republic of China and the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the President of the United States reestablish official governmental relations with the Republic of China and that the Congress of the United States take all necessary actions to provide specific security guarantees for the Republic of China.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Congress of the United States.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial, in care of George Y. Yeh, Arizona Coordinator for the Republic of China, to President Chiang Ching-kuo, Republic of China; Premier Sun Yun-suan, Republic of China; Minister Fu-sung Chu, Ministry of Foreign Affairs, Republic of China; Minister Kuo-hwa Yu, Chairman of the Council for Economic Planning and Development, Republic of China; Minister Chao Uao-tung, Ministry of Economic Affairs, Republic of China; Minister Hsu Li-teh, Ministry of Finance, Republic of China; Minister Mo Sung-nien, Overseas Chinese Affairs Commission, Republic of China, and Representative Fredrick F. Chien, Coordination Council for North American Affairs.●

GRENADA

● Mr. EAST. Mr. President, the recent rescue mission on the Marxist island of Grenada continues to provoke controversy within the American media. Despite overwhelming evidence of massive support by the American people, the media has made every effort to discredit and embarass the administration, the U.S. Armed Forces, and those involved in the mission. This tendency on the part of our media to arrogate to themselves the right to determine what the nature and direction of the United States shall be is ably analyzed in a column by the distinguished journalist, Alice Widener, and I ask that the column be printed in its entirety.

The article follows:

THE MASS MEDIA OUR OVERPRIVILEGED ELITE

(By Alice Widener)

When Vice Admiral Joseph Metcalf III barred the press from covering the United States military rescue of Grenada from anarchy, October 25 and 26, 1983, most of our mass media stars, male and female, were so infuriated they bared fangs usually concealed behind smiles artfully constructed for TV-camera close-ups by high-priced cosmetic dentistry.

Hysterically, Helen Thomas of United Press International shrieked, "The White House has lost credibility with the media."

Dan Rathers of CBS-TV said, "If the press isn't there, the people aren't there." John Chancellor of NBC-TV said, "The American government is doing whatever it wants to in Grenada without any representative of the American public watching what it's doing."

Obviously, Messrs. Rather and Chancellor exclude civilian and military officials of our Government as legitimate representatives of the American people. Fortunately for truth, at the moment of the Grenada crisis, Ray Briem of ABC Talk Radio pointed out coolly and correctly, "The polls show overwhelmingly that the media have lost credibility with the public."

Most media stars were not only way out of touch with the fundamental feelings of the very public whom they profess to protect and respect but also exhibited the kind of conceited fascistic arrogance characteristic of a republic at its time of true crisis when a single group claims immunity from discipline, tradition, loyalty and law.

What happened in Grenada during the rescue operation is that for the first time since 1950 the American people could themselves learn what really was taking place without preclusive censorship by The Press.

Thus when the rescued American medical students arrived at Kennedy Airport it was impossible to screen from public view the 23-year-old girl who flung herself into her parents' anxiously awaiting arms and cried out, "Those Marines—they were so strong and brave and kind!"

Kind? Kind? That adjective left the media horde dumbstruck, accustomed as most of them are to hearing and reading since 1950 mainly the harshest derogative of our American military.

It was in 1950 that two major events occurred which adversely affected the security of every American and that of our nation and the entire free world. The first of these events was adoption by President Harry Truman, April 1950, of a top secret overall foreign policy directive, National Security Council Document 68, which was foisted on him by Dean Acheson, George F. Kennan and Averell Harriman. Referred to among the intellectual clique who framed NSC-68 as the "containment of communism" policy, it actually was the formulation of a rigid "no-win" doctrine applied to our country only. NSC-68 urges avoidance of nuclear war through U.S. acceptance of a Soviet first strike and NSC-68 forbids any U.S. action "directly challenging Soviet prestige."

The second major 1950 event adversely affecting our internal and external national security was announcement by The New York Times that it was abandoning our traditional journalistic distinction between straight news and editorial writing in favor of adopting what it described as "interpretive reporting" but in reality was propagandizing. Consequently, Times man Thomas J. Hamilton, newly elected president of the United Nations Correspondents Association, proposed abandonment of objective reporting on the U.N. "for the sake of an ideal."

The full consequences of our no-win foreign policy, which was kept top secret until February 1975, and of our acceptance of "interpretive reporting" which shielded the Communist movement from direct challenges to its prestige, became obvious to the American people only in October 1983 when our "sitting duck" Marines were massacred at Beirut Airport in Lebanon and thereafter the Reagan Administration had the courage to undertake a winning military operation in Grenada.

In vitriolic criticism of the Reagan military policy, Sam Donaldson burst out on the Sunday morning ABC-TV News discussion "I am a believer in the Acheson-Kennan containment policy." Thus he exposed himself, as do almost all our prominent media stars, as an ideologue not an objective newsperson.

The 30th anniversary issue of Playboy magazine, dated January 1984, carries a long exclusive interview with Dan Rather who declares, "The only person I'll listen to in criticism about our [CBS'] coverage of the Soviet Union is Harrison Salisbury. He can lay down aces in terms of his experience of covering it. With everybody else, my attitude on it is '—— you.' I don't think other people have a lot to crow about." Informed Americans know that Harrison Salisbury, formerly of the New York Times is as pro-Soviet as Herbert Matthews of the New York Times was pro-Castro.

On November 30, 1983, Mary Bedell Smith reported in The Times that Peter Jennings of ABC-TV told her "99% of the phone calls I received about barring the press from Grenada were in favor of the [U.S.] government." The Times/CBS poll showed 91% in favor of the Reagan Administration and against the press. Repeatedly, newsmen who had been in World War II referred to their patriotism and trustworthiness during those times in order to try to impress the public with their fitness to guard our secrets, protect American lives and be true to American ideals today in Central America, the Middle East or anywhere else. This media effort at reassurance is totally ineffective because we Americans have learned that things are far different now in political and moral points of view than they were before. Since 1950 our nation has never been in a declared war with the press legally under wartime censorship and legal restraints as in World Wars I and II. Nor have we had an "enemy" but merely an adversary, according to NSC-68. Though we have lost more than 100,000 American military men killed in the Korean United Nations Police Action and the Vietnam Military Advisory Operations, our media representatives were entirely free of legal and social penalties for consorting with or aiding the Communists who were killing us.

Why? Not one in a million Americans is aware that there is only one federal crime in our U.S. Constitution—treason. And treason is strictly defined as giving aid and comfort to the enemy in time of war. Only Congress can declare war. So the aid and comfort individuals such as Jane Fonda, Daniel Ellsberg and others amply gave to our murderous "adversaries" in Peking and Hanoi cannot be legally prosecuted as treason and all have been welcomed by our media who have provided them with a reversible all-weather political cloak—First Amendment absolutism on one side and anti-anti-communism on the other.

As thousands upon thousands of Americans stood in the streets of San Francisco and New York City to welcome home General Douglas MacArthur after his dismissal as commander of our forces in Korea, 1951, they knew in the marrow of their bones that something was wrong, very wrong. Not one in a million Americans knew that the "something" wrong was the secret NSC-68. In May 1951 General MacArthur told me in a long exclusive interview at his office in Manhattan:

"Always in war when I visited my wounded in the hospital, I could look them in the eye, no matter what their condition or how tragic their wounds, knowing that our country had backed them to the hilt.

"But when I went to see my Korean War wounded, I just couldn't look them in the eye, knowing they had been forced to fight with one hand tied behind their backs.

"I went home and walked the floor alone until four o'clock in the morning. I made up my mind what to do and I did it."

The General paused, his eyes full of tears. Then he looked me straight in the eye. "Do you think there is anyone anywhere who can teach me how to shoot down half a bridge?" he said. Again he paused, then said firmly: "I am convinced I was restrained in Korea by some secret Administration policy directive on strategy about which I was not informed."

Under the inexorably intolerant and therefore fascistic intellectual leadership of the Liberal Establishment—the New York Times, Washington Post, Council on Foreign Relations, Columbia Broadcasting Company and American Civil Liberties Union—plus the influence of professional pacifist propagandists preaching and teaching American unilateral disarmament at Massachusetts Institute of Technology, the Bulletin of the Atomic Scientists, Chicago, and Center for the Study of Democratic Institutions, Santa Barbara, California—our once independent media became a cyclops with a single eye fixed on what they perceived to be American faults and blind to the evils of communism. Our greatest military heroes were vilified and the most brutal Red leaders glorified.

On October 30, 1983, I watched over CNN-TV the very first press interview at Bethesda Naval Hospital of our Grenada wounded. I saw the face of Captain Timothy Howard, USMC, while 40 newsmen crowded around his bed. His right arm had been amputated to the elbow. His left leg had 14 multiple fractures. A grimace of intense pain contorted his face. "Please," he said through clenched teeth, "don't jolt my bed." Someone thrust a microphone into his face. "I said," he said, in a voice so full of agony that I burst into tears, "don't jolt my bed." From somewhere came a stern command "OUT!" Later I learned the order came from a Navy public information officer at the hospital too appalled by the media's brutal conduct to utter another word. Also, I later learned that a United Press International reporter was so ashamed of the media conduct that day he wrote a personal letter of apology to Captain Howard and to the medical staff at Bethesda.

The media brutality toward our military did not surprise me. I had a memorable experience with it during the Vietnam War. In March 1966, I received a telephone call from President Lyndon Johnson (whom I never had met or voted for) to tell me that as the result of a newspaper column by Drew Pearson, the Pentagon and White House were swamped with anguished inquiries from

families and friends of our wounded patients in Walter Reed Army Hospital. The column charged that while officers were being coddled in luxury at the hospital, the GI's were being cruelly neglected, denied essential needs and even doses of painkilling drugs. Pearson wrote that conditions were so unsanitary that filthy bloodstained bandages were lying everywhere on the floors and heaped high outside the wards to the ceiling. President Johnson asked whether I would be willing to visit Walter Reed and see conditions for myself.

Having paid my own way to Washington, I was met next day by an Army officer who drove me to Walter Reed. No official escorted me or made the slightest suggestion about what I should write.

At first glance, outside the amputees' wards, No. 35 and 36, it did seem as if repulsive bandages were heaped on the floor. The sight was sickening. At second glance, I saw the bandages were in huge transparent plastic bags. The driver of a hospital garbage pickup truck who made the rounds through the hospital halls every 30 minutes said, "Clear plastic is cheaper than opaque." Inside wards 35 and 36, I talked with 93 amputees. I found out the truth about the pain killers. These mutilated suffering young men were on "THE THING." What was that? A voluntary self-organized pact among them to try to refrain from taking pain pills as "chicken" because it seems the drugs act as a depressant and thus retard recovery.

On March 11, 1966, a GI gestured with his right shoulder toward the TV next to his bed in Ward 35 at Walter Reed Hospital. He couldn't gesture with hand and forearm. They had been amputated. "Sometimes," he said scornfully, "while I'm watching and listening to this thing, I get to wondering whether some of the characters on it wouldn't be more with us if we were fighting alongside the Vietcong for the Vietcong."

His remark chilled my blood. Only a couple of weeks earlier I had been at a meeting in Manhattan where Professor Eugene Genovese of Rutgers University, who had publicly proclaimed he would "welcome a Vietcong victory", said the Leftwing intelligentsia in our country "must achieve a Marxist revolution and that is why there exists now in this country the necessity for open advocacy of socialism." To accomplish this, he said, the Leftwing must achieve "cultural hegemony."

As everyone knows, "hegemony" is preponderant authority. There is no doubt that over the years since 1950, with NSC-68 and "interpretive reporting," an elite among the Leftists gained cultural hegemony over our media and this sad situation became more and more evident to the people. Overnight in October 1983 the media found out that though some of the people can indeed be fooled for some of the time, all cannot be fooled all the time. Though the media immediately sought to convert the Grenada rescue into a bitter struggle between the media and the U.S. Government, it has become an open struggle between the media and the people.

On November 20, 1983, New York Times reporter Jonathan Friendly twisted his article into a story about a "feud between the military and the press" and delcared, "The debate about restriction of news coverage of combat in Grenada has brought into the open military suspicions about the press and its patriotism." Jonathan Friendly then referred to the "apparently heartless" media interviews with the families of Marines killed or missing in the Beirut barracks.

What does Friendly mean by "apparently" heartless? Doesn't he know the difference in definition between "obviously" and "apparently"? Obviously he doesn't, but the entire American TV-viewing public did and they found the interviews sadistically intrusive. So did the friends and relatives of the dead or missing Marines who found out that the media at Camp Lejeune, North Carolina, bribed taxi drivers to reveal the addresses to which they had driven Army and Navy chaplains on condolence missions to bereaved, desperately anxious and heartsore parents, grandparents, sisters, brothers and wives.

On November 4, 1983, the Wall Street Journal carried a truly enlightening letter to the editor from Major General John E. Murray, USA Ret. which goes to the vitally important core of our present political, intellectual and moral plight concerning the relationship between the media and the people. General Murray says that the wailing of the press because it was denied advanced briefing and immediate access to the Grenada rescue operation is like that of a child denied a stick of candy unaware it was a stick of dynamite. "Surprise, celerity and concentration are the quintessence of military success," Gen. Murray writes. "A commander has a hole in his head and a hole in his plan if he sacrifices secrecy."

The media say they maintained utmost secrecy in World Wars I and II. So they did. But—they were operating under total wartime censorship which never has been put into practice by our country since 1945. If it had, several of our leading media pets would now be serving long prison terms for treasonable aid and comfort to the enemy.

Another aspect of our media overprivilege is their total freedom from any kind of professional disciplinary control. Every other profession is under some kind of disciplinary scrutiny or regulation—the police by civilian boards, physicians by state boards of medicine on charges of malpractice, lawyers by the American Bar Association, etc. However, our media do exactly as they please without fear of professional discipline and much of what they please to do is crude, brutal, immoral and degrading.

General Murray writes what every military man who fought in Vietnam and Southeast Asia knows: "Among them [the press] there are what can only be charitably termed criminal inclinations. The media, unlike the soldiery, do not come under the Uniform Code of Military Justice. Why weren't the culprits among them tried in Vietnam for illicit money involvement and drug activities? There were those among the media in Vietnam who had it better than Jesse James. They were outlaws with no law to punish them. Then there is that pitiless commonplace invasion of a soldier's and his family's privacy in what may be his last pains by TV and photographic pimps—an arrogance in another's agony that is beyond forgiving. Contrary to presumption, Last Rites do not grant last picture rights to blood-thirsty media Draculas."

On November 30, the Wall Street Journal carried an extremely revealing report. "Returning State Department Files" by staff reporter Jonathan Kwitny who recounted the story of what happened at Channel 5 in Washington, D.C. after newscaster James Adams received a call from inmates at District of Columbia prison, Lorton, Virginia, that they were in possession of confidential U.S. Government files accidentally left in a cabinet sent there for refurbishing. Mr. Adams and Channel 5 news director Betty Endicott notified the State Department, broadcast an announcement of what had happened and turned the documents over to U.S. Senator Charles Mathias because, they said, "he is a member of the Senate Foreign Relations Committee, he is cleared to read classified material and he is in a position where he can provide oversight on security breakdowns."

Immediately there came a vociferous outburst of indignation from media bigwigs Jack Anderson and Seymour Hersh, both professionals being anti-U.S. authorities and anti-U.S. military muckrakers. There representatives and other media characters, says Mr. Kwitny, hounded Mr. Adams and Mrs. Endicott for copies of the classified papers. "You're giving away gold!" they complained. There was indeed a fortune to be made out of the secret U.S. Government documents and their fingers itched for part or all of it. Equally appalled at the lost opportunity at whatever cost to our country's success and prestige was Robert MacNeil of the Public Broadcasting MacNeil-Lehrer Report. What these mercenary careerists appear to want above all else is the chance to place "a smoking gun" in the hands of any public or private individual holding views or taking action which the media elite oppose.

Reporter Jonathan Kwitny interviewed the heads of two influential American schools of journalism about the ethics of James Adams' and Betty Endicott's situation. Naturally, Dean Osborn Elliot of Columbia University School of Journalism said, "A reporter's duty is to report . . . . " Dean James Atwater of the University of Missouri School of Journalism said he would have returned the documents to the State Department without even reading them.

On December 2, 1983, Richard M. Clurman, board chairman of Media and Society Seminars, Columbia University Graduate School of Journalism, wrote an op-ed piece entitled "The Media Learn a Lesson" for the New York Times. Too many journalists, he wrote, "decided that their primary function was to act as adversaries to all the powers that be. Moreover, reporters sometimes are often too poorly prepared for the complex subjects they must cover; others lack training in standards of ethical judgment and conduct. Many, from their bunkers often fail to distinguish between junk and important information. . . . For their own welfare and for the good of our democracy, the media need to start making their case, in words and conduct, better than they have. For now, they are plainly exasperating the public, whose support they need to preserve their protected and crucial vigor."

The key word in Mr. Clurman's statement, in my opinion, is "protected." Assiduously, since 1950, our media have used secrecy—the very means they profess to reject—in order to hide, discredit or keep away from the public the advocacy of domestic and foreign policies which they oppose ideologically. This is how they obtained their overprivileged status. Thus, for example, they were able to censor or suppress exceptionally important books by authorities and experts such as General Thomas Powers, Commander-in-Chief, U.S. Strategic Air Command and by General Albert C. Wedemeyer.

Through misuse of our First Amendment the media have flung open doors shutting out libel and vilest obscenity. They have used the "docudrama" to blot out the distinction between fact and fiction.

Worst of all, most of the overprivileged media elite have sought to ridicule and un-

dermine the traditional ideals of our individual citizen's devotion to duty, honor and country, ideals which have brought out the best in most of us cherishing our Republic of the United States of America.●

REFERRAL OF S. 1329

Mr. BAKER. Mr. President, I have a unanimous-consent request regarding referral which bears the approval notation of the minority leader, and I thank him for his consideration and that of other Senators.

I ask unanimous consent that Calendar No. 643, S. 1329, be referred to the Committee on Energy and Natural Resources for a period of not to exceed 60 calendar days, to consider sections 201 and 204.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LOCATION OF "PROGRAM" IN THE RECORD

Mr. BAKER. Mr. President, I have discussed the next request with the minority leader. Indeed, he brought the matter to my attention, for which I am grateful.

Senators will notice that, usually, in the course of the concluding moments of the session, I ask unanimous consent that a statement of the program for the following day, or sometimes several days in advance, may appear as the last item in the Senate portion of the RECORD for that day. In order to provide that on a regular basis, just in case I forget to ask someday, it might be good to make that proviso for the balance of this Congress. The minority leader has indicated to me that he does not object to that, for which I am grateful.

Therefore, Mr. President, I ask unanimous consent that for the balance of this session of Congress, the statement of the program that may be given by me from time to time will appear as the last item in the Senate portion of the CONGRESSIONAL RECORD for that day, just prior to the adjournment or recess provision.

Mr. BYRD. Mr. President, reserving the right to object—and I do not object—this is valuable information, and it should appear at the point in the RECORD where Senators know they can find it quickly. It seems to me that at the close of the day is the time and the place for that statement by the majority leader, regardless of when during the day he makes it. I think it is an important request and I certainly agree with him.

Mr. BAKER. I thank the minority leader.

Mr. President, I put the request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DUTY-FREE ENTRY OF OLYMPIC EQUIPMENT, PERSONAL EFFECTS, AND RELATED ARTICLES

Mr. BAKER. Mr. President, I believe the request I am about to make has been cleared by the minority leader.

Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 290.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the resolution (H.J. Res. 290) entitled "Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

" 915.00	Personal effects of aliens who are participants in or officials of the XXIII Olympiad, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with the games; and other related articles as prescribed in regulations issued by the Secretary of the Treasury	Free	Free	On or before 9/30/84 ".

SEC. 2. The amendment made by the first section of this joint resolution shall apply with respect to articles—

(1) entered, or withdrawn from warehouse for consumption, on or after the fifteenth day after the date of the enactment of this joint resolution; or

(2) entered under temporary importation bond after June 30, 1983 and before such fifteenth day.

Mr. DOLE. Mr. President, I am pleased today to bring to the Senate, for its final consideration, House Joint Resolution 290, a bill to provide simplified duty-free treatment of articles imported into the United States for use in next summer's Los Angeles Olympic Games. Although its substance is quite limited in nature and scope, the bill is of major importance to the Los Angeles Olympic Committee's efforts to simplify the preparation of hundreds of athletes and athletic officials worldwide for the competition that will commence in just a few months. I thus urge that my colleagues agree expeditiously to approve this resolution.

House Joint Resolution 290 would provide duty-free entry into the United States for the personal effects of foreign athletes and officials participating in the 1984 summer games, as well as their athletic equipment and other related articles. The intent of this legislation is to facilitate the entry into this country of the foreign participants, members of their immediate families, officials, and accredited members of delegations from the participating countries. The resolution provides that the duty-free treatment it authorizes will expire September 30, 1984; this is, of course, soon after the conclusion of the games. It will apply retroactively to articles entered since July 1, 1983.

Current law would allow these articles to be entered and later reexported without payment of duties. But the required bonding and administrative procedures impose an onerous burden on the participants in the games, who after all will be here for but a short time. Moreover, these visitors look to the Olympic Committee officials to provide smooth entry for them and their necessary equipment—an enormously complex task, given the number of participants and diversity of countries involved. This bill will simplify their burden, allowing resources to be directed to far more important endeavors, such as providing security to our visitors and spectators.

Regulations to be promulgated by the Secretary of the Treasury pursuant to House Joint Resolution 290 will insure that the articles to which it records duty-free treatment will not be later sold in the United States and must be reexported unless consumed or destroyed. These regulations will preclude any possible abuse of this temporary tariff provision.

Mr. President, House Joint Resolution 290 first passed the House of Representatives on April 28, 1983. The Committee on Finance approved and ordered it favorably reported on November 10, 1983, both as House Joint Resolution 290 and as section 140 of H.R. 3398, the omnibus miscellaneous tariff bill. The Senate passed the bill last November 18, but substituted for its text an amendment by Senator MCCLURE relating to a tax matter. The House on Thursday passed the resolution again in the form earlier approved by the Committee on Finance, but that body deleted the amendment by Mr. MCCLURE. Thus, we have reached a point 10 months after the first House approval where the Olympic committee still cannot tell the participants in the games the procedures they must follow in order to enter the United States. With the games scheduled to commence in just a few short months, it is time for the Congress to resolve this matter.

In view of the national interest in hosting a successful olympiad, Senator McCLURE has graciously consented to accede to the House action. I supported his amendment, and therefore share his disappointment in the House action and the circumstances that now force us to move forward on the legislation without his amendment. I wish to express my appreciation for his action, and my continued strong support for his amendment.

Mr. McCLURE. Mr. President will, the distinguished majority leader yield?

Mr. BAKER. I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, as my colleagues know, this measure passed the Senate during the wanning days of the first session of the 98th Congress. At that time, the Senate approved an amendment I sponsored relating to the relief of States from an unnecessary duplicative tax mailing requirement. Unfortunately, for one reason or another, the House Ways and Means Committee did not approve my amendment and sent House Joint Resolution 290 back to the Senate without my amendment.

I certainly understand the leadership's desire to move this legislation as soon as possible, and I do not want to hold things up. Since the mailing requirement will not affect States until next January, I think there will be another opportunity to move my amendment.

Mr. DOLE. Mr. President, will the Senator from Idaho yield?

Mr. McCLURE. Mr. President, I yield.

Mr. DOLE. Mr. President, I understand the Senator from Idaho's comments and appreciate his willingness to move the Olympic tariff bill. As he knows, the Senate Finance Committee has approved the essence of his amendments, and I do not have any problem with including it in a tax package that moves later this year. I think we can give the States the necessary relief before next January without interfering with this legislation and the Olympics.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 10:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, Senators SPECTER, MURKOWSKI, PRYOR, and BYRD be recognized for not to exceed 15 minutes each, and in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS ON TOMORROW FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, tomorrow is Tuesday. As is our custom, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, tomorrow will be a busy day. We will have at least two bills up and perhaps more. I hope we can finish both of them.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, that matter is disposed of. I know of no other matter to be dealt with today. The minority leader is in the Chamber. If he has nothing further to address the Senate, and I gather he does not, then I move, in accordance with the order previously entered, that the Senate now stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 5:20 p.m., the Senate recessed until tomorrow, Tuesday, February 7, 1984, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, February 6, 1984*

The House met at 12 o'clock noon.

The Reverend Don Bartow, pastor, Westminster Presbyterian Church, Canton, Ohio, offered the following prayer:

Heavenly Father, enable me and all present to quiet the mind, spirit, and body. May the sacred stillness of our whole being be fertile soil on which Your Spirit may fall.

Among the many things for which we yearn and for which we pray is the spirit of wisdom. Individually and corporately we seek Your wisdom. Please grant to us Your wisdom. In like manner grant that Your wisdom be welcomed. Your wisdom be heeded and Your ways pursued.

Grant to each of us the presence of mind, the determination of spirit, and the courage of soul to search for Your will and to live out Your will in life. May we further the good of all to Your glory and honor. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 220. Concurrent resolution condemning the action of the so-called Turkish Federated State of Cyprus in declaring itself to be an independent state on Cyprus on November 15, 1983.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1492. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

The message also announced that the Vice President, pursuant to the provisions of sections 276(h)-276(k) of title 22 of the United States Code, as amended, appoints Mrs. KASSEBAUM to chair the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d session of the 98th Congress.

THE REVEREND DON BARTOW

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, the invocation today was given by Pastor Don Bartow from the 16th District. Pastor Bartow is the senior minister at the Westminster Presbyterian Church in Canton, Ohio, the Football Hall of Fame city. He has been there since 1966.

He began his ministry in 1948.

He has had many goals in life, but none more challenging than that of bringing God's healing power into the ministry, not only to his members but to the members of the community at large.

Pastor Bartow has put his thoughts in many different books that are published and accepted as important texts on the art of healing.

He also does a daily devotional called the Ministry of the Master that is circulated very widely.

Pastor Bartow's writing resources in both books and the daily ministry are used in 50 of the States and in 15 other countries.

In addition, he conducts healing conferences twice a year at the Westminster Church. These effective conferences have reached thousands with the message that a healing ministry can and should be a part of the local body of believers. On Thursday of this week at 10 a.m. he will appear on the 700 Club and tell the story of his healing ministry. He has experienced this personally and brings the message to many others.

Pastor Bartow and his wife Mary work together. His wife is involved in the medical side of healing by working as a certified medical assistant for cardiologists. They both serve as a team working to relate the area of spiritual healing and the field of medicine.

We are pleased that Pastor Bartow could join us in the House today to give the invocation.

GUIDELINES FOR ETHYLENE DIBROMIDE

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, last Friday, February 3, EPA issued voluntary guidelines for tolerance limits for the chemical EDB—ethylene dibromide—in ready-to-eat food, as well as in stored and processed grain. EPA has also acted previously to ban EDB for certain uses in agriculture and has extended that ban now to additional uses. The action was hardly a surprise, since it has been under consideration for months, if not years, and in the form finally taken the action was a compromise among many considerations, foremost of which was an effort to balance economic impact on agriculture and the chemical industry against health impacts to the U.S. consumer. The action taken will be unlikely to satisfy very many of the various parties involved. It will have the benefit, however, of raising the issue to a higher level of visibility and hopefully bringing about some further progress in resolving several very important policy issues which must be addressed.

Because I have received a number of inquiries from my colleagues and the media on this issue, as well as some hints that perhaps I, and the subcommittee which I chair, have been less than diligent in addressing this problem, I shall take a special order later in the day to deal with the history of this issue, the policy issues raised by it, and the steps which the Congress must take to solve this particular problem, as well as a substantial number of similar problems which will inevitably surface over the next few years.

In that connection I will include in the RECORD material from our subcommittee reports, as well as GAO and CRS reports which we have requested. I invite any other Members with an interest in this subject to join me in this special order.

GETTING THE TROOPS OUT OF LEBANON

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, the situation in Lebanon is deteriorating rapidly and most seriously threatening the position of our Marines there. That makes it essential and all the more important that this House address the situation in Lebanon and our Marines immediately.

The Lebanon resolution should be brought up as soon as possible so this House may debate it. I am sure that it is all right with the Democratic leadership that a unanimous-consent request be made to bring up the Lebanon resolution Wednesday or Thursday and I

therefore yield to the Republican leadership to see if they would accept a unanimous-consent request to bring up the Lebanon resolution this week.

The Republican leadership says they would object to having the Lebanon resolution brought up, therefore keeping our Marines in Lebanon, continuing to be threatened and their lives in jeopardy.

□ 1210

WE ARE NOT PLAYING A GAME IN BEIRUT

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, the Reagan administration has just given us a very unfortunate explanation of the phrase "adding insult to injury." To those of us who think that the marines on the ground in Beirut do nothing to advance our national interest and that proper military power can be applied by the 6th Fleet offshore, we have been told by the President's spokesperson that we are aiding and abetting the enemy.

When people objected to that despicable injection of that kind of McCarthy-ite rhetoric into a legitimate debate, his response was that "is the way the game is played."

Mr. Speaker, 1,500 American marines in Beirut are not playing a game. Those of us who think that we are necessarily endangering young American lives for no good reason are not playing a game. Those of us who believe that the proper application of power in the national interest is provided by the 6th Fleet and not by 1,500 marines living 15 feet below the ground in unused cargo containers are not playing a game. We are trying to establish valid parameters for American policy. For the administration to persist in the error that it made of keeping the Marines there, endangering their lives for no purpose is a very serious problem. For them to poison the debate by these kinds of efforts to question people's patriotism when they are in fact expressing what it seems to me is the essence of patriotism, which is to see to the proper protection of the American Armed Forces, only compounds the error.

THE PRESIDENT SHOULD PAY ATTENTION. THIS IS A SENSELESS POLICY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, the situation in Lebanon is reaching crisis proportions. The recent collapse of the Gemayel government, the resignation of its cabinet, makes the situation in Lebanon untenable and we continue to play politics with the lives of our marines.

I cannot understand how the President, and the Secretary of State, continue to say that our policy will remain unchanged and that they will not pay attention to a congressional resolution urging prompt withdrawal of U.S. Marines. Even after 216 marines have died, even after the Long Commission report, even after the House Armed Services Committee report, even after the collapse this weekend, of virtually all of the Lebanese Government.

Mr. Speaker, what is it going to take to change this senseless policy when the President even says he will not pay attention to a congressional resolution, saying that he does not care what the American people want and what they say.

Mr. Speaker, the American people clearly want to get our marines out from Lebanon, I submit.

Do the American people have a voice in this matter? According to the President and the Secretary of State they do not.

UTILITY RATEPAYERS OUGHT NOT TO BEAR THE RISK OF FAILURES

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, today the House will be considering the CWIP Policy Act of 1983. The issue before us is whether consumers should be routinely forced to pay for energy they may never receive. Most consumers would rightly say no. Not so the Nation's investor owned utilities. Not content with their position as monopolies—insulated from the pressures of the marketplace, their financial health guaranteed by State and Federal regulators—they are now asking to be relieved of the only significant risks they still bear: The risks involved in building new powerplants with their own money. Those risks are considerable; the money they may waste is their stockholders. Stockholders, unlike utility ratepayers, have the option of taking their business elsewhere if their investments are mismanaged. Ratepayers have no such choice. Ratepayers have no say in the decision to build or abandon a new powerplant. They do not reap the profits from the utility's successful ventures, and they should not be asked to bear the risk of the failures. The traditional restriction on payments for construction work in progress is based on sound principles of capital investment. Consumers have a right to get what they pay for and only pay for what they get.

BARBER CONABLE'S RETIREMENT

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, no retirement from the House has shocked me more than that of BARBER CONABLE, who announced today he would not seek another term.

I deeply regret his decision to leave us, but I can fully appreciate the reasons why. Many of those reasons are shared by a number of other first-class Republicans who have decided not to run again.

LARRY WINN of Kansas, our ranking member on Science and Technology; JOHN ERLENBORN, my fellow Illinoisan and ranking on Education and Labor; KENNY ROBINSON of Virginia, ranking on Intelligence Committee; JACK EDWARDS of Alabama, ranking on the Defense Subcommittee of Appropriations, and now BARBER CONABLE, ranking on Ways and Means.

These men know the frustration of coming to work every day being outnumbered on the committees on which they serve. They know what it is like not just being subjected to minority status, but being subjected to unfair and unequal minority status to boot.

There is more work, less reward, less credit, less dignity and decorum and more harassment.

The American people will never understand or appreciate what BARBER and these other individuals have done or the devastating loss to the legislative process that will result from their leaving this body.

We need good men and women in Government, but they are leaving.

We all had better start asking ourselves why. And for me personally, make a plea to my side "No more please. Don't leave me stranded."

VOLUNTARY SCHOOL PRAYER

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, at this time I would hope to offer a unanimous consent request calling for consideration of an amendment to permit voluntary school prayer. The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership. I would now yield to a spokesman for the majority leadership for an appropriate clearance.

Am I getting the appropriate clearance from the gentleman from Louisiana?

Now he is shaking his head no.

All right, Mr. Speaker. Mr. Speaker, I hear no response, even on a day when we have very little scheduled in

the way of legislative business we cannot take up this issue that is a vital concern to about 85 percent of the American people.

That should make it clear to the American people who stands in the way of voluntary school prayer, the Democratic leadership of this House.

AMENDMENT TO REQUIRE A BALANCED BUDGET

(Mr. WEBER asked and was given permission to address the House for 1 minute.)

Mr. WEBER. Mr. Speaker, I too rise in an attempt to free one of the hostage amendments, in this case an amendment that has been spearheaded in this body by the the gentleman from New York (Mr. CONABLE), whose retirement was unfortunately announced today.

Therefore, Mr. Speaker, at this time I would hope to offer a unanimous consent request calling for consideration of an amendment to require a balanced budget.

The Chair again has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership and I would yield to a spokesman from the majority for an appropriate clearance.

Hearing none, it should be clear again to the American people who is holding the balanced budget amendment hostage, the Democratic leadership.

WHAT A DIFFERENCE A YEAR MAKES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, what a difference a year makes.

Last year at this time there was a daily parade of individuals who would have taken the microphone and begin to chastise the President of the United States for his economic policies, citing the unemployment figures, which were going up and up, the gross national product figures, which were going down.

What a difference a year makes.

Here we stand here today without one critic of the economic picture of the United States having taken the podium. Why? Because unemployment is significantly down, gross national product is up, average weekly income for the American people is up, and all the economic indicators point toward not just a recovery but an unprecedented period of prosperity in which we will all share as American citizens.

It now is the duty of all of us to face clearly, even more, action on the part of this Congress as to those deficits by cutting spending and doing the other things that will be necessary to make sure that this economy stays on the upswing.

I thank the Speaker.

ON PERMITTING A LINE-ITEM VETO

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I too am rather distressed by the words that we heard this morning of BARBER CONABLE's decision not to run for reelection. I hope that his decision was not affected a great deal by the ratios and the other things that we in the minority have to put up with. I personally, and I know other Members certainly also, looked to Members such as BARBER CONABLE for direction and for experience.

I just left the Budget Committee hearings, the first that we have held so far this year, and I listened to the discussion centering around whether we could do anything about a downpayment on the budget deficits for 1985.

I am pleased to say that there was more positive discussion this morning than in all of what I heard last year. But in order to really be able to do something significant, I also believe that we have to do something about a line-item veto.

Therefore, at this time I had hoped to offer a unanimous-consent request calling for consideration of an amendment to permit a line-item veto.

The Chair has ruled that in order to make this request I must have clearance of the majority and minority leadership. This request has been cleared by the minority leadership.

I would now yield to a spokesman for the majority leadership for an appropriate clearance.

Mr. Speaker, I hear no response.

That should make it clear to the American people who stands in the way of the line-item veto, the Democratic leadership of this House.

□ 1220

CONGRESSIONAL RESEARCH SERVICE

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, I am sure that not one of my colleagues will disagree with me when I say that the Congressional Research Service is one of the most valuable resources that we have on Capitol Hill. Often, CRS is a resource that all of us take for granted. I know for certain that my office simply could not function efficiently if CRS did not exist.

In addition to providing us with information when we need it, CRS also provides Members and their offices with a series of ongoing programs. These programs encompass a wide range of subject material: information sources, the legislative process and public policy issues. All of these programs are dedicated to the professional development of congressional staff. CRS offers us: the Public Policy Issues Institute, the Capitol Hill Information Seminar, three levels of Legislative Institutes, the District/State Staff Institute, the Budget Institute, and a wide range of seminars and workshops.

These programs are exceptionally well put together and serve as an invaluable tool to us and our staff, as we go about our business of serving the Nation's people.

Mr. Speaker, I want to take this opportunity to encourage all of my colleagues to take full advantage of the programs offered by CRS. I also want to take this opportunity to congratulate the Director of CRS, Mr. Gilbert Gude, on the excellence of his organization. Let me also extend my heartfelt thanks and appreciation to every employee of CRS for a job well done. To you, I say: We just couldn't do it without you.

Mr. Speaker, I am inserting the "1984 Projected Institute Dates," and "CRS Products" immediately following my remarks.

CRS PRODUCTS

CRS reports: Each year the Service prepares several thousand background reports and duplicates those reports which seem to be of general interest. [Example order code: 83-112 ENR]

Issue briefs: Concise objective analyses of major issues of congressional and national concern. Updated regularly. They are available in printed form and online via the CRS Major Issues System on SCORPIO. [Example order code: IB82073] They are available for immediate pickup (weekdays 7:30 am-9:00 pm) from Room LM-226, James Madison building. Newer available titles are listed in IB78300 and archived titles in IB77001 (not listed in this publication).

Mini briefs: Short analyses on specific topics of limited scope. Updated regularly. They are available both in printed form and online via the CRS major Issues System on SCORPIO. [Example order code: MB82226]

Congressional publications: CRS studies and reports which were published by authority of Congress in various forms, including committee prints, published hearings of congressional committees, and those that were inserted into the CONGRESSIONAL RECORD at the request of a Member. [Example order code: CP 1435]

Info packs: Readily available packets of background information on current topics of national interest. Info Packs usually contain Issue Briefs, CRS Reports, and other substantial informative materials.

Prepared for those desiring general information, they are helpful to Members and their staffs for background, for aid in writing speeches, and for help in writing replies

to constituents. [Example order code: IP0042F]

Audio briefs: Cassettes of a conference or discussion on an active legislative topic. [Example order code: AB50056]

Bibliographies-in-brief: Prepared for a layman seeking general information, these are bibliographies on narrow topics, seldom more than four pages long. The materials cited are of a type usually available in a public or college library. [Example order code: L0092]

CRS report bibliographies: Annotated listings of literature on a specific topic, prepared for the "sophisticated layman" or the expert. The materials listed are of a research nature and may be expected to be found only in depository or larger research libraries, including the Library of Congress. [Example order code: 83-153 L]

Research guides: Guides to sources of information on a specific topic. They are intended to assist a researcher in selecting the types of information appropriate to a particular project or interest. Research Guides describe the research tools available to congressional staff in the Madison Congressional Reading Room and elsewhere in the Library of Congress. They generally include sources for tracking legislation and legislative information, representative citations to relevant publications, and list organizations concerned with the topic. [Example order code: R008]

1984 PROJECTED INSTITUTE DATES

Public Policy Issues Institute: January 10-12, 1984; and January 17-19, 1984.

Capitol Hill Information Seminar: See Seminar Calendar on back of Update and Review.

One-Day Legislative Institute: February 3, 1984; March 23, 1984; May 11, 1984; July 20, 1984, and October 5, 1984.

Advanced Legislative Institute: February 16-18, 1984; April 26,-28, 1984; June 21-23, 1984, and September 6-8, 1984.

Graduate Legislative Institute: April 13-16, 1984, and August 25-28, 1984.

District/State Institute: March 6-8, 1984; May 22-24, 1984; July 24-26, 1984; September 18-20, 1984, and December 4-6, 1984.

HON. BARBER B. CONABLE, JR., TO RETIRE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, I want to follow the minority leader, the gentleman from Illinois, Mr. BOB MICHEL, in calling attention to the pending retirement of the gentleman from New York, Mr. BARBER B. CONABLE, JR.

All of us know that there is no essential Member in this House and yet, in my judgment, BARBER CONABLE comes as close to being the essential Member as I have seen in my years of service.

I think all of us will respect his choice. It is a wise politician who knows when to retire.

Nevertheless, this House, his constituents, and our Republic are going to be the poorer because of his retirement.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

The gentleman serves with him on the Ways and Means Committee. I serve with him in western New York. His district is contiguous to mine.

I think BARBER CONABLE is truly the epitome of what we are meant to be as U.S. Congressmen, and Congressmen who put our country ahead of party. BARBER CONABLE will not only be missed by those of us on this side of the aisle, I am sure he will be missed by this Nation, which owes him a great debt of gratitude.

And I appreciate the gentleman from Minnesota alluding to the tremendous example he has set for all of us, Republican and Democrat alike.

Mr. FRENZEL. I thank the gentleman.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished dean of the New York delegation.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, I want to share the sentiment that the gentleman has already expressed and our leader, BOB MICHEL, expressed earlier about the intended retirement of BARBER CONABLE from the Congress.

He has been here 20 years. Of the 22 years I have been here, I have served 20 of them with him. His district includes part of the city of Rochester, which I represent.

I do not think we have had a finer Representative from any part of the country than BARBER CONABLE. He is highly intelligent, very experienced, and he is the kind of people that we cannot do without. He is one of the outstanding legislators and we are going to miss his presence here in the 99th Congress.

Mr. FRENZEL. I thank the gentleman for his contribution.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

Lest this appear to be exclusively a love fest on the part of the minority party, I would like to add my words also in praise of BARBER CONABLE.

During the years that I have been on the Ways and Means Committee, he has done an absolutely outstanding job of leading the minority side of the Ways and Means Committee, has provided a great many insights and a great deal of knowledge on tax matters to the Ways and Means Committee.

The committee is going to sorely miss him in the years ahead.

Mr. FRENZEL. I thank the gentleman.

Mr. MARTIN of New York. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from New York.

Mr. MARTIN of New York. I thank the gentleman for yielding.

Very briefly, I would like to be associated with the remarks of the gentleman as well as the previous speakers.

I have know BARBER CONABLE not only as a colleague here in the House, but when I was in the State assembly, we looked to BARBER in a great many instances to help us out in interfacing the tax policies between the State and Federal Governments. And he was always willing and always able to take the time and resolve the problems that you had.

I solute BARBER CONABLE for his many years of outstanding service to this country.

CONTRADICTIONS IN THE PRESIDENT'S BUDGET

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, today I continue to point up the contradictions and inaccuracies in the President's recent economic messages and budget.

The President said in his state of the Union message and elsewhere that taxes are the same as borrowing because they both take the same amount of money from the private sector. He obviously has a preference for borrowing as opposed to taxes.

This statement is factually incorrect. Borrowing comes strictly from capital, strictly from the money that would be invested in investment. Whereas taxes come from both consumption and from savings. Therefore, part of the burden of taxes is taken out of consumption; whereas borrowing comes strictly out of capital, an important inaccuracy the President continues to perpetuate.

Second, his statement does not take account of the interest cost of borrowing. In 1985, the budget before us contemplates $164½ billion in interest cost for the Federal budget deficit and debts before it, not the $116 billion figure which has frequently been used, because that $116 billion figure, Mr. Speaker, represents a number of offsets, predominantly interagency interest charges between branches of the Government and therefore, are misleading and grossly understates the costs of borrowing. The cost of borrowing is $164½ billion.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2809) to establish a U.S. Fish and Wildlife Foundation, with the Senate amendments thereto, concur with the Senate amendments numbered 1, 2 and 3, and concur in the Senate amendment numbered 4 with an amendment.

The Clerk read the title of the bill.

□ 1230

The SPEAKER. The Clerk will report the Senate amendments and the proposed House amendment.

The Clerk read as follows:

Senate amendments: Page 2, line 8, strike out "fish and wildlife" and insert "fish, wildlife, and plant".

Page 3, line 11, after "filled" insert "within sixty days of said vacancy".

Page 6, line 19, strike out "malfeasance;" and insert "gross negligence,".

Page 9, line 18, strike out "October 1, 1983," and insert "October 1, 1984,".

House amendment to Senate amendment No. 4: At the end of Senate amendment numbered 4, insert the following: "and on page 3, line 4, strike out '1983' and insert '1984'."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. LENT. Mr. Speaker, reserving the right to object, and I will not object, I yield to the chairman of the subcommittee for an explanation of the amendment.

Mr. BREAUX. Mr. Speaker, H.R. 2809 would establish a National Fish and Wildlife Foundation.

In 1978, with the passage of the Fish and Wildlife Improvements Act, Congress authorized the U.S. Fish and Wildlife Service to accept virtually all forms of donations, both in the form of real and personal property. This provision of law has proved to be beneficial, particularly in terms of donations of wildlife habitat. However, there is no mechanism for the Fish and Wildlife Service to manage trusts or other requests that are designed to provide income over an extended period of time. H.R. 2809 resolves this problem by establishing a Fish and Wildlife Foundation, similar to the U.S. Part Service Foundation, to accept and administer gifts of real or personal property or income therefrom for the benefit of the U.S. Fish and Wildlife Service and to further the conservation and management of fish and wildlife resources.

The Foundation that would be established by the legislation would be a charitable and nonprofit corporation. It would be administered by a Foundation Board consisting of nine members appointed by the Secretary of the Interior. The initial terms of the Foundation Board would be staggered to insure continuity. At least three members of the Board would have to be educated and experienced in the principles of wildlife management. The legislation also provides that the members of the Board, to the extent practicable, represent diverse points of view relating to fish and wildlife conservation. The Secretary would be authorized to provide administrative support to the Foundation for a period of 5 years after the legislation is enacted. An authorization of $1 million over a 10-year period in matching funds included in the legislation would encourage private contributions and accelerate the establishment of a meaningful endowment.

We passed this legislation out of the House on July 12, 1983. In the last days of the last session, the other body sent it back to us with some minor changes, the most significant of which is to include the conservation of rare plants as a purpose of the Foundation. None of the changes affect the substance of the bill.

Mr. Speaker, with tight budgets limiting the roles of the Fish and Wildlife Service, and with the great interest many Americans have in conserving wildlife, we believe this legislation could provide some very needed support to an agency whose role is important to maintaining the quality of life in this country and we urge its adoption.

Mr. LENT. Mr. Speaker, I thank the gentleman for his explanation.

● Mr. JONES of North Carolina. Mr. Speaker, the bill before us today is H.R. 2809, legislation to establish a National Fish and Wildlife Service Foundation.

This legislation establishes the Foundation as a nonprofit organization with the authority to receive, accept, and manage all forms of donations, trusts, and bequests. It allows for a nine-member Board of Directors to be appointed by the Secretary of the Interior for 6-year terms. The Board will consist of persons knowledgeable or experienced in fish and wildlife conservation who represent diverse points of view on related issues. The Board will appoint officers and employees when there is enough money in the Foundation to sustain a staff. The Chief Executive Officer, who is appointed by the Board, must also be knowledgeable in fish and wildlife matters.

This measure was favorably reported by both the Merchant Marine and Fisheries Committee and the Ways and Means Committee. It passed the House of Representatives by a unanimous voice vote under suspension of the rules on July 12, 1983.

Today the House is considering H.R. 2809, as amended by the Senate. The Senate amendments include four technical changes, outlined below, which bring the bill into conformity with existing laws and procedures.

The first change occurs in section 2 of the bill where the purposes of the Foundation were amended to include conservation and management of plant resources.

The second change occurs in section 3 of the legislation where the Senate included language which would require that a vacancy on the Board of Directors be filled within 60 days. Prior to this amendment, there was no time limit for filling such a vacancy.

The third change occurs in section 4 which establishes the rights and obligations of the Foundation. The Senate version says the Directors cannot be personally liable except for "gross negligence," whereas the House bill used the word "malfeasance." This change conforms the bill to the usual standard for personal liability.

The fourth change made by the Senate makes the authorization contained in this bill effective October 1, 1984, in lieu of October 1, 1983, since the earlier date has already passed.

I urge my colleagues to adopt the Senate changes and pass H.R. 2809 so that those individuals and groups who wish to make assets available to the Fish and Wildlife Service for the protection of our precious natural resources may do so without difficulty.●

Mr. LENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING APPROPRIATIONS THROUGH FISCAL YEAR 1986 FOR CERTAIN NATIONAL WILDLIFE REFUGES

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1723) to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges, with Senate amendments thereto, concur in Senate amendments numbered 1, 2, 3, 4, 5, and 6, and concur in Senate amendment numbered 7 with an amendment.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendments and

the proposed House amendment to Senate amendment numbered 7.

The Clerk read as follows:

Senate amendments: Page 1, line 7, after "802)," insert "as amended,".

Page 2, line 1, strike out "$34,100,000".

Page 2, line 2, strike out "and ending September 30, 1986," and insert "$34,100,000, to remain available until expended".

Page 2, strike out lines 7 to 19, inclusive, and insert:

(a) Section 4(a)(1) of the Act entitled the "Minnesota Valley National Wildlife Refuge Act", approved October 8, 1976 (Public Law 97-466, 90 Stat. 1993), is amended by—

(1) striking "9,500" and inserting in lieu thereof "12,500"; and

(2) striking "November 1975" and inserting in lieu thereof "October 1983".

(b) Section 4(b)(1) of such Act of October 8, 1976 (90 Stat. 1993), is amended by—

(1) striking ", within 6 years after the date of enactment of this Act,"; and

(2) adding at the end thereof the following new sentence: "Notwithstanding any 'least interest' policy, the Secretary shall accept and acquire by donation any lands, water, and interests therein, within the boundaries of the refuge, which are offered as a donation by any State or local government agency, person, or private organization.".

(c) Section 10(a) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out "$14,500,000 for the period beginning October 1, 1977, and ending September 30, 1983" and inserting in lieu thereof "$29,500,000, to remain available until expended".

(d) Section 10(b) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out "$6,000,000 for the period beginning October 1, 1977, and ending September 30, 1986" and inserting in lieu thereof "$9,800,000, to remain available until expended".

Page 3, line 1, after "400)," insert: as amended,

Page 3, line 1, strike out " "September" and insert " "the close of September".

Page 3, line 2, strike out " "September 30, 1986;" " and insert "expended;".

House amendment to Senate amendment numbered 7: On page 3 of the House engrossed bill after line 2, insert the following:

SEC. 4. PAYMENT OF COSTS FOR TEMPORARY CARE OF ANIMALS AND PLANTS PENDING DISPOSITION OF PROCEEDINGS

Section 6(d) of the Lacey Act amendments of 1981 (16 U.S.C. 3375(d)) and section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) are each amended—

(1) by amending the subsection side heading to read as follows: "REWARDS AND CERTAIN INCIDENTAL EXPENSES.—"; and

(2) by amending the first sentence—

(A) by striking out "a reward" and inserting in lieu thereof a common;

(B) by inserting "(1) a reward" immediately before "to any person"; and

(C) by inserting immediately before the period the following: ", and (2) the reasonable and necessary costs incurred by any person in providing temporary care for any fish, wildlife, or plant pending the disposition of any civil or criminal proceeding alleging a violation of this Act with respect to that fish, wildlife, or plant".

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. LENT. Mr. Speaker, reserving the right to object, and I will not object, I would like to yield to the chairman of the subcommittee for an explanation of the amendments.

Mr. BREAUX. I thank the gentleman for yielding.

Mr. Speaker, the legislation before the House, H.R. 1723, originally passed the House on April 19, 1983. The other body passed the bill in the last hours of the last session after adopting an amendment that I will explain shortly.

The purpose of H.R. 1723 is to extend for 3 years the current authorization for the acquisition of three national wildlife refuges. These refuges include: Great Dismal Swamp, Minnesota Valley, and San Francisco Bay. In addition, the bill would increase the authorization for appropriation for land acquisition and development at the Great Dismal Swamp and the Minnesota Valley National Wildlife Refuges.

The three refuges being considered for reauthorization are worthy components of the national wildlife refuge system providing not only habitat for wildlife, but also, because of their proximity to large population centers, providing millions of citizens the opportunity to develop a greater appreciation of the importance of wildlife. However, the projected habitat improvement and public use development needs necessary to maintain the quality of wildlife habitat and to provide wildlife education and recreation to the public will require an increase in authorizations. This bill would provide for the necessary increase in authorization levels to preserve these important refuge areas.

Mr. Speaker, as I indicated, when the other body passed this bill, it passed an amendment that would extend, until expended, the authorization of funds available for acquisition and development of Great Dismal Swamp National Wildlife Refuge and land acquisition of San Francisco and Minnesota Valley National Wildlife Refuges. In addition, the other body amended the bill to increase the acreage of the Minnesota Valley National Wildlife Refuge by 2,900 acres and increase the authorization for land acquisition to $29.5 million to reflect the cost of the additional land. This adjustment of the refuge boundaries as proposed in the Minnesota Valley National Wildlife Refuge master plan prepared by the Department of the Interior would involve boundary realinement of lands lying within the designated refuge and recreation area to insure better protection and resource management. The expansion of boundaries beyond that area authorized by Congress would facilitate public use of the area. Finally, the amendment of the other body would require that the Fish and Wildlife Service acquire full fee title on lands that are now being offered for sale rather than partial interests.

Mr. Speaker, we propose to accept the amendment of the other body with a minor amendment of our own to address a problem that has been brought to our attention by the U.S. Fish and Wildlife Service and the American Association of Zoological Parks & Aquariums. The problem involves the enforcement of the provisions of the Lacey Act and the Endangered Species Act relative to preventing the importation of endangered species or illegally captured animals from abroad. The Fish and Wildlife Service has no facilities for holding animals that they confiscate. Traditionally, they have turned these animals over to zoos or aquariums for keeping while forfeiture proceedings progress through the administrative or court proceedings. When, and if, the animals are eventually forfeited, the defendants are usually required to repay the zoos for the upkeep of the animals. Animals that are endangered or threatened are given to the zoos in partial recompense for upkeep costs. Unfortunately, not all confiscations end in forfeiture. As the Members know, courts often find for the defendants and the birds are returned to the owners. The result is that the zoos can lose thousands of dollars in upkeep charges.

The amendment we have offered is simple. It would allow the Fish and Wildlife Service to use the proceeds of fines and forfeitures to provide reasonable costs for providing the temporary care of live animals. Under present law, the Service can use the proceeds of these fines and forfeitures to pay rewards. They estimate that the cost of this provision will amount to less than $100,000 per year and greatly enhance the wildlife enforcement effort at our ports.

I urge my colleagues to join me in supporting this bill.

Mr. LENT. Mr. Speaker, I thank the gentleman for his explanation.

● Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 1723, legislation reauthorizing the Great Dismal Swamp, the Minnesota Valley and the San Francisco Bay National Wildlife Refuges. These three refuges are vital parts of the national wildlife refuge system. In addition to conserving important wildlife species and critical habitat, they provide interpretive and educational programs, allowing the public to attain an indepth understanding of the values of fish and wildlife resources.

The Merchant Marine and Fisheries Committee reported this legislation unanimously on April 13, 1983, and on April 19, 1983, the House of Repre-

sentatives passed H.R. 1723 by a unanimous vote.

The Senate passed this bill on November 17, 1983, with amendments. One change from the House bill relates to the length of the reathorization. The House reauthorized appropriations for each of the three refuges through September 30, 1986. The Senate chose to extend these authorizations until the available levels are expended.

The other changes are designed to address specific problems concerning the Minnesota Valley National Wildlife Refuge. These changes amend the boundary of that refuge to include those areas which have been identified as compatible to it and allow the State and local governments to donate land to the Minnesota Valley National Wildlife Refuge.

I have examined the Senate amendments very closely. They are beneficial to the refuges involved and are entirely acceptable to the Merchant Marine and Fisheries Committee.

Mr. Speaker, we have one minor amendment to the Senate amendments which is designed to resolve a longstanding inequity without any additional cost to the Government. It will permit the U.S. Fish and Wildlife Service to reimburse zoos and other facilities out of existing funds for care and feeding of animals confiscated under the Lacey and Endangered Species Acts. It is my understanding that the Senate has no objection to this amendment and will bring this measure to final passage without delay.

I strongly urge my colleagues to give their support to H.R. 1723, as amended, so that acquisition of these important wildlife refuges may proceed without further delay.●

Mr. LENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Louisiana?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, which be taken on Tuesday, February 7, 1984.

INSPECTOR GENERAL ACT AMENDMENTS OF 1984

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3625) to amend the Inspector General Act of 1978 to establish offices of Inspector General in certain departments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Inspector General Act Amendments of 1984".

DEPARTMENTS OF ENERGY, HEALTH AND HUMAN SERVICES, JUSTICE, AND THE TREASURY

SEC. 2. (a) Section 2(1) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.) is amended—

(1) by inserting "the Department of Energy, the Department of Health and Human Services," immediately after "the Department of Education,";

(2) by inserting "the Department of Justice," immediately after "the Department of the Interior,";

(3) by inserting "the Department of the Treasury," immediately after "the Department of Transportation,"; and

(4) by striking out "the Community Services Administration,".

(b) Section 9(a)(1) of such Act is amended—

(1) by striking out subparagraph (H);

(2) by redesignating subparagraphs (E), (F), (G), (I), (J), (K), (L), (M), and (N) as subparagraphs (G), (H), (J), (K), (M), (N), (O), (P), and (Q), respectively;

(3) by inserting after subparagraph (D) the following new subparagraphs:

"(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

"(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);";

(4) by inserting after subparagraph (H), as redesignated by paragraph (2), the following new subparagraph:

"(I) of the Department of Justice, the offices of that Department referred to as the 'Audit Staff, Justice Management Division', the 'Evaluation Staff, Justice Management Division', the 'Office of Professional Responsibility, Immigration and Naturalization Service', the 'Office of Field Inspections and Audit, Immigration and Naturalization Service', the 'Office of Internal Inspections, United States Marshals Service', the 'Financial Audits Section, Office of Financial Management, Bureau of Prisons', the 'Office of Inspections, Bureau of Prisons', and, from the Drug Enforcement Administration, the 'Office of Inspections', and that portion of the 'Office of Program Planning and Evaluation' which is engaged in program review activities;"; and

(5) by inserting after subparagraph (K), as so redesignated, the following new subparagraph:

"(L) of the Department of the Treasury, the office of that Department referred to as the 'Office of Inspector General', that portion of the 'Office of Inspection, Secret Service', which is engaged in internal audit activities, that protion of the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco and Firearms', which is engaged in audit, investigation, and program review activities, and that portion of the 'Office of Management Integrity, Customs Service', which is engaged in audit, investigations, and program review activities;".

(c) Section 11 of such Act is amended—

(1) by inserting "Energy, Health and Human Services," immediately after "Education," each place it appears in paragraphs (1) and (2);

(2) by inserting "Justice," immediately after "the Interior," each place it appears is such paragraphs;

(3) by striking out "or Transportation" each place it appears in such paragraphs and inserting in lieu thereof "Transportation, or the Treasury,";

(4) by striking out "Community Services," in paragraph (1); and

(5) by striking out "the Community Services Administration," in paragraph (2).

OATH ADMINISTRATION AUTHORITY

SEC. 3. Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an investigator or such other employee of an office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 4. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Justice.

"Inspector General, Department of the Treasury.

"Inspector General, Agency for International Development.

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Environmental Protection Agency

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Small Business Administration.".

(b) Section 5316 of such title is amended by striking out the following paragraphs:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Agency for International Development.

"Inspector General, Small Business Administration.".

(c)(1) Title II of Public Law 94-505 and section 208 of the Department of Energy Organization Act (42 U.S.C. 7138) are hereby repealed.

(2) Notwithstanding the repeal of section 208 of the Department of Energy Organization Act by paragraph (1) of this subsection, the position of Deputy Inspector General of the Department of Energy established by subsection (a)(2) of such section shall continue until there is a vacancy in that office.

EFFECTIVE DATE

SEC. 5. This Act and the amendments made by this Act shall take effect on October 1, 1984.

Mr. SPEAKER. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. BROOKS) will be recognized for 20 minutes and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3625, the Inspector General Act Amendments of 1984, would create Offices of Inspector General in the last remaining departments without such offices—the Departments of Justice and Treasury. Other provisions of the bill would conform the existing Offices of Inspector General in the Departments of Energy and Health and Human Services to the Inspector General Act of 1978. Additionally, as requested by the administration, the bill would establish authority for Inspector General personnel to adminster oaths, affirmations, and affidavits and would standardize the salaries of Inspectors General established by the 1978 act.

When the Inspector General Act was originally passed, the Departments of Justice and Treasury were excluded in order to permit additional studies of their operations. The committee's reviews and testimony taken during hearings, however, indicated that these Departments are no different from others in their need to have an Inspector General, and the committee has recommended in three Congresses that Offices of Inspector General be established in both the Department of Justice and the Department of the Treasury. The House approved the necessary legislation in the 96th Congress and again in the 97th Congress. Unfortunately, the Senate never acted on the House-passed bills.

Mr. Speaker, the 1978 act was approved after a review disclosed that audit or investigative units in most agencies were without effective central leadership. The review also found that agency auditors and investigators lacked independence, because they were subordinate to officials who were responsibile for the programs under review. In addition, no procedures existed to assure the Congress was informed of serious problems disclosed by audits and investigations. All of the other departments and agencies now covered by the Inspector General Act originally protested the establishment of independent Inspectors General, just as Treasury and Justice have done. However, I do not know of any department or agency who would now like to see its Office of Inspector General abolished. Inspectors General help management by pointing out problem areas; they report and recommend. They do not interfere with management's direction of an agency.

Mr. Speaker, the administration strongly supports the inspector general concept and has, in fact, established a Council made up of the various Inspectors General to help eliminate problems which cut across the jurisdiction of more than one agency. The 17 existing Inspectors General are working successfully to prevent fraud and waste and improve the efficiency of Government operations. I urge Members to go on record once again in strong support of establishing these offices in the two remaining departments. I urge you to vote for H.R. 3625.

Mr. HORTON. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my distinguished friend from Texas in strong support of H.R. 3625, the Inspector General Act Amendments of 1984. It is a carefully constructed, long-overdue piece of legislation which—if enacted—will give us independent Inspectors General in the Departments of Justice and Treasury. Enactment of this legislation would bring to 19 the number of independent Inspectors General rooting out fraud, waste, and abuse in major Federal agencies and departments.

The concept of having Inspectors General in Federal departments and agencies was started by the Government Operations Committee in 1976 when I established an IG in the old Health, Education, and Welfare Department, and in 1978 when it passed the Omnibus Inspectors General Act which placed Inspectors General in 12 other departments and agencies. In 1980, IG's were created for an additional five agencies. And finally in 1982, an IG was placed in the Department of Defense. All of these IG's are appointed by the President and are independent of the heads of the agencies they review.

I can tell you today without hesitation that the independent Inspector General concept is working and is producing dramatic results. The latest report from the President's Council on Integrity and Efficiency, tells us that—

In the six months ended September 30, 1983, the combined activities of the Inspectors General resulted in over $8.4 billion in direct savings and improved use of funds, totaling $13.8 billion for the year, and $30.8 billion since March 1981.

The fact of the matter, Mr. Speaker, is that—like other agencies and departments—Justice and Treasury can be subject to waste, fraud, and abuse and should benefit from the effective work of independent Inspectors General.

Mr. Speaker, I strongly support H.R. 3625 and urge its approval.

□ 1240

Mr. HORTON. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. REID). The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill, H.R. 3625, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL DEFICIT UNDERMINING AMERICA'S INDUSTRIES

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, although it is inevitable that the deficit be a political issue, and even though it is an election year, the Nation simply cannot afford to postpone taking significant action to reduce the deficit until next year. Next year, in all probability, will be too late.

The Washington Post of February 1, 1984, in an article by Peter Behr, re-

ports that a new study prepared for nine of the Nation's largest industrial corporations by Data Resources, Inc., concludes that the American economy cannot remain strong unless its manufacturing industries are healthy and growing. The report is quoted as saying:

A nation that casually surrenders leading industrial positions through policies of neglect will find it difficult to stage a comeback.

The report criticizes Federal policymakers for creating a tax system and borrowing policies that favor commercial construction over new factories. It also condemns the overvaluation of the dollar, which resulted in last year's trade imbalance of over $80 billion and a projected trade imbalance of $100 billion in 1984.

The president of Data Resources Inc., Otto Eckstein, is reported as saying that the most important step the administration and Congress can take to reduce interest rates and bring the overvalued dollar down is to reduce the Federal deficit. Mr. Eckstein also criticized the idea that we can allow industrial growth to decline in favor of a service economy, pointing out that manufacturing is crucial to strong economic growth. I agree wholeheartedly, on both points.

Rightwing economists, whose thinking still dominates the Reagan administration, are still chanting the theme of letting the marketplace direct the economy, as though the distortions caused by the administration's $200 billion deficits and $300 billion defense budgets were somehow taking place on another planet. A similar blindness to economic reality afflicted the Republican administrations immediately preceding the Great Crash of 1929 and the Great Depression that followed. If we fail to heed the warning signs this time, the ensuing depression could make the Great Depression of the 1930's look like a picnic.

The full text of the Post article follows these remarks:

DEFICITS, INDUSTRY EROSION TIED

(By Peter Behr)

The strength of American industry is being severely eroded by inflated federal budget deficits, an over-valued dollar and governmental neglect, according to a new study prepared for nine of the nation's largest industrial corporations.

The study, by Data Resources Inc., concludes that the American economy cannot remain strong unless its factories and manufacturing plants are healthy and growing.

"A nation that casually surrenders leading industrial positions through policies of neglect will find it difficult to stage a comeback," said the DRI report, which was sponsored by American Telephone & Telegraph Co., Bethlehem Steel Corp., Burlington Industries Inc., E. I. du Pont de Nemours & Co., Eastman Kodak Co., Ford Motor Co., Goodyear Tire & Rubber Co., Deere & Co., and Texaco Inc.

"It would be unfounded optimism to believe that the service sector will somehow sustain our economic progress on its own," said the DRI report, the newest entry in a sharp debate among economists and politicians about the condition of the economy and the competitiveness of American busienss.

Otto Eckstein, president of DRI and a professor of economics at Harvard University, said the strongest evidence of an accelerating decline for U.S. manufacturers is the growing international trade deficit. "The decline in our trade position has accelerated very, very dramatically," Eckstein said. "It's snowballing."

In 1965, some 4.3 percent of manufactured goods in the economy were supplied from abroad; by 1980, the figure had risen to 13.5 percent, and "virtually every industry suffered from a major worsening of import penetration," the DRI study said.

Last year, the United States imported $69.4 billion more in goods than it exported, and the 1984 deficit is expected to approach $100 billion. The decline in U.S. manufacturing due to imports will cost up to 2 million jobs this year, Eckstein said.

He asserted that the causes of this long manufacturing decline include inept economic policies, which have helped produce seven recessions in the past three decades, making business management afraid to make long-term investments in costly plant expansion or modernization.

Industry's needs have largely been ignored by Congress and federal policy makers, who created a tax system and borrowing practices that favor commercial construction over new factories, and who have handled industry's trade problems in an indifferent, haphazard way, DRI said.

Finally, a long-running overvaluation of the dollar, except in the mid-1970s, made U.S. goods relatively more expensive to export, and imports relatively cheaper here.

Eckstein said that the most important step the administration and Congress could take to bring the dollar down is to reduce federal budget deficits, that keep interest rates higher than they otherwise would be, attracting foreign investment that pushes the dollar upward.

Democrats' proposals for new governmental action to aid specific industries offer little hope of success unless the underlying economic problems are dealt with, he said.

"No degree of cleverness on the part of management, no new-found cooperation between employers and workers, no industrial policies by the federal government can overcome the handicaps of an overvalued dollar and a domestic economy disrupted by credit crunches and recession every three or four years," the DRI report said.

"The deficit is where the solution has to start," Eckstein said. If the deficit were lowered to 2 percent of the gross national product instead of the present 5 percent level, interest rates would be some 2 percentage points lower and the value of the dollar would drop by 10 percentage points, enough to solve " a very, very large part of the problem," he said.

Eckstein said he believes the DRI study provides the most significant evidence so far that the United States is "de-industrializing"—going through a damaging erosion of its manufacturing base.

Other economists have attacked that view, including Thomas DiLorenzo, in a study published this month by the Heritage Foundation, which argues that industrial production has resumed its growth following the 1981-'82 recession, as it has following each of the previous economic downturns.

"The nation's industrial capacity is not declining, it is growing and changing," said DiLorenzo, adding that "market forces must be permitted to redirect resources to their uses of highest value."

The DRI report documents that change—a massive shift in industrial activity during the past decade, with some big gainers and big losers: Production of electronic components rose 129 percent, plastic products were up 125 percent, and office equipment rose 87 percent; cotton fabrics and leather each declined 25 percent, and steel fell 16 percent.

Eckstein and the DRI report contend that these changes are not merely the work of an efficient market, but the consequence of specific policies that are taking a heavy toll of basic manufacturing industry.

"Economists believe in markets, and the markets seem to be saying 'there is a drift toward services, so why fight it,'" Eckstein said.

He says the reason is that manufacturing is critical to strong economic growth. The DRI report offers suggestive" evidence—although no conclusvie proof" of this. One DRI analsis shows that, in high-growth countries such as Japan, manufacturing has a rising share of overall economic activity, while in the United States, where manufacturing has had a declining share of the economiy, overall economic growth per capita also is relatively low compared with other industrial nations.

"While a country can pour a virtually unlimited amount of capital into investment in services by providing ever more modern office building, bank branches, hotels, shoping malls, etc., these types of investments have lesser growth potential than investment in successful manufactuirng industry," the DRI report said.

Although U.S. investment in manufacturing has been relatively constant since 1966, it is far behind Japan's commitment, and there is a domino effect in that, DRI said.

"There is an enormous advantage in being the number one firm, in possessing the largest market share, the lowest costs, the market power, and the ability to finance technological and product progress. Once the lead is lost, profitability diminishes, resources shrink, and management is pressed into shortsighted, defensive cost-cutting moves that soon produce a further loss of market share," the report said.

WHAT IS CONGRESS DOING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I am just going to take a little while today and talk some about the legislative schedule of this week, and perhaps a little bit about what could be done and some things about what should be done.

Here we are, on the first day of this week's legislative session. We are 45 minutes into the day and essentially all legislative business for this day has been completed; 45 minutes of session on this day that will be counted as one of the legislative days of the session. It is one of those days that will be referred back to later on in the session, when we are asking why we cannot

take up legislation, we will be told that we are much too busy to be taking up items late in the session.

I think we need to point back to this kind of day and say, "Here was a day when we had a total of several hours that could have been devoted to pursuing the agenda of the American people and, instead, we closed up and went home."

I think the American people can legitimately ask, "What is Congress doing?" What is that we are really all about, if we are going to end up spending our time on small bills, closing up session, and not acting on things like the problem of the budget, the problems of social issues such voluntary school prayer, the whole issue of whether or not the executive ought to have some ability to help solve budget deficits with items like the line-item veto?

As of tomorrow, on this House floor, it will be a 10th anniversary. It will be the 10th straight legislative day when those of us on the minority side have asked for the balanced budget amendment to be brought to the floor, have asked for the voluntary school prayer amendment to be brought to the floor, and have asked for the line-item veto to be brought to the floor. It will be 10 straight days in which the Democratic leadership of this Congress will have said no to that agenda, even though we are doing practically nothing on this floor of substance otherwise.

That is the question that the American people can legitimately ask: Why do we have schedules that hardly fill one page for an entire week, and yet we cannot get to the things that are really on the minds of the American people.

Like many of the Members, I was back home again this weekend, and back home again this weekend people were asking me again, "What are you guys doing about the deficit?" The answer is, of course, nothing. The answer is, we are screaming a lot about it, we are talking a lot about the President's deficits in Congress, but we who are responsible, we who article I of the Constitution makes responsible for spending, who are responsible for budgets, we are doing nothing. We are not acting on this floor, and the American people know that we are not acting on this floor on those items of major importance.

We could have, by the end of the week, a resolution on another matter that is of intense concern to the American people, the issue of Lebanon. Once again people are concerned about that issue. They want something meaningful done. They want it resolved. But I question whether or not they are really going to approve of the kind of resolution that has thus far been debated in the Democratic Caucus and evidently now has run into trouble even within the caucus itself because essentially it is a cut-and-run resolution.

I say that as somebody who did not vote for what I regarded as a stupid policy when we adopted the 18-month resolution a while back. I did not vote for that resolution because I thought it was bad policy at that time. I thought it was bad policy because it sent precisely the wrong signal to both our friends and our enemies in the Middle East. It sent a signal to our friends that they had 18 months in which to try to get something worked out, and I think it sent them the signal that caused them to fool around for too long in making some of the decisions that were necessary to move things forward.

But it also sent a signal to our enemies, and that is, if they could force us out in less than 18 months, they have, in fact, achieved a victory in the Middle East over the United States. It is hardly surprising that very soon after that 18-month resolution was passed was when the terrorist attack took place on our marines. That is not surprising, because the terrorists knew at that point that they had a timeframe which would be judged in the world as to whether or not the United States was being defeated or was being victorious in the Middle East.

□ 1250

So it was a wrong policy. It was a bad policy. I did not vote for it at that point. I am sorry so many of my colleagues did. But having made that decision, what kind of a signal does it send to the world then a few months later to decide politically that what we are going to do is cut and run, that we basically going to have Congress declare surrender and move out?

What kind of signal is that to the young men who have already lost their lives in the Middle East and to the families of those young men? What kind of policy is it that this Congress is undertaking when we make those kinds of decisions, that we cannot even stick with a policy that we forced upon the President for a 4-month period? We said 18 months last fall, and now we are saying, "Well, no, that was a bad idea. We're going to change policies all over again."

But that is the kind of resolution that is going to be brought to this floor on Lebanon, a wholly politically partisan resolution aimed at one thing, and that is telling the American people that we thought we were doing something. Now, of course, it has no force of law. The President can decide whether he is going to obey it or not, so it is simply so many words, and it is simply an attempt to react politically to what they perceive as being a political issue.

I suggest that it is a national issue that should be well above politics, and that kind of partisan shenanigans, that kind of making decisions at a Democratic Caucus that they then are determined to bring to the floor and jam down the throats of our Congress is not in the best interests of our foreign policy and certainly not in the best interests of our Nation.

But that is the kind of thing that we are likely to get out here late on this week as a substantive bill to do something about Lebanon. The fact is that any time we want to do something substantive about Lebanon, all we have got to do is cut off the funding. That resolution does not propose cutting off the funding. It is simply a political talk piece and nothing more.

We are going to have a series of other bills out here, first, regarding Presidential certifications on conditions in El Salvador, and that, of course, is legislation that we acted on in the last Congress which the President vetoed. We are evidently going to bring that back to the floor here and try to stir things up in Central America a little.

We are going to bring out a bill on Rotation of Chairmen to the Commission on Security and Cooperation in Europe. That is a piece of major legislation that I would guess is probably going to entail hours upon hours of debate on the House floor. Of course, it is being brought out under suspension, so we can only have 40 minutes of debate. But it is a very controversial matter, and I say that, of course, with tongue in cheek.

And then, the sense of Congress regarding self-determination of the Baltic States. That is another very, very major piece of legislation, of course, which we will certainly want to debate intently. It is one which we certainly should be passing. But to put that on the legislative schedule here as an item of major point in the legislative schedule makes very little sense.

We are going to be dealing with the construction work in progress bill. Many people think that is one we are doing politically here in the House. It has no chance of going anywhere at any time, but nevertheless we will do it.

And we are also going to be doing the Environmental Research, Development and Demonstration Act, which is subject to a rule being granted. I would guess that we will probably get to that particular bill, but the question is, of course, whether or not this will entail very much debate. I kind of doubt it. It seems like a pretty innocuous kind of bill.

That is the entire schedule here beyond what we have done today, and we do not have a schedule which, it seems to me is aimed at addressing those things that the American people feel very strongly this Congress should be facing up to. It is a very short schedule. It means that we are going

to be working short days around here in order to try to fool the American people into believing that something is really going on in the Congress.

The fact is that something should be going on in the Congress. We really ought to be developing and debating some of the issues, but is is certainly not happening with the schedule that we have had for the first week, the second week, and now the third week. I would certainly hope we will see something more substantive emerge in the schedule in the weeks ahead.

The one thing I think the people should be aware of that is likely to happen out here this week is that it is our understanding some of the Democrats are becoming concerned about the repetitive asking for the American people's agenda to be brought up, and they are particularly concerned about the fact that last week some of the budget-busters on their side were actually named by name on the House floor, and there is some talk that within this week we may get them coming to the floor suggesting that some of us who voted for defense in the past are actually the real budget-busters. So we are likely to have some confrontation over the that point. I would suggest that we would want to watch very carefully and see who comes out and says those kinds of things on the floor.

In reviewing the record over the weekend, I found that several of the Members who have raised the strongest objections on that in the last year voted for no defense whatsoever. On defense appropriations and authorizations, what they voted to do in this country was to have no defense at all. They did not vote for anything in terms of spending for defense.

Now, I suggest that there may be some debate over how strong our defense should be and how many weapons systems we really want to buy and how big a troop component we want to have, but I would suggest that those Democrats who voted for absolutely no defense whatsoever are not in tune with the American people or in tune with reality. The suggestion that we could get along with absolutely no defense in this country is ludicrous. We actually have people who are talking the defense issue right now who, when they are casting votes in this Congress, are casting votes for no defense whatsoever, no spending, not one dime for defense.

Some of them are also casting a vote which says that what they want to do is cut back on defense, that somehow the defense spending is far too high at the present time. I think that there is some need, in my personal opinion, for finding places to trim our defense budget, but I would suggest that from some of the Democrats it makes very, very little sense, compared to what they were saying back during the time of the Carter administration.

This year's defense budget, the fiscal 1985 defense budget, submitted by President Reagan for fiscal 1985 is $2.5 billion higher than Jimmy Carter's projected spending for defense when he submitted his budget in January 1981. There has been a total added by this President for fiscal 1985 of $2.5 billion. In other words, if we are going to do as the Democrats are suggesting to us, we are going to deal with the deficit by cutting defense and by raising taxes.

Let us take what that means in terms of the language that we have heard. We would assume that they would not want to cut back any further than the Jimmy Carter defense budget. Let us remember what Jimmy Carter's defense budget gave us: Burning helicopters in the middle of the Iranian desert. That is symbolic of the military during Jimmy Carter's regime. That is the kind of military policy the American people said was totally unacceptable, that this has become an indefensible country in many ways as a result of those kinds of defense policies. So we assume they would not want to go any lower than the Jimmy Carter's figures.

So they can save $2.5 billion if we go back to the Carter figures in defense. All right. Now, that leaves us with $177.5 billion of deficit yet to solve in this year. If they were determined to balance the budget—we have had an awful lot of them coming out here and talking about balancing the budget this year in recent weeks—if they were really determined to balance the budget this year, in order to get $177 billion in new taxes, they would have to confiscate every dime of income in this country above $26,000.

Now, when they talk about taxing the rich, think about that figure. If you are a two-income family and you are earning more than $26,000, how would you like to pay all the taxes you are now paying, plus have every penny of income over $26,000 confiscated from you? In order to balance the budget in the manner the Democrats are talking about, that is what they would have to do. That is the kind of taxation we are talking about.

Now, I do not suggest that anybody making $26,000 or any two-income family in this country is rich, and I do not think many of the American people who are in that income category think of themselves as rich. But we would have to confiscate every dime of income over $26,000, and all those union families out there who have finally gotten themselves into a middle-class status in this country would literally have that middle-class status taxed away from them by the kinds of policies that are being talked about on the other side.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, let us just put that number into a little bit different perspective.

I have some figures here that refer to median income families' average tax rate. It goes back to 1948 and shows what the average tax was of that family's income. For example, in 1948 it was three-tenths of a percent. It worked its way up to 6 percent in 1958, 8.8 percent in 1970, and up to a high of 10.3 percent in 1981. After the tax cuts, that rate fell to 9.2 percent.

There is a column next to it that says, if you use taxes as the method to solve the problem, you would actually have to raise taxes to 15.9 percent of income. That is a 73-percent increase in the tax on a median income family.

□ 1300

Mr. WALKER. Well, the gentleman's figures are just absolutely incredible, and I think it really brings home the point, that when the Democrats talk about taxing the rich, they are not really talking about the rich. They are talking about the people in this country who work for a living, all of them. The Democrats regard people who work for a living as rich, because that is the only way their figures make any sense.

Now, most people that I talk to would think that if you are talking about $75,000 and above, you might be talking about the wealthy people in this country. That is statistically what we show as being really the upper income people in this country, $75,000 and above. If you confiscate away every dime of their income, if you had confiscatory taxation of them, you would get enough money to run the Federal Government for 14 days and we would have 90 days worth of deficit; so in other words, we are really talking about nonsense when they talk about this business that they are going to tax the rich.

The fact is that they are going to tax everyone and the fact is that not even they have to nerve to come to the floor with a bill that would be confiscatory taxation; in other words, to tax away a 100 percent of everybody's income over $26,000. They are not going to do that.

So in order to get the revenue they need, they have got to go way below $26,000. They have got to go down to $20,000. They have got to go down to $17,000. They have got to go down to $15,000 and most of the tax packages that you have seen come on this House floor that have suggested new taxes, where people are being taxed, they are talking about people of $15,000 and above. Those are the rich.

What I am saying is that that is really virtually the working class of this country that they are talking about.

The term "the rich" becomes an irrelevant term when you look at what they are doing with their tax programs.

What we have got around here is a bunch of greedy special interests who have gotten their hooks into this Congress and are bleeding it dry of the tax money provided by working families and the Democrats are willing to feed the greedy special interests at the expense of the taxpayer.

I do not think as a nation we can afford to allow those patterns to continue.

I am glad to yield to the gentleman from Florida.

Mr. MACK. Let me make another point. The gentleman mentioned the $15,000 and $16,000 income level. I have some other information here indicating where a family's money goes. A family of four with a 1971 income of $16,000, what I am going to point out here is what impact taxes have had on how the average family goes about spending their money.

Between the years 1971 and 1981, the taxes on income, this is the income that is left to spend——

Mr. WALKER. This is a $16,000 family?

Mr. MACK. Right, has gone up 56 percent—56 percent increase in tax revenue for that one family.

The impact of that is that the family then has to make a decision about how it spends the balance of its money and we find out that because of that they are spending less money on food, less money on housing, less money on personal care, less money on clothing.

In other words, people should not be fooled that just paying a higher tax does not affect anything else. When you pay higher taxes, when you have less money in your pocket to spend for other things, you have to make choices about where you spend your money; less on housing, less on food, less on clothing.

Mr. WALKER. In other words, the $16,000 family, the family that is working hard every week to bring home an average paycheck in this country is virtually having to cut out the necessities of life in order to pay the taxes that the Federal Government charges, is what the gentleman is saying.

Mr. MACK. Certainly.

Mr. WALKER. Then that family finds itself unable to send their children to college, which they would like to do; they find themselves unable to do a lot of the meaningful things of life, because they are certainly not able to afford it, principally because what we are doing is overtaxing them. When you turn-back tax revenue, you are turning it back to those average families, you are then giving them a little bit more money to buy some necessities of life, a little bit more money to do meaningful things in life and a little bit more money to provide their children with a good education. That is what you are really talking about.

Now, when you turn that around and you suggest that more taxes are good for the economy and good for this Government and good for the Nation, then you are really suggesting that that family ought to give up more of the necessities of life, they ought to totally obliterate any chance of having a meaningful life and they ought to give up any chance of educating their children themselves.

Mr. MACK. Well, the reality of what the gentleman is talking about is that through the tax system, you are transferring those items of life that the gentleman mentioned to someone else through the tax system.

Mr. WALKER. And, of course, what has happened around here is the way we have appealed to greedy special interest power around here, we have made certain that that transfer either takes place to people who are unwilling to work, the nonworking people; the working people are transferring money to people who are not willing to work, or they are transferring it to the rich who already have plenty of tax breaks and so on at their disposal. Those are the greedy special interests that have come in here and bled the tax base of this country dry at the expense of working people. That is what we cannot afford to do any longer and yet that is the solution, that is the deficit solution being offered by the liberal side of this Congress.

I yield to the gentleman from Florida.

Mr. MACK. Let us move on to another point, because again we have indicated how the higher taxes, if that was the method used to solve the deficit problem, how this higher taxes affect how families spend their money.

It also affects how they save or invest money and when you start comparing the United States to other developed countries, for example, Japan, you find that Japan has an average investment of 32.1 percent of GNP, whereas in the United States it is 18.3.

The suggestion that I am making is that our taxing polices affect how we as a nation invest and save our funds.

I will make one additional point. Government spending as a percentage of GNP in Japan is 9.7 percent. In the United States, as of this particular date, it is 18.1 percent. We know that has gone up to about 25 or 26 percent now.

Those have significant impacts on how we as a country save and how we invest.

Mr. WALKER. Well, the gentleman makes an excellent point, because we have to take that, of course, one step further. It is the savings and the investment that make it possible to create new jobs. The 4 million new jobs that we have created over the last several months have been because we have been willing to save more and invest more in our economy and that is because we got a little bit of a tax cut and we were able to boost that up a little bit; but we are not going to be able to create new jobs, we are not going to be able to have a future for working people in this Nation if we tax it all away, because the one thing that Congress has proven itself inept at is creating jobs. We keep talking about jobs related bills around here; but the fact is that we do not create jobs. The economy has to create real meaningful productive work itself and that relies upon savings and investment; so the gentleman is absolutely right. When you tax away the ability to save and invest, you are taxing away the ability to create new jobs and you are insuring that the long-term future employment in this country is bleak.

While the deficits certainly matter, it matters also how you solve the deficits, because solving the deficits with additional taxes will not produce more jobs. It will produce less jobs. Solving the deficits by reducing spending creates more jobs for the future, because it insures a savings and investment climate in which jobs can come about.

I thank the gentleman for his contribution.

OUR ROLE IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SILJANDER) is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, I hope the American people, those that are watching and listening, will bear with me through this time, because I think what we are dealing with is one of the most important political issues—I emphasize the word political issues—that likely ever faced this Chamber in the last several years. There has been much rhetoric talking about foreign policy. Most of that rhetoric has centered around the Middle East and more specifically, Lebanon, and our role in Lebanon. Ever since the tragic bombing of the Embassy in Beirut which killed 33 American and the further tragedy of over 251 American marines died in another suicide or kami-kazi car bombing, needless to say, every headline of most every newspaper, the top story on the television and radio stations across the country focuses and centers around the crisis in Lebanon and just what our role in Lebanon as a country ought to be.

I do not think there is a Member of this House that supports marines stay-

ing in Lebanon for a long-term period. In fact, I am sure every one of us——

PERMISSION TO FILE CONFERENCE REPORT ON S. 1340, REHABILITATION AMENDMENTS OF 1983

Mr. PERKINS. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. SILJANDER. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the Senate bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. WALKER. I reserve the right to object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the right to object.

Mr. WALKER. Reserving the right to object, Mr. Speaker, it is my understanding this has been cleared by the minority side and that it is possible to have it cleared.

My problem, though, it seems to me that this is not the time that we are supposed to be doing this. I thought under the understanding that we have with the Chair, that when we got to special orders that we were not going to have a substantive business intervene.

□ 1310

Is that a misunderstanding on my part? I just want to clarify where we are.

Mr. PERKINS. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Kentucky.

Mr. PERKINS. Let me answer the gentleman by stating that I understand that some of the Senators are not back in town and I did not know anything about it until 10 minutes ago. We wanted to bring the conference report up on Thursday. Therefore, we had to make the unanimous-consent request at this time, and I wanted, and I mentioned it to the gentleman as I came in, I know there is no objection, but I wanted to clear it with the gentleman.

Mr. WALKER. I thank the gentleman. As I say, it is my understanding that there is no objection to the substance of what the gentleman is doing.

The problem is, though, that we have had some wrangles out here about the whole business of procedure, and the time, and who was going to get permitted time, and a lot of these kinds of things. In essence, what I am doing is protecting us a little bit, because once we set the precedent of doing this, what I find is we get rulings later on saying "Oh, yes, this has been done before, so do not worry too much about it."

Mr. PERKINS. Let me say to the gentleman that unless it is some type of emergency, I will not make a request like this in the future. But I understand the agreement is calling up the report. In this instance we are only asking unanimous consent to file the report.

Mr. WALKER. Further reserving the right to object, I would simply ask the Chair whether or not that is the basis of the understanding.

The SPEAKER pro tempore. The Chair's understanding is that the Speaker's statement dealt with calling up legislation, not filing a report. That is my understanding.

Mr. WALKER. So we do have a precedent, then, that we can file conference reports during the special order time, that that is going to be permitted, that kind of business is going to be permitted during special order time?

The SPEAKER pro tempore. The filing of a conference report can be done at any time as a matter of right before the House, before the House adjourns.

Mr. WALKER. The gentleman from Pennsylvania is simply, under my reservation of right to object, is simply trying to find out just where we stand on all of these rulings that we had thrown at us over the last couple of weeks, and I am trying to make certain I have an understanding of how we are operating here, and that is my only concern.

On the substance of the gentleman's request, I understand that has been cleared and there is no problem. I am simply trying to clarify what we are all about here.

Is it now my understanding that filing conference reports will be one of those items of business always permitted under special orders, under the time allotted for special orders?

The SPEAKER pro tempore. It has always been the practice of the House and is still the practice of the House.

Mr. WALKER. I thank the Speaker and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SILJANDER. As I was saying, dealing with the issue of Lebanon, which obviously has garnered the attention of the American people, every interest group, every politician from one coast to the other, and every media conceivable to man worldwide, the issue certainly centers around what our role ought to be in Lebanon.

As I was saying before, I do not think there is one Member of Congress who desires the marines to be in Lebanon. I do not think there is one Member of Congress who would not want the marines to have an orderly, safe withdrawal, as soon as humanly possible.

No one is overjoyed by the fact that the marines are in Lebanon.

This is not a game, Mr. Speaker. I say to the Members and the American people who are listening: this is not a game in Lebanon and in the Middle East. It is life and death. It is an issue that concerns all of us very greatly.

There are three concerns I have with the House joint resolution recently endorsed by the Democratic Caucus, now before the Foreign Affairs Committee, of which I am a member. There are three basic concerns.

The first one is the political partisan nature of the resolution. The second issue is the misguided direction and just incorrect information given within this extensive resolution as a document. Third, the serious implications of this document and that this document makes to our foreign policy as a nation, our objectives for peace in the Middle East.

I would like to first deal with the political nature of this document. It is rare, it is rare that I have ever seen in the Foreign Affairs Committee, one of high stature and reputation, that there has ever been a document that has come out of that committee so blatantly partisan, political, and vindictive against any administration, be it either Republican or Democrat. I had hoped as a member, newer member of that committee that I had joined a committee that had integrity, a committee that had vision for fairness, Mr. Speaker, not one of bias and partisanality.

I would like to read a quote from October 27, 1983, the Washington Post, of our Honorable Speaker, THOMAS O'NEILL. He was rebuking at that time the liberal Democrats and he shouted at the Democrat Party that "We should put patriotism above partisanship and back President Reagan," he said.

The Post goes on to say that Speaker O'NEILL took the occasion to shout his contempt for the Democrats who, quoting now Mr. O'NEILL, "try to make this a partisan issue."

He is agreeing with Reagan, O'NEILL said, because "I am a patriot."

Mr. Speaker, not too long after that October 27 statement President Reagan announced his intention to run for office as President of the United States for a second term, and not too long after that the Speaker endorsed Walter Mondale for President of the United States. And he said, quoting Mr. O'NEILL again, that "I will do everything I can to see that he is elected."

Considering all of those quotes formerly by the Speaker about putting patriotism above partisanship, and he says we should support the President's

program in Lebanon because it is patriotic, I would like to read to you several quotations of the Democrat-sponsored resolution asking for immediate withdrawal of the Marines out of Lebanon.

Again, the main point I am trying to make is not whether we should have marines in or out of Lebanon, or even when we should or should not have them withdrawn. My point simpy is very clearly that this document, as introduced initially in the Foreign Affairs Committee—how it will change I cannot respond—but how it has been presently presented is incredibly biased, incredibly partisan, and looks more as though it is a document or a white paper against President Reagan sponsored at a Democratic rally, not by a bipartisan Foreign Affairs Committee.

For example, a couple of quotes to illustrate the partisanality of the resolution:

The President has been unable to present convincing rationale for continued participation by the United States Armed Forces in the MNF.

The situation in Lebanon has deteriorated in recent months.

It has been deteriorating for the last decade.

The expansion of the United States military role * * * . There is an urgent need, therefore, for reassessment of alternative means.

There is a failure of the administration to adequately reexamine its policy.

Another section—

despite the lack of realistic United States policy in the confusion about their mission.

Going on to another section—

To promote progress toward a peaceful resolution of the country's problems requires a United States policy which gives higher priority to diplomatic and political solution.

Going to another section—

The situation in Lebanon is drifting out of control and the administration's policy regarding Lebanon is not working.

The United States—

The resolution goes on to say—

is reacting to events rather than implementing policies.

It also says—

The administration has failed to impress upon the Government of Lebanon the urgent need for it to develop a viable reconciliation plan.

Mr. Speaker, I do not need to go on and on with this, but it does say in several more points about the failure of the administration to do this, the failure of the administration to do that.

Well, who is the administration? President Reagan.

Who drafted the document? The Democratic Caucus.

It that is their party platform, Mr. Speaker, that is fine. It ought to be a partisan platform. But to be introduced as a document such as this consistently condemning, attacking a policy, is not the appropriate way to draft a resolution.

The appropriate way to draft a resolution is to say what you want to say, deal with the issues as they are, as you see them, and set aside partisanality and set aside partisan politics.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I will be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Can the gentleman tell me when this was drafted in the Democractic Caucus?

□ 1320

Mr. SILJANDER. It was drafted on February 2.

Mr. WALKER. February 2.

Can the gentleman tell me when it arrived in the Foreign Affairs Committee?

Mr. SILJANDER. Obviously that is another issue that concerns us. We were sitting the very next day, 16 hours after the resolution was drafted, and we were expected to begin hearings, and the second day after that we were to begin markup of the resolution.

Mr. WALKER. In other words a resolution drafted in the Democratic Caucus was sent immediately to the committee?

Mr. SILJANDER. Yes.

Mr. WALKER. Which was brought immediately to the committee and now there is some talk about bringing it to the floor very, very quickly?

In other words, within a week and a half time we are to take up this matter, and there is some chance we may take up this matter on the House floor; is that correct?

Mr. SILJANDER. Yes. But let me go back and tell you as drafted in the morning, that afternoon the committee met with their notification and a copy of the resolution that the very next day there would be hearings, the day following there would be a markup and the following Tuesday, which would be tomorrow, there was to be a vote on the floor of the Congress. That scenario has changed because of obvious furor and obvious outrage of so many of us who consider this such an important issue that we certainly should not have a 16-hour period between observing the resolution and an opportunity then to have a hearing on the resolution.

Mr. FOLEY. In the interest of fairness, will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman from Washington, yes.

Mr. FOLEY. Mr. Speaker on the part of the majority party I announced the program on Thursday afternoon of last week and said at that time that there would be no extraordinary means used to bring this resolution to the floor. The gentleman is creating a strawman and then deliberately knocking it down. The fact of the matter is that this resolution is proceeding through the normal course of committee consideration. The gentleman misspoke himself a little while ago in suggesting that the resolution had been reported out. The gentleman knows well that this is not the case. I am equally surprised by his characterization of the resolution as "vicious criticisms." I would be frank to tell the gentleman that I believe the Democratic Party has strained to give bipartisan support to this President, much, much more in fact, than the gentleman on the other side ever gave to the foreign policy of his predecessor.

Time after time in this President's administration Democrats have worked to insure that the U.S. Government spoke with one voice in its foreign policy abroad. I might say to the gentleman that it does a disservice to the cause that he is supporting, the cause of bipartisanship, to suggest that there is a connection here between the position of the Speaker or any Member of this body and the candidacy of Mr. Mondale or any other Democratic candidate for the Presidency.

Mr. SILJANDER. Reclaiming my time, if the gentleman does not mind, I never said, I did not mean to imply that the resolution was ever reported out of committee.

Mr. FOLEY. Well, the gentleman should look at the transcript then, so he can correct it.

Mr. SILJANDER. I have the time if the gentleman will excuse me. We were told by the chairman of the committee the same day that the resolution specifically was drafted, we saw no wording until the very day we were advised that the very next day there would be a hearing and the following day markup and likely it would be brought up on the floor the following Tuesday. That was the scenario; that was the scenario. It has thus far changed.

Mr. FOLEY. Will the gentleman yield to me?

Mr. SILJANDER. I will not yield.

Mr. FOLEY. That ought to indicate——

Mr. WALKER. Yield to him.

Mr. SILJANDER. I will. But I am very happy that the gentleman has in his wisdom changed that scenario because the timetable that the gentleman from Pennsylvania brought up was I think an unfair timetable for many of us who would like to study the resolution and the implications of the resolution.

One of my staff stayed up the entire evening assuming that the next day would be the hearing on the resolution, stayed up the entire night attempting to draft a section-by-section

analysis of it. That should not be a part of fair play in this House.

I yield to the gentleman from Washington.

Mr. FOLEY. I will say to the gentleman that if he wants a debate on this issue he can have a debate. He has control of the time for the first 3 hours tonight and can use it to carry on without yielding with statements that I think are gross distortions of the fact and misrepresent the circumstances of both parties.

But if the gentleman does not want to yield for corrections or comment——

Mr. SILJANDER. I yield to you.

Mr. FOLEY. You yield to me reluctantly. If you are going to yield for purposes of debate, I will stay here and we can have some debate on this issue. However, if the gentleman, has a point, if he is going to cut me off every time I have a point with the resumption of his own time, then I think this whole evening of special orders can only be viewed as the kind of political activity on your side that you apparently have decided it should be.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me.

I am sorry the majority whip is so upset here. The gentleman has obviously yielded to him and I think he should, I think we always ought to have a dialog. I was down there for a few minutes myself and I would have been perfectly willing to yield to anybody. I regularly yield to anybody who wants to debate me on these issues.

But I think it somewhat misrepresents the position of the Republican Party with regard to bipartisanship in foreign policy to suggest, as the gentleman from Washington suggested, that the Republicans were not supportive.

As I recall, I was here throughout the whole Iranian crisis, and I do not recall any kind of vicious document of the type of document that came out of the Democratic Caucus the other day, coming out of the Republican Caucus even during the time when most Americans recognized we had an absolutely failed policy.

We were not viciously attacking the President of the United States during that crisis. And in a number of other foreign policy realms.

I would suggest that the Republican Party stuck with Lyndon Johnson more solidly during the Vietnam war than many Democrats stuck with Lyndon Johnson during the Vietnam war.

So that I think that there is a fairly long history of the Republican Party being cooperative on matters of major significance in foreign policy. And I am disappointed by the kind of dialog that the gentleman from Washington brings in here supposedly in the interest of bipartisanship.

I thank the gentleman for yielding.

Mr. GAYDOS. Will my colleague yield?

Mr. FOLEY. Will the gentleman yield to me?

Mr. WEAVER. Will the gentleman yield to me?

Mr. SILJANDER. I cannot yield to three people. Allow me to make at least one statement.

I have 60 minutes, not 3 hours. And I assure the other gentlemen who have time, whatever time they may or may not yield to use of. My point of being here to outline as a member of the committee my concern with the document that I, in my opinion, feel is a quite partisan document.

I do not object to the gentleman and his party having his own opinions with regard to their own policies. That is part of the democratic process.

But that document as STEPHEN SOLARZ, a member of the committee, said and felt during the first day that we observed that document, he even admitted himself there were obvious political overtones to the document. And that is why the timetable, as I urgently outlined, as was outlined to me, has been changed to try to address some of those more blatant political notations in the document.

If you feel the marines should have an orderly and immediate withdrawal, I respect your opinion quite highly.

But the other mentions, the political mentions in this document I think are unheard of in terms of the kind of material that has formally come out of the Foreign Affairs Committee.

We have had many controversial documents, including the nuclear freeze. I may not have agreed with some of the documents, but at least they came out in a fair, organized governmental manner without having blatant partisan illusions.

Mr. FOLEY. Will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman.

Mr. FOLEY. The gentleman keeps referring to "coming out." The committee has not yet acted, as the gentleman knows.

Mr. SILJANDER. I know.

Mr. FOLEY. So there is nothing that has come out of the Committee on Foreign Affairs. I think that must be made clear.

Second, the gentleman from Pennsylvania (Mr. WALKER) refers to the original draft as "vicious criticism."

I do not think that anything in that draft can possibly qualify as vicious criticism of the President of the United States or the administration's foreign policy.

It expresses differences which the gentleman suggests he respects the right of any Member to have with the administration's foreign policy. That is all it does. It states some obvious facts, as uncomfortable as they may be for all of us, Democrats and Republicans alike. While I cannot presume to know how the Committee on Foreign Affairs will act on that draft, I do think that the gentleman from Pennsylvania's characterization of it does no service, as I said before, to the bipartisanship that has existed in many administrations on both sides of the aisle. I did not say Republicans did not support the foreign policy of President Carter; I said I thought that this administration had had stronger support from the Democrats on foreign policy than the Republicans gave to Mr. Carter. That is a matter of relevant judgment.

In fact since World War II both parties have striven, in their official leadership at least, to try to find a basis of common support.

What I suggest to the gentleman is that it does help that spirit of commonality in foreign policy to exaggerate with overblown language designed to put a tone of bad motive on legitimate policy disagreements. That kind of approach is not conducive to bipartisanship.

□ 1330

If the gentleman thinks I am a little disturbed, he is correct. I think the gentleman is making a political partisan issue of the whole problem of Lebanon, while attempting to lay the blame for partisanship on the Democrats.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

And I simply made the point—and I would make it again—I do not recall at any point during the Carter administration the Republican Party coming forth with the kind of document that we now have before us, particularly after there had supposedly been a bipartisan job done in order to have 18 months of time during which they would have some kind of a policy implemented in Lebanon.

Now, the only thing that has changed since the time we passed that 18-month resolution, which, as I said earlier here on the floor, I did not agree with that at that point, but the only thing that has changed is politics. And one cannot help thinking that a document drafted in the Democratic Caucus is in fact a political document.

Now the gentleman on the other side may not want to characterize it that way, but when a political caucus drafts a document, one has to regard it as having a taint of politics. And it is hard to consider it otherwise.

Had the document been drafted in the Foreign Affairs Committee and re-

ported to the floor, that might be another issue, but this is a document drafted as a political document within a political caucus.

Mr. SILJANDER. If I may reclaim my time, as a member of the Subcommittee on the Middle East, I offered an advisory sense of the committee the same day that I laid eyes on the resolution that we in that subcommittee would have an opportunity to at least hold one hearing, which I think is fair for a subcommittee on the Middle East concerned with Lebanon, a public hearing on the particular resolution.

It was voted down. Congressman WINN and myself and the two Republicans and the reigning Democrats on the committee voted against it. That began an obvious, in my opinion, partisan attempt to squash any attempt on our side to get more than a couple of hours input on the resolution.

Since then I am happy that the scenario, the timetable for dealing with this resolution has changed. But I will stand by my remarks respectfully to the Democratic whip, that that document, the way it is presented, resembles nothing of the 18-month document which was quite controversial. The 18-month document, whether one was for it or against it, was reported out in legitimate fashion.

This document, and the concern I have, in my opinion, the reason why the timetable has changed because it is so obviously partisan that I think that the Democrat Party and the Republicans pulled back for a moment to reassess the wording of that document, not so much in what the document says in the substance about immediate withdrawal of troops in Lebanon, but, rather, reassessment of the presentation, the way the information has been presented.

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

All I can tell the gentleman is I met with thousands of my constituents during December and January in the Fourth Congressional District of Oregon and everywhere I went among working people and business groups, Republicans and Democrats, who came to my town meetings, young and old, high schools, and senior citizen centers, I would ask one question: How many here believe that there is cause for our marines to be in Lebanon and how many here believe that our marines should be in Lebanon?

And it was not a mixed vote. I asked them to raise their hand. I was struck by the fact that it was almost unanimous. As a matter of fact, I do not remember one single hand out of the thousands in these various rooms, schoolrooms, meeting halls, business luncheon groups, not one hand did I ever see go up to say that our marines should be in Lebanon. This was the American people speaking.

And I understand that in the other hundreds of congressional districts throughout the country the situation is much the same, but in my district in Oregon it was unanimous, it was universal. and they did not say, "Well, let's discuss what we are doing there." They said, "We have seen enough. We believe they should be out of there now."

So I was sent back to Congress just a week or so ago by my constituents with an imperative and an immediate delegation to all I could to get the marines out of Lebanon. And I promised my constituents that I would do all I could.

So I was one that went to the leadership of my party here and said, "My people want a resolution brought to the floor as soon as possible. I would hope it could be within the few days after we come back that would say we need prompt and orderly withdrawal."

The language that was drafted by Chairman HAMILTON, who I thought did an excellent job, said exactly that, prompt and orderly withdrawal.

And I said this is something that my constituents want and want it now. They do not want to wait week after week after week while the marines are dying.

Let me just conclude by saying that I saw nothing in this document that Mr. HAMILTON wrote that said other than the President had been unable to make clear to the American people why the marines should be in Lebanon. This certainly was true in my district. The President had not made it clear to them because they unanimously wanted our marines out. And that is all the document says.

I can say this, though, what I read in the Wall Street Journal late last week of what the President said, that to my mind, was something that I do not want to hear in the annals of American politics. The President accused some of us on this side of the aisle of surrender.

Now that is the kind of rhetoric that to my mind is vicious, is partisan. But do not accuse the Democrats when we come up with what our constituents want, very much——

Mr. SILJANDER. I want to indulge in a colloquy on my time, if the gentleman would not mind.

The gentleman's constituents—and I certainly agree that the polls are clear, that the majority of Americans would like to see the marines withdrawn from Lebanon—as I would, too. I do not think that that is really an issue. It is the manner in which the marines are withdrawn from Lebanon.

Let me ask the gentleman, in his opinion, since the gentleman was involved apparently in the request of the gentleman's leadership late last week: What in the gentleman's opinion would be the implications if the marines did have a prompted and orderly withdrawal? Now what prompt means exactly, I am not sure. And how it could be orderly, I am not sure. But beyond that, if the marines were to up and leave—let us not call it surrender, let us not call it turning tail and running—let us just assume the marines got up and left. What does the gentleman think the political implications would be of that?

Mr. WEAVER. The political implications would be very simple. And, by the way, I know of no more orderly body in the world than the U.S. Marines. They are the finest example of orderliness I know and I know that whatever they do it is going to be done orderly.

But the implications of that would be very simple. In the words of the Speaker of the House, the world would realize that we got smart and got our marines out of an untenable position.

Mr. SILJANDER. Now what would the implications be in Lebanon? What would occur, does the gentleman think, after the departure of the U.S. Marines to the rest of our friends, the multinational force?

Mr. WEAVER. I respond to the gentleman by simply saying: What does the gentleman think is happening in Lebanon today? It is deteriorating with the Marines there and under threat every day to death. It is deteriorating rapidly. The government is falling apart.

Mr. SILJANDER. Does the gentleman feel that if we left it would deteriorate that much further?

Mr. WEAVER. Oh, I cannot see how it could possibly deteriorate worse. I cannot imagine how it could be worse. But I know this, not one more marine would die in Lebanon. And the horror of a possible superpower confrontation would no longer be there.

Mr. SILJANDER. Mr. Speaker, the concern I have is that when I asked the question to many of my fellow colleagues on both sides of the aisle who demand immediate withdrawal of the marines out of Lebanon, I asked them what would the followup be. And the followup of course is disorder because there is so much disorder there now.

But I might point out for the first time in almost a decade that almost all of the major factions in Lebanon have agreed to reconciliation. The army, they have agreed to the Shiite, the Sunni, and the Moslem splits in the army. They have agreed through the splits in their assembly.

I believe that there has been progress made through all the maze, and the smoke and the shelling, still even as the Post reporter said in Sunday's Post, there is still some semblance of order, at least some sem-

blance of order behind the scenes in negotiation.

□ 1340

I do not think the Lebanese people want to carry on another decade of turmoil. I do not believe that the Lebanese people, be they Shiites, Sunni, or Phalangist Christians, care to continue with the shelling, the death and the slaughter of their country. The only semblance of order has been in fact our Marines in Lebanon. The only semblance of order in that country over the last decade has in fact been the presence of the multinational force in Lebanon.

What concerns me more than anything else is the direct implications if we leave. Syria will come in, supported by the Soviet Union, there will be a flood of the Syrians, undoubtedly Lebanon will no longer be Lebanon but part of the Greater Syria, as the Syrians call it, and radical Islamic forces in the Middle East will again regain control of that region. And what is next? Jordan is part of a Greater Syria; Saudi Arabia has very little army, great deal finances but very little defense; Egypt is concerned. All of the moderate area Arab countries are concerned.

The Persian Gulf is at stake. What about the security of Israel? Do you think the Israelis are supporting the immediate withdrawal of the multinational force? Obviously, they do not.

I think Amin Gemayel said it best. He said, "If the Americans go and I go, the Syrians will be right behind me."

And I think that is fairly pointed, in terms of what will in fact happen if we immediately withdraw.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, there are two points made by the gentleman from Oregon that I think deserve a little bit of attention. First, I was pleased with his reference to the Marine Corps. They are probably the finest fighting force in the world. In large part, that is because they are also one of the few military units in the world with the kind of esprit de corps that the Marines have always shown. To ask the Marines to cut and run would do more to undermine that esprit de corps than nearly any other action we could take.

Second, it seems to me that to make a reference to what is taking place today in Lebanon on this floor is somewhat tragic. We cannot escape the responsibility that those things that we have been saying and doing in this country over the last few days, which appear to be a United States backing off from our commitment in that area of the world, are certainly going to have implications. That is certainly going to encourage the terrorists there to believe that even though the cabinet resigned and even though the government there has announced that it is willing to put all things on the table, that the radicals there now decided to attack. Why? Because they believe at this point that anarchy serves them best and that the United States, in the face of that anarchy, is likely to have an even greater attitude toward withdrawal.

I think that some of what is taking place in Lebanon today can be ascribed to the policies that have been enunciated in this House by leaders, who in my opinion should have known better, over the last few days.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, would the gentleman from Pennsylvania also like to ascribe the deterioration of conditions in Lebanon to outstanding Republican Members who have taken a similar position?

Mr. WALKER. If the gentleman will yield, I would say to the gentleman that I would ascribe it to all people who have said that——

Mr. FOLEY. The gentleman's remarks were very pointed. The gentleman indicated that he thought that the leadership on the Democratic side had contributed to the deterioration in Lebanon.

Mr. WALKER. The gentleman from Pennsylvania made no reference to Democrats. I said that there had been a number of statements in recent days——

Mr. FOLEY. By leaders of the House.

Mr. WALKER. No; I said "by leaders." The gentleman is saying that that is strictly Democrats.

Mr. FOLEY. I am glad that the gentleman has provided that clarification.

Mr. WALKER. Mr. Speaker, will the gentleman continue to yield to me?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman from Pennsylvania has simply pointed out that I did not agree with the leadership on your side and the leadership on my side when they gave us the 18-month resolution. I voted against that. I thought that was a lousy policy, and I think it has been proven to be a lousy policy.

But now, to compound that lousy policy with one that has even a greater stench to it seems to me is really carrying the House into a situation and is leading to precisely the kind of anarchy that presents itself in the——

Mr. FOLEY. If the gentleman will yield to me, I want to caution the gentleman from Pennsylvania that it is not in the interest of proper debate and bipartisanship in foreign policy to try to ascribe the deterioration of events in Lebanon to those who have merely been conscious of it and have raised the question, as the gentleman himself did, of the wisdom of the continued presence of our Marine detachment.

Mr. WALKER. Will the gentleman yield to me?

Mr. SILJANDER. When the gentleman from Washington finishes his point, then I will yield.

Mr. FOLEY. May I have an opportunity to finish the point?

Mr. SILJANDER. Yes.

Mr. FOLEY. It seems to me that it comes with ill grace when those who ask for debate on domestic and foreign policy issues are quick to cite the very fact of debate as causing the deterioration of conditions around the world we all deplore.

It does not seem to me to be wise to refer to any comment on the administration's foreign policy as vicious criticism. I defy them to find one word in the resolution that was reported to the Democratic Caucus which is vicious. There may be areas that one might disagree with. Indeed, there is disagreement on our side, as well as on yours. However, it is not vicious or ferocious criticism. It attacks neither the motives nor personality of the President or anybody in this administration. To stand in the well of the House, as the gentleman, with the support of his colleague from Pennsylvania has done—and suggest that this is a vicious document of criticism is simply unfair and, worse, untrue.

I think it ought to be retracted from the RECORD before this debate proceeds any further. If the gentleman has any examples of viciousness, he certainly did not read them when he described parts of the resolution.

Mr. SILJANDER. Reclaiming my time, I think the gentleman is confusing comments from one person to the other and back and forth. I think that in itself is, frankly, unfair. I simply made the point that my opinion—if the gentleman does not mind respecting my opinion—and I think the opinion of several of your own colleagues on your side of the aisle that were quoted during the hearing on this particular issue in the committee meeting, that this document does smack of partisan politics.

Now, whether someone calls it vicious, or I might call them unwarranted comments, unnecessary comments, those that I feel are not symbolic of the nobility of the Foreign Affairs Committee reporting out resolutions, a point, not personality, I particularly feel, and I think it is substantiated by many of the comments and substantiated by the fact that many people in this Congress decided to change the agenda, the time under the agenda, to reevaluate the approach.

I am criticizing not only the content, which is a fair debate, but I am criticizing also the approach in which this resolution has taken, the timetable of the resolution initially, which I objected to as a member of the subcommittee which never had an opportunity to hear it, and also a member of the full committee in which we had 16 hours between the time the document was laid before our eyes and the time we had the first hearing on it. That is what I am objecting to—the approach and the timetable.

The other points I would like to make—and obviously my time is wearing out to use for the record—are on the specifics of the proposal, which have nothing to do with partisan politics. It has to do with simply an honest debate on foreign policy.

So I hope the gentleman will understand——

Mr. FOLEY. If the gentleman will yield to me, I do not have any objection——

Mr. SILJANDER. I do not think I yield. I hope the gentleman will understand that my comments are not meant to suggest that you or Mr. O'NEILL or your party are vicious. I am simply telling you that it is pretty blatantly obvious for any objective observer reading this resolution that it does smack with political overtones.

Now, you can infer whatever you want from that.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think the debate has called our attention to a couple of other things. It seems rather strange to me that when we criticize in somewhat harsh terms a document drafted in the Democratic Caucus, that that becomes a terrible thing to do and that kind of disagreement is not permitted. It also seems to me to be awfully strange, coming from the party that has described cuts in the rates of growth of budgets, and so on, as being vicious and cruel, and has been perfectly willing to attack the President personally. The Speaker of this House at one point said that the President was a man who was basically against—I have forgotten the exact words—well, insensitive, and it was even against the Bible or God or something, and so on, that people even voted for the man. So I think we have had a history of the disagreements coming from that side of the aisle of being couched in that kind of terminology, so that when they protest, they protest a little bit too much, given the record of the last 2 or 3 years.

I would also say to the gentleman that we also are concerned with the fact that this became a very partisan political kind of thing, as the gentleman has pointed out, that this did not start in any kind of a bipartisan spirit. This started as a partisan political move within this House, and that is really the major concern that we have with the kinds of policies that are being developed.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I will yield in one moment.

My point has been fairness above all other things. There are three points I wanted to make this afternoon. One was the fairness of the issue; the second was the substance of the resolution; and third, the implications of the resolution over our foreign policy.

□ 1350

I must say that I have yielded to the gentleman on the other side of the aisle with full willingness to listen to their objections to my comments, and the gentleman from Pennsylvania, although it is my time, not the time of the gentleman from Pennsylvania, and he, as you, are more than willing and able to articulate your concerns with my statements or any other policies that are presented before this country.

But I do feel that this is an important issue, and I do feel that the approach by which it was taken by the leadership of the other side of the aisle was inappropriate. I did not call it vicious. I simply said it was inappropriate. If that is too harsh a word for the gentleman, I am very, very sorry.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, I do not object to the word "inappropriate" or any other words that express a disagreement with the policy, but several times during the dialog here, either the gentleman in the well or the gentleman from Pennsylvania has, I believe, used the word "vicious," and that is, in my judgment, an inappropriate word in light of the fact that nothing in the resolution, even as originally introduced to the Democratic Caucus, contains any such language.

The reason I came into the well was to correct the record, because I think most Americans, not having the document before them, would perhaps accept the gentleman's comment that there was some vicious criticism. There is nothing that can be construed as vicious or corrosive or personal criticism in the document that was introduced in the Democratic Caucus.

I might also say that this is not the only time people in the Congress have spoken out against the positioning of American marines in Lebanon. As the gentleman from Pennsylvania himself pointed out, there were many on both sides of the aisle who disagreed with the original suggestion of supporting the administration's 18-month request. That does not constitute trying to bring down the policy of the administration; it is a disagreement in good faith on the issues that were involved.

Secondly, I would point out that in recent weeks, and even in recent days, prominent leaders—and I will use the gentleman's word—in both parties and in both bodies of Congress have called for the with drawal of the American marines from Lebanon. While this may be a matter of disagreement, it is neither appropriate nor true, as the gentleman would have us believe, because the turmoil being felt in Lebanon today within the army, within the cabinet, within the political life of the country, is the result of a debate in the House of Representatives or in the Senate.

There is no justification for the suggestion that the deterioration of events in recent weeks is the result of any actions, lack of action or statements that have been made by anybody in the United States. They are the result of internal problems in Lebanon, and there should be no doubt about that.

Mr. SILJANDER. Mr. Speaker, regaining my time, because I only have about 10 more minutes left, and the gentleman has used, frankly, as much as I have on my own special order——

Mr. FOLEY. I will be glad to reciprocate to the gentleman.

Mr. SILJANDER. That may be the gentleman's opinion, that events in this Congress have no direct correlation to foreign policy and what happens and occurs in foreign countries overseas, but I would submit to the gentleman that what happened recently in Beirut, some of the heaviest shelling in recent years, one shell or mortar every 3 seconds, certainly is indicative of a major offensive on the part of some of the radical Islamic forces in that country. I think it is just rather coincidental that that happened to happen not long after a major front-page news headlines that the Congress is calling for immediate withdrawal of troops from Lebanon.

Now, if there is a correlation, I leave that up to the American people to decide whether or not there is a correlation between the two, but I think it is pretty obvious that what we do in this House, what we do in the various committees of this Chamber, does have a dramatic impact, whether we want to feel that way or not, on our foreign policy overseas.

I went on a European parliament trip just several weeks ago. Every leader told us that what we say and what we do is so vastly important to them in Europe and to North Africa because they attempt to read between the lines of what we are saying on the floor of this Congress, what we are saying in the committees of this Congress, and any time we pass a resolution or even have an implication that we may or are considering a resolution

or a bill affecting foreign policy of any major dimension, it does send signals, shock waves, if you will, across the world that is read and often misinterpreted by others across the seas.

Mr. DORGAN. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from North Dakota.

Mr. DORGAN. I thank the gentleman for yielding.

Mr. Speaker, I have listened to the debate carefully today, and I can conclude only that you and the gentleman from Pennsylvania are trying to suggest that somehow the Democratic leadership in Congress is trying to make a partisan issue of the situation in Lebanon.

I want to remind the gentleman in the well, and also the gentleman from Pennsylvania, that there have been senior Members of their body in this body and the other body who have been critical of the role of the marines in Lebanon at the same time that the Speaker of the House was very strongly supporting the President's role in putting those marines in Lebanon.

I think the most important point that needs to be made here is that this is not a partisan issue. People on both sides of the political aisle have been both supportive and critical of the role of the marines in Lebanon.

The gentleman from Pennsylvania said nothing has changed since the 18-month resolution was passed in the House. Only Rip Van Winkle could say that. A lot has changed. A great deal has changed since the House passed that 18-month resolution, and people on both sides of the political aisle are coming back from the town meetings they have held, and from the constituents they have visited with, understanding that even more American people are beginning to question why are those marines in Lebanon and to question whether that policy should not change.

This is the body where we raise those questions, and doing so does not make it partisan. Frankly, I do not like the kind of discussion I hear today, suggesting that because we want to discuss, our policy on Lebanon, whether Democrats and Republicans, it smacks of some political diatribe against the policies of the President of the United States. I think that is nonsense.

Mr. SILJANDER. Mr. Speaker, reclaiming my time, if the gentleman were to read other resolutions dealing with the whole array of issues, including the 18-month resolution, which I did vote for, I do not think he would see a resolution that quite has the implications of political overtones and the attacking of any particular policy that this one, particularly, has time and time again.

My concern has been and still is the fairness question; whether or not there is ample opportunity, once the document was presented before us in committee, from that time to the time we were expected to vote on that document at least initially, and the way the document was prepared, my concern was strictly fairness.

I agree with the gentleman. When I go home to my district, I hear the same things; that the people of Michigan, the Fourth District of Michigan, want the marines out, too. I want the marines out as soon as possible, but I am also concerned with the life and freedom and reconciliation and at least a glimmer of hope bringing all the factions together for discussion. I have at least a glimmer of hope and optimism; while it might be squelched out in many other people's minds, I have a glimmer of hope and optimism.

I did present a plan to Mr. Rumsfeld and Mr. McFarlane and the White House, my Democratic and Republican colleagues alike. I, too, feel the marines need to be at least redeployed to some degree. I have not disagreed with that. I offered to the Democrats in the committee a middle ground, rather than taking up and running, or just staying there and not doing anything.

Mr. DORGAN. Will the gentleman yield for a question?

Mr. SILJANDER. Let me make my point on my time, if I may.

My position has been as long as we have now trained 5 brigades of Lebanese forces, 1 additional being trained by the French, 2 more U.S.-trained brigades by the end of 60 days, 10 by midyear, why do we not have a phased redeployment as the troop strength builds with the Lebanese forces. Then we can begin a slow, phased redeployment without jeopardizing our commitment or going back on our commitment to the Lebanese Government one iota. We can phase the withdrawal of marines from land and on board ships off the coast of the Mediterranean.

Mr. DORGAN. Will the gentleman yield for a question?

Mr. WALKER. Will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman from North Dakota first for 1 minute.

Mr. DORGAN. Does the gentleman agree with the gentleman from Pennsylvania that nothing has changed in Lebanon since the vote on the 18 months?

Mr. SILJANDER. I do not agree with that statement; no.

Mr. DORGAN. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. SILJANDER. May I ask the gentleman a question?

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I just want to make one point. I did not say that. I said the policy has not changed in that time. I did not say nothing has changed in Lebanon, and it is important that we make these distinctions because one of the things that is being done here on the floor is that the Democrats are attempting to suggest to the gentleman and to me that somehow we are preventing disagreement with the policy. Nothing of the kind is being done here.

Anybody has the right to disagree with policy, and so on, and I think this kind of debate is healthy. What we are disagreeing with is that you ought not be writing foreign policy options in the Democratic Caucus. That makes it partisan political whether they like it or not.

Where this issue should be debated is in the committee, in the Committee on Foreign Affairs. That is a bipartisan body. Why not debate it there? Why are we having resolutions drafted in the Democratic Caucus and then suggesting that somehow, though, it was done in a nonpartisan way; that it was strictly bipartisan.

It is ridiculous to suggest that there were not partisan overtones and politically partisan motives behind drafting such a resolution in that caucus. I think that is the basis of the argument here. It is a question that has to be raised. Why is it that that caucus document was then sent directly to the Committee on Foreign Affairs? It was done with instructions from the Democratic Caucus. It seems to me that that is the kind of action that we are disagreeing with.

□ 1400

We have the perfect right, it seems to me, to disagree with actions of this Congress and of the Democratic Caucus within this Congress that we think ill-serve the entire foreign policy objectives.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, of course, the gentleman has the right to disagree with actions of the Democratic Caucus, but he should state correctly what happened.

There was not instruction by the Democratic Caucus to the Foreign Affairs Committee at its meeting last week. The gentleman is saying so, but he does not know the facts.

Further, if the gentleman suggests that this document, the one that was debated in the Democratic Caucus, was discussed with partisan overtones, perhaps he would not object if I asked unanimous consent that at the conclusion of the remarks of the gentleman in the well a draft of the document be printed in the RECORD in its entirety.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, has this been cleared with the minority?

Mr. FOLEY. Well, the gentleman represents the minority.

Mr. WALKER. Well, the gentleman is not a part of the minority leadership, and under the Speaker's unanimous-consent obligation here, I thought we were supposed to clear it with the minority leadership before we proceed.

Mr. FOLEY. The Speaker was talking about bringing up legislation, not introducing things in the RECORD. What we were talking about in the joint leadership agreement was that legislation called to the floor for immediate consideration had to be cleared by both leaderships.

I am simply asking to include the text of the draft debated in the Democratic Caucus in the RECORD at the conclusion of the remarks of the gentleman from Michigan (Mr. SILJANDER) so that people can judge for themselves whether it has partisan overtones or not.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, I do not have any problem with that unanimous-consent request.

Mr. SILJANDER. Mr. Speaker, I do not have any objection either.

Mr. FOLEY. Mr. Speaker, if not, I ask unanimous consent that at the conclusion of the special order now under consideration, the text of the document entitled "Draft—February 1, 1984," which was considered in the Democratic Caucus, be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I would like to make just one other point.

We did find an issue the other day where the Democratic Party's language is somewhat questionable, where the majority leader the other day referred to the policies of the President as being "cruelly deranged."

It seems to me that that somehow fits a category that is somehow of even a lower class than using the word, "vicious," to describe the manner in which things are done.

Mr. FOLEY. Mr. Speaker, will the gentleman in the well yield?

Mr. SILJANDER. Mr. Speaker, if I may regain my time, I am sorry that this has turned into a partisan jab contest. My points were three to make on the floor of the House: First, the fairness issue.

In my opinion, the timetable and the wording of the resolution were partisan and inappropriate for the Foreign Affairs Committee. Now, that is not such a vicious attack on the gentleman's party, simply a comment of my opinion.

No. 2, I believe that the substance of the resolution is misguided, and some of the information in it needed to be clarified and commented on. In 3 minutes I cannot finish doing that, but I shall for the record.

My third point—and I hope to have equal time on all three of these points—was to talk about the serious overtones of this resolution in terms of foreign policy in Lebanon and the implications for the future sovereignty of that country.

Those are the three points I wanted to make on the floor, and as all of us have heard, the three points deteriorated into one focal point, that being the partisanship of this resolution.

I have 2 minutes, and I will end by reinstating, if I may, several of the quotes of the resolution, and for the majority whip, in my comments the entire resolution is typed, so we will have it reiterated, along with his as well. "* * * Despite the lack of a realistic U.S. policy and the confusion about their mission * * *." That is a quote from the resolution.

Going on, it says that—

The refusal of the parties to the conflict to make the compromises necessary to promote progress toward a peaceful resolution of the country's problems, requires a United States policy which gives higher priority to diplomatic and political solutions.

It goes on to say in another part of the resolutions:

The administration's policy regarding Lebanon is not working.

It goes on in another section to say: "The administration has failed * * *." It goes on to say that the administration has failed several more times in the resolution.

For example, on page 4, lines 13 through 17, it says: "The failure of the administration's policy * * *" once again.

My only point is that this is an obvious attack in a political election year, with the polls so strongly supporting withdrawal of the marines, which we all support, and that this document has strong political overtones. I am glad to see that Members on both sides of the aisle are working to tone down the jargon of the document to make sure that the overtones are not heard but, rather, that the substantive points are made clear rather than engaging in a jabbing match on the political overtones in this document.

POINT-BY-POINT ANALYSIS OF THE DEMOCRATIC PARTY'S RESOLUTION ON LEBANON

(By Representative Mark D. Siljander, Member of the Subcommittee on Europe and the Middle East)

On October 27, 1983 the Washington Post reported that Speaker Thomas O'Neill, in a rebuke of Liberal Democrats shouted that the Democratic Party should put "patriotism above partisanship" and back President Reagan. The Post goes on to say that Speaker O'Neill took the occasion to shout his contempt for Democrats who "try to make this a partisan issue." He is in agreement with Reagan, O'Neill said, "because I am a PATRIOT!" (capitalization by the Washington Post).

And then President Reagan declared he was running for re-election.

Washington is a political town where people get paid to make genuine differences of opinion into political cannon fodder. They make a game out of "Gender-gaps" and "fairness issues" which we all have grown to expect. The Democratic resolution on the Marines withdrawal from Lebanon, approved by the Democratic caucus on February 2, goes beyond political games. The Democrats resolution on Lebanon resembles a Democratic National Committee "white paper" more than a foreign policy document. This resolution which will be read by our enemies and friends around the world, is in fact so seriously flawed as to endanger our relationships with valuable Middle East allies, invite terrorist attacks against all American citizens, jeopardize our Marines safety further by making them appear to be a force in retreat, and be potentially responsible for the deaths of thousands of Lebanese men, women and children. It is shocking that men who have built their careers and reputations on duty and non-partisan service to their country should so shame all Americans with this resolution.

To substantiate the above charges, a point-by-point analysis would be helpful.

Page 1, lines 1-6:

"That (a) the Congress finds as follows: (1) Lebanon is important to United States interests in the Middle East, and the goal of the United States policy with respect to Lebanon remains the territorial integrity and independence of Lebanon."

The statement, although one we can certainly agree with, marks a clear a distinct retreat from the language used by this Committee in the War Powers Resolution passed last year. At that time we stated that the "removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East." Either it is no longer essential, or the Democrats choose to ignore the essential ingredients to peace in Lebanon.

Page 2, Lines 1-7:

"(2) There is however, widespread confusion among the American people about the mission of the United States Marines in Lebanon, and the President has been unable to present a convincing rationale for continued participation by the United States Armed Forces in the MNF in Lebanon under present circumstances."

The Democratic Party tends to underestimate the intelligence of the American citizen. In fact, the American public all too often understands Soviet complicity, this time in Syria, as a factor against freedom and peace more often than the leaders of the Democrats. President Reagan, Secretary Shultz and Secretary Weinberger have often told this Congress what the objective of United States policy in Lebanon is. It bears repeating."

"Our objectives in Lebanon have, from the beginning, been essentially threefold: The withdrawal of all external forces from Lebanon; a sovereign, independent Lebaon dedicated to national unity and able to exercise control throughout its national territory; and security for Israel's northern border, so that the inhabitants of northern Israel can live in safety and without fear of artillery or rocket attacks."—Secretary of State George Shultz, September 21, 1983.

(The objectives are) "(1) a cessation of Syrian/PLO/Israeli hostilities; (2) a secure northern border for Israel; (3) the reestablishment of a strong central government of Lebanon which could secure sovereign control of Lebanese territory; and (4) the departure of all foreign forces from Lebanon."—Secretary of Defense Caspar Weinbeger, Sept. 23, 1983.

"Our goal in Lebanon is a political settlement between the government and the various confessional groups, aiming at a broader based government that can extend its sovereign authority throughout the country. In these circumstances we envisage the withdrawal of all foreign forces, as well as security arrangements to assure the security of Israel's northern border."—Secretary of State Shultz before House Foreign Affairs Committee on October 24, 1983.

Again and again the Administration has defined these objectives, which one hopes all Members of Congress share.

Page 2, Line 8-13:

"(3) As the situation in Lebanon has deteriorated in recent months, it has posed increased dangers to the United States Armed Forces in Lebanon and has prohibited them for performing the peacekeeping mission which was the original justification for their presence in Lebanon."

The Democrats fail to point out how the situation has deteriorated in recent months. Clearly the bombing of the Marine compound in October was a tragedy. Our Marines, however, are in fortified positions that insure their safety against massive casualties, protect them against attack, and enable them to perform their duties.

It is important to understand just what their duties as peacekeepers entail. President Gemayel of Lebanon, who asked the MNF to come to Lebanon said on January 31, 1984:

"The presence of the Marines here is symbolic and provides moral support for the whole Free World. The Marines are not being asked to be militarily responsible."

The Marines, have done their job with an excellence that lives up to their reputation. Without their presence, the Government of Lebanon would have fallen, and all hopes for a free and democratic Lebanon would have vanished.

Page 2, Lines 14-22:

"(4) As the Department of Defense Commission on the Beirut International Airport Terrorist Act of 23 October (commonly known as the Long Commission) concluded, United States policy with respect to Lebanon has emphasized military options and the expansion of the United States military role and there is an urgent need for a reassessment of alternative means to acheive United States objectives in Lebanon in light of the changed circumstances."

The Administration and Members of Congress have continually searched for alternative means of achieving U.S. objectives. Rep. Siljander has proposed a phased withdrawal of Marines to naval ships anchored off the Lebanese coastline. Lebanese brigades, trained by the U.S. military would replace the Marines. This action would not only increase the safety for Marines but it would also allow for a continued U.S. presence in Lebanon. The key to Congressman Siljander's proposal and others like it, is that they are seeking ways to protect the Marines without sacrificing American interests and objectives and the lives of thousands of Lebanese civilians. This document, while not representative of all Democrats, makes no such attempt.

The document also contradicts itself between points 3 and 4. In the previous paragraph the resolution states that the "increased dangers to the U.S. Armed Forces . . . has prohibited them from performing their peacekeeping duties." Point 4 states that they are becoming too militaristic. The Democratic Party's argument becomes two-sided and begins to lack credibility.

In September, after receiving casualties, the President gave the Marines broad authority to use air strikes and artillery fire to protect U.S. troops and embassy personnel. It is vital that the Americans have the power to fire on those shooting at them and to retaliate after an attack. If this is what the Democrats describe as an increased military role, then they obviously lack understanding of the need to support our Marines.

Page 2 and 3, Lines 22-25, 1-7:

"(5) The Investigations Subcommittee of the Committee on Armed Services of the House of Representatives, in its report dated December 19, 1983, concluded that, 'Sustained deployment of personnel in the situation of almost certain further casualties should only be undertaken if the policy objectives are visible, profoundly important and clearly obtainable. Failure of the Administration to adequately reexamine its policy and relate it to present conditions will only mean that such reexamination will have to be done by Congress."

The Document states that there will be further casualties in Lebanon. As a result we should pull out, unless the objectives are clear. Since the objectives are clear, the test of the statement has been passed. The real thrust of it, however, causes concern. If this Congress passes a resolution that makes continued U.S. presence contingent on there being no further casualties, it is extending an invitation to terrorists, snipers and other extremists to take every possible chance to kill American soldiers. If we let the terrorists know that all they have to do to win is kill Americans then they will try to oblige the Democrats.

The policies of the United States can never be contingent on the results of terriorists. Once we let them manipulate our foreign policy the safety of every American abroad, and many here in the United States will be in constant danger.

Page 3, Lines 8-14:

"(6) The United States Marines in Lebanon have performed superbly despite the lack of a realistic United States policy and the confusion about their mission, and every effort must be made to ensure that pending their withdrawal from Lebanon, measures are taken to protect their security which are commensurate with the risks of further terrorist attacks."

The Democrats do not know which way to take their arguments. They go from saying the Marines cannot perform their duties because they are not safe, to saying they are expanding their military role too much. Now they attempt to patronize patriotic Americans as a introduction to a blatantly political statement.

The United States policy in Lebanon, as examined earlier, is a clearly defined, realistic one. Due to the presence of the Marines the embattled Lebanese factions have held their first talks since 1976, and worked out all the essential ingredients of national reconciliation. The U.S. Army has successfully trained thousands of new Lebanese soldiers, and provided the stability in Beirut for the Army to begin the securing of its country.

As for the statement on troop safety, the Democrats know that extensive efforts have been made to improve it.

Page 3, Lines 15-21:

"(7) The situation in Lebanon, which is mired in internal domestic stalemate because of internal fighting and the refusal of the parties to the conflict to make compromises necessary to promote progress toward a peaceful resolution of the country's problems, requires a United States policy which gives higher priority to diplomatic and political solutions."

Most parties in Lebanon have worked to establish a lasting peace. If an agreement is put together, usually only one group, and that a Syrian puppet, vetos it. That means Christians, Sunnis, and most Shiites are agreeing on security agreements and national reconciliation. An example of this cooperation is seen in the make-up of the Lebanese Armed Forces. The officer corps is 50% Christian and Moslem. The enlisted men are 60% Moslem. The attempt to promote a multi-confessional military is a dramatic symbol of the way the opposing factions are moving together.

Only an ostrich would not see the intensive diplomatic negotiations going on in the Middle East. The United States has pursued every available channel to peace. Donald Rumsfeld has been shuttling between Syria, Washington and Beirut. The Administration even cooperated with the good-will mission by Rev. Jesse Jackson in order to secure the release of Lt. Goodman. President Reagan has gone so far as to offer to meet with Syrian President Assad. These negotiations have borne fruit. Progress is being made due to the high priority placed on diplomatic and political solutions on the U.S. part, Saudi Arabia, France and others.

The Democrats fail to comprehend the nature of our diplomatic strategy and the strategy applied by nations since the earliest recorded history. Our military is not there to win a war, but to support our diplomatic efforts. If the U.S. is to deal effectively in the Middle East and influence the perceptions of U.S. adversaries and their willingness to agree to political accommodation, the U.S. must be ready to apply measured force to protect important interests and objectives. This does not mean "war" in the traditional sense; rather, it is the use of military power to complement diplomacy. Presence may suffice to help achieve a diplomatic objective. But presence can be reinforced by the use of force (as with the U.S.S. New Jersey), thus creating rapid and effective self-defense.

Page 3 and 4, Lines 22-25 and 1:

"(8) The situation in Lebanon is drifting out of control and the administration's policy regarding Lebanon is not working. The United States is reacting to events rather than implementing policies which are in the national interest of the United States."

Once again, the Democratic Party's Resolution fails to grasp reality in Lebanon. Real progress has been made and is continuing. Without repeating too much of what has already been said, the public talks at Geneva and the private talks that have ensued have brought Lebanon closer to a democratic and unified nation. The problems of Lebanon are primarily external, not internal.

Page 4, Lines 8-12:

"The administration has failed to impress upon the Government of Lebanon the urgent need for it to develop a viable reconciliation plan, which might include such objectives as more equitable power sharing,

early parliamentary elections, a new census, and the formation of a government of national reconciliation."

As mentioned before, the United States has facilitated negotiations between Lebanese factions for the purpose of reconciliation. It is Syrian interference that has prevented a settlement.

Page 4, Lines 8-12:

"(10) The administration has allowed the situation to dominate the United States agenda in the Middle East to the detriment of efforts for progress in the broader, and ultimately more important, Middle East peace process."

Peace in the Middle East can only take place when each nation feels secure about its own borders and protection. Lebanon is a flash point for potential war between Israel and Syria. Of all Israelis 75% believe a war with Syria in the near future is inevitable. Syrians are concerned about Israeli presence in Lebanon. Lebanon, a moderate Arab state is of course, embroiled in its own war. While this conflict remains unresolved, there can be no comprehensive Middle East peace.

The peace process can be served best by the continued efforts of the Reagan administration to restore Lebanon's sovereignty. If the Marines prematurely withdraw and the Government of Lebanon is overthrown because of its moderate policies and willingness to negotiate, it will have ominous implications for the peace process and other U.S. friends. If Syria successfully defeats the moderates, what will stop it from attempting to use its Soviet supplied muscle to destabilize and overthrow King Hussein of Jordan should he try to negotiate with Israel.

The United States is the guarantor of peace in the Middle East, since it has the power to protect the Persian Gulf from Soviet aggression. The U.S. also is the common denominator between the moderate Arabs (and some radical ones) and Israel. The entire Arab world will assess just how much they should trust the United States to protect them based on its actions in Lebanon. Contrary to the Democratic Party's resolution, success of U.S. efforts in Lebanon is the key to meaningful Arab-Israeli negotiations.

Page 4, Lines 13-17:

"The failure of the administration's policy has led to widespread concern among the American people that continued participation by United States Armed Forces in the Multinational Force in Lebanon is not in the national interest."

The Democratic Party is attempting to make this statement a self-fulfilling prophecy. By using partisan politics to interfere with our foreign policy, the American people receive conflicting information. When we discuss Lebanon in terms of 18 factions it is confusing to an expert. But when the real issue is examined, it is clear. The situation is Lebanon vs. Syria. It is the forces of an independent Lebanon backed by the United States, France, Italy and Great Britain against the forces of a radical Arab state dominated by Syria and their ally, the Soviet Union.

Due to the partisan attacks on the President's policies, the American people are concerned with our prospects for success. With distortions and half-truths being told to them, as they exist in this Democratic Party resolution, it is no wonder they are concerned.

There can be no doubt that the late Honorable Chairman of the House Foreign Affairs Committee understood what the results of this attempt at a political gain at the expense of our national interest. Three months before he died, Chairman Zablocki said:

"It is extremely important to make this as non-political and as bi-partisan of an effort as we can. It is in the national interest to avoid partisanship in this issue. The 18-month authorization will allow this President or the next President an opportunity to undertake his own review about what policy we are to follow in Lebanon, without time pressure."

Zablocki went on to say that the 18-month authorization would be long enough to (1) serve notice on the Syrians, their Soviet friends, and other parties in the Near East that the United States is serious about its assignment of Marines to the Multinational Force in Beirut, and (2) will depoliticize the issue by carrying the authorization date for their deployment past the November 1984 U.S. election date.

Mr. Zablocki was a statesman. In matters of United States security and freedom around the world he rose above partisan politics. His efforts to take the Lebanese issue out of the Presidential political arena are being thwarted by his own party members. Perhaps they would do well to earn from his example

Page 4, Lines 18-23:

"(b) Therefore, the Congress declares that United States policy toward Lebanon should include the following elements:

"(1) The prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon, in consultation with other members of the Multinational Force."

It is in this section that the Democrats remove all doubt that this is merely a political manifesto and not a responsible foreign policy document.

First, the Democratic Party's resolution uses a deliberately nebulous word as the key word in the document. Does prompt mean 30 days or 90 days? The word puts the Democrats in the position of criticizing the President without making any recommendations to back up their case. Since the premature withdrawal of Americans would be disasterous, the Democrats seek to avoid responsibility by obscuring their intent.

Second, the phrase does not call for a withdrawal in such a way as to preserve the objectives and national interests of the United States. It calls for a unilateral and unconditional pullout. Most experts believe that such a pullout would bring about a rapid collapse of the Gemayel government and the installation of a Syrian/Soviet manipulated regime. President Gemayel summed it up best:

"(Referring to advocates of a pullout) are they thinking about the alternative to the collapse of the Lebanese system and government and what this will mean to the Free World in general and the American interests in the Middle East? Who will be the main beneficiary of such a collapse? If these critics think hard on these questions, maybe they will see that the interests of Lebanon are important to the interests of the Free World."

In the same Washington Post interview President Gemayel warned the U.S. Congress that a withdrawal of the Marines from Lebanon now would mean the end of Lebanese unity and democracy and, beyond that, would endanger Western interests in the Middle East.

Third, the collapse of the Lebanese government which would almost certainly follow the surrender/pullout envisioned by the Democratic Party's resolution would create a vacuum in Lebanon that would spark fighting far worse than has yet been seen in Lebanon. It is probable that thousands of Lebanese men, women and children would die, and tens of thousands wounded and homeless not to mention actual military losses.

Fourth, the collapse of the government and the instability that would occur would dangerously increase the chances for direct Syrian and Israeli fighting. The next war between these two will be much worse than before. The Soviets have at 7,000 combat "advisors" in Syria, actually operating the SA-5 anti-aircraft rockets. It is clear that Soviets would be shooting down Israelis and that Soviets would die as a result of Israeli air strikes against the sites. The Soviets have also provided the Syrians with land based missiles can hit almost all areas of Israel, creating the prospect for significant loss of civilian life and the specter of United States involvement. The likely scenario suggests that a Soviet-American confrontation in the Middle East is highly likely. A new Arab oil embargo against the United States would also be probable, hurting our economy and exacerbating an already precarious economic situtation in our country.

Fifth, in the event that war could be avoided between Syria and Israel, almost all moderate Arab countries would be forced to reassess their relationships with the United States. Jordan would clearly retreat from the peace process and Egypt would most likely continue its slow drift away from normal relations with Israel.

Page 4 and 5, line 24-25 and 1-9:

"(2) A concerted diplomatic effort at the United Nations to replace the MNF in Lebanon with another international peacekeeping force under United Nations auspices, as called for in section 5(c) of the Multinational Force in Lebanon Resolution, such effort to include discussions with the Secretary General of the United Nations, the President of the Security Council, and all members of the Security Council. If this is not successful, the United States must intensify efforts to obtain agreement by other countries to assume peacekeeping responsibilities in the Beirut area."

This provision is misleading as to the intent of Section 5(c) of the War Powers Resolution. The section was a "sense of the Congress" that the U.S. should discuss the establishment of a U.N. peacekeeping force with other members of the Security Council. It also called for an analysis of the response from those talks to see what the implications were. It also called for these talks "not later" than September of 1984.

Asking the Security Council to bail us out of Lebanon is a foolish idea. If the U.S. goes before the Council and asks for a U.N. peacekeeping force, it faces the likely prospect of a Soviet veto and risks further international embarrassment. If the Soviets would approve such a resolution, the price the United States would have to pay would be too high. The Soviets would most likely demand an increased presence in the Middle East, a move that would be highly detrimental to U.S. interests. Such an abrogation of our position in the Middle East would clearly send the wrong signals to moderate Arab states.

Page 5, lines 10-13:

"(3) Advising the Government of Lebanon of the urgent need for that Government to develop a reconciliation plan which recog-

nizes the legitimate aspirations of all confessional groups."

The existing efforts to this effect have been previously discussed. It does make one wonder where the Democrats have been the last few months.

Page 5, lines 14-17:

"(4) Development of intensified diplomatic efforts with Syria, as soon as possible, to achieve acceptance by Syria, and the factions it supports in Lebanon, of a reconciliation plan."

This seemingly simple phrase shows why it is dangerous to trust the Nation's foreign affairs to the Democratic National Committee. The Democratic Party's resolution shows a profound misunderstanding of the Syrian role in Lebanon. Syria believes that Lebanon is part of a "Greater Syria" and has no real interest in a peaceful reconciliation agreement. This is particularly true if the United States is in a mode of retreat. Again and again we have seen that the Syrians respond best to strength, and exploit weakness. The Syrians want nothing more than a withdrawal of the MNF so that he can attempt to fulfill his goals.

This naivite, if enacted into law, would only bring about increased tragedy for Lebanon at the hands of Assad, a ruthless dictator with his own people, much less others.

Page 5, lines 18-20:

"Promotion of a continuing dialogue between the Governments of Israel and Lebanon concerning security arrangements and a reconciliation plan for Lebanon."

One of the key accomplishments of the Reagan administration has been the May 17th Agreement calling for full Israeli withdrawal from Lebanon and normalization of relations. This agreement, however, is one of the main reasons for Syrian intransigence. Syria does not want a second Arab state to recognize Israel, nor do they feel an Israeli withdrawal should be timed to coincide with a Syrian withdrawal. Lebanese-Israeli dialogue is continuing and has had tangible results. It is with the Syrians that the Lebanese need a dialogue.

Page 5, lines 21-25:

"(6) Continuation of other efforts to achieve the withdrawal of all foreign troops from Lebanon and the reestablishment of a sovereign independent Lebanon, taking into account the legitimate security concerns of Syria and Israel."

If this resolution were to bear the force of law, there would be no foreign troop withdrawal. Even its passage would be a signal that Syrian intransigence was achieving its intended results.

It is clear that Syria, while perhaps not being directly involved, has been at least tacitly involved in the terrorist attacks against the Multinational Force and Israel, including the attack that killed 240 Marines. Syria has used whatever means at its disposal to drive the MNF out, and increase its hold on Lebanon. All indications are that Assad does not want to leave Lebanon and will only do so if pressure for a settlement is great enough. The Democratic Party's resolution awards Syria for its role in killing U.S. Marines and destabilizing Lebanon. For that reason alone the resolution should be defeated.

Page 6, Lines 1-4:

"(7) Renewal of efforts to pursue vigorously a broader Middle East peace to reduce tensions through the region as a step in facilitating peace and reconciliation in Lebanon."

This issue has been discussed earlier, but suffice it to say that the presence of this provision in a resolution calling for the unilateral surrender/pullout of the Marines shows an inability to grasp the Arab mindset. The Arab states, even the moderate ones will not negotiate with Israel until all of their troops are out of Lebanon. Egypt has not had an ambassador present in Israel since June of 1982, and has vowed not to send one back until the Israelis withdraw entirely from Lebanon.

In short, there can be no comprehensive Middle East settlement without solving Lebanon's problems first.

Page 6, lines 5-12:

"(8) Intensification of United States efforts to retrain and reequip the Lebanese Armed Forces, including efforts to increase military assistance and the delivery of defense articles and defense services to enable the Government of Lebanon to assume the responsibilities of the Multinational Force in Lebanon and enable local security forces to assume internal security functions among the various communities in the country."

Once again, this provision, on its own a good one, is in direct conflict with the main goal of the Democratic Party's resolution, which is unilateral surrender/withdrawal in an orderly fashion. This provision is helpful if it leads to phased, responsible withdrawal. The United States, contrary to the tone of the provision has been actively training new Lebanese Armed Forces.

Since the military aid program began in October 1982, the Lebanese Armed Forces has increased in size from 17,500 to over 32,000 today. Two new brigades, currently being trained will be armed and equipped within 90 days, and two more brigades are expected within the year. The program will bring the strength of the Lebanese forces up to 60,000.

One important point that this provision raises is that the Lebanese government is having difficulty receiving the defense items it needs. The Gemayel administration has been asking for 10 out-dated Hawker-Hunter fighters to double the size of the Lebanese air force. The United States should move more forcefully to give the Lebanese forces what they need to reclaim their national sovereignty.

Page 6, Lines 13-19:

"(9) Implementation of an economic assistance program for Lebanon with funds already appropriated, and with the immediate assistance of the International Bank for Reconstruction and Development, to start sound economic reconstruction and development projects and energize the Lebanese government to provide better services and more presence in as much of the country as possible."

The Reagan administration has provided substantial aid to Lebanon in the regular Foreign Assistance budget and the Supplemental. Lebanon has access to massive amounts of dollars from Saudi Arabia, and actually pays for 80% of their defense purchases with cash.

Once again, the intent of the resolution, while positive as a separate provision is contradictory to the surrender/withdrawal provision. Since the Gemayel government would fall, hostilities would increase to new levels of intensity, and foreign troops would retrench, any attempt to build-up the infrastructure of Lebanon is merely handing cash to the Syrians who will take over in Lebanon.

This provision also fails to account for the tremendous entrepreneural spirit of the Lebanese people. Their country has always been the door to the Middle East, and shows signs of revitalization every time there is a period of peace. A Lebanon free from foreign occupation will be able to restore itself economically. A Lebanon left to the Syrian army cannot hope to be revived.

Pages 6 and 7, Lines 20-25 and 1-3:

"(10) Implementation of a series of plans, including military contingency plans, to protect against the increasing threat which terrorism poses to the United States and its friends and interests in the region. Such plans should include improvement of United States intelligence gathering, coordination, and assessment capabilities in Lebanon in order to protect United States interests, citizens, and Armed Forces in Lebanon and to guard against terrorist attacks."

President Reagan has been developing plans and legislation to help combat terrorism. Our improved strategic relationship with Israel gives the United States increased access to Middle East intelligence. The improvement in intelligence was demonstrated by the discovery of planned suicide-airplane attacks against American ship, which led to threats of American preemptive strikes and increased preparedness.

The provision once again avoids the problem the resolution creates. The surrender/withdrawal on a unilateral basis serves as a reward to terrorism. By showing cowardice in this Congress in the face of radical Moslem terrorist attacks we are extending the greatest written invitation to terrorism.

Page 7, line 4-7:

"(c) Not later than 30 days after the adoption of this resolution, the President shall submit a written report to the Congress on the actions he has taken to implement these policies."

It is worth reading this section just to see something specific and tangible mentioned. The political overtones of the Resolution are concluded, by attempting to shift all responsibility for the irresponsible actions contemplated by this document onto the President.

CONCLUSION

The Democratic Party's resolution is one of the most blatant political efforts ever made in the Foreign Affairs Committee. It represents, at best, a partisan infringement on a sensitive area of U.S. interests and, at worst, a cruel hoax that could potentially be responsible for the loss of thousands of lives, the loss of American prestige, a major Middle East war, and the collapse of freedom and democracy in Lebanon. This is an irresponsible effort to play politics where it is most inappropriate to do so.

In the Foreign Affairs full committee meeting on February 1, Democratic Representative Stephen Solarz said, "This document has clear partisan overtones. This is far too important to take up hastily in an ill conceived manner." Apparently many Democrats who have been devoted friends of Israel and authors of bipartisan consensus on the Middle East in general see the danger in this resolution.

An effectively coordinated, calibrated and coherent policy can only be carried out by a Presidential decision and adherence to it within the Executive Branch. The Congress must realize that it can thwart a coherent policy but it is incapable of formulating or implementing a coherent policy of its own. Congress helps determine basic policy, but the Administration risks serious undermining of basic U.S. interests if Congress attempts to micro-manage U.S. policy or act to undercut it. It is clear that foreign nations, adversaries in particular, are acutely con-

scious of trends in Congressional moods and pressures on the Administration.

There is no room for partisan politics where thousands of American and Lebanese lives are at stake. Perhaps Speaker O'Neill said it best himself last year when he stated, "Politics stops at our shoreline, and we are no longer Democrats or Republicans but Americans." The Middle East and the United States would be a lot safer if the Speaker would follow his own admonition.

[Draft—February 1, 1984]

H. CON. RES. 248

Concurrent resolution to bring about the prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress finds as follows:

(1) Lebanon is important to United States interests in the Middle East, and the goal of United States policy with respect to Lebanon remains the territorial integrity and independence of Lebanon.

(2) There is, however, widespread confusion among the American people about the mission of the United States Marines in Lebanon, and the President has been unable to present a convincing rationale for continued participation by United States Armed Forces in the Multinational Force in Lebanon under present circumstances.

(3) As the situation in Lebanon has deteriorated in recent months, it has posed increased dangers to the United States Armed Forces participating in the Multinational Force in Lebanon and has prohibited them from performing the peacekeeping mission which was the original justification for their presence in Lebanon.

(4) As the Department of Defense Commission on the Beirut International Airport Terrorist Act of 23 October 1983 (commonly known as the "Long Commission") concluded, United States policy with respect to Lebanon has emphasized military options and the expansion of the United States military role and there is an urgent need for a reassessment of alternative means to achieve United States objectives in Lebanon in light of the changed circumstances.

(5) The Investigations Subcommittee of the Committee on Armed Services of the House of Representatives, in its report dated December 19, 1983, concluded that, "Sustained deployment of personnel in the situation of almost certain further casualties should only be undertaken if the policy objectives are visible, profoundly important and clearly obtainable. Failure of the administration to adequately reexamine its policy and relate it to present conditions will only mean that such reexamination will have to be done by Congress".

(6) The United States Marines in Lebanon have performed superbly despite the lack of a realistic United States policy and the confusion about their mission, and every effort must be made to ensure that, pending their withdrawal from Lebanon, measures are taken to protect their security which are commensurate with the risks of further terrorist and other attacks.

(7) The situation in Lebanon, which is mired in internal domestic stalemate because of internal fighting and the refusal of the parties to the conflict to make the compromises necessary to promote progress toward a peaceful resolution of the country's problems, requires a United States policy which gives higher priority to diplomatic and political solutions.

(8) The situation in Lebanon is drifting out of control and the administration's policy regarding Lebanon is not working. The United States is reacting to events rather than implementing policies which are in the national interest of the United States.

(9) The administration has failed to impress upon the Government of Lebanon the urgent need for it to develop a viable reconcilation plan, which might include such objectives as more equitable power sharing, early parliamentary elections, a new census, and the formation of a government of national reconciliation.

(10) The administration has allowed the situation in Lebanon to dominate the United States agenda in the Middle East to the detriment of efforts for progress in the broader, and ultimately more important, Middle East peace process.

(11) The failure of the administration's policy has led to widespread concern among the American people that continued participation by United States Armed Forces in the Multinational Force in Lebanon is not in the national interest.

(b) Therefore, the Congress declares that United States policy toward Lebanon should include the following elements:

(1) The prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon, in consultation with other members of the Multinational Force.

(2) A concerted diplomatic effort at the United Nations to replace the Multinational Force in Lebanon with another international peacekeeping force under United Nations auspices, as called for in section 5(c) of the Multinational Force in Lebanon Resolution, such effort to include discussions with the Secretary General of the United Nations, the President of the Security Council, and all members of the Security Council. If this is not successful, the United States must intensify efforts to obtain agreement by other countries to assume peacekeeping responsibilities in the Beirut area.

(3) Advising the Government of Lebanon of the urgent need for that Government to develop a reconciliation plan which recognizes the legitimate aspirations of all confessional groups.

(4) Development of intensified diplomatic efforts with Syria, as soon as possible, to achieve acceptance by Syria, and the factions it supports in Lebanon, of a reconciliation plan for Lebanon.

(5) Promotion of a continuing dialogue between the Government of Israel and Lebanon concerning security arrangements and a reconciliation plan for Lebanon.

(6) Continuation of other efforts to achieve the withdrawal of all foreign troops from Lebanon and the reestablishment of a sovereign independent Lebanon, taking into account the legitimate security concerns of Syria and Israel.

(7) Renewal of efforts to pursue vigorously a broader Middle East peace to reduce tensions through the region as a step in facilitating peace and reconciliation in Lebanon.

(8) Intensification of United States efforts to retrain and reequip the Lebanese Armed Forces, including efforts to increase military assistance and the delivery of defense articles and defense services to enable the Government of Lebanon to assume the responsibilities of the Multinational Force in Lebanon and enable local security forces to assume internal security functions among various communities in the country.

(9) Implementation of an economic assistance program for Lebanon with funds already appropriated, and with the immediate assistance of the International Bank for Reconstruction and Development, to start sound economic reconstruction and development projects and energize the Lebanese Government to provide better services and more presence in as much of the country as possible.

(10) Implementation of a series of plans, including military contingency plans, to protect against the increasing threat which terrorism poses to the United States and its friends and interests in the region. Such plans should include improvement of United States intelligence gathering coordination, and assessment capabilities in Lebanon in order to protect United States interests, citizens, and Armed Forces in Lebanon and to guard against terrorist attacks.

(c) Not later than 30 days after the adoption of this resolution, the President shall submit a written report to the Congress on the actions he has taken to implement these policies.

THE EXCLUSIONARY RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. REID) is recognized for 30 minutes.

Mr. REID. Mr. Speaker, during my 20 years of law practice in my home of Las Vegas, I came to view with growing concern a legal phenomenon known as the exclusionary rule.

Simply stated, the exclusionary rule prohibits the use in criminal proceedings of evidence that the court determines was obtained in violation of constitutional guidelines; in other words, the criminal goes free because the constable goofed. My legal experience has shown that the major problem with the exclusionary rule is presented when the law enforcement officer believed he was acting within the confines of the law, but was later second-guessed by a judge.

The 1971 U.S. Supreme Court case of Collidge against New Hampshire illustrates the extent of the problem. A 14-year-old girl was found with her throat slit and a bullet in her head 8 days after she had disappeared. Police contacted the wife of a suspect whose car was like one seen near the crime, and she gave them her husband's guns. Tests proved that one of the weapons had fired the fatal bullet.

Invoking his statutory authority, the attorney general of the State issued a warrant for the arrest of the suspect and the seizure of his car. He was captured and convicted. But the Supreme Court reversed the conviction on the grounds that the warrant was defective, the search of the auto unreasonable and vacuum sweepings from the auto—which matched the victim's clothing—were inadmissible. The Court in so holding stated that the attorney general who issued the warrant had personally assumed direction of

the investigation and thus was not a "neutral and detached magistrate."

Lawmaking, by any definition, involves the serious, insightful thinking of those people with the authority to create—and sometimes enforce—their enactments.

When considering this creative process at a Federal level, laws can be created in 2 ways—by the U.S. Congress through legislation, in the form of public laws; or by the U.S. Supreme Court through its decisions, in the form of case law.

From whichever seedling the process derives one point is clear: The laws of a nation, are the mandates of social behavior and form the most instructive portion of a nation's history.

I would like to focus on one particular element of our legal history—one that involves basic protections delineated in the Bill of Rights and the evolutionary interpretations applied to those rights. More specifically I want to discuss the exclusionary rule, its application and need for revision.

To some this rule is considered the embodiment of our Nation's commitment to insuring that the fourth amendment's restraints on the power of government are zealously observed.

To others this rule has replaced the fourth amendment itself as the source of the prohibition against illegal behavior, in this application the unreasonable search or seizure by law enforcement officials.

Let us take a closer look at this provision which permits the exclusion from trial of evidence seized in an illegal search.

It is important to understand that this rule has been the product of case law—not legislative enactments.

The judicial direction has occurred because, although the fourth amendment secures the right of persons to be free of unreasonable searches or seizures, the amendment has no constitutional nor statutory provisions defining or limiting the meaning of "unreasonable." Therefore, case by case, since Mapp against Ohio in 1961 the Judiciary has designed the use and application of the rule.

This Supreme Court decision, in reality, was the last event of a three-stage process.

The first stage was the formulation and adoption of the fourth amendment. Next the annexation of the exclusionary rule to the fourth amendment. And, finally, the incorporation of the fourth amendment and the exclusionary rule into the 14th amendment, which restricts the separate states.

Let me briefly address these stages of evolution.

The fourth amendment was designed to protect the citizens of this country from the unrestricted searches or seizures they had experienced in England. Historically, English monarchs granted this power in two forms. The first, a general warrant, did not require the name of the alleged violator and was valid for the duration of the life of the monarch under whose name it was issued. The second, a writ of assistance, permitted its bearer, usually a customs official, to search with unlimited discretion for the duration of the life of the reigning monarch.

Since the fourth amendment itself contains no provision for the exclusion of illegally obtained evidence, the Supreme Court rendered decisions to create this exception.

This, the second stage of the rule's development, dealt with various considerations:

First, the impact of the fourth amendment violations on fifth amendment rights regarding self-incrimination; second, the crucial timing for requesting suppression and/or return of the illegally obtained evidence; third, the use of reproduced evidence after the return of the actually seized materials and the treatment of contraband; and fourth, the defendant's right to suppress.

These are just some of the considerations that led to the third stage of the rule's evolution—the incorporation of the fourth amendment into the liberties protected by the due process clause of the 14th amendment. This would apply and enforce the exclusionary rule at the State level.

By this time we had entered the sixties—giving judicial background to the Mapp against Ohio decision.

Although common law, via the Mapp decision, indicates that the exclusionary rule is constitutionally required, experts are still unclear as to the source of the requirement.

Some say the exclusion is mandated by the Constitution by way of the fourth or fifth amendment, or both. Another theory rests on the premise that the exclusionary rule is constitutionally required in order to prevent the Government from securing the aid of the judiciary in giving effect to a fourth amendment violation or to prevent the judiciary itself from committing what is described as a second fourth amendment violation—by hearing tainted evidence.

A third theory maintains that the exclusionary rule is a constitutionally required remedy.

The theory continues that in order to give effect to the Constitution's prohibition against illegal searches and seizures, it may be necessary for the judiciary to remove the incentive for violating it. This interpretation treats the exclusion of unconstitutionally obtained evidence not as a contitutional right but as a constitutional remedy—a product of the judiciary.

In realizing the necessity to protect the provisions of the fourth amendment we must remember that the only constitutional requirement is for some effective remedy to ensure that Government agents obey the fourth amendment.

Let us look at the practicality of alternative remedies—ones that we might consider to replace exclusion.

One possibility is an existing Federal statute that makes it a crime for anyone—acting under color of law—to deprive a person of rights protected by the Constitution. The Supreme Court has modified this further to apply only to cases involving willful deprivation of constitutional rights. In its present form—critics say—the harshness of the sanction might be an obstacle to its effective enforcement.

Another suggested remedy is an action in Federal court seeking an injunction against fourth amendment violations. The problem with this remedy is that unless a victim of unconstitutional police practices can prove the likelihood of future injuries, the injunction would not be used.

A commonly used remedy is legal action for damages against Federal officials directly under the fourth amendment. This remedy does have some advantages over the exclusionary rule.

For one, it compensates the victims of fourth amendment violations as well as those victims accused of criminal offenses. Second, it has an element of proportionality because the amount of the judgment may be varied to reflect the degree of the constitutional violation. Third, the imposition of a direct sanction on the violator produces some measure of specific deterrence.

Damage actions, however, are not a panacea. Often, juries believe the police were just "doing their jobs" and do not find for the victim. In other instances lawyers are hesitant to take these cases because of the unlikelihood of a win. However, even when there is a positive holding for the victim, often the police officer does not have the funds to satisfy the judgment.

When reviewing all of these alternatives one important consideration stands out: We cannot forget that, in addition to protecting a person from fourth amendment violations, we must use the remedy to deter further illegal activities. That is why, in the sixties, the Court took a position not to apply the rule retroactively.

In order to preserve the purpose of the exclusionary rule, the Court developed a balancing approach in the seventies. This means weighing the potential injury to the proper functioning of the proceeding against the incremental deterrent effect that might be achieved by extending the rule to that proceeding.

During the eighties, the Court reconsidered the use of the rule and in a

1982 decision, allowed the retroactive application of the rule as a deterrent effect.

Like anything else of major import, the exclusionary rule is not without its alleged weaknesses.

The most common complaint is what preserving the fourth amendment's guarantees costs society in terms of otherwise reliable evidence.

Others argue that the rule actually does not have a deterrent effect because police often are not motivated by constitutional restraints but, rather, by the seizure of evidence.

A third argument is that the rule benefits defendants in a manner often disproportionate to the degree to which their fourth amendment rights were violated.

And a final legitimate argument is that the rule compensates only those accused of crimes.

So, what do we do now?

We could reduce the impact of the rule by making it easier for conscientious police officers, to comply with the fourth amendment.

And we could limit the circumstances in which exclusion of illegally obtained evidence is required.

In making compliance easier, the courts could state clear rules governing recurring-fact situations where the rule would apply. This is easier than it sounds.

Or, we could relax the rule's strict requirements—judicially or constitutionally.

As far as limiting the circumstances for applying the rule some suggest substituting the use of the rule in Federal criminal proceedings with a right of action against the Federal Government. This would involve actions for actual and punitive damages and could include administrative sanctions.

But, again, we come back to the question of deterrence and how these approaches would affect officers' attitudes at the time of violation.

That brings us to the most-hotly debated modification to the rule—the good faith exception. Basically, this would not require the exclusion of evidence obtained in the reasonable belief that the search and seizure at issue were consistent with the fourth amendment.

Three strong arguments have been advanced for the good faith exception:

First, exclusion is required only where its deterrent effects outweigh its costs.

Second, when a police officer acts with a reasonable but mistaken belief that his conduct is consistent with the fourth amendment, there is no deterrent served by the exclusion.

Third, exclusion frequently results in the freeing of the guilty—a terrible social cost.

As lawmakers, it is time for us to realize that there is a need for change with regard to the exclusionary rule.

As lawmakers, we must recognize that we could and should have a role in determining the practice and application of the rule—one which has a major impact on our whole system of justice.

As lawmakers, let us consider the importance of a good faith exception and look to legislation that protects not only the treatment of evidence, but, most importantly, the intent of the rules that govern this Nation, and provide rights to all of its people.

FROM THE INVISIBLE HAND, A GESTURE OF CONTEMPT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, I do believe in the invisible hand of the market, even as it pertains to steel; but having watched world commerce, I know that all hands have fingers, particularly as they have affected steel since we adjourned the first session.

Fingers may point in blame, beckon or show direction; they can be used to test the weather or they can be sticky. A finger to the lips asks silence in a conspiracy and one to the temple in a circular motion signals lunacy.

In our culture, the finger of a divinely inspired hand wrote the future on a palace wall, and it also engraved the Commandments brought down from the Mount. Fingers drawn inward make a fist of the hand, and this is a sign of the intent to strike.

Furthermore, there are lone hands, upper hands, heavy hands, and hands that wash one another, whether visible or invisible. There are right hands that do not know what left hands are doing. Things can go hand in glove, and often the hand is of iron and the glove of velvet.

Hands and fingers, and the understanding of their language, are a mainstay of human communication even today amid the marvels of electronics. They show direction.

THE DIRECTION OF WORLD STEEL

Since we adjourned the first session, event has piled rapidly on event in world steel and the sum of these developments points toward more—and more intense—raiding of the U.S. market.

Even an unskilled hand can retrace the route of the invisible hand once it has moved. You cannot tell where a tornado will form; you cannot miss where it has been; there is devastation where it has touched down. The question we should consider is whether it is due to the hand of man or to natural forces.

So let us start with December 27, 1982, when Bethlehem Steel closed about 20 percent of its capacity and fired 10,000 workers.

These were workers and plants that had been competitive but fell after an 18-month siege by massive amounts of dumped and subsidized steel. The dumping and subsidies were officially proved in unfair trade cases.

Nevertheless, the Europeans continued to subsidize their industry, and the heavy hand of government staved off the bankruptcies that the invisible hand might have directed. The Asians held the hand of government and leaned on policy. The developing nations added capacity and increased shipments in the snap of an invisible finger.

And this remained the only steel-producing nation in the world to maintain an open market; and it is still the world's biggest market.

Then on December 27, 1983, United States Steel announced the closing of about 20 percent of its capacity and the firing of about 15,000 workers.

Again the cause was loss of market to dumped and subsidized steel, this time over the last 30 months. And once again trade findings are proving the case.

And still there is maneuvering in Europe, support in Asia, and ambition in the developing world.

LEFT HAND WORKS, RIGHT SLUMBERS

The Europeans are showing a uniqueness in their adjustment to world conditions—a unique hypocrisy.

For example, U.S. protectionism was condemned out of hand in December by the European Community's man in Washington, Sir Roy Denman. He said it threatens to topple orderly world trade. He scolded American steelmakers for claiming their legal right to fair trade, for fighting subsidy, and dumping.

And Sir Roy was particularly indignant over the Fair Trade in Steel Act and its 15-percent quota, which incidentally, would be the most generous in the world.

Meantime, in Europe, almost as Sir Roy sermonized here, the European Community began talks with a number of countries on a matter of great importance, according to the Wall Street Journal.

They began negotiations on steel.

They began negotiations on restraining steel imports from 15 nations, including Brazil, South Korea, and Japan. The Europeans want quotas that will limit their imports from the 15 nations to 4.4 million tons a year; this is less than 300,000 tons per year per nation.

Mr. Speaker, a 15-percent quota would have four times 4.4 million tons of imports into this market in a good year. We took almost four times 4.4 million tons in 1983, and it was a bad one. The finger would have to move a long way down our list of trading partners to get to one who sent only 300,000 tons.

What the European hand pushes away will have to find a resting place, and this is the only open market in the world; and at 15 percent, it would remain the most open.

Is this the infinite wisdom of the invisible hand? Or is it merely a finger of the hand raised in the universal gesture of contempt and disdain?

EUROPEAN HAND SUPPORTS PRICES

Among the things that caused Sir Roy to wring his hands was the corrupting effect that a successful exercise of the legal right to fair trade might have on American business. And he condemned the higher prices he saw falling on American consumers.

In Europe, the Community has just completed arrangements for internal production quotas and a price-fixing plan. They are setting "minimum prices" to end what they view as cutthroat competition to restore some profitability to the market.

As the director of the German Iron and Steel Federation said, "It would be much better to have clear control of subsidies, but the second best choice is to control the quantities of steel traded; and it seems the Community has got this point."

The Germans calculate subsidies of $75 to $85 a ton for steelmakers in Britain, France, Belgium, and Italy. They figure subsidies on coil products from Finsider—an Italian concern—at $137 a ton for items selling at $278. They complain of sharp price cutting meant to keep up output and employment.

Meantime, even our flinty-eyed American market analysts acknowledge that "cutthroat competition" from imports has destroyed profitability for U.S. companies. New records for losses are set each year.

Clearly the hand of the market wears a government-designed velvet glove in Europe.

A JOINING OF HANDS

In addition, there are telling combinations taking place within countries as well as between and among different countries. And the invisible finger signals that the goal is the only open market in the world.

In Sweden, almost as Sir Roy wagged his finger at us in the name of free trade, four big specialty steel firms announced they will merge to become one of the biggest in the world. They will be very efficient.

And one of the prime market strategies of the surviving steelmaker is penetration of the U.S. market through an American subsidiary, Ingersoll Steel.

The Wall Street Journal story on the merger said the Swedes look on Ingersoll as a "strategic beachhead." It is peculiar how often the language of war finds application in international trade.

Meantime, a major U.S. specialty company has had to lodge a complaint with our Government on what seems to be a haphazard and ineffective monitoring of specialty imports. Specialty steel is monitored because the American industry fought and won a major case while under assault from massive subsidy and dumping.

Furthermore, in Germany, Krupp and another giant company (Kloeckner) have merged casting and processing operations for titanium steel, forged pieces, and steel for railroads. They expect significant savings and higher productivity.

All of these firms compete directly with American workers and companies because this is again the only open market in the world.

The striking thing about these mergers is that in none of them does the hand of government seem to have been raised on antitrust or any other grounds. In most cases the governments officiated at the marriage ceremony.

They do not worry overseas about things like competitive balance in the market because the only market in which they really compete is this one; and they get every kind of help and encouragement to do it.

Invisible hands can shake in agreement and work toward a common goal when they have secured profitability and there is an open market.

HANDS ACROSS THE OCEANS

The combinations are not restricted by national boundaries.

For example, American specialty steel companies recently initiated a trade case against a Spanish steelmaker. The allegation is that there has been a violation of fairly won specialty quotas.

The owners of the Scofflaw Co. are a Spanish bank—talk about access to capital—and a Japanese company.

Also, in Europe, the Government of Belgium and Luxesbourg have worked out a deal to save three steel companies in which they have social and business interests, the Journal reports.

The company controlled by the Government of Belgium and the one controlled by the Government of Luxembourg will share their EC production quotas. The third one—the one they own jointly—will get a $250 million infusion of capital.

In addition, events in the developing world have kept pace with those in Europe. In Asia, the South Korean Government is building another export mill. The Government of Taiwan wants to expand its capacity.

And in Brazil, whose steel exports here were up 108 percent last year, the first heats have been run in a brand new $3 billion export mill. The first steel will arrive here this month.

This new plant is jointly owned by the Brazilian Government and two minority foreign partners.

The partners are Kawasaki of Japan and Finsider of Italy. Finsider is the firm willing to subsidize up to 50 percent of the price of a ton. It is 93 percent owned by the Government of Italy. It lost $2 billion in the last 2 years and the announced plan is to put $3 billion more into it by the end of 1985.

As for Brazilian steel, the U.S. Department of Commerce recently returned yet another verdict; the hand was found to be deeply in the cookie jar. There was a finding of dumping margins of up to 179 percent on hot rolled sheet and up to 225 percent on hot rolled plate.

It seems that one invisible hand washes another in international commerce.

Furthermore, the Dutch will put an additional $315 million into keeping alive their big steel group; and the French are hard at work trying to keep their biggest company out of the death grip of the invisible hand, which we know as bankruptcy.

ON THE OTHER HAND

Meanwhile, there have been two developments in the United States, the only open market in the world, that we can compare to see who might emerge with the upper hand.

United States Steel's closings drew applause from market analysts; from another part of the financial community, the act drew a reduction in credit rating. The reason? The company's debt-to-equity ratio now is too high. The result: Higher borrowing costs in hand-to-hand combat with competition that has low cost or no cost government financing. Debt accounts for more than 80 percent of capitalization in some steel industries.

And a merger between two big steel companies is pending in the United States. It has been pending since September. It has been delayed while the Justice Department tries to read the palm of our invisible hand to predict what might happen here if it is permitted.

And all we have heard from Justice in public comment in more than 120 days is a thinly veiled threat. The quota bill, a Justice spokesman said, might make the merger anticompetitive and, therefore, doomed.

Is the invisible finger pointed at our temple and moving in circles? Or is the swirling merely the winds coming together for another tornado?

Meantime, in the world, companies have merged within countries and countries have come together within companies. Feeding from the generous hand of government, they will compete with subsidies of 50 percent and dumping margins of 225 percent.

They speak of and they establish strategic beachheads in the only open market in the world. They use the language of war; and the first law of war is that there are no laws.

They do business in ways not sanctioned by what we consider to be sound practice; and they do things forbidden by law to American companies, particularly as they gather capital. In addition, they combine in power concentrations that would be severely punished were they to take place here; they fix prices and they agree on who will make what and where it will go.

Is this the invisible hand of the American market working its evolutionary magic? Or is it the gloved fist unclenching momentarily to render a mono-digital salute to some quaint and insular 19th century notions that blend the passion of theology with the novel findings of economics?

In short, is it creative destruction or simply destruction?

THE MOVING FINGER

As the poet, Fitzgerald, so appropriately said:

> The moving finger writes; and having writ, moves on; nor all your piety nor wit shall lure it back to cancel half a line, nor all your tears wash out a word of it.

It may be bad business to fix prices in the long run; I believe this, firmly.

It may be bad business for government to subsidize and to own in the long run; I believe this as well.

However, just as bad money drives out good, so does bad business make it impossible for good business to survive; neither can honest workmen pay their taxes nor meet their responsibilities nor make the contributions this society demands if they play the lone hand against foreign governments.

If you cannot survive the short run, there is no long run. The immediate future is being written today by the hands of foreign governments in languages we consistenly refuse to comprehend.

But, neither pious belief in 19th century theo-nomics, nor tears, will stay execution of the warrant once it is served. We had execution on December 27, 1982, and again on December 27, 1983. We can expect something in the last week of the last quarter of the year on a regular basis until we understand that some invisible hands are heavy clenched fists.

When we understand this, we can take a tip from the Dutch. No law or command of man can turn back a rising tide, yet the Dutch reclaim land from the relentless North Sea. There would be no Netherlands without the cunning hand of their workmen.

Natural change cannot and should not be thwarted; but whatever is made by the hand of man—whether visible or hidden—may by the hand of man be overturned.

The 15-percent quotas proposed by the Fair Trade in Steel Act are four times more generous than those the Europeans are now negotiating with 15 nations, who are themselves more stingy in their markets than the community. The quotas in the fair trade in steel bill are temporary. They are designed to give the American industry time—5 years—to do for itself at higher borrowing costs what every other nation does for its steel industry at low cost or no cost.

And remember, without these subsidies and this dumping the foreign steel that is coming here would be too high-priced to sell in this market, which is the only open market in the world. Without the helping hand of foreign governments, this steel could not compete here.

So I invite all in this body who are concerned about the future of America and all of its industries to review all of the record and to consider cosponsoring the fair trade in steel bill.

It would be an act of even-handedness that is called for by the times; and it would be a gesture of steady-handedness that cannot be misinterpreted, not even by our friend, Sir Roy.

And finally, it would put a finger on a big part of the problem.

□ 1440

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, I want to conclude by saying that I understand in the heat of debate under special order, where my colleagues would be unable to recognize me or unwilling or probably by inadvertence. And I could not get recognition.

But I would like to take this next minute or two to put on record some of the points that I wanted to make during that debate.

And the first point I want to make is that regardless of how you cut the apple, the fact remains that the administration in Lebanon is there. They are going to have to answer to the American people. It has been the accepted policy, no matter who wants to polish the apple which way, it is the accepted historical policy in this country that he who rules has got to answer. And the administration is in Lebanon.

I did not vote for the particular resolution and I do not want to get into the really very finite but yet very complicated details involving the Marines in Lebanon. All I know is there is a Member here, my good friend from Texas, waiting to give us the result of his great study. And he has always been here during special orders. He will agree with me that nobody called me from the administration, nor him, to consult with us, when they made the decision to put the Marines in Lebanon. It was an Executive decision. And by law and under the Constitution the President had a right to do it. But once he did it, he has to answer for it.

We do have the ramifications of the War Powers Act. We had all the pros and cons of the debate and the self-wringing of hands and also the recriminations we have been hearing about. The fact remains that the administration in power is the one that is going to answer. They did it. And they have got to respond. They have to answer to it.

I remember in the past some of the debate had indicated that there were some remarks that were so viciously made in conjunction with the passage where the attempted now policy resolution, it was bad, it probably overstepped the bounds of decency here in the House. I can remember back as a Member when the Republican Party and to the man repeatedly called Jimmy Carter the worst of names and I do not want to repeat them. And they did it in every special order, every day, week after week and month after month. In fact, I think the criticism that is being directed toward the President today, because of the Lebanon situation, is mild—I repeat that, mild—compared to what the Democrats had to put up with when we had the situation in Iran and we had the situation down in the Caribbean and we had the influx of the immigrants and we had the other things that plagued the Carter administration.

Whether it is right or whether it is wrong, far be it for me to be the final word as far as that is concerned. But the fact still remains, there is a situation there. The administration must answer to the American people for what they have advocated.

I have taken my position as a matter of record and many others in the House have. I thought the Republicans in the special orders that they had handled today were very bias, they were unfair insofar as they did not allow the majority whip to respond at times. I guess that is a natural thing that occurs when one party holds the control of the time.

I wanted to make some remarks known at that time and I was not recognized.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I would take umbrage with the gentleman's statement——

Mr. GAYDOS. I do not want the gentleman to do that.

Mr. HUNTER. That the majority whip did not have the opportunity to respond. I saw him respond I think in

a very articulate way and I saw the majority and the minority proponents of the various positions getting together after the discussion on the floor and basically going over this problem.

I watched the discussion on the floor and the debate and the statements made by the gentleman from Michigan (Mr. SILJANDER) and I thought that his major point was very appropriate. And that is simply that the Syrians are presently looking at the U.S. Congress and they are looking at the resolution which is coming up very shortly and a number of Members on the Democrat side of the aisle who appear to want to leave Lebanon and the Syrians are deriving from this perception, I think, the basic attitude that they do not have to make any concessions in the negotiations that are going on right now, that if they simply sit and wait the U.S. Congress will take the Marines out of Lebanon without any concessions on their part.

I think it is obvious that if we look at Mr. Assad's position as recently articulated that that is exactly what he is doing.

Mr. GAYDOS. Well, I do not know how obvious it is, but it is obvious to me that the gentleman speaking now was not here when the gentleman from Pennsylvania (Mr. WALKER) was making his remarks, or the gentleman would not be talking that way.

Mr. HUNTER. I was speaking to Mr. SILJANDER's remarks. Those were the ones that I did see and I thought that he maintained the position very well.

Mr. GAYDOS. Well, the gentleman did not hear all the remarks. And I am primarily referring and I do refer to the gentleman's colleague who refused to yield to me. And if he were here I would refuse to yield to him. I am trying to give the gentleman the courtesy that he did not extend to me.

Let me say this to the gentleman since he brings it up. Again I want to emphasize, the administration has to answer for what it has done and advocated.

And I see this continual conspiracy on the part—strike that word—this continual effort on the part of the other party to continually defend the President. Sure they should do it. That is their right. But they do it in conjunction with trying to rap the Democratic Party with what I consider unfounded and undocumented accusations.

Let me give the gentleman an example of what I am talking about. The gentleman can go back—and I do not know how long the gentleman has been here—go back and read that RECORD as to what occurred when Mr. Carter had his problems. And I am not saying he was right or he was wrong. Go back and read the RECORD and then discern in your best judgment, for your own purposes, whether or not the accusers at that time and the critics at that time were fair to him as now being asked for fairness by Mr. WALKER, my good colleague from Pennsylvania.

□ 1450

I do not want to get into a debate one way or another because I do not think it is proper for me—I am not on that particular committee—but I take the position that it is very unfair to criticize the document which we know is a resolution and which, if a person reads it, we must conclude has not one vicious word in it. And that is a fact. Even if you took the normal nomenclature of any word contained in that document, there is not one vicious word in it; and to twist that around and say the Democrats are using this "vicious document," this resolution, as a highly critical document, I do not think is fair, and I think it has no justification.

Mr. HUNTER. Mr. Speaker, will the gentleman yield for just a minute?

Mr. GAYDOS. I again yield to the gentleman.

Mr. HUNTER. I appreciate the gentleman yielding.

Let us set a few things straight.

Mr. GAYDOS. Wait a minute. It is my time. Do you want to set me straight, or what?

Mr. HUNTER. Let us set a few facts straight.

Mr. GAYDOS. All right.

Mr. HUNTER. To start out with, you said the administration has to answer for our policy in Lebanon. We have been. The policy in Lebanon as presently exists is a policy that was approved by this House not too long ago. So it is a bipartisan policy. I think we cannot ignore the realism that in fact Lebanon is a political issue today and that it is going to be a political issue in the campaign and it is going to influence voters to vote one way or the other. You have to accept that reality. At this present time I think it is a real mistake for the Democratic Caucus or for the Republican Caucus to bring up in a nonbipartisan manner a position which is going to be interpreted by the Syrians——

Mr. GAYDOS. Let me respond to my good friend. It is my time.

Mr. HUNTER. If I could just continue my sentence.

Mr. GAYDOS. I refuse to yield any further.

Let me take one point seriatim with my good friend, and I am going to be nice to you and yield to you, like your people did not yield to me, but you are going to do it on my terms.

Mr. HUNTER. Will the gentleman allow me to finish my sentence before he takes my time away?

Mr. GAYDOS. No. I refuse to yield until I respond. If you want me to yield again, you are going to be a gentleman about it.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized.

Mr. GAYDOS. Let me just say this to the gentleman: The decision to put the Marines in place was not made in a bipartisan method here on the floor of this House. That was not the case. And no matter how many times he states it, it is not going to make it a truism. That was not the case. The President made that decision. I am not saying he was right or wrong. I am not treading in that area. I am just saying that when he made the decision, he made it. I did not make it and the House did not make it formally or informally.

If the gentleman has a misunderstanding of what occurred, I think he ought to retract his statement. That is a truism.

Mr. HUNTER. Will the gentleman yield?

Mr. GAYDOS. I will yield. And I am going to yield on one condition. Let us take one point at a time and just do not try to outtalk me. I yield to the gentleman.

Mr. HUNTER. I appreciate the gentleman's yielding.

Mr. GAYDOS. Be fair about it.

Mr. HUNTER. I would like to tell the gentleman that the only thing I asked for was the ability to finish my sentence, not necessarily to go on and on. Let us take the gentleman's point.

Mr. GAYDOS. I apologize if the gentleman is interpreting my interruption as being one that would prohibit him from concluding his thoughts. I do not want to do that. But let us take one point at a time.

Mr. HUNTER. OK, let us take one point at a time.

This House did vote to go along with the President's request to stay in Lebanon. So although we got into Lebanon—in fact, we came into Lebanon ostensibly under a much different policy than presently exists—the Congress did at least ratify the administration's request, and we did have a vote, and the leader of the Democratic Party did say that we should not be partisan in this issue. There have been votes on the floor of this House which have ratified the present existence of the marines in Lebanon under the War Powers Act. Now, that is a fact, is that not true?

Mr. GAYDOS. I am not questioning that at all. The only statement I made was that the original decision was the President's. I did not vote for that resolution. I do not know how you voted, but I did not vote for it. I want to make that fact a matter of record.

Mr. HUNTER. Understanding that, will the gentleman continue to yield?

Mr. GAYDOS. I will, if the gentleman responds seriatim point by point.

Mr. HUNTER. I agree with the gentleman. That is exactly what I am doing.

My point was that our policy under which the marines are staying in Lebanon is a policy that was arrived at—and I am talking about not what got them there in the first place but the fact that they are staying in Lebanon—by a bipartisan action. We voted on the floor of this House to go along with that.

Mr. GAYDOS. Let me respond there. The President said, as a matter of public knowledge and formally on the record, that he was going to keep the troops there regardless of whether that original resolution was passed or not. He said that repeatedly. He made the decision. And he said they would continue there until he decided. In fact, that was what was so violently debated on the floor of this House, whether or not he was going to pull them out, whether or not the War Powers Act in any respect attached to the problem. And that was the administration's stated position publicly.

Mr. HUNTER. Will the gentleman continue to yield?

Mr. GAYDOS. Yes.

Mr. HUNTER. If the gentleman will continue to yield, I will say that if the gentleman thinks that the reason we voted to basically ratify the President's request to keep the marines in Lebanon was because he was going to do it anyway, I think the gentleman is not informed. This was a deliberate vote by this House to keep the marines in Lebanon and not to set a date certain for their removal. And that was a bipartisan action. I do not think the gentleman, by going back to the policy and the purpose for the President first inserting the marines, can alter that fact.

I thank the gentleman for giving me time to respond to his comments on the floor. I think he has made some excellent points. I think that the major point that all of Congress should remember is that the Syrians are watching what we do on this floor, and I would hope that our actions are not going to be interpreted as manifesting a lack of resolve for the United States to help establish an independent Lebanon.

I thank the gentleman for allowing me to speak on that issue.

Mr. GAYDOS. I think the gentleman makes points that are viable. But let me say this: I happen to have spent some time in the House, and I want the Record to show at this time that I see an unfolding of repetition of fact upon fact upon fact, as has been part of the record of the Vietnam conflict, everything, from beginning to end, how we got into the matter, how we sustained ourselves, how we could not pull out of it. And I am not even saying as a matter of record today whether or not I think it is right or wrong. I am just trying to reiterate for the Record that I see everything repeating itself.

For instance, there was a statement made recently, "Oh, we cannot get out, it is impossible. We are stuck in there. Look what would happen." The next statement: "Oh, the government is getting stronger. Gemayel and all of his people there, now we have got a couple more regiments we are training, and it is going to be all right, they are going to get together, they are going to be able to defend their country, democracy is going to prevail."

I do not know whether they are right or I am. All I know is that this reiteration has all of the facets and the criticism, the justification, all of it, all repeated. In the meantime, the casualties start all over again.

I am not even saying—I do not know, and I do not think I am in a position at this time, not having specific information—whether we are in there right or wrong. All I know is that I have a great fear that we are getting into an inextricable position, that we are thrust into someplace that we cannot get ourselves out of, and reasoning is not going to prevail, because all of these things were debated on all of these issues identically 10 to 12 years ago. I happened to be sitting here listening to them and experiencing the frustration at that time.

I had hoped my colleagues would be here. They had asked for a debate. It was a good debate, I imagine, but I thought it was unfair insofar as we did not have a fair share of the time. But I just hope that reason prevails, I hope that we do find ourselves out of the morass we are in.

I hear them talking about foreign trade, as to what other countries are doing for their self-interest and what we are not doing, and trying to be fair, trying to look at the needs, internal, domestic, international needs of the countries, and how trade should be a two-way street, which it is not, and then taking into consideration not only the trade issue but also our ability to participate in the Mideast in such a controversial situation. I think it is going to take probable minds and actions of great consequence to ultimately determine what is right and wrong. But probably the reason why I am just taking these few minutes at the end of these special remarks is that I am just trying to caution my colleagues. Let us make sure that we give this very thorough consideration and that we do not repeat some steps we have taken before and that we do not end up doing something that we originally did not intend to do.

There being no one else on the floor here willing to participate in that aspect, let me close my special order with this admonition as far as trade is concerned: We met today with Secretary Baldrige, with the Steel Caucus. We did not discuss things that were of utmost secrecy, but there were some exchanges of ideas that may have far-reaching implications. We talked about what our trade policy should be as far as developing and emerging nations are concerned and the overall problem that we have in this country involving steel and steel imports and the source of them.

□ 1500

We looked and we saw some peculiarities take place that we talked about today in the Steel Caucus executive committee that we exhaustively discussed and debated. For instance, Japan taking the position that Korea is taking undue advantage of the international trade arrangements and agreements, GATT, and is dumping in Japan and Korea steel illegally, improperly, under existing agreements. We looked at that and tried to fit it into our problem we have here with Brazil.

We tried to fit in the Caribbean Initiative where this country, I say foolishly but others say there are justifications for it, has said, "Look, we are going to allow the Caribbean nations, because of thier very critical economic situation, to ship into this country many, many different items tariff free.

We looked at the situation in Mexico, where Mexico under international agreements has no restraints because she is not a party to GATT and, therefore, the problems with her take on a nomenclature that are very, very specific and different than others and we are looking at the overall situation as it pertains to specialty and we looked at our projected future in this country as to the viability of the domestic steel industry not only in existing economic circles and reasons and purposes, but the defense of this country.

I have repeatedly stated an example that I think is unattackable: that when the Isreali forces lost the first day of the war years back and had something like 700 or 800 tank casualties, the first country they turned to was us and we had to deplete our National Guard. We had to take all of those tanks and rush them over there by airlift so that her defensive posture would be on what would be amenable to the situation.

What are we going to do if we do not make steel in this country? Who is going to supply that steel? What happens when we give away our tool steel industry and our specialty steel, titanium, and everything that implies, all types of specialty steel, where one buys it by the pound and not by the ton, which they use in afterburners and all of our war endeavors and sophisticated weaponry.

All that depends upon specialty steel and all the ramifications of it, then,

when you lose your industry. What do you do? Where do you look for the sources?

So those are things we talked about today. I am going to be taking special orders trying to explain, trying to justify, maybe at times, and hopefully trying to elucidate, for the benefit of my colleagues, what the problem is and trying to be fair, trying to be accurate, and hopefully, a self-serving declaration on my part, trying to be effective. That is what we are going to do. We are going to keep it up and be as persistent as we can, and I hope we are as persistent as my colleague, the gentleman from Texas, who has been so persistent on so many issues and has, in the long run, ultimately ended up accomplishing what he wanted to do in the first place.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank my distinguished colleague from Pennsylvania for yielding.

Mr. Speaker, I rise only to compliment the gentleman for the long, sustained effort. He has shared the loneliness of these hours with some of us, and I, for one, appreciate his leadership that has led to action. If what we have now are just some vestiges of the protection the American consumer, American industry, should have had, I think in large part it has been due to his efforts, his leadership, and that of his colleagues in the Steel Caucus.

I, for one, want to record the show that I am grateful for his leadership in keeping some of us informed who do not have the direct relationship and responsibility that the gentleman has and has so ably discharged.

Mr. GAYDOS. Mr. Speaker, because of my very personal and sincere association and also my concept and my description I have given on many occasions to my colleague from Texas, I really, sincerely, appreciate what he has said as a distinct compliment, one that I probably do not deserve, but I really appreciate that.

The gentleman does remind me that some affirmative action has occurred. We have had a Buy American, as far as the highway bill is concerned. It does mean some jobs have been saved. We did have a great debate involving the proposed northern pipeline vis-a-vis who would supply the pipe, the size pipe, and where and from, with Canada and other places. I would like to assume we have, hopefully, been instrumental in affecting or maybe influencing the fact that we do have right in place today on specialty steel some quotas. The administration has acquiesced.

It has been a lonely battle, my colleague does remind me. We have been ridiculed at times because even the area which I come from, which is very heavily unionized, has repeatedly refused to support the bill that I introduced here some 6 months ago that we call, not the Fair Steel Trade Act, but the reciprocity bill which in essence says we will do with other countries what they do with us. Our unions have repeatedly taken a position that that is not right; we should not interfere with international free trade. But now hopefully they are coming around.

But those are some of the frustrations we have had over the years.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I now yield to a member of the caucus, one who has been so instrumental in helping us effect some of these changes, my good friend, the gentleman from California.

Mr. BROWN of California. I thank the distinguished gentleman from Pennsylvania for yielding to me.

Mr. Speaker, I am moved by the remarks of our friend, the gentleman from Texas, to add my own words to his in tribute to the leadership that the gentleman in the well has given on this very important issue through his leadership in the Steel Caucus.

I know that I have not been as faithful as he has either in my attendance or my diligence in pursuing these issues. Perhaps this is one of the reasons that we have lost the only steel mill in California, one which is in my district.

But the gentleman in the well has helped to focus the attention of the Congress on the great importance of this problem of our steel industry in this country, not only the specialty steel interests but all steel, and how vital this is to the future security and economic prosperity of this country.

I want the gentleman to know that I appreciate the work that he has done. It must compel us ultimately to take some action different from what we have been doing. We cannot allow this situation to continue, and I know that he will continue to work on it.

I just wanted to thank the gentleman for that and to pledge my continued support.

Mr. GAYDOS. I thank the gentleman. I want the record to show that the executive board member from California has supported the Steel Caucus financially, through his time, doing yeoman duty time and time again, taking from his other obligations and duties, his committee work, and participating in hearings that we have had with all types of personalities, with industry, international personalities. He was always there.

If the time the gentleman put in would have been rewarded by the number of industrial activities and factories working in his area, California would have been swamped. I say that without any reservation. California would have been swamped with the steel industry.

But we all know what happened in California. Because of the physical location, high shipping costs between California and the central part of this country and the East, and the proximity of the production and producers originating in the Far East, all this has contributed to the fact that a ton of steel lands in California cheaper than we can make it there. So even Houdini could not change that.

I also want the record to show that the Member from California who has just spoken was one of the most viable, influential and effective Members in that Steel Caucus, and many times, although he does not admit it at this point, we looked to him for leadership. I just happen to have been occupying the chair at the time. He has been a tiger, for want of a better descriptive term, in many of our endeavors and when we had our darkest moments.

Let me conclude by saying this: I do not know, I do not think the caucus knows, where we are going to go and what the ultimate results are going to be.

□ 1510

I do know that we have brought it down upon this question in the spotlight of enlightenment, and that we have people now participating in it. The record is very, very clear now that this is a problem touching all facets. Not only steel, but the same principles apply to anything you can envision in real life or that you know exists.

We talk about costume jewelry that we do not make in this country. We used to employ 20,000 people to make costume jewelry for all of our young ladies, and all of our costume jewelry, I think without exception, is now made overseas. Christmas tree lights and ornaments and things of that nature are all made overseas.

I am not saying that a country cannot survive because it does not make costume jewelry or it does not make Christmas tree lights, but I do say that if somebody wants to buy those things and you want to have your economy moving and be effective, people are going to have to work someplace, and everybody cannot work in the steel mills, because I say "There just ain't no more jobs there." So in order to earn that ability to purchase, they have to have jobs.

It is just like Johnny Dent used to say when he was here and used to lead this battle long before I came along. Johnny Dent used to go out there and speak to the china producers, and I even think at that time they paid him a terrific honorarium—$250. And Johnny would say—and he would bring the house down—"Let me tell you something, you go to Taiwan—and I love the Taiwanese—and you go to Japan, you go there and you visit, and

you buy from them china. How many times has a Chinese national or a Taiwanese national come and sat down in your restaurant and used that cup to drink a cup of tea? Very seldom."

So he would say, "Look, you can't sell to the whole world. You've got to buy from them. You've got to be fair."

He would always make this point. This is him speaking years back. He would say, "Today here we are, we don't even make such-and-such china, a cup of this or a cup of that."

That is just not good horsesense. It has always been the basic principle under the international free trade concept. It has always been the commonsense and the fundamental of it. It has always been that way, that you sell to the world what you make, what you can produce effectively and efficiently and competitively, and they should buy from you what you make.

But that is not the case today. The whole thing has changed. We have governments which are in business today. They subsidize. We have cartels, international cartels. They get together. We have the free enterprise concept here in this country competing with the governments of Japan, Korea, Taiwan, West Germany, England, Italy, Brazil—you name it—including Mexico.

For instance, let me give a good example. An American producer needs money for capitalization. He has to go down to the bank and pay around 13 percent interest, maybe 16 percent. Give or take a little, whatever it is, he is paying high interest.

If you want to produce something like that in other countries, because of their national policy, you go down to a consortium, you go down to NITI, you put an application in, and they arrange a bank loan for you. They make a determination that you are going to be producing something that somebody else is already producing, and they set it all out for you.

That is real nice. But when it comes to competition, this Government says to our people, "You can't have two people producing. Antitrust says two people can't get together."

Like United States Steel wanted to get together and agree to buy its slabs from Bethlehem so it could keep its finishing part going down there outside of Philadelphia at the Fairless Works—well, they cannot do that in this country. You go to other countries, and they work together, hand-in-hand, glove-in-glove. It is that old fist we are talking about, the velvety glove, and it fits.

That is unfair competition. I could go on and give example after example after example. Who could in their wildest dreams ever have imagined that some country could produce—and I will give a good example—where we have like modern facilities? Our stainless steel capacity in this country is the most modern in the world. It is admitted in international circles that the most modern, up-to-date stainless steel production capacity right now rests in this country. It is phenomenal, but that is what happened.

Now, on steel, we had to give them protection. Why? Because of that old criticism that "you have antiquated production facilities and that is why you can't compete." That is a bunch of baloney. There we have it. They could not compete, because they made it and they are making it in my district and in other districts. Allegheny Ludlum is one of them. It is the most modern.

We had to give them protection, and the protections are in place today. Why do we have to do it, even with the most modern steel production? Because Sweden, West Germany, Brazil, and all these other countries start dumping on them and selling below cost.

This is not me talking; it is a matter of record found by the International Trade Commission.

Now, our country and our industries cannot compete, and we are not going to be able to compete under those conditions. We have been asking for years—and my good friend, the gentleman from California, knows this—asking for years, give us a U.S. national policy. Give us some direction over here. Let our bankers make arrangements with steel to give them reasonable interest rates, if that is the case. Let them participate on an equal competitive footing with foreign countries. Let us not always bring antitrust suits against them. Let us not always provide a forum whereby our people are asked to pay these high rates while other countries are encouraged and financed by their governments' participation.

I can go on and on and on with example after example. I just want to say this for the record: In this country more than half of our shoes are imports. Whether they come from Taiwan, Hong Kong, Italy, or France, over half of them are imports. That might be good or that might be bad, but the fact remains that that is not the only item. I can go down to the textile people, I can go down to the television industry, I can go down and cite each individual industry.

I say if we do not do something, if we do not have a national steel policy, if we do not get a reasonable interpretation, an application of the pertinent international trade sanctions, with GATT and all of its ramifications and international trade agreements, formal and informal, if we do not do these things, we are in for some very serious trouble. Economic trouble is going to then take place and be part of our internal military lack of capability, our military problems, with the commitments we have throughout the world.

Like John Dent used to say—and I am going to close with this little ditty of his—he used to say repeatedly, "You know, we can't live in this country if I wash your underwear and you turn around and wash my underwear because none of us are going to have any money to pay anybody."

So we have to have a diversification, we have to have a healthy international situation, and that is what we are striving to do. Whether we are successful is going to depend on our ability to enlighten and educate our colleagues. It is going to depend upon the ability of an enlightened administration, and internationally, in the worldwide family of nations, hopefully and ultimately, we are going to get a real good workable international agreement, GATT, and make it work. Hopefully we can work that out. I am a free trader, and I think all of us are. It is just a matter of how we arrive at it.

Mr. Speaker, I want to thank my colleagues for participating, and I apologize for taking the time because I know my colleagues also anxiously want to make their points.

BORROWING OUR CHILDREN'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the Congress is now considering a topic of extreme importance to our children and grandchildren—the Federal deficit. I am concerned that we are shortchanging the children of America by borrowing against the future. If the deficit is not reduced, our children will be burdened with a heavy load of our making.

Three years ago, the national debt was approximately $740 billion. By 1983, however, the national debt totaled $1.3 trillion. By 1989, the national debt is projected to exceed $2.1 trillion. This is no way to plan for America's future. We must build our country's future on a solid foundation.

But a foundation cannot be built on a mountain of debts. We all hope to leave our grandchildren a valuable legacy when we die. If the current Federal spending level is maintained, we will leave nothing but debts to pay. The share of the national debt for each of the 63.4 million children under 18 in the United States today totals $20,400. At the average interest rate of 10.4 percent on the national debt, the annual interest on that debt is over $2,100. In 1989, the share of the debt for each child will total $32,900.

The Federal deficit is large and grows larger every day. We must start to control it, or it will control our children and our grandchildren. We borrow today, but they must pay to-

morrow. Because of us, they will suffer.

The Reagan administration has promised to take action to lower the Federal deficit. I am appalled that the President has failed to make any effort to reduce the already huge Federal deficit. What will our children do if no action is taken on the deficit now? While President Reagan has spoken openly about the need to reduce Government spending, this budget proposes a deficit of $193 billion for next year—an increase of $10 billion from the borrowing estimate for fiscal year 1984. The President's own advisers have warned that if the deficit is not reduced more than currently proposed, high inflation and interest rates will mark our future economy.

The President apparently did not follow his advisers' recommendations. The budget proposal does not contain a constructive plan to lower the deficit. The cuts Reagan promised have not materialized. This strategy saddles our children with the bill for our irresponsibility. And I am afraid our children might not be able to pay.

Deficit figures have real meaning for our grandchildren. We might not live long enough to see the next generation deal with the deficit problem—but we can bet that they will struggle. It has been estimated that in the coming 6 years the national debt will increase by $1.3 trillion. That figure is too large to sufficiently grasp, but its effect cannot be ignored. It means that we will increase the burden on our children by $12,500 in the next 6 years. We are borrowing, not from ourselves, but from them.

If we do not solve the deficit problem, our current recovery will be stopped even as it is about to begin. I urge my colleagues to carefully examine the budget to determine how best to decrease the deficit, for we must do so. Not for our sake. For our children's sake.●

UPDATE ON SITUATION IN THE AIRLINE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, last December 14 during the break at home I had occasion to meet with several representatives of the airline pilots formerly employed by Continental Airlines, out on strike at the time, and they continue to be so striking.

That was one of the most pathetic and sad meetings I ever had the responsibility of attending. It was open to the press. This so emotionalized these pilots that they wrote out a statement in which it said they were thanking me for just meeting with them.

Incidentally, none of them is a constituent. So the politics of the situation I think can be truthfully be sort of minimal.

Among other things they identified themselves as Capt. John Gonzales, no relative of mine. His name is spelled with an "s" at the end. Also first Officer Dan James, Capt. Roger Lininger, and Capt. Ray Tschirhart. Every one of these gentleman is what everybody else would call conservative; they all supported Ronald Reagan for election and have learned the hard way what I think all through history free citizens have to learn over and over, the lesson that freedom is never won permanently. No country assures it, no matter how wonderful the institutions are that it may have, such as ours. It is something that each generation has to win in its own way.

Following the demise of the Braniff Corp. which had a lot more activity in and out of my district than Continental had had, and which also involved more employees in my immediate area of representation, but again none of those affected in San Antonio, and those in the case of Braniff amounted to about 200 employees; none was in my district. They all lived in those districts represented by other colleagues.

Frankly, at one time the district I had the honor of representing, the 20th, consisted on the entire county. So I have had experience in representing the entire configuration of Bexar County, with all of its cosmopolitan and pluralistic aspects. This is often forgotten today.

So that many, of the residents of those areas consider themselves still in the 20th District. And for whatever reason,they feel they have access to the 20th District.

In the case of Braniff, I am convinced that no Nation, no society that permits to happen what did happen to those hapless employees, from airline pilots to flight attendants to mechanics to airline attendants at the desks at an airport, they were left stranded one morning. They received a call and were told no matter whether they were a mechanic working at a hangar, or a pilot awaiting to depart in London or a flight attendant rushing to her duties, or anybody else in the employment of Braniff, they were told at 10 a.m. one day, and it will be 2 years this summer, that they had no job and that they might as well go home and that the paycheck due them that day, maybe, they would receive sometime in the future.

Now, some never got it. They were employees whom I have gotten to know because in the 22 years and 1 month now that I have been in this congress I have kept my base at home and I have attempted to go back every weekend when we are in session.

So that means that I have put in better than 8,500,000 miles just between here and my district in San Antonio. So I have known pilots who are now retired, some who have passed on; I have known engineers; I have known flight attendants who have formed families; and I am intimately familiar with the problems of those employees and the aspects of modern-day American air travel which I think is a glory of the world today, despite its deterioration under so-called deregulation, which has given rise to these things that I am bringing to the attention of the Congress.

The Braniff experience was something that was quite traumatic to me. I thought those practices had died with the robber barons of the last century or at the turn of the century, or before the depression. But I never dreamed that they would happen in our day and time with all the anguish, the injustice still reeking and spilling over in our society, maybe not perceptive to the overwhelming preponderant number of Americans but one by one, one segment following another.

At that time, the Braniff case, it was everybody that was in an employee capacity. The laws? The laws are not shaped for working folks. The Congress still does not respond to working folks. It is so hard to defend the interests of the average working man, in fact impossible. If you are talking about an $8 billion bill for IMF, well, that zooms by. But if you are talking about revising the bankruptcy laws so that what is happening to these pilots, helplessly trying to protest in the case of Continental Airlines, and several other corporations who fiendishly, and their lawyers discovered these loopholes in the bankruptcy law, whereby an airline corporation like Continental is declared bankrupt while it has over $50 million in the till.

□ 1550

So that we have the ludicrous situation of having a corporation declare itself bankrupt, but not broke. But for only one single-minded purpose and that is to cheat the worker, to rob the wage earner of his wage. That I say is intolerable in any society under any form of government, capitalistic, socialistic, communistic, no society will long endure with those injustices. Yes, there are ripples now, a ripple barely perceptible, but let me remind my colleagues that all momentous events in every time in history, in every land, in every country, going back as long as man has written history, no society long stands with those manifest injustices going unaddressed and unredressed, as the Continental pilots now are facing injustice and suffering intolerable situations. They do not have limitless ability to remain alive and well in our structured society, fighting a tremendous corporate array, a corporation that uses these laws in order to

twist them to the detriment of the worker, their profit.

We live in a period of time in which the conjunction of events, you have our three great organs of government, under the Constitution and our tradition, coequal, separate and supposedly independent. I think the recent talk they called debate about the Lebanon situation, before that Vietnam, before that Korea, should tell us whether this the first branch under the Constitution is in effect independent and coequal, but has not been now reduced to secondary meaningless, frustrating activities and speechifying such as in those legislatures construed in the Republics of France that went under and in times of crisis could not rise were not responsive to the people's needs. And those critical junctions even in our own mother country that gave us the institutions that we enjoy.

In every country the record is identical. And in every land even today no matter what form of government, even in the most authoritative, the only danger the modern totalitarian states have hit as to an upheaval as some are facing now in what we consider to be obliterative self-contained authoritative despotic societies, let me assure my colleagues that even there the injustice perpetrated on the great masses of working men and women are beginning to shake those regimes, whether it is China or whether it is Russia.

But I address myself to you and to me because we are talking about our country and our boasted freedom that still permits these injustices, grievous injustices.

Here is an all-American father, exemplary family man, worked now with Braniff since he was discharged from the Air Force in San Antonio. What happened to him? I happen to know the family well because I would always see him at the counter. As a matter of fact, I was using Braniff before he was hired.

But I had occasion to be invited to some blue and gold ceremonies for the Cub Scouts. I identify greatly with the movement and have for years. And his two boys of this particular American—and I am not talking about an ethnic minority or anything like that, I am talking about a plain average good, solid all-American family and head of family. Met his two boys. And then he gets the call.

So what has happened in the interim? Still looking for a job. Braniff has announced, thanks to the Hotel Corp. that has taken over with some financial combination, that they are going to renew some flight service, perhaps on March 1. But it is so fragmentary that everyone of these individuals who have yet to line up a full-time other than marginal job are hopeful that maybe they will be one of the few that might go back to work.

But in the meanwhile, what has happened to that family? Well, the father has had to take the jobs that he can get. Moonlighting here, moonlighting there, driving a truck for a bakery, submarginally employed. Compelling the mother of these very wonderful children to go out to work, also submarginally employed in the economy that San Antonio offers. In order to do what? To keep their home, keep the roof over their head. His unemployment compensation did not last that long.

I say that if this is what we call free enterprise then I do not want to know what free enterprise is. It might be private enterprise, but it certainly is not free enterprise. And if free enterprise can say that in order for it to be called free enterprise it has to do these things, it has to cheat its workers, it has to abandon with no conscience whatsoever entire families, then I say that is not what I want to be. And I do not care what anybody makes of that. If that be treason, make the most of it.

After all, I see a constant mixture of words. Mix free enterprise with private enterprise. Let me remind my colleagues Mussolini and Hitler had private enterprise until the day they died. You tell me they had free enterprise. But it was private.

So I say that with respect to the Braniff employees. Then comes Continental and in a most heinous way. But both airlines down and out for the same reason and that is that the men in power, greedy by nature, demanding and thinking they could compete for more power against the real heavies in the industry, once the cop was taken off the corner, then it was like throwing a flyweight in the ring with a heavyweight. You do not have to be a prophet to know what is going to happen. And that is what has happened. And the greed of it all.

In a bankruptcy proceeding, section 11, you have reorganization. For the first time in such a case Continental stock, after the reorganization was announced, went up 25 percent. The President, who is more interested in manipulating stock deals, in trying to speculate, not manage and administer an airline, more interested in those quicky deals, these so-called merger deals, these so-called speculative efforts in stocks, himself with a dire conflict of interest as president of Continental and as the head and one of the principal owners of a sort of a dummy corporation he set up in New York and then the interplay of his stock interests.

Well, if we had a Justice Department that might remotely think it had a responsibility, which is too much to expect under this administration, that clearly has indicated what it protects. And it is this kind of tactic that it accepts. And it has wrecked all the antitrust administration in the Justice Department. There is no such thing anymore in our country.

So there again as in the case of other activites which I have expounded on on this floor, the average American is stripped naked of any protection that our whole apparatus of government has been constructed and intended to be there for his protection. And I speak here without exempting the Congress because this is an integral part of our Government.

□ 1600

And we have abandoned those who need the Government the most in favor of their exploiters, what Franklin Roosevelt called those malefactors of great wealth.

The airlines pilots thanked me. As they said: "Thank you and your good offices for being instrumental in assisting us in this conference"—meaning that for the first time it attracted some news coverage where their plight would at least be reported.

Anytime I see a man such as Capt. Ray Tschirhart on a picket line, my friends, that is the time I know we have reached a great period of upheaval. Ray Tschirhart, why, his family name is a historical household name in my area. I grew up with that nucleus of families that were descendents of the German colonizers of 140, 150 years ago that brought into that area the first scientists, the first great scientific cultivators, the first biologists, and great, great wealth to the communities. You do not get a man like Capt. Ray Tschirhart to take the picket sign unless there has been great commotion and great injustice. And I say that we have a heavy responsibility—I think it has been announced that maybe we will have the so-called amendments to the Bankruptcy Act—if we do not plug those heinous loopholes that so fiendishly have been taken advantage by these lawyers and these greedy speculators, heedless of any human prior need. Then we are equally remiss. I would like to say, for one, that I am reexamining the whole issue of employment security in industries that are undergoing structural changes. That is one reason why I did not vote for these so-called regulatory bills.

I also offer at this point in the RECORD the remarks I made on the occasion of my meeting with the gentlemen, followed by a letter I then addressed to the chairman of the Committee on the Judiciary, the Honorable PETER RODINO, and also a copy of the remarks then presented to me by the airline pilots representing the association, Capt. John Gonzales, First Officer Dan James, Capt. Roger Lininger, and Capt. Ray Tschirhart, and also a copy of the release made by the

Continental pilots on December 15, 1983, in Houston, Tex.:

STATEMENT OF U.S. REPRESENTATIVE HENRY B. GONZALEZ, DECEMBER 14, 1983

I am very concerned about the novel ways that bankruptcy laws are now being used to avoid clear legal obligations, and specifically concerned about how bankruptcy is being used to break valid labor contracts, thereby frustrating the law and seriously undermining the ability of American employees to bargain in good faith and ensure that employment contracts are lived up to.

One way that the bankruptcy law is being used to avoid legal obligations is illustrated by the Manville case. In this situation, we have a perfectly healthy company, and two similar companies, taking bankruptcy in order to stop liability suits against them. These companies, all in the asbestos business, are in no financial danger; they are using the bankruptcy law as a protective device, to try and guarantee that they don't have to face liability for damages suffered by people who have been exposed to asbestos. This type of bankruptcy filing is already known as a protective bankruptcy, and what it represents is not the use of the bankruptcy law as a means to permit a troubled company to reorganize financially, but instead the use of the law as a means to escape legal responsibility for past conduct.

The bankruptcy law is also being commonly used to destroy labor agreements. In fact, companies that want to cut wages, or companies that want to avoid wage increases are routinely threatening to take bankruptcy rather than run the risk of a strike or bargain in good faith. In other cases, companies with labor contracts that they do not want to honor are simply filing bankruptcy and declaring agreements null and void. There are a number of these cases, most outstanding of which is Continental Airlines.

The present law is not clear on when a company can use bankruptcy to kill a labor agreement. Because the law is not clear, Congress needs to establish a policy on the question of when and under what conditions a bankrupt can abrogate a labor contract.

I have written a letter to the Chairman of the Judiciary Committee, requesting that an urgent review of the bankruptcy law be made, and that Congress establish standards regarding the conditions under which a labor contract can be modified or abrogated in a bankruptcy proceeding. The need is clear.

Earlier this year, the country's largest processor of pork, Wilson Foods, declared bankruptcy in order to cut labor costs. The company's employee union renegotiated its contract, with the result that pay was cut about 25 percent. The alternative was to let the bankruptcy continue and take a cut of 40 percent.

The San Jose, California, school district, took bankruptcy in order to avoid making full payment to its teachers, after losing an arbitration decision.

In a case now before the Supreme Court, a New Jersey firm tried to use bankruptcy to cancel a labor agreement.

By far the biggest and most blatant case, however, is Continental Airlines.

In 1982, Continental's pilots signed an agreement with the company that represented a $100 million giveback. But Continental continued to lose money, and last summer the company demanded an additional $150 million in labor savings from its employees. Of that amount, the company wanted the pilots to give up $60 million and the flight attendants $40 million. When the negotiations didn't move fast enough, Continental filed for bankruptcy, cut its operations back to about one-third, of the former level, and cut employee pay by 50 percent. There is no question that Continental was having problems; but as the recent and successful negotiations that Eastern Airlines had with its employees show, it could have resolved those problems without using bankruptcy as a bludgeon.

Continental's employees were, in fact, willing to negotiate labor saving agreements. Before the bankruptcy, the flight attendants had offered a package that came very close to meeting the dollar savings that the company wanted. The pilots had earlier demonstrated their good faith by taking huge givebacks in the previous year, and were willing to do so again. But the company clearly wanted to get out of any agreement whatever, and convert itself to a nonunion carrier. Therefore it used bankruptcy to destroy contracts, avoid negotiation, and generally evade its responsibilities to the majority of cities it served, as well as the public that was left with millions of dollars worth of useless tickets.

When should a company be able to use bankruptcy to modify a labor agreement?

The courts are in disagreement, and there is in the current term of the Supreme Court a case pending that may partially resolve the question.

One lower court has said that an employer in bankruptcy can cancel labor agreements merely by showing that the contracts are burdensome. But that is something like saying that a bankrupt can avoid payment of debts merely because they are burdensome, without regard to the real ability to pay. Another court says that a bankrupt should be able to cancel a labor agreement only if that is the only way to prevent collapse of the business. And in arguments before the Supreme Court, the government says that there should be some requirement for good faith negotiation, between the bankrupt and the employees.

I don't believe this question of fundamental policy should be left completely to the courts. Congress has a responsibility.

In my letter to Chairman Rodino, I suggest that the standard ought to be this: a bankrupt employer could modify labor agreements, only if that was the only way to avoid collapse, and then only if there were good faith negotiations. Otherwise, there is not a labor agreement in existence that is worth the paper it is written on. Furthermore, there would be a widespread use of bankruptcy to avoid even good faith bargaining.

But more needs to be done.

The Federal bankruptcy statute should be amended to require that airlines pay off ticketholders before they can obtain bankruptcy shelter. In the case of Continental, a company with $50 million in the bank was able to leave passengers with millions of dollars worth of tickets stranded, and with little or no hope of ever getting their money back. If airlines like Continental and Braniff had been required to honor their obligations to passengers, bankruptcy might have been a far less attractive deal for them. Therefore, I am supporting a bill (H.R. 4558) that would require airlines to pay off their ticketholders before being able to lock up their cash holdings from creditors. This bill was introduced by my colleague from Colorado, Pat Schroeder, and it represents one way of insuring that the general public has some reasonable protection against bankruptcy artists.

Finally, I am reexamining the whole issue of employment security in industries that are undergoing structural changes.

Airline employees are supposed to have some protection against the adverse effects of deregulation; if they are displaced, they are supposed to get preferential hiring rights at other airlines. If they are affected by a big shrinkage of their company, they are supposed to get cash benefits—as provided in the 1978 Deregulation Act. But those benefits have never been effectively available, and in fact, the Civil Aeronautics Board is only now beginning to consider the applications for help by Braniff employees who have been grounded since May, 1982.

It is not just airline employees who are caught in a bind. Bus drivers and truck drivers face large pay cuts and vast layoffs as competition heats up in those lines of business.

There are almost 31,000 interstate truck lines today, which is a 70 per cent increase just since 1980. One result is that freight costs are lower today, but another result is that about a third of the unionized drivers have been laid off.

Throughout the transportation business, we have more people working, but working for less and less. In the short run, this may create some lower prices for some people, but in the long run, we face the threat that only the big hubs of the nation will get adequate service (because that's where the high volume is) while the rest of the country has little service at high prices. Another problem is that we may end up with a handful of supercarriers—as is happening in the rail business—with the result that the public will pay whatever the big carriers demand. In short, we have to look at this business of deregulation from more than a short-run, self-interest view. We have to look at whether ultimately we are going to have the same kind of good service we get today, at reasonable costs, or whether we will get less and less service for more and more. Anyone who has seen what is happening in the rail business will testify what happens to captive shippers. What we need to ask ourselves today is not whether it's just the employees of transportation companies who are being nailed to the wall; we have to look ahead and see whether or not we are the next victims. If the rail experience is any lesson, we—the general public—will be the next victims.

It may be tempting to say that the concerns of Continental's employees are no business of ours. But the harsh fact of the matter is that unless we think and act carefully, it will be the general public that next feels the bit.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 9, 1983.

Hon. PETER RODINO,
Chairman, Committee on Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I know of your great and abiding concern about the need to restructure the Bankruptcy Courts, so that the authority of these courts can be clarified. Urgent as that task is, however, there is also a need to review some of the novel ways in which large corporate interests are seeking to apply bankruptcy statutes. In some of these instances, while the law is not clear, the abusive intent of the applicants is. I refer specifically to the growing use of so-called protective bankruptcy filings: situations in which companies in good financial health use bankruptcy to frustrate legal

claims or enforce unilateral actions in violation of contractual obligations.

One outstanding example, still in litigation, is the Manville case, in which a company with vast financial resources and robust business health has filed for bankruptcy as a means of cutting off claims against the company arising from exposure to asbestos. Surely, there is no threat to the company except potential claims. I would question whether the law was ever intended to be used as a protective shelter against valid claims. Surely the use of bankruptcy to estop legal liability represents a novel, potentially abusive application of the bankruptcy statutes.

I am likewise gravely concerned about the use of bankruptcy statutes as a way to abrogate valid labor contracts. One such case, *National Labor Relations Board* v. *Bildisco and Bildisco*, is pending before the Supreme Court in the current term. Two other situations, Wilson Foods and Continental Airlines, however, suggest that there is a broad trend toward companies employing bankruptcy filings as an ultimate weapon against contracts that they deem inconvenient or burdensome, without regard to the fact that such contracts were voluntarily entered into, or for that matter might have represented substantial concessions by the unions concerned.

The *Bildisco* matter may dispose, at least in part, of the question of when a company may abrogate its union contracts as part of a bankruptcy matter. In that case, decisions below suggest that a contract can be abrogated only as a last resort.

Contrary decisions suggest that contracts can be effectively cancelled if they are merely burdensome. But lower court decisions do not speak to the question of whether an employer is obliged to negotiate in good faith, so that employees can maintain some shred of bargaining rights.

Although some would suggest that Congress should not legislate on these issues, it seems to me that we have a clear obligation to review the question of when and under what circumstances labor contracts can be killed through resort to bankruptcy. Nothing makes the urgency of this matter so clear as the Continental Airlines case, now pending.

Continental had a valid contract with its pilots and cabin attendants. The pilots' contract included $100 million in concessions to the company. However, Continental continued experiencing losses, and demanded huge new concessions, amounting to $60 million from pilots and $40 million from cabin attendants. There is little evidence that either the pilots or cabin attendants were unwilling to make substantial concessions. The cabin attendants, for example, made an offer that represented between $35 and $43 million worth of concessions. It appears that had the company been willing to negotiate in good faith, it could have obtained the relief it needed to stay in business. However, Continental elected to file for bankruptcy, immediately slashed its route system substantially, and cut pay by about half. The company chairman thereafter said that his cost cutting goals had not only been met, but exceeded, by filing for bankruptcy.

There can be no question that Continental was facing serious financial problems. Yet the company had resources to stay in business for a considerable period of time. In discussing his demands with employees, the company chairman declared that he must either have agreement with his wage and work rule changes, or that he would take steps to preserve the company's assets. Though his statement to employees did not say so, it is clear in retrospect that he already had bankruptcy in mind, as the sure way to allow unilateral action.

The Railway Labor Act applies to the Continental case. It specifies when and in what manner the terms and conditions of employment may be changed. Though Continental has made gestures toward following that statute, it is absolutely clear that every principle of employment contracting and employee bargaining has been violated by the company.

The question for Congress is when and under what conditions companies can use bankruptcy to avoid clear legal obligations. If Continental succeeds, there is not a labor contract in the country that could be said to be worth the paper it is written on. Indeed, if the courts hold, in *Bildisco*, that a contract need only be burdensome to qualify for abrogation in a bankruptcy, the way would be clear for any company to repeal contracts without regard to the actual ability of the enterprise to support such agreements. Moreover, in the case of Continental, court approval of that filing would signal that no company, even one in relatively good financial health, need ever bargain in good faith. I do not believe an issue as fundamental as the right of effective collective bargaining, and the enforceability of good faith contracts, should be left wholly to the courts for settlement. It is a matter that requires legislative clarification.

Even though I know that you would prefer not to alter the bankruptcy statutes until legislation has been enacted with respect to the structure of the bankruptcy courts, I believe that the issue of so-called protective bankruptcy is so broad, and its implications so enormous, that consideration should be given to amending the law in order to provide clear protection to the public from corporate raiders who would use the bankruptcy laws to avoid their plain obligations, or to frustrate the rights of employees to bargain in good faith and obtain contracts that are enforceable.

I would respectfully suggest that your committee undertake an urgent review of the phenomenon of so-called protective bankruptcy, with a view toward preventing abuse of the bankruptcy laws.

For example, I do not believe that Congress ever intended that a bankruptcy filing could be used not only to abrogate existing labor contracts, but vitiate the laws pertaining to collective bargaining. It seems to me that the only time bankruptcy should be available as a way to vitiate labor contracts would be in situations where the company is clearly going to fail unless agreements are changed. Even in such cases, there should be some standard for consultation and negotiation. The danger is that unless Congress acts, the meaning of the law will be unclear for years to come—during which time there would be growing confusion and chaos regarding the right of employees to bargain effectively, and to have their contracts honored. Surely Congress cannot stand idly while bankruptcy laws are used as a bludgeon against all previously written laws.

I hope and urge that the committee undertake an immediate review of the so-called protective bankruptcy phenomenon, with a view toward preventing the abuse of bankruptcy laws in ways that frustrate those with valid legal claims against a company, or in ways that permit the wholesale negation of collective bargaining and contract rights.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

CONGRESSMAN GONZALEZ: The Airlines Pilots Association, of 34,000 members, Capt. John Gonzales, first officer Dan James, Capt. Roger Liniger, and myself, Capt. Ray Tschirhart would like to call special attention and thanks to you and your good offices for being instrumental in assisting us in this news conference.

As you know Continental Airlines filed for chapter 11 under the Federal Bankruptcy Code on September 24, 1983. What is generally unknown is why this was done, other than the thinly veiled explanation of the corporate president who is intent on violating the National Labor Relations Act: The Federal Railway Act, the agreements with his employees, and even abusing the intent of Congress which enacted all three pieces of legislation.

After being granted protection from its creditors under the Bankruptcy Code they reopened their doors three days later calling itself the New Continental Airlines. Having voided employee contracts, withheld September paychecks for work already completed, issued worthless paychecks for August, canceled employee health insurance, suspended retirement plans, and many other basic benefits, the new company resumed operations with the same management, the same aircraft, and same airport slots, the same headquarters, and $50 million cash in hand.

The only new wrinkle at Continental was a devilishly contrived plan to recruit new pilots and flight attendants who were asked to work for only half of the normal wages paid by most of the nation's airlines. all of this came about after a quote from Mr. Stephen Wolf, then president of Continental, who cited last year's negotiations of the pilot agreement as "one of the most unusual negotiations between labor and management in any industry." A contract which eliminated pay raises of 10 percent in October of 1981, 5 percent in April 1982, and 5 percent in October of 1983. A total of 193 pilots were furloughed to improve productivity, and the pilots group forfeited its contribution to the pension fund, saving the company a great deal of money for a 1 year period". Today our pilots are the most productive of any in the industry. Obviously Mr. Wolf did not agree with or could not condone the false bankruptcy filing and the restarting of the New Continential Airlines and refused to squeeze through the alleged loop holes the lawyers think they have found in the Federal Bankruptcy Code.

Besides the employees, stockholders, and many creditors there is a group of victims for whom no one speaks. They are thousands of consumers who purchased Continental tickets with their cash, and then had their investment rendered worthless by virtue of the bankruptcy. The injustice is redoubled because the Bankruptcy Court recently released $40 million to Continental to help finance its operations. Meanwhile, those who purchased Continental tickets by cash or check have not been repaid one cent of the $28 million they are owed, while Continental continues to operate on money from worthless tickets they have sold and refuse to refund.

It must be recognized that there is a danger in making reorganization in bankruptcy too attractive to airline executives.

There is evidence that management may be using bankruptcy laws to solve business problems such as unwanted employee agreements. The example of the Continental Airlines bankruptcy is all too clear and a public awareness to this will be a beginning step to a disincentive to such abuses of employees, creditors and consumers alike.

CONTINENTAL PILOTS WARN CONSUMERS: THINK TWICE BEFORE FLYING THE "NEW CONTINENTAL"

HOUSTON, TEX.—The Continental Airline Pilot's Association today warned the flying public to think twice before flying the "New Continental Airlines" over the Christmas holiday season.

At a press conference in Houston with Congressman Gonzalez the pilots charged the "New Continental" with violating consumer rights and jeopardizing the safe operation of the airline since filing for reorganization under Chapter 11 of the Federal Bankruptcy Law.

In making the charges, Dennis Higgins, chairman of the Houston based Continental pilots, said that thousands of passengers across the country have lost millions of dollars of holding Continental tickets that became worthless when the airline declared bankruptcy on September 24th.

Capt. Higgins noted that although the airline continues to operate under the name the "New Continental", these consumers have been forced to file claims with the bankruptcy court to recover their money, and that it could be months, if not years, before they receive refunds.

Higgins also cited a number of alleged safety violations that have occurred on the "New Continental" since reorganization, including the recent incident in Denver where a rookie captain landed on an active taxiway instead of the runway. Higgins questioned whether the "New Continental" is a safe airline and told passengers to know "all the facts" before choosing to fly the "New Continental" at Christmas.

Capt. Higgins also announced support for Congressman Gonzalez efforts to correct the problems of the Continental bankruptcy and to protect the consumer. Higgins said that Congressman Gonzalez efforts to correct this country's bankruptcy laws would go a long way toward preventing the consumer abuses and safety violations • • • on Congress to give the issue immediate attention upon returning in January.

"The "New Continental" has given the entire aviation industry a black eye," Capt. Higgins said. "It's operations are chaotic and unsafe, its abuse of the airline consumer is inexcusable."

Finally, Capt. Higgins announced that Continental Pilots will be available at Houston International Airport during the peak holiday travel days to assist any consumers who might be bumped from "New Continental" flights or otherwise inconvenienced.

I say, Mr. Speaker, woe to those that cheat the laborer of his hire. Woe to us if we turn our backs to the least in favor of the powerful, the rich, and the influential.

CONFERENCE REPORT ON S. 1340

Mr. PERKINS submitted the following conference report and statement on the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-595)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes.

That the Senate recede from its disagreement to the Amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Rehabilitation Amendments of 1984".

TITLE I—REHABILITATION PROGRAM

DEFINITIONS

SEC. 101. Section 7(12) of the Rehabilitation Act of 1973 (hereafter in this title referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

REPORTS

SEC. 102. (a) Section 13 of the Act is amended by adding after the first sentence the following: "The Commissioner shall annually collect information on each client whose case is closed out in the preceding fiscal year and include the information in the report required by this section. The information shall set forth a complete count of such cases in a manner permitting the greatest possible cross-classification of data. The data elements shall include, but not be limited to, age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings at time of entry into program and at closure, work status, occupation, cost of case services, types of services provided, types of facilities or agencies which furnished services and whether each such facility or agency is public or private, and reasons for closure. The Commissioner shall take whatever action is necessary to assure that the identity of each client for which information is supplied under this subsection is confidential.".

(b) The last sentence of section 13 is amended by inserting "also" after "shall".

EVALUATION

SEC. 103. Section 14(a) of the Act is amended by adding after the first sentence the following new sentence: "The Secretary shall establish and use standards for the evaluations required by this subsection. The standards shall, to the extent feasible, for all appropriate programs include standards relating to the increases in employment and earnings taking into account economic factors in the area to be served by the program and the characteristics of the handicapped individuals to be served.".

ADMINISTRATIVE AMENDMENTS

SEC. 104. (a)(1) Section 15(b) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(2) Section 101(a)(11) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(3) Section 102(d)(2) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(4) Section 202(i)(2) of the Act is amended by striking out "Bureau of Education for the Handicapped" and inserting in lieu thereof "Office of Special Education and Rehabilitation Services".

(5) Section 204(b)(7) of the Act is amended by striking out "Office of Education" and inserting in lieu thereof "Department of Health and Human Services".

(b)(1) Section 202(g) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(2) Section 203(a)(1) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(3)(A) The first sentence of section 501(a) of the Act is amended by striking out "the Chairman of the Civil Service Commission" and inserting in lieu thereof "the Chairman of the Office of Personnel Management" and by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education and Health and Human Services".

(B) The second sentence of such section is amended by striking out "Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission" and inserting in lieu thereof "Secretary of Education and the Chairman of the Office of Personnel Management".

(C) Section 501 of the Act is amended by striking out "Civil Service Commission" each place it appears and inserting in lieu thereof "Office of Personnel Management".

(D) Section 501 of the Act is further amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(E) Section 501(d) of the Act is amended by striking out "Civil Service Commission's activities" and inserting in lieu thereof "the activities of the Office of Personnel Management".

(F) Section 501(f)(1) of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(4) Section 507 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education, the Secretary of Health and Human Services," and by striking out "Chairman of the United States Civil Service Commission" and inserting in lieu thereof "Chairman of the Office of Personnel Management".

(5) Section 614 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(c)(1) Section 401(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(2) Section 402 of such Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Assistant Secretary of Education for the Office of Special Education and Rehabilitation Services".

PART A—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Section 100(b)(1) of the Act is amended to read as follows:

"(b)(1)(A) For the purpose of making grants to States under part B of this title

(other than grants under section 112) to assist them in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $1,037,800,000 for the fiscal year 1984, and the amount determined under subsection (c) for each of the fiscal years 1985, 1986, and 1987.

"(B) In addition, there are authorized to be appropriated for such purpose such additional sums as may be necessary for each of the fiscal years 1985 and 1986. Any amount appropriated pursuant to this subparagraph shall be allocated in accordance with section 110(a)(4).

"(C) In no event may the amount appropriated for the purpose of making grants to States under part B of this title (other than section 112) be more than $1,117,500,000 for the fiscal year 1985 and $1,203,200,000 for the fiscal year 1986.".

((b) The first sentence of section 100(b)(2) of the Act is amended to read as follows:

"(2) For the purpose of allotments under section 120(a)(1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(c) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three fiscal years thereafter" and inserting in lieu thereof "each of the fiscal years 1984, 1985, and 1986".

(d) Section 100 of the Act is further amended by inserting at the end thereof the following new subsection:

"(d)(1) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

"(A) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

"(B) of the duration of the program authorized by the State grant program under part B of this title;

either—

"(i) has passed or has formally rejected legislation which would have the effect of extending the authorization or duration (as the case may be) of that program; or

"(ii) by action of either the House of Representatives or the Senate, approves a resolution stating that the provisions of this section shall no longer apply to such program;

such authorization or duration is automatically extended for one additional fiscal year for the program authorized by this title. The amount appropriated for the additional year shall be the amount which the Congress could, under the terms of the law for which the appropriation is made, have appropriated based upon the amount authorized for fiscal year 1986 and the amount authorized under subsection (c).

"(2)(A) For the purposes of subdivision (i) of paragraph (1), the Congress shall not have been deemed to have passed legislation unless such legislation becomes law.

"(B)" In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which that part of paragraph (1) of this subsection which follows subdivision (ii) of paragraph (1) is in operation.".

(e) Section 110(a) of the Act is amended—

(1) by striking out "section 100(b)(1)" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "section 100(b)(1)(A)"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) For each fiscal year beginning on or after October 1, 1984, for which any amount is appropriated pursuant to section 100(b)(1)(B), each State shall receive an allocation (from such appropriated amount) in addition to the allotment to which such State is entitled under paragraphs (2) and (3) of this subsection. Such additional allocation shall be an amount which bears the same ratio to the amount so appropriated as that State's allotment under paragraphs (2) and (3) of this subsection bears to the sum of such allotments of the the States.".

ELIGIBILITY FOR SERVICES

SEC. 112. Section 102(c)(2) of the Act is amended by striking out "beyond any reasonable doubt".

CLIENT ASSISTANCE

SEC. 113. (a) Section 112 of the Act is amended to read as follows:

"CLIENT ASSISTANCE PROGRAM

"SEC. 112. (a) From funds appropriated under subsection (i), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this Act, including assistance in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act.

"(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than October 1, 1984, a client assistance program, which—

"(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of handicapped individuals who are receiving treatments, services, or rehabilitation under this Act within the State; and

"(2) meets the requirements of designation under subsection (c).

"(c)(1) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this paragraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may designate an agency which provides treatment, services, or rehabilitation to handicapped individuals under this Act.

"(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving handicapped individuals in the State.

"(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

"(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

"(e)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

"(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time on such dates he may fix to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

"(3)(A) The Secretary shall pay to the Governor from the allotment of the State the amount specified in the application approved under subsection (f).

"(B) For the purpose of this paragraph and subsection (c), the term 'Governor' means the chief executive of the State.

"(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

"(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

"(1) No employees of such programs shall, while so employed, serve as staff or consultants of, or receive benefits of any kind directly or indirectly from, any rehabilitation project, program, or facility receiving assistance under this act in the State.

"(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

"(3) Each program shall contain provisions designed to assure that to the maximum extent possible mediation procedures are used prior to resorting to administrative or legal remedies.

"(4) The agency designated under subsection (c) shall submit an annual report to the Secretary on the operation of the program during the previous year, including a summary of the work done and the uniform statistical tabulation of all cases handled by such program. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and

his evaluation of the program, including appropriate recommendations.

"(h)(1) The Commissioner shall conduct a comprehensive evaluation of the client assistance program authorized by this section, and submit a report to Congress, not later than February 1, 1986.

"(2) In conducting the study required by this subsection, the Commissioner shall address and report the following information for each State that received a client assistance program grant. The study shall include—

"(A) the numbers of handicapped individuals assisted through the client assistance program;

"(B) the handicapping conditions of the individuals assisted, and the proportion each type of individuals represents of the total population assisted;

"(C) the types of services provided, cross-referenced to types of handicapped individuals assisted through each service;

"(D) the type of organization or agency which administers the client assistance program;

"(E) the physical proximity of the client assistance program to the State vocational rehabilitation agency; and

"(F) the type of organizational structure used by the client assistance program to deliver services.

"(3) In conducting the study the Commissioner shall make the following comparisons:

"(A) differences in service delivery patterns in client assistance programs in urban and rural areas;

"(B) differences in service delivery patterns among client assistance programs administered in various organizational settings; and

"(C) differences in service delivery patterns among client assistance programs established after this reauthorization and those that were established prior to this reauthorization.

"(4) The report shall include such recommendations, including recommendations for legislative proposals, as the Commissioner deems necessary.

"(i) There are authorized to be appropriated $6,000,000 for the fiscal year 1984, $6,300,000 for the fiscal year 1985, and $6,700,000 for the fiscal year 1986.".

"(b) The table of contents of the Act is amended by striking out the item relating to "Sec. 112" and inserting in lieu thereof the following:

"Sec. 112. Client assistance program.".

INNOVATION AND EXPANSION

SEC. 114. (a) The first sentence of section 121(a) of the Act is amended by striking out all that follows "rehabilitation services," and inserting in lieu thereof the following: "including—

"(1) program to initiate or expand such services to individuals with the most severe handicaps;

"(2) special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual or difficult problems in connection with their rehabilitation; and

"(3) programs to maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults.".

(b) Section 121(b) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

PART B—RESEARCH AND TRAINING

AUTHORIZATION OF APPROPRIATIONS

SEC. 121. (a) Section 201(a)(1) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for each of the two succeeding fiscal years".

(b) Section 201(a)(2) of the Act is amended to read as follows:

"(2) for the purpose of carrying out section 204, $36,000,000 for the fiscal year 1984, $40,000,000 for the fiscal year 1985, and $44,000,000 for fiscal year 1986.".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 122. (a) Section 202(a) of the Act is amended by striking out "Health, Education, and Welfare" both times it appears and inserting in lieu thereof "Education" each such time.

(b) Section 202(c) of the Act is amended by adding after the first sentence the following new sentence: "The Director shall be an individual with substantial experience in rehabilitation and in research administration.".

(c) Section 202 of the Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Director shall make a grant to an institution of higher education for the establishment of a program of pediatric rehabilitation research at an institution of higher education.

"(2) The Director shall establish, either directly or by way of grant or contract, a Research and Training Center in the Pacific Basin.".

RESEARCH

SEC. 123. (a) Section 204(b)(1) of the Act is amended by adding at the end thereof the following: "Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority. Grants may include faculty support for teaching of rehabilitation related courses of study for credit and other courses offered by the institutions of higher education affiliated with the Center.".

(b) Section 204(b)(3) of the Act is amended by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311".

(c) Section 204(b) of the Act is amended by inserting after paragraph (12) the following new paragraph:

"(13) Conduct of a rehabilitation research program under which financial assistance is provided in order to (A) test new concepts and innovative ideas, (B) demonstrate research results of high potential benefits, (C) purchase prototype aids and devices for evaluation, (D) develop unique rehabilitation training curricula, and (E) be responsive to special initiatives of the Director. No single grant under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed five per centum of the amount available under section 204 to the National Institute of Handicapped Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.".

PART C—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

SEC. 131. Section 301(a) of the Act is amended by striking out "October 1, 1982" in the first sentence and inserting in lieu thereof the following: "October 1, 1986"; and by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1987".

VOCATIONAL TRAINING

SEC. 132. Section 302 of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986".

TRAINING

SEC. 133. (a)(1) Section 304(a) of the Act is amended—

(A) by inserting "(1)" after "including" the second time it appears;

(B) by inserting after "placement services" a comma and the following: "(2) personnel specifically trained to deliver services to individuals who may benefit from receiving comprehensive services for independent living, personnel specifically trained to deliver services in client assistance program,"; and

(C) by inserting "(3)" after "and" the last time it appears in such section.

(2) Section 304(a) of the Act is further amended by adding at the end thereof the following new sentence: "In carrying out the provisions of this subsection, the Commissioner shall, in addition to furnishing training in the services provided under this Act to rehabilitation counselors, furnish training to such counselors in the applicability of the provisions of section 504.

(b)(1) Section 304(a) of the Act is further amended by inserting "qualified" before "personnel" the first time it appears in such section.

(2) Section 304(c) of the Act is amended by inserting "qualified" before "personnel" the first time it appears in such section.

(c) Section 304(b) of the Act is amended by striking out "will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to" and inserting in lieu thereof "shall be targeted to areas of personnel shortage which may".

(d) Section 304(c) of the Act is amended by adding at the end thereof the following new sentences: "The Commissioner shall prepare and submit to the Congress, simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration, a report setting forth and justifying in detail how the training funds for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings of personnel shortages justify the allocations.".

(e)(1) Section 304 is amended by striking out "(d)" the second time it appears and inserting in lieu thereof "(e)".

(2) The first sentence of section 304(e) of the Act (as redesignated by paragraph (1)) is amended to read as follows: "There are authorized to be appropriated to carry out this section, $22,000,000 for the fiscal year 1984, $27,000,000 for the fiscal year 1985, and $31,000,000 for the fiscal year 1986.".

AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE REHABILITATION CENTERS

SEC. 134. Section 305(q) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years", and inserting in lieu thereof "for each of the fiscal years 1984, 1985, and 1986".

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

SEC. 135. Section 310(a) of the Act is amended—

(1) by striking out "313" and inserting in lieu thereof "316"; and

(2) by striking out "such sums as may be necessary for each fiscal year ending prior to October 1, 1982" and inserting in lieu thereof "$12,900,000 for fiscal year 1984, $13,600,000 for fiscal year 1985, and $14,300,000 for fiscal year 1986.".

SPECIAL DEMONSTRATION PROGRAMS

SEC. 136. (a)(1) Section 311(a)(1) of the Act is amended by striking out "individuals with spinal cord injuries and".

(2) Section 311(a) of the Act is amended by adding at the end thereof the following new flush sentence: "The Director of the National Institute of Handicapped Research may make grants to States and to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations for spinal cord injuries.".

(b) Section 311(b) of the Act is amended by adding at the end thereof the following new sentence:

"The Director of the National Institute of Handicapped Research shall coordinate each grant made under this subsection with the Commissioner.".

(c) Section 311 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for handicapped youths to provide job training and prepare them for entry into the labor force. Such projects shall be designed to demonstrate cooperatie efforts between local educational agencies, business and industry, vocational rehabilitation programs, and organizations representing labor and organizations responsible for promoting or assisting in local economic development.

"(2) Services under this subsection may include—

"(A) jobs search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advanced learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(3) The Commissioner shall assure that projects shall be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.".

SPECIAL RECREATIONAL PROGRAMS AUTHORIZATION OF APPROPRIATIONS

SEC. 137. Section 316 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year 1984, $2,100,000 for the fiscal year 1985, and $2,200,000 for the fiscal year 1986.".

PART D—NATIONAL COUNCIL

ADMINISTRATIVE AMENDMENT

SEC. 141. (a) Section 400(a) of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the Federal Government".

(b)(1) Effective on the date of enactment of the Rehabilitation Amendments of 1984, the National Council on the Handicapped shall be an independent agency within the Federal Government and shall not be an agency within the Department of Education or any other department or agency of the United States.

(2) There are transferred to the Chairman of the National Council on the Handicapped all functions relating to the Council which were vested in the Secretary of Education on the day before the date of enactment of the Rehabilitation Amendments of 1984. The Chairman of the National Council on the Handicapped shall continue to exercise all the functions under the Rehabilitation Act of 1973 or any other law or authority which the Chairman was performing before the date of the enactment of the Rehabilitation Amendments of 1984.

(3) References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the Department of Education or the Secretary of Education with respect to functions or activities relating to the National Council on the Handicapped shall be deemed to refer to the National Council on the Handicapped or the Chairman of the National Council on the Handicapped, respectively.

DUTIES

SEC. 142. (a) Section 401 of the Act is amended—

(1) by striking out clause (3) and inserting in lieu thereof the following:

"(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute of Handicapped Research on the development of the programs to be carried out under this Act;";

(2) in clause (5)—

(A) by inserting "the President, the Congress," immediately before "the Secretary"; and

(B) by striking out "the Commissioner,";

(3) by striking out "and" at the end of clause (5);

(4) by striking out "the Secretary," in clause (6);

(5) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and the word "and"; and

(6) by adding at the end thereof the following:

"(7) provide to the Congress on a continuing basis advice, recommendations, and any additional information which the Council or the Congress deems appropriate.".

(b) Section 401 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) The National Council shall—

"(1) review all statutes pertaining to Federal programs which assist handicapped individuals;

"(2) make a priority listing of such programs based on the number of handicapped individuals such programs assist and the Federal costs of such programs;

"(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

"(4) recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincentives in Federal programs based on the assessment made pursuant to clause (3); and

"(5) prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection.".

STAFF

SEC. 143. (a) Section 403(a) of the Act is amended by striking out "up to seven technical and professional employees" and inserting in lieu thereof "an Executive Director".

(b) Section 403(a) of the Act is further amended by adding at the end thereof the following new sentence: "The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals.".

(c) Section 403(a) of the Act is further amended by inserting "(1)" after the section designation and by adding at the end thereof the following new subsection:

"(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.".

(d) Section 403(b) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraphs:

"(2) The National Council may—

"(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

"(B) accept, in the name of the Council, employ and dispose of in furtherance of this Act, any money, or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

"(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

"(3) Not more than 10 percent of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

"(4) From the amount available to the Office of Special Education and Rehabilitative Services, Department of Education, $500,000 in fiscal year 1984 shall be transferred and made available to the National Council.".

PART E—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

AUTHORIZATION OF APPROPRIATIONS

SEC. 151. Section 502(i) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986.".

PART F-EMPLOYMENT OPPORTUNITIES

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS

SEC. 161. Section 617 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 617. There are authorized to be appropriated to carry out the provisions of this part such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

PROJECTS WITH INDUSTRY

SEC. 162. (a) The matter preceding clause (A) of section 621(a)(1) of the Act is amended by inserting after "employers" a comma and the following: "designated State units".

(b) Section 621(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(3) Any agreement developed under this subsection shall include a description of an evaluation plan which at the end of each year of a funding cycle reflects at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the types of assistance provided;

"(C) the sources of funding;

"(D) the percentage of resources committed to each type of assistance provided;

"(E) the extent to which the employment status and earning power of handicapped individuals changed following assistance;

"(F) the extent of capacity building activities, including collaboration with other organizations, agencies, and institutions; and

"(G) a comparison, when appropriate, of activities in prior years with activities in the most recent year.".

(c) Section 621 of the Act is amended by adding after subsection (c) the following new subsections:

"(d)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in section (a)(3) to assist each recipient under the Projects With Industry Program receiving assistance under this title to review and evaluate the operation of its projects.

"(2) The Commissioner shall, pursuant to section 14 of this Act, conduct a comprehensive evaluation of the Projects with Industry Program and submit a report on February 1, 1986, to Congress on the evaluation, including recommendations for the improvement and continuation of each recipient and for the support of new Projects With Industry recipients. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evalution criteria which are consistent with those required in section (a)(3).

"(3) In developing standards for evaluation to be used by the Projects With Industry recipients, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from State Vocational Rehabilitation Agencies, current Projects With Industry recipients, professional organizations representing industry, organizations representing handicapped individuals, individuals assisted by Projects With Industrial recipients, and labor organizations.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within 90 days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within 90 days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting.

"(e) The parties to each agreement receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 is enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the agreement.".

EQUITABLE DISTRIBUTION

SEC. 163. Section 621 of the Act (as amended by section 162) is amended by adding at the end thereof the following new subsection:

"(f) The Commissioner shall to the extent practicable assure an equitable distribution of payments made under this section among the States.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. Section 623 of the Act is amended by striking out "of this part for each fiscal year beginning before October 1, 1982" and inserting in lieu thereof "for section 621, $13,000,000 for fiscal year 1984, $14,400,000 for fiscal year 1985, and $15,200,000 for fiscal year 1986; and for section 622, such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986".

TECHNICAL AMENDMENT

SEC. 165. Section 612(b) of the Act is amended by striking out "Comprehensive Employment and Training Act of 1973" and inserting in lieu thereof "Job Training Partnership Act".

PART G—SERVICES FOR INDEPENDENT LIVING

EVALUATION

SEC. 171. (A) Section 711(c) is amended—

(1) by striking out "and" at the end of clause (2);

(2) by redesignating clause (3) as clause (4); and

(3) by inserting after clause (2) the following new clause:

"(3) contain a description of an evaluation plan which at the end of each year of a funding cycle shall reflect at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the extent to which individuals with varying handicapping conditions were served;

"(C) the types of services provided;

"(D) the sources of funding;

"(E) the percentage of resources committed to each type of service provided;

"(F) how services provided contributed to the maintenance of or the increased independence of handicapped individuals assisted;

"(G) the extent to which handicapped individuals participate in management and decisionmaking in the center;

"(H) the extent of capacity building activities including collaboration with other agencies and organizations;

"(I) the extent of catalytic activities to promote community awareness, involvement, and assistance;

"(J) the extent of outreach efforts and the impact of such efforts; and

"(K) a comparison, when appropriate, of prior year(s) activities with most recent year activities.".

(b) Section 711 of the Act is amended by inserting at the end thereof the following new subsection:

"(e)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in subparagraph (c)(3) to assist each independent living center receiving funding under this title to review and evaluate the operation of its center.

"(2) The Commissioner shall, under the authority specified in section 14 of this Act, conduct a comprehensive evaluation of the Centers for Independent Living Grant Program, and submit a report no later than February 1, 1986, to Congress on the evaluation, including recommendations for the improvement and continuation of each grantee and for the support of new independent living centers. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evaluation which are consistent with the standards required in paragraph (1).

"(3) In developing standards for evaluation to be used by the grantees, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from national organizations representing handicapped individuals and independent living programs; and from independent living centers, professionals serving handicapped individuals, and individuals, associations, and organizations engaged in research in independent living.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within 90 days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within the 90 days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting.

"(f) Grantees receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 are enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 172. (a)(1) Section 731 of the Act the second time it appears is redesignated as section 741.

(2) The table of contents of the Act is amended by striking out "Sec. 731" after part E and inserting in lieu thereof "Sec. 741".

(b)(1) Section 741(a) of the Act (as so redesignated) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out part A of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(2) Section 741(b) of the Act (as so redesignated) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out part B of this title $21,000,000 for the year 1984, $22,000,000 for the fiscal year 1985, and $23,000,000 for the fiscal year 1986.".

(3) Section 741(c)(1) of the Act (as so redesignated) is amended to read as follows:

"(c) There are authorized to be appropriated to carry out part C of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(4) Section 741 of the Act (as so redesignated) is amended by inserting after subsection (c)(1) (as amended by paragraph (3) of this subsection) the following:

"(d)(1) There are authorized to be appropriated to carry out part D of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

TITLE II—REAUTHORIZATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SHORT TITLE

SEC. 201. This title may be cited as the "Helen Keller National Center Act".

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds that—

(1) deaf-blindness is among the most severe of all forms of disabilities, and there is a great and continuing need for services and training to help deaf-blind individuals attain the highest possible level of development;

(2) due to the rubella epidemic of the 1960's and recent advances in medical technology that have sustained the lives of many severely disabled individuals, including deaf-blind individuals, who might not otherwise have survived, the need for services for deaf-blind individuals is even more pressing now than in the past;

(3) helping deaf-blind individuals to become self-sufficient, independent, and employable by providing the services and training necessary to accomplish that end will benefit the Nation, both economically and socially;

(4) the Helen Keller National Center for Deaf-Blind Youths and Adults is a vital national resource for meeting the needs of deaf-blind individuals and no State currently has the facilities or personnel to meet such needs;

(5) the Federal Government has invested approximately $10,000,000 in capital, equipment, and operating funds for such Center since it was established; and

(6) it is in the national interest to continue to provide support for the Center, and it is a proper function of the Federal Government to be the primary source of such support.

AUTHORIZATION FOR THE CONTINUED OPERATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS; REPEAL OF PRIOR AUTHORIZATION

SEC. 203. (a) Section 313 of the Rehabilitation Act of 1973 (29 U.S.C. 777c) is repealed.

(b) The Secretary of Education shall continue to administer and support the Helen Keller National Center for Deaf-Blind Youths and Adults in the same manner as such Center was administered pursuant to section 313 of the Rehabilitation Act of 1973, to the extent such manner of administration is not inconsistent with any purpose described in subsection (c) or any other requirement of this title.

(c) The purposes of the Center are to—

(1) provide specialized intensive services, or any other services, at the Center or anywhere else in the United States, which are necessary to encourage the maximum personal development of any deaf-blind individual;

(2) train professionals and allied personnel at the Center or anywhere else in the United States to provide services to deaf-blind individuals; and

(3) conduct applied research, development programs, and demonstrations with respect to communication techniques, teaching methods, aids and devices, and delivery of services.

AUDIT; MONITORING AND EVALUATION

SEC. 204. (a) The books and accounts of the Center shall be audited annually by an independent auditor in the manner prescribed by the Secretary and a report on each such audit shall be submitted by the auditor to the Secretary at such time as the Secretary shall prescribe.

(b)(1) The Secretary shall establish procedures for monitoring, on a regular basis, the services performed and the training conducted by the Center.

(2) The Secretary shall, in addition to the regular monitoring required under paragraph (1), conduct an evaluation of the operation of the center at the end of each fiscal year. A written report of such evaluation shall be submitted to the President, the Clerk of the House of Representatives, and the Secretary of the Senate within one hundred and eighty days after the end of the fiscal year for which such evaluation was conducted. The first such report shall be submitted for fiscal year 1983.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated $4,000,000 for the fiscal year 1984, $4,200,000 for the fiscal year 1985, and $4,300,000 for the fiscal year 1986 to carry out the provisions of this title. Such sums shall remain available until expended.

(b) Any appropriation act containing any appropriation authorized by subsection (a) shall contain a statement of the specific amount being made available to the center.

DEFINITIONS

SEC. 206. For purposes of this title—

(1) the terms "Helen Keller National Center for Deaf-Blind Youths and Adults" and "Center" mean the Helen Keller National Center for Deaf-Blind Youths and Adults, and its affiliated network, operated pursuant to section 313 of the Rehabilitation Act of 1973 and continued under this title;

(2) the term "deaf-blind individual" means any individual—

(A) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or central acuity of 20/200 if there is a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees,

(B) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, and

(C) for whom the combination of the impairments described in subparagraphs (A) and (B) causes extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation,

and such term includes any other meaning the Secretary may prescribe by regulation; and

(3) the term "Secretary" means the Secretary of Education.

CONSTRUCTION OF ACT; EFFECT ON AGREEMENTS

SEC. 207. This title shall not be construed as modifying or affecting any agreement between the Department of Education or any other department or agency of the United States and the Industrial Home for the Blind, Incorporated, or any successor to or assignee of such corporation, with respect to the Center.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 208. (a) The table of contents of the Rehabilitation Act of 1973 is amended by striking out "Sec. 313. Helen Keller National Center.".

(b) Section 310(a) of the Rehabilitation Act of 1973 is amended by striking out "(other than section 313),".

TITLE III—DEVELOPMENTAL DISABILITIES

ADMINISTRATIVE AMENDMENT

SEC. 301. Section 102(11) of the Developmental Disabilities Assistance and Bill of Rights Act (hereafter in this title referred to as "the Act") is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 302. The first sentence of section 113(b)(2) of the Act is amended to read as follows: "There is authorized to be appropriated for allotments under paragraph (1) $6,400,000 for fiscal year 1984.".

UNIVERSITY AFFILIATED FACILITIES

SEC. 303. Section 123 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. There is authorized to be appropriated to carry out this part $7,800,000 for fiscal year 1984.".

GRANTS FOR PLANNING AND THE PROVISION OF SERVICES

SEC. 304. Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. There is authorized to be appropriated to carry out the provisions of this part $45,400,000 for fiscal year 1984.".

SPECIAL PROJECTS

SEC. 305. Section 145(f) of the Act is amended to read as follows:

"(f) For the purpose of making grants under subsection (a), there is authorized to be appropriated $2,600,000 for fiscal year 1984.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Development Disabilities Assistance and Bill of Rights Act, and for other purposes.".

And the House agree to the same.

For consideration of the Senate bill exclusive of title II:

CARL D. PERKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
IKE ANDREWS,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALTASAR CORRADA,
PAT WILLIAMS,
RAY KOGOVSEK,
JOHN N. ERLENBORN,
STEVE BARTLETT,
BILL GOODLING,
STEVE GUNDERSON,
TOM COLEMAN,

Additional Education and Labor Committee members to be conferees on title I of the Senate bill and modifications committed to conference:

DALE KILDEE,
HOWARD C. NIELSON,

Additional Energy and Commerce Committee members of serve jointly with Educa-

tion and Labor Committee members on section 402(c)(8) of title IV of the House amendment and modifications committed to conference:

JOHN D. DINGELL,
JAMES SCHEUER,
RICHARD OTTINGER,
PHILIP R. SHARP,
ED MARKEY,
TOM LUKEN,
JAMES T. BROYHILL,
TOM CORCORAN,
CARLOS J. MOORHEAD,

As exclusive conferees on title II of the Senate bill and modification committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES T. BROYHILL,

Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
PAULA HAWKINS,
DON NICKLES,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
SPARK MATSUNAGA,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the text of the Senate bill and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The provisions of the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

VOCATIONAL REHABILITATION SERVICES

DEFINITION OF A HANDICAPPED INDIVIDUAL

The Senate bill amends the definition of a handicapped individual for the purposes of title I of the Rehabilitation Act of 1973, as amended, (hereinafter, the Act) by defining an "individual" as a person who has reached the age of sixteen.

The House amendment does not contain a comparable provision.

The Senate recedes.

ANNUAL REPORT REQUIREMENTS

The Senate bill provides that the Commissioner of the Rehabilitation Services Administration (hereinafter, the Commissioner) shall collect annually the following data on each client served: age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings before and after services, work status, occupation, cost of services, types of services provided, reasons for closure, types of facilities or agencies which furnished services and whether each such facility or agency is public or private. The Commissioner shall ensure the confidentiality of the identity of each client.

The House amendment does not contain a comparable provision.

The House recedes.

The conferees agree that a proven strength of the vocational rehabilitation program is its ability to be measured not only by its cost-effectiveness, but also in terms of its impact on the lives of individuals served. In addition to the primary objective of employment, the provision of rehabilitation services results in other positive aspects which can and should be documented. For instance, the educational level of an individual can be raised or the independence level can be increased. The conferees support the collection of this data through the "Life Status Indicators" section of the Vocational Rehabilitation Program Impact Recording Form.

In addition to supporting the requirement of individual client data, the conferees consider the information which has been available in the "Annual Vocational Rehabilitation Program/Cost Report", RSA Reporting Form RSA-2, essential to the provision of quality rehabilitation services and the effective management of rehabilitation agencies. The conferees are in agreement that the Commissioner shall continue to collect this data, which includes information on the expenditure of both State matching and Federal funds by State Rehabilitation Agencies for administrative costs, services purchased from both public and private rehabilitation facilities, counseling and placement, and other specific services such as evaluation, total restoration, training, post-employment and maintenance, and the number of services purchased. This information is vital to State agency administrators, the persons served by the rehabilitation agencies, to oversight bodies within the United States Congress and State legislatures, as well as to the Executive branches of both Federal and State governments. Form RSA-2 is the only document which provides these specific breakdowns of cost to the vocational rehabilitation program.

STANDARDS FOR EVALUATION

The Senate bill amends section 14 of the Act to require the Secretary of the Department of Education (hereinafter, the Secretary) to establish and use standards for evaluation. Such standards shall include, to the extent feasible, for all appropriate programs information relating to increases in employment and earnings, taking into account economic factors in the area served and characteristics of individuals served. The bill also requires an evaluation of projects with industry, funded under part B of title VII of the Act, by September 30, 1984. The evaluation of independent living centers is to include an assessment of alternative means of financing. Interim report of these studies would be required to be submitted to the Congress every 90 days and a final report would be required by December 31, 1984.

The House amendment does not contain a comparable provision.

The House recedes with an amendment deleting from the amendment to section 14 the specific requirement for the evaluation studies of projects with industry and independent living centers. In amendments to sections 621 and 711 of the Act the House provides for specific evaluation studies of projects with industry and independent living centers.

REFERENCES TO DEPARTMENTS AND OFFICIALS

The Senate bill updates references to Federal departments and department heads to reflect changes made by the establishment of the Department of Education and the Office of Personnel Management.

The House amendment does not contain a comparable provision.

The House recedes.

STATE REHABILITATION PROGRAM: DATA AND COORDINATION

The conferees note and commend the experience and accomplishments of the State Vocational Rehabilitation Agencies in the area of job training and job placement. These experiences would lend valuable assistance to the ongoing activities in the States and localities under the Job Training Partnership Act.

Therefore, the conferees wish to make clear their intent that full coordination be encouraged between the activities of the State Vocational Rehabilitation Agencies, authorized under title I of the Rehabilitation Act, as amended, and the State and local efforts authorized under the Job Training Partnership Act.

This coordination could lead to the valuable sharing of expertise, experience and efforts in the area of job training and placement, and could be of great benefit to persons with mental and physical disabilities served by both the State rehabilitation programs, and the Job Training Partnership Act.

It is the intent of the conferees that data gathered under section 618(b)(3) of Public Law 98-199, the Education of the Handicapped Act Amendments of 1983, be utilized by State Vocational Rehabilitation Agencies in meeting State plan requirements, particularly the requirements of clauses (10) and (15) under section 101 of the Rehabilitation Act.

Section 618(b)(3) of Public Law 98-199 requires that State Special Education Agencies collect data on: "the number of handicapped children and youth exiting the educational system each year through program completion or otherwise, by disability category and age, and anticipated services for the next year;".

Section 101, clauses (10) and (15) of the Rehabilitation Act outline requirements for the assessment of statewide needs of handicapped individuals.

It is the intent of the conferees that this information about handicapped special education students served through the State Education Agencies be used to assist State Vocational Rehabilitation Agencies in determining the areas of service need for handicapped persons within their States. The conferees expect that this transfer of information will benefit handicapped persons in the transition from school to adult life. Sharing of this information with State Planning Councils authorized under the Developmental Disabilities Act would facilitate comprehensive statewide planning for adult services for handicapped persons.

LENGTH OF REAUTHORIZATION OF STATE GRANTS

The Senate bill reauthorizes the State grant entitlement program for three fiscal years.

The House amendment reauthorizes the State grant entitlement program for five fiscal years.

The House recedes with an amendment to provide that unless Congress has by the end of fiscal year 1986 exter.ded the authorization of appropriations for this section, or

taken action to provide that the provisions of this section are no longer applicable, the authorization of appropriations for the State grant entitlement is extended for one additional year at a level of increase represented in any cost of living increase, based on the Consumer Price Index for All Urban Consumers, for the previous fiscal year.

AUTHORIZATION OF APPROPRIATIONS FOR STATE GRANTS

The Senate bill authorizes appropriations for the entitlement for State grants of $993.9 million for fiscal year 1984, $1,047.6 million for fiscal year 1985, and $1,103 million for fiscal year 1986.

The House amendment authorizes the entitlement for State grants at $1,037.8 million for fiscal year 1984, and for fiscal years 1985 through 1988 at the level of the entitlement for the previous fiscal year increased by the percentage that the Consumer Price Index for All Urban Consumers increases for each such previous fiscal year. The House amendment further authorizes such additional sums as may be necessary for each of the fiscal years 1985, 1986, 1987 and 1988.

The Senate recedes with an amendment which provides that the total of amounts appropriated for the State grant entitlement program and the additional authorization of appropriations shall not exceed $1,117,500,000 for fiscal year 1985 and $1,203,200,000 for fiscal year 1986.

ALLOCATION OF FUNDS IN EXCESS OF ENTITLEMENT

The House amendment provides that in any year in which amounts are appropriated in addition to the allotments to which States are entitled, such additional amounts shall be allocated in the same ratio to the amount so appropriated as each State's entitlement allotment bears to the sum of the allotments of all of the States.

The Senate bill does not contain a comparable provision.

The Senate recedes.

GRANTS TO INDIAN TRIBES

Both the Senate bill and the House amendment extend the authorization of appropriations for grants to Indian tribes at such sums as may be necessary through fiscal year 1986. The conference agreement includes this provision.

The conferees note that the evaluation required by section 131 of the act has never been submitted to Congress. This evaluation should have been submitted to Congress no later than 30 months after the date of enactment (November 6, 1978) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments. The conferees expect the Secretary to conduct and complete expeditiously this evaluation of programs authorized by part D, American Indian Vocational Rehabilitation Services. In addition, the conferees expect the evaluation to include a comparison of the provision of vocational rehabilitation services to American Indians under part D to the provision of vocational rehabilitation services under section 101 to handicapped American Indians residing on large reservations, reservations in remote areas, and reservations spanning more than one State.

MAINTENANCE OF EFFORT

The Senate bill repeals, as of October 1, 1986, the provision of current law which authorizes supplementary Federal funding for States required to overmatch their Federal allotment for vocational rehabilitation services due to the maintenance of effort provision in section 111 of the Act.

The House amendment does not contain a comparable provision.

The Senate recedes.

ELIGIBILITY FOR SERVICE

The House amendment deletes the words "beyond any reasonable doubt" from the provision of current law which requires that a finding of ineligibility for services must demonstrate beyond any reasonable doubt that the individual is not capable of achieving a vocational goal.

The Senate bill does not contain a comparable provision.

The Senate recedes.

CLIENT ASSISTANCE

The Senate bill requires the establishment of a client assistance program (CAP) in each State by September 30, 1985, as a condition of eligibility for the State grant for vocational rehabilitation services. The bill changes current law to require that the Governor shall designate a public or private agency to administer the program and that such agency shall be independent of the State Vocational Rehabilitation Agency or any agency providing treatment, services or rehabilitation under this Act. The bill authorizes appropriations of $6 million in fiscal year 1984, $6.3 million in fiscal year 1985, and $6.7 million in fiscal year 1986. Funds are to be allotted to States on the basis of relative State population, except that each State shall receive a minimum of $50,000 and each territory shall receive $30,000.

The House amendment reauthorizes appropriations for client assistance projects under current law at no less than $3.5 million of amounts appropriated in excess of $11,860,000 under section 310 of the Act for fiscal years 1984, 1985, and 1986. In the event that funds appropriated under section 310 do not exceed $11,860,000, the Commissioner is authorized to utilize such funds to carry out this section.

The House recedes with an amendment to change the effective date from September 30, 1985 to October 1, 1984 and to provide that in States in which section 112 client assistance program grants are now or have been administered in or by the Vocational Rehabilitation Agency, or an agency receiving vocational rehabilitation funds, the independence requirements do not pertain. The House amendment further requires that the Commissioner of the Rehabilitation Services Administration shall conduct a comprehensive evaluation of the client assistance program and provide the results to Congress no later than February 1, 1986. The House amendment further states the CAPs are prohibited from bringing any class actions.

Through this reauthorization, section 112, which authorized client assistance projects, is changed from a demonstration, discretionary program to a formula State grant program. The conferees concur that such a change is warranted so that handicapped individuals throughout the country may benefit from the services provided by client assistance programs. In authorizing this new State grant program new provisions are established to enhance and strengthen the original purposes of the client assistance program.

The conferees intend that the Governor have the widest range of advice prior to making the placement decision related to the client assistance program. The conferees believe that obtaining input from the Director of the State Vocational Rehabilitation Agency and the Director of the Developmental Disabilities Protection and Advocacy Program, as well as professional and consumer groups prior to the placement decision will assist the Governor in choosing the most appropriate option.

The conferees recognize that CAP projects have been placed in a variety of settings in the past. In order to ensure minimal disruption of such projects, while still ensuring the maximum level of their autonomy, the conferees intend that CAP projects formerly or currently administered and housed in a Vocational Rehabilitation Agency, may be administered and housed in such an agency if the Governor chooses such an option. In States which have never had a section 112 grant administered within such an agency, the Governor must not choose a Vocational Rehabilitation Agency to administer the program. However, nothing in this section shall be interpreted to prohibit the physical location of the Office of Client Assistance in a Vocational Rehabilitation Agency. Nothing in this section would prohibit the placement of a client assistance program with a Developmental Disabilities Council or a Protection and Advocacy Office.

The confereees believe that CAPs, to the maximum extent possible, encourage and assist handicapped individuals and Vocational Rehabilitation Agencies to resolve their differences through mediation before pursuing administrative and legal remedies.

The conferees believe that a thorough and thoughtful study of the new client assistance program formula grant program is needed to document the variety of approaches to client assistance services and their similarities and differences. The conferees realize that section 112(f) mandates that an annual report be submitted to the Secretary and Congress on the operation of the program during the previous year. However, the conferees intend that section 112(h) be a one-time extensive evaluation study as provided by section 14. It is the intent of the conferees that the annual report, required by section 112(f), continue to be submitted.

INNOVATION AND EXPANSION

The Senate bill amends existing law to delete reference to handicapped individuals who are poor and for whom the State Rehabilitation Agency shares responsibility for their treatment, education, and rehabilitation with other agencies. The Senate bill adds to current law reference to programs which maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults. Both the Senate bill and the House amendment extend the authorization of appropriations for innovation and expansion grants at such sums as may be necessary through fiscal year 1986.

The House amendment extends from September 30, 1982 until September 30, 1986 the date until which funds appropriated for grants under this section shall remain available.

The conference agreement includes both provisions.

RESEARCH

EXPENSES OF NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

The House amendment extends through fiscal year 1986 the authorization of such sums as may be necessary for the expenses of administering the National Institute of Handicapped Research.

The Senate bill does not contain a comparable provision.

The Senate recedes.

AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH

The Senate bill authorizes appropriations for rehabilitation research of $36 million for fiscal year 1984, $38 million for fiscal year 1985 and $40 million for fiscal year 1986.

The House amendment authorizes such sums as may be necessary through fiscal year 1986 for rehabilitation research.

The House recedes with an amendment setting the authorization of appropriations at $36 million for fiscal year 1984, $40 million for fiscal year 1985 and $44 million for fiscal year 1986.

REQUIREMENTS OF THE DIRECTOR

The Senate bill specifies that the Director of the National Institute of Handicapped Research shall be an individual with substantial experience in rehabilitation and in research administration. The bill also requires the Director to establish a program of pediatric rehabilitation research through a grant to an institution of higher education and to establish, either directly or by way of grant or contract, a research and training center in the Pacific Basin.

The House amendment does not contain a comparable provision.

The House recedes.

Historically the need for a research and training center for the handicapped in the Pacific Basin has been overlooked. Given the scarcity of resources for the rehabilitation of the handicapped in this area, the conferees feel that a research and training center should be established, drawing on the existing facilities and resources of the Rehabilitation Hospital in Hawaii, in order that the unique needs of the handicapped population in Hawaii, Guam and the Trust Territories be met.

GRANTS TO RESEARCH AND TRAINING CENTERS

Both the Senate bill and the House amendment provide that research and training centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review, including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority.

The conference agreement includes these provisions.

GRANTS FOR FACULTY SUPPORT

The Senate bill provides that grants to research and training centers may include faculty support for teaching of rehabilitation related courses of study for credit and other courses offered by the institutions of higher education affiliated with the center.

The House amendment is identical except that it does not restrict courses to those that are rehabilitation related.

The house recedes.

The conferees intend that such grants for faculty support shall be for the teaching of rehabilitation related courses only, whether such courses are for credit or not for credit.

TECHNICAL AMENDMENT

The Senate bill makes a technical correction to section 204(b)(3) of the Act by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311(b)".

The House amendment strikes out "303(b)" and inserts in lieu thereof "311".

The House recedes with an amendment inserting in lieu thereof "pursuant to sections 310 and 311".

GRANTS FOR INNOVATIVE RESEARCH

The Senate bill authorizes the Director of the National Institute of Handicapped Research to make grants to conduct a rehabilitation research program to test new concepts and innovative ideas, demonstrate research results of higher potential benefits, purchase prototype aids and devices for evaluation, develop unique rehabilitation training curricula, and be responsible to special initiatives of the Director. No single payment is to exceed $50,000 and the total amount available in any fiscal year for these special grants is not to exceed five percent of the total research funds available under section 204. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.

The House amendment does not contain a comparable provision.

The house recedes with an amendment striking the word "payment" and inserting in lieu thereof the word "grants".

SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

Both the Senate bill and the House amendment extend the authorization of appropriations of such sums as may be necessary for the purpose of making grants and contracts for construction, staffing and planning assistance for rehabilitation facilities through fiscal year 1986. Amounts appropriated for construction or staffing grants under this section shall remain available for expenditure prior to October 1, 1987.

The conference agreement includes these provisions.

VOCATIONAL TRAINING

Both the Senate bill and the House amendment extend the authorization of such sums as may be necessary through fiscal year 1986 for grants to States and public or nonprofit organizations and agencies for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

The conference agreement includes this provision.

PERSONNEL TRAINING

The Senate bill provides that trained rehabilitation personnel are to include individuals specifically trained to deliver services to persons who may benefit from independent living services and individuals specifically trained to deliver services in client assistance programs. Training provided to rehabilitation counselors is to include training in the applicability of the provisions of section 504.

The House amendment does not contain a comparable provision.

The House recedes.

In amending section 304(a) of the Act the conferees agree that rehabilitation counselors receive training in the applicability of section 504. It is the intent of the conferees that such training enable counselors to inform their clients on section 504 protections as they relate to programs under this Act. While such training should also touch on the general applicability of section 504 to other Federal programs, it is not the conferees' intent to require extensive training in section 504 applicability other than in its relation to programs under this Act.

TARGETING OF TRAINING PROJECTS

Both the Senate bill and the House amendment strike from section 304(b) of the Act the provision relating to the utilization of grants or contracts for a balanced program to meet the medical, vocational and other personnel training needs of public and private rehabilitation programs and institutions. Both the Senate bill and the House amendment provide in lieu thereof the requirement that grants and contracts shall be targeted to areas of personnel shortage.

The conference agreement includes this provision.

It is the intent of the conferees that the term "personnel shortage" as used in section 304(b) and 304(c) apply not only to shortages in numbers of personnel, but also to deficiencies in levels of personnel skills. The conferees recognize that it is essential to maintain and upgrade the skills of presently employed personnel, as well as to increase the number of personnel in shortage areas, in order to meet current and projected vocational rehabilitation service needs.

For the purpose of ensuring high quality peer review of training grants, the conferees expect the Department of Education to allocate sufficient fund from within the salaries and expenses account of its budget. The conferees believe that competency, independence of judgement and adequate time to review all materials are vital, and expect such standards to be established and maintained.

The conferees wish to clarify that the phrase "other fields contributing to the rehabilitation of handicapped individuals" in section 304(b) includes the field of rehabilitation dentistry.

ALLOCATION OF TRAINING FUNDS

Both the Senate bill and the House amendment add to section 304(c) of the Act the requirement that the Commissioner submit to Congress, along with the budget submission for the succeeding fiscal year, a report which justifies in detail how the training funds for the previous year have been allocated by professional discipline and other program areas. The report shall contain findings on personnel shortages, how funds will be allocated in the succeeding year and how the findings of personnel shortages justify such allocations.

The conference agreement includes these provisions.

It is the intent of the conferees that the Commissioner shall be responsible for gathering accurate information for the report required by this section, and shall not depend solely on information which may be collected from organizations representing professional disciplines.

QUALIFIED PERSONNEL

The Senate bill inserts the word "qualified" before "personnel" each time it appears in section 304(a) of current law.

The House amendment inserts the word "qualified" before "personnel" where it first appears in sections 304(a) and (c).

The Senate recedes.

The conferees emphasize that the term "qualified personnel" as used in these sections refers to staff having met exising certification and/or licensure requirements of appropriate State and/or national certification boards, and is not intended to require licensure and/or certification where it is not presently required.

AUTHORIZATION OF APPROPRIATIONS FOR TRAINING

The Senate bill authorizes for training $22 million for fiscal year 1984, $26.9 million for fiscal year 1985, and $28.3 million for fiscal year 1986.

The House amendment authorizes such sums as may be necessary for fiscal years 1984 through 1986.

The House recedes with an amendment setting the authorization of appropriations for training at $22 million for fiscal year 1984, $27 million for fiscal year 1985, and $31 million for fiscal year 1986.

COMPREHENSIVE REHABILITAITON CENTERS

Both the Senate bill and the House amendment extend through fiscal year 1986 the authorization of appropriations of such sums as may be necessary for comprehensive rehabilitation centers under section 305 of the Act.

The conference agreement includes this provision.

AUTHORIZAITON OF APPROPRIATIONS FOR SPECIAL PROJECTS

The Senate bill authorizes for appropriations for special projects, other than the Helen Keller National Center and special recreation projects, $12.9 million for fiscal year 1984, $13.6 million for fiscal year 1985, and $14.3 million for fiscal year 1986.

The House amendment authorizes for appropriations for special projects such sums as may be necessary for fiscal years 1984 through 1986. The House amendment deletes the reference to funding for the Helen Keller National Center.

The House recedes. In a subsequent amendment, the Senate recedes on deleting the reference to the Helen Keller National Center.

SPINAL CORD INJURY PROJECTS

The Senate bill strikes reference to spinal cord injuries from section 311(a)(1) of the Act, which authorizes the Commissioner to establish special projects for severely handicapped persons who can benefit from comprehensive services. The Senate bill authorizes the Director of the National Institute of Handicapped Research to make grants to pay all or part of the cost of special projects and demonstrations for spinal cord injuries, and requires the Director to coordinate such grants with the Commissioner.

The House amendment does not contain a comparable provision.

The House recedes.

MENTAL RETARDATION GRANTS

The Senate bill authorizes the Commissioner to make special project grants to assist individuals with mental retardation to enter the labor force. Grants are to include training, work site modification, use of new technology, coordination with business and industry, and follow-up services for persons placed in employment.

The House amendment contain a comparable provision.

The Senate recedes.

The conferees are aware of the critical unmet vocational needs of mentally retarded persons. In order to begin to meet there needs, the conferees intend that the Commissioner target some funds authorized for projects under section 311 to projects for mentally retarded persons. These projects should include job search assistance; on-the-job training; job development including work site modification and use of advanced learning technology for skills training; dissemination of information on program activities to business and industry; and follow-up services for individuals placed in employment.

JOB TRAINING FOR HANDICAPPED YOUTH

The Senate bill authorizes the Commissioner to make grants for special projects and demonstrations, including research and evaluation, to provide job training for handicapped youths. Projects shall be designed to demonstrate cooperative efforts among local educational agencies, business and industry, vocational rehabilitation programs, organizations representing labor and local economic development programs. Projects are required to be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.

The House amendment does not contain a comparable provision.

The House recedes.

SPECIAL RECREATION GRANTS

The Senate bill authorizes appropriations for special recreation grants under section 316 of the Act at $2.0 million for fiscal year 1984, $2.1 million for fiscal year 1985, and $2.2 million for fiscal year 1986.

The House amendment does not contain a comparable provision.

The House recedes.

NATIONAL COUNCIL ON THE HANDICAPPED

ESTABLISHMENT OF INDEPENDENT COUNCIL

The Senate bill removes the National Council from within the Department of Education and places it "within the executive branch" of the Federal Government.

The House amendment also removes the Council from within the Department of Education, but places it "within the Federal Government".

The Senate recedes with an amendment providing that the Council may accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, USC; accept, employ and dispose of any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest or otherwise; enter into contracts and cooperative agreements with government agencies, private firms, institutions and individuals for the conduct of research, preparation of reports and other activities; use not more than 10 percent of its available funds for official representation and reception; and that there be transferred from the amount available to the Office of Special Education and Rehabilitation Services, $500,000 in fiscal year 1984 to be available to the Council.

TRANSFER OF SECRETARY'S RESPONSIBILITIES

The House amendment provides that on the effective date of these amendments, the National Council on the Handicapped would be an independent agency within the Federal Government and would not be an agency within any department or agency of the United States. All responsibilities relating to the Council which are vested in the Secretary of Education would be transferred to the Chairman of the Council.

The Senate bill does not contain a comparable provision.

The Senate recedes.

RECIPIENTS OF COUNCIL ADVICE

The Senate bill deletes from those to whom the Council provides advice on the development of programs under this Act the Commissioner, the Secretary, and the appropriate Assistant Secretary of Health, Education and Welfare and inserts in lieu thereof the President and the Congress.

The House amendment does not contain a comparable provision.

The House recedes with an amendment retaining the Commissioner and changing "the appropriate Assistant Secretary of Health, Education and Welfare" to "the appropriate Assistant Secretary of the Department of Education".

The conferees recommend that the annual report of the National Council be compiled on a fiscal year basis.

COUNCIL EMPLOYEES AND EXECUTIVE DIRECTOR

The Senate bill provides that the National Council may appoint an Executive Director, who shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals. The Executive Director, rather than the Council as in present law, is authorized to hire up to seven technical and professional employees to assist the Council to carry out its duties.

The House amendment does not contain a comparable provision.

The House recedes.

STUDY OF FEDERAL ASSISTANCE TO HANDICAPPED INDIVIDUALS

The House amendment establishes separate authority for a National Commission on Federal Assistance to Disabled Americans to examine Federal legislation which affects disabled persons, identify barriers to integration and independence, and provide Congress and the President with specific recommendations on statutory revisions to improve current legislation. The Commission would be required to submit an interim report within 12 months of its first meeting and to submit a final report of its recommendations no later than 18 months after its first meeting. The Commission would be composed of 16 members appointed to represent the major executive departments and Congressional committees which administer and oversee Federal programs for handicapped individuals.

The Senate bill does not contain a comparable provision.

The House recedes with an amendment requiring the National Council on the Handicapped to carry out an examination of legislation affecting handicapped persons and to submit a report to the President and the Congress recommending legislative proposals no later than February 1, 1986.

The conferees recognize that there are a multitude of Federal programs that benefit Americans with disabilities. These programs are authorized through the Social Security Act, the Developmental Disabilities and Bill of Rights Act, the Rehabilitation Act, as well as legislation pertaining to education, housing, transportation, and food acquisition assistance. These various programs have eligibility criteria and other requirements that may not always complement opportunities and services available through other programs. Moreover, social, economic, and technological changes in the past several years have altered the level of need for specific services, the amount of service available, and the system by which such services are delivered.

The conferees direct the National Council on the Handicapped to assess Federally-funded programs for persons with handicaps to identify in Federal legislation unwarranted and/or unintentional barriers to opportunities for such persons and to determine how such barriers may be removed. Examples of areas which should be explored include the relationship between: income maintenance programs and rehabilitation and jobs programs; institutional care programs and community-based programs such

as independent living; and education programs and job training services.

The conferees intend that the Council shall make legislative proposals based on its analyses of current law. The conferees expect that the Council shall make legislative recommendations to Congress which will promote the full integration of persons with disabilities in the workplace, in the family, and in the community.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

The Senate bill extends the authorization of the Board through fiscal year 1984.

The House amendment extends the authorization of the Board through fiscal year 1986.

The Senate recedes.

EMPLOYMENT OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

COMMUNITY SERVICE EMPLOYMENT OPPORTUNITIES

Both the Senate bill and the House amendment extend the authorization of appropriations of such sums as may be necessary through fiscal year 1986 for the community service employment pilot program for handicapped individuals under title VI, part A of this Act.

The conference agreement includes this provision.

ELIGIBILITY TO ENTER AGREEMENTS

Both the Senate bill and the House amendment provide that designated State units are eligible to enter into projects with industry agreements.

The conference agreement includes this provision.

AUTHORIZATION OF APPROPRIATIONS FOR PROJECTS WITH INDUSTRY

The Senate bill authorizes appropriations for projects with industry at $13 million for fiscal year 1984, $14.4 million for fiscal year 1985, and $15.2 million for fiscal year 1986. Both the Senate bill and the House amendment authorize such sums as may be necessary for business opportunities for handicapped individuals under section 622 of the Act.

The House amendment authorizes appropriations of such sums as may be necessary for fiscal years 1984 through 1986 for projects with industry.

The House recedes.

STANDARDS FOR PROJECTS WITH INDUSTRY

The Senate bill requires the Commissioner to develop and publish performance standards for projects with industry (PWI) by July 1, 1984. The standards must be approved by the National Council on the Handicapped. The provision requires continued funding of projects which meet performance standards as stringent as the standards established by the Commissioner and included in the project agreement. Projects receiving assistance on the date of enactment of this section shall continue to receive assistance until October 1, 1984, unless the Commissioner determines that there is substantial failure to comply with the agreement.

The House amendment does not contain a comparable provision.

The House recedes with an amendment to require that PWI agreements include a description of an evaluation plan which at the end of each year of a funding cycle reflects at a minimum the numbers and types of handicapped individuals assisted, the types of assistance provided, the sources of funding, the percentage of resources committed to each type of assistance provided, the extent to which the employment status and earning power of handicapped individuals changed following assistance, the extent of capacity building activities, and comparison with prior year activities.

The House amendment further requires the Commissioner, not later than February 1, 1985, to develop and publish standards for evaluation consistent with the above to assist each recipient to evaluate the operation of its project. The Commissioner shall conduct a comprehensive evaluation of the PWI program and submit a report, including recommendations, to Congress on February 1, 1986. In developing standards for evaluation the Commissioner shall consider recommendations from State Vocational Rehabilitation Agencies, current PWI recipients, professional organizations representing industry and handicapped individuals, individuals assisted by the projects, and labor organizations.

The House amendment further requires that no such standards may be established unless approved by the National Council on the Handicapped. The Council shall have up to 90 days to approve such standards and may be deemed to have approved them if the Department of Education has not received notification of approval or disapproval from the Council within 90 days. Council decisions on standards shall occure at regularly scheduled meetings and shall be the result of a simple majority of those present.

Parties to present agreements under this section shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the agreement.

It is the intent of the conferees that the report due to Congress no later than February 1, 1986 shall be used in the development of reauthorization legislation which must be enacted by October 1, 1986. Therefore, it is imperative that the Commissioner honor this submission date for the report.

EQUITABLE DISTRIBUTION

The Senate bill requires the Commissioner, to the extent practicable, to assure an equitable distribution of payments for projects with industry among the States.

The House amendment does not contain a comparable provision.

The House recedes.

COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING

STANDARDS FOR INDEPENDENT LIVING CENTERS

The Senate bill requires that performance standards for independent living centers funded under title VII, part B, be developed and published by July 1, 1984, and that the Commissioner make recommendations for the improvement and continuation of each center and for the support of new centers. The standards must have the approval of the National Council on the Handicapped. Each center receiving assistance at the time of the enactment of this provision shall continue to receive assistance until a final evaluation report is submitted, unless there has been a substantial failure to comply with the approved application.

The House amendment does not contain a comparable provision.

The House recedes with an amendment to require that applications for grants under this section contain an evaluation plan which shall, at the end of each year of a funding cycle, reflect at least the following: numbers and types of individuals assisted; extent to which individuals with varying handicapping conditions were served; types of services provided; sources of funding; percentage of resources committed to each type of service provided; how services contributed to the maintenance of or increased independence of handicapped individuals; extent to which handicapped individuals participate in management and decision-making in the center; extent of capacity building activities, including collaboration with other agencies and organizations; extent of catalytic activities to promote community awareness, involvement and assistance; extent of outreach efforts and impact of such efforts; and a comparison, when appropriate, of prior year activities with most recent year activities.

The House amendment further provides that the Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the above provisions to assist each center to review and evaluate its operation. The Commissioner shall conduct a comprehensive evaluation of the program and submit a report to Congress no later than February 1, 1986. The report shall include recommendations for the improvement and continuation of grantees and for the support of new centers. In conducting the evaluation, the Commissioner shall apply standards consistent with the standards required by this section. In developing standards to be used by the grantees and to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations from national organizations representing handicapped individuals and independent living programs, from independent living centers, from professionals serving handicapped individuals, and from individuals, associations and organizations engaged in research in independent living.

No standards may be established unless approved by the National Council on the Handicapped. The Council shall have up to 90 days to approve such standards and may be deemed to have approved them if the Department of Education has not received notification of approval or disapproval within the 90 days. Council decisions on standards shall occur at regularly scheduled meetings and shall be the result of a simple majority of those present.

Grantees receiving assistance upon the date of enactment shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.

It is the intent of the conferees that the report due to Congress no later than February 1, 1986 shall be used in the development of reauthorization legislation which must be enacted by October 1, 1986. Therefore, it is imperative that the Commissioner honor this submission date for the report.

AUTHORIZATION OF APPROPRIATIONS FOR INDEPENDENT LIVING SERVICES

The Senate bill authorizes appropriations of such sums as may be necessary through fiscal year 1986 for title VII, part A, comprehensive State services for independent living; and for part C, services for older blind individuals, and strikes the provision in current law that not in excess of 10% of the amount appropriated for part A shall be available to carry out the provisions of part C of this title. The bill authorizes appropriations of $21 million for each of the fiscal

years 1984 through 1986 for part B, independent living centers.

The House amendment authorizes such sums as may be necessary through fiscal year 1986 for part A, comperhensive State services; part B, independent living centers; and part D, protection and advocacy. The House amendment retains the current law provision setting aside 10% of part A appropriations for part C.

The House recedes with an amendment providing such sums as may be necessary for part A, part C and part D, through fiscal year 1986, and setting the authorization of appropriations for part B at $21 million for fiscal year 1984, $22 million for fiscal year 1985, and $23 million for fiscal year 1986.

The conferees wish to strongly endorse the full implementation of the independent living concept through funding for part of title VII, which authorizes a statewide comprehensive service delivery system for the severely handicapped. Cooperatively with the centers funded through part B of this title, services made available through part A would enhance, expand and stabilize the independent living program. Although only five years old, independent living centers have demonstrated that there are cost-effective alternatives to institutional case for the severely handicapped and that persons with the most severe disabilities can improve their capacity to function in the employment market or in preparation for employment. Until a statewide delivery system is implemented, however, the benefits of independent living services will be available to only a small percentage of severely handicapped persons who are in need of them in order to lead full and productive lives. The conferees urge a sufficient appropriation for part A of title VII in fiscal year 1985 to permit a meaningful start-up of the statewide independent living program.

TECHNICAL AND CONFORMING AMENDMENTS

The House amendment makes a technical correction, redesignating section 731 of part E of the Act as section 741, and strikes a reference to "Comprehensive Employment and Training Act of 1973" and inserts in lieu thereof "Job Training Partnership Act".

The Senate bill does not contain a comparable provision.

The Senate recedes.

HELEN KELLER NATIONAL CENTER

The Senate bill authorizes appropriations for the Helen Keller National Center, as it is presently administered under section 313 of the Act, at $3.7 million for fiscal year 1984, $3.9 million for fiscal year 1985, and $4.1 million for fiscal year 1986.

The House amendment removes the authority for the Helen Keller National Center from the Rehabilitation Act by repealing section 313 and establishes a separate authorization for the Center under a Helen Keller National Center Act. The Center would continue to be administered by the Secretary of Education. The House amendment authorizes such sums as may be necessary for fiscal year 1984 and for each of the four subsequent fiscal years as appropriations for the Helen Keller National Center for Deaf-Blind Youths and Adults.

The Senate recedes with an amendment setting the authorization of appropriations for the Center at $4.0 million for fiscal year 1984, $4.2 million for fiscal year 1985, and $4.3 million for fiscal year 1986.

EFFECTIVE DATE

The Senate bill is effective upon enactment.

The House amendment makes the provisions of titles I through III effective October 1, 1983.

The House recedes.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT

The Senate bill would increase the authorization for fiscal year 1984 for the four programs under the Developmental Disabilities Assistance and Bill of Rights Act. The Senate bill would raise the total authorization of appropriations to $64.2 million for fiscal year 1984 for these programs.

The House amendment does not contain a comparable provision.

The House recedes.

MODIFICATION OF CERTAIN RECONCILIATION ACT LIMITS

The House amendment contains increases in the authorization of appropriations for: Chapter 1 of the Education Consolidation and Improvement Act of 1981; the impact aid program (P.L. 81-815); the Vocational Education Act of 1963; the Adult Education Act; the National Foundation on the Arts and Humanities Act of 1965; the Museum Services Act; the Community Services Block Grant Act; the Low-Income Home Energy Assistance Act of 1981; the supplemental food program for women, infants and children under section 17 of the Child Nutrition Act of 1966; the Education of the Handicapped Act; and the National Technical Institute for the Deaf Act. The House amendment further contains a revision in the Low-income Energy Assistance Program which provides for a change in the distribution of funds for the program.

The Senate bill does not contain a comparable provision.

The House recedes.

SPECIAL IMPACT AID FOR IMMIGRANT CHILDREN EDUCATION

The House amendment contains a program of grants to States to educate immigrant children. Such sums as may be necessary are authorized for fiscal year 1984 through 1986. Funds are distributed on the basis of numbers of immigrant children in qualifying districts, with a maximum payment of $500 per student. Any Federal funds received by a school district for any such children due to their status would be deducted from the school district's grant under this program.

The Senate bill does not contain a comparable provision.

The House recedes.

For consideration of the Senate bill exclusive of title II:

CARL D. PERKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
IKE ANDREWS,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALTASAR CORRADA,
PAT WILLIAMS,
RAY KOGOVSEK,
JOHN N. ERLENBORN,
STEVE BARTLETT,
BILL GOODLING,
STEVE GUNDERSON,
TOM COLEMAN,

Additional Education and Labor Committee members to be conferees on title I of the Senate bill and modifications committed to conference:

DALE E. KILDEE,
HOWARD C. NIELSON,

Additional Energy and Commerce Committee members to serve jointly with Education and Labor Committee members on section 402(c)(8) of title IV of the House amendment and modifications committed to conference:

JOHN D. DINGELL,
JAMES SCHEUER,
RICHARD OTTINGER,
PHILIP R. SHARP,
ED MARKEY,
TOM LUKEN,
JAMES T. BROYHILL,
TOM CORCORAN,
CARLOS J. MOORHEAD,

As exclusive conferees on title II of the Senate bill and modification committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES T. BROYHILL,

Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
PAULA HAWKINS,
DON NICKLES,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
SPARK MATSUNAGA,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TOWNS (at the request of Mr. WRIGHT), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BROWN of California) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of California, for 60 minutes, today.

(The following Members (at the request of Mr. MARTIN of New York) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, February 7.

Mr. GINGRICH, for 60 minutes, February 7.

Mr. WEBER, for 60 minutes, February 7.

Mr. MACK, for 60 minutes, February 7.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MARTINEZ, for 10 minutes, February 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MARTIN of New York) and to include extraneous matter:)

Mrs. ROUKEMA.
Mr. COURTER.
Mr. LENT.
Mr. CORCORAN.
Mr. BLILEY.
Mr. YOUNG of Florida.
Mr. CONTE.
Mr. BROOMFIELD in two instances.
Mr. WOLF.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. AUCOIN.
Mr. ANDERSON in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. BARNES in two instances.
Mr. BONER of Tennessee in five instances.
Mr. JONES of Tennessee in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. MICA.
Mr. MONTGOMERY.
Mr. HAMILTON.
Mr. NATCHER.
Mr. PEASE.
Mr. RATCHFORD.
Mr. WALGREN.
Mr. MARKEY.
Mr. DINGELL in two instances.
Mr. OTTINGER.
Mr. LEVINE of California.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following title:

On February 2, 1984:

H.R. 3969. An act to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission.

On February 3, 1984:

H.R. 2727. An act to codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 7, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2571. A letter from the Chief, Program Liaison Division, Office of Legislative Liaison, Department of the Air Force, transmitting information on a contract action pertaining to the alternate fighter engine competition; to the Committee on Armed Services.

2572. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1985 and 1986, and for other purposes; to the Committee on Armed Services.

2573. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during December 1983 to Communist countries, as a result of Presidential determinations, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(2) (88 Stat. 2334); to the Committee on Banking, Finance and Urban Affairs.

2574. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the proposed transaction involving U.S. exports to Egypt, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(i) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

2575. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "University of the District of Columbia President's Discretionary Fund Fiscal Year 1983 Annual Report," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2576. A letter from the Chairman, National Endowment for the Arts, transmitting a draft of proposed legislation to establish a National Medal of Arts for recognition of individuals and groups who make outstanding contributions to the arts in the United States; to the Committee on Education and Labor.

2577. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the defense articles, services and training provided to Chad under the authorities of Presidential Determinations 83-8 and 83-9, pursuant to FAA, section 506(b)(2) (93 Stat. 702); to the Committee on Foreign Affairs.

2578. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the price and availability estimates provided to foreign countries, and requests received for letters of offer for the quarter ending December 31, 1983, pursuant to AECA, section 28 (93 Stat. 708; 95 Stat. 1520); to the Committee on Foreign Affairs.

2579. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1985 and 1986, for the Panama Canal Commission to operate and maintain the Panama Canal and for other purposes; to the Committee on Merchant Marine and Fisheries.

2580. A letter from the Secretary of Energy, transmitting a report on the status of the comprehensive management plan for nuclear safety research, development, and demonstration for 1983, pursuant to Public Law 96-5[illegible], section 8(c); jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

2581. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting proposed regulations to implement provisions of title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, pursuant to Public Law 96-510, section 305(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

2582. A letter from the Comptroller General of the United States, transmitting a report on the Federal Financial Institutions Examination Council (GAO/GGD-84-4, February 3, 1984), pursuant to 31 U.S.C. 719(c)(3); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2583. A letter from the Executive Director, U.S. Holocaust Memorial Council, transmitting a draft of proposed legislation authorizing appropriations to the Executive Director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; jointly, to the Committees on House Administration, Interior and Insular Affairs, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4439. A bill extending the authorization for the Railroad Accounting Principles Board, and for other purposes (Rept. No. 98-594). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on S. 1340 (Rept. No. 98-595). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. ANDREWS of Texas:

H.R. 4752. A bill to provide that salaries for Federal judges be increased by 3.5 percent, representing the pay comparability adjustment received by Federal officers and employees generally as of the beginning of the current calendar year; to the Committee on the Judiciary.

By Mr. BARNARD:

H.R. 4753. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. BLILEY:

H.R. 4754. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. EVANS of Iowa (for himself, Mr. TAUKE, and Mr. LEACH of Iowa):

H.R. 4755. A bill to amend the Agricultural Act of 1949, to clarify the rules for determining an acreage base for a farm for the 1984 feed grains acreage reduction program; to the Committee on Agriculture.

By Mr. GEKAS:

H.R. 4756. A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HILLIS:

H.R. 4757. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. LOWRY of Washington (for himself and Mr. DICKS):

H.R. 4758. A bill to amend the Internal Revenue Code of 1954 to allow an additional 5 days during which an employer may request or receive a certification that an individual is a member of a targeted group for purposes of the targeted jobs credit; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 4759. A bill to amend the Miller Act to provide for the inclusion of interest and legal fees in judgments granted on suits by subcontractors based upon payment bonds, and for other purposes; to the Committee on the Judiciary.

By Mr. MOODY:

H.R. 4760. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish certain requirements with respect to hazardous substances released from Federal facilities, and for other purposes; a jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. RITTER:

H.R. 4761. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for removal, remedial action, and liability with respect to gasoline and other liquid hydrocarbons which leak from certain underground storage tanks and to establish standards to prevent releases from such tanks into the environment, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. WAXMAN (for himself, Mr. LELAND, Mr. SCHEUER, Mr. MARKEY, Mr. SHARP, Mr. ACKERMAN, Mr. BARNES, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. FRANK, Mr. FORD, of Tennessee, Mr. FRENZEL, Mrs. HALL of Indiana, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. NOWAK, Mr. SPENCE, Mr. STARK, Mr. WEISS, Mr. WHITEHURST, Mr. WILLIAMS of Montana, and Mr. WON PAT):

H.R. 4762. A bill to establish a temporary program under which diacetylmorphine will be made available through qualified pharmacies for the relief of pain from cancer; to the Committee on Energy and Commerce.

By Mr. WEAVER:

H.R. 4763. A bill to require the Architect of the Capitol to design and have constructed bike paths on the Capitol Grounds and convert the parking lot on the east side of the Capitol Building to grass and gardens; to the Committee on Public Works and Transportation.

By Mr. YOUNG of Alaska:

H.R. 4764. A bill to prohibit the importation into the United States of crude petroleum that is the product of Iran; to the Committee on Ways and Means.

By Mr. AUCOIN (for himself Mr. MCCAIN, and Mr. HOYER):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and the regulations prescribed by the Secretary of the Treasury under such provisions, or any other provisions of the Internal Revenue Code or regulations, should not be modified or amended in any that will alter the manner in which mortgage-backed builder bond transactions are currently taxed; to the Committee on Ways and Means.

By Mr. DINGELL:

H. Res. 426. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. FUQUA:

H. Res. 427. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science and Technology in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. HAWKINS:

H. Res. 428. Resolution providing for expenses of activities of House Information Systems in the 2d session of the 98th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

318. Ms. SNOWE presented a memorial of the Legislature of the State of Maine, relative to ending funding for U.S. covert paramilitary operations in Central America; jointly, to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 624: Mr. OTTINGER and Mr. TRAXLER.

H.R. 1159: Mr. QUILLEN.

H.R. 2188: Mr. LOWRY of Washington.

H.R. 2448: Mr. ERLENBORN, Mr. VANDER JAGT, and Mr. SILJANDER.

H.R. 2468: Mr. FISH, Mr. ECKART, and Mr. HAWKINS.

H.R. 2778: Mr. GILMAN.

H.R. 2977: Mr. MCKERNAN.

H.R. 3442: Mr. TORRICELLI.

H.R. 3870: Mr. LOWERY of California.

H.R. 3961: Mr. CORCORAN.

H.R. 3979: Mr. NOWAK.

H.R. 4094: Mr. DANIEL, Mr. FRANK, Mr. LOWRY of Washington, Mr. TORRICELLI, Mr. WILSON, and Mr. HOWARD.

H.R. 4150: Mr. FRANK, Mr. PEPPER, Mr. BONKER, Mr. WILLIAMS of Ohio, Mr. ECKART, Mr. MCCOLLUM, Ms. MIKULSKI, Mr. MCGRATH, Mr. BATEMAN, Mr. HUTTO, Mr. ENGLISH, Mr. VENTO, and Mr. YOUNG of Missouri.

H.R. 4287: Mr. WON PAT.

H.R. 4307: Mr. CONYERS.

H.R. 4447: Mr. WALGREN, Mr. WAXMAN, Mr. STARK, Mr. LAFALCE, Mr. FLORIO, Mr. EDWARDS of California, Mrs. HALL of Indiana, Ms. MIKULSKI, Mr. STUDDS, Mr. HALL of Ohio, Mr. FAZIO, and Mr. RANGEL.

H.R. 4459: Mr. COYNE.

H.R. 4468: Mr. LEVINE of California, Mr. STARK, Mr. FISH, Mr. MITCHELL, Mr. MOAKLEY, Mr. LELAND, Mr. LAFALCE, Mr. SIKORSKI, Mr. PATTERSON, Mr. WEISS, Mr. WAXMAN, Mr. HEFTEL of Hawaii, Mr. MARTINEZ, Mr. VENTO, Mr. MORRISION of Washington, Mr. WILSON, and Mr. BRITT.

H.R. 4484: Mr. FAUNTROY.

H.R. 4500: Mr. HORTON, Mr. ROBERTS, Mr. ROBERT F. SMITH, Mr. BROWN of Colorado, Mr. SMITH of New Jersey, Mr. SILJANDER, Mr. LAGOMARSINO, Mr. DUNCAN, Mr. HYDE, Mr. DREIER of California, Mr. HILER, Mr. ROE, Mr. STOKES, Mr. WHITEHURST, Mrs. SCHNEIDER, Mr. WALKER, Mr. LOEFFLER, Mr. LENT, and Mr. PATMAN.

H.R. 4522: Mr. STOKES, Mr. BERMAN, Mr. MITCHELL, Mr. HUGHES, Mr. MATSUI, Mr. EVANS of Illinois, Mr. LEVIN of Michigan, Mr. WEISS, and Mr. MURPHY.

H.R. 4553: Mr. OXLEY.

H.R. 4587: Mr. YOUNG of Alaska and Mr. HUTTO.

H.R. 4683: Mr. ACKERMAN, Mr. WILLIAMS of Montana, Mr. RANGEL, Mr. GLICKMAN, Mr. FISH, and Mr. STUDDS.

H.R. 4747: Mr. PERKINS, Mr. DIXON, Mr. HARRISON, Mr. ACKERMAN, Mr. MITCHELL, Mr. FROST, and Mr. FLORIO.

H.J. Res. 10: Mrs. HOLT, Mr. FRENZEL, and Mr. DAUB.

H.J. Res. 271: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDREWS of North Carolina, Mr. ANDREWS of Texas, Mr. APPLEGATE, Mr. ARCHER, Mr. ASPIN, Mr. BARNARD, Mr. BARNES, Mr. BATEMAN, Mr. BERMAN, Mr. BEVILL, Mr. BLILEY, Mr. BOEHLERT, Mr. BOLAND, Mr. BONER of Tennessee, Mrs. LLOYD, Mrs. BOXER, Mr. BREAUX, Mr. BRITT, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CARNEY, Mr. CARR, Mr. CHANDLER, Mr. CLINGER, Mr. COELHO, Mr. CONABLE, Mr. CONYERS, Mr. CORRADA, Mr. COUGHLIN, Mr. COYNE, Mr. CROCKETT, Mr. DANIEL, Mr. DASCHLE, Mr. DAUB, Mr. DEWINE, Mr. DICKS, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. ECKART, Mr. EDGAR, Mr. EDWARDS of California, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FOWLER, Mr. FRANK, Mr. FRENZEL, Mr. FUQUA, Mr. GEJDENSON, Mr. GEKAS, Mr. GOODLING, Mr. GRADISON, Mr. GRAMM, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANCE, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HARTNETT, Mr. HAWKINS, Mr. HEFNER of North Carolina, Mr. HIGHTOWER, Mr. HILER, Mr. HILLIS, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JEFFORDS, Mr. JENKINS, Mrs. JOHNSON, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mr. KINDNESS, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUKEN, Mr. LUNDINE, Mr. LUNGREN, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCEWEN, Mr. MCHUGH, Mr. MCKERNAN, Mr. MCNULTY, Mr. MACKAY, Mr. MADIGAN, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MINETA, Mr. MINISH, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OLIN, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PETRI, Mr. PRICE, Mr. PRITCHARD, Mr. PURSELL, Mr. QUILLEN, Mr. REGULA, Mr. REID, Mr. RINALDO, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. ROSE, Mr. ROWLAND, Mr. SABO, Mr. ST GERMAIN, Mr. SAWYER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SIKORSKI, Mr. SIMON, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr.

SNYDER, Mr. SOLARZ, Mr. SOLOMON, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. STRATTON, Mr. STUMP, Mr. SUNIA, Mr. SWIFT, Mr. TALLON, Mr. TAUKE, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDERGRIFF, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WEISS, Mr. WHITEHURST, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WYDEN, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. ZABLOCKI, Mr. ZSCHAU, Mr. MARRIOTT, Mr. DINGELL, Mr. HANSEN of Idaho, Mr. SHARP, Mr. VANDER JAGT, Mr. CARPER, Mr. DE LA GARZA, and Mr. BIAGGI.

H.J. Res. 360: Mr. BATEMAN.

H.J. Res. 399: Mr. PORTER.

H.J. Res. 429: Mr. CROCKETT, Mr. BATES, and Mr. FORSYTHE.

H.J. Res. 432: Mr. ACKERMAN, Mr. PANETTA, Mr. TORRICELLI, Mr. BATEMAN, Mr. O'BRIEN, Mr. FRENZEL, Mrs. HOLT, Mr. HUGHES, Mr. GRAY, Mr. LAFALCE, Mr. JEFFORDS, Mr. GUARINI, Mr. FISH, Mr. RUDD, Mr. VENTO, Mr. FROST, Mr. BEILENSON, Mr. LEVIN of Michigan, Mr. BRITT, Mr. LOWRY of Washington, and Mr. D'AMOURS.

H.J. Res. 437: Mr. CROCKETT, Mr. LEVINE of California, Mr. JEFFORDS, Mr. FORD of Michigan, Mr. CONTE, Mr. ANDREWS of North Carolina, Mr. OWENS, Mr. BERMAN, Mr. WAXMAN, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. DOWNEY of New York, Mr. CORCORAN, Mr. SKELTON, Mr. PANETTA, Mr. RICHARDSON, Mr. MILLER of California, Mr. HUGHES, Mr. BEVILL, Mr. FRANK, Mr. BONER of Tennessee, Mr. EVANS of Illinois, Mr. SOLARZ, Mr. GILMAN, Mr. BRITT, Mr. LONG of Louisiana, Mr. GRAY, Mrs. BOXER, Mr. SIMON, Ms. MIKULSKI, Mr. FAZIO, Mrs. HOLT, Mr. O'BRIEN, Mr. ANNUNZIO, Mr. MACKAY, Mr. LEVIN of Michigan, Mr. SILJANDER, Mr. JONES of North Carolina, Mr. VANDERGRIFF, Mr. HOYER, Mr. WILLIAMS of Ohio, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mr. SISISKY, Mr. REGULA, Mr. GUARINI, Mr. LEWIS of Florida, Mr. TALLON, Mr. MONTGOMERY, Mr. LIPINSKI, Mr. DUNCAN, Mr. COUGHLIN, Mr. HYDE, Mr. HORTON, Mr. GREEN, Mr. CLINGER, Mr. ROTH, Mr. DIXON, Mr. WEISS, Mr. HORTON, Mr. BATEMAN, Mr. HOPKINS, Mr. YOUNG of Florida, Mr. MARTINEZ, Mr. FROST, and Mr. CRAIG.

H. Con. Res. 231: Mr. MATSUI, Mr. RODINO, Mr. MITCHELL, Mr. STOKES, Mr. WEISS, Mr. CROCKETT, Mr. SISISKI, Mr. WALGREN, Mr. BERMAN, Mr. BRYANT, Mr. MURPHY, Mr. HAWKINS, Mr. DASCHLE, Mr. BATES, Mr. HANSEN of Idaho, Mr. HUBBARD, Mr. DIXON, Mr. DOWNEY of New York, Mr. LANTOS, Mr. WON PAT, Mr. FAZIO, Mr. LELAND, Mr. CONYERS, Mr. LONG of Maryland, Mr. ACKERMAN, Mr. MCNULTY, Mr. FAUNTROY, Mr. MOAKLEY, Mr. WAXMAN, Mr. DE LA GARZA, Mr. PATTERSON, Mr. SAVAGE, Mr. DYMALLY, Mr. OWENS, Mr. SUNIA, Mr. HAYES, Mr. MARKEY, Mr. CARPER, Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. YOUNG of Missouri, Mr. WYDEN, Mr. CORRADA, Mr. BARNES, Mr. SEIBERLING, Ms. KAPTUR, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. SHARP, Mr. MCDADE, Mr. SIMON, Mr. TOWNS, Mr. STUDDS, Mr. RANGEL, and Mr. FEIGHAN.

H. Con. Res. 239: Mr. KOLTER, Mr. HOYER, Mr. LELAND, Mr. FLORIO, Mr. GRAY, Mr. MOODY, Mr. HUGHES, Mr. JEFFORDS, Mr. O'BRIEN, Mr. PURSELL, Mr. OTTINGER, Mr. MRAZEK, Mr. GREEN, Mr. MATSUI, Mr. FRENZEL, Mr. MARTINEZ, Mr. WEISS, Mr. WON PAT, and Mr. WISE.

H. Con. Res. 242: Mr. RATCHFORD, Mr. MCNULTY, Mr. WEISS, Mr. MILLER of Ohio, Mr. RANGEL, and Mr. OXLEY.

H. Con. Res. 248: Mr. LAFALCE, Mr. ST GERMAIN, and Mr. YOUNG of Missouri.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 555

By Mr. GEJDENSON:

—Page 8, line 17, insert new subsection 2:

"(2) the applicant has initiated or has sought regulatory approval necessary to undertake programs, including financial assistance, designed to bring about the utilization of measures identified in subsection (d)(3) of this section and which are not expected to be implemented without utility assistance,".

Redesignate subsection (g)(2) as (g)(3).

—Page 4, line 21, strike period after natural gas and insert: ", if such conversion has been shown to be the least-cost method to replace the equivalent amount of oil or natural gas.".

—Page 4, line 17, strike subsection 1 and insert:

(1) "the costs of retrofitting any existing pollution control facility".

—Page 9, line 13, strike "40 per centum" and insert: "30 per centum".

EXTENSIONS OF REMARKS

TRIBUTE TO LINDEN BURZELL

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, February 6, 1984

● Mr. WILSON. Mr. President, in honor of his retirement, I would like to take this occasion to pay tribute to Linden Burzell.

As a prominent member of the San Diego County community, Linden Burzell has enjoyed a most distinguished career with the San Diego County Water Authority. He officially retired on December 30, 1983, after achieving the position of general manager and chief engineer. This high position demonstrates the leadership and talent Linden gave both to his career and to his community. He has achieved remarkable success on behalf of the water authority and will be long remembered for the realization of the water authority's solid financial position.

He retires with honor and the gratitude of a community which he so long and ably served.●

A SALUTE TO AMNESTY INTERNATIONAL AND THE INEXTINGUISHABLE CAUSE OF HUMAN RIGHTS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BARNES. Mr. Speaker, I wish to bring to the attention of my colleagues an article by Anthony Lewis that appeared in the New York Times while we were in recess. In the article, Mr. Lewis explains why the cause of human rights is so powerful, and why the Reagan administration has been unsuccessful in removing human rights as a factor in American foreign policy. He also pays tribute to Amnesty International, "the best source of information on what individuals suffer at official hands," for its work on human rights. I have valued Amnesty International's many contributions to the work of the Subcommittee on Western Hemisphere Affairs, which I have the honor to chair, and I am pleased to share this salute to Amnesty International and the cause of human rights with my colleagues.

The article follows:

[From the New York Times, Dec. 12, 1983]

THE FLAME BURNS

(By Anthony Lewis)

BOSTON, Dec. 11—It was an extraordinary piece of unintended symbolism: the Soviet Union paying tribute to the power of human rights as an idea. That was the result of a curious event in Moscow last week.

Officials called a press conference to mark United Nations Human Rights Day. It turned into an attack on Andrei Sakharov, the great Soviet physicist whose advocacy of human rights led to his exile in Gorky. Sakharov was "cuckoo," an official said, tapping his head; Sakharov asked the United States to carry out a nuclear attack on the U.S.S.R.

So here is a frail worn man, isolated in a closed Russian city, hounded by secret policemen, and he still worries the state—worries it enough to call for preposterous official slander. What better testament could there be to the power of a single individual, holding fast to the human ideal against all the crushing apparatus of the modern state?

As with Sakharov, so with the standing of human rights in the world generally. Scorned and traduced, the idea survives. Indeed, it seems to take a deeper hold on the minds of men and women as they suffer new tyranny. The paradox is one relieving phenomenon in a harsh age, a time when people everywhere are discouraged and fearful.

Look to almost any corner of the earth today, and you see governments engaging in political detention, torture and murder. Orwell's vision of physical cruelty as the instrument of authority has become almost commonplace.

Amnesty international is the best source of information on what individuals suffer at official hands. It is dispassionate in its rejection of inhumanity, and the universality of its approach makes the essential point that human beings everywhere are entitled to integrity of body and spirit. Wherever those rights are violated, by officials of whatever ideology, we who are free should be protesting.

The detailed reports put out by Amnesty makes horrifying reading. A recent one on Syria described the beating and electrical torture of prisoners and the cold-blooded killing of more than 1,000 by their guards.

Of course no one country has a monopoly on horror. Murder is the technique of political intimidation used by right-wing governments in El Salvador and Guatemals. Revolutionary Iran kills people simply because they practice the Bahai faith. The Turkish military has imprisoned and tortured those who favor democracy.

The Soviet Union has invented new "crimes" and speeded up the confinement of dissidents in psychiatric wards and labor camps. Indonesia continues to brutalize East Timor. South Africa maintains its racial system by intensified repression, operating sometimes now through the facade of a Ciskei, a murderous nightmare set up as a so-called independent state.

And yet, and yet. . . . There is some reason for hope. The worst that Orwell foresaw was the expunging of the very idea of human decency; he showed us a future in which the people as a whole knew nothing of love or kindness or truth. And that has not happened. To the contrasting public concern for human rights has intensified and become a significant political reality.

Consider what has happened in the United States. President Reagan set out to eliminate human rights as an effective factor in American foreign policy. He would use the issue against Communist governments but would not penalize others no matter how murderous. And so he cuddled up to mass murderers in Guatemala; his one-time Secretary of State mocked the churchwomen killed in El Salvador; his Ambassador to the United Nations courted the generals who spread death in Argentina.

But for all of Ronald Reagan's popularity, that policy was unacceptable to Americans. They could not understand why torture should be forgiven if done by a "friendly government." And so the Reagan Administration has had to reverse at least the appearance of its policy, criticizing the Salvador death squads even while acting to continue military aid despite them.

Support for human rights has turned out to matter in our foreign relations, too. The dramatic example is Argentina, whose new civilian president, Raul Alfonsin, was a leading civil rights campaigner. He has said that thousands of Argentinians lived because of the Carter Administration's pressure against the killers in the military regime. He and other democrats in Latin America want U.S. leadership for human rights.

To be effective, the concerned must be indivisible. Amnesty is making that point now in pressing what it calls a Universal Appeal for Amnesty for All Prisoners of Conscience. People in 120 countries have signed petitions to that end. The first to sign, secretly and a remote place, was the man who suggested the idea: Andrei Sakharov.●

MILITARY WIVES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. WOLF. Mr. Speaker, columnist Erma Bombeck recently called attention to the contributions made to our Nation by military wives. The wives of our Armed Forces personnel have difficult jobs, yet they give unselfishly to help their husbands in the important roles they play in maintaining our national security. I am pleased to bring this article to the attention of Members of Congress.

ERMA

(By Erma Bombeck)

Early last year I wrote a column on military wives saying they had never been honored for their contribution to understanding

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

throughout the world and personal sacrifice to this country they represent.

Last September, Margaret Hudson of Columbus, Miss., made history. She became the first wife to be so honored. When her husband, Col. James D. Hudson, retired from the Department of the Air Force, Margaret was given a special certificate of appreciation.

The tribute was three lines long. It said she had earned "grateful appreciation for her own unselfish, faithful, and devoted service. Her unfailing support and understanding helped to make possible her husband's lasting contribution to the Nation."

There were a lot of memories between those three lines.

Support. A husband who flew 30 missions to Germany in WW II, participating in the Korean War and the Berlin Airlift.

Unselfishness. An if-not-single-then-unescorted parent who attended family birthdays, Christmases and graduations alone.

Understanding. Never knowing where her husband was assigned or when (and if) he'd be back. And the hard part: staying overseas when he returned to the States and not being allowed to go with him.

Contribution. In Bolivia on diplomatic duty where she was assaulted, becoming the first woman assigned overseas to be injured. A revolution where their home was invaded by 36 soldiers with machine guns.

Appreciation. Two tours of Vietnam.

Margaret Hudson would be the first to say she is not unique in the annals of wives whose job it is to follow and wait.

Military wives, as well as others whose husbands follow orders, have been doing it for years since some warrior picked up the first rock.

The point is, every 15 seconds in this country an award is given for something. (If you're counting country-Western performers, make that every two seconds.)

Awards made you feel good every time you dust them.

They don't cost a lot, but every time you look at them, you remember how great you felt when you received them.

Margaret accepted her award before a group of 50 people. There were no news media there. Coffee and doughnuts were served.

Forgive me, Margaret, but I had to share this with 31 million readers. They're applauding. I hope you can hear it.●

LAKE WORTH POLICE SERGEANT STROHACKER HONORED AS LAW OFFICER OF THE YEAR

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. MICA. Mr. Speaker, the outstanding service of Lake Worth Police Sgt. Roy Dean Strohacker has earned him the gratitude and respect of the citizens of Palm Beach County, Fla. I share their pride and submit for the RECORD two articles published in the Palm Beach Post on December 10, 1983, on the occasion of Sergeant Strohacker's receipt of the Distinguished Law Officer of the Year Award.

[From the Palm Beach Post, Dec. 10, 1983]

LW SERGEANT OFFICER OF YEAR IN PB COUNTY

(By Tony Wharton)

Lake Worth Police Sgt. Roy Dean Strohacker received the Distinguished Law Officer of the Year award for Palm Beach County last night from The Post and the Evening Times, marking the second year in a row a Lake Worth officer has been selected.

When he heard his name announced, Strohacker rocked back in his chair, then turned and kissed his wife Caroline.

"Not enough credit is given to law officers in this county. That this was done is a marvelous thing," Strohacker told a crowd of nearly 200 in the Hyatt Palm Beaches. "I'm greatly honored, but I share this award with all of these gentlemen and with my wife."

The 1982 award was given to Lake Worth Police Sgt. Alfred Steinmetz. The first award in 1981 went to West Palm Beach patrolman Jeffrey Baker.

Lake Worth Police Chief Lee Reese said "Two years in a row certainly pleases me. Roy deserved it as much as Sgt. Steinmetz. He's a fine person and officer."

Post Editor Tom Kelly and Evening Times Editor Jack Foster gave Strohacker an original metal sculpture designed for the award as well as a check for $1,000.

In his 14 years with the Lake Worth Police Department, Strohacker has served in every division. He is currently an undercover vice officer and is a polygraph operator.

Strohacker specializes in intelligence on motorcycle gangs and has been cited for his work in the field by the Florida Intelligence Unit.

Last year Strohacker prevented the rape of a young girl by a suspect with a history of rape and murder. He directed a Rape Task Force in Lake Worth this year which cleared up five rapes with the arrest of two people.

A second-degree black belt in karate, Strohacker gives free karate clinics and lectures on self-defense.

He got into police work while he was a karate instructor and has never regretted it.

He was educated in Ohio public schools, at Palm Beach Junior College and Florida Atlantic University. He also has taken numerous professional training classes.

Strohacker married Caroline 13 years ago and has a 7-month-old son named Jerry.

Strohacker, who reads and translates Japanese, has a Japanese sword collection which is a familiar fixture at shows in local malls and auditoriums. He is also an amateur banjo player.

Strohacker was chosen from a field of 11 nominees. The others were Atlantis Cpl. Jack Allen and patrolman Jack Law, West Palm Beach patrolman Donald Black, Boca Raton Detective John Brady Jr., Belle Glade Detective Albert Dowdell III, Lake Park patrolman William Harrison Jr., Palm Beach patrolman Christopher Morris, sheriff's Detective Richard Oetinger, Bonton Beach patrolman David Nissensohn and Delray Beach Sgt. Frederick Zieglar.

AN OFFICER OF DISTINCTION

Sgt. Roy Dean Strohacker is both an outstanding police officer and an outstanding citizen. He is as diligent at preventing crimes as at solving them. *The Post* is proud to join with the *Evening Times* in honoring him as the 1983 Palm Beach County Distinguished Law Officer of the Year.

Strohacker has received numerous commendations during his 14 years with the Lake Worth Police Department. Three times he has received monthly awards: once for a lengthy rape investigation that resulted in an arrest, once for averting a sexual assault and once for cracking a burglary ring.

In 1973 he rescued the occupant of an auto stalled on the railroad tracks in front of an oncoming train. In 1975 he saved three persons from a burning house. He has participated with distinction in many drug busts, including one in which 6½ tons of marijuana and 70 pounds of Quaaludes were seized.

In his off-duty hours he advises a Rainbow Girls youth group, plays with the Gold Coast Banjo Club, collects Japanese swords and teaches karate. He belongs to the Fraternal Order of Police, Police Benevolent Association, Masonic Lodge, Scottish Rite Lodge, Amara Shrine, Eastern Star and Moose Club. He has been involved with the Florida Intelligence Unit and is a licensed polygraph operator. He reads and translates Japanese.

Roy Dean Strohacker has fullfilled with distinction the trust society has placed in him as a law officer. Well done.●

CULTURAL CONSERVATION STUDY RELEASED

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. SEIBERLING. Mr. Speaker, I would like to commend to the attention of my colleagues a publication which has just appeared, entitled Cultural Conservation: The Protection of Cultural Heritage in the United States (Washington, Library of Congress, 1983). It is an attractively printed and well-illustrated volume. More important, it addresses in a comprehensive manner a range of issues of immediate relevance to historic preservation and related cultural efforts around the United States.

The request for this report came from the 96th Congress, and was included in the National Historic Preservation Act amendments of 1980 (Public Law 96-515). Section 502 of that act specifically directed that:

The Secretary (of the Department of the Interior) in cooperation with the American Folklife Center of the Library of Congress shall, within two years after the date of the enactment of this Act, submit a report to the President and the Congress on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. The report shall take into account the view of other public and private organizations, as appropriate. This report shall include recommendations for legislative and administrative actions by the Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

Requests from the Congress for such reports have not always led to satisfactory results. In this case, I am happy to observe that the National Park Service and the American Folklife Center at the Library of Congress have collaborated closely and effectively to draw together the final report and recommendations.

Further, they have consulted a wide variety of organizations and individuals around the country in an effort to provide a balanced perspective. Seven distinguished consultants from the field of anthropology, archeology, folklore, and folklife, and historic preservation met periodically to guide the development of the study: Steven F. Arvizu, California State University, Sacramento; James Deetz, Lowie Museum, University of California, Berkely; Henry Glassie, Unviersity of Pennsylvania; Archie Green, retired from the University of Texas, Austin; Ruthann Knudson, Woodward-Clyde Consultants, San Francisco; John Peterson, Mississippi State University; and Robert E. Stipe, Chapel Hill, NC.

Essentially the study strives to integrate efforts in historic preservation with a broader concept of "cultural conservation," including not only tangible elements for preservation such as historical buildings and archeological sites, but also the intangible cultural expressions representing the traditional culture of regional, ethnic, and occupational groups in the United States. Certainly there has been a growing understanding among people involved with historic preservation that there was an important relationship between the tangible and intangible elements of our culture, but I hope this study will help us be more effective in dealing with our cultural heritage in a better integrated fashion.

In that regard, I am pleased to note that the Secretary of the Interior, in a letter of June 1 to the President and the Congress, embraced a number of aspects of this report and instructed the National Park Service, in consultation with the American Folklife Center, to undertake a number of administrative actions to carry out the reports' recommendations.

The report cites public events as one of the ways to encourage the preservation of our rich folk culture. An excellent example of how the Federal Government and interested organizations are already working in this area is the National Folk Festival, which was held in the Cuyahoga Valley National Recreation Area, between Cleveland and Akron, last fall. The festival—this year's was the 45th annual festival—is sponsored by the National Council for the Traditional Arts, headed by Joe T. Wilson.

The weekend-long celebration, which drew over 25,000 visitors, included some of the best of the tamburitzan, polka, and bluegrass bands and gospel choirs found in Ohio, as well as an opportunity for some cultural cross-pollinization through the introduction of Cajun, Mexican, Chicago Blues, and other disparate musical forms. The festival was the product of two ideals: The preservation of our natural and scenic resources, through the efforts of the National Park Service, and the preservation of our cultural and folk heritage, which is the goal of the National Council for the Traditional Arts. The two combined their complementary ojectives to present this extraordinary event in a most appropriate setting—and are sponsoring similar annual events in other parks across the Nation.

Special mention should be made of several others who helped make the report possible, particularly Alan Jabbour, director of the American Folklife Center, and Peter Bartis, or the American Folklife Center; Russell Dickenson, Director of the National Park Service, and Jerry Rogers, Bennie Keel, and Larry Aten of the National Park Service: and Ormond H. Loomis, coordinator of the cultural conservation study and director of the Florida folklife program.

Following is the executive summary or the report, which provides further background on the issue, a general explanation of cultural conservation, and the major recommendations for further action that needs to be taken.

The summary follows:

EXECUTIVE SUMMARY

BACKGROUND

In amending the National Historic Preservation Act of 1966, the 96th Congress realized that the existing Historic Preservation Program fails to provide clear coverage for the full range of cultural resources in the United States. Historic properties are the sole type of resource specified for protection and benefits. When not embodied in a structure or site, intangible elements of our cultural heritage fall outside the scope of this law.

The people of the United States treasure their distinctive roots and strive to perpetuate the richness of their cultural heritage in its intangible as well as tangible aspects. Productivity, freedom, and unity come from our cultural diversity. Over a century of policy and programs reflects the Federal commitment to cooperate with private initiatives toward the protection of cultural heritage. Yet the resulting assortment of efforts does not adequately protect the complete spectrum of cultural resources.

Extending appropriate protection and benefits to valuable cultural resources that have no tangible form is complicated. A variety of work relates, but provides no simple solutions. Cultural preservation and cultural encouragement, though mutually dependent, operate in distinct ways. Efforts as diverse as documentation and archiving, museum exhibits, festivals, books, and preservation plans can all contribute in positive ways.

The issue bears on a modest but significant investment of Federal energies. The national historic preservation program requires Federal agencies to assess and account for cultural resources in the development of their undertakings. The National Environmental Policy Act of 1969 acknowledges the importance of the human environment and traditional lifeways in evaluating the total environment. Apart from historic preservation and environmental policy, a number of Federal agencies affect the development of community life through work in folklife and related cultural programs.

The term "folklife" is useful in addressing the problem. Defined in the American Folklife Preservation Act of 1976 as "the traditional expressive culture shared within the various groups in the United States: familial, ethnic, occupational, religious, regional," folklife encompasses the areas of community life and values omitted by historic preservation. These areas involve the living heritage of a people. A closer coordination of work in folklife and historic preservation seems appropriate.

CULTURAL CONSERVATION

Cultural conservation is a concept for organizing the profusion of private and public efforts that deal with traditional community cultural life. It envisions cultural preservation and encouragement as two faces of the same coin. Preservation involves planning, documentation, and maintenance; and encouragement involves publication, public events, and educational programs.

In application, cultural conservation means a systematic, coordinated approach to the protection of cultural heritage. The national historic preservation program supports planning, documentation, and maintenance for properties. The Folk Arts Program of the National Endowment for the Arts supports presentations of traditional arts. Programs at the National Endowment for the Humanities support scholarly interpretation of subjects related to folklife. Thinking of these and other national efforts in terms of cultural conservation will give new perspectives in shaping policies and programs.

Of the strategies that make up cultural conservation, documentation stands out because it can give intangible elements of cultural heritage tangible form. Information which identifies and describes folklife can be archived for reference; used in the development of publications, public events, and educational programs; and considered in the decision-making for historic preservation planning. At this time, documentation is underutilized in the combined national effort toward cultural conservation.

Current developments suggest an important direction of state and local activities. State Historic Preservation Offices already do planning, documentation, and maintenance to preserve cultural properties. A growing assortment of ethnic culture, folk arts, oral history, and other community programs work to develop the kinds of publications, public events, and educational programs necessary to encourage cultural heritage. In effect, these programs constitute emergent folklife offices. Association between the two types of programs seems inevitable nationwide, and imminent in several states.

RECOMMENDATIONS

To enable the Federal government to cooperate in the directions shown by private, local and state initiatives the following steps are needed:

Include folklife and related traditional lifeways among the cultural resources recognized by the National Historic Preservation Act and the National Environmental Policy Act;

Make the Secretary of the Interior a member ex officio of the Board of Trustees of the American Folklife Center and the Librarian of Congress a member ex officio of the Advisory Council on Historic Preservation to increase the linkage and coordination of these key agencies;

Develop a standing memorandum of agreement between the National Park Service and the American Folklife Center to delineate and coordinate their efforts;

Establish an ongoing documentation program in the Department of the Interior and the Library of Congress to identify and preserve a record of folklife and other living elements of cultural heritage in the United States; and

Increase the recognition given to areas of traditional community life and values in the work of a number of agencies.

The report urges the President, the Congress, and the appropriate agencies to take action on all these points.●

VOTING RECORD OF HON. DONALD J. PEASE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. PEASE. Mr. Speaker, it has become my practice to periodically insert in the CONGRESSIONAL RECORD a list of key votes that I have cast in the U.S. House of Representatives.

The list is arranged in this manner: Each item begins with the number of the bill or resolution that the House was considering and is followed by a summary of the issue. This is followed by my own vote on the issue, whether the matter passed or failed, and the vote outcome.

This list of votes covers the period of June 2, 1983, through the end of the 1st session of the 98th Congress.

KEY VOTES OF CONGRESSMAN DON J. PEASE

(149) H.R. 3133. Amendment to HUD-Independent Agency Appropriations Bill prohibiting the imposition of sanctions under the Clean Air Act in areas that fail to attain national ambient air quality standards. Yes. Passed 227-136.

(150) H.R. 3133. Amendment to HUD-Independent Agency Appropriations Bill prohibiting the use of funds provided under the bill to deny legitimate job opportunities. Yes. Passed 241-120.

(153) S. 639. Lebanon Emergency Assistance Act requiring the president to get congressional authorization before substantially increasing the number or role of U.S. armed forces in Lebanon. Yes. Passed 276-76.

(164) H.R. 3132. Amendment to Energy and Water Development Appropriations deleting $26 million earmarked for the Stonewall Jackson Dam in West Virginia. Yes. Passed 213-161.

(169) H.R. 1271. Certification of Salvadoran Murders Investigation. Requiring the president to make a fourth certification that the Salvadoran government has made good faith efforts to investigate the murders of eight U.S. citizens in El Salvador and to bring to justice those responsible. This certification was a condition for the U.S. to continue to provide aid to El Salvador. Yes. Passed 416-2.

(171) H.R. 2355. Vietnam Jobs Training. Establishing temporary emergency program of on-the-job and vocational training for Vietnam era veterans. Yes. Passed 407-10.

(177) H.R. 3191. Amendment to Treasury, Postal Service, and General Government Appropriations, reducing the amount provided for former presidents from $1,171,000 to $260,000. Yes. Passed 244-169.

(178) H.R. 3191. Amendment to Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1984 prohibiting the use of federal employee health plan benefits to pay for an abortion, except when the life of the woman was endangered. No. Passed 226-182.

(183) H.R. 2195. Amendment to State Department Authorization eliminating funding for the Democratic and Republican party institutes that were to be set up as part of a National Endowment for Democracy. The bill would have provided $5 million in each fiscal year for the party institutes. Yes. Passed 267-136.

(187) H.R. 2062. National Marine Sanctuaries. Establishing specific guidelines for the selection of national marine sanctuaries, providing congressional review of proposed sites, and expanding public participation in the selection process. Yes. Passed 379-38.

(188) H.R. 2969. Amendment to Defense Department Authorization deleting all funding ($19.4 million) for procurement of anti-satellite space weapons. Yes. Failed 177-243.

(189) H.R. 2969. Amendment to Department of Defense Authorization to prohibit multiyear procurement of the B-1B bomber. Yes. Failed 171-252.

(195) H.R. 2969. Amendment to Defense Authorization deleting $6.17 billion for procurement of B-1B bombers. Yes. Failed 164-255.

(196) H.R. 2969. Amendment to Defense Authorization delaying final production of binary chemical munitions until October 1, 1985, but would have deleted all funding ($114.6 million) for production of binary chemical weapons. No. Failed 202-216.

(197) H.R. 2969. Amendment to Defense Department Authorization deleting all funding ($114.6 million) for production of binary chemical weapons (nerve gas). Yes. Passed 256-161.

(199) H.R. 1590. Emergency Food Assistance and Commodity Distribution Act. Requires the Department of Agriculture, after meeting other commitments to domestic and foreign programs, to distribute government-owned surplus stocks to food banks and other emergency feeding centers. Yes. Passed 389-19.

(202) H.R. 2969. Amendment to Department of Defense Authorization to delete all funding provided in the bill for procurement of the Pershing II missile. No. Failed 73-319.

(207) H.R. 3329. Transportation Department and Related Agencies Appropriations for fiscal year 1984. Motion to bar consideration of an amendment prohibiting the Transportation Department from imposing sanctions on states for failure to adopt inspection and maintenance programs for motor vehicles as required by the Clean Air Act. Yes. Passed 275-139.

(208) H.R. 3329. Transportation Department and Related Agencies Appropriations for fiscal year 1984. Motion for a 4 percent across-the-board cut in all programs. No. Failed 191-223.

(214) H. Con. Res. 91. First Budget Resolution for fiscal year 1984. The conference agreement provided for an FY 1984 budget of $928.7 billion in budget authority, $858.9 billion in outlays, $679.6 billion in revenues, and a deficit of $179.3 billion. It also included 5 percent real increase in defense spending, additional revenues of $12 billion in FY 1984 and $73 billion over three years, and set aside $8.5 billion in FY 1984 outlays for a reserve fund that could be used only for particular programs to aid the unemployed and stimulate economic recovery and for no other purpose. Yes. Passed 239-186.

(217) H.R. 1183. Tax Rate Equity Act. Motion to recommit with instructions H.R. 1183. Instructions would have eliminated all existing provisions of the bill and replaced these with a substitute measure, which would have mandated enactment of legislation by October 1, 1983, sufficient to reduce FY 1984 outlays by at least $12 billion below the most recent Congressional Budget Office baseline spending estimate. No. Failed 181-241.

(218) H.R. 1183. Tax Rate Equity Act. Placing a limit on the maximum tax reduction resulting from the third installment of the personal income tax rate cuts enacted in 1981 to $720 for joint returns, $637 for single taxpayers, and $673 for unmarried heads of households. Yes. Passed 229-191.

(224) H.R. 3363. Department of the Interior and Related Agencies Appropriations for fiscal year 1984. Appropriating $8.1 billion for the Department of the Interior, energy conservation and other Energy Department programs, Indian programs, Forest Service, and other related agencies. Yes. Passed 272-144.

(231) H.R. 2668. Consumer Product Safety Act Amendments. Amendment providing for reauthorization of the Consumer Product Safety Commission at a sharply lower budget figure than that recommended by the Energy and Commerce Committee. No. Passed 238-177.

(236) S. 273. Measure reauthorizing the Small Business Administration pilot procurement program, which helped minority-owned small firms receive federal contracts. Yes. Passed 367-6.

(241) H.R. 1. Housing and Urban-Rural Recovery Act. Amendment prohibiting federal assistance under the new multifamily rental production program established in the bill for communities that impose rent controls on newly constructed, non-subsidized housing. No. Failed 206-208.

(243) H.R. 1. Amendment to Housing and Urban-Rural Recovery Act permitting borrowers and lenders to negotiate interest rates on Federal Housing Administration-insured mortgage loans. No. Passed 223-201.

(247) H.R. 1. Housing and Urban-Rural Recovery Act. Authorizing $24.6 billion in fiscal year 1984 for assisted housing programs, community development block grants, urban development action grants, rural housing and a new low-income rental housing program. Yes. Passed 263-158.

(248) H.R. 2769. Caribbean Basin Economic Recovery Act. A modified closed rule making in order only Ways and Means Committee amendments which could not be amended. The rule did not make in order an amendment that would have provided for the human rights of Caribbean Basin workers, tightened the Caribbean Basin products from duty-free treatment, and removed Taiwan, Korea, and Hong Kong from duty-free treatment under the Generalized System of Preferences. Yes. Passed 212-204.

(250) H.R. 2769. Caribbean Basin Recovery Act. Authorized the president to grant 12 years of duty-free treatment on U.S. im-

ports of certain articles from 28 Caribbean Basin countries and territories. Yes. Passed 289-129.

(257) H. Res. 266. Motion to recommit H. Res. 266, Reprimand of Rep. Daniel B. Crane. The motion provided that the resolution be reported back to the House forthwith containing an amendment changing the sanction from reprimand to censure. No. Passed 289-136.

(262) H.R. 2969. Defense Authorization for FY 1984. Amendment deleting $2.5 billion for the procurement of the first 27 MX missiles. Yes. Failed 207-220.

(270) H.R. 2969. Amendment to Department of Defense Authorization to limit the number of U.S. military advisers stationed in El Salvador to 55. Yes. Failed 170-247.

(274) H.R. 2969. Amendment to Department of Defense Authorization making permanent an exemption to the "Maybank amendment," which prohibited use of any criteria in the awarding of contracts other than the lowest bid. The amendment directed that contract bids from high unemployment areas be treated equally with those from other areas, even if they were up to 2.2 percent higher in price, and increased the amount of money that could be spent annually on such contracts from $4 billion to $7 billion. Yes. Passed 218-201.

(275) H.R. 2969. Department of Defense Authorization Bill providing funds for procurement, research and develoment, and operations and maintenance. Yes. Passed 305-114.

(285) H.R. 2760. Prohibit U.S. Covert Assistance to Nicaraguan Rebels and authorize $80 million in overt aid to the governments of Central American countries to stop the flow of arms across their borders, from Nicaragua and Cuba. Yes. Passed 228-195.

(294) H.R. 3069. Supplemental Appropriations for 1983. Motion to appropriate $8.5 billion for the International Monetary Fund. Yes. Failed 165-213.

(304) H.R. 3706. Establishing a federal holiday on the third Monday of January to commemorate the birthday of Dr. Martin Luther King Jr. Yes. Passed 338-90.

(316) H.R. 3021. Health Care for the Unemployed Act. Establishing a temporary new program of block grants to be used to provide health care services to unemployed workers and their families. Yes. Passed 252-174.

(317) H.R. 2957. Amendment to International Recovery and Financial Stability Act, requiring the U.S. representative to the International Monetary Fund to oppose loans to communist dictatorships. Yes. Passed 242-185.

(320) H.R. 2957. International Recovery and Financial Stability Act providing for a $8.37 billion increase in the U.S. line of credit to the International Monetary Fund. Yes. Passed 217-211.

(329) H.R. 3520. Amendment to Rehabilitation Act Amendments eliminating increases totaling $1.6 billion in the authorization levels for 10 education and social programs. No. Failed 124-283.

(341) H.R. 3391. Worker and Firm Trade Adjustment Assistance. Motion to recommit with instructions H.R. 3391. The instructions would limit appropriations for worker retraining assistance to the amount permitted under the FY 1984 budget resolution. No. Failed 194-218.

(351) H.R. 1036. Community Renewal Employment Act authorizing a permanent countercyclical job-creation program that would provide jobs in community improvement projects and repair educational facilities to persons unemployed for at least 15 weeks. Yes. Passed 246-178.

(352) H.R. 3913. Amendment to Labor-HHS-Education Appropriations prohibiting the use of funds appropriated by the bill to pay for abortions. No. Passed 231-184.

(361) H.J. Res. 364. Invoking the War Powers Resolution and Authorizing U.S. Forces in Lebanon. This measure states that the provisions of the War Powers Resolution had gone into effect on August 29, 1983, the date of the first U.S. combat deaths in Lebanon, and authorized the Marine presence for 18 months from that date. No. Passed 270-161.

(373) H.R. 3231. Amendment to Export Administration Act prohibiting exports of nuclear-related goods from the United States to any non-nuclear weapons nation that does not accept International Atomic Energy Agency safeguards on all its peaceful nuclear activities. Yes. Passed 196-189.

(393) H.R. 3385. Equity to Cotton Producers under the Payment-in-Kind Program. Motion to request a conference on H.R. 3385 as amended by the Senate to include major changes in the dairy program and to freeze tobacco price supports. Yes. Failed 188-208.

(439) H.R. 4185. Amendment to Defense Department Appropriations for FY 1984 deleting all procurement funds in the bill for MX missiles, a total of $2.2 billion to procure 21 missiles. The amendment did not delete funds for testing, research and development. Yes. Failed 208-217.

(445) H.R. 1234. Amendment to Fair Practices in Automotive Products Act prohibiting implementation of the bill if it violated the General Agreement on Tariffs and Trade, entitled other countries to reduced restrictions on U.S. imports of their goods, or entitled other countries to increased restrictions on U.S. exports. No. Failed 178-232.

(448) H.R. 1234. Fair Practices in Automotive Products Act. Requiring auto manufacturers to use specified percentages of American-generated content—including parts, labor, advertising, and taxes—in vehicles sold in the United States. Yes. Passed 219-199.

(451) H.R. 2867. Amendment to Hazardous Waste Control and Enforcement Act requiring congressional approval, through enactment of a joint resolution, before small quantity generator regulations with an economic impact of more than $100 million could take effect. No. Approved 198-195.

(452) H.R. 2967. Amendment to Hazardous Waste Control and Enforcement Act requiring congressional approval, through enactment of a joint resolution, before small quantity generator regulations with an economic impact of more than $100 million could take effect. No. Failed 189-204.

(468) H.J. Res. 403. Amendment to Further Continuing Appropriations for FY 1984 increasing FY 1984 appropriations for 15 education and domestic programs by a total of $954.4 million, restoring some of the cuts made in 1981 in the school lunch and child nutrition programs, and increasing the authorization for the Women, Infants, and Children nutrition program by $234 million. Yes. Approved 254-155.

(476) H.R. 4196. Amendment to Dairy Production Stabilization Act authorizing a reduction of up to $1.50 per hundred pounds in the dairy price support level and eliminating the two 50-cent assessments on farmers for all milk production. This would also eliminate the paid diversion program and other provisions of the bill. No. Failed 174-250.

(482) H.R. 3222. Amendment to Commerce, Justice, State, and the Judiciary Appropriations for FY 1984 providing $11.9 million for the U.S. Civil Rights Commission in FY 1984. No. Failed 170-235.

(504) H.J. Res. 1. Equal Rights Amendment. House failed to suspend the rules and pass H.J. Res. 1, Equal Rights Amendment. A two-thirds majority vote was needed for passage under suspension of the rules. Yes. Failed 278-147.

(525) H.R. 4170. Tax Reform Act of 1983. Rule allowing for House floor consideration of H.R. 4170, the Tax Reform Act of 1983. Yes. Failed 204-214.●

TAX SIMPLIFICATION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. DASCHLE. Mr. Speaker, in his state of the Union address, the President commissioned the Treasury Department to undertake a study on tax reform and simplification plans, a report on this study to be due in December 1984. Tax simplification is, of course, a goal that nearly all of us in the Congress share, and one which is sought as well by the great majority of our country's taxpayers. It is no closely guarded secret that the complexity of our tax structure, and the perception that all the various special exemptions and tax loopholes that have been put into the law over the years have made it a haven for the rich and a millstone for the low and middle income, have greatly decreased the voluntary compliance aspects of the Federal income tax. Further, these two factors have contributed greatly to the estimated $100 billion in due, but unpaid, taxes that disappear from the Treasury every year.

While I am sure we will all await with great expectation the results of this study, there are apparently already some indications of what shape the results may take. On January 9, 1984, John E. Chapoton, Treasury Department Assistant Secretary for Tax Policy, addressed the National Retail Merchants Association meeting in New York. Assistant Secretary Chapoton is the administration's chief expert on tax policy. I have obtained a copy of the outline of remarks made that day, and request permission to insert this document in the RECORD.

Of particular interest to Members, and the general public, are Mr. Chapoton's remarks relative to many of the tax simplification proposals currently being circulated. I was particularly surprised by his comment on the "flat tax" proposal, championed by many conservative organizations throughout the country. Of this proposal, the Assistant Secretary says, "A pure flat rate income tax—simplistic and attractive, but unrealistic because of the

dramatic shift in the tax burden it would cause from upper- to lower- and middle-income taxpayers." Although this is a curious thing to say about a tax that is being ballyhooed as a tax relief measure for the low- and middle-income taxpayer, I share this assessment. A flat tax would, indeed, shift the tax burden greatly from those who can most afford it, the rich, right onto the backs of those who can least afford it, the low and middle income.

This comment by itself would make this outline of remarks worth reprinting, but there are other equally valuable insights into the administration's preferences for the Tax Code. On the matter of mortgage revenue bonds, which the administration prefers to call mortgage subsidy bonds (MSB), the Assistant Secretary has this to say: "The administration strongly opposed the extension of MSB as an unnecessary and inefficient subsidy to home buyers. . ." And on the matter of a proposal to impose State volume caps on the issuance of industrial revenue bonds, a matter of particular interest to my State of South Dakota, which uses such bonds extensively in its development efforts, he has this to say:

We strongly support such limitations. They are needed both to control the growth of private purpose tax-exempt financing, which is an unreviewed and rapidly growing form of indirect Federal spending, and to offset the substantial revenue loss from the extension of MSB.

All in all, this is an extremely interesting outline of remarks, and I would urge my colleagues to examine it closely for hints as to where the study commissioned by the President may well lead.

OUTLINE OF REMARKS—NATIONAL RETAIL MERCHANTS ASSOCIATION

(New York City, January 9, 1984)

I. INTRODUCTION

I am pleased to join the panel discussion this morning on the economic outlook for 1984 and beyond. I would like to comment on the prospects for changes to our Federal income tax laws in the Second Session of the 98th Congress, and then briefly suggest where tax policy might be headed over the next several years.

II. SHORT-TERM OUTLOOK

A. Congressional status

1983 was a surprising year; we saw no significant tax bill.

The House and Senate in 1983 approved a budget plan for fiscal year 1984 that called for higher taxes totalling $73 billion over the next 3 years, 1984-86.

Legislation reported out by the tax-writing Committees did not meet these totals. The Ways and Means Committee did report out a tax bill in October (H.R. 4170, the Tax Reform Act of 1983), but this legislation was not designed primarily to raise revenue even though it would have increased receipts by several billion dollars over the next three years. The rule under which the House was to debate this bill was defeated on the House floor—in part over its provisions limiting the future growth of private purpose tax-exempt bonds, and in part because the rule allowed unrelated Medicare amendments and amendments to increase revenues substantially. The result: no tax bill from the House.

The Senate Finance Committee sent a $13 billion tax package to the Budget Committee on October 31, but this bill was stymied when the House failed to pass its reconciliation bill. These matters will be pending business when Congress returns January 23. But they are not major factors in dealing with the deficit.

In the waning days of the First Session, the Senate Finance Committee began consideration of a large deficit reduction measure, which included such revenue items as an across-the-board tax on energy, a high-income individual surcharge, a tax on corporate economic income, and several Treasury-supported proposals dealing with tax shelter, accounting and corporate tax abuses. Prior to adjourning, the Committee instructed its staff to draft a bill along these lines, to raise $75 billion in revenue in 1984-87. Any tax increases would be contingent in some fashion on spending reductions of an equal amount—the formula would be $1 in taxes for $1 in spending cuts, for a total deficit reduction package of $150 billion over 1984-87. The Senate Finance Committee bill will be presented February 15; but for now that deficit reduction package will take a back seat until the Administration's budget is presented.

B. Administration position

The success of any efforts to raise revenue when Congress comes back hinges on the Administration's position on tax increases. The President has made no final decisions concerning what tax proposals, if any, he will present to the Congress with the FY 1985 Budget.

The President has clearly indicated his belief that any major tax increase before FY 1986 would be the wrong medicine for the economy. The recovery is well underway, and accelerating economic growth will contribute significantly toward reducing the deficit. There is abundant good news—retail sales have been very strong as you know, real growth continues at a very sustainable pace, unemployment is virtually spiraling down, and while interest rates are too high, they are at least reasonably steady.

By citing all of this good news, however, I don't mean to suggest that we should not worry about the deficits, which represent the one piece of significant bad news on the economic horizon. We do worry about the deficits—they are a matter of overriding concern. We hope the deficit problem diminishes with increased vigor in the economy, but we recognize that it will not disappear. Large deficits pose a real danger of seriously limiting the growth of our economy in future years; and over the short-term their impact on the Federal Reserve is unsettling. But we feel the culprit is spending—and we insist that Congress address the deficit problem by reducing spending before any increased revenues are considered.

The Administration has recognized that increased revenues may be necessary as insurance that future deficits remain within a tolerable range. Thus the President proposed a contingency tax plan as part of his Fiscal 1984 Budget.

The contingency tax plan was designed to raise revenue—consequently reducing the deficit—by about 1 percent of GNP. But, it would have gone into effect only if Congress adopted spending reductions proposed by the Administration, and if insufficient economic growth occurred to keep the deficits forcast for fiscal 1986 below 2½ percent of GNP.

The taxes proposed in this contingency plan were designed to have a broad, temporary impact on all taxpayers and all segments of the economy. More important, they would not have permanently affected the structural tax changes enacted by ERTA in 1981.

As I noted, no decision has been made as to whether we will include some type of contingency tax in the FY 1985 Budget. That is the number one budget issue now pending, and it will be resolved quite soon.

Whether or not our budget proposals contain a major revenue raising element however, the budget will contain realistic proposals for putting the deficit on a downward path over the next several years.

III. 1984 TAX BILL

Since Congress did not complete work on any tax bill before it adjourned, a number of needed tax changes separate and apart from the question of raising revenue were left open. These will have to be addressed early in 1984. Let me mention briefly the three most important:

A. Leasing by Nontaxable Entities: Both the Ways and Means Committee and the Senate Finance Committee agreed to provisions limiting the tax benefits to lessors with respect to property leased to State and local governments, private nonprofit organizations, and certain foreign persons.

Such action must be taken or the drain on the Treasury is almost unlimited—by selling city hall to a group of taxable investors and leasing it back to the city, who will continue to use it, or by leasing capital items owned by any tax-exempt group, a significant tax benefit can be obtained—it is in effect do-it-yourself revenue sharing.

The Administration strongly supports the effort contained in the bills adopted by the Ways and Means and Senate Finance Committees to curtail this practice.

B. Life Insurance: The so-called TEFRA stop-gap provisions expired at the end of 1983.

The replacement of the existing system for taxing life insurance companies with the singly-phase system developed by Representatives Stark and Moore represents a significant improvement to the seriously flawed and outdated tax rules of current law.

The manner in which we tax life insurance companies and their products is extremely important because a tremendous amount of savings is achieved through insurance products.

C. Tax-exempt Bonds: The Ways and Means bill would have extended the mortgage subsidy bond program through 1988. It also permitted State and local governments to elect to exchange all or part of their MSB authority for authority to issue mortgage credit certificates. These entitle homeowners to nonrefundable income tax credits to offset home mortgage interest costs.

The Administration strongly opposed the extension of MSBs as an unnecessary and very inefficient subsidy to home buyers, but we have supported the more efficient mortgage credit certificate approach as an alternative if Congress extends MSBs over our objections.

The bill also would have imposed a number of additional limitations on tax-exempt IDBs and student loan bonds, including state volume caps, limits on small issue IDBs for land or existing facilities,

denial of tax exemption where certain Federal guarantees are involved, and additional arbitrage restrictions.

We strongly support such limitations. They are needed both to control the growth of private purpose tax-exempt financing, which is an unreviewed and rapidly growing form of indirect Federal spending, and to offset the substantial revenue loss from the extension of MSBs.

These are the three most important hangover items—leasing to tax exempts, life insurance, and MSBs and IDBs. Action is urgently needed in these areas. In addition, several of the other items in the Ways and Means tax bill and some of those considered by the Finance Committee could be enacted as well. Thus, even if there is no major revenue initiative in 1984, there will in all likelihood be tax legislation.

IV. LONG-TERM CONSIDERATIONS

The smart money still has to be put on the proposition that Congress will not enact any *major* revenue initiative in 1984, and that it will not deal with the budget deficit in a meaningful way. If this is the case, discussions of revenue increases will continue into 1985. They will be expanded, however, to cover the structure of, as well as the amount of revenue raised by, the Federal tax system.

Some now suggest that the tax system has reached its political and economic limits. More people are questioning whether our present tax code is raising needed revenue efficiently, fairly, and without unduly burdening capital formation, saving and investment. These are the kinds of inquiries which raise the specter of fundamental tax reform.

Taxpayer dissatisfaction with the present system is no secret. Even with the dramatic reductions in marginal tax rates enacted in 1981, taxpayers remain convinced that their neighbors who are just as well off pay less tax than they do, and that taxpayers who are wealthier than they pay fewer taxes still.

As people talk increasingly of fundamental tax reform, we must look carefully at what is really involved. As is usually the case with a complex subject that people wish to be simple, a great deal more is involved than most people generally suspect.

The objectives of most tax reform plans are similar—reducing economic distortions caused by taxes, and improving equity and compliance, by broadening the tax base and lowering tax rates. However, various schemes have quite different effects on savings incentives, the uniformity of treatment among different activities, and the distribution of the tax burden.

A number of tax reform alternatives have been and will continue to be discussed. These include:

(1) A pure flat rate income tax—simplistic and attractive, but unrealistic because of the dramatic shift in the tax burden it would cause from upper to lower and middle income taxpayers.

(2) A modified flat-rate system—*i.e.*, much less progressive, and much lower rates on a broader tax base. An example is the "fair tax" proposed by Senator Bradley and Representative Gephardt, which will evidently be the Democratic rallying point for tax reform. The thing to watch: the adverse impact Bradley-Gephardt would have on savings and investment by increasing the tax on savings.

(3) We have looked a good deal at a tax on consumed income; it would provide great simplicity to the taxation of business, and it would remove the bias against savings in the present system. But it would have its problems too. For example, while savings and repayment of debt would be fully deductable, borrowing would have to be added to the tax base. Transition problems also are troublesome.

(4) And of course we've heard a good deal lately about a national sales or value-added tax—a sales tax always rates high in the polls as the least unpopular tax. But it is hard to offset the significant regressivity which could result from such a tax, particularly among persons below the income tax level. Moreover, raising revenue in this fashion would cause the price level to raise in the short run, and we cannot overlook the negative reaction from states and localities.

In short, fundamental tax reform is no panacea, and it is certainly no answer to increased revenue needs in the short run.

In the long run, however, it could greatly increase the efficiency and fairness of our tax system, and much simplicity could be provided. Moreover, it is even possible that fundamental tax changes could, if forthright steps are taken, increase the yield of our tax system by reducing avoidance and evasion of taxes.

Tax simplification and reform will be much discussed in 1984 as in every Presidential election year. But this year could be different; it could be a serious and specific discussion.

Back to the immediate. Whether there is serious tax activity in 1984 to deal with the budget deficit depends on the Administration's budget which will be presented to the Congress in early February. And that I cannot disclose—final decisions are just now being made.●

H.R. 555, CWIP POLICY FACT SHEET

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. OTTINGER. Mr. Speaker, this week the House will consider H.R. 555, the Construction Work in Progress Policy Act of 1983 introduced by my colleague from Iowa, Mr. HARKIN. This important piece of consumer legislation is strongly supported by Members who want to protect ratepayers from paying for powerplants they may never use, either because they will not live to see the plant put in service or because the plant may turn out to be unneeded and is abandoned, as so many have been in recent years.

H.R. 555 corrects the new FERC CWIP rule to protect consumers. As a result, it has attracted significant support both inside Congress and out. There are currently 110 House cosponsors and 22 diverse organizations backing the bill. These organizations include the American Paper Institute, American Association of Retired Persons, American Public Power Association, Citizen-Labor Energy Coalition, Consumer Energy Council of America, Consumer Federation of America, Consumers Union, Environmental Action, Environmental Defense Fund, Environmental Policy Institute, Friends of the Earth, National Association of State Utility Consumer Advocates, National Consumer League, National Council of Senior Citizens, National Farmers Union, National Rural Electric Cooperative Association, Natural Resources Defense Council, Sierra Club, United Auto Workers, United Methodist Church, Board of Church and Society, and United Steelworkers of America.

I am including in my remarks a factsheet prepared by the staff of the Subcommittee on Energy Conservation and Power on H.R. 555 and a pamphlet distributed by the Fair Electric Rates Coalition answering commonly asked questions about CWIP. I hope Members will find the information helpful in their consideraton of this important consumer bill.

FACT SHEET ON H.R. 555

H.R. 555 would establish policies and procedures to guide the Federal Energy Regulatory Commission (FERC) in its handling of applications by utilities to include CWIP in rate bases. CWIP refers to costs incurred by electric utilities in the construction of facilities such as powerplants while these facilities are being constructed and prior to their being placed in service to ratepayers. FERC regulates only wholesale sales, i.e., sales between two utilities for resale to ultimate customers. These sales represent about 10 percent of electricity sales nationally per annum.

Inclusion of CWIP in rate base causes problems:

It transfers a portion of the financial risk of constructing facilities from shareholder to ratepayer;

It encourages utilities to build long-lead time, expensive and risky large powerplants without examining whether they could meet their customers' needs by investing in less expensive conservation measures and other alternatives first;

It forces customers to pay for powerplants that many will see no benefits from, either because these powerplants will never be completed or because, as in the case of the elderly, they will not live to see the completion of facilities.

Nonetheless, inclusion of CWIP in rate base, where truly needed, can be an appropriate regulatory remedy, both in the interest of the utility and its ratepayers.

In 1983 the FERC changed long-standing policy and adopted a rule permitting virtually the automatic inclusion of 50 percent of CWIP in rate base. The careful review of individual CWIP requests necessitated by the problems that it can cause was abandoned.

H.R. 555, as reported by the Committee is a more moderate approach to CWIP than H.R. 555 as originally introduced. As reported, H.R. 555 would require the FERC to scrutinize CWIP requests on a case-by-case basis. It would limit CWIP in rate base to situations in which a utility shows that—

It has poor cash flow: specifically, cash flow must be less than 40 percent of construction expenditures;

It can only borrow money at rates significantly above the industry average;

The facility it wants to build is reasonably necessary in light of the economic potential of alternatives to it, such as cogeneration and conservation.

These requirements are critical in order to direct the FERC to permit the inclusion of CWIP in rate base only when such inclusion is likely to be in the interest of the utility's ratepayers.

Prepared by Subcommittee on Energy Conservation and Power 2/3/84.

CONSTRUCTION WORK IN PROGRESS—IS IT FAIR TO MAKE CONSUMERS PAY "UP FRONT?"

(Prepared by Fair Electric Rates Coalition, January 1984)

WHAT IS CONSTRUCTION WORK IN PROGRESS?

Construction work in progress, or CWIP, is the cost that an electric utility incurs as it builds new generating or transmission facilities.

WHAT DOES IT MEAN TO PUT CWIP IN RATE BASE?

CWIP entitles a private utility to earn a return on plants not yet providing electricity.

Utility commissions set consumers' electric bills by first calculating a utility's rate base—the amount invested in plant and equipment actually in service less depreciation. A percentage rate of return is then applied against the rate base to provide the private utility with a reasonable opportunity to repay its financial obligations and earn a fair profit. If CWIP is added to a utility's rate base, the dollar value of that base is expanded. Thus, the utility is not only compensated for its existing facilities, but earns a return on those under construction.

HOW HAVE UTILITY COMMISSIONS TREATED CWIP IN THE PAST?

Traditionally, utility commissions required consumers to pay only for facilities that were "used and useful," that is, plant and equipment generating or transmitting electricity. While facilities were under construction, utilities calculated their financing costs which were collected from ratepayers after plants went into service.

Several years ago, some private utilities said they could no longer construct plants without immediate financial assistance from ratepayers. They asked commissions to depart from the "used and useful" principle. Some utility commissions, including the Federal Energy Regulatory Commission (FERC), deviated from this principle on a case-by-case basis where they found utility financial need for extraordinary rate relief.

WHY IS CWIP A CONTROVERSIAL ISSUE?

Consumers have vigorously opposed attempts by private utilities to make them pay for facilities that are not yet capable of providing electricity. This sentiment is even stronger today because many utilities are performing well financially, and thus have no need for extraordinary rate relief. CWIP has not only become a serious regulatory issue, but a volatile political one too. Statutes or initiatives to prohibit CWIP in retail rates have been passed in four states—New Hampshire, Oregon, Missouri and Pennsylvania. In 1983, Texas adopted a law limiting CWIP in rate base. Many other states effectively prohibit or severely restrict CWIP in retail rates. Grassroots efforts are underway to have similar policies adopted in additional states.

DOES NOT A PLANT COST LESS WITH CWIP?

Under certain economic assumptions, a plant may cost less with CWIP than undr traditional regulations

DOES THIS MEAN THAT CWIP IS IN CONSUMERS' FINANCIAL INTEREST?

No. Lower plant costs do not mean lower rates. And CWIP is bad consumer policy for many other reasons.

First, consumers are compelled to pay millions of dollars immediately in higher electric rates.

Second, consumers are denied the current use of their money to meet subsistence needs, install conservation devices, or invest. Consumers' purchasing power will be greater if they retain their money and invest it at a rate at least equal to a utility's cost of capital. Also, wholesale customers, which are utilities themselves, lose some capital which could be invested in their own generating plants.

Third, consumers' "pocketbooks" are unprotected because utility managers are no longer disciplined by the financial marketplace. Billions of dollars are at stake when a utility decides to construct a power plant. Utilities have much less economic incentive to evaluate conservation, load management, or alternative energy resources when they're effectively guaranteed a return on investment from consumers in a new power plant under construction.

Finally, consumers take a substantial risk that they will never benefit from their CWIP contribution. Over the last 10 years, well over 100 electric plants were cancelled after more than $10 billion had been spent on them. If consumers had paid CWIP, they would have contributed funds for plants which will never generate electricity. And in an increasingly older and more mobile society, many people would be charged CWIP, but would never receive power from facilities completed many years later.

DOES FERC ALLOW CWIP?

Yes. FERC allows utilities to apply for CWIP related to installation of pollution control facilities, conversion of oil- or gas-fired plants to other fuels, and prior to 1983, cases where a company was in "severe financial difficulty." During 1983, FERC abandoned its "financial distress" policy by permitting any utility, regardless of its financial condition, to place half its CWIP costs in rate base for wholesale customers. However, for the first two years that the rule is in effect, inclusion of CWIP cannot raise rates by more than 6 percent annually.

HAVE ANY UTILITIES APPLIED FOR CWIP UNDER THE NEW FERC RULE?

Yes. Utilities throughout the country are filing or collecting CWIP-based rates under the new rule. The rate increases range from $457,000 to $50 million.

WILL RETAIL CONSUMERS BE AFFECTED BY FERC'S RULE?

Yes. The rule will immediately affect consumers whose local public or private power systems buy electricity from an investor owned utility currently building new facilities.

The electric rates of many more consumers could be raised if utilities reorganize themselves into a corporation such as New England Electric System (NEES). NEES is a holding company with a generating subsidiary, New England Power Company (NEPCO). NEPCO sells power to NEES distribution subsidiaries, such as Massachusetts Electric. By selling power within this "corporate umbrella," NEES' wholesale transactions are regulated by FERC. If other utilities follow this example and set up separate generating and distribution companies, they would benefit by the liberal FERC rule on CWIP and would escape restrictive state policies denying them such relief. In fact, several private utilities have proposed such a reorganization. All consumers of these utilities would then be affected by FERC's CWIP rule.

DO UTILITIES NEED THE FERC RULE TO "PREVENT THE LIGHTS FROM GOING OUT?"

No. Today, the country has nearly 40 percent excess generating capacity. Twenty percent is deemed to be a prudent level of reserves. A 1983 Congressional Research Service (CRS) study indicates that between now and the the year 2000, there should be sufficient generating capacity to meet the nation's power needs with reasonable improvements in energy efficiencies. If demand exceeds present projections, CRS says there should be ample time to make adjustments.

IS CONGRESS RESPONDING TO THE FERC RULE?

Yes. Legislation to limit FERC's authority to allow CWIP in wholesale rates has been introduced. In the House, H.R. 555 is awaiting action on the floor. In the Senate, S. 817 and S. 1069 are pending in the Committee on Energy and Natural Resources.

DO THESE BILLS PROHIBIT CWIP?

No. All three bills permit CWIP for pollution control facilities and plant conversions from oil or natural gas to other fuels. In addition, H.R. 555 allows a utility with a substantial construction program to apply for CWIP if its program is consistent with a least-cost energy strategy, the company is unable to attract capital at reasonable rates, and such relief will not place wholesale customers at a competitive disadvantage. Similarly, S. 1069 permits CWIP if a utility is in "severe financial difficulty."

ARE THESE BILLS IN THE CONSUMERS' INTEREST?

Yes. Consumers will pay CWIP only when extraordinary rate relief is truly justified, either to achieve important national policy objectives such as reducing utility emissions, or when a utility demonstrates it has a genuine financial need, its construction program follows a least-cost energy plan, and it could not provide electricity to its customers without extraordinary rate relief.

WHAT CAN BE DONE TO ENSURE CONSUMERS ARE TREATED FAIRLY BY FERC?

Congress should enact H.R. 555 and S. 1069 to ensure FERC meets its responsibilities under the Federal Power Act—to respond to the financial needs of private utilities, while also protecting consumers from excessive and unjustified rate increases.

ORGANIZATIONS SUPPORTING H.R. 555 AND OPPOSING ROUTINE ALLOWANCE OF CWIP

American Association of Retired Persons,
American Public Power Association,
Citizen-Labor Energy Coalition,
Consumer Energy Council of America,
Consumer Federation of America,
Consumers Union,
Environmental Action,
Environmental Defense Fund,
Environmental Policy Institute,
Friends of the Earth,
National Association of State Utility Consumer Advocates,
National Consumers League,
National Council of Senior Citizens,
National Farmers Union,
National Rural Electric Cooperative Association,
Natural Resources Defense Council,
Sierra Club,
United Auto Workers,

United Methodist Church, Board of Church and Society,
United Steelworkers of America.

ORGANIZATIONS AND AGENCIES OPPOSING H.R. 555 AND FAVORING ROUTINE ALLOWANCE OF CWIP

Edison Electric Institute,
U.S. Department of Energy.●

BLACK HISTORY IN PRINCE GEORGES COUNTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. HOYER. Mr. Speaker, a few years ago an historic sites and districts plan was developed for Prince Georges County, Md., much of which I represent. This plan surveyed the many historic homes and manors located in the area, and reviewed the lifestyles, history, and cultural developments of the people who lived in them. The plan concentrated on the white colonists and settlers and their heritage, and one of the recommendations of the report was that a real need existed to document the lives and communities of the black residents of the area—the slaves, the free men and women, often the backbone of the white society which existed at this time.

History has often ignored this aspect of American life, and it was feared that many important sites would be lost to the wrecker's ball unless action was taken. The Maryland National Capital Park and Planning Commission, acting upon the direction of the Prince Georges County Council, recognized this very obvious and serious need, and it set about to investigate the rich and varied heritage of the black community here in Maryland. Miss Bianca Floyd was hired by the history division and has undertaken this task. Her research has already brought to the public's attention many facets of the growth and development of the black community. I feel that it is most fitting, during the month of February which is designated as Black History Month, to review some of her findings.

From the records of early slaves at George Calvert's mansion to the development in the early 1900's of communities by and for thriving black professionals, the history is filled with moving and amazing stories.

Perhaps nowhere is this more evident than in the chronicle of a single family who lived through these times, the Plummers. From Cupid Plummer, who fought in the Revolutionary War came a family whose progeny was to affect much of the religious, educational, and social development of the area around today's towns of Riverdale and Bladensburg. It is a fascinating story and one which I will briefly outline here.

Cupid Plummer fought for 7 years in the Revolutionary War as a surrogate for his master, John Hodge. His son Barney was owned by George H. Calvert, descendant of Lord Baltimore, who had a large landholding at Goodwood. Among Barney's many children was Adam Francis who grew up with Calvert's son, Charles. The close ties between these two men were to aid Adam throughout his life until Emancipation. When Adam was 10 years old, the Calvert family moved to Riverdale, to the site that still stands known as the Calvert Mansion. There Adam learned to read and write, which, at the time was considered a crime for a slave. Through this action, we have the family history of this remarkable time, for Adam, from the year 1841 to 1905, kept a diary. In 1927 one of his children, Nellie Arnold Plummer, used this document to write "Out of the Depths or the Triumph of the Cross," a chronicle of the Plummer family.

In 1841 Adam married Emily Saunders who lived at "Three Sisters" manor 8 miles away from the Calvert Mansion in Riverdale. For the next 10 years Adam would be allowed to visit his wife only on weekends which he reached by walking the distance to her farm, as each spouse had different "masters." During this time they had six children; Sarah Miranda, Henry Vinton, Elias Quincy, Julia Ann, Nicholas, and Marjory Ellen Rose. The last child died soon after she was born.

This 10-year span saw much development in the Plummer family. They were hard working, religious, and close-knit. Adam had a knack for horticulture, and Calvert allowed him to use 3 or 4 acres of ground for himself. As a result he always had money of his own, which was to prove very useful during the times that lay ahead of him. For in 1851, Emily and four of her children were sold to a family called Thompson, and they moved to Washington, D.C. Her oldest child, Sarah Miranda, was sold to a trader and taken to New Orleans. It was a difficult parting for all, and it became more so as this new family again moved to Mount Hebron, 20 miles distant. Visits were almost impossible, and to travel, Adam required several passes and much documentation. Added to this was the fact that the new master was extremely rough to Emily and often whipped her until she was finally able to get his wife to intercede and stop this treatment. Semiannual visits and numerous letters kept the bond strong between the two, and over the next years they had three more children, Margaret Jane and twins, Robert Francis and Nellie Arnold.

With Emancipation came a final reuniting of this family at "Mount Rose," a 10-acre property given to Adam by Charles Calvert. He was to remain there until his death at the age of 87.

It is with the children of Adam and Emily that we see the real influence of this remarkable union. Despite being carted from place to place, being led to the auction block and sold like cattle, despite living through mistreatment by bad owners, with war all around them, these young men and women took from their parents and their heritage a strength of character and will that molded them into leaders.

Sarah Miranda, sold at the age of 18 and carried off to New Orleans far from her family, found her solace in God. During her years in New Orleans, she joined the First African Baptist Church and was baptized in 1864. Finally found in Louisiana by her brother, Henry, she returned with him to Mount Rose and founded the St. Paul's Baptist Church. She was also one of the founding members of the Bladensburg Union, a community and beneficial society.

Her brother Henry had fled the confines of slavery and the Thompson household and joined the Union forces during the Civil War. After going, at the age of 22 to New Orleans to retrieve his sister, he returned to Riverdale and became the force behind the Bladensburg Burying Association, a society formed to provide burial insurance, compensation for the sick, disabled, and unemployed as well as support services for other emergencies. Later the organization was renamed the Bladensburg Union. It is still serving the St. Paul's church community to this day. Henry was also a founding trustee and chief organizer of the new school society. This group organized the first school for blacks in Bladensburg during reconstruction. Later he became a chaplain in the U.S. Army and settled in the Midwest.

Brother Elias Cupid Quincy Plummer taught school and was a choir master. He also became an influential Methodist minister.

His sister Julia Ann Caroline Maria Plummer was a seamstress, and, despite ill health, graduated at the age of 43 to become a nurse and teacher.

The birth of twins came as a mixed blessing to the Plummer household. Caught in the midst of a tumultuous time, when Sarah was being sold to a slave trader, their future was uncertain to many in the family. But mother Emily said, "Never mind, something tells me that these two children will never have to suffer as we have. This boy is going to be a doctor and the girl is going to be a school teacher. Remember, thoughts are things."

Emily was right. Robert, born just 2 years and 3 months before Emancipation, went to Cornell University, and Howard University where he received his doctorate in pharmacy. His twin,

Nellie Arnold, became a widely known singer of gospel and sacred music, and was a teacher for 45 years, in Maryland, Virginia, and the District. It was she who used Adam's diary and wrote the family biography.

Adam's influence went even further. He taught Emily's brother, William Robert Arnold, how to read, an act that was to have a profound influence on his life. Because he was so knowledgeable his master sent him to Washington, D.C., where he was strongly influenced by the Abolitionists. He escaped on the underground railroad into Canada, and later went to Ohio where he became a minister. He had a series of very successful parishes in Mount Pisgah, Havre de Grace, Baltimore, Cambridge, St. John's, and St. Paul's, and he capped his career with a Bachelor of Divinity at Howard University.

As Miss Floyd points out in many of her writings, the history and leadership of the Plummer family provides an excellent example of a black family's struggle both in slavery and in freedom. Unlike the "Roots" saga, by Alex Haley, which relied mostly on oral history, this family's story is based upon the actual accounts of a slave who wrote about his life in bondage. It is a story of strength and courage and hardship, and it is an integral part of our own history.

Mr. Speaker, the story of the Plummer family is but one of many thousands to be found all across this Nation. I commend the efforts of Miss Floyd and the Maryland National Capital Park and Planning Commission for undertaking the task of uncovering an important part of our history, and I urge my colleagues to promote similar kinds of endeavors in their home districts.●

LET US DO MORE TO END THE TRAGEDY OF CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BROOMFIELD. Mr. Speaker, let me call the attention of my colleagues in the House to a report from the President. The bimonthly report on Cyprus spells out what progress is being made toward a negotiated settlement of the Cyprus problem. The report focuses on the recent Turkish Cypriot declaration of statehood. Although I am pleased that our Government condemned the illegal declaration and understand the complexity of the issue, I believe much more must be done to resolve this long-festering problem.

As all of you know, Turkish troops invaded Cyprus nearly 8 years ago. During the intervening 9 years, families are still separated from one another and over 200,000 refugees have been forced from their homes and villages. Approximately 40 percent of the island is under Turkish Cypriot control, thereby depriving the native Cypriots of self-determination.

Not only has this occupation imposed a political hardship on the people of Cyprus, it has enacted a heavy economic, social, and cultural burden as well. From a strategic perspective, the United States also has legitimate concerns. At the very time that the Soviet Union is enhancing its power in the Mediterranean, NATO's southern flank is weakened by the Greek-Turkish clash over Cyprus. Not only do our southern flank partners disagree over military control and tactics in the region, U.S. bases in Greece and Turkey have, in the past, been threatened with removal unless the conflict in Cyprus is resolved. In short, our entire defense posture in Southern Europe and the Middle East is in jeopardy.

What should America do in the face of this blatant attempt to dismember Cyprus. In addition to condemning the illegal declaration of statehood, our Government must continue its efforts to convince the Turkish Cypriot community to reverse its decision. In addition, we must aggressively pursue our efforts with the world community to convince them not to recognize that illegal entity. Although our lobbying efforts in the United Nation were successful and the Security Council called for a reversal of the declaration, we must not sit back and let this issue die on the vine.

We must increase the level of diplomatic and congressional contacts with the Government of Turkey and with the Turkish Cypriot community in Cyprus and explain to them the futility of their efforts to split a sovereign nation in half. In addition, our Government should not let the Turkish Cypriot community merely mouth platitudes about the situation on the island. Turkish Cypriot goodwill measures designed to settle some of the issues are not enough. Should our Government put this issue on the back burner, we will play into the hands of the Turkish Cypriots and basically tell them that the partition of Cyprus is a fait accompli. Should our country fail to apply maximum pressure on the illegal government of Mr. Denktash, we will be sanctioning an illegal act which violates international standards of justice, human rights, and international law.

With these concerns in mind, I recommend that all of my colleagues read the President's bimonthly report on progress on the Cyprus problem.

THE WHITE HOUSE,
January 24, 1984.

TEXT OF A LETTER FROM THE PRESIDENT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRMAN OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

DEAR MR. SPEAKER and MR. CHAIRMAN: In accordance with Public Law 95-384, I am submitting herewith a bimonthly report on progress toward a negotiated settlement of the Cyprus problem.

Since the previous report (Nov. 7, 1983) the Turkish Cypriot community declared its statehood. The declaration of November 15, 1983, was condemned by the Administration as unhelpful to the process of finding solutions. We urged reversal of the Turkish community's moves and called on all states of the world not to recognize the self-proclaimed entity. On November 18, 1983, we joined a nearly unanimous U.N. Security Council in passing resolution 541 which also called for reversal of the declaration and for no international recognition of the self-proclaimed entity.

Following the November 18, 1983, Security Council action, Cypriot President Kyprianou came to Washington where Secretary Shultz and I met with him to assure him of our opposition to the Turkish Cypriot move and of our continuing determination to see the Cyprus question settled fairly and finally. We also met with (then) Turkish Foreign Minister Turkmen to whom we explained these same points. With both the Cypriot and Turkish government officials we urged flexibility in reacting to any opportunities for progress which may present themselves. The Secretary of State made a similar presentation to Greek Foreign Minister Haralambopoulos.

In early December 1983, State Department Counselor Edward Derwinski visited Greece and Cyprus to meet with Government leaders and private individuals for discussions of the situation on Cyprus. Several additional visits to Cyprus by members of the Congress took place during the period.

On December 15, 1983, the U.N. Security Council renewed the mandate for the U.N. Forces in Cyprus (UNFICYP) for another six months. (Secretary General's report of December 1 is attached.) The Turkish Cypriot community did not support the terms of this renewal but its leaders have said they will continue to cooperate with U.N. forces in their peacekeeping role.

On January 2, 1984, the Government of Turkey announced its intention to remove 1,500 of its troops from Cyprus. On the same day Mr. Denktash, leader of the Turkish Cypriot community, announced a series of "goodwill" measures designed to settle some of the outstanding issues between the communities. Included among these were proposals to turn over the city of Varosha and the Nicosia airport to U.N. administration, reactivation of the Committee on Missing Persons, and several other confidence-building measures. The Administration welcomed these proposals as being movement in the right direction.

On January 9, 1984, President Kyprianou again visited Washington during a private visit to the U.S. and discussed with Secretary Shultz and others his Government's ideas on how to achieve progress toward a comprehensive settlement.

The Secretary of State's Special Cyprus Coordinator Richard Haass and other Department officials have maintained close liaison with U.N. officials involved with the

Cyprus question. We continue to support the Secretary General's good offices role.

During the period, the Administration has encouraged the parties to the Cyprus question to be forthcoming with new ideas for progress and not to reject out of hand any proposals for progress. We believe the January 2, 1984 proposals from the Turkish side and the plans discussed with President Kyprianou in November and in January constitute positive results. We intend to continue our strong support for the U.N. Secretary General's role in the search for solutions to the Cyprus problem.

Sincerely,

RONALD REAGAN.

DEPARTMENT OF STATE,
Washington, D.C., January 27, 1984.

DEAR MR. BROOMFIELD: Knowing of your keen interest in the Cyprus situation, I am taking the liberty of sending you a copy of the President's latest 60-day report on Cyprus, which was recently released. Richard Haass, Secretary Shultz's Special Cyprus Coordinator, would be pleased to discuss with you this report as well as other recent developements on Cyprus.

We look forward to working with you and your colleagues in the Congress to help resolve the Cyprus problem.

Sincerely,

W. TAPLEY BENNETT, Jr.
Assistant Secretary,
Legislative and Intergovernmental Affairs.●

THERAPEUTIC USE OF HEROIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. WAXMAN. Mr. Speaker, on behalf of Mr. LELAND, Mr. SCHEUER, Mr. MARKEY, Mr. SHARP, Mr. WHITEHURST, Mrs. HALL of Indiana, Mr. WEISS, Mr. STARK, Mr. LEVINE of California, Mr. LEVINE of Michigan, Mr. BONIOR of Michigan, Mr. NOWAK, Mr. WILLIAMS of Montana, Mr. ACKERMAN, Mr. FRENZEL, Mr. FORD of Tennessee, Mr. WON PAT, Mr. FRANK, Mr. CONYERS, Mr. SPENCE, and Mr. BARNES, I am pleased to announce the introduction of H.R. 4762, the Compassionate Pain Relief Act. The legislation would permit establishment of a temporary program through which heroin—diacetylmorphine—would be made available by the Federal Government to physicians to relieve the agony of cancer patients suffering intractable pain.

The need for this legislation is great. The ability of the terminally ill to live out their last months and weeks in comfort—without pain—is often denied due to arbitrary restrictions on the therapeutic use of heroin.

The National Cancer Institute estimates that as many as 33 percent of cancer patients will require drug therapy for the relief of pain. While a majority of these patients can be adequately treated with conventional analgesics, there is an important group of patients of whom the pain of cancer is often more fearsome than the disease itself. These patients are often highly tolerant to conventional analgesics or are emaciated, which makes frequent injections difficult and painful.

The safety and effectiveness of heroin in the treatment of pain has been well established. Although its use in medicine was at one time permitted in this country, fears over its addictive properties and concerns associated with illicit abuse resulted in its ban. Tragically, banning the therapeutic use of heroin has had little effect on the incidence of heroin abuse, but it has impacted on those who could benefit from its use in treatment of pain.

Heroin is recognized by pharmacologists and physicians worldwide as one of the most effective analgesics known to medical science. It is a potent, highly soluble pain killer, and therefore an excellent analgesic for patients unable to tolerate frequent high volume injections of drugs like morphine or for whom drugs like dilaudid are contraindicated. Experts testified before the Subcommittee on Health and the Environment in 1980 that heroin is no more addicting than other legally available narcotics and that in the treatment of pain—particularly intractable pain due to cancer—pain management, rather than addiction, should be the principle therapeutic consideration.

H.R. 4762 provides for establishment of a temporary program, administered by the Secretary of Health and Human Services, to provide therapeutic quantities of diacetylmorphine to physicians for the treatment of intractable pain in patients suffering from cancer. The temporary program will end 4 years after enactment.

This program is limited in scope, and will require individual registration of participating pharmacies and physicians. It will operate in much the same fashion as existing Federal programs sponsored by the National Cancer Institute and the National Institute on Drug Abuse, through which limited quantities of marihuana cigarettes and THC capsules are available to approved physicians and pharmacies for use in research activities to control the nausea of cancer chemotherapy.

The legislation also provides that strict safeguards and reporting requirements be observed similar to those currently in place to prevent diversion of legally available narcotics like morphine or dilaudid. Distribution or possession of heroin outside the limited scope of this program would continue to constitute a violation of the Federal Controlled Substances Act and be subject to maximum penalties of 15 years imprisonment and a $125,000 fine.

A similar bill, S. 209, has been sponsored in the Senate by Senators INOUYE, DECONCINI, GOLDWATER, LEAHY, MATSUNAGA, PELL, RANDOLPH, RIEGLE, SYMMS, TSONGAS, WARNER, GLENN, ABDNOR, LEVIN of Michigan, HATFIELD, DOMENICI, PACKWOOD, MCCLURE, and HOLLINGS.

Mr. Speaker, no one should assume that heroin is a wonder drug or that passage of H.R. 4762 will eliminate very real deficiencies that exist in clinical knowledge about pain managment. Heroin may not be the analgesic of choice for most cancer patients. Yet heroin is a highly effective analgesic which may offer individual patients benefits not available with conventional medications. It should be available as one of many drugs in a cancer physician's armamentarium available to treat patients suffering from the intractable pain often caused by cancer.

Mr. Speaker, I urge every Member's support. Enactment of H.R. 4762 would provide hope to thousands of cancer patients and their families.

I insert a copy of H.R. 4762 in the RECORD at this point:

H.R. 4762

A bill to establish a temporary program under which diacetylmorphine will be made available through qualified pharmacies for the relief of pain from cancer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Compassionate Pain Relief Act".

SEC. 2. The Congress finds the following:

(1) Cancer is a progressive, degenerative, and often painful disease which afflicts one out of every four Americans and is the second leading cause of death.

(2) In the progression of cancer, a significant number of patients will experience levels of severe, intense, and intractable pain which cannot be effectively treated by presently available medication.

(3) The therapeutic use of diacetylmorphine is not permitted in the United States but extensive clinical research has demonstrated that it is a potent, highly soluble painkilling drug when properly formulated and administered under a physician's supervision.

(4) Making diacetylmorphine available to patients through controlled channels as a drug for the relief of pain due to cancer is in the public interest.

(5) The availability of diacetylmorphine for the limited purposes of pain control due to cancer will not adversely affect the abuse of illicit drugs or increase the incidence of pharmacy thefts.

(6) The availability of diacetylmorphine will enhance the ability of physicians to effectively treat and control pain due to cancer and promote further research.

(7) It is appropriate for the Federal government to establish a temporary program to provide pharmaceutical dosage forms of diacetylmorphine for the control of pain in those limited circumstances in which conventional analgesics are ineffective or contraindicated.

SEC. 3. (a) Not later than October 1, 1984, the Secretary of Health and Human Services (hereinafter in this Act referred to as the "Secretary") shall issue regulations establishing a program under which diacetylmorphine shall be made available to pharmacies for dispensing pursuant to written prescriptions of physicians to individuals for

the relief of pain from cancer (hereinafter in this section referred to as "the program").

(b) The Secretary shall provide for the manufacture of diacetylmorphine for dispensing under the program.

(c) Under the program diacetylmorphine may only be made available, upon application, to pharmacies registered under section 302 of the Controlled Substances Act which meet such qualifications as the Secretary may by regulation prescribe. An application for diacetylmorphine shall—

(1) be in such form and submitted in such manner as the Secretary may prescribe; and

(2) contain assurances satisfactory to the Secretary that—

(A) the applicant meets such special requirements as the Secretary may prescribe respecting the storage and dispensing of diacetylmorphine; and

(B) diacetylmorphine provided under the application will be dispensed through the applicant upon the written prescription of a physician registered under section 302 of the Controlled Substances Act to dispense controlled substances in schedule II of such Act.

Requirements prescribed by the Secretary under paragraph (2)(A) shall be designed to protect against the diversion into illicit channels of diacetylmorphine distributed under the program but such requirements may not be more stringent than those in effect under the Controlled Substances Act for the distribution of controlled substances in schedule II of such Act.

(d) A physician registered under section 302 of the Controlled Substances Act may prescribe diacetylmorphine for individuals for the relief of pain from cancer. Any such prescription shall be in writing as prescribed by the Secretary by regulations.

(e) The Federal Food, Drug, and Cosmetic Act and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall not apply with respect to—

(1) the importing of opium,

(2) the manufacture of diacetylmorphine, and

(3) the distribution and dispensing of diacetylmorphine,

in accordance with the program.

SEC. 4. (a) Not later than the third month beginning after the date of the enactment of this section and every third month thereafter until the program is established under section 3, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the activities undertaken to implement the program; and each year after the program is established and while it is in effect, the Secretary shall report to such Committees on the activities under the program during the period for which the report is submitted.

(b) Upon the expiration of four years after the date the program is established, the Comptroller General of the United States shall report to the committees referred to in paragraph (1) on the activities under the program during such four years.

(c) The program established under subsection (a) shall terminate upon the expiration of sixty months after the date the program is established.●

OIL COMPANY ACQUISITIONS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. DASCHLE. It is not very often that those of us outside the inner circles of the giant oil corporations get a chance to see how these companies work, and what the effects of their actions will have on us. That is why I was particularly pleased to see a recent interview with J. Hugh Liedtke, chairman of the board of Pennzoil. In the interview, sparked by Pennzoil's action in filing an antitrust suit against Texaco's proposed merger with Getty Oil, Chairman Liedtke provides a refreshing, frank appraisal of what the recent surge in takeover activity by various major oil companies means to the oil industry and the American consumer.

Of particular interest is his comment that "based on studies, 79 percent of all the oil in the world is controlled by about 16 companies. So once you get oil controlled that way, and, more particularly, you get domestic reserves controlled by a very few companies, then what do you think is going to happen to the price? Just the same thing that happened in the game of Monopoly. You can set the darned rate anywhere you want to."

It is this continuing tendency on the part of major oil companies to increase their reserves not by exploration but by acquisition that reduces competition and drives up the price of all petroleum products. Chairman Liedtke's comments provide an insight into these operations and a real warning of where, if left unchecked, they will lead us.

The interview follows:

[From the Washington Post, Jan. 29, 1984]

PENNZOIL CHIEF: OIL GIANTS PLAY MONOPOLY WITH REAL MONEY

(The battle between Pennzoil Corp. and Texaco Inc. for control of Getty Oil Co. appeared to be winding down last week, as Texaco raised its bid for Getty to $10.1 billion and gained the unanimous approval of the several factions of the Getty family, while Pennzoil was making little headway in its attempts to halt the merger in court.)

(Pennzoil officials have argued throughout that the amalgamation of Texaco and Getty has potentially serious implications for the oil industry and national energy policy. In an interview last week, Pennzoil Chairman J. Hugh Liedtke discussed these issues with staff writer Mark Potts. Here are some excerpts from the interview:)

Question. There have been a lot of events in the oil industry in the past couple of months: the Getty situation, T. Boone Pickens Jr.'s fight to change Gulf, and Mobil's royalty trust filing. Do you think these signal any kind of an upheaval in the industry?

Answer. I'm not sure how connected everything is. If the Getty-Texaco merger were to be permitted under the antitrust laws, then I think you're going to see a tremendous upheaval in the industry which would entail the few very large companies gobbling up all of the medium-sized and smaller companies. It may not happen overnight, but it's going to happen fairly fast.

Q: You filed an antitrust suit against Texaco and Getty. What are your objections?

A: Well, in antitrust, the traditional types of [problems] are overlaps of markets, of refining capacities, and so on. This merger would violate almost any kind of criteria you want to use in those areas. . . .

But the bigger problem—let me get at it this way: Perhaps years ago you played Monopoly—that was a very famous game, everybody played, and the name of the game was Monopoly. The way it worked was, as I recall it, you started out with a group of properties and a little bit of money. And then, pretty soon, why you built some houses on the properties and you got rental income, and as you got enough rental income, you built hotels. And you got more rental income. And pretty soon, you had more income than one of the other players, so you bought him out. And then you had more than three or four players in the game. So you either bought them out or you forced them out in bankruptcy through the bank.

Well now, in the oil business, we have the same identical game going on. In our case, the land is leases—oil and gas leases—which in Texas, at any rate, is an interest in real estate. Instead of building houses, we drill wells, and that's where we get our income. And where you can drill a bunch of wells, instead of having a hotel, you have a huge tank battery or tank farm. You have a whole lot of money. And then the next thing that happens, you buy someone out, or you buy them in a bankruptcy proceeding.

The point I'm getting at is that, if that is allowed to continue with these great big companies, pretty soon you're only going to have a half dozen of them and you will have true monopoly, just like you did in that game.

Then the question arises, what difference does that make to the American public? Well, it makes this difference: In our business, in the future the big reserves of oil and gas are going to be found in frontier areas, at a great depth principally, and probably through tertiary recovery. When I say this, I'm talking about areas like the Bering Sea, I'm talking about offshore Alaska, I'm talking about the Overthrust Belt in the western United States, and there's another Overthrust Belt in the eastern part of the United States that runs down through Pennsylvania and New York and so on. These areas take enormous amounts of money to play [in], and if medium-sized companies are taken out of that play and can't bid in, then you're going to lose a lot of competition for finding new oil.

I think we're got to bear in mind constantly that this Texaco thing will add more oil for Texaco, [but] it's not going to add one single barrel of oil for the United States or the people here. And what it's going to do is, to cause money to be taken away from exploration, to pay off the debt that Texaco acquires in buying these properties.

You know, based on studies that we've looked at that Arthur Anderson & Co. has done, 79 percent of all the oil in the world is controlled by about 16 companies. So once you get oil controlled that way, and, more particularly, you get domestic reserves con-

trolled by a very few companies, then what do you think's going to happen to price? Just the same thing that happened in the game of Monopoly. You can set the darned rent anywhere you want to.

Q: Couldn't that argument be applied also, though to the joining of Pennzoil and Getty?

A: Well, you can apply it, but it's not valid. Getty's about the 14th-largest company, and Pennzoil is way down in the twenties somewhere. In the Texaco situation, you've got the third-largest oil company in the world, or at least in this country, combining with Getty which is, what did we say, 14th. So you form the second-largest oil company in the United States next to Exxon, and, in the process, Texaco eliminates a competitor, and a fairly strong one.

But if you put Pennzoil and Getty together, you will create a much stronger competitor, insofar as Texaco is concerned. So instead of eliminating one, you really strengthen one and make them far more competitive with [Texaco].

Q: Texaco makes the same arguments about needing the additional size and the additional resources to be able to find oil in frontier areas.

A: You know, that rings pretty hollow to anybody, and I really don't even hardly think that's worth commenting on. The size of that company already speaks for itself. There are two ways of doing business in the oil business. One is their way, and one is the way everybody else does business. And to say that they need to get bigger is absolutely ridiculous.

What they're trying to do is to eliminate a competitor and to prevent a really tough one from being created while they buy some oil that will help their company's profit. But it's not going to help anybody in this country, any of our citizens.

Q: You've mentioned a fear of congressional action or some sort of governmental action against the industry triggered by the Texaco-Getty deal.

A: You're asking for it when you do it. They have seen what happened in the Mobil situation [when Mobil tried to buy Marathon Oil in 1981]. This deal's twice as big as the Mobil deal. And at some point, they're going to stop it. In theory, you end up with one oil company and in practice you'll end up with a half a dozen, but it's going to be a really tough situation.

Q: You talked before about how a Texaco-Getty deal doesn't add a single barrel of oil to the public reserve, for public use. How does Pennzoil-Getty?

A: I think the difference is that, in terms of our total picture, I think we would be in a position to finance this in such a way that we would have more funds available than we—Pennzoil—now have, or than Getty now has, to go look for oil. In other words, we would get out of some of these businesses that they currently are in and redirect the cash flow differently, redirect the emphasis of the company. . . .

Our track record would indicate that we can do better with the money than they can—than either one of them. We would have to pay off debt, just like they would. But then we would try to redirect funds toward a heavier emphasis on exploration. And I think the odds of our having success, if you base it on the past record of the company, is better than either one of their's, considerably better.

Q: There is—and I'm sure you're aware of this—a public perception of your industry as a sort of monolith, with everyone pointing in the same direction, everybody searching for bigness and monopoly. Do you think this proves that that does or does not exist?

A: I do not think that the other very big oil companies think that this is a wise thing. I have not talked to them, that's just my impression. But I don't think that they feel it's in the interest of the industry to do something like Texaco has done. I think they feel that it will rebound to the industry's detriment for exactly the reasons that you pointed out when you asked me the question.

Q: The fear of oil companies growing larger?

A: Exactly. You do have to have size to play in these areas that I talked about to you, and the only way to have enough money is to be reasonably large. But there comes a point in the Monopoly game when you get so much money that, at that point, you ought to just compete and not be buying things. You ought to have to go out and create things of your own rather than buy up somebody's life's work overnight.●

MELVIN OLIVER BENSON

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. FASCELL. Mr. Speaker, on behalf of the Committee on Foreign Affairs, I would like to recognize the distinguished service rendered to our Nation by a former committee staff member, Mr. Melvin Oliver Benson, who died very suddenly and unexpectedly on January 25 of this year.

"Benny" Benson, as he was known to his Capitol Hill colleagues, served as a staff consultant to the Committee on Foreign Affairs from 1963 until 1972, when he retired from a long and honorable period of Government service. Although originally appointed at the recommendation of the late Hon. Frances Bolton of Ohio, the distinguished ranking minority member of the committee at that time, he served in a bipartisan capacity throughout the course of his committee employment.

Mr. Benson's service to the United States was, however, by no means limited to his congressional tenure: He was, in fact, a highly decorated World War II intelligence officer, who served both with British Secret Intelligence in the Middle East (1942-43) and with the U.S. Army Office of Strategic Services (OSS) from 1943 until 1946. In 1943, he parachuted into Yugoslavia and was the first American to establish direct contact with the partisan forces under Marshal Tito, a feat which subsequently earned him the Legion of Merit. The key role Mr. Benson played in Allied wartime operations in Yugoslavia has been covered extensively in historical accounts of that period. On several subsequent occasions, he was invited to visit with his wartime comrades-in-arms as an official guest of the Yugoslav Government.

Mr. Benson also was awarded the King Haakon medal for his OSS service in Norway immediately following World War II. In 1946, he began a series of foreign affairs-related assignments, which included service as a special investigator for the House Military Affairs Committee (1946-47), an overseas representative of Pepsi Cola International (in 13 countries in Latin America, Africa, Europe, and the Far East), and an industrial development advisor in Nigeria under the auspices of the Agency for International Development.

Above all, however, "Benny" Benson will be remembered by his colleagues as someone who was invariably conscientious, good-natured, and determined to serve the interests of his country to the best of his ability.

To his family and his many friends in this area, I extend my deepest sympathy.●

ROUKEMA LAUDS WARREN COUNTY VOCATIONAL TECHNICAL SCHOOL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mrs. ROUKEMA. Mr. Speaker, during the week of February 12, the Warren County Vocational Technical School will be celebrating National Vocational Education Week.

This school, located in Washington, N.J., has an excellent educational program, teaching students subjects as diverse as automobile mechanics and cosmetology and as important to our country's future as computer technology and electronics.

It is important to note that vocational/technical schools provide students the opportunity to develop skills that are needed in the work force today, and in the future. I also must comment that the guidance staff at the Warren County Vocational Technical School make a sincere effort to forecast the potential of employment available to students either upon graduation from high school or from an institution of higher education.

Warren County Vocational Technical School should also be commended for recently receiving an award from the New Jersey School Board Association for the Award of Excellence for school district information guides and parent handbooks.

Mr. Speaker, this country's vocational technical schools are most important to the future of this country. They should not be overlooked as vehicles by which to better educate our Nation's youth and give them the nec-

essary skills with which to enter the work force.●

TRIBUTE TO THE MOUNT LEBANON HIGH SCHOOL FOOTBALL TEAM

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. WALGREN. Mr. Speaker, in our society, the successes and accomplishments of underdogs are admired and respected. These successes are heralded whether done by individuals or by groups. We have all heard of such achievements in education, business, medicine, exploration, sports, entertainment, and a myriad of other fields. The fulfillment of a goal after a long period of hard work is a reward in itself but I want to further recognize a great achievement recently in the field of sports in my district.

The Western Pennsylvania Interscholastic Athletic League (WPIAL) recently crowned its new quad-A football champions, the Mount Lebanon High School Blue Devils. Their accomplishment is not an ordinary one in that their regular season record of 5-4-1 barely qualified them for entry into the WPIAL division I, quad-A playoffs. Very little was expected of a team with such a record but consecutive hard-fought wins over Connellsville and Butler and then, finally over an excellent North Allegheny High School team in the championship game, brought Mount Lebanon its third title in the past 4 years.

The Mount Lebanon School District has an excellent reputation which is well deserved and a true reflection of the concern and active involvement of the Mount Lebanon community in its educational system. Over the years, the same environment which produces champions in football has consistently graduated numerous national merit scholars as well. I am grateful for the education I received in the Mount Lebanon schools and I know the educational and athletic standards remain high.

Mount Lebanon Head Coach Art Walker and his staff deserve much credit for their hard work and dedication to the team. The school administration and student body can take pride in their support which was steadfast during good times and bad. And, finally, the players deserve a great tribute for consistently reaching beyond their individual potentials to achieve a common goal which many thought was unachievable.

I know my colleagues join me in saluting the 1983-84 Mount Lebanon Blue Devil football team, WPIAL quad-A champions. The lessons learned by individuals in working together toward a mutual goal can only help these young people in the years ahead. I want to add my congratulations and best wishes to all those involved on a job so well done.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence from the House, I was not present and voting on January 31 or February 2. Had I been present, I would have voted in the following way:

TUESDAY, JANUARY 31

On the Gingrich line-item veto amendment to H.R. 2878, "aye."

On final passage of H.R. 2878, Library Services and Construction Act Amendments, "yea."

THURSDAY, FEBRUARY 2

On the Chandler substitute amendment that sought to strike certain infants at-risk provisions and direct HHS to establish guidelines for advisory committees to provide advice on the care and treatment of seriously ill newborns, to H.R. 1904, "paired against."

On the Miller amendment to H.R. 1904 that authorizes $15 million for fiscal year 1984, $20 million for 1985, and $30 million for 1986 for programs and projects to prevent family violence, "aye."

On final passage of H.R. 1904, Child Abuse Prevention and Treatment Act, "yea."●

STANLEY FOUNDATION REPORT ON U.S. POLICY IN CENTRAL AMERICA

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BARNES. Mr. Speaker, last October the Stanley Foundation held its 24th annual Strategy for Peace Conference at the Airlie House Conference Center in Airlie, Va. One of the discussion groups at that conference was on U.S. policy in Central America. Participants in the discussion group included such distinguished individuals as former U.S. Ambassadors Robert E. White and John Crimmins. Rapporteur for the discussion group was Mr. Frank Record, who at that time was on the staff of the Arms Control and Foreign Policy Caucus here in the Congress. In the interest of furthering informed debate on Central America in the Congress and the public, I include Mr. Record's report of the Central America discussion group in the RECORD at this point.

The material follows:

U.S. POLICY IN CENTRAL AMERICA

There was little disagreement among the Central America group participants that the United States has important security, political and economic interests in the region. US foreign policy must protect US security interests in the region, safeguard the sea lanes and the Panama Canal, and promote economic development and growth.

Most participants agreed that US economic interests in the region were of secondary importance to security interests and concerns about superpower conflict in Central America. However, it was noted that economic revitalization and the promotion of trade in the region is a key factor in the long-term security of the United States and the Central American countries.

In a discussion of the tradeoff between short-term and long-term security interests, administration critics contended that short-term security objectives and the unquestioning support of human rights-violator countries such as El Salavador and Guatemala will effectively compromise our long-term goals of promoting democracy and human rights in those countries. Further, they argued, our short-term emphasis on a military solution and our refusal to negotiate with the Farabundo Marti National Liberation Front/Democratic Revolutionary Front (FMLN/FDR) could bring about either a massive US military intervention in that country or the defeat of the Salvadoran army in the field. Either outcome would, of course, be highly damaging to US long-term objectives not only in Central America but throughout the Third World.

Administration supporters countered that military and security aid to friendly governments in the region provide a necessary "shield" for the development of democracy and pluralist institutions as well as for the revitalization of the economy. Additionally, they note, development and economic aid outnumber security aid by a margin of three to one.

It was asked whether a reduction of U.S. influence in Central America means a corresponding increase in the influence of the Soviet Union and its allies. Can we look at the security situation in the region as a "zero sum game" where one side's gain is another's loss? While it was generally agreed by the group that U.S. prestige and influence in the region are in decline and anti-Americanism is on the rise, most participants were of the opinion that this trend does not mean that the Soviet Union and its allies will enjoy a corresponding increase in popularity.

Numerous references in the discussion were made to a recent speech by U.S. Under Secretary of Defense for Policy Fred C. Ikle before the Baltimore Council on Foreign Affairs in which he affirmed that the primary purpose of our military aid program to El Salvador is the defeat of the Salvadoran guerrillas. Under the present limitations on U.S. military aid to El Salvador, almost all the participants were skeptical that this policy objective could be achieved without the intervention of U.S. troops in the region. Further, all the participants agreed that, at present, the U.S. public was not prepared to support this course of action.

While there was general agreement that strengthening democracy should be a key objective in the region, it was far from unanimous that administration policy was leading in that direction. As one participant put it, we should realize that elections are

very different in Central America than they are in the United States. The stuffed ballot box, "La Urna Magica," is the rule not the exception. We should concern ourselves with the substance, not the form, of elections: after all, with the military in control in a country like El Salvador, elections are generally not very meaningful. While administration supporters contended that last year's elections in El Salvador and the large turnout of voters in that country proved that democracy was alive and well in El Salvador, its critics suggested that the long-term outcome of these elections only strengthened repressive forces in that country and effectively excluded participation of the Left.

Another question raised in the discussion centered around US reactions to revolution in the region. Was it in the United States' interest to allow revolutionary governments to take power in the region as long as they were not created or controlled by Moscow or Havana? Most of the participants did not believe that the present administration or any of its predecessors, for that matter, could tolerate any kind of a leftist government coming to power in the region. They cited the examples of Allende's Chile in 1973 and the Arbenz government in Guatemala in 1954 as examples of US-directed coups against socialist governments. The US fixation on avoiding leftist governments and removing them once they come into power has led some analysts to describe ours as a "policy of national insecurity."

EXTERNAL ACTORS

It was pointed out that the Reagan administration's policies of uncritical support of the right-wing repressive governments in El Salvador, Guatemala, and, to a certain extent, Honduras is forcing all revolutionary movements and guerrilla groups into the embrace of the Soviet Union and Cuba. Moreover, the administration does not generally distinguish between pro-Soviet and nonaligned leftist groups.

On the other hand, it was agreed that a key US objective in the region should be the reduction of Soviet and Cuban influence. In the case of Nicaragua, it was generally agreed that the best way to reduce the growing East-bloc influence and control in that country was through careful negotiations and reductions of tensions along the Honduran/Nicaraguan border rather than through a policy of military support for the anti-Sandinista rebels, *contras,* and strangulation of the economy.

Soviet policy in Central America seems designed to take careful advantage of US weaknesses and failures. The Soviet Union has given strong indications that it would not come to the aid of Nicaragua if the United States decided to intervene militarily. A number of participants posed the question of why the United States was scaling up the ladder of military escalation with its large-scale military maneuvers in the region and its increased support for the *contras,* while the Soviets seem to be behaving more cautiously, and the Nicaraguans are showing increased signs of willingness to negotiate on terms more acceptable to Washington.

One participant noted that the Cuban leader, Fidel Castro, has let it be known that he is prepared to improve relations with the United States and to consider terms under which Cuban advisers would be removed from Nicaragua. An understanding that both Cuba and the United States would respect the principle of noninterference and an agreement between the two countries that would lead to a pullout of foreign military advisers from Central America would, it was argued, be the key to the reduction of tensions in the region. Other participants were skeptical that Castro is an independent actor.

PRESENT AND ALTERNATIVE POLICIES IN THE REGION

Nicaragua

A number of participants remarked on the administration's continuing misjudgment of the political situation inside Nicaragua. In their view, the Sandinistas still enjoy some popular support, especially in areas where the *contras* are active.

Two approaches are evidenced by the administration's policy toward Nicaragua. The first is aimed at overthrowing the Sandinista regime. The second advocates that the United States maintain its economic and military pressure against the Managua government until it agrees to stop supporting the FMLN/FDR in El Salvador.

Most participants were generally pessimistic about the chances for a negotiated settlement under present circumstances and felt that the Contadora Group negotiations have not succeeded in large part because the United States did not want them to succeed.

It was argued that alternative policies are needed in Central America because the present policies are not working. Even if they were successful, they would not be in our long-term national interest. Deposing the Sandinistas would replace one set of problems with another: how would we extricate ourselves from that situation?

Most were generally hopeful that a negotiated settlement between the United States and Nicaragua was still possible and that the issue of exporting revolution, or "revolution without frontiers," should be included in these negotiations. It was suggested that we reach an agreement with the Sandinistas to the end that they stop all export of the revolution by material means and that they commit themselves to a policy of no military facilities for the Soviets or Cubans.

El Salvador

The situation inside El Salvador was not viewed as favorable: the economy continues in a tailspin with 3 percent negative growth predicted for this year, on top of an almost unbelievable 25 percent reduction in GNP over the last four years. The land reform program has been stopped dead in its tracks (with no credits or fertilizers given to farmers under Phase I and with a recent wave of evictions and no new titles issued under Phase III of the Land Reform program); human rights violations are on the upswing; the morale of the army is very low; and the guerrillas are showing increased signs of military strength due to more favorable weather conditions. Imparting human rights values to the Salvadoran military has proven to be much more difficult than the Reagan administration contends. Since the March 1982 elections, the balance of power has moved to the right: the death squads are more active than ever, and kidnapping and disappearances are on the rise.

It was pointed out that US policy makers face stark choices in El Salvador. With the replacement of General Garcia by General Vides Cassanova as defense minister, the war against the guerrillas is being taken more seriously by many military officers who, under Garcia, were content to stay in the barracks. Unlike Garcia, however, the new Salvadoran military leader has no interest in human rights and agrarian reform issues. Military objectives have triumphed over the long-term goals of building democracy and promoting human rights.

Several administration critics discussed the concept of a US military intervention to create a "third force," a political center which could replace the extremes now in positions of great influence in El Salvador. This "liberal interventionist" option was proposed by Tom Farer in a recent article in *Foreign Policy* entitled "Managing the Revolution?" The question was raised of whether it would be desirable, or even possible, to use US troops in this way. Would the US public be any more likely to support military intervention in Central America in the pursuit of "democracy" than in the cause of "preventing another Cuba"?

Administration supporters argue that in time the military stalemate in El Salvador will benefit the government and the military by allowing the needed time for the recently established civic-action squads, which were designed to improve services and to benefit rural areas, to have an impact in areas previously out of the government's control. The training of the quick-reaction forces of Salvadorans in Honduras and the increasing military cooperation between the two countries will improve regional security and provide a better guarantee against Nicaraguan attempts at regional hegemony. Further, in the face of increasing threats to the region from Nicaragua, the Central American Defense Council, initiated in the early 1960s to prevent the spread of communism in Central America, is being revitalized.

Administration supporters also point out that the recent enactment of the Caribbean Basin Initiative Legislation will bring long-term economic benefits to the region. In the short term, large amounts of economic assistance will help the Central American counrties weather the current world recession which depresses the level of their export earnings from bananas, coffee, sugar, and other traditional export crops.

In one alternative policy discussion on El Salvador, it was agreed that the only way to defeat the extreme Left is by first defeating the extreme Right. Elements of the violent Left and Right must be isolated and removed from power before a peaceful settlement can be reached. Under one scenario, all the United States would have to do is to indicate that it would seriously like to pursue a course of negotiations with the leftist groups in El Salvador. This would by itself provoke a right-wing coup attempt. In turn, the United States would organize a countercoup and put more moderate politicians back in power. Then the negotiations could proceed with the FMLN/FDR groups which will also have shaken out the Marxist-Leninist extreme elements from the moderate political leaders like Ruben Zamora and Guillermo Ungo.

Some labeled this scenario overly simplistic. It was also pointed out that the Cuban-backed groups on the Left in El Salvador, especially the Popular Revolutionary Army (ERP) faction, are the strongest militarily and would tend to dominate the negotiations and their outcome in a fashion similar to the way the more extreme Marxist Tercerista faction in Nicaragua gained increasing control over the Sandinista movement.

One of the participants noted that if we are going to oppose the "thugs" in Managua we should have the same policy for the "thugs" in San Salvador. By ignoring the democratic Left, as represented by Ruben Zamora and Guillermo Ungo, we are ignor-

ing our chance for a negotiated solution. One suggested policy option included US talks with Castro on reducing tensions in the region and the role of Cuban and US advisers in Central America.

It was suggested that some kind of power-sharing arrangement should be worked out between the FMLN/FDR and the Salvadoran government which would mean a restructing of the government and probably some kind of integration of the guerrila forces into the Salvadoran military.

Honduras

Several participants pointed out that in Honduras despair and hopelessness are even greater now than 20 years ago, when it was described as the country with the three 70s: 70 percent illiteracy, 70 percent malnutrition, and 70 percent premature mortality. In return for desperately needed aid, the Honduran government, under the increasing control of General Alvarez, has totally lent itself to the geopolitical purposes of the Reagan administration. The Honduran military is drawing its country closer to an open confrontation with Nicaragua at the same time that it is increasing the levels of domestic repression. Human rights violations are on the increase; labor and political leaders are disappearing only to turn up dead or in Cuba for training. In short, the country is headed down the path of El Salvador.

Honduras, for its part, is taking active steps to prevent the infiltration of arms from Nicaragua. US policy in other countries of the region, including Costa Rica and Panama, is directed toward shoring up their economies and helping them to overcome security problems caused by Nicaraguan and Cuban subversion.

CONSENSUS BUILDING

To be successful in the long term, US foreign policy objectives must be built on domestic consensus. Yet for the most part, US citizens are unaware of the events in Central America and are concerned that US troops may have to be sent to El Salvador to prevent a military collapse of that government. These fears are based primarily on the continuing trauma of Vietnam. Thus far, Congress and the administration have yet to develop a bipartisan approach to US foreign policy objectives in the region and the correct means to attain these objectives.

In general, many members of Congress are reluctant to take on the president in the area of foreign policy. In particular, they are not anxious to take too visible a stand against US policies in Central America, lest they be subsequently tarred with the brush of "losing Central America."

As one participant put it, it is difficult to build consensus when you certify, against all available evidence, that human rights are improving in El Salvador and that the reform programs are still in place. Another noted that most US citizens are "not buying the product" being sold by the administration—opinion polls taken after the president's address last spring on Central America did not reveal any significant new support for the administration's policies.

Compared to problems in the Middle East or to US-USSR relations, the issue of Central America does not now occupy center stage before the US public. The attention showered on the region by the administration, which argues that it should be viewed as the linchpin of the struggle between the superpowers, has confused and frightened many people. It has, moreover, failed to adequately explain what US stakes are in the region and under what circumstances US troops might have to be introduced.

RECOMMENDATIONS

1. The administration and Congress must work to establish a better dialogue on the nature and the origins of the problems in the region.

2. The United States must try to find a third option between the two extremes of the right-wing oligarchy and the pro-Soviet Left.

3. The United States should enter into serious negotiations with the FMLN/FDR in El Salvador and with the Sandinista government in Nicaragua to reduce tensions in the region and to try to find a peaceful settlement to the conflicts in Central America.

4. In its policies toward El Salvador, the United States must bring greater pressure to bear on that country to better protect human rights and to reinvigorate the agricultural-reform program. Reagan administration policy makers must give a higher priority to stopping the recent upsurge in kidnappings and murders by the right-wing death squads.

5. The United States should support more educational and cultural exchanges with the countries of Central America.

6. A key objective for U.S. policy in the region should be to counter Soviet and Cuban influence, but it should be pursued mainly by diplomatic and not military means.●

TRIBUTE TO ZACHARY P. GEANEAS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. YATRON. Mr. Speaker, I would like to take this opportunity today to share with my colleagues the thoughts of my good friend, Mr. Zachary P. Geaneas. Mr. Geaneas recently retired from a long and distinguished career in the foreign service. He is a man of depth and spirit and great dedication. He served America in the most exemplary bway and throughout the years made many contributions to U.S. diplomatic initiatives and our pursuit of peace. In his article, Mr. Geaneas offers insight into the problems of one region of the world and recounts an affectingly personal experience in the politics of friendship. Mr. Geaneas' remarks follow:

DIPLOMACY AND FRIENDSHIP

(Zachary P. Geaneas, Counselor of Embassy, The United States of America, Retired)

Recent events in Cyprus have reopened the bloody and unhealed wounds that had been inflicted on that unfortunate island by Turkey. Their military occupation of Cypriot territory is a fait accompli and the international community is not able or is unwilling to take any overt action to rectify this illegal situation. As a result, Turkey and the Turkish Cypriots know full well that time is on their side and that most nations simply hope that the problems remain dormant or fade away. U.N. resolutions and pious statements by national and international leaders are a mere inconvenience that will soon pass into the anonymity of history. In the meantime, approximately 20,000 troops of the regular Turkish Army, many armed, equipped or trained with funds provided by the American taxpayer, are supporting an invalid regime that would collapse with the departure of the modern day Huns of Attila.

The above events caused me to recollect a situation that had produced a great deal of personal anguish. During 1979, I was the Counselor at the United States Mission to the United Nations (USUN) and the Secretary of the U.S. Delegation to the United Nations. Because of my prior service at the American Embassy in Athens from 1970 to 1975 and my subsequent assignment to the USUN, I was aware of the flow of events that were generated by the Cyprus situation. Being truly concerned by the lack of any progress, I wrote an article which was published in the Congressional Record at the request of Congressman Yatron of Pennsylvania. My paper pointed out that the Greek Orthodox Patriarchate could become an invaluable asset to the Turkish government and people. An enlightened and liberal policy would permit the restoration of Agia Sophia to its original splendor, the modernization and renovation of schools, hospitals and museums with funds contributed by the Orthodox faithful throughout the world. Constantinople would then become the center of an unprecedented tourist movement which would bring untold sums of money and waves of tourists to that historic city. The economy of Turkey would improve materially and relations between the Turks and the Greeks would be enhanced. Constantinople or Istanbul, as it is known today, would become a religious center similar to the Vatican and Mecca.

I reiterate that the article was an attempt to be helpful by proposing a concept that could be useful in helping to solve a dangerous and deteriorating situation. There was no intent to demean the Turkish government. At this time, I had a dear friend who occupied an important position in the Turkish Embassy in Washington. We had served previously in the Middle East and our friendship had grown over the years.

Because of my position at USUN, I frequently flew to Washington for consultation with the Department of State and often, I would visit my Turkish colleague at his Embassy. Shortly after my article had been published, I stopped by to see my Turkish friend at his office and was surprised by the cool reception that I received. The usual Turkish coffee was not offered to me. Instead, I was shown a copy of the Congressional Record, which included my article, and was chastised for writing and publishing my views. Somehow, in his opinion, I had breached the bonds of our friendship. I responded calmly to his accusations and pointed out that my writing was factual and that it proposed a possible course of action. I then challenged him to point out any errors or omissions that could be interpreted as being prejudicial or anti-Turkish.

I emphasized that both the contents and the intent of that particular paper were meant to ameliorate the condition that the Patriarchate found itself in and to better the relations between the two countries. Because of geography and history, Greece and Turkey would always be neighbors and I indicated that it was not necessary or desirable that they always be rivals or enemies.

As I was leaving, it was made crystal clear to me that I could no longer consider my Turkish colleage as a friend. It was also suggested that the Turkish Embassy would lodge a formal complaint with the Secretary of State because of my article. To the best

of my knowledge, this threat was not carried out.

During my long diplomatic career, I have made many friends of diplomats of many nations. To this date, we keep in close touch and visit each others homes. Not infrequently, we differed and argued over the merits of the policies of our countries but we never permitted our differences to affect our friendships. I regret the loss of my Turkish friend and wonder if he was not acting under orders from his superiors who were sensitive about the ramifications of my proposal. I hope that my colleague was acting under orders because if this is so, some day, under a different international and political climate, we might be able to resume our friendship.●

MORE SUPPORT FOR ENTERPRISE ZONES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. GARCIA. Mr. Speaker, over the past 3½ years, I have worked with numerous individuals and organizations to form a coalition in support of the urban enterprise zone proposal. Recently, our colleague, Representative KEMP, had an opportunity to speak with columnist Carl Rowan about enterprise zones and those who support it. I would like to enter Mr. Rowan's column into the CONGRESSIONAL RECORD.

[From the Tennessean, Nov. 23, 1983]

CONGRESSIONAL CONSENSUS ON AIDING NATION'S CITIES

(By Carl T. Rowan)

WASHINGTON.—Congresss slinked out of town for vacations to the jeers of people crying, "cowards!" "disgraceful!" and things unprintable.

A lot of Americans are fed up with the partisanship that has rendered the Congress impotent to deal with such critical things as the $200-billion-a-year budget deficits that could drag the country back toward economic disaster.

I visited Congress last week and found one reason for optimism: an almost unbelievable coming together of lawmakers to say that the government must act to give economic transfusions to sick inner cities.

Suddenly more than 230 members of the House are co-sponsors of the Enterprise Zone Employment and Development Act, which began with the unlikely sponsorship of Jack Kemp, the conservative Republican from Buffalo, N.Y., and Robert Garcia, the liberal Democrat from New York City.

At lunch with Kemp, I mentioned that while I have generally supported the concept of the government giving inducements to people to open businesses in urban areas of low income and high unemployment, I have been skeptical that the Congress or Americans with money to invest really gave a damn.

Kemp replied that "bridge-building" across racial and ideological lines is taking place, and that the plight of inner cities has become the focus. "On no other issue has a wider, more devoted, broad-based consensus emerged than on enterprise zones. Black, white and hispanic, liberals and conservatives, Democrats and Republicans, mayors, suburban and rural areas all support this effort to help put our people to work in productive, meaningful jobs in our inner cities and other depressed areas."

We talked about the fact that only 18.3 percent of the black teen-agers hold jobs, and how this is a tragedy for all America.

"They have no jobs, and most of all they have no hope," he said. "People without hope decide that they'll just enjoy what they can for however long they live, and they often don't care whether it is legal or illegal, wise or unwise."

Which is why those colossal teenage unemployment figures get transformed into shocking statisticsabout delinquency, major crimes, drug abuse, births out of wedlock, welfare bill. . . .

Under the Kemp-Garcia plan, state governments will designate zones in which tax incentives will be offered for job creation and the growth of small businesses. Capital gains taxes on investment within zones would be eliminated. Additional investment tax credits would be allowed for investment within zones. To encourage the poor to take tax-paying jobs, workers would get personal income tax credits for wages earned in a zone. Employers would get special credit for hiring disadvantaged workers.

Kemp said that nine states with operating enterprise zones have created or saved 20,000 jobs. He points out, however, that no state can long sustain such a program unless the federal government joins in.

Most blacks in Congress started out leery of the idea, fearful it was a conservative scheme to wipe out urban development grants, food stamps or other assistance to poor people. They have been reassured by Kemp's assertion that "we have no hidden agenda."

Enterprise zones will not provide jobs for all those who are desperate for work opportunities. But it will make jobs available to many and thus give hope to almost all. And hope may be the most precious item at this time.●

DO NOT KILL THE PAY RAISE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. DINGELL. Mr. Speaker, I commend to my colleagues an editorial entitled, "Congress and the Raise," which appeared in the January 31, 1984, edition of the Washington Post which is rightfully critical of recent action taken by our brethren in the other body to rescind the automatic pay raise for Members of Congress and Senators, which became effective January 1 of this year. The editorial points out.

If congressional salaries had kept pace with the average pay received in the private sector, a Senator or Representative would now be earning almost $95,000 a year, instead of the $72,000 Members began receiving this year.

Members of Congress and senior Federal executives have denied themselves cost-of-living adjustments totaling some $16,700 over the past 6 years through the imposition of pay caps. I do not believe that these restrictions are either necessary or appropriate. The U.S. Congress should not become a public institution filled only with millionaires, retirees, dilettantes, rogues, knaves, fools, thieves, and incompetents. Low salaries will assure this unfortunate result. We cannot return to the days of the 1860's when Members of Congress looked not to their salaries, but rather to pay which they received under the table for constituent service or for openly representing an assortment of special interests.

Both Members of Congress and Senators deserve the $2,400 salary increase which became effective January 1. It is important to the Nation that the salaries of Members of Congress and Senators are fixed at levels which attract the highest quality of persons to serve in the Congress of the United States.

[From the Washington Post, Jan. 31, 1984]

CONGRESS AND THE RAISE

The Senate had barely gotten down to business last week when it voted to rescind the 3.5 percent pay raise that members of Congress received on the first of this month. As a sign of senatorial concern over mounting deficits, the lopsided 66-19 vote might be applauded. But as a practical matter, the gesture is misguided.

As Mike Causey pointed out in his column last Thursday, no one can accuse Congress of codding itself over the last decade. Congressional pay lagged somewhat behind federal civil service pay and, by a far larger margin, behind private-sector pay. If congressional salaries had kept pace with the average pay received in the private sector, a senator or representative would now be earning almost $95,000 a year instead of the $72,200 that members began receiving this year.

Serving in Congress has other compensations, of course. There's that heady sense of power; there are the attentions of a deferential staff; and, now and then, there is play in the press. Members of Congress also have a generous pension plan and other fringe benefits. Still, it's expensive to live in the capital city, and most of the lobbyists, lawyers, business executives and other grandees with whom congressmen routinely consort are pulling down salaries and other benefits far larger than those provided our elected representatives.

Being in Congress is also hard work, if you take your responsibilities at all seriously. And in recent years the level of frustration has mounted. That's partly why congressional turnover has been high, and why some promising political candidates are deciding they'd rather keep their state-level offices or stay in private business.

Ever shy about standing up and voting itself a raise, Congress has sought to reward itself in less obvious ways—putting into law "automatic" pay raises that never turn out that way, fiddling around with honorarium increases or, worse, generous tax deductions for extra living expenses. Back-door compensation increases of this sort are a bad idea because they either increase congressional vulnerability to special interests or reward those congressmen least in need of financial help.

The Senate has done the House a bad turn by voting piously to roll back the pay raise and leaving the final word to the House. But the House should resist the obvious pressure. Congress needs to vote itself regular pay increases just as long as these don't get out of line with how the public is faring on average.●

STATEMENT ON 1985 BUDGET CUTS AFFECTING WOMEN AND CHILDREN

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. MARKEY. Mr. Speaker, the poor are taking it on the chin in President Reagan's proposed 1985 budget.

And that means that women and children are being hit the hardest.

Once again the Republican administration is showing its insensitivity to women and the special difficulties that women and single mothers face today.

Twelve million American children live in households run by single mothers. About half of those families are poor.

In Massachusetts, single mothers head 134,800 households. Of those families, 56,770 are poor. There are 140,280 children living in poverty in those homes.

Since 1979, more than 3 million young American boys and girls have become a sad statistic: They have joined the ranks of those living in poverty.

And now, President Reagan and his counselors—those who say that hunger cannot be documented in the United States—propose a net cut of nearly $5 billion in domestic spending in 1985. About 40 percent of those cuts are in programs for the poor.

That means that Federal spending for food and nutrition aid for women, infants, and children would be cut by $600 million.

That means that money for food stamps would be slashed by $374 million.

That means that funding for aid to families with dependent children would drop by more than $600 million and spending for medicaid would be cut by $1.1 billion.

Altogether, spending for programs that help the poor—those who have suffered from the high inflation and the high unemployment rates of the past few years—would be cut by 5 percent between now and 1989.

We who care about women trying to juggle jobs, run a household, and raise a family, we who care about children and the promise they represent for the future of our country, can hardly stand by and watch the current administration wreak havoc with their lives.

I already have signed a letter urging the President to reconsider his plans to cut funding for aid to families with dependent children.

We must do more to help those who need it most.

The fight for the future of our country has just begun.●

DEATH OF A CHAMP

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. VALENTINE. Mr. Speaker, William E. (Champ) Batchelor was buried in the family plot in the cemetery in our hometown of Nashville, Nash County, N.C., at 3:30 p.m. on Monday, January 30, 1984. He was 57 years of age.

No one seems to know how, when, or where this good man acquired the nickname or title of "Champ" or those who know are not telling. He was no prizefighter or star athlete or bridge player or business baron. Maybe they began to call him Champ because of some sandlot baseball feat in a long past boyhood or because, as a child, he swam longer or dove deeper or just simply spent more time than anyone else in that old swimming hole we called, for some forgotten reason, "Sally Ann" on Stoney Creek near Evans Mill. The leapfrogging years have obscured the event or contest or special achievement, but so what—the name "Champ" lived with him and he carried it well with drollness and good humor. He was a Champ with people, a true lover of folks, with a gentle, sensitive nature.

With this Champ, I shared many childhood escapades and adult experiences.

He was a man bubbling with words, as befits the fine auctioneer that he was—a man of enthusiasm and raw, salty, uninhibited mirth. He was a champion of charm, with a grace all his own. His passing left a void in the life of Kitty, his wonderful, adoring and patient wife, and in the lives of his fine daughters, Lorraine and Julia, and his sisters, and other kin. His passing left a void in the lives of his many, many friends.

His death left me with an empty feeling of profound, irreparable loss.

The "Champ" of good cheer, of sunshine, of people, words and laughter, is down but not out of our hearts and minds.

So long dear, loyal friend.●

COMMENDING AARP SUPPORT FOR NURSING HOME REFORM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. ROYBAL. Mr. Speaker, I want to take this opportunity to commend the recent efforts by the American Association of Retired Persons in support of the National Coalition for Nursing Home Reform. Under the able leadership of its executive director, Cy Brickfield, AARP has worked hard these past years to protect the interests of the elderly. In order to insure that the elderly receive good quality nursing home care, this Nation faces very difficult challenges and requires assistance from many groups.

The most current example of this type of assistance is the recently released "Consumer Statement of Principles for the Nursing Home Regulatory System—State Licensure and Federal Certification Programs." This valuable report provides tools for Federal and State Government efforts to insure a high standard of care in our Nation's nursing homes. For their work on this report and for many other instances of support for the elderly, I want to express my appreciation to the American Association of Retired Persons.●

THE TARGETED JOBS TAX CREDIT PROGRAM

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. LOWRY of Washington. Mr. Speaker, today I have introduced legislation, for myself and Mr. DICKS, which will resolve a problem that has arisen in the administration of an extremely important program—the targeted jobs tax credit program. At present, an employer must request or receive a certification for the TJTC program on or before the first day of employment of an individual for whom certification is sought. My bill will extend this period of time from the first to the fifth day of an individual's employment.

In Washington State, the "first day" language which exists in current law is inhibiting the processing of eligible individuals whose employers miss the 1-day deadline as well as those individuals who are hired and start work on the same or consecutive days. This extremely short deadline is no doubt causing problems in other States and jurisdictions. The institution of a 5-day period for requesting or receiving certification under the TJTC program

will allow more effective implementation of this much-needed program.

I urge my colleagues to work with me for the passage of this legislation during the reauthorization of the Targeted Jobs Tax Credit Act later this year. Thank you.●

CONDEMNATION OF THE TURKISH GOVERNMENT

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. RATCHFORD. Mr. Speaker, the latest attempt by members of the Turkish Cypriot community to destroy the unity and territorial integrity of the Republic of Cyprus has been condemned by the community of nations. The declaration of an independent state in the northern part of Cyrpus has been denounced by a great many nations as a violation of existing treaty obligations entered into in 1960, as well as the international legal order.

I joined with many of my colleagues in November in condemning the actions of the Turkish Cypriots, and the Turkish Government for its part in recognizing the so-called new government. It has become evident, however, that stronger action is needed if we are to succeed in convincing Turkey that it must revoke its recognition of the secession and begin to support the efforts of the U.N. initiative on Cyprus. It is time to use more of our leverage. I urge my colleagues to support efforts to prohibit all U.S. military assistance to Turkey until the Turkish Government shows serious commitment to resolving the conflict. It is simply wrong for American dollars to contribute to the maintenance of Turkish occupation troops. The United States must not stand idly by and allow this injustice to continue.●

LEGISLATION INTRODUCED TO PROHIBIT OIL IMPORTS FROM IRAN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, today, I am introducing legislation that will prohibit oil imports into this country from Iran.

Despite the humiliation of the Iranian hostage crisis and the deaths of hundreds of Americans in Beirut at the hands of terrorists with close links to Iran, the United States continues to import significant amounts of crude oil from that country. Figures provided by the Energy Information Administration indicate that the United States directly imported almost 22 million barrels of crude oil from Iran in 1983 with a value of well over $600 million. These figures do not even include Iranian oil imported indirectly through the Caribbean and West European nations.

I strongly believe America should not be in the business of supporting in any way the spread of terrorism and fanaticism and should take steps to isolate the threat posed by the Khomeini regime. Oil revenues are the lifeblood of Iran's terrorist crusade. Whether in Lebanon or elsewhere in the Middle East, moderate Arab states continue to look to the United States for support against Moslem extremism. We can send these countries a strong signal that we will not associate with radical regimes that rely on cowardly terrorist acts to further their cause.

Appropriately, the administration has officially reclassified Iran, along with Syria, Cuba, South Yemen, and Libya, as an exporter of terrorism, thereby tightening the restrictions on what the United States may export to Iran. The Congress must do its part by mandating an end to oil imports from Iran. The deaths of our Embassy personnel, our marines, and most recently, a university president, demand no less.●

INTRODUCTION OF RESOLUTION IN SUPPORT OF HOUSING AND THE CONTINUATION OF BUILDER BONDS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. AuCOIN. Mr. Speaker, today I am pleased to introduce a resolution with my colleague from Arizona (Mr. McCain) to preserve the current tax treatment of mortgage-backed builder bond transactions to help homebuilders help themselves and provide affordable financing for American home buyers.

Builder bonds have become a significant new source of funds for residential mortgages generating benefits for both the consumer and the housing industry. For thousands of middle-income families, it has meant the difference between dreaming about homeownership and realizing that dream. Builder bonds have also proven themselves to be a valuable countercyclcial economic tool because in times of high interest rates, when more conventional financing dries up, builders are able to reduce mortgage rates and stay in business.

Large builders have used these bonds for several years. Now they are available to medium and small builders through new multibuilder bond companies.

In simple terms, builder bonds are sold to the public which are collateralized by mortgages made to home buyers. Under existing provisions of the Internal Revenue Code, builders are not taxed when they borrow money through issuance of bonds, but rather are taxed as the underlying collateral mortgages are paid off.

Upon issuing bonds, the builder does not immediately "cash out" of the mortgages but rather leaves a substantial amount of income yet to be realized through repayment of the mortgages in the future. Builders are able to sustain builder bond programs by the deferral of taxes through the long-recognized installment sale method of reporting income. This allows the builder to pay taxes as liquidity is regained from the repayment of the mortgages.

This tax treatment is consistent with tax principles of over 50 years standing and approved by rulings issued by the Internal Revenue Service.

However, the administration is now mounting an attack on builder bonds and Secretary Regan is considering proposals to deny the installment sale method of accounting for builder bonds and make other revisions in the builder bond program. This would be devastating to the homebuilding industry and to the home buying public without significantly increasing the overall revenues to the Federal Government.

Our resolution expresses the sense of Congress that it is opposed to any legislative or administrative action that would alter the way in which builder bond transactions are currently taxed.

The housing industry has just struggled through the toughest and most painful time since the Great Depression—without Government help. Builders across the country have stayed afloat through their own initiative, the sweat of their brow, and innovative forms of finance such as builder bonds. Today, they help drive the engine of economic recovery by generating 1,700 jobs for every 1,000 housing units built and bringing revenue back to the Treasury.

At a time when Government housing policies are on the retreat, builder bonds demonstrate the ability of the private sector to respond to the housing needs of the Nation without Government subsidy. This is especially important as the Nation tries to house the postwar baby boom generation. Failure to fulfill this need will not only put upward pressure on home prices, fueling inflation, but could also have important social costs.

These are just some of the reasons why I urge my colleagues to cosponsor

our resolution and voice your support for the continuation of builder bonds.

Housing indicators are up. Finally, thousands of American families and thousands employed in housing- and timber-related industries have reason to expect a brighter tomorrow. Now is not the time to dash their hopes and jeopardize a sustained housing recovery.●

TRIBUTE TO MR. FRANK J. ZUCHOWSKE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Ms. KAPTUR. Mr. Speaker, recently, my district lost one of its most admired and respected citizens, Mr. Frank J. Zuchowski. Frank Zuchowski contributed so much to this community all of his adult life. He served as mayor of Rossford, Ohio, for 14 years—a tenure that was marked by great accomplishment and dignity. For 43 years, Frank Zuchowski was an exemplary employee of Libbey-Owens-Ford Co.—doing his part to build the economy of our area.

Beyond his distinguished public service as mayor, Frank Zuchowski actively participated in a host of civic and fraternal organizations including: the Wood County Democratic Executive Committee for 50 years; the Polish National Alliance for 40 years, Knights of Columbus, Glass Workers Union Local 9, and Holy Cross Council. Frank Zuchowski will be missed by all those who had the privilege of knowing him.

Mr. Speaker, I know my colleagues in the U.S. House of Representatives join me in offering our condolences to his lovely wife Alfreda and his large and loving family. On behalf of all the people in the Ninth District, I say thank you to the Zuchowski family for sharing this special person with us.●

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. MONTGOMERY. Mr. Speaker, during the week of February 14, the Veterans Administration will sponsor a nationwide effort paying special tribute to the more than 1 million veterans who enter VA medical facilities for medical attention each year.

Although Veterans Day is the traditional day when all American veterans are remembered, the Veterans Administration plans special activities for the patients in its medical facilities during a week-long tribute each year. These activities are in recognition of the particular challenges which these men and women, often far from family and friends for extended periods of time, face during their hospitalization.

This salute will also provide a unique opportunity for individuals and organizations to visit VA medical facilities and discover the professional excellence of the Nation's No. 1 health care delivery system.

Mr. Speaker, I urge my colleagues and the public to join in this salute by visiting our hospitalized veterans to show that we care and that we appreciate the personal sacrifices they have made and, in many instances, continue to make in our behalf. Anyone wishing to participate may simply contact the nearest Veterans' Administration medical facility.

All it takes is a friendly smile, a handshake, or a brief chat. Nothing hurts like being forgotten * * * nothing helps like being remembered.●

LEGISLATION TO CONTINUE MORTGAGE REVENUE BONDS

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BLILEY. Mr. Speaker, today I am introducing legislation to continue to allow mortgage revenue bonds to be issued.

This worthy program makes housing affordable for millions of Americans who would not otherwise be able to achieve "the American dream." Last session, extension of the program had the support of substantial majorities of both the House and the Senate. Yet, due to the controversies over another provision of the same bill, this program expired on December 31, 1983.

The refusal of the House of Representatives to consider H.R. 4170, the so-called Tax Reform Act of 1983, in no way connoted disapproval of the popular mortgage bond program. In fact, the program's immense popularity was a hostage for the leadership's push for sweeping, controversial changes to other programs.

The mortgage bond program must not be allowed to die as a result of the controversies over another, separate program. And if those controversies are to be settled legitimately, they should be brought to the House floor and debated fairly, openly and on their own merits. They should not be used as the ransom for extending the mortgage bond program that serves lower income persons so well.

For these and other reasons, Mr. Speaker, I am introducing an individual bill to extend the mortgage bond program on its own merits. I urge the Members to push for enactment of this legislation which means so much to their constituents.●

A TRIBUTE TO EMIDIO CACCIABEVE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. COURTER. Mr. Speaker, on January 28, the friends, family, and colleagues of Emidio Cacciabeve will join together to celebrate and commemorate the retirement of this fine citizen of New Jersey. Mr. Cacciabeve has served the citizens of Boonton since 1958 as mayor, alderman and board president, as well as chairman of important police, health, fire, and finance committees.

His many fine accomplishments and tireless work are motivation for us all. His keen leadership and wise judgement have resulted in an excellent municipal government worthy of special recognition.

The people of Boonton have certainly benefited from the dedication and devotion of this fine man. He truly deserves to be commended, and together with my colleagues, Emidio's family, friends, and associates, I would like to wish him all the best in his future endeavors. He is loved by many and appreciated for his contribution to the community.●

BOY SCOUTS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. NATCHER. Mr. Speaker, Scouting Anniversary Week will be celebrated nationally February 5 to 11, with the theme "Catch the Scouting Spirit." The week-long observance is dedicated to the untiring efforts of the volunteers who have been the foundation of the Boy Scouts of America.

Membership in the Boy Scouts of America is increasing as the organization continues to expand its horizons and reach out to persons not specifically pinpointed before: Handicapped youth; innercity youth; 7-year-old boys through the Tiger Cub program; 14- to 18-year-old boys through Varsity Scouting; "latch-key" children through "Prepared for Today" material; and teenage females in the Explorers.

Times may have changed, but the principles of the Boy Scouts of America remain the same: Developing character, responsible citizenship, and personal fitness. Volunteers have served

as role models for the young people and have played a vital part in the success of Boy Scouts of America since its inception in 1910.

Scouting is continuing to grow and expand in my home State of Kentucky. The membership of the Four Rivers Council, which includes the Second District which I have the privilege to represent in Congress, increased again in 1983 along with the number of Scouting units. In addition, 1983 saw 18 Scouts achieve the rank of Eagle Scout.

The Four Rivers Council is developing a high adventure program at Camp Manchester and hopes to have it available to all youth groups next fall. In 1984 the council will emphasize developing programs and organizing units to service special youth with mental or physical handicaps.

At this time I join with the members of Boy Scouts of America in honoring their volunteers and I want to commend the Scouts and their volunteers for their past achievements and wish them continued success in the future.●

WESTINGHOUSE WINNERS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. LENT. Mr. Speaker, it is a great honor to bring to the attention of my colleagues the notable achievements of two exceptional students from New York's Fourth Congressional District who have been selected from over 1,056 entries as finalists in the 43d annual Westinghouse Science Talent Search. Sun Hye Yang, of Baldwin, and Ken Chang Lin, of Plainview, have been invited to Washington, D.C., to compete for the Westinghouse Science Scholarships and Awards in March.

Sun Hye Yang, a senior at Baldwin High School, selected a chemistry project for her entry: a study of the relationship between the rate of oxidation band migration and reactant concentration in an oscillating chemical system. A winner of the Rensselaer Polytechnic Institute Math and Science Award and the Dakin Memorial Award from the chemistry department of Adelphi University, Sun plans to enroll at the Massachusetts Institute of Technology to study electrical engineering and computer science. Sun, born in Korea, is the daughter of Mr. and Mrs. Chang Joo Yang.

Ken Chang Lin, a senior at Plainview-Old Bethpage High School, won for his research on the egg depositing behavior of the onion fly. He conducted the experiments while attending the high school honors science program at Michigan State University during this past summer.

Ken has also earned recognition in the field of mathematics, winning several awards for his achievements, including the Nassau County Junior Mathletes High Scoring Achievement Award and a gold medal at the Long Island Math Fair held at Hofstra University. Ken plans to attend Stanford University to pursue his talents in the fields of biomedical engineering or medicine. Born in Taiwan, he is the son of Dr. and Mrs. Chi-Yung Lin.

I congratulate Sun Hye Yang and Ken Chang Lin on their scholastic achievements. In man's quest to learn more about the world around him, great advances have been made in science and technology. With young students like Sun and Ken, we can be assured that the quest for knowledge will continue and will help bring further advances.

Their example serves as an inspiration to every young person.

Sun and Ken will now go on to compete for 1 of the 10 Westinghouse scholarships to the college of their choice. As their Representative in the U.S. Congress, I wish them every success in their future endeavors.●

LEGISLATION TO ALLOW A DEDUCTION FROM INCOME FOR SEWER SERVICES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. CONTE. Mr. Speaker, on January 24, I introduced with my colleague from Massachusetts, BARNEY FRANK, H.R. 4622, legislation which would allow taxpayers to deduct sewer user fees from Federal taxes. I hope that you will join us as a cosponsor of this legislation.

Mr. Speaker, section 164 of the Internal Revenue Code allows taxpayers to claim as an itemized deduction certain taxes, including State and local personal and real property taxes. No provision is made, however, for deductions of certain user fees from which the user derives any tangible benefit. The Internal Revenue Service explains that a tax is an enforced contribution, enacted pursuant to legislative authority in the exercise of taxing power, and imposed and collected for the purpose of raising revenue to be used for public or governmental purposes. It is not enacted as a payment for some special privilege granted or service rendered. Thus, under the Internal Revenue Code, a user fee is not a tax and thus is not deductible.

Mr. FRANK and I believe, however, that citizens who pay a user fee for sewer service should be able to deduct that fee from Federal income taxes. In many cases, for a city to obtain a Federal sewer grant, they must impose a user fee on the citizens hooked into the sewer system. It seems only fair that if the Federal Government is requiring a user fee that it should be allowed as a deduction. Many individuals cannot afford large increases in user fees, nor can they afford the basic fees themselves.

As a matter of equity, Mr. Speaker, we believe that our legislation—which would simply create an additional deduction in Code section 164—should be enacted. Mr. FRANK and I urge the Committee on Ways and Means to act on this legislation quickly, and urge our colleagues to cosponsor H.R. 4622.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 7, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 8

8:30 a.m.

Labor and Human Resources

To hold hearings on the nomination of Frank X. Lilly, of Maryland, to be Solicitor, Department of Labor.

SD-430

9:00 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.

SR-253

Labor and Human Resources

To hold hearings on S. 2111, to reform certain provisions of the Jobs Corps Act by extending the use of private sector expertise to the operation of civilian conservation centers, requiring contractors to assume specific and reasonable responsibilities for achievement and behavior of students as well as for the maintenance of centers, and

to codify certain program improvements.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget.
SD-608

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Finance
To hold hearings to review the proposals of the President's Private Sector Survey on Cost Control (Grace Commission).
SD-215

Foreign Relations
To continue hearings to review the report of the National Bipartisan Commission on Central America.
SD-419

Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings to review the Supreme Court ruling to repeal the legislative veto.
SD-226

10:15 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for military programs of the Department of Defense, focusing on Air Force programs.
SD-138

11:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of Energy.
SD-366

1:30 p.m.
*Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers.
SR-328A

Veterans' Affairs
To hold hearings on proposed budget for fiscal year 1985 for the Veterans' Administration.
SR-418

2:30 p.m.
Foreign Relations
To hold hearings on the nomination of Robert F. Kane, of California, to be Ambassador to Ireland.
SD-419

3:30 p.m.
Foreign Relations
To hold hearings on the nominations of Harold K. Phillips, of California, to be a member of the Board of Directors of the Inter-American Foundation, and David C. Jordan, of Virginia, to be Ambassador to Peru.
SD-419

FEBRUARY 9

9:00 a.m.
*Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on Army programs.
SD-138

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2145, to permit industrial homework by individuals, including craftswork and the performance of services in such individuals' residences, if their employers comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

9:45 a.m.
Energy and Natural Resources
Business meeting, to consider the nominations of Ann Dore McLaughlin, of the District of Columbia, to be Under Secretary of the Interior, and Richard T. Montoya, of Texas, to be an Assistant Secretary of the Interior.
SD-366

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2174, authorizing funds to provide for more effective motor carrier safety regulations and enforcement.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the U.S. Synthetic Fuels Corporation, the U.S. Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Governmental Affairs
To hold hearings on S. 1746, to require Government agencies to procure goods and services from private sources, except under specified conditions.
SD-342

Judiciary
Business meeting, on pending calendar business.
SD-226

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings jointly with the national ocean policy study on S. 2160, to establish a National Fisheries Marketing Council.
SR-253

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1611, to designate specified lands in Arizona and Utah as wilderness, and S. 2155, to designate specified lands in Utah as wilderness.
SD-366

Finance
To hold hearings on alternatives to the tax on the use of heavy trucks.
SD-215

2:30 p.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2186, to provide for the establishment of a State Mining and Mineral Resources Research Institute program.
SD-366

Environment and Public Works
To continue hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-124

FEBRUARY 21

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate Calendar).
SD-215

Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

Veterans' Affairs
To hold hearings on S. 1747, to establish peacetime veterans' career members contributory educational assistance programs, the substance of S. 1873, to direct the President to report to the Congress on the recruitment and retention needs and experiences of the Armed Forces, and to review the veteran's education assistant program (VEAP).
SR-418

FEBRUARY 22

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Science Foundation.
SR-253

10:00 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

11:30 a.m.
Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up Senate Concurrent Resolution 40, to provide grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the parent's marriage.
SD-226

FEBRUARY 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Science Foundation.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs, and the Consumer Information Center.
SD-124

Appropriations
Transportatiion and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation.
SD-138

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed budget request for the Nuclear Regulatory Commission.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

FEBRUARY 24

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 1857, to revise certain tax rules relating to private foundations, and S. 2165, to make permanent the income tax credit for research and development expenditures.
SD-215

Labor and Human Resources
Aging Subcommittee
To resume oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title III, long-term care provisions.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation to express the sense of the Senate that parents of adolescent children should be involved in the care, treatment, and counseling of adolescents served by Federal assistance programs.
SD-628

11:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1758, to establish a recovery account system for calculating the depreciation deduction under the accelerated cost recovery system for 3- and 5-year personal property.
SD-215

FEBRUARY 27

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate Calendar).
SD-215

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 2053, to provide for the placement of severely disabled individuals in community or family living facilities.
SD-215

FEBRUARY 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Mine Safety and Health Review Commission, ACTION, Corporation for Public Broadcasting, National Commission on Libraries and Information Science, and the Soldiers' and Airmen's Home.
SD-116

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for National Aeronautics and Space Administration.
SR-253

Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

Labor and Human Resources Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title IV, research demonstration and education training provisions.
SD-628

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration, Department of Transportation.
SD-124

FEBRUARY 29

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, Prospective Payment Assessment Commission, and Federal Mediation and Conciliation Service.
SD-116

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Veterans' Affairs
To hold oversight hearings on the Veterans Administration readjustment counseling program and the VA loan guaranty program.
SD-418

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SR-325

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Labor, and the Employment and Training Administration, Department of Labor.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration.
SR-253

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
SD-106

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation Research Act (Public Law 97-219).
SR-428A

10: a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1531, to provide for the establishment and operation of school-age child care services in public schools.
SD-430

MARCH 2

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the process of recovering oil by mining.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the U.S. Representative to the United Nations, and for voluntary contributions to international organizations and programs.
SD-192

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Environmental Protection Agency.
SD-406

MARCH 6

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Bureau of Standards.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Architectural and Transportation Barriers Compliance Board, and the Office of Inspector General, Department of Transportation.
SD-138

Environment and Public Works
Business meeting, to consider those items in the President's budget for fiscal year 1985 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
SD-406

11:30 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 7

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Labor-Management Services Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard.
SR-253

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Railway Association, and Conrail.
SD-138

Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans' Administration.
SR-418

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 8

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, and Departmental Management, all of the Department of Labor, and the President's Committee on Employment of the Handicapped.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.
SD-124

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to facilitate commerce by the domestic renewable energy industry and related service industries.
SD-366

Environment and Public Works
Business meeting, to mark up S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.
S-126, Capitol

MARCH 13

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Education, Departmental Management, Salaries and Expenses, Office of Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

Office of Technology Assessment
The Board to hold a general business meeting.
Room to be announced

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title V, community services employment provisions.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Panama Canal Commission, and the St. Lawrence Seaway Development Commission, Department of Transportation.
SD-138

Environment and Public Works
Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Multilateral Development Banks.
S-126, Capitol

MARCH 14

8:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Environment and Public Works
Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on a proposed budget estimates for fiscal year 1985 for the Office of Inspector General, Agency for International Development, Gen-

eral Accounting Office, the Peace Corps, and the Inter-American Foundation.
S-126, Capitol

MARCH 15

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including Vocational and Adult Education, Education for the Handicapped, and Rehabilitation Services and Handicapped Research.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.
SD-124
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on restoring classroom discipline in public schools.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Export-Import Bank.
S-126, Capitol

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, and educational research and training activities overseas.
SD-116

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including college housing loans, special institutions, Howard University, the National Institute of Education, education statistics, bilingual education, and libraries.
SD-116
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MARCH 22

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.
SD-124
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start programs.
SD-562

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

MARCH 26

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SR-432A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for pro-

grams of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SR-325

MARCH 29

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-562

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low income energy assistance and Head Start programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and

Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 2

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

MAY 3

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, fo-

cusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources

To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

CANCELLATIONS

FEBRUARY 8

2:00 p.m.
Judiciary
To hold hearings on pending nominations.

SD-226

HOUSE OF REPRESENTATIVES—*Tuesday, February 7, 1984*

The House met at 12 o'clock noon.

His Excellency, Archbishop Iakovos, primate of the Greek Orthodox Church of North and South America, New York, N.Y., offered the following prayer:

In the name of the Father, and of the Son and of the Holy Spirit now and ever unto the ages of ages. Amen.

In Your presence, a Triune God, we are searching our minds and souls as we are about to begin another day of sessions, meetings, study, and understanding of the day's problems and work.

In deep humility, we ask for Your assistance, illumination, wisdom, and strength so that we may arrive at decisions and resolutions that would respond to the needs of our country and citizens and would alleviate the heaviness of the mind and of the heart as we proceed in finding answers for them.

We are cognizant of the enormity and perplexity of the question of peace that we so painfully pursue through our daily deliberations and businesses. We are fully aware of the tremendous responsibility to meet the demands of our office and of particular tasks that we fail not, neither us or others.

We beseech You to dissipate, through the illuminations of our minds, confession, awareness, and doubt that darken the horizon within and without us, so that we may, with a totally persuaded heart, tread toward the fulfillment of Your divine will. This we ask in deep faith, truth, and reverence. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the joint resolution (H.J. Res. 290) entitled "Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 215. An act to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release and for other purposes;

S. 668. An act to reform Federal criminal sentencing procedures; and

S. 948. An act to reform Federal criminal and civil forfeiture.

HIS EMINENCE ARCHBISHOP IAKOVOS

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, Archbishp Iakovos has been the leader of his spiritual flock for 25 years. As primate of the Greek Orthodox Church of North and South America, he has been in the forefront of every humane effort to rid life of its evil contradictions and to insure a better existence not only for his own people, but for all the American people.

His appearence here to open today's House session with prayer coincides with his 25-year stewardship of his church and a recognition of his efforts by the faithful of his archdiocese.

It is my honor to express solicitations and respect to Archbishop Iakovos and to wish him in the tradition of the church many years of continued fruitful service to God and to all his people.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. YATRON. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

I, too, want to add my personal gratitude to His Eminence for gracing us with the invocation to begin today's session.

The 25 years in which he has served as the chieftain of the Orthodox Church of North and South America, those 25 years have coincided with the greatest period of growth and interblending of the Greek Orthodox Church with life in the United States. I give him a personal expression of gratitude for that alone, in the words of our faith, the Greek Orthodox faith, I also wish to take this opportunity to say eis polla eti, thespota, many more years, Your Eminence, in the service of our faith.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WILLIAM D. BENONI

The Clerk called the bill (H.R. 1557) for the relief of William D. Benoni.

There being no objection, the Clerk read the bill as follows:

H.R. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, jurisdiction is hereby conferred on the United States District Court for the District of Massachusetts to review and render judgment on the decision of Public Law Board 1464 with respect to the discharge of William D. Benoni of South Deerfield, Massachusetts, from this employment with the Boston and Maine Railroad Corporation. In conducting such review, the court shall consider any alleged fraud or corruption by a member of the Public Law Board that was committed prior to the convening of the Board, if such fraud or corruption relates to the dispute which was the subject of the Board's decision.

(b) Any previous decison of the United States District Court for the District of Massachusetts with respect to the matter described in subsection (a) of this section shall not be a bar to the exercise of jurisdiction conferred by this Act, and shall not be considered by the court in reviewing and rendering judgment with respect to such matter.

SEC. 2. The jurisdiction conferred by the first section of this Act shall not apply to any action commenced more than six months after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUNIOR ACHIEVEMENT OF JACKSON, MISS., THE JACKSON, MISS., SYMPHONY ORCHESTRA, AND THE MISSISSIPPI MUSEUM OF ART

The Clerk called the bill (H.R. 1680) for the relief of the Junior Achievement of Jackson, Miss., the Jackson, Miss., Symphony Orchestra, and the Mississippi Museum of Art.

There being no objection, the Clerk read the bill as follows:

H.R. 1680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the Junior Achievement of Jackson, Mississippi, the Jackson, Mississippi, Symphony Orchestra, and the Mississippi Museum of Art hereby are relieved of any liability for the repayment of payments erroneously made to them by the United States under such Act for disaster relief activities following the major disaster declared to exist in the State of Mississippi in April 1979.

SEC. 2. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by the first section of this Act.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, line 5, insert after "April 1979": "and for the payment of interest assessed against them pursuant to this repayment."

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 379) to cancel certain indebtedness in connection with disaster relief activities, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Disaster Relief Act of 1974, the Junior Achievement of Jackson, Mississippi, the Jackson, Mississippi, Symphony Orchestra, and the Mississippi Museum of Art are relieved of any liability for the repayment of payments erroneously made to them by the United States for disaster relief activities following the major disaster which was declared in Mississippi in April 1979, and for the payment of interest assessed against them pursuant to this repayment. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this Act.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1680) was laid on the table.

HARVEY E. WARD

The Clerk called the bill (H.R. 3221) for the relief of Harvey E. Ward.

There being no objection, the Clerk read the bill, as follows:

H.R. 3221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harvey E. Ward of Winthrop Harbor, Illinois, the sum of $15,475.59, pursuant to the findings of the United States Claims Court in Ward against United States, Congressional Reference Case numbered 6-76 (1982), in full satisfaction of all claims of the said Harvey E. Ward against the United States for withheld disability retirement pay from service in the United States Coast Guard.

SEC. 2. No part of any amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. A violation of this section is a misdemeanor punishable by a fine in an amount not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENJAMIN B. DOEH

The Clerk called the bill (H.R. 2387) for the relief of Benjamin B. Doeh.

There being no objection, the Clerk read the bill, as follows:

H.R. 2387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay to Benjamin B. Doeh of La Mesa, California, in a lump sum, out of any money in the Treasury not otherwise appropriated, the sum of $586,435. Such sum represents losses sustained by Benjamin B. Doeh as president and sole shareholder of the Morovis Development Corporation (a corporation incorporated under the laws of the Commonwealth of Puerto Rico) in connection with the late completion by such corporation of the houses comprising the Russe Development in the Commonwealth of Puerto Rico, the purchase of which houses was financed by the Farmers Home Administration. Such losses consisted of—

(1) that part of the purchase price withheld at the direction of the Farmers Home Administration for the late completion of certain Russe Development houses, even though such lateness was contractually excusable, being directly attributable to unusually heavy rainfalls, unexpected work stoppages, and other uncontrollable circumstances; and

(2) unanticipated increases in construction costs not reflected in the purchase price contracted for, and for which reimbursement to such corporation was denied by the Farmers Home Administration.

SEC. 2. Payment of the sum stated in the first section of this Act shall be in full satisfaction of any claims that Benjamin B. Doeh or the Morovis Development Corporation may have against the United States with respect to the losses described in such section.

SEC. 3. It shall be unlawful for any amount in excess of 10 per centum of the lump-sum payment referred to in the first section of this act to be paid to or received by any agent or attorney in consideration for services rendered in connection with such lump-sum payment. Any person who violates the preceding provisions of this section shall be fined not more than $1,000.

With the following committee amendment:

On page 1, line 6, strike "$586,435" and insert in lieu thereof "$102,435".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THERON M. BRADLEY, JR.

The Clerk called the bill (H.R. 3926) for the relief of Theron M. Bradley, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 3926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Theron M. Bradley, Junior, an employee of the Department of Energy, the sum of $2,696.70 in full and final satisfaction of his claim against the United States for reimbursement of the difference between the applicable overweight charges collected by a mover and the overweight charges that a mover represented he would collect. These charges were due on a shipment of Mr. Bradley's household goods made in June 1982 incident to his transfer by the Department of Energy from Washington, District of Columbia, to Idaho Falls, Idaho.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemean-

or and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KENNETH L. PERRIN

The Clerk called the bill (H.R. 3927) for the relief of Kenneth L. Perrin.

There being no objection, the Clerk read the bill, as follows:

H.R. 3927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Kenneth L. Perrin, of Woodbridge, Virginia, is relieved of liability to the United States in the amount of $5,427.68, which represents the amount that Mr. Perrin is indebted to the General Services Administration for erroneous payment for travel and relocation expenses arising from his relocation from Valrico, Florida, to accept employment with the General Services Administration in Denver, Colorado, incident to his transfer from the United States Postal Service in Tampa. Mr. Perrin incurred these expenses in good-faith reliance on assurances by the General Services Administration that certain travel and relocation expenses involved in his transfer were authorized at Government expense.

SEC. 2. In addition to the relief provided in the previous section of this Act, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Perrin the sum of $4,467.94 in full settlement of all his claims against the United States for certain real estate expenses incurred in good-faith reliance on assurances by the General Services Administration that those certain real estate expenses were authorized at Government expense.

SEC. 3. No part of the amount appropriated in section 2 of this Act in excess of 10 per centum thereof shall be directly or indirectly paid to or received by any agent or attorney in connection with the claims referred to in section 2 of this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this section shall be considered a misdemeanor and any person convicted thereof shall be fined not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLGA ROJAS-PUJOLAR

The Clerk called the bill (H.R. 1867) for the relief of Olga Rojas-Pujolar.

There being no objection, the Clerk read the bill, as follows:

H.R. 1867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (2), (3), and (4) of section 212(a) of the Immigration and Nationality Act, Olga Rojas-Pujolar may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of such Act.

● Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 1867, private legislation I introduced for the relief of Olga Rojas-Pujolar.

Miss Pujolar has been diagnosed as suffering from a schizophrenic disorder for the last 31 years. Up until 1980, she lived with her family in Cuba and later in Spain. Although devoted to her, when the last of her family fled Cuba and was allowed to enter the United States in 1980, she was denied admittance and the family was forced to place her in a mental hospital in Madrid.

Since that time, Mr. and Mrs. Charles White, the brother-in-law and sister of Miss Pujolar, have done everything possible to get a waiver of excludability so that Miss Pujolar could join them here in the United States. They have continued to support her financially, at a cost of more than $20,000 to date and have engaged a local doctor to help in caring for their sister once she comes to America. They have agreed to post a bond in her behalf and in the 97th Congress, at Chairman MAZZOLI's request, they added a codicil to their will establishing a trust fund for the care of Miss Pujolar, should they predecease her. In essence, they are willing to do anything reasonably necessary to insure their continued devotion and support for Miss Pujolar. I truly believe they are sincere in their efforts.

Miss Pujolar is 61 years old. For the last 4 years she has been, except for an occasional visit from her mother and sister, virtually alone in Madrid, with no family members to look in on her. Her doctor indicated that Miss Pujolar had shown notable improvement. He also stated that further institutional care could do more harm than good and that what she really needed was the care, attention, and affection of her family.

Since August of 1983, in accordance with a new Spanish Government policy, Miss Pujolar has been transferred from the hospital to a "casa de reposo" (rest home). While the accommodations are satisfactory, the necessity for this bill still exists—that is to reunite a family and to see that an invalid with a mental disease receives the love and comfort of her family in her later years of life.

The White family continues to do everything they can to assure my colleagues of their willingness to care for their sister, both physically and financially. They love their sister and want her home with them. This is a unique situation calling for a unique remedy and I hope you will agree and support this legislation.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIVINIA MANATAD AND JEUERITA MANATAD

The Clerk called the bill (H.R. 1716) for the relief of Divinia Manatad and Jeuerita Manatad.

There being no objection, the Clerk read the bill, as follows:

H.R. 1716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Divinia Manatad and Jeuerita Manatad may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Mr. and Mrs. Apolinario Manatad, United States citizens and lawful permanent residents, respectfully, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On line 7 page 1, and line 1, page 2, delete the words "and lawful permanent residents, respectfully".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PHILLIP HARPER

The Clerk called the bill (H.R. 1426) for the relief of Phillip Harper.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DENNIS L. DALTON

The Clerk called the bill (H.R. 3382) for the relief of Dennis L. Dalton.

There being no objection, the Clerk read the bill, as follows:

H.R. 3382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Dennis L. Dalton, who lost United States citizenship in 1975 under the provisions of section 301(b) of the Immigration and Nationality Act of 1952 (as such statute was then in effect), may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Dennis L. Dalton shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1210

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015), to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "DAD'S PAD"

The Clerk called the Senate bill (S. 1186), to clear certain impediments to the licensing of the yacht *Dad's Pad* for employment in the coastwise trade.

There being no objection, the Clerk read the bill, as follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provisions of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Dad's Pad (official numbered 549526) owned by John C. Sciacca, of Plaistow, New Hampshire, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

On pages 1 and 2, strike all after the enacting clause and substitute:

That, notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessel *Dad's Pad*, official number 549526, owned by John C. Sciacca, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

On page 2, after line 11, add a new section as follows:

SEC. 2. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessel *Zorba*, official number 229763, owned by Howard Costa, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendments were agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVITALIZATION OF THE DOMESTIC CRUISE INDUSTRY

The Clerk called the bill (H.R. 2883), to admit certain passenger vessels to the coastwise trade.

There being no objection, the Clerk read the bill, as follows:

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 111 and 112 of the Vessel Documentation Act, as amended (46 U.S.C. 65(1), (j)), section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883) on the date of this Act, and any other provisions of law, the Secretary of the Department in which the Coast Guard is operating shall cause the vessels Cunard Princess (ABS numbered 7437321) and Cunard Countess (ABS numbered 7531420), upon the application of Cruise America Line, Incorporated, or its assignee, to be documented as vessels of the United States upon compliance with all other requirements of law except as modified herein, with privilege of engaging in the coastwise trade.

SEC. 2. For hire carriage in the coastwise trade under this Act is limited to passengers, their accompanying baggage, and personal property.

With the following committee amendments:

Strike all after the enacting clause and insert:

That (a) Notwithstanding sections 12106 and 12107 of title 46, United States Code and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessels *Cunard Princess* (ABS numbered 7437321) and *Cunard Countess* (ABS numbered 7531420), on the application of Cruise America Line, Incorporated, or its assignee, to be documented as vessels of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

(b) A vessel named in subsection (a) may not be documented under that subsection unless all alterations, repairs, and rebuilding of that vessel that are necessary to bring the vessel into compliance with part B of subtitle II of title 46, United States Code are done in the United States.

(c) A vessel named in subsection (a) may retain the privilege of engaging in the coastwise trade only if all nonemergency alterations, repairs, or rebuilding of that vessel are done in the United States.

(d) A vessel named in subsection (a) may not operate on a substantially similar route as a coastwise-qualified vessel of comparable passenger-carrying capacity that is operating on the date of enactment of this Act.

(e) If, within three years of the date of enactment of this Act, a comparable coastwise-qualified vessel enter the coastwise trade in the Gulf of Mexico, the vessels named in subsection (a) may not operate to or from any United States ports in the Gulf of Mexico, other than those in the State of Florida, beyond the six-month period commencing on the date the comparable coastwise-qualified vessel enters the trade. This prohibition is effective as long as the comparable coastwise-qualified vessel operates in the Gulf of Mexico.

SEC. 2. For hire carriage in the coastwise trade under this Act is limited to passengers, their accompanying baggage, and personal property.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that this bill be recommitted to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

NERY DE MAIO

The Clerk called the bill (H.R. 1865), for the relief of Nery De Maio.

There being no objection, the Clerk read the bill, as follows:

H.R. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Nery De Maio—

(1) shall be held and considered to have satisfied the requirements of—

(A) section 312(2) of the Immigration and Nationality Act (8 U.S.C. 1423(2)), relating to a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States, and

(B) section 337(a) of such Act (8 U.S.C. 1448(a)), relating to the taking of an oath of allegiance to the United States, and

(2) notwithstanding section 310(d) of such Act (8 U.S.C. 1421(d)), may be naturalized at any time after the date of the enactment of this Act if she is otherwise eligible for naturalization under such Act (8 U.S.C. 1101 et seq.).

● Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 1865, private legislation I introduced for the relief of Nery De Maio.

Mrs. Nery De Maio is the 63-year-old wife of my constituent, 93-year-old

William De Maio. A native of Colombia and permanent resident who has lived in the United States for more than 22 years, she suffered a stroke 12 years ago, just before she was to take her citizenship examination. As a result, she suffers from a permanent condition known as aphasia, a language breakdown which left her unable to communicate, to any degree, by written or spoken word.

As a result, Mrs. De Maio has been unable to meet two of the requirements for naturalization—demonstrating through an examination her knowledge and understanding of our Nation's history and Government fundamentals, and taking the oath of allegiance to the United States. H.R. 1865 establishes that Mrs. De Maio has satisfied these two requirements, which her aphasia handicap has thus far prevented, and allows her to complete the process of naturalization.

Although much of her life since her stroke has been devoted to overcoming her disability, she has not given up her dream of becoming an American citizen. I became involved in Mrs. De Maio's fight for citizenship in September 1979, and have been trying to help her ever since. Her last hope was crushed on April 13, 1982, when a Tampa Federal judge regretfully denied her petition for naturalization in what he described as one of the most difficult, and heartrending, decisions that the court has been called upon to make. In his decision, however, he added that he hoped Mrs. De Maio might find in Congress the relief she seeks. It was with that hope in mind that I introduced this measure.

Mr. Speaker, I support the current naturalization requirements for immigrants wishing to become U.S. citizens. However, I also support granting a special exception for Mrs. De Maio. This is not a case of someone who cannot or simply will not meet the naturalization requirements. This is the case of an intelligent women who has been stricken with an unfortunate medical occurrence entirely beyond her control. To deny her the citizenship she so desperately wants would be to perpetuate an injustice. I urge my colleagues to right this wrong by supporting H.R. 1865.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREDERICK FRANCISCO AKERS; SUSAN FERNIZ AKERS, SPOUSE; CHRISTOPHER FERNIZ AKERS, SON; AND CHRISTINA FERNIZ AKERS, DAUGHTER

The Clerk called the bill (H.R. 440) for the relief of Frederick Francisco Akers; Susan Ferniz Akers, spouse; Christopher Ferniz Akers, son; and Christina Ferniz Akers, daughter.

There being no objection, the Clerk read the bill, as follows:

H.R. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Frederick Francisco Akers, Susan Ferniz Akers, Christopher Ferniz Akers, and Christina Ferniz Akers shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct four numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraph 1 through 8 of section 203(a) of the Immigration and Nationality Act.

That, for purposes of the Immigration and Nationality Act, Fredrick Francisco Akers shall be considered—

(1) to be the married son of a citizen of the United States; and

(2) to have had a petition filed with the Attorney General on July 16, 1974, and approved, on his behalf by his natural father, Kenas Akers, under section 204 of such Act to grant preference status under section 203(a)(4) of such Act by reason of such relationship:

Provided, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert in lieu thereof:

That, for purposes of the Immigration and Nationality Act, Frederick Francisco Akers shall be considered—

(1) to be the married son of a citizen of the United States and

(2) to have had a petition filed with the Attorney General on July 16, 1974, and approved, on his behalf by his natural father, Kenas Akers, under section 204 of such Act to grant preference status under section 203(a)(4) of such Act by reason of such relationship:

Provided, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Frederick Francisco Akers."

A motion to reconsider was laid on the table.

MOUNTAHA BOU-ASSALI SAAD

The Clerk called the bill (H.R. 936), for the relief of Mountaha Bou-Assali Saad.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MIREILLE LAFFITE

The Clerk called the bill (H.R. 1932) for the relief of Mireille Laffite.

There being no objection, the Clerk read the bill, as follows:

H.R. 1932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(1) of the Immigration and Nationality Act, Mireille Laffite may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of such Act.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Line 5, delete the words "issued a visa and".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2899, ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1984

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-596) on the resolution (H. Res. 429) providing for the consideration of the bill (H.R. 2899) to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MILITARY COMMISSARIES, A SUBSIDY TO U.S. MILITARY PERSONNEL

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, on January 10, the Washington Post carried an article entitled "Grace Panel Finds Pork Barrel Overflowing." It was followed by an editorial on January 11 relating to that portion of the Grace report concerning military commissaries.

Congressman DAN DANIEL, who serves as chairman of the Readiness Subcommittee of the House Armed Services Committee, responded to both the article and the editorial with appropriate letters to which the Washington Post apparently elected not to respond. Mr. DANIEL called to their attention errors in both articles. Specifically, he mentioned the allegations that the commissaries generate profits and that the military commissaries serve as a subsidy to those serving in the U.S. military. The fact of the matter is that the use of the commissaries is a privilege granted to those men and women who serve in the Armed Forces as a part of their overall compensation. Despite the position taken by the Washington Post I do not believe that this Congress will wish to abolish this longtime tradition promised to our soldiers, sailors, airmen, and marines as part of their pay for service to their country.

Mr. Speaker, I would include the letters from Mr. DANIEL addressed to the Washington Post intended to correct these misconceptions:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 10, 1984.

EDITOR,
The Washington Post, Washington, D.C.

I have just completed reading the article on Page A-3 of the January 10 Washington Post titled "Grace Panel Finds Pork Barrel Overflowing," and feel compelled to comment on that portion which deals with military commissaries.

For the record, I am Chairman of the Panel on Morale, Welfare and Recreation of the House Armed Services Committee. I have no military bases in my District, and so far as I know there are no suppliers to commissaries based there. This would seem to place commissaries outside the "pork barrel" category in my case.

The information in the article is basically correct, but it is irrelevant. Commissaries exist to provide a buying advantage to the men and women who serve in the armed forces. It is a form of non-cash compensation, and if commissaries were abolished, taxpayers would need to provide in military pay $350 million more than the commissary subsidy to make up the difference in disposable income just for the United States alone.

I should point out, too, that commissaries exist in high-density locations because these are also high-cost locations.

As long as we have to go into the labor market to recruit the men and women who serve in the military, we will have to compensate them in cash or in some other ways; it is a condition of employment they have been promised.

Very sincerely,

DAN DANIEL.

JANUARY 11, 1984.

EDITOR,
The Washington Post, Washington, D.C.

Your editorial of January 11 has not gone unnoticed. It cannot go unchallenged.

The piece contains one error in fact, one error in interpretation, and one large oversight.

The fact is commissaries do not generate profits. Products are sold at cost, plus a surcharge of five percent to cover maintenance and replacement of commissary facilities. Proposals for new commissaries, I might add, must be approved by the Panel which I chair. The number of new commissaries in the United States has been capped.

The interpretation which is in error is that the appropriation for commissaries is a "subsidy." It is not. It is a part of the compensation to the men and women who serve in the armed forces and to a lesser extent those who have earlier served and retired. In short, it is a fulfillment of a condition of employment. To look with disfavor on the fact that these people also feed their families the food which was purchased in a commissary seems inordinately meanminded, especially from one who is so concerned about the nutrition of those on limited incomes.

And finally, the oversight concerns the use of military facilities by the homeless. Had your paper not been so bent on reporting about outlays for weapons systems, they might have noticed that in the FY 1984 Defense Authorization Bill, $10 million was added, at my instigation, to provide utilities and other services at military facilities which will be made available to the homeless, so long as this does not interfere with readiness.

Get it right, Mr. Editor!

Very sincerely,

DAN DANIEL.

IN HONOR OF HIS EMINENCE ARCHBISHOP IAKOVOS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, there are few times in this body when we are so honored as we are today to be joined by a man of spiritual and human qualities as His Eminence Archbishop Iakovos, leader of the Greek Orthodox Church of North and South America. I am honored to join with my colleagues in welcoming here today.

It is especially fitting that we pay tribute to him for he has recently achieved a milestone in his career—that being 25-years as a priest in the Greek Orthodox Church. In his 25-year career, Archbishop Iakovos has championed countless causes on behalf of human and civil rights for all people—of all religions and races. To demonstrate his dedication to this cause he has traveled the world: From New Delhi, to Vietnam, to Jerusalem. He has been an ecumenical giant—fostering dialog with other religions—Roman Catholics, Anglicans, Lutherans, and Southern Baptists.

His dedication to human and civil rights in this country and throughout the world are well known to those of us who have joined with him in support of the cause of Cyprus—which was illegally invaded by Turkey in 1974 and continues to brutally repress the Greek Cypriot population there.

Archbishop Iakovos also joined with the late Reverend Dr. Martin Luther King in 1965 in the historic civil rights march in Selma, Ala. He has never shied from controversy—he has never walked away from a just and noble cause. He has never waivered in his desire to speak out against religious repression and violations of human rights—wherever they occur.

In addition to his commitment to the eradication of repression of the human mind and spirit—His Eminence is a man of compassion and of devotion to God. I know first-hand of his leadership for I was honored to have been the representative of Astoria, N.Y., where there are probably more Greeks than in Athens, up until 1982. I have joined with him on many occasions on matters of mutual concern and interest. I know him to be a leader among men and men—as well as a devoted and dedicated servant of God.

It is a great pleasure and honor to welcome him to Washington today.

□ 1220

THE RETIREMENT OF BARBER B. CONABLE, JR.

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I was sad yesterday when BARBER CONABLE announced he would not be back in the next Congress.

I came to Congress with BARBER CONABLE 19 years ago and I have been

by his side on the Ways and Means Committee for the past 13 years.

BARBER is one of the warmest and most human persons I have ever known. He is my friend and I cherish the time that we have shared together.

Few men in history have had the brilliance, the courage and the achievement of BARBER CONABLE. He has served his district and country well.

Mr. Speaker, I am sure at a later date that a special order will be before this House where our colleagues can further honor BARBER CONABLE.

THE FORMATION OF CLUBB

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, 32 of the 34 States required to convene a constitutional convention on behalf of a balanced budget tax limitation amendment, have already done so. Seven more are undergoing a grassroots effort to add them to the list.

Seventy percent of the American public aware of this effort support it. But when this Congress was given the chance to pass the amendment to the States for ratification in 1982, they failed to do so.

Today, I am announcing the formation of CLUBB. It stands for "Congressional Leaders United for a Balanced Budget." CLUBB is not just another caucus. CLUBB is not designed to recruit bill cosponsors or discharge consideration of balanced budget legislation. CLUBB is not designed to rewrite legislation. What CLUBB is, is a coalition of bipartisan Members of Congress from both sides of the Hill, that believe we need to enact the balanced budget/tax limitation amendment to the U.S. Constitution and are willing to go outside the bounds of Congress to do it.

Article V of the Constitution provides the people, through their State legislatures, the means to force this Congress to act. And while most of us have heard the campaign of misinformation regarding the runaway constitutional convention we have been unable to do anything to further the cause of truth. Now we can, through CLUBB.

Your offices received a "Dear Colleague" from me this week regarding CLUBB. I urge you to give it your consideration if, like me, you believe in a balanced Federal budget and limited spending.

IN HONOR OF ARCHBISHOP IAKOVOS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, we are indeed honored and privileged, Mr. Speaker, to have had the invocation delivered today by His Eminence, Archbishop Iakovos, spiritual leader of the Greek Orthodox faithful in the Western Hemisphere. As he honors us today with his very presence and prayers, we, likewise, honor him as he celebrates his 50th anniversary as a clergyman of the Orthodox faith and his 25th year as archbishop of the New World. It is this courageous man who took an ethnic church and wove it into the mainstream of society. He was the driving force that established Orthodoxy as a major faith in America, as he broke the traditional barriers that existed for years.

Though he is a man of many gifts and talents, as is evident in the countless honors and awards that have been bestowed upon him, including the Presidential Medal of Freedom, deep inside he is a simple shepherd who tends the flock that has been given to him and he remains true to his mission of serving both God and man.

As a Greek Orthodox myself, I am proud that the U.S. Congress has honored Archbishop Iakovos today, and in behalf of the people of the ninth Congressional District of Florida, where he is well known and loved, I wish him continued strength and success in his pastoral work.

LEGISLATION TO ESTABLISH A COMMISSION ON NEUROFIBROMATOSIS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise today in strong support of H.R. 6751, a bill to establish a Commission on Neurofibromatosis. Many do not recognize this disease by its proper name, but I am confident that almost every Member of this body knows of an individual who suffers under its impact. It's nickname is familiar to many, although those plagued with the disease seldom refer to it in this way because it draws upon frightening images, its common name is elephant man's disease. I became more familiar with this disease through the bright eyes and smiling face of adorable 1½-year-old Kacie Grady. Kacie, daughter of Jim and Sandy Grady of Fort Lauderdale, Fla. is a victim of N.F., fortunately her twin sister Kerrie is not. Mr. Speaker, as the very proud father of four children, I, like every other parent, worried through the normal childhood diseases, such as mumps and measles. Although we all know that it is absolutely that a child suffer through a bout of chicken pox, as parents we tend to breath a sigh of relief when the sickness subsidies and the child resumes his/her normal activities. Parents of children afflicted with N.F. never experience the sigh of relief that comes with the knowledge that the childhood sickness has run its course. Some who suffer N.F. are more fortunate than others for their symptoms may not be readily visible. However, this can change over time and as Sandy Grady will tell you, not knowing what will happen in the future to your child really hurts. Sandy candidly admits that about all that she can do is to pray that her daughter only have a mild case. I can tell you that Sandy Grady has done much more for her daughter and for all other children afflicted by the disease than to sit back and simply hope that her prayers will be answered. She and her husband have channeled their combined energies into educating others about the illness. The Gradys, as part of the Florida Chapter of the National Neurofibromatosis Foundation have really taken the bull by the horns. They found that educating the public is the first hurdle to overcome. The lack of information available to the general public about N.F. contributes to the fear of the disease and the social isolation of its victims. Those who have family members suffering from N.F. know that while educating the general public is important, educating the medical community to recognize the disease is far more important.

Mr. Speaker, there is an important role that each Member of this body can play in this educational process. I urge my colleagues to support H.R. 6751, an important bill to establish a Commission on Neurofibromatosis.

THE MIDDLE EAST SITUATION

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, it is said that we are in Lebanon today for the purpose of protecting our national interests in that area.

It was about 37 years ago that President Harry Truman stated a doctrine that became known as the Truman Doctrine. He essentially said that whenever and wherever aggression indirectly or directly threatens the peace, the U.S. interests are involved. A rather vague statement, but something that we have mechanistically followed. We have been robots since that policy was established.

Minor changes in troop locations in that area of the world will do nothing to change the situation. Basic policy must be addressed, basic policy must change.

Tactical adjustments with the troops will only keep us involved and committed in that area.

U.S. interests, if they are vaguely defined and we equate them with the U.S. security, we are bound to get into a lot more trouble before we can settle the difficult situation that we face in the Mideast.

FERC MEDDLES IN STATE AFFAIRS

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, the Federal bureaucrats have done it again. The Federal Energy Regulatory Commission is meddling in State affairs in such a way that it could raise electric rates in Arkansas by as much as 48 percent.

I hold the view that any such increase is presumably unfair and should be delayed for review by the Congress.

I have introduced legislation to prohibit for at least a year the implementation of any decision by the Federal Energy Regulatory Commission which would result in such an increase. Plus we have petitioned formally to intervene in the FERC proceedings in an effort to protect Arkansas from the unfair rate increase.

This energy problem, however, is just the tip of the iceberg of a whole series of problems that will develop for the South and for Arkansas and for America as a result of increasing Federal Government intervention.

The transfer of power to Washington and away from the States and regions has been a tragic mistake. This is just the first of many decisions in energy, credit, finance, water, labor, and other fields that will impede progress and prosperity in Arkansas and America.

CONSIDERATION OF VOLUNTARY SCHOOL PRAYER AMENDMENT

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to permit voluntary school prayer.

□ 1230

The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leadership. This request has been cleared with the minority leadership. I now yield to a spokesman for the majority leadership for an appropriate clearance.

Mr. Speaker, I hear no response.

This is the 10th consecutive legislative day that this request has been made, and the issue of school prayer remains the captive of the arrogance of the leadership of the House.

It must be clear to the American people by this time that the reason we do not have the option of voluntary school prayer in our schools throughout this country is because the Democratic liberal leadership of this House refuses to allow us to vote on that issue.

THE DEMOCRATIC LEADERSHIP STANDS IN THE WAY OF LINE-ITEM VETO

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, at this time I would hope to offer a unanimous consent request calling for consideration of an amendment to permit a line-item veto.

The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of a line-item veto—the Democratic leadership of this House.

JUSTICE AND FAIRNESS REGARDING THE EQUAL RIGHTS AMENDMENT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. PETRI. Mr. Speaker, leadership in a democracy requires that those who control the legislative agenda maintain standards of fairness toward their opponents. Yet, last November the leadership in this House attempted to use patently unfair parliamentary tactics in order to pass the equal rights amendment without the possibility of appending a clarifying amendment.

Many of the proponents of the equal rights amendment insist that the ERA would have no effect, one way or the other, on the issue of abortion. Why, then, has there been such resistance to the addition of language which would make this explicit, and which would satisfy those of us who agonize over the massacre of some 1,500,000 preborn children each year through abortion?

Mr. Speaker, all I am asking for is fairness. I support equal rights for women, and I want to be able to vote for equal rights with a clear conscience. If and when the equal rights amendment is rescheduled for consideration by the House, justice and fairness require that it be considered under an open rule, so that the House can have a chance to clarify the ERA by specifying that it will not guarantee the right to abortion, or to Federal funding of abortion.●

HONOR ROLL OF BUDGET BUSTERS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, several days ago, a number of Members from the Democratic side of the aisle stood here to criticize and attack President Reagan for the budget that he sent to the Hill, and to criticize him as being a deficit spender.

Mr. Speaker, we have complied a list of 18 key votes, votes that could have reduced the deficit by some $22.1 billion had they been passed.

Now, concerning those Members who attacked the President as being a deficit spender, I would like to add their names to the honor roll of budget busters:

Mr. MOODY of Wisconsin, 16 of 18, budget busting votes for $21.6 billion in deficit spending; Mr. DOWNEY of New York, 17 of 17, budget busting votes for $21 billion in deficit spending; Mr. RAHALL of West Virginia, 16 of 18, budget busting votes for $22.1 billion in deficit spending; Mr. WEISS of New York, 18 of 18, budget busting votes for $22 billion in deficit spending; Mr. MARKEY of Massachusetts, 17 of 17, budget busting votes for $21 billion in deficit spending

A few more names, Mr. Speaker, on the honor roll of deficit spenders.

ATTORNEY GENERAL MUST BE SOMEONE WE CAN TRUST TO ENFORCE ALL OUR LAWS

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, our colleagues in the Senate will soon consider President Reagan's nomination of Edward Meese as Attorney General. I urge our colleagues in the other body to take an extremely close look at the record of this man who would shape our country's policy on Justice-related issues.

First, this man was the prime force behind President Reagan's effort to convert the Civil Rights Commission into a mere mouthpiece for the administration policy rather than remain an independent, nonpartisan watchdog for civil rights and racial equality.

Second, Mr. Meese has consistently and repeatedly spearheaded efforts to abolish the Legal Services Corporation, which often provides the only recourse of our Nation's poor have to legal assistance.

Third, Mr. Meese has said there was little proof of hunger in America, adding that people went to soup lines because it was cheaper and easier.

The Attorney General of this great Nation must be someone we can trust to enforce our laws, all of our laws, just as they are written, regardless of personal or private political point of view. Unfortunately, Mr. Meese's record and frequent comments reveal a personal interpretation of our Constitution, our laws, and our traditions that makes expectation of balanced enforcement unlikely to be met.

Again, I urge our colleagues in the Senate to carefully consider the consequences of placing this man in such a high position of national trust.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BIAGGI). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, is it correct that we are not supposed to refer in any way to actions of the Senate on the floor of the House?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. I thank the Chair.

THE DEFICIT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, who are we kidding on the subject of the deficit?

The President has tried to blame the deficits on the Congress.

It will not work. It is his budget. It is his defense buildup. He did not veto a single appropriations bill last year. He asked for the IMF bailout. He calls even now for increased foreign aid, new space laboratories and for large sums for Central America.

On the other hand, the Congress blames the President. Well, it is not his problem alone, either. We did not give him the spending cuts he asked for. We continue to come up with new programs that cost money we do not have.

We continue to embrace the myths of deficit reduction. You have heard them:

No. 1, growth will take care of the deficit. It will not.

No. 2, deficits do not really cause high interest rates. They do.

No. 3, we have time; wait until 1985. We do not. We should act now.

The American people know that on the subject of the deficit, the Congress and the administration are just like Louisiana bullfrogs, all mouth and no guts.

Well, we can run, we can jump. But on the deficit, we cannot hide.

RETIREMENT FOR FEDERAL GUARDSMEN AND RESERVISTS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to bring attention to a potential problem for members of the National Guard and Reserves created by language contained in H.R. 4170, the Tax Reform Act.

As you know, Federal employees who were on board prior to December 31, 1983, have the right to remain under civil service retirement and not come under social security retirement.

The language I am referring to, takes that right away from Federal employees who are Guardsmen or Reservists in the event they are mobilized for war. Upon their return from military service, they would be forced into the social security retirement system.

This will undoubtedly have a serious impact on Guard and Reserve recruitment and retention. These men and women should not be penalized for their willingness to serve in the military. I, therefore, urge removal of this harmful language from H.R. 4170.

VETERANS EDUCATIONAL ASSISTANCE PROGRAM AMENDMENTS OF 1984

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, today I am introducing the Veterans Educational Assistance Program (VEAP) Amendments of 1983. This bill will allow members of the armed forces to collect interest on their post-Vietnam-era education accounts. It will also let them transfer their benefits to a spouse or child.

If enacted, these amendments are intended to update the current VEAP, which was first put into effect in 1977. Currently, VEAP participants will contribute to their education account either on a monthly basis, or in one lump sum payment. The total contribution is then matched by the military on a 2-to-1 basis, to be used for education benefits at a later date.

However, these matching funds are not contributed until the benefits are used, in most cases several years after the original contributions have been invested. Participation in the current VEAP has been light, and the Army contends that it is the noninterest bearing feature of the program, tying up current dollars eventually eroded by inflation, that acts as the greatest disincentive for a disciplined monthly educational savings plan. With the amendments I am proposing, the accrued interest would help to offset the real value of the individual's contribution when applied to an educational program years after the soldier initially began to contribute.

In a similar manner, the transferability provision of these amendments is designed to offset the retention disincentive of the current VEAP. This problem also existed with the old GI bill, since it requires the service member to leave military service in order to use the benefit at a full-time rate. The availability to transfer the VEAP benefits to a spouse or child acts as a retention incentive for individuals to stay with the military. Preliminary data suggests that approximately 26 percent more soldiers who are in their second term of enlistment would reenlist if this transferability feature becomes available.

I recently discussed the current VEAP, along with these proposed amendments with General John Wickham, Chief of Staff of the Army. General Wickham is in complete support of the VEAP Amendments of 1983, since it encourages individuals to remain with the armed services when they have families. By providing future education benefits not only for service members, but for children and spouses, we are continuing in our efforts to focus attention on the importance of the family in military life.

□ 1240

INVESTIGATION OF U.S. WEATHER SERVICE LACK OF WARNING ON UPPER MIDWEST BLIZZARD

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, this past week-end 21 lives were lost as a near record breaking blizzard tore through the upper midwest and the brunt of the storm hit western Minnesota and eastern North Dakota, and eastern South Dakota.

From my vantage point, it is my opinion that the U.S. Weather Service failed to give an adequate and timely warning that weather of this serious magnitude was in store for this area. If proper warnings could have been given there would have been a chance that lives could have been saved.

The blizzard was doing severe damage, transportation was at a standstill, all commercial traffic including air travel was halted and the Weather

Service did not see fit to issue an emergency warning until too late.

This should not have happened and it must not happen again. Today I have asked the Subcommittee on Natural Resources of the Science and Technology Committee to hold an investigation of the actions of the U.S. Weather Service. The staff of the subcommittee has told me that such investigation will be held. Congress, using its oversight procedures, must make as certain as possible that this will not happen again.

ADMINISTRATION PACT WITH THE DEVIL

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, the Reagan administration has lied about El Salvador. They have made a pact with the devil, in the person of Roberto D'Aubuisson.

Yesterday, former Ambassador Robert White testified that the potential president of El Salvador, Roberto D'Aubuisson, brought together a group of fellow butchers to draw lots—yes, draw lots—for the honor of assassinating Catholic Archbishop Romero.

Ambassador White stated, under oath, that the Reagan administration has known of D'Aubuisson's monstrous crime since entering office. Mr. White says he sent this information to Washington.

I want the truth now. I want United States aid to El Salvador to be based on the human rights record of the recipients, now.

This administration's policy toward El Salvador makes us all accomplices in crime. I will not be an accomplice of Roberto D'Aubuisson. I will vote no on military aid to El Salvador. I will vote yes to reinstate the certification requirement.

WHO STANDS IN THE WAY OF A BALANCED BUDGET?

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, at this time I would hope to offer a unanimous consent request calling for consideration of an amendment to require a balanced budget. The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of a balanced budget—the Democratic leadership of this House.

WE MUST LOOK AT ALL AREAS OF THE BUDGET

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, this morning I had the opportunity to attend the second Budget Committee hearing of this session. Let me share some of the facts with my colleagues.

Fact No. 1 is that if we continue in the pattern of spending that we have been headed for the last several years, by 1989 we will spend 24.9 percent of GNP. I asked the question about what is the highest level of taxation that we have ever reached, and the highest level of taxation that we have reached since the 1960's is about 20.8 percent.

So I would suggest that even if we raise taxes which I oppose to the point where we would be at 20.8 percent, we still have 4.1 percent of GNP to attack.

What people try to tell us is that the simple answer is that we have to do is reduce defense spending. Let me tell my colleagues another little fact that came out.

The CBO indicated that if defense spending only increased in nominal terms—nominal terms means allowing for inflation—not in real terms but only in nominal terms between now and 1989, the deficit in 1989 would still be $249 billion.

The suggestion I am making is that all of us better wake up to the fact that we have to look at all other areas of the budget, including those precious entitlements if we are to take control of Government spending.

JESSE JAMES RIDES AGAIN

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, I want to commend the gentleman from Montana (Mr. MARLENEE) this morning for bringing to the attention of the House the difficult problem that we face with respect to railroad service in rural America.

Back in the mid-1930's when Harry Truman was serving in the other body, he rose and he talked about the railroads. He said back in Independence, Mo., when Jesse James and his gang robbed a train, the hometown newspaper had headlines saying "Jesse James Gang Robs Train, Nets $3,000."

Harry Truman said:

> Today they are still robbing those trains, but it is accountants and attorneys who are robbing them by setting up something called a holding company.

What they do is strip those trains bare, he said. They take the land grants away that we gave them and then plead poverty for the railroad.

Mr. Speaker, 23 percent of my home State of North Dakota was given to the railroads; think of it, 23 percent of North Dakota was a land grant to the railroads to build and operate a railroad. Now, what they have done is formed holding companies. They have taken those land grants away, taken the rich timber and mineral and oil interests away, and then plead poverty for the railroad. They abandon branch lines, and hike their rates.

I commend the gentleman from Montana, Mr. MARLENEE, for bringing that to the attention of the House. We have legislation in this House to deal with this, and we must start moving in the right direction on railroad policy. I hope we can have some hearings and get this Congress to take some action to tell the railroads that we are not going to put up with this behavior any longer.

AN ALTERNATIVE TO CUT SPENDING

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I do not see the gentleman from Louisiana (Mr. ROEMER) here but just moments ago he was in the well giving a 1-minute speech decrying the existence of the deficit and seeking to place accountability, I think he said, on the President for the deficit.

I want to assure the gentleman from Louisiana, Mr. ROEMER, that he and all of the Members of the House will have an opportunity, when we take up the first concurrent resolution on the budget this year, to vote on a proposal to cut spending in 1985 by at least $45 billion. If we embellish that amount by rcommendations from the Heritage Foundation, which has identified $95 billion which can be cut from spending in 1985, we can add it up by an even greater amount.

I thought the gentleman from Louisiana would like to know that an alternative will be presented on the floor of the House for him to vote to cut spending to deal with this deficit. I thought the gentleman would like to know that, and perhaps other Members of the House would like to know it as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to

suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

CONTINUATION OF CERTIFICATION REQUIREMENTS WITH RESPECT TO EL SALVADOR

Mr. BARNES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4656) to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

The Clerk read as follows:

H.R. 4656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of section 728 of the International Security and Development Cooperation Act of 1981 (including the last sentence of subsection (e) of that section) shall continue to apply after the end of the fiscal year 1983 until such time as the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until September 30, 1984, whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland (Mr. BARNES) will be recognized for 20 minutes and the gentleman from California (Mr. LAGOMARSINO) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us would continue in effect the certification requirement with respect to El Salvador through the end of the current fiscal year or until such time as Congress enacts superseding legislation, whichever comes first.

As all the Members know, during the past 2 fiscal years the President was required to certify every 6 months, as a condition of continuing to give military aid to El Salvador, that the Government of El Salvador:

Was making a concerted and significant effort to comply with internationally recognized human rights;

Was achieving substantial control over its armed forces so as to bring an end to the indiscriminate torture and murder of civilians by those forces;

Was making continued progress in implementing the land reform program and other reforms;

Was committed to the holding of free elections and to discussing with opposition forces a political solution to the conflict; and

Had made good faith efforts to investigate the murders of U.S. citizens in El Salvador and to bring those responsible to justice.

This requirement expired on September 30, at the end of the last fiscal year. In anticipation of that, and because a fiscal year 1984 foreign aid bill with a new certification requirement in it had not been enacted, I introduced a routine extension of the existing certification requirement. On September 30, the House took up and passed that bill, H.R. 4042, by unanimous consent. I was pleased to have the support of the ranking minority member of the Subcommittee on Western Hemisphere Affairs, the gentleman from California (Mr. LAGOMARSINO), for that measure, and I was equally pleased that the administration expressed no objection to the bill. The Senate also passed the bill unanimously.

Unexpectedly, however, the President pocket vetoed the bill on November 30. So we now bring this measure before you again. We have, in effect, already enacted it twice: once in 1981 when we first enacted the certification measure; then again last September when we extended it by unanimous consent. So I hope we can now treat it as routine.

When the Foreign Affairs Committee receives the administration's recommendations for implementing the Kissinger Commission report, hopefully any day now, we will begin considering a new certification requirement in the context of those recommendations. Several of us are already being consulted by the administration about that requirement. But pending enactment of new language, we should reenact the old language in order to insure that the Salvadoran Government knows that it must meet legal requirements in order to continue to qualify for U.S. military aid.

I want to stress for my colleagues that there is no disagreement that there should be conditions on military aid for El Salvador. For understandable reasons, the administration prefers conditions other than those stated in this bill. But the Congress has spoken twice on this issue, and I believe it is important for us to reaffirm our determination that our conditions be restored to the law.

Several of our colleagues on this side want to speak, but at this point I reserve the balance of my time.

□ 1250

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of this resolution, not because it is the best approach, but rather because it is the only alternative we were being offered and Congress should be involved.

Many of us have been concerned for some time that the "all or nothing" approach represented by the certification procedure in this language does not help U.S. security interests or the cause of human rights. The chairman of our subcommittee, the gentleman from Maryland, Mr. BARNES, has said on a number of occasions that he thought this certification language had a number of flaws. That is the reason the Foreign Affairs Committee last year adopted a quite different bipartisan alternative.

Unfortunately, the issue of the merits of this particular certification procedure gets lost in a cloud of rhetoric and hyperbole. Many of those who are intent on criticizing this administration for its policy toward El Salvador seem to believe that this certification language is the equivalent of holy writ. They, therefore, argue that if the administration is against this language, then it is against conditioning aid to El Salvador and likewise has no interest in human rights. Nothing could be farther from the truth.

The President chose not to approve the extension of this certification because it does not help to improve human rights conditions in El Salvador. It has instead promoted a regular, 6-month "certification offensive" where the extreme left and extreme right step up their campaigns of violence and destruction in an effort to influence the findings of the certification report.

Critics argue that by vetoing the certification extension, the President diluted any message he had sent on the death squads. But they are wrong on that account as well. The President and Vice President BUSH as well as other administration officials over the past months have made absolutely clear their total rejection of the right-wing death squad activities in El Salvador. I know, I was in El Salvador on December 11 with Vice President BUSH. Furthermore, the President believes that by his stressing the need for continued progress on human rights he is demonstrating his personal concern and is not simply doing something because the Congress has forced him to.

As for the merits, or lack thereof, of this certification language, it seems to me to represent the grossest example of twisted logic imaginable. We in the Congress began with a situation in El Salvador 4 years ago where human rights conditions were unacceptable by anyone's definition. If you ranked that country on a scale of 1 to 10 and gave it a 5, most critics would say you were being overly generous. In order to promote improved human rights, a certification process was instituted. The irony of this language is that now that human rights have improved to perhaps 7 or 8 on that scale, this all or

nothing approach, the critics contend, requires "0" aid because the Salvadorans have failed to score "10."

I have yet to hear one convincing argument as to how human rights will be improved in that country if all military aid is cut off. About the only thing a total cutoff of military aid would achieve would probably be a rightwing military coup, which would not help human rights, followed by a leftist guerrilla victory, which also would not help human rights.

This administration is supporting the democratic center in El Salvador fighting for its very existence against violence from the right and the left. The United States is giving military aid not only because it is in the interests of promoting democracy in El Salvador but also because it is in the interests of the United States.

Yes; we must condition our military aid to El Salvador. But Let us do it in a way that means something. I reluctantly support the extension of this certification language only in the hope that we will soon have before us something to replace it that more closely reflects the compromise language the Foreign Affairs Committee agreed to in May of last year. I urge my colleagues to look for a constructive alternative so that we may accomplish what we all wish: improved human rights in El Salvador and protection of our national security interests.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, could I just ask procedurally, is there going to be time for discussion by other Members of the body or is it going to be limited?

Mr. LAGOMARSINO. Well, anybody who asks for time, I will yield.

Mr. KEMP. Has the gentleman got 20 minutes?

Mr. LAGOMARSINO. Yes.

Mr. KEMP. Are there any other Members who want to speak on the subject?

Mr. LAGOMARSINO. Yes.

Mr. KEMP. Is there enough time to take 3 or 4 minutes at some point in the debate?

Mr. LAGOMARSINO. I would think so, yes.

Mr. KEMP. Then I will wait my time, but I would like 4 or 5 minutes.

Mr. BARNES. Mr. Speaker, I yield such time as he may consume to the very distinguished chairman of the Foreign Affairs Committee, the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I rise in support of this legislation.

I would like to commend the gentleman from Maryland (Mr. BARNES) for once again bringing before the House this important legislation to extend the certification requirement for military assistance to El Salvador.

The Congress enacted a similar bill, H.R. 4042, at the end of the first session of this Congress, but it was subjected to a pocket veto by the President.

It is important that the Congress send a strong message that U.S. military assistance to El Salvador will be forthcoming only if there is substantial progress in respect for human rights and implementation of critical social, economic, and political reforms. Only through such efforts will the Salvadoran Government be able to win the support of the people and, consequently, will U.S. military assistance be effective.

I urge prompt enactment of this legislation. Subsequently, during the normal course of consideration of the Committee on Foreign Affairs of the fiscal year 1985 foreign assistance program, the Committee will fashion an updated provision conditioning U.S. military assistance on the requisite reforms and respect for human rights.

On September 30, 1983, this body passed the predecessor legislation, H.R. 4042, by voice vote. I urge Members to replicate that action here today.

Mr. BARNES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I thank the chairman.

I rise in support of this resolution, which I consider to be literally the least Congress can responsibly do to deal with the ongoing tragedy of human rights violations in El Salvador.

We know far more today about the source of killing and torture in El Salvador than we have in the past—thanks not to President Reagan or to the investigative resources of the Congress—but instead to the press, and to our former Ambassador to El Salvador, Robert White.

In testimony given yesterday before the House Committee on Foreign Affairs, Ambassador White said that the United States has been aware for 4 years of a credible, eyewitness account demonstrating that the man who is now the president of the Constituent Assembly of El Salvador personally ordered the assassination of Archbishop Oscar Romero in March 1980.

Ambassador White disclosed, as well, firsthand credible accounts of the formation and operation of rightwing death squads, financed from Miami, and operating in association with, or tolerated by, high level officials of the Salvadoran military. This is the same military which President Reagan this past week suggested we reward with more than $300 million in additional weapons aid.

The President and other administration officials have recently appeared to admit the bankruptcy of their own frequently repeated belief that "silent diplomacy" is always the most effective method for encouraging an ideologically friendly government to observe certain fundamental principles of law and decency in the treatment of their own people. They have admitted this through a series of highly publicized—and long overdue—statements of the obvious; that is, that if the Government of El Salvador falls to its leftist opposition, it will fall not because of the strength of that opposition, but because of its own indifference to the murderous practices of elements within its own military, and of death squads allied to that military.

But these welcome statements—from Secretary of State Shultz, Ambassador Pickering, Vice President BUSH, and the President, himself—have far less weight than the concrete actions taken recently to make it plain that human rights is, and always will be, a decidedly secondary consideration for this administration—an afterthought, not a cornerstone, of American policy.

Last December, the President vetoed the very mild certification legislation we are considering today. The headlines in El Salvador's most rightwing newspaper the next morning read gleefully: "Aid Without Conditions". Last week, the President stunned even his most consistent critics by proposing that military aid to El Salvador be more than tripled over the next 18 months. These two actions provide greater assurance to the killers who every day exercise the real power in what we wishfully call democratic El Salvador than any rhetoric about human rights that this administration has been able to produce.

The President has an alternative to this certification bill, and to stronger proposals that would involve Congress more deeply in the critical judgments about the course of events in El Salvador. His alternative is simple. Congress should appropriate a third of a billion dollars in new military aid and trust the President to withhold some or all of it if the Salvadoran military does not stop murdering its own people. The President, we are assured, understands the nature of the situation in E! Salvador, and will act with firmness and resolve to improve the human rights situation in that country.

I mean no disrespect—because I sincerely believe that this President does not understand what it takes to murder 20,000 innocent human beings in the name of anticommunism in less than 4 years—which is precisely what our allies in El Salvador have done. I do not think the President understands the nature of the Salvadoran military, or of the desperation which has driven many Salvadorans to rebel; I do not think he understands the misery behind the statistics, and I think he is too trusting of those who

share his opposition to communism, but not his sense of decency or human values.

But the fact remains that trusting President Reagan to implement a human rights policy on his own would be as curiously inappropriate as putting Anne Gorsuch in charge of the environment; James Watt in charge of natural resources; or Edwin Meese in charge of protecting the civil rights of the poor.

Congress must play a role in our policy toward El Salvador if that policy is to bear any resemblance at all to the principles and ideals which we have, as a nation, long espoused, and which must be implemented if our long-term national interest in a stable and democratic Central America is to be served. That is what this certification bill is all about, and I hope—and trust—it will be approved.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the ranking minority member of the Foreign Affairs Committee, the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I offer my support of H.R. 4656, a measure to extend the certification requirements on military aid to El Salvador.

While I support this legislation and the need for conditioning our aid to El Salvador, I have serious reservations about the specific language of this particular certification procedure. The problem with this language is its "all or nothing" character. It takes a complicated political, social, and military situation in El Salvador and says we must judge it in "black and white" terms. Either the Salvadoran Government exhibits perfection in meeting standards set for it by the U.S. Congress or it suffers the fate of being cut off from any U.S. military assistance.

The original intent of having a certification requirement was to promote improvements in human rights conditions. I believe there have been improvements, but conditions on aid are still needed, and it is appropriate that we, in the Congress, establish conditions that will serve as a stimulus for further progress. I think the best way to do that would be to implement the Fascell compromise which the Foreign Affairs Committee agreed to by a vote of 35 to 1 last May. The Fascell language offers an approach which is both constructive and compelling. Furthermore, it has the advantage of not requiring a total cutoff of aid, but rather phased increments of aid going to El Salvador as progress on meeting certain goals is demonstrated.

Since, for the moment, H.R. 4656 is the only alternative we have before us, and we must consider it under suspension of the rules without the opportunity to amend it, I am supporting this certification language. But I urge my colleagues to develop new language which we can more strongly support and which will better serve our interests and our efforts to improve human rights.

Mr. BARNES. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I would like to commend the chairman of the Foreign Affairs Subcommitee on Western Hemisphere Affairs for introducing this resolution. I certainly urge its passing.

From the end of World War II until 1979, total U.S. aid to El Salvador was $263.5 million. In the last 4 years since 1979, the American people have sent $1.1 billion to that country. During a time of unprecedented budget deficits, when the needs of our own cities are greater than ever, when the poor and middle class of our country are warned of further sacrifices awaiting them, it is certainly necessary to ask what their $1.1 billion has bought them in El Salvador. Unfortunately, the answer is, not much.

In the 4 years that the American people have sent over $1 billion of their money to El Salvador, anywhere from $750 million to $1.5 billion have been transferred out of the country by wealthy Salvadorans. The ugly, nocturnal hunts of the Death Squads have resulted in the murders of thousands upon thousands of El Salvador citizens. Even American citizens have not been spared, including our American churchwoman whose families and friends are still awaiting some resolution to their cases, now 4 years later. The recent administration decision to classify Judge Tyler's report on the murders only prolongs the families' pain and raises questions about the administration's good faith and intentions in pursuing a resolution to this long-standing case. Military aid to El Salvador has brought little progress: defections from Government forces to the rebels are reported to be frequent. Many of the weapons, as well as ammunition, that we send to the El Salvador Government forces end up in the hands of the rebels either through capture or purchase from Government units. The U.S.-trained Army of El Salvador has been singularly ineffective in its encounters with rebel units. Economic assistance earmarked for the poor is routinely sold in El Salvador marketplaces, after passing through the hands of middlemen.

While U.S. aid levels to El Salvador have increased manyfold in the last few years, a successful resolution of the economic, social, and political problems of that country and region seem more remote than ever. The reason more and more American aid is buying less and less can be traced to a fundamental and obvious flaw in the administration's approach to the region. That fundamental flaw is dramatically exposed by our having to even consider this legislation, H.R. 4656. That flaw is the root cause of the deteriorating situation in El Salvador.

This administration came into office declaring that an emphasis on human rights is irrelevant to our foreign policy. Events in El Salvador demonstrate the opposite: A successful foreign policy in Central America must be based on a respect for human rights and human dignity. It is precisely because of the Salvadoran oligarchy's blatant disrespect for human rights that our foreign policy in the region is in such disarrary. The rebels in El Salvador have been successful in attracting support, not because the common people of that country are anxious to take orders from Moscow or Havana. They are turning to the rebels because they have no other place to go. By vetoing H.R. 4042, which linked U.S. aid to El Salvador to a respect for human rights, the administration, in effect, gave the ruling oligarchy there a signal to continue the policies that have given the death squads a blank check to commit any crime to stay in power and maintain control. By vetoing H.R. 4042, the administration forfeited the moral high ground to the left.

It is therefore again up to Congress to make it clear that our country stands for some fundamental values, to make it clear that any aid offered by the American people must be applied to the pursuit of certain fundamental values. Last fall, Congress made it clear that aid to El Salvador must be contingent on decency and adherence to human rights. The 11-member Central American Commission agreed—with 3 exceptions—that any aid we provide that region will be wasted unless there is adherence to human rights; $1.1 billion spent in El Savlador in the last 4 years has already been wasted.

It should be clear by now, that the President's pocket veto of the human rights conditionality clause is simply bad policy. Public opinion polls and letters to congressional offices indicate the American people expect adherence to human rights as a condition of aid.

I commend the chairman of the Foreign Affairs Subcommittee on Western Hemisphere Affairs for introducing this bill and I urge its passage.

□ 1300

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker. I rise in support of H.R. 4656, legislation to continue in effect the certification requirement with respect to El Salvador for fiscal year 1984. I am pleased to be a cosponsor of this measure which I believe leaves no doubt about the high priority our Nation places on the need for El Salvador to promote and to re-

spect the human rights of its own citizens and to complete the long overdue process of bringing to justice the murderers of our own citizens.

I regretted that the administration decided to pocket veto an identical measure which Congress adopted unanimously last session. I supported that legislation because I believed it sent an appropriate signal of our concerns for any violation of human rights to the Government of El Salvator.

Because the legislation conditioning U.S. assistance on progress on human rights expired during the last Congress, there is no statutory obligation requiring Salvadoran efforts to improve their respect for human rights. While I fully support and commend the administration for initiatives to obtain El Salvador's support for more progress on human rights, I believe a legislative mandate, such as that provided by H.R. 4656, will place in better perspective the critical importance our Nation attaches to Salvadoran efforts to help foster those conditions creating an environment where basic human rights are assured.

Accordingly, I urge my colleagues to suspend the rules and pass H.R. 4656.

Mr. BARNES. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Speaker, I thank the gentleman for yielding.

Many of us in Congress have had the opportunity to travel to Central America and view firsthand what is happening in that region, in Nicaragua, El Salvador, Guatemala, Honduras, and Costa Rica.

All of us, I think, share the same goal. We certainly want our foreign policy to work in that region.

We understand there is a great deal of turmoil and trouble in that region, and that is why we are having this debate today. But to visit that region is to realize that this is a region that is engulfed by poverty and hunger and sickness.

I am not suggesting that we ought not resist and oppose communism. Certainly we should resist and oppose communism in that region. But the question is, can we successfully oppose communism by embracing governments who seem blind to executions of innocent civilians that are going on in their own country, not by the hundreds but by the tens of thousands? The answer clearly is "no."

Let me just put in perspective what El Salvador is: El Salvador is one-tenth the size of the congressional district I represent. It has several million people, about 25,000 or 30,000 soldiers, about 7,000 or 8,000 or 9,000 insurgents out in the country someplace. One percent of the people own 60 percent of the property. Hunger, poverty, and illiteracy are rampant. Rightwing death squads roam the country and line people up at 2 a.m. in the morning and assassinate them—men, women, and children. That is El Salvador, and that is the instability we are trying to create a foreign policy to combat.

The one thing that I see around this world is that the Soviets can match us gun for gun and bullet for bullet anywhere in the world. But what they need the most in Central America is food.

The Soviets cannot produce enough food for themselves. We produce far more than we need, and our grain bins are bulging.

Why can we not send more food, and more medicine, and more educational help? Why cannot our foreign policy be better constructed to help people in Central America rather than some of the governments that repress those people.

I think we share the same goal. We all want to be successful in our foreign policy in Central America.

All I am saying is that the policies we have put in place under this administration are policies that embrace the wrong authorities, embrace the wrong governments, and do not give help to the people who desperately need it.

Mr. LAGOMARSINO. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I appreciate my friend yielding.

I am not anxious to get into a battle or a debate with my friend from North Dakota; but very frankly, the whole Kissinger Commission report authorized by the President and this body addresses exactly the points that were made by the previous speaker. The administration is asking for $8 billion over the next 5 years to help address those problems of human poverty and disease and illiteracy to which he alluded foreign aid alone is not going to solve all the problems. I know, but it will make a significant positive impact upon our neighbors and friends to the south and in Central America who also call themselves Americans.

But President Reagan and Mr. Kissinger, and statesmen such as Lane Kirkland, and Robert Strauss, and the vast majority of the center of this debate reject any tradeoff between security and human rights.

We need both. There is a war going on. There are problems, to be sure. But there will be no chance of any human rights reforms in Central America if we have an abstract, static, conditionality process that would impose an automatic cutoff in aid, as this resolution does.

I worked with the gentleman from Maryland. I like him and I respect him. I consider him and the gentleman from New York to be responsible Members of the Congress in trying to further the cause of human rights but this process is endangering human rights progress by threatening to cut off aid in the middle of a Marxist-Leninist inspired war.

But the Kissinger Commission says explicitly that we should not so interpret conditionally so as to undermine our security interests in Central America.

I am just disappointed that this important measure has come up under suspension of the rules. This summary procedure does not allow for a thoughtful consideration or deliberation. Forty minutes is not enough time for meaningful debate. And since no amendments are allowed, Members are precluded from offering language to improve the resolution.

The President vetoed this bill not because he did not want rigid conditions on our aid to Central America. There are conditions on our aid to Central America. I am the ranking member on the Foreign Operations Committee. We have very strong conditions on security assistance. By act of this Congress, the Salvadoran Government is required to make progress in land reform. They have to make progress in their judicial system. They have to make progress with regard to bringing to justice the murderers of the nuns and the murderers of the labor union leaders. There has to be an unambiguous end to death squad activity.

Those are conditions of our foreign aid programs for Central America. But there has been progress by El Salvador and we should recognize it and encourage more progress rather then threatening to cut off aid.

□ 1310

The administration, I would say to my friend from Maryland, has been quite candid and positive in coming up with language to try to meet the concerns of the gentleman from Maryland (Mr. BARNES). Frankly I am disappointed that we bring this bill to a vote under such constraints that leave us really no option other than to vote for it or against it.

From my standpoint, I think this legislation is a mistake. We already have strong conditions on our aid. This bill is too static, it is too abstract, it does not recognize at all that there has been progress.

And why just single out El Salvador? If we held Lebanon to this level of human rights progress, Lebanon would not get any support. Does anybody think, in this room, that Pakistan could meet the conditions of this type of conditionality? No way. I do not know whether Egypt could either.

The SPEAKER pro tempore. The time of the gentleman (Mr. KEMP) has expired.

Mr. LAGOMARSINO. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. BARNES. Mr. Speaker, will the gentleman yield?

Mr. KEMP. Briefly, because I do not have much time.

Mr. BARNES. Mr. Speaker, I point out to the gentleman that the bill that we are discussing is not the one that the gentleman (Mr. KEMP) is describing. The bill before us would require progress; it does not require that they have reached the ultimate Jeffersonian democracy the gentleman is describing.

Mr. KEMP. Mr. Speaker, I would like to take my time back.

Mr. BARNES. All it requires is that we make progress, that is all we ask.

Mr. KEMP. I appreciate that. I take back my time if I can just say——

Mr. BARNES. That is all we ask.

Mr. KEMP. Mr. Speaker, may I have my time back?

The SPEAKER pro tempore. The time of the gentleman has again expired. The gentleman cannot take his time back unless he is yielded time, additional time.

Mr. KEMP. I was trying to get my time back in the middle of the gentleman's (Mr. BARNES) remarks.

Mr. BARNES. Mr. Speaker, I will be happy to yield 1 minute additional to the gentleman (Mr. KEMP) if he will accept it.

Mr. KEMP. I appreciate that, my friend yielding and it is consistent with his good will toward all views being expressed and I thank him for it. He is a gentleman.

Let me say to my friend from Maryland, the President vetoed this language not because he is against conditionality but because he thought this process and this bill were too static and too rigid in its application. If applied as rigidly as the language calls for it could set back the cause of democracy in El Salvador. All we are doing is overriding that veto in a circuitous way.

I am not going to support this bill. I think it is a mistake. I understand the deep concern that the gentleman from Maryland has. But this legislation does not recognize that there has been progress and we need to foster that progress and it ought to be done simultaneously with security assistance. By acting preemptively, we deny the Bipartisan Commission on Central America a chance to bring its very thoughtful and progressive Central America policy recommendations to the attention of the Congress.

Mr. Speaker, that section of the Commission's report which endorsed some form of certification requirement for military aid to El Salvador is not something that can be taken apart from the other recommendations for our overall policy for the region. It should be reviewed in concert with our total policy, and not handled in this summary fashion embodied in H.R. 4656.

For example, the Kissinger report warns that "were military aid to be cut off * * * such a development would be unacceptable from the standpoint of both human rights and security."

As responsible legislators, I believe that any legislation requiring certification should also require a report on the impact of cutting off military aid on the human rights situation in El Salvador. That is something we cannot ignore.

This recognition prompted Dr. Kissinger's dissent and caution: The President and the Congress should not interpret the Commission's recommendations in any fashion that would undermine U.S. security interests in Central America. I agree.

That type of "all or nothing" approach is not constructive statecraft. It is not sensitive to unique considerations. For example, the human rights situation in Lebanon is a tragedy—but is that the fault of the Lebanese Government? With respect to El Salvador, we also must ask what the impact of withholding military aid would be. Who would be hurt—human rights abusers, or the victims of the left—the people of El Salvador?

And we must remember, there is a war going on in Central America, and it is extremely difficult to help your society improve when it is under attack. Even under these extraordinarily difficult circumstances, the Government of El Salvador has managed to hold free elections, in which over 80 percent of the voting age public participated despite terrorist threats from the guerrillas. A majority of the countries in the world today do not have a free press, but El Salvador does. Freedom of religion is strictly respected. This is a country that is struggling to grow democratically; and I believe that as Americans we should help.

Procedurally, I question the decision to bring this controversial resolution before the Congress under suspension of the rules. Because no amendments are in order, and because debate is severely limited, the House has little and inadequate opportunity to examine the legislation and its implications.

I am dissatisfied by this procedure because I believe that, by working together in this body and with the administration, we could fashion legislation that would make a positive contribution to what has always been a central objective of U.S. foreign policy: promoting American ideals and democratic institutions, and human rights.

As the senior Republican on the Foreign Operations Subcommittee, I sponsored legislation to require periodic reports from the Department of State and the Treasury evaluating the economic and social conditions of countries that receive U.S. aid, so that we can assess the effectiveness of our aid in promoting economic freedom and economic liberties, without which human rights are forfeit.

I would like to see such evaluations provided to Congress on a regular basis, not just with respect to El Salvador, and not limited to military aid, but with respect to our aid programs throughout the world.

I do not believe that this dated resolution in any way represents the best we can do. Nor do I believe that its enactment into law would advance human rights in El Salvador, or U.S. security interests in the region.

I fully expect that more thoughtful legislation will be forthcoming in the months ahead. I hope that my colleague MIKE BARNES will play an instrumental role in fashioning that legislation, and I look forward to working with him toward that goal.

I would urge the Members to vote against this bill.

I thank the gentleman (Mr. BARNES) for his time.

Mr. BARNES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. I thank our very able and distinguished chairman for yielding me the time.

I suppose this bill is better than nothing, Mr. Speaker, but not much more. When it was first adopted the whole purpose of the certification was to make it clear to the Government of El Salvador that unless they achieved substantial control over their own security forces, thereby bringing to an end the indiscriminate torture and murder of the people of El Salvador by those forces, they would no longer be able to receive American military assistance.

Since the adoption of this legislation, however, the number of noncombatant deaths in El Salvador has reached tens of thousands. Yet in spite of that sad and lamentable fact, the President of the United States has nevertheless submittted the required certifications to the Congress on the grounds that the situation in El Salvador is getting better.

Consequently, it is very difficult for me to be overly optimistic that the reenactment of this legislation will enable us to achieve the primary purpose for which the certification was enacted originally, which is to bring the involvement of the security forces in El Salvador in the death squads in that country to an end.

I have no reason to conclude the President is any more likely to submit fair and accurate certifications in the future than he has been in the past.

But I want to say to my colleagues in the House that that is relatively irrelevant in comparison to the far greater problem that confronts us in the weeks ahead.

We are now faced by a request from the administration for a very substan-

tial increase in the level of military assistance to El Salvador. I want to serve notice that there are those of us in this House who will not support anything like the kind of increase the administration is requesting unless we can reach agreement on a new form of certification legislation designed to accomplish the job of making it clear that unless the authorities in El Salvador get rid of these death squads, they are not going to be able to receive additional military assistance. And when we approach that task, which I hope we can do in a bipartisan fashion, I trust no one will point to the reenactment of this bill as an adequate or acceptable basis for an agreement with respect to the administration's aid request for the next fiscal year. This does not serve the purpose for which it was intended in the past. It will clearly not serve the purpose for which it was intended in the future. We are going to need a new formulation which is more effective and acceptable.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada (Mrs. VUCANOVICH).

Mrs. VUCANOVICH. Mr. Speaker, it looks like the Congress may have reached an all time high in promoting activity for activity's sake. Today, we consider H.R. 4656, a bill that serves only as a reminder to the Congress that it must do what it has already charged itself with doing, considering the issue of human rights certification in El Salvador prior to the end of the current fiscal year. That makes consideration of this bill unnecessary and a waste of taxpayer's money.

But, more importantly, consideration of this resolution represents a squandering of valuable time when the Congress should be dealing with legislation demanded by our people. I'm talking about consideration of meaningful and needed legislation like the line item veto, the balanced budget amendment, bankruptcy law reform, immigration reform, or any of a number of other important legislative matters.

With that in mind, I ask two things from my colleagues here today. First, defeat this meaningless resolution and avoid the damaging partisanship that it will impose upon our foreign policy. And second, whatever your individual decision on this resolution, let us pass our judgment now, as quickly as possible, and not waste any more of our time.

Mr. BARNES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 4656.

I do not believe there is a Member of this House who could in good conscience oppose this bill.

H.R. 4656 conditions U.S. aid on reform and respect for human rights in El Salvador. But when we talk about human rights in El Salvador, what we are talking about is torture and murder.

More than 30,000 people have been murdered in El Salvador since 1979. Most of them were killed by their own Government and its allied death squads.

This is the same Government to which our country gave $1 billion worth of guns and money in the last few years. And the same Government to which the administration now wants to give another $1 billion or $2 billion.

Making progress in human rights is the least we can ask of the Salvadoran Government. But they are thumbing their noses at us. The members of the Salvadoran security forces who raped and murdered American nuns have gone unpunished. No death squad member has been convicted for any of the thousands of murders in El Salvador. And land reform is under attack.

Requiring human rights certification is simple moral decency.

It is also intelligent foreign policy, because a Salvadoran Government that does not respect the rights of its people cannot retain the support of its people.

Congress should have no trouble passing this bill. We should not even be debating this bill.

But last November, President Reagan gave a pocket veto to a bill with this very language. What does that say?

Does it say that only Congress is serious about human rights in El Salvador?

Does it say that President Reagan's newfound opposition to death squads is limited to words, not deeds?

Does it say that the administration will let nothing stand in the way of a military solution in El Salvador?

The President talks about a bipartisan foreign policy. And he set up the Kissinger Commission to achieve this bipartisan foreign policy.

But where was the President's commitment to a bipartisan foreign policy when he vetoed the certification bill last November?

President Reagan's own bipartisan Commission on Central America has since urged passage of certification legislation.

Mr. Speaker, this bill is indispensible, but it is not enough. It will help our foreign policy officials prod the Salvadorans toward reform.

But meanwhile, the whole Central American region is on the brink of war.

If we do not force the administration to abandon its strategy of military confrontation, we are just arguing about cabin assignments on the *Titanic*.

Mr. Speaker, the President has made it clear that he will not force the Salvadoran Government to respect human rights.

If he will not, Congress must.

I urge my colleagues to pass this bill, and then continue the fight for a peaceful, principled U.S. policy in Central America.

□ 1320

Mr. LAGOMARSINO. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, it is mindboggling the way numbers get thrown around down here just randomly. We heard 38,000 deaths attributed all to the rightwing death squads yesterday at committee hearings. Today the ante has been raised to 50,000 by the gentleman from the People's Republic of Massachusetts.

I would suggest that the numbers go the other way. And I just do not know whether their computers are working or not on the liberal side of the aisle, but the statistics show that civilian deaths attributable to political violence have been going down steadily by anybody's count. Here are the Embassy's figures, here are the figure from the other sources, including Tutela Legal. They are going down.

It just seems to me if they cannot count they ought to at least have a proper sense of direction.

Now there have been three members of the Constituent Assembly murdered, I will grant that. And all three of them are from the rightwing ARENA Party, but I guess that does not count.

Now I heard the gentleman from North Dakota say we should give more aid to people and not to the government. We are embracing the wrong authority.

Well, the problem with giving the aid to the people is the Communists blow it up. They blow up the bridges, and the power stations, and all of the infrastructure. So unless you have some military to surround the infrastructure, you may as well set fire to the money and let it go up in smoke. You must protect your investment with military aid. That is the reality. That is called getting mugged by reality. That is the way it is down there.

I have heard the same voices perhaps coming out of different people, but the sound is the same, the melody is the same, that we have to have a government down there that is immune, that is making progress on the issue of human rights.

The Shah of Iran was certainly a bad example. And so we immunized ourselves from any taint over there. And you know what we got? I do not have to tell the Members what we got; we got something far worse.

Now the perfect is the enemy of the good. The consequence of enforcing what you want is to turn the 5 million

bleeding, suffering people of El Salvador over to those wonderful, warm Marxist-Leninists. That, it seems to me, is not helpful to the cause of human rights.

I could support this if we would do it to all of the countries to whom we ladle out foreign aid. But we zero in on one little country that has a very bloody, brutal insurrection going on and we demand that human rights progress be shown. Well, maybe it cannot be shown. Maybe it is difficult for this period and maybe it will happen in this period. But you cut off military aid guaranteeing a Communist victory. Then you say, my goodness, what a terrible thing.

Well, would it not be awful if in revenue sharing to the local governments we had to certify that human rights conditions were improving? I note with some interest in the New York Times of this month, February 3, that Newark, N.J., has been sued by the Justice Department charged with egregious and flagrant, unconstitutional conditions in the city's jails.

Now, I will not spoil the Members' lunch hour reading what is going on in the jails of Newark, which is the home of the chairman of the Judiciary Committee. I would not do that to the Members because that is the way things are. It is tough in Newark, N.J.

Let us move over to the place where the gentleman from Brooklyn who just spoke with such punctiliousness about human rights in El Salvador. His area of expertise, the People's Republic of China. We regularly receive mail from him urging increased trade and we removed trade barriers.

Now I am in receipt of a letter from a gentlelady from Connecticut urging we all send a letter to the President of the People's Republic of China complaining about 5,000 executions, without trial, or at least without indictment. Executions decreed by administrative order; 100,000 citizens arrested and banished to remote labor camps.

Why, I bet you that was never brought up when the Prime Minister was over here visiting and sipping tea with everybody.

Now here is Time magazine, January 16.

Hypocrisy reigns supreme.

Mr. BARNES. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. ECKART).

Mr. ECKART. Mr. Speaker, I could not help but be chagrined by the previous speaker's statements. Of course we expect the death numbers to go down. There are less people to kill in El Salvador with each succeeding month.

And I would love for the people of El Salvador to have the same opportunity as those in Newark, N.J., to file a suit to seek to protect their constitutional rights. For, if they tried to do that in El Salvador, they would find the courts closed. They would find no constitution there to protect their rights.

Hypocrisy, indeed, is a fun word to bandy about. And perhaps what we are doing in the course of the conduct of our foreign aid is to try to assert through what this legislation presents to us today as an opportunity of the American people, the taxpayers, who will pay both financially and in some instances, personally, for the consequences of this foreign policy of this administration or any future administration.

A foreign policy that does not enjoy the support of the American people is doomed to fail. It will fail because it is intrinsically weak at home.

This certification process, albeit a feeble one, and one which many of us would assume would like to be stronger, preserves the rights and the prerogatives of this House as the elected representatives of the taxpayers, the financers of the foreign policy initiatives of this administration, to have them come back to us and to justify what they are doing with the American taxpayers' dollars.

The proposal that we have before us is not a small step, but a giant leap. A giant leap for those of us who believe in the conduct of foreign policy based on the fundamental principles that founded, not the Government of El Salvador, but the Government of the United States of America.

If we believe those principles are as strong today as they were 200 years ago, then the adoption of this resolution is critical and important.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MOLINARI).

Mr. MOLINARI. Mr. Speaker, I listened with intent to the debate so far today and the scale that was submitted by the gentleman from Illinois (Mr. HYDE) shows a sharp drop since 1981 to today in the civilian deaths attributable to political violence.

I think it is no coincidence that in fiscal year 1981, that is when we first brought into being the certification process. And I think that we cannot overlook the fact that maybe that is one of the reasons why we have seen such a sharp drop in the violence in El Salvador.

And for that reason I am going to support this measure.

Mr. LAGOMARSINO. Mr. Speaker, I would like to make a few comments in closing.

It is interesting to note that the last American killed in El Salvador was killed by the guerrillas.

□ 1330

Mention was made during the debate about the decision or opinion of Judge Tyler. I have been informed by the administration that they would very much like to release the statement and finding and investigative report of Judge Tyler because it shows in very strong language the efforts the administration has made to get the case to trial.

However, to do so might very well jeopardize the case itself, and I think that is what we should be concerned with.

I would point out also that, contrary to what has been said by some people on the other side of the aisle, at least the implication they gave, we are providing three times as much economic aid as military aid.

Also interesting, during the period of 1979 to 1983, U.S. economic assistance has totaled $607 million, while the guerrilla cost to the economy, the value of what the guerrillas have destroyed in the economy, exceeds $826 million.

So I think we should keep our eye on the program here, Mr. Speaker. While I support this resolution today, I do feel that there are much better ways of bringing about the objectives that we all seek.

Mr. BARNES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing, let me thank my friend and colleague, the ranking Republican on the subcommittee, the gentleman from California (Mr. LAGOMARSINO), for his comments today, his support of this resolution.

As was indicated at the outset, this ought to be regarded as relatively routine. The House has passed this bill twice before. In fact, the last time it was passed by unanimous consent. There was no opposition to it in the House.

I would hope that we could again today see an overwhelming vote of support for the bill as an indication of continuing concern in the United States about the issues that are delineated, the criteria that are delineated in the bill. I will not describe them again. The Members are very familiar with it.

I urge a vote in favor of the bill.

● Mr. COYNE. Mr. Speaker, I rise in strong support of H.R. 4656, a bill which would make aid to El Salvador contingent on a certification by the President that progress is being made in that nation on human rights.

This Nation has committed more than $1 billion to El Salvador since 1979, nearly a third of that for military aid. During that same period, some 35,000 noncombatant civilians have been killed by Salvadoran Government forces and rightwing death squads. The seriousness of the situation prompted Congress in 1981 to require the President to certify every 6 months that progress was being made by that government in the area of human rights. When that law expired late last year, Congress approved H.R. 4042, a measure which placed further

conditions on El Salvador aid. Specifically, the President was required to certify that the Salvadoran Government was improving its human rights record, carrying out land reforms and investigating the murders of American citizens in that nation, including the deaths of four American churchwomen.

While this Congress was in recess, President Reagan vetoed this measure. The administration now appears ready to request $150 million more in military aid in fiscal 1984, this in addition to the $68.4 million already approved by the Congress.

This Congress cannot allow aid to El Salvador to continue without some move toward reversing the reign of terror instituted by forces alien to democracy. At this point, it is worthwhile to recall the advice of the President's own National Bipartisan Commission on Central America. The so-called Kissinger Commission said in its report:

Military aid should, through legislation requiring periodic reports, be made contingent upon demonstrated progress toward free elections; freedom of association; the establishment of rule of law and an effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders. These conditions should be seriously enforced.

These conditions will not be enforced, I would suggest, by an administration which vetoes congressional legislation which would give the force of law to the recommendations of the Kissinger Commission and others. If we are to encourage action on human rights in El Salvador, we must pass the measure now before us and, if it is vetoed once again by the President, we must be ready to override that veto.

Mr. Speaker, by the admission of the Secretary of State, Mr. George Shultz, we know that conditions in El Salvador threaten the lives of civilians. In testimony before the House Appropriations Foreign Operations Subcommittee on March 16, 1983, he noted that "political violence against noncombatants remains a serious problem." He also acknowledged that "little progress has yet been made in rebuilding a judicial system free from intimidation and coercion."

There are other sources of information which lay the blame for many civilian deaths squarely at the feet of the Salvadoran Government. The Archdiocese of San Salvador reports that during the first 6 months of 1983, murders of civilians by Government forces and paramilitary groups alined with the government totaled 2,527.

The violence against civilians continues. In a recent report by the American Civil Liberties Union Americas Watch, Fermin Garcia Guardado, a member of the ACOINS cooperative in the village of Las Hojas, described a massacre of cooperative workers by government forces on February 22, 1983.

On that day, Mr. Guardado recounts, some 200 uniformed soldiers from the Jaguar Battalion of the Sonsonate garrison arrived at the village. The leader of the soldiers, at the direction of three men with covered faces, took from the cooperative seven men who were denounced as subversives by these faceless accusers.

When Guardado and others went to the Garrison's headquarters in Sonsonate to inquire about the status of their friends, they were told by the garrison commander that no report had been filed on the incident. This led them to search for what they feared would be corpses. Their fears were justified. One kilometer from the cooperative they found them. Mr. Guardado described the scene this way:

All of them had their heads destroyed by shots and their thumbs twisted, some to the back, others to the front. Among them was my son I mentioned earlier. We found the bodies at 1 p.m. and besides the corpses of the members of the cooperative, also there were bodies of 10 unknown to us between 20 and 40 years old.

Mr. Guardado was later informed by the garrison commander that the people who were killed, which the commander said numbered only four, died because they were subversives.

Amnesty International has documented the complicity of the El Salvador Government in the killing of civilians. In its 1983 report, the organization said:

Amnesty International believed that all branches of the security forces including the paramilitary civilian defense groups under military control and newly trained counter-insurgency battalions, were involved in a systematic and widespread program of torture, abduction and individual and mass killings of men, women and children. The victims of government violence included people of suspected opposition to the authorities from all sectors of society. They also included residents in areas targeted for security operations whose killing or mutilation appeared to have been completely arbitrary. Amnesty International was also investigating the reasons for arrest of the several hundred political prisoners held in El Salvador, and their reasons for imprisonment.

Mr. Speaker, the violations of human rights by the Government of El Salvador are both blatant and continuous. By increasing military aid to this nation, while asking for no change in the Salvadoran Government's policies, I believe we actually encourage such abuse of rights by those now in power. By demanding that conditions be met before aid is allowed to continue, we can begin to reverse the cycle of terror that has swept that nation.

I urge a "yes" vote on H.R. 4656, a measure which is identical to the bill which the President vetoed in November.●

● Mr. DASCHLE. Mr. Speaker, I strongly support passage of H.R. 4656, which would extend the statutory requirement that U.S. military assistance to El Salvador be conditioned on progress in the area of human rights.

The Catholic Church in El Salvador estimates that 45,000 civilians have been murdered by Government security forces and death squads since 1979—that is 1 percent of the Salvadoran population. Consider what our reaction would be if 1 percent of the U.S. population were murdered in a 4-year period—that would be 2.4 million Americans killed.

It is incredible to me that all this administration dares to ask in the way of human rights progress is that the murders per month by Government forces decrease, and those responsible be given other jobs. What would we say if a mass murderer in the United States was given as punishment an overseas assignment or a lateral transfer? I liked Richard Cohen's pointed comment in a recent Washington Post editorial referring to the reassignment of Salvadoran military officers linked to the death squads, "Salvadoran justice can be brutal."

Administration rhetoric not withstanding, the President has completely ignored the human rights process, and will certify "progress" on the most contrived pretext. Nevertheless, we should keep up the pressure in any way we can on both our own Government and the Salvadoran Government on the matter of human rights. We must keep the diplomatic heat on by requiring verifiable progress in human rights, land reform, free elections, and investigation of the murders of the four American women. We must be more vigilant in seeing that our food aid and economic aid are not abused. We should withhold financial assistance of all kinds unless and until there is a government worth supporting in El Salvador. There will be no hope at all if Congress throws in the towel and abdicates its responsibilities in this matter.●

● Mr. SHARP. Mr. Speaker, I support H.R. 4656 making aid to El Salvador contingent on the President certifying to the Congress every 6 months that the Salvadoran Government is making progress in protecting human rights, implementing land reform and guaranteeing free elections. This certification process has certainly not been the effective check Congress intended it to be, but it is one of several steps that must be taken to assure public support for aid to El Salvador.

In recent weeks the Reagan administration finally notified the Government of El Salvador that the right-wing death squads had to be stopped. Those squads are terrorizing Salvadorans who seek change in the social and political conditions that have existed.

Yet such change must occur. The Kissinger Commission report makes it clear that change is not only just, but also critical to the success of efforts to fight Marxist aided guerrillas.

The death squads have been linked to military and civilian officials of the Government. The United States should not support a government which tolerates, if not encourages, such terror; the American people will not accept it morally. The death squads undermine the ability of the Salvadoran Government to win the hearts and minds of its people. They undermine the legitimacy and credibility of American policy in the eyes of our allies and the Third World. They must be stopped.

Over the last 3 years many U.S. officials including former Ambassadors to El Salvador have tried to convince the Reagan administration to protest vigorously the failure of the Salvadoran Government to suppress this terror. Until now the administration's policy appears to have been one of indifference.

I hope the administration now plans to bring every possible pressure to bear on the Salvadoran leadership to stop the death squads. The administration's past indifference however, requires it to prove to Congress as well as to the Salvadoran Government that it means business. One step forward for the administration would be to reverse its stand on the legislation before us—accept the certification process and seriously pursue the intent of its policy.

Mr. Speaker, we can and should work to build a bipartisan policy to meet the serious challenge in Central America. But if we are to achieve anything like the commitment called for in the Commission report, many Americans will have to be assured that the regimes we support are pursuing the goals of economic justice and the rule of law.

Mr. Speaker, it would be naive for us to expect El Salvador, in the midst of civil war to meet the same standards of civil rights which we expect for ourselves. In fact, even with our affluence and long tradition of civil liberties, we have difficulty meeting the standards we profess. But at the same time we cannot ignore the persistent use of terror by the death squads—terror which violates all we claim to be working for—terror which alienates the people whose support the Government needs—terror which frustrates the social change critical to longer term justice and stability.●

● Mr. FAUNTROY. Mr. Speaker, as a cosponsor of H.R. 4656, I want to express my enthusiastic support of this vital legislation which would "continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first."

I also want to commend my distinguished colleagues, Congressman MICHAEL BARNES, chairman of the Subcommittee on Western Hemisphere Affairs, and Congressman DANTE FASCELL, chairman of the Committee on Foreign Affairs, for providing the leadership in bringing this important legislation to the floor.

H.R. 4656 would provide needed leverage in our dealings with the Salvadoran military and security forces and with the oligarchy which refuses to make the necessary reforms crucial to our national interest in the areas of human rights and democratization.

Since 1979, nearly 35,000 civilians have been killed by death squads comprised of military and police personnel fueled by rightwing extremists. During the same period, the people whom we represent, the American taxpayers, have provided nearly $1 billion in aid. I am confident that the American people want us to speak forcibly and concretely in requiring a quid pro quo relationship on aid and human rights in reference to El Salvador. Without conditionality on aid based upon human rights performance, it is unlikely that the Government of El Salvador will do anything to bring to justice the murderers who continue to savage the people of El Salvador and who have been responsible for the murders of American citizens. The Department of State needs this weapon of conditionality because it is the only tangible leverage they have in pressuring the Government of El Salvador to curb the violence.

Whether we are dealing with the Soviet Union, South Africa, Haiti, El Salvador, or any other country which has a demonstrated pattern and practice of human rights violations, we must speak very specifically on the conditions which will define our aid and trade relationships. We must use all the nonviolent means at our disposal to bring about the change which is vital to a more secure and just world. Without this effort, we will see more injustice, more chaos, and more violence. We can make a difference and we have the moral and political responsibility to do so.

Let us pass H.R. 4656 and put in place a policy which is as good as the American people.●

● Mr. DELLUMS. Mr. Speaker, in 1959 then U.S. Ambassador to the U.N. Henry Cabot Lodge lamented to an Eisenhower Cabinet meeting that "the United States can win wars—but the question is can we win revolutions."

Today we again confront in El Salvador the tragic consequences of that question—too often unanswered and, in recent years, too often wrongly answered. The harsh reality is that, like too many of its predecessors in dealing with Central America, this administration seeks to impose a military solution to complex problems that are social, economic, and political in origin, and which must be resolved in those contexts.

Today we are again called upon in H.R. 4656 to reconfirm what this House previously ordained in H.R. 4042—namely, to link any form of aid to the present Government in El Salvador to the certification by this administration that substantive improvements have been made by the present Government in El Salvador in curbing human rights abuses against its own citizens.

Regrettably, the record clearly indicates two pertinent facts relevant to our consideration. First, there has been a documented increase, not a decrease, in the activities of the death squads in recent months, especially in the vicious and murderous actions of the Maximiliano Hernandez Anti-Communist Brigade. In addition, recent testimony before the House Foreign Affairs Committee by Mr. Robert White, the former U.S. Ambassador to El Salvador, further documents the close working relationship between rightwing Salvadoran exiles living in Florida and the leaders of the death squads in El Salvador, including those responsible for the March 24, 1980, assassination of Archbishop Oscar Arnulfo Romero, the Catholic primate of El Salvador, as he was saying Mass.

Second, this administration has repeatedly made clear its disdain for the broad issue of human rights, and especially for the situation in El Salvador. The President's cavalier action in pocket-vetoing the legislative predecessor of this bill is a clear indication that, not only does he disapprove of the intent of this legislation, but that he also has no intention of enforcing its provisions should it be passed over his veto.

I urge my colleagues to vote for this legislation and to work for its full implementation immediately upon passage. We have a moral obligation to the people of El Salvador to end the bloody strife there and to work for a negotiated solution which includes all parties to the struggle.●

● Mr. RATCHFORD. Mr. Speaker, I rise in support of this certification legislation, and wish to thank Congressman MIKE BARNES for his special efforts in keeping the human rights issue before both the administration and the American people.

I am convinced that if it were not for the biannual certification requirement Congress has imposed on the administration in order to allow more military aid for El Salvador, there would be no effort by this administration to focus on past and present human rights abuses in that country.

I can speak specifically to the State Department's role in pursuing the case of the four religious workers who were murdered in El Salvador in December 1980. To this day, none of the men implicated in this brutal crime has been tried. Nevertheless, the twice yearly certification requirement has forced the State Department and Salvadoran officials to make some effort to resolve this case.

In fact, just last week, just as this bill was being put on the House schedule, the State Department finally decided to allow the attorneys representing the families of the four murdered women to review the Tyler report, which studies the efforts to resolve these murders.

The families of the murdered women—and I represent a brother of one of the four victims—believe the State Department and Salvadoran authorities would rather forget this case than pursue it.

I think that is simply wrong, and it is a sorry indicator of the lack of regard our current Central American policy has for the value of human rights and human lives.

We need this certification requirement, Mr. Speaker, if only to force the administration to pay attention to human rights in El Salvador at least twice a year. I urge my colleagues to support this bill.●

● Mr. PANETTA. Mr. Speaker, I rise in firm support of the legislation (H.R. 4656) to extend current certification requirements with regard to conditions on U.S. military assistance to the Government of El Salvador. As an original cosponsor of this legislation, I would like to take this opportunity to join this important debate on present U.S. policy toward that nation and toward Central America in general.

The President's cynical pocket veto of legislation (H.R. 4042) to extend the 1981 human rights certification process for El Salvador bespeaks the gravity of the threat to U.S.-supported reforms posed by the recent upsurge of rightwing political terror in that country. Recent news photos of the grisly toll of El Salvador's political violence have brought home the impotence of present U.S. policy to halt the killing and promote lasting reform.

That the veto was invoked during the Christmas holidays—thereby preventing a possible override—underscores the insensitivity of the White House toward congressional efforts to insure that our Nation's historic commitment to human rights is reflected in our foreign relations. With regard to this latter point, I applaud the efforts of my colleagues in challenging the constitutionality of the President's action in court.

Mr. Speaker, today's debate is particularly relevant in light of the President's recent endorsement of the recommendations presented by his Bipartisan Commission on Central America. As my colleagues are aware, that Commission, headed by Henry A. Kissinger, called for a major increase in U.S. involvement in the region. Congress will be asked shortly to approve a downpayment on the Commission's recommended $8.4 billion military and economic aid package. It is, therefore, essential that we take this opportunity to spell out our objectives in the region and how U.S. assistance will contribute to their realization.

Since 1979 the United States has extended nearly a billion dollars in economic and military aid to the Government of El Salvador. From that time to the present, a growing body of evidence has come to light which links the mysterious murders of Salvadoran civilians to forces allied to that country's military. A pattern has emerged whereby these rightist death squads have used terror as a weapon to forestall economic reform and block negotiations with leftist guerrillas to bring an end to El Salvador's 4-year-old civil war.

These acts of terror have, to be sure, been decried by officials both within the State Department and the White House. Yet the record of U.S. policy presents quite a different picture. Rather than pursue an end to the fighting in El Salvador through political reform, the administration has spent hundreds of millions of dollars training and equipping Salvadoran security forces in the hope of achieving a military victory over the leftist forces. In so doing, the administration has accepted with little more than perfunctory opposition the indiscriminate violence of rightwing groups—even when members of the Salvadoran security forces have been implicated in the murders of U.S. citizens, as in the still unresolved murders of four American churchwomen and two labor officials. In effect, the administration has not only tolerated such atrocities, but had supplied the very materials—U.S. military aid—which provide focus and purpose to their continuation.

The veto of legislation making U.S. military assistance contingent upon progress in human rights sends a terrible signal that this country is willing to tolerate death squad violence as a price that must be paid in the more important struggle against leftist guerrillas. Even the Kissinger Commission concluded that increased pressure to safeguard human rights is essential to ending the strife in El Salvador.

Mr. Speaker, the United States must not continue to accept this murderous atmosphere in El Salvador. Faced with the possible ascension of reputed death squad leader Roberto D'Aubuisson and his Nationalist Republican Alliance (ARENA) to power, it is vital that we spell out in no uncertain terms our unshakable commitment to meaningful reform in El Salvador.

The President's supplemental request for fiscal 1984 foreign aid programs is expected to include over $300 million for the Government of El Salvador. This is in addition to the $64.8 million military and the $161.3 million economic assistance already appropriated for that country. If U.S. foreign assistance is to address constructively the problems of El Salvador, it must be structured to encourage the development of democratic institutions that are responsive to the needs of the Salvadoran people. At a minimum, continued aid must be tied to key U.S. policy goals including programs in land reform, the protection of human rights, and political negotiations toward the resolution of the present conflict—as would be required with passage of H.R. 4556.

On a broader scale, the primary emphasis of U.S. policy toward Central America must be shifted from military confrontation to negotiated settlement. The United States should take up the regional peace proposals put forth by the four-nation Contadora Group, and should work diligently toward the realization of those goals. We must act now—before the elements of either the violent right or left are on the verge of military victory—to forestall radicalism and the instability it fosters.

For these reasons, I urge in the strongest terms my colleagues to join today in reaffirming our commitment to human rights by approving the pending legislation.●

● Mr. AuCOIN. Mr. Speaker, human rights is not an abstract phrase, it is not a philosophy that can be divorced from U.S. political and economic objectives anywhere in the world. Human rights is the basic ingredient for democratic reform and stability in nations across the globe.

In El Salvador more than 30,000 civilians have been murdered by death squads over the past 3 years and not one person has been brought to trial. In El Salvador members of labor organizations, media, and political parties are openly threatened for speaking out against abuses by the armed forces. In El Salvador farmers who band together in land co-ops are murdered. In El Salvador students and professors who debate these and other issues simply disappear.

Yet El Salvador is one of the top five targets of U.S. military and economic aid. Over the past 3 years, as casualties have mounted, Congress has approved steady increases in the supply of military hardware to this country.

This is a policy doomed to failure. No government can survive unless it honors basic human rights. If we insist on backing such regimes, it will simply be a matter of time until the United States is left holding the bag, harming

our interests in Central America for years to come.

That is why it is absolutely essential that Congress pass legislation today mandating periodic certifications of human rights improvement in El Salvador.

President Reagan, who has vetoed this bill once already, cites congressional action as a major obstacle in the fight for human rights in El Salvador. To his way of thinking, certification ties the hands of the administration by calling for evidence on human rights violations and the steps the Salvadoran Government is taking to correct them.

Pointing to recent speeches by Ambassador Pickering and Vice President BUSH which condemn the death squads, members of the administration assert that they are taking care of the problem.

Good stuff, but unless the administration backs its statements up with actions, the Salvadoran Government has no reason to change. Occasional statements of concern, just as twice yearly certifications, are no substitute for a consistent policy that mandates improvement in human rights as a condition for U.S. aid.

And the administration, seeking success on the battlefield instead of the bargaining table, will not take this step.

The most significant action affecting human rights in El Salvador in recent months has been the administration's request for $179 million in additional military aid.

The Salvadoran Government knows that U.S. military aid will continue no matter how high the body count. As Carlos Fuentes stated in a recent article in Harper's Magazine.

> . . . The Salvadoran army does not want victory. That would mean the end of American aid. It does not want successful negotiations for the same reason. In effect, the United States has become the captive of the Salvadoran military, not the other way around.

The bottom line is that certification makes the administration edgy because it sets standards of improvement and holds open the threat that U.S. military aid will stop unless these standards are met.

Unless Congress passes legislative standards, the administration will provide selective evidence to make the case for additional aid. The recent report on human rights conditions, submitted in lieu of certification, proves this point. The report reads more like a public relations brochure than an investigative document.

In order to document the human rights situation, the administration relies on numbers compiled by the U.S. Embassy in El Salvador, numbers gleaned solely from reports in the newspapers and from information provided by the Salvadoran Armed Forces. As a member of the U.S. Embassy in El Salvador stated:

> We do not attempt to take personal testimony from relatives or question the information given to us by the Armed Forces.

The problems with this approach are obvious. The Embassy sets the number of murders and disappearances at 1,677 for 1983. The Archdiocese of San Salvador which uses a much more stringent method of investigation, sets the total at 5,142. Socorro Juridico, an independent human rights organization, sets the total at 5,670.

Either way, to continue to trust millions of dollars of U.S. military aid to a government unable to protect its own citizens is a mistake of the grossest kind.

I support the certification legislation as a first step, though I am concerned that the legislation contains no mechanism to overriding an administrative certification and turning off the aid spigot. I would hope that tighter standards will be drafted later this year.●

● Mr. GARCIA. Mr. Speaker, I support H.R. 4656 because, although imperfect, the certification process is one definable way that Congress can force the President to reevaluate its policy toward El Salvador. I do not believe that the administration will make the same demands of itself that Congress will make of it. That is why periodic reports from the State Department are not adequate for assessing the state of affairs in El Salvador.

There has been an emphasis on a military solution to Salvador's present crisis. The escalation in military aid over the past 3 years will bear me out on this point. Yet, I am at a loss to find something positive resulting from this escalation.

The agonizing process of bringing to justice the killers of the American churchwomen and labor advisers continues. The terror brought on by death squads continues. The poor showing of the Salvadoran Army, despite a large amount of financial aid, continues, and the land reform program is still encountering great resistance. No wonder the President does not want a certification process.

What remains in El Salvador is the continued deterioration of that nation's economy, society, and more important—its spirit. There is within our own country a distinct lack of support by many Americans for a failed policy. We can institute as many studies as we want, but the results will be the same: the present tactics of this administration in El Salvador are not succeeding.

I want a certification process because I believe that the President must be faced with the reality of the situation in El Salvador. He does not like to have to make a public show of support, while privately slapping the hands of Salvadoran leaders.

I do not blame him. It hurts his credibility. The simplest solution would, therefore, be for us to pass H.R. 4656, reinstating the certification process. Then, the next time the President is faced with the question of whether or not to certify El Salvador, perhaps he would take the risk and not certify. Maybe this would force the Salvadoran Government to make some necessary changes. Even better, maybe all concerned parties would see the need to engage in a dialog.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4656, a bill to reauthorize the Presidential certification on conditions in El Salvador.

As a cosponsor of this legislation, I was disappointed when the President pocket vetoed this measure during the last session. H.R. 4656 would simply reinstitute, for 1 year, the semiannual certification requirements that expired at the end of fiscal year 1983. Since this reporting mechanism was first enacted in 1981, the President has made four certifications that the Salvadoran Government is attempting to safeguard human rights and implement economic and political reforms.

Despite the President's positive certification, the record of the Salvadoran Government remains questionable. The human rights monitoring group for the Archdiocese of San Salvador, Tutela Legal, has estimated that during the last 6 months of 1983 over 2,500 Salvadoran civilians were murdered by Government forces and paramilitary groups allied to them. This group also documented 209 disappearances of Salvadoran citizens during this same time period, a decrease from last year. There have also been reports of illegal evictions and violence against citizens involved in the land reform program.

I am, however, particularly concerned with the stalling and delays associated with the investigation and trial of those accused of killing four American churchwomen. The record on this case, Mr. Speaker, is dismal.

On December 2, 1980—over 3 years ago—four American citizens were abducted at El Salvador's International Airport and killed later that evening presumably by members of the Salvadoran National Guard. In May 1981, six low-ranking guardsmen were detained for the murders of the four U.S. churchwomen. Since February 1982, a criminal case has been pending against five of them. Members of Congress and administration officials have been assured since then that a trial date would be set "in the near future." All of these assurances have come and gone, and one disturbing fact remains. Four American citizens were murdered 3 years ago in El Salvador, a strong ally of the United States, possibly by Salvadoran military.

Although I support this legislation, I am not convinced that this certification process has achieved its goals or is the best way to conduct our foreign policy, and I think many of my colleagues would agree. However, for El Salvador—a country with a questionable human rights record—there must be a significant and meaningful incentive for this regime to respect the human rights of Salvadoran nationals and American citizens in that country. In addition, if the United States is going to pour millions of dollars into El Salvador, there must be long-term political and economic reforms. Our Government has recognized for some time that human rights considerations are a part of our foreign policy objectives. We do not hesitate to highlight the plight of Soviet Jews. We abhor the racial policies of the South African Government, and we publicly criticize the overt oppression of political activists and freedom fighters in Cuba. If our policy is to be effective and credible, we must be consistent.

Mr. Speaker, I urge my colleagues to support H.R. 4656.●

● Mr. STOKES. Mr. Speaker, I rise in strong support of H.R. 4656, a bill to make continued U.S. aid to El Salvador contingent upon the President certifying that the government of that country has made progress in human rights, democratization, and land reform.

I would like to first take this opportunity to salute my colleague, the gentleman from Maryland (Mr. BARNES). As the chairman of the House Foreign Affairs Subcommittee on Western Hemisphere Affairs, Mr. BARNES has been the Congress conscience and guiding force as we examined the difficult circumstances surrounding U.S. involvement in El Salvador.

Mr. Speaker, in 1981, the Congress enacted the International Security Act of 1981 (Public Law 97-113). This legislation required that as a condition for continued military aid, the President must certify every 6 months the improvements in the human rights situation in that nation. The Presidential certification was to include an account of areas of concern such as the government's ability to control its armed forces and efforts to meet internationally recognized human rights standards. Additional and warranted points of consideration included the Salvadoran Government's ability to end the widespread torture and murder of citizens and the good faith efforts to investigate the 1980 and 1981 murders of U.S. citizens in El Salvador. This law met a specific need in an effective manner.

Public Law 97-113 expired on September 30, 1983. Congress, however, passed new legislation (H.R. 2042) in November 1983 to replace the expired law.

Despite the obvious will of Congress to renew this certification requirement, on November 30, 1983, President Reagan pocket vetoed H.R. 2042 while Congress was on its Christmas recess, thus assuring that Congress could not override his veto. This action is just another clear example of the President's unwillingness to cooperate with the Congress on foreign policy matters. More importantly, it underscores Mr. Reagan's refusal to force the government leaders of El Salvador to make progress in the areas of human rights, peace and justice.

In lieu of the certification requirement, the President has decided to "voluntarily" provide Congress with periodic reports on the situation in El Salvador. The Congress has received no voluntary reports to date. Judging from recent news reports on the upsurge of violence in that country, these progress reports may never come. Meanwhile, economic and military aid continues to flow to El Salvador.

Mr. Speaker, for nearly 4 years, the United States has poured massive amounts of economic and military assistance into El Salvador. Yet, Salvadoran Government leaders continue to act without respect for human rights, human decency, or the standards established by the Congress in the International Security and Development Act. According to the El Salvador Human Rights Commission, the "notorious" death squads have killed an estimated 40,000 people during the past years, including 9 Americans. Short of cutting off all aid to El Salvador, the certification process has been the only mechanism to monitor and insure at least minimal, progress in human rights and political and economic reforms.

No one would argue that the certification process has meant an immediate end to the death squads, nor has it meant vast improvements in the political and economic policies of El Salvador. It has, however, placed pressure on the government leaders to make continued progress in these areas or face the termination of U.S. aid. Without this pressure, this true incentive, leaders of El Salvador will again revert to the blatantly violent activities of the past.

Furthermore, Mr. Speaker, it seems ironic that President Reagan would dismiss the certification process because he feels it places excessive constraints on his foreign policy when his own national bipartisan Commission on Central America (the Kissinger Commission) strongly endorses the certification procedures and continued conditions on aid to El Salvador. The Kissinger Commission reported that—

With respect to El Salvador, military aid should, through legislation requiring periodic reports, be made contingent upon demonstrated progress toward free elections; freedom of association; the establishment of the rule of the law and effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders. The conditions should be seriously enforced.

President Reagan need only review the recommendations of his own Commission to see the merit and necessity of the certification process. By failing to listen to Congress and the Kissinger Commission, Mr. Reagan is acting irresponsibly. We cannot allow this to continue.

Mr. Speaker, as Members of this body, the American people have entrusted in us the immense responsibility of appropriating their tax dollars. This responsibility means more than just allocating resources. It also means that we must insure that every tax dollar spent is used for its intended purpose. The provisions included in H.R. 4656 will enable the Congress to fulfill this responsibility.

Moreover, certification is the only way to assure Congress a role in setting conditions on aid to El Salvador. There will be no improvements in the human rights situation in El Salvador unless U.S. aid is made contingent upon meeting the conditions set forth in this legislation.

We cannot in good conscience stand by and see U.S. military assistance poured into a nation that on its own has not demonstrated any willingness to reform its policies. I urge my colleagues to vote in favor of H.R. 4656.●

● Mr. BROWN of California. Mr. Speaker, Today we will vote on H.R. 4656, which would reinact the certification process for aid to El Salvador. I am an original cosponsor of this bill.

In 1981, Congress enacted legislation which made continued aid to El Salvador contingent upon Presidential certification every 6 months that the Government of El Salvador was making progress in a number of human rights areas. This law expired on September 30, 1983.

In November, Congress passed by voice vote H.R. 4042, identical to the bill we are voting on today, to replace the expired 1981 law. This bill would have made aid to El Salvador again contingent upon Presidential certification that the Salvadoran Government is improving its human rights record, is working to implement land reform programs, is committed to free elections, and is actively investigating the murders of four American churchwomen and other U.S. citizens.

Mr. Speaker, everyone here in this house is aware of the many human rights violations and injustices practiced by the Government of El Salvador. We have all received reports of the violent acts of the right wing death squads, the deterioration of the land reform programs, the immense

number of noncombatant civilians which have been killed.

On November 30, 1983, President Reagan vetoed H.R. 4042. To many, this veto was a signal by the President that the United States would not stand in the way of these oppressive and violent activities which the Salvadoran Government has participated in.

I feel strongly that our Central American neighbors need our help. They have been deeply hurt by the recent recession, their industry and technology is below what is needed to compete in the international market place, their standards of living could be improved with increased education. For these reasons I have supported economic and developmental aid to this region.

However, I feel we must not blindly send assistance without reassurance that it will be put to good use. I can not justify in my own mind supporting a government with out considering its willingness to improve its basic human rights practices. Without H.R. 4656, we will be doing just that.

I urge my colleagues to again send this legislation to the President. Through our determined passage of this bill, let us make our message loud and clear. We will not ignore blatant infringements upon the basic rights of the Salvadoran people, and we will not participate in these violations by unconditional support of the Government of El Salvador.●

● Mr. LIVINGSTON. Mr. Speaker, there are good reasons why we should not pass this bill today, and none of them abrogate human rights, which all of us support.

Let everyone recognize that this is purely a political exercise we are engaged in today. The Barnes resolution (H.R. 4042) was to have retained its version of certification only until September 30, 1984, or such time as Congress passed new legislation addressing military aid to El Salvador. Well, the continuing appropriations resolution for fiscal year 1984 is that new legislation. It requires certification of progress in land reform and a verdict in the churchwomen's case before all of the current military assistance to El Salvador can be spent. So we have certification requirements, regardless of what we do today.

The bill before us today is targeted only at the democratically elected Salvadoran Government and not at the Marxist guerrillas who are trying to overthrow it. In short, we are selectively perpetrating a classic double standard—again.

The bill singles out a pro-Western ally, while ignoring the human rights violations of the Cubas, Nicaraguas, and Soviet Unions of this world. They are the greatest repressors of human rights in the world, and it is idiocy for us to disregard them as we do here today.

Mr. Speaker, the best reason not to pass this bill is that the administration's policy on El Salvador, which I support, is truly committed to human rights. We have supported free elections, trained Salvadoran troops in order to reduce the potential for human rights violations, and required dismissal of suspected death squad members in the miltary and the security force of the Salvadoran Constituent Assembly. Also, this past January 25, the administration certified to Congress that land reform in El Salvador is continuing, and that beneficiaries of the program have not been deprived of their rights.

Finally, conditional restriction of aid to El Salvador will do little to improve human rights in that country, but it may well lead to the collapse of the government there. And human rights have never been improved in any country that has fallen to the Communists. That is the risk of such zero-sum conditionality games; the increased likelihood that Castro's policy of extraterritorial subversion will succeed in Central America.

Let us continue to press the Salvadoran Government to do all it can to reduce human rights violations. Let us continue to supply the necessary military aid to end the human rights violations perpetrated by the violent left and the violent right. But, most important, let us adopt the recommendations of the Kissinger commission to defend our vital interests in our own backyard.

We should reject this idea of a tradeoff between human rights and our own legitimate hemispheric security interests. Both are vital.●

● Mr. BONKER. Mr. Speaker, the Presidential human rights certification requirement covering the granting of military aid to certain governments has long been a flash point in relations between the Congress and executive branch. The President's decision of last November to pocket-veto this requirement regarding military aid to El Salvador has again brought this issue before the Congress. It is once again time for the Congress to reaffirm our country's commitment to promoting respect for human rights through our Nation's foreign policy.

Many of us who have been intimately involved with the certification process have often been disappointed with the results. We have seen administrations certify that progress is being made in protecting human rights in the face of continuing and serious violations. In its eagerness to obtain the maximum amount of military aid for El Salvador, we have watched the Reagan administration turn the certification process into a sham. While I support H.R. 4656 and will continue to support measures that link the provision of American military aid to respect for human rights, I believe it is time for a rethinking of the entire certification process.

It is my hope that when the Foreign Affairs Committee takes up the administration's fiscal years 1985 and 1984 supplemental foreign aid package, we will develop a procedure which restores credibility to the certification requirement. Among the elements we should be looking at are:

First quantifiable, explicit, and unambiguous certification conditions;

Second, a penalty for lack of progress on human rights that encourages the administration to press for positive movement, rather than render the entire certification process meaningless. One approach, employed by Congress in the recent fiscal year 1984 continuing resolution, would withhold a portion of U.S. military aid pending concrete action on specific abuses; and

Third, retaining a role for the Congress in the process itself. Requiring positive congressional action on a certification would assure that it is not exclusively the opinion of the executive branch which determines whether a nation is respecting the fundamental rights of its citizens.

Until the Foreign Affairs Committee has developed such an approach, I believe passage of this legislation is an important step in reaffirming the strong commitment of the Congress and of the American people to promoting respect for human rights.●

● Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 4656, which would require the President to certify to Congress that the human rights conditions in El Salvador have improved before the United States could spend further funds for military aid to that country. As an original cosponsor of this legislation, I am firmly committed to restoring the certification process. The President's attempt to virtually wipe out the human rights component of American policy toward El Salvador is incomprehensible and deserves repudiation by this Congress. It is difficult to understand why the President attempted to eliminate the certification, given the overwhelming support shown for this measure in both the House and Senate when identical legislation was passed before the recess in November.

Even if the President does not share the same commitment to human rights as the Congress and the American people, it is my hope that he will recognize that the support in this country for the certification process is indisputable. Further, the deterioration of human rights in El Salvador makes this legislation imperative. Abuses in El Salvador continue to worsen. According to the human rights monitoring office of the archbishop of San Salvador, 2,615 people were murdered by the Army, security forces, and paramilitary squads during

the last 6 months of 1983, an increase over the first half of that year.

Furthermore, the murder of civilians is not the only violation of human rights in El Salvador. Let us not forget those who have been tortured, who have disappeared or who have been harassed by government forces. Since 1979, there have been close to 40,000 murders of innocent civilians. This is truly a shocking number. But what is even more shocking is that not one member of the Salvadoran Armed Forces has been convicted or even tried for murdering one of those 40,000 civilians. And, of course, we should also note that there has been precious little progress in the trial of the Salvadoran soldiers accused of murdering the three American nuns and the lay missionary. Recently, I had the opportunity to read through a chronology of events, prepared by the International Lawyers Committee for Human Rights, related to the murder of these four women. It is shocking, but not surprising, to see the extent of the dilatory maneuvers which have been utilized in the attempt to prevent justice from taking place in this case.

Mr. Speaker, this is not the time to send a signal to the various forces in El Salvador that human rights is slipping as a priority of American policy. The evidence that I have cited speaks for itself. Under the Reagan administration, the United States has poured hundreds of millions of dollars of military aid into El Salvador. At the same time, the spiral of violence has resulted in a level of death and destruction which should cause all of us great pause. This legislation is an important vehicle for maintaining the pressure on the Government of El Salvador to put its house in order and to stop the violence against the civilian population. By adopting this measure, we are sending a clear signal to the leaders of El Salvador that the intolerable level of violence cannot go on, that the United States will not continue its endless flow of military aid to El Salvador without some improvement in the human rights conditions. I urge my colleagues to adopt this legislation.●

● Ms. KAPTUR. Mr. Speaker, I rise in support of H.R. 4656, the El Salvador certification. This bill is identical to a bill the House and the Senate both already passed by voice vote, but which President Reagan vetoed when Congress was in recess. We must not allow President Reagan's morally obtuse policy to prevail.

The bill before us extends the certification language—in effect since December 1981—which conditions military aid to the Government of El Salvador. Under the bill, the President must certify every 6 months that the Salvadoran Government is implementing a land reform program, is committed to free elections, is improving its protection of basic human rights, and is attempting to bring to justice those responsible for the murders of American citizens in El Salvador.

I think that few would quibble with the fact that there will be no improvement in the human rights in El Salvador unless U.S. aid is made contingent upon meeting the conditions set forth in the bill. Even State Department officials have testified repeatedly before congressional committees that the conditions imposed by Congress on Salvadoran aid are the only leverage they had in pressuring the Government of El Salvador to curb the human rights violations being committed by its own security forces. Likewise, President Reagan's veto of the previous certification bill sent a clear signal to the Salvadoran Armed Forces that guaranteeing an uninterrupted, increasing flow of military aid for the war effort is his overriding concern.

President Reagan should heed the recommendations of his own National Bipartisan Commission on Central America. The so-called Kissinger Commission strongly endorsed the certification procedure and continued conditions on aid to El Salvador. In the words of the Commission report:

> Military aid should, through legislation requiring periodic reports, be made contingent upon demonstrated progress toward free elections; freedom of association; the establishment of the rule of law and an effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders. These conditions should be seriously enforced.

Not surprisingly, Kissinger filed a dissent from that report. Yet, since President Reagan came to office, more than 30,000 Salvadoran civilians have been murdered by rightwing death squads. The so-called death squads are illustrative of a society where the powerful oppress the weak with impunity.

Moreover, close examination of the killings in El Salvador over the past 6 months point not to the so-called death squads, but to the regular units and command structure of the Salvadoran Armed Forces, and to the Army and National police in particular. According to the Catholic Archdiocese Office for Legal Protection in El Salvador, at least 59 percent of the reported killings of civilians in this period can be attributed to the Army. Under these circumstances, continued military aid with no strings attached is a recipe for an ultimate human rights disaster.

I urge my colleagues on both sides of the aisle to join with me in voting for this bill. We must remember that if the "carrot" of military aid appears more a foregone conclusion that a "reward," then the human rights conditions will never improve.●

● Mr. PORTER. Mr. Speaker, I rise in support of H.R. 4656, which seeks to link U.S. foreign aid to El Salvador with adherence to the ideals of the American people and the shared aspirations of men and women throughout the world.

With this resolution, we ask nothing unreasonable or contrary to El Salvadoran national interest. We merely ask that in return for the increasing level of economic, humanitarian, and military aid we are providing, that they make steady progress toward establishing human rights, economic justice, and political freedom. We ask this not only because we think it right, but because achieving these goals will lead to regional peace, economic development, and political stability, all of which are consistent with our own national interest.

If those in control of El Salvador are forced to choose between blocking U.S.-sponsored improvements in human rights and economic justice on the one hand and trying to defeat the guerrillas without our help on the other hand, I believe they will give in to our pleasure for reforms because they know they cannot do it alone.

The extremists on both sides know, as we Americans do, that the common man of El Salvador is legitimately and deeply dissatisfied with the way he has been treated by his government for the 50 years prior to the U.S.-supported removal of the ruling military junta in 1979. The guerrillas play on this distrust to legitimize their own selfish and violent striving for power. And though the rightists long for the days when their power was absolute and guaranteed by their control of the army, I believe they know deep in their hearts that they are sowing the seeds of their own destruction by working to stifle the people's aspirations for freedom, justice, democracy, and upward economic mobility.

Therefore, I believe they will reluctantly cooperate as, apparently, they have cooperated with Vice President BUSH's unpublished demands for reining in the death squads and renegade soldiers. Those who control El Salvador can be moved toward the respect for universal human rights which, in the long run, is the only alternative to violent and total revolution.

I do not mean to overstate my confidence that we can guarantee improvements for the people of El Salvador. If we establish an unreasonable timetable for reform and thereby trigger a popular backlash against American influence there, we will have brought about the violent revolution which I trust all of us in Congress want to prevent. Such impatience would amount to a premature and foolish abandonment abroad of the ideals which we Americans treasure in our country.

The best way to avoid this is to maintain our historical perspective.

History teaches us that a society taking its first faltering steps toward the establishment of a working democracy is terribly vulnerable—no matter how well-intentioned—to foreign-backed and violent subversion by political extremists. Democracy is a delicate invention which some contend is merely an aberration in the long history of civilization. While I do not share this view, I urge my colleagues to recall how frail our own grasp of democracy and human rights was during the founding days of our Nation.

We Americans were blessed, in our struggle for democracy, by favorable geographic circumstances which protected us from excessive foreign intrigue. Foreign-sponsored terrorism of the kind experienced in modern El Salvador could easily have undermined the democratic ideals which were held by our own Founding Fathers, men of extreme courage and character. And it is equally important to remember the many serious setbacks our struggle for democracy suffered in the early years, such as the establishment of a blanket Sedition Act, several armed rebellions, the preservation of slavery and, 80 years later, a bloody civil war which pitted brother against brother.

Obviously, El Salvador today is a very different place from America more than 200 years ago. It is not sheltered from its enemies by distance, and many Salvadoran leaders have either been killed by extremist death-squads or driven out of their country by persuasive violence and terrorism.

Progress has been made in the 5 years since the United States involved itself in the struggle to establish democracy in El Salvador. And I believe that the progress has been significant. Free elections have been held over credible threats of violent intimidation; a land reform program has been initiated; and although there have been setbacks in our efforts to encourage respect for human rights, I believe slow progress has been made since the civilian government was established in 1979.

The point is that we must be careful not to abandon the good with the bad, that we acknowledge the progress along with the problems, and that we give democracy in El Salvador a chance to flourish. This is not a problem that will be solved this year or next, or perhaps not completely in the foreseeable future. Nor is this a problem that lends itself to solutions that are exclusively military, economic, or humanitarian. The interests of the people of El Salvador will best be served by blending these approaches, and pursuing them with resolve and consistency over the long run.

Success depends on the continuous support of both the American and Salvadoran people for establishing functional democracy in El Salvador. We cannot maintain the support of the American people over the long run if we find ourselves propping up a dictatorship not committed to democratic government. The American people deserve more tangible returns on their money than that. And the Salvadoran people deserve more in return for their faith in democracy. I urge my colleagues by supporting H.R. 4656, to justify the trust given us by both these peoples.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARNES) that the House suspend the rules and pass the bill, H.R. 4656.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ROTATION OF CHAIRMEN TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4504) to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, as amended.

The Clerk read as follows:

H.R. 4504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3003), is amended to read as follows:

"SEC. 3. (a) The Commission shall be composed of fifteen members as follows:

"(1) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four Members shall be selected from the majority party and two Members shall be selected, after consultation with the minority leader of the House, from the minority party.

"(2) Six Members of the Senate appointed by the President of the Senate. Four Members shall be selected from the majority party of the Senate, after consultation with the majority leader, and two Members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

"(3) One member of the Department of State appointed by the President of the United States.

"(4) One member of the Department of Defense appointed by the President of the United States.

"(5) One member of the Department of Commerce appointed by the President of the United States.

"(b) At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

"(c) At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.

"(d) A member of the Commission who is the chairman of a standing committee of either House of the Congress shall not be eligible to serve as Chairman or Cochairman of the Commission.".

(b) Section 7(a) of such Act (22 U.S.C. 3007(a)) is amended to read as follows:

"SEC. 7. (a) There is authorized to be appropriated to the Commission for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Such appropriations shall be disbursed on vouchers approved (1) jointly by the Chairman and the Cochairman, (2) by a majority of the members of the personnel and administration committee, or (3) by a majority of the members of the Commission.".

(c) Section 7 of such Act (22 U.S.C. 3007) is amended by adding at the end thereof the following new subsection:

"(d) Foreign travel for official purposes by Commission members and staff may be authorized either the Chairman or the Cochairman.".

(d) Section 8 of such Act (22 U.S.C. 3008) is amended to read as follows:

"SEC. 8. The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior Commission member from the minority party in the House of Representatives, and the senior Commmission member from the minority party in the Senate. All decisions pertaining to the hiring and firing and fixing of pay of Commission staff personnel shall be by a majority vote of the personnel and administration committee, except that (1) the Chairman shall be entitled to appoint and fix the pay of the staff director and Cochairman shall be entitled to appoint and fix the pay of his senior staff person, and (2) the Chairman and Cochairman each shall have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff members who shall be responsible to the Chairman or the Cochairman, as the case may be, who appointed them. The personnel and administration committee may appoint and fix the pay of such other staff personnel as it deems desirable. All staff appointments shall be made

without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.".

(e) Such Act is further amended by adding at the end thereof the following new section:

"SEC. 9. (a) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

"(b) For purposes of section 3304(c)(1) of title 5, United States Code, staff personnel of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

"(c) The provisions of this section shall be effective as of June 3, 1976.".

(f) The amendments made by this Act shall take effect at the beginning of the first Congress which begins after the date of enactment of this Act, except that the amendment made by subsection (e) shall be effective as of June 3, 1976.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) will be recognized for 20 minutes and the gentleman from New York (Mr. GILMAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4504, a bill which amends the legislation creating the Commission on Security and Cooperation in Europe. This legislation provides that the Commission chairmanship will be rotated between the House and Senate. In previous years, a Member of the Senate has served the Commission as Cochairman, and the Speaker of the House has appointed one of the six Commissioners from the House to serve as Chairman.

The bill before the Members contains provisions which would:

Amend the 1976 act establishing the Commission on Security and Cooperation in Europe to provide that the chairmanship will rotate between the House and the Senate beginning in the 99th Congress.

Provide for a formal Cochairman of the Commission.

Provide that the Chairman and Cochairman have the authority to appoint an equal number of professional staff members.

Prohibit any Member of the Commission who chairs a standing committee of either the House or Senate from chairing the Commission.

Clarifies the eligibility of the Commission staff to receive the same benefits accorded to congressional employees.

Mr. Speaker, I urge my colleagues to support this legislation.

The committee agreed to two amendments:

To change the effective date to the 99th Congress (January 1985) instead of the 100th Congress.

To clarify existing practice that Commission employees be considered congressional employees for purposes of pay and benefits.

The principal purpose of this legislation is to respond to the Senate's concerns that a more equitable arrangement concerning the chairmanship of the Helsinki Commission be found. As you know, Mr. Speaker, under existing law, you appoint one of the six Commissioners from the House to serve as Chairman, an honor Chairman DANTE FASCELL has had since the Commission's establishment in 1976. H.R. 4504 amends the 1976 law to provide that the Commission chairmanship rotate, at the beginning of every new Congress, between the House and Senate.

This bill also establishes by law the position of Cochairman, which is now only an informal arrangement. Both the Chairman and Cochairman would have the authority to appoint an equal number of professional staff members, to approve foreign travel and to disburse appropriated funds. Under this legislation, both bodies of the Congress would be formally represented in the Commission leadership.

H.R. 4504 also provides that no member of the Commission who chairs a standing committee of either the House or Senate would be eligible to chair the Commission. This provision, which is in complete accordance with existing House and Senate rules, insures that the vital concerns of the Commission will be addressed by a Chairman who is able to devote adequate time to them.

The other provisions in H.R. 4504 are technical amendments which clarify the eligibility of the Commission staff to receive the same benefits accorded to congressional employees.

In my opinion, this is a fair and equitable solution to the disputes that have disrupted the Commission's work in the last few months. The legislation provides for an orderly transition every 2 years while, at the same time, it insures that the nonpartisan professionalism and expertise of the staff and the focus of the Commission's work will be maintained. This legislation insures the kind of professional continuity that the rules of the various joint committees of the Congress already provide. This bill provides for continuity in the direction of the Commission from Congress to Congress and, hopefully, will enhance the Senate's participation in and visibility on the Commission.

Mr. Speaker, I know you agree that the concerns of the Helsinki Commission are too vital to be hampered by differences among its members. It is my fervent wish that the passage of my bill will resolve these problems and, at the same time, insure the continuation of the Commission's important work.

Thank you.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4504, legislation providing for the rotation of the chairmanship of the Commission on Security and Cooperation in Europe between the Senate and the House.

During hearings yesterday before the Subcommittee on International Operations, of which I am the ranking minority member, many groups dedicated to monitoring the implementation of the Helsinki accords testified in support of this measure. As amended by the subcommittee, the legislation provides that the Senate instead of the House shall select a Chairman to serve in odd-numbered Congresses. The House will select a Chairman in even-numbered Congresses. Thus, a Member of the Senate will chair the Commission starting in January 1985, during the 1st session of the 99th Congress.

Accordingly, I urge my colleagues to suspend the rules and pass H.R. 4504. It is imperative that we have a coordinated effort of both the House and Senate to monitor and address effectively the critical issue of promoting human rights. I believe the measure before us will help us to achieve that important objective.

● Mr. BROOMFIELD. Mr. Speaker, I strongly support H.R. 4504. This bill amends the legislation creating the Commission on Security and Cooperation in Europe. The legislation specifies that the Commission chairmanship be rotated between the House and Senate. Under the existing arrangement, a Member of the Senate serves the Commission as Cochairman. The Speaker of the House currently appoints one of the six Commissioners from the House to serve as Chairman.

The bill we are considering today also provides for a formal Cochairman of the Commission. It provides that the Chairman and Cochairman have the authority to appoint an equal number of professional staff members. It gives Commission staff employees the same benefits accorded to congressional employees.

The legislation before us is a step in the right direction. It merits our support. I call on my colleagues to join me in voting for this legislation.●

● Mr. PORTER. Mr. Speaker, I lend my support to this legislation which I believe will enhance the work of the Commission on Security and Cooperation in Europe, often referred to as the Helsinki Commission.

The Commission, in monitoring and encouraging compliance with the Helsinki Final Act, has contributed greatly to an increased, worldwide understanding of the importance of human rights. The Commission has performed its function in a manner that complements other public and private human rights organizations, and has a highly professional staff which is well qualified to represent American interests.

I believe that the Commission has been instrumental in compelling the Soviet Government to realize the importance the Western World places on human rights. In forcing this recognition, the Commission has engineered considerable gains in the area of military security. The Commission's role has proven to be invaluable, especially during the current absence of European arms-control negotiations.

As cochairman of the Congressional Human Rights Caucus, I have become familiar with the work of the Commission and the excellent leadership provided by the gentleman from Florida, Mr. FASCELL. He has proven that our concern for human rights overrules conflict and endures struggle. Mr. FASCELL has shown us that human rights are an integral component of any foreign policy, and the Helsinki Commission's success has proven that America is committed to human dignity.

I therefore encourage my colleagues to join me in support of this legislation, and to recognize the admirable performance of the Commission and Mr. FASCELL.●

Mr. GILMAN. Mr. Speaker, I have no further requests for time.

Mr. MICA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4504, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING SELF-DETERMINATION OF BALTIC STATES

Mr. MICA. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 80) expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes.

The Clerk read as follows:

S. CON. RES. 80

Whereas the United States, since its inception, has been committed to the principle of self-determination;

Whereas the United States has adhered to the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and other relevant instruments relating to human rights;

Whereas the United States has supported the Declaration of Granting of Independence to Colonial Countries and Peoples, adopted by the United Nations General Assembly in Resolution 1514 (XV) of December 14, 1960, and has taken note of the resolution on the question of the Baltic States, adopted by the European Parliament in its session on January 13, 1983, in Strassbourg, France;

Whereas the three Baltic republics, Estonia, Latvia, and Lithuania, did not become member republics of the Soviet Union voluntarily, but rather were occupied militarily and subsequently incorporated by force into the Soviet Union and have since been governed by governments approved by, and subservient to, the Government of the Soviet Union; and

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the independent republics of Estonia, Latvia, and Lithuania: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States, as a member of the United Nations, should fulfill its obligations, on the basis of the appropriate international instruments, to promote and encourage respect for human rights and fundamental freedoms in Estonia, Latvia, and Lithuania;

(2) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should take all necessary steps to bring the question of self-determination of the Baltic States before all appropriate forums of the United Nations, especially before the next session of the United Nations Human Rights Commission as a priority topic under agenda item 9 entitled "The Rights of Peoples to Self-Determination and its Application to Peoples Under Colonial or Alien Domination" and to discuss specifically in those forums—

(A)(i) the continued reports of widespread violations of human rights and fundamental freedoms in Estonia, Latvia, and Lithuania, including the freedom of expression, the freedom to worship according to the dictates of one's own conscience, the freedom to celebrate one's cultural heritage, and the freedom to choose one's place of residence; and

(ii) the persecution of persons seeking to exercise such rights;

(B) the United States most profound concern that the people of Estonia, Latvia, and Lithuania be granted the right to self-determination, to choose their own form of government, their own economic, political, and social system without any outside intervention, subversion, coercion, or constraint of any kind; and

(C) a political resolution of the situation in Estonia, Latvia, and Lithuania on the basis of—

(i) the withdrawal of Soviet troops from these states,

(ii) respect for the independence, sovereignty, and territorial integrity of Estonia, Latvia, and Lithuania, and

(iii) strict observance of the principle of nonintervention by one sovereign state in the internal and external affairs of another sovereign state.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida (Mr. MICA) will be recognized for 20 minutes and the gentleman from Iowa (Mr. LEACH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to present these remarks on behalf of my colleague, the gentleman from Pennsylvania (Mr. YATRON), who could not be here at this time and who is chairman of the Subcommittee on Human Rights and International Organizations. I would like to read for the RECORD Chairman YATRON's statement.

Mr. Speaker, Senate Concurrent Resolution 80 addresses the issue of self-determination of the Baltic States. This measure expresses the sense of Congress that the United States should promote respect for human rights and freedom in Lithuania, Latvia, and Estonia. It further provides that the President should raise the issue of Baltic self-determination in all appropriate forums, including the U.N. Human Rights Commission.

Today, Baltic citizens are struggling within the Soviet Union for their right to freedom, justice, and self-determination. Their language, culture, and traditions have been threatened, and their leaders persecuted in an attempt to break their spirit and enforce their subjugation. The continued denial of personal freedoms and human rights has not forced them to abandon their fight, but rather has reinforced their courage and quest for freedom.

The Lithuanians, Latvians, and Estonians lost their struggle against military domination by the Soviet Union,

but they have been fighting ever since to regain their independence and keep their identity strong. These noble people deserve our support and recognition for their efforts to preserve their traditions in the face of sustained repressive tactics by an oppressive regime. Through this legislation, we can applaud the courageous strivings of the Baltic States, denounce the betrayal of our most cherished principles, and demonstrate to the world that we will never tolerate illegal Soviet domination and abuse of human rights.

The U.S. Congress must act now to show once again our support for the Baltic Republics. The question of these republics will be raised at the annual meeting of the U.N. Human Rights Commission in Geneva which began yesterday. By utilizing this international instrument, and others like it, we can help the eyes of the world focus on the plight of the citizens of the Baltic States.

I urge my colleagues to support Senate Concurrent Resolution 80.

□ 1340

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 80, a resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination for the Baltic States before the United Nations, and for other purposes.

As the gentleman from Florida has explained, the resolution calls upon the President and his representatives to take steps to bring the question of self-determination for the Baltic States before all appropriate forums of the United Nations, particularly the 40th session of the UN Human Rights Commission which just convened in Geneva, Switzerland on February 6. The chairman of the Foreign Affairs Committee, Mr. FASCELL, and the chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON, are to be commended for expediting House consideration of this legislation. I might add that I know of no objection to Senate Concurrent Resolution 80 from the administration and would remind my colleagues that the other body passed this same resolution back in November without a single dissenting vote.

As my colleagues know, the United States has never recognized the forcible incorporation of Estonia, Latvia, and Lithuania into the Soviet Union. Human rights conditions in the Baltic States today mirror problems existent throughout the Soviet Union. Thus, the issue of human rights for the Baltic States extends beyond the central question of self-determination. All peoples within the Soviet orbit are denied the right to worship freely, to express their political views, to preserve their ethnic and national identities and to exercise many other internationally recognized human rights. The United States ought not to be shy about raising these issues in international forums. In that light, I urge my colleagues to give their unanimous support to this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 80, especially in this time of increased Soviet expansionist activity. Let us not forget the strength and will of the Baltic people of Estonia, Latvia, and Lithuania in their pursuit of self-determination. The people of the Baltic States are our natural allies. The states of Estonia, Latvia, and Lithuania incorporated by the domination of the Soviet Union must never be recognized. The rich culture, music, and language of the Baltic people is being gradually snuffed out of existence. We have witnessed the continual Soviet abuse of human rights not only in the Baltic States but across the globe as well as in the Soviet Union itself.

Many Soviet Jews are still denied exit visas for freedom. The plight of Soviet Jewry is most dramatically depicted by Anatoly Shcharansky, who remains imprisoned only because he desires the freedom to practice his religion. My colleagues on the Post Office and Civil Service Committee have helped me document evidence of increased Soviet mail interruption by the KGB. The Soviets continually violate the Helsinki accords, the Universal Declaration of Human Rights, and their own Constitution. Let us not forget Soviet actions in Poland, Afghanistan, Syria, and Grenada. And let us not forget the despicable Soviet downing of Korean Air Lines flight 007.

Senate Concurrent Resolution 80 is additional evidence of American leadership in the pursuit of freedom and liberty for all people and nations. The brave people of Estonia, Latvia, and Lithuania may not be physically capable of standing up to Soviet totalitarian and military domination, but spiritually they still strive for the freedom that has been denied since World War II. The United States has the responsibility to continue to lead the free world in all areas. I strongly urge the President of the United States to bring the question of self-determination of the Baltic States before the United Nations, with a renewed sense of spirit and determination for all those who aspire to be free. The United States must not, and will not, bow to blatant, inhumane Soviet aggression and domination. Senate Concurrent Resolution 80 comes before us today, and especially mindful of our global situation, I urge its swift passage by my colleagues.

Mr. LEACH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KEMP), the distinguished leader of the Republican conference.

Mr. KEMP. I thank my colleague, the gentleman from Iowa, for yielding and congratulate him for his remarks, and also the gentleman from New York (Mr. GILMAN), who have both been longtime champions of the cause of human rights and the Helsinki Commission and, of course, rasing the plight of the Baltic States before international public opinion.

The gentleman from Florida (Mr. MICA) is also a leader in this effort and I bow to him for his bipartisan efforts.

Mr. Speaker, I just wanted to add my own comments about this cause. My wife and I visited the Soviet Union this summer and we came away with a sense of despondency with regard to the treatment of any minority group in the Soviet Union and their human rights.

The gentleman from Iowa (Mr. LEACH) alluded to the fact that the right to worship, the right to just enjoy elementary freedoms, is being snuffed out more thoroughly and more emphatically than in a long time. I know if it is happening in the Soviet Union it is also happening in Latvia, Lithuania, Estonia, and of course we can go on and mention Poland and Romania and Bulgaria and Hungary and Czechoslovakia, et cetera, et cetera.

I would have hoped on the previous resolution, which I supported, that we would have brought up the fact that the Helsinki Monitoring Commission must reelevate this issue because at this very moment men and women are being led off to the Gulag Archipelago for no other reason than being Christian, no other reason than being Jews and wanting to emigrate to Israel, no other reason than to raise their voices against the totalitarian machinery of the Soviet Union.

I want to remind everyone that within 2 weeks of passing the Helsinki accords and the signature of the United States of America, the Soviet Union denied Andrei Sakharov the right to go to Oslo for the Nobel Peace Prize. Shcharansky is still in prison, and there are Jews and Christians, as I mentioned before, imprisoned in the Soviet Union for their beliefs. There is Soviet occupation of Afghanistan, there is Soviet oppression in Poland, and of course what they have done to the once proud countries of Latvia, Lithuania, and Estonia remains a scan-

dal in the history of aggressive and inexcusable acts.

I am not trying to escalate rhetoric, but the world needs to know that there is a massive denial of elementary, rudimentary, basic human rights throughout the Soviet empire, and it seems to me that this resolution is a healthy and positive and a candid way of broadcasting to the world the difference between the Democratic West and the totalitarian machinery of the Soviet Union.

So I just want to compliment the gentleman from Iowa, the gentleman from Florida, thank them, agree with this proposal totally, and urge its unanimous support in the Halls of the U.S. House of Representatives. To do any less would be to default on those Jeffersonian principles upon which the American Revolution was fought.

Mr. LEACH of Iowa. I thank the gentleman from New York.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I have one request on a point of inquiry. I yield such time as he may consume to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. I thank the gentleman for yielding to me.

Mr. Speaker, I certainly strongly support this resolution. I think it is a splendid resolution. I agree with what the gentleman from New York just said.

I would like to ask one question, and that is this: I have so little use for what happened in the United Nations and what they do and what they do not do. I notice here that this resolution calls on the U.S. Government to promote and encourage respect for human rights and fundamental freedoms in these Baltic States by bringing the question of their self-determination before the U.N. Human Rights Commission and other appropriate U.N. forums.

My question is: If we pass this resolution, do we have any belief or any understanding that what we are doing here will be taken up before the appropriate areas in the United Nations, or will they ignore it like they do so many other things we do here?

Mr. MICA. If I may respond to the gentleman, as the new chairman of the subcommittee that will deal with a number of these issues, I want him to know that I have a great deal of concern about whether or not the United Nations responds to any of the initiatives taken by this country or by this Congress.

It is a sense of Congress resolution. It is only that. It does not have the effect of law on the United Nations, and as the gentleman rightly questions, we do not have an assurance, but we are going to do everything we can to continue to raise these issues, bring them to the attention of the United Nations. Let me say that they are creating their own track record of support or nonsupport for these issues, and this Congress will be looking at that track record.

Mr. SAM B. HALL, JR. I commend the gentleman from Florida for bringing this matter before the House.

Mr. MICA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. I thank the gentleman for yielding this to me.

Mr. Chairman, I would like to also thank the chairman of the subcommittee, Congressman YATRON, for his actions in this matter, and I urge my colleagues to reaffirm what the Senate has already achieved with passage of this resolution.

As cochairman of the ad hoc Congressional Commitee on Baltic States and Ukraine, along with cochairman, BRIAN DONNELLY, I sponsored this resolution calling on the President to direct the U.S. delegation to the United Nations to discuss the issue of self-determination for the Baltic States before all appropriate U.N. forums. I am pleased to see this legislation has made its way through the House Committee on Foreign Affairs and is before us today on the floor.

This resolution, specifically includes this session of the U.N. Human Rights Commission in Geneva, which was convened yesterday. I think it is a very timely and important message that we send.

At this time I would only like to call attention to the peoples of the Baltic States who have their own, unique culture; their own, unique language; their own, unique traditions. It is only fitting therefore, that we in Congress recognize these truly independent nations of that part of the world is subsumed by the Soviet empire.

The responsibility lies with us, lies with Baltic Americans from all parts of the country, to keep that flame of self-determination alive so that one day it is conceivable that these people will be free.

□ 1350

Mr. MICA. Mr. Speaker, I just would like to also bring to the attention of the House that the gentleman who just spoke, the gentleman from Pennsylvania (Mr. RITTER), and the gentleman from Massachusetts (Mr. DONNELLY), were the primary sponsors of this legislation.

● Mr. YATRON. Mr. Speaker, I rise in support of Senate Concurrent Resolution 80, legislation relating to the question of self-determination of the Baltic States. Today, the Lithuanians, Latvians, and Estonians battle an oppressive regime for their political, cultural, and religious freedoms. Their struggle for survival, for the right to express an ethnic identity, has not forced the citizens of the Baltic States to abandon their efforts, but has instead increased their fervor for freedom.

Lithuanians, Estonians, and Latvians have endured relentless Soviet occupation and repression yet they have maintained their dreams of national liberty. I believe their unyielding struggle must never be forgotten by those of us who enjoy freedom. The United States has always promoted respect for human rights and freedom for the Baltic States. Through this legislation, we have an opportunity to stand together with these patriots and support them in their attempts to gain self-determination.

As chairman of the Subcommittee on Human Rights and International Organizations, I believe it is important to act now to underscore our strong interest in the Baltic republics, which will be discussed at the annual meeting of the United Nations Human Rights Commission in Geneva which began February 6. By using the appropriate international instruments, our country can bring to worldwide attention, the unlawful Soviet occupation of the Baltic republics, the continued human rights violations suffered by the Baltic citizens, and the struggle for the right to self-determination that ensues in these three republics.

By supporting the measure before us today, the U.S. Congress is expressing its concern to all those nations seeking control of their destiny, free from foreign domination. We are sending a message that we, as Americans, seek universal compliance of human rights provisions as embodied in the Helsinki doctrine in order that all nationalities may enjoy basic human rights.●

● Mr. MICHEL. Mr. Speaker, much has been written and said about the plight of the Baltic States in the past 40 years.

There is nothing new I can offer to the superabundant documentation, unquestioned by fairminded and knowledgeable scholars and experts, that the people of the Baltic States have been systematically and consistently deprived of basic human rights by the Soviet Union.

There is nothing I can add to such undisputed evidence. In the words of Senate Concurrent Resolution 80:

> The United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the independent republics of Estonia, Latvia and Lithuania * * *.

But I want to mention one curious fact: Although the people of these states have been deprived of their basic human rights for over 40 years, only rarely is this fact mentioned on the floor of the House. I never can recall it being mentioned during debates over human rights policies.

Why? Why is there such a silence about the human rights violations of the Baltic States? Is it because these suffering people are not fashionable enough to have their misery noted by otherwise eloquent defenders of human rights? Is it because in certain circles it is considered old fashioned to point out that the Soviet Union is the most flagrant violator of human rights in the world today?

Ask the people of the Baltic States if they agree with President Reagan's description of the Soviet Union as "an evil empire."

Self-determination for the Baltic States? I would like to see the United Nations debate that issue. It would clear the air as to exactly what superpower is exercising despotic control over human beings whose only crime is that once, years ago, they decided to be free.●

● Mr. PORTER. Mr. Speaker, the free nations of the world have not forgotten the 1940 Soviet invasion of the Baltic States of Estonia, Latvia, and Lithuania. It is our determination not to allow the tragic 44 years history of the captive nations under Soviet rule to be forgotten, and not to let the hope die that one day the Baltic States may regain their freedom. In light of this I fully support Senate Concurrent Resolution 80 to urge the President to bring the question of self-determination of the Baltic States before the United Nations and international human rights forums.

It is crucial that we prevent the Soviets from achieving their cruel objective of erasing the memory of the sovereignty of the Baltic States which have fallen victim to Soviet imperialism. The premeditated nature of the 1940 invasion characterizes Soviet disregard for human rights and national self-determination.

We will continue our concern over the treatment of the Baltic peoples. We have not forgotten that hundreds of thousands of people in Estonia, Latvia, and Lithuania were uprooted from their native lands and driven savagely to Siberian labor camps where many thousands were to perish of starvation, disease, and exposure. We have not forgotten the 44 years of political repression, religious persecution, and cultural genocide which has been inflicted by Soviet rulers. Nor have we forgotten the repeated violations of the right to self-determination expressed both in the Helsinki accords and the Charter of the United Nations as it would apply to the Baltic States.

The living memory of the nature of Soviet rule must serve to remind us of the importance of raising our voices in loud and repeated protest against new episodes in the history of Soviet ruthlessness against those who would fight for freedom. Such ruthlessness is exemplified by the recent imposition by proxy of martial law upon the people of Poland, the blitzkrieg-like invasion of Afghanistan, and the continued imprisonment of Soviet citizens who dare to express a desire to emigrate.

So long as we in the free nations of the world remember these lessons, the hope for freedom for those now subjected to Soviet domination is strong. We now see excessive Soviet military spending straining their economy to the extent that they cannot feed their own people. We see numerous national and ethnic liberation movements within the Soviet Union posing a serious threat to the dominance of the Russian minority. We also see a growing number of Soviets dissatisfied with a government which exists not for their sake, but for its own sake. This evidence of an empire crumbling from within leads me to believe that it is not unrealistic to imagine the day when the Baltic States may regain their freedom and independence.

Until that day, it is up to the United States, where we enjoy an unmatched degree of individual freedom and cultural diversity, to reaffirm our commitment to the liberation of the Baltic States. I will continue to work with my colleagues here in the Congress to support this resolution and to further, in whatever way I can, the cause of freedom for the people of the Baltic States.●

● Mr. DONNELLY. Mr. Speaker, I am extremely pleased that the House is considering Senate Concurrent Resolution 80 today. I commend Chairman FASCELL and Subcommittee Chairman YATRON for bringing this deserving resolution to the full House so expeditiously.

The gentleman from Pennsylvania, Mr. RITTER, and I introduced identical legislation, House Concurrent Resolution 192, in October of last year urging the President to take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations.

This resolution once again confirms longstanding policy of the United States in regard to the Baltic States. Our Nation has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the independent Republics of Estonia, Latvia, and Lithuania. The resolution calls for the withdrawal of Soviet troops from the Baltic States, and an affirmation of the independence, sovereignty, and territorial integrity of these nations.

It will interest my colleagues to know that the European Parliament adopted a similar resolution calling for self-determination of the Baltic States on January 13, 1983.

Passage of this resolution today by the House presents the Soviets with another reminder that this Congress and this Nation will continue to keep the legitimate right of the Baltic States to self-determination an active issue before the international community. I urge my colleagues to support this most timely legislation.●

● Mrs. KENNELLY. Mr. Speaker, I rise in support of Senate Concurrent Resolution 80, which calls upon the U.S. Government to promote and encourage respect for human rights and fundamental freedoms in the Baltic States by bringing the question of self-determination before the U.S. Human Rights Commission.

The people of Estonia, Latvia, and Lithuania have engaged for many years in a constant struggle to retain their national identities, despite harsh Soviet repression. It is appropriate that the United States, with its reverence for freedom and self-determination, should make every effort to bring these concerns before the appropriate United Nations forums.

The people of the Baltic States have spent over 40 years under the control of the Soviet Union. Their distinct linguistic, ethnic, and religious identities have been challenged. Their citizens have been subject to prosecution for speaking out for political and religious freedom. And yet, these courageous people have persisted in resisting all Soviet efforts to suppress their national identities.

The United States has never formally recognized the Soviet occupation of the Baltic States, since their annexation during World War II. Baltic Americans have repeatedly drawn our attention to their compatriots under Soviet rule and have not allowed us to ignore the plight of these nations. The ongoing stories of political repression, occurring in these republics, make this a timely opportunity to renew our commitment to the people of Estonia, Latvia, and Lithuania.●

Mr. MICA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 80.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RAILROAD ACCOUNTING PRINCIPLES BOARD AUTHORIZATION

Mr. FLORIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4439) extending the authorization for the Railroad Accounting Principles Board, and for other purposes.

The Clerk read as follows:

H.R. 4439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11161 of title 49, United States Code, is amended—

(1) in subsection (c)(2), by inserting ", except that no such individual may be paid at a rate which exceeds the rate prescribed for level V of the Executive Schedule" before the period; and

(2) in subsection (f), by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under this section".

(b) Section 11162(a) of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

(c) Section 11167 of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

(d) Section 11168 of title 49, United States Code, is amended—

(1) by striking out "1981" and inserting in lieu thereof "1984";

(2) by striking out "1982" and inserting in lieu thereof "1985"; and

(3) by striking out "1983" and inserting in lieu thereof "1986".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey (Mr. FLORIO) will be recognized for 20 minutes and the gentleman from New York (Mr. LENT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important bill, which I urge the House to support. This bill extends the authorization of the Railroad Accounting Principles Board for 3 years, at $1 million a year.

The Railroad Accounting Principles Board was originally established in the Staggers Rail Act of 1980 and was designed to develop principles to help determine economically accurate railroad costs. Unfortunately, the Board was never funded, and its authorization expired September 30.

Mr. Speaker, my subcommittee has recently had three oversight hearings on the Staggers Rail Act. Shippers have a variety of concerns about how the act has been implemented, but there was one common theme throughout: Concern about how railroad costs are determined. Many shipper groups that testified urged the reauthorization of the Board. The Chairman of the Interstate Commerce Commission indicated his support for reauthorization at our July hearing.

In recognition of this concern, the Energy and Commerce Committee included a reauthorization for the Board in H.R. 3648, the Amtrak Improvement Act of 1983. To expedite the reauthorization of the Board, I introduced a clean bill on November 17 that would just reauthorize the Board. This clean bill has been cosponsored by the distinguished gentleman from New York (Mr. LENT), West Virginia (Mr. RAHALL), Illinois (Mr. MADIGAN), Kentucky (Mr. ROGERS), and New Mexico (Mr. RICHARDSON).

The bill that I introduced is identical to the provision in H.R. 3648, with one minor exception. The clean bill includes a limitation on the salary of the staff of the Board, at executive level V. Existing law has no such cap, so that this provision ensures a fiscally responsible Board.

Mr. Speaker, there is some urgency to this bill. The supplemental appropriations bill for fiscal year 1984, H.R. 3959, Public Law 98-181, which the House passed in November, includes $50,000 for startup expenses of the Board, but contingent upon the enactment of an authorization. Thus, passage of this legislation is essential if the work of the Board is to begin.

I urge support of this bill.

Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4439.

This bill quite simply extends the authorization of the Railroad Accounting Principles Board for 3 years. This Board was originally authorized under section 302 of the Staggers Rail Act of 1980 but was never actually established due to a lack of appropriations.

Under the terms of section 302 of the Staggers Act, the Railroad Accounting Principles Board was to exist for 3 years. It was designed as an independent entity to be composed of six members who are experts in the field of accounting, rate regulation, economics, the rail industry and shipping, and chaired by the Comptroller General.

The Staggers Act gives the Board an agenda of developing principles to govern the determination of railroad costs in transporting goods. These accounting principles will be used by the Interstate Commerce Commission in certain regulatory proceedings. For example, principles which help determine the cost of rail movements are needed in Commission proceedings concerned with the "reasonableness" of a particular rail rate. Whether a particular rate is excessive depends on several technical determinations regarding not only the cost of the movement, but also the "revenue adequacy" or profitability of the rail carrier.

In developing these cost accounting principles, the Board must take into account a series of considerations specified in section 302 of the Staggers Act, which include due consideration of the railroads' need for confidentiality of its costs and avoidance of overly burdensome information reporting.

Once these principles are developed, the Commission must promulgate rules implementing and enforcing them. Section 302 of the Staggers Act requires each rail carrier to get its cost accounting system certified by the ICC to insure it is consistent with the Commission's rules.

Accordingly, the Board will act as an objective body to develop accurate cost accounting principles which will apply to the entire railroad industry in an effort to insure consistency in railroad accounting practices.

Accurate and objective cost data is essential to the successful implementation of the Staggers Rail Act and deregulation of the rail industry in general.

The creation of the Board is strongly supported by the National Coal Association, the Fertilizer Institute, and other members of the shipping community who use rail to transport their goods.

I urge my colleagues to support H.R. 4439.

Thank you, Mr. Speaker.

Mr. FLORIO. Mr. Speaker, I have no further requests for time.

Mr. LENT. Mr. Speaker, I yield 8 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I rise today in strong support for H.R. 4439. I would like to commend the distinguished chairman of the Subcommittee on Commerce, Transportation and Tourism, Mr. FLORIO, for his sponsorship of this legislation, and the chairman and ranking minority member of the committee for expediting the debate on this bill.

Mr. Speaker, the bill before us today offers a fair and badly needed response to the aura of controversy surrounding recent Interstate Commerce Commission decisions.

It reauthorizes the Railroad Accounting Principles Board—an independent board which was originally authorized in the Staggers Act. Its purpose is to develop sound accounting principles to be used by the ICC in evaluating the railroads' financial condition.

This Board was an essential part of the delicate balance in the Staggers Act. The act gave the railroads much

greater flexibility in setting their rates if they met certain financial requirements. It gave the ICC the job of determining whether or not they met these requirements. But it gave the Accounting Board the job of overseeing the all important accounting methods to be used in making these decisions.

Unfortunately, until this year funds were never appropriated for the Board. This year, it received its appropriation, subject to this authorization measure being passed.

And let me assure you, never has this legislation been more badly needed than it is today.

In case after case, the ICC has cavalierly ignored congressional mandates to maintain adequate protection for captive shippers. In case after case, the ICC has implemented procedures and accounting methods which, at least on paper, make the railroads' revenue adequacy appear poorer, make their expenses appear higher, and make their variable costs appear higher still. All this to give the railroads greatly increased margins of rate flexibility, immune from ICC control.

In the Staggers Act, the railroads wanted a whole loaf—we gave them three-fourths of the loaf of deregulation. But the ICC did not stop there. They gave them the rest of the loaf, then the bakery, then the supermarkets, delivery trucks, farms, and anything else they could find to throw in on the bargain.

I would like to present just a few examples of these ICC decisions.

Perhaps the most important decision was the definition of revenue adequacy. A finding of revenue adequacy or inadequacy is the key determinant of how much oversight the ICC maintains in rate-setting.

Back when the Staggers Act was passed, the ICC was using an accounting method that required the examination of a broad range of variables in making this determination.

But since then, the ICC has substantially redefined this term. Now they look at only one measure of the railroads' financial condition—their return on investment. And this changed method has had an extremely dramatic effect.

Under this new method, the ICC has found every single class one railroad in the entire country to be revenue inadequate. And this is despite the fact that many of our railroads are showing hefty profits.

And it goes on and on. There is the question of stipulating which expenses and revenues should be considered in the return on investment (ROI) calculation. I was outraged to learn that if a railroad owns a fuel oil company which supplies all its diesel fuel, the cost of the fuel is listed as an expense in the ROI calculation. But on the other side of the ledger, not a penny of the revenues of the fuel oil company are considered. Such calculations reduce the ROI figure—which in turn is used to justify approval of higher rail rates.

Accounting for many Members of this body is a complex field—with lists of numbers defying comprehension. But buried deep in those neat rows of figures are sleight-of-hand stunts which have cost the American public billions of dollars—because Mr. Speaker, someone has to pay those railroad bills. In 1981, our utilities paid $5 billion to move their coal on the railroads. As a result of ICC actions, they expect these costs to double in 5 years, triple in 8 years, and to quadruple in 10 years.

And of course, it is our residential and industrial consumers who will pay for this policy.

And the results get worse and worse. These ICC decisions are having a devastating effect on America's coal exports—forcing America into the unpleasant role of "supplier of last resort." Japan has already reduced their purchases of American coal by about 12 million tons. European coal buyers meeting last December announced plans to cut back purchases of American coal by 5 to 10 million tons. They have given us one message and they have made it loud and clear.

Our transportation costs are so high and are so uncertain that to them it is not worth it to do business with American coal companies—even if they prefer doing business with us than with unstable South Africa, Poland, and Australia. And with about 70,000 coal miners unemployed, this is serious news indeed.

And, of course, this would have devastating effects on our balance of payments as well. With our own Department of Energy estimating that rail rates would increase by 90 percent by 1995, we can expect to lose another 36.6 million tons of coal sales per year by that time.

So the bottom line of those neat tallies in the ledger books is continued record profits for the railroads—at the expense of lost coal jobs, higher utility bills and worsening balance of payments for the rest of America.

The Railroad Principles Accounting Board is not a panacea. It does not rewrite the Staggers Act. It does not reimpose one iota of Federal regulation. It does not subtract one bit of the railroads' freedom to run financially viable operations.

What it does do is enforce the Staggers Act—so that if the ICC grants flexibility to a railroad designated as "revenue inadequate," we will know for a fact that it is indeed revenue inadequate. This is a needed step. This is a prudent step. This is a step that is good for American consumers and American business. I thank the committee for their support of this legislation and urge its immediate passage.

□ 1400

Mr. FLORIO. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, one of the major concerns in the Staggers Rail Act of 1980 was the development of sound and reasonable railroad accounting principles necessary to determine the accuracy of railroad costs.

It was because of the Interstate Commerce Commission's inept attempts to develop such a system, and the fact that accurate cost determinations became even more vital as a result of changes in rail regulation made by the 1980 act, that Congress sought to transfer this responsibility to a Railroad Accounting Principles Board under the auspices of the Comptroller General and composed of experts in the field of rate regulation, accounting, economics, railroads, and shipping.

Independent of the ICC, it was felt that the Board would develop a fair set of accounting principles which would govern the determination of all railroad costs for specific regulatory proceedings.

Unfortunately, an appropriation was never made for the Board and its authorization expired at the end of fiscal year 1983. However, the necessity of making available to shippers accurate and reliable data with respect to the railroads' costs for performing specific movements have never been more important than it is today.

As such, I find H.R. 4439, a bill which would extend the authorization of the Railroad Accounting Principles Board through fiscal year 1986, to be a very important piece of legislation. I strongly support this bill and urge my colleagues to do likewise.

At this point, I would like to commend the chairman of the Subcommittee on Commerce, Transportation and Tourism, JAMES FLORIO, and the ranking minority member of the subcommittee, NORMAN LENT, for recognizing the need for this Board. Under the leadership of Chairman JOHN DINGELL, who has long been sensitive to the effects the Staggers Rail Act is having on shippers and carriers alike, today we are sending out a strong signal that the Congress intends for the 1980 act to be implemented in a responsible manner.

I would also be remiss if I did not mention the interest shown in the creation of this Board by the chairman of the Subcommittee on Legislative, VIC FAZIO, who was instrumental in providing an appropriation for the Board in the fiscal year 1984 supplemental. Furthermore, also to be commended are the 47 Members who are cosponsors to H.R. 2584, legislation which I

have introduced which among other items, makes provision to reauthorize the Railroad Accounting Principles Board.

Mr. Speaker, the conferees on the Staggers Rail Act recognized the wisdom of the Board when they stated in the report:

> The Conferees expect that while the Board develops its principles, the Commission will continue its efforts to complete the uniform revenue and cost systems which it commenced after that passage of the 4R Act so that the Board, as part of its task, will be able to evaluate that system as it is developing its principles.

The key phrase in this statement, in my mind, is "as it is developing its principles" because the ICC is in the process of finalizing a monstrosity called the uniform rail costing system (URCS). The ICC has been bumbling over URCS for the past 3 years knowledgeable of the fact that there would be little independent oversight of the basic flaws of this new system since the Board was not in place. It should be noted that this new costing system still cannot distinguish between major heavy-hauling lines of a carrier and branch lines, or light-density lines, as far as cost of service. Both formulas are tied to using only the system-average cost of maintenance and investment, for example, for an individual carrier.

Now that the Board is well on its way to becoming a reality, it is my hope the ICC will delay its formal adoption of URCS so that the Board may evaluate it in its development stage as Congress originally intended. A deferral of the ICC's implementation of URCS will in no way create any problems in making rail cost determinations.

In this discussion, we must not lose sight of the fact that the Staggers Rail Act requires that rates for captive traffic be maintained at a reasonable level. In order to define that term, it is necessary to develop an understanding of maximum reasonable rate levels and the work of the Railroad Accounting Principles Board will be extremely important in that respect. To date, the reasonableness issue—which is the very cornerstone of railroad regulation—has escaped the ICC even though in its goal rate guidelines the Commission has indicated that the use of stand-alone costs is the method of arriving at the maximum level of rate reasonableness.

However, according to a statement of an ICC administrative law judge made in his decision in a Consumers Power Co. complaint case recently:

> The use of stand-alone costs as a constraint on the pricing of the transportation of captive traffic as in this proceeding results in an impossible burden being placed upon the complainant. The inherent difficulty and absurdity of such a requirement can be seen from the stand-alone findings shown in the appendix herein. As shown there, the Commission's present cost standards appear to give the defendant railroads the right to charge exorbitant rates on captive traffic, as long as such carriers are not revenue adequate, and are not shown to be inefficient. Using the present method of arriving at a finding as to which carriers are revenue adequate it will be difficult if not impossible for any carrier to be considered revenue adequate. It therefore does not appear presently feasible for a finding to be made that a complained of rate is unreasonably high.

This same administrative law judge further stated that the ICC, since enactment of the Staggers Rail Act, has not found a rate to be unreasonable.

Incredible as it may seem, rates as high as 235 percent of variable costs have been found to be reasonable by the Commission. It is as such not surprising that this administrative law judge stated that there is no hope for complainant shippers. And, he advised shippers that "Congress appears the sole chance for captive shippers to gain a hearing and possible relief from the claimed inadequacies of the Staggers Act."

This situation lends further credence to the need for the Railroad Accounting Principles Board which should make possible the construction of reasonable standards to be applied in the development of maximum reasonable rates.

Mr. LENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Speaker, to conclude debate, I yield 3 minutes to the gentleman from North Dakota (Mr. DORGAN).

□ 1410

Mr. DORGAN. I thank the Chairman.

I rise in support of H.R. 4439. It is a first step on promoting railroad accountability. I would like to associate myself with the remarks of Mr. ROGERS, who took the well moments ago to speak about this subject.

I have asked for time to go beyond this bill and suggested to this House, as I did in the 1-minute statement earlier today, that we have some extraordinarily serious problems out in the middle of this country with railroad service. We have to take some prompt action here in Congress to start addressing some of those concerns.

I pointed out this morning that we gave 23 percent of the State of North Dakota to the railroads when the railroads began operating. Think of that, 23 percent of my home State was given to railroads as land grants.

That allowed those railroads to build main lines and branch lines to serve our part of the country. We live a good long ways from either coast or from major waterways. So we rely on the railroads to ship our grain, to ship our agricultural commodities to ports. The difficulty is the railroads have decided in recent years to form holding companies, strip those land grant assets away from the railroads, and then plead poverty for the railroads.

I think that tramples on the public interest requirement that railroads continue to serve lines that operate out in the Midwestern part of this country.

There are a number of solutions to this problem, but it is going to take a lot of courage and a lot of work on the part of the U.S. Congress to put railroads back on track. I do not think it serves public purpose in this country to have the railroads play a shell game with us and strip away the oil and the timber and the coal rights that were given those railroads for the purpose of building and operating a railroad and then to plead poverty later on while they run their oil companies and run their timber companies and run their mineral companies. We must not allow the railroads to conclude that they cannot afford to provide branch line services to parts of North Dakota, Kansas, Iowa and so on. That is not in the public interest.

In fact, we ought to start fighting them. There are plenty of pieces of legislation in this House to start doing that. This is a first step. It is necessary, but there is plenty left to do.

I hope that the subcommittees and committees in the Congress will heed the words of Harry Truman in the 1930's, when over on the other side, he said, "There is train robbery going on. Jesse James is doing it for $3,000. It was on the front page of the Independence, Missouri Press. But now it is being done by lawyers and accountants in the form of holding companies." It is still train robbery, we can stop that today even in this year of 1984 and I hope my colleagues in this House will take heed.

● Mr. BROYHILL. Mr. Speaker, I rise in support of H.R. 4439. This bill simply reauthorizes the Railroad Accounting Principles Board.

The Staggers Rail Act, passed by the Congress in 1980, created this Board to develop "principles governing the determination of economically accurate railroad costs directly and indirectly associated with particular movement of goods" by rail.

These accounting principles will govern the determination of railroad costs for regulatory proceedings at the Interstate Commerce Commission. With reliable cost information provided by the Board, the Commission will be able to successfully implement the Staggers Act in a fair and efficient manner. The costs associated with a rail movement in comparison to the revenue generated by the movement, for example, are key factors in determining whether a rail rate is excessive or reasonable.

The Board has never been established as provided under section 302 of the Staggers Rail Act and its authorization has expired. This bill reauthorizes the Board for 3 years and provides funding at a level of $1 million each year. The bill also places a pay cap on the salaries of personnel hired by the Board.

The Board, once appointed, will be an independent entity and responsible to the Congress. The Comptroller General, who will chair the Board, will appoint its members who are to be representatives of the shipping community, the economics profession, the accounting profession, and the rail industry. With this expertise, the Board will be able to objectively develop accurate cost accounting principles.

Testimony received in committee oversight hearings on the implementation of the Staggers Act indicates a continuing need for this Board. Statements from representatives of the utility and shipping industries support its creation. The Chairman of the Interstate Commerce Commission believes the Board, once established, could play a meaningful oversight role to the Commission's present cost accounting system. Neither the administration nor the rail industry has expressed any opposition to the creation of this Board.

Mr. Speaker, the Railroad Accounting Principles Board has an important place in the successful deregulation of the rail industry. The Board was an integral part of the Staggers Act.

I urge my colleagues to support this bill.

Thank you.●

Mr. FLORIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FLORIO) that the House suspend the rules and pass the bill, H.R. 4439.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO CORRECT SECTION NUMBERS, PUNCTUATION AND CROSS-REFERENCES AS NECESSARY IN ENGROSSMENT OF H.R. 4439

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4439, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WATER RESOURCES RESEARCH ACT OF 1983

Mr. McNULTY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 684) to authorize an ongoing program of water resources research, with a Senate amendment to the House amendments, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

TITLE I

SEC. 101. This Act may be cited as the "Water Resources Research Act of 1983".

SEC. 102. The Congress finds and declares that—

(1) the existence of an adequate supply of water of good quality for the production of materials and energy for the Nation's needs and for the efficient use of the Nation's energy and water resources is essential to national economic stability and growth, and to the well-being of the people;

(2) the management of water resources is closely related to maintaining environmental quality and social well-being;

(3) there is an increasing threat of impairment to the quantity and quality of surface and groundwater resources;

(4) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at the Federal, State, and local governmental levels;

(5) there should be a continuing national investment in water and related research and technology commensurate with growing national needs;

(6) it is necessary to provide for the research and development of technology for the conversion of saline and other impaired waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial uses; and

(7) the Nation must provide programs to strengthen research and associated graduate education because the pool of scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished.

SEC. 103. It is the purpose of this Act to assist the Nation and the States in augmenting their water resources science and technology as a way to—

(1) assure supplies of water sufficient in quantity and quality to meet the Nation's expanding needs for the production of food, materials, and energy;

(2) discover practical solutions to the Nation's water and water resources related problems, particularly those problems related to impaired water quality;

(3) assure the protection and enhancement of environmental and social values in connection with water resources management and utilization;

(4) promote the interest of State and local governments as well as private industry in research and the development of technology that will reclaim waste water and to convert saline and other impaired waters to waters suitable for municipal, industrial, agricultural, recreational, and other beneficial uses;

(5) coordinate more effectively the Nation's water resources research program; and

(6) promote the development of a cadre of trained research scientists, engineers, and technicians for future water resources problems.

SEC. 104. (a) Subject to the approval of the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") under this section, one water resources research and technology institute, center, or equivalent agency (hereafter in this Act referred to as the "institute") may be established in each State (as used in this Act, the term "State" includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands and the Trust Territory of the Pacific Islands) at a college or university which was established in accordance with the Act approved July 2, 1862 (12 Stat. 503; 7 U.S.C. 301ff), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts" or at some other institution designated by act of the legislature of the State concerned. If there is more than one such college or university in a State established in accordance with such Act of July 2, 1862, the institute in such State shall, in the absence of a designation to the contrary by act of the legislature of the State, be established at the one such college or university designated by the Governor of the State. Two or more States may cooperate in the establishment of a single institute or regional institute, in which event the sums otherwise allocated to institutes in each of the cooperating States shall be paid to such single or regional institute.

(b) Each institute shall—

(1) plan, conduct, or otherwise arrange for competent research with respect to water resources, including investigations and experiments of either a basic or practical nature, or both; promote the dissemination and application of the results of these efforts; and provide for the training of scientists and engineers through such research, investigations, and experiments, and

(2) cooperate closely with other colleges and universities in the State that have demonstrated capabilities for research, information dissemination, and graduate training in order to develop a statewide program designed to resolve State and regional water and related land problems.

Each institute shall also cooperate closely with other institutes and other organizations in the region to increase the effectiveness of the institutes and for the purpose of regional coordination.

(c) From the sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than one non-Federal dollar for every Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1987, and September 30, 1988, and two non-Federal dollars for each Federal dollar during the fiscal year ending September 30, 1989.

(d) Prior to and as a condition of the receipt each fiscal year of funds appropriated under subsection (f) of this section, each institute shall submit to the Secretary for his approval a water research program that includes assurances, satisfactory to the Secretary, that such program was developed in close consultation and collaboration with the director of that State's department of water resources or similar agency, other leading water resources officials within the State, and interested members of the public. The program described in the preceding sentence shall include plans to promote research, training, information dissemination, and other activities meeting the needs of the State and Nation, and shall encourage regional cooperation among institutes in research into areas of water management, development, and conservation that have a regional or national character.

(e)(1) The Secretary shall establish procedures for a careful and detailed evaluation of each institute to determine that the quality and relevance of its water resources research and its effectiveness as an institution for planning, conducting and arranging for research warrants its continued support under this section in the national interest. The evaluation of each institute shall be made by a team of knowledgeable individuals including employees of the Department of the Interior, university faculty or administrators, water research institute directors from other institutes, State or local water resource agency personnel, and private citizens selected for this purpose. The Secretary may also secure the cooperation of the National Research Council/National Academy of Science. The evaluation team shall visit the institute and shall assess the scientific quality of its research program, the potential effectiveness of its research in meeting water resource needs, and the demonstrated performance in making research results available to users in the State and elsewhere. Criteria for making the determination that an institute is an effective instrument for water resources research shall include the following: accreditation in sufficient disciplines to successfully mount a multidisciplinary research program; sufficient resources, including laboratory, library, computer, and support facilities; a sufficiently close administrative relation and physical proximity to the university and to all the parts of it needed to provide an effective working relationship with researchers in a wide range of disciplines; and institutional commitment to the support and continuation of an effective water research program.

(2) The Secretary shall arrange for each of the institutes supported under this section to be evaluated under this subsection within two years after its establishment and to be reevaluated at intervals not to exceed four years. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualification is reestablished to the satisfaction of the Secretary.

(f)(1) For the purpose of carrying out this section, there is authorized to be appropriated to the Secretary the sum of $10,000,000 for each of the fiscal years ending September 30, 1985, through September 30, 1989, such sums to remain available until expended.

(2) Any sums appropriated under this subsection but which fail to be obligated by the close of the fiscal year for which they were appropriated shall be transferred by the Secretary and available for obligation during the succeeding fiscal year under the terms of section 106 of this Act.

SEC. 105. (a)(1) In addition to the grants authorized by section 104 of this Act, the Secretary is authorized to make grants, on a dollar-for-dollar matching basis, to the institutes established under such section, as well as other qualified educational institutions, private foundations, private firms, individuals, and agencies of local or State government for research concerning any aspect of a water resource-related problem which the Secretary may deem to be in the national interest. Such grants shall be made with such advice and review by peer or other expert groups of appropriate interdisciplinary composition as the Secretary deems appropriate on the basis of the merits of the project and the need for the knowledge such project is expected to produce upon completion.

(2) Research funded under this section should to the extent possible utilize the best qualified graduate students so the Nation profits from the education and training benefits resulting from the use of the latest in technological developments in solving water problems.

(3) In cases where the Secretary determines, in accordance with criteria established by him, that research under this section is of a basic nature which would not otherwise be undertaken, the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1) of this subsection.

(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the importance of the project to the Nation as well as to the region and State concerned, its relation to other research projects previously or currently being pursued, and the extent to which it will provide an opportunity for the training of water resources scientists.

(c) There is authorized to be appropriated to the Secretary the sum of $20,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1985, through September 30, 1989, such sums to remain available until expended.

SEC. 106. (a)(1) The Secretary shall make grants or contracts in addition to those authorized under sections 104 and 105 to educational institutions, private firms, private foundations, individuals, and agencies of local or State governments for technology development concerning any aspect of water-related technology which the Secretary may deem to be of State, regional, and national importance, including technology associated with improvement of waters of impaired quality and the operation of test facilities. Such grants or contracts shall be made on the basis of the merit and feasibility of the project based on expert evaluation as deemed appropriate by the Secretary, taking care to protect proprietary information of private firms or individuals associated with the technology.

(2) The Secretary may establish any condition for the matching of funds by the recipient of any grant or contract under this section which the Secretary considers to be in the best interest of the Nation considering the technology needs for water resources in the Nation.

(b) Each application for a grant or contract under this section shall state the nature of the project to be undertaken, the qualifications of the personnel who will direct and conduct it, the facilities of the organization performing the technology development, the importance of the project to the Nation, region, and State concerned, and the potential benefit to be accrued from the development.

(c)(1) There is authorized to be appropriated to the Secretary the sum of $6,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1985, through September 30, 1989, such sums to remain available until expended.

(2) In addition to sums available under the terms of paragraph (1) of this subsection, the Secretary is also authorized to obligate funds under this section if such funds are transferred under the terms of section 104(f)(2) of this Act.

SEC. 107. From the sums appropriated pursuant to this Act, not more than 15 per centum shall be utilized for administrative costs.

SEC. 108. The type of research and development to be undertaken under the authority of sections 105 and 106 of this Act and to be encouraged by the institutes established under section 104 of this Act shall include the following:

(1) Aspects of the hydrologic cycle;

(2) Supply and demand for water;

(3) Demineralization of saline and other impaired waters;

(4) Conservation and best use of available supplies of water and methods of increasing such supplies;

(5) Water reuse;

(6) Depletion and degradation of groundwater supplies;

(7) Improvements in the productivity of water when used for agricultural, municipal, and commercial purposes;

(8) The economic, legal, engineering, social, recreational, biological, geographic, ecological, and other aspects of water problems;

(9) Scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research on water resources problems; and

(10) Providing means for improved communication of research results, having due regard for the varying conditions and needs for the respective States and regions.

SEC. 109. Notwithstanding any other provision of law, the Secretary shall be governed by the provisions of sections 9 (except subsections (l) and (n)) and 10 of the Federal Nonnuclear Energy, Research, and Development Act of 1974 (Public Law 93-577; 88 Stat. 1887, 1891; 42 U.S.C. 5908-5909) with respect to patent policy and to the definition of title to and licensing of inventions made or conceived in the course of work performed, or under any contract or grant made, pursuant to this Act. Subject to such patent policy, all research or development contracted for, sponsored, cosponsored, or

authorized under authority of this Act shall be provided in such manner that all information, data, and know-how, regardless of their nature or mediums, resulting from such research and development shall (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be usefully available for practice by the general public.

SEC. 110. (a) Public Law 95-467 is repealed.

(b) Rules and regulations issued prior to the date of enactment of this Act under the authority of Public Law 95-467 shall remain in full force and effect under this Act until superseded by new rules and regulations promulgated under this Act.

SEC. 111. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

TITLE II

SEC. 201. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall convey, not later than January 24, 1984, and without consideration, all right, title, and interest of the United States in the real property description in subsection (b) of this section to the Town of Wrightsville Beach, North Carolina.

(2) The conveyance of real property described in subsection (b)(1) of this section, which constitutes the Wrightsville Beach Test Facility, to such town shall be made by the Secretary on the condition that, during the period beginning on the date of such conveyance and ending on January 24, 1988, such Facility is—

(A) maintained in a working order which is comparable to the condition of such Facility on the date of such conveyance, and

(B) operated and maintained primarily for desalinization of other related research.

(b) The real property referred to in subsection (a) is real property located in the town of Wrightsville Beach, North Carolina, as follows:

(1) Real property which constitutes the Wrightsville Beach Test Facility and may be described as beginning at a point in the old northern line of United States Highway 76, said point located north 51 degrees 05 minutes west 530.00 feet as measured with said line from the southeast corner of tract numbered 1 as shown by "Map Showing Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry; running thence from said beginning north 38 degrees 55 minutes east 660.00 feet to a point; thence north 51 degrees 05 minutes west 129.80 feet to a point; thence north 38 degrees 56 minutes 30 seconds east 157.89 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 101.40 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of United States Highway 74; thence with said southern line south 77 degrees 53 minutes west 563.57 feet to a point; thence south 38 degrees 55 minutes west 554.52 feet to a point in the old northern line of United States Highway 76; thence with said old northern line south 51 degrees 05 minutes east 538.47 feet to the point of beginning, containing 9.57 acres.

(2)(A) Real Property which is adjacent to such Facility and may be described as beginning at a point in the old northern right of way line of United States Highway 76 (Wrightsville Causeway) at the southeastern corner of tract numbered 1 as shown by "Map Showing Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry; said southeast corner north 51 degrees 05 minutes west 862.6 feet as measured with said northern line from its intersection with the extension of the western line of Island Drive, Shore Acres; running thence from said beginning south 38 degrees 55 minutes west 150.00 feet to a point in the new northern right of way line of United States Highway 76; thence with said line north 51 degrees 05 minutes west 530.00 feet to a point; thence north 38 degrees 55 minutes east 150.00 feet to a point in said old northern right of way line; thence continuing north 38 degrees 55 minutes east 660.00 feet to a point; thence continuing north 38 degrees 55 minutes east 140.11 feet to a point; thence north 12 degrees 27 minutes 30 seconds west 108.44 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 34.31 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of United States Highway 74; thence north 77 degrees 53 minutes east 240.00 feet to the northernmost corner of said tract numbered 1, map book 7, page 40; thence with the eastern lines of said tract numbered 1 south 12 degrees 07 minutes east 723.8 feet to its easternmost corner; thence continuing with said eastern line south 38 degrees 55 minutes west 723.8 feet to the point of beginning, containing 14.079 acres.

(B) Beginning at a point in the old northern right of way of United States Highway 76 (Causeway Drive) and the southern line of tract numbered 1 as shown by map, "Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry, said point located north 51 degrees 05 minutes west 1068.47 feet as with said line from the southeastern corner of said tract numbered 1; running thence from said beginning with said line north 51 degrees 05 minutes west 322.62 feet to a point in the new right of way of United States Highway 76; thence with said new right of way north 19 degrees 27 minutes 15 seconds west 32.01 feet to an iron rod; thence continuing with said new right of way north 33 degrees 42 minutes 15 seconds east 94.98 feet to an iron rod in the southern right of way of United States Highway 74; thence with said southern line north 77 degrees 53 minutes east 570.17 feet to an iron pipe; thence south 38 degrees 55 minutes west 554.55 feet to the point of beginning, containing 2.72 acres and being the western portion of said tract numbered 1 recorded in map book 7, page 40.

SEC. 202. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall convey, not later than December 31, 1983, and without consideration, all right, title, and interest of the United States in the real property described in subsection (b) of this section, which constitutes the Roswell Test Facility, to the city of Roswell, New Mexico.

(2) Such conveyance shall be made on the condition that, during the period beginning on the date of such conveyance and ending on December 31, 1987, such facility is—

(A) maintained in a working order which is comparable to the condition of such facility on the date of such conveyance, and

(B) operated and maintained primarily for desalinization or other related research.

(b) The real property referred to in subsection (a) of this section shall consist of so much of the real property located in the county of Chaves, New Mexico, as constitutes the Roswell Test Facility. Such real property shall consist of—

(1) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated April 13, 1961, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 205, page 406, and more fully describing such lands as being—

A tract of land lying and being situated in the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as; beginning at a point on the west line of said section 32 which bears north 3 degrees 58 minutes east at 137 feet distant from the southwest corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 455 feet; thence north 78 degrees 03 minutes east, a distance of 531.9 feet; thence south 25 degrees 00 minutes east, a distance of 450.1 feet; thence southwesterly along a curve to the right, the arc which bears south 77 degrees 43 minutes west, a distance of 760.4 feet to the point of beginning, containing 6.94304 acres, and

(2) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated June 18, 1968, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 250, page 390, and more fully describing such lands as being—

A tract of land lying and being situated in the west half of the west half of the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as follows: Beginning at a point on the west line of said section 32 which bears north 3 degrees 57 minutes east 592 feet distant from the southeast corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 911.5 feet; thence south 39 degrees 33 minutes east, a distance of 179.00 feet; thence south 27 degrees 35 minutes east, a distance of 1,193.00 feet; thence southwesterly along the north highway right-of-way line on a curve to the right of 5,655 feet radius through an included angle of 0 degrees 13 minutes, a distance of 21.31 feet; thence north 25 degrees 00 minutes west, a distance of 444.26 feet; thence south 78 degrees 03 minutes west, a distance of 531.9 feet to the point of beginning containing 5,795 acres, more or less. Note: The east boundary of this tract of land lies 50 feet west of the center line of the Hagerman canal, together with water rights appurtenant thereto.

SEC. 203. Each conveyance issued by the Secretary pursuant to the provisions of this title shall contain a clause providing that the title to the lands and facilities conveyed shall revert to the United States should such lands or facilities be used for other than a public purpose following the date of conveyance.

Mr. McNULTY (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the Senate amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. BROWN of Colorado. Reserving the right to object, Mr. Speaker, this matter has been cleared with the leadership on this side of the aisle, but I

would ask that the gentleman from Arizona briefly describe the bill, if he would.

Mr. McNULTY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Arizona.

Mr. McNULTY. I thank the gentleman for yielding.

I thank my good friend from Colorado.

Mr. Speaker, this bill deals with the establishment and the authorization of water institutes and land-grant institutions. As passed from here on the suspension calendar, it contained the provision for expenditures or authorization of expenditures totaling $60 million a year. At the time the matter came before the body, an agreement had been reached in principle by all interested parties and I advised this body that it was my intention to seek a reduction in the total authorization to $36 million from the $60 million.

So the Senate, based on those representations, in its own good judgment, did in fact reduce the total to the $36 million. In addition, it made the public purpose reversion clause indefinite with respect to the other feature of the bill which conveyed Federal desalting facilities to Wrightsville Beach, N.C., and the city of Roswell in New Mexico.

Mr. BROWN of Colorado. I thank my friend for his explanation, and I join him in urging adoption of the amendments.

Mr. McNULTY. If the gentleman will yield further, I appreciate that from one of the important cosponsors of this bill.

Mr. BROWN of Colorado. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona (Mr. McNULTY) to dispense with the reading?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING CERTAIN LANDS TO BE HELD IN TRUST FOR THE BENEFIT OF THE PAIUTE INDIAN TRIBE OF UTAH

Mr. McNULTY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2898) to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, strike out "Act are the parcels of land" and inert "section are parcels 1 through 5 of the lands".

Page 8, line 5, after "appropriated" insert "in fiscal year 1985".

Page 9, after line 2, insert:

SEC. 6. The plan for the use or distribution of funds awarded the Creek Nation in docket numbers 169 and 272 before the Indian Claims Commission and in docket numbers 277 and 309-74 before the United States Court of Claims, and the plan for the use and distribution of funds awarded the Sisseton-Wahpeton Sioux in docket numbered 363 before the United States Court of Claims, which were submitted to the Congress by the Department of the Interior for consideration under the provisions of the Judgment Fund Distribution Act of 1973 (87 Stat. 466; 25 U.S.C. 1401 et seq.) are hereby declared to be valid and effective as of the date of enactment of this Act and such plans are declared to have been validly submitted and are exempted from any further review.

Mr. McNULTY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

Mr. MARRIOTT. Mr. Speaker, reserving the right to object, I simply rise at this time in complete support of this bill and the Senate amendments which have been attached to it which are technical in nature.

In 1954, Congress terminated the legal relationship between the Utah Paiute Tribe of Utah and the Government. These Indians accepted termination largely because their Representatives in Congress promised them that their lands would not be taxed. That promise was not kept, and as a result they lost over 16,000 acres of their land.

Enactment of H.R. 2898 would fulfill the promise of a 1980 act of Congress that restored federally recognized status to the Paiute Indian Tribe.

H.R. 2898 is the product of over 10 years' effort by the tribe not only to regain their status as a tribe and the land they lost through termination, but also to obtain the means by which to make genuine progress toward economic self-sufficiency.

I am pleased to say that there is broad popular support in Utah for the tribe and for this legislation. The entire State delegation, the Governor, county commissioners, local governments, the tribe, as well as the Department of the Interior, the House, and administration support enactment of H.R. 2898.

The Senate passed this with amendments and we have accepted them. Therefore, I urge my colleagues to join me in support of H.R. 2898.

Mr. Speaker, I thank the gentleman from Arizona (Mr. McNULTY) for his efforts in making this a reality.

Mr. McNULTY. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman from Arizona.

Mr. McNULTY. I thank the gentleman for yielding.

Mr. Speaker, I thank my good friend from Utah. The bill is an opportunity for the decency which was expressed by the body and is a great compliment to the constructive purposefulness of my friend from Utah (Mr. MARRIOTT).

Mr. Speaker, H.R. 2898 provides for the transfer of certain Federal lands to the Paiute Indian Tribe of Utah. This transfer is in fulfillment of the commitment that the Congress made in the 1980 act restoring this tribe to Federal recognition.

The bill passed the House on October 23, 1983, under suspension of the rules. The Senate passed the bill on November 18, 1983, with three amendments.

The first two amendments are minor and clarifying in nature and were not opposed by the Department.

The second amendment is a nongermane amendment. It would statutorily approve two plans submitted by the administration for the distribution of funds awarded to the Creek Indian Nation and two Sioux tribes. These two plans had been submitted to the Congress for review under the Indian Judgment Distribution Act. The amendment was adopted because of the impending long holiday adjournment of Congress. The expectation was that the House would concur in the amendment prior to adjournment of the first session. However, the bill was not returned to the House before it adjourned.

Since the convening of the second session, the review time on these two plans has run and the plans are legally effective.

While enactment of this amendment into law would have no legal effect whatsoever, the decision was made to simply concur in this moot provision to avoid further delay of enactment which would result from sending the bill back to the Senate with a further amendment.

Finally, Mr. Speaker, in response to a concern expressed by the Agriculture Department about a provision of H.R. 2898 relating to certain exclusive use periods of forest lands by the tribe, I would like to state, for the purpose of legislature history, that the responsibilities of the Department under this provision could be met by implementing its current regulations under sections 261.50 and 261.51 of title 36, Code of Federal Regulations.

Mr. MARRIOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2898 and S. 684.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONSTRUCTION WORK IN PROGRESS POLICY ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 275, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 555.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 555) to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases, with Mr. DORGAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York (Mr. OTTINGER) will be recognized for 30 minutes and the gentleman from California (Mr. MOORHEAD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. OTTINGER).

□ 1420

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House begins consideration of what may well be the most important piece of consumer energy legislation to be brought before the 98th Congress, H.R. 555, the Construction Work in Progress Policy Act.

For many Members, I am sure, construction work in progress, or CWIP, will seem like an esoteric subject. But to all of their constituents, I assure the Members, it is not a remote or esoteric subject at all.

The question of whether the cost of construction of powerplants, the financing costs, should be borne by the investors during construction, the shareholders of the company, or be borne by the consumers, is one of really critical concern to the consumers of America.

Construction work in progress in rate base, as permitted by the Federal Energy Regulatory Commission, will result in an increased overall cost to the consumer, but much more importantly, those costs will be borne as they are incurred and the risk will be shifted from the shareholders, who stand to make all the profits, to the consumers, who do not stand to enjoy a participation in those profits.

Let me describe briefly what H.R. 555 would do and give the credit that is well deserved to the Representative from Iowa (Mr. HARKIN) for his authorship and interest in this subject over now a period of several years.

H.R. 555 would establish policies and procedures to govern applications by electric utilities to include the cost of construction of work in progress in rate bases regulated by the Federal Energy Regulatory Commission under the Federal Power Act.

Construction work in progress, CWIP as it is known, refers to the costs incurred by an electric utility in the construction of a new facility, usually a powerplant, while the facility is under construction and before it is placed in service to the ratepayers.

When CWIP is allowed in the rate base ratepayers start paying the carrying or finance charges on the costs incurred to build the new powerplant while it is under construction and before it has generated any electricity whatsoever.

As many of my colleagues are aware, there have been many powerplants that have been canceled by the utilities because they were unsound investments over recent years. Actually, 100 powerplants have been canceled that were to go forward in the past 10 years. Many of these were actually under construction before they were canceled. Had CWIP for these powerplants been in rate base, consumers would have been required to have borne a portion of the burden of constructing those powerplants, even though the management and the shareholders had made an unsound decision to proceed with that plant and the plant had never generated a single kilowatthour of electricity.

Therefore, the consumers, our constituents, would be stuck with costs which they should not have to incur, that ought properly to be risks of the private enterprise that stands to reap the benefits.

When CWIP is placed in the rate base, ratepayers pick up a portion of the financial risk associated with the utility's investment program in a manner not replicated in the unregulated market. It should not be surprising that CWIP in the rate base thus encourages utilities to build facilities that otherwise they might find too risky.

The ones that most concern me are long leadtime capital-intensive powerplants, the incremental need for which is questionable at least at this point in time.

I think that this effect on utility decisionmaking is precisely the opposite of what sound regulation should be trying to do now. And that is to encourage utilities to assess and invest in less risky, shorter payback, and less capital-intensive resources, such as efficiency improvements, cogeneration, and other alternatives.

There is overwhelming evidence that these resources exist in abundance everywhere in the United States. The Library of Congress has estimated that the country can save itself about $450 billion if we invest in these alternative resources rather than meet the demand by building hundreds of new powerplants.

But if CWIP is routinely let in the rate base it will encourage utilities to avoid assessing and investing in less costly resources and impel them to begin a new round of powerplant construction. And our experience there has been that those utilities that overbuild put themselves in financial jeopardy.

This is exactly the stated and wrongheaded purpose of the new FERC rule respecting CWIP which H.R. 555 would overturn, that is, the FERC rule automatically permits to be put in the rate base 50 percent of the costs of a new powerplant, regardless of the need of the utility for that consumer financing.

In March of last year, the FERC adopted a new CWIP rule, which, as I say, routinely allows utilities to place 50 percent of their costs of construction in FERC rate bases without even showing that the investment program ratepayers will help finance by CWIP is a sound one economically.

Already this rule has resulted in at least one application to include CWIP in rate base for a powerplant that its owners want to cancel. Without question, this FERC rule is intended to encourage utilities to build more of the very powerplants whose high costs and large capacities are too big for most utilities to swallow. This terrible regulatory policy convinced me and many others in Congress to pursue this and to try to rectify the unfortunate aspects of the FERC ruling.

Fortunately the gentleman from Iowa (Mr. HARKIN), who is the author of this legislation originally, had begun his research into CWIP, not in this Congress but the beginning of the last Congress, when FERC first announced it was thinking of changing its CWIP regulation.

Our subcommittee held a hearing then and held another hearing on this matter in this present Congress. We followed up our initial findings with

significant staff work and this has resulted in a revised bill which is before the committee today.

In these hearings we established that CWIP primarily increases the cash flow for a utility. In short, we learned that CWIP in the rate base can be of help to a utility that is short on cash to meet needed construction expenditures and that at some point, when cash flow gets low, the utility cannot borrow except at high interest rate, CWIP in the rate base will not only help the utility, but can be in the interest of ratepayers as well. Only, of course, when the investment being financed by CWIP in the rate base is reasonably necessary to meet demand at the lowest cost.

With these thoughts in mind, the subcommittee, with the support of the gentleman from Iowa (Mr. HARKIN), molded a fresh approach to CWIP, one that directs the FERC to permit CWIP in the rate base for utilities whose cash flow is so low that it cannot get a double A bond rating and whose cost of new long-term debt is significantly above the industry average.

And we require that a utility requesting CWIP show that it has assessed conservation, cogeneration, and other alternatives to new powerplants. To build a new powerplant is almost always the reason why a utility seeks CWIP in the rate base.

For utilities in severe financial difficulty, we direct the FERC to give CWIP in rate base immediately after showing their financial distress.

Utilities that cannot make that showing have to prove their case first in hearings.

I think this is a moderate approach to CWIP, one that takes account that CWIP in rate base is generally not a good idea because of the signals it sends to utilities and because of the burdens it places on ratepayers, which shareholders should properly bear.

However, H.R. 555 also acknowledges that at some point CWIP in the rate base can be in the interest of consumers, in situations where the cash flow of the utility is insufficient to be able to finance truly needed new capital construction.

□ 1430

There are those who believe that we conceded too much in framing this compromise. There are others who think we have gone too far. I think we take a very sensible position that is squarely in the middle and is a moderate approach, that is, to permit CWIP where a showing of true financial need is made and where it can be shown that this is a needed least-cost facility to the utility and not permitting CWIP where that kind of showing cannot be made.

The legislation is supported by a huge variety of groups, virtually all of the environmental and consumer groups in the country, various industry groups, labor groups. I will read a complete listing of them:

The American Paper Institute; the American Association of Retired Persons; the American Public Power Association; the Citizen-Labor Energy Coalition; the Consumer Energy Council of America; the Consumer Federation of America; Consumers Union; Environmental Action; Environmental Policy Institute; Friends of the Earth; the National Association of State Utility Consumer Advocates; the National Consumers League; the National Council of Senior Citizens. This, of course, is particulary important to senior citizens. Many senior citizens affected by putting construction work in progress into the rate base are very likely not to live to be able to get any benefits from the plant so financed whatsoever; the National Farmers Union; National Rural Electric Cooperative Association; the National Resources Defense Council; Sierra Club; the United Auto Workers; the United Methodist Church; Board of Church and Society; and the United Steel Workers of America.

I think this is sensible, sound legislation, and I strongly urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to urge a "no" vote on this bill. H.R. 555 would irresponsibly repeal a rule carefully crafted by the Federal Energy Regulatory Commission. The Commissioners unanimously determined that this rule was necessary to insure economic and reliable electric utility service.

The FERC rule allows a utility to file for cash recovery of carrying or financing charges only on 50 percent of a utility's construction work in progress (CWIP). None of the principal investment in new facilities may be recovered until after the new plant is placed in service. Furthermore, FERC placed a consumer protective cap of 6 percent per year on any rate increase attributable to this rule. The FERC rule affects only 10 percent of all sales of electricity by privately owned electric companies in the United States.

This FERC rule was a limited, yet important regulatory reform that was instituted only after 20 years of extensive hearings. A total of over 200 interested parties—including utilities, wholesale purchasers, and consumer groups—participated in these hearings. The utilities insisted that 100 percent of recovery of ACWIP in the rate base was essential, while others wanted no CWIP in the rate base.

FERC promulgated a compromise rule which limited inclusion of CWIP financing charges in the rate base to one-half of such charges incurred by the utility. This rule is a sound and fair compromise that enables a utility to recover at least part of the financing charges while a plant is being built.

The FERC rule was designed to promote several benefits. Sooner or later, whether under H.R. 555 or the FERC rule, ratepayers will pay all of the financing charges, as well as the principal, for utility construction projects. The FERC rule, however, insures that ratepayers will ultimately pay less by eliminating the need to capitalize all of the financing charges. Under H.R. 555, the utilities would have to borrow additional amounts of money merely to pay the interest on the funds they borrowed for construction. In contrast, the FERC rule permits the utility to place 50 percent of the financing charges into the rate base. This reduces the amount of funds the utility must borrow and subsequently finance.

The FERC rule also minimizes "rate shock." Under the FERC rule, utility customers gradually adjust to the cost of new plants as 50 percent of financing costs are placed immediately into the rate base. This practice will assist in establishing rates that more accurately reflect the cost of new generating capacity. This could encourage conservation and alert utilities more readily that additional plant investment is unnecessary.

The FERC rule also reduces the regulatory bias discouraging the construction of new generating facilities. A major study on our Nation's need for new electrical generating capacity was released by DOE last summer. This report identified the rate treatment of CWIP as one of the significant financial disincentives causing concern about the electric power industry's willingness and ability to invest in the generating capacity necessary to meet our Nation's future energy needs.

Mr. Chairman, proponents of H.R. 555 apparently feel that they are somehow going to help the ratepayer by making it more costly for a utility to build a powerplant. This is obviously not the case. If enacted, H.R. 555 would harm our Nation's ratepayers in the following ways:

First, H.R. 555 would establish a new set of procedural hurdles which would make it impossible for most utilities to include financial costs for CWIP in the rate base.

Second, H.R. 555 would result in higher utility rates over the life of a powerplant.

Third, H.R. 555 would result in "rate shock" as the imposition of the full cost of powerplants on ratepayers will be postponed until the plant commences operation.

Fourth, H.R. 555 would discourage utilities from undertaking investments

in more efficient and economical plants.

Fifth, H.R. 555 would pose a serious threat to the availability of adequate electricity service for this Nation's continued economic growth and prosperity.

Sixth, H.R. 555's disincentives to utility investment will prevent investment in alternatives to oil- and gas-fired facilities, thereby perpetuating America's dependence on foreign imports.

Seventh, H.R. 555 will undo a necessary and carefully considered regulatory reform action by the Federal Energy Regulatory Commission, and replace it with a complex, cumbersome, and palpably unworkable regulatory nightmare.

I have a letter from the Secretary of Energy strongly opposing H.R. 555, stating:

> We support the recent FERC rulemaking on construction in progress. It is a responsible and well-reasoned step which recognizes the difficulties utility companies face today in financing the electric power investments which will sustain our economy in the future. The FERC rulemaking is supportive of the national energy policy goal of asserting an adequate and diverse energy policy supply at a reasonable cost, as expressed in a recent national energy policy plan.

I also have a letter from the Chairman of the Federal Energy Commission, saying:

> The final rule in Order No. 298 represents years of experience dealing with the cost of financing utility plant as it impacts wholesale electric rates. I believe it is a judicious reform of the anomalous practice of excluding from rate base the cost of financing ongoing construction programs. Not only did the "financial distress" test for CWIP, which was abandoned by the Commission, afford the industry little assistance in a time of economic hardship and stop-gap regulatory policies, it did not enable utilties to prepare to meet the demands of the future.

Mr. Chairman, H.R. 555 would frustrate the fulfillment of FERC's regulatory responsibility. The proponents of H.R. 555 would have Congress substitute its judgment for FERC's expertise and over 2 years of comprehensive study based on 1 day of consideration by the Energy Conservation and Power Subcommittee. We cannot afford to ignore the warnings of Federal energy experts. I urge you not to inflict this law on our Nation and its ratepayers. Vote "no" on H.R. 555.

Mr. OTTINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. Chairman, I would point out that in this region we have had more catastrophic effects of overbuilding of powerplants than any other region of the country.

Mr. WEAVER. I thank the Chairman and my good friend, the gentleman from New York, whose work in this field has been exemplary and most valuable, and I compliment him for bringing this bill out.

Mr. Chairman, I want to say that in Oregon we passed a construction work in progress bill back in the late 1970's by initiative, and the people voted overwhelmingly for this initiative. And thank godness they did, because it has saved the people hundreds of millions of dollars.

Now, again, if we say, "Well, gosh, the utilities there plan plants at Pebble Springs, plants at Skagit in Washington State and also built the famous WPPSS plants in Washington State, why should not the consumer pay for this?"

□ 1440

The whole point of the construction work in progress bill is not just to save the consumer money for the mistakes of the utility. The most important thing we do is to keep the utility from having a blank check to spend money to build plants whether they are needed or not. In other words, it is actually a part of the market force.

Without construction work in progress, the utility simply passes its costs on to the consumer, as they have done in the Northwest. In the Northwest, our rates have doubled, doubled again and doubled again, simply because of people like the very gentleman that my friend from California just spoke about, the Secretary of Energy, Mr. Don Hodel, when he was Bonneville Power Administrator. When Mr. Hodel was Bonneville Power Administrator, he was the one who pushed the blank check to build WPPSS and the utility industry did not care how much they cost or whether they were needed or not, these plants because they could just simply pass the costs on to their consumers.

If we insinuate CWIP into the process, as we have done in Oregon, the utility must go back and think about the effects on its stockholders. Once they began thinking about the effects on the stockholders, the private utilities, the so-called investor-owned utilities, called public utilities in this bill, decided not to build the plants at Pebble Springs and Skagit, thereby saving their people hundreds of millions of dollars. The market began to work.

Now, it is shocking to know that in the mid-1970's when Mr. Hodel was Bonneville Power Administrator, the projections of load growth in the Northwest were made by Bonneville and the utilities without using price as a factor. They did not even crank in price. They thought no matter how high the price of electricity got, the people of the Northwest would continue to use just as much electricity.

There were dozens of us, ranging from politicians such as myself to experts, to architectural firms, to Oregon State energy agencies, who warned the utilities that we are not going to need these plants; that as the price rises, people will use less and we will have a surplus. But the utilities went right on and built WPPSS and now, not 1 kilowatt hour has been produced by WPPSS and we have a 2,000-megawatt surplus in the Northwest. We would have thousands more megawatts in surplus if it were not for the fact that construction work in progress required the utilities to be much more careful, much more cautious in projecting additional plants and continuing to build Skagit.

So this bill says, "Look, remember your stockholders and be cautious about committing your funds. Make sure your projections for load growth are correct, and do not just expect a blank check from the consumer to go on and build your empire."

So I say to the Members of this House, Mr. Chairman, this bill is badly and sorely needed not only to protect the consumer but to assure that the utilities are not given a blank check and let the market, therefore, work its will. But also, I would like to say that I would like to see this bill strengthened and made much stronger, apply, as it does in Oregon, to retail and apply much more broadly across the board.

With that, I urge passage of the bill.

Mr. MOORHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL), the ranking Republican on the Committee on Energy and Commerce.

Mr. BROYHILL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to H.R. 555.

I am convinced that this legislation, if passed, would increase the costs of utility powerplants and raise consumer utility bills over the long term.

The financing costs of new generating capacity can only be recovered by a utility in one of two ways: First, include the financing costs, or a portion of such costs, of construction work in progress in the rate base; or second, borrow to pay those financing costs and make the ratepayer begin to pay all of the accumulated financing charges and all of the capital costs immediately when the plant comes online. Let there be no misunderstanding—sooner or later—under either method—the ratepayer pays all of the costs of new utility construction. The question is when the ratepayer will begin paying for that construction.

In most all cases under H.R. 555, the ratepayer would be forced to begin paying for all capital costs and all accumulated carrying costs all at once—when the plant is placed in service. This means that the utility—over perhaps a 10- to 14-year construction period—would have to borrow to pay those financing costs and borrow to pay the interest on those financing costs, and so on, over the full construc-

tion period. At current interest rates, this latter method which forces the utility to borrow and compound all financing costs means that the ratepayer would typically end up paying three times as much for the financing costs of a new powerplant.

H.R. 555 would, in almost all cases, force the utility to borrow all of its financing charges to pay for construction work in progress. These charges would accumulate and grow and would be placed into the rate base along with the entire capital costs of the plant as soon as the plant comes online. This was precisely the method abandoned by the Federal Energy Regulatory Commission. According to FERC, that method resulted in a "rate shock" of 30 percent or more to electricity consumers in some cases. Rate shocks are large and sudden consumer rate increases. This is what FERC is trying to minimize with its current rule. H.R. 555 would prevent FERC from doing this. This makes absolutely no sense to me.

We are told that the "borrow now—pay later" approach, even though more costly, is best because it will discourage utilities from building capital-intensive generating plants. I agree that H.R. 555 will act as a disincentive to such investment, but is this wise policy?

A growing set of disincentives to utility investment has already resulted in the cancellation of many plants around the country and despite the current excess reserve capacity which is available in certain regions of the country today, many energy experts are warning that these reserves could dry up quickly in a growing economy, and electricity shortages could develop as early as 1990. The Subcommittee on Energy Conservation and Power held a hearing on this issue today, and all of the witnesses on every side of this question agreed that predicting future demand for electricity is a highly uncertain business. Nevertheless, it seems very apparent that—due to growth in the Nation's economy, discovery of new uses for electricity, and substitution of electricity for direct use of fuels—demand for electricity will continue to grow. Furthermore, many of our current generating plants were built shortly after World War II. These plants are nearing the end of their useful life and must be replaced. DOE estimates that, even if electricity demand grows at just 3 percent a year, it will cost the utilities $1 trillion to build and replace the powerplants needed by the year 2000.

Legislation such as H.R. 555 will prevent utilities from raising this vital capital, thus sowing the seeds of electricity shortages in the future. These shortages will hurt the poor, the disadvantaged, and the elderly in a disproportionate manner, and will drive domestic manufacturing jobs to foreign countries where electricity is less expensive. By making it more costly to build powerplants, H.R. 555 would prevent old and inefficient oil-burning generating plants from being replaced by more economical and efficient nonoil plants. This will increase American dependency on interruptible supplies of imported oil and raise costs of electricity even higher in the future. H.R. 555 is certainly not in the best interest of the consumer or the country.

There are those who think that providing disincentives for utility construction is a good way to force utilities to turn to smaller and supposedly less costly generating technologies, such as wind, solar, hydroelectric, and geothermal. However, despite progress in all of these important alternative energy technologies, they are highly unlikely to supply the huge electricity demands of a growing and productive America. I do not believe that we can afford to risk the disaster which would be caused by inadequate and unreliable electricity supplies.

Energy experts at the Federal Energy Regulatory Commission and at the Department of Energy have warned of the dangers of H.R. 555. Both agree that H.R. 555 would increase consumer costs, threaten the long-term availability of adequate and reliable electricity, and increase our dependence on imported oil.

I do not believe that Congress should take these warnings lightly. I urge my colleagues to study this complex bill carefully. If you are uncertain of the effect of any of its provisions, I urge you to withhold your support.

I believe this legislation would add to the already heavy burden on the Nation's ratepayers and threaten our economic future. This bill should be defeated. I urge my colleagues to vote "no" on H.R. 555.

At this point in the RECORD, I include a letter from the Secretary of Energy, the Honorable Donald Hodel. The Secretary argues that passage of H.R. 555 would result in consumers getting hit with rate shock and would act as a disincentive "to employ technologies with lower operating costs."

The letter is as follows:

THE SECRETARY OF ENERGY,
Washington, D.C., February 6, 1984.

Hon. JAMES T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR MR. BROYHILL: The Committee on Energy and Commerce has approved for full House consideration a bill (H.R. 555) to regulate the inclusion of the costs of Construction-Work-in-Progress (CWIP) in electric utility rate bases under the jurisdiction of the Federal Energy Regulatory Commission (FERC). The proposed legislation would reverse a recent unanimous FERC rulemaking, made after extensive consideration and public comment, that allows up to 50 percent of a utility company's construction expenditures to be included in its rate base as these expenses are incurred, subject to strict conditions.

The Department of Energy opposes H.R. 555. The exclusion of Construction-Work-in-Progress from the rate base can lead to distorted investment decisions by raising the cost of capital-intensive resources. By accumulating the interest costs during construction of new generating facilities, consumers end up paying interest on interest and getting hit with "rate shock" when new capital-intensive facilities are put into service. Because of the difficulty in financing the higher capital cost, H.R. 555 would provide a disincentive to employ technologies with lower operating costs, such as hydro, solar, wind, and nuclear power. They will rely instead on low capital cost but fuel-intensive technologies, such as those that burn oil and gas. By discouraging those technologies which offer a cost-effective alternative to oil and gas as a generating fuel, H.R. 555 would reduce the balance and diversity in our nation's electric power system. The unfortunate legacy of such legislation would be higher electricity prices and a less reliable electric power system.

We support the recent FERC rulemaking on Construction-Work-in-Progress. It is a responsible and well-reasoned step which recognizes the difficulties utility companies face today financing the electric power investments which will sustain our economy in the future. The FERC rulemaking is supportive of the national energy policy goal of assuring an adequate and diverse energy supply at a reasonable cost, as expressed in the recent National Energy Policy Plan.

Electricity is a fundamental requirement for long term economic growth. We can not afford legislation which unnecessarily preempts the considered decisions of our regulatory institutions and casts a shadow over the adequacy and efficiency of our nation's electricity supplies. For this reason I urge you to vote against H.R. 555 and to allow the recent FERC rulemaking to stand.

Sincerely,

DONALD PAUL HODEL.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

Mr. Chairman, I understand what the gentleman is saying, that sooner or later the ratepayers are going to have to pay. We all know that. I am going to have some comments of my own later on the floor regarding that.

The problem is that, as the gentleman said, the ratepayers have to pay sooner or later for construction costs. I have no problem with that as long as it is the people who are using it. What I am concerned about is, how about elderly people who may be forced to pay but who will never use any of the power. That does not seem to be a very equitable arrangement.

Mr. BROYHILL. Mr. Chairman, if I may reclaim my time, the gentleman knows full well that those plants that are generating electricity now, which we are enjoying, were paid for by people who are long gone. That argument just does not fly. These charges accumulate and they grow, and particularly in this day of high interest rates those plants that we have today

were built when interest rates were low, 2, 3, or 4 percent. Those were paid for by people who are long gone and we are enjoying the benefits of that lower cost power.

If those plants had not been able to be financed "as-you-go," we would be paying far higher electric costs, and the gentleman knows that full well.

Mr. HARKIN. If the gentleman will yield further, the gentleman has taken what I was saying about CWIP and changed it into the cost of building the plant. We are talking about CWIP. We are talking about the finance and the interest charges for building the plant.

That is not the case today. The people who are using the power today are the ones who are paying the finance and interest charges, not the people who may have financed it through the equity and bond markets, the construction.

Mr. BROYHILL. I am just saying that the way that plants have been built in the past, in most States of our country we had the construction work that was phased in and now we are trying to change all of the rules, it seems.

Mr. HARKIN. If the gentleman will yield further, that is not so in the States with regard to CWIP.

Mr. BROYHILL. Mr. Chairman, if I may reclaim my time, it may be true in the gentleman's State. I would have to get the list out and take a look at it, but that seems to me to be an entirely different matter. We will just continue this discussion tomorrow.

□ 1450

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Bosco).

Mr. BOSCO. Mr. Chairman, recently the California Public Utilities Commission granted a consumer group the opportunity to place a leaflet in the utility bill statement. The utility company involved protested vociferously and encouraged a number of newspaper editorials decrying this official intrusion of consumer advocacy in the affairs of a private corporation. The utility argued that it was no different than any other private business and has even threatened to go to court and claim that its freedom of speech is being impinged by the allowance of consumer information in the billing statement.

While investor-owned utilities may be making the private enterprise plea back home, it appears that their song is a little different here in Washington. Here they are saying the public should share in their risks long before it is known whether the public will receive benefits from those risks. Here they are advocating a sort of public-private enterprise when it comes to paying for bad management decisions that have resulted in billions of dollars of losses.

This chameleon-like role is nothing new for our Nation's utilities. For some purposes they like to pretend they are private enterprise, empowered to make management decisions behind closed corporate board room doors. Yet when these decisions involve too much risk or when a management decision goes sour they suddenly open their arms to public involvement, especially when it comes to paying the tab.

They cannot have their cake and eat it too, Mr. Chairman. If the investor-owned utilities are private enterprise when it comes to allowing consumer information in the billing statement, then they ought to be private enterprise when it comes to footing the bill for risky management decisions. To take on the consumer as a full partner for the purpose of paying for such decisions, yet ban the consumer from the very board room in which those decisions are made and even from the billing newsletter that purportedly educates the public is a violation of fair play repugnant to most Americans.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. Mr. Chairman, I believe that H.R. 555 is not only anticonsumer legislation, but it is contrary to the best interests of this Nation. I would urge my colleagues to defeat this ill-advised bill. The issue is clear. An independent regulatory agency, the Federal Energy Regulatory Commission, proposed a modest solution to several serious problems they identified. FERC will allow utilities to include 50 percent of the interest on funds used for powerplant construction work in the rate base for interstate sales of electricity.

It is important to understand that FERC is not permitting the actual construction costs to be included in the rate base, but only half of the interest charges on the funds used for construction. The FERC found that this solution will unquestionably lower the long-term price for electricity paid by the consumer and will reverse several disincentives to certain national policy goals.

I think it is given precept that lower costs of electricity in the long term, rather than higher, long term costs through short-sighted, short-term savings, should be the goals of our national regulatory policy. Additionally, I think it is also easier on the electricity customer to pay a gradually rising rate than it is to have the sudden shock of paying a large rate increase which results in a higher price than if the rates were increased gradually.

The argument has been made that utilities should not be financed by ratepayers to build uneconomic or unneeded facilities. However, if a utility's commitment to a new powerplant is unjustifiable, nothing prevents FERC from refusing to allow CWIP in the rate base. If a plant is to be built, it should be built at the lowest cost consistent with other national interests.

The FERC found that it makes sound business sense to allow a utility to partially recover these interest costs because the consumer will pay a price that more accurately reflects the current cost of providing the service. From a national policy standpoint this allows the marketplace to make more accurate tradeoffs in the choice between conservation and other sources of energy. If electricity is priced below its current cost for production, it artifically skews the market to its favor.

The FERC found that their solution of 50 percent CWIP helps to reverse the counterproductive incentive for utilities to select low capital cost production methods which invariably lead to higher production costs and higher rates to the consumer. The utilities had been faced with a simple choice: build expensive oil and gas fired capacity at a low capital cost and very short leadtimes, or build considerably less expensive coal or nuclear capacity at high capital cost and long leadtimes. The utilities were being pushed into opting for expensive oil and gas production because the cost of raising capital is high and must be raised outside the rate base on the backs of the shareholders.

Additionally, a utility's return on investment is calculated as a percentage of total expenditures, so it quickly becomes obvious that the higher cost production methods will also yield a higher dollar return. This combination of pressures on the utilities were clearly leading them to the path of least resistance and the option of higher cost oil and gas production. This hurts the Nation and ultimately the taxpayer and the consumer.

Certainly, reversing FERC's modest solution to these potentially serious problems is counterproductive. The national policy should continue to create an incentive to be a low cost supplier, and to encourage the most economic use of available energy alternatives like conservation. If this can be done at the same time as we insure a secure supply of electricity, then the Nation, the taxpayer, and the consumer will benefit.

I think this bill is contrary to the national interest and should be defeated.

I urge a negative vote on H.R. 555.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Chairman, I rise in opposition to H.R. 555, the Construction Work in Progress Act. I believe this legislation is pennywise and pound-foolish. It may result in lower electric rates in the next year or two

for some customers, but it will translate into higher rates for those same customers and a possible shortage of electricity for the Nation in the coming years.

The case for CWIP is well made. The Federal Energy Regulatory Commission has studied the issue at far greater length than was possible for the committee. In no less than 33 States the public utility commissions, as guardians of the consumer have approved CWIP in some form or other. This bill, in effect, would eliminate CWIP as an option in federally-regulated power sales.

The idea of CWIP is to allow a utility to recover some of its financing and construction costs during the period they are building new powerplants or other facilities. That obviously will raise rates in the short run. But by significantly lowering financing costs, CWIP substantially lowers costs over the life of a plant. CWIP also has other beneficial effects: its practice avoids rate shock which would otherwise occur when a large, new facility was added to the rate base in one lump sum. It helps to communicate to the consumer the real value of the power he uses, encouraging appropriate conservation and efficient use of electricity.

Beyond the economic arguments, I would like to point out how grossly unfair this bill would be to my own constituents. The bottom line is that, by being forced to subsidize wholesale customers, the residential consumers in my district may actually be forced to pay higher rates as a result of this bill. This situation may occur because my own State allows CWIP. The State Corporation Commission has determined that the practice is better for consumers. This body is certainly not competent to second-guess that decision. Yet, in H.R. 555, we would demand that the utility which serves my district sell 10 percent of its electricity, to large wholesale customers, without CWIP. So, during the construction of a new plant, my constituents would be left holding the bag for the benefit of a favored few who happen to fall under the Federal Power Act. How much more unfair could we be?

It has been advanced in favor of this bill that CWIP could lead to an orgy of new electricity construction. That claim is unsupportable. In the first place, utilities could not recover their full costs during construction: so there would still be no immediate benefit to starting a new plant. In our experience, in the States, such effects have simply not occurred. In fact, since CWIP was instituted in Virginia, powerplants have been canceled, but in no instance has a utility begun construction on a new plant. Finally, since the Federal jurisdiction is over a small fraction of the power produced in the country, allowing CWIP in the Federal rate base would only have a small, marginal effect on utilities' decisions to build new capacity.

I know that many in this body believe that Washington is the center of the world and that Capitol Hill is the fount of all wisdom. This bill belies those claims. We are not the best qualified body to decide the CWIP issue, and Federal and State consumer protection agencies who have considered the issue have overwhelmingly favored CWIP. Nor are the actions we take going to chart the future of electric capacity planning. Thankfully, that task is in more competent hands. All this bill will do is make things a little harder by creating more bureaucracy, and spread the burden a little more unevenly, in favor of bulk power customers over individual residential consumers. If that is the kind of legislation we want to pass, well, let us go ahead, but we should all be aware of what we are doing.

□ 1500

Mr. OTTINGER. Mr. Chairman, I yield 4 minutes to the distinguished chairman of the Energy and Commerce Committee and my good friend, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I rise in support of the bill H.R. 555, the Construction Work in Progress Policy Act. This is a modest little bill. It is one which responds to a real need.

Construction work in progress, or CWIP, has been an intensely debated issue for many years, and is an extremely important consumer protection issue. It involves the question of whether a public utility which is constructing a new facility, such as an electric powerplant, can charge today's customers some of the costs of that construction, even though the electricity produced might not be available for a decade or even longer. When CWIP is included in a utility's rate base, the utility would earn a cash return on the investment during the construction of a new facility. If it is not included, then the cash return awaits the completion and actual operation of the new facility.

Last year, the Federal Energy Regulatory Commission decided to allow the inclusion of 50 percent of construction work in progress costs in utility rate bases for those new powerplants within the Commission's jurisdiction. This represents about 10 percent of the Nation's electricity produced for wholesale sales in interstate commerce. Utilities operating within a State are regulated at the State level. The Commission's ruling was a blanket of CWIP, without regard to the specific financial condition of any utility involved.

Blanket allowance of CWIP—either by the Commission or by State utility commissions—would result in enormous rate increases for utility customers in service areas where new plants are being constructed. Moreover, the ruling follows a period in which the electric utility industry has substantially recovered from earlier financial difficulties. Indeed, between rate increases granted by State commissions and the FERC, and great benefits to utilities from the Economic Recovery Tax Act of 1981, the utility industry on average earned a return of nearly 16 percent on equity during 1982.

In response to the Commission's action, my good friend and colleague TOM HARKIN, of Iowa, introduced H.R. 555 in this Congress. I want to compliment him and the gentleman from New York, Mr. OTTINGER, who chairs my committee's Subcommittee on Energy Conservation and Power, and who has shepherded the bill through the process thus far.

The bill which the Committee on Energy and Commerce reported, the subject of our consideration today, is a reasonable and balanced approach to restore some fairness to the way in which utilities finance needed new electric-generating capacity. The bill would allow the inclusion of CWIP in the rate base, but it would do so based on a showing by an individual utility that there is financial need, and a justification for inclusion of CWIP. The Commission would be required to deal with the matter on a case-by-case basis, and would have to balance the need of the utility with the need of the utility's current and future ratepayers. I should add that, under this bill, a utility which can demonstrate need could be allowed to place even more than 50 percent of construction work in progress in its rate base.

I know that there has been a great deal of confusion about this issue, and there has been heavy pressure on my colleagues not to adopt this bill at this time. But fairness would dictate that we do adopt this legislation.

Utilities should not be given a blank check to charge current ratepayers for facilities from which they may never benefit. Nor should they be sent a signal by the FERC that building more powerplants—because of the extra financial incentives that flow from a blanket allowance of CWIP—is a sensible course, even if the fact of a major slowing of electricity consumption increases.

There has been a great deal of misrepresentation about what the legislation does and very little understanding of how this bill is an important piece of consumer legislation.

I would like my colleagues to try and understand why we are here with this legislation, what it does, and how the utilities are affected by it.

First of all, the Federal Energy Regulatory Commission, or FERC, awhile

back came forward with a ruling that gave virtually unlimited construction work in progress authority to the electrical utilities. They just go in and they get 50 percent automatically.

Construction work in progress is a useful tool. It is a tool which is recognized by the State regulatory bodies within their own jurisdictions when they permit it. Usually the State regulatory bodies require that there is a showing of need.

With regard to interstate electricity sales, the FERC said that you get CWIP automatically up to 50 percent of the construction costs, without any requirement that there be a showing of need. The legislation before us says that the utilities can get construction work in progress, that they can be paid for the construction work while it is in progress—if there is a showing of need. They do not get it automatically. They are not denied it.

FERC, the Federal Energy Regulatory Commission, was set up to regulate, to pass on questions of this kind, and to see to it that everybody, the consumers, or ratepayers, and the utilities are treated fairly. There is an argument for making payments to the utilities during the time that construction work is in progress for the construction of new facilities. This bill would permit it.

The only thing that it does is it upsets the rather grandiose and generous action by the Federal Energy Regulatory Commission saying that utilities get it automatically. This says they have got to come in and they have got to show that they need it. They will get it to the degree that they need it with regard to the interstate allocation of costs for the construction of new facilities.

What is wrong with that? FERC then carries out its proper and necessary function. The utility is protected. It gets payments to the degree that it needs them for the construction of a new facility, and the consumer is assured that FERC has not simply said: "Consumer, you are going to be paying a lot of money in advance without any showing of need by the utilities."

This is a bill which is fair to the consumer; it is fair to the eiectric utility, and it says to the Federal Energy Regulatory Commission members that they are supposed to do something other than sit down there and collect large salaries for doing nothing. It says that they do not prejudge an important question like this, whether or not utilities ought to be paid before they complete the construction for work that may or may not have a benefit to the consumers.

I urge my colleagues to support the legislation. Let us show FERC what its proper responsibilities are. Let us assure the utilities they are going to be fairly treated, and let us tell the consumers that the consumers are not going to be ripped off by a grand, indolent, slothful Federal regulator and a group of utilities that are coming to collect the money for which there is no showing of need nor to which they are entitled. I urge my colleagues to support the legislation.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Mr. Chairman, this grandiose, this generous rule of FERC, to quote my distinguished chairman, allows what? It allows up to 50 percent of CWIP, the finance charges on the construction work in progress up to 50 percent, and has a limit, has a cap of a maximum of 6-percent growth rate per year because of CWIP.

Incidentally, FERC studies have shown that the rate increase due to CWIP is more like about 3.50 percent. But if that half of the finance charge is up to a max of 6 percent is grandiose and generous, I do not know. I think it is just pretty reasonable.

Why is it reasonable? For one thing, if you are an automobile manufacturer in Detroit and you are putting on line a new robot, automated, roboticized, computerized, automated production line and you are financing it at some bank or some banks, you are allowed in the pricing of your present models to take into account the cost of the capital to rebuild, to modernize your product line.

This is the same thing. If we treat utilities as superregulated, totally nonprivate-sector entities when it comes to capital costs and receiving revenues to pay those capital costs, we are going to discourage the rebuilding of our utilities.

Then lo and behold, in States like Michigan, and Pennsylvania, and Ohio we have some older plants and even if you do not want to build any new ones and you are against central-electric-generating capacity, we have older plants that are spewing out pollutants that should be replaced.

H.R. 555 would discourage utilities from constructing the most efficient, economical, and least costly powerplants.

I think we should take a very close look at that, and as the acid-rain question comes down the line here. On the one hand, we are telling the utilities: Do all of this and stuff and we are going to have these band-aids, these magnificent scrubbing band-aids that cost $600 million-$700 million each. But when it comes to new plants, then no one is going to touch it because the capital acquisition charges are such that you cannot reclaim them.

It is not only going to discourage the replacement of some of these older and less efficient, less clean-burning powerplants; it is also going to discourage the construction of alternate fuels, energy technologies such as wind, and solar, and other technologies which do depend, surprise, on large up-front capital investments.

These are capital intensive, not labor intensive, and CWIP and H.R. 555 will discourage these investments in the exact same way it will discourage the investment in a replacement plant for an old coal-burning powerplant.

So I ask my colleagues to go beyond some of the rhetoric we may have heard earlier, go to the heart of the issue, vote against H.R. 555, and you will be doing your ratepayers a favor.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I rise in strong support of H.R. 555, the Construction Work In Progress Act.

I also want to commend the fine work on this legislation by our colleague from New York, RICHARD OTTINGER, chairman of the Energy and Commerce Subcommittee on Energy and Conservation and Power; and my colleague from Iowa, Mr. TOM HARKIN, the original cosponsor of the bill.

□ 1520

I come here because of my interest in small business and my concern that government entities should be required to follow and comply with the laws which we pass.

In implementing the CWIP regulation, the Small Business Council on Advocacy said FERC disregarded the Regulatory Flexibility Act.

The Regulatory Flexibility Act requires agencies to assess the economic impact that their rules and regulations will have on small business and small governmental jurisdictions.

Despite the clear legislative intent of the Regulatory Flexibility Act and the fact that the FERC rule affected more that 900 municipally owned utilities and their customers, this rule went into effect.

The Regulatory Flexibility Act was passed by the Congress to make Federal agencies more accountable for their actions. That FERC should so blatantly disregard the laws of our Nation in my opinion is reason enough for us to pass this legislation.

One of our colleagues said that FERC studied this issue. They may have studied the issue; the question is, What did they do about it? Did they follow the Regulatory Flexibility Act? It is very clear that indeed they did not.

Mr. Chairman, others today will focus their attention to other problems. I wanted to bring these up clearly. I also wanted to mention the fact that in previous debate it was talked about who was going to finance the cost of these new facilities.

I would remind all of our colleagues that in the past there has not been a CWIP. In the past, the people who are receiving the benefits of this construc-

tion have been paying for it. Never before have we said the people who are not receiving the benefits are still going to have to pay for it.

I urge support of this legislation.

Mr. Chairman, others today will focus their remarks on the many problems inherent in the current Federal Energy Regulatory Commission CWIP policy. I wish to make clear to my colleagues that H.R. 555 is a very moderate measure that closely resembles the previous FERC policy when CWIP was only permitted when private utilities were able to demonstrate a genuine financial need. H.R. 555 will protect the economic concerns of small publicly owned utilities, while also providing private utilities with the financial resources to meet their service obligation. This careful balancing of interests is essential if we are to preserve competition within the electric utility industry.

I would like to include, following my remarks, correspondence I have had with FERC on this issue, together with correspondence from two citizens from my State of Iowa:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., Nov. 21, 1981.

BERKLEY BEDELL,
Chairman, Federal Energy Regulatory Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to convey my concerns about the Federal Energy Regulatory Commission's proposal to allow investor-owned utilities to include construction work in progress (CWIP) expenses in their wholesale rate bases. It is apparent to me that your proposed regulation would have a significant impact not only in my native Iowa, but across the nation.

At the local level, I am concerned about the impact the CWIP proposal will have on municipally-owned utilities and rural electric cooperatives. Concern about the CWIP proposal has been brought to my attention by two officers of the Iowa Association of Municipal Utilities (IAMU). I am enclosing copies of their letters with this letter.

The Executive Director of the IAMU states in his letter to me, "Those municipally owned electric utilities in Iowa who purchase wholesale power from other than public sources serve approximately 300,000 people. Allowing the inclusion of CWIP in a wholesale rate would increase the purchase price our utilities pay. In turn that increase would be reflected in the retail rates of over 10 percent of the population of Iowa."

It is clear from this statement that the inclusion of CWIP in wholesale rate bases will have a direct impact on the financial health of many small utilities—private, public and cooperative—that are dependent upon investor-owned utilities for all or part of their power. Nationwide, these smaller power systems serve a quarter of all America's electric power customers.

A difference in treatment between a utility's wholesale customers, who come under FERC's jurisdiction, and retail customers, covered by state regulators, could impair the competitive position of smaller utilities and create an unequitable sharing of construction costs.

If state public utility commissions do not allow wholesale purchasers of power to pass CWIP expenses on to their customers, these smaller power systems will find themselves in a price squeeze situation. Indeed, several states have denied utility industry requests to pass CWIP expenses on to retail customers. This situation would greatly affect the structure of the nation's power supply system, potentially driving small utilities, including some that are municipally-owned, out of business. If, on the other hand, CWIP expenses are allowed to be passed on to retail customers, residential and small business ratepayers will be forced to foot the bill.

Consequently, the Commission's proposed CWIP regulation is certain to directly affect a substantial number of municipally-owned utilities and rural electric cooperatives, and to indirectly affect many small businesses. Small municipalities, cooperatives and small businesses are explicitly covered by the Regulatory Flexibility Act. Therefore, I find the Commission's one paragraph dismissal of their regulatory flexibility responsibilities in the August 3, 1981 Federal Register unsatisfactory.

As a component of our national energy policy, I feel that the FERC proposal to allow wholesale billing for construction work in progress is misdirected. While I share the Commission's concern about the health of the public utility industry, this proposal may actually worsen the industry's financial position in the long run.

It is my feeling that the poor financial health of certain public utilities is a symptom of their slow response to the new economic realities of the energy marketplace. Even though energy conservation and small-unit power production have contributed to the decline in central power demand, most utilities have not yet become effective marketers of energy efficiency improvements, cogeneration and renewable resource technologies that have become cost competitive with the construction of new central power generating facilities.

As a consequence of their reluctance to actively explore least-cost alternatives for new power supply, many electric utilities have not been able to fully recover their cost of equity capital. This fact has not gone unnoticed in the capital markets. Thus, the financial plight of the public utility industry is, in large part, symptomatic of a broader set of economic developments.

I believe that allowing CWIP expenses to be passed along in wholesale rate bases would artificially improve the cash flow of investor-owned utilities in a manner that is unrelated to their commitment to exploring least cost alternatives for meeting power requirements. Allowing inclusion of CWIP costs in wholesale billing may actually encourage the utility industry to further delay examining least-cost alternatives and thus will not help the industry or the public in the long term. Indeed, it could sink the industry deeper into the same pattern of poor investments that helped get it into its present condition.

In this light, it is my opinion that allowing CWIP expenses to be included in wholesale rate bases would encourage a misallocation of a considerable amount of scarce financial resources. By assuring investor-owned utilities a captive source of funds that they can tap almost at will, the proposed CWIP regulation is a first step toward allowing the industry to bypass the public debt and equity markets and to avoid the risks inherent in their capital spending decisions. This, of course, would draw funds away from the development of other possible energy sources, conservation included, that must compete for capital in the marketplace.

At the minimum, the decision on whether to provide CWIP treatment should be based on a determination of the least-cost approach, as well as findings on the need for power and the short- and long-term consumer impacts. Making any decision solely or even primarily on a utility's financial rating, as the Commission's proposal suggests, could serve to reward some utilities whose poor financial status is due to mismanagement or faulty planning while penalizing the utilities whose past performance has afforded them sound ratings.

In conclusion, I feel the Commission's proposal to allow CWIP costs to be passed along in wholesale rate bases is premature and poorly presented. It shows no awareness of the cost-effectiveness of alternatives to the construction of additional centralized electric power generation facilities. It attempts to create an artificial economic environment, encouraging the utility industry to build more baseload plant, while ignoring the fact that demand growth has fallen off drastically. Such an approach is a piecemeal one and overlooks the fact that power generated at central stations now faces increasing competition from efficiency improvements, cogeneration and renewable resources.

This proposal will have far-reaching effects on all the customers of the utility industry, and warrants further consideration before it is implemented. Therefore, I recommend that the Commission refrain from further action on this proposal until such time as the concerns expressed above have been adequately addressed.

I request that this letter and the attached letters from Harold Schiebout and Barton Rule be made a part of the official record of FERC's activities on this proposed regulation.

Sincerely,

BERKLEY BEDELL.

IOWA ASSOCIATION OF MUNICIPAL UTILITIES,
Des Moines, Iowa, October 27, 1981.

Hon. BERKLEY BEDELL,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BEDELL: On behalf of the 141 Municipally owned Electric Systems in Iowa I wish to voice my concern about the Federal Energy Regulatory Commissions (FERC) proposed Construction work in progress (CWIP) regulations.

Those municipally owned electric utilities in Iowa who purchase wholesale power from other than public sources serve approximately 300,000 people. Allowing the inclusion of CWIP in a wholesale rate would increase the purchase price our member utilities pay. In turn that increase would be reflected in the retail rates of over 10% of the population of Iowa.

Any action you can take to prevent an increase in wholesale costs will mean a direct savings to our retail customers. On behalf of our members, and 300,000 Iowans we urge you to investigate this matter.

Sincerely,

BARTON D. RULE,
Executive Director.

CITY OF SIOUX CENTER, IOWA,
October 16, 1981.

Hon. BERKLEY BEDELL,
U.S. House of Representatives, Washington, D.C.

DEAR MR. BEDELL: As Legislative Chairman of the Iowa Association of Municipal Utilities, I want to convey our concern about the impact of the proposed construction work in progress (CWIP) regulations by FERC.

There are approximately 85 municipally owned electric utility communities in Iowa who purchase wholesale power supply from nonpublic power sources, and therefore, would be impacted by the proposed CWIP regulations. Most of the communities are small, under 3,000 population. Our chief concern is on behalf of the consumers and small businesses who ultimately pay the bill.

More specifically, the enclosed fact sheet points out some of our main concerns with the proposed regulation.

As Chairman of the House Subcommittee on Energy Environment and Safety issues affecting small businesses, I believe you may want to investigate the specific impact that this proposed rule would have on the ability of small businesses to pay higher utility bills. It is my understanding that FERC has determined under the Regulatory Flexibility Act that the impact would be minimal. Again, I do not believe the FERC to be correct in its determination, and I urge you to investigate this issue.

Thank you for your interest and concern in this matter.

Respectfully yours,

HAROLD SCHIEBOUT,
IAMU Legislative Chairman.

Mr. OTTINGER. Mr. Chairman, I yield 4 minutes to the distinguished author of H.R. 555, the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I, of course, rise in strong support of the bill since I was, as the gentleman from New York stated, the original author of it. I especially want to associate myself with the remarks made by the distinguished chairman of the full committee, Mr. DINGELL. I believe he really put his finger on it and, as they say, hit the nail on the head.

I also want to compliment the gentleman from New York, my colleague, DICK OTTINGER, with whom I have had the privilege of serving on the Committee on Science and Technology, for his many years of work on behalf of the consumers of America, especially in the areas of energy, energy production, and energy conservation.

I just want to repeat a little bit, I think for emphasis, what my colleague from Iowa, Mr. BEDELL, said and what Mr. DINGELL said earlier.

This bill is being touted by the opponents as some kind of a gross departure from what we have ever done in the past.

Quite frankly, what FERC did last year is the gross departure from the past. What we are doing, simply, with this bill is sort of returning to what we have been doing in this country since the last century; that is abiding by the "used and useful" rule.

Once a powerplant is finished, once it is providing power, then it can build the financing costs into the rate base.

So we are returning basically to what made America great and what really built our industry in this country in the past. This is a bill, as Mr. DINGELL said, that is an eminently fair bill.

Again, to listen to the opponents of it you would think that we are banning all CWIP. That is not so.

All we are saying in H.R. 555 is if a utility wants CWIP to be built into its construction costs, then it has to make certain showings to FERC. It has to show, for example, that it really needs it, that it cannot go to the bond or equity market and raise the money. There may be cases, when that is true.

It also has to show that this is indeed the least cost way of providing the energy to its consumers.

Now who could possibly argue with that? That is all they have to show. If they can show that, then FERC can grant them CWIP and they can build it right into their rate base immediately upon the start of construction.

That is why I say it is fair. It also does one other very important thing and I think this really is something that we have not talked about, but this bill provides CWIP as an extraordinary remedy, as some States now do.

Now I know, as one of the gentlemen said here earlier, that his State provides CWIP. It does, but not routinely, no, sir. You have to provide certain showings to that State regulatory agency before they are going to provide CWIP.

That is all we are asking that we do with FERC, also.

By treating it as an extraordinary remedy, I believe this would then continue the requirement that the utilities go to the bond and equity markets to obtain financing for new powerplants.

Why is that important? It is important because this helps insure that the utility management's decisions are prudent. This requirement that they have to go to the bond and equity markets first is a very significant check to assure that valuable capital is not wasted.

When CWIP is allowed arbitrarily as is being done now under the FERC rule of last year, which departed from almost a century of what we have been doing in this country, when it is allowed arbitrarily there is no check, there is no check and the ratepayers have to foot the bill regardless of the soundness of the utilities' decision.

As I said, there are times when an extraordinary remedy may be necessary. The utility might not be able to get the funds, for one reason or another, and this bill allows them to get CWIP from FERC in those cases and only in those cases.

That is why I agree with Mr. DINGELL that this is a fair bill. It is fair to the utilities and it is fair to the consumers of America.

Mr. Chairman, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield myself 2 minutes.

Mr. MOORHEAD. Mr. Chairman, I rise to urge a "no" vote on this bill. H.R. 555 would irresponsibly repeal a rule carefully crafted by the Federal Energy Regulatory Commission. The Commissioners unanimously determined that this rule was necessary to insure economic and reliable electric utility service.

The FERC rule allows a utility to file for cash recovery of carrying or financing charges only on 50 percent of a utility's construction work in progress (CWIP). None of the principal investment in new facilities may be recovered until after the new plant is placed in service. Furthermore, FERC placed a consumer protective "cap" of 6 percent per year on any rate increase attributable to this rule. The FERC rule affects only 10 percent of all sales of electricity by privately owned electric companies in the United States.

This FERC rule was a limited, yet important, regulatory reform that was instituted only after 2 years of extensive hearings. A total of over 200 interested parties—including utilities, wholesale purchasers, and consumer groups—participated in these hearings. The utilities insisted that 100 percent of recovery of CWIP in the rate base was essential, while others wanted no CWIP in the rate base.

FERC promulgated a compromise rule which limited inclusion of CWIP financing charges in the rate base to one-half of such charges incurred by the utility. This rule is a sound and fair compromise that enables a utility to recover at least part of the financing charges while a plant is being built.

The FERC rule was designed to promote several benefits. Sooner or later, whether under H.R. 555 or the FERC rule, ratepayers will pay all of the financing charges, as well as the principal, for utility construction projects. The FERC rule, however, insures that ratepayers will ultimately pay less by eliminating the need to capitalize all of the financing charges. Under H.R. 555, the utilities would have to borrow additional amounts of money merely to pay the interest on the funds they borrowed for construction. In contrast, the FERC rule permits the utility to place 50 percent of the financing charges into the rate base. This reduces the amount of funds the utility must borrow and subsequently finance.

The FERC rule also minimizes "rate shock." Under the FERC rule, utility customers gradually adjust to the cost

of new plants as 50 percent of financing costs are placed immediately into the rate base. This practice will assist in establishing rates that more accurately reflect the cost of new generating capacity. This could encourage conservation and alert utilities more readily that additional plant investment is unnecessary.

The FERC rule also reduces the regulatory bias discouraging the construction of new generating facilities. A major study on our Nation's need for new electrical generating capacity was released by DOE last summer. This report identified the rate treatment of CWIP as one of the significant financial disincentives causing concern about the electric power industry's willingness and ability to invest in the generating capacity necessary to meet our Nation's future energy needs.

Mr. Chairman, proponents of H.R. 555 apparently feel that they are somehow going to help the ratepayer by making it more costly for a utility to build a powerplant. This is obviously not the case. If enacted, H.R. 555 would harm our Nation's ratepayers in the following ways:

First. H.R. 555 would establish a new set of procedural hurdles which would make it impossible for most utilities to include financial costs for CWIP in the rate base.

Second. H.R. 555 would result in higher utility rates over the life of a powerplant;

Third. H.R. 555 would result in rate shock as the imposition of the full cost of powerplants on ratepayers will be postponed until the plant commences operation;

Fourth. H.R. 555 would discourage utilities from undertaking investments in more efficient and economical plants;

Fifth. H.R. 555 would pose a serious threat to the availability of adequate electricity service for this Nation's continued economic growth and prosperity;

Sixth. H.R. 555's disincentives to utility investment will prevent investment in alternatives to oil- and gas-fired facilities, thereby perpetuating America's dependence on foreign imports; and

Seventh. H.R. 555 will undo a necessary and carefully considered regulatory reform action by the Federal Energy Regulatory Commission, and replace it with a complex, cumbersome, and palpably unworkable regulatory nightmare.

Mr. Chairman, H.R. 555 would frustrate the fulfillment of FERC's regulatory responsibility. The proponents of H.R. 555 would have Congress substitute its judgment for FERC's expertise and over 2 years of comprehensive study based on 1 day of consideration by the Energy Conservation and Power Subcommittee. We cannot afford to ignore the warnings of Federal energy experts. I urge you not to inflict this law on our Nation and its ratepayers. Vote "no" on H.R. 555.

Thank you.

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Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. Mr. Chairman, as a cosponsor of the Construction Work in Progress Policy Act, I am pleased to have this opportunity to reaffirm my support for this legislation. This bill will protect consumers from unwarranted and unfair rate increases, and it will promote sound energy investments.

The CWIP method of setting rates shifts much of the risk of investment from shareholders to consumers, and the risk consumers would be asked to bear is substantial. When utilities are permitted to include construction work in progress in their rates, consumers are subject to immediate and sometimes substantial rate increases. For example, a Kansas utility recently filed for a rate increase under CWIP that amounts to over $1,800,000 for the first year of the request. Many consumers, such as the elderly and the more mobile members of our society, could never benefit from their investment.

No other industry in the country receives a return on its investment prior to providing goods or services for which an investment is made. Utility customers could pump hundreds of millions of dollars into a powerplant that is never completed. Shifting the risk to consumers also removes utility decisionmakers from the discipline of the marketplace, thus encouraging them to make potentially unwise investments in powerplants while ignoring less costly methods of meeting energy demand. The utility industry will stay healthy only through innovation and cost-efficient management strategies.

This bill will require utilities to show that there is a genuine need to bill for CWIP. This will insure that when CWIP is used it will be in the consumer's best interest. This bill mandates FERC to review the facts of each case before allowing prebilling for CWIP. Doing so will return us to the regulatory policy, which had existed in this country since the last century of requiring that customers not be billed for construction costs until the plant is in operation unless the utility can show need.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, I am in the embarrassing position of speaking against a bill of which I am a cosponsor.

At the time this bill was brought forward I felt there were a lot of good ideas in it and I agreed to cosponsor it.

In the interim I have attempted to take my name off unsuccessfully, so I am still listed as a cosponsor.

Let me indicate the reasons for my change of view on this particular bill.

First, H.R. 555 could create burdensome requirements that in the future could discourage investment in efficient and economical powerplants.

It could limit the CWIP and by doing so could create additional problems for those utilities in serious financial difficulty.

The current FERC ruling allows flexibility in dealing with utilities and currently FERC has ample authority to insure that the use of CWIP does not result in unfair competition between utilities. As a matter of fact, over a dozen cases have been done on this ruling and with no evidence whatever that such practice occurred.

The current FERC ruling was designed to assist the consumers because it reduced the cost of powerplants over the long run and also reduced the risk and utilities are better able to sell construction bonds in this case.

You also avoid rate shock. Rather having it go up gradually over the life of the building instead of having the shock when it is all finished.

CWIP only affects about 10 percent of the power sales. And FERC can react far faster now to help utilities then could Congress if they pass this burdensome rule, H.R. 555.

I am against regulation and this bill does place additional regulations on the industry and takes away the flexibility that FERC should have. While there are some good ideas that FERC could well incorporate in future rulings, and I also recommend they do that. I oppose this bill as written.

Let me read just a couple of comments from a letter from Donald Paul Hodel, Secretary of Energy:

The Department of Energy opposes H.R. 555. The exclusion of Construction-Work-in-Progress from the rate base can lead to distorted investment decisions by raising the cost of capital-intensive resources. By accumulating the interest costs during construction of new generating facilities, consumers end up paying interest on interest and getting hit wth "rate shock" when new capital-intensive facilities are put into service. Because of the difficulty in financing the higher capital cost, H.R. 555 would provide a disincentive to employ technologies with lower operating costs, such as hydro, solar, wind, and nuclear power. They will rely instead on low capital cost but fuel-intensive technologies, such as those that burn oil and gas. By discouraging those technologies which offer a cost-effective alternative to oil and gas as a generating fuel, H.R. 555 would reduce the balance and diversity in our nation's electric power system. The unfortunate legacy of such legislation would be higher electricity prices and a less reliable electric power system.

Electricity is a fundamental requirement for long term economic growth. We can not afford legislation which unnecessarily preempts the considered decisions of our regulatory institutions and casts a shadow over the adequacy and efficiency of our nation's electricity supplies. For this reason I urge you to vote against H.R. 555 and to allow the recent FERC rulemaking to stand.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, let us be clear what this bill does. This bill is a repeal of regulatory reform. All of those out in the country who believe that there has been damage done to the national economic growth as a result of too much regulation at the Federal level have got to oppose this bill. This bill is an attempt to reregulate the electrical industry.

Now, the Members have heard today from the same Members who are opposed to all kinds of regulatory reform. The same Members coming to the floor to support this bill were the Members who were here several months ago railing against the President's decision to deregulate the petroleum industry. And at that point they were out here saying that all kinds of terrible things would happen, that we would have $2 a gallon heating oil, that we would soon have $2 a gallon gasoline.

The fact is as soon as we deregulated the petroleum industry the prices went not up, but went down. And they have continued to drop. And we have seen a stabilization of the price in that industry.

Now, these are the Members who are now coming to you and promising you that what they will do is bring down prices for electricity.

I would simply say that the Secretary of Energy makes it quite clear that their approach is absolutely wrong. He said in a letter to the gentleman from North Carolina (Mr. BROYHILL), dated February 6:

The unfortunate legacy of such legislation—

Meaning this legislation—

would lead to higher electricity prices and less reliable electric power system.

Is that what we would want to do? That is a short-term political benefit that these Members are trying to take credit for at the cost of long term economic headaches in this country.

This is special interest, greedy special interest legislation being brought to the floor under the guise of consumer legislation that will cause the consumers of this country long term damage, will cause the economic growth potential of this country long term damage, and will cause the American people long-term headaches.

I think that this legislation ought to be rejected out of hand. I am surprised that anybody even has the guts to bring it to the floor.

Mr. OTTINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. DURBIN).

Mr. DURBIN. Mr. Chairman, in the central and western Illinois counties that make up the 20th District, the people are faced with a hard winter and tremendously escalating utility costs. Every day my mail is filled with letters from people seeking some relief from this upward spiral that long ago raised many of their monthly utility bills above their rent or mortgage payments.

I rise today in support of H.R. 555 which promises some relief. It offers a means of attacking this spiral by cracking down on the use of the construction works in progress formula as a means of increasing utility rates.

This bill would prohibit FERC from allowing utilities to use the CWIP formula unless the utilities can demonstrate that they have insufficient cash flow and that the new facility represents the least costly way to meet electricity demands.

Consumers are given protection from unwarranted and unfair rate increases by this bill. It places stringent conditions on the questionable practice of forcing consumers to pay for financing costs on plants they may never use. It takes away the incentive for utilities to risk costly investment in inefficient or unwise ventures since the consumer will not have to pay for financing needed to cover cost overruns and construction delays every time he or she turns on the light switch.

No one would dispute the point that consumers should pay for the power that is provided to them. However, they should not pay for the financing of construction of a powerplant while that work is still underway. Recent events around the Nation have proven that just because a powerplant has been started and nearly completed is no guarantee it will go on line.

Another important provision of this bill, one particularly beneficial to the 20th District with its rich coal deposits in an energy-hungry nation, is the exception for coal-fired powerplants.

Under this bill, any utility converting from other energy to coal gets 100 percent CWIP for financing costs during construction. This is an effort to encourage conversion to coal-fired plants. Coal is abundant, it is efficient and it lessens our dependence on foreign oil or more expensive electrical generating technologies.

Elimination of the CWIP for inefficient projects should serve as a corrective to unwise policies that have left consumers holding the bag for utility management mistakes.

Mr. OTTINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. Mr. Chairman, I rise in support of the legislation.

Mr. OTTINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Chairman, I rise in support of H.R. 555 and commend the work of its sponsor, the gentleman from Iowa, and the distinguished chairman of the Subcommittee on Energy and Power, for their leadership in bringing this legislation to the floor today.

In January 1982, the Federal Energy Regulatory Commission (FERC) proposed a change in its rules to allow electric utilities to include construction work in progress (CWIP) in the determination of their rates to wholesale customers. I was greatly concerned about the adverse effects on consumers' electric rates that such a change in Federal power policy would produce. I was also wary that automatic CWIP would spark a new wave of unnecessary and expensive power projects in this country as the risk of major construction shifted to the ratepayers. I wrote to FERC expressing my concerns at that time, and joined with Congressman HARKIN and others in sponsoring legislation restricting CWIP except for pollution devices or when, on a case by case basis, utilities could demonstrate severe financial difficulty in the absence of CWIP. I am very disappointed that FERC's final CWIP rule, issued in July 1983, permits any utility to include all CWIP for pollution control and fuel conversion facilities and 50 percent of all other CWIP in the rate base.

Those of us who live in the Pacific Northwest have a special sensitivity to the effects of allowing interest during construction or CWIP to utilities undertaking major power projects. Our experience with CWIP financing of the Washington Public Power Supply System's (WPPSS) nuclear projects provides a clear warning against such a policy. Interest costs on the WPPSS plants, even before plants 4 and 5 were terminated, resulted in skyrocketing increases in the cost of electricity. The inclusion of CWIP in WPPSS rate determinations placed the Pacific Northwest consumer in a position of bearing substantial risks without any of the benefits normally derived from investment, and at costs that were quickly out of control. Today, those consumers are faced with the possibility of as many as four WPPSS dry holes. Today, not one megawatt of electricity has been generated by the WPPSS nuclear plants.

I am told that the FERC ruling will have little or no direct impact on the cost of power in the State of Washington—BPA's wholesale power sales are not regulated by FERC in this regard. As a matter of national policy, howev-

er, I believe that the allowance of automatic CWIP in wholesale electric rates is extremely misguided. Utilities will be encouraged to build where building may not be necessary and consumers will have to spend increasingly higher proportions of their incomes to pay utility bills. It is also important to emphasize that, although FERC's rule only applies to about 10 percent of firm power sales of electricity in the United States, it establishes a precedent that State utility commissions are likely to follow. It is most important that we change the nature of the regulatory climate in Washington now so that automatic CWIP does not become generalized utility practice.

In fact, since the FERC rule became effective, private utilities have filed for more than $100 million in CWIP-related rate increases. This represents a substantial, and potentially unwarranted, burden on the ratepayers. For senior citizens, who may never receive any benefits of the plants, the CWIP-induced rate hikes are especially unfair. Something has to be done to respond to the new FERC policy.

H.R. 555 provides that response. It doe not reverse the FERC decision. Rather, it provides a new approach to the CWIP issue. H.R. 555 would require FERC to scrutinize CWIP requests on a case by case basis, limiting it in the rate base to situations in which a utility shows that it has poor cash flow, that it must borrow money at rates significantly above the industry average, and that the proposed facility is necessary and the least expensive when alternatives such as energy efficiency, load management, renewables, cogeneration and changes in rate structure have been considered. In effect, the bill balances utilities' need for capital with the consumers' need for protection against excessive rate increases.

Opponents of this legislation argue that it threatens the financial stability of electric utilities and would produce major power shortages. I have not seen evidence to support these claims. H.R. 555 simply provides safeguards to insure sound utility practices. The financial health of the electric utility industry has been steadily improving and now provides some of the best rates of return available. In this environment, FERC's policy permitting automatic CWIP is clearly unjustified. It could distort energy markets, and distract utilities from sound management decisions. We are also in no danger of running short of electric capacity. According to a report by the Congessional Research Service, there will be ample electrical generating capacity to serve the Nation's needs through 1990, and probably through the year 2000. Should this projection prove faulty, there will still be ample time to obtain new capacity through conservation, renewable and alternative energy supplies. H.R. 555 simply insures that involuntary consumer financing does not encourage imprudent projects when cheaper, and often more environmentally sound, alternatives are available.

H.R. 555 is a fair and responsible bill. I strongly urge my colleagues to vote for its passage and against any weakening amendments.

● Mr. LEVINE of California. Mr. Chairman, I rise in support of H.R. 555, the Construction Work in Progress Policy Act of 1983. Under current law utilities are allowed to automatically charge customers for the cost of constructing powerplants before those customers ever enjoy the benefits of power. This has an adverse impact on consumers and increases the likelihood of the construction of unnecessary power plants.

CWIP forces consumers to pay millions of dollars in higher electric rates while many utilities are in no need of rate relief. According to the American Public Power Association, the FERC rule allowing CWIP will cause an immediate rate hike totaling $750 million over the next 2 to 3 years. Additionally, consumers are denied the use of their own money.

When CWIP is allowed, consumers are unprotected from utility managers who are no longer disciplined by the financial marketplace. New power plants cost billions of dollars. With CWIP, utilities have less incentive to evaluate conservation, load management, or alternative energy resources when they are effectively guaranteed a return on investment.

When consumers pay for CWIP, there is chance that they will never benefit from power for which they are paying. Over the past 10 years, over 100 electric plants were canceled after more that $10 billion had been spent on them. If comsumers had paid CWIP, they would have contributed funds for plants which will never generate electricity. In California, construction of the Diablo Canyon Nuclear Power Plant began 17 years ago. Licensing of the plant has been delayed as a result of the discovery of an earthquake fault 3 miles offshore from the plant and the realization that the blueprints had been reversed. Recently, new charges have surfaced alleging that the plant was built in massive violation of Federal safety regulations. The price of the plant has increased from $300 million in 1966 to a current estimate of $4.2 billion. Should Pacific Gas & Electric Co. customers have been forced to pay for these incredible costs—many of which were incurred as a result of mistakes—when they may never benefit from power generated at the plant?

CWIP also has an adverse impact on senior citizens and more mobile members of our society, who are charged for facility costs, when they will never receive power from them.

Wholesale customers, which are utilities themselves, lose some capital which could be invested in their own generating plants. They are forced to pay double costs. They must pay their own construction costs, while they pay the construction costs of their supplier. When FERC allows CWIP in the wholesale rate base, but the State does not allow it, the wholesale customers are caught in a price squeeze. These customers' wholesale rates—and, hence their retail rates—are increased to reflect CWIP, while retail rates of competing private utilities are not raised to include CWIP.

I cite the example of my home State of California where the prevention of the use of CWIP in the rate base has been beneficial. The California Public Utilities Commission has never had a policy of permitting CWIP. This policy was in effect during the 1970's when California utilities were in poor financial condition. During that time, California utilities planned to build several major power plants. Because they did not have CWIP in the rate base, they did not build most of those plants. Since the 1970's, there has been a reduction in demand and the need for those plants has diminished. In testimony before the Energy Conservation and Power Subcommittee, Barbara Barkovich, director, Policy and Planning Division of the California Public Utilities Commission, stated that the California utilities financial position has improved for two reasons:

> One is that they have cut back on what turned out to be unnecessary projects, and two, . . . because we have devised some ratemaking methodologies for providing more financial stability for the utility industry without the use of CWIP.

These utilities invested in renewable energy and those investments contributed to the decline in demand for conventional resources. According to Ms. Barkovich, in at least one case, the San Diego Gas & Electric Sun Desert project, the presence of CWIP in the rate base would have been an added inducement for the utility company to invests in the project. San Diego Gas & Electric ultimately terminated the project, in part because the commission determined that the company was financially incapable of sustaining the investment. Recent events have proven that this was a sensible decision. The utility company has been able to both develop its own resources and buy power from out of State at a much cheaper price, while its financial position has strengthened immeasurably as a result of not undertaking that uneconomical and unnecessary financial burden.

H.R. 555 would allow CWIP in some limited circumstances where the public interest is served and the utility

can demonstrate a clear financial need. For example, CWIP would be allowed for installation of pollution control facilities, plant conversions from oil or natural gas to other fuels and for private utilities which demonstrate a financial need. CWIP determinations should be made on a case by case basis.

I urge my colleagues to join me in supporting H.R. 555, a sound and sensible piece of legislation.●

● Mr. OBERSTAR. Mr. Chairman, today we have the opportunity to overturn a misguided decision by the Federal Energy Regulatory Commission to allow electric utilities to earn profit from generating facilities which do not yet deliver a watt of power. In the past, FERC permitted utilities to apply for construction works in progress to install pollution control facilities, to convert oil- or gas-fired plants to other fuels or to expand electric capacity in cases of severe financial difficulty. This policy allowed such financially strapped utilities to add to their rate bases the cost of new generating or transmission facilities. In 1983, however, FERC ruled that any utility regardless of financial condition could include half of its CWIP costs in its rate base for wholesale customers.

CWIP is bad energy policy. By allowing electric utilities to include in their rate bases the costs of new generating or transmitting facilities under construction, investments in conservation, load management and alternative energy resources are discouraged.

CWIP also could result in excess electric capacity. The Library of Congress has estimated that we will have ample electricity generating capacity to meet our needs through 1990, and sufficient capacity through year 2000. By restricting CWIP to utilities which demonstrate inability to obtain capital at reasonable rates, we will discourage construction of costly excess capacity.

CWIP is bad consumer policy. Consumers are presently being forced to pay higher electric rates for facilities from which they receive no benefit. Since the FERC ruling, utilities have filed for rate increases from $450,000 to $50 million. These consumers may never benefit from this new construction—the Energy Information Administration estimates that $10 billion was spent on constructing plants which were later terminated and never completed. This represents $10 billion which could have been invested in conservation and alternative energy sources or saved by consumers, in the form of lower electric rates.

H.R. 555 is sound consumer and energy policy. This legislation would permit a utility to apply for inclusion of CWIP in FERC rates when the utility shows it needs ratepayer financing to start or complete needed capacity. H.R. 555 permits a utility to apply for CWIP if its construction program is designed to provide least cost energy, if the company is unable to borrow at reasonable rates and if the addition of CWIP to its rate base would not place wholesale customers at a competitive disadvantage. This legislation would assure that consumers would pay CWIP only when extraordinary rate relief is justified.

H.R. 555 has been endorsed by groups representing consumers, environmentalists, and public power, including the American Public Power Association, the Citizen-Labor Energy Coalition, the environmental defense fund, Friends of the Earth, the National Association of State Utility Consumer Advocates, the National Farmers Union, the National Rural Electric Cooperative Association, the Sierra Club, the United Autoworkers, and the United Steelworkers of America.

I urge my colleagues to support this legislation.●

● Ms. SNOWE. Mr. Chairman, I rise today in support of H.R. 555, the Construction Work In Progress Policy Act of 1983. This legislation offers the American consumer a defense against rising utility costs, and a better regulating mechanism that will help to promote energy conservation.

Publicly owned utilities have traditionally not been allowed to pass along their current CWIP costs to the consumer. This approach has been taken so that construction costs are billed when utility improvements are actually felt by the consumer. This system is fair because the same consumers who would benefit from construction would be paying for it.

As a result of an unfortunate rule change made last year by the Federal Energy Regulatory Commission, federally regulated utilities will be allowed to include up to 50 percent of CWIP costs in their current rate base, which translates into an up-front charge to the consumer for a project not yet generating power. This rule would allow a company to choose to build a new powerplant, spend billions of dollars, and be assured of up-front financing and an all-but-guaranteed return on equity. The result of this procedure would penalize consumers, who will have to forego money they earn today for a product they may or may not even use, perhaps a decade later.

The imposition of the new CWIP ruling has already caused a number of requests for CWIP-related increases. This comes at a time when many projects—some new and others just under consideration—have been questioned on the grounds of need or viability.

H.R. 555 is a positive measure that would benefit the consumer. This legislation would permit the Federal Energy Regulatory Commission to allow the addition of CWIP costs to rate bases for only exceptional cases, including cases where a ultility has a sound construction project under consideration, but cannot meet its costs because of financial difficulties. Pollution control construction improvements will still be allowable as a CWIP cost, which we all know is an important conservation incentive.

I urge my colleagues to vote in favor of H.R. 555. The American consumer has everything to gain from this legislation. By offering CWIP as the exception and not the rule, we will correct what is clearly a simple inequity in the eyes of the American consumer.●

● Mr. CORCORAN. Mr. Chairman, I oppose H.R. 555, a bill to amend the Federal Power Act to limit the amount of costs that utilities are allowed to recover through the construction work in progress (CWIP) mechanism. I opposed this legislation in the Energy and Commerce Committee for the reasons stated in the minority views which I joined several of my colleagues in signing. These views are stated in the committee report accompanying the Construction Work in Progress Policy Act of 1983 (Rept. No. 98-350).

Basically, despite all the rhetoric to the contrary, H.R. 555 would increase consumer costs of electricity in the long run and would contribute to large and sudden rate increases when new powerplants are placed in service. The Federal Energy Regulatory Commission has extensively considered this issue and has unanimously put into effect a rule which is well-reasoned and equitable. H.R. 555 would reverse that rule.

Mr. Chairman, for the benefit of our colleagues, I would like to include in the RECORD the text of two February 6 letters on this subject. Both letters oppose H.R. 555. The first is from FERC Chairman Raymond J. O'Connor to Congressman CARLOS J. MOORHEAD, the ranking minority member of the Energy Conservation and Power Subcommittee. The second, is from DOE Secretary Hodel; I understand this letter was sent to all Members.

The letters follow:

FEDERAL ENERGY
REGULATORY COMMISSION,
Washington, D.C., February 6, 1984.

Hon. CARLOS J. MOORHEAD,
Subcommittee on Energy Conservation and Power, Committee on Energy and Commerce, Rayburn House Office Building, Washington, D.C.

DEAR MR. MOORHEAD: This is in response to your letter of February 2, 1984, requesting my views on H.R. 555, a bill designed to amend the Federal Power Act to prescribe a new ratemaking treatment for financing expenses incurred in relation to construction work in progress (CWIP). As I understand it, the objective of this legislation is to reverse the Commission's Order No. 298, which many Members apparently find inimical to the interests of ratepayers. Having reviewed the draft legislation and the Commission's present rules, I feel I must dis-

agree with the economic assumptions underlying the bill and the view that the Commission's action somehow contravenes the public interest.

The final rule in Order No. 298 represents years of experience dealing with the cost of financing a utility plant as it impacts wholesale electric rates. I believe it is a judicious reform of the anomalous practice of excluding from rate base the cost of financing ongoing construction programs. Not only did the "financial distress" test for CWIP, which was abandoned by the Commission, afford the industry little assistance in a time of economic hardship and stop-gap regulatory policies, it did not enable utilities to prepare to meet the demands of the future.

H.R. 555 would basically reinstate the prior CWIP policy. As the Commission recognized in its revised CWIP rule, however, both utility companies and ratepayers can be hurt by the prolonged accrual of noncash earnings on utility books. For the utility, the practice meant high financing costs, lower interest coverage ratios, severely diminished cash flow, and incentives to pursue short-term strategies that may defeat the goals of long-term planning, notably that of providing power to ratepayers at the lowest reasonable cost. More importantly for ratepayers, the earlier practice meant demands for power that did not relate to the current actual cost of that power and sudden increases in rates each time the costs of a newly operational facility, including accrued financing costs, were added to rate base. In sum, the enforced delay in recovering financing costs is difficult to justify for any utility and is indefensible for those undergoing financial stress. Yet, H.R. 555 would essentially reinstate that practice and place substantial impediments in the way of more expeditious cost recovery.

The current utility picture also disfavors the H.R. 555 approach. Large construction programs will eventually mean precipitous rate increases as facilities become operable. Many public utilities have construction programs which are significant in terms of the net worth of each such company. Such large construction programs have enormous implications for rates. Without a viable CWIP policy, the long-term cost of reliable power will escalate.

To date, twelve rate cases involving CWIP have been filed under the new rule. As these and future cases are addressed by the Commission, the Congress and the public will be able to ascertain more clearly whether the Commission's approach is equitable and economically viable. The Congress may wish to benefit from the Commission's experience under the new rule before requiring so radical a reversal of Commission ratemaking policy.

The question at hand is whether the regulatory policy under which the utility industry meets the future will assist rational economic planning or lead to piecemeal short-term strategies. I believe the Commission's rule offers long-term benefits to the public that the Congress should not cast aside, particularly in favor of the administratively cumbersome and economically unpredictable scheme of H.R. 555.

If I can supply further information on this important matter, please do not hesitate to contact me.

Sincerely,

RAYMOND J. O'CONNOR,
Chairman.

THE SECRETARY OF ENERGY,
Washington, D.C., February 6, 1984.

Hon. TOM CORCORAN,
House of Representatives,
Washington, D.C.

DEAR MR. CORCORAN: The Committee on Energy and Commerce has approved for full House consideration a bill (H.R. 555) to regulate the inclusion of the costs of Construction-Work-in-Progress (CWIP) in electric utility rate bases under the jurisdiction of the Federal Energy Regulatory Commission (FERC). The proposed legislation would reverse a recent unanimous FERC rulemaking, made after extensive consideration and public comment, that allows up to 50 percent of a utility company's construction expenditures to be included in its rate base as these expenses are incurred, subject to strict conditions.

The Department of Energy opposes H.R. 555. The exclusion of Construction-Work-in-Progress from the rate base can lead to distorted investment decisions by raising the cost of capital-intensive resources. By accumulating the interest costs during construction of new generating facilities, consumers end up paying interest on interest and getting hit with "rate shock" when new capital-intensive facilities are put into service. Because of the difficulty in financing the higher capital cost, H.R. 555 would provide a disincentive to employ technologies with lower operating costs, such as hydro, solar, wind, and nuclear power. They will rely instead on low capital cost but fuel-intensive technologies, such as those that burn oil and gas. By discouraging those technologies which offer a cost-effective alternative to oil and gas as a generating fuel, H.R. 555 would reduce the balance and diversity in our nation's electric power system. The unfortunate legacy of such legislation would be higher electricity prices and a less reliable electric power system.

We support the recent FERC rulemaking on Construction-Work-in-Progress. It is a responsible and well-reasoned step which recognizes the difficulties utility companies face today financing the electric power investments which will sustain our economy in the future. The FERC rulemaking is supportive of the national energy policy goal of assuring an adequate and diverse energy supply at a reasonable cost, as expressed in the recent National Energy Policy Plan.

Electricity is a fundamental requirement for long term economic growth. We can not afford legislation which unnecessarily preempts the considered decisions of our regulatory institutions and casts a shadow over the adequacy and efficiency of our nation's electricity supplies. For this reason I urge you to vote against H.R. 555 and to allow the recent FERC rulemaking to stand.

Sincerely,

DONALD PAUL HODEL.●

● Mr. DASCHLE. Mr. Chairman, I rise today in strong support of H.R. 555, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work through rate increases.

We are all concerned, I know, with the rising cost to utility customers that have occurred with alarming frequency in the past few years. Since utility companies are, by the very nature, federally empowered monopolies, it is incumbent upon us to make sure that what we do on the Federal level asssures the absolutely lowest cost to the consumer consistent with adequate future electrical supplies.

The concept of allowing publically owned electric utilities to use the costs of construction work in progress is not a new one. In 1976, the Federal Power Commission allowed utilities that demonstrated that they were in severe financial distress to include the costs of financing new plants in their wholesale rate base while these plants were still under construction. That was the situation until this past year when the Federal Energy Regulatory Commission considerably liberalized this regulation by allowing any utility, regardless of financial condition, to include half the costs of financing a power plant in its wholesale rate while the plant was still under construction.

To my mind, this was a badly made decision. While no one would deny that specific electric utilities which are experiencing severe cash flow problems should have the opportunity to somewhat alleviate that pressure through the mechanisms of a construction work in progress allocation in their wholesale rates, to broaden out that franchise to any and all utilities, regardless of their financial condition, is, in my view, a total abrogation of our responsibility to protect the electric customer from unwarranted rate increases.

The provisions of H.R. 555 would prohibit the Federal Energy Regulatory Commission from allowing utilities to include in their wholesale rates the cost of financing new powerplants still under construction unless the utility can demonstrate that it has insufficient cash flow and that the new facility represents the least costly method of meeting electricity demand. The bill does not, as some of its opponents would lead you to believe, totally foreclose these utilities from making such rate adjustments. It only puts into place a mechanism that calls on the utility to establish two things: First, that it is indeed in a serious cash flow problem; and second, that the new construction whose cost it wishes to pass on to its present customers is the most cost efficient method of providing needed electrical supplies.

If, in fact, the utility can demonstrate these two conditions, it will be allowed to make the rate adjustment. These two preconditions seem to me the least we can do to protect the electric customer from unwarranted price increase due to bad business decisions on the part of utility companies, and to make sure that we do, in fact, provide the of kind of oversight necessary to protect the consumer from increased costs directed to them from a federally protected monopoly, which does operate not under the law of supply and demand.

We have seen, in the past few years, examples in another utility, natural

gas, the results of unexamined passthroughs of cost to the consumers, passthroughs which over the past 5 years have in many cases doubled the cost consumers pay. Let us take this opportunity today to make sure that the same thing does not happen to electric rates. A good starting point for that process would be in an overwhelming show of support for H.R. 555. I urge my colleagues to vote for this badly needed consumer protection legislation.●

● Mr. STARK. Mr. Chairman, as a sponsor of H.R. 555, and as a Californian, whose State utility regulators have seen the wisdom of denying construction work in progress charges, I am pleased to support this bill.

The very thoughtful committee report outlines both sides of the argument, but reaches the conclusion, and I quote:

> On the basis of the available evidence then, there is no question that inclusion of CWIP in rate base according to the (Federal Energy Regulatory) Commission rule will cause a rate increase, an increase that will equal 6% per annum for two straight years and, cumulatively, exceed 12 percent after three years for some customers. On the other hand, there is no evidence that this increase will result in rate decreases of any magnitude in the foreseeable future or even that rates will be lower than they otherwise would be.

The CWIP rule encourages utilities to undertake huge new, questionable projects by lowering the cost of capital to them and shifting much of the risk to the energy users rather than the utility stockholders. This is not the kind of incentive we should be providing: we should be encouraging conservation and the use of alternative energy sources. In fact, we are encouraging such alternatives through the Tax Code. Congress has provided generous investment tax credits to the wind, solar, and geothermal industries along with requirements that utilities buy whatever power these new energy groups provide. In some parts of the country, these new alternative energy companies are starting to bring power onstream at reasonable costs. To provide the big utlities with CWIP benefits runs counter to this other program and prolongs the day that these alternative energies will be asking Congress for "start-up" subsidies. It would be nice, Mr. Chairman, if we could coordinate our subsidies for a change, instead of making them counterproductive.

For all these reasons, I urge the passage of H.R. 555.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 555, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress (CWIP) through rate increases. My colleague, Congressman TOM HARKIN, is to be commended for shaping this legislation which protects consumers from unwarranted and unfair rate increases and will promote sound energy investments.

The Federal Electric Regulatory Commission (FERC) in 1983 decided to allow utilities to include 50 percent of the finance charges for a new plant, while it is still under construction, in the rate base which determines electric rates. Under this new FERC rule, utilities are able to include CWIP without proving that the new plant is needed or that the utility is in financial trouble. This decision is unfortunate because it is increasing our constituents' present electric bills and heightens the risk of building unneeded plants.

Traditionally, consumers have not had to pay for a new electric plant until it began to produce electricity. Now consumers who may never use electricity from a new plant, such as the elderly and the mobile younger generation, will have to pay for it. It is also not even clear that paying for plants now will save consumers money in the future. This is especially true when you discount future consumer utility savings to take into account the return consumers would get on the money if it were not paid to the utilities in the present.

The CWIP method of setting rates shifts much of the risk of investment from shareholders to consumers. The risk consumers would be asked to bear is substantial: utility customers could pump hundreds of millions of dollars into a powerplant that is never completed. In addition, by partially removing building decisions from the scrutiny of the market, utilities may make potentially unwise decisions regarding new plants because they know that the consumer will have already picked up a good portion of the cost if anything goes wrong. Instead of encouraging conservation, indiscriminate use of CWIP encourages unwise construction at the expense of conservation.

There are times when it would be socially useful to include CWIP in the rate base and H.R. 555 reflects this fact. H.R. 555 allows inclusion of CWIP in the rate base for construction involving pollution control or plant conversion. In addition, the bill provides a process for inclusion of CWIP when a utility is in financial trouble and thus may have to pay too much for a loan to build a needed plant. The key difference between the bill and the FERC rule is that the bill mandates the Commission to review the facts of each case before allowing CWIP to be included. This will not create unnecessary regulatory burdens, but it will prevent utilities from embarking on another binge of expensive and often totally unnecessary construction.

Mr. Chairman, the FERC decision, in undercutting a longstanding policy that consumers should not have to pay for a powerplant until it starts generating electricity, is just another example of the Reagan administration's bias in favor of the private investor over and against the consumer. H.R. 555 overturns this unwise decision and will insure that when CWIP is included in the rate base, it will be in the consumer's best interest. The intent of the bill is not to discourage investment, but to discourage investment in unnecessary powerplants. Let us pass H.R. 555.●

● Ms. KAPTUR. Mr. Chairman, I rise in support of H.R. 555, the Construction Work in Progress (CWIP) Policy Act of 1983.

Last July, the Federal Energy Regulatory Commission (FERC) allowed electric utilities to place CWIP in their rate bases. Under this new rule, utilities are routinely permitted to charge ratepayers 50 percent of the financing charges on the costs of new powerplants while they are under construction. This FERC position reverses regulatory policy that goes back to the last century, insuring that customers not pay until a plant is producing electricity.

H.R. 555 would permit a utility to apply for the inclusion of CWIP in FERC rate bases only when the utility demonstrates a need for an infusion of ratepayer cash to initiate or complete needed new capacity. It would require FERC, as it did until this year, to treat CWIP as an extraordinary remedy on a case-by-case basis. I believe that this bill embodies a much improved CWIP policy.

Opponents of this bill claim that allowing CWIP in the rate base is in the consumers interest. This is just not true. While under certain economic assumption, a plant may cost less with CWIP than under traditional regulation, lower plant costs do not mean lower rates. Furthermore, consumers are compelled to pay millions of dollars immediately in higher electric rates. Thus, consumers are denied the current use of their money to meet subsistence needs, install conservation devices, or invest. Consumers' purchasing power will be greater if they retain their money and invest it at a rate at least equal to a utility's cost of capital. Also, wholesale customers, which are utilities themselves, lose some capital which could be invested in their own generating plants.

Consumers' pocketbooks are unprotected when the financial risk of cancellation or uneconomic investment is transferred from shareholder to ratepayer. This partially removes the utility management from the discipline of financial markets. Billions of dollars are at stake when a utility decides to construct a powerplant. Utilities have much less economic incentive to evaluate conservation, load management, or alternative energy resources when

they are effectively guaranteed a return on investment from consumers in a new powerplant under construction.

Consumers also take a substantial risk that they will never benefit from their CWIP contribution. Over the last 10 years, well over 100 electric plants were canceled after more than $10 billion had been spent on them. If consumers had paid CWIP, they would have contributed funds for plants which will never generate electricity. And in an increasingly older and more mobile society, many people would be charged CWIP, but would never receive power from facilities completed many years later.

As I have explained, CWIP is usually a losing proposition for consumers. Consumers are already aware of the cost of electricity—rates have risen over 70 percent during the past 5 years and consumers have reduced their demand accordingly. Thus, at a time when electric bills are rising, and demand is declining, should consumers bear the immediate cost and risk of generating plants that are not supplying electricity and may never be needed? I firmly believe that the answer is "no."

I urge my colleagues to join with me in protecting the consumer, by voting for this important consumer legislation.●

● Mrs. BOXER. Mr. Chairman, I support H.R. 555, the Construction Work in Progress Policy Act of 1983. This bill, which provides limitations to the Federal Energy Regulatory Commission's power to allow electric utilities to prebill customers for construction costs, is one of the most important pieces of consumer legislation to come before the 98th Congress.

Construction work in progress permits electrical utilities to charge ratepayers for the costs incurred in building new generating or transmission facilities during the construction period. Already, 10 utilities have filed for CWIP-related increases totaling over $10 million. At a time when electric bills are continuing to rise, consumers should not have to bear the immediate cost and risk of powerplants from which they may see no benefits. In some cases, these plants will never even be completed. With construction work in progress, the consumer loses. Our elderly citizens may well be the biggest losers as their contributions are often used to finance plants which are not scheduled for completion for many years in the future.

So while H.R. 555 responds to the financial needs of private utilities, it also protects consumers from excessive and unjustified rate increases. H.R. 555 is truly fair legislation and I urge my colleagues to support it.●

Mr. OTTINGER. Mr. Chairman, rather than being such shocking and radical legislation, all this legislation does is return part of the way to the way wholesale power has been regulated over the years.

I do not understand what is so shocking about that. Under the ordinary course of things, utilities have always had to put up the risk capital to build their own plants. This bill allows them to shift that burden to consumers where they can show that there is a genuine financial need to do so.

So it is much more generous than what has occurred ordinarily.

The opponents of this legislation talk about rate shock. Well, I daresay that 80 percent of the plants in the country have been built without CWIP and there has been no rate shock.

It is just a shibboleth of an argument. They talk about careful study. How FERC got to 50 percent was to average between the utilities that wanted 100 percent and others who wanted nothing.

So I urge support of the legislation, as do many organizations. The following are samples of the correspondence received on this bill:

NATIONAL COUNCIL OF SENIOR CITIZENS,
Washington, D.C., February 6, 1983.

DEAR REPRESENTATIVE: The National Council of Senior Citizens, representing over 4.5 million older Americans, endorses H.R. 555 and urges you to support it as well. Our overriding belief is that all energy policy decisions must take into account the impact they have on low-income people.

On few other issues do we receive as much mail as we do from people concerned about the high cost of home energy. Our members and millions of others live in fear that at winter's peak their source of heat might be suddenly cut off.

The Construction Work In Progress (CWIP) issue is of particular relevance and concern to NCSC and our members. Senior citizens will be asked to finance construction projects that may not be completed until long after they have passed away. Consumers have been financing energy projects through the rate base for too long and are now paying higher costs for energy due to over-building by many of our nation's utilities. We must not allow this to continue.

H.R. 555 would not preclude a utility from financing construction through the rate base. However, it would require each utility choosing to do so to prove financial need to the Federal Energy Regulatory Commission. Given FERC's past performance in allowing oil and gas price increases, we feel sure that utilities need not worry about the Agency's willingness to grant the necessary waivers should they be justified.

For all of these reasons, we urge you to vote to support H.R. 555 when it comes to the House floor this week.

Sincerely,

ERIC SHULMAN,
Director of Legislative Liaison and Research.

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, D.C., February 1, 1984.

DEAR REPRESENTATIVE: Members of Congress have few opportunities to respond to their constituents' concerns over rising utility rates. Next week, such an opportunity may be presented if, as expected, the House of Representatives considers H.R. 555, the "Construction Work in Progress Policy Act of 1983." H.R. 555 will help ensure that wholesale electric utility rates set by the Federal Energy Regulatory Commission (FERC) are indeed kept just and reasonable.

In 1983, FERC adopted a rule allowing investor owned utilities to include automatically in their rate base 50 percent of their construction work in progress (CWIP). Under this rule, companies could begin earning a return on facilities whether or not they are in operation—or in fact whether they will ever operate.

FERC has indicated that its allowance of 50 percent of CWIP automatically was a compromise between the position of private utilities who wanted 100 percent inclusion of CWIP and those who wanted to prohibit CWIP totally. The American Public Power Association (APPA), representing over 1,750 electric utilities nationwide, supports neither position. Instead, APPA believes that CWIP is an extraordinary form of rate relief which should be granted on a case-by-case basis of demonstrated utility financial need. H.R. 555 embodies that standard and ensures that FERC meets its regulatory responsibilities under the Federal Power Act.

The impact of the FERC rule is already being felt. Ten utilities have filed for CWIP-related increases totalling over $100 million. One utility, New England Power Company (NEPCO), has filed for nearly half that increase. Yet NEPCO's parent company, New England Electric System (NEES), is a financially healthy company. For the year ending June 30, 1983, NEES' earnings were up 19 percent and its return on common equity was 17.4 percent. It is inequitable for ratepayers to pay higher electric bills to NEPCO without some genuine need, but the FERC rule requires none.

In fact, many private utilities may not be able to demonstrate a financial need for CWIP today. While FERC may have originally intended for its rule to meet the alleged financial difficulties of the industry, that is no longer the case today. With the economic recovery, the performance of many companies has improved markedly. Although a few companies face potential financial problems because of difficulties with nuclear power plants, *Business Week* commented recently that "the outlook for the industry is far brighter than the stormy headlines imply."

The FERC rule is more than a financial windfall for private utilities. It is anticompetitive. Many publicly owned utilities are becoming energy self-sufficient through investments in their own generating capacity. But public systems should not be obligated to pay for future capacity twice—once, in the form of CWIP to their existing supplier and, second, when they pay for their own plant. FERC acknowledges this dilemma, but imposes such a stringent burden as to make it nearly impossible for such systems to prove their case.

Competition also is impaired where states treat CWIP in retail rates differently than FERC does with wholesale rates. Increasingly, states such as Pennsylvania, Missouri, Texas, California, Oregon and New Hampshire are prohibiting or severely restricting CWIP in retail rates. If a publicly owned utility located in one of these states must pass on a CWIP increase to its ratepayers, while its wholesale utility supplier cannot do the same to its retail ratepayers, the public system will be caught in a "price

squeeze." FERC precedents, however, provide little recourse for a publicly owned utility placed in this situation.

H.R. 555 addresses each of these inequities. It provides that only utilities with a genuine financial need may qualify for CWIP relief. Where utilities can demonstrate such a need, and are constructing cost-effective facilities, H.R. 555 will provide them with the necessary financial relief. Equally important, H.R. 555 will protect competition within the electric utility industry. If publicly owned utilities show that they are constructing their own generating capacity, or may be caught in a "price squeeze," they will have adequate recourse to correct these problems. In short, H.R. 555 will promote the adoption of sound regulatory policies at FERC.

For the reasons set forth above, APPA again urges your support for H.R. 555 when it comes to the floor.

Sincerely,

ALEX RADIN,
Executive Director.

CONSUMER FEDERATION OF AMERICA,
February 3, 1984.

DEAR REPRESENTATIVE: On behalf of our more than 200 organizations and their over 30 million members, Consumer Federation of America strongly encourages you to support H.R. 555, which would limit the Federal Regulatory Commission's (FERC) power to allow electric utilities to pre-bill customers for construction costs. Absent H.R. 555, FERC's 1983 decision to permit utilities to automatically include construction costs in their current rate base would stand, having an adverse impact on consumers, on economic activity, and on the delicate balance between federal and state regulators.

First and foremost, prebilling for construction work in progress (CWIP) would be extremely costly to consumers—already 10 utilities have filed for CWIP-related increases totalling over $100 million. Moreover, it would be grossly unfair to charge ratepayers for the costs of producing electricity they may never use. In an increasingly older and more mobile society, and with the all-to-frequent cancellations of power plant construction, this inequity is more than hypothetical.

In addition, a less than stringent approach to CWIP would impose broader economic and political costs. Prebilling would transfer much of the risk involved in building a power plant from shareholders to ratepayers. Consequently, CWIP biases utilities toward plant expansion rather than to investments in energy-saving alternatives. In recent years, a number of far-sighted utilities have emphasized conservation more than new construction. Prebilling would penalize these companies, while rewarding those obsessed with expansion.

Finally, CWIP threatens to disrupt the balance between FERC and state public service commissions. The very existence of the FERC rule will provide substantial incentive for utility companies to restructure into separate generation and distribution subsidiaries. This accomplished, a utility would be selling power to itself at wholesale rates, sweeping the transaction out from under state jurisdiction and into the more permissive, CWIP-allowed arena of FERC's jurisdiction. This type of restructuring is already being attempted.

By limiting FERC approval of CWIP to instances of demonstrated economic necessity, H.R. 555 minimizes long-term costs to consumers without penalizing hard-pressed utilities. CFA urges you to support this balanced approach to the prebilling issues by voting for H.R. 555 when it reaches the floor.

Sincerely,

STEPHEN BROBECK,
Executive Director.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KOGOVSEK) having assumed the chair, Mr. DORGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 555) to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases, had come to no resolution thereon.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair welcomes back our chairman of the Committee on Rules. I understand he has had a severe cold and we are happy to have him back.

SAVING MONEY FOR MEDICARE

(Mr. PEPPER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am sure all of us are aware that medicare, within about 4 years will be in a condition that social security was before the recent Commission on Social Security recommended action with respect to that program. I introduced not long ago, following the precedent of what was done in respect to social security a bill to set up a bipartisan commission to deal with the problem of medicare. However, I am not pushing that legislation but giving the Ways and Means and other committees of the Congress an opportunity to work on that matter.

I myself, with my subcommittee of the Aging Committee, am working up on a method of approaching the medicare problem which will save money for the Government, reduce the cost of medicare for the people covered by it and provide more medical coverage for the recipients of medicare.

I hope to be able to lay those proposals before the Appropriations Committee of the House of Representatives. I have a statement about this matter. I ask unanimous consent that my statement appear following my remarks in the RECORD today.

The SPEAKER. Is there objection to the requests of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, 3 years ago the Reagan administration arrived in Washington with a promise to improve efficiency in Government. We were promised Federal spending would be dramatically reduced without shredding the social "safety net" which protects those of our citizens in need.

We were promised fraud, waste, and abuse—estimated as high as 20 percent in some programs—would be eliminated.

We were promised that Federal deficits would be reduced and the budget balanced.

We were promised medicare would not be cut.

We were promised social security benefits would not be diminished.

Unfortunately, the record of this administration questions their commitment to these laudable goals. In reality, the administration has not reduced Federal spending. Spending has reached record levels.

The administration has not balanced the budget. The Federal deficit has more than doubled during this administration and now approaches $200 billion. Outlays for interest on the deficit has increased by $32 billion in these 3 years.

What the administration has done is drastically alter our Nation's priorities. Defense outlays have increased by $90 billion while spending for domestic programs has decreased by $75.8 billion.

Social security benefits have been reduced.

Spending for housing, health, nutritional programs, legal aid and other services essential to the elderly has been curtailed. With every day ever more of our poor and elderly find themselves worse off than they were 3 years ago, while the rich get richer.

Instead of reducing fraud, waste, and abuse, as promised, the administration now says it does not exist. According to the director of the Office of Management and Budget, Federal spending cannot be reduced by increasing efficiency and curtailing fraud, waste, and abuse since "nearly every stone has been turned over."

MEDICARE CUTS

During the last 3 years no program has been more consistently assailed by this administration than medicare—

the critical program that supports the health of our Nation's elderly. Medicare has been forced to endure a barrage of attacks.

In 1981 medicare benefits were cut by almost $3 billion—80 percent of these cuts were borne by medicare beneficiaries.

In 1982 administration proposals would have reduced benefits by $2 billion more. Fortunately for the elderly, Congress rejected most of these proposals.

Last year, the administration again sought to reduce medicare benefits by billions and again most of these reductions—about 70 percent—would have been passed on to seniors.

Last Thursday, the administration renewed its attack on medicare. Once more it has requested more billions of dollars in medicare reductions and cost shifting.

THE SOCIAL SECURITY ADVISORY TASK FORCE

The recommendations of the administration's social security task force, which was to develop long-term solutions to the medicare crisis are consistent with these repeated attacks. The panel developed, in the words of its executive director, a "bite the bullet" agenda. Principal recommendations include raising the age of eligibility for medicare beneficiaries from 65 to 67, cutting benefits, and shifting costs.

The philosophy of the administration as it emerges from these actions would argue that the Nation's budgetary health can best be improved by burdening the sick and helpless, those most in need and least able to pay.

They argue that increasing the coinsurance and deductible amounts our seniors pay will cut down on abusive overutilization of hospitals. Unfortunately, there is an absence of reality to their basic assumption. It is not the older person who decides who shall be admitted to a hospital. It is not the older person who decides what services he will receive. It is not the older person who decides when he will be discharged. Those are medical decisions. The elderly neither enjoy nor profit from being hospitalized.

The fact of the matter is that the problems of medicare reflect its structure and incentives. These problems embrace questions of coverage as well as cost. Both of these issues must be addressed if the medicare crisis is to be resolved.

In the coming weeks, I will present legislation to address both these issues. As a first step, I have prepared a series of legislative recommendations to address the medicare solvency issue. I believe the projected medicare shortfall can and should be addressed without further adding to the burden borne by seniors—a burden that already equals or exceeds on average their pre-medicare, per capita health costs.

These proposals would, if adopted, cure the projected medicare shortfall and establish a surplus. They would eliminate the administrator's excuse for diminishing benefits and shifting costs. Most important, their adoption would allow us to look beyond the projected deficit to focus on the more critical issues related to restructuring the medicare program to more efficiently and equitably meet the needs of seniors.

RESTORING MEDICARE SOLVENCY

Despite Mr. Stockman's apparent belief, there still are vast areas of fraud, waste, and abuse in Federal programs. Under my direction, the House Select Committee on Aging identified many areas where programs benefiting the elderly can be improved and waste eliminated. Although many reforms have since been made, much more needs to be done.

1. CLINICAL LABORATORIES

In 1976, for example, the Senate Aging Committee conducted a review of the operation of clinical laboratories under State and Federal health programs. The committee found medicare and medicaid payments had not been adjusted to reflect changes in testing technology—principly the development of computerized equipment and automated testing. As a result, the committee concluded at least 30 percent of these laboratory charges were either being wasted or stolen.

In the intervening 7 years these findings have been validated by State fraud units; the Inspector General, Department of Health and Human Services; and the Federal Bureau of Investigations. But, there is reason to believe the problem still exists.

At my request, staff of the House Aging Committee, Subcommittee on Health and Long-Term Care obtained data comparing costs in Canada and United States (medicare prevailing charges) for nine common laboratory tests. The data gathered (reprinted below) reflects the charges of a profit-making company doing business in both countries. The company utilizes the same equipment and procedures in both countries.

As the table below indicates, medicare's payments (column 1) range from 304 percent to 718 percent higher than Canadian payments (column 2) for these basic tests.

MAJOR MEDICAL LAB'S PRICES FOR HIGH VOLUMES LAB TESTS (BIO-SCIENCE INC.) FOR AMERICAN AND CANADIAN BRANCHES

Name of high volume lab tests	Bio-Science's charges—		Proposed fee schedule prices	
	American—Percent above Canadian price	Canadian—in U.S. dollars	Percent above Canadian price— Senate version—65 percent	House version—60 percent
Potassium	$8.25—382	2.16	$6.05—280	$5.58—258
Hematocrit	7.75—718	1.08	2.03—188	1.88—174
Urea nitrogen (BUN)	7.75—359	2.16	4.89—226	4.51—209
Urinalysis	7.75—718	1.08	3.15—292	2.90—269
CBC	8.50—215	3.96	5.75—145	5.31—134
White cell count	8.50—590	1.44	2.52—175	2.33—162
Protime	8.75—304	2.88	4.30—149	4.00—139
Platelet count	11.75—408	2.88	5.20—181	4.80—167
Sedminentation rate	7.75—539	1.44	3.70—257	3.41—237

Both the House and Senate have legislation pending which would begin to address this problem by establishing medicare fee schedules for laboratory charges. Payments for the six tests identified under the Senate version are printed in column 3. Payments for these services under the House version are printed in column 4.

The data gathered by my subcommittee supports the need for the pending legislation. It also suggests that even the more restrictive House version, which would save more than $2 billion over the next 5 years, may be too lenient and that additional savings are possible in this area.

2. CAPITAL COST

A second example where savings are possible by eliminating waste is provided by the General Accounting Office's recent review of capital costs under medicare and medicaid. The GAO found the acqusition of costs associated with the purchase of the assets of one hospital by another increased costs by $55.2 million. Interest expense for the 54 hospitals acquired increased by $62.5 million and depreciation expense increased by $8.4 million for a total increase in 1 year of $70.9 million. These increased expenses were offset by a $15.7 million increase in home office costs.

This audit is only the latest indication of one of the most persistent problems faced by the medicare program—the "churning" of facilities and capitalized equipment. Churning, or

the sale and lease back of facilities and equipment serves only to increase the base on which medicare pays depreciation, allows interest, and pays a return on equity.

The same hospital—with an original depreciable valuation of $10 million on which medicare has been paying a depreciation expense—is then sold for $20 million and resold for $30 million. There is no change in building or equipment. There are neither increased services nor capacity for increased service—just a change in ownership and higher costs.

The result is that the taxpayer winds up paying for the same facilities and equipment over and over again in ever greater amounts. This drain on medicare and medicaid can be eliminated by the enactment of legislation which provides that the depreciable basis of any item or structure currently under medicare will be frozen at its depreciated value as of the date of enactment. In the future, the depreciable base of any asset would be its value as of the date initially recognized by medicare without regard to transfers of ownership or other changes in control or operation of the asset. The total impact of this provision is currently being calculated, but it is clear medicare savings would total many billions.

3. THE INTENSITY OF SERVICES ADD ON

The current hospital reimbursement system includes an add on to the projected market basket for "intensity of services." The rationale for payment is that it covers changes in technology and changes in the type and mix of patients. In reality, there is no substantial evidence to support the premise that these changes always add to a hospital's cost. In fact, changes in technology and methodology often contribute to lower costs through enhanced productivity and avoidance of more costly procedures and service as in the laboratory example above.

In addition, much of what is characterized as an intensity factor is, in fact, an anxiety factor. It includes the redundant and often avoidable prescription of tests, X-rays, and therapies springing more from the fear of malpractice than the need for certainty. In a recent report from the American Medical Association, for example, 40.8 percent of all responding physicians said they routinely order additional tests out of fear of malpractice. Twenty-seven percent of all physicians admitted providing additional procedures out of malpractice concerns. In the aggregate, the AMA reported this defensive medicine may account for 25-50 percent of the total cost of treatment.

This fear of malpractice is not unjustified. But there are other more constructive and less costly means of dealing with the problem than underwriting and encouraging unnecessary tests and procedures in the medicare program. I believe serious consideration should be given to the elimination or substantial reduction of this statutory intensity factor. If this one provision were changed, it, in and of itself, would nearly put the trust fund in actuarial balance.

As an offset and in recognition of the real costs associated with malpractice fears, I will support and work to develop legislation designed to equitably address physicians malpractice concerns.

4. RATIONALIZING THE DRG'S

My fourth suggestion for rationalizing medicare reimbursement relates to the "rewards and punishment" aspect of the new diagnosis related groups—or DRG's—method of hospital reimbursement under medicare. Under the DRG system—the efficacy and equity of which are cause for major concern—hospitals are paid fixed amounts for each DRG category into which they can categorize a patient. To the extent their costs are below the DRG payments they can keep the difference. If the costs exceed the DRG allowances that becomes the hospital's problems.

The adoption of this methodology assumed the Health Care Financing Administration has the necessary expertise to assure equitable calculation and allocation of the DRG's. It is now clear signficant modifications will have to be made in this system to avoid "windfall" profits for some hospitals and unjustified underpayments to others. I am also concerned the DRG system rewards some hospitals not for their own efficiency but for the inefficiency of others.

I suggest we consider a statutory change which would permit hospitals to retain 50 percent of the difference between their actual, reasonable medicare costs and the total of their DRG allowances. In the case of hospitals whose allowable costs exceed their total DRG allowances, they would be reimbursed by 50 percent of those excess costs but not more that a total of 10 percent above their DRG allowances. Thus a hospital whose costs exceeded its DRG allowances by 20 percent or more would receive 10 percent of their allowable costs in addition to the DRG reimbursement.

5. OUTPATIENT CARE

Another area where significant savings can be achieved and manipulative exploitation of reimbursement minimized is with respect to payment for hospital outpatient care. Outpatient care is not subject, at present, to the DRG limits so hospitals have an incentive to load up in their outpatient departments as well as to take DRG allowances and then discharge patients to further care—at additional cost to medicare—in the outpatient department.

To cure this deficiency we could require the establishment of DRG's, or related controls on hospital outpatient care, as of the date the DRG system becomes fully effective for inpatient care. Further, we should not pay on an outpatient basis for services to discharged inpatients where one could have expected those services to have been performed when the patient was hospitalized and paid as part of the DRG allowance.

CONCLUSION

The proposals I have outlined today, if approved, would erase the projected medicare deficit and provide a significant surplus. Their adoption would eliminate the cost concerns that currently dominate the medicare debate and leave us free to deal with the more important and difficult structural deficiencies of the program.

If we do not address these structural issues, any solution we find is likely to prove temporary and this vital program may never fulfill its intended purpose. I believe we can develop a comprehensive health program that truly meets the needs of the elderly equitably and efficiently. I hope to provide the House with legislative proposals which would meet this objective in the near future.

ON THE CERTIFICATION PROCESS WITH RESPECT TO EL SALVADOR

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneaous matter.)

Mrs. COLLINS. Mr. Speaker, before the Kissinger report even reached the President's desk, Larry Speakes was quoted as saying that President Reagan would not agree to the recommendation to tie further funding to El Salvador to progress they make toward curbing violations in human rights. At first I was appalled, but then an optimistic thought occurred to me. Perhaps the President had finally realized what many of us have know for some time—the certifications he made in the past were hypocritical whitewashes and there will be no significant improvements under El Salvador's current tyrannical regime.

But no—now Mr. Reagan says he will agree to certification as long as he controls the certification process and not Congress. How are we to take him seriously? He has already made a farce of the certification process. Last November, he vetoed the certification bill we passed, the same bill we are debating today. When he had been required by law to certify that progress was being made in human rights in order to continue funding, he signed the certification in the face of blatant evidence to the contrary.

The facts are clear. Over 30,000 Salvadoran civilians have been murdered since 1980. The Catholic Church of El Salvador puts the blame for these deaths directly on government officials and their right wing paramilitary allies. Not a single verdict has been rendered in any of these cases. Eight U.S. civilians, including four churchwomen, and one U.S. serviceman have been murdered in El Salvador. All of these cases remain unsolved.

Almost 500,000 Salvadorans now live in refugee camps because they have been displaced from their homes by the violence of war financed and armed by the United States. In El Salvador today, there is no freedom of the press, no freedom of assembly, and no functioning judicial system. Civilian institutions are merely window dressing for the Army's control of the country. Any more aid to the current regime in El Salvador, whether it be labeled military or economic, is in reality further assistance to entrench the Army's control of the country.

Legitimate certification is only the tip of the iceberg of changes that must be made before we agree to more aid to El Salvador.

PROCUREMENT SUCCESS STORY

(Mr. BADHAM asked and was given premission to address the House for 1 minute and to include extraneous material.)

Mr. BADHAM. Mr. Speaker—

Waste, fraud, mismanagement. Those words have become popularly synonymous with the Pentagon procurement process. It is good, then, to be able to cite recent evidence counter to that image.

So began an editorial in the Wall Street Journal of yesterday, February 6. The article goes on to say that the Air Force had divided a huge jet engine contract between GE and Pratt & Whitney. This competition is expected to produce cost savings and a warranty system that shifts undue costs back to the contractor.

Another part of that success story has to do with the B–1 bomber, which has been reported to be well ahead of schedule and well below cost. And that is no small accomplishment for a $20½ billion program.

The Air Force already has documented $550 million in savings and General Thurman assesses that he might be over $1 billion in savings in the long run.

The major contractor has already saved about $500 million.

I commend this compliment to our procurement process that has been straightened up and straightened out by this Congress to the membership of this body.

The articles follows:

[From the Wall Street Journal, Feb. 6, 1984]

PROCUREMENT SUCCESS STORY

Waste, fraud, mismanagement. Those words have become popularly synonymous with the Pentagon procurement process. It is good, then, to be able to cite recent evidence counter to that image.

The big news Friday was that the Air Force had divided a huge jet-engine contract between General Electric and the former, exclusive contract-holder, Pratt & Whitney. The competition is expected to produce cost savings, plus a warranty system that shifts some costs for material failures back on the contractor.

Another success story also appears to be underway, involving the B–1. The B–1 bomber program, which Jimmy Carter killed and Ronald Reagan resurrected, is now two years into development and is well ahead of schedule and below cost. That's no small accomplishment for a $20.5 billion program, which some critics contended might cost nearly twice that. Much of the credit goes to an Air Force management that decided not to re-invent the wheel and to the multiyear procurement procedure that Defense Secretary Weinberger has been advancing.

The Air Force has already documented $550 million in cost savings, and the figure could reach more than $1 billion, according to Gen. William E. Thurman, who manages the B–1 program. He attributes the savings to the multiyear procurement procedure, which helps drive down unit costs by avoiding costly fits and starts in the production program. New incentives for cost savings have led, as well, to some smart engineering decisions to use available standard components, where possible, instead of designing new ones.

For instance, the B–1 will use the Air Force's standard radio equipment, and the radar will be the same one already developed for the F–16. On the other hand, the Air Force didn't spare any money in providing the B–1 with the special capabilities needed to replace the aging B–52s as America's penetrating strategic bomber; emphasis was placed on developing sophisticated computers, avionics and other electronic equipment both to protect the aircraft from enemy attack and to improve its ability to locate and destroy targets.

Contractors have been encouraged to save money under the B–1's fixed price incentive program, under which the government and the contractors evenly split the savings when an item comes in under budget. Rockwell, the major contractor, already has saved about $500 million. At the same time, aircraft assembly is moving ahead so briskly that the first plane may be ready as soon as next fall, about six months ahead of schedule. The last of the 100 planes is due by mid-1988.

The B–1's primary function will be to strengthen the U.S. nuclear deterrence capability through its ability to penetrate Soviet air defenses and its ability to find dispersed Soviet weapons. Greater Soviet deployment of mobile missiles threatens to weaken the U.S. counterstrike capability, since it is difficult to target U.S. ballistic and cruise missiles on these weapons. But the Air Force expects that the aircraft also can function as a long-range tactical bomber, carrying either conventional bombs or "smart" guided weapons. It may well serve a special role in projecting American air power into remote areas that are too distant for our current land-based or carrier-based tactical aircraft. Some British military experts believe that the costly war over the Falkland Islands might have been averted had the British had such a long-range bomber capable of interdicting the Argentine ships and thus capable of discouraging a seaborne invasion of the islands.

The handling of the B–1 appears to point the way for all new military procurement programs, entailing less congressional disruption of year-to-year budgeting and better incentives for cost saving. It demonstrates how much room there has been for improvement and how much more military muscle this country can acquire for its money through more intelligent procurement practices.

IS THIS ANY WAY TO RUN A RAILROAD?

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MARLENEE. Mr. Speaker, I am enclosing an article by Roger Clawsen of the Billings Gazette, "Is This Any Way To Run a Railroad?" I agree, as I am sure many of my colleagues will: Burlington Northern Railroad is a conglomerate machine that has merged railroads across the United States and then left the ghostly remains to wither and die. When the godfathers of that terrorism make us a deal we cannot refuse, we know that more towns will die, more farms will die, the heavy hand of manipulation will strike again, and Economic hardships will ride rough over the people of this land. The potential uncertainty of abandonments and rate manipulation reek from every corner. How long can the people of this Nation allow this corporate terrorism to continue?

Frankly, I am dismayed with the ICC for its inability to focus clearly on the problem, and for the lack of leadership in this issue. The blame does not rest entirely with the carriers. The ICC's inability and unwillingness to responsibly administer the Staggers Act is a breech of public trust. The ICC has the ability to apply the tourniquet to stop this bleeding, and to apply it to all branch lines across the country.

I have introduced a resolution to better balance the interests of rail shippers and the public against the interests of rail carriers. I urge my colleagues to support my resolution, join the choir of protest, and to read Mr. Clawsen's article, which I have inserted in the RECORD:

IS THIS ANY WAY TO RUN A RAILROAD?

Once there were three railroads in Montana.

They smelled of creosote from crossties and the sweeping compound on the depot floor. They sounded like the tick of the station clock that was always accurate and the scream of locomotives that were always on time.

We called them the Northern Pacific, the Milwaukee Line and the Great Northern.

Then came the Burlington Northern.

The BN is not a railroad. It is a conglomerate, an efficient machine that merged two of those railroads and left the third to die.

The machine has neither mind nor soul.

Oh yes, it is prosperous.

The machine is fueled by its own prosperity, driving it to new growth and new levels of wealth.

Greed has a wit of its own, an instinct to gorge on whatever is available.

But this blind gluttony should not be mistaken for intelligence.

This reflex was evidenced when BN raised the rent more than 1,000 percent on a piece of land developed by Plevna as a city park.

The difference between the old rent and the new is only a few hundred bucks. But when the great machine rolls, it will not pass an ort on its way to a feast.

The machine's real fuel is in the coal fields. BN knows how much a utility can pay for coal. It knows how much a mining company must receive to cover costs of production and capital.

The machine burns the rest.

In some cases the machine's share of a coal sale is more than double that of the mining company, 10 times as great as the state's severance tax.

Even a machine is due a profit. And a profit should not go unhonored in any country.

BN is entitled to recover the cost of equipment and expenses and to a return on capital. This it does. And more.

A state-financed study indicates that BN receives "excess profits" totaling as much as $5.86 per ton of coal on a 1,300-mile run.

Multiply that by the 10,000 tons aboard a unit train, and multiply that figure by the hundreds of trains rolling each week and the final tally is staggering.

Here are some of the costs of the great machine's fuel bill:

If the Crow Tribe, owner of vast tracts of coal, negotiated contracts to mine 25 million tons a year, BN would demand the machine's share of the sale price. BN's excess profits would consume $52 million a year. But for the machine's avarice, every Crow family could have an income of more than $30,000.

Montana and Wyoming coal, low in sulfur, cheap to dig, could drive dirtier, deep-mined coals out of the marketplace in areas as distant as Chicago, Austin—even Tokyo. But the machine's greed makes them only marginally competitive, and—when the market sags—development stops.

While thousands of jobs, and hundreds of millions of dollars in mining company revenue, taxes and royalties and utility charges disappear into the machine's maw, the BN is busy killing towns that real railroads created.

The machine does not care that dismantling a branch line in Eastern Montana will make the production of wheat, now burdened by heavier transportation costs, a marginal endeavor.

The machine cares only for itself.

Railroads had a sense of tradition, a feeling for history and an awareness of people. Machines do not.

Recently the BN threatened to raze the old Billings depot on Montana Avenue if the city, or someone, did not cough up the cash to buy it.

Even the old land-scam artist Fred Billings had a feeling for people. Founder of this city and president of the Northern Pacific Railway, Billings engaged in business practices that would likely be indictable felonies today. But he left this city with two parks and a high school. His family later built the city a library.

Such philantropy was called *noblesse oblige.*

But machines have no nobility and are not obliged.

When the state sent BN a tax bill, the machine responded with an army of lawyers. Montana took a beating and meekly accepted half of what it deemed the BN's fair share.

How long will the people of Montana allow this machine to bulldoze unmolested through its economy, land and lifestyle?

A long time.

People have minds and souls and tend to treat other entities as if they were similarly constituted.

This is not to say the men and women working for BN lack souls, minds or compassion. They are mortal, neither better nor worse than the rest of the population. From section hands to division chiefs, they do their jobs and do them well.

But they work for and belong to the machine, and the machine has a will of its own.

The board of director's job is to squeeze more profit from all divisions. For it to pass up a chance to capitalize on BN's monopoly in the coal fields would be like a track gang foreman ignoring a cracked rail.

This system works well in most areas of American commerce where greed is checked by competition and by consumer reluctance to buy that which is overpriced.

In other areas, public regulation stops Ma Bell from charging $1.50 for a local phone call, and holding gas and electric companies to a fair return on capital.

But the machine has neither competition nor regulation.

So, we can only try to reason with it. We will appeal to its sense of fair play, to its compassion, its humanity.

But, lacking any of these attributes, the great machine will continue its mindless growth.

But the day will come, ages from now, when someone will realize that the machine has neither mind nor soul and ask, "Is this any way to run a railroad?"

The answer will be a deafening chorus thundering along the Rockies from Houston to the Canadian border.

PRO-LIFE PEOPLE

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PENNY. Mr. Speaker, today I am proud to submit for the RECORD an article by Pastor Lowell O. Erdahl, Bishop of the American Lutheran Church's Southeastern Minnesota District. It appeared in my church's publication, the Lutheran Standard on February 3, 1984.

Pastor Erdahl speaks eloquently for the need to discover and to create nonviolent alternatives to the solutions proposed by institutionalized abortion, war, capital punishment, and euthanasia. I commend this article to my colleagues.

"Pro-Life" is the slogan of the anti-abortion movement, but Christians should be pro-life in a much broader sense. In Christ, we believe that God is on the side of life. Christ came "that they may have life, and have it abundantly" (John 10:10). As God's people, we are created and called to be pro everything that enhances and ennobles life and anti everything that degrades and destroys it.

But what do we do when one life threatens another? Most Christians accept the taking of life in tragic, exceptional circumstances. Most people who oppose abortion make an exception for a pregnancy likely to result in the mother's death. The historic just-unjust war theory holds that it usually is wrong for a Christian to kill in war but that it may be right to do so in exceptional circumstances. Such thinking maintains an essentially pro-life stance while granting that it may sometimes be justifiable for a Christian to have an abortion or kill in war.

WHEN EXCEPTION BECOMES THE RULE

I agree that there are tragic, exceptional circumstances in which it may be right for Christians to take life, but I also believe we are tragically wrong when we allow the exceptions to become the rule. What once was permitted only in exceptional situations sometimes has become an accepted practice.

Abortion and war are among the most vivid examples of the exceptional becoming institutionalized. Abortion "on demand" has become an accepted, established practice in many nations, including the United States, since the Supreme Court's 1973 decision in *Roe* v. *Wade.* And while the just-unjust war theory says, in effect, "Don't fight in war or support war-making, except in justifiable circumstances," Christians long have supported whatever wars their countries happened to be fighting. Since war-making has become an accepted institution, the exception is no longer the willing participant but the conscientious objector. We have turned the theory of the justifiable taking of life on its head. Unable to oppose all abortions and all wars, we have, by sound and silence, sanctioned almost all abortions and virtually all warmaking.

Believing that we must "enslave" some criminals in prison does not require us to support the institution of slavery. Approval of lying in specific circumstances—as when people lied to save Jews from the Holocaust—does not require us to abandon the principle and practice of truthfulness. Nor does approving the taking of life in exceptional circumstances require support of institutionalizing those exceptions into established practice.

PRACTICING THE PRO-LIFE PRINCIPLE

We are called in Christ to be pro-life people who stand in consistent opposition to all institutionalized taking of life, including abortion, war, capital punishment, and euthanasia. Although each of these issues is agonizingly complex and merits lengthy reflection, I can make only brief comments here, suggesting a consistent application of the pro-life principle.

While granting the necessity of abortion in some circumstances, the pro-life principle rejects abortion on demand and the view that women have a personal or constitutional right to an abortion. I affirm equality for women and the basic goals of the feminist movement, but I believe that feminists are mistaken when they advocate abortion rights as the hallmark of women's liberation.

It is difficult, but not impossible, to write legislation that would deny abortion on demand and yet permit abortions in tragic circumstances. One significant step in that

direction would be the adoption of a constitutional amendment making it clear that our U.S. Constitution does not guarantee the right to an abortion. As truly pro-life people, we will not only favor regulation of abortion but will also redouble our efforts to promote responsible sex education and birth control and to provide care for mothers and children in situations of unwanted pregnancy.

While granting the necessity of responsible and limited police power in a sinful world, I believe the pro-life principle calls us not only to work to eliminate the doomsday weapons that threaten to destroy everyone they are intended to defend, but also to abolish the institution of war itself. Realistic pro-life thinking recognizes that there will always be conflict among sinners and that peace is not the absence of conflict but the nonviolent resolution of conflict.

This means that pro-life people must not only oppose war-making but work to create a rational—and Christian—alternative to war. Since we are called in Christ to a ministry of reconciliation, of global perspective, and of the cross, I believe a "Jesus alternative to war" will include (1) greater emphasis on international negotiation and reconciliation, (2) building a global—rather than only national—security system in which limited police power is exercised under law through courts of justice, and (3) the development of what Gene Sharp, in The Politics of Non-Violent Action, calls "civilian based, nonviolent defense." Such nonviolent action is demonstrated not only by people like Gandhi and Martin Luther King, but supremely by Jesus' choice of the cross rather than the sword.

We cannot save the United States and establish justice and freedom for all humanity by destroying the world through a military "final solution" to our global problems. As stewards of life, we work for a better way. If that way seems impossible today, we must work to make it possible tomorrow.

ISSUE OF CAPITAL PUNISHMENT

Many nations and many states within our country continue to practice capital punishment. Some people support killing murderers to demonstrate that murder is wrong. This strikes me as an odd and immoral way to demonstrate reverence for life—akin to raping to demonstrate respect for love and marriage. Others believe that capital punishment deters crime. Evidence is lacking to support this theory. Some murderers, such as Gary Gilmore, may even kill because capital punishment offers a means of committing suicide by dramatic execution. But I would oppose capital punishment even if it had value as a deterrent—just as I would oppose deterring theft by cutting off the hands of thieves. All such barbarism seems to me to be incompatible with the way of Christ.

CONCERNING EUTHANASIA

There is, thankfully, no established practice of institutionalized euthanasia in the United States, such as existed in Hitler's Germany. Shutting off machines that maintain bodily function following brain death is not mercy killing—the person has already died. Nor does the pro-life principle require the use of all extraordinary measures to prolong life in terminal situations. Tragic circumstances may permit passive or even active euthanasia. Gandhi, for example, said that if no remedy were available, love might require taking the life of one's own child to spare it from suffering the anguish of incurable rabies.

Nonetheless, we still need to vigilantly oppose any attempt to establish euthanasia (including infanticide) as an accepted practice within our society and to strongly support everything that offers greater meaning and dignity to the elderly and the infirm. If such vigilance seems unnecessary, we need only remember the shifts from justifiable exception to accepted practice that have occurred in relation to war-making and abortion. It can happen again.

If we are genuinely pro-life, we will grant the tragic exceptions while consistently opposing all institutionalized taking of life. We will resist the establishment of violence in any form to "solve" human problems. We will pray for wisdom and courage to discover and to create nonviolent alternatives to the "solutions" proposed by institutionalized abortion, war, capital punishment, and euthanasia.

God is on the side of life. Christ came that we "may have life in all its fullness" (John 10:10 NEB). Therefore I believe that we are called in Christ to practice the pro-life principle in everything we do.

EFFECTS OF ERA ON VARIOUS LAWS AND SOCIAL NORMS OF OUR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER), is recognized for 60 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, this is the third weekly special order of a series of nine which I have reserved to examine the effects of the ERA on various laws and social norms of our society. The first two special orders were devoted to the ERA-abortion connection and the effect of the proposed ERA on our armed services. This special order will address the effects of the ERA on veterans preference programs.

When House Joint Resolution 1 was before the full House Committee on the Judiciary, an amendment was offered by the gentleman from Pennsylvania (Mr. GEKAS) to exempt veterans preference programs from the equal rights amendment. Unfortunately, it was defeated.

In hearings before the House Committee on the Judiciary's Subcommittee on Civil and Constitutional Rights, a considerable amount of testimony was received indicating the pervasiveness impact the ERA would have on veterans preference programs. I would first like to examine several quotes so that Members can get the full flavor of their remarks:

Mary Frances Berry, in response to a question I posed to her, stated that under the ERA, a veterans preference program would be legal if there was equality in the pool of people who were to be drafted. There would not be any problem with veterans preference programs so long as women had an equal opportunity to be military veterans. This certainly suggests that existing veterans preference programs would not be upheld under the ERA because women were not drafted in World War I, World War II, the Korean conflict, or the Vietnam war.

Dorothy Ridings, president of the League of Women Voters, stated that:

Rules and policies that appear to be gender-neutral, but which have a disproportionately negative impact on women, will also be subject to rigorous scrutiny under the ERA. * * * For instance, the broad veterans preference statute challenged in *Massachusetts* v. *Feeney*, which granted an absolute lifetime preference to veterans seeking public employment in the Massachusetts Civil Service, would fall in any challenge under the ERA. The statute which did not include any explicit reference to gender classifications benefited a class that was 98 percent male and resulted in the virtual exclusion of women from senior positions.

Prof. Henry Karlson of the Indiana University School of Law, in response to a question from Subcommittee Minority Counsel, stated his agreement with Ms. Ridings of the National League of Women Voters that veterans preference programs would be subject to attack. He felt this to be the case whether the standard of review would be strict judicial scrutiny or an absolute standard.

Phyllis Schlafly, president of the Eagle Forum stated:

One of the effects of the ERA would be to deprive veterans of this small preference. It is a purpose of ERA, as shown by the President of the League of Women Voters. In order to prevent ERA from substantially hurting veterans, and amendment should be added to protect it from affecting veterans preference.

Prof. Thomas Emerson of Yale University School of Law stated:

The outcome of *Massachusetts* v. *Feeney*, which upheld veterans hiring preferences in Massachusetts, would plainly be different under the ERA. While the Massachusetts veterans preference statute considered in *Feeney* may not have denied "equal protection of the laws" (14th Amendment), it certainly denies "equality of rights under the law." The fact that there was not overt intention to harm women would not be decisive; the result arising from habitual patterns of exclusion was there for all to see and feel.

Prof. Ann E. Freedman of Rutgers University Law School testified that permanent or absolute preference in civil service jobs for veterans with a severe disparate impact on women, such as that challenged in Feeney, would be subject to strict scrutiny and the Government would then bear a heavy burden of justification. She stated the dissent analysis of the veterans preference statute in Feeney il-

lustrates the approach required by the ERA.

Martha Barnett of the American Bar Association stated that:

Another problem of critical importance to the principle of equality is the Supreme Court's holding that discriminatory impact on women of an ostensible neutral rule is off limits to critical analysis under the 14th Amendment, except when the disparate impact can be traced to a purpose to discriminate. In *Personnel Administrator* v. *Feeney*, the Court refused to look at a Massachusetts veterans preference law so extreme that it resulted in total exclusion of women from the upper echelons of the Massachusetts Civil Service. The principle of equality is rendered impotent if it cannot reach laws which effectively exclude women from employment for which they are fully qualified and competent.

It is thus apparent that rules and regulations which are facially neutral but which have a disparate impact on women will be attacked if the States ratify the equal rights amendment. It is clear from these statements that the 5- and 10- point preference available for veterans who seek employment with the Federal Government would be jeopardized as would all States and local veterans preference programs. The ERA could also adversely affect the educationally disadvantaged Vietnam veterans who can be appointed under the Vietnam veterans readjustment appointing authority (VRA), to a position without having to compete with nonveterans for certain positions in the Federal Government.

If we accept the premise of Dorothy Ridings that the veterans preference challenge in Massachusetts against Feeney were to fall in a challenge under the ERA is true or subject to attack, how about other Federal and State veterans preference programs, compensation, pensions, loan guaranty programs, medical care, and retirement military pay. These programs certainly have many more male beneficiaries than women because women have not been subject to the draft.

As Leo Anderson, the Washington, D.C., liaison officer for State directors of Veterans Affairs, Inc., said in a letter to me:

We cannot lose sight, however, of the obvious invitations that ERA Amendment would offer for continuous and costly litigation regarding all aspects of its interpretation, including veterans preference. We can anticipate wholesale uncertainty and confusion regarding the meaning of any ERA Amendment with no promise of definitional resolutions in the foreseeable future.

Veterans preference programs were enacted over 100 years ago to help veterans get back in the mainstream of society after giving service to our country. It is a part of our proud and rich heritage. Veterans have not gotten rich in World War II, the Korean war, or during the Vietnam era; their monthly pay was an average of $76 in 1944, $144 in 1952, and $193 in 1968. It is unfortunate that many in the ERA movement have singled out to destroy the rights of 28 million veterans who have answered our Nation's call in time of war and are trying to destroy the rights of those persons who risked their lives for our country in the name of equality.

I hope when and if the ERA is again brought to the floor, there will be an opportunity to offer an amendment such as that proposed by the gentleman from Pennsylvania (Mr. GEKAS), in committee, to insure that the rights and privileges of our veterans are not destroyed in the name of equality.

Mr. Speaker, I include an article appearing in the October 23, 1983, National Tribune, entitled "ERA: Women in the Military," by Dean K. Phillips; a telegram from E. Philip Riggin of the American Legion; as well as letters from the National Association of State Directors of Veterans Affairs, Inc.; Veterans of Foreign Wars of the United States, and from the National Adjutant/Quartermasters Administrative Headquarters all be inserted in the RECORD immediately following my statement regarding the effect of the ERA on veterans preference programs.

[From the National Tribune, Oct. 20, 1983]

ERA: WOMEN IN THE MILITARY

(By Dean K. Phillips)

I have reviewed Rep. Sensenbrenner's letter addressing the ERA and Veterans' Preference Laws in which he stated that he is "disturbed as to how the ERA will affect veterans' preferences." He quoted testimony given on 14 September '83 by the president of the League of Women Voters to the effect that:

". . . the broad veterans preference statute challenged in *Massachusetts* v. *Feeney* (442 US 256) which granted an absolute lifetime preference to veterans seeking public employment in Massachusetts civil service would fail in a challenge under the ERA."

The Congressman concluded that if what the League President Dorothy Ridings said was true, the same rationale which would overturn veterans' preference in public employment could be extended to prohibit such preferences in education and other areas.

In her testimony the League president referred to the *Feeney* case after bemoaning "rules and policies . . . which have a disproportionately negative effect on women . . . and perpetuate the occupational segregation that isolates women into a few occupations with low status and pay."

With respect to that particular point, I am reminded of the pay (including combat pay) of the typical Pfc infantryman fighting in WWII of $76 monthly in 1944. This was raised during Korea and Vietnam to $144 (1952) and $194 (1968).

Despite the fact that the agony of our Nation's wars has been suffered almost entirely by men, and during Korea and Vietnam a disproportionate percentage of minority men, the League president ignores perhaps the most blatantly sexist policy in our history, the limitations of the drafting of those who will die and be crippled in combat exclusively to the male sex.

This was particularly significant during the Vietnam War when draftees suffered more than 60% of U.S. Army casualties in 1969 and 1970.

In her testimony the League president noted that at the time of the Feeney decision, only about 2 percent of this Nation's veterans were females. This fact has often been utilized by individuals like her to imply that "feminists" seeking equal employment opportunity were beating down the doors of recruiting offices and draft boards during Korea and Vietnam demanding to serve.

A statute did bar females from constituting more than 2 percent of the military. This law was on the books from 1948 to 1967. However, during that period, females averaged only 1.2 percent of the military.

Despite the fact that the 2 percent quota was lifted by Congress in 1967, females did not reach 2 percent of the military until 1973, after U.S. ground troops were pulled out of Vietnam.

During the decade of the Vietnam War, males repeatedly attempted to convince the Federal courts that the male-only draft denied men equal protection of the laws. In none of these cases did feminist organizations file motions with those courts claiming that the male-only draft during the war was unfair to women from either an equal protection or equal employment opportunity perspective.

Thus, while the League president bemoans veterans preference as unfair to women as a class, she fails to acknowledge the sacrifices of veterans at virtually no pay.

This is precisely the kind of reasoning that ultimately disgusted the general public not so much with the ERA itself (which I happen to favor) but with the anti-male ilk of feminists who identified themselves as the sole proponents of the ERA.

Little wonder that Congressman Sensenbrenner now has concerns about the ERA harming veterans education and civil service preference benefits. ED: "Era: Women in the Military" will be the focus of an all day hearing, October 26 by the subcommittee on Civil and Constitutional Rights of the House Judiciary Committee.

[Western Union Mailgram]

WASHINGTON, D.C.
November 8, 1983

Hon. J. F. SENSENBRENNER, Jr.,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

The American Legion takes this opportunity to advise you of its concern about possible misconceptions related to House Joint Resolution 1, the proposed equal rights amendment. Our specific concern is with the view stated by some over the last several months that adoption of ERA would eradicate veterans preference in the workplace. One such expression was made on September 14 during hearings held by your Subcommittee on Civil and Constitutional Rights.

While supporters of this argument correctly point out there are more male veterans than female veterans they fail to explain why there are disproportionate numbers of male veterans at the present time and what the male/female veteran numbers are beginning to show with the ongoing development of the All Volunteer Force.

The facts are rather obvious, females have been exempted from military conscription and even selective service registration—A long-standing policy engendered in laws passed by Congress and in Supreme Court decisions upholding Congress right to pass laws expressing this policy. However, the

proportionate share of the military constituted by males and females can be expected to level off over the next several years as women continue to find military service a desirable career option in the All Volunteer Force. Once this leveling off has occurred, are we to believe that ERA advocates would continue their advocacy of dismantling veterans preference? The American Legion thinks not and for very specific reasons—vetern preference is gender neutral and will continue to be regardless of what sex the proportional statistics favor.

As you consider ERA, the American Legion hopes that you keep these thoughts in mind. We urge you to reassert your intent to continue veterans preference and we urge you to make that point clear throughout the development and debate of H.J. Res. 1.

E. PHILIP RIGGINS,
Director, National Legislative Commission, The American Legion.

THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF VETERANS AFFAIRS, INC.,
Washington, D.C., October 17, 1983.

Mr. F. JAMES SENSENBRENNER, Jr.,
Ranking Minority Member, Subcommittee on Civil and Constitutional Rights, Washington, D.C.

DEAR MR. SENSENBRENNER: Thank you for your letter of November 4, 1983, requesting comments on the statement of Dorothy Ridings, regarding the effect of ERA on Veterans Preference.

The National Association of State Directors of Veterans Affairs (NASDVA) understands the Feeney decision to have determined that the relative numerical effect of a law such as veterans preference on men and women is irrelevant in connection with the issue of gender equality so long as that law does not verbally discriminate and the intent of such law was obviously neutral.

In the case of Massachusetts v. Feeney, the Supreme Court pointed out that veterans preference law served the admirable public purpose of compensating and rewarding veterans for national service.

NASDVA therefore believe that the Feeney decision would continue to be applicable even if an ERA Amendment to the Constitution was adopted.

We cannot lose sight however of the obvious invitation that ERA Amendment would offer for continuous and costly litigation regarding all aspects of its interpretation, including veterans preference. We can anticipate wholesale uncertainty and confusion regarding the meaning of any ERA Amendment with no promise of definitional resolution in the foreseeable future.

Your reference to the possible impact of an ERA Amendment as what you describe as "Veterans Preference in other areas", of course raises the spectre of an across the board assault under the aegis of ERA against the entire system of veteran and retired military entitlements; for the same numerical disparity as between men and women that exists for veterans preferences for public employment would be course also apply to compensation, pension, loan guaranty programs, medical care, retired-military pay and all other beneficial programs for veterans simply because there were and obviously will be in the future, many more male than female veterans.

It is therefore the considered opinion of the NASDVA that the passage of an ERA Amendment would constitute the opening of a pandoras box of dubious arguments which could and obviously would be used by anti-veteran feminists (most of whom are against National Defense and in favor of Unilateral Disarmament) to destroy the entire system of veterans and military retired entitlements as we now know it.

It is for these reasons that the NASDVA would not favor the enactment of an ERA Resolution by the Congress.

Sincerely,

A. LEO ANDERSON,
Liaison Officer.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., November 8, 1983.

Hon. PETER W. RODINO, JR.,
Chairman, Committee on Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: When your Committee sits to consider H.J. Res. 1 proposing an amendment to the Constitution of the United States relative to the Equal Rights Amendment, please be advised that the Veterans of Foreign Wars of the United States considers it imperative that the legislation be amended to the extent that "this article shall not be construed to affect any benefit or preference given by the United States or any State to veterans."

The VFW has no position with respect to the ERA, but we do, however, view as outrageous so much of Ms. Dorothy Riding's testimony wherein she blatantly stated that ERA would be used as a vehicle to attack veterans preference.

In addition, the legislation should be further amended to state "this article shall not be construed to require the assignment of women to military combat."

On behalf of the more than 1.96 million men and women of the Veterans of Foreign Wars, I urge in the strongest possible terms that H.J. Res. 1 be amended as enunciated above.

Sincerely,

CLIFFORD G. OLSON, JR.,
National Commander-in-Chief.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., November 10, 1983.

To: All Members of the United States House of Representatives.

From: Clifford G. Olson, National Commander-in-Chief of the Veterans of Foreign Wars of the United States.

Subject: Amendments to H.J. Res. 1.

When the House of Representatives considers H.J. Res. 1 proposing an amendment to the Constitution of the United States relative to the Equal Rights Amendment, please be advised that the Veterans of Foreign Wars of the United States considers it imperative that the legislation be amended as follows:

1. "This article shall not be construed to affect any benefit or preference given by the United States or any state to veterans," and

2. "This article shall not be construed to require the assignment of women to military combat."

If these amendments are not made to the legislation, it will be wholly unacceptable to the more than 2.6 million members of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary and I would urge you in the strongest terms to vote against the passage of H.J. Res. 1.

Sincerely,

CLIFFORD G. OLSON,
National Commander-in-Chief.

NATIONAL ADJUTANT/QUARTERMASTERS ADMINISTRATIVE HEADQUARTERS,
Austin, Tex., October 12, 1983.

Attention: House Committee on Civil Rights and Constitutional Rights, House of Representatives, Washington, D.C.

Subject: House Joint Resolution 1.

DEAR MR. CHAIRMAN: The Regular Veterans Association, the direct descendent of the U.S. Maimed Soldiers League (USMSL), founded August 10, 1880, by combat blinded, wounded, limbless and disabled Civil War veterans of the Regular Military Establishment, is concerned about certain aspects of the above Resolution. The USMSL and the Grand Army of the Republic (GAR), worked for, wrote and had the first veterans' preference placed in the 1883 Civil Service Act. As such, our Association has had a long and continuing interest in retaining this earned benefit for veterans on the Federal, State, County and City levels.

The R.V.A. is disturbed over the remarks of Mrs. Dorothy Ridings, President of the League of Womens Voters and her testimony of September 14. We are concerned that actions of this type will again bring suspect to every veteran who is a career civil servant and who performs his duty as set forth by government standards.

We are not opposed to Equal Rights * * * but we are opposed to reducing, modifying, eliminating or in any manner reducing the Veterans Preference. If this is to be the stand of this group, and all other groups, then the R.V.A. would review its position on Equal Rights and in all probability oppose the ERA by using our network of Posts, our publication and consider the communication media to openly take on any womens group. It is unjust when a group of women forget that over 700,000 women served in the Armed Forces, and their action would simply indicate to these women they were not appreciated by other American women.

I can say to you, if this bill would in any way effect Veterans preference in public employment, fields of education, programs of job training, loans for homes, farms or business, hospitalization, medical care, the position of this association is to openly oppose House Joint Resolution 1. You are authorized to place this letter in the transcript hearing or in the Congressional Record. Please keep us posted as to the action on this Resolution.

Sincerely,

JOHN B. ENGBERG II,
OCH, National Adjutant/Quartermaster.

● Mrs. LLOYD. Mr. Speaker, the question before us today is the ERA and veterans preference. As we know veterans preference gives those who have served in the military an advantage in competing for civil service jobs. The intent, of course, is to recognize and assign a special value to the experience of those who have served in the military.

I know there are those who feel our service men and women receive too many benefits already. I do not happen to share that view. I do not think it is possible to put a price on the service rendered to this country by our men and women in uniform and by their families. You cannot replace the years served overseas without family, or the hardships the family may encounter together but constantly on

the move. These experiences take a toll on the human spirit and it is only through a series of benefits that we can hope to make military service worthwhile.

The fact that a disproportionate number of veterans are men gives us every reason to believe this benefit, and perhaps other veterans benefits as well, will be challenged as unconstitutional under the ERA. Now there is no intent within the veterans preference to discriminate against women. There are many women who have honorably served in our military and who are eligible for this benefit. All veterans may be eligible for advantages in Federal employment. But because the overwhelming majority of veterans are male, passage of an ERA without a veterans preference amendment might well result in eliminating this important benefit for all who have earned it.●

● Mr. HILLIS. Mr. Speaker, there is a vast population of men and women in this country whose selfless and honorable sacrifices secured the very foundation of this Government. I am speaking, of course, of the men and women of our Armed Forces.

A grateful nation, in what is only a token payment for those sacrifices, offers its veterans opportunities for employment to offset the hardships often incurred in military service.

There is no question in my mind, Mr. Speaker, that such treatment, while termed "veterans' preference" is really our obligation to our soldiers.

This Federal—and statewide—obligation has been a part of our society for more than 100 years. The Congress, through the various veterans' preferance acts, has frequently expressed its will in this regard, particularly for the disabled veteran, who bears even a greater burden as a result of his or her commitment.

We have all benefited from veteran employment, the veterans employed in the Federal civil service have always been reliable, dedicated workers, and they have served this Nation well. I have little doubt the same holds true for veterans employed as State civil servants and veterans employed in the private sector.

I believe we would all be losers if veteran employment benefits were threatened with broad-cutting legislation of the kind typified by the ERA amendment.

Mr. Speaker, as I read the amendment, I see several threats to veterans' preference, among them:

The elimination of preference in hiring and retaining veterans in the Federal public service, particularly those who are disabled.

The elimination of many State, city, or county hiring and retention preferences afforded veterans.

The elimination of Federal preferences given to disadvantaged Vietnam veterans.

Mr. Speaker, on September 14, 1983, the president of the League of Women Voters of the United States testified before a subcommittee of the House Judiciary Committee. At that time, she pointed out that a Supreme Court decision in a Massachusetts case would fall if the ERA was enacted. Although that statute is broader in scope than many other State laws, it is not unlike many aspects of Federal law, which would, by logical extension, be subject to court challenge if the ERA is enacted.

Before I can consider supporting the equal rights amendment, I need assurances from the proponents that veterans would continue to be accorded the benefits of employment preference. I look for that assurance not only for myself, but for all the veterans organizations as well as the men and women of our Active-Duty Armed Forces.

Thank you, Mr. Speaker.●

□ 1540

THE IMPORTANCE OF PRAYER IN SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, this special order is on the importance of prayer in school. I want to talk about the fundamental change which I think is beginning to take place in the American body politic. That change really starts us moving, I think, away from the liberal welfare state and toward a very different future.

One of the keys to that change is the shift from materialism, from a focus purely on money, and from a focus purely on what are we going to spend next and how much are we going to spend and how we are going to spend it. We are heading back toward a world which is more spiritual. In this world the power of the mind, the power of the will, and the power of discipline are all important.

Interestingly, I first began to realize how far we had come astray intellectually in our whole attitude toward life while I was reading Gary Will's brilliant book on the Declaration of Independence entitled "Inventing America."

Will, in his book, describes the men who went to the Continental Congress and who passed the Declaration of Independence. In his description of George Washington, Gary Will makes the point that in the modern age, liberal historians cannot describe Washington because he does not fit the boundaries of their minds. He goes on to say that Washington's great power, and his great influence, were a matter of moral force. George Washington was a big man, not just physically larger than the average in his time, but in a spiritual sense. In terms of what the Romans called persona, he had a greater persona that that of normal people.

In that setting, I began to realize that Gary Will had placed his finger on something very deep and very important, indeed: In the modern liberal welfare state moral force never counts. With the singular exception of Martin Luther King, Jr., there are no spokesmen we would think of as being morally leaders, who in fact have legitimate drive.

If anything, in the liberal welfare state, moral leadership is suspect. It is rapidly churned into an effort to look under your bed, an effort to persecute you, and an effort to be in some way judgmental. I come back to that because I think that the power of the whole issue of whether or not our children should be allowed to pray in school is at heart a cultural battle. It is not just a battle of the spirit in terms of whether you are Christian, Jewish, Islamic, or have any other form of belief in God, in a greater being. It is also in a deeper sense a cultural fight between two forces: There are those who believe the world is purely materialistic, that in fact we came genetically from some prior body and when we die we will cease to be here. They believe the world is purely random chance added up into molecules, and that only a materialistic answer can explain our existence. On the other hand, there are all of the other forces in the culture which would argue that, in fact, there is more to life than simply budgets or numbers or materialism.

I was reading Bernard DeVoto's great study, "1846, Year of Decision." DeVoto is one of the great historians of the American West. At one point he talked about the silly mythology of materialism and the notion that we try to explain in the modern age what really drove our ancestors to conquer the West, to create a nation, to open up a continent. He says "if you take away the dream, you take away the power of the spirit. If you take away the belief in a greater future, you cannot explain America or Americans in the 19th century; that we were a people who believed there was a promised land; we were a people who believed we were chosen by God to create a greater world; that we really believed in the destiny of America and that that phrase coined in the 1840's, that we had a manifest destiny; that there is a spiritual richness which is greater than sheer economic power."

It is ironic in the 20th century that the liberal welfare state has had its greatest difficulties in foreign policy in dealing with movements, whether it is Ho Chi Minh and the North Vietnam-

ese or any other guerrilla movement. It has also had great difficulties in trying to analyze statistically what is a moral movement. For example, even if you oppose communism as I do, even if you are deeply opposed to the Communist Party and the efforts of the Communist Party across the planet, its great power has been a moral force—the willingness of people to die.

Recently in Beirut we saw this. There was shock in America that a man would get in a truck, drive that truck into a building, and die for a cause he believed in. Yet in many ways Khomeini's revolution is a revolution of moral force in Iran. It is a step toward a world which says there are things more important than whether you can drink Coca-Cola or Pepsi Cola, whether you can, in fact, fly on an airplane, or whether you can buy a new suit. How does that all come back to America in the late 20th century?

There has been a bankrupt concept, what I would call the liberal welfare state, which has failed. It has poured more money in the central city to see the central city decay more. It has poured money into schools to see schools collapse without discipline. It has poured more money into police forces to find neighborhoods more violent than ever. It has tried by the use of money to buy ourselves a better future. In fact, because of that very emphasis on money, you can see Member after Member coming in and saying, "Ah, if you really believe in this, how many more billions will you spend this year?"

□ 1550

I would say to you that entire approach is bankrupt. The great failure of Lyndon Johnson's Great Society and the liberal welfare state was precisely this. By stomping out the spiritual aspects of life, by destroying those aspects that Gary Will described in George Washington as "moral force," and by eliminating the importance of all those other symbols that make people change their lives, the liberal welfare state crushed the very things it was trying to grow.

Let me suggest that the real meaning of the whole movement about voting for prayer in school is not some sanctimonious piety. It is not some effort to say that we should do in school what we do not do in church. It is not some effort to say that only saints should be allowed to be teachers. It is, in fact, a much deeper effort. It is the beginning of a cultural battle between those who argue that life is essentially material, that in fact children have no place in school thinking about God, and those of us who argue that in fact to suggest that life is material is to destroy the very meaning of life itself. We can show you schools which are very poor, but pray. As a consequence, they have no problems with discipline, no problems with homework, and no problems with obedience. On the other hand we can show you other schools which are very rich, but do not pray. Therefore, they have problems with violence with people vandalizing the schools and with an absence of homework. Maybe the liberal welfare state answer which is to spend even more money on the school which already has money, may not be the right answer. In fact, it may be precisely like giving an alcoholic more bourbon in the hope that it will solve his hangover.

Supreme Court Justice Stewart in his dissenting remarks in Abbington School District against Shemp really brought home the issue. I quote:

> The compulsory state educational system so strengthens a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion and a refusal to permit religious exercises thus is seen not as the realization of state neutrality, but rather as the establishment of a religious secularism.

I thank the gentleman from Indiana, DAN COATS, for his excellent "Dear Colleague" letter of February 8, which brought to all our attention both his own proposed amendment and the centrality of this issue. I thank the gentleman from Indiana (Mr. COATS) at a very appropriate time as he walks on the floor.

Let me say to my colleagues that the last line of Justice Stewart is an extremely important line. What the ACLU is doing is not establishing freedom of religion. It is establishing freedom from religion. What the ACLU is fighting for is the establishment "of a religion of secularism."

Let me suggest to the country at large that this religion of secularism denies the very central nature of spirit, of belief, of God.

Furthermore this religion of secularism, as Justice Stewart said, is in fact being imposed upon our children right now. I speak from personal experience because I have a school in my district in which young people can wear a Playboy Club T-shirt and nothing will be said. They can wear a Coors Beer T-shirt and nothing will be said. They can wear a Jack Daniels T-shirt and nothing will be said. But if they wear a First Baptist Christian Club T-shirt, the principal of that school would be put in jail, because there would be a Federal injunction against him.

I would suggest that when any form of belief or behavior in our society except religion is acceptable, but religion is outlawed by an act of the judge, that, in fact, we do have a systematic discrimination against belief.

Mr. Speaker, I yield to my good friend, the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think it is important that we understand what the very first words of the Bill of Rights are that all of this stems from. The very first words of the Bill of Rights are: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Whenever this issue has been discussed, we have heard a great deal about the establishment of religion and the wall of separation that has to exist between church and state in the view of some lawyers in our society; however, we hear very little of what the gentleman is speaking of and that is the constitutional guarantee of free exercise of religion.

What is happening today in our public schools and in many of our public institutions is that people are being denied the right to freely exercise their religion in this country. It is being done with prohibitions of Federal law, prohibitions imposed by the courts. That is precisely the antithesis of what is in the Constitution of this country.

Absolutely none of us would want a situation where Congress would establish a state religion. That is a given in this whole argument; but also we do not want Congress or the courts or some other entity of the Federal Government denying people the ability to freely exercise their religion. As the gentleman points out, that is precisely what is taking place in our schools today. That is what we seek to have corrected.

Mr. GINGRICH. Well, would my colleague agree, if I might just for a minute ask the gentleman—is it not in fact the case that far from us trying to establish a state religion, it is the ACLU which by litigation is trying to impose a state religion of secularism on this Nation?

Mr. WALKER. The gentleman is absolutely correct. By denying the ability of people of various religious persuasions to bring their viewpoint into the schools, we are in fact establishing a state religion of secularism, which it seems to me is precisely the antithesis as well of the constitutional mandate.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to my colleague, the gentleman from Minnesota.

Mr. WEBER. I thank my colleague from Georgia for bringing up this special order on a topic that I think is of tremendous importance. At least it is of tremendous importance as soon as you get more than 10 miles away from Washington, D.C., where it is not viewed as such an important issue.

It seems to me, though, that the essential issue here involves the nature of the public school system to a large degree. If indeed the public school system is nothing more than an instrument of the state for teaching the state's values to students, then, of course, there is legitimate reason for questioning the right of the state to impose, if you will, a prayer; however, historically we have not thought of the public school system as an arm of the state which reaches into communities to impose the state's values; but rather, the state has merely assisted parents in developing community schools which presumably reflect the values of those parents and those communities.

It is in that context that I think the school prayer issue is of tremendous substantive as well as symbolic importance, because it reaffirms that essential principle, which is that the public school districts out there are assisted by the state, certainly, but they are fundamentally instruments of the community and they should reflect the community's values.

I thank the gentleman for yielding.

Mr. DORGAN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my friend, the gentleman from North Dakota.

Mr. DORGAN. I have not been involved in the discussion of this issue previously on the floor of the House. I happen to share some of the concerns that the gentleman expresses about the court decisions that have prohibited certain religious activities in my home community of 250 or 300 people, activities that in the history of this country were carried on without question, activities that in my opinion did not impose any sort of state religion on anybody. But by the same token, even though I recognize the gentleman's concerns and support many of the things that the gentleman is discussing, the gentleman addresses his broad concerns in the name of prayer in school alone.

Now, I prayed in school. I grew up in a small town high school class of nine, graduated in the top five someplace. As I recall, we prayed every day. Nobody ever raised any questions about it.

The question I have, though, is when the gentleman packages his idea as prayer in school, what prayer are we talking about? Who is going to write the prayer? Does the gentleman have in mind that all faiths will use the same prayer? Is it a special prayer that we could be discussing here today? That always bothers me. Who is going to establish this prayer that the gentleman wants to establish in the school system in this country?

Mr. GINGRICH. I think the gentleman asks a very thoughtful question. Fortunately, the gentleman from Indiana has been developing an approach which we think meets precisely that concern.

I yield to the gentleman from Indiana.

Mr. COATS. Mr. Speaker, I think the gentleman from North Dakota raises a very legitimate question, that is of concern. It is of concern not only to those who oppose prayer in school amendments, but even those who advocate it, because while we recognize that the school that we are used to, that we grow up in, might compose the kind of prayer that would be acceptable to us, but would not be the case throughout the country and may in the future not be the case in our own school districts.

I think one of the weaknesses of some of the amendments that have been before us is that there was no specific prohibition against involvement of the state or involvement of the school authorities or others in authority in terms of the form or the content of the prayer or the religious activity.

I have drafted a school prayer amendment which specifically addresses those issues which I think is an improvement on some of the prayer efforts that are here. I would be happy to share that with the gentleman.

It specifically prohibits any state involvement in the form or content of the religious activity or the religious prayer that is before our schools and that is a very legitimate concern that we ought to address to protect minorities. I think that we had better get to what the framers of the Constitution were talking about when they wrote the first amendment.

□ 1600

But the point I would like to impress on the gentleman is that we should not allow disagreement over how the amendment should be worded to prohibit us from debating that on the floor. I regret that we have to have a few of us here talk about this after the legislative business has concluded, after people have gone back to their office when 80 percent of the American people support or at least are debating the issue.

Let us get it up here on the floor of the House of Representatives. Let us get the thing discharged from the committee where it has been buttonholed and held down year after year and let us talk about it.

We can then discuss and debate in the form that has been given to us by the Founding Fathers whether or not we should have an amendment and how that amendment should be crafted. But what I regret is the fact that we come over here and the only way we can talk about it is to come over here after the legislative session. We cannot get the leadership of the House of Representatives to bring this bill forward where we can discuss it on the floor.

Mr. DORGAN. Will the gentleman yield once again?

Mr. GINGRICH. I yield to the gentleman from North Dakota.

Mr. DORGAN. I am still unclear about the prayer itself. Again let me say that in my hometown where you have a small gymnasium and you have the Lutheran League group that wants to go and use that gymnasium, they ought not to be prevented from doing that. So I think the court has overstepped its bounds.

But when you talk about a prayer in a school where a third of the children may be Protestant, a third Catholic, and a third Jewish, what kind of a prayer are you going to introduce in that classroom?

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I yield to the genteman from Minnesota.

Mr. WEBER. I think the gentleman raises an interesting point. But there is an ultimate safeguard and I just raised the point.

The gentleman went to a school somewhat smaller than mine, but really we come from essentially the same region of the country, German, Scandinavian background. My hometown was a little larger than the gentleman's, about 2,300 people, and we went to school at about the same time. Yet we never prayed in my school.

The point I am making is that there is no requirement that a community insist on prayer in its schools. I would suggest to the gentleman that communities of great religious and ethnic diversity probably will choose not to for just the reason the gentleman has cited.

Mr. DORGAN. If the gentleman will continue to yield, you are not suggesting I turned out better than you because I prayed in school, are you?

Mr. WEBER. I do not know. I do not know the cause of the gentleman's intellectual superiority. Maybe that had something to do with it.

Mr. DORGAN. I was not using the superiority as a given. I was just suggesting that I do not know whether there is a cause and effect between success and prayer in school. I am curious when you package this as prayer in school what prayer are you talking about?

Mr. GINGRICH. Let me remind the gentleman. You may not have been with us on the floor the other day when the very distinguished majority whip came on the floor and we were talking about this. Let me clarify the point the gentleman from Indiana is making, and some of us suggested that possibly we might bring up the prayer in school issue in the broadest sense. We might devote 1 or 2 days of official business of the House to debating it. I

think we could encourage gentlemen like yourself to offer amendments that would clarify and safeguard and protect.

The gentleman, your party's very distinguished whip, said to us, "Well, we have dealt with prayer in school in 1969. We voted on it."

I am not sure what the gentleman was doing in 1969, but I know one of our Members I believe was in high school. Several of us were in college. One or two of us were barely into the labor market. And we all thought it was very exciting that back in this period when we were young, eager, and excited that the distinguished majority whip dealt with prayer in school. But we also thought that possibly this is an issue which over 80 percent of the American people support. It at least deserves the majority party bringing it to the floor in an orderly and systematic manner, with an open rule it would be, to allow people like yourself to then raise that issue. We would then look forward to your help in arranging for that opportunity.

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I think, though, what we need to do is to be somewhat specific in answer to the gentleman from North Dakota because it is a question raised very legitimately about this issue.

What we have always talked about is voluntary school prayer, and that carries with it a number of different options. To answer the gentleman's question, it carries with it the option of some schools to have a moment of silence for prayer. Within the schools that would be a voluntary school prayer program.

It also carries with it the option of allowing each child to compose a prayer and repeat that prayer at some point during the function of the classroom. That would be an optional kind of program that would assure that all of the diversity that was within that classroom got represented at some point or another.

It carries with it the option of setting aside times for only those people that wish to participate to go to a special ceremony of some sort.

There are all kinds of options that are available, providing you pass the amendment. But if you do not pass the amendment, none of those options are available and that is the problem out there right now. The communities do not have the ability to set up programs of a similar type to what we engage in in the House of Representatives every day.

I do not hear anybody coming on the House floor and questioning who composed the prayer that we had before us today. We all know that the person at the podium composed the prayer and there is no question about it.

All we are saying is that in some similar way in the classrooms and in the public schools of this country that American schoolchildren ought to have the benefit of the same kind of spiritual beginning to a day in public life.

I thank the gentleman for yielding.

Mr. GINGRICH. And in that spirit, in fact, of today's prayer, I yield to my good friend from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding. I want to ask his immediate forgiveness for being on that side of the aisle which has received much of his criticism. You can pretend for the moment that I am at the microphone on that side.

Mr. GINGRICH. We know that the gentleman from Pennsylvania is with us in spirit no matter where he is geographically.

Mr. GEKAS. I, too, have pondered long over the question of voluntary prayer and had wondered whether even while I was taking my particular poll in my district to determine how the people in central Pennsylvania felt about voluntary prayer, and I was not surprised by the result, which was 75 to 80 percent in favor of voluntary prayer.

But after the results came in, a thought came to me: Did I fail in my mission of trying to determine what the people felt because I did not try to determine through that questionnaire what the youngsters felt. Was it an important element of our discussion here to determine what the youngsters in the middle schools and the grade schools and the high schools of our area felt about voluntary prayer?

The answer came to me out of the blue, so to speak, because a group of youngsters in Williamsport, Pa., brought the matter to such a head that it is now the central issue in a case before the Federal courts.

It is they who wanted voluntary prayer. They went to extremes to try to get together young people of the same ilk, of the same persuasion, of the same feeling about voluntary prayer within the school and formed a club for that purpose.

Part of the answer—and I wish the gentleman from North Dakota had remained on the scene, because I wanted to tell him that the youngsters will take care of those lapses and those vacuums that we do not discuss here today themselves. They will prepare the proper prayers. They will get together and make it known to the school districts what they feel is a proper vehicle and a proper manner in which to express their religious prayers in a day's time.

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I will be delighted to yield to the gentleman from Minnesota.

Mr. WEBER. I would just like to say that the statement of the gentleman from Pennsylvania is really a tremendously encouraging thing. I think it reflects something that is happening throughout our culture as a whole.

You think about this institution of the House of Representatives and in recent years a large number of prayer groups and Bible study groups have been organized within the House of Representatives. I belong to one that meets on Wednesday morning. I know the gentleman from Indiana belongs to another one. There are a variety of groups like that that meet here within the institution in which we spend most of our waking hours, if you will, working and making friendships and doing our business.

If that is a reflection of a broader cultural trend, if you will a spiritual renewal, if I can presume to even suggest such a thing, is it not then unfortunate that it is the highest court in the land that is in essence prohibiting the younger generation from doing precisely what we do here in their institution in which they spend most of their waking hours and days learning, doing business, making friendships, and developing their values, because they really are trying to emulate in many ways precisely the same phenomena that occurs in the House of Representatives.

We are permitted to do it on public property. They are not permitted to do it on public property.

Mr. GEKAS. If I may recapture the time, I just wanted to add one caveat to what I am saying. If I had my druthers, as we say, about what course voluntary prayer should take in our country, in its reentry into our school lives, I would prefer the kind of solution that was found by these youngsters in the Williamsport area high schools. That is, the club, the symbolism, and reality that emerged from within the students in the school body itself.

I do not know whether we need a constitutional amendment really to accomplish that. It awaits the outcome of the case which is now in the federal system. But one way or another, it is predictable, and that is why I am so grateful to the gentleman from Georgia for having this little symposium.

One way or another, voluntary prayer is in the near and far future of our legislative actions.

□ 1610

Mr. GINGRICH. Mr. Speaker, I yield to the gentleman from California (Mr. HUNTER).

Mr HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to answer the question posed by the gentleman from Minnesota regarding the irony that we pray here in the House of Representatives, we have prayer meetings and yet the children in our schools throughout the land are not allowed to pray. I think that has been decided by the Supreme Court and I think that the reason they have made the decision the way they have is because they feel that perhaps Congressmen need to pray more than the schoolchildren do.

I think that is probably the guts of their decision.

You know, the gentleman made a great point; he said the children will take care of the substance of the prayers. Now that remindes me, the gentleman from North Dakota was saying "Well, what prayer do you have in mind? What is a prayer?" That to me is akin to a body deliberating, for example, over whether or not they should pass legislation relating to the institution of marriage, and one of the gentlemen, or Congressmen, gets up and says, "Well, just whose marriage are you talking about?" Or "Who did you have in mind to marry?" Or "Just what individuals are we talking about?"

Obviously the individual children in the schools are going to come up with the substance of the prayers. They are going to take care of that problem themselves. I think it is going to go much more smoothly, much more smoothly than that projected by the opposition on this House floor.

I think that problem will be taken care of.

The gentleman from Georgia (Mr. GINGRICH) makes an excellent point in that the American people have put the school prayer issue high on their agendas. That issue has a high priority and a high approval rating with them.

This House and the Democratic leadership in this House is not letting the issue come forward for debate. I think that is the key issue we are talking about today.

I appreciate the gentleman from Georgia giving us time to comment on it.

Mr. GINGRICH. Mr. Speaker, I yield to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Speaker, I am not going to address myself to the question of the constitutionality. That has been raised. Certainly the question of what kind of prayer is one that will be debated for a long, long time.

I guess the comments that I want to make kind of come from some personal experiences.

Mr. Speaker, I come from a family of eight children. I was raised Catholic. I have an older sister who is a Catholic nun. I have a younger brother who is a Baptist minister.

I would suggest that in a family of eight children when you can have that kind of diversity, I would suggest that in this great country of ours we can find the kind of diversity with respect to prayer that we would like to express.

The second point is one of the experiences I have had over the past 5 or 6 years was involvement in some drug rehabilitation programs that we developed in Lee County, Fla., to try to help the children in our community get over or to throw this habit of drug use.

As I started to investigate these different types of programs, whether it was the Palmer drug abuse program in Texas, whether it was the Straight program in Sarasota or the Life program in Sarasota, Fla., the one common thread that held all of these together in trying to get people headed back in the right direction again was their belief and their discussion and their willingness and their ability to talk about their belief in a Supreme Being.

It seems to me we ought to have that opportunity to let our children have that same opportunity.

So I appreciate the gentleman from Georgia (Mr. GINGRICH) yielding and giving me an opportunity to express those thoughts.

Mr. GINGRICH. I thank the gentleman for his contribution.

I would simply say that the great dividing line in the late 20th century America is not between Baptists and Catholics, whether they are in the same family or not; not between Christian and Jew, it is in fact between those who believe that there is a spiritual being, that there is a world that is spiritual and that cannot be described in dollars and cents or econometric models or any of the modern computerized numbers that dominate this city and those who, frankly, would drive God and the talk of God and would drive the spirit and would drive the soul and would drive anything which is nonmaterialistic out of our system and would then demand of our system that it give the fruits of life which are only attainable, as the gentleman said about those young people who had been saved from hard drugs, precisely because they have found a meaning beyond their materialistic gain.

I think that is the great dividing line in this society, between those who in fact fear a theocracy, feel that somehow we will impose a state religion more than they fear cocaine, more than they fear drunk drivers, more than they fear the reality of the world around them.

I would simply say that any citizen who lives in America today and can walk down the street of any average American city and go through any average American school and come to the conclusion that a religious dictatorship is a greater danger than mugging, robberies, drug use, or any of the other common everyday occurrences, is in fact a citizen almost totally out of touch with reality. The ACLU in that sense verges on paranoia, is almost psychopathic in its commitment to a vision of an American danger that simply does not exist, that is literally impossible except in the most esoteric salons of the liberal elite of this country.

I would be delighted to yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. I thank the gentleman for yielding.

You know, I think there is another very important principle involved in this whole discussion of prayer in our Nation's schools. We talk about rights—the right to pray, and the right to not pray if that is your choice. But when we consider this issue, let us not forget something basic to our whole way of life.

Prayer, whether in schools or churches or in the home, establishes the attitudes, ideas, and beliefs that underlie our whole economic system. The success of the free enterprise system depends upon a reliance on the family unit, the work ethic, and an understanding of individual social and economic responsibility. So when our Government says "No, you can't pray in school," what we are actually doing is discouraging the development, in our children, of the very philosophies and beliefs that make our way of life possible. To deny prayer in schools is essentially to begin the process of dismantling the social and economic structure that binds this Nation together, and makes it work so well.

So I think we ought to be thinking about that.

Mr. GINGRICH. Mr. Speaker, I yield to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Mr. Speaker, I want to once again make the point, obviously those of us here feel very strongly about this issue, we feel if the matter were allowed to come to the floor of the House of Representatives, that the majority would see it our way, that the majority of the country supports that kind of thing.

I want to point out again here we are in a special order talking about a subject which we think the American people deserve to have a hearing on, that it ought to be before us not in a special order of this House of Representatives which allows any Member to come down and say anything he wants, but ought to be a part of the agenda of the House of Representatives.

It is very frustrating to us that something that is so much on the minds of so many people in the United States cannot even be placed on the

agenda of the House of Representatives; that committee chairmen refuse to let it out of committee so that we can even talk about it.

If Members have reservations about the school prayer amendment, fine. Let us discuss these reservations. If we need to make adjustments in it to protect minorities or provide protections, fine, let us do that. Let us do it on the floor of the House, but let us let the majority work its will as we do in every other area of our society.

What we are really calling for here today is simply a chance to talk about it, to bring it up and let the majority work its will.

Yet we have been denied that time after time after time and it is frustrating that an issue of this importance to this country and to this Nation, we are not even allowed the opportunity to debate it.

Mr. GINGRICH. The gentleman from Indiana makes a very valid point. I want to emphasize that over 80 percent of the American people believe that some sign of our spiritual commitment to God is legitimate. Over 80 percent of the American people have for 25 years been in favor of overturning the Supreme Court ruling and have been in favor of some kind of right to pray in schools. That means, for example, that if the prayer in school amendment were a human being, it would have voted now in three elections. It has been around that long. This is not something brand new that we put together this week in order to have something to do in this body. This body has had 25 years to study this issue.

I think the gentlewoman made one point which I want to make again before I yield. She talked about rights. People need to understand that we are slowly and inexorably moving toward a situation in which under the constant hammering pressure of the liberal left and the ACLU, will yield result. This result will be that somewhere in America, some day, a first grader will stand up and pray and be arrested. Now that sounds silly. You would say, "That cannot be in America." If we did that on a TV situation comedy, we would laugh at it. But I was really struck recently by something. My determination to fight on this issue was enhanced. On this day, I met with a group of pastors in my district who were very concerned about the parents in Nebraska who had been locked up because they wanted to send their child to a Christian school without State interference. Then, I heard a radio news report that Jodie Foster had been found with cocaine coming back from the United States, but there was "insufficient quantity to arrest her."

□ 1620

Now I thought to myself, what if I had described to you a nation in which a cocaine user would be let go, but seven parents who wanted to send their children to a school so they could learn about God would be arrested. That would sound like the Soviet Union, like Nazi Germany or a degenerate dictatorship. But you would not have chosen it in a multichoice test as the United States of America.

So I say that when the gentlewoman from Nevada talks about rights, we have to recognize that we in the Congress, unless we act, are permitting the courts to move slowly and steadily in a course of action: First of all, to browbeat by court decree the school boards, then to threaten principals, and finally to imprison parents. Literally, at some point in our lifetime some first grader will make the dire mistake of praying over an exam. He will then be thrown in jail because that will be the most illegal act available in that school that day.

And this is not a mockery. This is not some exaggeration. This is the long-term direction of court decisions for 20 years in the United States.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding because I would like to also build on the point made by the gentlewoman from Nevada about rights.

The Declaration of Independence is really the framework of the democracy which followed. Our whole constitutional democracy was based upon the framework laid down in the Declaration of Independence.

The Declaration of Independence was a statement of rights. It was also a statement of where those rights came from. The Declaration of Independence says that we are endowed by our Creator with certain unalienable rights.

Now, what we are succeeding in doing in our society at the present time is moving away from that idea that somehow rights now come from the Constitution or rights come from Government or rights come from men rather than rights coming from the Creator as recognized by our forefathers.

And it seems to me that that is a tragic loss in modern day society because if you accept that rights come from your Creator, you accept a certain spiritual value of life itself. And that is what we are losing in society today.

And it is interesting and people ought to do it, go back through that same Declaration of Independence from time to time, and where they are listing indictments against that King, put the word "Congress" in there, or put the words "Federal Government" in there and you will find out that many of the things that our forefathers feared from a large central government have, in fact, come true in 20th century America, from the source of central government, here Congress and the Federal Government as a whole.

So it seems to me that we ought to look back at that basic framework and recognize that once you lose the idea that rights come from the Creator, once you fail to acknowledge that Creator as a part of the whole spiritual value of democracy, that you have lost something very important. You begin to regain it when you put the kinds of things back into your public institutions, including your schools, that acknowledge God, that acknowledge the Creator as a part of the everyday life of all of its citizens.

Mr. GINGRICH. Let me, if I may, before I yield to the gentleman from Minnesota, make the point to reenforce what the gentleman from Pennsylvania said. Many of our most liberal and radical critics yearn back to Thomas Jefferson, and eagerly embrace Thomas Jefferson's strongest statements on this issue.

Yet, the fact is it is Jefferson who is the primary author of the Declaration of Independence who appeals to our Creator for unalienable rights. It is Jefferson who belongs to the first committee that drafted the first draft of the Great Seal of the United States which specifically talks about God blessing us. It is Jefferson who in his development of the University of Virginia, while providing for freedom of religion, suggests that students can go to any religious instruction they desire. He does not suggest they can cut out and not go to any religious instruction. He said they can go to any religious instruction they desire.

And this was generally conceded to be the most radical person supporting religious freedom in America in his generation among politicians.

So I would say that the gentleman from Pennsylvania in reminding us that Thomas Jefferson saw fit to base all freedom on rights given us by our Creator tied, in fact, the very fabric of freedom to a spiritual commitment and spiritual belief.

Mr. WALKER. If the gentleman would yield further, I would say to the gentleman that the motto chosen by our forefathers in that Great Seal and for this country, "In God We Trust," was something of immense importance to them.

And it is inscribed over the head of the gentleman as he speaks from the well in this House. It says above the Speaker's podium, "In God We Trust."

And the question that we are raising here is whether or not you can put that motto in that form in the classrooms of this country. It is highly

doubtful under what we have now done through our court system that that motto inscribed on the wall the way it is in this Chamber can be put into the public school classrooms. That just raises a question of where we have gone as a society.

Mr. GINGRICH. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. WEBER).

Mr. WEBER. I thank the gentleman for yielding.

I want to return to a point made by our colleague from Indiana (Mr. COATS) a few minutes ago about the fact that what is really unfortunate is that we are not able to get this issue on the floor of the House of Representatives to be debated and voted upon because the issue has been tied up for decades, literally, by the Democratic majority.

And I just want to make two points that I think are important in considering that.

As I talked to my constituents back in my district, there is a whole string of issues that they have talked to me about. They say, "Why doesn't Congress do anything about this?"

We could go through them all, but I think they differ from region to region.

The school prayer amendment probably better than any other single issue explains why there is a whole series of issues that Congress never deals with and that is because the values of this city are fundamentally different from the values of the Nation as a whole.

And I guess I would go a step further and I would say the values of the country are somewhat different than the values of the Democratic majority, at least as reflected through the priorities that they present to the Nation in the agenda of the Democratic Party.

Second of all, and I think it is tremendously important, those who detract from the notion of school prayer frequently refer to it in terms of a throwback. We are going to go back to school prayer.

I would argue that in this case as in many others the people of the country are, in a number of respects, way ahead of the politicians and they have recognized a basic change in our society that makes this issue more important, if anything, than it was in the past. And that is because as we have seen over the last 10 to 20 years an increasing percentage of a child's time is spent not with his parents, but with others, because of two-worker families and things like that, the school has become an increasingly important arena for the socialization of our young people.

As I have talked to teachers, for instance, they frequently complain about the fact—and rightly so—that today they have a much heavier burden in terms of assuming responsibilities that belonged to parents in earlier generations, but now because both parents are working, they cannot assume that responsibility.

I think that a lot of parents recognize that. And part of the reason—not the entire reason—that there is such support for school prayer is the understanding that if we are going to rely on the schools to a greater and greater degree to socialize our youth, there should be some recognition of the fact that it is important to this country that young people have spiritual values as well as materialistic values. And that is in a very true sense of the word. It is a progressive spirit that says that we should restore the right of the children to pray in schools and recognize the importance of that to a culture that is changing as rapidly as ours.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think the gentleman made an excellent point in talking about the church in Nebraska that was in fact chained closed.

When you look at the situation with regard to prayer in school you can see exactly what happened and you can see some of the fears that the gentleman spoke of actually coming to be, because here you had a community of people who because their children were not allowed to pray in public schools, brought the school into the church in that small church in Nebraska.

And I arrived at the church the day after it was chained closed by the State, by the local sheriff. I thought it was a somewhat dramatic thing to have a church in the United States—it was probably the only church in the free world that was chained closed by a government authority.

I asked for the justification for chaining this church closed. And the justification was, well, the teachers in this Christian school are not certified. They have not got their proper certification to teach children so we had to chain the church closed because they are holding the school in the church.

Well, I asked for the results of the achievement test, if any, that these children had taken. And they sent back the results of the California Achievement Test, a standard test, of the children who were in that church and whose parents—presently I think some of the parents are still in jail for sending their children to this school—they sent back the results of the California Achievement Test taken by these children and they were 1 year to 1½ years ahead of their counterparts in the public school in the basic fundamental courses of reading, writing, and arithmetic. In other words, the children who went to this Christian school were far ahead of their public school counterparts and yet, their parents were, in fact, jailed primarily because they had brought their children into a church where they could have schooling and prayer at the same time.

□ 1630

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I would just like to point out—the gentleman from California I think is more familiar with this case than I am—is it not true that those Christian schools in Nebraska have agreed to permit performance evaluation of students to be used as a basis for their certification?

Mr. HUNTER. Absolutely. They said, "Listen, we will test our kids against counterparts of public schools," and the tests that they have taken show the children to be far ahead of their counterparts in the public schools.

Mr. WEBER. So the Christian schools in question have accepted the fact that they need to maintain certain quality standards and they are willing to submit to an evaluation based on the quality of the education they give their students, right along with the public schools. It is just a question of submitting to the State's will, if you will, on the question of certifying teachers.

Mr. HUNTER. Absolutely. The gentleman is absolutely correct. The bottom line to the problem, I think in part, is that if we did not have this problem of the Democratic leadership not allowing prayer in school to be even brought up for consideration, perhaps you would not have as many people having to retreat and retreat with their families from the public education system, because their children could then pray in school.

Mr. GINGRICH. Let me, if I may, pick up on that and recount that there are two reasons why we have today's special order. The first is that we have heard that the other body will presently be bringing up an amendment on prayer in school. They will be giving the citizens of America the chance to have some impact on whether or not we should have a constitutional amendment to provide for prayer in school. But the other reason is, in the last 2 weeks, I have gone through a series of interviews and discussions which really communicated to me how deep the cultural division is in the United States. I had one interview, trying to explain what a number of us were doing on the floor of the House, with a reporter from a northeastern liberal elitist newspaper. He said, "How can you talk about prayer in schools? That is not a serious issue."

And, literally, it was transparent. He had no notion that there was any sense of legitmacy in the American people asking for their children to have the right to pray.

Recently several of us met with a broadcast network staff. They sat around at some length and said, "But you keep talking about values and traditional values and prayer in school. Those things do not count. What are you going to do about the budget? What are you going to do about this?" And they had a list of purely materialistic dollars and cents, taxes and spending. Nothing was allowed that was spiritual, that involved values, and that in any way changes the real meaning of life. These ideas were not allowed on the table because they did not exist in their minds.

Finally this occurred to me, as a former history teacher. Not since the Whig elite failed to understand the rise of Jacksonian democracy have we had a group so thoroughly and totally out of touch with the Nation as the elite that runs the liberal welfare state. That while 80 or 85 percent of the American people may believe in prayer in school, an overwhelming percentage of the people who are in charge of the power structure in Washington, the national news media, and of the liberal intellectual bastions around the country, genuinely have no sense at all of the power of the spirit or the power of the human will. That explains a great deal. As Halverston referred to this in "The Best and the Brightest" about Vietnam. By bringing in the best and the brightest of the liberal welfare state, we guaranteed people who would read computer studies and would have no idea of the staying power of the Vietnamese Army. These are the very same people who I think have misunderstood the power of fanaticism in the Middle East. They cannot appreciate what human beings can do when they have dreams that are large enough. These people do not understand what the gentleman from Florida said about the power of the spirit to change a young person from a drug addict into someone who himself is going to lead a wholesome life.

Many of them, seeking desperately to help minority groups, have no idea of the emotional power of getting people to believe in a dream to reshape their lives, to discipline themselves, and to go out and change the world. So they keep trying to find purely materialistic solutions that in fact have no relationship.

I come back again, as somebody said earlier—I think the gentleman from Indiana—to the prayer in the House. Every single day we meet, a guest chaplain or our own very eloquent Chaplain leads us in prayer. We do not have a censorship committee to screen it. We do not have any porkbarrel committee to make sure that we have 12.9 percent Baptist prayers, 22.3 percent Catholic prayers, 4.1 percent Greek Orthodox prayers. What we do is this. We rely on the basic concept that all of us are committed to the notion that this Congress and this country need God's guidance and God's blessings. As the President said, we would not presume to ask God to be on our side, but we would earnestly seek God's guidance so we could be on His side. We are confident that in that very commitment to a spiritual beginning each day that, over time, our chaplain will reach out in a manner to include all faiths, and all religions. And I emphasize, as I said earlier, the real battleground is between everyone—Jew, Catholic, Protestant, Muslim—anyone who believes in a spiritual life, and in God, and those on the other side who are against any extension of civil life to include the Divine and the life of the spirit and the soul. That the real civil war is in American cultural life. There are those of us who think we have to look beyond ourselves. We believe that there is in fact a spiritual being greater than you and I, that there is in fact guidance from above, and that we all do in fact sin and fall short of the glory of God. This really sticks in the craw of the liberal elite. It leads them to totally misunderstand us and, I think, to some extent, to live in a cultural paranoia.

Let me say that in this sense, in this spirit, it is fascinating that the New York Times last Friday, in a vicious editorial, attacked the President of the United States because he would state in public why he was a Christian. In an absolutely ruthless editorial last Friday morning, they suggested that there was something fundamentally wrong with the President of the United States describing his commitment to his faith.

Now, I would suggest to you that this is the exact reverse of the spirit of 1928 which was against Al Smith because he was a Catholic. We have now gone to a new bigotry. The new bigotry is against you because you are publicly willing to commit to anything. This President happens to be Protestant. But I suspect if we had a Jewish President and he or she were to stand up and to say that in fact they were deeply committed to God, the New York Times would be equally offended. They would say that in fact they are to believe only in the New York Times, Harvard University, and the ADA platform. They would say that any spiritual life is somehow, from the New York Times' standpoint, demeaning and disgusting.

So I think what we are trying to do is to suggest that there has been I think a deceitful double standard on the left. They demand perfection in praying but accept total failure in drug use, alcoholism and other hedonistic behavior. They stand up and offer all sorts of smokescreens as to why we cannot meet. In fact, the time is coming when this Congress should this year raise the issue. It is encouraging that the other body will soon do so. It is time that this House set a schedule. I would hope that the Democratic majority will admit publicly to setting a schedule for debating and voting on this.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I am glad the New York Times did not write an editorial about Benjamin Franklin's very eloquent request that prayer be observed by the Constitutional Convention. I think that our history and our heritage of the business of this Government beginning with prayer goes back beyond this, earlier than this Convention. But I would like to read the words of Benjamin Franklin:

> I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. . . . I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. . . .
>
> I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business. . . .

I wonder what the New York Times would have editorialized about that statement by Benjamin Franklin at the Constitutional Convention.

Mr. GINGRICH. I think the gentleman makes this point very, very well.

And let me say, as we close, that I think people in this country need to understand what is at stake. We must understand this when we talk, as I did, with students who are forbidden to wear a T-shirt that happens to have the name of their church when they are allowed to wear any other kind of a T-shirt, we are talking about America today. When we talk about parents being put in jail in Nebraska because they sent their children to a Christian school, where the children were doing well but not doing according to the State power, we are talking about America today.

We must keep this in mind even if we look at the great issues of nuclear war, of the problems in Lebanon and El Salvador, and of a drug trade which strikes at the very heart of our Nation. I am not sure there is any greater or more important issue than the underlying cultural issue that is symbolized by prayer in school. And that underlying cultural issue is very simple. Do we as a nation exist purely as a secular

state committed to doing everything we can in this life to living it up, to knowing that after death there is no meaning, to seeking no guidance, and to committing what Dostoevski called the greatest of all sins, the sin of pride? Or are we in fact as our forefathers were, and as the gentleman from California so eloquently reminded us about Benjamin Franklin, really a nation founded in the belief that our Creator enables us to be free, are our rights protected not by the Constitution, not by the FBI, and not by the Supreme Court? Our rights are protected by the Creator who endowed us with those rights. It is to Him that we repair when we are in danger.

□ 1640

This year, I think, for the first time in my lifetime, this city will see a great struggle over which way we are going. For 30 years, the liberal welfare state has sought its solution. It has produced drug addiction, the collapse of the central city, a crime rate in Detroit so bad that I heard the mayor of Detroit this morning calling for a summit conference to be able to deal with crime.

We have seen a situation, and I do not pick on Detroit, that is endemic to America. For 30 years we have sought materialism as a solution, and materialism, as Kessler said. is the God that failed.

It is time now, I think, to have that debate. We call on the leadership of this House, the Democratic leadership, to allow the people of America to see where their representatives stand, and to have a debate. It is time to have an open rule, to allow people with legitimate and genuine questions to raise amendments. It is time in the end to have a vote up or down on whether we turn back toward a world in which God and the life of the spirit does have a role to play in schools or is it time to continue down a road of decay in which no amount of money, no amount of resources, can possibly stem the tide of decay without turning. I think it is time to come to a different stand, and without turning back to a world in which God, in fact, does matter.

VIGILANT OVERSIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, "Quite as important as lawmaking is vigilant oversight of administration." And this, Mr. Speaker, was long before the days of the "administrative state" or the enormous growth of the Federal Establishment that has taken place over the past 50 years.

All too often, I fear, oversight is a bit like the weather: all of us talk about it, but too few of us do anything about it. It was in the Legislative Reorganization Act of 1946 that we first committed the Congress to the duty of maintaining "continuous watchfulness" over agencies and programs within the purview of our committees. Since then, we have reaffirmed our commitment to this critical function on numerous occasions. Oversight objectives are published, and oversight and investigation subcommittees have been established. Many of us devote much time and energy to reviewing the statutes and programs we have helped bring into being; but few of us, I daresay, are satisfied that we fulfill the "continuous watchfulness" which is expected of us.

Mr. Speaker, we and our staffs have a unique opportunity to reaffirm our commitment to the oversight function, and to obtain information and exchange information and refine our skills. An oversight workshop, consisting of three morning sessions, is being planned for Members and staff on February 14 to 16, during the Lincoln-Washington district work period. The workshop has been designed by the Congressional Research Service in cooperation with House and Senate committee staff. It continues a tradition begun in 1978, when the first such workshop was held. As before, the workshop is sponsored and endorsed by the joint leadership.

Workshop speakers and roundtable participants will include former Senators and Representatives, staff experts, executive officials, investigative journalists, and experts commentators. Sessions are scheduled from 9 a.m. to 12:30 p.m. on February 14, 15, and 16 in room 2322 of the Rayburn House Office Building. I urge Members to attend one or more of these sessions if at all possible, but in any case to urge their staff members to attend.●

OLYMPIC COIN PROGRAM TOPS $30 MILLION MARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I am proud to announce that donations to U.S. Olympic athletes from the sale of Olympic commemorative coins have passed the $30 million mark. By the end of January, the U.S. Mint had turned over nearly $32 million to the U.S. Olympic Committee and the Los Angeles Olympic Organizing Committee.

As chairman of the House Consumer Affairs and Coinage Subcommittee and the sponsor of the legislation providing for this Olympic coin program, I am particularly proud to see the Congress, the U.S. Mint, and the U.S. Treasury working together for this very worthy purpose. I see no reason why sales of the coins cannot raise $100 million before the end of the year.

As the world prepares to watch the winter Olympic games in Sarajevo, Yugoslavia, beginning this evening, it is with appreciation for all our U.S. athletes that I call attention to the merits of my Olympic coin plan which Congress adopted in July 1982. That plan has provided our athletes with much needed financial support and will continue to do so in the future.

The U.S. Mint is currently offering three coins: A 1983 silver dollar, a 1984 silver dollar, and a 1984 $10 gold piece. Ten dollars from the sale of each silver coin and $50 from the sale of each gold coin are split equally between the U.S. Olympic Committee and the Los Angeles Olympic Organizing Committee.

The motto for my bill was "All the Money to the Athletes," and this program has fulfilled that purpose. When Congress originally debated the Olympic coin program, the arguments were centered around two plans. One plan had the U.S. Government mint 17 different coins, and then turn them over to a private marketing firm which would sell the coins and turn some of the profits over to the United States and Los Angeles Olympic Committees.

The private coin deal would have guaranteed the Olympics $30 million. Most coin experts have said that the guaranty was all the money that would have been turned over to the Olympics. Glowing forecasts for privately handled past programs in other countries had fallen far short of expectations, and there was no reason to think that a 1984 program would be any different. Many argued that under the private plan, most of the profit would have gone to the private companies before any profit would have gone to the athletes.

I am greatly pleased that Congress adopted my plan because, truly, the U.S. athletes are benefiting directly from it. Instead of receiving $30 million as a total sum, U.S. Olympic athletes have received $30 million as a token of what is to come. This program is not only a success when compared to the private plan, but the money raised so far is also the largest amount in history ever turned over to an Olympic group by any coin program.

Additionally, I would like to highlight the vital role coin collectors have played in making this program a success. Nearly 95 percent of the money we have received for the coins has come from coin collector's contributions. I applaud their efforts in supporting this program.

Our coin program has been a resounding success, and I wish all our Olympic athletes well in Sarajevo this

winter and in Los Angeles this summer.●

FEDERAL CHARTER FOR VIETNAM VETERANS OF AMERICA, INC.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, today I am introducing legislation which would recognize and grant a Federal charter to the Vietnam Veterans of America, Inc. My distinguished colleague, Mr. HAMMERSCHMIDT, the ranking minority member of the Committee on Veterans' Affairs, and other members of the committee and the House, have joined with me in cosponsoring this legislation. A Federal charter will simply recognize the VVA's commitment to Vietnam servicemen, a commitment that began in the Armed Forces of the United States during the most prolonged and controversial conflict in which this country has ever been embroiled.

Society has often found it difficult to come to grips with the difficult personal sacrifices these men and women made. But whether you were for or against our involvement in Vietnam does not matter now. What does matter are the men and women who were willing to do what their country asked when their country asked them to do it. It is time to pull those unpleasant shreds of history from the corners of our subconscious where we have tucked them away, and recognize the outstanding men and women who experienced the coldness of this conflict.

Granting the Vietnam Veterans of America a Federal charter is a fitting and appropriate way to say we appreciate the service members of this organization rendered our Nation in a time of crisis.

I hope an early hearing is scheduled on the bill, and I urge my colleagues to join with us in cosponsoring this legislation.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORSYTHE (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, on February 8.

Mr. WEBER, for 60 minutes, on February 8.

Mr. GINGRICH, for 60 minutes, on February 8.

Mr. MACK, for 60 minutes, on February 8.

Mr. YOUNG of Alaska, for 15 minutes, today.

(The following Members (at the request of Mr. MOODY) to revise and extend their remarks and include extraneous material:)

Mr. UDALL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEDELL, and to include extraneious matter, during consideration of H.R. 555 in the Committee of the Whole today.

(The following Members (at the request of Mr. MOLINARI) and to include extraneous matter:)

Mr. BILIRAKIS in two instances.
Mr. GREEN.
Mr. PETRI.
Mr. THOMAS of California.
Mr. RITTER.
Mr. PORTER.
Mr. MARLENEE.
Mr. MCCAIN in two instances.
Mr. PHILIP M. CRANE.
Mr. MOORHEAD.
Mr. GOODLING.
Mr. HAMMERSCHMIDT.
Mr. BROYHILL.

(The following Members (at the request of Mr. MOODY) and to include extraneous matter:)

Mr. BONIOR of Michigan.
Mr. MINISH.
Mr. CLAY.
Mr. WIRTH.
Mr. LANTOS in three instances.
Mr. RATCHFORD.
Mrs. BURTON of California.
Mr. VENTO.
Mr. RODINO.
Mr. SHANNON in two instances.
Mr. FASCELL.
Mr. MATSUI.
Mr. BRITT.
Mr. DYSON in two instances.
Mr. LONG of Maryland.
Mr. EDWARDS of California.
Mr. COLEMAN of Texas.
Mr. FOGLIETTA.
Mr. TRAXLER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 215. An act to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes; to the Committee on the Judiciary.

S. 668. An act to reform Federal criminal sentencing procedures; to the Committee on the Judiciary.

S. 948. An act to reform Federal criminal and civil forfeiture; to the Committees on the Judiciary, Energy and Commerce, Ways and Means.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

ADJOURNMENT

Mr. DORGAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 8, 1984, at 3 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first, second, third, and fourth quarters of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John F. Seiberling, MC	1/7	1/8	Finland		190.00						190.00
	1/8	1/12	Soviet Union		534.00						534.00
	1/12	1/14	Hungary		218.00						218.00
	1/14	1/16	Yugoslavia		150.00		32.40		65.60		248.00
	1/16	1/20	Greece		432.00		15.72		100.34		548.06
Military transportation							4,579.46				4,579.46
Romano L. Mazzoli, MC	1/7	1/16	Italy		1,070.00		1,806.35		105.88		2,982.23
Military transportation							1,574.88				1,574.88
Peter W. Rodino, Jr., MC	1/7	1/20	Italy		1,495.00		1,074.41		105.88		2,675.29
	1/20	1/23	Austria		508.00		206.26		228.04		942.30
Military transportation							5,142.67				5,142.67
Garner J. Cline, staff	1/7	1/20	Italy		1,495.00		1,074.41		105.88		2,675.29
	1/20	1/23	Austria		508.00		206.26		228.04		942.30
Military transportation							5,142.67				5,142.67
Hamilton Fish, Jr., MC	1/7	1/20	Italy		1,495.00		1,074.41		105.88		2,675.29
	1/20	1/23	Austria		508.00		487.07		228.04		1,223.11
	1/23	1/25	Germany		236.00		1,169.73				1,405.73
Military transportation							1,574.88				1,574.88
Peter Regis, staff	1/7	1/20	Italy		1,495.00		1,074.41		105.88		2,675.29
	1/20	1/23	Austria		508.00		487.07		228.04		1,223.11
	1/23	1/25	Germany		236.00		1,169.73				1,405.73
Military transportation							1,574.88				1,574.88
Committee total					11,078.00		29,467.67		1,607.50		42,153.17

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William Gray	5/26	5/27	Cyprus		75.00						75.00
	5/27	5/27	Lebanon		00						
	5/27	5/30	Israel		400.00						400.00
	5/30	6/1	France		196.00		4,078.00				4,274.00
Hon. Clarence Long	4/24	4/25	El Salvador		55.50		[3] 1,007.00				1,062.50
Hon. Charles Wilson	3/26	3/27	Egypt		94.00						94.00
	3/27	3/31	Israel		400.00						400.00
	3/31	4/8	Egypt		564.00						564.00
	4/10	4/13	Pakistan		180.00		4,089.00				4,269.00
Edwin F. Powers	3/26	3/27	France		164.00						164.00
	3/27	3/31	Egypt		376.00						376.00
	3/31	4/1	Greece		75.00						75.00
	4/1	4/3	France		164.00		4,209.00				4,373.00
Edwin F. Powers	4/24	4/25	El Salvador		55.50		[3] 1,007.00				1,062.50
Edwin F. Powers	5/26	5/27	Cyprus		75.00						75.00
	5/27	5/27	Lebanon								
	5/27	5/30	Israel		400.00						400.00
	5/30	6/1	France		196.00		3,764.00				3,960.00
Committee total					3,470.00		18,154.00				21,624.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Travel performed by military aircraft. Cost shown is comparable first-class commercial rate.

JAMIE L. WHITTEN, Chairman, Nov. 29, 1983.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 13 AND JUNE 14, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abbruzzese, P. A	6/13	6/14	England		134.00		40.23		22.80		197.03
Military Transportation							1,824.76				1,824.76
Brady, J. J	6/13	6/14	England		134.00		40.23		22.80		197.03
Military Transportation							1,824.76				1,824.76
Salvia, J. M	6/13	6/14	England		134.00		40.23		22.80		197.03
Military Transportation							1,824.76				1,824.76
Solomon, G	6/13	6/14	England		134.00		40.23		22.80		197.03
Military Transportation							1,824.76				1,824.76
Zablocki, C. J	6/13	6/14	England		134.00		40.23		22.80		197.03
Military Transportation							1,824.76				1,824.76
Committee totals					670.00		9,324.95		114.00		10,108.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Chairman, Jan. 12, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Joseph Addabbo	8/20	8/21	Japan		75.00						75.00
	8/21	8/25	China		300.00						300.00
	8/25	8/28	India		225.00						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
Hon. Daniel K. Akaka	7/1	7/2	Hawaii								
	7/3	7/5	Marianas		150.00						150.00
	7/5	7/7	Guam		150.00						150.00
	7/7	7/9	Philippines		150.00						150.00
	7/9	7/12	Japan		351.00						351.00
Transportation (DOD)							5,178.25				5,178.25
Hon. Daniel K. Akaka	8/7	8/12	New Zealand		540.00						540.00
	8/12	8/17	Australia		597.00						597.00
	8/17	8/19	Singapore		302.00						302.00
Tranportation (DOD)							9,979.90				9,979.90
Hon. Tom Bevill		7/5	United States		25.00						25.00
	7/6	7/9	Germany		255.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Lawrence Coughlin	8/12	8/14	France		200.00						200.00
	8/14	8/15	Austria		101.00						101.00
	8/15	8/17	Hungary		152.00		84.00				236.00
	8/17	8/18	Poland		75.00						75.00
	8/18	8/20	Cyprus		150.00						150.00
	8/20	8/22	Israel		300.00						300.00
	8/23	8/24	Syria		101.00						101.00
	8/24	8/27	Pakistan		225.00						225.00
	8/27	8/29	Ireland		200.00		[3] 9,191.00				9,391.00
Hon. Julian C. Dixon	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/8	8/14	Peru		540.00						540.00
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Transportation (DOD)							3,961.27				3,961.27
Bernard J. Dwyer	8/6	8/7	Finland		106.00						106.00
	8/7	8/10	U.S.S.R		267.00						267.00
	8/10	8/11	Germany		80.00						80.00
	8/11	8/12	United Kingdom		98.00		3,991.00				4,089.00
Hon. Jack Edwards	8/20	8/21	Japan		75.00						75.00
	8/21	8/25	China		300.00						300.00
	8/25	8/28	India		225.000						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
Hon. Mickey Edwards		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Hon. W. G. Hefner		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Hon. Steny H. Hoyer		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Hon. Jack Kemp	7/4	7/12	U.S.S.R		728.70		2,738.00				3,466.70
Hon. William Lehman	8/12	8/14	France		200.00						200.00
	8/14	8/15	Austria		101.00						101.00
	8/15	8/17	Hungary		152.00		84.00				236.00
	8/17	8/18	Poland		75.00						75.00
	8/18	8/20	Cyprus		150.00						150.00
	8/20	8/22	Israel		300.00						300.00
	8/23	8/24	Syria		101.00						101.00
	8/24	8/27	Pakistan		225.00						225.00
	8/27	8/29	Ireland		200.00		[3] 9,191.00				9,391.00
Hon. Robert Livingston	8/8	8/9	Honduras		76.00		[3] 824.00				900.00
Hon. Clarence Long	8/12	8/14	France		200.00						200.00
	8/14	8/17	Austria		303.00						303.00
	8/17	8/18	Poland		75.00						75.00
	8/18	8/20	Cyprus		150.00						150.00
	8/20	8/23	Israel		300.00						300.00
	8/23	8/24	Syria		101.00						101.00
	8/24	8/27	Pakistan		225.00						225.00
	8/27	8/29	Ireland		200.00		[3] 9,191.00				9,391.00
Hon. John Murtha	8/8	8/9	Honduras		76.00		[3] 844.00				920.00
Hon. John Myers	8/20	8/21	Japan		75.00						75.00
	8/21	8/25	China		300.00						300.00
	8/25	8/28	India		225.00						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
Hon. John E. Porter		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Hon. John E. Porter	8/12	8/14	France		200.00						200.00
	8/14	8/17	Austria		303.00						303.00
	8/17	8/18	Poland		75.00						75.00
	8/18	8/20	Cyprus		150.00						150.00
	8/20	8/23	Israel		300.00						300.00
	8/23	8/24	Syria		101.00						101.00
	8/24	8/27	Pakistan		225.00						225.00
	8/27	8/29	Ireland		200.00		[3] 9,191.00				9,391.00
Hon. Eldon Rudd	8/15	8/18	South Korea		291.00						291.00
	8/18	8/23	China		375.00						375.00
	8/23	8/26	Thailand		234.00						234.00
Transportation (DOD)							10,783.99				10,783.99
Hon. Wes Watkins		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Hon. Bob Carr	8/12	8/15	Hong Kong		352.00						352.00
	8/16	8/19	Japan		468.00		518.92				986.92
Hon. Joseph McDade	7/28	8/1	France		276.00		3,974.00				4,250.00
George Allen		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		164.00						164.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Transportation (DOD)							6,470.67		303.83		6,774.50
George Allen	8/20	8/212	Japan		75.00						75.00
	8/21	8/25	China		300.00						300.00
	8/25	8/28	India		225.00						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
Terry Bevels	8/6	8/7	Finland		106.00						106.00
	8/7	8/10	U.S.S.R.		267.00						267.00
	8/10	8/11	Germany		80.00						80.00
	8/11	8/12	United Kingdom		98.00		4,256.00				4,354.00
Robert Davis	8/20	8/21	Japan		75						75.00
	8/21	8/25	China		300.00						300.0
	8/25	8/28	India		225.00						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
Thomas J. Kingfield	8/12	8/14	France		200.00						200.00
	8/14	8/15	Austria		101.00						101.00
	8/15	8/17	Hungary		152.00		1,146.50				1,298.50
Mark W. Murray		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Dona Pate	8/20	8/21	Japan		75.00						75.00
	8/21	8/25	China		300.00						300.00
	8/25	8/28	India		225.00						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
Terry R. Peel		7/5	United States		25.00						25.00
	7/6	7/9	Germany		225.00						225.00
	7/9	7/11	Switzerland		246.00						246.00
Transportation (DOD)							6,470.67		303.83		6,774.50
Terry R. Peel		8/28	United States		75.00						75.00
	8/29	8/31	Egypt		168.00						168.00
	8/31	9/1	Turkey		150.00						150.00
	9/2	9/4	United Kingdom		196.00		4,175.00				4,371.00
Transportation (DOD)							3,339.00				3,339.00
John Plashal	8/20	8/21	Japan		75.00						75.00
	8/21	8/25	China		300.00						300.00
	8/25	8/28	India		225.00						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
John Plashal	8/8	8/9	Honduras		76.00		[3] 844.00				920.00
Edwin F. Powers	7/6	7/10	Peru		375.00		2,076.00				2,451.00
William E. Schuerch	8/12	8/14	France		200.00						200.00
	8/14	8/15	Austria		101.00						101.00
	8/15	8/17	Hungary		152.00		84.00				236.00
	8/17	8/18	Poland		75.00						75.00
	8/18	8/20	Cyprus		150.00						150.00
	8/20	8/22	Israel		300.00						300.00
	8/23	8/24	Syria		101.00						101.00
	8/24	8/27	Pakistan		225.00						225.00
	8/27	8/29	Ireland		200.00		[3] 9,191.00				9,391.00
Austin G. Smith	8/20	8/21	Japan		75.00						75.00
	8/21	8/25	China		300.00						300.00
	8/25	8/28	India		225.00						225.00
	8/28	9/1	Tunisia		316.00		[3] 5,348.00				5,664.00
Committee total					28,803.70		205,940.06		2,784.64		237,528.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
[3] Transportation furnished by military aircraft. Cost shown is comparable 1st-class commercial rate.

JAMIE L. WHITTEN, Chairman, Dec. 6, 1983.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John LaFalce	9/3	9/6	France						238.00		238.00
Hon. Stan Lundine	9/3	9/6	France						237.98		237.98
Hon. Bruce Vento	9/3	9/6	France						237.98		237.98
Hon. George Wortley	9/3	9/6	France						237.98		237.98
Hon. Marge Roukema	9/3	9/6	France						237.98		237.98
Mr. Don Terry	9/3	9/6	France						237.98		237.98
Mr. Charlie Jones	9/3	9/6	France						237.98		237.98
Ms. Alene Wendrow	9/3	9/6	France						237.98		237.98
Committee total									1,903.86		1,903.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FERNAND J. ST GERMAIN, Chairman, Jan. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. George E. Brown, Jr.	11/10	11/11	Mexico		75.00						75.00
Local transportation							48.97				48.97
Commercial transportation							570.00				570.00
Hon. James M. Jeffords	12/5	12/6	New Zealand								
	12/14	12/17	New Zealand	1,350.36	900.00						900.00
Representation								156.30	102.13		102.13
Commercial transportation							2,175.00				2,175.00
Committee total					975.00		2,793.97		102.13		3,871.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E DE LA GARZA, Chairman, Jan. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sander M. Levin	12/1	12/3	Czechoslovakia		236.00				171.45		407.45
	12/3	12/5	Austria		182.00				23.08		205.08
	12/5	12/8	Hungary		302.00				25.00		327.00
	12/8	12/10	Romania		179.00				25.00		204.00
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey		225.00				41.09		266.09
Transportation by Department of Defense					3,945.18		3,945.18				3,945.18
Committee total					1,352.0		3,945.18		285.62		5,582.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FERNAND J. ST GERMAIN, Chairman, Jan. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Nelson	11/12	11/13	Grenada				651.00				651.00
Committee total							651.00				651.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES R. JONES, Chairman, Jan. 23, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William A. Blakey	12/18	12/24	Senegal		450.00		[3] 867.59				1,317.59
Committee total					450.00		867.59				1,317.59

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Includes $29.15 in local transportation costs in Senegal.

CARL D. PERKINS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abbruzzese, P. A	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Military transportation							2,927.29				2,927.29
Bereuter, D	11/26	11/29	West Berlin		249.00		23.08		34.65		306.73
	11/29	12/1	East Germany		154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
	12/3	12/5	Austria		182.00		23.08				205.08
	12/5	12/8	Hungary		302.00		25.00				327.00
	12/8	12/10	Romania		179.00		25.00				204.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey		225.00		41.09				266.09
Military transportation							7,543.54				7,543.54
Brady, J. J	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Military transportation							2,927.29				2,927.29
Total					3,287.00		13,579.88		57.62		16,924.50
Chambers, F. M	10/27	10/30	Bahamas		342.00						342.00
Commercial transportation							577.48				577.48
Fascell, D. B	10/4	10/5	France		84.00						84.00
	10/7	10/11	Austria		536.00						536.00
	10/11	10/12	Switzerland		115.00						115.00
Military transportation (1-way)							1,463.65				1,463.65
Commercial transportation (1-way)							1,519.82				1,519.82
Fite, W	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Military transportation							2,927.29				2,927.29
Kurz, R. J	10/12	10/14	Panama		225.00						225.00
	10/15	10/21	Honduras		672.00						672.00
Commercial transportation							1,325.00				1,325.00
Livingston, S. S	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Total					3,506.00		7,813.24				11,319.24
Livingston (Cont.)											
Military transportation							2,927.29				2,927.29
Peckham, G. G	10/12	10/14	Panama		225.00						225.00
	10/15	10/21	Honduras		672.00						672.00
Commercial transportation							1,325.00				1,325.00
Pena, R	10/12	10/15	Panama		225.00						225.00
	10/15	10/21	Honduras		672.00						672.00
Commercial transportation							1,325.00				1,325.00
Roberts, A	10/7	10/15	Austria		808.00						808.00
Commercial transportation							1,703.00				1,703.00
Smeeton, T. R	10/27	10/30	Bahamas		342.00						342.00
Commercial transportation							577.48				577.48
Smith, L. J	12/9	12/10	Egypt		84.00						84.00
Solomon, G	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Military transportation							2,927.29				2,927.29
Total					3,794.00		10,785.06				14,579.06
Solomon, G. (Cont.)	12/28	12/29	Cyprus		75.00						75.00
	12/30	12/30	Lebanon								
Commercial transportation							2,785.00				2,785.00
Zablocki, C. J	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Military transportation							2,927.29				2,927.29
Committee total					841.00		5,712.29				6,553.29
Grand total for 4th quarter											49,376.09

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Chairman, January 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lipinski, Hon. William O	12/4	12/10	England	422.70	618.00		1,005.00				1,623.00
Mackenzie, William H	11/8	11/6	Spain	81,327	525.00		2,165.00				
						1,500	9.68				2,699.68
Oshins, Jeffrey M	10/28	11/6	England	413.50	618.00		805.00				
						70	104.62				1,527.62
Sawyer, Hon. Harold S	12/6	12/14	Antarctica	1,012.77	675.00		5,059.96				5,734.96
Seifert, Gerald	10/30	11/5	West Germany	1,215	450.00		1,865.00				2,315.00
Steele, William	12/9	12/15	England	355.54	515.00		2,083.00				
						63	91.25				2,689.25
Committee total					3,401.00		13,188.51				16,589.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WALTER B. JONES, Chairman, Jan. 23, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William D. Ford	11/28	12/1	Great Britain	370.23	544.00		393.47				937.47
	12/2	12/5	Italy	776,832	476.00		14.91		54.23		545.14
	12/6	12/8	Germany	592.96	218.00						218.00
Commercial transportation							4,279.000				4,279.00
Patricia F. Rissler	11/28	12/1	Great Britain	370.23	544.00		393.47				937.47
	12/2	12/5	Italy	776,832	476.00		14.91		54.23		545.14
	12/6	12/9	Germany	889.44	327.00						327.00
Commercial transportation							4,213.00				4,213.00
Thomas Wolanin	11/28	12/1	Great Britain	370.23	544.00		393.47				937.47
	12/2	12/5	Italy	776,832	476.00		14.91		54.23		545.14
	12/6	12/9	Germany	889.44	327.00						327.00
Commercial transportation							4,213.00				4,213.00
Steven Williams	11/28	12/1	Great Britain	370.23	544.00		393.47				937.47
	12/2	12/5	Italy	776,832	476.00		14.91		54.23		545.14
	12/6	12/9	Germany	889.44	327.00						327.00
Commercial transportation							4,213.00				4,213.00
Mildred Vinicor	12/5	12/7	Germany	533.12	196.00						196.00
	12/7	12/12	Sweden	5,177.50	648.00						648.00
Commercial transportation							1,593.00				1,593.00
Committee total					6,123.00		20,144.52		216.92		26,484.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Jan. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Doyle, John S	10/5	10/7	Canada	294.58	240.00	973.37	368.70				608.70
Molinari, Guy, Cong	11/5	11/14	Italy	478,440	920.00	3,983.04	1,511.00				2,431.00
O'Hara, John P	11/12	11/18	Cyprus	285.67	525.00	13.60	25.00				550.00
Committee total					1,685.00		1,904.70				3,589.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, Jan. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brown		12/6	United States				4,897.00				4,897.00
	12/6	12/8	England	70.45	47.93					70.45	47.93
	12/8	12/8	Germany								
	12/8	12/17	India	7,873.45	752.00					7,873.45	752.00
	12/17		United States								
Sensenbrenner		12/5	United States				4,897.00				4,897.00
	12/5	12/8	England	70.45	47.93					70.45	47.93
	12/8	12/8	Germany								
	12/8	12/19	India	9,674.25	924.00					9,764.25	924.00
	12/19		United States								
Kripowicz		12/6	United States				4,897.00				4,897.00
	12/6	12/8	England	70.45	47.93					70.45	47.93
	12/8	12/8	Germany								
	12/9	12/17	India	7,873.45	752.00					7,873.45	752.00
	12/17		United States								
Ratzel		12/5	United States				4,897.00				4,897.00
	12/5	12/8	England	70.45	47.93					70.45	47.93
	12/8	12/8	Germany								
	12/8	12/19	India	9,674.25	824.00					9,674.25	924.00
	12/19		United States								
Committee total					3,543.72		19,588.00				23,131.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Jan. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Major L. Clark, III [3]	12/4	12/7	Jamica		316.00		647.00				963.00
Raymond S. Wittig [3]	12/4	12/7	Jamica								
Raymond S. Wittig [3]	12/7	12/9	Dominican Republic		470.00		650.00				1,120.00
Committee total					786.00		1,297.00				2,083.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Amended report will be issued as soon as both travelers are reimbursed by the State Department for additional per diem expenses that were not included in the original per diem advance.

PARREN J. MITCHELL, Chairman, Jan. 27, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Barber B. Conable	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
	12/3	12/5	Austria		182.00		23.08				205.08
	12/5	12/8	Hungary	3,456.20	302.00		25.00				327.00
	12/8	12/10	Romania	13,524.50	179.00		25.00				204.00
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey	61,335	225.00		41.09				266.09
Transportation by Department of Defense							7,543.54				7,543.54
Hon. Thomas J. Downey	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/12	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
Hon. Ronnie G. Flippo	12/3	12/4	Dominican Republic	43.50	43.50		283.57		115.06		442.13
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							1,541.34				1,541.34
Hon. Wyche Fowler, Jr	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/12	Barbados				299.37				299.37
Transportation by Department of Defense							1,471.26				1,471.26
Hon. Bill Frenzel	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
	12/3	12/5	Austria		182.00		23.08				205.08
	12/5	12/8	Hungary	3,456.20	302.00		25.00				327.00
	12/8	12/10	Romania	13,524.50	179.00		25.00				204.00
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey	61,335	225.00		41.09				266.09
Transportation by Department of Defense							7,543.54				7,543.54
Hon. Sam M. Gibbons	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
	12/3	12/5	Austria	3,456.20	182.00		23.08				205.08
	12/5	12/8	Hungary	13,524.50	302.00		25.00				327.00
	12/8	12/10	Romania		179.00		25.00				204.00
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey	61,335	225.00		41.09				266.09
Transportation by Department of Defense							7,543.54				7,543.54
Hon. James R. Jones	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
	12/3	12/4	Austria	3,456.20	182.00		720.08				902.08
Transportation by Department of Defense							3,598.36				3,598.36
Hon. Robert T. Matsui	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
Hon. Dan Rostenkowski	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
Hon. Guy Vander Jagt	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/9	Barbados	373.32	185.50		236.40				421.90
Transportation by Department of Defense							1,323.73				1,323.73
Thelma J. Askey	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
	12/3	12/5	Austria		182.00		23.08				205.08
	12/5	12/8	Hungary	3,456.20	135.00		25.00				160.00
	12/8	12/10	Romania	13,524.50	179.00		25.00				204.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey	61,335	225.00		41.09				226.09
Transportation by Department of Defense							7,543.54				7,543.54
M. Kenneth Bowler	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados		400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
John Hardt	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
Transportation by Department of Defense							3,598.36				3,598.36
Kenneth J. Kies	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
Franklin C. Phifer, Jr.	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslovakia		236.00		21.43		22.97		280.40
	12/3	12/5	Austria	3,456.20	182..00		23.08				205.08
	12/5	12/8	Hungary	13,524.50	302.00		25.00				327.00
	12/8	12/10	Romania		179.00		25.00				204.00
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey	61,335	225.00		41.09				266.09
Transportation by Department of Defense							7,543.54				7,543.54
John J. Salmon	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
Gloria Shaver	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/11	Barbados	803	400.00						400.00
Transportation by Department of Defense							1,861.01				1,861.01
Graciela Sullivan	11/26	11/29	West Berlin	672.30	249.00		23.08		34.65		306.73
	11/29	12/1	East Germany	415.80	154.00		23.08				177.08
	12/1	12/3	Czechoslavakia		236.00		21.43		22.97		280.40
	12/3	12/5	Austria		182.00		23.08				205.08
	12/5	12/8	Hungary	3,456.20	302.00		25.00				327.00
	12/8	12/10	Romania	13,524.50	179.00		25.00				204.00
	12/10	12/12	Bulgaria		228.00						228.00
	12/12	12/15	Turkey	61.335	225.00		41.09				266.09
Transportation by Department of Defense							7,543.54				7,543.54
Rufus Yerxa	12/1	12/4	Dominican Republic	129	129.00		32.77		357.06		518.83
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00						400.00
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
Committee total					20,565.00		76,002.20		4,494.44		101,061.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Miscellaneous local transportation costs for CODEL Fascell in Granada.	9/10	9/11	Spain				1,058.78				
Oliver, R. Spencer (CODEL Zablocki)	10/1	10/4	The Netherlands		312.00		[3]4,631.73		334.69		
	10/4	10/5	France		84.00						
	10/5	10/7	The Netherlands		156.00		[4]204.29				
	10/7	10/10	Austria		404.00						
	10/11	10/12	Switzerland		164.00		[4]86.00		29.61		
Sletzinger, Martin	11/10	11/13	Finland		358.37		1,741.00				
Deychakiwsky, Orest	11/29	11/30	Canada		170.00		280.00				
Oliver, R. Spencer	12/12	12/13	Austria		202.00						
Committee total					1,850.37		8,001.80		364.30		10,216.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Round trip, military.
[4] Local transportation.

DANTE B. FASCELL, Jan. 25, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ms. Annette Smiley, staff	10/9	10/22	Europe		878.00		2,276.00				3,154.00
Hon. Edward P. Boland	11/4	11/7	West Indies		106.00		1,346.85				1,452.85
Hon. Louis Stokes	11/4	11/7	West Indies		106.00		1,346.85				1,452.85
Hon. J. Kenneth Robinson	11/4	11/7	West Indies		106.00		1,346.85				1,452.85
Mr. Michael J. O'Neil, staff	11/4	11/7	West Indies		106.00		1,346.85				1,452.85
Mr. Steven K. Berry, staff	11/4	11/7	West Indies		106.00		1,346.85				1,452.85
Mr. Richard H. Giza, staff	12/1	12/11	West Indies and Central America		821.00		2,026.20		31.62		2,878.82
Committee total					2,229.00		11,036.45		31.62		13,297.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND, Chairman, Jan. 30, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2584. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notification of the Army's intent to initiate the incineration and disposal of nerve agent VX and blister agent mustard at the chemical agent munitions disposal system located at Tooele Army Depot, Utah, pursuant to Public law. 91-121, section 409(b)(4); to the Committee on Armed Services.

2585. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the proposed decision to convert to contractor performance the storage and warehousing function at the Navy Public Works Center, San Diego, Calif., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2586. A letter from the Secretary of Defense, transmitting a report on DOD and alliance efforts to standardize weapons systems and equipment used by the allied forces committed to NATO, pursuant to 10 U.S.C. 2457 (96 Stat. 1295); to the Committee on Armed Services.

2587. A letter from the Assistant Secretary of Energy for Policy, Safety and Environment, transmitting the final environmental impact statement for the proposed international electric transmission line connecting Sherbrooke, Quebec, and Comerford, N.H., pursuant to Public Law 91-190, section 102(2)(C); to the Committee on Energy and Commerce.

2588. A letter from the Chairman, Administrative Conference of the United States, transmitting an evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2589. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed new record system for the Army, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2590. A letter from the Director, ACTION, transmitting an evaluation of the Agency's internal accounting and administrative control system in effect during the year ended 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2591. A letter from the Director, Selective Service System, transmitting notification of a change in the routine users of a personal records system, pursuant to 5 U.S.C. 522a(o); to the Committee on Government Operations.

2592. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the Bank's system of internal accounting and administrative controls in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2593. A letter from the Acting Secretary, Department of Agriculture, transmitting a report on the opportunities to increase timber yields on national forest lands in Alaska, pursuant to Public Law 96-487, section 705(c); to the Committee on Interior and Insular Affairs.

2594. A letter from the Secretary of the Interior, transmitting the boundaries, classifications, and development plans for the Beaver Creek, Birch Creek, Delta, Fortymile, Gulkana, and Unalakleet components of the National Wild and Scenic Rivers System, pursuant to Public Law 90-542, section 3(b) (94 Stat. 2416); to the Committee on Interior and Insular Affairs.

2595. A letter from the Director, Community Relations Service, Department of Justice, transmitting a report on the activities of the Community Relations Service, pursuant to Public Law 88-352, section 1004; to the Committee on the Judiciary.

2596. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1985 and 1986 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2597. A letter from the Special Counsel, Merit Systems Protection Board, transmitting his review of the Veterans' Administration's investigation of allegations of abuse of authority and a substantial and specific danger to public health and safety at the VA medical center in Miles City, Mont., pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

2598. A letter from the Secretary of Transportation, transmitting a report on the highway safety performance of each State, pursuant to Public Law 97-424, section 207; to the Committee on Public Works and Transportation.

2599. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Technology.

2600. A letter from the Chairman, Federal Reserve System, transmitting the monetary policy report, pursuant to the act of December 23, 1913, chapter 6, section 2A (92 Stat. 1897); jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. Supplemental Report on S. 38 (Rept. No. 98-570, Pt. II). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 429. Resolution providing for the consideration of H.R. 2899, a bill to authorize appropriations for environmental research development, and demonstration for the fiscal years 1984 and 1985, and for other purposes. (Rept. No. 98-596). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBOSTA (for himself, Mr. VANDER JAGT, and Mr. DOWNEY of New York):

H.R. 4765. A bill to extend duty-free treatment to imports of chipper knife steel; to the Committee on Ways and Means.

By Mr. BETHUNE (for himself and Mr. HAMMERSCHMIDT):

H.R. 4766. A bill to amend the Federal Power Act to provide that certain large electric utility rate increases may not take effect for 1 year; to the Committee on Energy and Commerce.

By Mr. BIAGGI:

H.R. 4767. A bill to amend title XVIII of the Social Security Act to authorize the President to enter into reciprocal agreements for health care services furnished to medicare beneficiaries outside the United States; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. COATS:

H.R. 4768. A bill to amend chapter 32 of title 38, United States Code, to provide for interest payments on amounts contributed by members of the Armed Forces to post-Vietnam-era veterans education accounts and to authorize transferability of entitlement to educational assistance from an eligible veteran to the veteran's spouse or child; to the Committee on Veterans' Affairs.

By Ms. FERRARO (for herself, Mr. MINETA, Mr. EDGAR, Mr. DONNELLY, and Mr. NOWAK):

H.R. 4769. A bill to amend section 3 of the Urban Mass Transportation Act of 1964 to provide minimum apportionments from capital discretionary funds for new start projects and rail modernization projects; to the Committee on Public Works and Transportation.

By Mr. HAMMERSCHMIDT:

H.R. 4770. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committe on Ways and Means.

By Mr. HUNTER (for himself and Mr. PACKARD):

H.R. 4771. A bill to direct the Administrator of the Environmental Protection Agency to make grants to the city of San Diego, Calif., for construction of a publicly owned treatment works in the city of San Diego which will provide advanced primary treatment of municipal sewage and industrial wastes for the cities of San Diego, Calif., and Tijuana, Mexico; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, Mr. EDWARDS of California, Mr. WYLIE, Mr. EDGAR, Mr. HILLIS, Mr. APPLEGATE, Mr. SOLOMON, Mr. LEATH of Texas, Mr. MCEWEN, Mr. SHELBY, Mr. SMITH of New Jersey, Mr. MICA, Mr. GRAMM, Mr. DASCHLE, Mr. BURTON of Indiana, Mr. DOWDY of Mississippi, Mr. SUNDQUIST, Mr. EVANS of Illinois, Mr. BILIRAKIS, Ms. KAPTUR, Mrs. JOHNSON, Mr. HARRISON, Mr. MOLLOHAN, Mr. PENNY, Mr. STAGGERS, Mr. ROWLAND, Mr. SLATTERY, Mr. BRYANT, Mr. RICHARDSON, Mr. BONIOR of Michigan, Mr. PANETTA, Mr. BONER of Tennessee, and Mr. HEFNER):

H.R. 4772. A bill to grant a Federal charter to the Vietnam Veterans of America, Inc.; to the Committee on the Judiciary.

By Mr. NOWAK (for himself, Mr. WILLIAMS of Ohio, Mr. MITCHELL, Mr. BEDELL, Mr. SMITH of New Jersey, Mr. ECKART, Mr. VANDERGRIFF, Mr. DREIER of California, Mr. ROEMER, Mr. SKELTON, Mr. LAFALCE, Mr. OLIN, and Mr. BRITT):

H.R. 4773. A bill to amend the Small Business Act to assist in the creation of a secondary market for the portions of loans guaranteed by the Small Business Administration; to the Committee on Small Business.

By Mr. PATTERSON:

H.R. 4774. A bill to allow the President to line item rescind appropriations unless the Congress enacts legislation disapproving that rescission, or line item veto appropriations; jointly, to the Committees on Government Operations and Rules.

By Mr. PETRI (for himself and Mr. GOODLING):

H.R. 4775. A bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 4776. A bill to amend the Internal Revenue Code of 1954 to simplify the individual income tax system by repealing most exclusions, deductions, and credits, and by providing a single flat-rate tax schedule; to the Committee on Ways and Means.

H.R. 4777. A bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security; to the Committee on Ways and Means.

By Mr. SAWYER:

H.R. 4778. A bill to provide for State licensing of marine recreational fishermen, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMAS of California (for himself, Mr. LAGOMARSINO, Mr. PASHAYAN, and Mr. MCCANDLESS):

H.R. 4779. A bill to amend the Internal Revenue Code of 1954 to provide that the windfall profit tax shall not apply to an amount of crude oil equal to the amount of residual fuel oil used in enhanced recovery processes; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 4780. A bill to amend the Internal Revenue Code of 1954 with respect to tip-reporting requirements applicable to certain large food or beverage establishments; to the Committee on Ways and Means.

By Mr. BETHUNE:

H.J. Res. 471. Joint resolution to designate the week beginning April 29, 1984, as "American Indian Week"; to the Committee on Post Office and Civil Service.

By Mr. HEFTEL of Hawaii:

H.J. Res. 472. Joint resolution designating January 25, 1985, as "National Activity Professionals Day"; to the Committee on Post Office and Civil Service.

By Mr. GREEN (for himself, Mr. GARCIA, Mr. SOLARZ, Mr. YATES, and Mr. LEHMAN of Florida):

H. Con. Res. 254. Concurrent resolution authorizing the Rotunda of the United States Capitol to be used on April 30, 1984, for a ceremony commemorating the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. CROCKETT (for himself, Mr. PEPPER, Mr. FISH, and Mr. LEACH of Iowa):

H. Res. 430. Resolution entitled: "The Mandela Freedom Resolution"; to the Committee on Foreign Affairs.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H. Res. 431. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. MITCHELL:

H. Res. 432. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. OBERSTAR:

H. Res. 433. Resolution expressing the sense of the House of Representatives that the Farmers Home Administration should obligate for insured loans under the economic emergency loan program not less than $500,000,000 of the funds available to carry out such program; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORSKI:

H.R. 4781. A bill for the relief of Michael O'Rourke;, to the Committee on the Judiciary.

By Mr. GINGRICH:

H.R. 4782. A bill for the relief of William W. Riley, Jr.; to the Committee on the Judiciary.

By Mr. HARTNETT:

H.R. 4783. A bill for the relief of Alexandru and Nicolae Buchovschi; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 711: Mr. GARCIA, Mr. HORTON, and Mr. LAGOMARSINO.

H.R. 1028: Mr. CONYERS.

H.R. 1333: Mrs. SCHROEDER.

H.R. 1617: Mr. SOLOMON, Mr. WALKER, Mr. COURTER, Mr. MORRISON of Connecticut, Mr. WALGREN, and Mr. WISE.

H.R. 1755: Mr. BRITT.

H.R. 1902: Mr. BEREUTER.

H.R. 1918: Mr. ASPIN and Mr. CARNEY.

H.R. 1959: Mr. SAWYER, Mr. GARCIA, Mr. STUDDS, Mr. FAZIO, Mr. O'BRIEN, and Mr. SILJANDER.

H.R. 2053: Mr. COLEMAN of Texas and Mr. SCHULZE.

H.R. 2382: Mr. DOWDY of Mississippi.

H.R. 2568: Mr. BATES and Mr. MORRISON of Connecticut.

H.R. 3141: Mr. WILLIAMS of Montana.

H.R. 3264: Mr. WOLPE.

H.R. 3738: Mr. LELAND, Mr. DYMALLY, Mr. YOUNG of Missouri, Mr. FRANK, Mr. GARCIA, Mr. RATCHFORD, Mr. SMITH of Florida, Ms. MIKULSKI, Mr. BEVILL, Mr. BERMAN, Mr. RICHARDSON, Mr. CROCKETT, Mr. EVANS of Illinois, Mr. KILDEE, Mr. SOLARZ, Mr. JONES of North Carolina, Mr. MITCHELL, Mrs. COLLINS, Mrs. JOHNSON, Mr. WON PAT, Mr. LAGOMARSINO, Mr. APPLEGATE, Mr. EDWARDS of California, Mr. FAZIO, Mr. MURPHY, Mrs. HALL of Indiana, Mrs. BOXER, Mr. YATRON, Mr. WEAVER, Mr. SCHEUER, Mr. GRAY, Mr. MCGRATH, Mr. EDGAR, Mr. STARK, Mrs. LLOYD, Mr. GLICKMAN, Mr. WISE, Mr. SKELTON, Mr. GONZALEZ, and Mr. BIAGGI.

H.R. 4005: Mr. CLINGER, Mr. LAGOMARSINO, Mr. RIDGE, Mr. HORTON, and Mr. WISE.

H.R. 4125: Mr. BEILENSON, Mr. TAUKE, Mr. CROCKETT, Mr. SEIBERLING, Mr. LEVIN of Michigan, Mr. FISH, Mr. DELLUMS, Mr. LEHMAN of Florida, Mr. OTTINGER, Mr. VENTO, and Mr. BARNES.

H.R. 4148: Mr. KINDNESS, Mrs. BOXER, Mr. FISH, Mr. SKELTON, Mr. WHITEHURST, Ms. MIKULSKI, Mr. STUDDS, and Mr. WON PAT.

H.R. 4287: Mr. SAM B. HALL, JR. and Mr. BETHUNE.

H.R. 4340: Mr. GORE.

H.R. 4405: Ms. FERRARO and Mr. FISH.

H.R. 4413: Mr. RODINO, Mr. BARNES, Mr. FORD of Tennessee, Mr. TOWNS, Mr.

HOWARD, Mr. FRANK, Mr. LEVIN of Michigan, Mr. DOWNEY of New York, Mrs. SCHROEDER, Mr. DIXON, Mr. MCHUGH, Mr. MITCHELL, Mr. WON PAT, Mr. VENTO, Mrs. HALL of Indiana, Mr. GUARINI, Mr. MURPHY, Mr. WEISS, Mr. SCHUMER, Ms. MIKULSKI, Mr. MCKERNAN, and Ms. OAKAR.

H.R. 4427: Mr. YOUNG of Alaska, Mr. HEFTEL of Hawaii, Mr. HANCE, Mr. KASICH, Mr. ROE, Mr. LAGOMARSINO, Mr. WORTLEY, and Mr. HANSEN of Utah.

H.R. 4464: Mr. MAVROULES.

H.R. 4475: Mr. BONKER, Mr. MORRISON of Connecticut, Mr. LUJAN, Mr. CONTE, Mr. KOSTMAYER, Mr. FORSYTHE, Mr. MARTIN of North Carolina, Ms. SNOWE, Mr. RUDD, Mr. PHILIP M. CRANE, Mr. STUDDS, Mr. CONABLE, Mr. ROBERT F. SMITH, Mr. LEWIS of California, Mr. WON PAT, Mr. MARRIOTT, and Mr. BEREUTER.

H.R. 4549: Mr. WALGREN and Mr. SPENCE.

H.R. 4556: Mr. PATTERSON.

H.R. 4561: Mr. MATSUI, Mr. EKART, Mr. ACKERMAN, Mr. CONTE, and Mr. SEIBERLING.

H.R. 4571: Mr. BARNES, Mr. FASCELL, Mr. GLICKMAN, Mr. MCCURDY, Mrs. SCHNEIDER, Mr. SOLOMON, and Mr. NICHOLS.

H.R. 4603: Mr. SKEEN.

H.R. 4604: Mr. WON PAT.

H.R. 4619: Mrs. BYRON.

H.R. 4656: Mr. FOLEY, Mr. MARTINEZ, Mr. ST GERMAIN, Mr. LOWRY of Washington, Mr. MINETA, Mr. SCHEUER, Mr. MRAZEK, and Mr. DYMALLY.

H.R. 4745: Mr. WIRTH, Mr. VENTO, Mrs. HALL of Indiana, Mr. PANETTA, Mr. MINETA, Mr. WYDEN, Mr. FAZIO, Mr. RANGEL, and Mr. WEAVER.

H.J. Res. 95: Mr. CHAPPIE.

H.J. Res. 254: Mr. GRAY, Mr. O'BRIEN, Mr. HYDE, Mr. MCCURDY, Mrs. HALL of Indiana, Mrs. JOHNSON, Mr. STUDDS, Mr. WISE, and Mr. RANGEL.

H.J. Res. 281: Mr. GONZALEZ, Mr. GOODLING, Mr. ORTIZ, Mr. EARLY, Mr. NOWAK, Mr. BEVILL, Mr. DAUB, Mr. LUKEN, Mr. MORRISON of Connecticut, Mr. SHUMWAY, Mr. SCHAEFER, Mr. VANDERGRIFF, Mr. WON PAT, and Mr. YOUNG of Alaska.

H.J. Res. 282: Mr. ALEXANDER, Mr. BETHUNE, Mr. COATS, Mr. FLORIO, Mr. HAMMERSCHMIDT, Mr. HOWARD, Mr. DENNY SMITH, and Mrs. VUCANOVICH.

H.J. Res. 309: Mr. DICKS, Mr. FISH, and Mr. WEAVER.

H.J. Res. 342: Mr. BATEMAN, Mr. WEISS, Mr. EDWARDS of Alabama, Mr. LEVIN of Michigan, Mr. MCKERNAN, and Mr. MARTINEZ.

H.J. Res. 344: Mr. ADDABBO, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. BENNETT, Mr. BERMAN, Mr. BILIRAKIS, Mr. BOLAND, Mr. BOUCHER, Mr. BROOMFIELD, Mr. BROYHILL, Mr. CARNEY, Mr. CONTE, Mr. COYNE, Mr. D'AMOURS, Mr. DIXON, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. FASCELL, Ms. FIEDLER, Mr. FLIPPO, Mr. FRANK, Mr. GREGG, Mr. GUNDERSON, Mr. HOYER, Mr. HORTON, Mr. KASICH, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KOLTER, Mr. LEATH of Texas, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LUJAN, Mr. MACKAY, Mrs. MARTIN of Illinois, Mr. MCCURDY, Mr. MORRISON of Connecticut, Mr. NOWAK, Mr. O'BRIEN, Mr. ORTIZ, Mr. PANETTA, Mr. PETRI, Mr. RINALDO, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROE, Mr. ROEMER, Mr. SCHEUER, Mr. SILJANDER, Mr. SKELTON, Mr. SKEEN, Mr. SMITH of Florida, Mrs. SMITH of Nebraska, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WILLIAMS of Ohio, Mr. WIRTH, Mr. WOLF, Mr. WON PAT, Mr. YOUNG of Alaska, Mr. ALBOSTA, and Mr. BARNES.

H.J. Res. 404: Mr. COATS and Mr. GINGRICH.

H.J. Res. 407: Mr. BILIRAKIS, Mr. FORSYTHE, Mr. WEAVER and Mr. BATEMAN.

H.J. Res. 422: Mr. FISH, Mr. HAWKINS, Mr. STOKES, Mr. LONG of Maryland, Mr. SMITH of Florida, Mr. SMITH of New Jersey, Mr. HARRISON, Mr. LEVIN of Michigan, Mr. SOLARZ, Mr. FRENZEL, Mr. GREEN, Mr. MOODY, Mr. PETRI, Mr. EDGAR, Mr. MCCOLLUM, Mr. MADIGAN, Mr. GONZALEZ, Mr. BEVILL, Mr. FROST, Mr. BRITT, Mr. FAZIO, Mr. FAUNTROY, Mr. OWENS, Mr. GARCIA, Mr. HEFTEL of Hawaii, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. LONG of Louisiana, Mr. CARR, Mr. COELHO, Mr. CORRADA, Mr. CROCKETT, Mr. D'AMOURS, Mr. DELLUMS, Mr. DIXON, Mr. DURBIN, Mr. BEDELL, Mr. FOGLIETTA, Mr. FOLEY, Mr. MARKEY, Mr. SWIFT, Mr. BORSKI, Mr. STENHOLM, Mr. BROWN of California, Mr. ASPIN, Mr. SCHEUER, Mr. SHANNON, Mr. UDALL, Mr. WON PAT, Mr. BYRANT, Mr. HOWARD, Mrs. HOLT, Mr. DIXON, Mr. SUNIA, Mr. FASCELL, Mr. MINETA, Mr. MATSUI, Mr. BATES, Mr. MILLER of California, Mr. BENNETT, Mr. PARRIS, Mr. STRATTON, Mr. LAFALCE, Mr. MURTHA, Mr. BONER of Tennessee, Mr. LOWERY of California, Mr. MURPHY, Mr. YATES, Mr. RODINO, Mr. CHAPPIE, Mr. TRAXLER, Mr. LEACH of Iowa, Mr. CONTE, Mr. OBERSTAR, Mr. FORSYTHE, Mr. HATCHER, Mr. WIRTH, Mr. BOSCO, Mr. EDWARDS of California, Mr. VANDERGRIFF, Mr. EVANS of Illinois, Mr. ADDABBO, Mr. WEISS, Mr. KASICH, Mr. STARK, Mr. SKELTON, Mr. FLORIO, Mr. HORTON, Mr. WORTLEY, Mr. NICHOLS, Mr. RATCHFORD, Mr. COOPER, Mr. FRANK, Mr. HATCHER, Mr. ROE, Mr. SISISKY, Mr. AUCOIN, Mr. REID, Mr. LELAND, Mr. WOLPE, Mr. HYDE, Mr. BONIOR of Michigan, Mr. JEFFORDS, Mr. MOODY, Mr. HUGHES, Mr. CROCKETT, Mr. HOYER, Mr. WYDEN, Mr. LANTOS, Mr. BERMAN, Mr. WAXMAN, Mr. EVANS of Iowa, Mr. ROYBAL, Mr. BARNES, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. MAZZOLI, Mr. PATTERSON, Mr. MAVROULES, Mr. DASCHLE, Mr. KASTENMEIER, Mr. SCHUMER, Mr. ERDREICH, Mr. LAGOMARSINO, Mr. GUARINI, Mr. JACOBS, Mr. LEVINE of California, Mr. LEHMAN of Florida, Mr. BREAUX, Ms. SNOWE, Mr. CONYERS, Mr. JEFFORDS, Mr. PRITCHARD, Mr. PEPPER, Mr. HUGHES, Mr. CORCORAN, Mr. WINN, Mr. HERTEL of Michigan, Mr. BATEMAN, and Mr. PANETTA.

H.J. Res. 423: Mr. BROWN of California, Mr. PANETTA, Mr. LUKEN, Mr. BILIRAKIS, Mr. YATRON, Mr. STOKES, Mr. FROST, Mr. O'BRIEN, Mrs. BOXER, Mr. SHAW, Mr. SHELBY, Mr. WAXMAN, Ms. OAKAR, Mr. ROBINSON, Mr. MADIGAN, Mr. MAVROULES, Mr. GREEN, Mr. BONIOR of Michigan Mr. TAUZIN, Mr. MATSUI, Mr. HERTEL of Michigan, Mr. MOODY, Mr. MOORE, Mr. FAZIO, Mr. SIMON, Mr. WHITTAKER, Ms. MIKULSKI, Mr. MCEWEN, and Mr. HORTON.

H.J. Res. 445: Mr. WON PAT, Mr. REID, Mr. ARCHER, Mr. DURBIN, Mr. WOLPE, Mr. EMERSON, Mr. ACKERMAN, Mr. BONIOR of Michigan, Mr. MARTINEZ, Mr. FORSYTHE, Mr. MCGRATH, Mr. HEFTEL of Hawaii, Mr. WINN, Mr. RALPH M. HALL, Mr. SOLOMON, Mr. BATEMAN, Mr. CAMPBELL, Mr. DUNCAN, Mr. QUILLEN, Mr. MATSUI, Ms. SNOWE, Mr. DYSON, Mr. BATES, Mr. MCCAIN, Mr. BLILEY, Mr. ANDREWS of North Carolina, Mr. SHUMWAY, Mr. VENTO, Mr. JEFFORDS, Mr. DAUB, Mr. KILDEE, Mr. HALL of Ohio, Mr. STENHOLM, Mr. WILSON, Mr. EDWARDS of Oklahoma, Mrs. BOGGS, Mr. RANGEL, and Mr. MURPHY.

H.J. Res. 466: Mr. RANGEL, Mr. WHITTAKER, Mr. NCNULTY, Mr. HALL of Ohio, and Mr. MARKEY.

H. Con. Res. 159: Mr. CORCORAN, Mr. BADHAM, and Mr. BLILEY.

H. Con. Res. 252: Mrs. JOHNSON, Mr. WHITTAKER, and Mr. HILLIS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

311. By the SPEAKER: Petition of the City Council of New York, N.Y., relative to amending the Education of All Handicapped Children Act; to the Committee on Education and Labor.

312. Also, petition of the Association of Hawaiian Civil Clubs, Honolulu, Hawaii, relative to various issues of concern to the Hawaiian community; to the Committee on Interior and Insular Affairs.

313. Also, petition of the City Council of New York, N.Y., relative to National Fetal Alcohol Syndrome Awareness Week; to the Committee on Post Office and Civil Service.

SENATE—*Tuesday, February 7, 1984*

(Legislative day of Monday February 6, 1984)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by His Eminence, Archbishop Iakovos, primate of the Greek Orthodox Church of North and South America. He is sponsored by Senator PAUL SARBANES, from the State of Maryland.

PRAYER

His Eminence, Archbishop Iakovos, primate of the Greek Orthodox Church of North and South America, New York, N.Y., offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit now and ever unto the ages of ages, Amen.

As we begin our day and its incumbent preoccupations, we reverently bend our heads before Thee, O God, the fountainhead of our strength and wisdom, and we beseech Thee to ever inspire, guide, and sustain us.

We thank Thee for allowing us to study and think over the problems which daily confront our people, here and abroad. We have no other stronger desire but to be the instrument of Thy divine providence and will.

We bless Thy name, which is above every name, and it is Thy name, to which we have our recourse, whenever we attempt to discover the reasons that divide peoples against peoples and nations against nations.

We gather in Your name even today, and we implore Thee to guide us as we endeavor to fulfill Thy commandment to love one another. Enable us, to enable our Nation to maintain her leadership of the free world and to explore the potential to further understanding, reconciliation, and peace.

This we ask from Thee, who assured us that blessed is the nation, whose ruler and protector and defender is You and You alone. Amen!

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

TRIBUTE TO ARCHBISHOP IAKOVOS

Mr. STEVENS. Mr. President, we are pleased to welcome to lead us in prayer His Eminence, Archbishop Iakovos, the primate of the Greek Orthodox Church of North and South America, for the past 25 years.

I yield 1 minute of my time to the distingushed Senator from Maryland.

Mr. SARBANES. I thank the acting majority leader.

ARCHBISHOP IAKOVOS' 25 YEARS OF LEADERSHIP

Mr. SARBANES. Mr. President, we are especially pleased and honored to have His Eminence, Archbishop Iakovos, primate of the Greek Orthodox Church of North and South America, deliver the opening prayer this morning.

For 25 years, longer than any other Greek Orthodox Archbiship, His Eminence has provided the Archdiocese with a sure spiritual compass and distinguished leadership. He has guided more than 2 million communicants in over 500 parishes in the United States, Canada, Central and South America through the difficult times of profound challenge and change over the past quarter century.

In the years since he became Archbishop in 1959, America was involved in a period of deep social and economic change—a war divided the Nation and even families; the civil rights movement challenged our people; and international events, especially those in Greece, Cyprus, and Turkey have brought great pain and suffering to the Orthodox Church and the Archbishop.

In the great tradition of the church, Archbishop Iakovos has spoken out fearlessly on the moral and religious issues of the day. He fought racial segregation and marched beside the Reverend Martin Luther King, Jr., in Selma. He has led efforts to end the prosecution of the ecumenical patriarchate and he has spoken out strongly for human rights.

Archbishop Iakovos is an acknowledged world leader in the ecumenical movement and the quest for Christian unity and understanding among all religious people.

His leadership in bringing together men and women of good will in love and understanding has brought renewed vitality and unity to the Greek Orthodox archdiocese and to the religious life of our Nation and the world.

Devout, brilliant, articulate, commanding in speech and manner, yet a humble servant of the Lord, Archbishop Iakovos is looked upon with deep respect and pride by his followers as a man of the cloth imbued with the vision, dignity, humility, and strength, which only God can impart.

We are honored to have Archbishop Iakovos here with us today to deliver the opening prayer, and we look forward to many more years of his spiritual guidance and moral leadership.

Mr. President, I ask unanimous consent that some brief biographical material about His Eminence be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIS EMINENCE, ARCHBISHOP IAKOVOS

His Eminence Archbishop Iakovos, Prelate of the Greek Orthodox Archdiocese of North and South America, is a leading figure in the world-wide movement toward the unity of all Christian Denominations. He has been the spiritual leader of more than two million communicants since 1959, as Exarch of the Ecumenical Patriarchate of Constantinople. He served as Co-President of the World Council of Churches for eight years, and is in close contact with all the Christian Denominations beside his own, that make up this international body.

Archbishop Iakovos was born Demetrios A. Coucouzis on the Turkish Island of Imbruz on July 29, 1911, the son of Maria and Athanasios Coucouzis. At the age of sixteen he realized his ambition to enter the Halki Theological School on the Island of Halki, in Turkey. He was graduated with high honors in 1934. Father Demetrios came to the United States as archdeacon of the Archdiocese of North and South America, and professor of the Archdiocese Theological School, then located in Pomfret, Connecticut.

When he was ordained in Boston in 1940, in accordance with Greek Orthodox custom, he took the name of Iakovos. He has served the communities of Hartford, Connecticut, the Cathedral of the Holy Trinity in New York City, Saint Louis, Missouri, and Boston, Massachusetts, where he remained twelve years as dean of the Cathedral of the Annunciation. While there he earned the S.T.M. Degree from Harvard Divinity School in 1945, and served as director and president of the Holy Cross Theological School in Brookline, Massachusetts.

Attaining the highest order of the Orthodox Eastern Clergy, on December 17, 1954. He became Bishop of Melita (Malta) in the Archdiocese of Central and Western Europe. In March 1955, he was appointed representative of the Greek Church's Ecumenical Patriarchate at the World Council of Churches Headquarters in Geneva, Switzerland. He travelled extensively in this capacity, and attended many ecclesiastical councils. He visited the United States many times lecturing at Harvard and Boston Universities and at many religious conferences. In 1956 he was elected a metropolitan (Bishop of a large city).

The Holy Synod of the Ecumenical Patriarchate elected Iakovos Archbishop of

North and South America, on February 14, 1959, to succeed the late Archbishop Michael. Returning to the United States in March 1959, Archbishop Iakovos was enthroned at the Cathedral of the Holy Trinity in New York City.

The Archdiocese is the largest of the Orthodox Eastern bodies in the Americas, and has about two million communicants in five hundred churches in the United States. Additional adherents live in Canada and South America.

His Eminence is known internationally as the leading proponent of the ecumenical movement. As a personal representative in international ecumenical meetings and seminars, he was a member of the delegation which accompanied Patriarch Athenagoras I to Jerusalem for a historical meeting with Pope Paul VI in 1964. He attended the historic ceremonies in Rome which nullified the centuries old "anathema" between the Roman Catholic and Greek Orthodox Churches in 1965. When His Eminence called upon Pope John XXIII in the spring of 1959, he became the first Greek Orthodox Bishop to have visited a Pope in over 350 years.

A recipient of numerous honorary doctorate degrees, His Eminence Archbishop Iakovos has written ten books and pamphlets in Greek, French, English and German, and in 1960, he "picked-up" Spanish for a South American tour. He became an American citizen in 1950.

VITIATION OF SPECIAL ORDERS

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order for my colleague, Mr. MURKOWSKI, be vitiated.

The PRESIDING OFFICER (Mr. WALLOP). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Mr. PRYOR's special order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time for the two leaders and the special orders, there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, during which Senators may speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FISHERIES MARKETING COUNCIL

Mr. STEVENS. Mr. President, I would like to announce that at 2 o'clock on Thursday, February 9, there will be a Commerce Committee hearing on S. 2160, a bill to establish a National Fisheries Marketing Council. This bill would strengthen the position of the U.S. commercial fishing industry by encouraging domestic consumption of fish through well coordinated fisheries marketing activities. In addition to strengthening the economic position of our domestic commercial fishermen, this bill would educate American consumers about the nutritional and health benefits associated with increased consumption of fish.

Research conducted at Harvard University has indicated that a diet low in cholesterol and high in fish and fish oil may be linked to reduced incidence of coronary artery disease. The health benefits of a low cholesterol diet have been confirmed by the results of a 10-year study recently completed at the National Institute of Health. I bring to the attention of my colleagues two articles appearing in the Sunday, January 29 edition of the Washington Post. Both articles cite the link between high fat, high cholesterol diets and heart and blood vessel disease. Publication of these research results has focused public attention upon the health benefits of proper diet. This heightened public awareness should provide an added boost to the promotion and marketing of domestic seafood as envisioned in the Fisheries Marketing Council legislation.

As a cosponsor of this legislation, Senator HATCH, the chairman of the Labor and Human Resources Committee has expressed his interest in improving the American diet to reduce the risk of health hazards such as heart attacks, and to help check the alarming increase in national health care costs. In light of the connection between dietary cholesterol and cardiovascular disease, we are very interested in the forthcoming results of an Office of Technology Assessment study requested to examine the relationship between fish oil consumption and human health.

The National Fisheries Marketing Council will generically promote fish and fish products on a national scale. Through education, it will develop the American consumer's confidence in the quality and nutritional value of domestic fish products. Our fisheries development foundations have already done much to market domestic seafood on a regional basis. I commend the marketing efforts of these foundations. However, no regional entity can speak with a unified voice for the entire American seafood industry, and a fragmented marketing program for domestic fish products is inadequate to compete with well-subsidized, well-organized foreign fishing fleets. Through the establishment of a National Fisheries Marketing Council, we can effectively supplement and coordinate the regional marketing efforts now in place. We intend to fund the Council with foreign fishing fees during the first several years, with industry assessments eventually paying for the continuation of the Council.

Mr. President, this legislation will enhance the competitive position of the American seafood industry, and provide health benefits to America through wide consumer acceptance of fish and fish products. I ask unanimous consent that two recent articles in the Washington Post on cholesterol and the diet be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LINKING DIET, HEART AND HEALTH

(By Victor Cohn)

So now cholesterol is real. Government scientists have said so. They have told us that a 10-year study of nearly 4,000 men at 12 major medical centers has furnished "the first conclusive evidence" that lowering blood cholesterol, whether by diet or a drug, can help prevent heart attacks. As a result of the National Institutes of Health's Coronary Primary Prevention Trial:

The American Heart Association is pressing its "prudent diet" message to young and old. It says, shun solid fats, shun cholesterol-rich foods, live longer.

NIH's National Heart, Lung and Blood Institute has begun planning "a vigorous national educational campaign" to tell people to see a doctor and get their blood cholesterol measured—and if the cholesterol level is too high, move toward that prudent diet.

The meat and dairy industries, purveyors of a number of high-fat and therefore cholesterol-raising products, while understandably unenthusiastic about low-fat diets, point out that they sell low-fat products, too.

A doctor, undoubtedly one of thousands like him, says he will become "more aggressive" in advising patients to adopt low-fat, low-cholesterol diets to lengthen life.

No medical subject could be more important than cholesterol and its relation to health. Heart and blood-vessel diseases (the two are closely related) rank as the nation's No. 1 killer. Some 1.5 million Americans will suffer heart attacks this year, and a half a million of them will die.

The causes of heart attacks are often what scientists call "mutifactorial," meaning there may be more then one. Smoking is a major cause of heart disease. So is hypertension or high blood pressure, which in many susceptible individuals (not everyone) can be tiggered by consuming too much salt. And some people may inherit a tendency to have early heart attacks.

But "almost everyone," most specialists are now saying, can benefit from a lower-fat, low-cholesterol diet. This includes most of those with a hereditary problem.

Cholesterol is a thick, waxy substance made in the body itself. It is part of the structural material of blood cells. It is also one of the constituents of bile, which the liver makes to break up fats.

The rub, apparently, is that when we eat too much of some kinds of fats, or consume too much cholesterol in our food, the body's cholesterol-making apparatus goes out of control and starts pouring out too much cholesterol, which builds up on artery walls and gradually chokes off blood flow.

When the flow that is choked off is the blood flow to the heart, the result is heart disease, either slow degeneration of a swift, sudden attack.

More than three decades ago scientists began to notice that nations with a diet high in saturated fats (dairy fats and more or less hard fats, like meat fats and solidified oils) generally had high blood-choles-

terol levels and high heart-attack rates. Nations with low fat consumption generally had low average cholesterol levels and fewer heart attacks.

When low-cholesterol peoples such as the Japanese moved to a high-cholesterol culture such as the United States', they ate fattier diets and began having heart attacks.

These observations launched many scientific trials of low-fat diets to prevent heart attacks. The results were generally inconclusive. A "definitive" trial would have to involve so many thousands of families on varying diets for so many years that it would be virtually impossible to conduct—and probably would cost more than $1 billion, more than any government health agency has any hope of corralling.

This impasse prompted the government heart institute to finance the $150 million trial just completed, one in which 3,086 men with high blood-cholesterol readings were divided into two groups. One group was placed on a moderate anti-cholesterol diet, the other on both the diet and cholestyramine, a cholesterol-lowering prescription drug. (So many people have become fat-and-cholesterol-conscious and are modifying their diets on their own that both groups had to be given the same diet to keep them comparable.)

After 7½ to 10 years' observation, the drug group had lower blood cholesterol levels and had suffered 19 percent fewer non-fatal heart attacks and 24 percent fewer fatal attacks than the non-drug group.

According to government and academic doctors who conducted the study, this was "the first truly solid evidence" that lowering cholesterol truly prevents heart attacks. The important point is that the group with lower cholesterol had fewer heart attacks, not that a drug did the job. This therefore provides "strong reinforcement" for the view that the public in general can benefit by moving toward lowering cholesterol by an anti-cholesterol diet, which means a diet lower in fatty red meats, bacon, sausages, the yolks of eggs and high-butterfat dairy products (and the use instead of some vegetable oils that tend to lower blood cholesterol). Some persons, not most, may need a drug too.

Some fibers (like oatmeal, apples, carrots and soybeans or bean curd or tofu) also help lower blood cholesterol. Moderate use of alcohol, a modest drink or two or glass of wine or two daily, may also help prevent heart attacks. Regular exercise may increase the proportion of one cholesterol fraction (HDE or high-density lipoprotein) that actually helps prevent heart disease.

Some doctors, scientists and others almost certainly will quarrel with these dietary views.

Dr. George Wilson, vice president for scientific affairs of the American Meat Institute, says "the study results do not draw any dietary recommendations for the general public." A National Dairy Council spokesman says "the general population does not necessarily have a cholesterol risk factor."

Yet Wilson also says that meat producers have taken "major steps" to provide leaner meats, and the dairy group says "we have low-fat products as well as whole milk products."

Dr. Antonio Gotto of Baylor University, president of the American Heart Association, has no doubts, saying:

"The American Heart Association has for many years recommended to the American population, both those who are healthy and well and those who have a heart and blood vessel disease, a diet aimed at lowering their cholesterol levels . . . The key message from the study is that . . . if all Americans would reduce their blood cholesterol levels by 25 per cent this would eventually lead to a 50 per cent reduction in the incidence of coronary heart disease."

The government's heart institute is not ready to say that "everyone" should move to a cholesterol-lowering diet. It will, its officials say, start a public education campaign to alert all Americans to the importance of cholesterol. It will begin consulting experts to "begin to form a consensus" on a recommendation for everyone. And it will certainly bless immediate dietary change for persons whose doctors tell them their cholesterol level is too high.

What is "too high"? The average adult American blood cholesterol level is 215 to 220 milligrams of cholesterol per deciliter of blood. Dr. John La Rosa of George Washington University, a practicing doctor as well as a scientific investigator, says he will become "much more aggressive" in urging diet change on anyone with a cholesterol reading over 210.

Dr. Ernst Wynder, president of the American Health Foundation, says, "I think if we want to have a lower heart disease rate we should aim at cholesterol levels of about 180."

Trying to achieve 180 would mean some dietary change for three-quarters of the American population.

Will Americans move in this direction? They have been doing so for the past 20 years, says Dr. Gotto, and this has helped reduce the nation's horrendous heart attack rate.

The governing council of the American Medical Association agreed last October that "there is good reason to believe that average cholesterol levels . . . may be higher than the optimum due in part to the typical U.S. diet."

We may indeed need to modify our diet says Dr. Harold Lubin, the AMA's director of food and nutrition. But he also adds a caveat: "I don't think we want people to feel they're going to die if they don't do something drastic. We don't want people to feel they can't ever eat things they like. They can. They just need to become more concerned and pick their foods in a more balanced way."

Dr. Basil Rifkind, the National Heart Institute's study director, says of the kind of prudent diet that seems to make sense; "It's not a really restrictive diet. It just says put more emphasis on vegetable fats and less on animal fats. It's not all or nothing, and it doesn't say, 'Make yourself hungry.'"

THE LIVING PROOF: THERE IS LIFE AFTER BUTTER, EGGS AND BEEF

(By Carole Sugarman)

In retrospect, says Ted Feuerbach, life without butter is easy. Ten years ago, though, he was following a virtual dairycase diet. Seven or eight eggs a week. Three glasses of whole milk a day. Chocolate ice cream for dessert. Cheese before bed.

Then in 1974, after a routine medical check-up, he was told the news: his blood cholesterol count was high. Very high. Feuerbach had to adapt.

Now the 68-year-old retired aeronautics engineer (who does 90 percent of the cooking in his Arlington household while his 64-year-old wife Eileen attends college) has a refrigerator that looks like a low-cholesterol showcase. Stockpiles of margarine packages, containers of low-fat yogurt and cottage cheese, a mayonnaise jar that has stayed full for weeks.

Feuerbach didn't lose his enthusiasm about food, nor did he switch to a dull and deprived eating regimen. In adapting, Feuerbach learned that stubborn taste buds can be retrained, that lifelong habits can be reversed—and turned into new ones.

But it took time, and he had help. A week after he was informed of his blood-test results. Feuerbach heard about the cholesterol research being done by the National Heart, Lung and Blood Institute. He applied to be a candidate.

The objective of the study was to find out if lowering blood cholesterol would lead to lower risk of heart attack. George Washington University's Lipid Research Clinic was one of the 12 medical centers around the country NIH financed for the study, and after extensive questions and tests, Feuerbach became one of 236 test subjects chosen by GW.

During the 7½ years he participated in the study, Feuerbach was advised to follow a diet of "moderation," which limited his intake of fat and cholesterol, but was not as restrictive as the current American Heart Association recommendations. He was told not to keep a daily log of what he ate; program leaders wanted to insure that participants were adapting "naturally." "He made the type of changes that the general public could be making," said Anne Molofsky, a nutritionist who did dietary counseling for the study.

Every two months, when Feuerbach went to GW to have his blood cholesterol count taken (never knowing the results), he filled out a form estimating what he ate the previous week—including how many eggs, how much meat, dairy products, margarine, oil. He would see a doctor, a nurse and a nutritionist.

If anything, Feuerbach developed more interest in cooking. He enrolled in cooking classes at Arlington adult school, started sending recipes to GW for the clinic's handouts, and when he went for his check-ups, he'd bring the doctors and nurses samples of his efforts—such as homemade pickles made from cucumbers in his garden.

Feuerbach eased into food changes slowly. From eight eggs a week, he gradually reduced to three—in about three months. When he switched from butter to margarine, he would use only a little at first, to get used to the taste. Dietary adaption was not new for Feuerbach. About 30 years ago, he used two teaspoons of sugar in his coffee. Every morning, his wife would put less and less sugar in his drink until after several months, unbeknownst to him he was drinking it with no sugar. Coffee (decaffeinated now) with sugar "tastes like candy" to him.

He conducted his own taste tests. Even though the diet called for low-fat milk and margarine instead of butter, he still had flexibility. After tasting and cooking with various brands of margarine, Feuerbach found one that "didn't smell" during frying. Similiarly, in switching from whole milk to a less fatty milk, he started from skim and worked his way up the fat percentage scale. Now Feuerbach prefers skim for drinking and has settled on 2 percent for cereal. Whole milk now "tastes like cream" to him.

He changed the way the food was cooked, without eliminating the food. For soups and casseroles that contain meat or poultry, Feuerbach cooks them the night before, isolates the meat and refrigerates it separately. The next day, the fat is skimmed off-the top of the casserole and the meat is returned.

Gravies are made from meat juices, not fat. And fried chicken is oven baked: skinned, coated with flour, salt, pepper and curry powder and baked with about ¼ cup of melted margarine in the bottom of the pan.

Feuerbach made substitutions. He used to think that "nothing else" went with baked potatoes except sour cream. Now he used plain yogurt. Instead of pork chops, he uses pork tenderloin.

He adapted old recipes. The heavy cream in creamed spinach became low-fat milk and margarine, skim milk and margarine found their way into once-rich creamed eggs in curry sauce.

He made trade-offs. For example, if he ate macaroni and cheese for dinner (a favorite), he'd eliminate other cheese that day.

And for some foods, he made totally new habits. Two-egg breakfasts were transformed into hot or cold cereal, or low-fat yogurt with fruit. Luncheon meats were replaced with tuna or salmon.

Feuerbach was recently unblinded about his results. During the study, all of the participants had been following a recommended diet. In addition, half of them had been given a cholesterol-lowering drug, the other half were given a placebo. Feuerbach was in the drug group. After 7½ years, his blood cholesterol was lowered by 18 percent, and his risk of heart attack reduced by almost 40 percent.

As his cholesterol lowering was due to a combination of diet and drug, said Molofsky, the specific benefit that Feuerbach derived from the diet is not known because of the powerful effect of the drug. But according to Molofsky, approximately 95 percent of the population who find themselves with high cholesterol do not need a drug. They can reduce their cholesterol to a normal level simply by following the American Heart Association diet. As for those with normal cholesterol levels, said Molofsky, "it [the AHA diet] is a basic, good, healthy diet for anyone."

Here are some of Feuerbach's recipes, along with those from "Modified Magic," a cookbook compiled by the 12 clinics participating in the study:

TED FEUERBACH'S SALMON MOUSSE

(Makes 1 quart)

15½-ounce can red salmon
2¼-ounce packages gelatin
½ cup boiling water
Juice of 1 lemon
1 cup mayonnaise (preferably low-fat)
1 cup evaporated milk
1 teaspoon dill
1 teaspoon paprika

Drain salmon, reserving liquid. Soften gelatin in liquid drained from salmon and dissolve in boiling water. Add lemon juice and blend in blender with salmon until smooth. Add mayonnaise, milk, dill and paprika. Blend thoroughly and pour into a 1-quart mold. Refrigerate until set.

REPRESENTATIVE BARBER CONABLE ANNOUNCES RETIREMENT

Mr. BAKER. Mr. President, on yesterday one of our most distinguished colleagues in the other body, BARBER CONABLE of New York, announced that he will retire from the House at the conclusion of his current term.

I received this news with regret, since the Congress will be losing one of its finest Members, but also with admiration for his decision to regain his "amateur" status in politics.

At the end of this session, Mr. CONABLE will have been in the Congress for 20 years. As a member of the Committee on Ways and Means for 18 of those years, he has had an enormously constructive and moderating influence on the tax policy of the United States, and his passion for moderation has extended to other important fields of public policy as well.

But Congressman CONABLE said yesterday that he remembered telling his family 20 years ago that he would not become a professional politician, and that after two decades in Washington, his amateur status is in some doubt.

I will refrain from preaching my citizen legislature sermon yet again, Mr. President, but I must say that BARBER CONABLE is a splendid example of a citizen who can do important work here and important work elsewhere with equal skill and zeal.

I should also note that Mr. CONABLE's heir apparent as ranking Republican on the Ways and Means Committee is a distinguished Tennessean, JOHN DUNCAN of Knoxville. Congressman DUNCAN and I have been friends since boyhood, and I know him to be a man of great integrity and considerable legislative talent.

I wish both these good men success, and I know my colleagues join me in that wish. And most especially do we commend BARBER CONABLE for his exemplary service to the Congress, to the State of New York, and to the Nation.

Mr. STEVENS. Mr. President, I ask unanimous consent that the leadership time on both sides be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the two remaining special orders be postponed temporarily. We will announce later what time of the day they will be permitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business commence now and continue until the hour of 11:30 a.m., and that Senators may be permitted to speak therein for not to exceed 5 minutes.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

FUNDING OF AMERICA'S HISTORICALLY BLACK COLLEGES

Mr. TRIBLE. Mr. President, our Nation's cultural diversity has long been a source of our Nation's greatness. This has been especially true in the area of higher education. The diversity of our colleges and universities has contributed markedly to America's economic, educational, and cultural well-being.

We have recently learned that one significant element in this rich cultural fabric is in jeopardy. America's historically black colleges and universities are threatened by rising costs and declining enrollments. The institutions which have produced generations of leaders, fostered a sense of identity and community, and met the needs of the economically disadvantaged are now in dire straits.

Mr. President, we must insure the continued vitality of these institutions. In Virginia, Hampton Institute, Norfolk State University, Virginia Union University, St. Paul's College, Virginia State University and Virginia Seminary and College offer exemplary educational opportunities and they must continue to do so.

Congress and the administration have responded to this critical situation. Last year the funding for aid to historically black colleges was increased, and the budget includes comparable amount for fiscal year 1985. I urge my colleagues to respond favorably to this request.

But the fate of historically black colleges must be a concern for us all and I would urge that private contributors support them generously as well.

Mr. President, I ask unanimous consent that an editorial and a column on this subect be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Feb. 6, 1984]

USA MUST FINANCE OUR BLACK COLLEGES

The school has a great tradition: 120 years of service in educating citizens and developing leaders. Recently, students there slept in frigid dorms as weather dipped below freezing. Fisk University couldn't pay its utility bills.

Fisk and more than 100 traditionally black colleges and universities like it are in deep financial trouble.

In the 30 years since the Supreme Court shattered "legal" barriers of segregation and ordered schools to admit students without regard to race, there has been progress toward integration. But the transition has been traumatic.

No longer are there mobs throwing stones or governors in university doorways barring

black students. But many of those students now admitted to previously all-white institutions report feeling isolated and alienated there. Too often these schools are huge, state-supported education factories with many thousands of students and little or no opportunity for individual recognition.

There have been a few, token examples of black students winning leadership roles in student government affairs in such settings. But since such honors inevitably are tied to campus politics, most often they have lost out. Discrimination lives.

They have been made to feel the sting of social rejection and denial. They have formed their own clubs, caucuses, fraternities and sororities in order to gain a sense of social acceptance and participation.

No wonder so many black students, preferring to avoid the heartache and hassle, enroll in traditionally all-black schools. More than 40 percent of four-year degrees awarded black students are earned in those institutions.

But these black schools are losing students and faculty to formerly segregated, all-white schools. And, they have lost sources of funding, the life's blood of higher education.

From slavery to the end of segregated education, they have served to provide the only place most blacks could learn or encounter a leadership experience. These schools never "practiced" segregation and don't now. It was enforced on them by Jim Crow laws and now is a matter of student preference—white as well as black.

It is snide and snobbish to suggest that they survived these last three decades because of sentimentality or guilt.

They still educate far too many students to be allowed to die. The nation still needs them. They deserve financial support, whatever its source. They deserve a truly fair share of private funding and the public grants and entitlements that go to schools with majority white enrollments.

At a time when we are still trying to learn how to fully educate all of our young, it would be stupid and short-sighted to abandon valuable institutions that can teach us all.

BLACK COLLEGES HAVE TO SURVIVE

(By Jay T. Harris)

WASHINGTON.—For several years now, some of the nation's leading black educators—people like Eli Blake, president of Clark College in Atlanta, and Walter Leonard, the president of Fisk University in Nashville—have been sounding the alarm: "Black colleges are in trouble!"

But few have listened. The result: Fisk, one of the premier black colleges, was recently traumatized by its financial woes. Others continue to be threatened.

This trend must be reversed. Black colleges must be saved and rejuvenated.

The current problems of these schools began in the mid-1960s, when the widespread integration of higher education began. Many of the best faculty and brightest students at black colleges were lured to white colleges by offers of fat salaries and full scholarships.

Out of the euphoria that welled up in the hearts and minds of many Americans as the barriers of segregation fell, a belief arose that black colleges might no longer be needed. After all, what were these schools but alternatives to the white colleges that were beginning to open their doors?

But black colleges were never mere alternatives to white colleges and can never be replaced by them.

Black colleges are sanctuaries for the history of a race—places where that history can be told with a loving fullness and celebrated without embarrassment or explanation.

Black colleges are safe harbors for black youth—places for them to grow straight and tall, protected for a few crucial years from the disease of American racism.

At a black college a black student's race is at the same time irrelevant and central.

It is irrelevant in that the student is simply that: a student, not a "black student," the norm, not an exception.

It is central in that blackness is the essence of the black experience that black colleges are grounded; it is to the understanding and solution of blacks problems that the best black colleges are dedicated.

Black colleges are vital tools for the defense and development of black America.

In these schools, many of the young men and women who will champion the cause of black Americans in the future will develop that special sense of purpose and possibility that will one day lead to the defense of racism and the triumph of equality in American life.

Mr. BYRD. Mr. President, do I have some time reserved?

The PRESIDING OFFICER. The minority leader has 25 minutes reserved.

Mr. BYRD. I thank the Chair.

THE BUDGET AND BUDGET DEFICITS

Mr. BYRD. Mr. President, on tomorrow morning, Senator DANIEL INOUYE, the Secretary of the Senate Democratic Conference, will represent Senate Democrats at a White House meeting on the deficits. I have asked Senator INOUYE to attend that meeting for the purpose of listening to any deficit reduction proposals which the President may be prepared to recommend and, in turn, to transmit those proposals back to Senate Democrats.

I would like to believe that this meeting will produce a constructive result. But the history of past experience does not encourage me to believe this will necessarily be the case.

It was nearly 2 years ago, in the spring of 1982, that we watched a long and frustrating series of budget meetings conducted by a group of White House representatives and legislators which became known as the Gang of 17. Those meetings had their genesis in the widespread bipartisan dissatisfaction which greeted the budget the President submitted to Congress on February 1, 1982. The growing congressional restlessness over the large deficits in the President's budget broke into the open within weeks, as alternative budget proposals from Members of Congress began to proliferate.

On March 25, 1982, President Reagan announced that he had authorized his Chief of Staff, Mr. James Baker, to sit down and talk with congressional leaders. The group became larger and larger until it reached, as I have indicated, some 17 members, including members of the Budget, Finance, and Appropriations Committees, as well as White House staff. The Senate Budget Committee at first started its markup but then delayed while the talks continued. The discussions continued through April, with the President saying that he would remain on the sidelines until the talks produced something which both sides could agree to. At a White House press conference on March 31, 1982, the President was asked what authority he had given James Baker in the talks. The President responded: "I've authorized Jim to go up and listen and come back and tell me what they're proposing."

We all remember well the culmination of those talks in a flourish of press coverage and a Capitol Hill meeting of the President and the Speaker of the House of Representatives.

We learned from the Gang of 17 experience that negotiation with administration representatives is no substitute for Presidential leadership on the budget. We learned from the Gang of 17 experience that negotiations are not negotiations when two-thirds of the issues in contention are ruled out of the discussion. We learned from the Gang of 17 experience that secret talks are no substitute for the bipartisan legislative process.

Mr. President, I am concerned that history may be about to repeat itself. Once again, the President has called for bipartisan budget discussions in reaction to broad dissatisfaction with the deficits growing out of his fiscal and economic policies. Once again, the President appears to be on the sidelines. Although the budget meeting has been set for Wednesday, tomorrow, the President will not attend. In fact, he is not even in the city. He is in Las Vegas today giving a speech and then is scheduled to fly to California to begin a 5-day vacation.

When the President called me the day of the State of the Union address this year to ask that I appoint a representative to these talks, I told him that I would do so, and I appointed Senator INOUYE, a Member of the elected leadership, to serve as the emissary of Senate Democrats.

But I also told the President during our telephonic conversation that these talks could not succeed without his personal leadership. I said, "There is only one man in this country who has the forum in which he can speak to all the people and convince them that deficits are dangerous."

After all, a lot of people may not understand that a deficit is a debt.

I also said that there was only one man in this country who had the forum to reach all of the people and who was in a position to persuade the American people that to bring the

deficits under control and reverse the trend would require some bitter medicine, perhaps.

I said, "I can talk to a few, but I cannot talk to everyone. Only the President can do that." I said, "Mr. President, you need to get out there and lead this effort, because only then will the American people be made fully aware of the dangers of the deficits and only then will they be persuaded to swallow whatever bitter medicine must be taken."

So he said, "OK, if you would designate someone, then I will do the other part." So I appointed Mr. INOUYE.

I do not believe that talks between members of the administration and Members of Congress such as were planned can substitute for personal Presidential leadership on this very difficult issue. The administration has been at work on its own budget, which was submitted to Congress last week. And the development of the budget requires months and months and months and months. The administration has had months and months and months and months as does any other administration in the future or as has any other administration in the past.

This budget was submitted to Congress only last week. Even before that, we saw this effort to bring congressional representatives and representatives of the administration together to work out some neat little package for reducing the budget. Apparently the hope was that this could all be done in a matter of a very few days. But it requires more than a few days to realistically deal with the budget and the budget deficits.

I had hoped and expected that the President would use his budget to lay out a blueprint for getting these deficits under control. But I regret that the President has ignored his own best opportunity to cut the deficit—namely, in his own budget.

The administration, as I say, has had months, but it has failed to produce an acceptable budget. How, then, can anyone realistically expect the whole budget to be rewritten by a few Members of Congress and administration representatives meeting downtown, whether at the White House or the Blair House or wherever? The fact of the matter is the process of crafting a budget requires weeks and weeks of careful preparation.

The Congressional Budget Office must have an opportunity to review the President's budget proposals and estimate their budgetary impact so that everyone is working from the same set of numbers. Hearings must be held by various committees to receive the views of the administration and the affected parties. Witnesses have to be called. A record is kept of those hearings. The appropriate committee or committees then meet and go over the hearings and mark up the legislation. Now, that cannot be done down at the White House or the Blair House. Those necessary hearings have to take place up here if we are going to work through the legislative process. And that is the way this matter has to be dealt with.

So it is after hearings are held and the testimony of expert witnesses on the part of the administration is entered into the record, only then can the difficult process of putting together a legislative measure really begin.

Mr. President, I think it is unrealistic to believe that a small group of public officials, meeting behind closed doors and without the testimony of administration witnesses on the record, with questions asked, I do not think an acceptable budget can be produced in such a process, certainly not in a matter of days. There is no substitute for the open debate of our bipartisan legislative system—a system that has served us well for many years and I hope that it will continue to serve us well.

The President said in his economic report that he will wait until 1985 to submit his plan for a balanced budget. This lack of leadership does not bode well for serious deficit reduction this year.

The budget which he submitted to Congress only last Wednesday is woefully inadequate. It would leave us with deficits in the $180 billion range for the next 3 years. It is constructed upon highly unrealistic economic assumptions, which even David Stockman and the President's Chief Economic Adviser Martin Feldstein openly admit cannot be achieved without further deficit reductions yet to be proposed. It uses an artificially inflated baseline for defense, with the result that a $35 billion increase in defense spending is characterized by the administration as a $12.2 billion cut.

During the testimony before the Senate Budget Committee—the Senate Budget Committee is proceeding with its work—OMB Director David Stockman was frank to admit that the President's budget was "unpalatable," that its outyear deficit projections and economic forecasts would not be realized without a radical change in course, and that the President's budget does not contain any such plan for redirecting fiscal policy.

In fact, he went so far as to say that, "We are in the same position that many companies are when they are on the eve of chapter 11" bankruptcy proceedings. So the President's budget policy, I would say, based on Mr. Stockman's words, is bankrupt.

Martin Feldstein, the much beleagured Chairman of the President's Council of Economic Advisers, has been similarly frank—and for his honest advice he has been severely criticized in public by members of the administration and, most recently, muzzled. Treasury Secretary Regan went so far last week in discussing the President's "Economic Report," prepared under Feldstein's direction, as to say, "You can throw it away."

So given the dissension among the administration's ranks over his budget and economic report, and given the use of unrealistic assumptions which once again characterize this budget, and given the "secret plan," as I would call it—alluded to in the "Economic Report" in the first few pages, which were signed at the end by President Reagan—given the secret plan for a postelection budget, the next step in the budget process should be a revision and resubmission of the President's 1985 budget.

Mr. President, I want to insert into the RECORD some editorials. The first one is dated February 2, 1984, and appeared in the New York Times. It is entitled, "A Budget of Politics and Pretense." I read but a few excerpts:

What President Reagan calls his fiscal 1985 budget is more like a sales pitch, a campaign speech. He claims economic achievement that isn't his.

Another excerpt:

To judge by his budget message, it's a point of pride to the President that the total spent for all other purposes, including the sick and hungry, would shrink.

Another excerpt:

But incredibly, he offered no substantial plan for relief. The most his lieutenants will grant, grudgingly, is wait till next year.

All Mr. Reagan offers this year is to brand his critics as "doomsayers" and to negotiate with Congress for a three-year, $100 billion "down payment" on deficit reduction. But even if that could be negotiated—

And I stress that—

The deficit in the same three years would still be almost $450 billion, according to Administration figures, or more than $550 billion, according to the Congressional Budget Office.

Another excerpt:

As it stands, the Reagan budget involves small cuts in domestic spending, closing some tax loopholes to produce a modest increase in revenues and another big plum for defense. The deficit for 1985 alone is estimated at $180 billion and even that's optimistic. Budget Director David Stockman acknowledged yesterday that it "could easily be above $200 billion."

The last paragraph reads:

That isn't the careful budget of a man who wants to cut spending. It's the political patchwork of a man who wants to be reelected, at any cost.

Those are excerpts from the New York Times article of February 2.

On the same day, February 2, 1984, the Washington Post had an editorial entitled "The Split-Level Budget." I shall read just a few excerpts therefrom.

President Reagan's fourth budget is an uncertain straddle between two awkward realities. The first is that the administration's original budget strategy has collapsed, leav-

ing the country with deficits that even the White House concedes to be intolerable.

Another excerpt reads:

The budget projections assume that interest rates will decline smoothly and steadily to the end of the decade, while they also assume continued fast growth and large deficits. For the attentive reader, the budget document explicitly notes the inconsistency—and it's not a minor one.

Finally, the editorial states in the last paragraph:

A president's budget is an opportunity to set out his program and to educate the country in the requirements of running a strong and stable economy. By either standard, Mr. Reagan's budget fails.

On February 6, 1984, the Washington Post presented another editorial. It is entitled. "The Budget That Wasn't." It speaks about the negotiations. I will read the last paragraph.

But perhaps Mr. Reagan has had a true change of heart since Sen. Dole's last unanswered invitation. Perhaps he really does want genuine negotiations now with Congress. If that is the case, those negotiations will have to start with a presidential proposal and a presidential position. Mr. Reagan will have to come up with a presidential budget that he is prepared to stand behind. On the central issue of American domestic policy, he will have to start behaving like a president.

Mr. President, I ask unanimous consent that these three editorials appear in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 2, 1984]

A BUDGET OF POLITICS AND PRETENSE

What President Reagan calls his fiscal 1985 budget is more like a sales pitch, a campaign speech. He claims economic achievement that isn't his. He promises unprecedented prosperity despite deficits that threaten to destroy it. And he evidently hopes that not many people will catch on, or care, before Election Day.

The budget proposes spending $925 billion in the 12 months beginning next October, much of it from past appropriations, and asks Congress to authorize spending more than $1 trillion in that period and beyond. Four categories account for almost all the increase in authorizations: defense, Social Security and Medicare, farm programs and soaring interest payments.

To judge by his budget message, it's a point of pride to the President that the total spent for all other purposes, including the sick and hungry, would shrink.

The President contends that the healthy upswing in the economy is all his doing. He's not so quick to associate himself with bad news. Yes, the drop in unemployment in the past year was the sharpest in three decades. But in the Reagan Administration, unemployment rose to its highest levels in *four* decades. Such selective association is understandable, especially in an election year. But it's wrong.

To his credit, the President does not heap blame on the Federal Reserve. Indeed, he explicitly endorses its "sound" policies. Those policies did much more than he did to start, prolong and finally end the recession. Mr. Reagan's contribution, which he *doesn't* claim, was to create the immense gap between what Washington takes in and what it spends—thanks in large part to his tax cuts and defense spending.

The Reagan deficits have surely produced an economic stimulus, but not the "supply-side" stimulus he advertised on taking office. Now, even if the economy should grow steadily for the next five years, as the Administration blithely predicts, that won't cure the deficit problem.

Yesterday's message concedes, ever so tersely, that "indefinitely prolonged high budget deficits" are a threat because they raise the specter of sharply higher interest rates. That's what businessmen, economists, politicians—and some of his own advisers—have been telling the President for months. But incredibly, he offers no substantial plan for relief. The most his lieutenants will grant, grudgingly, is wait till next year.

All Mr. Reagan offers this year is to brand his critics as "doomsayers" and to negotiate with Congress for a three-year, $100 billion "down payment" on deficit reduction. But even if that could be negotiated, the deficit in the same three years would still be almost $450 billion, according to Administration figures, or more than $550 billion, according to the Congressional Budget Office.

As it stands, the Reagan budget involves small cuts in domestic spending, closing some tax loopholes to produce a modest increase in revenues and another big plum for defense. The deficit for 1985 alone is estimated at $180 billion and even that's optimistic. Budget Director David Stockman acknowledged yesterday that it "could easily be above $200 billion."

That isn't the careful budget of a man who wants to cut spending. It's the political patchwork of a man who wants to be reelected, at any cost.

[From the Washington Post, Feb. 2, 1984]

THE SPLIT-LEVEL BUDGET

President Reagan's fourth budget is an uncertain straddle between two awkward realities. The first is that the administration's original budget strategy has collapsed, leaving the country with deficits that even the White House concedes to be intolerable. But, simultaneously, Mr. Reagan is running for reelection as the man who, by cutting your taxes, got the economy spinning again.

That puts the administration in the position of arguing that things have gone sufficiently awry to require a large and painful remedy quite soon—but, on the other hand, everything is fine. It makes both cases throughout the budget, in alternating passages. The two arguments are, of course, addressed to two quite different audiences. A lot of people simply note with relief the economy's improvement over the past year and tune out all those quarrelsome professors. But there's also a group of listeners—mostly bankers and investors, the people who collectively set interest rates—that is becoming increasing apprehensive at the thought of at least three years of $200 billion-a-year deficits.

Mr. Reagan himself mainly sings the Sunshine Song. As he poetically puts it in his budget message, "The long winter of transition from the misguided policies of the past, with their inflationary and growth-deadening side effects, is now yielding to a new springtime of hope for America." Any revenue increases are to be strictly limited. He relies instead, he says, on big spending cuts. But there aren't any in this budget. And there won't be any. Other people in the administration—such as his budget director, David Stockman, and his chief economist, Martin Feldstein—join dutifully in the chorus of the Sunshine Song, but attempt to convey by hints, winks and hand signals a sense that at a more propitious time, a year from now, certain unpleasant necessities will naturally have to be addressed.

The budget projections assume that interest rates will decline smoothly and steadily to the end of the decade, while they also assume continued fast growth and large deficits. For the attentive reader, the budget document explicitly notes the inconsistency—and it's not a minor one.

The American economy is now in a state of deep instability. No one ever doubted that inflation could be reduced by a long recession pushing unemployment over 10 percent. Nor did anyone ever doubt that the recession could be ended by a wildly stimulative super-Keynesian budget deficit such as the current one. With the combination of shrewdness and phenomenally good luck that has characterized this administration, it is opening its reelection campaign at the point at which the first effects of deficit-driven growth are visible in falling unemployment and the glow of good feeling. But the second effects—on interest rates and inflation—have not yet arrived. The White House is betting that they won't before the end of the summer. Perhaps it's a good bet.

A president's budget is an opportunity to set out his program and to educate the country in the requirements of running a strong and stable economy. By either standard, Mr. Reagan's budget fails.

[From the Washington Post, Feb. 6, 1984]

THE BUDGET THAT WASN'T

The more carefully you look at President Reagan's budget performance, the more peculiar it gets. He has sent to Congress a budget that neither he nor anyone in his administration is willing to support. His budget director acknowledges fundamental inconsistencies, and his economic adviser assures Congress that it has no relationship to the administration's purposes: "The budget is not what we want to see happen. . ."

What do they want? A smaller deficit, they say. How? Here you get suggestions of spending cuts, unspecified. But the budget director, David Stockman, told Fortune Magazine a few weeks ago that there will be no more large spending cuts—and he is certainly right as long as defense remains untouchable. You notice that this budget itself contains no significant spending cuts. The economic adviser, Martin Feldstein, hints that there will obviously have to be a big tax increase after the election. But Mr. Feldstein is leaving that job in a few months, and there is no reason to think that he is speaking for the president.

The White House spokesman heatedly says the president reaffirms the figures as printed in the budget. But which figures? Some assume that the deficit will decline. Others say that it won't. In fact, the president is refusing to make the basic choice. Mr. Stockman incautiously suggests that the White House is waiting to hear the voice of the people in November. But suppose Mr. Reagan wins, and concludes that the voters want neither spending cuts nor tax increases. What then? The administration grins and shrugs.

Mr. Reagan says that he wants Congress to negotiate with him. His secretary of the Treasury, always a reliable indicator of political currents at the White House, chides the Democrats for not responding immedi-

ately. But what are they to negotiate on? A budget that the administration has already disavowed?

Mr. Reagan is not doing a president's job. Under American law and custom, the initiative comes from the president. The American government does not work well when the president refuses to lead.

Mr. Reagan has given no one in Congress much reason to believe that he is ready to negotiate in good faith. If he were really looking for a way to begin reducing the deficit and wanted a congressional proposal, he could seize the combination of spending cuts and tax increases drafted by Sen. Robert Dole, who has shown more courage and candor on the budget than all the administration's various quarreling factions put together. Several times over the past year Sen. Dole has called for just such negotiations between the White House and congressional leaders; the White House never responded.

Given that experience, it's hardly unreasonable for Democrats to fear that negotiations now would be merely a trap. They assume that if they were to make any serious proposal, Mr. Reagan would spring up from the table and bound around the country brandishing it as evidence that the Democrats want to raise your taxes and weaken the national defense.

But perhaps Mr. Reagan has had a true change of heart since Sen. Dole's last unanswered invitation. Perhaps he really does want genuine negotiation now with Congress. If that is the case, those negotiations will have to start with a presidential proposal and a presidential position. Mr. Reagan will have to come up with a presidential budget that he is prepared to stand behind. On the central issue of American domestic policy, he will have to start behaving like a president.

ASIAN PACIFIC AMERICAN VOTERS COALITION

Mr. CRANSTON. Mr. President, I wish to call my colleagues' attention to the work of the Asian Pacific American Voters Coalition. The Asian Pacific American Voters Coalition, established in October 1983, has successfully accomplished an impressive feat—the formation of a voters coalition representing virtually the entire Asian Pacific community. Composed of 11 national organizations and 7 Washington area groups, the coalition includes among its membership Americans of Chinese, Filipino, Korean, Indian, Thai, and Vietnamese descent.

I commend the primary objective of this nonpartisan group—to promote the active participation of Asian Pacific Americans in local and national elections through voter registration. The coalition will serve a vital function in helping Asian Pacific Americans to cast informed votes through educational programs and community activities.

There are 4 million Asian Pacific Americans in the United States. I am pleased that these citizens, who have made and continue to make valuable contributions to our society, are organizing to increase their active participation in the electoral process. Many members of the coalition or their parents came from countries that do not hold free and fair elections. It is all the more important that they exercise their right as citizens to vote in the United States.

I wish all members of the coalition success in their laudable efforts.

I ask unanimous consent that the list of member organizations of the Asian Pacific American Voters Coalition be inserted in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATIONS

Asian Pacific American Chamber of Commerce
Federation of Korean Associations
Indian American Forum for Political Education
Indian American Organization for Participation in Democracy
League of Korean Americans
National Council of Chinese American Voters League
Organization of Chinese Americans, Inc.
Organization of Chinese American Women
Philippino American Chamber of Commerce
Thais for Thai
Vietnamese Refugee Fund

GREATER WASHINGTON ORGANIZATIONS

Asia Pacific American Democratic Party Alliance (Philippino Americans)
Asian Women
Council of Indian Associations Greater Washington
The Guam Territorial Society of Washington, D.C., Inc.
Indian Medical Association, Inc., Washington, D.C.
Korean Association of Greater Washington

TAMILS AND HUMAN RIGHTS IN SRI LANKA

Mr. CRANSTON. Mr. President, I deplore the acts of violence that have occurred in Sri Lanka over the years between the Sinhalese and Tamil communities. One of the major sources of tensions is the movement for greater autonomy or the formation of a separate state for the Tamils. Inability to resolve this issue peacefully has led to deadly clashes between Tamils and the majority Sinhalese. Last July, communal violence escalated in Sri Lanka to a tragic level that shocked the world. Innocent Tamils were brutally murdered in the streets and some 120,000 Tamils fled or lost their homes during the carnage. Although order was restored, the root cause of the conflict remains. I strongly support nonviolent, democratic efforts to put an end to the tensions among the ethnic groups in Sri Lanka. The government of Sri Lanka must take steps to insure that the terror and violence of July 1983 is not repeated.

The President of Sri Lanka recently proposed a number of steps to address the grievances of the Tamil and other communities in that country. He has convened the All Party Conference at which all legal political parties and religious organizations were represented, including representatives of the Tamil community. The proposals would provide a measure of autonomy for the Tamils and other communities through the establishment of regional council governments headed by the freely elected representatives of the region. The fact that dialog has begun among the parties involved gives hope that solutions can be found to difficult, divisive issues through nonviolent means. It is an encouraging development.

Although these talks are a step in the right direction, I am disturbed by the Sri Lankan Government's continued suspension of important legal safeguards. Its treatment of detainees is cause for deep concern. For example, under Emergency Regulation 15A, the police are permitted to dispose of bodies with inquest procedures. Concerns have been raised that 15A may encourage arbitrary killings by security forces. I appeal to the Sri Lanka Government to rescind this highly suspect regulation, to allow detainees expeditious access to relatives and legal representation, and to require that detainees be brought before a magistrate within 24 hours.

I hope that our Government and my colleagues will join me in urging the Sri Lanka Government to pursue efforts to improve the plight of the Tamils and to respect the basic right of due process of law pertaining to detainees.

A LETTER TO PRESIDENT REAGAN

Mr. HEFLIN. Mr. President, I have received a copy of a letter sent to President Reagan by Mr. Rubin M. Hanan of Montgomery, Ala., the president of the Alabama League of Aging Citizens. Mr. Hanan wrote of a promise he made a friend who died of cancer, a promise to try and help find a cure for this killing disease.

During my years here in the Senate, Mr. President, I have been a strong and consistent supporter of cancer research. A little more than a decade ago, our great Nation declared war on the horrible disease of cancer. This war against cancer has not yet been won; our ultimate goal of completely wiping out cancer has not been reached. Still, important progress has been made in our search for a cure, and we must not stop now.

To emphasize the importance of carrying on this fight, Mr. Hanan has asked that I share his letter to President Reagan with my colleagues here in the Senate. Mr. President, I ask

unanimous consent that a copy of this letter to President Reagan be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALABAMA LEAGUE OF AGING CITIZENS, INC.,
Montgomery, Ala., October 31, 1983.

JOIN IN THE BATTLE AGAINST CANCER

The President,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: My good friend John died this week from cancer. I made a promise to my friend that I would try to help the researchers at the UAB Cancer Research Center to find the cause, a prevention and a cure for this killer of mankind.

Congressmen and the State Legislature singularly, or collectively, could help me keep my promise to my deceased friend. In a sense, when it comes to cancer, we are in a rut. This is a shame when we did the seemingly impossible and put a "Thing" on Mars. Cancer was a last priority, but it should be the first. Why Americans? Is it because we don't have enough concern? Is it because of ignorance and stupidity, or is it because of greed for the almighty dollar since billions of dollars are involved to solve the cancer problem? I don't wish anyone to get cancer, but if it has to be, then I wish it to be those that could have done more to eradicate this awful disease from this earth.

Many people think that the problem will have to be solved single-handedly, by medical researchers. This is not necessarily true. It can only be solved if the State Legislators and the U.S. Congress appropriate enough funds for the cancer institutes. I sincerely believe the greatest waste of resources the world has ever known is the brain power of those of us in this medium of circulation. There must be individual incentive to solve this cancer problem. Approximately 10,000 Alabamians and 500,000 Americans will die from cancer in 1983, and it's our fault because we don't care! Let's turn this around. Buy a Blue Chip Stock Certificate in cancer research and support the Cancer Research Center at UAB.

Most respectfully yours,
RUBIN M. HANAN.

ACCEPTANCE OF APPOINTMENTS AS BANKRUPTCY JUDGES

Mr. HEFLIN. Mr. President, I ask unanimous consent that correspondence of Judge George S. Wright for the northern district of Alabama; Judge L. Chandler Watson, Jr., for the northern district of Alabama; and Judge Stephen B. Coleman for the nothern district of Alabama to President Ronald Reagan and the President of the Senate, GEORGE BUSH, in compliance with title 5, United States Code, section 8331(22)(a), be printed in the RECORD in their entirety.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF ALABAMA,
Birmingham, Ala., December 2, 1983.

Hon. RONALD REAGAN,
The President, Washington, D.C.

Hon. GEORGE BUSH,
President of the Senate, Washington, D.C.

Hon. STROM THURMOND,
Chairman of the Senate Judiciary Committee, Washington, D.C.

Hon. WILLIAM E. FOLEY,
Director of the Administrative Office of the U.S. Courts, Washington, D.C.

Re: Appointment as United States Bankruptcy Judge

MR. PRESIDENT AND GENTLEMEN: Pursuant to Title 5, § 8331(22) U.S. Code, I, Stephen B. Coleman, Room 104, 500 South 22nd Street, Birmingham, Alabama 35233, agree to accept an appointment as a Judge of the United States Bankruptcy Court established under § 201 of Public Law 95-598, November 6, 1978, 92 Stat. 2549.

I am presently serving as Bankruptcy Judge for the Southern Division, Northern District of of Alabama with headquarters in Birmingham, Alabama.

If you need any additional information, I will be happy to supply the same.

Respectfully yours,
STEPHEN B. COLEMAN,
Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF ALABAMA,
Tuscaloosa, Ala., December 13, 1983.

Hon. RONALD REAGAN,
The President, Washington, D.C.

Hon. GEORGE BUSH,
President of the Senate, Washington, D.C.

Hon. STROM THURMOND,
Chairman of the Senate Judiciary Committee, Washington, D.C.

Hon. WILLIAM E. FOLEY,
Director of the Administrative Office of the U.S. Courts, Washington, D.C.

Re: Appointment as United States Bankruptcy Judge

MR. PRESIDENT AND GENTLEMEN: Pursuant to Title 5, § 8331(22) U.S. Code, I, George S. Wright, P.O. Box 2597, Tuscaloosa, Alabama, 35403, agree to accept an appointment as a Judge of the United States Bankruptcy Court established under § 201 of the Bankruptcy Reform Act of 1978 (Public Law 95-598, November 6, 1978, 92 Stat. 2681).

I am presently serving as Bankruptcy Judge for the Western Division, Northern District of Alabama with headquarters in Tuscaloosa, Alabama.

If you need any additional information, I will be happy to supply the same.

Respectfully yours,
GEORGE S. WRIGHT,
Bankruptcy Judge.

U.S. DISTRICT COURT,
NORTHERN DISTRICT OF ALABAMA,
Anniston, Ala., September 1, 1983.

Re: Appointment of Bankruptcy Judges, April 1, 1984; Public law 95-598, Sections 201 and 402(b) (1978) [28 USC § 152].

President RONALD W. REAGAN,
The White House, Washington, D.C.

MY DEAR MR. PRESIDENT: I am writing to request that my tenure as United States Bankruptcy Judge at Anniston, Alabama, be continued by appointment under the provisions of the Bankruptcy Reform Act of 1978.

Continuously since November 8, 1961, I have presided over the Bankruptcy Court at Anniston, Alabama, holding court at Talladega, Anniston, and Gadsden, and serving the nine northeastern Alabama counties of Talladega, Clay, Cleburne, St. Clair, Etowah, Cherokee, DeKalb, and Marshall. My immediately previous term of office expired during the present "transition period," and my term of office (as provided in the Bankruptcy Reform Act of 1978) has been "extended to and expires on March 31, 1984 or when [my] successor takes office." Under this statute, this extension of my term of office occurred by virtue of my appearance before a "merit screening committee", its favorable recommendation, and the certification by the Chief Judge of the Fifth Circuit Court of Appeals that I was not found by him "to be not qualified."

Besides my continuous experience of nearly twenty-two years in presiding over the Bankruptcy Court in this area, I served as a standing chapter XIII trustee, under the previous Bankruptcy Act, for the continuous period from March 8, 1948, to my initial appointment on November 8, 1961. During that period of more than thirteen years, I was also engaged in the general practice of law here at Anniston, having commenced practicing law December 1, 1947, and ceasing upon my original appointment, November 8, 1961.

I was born at Anniston August 3, 1922, attended the public schools here, and graduated from the Anniston High School in 1940. I received an AB degree from Emory University in 1944, an LLB degree from the University of Alabama School of Law in 1946, and an LLM degree from the Harvard Law School in 1947. While a student at the University of Alabama School of Law, I was employed by its Bureau of Legal Research and Service to write case notes for the Alabama *Lawyer*, official publication of the State Bar, and I was elected by the faculty of the law school to the scholastic honor of Farrah Order of Jurisprudence. I am enrolled to practice law before the Supreme Court of Alabama, the United States District Court for the Northern District of Alabama, and the United States Court of Appeals for the Fifth Circuit. I have also been enrolled to practice as attorney before the Treasury Department of the United States.

I am a contributing editor of Norton, *Bankruptcy Law and Practice* (1981), published by Callaghan and Company, Chicago. I have lectured on bankruptcy subjects at seminars sponsored by the Continuing Legal Educational Programs of the University of Alabama School of Law and the Alabama State Bar Association. I have also lectured on bankruptcy subjects at seminars or institutes sponsored by Stetson College of Law, St. Petersburg, Florida, and Cumberland Law School, Sanford University, Birmingham, Alabama. In addition, I have served on the faculty of seminars for Bankruptcy Judges held by the Administrative Office of the United States Courts or the Federal Judicial Center; and, within the past three months, I have served as a member of the faculty of the Pacific Bankruptcy Law Institute at San Francisco and of the Western Mountains Bankruptcy Law Institute at Jackson Hole, Wyoming.

I have served as president of the Calhoun County Bar Association, as vice-president of the Anniston Jaycees, and as president of the Anniston Rotary Club. I am an elder in the First Presbyterian Church of Anniston, and, prior to my appointment to the bench, I served as country chairman of the Heart Fund and as vice-chairman of the State of Alabama for the Crusade for Freedom. I am

a member of the Calhoun County Bar Association, the Alabama Bar Association, and the American Bar Association.

As the Bankruptcy Courts enter a new era, I am sure that you will want to use this opportunity to appoint a carde of United States Bankruptcy Judges who will preside over these courts with fairness and efficiency and will conduct the proceedings in them in accordance with the mandates of the statutes governing these matters. I believe that I could confidently seek the endorsement of those whose opinions you may value for my continuing to serve as Bankruptcy Judge. I request your favorable consideration of my continued appointment, and I send my best regards.

Respectfully yours,

L. CHANDLER WATSON, JR.,
Bankruptcy Judge.

SEEKING A NEW PATH

Mr. CRANSTON. Mr. President, two goals have become the compelling political and moral necessities of our lifetimes. One is removing the danger that nuclear weapons pose to life on Earth. The other is ending the runaway arms race that is sapping the economies of the world's nations and poisoning relations between sovereign states. Achieving these two goals has become the greatest challenge to our form of self-government since we successfully met the challenges of the Great Depression, World War II, and civil rights for black Americans. History will measure the quality of our political leadership by our capacity to rise to this challenge. If we do not, the magnificent heritage passed down to us by the creators of our Republic, and by generations of hard-working citizens, could very well slip away from us and from our children.

We can find a path for our country that is more secure than a ceaseless arms buildup. We can find a path away from the hostile climate of a second cold war with the Soviet Union.

Dr. Jerome Wiesner, a man of considerable experience and expertise in the field of arms control, who is committed to charting that new path for our country, is chairing a peace platform drafting committee that is seeking new ideas, initiatives, and approaches for the arms control platform of the Democratic Party. As it drafts a peace platform, the Wiesner committee is conducting consultations and hearings in the States. These are public hearings, open to citizens from all walks of life.

I call upon peace leaders, arms control experts, and concerned citizens to bring their recommendations to the Wiesner committee.

Today, I am entering testimony before the Wiesner committee in the State of Massachusetts on January 29. In the coming weeks, I will be entering testimony and recommendations from Wisconsin, New Hampshire, Iowa, and other States.

I ask unanimous consent to have printed in the RECORD, testimony and recommendations before the Wiesner committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS PRESENTED TO THE PEACE PLATFORM DRAFTING COMMITTEE AT BOSTON COLLEGE

(By John O. Pastore, M.D.)

Thank you for the opportunity to contribute to your important work. My name is Dr. John Pastore. I am a Cardiologist at St. Elizabeth's Hospital in Boston and an Associate Professor of Medicine at the Tufts University School of Medicine.

From 1969 to 1971 I served as a research internist assigned by the United States Public Health Service to the Atomic Bomb Casualty Commission in Hiroshima and Nagasaki, Japan. The purpose of our work there was to investigate the delayed medical effects of whole body radiation on the Japanese survivors of the atomic bombings in 1945. Since that time, I have maintained an interest in the medical effects of nuclear war and the nuclear arms race.

We were asked to address this peace platform committee because of work done over the past 3 years in the physicians' movement against nuclear war. Specifically, at this time I serve on the Advisory Boards of the Greater Boston Physicians for Social Responsibility (PSR) and the International Physicians for the Prevention of Nuclear War (IPPNW). In June of 1982, I was one of three American physicians who appeared with three Soviet physicians in an uncensored and unedited television broadcast seen on Soviet National Television by 100 million Soviet citizens. The theme of the broadcast was the medical consequences of nuclear war. During the show, we and our Russian physician colleagues agreed that nuclear war would mean the death of all mankind and that medicine would be powerless to help the suffering. Excerpts from that program have now been seen by approximately 10 million people in the United States over public television, and the program has been shown widely in Europe and in Asia.

In advising the Democratic party platform writers, a physician deeply committed to the prevention of nuclear war and to ending the wasteful nuclear arms race might perhaps emphasize a few key points.

We believe that important to any successful solution of the nuclear dilemma is a mutual and verifiable nuclear weapons freeze. PSR has consistently supported the nuclear freeze, and its 20,000 member physicians in the United States have been among the most outspoken advocates of the Freeze as a first step to meaningful reductions in the world's nuclear arsenals. It is widely known that 85 percent of the American people favor a nuclear weapons freeze between the United States and the Soviet Union. In a recent issue of Medical Month magazine, data were presented indicating that 62 percent of the 21,000 responding physician readers of that journal, a generally conservative constituency, also favor a bilateral and verifiable nuclear weapons freeze. Physicians for Social Responsibility has contributed to this level of awareness, and we think it important that 82 percent of physicians feel that doctors should tell the public about the medical consequences of nuclear war.

Our determination to do so springs from the fact that the Hiroshima and Nagasaki experience indicates that in the event of an all out nuclear war as it would be waged today, Medicine could offer no effective response and indeed no consolation to any of those not killed immediately by the devastating blast and fire storm effects. In fact, the data from Japan indicate that more than 80 percent of all physicians, nurses, and medical students would be killed outright in the earlier stages of nuclear war. Virtually all medical facilities would be rendered impotent. From my own perspective and experience with Hiroshima, however, the most devastating effects would come later. The fact is that radiation poisoning, or the fear of it, is something that renders illusory any thought of meaningful "survival" after nuclear war exposure. And we must remember that the world now has at its disposal in its 50,000 nuclear weapons the fire power of one million Hiroshimas.

The mind cannot grasp the medical devastation which would result from such a holocaust. Recent medical studies published by members of our organization indicate that in the post-attack phase alone infectious diseases which we now think of as having been conquered would once again become epidemic. Only the most primitive and resistant of life forms could be left . . . a world of rats, roaches, and grasses.

The International Physicians for the Prevention of Nuclear War, representing 70 thousand physicians in over 50 countries on both sides of the East-West abyss, is also on record regarding the ineffectiveness of Civil Defense in the face of nuclear war. On our Soviet television broadcast, we told the Russian citizenry, as we have told our own, that evacuation plans as an approach to nuclear war planning are insane. A recent study, quoted more extensively below, indicates that in fact 79 percent of Soviet children surveyed and 38 percent of American kids felt that their country would not survive a nuclear war.

For several years, the physicians movement has also been arguing for a no first use policy. From a medical standpoint, our strong opposition to a national defense posture which allows for the first use of nuclear weapons rests upon the incredible psychological trauma which such nuclear war planning encourages among the peoples of the world. In fact, at the Third World Congress of IPPNW held in the summer of 1983 in Amsterdam, the failure of the present administration to denounce the first use of nuclear weapons, it was generally agreed, constituted an unconscionable threat to world peace and security. The policy allowing for the first use of nuclear weapons also blurs the distinction between a nuclear and conventional arsenal, and we have the medical data on that distinction. The fact is that in Hiroshima, people near the hypocenter were vaporized, leaving their photographic impressions upon the bridges on which they stood, so intense was the sunlike heat of the explosion.

Wounds which seemed benign at first, and which would have been in conventional wars, would not heal because of the depletion of blood elements through radiation sickness affecting the bone marrow. As I have noted, the even longer term effects were horrendous. Leukemia, especially among children, had its peak incidence 7 years after the Hiroshima holocaust. Therefore, we continue to insist that nuclear weapons are not the same as conventional weapons, and we argue that the threat to use nuclear weapons should not be part of a sane defense policy aimed, for instance, at preventing conventional war in Europe.

The bottom line is that the possession and threat to use nuclear weapons now constitutes, we feel, the greatest threat to the peace and security of the United States and our allies.

Before his recent and untimely death, Senator Henry Jackson of Washington told us in private session that his greatest concern was for those nuclear weapons which would soon be in the hands of terrorists throughout the world. His opinion was that neither the Soviet Union nor the United States was foolish enough to start nuclear war, but he thought that the nuclear superpowers needed better communication in order to prevent an accidental or terrorist-initiated nuclear holocaust.

Although physicians, scientists, and educators have succeeded, against all odds during the lifetime of the present administration, in preserving East-West contacts, who can doubt today that we are farther away from meaningful East-West dialogue on the nuclear arms issue than we have ever been before. Physicians who share a common medical language and who refuse to dwell upon those otherwise important issues which divide East and West wish to see in our next administration a recognition of the imminent risk of nuclear war, a mature approach to the incredible waste of the nuclear arms race, and a resolution to do something about it beyond rhetoric and gratuitous insult.

Recently, attention has been focused on the children who live on both sides of the nuclear abyss. Up until now, there have been few data regarding the effects of the nuclear arms race on the world's children. It is true that Javier Perez de Cuellar, the Secretary General of the United Nations, had told our International Physicians that each day 40,000 children die of starvation; and he spoke to us in the context of the expensive nuclear arms race.

However, even more relevant data are beginning to unfold as a result of work done by the International Physicians movement. The fact is that 12 percent of Soviet high school age children and 38 percent of American high school students responding to the same questionnaire feel that nuclear war between the United States and the Soviet Union will happen during their lifetime. Eighty-one percent of Soviet kids and 41 percent of the American children questioned believe that they and their families would not survive a nuclear war. Interestingly, 93 percent of Soviet children and 65 percent of American children feel that nuclear war between the super powers can be prevented.

A peace committee responsible for formulating national policy should insist that the next administration take the risk of nuclear war more seriously than is being done at the present time. Such a committee must castigate as illusory the quest for nuclear superiority and come to terms with the absolute unusability of nuclear weapons.

There are some diseases which even modern medicine cannot cure once they take hold; they can only be prevented. Nuclear war is such a disease. As you know, physicians have called it the final epidemic. However, the nuclear arms race is damaging and wasting lives even though nuclear weapons have not been used in anger since 1945. How long can the children of our country live under this threatening mushroom cloud and still maintain the kind of stability that is necessary to keep our country strong?

How long can their optimism survive the dulling fatalism with which they are now surrounded? How do we prevent their cynicism upon hearing the sparks of the holocaust described as "peacekeepers"?

The challenge for the next administration will be to undue a suicidal march towards a nuclear future. The task is nothing less than the prevention of the annihilation of human life as we know it.

In this election year, there are many issues, both domestic and foreign, about which the American people may be confused and torn. However, the survival of our nation and the sanity of our children is not a confusing issue. Rhetoric and election year turns of phrase will not fool the American people. Our experience in speaking with them is that they can understand this nuclear war problem and the nuclear arms race if it is presented to them honestly, forcefully, and with the conviction that a solution can and must be found.

In summary, we would encourage you to etch into the party platform unequivocal support for the mutual, verifiable nuclear weapons freeze as a first step in the reduction of the world's nuclear arsenals. A policy of no first use should be announced clearly for all to hear. A comprehensive nuclear test ban treaty should once again become one of our nation's priority concerns. The concepts of limited nuclear war and survivable nuclear war should be disowned as the nonsense which they are. The next administration should vow to avoid the temptation to use international grievances and points of friction between the nuclear superpowers as excuses for the promulgation of a wasteful and dangerous nuclear arms race. The United States and the Soviet Union together should begin work now on ending the proliferation of nuclear weapons to the fringes of our world—to terrorist and unreliable regimes.

Finally, the present spiteful and immature approach to international negotiations between the superpowers must be ended if the risk of accidental nuclear war is to be reduced.

The first task of the new American President will be to stop the nuclear arms race. All other problems pale by comparison. The medical case against the nuclear arms race should be seen by our citizens as a contribution to the mandate for courage, involvement, and change.

Our children and the generations yet to be born demand no less an effort.

A PEACE PLATFORM

(Edgar Bottome)

There is no need to explain to this group the deplorable state of relations between the United States and the Soviet Union. Relations between the two super powers have rarely been worse and the U.S. and the U.S.S.R. have never been closer to mutual annihilation. The current crises in the Middle East, Europe and the Caribbean Basin have combined with the hostility and intransigence of the Reagan Administration to heighten the current instability in the balance of terror. The uncertainty surrounding current Soviet leadership serves to magnify these difficulties.

Negotiations between the United States and the Soviet Union have totally broken down. Continued American reliance on a "first use" doctrine in Europe and continued United States insistence on the development and production of strategic first strike weapons systems have increased the tensions of the Cold War.

If this impasse is to be resolved and if meaningful negotiations are to take place between the United States and the Soviet Union, the whole historical pattern of the arms race is going to have to be reversed. I would like to take a moment to examine how we arrived at our present quandary.

As Americans, it is hard for us to realize and admit to ourselves that the whole history of the arms race has been a history of American initiated escalations and superiority over the Soviet Union in every major category of strategic nuclear delivery systems. Let us look at the record:

The United States was the first nation to develop and use the Atomic Bomb.

The United States was the first to encircle the Soviet Union with medium range nuclear bombers.

The United States tested the first thermonuclear weapon.

The United States developed and put into operation the first intercontinental bomber force.

The United States put into operation the first medium range ballistic missile force around the Soviet Union.

The United States deployed the first significant intercontinental ballistic missile force.

The United States deployed the first subsurface launched ballistic missile force.

The United States introduced the first multiple independent re-entry vehicles on the ICBM and the SLBM missile forces.

The United States introduced the first highly accurate ICBM multiple warheads in an operational status.

Today, the United States has a clear lead over the Soviet Union in the technology represented by the Trident II and the Cruise missile, the basing of the Pershing II, the total number of warheads represented by the American triad of strike forces. Throughout the entire history of the arms race, the United States has had a substantial technological and delivery system advantage over the Soviet Union.

Yet, the mythology of the arms race is pervasive and won't seem to go away. From the "bomber gap", to the "missile gap", to the current "window of vulnerability" United States inferiority has been claimed at budget time. Yet each of these alleged U.S. weaknesses were in fact used to mask an enormous superiority in the United States triad of strategic nuclear attack forces.

It is this U.S superiority in weapons systems combined with the American "first use" doctrine and the continued building of first strike systems that have meant that meaningful negotiations with the Soviet Union have not been possible. No matter what the intentions of the Soviet Union, there is no way that anything significant can happen in the field of arms control until the leaders of the USSR are convinced that they are dealing with a power that is negotiating in good faith. American posture and actions do not in any way convey this intention in 1984.

After an examination of the historical superiority of the United States in the nuclear arms race and the continued American efforts in this area, the question logically arises: "Why does the United States continue to strive for nuclear superiority in an age when more weapons only seal the certainty of our destruction as a nation?" Or, put in more concrete terms: "Why must we build the MX, Trident II, and Cruise systems?" They detract from our security, not add to it.

The answer to these questions is to be found in the underlying belief on the part

of the United States government that nuclear weapons can play an active and integral role in the conduct of American Foreign Policy. These weapons serve not only as a deterrent to Soviet nuclear attack but also as the terroristic foundation of deterring any Soviet response to United States actions world wide. The unspoken belief of the current Administration is that American superiority can frighten the Soviet Union into inaction in response to any American military operation anywhere in the world. The corollary to this doctrine is that US superiority can prevent the Soviets from taking initiatives of their own. I am not claiming that this policy works, only that this is the policy of the United States.

The United States today conducts a foreign policy based on the threat of military intervention relying on a highly mobile, well armed force capable of rapid deployment world wide. American nuclear weapons are the shield behind which this force operates and the first strike capability of these weapons are designed to deter any Soviet response to American intervention. So long as the United States conducts its foreign policy based on an interventionist sword behind a nuclear shield, not only are negotiations with the Soviet Union impossible, but the probability of a major war dramatically increases.

In order for fruitful negotiations to take place, the United States is going to have to relinquish its historical drive for nuclear superiority and the concurrent threat of a first strike against Soviet delivery systems. Both sides must give up the production and deployment of weapons systems that have the speed, accuracy and invulnerability that characterize first strike systems.

Under no circumstance can we await the arrival of mutual trust between the two super powers in order to begin the process of arms reduction. Nor is mutual trust even necessary to arrive at a halt to the arms race. Any agreement between the United States and the Soviet Union must be based on the common acceptance of the goal of national survival and a mutual desire not to commit national suicide or possibly ecocide. Based on a mutuality of interests and premised on technological verification, the finalization of fundamental controls on nuclear arms become possible. In those few areas where technology is not capable of verification, good faith negotiations should lead to on-site verification where needed.

In 1984, the Democratic Platform should begin with a new set of assumptions about the arms race and should then call for the following:

(1) A mutual freeze on the development, production and deployment of nuclear weapons.

(2) An immediate 10 percent reduction in American Military spending. I urge this in spite of the fact that 6 of the 8 candidates for the democratic nomination call for an increase in military spending of 15 billion dollars or more.

(3) A nuclear free zone in Europe.

(4) A Commitment to cease American military intervention into the internal affairs of other nations (Granada, Nicaragua, and Lebanon come immediately to mind).

(5) Finally given at least 7 national "war colleges", the Democratic platform should endorse the establishment of a "Peace Academy."

TESTIMONY OF FRANK CLEMENTE

Good afternoon. My name is Frank Clemente and I am Program Director of the national Jobs with Peace (JwP) Campaign.

The National JwP Campaign represents approximately 50 local campaigns in 20 states. Our campaigns are predominately based in urban areas such as Boston, Philadelphia, Pittsburgh, Milwaukee, Baltimore, Atlanta, Seattle, Albuquerque and Los Angeles, and represent constituencies concerned about both the present course of U.S. foreign policy and joblessness, equal rights and access to a decent standard of living.

Over the past several years our campaigns have sponsored referenda in 81 cities and towns. Over 60 percent of the two million Americans voting on these referenda have approved of significant reductions in the military budget in order to better fund jobs and social programs in housing, health care, mass transit, education and industrial revitalization. Two of these referenda, in Pittsburgh and Baltimore, have mandated the local government to issue, on an annual basis, a study describing the impact of military spending to the local economy.

The JwP Campaign has garnered the support of 100 congressional representatives, 40 city and county councils, and thousands of national and local labor, religious, peace, and community organizations. In addition, the Wisconsin Democratic Party named JwP as its top priority at its convention in July and a number of other state conventions have included JwP planks in their platforms.

At all times in our educational and political work local JwP Campaigns have promoted and won acceptance for certain values and positions which I believe the Democratic Party stands for and therefore, must codify as part of its peace plank. Perhaps it can best be summed up in the statement—peace is not just the absence of war. Thus, any peace plank we propose should contribute greatly to:

Meeting the fundamental human needs of the American people;

Preventing nuclear war and reducing nuclear weapons;

Defending the people and territory of the US from military attack; and

Pursuing international cooperation, peace and human rights.

We believe that significant cuts can safely be made in the military budget, and that these would meet the objectives I have just outlined. These proposals I am about to describe are not a wish list drawn up by choosing numbers out of a hat. They have been made by carefully analyzing US foreign and military objectives.

The military budget buys forces and arms. These forces have missions and the missions relate to commitments and supposed strategic interests. To challenge the military budget, it is not enough to simply chip away at a few particularly noxious weapons systems; the assumptions which underlie the military budget must be challenged as well. For example, spending for nuclear war—fighting weapons makes sense if the fighting of a nuclear war is the national objective. If such an idea is rejected, however, this weaponry, and a large number of complementary weapons systems, ships, troops and support are all unnecessary.

The following proposals for saving $68.5 billion in Fiscal Year 1984 Budget Authority are contained in an attached article entitled "This Time Let's Choose . . . Jobs with Peace." They received substantial congressional support in a FY1983 substitute to the Defense Authorization Bill (H.R. 6030). In addition, many expert defense analysts, past Defense Secretaries and present and former servicemen have testified to the efficacy of some or all of these recommendations.

These proposals fall under three broad headings:

1. Reducing Pentagon waste;

2. Freezing the nuclear arms race; and

3. Stopping arming for foreign interventions.

Let me outline the specific programs and budget savings that would result in 1984 from these recommendations . . . money that is critically needed to feed the hungry, house the homeless, educate our next generation and provide the fuel for an industrial revitalization that has a goal of full employment.

We can save at least $35 billion (and perhaps as much as $55 billion) in 1984 by reducing mismanagement at the Pentagon, requiring better weapons procurement practices and eliminating ineffective, vulnerable or redundant weapons systems. This can be done by:

Cutting waste, fraud and abuse of at least $10 billion. This is only one-third the figure quoted by the Grace Commission, the President's private sector task force appointed to investigate waste in the government. We've all heard horror stories about price-gouging. One can only guess how many chrome-plated wrenches the Air Force has bought for $9,609, which can be purchased at the local hardware store for only 12 cents.

We can cancel many ineffective, high-tech weapons and save $14 billion. The F-15 and F-18 fighter planes cost $35 and $38 million each—enough to hire 4,000 schoolteachers to teach 100,000 students—yet they haven't been proven to be necessary or to perform adequately. The $3 million M-1 tank needs about 2 hours of maintenance for every hour of operation. The Bradley fighting vehicle, built to carry troops into combat, is useless because those soldiers are afraid to ride in it as bullets can easily penetrate its aluminum sides. And the Sparrow missile at $200,000 apiece is no bargain if it only hits its target 8 percent of the time.

The naval expansion program should be scrapped saving us $6.9 billion. It is not the responsibility of the U.S. to be policeman of the world, which is the primary rationale of our naval expansion. Aircraft carrier "battle groups" should not be increased from 13 to 15 and should even be decreased pending a re-evaluation of our foreign commitments. Old battleships should not be restored as well. Even conservative Sen. Barry Goldwater has criticized this waste by saying, "Restoring old battleships is like trying to revitalize the army by digging up Gen. Custer."

Related cuts in operations and maintenance would save $4 billion for a total of $35 billion.

A Nuclear Weapons Freeze would save approximately $25 billion in FY84. Just two of our forty Polaris submarines carry enough nuclear warheads to destroy every Soviet city with more than 100,000 people. The Freeze would maintain our nuclear deterrent while stopping the production of new nuclear weapons which are designed to wage a nuclear war.

We believe that support for the nuclear weapons freeze in the party's platform requires all Democratic public officials to support cancellation of funding for all nuclear weapons programs including the MX missile, the Pershing II and cruise missiles, the

Trident submarine and missiles and the B-1 bomber. Related cuts in operations and maintenance and the cancellation of other DOD and Energy Department nuclear weapons programs must also be included.

JwP believes that the third primary element of any Democratic Party peace plank should be the curtailment of funds for foreign intervention. Savings in this category in 1984 would be at least $8.5 billion. We believe, by and large, that unrest and revolutionary struggles in the developing world are not a manifestation of East-West conflict, as the Reagan administration would have us believe, but instead, are a result of extreme inequality, dire poverty, and lack of political representation in determining that countries economic priorities.

We oppose funding for the Rapid Deployment Force, not only because it duplicates the role of the U.S. Marine Corps, but because its primary objective is to intervene against small countries where economic development and diplomacy is most needed. We believe the Democratic Party should oppose military aid and weapons sales to governments which violate human rights and repress labor organizing. Included are El Salvador, Honduras, Guatemala, the Philippines, Chile, South Korea, Pakistan, Turkey and South Africa.

The business of the U.S. government, the world's largest arms exporter, should not be to support dictatorships which provide attractive investment climates for US corporations—causing the loss of millions of jobs at home through runaway industry. Lastly, JwP supports an immediate withdrawal of U.S. troops from Lebanon and a cutoff of assistance to the Contras trying to destabilize Nicaragua.

Any peace platform which calls for such military reductions must also recommend legislation to minimize the impact of such spending cuts. Hundreds of thousands of families would depend on such protection.

As a first step, the Democratic Party should support the Economic Conversion Act soon to be introduced into the House by Rep. Nicholas Mavroules (D-MA). Passage of this bill would provide federal assistance for economic stabilization, retraining and local community development in areas affected by defense base closures and the termination of major defense contracts. The unity of two major forces in the Democratic Party—organized labor and the peace movement—depends on our ability to move beyond the "jobs blackmail" and "hostage communities" that presently exist as a result of our federal military industrial policy.

The proposals I have just outlined are but one side of the coin of a true "peace platform." As Dwight Eisenhower warned us 30 years ago: "The problem in defense is how far you can go without destroying from within what you are trying to defend from without."

These are very sobering words as we enter 1984 and ponder the choices that the Democratic Party must make, and stand for, in this election year. Peace is not just the absence of war. It also means equal access to an education, a guaranteed adequate standard of living, a job for all Americans and the rebuilding of our communities.

Despite the buoyancy of our present economic recovery the long term outlook is bleak for all but the richest 20 percent in America. There exists a growing structural economic crisis in our society. More than 30 million Americans live below the poverty line—the vast majority women, children and people of color.

Eight to ten million Americans will remain structurally unemployed for the foreseeable future. Black youth unemployment strikes one of two. Rapid deindustrialization is occurring—over 22 million U.S. jobs disappeared between 1969-1976 through plant closures and investement abroad. Finally, there has been a remarkable decline in the size of the middle class—from 55 percent to 40 percent of our population since 1978 as more and more families enter the lower income categories.

With the exception of bipartisan alarm over the deficit, "staying the course" is rapidly becoming the rallying cry for the mainstream of both political parties. The Democratic Party can not hope to win the Presidency in 1984 if it tries to beat Ronald Reagan at his own game. Polls show this overwhelmingly. Neither can we afford to return to nostalgia. The Democratic Party needs a genuine campaign on the future. One that proposes bold new initiatives to solve our economic and foreign policy problems.

A key aspect of this is the call for major transfers of public wealth from the military to the civilian economy—enhancing our security within and without.

GENDER GAP 1984 PEACE PLATFORM

(By Barbara A. Hildt)

At present, U.S. foreign policy is based on the willingness to use the threat of nuclear war to maintain U.S. political and economic control or influence throughout the world.

Women have been virtually excluded from formulating this policy, and the welfare of all American citizens has been ignored. As the gender gap has already indicated, women are less willing than men to approve first strike weapons systems such as the Pershing II Missiles which are capable of destroying so much precious life. We would not choose to spend more money on the construction of one Trident II submarine, armed with nuclear missiles which must never be used, than on mental health for the entire nation. Rather than spend $107 million for one MX missile, we would choose to build 2140 new units of housing. Most women can quickly see through the argument that this year's U.S. military expenditure of 248 billion dollars—20 percent on nuclear weapons alone—makes our country stronger and more secure. Most women consider skillful diplomacy as a viable and essential alternative to the increasingly deadly game of war.

Unless women in positions of leadership and influence take the initiative to demand major changes in our government's foreign and military policy, we shall bear partial responsibility for the dangerous course set by men in power. Women in the national coalition, Gender Gap 1984, therefore, urge the Democratic Party and all Democratic Presidential candidates to reduce the risks of nuclear and conventional war and to build a healthy economy and a just society by making the following commitments:

1. Pursue the negotiations of a verifiable bilateral U.S./Soviet freeze on nuclear weapons and their means of delivery through the following steps:

a. Call immediately for a simultaneous U.S./Soviet freeze on the testing and deployment of nuclear weapons.

b. Proceed quickly to negotiation in good faith of a U.S./Soviet freeze on the production of nuclear weapons as well.

2. Call on the U.S. to assume international leadership in the negotiation of a step-by-step reduction in nuclear weapons worldwide as soon as possible to a number well below 1,000, the global extinction level. Remind the U.S. of its obligation, as signatory to the 1967 Non-Proliferation Treaty, to cut down on its nuclear arsenal and thereby prevent further proliferation.

3. Decrease the military budget by at least 20 percent, primarily through the nuclear weapons freeze and the elimination of military waste and of excess profits by military industries.

a. Transfer military funds to human services: for example, education, housing, health care, transportation, job training and child care.

b. Promote legislation for economic conversion so that our nation can move from a war to a peace economy, and experience a major reduction in the federal deficit, inflation and unemployment.

4. Reject Reagan's deliberately deceptive "build-down" proposal, which allows the development and production of many new dangerous nuclear weapons systems.

5. Pledge that this country will adopt a policy of no first use of nuclear weapons and no deployment of first strike weapons which might force other nuclear powers to prepare for a launch on warning or preemptive strike.

6. Negotiate a ban on all weapons in space and a cut-off of all funds for Research and Development on the military use of space.

7. End the policy of U.S. military intervention in Central America, the Middle East and in sovereign countries all over the world and use instead constructive peaceful diplomacy in the settlement of regional and international conflicts.

8. Call for elimination of registration for the draft.

9. Improve the superpowers' hotline intercommunication system in order to prevent the possibility of an accidental nuclear war.

10. Establish a National Peace Academy or Department of Peace for the purpose of exploring and developing effective techniques of peaceful international resolution of conflict and the promotion of understanding, security and stability between nations. Particularly improve relations with the Soviet Union through people's cultural exchanges and through cooperative governmental efforts to seek genuine detente, an end to the Cold war, and mutually beneficial solutions to global problems.

11. Curtail U.S. involvement in the international arms trade.

12. Assure the meaningful participation of women in the formulation of all national policy, particularly foreign and defense policy, by appointing women to top level policymaking positions.

If the Democratic Party and its Presidential Candidates are seriously concerned about closing the Gender Gap, there must be a firm commitment to fulfilling this last position.

A PROPOSAL FOR THE 1984 PEACE PLATFORM

(By John Malcolm Forbes of the Council for a Nuclear Weapons Freeze)

The Democratic Party needs to seek "a fundamental change in our approach to war and peace, and a specific program to carry it out." To initiate such a fundamental change during the next four years, we will have to elect a president able and willing to commit his administration to two goals.

One of those goals is to act on the belief that "the policy of depending on nuclear weapons for the prevention of war is in direct contradiction to our objective, the

abolition of war. We are therefore compelled to oppose this policy." (Toshiyoshi Miyazawa at the 1962 Kyoto Conference of Scientists; see Bulletin of the Atomic Scientists, Feb. 1984, p. 18.)

A comprehensive nuclear weapons freeze by both superpowers is an essential objective of our government in seeking the goal of ending reliance on nuclear weapons to prevent war (or for any other worthwhile purpose). Such a freeze must be sought by a combination of unilateral initiatives and bilateral agreements.

Unilaterally our next president should halt the testing, production and deployment of nuclear weapons and their means of delivery, of space war weaponry, and of chemical agents of mass murder. He should make it clear that continuation of such a freeze will depend on Soviet willingness to respond in kind, and he should seek with the Soviet Union an immediate moratorium, to be followed by negotiations for a comprehensive, verifiable bilateral freeze and reduction of nuclear weapons and missile systems.

The other goal to which our next president must be committed is humane peace. To make that goal a policy commitment rather than a mere expression of good intentions will require redirecting current practices in the following ways.

(1) In relating to the Soviet Union the USA must seek arms control and real progress toward disarmament, mutually beneficial trade, and open communication. Such detente must be sought in recognition of the fact that while deep rivalries and antipathies cannot be wished away, they must not be permitted to drive us into suicidal expectations of war. Let our rivalry find expression in initiating proposals for arms control and disarmament—a front on which the Soviets have been more active in recent years than have we. The call for a nuclear weapons freeze is a good example of an issue where, despite the fact that it's in this country that a powerful popular demand for a freeze has growth, it is the Soviet government, among others, which has responded positively to that demand at the United Nations and elsewhere.

(2) In relating to other governments and peoples the U.S. Government must terminate the Reagan aspiration to command and control by direct, indirect or threatened military intervention, especially in Latin America, must seek international arms control and disarmament, must reduce its efforts to arm satellites and allies with advanced weaponry, must honor its commitments to the ABM and Non-Proliferation treaties, and must seek to strengthen, rather than weaken, the UN's role in promoting international security and cooperation.

(3) A humane peace can be achieved only by promotion of non-violent behavior and respect for the rights of others. In relating to American citizens as well as to people worldwide our government must reaffirm its dedication to responding to basic human needs and to giving priority attention to the promotion of self-reliant development, rather than catering to the giantism of corporate power and to the privileges of wealth. So long as "welfare" is denigrated by our government as consisting of wasteful handouts to the undeserving dregs of society, the forces of violence and despair, here and abroad, will breed government by force. That's not the way to peace. Our next president must be dedicated to building programs that can generate hope, justice and cooperation for all segments of society.

(4) Finally, our next president must be prepared to be deeply responsive to the peace movement in this and other countries. How? By including peace activists in his administration and among his advisors. By promoting the study of peace and conflict resolution at academic institutions, including the National Peace Academy which has yet to be established despite impressive preparatory work, and among civic and religious groups throughout the country.

The growth of a powerful peace movement during the last three years, combined with a fast-growing arms race, wars, and rising expectations that nuclear war may soon become inevitable will give our next president an extraordinary opportunity—an opportunity to initiate a fundamental change in our approach to war and peace and in doing so to strengthen the democratic foundations of our polity, to reaffirm the ethical foundations of our civilization, and to increase our hopes for a future hospitable to life.

TESTIMONY BY BRIAN FITZGERALD, DISARMAMENT COORDINATOR, GREENPEACE NEW ENGLAND

Greenpeace has been working for a little more than ten years toward a single goal in the field of arms control: a cessation to the testing of nuclear weaponry by the nuclear powers of the world. Toward that end, we have sailed into weapons test zones in Muroroa and Alaska; we sent a ship two years ago to Leningrad; we've walked into the Nevada Test Site. American electoral politics, however, is one proving ground we would prefer to avoid. We are here today neither to endorse a candidate nor a party, but we are willing to make suggestions concerning a program for disarmament to anyone who will listen; it so happens that some parties and candidates are more willing to listen than others.

We have been attempting to raise the issue of warhead testing for two reasons: one is the obvious concern we have for the environmental integrity of detonating nuclear explosions on or under the surface of our planet; the other is a more subtle point that requires some explanation.

Simply put, if the current nuclear arms race has an Achilles' heel, it is nuclear testing; it is at that point in the development cycle at which the escalation and proliferation of weapons technology is most vulnerable and most easily stopped. About once every three weeks the United States detonates a nuclear device underground at the Nevada Test Site; the Soviet Union tests with roughly the same frequency. These tests are absolutely critical to the development of new weaponry, and their cessation would impinge critically on the entire development, production, and deployment cycle. Most of the current testing program is devoted to "third generation" weapons; designs for smaller warheads for use with smaller, more accurate first-strike delivery systems as well as research into "star wars" technology—the kinds of systems that disarmament advocates will be fighting in Congress in ten years if they are not stopped now. Military planners have maintained that "battlefield confidence" in new weapons designs demands that they first be proven by testing, and they have fought hard against a test ban for exactly that reason. A good example of why this is so can be found in the M-1 tank. It was a design developed by billions of dollars worth of first-rate engineering know-how which proved incapable of climbing slight inclines or rolling through a forest without setting it ablaze once it had passed from drawing board to proving ground. It is hard to imagine anyone risking a first strike attack with unproven missiles carrying untested warheads; the less confidence a nation has in its weapons, the less likely they are to use them aggressively.

Thus, given that nuclear testing is a crucial link in the arms race, how can we justify calling it the weakest link?

First, the ease with which an end to testing could be achieved. Negotiations for a Comprehensive Test Ban Treaty have been pursued by every U.S. administration since Eisenhower's, with the notable exception of the Reagan administration. Significant progress was made through major concessions by both the Soviet Union and the U.S., including an agreement concerning the usually thorny issue of on-site inspections, to the point that all parties agreed that they were within six weeks of a completed treaty when Carter, in response to the Soviet invasion of Afghanistan, broke off talks in 1980. Since that time, the Soviets have repeatedly called for a reopening of negotiations, and subsequent developments in the fields of data encryption and seismic detection have made the entire treaty even more achievable. According to Lawrence Weiler, formerly of the U.S. Arms Control and Disarmament Agency under Carter, only one element stands in the way of an end to nuclear testing by the superpowers: a lack of political will on the part of the United States.

Perhaps the most important argument in favor of an end to testing, however, is the verifiability of a ban on nuclear detonations. In an era marked by the superpowers' extreme distrust of one another, the only way we are going to see serious negotiations is if both parties can demonstrate to each other sincere committment to disarmament. If we are to see unchecked progress, we need to avoid the debilitating effects of accusations and counter-accusations of cheating. When we are dealing with agreements concerning numbers of missiles, numbers of warheads, and even, with the advent of the cruise missile, questions of deployment, verification becomes a highly technical and suspect process. Hardware can be hidden, specifications disguised; it is no longer possible, however, to keep a nuclear explosion a secret. The work of seismologist Lynn Sykes has demonstrated that modern seismic technology is capable of detecting a nuclear detonation of as little as one kiloton, with little chance of confusion with natural seismic events. The implication is this: with assured monitoring capabilities, neither superpower will need to rely on the precious little trust between them to assure compliance.

When the United States ratified the Limited Test Ban Treaty of 1963, we committed ourselves to the negotiation of a Comprehensive Test Ban. The Reagan administration's decision not to pursue talks thus represents a violation of at least one treaty in force; our general failure to secure meaningful arms control agreements with the Soviet Union represents the violation of another: the Non-Proliferation Treaty. That agreement, which will be up for review in 1985, is now suffering a serious erosion of support among the non-nuclear nations, who quite rightly see no efforts by the nuclear nations to live up to their responsibilities to disarm. We must confront the possibility of the collapse of that accord, and a race toward universal armament, as real possibilities unless the superpowers begin the task of disarmament. A Comprehensive Test Ban that

sought universal accession would not only scotch the vertical proliferation of new weapons technologies, it would also ensure against horizontal proliferation of nuclear capabilities to those nations which are currently not members of the "nuclear club."

An end to testing is the single most achievable, verifiable, and effective first step we can take toward ending the arms race, and we recommend to the Democratic Party that it be an immediate priority and major plank of its arms control platform for 1984.

TESTIMONY FOR A PEACE PLATFORM

(By Joseph Gerson)

I am the Peace Secretary of the American Friends Service Committee in New England. Our office is located at 2161 Massachusetts Avenue, Cambridge, Massachusetts 02140. I want to thank you for the invitation to give testimony toward the development of a peace platform for the Democratic Party. As Peace Secretary of the AFSC in New England I supervise staff and help develop program for the AFSC in the six New England States. Our offices in New England played a major role in educating the public and helping to build popular opposition to the Indochina War. Our Western Massachusetts office was one of two organizations, along with the Traprock Peace Center, which first demonstrated popular support for a bi-lateral nuclear weapons freeze through its work on referendum in 1980. Other staff and committee members have played major roles in helping to do the public education and organizing which led more than 300 New England cities and towns to back the Freeze.

Much of my work has focused on the Israeli-Palestinian-Arab conflict and other dynamics in the Middle East. I have participated in three fact-finding trips to the region and will return again next month. More recently, with the widening wars in Lebanon and Central America I have been examining and educating people about the relationship between U.S. foreign military intervention policy and the possibility of nuclear war. I helped to organize the first "Deadly Connection" conference on this theme in December 1982. I edited a book on this subject and have placed articles on "The Deadly Connection" with the "Bulletin of the Atomic Scientists", "Nuclear Times", and "Christian Century."

If time allowed I would give testimony on a number of foreign policy issues which concern us: the need to follow through on the Freeze proposal to a negotiated agreement with the Soviet Union, the need to end U.S. support for South African apartheid, the U.S. war in Central America, the poverty draft, continuing efforts to isolate and destroy the Vietnamese government and the deployment of new weapons systems—such a sealaunch cruise missiles—which make a bilateral nuclear weapons freeze impossible to negotiate. Because of the limitations of time I will confine my testimony and recommendations for the platform to three areas and the need to deepen awareness about the relationship between U.S. foreign military intervention and the possibility of nuclear war, the need for a fundamental change in U.S. policy relating to Lebanon, and the need for major changes in U.S. policy relating to the Israeli-Palestinian-Arab conflict.

THE DEADLY CONNECTION

While it is vital to see the proposal for a bilateral nuclear weapons freeze through to implementation, it is important to understand that a nuclear weapons freeze is not enough to prevent the nuclear holocaust. There are two ways in which a nuclear war is likely to be initiated: it can be started accidentally (a prospect which has been greatly increased by the development of ground launch cruise and Pershing 2 missiles in Europe), or it can be caused by a confrontation between the superpowers over what they believe to be in their vital interests.

Randall Forsberg, the director of the Institute for Defense and Disarmament Studies and author of the nuclear Freeze proposal, has stated that "the nuclear arms race has nothing to do with defense, little to do with deterrence, and everything to do with a monopoly of U.S. intervention in other countries while blocking Soviet intervention." Intervention in the Third World should thus be seen as the principal motor force of the nuclear arms race. Nuclear weapons serve as a nuclear umbrella for U.S. intervention in the Third World.

It is in this context that we can understand Presidential Memorandum No. 59 of the Carter Administration which moved the United States to a first strike policy, and the deployment of cruise, Pershing 2, MX and sealaunch cruise missiles. These decisions were taken after the collapse of the Shah's government in Iran, a time of nuclear parity between the United States and the Soviet Union, and the United States could no longer be certain of its dominant role in the Middle East. The creation and threatened use of this nuclear shield makes the Middle East, Korea, portions of Africa and—to a lesser extent—Central America all nuclear triggers.

In addition to this integral tie between nuclear and conventional war, there is also the reality of our nuclear weapons being used to intimidate defenseless nations. There is a long history of such intimidation, which is incredibly dangerous and wins us no friends. The most recent example of this policy is the deployment of ground launch cruise missiles in Comiso, Sicily. Former President Nixon has been quoted in the January, 1984 edition of "The Middle East" as telling German journalists that suggestions that these missiles are targeted against the Middle East and North Africa are "one hundred percent right." This policy of nuclear intimidation must be opposed by the Democratic Party.

The Democratic Party should also struggle to restore the firebreak between nuclear and conventional war. Many conventional weapons, like vacuum bombs, concussion bombs and the anti-personnel weapons used by the United States in Vietnam and by Israel in Lebanon are often more destructive than tactical nuclear weapons. Similarly some tactical nuclear weapons are designed to be "cleaner" and more precise. Dual capable weapons systems being deployed by our military around the world encourage field commanders to resort to nuclear warfare, with no certainties that it can be contained.

In summary the Democratic Party platform should call attention to the dangers of U.S. foreign military intervention and the deadly connection between our nuclear weapons policy and our foreign intervention policy. The Democratic Party should be committed to defusing not only the mechanical nuclear triggers, but the ones that grow out of regional conflicts and our efforts to maintain a "sphere of influence" which extends from our borders to those of China and the Soviet Union.

LEBANON

Reference to the Deadly Connection and the Middle East lead me to a local conflict and nuclear trigger that has been much in the news of late—Lebanon. U.S. and Soviet forces are stationed only 45 miles apart in Lebanon and Syria. President Reagan's statement in his State of the Union address that "Our Marines are helping (the Lebanese) break their cycle of despair" and that "there is hope for a free, independent and sovereign Lebanon," sound remniscent of promises of a "light at the end of the tunnel" in the Vietnam war era. President Reagan's wishful thinking has been received with appropriate skepticism by the majority of the American public.

The Lebanese war grows both out of Lebanon's internal problems associated with a constitutional structure that provides for unequal sharing of political and therefore economic and social power. The crisis has been exascerbated by intervention and manipulation of various Arab states. Israel and the superpowers. While Iran may be stirring the pot, and the Soviets are committed to losing no more face in Lebanon after the 1982 Israeli invasion, events in Lebanon are not controlled by either of these countries as this Administration would have us believe.

The Reagan Administration has moved from mistake to mistake in Lebanon. It gave Israel a "green light" for the 1982 invasion. It insisted on deploying a multi-national force led by the United States rather than neutral United Nations Forces to help evacuate PLO fighters, protect civilians and separate warring forces in August 1982, and then failed to live up to its guarantees as the massacres in Sabra and Shatilla so starkly testify. It negotiated the May 17 agreement between Israel and Lebanon, but failed to adequately involve the Syrians, thereby developing an agreement which then depended on Syrian agreement for its implementation. It changed the mission of the Marines in Lebanon last summer without consulting either the Congress or our NATO allies who had made contributions to the Multinational Force. The Reagan Administration has allowed the United States to become one more faction in Lebanon's civil war.

Permit me to digress for a moment. I recently received a letter from one of the current candidates for the Senate seat vacated by Senator Tsongas. In his letter this candidate stated that Marines were sent to Lebanon for three reasons: "(1) withdrawing all foreign forces from Lebanon; (2) promoting an independent Lebanon; and (3) securing Israel's northern border." These are the reasons President Reagan provided in October 1983, following the tragedy at the Marine headquarters and more than a year after the dispatch of the Marines to Lebanon. These are not the reasons originally given by the Administration which were limited to protecting civilians and separating warring forces. The Marines at the airport and the armada stationed off the Lebanese coast play a dubious role in contributing to the withdrawal of foreign forces, do not promote an independent Lebanon, and do nothing to secure Israel's northern border.

We appreicate the growing concern with the Democratic Party about the need to bring the Marines home and to work for an internal Lebanese settlement. The AFSC recommends that the Democratic Party Platform call for the following: (1) The withdrawal of all foreign military forces

from Lebanon including Israeli, Syrian, Iranian and Multinational forces. This includes not only our Marines but the Armada which is the largest U.S. fleet assembled since the end of the Indochina War. (2) The replacement of Multinational Forces with United Nations observer forces whose primary mandate would be to protect civilians in Lebanon. This would be consistent with the original mandate of the M.N.F. and with the War Powers Act compromise which calls for the introduction of United Nations forces before the 18 month deadline if it can be arranged. AFSC discussions with U.N. officials in New York lead us to believe that such an arrangement would be helpful and possible. We understand that to win Security Council approval the Soviets would have to be involved in discussions, and we think that this would also be helpful. Our detailed proposal for United Nations Observer forces is appended to this testimony. (3) The commitment to press for more democratic power-sharing in Lebanon. The Democratic Part has rightfully called for progress in human rights to be associated with aid to El Salvador. Similarly aid to the Gemeyal government should be contingent on its taking serious steps toward power sharing.

ISRAELI-PALESTINIAN-ARAB CONFLICT

Let me turn to the more central Israeli-Palestinian-Arab conflict, about which I should say candidates Jackson and McGovern have been the most thoughtful. Too many within the peace movement and within the Democratic Part have either refused to look at this conflict or have looked at with blinders on. It is central to the question of who lives and who dies, and it is central to world peace. It is a conflict rooted in the struggle of both the Israeli people and the Palestinian people to survive, as individuals, as a culture, and as a nation of people. It is a regional conflict which I hardly need remind people has resulted in nuclear confrontations in 1967 and 1973. A commitment to peace must embrace authentic commitments to justice and survival for both Israelis and Palestinians.

We are today in a critical period which is not without some hope. It is essential to understand the dangers of Israeli integration of the West Bank. In the words of Meron Benvenisti, the former Deputy Mayor of Jerusalem, it is "Five Minutes to Midnight" on the West Bank. Continued Israeli occupation of the West Bank and the increasing numbers of settlements are harmful to Palestinians and destroy the prospect for settlement between Israel and the Palestinians. We need to understand that just as Jews refused to disappear so as not to disrupt the lives of the Christian West, neither will the Palestinians disappear. For me, as a Jew, one of the most important lessons of the Holocaust is: "Never Again to Anyone."

The United States and Israel have failed to respond to initiatives from within the PLO and from Arab states indicating a willingness to compromise with Israel. The Moderate Arab position calls for Israeli withdrawal from lands conquered in 1967 and the recognition of the Palestinian right to self-determination. This lack of response has delayed the day when Israeli, Palestinians and representatives of the Arab countries can sit down to negotiate. It is important, however, to be aware that this commitment is still alive. After Yasir Arafat's departure from Tripoli the majority of Palestinians appear to recognize that the only way forward is through diplomacy and peace negotiations. Arafat is still very much the leading force within the PLO, with 92 percent of the people on the West Bank backing him in recent polls. It was Arafat who did much of the leg work that led to the return of Egypt to the Islamic Conference and Arafat who has been talking to President Mubarak.

There is a deep concern in sectors of our government that the Reagan Administration has ceased working for Middle East peace and is willing to settle for the polarization of the Middle East with the hope that the balance of power will favor the United States. This is in no one's interest. Thoughtful leaders understand that when there is no momentum toward peace in the Middle East, there is momentum toward war. This underlines the importance to support efforts to and respond to initiatives which may come from the Europeans and Arabs which recognize the need for Palestinian self-determination and Israeli security needs.

We understand that efforts are being made to have the Democratic Party Platform call for the moving of the U.S. embassy in Israel from Tel Aviv to Jerusalem. This would be a grievous error. It would constitute recognition of Israeli annexation of Jerusalem and portions of the West Bank and undermine United Nations resolutions 242 and 338 which the United States recognizes as the basis for negotiations.

We recommend that the Democratic Party adopt the following positions in its peace platform. The Democratic Party should be committed to working for a comprehensive Middle East peace. Such a peace should provide for Israel's secure survival within its pre-war 1967 boundries with variations subject to negotiation for security reasons. It should respect what President Carter called the "legitimate rights of the Palestinian people" including the right to a state of their own, providing that state is committed to living in peace with Israel. It should provide for mutual recognition of all parties to the Middle East conflict.

Various Israeli Labor party officials have spoken with our staff based in the Middle East imploring the United States to take concrete actions which would demonstrate an American commitment to the 1982 Reagan initiative or other reasonable peace initiatives. They have indicated that they believe the United States is currently subsidizing the rejectionist and expansionist policies of the Likud Government. We believe these entreaties make sense, and we recommend that the Democratic Party support the possibility of peace and your counterparts in Israel. We urge the Democratic Party to place in an escrow account that portion of aid to Israel which is used to build and maintain its illegal settlements in the Occupied Territories. This is estimated in Israel to be between three hundred million and five hundred million dollars. This would illustrate our continuing commitment to Israel while ending our subsidy that has been formally opposed by every U.S. administration since 1967.

I thank you for your thoughtful consideration of my testimony. The struggle for peace cannot be limited to efforts at arms control but must go to the roots of global conflict and threats to human life.

WATERTOWN CITIZENS FOR ENVIRONMENTAL SAFETY

(By Elizabeth Campbell Elliott)

To Members of the Peace Platform Drafting Committee: Watertown Citizens for Environmental Safety (WCES) is a group of concerned citizens who came together five years ago in response to the nuclear power plant accident at Three Mile Island. We wanted to use our democracy to take local action to protect and enhance the quality of our local environment—and thus the quality of our own lives and those of our children. A central environmental project has been negotiating a process of accountability between the Town and the Army Materials and Mechanics Research Center regarding their on-going practice of burning Uranium-238 in Watertown. Lead regulations, asbestos dumpings, tree plantings, and so on also interest us.

Over the five years we have been a community organization, our members have increasingly awakened to the ultimate environmental issue of our time: the threat of nuclear war. Most of our resources—physical, mental, emotional, financial—are now devoted to grassroots disarmament work in Watertown.

The WCES membership wishes to express to this body the all-pervasiveness of the link between environmental issues and the nuclear arms race. Any 1984 Democratic Peace Platform can certainly recognize, along with Carl Sagan, that if there were a nuclear war it would be "bad" for the environment. Any Platform can also recognize that currently the nuclear arms race is disastrous for all aspects of our environment—whether we speak of the specific by-products created in weapons' manufacture, or whether we speak of the entire economic fabric of a society that gives priority to the military-industrial complex. The nuclear arms race permeates all dimensions of our environment, and soon—unless decisive action is taken immediately—it will also radically encroach further into the environment of space with Reagan's "Star Wars" intentions. WCES feels very keenly connectedness of what happens literally in our backyards, and what happens across the Atlantic or Pacific, and what happens in outer space. One environment.

We feel there won't be a future environment of any sort unless we dovote our personal resources to disarmament. We also feel that there may not be an environment worth having preserved (if we are able to pull back from the brink of nuclear war) unless the policies of our government—blind to environmental consequences—are addressed in an on-going and serious fashion. We support, along other activities, Conversion projects with an environmental thrust.

To enable ourselves to make any headway with these difficult issues, we feel it is essential to be moving forward in a matrix that is created by a network of individual citizens reaching out to other individual citizens to take small, positive actions—actions that add up to powerful grassroots strength in our democracy. We look to you to make in good faith a genuine effort to bring to bare upon our government the intentions of the grassroots, to join in a positive network with us, and to take not-so-small critical actions on several fronts in 1984, and vote as if our lives depended on it.

TESTIMONY ON THE PEACE PLATFORM

(By Mark D. Levine)

A peace plank is an absolute necessity in 1984. However, it is not sufficient that such a statement—such a promise to the voter—repeat the nuclear freeze pledge, which is essentially a beginning and a symbol, and also a historical concept at this stage in our development. I believe that many voters have come well beyond the nuclear freeze

campaign in their awareness and that an assertive Peace Plank could help to bring that awareness into articulation.

I would argue that, for a peace/disarmament plank to have any value as policy and politically in the election, it must focus on the root cause of the dangerous nuclear weapons arms race: the problem of justice—social justice, economic justice, human justice.

As an occasional liaison person with the international peace movement and also as an organizer at the most grassroots level, I have learned that it is the concept of justice which binds people everywhere. Nuclear disarmament is subsumed under this topic, and is in fact a source of divisiveness on social class and education lines when it is detached from it and made the all important, exclusive topic. Certainly, if the Democratic Party is to include disarmament among its planks, it should, in my opinion, couch its statement and plan for policy within the larger questions regarding how people and nations treat one another:

1. Economic conversions—"swords into ploughshares", cooperative planning by business, labor, citizen, government.

2. Striving for economic equity.

3. Reversing the present administration's deemphasis on Social Welfare programming.

4. Social justice here and abroad. Again, reversing the present policy of supporting injustice.

I leave to others presenting the further elaboration of these positions. However, I would like to be on record as strongly supporting such an emphasis on justice issues in the Peace Plank of the Democratic Party platform. It is such boldness and fidelity to the principles of the Democratic Party that will bring to the polls those who favor bringing the bounties of this earth to all the people. Safety from the nuclear weapons peril will follow from such a position. At least, that is the hope and the tradition.

Thank you, and good luck to us all.

STATEMENT FOR THE PEACE PLATFORM HEARING

(By Caroline Bridgman-Rees)

In 1983-84, the Women's International League for Peace and Freedom has on its agenda four main areas of concern:

1. Stop the Arms Race.

2. Resist Intervention and Support Self-Determination.

3. Demand Economic and Social Justice.

4. Encourage Cooperation not Confrontation.

Since many of these four areas of concern have already been spelled out in statements by other peace organizations here today, the Women's International League for Peace and Freedom would like to mention briefly 8 specific issues which we feel the Democratic Party should address particular attention:

1. Nuclear Weapons. The U.S. must cancel the deployment of all first-strike nuclear weapons. The U.S. must declare "No First Use." The U.S. must never again use the nuclear threat in the carrying out of its foreign policy. The U.S. must begin to negotiate in good faith and pursue genuine detente with the Soviet Union for a change. The Democratic Party should develop its defense policy on the recognition that nuclear weapons are weapons of mass destruction and, therefore, forbidden and declared illegal and outlawed by international law since the 19th century.

2. Defense Industry and the International Arms Trade. The U.S. Congress must produce legislation making all manufacture of arms for U.S. defense non-profit (as manufacture of government stamps by the Post Office is non-profit, for example) or legislation making all arms industries tightly controlled and supervised and subject to heavy taxes against excess profits. The U.S. should stop sales of all arms to foreign countries, since the international arms trade is a means to maintain, encourage, or start wars, and approximately 30 million people have been killed since World War II, to a great extent because of the availability of arms which the industrial countries have peddled for profit and power. The U.S. should also stop selling instruments of torture and repression all over the world and should no longer have U.S. military men involved in the training of foreign police forces and of foreign military men here and in foreign countries.

3. CIA. The CIA must be curtailed drastically in its covert activities. The CIA was established to get valuable information for defense purposes only. It should not be involved in the destabilization of sovereign governments. Its budget must be carefully monitored by Congress, and its activities and the parameters of its authority must be constantly scrutinized and reassessed.

5. Military Interventionism. Military intervention by the U.S. must be stopped. The invasion of Grenada must be condemned, and such an invasion must not be allowed to occur elsewhere. Also condemned must be U.S. military maneuvers in Honduras; U.S. interference in Nicaragua and threatened invasion; U.S. support of the military regimes in El Salvador and Guatemala. All American soldiers and "advisers" should be brought home from Central America (as they should also from Lebanon and from all other countries of the world where they are now stationed). The Kissinger Commission Report must not only be repudiated, but Mr. Kissinger himself must be condemned and never again allowed to have any position of power or influence in the making of public policy. According to the criteria set up at the Nurenberg Trials after World War II, Mr. Kissinger is a major war criminal bacause of the policies he directed during the Indochina War which led to the death or destruction of millions of Indochinese people.

6. Economic Conversion. The Democratic Party must do all it can to turn this country's economy around from the permanent war economy it has developed since World War II to a much healthier economy built on jobs with peace and justice and environmental safety. The obscenely bloated military budget of the war economy is way beyond any legitimate price of defense; it is the main cause of inflation, unemployment, and the neglect of the social sector; it leads inevitably to national demoralization, false priorities, and the corruption of work and values; it also endangers the survival of Americans and of the whole human race.

7. Women's Equal Political Rights. Women must be given an equal role and responsibility in government at all levels. This year's theme for the Women's International League for Peace and Freedom is LISTEN TO WOMEN FOR A CHANGE. American women demand real change, as the Gender Gap shows. Women know that our nation's security is based on the quality of life for all its citizens and for the environment we depend on, and they know also that negotiation, not force and confrontation, must become the rule in international relations. Women leaders in arms control and disarmament must be represented equally at all negotiations in Geneva and elsewhere.

8. U.S. Foreign Policy vis a vis some Communist Countries. U.S. foreign policy must be made worthy of our country's best, not worst, heritage. Our government's behavior toward Cuba and Vietnam, for example, is short-sighted, willful, mean, and counterproductive. We should recognize and trade with all legitimate governments.

TESTIMONY OF ELIZABETH CAMPBELL ELLIOTT FOR THE LEGISLATIVE TASK FORCE OF NEW ENGLAND CAMPAIGN TO STOP THE EUROMISSILES

To Members of the Peace Platform Drafting Committee:

The New England Campaign to Stop the Euromissiles, through its Legislative Task Force, would like the 1984 Democratic Peace Platform to include specific reference to the Euromissile situation.

The 1984 Democratic Peace Platform should call for:

1. The withdrawal of all U.S. ground-launched cruise missiles and Pershing II missiles currently deployed in Europe.

2. Cancellation of U.S. plans to deploy ground-launched cruise missiles and Pershing II missiles in Europe in exchange for Soviet dismantling of all SS-4's and SS-5's and a reduction in the number of SS-20's to the level of the independently targetable warheads of the British and French nuclear missile force.

3. The resumption of the START and INF talks. These talks should be combined.

COMMENTS RELATING TO MY TESTIMONY BEFORE MEMBERS OF THE PEACE PLATFORM HEARING

(By Richard B. Maffei)

Thank you for the opportunity to speak to the issues of Peace in our time. I am a Professor of Computer Sciences, have taught at the University of Washington, the University of Pennsylvania, the Massachusetts Institute of Technology, Dartmouth College and Boston College. I have been a consultant to many large corporations and small ones. I have been a consultant to many State governmental agencies and to Federal government groups including the Army, Navy and Air Force. I've taught on a part-time faculty member at the Air Force Institute of Technology. I've been involved in studies of Biological, Chemical, Radiological and Nuclear Warfare in responsible positions. I am a retired dean of a graduate school of Management and have deep involvements with small and growing companies. My main involvement is presently as a member of the Massachusetts Nuclear Freeze Committee as the delegate from the 6th Congressional District. The Committee is the "capstone" group representing the many local "freeze" groups in our Commonwealth.

I would like to focus my remarks into three main categories: (1) Some basic long-term issues; (2) some basic substantive realities, and; (3) some suggestions for the platform committee derived from a consideration of both (1) and (2) above. My principal message is that the Arms Reduction issue is the most paramount issue that the world has ever or will ever face. We must seek for and find the solid bases for reconciliation among the major powers with no delay.

BASIC LONG-TERM ISSUES

1. The prospects for the world are infinitely ominous. The major powers of this world can destroy all persons and civilizations, and most other countries of the world appear to have little say on the issue.

2. The dangers are more deep than we usually realize, given the passage of time. The likely confrontation of the U.S. and U.S.S.R. is only one problem, albeit a very important one. In the next few years or decade there will be other problems with which we will have to deal. Those problems related to (1) proliferation among other nations of the world; (2) powerful weapons in the hands of committed terrorists; (3) accidents and shortened warning times, and (4) growing difficulties relating to command, communication, control and information gathering, interpretation, and dissemination within ever decreasing time boundaries.

3. The genius of our technologists and the technological improvements that will provide ever, a flow of new weapons that will drive the systems (U.S. & U.S.S.R. alike) to emulate one by and from the other.

4. The unlikelihood that even if we survive the near term dangers for a few decades, that humankind's unnatural inclination to be angered and contrary, along with the enabling technological ability to deliver on one another ever more destruction, will still make the world an ever more dangerous place for our children, grandchildren and great-grandchildren. With the present actions of our present leadership (to be distinguished from 'statesmanship'), the dangers will not abate.

5. The lack of awareness that conventional arms and their budgets are directly linked to tactical nuclear weapons and strategic nuclear weapons. Think of this scenario: there is a great power confrontation that does not end as a stalemate—one appears to be losing. The conventional arms approach is thus failing to provide a "win" situation for one of the combatants. What to do? Use tactical nuclear weapons? What then if that "first-use" side starts "winning". Clearly force will be met with escalated counterforce with the result of the nuclear winter probably already accomplished via the tactical use option, but here come the "big ones" now.

6. The lack of realization that in these times and for as long as the U.S. and U.S.S.R. survive, that one will be the technological and economic match for the other. In logical terms deterrence is just a way of adding fruitless more to fruitless more, at best.

7. The growing philosophic meaning of the notion of human rights and its behavioral consequences within the framework of a policy of interventionism. The search for the "right" policies is a most difficult one. In some sense one could argue that the U.S. is violating the human rights of many of humankind by eliminating them in an international forum (the UN) from the debate (since we act to arm and disarm without their inputs) about the most portentous issue that civilizations have ever needed to face. The U.S.S.R. can be similarly criticized. A worldwide consideration of this issue of possible genocide must take place on a worldwide basis. The human rights issue is broad, complex and central to the meaning of the preciousness of life which transcends simple-minded ideological debates of which we can be accused of in these past few years.

8. Understanding that the mechanisms of free and planned societies may be at the root of our inability to find bases of reconciliation.

SOME BASIC SUBSTANTIVE REALITIES

Leaving out some of the discussion points raised in the prior section, these are the major substantive points that arise from the complex shape of the Arms Control issue. These points lead then to suggestions for writing a plank in the Democratic Platform.

1. Gaining stability in policy requires that a long-term and very broad view of the problem must be a primary intention. Statesmanship must replace (pseudo)-leadership.

2. Scientific knowledge must ever be sought out. It is fruitless and dysfunctional to thwart its acquisition. Applied engineering is an entirely different matter.

3. The world must be seen as it is. A complex network of human interdependence with rights for all human beings expressed in ways that point out what personkind can build heavens on this glorious earth of ours, with the knowledge and compassion available even now.

4. The U.S. and the U.S.S.R. are worthy of each other. One can always match the other and will. Lets do it with plow shares rather than anger and weapons.

5. Let us display meaningfully the fruits of a free society by understanding, explaning and transmitting the philosophy of free persons in ways that enhance aesthetic, economic, and knowledge growth among all the "children of God" in this world. We believe that a free society is the way to organize. Lack of understanding among others (even the Soviets) may make those others doubt the efficacy of our designs. Let us show them the way—in Peace.

6. A meaningful first step is to "freeze". We in the "freeze" movement and our potential real statesmen-leaders must outline the second and subsequent steps. One "second" would be: maintain and reduce stocks of weapons. By "maintain" I mean to keep the remaining weapons in a good state of readiness—without technical enhancement—while reductions take place, in a verified manner.

7. Consider ways to gain agreements on verification—which seems to be a (phony?) roadblock—by involving responsible third parties. Perhaps the UN could play a vital role here.

8. Given the deployments of de-stabilizing weapons (like Pershing and cruise), bring under close scrutiny the notions of proper command, control, communications, and information. There is a great danger for irretrievable accidents, as I see it.

9. Though I am not certain that this suggestion would not be terribly destabilizing if adopted, I would urge that the "build-down" logic be reconsidered with at least an order of magnitude change in the build-down ratios from say 2:1 to say 5:1, or even better 10:1 if Soviet concurrence were obtainable.

SUGGESTIONS FOR WRITING THE PLATFORM

I have explained in prior parts of this testimony that I am convinced that this issue is like no other issue that has ever appeared in personkind's history. If we do not quell the belicose instincts of personkind, at some moment in the future personkind with its own created methods of destruction will incinerate itself out of existence. Time is short and this coming election is both a crucial time and a time to seize a major opportunity to provide a basis of hope and possibly displaced love for all of personkind on our planet. My main suggestion is for one of proper tone. It should be girded by a powerful philosophical underpinning and express both hope and concern. It must be written in a way to raise significantly the consciousnesses of persons of the world, not only those of us here in this great land. Write it for all.

1. Commit to the infinitely serious problem of getting an immediate start on the solution to both long and short term problems of arms control. Emphasize the "freeze" and explain that technological advance, decreasing warning times, increased de-stabilization are facts of our lives.

2. Indicate the terrible problems in the long-run IF we fail to gain proper solutions to important problems as soon as possible. Proliferation, terrorism, accidents, and C^3I (command, communication, control, information) represents threats to all of human survival.

3. Emphasize the prospects for growth of personkind in a world with Peace and Understanding.

4. Emphasize the fact that there are long term bases for believing that ideological differences among super-powers can be reconciled. (They can, but the story is too long for this memo).

5. Emphasize that our system, under God, and committed to a philosophy of freedom and human dignity has meaning for all of the peoples of the world—not only U.S. Americans.

6. Emphasize the fact that the world new needs a very powerful international commitment, realizing that all the peoples of the world have an infinite stake in the nuclear war issue.

7. Do not place too much emphasis upon policy issues springing out of interventionism. In my mind—though certainly I think there are very important points to be made here—it diminishes the centrality of the nuclear war issue.

8. If possible, speak meaningfully of love and our churches' roles in the emerging future. At root, this issue of WAR is the deepest kind of theological issue (that I will not pursue here).

MAKE THE GREAT LAKES GREAT AGAIN

Mr. PROXMIRE. Mr. President, the Great Lakes contain one-fifth of the world's fresh water. This water has provided food, transport and recreation to Americans since the arrival of the first settlers, playing a crucial role in the economic growth of the Nation. The value of such a resource is incalculable, but the Great Lakes is too often treated as a gigantic unlimited dump.

In the 20th century, these bodies of water have become chemical waste dumps. The fisheries are depleted, the shoreline forests are clear cut, and the wildlife decimated. The reversal of this decline should be a national priority, but competing interests and selfish concerns have thus far thwarted all efforts at restoration.

Mr. President, I want to call the attention of my colleagues to a two-part series outlining the problems that face the Great Lakes published last November by the Conservation Foundation. The author relates in chilling detail the transition from pristine abun-

dance to polluted exhaustion that has characterized the condition of the lakes in this century. Several highlights well illustrate this tragic decline.

In 1949, commercial fishermen were able to harvest 23.8 million pounds of blue pike, a popular sport fish, from the waters of Lake Erie; 12 years later, through overfishing and pollution, the catch declined to near zero.

The herring gull may soon be a rare sight on the shores of Lake Ontario. A recent study has shown that poisons in the food chain have so weakened the walls of the baby chicks' shells that over 80 percent of the eggs are crushed before hatching.

Mr. President, the future of the Great Lakes is uncertain. But the danger seems of little concern to the myopic special interests that struggle to squeeze the last few drops from this abused and battered resource. For example, the Dow Chemical Corp. has refused to cooperate with the EPA, denying investigators access to test the effluents from their lakeside plants.

Mr. President, the overlapping patchwork of competing jurisdictions and the myopic selfishness of the special interests is killing the Great Lakes. A new agenda is needed in Great Lakes management, one that is conscious of the fragility and value of the resource, and the need for a concerted cooperative effort to reverse its degradation, I ask unanimous consent that the two part Conservation Foundation series be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TWO CENTURIES OF ABUSE TRANSFORM THE GREAT LAKES

(By Tom Kuchenberg)

The Great Lakes region has been clear-cut for its lumber, manipulated to aid navigation, invaded by alien species, subjected to fish-stocking experiments, polluted by sewage, and contaminated by chemicals. Now this area—which contains no less than one-fifth of the world's fresh water—may be facing the threat of water diversion.

The many millions who reside in the region could well wonder where the next blow will come from. In recent years they have witnessed almost monthly revelations of new chemicals discovered in fish, birds, and drinking water. Many of these substances have had sinister effects on laboratory animals—and have even produced cancers in Great Lakes fish. (See box on page 7.) High concentrations of two, mercury and PCB's, have caused deformity and death among humans in Japan.

The bewildering assortment of chemical problems is, however, only the latest in a series of environmental crises to hit the Great Lakes area. In the 1960's it was stinking water, choking algae, and masses of weeds and dead fish piled on once beautiful beaches. In the '50's it was the destruction of magnificent food fish by an invading predator. Indeed, in the last 200 years the lakes and their basins have been totally altered.

Alterations have been deliberate, incidental, and accidental. The lakes are an environmental "sink". Inflowing rivers and streams gather and deliver pollutants from the entire basin to what are finite bodies of water. Toxic chemicals—released from long-buried and rusting containers, from fertilizers, and from improperly processed industrial and human waste—all find their way to one of the Great Lakes. Further, the very flow of the system, from Lake Superior to Michigan and Huron, and thence to Erie and Ontario, has gathered and concentrated the debris of society. We are able to measure the changes as the waters flow from nearly pristine Superior to heavily burdened Ontario.

Because of this unique perspective, the lakes could have provided early warnings of incipient environmental problems. However, the natural ecological unity of the lake system is overlaid by local, state, and national boundaries. The lack of cooperation among political jurisdictions has made it difficult to perceive the threats to the ecological system. Only as crisis followed crisis in this century has some cooperation between political jurisdictions become possible.

The major human impacts on the lakes can be divided into three phases involving the large—and largely deliberate—alternations associated with early settlement and exploitation; the impacts of eutrophication; and the invasion of toxic chemicals. Each phase reflects changing technologies and lifestyles. It is important to remember, however, that each stage has been felt at different times and with differing intensity in each lake.

FIRST STAGE: SETTLEMENT

When the original settlers reached the Great Lakes, the shorelines were dominated by magnificent climax forests of pine and hardwood. In summer, shaded streams and rivers delivered waters that were cooler than those presently flowing to the lakes. Organic sediments, now common on lake bottoms in some places, were confined to bays and marshes. Far more extensive wetland areas of swamp and marsh provided habitat for birds as well as refuge, spawning, and feeding areas for fish.

The fish community was dominated by older, bigger fish which constituted a far larger percentage of the total population than they do at present. They included certain species and subspecies that have since disappeared. Finally, there were no Pacific salmon, brown or rainbow trout, carp, smelt, alewives, white perch, or goldfish. Most likely there were no sea lampreys or else they were confined to Lake Ontario.

Ontario, the first lake settled, experienced the first recorded species extinction in the Great Lakes. A landlocked variety of Atlantic salmon spawned in the streams flowing into Ontario. Settlers erected dams in some rivers, thus blocking spawning migrations. Destruction of native forest cover brought masses of eroded silt into other spawning areas. Swifter runoff led to excessively low stream levels during autumn spawning and drove disintegrating spring ice into stream beds that were incubating eggs. By 1898, the salmon had disappeared entirely.

An increasing population fueled the lumber boom, which reached epic proportions in the upper lakes (Michigan, Huron, and Superior). In 1880, in the Saginaw valley of Michigan alone there were 60 sawmills in operation. Great fortunes were made and a small class of newly rich "Lumber Barons" came to dominate the social, political, and economic life of the northern areas. They resisted any suggestion of selective cutting or sound management of the forests. With clear-cutting, topsoil and sawdust cascaded down tributary streams, choking spawning grounds and destroying marsh areas. Massive rafts of logs were floated down the rivers to the sawmills. Watersoaked bark and logs, or "deadheads," littered river bottoms.[1] In the spring, as debris drifted into the open lakes it was concentrated by a phenomenon known as the thermal bar. Early warming inshore waters form a horizontal barrier against the deeper and colder part of the lake. This means that river-borne wastes and pollutants are held close to shore in the most productive spawning grounds.[2]

The Peshtigo, Wisconsin, fire storm of 1871, in which more than 1,300 people died, was only one of hundreds of fires that afflicted the region during the settlement period. Destructive effects often lasted for decades. Burn areas were transformed into swamps as root systems collapsed, streams became lifeless, and runoff patterns were altered. Clear-cutting produced many of the same results on a more gradual scale. The forests, believed to be so vast they would last hundreds of years, succumbed to the lumber boom in 60 years. Left behind were dying towns and impenetrable thickets of second growth.

The settlers of the last century also believed that, while the fish species were well-balanced and diverse, the situation could be improved. Lakeside residents can now read, with amazement, that the man responsible for introducing carp to the lakes received a governmental decoration and that crowds and bands gathered at railway stations to greet the newly arrived European fish. In the Great Lakes of today, the carp is held in slightly higher regard than rabbits in Australia, another unfortunate import of homesick Europeans. Rapidly proliferating carp have crowded more desirable native species and are regarded in many areas as a nuisance.

The final impact of the settlement phase of the Great Lakes came with the nearly simultaneous arrival of the sea lamprey and the alewife. Although some believe that the sea lamprey was native to Lake Ontario, most researchers hold that the predator reached the lake through the Erie Barge Canal in the 1850's. Although its presence was noted, the lamprey's most damaging effects in Lake Ontario occurred about the same time it invaded the upper lakes. It is believed that continuous downstream flow in the Welland Canal allowed the lamprey access to Lake Erie.

Not truly an eel, the sea lamprey has a spinal column composed of cartilage. Its mouth is a round sucking disc which the adult attaches to a prey. Using a tooth-like appendage, it cuts into its prey and sucks out blood and body fluids. During the 12 to 22 months of the adult cycle, a single lamprey can consume up to 19.6 pounds of fish, growing to a length of 30 inches in the process.

Lake trout, then the premier species of the Great Lakes fishery, was totally destroyed in Huron and Michigan. The speed of decline is shown by the fact that, in 1943, 6.8 million pounds of trout were taken from Michigan, whereas in 1952, the catch was down to 4,000 pounds. It is difficult now to imagine the magnitude of the lamprey feeding frenzy. At peak abundance in Lake

Footnotes at end of article.

Michigan alone they destroyed 5 million pounds of fish annually. Some observers stated that 85 percent of the fish not killed showed one to five scars from attacks they survived. With lake trout gone, the predators turned on burbot, chub, whitefish, lake herring, perch, walleyes, and suckers.

After a major effort, the lamprey was brought under control. But without the trout the food chain was deprived of its major predator. As a result, small silver alewives took over Lakes Michigan and Huron. The first specimen had been taken from Huron in 1935. Thirty years later it was estimated that alewives accounted for 90 percent by weight of all fish present in Lake Michigan.

The alewives were temporarily checked by a collapse similar to that experienced by the smelt in the early '40's. It is estimated that 70 percent of the alewife population died in 1967. Several billion decaying fish were heaped on beaches and clogged water intakes, making that spring particularly memorable. As with smelt, populations quickly rebounded and they had largely recovered by the mid-70's. That dramatic recovery was itself an indication of how thoroughly alewives had come to dominate the system.

It was evident by the mid-60's that species balance in the lakes had been vastly changed. With the lamprey under control, however, fish managers envisioned a great opportunity: the alewives would provide an enormous forage base for a first-class, commercially desirable predator. Attempts would be made to reestablish the trout. By itself, however, it was felt that trout would only exploit part of the alewife population. So another desirable species also would be introduced.

Since the 1870's, managers had tried to establish salmon stocks. In the spring of 1966, the Michigan Department of Natural Resources began stocking coho salmon. The enormous popular success of the experiment brought droves of sport fishermen to Michigan coastlines. Soon other jurisdictions rushed to stock coho, chinook and other salmon species. Initially it appeared that a partial solution had been found to the species disruptions of the settlement phase.

SECOND STAGE: EUTROPHICATION

In large areas of the northern Great Lakes the disruption of settlement was followed by a period of recovery. Lumbering operations moved westward. New growth slowly reclaimed the soil and reestablished the root structures of the obliterated forests. Farms, which in the boom years had been established in areas of short growing seasons and poor soil, were gradually abandoned. Large-scale reforestation projects of the 1930's, combined with the establishment of national and state forests, furthered the recovery. Erosion was to some degree controlled.

However, declining rural populations in the northern areas of the basin were more than offset by the rapid growth of cities along the southern shores. Great Lakes cities had always found the lakes and their tributaries a convention place to dump sewage and waste products so that, as early as the 1940's, dangerously polluted beaches were being closed in the summer. By the '50's, recreational areas along Lake Erie were being abondoned as huge algae blooms changed water to the color of pea soup. Putrifying mounds of stringly weeds and dead fish drifted onto shorelines increasingly surrendered to clouds of flies.

Without for the most part knowing it, lakeside residents were witnessing the accelerated deterioration of water quality and the aquatic environment, in a process called "cultural eutrophication"—chiefly from industrial and municipal effluents and agricultural runoff. (Heavy use of household detergents containing phosphorus was a prime contribution.)

The nutrient loading begins to change lakes from oligotrophic, or cold and nutrient poor, to eutrophic, warm and nutrient rich. Phosphorous and chlorophyll increase, dissolved oxygen falls below 6 parts per million and the taste, transparency, and smell of water deteriorate, with obvious adverse effects on recreation. Changes first become apparent in microscopic plants and animals and gradually affect more species in an increasing area, threatening species balance.[3]

In the Great Lakes these negative changes appeared initially in harbor and near-to-shore areas and only gradually affected some of the open waters. But the coastal zones are the most important for water supply spawning fish, and recreation. The worst effects of eutrophication were found in Erie.

One of the functions of the International Joint Commission, formed by the United States and Canada is to monitor Great Lakes water quality. In the Commission's 1976 report, there were more problem areas in Erie, than in Superior, Michigan and Huron combined. The flood of phosphorus generated massive algae blooms that rapidly settled to the bottom. The decaying matter put huge demands on dissolved oxygen in the water. Starting in 1950's, there was a summer collapse of dissolved oxygen, called anoxia, in Erie's central basin. The severity and extent of anoxia depend on climatic conditions, but anoxia worsened through the mid-70's. The deeper, colder waters are those most impacted and some fish in this region were gravely affected.

The blue pike was a favored Lake Erie fish which preferred the deeper waters. It became the victim of the most stunning species collapse in the history of the Great Lakes. In 1949, commercial fishermen took 23.8 million pounds from the lake. By 1962 it had virtually disappeared. The colonizing smelt may have played a part in this near-extinction, but the the process occurred during the years when anoxia became widespread in the central basin.

Lake Ontario is the ultimate recipient of the phosphorus accumulated upstream. But Ontario is better able than Erie to temper the effects of eutrophication due to its greater volume. Lake Michigan's Green Bay and Huron's Saginaw Bay also had major problems with dissolved oxygen and algae blooms.

One of the great joys of living near the lakes is the ready availability of recreation. But eutrophication rendered some areas undesirable or unusable. In fact, weeds in some parts of Lake Erie grew so thick that property values declined by 15 to 20 percent.[4]

Eutrophication is, at least in theory, a manageable problem. Control of nutrient loading can improve and eventually restore water quality. The United States and Canadian governments signed the Great Lakes Water Quality Agreement in 1978 pledging themselves to control phosphorus through a variety of programs including greater municipal waste treatment and a reduction in the phosphorus content of household detergents. This, of course, was easier said than done.

THIRD STAGE: MICROCONTAMINANTS

Toxic chemicals reach the lakes from industrial discharges, urban runoff, hazardous waste sites, atmospheric deposition, and sediments previously loaded with chemicals.

The primary danger of many chemicals, particularly pesticides, results from bioaccumulation, whereby seemingly insignificant amounts of a substance keep concentrating as they progress through the food chain. A lake in California was sprayed with the chemical DDD to rid the area of midges. The mixture was .02 of one part per million (ppm) of water, the equivalent of a few drops in a railroad tank car. Thirteen months later it was discovered that there were 10 ppm in plankton, 903 ppm in the fat of plankton-eating fish, 2,690 ppm in the fat of carnivorous fish, and 2,134 ppm in the fat of fish-eating birds, which usually did not survive the experience. In short, the fish-eating birds ended up with a body-fat concentration 100,000 times greater than that of the original solution.[5]

In the Great Lakes, fish provided the first evidence of both the intensity and scope of the problem. In 1969, Lake Michigan salmon and trout were found to contain 11.8 and 19.2 ppm of DDT, respectively. This was far above the recommended food level of 5 ppm. Mercury levels were excessive in the St. Clair-Detroit river systems. From year to year and from one end of the Great Lakes to the other, new compounds were found in fish, water, and sediment. There was Mirex in Lake Ontario, heavy metals in Erie, dioxin in Huron, arsenic in Michigan, and PCB's everywhere.

In the Great Lakes, the herring gull, along with man, stands at the summit of the food chain. By the early 70's the birds seemed to be disappearing from Lake Ontario. It was discovered that gull eggs in the area had become so soft that a simple touch was sufficient to dent the shell. By the mid-70's, herring gulls were found to have concentrations of 16 pollutants, including DDT, Mirex, chlordane, and dieldrin. PCB's registered 3,530 ppm, 10 times the concentration of the next pollutant.[3] This was at a time when the safety of a 5-ppm edible fish standard was being debated.

There also was a direct connection between the degree of contamination and its effect on birds. In Lake Superior, nearly 80 percent of eggs hatched successfully, in Erie 63 percent, but in Ontario only 18.6 percent. In the worst areas, adult birds showed little interest in nesting or incubation.[6]

But which of these chemicals were dangerous to humans and at what levels of concentration? If substances were also being absorbed from the air and water, what was a safe level in fish? How much was being absorbed from other food sources? These were some of the trickier questions that assaulted a thin line of officials charged with protecting human health and the food supply in the Great Lakes.

Fisheries officials, for instance, were rather abruptly confronted by the plague of toxic substances. Certain species, generally the most desirable, were barred to commercial fishermen while contaminant levels remained high. In many areas, sport fishermen were warned not to eat large trout or salmon more than once a week. Pregnant women were told not to eat any. All of this caused enormous economic dislocation and threatened the multimillion dollar sport fishery.

What was to be done? There was evidence that stocked salmon and trout were restoring balance to the disrupted ecosystem. But how could public agencies justify the planting of fish that would cause an increasing health hazard as they grew larger. Previous-

ly depressed lakeside cities and villages had benefited greatly from the influx of sport fishermen. In most areas, a temporary decision was made to continue stocking and await the results of efforts to control toxic substances.

At first the results were encouraging. DDT was banned and mercury sources controlled. Strict controls were placed on PCB's. In each case there were initial, dramatic reductions in fish contamination; in less than 10 years even the largest fish were approaching levels considered "safe," although the definition of safe continued to be a matter of debate.

But it seemed that as danger from one chemical receded, two more were found to be dangerous. The dimensions of the problem began to take on nightmarish proportions. Officials spoke of the "seemingly perpetual discovery of new and unknown toxic substances in the Great Lakes" [7] and struggled to find a method of evaluating the relative dangers of these and existing chemicals.

With passage of the Toxic Substances Control Act in 1976, EPA made an inventory of chemical compounds. Focusing on the Great Lakes and using a new data bank, the agency found 3,000 compounds with the ability to persist or bioaccumulate. Of these 3,000, residues of about 450 were found in various parts of the Great Lakes basin.[8]

Struggling for a manageable starting point, the Human Health Committee of the International Joint Commission came up with about 400 "priority pollutants." [9] To add to their difficulties, it is estimated that 600 new chemicals are used or produced every year in the Great Lakes basin.

Until recently, priorities have been automatically established by crises—by a "chemical-of-the-year" posing a grave, immediate threat. Eventually, one must hope, control efforts will go beyond this point. There are formidable problems:

1. Regional variations. It may be that because of industrial techniques, waste treatment, or the geology of the area, some chemicals pose hazards in one area but not in another. This is particularly pertinent to the Great Lakes basin with its wide variations in soil depth, drainage, and other physical characteristics. How do you determine boundaries for a region? And how do you enforce a standard across state or national boundaries?

2. Combinations of chemicals. One may develop predictive skills for assessing the danger of an individual chemical, but in some rivers and harbors—such as many around the Great Lakes—there is a stew of dozens of chemicals and a resulting concern over synergistic or reinforcing effects.

3. Toxicity and accumulation. Some substances are toxic but do not accumulate; others may accumulate but have no immediate toxic effect. In the first instance immediate attention is required. In the second, careful, long-term observation is necessary to determine whether dangers exist.

4. Residual sources. This is the wild card. It is estimated that over 4,000 waste disposal sites in the basin[9] receive or have received the incredible variety of refuse generated by our society. Love Canal is the most spectacular example to date of the ugly surprises that can spring from negligent chemical disposal. Far more prosaic dumps also will leak or leach hazardous materials. Even if Superfund is eventually administered with integrity, it will deal only with the worst sites.

5. Airborne pollution. Acid rain has recently received heavy publicity. It is, however, not the only airborne water pollution of consequence. The atmosphere transports PCB's long distances from original sources and is believed to be the predominant source of PCB's in Michign and Superior. Of the total phosphorus moving into the basins of Lakes Superior, Michigan, and Huron, it is estimated that 37 percent, 26 percent, and 23 percent respectively, simply falls from the sky.[8] Much of the lead in Lake Michigan is from airborne deposition.

Isle Royale, a National Park in Lake Superior, is a pristine wilderness protected from permanent settlement and industrial development. Yet in an inland lake on the island, trout were found to have accumulations of the pesticide toxaphene that were greater than those in fish from the open waters of Superior.[3] Because there are no known manufacturers or users of toxaphene in the Great Lakes basin, it is suspected that the chemical is blown by winds from the South, where most toxaphene is used.

It is one thing to move against a clear and present danger, a single point source of pollution. It is another to control the activities of individuals and industries in various jurisdictions hundreds of miles away.

6. Translation of dats into regulations. What is dangerous? How much is dangerous? Where is the source of the danger? What should be done to eliminate it and how much would it cost? At each step those with vested interests in the status quo will challenge the regulatory process. Officials need to translate scientific findings into regulations that can be effectively enforced because the regulations retain the support of society as a whole, considering the interacting economics and politics involved.

THE LAKES TODAY

Superior remains the magnificent example of the oligotrophic lake. Its deep, pure waters—the headwaters of the Great Lakes system—have continually diluted the effects of abuses in other lakes. Therefore protection of Superior must be the cornerstone of any attempts to rehabilitate the system as a whole.

Superior may even be the extraordinary example of a lake that has recovered, actualy reversing earlier damage from the lumbering that stripped basin forests. The region has largely been spared eutrophication and toxic chemical problems. Further, the Superior region has been "blessed" with poor soil and a truly dismal climate; portions of the south shore rank close to Pacific rain forest areas in lack of annual sunlight. The coastline remains lightly populated, cities few and widely scattered, and farmlands relatively rare. There has actualy been a small decline in the types and levels of pollution indicators in the last 50 years, probably due to the return of the forests.

The biggest controversy in Superior to date has been over the dumping of taconite (iron) wastes into the waters off Silver Bay. Asbestos fibers in the waste materials were carried to nearby Duluth where they showed up in drinking water. The company responsible, Reserve Mining, contested the significance of the fibers. The case began in 1969 and dragged on until a federal court threatened to close the mining operation. Finally the court ordered secured land disposal by April, 1980. Duluth did not wait for the conclusion of this interminable case; it constructed a filtration plant to remove the fibers.

Michigan, the only lake completely within U.S. boundaries, has shown considerable improvement in some respects. The discharges of 12 municipal waste treatment plants and one major industry on the Indiana coast have been diverted from the basin. Green Bay has been the focus of a major rehabilitation effort and some improvements are noted, though total phosphorus loading into the lake remains well above the goal set in the 1978 Water Quality Agreement.

It is chiefly with toxic chemicals that major problems remain. PCB's remain above agreement standards. The continued difficulty of lake trout in reestablishing themselves in Michigan and the other lakes is increasingly felt to involve both PCB's and DDT. After a rapid decline, levels of DDT appear to have stabilized above agreement standards. More alarming, however, is the increase in dieldrin.

In short, there has been major progress in some of the worst areas of Lake Michigan, but the overall problem of chemicals remains. It is important that cleanup efforts continue, for the lake has a special problem. Separated from the mainflow of the lake system, Michigan may take up to a century to completely replace existing waters.

By contrast, the major problem area of Huron—Saginaw Bay—has a flushing rate of less than 200 days. It is here that some rapid improvement in phosphate levels has led to declining levels of algae and improved drinking water. The overall water quality of Huron is second only to that of Superior. The most disturbing problem is that of dioxin. According to the 1981 IJC report, dioxin levels in herring gull colonies are close to six times those found in other lakes.[10]

Erie receives the inflowing Huron waters via the St. Clair River and Lake and the waters of Detroit. In the St. Clair River, 84 organic compounds have been detected. Traces of 17 of these have been discovered in drinking water samples from three cities on the Canadian shoreline. These findings are highly disturbing and suggest that "the state of the Great Lakes system regarding organic pollution may be more degraded overall than previously believed . . ." [10]

The suffocating effects of phosphorous continue to be felt throughout Erie. Though concentrations have been declining since 1978, they remain far above target levels. Dissolved oxygen continues below target levels. It may be that so much phosphorus has accumulated in bottom sediments that recovery will take longer than originally estimated.

In Lake Ontario, the baseline levels of all chemicals are higher than anywhere else in the Great Lakes. The deepwater sculpin, a forage fish, has nearly disappeared from the lake. It had never been exploited by the commercial fishery and declined during a period when its major predators were greatly reduced. It is considered possible that the waters of the lake have become so toxic that some species simply cannot reproduce.[11]

Dioxin has been found in Ontario fish. Waste disposal along the Niagara River has been blamed.[12]

In the Great Lakes system as a whole there has been considerable progress in controlling eutrophication. As various new municipal treatment systems begin operation, this recovery should continue. In some areas, however, it may be checked by the continued introduction of phosphorus from farmlands; high density row crops, in particular have been identified as a major source of phosphorus.

Toxic substances remain the most intractable problem. Even so, sharp declines have occurred after controls were instituted. There are indications, however, that levels of some have reached a plateau. The con-

tinuing threat lies in the incredible number of potentially dangerous substances; the wide variety of ways they can enter the lake system; and the time lag between their introduction and the discovery of advese effects.

In three areas the process of contamination has reached the point where, as an EPA official said, ". . . even though all remedial measures have been or are being taken, it is doubtful whether the environmental problems will be completely resolved and uses restored." [13] Two of these areas are the Cuyahoga River in Cleveland and Hamilton Harbor in Ontario. The third, the Grand Calumet River/Indiana Harbor Canal, contains one of the highest concentrations of pollutants and heavy metals in the lakes. There are no plans to deal with current problems there and the state of Indiana has moved to designate the waters as "limited use zones" suitable only for industrial and municipal discharges.

In seven other Great Lakes areas, no programs are planned to solve major pollution problems and restore them to full use.

There are genuine doubts whether we have the overall ability to control toxic pollutants—not to mention the will necessary to control them. It is possible that the concept of "industrial zones" or "restricted use zones" may erode the commitment in the Water Quality Agreement to "restore and enhance water quality" and to "prevent further pollution of the Great Lakes basin ecosystem."

REBOUND

Smelt were originally planted in the state of Michigan to provide food for stocked salmon. The salmon didn't make it but the smelt prospered with a vengeance. They escaped from their original home, an inland lake, and moved into the main body of Michigan and thence to Huron, Superior, and Erie. Populations exploded, with the commercial catch in Lake Michigan rising from 86,000 pounds in 1931 to 4.2 million in 1940. The massive spawning runs, pouring up streams in the basin, became a major event of the spring season. Along the Menominee River a Smelt Carnival was an annual event complete with rides, concessions, and a wrestling match held in a foot of dead fish. In some years individual dipnet catches may have matched or exceeded the commercial harvest. Suddenly in the winter of 1942-43 an infectious disease all but wiped out the new fish. But with amazing resilience, it rebounded to levels near its former abundance.

SCIENTISTS DISTURBED BY FISH CANCER FINDINGS

In what has been called a "crucial experiment," sediments from a river flowing into Lake Erie has been found capable of causing cancer in fish. This sediment, and that from another Erie tributary, have produced cancers in mice.

In testimony before a House subcommittee in September, a number of scientists revealed that six species of fish, from five locations in the United States, were found to have an exceedingly high incidence of cancers.[14] In all five areas, three of them in the Great Lakes basin, the human mortality rates from all types of cancer is higher than the U.S. average. At two of the Great Lakes sites, the incidence of digestive tract malignancies is significantly higher than the nationwide average.

Dr. John J. Black, a cancer research scientist at Roswell Park Memorial Institute in Buffalo, found liver and skin cancer to be epidemic among bullheads in the Buffalo River. He also discovered abnormal cell growth in six other species. Analysis of the Buffalo River sediments revealed several known carcinogens.

Completing what a colleague termed "a circle of proof," Black induced skin and liver cancer in previously healthy fish with extracts of these sediments.

Black, in collaboration with Dr. Paul Baumann, performed the same experiment with sediments from the Black River in Ohio. These were found capable of producing cancers in mice. In fact, the Black River sediment extract proved more carcinogenic to mice than a known, potent, cancer-causing agent, benzo(a)pyrene, which was used as a positive control in the experiment.

Bullheads taken from the Black were found to have "30 percent prevalence of grossly detectable cancers." In fish above three years of age the total reached nearly 100 percent when microscopically discovered cancerous and pre-cancerous liver conditions were included.

Black's findings are believed to be the first direct experimental evidence that tumors in wild fish species are a result of exposure to contaminants in the waterways. He does not believe these are isolated examples and feels that similar results could be obtained by competent investigators in waters near heavy industrialized or urbanized areas.

These findings are particularly disturbing in view of the fact that fish and mammals utilize similar metabolic pathways to eliminate chemical pollutants. It may be that, in certain geographic regions, fish are getting cancer for the same reason as humans.

Early coal miners used caged canaries as "sentinel" animals to warn of unseen and potentially deadly methane gas. Quite by accident, fish already have served as sentinels and may have helped to prevent many human cancers. In the late 1950's and early 1960's, there was a worldwide epidemic of liver cancer in hatchery-raised rainbow trout. It was found that a mold, growing on peanuts used in a new trout food, produced aflotoxins, one of the most potent known carcinogens. This discovery led to Food and Drug Administration standards for controlling aflotoxins in human foods.

Fish cancers similar to those found in the Great Lakes have also been found to be epidemic in Puget Sound, the Hudson River, and Torch Lake in Michigan.

DIOXIN LEVELS

The Saginaw Bay commercial fishery on Lake Huron regularly ships carp to the Chinese and Jewish markets of major cities. Carp is a major ingredient in gefillite fish. In 1983, it was widely reported that fish reaching this market might be contaminated with dioxin.

The Food and Drug Administration (FDA) recommends that fish containing 25 to 50 parts per trillion (ppt) dioxin be eaten no more than once a week. In 1979, fish from throughout southern Michigan were found to contain traces of dioxin ranging from 17 to 586 ppt, with most averaging 100 to 200 ppt.[15]

These findings also received belated publicity in the spring of 1983—probably because of the hullabaloo surrounding report of dioxin contamination at Times Beach, Missouri, and Midland, Michigan. Sales of carp from Saginaw Bay dropped 80 percent. Even though whitefish were free of dioxin, prices for it dropped by onehalf.[16]

The entire controversy took another twist when FDA testing in May 1983 found Saginaw Bay carp to be in the "safe" range of 20 to 24 ppt. The sequence of events is rather strange; dioxin levels of 1978 generated publicity only in 1983 after contaminant levels apparently registered significant declines.

FOOTNOTES

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GREAT LAKES NEED WISE DISPUTE RESOLUTIONS

(By Tom Kuchenberg)

The politics of scarcity have come with a vengeance to the Great Lakes, an enormous resource of enormous importance to the nation. One in every three Canadians and one in every seven U.S. citizens—36 million people in all—live in the basin. During the last 200 years the lakes have been used for food, fresh water (for homes, farms, and industry), transportation, power generation, recreation, and waste disposal. The region has felt the impacts, too, of intensive agriculture, heavy industry, and tourism.

It was long felt that the huge volune of water in the five lakes was sufficient to accommodate all of these activities. The realization that this is not the case has pitted user groups against one another, with each group trying to show that its activities provide the greatest public benefit. There also is a growing awareness that the entire region competes with other regions for economic and natural resources.

These battles have become increasingly involved. Adversaries on one issue may be allies on another. The commercial, sport, and Indian fishermen compete for primacy in harvesting the fish of the lakes. At the same time they join forces on pollution issues. This group is in turn joined by industries in establishing a united front against water transfers.

The competing interests battle one another in legislatures, administrative hearings, courts, and the press. Disputes may last for decades, with even apparently

simple issues becoming highly complex. Nothing illustrates this better than the seemingly straightforward question of fishing rights.

THE FISHERIES

Over a century and a half, the commercial fishermen of a Great Lakes developed a unique lifestyle featuring a fierce independence. Until the 1950's, they reigned supreme on the open waters. The cities of the shoreline enjoyed, during the world wars and the Great Depression, diets supplemented by inexpensive fish. This fact was recognized by the Michigan legislature when it officially commended the industry for contributions during World War II.

Twenty years later, however, Michigan was moving to severely limited commercial operations. New and powerful economic interests had developed around sport fishing. These argued that commercial overfishing had destroyed or greatly depleted the stocks of desirable species.

Michigan's action inspired similar measures in other states, notably Illinois and Ohio. Techniques, usually devised by state resource departments, varied from place to place. They included quotas, gear specifications, licensing, and restrictions on species, season, and fish size. Michigan adopted a formula for buying out many commercial licenses. Illinois told 14 of its 48 licensed fishermen they would have to compete in a lottery; only three operators were chosen and they were assigned quotas. There was no suggestion of compensation for those eliminated.[1]

Commercial interests, notably in Wisconsin and the upper peninsula of Michigan, initiated a series of political and legal challenges to the new policy. Widespread coverage of these clashes highlighted the growing value of the fisheries and induced another group to enter the struggle: Indians.

During the 1970's, Indian tribes challenged state authority, particularly fish and game restrictions, all across the United States. The tribes proved to have a remarkably strong card—federal treaties, some of which specifically provided hunting and fishing rights. Other treaties were not so clear. Essentially, treaty rights were pitted against state powers of regulation. A series of Indian suits inspired countersuits by sports interests. Michigan courts upheld the rights for individual bands of Indians on a case-by-case basis.

In April 1973, the Department of Justice moved for a broader-based determination by filing suit against the state of Michigan. Much of the Indian fishing would be commercial. Central to the case against these operations was the assertion that in the past they had been the major cause of the decline in desirable species and would endanger attempts to establish new salmon and trout stocks. The Indians argued that their activities would be controlled. In separate cases, remaining non-Indian operators insisted that other factors were responsible for the earlier collapse of major species.

In fact, Michigan's resource agency had changed its view in the matter. In 1958, officials stated flatly that overfishing had not caused the near-obliteration of the lake trout. Blame was placed on the invading sea lamprey, a ravenous predator.[2] Thirteen years later it was asserted that new fishing technology, notably nylon nets, had been "a major factor in the collapse of lake trout stocks."[3]

Sport fishing generates enormous revenues for the state and for recreation interests. But there has been difficulty evaluating the consequences of commercial fishing and defining the term "resource depletion." At a 1978 congressional hearing Howard Tanner, then director of the Department of Natural Resources (DNR), stated:

"You see, depletion of the resource is not strictly a biological point. That is what I take at issue; because it is so very important . . . when you destroy a recreational fish worth $80 for the purpose of selling it at $1.25, to the point where the charter boat fisherman could no longer operate, a motel can no longer fill, the boats are no longer sold, then that, in effect, is effective depletion and I am afraid people are going to miss that point."[4]

In July 1979, a federal court granted the Indians the right to fish free of state regulations in treaty areas.[5] But Michigan continued to challenge the Indians who operated under regulations originally drawn up by the federal government. From April 1981 to the present, the Interior Department has attempted to mediate a settlement. The idea is to limit Indian control to areas north of the 45th parallel and permit them half the allowable harvest of the prized whitefish, chubs, and incidentally, lake trout. Certain zones, including crucial spawning areas, would be off limits to all fishermen.

Efforts to reach a final settlement are complicated by the emotions involved. It is difficult for people not living near these areas to understand the fury generated by this issue. There have been incidents of violence and, reportedly, the federal judge currently overseeing the dispute has threatened to place federal marshals on board Indian licensed vessels to protect them.

The situation in Canada is a startling contrast. Not only have the federal and provincial governments refused to impose major restrictions on commercial fishing, they have subsidized various aspects of the industry. As an Ontario government publication states:

". . . Both the federal and provincial governments assist the industry in developing more efficient economical gear and handling techniques. Joint ventures between government and industry have resulted in the adoption of the otter trawl, the development of a fish meal plant, the development of a bulk handling technique for smelt and numerous exploratory fishing operations throughout the Great Lakes."[6]

All of these factors have combined to create a robust industry which exports a sizable portion of its catch to the United States. In 1981, from the four lakes shared by the U.S. and Ontario, Canadians harvested nearly 56 million pounds of Great Lakes fish as opposed to the U.S. total of 14 million pounds.

The fisheries conflict symbolizes the lack of unity that has plagued the Great Lakes basin. Between 1883 and 1941, before the rise of sport fishing, 27 interstate or international conferences were held with the aim of coordinating regulations. Basically, all were failures. Tentative agreements floundered on differing state priorities.

The contrast between the U.S. and Canada demonstrates how resource pressure colors management attitudes. The consensus among scienists appears to be that fishing is one of several factors that can harm stock but that it has, as one puts it, "seldom been clearly indicted in the collapse of Great Lakes fish stocks."[7] There is growing evidence that deteriorating water quality has played a key role.

CONTAMINANTS

It seems that every year in the past decade, public attention around the Great Lakes has been captured by a "new" chemical pollutant. In 1983, there could be no doubt that this chemical was dioxin.

Dow Chemical Co., with a major plant at Midland, announced a $3 million program designed to allay fears over dioxin.[8] The American Medical Association denounced the news media for mounting a "witch hunt" against the chemical and announced a campaign to counter "irrational reaction."[9] Less than two weeks later a representative of the AMA was denouncing the denunciation. Calling the language of the resolution "imprudent," the spokesman added. "I believe we have a potential health problem."[10]

What is going on? It is no wonder, with experts backtracking and sidestepping, that the public is confused. There are actually several matters at issue. Is dioxin in trace amounts dangerous? What form of exposure is dangerous? Is what is being labeled dioxin actually dioxin?

How could quantities of any substance as minute as parts per trillion be considered dangerous? It is laboratory experiments on animals, including primates, that has alarmed researchers. For example, in one University of Wisconsin study, eight female rhesus monkeys were fed 550 ppt of dioxin per day for nine months. The animals developed disorders that began with loss of hair and ended with hemorrhaging, cellular changes, and organ enlargement. Five of the eight animals died during or shortly after the experiment.[11]

Indeed Dow itself was concerned with effects. In the mid-60's an outbreak of the skin disease chloracne at a Dow plant led a company official to commission experiments on the skin of human beings. The tests were performed on paid prison volunteers by a Pennsylvania dermatologist. There are approximately 75 dioxin compounds. TCDD, used in the tests, is widely regarded as the most potent. A Dow official cautioned the dermatologist that TCDD was "highly toxic" and that small doses were fatal to laboratory animals who showed evidence of severe liver and kidney damage.

Follow-up testing of the prison volunteers could have helped answer questions about dioxin's effects on humans, but no records were kept of the prisoners' identities and efforts by the EPA to locate them have failed.[12] Some researchers believe that the effect of dioxin exposure may not appear for years. Others state that while ingestion of the chemical is dangerous, the effects of skin exposure are transient.

In this country primary responsibility for such an assessment falls to the Environmental Protection Agency. But EPA research funds have been cut sharply. Because of this and constantly changing priorities, confirmation testing has been delayed three years. Critics of the EPA have said that the real reason for the delay is government fear about implications for the Agent Orange issue. Agent Orange, which contains dioxin, was sprayed widely in Vietnam to defoliate trees. Any determination of potential damage from the substance would result in increased demands for compensation from ex-servicemen. The head of EPA research and development, Courtney Riordan, has said, "We're not in charge. We're like a waiter in a restaurant."[13] In other words, his section does as it is told by agency heads.

From 1981 to the spring of 1983, individuals either indifferent or hostile to environmental goals occupied top positions in the EPA. The behavior of these officials resulted in the scandal that swept the agency and led to the departure of more than 20 appointees, including Administrator Anne Burford. Of the irregularities investigated by six congressional committees, two centered on the Great Lakes.

In the summer of 1981, EPA personnel prepared a report that identified Dow Chemical as the major source of dioxin contamination in two Michigan Rivers, the Saginaw and Tittawabasee, that flow into Saginaw Bay. Gulls in the area contain the highest concentration of dioxin in the Great Lakes. Dow dumps at least 30 million gallons of waste water per day into rivers entering the bay.[14]

EPA wishes to examine the waste as it leaves some of the manufacturing processes. After waste is treated, mixed with other materials, or diluted in streams, analysis is much more difficult because of lower concentrations and the tendency of some compounds to "hide" similar substances.

Dow refuses to allow this on-site investigation, on the basis that its competitors may deduce trade secrets from the results. EPA feels that this objection should be raised only if and when there is a request to release the results of an analysis. The matter is presently in federal court.

The study in question was an internal management document. The work of several researchers, describing how they had come to their conclusions, had not yet been added when the report was forwarded to Washington, D.C. The circumstances surrounding its premature delivery to Washington and subsequent presentation to the Canadian press are among subjects of a current congressional investigation.

In March 1983, Valdus Adamkus, head of EPA's Chicago regional office, testified before a House subcommittee that deputy administrator John Hernandez "angrily denounced the report and called the report of our regional people trash,"[15] Adamkus also said that another EPA official, John Todhunter, insisted that a component of the report—an Oregon study that connected dioxin with cancer, miscarriages, and birth defects—be eliminated. Todhunter also demanded, according to Adamkus, that references to Dow as the source of the chemical be deleted and ordered Adamkus to meet with Dow officials. A scientist in the Chicago office testified before the same subcommittee that during a conference phone call, "Dow officials went page by page with us through the document starting with the title,"[15]

The Chicago officials had other tales of questionable behavior. The United States and Canada had pledged to minimize eutrophication by controlling the amount of phosphorus entering the lakes. One of the provisions of the Great Lakes Water Quality Agreement called for reduction of phosphorus in household detergents to 0.5 percent by weight " . . . or to meet local conditions, whichever are more stringent."

Wisconsin had banned the use of phosphorus in detergents and Adamkus praised the measure in September 1981. He testified that he was told by his superiors a month later not to testify in favor of a similar ban being considered in Ohio. In March 1982, he said, Hernandez ordered him to meet with officials of a company manufacturing phosphorus and sign a letter they would be carrying.

Wisconsin was considering extending its ban on phosphorus and the company wanted to head off EPA support. Adamkus, apparently to avoid total control, said he wrote his own letter. This letter stressing voluntary limits on detergent phosphates, was reviewed and approved by the company officials. A week later, by two votes, the Wisconsin State Assembly voted against continuing the ban.[16]

These highly objectionable procedures could be considered violations of the spirit if not the letter of the Great Lakes Water Quality Agreement and it calls for strict phosphate controls.

While its record is better, Canada appears not to be immune to industry pressure. Contaminants from pulp and paper facilities have been reduced on both sides of the border. From 1967 to 1980, however, U.S. operations have recorded an impressive decrease of over 90 percent, compared to 55 percent for the Canadians.[17] The difference is attributed by some to the prominent role played by the industry in the economy of Ontario.

Further, there is the Canadian penchant for secrecy. Harold Harvey, a professor at the University of Toronto, has written:

"Within environment Canada unnecessary secrecy surrounds much of the data on the environment. This is viewed as a major constraint in the search for understanding of the effects of contaminants on the aquatic environment . . . Thus when the International Joint Commission was refused data on contaminants in Great Lakes fishes, it was obliged to launch a costly and not altogether satisfactory alternative study of contaminants in fish-eating birds and mammals." [18]

These events illustrate the often intense opposition of some industries to environmental controls which, in conjunction with the scientific complexities and uncertainties associated with toxic chemicals, portend great difficulty in protecting the Great Lakes. Opposition to controls has intensified with the current recession. More properly called a depression in parts of the Great Lakes, the economic decline has struck at the region's aging basic industries. Already burdened corporations often claim that environmental improvements will force them to lay-offs, bankruptcy, or relocation. Fearful of losing their jobs, workers often adopt the company positions.

It is particularly insidious when those directly responsible for major problems and dangers are able to intimidate the enforcing agencies. In addition, as EPA's new administrator, William Ruckelshaus, has made clear, those corporations and officials supporting or at least willing to recognize the necessity of pollution controls are undermined. Worse, their environmental expenditures may put them at a competitive disadvantage.[19] At a minimum, therefore, the public has a right to demand fairness and integrity from the regulating agency.

DIVERSIONS

Any major transfers of resources from one region to another has always been a potentially explosive issue. Large-scale water diversion has usually been associated with the West. Yet in the past several years, the issue has generated increasing publicity and debate in the Great Lakes region.

Actually, water diversions have been a feature of the Great Lakes since 1829, when the first version of the Welland Canal opened navigation between Lakes Erie and Ontario by bypassing Niagara Falls. Of the five major diversions in the region, three carry water to or from the Great Lakes Basin. The Long Lac and Ogoki projects, built in the 1940's primarily for hydroelectric power, move water from the James Bay watershed into Lake Superior. The Chicago Sanitary and Ship Canal takes water from Lake Michigan to the Mississippi via the Illinois Waterway.

High water in the Great Lakes increases power capacity by delivering greater volume and pressure to generators. In addition, it is the depth of rivers and channels connecting the lakes that determines how much cargo can be hauled. Admiral Paul E. Trimble, president of the Lake Carriers' Association, has stated that a one-inch drop in water level means 200 tons less cargo capacity in larger vessels.[20] Considering that some of the Great Lakes vessels make 50 trips per year, that inch translates to 10,000 tons per vessel each shipping season. However, low water benefits coastal and recreational property owners because of reduced erosion and increased beach areas.

The rate of flow at the Chicago outlet has been the subject of a controversy that has made round trips to the Supreme Court since the early 1920's. Currently the amount that can be taken by Chicago, 3,200 cubic feet per second (cfs), is controlled by a 1967 decision of the court.

Contrary to local myth, the net effect of current diversions is extremely small. By contrast, natural fluctuations are considerable. Lake levels, because of differences in basin precipitation and evaporation, vary from year to year. Historically, the difference between extreme high and extreme low water has ranged from 3.8 feet on Superior to 6.6 feet on Ontario.

In order to determine if the extreme levels could be regulated by increasing or decreasing diversion, a study was commissioned by the U.S. and Canada in 1977.[21] A study board also was charged with projecting future water needs in the basin and determining their effect on lake levels. Since it was regarded as impractical to increase flows into Superior, the study concentrated on manipulating levels at Chicago and within the system.

With one exception—a change put into effect during the course of the study—the board found changes in diversion rates to be detrimental. Under six models studied, net losses ranged from $2.8 to $69 million per year. Under the $69 million scenario, coastal zone residents gained $6 million and recreational users $8 million. The losers, however, lost big; recreational boating $1.8 million, navigation $13.8 million, and power interests $61.3 million.

Perhaps the biggest surprise of the study was the projection that growth in the basin would cause water consumption to double from 1975 to 2000 and triple from the 2000 level by 2035. These changes would result in a drop in lake levels.

The results of this study alone make it seem unlikely that the Great Lakes would be the target of large-scale diversions to other areas. There are, however, many other problems. A preliminary study has projected the cost of diverting 10,000 cfs from the western end of Lake Superior to the Missouri River. The estimate is $19.6 billion for the diversion system plus $7 billion for power plants to drive it, a staggering $26.6 billion total.[22]

Then there is the Boundary Waters Treaty of 1909. Under this agreement, Canada must approve any significant transfer of water from the basin. They are almost certain to veto any major diversion

proposal. Further, the Reagan Administration has announced its intention to shift an increasing amount of irrigation cost to beneficiaries, thereby removing subsidies that favor construction.

Despite all this, people not given to undue anxiety are concerned. William Gianelli, assistant secretary for the Army of civil works, has stated:

"I think as time goes on, there are going to be designs on this area, and certainly I think the time is now ripe for you to bind together and collectively bring your views together and certainly take those measures which are necessary for the protection of this area."[20]

To begin with, there is the Ogallala Aquifer. It is an 800-mile-long natural reservoir that has permitted intensive farming in the Great Plains. Some 200,000 wells tap the Ogallala to irrigate 16 million acres of prime farmland. Forty percent of the nation's beef cattle are raised in the area. Comprising no less than 20 percent of the nation's irrigated acreage, the region also produces much of the country's feed grains, corn sorghum, and wheat.

The Ogallala is being exhausted. Not at a uniform rate, because it is not a uniform body. The water table has dropped 10 to 15 feet in some areas. In parts of the northern panhandle of Texas, failing farms are already a reality. Here the aquifer is shallow, evaporation fierce, and rainwater recharge limited.

Conditions are totally different in the northern areas of the aquifer. It is predicted that by 2020, 4.6 million irrigating acres, primarily in the southern plains, will have been forced to cease irrigation. Nonetheless, it is estimated that by that year there will be 3.8 million more irrigated acres than at present, the result of a massive expansion in Nebraska. After this peak, rapid and widespread exhaustion of the Ogallala could follow.[22]

Long before that there is likely to be tremendous political pressure from areas facing economic dislocation because of water shortages. For diversion has been used for more than irrigation; as in the case of Los Angeles, much urban and industrial development has clustered around transported water.

Another factor is a loophole in the Boundary Waters Treaty. Lake Michigan is totally within the United States and, except for navigation, not included. And there is the existing diversion from Michigan to the Mississippi River. Leaders of the province of Ontario are well aware of the potential danger. Alan Pope, minister of natural resources, said:

"From our standpoint, Chicago is sort of a 'wild card.' Its curious position provides the potential for unilateral U.S. withdrawal of waters from the system, bypassing the processes of balancing interests and uses implicit in the International Joint Commission."[23]

When people think of water transport from the Great Lakes, many picture a stainless-steel pipe careening across the countryside, the result of a grand project conceived and developed on a continental scale. Far more likely is a chain reaction. For instance, the Ogallala may be recharged from one system, that system from the Mississippi, and the Mississippi from the Great Lakes. With each link a separate project, enormous costs might be hidden and spread over time.

The $26.6 billion estimated cost of diverting water from western Lake Superior may also be misleading. Jonathon Bulkley, one of the authors of the study, notes that it was set in motion by other studies on possible recharge of the Ogallala via the Missouri. The premise of Bulkley's study was that Lake Superior water could theoretically restore the 10,000 cfs taken from the Missouri for the Ogallala. But if the Mississippi were to be recharged for the same purpose, costs would fall dramatically. In fact, the Chicago diversion has historically accommodated 10,000 cfs and has a present ability to divert 8,700 cfs with little or no extra cost if environmental dislocations are not taken into account. Bulkley has also taken part in a study that looked at a theoretical diversion going south from just east of Cleveland to the Ohio River. Preliminary cost estimates come to $3.2 billion. It is important to remember that cost has seldom played a definitive role in the development of water projects. The legendary Senator Robert Kerr of Oklahoma was possessed of a dream of constructing an ocean port in that state. Reputedly he was powerful enough to achieve this ambition. The Garrison Dam now under construction will divert water from the Missouri system to a Canadian watershed. The IJC has stated that the project, costing $1.3 billion, would injure health and property in Canada.[24]

The chief aim of Garrison is to create a system of lakes and canals that will irrigate 250,000 acres, primarily for the growing of wheat. Yet the Administration has declared against costly water projects; the Canadians are opposed; and farmers are being supplied with surplus wheat in return for reducing production of that crop. But construction continues.

The gimmick in many irrigation projects is subsidy through interest-free financing and repayment provisions that may stretch to half a century.

Recent Supreme Court decisions have cast considerable doubt on the ability of states, acting by themselves, to prohibit diversions beyond their boundaries. For much of this century the court appeared to hold that state law could regard water as a special resource and not an article of interstate commerce.

This concept was rejected last year in *Sporhase* v. *Nebraska.*[25] Nebraska had passed a statute requiring a state permit for interstate transport of groundwater. As one of the conditions for granting this permit, Nebraska demanded that the state into which water was to be exported allow reciprocal transfers. It was this provision the court regarded as a barrier to interstate commerce.

Although at one point in its opinion the court referred to state claims of water ownership as a "legal fiction," it later emphasized legitimate state interests in conservation of scarce supplies. But it seems likely that conservation arguments from the water-rich region would not be regarded with the same sympathy as those coming from semi-arid prairies. Thus it appears that any attempts by Great Lakes states to claim unequivocal ownership of water or to place an outright ban on diversions would be regarded as discriminatory under this interpretation of the commerce clause.

There are some options available to the lake states. They might be able to impose a substantial water severance tax on all users outside the basin. As a revenue measure such a tax on coal has been held legitimate. The crucial point is that the interstate and intrastate importers beyond the basin would have to be treated equally.

Lake states also might enact a law imposing strict liability for damage to downstream riparian owners. Here the IJC study of diversions would be extremely useful as a guide to the types and amounts of possible losses. There is also the possibility of a user priority system which, in times of shortage, could prefer basin users over outside importers.[26]

In framing any statutes, the lake states would be well advised to keep in mind standards the Supreme Court has set for determining the validity of state laws regulating natural resources:

"Where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incident, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. If a legitimate local purpose is found, then the question becomes one of degree, and the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities."[27]

Finally, any of the state measures discussed above might inspire federal action or become the nucleus of a revised Great Lakes compact. Legislation was in fact introduced by Senator Charles Percy (R-Ill.) on October 28, 1983 that would prohibit diversion of Great Lakes water beyond bordering states unless approved by all other states and the IJC. It would also prohibit any federal agency from even studying such a transfer without similar approval.[28]

Alternatively, a revised Great Lakes compact, negotiated among basin states and approved by Congress, also would bear the imprint of federal law. Supplemented by an agreement of understanding with Canada, a compact may be the best method of protecting the lakes. If history is a guide, the only time an area of origin has any leverage is prior to a diversion. It is therefore important that coordinated positions be developed at the earliest possible time.

Historically, however, lack of unity has plagued attempts at coordination. In order to bring about a strong compact, the lake states will have to muster a new discipline and a new appreciation of the unique resource they long took for granted.

In sum, one might conclude (1) that large-scale diversions from the Great Lakes are at present economically and politically irrational, (2) that rationality has not always played a noticeable role in water policy, and (3) that if scientists are correct about the likelihood of long-lasting drought in the plains, pressures for tapping the Great Lakes may eventually become irresistible.

CONTROLS ON THE FARM

Limitations on the phosphorus content in detergents, municipal wastewater, and industrial discharges will not be sufficient to control eutrophication in Lake Erie. In order to restore the water quality of the lake to an acceptable level, agricultural sources also must be reduced. To this end, a number of federal agencies have developed pilot programs to control run-off of fertilizers.

The program has provided farmers with planting equipment and technical assistance for 10- to 20-acre demonstration plots. Such projects are now under way in all counties of Erie's western basin. It is estimated that fully 80 percent of the U.S. Erie watershed is suitable for some form of conservation tillage and 53 percent for no-till operations.[29]

Development of the program involved a conscious effort by EPA to avoid strict and possibly unenforceable farm regulations. Federal funding of the demonstration projects follows a decade of EPA support for local conservation districts involved in searching for ways to control agricultural pollution.

First results are encouraging. Yields from the demonstration fields have been as good or better than county averages. Because of reduced labor, energy and capital costs, some farmers may save money by reducing tillage. It is estimated that in some counties with suitable soils, net farm income could increase by more than $4 per acre.[30]

Expansion of the program will include demonstrations of other conservation techniques such as ridge-till. The benefits to Lake Erie from these demonstrations could be great. If widely adopted, conservation planting could reduce erosion by up to 50 percent in the eastern basin and up to 70 percent in the western.

CONTINENTAL DIVIDE

Inland lakes in areas of thin, stony soils are particularly vulnerable to acid rain. The Canadian Shield, which underlies much of the northern Great Lakes basin, is such an area. Yet the acid rain problem has become a chronic source of conflict in relations between the United States and Canada. After years of debate, it is now believed by a majority of scientists that reduction of sulfur dioxide emissions is likely to result in a roughly comparable reduction of acid precipitation. And the United States does not deny the Canadian claim that 50 percent of sulfur emissions in eastern Canada's atmosphere comes from this country.

When William Ruckelshaus was named EPA Administrator last May, hopes were raised for swift development of a plan to control acid rain. Canadian Ambassador Alan Gottlieb was given a seat of honor at Ruckelshaus' swearing-in ceremony. President Reagan had characterized the problem as one of immediate concern and pointedly told the new Administrator to "tackle acid rain." [31]

But prospects for an early agreement were abruptly and indefinitely postponed in October, evidently because the Reagan cabinet is at loggerheads over the multi-billion dollar cost of a solution. Ruckelshaus, who had hoped to formulate a U.S. position in time for a meeting in Halifax, stated that the issue "divides the country along sectional lines." [32]

The meeting did, however, produce additional agreement on control of eutrophication. In a supplement to the Water Quality Agreement, the countries agreed to maintain the quality of Superior and Huron waters by limiting phosphorus discharges from large municipal waste treatment plants. The United States acknowledged responsibility for the bulk of further phosphorus reductions in Lake Erie. The options for meeting goals include programs to control agricultural sources. The two countries will meet within the next year to allocate similar reductions for Lake Ontario.

RESEARCH MONEY DISPUTED

The constantly renewed battle over Great Lakes research facilities has ended with United States programs largely intact. This year, for a change, administrators even had the advantage of knowing their level of funding for the 1984 fiscal year before it started on October 1. The powerful Office of Management and Budget had proposed chopping the Great Lakes laboratories' budget from $2.5 million to $1.5 million. Congressional delegations from the lake region led a successful fight to restore the $2.5 million figure.

In fiscal 1980, the appropriation was more than $3.5 million. The Reagan Administration sought for several years to terminate all funding directed specifically at Great Lakes water quality problems, but Congress demurred.

Cuts had been proposed in spite of U.S. treaty obligations to Canada under the two nations' Water Quality Agreement. Research is a prerequisite to any meaningful progress toward treaty goals. In its 1982 report, the International Joint Commission expressed concern over the "implications of these budget cuts on the United States' ability to meet its Agreement obligations." [33]

A still-evolving proposal in the Province of Ontario may, however, seriously affect Great Lakes research contributed by Canada. It is not widely known in the United States that much of the major, long-term research has been conducted by Ontario. Pressed by economic difficulties similar to those of the U.S. lake states, the province is considering budget reductions for its Department of Forestry, Fishery and Wildlife. Such cuts could seriously affect six or more laboratories with Great Lakes work.

Provincial spokesmen stress their continuing commitment to research and the possibility of using facilities outside the government. But others in the province doubt that the current effort and quality of work could be sustained. Henry Regier, a Canadian member of the Great Lakes Fishery Commission, feels that the proposed cuts "would certainly be detrimental to the long-term rehabilitation prospects of the Great Lakes with respect to both fisheries and water quality."

FOOTNOTES

[1] *The Fisherman*, Vol. 27, No. 3.
[2] "Decline of the Lake Trout Fishery in Lake Michigan," Fishery Bulletin 60, 1951, and *Michigan Conservation*, May-June 1958.
[3] *Michigan Natural Resources*, May-June 1971.
[4] Hearing of House Merchant Marine and Fisheries subcommittee on fisheries and wildlife conservation and the environment, January 13, 1978.
[5] *United States* v. *Michigan*, 471 F.Supp. 192 (W.D. Mich. 1979) cert denied, 454 U.S. 1124 (1981).
[6] "Out of the Water," by G.F. Adams and D.P. Kolensoky, Ontario Ministry of Natural Resources, 1972.
[7] "Feasibility Study: Great Lakes Ecosystems Rehabilitation and Restoration," preliminary report, Great Lakes Fishery Commission, May 1978.
[8] *Washington Post*, June 2, 1983.
[9] *Washington Post*, June 23, 1983.
[10] *Washington Post*, July 1, 1983.
[11] *Food and Cosmetics Toxicology*, Pergamon Press, 1977, Vol. 15, pp. 401-410.
[12] *New York Times*, July 17, 1983.
[13] *Washington Post*, May 31, 1983.
[14] See *New York Times*, March 28, 1983.
[15] *Washington Post*, March 19, 1983.
[16] *New York Times*, March 24, 1983.
[17] See "The Response of the Pulp and Paper Industry in the Great Lakes Basin to Pollution Abatement Programs," Great Lakes Water Quality Board, October 1981.
[18] *Journal of the Fisheries Research Board of Canada*, Vol. 33, No. 11, 1976.
[19] See confirmation hearings of Senate Environment and Public Works Committee, May 3-5, 1983, and *Washington Post*, June 3, 1983.
[20] At Great Lakes Water Resources Conference, Mackinac Island, Michigan, 1982.
[21] "Great Lakes Diversions and Consumptive Uses," International Joint Commission, September 1981.
[22] "Diversion of Great Lakes Water: Critical Resource, Critical Issue," proceedings, Michigan United Conservation Clubs, Lansing, Mich., 1983.
[23] Public hearings on Diversion and Consumptive Uses of Great Lakes Waters, International Joint Commission, Toronto, June 15, 1983.
[24] *Washington Post*, June 12, 1983.
[25] *Sporhase* v. *Nebraska*, 102 S. Ct. 3456 (1982).
[26] For an excellent evaluation of the issue of interstate transfers, see Robert Abrams, "Interbasin Transfer in a Riparian Jurisdiction," 24 *William and Mary Law Review* 4, 1983.
[27] *Pike* v. *Bruce Church, Inc.*, 397 U.S. 137 (1970).
[28] S. 2026. See *Congressional Record*, October 28, 1983, p. S14842.
[29] "Lake Erie Conservation Tillage Demonstrations," Great Lakes National Program Office, EPA, and National Association of Conservation Districts, 1983.
[30] "Phosphorus Management in the Lake Erie Basin," Army Corps of Engineers, 1983.
[31] *Washington Post*, May 23, 1983.
[32] *Washington Post*, October 17, 1983.
[33] First Biennial Report Under the Great Lakes Water Quality Agreement of 1978, International Joint Commission, 1982.

THE CHANCELLOR OF GERMANY VISITS ISRAEL: THE SPIRIT OF RECONCILIATION AND THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last month the Chancellor of West Germany, Helmut Kohl, visited Israel. He is only the second German head of state to do so since the Jewish State was founded. It was clearly a painful meeting for both parties.

Modern Germany must live with the memory of its role as the perpetrator of the most barbaric act of genocide in modern history, and Israel survives as a nation besieged. Besieged physically, in a sea of hostile neighbors, and spiritually as the homeland of a people persecuted beyond the limits of human tolerance.

Yet the visit of Chancellor Kohl stands as a noble effort at reconciliation. It is a manifestation, in the words of Kohl, of the bridge built between our two countries and people across the abyss of the past.

Some would no doubt prefer that the bridge be burned, that a reconciliation never be reached. Some legislators boycotted the Chancellor's speech in front of the Israeli Parliament. "Don't forget, don't forgive!" exhorted one demonstrator's hand-lettered sign.

Yet few will question the assertion that in view of today's tense global situation, the international community must move in the direction of mutual cooperation and trust. The interdependence of nations on our tiny planet requires a degree of forgiveness, an ability to transcend the horrors of the Holocaust.

But to forget and pretend the Holocaust did not occur would be as unforgiveable as to dwell on it forever, to the exclusion of all attempts at reconciliation. For from the ashes of such atrocities can sprout the seeds of a new world ethic, a repudiation of man's darkest hour.

Such was the spirit of the participants in the first U.N. General Assembly as they drafted the text of the Genocide Convention, declaring the murder and serious mental or physical harm of a racial, ethnic or religious

group a crime punishable under international law. The treaty emerged as a direct result of the global comprehension of Germany's crimes. As such it represents the potential for men to learn and grow through horror and adversity.

It is with great shame that I must point out, as I have almost every day for the last 15 years, that the United States has yet to ratify the Genocide Convention. Forty years later, the two principals of the Holocaust are straining to bridge their differences. Yet America continues to ignore the potential of this treaty, drafted to unite the world community in opposition to the crimes of the Holocaust.

Like Helmut Kohl's trip to Israel, the Genocide Convention represents a bridge between nations, a vehicle through which the civilized world's aspirations for human rights can be expressed. I urge my colleagues to join in the spirit of reconciliation and to act now in giving our advice and consent to the Genocide Convention.

TOP PRIORITY IN STOPPING NUCLEAR WAR—STOP PROLIFERATION

Mr. PROXMIRE. Mr. President, the most likely way for a nuclear war to erupt is through the spread of nuclear weapons to more and more countries. Over the past 38 years since this country used nuclear weapons to end World War II, only five or six other countries have developed a nuclear arsenal: Russia, the United Kingdom, France, China, India, and probably Israel. Five or six other countries including Argentina, Brazil, South Africa, and Pakistan are well on their way. They either have some nuclear arms capability now or they will soon. All have refused to sign the nuclear nonproliferation treaty. So all have in effect refused to permit inspection by an international agency to determine whether or not they are diverting nuclear materials and equipment to the production of nuclear arms. It is a very safe bet that they are doing exactly that. It is also a fact that this country or our allies are selling nuclear material or nuclear equipment or both to each of these countries. Think of what that means. Mr. President, this is absolutely outrageous. There is no excuse for it whatsoever. None. This policy of selling nuclear capability to other nations is the prime factor by far the biggest reason why nuclear war within the next generation is virtually certain. I say prime factor. I mean prime factor. You may ask—"But isn't the Soviet Union and a nuclear attack by the Soviet Union the principal threat to this country?" Absolutely not. We have a deterrent, so invulnerable in our nuclear powered and nuclear armed submarines and our nuclear armed bombers that a Soviet nuclear attack on this country would be an act of sure and certain suicide. We would certainly retaliate to such an attack with a devastating and total response that would utterly destroy the Soviet Union as an organized society. The Soviets know that. We know they have invaded Hungary and Afghanistan, that they have engaged in subversion of democratic free governments throughout the world. We know they have great military power and they would not hesitate to use that power against our country if they thought they could prevail. But we know they know they cannot prevail. We know they understand that such an attack would utterly destroy both countries. We know they are not insane. They want to live. So will they attack us with nuclear weapons? No. Certainly not in a planned, premeditated attack. With a launch on warning, hair trigger doctrine, and with enemy missiles only 5 or 6 minutes away, a mistake could occur at any time that could begin a nuclear war. But in all fairness the administration and the Defense Department have worked hard to reduce that risk. A nuclear war by mistake is far more likely than a planned attack by either side, but the odds are at least 10 to 1 against that kind of an accident.

Then can we relax? No way. The most likely beginning of a nuclear war—and here the odds are much more than even—will very likely come from the action of a country that will develop a nuclear war capability within the next few years. Some countries are working hard to develop that capability now and the research and testing of the superpowers will advance their schedule sharply. At this very moment our R&D specialists in the Pentagon are hard at work developing the very weapons that pose the greatest danger of starting nuclear war—not by a massive launch from a huge intercontinental ballistic missile, or from a huge bomber, but from the mouth of a 155 millimeter cannon. This would be a mini-nuclear device. It would revolutionize nuclear war strategy. It would make a nuclear war many times more likely. Why? Because it could come in so many new guises. Our military experts argue that they not only can produce the nuclear weapons that will fit a weapon as small as a 155 millimeter cannon. But it will also be much cheaper. And it will still pack a nuclear wallop. Perhaps each charge will not destroy an entire major city. But it will absolutely pulverize everything within a radius of a half a mile. And it will be so much cheaper: exactly what the doctor ordered for a Qadhafi or a Khomeni. The Iranian zealot dictator could totally decapitate the U.S. Government by exploding such a device a quarter mile from the Capitol when the President is giving his state of the Union speech to a joint session of the Congress in the presence of the Vice President, the entire Supreme Court, the full Cabinet, the House, the Senate, and the Diplomatic Corps. Terrorists could simply bring the bomb in a suitcase, plant it a quarter mile from the Capitol and detonnate it. This country with all its power would be left with no one to command it. And no idea against whom to retaliate. We are advancing this technology with our research and testing. And can anyone doubt that once we develop it, one way or another—with our weak kneed antiproliferation policies Libya and Iran will get it. And shortly thereafter terrorists will be all set to go. That is one likely scenario. There are others. For instance, Libya, or Iraq could nuke Israel. India could launch a nuclear attack on Pakistan or vice versa. Argentina would defend itself with a new nuclear capability against Brazil or Chile or even the United Kingdom. And once it starts how do you stop? Would this country move in to end it? Would we use our vast nuclear arsenal to threaten the aggressor? If the aggressor called our bluff, would we nuke them? Would Russia sit quietly on the sideline? Would anyone use its awesome nuclear power?

I challenge anyone who does not believe that the spread of nuclear weapons will lead to nuclear war to squarely face the fact that at this very moment wars are going on in many parts of the world, and that in most of the numerous conflicts the only reason nuclear weapons are not used is because they are not available. What happens when they are?

THE 70TH ANNIVERSARY OF THE AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE

Mr. PERCY. Mr. President, recently, one of this country's most respected international relief organizations celebrated its 70th anniversary. The American Jewish Joint Distribution Committee is the overseas arm of the American Jewish community. Since its inception, the JDC has provided critically needed assistance to Jews and Jewish communities around the globe. Founded in 1914, the JDC began its operations by assisting Jews in Eastern Europe and Palestine during World War I. Since that time, the JDC has continued to be at the forefront of Jewish refugee relief efforts, assisting over the years millions of Jews in more than 70 countries.

The American Joint Distribution Committee has operated wherever and whenever the need has existed for its services. Following World War II, the JDC provided basic relief to displaced and impoverished European Jews, playing a major role in their rehabilitation, and aiding great numbers to

emigrate to Israel. Today, in Eastern Europe the JDC helps many elderly Jews live out their lives in dignity by providing much needed medical services, food, clothing, and cash grants. In Israel, the JDC contributes to over 100 Israeli programs aiding the elderly, the mentally and physically handicapped, and the chronically ill. JDC funds also help support a nationwide network of community centers. At this time, the JDC is active in some 30 countries.

I warmly congratulate the American Jewish Joint Distribution Committee on this landmark anniversary. The JDC has truly been a safekeeper of world Jewry, a force for humanity and caring.

Mr. President, I ask unanimous consent that a more detailed account of the 70th anniversary of the JDC, written by the distinguished veteran journalist, Boris Smolar, and published in the Jewish Community Bulletin of Los Angeles, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MATTERS OF CONCERN—"JOINT" MARKS 70TH YEAR OF JEWISH RESCUE

(By Boris Smolar)

The two-day annual meeting of the American Joint Distribution Committee in New York recently, marked the 70th year of the organization's existence. Formed in 1914, at the outbreak of World War I, the JDC's earliest relief activities were targeted to the kibbutzim and yeshivot in Palestine, which was then still a part of Turkey. The money was raised from Jewish communities of East and Central Europe.

When Turkey entered the war on the side of Germany, all aid to Palestine was brought to a halt. Knowledge of the "terrible situation" then faced by Palestine's Jews came to American Jewry through Henry Morgenthau, Sr., the American Ambassador to Turkey, and led to the formation of a committee which formed the nucleus of what was to become the JDC.

It was the first time in the history of American Jews that all Jewish groups merged into one body, instead of, as previously, operating in fragmented groups—German, Sephardi, East European; Orthodox, Reform, Conservative; wealthy, middle-class, working-class organizations which each went its own way.

Although the JDC has until now spent about $1.5 billion in rescue, relief and rehabilitation of millions of Jews around the globe, conducts operations in about 30 countries and spends about $48 million annually (with $10 million spent in Israel), the story of its seven decades of service to millions of impoverished and imperiled Jews is not fully known to most American Jews born after World War II, who never witnessed the colossal relief and rehabilitation activities conducted by the Joint between World Wars I and II.

Many have a vague knowledge of the tremendous aid programs carried out by a unit of about 30 American experts in Jewish social work whom the JDC sent to Poland immediately after World War I ended. The unit found the great majority of the more than three million Jews literally starving. It opened soup kitchens for adults and milk stations for children. It provided the impoverished Jewish population with food and clothing on a grand scale.

It set up hospitals, clinics, dispensaries, sanatoria and a school to train Jewish nurses. It established institutions to take care of thousands of Jewish children who became war orphans or were separated from their parents during the war years. It helped Jewish schools on all levels. It assisted thousands of Jews to emigrate to the United States which had no immigration quotas at that time.

A most important achievement by the JDC in the early years of its relief work in Poland was the reconstruction of post-war Jewish economic life there by establishing more than 1,000 credit cooperative and loan ventures which granted low-interest loans to artisans and shopkeepers, enabling them to remain in business in the face of boycotts and harassments conducted by anti-Semitic Polish political parties after Poland won its independence. Poland was part of czarist Russia for generations until the end of World War I.

The JDC also played an important role in helping Jewish refugees from Nazi Germany before the Holocaust years as well as those in Nazi-occupied Poland and in other Nazi-held lands. The JDC helped Jews liberated from Nazi camps reach Palestine in great numbers as "illegal immigrants" when the country was under British administration and mercilessly refused to admit Jewish remnants of the Holocaust held in camps for displaced persons in liberated Germany and cared for by the American military authorities and JDC.

Few American Jews know of the magnificent homes the JDC established and maintained in Israel for sick and elderly survivors of the Nazi regime immediately after the proclamation of Israel as a Jewish state. They don't know of the role the JDC played in rebuilding the Jewish communities in Europe which the Nazis destroyed during the occupation years.

A review of the educational and health and welfare activities of the JDC in Israel and guidelines for the next five years in the field of health, education and social welfare were submitted to the annual meeting by Ralph Goldman, executive vice-president. Priorities for the immediate future were given in these guidelines to two areas—aid for the aged and child and youth health

The most important parts of the JDC annual meeting were, as always, reports on the relief activities of the organization in various countries during the current year and consideration of proposed programs for the next year. Of special interest were the reports on the aid the JDC provides for Jews in countries of Eastern Europe—Rumania, Hungary, Czechoslovakia, Poland and Yugoslavia—where the organization is permitted to operate through the Jewish communities there.

As a result of negotiations by the JDC, the Egyptian government agreed recently to permit JDC relief for Jews there.

LITHUANIAN INDEPENDENCE DAY NEARS

Mr. PERCY. Mr. President, 66 years ago this month, the independence of the Republic of Lithuania was proclaimed. In less than 3 weeks from today, on February 21, I will lead the Senate's annual commemoration of Lithuanian Independence Day, and I invite my colleagues to join in making their own statements at that time.

As I have done each year for more than a decade, I will welcome my friends from the Lithuanian community to join this commemoration by coming to Washington to observe the commemoration on the floor of the Senate. Americans of Lithuanian descent have been instrumental in keeping the plight of their friends and relatives in the homeland very much in our national awareness. And despite the restrictions placed on their freedom by the Soviet regime, Lithuanians in the homeland continue to affirm their national identity and their pride in their traditions.

I will have more to say during the morning hour on February 21.

TRIBUTE TO JIM RANGE

Mr. BYRD. Mr. President, this week marks an important turning point in the life and career of Jim Range, counsel to the majority leader. Effective this Friday, Jim will complete his service with the Senate, and take up his new responsibility as director of the Washington office for Waste Management, Inc.

For the last several years, in his capacity as counsel to the majority leader, Jim Range has helped to guide the Senate schedule, advised the majority on issues of both substance and schedule, and provided the majority leader with thoughtful and balanced counsel.

I know the majority leader will miss Jim Range's helpful advice and counsel. Those of us who have had the pleasure of working with Jim Range wish him well in his new pursuits.

Mr. President, I have nothing else. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS AND RECESS

Mr. BAKER. Mr. President, the time for the transaction of routine morning business has expired. I understand the minority leader has claimed his time under the standing order as previously reserved. We will recess at 12 o'clock under the order previously entered, which leaves less than 10 minutes. I think it would not be appropriate then to try to get back to the legislative business in the short time remaining. Therefore, I ask unanimous consent the Senate now stand in recess until the hour of 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

Thereupon, the Senate, at 11:50 a.m., recessed until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

EXCLUSIONARY RULE LIMITATION ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1764) to amend title XVIII to limit the application of the exclusionary rule.

The Senate proceeded to further consider the bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, it is my hope the managers will be here shortly and that we can finish this bill in a fairly prompt order this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the distinguished and able Senator from Maryland wishes to speak now at this time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, as the Senate takes up Senate bill 1764, I believe that it would be useful to focus our attention first not on the language of S. 1764 itself but on some even more fundamental language. That is the language of the Bill of Rights, the language of that amendment to the Constitution which guarantees the right to be free from unreasonable searches and seizures.

What does that language says? The fourth amendment to the Constitution of the United States reads as follows—and I shall be didactic enough to read it verbatim because it is so important. The fourth amendment to the Constitution of the United States says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

How do you enforce such a sweeping guarantee? How can citizens be assured that the promise made in the fourth amendment will be kept?

For the past 70 years the Federal courts have used one primary method of enforcing this right. The courts have forbidden the Government to use evidence obtained in violation of this right in order to convict a defendant of a crime against the United States.

The bill before us, Senate bill 1764, would reverse the consistent policy of more than two-thirds of a century.

Like most principles of constitutional law, this policy, which has become known in common parlance as the exclusionary rule, is not spelled out in the words of the Constitution. It is not embodied in any statute. It is not enunciated in any act of Congress. It results from judicial interpretation of the fourth amendment and from the responsibility of the courts to give force and life to the standards that it contains.

Since 1961, a period of more than two decades, the exclusionary rule has applied not only in the Federal courts but in every court in the land in which defendants stand accused of crime.

During all of those years Congress has never spoken on the wisdom or the lack of wisdom of the exclusionary rule. We have never said this is bad policy; we have never criticized the rule; and the courts have continued to observe it.

The bill before us would break that historic silence. It would put the Senate on record in opposition to the exclusionary rule.

It would in certain circumstances prohibit the Federal courts from excluding evidence obtained in violation of the fourth amendment.

In those circumstances it would authorize the conviction and the punishment of defendants in Federal court even if there is not sufficient legally obtained evidence to prove their guilt beyond a reasonable doubt. That would be a remarkable change in the administration of justice in this country.

The fourth amendment is a bulwark of the Bill of Rights. The fourth amendment has a very proud history, arising directly out of the events which gave birth to the Nation. But as important as it is, we should remember that it is not self-enforcing. In numerous cases the Supreme Court has held that the exclusionary rule is needed to give life to the fourth amendment and to enforce its protections.

That is why I would call the attention of Senators to the fourth amendment itself and that is why I believe that the central question before us is this: How can the right guaranteed by the fourth amendment be enforced? How can it best be enforced? How can it be made to protect all American citizens?

Now, the questions that are presented by this bill are very complex, very sensitive, and very difficult.

Only once in the whole long history of the exclusionary rule has the Senate ever undertaken a thorough examination of the rule and given careful consideration to the arguments for and against legislative modification. That examination took place in the Subcommittee on Criminal Law during the 97th Congress. At that time it was my lot to be the chairman of the subcommittee. We held a series of hearings, four in all, on the exclusionary rule, and we took the testimony of 12 panels of witnesses, a round dozen of panels, and compiled a hearing record of more than 800 pages. In my view, these hearings are sufficiently comprehensive to form the basis for responsible action on Senate bill 1764.

It is on the basis of this record, not my unsubstantiated views, not my inchoate thoughts on the subject, but on the basis of the hearing record of a dozen panels and of many witnesses—that I have concluded that this bill ought not to be enacted into law. I urge Senators to vote against it.

Now, my opposition to the bill is based on two reasons: First, I am not persuaded that the Congress has the authority under the Constitution to diminish the scope of the exclusionary rule. Second, even if it is admitted for the sake of the argument that the Congress has the constitutional authority, I do not think it would be wise, as a matter of policy, to enact a so-called good-faith exception to the exclusionary rule.

Now, for those who shrink from the sound of the human voice, I would say that I set forth my views rather fully in the report of the Committee on the Judiciary on Senate bill 1764, so at this point I will merely summarize those views.

Before we can even consider the policy question of whether we ought to modify the exclusionary rule, I think we have to confront the constitutional question of whether the legislative branch has the power to do so. In this regard, there is general agreement that the Congress, acting as the National Legislature, lacks the power to change the clear command of the fourth amendment, or to change the strictures against unreasonable searches and seizures. By placing the guarantee against unreasonable search and seizure in the Bill of Rights, our predecessors in the First Congress of the United States made certain that future Congresses could not undo what they had done.

Now I for one have no wish to undo what the authors of the Bill of Rights have done. I for one have no desire to amend the fourth amendment. I have no interest in weakening the protections for privacy and for personal security and for individual autonomy that the fourth amendment provides. I have confidence that the vast majority of Senators would feel the same way. But, in all candor, I wonder if the pro-

ponents of this bill are among that majority.

During the hearings in the 97th Congress and in the time that has elapsed since then, I have given very careful consideration to the argument against the exclusionary rule. I cannot avoid the conclusion that some of the rule's opponents are unhappy, not, Mr. President, with the rule, not with the courts' application of the rule, not with the effect of the rule, but with the fourth amendment itself. That is what their objection really is; it is with the fourth amendment.

I wonder if these proponents of Senate bill 1764 have lost sight of a basic fact. Very few of the costs to society that are ascribed to the exclusionary rule actually derive from the rule itself. If the exclusionary rule is the mechanism whereby the courts are deprived of relevant probative evidence of crime, then the real reason for the deprivation is not the rule. The real reason is the fourth amendment. Evidence excluded because it has been obtained in violation of the fourth amendment is generally evidence that the police would not have obtained had they obeyed the fourth amendment.

So what we see here is a very close relationship between the fourth amendment and the exclusionary rule that enforces it. That relationship suggests that we have to consider carefully what message we will send if we enact a law weakening the exclusionary rule. I think it is inescapable that the message will be that we wish to weaken the protection of the fourth amendment. I believe we have to think long and hard before we send that kind of message to the American people.

Of course, the question of sending messages is a secondary question. We have within recent days just been through the exercise of sending a message about our concern about the crime problem. But today we ought to talk about substance and not about shadow.

The most substantial issue that we have to address today is the constitutional status of the exclusionary rule. And that is not an easy question. In fact, the constitutional question is a difficult one.

The Supreme Court, in a whole line of cases culminating in Mapp against Ohio in 1961, settled on the exclusionary rule as the most effective available means for enforcing the fourth amendment guarantees. Reams of paper and rivers of ink have been devoted to the question of whether the exclusionary rule is a constitutional requirement. The question is whether it is part and parcel of the fourth amendment or whether it is something else.

Now, without directly addressing that question, the very extensive record developed in the hearings to which I have referred has convinced me that the Constitution requires at least some effective means of enforcement of the fourth amendment. The exclusionary rule, with all of the flaws that are credited to it, is one such means of enforcement. I believe that it cannot be eliminated—even with respect to unconstitutional searches conducted in "good faith"—without providing for another comparably effective remedy, an alternative. And to eliminate or weaken the exclusionary rule without providing an alternative would, in my view, be unconstitutional. Until I am persuaded that a comparably effective method exists to enforce the fourth amendment, I cannot support legislation to weaken the exclusionary rule.

So I lay that as a challenge before the proponents of Senate bill 1764. If they want to weaken or abolish the exclusionary rule, what alternative method of enforcement do they propose?

When we entered the Senate, every Senator took an oath to support and defend the Constitution of the United States. That obligation requires us to make an independent judgment of the constitutionality of this bill. I do not see how any Senator could support Senate bill 1764 unless he is satisfied that this bill would in no way detract from the protections accorded to all Americans by the fourth amendment of the Constitution.

Now on this question, the constitutional question, I think we have to exercise our own best judgment. Simply counting heads or tallying up the endorsements from experts of one kind or another, largely self-proclaimed, will not settle the question.

Nevertheless, I take some comfort in the fact that opponents of the bill have in their corner a distinguished authority on the law of search and seizure. I refer to the former Justice of the Supreme Court, Mr. Justice Potter Stewart. Justice Stewart retired in 1981 after more than 22 years of distinguished service as an Associate Justice of the Supreme Court of the United States. His tenure on the Court encompassed years of revolutionary change in the jurisprudence of the fourth amendment to the Constitution.

In 1961, which was 2 years after Justice Stewart joined the Court, the case of Mapp against Ohio was decided. The Mapp decision extended to the courts of the States the principle which had been applied in Federal courts for almost half a century: The exclusionary rule.

After Mapp, no court in the land was permitted to consider, in a criminal case, evidence which had been obtained in violation of the fourth amendment's prohibition against unreasonable searches and seizures.

In April 1983, Justice Stewart, who participated in so many of the seminal cases of fourth amendment law, delivered the Harlan Fiske Stone lectures at Columbia Law School in New York. His topic was "The Road to Mapp v. Ohio and Beyond: The Origins, Development, and Future of the Exclusionary Rule in Search and Seizure Cases."

For every Senator who wants to consider seriously the issue that is now before the Senate, I would commend the conclusive, dispassionate analysis that Justice Stewart made in those lectures.

For easy reference, I would point out that the lectures have been printed in the Columbia Law Review, volume 83, beginning at page 1365. I hope every Senator will quickly repair to the library to seek out those lectures.

One of Justice Stewart's lectures addressed the precise question which is before us today as we consider this bill. The title of the lecture delivered on April 27, 1983, poses the question, "Does the Constitution Require the Exclusion of Illegally Obtained Evidence?" Justice Stewart's observations are perceptive, wise and pertinent, and I think it would be useful to share some of them with my colleagues.

Justice Stewart begins, as I did, with the words of the amendment itself, and of the Bill of Rights as a whole:

> Standing alone, the Bill of Rights simply lists certain rights guaranteed to the people, as well as selected activities the federal government may not regulate, and others in which the federal government may not engage. It offers little guidance as to how these rights should be preserved or how violations should be remedied. Because the Fourth Amendment provides that the right to be free from unreasonable searches and seizures "shall not be violated," a person who learned that he was about to be the victim of such a search could refer directly to the words of the Fourth Amendment in seeking to have the violation enjoined. But that is the only instance in which the text of the Fourth Amendment suggests a remedy. Obviously, advance notice of an unconstitutional search or seizure is not often given. Thus, except in the rarest of circumstances, the Constitution does not explicitly prescribe one of the most important features of the right to be secure in one's person, house, papers, and effects: the sanction for violations of that right. But in my opinion, the Framers did not intend the Bill of Rights to be no more than unenforceable guiding principles—no more than a code of ethics under an honor system. The proscriptions and guarantees in the Amendments were intended to create legal rights and duties.

Those are the words of Justice Stewart the Senate should ponder as it considers this bill. He continues:

> The Bill of Rights is but one component of our legal system—the one that limits the government's reach. The primary responsibility for enforcing the Constitution's limits on government has, at least since the time of *Marbury* v. *Madison*, been vested in the judicial branch. In general, when law en-

forcement officials violate a person's Fourth Amendment rigths, their principal purpose is to obtain evidence for use in criminal proceedings. To give effect to the Constitution's prohibition against illegal searches and seizures, it may be necessary for the judiciary to remove the incentive for violating it. Thus, it may be argued quite forcefully that although the Constitution does not explicitly provide for exclusion, the need to enforce the Constitution's limits on government—to preserve the rule of law—requires an exclusionary rule. Viewed in this light, the exclusion of unconstitutionally obtained evidence is not a constitutional *right.* Rather, it is a right only in the sense that every remedy vests a right in those who may claim it.

In the *Weeks* case, Justice Day recognized that, without an exclusionary rule, the Fourth Amendment's guarantee against illegal searches and seizures may be rendered ineffective. (quote) "If letters and private documents can . . . be seized and held and used in evidence against a person accused of an offense, the protection of the Fourth Amendment . . . is of no value, and . . . might as well be stricken from the Constitution." (unquote). Similarly, that concern prompted Justice Holmes to state in the *Silverthorne* case that, without an exclusionary rule, the Fourth Amendment would be reduced to (quote) "a form of words." (unquote)

The opinions in the *Weeks* and *Silverthorne* cases were surely correct in saying that the Constitution and the rule of law require that the Fourth Amendment not be reduced to a mere form of words, virtually stricken from the Constitution. In my view, however, that fact does not necessarily require that one particular remedy—exclusion—be adopted. Instead, the Constitution requires only that there be some *effective* remedy to ensure that agents of the government obey the Fourth Amendment. Thus exclusion is constitutionally required only if, without it, there would be no adequate means to ensure that the government obeys the Fourth Amendment.

Now, Mr. President, that is the challenge that Potter Stewart issues to the Senate today. He says, "You do not have to have the exclusionary rule, but if you do not have it, you have to have something else."

My argument is that Senate bill 1764 does not provide anything else. It creates a vacuum. It creates a hole. In that last passage that I quoted from Justice Stewart, I think he put his finger on the question before us: If we weaken the exclusionary rule, what remedy do we provide in its place?

A very cursory perusal of Senate bill 1764 discloses the answer. It provides nothing. It provides no alternative remedy. It has no new answers.

We remit victims of fourth amendment violations to the remedies which exist apart from the exclusionary rule: in other words, the status quo, except for the remedy which the Supreme Court has found to be most effective to deter and punish violations of the fourth amendment.

The victims may ask, if we are to be relegated to the status quo, what does the status quo provide? Well, Justice Stewart discussed that at some length at Columbia University. I think his thoughts on that subject are well expressed and well worth reading, and I commend them to the Senators. I will not take the time at this moment to read them at length, but I will try to summarize his conclusions. He said:

In sum, the most "powerful" remedies, criminal prosecutions for willful violation of the Fourth Amendment and actions for injunctions against large-scale violations, are rarely brought and rarely succeed. Damage actions for Fourth Amendment violations serve the salutary objective of compensating all victims of Fourth Amendment violations in a manner and to a degree reasonably related to the harm resulting from the infringement. But damage actions are also expensive, time-consuming, not readily available, and infrequently successful. As a result, the deterrent effect of these actions can hardly be said to be great, since the prospect of a judgment for money damages is extremely remote.

Justice Stewart concludes:

Taken together, the currently available alternatives to the exclusionary rule satisfactorily achieve some but not all of the necessary functions of a remedial measure. They deter the grossest of violations, as well as Government policies that legitimate these violations. They compensate some of the victims of the most egregious violations, but they do little if anything to reduce the likelihood of the vast majority of fourth amendment violations.

Let me repeat Justice Stewart's words, "but they do little if anything to reduce the likelihood of the vast majority of fourth amendment violations"—

The frequent infringements animated by commendable zeal, not condemnable malice. For those violations, a remedy is required that causes the police officer to channel his enthusiasm to apprehend a criminal toward the need to comply with the dictates of the fourth amendment. There is only one such remedy.

Mr. President, these are not my words. These are the words of Potter Stewart.

There is only one such remedy, the exclusion of illegally obtained evidence. It was with that in mind that I wrote in the Court's opinion in the Elkins case that "the rule compels respect for the constitutional guarantee in the only effectively available way by removing the incentive to disregard it." I believed then and I believe now that the exclusionary rule is constitutionally required, not as a right explicitly incorporated in the fourth amendment's prohibitions, but as a remedy necessary to ensure that those prohibitions are observed in fact. Thus, although I did not join in the Court's opinion in the Mapp case, I agree with its conclusion that the exclusionary rule is necessary to keep the right to privacy secured by the fourth amendment from remaining an empty promise.

So spoke Potter Stewart, one of the greatest justices who in the history of this Republic has sat on the bench of the Supreme Court of the United States. He is a wise man, an experienced man, a thoughtful man, a learned judge. I ask the Senate today if it wishes to fly in the face of such an opinion.

(Mr. COCHRAN assumed the Chair.)

Mr. MATHIAS. I have already noted, Mr. President, that the constitutional issue before us is one as to which each Senator has an obligation, under the oath taken when we stood before the Chair and became Members of the Senate, to exercise judgment. I would suggest that our judgment will be supported and assisted by careful consideration of the arguments advanced by Justice Potter Stewart.

Before the Senate leaves the constitutional question at least for the moment, there are two points that I think deserve attention. The first concerns the fact that the exclusionary rule is what is often called judge-made law. It is not the product of a statute; it is not the organic law produced by a constitutional convention; it does not even appear in so many words in the text of the fourth amendment itself. It has simply been implied from the words of the amendment by the courts as a method of enforcing the Constitution, it has been implied from the requirements of the fourth amendment. The argument of the proponents of the Senate bill 1764 seems to be that the Congress can constitutionally modify or even abolish—if you can do one, you can do the other—the exclusionary rule because it is not explicitly set forth in the Constitution.

Now, I observed that the argument deserves attention. I am not suggesting that it deserves very much attention, but it deserves some attention because it betrays a misunderstanding of the process of constitutional adjudication. No one claims that the exclusionary rule appears within the four corners of the Constitution in explicit terms. But there are many bedrock principles of American jurisprudence, fundamental principles of American society, fundamental and basic principles of our constitutional system, that are implied and not explicit. And that does not mean that we are free to modify them or to abolish them in some whim at some changing point of history.

Take, for example, the principle that no criminal punishment may be imposed without proof beyond a reasonable doubt. Now, read, if you will, the Constitution from beginning to end, from the first word to the last word, and find for me, if you can, the words "proof of guilt beyond a reasonable doubt." Of course, as the distinguished Presiding Officer well knows, since he is a scholar, you will search in vain, because those words do not appear in the Constitution. But does that mean Congress has the authority to pass a statute, to enact a law, which says that henceforth guilt need only be proved by a preponderance of the evidence?

Just introduce such a bill and see what response you get.

Or, Mr. President, what about the principle that counsel must be provided for indigent defendants if a prosecution may result in conviction and a sentence to imprisonment? Is there any Senator who can point to that principle set forth in specific words in the Constitution? Look as you will, you will look in vain. But does that mean that this Congress has authority to enact a law that directs the courts not to bother about appointing counsel for indigents in criminal cases? Is there any Senator under that delusion? Of course, Mr. President, as you well know, we cannot. Under the Constitution we have no authority to do either one of these things. We cannot abrogate these guarantees, which are I think accurately described as constitutional guarantees, even though they do not appear is so many words within the four corners of that great document we call the Constitution.

Now, the proponents of Senate bill 1764 argue that those examples refer to what they call substantive guarantees. We are talking here about remedies. Senate bill 1764 would not change the substantive content of the fourth amendment. It simply addresses the means by which it is enforced, the way in which violations are remedied. That is the way their argument goes.

Well and good. Well and good. Leave to one side the question of whether the distinction is really as clear cut as that. A good argument could be made that the elimination of the exclusionary remedy will in practice shrink the area of substantive protection under the fourth amendment. But let us assume with the sponsors of the bill that only remedy is involved here. Does that mean that the Congress then is free to modify or eliminate other remedies that the courts have implied for the enforcement of constitutional rights? Look again at the question of appointing counsel for indigent defendants. The courts have implied a remedy for violations of the sixth amendment in that area: Convictions obtained in violation of the right-to-counsel guarantee must be reversed. Prior convictions which were obtained without appointing counsel cannot be used to increase punishment in a later case.

Now, suppose the Congress is unhappy with this remedy. Could we pass a statute that provides that henceforth no defendant who has been convicted without the benefit of counsel in violation of the sixth amendment would have his conviction reversed? Could we pass a statute that would send an uncounseled defendant to prison or to the electric chair or to the gas chamber because we disagree with the remedy that has been crafted by the courts?

I do not believe a single Senator today would make that contention.

Now, would it make any difference if we went beyond what Senate bill 1764 proposes and we provided some alternative remedy? What if we were to say that uncounseled defendants could not have convictions reversed, but would have a civil cause of action for damages flowing from the violation of sixth amendment rights? If we adopt Justice Stewart's reasoning, perhaps that approach would be constitutional, if the civil action was comparably as effective as the threat of reversal in enforcing sixth amendment rights. This example may help to put the issue before us in some perspective. I think we have to look long and hard at any proposal to improve on the remedies for constitutional violations which the courts have already crafted. And with respect to a bill such as Senate bill 1764, which would in certain cases eliminate the only remedy which the courts have ever deemed to be effective, we have to conclude that this bill is unconstitutional. And that conclusion is not affected in the least by the fact that the exclusionary rule is not written into the Constitution.

Enactment of this bill would set a dangerous precedent. The remedies implied for violation of any constitutional right—and, indeed, much of the content of the right itself—would be in peril. Would the enactment of a good-faith exception to the policy which remedies violations of the fourth amendment pave the way for good faith exceptions in other areas? Will we next leave without a remedy the victims of good faith violations of the first amendment?

"I just, in good faith, closed down your newspaper." Or, "I just, in good faith, made a mistake and closed down your church." Or, "I, in good faith, told you that you could hold a political rally. I did it all in good faith. I really felt there was something wrong." Or, "The fact that your paper was not published is just too bad. I did it in good faith, so don't worry about it." Or, "I violated the fifth amendment or the sixth amendment, but I did it in good faith, so don't worry about it."

I think if we slip down that slope, there is no telling where we will end. What would then be left of the constitutional guarantees, once we move off in that direction?

Finally, we need to remember the crucial role of the Supreme Court. The Court has its admirers and its critics. But, under our system of constitutional law, the Court is the ultimate arbiter of rights and remedies. Without question, the Court has the power to modify the exclusionary rule in the manner desired by the proponents of S. 1764.

In the 1961 case of *Mapp* v. *Ohio* (367 U.S. at 650), and in both earlier and later cases, the Supreme Court has spoken most emphatically, holding that the remedy of evidentiary exclusion is an "essential ingredient" of the right guaranteed by the fourth amendment. See also *Wolf* v. *Colorado* (338 U.S. 25, 27-29 (1949)). The Court has had countless opportunities in the 23 years since Mapp was decided to overrule or modify that decision, to change its interpretation of the fourth amendment. It has never chosen to do so.

But the Court may change its collective mind. That, in fact, is precisely what the Justice Department is asking the Court to do in this very term. The constitutional controversy in which we are now embroiled may be settled by the Court within the next few weeks or months. Under these circumstances, I ask the authors of this bill, Is it not pointless for us to grope about in the dark on these questions, when illumination may be close at hand?

The Supreme Court has agreed to review three cases that present questions that bear directly on the constitutional basis for S. 1764. One of these cases has been mooted by the death of the defendant. But the Court recently heard oral argument in the other two cases.

In the case of *Massachusetts* v. *Sheppard* (No. 82-693), the Court is being asked to decide "whether the Supreme Judicial Court of Massachusetts erred in refusing to recognize a good faith exception to the exclusionary rule."

More significantly, the Court granted the petition of the Solicitor General of the United States in the case of *United States* v. *Leon* (No. 82-1771), raising the following issue:

> Whether the Fourth Amendment exclusionary rule should be modified so as not to bar the admission of evidence seized in reasonable, good-faith reliance upon a search warrant that is subsequently held to be defective.

The question is precisely the one which must be answered before we can act responsibly on legislative proposals to change the exclusionary rule. Although the Justice Department is certainly entitled to proceed simultaneously in both the legislative and judicial arenas in its quest for a change in the exclusionary rule, commonsense dictates that we wait for the Court's decision on the essential constitutional question before we act.

However, let us put aside these constitutional questions for a moment and focus on the words of the bill before us. Also, let us assume—which I find very difficult, but let us do it for the moment—that the position taken by the proponents of the bill is, in fact, the correct one. Let us assume that we have the power under the Constitution to enact a good faith exception to the exclusionary rule.

Then we are forced to turn to another set of questions: Is the good faith exception good policy? Assuming that we have the power to enact this bill, should we, as a matter of wisdom and judgment, enact it?

This question was among those posed by the Subcommittee on Criminal Law of the Committee on the Judiciary to the numerous experts who testified on the exclusionary rule during the 97th Congress. Most of those witnesses, even those who sharply criticized the exclusionary rule as it now exists, answered that the good faith exception proposed by this bill was a bad idea. They said that the good faith exception was a bad idea.

Few critics of the exclusionary rule have presented a more detailed and knowledgeable analysis of the perceived shortcomings than Prof. Steven R. Schlesinger, who is presently the Director of the Bureau of Justice Statistics. Professor Schlesinger told the subcommittee that the enactment of a good faith exception "would build an unsatisfactory halfway house between the retention and abolition of the rule."

Judge Malcolm Wilkey, who eloquently presented the case against the exclusionary rule in the subcommittee, also spoke of the good faith exception. He characterized it as a compromise between the status quo and abolition of the rule. He observed:

> Unlike many compromises, this is the kind of compromise which may be as disastrous as trying to make the Grand Canyon in two jumps.

That is a rather vivid metaphor.

The full committee has disregarded this candid advice from those who share the majority's distaste for the exclusionary rule as currently applied. Instead, the committee has reported to the Senate a bill that would leave us, if we want to extend the metaphor suggested by Judge Wilkey, with both feet firmly planted in midair and looking down about 5,000 feet to where we are about to drop.

There are several reasons to believe that the good faith exception approach to exclusionary rule reform is unsound on policy grounds. One of these objections stands out in the testimony of the witnesses before the subcommittee. A good faith exception will do nothing to clarify the confusion and uncertainty that, the proponents tell us, now plagues the law of search and seizure. On the contrary, as Professor Schlesinger has pointed out, recognition of the exception "virtually guarantees years of trial and appellate litigation focusing on what constitutes good and bad faith violations."

The bright line tests that have proven so elusive to the courts would recede even farther into the distance.

Judge Wilkey has testified that the routine filing of suppression motions by defendants in criminal cases "is the heart of the burden [imposed] on the judicial system" by the exclusionary rule. In his view, this is true even though the vast majority of such motions are denied, and very little evidence actually is suppressed. Adoption of the good-faith exception would have some effect on the already lopsided win-loss record of the Government on these motions, but it would not relieve the courts of their burdens in the slightest degree.

In fact, there is good reason to believe that S. 1764, far from clarifying fourth amendment law, will actually worsen the confusion.

I have explained at length, in my minority views to the committee report, why I fear this consequence, and I will not repeat that argument here. Instead, I would like to turn to the specific provision of S. 1764 which concerns searches conducted pursuant to a warrant.

In Senate bill 1764, we find not only the creation of a good faith exception in the field of search and seizure generally, but also a definition of one circumstance in which the court must apply the exception.

When a search is conducted pursuant to a warrant, which was not obtained through intentional and material misrepresentation, S. 1764 would forbid suppression of the evidence obtained by the search unless, as the report puts it, the defendant can "affirmatively demonstrat[e] bad faith," not the absence of good faith, but bad faith.

The proponents of the bill clearly intend to deprive the court of the power to exclude such evidence even if the warrant was improperly issued because the facts underlying it did not amount to probable cause.

It is hard to imagine a provisions that conflicts more directly with the language of the fourth amendment, which declares that:

> No Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place top be searched, and the persons or things to be seized.

The force of this crucial part of the amendment would be considerably diminished were Congress to bar any effective review of the magistrat's decision to issue a warrant. Enactment of S. 1764 would bestow upon the magistrate's ruling just such a mantle of unreviewability.

The effect of the adoption of this blanket good faith exception for warrant cases would be to confer on the decision of a magistrate a sort of finality that is nearly unprecedented in our legal system. The magistrate's decision could be reviewed on appeal only where the defendant or the victim of the search could claim bad faith or misrepresentation.

We all know that this standard will reduce appellate review to a bare minimum. We know this, without being told. We know it as a matter of experience.

The Senate, for example, does not traffic in bad faith or in misrepresentation, but we all know that the Senate as a body, and I should add individual Senators as well, sometimes make decisions that are just plain wrong, that are mistaken. In this respect I do not think that magistrates are any different from the Senate. They may sometimes, without being guilty of bad faith and misrepresentation, be mistaken. They may be in error.

There will probably be few cases in which these officers misapply the strictures of the fourth amendment, but I am confident that there will be almost none in which errors arise from bad faith or misrepresentation. The protections which S. 1764 leaves in place to enforce the warrant clause are a very thin reed to lean on.

This provision of S. 1764 may not make a great deal of practical difference. The standard of review of magistrate's decisions on warrant applications is already quite deferential—and properly so. But, once again, this bill sets a precedent that could be perilous. If the decisions of State and local magistrates, many of whom are laymen without expert legal training, cannot be reviewed on the merits, then the command of the fourth amendment that "no warrant shall issue" would have a very hollow ring.

Justice Robert Jackson has observed, with regard to the Supreme Court, that "we are not final because we are infallible, but we are infallible only because we are final."

Our legal system is uncomfortable with the idea that the decision of one court should be unreviewable by any power in the universe. Because the buck has to stop somewhere, we have a Supreme Court which does have the last word, which is "infallible because it is final."

The blanket warrant exception of S. 1764 would confer the same status on hundreds of U.S. magistrates, and, if the States pick up the cue, which they certainly are likely to do, on thousands of local magistrates in every corner of the land. These magistrates, however dedicated, however honest, however acting in good faith, are simply not infallible, and their decisions should not, Mr. President, be final. There is simply no justification for any change in the current practices with respect to judicial review of decisions upon application for search warrants.

With respect to the good faith exception, one final point must be mentioned. The institution of such an exception is, in my view, certain to

retard the development of the law of search and seizure. Under S. 1764, once the good faith of the police officer has been determined, the legality of his conduct under the fourth amendment is irrelevant to the prosecution before the court. It is fanciful to believe that our already overburdened Federal judges will take these opportunities to reach beyond their constitutional jurisdiction and render advisory opinions on whether or not the police conduct also violates the fourth amendment. Accordingly, the increased specificity which results when the fourth amendment's precepts are applied to particular facts will be lost.

This stunting of fourth amendment jurisprudence is particularly worrisome because the challenges to the fourth amendment have never been greater. In the year 1984, it should not be necessary to speak to this issue, certainly not at any great length. The rights embodied in the fourth amendment are being sorely tested by the rapid development of computer and communications technology. New questions about the legitimate limits of privacy claims are abounding. The duty to enforce the law and the right to be let alone are clashing on new and strange battlefields of whose contours I must say I think we are only dimly aware.

No better expression of this challenge can be found than the words of Justice Louis Brandeis, dissenting in the seminal case of Olmstead against United States, in 1927. Quoting a phrase from an earlier decision, Justice Brandeis wrote:

> But "time works changes, brings into existence new conditions and purposes." Subtler and more far-reaching means of invading privacy have become available to the Government. Discovery and invention have made it possible for the Government, by means far more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet.
>
> Moreover, "in the application of a constitution, our contemplation cannot be only of what has been but of what may be." The progress of science in furnishing the Government with means of espionage is not likely to stop with wire-tapping.

These were prescient words, Mr. President:

> Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts and emotions. "That places the liberty of every man in the hands of every petty officer" was said by James Otis of much lesser intrusions then these. To Lord Camden, a far slighter intrusion seemed "subversive of all the comforts of society." Can it be that the Constitution affords no protection against such invasions of individual security?

Of course, Justice Brandeis' predictions have come to pass. The electrical impulses in computer memory, in high-speed data links, include, among other things, expressions of our thoughts and emotions, and all the other information which the fourth amendment seeks to protect. The means of disclosing these in court are at hand. The new technology presents new ways of committing crime, and new ways of detecting crime; but it also presents new frontiers for the right of privacy which is so central to our democratic society.

How do we answer Brandeis' question? Can it be that the Constitution affords no protection against such invasions of individual security? Surely it can be just that. It can be that the fourth amendment will not protect our privacy in the new information age, if we undermine the remedy—the only effective remedy—which the courts have ever found to enforce that provision of the Bill of Rights. It can be that the fourth amendment will fail to meet the new challenges presented, if we retard the development of search and seizure law by removing the opportunity for further judicial interpretation.

No thoughtful person can be entirely satisfied with the status quo in the law of search and seizure. The fourth amendment is clear and concise, but its application by the courts has sometimes been confusing. Courts sometimes appear to exclude evidence for reasons that may exalt form over substance. And surely there are some cases in which the central cost of the exclusionary rule—the suppression of probative evidence of crime—exacts a high price from society. Undeniably some defendant who have committed serious crimes are freed because, in Cardozo's famous phrase, "the constable has blundered."

But the proponents of change in the exclusionary rule have painted a far gloomier picture of the current situation than the facts warrant. Accordingly, it may be useful to consider what will or will not happen if we leave the rule alone.

First, to dispose of the claims of some of the more intemperate partisans of this legislation, the crime rate will not increase as a result of inaction in this area. There is simply no evidence of a connection between crime rates and the application of the exclusionary rule.

Second, while some defendants will be acquitted because there is not sufficient legally obtained evidence to prove their guilt beyond a reasonable doubt, their numbers will be very small, and, in the case of violent crimes against the person, minuscule.

Third, the exclusionary rule is unlikely to be applied with indiscriminate liberality—at least not while the current Supreme Court sits. As the majority points out, the Court over the past decade has refused to expand the scope of the exclusionary rule, has cut back on its application in some areas, and may, in the current term, recognize some sort of good faith exception. Furthermore, this Court has been far more zealous than its predecessors in its willingness to review and reverse more expansive State court applications of the exclusionary rule.

Fourth, the law enforcement officers of the Federal Government will not be hampered in their ability to detect and solve crimes against the United States. To the extent that their ability to search persons and places and to seize property will be restrained, the restraint will derive, not from the exclusionary rule, but from the fourth amendment to the Constitution, a provision which is beyond the power of the Congress to amend or repeal.

Finally, if we decline to weaken the exclusionary rule, we will reaffirm our commitment to the right of our people to be free from unreasonable searches and seizures, and to the fundamental charter from which that right derives.

Some of the witnesses before the Subcommittee on Criminal Law pointed out that no other country systematically denies the Government the power to fine or imprison citizens on the basis of evidence resulting from illegal Government intrusion on the citizen's privacy. This does not impress me as an argument against the exclusionary rule. It strikes me more as a testament to our Nation's commitment to restraining the power of Government, even though that restraint has a cost. Perhaps no other nation so deprives the Government of the benefit of illegally obtained evidence because no other nation is so dedicated to the privacy, autonomy, and liberty of the individual.

Justice Robert H. Jackson was one of the most distinguished prosecutors ever to serve on the Supreme Court. Mr. Justice Jackson, writing in 1947, observed that the fourth amendment—

> like each of our constitutional guaranties, often may afford a shelter for criminals. But the forefathers thought this was not too great a price to pay for that decent privacy of home, papers and effects which is indispensable to individual dignity and self-respect. *Harris* v. *United States,* 331 U.S. 145, 198 (dissenting opinion).

Former Justice Potter Stewart takes a similar view:

> The inevitable result of the Constitution's prohibition against unreasonable searches and seizures and its requirement that no warrant shall issue but upon probable cause is that police officers who obey its strictures will catch fewer criminals. That is not a political outcome impressed upon an unwilling citizenry by unbeknighted judges. It is the price the Framers anticipated and were willing to pay to ensure the sanctity of the person, the home, and property against unrestrained governmental power.

If we are no longer willing to pay this price to protect our individual liberties, then we should amend our Constitution. But if we remain dedicated to the principles of that charter, then we should reject the legislation before us.

Mr. President, I have to conclude that on grounds of both constitutional law and on grounds of policy, we must defeat this bill and I ask Senators to vote against it.

Mr. SPECTER. Mr. President, at the outset, I compliment my distinguished colleague from Maryland for a very erudite presentation.

Just as the Senator from Maryland (Mr. MATHIAS) has congratulated Mr. Justice Stewart, so too it would be appropriate to invoke those accolades on the outstanding presentation just made by Senator MATHIAS.

I had occasion, as a member of the Criminal Law Subcommittee, to sit with Senator MATHIAS on some of those hearings to which he referred and to observe his chairing those hearings. I think that the presentation he has just made is in the finest tradition of this body.

Mr. President, in rising to speak today on S. 1764, I would also like to compliment other of my colleagues, the distinguished chairman of the Judiciary Committee, the Senator from South Carolina (Mr. THURMOND) who has done such an outstanding job in the crime package; the distinguished Senator from Nevada (Mr. LAXALT) and the distinguished Senator from Utah (Mr. HATCH), who have worked on the Committee on the Judiciary in bringing forth this bill.

I must disagree with their conclusions in sponsoring S. 1764, however, and I intend to vote against the bill for reasons that I am about to outline.

In so doing, I consider my concern for law enforcement in this Nation second to none, based on the experience that I have had in some 14 years in law enforcement, including two terms as District Attorney in Philadelphia, the work that I have done on the President's Commission on Criminal Justice Standards and Goals, and for the past 3 years on the Committee on the Judiciary.

Mr. President, just as there must be a concern for law enforcement, so too there must be a concern for upholding the Constitution and the constitutional right to freedom from unreasonable searches and seizures and the other mandates of the fourth amendment.

The logical starting point from analysis of S. 7164, I would submit, is the fourth amendment itself which provides that:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Too often I believe we fail to refer to the amendment itself and the document itself in question. It is my opinion and my judgment that the amendment speaks of prohibition against warrants without probable cause, not of the good faith of a police officer in stating probable cause, but rather in absolute terms that there must be probable cause before a warrant shall issue. And that means a statement of fact which establishes probable cause, not what a police officer may believe in good faith to be a statement of fact which would establish probable cause.

Similarly, in the clause on unreasonable searches and seizures, a reasonable search and seizure depends upon the establishment of probable cause, not what someone may think, good faith or not, as to what constitutes probable cause.

It is my view, Mr. President, that law enforcement has accommodated the exclusionary rule. Were this debate to have been held in 1961, immediately after the decision in Mapp against Ohio, or perhaps in 1914, after the decision in United States against Weeks, it would have been a timely debate and a timely addressing of this issue.

I was not on the scene after the Weeks decision, so I cannot speak directly to the situation at that time. But I was an assistant district attorney in 1961 and I remember well the day that Mapp against Ohio came down. It caused widespread consternation in the criminal courts on a daily basis. The initial reaction in Pennsylvania was one of dismay.

If I may, Mr. President, I would like to cite very briefly from an article which I published in the University of Pennsylvania Law Review, volume 111, No. 1, of November 1962.

I ask unanimous consent at this time to include very limited portions of the article in the CONGRESSIONAL RECORD, realizing the cost involved.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mapp v. *Ohio*: PANDORA'S PROBLEMS FOR THE PROSECUTOR

(By Arlen Specter)*

Police practices and prosecution procedures were revolutionized in many states by the holding of the Supreme Court of the United States in *Mapp* v. *Ohio* that evidence obtained from an illegal search and seizure cannot be used in a state criminal proceeding.[1] The experiences of law enforcement officials in Philadelphia and recent decisions of many state appellate courts indicate that the imposition of the exclusionary rule upon the states is the most significant event in criminal law since the adoption of the fourteenth amendment. In the past quarter century state criminal procedures have frequently been affected by the expanding interpretation of the due process clause of the fourteenth amendment; but *Mapp* has rewritten the criminal trial treatise for states which had admitted evidence regardless of how it was obtained.

Extreme consequences have been experienced in former nonexclusionary jurisdictions. The Annual Report of the New York City Magistrates' Courts disclosed that gambling cases dropped thirty-five percent in the year following the ruling in *Mapp*, a statistical change which is attributed to that decision.[2] A similar result has occurred in Philadelphia, although specific figures are not available. According to the New York report, the larger number of warrants necessitated by the new ruling has so substantially increased the work of the magistrates' courts that a separate division will probably be required.[3] In Philadelphia the trial courts, as well as the magistrates' courts, have been inundated by the flood of problems on warrants and motions to suppress resulting from *Mapp*.

The initial reaction in the Pennsylvania courts was one of dismay. The Superior Court characterized. *Mapp* v. *Ohio* as a "hurricane" which "swept over our fair land last June." One Philadelphia trial court judge was so surprised by the *Mapp* holding that he said it applied only to Ohio as far as he was concerned until the Pennsylvania appellate courts told him otherwise. Another Philadelphia County judge, when first confronted with Mapp, refused to follow it, reasoning that the new interpretation came from a divided court, and he agreed with the dissenters. A distinguished Pennsylvania jurist and author on criminal procedure questioned "the logic of or the justification for *Mapp*."

In the first days after *Mapp*, law enforcement officials in Philadelphia were uncertain as to what course to take. Policemen, who for years had presented their evidence in court without any regard to how it had been obtained, could not understand the subtleties of what constituted a legal search and seizure. When some Philadelphia trial judges applied principles from liberal federal decisions on search and seizure, the vice-squad detective and the policeman on the beat could understand neither the logic of what had been decided nor the formula for how to act in the future in order to obtain admissible evidence. One enforcement officer of the Pennsylvania Liquor Control Board turned a phrase on a century old case and called the new national exclusionary rule the "dread Mapp decision."

The defense bar shared in the confusion, but not in the gloom. Cases which appeared hopeless in May of 1961 were won in July, when key evidence was excluded because "the constable had blundered." Within three months after *Mapp* was decided, the Philidelphia District Attorney's Office circulated a twenty five page memorandum on the law of search and seizure. While the analysis of cases in the federal courts and the exclusionary states was of some assistance, the memorandum was too long and

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[1] 367 U.S. 643 (1961).

[2] N.Y. Times, July 16, 1962, page 1, col. 2.

[3] *Ibid.*

complicated for the police to digest and too short and shallow to provide answers for the vast majority of problems faced by the Philadelphia trial courts in their efforts to reconcile *Mapp* with the administration of justice in a metropolis faced with major problems of law enforcement.

The avalanche of search and seizure cases since *Mapp* has produced procedures and principles of law to guide those states which once admitted unconstitutionally seized evidence. Many state appellate courts sought to interpret the effect of the new federal rule on their state practices. The crucial impact of *Mapp*, however, has doubtless been felt in the trial courts and at preliminary hearings in magistrates' courts. Only a small percentage of trial court decisions are reported and, except for scattered observations on magistrates' actions in preliminary hearings, the experience at that level is virtually totally lost.

It is unfortunate that the search and seizure case law at preliminary hearings and in the trial courts cannot be comprehensively catalogued in order to provide precedents for future decisions, and even more importantly, to serve as a basis for evaluating the policy and social justifications for a far reaching decision like *Mapp* v. *Ohio*. That decision might be reconsidered if sufficient recorded experience were available to illuminate the practical day-by-day consequences of the exclusionary principle.

To shed some light on *Mapp*'s impact on law enforcement in a major city and state which had formerly admitted evidence regardless of the method of seizure, this Article will concentrate on the grass-roots experience in Philadelphia and the reaction, in oral argument as well as written decision, of the Pennsylvania appellate courts. Such an analysis is possible because the Appeals Division of the Philadelphia District Attorney's Office has handled the search and seizure problems as they arose on pretrial motions as well as in appellate arguments. The composite picture shows an evolving state common law on such issues as: what constitutes a reasonable search; the effect of consent on eliminating the need for probable cause; the required contents of a search warrant; and the procedure for raising objections based on *Mapp*.

Mr. SPECTER. But as I noted at that time, the initial reaction in the Pennsylvania courts was one of dismay. The superior court characterized Mapp against Ohio as a hurricane which swept over our fair land last June. One Philadelphia trial court judge was so surprised by the Mapp holding that he said it applied only to Ohio as far as he was concerned until the Pennsylvania appellate courts told him otherwise. Another Philadelphia county judge when first confronted with *Mapp* refused to follow it, reasoning that the new interpretation came from a divided Court and he agreed with the dissenters. One law-enforcement officer of the Pennsylvania Liquor Control Board turned a century-old phrase and called the new national exclusionary rule the "Dred Mapp decision."

There was great dismay in Pennsylvania and I think across the Nation at that time. Had the Congress sought to cure or alter the situation then, I would suggest that it might have been very timely indeed.

It is my judgment that law enforcement has now accommodated itself to the decision of the Supreme Court of the United States in the decisions of Mapp against Ohio and Weeks against United States.

I would refer to the famous quotation from Justice Oliver Wendell Holmes when he wrote in "The Common Law" back in 1881 that, "The life of a law has not been logic: it has been experience." That is as true today as it was 103 year ago when Justice Holmes first wrote it. Our experience has been that law enforcement has indeed become accommodated to the exclusionary rule.

I would point, Mr. President, to the 1979 General Accounting Office study of some 2,804 cases in 36 U.S. attorneys' offices around the country, which found that the exclusionary rule had a low impact on prosecutors. In only four-tenths of 1 percent of the cases did the U.S. attorney decline to prosecute a case primarily because of search and seizure problems. Overall, the evidence was excluded in court on fourth amendment grounds in only 1.3 percent of the cases. Fourth amendment motions were filed in 10 percent of the cases; where filed, 80 percent of those cases were granted an evidentiary hearing on the motions; and the motions were denied in 85 percent of the cases.

Similarly in 1982, the National Institute of Justice made a study of felonies in the California State courts from 1976 through 1979 and found only a slightly greater impact from the exclusionary rule. Overall, 4.8 percent of all cases declined for prosecution were declined because of search and seizure problems; 3.7 percent of all court dismissals of felonies were for search and seizure reasons, and a breakdown showed a large number involved drug charges, 71.5 percent, robbery only 2.1 percent, rape only 3 percent, and murder just 1 percent.

From my one experience in law enforcement, including the job of district attorney in Philadelphia, I know that after we distributed an extensive memorandum on the subject, reviewed with police officers, held lecture sessions after evidence was presented, and screened cases, we were able to comply with the requirements of the Mapp decision.

As I noted again in the law review article in 1962:

[T]he police have been seriously handicapped by the exclusionary rule in the first year after *Mapp*. The right to privacy has not been significantly promoted during that time since the police have not fully understood and hence not fully complied with the *Mapp* rule. Initially, the only beneficiary has been the acquitted criminal. But in the future it is probable that altered police practices will enhance the right of privacy and the police should learn to function reasonably well within the confines of the exclusionary rule.

It is my judgment now, Mr. President, some 22 years later, that the police have learned to function within the confines of the exclusionary rule.

It is also my view that were S. 1764 to be passed, there would be a significant loss of privacy; that the benefits which have been gained would be significantly lost; the Congress of the United States would be attempting to alter the decisions of the Supreme Court of the United States; that police would inevitably conclude that they could cut back on the care that they exercise to enter homes, to enter automobiles, to enter buildings of all sorts, and on procedures and practices used to stop people on personal searches and seizures. That would be unwise and an unwarranted retrogression of the law of privacy.

I would submit further, Mr. President, that is is wise in our society to leave this issue within the purview of the Supreme Court of the United States, as Congress has chosen to do for the past 23 years since the Mapp decision. As noted by Senator MATHIAS, and I shall not repeat much of what he said, there are cases now pending before the Supreme Court of the United States, argued less than a month ago on January 17, 1984, which pose this issue of the good-faith exception. It is a matter of considerable controversy and subject to extensive debate whether the Court or the Congress is better equipped at this stage to make the essential judgments as to whether the good-faith exclusion ought to be made.

My own judgment is that the Congress, as the legislative body, does have the paramount determination on public policy questions, but that in a case like this one, where the Congress has deferred to the Court for so long, and the Court has engaged in such extensive discussions and analyses on the exclusionary rule, it is better practice at this time to leave this issue to the Court.

Congress might take congressional notice, so to speak, of the current conservative nature of the Supreme Court of the United States. If it is wise to alter the exclusionary rule with the good faith exception, can expect the more conservative Court to enter that sort of a judgment. This is not the same Court which decided Mapp in 1961 followed by Escobedo, followed by Miranda, followed by Gault, in a range of decisions by the Court which expanded rights at that time, but rather this is a Court with a very strong bent for a conservative approach. Their analysis has been very extensive indeed.

In closing, Mr. President, I think it useful that the brief comments of Mr. Justice Stewart directed to the good

faith exception as part of this Harlan Fiske Stone lectures, reprinted in a few pages in the Columbia Law Review, be printed in the RECORD at this point. I ask unanimous consent that these few pages, less than 5 pages, be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

THE GOOD FAITH EXCEPTION

The most hotly debated means by which the exclusionary rule could be modified would be "not to require the exclusion of evidence obtained in the reasonable belief that the search and seizure at issue was consistent with the Fourth Amendment." That is the issue on which the Supreme Court last Term invited and heard reargument in the case of *Illinois* v. *Gates*. A version of this so-called "good faith exception" was adopted by the United States Court of Appeals for the Fifth Circuit in *United States* v. *Williams*, and by Justice White, concurring in the judgment in Gates. The Attorney General's Task Force on Violent Crime has endorsed such an exception. During the last session of Congress, the Subcommittee on Criminal Law of the Senate Committee on the Judiciary held hearings on legislation that would create such an exception, and similar bills have been introduced in the 98th Congress.

The argument in favor of the good faith exception rests on three premises. First, under *Calandra* and its progeny, exclusion is required only where its deterrent effects outweigh its costs. Second, when a police officer acts with reasonable, but mistaken, belief that his conduct is consistent with the requirements of the fourth amendment, the rule's deterrent purpose would not be served by exclusion, because, by hypothesis, the police officer acts in a manner that should not be discouraged. Third, exclusion frequently results in the freeing of the guilty—by general agreement a terrible social cost—and therefore exclusion should not be required where the police officer reasonably believed his actions were constitutional.

Opponents of the good faith exception have taken issue with all three of these premises. On the first point, they argue that—contrary to the language in the *Calandra* opinion calling for a careful weighing of costs and benefits—the use of illegally obtained evidence at trial is itself a violation of the fourth amendment. In addition they seek to revive the now dormant "imperative of judicial integrity" as an independent basis for exclusion.

Most of the opponents' arguments, however, are directed at the second premise—that the rule's deterrent purpose would not be served by excluding evidence seized by a police officer acting with the reasonable, but mistaken, belief that his conduct was consistent with the fourth amendment. Critics of the proposed point out—correctly, in my view—that the exclusionary rule is not designed to serve a "specific deterrence" function; that is, it is not designed to punish the particular police officer for violating a person's fourth amendment rights. Instead, the rule is designed to produce a "systematic deterrence"; the exclusionary rule is intended to create an incentive for law enforcement officials to establish procedures by which police officers are trained to comply with the fourth amendment because the purpose of the criminal justice system—bringing criminals to justice—can be achieved only when evidence of guilt may be used against defendants. Adopting a good faith exception, opponents argue, would put a premium on ignorance and would reduce the incentive for police departments to train their officers to comply with the fourth amendment.

With respect to the third premise, that the benefits of the good faith exception outweigh its costs, opponents of the proposal argue—again, correctly in my view—that adopting it would have a profound symbolic effect on the public's, and more importantly the police's, perception of the Court's commitment to enforce strictly the requirements of the fourth amendment. They also argue that the adoption of the good faith exception would prevent the courts from resolving recurring questions about the proper interpretation of the fourth amendment, since there would be no need to address the question of whether an officer's actions were constitutional so long as they were "reasonable."

In my view there are a number of additional problems with the proposals for a good faith exception now under discussion. First, in many instances, reasonable mistakes by law enforcement officials are already tolerated by the fourth amendment. In recent years the Supreme Court has held that allegations of negligent falsehood or innocent mistake of fact are insufficient to set aside a search warrant and that reliance on a substantive criminal statute later held unconstitutional does not dissipate a finding of probable cause. Thus, if the officer's reasonable belief in the constitutionality of his actions is mistaken only because it is based on an erroneous view of the facts or of the criminal statutes to be enforced, and not on an erroneous view of what the fourth amendment requires, I am not sure that his conduct can be said to violate the fourth amendment at all. However, if the proposal is to tolerate searches and seizures where, despite the deference given to the magistrate's determination, a reviewing court cannot conclude that the police officer had probable cause—even while giving the officer the benefit of the doubt where he reasonably relied on a mistaken view of the law or the facts—it approaches the "subjective" good faith approach condemned by the Supreme Court nearly twenty years ago in *Beck* v. *Ohio*.

"We may assume that the officers acted in good faith in arresting the petitioner. But 'good faith on the part of the arresting officers is not enough.' . . . If subjective good faith alone were the test, the protections of the Fourth Amendment would evaporate, and the people would be 'secure in their persons, houses, papers, and effects,' only in the discretion of the police."

Supporters of the proposal respond that subjective good faith is not sufficient to satisfy the test—the officer's belief that the fourth amendment tolerates the conduct at issue must be a reasonable one. However, this response fails to justify the proposed good faith exception. Consider how this approach would work in real cases. There are four kinds of situations in which a police officer could have a reasonable, but mistaken, belief that the fourth amendment permits a particular search or seizure. The first is where the officer acts in conformity with the fourth amendment's requirements as they stood at the time of the search, and those requirements changed dramatically because of a judicial decision rendered after the search. The Court has ruled, however, that fourth amendment decisions announcing a "clear break" with past precedent are not to be applied retroactively to exclude evidence seized in compliance with then-existing standards. Thus, in this sort of case the proposed exception is unnecessary. The second situation occurs when a police officer's conduct falls into what may be described as an "unsettled area" of fourth amendment law that is settled by the courts after the conduct but before the trial at issue. During the 1981 Term, the Supreme Court rejected the argument that the new precedent should not be applied retroactively in those situations, ruling that resolving all unsettled fourth amendment questions nonretroactively would give law enforcement officials "little incentive to err on the side of constitutional behavior."

These same concerns govern the third kind of situation in which the good faith exception might be invoked, where the search at issue presents the occasion for the trial court to settle a previously unsettled question of fourth amendment jurisprudence. If the courts admit illegally obtained evidence in such situations, there would be little reason for police officers to err on the side of caution where constitutional principles are unsettled. Furthermore, the determination of whether or not to require exclusion in this situation is similar to a determination whether or not to apply a new constitutional principle in the case which announces it. If a party who brings such unsettled questions before the courts is to be deprived of the benefit of a ruling in his favor, there may be a rather strong incentive not to be such a party.

In the fourth situation a police officer has a "reasonable" but mistaken view of what settled fourth amendment principles require in a praticular context. I doubt that an exception for this type of conduct is either wise or constitutional. Consider this hypothetical: a police officer, reasonably well trained, one may assume, undertakes a search believing that he is acting within the bounds of the Constitution. Under well-settled precedent, however, his conduct violates the fourth amendment. Assuming that, in fact, the courts have explicated the requirements of the fourth amendment in less than perfectly comprehensible rules, one may grant that there can be such a reasonable mistake as to what the Constitution requires. However, one may argue with some force that rejection of an exception for this sort of "good faith" conduct is required by the Court's decision in *United States* v. *Johnson*. There the Court rejected the government's argument that retroactive application of a decision resolving an unsettled question of fourth amendment law "would not serve the policies underlying the exclusionary rule." If, as the Court held, those policies are served by requiring exclusion when police officers make a mistake while acting in a constitutional "gray area," it is clear that the same policies are served when officers act unconstitutionally by engaging in conduct that is prohibited under settled fourth amendment precedent. Furthermore, if this exception were adopted, police officers might shift the focus of their inquiry from "what does the fourth amendment require?" to "what will the courts allow me to get away with?" It seems inevitable in these circumstances that adoption of the proposed exception would result in more fourth amendment violations.

There is a last troubling aspect of the good faith exception. One version of the proposal would accept an officer's reliance on a search warrant obtained without intentional misrepresentation as conclusive proof

of his good faith regardless of whether the warrant was based on probable cause. Currently a magistrate's determination that probable cause exists must be accorded considerable deference. This is as it should be because that deference gives rise to a proper allocation of responsibilities between magistrates and reviewing courts. But, if the fourth amendment's probable cause requirement is to be enforced, reviewing courts must have the authority on occasion to inform magistrates in a meaningful way that warrants based on something less than probable cause are not to be tolerated. Now as I said, supporters of the rule argue that reviewing courts could determine whether a search warrant was supposed by probable cause even if a good faith exception were adopted. There are constitutional questions about this approach, but let us assume that courts may admit evidence obtained in reasonable good faith while declaring that the warrant pursuant to which it was obtained was not supported by probable cause. Where this is done, the magistrate may recieve an opinion, perhaps years after signing the warrant, informing him that a mistake was made. But there is no incentive—apart from a professional desire to comply with the fourth amendment—for that magistrate to refrain from repeating the same mistake in the future or from granting any colorable request for a search warrant.

CONCLUSION

One of the great benefits of being a retired, rather than an active, Supreme Court Justice is that I may take the liberty of posing difficult questions without incurring the obligation to decide the cases in which they arise. My retirement has also enabled me to take the opportunity to share my personal thoughts about the exclusionary rule with you. I have suggested that the exclusionary rule is a constitutionally mandated remedy, necessary to enforce the fourth and fourteenth amendments, and that proposals to modify the rule must preserve an effective remedy. I believe, however, that the proposed good faith modifications fail to meet this constitutionally mandated standard.

Mr. SPECTER. In sum, therefore, Mr. President, I submit that the language of the Constitution precludes the good faith amendment, that the demonstrated accommodation by State law enforcement shows there is no need, and that whatever change is necessary should be left in the hands of the Supreme Court of the United states, which has this matter under active consideration at the present time.

I thank the Chair and I yield the floor.

Mr. NICKLES. Mr. President, I want to commend Senator THURMOND, chairman of the Senate Judiciary Committee, and the other nine members of that committee that voted to report S. 1764, a bill we need enacted into law. I urge my colleagues to look beyond all the technical aspects of this court-made rule to the everyday applications of the exclusionary rule and ask, "Has justice been served?" I want us to consider what the American public thinks on this issue.

The abuse of the exclusionary rule has caused a disdain and disrespect toward our judicial system. When straight-forward evidence is excluded from a trial or a clear and convincing conviction is overturned, both due to a technicality, is justice really being served? Are we affording equal rights under the law or are we not really going beyond reason in our protection of the accused?

My attention became more focused on the need for reform of the exclusionary rule in November of last year. At that time Judge Ralph Thompson, who is a Federal judge sitting on the U.S. District Court bench in Oklahoma City, handed down a remarkable, and I believe landmark, decision in United States of America against Owens. Judge Thompson carved out a "good faith" exception to the exclusionary rule.

I recommend to my colleagues that they read this decision, which vividly points out the need for this legislation. For that reason I ask unanimous consent Mr. President for inclusion in the record of copy of the United States of America against Owens decision and of a front page article of November 29, 1983, entitled "'Bad' Search Criminal Evidence is Admitted," from an Oklahoma City newspaper, the Journal Record, and an editorial on Judge Thompson's ruling which appeared in the November 30, 1983, Oklahoma City Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. Merle Ellis Owens, Defendant: No. CR-83-240-T.

MEMORANDUM OPINION AND ORDER

The defendant is charged by a two count indictment, Count I charging him with conspiracy to possess cocaine with intent to distribute in violation of 21 U.S.C. § 846 and Count II charging him with possession with intent to distribute in violation of 21 U.S.C. § 841(a)(1).

Before the Court for consideration is (1) defendant's Motion to Suppress Evidence, (2) his Motion for Judgment of Acquittal as to Count I of the Indictment, and (3) the case on its merits.

On November 14, 1983, the Court heard testimony and arguments addressed to the defendant's Motion to Suppress Evidence, which was taken under advisement. Thereafter the defendant waived his right to a jury trial and the case was presented to the Court sitting without a jury. At the close of the government's case the defendant moved for judgment of acquittal on Count I of the indictment on the grounds that the government had failed to present any evidence in support of it.

This Memorandum Opinion and Order contains rulings both on the defendant's motions as well as the Court's findings of fact and conclusions of law from the trial.

THE CONSPIRACY COUNT

As to Count I of the indictment, the government failed to present any evidence of an agreement between the defendant and another concerning possession of the cocaine with an intent to distribute it. In the absence of evidence concerning such an agreement, a finding that the defendant conspired with others cannot be made. *United States v. Vergard*, 687 F. 2d 57 (5th Cir. 1982); *United States v. Houde*, 596 F. 2d 696 (5th Cir. 1979), *cert. denied*, 444 U.S. 965 (1979). Accordingly, the defendant's motion for judgment of acquittal as to Count I of the indictment is sustained. Rule 29, Federal Rules of Criminal Procedure.

THE POSSESSION COUNT

As to Count II, the evidence presented at trial established that approximately 2.3 ounces of cocaine that was 88 to 89 percent pure, a triple beam scale for measuring precise quantities in small amounts, a quantity of a diluting agent, Mannitol, a quantity of marijuana, various drug paraphernalia and a loaded gun were recovered by the police in the defendant's motel room under circumstances more specifically described hereafter. The cocaine had a "street value" of about $60,000. The defendant was the sole registered guest and occupied his motel room with a female companion for an extended period of time prior to and at the time of, his arrest. During his occupancy the defendant had received an extraordinary number of incoming telephone calls and visits of short duration by unidentified persons all of which aroused the suspicion of the motel management and prompted surveillance of the room.

These circumstances are sufficient to establish the defendant was in constructive possession of the cocaine. "Constructive possession" of a controlled substance occurs when a person does not have physical possession but does have the intent and capability of maintaining dominion and control of the substance or the ability to reduce it to actual possession. *United States v. Martinez*, 588 F.2d 495 (5th Cir. 1979).

In view of the quantity of cocaine seized in the presence of a diluting agent, the sensitive measuring device, and the circumstances and activities described, the reasonable inference to be drawn is that the defendant intended to distribute a portion of his supply to others. *United States v. Ramirez-Rodriques*, 552 F.2d 883 (9th Cir. 1977). 21 U.S.C. § 802(11) defines "distribute" to mean "to deliver" 21 U.S.C. § 802(8) defines "deliver" to mean "the actual, constructive, or attempted transfer of a controlled substance. The government is not required to establish the existence or anticipation of a sale. *United States v. Workopich*, 479 F.2d 1142 (5th Cir. 1973). Moreover, the mere passing of narcotics between two individuals for their own personal use constitutes a distribution. *United States v. Branch*, 483 F.2d 955 (9th Cir. 1973). The defendant was the sole registered occupant of the motel room in which the cocaine was discovered. There is no evidence to indicate that the cocaine was jointly acquired by the defendant and his companion, see, *United States v. Swiderski*, 548 F.2d 445 (2nd Cir. 1977). Even if the defendant did not intend to sell the cocaine to others, he at least possessed it with the intention of sharing it with another.

Accordingly, the evidence is sufficient to establish beyond a reasonable doubt that the defendant constructively possessed the cocaine with the intent to distribute it in violation of 21 U.S.C. § 841(a)(1), *provided*, the cocaine in his possession is legally admissible in his trial. Thus, the admissibility of the cocaine, as the product of a warrantless search, as challenged by the defendant's

Motion to Suppress Evidence, is the determinative issue of the case.

THE MOTION TO SUPPRESS EVIDENCE

After keeping the defendant's room under surveillance thoughout the preceding night, on the morning of September 12, 1983, Officer Epperly, accompanied by Officer Matthews, both of the Oklahoma City Police Department, returned to the motel where they requested a public records check on the license tag of the defendant's car. They were advised that the license tag had been reported stolen. The officers kept the defendant's room under further surveillance. Between 7:30 and 12:00 noon they observed a female looking out of the room from time to time. Additionally, it is noted that the motel manager may have requested the officers to enter the room and remove the occupants and their possessions on the basis that the defendant had registered as, and been charged for, a single occupancy whereas two persons occupied the room, and further that the defendant was unpaid beyond check-out time without permission. About noon, Officers Epperly and Matthews, together with another officer, Digby, devised a plan to entice the defendant out of his room, pursuant to which Digby, who was not in uniform, knocked on the door of the room and, posing as a motel employee, asked the defendant to move his car so that maintenance could be performed on the parking lot. When the defendant departed his room and got into his car, he was arrested on the felony charge of receiving stolen property. After securing the defendant, Epperly and other officers proceeded to enter the defendant's room where they discovered the defendant's companion asleep on a bed. Also located about the room were the marijuana cigarettes, the various items of drug-related paraphernalia, the triple beam scale, various chemicals, glassware and the loaded gun. They opened a dresser drawer and in it found two closed bags containing the cocaine. The search and seizure were conducted without their first having obtained a search warrant.

The question here is whether the extent of the search conducted in the defendant's room can be justified as an exception to the requirement for a search warrant under the Fourth Amendment to the Constitution of the United States.[1] A search conducted without a warrant is valid only to the extent that it complies with the particular requirements of the justifying exception unless information validly discovered during the search justifies a further search pursuant to one of the exceptions. Here the defendant was validly arrested while occupying a motor vehicle with a stolen license tag. Inasmuch as the police officers believed, not unreasonably, that the defendant had a companion in his motel room who posed a risk to their personal safety, the officers were justified under the exigent circumstances to enter the defendant's room in order to neutralize the possibility of harm. Inasmuch as the officers were validly present in the room, they could seize any contraband or evidence of criminal activity which was in their plain view. *Coolidge v. New Hampshire*, supra.

However, none of the generally recognized exceptions would have permitted the officers to extend their warrantless search into the contents of a closed container in a closed dresser drawer under these circumstances.

Therefore the cocaine offered as evidence against the defendant was seized by the police as the result of an unauthorized search. If the "exclusionary rule" is applied absolutely, such evidence of defendant's guilt must be excluded and the defendant acquitted. If the rule is not applied, or if a "good faith exception" to the rule is applied, the evidence is admissible and the defendant is found guilty.

THE EXCLUSIONARY RULE

The exclusionary rule is not a part of the Fourth Amendment itself. It had its birth in 1914 when the United States Supreme Court decided *Weeks* v. *United States*, 232 U.S. 383 (1914). There it was held that the use at trial of illegally seized evidence constituted prejudicial error. The holding was justified on the grounds that the remedy it had fashioned was necessary to protect the individual's privacy as secured by the Fourth Amendment. More recently, the remedy fashioned in *Weeks* has been justified on the grounds that its "prime purpose is to deter future unlawful police conduct". *United States* v. *Calandra*, 414 U.S. 338 at 347 (1974). However, decisions of the Court increasingly question the efficacy of the rule for this purpose, express concern for the high price society is paying for the doubtful beneficial effects it is providing and continue to make significant departures from its application in certain circumstances.

In his dissenting opinion in *Bivens* v. *Six Unknown Named Agents*, 403 U.S. 388 (1971) at 416, Chief Justice Burger stated "there is no empirical evidence to support the claim that the rule actually deters illegal conduct of law enforcement officials." In *Calandra*, supra, the Court held that the rule "has never been interpreted to proscribe the use of illegally seized evidence in all proceedings or against all persons."[2]

In *Stone* v. *Powell*, 428 U.S. 465 (1976), the Court denied application of the rule in federal habeas corpus review of state convictions under certain conditions, while otherwise reaffirming its adherence to the rule. However, the Court also indicated that it should not be applied through a blind adherence to judicial policy:

"The disparity in particular cases between the error committed by the police officer and the windfall afforded a guilty defendant by application of the rule is contrary to the idea of proportionality that is essential to the concept of justice. Thus, although the rule is thought to deter unlawful police activity in part through the nurturing of respect for Fourth Amendment values, if applied indiscriminately it may well have the opposite effect of generating disrespect for the law and administration of justice." 428 U.S. at 490-1 (footnote omitted).

Protecting citizens from unlawful police conduct and all other violations of constitutional rights is profoundly laudable and necessary. However an analysis of the controlling authorities permits the conclusion that the rule need not be applied as a matter of judicial rote and that it is not the only remedy that can be applied for a Fourth Amendment violation. It is acknowledged that, as yet, no Supreme Court decisions have expressly so held.[3]

However, while arising out of different factual circumstances, other courts have concluded that the present state of the controlling decisions does not require an absolute application of the rule and permits, at least, a good faith exception to it. See *United States* v. *Williams*, 622 F.2d 830 (5th Cir. 1980), *cert. denied*, 449 U.S. 1127, which held that where law enforcement officials have acted without authority or mistakenly, yet in the reasonable good faith belief that such action was proper, the exclusionary rule shall not apply. I conclude that while the exclusionary rule remains as one of the remedies to protect against unlawful policy activity, a good faith exception may apply in a proper case and, moreover, the rule is but one of several remedies that can be applied for such violations.[4] It is neither the only remedy or deterrent nor the one required to be imposed absolutely when such a violation has occurred.

Among the other existing remedies presently available for such violations are civil suits for money damages against the erring officers, state and federal, and their employing agencies. 42 U.S.C. § 1983; *Bivens v. Six Unknown Named Agents*, supra. The availability of these remedies provide both redress for the individual and deterrents from further unlawful police conduct.[5]

Given the availability of other protections in the form of remedies and deterrents, the old concept that "the criminal is to go free because the constable has blundered" is nei-

[1] There are generally nine recognized exceptions to the Fourth Amendment requirement that police officers must obtain judicial approval to conduct a search. These exceptions are as follows: (1) search conducted incident to a valid arrest, *Chimel v. California*, 395 U.S. 752 (1969); (2) a stop and frisk, *Terry v. Ohio*, 392 U.S. 1 (1968); (3) a search conducted under exigent circumstances that compel the search to occur, *Mincey v. Arizona*, 437 U.S. 385 (1978); (4) a search of a motor vehicle in certain circumstances, *Michigan v. Long*, — U.S. — (1983), 51 U.S.L.W. 5231; (5) evidence in plain view, *Coolidge v. New Hampshire*, 403 U.S. 443 (1971); (6) airport searches to prevent air piracy; (7) border and customs searches, *United States v. Ramsey*, 431 U.S. 606 (1977); (8) Searches conducted in a security institution such as a prison, *Lanza v. New York*, 370 U.S. 139 (1962); and (9) a search conducted pursuant to a valid consent, *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973).

[2] In *Calandra*, the Supreme Court refused to extend the application of the rule to grand jury proceedings. In reaching this conclusion, the Court balanced "the potential injury to the historic role and functions of the grand jury against the potential benefits of the rule." In *United States* v. *Payner*, 447 U.S. 727 (1980), the Supreme Court refused to apply the rule at trial to evidence unlawfully seized from a third party not before the court by weighing the benefits of the rule to the detriment caused by its imposition. In reaching its conclusion, the Court cited *Elkins* v. *United States*, 364 U.S. 206 (1960), for the proposition that: "[A]ny apparent limitation upon the process of discovering truth in a federal trial ought to be imposed only upon the basis of considerations which outweigh the general need for untrammeled disclosure of competent and relevant evidence in a court of justice." 447 U.S. at 735.

[3] Abolition or modification of the exclusionary rule could be accomplished legislatively. However, to date, no such action has been taken by the Congress.

[4] An excellent discussion of the social costs involved in the application of the exclusionary rule, and an analysis of the benefits that could be obtained through other remedies may be found in "Enforcing the Fourth Amendment by Alternatives to the Exclusionary Rule," by Judge Malcolm Richard Wilkey, 95 F.R.D. 211.

[5] Such civil remedies are, after all, the remedies available to *innocent* victims of unlawful police conduct against whom no criminal charges are lodged. In the absence of a demonstrated need to apply the exclusionary rule for an egregious violation of the Fourth Amendment by police officers, a guilty defendant should have no greater rights, benefits or remedies than innocent victims. When the exclusionary rule in criminal cases is automatically applied, the remedies available to a guilty defendant are unjustifiably disproportionate to the remedies available to an innocent victim.

ther necessary constitutionally nor affordable socially.

In this case, the police found themselves legitimately in a room virtually overflowing with evidence of criminal activity. Their error was that they proceeded to search the contents of a closed drawer in the room without first obtaining judicial approval. Had the police officers sought such approval, it is a virtual certainty that it would have been granted. Had they first obtained a warrant it would have delayed, but not prevented, the police discovery of the evidence sought to be suppressed. While the defendant complains that his Fourth Amendment rights were violated, the remedy he seeks, i.e., the exclusion from trial of evidence clearly establishing his guilt, is not only disproportionate to the injury he has suffered, but is vastly disproportionate to society's interest in seeing the guilty convicted without artificial obstructions.

In all of the foregoing circumstances, I find that the officers acted in the reasonable good faith that their act was proper, that the good faith exception applies and the evidence shall not be excluded by application of the rule.

Moreover, even without the application of the good faith exception, under the foregoing circumstances I find that no application of the rule is justified.

By applying the exclusionary rule only the undeniably guilty defendant will benefit by the exclusion of valid evidence establishing his guilt. As a practical consequence, as in other such cases, society will be harmed by being denied the protection it is due from the criminal justice system. The fundamental purpose of a trial, being a search for the truth, will be obstructed. It will free the guilty, produce a result that appears fictitious and absurd and foster disrespect for the law.

It is further acknowledged that no reported cases have construed the decisions this broadly. This ruling may however provide an opportunity for appellate courts to fashion at least a modified version of the rule and, if so, the case may have utility beyond its own facts.

Accordingly, the motion to suppress illegally seized evidence is denied and the evidence is admitted. It establishes beyond a reasonable doubt the defendant's guilt of possession of cocaine with the intent to distribute as charged in Count II of the indictment. The defendant is guilty as charged. He is free to pursue the other remedies available to him for the violation of his Fourth Amendment rights.

It is so ordered this 28th day of November 1983.

RALPH G. THOMPSON,
U.S. District Judge.

[From the Oklahoma City Journal Record, Nov. 29, 1983]

"BAD" SEARCH CRIMINAL EVIDENCE IS ADMITTED

(By Gail Mitchell)

Criminal evidence obtained in a "bad" search can be admitted into evidence in a trial under certain circumstances, U.S. District Judge Ralph G. Thompson ruled Monday.

In his ruling, Thompson broadened the court's exceptions to the 69-year-old "exclusionary rule" which prevents the use of illegally seized evidence in a trial.

Only one circuit has established a "good faith exception" to the exclusionary rule, Thompson said, but no such exception has been practiced in 10th Circuit.

"By applying the exclusionary rule, only the undeniably guilty defendant will benefit by the exclusion of valid evidence establishing his guilt," Thompson said.

"As a practical consequence . . ., society will be harmed by being denied protection it is due from the criminal justice system," Thompson said. "It will free the guilty, produce a result that appears fictitious and absurd and foster disrespect for the law."

The judge's ruling stems from a criminal indictment against Merle Ellis Owens for possession of cocaine with intent to distribute.

During a search of Owens' hotel room, several police officers searched the room and found drug-related paraphernalia.

They opened a dresser drawer and in it found two closed bags containing cocaine.

The search and seizure were conducted without a search warrant.

Owens claimed his Fourth Amendment rights were violated.

However, rather than treating the civil rights violation issue in court, Thompson suggested that it should be pursued in a civil suit.

Thompson found that even though 2.3 ounces of cocaine worth about $60,000 was seized illegally, it could be admitted into evidence.

As a result of the admission of the evidence, Thompson found Owens guilty of possession of cocaine with intent to distribute.

Owens earlier had waived his right to a jury trial.

The cocaine offered as evidence against Owens was seized by police as the result of an unauthorized search, Thompson said in his 12-page opinion and order.

Had the "exclusionary rule" been applied absolutely, the evidence of guilt would have been excluded and the defendant acquitted.

The "exclusionary rule" was initially established to protect the individual's privacy as secured by the Fourth Amendment.

"However, decisions of the court increasingly question the efficacy of the rule for this purpose and express concern for the high price society is paying for the doubtful beneficial effects it is providing. . .," Thompson said.

Protecting citizens from unlawful police conduct is necessary, but Thompson concluded that the rule need not be applied as a reflex action.

The exclusionary rule is not the only remedy that can be applied for a Fourth Amendment violation, Thompson said.

Among the remedies available for such violations are civil suits for money damages against the erring officers, state and federal and their employing agencies, Thompson said.

Thompson said he found that the officers in the case acted in the reasonable good faith that their act was proper, and that the good faith exception applies.

Even without the good faith exception, under these circumstances, Thompson said he found that no application of the rule is justified.

[From the Oklahoma City Times, Nov. 30, 1983]

STRIKING A BLOW FOR JUSTICE

The gaping legal loophole providing escape from conviction for numerous criminals for seven decades was at least partially closed by a bold, courageous ruling by a federal judge in Oklahoma City.

The momentous decision by U.S. District Judge Ralph G. Thompson holding that the so-called search and seizure exclusionary rule at times is unreasonable strikes a major blow for the public in its fight against crime.

The exclusionary rule, born in a 1914 U.S. Supreme Court case, was intended to discourage unlawful conduct by federal officers in search and seizure. The rule was expanded to cover state and local police in 1961.

It provides in essence that illegally obtained evidence cannot be used in prosecution of a case. Through the years it has been used as a legal technicality permitting crooks to beat the rap and go free.

President Reagan and U.S. Attorney General William French Smith have called for changes in the rule, several bills have been introduced in Congress to allow so-called "good faith" exceptions and the U.S. Supreme Court has agreed to consider an exception.

A ruling in the U.S. 5th Circuit adopted such an exception, but Judge Thompson's decision was the first for the 10th Circuit, which includes Oklahoma.

Thompson's ruling came in a federal cocaine conspiracy case against a former Oklahoma City firefighter. The cocaine was found in two cloth bags inside a closed drawer in the suspect's motel room. In plain view, a loaded pistol, marijuana and drug paraphernalia also were seized by police officers who had not obtained a search warrant and were arresting the man on an unrelated matter.

If the judge had applied the exclusionary rule like countless other cases through the years, he would have been forced to toss out the charges as a violation of the Fourth Amendment of the Constitution.

Instead, he held that the exclusionary rule at times provides an unreasonable and unacceptable windfall to the guilty. The judge's 12-page memorandum and order stated:

"In the absence of a demonstrated need to apply the exclusionary rule for an egregious violation of the Fourth Amendment by police officers, a guilty defendant should have no greater rights, benefits or remedies than innocent victims.

"By applying the exclusionary rule, only the undeniably guilty defendant will benefit by the exclusion of valid evidence establishing his guilt."

The judge wisely pointed out there are other legal remedies, such as civil lawsuits against officers, that can be taken while incriminating evidence is kept intact for use in prosecution of those suspected of committing a crime.

U.S. Attorney William S. Price of Oklahoma City lauded Judge Thompson's ruling and pledged his support of the decision if it is appealed to a higher court.

The nation's highest court could use an appeal of the ruling to modify the exclusionary rule for the entire United States. It is long overdue.

Mr. NICKLES. Mr. President, there are several parts of this decision that I wish to draw to the Senate's attention. Judge Ralph Thompson points out what is oftentimes overlooked, that "the exclusionary rule is not a part of the fourth amendment itself." Therefore a statutory limitation can be in order.

Judge Thompson notes that the facts in the Owens case are such that "by applying the exclusionary rule

only the undeniably guilty defendant will benefit by the exclusion of valid evidence establishing his guilt."

Furthermore, he concludes that "the fundamental purpose of a trial, being a search for the truth, will be obstructed. It will free the guilty, produce a result that appears fictitious and absurd and foster disrespect for the law."

There is overwhelming support for a good faith exception to the exclusionary rule. Judge Thompson's ruling received a very favorable response from both the media and the public in my home State.

Mr. President, I support passage of S. 1764. This bill will help restore the balance between the rights of an accused and of the public to a fair trial.

Mr. President, I would like to ask just one question of the manager of the bill, Senator THURMOND. I want to confirm my understanding of how the good faith exception would apply. Does the language of S. 1764 allow for this good faith exception to apply both in cases where there is a search warrant and in cases where there is not a search warrant?

Mr. THURMOND. It would apply in both cases, when a search warrant was used and in cases where a search warrant was not used.

Mr. NICKLES. I thank the Senator. Mr. President, I again want to congratulate Senator THURMOND for his efforts in bringing this issue before us and I now ask unanimous consent to be added as a cosponsor.

UNANIMOUS-CONSENT AGREEMENT—S. 1764

Mr. BAKER. Mr. President, I have a unanimous-consent request in respect to this bill, that is the exclusionary rule bill, that I hope will meet the approval of all Senators. I have discussed this at length with the minority leader. Both sides I believe have worked their clearance processes, so I hope it will be granted.

Mr. President, I ask unanimous consent that, in connection with the consideration of the bill now pending, S. 1764, the exclusionary rule bill, the debate be limited to 5 hours on the bill to be controlled in the following manner: 1 hour under the control of the chairman of the Judiciary Committee, Mr. THURMOND, or his designee; 1 hour under the control of the ranking minority member, Mr. BIDEN, or his designee; 1 hour under the control of the Senator from Maryland, Mr. MATHIAS, or his designee; 1 hour under the control of the Senator from Arkansas, Mr. BUMPERS, or his designee; and 1 hour under the control of the Senator from Maine, Mr. MITCHELL, or his designee.

I further ask unanimous consent, Mr. President, that on any motions, appeals, or points of order that may be submitted to the Senate there be a time limitation of 20 minutes to be equally divided with the control of the time in the usual form.

I further ask unanimous consent that no amendments be in order to this bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank all Senators. I especially thank the minority leader and the two managers of the bill.

Mr. WEICKER. Mr. President, I rise in opposition to S. 1764, a bill which would limit the application of the exclusionary rule. S. 1764 provides that evidence obtained as a result of search and seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search and seizure was undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment to the Constitution of the United States. Under this bill, a showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief.

Mr. President, as I did when the habeas corpus bill was before us, I question why we are even dealing with a bill of this type, not to mention rushing it through here with a minimum of debate. This legislation, in my opinion, Mr. President, is unconstitutional and clearly violates the intent of the founders of our Constitution to protect the privacy rights of all Americans.

The fourth amendment guarantees:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The essential question is does the fourth amendment mandate the exclusionary rule? If the answer is no, then the Congress is in a position to modify it. If the answer is yes, then the only role the Congress can play within its proper constitutional sphere is through the constitutional amendment process. I firmly believe the fourth amendment does mandate the exclusionary rule, and I frankly cannot believe that any serious reading of Mapp against Ohio could produce any other answer. In Mapp against Ohio, the Supreme Court majority stated that the exclusionary rule was a "constitutionally required * * * deterrent safeguard without * * * which the fourth amendment would have been reduced to a 'form of words.'"

Any decision as to whether the exclusionary rule should be altered belongs in the courts, not the Congress. In fact the decision is before the Supreme Court today. U.S. against Leon and Massachusetts against Sheppard are both cases pending before the Supreme Court which deal with the good faith exception to the fourth amendment exclusionary rule. Why not let the Supreme Court decide? What is the source of this overpowering urge to legislate on this issue when, first, our authority to make such decisions is at the very least in doubt; and second, the legitimate constitutional authority is about to rule on this very matter? Mr. President, what we have here is a not so subtle form of the device of court stripping, on which the Senate spent many months of cloture votes and late nights during the 98th Congress.

The courts have not been silent on the so-called good faith test. For over 100 years a majority of the Supreme Court of the United States has consistently rejected the test. When the Court ruled, back in 1914 in Weeks against United States, that evidence seized in violation of the fourth amendment would not be admitted in Federal criminal trials, Justice Day wrote:

> The tendency of those who execute the criminal laws of the country to obtain conviction by means of unlawful seizures * * * should find no sanction in the judgments of the courts which are charged at all times with the support of the Constitution and to which people of all conditions have a right to appeal for the maintenance of such fundamental rights.

In Beck against Ohio, Mr. Justice Stewart stated:

> * * * if subjective good faith alone was the test, the projections of the Fourth Amendment would evaporate, and the people would be "secure in their persons, houses, papers, and effects" only in the discretion of the police.

When the Justice Department raised the good faith exception over 20 years ago, the counsel for a petitioner stated:

> We have no doubt that the Court will reject this all too obviously last-ditch alternative. A search is either valid or in-valid; there is no middle ground. Close cases will of course arise in the future as indeed they have in the past; but however difficult it may be to draw the line, a line must somewhere be drawn. An illegal search can no more be saved from condemnation by the apologetic comment that it is only slightly unconstitutional than an egg can be classed as edible simply because it is only slightly rotten.

As for the merits of this so-called solution, those who support S. 1764 will say that the exclusionary rule is responsible for an excessive number of criminals going free on technicalities. But the fact is, according to a survey by the Institute for Law and Social Research "less than 1 percent of all arrests were refused by the prosecutor with an indication that the police failed to protect the arrestee's right to due process."

These findings are substantiated in a 1979 GAO study conducted to determine the "Impact of the Exclusionary Rule on Federal Criminal Prosecutions." GAO analyzed 2,804 defendant cases handled from July 1 through August 31, 1978, in the offices of 38 U.S. attorneys. The results of this study revealed:

Sixteen percent of the defendants whose cases were accepted for prosecution filed some type of suppression motion.

Eleven percent of the defendants whose cases were accepted for prosecution filed fourth amendment suppression motions.

Thirty-three percent of the defendants who went to trial filed fourth amendment suppression motions; most defendants had formal hearings on their motions; however, the overwhelming majority of these motions were denied.

Four-tenths of 1 percent of the declined defendants' cases were declined due to fourth amendment search and seizure problems.

These statistics hardly indicate an excessive number of criminals going free on technicalities.

Rather than refine the law and insure the administration of justice, changes in the fourth amendment exclusionary rule could, in fact, encourage violations of the law. In its amicus curiae brief on the Supreme Court case of the State of Illinois against Lance and Susan Gates, the American Bar Association wrote:

Police and prosecutors, who are now encouraged to make careful assessments of what the Fourth Amendment permits and what it forbids, would be motivated whenever there was doubt to construe the law generously in favor of the right to search and seize. And the occasions when "doubt" could be found would surely increase as its benefits become apparent:

The changes proposed in S. 1764 could have the unfortunate consequence of undermining the public trust and respect for the law and law enforcement officers. One attorney has pointed out that the good faith exception to the exclusionary role.

* * * will create one set of laws for those in power and another for those not in power. It will give permission for one class of citizens to violate the Constitution and be rewarded while others who break the law are to be punished * * * Under the good faith exception a court, at the very time that it declared that an officer had acted in an unconstitutional manner, would nonetheless deprive its own declaration—of any practical meaning by approving the use of the wrongfully seized evidence.

Almost 100 years ago in Boyd against United States, Mr. Justice Bradley said:

Constitutional provisions for the security of person and property should be liberally construed. A close and liberal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.

I suggest we heed Justice Bradley's words and entrust any changes to the exclusionary rule to the courts where they belong.

In closing, Mr. President, I want to read a quotation from President Washington's Farewell Address which speaks to us about the role we as legislators should play:

It is important * * * that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, this bill is such a case. I urge my colleagues to heed Washington's warning notwithstanding our desire to pass a crime package so we can appear to be anticrime. With the habeas corpus reform and exclusionary rule reform, both of which raise critical separation of powers questions while neither responds to or solves a clear problem, this package will be far tougher on the Constitution than it will be on crime. I urge my colleagues to defeat this bill.

Mr. DECONCINI. Mr. President, I support this bill to amend title 18 of the United States Code by adding a new section 3505, to chapter 223 to limit the application of the fourth amendment exclusionary rule in Federal court proceedings. The bill will provide that evidence obtained as a result of a search and seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search and seizure was undertaken in a reasonable, good-faith belief that it was in conformity with the fourth amendment.

The exclusionary rule is a judicially created rule under which evidence is barred from introduction at a proceeding such as a criminal trial if the evidence is determined to have been obtained as a result of a search or seizure that violated the first clause of the fourth amendment. The rule is of comparatively recent vintage and was not even applied by the Supreme Court in the context of the fourth amendment until 1914, 123 years after the fourth amendment was adopted; it has only been held applicable to State criminal proceedings for the past 22 years.

There are no constitutional or statutory provisions which specifically set limits on what is meant by an unreasonable search or seizure. Instead the law in this area is an amalgam of cases dealing with a vast range of issues relating to the undertaking of searches and seizures. Yet courts continue to apply the rule even as they continue to develop the law of search and seizures. The heart of the present problem in application of the rule is that it has been expanded gradually by the courts to apply in situations in which the rule cannot possibly serve its primary purpose of deterring police misconduct. In my experience as a former prosecutor, I have seen this distortion of the rule's purpose result in grave injustice as well as a substantial cost to our society as law enforcement officers and private citizens alike have lost faith in our criminal justice system. I have seen, as the Supreme Court has stated, that the rule "deflects the truthfinding process and often frees the guilty."

This bill is intended to enhance the operation of the Federal criminal justice system by allowing courts greater access to all reliable evidence relevant in determining the guilt or innocence of the defendant, and to promote renewed respect for that system as a search for the truth in the minds of our citizens. It is intended to aid the courts in that search for the truth and in criminal cases, where the police have reasonably tried to apply the complex law of search and seizure, insure that the guilty are convicted and the innocent are acquitted.

This bill will not eliminate the exclusionary rule. Rather it will eliminate the disproportionate application of the rule, and the disrespect for the law that application engenders. We must allow the courts to grant a remedy for the violations of fourth amendment rights which matches the seriousness of the violation.

Our system of justice was established with the determination of truth as its primary goal. Under this system the State has the burden of proving the guilt or innocence of the accused. The assumption is that through the examination of all of the evidence gathered by the State, the court will be led to a decision which is as close to the truth as humanly possible. But the exclusionary rule often thwarts the possibility of such examination. The truth-seeking process can be greatly compromised by the function of the exclusionary rule.

The Supreme Court first suggested possible judicial action as a means to curtail continued abuses of authority by law enforcement agencies 96 years ago in *Boyd* v. *United States*, 116 U.S. 616 (1886). This resulted in the Court

later instituting the so-called exclusionary rule, in lieu of any constitutional sanction, in *Weeks* v. *United States*, 223 U.S. 383 (1914). This judicially mandated doctrine was intended to serve as a deterrent to abusive Federal law enforcement practices. The rule, also referred to as the Weeks doctrine or the suppression doctrine, was subsequently extended to encompass the States in *Mapp* v. *Ohio*, 367 U.S. 643 (1961).

Let me again emphasize that the exclusionary rule is a concept of judicial origin, created supposedly to protect the rights guaranteed by the 4th, 5th, 6th, and 14th amendments to the Constitution of the United States. The exclusionary rule is not an obligatory element of the fourth amendment, but merely the means which the Court in Weeks chose to adopt to enforce the guarantees of the fourth amendment. The Court reasoned that exclusion was the only sanction or remedy that would effectively compel respect for and secure policy compliance with the rights guaranteed by the fourth amendment. An analysis of recent Court decisions clearly indicates that this is not the view held by the majority of justices on the current Court. As stated in a past decision of the Court with respect to the exclusionary rule, "the rule is calculated to prevent, not repair. Its purpose is to deter—to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it." *Elkins* v. *United States*, 364 U.S. at 217 (1960).

From its inception, the exclusionary rule has drawn extensive criticism for the flaws in logic and operation inherent in the premise on which the rule is based: deterrence. The logic of this deterrence theory was severely questioned nearly 30 years ago, when Justice Jackson noted:

> That the rule of exclusion and the reversal results in the escape of a guilty person is more capable of demonstration than that it deters invasions of right by the police. The case is made, so far as the police are concerned, when they announce that they have arrested their man. Rejection of the evidence does nothing to punish the wrongdoing official, while it may, and likely will, remedy against one lawbreaker because he has been pursued by another. It protects one against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are the victims of illegal but fruitless searches. The disciplinary or educational effect of the court's releasing the defendant for police misbehavior is to indirect as to be no more than a mild deterrent at best. *Irvine* v. *California*, 347 U.S. 128, 135 (1954).

Later, 10 years after the rule had been applied to the States, Dallin Oaks did an exhaustive study in search of the so-called deterrent effect. This is his conclusion.

> Today, more than fifty years after the exclusionary rule was adopted for the federal courts and almost a decade after it was imposed upon the state courts, there is still no convincing evidence to verify the factual premise of deterrence upon which the rule is based or to determine the limits of its effectiveness. 37 Univ. of Chicago L. Rev. 665, 672 (1970).

This conclusion is just as valid today. The Attorney General's Task Force on Violent Crime recently faulted the exclusionary rule with "barring evidence of the truth, however important, if there is any investigative error, however unintended or trivial." Task Force Final Report, page 55.

Many of the cases to which the rule is applied involve unintentional violations of the fourth amendment protections, such as technical errors in the filing or serving of the search warrant. It is impossible to deter actions which are either unintentional or performed with the belief that they are in compliance with the standards required by the fourth amendment. Justice Cardozo summarized the rule's flaws in authoring a unanimous opinion for the New York Court of Appeals, in *People* v. *Defore*, 244 U.S. 13 (1926).

> The criminal is to go free because the constable has blundered.

Rather than subsiding, the criticisms of the exclusionary rule have augmented in recent years, particularly since the 1961 decision in Mapp. This is perhaps a reflection of Justice Holmes' statement that "the life of law is not logic; it is experience."

Efforts to repeal the rule have been thwarted in the past by the widely held misconception that the rule is constitutionally mandated and that its repeal is somehow tantamount to a repeal of the fourth amendment. However, the Court itself recognizes that:

> The rule is a judicially created remedy designed to safeguard fourth amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved. (*U.S.* v. *Calandra*, 414 U.S. at 348 (1974).)

The costs of the exclusionary rule were recognized in *Stone* v. *Powell*, 49 L.Ed. 2d 1067 (1976):

First, the focus of the trial, and the attention of the participants therein, is diverted from the ultimate question of guilt or innocence that should be the central concern in a criminal proceeding—that is, it deflects the truth-finding process and often frees the guilty.

Second, the evidence excluded is typically reliable and extremely probative.

Third, the concept of proportionality is often offended. "The disparity in particular cases between the error committed by the police officer and the windfall afforded a guilty defendant by application of the rule is contrary to the idea of proportionality that is essential to the concept of justice." This in turn may generate disrespect for the law and the administration of justice.

The list of critics and criticisms grows steadily and becomes increasingly more persuasive with every assertion that the rule releases countless guilty criminals (Chief Justice Burger, 403 U.S. at 416).

I urge my colleagues who are concerned about crime in America and the perception people have of our legal justice system, to support this bill.

Mr. LEVIN. Mr. President, I will vote for S. 1764, the Exclusionary Rule Limitation Act of 1983, because in an important way the good faith exception to the exclusionary rule which is established in S. 1764 strengthens the assumption that lies behind the rule—that the rule is necessary in order to deter unlawful police conduct which violates the fourth amendment.

Passage of this bill will, I believe, undermine future attacks by opponents of the exclusionary rule since S. 1764 recognizes the value of the exclusionary rule as a deterrent.

In the absence of a warrant the amendment requires the prosecution show that an illegal search was reasonable and in good faith. That burden of proof is where it should be and without it being on the prosecution, I would not be able to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we are ready for any who care to speak against the bill. If they will come forward, we will be glad to have them do so.

Mr. President, I ask unanimous consent that the time now run against the two Senators who have 1 hour each, to be equally divided, the time to run against them, unless they come in and speak.

The PRESIDING OFFICER. There are five Senators who have control of the time under the agreement.

Mr. THURMOND. We are waiting on Senator BUMPERS and Senator MITCHELL who oppose this bill.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the time be charged evenly against all?

Mr. THURMOND. Against those who oppose this bill and who have not spoken.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut reserves the right to object.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time be charged against all those who have not spoken.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. SPECTER). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, while we are waiting for those who oppose the bill to come to the floor, I shall go ahead and use such time as may be required.

Mr. President, the Justice Department has favored this bill and I would like to read a letter from them.

DEAR MR. CHAIRMAN: This in response to your request for Department comments concerning S. 1764 to reform the exclusionary rule. In summary, the bill would eliminate the application of the exclusionary rule in federal courts in situations where its purpose—deterrence of misconduct by the police—could not be served.

The Department regards this bill as one of the most significant parts of its anti-crime legislative program. It would enhance the operation of the Federal criminal justice system by allowing courts greater access to all reliable evidence relevant in determining the guilt or innocence of the defendant, and, of equal importance, would promote renewed respect for the criminal justice system in the minds of our citizens. Frankly, both our law enforcement officers and the general public are deeply concerned over the present application of the rule which can operate to exclude relevant and probative evidence of a defendant's guilt in situations where the police who seized the evidence acted reasonably in doing so but discover, sometimes years later, that a court decision that had not even been handed down at the time of the search has rendered their actions improper.

We recognize that the right of our citizens to be free of unreasonable searches and seizures is a cornerstone of personal liberty and S. 1764 does not interfere with this right. Rather, it provides that evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a federal court proceeding "if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the Constitution of the United States." This limitation on the rule will restrict it to situations in which it will actually achieve its purpose of deterring unlawful police conduct. Conduct entered into in the reasonable, good faith belief that it was lawful cannot, by definition, be deterred. S. 1764 would, therefore, eliminate the unjustifiable acquittal of obviously guilty defendants in situations where the rule has been expanded by the courts from its deterrence rationale to apply in cases where it could not possibly deter the police from acting as they did.

Although our proposal has been questioned by some as being unconstitutional or as rewarding "police ignorance," we do not believe such contentions are tenable. In fact, the proposal is very similar to the exception to the rule already adopted by the Fifth Circuit *en banc* in *United States* v. *Williams*, 622 F. 2d 830 (1980) cert. denied 449 U.S. 1127 (1981), in a decision based upon a thorough analysis of relevant Supreme Court cases. The court in *Williams* also considered the contention that the good faith exception rewards "police ignorance" and noted that "the belief [of the officer that the search or seizure was permissible] in addition to being held in subjective good faith, must be grounded in an objective reasonableness. It must therefore be based upon articulable premises sufficient to cause a reasonable, and reasonably trained, officer to believe that he was acting lawfully." *Williams* p. 841 fn. 4a.

In sum, we concur with the Supreme Court that the exclusionary rule as currently applied "deflects the truthfinding process and often frees the guilty," *Stone* v. *Powell*, 428 U.S. 465, 490 (1976). While S. 1764 will not eliminate the application of the rule, it will properly restrict its impact to those cases where it can in fact deter unlawful police conduct.

Mr. President, I should also like to state that the National Association of Attorneys General is in favor of this bill. I have a memorandum here to all U.S. Senators concerning S. 1764—the exclusionary rule.

We are informed that you will soon have an opportunity to vote on S. 1764, the Exclusionary Rule bill, and we strongly urge you to vote for it without weakening amendments. The Association has for several years supported amendments to the Exclusionary Rule which would allow for a good faith exception. The effect of this amendment would provide that evidence obtained in the course of a reasonable, good faith search should not be excluded from a criminal trial. This bill is intended to enhance the operation of the federal criminal justice system by allowing courts greater access to all reliable evidence relevant in determining the guilt or innocence of the defendant, thereby promoting renewed respect for our system of justice.

Attached for your consideration is a copy of the Association's policy position on the Exclusionary Rule.

If we can be helpful to you in any way during your deliberations and debates of the bill, we would be grateful for the opportunity to provide any assistance you may require.

And that is signed by C. Raymond Marvin, executive director and general counsel of the National Association of Attorneys General.

Mr. President, at the 1981 midterm meeting of the National Association of Attorneys General held at the Royal Sonesta Hotel, New Orleans, La., December 1 to 4, 1981, a resolution on the exclusionary rule was passed:

Whereas the fundamental and legitimate purpose of the exclusionary rule, to deter illegal police conduct and promote respect for the rule of law by preventing illegally obtained evidence from being used in a criminal trial has been eroded by action of the courts barring introduction of evidence of the truth, however important, if there is any investigative error, however unintended or trivial; and

Whereas, any remedy for the violation of a constitutional right should be proportional to the magnitude of the violation; and

Whereas, evidence should not be excluded from a criminal proceeding if it has been obtained by a law enforcement officer acting in a reasonable, good faith belief that the evidence was obtained in conformity with the Fourth Amendment to the Constitution; and

Whereas, a showing that evidence was obtained pursuant to and within the scope of a warrant should constitute prima facie evidence of such a good faith belief; and

Now, therefore, be it resolved, That the National Association of Attorneys General supports legislation that would provide that evidence obtained in the course of a reasonable, good faith search should not be excluded from criminal trials; and

Be it further resolved, That the Association authorizes its General Counsel to transmit these views to the Congress, the Administration, and other interested individuals.

Mr. President, we see that the Justice Department, which is responsible for the Federal Criminal law enforcement in this country supports this bill. We also see that the National Association of Attorneys General representing the States of the Nation has come out strongly, rendering a statement and also passing a resolution, in favor of this bill. I hope the Senate will see fit to pass it.

At this time I see the distinguished ranking member of the committee, who I understand desires to speak on the bill.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I do not believe anyone who has worked in law enforcement or in the court system as either a prosecutor or a defense attorney, as the occupant of the chair has or as the chairman of the full committee or as I have, can be satisfied with the state of the search and seizure law in the United States of America. While the fourth amendment itself is quite clear, its application by the courts has become at times a real minefield for law enforcement officers. The fourth amendment reads as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Mr. President, in 1914, the Supreme Court in the Weeks case decided the obvious: While the amendment is very clear on its face, it is not self-enforcing, and that some mechanism is needed to be established to give life to its provisions. And the Court established the so-called exclusionary rule.

The rule has been much criticized over the last 70 years. It does appear unfair on its face as Justice Cardoza was fond of saying to free a defendant in a serious crime because "the constable had blundered."

The Supreme Court has been in a quandary ever since 1914. There has to be some effective mechanism for enforcing the fourth amendment, and yet there does not seem to be any al-

ternative to the exclusionary rule. Chief Justice Burger pleaded with the Congress in the early 1970's in the Bivens case to develop amendments to the Federal torts claims statute to create a more effective civil remedy against the Federal Government for law enforcement abuses so that it might serve as an alternative to the exclusionary rule at least in Federal cases. We on the Judiciary Committee have developed such amendments and are in total agreement on how to deal with Federal law enforcement officials but are in disagreement over non-law-enforcement officials of the Federal Government. It is indeed unfortunate that we have not enacted such legislation, because I think it would take the Supreme Court out of its quandary and we could move on reform, perhaps even abolition of the exclusionary rule, at least with respect to Federal officials.

To amplify that point slightly, the chairman of the committee; Senator GRASSLEY, who is the chairman of the subcommittee, and I have worked for hours in trying to fashion a compromise on the Tort Claims Act. We are awfully close. But the Justice Department continues, in my view, as I characterize it, to recede in the wrong direction in terms of working out a compromise. We reported out of the Judiciary Committee a Torts Claims Act that I think we could pass on the floor today or tomorrow, in 10 minutes; but the Justice Department has indicated that it will not buy that. In an attempt to accommodate their concerns, we have worked tirelessly to work out a compromise. I am sorry we were unable to do it.

I think it would have been more appropriate if we had gone the route of just dealing for now on the part we could agree on, and that is with Federal law enforcement officers, rather than dealing with changes in the Federal Torts Claims Act with respect to non-law-enforcement officials of the Federal Government.

There is a feeling among some that if we just take care of the law enforcement side, which I believe would elucidate this issue a great deal, we would never get to the rest of the reforms required under the Torts Claims Act.

Because we have not moved on this, I offer that as the first reason why it is premature to move on the exclusionary rule at this time.

Again, I want to make it clear that I am not criticizing the chairman of the committee or any of those who believe in and are proposing the changes that are encompassed in this exclusionary rule bill. In part of an elaborate agreement that took over 2½ years to work out, we accomplished a great deal by passing what I think most would agree—notwithstanding some individual Members of the House of Representatives—is the most comprehensive anticrime package that has passed the Senate since I have been here, and I have been here more than 11 years.

So we agreed, in the context of that agreement, that we would then move to the six or seven controversial measures. This is one of those. We tried very hard—and I must say, to the credit of the chairman, that he tried hard—to get the tort claims question resolved first. Whether that would have changed his mind on this, I am not prepared to say—I suspect that it might not have—but the effort was made. It was not accomplished, and here we are, moving on the exclusionary rule bill at this time, as part of the agreement.

I would argue—and think this is in keeping with the agreement—that it is legislatively premature, in summary, because the Chief Justice suggested that we develop an alternative remedy to the exclusionary rule. We have not done so, and I think we are running the risk of the courts telling us, "Well, you haven't helped us out very much here at the court because you haven't developed an alternative remedy for enforcement of the fourth amendment."

This leads to a second and even more compelling reason why we should not be doing this bill right now in its present form. The Supreme Court, in both the last term and the current term, has been looking for the right case to review, apparently with the intent to unmake or remake the judge-made exclusionary rule. It is not just constitutional good sense but commonsense to allow the arm of Government, which has created the mess in fourth amendment law to straighten it up. In the Gates case last year, the court unfortunately put itself in a procedural box such that it could not decide whether there is or should be a good faith defense for policemen under the fourth amendment and the exclusionary rule.

Some of my colleagues may not follow this area very much. I am not being critical when I say that. There are aspects of energy legislation and aspects of highway legislation and aspects of food and drug legislation but I do not follow very closely because I am not on those committees. But I say to my colleagues: Go back to the relationship to the Tort Claims Act. If, in fact, there were a remedy under the law whereby an individual could move against the Government for an illegal action taken by a police officer, in the case where the police officer suggested it was shown that there was a good faith exception, where he, in good faith, instituted what eventually became a constitutional violation as determined by a court, then at least in that instance we would be able to deal with the guaranteed right under the fourth amendment against illegal search and seizure. There would be some recourse for the constitutional violation, some recourse potentially short of exclusion of the evidence.

So while it had to decide the Gates case on other grounds, the Supreme Court immediately scheduled for argument two other cases that squarely place at issue the very substance of what the proponents of this bill say they want to accomplish. Indeed only a few weeks ago the Court heard arguments in both the Shepard and the Leon cases. In both cases the question for the Court to decide is whether the exclusionary rule requires that illegally seized evidence be excluded if the search or seizure was undertaken in a reasonable good faith belief that it was in conformity with the Constitution. In both cases law enforcement officers went through the warrant procedures but in both cases the warrants which were issued were invalid but the officers proceeded in good faith to execute them. This is the classic case where a technical violation ought not result in exclusion.

I believe that most experts agree that the Court will develop some type of good faith exception. We should not proceed with this bill until we know exactly what the parameters of that good faith defense is going to be. It will surely apply to warrants but the Court may set out some different standard for warrantless searches. That standard may very well be inconsistent with the bill we have before us today.

I think it is unfair to law enforcement officials to get their hopes up that we are somehow solving their problems by enacting this legislation when it may be struck down by the Court—first, because we have not created the alternative remedy I mentioned earlier, but, second, because in our haste to act we could not wait a few months to hear what the Supreme Court obviously wants to say on the matter. After all we have waited 70 years, why can we not wait, at most 10 months so we can see what the Court is going to do?

This leads me to a third point about this bill. Most law enforcement officials I talk to think that in enacting this legislation we will somehow be affecting how the cop on the beat in Wilmington, Del., or Philadelphia, Pa., or St. Louis, Mo., or any town in South Carolina is doing his job. Nothing is further from the truth. This bill only affects Federal law enforcement officials. It will have no impact on how local law enforcement officials, who are on the front lines in 94 percent of all crimes conduct their jobs. Incidentally, the Supreme Court decision will have an impact on local law enforcement, because the cases in front of them are local cases. That is another reason for delay.

I think we will cause significant confusion if we pass this bill, even if it gets through the House of Representatives, about which I have serious doubts, and is signed by the President. We are going to send a signal to law enforcement agencies that we really have done something to help them in their local jurisdictions, when in fact we will not have done a darn thing.

Finally, there is an even more compelling case for not voting for this legislation. The primary criticism of the exclusionary rule and the court's decisions under the fourth amendment is that they are confusing. That is a criticism that I strongly support and I believe that the court could go a long way to cleaning that up in the cases it has before it. But I believe that what we are doing in this bill may actually be a cure worse than the disease because it will create greater confusion in fourth amendment law.

Two of the most vociferous opponents of the exclusionary rule and proponents of its abolition actually made a strong case against this particular bill in our hearings last year. Steven Schlesinger, Director of the Bureau of Statistics of the Department of Justice and Judge Malcolm Wilkey both made essentially the same point. Under this new bill we are going to have decades of litigation over what kind of searches are going to be considered on their face good faith and which kinds are bad faith.

In Schlesinger's words, enactment of a good faith exception would build an unsatisfactory half-way house between retention and abolition of the rule.

Judge Wilkey says:

(U)nlike many compromises, this is the kind of compromise which may be as disastrous as trying to make the grand canyon in two jumps.

Of course most of these proponents of change would completely abolish the exclusionary rule, a position which I could not support; which would probably not be supported by the Judiciary Committee and would I believe be rejected by the Supreme Court.

I think it is important to point out that even those who do support total abolition acknowledge this creates great confusion.

The right way to go on this issue is to resolve our differences on tort claims by limiting our changes to Federal law enforcement officials and forget about nonlaw enforcement officials, if we cannot work it all out, and forget about nonlaw enforcement agencies for the time being and go back and deal with nonlaw enforcement agencies in a Tort Claims Act at a later day—when I say later, I do not mean later 4 years from now, I mean later this year—but to move now on the Tort Claims Act as it affects law enforcement officers the changes that we voted out of committee. Get that enacted quickly so that there is an alternative in place right now for the exclusionary rule in Federal cases. Wait for further action in actually finetuning the rule in either Federal or State cases until the Supreme Court rules in the Shepard and Leon cases. That way we will act in a deliberate manner and we may actually create some order in fourth amendment law, where some would argue little exists now. That would be a great contribution to Federal and State law enforcement officials alike and I think it would demonstrate to all that we have some sense about what we are doing in this body.

To sum it up, Mr. President, I think it is a serious mistake when the Supreme Court has made it as clear as they can even make it clear what they are looking for and they have now two cases on all fours to deal with the question of the exclusionary rule for us in Congress to be making a judgment now which may be undone before it gets across the other side of this building. Second, it is more important to put in place the relief for law enforcement officers which this is really about so they have some sense of what they can and cannot, should and should not do, by amending the Tort Claims Act before we deal with this legislation.

Mr. President, I see others of my colleagues here in the Chamber; consequently, I reserve the remainder of my time and I yield whatever time the Senator from Missouri may take, as long as he wishes.

I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I thank my colleague from Delaware and I compliment him on a truly excellent presentation.

I simply wish that more people were giving attention to this subject matter which would considerably erode the exclusionary rule and thus endanger the protection afforded individuals through the fourth amendment.

The argument that deterrence of illegal police conduct is often outweighed by costs to society of useful, probative evidence, is an old one. Another familiar argument is that the liberal application of the exclusionary rule is no longer needed because today police and other law enforcement officers are better trained and more careful—and thus more likely to heed the fourth amendment prohibition against unlawful searches and seizures.

I reject these and other arguments which would support a good-faith exception to the exclusionary rule for four reasons. First, although the exclusionary rule might be judicially implied, it is constitutionally required by the fourth amendment. In view of this I have grave reservations about whether Congress has the authority to alter, by legislation, a constitutionally impelled protection.

Second, the consistent application of the exclusionary rule explains precisely why police conduct in search and seizure cases has so vastly improved. It is obvious that the sanction of exclusion of illegally obtained evidence has provided a powerful incentive for law enforcement officers to respect the privacy rights protected under the fourth amendment. Removing much of this incentive would clearly take its toll. Adopting this weakening exception would send a dangerous signal to the law enforcement community.

Third, an exception to the exclusionary rule based on the reasonable, good-faith belief of a police officer—a subjective test—would require probing into the mind of that officer, a nearly impossible task, and one which might trigger prolonged litigation.

Fourth, and finally, the Supreme Court during the present term will decide two cases bearing on this issue, and will consider adopting some limited good-faith exception. It makes sense to await judicial resolution so close at hand. But it also makes enormous sense to allow the Supreme Court to rule on this issue which so drastically affects what I consider to be a constitutional question—rather than acting improperly through legislation.

I urge my colleagues to vote against this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE TURKISH NATIONAL ASSEMBLY

Mr. MATHIAS. Mr. President, I call the attention of the Senate to the fact that we are today honored by the presence of a distinguished delegation from the Turkish National Assembly

Of course, Mr. President, any delegation of parliamentarians is welcome in the Chamber but a particular welcome is extended to those parliamentarians who represent our allies within the North Atlantic Treaty Organization.

So I hope that Senators will all join in extending a particular welcome to the members of the Turkish National Assembly who are with us today.

RECESS

Mr. MATHIAS. Mr. President, I move that the Senate stand in recess for a few minutes while we meet our guests.

The motion was agreed to, and the Senate, at 4:35 p.m., recessed until 4:38

p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SPECTER).

EXCLUSIONARY RULE LIMITATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, we are ready to proceed. If those who wish to oppose the bill will come and speak, we can get through earlier.

Mr. HATCH. Mr. President. I rise in support of this bill to restructure the exclusionary rule. The exclusionary rule, also known as the suppression doctrine, strikes at the fundamental tenet of our system of criminal justice that the guilt or innocence of any accused individual should be ascertained by a thorough consideration of all relevant evidence. The exclusionary rule is a judge-made policy mandating the inadmissibility in court of any evidence obtained in violation of the fourth amendment's reasonableness standard. As the doctrine now operates, an individual who may have in fact committed a grisly violent crime may be set free, not because he is innocent but because a judge determines that the evidence necessary to prove his guilt was acquired in an unreasonable manner. In the memorable words of Justice (then judge) Cardozo: "The criminal is to go free because the constable has blundered." *People* v. *Defore*, 242 N.Y., 13, 21 (1926). Thus, this rule operates to free the guilty, even when the constable's only blunder might be an inadvertent technical defect in a search warrant. To remedy this absurd situation, I strongly support this legislation.

Early in the consideration of this legislation, I must indicate that my own preference would be to entirely eliminate the suppression doctrine. Indeed I introduced legislation early this Congress and in previous Congresses to achieve that objective. Under my bill, the rule would be replaced with two ways to effectively enforce the fourth amendment's prohibition against unreasonable searches. In the first place, any violation of this amendment to the Constitution would give rise to a civil suit for damages against the offending police officer. Interestingly an excellent case can be made that this is exactly the enforcement mechanism contemplated by the Framers of the fourth amendment. As discussed in the South Texas Law Journal, officers of the King were successfully sued for offensive searches in several renowned cases decided in 1765. See Rader, "Legislating a Remedy for the Fourth Amendment," 23 S. Tex. L. J. 585, 590–595 (1982). The Framers were undoubtedly aware of those cases and declined to specifically attach an enforcement clause to the fourth amendment because they were aware that the courts could use civil liability as an enforcement club. The second means of enforcing the fourth amendment in my bill would set up procedures to supply internal agency discipline against any officer who violated the Constitution. Such discipline could include suspension without pay, reductions in grade, and other sanctions for failure to abide by the Constitution's rules. With these alternative remedies in place and without any empirical showing that the exclusionary rule has successfully deterred fourth amendment violations—its only real purpose—it would make sense to eliminate the rule altogether.

This bill, however, does insure that the rule will not operate to exclude from trial probative evidence due to some police error when the police acted, albeit incorrectly, on the reasonable good-faith belief that their conduct was in compliance with the law. This is an important step toward the objective of abolishing the rule entirely. This will insure that minor, technical police mistakes, or even more substantial errors undertaken in good faith, do not result in dangerous criminals returning to the streets.

Although the fourth amendment triggers its judicial application, the exclusionary rule is not a part of the Constitution at all. In fact, it was not even created by the Federal courts until 1914. *Weeks* v. *United States*, 232 U.S. 383 (1914). Moreover, it was not applied to the bulk of our Nation's criminal trials which are held in State courts until 1961. *Mapp* v. *Ohio*, 367 U.S. 643 (1961). In short, it is not a doctrine of the Constitution, but a judicial experiment of recent vintage—an experiment furthermore which has failed.

The authoritative critics of the suppression doctrine are almost too numerous to mention. Each of these critics agree, however, with the thrust of the early research done by Dallin Oaks, now a Utah Supreme Court justice:

> More then fifty years after the exclusionary rule was adopted for the Federal courts and almost a decade after it was imposed upon the State courts, there is still no convincing evidence to verify the factual premise of deterrence upon which the rule is based or to determine the limits of its effectiveness. 37 U. Chic. L. Rev. 665, 753 (1970).

Even more than a decade after Oaks' research, his conclusion still holds. As authoritative and exhaustive as Oaks' research may be, there is still at least one more authoritative critic of the rule, namely the Supreme Court itself:

> The costs of the exclusionary rule . . . are well known: (1) The focus of the trial . . . is diverted from the ultimate question of guilt or innocence . . . (2) the physical evidence sought to be excluded is typically reliable and often the most probative evidence . . . (3) the rule . . . often frees the guilty . . . (4) the rule is contrary to the idea of proportionality that is essential to the concept of justice . . . (5) it may well have the effect . . . of generating disrespect for the law and the administration of justice. *Stone* v. *Powell*, 428 U.S. 465 (1976).

Even the Supreme Court recognizes the flaws of the suppression doctrine and has trimmed it back in recent cases. See for example, Stone, id.

Whereas a law enforcement officer acting in violation of the fourth amendment should be held responsible for his actions, the exclusionary rule instead is custom made to deter the prosecutor, not those law enforcement officers guilty of committing the illegal acts. The exclusionary rule is succinctly explained by the distinguished legal authority Dean Wigmore:

> The Doctrine of *Weeks* v. *United States* also exemplifies a trait of our Anglo-American judiciary peculiar to the mechanical and unnatural type of justice. The natural way to do justice here would be to enforce the health principle of the fourth amendment directly, i.e., by sending for the high-handed, over-zealous marshal who had searched without a warrant, imposing a 30-day imprisonment for his contempt of the constitution, and then proceeding to affirm the sentence of the convicted criminal. But the proposed indirect and unnatural method is as follows:
>
> Titus, you have been found guilty of conducting a lottery: Flavius, you have confessedly violated the constitution. Titus ought to suffer imprisonment for crime, and Flavius for contempt. But no! We shall let you both go free. We shall not punish Flavius directly, but shall do so by reversing Titus' conviction. 8 Evidence § 2184 (3d ed. 1940).

In England, as well as throughout the Commonwealth generally, the illegality of a seizure does not prevent evidence from being admissible in criminal proceedings. Also, police violators of the law are held personally accountable for their transgressions.

In America, however, violations of fourth amendment rights by law enforcement officials always elicit one response from the court—evidence inadmissible under the exclusionary rule. The rule excludes the convicted criminal as well as the offending law enforcement official from answering for his misconduct. Both malefactors are freed to again break the law.

A number of Supreme Court Justices have questioned the usefulness of the exclusionary rule. Mr. Justice Black, in a concurring opinion in *Wolf* v. *Colorado*, 388 U.S. 25 (1949), stated:

> The Federal Exclusionary Rule is not a command of the fourth amendment but is a judicially created rule of evidence which Congress might negate.

Again, in *Linkletter* v. *Walker*, 381 U.S. 618, 648 (1965), Mr. Justice Black said:

> The inference I gather from these repeated statements is that the rule is not a right or privilege accorded to defendants charged with crime but is a sort of punishment against officers in order to keep them from

depriving people of their Constitutional rights. In passing I would say that if that is the sole purpose, reason, object and effect of the rule, the court's action in adopting it sounds more like law-making than construing the Constitution.

More recently, Chief Justice Burger stated:

It creates a damage remedy not provided for by the Constitution and not enacted by Congress.

Clearly indicating his view regarding the deleterious effect the exclusionary rule has on justice. In *Bivens* v. *Six Unknown Federal Narcotic Agents*, 403 U.S. 388 (1971), Chief Justice Burger recommended this course of action:

Reasonable and effective substitutes can be formulated if Congress would take the lead, as it did for example in 1946 in the Federal Tort Claims Act. I see no insurmountable obstacle to the elimination of the Suppression Doctrine if Congress would provide some meaningful and effective remedy against unlawful conduct by government officials.

It seems then that the Supreme Court has thrown down the gauntlet. Now Congress must answer the challenge.

The rule's adamant demand for a perfect trial is without constitutional foundation. In criminal prosecutions, the sixth amendment maintains that the accused be given a speedy and public trial, not necessarily a perfect trial. In addition, the Supreme Court has repeatedly interpreted the due process clause of the 5th and 14th amendments to require that a "fair trial" be provided, not the aforementioned perfect trial. The concept of a fair trial is an important one. Mr. Justice Rehnquist, in *Michigan* v. *Tucker*, 417 U.S. 433 (1974), stated:

Just as the law does not require that a defendant receive a perfect trial, only a fair one, it cannot realistically require that policemen investigating serious crimes make no errors whatsoever.

The protection of the citizenry is the foremost responsibility of the law enforcement officer; his first priority is to remove nefarious persons such as rapists, murderers, and kidnapers from the streets. In the performance of his duties, the policeman may sometimes err. The exclusionary rule does not distinguish between flagrant violations and accidental errors.

For example, it does not distinguish between clearly unreasonable searches of one's home and simple misstatements of information on a search warrant. Regardless of the magnitude of the error of the policeman, the rule mandates the suppression of evidence obtained in violation of the fourth amendment. The release of a convicted murderer due to an error in a search warrant is necessitated by the exclusionary rule.

S. 1764 should alleviate some of this lack of proportionality. If a police officer is acting in reasonable good faith, then the rule will not operate. Thus, many mistakes of the constable will not "free the guilty," to use the words of the Supreme Court itself.

Under the rule, evidence considered to have been obtained illegally is not permitted into trial, and if causal connection is determined, even the most credible kinds of evidence may be deemed "tainted" and also excluded from the trial. Causal connection refers to the judicial decision that where additional evidence is believed to have been gathered as a result of illegally seized evidence, it shall be subject to the exclusionary rule. For example, the body of a victim is inadmissible evidence at trial if the body was found as a result of a confession of a pickpocket being held illegally by law enforcement officers.

In our society, differing types of criminal elements are present. There are criminals, such as gamblers and pickpockets, who seek monetary gain by committing crimes against property. There are also criminals, such as rapists, and child molesters, who commit violent crimes against the person. The exclusionary rule, however, does not differentiate between heinous crimes against the person, such as rape, child abuse, or homicide, and simple monetary crimes. Its use allows the same reversal for a convicted child molester, on the grounds of the illegality of the search and seizure, as it does a convicted gambler.

Our courts also make a distinction insofar as the penalties meted out to the convicted criminal. The Court demarcates misdemeanors and more serious felony crimes. The penalties established are based on the magnitude of the crime committed. Conviction of a misdemeanor elicits a penalty ranging from a fine or probation to 1 year imprisonment in prison. Conviction of a serious felony crime elicits a penalty ranging from 1 year incarceration in a State or Federal penitentiary to the death penalty. Whereas the courts take into consideration the gravity of the crime, the exclusionary rule does not distinguish the misdemeanor from the more serious felony crime. The rule releases a convicted gambler the same as a convicted killer, totally ignoring the gravity of the crime.

The primary reason for the institution of the exclusionary rule was to deter abusive law enforcement practices. However, there is little substantive proof that the exclusionary rule is an effective deterrent. Mr. Justice White, in his dissenting opinion in Stone against Powell, stated:

As time went on after coming to the bench, I became convinced that *Weeks* v. *United States*, (citations omitted), and *Mapp* v. *Ohio* had overshot their mark insofar as they aimed to deter lawless action by law enforcement personnel, and that in many of its applications, the exclusionary rule was not advancing that aim in the slightest and that in this respect, it was a senseless obstacle to aiming at the truth in many criminals trials. 428 U.S. 465, 537 (1967).

Mr. Justice White also contends that the rule cannot deter unlawful conduct:

When law enforcement personnel have acted mistakenly, but in good faith and on reasonable grounds, and yet the evidence they have seized is excluded, the exclusion can have no deterrent effect. The officers, if they do their duty, will act in similar fashion in similar circumstances in the future; and the only consequence of the rule as presently administered is that unimpeachable and probative evidence is kept from the trier of fact and the truth-finding function of proceedings is substantially impaired or a trial totally aborted. 428 U.S. 465, at 539.

It has even been suggested that the exclusionary rule promotes illicit conduct by law enforcement officers. Since the rule is conviction-oriented, it is only brought to play at the trial stage of criminal proceedings when law enforcement officials are seeking a conviction, it permits harassment or seizure of contraband by officers who have no intention of a conviction while providing no direct punishment to the officer who may have violated fourth amendment rights. In some instances, the rule diminishes abidance of the law and compels officers to turn to illegal means of law enforcement; that is, false testimony. Where, then, lies the protection for the innocent victim of illegal searches and seizures required by the fourth amendment? Assuming an illegal search and seizure is committed upon a law-abiding citizen, the rule offers him little help, remedy, or protection—certainly no compensation.

Prof. Virgil Peterson's thoughts as to the ineffectiveness of the rule in its protection of the innocent are expressed well:

Rejection of the evidence does nothing to punish the wrongdoing official while it may and likely will, release the wrongdoing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects one against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are the victims of illegal but fruitless searches. (In restrictions of the law of search and seizure, 52 Northwestern Univ. L. Rev. 46 at 55 (1958).

Further proof is found in a report from the American Bar Association's Division of Judicial Administration. A relevant section reads:

Not only has the rule failed to achieve its stated purpose, but it has imposed substantial costs on society in the process. First, the exclusionary rule affords no protection or remedy to innocent persons whose fourth amendment rights have been infringed. Justice Frankfurter noted that the exclusion of evidence is a remedy which directly serves only to protect those upon person or persons something incriminating has been found . . . next it is clear that the exclusionary rule imposes a single, inflexible, and drastic sanction without regard to the nature, circumstances, or degree of police misconduct.

To ascertain the validity of the many criticisms of the exclusionary rule, an empirical study was conducted in Chicago in 1971-72. The study was administered by the U.S. Department of Justice and the University of Chicago Law School. The results indicated the ineffectiveness of the rule as a deterrent to abusive law enforcement practices and illustrated the lopsided protections the rule gives for violations of the fourth amendment rights. Instead of protecting the innocent law-abiding citizen, the rule releases the criminal as well as the offending law enforcement official from answering for his misconduct. In a brief (amicus curiae) submitted by the district attorney of Alameda County in the case of People against Cahan, the district attorney stated:

(The) net result of the exclusionary rule is that the persons who will benefit the most, in fact almost exclusively, are the blackmailer, the kidnapper, the big-time narcotic peddler, the racketeer, the dishonest gambler who preys in devious ways upon a gullible public, the panderer and procurer, the entrepreneur of syndicated prostitution, who like the pimp, lives off the earnings of prostitutes, and other types of organized syndicated crimes 44 Cal. 2d 434 (1955).

In recent Supreme Court decisions concerning the exclusionary rule, Justices have continued to echo the fact, which was first introduced in *Wolf* v. *Colorado*, 338 U.S. 25 (1949), that the rule is "judicially created and one which Congress might negate."

In S. 1764, Congress is not acting to "negate" the rule as would be permissible. I would prefer such a course as I have said earlier. Nonetheless, the Senate is acting today to rid the criminal justice system of some of the most outrageous effects of the exclusionary rule.

Mr. Edwin Meese describes well the effect of this bill:

Under this rule, if a court finds that the police officer was acting in good faith, based upon his well-founded belief in the state of the law and the situation that confronted him, then the evidence would not be ruled inadmissible and it could be used in the trial of the case. The police officer would still be subject to administrative and other means of discipline if it was found that there was some negligence of some inattention to duty, but particularly where the officer is acting in good faith and where he is even applying the law as it exists at that particular time, the evidence would be available and could be used to determine the gult or innocence of the accused. "Combatting the American Epidemic," Criminal Justice Reform, Regnery Gateway (1983).

This bill will be a step toward restoring confidence in our criminal justice system. I heartily encourage my colleagues to support this measure as a step toward the best option of all—eliminating the ineffective and damaging rule.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, in my judgment, the bill before us ignores the entire meaning of the Bill of Rights. James Madison introduced the first 10 amendments to the Constitution and it was clear that the courts were to be the chief mechanisms of enforcement. Here is what he said, referring to the amendments:

If they are incorporated into the Constitution, independent tribunals of justice will consider them in a peculiar manner the guardians of those rights: They will be an impenetrable bulwark against every assumption of power in the legislative or executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights.

In my judgment, Mr. President, this bill is now saying that Madison was in fact wrong, that the courts should not be the guardian of our fourth amendment rights, that the courts should not resist encroachments into our privacy rights by law enforcement officers, and that the counts should be a penetrable rather than an impenetrable bulwark when law enforcement officers invade our homes.

Justice Brandeis in his famous dissent in Olmstead against United States said, in 1928:

When the Government, having full knowledge, sought, through the Department of Justice, to avail itself of the fruits of the acts, in order to accomplish its own ends, it assumed moral responsibility for the officers' crimes . . . and if this court should permit the Government, by means of its officers' crimes, to effect its purposes of punishing the defendants . . . the Government itself would become a lawbreaker . . . in a government of laws, existence of the Government will be imperiled if it fails to observe the law scrupulously. Our Government is the patent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy.

The noted law professor Yale Kamisar has written that it was only when the exclusionary rule was applied to the States that State law enforcement officers began to pay attention to the requirements of the fourth amendment. Requiring law enforcement officers to be very careful before they take any action which would come close to invading fourth amendment rights is important, and the fact that they are in the great majority of cases, being very careful proves that the exclusionary rule is working.

And if it is, why should we retreat to the past?

In 1979, at Senator KENNEDY's request, the General Accounting Office conducted a study of the impact of the exclusionary rule on Federal prosecutions. The GAO analyzed 2,804 cases across the country processed from July 1 through August 31, a 2-month period, in 1978, in 38 U.S. attorney's offices, and here is what the GAO found: Of cases declined for prosecution by the U.S. attorney, only fourtenths of 1 percent were declined due to fourth amendment search and seizure issues.

Second, only 14.6 percent of the cases actually went through a full trial. An estimated 32.6 percent of the defendants in the cases that went to trial filed fourth amendment motions. So, of the cases that went to trial, less than one-third raised fourth amendment issues, and the issues raised were decided against the defendants in 80 to 90 percent of the cases.

Overall, Mr. President, in only 1.3 percent of the 2,804 defendant cases was evidence excluded as a result of filing a fourth amendment petition. That means that perhaps as little as 1.3 percent of available prosecution time overall was devoted to fourth amendment motions.

Can you imagine how much more complicated the court's job is going to become in deciding how to protect fourth amendment rights if it must discern the intent of law enforcement officers involved in the arrest? Resolution of a question of constitutional law will turn on the state of mind of an officer, rather than on whether evidence has been seized in violation of the constitutional right to be free in our homes from unreasonable searches and seizures.

The current standards of suppression of evidence are capable of being taught to the police and they are objective not subjective. What guidelines is the court to follow in determining whether the arresting officers acted in good faith, and what does the officer's good faith have to do with the fourth amendment anyway?

Proponents argue that the current state of the law undermines public confidence in the law since it appears that the guilty often get off on mere technicalities.

First of all, it is clear to me that the public's confidence will be much more eroded by the passage of this bill than if we do nothing.

Second, we should do more to make sure that the public is aware that in the Federal courts only a very small percentage of defendants are successful in suppressing evidence in criminal cases and having the prosecutions against them dropped.

That is a GAO study, not my study.

Mr. President, the American Bar Association has taken a very strong stand against this. These are all the lawyers in this country. These are the constitutional scholars. These are the zealous guardians of the freedoms that are guaranteed to every citizen, rich or poor, under the Constitution.

Mr. President, I am not going to read all of the American Bar Association's testimony, but I ask unanimous consent that a portion of it, which I have marked, be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"GOOD FAITH" EXCEPTION

A third, and perhaps more venturesome, proposal to limit the application of the exclusionary rule may be found in the U.S. Department of Justice recommendation to the Congress that evidence obtained in the course of a reasonable, good faith search should not be excluded from federal criminal trials.

The American Bar Association strenuously opposes these recommendations. Our reasons are several. First, for over 100 years a majority of the Supreme Court of the United States has consistently rejected the so-called "good faith" test. *Stacey* v. *Emery*, 97 U.S. 642 (1878); *Director General of Railroads* v. *Kastenbaum*, 263 U.S. 25, 28 (1923); *Carroll* v. *United States*, 267 U.S. 132, 162. (1925); *Henry* v. *United States*, 361 U.S. 98, 102 (1959). Objectivity, not subjectivity, is the rule of law.

Also, it is interesting to note that over 20 years ago the Justice Department raised the "good faith" exception. They argued in their brief at p. 68 in the *Elkins* case that "evidence should not be barred which was obtained by state officers acting in good faith but mistakenly failing to comply with all the legal requirements. Only that evidence would be barred which was obtained by intentional or clear violation of constitutional rights." Counsel for petitioner in his reply brief at p. 18 put it this way:

"We have no doubt that the Court will reject this all too obviously last-ditch alternative. A search is either valid or invalid; there is no middle ground. Close cases will of course arise in the future, as indeed they have in the past; but however difficult it may be to draw the line, a line must somewhere be drawn. An illegal search can no more be saved from condemnation by the apologetic comment that it is only slightly unconstitutional than an egg can be classed as edible simply because it is only slightly rotten." Congress should find the proposal equally difficult to swallow.

Perhaps it was best said by Mr. Justice Stewart in *Beck* v. *Ohio*, 379 U.S. 89 (1964) at 97:

"We may assume that the officers acted in good faith in arresting the petitioner. But 'good faith on the part of the arresting officer is not enough.' *Henry* v. *United States*, 361 U.S. 98, 102 . . . *if subjective good faith alone was the test, the protections of the Fourth Amendment would evaporate, and the people would be 'secure in their persons, houses, papers, and effects,' only in the discretion of the police." [emphasis added].*

To say that the proposed "good faith" exception is "a workable rule governing arrests, searches and seizures" is to stand the Fourth Amendment on its head.

Second, in 67 years, federal trial judges have been interpreting a standard of reasonableness predicated on the accumulated wisdom of precedent and experience in every evidentiary hearing in which they have presided pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure (or its equivalent prior to 1946). *At all times, an objective standard has been the test by which they have scrutinized the admissibility of evidence.*

In *Delaware* v. *Prouse*, 440 U.S. 648 (1979) at 653-654, Mr. Justice White put it rather simply:

"The essential purpose of the proscriptions in the Fourth Amendment is to impose a standard of reasonableness upon the exercise of discretion by government officials, including law-enforcement agents, in order 'to safeguard the privacy and security of individuals against arbitrary invasions.' (citations omitted) Thus, the permissibility of a particular law-enforcement practice is judged by balancing its instructions on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Implemented in this manner, the reasonableness standard usually requires, at a minimum, that the facts upon which an intrusion is based be capable of measurement against 'an objective standard,' whether this be probable cause, or a less stringent test." (footnotes omitted)

In the same term, the Court reiterated its stress on objectively reasonable standards in *Dunaway* v. *New York*, 442 U.S. 200, 209 N. 11 (1979). *Prouse* was decided by 8-1 and *Dunaway* by 6-2 (with Justice Powell not sitting).

Assuming arguendo that Congress should enact the subjective "good faith" test to supplant the objective standard of reasonableness and the Supreme Court determines it to be constitutional, the effect in Rule 12(b)(3) evidentiary hearing in the 94 United States District Courts would be devastating. Federal law enforcement officers would undoubtedly be permitted to testify not only as to their state of mind regarding "good faith," but probably to give opinion testimony as well. With the burden of proof on the presecution at the lowest rung of the evidentiary ladder—mere preponderance of the evidence to establish the search or seizure was undertaken in a reasonable good faith belief that it was in conformity with the Fourth Amendment—the Sixth Amendment adversary factfinding process in Federal courts become a farce and mockery of justice.

Further, we contend that interpretation by the courts of a new "good faith" exception will engender years of litigation, exaccerbating the problems already facing busy federal trial courts. It also will promote federal law enforcement carelessness, as well as suffer ignorance of the law.

To illustrate our position more fully the rather cogent concluding paragraph in Hoopes, "The Proposed Good Faith Test for Fourth Admendment Exclusion Compared to the § 1983 Good Faith Defense: Problems and Prospects," 20 Ariz. L. Rev. 915, (1979) states at 951:

"If the more salient problems of burdens of proof and workable standards for the determination of when the officer's intent may be judged culpable can be resolved, a properly defined and focused good faith test for exclusion could well provide a rational and effective means of protecting those rights provided for in the fourth amendment. Nevertheless, although the good faith test would appear to make no substantive changes in exclusionary rule analysis, if the Supreme Court draws heavily on the civil history of the good faith standard, the result may be an analysis that focuses disproportionately on the officer's assessment fo the facts. *This result seems inconsistent with the overriding policy of the fourth amendment that the determination of the propriety of a search and seizure is ideally removed from the discretion of the officer."* (emphasis added)

Only retention of the objective standard of reasonableness can secure Fourth Amendment rights.

Third, we offer a further observation. If the Congress should enact the "good faith" test in the Fourth Amendment context, would not, as Senator Mathias asked in a hearing on October 5, 1981, there be a movement to consider legislation to condone "good faith" violations of First Amendment rights? Taking it two additional steps further, would this lead to proposals to eliminate the Fifth Amendment privilege against self-incrimination by supplanting the totality of circumstances test of confessional voluntariness—or the Sixth Amendment prohibition against the use of statements taken from an accused in the absence of counsel? As Mr. Justice Bradley warned almost 100 years ago, in *Boyd* v. *United States*, 116 U.S. 616 (1886) at 635:

"Constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be obsta principiis."

So should Congress be as vigilant in the protection of the rights of the individual.

Mr. BUMPERS. Mr. President, I am really pleased that I have heard people say that this bill is not going anywhere in the House of Representatives. It certainly is going to pass here in the Senate. But this is like so many things that we do in the Congress. I voted for the omnibus crime package bill; I voted for the proposal on writs of habeas corpus; I have been a strong champion of preventive detention. But I am not going to support a proposition that I know sounds good on its face that, in my opinion, will erode confidence in law enforcement in this country, not build it.

I talked a great deal the other day on the telephone taping amendment about our right to be secure in our homes and the right to have our privacy secure and not invaded by whim or caprice.

I invite any Member of this body to tell me what does it mean when you go from an objective determination to a question of good faith, the Court will be required to say, "You seized evidence and you did not have any right to bust into somebody's home, but did you have good faith when you did so?" The objective determination—was the search legal or not—has been precedent in this country for years and years, and is the thing that sets this

country apart from the Soviet Union and every other totalitarian government in the world. And you tell me that we are taking a wise course by moving from an objective evaluation to a subjective evaluation called good faith, where the courts have to tell you what was in an arresting officer's mind at the time he did whatever he did.

Who knows that? I invite anybody in this Chamber to tell me what is the test for determining good faith. You do not have to worry about it under existing law. You do not have to worry about what was on the officer's mind under present law. You do not have to worry about whether he is operating in good faith or bad faith. You do not have to worry about whether a judge is smart enough to know what was in a law enforcement officer's mind at the time he busted your door down for good or bad.

But if you pass this bill, you have to worry about all of that.

It is another case of the medicine being worse than the disease.

Mr. President, I have never understood why the Justice Department continues to insist on such a gross violation of the fourth amendment rights in the Constitution. And I might say I cannot understand why this body continually wants to tinker with the Constitution of the United States. I am just grateful that the people of this country in their infinite wisdom have only seen fit to tinker with that document 26 times in over 200 years. And yet, we hardly do anything else around here anymore, except propose changing constitutional guarantees.

So, Mr. President, I hope that a lot of people in this body share my view that the crime rate of this country is a national disgrace.

I hope many Senators share my view that we have been hacking away at the branches instead of the roots of the causes of crime in this country. But I am just thankful for the House of Representatives if they have, in fact, taken the position that they do not intend to entertain this bill. The American people owe them a debt of gratitude if that is, in fact, the case, because I guarantee you would not any more than get this passed until a lot of people in this country would be awfully sorry. So I am pleading with my colleagues to stand up for the Constitution of the United States, our right of privacy, our right to be free in our homes, without worrying about government intrusion. I have never understood why this administration wants government on your back and onto your telephone lines and into your bedroom and busting in your doors and all the rest of it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HATCH. Equally divided.

The PRESIDING OFFICER. Is there objection?

The Chair hears none and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the fourth amendment to the Constitution of the United States says, in part:

> The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.

That constitutional language is a clear directive. It says that that right shall not be violated. And our courts have, for 70 years, applied that directive as clearly as the Constitution requires to all Federal criminal cases.

In 1961, in Mapp against Ohio, the Supreme Court extended that directive to the proceedings of State courts as well, in a decision which clearly and unambiguously reinforces its fourth amendment basis:

> We hold that all evidence obtained by searches and seizures in violation of the Constitution is, by that same authority, inadmissible in a State court.

The Court has required that when an officer of the Government breaks the law in a criminal case, the Government may not use the fruits of that act to prosecute that case.

In the two decades that have followed the Mapp decision, the Court has never retracted its finding of the constititional basis on which that decision and subsequent related decisions are founded. The Court has defined and refined the results of that finding, but the fundamental constitutional basis for it remains.

The bill before us, S. 1764, seeks by a majority vote to alter that long-standing judicial interpretation of the fourth amendment. And it seeks to do so, ironically, at a time when the Supreme Court itself may very soon resolve the particular problems that the bill attempts to address.

The bill's purpose is to provide that evidence obtained by law enforcement officials in good faith may not be excluded from criminal proceedings, even though the evidence was illegally obtained.

The fourth amendment's prohibition against illegal searches and seizures is one of the clearest and most direct constitutional commands. It grew out of the experience of the actual events that preceded the Revolutionary War. It was not an abstract legalistic theory imposed on the new nation to redress some future grievance, but a very direct and very practical response to the experiences of the framers themselves.

In a document whose purpose is to define the limits of Government's power, the framers included language which asserts a positive right on the part of the people to be free of Government illegality in their persons, their homes, their papers and their effects.

This language is clear. But it is not self-enforcing. The responsibility of the courts is clear. They must enforce it.

In numerous cases, stretching over many decades of deliberation, the Supreme Court has held that the exclusion of illegally obtained evidence is required to enforce the fourth amendment. The Court has observed that unless such a discipline is enforced, the effect would be to permit that fourth amendment right "to remain an empty promise." (Mapp)

The exclusionary rule has been developed and circumscribed by the Supreme Court to protect that fundamental right without, at the same time, allowing its blatant misuse to pervert the truth-seeking function of criminal proceedings.

The Court has ruled that evidence which was illegally obtained may not be barred from impeachment proceedings. It has denied the use of the exclusionary rule by other parties to a case, by ruling that only the individual whose fourth amendment rights were directly violated may avail himself of those rights. The Court permits the use of illegally obtained evidence in other proceedings than those in which the fundamental question of innocence or guilt is to be decided: In grand jury proceedings, in civil cases, and in the relitigation of search and seizure issues in habeas proceedings. The Court has also prohibited the use of the exclusionary rule retroactively.

Contrary to the impression that some have tried to convey, there is not now an unlimited right for defendants to bar incriminating evidence and thus escape fair trial.

The limits the Court has already placed on the exclusionary rule are designed to reach and maintain a balance between the Government's needs in criminal cases and the fourth amendment's clear directive that the right of the people be to be secure is a constitutionally protected right.

As such, it is open to question whether the Congress has the power to unilaterally weaken or undermine the extent of that right.

The Court has clearly said that barring illegally obtained evidence is a "constitutionally required—even if judicially imposed—deterrent safeguard without * * * which the fourth amend-

ment would have been reduced to a 'form of words.'" (Mapp) That finding is clear and straightforward. It does not, in my judgment, give the Congress the type of leeway that this bill would take, to change the nature of the deterrent safeguard by altering the standards against which it must be judged. The Supreme Court has found that the safeguard is to be judged against the fourth amendment—not against the desirable social goal of reducing court workloads, or preserving the morale of police officers, or any other social purpose.

The Congress cannot simply arrogate to itself the right to make adjustments in the degree and type of constitutional protections which the Court has ruled exist. To do that, we must take the route of amending the Constitution to limit those protections directly. There is no other constitutional ground on which elected representatives in this or any future Congress may simply overturn or change or modify the constitutional findings of our Supreme Court.

In the past seveal years, we have seen and rejected a number of attempts to legislate that which cannot be legislated. This appears on the face of it to be another such case. In earlier attempts, we have faced efforts to strip the Supreme Court of its right to rule in specific areas. In this instance, we will be attempting to dictate to the Court the limits it may find to a constitutionally required protection.

The protections and requirements of the Constitution are not, as some would imply, designed to benefit criminals and misfits. They are the essential safeguards of the liberties of all Americans. It is a popular misconception that we can somehow cheaply win the war against violent crime if we are simply willing to modify, or abridge or alter constitutional protections, particularly if we mislabel them. To those seeking a quick and easy answer, constitutional requirements tend to be described as "legal technicalities." But the legal technicality before us today is grounded in one of the most fundamental American rights: the right to maintain the privacy of our homes against dragnet searches for criminals.

Violent crimes terrorize communities and under the influence of that terror, public opinion is willing to countenance virtually any abridgement of constitutional rights. At the height of the Zebra killings in San Francisco in 1974, the police issued a directive to stop and pat down every black male in the city who was between 20 and 30 years old, and taller than 5'8". At the height of a crime wave, most citizens are willing to say that anyone who has the unfortunate luck to fit this kind of description should submit for the greater good of the community.

But would most citizens, upon calmer reflection, agree that police ought to have the right to stop and search virtually anyone who meets a description as to height, race and sex? I doubt it.

But if we tamper with the carefully developed rules which the Supreme Court has developed to preserve the fourth amendment protections, where shall we draw the line when some other infringement of constitutional rights seems to serve an immediate and compelling purpose?

Neither the fourth amendment nor the other commandments of the Constitution can be disregarded when they impose an inconvenient or troublesome duty on the Government. Indeed, the chief purpose of the Constitution itself if to impose on Government the duty to act only under the laws. Justice Brandeis, in a deservedly famous dissent, made the case for a government under law which we would do well to recall:

> In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our government is the patent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.
>
> To declare that in the administration of the criminal law, the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution.
>
> The makers of our Constitution . . . sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment." *(Dissenting, Olmstead* v. *U.S. 1928).*

Ironically, the bill before us not only seeks to weaken the constitutionally defined fourth amendment protections, but seeks to do so at a time when a few months' wait is very likely to dispel whatever uncertainty exists about the extent to which good faith actions by law enforcement officers are a protection against the barring of illegal evidence.

The Supreme Court has asked for and heard oral argument in two cases which it will decide this session: Massachusetts against Sheppard and U.S. against Leon.

In the Leon case, the Solicitor General has said that the issues at stake are precisely the same as those in a case the Court declined to review on constitutional grounds last year. In accepting this petition, the Court has sent an unambigious signal that it will, now, decide those constitutional issues. And the issue raised by Leon could not bear more directly on the purposes of this bill:

> Whether the fourth amendment exclusionary rule should be modified so as not to bar the admission of evidence seized in reasonable, good-faith reliance upon a search warrant that is subsequently held to be defective.

The other case, Massachusetts against Sheppard presents the question: "Whether the Supreme Judicial Court of Massachusetts erred in refusing to recognize a good faith exception to the exclusionary rule"?

The subject of both these cases goes directly to the heart of S. 1764, the bill before us. That bill would provide, first, a reasonable, good faith exception to the exclusionary rule, and second, it would provide a prima facie exception where a warrent has been obtained.

This Senate need not take the constitutionally questionable route of modifying a fourth amendment protection at a time when the Supreme Court itself will shortly issue rulings that could well resolve the issues in this bill. There is absolutely no practical need for the haste with which we are asked to approve this measure.

Nor is there sufficient legislative background on which to proceed. The only hearings the Senate has ever held on the issue of the application and reach of the exclusionary rule were not held in this Congress. They took place in 1981 and 1982, before the Subcommittee on Criminal Law. The subcommittee did not, at that time, recommend a legislative change.

In fact, the former chairman of the subcommittee, under whose guidance the hearings were held, has informed the Senate that the majority of witnesses who believe the rule can and ought be changed did not support the idea of a good faith exception.

U.S. Circuit Court Judge Wilkey, who has strongly and effectively stated the problems that grow out of the practical application of the exclusionary rule has also said that outright abolition—if that were possible—would be preferable to a good-faith exception, which is what we find in the bill before us. He has characterized the compromise of providing a good-faith exception as a compromise which is the kind of compromise which may be as disastrous as trying to make the Grand Canyon in two jumps.

That witness and other witnesses at the hearings in 1981 and 1982 held that the purpose of the exclusionary rule—the deterrence of illegal conduct by officers of the Government—can and should be sought in a way that separates Government misconduct from the criminal guilt of the accused. The former subcommittee chairman informs us that the majority of witnesses did, in fact, recommend such an alternative process. Yet the measure

before us now takes no cognizance whatever of the testimony that the Senate sought and received. Instead, it simply takes the step of modifying the rule without providing any alternative remedy of any kind.

An alternative remedy which the Congress could provide is an approach that has many distinguished supporters: Justice Potter Stewart, writing in the Columbia Law Review just last year made the case clearly:

> The Constitution and the rule of law require that the fourth amendment not be reduced to a mere form of words, virtually stricken from the Constitution. In my view, however, that fact does not necessarily require that one particular remedy—exclusion—be adopted. Instead, the Constitution requires only that there be some effective remedy to ensure that agents of the government obey the Fourth Amendment. Thus exclusion is constitutionally required only if, without it, there would be no adequate means to ensure that the government obeys the fourth amendment.

This not only clearly reiterates that the Constitution demands a remedy to fourth amendment violations, but provides a point of departure for legislative action which the committee majority has ignored in the bill now before us. Instead, we face a legislative proposal which in fact risks the effect of minimizing the deterrent function of the rule. As Justice Stewart has written:

> Adoption of a good faith exception . . . may cause police officers to shift the focus of their inquiry from what does the Fourth Amendment require in this situation? to what will the courts allow me to get away with?

It is ironic that the opponents of the exclusionary rule are asking the Senate to enshrine it in law. For if the good faith exception is enacted, we will have a bad faith exclusionary rule as a matter of statute, regardless whether the courts ultimately find some alternative and more effective means of enforcing the fourth amendment's requirements.

In short, not only is this legislative proposal poorly timed, given the cases now before the Supreme Court, but it would have the effect of giving a statutory authority to the exclusionary rule which it has never previously enjoyed. That was the second jump over the Grand Canyon that Judge Wilkey identified in his testimony before the Subcommittee on Criminal Law.

We would be well advised to await the outcome of the Supreme Court's rulings on the two pending cases. We would be well advised to develop, in the normal legislative course, the basis for constitutionally sound legislation that may reach to the kind of alternative remedies Justice Potter Stewart has described.

What is clear, however, is that there is neither wisdom, nor legislative restraint, nor constitutionality in approving this measure now.

Thank you, Mr. President.

I yield the floor.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. BAKER. Mr. President, I have just talked to the Vice President of the United States, and I am advised that the President will make an address to the Nation at approximately 5:55 p.m. this evening on the situation in Lebanon.

I make this announcement at this time so Senators may be aware of it and may be in a position to watch and hear the President's remarks.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, I yield time from the time allotted to me to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have long been one of the leading supporters of strong, effective anticrime legislation. I was proud to work with the distinguished chairman of the Judiciary Committee, Senator THURMOND; the ranking minority member, Senator BIDEN; and the chairman of the Criminal Law Subcommittee, Senator LAXALT, to forge a bipartisan package of anticrime reforms which can make a real difference in our continuing war against crime. The overhaul of our criminal sentencing system and bail reforms contained in the bipartisan package are essential changes which are long overdue. Other law enforcement improvements in the package in the areas of drug trafficking, criminal forfeiture, and prosecution of violent juveniles are critical tools for the reduction of crime in America. The bipartisan crime package also contained much needed Federal assistance for State and local prosecutors who are our front line against crime.

The Senate did some excellent work on crime last week. It adopted the bipartisan crime package which I have just described by an overwhelming majority of 91 to 1. The coalition of Democrats and Republicans, liberals and conservatives, which supported the crime package demonstrates that we can adopt significant anticrime legislation, without jeopardizing the constitutional rights or the civil liberties of any citizen.

But I am as strongly opposed to the legislation which the Senate considers today as I was supportive of the legislation which the Senate approved last week. I worked vigorously to separate the exclusionary rule, habeas corpus, and capital punishment legislation from the bipartisan anticrime package, because these measures are not anticrime and because they may well infringe on constitutional rights and important civil liberties.

In particular, relaxing the exclusionary rule is not a practical step to take in the war against crime. A study by the General Accounting Office released in 1979 revealed that in only 1.3 percent of the 2,084 criminal prosecutions examined was evidence excluded as the result of a fourth amendment violation. In less than one-half of 1 percent of the cases analyzed was an exclusionary rule problem the primary reason for a prosecutorial decision not to bring a case. Simply put, the so-called reform in this legislation will not make any significant difference in reducing crime.

In addition, this is not an area where congressional action is warranted at this time. Two cases which raise the same issue and seek the same change in the exclusionary rule proposed in this legislation are now pending in the Supreme Court. In Massachusetts against Sheppard and U.S. against Leon, which have already been argued and are now awaiting decision, the Government has asked the court to read a good-faith exception into the exclusionary rule. If the Government wins, then there is no need for this legislation; if the Government loses, then this legislation is unconstitutional. Either way, the bill does not deserve to pass.

If the Senate is serious about reducing crime, we should be urging the House of Representatives to enact the criminal law reforms which the Senate passed last week. I intend to vote against this bill. It is an empty gesture and I hope the Senate will not adopt it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. METZENBAUM. Mr. President, I yield myself such time as I may need off of the time of the Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I want to associate myself with the very erudite presentation which the Senator from Maine made in connection with this issue.

I rise to indicate my opposition to the passage of this legislation. We all know the Supreme Court will soon decide this issue. There is not any reason why we should not wait to see what their decision is and what guidelines, if any, they lay down.

The fact is that there is something totally wrong about abolishing the exclusionary rule if the police officer is acting in good faith. How do you prove good faith and what are the stand-

ards? What this means is that police can violate the Constitution and not have any reservations whatsoever about doing it.

Now the fourth amendment to the Constitution is very clear. It provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

But somehow this administration has moved in the last 3 years, under the leadership of the President and the Attorney General, to the point where they do not care about the Constitution any more. They want to just cry out that they are doing something about the crime in this country.

Well, let me tell you that they are probably doing more to add to the crime of this country than any administration in this Nation's history. When you make more people hungry, when you keep people from having a place to sleep, when you do not give young people a chance to get an education, you add to the forces that create crime in this Nation.

You do not eliminate crime by eliminating the exclusionary rule. This is just one of the specious arguments that we hear so often around here that somehow this is going to do much to eliminate crime.

How many cases do you think the exclusionary rule was used in? According to a GAO study of 2,804 cases, in only 1.3 percent of those cases had the evidence been excluded by reason of the exclusionary rule.

This bill does not make sense. Sure, you can go home and tell your constituents that you passed a bill to stop crime. Talk about how we are going to have a new drug task force to stop crime. But that is not enough. We are going to pass a bill to weaken the exclusionary rule so that evidence can be used in court if it was obtained improperly. Let the police officer use almost any method to obtain the evidence and then come in and indicate that he was really doing it in good faith and that is OK, police can use an improper warrant and obtain the evidence, as is the case in the case pending in the Supreme Court, and then claim, "Well, good faith is a good defense."

Maybe the Supreme Court will come out and say something about that. But until they do I do not think this Senate ought to be passing legislation.

Now the facts are that in this Nation's history we always prided ourselves on the right to privacy. We always thought that people could not listen in our telephone conversations because there was a right to privacy. We thought that police officers could not bang into our homes or obtain evidence from us using illegal methods without a warrant because there was a right to privacy.

Well, George Orwell talked about it. He said that 1984 would be the year when there would be some omnipresent kind of taping, so that they would know what you were thinking, know what you were doing and they would be able to control your life.

Well, this bill is S. 1764, but it probably ought to be numbered S. 1984, because this bill is one step—and a major one at that—in the direction of George Orwell's "1984."

You know, we have been standing around the floor of the Senate now for a couple of weeks debating crime issues. I voted for the omnibus bill. There are a half-dozen other bills that are coming up too. Are we really accomplishing anything? Are we really doing something about which we can be so proud that we can go back and tell our constituents about it?

I have read that the House has already said the bill has those letters on it that I hear about on television when the body comes in—DOA, dead on arrival. They say the omnibus bill is dead on arrival.

I do not know what will happen with the exclusionary bill that is before us now, S. 1764; a/k/a, 1984. But the fact is that this bill is not going to do anything to solve the problem of crime in this country. The fact is that this bill is going to invade the constitutional rights of people. And the fact is that, after years of litigation, if it does become law, it undoubtedly will be declared unconstitutional.

So, later this afternoon we will probably vote on this bill, or maybe tomorrow morning, and when we do, a lot of people will think they have done something to put a roadblock in the way of crime in this country, or in helping to send our criminals or alleged criminals to prison.

But I submit we will not have achieved our objective; instead we will have violated the constitutional right of millions of Americans because once you begin to break down this right of privacy, there is no limit to how far you will go.

I think this legislation is ill begotten. I think it is ill advised. I think the Senate would be well advised to defeat it. I do not kid myself. It will probably pass overwhelmingly. But I hope that wiser judgments will be reached in the House and that the House will see fit to defeat S. 1764.

Mr. THURMOND. Mr. President, I would like to offer just a few remarks in response to the views of the distinguished gentleman from Maryland (Mr. MATHIAS) on the subject of S. 1764. I do so because these views are generally representative of those of opponents of this measure.

CONSTITUTIONALITY

As I understand them, the Senator from Maryland is opposed to S. 1764 for two reasons. First, he questions the constitutional authority of Congress to legislate an exception to the exclusionary rule, and suggests that the fourth admendment to the Constitution mandates such a rule.

I would strongly take issue with this assertion. The fourth amendment to the Constitution states simply that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

There is no further direction in the amendment given as to the procedures for enforcing its provisions, or the sanctions to be applied for violating its provisions. Nothing in the text of the amendment explicitly or implicitly provides for the exclusion of criminal proceedings of evidence seized in violation of the fourth amendment.

Rather, the exclusionary rule is a judicially created sanction—one of a number which could have been created—designed to deter police misconduct in violation of the fourth amendment. It has been justified by the courts, not as a necessary outgrowth of the provisions of the fourth amendment but as a deterrent to police misconduct. To the extent that alternative deterrents existed, or to the extent that the exclusionary rule did not serve a deterrent value, there is nothing in the opinions of the Supreme Court to suggest that the exclusionary rule was of constitutional magnitude.

Indeed, this can be evidenced by the increasing incidence of cases in which the Court has refused to apply the rule or admitted exceptions to the rule. To the extent that the exclusionary rule has not been able to serve as a deterrent measure, the Court has not been reluctant to exclude its application. Had the exclusionary rule been a constitutional requirement, the judiciary could not have limited the scope of its inquiry in this manner.

In Alderman against United States, for example, the Court refused to allow the rule to be raised by a person whose own fourth amendment rights had not been violated. (394 U.S. 165 (1969).) In reaching this conclusion, the Court stated:

> What petitioners appear to assert is an independent constitutional right of their own to exclude relevant and probative evidence because it was seized from another in violation of the Fourth Amendment . . . We are not convinced that the additional benefits of extending the exclusionary rule to other defendants would justify further encroachment upon the public interest in prosecuting those accused of crime and having them acquitted or convicted on the basis of all the evidence which exposes the truth.

Thus, the Court in Alderman was not at all hesitant in limiting the

breadth of the exclusionary rule on the basis of the perceived costs and benefits of applying the rule in a particular circumstance.

Similarly, in United States against Ceccolini the Court refused to apply the rule to a situation in which evidence was obtained as a highly indirect result of an illegal search and seizure. 435 U.S. 266. In reaching this result, the Court stated:

> The cost of permanently silencing [a witness] * * is too great for an evenhanded system of law enforcement to bear in order to secure such a speculative and very likely negligible deterrent effect.

Again, the Court engaged in what amounted to a balancing test in which the marginal deterrent impact of applying this extraordinary rule was weighed against the overall cost to the law enforcement and judicial processes.

In employing such a balancing test, the Court has, on various occasions since Mapp, refused to apply the exclusionary rule in grand jury proceedings, in civil proceedings, and in habeas corpus proceedings. Further, it has refused to apply the rule on a retroactive basis where the absence of any deterrent value is self-evident.

Had the exclusionary rule been one of constitutional dimension, its lack of application could never have been justified on such pragmatic grounds by the Court. Instead, because it is simply a judicially proposed remedy, and subject to amendment on the basis of empirical analysis, the rule has been limited and modified where prudent public policy required. S. 1764 is entirely consistent with this understanding of the rule.

GOOD FAITH

The Senator from Maryland next objects to S. 1764 on the grounds that the good-faith rule established in this bill does not represent an effective response to perceived abuses of the exclusionary rule. While I am not unsympathetic to alternative approaches to dealing with this problem—including outright abolition of the rule—I would strongly disagree that S. 1764 does not represent a sound response to the failure of present policy. It may not be the perfect legislative measure but it does represent a significant step toward restoring the integrity of our criminal justice system and refocusing the criminal trial upon the search for truth rather than the search for procedural perfection.

What the good-faith exception will do, first of all, is to require reviewing courts to determine whether or not police misconduct occurred at all. To the extent that a law enforcement officer carried out his or her responsibilities in good faith, it is difficult to imagine the value of a rule which subsequently results in the exclusion of evidence obtained through such a process. Clearly, there can be no deterrent value to a rule which excludes evidence seized by an officer who conducted himself in a manner that he believed to be consistent with the Constitution of the United States. If there is no deterrent value to the application of the rule, then there is no other justification for the rule that would require its application in these circumstances.

In addition to expressly limiting the scope of the exclusionary rule to those instances in which it has a deterrent effect, the good-faith exception highlights the fact that increasingly the rule has been utilized to exclude from consideration by the factfinder evidence seized, not as a result of police misconduct, but as a result of often technical violations of highly complex and ambiguous rules of fourth amendment procedure. To allow such evidence to be barred from the courtroom is a perfect example of elevating form over substance and subordinating the search for guilt or innocence to essentially irrelevant questions of procedural formality.

While I am not necessarily in disagreement with the Senator from Maryland that the courts will be required, in applying the good-faith exception, to make often difficult determinations, I hardly find that persuasive in recommending the status quo. I would doubt that the Senator would be more enthusiastic about a bill which abolished the rule entirely despite the fact that this would eliminate any threshhold questions of good-faith conduct entirely. In summary, Mr. President, S. 1764, as with most of what this body does, represents a good-faith effort to address a serious public policy problem in a way that can achieve a consensus among Members. It is not a perfect solution from my perspective any more than it is from that of the Senator from Maryland, but it does represent a significant improvement over present law.

Mr. President, S. 1764 is one of the most important criminal law reform measures that this body is likely to consider for many Congresses. Perhaps even more clearly than the other measures that have recently been debated in the Senate, the exclusionary rule illustrates much of what is wrong within our present system of criminal justice. Instead of a system of criminal law in which the search for truth, the search for guilt or innocence, is the principle guiding objective, we have seen our system increasingly degraded into one in which procedures and details and form are elevated above all else. In the process, we have created a system of criminal justice that is widely scorned by the American people, widely viewed as arbitrary, and widely viewed as a system incapable of protecting the domestic tranquility of our cities and urban areas. S. 1764 represents an important step in reversing this trend. I strongly urge its adoption by my colleagues.

Mr. President, I just want to say in closing that this is a very important piece of legislation. I would remind the Senate that the administration strongly supports this bill; that the Justice Department strongly supports this bill; the National Association of Attorneys General strongly supports this bill; and the National District Attorneys Association strongly supports this bill.

Mr. President, just in a few words, I want to say that the effect of this bill would provide that evidence obtained in a reasonable, good-faith search should not be excluded from Federal criminal trials. The bill is intended to enhance the operation of the Federal criminal justice system by allowing courts better access to all reliable evidence relevant in determining the guilt or innocence of the defendant, thereby promoting renewed respect for our system of justice.

Mr. President, again I hope that the Senate will pass this bill overwhelmingly.

Mr. BAKER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, is there time remaining under the order?

The PRESIDING OFFICER. There is time remaining.

Mr. BAKER. Will the Chair advise me as to how much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 36 minutes, the Senator from Maryland has 55 minutes, the Senator from Delaware has 32 minutes, the Senator from Arkansas has 44 minutes, and the Senator from Maine has 22 minutes.

Mr. BAKER. Mr. President, I am sure they are ready to yield back their remaining time, but while we double-check, is there time remaining on the bill?

The PRESIDING OFFICER. The time on the bill is allocated among the five Senators.

Mr. BAKER. Mr. President, I suggest the absence of a quorum to be charged against the time of the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield back my remaining time and all other time in opposition to the legislation.

Mr. THURMOND. Mr. President, I yield back my remaining time.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to yield back the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. We yield back that time.

The PRESIDING OFFICER. All time has been yielded back. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. HECHT), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. WARNER) would each vote "yea."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY) is absent because of illness in family.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 24, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—63

Abdnor	Cochran	Durenberger
Andrews	Cohen	East
Baker	D'Amato	Evans
Bentsen	Danforth	Exon
Bingaman	DeConcini	Ford
Boren	Denton	Garn
Bradley	Dixon	Goldwater
Byrd	Dole	Gorton
Chiles	Domenici	Grassley
Hatch	Lugar	Sasser
Heflin	Mattingly	Simpson
Heinz	McClure	Stafford
Helms	Murkowski	Stennis
Huddleston	Nickles	Stevens
Humphrey	Nunn	Symms
Jepsen	Pressler	Thurmond
Johnston	Pryor	Tower
Kassebaum	Quayle	Trible
Kasten	Randolph	Wallop
Levin	Roth	Wilson
Long	Rudman	Zorinsky

NAYS—24

Baucus	Inouye	Moynihan
Biden	Kennedy	Packwood
Boschwitz	Lautenberg	Pell
Bumpers	Mathias	Proxmire
Burdick	Matsunaga	Riegle
Chafee	Melcher	Sarbanes
Dodd	Metzenbaum	Specter
Eagleton	Mitchell	Weicker

NOT VOTING—13

Armstrong	Hawkins	Percy
Cranston	Hecht	Tsongas
Glenn	Hollings	Warner
Hart	Laxalt	
Hatfield	Leahy	

So the bill (S. 1764) was passed, as follows:

S. 1764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Exclusionary Rule Limitation Act of 1983".

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Limitation of the fourth amendment exclusionary rule

"Except as specifically provided by statute, evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment to the Constitution of the United States. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief, unless the warrant was obtained through intentional and material misrepresentation.".

(b) The table of sections of such chapter is amended by adding at the end thereof the following item:

"3505. Limitation of the fourth amendment exclusionary rule.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wish to make two or three announcements.

Mr. STENNIS. Mr. President, will the Chair maintain order so that we can hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, next, it is the intention of the leadership on this side to try to reach the so-called drug czar bill. There is a budget waiver to accompany that bill. The chairman of the committee has authorized me to say on his behalf—and the manager of the bill is here—that he does not oppose the bill and is agreeable to its passage by voice vote. Of course, any Senator can ask for the yeas and nays if he or she wishes, but it would be my hope that we can pass that bill with minimum debate, in the shortest time possible.

After that, it is the intention of the leadership on this side to try to reach the death penalty bill. I hope it is possible to do that. I do not anticipate that we will be in late tonight in that event, but I do hope that we can lay down the bill and have it pending before we go out this evening.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

On another matter——

Mr. BYRD. Will the majority leader proceed to lay down the drug czar bill? I think it has been cleared on this side.

BUDGET WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 645, Senate Resolution 324, a budget waiver to accompany the drug czar bill.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 324) waiving Section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1787.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 324

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are wavied with respect to consideration of S. 1787. Such waiver is necessary because S. 1787, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The budget waiver will allow Senate consideration for S. 1787, entitled the "National Narcotics Act of 1983". The bill establishes the Office of the Director of National and International Drug Operations and Policy".

S. 1787 authorizes the appropriation of $500,000 for fiscal year 1984, and such sums as may be necessary for each of the four succeeding fiscal years.

NATIONAL NARCOTICS ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 359, S. 1787, to establish an office of the Director of National and International Drug Operations and Policy.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1787) to establish an office of the Director of National and International Drug Operations and Policy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

LEBANON

Mr. BAKER. Mr. President, about 45 minutes ago I talked to the Vice President of the United States on the telephone, and he indicated at that time that the President was prepared to make a speech on national television, from California, about the situation in Lebanon. As most Members know now, that television address did not occur. I cannot tell the Senate why it did not. Perhaps there were technical reasons.

In any event, Senators should be aware of the fact that a written statement by the President on the Lebanon situation was released by the White House about 15 minutes ago. I will attempt to have copies of that statement available for Senators as soon as possible.

(Later the following occurred:)

Mr. BAKER. Mr. President, President Reagan has just announced a phased and measured redeployment of the marine contingent of the Multinational Forces in Lebanon from their location adjacent to the airport to the ships offshore. I commend the President for this prudent and timely action given the difficulty of the circumstances we find now in Beirut.

I continue to hope that President Gemayel can weather this crisis and provide Lebanon a government, free of foreign interference, which will allow the Lebanese to recapture control of their own destiny.

NATIONAL NARCOTICS ACT

The Senate continued with the consideration of S. 1787.

Mr. BAKER. Mr. President, I hope we can proceed expeditiously with the consideration of this matter.

Before that, I inquire of the managers on both sides if they or anyone else anticipate a rollcall vote on this measure.

Mr. SIMPSON. Mr. President, I stand here as one who is filling in for the chairman, Senator THURMOND, and the chairman of the subcommittee, Senator HATCH. It is my understanding that Senator BIDEN will be the floor manager on the other side.

I have an amendment which I will present on behalf of the committee chairman which I understand has been agreed to. There will not be a rollcall vote requested by the majority, and I cannot speak for the minority Members, Senator BIDEN is not present.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. KENNEDY. It is my understanding that the Senator from Delaware does not think a rollcall vote is necessary. I do not know if other Members will request it. Senator BIDEN indicated to me earlier that he did not feel it was necessary.

Mr. BAKER. Mr. President, it appears that there will not be a rollcall vote. I caution Senators that the leadership cannot guarantee that there will not be, since any Senator can ask for it. It does not appear likely.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. BAKER. I yield.

Mr. FORD. Do we have an estimate of the time for this piece of legislation?

Mr. BAKER. Mr. President, I yield to the distinguished manager of the bill on this side to give us an estimate of how long it will take.

Mr. SIMPSON. Mr. President, the manager was sitting in his office 20 minutes ago when he was advised of his role in this particular effort. Therefore, I really cannot add much of a dimension to that question. A half hour, equally divided.

Mr. FORD. Under those circumstances, it appears to be very short.

Mr. BAKER. I hope it will not take even a half hour. Rather than try to clear a unanimous-consent agreement, which might take longer than a half hour, I will just sit down and hope things go well.

Mr. SIMPSON. Mr. President, since the bill has been laid before the Senate, I submit to the body an amendment, which has been concurred in by the managers of the bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON), for Mr. THURMOND, proposes an amendment numbered 2700.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike out line 3 and all that follows through line 20 on page 7, and insert in lieu thereof the following: That this Act may be cited as the "National Narcotics Act of 1984".

SEC. 2. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 percent of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National Drug Enforcement Policy Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a board must have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure—

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 3. There is established in the executive branch of the Government a Board to be known as the "National Drug Enforcement Policy Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a Chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget and the Director of Central Intelligence and such other officials as may be appointed by the President. Decisions made by the Board pursuant to section 4(a) of this Act shall be

acknowledged by each member thereof in writing.

SEC. 4. (b) For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary adviser to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(a) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(c) In carrying out responsibilities under this section, the Chairman, on behalf of the Board is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all government agencies; and

(6) use the mails in the same manner as any other department or agency of the executive branch.

(d) Notwithstanding the authority granted in subsection (a) of this section, the Board shall not interfere with routine law enforcement or intelligence decisions of any agency.

(e) The Administrator of the General Services Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 5. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with repect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

"(d) Support to National Drug Enforcement Policy Board. One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National Drug Law Enforcement Policy Board and the health issues associated with drug abuse.

SEC. 7. This Act shall be effective January 20, 1985.

Amend the title to read as follows: "To establish a National Drug Enforcement Policy Board.".

Mr. SIMPSON. Mr. President, with the adoption of this amendment, which, as I say, has been concurred in by Senator BIDEN, the floor manager of the bill, and by Senator THURMOND, the floor manager on this side, this is simply the amendment which sets up the drug enforcement policy board, which is chaired by the Attorney General.

This is the board charged with developing policy with respect to strategy and budgetary priorities aimed at facilitating this coordination between the law enforcement agencies. It will coordinate the gathering and evaluation of intelligence in this area.

As chairman of the board, the Attorney General will be the primary adviser to the President, and he is also authorized to provide guidance relating to those matters, including reviewing programs and reprograming, and the board would be required to report to Congress biannually.

The amendment simply then goes on to say that it will not interfere with routine law enforcement or intelligence decisions of any agency.

Mr. President, I move the adoption of the amendment, unless there is further discussion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2700) was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, it seems as though this is going to be a good day for the Senate and I hope the country, although I do not want to equate the two. After some time, the President just announced that there is going to be a phase withdrawal of the marines from Lebanon and after a longer period of time, it looks like we have some unanimity on the so-called drug czar bill.

I am prepared on behalf of myself and Senator DECONCINI and Senator PELL, who were deeply involved in this legislation for the past several years, to accept the amendment that has been put forward by Senator SIMPSON on behalf of Senator THURMOND and others.

Mr. President, I commend Senator THURMOND for his initiative in this area. It is not everything I wanted, but it is pretty darn close.

I think we made a good compromise here. What we have essentially done here is what we tried—and I must admit Senator THURMOND and I both tried—to convince the President to do a year and some months ago in the Oval Office just before we recessed which was to essentially establish for the drug area the equivalent of a DCI, Director of Central Intelligence, and with the same type of authority.

Without taking the time of the Senate, because I know a number of my colleagues have to catch planes and have places to go, and since we debated this thing so many times and we passed it twice already, I will not take a lot of time.

But I would like to point out that the administration did move some on this but they did not propose much more than establishing a board that already exists. Senator THURMOND's amendment give the Attorney General, the chairman of the board, the authority to carry out policy and budget decisions approved by the board. The Attorney General also becomes, by statute, the primary adviser to the President and the Congress on drugs.

The reason that is important is we would like to be able to call somebody up and find out what the policy is and know who is in charge—who is on first and who is on second and what the game plan is.

I concur with this compromise because it gives the Attorney General sufficient clout to clearly bring coordination and central management to our omnibus drug problem.

Mr. PELL. Mr. President, I strongly support the compromise proposal to establish a National Drug Enforcement Policy Board. This is a proposal Senator DECONCINI, Senator BIDEN and I initiated several years ago and certaintly the need for this Cabinet-level Board is greater today than ever before. The Senate has passed virtually identical proposals by solid majori-

ties on two separate occasions, and I am hopeful that on this third effort we will be successful in enacting this long needed initiative into law.

The legislation we are proposing is really very simple. At least 15 separate Federal agencies play a role in drug enforcement, and these agencies are spread through six different departments. Coordination and leadership of our drug enforcement programs is such a complex and diverse job that it requires the principal attention and responsibility of one person within the Cabinet. The General Accounting Office, in a report last summer entitled "Federal Drug Interdiction Efforts Need Strong Central Oversight," strongly criticized the fragmentation of the Federal antidrug effort. The GAO recommended that the President develop an overall national strategy that better defines the roles of the many agencies involved with this problem. The GAO also called for a clear delegation of responsibility to one individual to lead and coordinate Federal drug enforcement programs.

I do not believe that any Member of the Senate would dispute the need for a more aggressive national attack on the drug trafficking problem. Drug trafficking and abuse are no longer a problem that is contained in our large cities; the health impairment and crime that flow from this problem are evident today in every neighborhood in the United States. We have enjoyed successes in containing the problem, such as the much-heralded Florida Task Force, but in reducing the problem in that area we have seen trafficking activity shift to other regions of the country.

Last fall I conducted a hearing of the Foreign Relations Committee in Rhode Island on the sources of the drug trafficking problem in New England. Testimony clearly indicated that coastal smuggling of drugs has increased significantly in New England since the marshaling of Federal efforts in south Florida. While the law enforcement personnel who testified were uniform in citing the successes that have been achieved, they were frank to admit that—as far as putting a dent in drug trafficking operations—we are only touching the tip of an iceberg. Just last week the President released a budget which reduces funding for the Coast Guard, the agency principally concerned with stopping coastal drug smuggling. It is anticipated that the budget recommendations will result in the cut of over 650 military billets and about 100 civilian positions. These cuts will have a real impact on the Coast Guard's law enforcement effectiveness, and underscore the fact that our overtasked and underfunded agencies are outmatched in fighting a war against a well-organized, well-financed $80 billion a year industry. What we are seeking to do with this bill is to provide the high level of leadership that has been lacking from our drug control efforts, and I am satisfied that the Cabinet-level Board—which will be chaired by the Attorney General—will have the necessary power to both establish national and implement a more effective drug enforcement policy.

We have all seen the effects of drug trafficking in our communities, and we all recognize that—by its very nature—the sources of this problem cannot be reached by local law enforcement. This bill is a first step in an all-out national attack on the drug trafficking menace, and I urge each of my colleagues to join in providing the strong leadership that is essential to dealing with this growing national problem.

Mr. BIDEN. Mr. President, as far as this side of the aisle is concerned, I do not know that anyone wishes to speak or seeks a rollcall vote. I am prepared to yield back all of my time and voice vote this if that is agreeable with the manager, Senator SIMPSON.

Mr. SIMPSON. Mr. President, I have nothing further to add on behalf of the floor manager of the bill except to say, as a member of the Judiciary Committee, that I have personally observed how Senator THURMOND and Senator BIDEN have worked so closely on this measure. We have a fine result, in my mind. I commend them both, knowing that it has been something of great interest to them. It has been a privilege to be involved in it as a member of the committee.

There are no requests for a rollcall vote on this side of the aisle. I yield back the balance of my time.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1787), as amended, was passed as follows:

S. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Narcotics Act of 1984".

SEC. 2. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 percent of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National Drug Enforcement Policy Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a Board must have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure—

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 3. There is established in the executive branch of the Government a Board to be known as the "National Drug Enforcement Policy Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a Chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget and the Director of Central Intelligence and such other officials as many be appointed by the President. Decisions made by the Board pursuant to section 4(a) of this Act shall be acknowledged by each member thereof in writing.

SEC. 4. (a) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national

and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

SEC. 4. (b) For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary adviser to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(c) In carrying out responsibilities under this section, the Chairman, on behalf of the Board is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorties developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all government agencies; and

(6) use the mails in the same manner as any other department or agency of the excutive branch.

(d) Notwithstanding the authority granted in subsection (a) of this section, the Board shall not interfere with routine law enforcement or intelligence decisions of any agency.

(e) The Administrator of the General Service Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 5. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

"(d) Support to National Drug Enforcement Policy Board. One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National Drug Enforcement Policy Board and the health issues associated with drug abuse.

SEC. 7. This Act shall be effective January 20, 1985.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in a few moments I am going to attempt to get to the death penalty bill, but I do not anticipate completing action on that measure tonight. Therefore, may I announce that there will be no more record votes today.

Mr. President, the managers of that measure are not here. I wish to talk to the minority leader before we proceed. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the leadership on this side still intends to go or attempt to go to the death penalty bill tonight. While we try to get managers here and on deck, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend past the hour of 7 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF THE CITIZENS' COMMISSION ON HUNGER IN NEW ENGLAND

Mr. KENNEDY. Mr. President, yesterday the Citizens' Commission on Hunger in New England released its report, "American Hunger Crisis: Poverty and Health in New England." The Commission, composed of 25 eminent individuals and experts in the fields of medicine and nutrition and chaired by Dr. Larry Brown of the Harvard School of Public Health, has gathered concrete data documenting the tragic reality of hunger in our country.

The Commission's principal findings are that:

Hunger exists in every State in New England, has been growing at a steady pace over the past 3 years and shows no sign of diminishing.

A new class of poor people who have never been poor or hungry before has recently emerged and appears to be growing.

There is a growning body of evidence that malnutrition is becoming a serious problem among poor children in the United States. Among the studies cited by the Commission are the 1983 Massachusetts Nutrition Survey which found 9.8 percent of the children studied to be chronically malnourished and 12.2 percent to be anemic; a national survey of 400,000 low income children, conducted by the Center for Disease Control, found that 8.5 percent of those children were stunted and 7 percent were anemic.

According to social service workers and doctors who testified before the Commission, it is nearly impossible for the elderly poor to eat adequately under current economic conditions.

These findings should not surprise the Members of this body and they are certainly no surprise to me. During the last 2 years almost a dozen independent studies conducted by the Conference of Mayors, the Center on Budget and Policy Priorities, the Food Research and Action Center, and other groups have produced clear, convincing, and overwhelming evidence that hunger exists and that the number of hungry people in America is growing.

In December I submitted my own report, "Going Hungry in America," to the Senate Labor Committee detailing my own findings and recommendations following 5 days of hearings around the country, and in which I reached the same conclusions about the seriousness of the hunger crisis. Only one report, the report issued by President Reagan's Task Force on Food Assistance Programs, has reached a contrary conclusion.

As we begin this year's budget debate, all of us in the Congress have a responsibility to act in light of the growing body of evidence on the extent of hunger in our society. In its excellent new study, the New England commission carefully examines the history of the Government's response to the problems of the needy and places the blame for the current hunger crisis squarely on the shoulders of the Federal Government.

Regressive policy choices have created the hunger problem and there is no secret about what must now be done. Increased funding for Federal food assistance programs—most of which must be reauthorized in this Congress—can make the difference.

Congress has the power to put America back on the path of progress toward the eradication of hunger. I welcome the report of the citizen's commission as an important new contribution to our understanding of the issue.

On behalf of the commission chairman, Larry Brown, of the Harvard School of Public Health, I am today providing each Member of the Senate with a copy of the report. I urge all of my colleagues to read it with the care it deserves.

HEALTH CARE FOR AMERICA'S DISABLED VETERANS: THE GRACE COMMISSION THREAT

Mr. CRANSTON. Mr. President, this morning at a joint hearing of the House and Senate Committees on Veterans' Affairs, the National Commander of the Disabled American Veterans, Dennis A. Joyner, presented that great organization's legislative recommendations for 1984. In his very excellent testimony, Commander Joyner focused on the threat to veterans' programs posed by a number of the recommendations of the President's Private Sector Survey on Cost Control—the so-called Grace Commission.

My statement for the joint hearing responded to the DAV testimony on that point, and I would like to reiterate for the information of my colleagues and the public part of my remarks.

Mr. President, I had to agree with the DAV's National Commander that the threats to Veterans' Administration health care and benefits programs that he identified are quite real and current.

Last week, Office of Management and Budget Director David Stockman, appearing before the Senate Budget Committee, testified that the Grace Commission proposals for veterans' programs are receiving serious consideration. On February 2, Mr. Stockman stated:

> While major strides in budget control have been achieved over the past three years, it should not be concluded that all savings possibilities have been exhausted. . . . [T]he Grace Commission report contains literally hundreds of suggestions . . . which, after further analysis and refinement, can be expected to generate substantial savings proposals for next year's budget.
>
> In particular, the following eight budget categories illustrate the opportunities for significant future savings beyond the limited measures proposed in the 1985 budget. . . . [T]hey illustrate both the major opportunities as well as the kind of hard choices which will face the Administration and Congress next year in what must be a full throttle effort to close the budget gap, if economic recovery is to be sustained.
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> (3) Veterans Health Care System Efficiencies and Improvements
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> . . . [T]he Grace Commission findings, as well as those by many medical economists, suggests that the nation's health care commitments to its veterans can be met at substantially less cost over the longer run if the current policy framework is adjusted. Such structural reform options include greater internal economic incentives, *wider use of excess facilities in the private health care system*, tighter implementation of the "inability to defray" standard, *firmer service-connected disability requirements, and cost-sharing* and third-party cost recovery mechanisms. The Administration will be studying these options intensively within the coming years, with a view to finding ways to meet existing veterans health care commitments at significantly lower costs in the years ahead. . . . [Emphasis added.]

Mr. President, I must confess that I sometimes find it difficult to understand exactly what Mr. Stockman has in mind. But I know from long experience that he is no advocate for the Nation's veterans or of the VA health-care system. When he talks about adjusting "the current policy framework" and about "structural reform options" for VA health care, warning flags need to be raised immediately, and we have all got to be on the watch.

When he speaks of "wider (VA) use of excess facilities in the private health care system," it seems reasonably likely that he is talking about resurrecting "mainstreaming"—the often rejected and discredited idea that, instead of maintaining a strong independent VA health care system, the Federal Government should increasingly be meeting veterans' needs through contracts with private facilities that have overbuilt and are overbedded. I consider that to be the first step toward dismantling the VA health care system. I have always been opposed to that notion, and I will fight it whenever it is proposed.

It was only 16 months ago that the Congress enacted in Public Law 97-306 legislation I proposed declaring the policy of the United States that the VA "shall maintain a comprehensive, nationwide health care system for the direct provision of quality health-care services to eligible veterans. . . ." Ronald Reagan signed that bill into law on October 14, 1982, but apparently Mr. Stockman has failed to read this provision. Either that or he chooses to ignore it.

I am not entirely clear what Mr. Stockman means when he says that he is considering firmer service-connected disability requirements. Since an award of disability compensation carries with it eligibility for VA health care, Mr. Stockman's reference seems most likely to be to the Grace Commission's call for a detailed review of the VA's disability compensation program because it found the program "more generous than comparable private sector programs or than the public realizes or understands." As far as I am concerned, it is the Grace Commission—not the public—that does not understand.

Mr. Stockman's reference to "cost-sharing . . . mechanisms" as one of several "structural reform options" the administration is studying intensively is also extremely vague. Surely, Mr. Stockman has much more in mind than the VA-Department of Defense resource sharing program under legislation enacted in May 1982. That established, ongoing program cannot be what he means by a "structural reform."

Mr. President, there is clearly a need for the Nation's veterans and their friends in the Congress to be on guard against Grace Commission/OMB initiatives that could do great harm to veterans' programs. I am very pleased that the DAV is alert to the threat, and I want to join them in helping to insure that all Senators are also made aware of some very ominous handwriting on the wall for veterans' programs.

MESSAGES FROM THE HOUSE

At 10:46 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1904. An act to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 379. An act to cancel certain indebtedness in connection with disaster relief activities.

The message also announced that the House has agreed to the amendments of the Senate numbered 1, 2, and 3, to the bill (H.R. 2809) to establish a National Fish and Wildlife Foundation, and that the House agrees to the amendment of the Senate numbered 4 to the bill, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3625. An act to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes.

At 4:15 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House agree to the amendments of the Senate numbers 1, 2, 3, 5, and 6 to the bill H.R. 1723, an act to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges, and that the House agrees to the amendment of the Senate number 7 with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed without amendment Senate Concurrent Resolution 80, a concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants officials, and other accredited members of the delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3625. An act to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes; to the Committee on Governmental Affairs.

MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1904. An act to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2489. A communication from the Secretary of Defense transmitting, pursuant to law, a secret report on operational test and evaluation performed by the Department during fiscal year 1983; to the Committee on Armed Services.

EC-2490. A communication from the Secretary of Defense transmitting, pursuant to law, a report containing a financial analysis of the projected costs of the B-1B aircraft program; to the Committee on Armed Services.

EC-2491. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management, transmitting, pursuant to law, a report on the conversion of the support activities at the U.S. Army Logistics Management Center, Ft. Lee, Va. to performance under contract; to the Committee on Armed Services.

EC-2492. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management, transmitting, pursuant to law, notice of the Army's intention to dispose of nerve agent VX and Blister Agent Mustard by incineration at the Chemical Agent Munitions Disposal System at Tooele Army Depot, Utah; to the Committee on Armed Services.

EC-2493. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the standardization of equipment within NATO; to the Committee on Armed Services.

EC-2494. A communication from the Acting Assistant Secretary of Defense for Manpower, Installations, and Logistics transmitting, pursuant to law, a report on the extent of performance by contractors of commercial and industrial-type functions at DOD; to the Committee on Armed Services.

EC-2495. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on a claim against the Government for damages alleged to have occurred to a U.S. Lines vessel in the Canal; to the Committee on Armed Services.

EC-2496. A communication from the Secretary of Defense transmitting, pursuant to law, the fiscal year 1985 DOD budget, fiscal year 1986 authorization request, and fiscal years 1985-1989 defense programs; to the Committee on Armed Services.

EC-2497. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1985 and 1986; to the Committee on Armed Services.

EC-2498. A communication from the Assistant Secretary of the Army for Civil Works transmitting a draft of proposed legislation to authorize appropriations for operation and maintenance of the Panama Canal for fiscal years 1985 and 1986; to the Committee on Armed Services.

EC-2499. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the 1983 annual report on the Department's Solar Energy and Energy Conservation Bank; to the Committee on Banking, Housing, and Urban Affairs.

EC-2500. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the annual report of the Attorney General on the administration of the Equal Credit Opportunity Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2501. A communication from the Chairman of the Export-Import Bank of the U.S. transmitting, pursuant to law, a report on a transaction involving U.S. exports to the Republic of Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-2502. A communication from the chairman of the Securities and Exchange Commission transmitting a draft of proposed legislation to make it easier for foreign investment companies to sell their shares in the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC-2503. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Federal Financial Institutions Examination Council Has Made Limited Progress Toward Accomplishing Its Mission;" to the Committee on Banking, Housing, and Urban Affairs.

EC-2504. A communication from the chairman of the Export-Import Bank transmitting, pursuant to law, a report on a transaction involving U.S. exports to Egypt; to the Committee on Banking, Housing, and Urban Affairs.

EC-2505. A communication from the chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, its Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2506. A communication from the Secretary of Transportation transmitting, pursuant to law, the 1982 Highway Safety Performance Report; to the Committee on Commerce, Science, and Transportation.

EC-2507. A communication from the chairman of the Federal Energy Regulatory Commission transmitting, pursuant to law, the Commission's annual report for fiscal year 1982; to the Committee on Energy and Natural Resources.

EC-2508. A communication from the Secretary of the Interior transmitting, pursuant to law, the management plans for certain components of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-2509. A communication from the Acting Secretary of Agriculture transmitting, pursuant to law, a report on opportunities to increase timber yields on certain National Forest lands; to the Committee on Energy and Natural Resources.

EC-2510. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on the adequacy of royalty management for coal, uranium, and other energy and nonenergy minerals on Federal and Indian lands; to the Committee on Energy and Natural Resources.

EC-2511. A communication from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, a report on 18 refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2512. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the 18th quarterly report on the status of the Alaska Natural Gas Transportation System; to the Committee on Energy and Natural Resources.

EC-2513. A communication from the Secretary of Energy transmitting, pursuant to law, a report on financing, supply, and installation activities of public utilities relative to residential conservation service program; to the Committee on Energy and Natural Resources.

EC-2514. A communication from the Administrator of the General services Administration transmitting, pursuant to law, a report on Federal standards relative to architectural barriers; to the Committee on Environment and Public Works.

EC-2515. A communication from the chairman of the Council on Environmental Quality transmitting a draft of proposed legislation authorizing appropriations for the Office of Environmental Quality for fiscal years 1985, 1986, and 1987; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

A. C. Arterbery, of California, to be a Member of the Board of Directors of the Af-

rican Development Foundation for a term of six years;

Richard D. Erb, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of two years;

Mary Kate Bush, of New York, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years;

Walter Leon Cutler, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Saudi Arabia

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Walter Leon Cutler.

Post: Ambassador to Saudi Arabia.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, none.
3. Children and Spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and Spouses names, none.
7. Sisters and Spouses names, none.

Thomas W. M. Smith, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Federal Republic of Nigeria:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Smith, Thomas W. M.

Post: Nigeria.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, none.
3. Children and Spouses Names: Julia H. M. Smith; none. Ann L. M. Smith; none. Sarah S. M. Smith; none.
4. Parents Names: Father, deceased; Mother, I. L. L. Smith, $10, 1978, Senator Brook.
5. Grandparents Names: Deceased, $20, 1978, Mr. Frank Hatch.
6. Brothers and spouses Names: James M. Smith, $25, 1978, Senator Brook. Spouse: Mrs. Ellen Anderson, $15, 1981, Ms. Lois Pines.
7. Sisters and Spouses Names: Emily J. M. Cain, none. Thomas Cain, none.

Mr. PERCY. Mr. President, for the Committee on Foreign Relations, I also report two senior Foreign Service lists—with the exception of the name of Martin Victor Dagata on the second list—which were printed in full in the CONGRESSIONAL RECORD of January 30, 1984, and ask, to save the expense of reprinting them on the Executive Calendar, that these lists lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2259. A bill to amend title 28 of the United States Code to encourage prompt, informal, and inexpensive resolution of civil cases by use of arbitration in U.S. district courts, and for other purposes; to the Committee on the Judiciary.

S. 2260. A bill to amend section 1407(h) of title 28, United States Code, to permit the consolidation of antitrust actions for trial; to the Committee on the Judiciary.

S. 2261. A bill to provide an award of prejudgment interest on claims arising under the laws, treaties, and Constitution of the United States; to the Committee on the Judiciary.

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 2262. A bill to amend title 5, United States Code, to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG (for himself, Mr. PELL, and Mr. BURDICK):

S. 2263. A bill to amend title 23, United States Code, to reduce the amount of certain Federal aid highway funds for any State in which the minimum age for the purchase or public possession of alcoholic beverages is less than 21 years; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2264. A bill to amend title 38, United States Code, to increase the maximum amounts of the specially adapted housing assistance grants provided to certain severely, service-connected disabled veterans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2265. A bill to amend title 38, United States Code, to increase the maximum amounts of Veterans' Administration home loan guarantees; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself, Mr. SIMPSON, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2266. A bill to grant a Federal charter to Vietnam Veterans of America, Inc.; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2267. A bill to amend title 38, United States Code, to increase the maximum amount of automobile assistance grant provided to certain severely, service-connected disabled veterans; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2268. A bill to amend title 38, United States Code, to extend the authority for veterans readjustment appointments; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2269. A bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health care programs and to provide eligibility to new categories of persons for readjustment counseling from the Veterans' Administration; and to require the Administrator of Veterans' Affairs and the Secretaries of Defense and of Health and Human Services to submit a report on alternatives for providing Federal benefits and services to individuals who, as civilians, provided the services to the U.S. Armed Forces in Vietnam during the Vietnam era; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. SIMPSON, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. INOUYE):

S.J. Res. 227. A joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. BOSCHWITZ, Mr. DANFORTH, Mr. DOLE, and Mr. PELL):

S. Con. Res. 93. Concurrent resolution authorizing the rotunda of the U.S. Capitol to be used on April 30, 1984, for a ceremony commemorating the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2259. A bill to amend title 28 of the United States Code to encourage prompt, informal, and inexpensive resolution of civil cases by use of arbitration in U.S. district courts, and for other purposes; to the Committee on the Judiciary.

COURT-ANNEXED ARBITRATION ACT

Mr. SPECTER. Mr. President, the volume of civil litigation in the Federal courts today has, by all accounts, become unmanageable. The some 200,000 civil cases presently pending there threaten the very underpinnings of our Federal judicial system. Ever-increasing case loads, resulting court backlogs, and dilatory litigants, have combined to produce an untenable situation for judges and litigants alike.

Modern Federal litigation is not merely protracted, it is also expensive. The substantial costs of discovery and pretrial preparation are often never recouped, even by injured parties with legitimate grievances. In some cases litigation costs far outweigh the amount in controversy. The epidemic asbestos litigation now clogging the Federal courts is a sorry example of how complex litigation can compensate lawyers, yet leave injured claimants without meaningful awards.

In an attempt to reduce the volume of cases in the Federal district courts, and the cost of trying them, I am today introducing legislation which would provide for the mandatory, nonbinding arbitration of certain classes of civil actions in our Federal trial courts. The proposal would require

that litigants in cases involving claims for money damages of $50,000 or less, generally involving personal injury or contract matters, submit to arbitration before one or more arbitrators, who would be assigned by the court to hear cases in their particular area of expertise; 6 months after filing their case the parties would appear before the arbitration panel for a hearing. The arbitrators' judgment on the merits would be entered as the judgment of the court unless, within 30 days, a party rejects the award by filing a demand for a trial de novo.

The proposal has two important objectives. First, it would compel parties to a lawsuit to obtain what is essentially an advisory verdict through a trial-like proceeding. Such a procedure serves the dual purpose of either resolving the parties' dispute or, that failing, to provide the basis for a posthearing settlement. Second, by setting a firm date for the arbitration hearing, 6 months from the date of initiating the suit, the procedure sets a deadline for preparation of the case. Counsel are thus obliged to give prompt attention to the matter, thereby increasing the likelihood of early settlement.

Since 1978 three Federal district courts have, by local rule, been experimenting with mandatory referral of certain types of cases to court-annexed arbitration. One of those courts is in my own State of Pennsylvania. Results from these districts are positive. Findings indicate that the program expedites the disposition of cases, and that lawyers view the procedure favorably. Moreover, there is strong evidence that mandatory arbitration reduces the expense of Federal litigation.

Mr. President, the number of civil cases pending in the Federal courts has doubled in the past 10 years. The system is overworked and injured parties are held hostage by delay. If enacted, this proposal would provide litigants with an efficient and inexpensive method of resolving disputes, while reserving to them the option of proceeding to trial if either party is dissatisfied with the outcome of the arbitration. I urge my colleagues to join with me in support of this important proposal.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(a) in many Federal judicial districts, parties to civil litigation experience lengthy delays and avoidable expense in the adjudication of their litigation;

(b) the burgeoning caseload of the United States district courts has placed enormous burdens on the federal judiciary;

(c) if alternative means of dispute resolution are not found, it may be necessary to increase the size of the federal judiciary to such an extent that its prestige will be diluted, and its vitality sapped;

(d) court-annexed arbitration has proven in the state courts to be an effective and fair means of adjudicating many kinds of civil disputes;

(e) experiments since 1978 in the Northern District of California and the Eastern District of Pennsylvania have demonstrated the utility and necessity in the federal system of mandatory referral of certain types of cases to court-annexed arbitration.

SEC. 2. It is the purpose of this legislation to promote the prompt, informal, and inexpensive resolution of civil disputes by mandating arbitration for certain types of civil cases.

SEC. 3. (a) Title 28 of the United States Code is amended by adding after chapter 43 the following new chapter:

"CHAPTER 44.—ARBITRATION

"Sec.
"641. Definitions.
"642. Authorization of arbitration.
"643. Certification of arbitrators.
"644. Compensation and expenses of arbitrators.
"645. Jurisdiction and powers of arbitrators.
"646. Referral to arbitrators.
"647. Arbitration hearing.
"648. Arbitration award and judgment.
"649. Trial de novo.

§ 641. Definitions

"As used in this chapter—

"(a) 'Judicial Conference' means the Judicial Conference of the United States;

"(b) 'district court' means a district court created under chapter 5 of this title and the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands;

"(c) 'Director' means the Director of the Administrative Office of the United States Courts;

"(d) 'arbitrator' means an arbitration certified pursuant to section 643 to conduct arbitration pursuant to this chapter; and

"(e) the United States is a party to a civil action if it is a party directly, or through its agency or department, or through its officer or employee in his official capacity.".

(b) The analysis at the beginning of part III of title 28, United States Code, is amended by adding after the item relating to chapter 43 the following new item: "44. Arbitration.".

(c) The analysis at the beginning of title 28, United States Code, is amended by adding after the item relating to chapter 43 the following new item:

"44. Arbitration..... 649".

§ 642. Authorization of arbitration

"Each United States district court shall establish a program of court-annexed arbitration by local rule in accordance with the provisions of this chapter.

"§ 643. Certification of arbitrators

"(a) The chief judge of a United States district court shall certify as many arbitrators to serve within the judicial district as he determines to be necessary under this chapter.

"(b) An individual may be certified to serve as an arbitrator under this chapter if—

"(1) he has been for at least five years a member of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or the Canal Zone, and is admitted to practice before the certifying court; and

"(2) he is determined by the certifying court to be competent to perform the duties of an arbitrator.

"(c) An arbitrator may hold no full-time civil or military office or employment under the United States. An arbitrator is a special Government employee within the meaning of section 202 of title 18 and shall not be barred from the practice of law by operation of a code of ethics except as he is restricted from doing so as such a special Government employee and except that no arbitrator or partner or associate of an arbitrator may act as agent or attorney for any party in a matter in which the arbitrator participated as arbitrator.

"(d) Each individual certified as an arbitrator under this section shall take the oath or affirmation prescribed by section 453 before serving as an arbitrator.

"(e) Certification of an arbitrator shall be for a period for four years unless sooner withdrawn by order of a majority of the active judges of the court.

"§ 644. Compensation and expenses of arbitrators

"(a) Arbitrators shall receive a full compensation for their services a fee determined by the district court not to exceed $75 for each case in which they serve. The fee shall be paid by or pursuant to the order of the Director.

"(b) Arbitrators shall not be reimbursed for actual expenses incurred by them in performance of their duties under this chapter.

"S 645. Jurisdiction and powers of arbitrators

"(a) Notwithstanding any provision of law to the contrary, the court shall refer to arbitration any civil action pending before it if—

"(1) the United States is a party, and—

"(A) the action is of a type that the Attorney General has provided by regulation shall be submitted to arbitration; or

"(B) the action is brought pursuant to section 2 of the Act of August 24, 1935, as amended (40 U.S.C. 270b), the United States has no monetary interest in the claim, and the relief sought—

"(i) consists only of money damages not in excess of $50,000, exclusive of interest and costs; or

"(ii) consists in part of money damages not in excess of $50,000, exclusive of interest and costs, and the court determines in its discretion that any nonmonetary claims are insubstantial; or

"(2) the United States is not a party, and—

"(A) the parties consent to arbitration and the relief sought consists only of money damages; or

"(B) (i) the relief sought—

"(a) consists only of money damages not in excess of $50,000, exclusive of interest and costs; or

"(b) consists in part of money damages not in excess of $50,000, exclusive of interest and costs, and the court determines in its discretion that any nonmonetary claims are insubstantial; and

"(ii) jurisdiction is based in whole or in part on—

"(a) section 1331 of this title and the action is brought pursuant to section 20 of the Act of March 4, 1915, as amended (46 U.S.C. 688) or the Employers Liability Acts as amended (45 U.S.C. § 51 *et seq.*);

"(b) section 1331 or 1332 of this title and the action is based on a negotiable instrument or a contract; or

"(c) section 1332 or 1333 of this title and the action is for personal injury or property damage.

"(b) Arbitrators to whom actions are referred pursuant to this chapter shall have within the territorial jurisdiction of the court the power to conduct arbitration hearings and make awards as provided in this chapter and in such rules consistent with the provisions of this chapter as may be promulgated by the court for the conduct of arbitration proceedings.

§ 646. Referral to arbitration

(a)(1) Actions subject to arbitration pursuant to this chapter, other than those described in section 644(a)(1)(B)(ii) or 644(a)(2)(B)(i)(b), shall be held by the clerk of the court subject to the following provisions. The Clerk shall refer the action to arbitration upon notification to the clerk that discovery has been completed or upon the expiration of one hundred and twenty days from the filing of the answer, whichever, occurs earlier. If, however, a party has timely filed a motion for judgment on the pleadings, summary judgment, or similar relief, the clerk shall refer the action to arbitration only after the court has ruled on the motion.

"(2) The court may return an action described in section 644(a)(1)(B)(ii) or 644(a)(2)(B)(1)(b) for arbitration if at any time before the commencement of trial the court determines that the nonmonetary claims in the case are insubstantial and returns the case to the clerk with a statement of such determination. The clerk promptly shall refer any such case to arbitration and in no event more than one hundred and twenty days after such determination.

"(b) The arbitration shall be conducted before a panel of three arbitrations, unless the parties agree to have it conducted before a single arbitrator. The parties may by agreement select any person or persons to conduct the arbitration. If, within seven days after the action has been referred to arbitration, the parties have not notified the clerk of the court that they have made such a selection, the arbitrator or arbitrators shall be chosen by the clerk by a process of random selection from among the persons certified by the court.

"(c) A person selected to be an arbitrator shall be disqualified for bias or prejudice as provided in section 144 and shall disqualify himself in any action in which he would be required under section 455 to disqualify himself if he were a justice, judge, magistrate, or referee in bankruptcy.

§ 647. Arbitration hearing

"(a) The arbitration hearing shall commence not later than thirty days after the action is referred to arbitration and shall be concluded promptly.

"(b) Rule 45 of the Federal Rules of Civil Procedure shall apply to subpenas for attendance of witnesses and the production of documentary evidence at an arbitration hearing under this chapter. The arbitrators shall have the power to administer oaths and affirmations.

"(c) The Federal Rules of Evidence shall be used as guides to the admissibility of evidence in an arbitration hearing. Notwithstanding the provisions of the Federal Rules of Evidence, relevant evidence that is not privileged may be admitted in an arbitration hearing.

"(d) Copies of photographs of all exhibits, except exhibits intended solely for impeachment, must be marked for identification and delivered to adverse parties at least ten days prior to the hearing and the arbitrators shall receive such exhibits into evidence without formal proof unless counsel has been notified at least five days prior to the hearing that the adverse party intends to raise an issue concerning the authenticity of the exhibit. The arbitrators may refuse to receive into evidence any exhibit, a copy or photograph of which has not been delivered to the adverse party, as provided herein.

"(e) A party may have a recording and transcript made of the arbitration hearing at his expense. If a party has a transcript or a tape recording made, he shall furnish a copy of the transcript or tape recording without charge to any other party and to the court.

§ 648. Arbitration award and judgment

"The arbitration award shall be filed with the court promptly after the hearing is concluded and shall be entered as the judgment of the court after the time for requesting a trial de novo pursuant to section 648 has expired, unless a party demands a trial de novo before the court pursuant to that section. The judgment so entered shall be subject to the same provisions of law, and shall have the same force and effect, as a judgment of the court in a civil action, except that it shall not be subject to appeal.

§ 649. Trial de novo

"(a) Within twenty days after the filing of the arbitration award with the court, any party may demand a trial de novo in the district court. Written notification of such a demand shall be served by the moving party upon all counsel or record or other parties.

"(b) Upon a demand for a trial de novo, the action shall be placed in the calendar of the court and treated for all purposes as if it had not been referred to arbitration, and any right of trial by jury that a party would otherwise have shall be preserved inviolate.

"(c) At the trial de novo the court shall not admit evidence that there had been an arbitration proceeding, the nature or amount of the award, or any other matter concerning the conduct of the arbitration proceeding, except that testimony given at an arbitration hearing may be used for impeachment at a trial de novo.

"(d) If the party who demanded a trial de novo fails to obtain a judgment in the district court, exclusive of interest and costs, more favorable to him than the arbitration award, he shall be assessed the costs of the arbitration proceeding, including the amount of the arbitration fees, and—

"(1) if he is a plaintiff and the arbitration award were in his favor, he shall pay to the court an amount equivalent to interest on the arbitration award from the time it was filed; or

"(2) if he is a defendant, he shall pay to the plaintiff interest on the arbitration award from the time it was filed.

SEC. 4. Section 202(a) of title 18, United States Code, is amended by deleting the words "a part-time United States Commissioner" and inserting in lieu thereof the words "an arbitrator certified pursuant to section 643 of title 28".

SEC. 5. The Judicial Conference of the United States is authorized to develop model procedures consistent with the provisions of this Act for the conduct of arbitration proceedings under this Act.

SEC. 6. The Federal Judicial Center, in consultation with the Attorney General and the Administrative Office of the United States Courts, shall transmit to the Congress, on or before the expiration of the fifth year following the effective date of this Act, a report on the use, effectiveness, and benefits of arbitration.

SEC. 7. (a) The Attorney General shall promulgate regulations to describe the cases subject to arbitration pursuant to section 645(a)(1)(A) of title 28, United States Code, within one hundred and twenty days of the date of enactment of this Act.

(b) This Act shall take effect one hundred and twenty days after the date of enactment, except that subsection (a) shall take effect on the date of enactment.

SEC. 8. There is authorized to be appropriated for the fiscal year ending September 30, 1983, to the judicial branch of the Government such sums as may be necessary to be allocated by the Administrative Office of the United States Courts to Federal judicial districts and the Federal Judicial Center to carry out the purposes of this Act. The funds so appropriated shall remain available until expended.

By Mr. SPECTER:

S. 2260. A bill to amend section 1407(h) of title 28, United States Code, to permit the consolidation of antitrust actions for trial; to the Committee on the Judiciary.

CONSOLIDATION OF COMPLEX ANTITRUST CASES

Mr. SPECTER. Mr. President, complex antitrust cases are the bane of the Federal judiciary. In view of this fact I today introduce a bill which would greatly simplify the handling of such cases, both by the courts, and by those practitioners who must navigate the already tortuous seas of complex antitrust litigation. Very simply, the bill would allow civil antitrust actions to be consolidated for trial, as well as pretrial proceedings, in a single Federal district court.

Presently, the Multidistrict Litigation Act, title 28, United States Code, section 1407, authorizes the Judicial Panel on Multidistrict Litigation to transfer civil antitrust actions to a single district court for consolidated and coordinated pretrial proceedings. Moreover, in parens patriae actions brought under the Hart-Scott-Rodino Act, cases in which State attorneys general bring actions on behalf of consumers, such actions may be consolidated for trial as well as pretrial proceedings, thereby sparing defendants multiple trials in multiple forums following coordinated pretrial proceedings. Today's bill would allow the consolidation for trial of all actions brought under the Clayton Act.

At the outset I want to emphasize that this proposal will impose no additional financial burden on the Federal Government. It will, however, greatly facilitate and accelerate the consideration of complex antitrust matters by the courts, and will produce substantial economies in the utilization of scarce judicial resources, and in litigation expenses generally. It would do so by allowing a complex case—which is often hundreds of individual actions arising from the same operative

facts—to be litigated once in a single district court. Under existing law litigants are confronted with the anomalous situation of conducting all of their pretrial proceedings before a single judge, only to have subsequent trial proceedings fragmented in a host of other forums. Obviously, the risk of inconsistent results is substantial.

This proposal does not, however, mandate such consolidation. Nothing here would alter the existing authority of the Judicial Panel on Multidistrict Litigation to order separate trials where they appeared to be warranted. The bill merely empowers the panel to consolidate related Clayton Act cases for trial, where to do so would promote judicial economy and general efficiency.

Proposals of this sort have been before the Judiciary Committee in the past. For instance, in the 96th Congress a similar proposal was included in S. 300, a bill which would have legislatively overturned the Illinois Brick decision. Although the Illinois Brick issue was controversial and hotly debated, there was virtually unanimous support for the provisions which would have allowed consolidation of multiple actions arising from the same operative facts.

In the last Congress Senator DECONCINI introduced a similar bill, denominated S. 2624. That bill was, however, somewhat different from that which I introduce today. Specifically, S. 2624 would have allowed consolidation for trial of actions brought under section 4 or section 4C of the Clayton Act, while my proposal would allow consolidation in all actions brought under the Clayton Act.

For years actual practice under the multidistrict statute has, despite the clear limitation therein, been for the transferee court to retain the coordinated case after pretrial procedures have been completed, for purposes of a consolidated trial. Today's proposal would merely provide legislative authority for such a practice.

In conclusion, I urge my colleagues to support this important measure, which in my view would go far toward simplifying the management of complex cases, and thereby conserve critical judicial resources.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1407(h) of title 28, United States Code is amended by striking "under section 4C of the Clayton Act" and inserting in lieu thereof "under the Clayton Act".

By Mr. SPECTER:

S. 2261. A bill to provide for an award of prejudgment interest on claims arising under the laws, treaties, and Constitution of the United States; to the Committee on the Judiciary.

PREJUDGMENT INTEREST

Mr. SPECTER. Mr. President, the past several years have seen a marked increase in enthusiasm, both among courts and commentators, for the notion of prejudgment interest as a normal incident of civil litigation. That enthusiasm pales, however, when compared to that of plaintiffs, faced with the increasing delays and mounting costs which are incidental to civil litigation today. Prejudgment interest already authorized by statute in at least six States, at Federal maritime law, and under the antitrust laws, serves two purposes: It discourages dilatory behavior by defendants, and it compensates plaintiffs for defendants' use of plaintiffs' money until the time of judgment. To promote these important objectives I am today introducing a bill to provide for an award of prejudgment interest on claims arising under the laws, treaties and Constitution of the United States. If enacted, I believe this measure will help to insure more equitable treatment for all participants in the judicial process, and, just as important, help to relieve the congestion which presently plagues the Federal courts.

The principal purpose of this measure is to discourage delay in civil court proceedings. Research indicates that there is, in tort cases for example, a positive relationship between the size of a claim and the length of the delay before trial and eventual judgment. The explanation is simple: The longer a defendant can delay settlement or judgment, the more time he has to earn interest on the money which will eventually be paid to the plaintiff. Any lawyer who has ever been involved in commercial litigation knows that it is a time-honored strategy for defense counsel to draw out pretrial proceedings as long as possible, to allow his delay-minded client to retain the use of money earmarked for eventual judgment or settlement. The result is that plaintiffs are denied judgments to which they are rightfully entitled, and at the same time incur substantially increased legal fees—the cost of their own attorneys' unnecessarily prolonged labors.

Stalling tactics also produce myriad superfluous motions, briefs and other discovery papers, all of which unnecessarily burden the already overworked Federal courts. It does not require a mathematician's skills to calculate the time savings to the courts if prejudgment interest were to effect even a modest 20-percent reduction in the time between initiating a lawsuit and its eventual disposition, assuming a correlative 20-percent reduction in pretrial practice. Moreover, civil dockets in the Federal courts could be expected to shrink accordingly, thereby increasing the very availability of justice at the Federal bench.

Prejudgment interest also serves to make plaintiffs whole. Where it is not allowed, plaintiffs suffer an additional loss, a loss in income until judgment, a loss which becomes a windfall to the party at fault. To provide for prejudgment interest in an award of damages does nothing more than compensate plaintiffs for the moneys they could have earned had judgment not been delayed.

Prejudgment interest is not a new idea. A majority of jurisdictions allow it as a matter of right for injuries to property. At least six States provide for it by statute. Federal courts have been willing to award it even where explicit statutory authority was lacking, in Death on the High Seas Act cases for instance.

Today's bill is a simple one. It would add a new section to chapter 125 of title 28 of the United States Code. Prejudgment interest would only be available on claims arising under Federal law. It would not be available in cases before the court under its diversity jurisdiction. Such interest would accumulate from the date of service of a party's pleading setting forth a claim or counterclaim, until the entry of judgment, or offer of judgment if the judgment finally obtained were not more favorable than such offer. The rate of interest would be tied to the rate of interest on 3-year Treasury bills as of the date of commencing the action. Prejudgment interest would not be available: First, where a party failed to plead it; second, where in the view of the court plaintiff had been dilatory in prosecuting the action; third, on amounts awarded as statutory penalties; fourth on losses which would not be incurred until after judgment; or fifth, where it would be duplicative of some other award.

Although this proposed legislation is likely to have few supporters among liability insurers and the litigation defense Bar, I hope that my colleagues will join me in supporting this simple but effective measure to correct some of the more manifest abuses in Federal litigation today.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 125 of title 28, United States Code, is amended by adding at the end thereof the following:

"§ 1965. Prejudgment interest

"(a) Unless otherwise required by law, in awarding damages to a party on a claim arising under the Constitution, laws, or treaties of the United States, the court shall add to the sum of actual damages awarded, a sum of prejudgment interest computed at the rate of interest equal to the prevailing yield on Treasury securities with three years remaining to maturity (as published by the Board of Governors of the Federal Reserve System and termed 'Treasury Constant Maturities') as of the date of service of a party's pleading setting forth a claim against whom damages are being awarded, and measured from such service to the entry of judgment, or offer of judgment if the judgment finally obtained is not more favorable than such offer.

"(b) Prejudgment interest shall not be awarded:

(1) on losses which will not be incurred until after judgment;

(2) where such an award would be duplicative of some other sum awarded;

(3) where a party fails to plead it;

(4) where in the Court's view, plaintiff has been dilatory in prosecuting the action; and

(5) on amounts awarded as statutory penalties.

"(c) Any party whose claim includes a prayer for prejudgment interest shall include in the papers stating such claim a statement of the rate of interest provided for in subsection (b) above.".

SEC. 2. The analysis of chapter 125 of title 28, United States Code, is amended by adding after the item relating to section 1964 the following:

"1965. Prejudgment Interest".

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 2262. A bill to amend title 5, United States Code, to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport; to the Committee on Governmental Affairs.

FEDERAL AIRPORT POLICE SALARY ACT

Mr. TRIBLE. Mr. President, today I am introducing legislation along with my colleague from Virginia, Senator WARNER, to correct the serious pay problem of Federal Aviation Administration airport police. This legislation will establish a statutory special pay rate for these law enforcement personnel. A companion measure has been introduced in the House of Representatives by Congressman WOLF of Virginia.

Washington National Airport and Dulles International Airport are the only federally owned and operated airports in the country. The Federal police officers at these airports have significant and unique job responsibilities.

Police at these two airports provide protection to approximately 50,000 people each day. The airports' boundaries encompass approximately 11,000 acres, much of which must be patrolled 24 hours a day to maintain adequate security. In contrast to most other Federal police forces, the airport police function in an open environment. Passengers and visitors to the airports have almost total access to these facilities and the number of people using National and Dulles Airports continues to grow. The variety of situations that must be dealt with on a daily basis by the police includes violent crimes such as murder, robbery, and aggravated assault, as well as possession and/or distribution of drugs, possession of weapons, and fraud.

In addition to these security requirements, both airports serve elected officials of the United States and leaders and diplomats from around the world. As a result, these airports are potential targets for terrorist activity, subject to considerable media attention, and therefore require a heightened security.

While officers at these airports are required to provide the level and scope of police coverage greater than or at least comparable to the law enforcement requirements of an average-sized community, the pay for FAA police officers is significantly lower than other comparable civil service employees, other Federal law enforcement personnel, and area police departments.

Since 1969, FAA police officers have received only one pay adjustment. This came in 1974 with the adoption of the Department of Transportation's special pay rates request. However, regulatory pay requests are only temporary and include sunset provisions. As a result, this attempt to provide equitable pay for these officers had completely eroded by 1979.

Today, the pay for FAA police ranges anywhere from $3,200 to $6,600 less than salaries for police officers at the Library of Congress and Park Service, respectively. Compared to local non-Federal jurisdictions and to police forces of other airports, pay for FAA police is similarly low. As a result, the FAA police force has great difficulty retaining trained personnel.

The Department of Transportation recently attempted to redress this situation through a special pay rates package which was submitted to the Office of Personnel Management. Unfortunately, OPM provided only marginal relief.

Clearly, regulatory relief has proven to be an inadequate means of addressing this pay problem. For this reason, the legislation I am introducing establishes a statutory special pay rate for airport police officers. This legislation is consistent with other previously passed legislation establishing special pay rates for other Federal police forces such as the Library of Congress, National Zoo, and the U.S. Park Service.

I believe that the recent pay proposal made by the Department of Transportation represents a sound and reasoned approach to providing pay parity for the FAA police with other Federal law enforcement personnel. Therefore, the pay package request of Secretary Dole is incorporated in this legislation. The figures used in deriving the pay schedule listed in my bill were determined through a composite of the pay rates for other Federal police officers and the police departments of the surrounding metropolitan area.

I believe that this pay relief is urgently needed in order to correct the existing pay inequities of the FAA police force. If the FAA police force is to properly perform its mission, the officers must receive adequate compensation. I urge my colleagues to join with me in pressing for timely consideration of this important legislation.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Airport Police Salary Act".

ESTABLISHMENT OF PAY SCALE

SEC. 2. (a)(1) Subchapter VII of chapter 53 of title 5, United States Code, relating to Federal employee pay rates and systems, is amended by adding at the end thereof the following new section:

"§ 5376. Police forces of Washington National Airport and Dulles International Airport

"(a) Each employee in a position within the police force of Washington National Airport or the police force of Dulles International Airport shall be entitled, under regulations prescribed by the Office of Personnel Management, to have his pay fixed in accordance with the following schedule:

AIRPORT POLICE SALARY SCHEDULE

Grade and title	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
Level 1—Entry level police officer	$17,919	$18,317	$18,715	$19,113	$19,511	$19,909	$20,307	$20,705	$21,103	$21,501
Level 2—Airport police officer	19,167	19,613	20,059	20,505	20,951	21,397	21,843	22,289	22,735	23,181
Level 3—Special functions officer	20,865	21,362	21,859	22,356	22,853	23,350	23,847	24,344	24,841	25,338
Level 4—Sergeant	22,079	22,631	23,183	23,735	24,287	24,839	25,391	25,943	26,495	27,047
Level 5—Lieutenant	24,449	25,060	25,671	26,282	26,893	27,504	28,115	28,726	29,337	29,948

AIRPORT POLICE SALARY SCHEDULE—Continued

Grade and title	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
Level 6—Captain	27,006	27,681	28,356	29,031	29,706	30,381	31,056	31,731	32,406	33,081
Level 7—Deputy inspector	29,747	30,491	31,235	31,979	32,723	33,467	34,211	34,955	35,699	36,433
Level 8—Inspector	32,678	33,495	34,312	35,129	35,946	36,763	37,580	38,397	39,214	40,031
Level 9—Chief of police	38,185	39,164	40,143	41,122	42,101	43,080	44,059	45,038	46,017	46,996

"(b) Classification of positions the rate of pay of which is fixed under subsection (a) shall be under such regulations as the Office of Personnel Management shall prescribe.

"(c) The provisions of sections 5335 and 5336 of this title, relating to periodic step-increases, shall be applicable to employees covered under this section. In applying such provisions to employees under this section, the references contained in such sections to grades and pay rates shall be considered to be references to grades and pay rates specified under subsection (a) of this section.

"(d) For purposes of this section—

"(1) The term 'police force of Washington National Airport' refers to employees of the Federal Aviation Administration appointed under section 4(a) of the Act of June 29, 1940, entitled 'An Act to provide for the administration of the Washington National Airport, and for other purposes'; and

"(2) the term 'police force of Dulles International Airport' refers to employees of the Federal Aviation Administration appointed under section 8(a) of the Act of September 7, 1950, entitled 'An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia'.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting immdiately after the item relating to section 5375 the following new item:

"5376. Police forces of Washington National Airport and Dulles International Airport.".

(b) Section 5102(c) of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (26);

(2) by striking out the period at the end of paragraph (27) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(28) members of the police force of Washington National Airport and members of the police force of Dulles International Airport, whose pay is fixed under section 5376 of this title.".

PAY COMPARABILITY

SEC. 3. (a) Section 5301(c) of title 5, United States Code relating to the pay comparability system, is amended in paragraph (1) by inserting before the semicolon the following: ", or section 5376 of this title, relating to the Airport Police Salary Schedule".

(b) Paragraph (1) of section 5303(a) of title 5, United States Code, relating to authority to prescribe higher minimum rates of pay, is amended by inserting "or 5376" after "5332".

(c) Section 5304 of title 5, United States Code, relating to policies and regulations implementing pay comparability, is amended by inserting "section 5376 of this title," before "chapter 51".

GRADE AND PAY RETENTION

SEC. 4. Section 5361 of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "or section 5376" after "chapter 51"; and

(2) in paragraph (5), by inserting "the Airport Police Salary Schedule under section 5376 of this title," after "the General Schedule,".

HAZARDOUS DUTY DIFFERENTIAL

SEC. 5. The second sentence of section 5545(d) of title 5, United States Code, relating to pay differentials for hazardous or intermittent duty, is amended by inserting ", or section 5376 of this title," after "chapter 53 of this title".

EFFECTIVE DATE; TRANSITION PROVISIONS

SEC. 6. (a) The amendments made by this Act shall become effective at the beginning of the first applicable pay period which commences on or after the thirtieth day following the date of the enactment of this Act.

(b)(1) Effective on the effective date of the amendments made by this Act, initial adjustments of the rates of basic pay of individuals employed as members of the police force of Washington National Airport or Dulles International Airport on such date shall be made in accordance with paragraph (2).

(2)(A) An individual whose pay is within a grade of the General Schedule immediately before the effective date of the amendments made by this Act shall be paid—

(i) within the appropriate grade of the Airport Police Salary Schedule under section 5376(a) of title 5, United States Code (as added by section 2 of this Act), as determined under subparagraph (B); and

(ii) at that step of such grade which corresponds numerically to the step of the grade of the General Schedule at which such individual was paid immediately before such effective date.

(B) For purposes of making the initial adjustment in the rate of basic pay for any individual under this subsection, the appropriate grade under the Airport Police Salary Schedule is the grade appearing across from the grade of the General Schedule at which such individual was paid as a member of the police force of Washington National Airport or Dulles International Airport, as the case may be, immediately before the effective date of the amendments made by this Act, as follows:

General schedule	Airport police salary schedule grade:
GS-4	Level 1.
GS-5	Level 2.
GS-6	Level 3.
GS-7	Level 4.
GS-8	Level 5.
GS-9	Level 6.
GS-10	Level 7.
GS-11	Level 8.
GS-12	Level 9.

(c)(1) An increase in pay by reason of an initial adjustment under the preceding provisions of this section shall not be deemed to be an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step-increases under the pay structure established by section 5376 of such title (as added by section 2 of this Act).

(2) For purposes of periodic step-increases under such pay structure, an employee shall be credited, as of the effective date of the amendments made by this Act, with all service since such employee's last periodic step-increase under section 5335 of title 5, United States Code, before such effective date.

(d) No rate of basic pay in effect immediately before the effective date of the amendments made by this Act shall be reduced by reason of the enactment of this Act.

(e) For purposes of this section, the term "police force of Washington National Airport" and the term "police force of Dulles International Airport" each has the meaning given such term by section 5376 of title 5, United States Code (as added by section 2 of this Act).

Mr. WARNER. Mr. President, today I join my colleague, Senator TRIBLE, in introducing legislation to correct a pay problem of the Federal Aviation Administration Airport Police.

The Federal police officers serving at National and Dulles Airports are presently earning $3,200 to $6,600 less than salaries for police officers at the Library of Congress and Park Service.

In fact, the only pay relief in the past 15 years given these officers was in 1974. Since that time, the various efforts to try and alleviate the problem have not been successful.

This legislation will establish a mechanism similar to existing legislation that provides special pay rates for such police forces as the Library of Congress Police, National Zoo Police, and U.S. Park Police.

Due to the present salary levels, the Airport Police Force has become a training school for other area police departments; as soon as they have received their training, they leave for better paying positions with other area departments.

Congressman WOLF has introduced this legislation in the other body and is to be congratulated for his leadership.

Mr. President, the public deserves the best protection possible at our two airports. The police officers deserve equitable pay to their counterparts in the Federal service. This bill will answer both needs and I urge my colleagues to support this legislation.

By Mr. LAUTENBERG (for himself, Mr. PELL, and Mr. BURDICK):

S. 2263. A bill to amend title 23, United States Code, to reduce the amount of certain Federal-aid highway funds for any State in which the minimum age for the purchase or

public possession of alcoholic beverages is less than 21 years; to the Committee on Environment and Public Works.

THE UNIFORM DRINKING AGE OF 1984

● Mr. LAUTENBERG. Mr. President, today I am introducing a bill to implement one of the principal findings of the Presidential Commission on Drunk Driving which issued its final report in November. This legislation would make it the policy of the United States to encourage all States to adopt 21 as the legal minimum age for the purchase and public possession of alcoholic beverages.

I am pleased to be joined in this effort by the Senator from Rhode Island, Senator PELL, and the Senator from North Dakota, Senator BURDICK, both whom have long been involved in the cause of combating drunk driving. It is particularly gratifying to have the support of Senator PELL, who was a member of the Presidential Commission on Drunk Driving.

Mr. President, a while ago, I examined the report of the National Transportation Safety Board issued in July 1982 which recommended raising the minimum age to 21. Their report begins with the account of an accident which warrants repeating:

At about 2:18 a.m. on the morning of March 14, 1982, at a railroad/highway grade crossing in Nassau County, NY, a van with 10 teenagers in it attempted to drive around a lowered automatic gate with flashing lights and was hit by an oncoming train. Nine of the 10 teenagers were killed. The blood alcohol content of the 19 year old owner and apparent driver was .09. A BAC level of .06 is evidence that the driver is impaired. A level of .10 is considered to be "intoxicated." The legal minimum drinking age in the state of New York is 19.

In July 1974, the State of Virginia lowered its legal drinking age to 18. In 1973, there were 1,900 alcohol-related crashes involving 16 to 20-year-olds. In 1974, there were 2,600, an increase of 36 percent. In 1979, there were 4,300 such crashes, an increase of 215 percent.

Mr. President, in my State of New Jersey we raised the minimum drinking age to 21 in January 1983. In the first 6 months of 1982, alcohol-related fatalities involving those 17 to 21 totaled 38. In the first 6 months of 1983, that number dropped to 16. We have a problem in New Jersey known as border slaughter, because our neighboring State of New York has a lower legal minimum. The President's Commission addressed this problem of adjoining States having differing ages in its report as follows:

The lack of uniformity among the state laws is especially critical regarding the minimum legal drinking age because an incentive to drink and drive is established due to young persons commuting to border states where the drinking age is lower. There is simply no way to adequately address the needless tragedies caused by young persons commuting to border states except by establishing a uniform drinking age among the states.

The bill I am introducing today is designed to address this problem. I want to stress that the approach taken in this bill is strong medicine. A State which fails to make substantial progress to adopt 21 as its legal minimum age would face a gradual loss of highway funding. This approach is the one recommended by the President's Commission. It is essentially the same approach taken to enforce the 55-mile-per-hour speed limit. We are all familiar with the saying "55 saves lives." This bill will save lives.

The Insurance Institute for Highway Safety has studied the effect of the 21-year-old minimum. In eight of the nine States studied, the Insurance Institute found a 28-percent reduction in alcohol-related accidents where the legal minimum has been raised. The National Transportation Safety Board stated in its 1982 report:

Available data show a direct correlation between minimum drinking age and alcohol-related accidents in the 18- to 21-year-old age group.

Mr. President, this concept of a 21 minimum drinking age is not new to either the Congress or the American people. Forty-two percent of this Nation's population live under the 21-year-old minimum right now. In the Surface Transportation Assistance Act of 1982—Public Law 97-424—section 209, Congress made it clear that it strongly endorsed the 21-year-old minimum. There have been numerous resolutions urging a fight against drunk driving introduced in the Senate and House; I have supported them. If we are to get a uniform minimum age, now is the time to act.

I am one Senator who strongly supports Federal assistance to construct, repair, and maintain our Nation's highways. I do not relish the thought of denying valuable assistance to the States. I weigh that reluctance against the findings of the Presidential Commission and the facts I have already cited. I weigh it also knowing that every year there are thousands of victims of drunk driving across this Nation.

Mr. President, a recent Gallup poll indicates that 77 percent of the American people support 21 as the minimum legal drinking age. Even those directly affected, between the ages of 16 to 20, favored the adoption of 21 as the minimum age 58 percent of the time.

I believe the American people will support a 21-year-old uniform minimum drinking age. The question, is, will we act to insure that this goal is reached as soon as possible?

The civil rights movement has a saying, Mr. President, which is applicable here. "How long" is the question, how long to achieve the goal of equal rights? The answer from those committed to that goal is "Not long." And so we ask, "How long" will it be to achieve this goal which will save young lives? I hope my colleagues will answer and answer soon, "Not long."

Mr. President, I ask unanimous consent that a copy of the text of this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Minimum Drinking Age Act of 1984".

SEC. 2. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 158. National minimum drinking age.

"(a) The Secretary shall reduce any State's apportionment of Federal-aid highway funds under section 104 by five percent of the amount to be appropriated to such State for the first fiscal year after the date of the enactment of this section during which the minimum age under the laws of such State for the purchase or public possession of alcoholic beverage is less than twenty-one years. For each subsequent fiscal year, the Secretary shall increase the reduction of such State's apportionment an additional five percent.

"(b) (1) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (a) of this section for the fiscal year in which the laws of such State first require the minimum age of twenty-one years or more for the purchase of public possession of alcoholic beverages or in which substantial progress has been achieved in instituting such laws.

"(2) In determining whether substantial progress as described in paragraph (1) has been achieved in a State in any fiscal year, the Secretary shall recognize—

"(A) a proposal for legislative action enacting such laws by the chief executive of such State, or

"(B) any action to enact such laws by either house of the legislature of such State.

A determination of substantial progress can only be made for two successive fiscal years for any particular State.

"(c) As used in this section the term 'alcoholic beverages' means—

"(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954.

"(2) wine of not less than five percent of alcohol by volume, or

"(3) distilled spirits as defined in section 5002

(a)(8) of such Code.".

(b) The table of sections of chapter 1 of such title is amended by adding at the end thereof the following new item:

"158. National minimum drinking age.".

(c) The amendments made by this Act shall apply to fiscal years beginning after September 30, 1984.●

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2264. A bill to amend title 38, United States Code, to increase the maximum amounts of the specially

adapted housing assistance grants provided to certain severely, service-connected disabled veterans; to the Committee on Banking, Housing, and Urban Affairs.

VETERANS' SPECIALLY ADAPTED HOUSING ASSISTANCE INCREASE

Mr. CRANSTON. Mr. President, as ranking minority member of the Committee on Veterans' Affairs, I am introducing today S. 2264, a bill to provide a counterinflationary increase in the maximum amount of the specially adapted housing assistance grant provided by the Veterans' Administration to certain veterans with total and permanent service-connected disabilities. The maximum amount of this grant would be increased by 17 percent, from $32,500 to $38,000, effective October 1, 1984. It would also provide, effective October 1, 1984, an increase of 20 percent, from $5,000 to $6,000, in the maximum amount of the specially adapted housing assistance grant provided to certain service-connected disabled veterans who suffer from total blindness or who have lost or lose the use of both upper extremities. Joining me as cosponsors are Senators RANDOLPH, MATSUNAGA, and DECONCINI.

Under the program of specially adapted housing assistance for disabled veterans provided for in chapter 21 of title 38, United States Code—often referred to as the wheelchair home program—the VA assists veterans with certain permanent and total service-connected disabilities involving mobility impairments in aquiring suitable housing with adaptations made necessary by the nature of their disabilities. Under current law, these disabled veterans are eligible for a grant in an amount not to exceed 50 percent of the cost of the home and necessary land, up to a maximum of $32,500.

Veterans eligible for housing assistance grants are principally quadraplegics, paraplegics, amputees, and others who require the use of a wheelchair, braces, or crutches to move about. Their disabling conditions may require ramps, special bathroom equipment, extra-large rooms and hallways, and other adaptations that are essential for their health and safety.

For the value of this important benefit for such a deserving group of veterans to be protected from being eroded by inflation, periodic increases in the maximum amount of the grant must be provided. When originally enacted in Public Law 80-702 in 1948, the specially adapted housing program provided for assistance of up to $10,000. At that time, the average cost of construction for a new single-family residence was $7,800. Housing construction costs have risen steadily since then, and the maximum amount of assistance has been increased on five occasions. The last increase, effective October 17, 1981, was made by the enactment of legislation that I authored, enacted in section 502(1) of Public Law 97-66. At that time, according to the National Association of Home Builders, the median cost of a home in the United States was $68,000. In 1984, that cost is projected to increase to $80,400—an almost 17-percent increase. By raising the maximum limit by nearly 17 percent, from $32,500 to $38,000, our measure would help ensure that this benefit keeps pace with increases in housing costs over the last 3½ years.

In addition, the measure would increase, effective October 1, 1984, the maximum amount of assistance for special housing adaptations that is available to certain veterans suffering from service-connected total blindness or the loss or loss of use of both upper extremities. This program of assistance, payable pursuant to section 801(b) of title 38, was enacted in legislation I authored in 1980—section 301 of Public Law 96-385. Under this program, an eligible veteran is entitled to assistance up to a maximum amount of $5,000, in making special adaptations that the Administrator determines are reasonably necessary because of the veteran's disability. This maximum amount has not been increased since the program began in 1980. Over that period of time—from October 1980 through December 1983—the Consumer Price Index has risen by just over 20 percent. Thus, our amendment would provide for an increase of 20 percent—from $5,000 to $6,000—in the maximum amount of assistance to which a veteran is entitled under this program.

In fiscal year 1983, a total of 566 grants for special adapted housing assistance under the two VA programs were made to veterans and the average benefit payment was $25,056. In fiscal year 1984, 520 grants, averaging $26,683, are expected to be made, and in fiscal year 1985, 500 grants with an average benefit payment of $27,000 are anticipated.

Mr. President, I ask unanimous consent that the text of S. 2264 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed on the RECORD, as follows:

S. 2264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 802 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "$32,500" and inserting in lieu thereof "$38,800"; and

(2) in subsection (b), by striking out "$5,000" and inserting in lieu thereof "$6,000."

(b) The amendments made by this Act shall take effect on October 1, 1984.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2265. A bill to amend title 38, United States Code, to increase the maximum amounts of Veterans' Administration home-loan guarantee; to the Committee on Banking, Housing, and Urban Affairs.

VETERANS' ADMINISTRATION HOME-LOAN GUARANTY INCREASES

Mr. CRANSTON. Mr. President, as the ranking minority member on the Committee on Veterans' Affairs, I am today introducing S. 2265, a bill to increase, effective October 1, 1984, the maximum amounts of veterans' home-loan guaranties. This measure would increase by 27 percent, from $27,500 to $35,000, the maximum amount of the Veterans' Administration loan-guaranty entitlement available to a veteran for the purchase of a conventional home, a single-family residential unit in a condominium, or a farm residence. In addition, the measure would increase by 10 percent, from $20,000 to $22,000, the maximum guaranty for purchases of manufactured homes—formerly known as mobile homes. Joining me as cosponsors are Senators RANDOLPH, MATSUNAGA, and DECONCINI.

The VA loan guaranty is designed to substitute, in large measure, for the down payment that would otherwise be required when a veteran purchases a home. Under current law, the guaranty is limited to 60 percent of the loan amount or $27,500, whichever is the lesser, with regard to conventionally built homes and condominium apartments, and 50 percent or $20,000, whichever is the lesser, in the case of manufactured homes. Lenders are thus assured of the substantial protection afforded by the VA loan guaranty and are generally willing to make loans to veterans without the necessity of a down payment or with a lower down payment than would otherwise be required.

Mr. President, as my colleagues are well aware, housing prices have risen substantially since the most recent increase in the VA loan-guaranty maximum which was enacted by the Congress in 1980 based on an amendment I proposed. According to data provided by the National Association of Home Builders, the median cost of a home in the United States in 1980 was $64,600. In 1984, it is estimated that the median cost will rise to $80,400—an increase of almost 25 percent. Thus, by raising the guaranty by approximately 27 percent to $35,000, we would be insuring that the value of the VA home-loan guaranty keeps pace with increases in the housing market.

In the case of manufactured homes, Department of Commerce data show that, from the third quarter of 1980—1 week after which the last increase in the maximum guaranty was enacted—through the second quarter of 1983, the average sale price of a manufac-

tured home increased by 5 percent. Assuming an additional 5-percent inflationary impact from July 1983 through October 1984, a 10-percent increase in the maximum—from $20,000 to $22,000—would protect that benefit from inflation.

Mr. President, I believe that as more and more veterans seek to use their VA home-loan guaranty entitlement, we need to insure that it is readily available and sufficient to meet their needs. The dramatic doubling of the number of VA home loans closed last year—from about 103,400 loans during fiscal year 1982 to over 245,000 loans in fiscal year 1983—is evidence of the continuing popularity of and demand for the program. According to the President's fiscal year 1985 budget, 225,000 and 240,000 loans will be closed in fiscal years 1984 and 1985, respectively.

This legislation will help to insure that, to the extent interest rates and other economic factors generally make home purchases possible, the VA loan-guaranty program will continue to play the role that Congress intended of helping veterans become homeowners.

Mr. President, it is important to note that—as a result of a recommendation made by the President's private sector survey on cost control—the President's fiscal year 1985 budget indicates that, effective March 1, 1984, the VA would reverse its general policy of acquiring at forfeiture title to homes securing VA mortgage loans. Rather, the VA announced that it would respond to defaults by paying loan holders the guaranteed portion of the loan.

I was and am greatly concerned about any such policy change. When it was first brought to my attention in January, I wrote to Administrator Walters to urge that the VA take no action to implement any such policy change until after the Congress had had an opportunity to consider its consequences. Thus, I was pleased with the VA's decision on February 2 that it has delayed indefinitely the implementation of this change while it continues to study its effect on the program and the veterans it is intended to serve. At this point, I ask unanimous consent that the text of my January 18 letter to Administrator Walters be printed at the conclusion of my remarks in the RECORD.

Mr. CRANSTON. Mr. President, on January 18, 1984, I also wrote to the distinguished chairman of our Committee (Mr. SIMPSON) requesting that an oversight hearing be scheduled on the VA's home-loan guaranty program. I urged that three issues be covered in that hearing: The change in the policy with respect to acquiring titles to homes securing VA mortgages, the effect on the VA's program of negotiable interest rates now applicable to the FHA program, and the effectiveness of the VA's efforts to assist veterans who, as a result of becoming unemployed, have encountered difficulties in making mortgage payments on VA home loans. I ask unanimous consent that the text of this letter also be printed in the RECORD at the conclusion of my remarks.

Mr. President, in addition to these three issues I have mentioned, I will urge that the committee also review the need for an increase in the home-loan guaranty maximum as proposed in the measure we are introducing today.

Mr. President, I ask unanimous consent that the test of S. 2265 and the letters previously mentioned be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1810(c) of title 38, United States Code, is amended by striking out "$27,500" and inserting in lieu thereof "$35,000".

(b) Section 1811(d)(2) is amended—

(1) in subparagraph (A), by striking out "$27,500" both places it appears and inserting in lieu thereof "$35,000"; and

(2) in subparagraph (B), by striking out "$20,000" both places it appears and inserting in lieu thereof "$22,000".

(c) Section 1819(c) is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$22,000".

(d) The amendments made by this Act shall take effect on October 1, 1984.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., January 18, 1984.

Hon. HARRY N. WALTERS,
Administrator of Veterans' Affairs, Washington, D.C.

DEAR HARRY: The President of the Mortgage Bankers Associaton of America, Felix M. Beck, has recently contacted me to express their concerns arising from a recommendation made by the President's Private Sector Survey on Cost Control Task Force relating to the VA's home-loan guaranty program. Enclosed for your reference is a copy of Mr. Beck's December 15, 1983, letter to Chairman Simpson on this matter.

Specifically, his concern is that the VA might reverse its general policy of acquiring title to homes securing VA mortgage loans that have gone into default. Rather, it is feared, the VA will respond to defaults by paying loan holders the guaranteed portion of the loan, leaving the lender to dispose of the property. As pointed out in the letter, such a change in policy could have a far-reaching and harmful impact on many veterans attempting to utilize their entitlements under the VA's home-loan guaranty program.

Thus, I would appreciate your reviewing each of the points raised by Mr. Beck and letting me have your comments on them. In addition, I would urge that the VA take no action to implement any such policy change until after the Congress has had an opportunity to consider its consequences. In this regard, I have today written to Chairman Simpson requesting that oversight hearings on the VA's home-loan guaranty program be scheduled early in the forthcoming Session so as to permit the Committee to review this issue as well as other issues in the housing area.

Thank you for your attention to this matter. I look forward to hearing from you soon.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

MORTGAGE BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., December 15, 1983.

Hon. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Administration is threatening to change the Veterans' Home Loan Guaranty Program in a significant and harmful way, by fiat, without Congressional direction and public discussion. While the exact time of implementation of this change is not definite, the Mortgage Bankers Association of America (MBA) is concerned that it is imminent. MBA respectfully urges you, as Chairman, and the other members of the Committee on Veterans' Affairs, to take appropriate action to prevent the Veterans Administration (VA) from abandoning an element of the VA loan guaranty program that has been used effectively for many years and that is important to the ability of veterans to own their own homes.

VA HOME LOAN GUARANTY PROGRAM

The VA home loan guaranty program was established by Congress as an entitlement program. Every veteran meeting the program's requirements should be entitled to the guaranty of his or her home mortgage, as provided by statute. Administrative implementation of the Task Force's proposal will restrict the program and reduce the availability of the home loan guaranty program to veterans who otherwise would be entitled to participate, but who would not be able to do so if the proposed administrative restrictions are put into effect. MBA urges Congress not to allow this administrative restriction of an entitlement program.

The VA home loan guaranty program is one the most successful housing programs in this Nation's history. Approximately 11 million veterans have been housed with VA-guaranteed loans. In fiscal year 1982, 92,930 new loans were guaranteed and in fiscal year 1983, the volume rose to 231,620. Mortgage bankers have always been heavily involved in the VA home loan guaranty program. During the last decade, mortgage bankers originated approximately 76 percent of all VA-guaranteed loans.

In order to encourage lender participation in the VA loan guaranty program, minimize administrative costs, and retain the flexibility to allow a derserving veteran to remain in the family home even after mortgage default, the VA has traditionally and wisely accepted title to the property in most foreclosure cases. Now, apparently under pressure from the Office of Management and Budget (OMB), the VA may refuse to acquire title to homes securing mortgages that have gone into default. Rather, the VA would respond to defaults by paying loan holders the guaranteed portion of the loan, leaving the lender to dispose of the property. This proposal, which originated with a Task Force of the President's Private Sector Survey on Costs, should be reviewed by your Committee and the Congress and not al-

lowed to be implemented without that Congressional review.

PROBLEMS FOR LENDERS

If the VA accedes to the Task Force recommendation and no longer acquires properties, mortgage lenders will be forced to establish large scale real estate disposition operations, something that they are not now equipped to do. The VA's current practice of acquiring the vast majority of foreclosed properties allows the VA to spread its losses. The VA loses money on the disposition of some properties and breaks even or gains on the sale of others. Most mortgage lenders' operations are not sufficiently large to allows for the spreading of this risk. Lenders with large concentrations of properties in depressed areas would suffer devastating losses on the disposition of foreclosed properties in these areas.

Additionally, many small mortgage lenders who have issued Government National Mortgage Association (GNMA) mortgage-backed securities may not have the reserves that would be required to pay off security holders. These lenders could default on their obligations and go bankrupt.

IMPACT ON VETERANS

The shift of risk recommended by the Task Force and the resulting losses to the lending community must necessarily result in less opportunity for the veteran to obtain housing finance and in higher costs of borrowing for the veteran.

The Task Force recommendation would drastically curtail future interest on the part of lenders in investing in VA loans in the future. Those lenders willing to make VA loans would be forced to impose more stringent underwriting requirements on veteran borrowers. Many veterans who could qualify for financing under the VA's credit guidelines would be unable to satisfy the lender's necessary additional requirements. Currently, it is the VA's policies that determine which veterans qualify for financing. However, if the losses that result from borrowers' defaults are shifted to the lender, the policy for determining which veterans qualify for financing will be assumed by the private sector.

One of the most valuable benefits to the veteran of the VA home loan program is the unique no-down payment feature. A veteran may now buy a home with no-down payment, providing his or her income is sufficient to support payments; the VA program is, in fact, the only home mortgage lending program that carries a no-down payment feature. If lenders had to assume an increased risk on default, they would be unwilling to make a VA loan without the equity of a down payment.

If the VA abandons its tradition of accepting title to property, lenders will be forced to try to recover the added losses on VA foreclosures by increasing the discount points to the seller on new loan transactions. Interest rates on conventional and FHA mortgages float with the market and do not require as many discount points.

When the points required to compensate the lender for the recommended change in the VA's policy for acquiring properties are added to the points resulting from the administered VA interest rate, we fear that the veteran will be priced out of the market.

The VA home loan guaranty program should not be tampered with capriciously. Such a fundamental change, as is proposed, should be the subject of hearings before it is implemented, even though statutory authority now technically rests with the VA to make the change.

MBA urges that Congress act quickly to defer implementation of the Task Force recommendation until Congress has had an opportunity to investigate the possible adverse effects upon the veteran homebuyer. Please accept our appreciation for your courtesy in this matter.

Sincerely,

FELIX M. BECK.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., January 18, 1984.

Hon. ALAN K. SIMPSON,
Chairman,
Senate Committee on Veterans' Affairs,
Washington, D.C.

DEAR AL, I am writing to urge that you consider scheduling at the earliest convenient time in the forthcoming Session an oversight hearing on the VA's home-loan guaranty program.

As you know, the Committee has not had a hearing to focus on issues in this area since 1980. There are a number of matters that I believe the Committee should review and consider carefully. Specifically, I would hope that a hearing would focus on the recommendations of the President's Private Sector Survey on Cost Control Task Force with respect to the VA's housing program, the effect on the VA's program of "negotiable" interest rates now applicable under the FHA program, and the VA's efforts to assist veterans who, as a result of becoming unemployed, have encountered difficulties in making mortgage payments on VA home loans. On the first two issues, I'm enclosing copies of my recent letters to Harry Walters that outline my concerns in more detail.

As always, Al, I'll appreciate your attention to this request.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

By Mr. CRANSTON (for himself, Mr. SIMPSON, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2266. A bill to grant a Federal charter to the Vietnam Veterans of America, Inc.; to the Committee on the Judiciary.

VIETNAM VETERANS OF AMERICA

Mr. CRANSTON. Mr. President, as the ranking minority member on the Veterans' Affairs Committee, I am today introducing S. 2266, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc. Joining with me as cosponsors are the distinguished chairman of the Veterans' Affairs Committee and a member of the Judiciary Committee (Mr. SIMPSON) and Senators RANDOLPH, MATSUNAGA, and DECONCINI.

The Vietnam Veterans of America, Inc.—VVA—is a national service organization devoted to the welfare of Vietnam-era veterans. Formed in 1978, VVA has grown into an organization with over 130 chapters stretching from New England to California, and its membership is over 16,000 strong.

Since it began, the VVA has addressed the major issues that face Vietnam veterans, including needs of readjustment, employment, and economic assistance, the adequacy of GI bill benefits, VA health-care programs, agent orange, and post-traumatic stress disorder. In the past several years, as it has become a truly national, representative organization, it has acted as a progressive catalyst on major legislative issues and has promoted the importance of recognizing Vietnam veterans as a valued and valuable national resource for America.

The members of VVA represent a wide spectrum of income levels, political beliefs, religions, professions, and ethnic groups. The VVA, through its State councils and local chapters, brings these different backgrounds and experiences together in order to seek to accomplish several purposes. One is to provide mechanisms through which Vietnam veterans can develop positive identification with their Vietnam service and with those who served with them. A second is to deal with the physical, psychological, and economic consequences of the war for individual veterans. A third is to seek to effect basic reform in the governmental and private institutions that have major impact on the lives of veterans.

The VVA is recognized by the VA under section 3402 of title 38, United States Code, to provide representation for veterans in connection with claims for benefits before the VA. The organization's claims service department has developed and distributed a comprehensive claims manual for use by its service officers and others involved in assisting Vietnam veterans.

The VVA has also been deeply involved in efforts to gain a better understanding of the psychological and other health-related problems of Vietnam veterans and to foster their readjustment to civilian life. It has joined in the fight to seek judicial review of VA decisions denying veterans' benefit claims. The organization has also contributed to efforts to promote employment opportunities for Vietnam veterans and to heighten recognition of the needs of women, minority group, and incarcerated Vietnam veterans.

As the local service providers, its 130 chapters serve as the most important component of the VVA. Each chapter sets its own goals to address the needs of its members and the community in which it operates. Each chapter has in common that they serve as the primary contact point for information and referral services; many have established local rap groups to help Vietnam veterans express their concerns and interests. They also operate other programs to meet the needs of Vietnam veterans, such as job fairs and substance abuse programs. Chapters also work to portray a positive image for Vietnam veterans in their communities by running such programs as Special Olympics, Big Brothers, and other community service projects.

Most importantly, Mr. President, the VVA works to enable Vietnam veterans to be proud of their time in the service in spite of the many controversies surrounding the war itself.

Mr. President, although the Vietnam Veterans of America has come a long way, there is a long way yet to go. VVA is moving constructively forward—in terms of the individuals who compose it, in terms of its organizational structure and processes, and in terms of the efforts of a generation of men and women who have already given so much to their country and who are continuing to give more.

Mr. President, the cosponsors of this bill and I believe that the granting of a Federal charter is an appropriate form of recognition for this group and should help promote its valuable ongoing work. I urge my colleagues to become acquainted with the organization and to join us in this initiative.

I also want to note that an identical measure is being introduced in the House today by the distinguished chairman and ranking minority member of the House Committee on Veterans' Affairs, my good friends from Mississippi and Arkansas (Mr. MONTGOMERY and Mr. HAMMERSCHMIDT), as well as most other members of that committee. I am pleased that this initiative is being pursued, not only in both bodies of Congress, but with a real spirit of bipartisanship.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER

SECTION 1. The Vietnam Veterans of America, Inc., a non-profit corporation organized under the laws of the State of New York, is hereby recognized as such and is granted a charter.

CORPORATE POWERS

SEC. 2. The Vietnam Veterans of America, Inc. (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its articles of incorporation filed in the State in which it is incorporated and its constitution and bylaws, and subject to the laws of such State.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws and include a commitment to—

(1) uphold and defend the Constitution of the United States;

(2) foster the improvement of the condition of Vietnam-era veterans;

(3) promote the social welfare (including educational, economic, social, physical, and cultural improvement) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, and usefulness of Vietnam-era veterans and other war veterans;

(4) improve conditions for Vietnam-era veterans and develop channels of communication to assist Vietnam-era veterans;

(5) conduct and publish research, on a non-partisan basis, pertaining to the relationship between Vietnam-era veterans and the American society, to the Vietnam war experience, to the role of the United States in securing peaceful co-existence for the world community, and to other matters which affect the social, economic, educational, or physical welfare of Vietnam-era veterans and other war veterans and the families of such veterans;

(6) assist disabled Vietnam-era veterans and other war veterans in need of assistance, and their dependents and survivors; and

(7) consecrate the efforts of the members of the corporation and Vietnam-era veterans generally to mutual helpfulness and service to their country.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the constitution and bylaws of the corporation.

BOARD OF DIRECTORS

SEC. 6. The board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

OFFICERS

SEC. 7. The officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

RESTRICTIONS ON CORPORATE POWERS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority by virtue of this Act for any of its activities.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by inserting after paragraph (57) the following new paragraph:

"(58) The Vietnam Veterans of America, Inc."

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1102). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

EXCLUSIVE RIGHT TO NAMES

SEC. 16. The corporation shall have the sole and exclusive right to use the name "The Vietnam Veterans of America, Inc.", "Vietnam Veterans of America, Inc.", and "Vietnam Veterans of America", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

FAILURE TO COMPLY WITH RESTRICTIONS OR PROVISIONS

SEC. 17. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2267. A bill to amend title 38, United States Code, to increase the maximum amount of the automobile assistance grant provided to certain severely, service-connected disabled veterans; to the Committee on Veterans' Affairs.

VETERANS' AUTOMOBILE ASSISTANCE ALLOWANCE INCREASE

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affiars, I am introducing S. 2267, a bill to provide a counterinflationary increase in the maximum amount of the automobile assistance allowance provided by the Veterans' Administration to veterans with certain severe service-connected disabilities. This bill would increase by 10 percent, the allowance from $4,400 to $4,840, effective October 1, 1984. Joining me as cosponsors are Senators RANDOLPH, MATSUNAGA, and DECONCINI.

The program of automobile assistance—now codified in chapter 39 of title 38, United States Code—was established by the Congress in Public Law 79-663, enacted in 1946. Under this program, veterans who have suffered the service-connected loss or loss of use of one or both feet, or one or both hands, or service-connected blindness are entitled to a one-time VA grant to assist them in purchasing an automobile. This is a most deserving category of veterans, and I believe all of my colleagues would agree that this benefit for them should not be permitted to be diminished over the years by the rising cost of a new car.

That was the position of the Congress in 1970 when it enacted Public Law 91-666, which I authored and which increased, effective January 11, 1971, from the original $1,600 to $2,800 the maximum amount of the allowance payable toward the purchase of an automobile or other conveyance. According to the Senate report accompanying the Senate version of that legislation—Senate Report No. 91-1232, page 14—the purpose of the 1971 increase was "to reestablish, to an effective degree, the comparability which originally existed between the cost of an automobile or other conveyance and the monetary assistance provided for its purchase."

In 1974, 1978, and 1981, increases—based on proposals I authored—were enacted into law by Public Laws 93-548, 95-479, and 97-66, respectively. Since the effective date of the last increase, October 1, 1981, the Bureau of Labor Statistics' Consumer Price Index component for new automobiles has risen by 6 percent. In addition, the CPI is projected to rise between 4 and 5 percent in fiscal year 1984.

Thus, Mr. President, the measure I am introducing today would increase the automobile allowance from $4,400 to $4,840—an increase of $440. This is a 10-percent increase, which would protect the value of this benefit from being eroded by inflation.

According to the VA, 963 veterans received automobile assistance allowances in fiscal year 1983 and the average benefit payment was $4,350. In fiscal years 1984 and 1985, it is estimated that 800 and 700 veterans, respectively, will receive this allowance and that the average benefit payment will be the maximum amount—$4,400—in each year. It should be noted that, based on the estimated number of awards in fiscal year 1985, our proposal to increase the allowance by $440 would result in very little increased cost—only $308,000 in that year.

Mr. President, I ask unanimous consent that the text of S. 2267 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1902(a) is amended by striking out "$4,400" and inserting in lieu thereof "$4,840".

(b) The amendment made by this Act shall take effect on October 1, 1984.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2268. A bill to amend title 38, United States Code, to extend the authority for veterans readjustment appointments; to the Committee on Veterans' Affairs.

EXTENSION OF VETERANS' READJUSTMENT APPOINTMENT AUTHORITY

Mr. CRANSTON. Mr. President, as the ranking minority member on the Veterans' Affairs Committee, I am introducing today S. 2268, a bill to extend for 3 additional years the authority set forth in section 2014(b) of title 38, United States Code, for veterans readjustment appointments—VRA's. Joining with me as original cosponsors are Senators RANDOLPH, MATSUNAGA, and DECONCINI

The VRA authority, which would otherwise expire on September 30, 1984, permits certain disabled Vietnam-era veterans and educationally disadvantaged Vietnam-era veterans to be given excepted appointments in the Federal civil service. The purpose of the VRA authority is to assist these veterans by making it possible for them to be hired noncompetitively into the Federal civil service and to develop additional skills through a program combining education and training with the opportunity for a regular career appointment.

On March 26, 1970, President Nixon issued Executive Order No. 11521, which established a special civil service appointment authority for certain veterans and disabled veterans of the Vietnam era who were discharged after April 9, 1969. Under that original authority, the eligibility requirements specified that in order to be considered for an appointment a veteran must be qualified for the position, must have completed no more than 14 years of education, must have served on active duty during the Vietnam era, and generally must have been separated from the service for 1 year or less. Veterans who met these eligibility requirements could be given a VRA to any position in the competitive service at or below the general schedule 5—GS-5—level or its equivalent. A veteran who satisfactorily completed 2 years of substantially continuous service under a VRA and an education or training program was converted to career-conditional employment and automatically acquired a competitive status for civil service purposes.

In 1973, I authored legislation, based on this model, that was enacted in Public Law 93-508. It codified the VRA authority as section 2014(b) of title 38, extended the eligibility period for certain veterans who enrolled in a program of education within 1 year after release from active duty, and provided for the continuation of the program through June 30, 1978.

In connection with the Veterans' Program Extension Act of 1978, Public Law 95-520, I authored provisions—based upon legislation submitted by the administration—to extend the VRA program substantially. Section 6(b) of Public Law 95-520 extended eligibility to all Vietnam-era veterans with no more than 14 years of education, not just those separated after April 9, 1969, and eliminated the maximum limitation on the number of years of education for those Vietnam-era veterans with service-connected disabilities and those who were discharged or released because of a service-connected disability. In addition, the measure raised the grade-level limitation for VRA's from GS-5 to GS-7, expanded requirements for reporting on the use of this authority, and extended the program for 3 years through September 30, 1981.

In 1981, I authored provisions, enacted in Public Law 97-72, that further extended the authority through September 30, 1984.

Since the inception of this very successful program in 1970, VRA's have provided employment opportunities for more than 200,000 Vietnam-era veterans. However, it should be stressed that the VRA program does not provide for the creation of additional Government jobs. All VRA positions are regular civil service positions that count against an agency's staffing ceiling. Federal agencies' participation in the program is influenced by such factors as the agency's interest in providing eligible veterans with VRA opportunities, budgetary considerations, and the types of positions available that attract the interest and are compatible with the qualifications of VRA eligibles.

The July 1983 report on the VRA authority prepared by the Office of Personnel Management—OPM—pur-

suant to the statutory reporting requirements, indicates that the VRA authority continues to be of significant value in terms of assisting educationally disadvantaged and service-connected disabled Vietnam-era veterans in finding work. During the 6-month period from April through September 1982, the 12 executive departments and 9 independent agencies that participated in the program reported a total of 7,646 hires under the VRA authority—or about 3.5 percent of all new hires made by those 21 agencies during that period. Of these VRA appointments, 12 percent—or 919—were service-connected disabled veterans.

Well over one-half—or 56 percent—of the VRA appointments made during the April to September 1982 period were made by the Defense Department; the Army alone hired 2,371 using VRA's. The Veterans' Administration made 2,570 VRA hires—33.6 percent of all those hired agencywide during that period. Five other agencies' proportional representation of VRA hires among total new hires exceeded or equaled the government-wide proportion of 3.5 percent; these included the Navy, the Air Force, the Department of Justice, the International Boundary and Water Commission, and the Smithsonian Institution.

The success of the VRA program is also evidenced by the high government wide retention rates of veterans who were initially appointed under the VRA authority. OPM data indicate that of the 8,176 VRA hires who left the program in the April to September 1982 period, 7,092—or 86.7 percent—converted to career-conditional employment status in the civil service system.

Mr. President, the continued success and popularity of the program is without question. Indeed, at hearings held before the House Committee on Veterans' Affairs last September 29, there was unanimous support among the witnesses for extension of the program, including OPM Director Donald J. Devine, who noted that he supported enactment of legislation to extend the program through September 30, 1987.

It should be noted also that Director Devine testified in support of additional changes in the VRA authority including raising the maximum grade level, removing the education limit, and modifying the reporting requirements now set forth in section 2014(b). While I continue to study those recommendations carefully, I have not included them in this bill. I want first to get some measure of the impact that such changes would have on the purpose of the VRA program to assist disadvantaged and disabled Vietnam-era veterans and how such changes would relate to carrying out effectively other programs and policies of the Federal Government to employ our Nation's veterans as well as other citizens.

Mr. President, the VRA program has provided employment for tens of thousands of those Vietnam-era veterans who would otherwise, because of a variety of factors, have not been able to obtain Federal employment. The extension of the basic authority would insure that the program continues to meet those needs.

I ask unanimous consent that the test of the measure be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2014(b)(2) of title 38, United States Code, is amended by striking out "1984" and inserting in lieu thereof "1987".

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2269. A bill to amend title 38, United States Code, to improve various aspects of Veterans Administration health-care programs and to provide eligibility to new categories of persons for readjustment counseling from the Veterans' Administration; and to require the Administrator of Veterans' Affairs and the Secretaries of Defense and of Health and Human Services to submit a report on alternatives for providing Federal benefits, and services to individuals who, as civilians, provided services to U.S. Armed Forces in Vietnam during the Vietnam era; and for other purposes; to the Committee on Veterans Affairs.

VETERANS' ADMINISTRATION HEALTH-CARE PROGRAM IMPROVEMENTS ACT OF 1984

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am today introducing for myself and Senators RANDOLPH, MATSUNAGA, and DECONCINI: S. 2269, the proposed Veterans' Administration Health-Care Program Improvements Act of 1984. This measure addresses a variety of issues relating primarily to Veterans' Administration health-care services. Its basic underlying purpose is the continued improvement of the VA's ability to meet the needs of our Nation's veterans and their dependents. The VA, as the principal Federal agency with responsibility for providing for our veterans and their survivors, must be given the legislative authorities it needs in these rapidly changing times in order to carry out its mission fully and effectively. Our bill is directed toward that end.

SUMMARY OF PROVISIONS

Mr. President, the eight substantive provisions of our bill would:

First, expand the definition of the Vietnam era for the purposes of title 38, United States Code, so as to include service in Vietnam at any time during the period beginning on July 8, 1959 and ending on August 4, 1964, the day before the starting date of the Vietnam era in current law.

Second, in cases in which a veteran's family members have been receiving counseling or mental health services from the VA in connection with the veteran's care or counseling, authorize the VA to continue to provide services to those family members for a period of up to 6 months following the veteran's death.

Third, provide persons still on active duty in the Armed Forces who served during the Vietnam era with eligibility for VA readjustment counseling and authorize the Administrator of Veterans Affairs to provide such eligibility to persons who served in the Armed Forces after the Vietnam era in combat-like situations.

Fourth, make permanent the VA's current, pilot-program authority to place veterans with alcohol or drug abuse dependencies or disabilities in non-VA halfway houses and other community-based programs for treatment and rehabilitation.

Fifth, provide the Administrator with new authority to increase rates of pay, for recruitment and retention purposes, for protective services employees at VA health-care facilities.

Sixth, modify the due date of a recurring Comptroller General's report on the Director of the Office of Management and Budget's compliance with certain statutory requirements relating to funded personnel ceilings for the VA's Department of Medicine and Surgery.

Seventh, require the Administrator to develop criteria pursuant to which applications for grants for the construction, remodeling, expansion, or alteration of State veterans' home facilities can be awarded on a basis other than first-come, first-served.

Eighth, direct the Administrator and the Secretaries of Defense and of Health and Human Services to submit to the Congress a joint report setting forth and evaluating various alternative approaches pursuant to which the Federal Government might provide benefits, services, and assistance relating to disabilities that possibly result from certain aspects of service in Vietnam—such as exposure to agent orange or to particularly traumatic events—in individuals who were present there during the Vietnam era as civilian employees of the Federal Government or of organizations that provided significant assistance to U.S. Forces, such as the American Red Cross or the USO.

VIETNAM-ERA VETERANS READJUSTMENT COUNSELING PROGRAM

Mr. President, the VA's program for providing readjustment counseling to

Vietnam-era veterans, which was initially authorized in 1979, continues to be the most important and effective Government program for assisting those Vietnam-era veterans who have experienced readjustment difficulties since their service. Although there are some problems in the operation of the program—most notably in the fee-for-service portion—I am satisfied that this program, now operating out of 135 Vet centers, is very successful. Last year, in Public Law 98-160, the program as it is presently constituted was given a 4-year extension, until September 30, 1988. This extension should provide sufficient long-term stability for the program to permit appropriate management improvements to be made. With reference to the fee-for-service portion of the program, I ask unanimous consent that a recent exchange of letters that I had with the VA—my December 9, 1983, letter to the VA's Chief Medical Director, Dr. Donald Custis, and Dr. Custis' January 20, 1984, letter in response—be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., December 9, 1983.

Dr. DONALD L. CUSTIS,
Chief Medical Director, Veterans' Administration, Washington, D.C.

DEAR DON, as you know, I have had an ongoing interest in the status of the contract between the Veterans' Administration and Swords to Plowshares for the provision of readjustment counseling. In this connection, I recently had the opportunity to review the October 28, 1983, opinion of the General Counsel regarding the payment of certain sums under that contract. That opinion includes the following statement:

[W]e hope that the confusion and difficulty encountered in connection with the administration of this contract will demonstrate the need for a complete review and evaluation of all contracts now outstanding to provide readjustment counseling, as well as a new awareness within the VA of the need for improved contract management and oversight.

I agree wholeheartedly about the need for a "complete review and evaluation of all contracts" and for "improved contract management and oversight", and urge your prompt consideration of these actions.

In view of the problems that have come to light regarding the administration of these contracts, I believe it is vitally important at this time that all existing contracts be reviewed to determine which services are being provided and to which veterans. It is even more important that the agency, as soon as possible, decide how best to monitor the fee/contract program in the future and then commit the resources necessary—including the personnel needed—to carry out that task.

As successful as the readjustment counseling program has generally been through the Vet Centers in helping a great many Vietnam-era veterans and their families deal more effectively with post-war readjustment difficulties, questions about the fee-basis portion of the program have persisted from that program's inception. They have now reached a point where, unless satisfactorily resolved, they threaten to undermine the reputation of and support for the entire program.

In a May 17, 1982, letter to me, you stated that "the Readjustment Counseling Service is addressing itself to developing a mechanism for monitoring the [fee/contract] program as to consistency, quality, and cost-effectiveness." The current controversy surrounding the Swords to Plowshares contract and numerous reports of similar situations involving other contracts as to which inadequate monitoring of contractors is also alleged would seem to be compelling evidence that the efforts described as being underway eighteen months ago have yet to be successful.

In carrying out the review and evaluation called for by the General Counsel, I believe that the agency should, at a minimum, address the following questions:

(1) A. Should the monitoring of contracts for readjustment counseling remain with the Readjustment Counseling Service or should some other office in the agency (e.g., the Office of Procurement and Supply) be given this responsibility?

B. If the actual monitoring function is shifted, should the Readjustment Counseling Service remain responsible for providing technical assistance (i.e., orientation, education, and training assistance) to contractors?

(2) In view of the answers to question 1, how many additional FTEE are needed for contract monitoring and how many for technical assistance purposes and where should the personnel be located?

(3) What should the general qualifications be for individuals in such positions and should they have prior experience with the Vet Center program?

With respect to question 1, I believe there is very strong reason for retaining this responsibility in the Readjustment Counseling Service field locations where the actual counseling experience and the knowledge of local veterans and conditions is so abundant. Also, the very great need for the performance of this technical assistance function for many contractors without extensive Vietnam veteran readjustment counseling experience raises two related questions: Whether the amount of technical assistance required suggests that too many resources are currently being allocated to contract services? Would not it enhance the program if some of these resources were used to expand in-house efforts over which the agency can exercise greater quality control?

With respect to question 2 regarding the number of FTEE needed, I note that, when the responsibility was initially given to the Readjustment Counseling Service to monitor contractors and to provide technical assistance, no additional personnel were assigned to the Vet Center program to carry out these new tasks. This created many situations around the country in which Vet Center personnel were forced, to the detriment of the overall program, to choose between carrying out the new responsibilities and fulfilling their other duties. For example, I have been advised that the Seattle, Washington, Vet Center team leader, in addition to his team leader responsibilities, was assigned monitoring and technical assistance responsibilities with respect to contractors who are located over a wide geographic area and to whom the VA might pay out over $300,000 in one year for counseling services. Plainly, it is not possible for one person to carry out effectively such multiple responsibilities.

Thus, if the agency should decide that either the monitoring or the technical assistance responsibility, or both, should remain with the Vet Center program, I believe that it is vital that additional personnel be assigned for such purpose or purposes. (One suggestion that might be considered in the event of such a decision would be to employ former Vet Center personnel—particularly those who have been involved in direct counseling but who need some relief from the stress of that role—to work with fee/contract providers.)

On a related matter, you will recall that we exchanged a number of letters last year and earlier this year that addressed, among other issues, the agency's projection for using fiscal year 1983 readjustment counseling monies for fee-basis contracts. In that correspondence and in other ways, I repeatedly urged that steps be taken to avoid spending for non-readjustment counseling purposes any of the funds that the agency had identified as intended but which were not needed for the fee/contract program. I deeply regret that this result was not avoided; indeed, it is doubly regrettable that the purpose of these expenditures bears no direct relationship whatsoever to Veitnam-era veterans.

As I did last year, I strongly urge that the agency estimate—as soon as possible—the approximate amount that will be expended in the current fiscal year on the fee/contract portion of the program. To the extent that that amount is less than the $11 million that the agency has noted, in response to questions following our Committee's February 16, 1983, hearing on the FY 1984 budget, were to be devoted to such purpose, the agency should promptly determine and thereafter advise the Appropriations and Veterans' Affairs Committees in both Houses how it proposes to utilize the balance of those earmarked funds. I very much hope you will move forward on this suggestion immediately.

Don, I deeply appreciate your continuing cooperation and assistance and your attention to this particular matter. I look forward to receiving your response to this letter as soon as possible, and would greatly appreciate your addressing specifically each of the points discussed above.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

VETERANS ADMINISTRATION,
DEPARTMENT OF MEDICINE AND SURGERY,
Washington, D.C., January 20, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, United States Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of December 9, 1983 concerning the readjustment counseling program and the management of the fees/contract program.

DM&S Circular 10-83-100, A-123 Internal Control Systems, identifies certain areas as being highly vulnerable to fraud, waste, and abuse. Within the readjustment counseling program, we are concerned about the performance of contractors providing counseling services. An internal control review of the fees/contract program was originally scheduled to be conducted in May 1984. We decided to accelerate that timetable. A task force was formed in mid-October to examine various aspects of the contracts program in

accordance with the guidelines set forth in the circular cited above. This task force is chaired by Mr. Albert B. Washko, Director of the Albany, New York, VA Medical Center, and is working closely with the Office of Procurement and Supply, Medical Administration Service and Readjustment Counseling Service in Central Office. Their goal is to identify potential problems involving the fees/contract program at the field and VA Central Office levels; developing a format for review of internal controls; and making recommendations to improve the management and monitoring of this $11.2 million program.

Immediately following the completion of the first quarter, we shall be reviewing our current obligations for the fees/contract program and making an estimate for total fiscal year 1984 expenditures. I shall provide this figure to you once it is available.

In addition, we are now studying the possibility of contracting out for some monitoring of the contracts program. I shall be pleased to keep you informed of our initiatives in that area.

Your suggestions and concerns for the readjustment counseling program are appreciated.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

Mr. CRANSTON. Mr. President, under current law, section 612A of title 38, eligibility for readjustment counseling services is limited to veterans of the Vietnam era and in certain circumstances, their family members.

The measure we are introducing today would make four changes in the law to expand the list of those eligible for such services.

First, individuals who served during the Vietnam era but who are still on active duty—and thus not veterans under the applicable title 38, United States Code, definition—would be made eligible for readjustment counseling. Although I am aware of no data suggesting an unmet counseling need among large numbers of active-duty personnel, I have heard from a number of individuals working in the program about requests for help from active-duty personnel. In any event, I do not believe that any individual who served in the Armed Forces during the Vietnam era and feels a need for readjustment counseling should be barred from eligibility simply because he or she is still on active duty. Section 4 of the bill would remove that bar.

Second, by virtue of an amendment to the definition of "Vietnam-era" in section 101(29) of title 38, United States Code, our bill would provide eligibility to certain veterans who served in Vietnam before the beginning of the Vietnam era. Under current law, the Vietnam era is defined as the period beginning on August 5, 1964, and ending on May 7, 1975. The starting date coincides with the Gulf of Tonkin resolution, which was unquestionably a watershed event in the history of U.S. involvement in Vietnam. However, there were many U.S. troops in Vietnam prior to that date and, as shown by the Vietnam Veterans Memorial on the Mall here in Washington, D.C.—on which the first person listed died from hostile fire in 1959—these service personnel were under combat conditions well prior to 1964.

Mr. President, there are a number of practical difficulties in setting fixed dates for a period of hostilities, such as the Vietnam era, and I note that there were a variety of responses to this proposal to modify the starting date of the Vietnam era when it was before the committee in S. 11 last year. Nevertheless, I do not believe that it is appropriate to continue to tell those individuals who were exposed to armed hostilities in Vietnam prior to August 1964 that they are not veterans of a period of war. Thus, section 2 of the bill would amend title 38 to provide that for those veterans who served in Vietnam, the Vietnam era begins on July 8, 1959—the date the first U.S. military personnel were killed by enemy action in Vietnam. In addition to providing eligibility for readjustment counseling to those who served in Vietnam between that date and August 5, 1964, this change would provide them with general eligibility for certain other needs-based VA benefits, as well as employment assistance.

Mr. President, in selecting the date of July 8, 1959, as the beginning date for the Vietnam era, I note that I am aware of other dates that could be used. For example, the Veterans of Foreign Wars, in testimony last year on S. 11, suggested the date of July 1, 1958, the beginning date for award of the Armed Forces Expeditionary Medal for service in Vietnam. Also, section 1440 of title 8, United States Code, relating to the naturalization of aliens through active-duty service during periods of military hostilities, uses February 28, 1961, as the beginning of hostilities in Vietnam. Third, the Congressional Charter of the American Legon, which is set forth in section 45 of title 36, United States Code, uses the date of December 22, 1961, the date of the first direct combat-related death of a member of the Military Advisory Command Vietnam, to begin the Vietnam era. Cogent arguments can be made for any of these dates or others, and I hope that the committee will pursue this issue further this year.

Third, section 4 of the bill would provide for expanding the period of service that makes an individual eligible for readjustment counseling to include certain service after May 7, 1975, the end of the Vietnam era. Thus, the Administrator would be authorized to specify service during periods of time and in specific locations in which U.S. Armed Forces were under hostile fire as qualifying service for readjustment counseling purposes. This provision recognizes that members of our Armed Forces are at times exposed to situations short of declared war—such as exist in Beirut at present or on Grenada during the invasion of that island last year—that might produce the need for readjustment counseling after their service. I want to stress my view that this authority, if enacted, should be used by the Administrator, after consultation with the Secretary of Defense, only in very limited circumstances in which our service personnel actually experience combatlike situations.

Mr. President, a final provision in the measure in section 3 relates to eligibility for readjustment counseling assistance. Under current law, the VA may provide mental health counseling and certain other services to the family members of a veteran when doing so is necessary for the effective treatment of the veteran. This authority is availabile in the readjustment counseling program for the provision of services to the family of a veteran who is receiving readjustment counseling. All indications that I have received regarding the use of this family counseling authority in conjunction with readjustment counseling are that it has been of great importance in the agency's efforts to assist Vietnam-era veterans in need of readjustment assistance. Recently, however, I have become aware of situations in which veterans who were receiving readjustment counseling from the VA together with their family members have died—some, tragically, by suicide—leaving family members in perhaps greater need of assistance at the very time that, because of the veteran's death, they lost their eligibility for such assistance.

Moreover, receiving bereavement counseling from someone with whom the family member has already developed a supportive relationship will often be the most valuable way for that dependent to receive such counseling. We are proposing to amend current law so as to authorize the VA to continue, for up to 6 months following the veteran's death, to furnish appropriate mental health assistance to family members who were receiving it before the death of the veteran.

COUNSELING TO FAMILIES IN CONNECTION WITH HOSPICE AND OTHER CARE ARRANGEMENTS

Mr. President, the change I have just described would be made to section 601 (6) of title 38, which provides the general authority, under specified, limited circumstances, for counseling, mental health, and other services for a veteran's family members. Thus, the bill would authorize the continuation of services to the veteran's family in situations other than the readjustment counseling program in which family members are receiving services in connection with a veteran's care. One such area where this new eligibility could be of particular use would be

in cases in which the VA is providing health care to an eligible veteran suffering from a terminal disease, such as in 1 of the VA's 16 experimental hospice programs. An appropriate, integral part of a program of hospice care is counseling for family members after the patient's death, and enactment of this provision would provide a clear statutory basis for the VA's furnishing care.

STUDY OF CIVILIANS WHO SERVED IN VIETNAM

Mr. President, in addition to the provisions that I have just outlined, which bear a relationship to veterans who served in the Vietnam conflict, a provision in the measure we are introducing is related to those individuals who served in Vietnam as civilians, either as Government employees or as employees of organizations that provided significant assistance to our Armed Forces. Major examples are the American Red Cross and the USO.

Under this provision, section 9 of the bill, the VA Administrator, in conjunction with the Secretaries of Defense and Health and Human Services, would be required, within 180 days after the date of enactment of this measure, to submit a report to the Congress advising on how the Federal Government might respond to the needs of those individuals for problems related to their work in Vietnam, such as for health problems that might be related to their exposure to dioxin from agent orange or to particularly stressful combat situations.

Mr. President, I am concerned that there may be significant numbers of individuals who made important contributions to the U.S. effort in Vietnam but who, because of their nonmilitary or non-Federal status during that period, may not now have access to adequate assistance—or access to any assistance at all—from the Federal Government for problems that might be related to their work in Vietnam. I believe that, particularly in those cases in which the Federal Government may be responsible for their condition, there is an obligation on the Government to provide appropriate redress. The report that would be mandated by this provision would be an important step toward providing some guidance on how to resolve this matter.

CONTRACT PROGRAM FOR DRUG/ALCOHOL TREATMENT

Mr. President, section 5 of the bill would amend section 620A of title 38, which provides authority pursuant to which the VA may contract with various community facilities to provide care and treatment to veterans suffering from alcohol or drug dependence or abuse disabilities, to change that authority from a pilot program to a permanent authority.

The pilot program authority—which I authored—was enacted in 1979 in Public Law 96-22 and is scheduled to expire on September 30, 1985. Pursuant to section 620A(f) of title 38, the Administrator is required to submit a report by March 31 of this year on the operations of the pilot program through September 30, 1983. I am looking forward to that report and expect that the results of that report will play an important role as the committee considers this legislation to make the pilot program authority permanent.

Although the VA's formal report on this program is not yet due and therefore no systematic evaluation of the program is yet available all of the evidence that I have reviewed—including reactions from veterans who have been placed in halfway houses and other community-based facilities, VA employees who work with veterans with drug or alcohol abuse dependencies, and individuals associated with various community-based drug and alcohol treatment programs—indicates that the pilot program has been quite successful in enabling significant numbers of veterans to receive appropriate and helpful assistance.

PROTECTIVE SERVICES EMPLOYEES

Mr. President, in recent years, the VA has experienced significant difficulties in attracting and retaining security personnel at numerous health-care facilities around the country. This problem, which has been particularly acute at some of the larger VA medical centers located in urban areas, has had a detrimental impact on the level of security at many VA facilities and has also affected the morale of the security personnel. Although many factors have been suggested as causes of this problem, the point raised most frequently involves the level of pay available for such personnel. The common complaint that is voiced is that many individuals will work as VA security personnel only long enough to gain sufficient experience to enable them to be hired elsewhere in police or security jobs for higher pay.

In an effort to address this problem section 6 of the bill we are introducing today would give the Administrator of Veterans Affairs new authority to increase rates of pay—including minimum, intermediate, or maximum rates—for protective services personnel and to do so on a nationwide, local, or other geographic basis as appropriate. Having this authority, which would be subject to Presidential disapproval for 90 days before any such increased rate could go into effect, should provide the VA with an important new tool with which to address these difficult recruitment and retention problems. Thus, for recruitment and retention purposes, this provision would treat security personnel the same as certain VA direct health-care personnel.

GRANTS FOR CONSTRUCTION OF STATE HOME FACILITIES

Mr. President, under title 38, the VA participates in two separate programs of assistance to State veterans' homes—one, a program of per diem payments to the homes for care provided to eligible veterans and, the other, a program of matching grants to the States for the construction, remodeling, or renovation of State veterans' homes.

The State home program is a vital adjunct to the VA's overall efforts, both now and in the coming years and decades, to meet the health-care needs of older veterans, and I strongly support the overall program. During the first session of this Congress, I was pleased to introduce legislation—S. 629 which was cosponsored by my colleagues on the committee, Senators RANDOLPH and SPECTER—that was ultimately enacted with modifications in section 105 of Public Law 98-160. This program provided for substantial increases in the State home per diem rates.

In this session, I am pleased to note that the VA, as part of the agency's fiscal year 1985 budget submission, is requesting a significant increase over the fiscal year 1984 appropriations level—from $18 million to $34.5 million—for the construction grant program. Although I have some questions about a few of the details of the agency's plans for spending those funds, I anticipate being able to support this request fully.

To improve the effectiveness of this matching fund program, a provision in our bill would make a technical amendment to section 5035 of title 38. It is the VA's view that, under current law, the funding of otherwise qualifying grant applications must be provided on a first-come, first-served basis. A policy or practice of funding all qualifying applications in the order in which they were received does provide assurance that there will be no undue favoritism in choosing among such applications. However, unwavering adherence to that one principle makes it impossible to take into account substantive factors relating to the increased effectiveness of the program.

Although I am not convinced that the law requires such grant applications to be funded in the order received, I am satisfied that the VA does not intend to change this practice without legislation expressly authorizing it to do so. Because the dollar value of qualified grant applications already submitted to the VA exceeds the funds now available to it and requested for fiscal year 1985 and because the agency should be able to integrate its funding decisions in this program with other decisions regarding utilization of resources to meet the current and projected demand for

nursing home and domiciliary care, I believe current law should be amended to give the VA flexibility in choosing among qualified grants. Thus, section 8 of the bill would amend section 5035 of title 38 to require the Administrator to issue regulations setting forth criteria by which grant applications would be rated and, then, in any year in which the value of approvable grants exceeds the funds appropriated for such purposes, to award such grants in accordance with the priority assigned. The priority would be required to take into account, among other things, the demand on the VA for nursing home and domiciliary care—the types of care which State homes are particularly well equipped to provide—in the geographic area concerned and the extent to which it is feasible and desirable to meet that demand through various VA authorities.

CONCLUSION

Mr. President, as I noted at the outset, the diverse provisions of this bill have as a general unifying purpose bringing about the continued improvement of the Veterans' Administration's ability to meet the needs of our Nation's veterans and their dependents. I look forward to working on this measure with the committee chairman, my good friend from Wyoming (Mr. SIMPSON), the cosponsors of the bill, and other members of the committee, the VA, the veterans' service organizations, and others interested in legislation affecting veterans.

Mr. President, I ask unanimous consent that the text of S. 2269 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Administration Health-Care Program Improvements Act of 1984".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

DEFINITION OF VIETNAM ERA

SEC. 2. Section 101(29) is amended to read as follows:

"(29) The term 'Vietnam era' (A) means the period beginning on August 5, 1964, and ending on May 7, 1975, and (B) in the case of a veteran who served in the Republic of South Vietnam during the period beginning on July 8, 1959, and ending on May 7, 1975, means such period.".

SEC. 3. Section 601(6)(B) is amended to read as follows:

"(B)(i) such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

"(I) of the service-connected disability of a veteran pursuant to section 612(a) of this title, and

"(II) in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612 (f)(1)(B) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital,

for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title); and

"(ii) in the case of individuals who, by reason of their relationship to such veteran, were recipients of services under subclause (i) of this clause at the time of the death of such veteran, such counseling services, for a period not to exceed six months, as the Administrator determines to be reasonable and necessary to assist such individuals with the emotional and psychological stress accompanying the veteran's death.

For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title shall be eligible for the same medical services as a veteran.".

ELIGIBILITY FOR READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES

SEC. 4. Subsection (a) of section 612A is amended to read as follows:

"(a)(1) Upon the request of—

"(A) a veteran who served on active duty during the Vietnam era,

"(B) a person who is serving on active duty and who also served on active duty during the Vietnam era, or

"(C) a person (i) who is a veteran or is serving on active duty, and (ii) who served on active duty after May 7, 1975, in an area during a period in which hostilities (as defined in paragraph (2) of this subsection) occurred in such area,

the Administrator shall, within the limits of Veterans' Administration facilities, furnish counseling to such veteran or person in readjusting to civilian life.

"(2) For the purpose of paragraph (1)(C) of this subsection, the term 'hostilities' means a situation in which the Administrator, in consultation with the Secretary of Defense, finds that members of the Armed Forces were subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in battle with the enemy during a period of war.".

TREATMENT AND REHABILITATION FOR ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES

SEC. 5. (a) Section 620A is amended—

(1) is subsection (a)(1), by striking out "may conduct a pilot program under which the Administrator" and the second sentence; and

(2) by striking out subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) The heading of such section is amended to read as follows:

"§ 620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities".

(c) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities.".

Veterans' Administration Protective Services Personnel

SEC. 6. Section 4107(g) is amended—

(1) in paragraph (1)—

(A) by striking out "or" in clause (A);

(B) by striking out the comma and inserting in lieu thereof a semicolon and "or" in subclause (iv) of clause (B); and

(C) by inserting after clause (B) the following new clause:

"(C) of employees providing protective services in buildings under the jurisdiction of the Administrator (and not under the control of the Administrator of General Services) that are used for the purpose of providing health care,";

(2) by striking out "health-care" each place it appears in paragraphs (2)(A) and (4); and

(3) by inserting "or (C)" after "(B)" in paragraph (4).

COMPTROLLER GENERAL REPORT ON MEDICAL PERSONNEL STAFFING LEVELS

SEC. 7. Section 5010(a)(4)(C) is amended to read as follows:

"(C) Not later than fifteen days after the expiration of the period for the submission of a certification by the Director of the Office of Management and Budget under subparagraph (B) of this paragraph, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director has complied with the requirements of such subparagraph in providing such certification and in providing to the Veterans' Administration such funded personnel ceiling.".

STATE HOME FACILITY GRANT APPLICATION APPROVAL

SEC. 8. Subsection (b) of section 5035 is amended—

(1) by inserting "(1)" before "The";

(2) by inserting a comma and "subject to paragraph (2) of this subsection," after "The Administrator";

(3) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively; and

(4) by adding at the end the following new paragraph:

"(2)(A) In the event that funds appropriated for any fiscal year pursuant to section 5033(a) of this title are not sufficient to make all grants requested that the Administrator would approve during such fiscal year under paragraph (1) of this subsection if sufficient funds were available for such purpose, the Administrator, based on criteria which the Administrator shall prescribe in regulations, shall assign a priority to each such grant application and shall approve grants in accordance with such priority.

"(B) The criteria required to be prescribed by subparagraph (A) of this paragraph shall take into account, among other factors, the demand on the Veterans' Administration for nursing home care and domiciliary care, as appropriate, for veterans eligible for such care in the geographic areas concerned and the extent to which it is feasible and desirable to meet such demand through the exercise of the authorities provided in sections 610(a) and (b) and 620(a) and (d) of this title to furnish nursing home care and domiciliary care through Veterans' Administra-

tion facilities and, in specified circumstances, other non-State home facilities.".

REPORT ON ALTERNATIVES FOR FEDERAL GOVERNMENT ASSISTANCE TO INDIVIDUALS WHO SERVED IN VIETNAM AS CIVILIANS

SEC. 9. (a)(1) The purpose of this section is to provide a basis for the Executive Branch and the Congress to evaluate alternative approaches for providing individuals who served for a period of at least thirty days in the Republic of Vietnam during the Vietnam era as employees of—

(A) the United States Government, or

(B) organizations determined by the Administrator of Veterans' Affairs, in consultation with the Secretary of Defense, to be organizations which provided significant assistance to the United States Armed Forces in the Republic of Vietnam during the Vietnam era,

with Federal benefits and services (including, but not limited to, health care and monetary compensation for disabilities which may be related to exposure to dioxin or be the result of traumatic events), either through the Veterans' Administration or otherwise, and for assisting such individuals in connection with disabilities they may have incurred as a result of such service.

(2) In order to carry out the purpose stated in paragraph (1), the Administrator, the Secretary of Defense, and the Secretary of Health and Human Services, not later than 180 days after the date of enactment of this Act, shall submit to the appropriate committees of the Congress a joint report setting forth various alternative approaches (together with comments on the appropriateness and the advantages and disadvantages of each), and any recommendations by such officials for legislative and administrative action with respect thereto, for establishing a program for providing such benefits, services, and assistance to such individuals.

(b) For the purposes of this section, the terms "Armed Forces" and "Vietnam era" have the meanings given such terms in section 101(10) and (29), respectively, of title 38, United States Code.

By Mr. CRANSTON (for himself, Mr. SIMPSON, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. INOUYE):

S.J. Res. 227. Joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mr. CRANSTON. Mr. President, I am delighted today to be introducing, on behalf of myself and Senators SIMPSON, RANDOLPH, MATSUNAGA, DECONCINI and INOUYE, Senate Joint Resolution 227 a measure to designate the week beginning November 11, 1984, as "National Women Veterans Recognition Week".

Despite the fact that many women have served bravely and well in the Armed Forces—there are at present 1.15 million women veterans—their service in the military has largely been ignored. As a consequence, for far too long they neither received the public recognition and thanks they deserved nor, in many instances, were made aware of the many benefits available to them from the Federal Government because of their service.

In 1982, the General Accounting Office issued a report—GAO HRD 82-98—on an important study that had been requested by my good friend from Hawaii (Mr. INOUYE) on the VA's efforts to provide health care services to women veterans. Although the GAO report focused directly only on medical benefits for women veterans, its findings highlighted the fact that many women veterans were unaware of the veterans' benefits available to them and that there were many shortcomings in the VA's efforts to locate and contact women veterans and to meet their needs for benefits and services.

Since that GAO report, there have been a number of important steps that have led to a new awareness of the contributions of women veterans. Most prominent was the establishment of a VA Advisory Committee on Women Veterans, first on an administrative basis last year by the Administrator of Veterans Affairs, Harry N. Walters, and in November 1983 by law with the enactment of Public Law 98-160. The Advisory Committee has had a fruitful initial meeting and will meet for a second time this month. I am very gratified by the Advisory Committee's work to date and believe that it will make many important contributions in the months and years ahead as it identifies problem areas in the Federal Government's response to women veterans and recommends appropriate solutions.

Another area relating to women veterans in which important steps have been taken involves access to VA health care. The VA's Department of Medicine and Surgery has issued several directives to its facilities across the country in order to try to insure that all VA health-care facilities are aware of women veterans' health-care needs and are prepared to meet them. In addition, in Public Law 98-160, the Congress enacted legislation I proposed directing the VA to "insure that each VA health-care facility is able * * * to provide appropriate care, in a timely fashion, for any gender-specific disability * * * of a woman veteran * * *." I hope that these steps result in meaningful progress toward correcting the problems identified by the GAO.

Despite these important strides on behalf of women veterans, a concern lingers that far too many citizens remain unaware of the contributions that women veterans have made to our Nation. It is for this reason that we are proposing that the week beginning on Veterans' Day this year be designated as "National Women Veterans Recognition Week". Our goal is to provide a fitting and proper focus on the many contributions of women veterans over the years. Such a week, with appropriate ceremonies and events, should help bring these patriotic women into public view and gain for them the recognition they so richly deserve.

I look forward to working with my good friends, the chairman (Mr. THURMOND) and ranking minority member (Mr. BIDEN) of the Judiciary Committee, as well as my other colleagues on that committee as they consider this measure. I am particularly delighted that two of my colleagues on the Veterans' Affairs Committee who also serve on the Judiciary Committee, Senators SIMPSON and DECONCINI are joining as cosponsors. I invite all my colleagues to join with us and the other cosponsors of this measure and help insure its quick enactment so as to allow sufficient time for advance publicity so that maximum awareness about National Women Veterans Recognition Week can be created among the public.

ADDITIONAL COSPONSORS

S. 1069

At the request of Mr. CHAFEE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1069, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

S. 1262

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1643

At the request of Mr. ZORINSKY, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DIXON), the Senator from Nebraska (Mr. EXON), the Senator from Alabama (Mr. HEFLIN), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1643, a bill to strengthen the operation of the agricultural stabiliza-

tion and conservation committee system, and for other purposes.

S. 1680

At the request of Mr. GOLDWATER, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1985

At the request of Mr. MATSUNAGA, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1985, a bill to amend the Internal Revenue Code of 1954 to make certain sales of fuel for use in a taxicab exempt from tax, to make permanent the provision for refund of taxes on the sale of fuel for use in a taxicab, and for other purposes.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2102

At the request of Mr. ROTH, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 2102, a bill to charter the National Academy of Public Administration.

S. 2124

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2124, a bill to amend the Energy Policy and Conservation Act to eliminate preemption of a State's authority to establish or enforce any energy efficiency standard or similar requirement if a Federal energy efficiency standard has not been established.

S. 2127

At the request of Mr. NICKLES, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. BURDICK), the Senator from Kansas (Mr. DOLE), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 2127, a bill entitled "Federal Advisory Committee Act Amendments of 1983."

S. 2131

At the request of Mr. DECONCINI, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2131, a bill to provide for the temporary suspension of deportation for certain aliens who are nationals of El Salvador, and to provide for Presidential and congressional review of conditions in El Salvador and other countries.

S. 2141

At the request of Mr. ANDREWS, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2141, a bill to amend the Indian Tribal Governmental Tax Status Act of 1982 with respect to the tax status of Indian tribal governments.

S. 2229

At the request of Mr. BOSCHWITZ, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 2229, a bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Ohio (Mr. GLENN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Nebraska (Mr. EXON), and the Senator from Kansas (Mr. KASSEBAUM) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 193

At the request of Mr. HAWKINS, the names of the Senator from Illinois (Mr. PERCY), the Senator from Georgia (Mr. MATTINGLY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Michigan (Mr. LEVIN), the Senator from Georgia (Mr. NUNN), the Senator from New York (Mr. D'AMATO), the Senator from Iowa (Mr. JEPSEN), the Senator from Florida (Mr. CHILES), the Senator from Connecticut (Mr. WEICKER), the Senator from New York (Mr. MOYNIHAN), the Senator from Oklahoma (Mr. NICKLES), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois (Mr. DIXON), the Senator from Washington (Mr. GORTON), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. SYMMS), the Senator from California (Mr. CRANSTON), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating March 6, 1984, as "Frozen Food Day."

SENATE JOINT RESOLUTION 205

At the request of Mr. HEINZ, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. HECHT), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 205, a joint resolution authorizing and requesting the President to designate the second full week in March of each year as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Nevada (Mr. LAXALT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Louisiana (Mr. JOHNSTON), were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary."

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. FORD), the Senator from California (Mr. WILSON), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 222, a joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. CHILES, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. COHEN), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in

drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. CHILES, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. COHEN), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. DECONCINI, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and the regulations prescribed by the Secretary of the Treasury under such provisions, or any other provisions of the Internal Revenue Code or regulations, should not be modified or amended in any way that will alter the manner in which mortgage backed builder bond transactions are currently taxed.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

SENATE RESOLUTION 287

At the request of Mr. HUDDLESTON, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Resolution 287, a resolution establishing a task force on agricultural credit.

SENATE CONCURRENT RESOLUTION 93—COMMEMORATING THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. LAUTENBERG (for himself, Mr. BOSCHWITZ, Mr. DANFORTH, Mr. DOLE, and Mr. PELL) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 93

Whereas pursuant to the Act entitled "An Act to establish the United States Holocaust Memorial Council", approved October 7, 1980 (94 Stat. 1547), the United States Holocaust Memorial Council is directed to provide for appropriate ways for the Nation to commemorate the Days of Remembrance of Victims of the Holocaust, as an annual, national, civic commemoration of the Holocaust, and to encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

Whereas pursuant to such Act, the United States Holocaust Memorial Council has designated April 29, 1984 through May 6, 1984, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony he held at noon on April 30, 1984, consisting of speeches, readings, and musical presentations as part of the Days of Remembrance activities: Now, therefore, be it—

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the United States Capitol is hereby authorized to be used on April 30, 1984, from ten o'clock ante meridiem until three o'clock post meridiem for a ceremony as part of the commemoration of the Days of Remembrance of Victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

DAYS OF REMEMBRANCE

● Mr. LAUTENBERG. Mr. President, I am pleased today to introduce a concurrent resolution authorizing the use of the Capitol Rotunda on April 30, 1984, for a ceremony commemorating the Days of Remembrance of Victims of the Holocaust. I do so as a member of the U.S. Holocaust Memorial Council and am joined by Senators BOSCHWITZ, DANFORTH, DOLE, and PELL, who are also Council members.

The Holocaust Memorial Council has designated April 29 through May 6, 1984, as "Days of Remembrance of Victims of the Holocaust" in accordance with the intent of the Congress in establishing the Council in 1980. As a member of the Council and as a member of the President's Commission on the Holocaust before 1980, I can envision no other location for such a ceremony that better signifies the commitment of the American people that the Holocaust will not be forgotten.

The Holocaust Memorial Council has recommended a program of speeches, readings, and musical presentations on April 30. These events will be part of our effort to insure that generations to come neither forget, nor grow indifferent to the death, dehumanization, the courage, and the faith that surrounded European Jewry four decades ago.

Sigmund Strochlitz and Benjamin Meed, Cochairmen of the Council's Days of Remembrance Committee, report that planning for commemorations throughout the Nation is well advanced. Some 45 Governors, nearly 100 mayors and 25 State legislatures already have begun working with Council staff in planning civic commemorations in communities and on campuses across the country. The National Commemoration in the Capitol Rotunda will give these days a truly national focus.

Congressman BILL GREEN is introducing a similar concurrent resolution in the House of Representatives today along with House Members of the Holocaust Memorial Council, Congressmen GARCIA, LEHMAN, SOLARZ, and YATES. It is our hope that both the House and the Senate will give prompt approval to the use of our Capitol Rotunda for so compelling a ceremony.

AMENDMENTS SUBMITTED

OFFICE OF DIRECTOR OF NATIONAL AND INTERNATIONAL DRUG OPERATIONS AND POLICY

THURMOND AMENDMENT NO. 2700

Mr. SIMPSON (for Mr. THURMOND) proposed an amendment to the bill (S. 1787) to establish an Office of the Director of National and International Drug Operations and Policy; as follows:

On page 1, strike out line 3 and all that follows through line 20 on page 7, and insert in lieu thereof the following: That this Act may be cited as the "National Narcotics Act of 1984".

SEC. 2. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 percent of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National Drug Enforcement Policy Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a Board must have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure—

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 3. There is established in the executive branch of the Government a Board to be known as the "National Drug Enforcement Policy Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a Chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget and the Director of Central Intelligence and such other officials as may be appointed by the President. Decisions made by the Board pursuant to section 4(a) of this Act shall be acknowledged by each member thereof in writing.

SEC. 4. (b) For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary adviser to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(a) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(c) In carrying out responsibilities under this section, the Chairman, on behalf of the Board is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all government agencies; and

(6) use the mails in the same manner as any other department or agency of the executive branch.

(d) Notwithstanding the authority granted in subsection (a) of this section, the Board shall not interfere with routine law enforcement or intelligence decisions of any agency.

(e) The Administrator of the General Services Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 5. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

"(d) Support to National Drug Enforcement Policy Board. One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National Drug Enforcement Policy Board and the health issues associated with drug abuse.

SEC. 7. This Act shall be effective January 20, 1985.

Amend the title to read as follows: "To establish a National Drug Enforcement Policy Board.".

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on the first concurrent budget resolution for fiscal year 1985 on Thursday, February 9, 1984, at 1:30 p.m., in room 608 of the Dirksen Senate Office Building. The following are scheduled to testify:

Mr. Robert D. Kilpatrick, President and Chief Executive Officer, CIGNA; and Chairman, Budget Task Force, representing the Business Roundtable;

Dr. Richard Rahn, Vice President and Chief Economist, U.S. Chamber of Commerce; and

Mr. Al Sommers, Senior Vice President and Chief Economist, Conference Board.

For further information, contact Carolyn McCallum of the Senate Budget Committee at 224-0849.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 7, to hold a hearing on Navy and Marine Corps programs, and review of the fiscal year 1985 DOD military authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 7, at 10 a.m., to hold a hearing to consider the President's proposed budget for fiscal year 1985 for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WHO CARES ABOUT DEFICITS?

Mr. GOLDWATER. Mr. President, Mr. Marvin Stone, the eminent editor of U.S. News & World Report, has written one of the best pieces on the deficits that has been my pleasure to read.

It is so well done that I think all Members of Congress should read it because, in my humble opinion, it tells the truth, the whole truth, and while it may be hard to swallow, we better get ready to do what he suggests, or we are in trouble.

I ask that this article be printed in the RECORD.

The article follows:

WHO CARES ABOUT DEFICITS?

(By Marvin Stone)

Our cover story this week tells the bad news: We are in for another whopping budget deficit, one that probably will hit 200 billion dollars before the last cent is spent.

And our overall national debt—it's racing toward 2 trillion dollars.

Doesn't anyone care? Well, it turns out that while sophisticated economists and politicians in Washington gnaw at the pros and cons, people out there do care. The article below reflects the agony we see in much of our mail and in editorials in other parts of the country.

BY ROGER CLAWSON

The Billings (Mont.) Gazette

America is suffering a hemorrhage of debt, and the two men best able to stanch that wound are avowed enemies.

The story of federal deficits draining the strength of our nation is now a familiar one.

With 1.4 trillion dollars in debt, the government is spending 200 billion dollars more than it receives each year.

The government borrows the difference, taking half the cash available for loans of any kind. Interest rates soar. Industrial growth slows. Unemployment rises. Home buyers are priced out of the market. Loggers are laid off. The chain reaction seems to have no end.

Ronald Reagan campaigned against Jimmy Carter's 60-billion-dollar annual deficits.

Now, Reagan is sending budgets to Congress asking for 200-billion-dollar annual deficits.

The supply siders' grand plan for recovery has proven to be not worth the bar napkin on which the Laffer curve was first drawn. The Kemp-Roth tax cut [was estimate to] trim federal revenues by 750 billion dollars over five years.

Supply siders claimed that taxpayers given a break would save their money, making it available for industrial growth.

It hasn't worked. Savings have actually decreased. Meanwhile, the U.S. * * * balance-of-trade deficit is growing.

The solution is not to be found in Republican supply-side magic. Nor does it lurk in a revised Democratic New Deal.

The solution is painful, but it lies within the grasp of two men, two men from opposite sides of the political spectrum—Ronald Reagan and Thomas "Tip" O'Neill.

The President and the Democratic leader of the House are two stubborn men, men married to opposing ideologies.

Both want the deficit reduced.

O'Neill is ready to raise taxes and cut defense spending but not to cut domestic spending.

Reagan opposes a tax increase, demands increases in defense spending, but is eager to cut domestic spending.

But the deadlock need not be. The two archfoes could become history's heroes without compromising their principles. The crisis is too great and too grave to admit partisan squabbles. There is blame enough to go around and work for all willing hands.

All areas must be attacked.

Not even Reagan can defend Pentagon contracts that allow a manufacturer to charge the military $200 for a 49-cent wrench.

Not even O'Neill can justify Social Security payments to millionaires.

But no recent American President has ever been in a better position to wage peace aggressively and trim the need for military buildup than the superhawk Ronald Reagan. He, more than anyone else, should want the military machine that is his pride to be efficient.

And few liberals have ever had the political strength to insist that social services must be adequate but rigorously policed for waste. O'Neill has a chance, perhaps a vanishing opportunity, to save this nation's social conscience from fiscal catastrophe.* * *

If the two most powerful party leaders do not bury the hatchet, they could bury the country.

But there is an alternative. They could be remembered as the great adversaries who delivered their nation from adversity.●

S. 1285—EDUCATION AND ECONOMIC SECURITY ACT

● Mr. HATCH. Mr. President, on May 11, the Committee on Labor and Human Resources reported S. 1285, the Education for Economic Security Act, as an original bill. It was the product of a major cooperative effort within the committee that is focused primarily on improving the subject and teaching skills of working mathematics and science teachers.●

A TRIBUTE TO THE TENNESSEE INTERCOLLEGIATE STATE LEGISLATURE

● Mr. SASSER. Mr. President, I would like to take a few minutes to acquaint my colleagues with an outstanding organization of college students in my State, the Tennessee Intercollegiate State Legislature.

For nearly 20 years, this group has conducted an annual statewide general assembly to give representatives of Tennessee's 250,000 college students a chance to discuss State affairs and express the opinions of college students on major issues. In that time, thousands have participated in the program and have become more familiar with the operations and problems of State government.

TISL is particularly notable because it is not an arm of any college or governmental entity. It is an independent, not-for-profit corporation founded and managed by the students themselves. At each general assembly, officers are elected to administer the organization for the coming year. They have complete responsibility for the organization's financial and administrative affairs, and they manage them in a most laudable manner.

While we were in recess during December, TISL completed its first statewide fundraising campaign. Many of our State's most important businesses made substantial donations, including Hospital Corporation of America, First American Bank, US Bank, South Central Bell, Lillard's Pharmacy, Third National Bank, and Bone & Woods, attorneys. Esquire Magazine, which is based in New York, also made a major contribution. So, Mr. President, not only are we fortunate to have an outstanding organization such as the Tennessee Intercollegiate State Legislature, but we are fortunate to have farsighted business leaders willing to support such a fine organization.

TISL officials have asked me to serve as honorary cochairman for the 1984 fundraising campaign, and I am looking forward to serving in this capacity.

It is important to attract this Nation's most promising young people into government, and organizations like the Tennessee Intercollegiate State Legislature help in this regard. I look forward to helping this organization in my State, and I hope my colleagues will be supportive of similar organizations in their States.●

THE EQUAL RIGHTS AMENDMENT AND ABORTION

● Mr. GARN. Mr. President, I recently received a letter from law professor Lynn Wardle of Brigham Young University on the subject of the connection between the equal rights amendment and abortion. I am asking that it be placed in the RECORD, because I think it will give my colleagues who insist there is no such connection something to think about while making such claims.

For my own part, I am suspicious of the fact that those who claim there is no connection are the same people who strenuously resist amending the proposed amendment to say so. As Lincoln Oliphant of the Senate Republican Policy Committee put it in a recent article:

> Doubt is all too natural when proponents of a measure refuse to spell out what they aver is there implicity. If an exception is really there, sub silentio, why not remove all doubt by writing it down? (*National Review*, June 24, 1983.)

In a matter of this importance, it is simply not enough to wait and "let the courts decide." As Professor Wardle states:

> For a member of Congress to pass the buck to the courts in this instance would not only be a crude political act, but would constitute deserting a constitutional post in a time of crisis.

He quotes Justice Harlan's comment that:

> Legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.

Mr. President, I strongly recommend this letter to the Senate, and ask that it be printed in the RECORD.

The letter follows:

OREM, UTAH
January 16, 1983.

Hon. Jake Garn,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GARN: In recent weeks I have read in several publications that certain lawyers, law professors, and political officials have expressed their opinion that the Equal Rights Amendment, as presently worded, has nothing to do with abortion. Several of them have suggested that if the ERA were enacted it would have no effect upon the legality or funding of abortion.

As you know, I am a Professor of Law at Brigham Young University and I have devoted considerable time to studying and writing about constitutional issues relating to abortion. The potential impact of the ERA on abortion is a subject of great professional and personal interest to me. For that reason, I am writing this letter to you to express my personal opinion about what

impact passage of the ERA, as presently worded, would have on the constitutional issues of abortion restriction and funding.

In my opinion, passage of the ERA unquestionably could set in constitutional concrete the judicially-created doctrine of abortion-on-demand and could result in mandatory public funding for nontherapeutic abortions. While I do not believe that it would be necessary or desirable to interpret the ERA in that manner, yet if the ERA is passed in its present form those are predictable consequences.

Offhand, I can think of three separate lines of argument by which the ERA, in its present form, could be construed by the courts in a radically pro-abortion manner.

First, any restrictions on abortion or abortion funding could be held to violate the ERA as unlawful discrimination against women. Obviously restrictions on abortion and abortion funding impact more directly upon women than men since only women can become pregnant. And while discrimination on the basis of pregnancy has been held not to violate the Fourteenth Amendment, we must remember that the purpose of the ERA is to outlaw much of the sex-impacting discrimination that is allowed under the Fourteenth Amendment (i.e., it is because the Fourteenth Amendment does not go far enough to prohibit certain types of discrimination that impact upon one sex that the ERA is being pushed). Thus, it would not be unexpected for the Supreme Court to hold that pregnancy-related restrictions violate the ERA. And since several members of the Court have already expressed the opinion that abortion is just another method of "treating" pregnancy, it would seem logical for the Court to hold that laws discriminating against any particular method of "treating" a pregnancy (i.e., abortion restrictions or abortion funding restrictions) impermissibly discriminate against women and violate the ERA.

Second, passage of the ERA while the doctrine of abortion-on-demand established in *Roe* v. *Wade* and its progeny is in full flower could be seen as evidence of the intent to legitimate and crystalize through an express constitutional amendment the abortion decisions. When the ERA was proposed by Congress the first time, the Supreme Court had not yet decided Roe or declared its radical abortion doctrine. Abortion was still prohibited or restricted in all 50 states and the District of Columbia. But now, the legal landscape has changed dramatically. The Supreme Court has ruled practically all abortion restrictions unconstitutional. We have been told that the Constitution implicitly guarantees the right to abortion-on-demand as created in Roe, the right of married women to obtain abortions without spousal consent as declared in *Planned Parenthood* v. *Danforth*, the right of minors to get abortions without parental consent as established in Planned Parenthood and Bellotti, the right of abortionists to perform abortions without disclosing the facts of fetal development as declared in Akron, etc. In view of present status quo in abortion law, it would be extremely dangerous to pass the ERA without some clear, authoritative, congressional repudiation of the abortion decisions. In the absence of any explicit negation of the current abortion doctrine, it would be easy for the Court to hold that the right of abortion privacy, in all of its excessive and repugnant manifestations, has been tacitly incorporated within the ERA, and that attempts to restrict or regulate abortion violate the ERA.

Finally, the obvious susceptivity of the ERA to pro-abortion interpretations has been raised in hearings held in both houses of congress by serious constitutional scholars, respected legal experts, and knowledgeable members of congress. It is undeniable that congress is aware that the ERA in its present form could be interpreted in a definitely pro-abortion manner. Many of the most prominent and vocal supporters of the ERA, both in and out of congress, are outspoken advocates of "reproductive freedom," i.e., abortion-on-demand and publicly funded abortion. Thus, passage of the ERA in its present form, without any clear and explicity congressional action to prevent a pro-abortion interpretation, would signify at least a lack of congressional intent that the ERA not be interpreted to set in concrete the right to abortion-on-demand, and could be seen as evidence of a tacit congressional intent that the ERA should be so interpreted.

In light of these three separate grounds for interpreting the ERA so as to secure the right to abortion-on-demand and even abortion funding, I believe that it is irresponsible for anyone to give assurances that the ERA could not be given a strongly pro-abortion interpretation. Remember, if it is passed and ratified, the ERA will be interpreted by the same department (the Supreme Court) which was able to interpret the Constitution so as to give us *Roe* v. *Wade, Planned Parenthood* v. *Danforth, Colautti* v. *Franklin, Akron*, etc., even without an amendment written and promoted by the advocates of greater abortion rights.

Those who oppose congressional action to clarify this matter by arguing that the ERA has nothing to do with abortion are irresponsible in another way as well. We must not forget that "legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts." *Missouri K. & T. R. Co.* v. *May*, 194 U.S. 267,270 (1904) (Harlan, J.). Indeed, the task of amending the constitution is specifically and exclusively vested by the Constitution in the legislative (or convention) branches of the federal and state governments—not the judicial branch or the legislative branch. It is a nondelegable constitutional responsibility. For members of congress to refuse to address serious questions about the meaning and intent of a proposed Amendment to the Constitution, to merely shrug their shoulders as if to say "we'll let the courts worry about that," is a serious breach of trust. For a member of congress to pass the buck to the courts in this instance would not only be a crude political act but would constitute deserting a constitutional post in a time of crisis.

Regardless of how one feels about the proposed ERA or about the doctrine of abortion-on-demand, it would seem incumbant upon all persons of good faith to insist that congress honestly perform its constitutional obligation to the people of this country and squarely address this hard question. This could be done by adding brief clarifying language to the test of the proposed ERA, by adding clarifying language to the enabling act or the Resolution embodying the ERA, or even by including an explicit, unequivocal statement in a relevant committee report, especially if that language were brought to the attention of all members of congress in such a fashion as to elicit their clear assent when they vote for the ERA.

Finally, it is worth noting that for nearly a century the Utah Constitution has given women full political and legal equality. Article IV,§1 of our state Constitution reads:

"The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy equally all civil, political and religious rights and privileges."

Note that on its face this provision of the Utah Constitution appears to be as open-ended and unrestricted as the ERA. Why, then, do many people in Utah have such a mistrust of the ERA?

I believe that the answer to that question has to do with the fact that Utah's commitment to equal rights arises from its belief in the equal worth under law of all human beings—a value which not only makes sex discrimination unacceptable but which makes abortion an abhorent practice. Moreover, the failure of the supporters of the ERA to accept reasonable proposed constructions or clarifications of the proposed amendment, such as the Sensenbrenner proposal, and their refusal to repudiate radical interpretations does not inspire confidence in reasonable men and women. The Utah equal rights provision was enacted at a time and in a context that launched it on a course of reasonable and careful application. The Utah state courts, likewise, have been faithful to their role as interpreters and have given it a reasonable construction. By way of contrast, the radicalism of many ERA supporters and the unrestrained judicial activism of the federal courts, especially pertaining to abortion, threaten fundamental values and institutions that Utahans hold sacred.

Thus, I hope that you will do all you can to insist that the ERA is officially and explicitly clarified by Congress when it comes up for consideration. For regardless of one's opinion about advisability of the ERA or its potential effect on abortion and other important legal issues, the only responsible course is for Congress to squarely and directly face those issues before voting on the ERA.

Very truly yours,

LYNN D. WARDLE.●

IN MEMORY OF ROBERT E. WEINTRAUB

● Mr. JEPSEN. Mr. President, last year the Congress and the Nation lost a great public servant with the death of Dr. Robert E. Weintraub, senior economist for the Joint Economic Committee.

Recently, his dear friend and a great economist in his own right, Dr. David Meiselman, gave a moving tribute to Bob at a conference on international monetary issues dedicated to his memory. I would like to submit Dave's remarks to the RECORD for the benefit of all those who knew and appreciated Bob's many years of service to the Congress.

The remarks follow:

IN MEMORY OF ROBERT E. WEINTRAUB

(By David I. Meiselman) [1]

It is difficult to speak with you this evening in memory of our dear friend and

[1] Remarks presented at a conference of the Cato Institute, "World Debt and the Monetary Order," January 20, 1984, Washington, D.C.

colleague, Bob Weintraub—especially in words appropriate to his life, his spirit, his uniqueness, his accomplishments and the void that has been left by his untimely death.

Bob was so close to so much of my own life for so long, since we were both graduate students as the University of Chicago more than 30 years ago, that, as life goes on, I find it difficult to believe that Bob is no longer with us. Yet, like many of you, I am reminded of Bob almost every day.

For years we saw each other frequently and we spoke almost daily, as Bob, with some puzzle and dismay, would tell me about the latest monetary statistics and the most recent Federal Reserve rationalization why they were doing the best possible and much better than an ungrateful, wayward country deserved, or new research results or an old idea that took on new and richer meaning, or Bob's struggle to convert good economics and an understanding of and a dedication to free markets and political liberty into effective and acceptable legislation, or Bob's great joy and pleasure he shared with his wife Sue at a family celebration, a visit with one of their children, an afternoon at the racetrack, an evening at the theater, or a trip to Europe, or Bob's outrage and disappointment at craven or misguided behavior and attitudes in and out of government, or his counsel, sometimes on the money, sometimes not, about the bond market or commodity futures, or about discussing and sharing so much in our working and personal lives.

For Bob, there was no clear distinction between his work and the rest of his life, a reflection of the fact that he was such a whole, such an integrated, such a complete person, what his forebears would call a mensch. He represented so well what, in another age would have been proudly labeled as the republican (small r) virtues of a good citizen of the republic, the virtues of wisdom, of prudence, of generosity, of learning, of compassion, of responsibility, of fidelity—and for Bob an extra portion of fun and zest.

It is a great tribute to this country and to the American system of liberty that a man like Bob Weintraub was able to achieve so much and in so doing to contribute so much to the rest of us. Bob grew up in the Bronx and attended public schools, all under quite ordinary circumstances for the time and place. His parents were not far removed in time from the Pale of eastern European Jewry. His father was a small businessman in the garment industry, first as a traveling salesman selling dresses. Later he opened a small dress shop in New York City. Bob's two brothers went into different businesses.

Bob started college at Williams College, and he and Williams chose each other almost by accident. Bob was surprised that he ever went to Williams, and Williams must have been surprised at having a freshman like him, with his gutsy street smarts that characterized Bob all through his life. He started college in the first year of our direct involvement in World War II. Like so many other college students, Bob signed up in the Navy V-12 program. At the end of his freshman year Bob was called to active duty and was sent to a V-12 unit at Dartmouth. After a heated dispute with one of his instructors, Bob left Dartmouth and became a Marine infantryman.

Bob spent the rest of the war in the South Pacific, landing and fighting with Marine amphibious and infantry units of the Marine Third Division on their bloody road from Guadalcanal to Iwo Jima. It was typical of Bob that, against the odds, he survived both the fighting itself and the bitterness and hatred that war breeds that poison the lives of victors as well as vanquished. I recall speaking with Bob after a trip to Japan he and Sue took a few years ago that he enjoyed immensely. He told me of the pleasure and the special interest he found in his contacts with the Japanese people. I knew some of Bob's war experiences and how deeply he felt about them, so I asked how he felt about Japan and the Japanese people in light of all the suffering, death and destruction he had personally experienced. Bob turned to me and wisely said that war is essentially impersonal, that when it was over it had best be over, and that it serves no useful purpose to dote on old wrongs and old wounds. He was a fighter, he did not forget, but he was not a prisoner of old battles once the battle was over, one reason he was able to work so successfully on Capitol Hill.

After the war Bob returned to Williams, received his B.A. in 1948, and then went on to graduate school at the University of Chicago. At Chicago he started serious study of economics, but like many of us returning veterans, he had no immediate or career goal of becoming either a professor or a professional economist. Also, like most of us, he started out not much different from the conventional New Deal liberal statist that dominated American universities at that time. It was Milton Friedman and the rest of the University of Chicago that shook him up and opened his eyes and his mind to the virtues and problems of free markets and free men. Although Bob later went on to achieve deserved fame for his studies in the field of monetary economics, he first specialized in labor economics. His Ph. D. dissertation, "The Productive Capacity of Rural and Urban Labor," was summarized in an article in "The Journal of Political Economy." To help gather material for his research, and to help gather money to live on, Bob worked in the Ford assembly plant in South Chicago.

Bob's first professional job was at the National Bureau of Economic Research in New York where, under the direction of Al Reese, he worked with Donald Jacobs, now Dean of the Graduate School of Management at Northwestern University, on re-estimating the Consumer Price Index for the early years of this century. Their research showed that the old estimates were in error and that the correctly measured price index was significantly lower than originally estimated. Among other things, the revised price statistics eliminated an apparent earlier puzzle why, in spite of substantial economic growth in the aggregate, there was little or no measured growth of real wages in the U.S. in the decade or so before World War I.

Bob continued in the labor economics area. He taught at Northwestern for a year before spending a decade, from the mid-fifties to the mid-sixties, teaching at City College of New York where he had an unusually large number of outstanding students such as Sam Peltzman, Bette Mahoney, Dave O'Neil and Alan Fechter. He wrote papers on wages, unemployment and labor productivity, as well as one of the first modern attempts since Malthus to apply rigorous economic analysis to the analysis of birth rates and population.

Bob entered the field of monetary economics, almost by accident. I believe that I have some responsibility for that, and to some extent so does Allan Meltzer.

In 1963 Wright Patman finally attained the Chairmanship of the Banking and Currency Committee of the House of Representatives. One of his first acts was to initiate an extensive study of the Federal Reserve, the first such Congressional study in the then fifty year history of the Federal Reserve. He turned to Allan Meltzer for help in setting up and staffing the study. I was then at the Treasury working for Paul Volcker, which pleased neither of us. Allan suggested that Patman hire me to help initiate the study. Soon after, Bob was also hired to spend two days a week working for the Banking Committee while he continued teaching at City College. Five or six months later I left the Banking Committee to teach at Johns Hopkins. Bob assumed more and more responsibility for the Federal Reserve study, and became its senior author and supervisor. The extensive hearings and the study as a whole, especially the pathbreaking paper by Karl Brunner and Allan Meltzer, made an important contribution to lifting some of the mystery surrounding the process, the content and the effects of monetary policies, and to initiating the application of positive economics to the analysis of how the Fed, in fact, carried out its monetary policy requirements.

Even after Bob moved to the West Coast to teach at the University of California, Santa Barbara, he maintained contacts with the Banking Committee as he started to write extensively in his new field of monetary economics, including a well received college text. In 1973, he was asked to return to the House Banking Committee on a full-time basis as Senior Economist with primary staff responsibility for monetary policy questions but involved also with other Banking Committee concerns.

For the next decade, Bob mainly worked on Capitol Hill. For a brief period in 1975 he left the House Banking Committee for the Treasury where he was chiefly involved in the New York City financial crisis. The experience left Bob even more skeptical about the feasibility and merit to government bailouts and interventions in financial and other markets. On this score I recall Bob's telling me about the time he had phoned William Isaac, Chairman of the Federal Deposit Insurance Corporation to congratulate him because, after the failure of the Penn Square Bank, the F.D.I.C. had agreed to guarantee only those deposits it had insured rather than, as the F.D.I.C. had usually done, bailing out all of the deposits and depositors.

Bob then returned to Capitol Hill and became Senior Economist for the Senate Banking Committee. (He later returned to the House Banking Committee before shifting to the Joint Economic Committee staff.)

For some years Bob had been aware of the serious damage done by discretionary Federal Reserve policies, by money growth that was too high, leading to inflation, by unstable money growth, that was the primary cause of short-period economic instability, and by the costly and maddening consequences of the avoidable uncertainty surrounding the conduct of monetary policy and the growth of money, itself. Bob was also convinced that, as in the 1930's, much of the explosive growth of government was a response to many of the consequences of poor monetary policy, and that little progress could be made in taming Leviathan until there was either a marked improvement in Fed performance under current arrangements or the adoption of a better set of monetary arrangements. As if still more

evidence was needed, Bob would point to the inability of the Reagan Administration to shrink government, or even to slow its growth significantly, once the Fed induced recession started in mid-1981, six months after the new administration took office.

To improve the management of monetary policy that would be acceptable to the Congress, which has the constitutional authority over monetary policy and the Federal Reserve, Bob developed the idea of monetary targets, requiring that the Federal Reserve present to Congress a plan for M-1 growth for the next year linked to a procedure for what he believed would be effective Congressional oversight.

In March 1975 Congress passed House Concurrent Resolution 133 which required that the Fed report targets for money growth and then to report to Congress on the achievement of those targets. Bob, and many others, were optimistic that the targets would be a significant step towards the achievement of noninflationary, steady and predictable money growth. Even though Congress did not mandate specific numerical targets of money growth, Congress did require that the Fed adopt a target, and the sense of the Congress was that the Federal Reserve would then take seriously hitting the target. Bob, and by Bob's account to me, such Capitol Hill veterans as Senator Proxmire, one of the supporters of the targets, never considered that the Fed would attempt to flout the intent of Congress and then succeed in doing so. Although Bob had a keen sense of Capitol Hill realities, it also came as a great and unpleasant surprise and a bitter disappointment that Congress, itself, would be so unmoved and unresponsive when the Federal Reserve, first under Arthur Burns, then under Paul Volcker, turned the targets exercise into a disgraceful sham.

Bob felt deeply about the utter failure of the monetary targets he had fathered and the fact that, after all the research, after all of the conferences, after all of the Congressional hearings, and after the legislation, itself, there had been essentially no improvement in Federal Reserve performance or in Federal Reserve accountability for their actions, and on Capitol Hill there had been little or no change in the long standing failure of Congress to monitor the Fed effectively or to exercise its Constitutional responsibility for monetary policy. In recent years Bob would often repeat Mike Hamburger's rhetorical question about the absence of significant structural change and the economic policies of both the Federal Reserve and the Reagan Administration when Mike noted, "How can you expect things to be different when nothing has changed."

Many times we discussed the fact, especially disquieting to students of Milton Friedman, that knowledge itself is rarely enough to insure better public policies. We came to understand that rules determine, or at least fundamentally shape, results. Therefore, to achieve better results it was necessary to use knowledge to shape effective rules. Although Bob was generally a confirmed and cockeyed optimist, his optimism did not extend to the future conduct or results of monetary policy under current arrangements, and until his death five months ago he continued to do research on workable monetary rules mandated by law.

During the years on the Hill, Bob was always engaged in serious economic research, mainly in monetary economics, in addition to the applied economics he practiced as a Congressional staff economist and counselor. In this decade alone his work resulted in more than 30 publications. To the best of my knowledge, among the hundreds of Congressional staffers Bob's research and publications were unique. His contributions have an important place in the growing body of research and analysis about the economic and political role of money and the conduct of monetary policy. I briefly note his research, now cited so widely, on the lagged connections between money and prices and on the political economy of Fed policies.

I note also Bob's imaginative plan presented to the Gold Commission in 1981 to restore the gold certificate reserve requirement as a means for achieving slow and stable money growth. Unfortunately, it failed to convince the Commission. It was not pure enough for the gold bugs, who also had other agendas; it was too threatening for supporters of the current flawed monetary arrangements. There are also the two studies he completed in the past year, "International Debt, Crisis and Challenge: and "International Lending by U.S. Banks: Practices, Problems and Policies" which, in my judgement, place in proper perspective the serious international debt problems that you are discussing at this conference.

And, during most of this decade Bob continued to teach in Virginia Tech's Graduate Economics Program in Northern Virginia to the delight of a new generation of grateful students.

But Bob's lengthy and impressive bibliography does not adequately reflect his unique role on the Hill, in Washington and in the economics profession. In a city much given to sham and to shameless self-serving abuse of the public trust and the powers of government, and in an area of economics and economic policy much given to illusion and profound ignorance, Bob consistently added an unusual note of unfailing dedication as well as refreshing candor and realism.

Yet, he was able to work with a wide range of people of differing political and economic persuasions and affiliations without compromising his own intellectual integrity and his dedication to liberty and the rule of law—even in the conduct of monetary policy. His advice, counsel and strong shoulders were widely sought out and frequently employed. Some of the results of his work contained, in part, in the Monetary Control Act of 1980, are now seen in the systematic deregulation of the banking system and financial markets.

So, while we join Sue, their five children and the Weintraub family in mourning Bob's untimely death, both for their loss and ours, and as we try to understand better what shaped this man, we cannot help but celebrate the roots and the system that made possible such a full, vital and memorable life that sets such a good example and standard for all of us and for our children. We thank God for Bob Weintraub's life and we are grateful for the many blessings Bob Weintraub bestowed upon us and upon the country he loved, whose essence he understood and which he always served with uncommon fidelity.●

BRIG. GEN. GEORGE H. CATE, JR.

● Mr. SASSER. Mr. President, I rise to recognize a distinguished American, a Tennessee volunteer, Brig. Gen. George H. Cate, Jr., of Nashville, Tenn.

General Cate's exemplary career began in June 1952, in Nashville, where he enlisted as a first lieutenant. His steady rise through the ranks brought him the star he deserves, and the command over 38,000 troops.

His is the only brigade designated to handle and care for prisoners of war. Their expertise, dedication, competence and high level of training they owe to their commander, General Cate.

In connection with this tribute, Mr. President, may I take this opportunity to salute the Reserve units of the Armed Forces all over this land. They represent the Nation's preparedness for war in its never-ending quest for peace. Nowhere is the spirit of the Reserves better exemplified than in the 290th Military Police Brigade.

Mr. President, I extend my sincere congratulations, with deep respect, to my friend General Cate. We wish him our best in his well-deserved retirement from an illustrious military career.●

FRANK PERATROVICH

● Mr. MURKOWSKI. Mr. President, Alaska is celebrating its 25th anniversary as a State this year and is honoring those whose efforts were instrumental in the drive to achieve statehood. I would like to take a few moments of my colleagues' time to comment on the contributions of Frank Peratrovich to the State of Alaska.

A major force in Alaska's push for statehood, Frank Peratrovich died on January 4, 1983, at the age of 88, just hours after he was awarded an Alaska Statehood Founder's Medallion. Participating in Alaska politics for over 30 years, Frank Peratrovich served in the territorial house of representatives and later in the State senate. He was also one of the 55 elected delegates who helped write the Alaska State Constitution. He was the only Native delegate and was vice president of the Alaska Constitutional Convention.

His contributions were not limited to politics. He was active in union organizing as well. He helped found the Purse Seiners' Union.

Born in the village of Klawock in southeast Alaska, he returned there after college and helped his family run the local general store which was his primary business interest throughout his life. He served as mayor of Klawock for 20 years.

Frank Peratrovich has many personal achievements and we Alaskans are the beneficiaries of those achievements. However, Alaskans not only benefited from Frank Peratrovich's role as a public servant, they benefited even more by simply knowing him. He was a warm, kind person. My father

and Frank Peratrovich were friends—a friendship which was valued by all members of our families. To have shared the friendship of Frank Peratrovich was the rare opportunity to have shared something very special. He was indeed a unique person, who was loved and respected by all who had the privilege to know him.

I am glad to have had the opportunity to reflect upon the life of this great Alaskan and thank the Senate for the time.●

SALUTE TO SAN DIEGO'S BOB TEAZE

● Mr. WILSON. Mr. President, an outstanding public servant is retiring after 25 years with the city government of my hometown, San Diego. Bob Teaze retires as assistant city attorney on February 9, and I can attest by my own personal experience that the city of San Diego will greatly miss his expertise.

During the 11 years that I served as San Diego's mayor, I came to know Bob well as I saw him at work, and as I benefited from his legal advice. Bob has served the city attorney's office and the citizens of San Diego with pride and unfailing integrity. For all of that, I would like to thank Bob and to wish him all the best in his new life.

Mr. President, I submit for the record an article from the San Diego Union by Michael Smolens, and request it be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the San Diego Union, Dec. 26, 1983]

OFFICIALS PRAISE ROBERT TEAZE

(By Michael Smolens)

Bob Teaze is a living history book upon which city attorneys have relied for years for snap reference checks.

Teaze, San Diego's assistant city attorney, intends to leave Feb. 9—25 years to the day when he first began prosecuting misdemeanors for the city. As he climbed the ladder through the department, Teaze accumulated some offbeat stories to tell, accomplishments to relish and nuggets of valuable information to dispense.

"The singular characteristic we'll probably miss the most professionally around here is his memory," said City Attorney John Witt. "He has been the repository of historical information about city government in general and our office in particular.

"He is absolutely amazing."

Teaze, 58, graciously and predictably dismisses such praise. "My memory is not what it once was," he said, adding that Witt has been in the department almost as long as he has, "so my historical value may not be that great."

Witt, however, will not be contradicted.

"It's handy to have someone like that around," he said. "I can't remember what I had for breakfast."

Teaze's retirement will carry a semi designation for a while. He plans to hang his own shingle and blend his municipal law background with his expertise on Japan and knowledge of Japanese firms—a talent that he could rarely use while working with the city.

Striking out into the private sector was something Teaze always planned to do. In fact, his is one of those bizarre stories that might best begin with the line, "A funny thing happened to me on the way to . . ."

In his letter of resignation, Teaze told Witt that when be first signed on as a deputy city attorney in 1959, "I had the intention of staying a year or so and then going out into the private practice of law."

But one position led to another and now, a quarter of a century later, the man with the crusty veneer—but whom Witt says has a heart of gold—finally will do what be originally set out to do.

"It's been great," Teaze said. "I've participated in just about every major case, major issue that has confronted this office over the last 23 or 24 years."

Teaze's low-key demeanor belies his globetrotting early years. While with the military and the State Department he was stationed in such exotic locales as London, Hong Kong, Saigon, Hanoi and Tokyo—his place of birth.

The son of an oil company executive who worked in Japan until World War II loomed perilously close, Teaze moved to San Diego with his family in 1940. He attended Point Loma High School but ultimately transferred to and graduated from Deerfield Academy in Massachusetts.

Then it was on to Dartmouth, where in 1943 he met a good-sized classmate and football player named Edwin Miller Jr., now better known as San Diego County's district attorney.

Teaze's college studies were suspended by the war. He was drafted by the Army, which put him in an intensive eight-hour-a-day Japanese language program. He was to be a translator and interrogator near the front lines, but the war ended before be obtained such an assignment. So Teaze was sent to Tokyo with the occupation forces and collected Japanese documents which he later helped catalog for the Library of Congress.

He returned to Dartmouth and graduated in 1949. Within a year, he was hired as a code clerk by the State Department and was sent to Saigon just when, in Teaze's words, "the French were starting to get hit hard by what was then called the Viet Minh" (predecessors to the Viet Cong). Teaze had made several trips to Hanoi during that time.

From there it was on to Hong Kong and then to Tokyo, where Teaze became an investigator, checking out the backgrounds of people who applied for State Department jobs. He eventually was assigned to London, where he became assistant security officer. It was there that a significant event in the history of Robert Stewart Teaze took place.

"I got married to my one and only wife—Pat," he said.

Teaze eventually went to the Hastings School of Law in San Francisco, graduated in 1958, passed the bar and headed to San Diego to look for a job. There were no openings at the city, but then-City Attorney Jean DuPaul interviewed Teaze and remembered that his mother—who grew up in San Diego—was quite a tennis player in her day.

"That probably had something to do with him choosing me" when a position opened up, Teaze said with a grin.

There were 15 attorneys in the department at the time, now there are nearly 60. Teaze kept putting off his foray into private practice because he kept moving up. He was assigned to the civil division, became chief deputy attorney and, in September 1966, was promoted to assistant city attorney. Teaze finally acknowledged that his employment with the city could not be classified as temporary.

"I guess then I became a permanent figure," he said.

His favorite case involved a Pueblo land boundary dispute which he lost and appealed. During the interim, he was able to reach a settlement that was favorable for the city. Teaze said he worked nearly three years on the case.

His favorite story deals with his unsuccessful prosecution of a sailor who had been charged with manslaughter after a fatal car accident. Teaze said he wanted the jury polled and, as that was occurring, the wife and brother of the victim charged toward the defendant. Amid the courtroom chaos the judge fumed that the polling of the jury forced the commotion.

"You're the cause of this, Teaze!" he told the city's prosecutor.

When things appeared to settle down, the attorneys were called to the bench to hash out the matter with the judge. Suddenly, the defendant was seen from a courtroom window dashing across the street with the victim's brother in hot pursuit. The brother chased the sailor around the block a couple of times, caught him and began to have at him when a couple of sheriff's deputies arrived, and dragged the brother away.

"We didn't notice he (the defendant) was gone" from the courtoom, Teaze said, laughing.

To many, Teaze is known more for being something of a grouch than a jokester and story teller.

Witt described Teaze's criticism of work done improperly as "merciless."

"He scares people to death until they get to know him," Witt said.

Teaze and his wife plan a trip to the British Isles after leaving the city attorney's office. He then hopes to return and set up practice in San Diego, which he says " is one of the finest places to live in the world."

"It gives you some satisfaction knowing you've been with the city 25 years helping to maintain that," Teaze said.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Mr. Ira H. Goldman of the staff of Senator WILSON to participate in a program sponsored by the Chinese Culture University in Taiwan, from January 7 through 15, 1984.

The committee has determined that participation by Mr. Goldman in the program in Taiwan, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is

in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Gerald L. Grant of the staff of Senator SASSER, to participate in a program sponsored by the Tunghai University in Taipei, Taiwan, from January 15–22, 1984.

The committee has determined that participation by Mr. Grant in the program in Taiwan, at the expense of the Tunghai University, to discuss United States-Taiwan relations, is in the interests of the Senate and the United States.●

THE ADMINISTRATION'S INCOHERENT AGRICULTURE BUDGET

● Mr. HUDDLESTON. Mr. President, as the ranking Democrat on the Senate Agriculture Committee, I am concerned that the President's budget for fiscal year 1985 demonstrates a lack of understanding about the problems facing our Nation's farmers. Although there are many specific proposals in the Agriculture budget that I believe are ill-advised, a fundamental assumption made by the President's budget is in direct conflict with previously released economic forecasts. The contradiction I am referring to is certain to cause a great deal of confusion in the coming months and, in effect, makes the Agriculture budget incoherent.

The faulty assumption is found in a statement, appearing in the President's budget submission, that net farm cash income "is expected to reach a record level of over $42 billion in 1984." That statement directly contradicts official Department of Agriculture estimates that were included in the December issue of Agricultural Outlook. In the Department of Agriculture's official forecast, net farm cash income is estimated to be closer to $35 billion, a drop of about 20 percent from 1983.

To the administration that sent us a budget with a $180 billion deficit, a miscalculation of $7 billion might be considered a minor discrepancy. However, our Nation's farmers are likely to find that discrepancy very costly because, based on that assumption, the administration's budget states:

> The higher income will enable farmers to repay more of their loans and result in lower target price deficiency payments in 1984. As a result, total 1984 agriculture outlays are expected to decline by more than 50 percent from 1983.

If we are to have a responsible farm policy, the President needs to make sure the left hand knows what the right hand is doing. More important, he must make sure his economic analyses are based on the facts. I hope the administration will advise Congress soon on what it really expects to happen in terms of farm income in 1984.●

THE ECONOMIC EMERGENCY LOAN PROGRAM

● Mr. SASSER. Mr. President, the farmers of Tennessee and every other State in the Union were recently subjected to yet another round of callous and indifferent treatment by this administration. I am referring to action instigated by the Office of Management and Budget stipulating that $550 million of the $600 million available under the economic emergency loan program be issued in the form of loan guarantees rather than direct loans to farmers in dire economic straits.

As many of my colleagues know, this administration has refused to implement the EE program, which Congress established in the 1981 farm bill. It took court action in the case of Kjeldahl against Block, to prod USDA into making assistance under this worthy program available to farmers. And at first blush, it appeared that Secretary Block was going to comply with the court order in this case. Indeed, based on USDA pronouncements regarding the EE program, many farmers in Tennessee and elsewhere began filling out the paperwork or making inquiry about the availability of direct loans under the EE program.

Mr. Stockman made use of the tool apportionment to change this scenario. In so doing, he pulled the rug out from under countless farm borrowers and the net effect of his actions will be many farmers going without assistance under the EE program. This is so as guaranteed loans are not financially attractive to many lenders as FmHA only guarantees up to 90 percent of the loan. Obtaining money in the form of loan guarantees is further complicated as many farmers in need of this type of assistance are not considered good credit risks by commercial lenders.

In addition, those farmers who have already filed for a direct loan under the EE program must now go through another sea of paperwork if they hope to obtain a guaranteed loan. Given this fact and that many farmers are now under the impression that money is not at all available under the EE program, it is safe to conclude that many of our farm constituents will simply forgo this continued burden and try to make ends meet some other way. One gets the impression that this is just as well with Mr. Stockman and his crew.

I recently wrote Mr. Stockman to protest his actions and to request that he reverse his ruling in this matter. I took this action not only because I have serious reservations about budgetary bureaucrats dictating farm policy, but also because Mr. Stockman's actions raise serious legal questions. The apportionment decision of OMB strikes me as being a clear violation of the spirit, if not the letter of Judge Flannery's decision. While USDA has been dragging its feet on the EE program for some time, I had hoped that offices of the executive branch would make a good faith effort in complying with court orders. In addition, I call into question the very use of the apportionment tool in this instance. There is some question as to the statutory authority for apportionment in this case.

I might point out Mr. President, that my views regarding Mr. Stockman's actions have been supported by farmers in Tennessee, as noted in several recent press clippings on this topic.

Several of my colleagues, on both sides of the aisle, have expressed their outrage and indignation over this course of events. Senators HUDDLESTON and BOREN have requested hearings on this topic before the Senate Agriculture Committee. Senator BUMPERS has introduced Senate Resolution 333, which I am proud to join as a cosponsor, to address the concerns raised in this dispute. I applaud these actions and urge my colleagues to act expeditiously in considering Senate Resolution 333 and otherwise coming to the assistance of economically strapped farmers across the Nation.

Mr. President, I ask that a copy of my letter to Mr. Stockman and copies of editorials from the Nashville Tennessean and Murfreesboro News Journal be printed in the RECORD.

The material follows:

U.S. SENATE,
Washington, D.C., January 25, 1984.

Mr. DAVID STOCKMAN,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. STOCKMAN: I am writing to vigorously protest your recent action in stipulating that $550 million of Economic Emergency Loans available for farmers facing foreclosures be issued in the form of guaranteed loans rather than direct loans to farmers in Tennessee and across the country.

Farmers in Tennessee and other states have already applied and made inquiry about the availability of these loans in substantial numbers. This level of interest was to be expected, given the December, 1981, ruling that funds be made immediately available to hard-pressed farmers seeking to avoid farm foreclosures.

It is my hope that District Judge Thomas Flannery will review your decision in this matter and overrule your action. I believe such review is necessary as your actions call into question whether good faith efforts are being made to comply with Judge Flannery's court order. Your decision certainly does not comport with the spirit of Judge Flannery's decisions and indicates lack of due regard for the past history of the Economic Emergency Loan program.

Mr. Stockman, throughout the history of the Economic Emergency (E.E.) Loan program, no more than 5 percent of funds disbursed under the E.E. program have been in the form of guaranteed loans. Now you have

ordered that more than 90 percent of E.E. loans be of a guaranteed nature.

In addition, I have serious reservations about your use of the apportionment authority in this instance. Your decision to apportion these funds arguably is not within the statutory authority for this fiscal tool set forth in 31 U.S.C. 1512. Considering the nature of the appropriations involved in the Economic Emergency Loan program and the impact the effective use of these funds can have on the farm economy, your interpretation of 31 U.S.C. 1512 insures that hard-pressed farmers may not receive timely loan funds under this program.

Finally, your actions in this matter are contrary to the congressional intent in this program and will work a severe hardship on Tennessee farmers that need these direct loans to stay in business. Therefore, I request that the Office of Management and Budget immediately reverse this ruling and process the direct loan applications that are on file in FmHA offices throughout the country.

Failure to reverse your decision will put more farmers out of business and add to the rising tide of farm foreclosures across the nation.

I await your prompt reply.

Sincerely,

JIM SASSER,
U.S. Senator.

[From the Nashville Tennessean, Feb. 7, 1984]

FARMER NOT BUDGET BUSTER

The Reagan administration, increasingly embarrassed by growing budget deficits, now seems to be trying to make the nation's financially-distressed farmers suffer the consequences of the deficits.

In 1981 Congress voted $600 million in emergency relief money to farmers. But the administration has withheld disbursement of the funds and Sen. Jim Sasser says the Office of Management and Budget—blaming the deficit—has ordered that only $50 million be allocated for direct loans and that the remaining $550 million be for guaranteed loans.

On a guaranteed loan, the OMB says, the government only has to put out money if the borrower defaults, but a direct loan comes directly out of government funds and that raises the deficit.

However, most farmers who are hard up for emergency relief as a result of drought, floods, high interest rates or other financial disaster have a difficult time obtaining guaranteed loans. Their credit is often poor because they are in bad financial condition. And lacking good credit, they would have to pay higher interest rates if any bank would lend them the money. Thus, the money voted by Congress is not likely to do them much good. Only the well-to-do farmer, who doesn't have to have the loan to stay in business, is likely to benefit.

Senator Sasser protested to the OMB that its hard-nosed policy had eliminated most Tennessee farmers from the program. "Failure to reverse your decision will put more farmers out of business and add to the rising tide of farm foreclosures across the nation," he wrote.

But this did not move the administration's budget makers or soften its well-established policy of favoring the rich and ignoring the middle- and low-income people in making budget decisions.

"I wonder if Senator Sasser is aware that we have a deficit of $180 billion," said Mr. Ed Dale, OMB spokesman.

It seems that when the Defense Department is swindled out of a few millions or billions by some arms makers that is just part of the business. But when a struggling farmer asks for a little aid to keep from losing his farm he is accused of busting the budget.

Well, it is certain that Senator Sasser does know about the deficit. So does just about everybody else. And they know the deficit wasn't caused by the aid Mr. Reagan has given to small family farmers.

[From the Murfreesboro (Tenn.) News Journal, Feb. 1, 1984]

AGREE WITH SASSER ON FMHA LOANS

We have to agree with Sen. Jim Sasser's allegations that a Reagan administration policy change is making it terribly difficult for farmers devastated by higher grain prices brought on by last summer's drought to obtain government-guaranteed emergency loans.

In fact, some Farmer's Home Administration officials in the state are so bothered by the policy change that they refuse to discuss it publicly.

As we understand it, $600 million was appropriated by the Congress in the form of low-interest or direct FmHA loans to help those farmers who suffer economic hardships due to events and expenses beyond their control.

But as the economy improved, the Reagan administration suggested that interest rates at commercial institutions were becoming so low that they were nearly equal with the interest rates in the FmHA-sponsored loans. So, the FmHA pulled back from the loan program, sending the financially strapped farmers to commercial banks for their loans.

But a federal court disagreed with the administration's decision on Dec. 22 ordered the loan program reinstituted. When the program was renewed, however, there was one major difference—instead of $550 million in direct loans to farmers and $50 million in low-interest monies available, the numbers were reversed.

Farmers were irate. They felt—and, according to some we talked with this week, still feel—that the administration reneged on them; that it held out the program as a lifeline to farmers drowning in red ink only for farmers to see it withdrawn.

In other words, those farmers who need the money the worst—and who thus cannot obtain the credit at commercial banks—are forced to battle each other for a share of the $50 million. Meanwhile, those farmers who are in better financial shape—those who can obtain money elsewhere—have to pay higher interest rates at the bank, a penalty of sorts for establishing good credit.

A classic "Catch-22."

Mr. Sasser has protested the policy to President Reagan and urged him to return the loan program to its original guidelines established in 1977—to make the most money available to those farmers who need it the most.

We wish him well in that endeavor.●

S. 1643—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE SYSTEM

● Mr. HUDDLESTON. Mr. President, I am pleased to sponsor S. 1643, a bill to strengthen the operation of the agricultural stabilization and conservation committee system. This system, through farmer-elected community and county committees, has played a valuable role in the administration of the commodity stabilization, price support, acreage diversion, and soil conservation programs.

For over 50 years now, the ASC committees have been responsible for administering the farm programs at the local level. They have performed this function with fairness and equity under a variety of programs and economic circumstances. Their function remains as important today as it was when the ASC committee system was established in 1933.

Unfortunately, at various times over the years, and again recently, attempts have been made to eliminate or scale down the use of the local committees. Therefore, I believe that it is important that Congress act to insure that farmer-elected committeemen with first-hand knowledge of local problems will continue to be fully utilized in administering the farm programs at the county and community level.

S. 1643 will achieve that objective by making a number of changes in the law to require the continued operation and use of ASC committees and clarify the role of the committees. S. 1643, which was introduced by Senator ZORINSKY, is important legislation that deserves approval by the Senate. In addition to myself, the present cosponsors of the bill are Senators PRYOR, PRESSLER, ANDREWS, BAUCUS, BENTSEN, COCHRAN, DIXON, EXON, HEFLIN, LEAHY, SARBANES, and SASSER.●

PRODUCT LIABILITY LAW CHANGES HAVE PUBLIC SUPPORT

● Mr. KASTEN. Mr. President, I recently shared with my colleagues an article on the need for product liability reform. As I pointed out at that time, our hodgepodge system of existing product liability laws, differing from State to State, cost consumers and manufacturers alike literally billions of dollars. It is a hidden cost that drains our economy and prevents the fullest use of our productive potential.

I have another article on the subject to share with my colleagues. It comes from the Fond du Lac, Wisconsin Reporter and gives a pretty clear picture of why we need a Federal product liability law. I ask that it be printed in the RECORD.

The article follows:

UNIFORM PRODUCT LIABILITY LAW NEEDED AT FEDERAL LEVEL

Rules changes create frustrations for everyone, but having to meet different rules with the same product can be horrendous.

That's what many manufacturers face as they prepare their product for market from state to state. Rules for deciding product-related injury cases, know as product liability law, vary widely from one state to the next.

In fact, according to the Coalition for Uniform Product Liability Law and the Product Liability Alliance, only 30 states actually have such statutes and no two are alike. That makes it difficult if not impossible for manufacturers to meet the various—and sometimes conflicting—standards. It also makes it difficult for consumers to show damages.

Clearly, a federal law to protect both manufacturers and consumers is needed here, and Sen. Robert Kasten of Wisconsin is attempting to provide it.

Kasten's bill would provide a clear description of consumers' rights and manufacturers' responsibilities. It would provide courts with uniform legal rules to apply in all product liability cases. Those case numbers, by the way, have increased from 1,579 in 1974 to 8,944 in 1982.

It's new, fast-growing and enormously profitable legal industry without order, without even-handed regulation. Kasten's bill, S. 44, which has 25 co-sponsors in the Senate, establishes ground rules. It merges the various legal theories currently used in product liability actions into one liability law and should end the procedural disputes that now pervade product liability litigation.

In Wisconsin, S. 44 would strengthen the rights of consumers to recover damages.

The bill is endorsed by the administration and has bipartisan support in both houses of Congress. It is expected to be favorably reported out of the Senate Commerce Committee later this month or early February, with full Senate action expected by spring.

It is needed legislation and both Sen. Kasten and Sen. William Proxmire should be made aware of public support for the bill.●

CONFERENCE AGREEMENT ON REHABILITATION AMENDMENTS OF 1984

● Mr. KENNEDY. Mr. President, I am pleased to support the conference agreement on the Rehabilitation Amendments of 1984. I commend my distinguished colleagues Senator WEICKER and Senator RANDOLPH for their work on this important legislation and for their commitment to America's handicapped citizens.

The Rehabilitation Amendments of 1984 will continue and expand rehabilitation services for handicapped individuals. This vocational rehabilitation program has a long history of providing individuals who are physically and mentally handicapped valuable and effective assistance in the development of work skills and the application of those skills through employment. It has proven to be very cost effective by returning, through tax payments and other program savings, an estimated $10 for every $1 spent on rehabilitation.

I believe that these amendments reaffirm our Nation's commitment to providing handicapped citizens every opportunity to reach their full potential as individuals and as valuable, contributing members of our society. I urge the immediate adoption of this conference report.●

THE KISSINGER COMMISSION REPORT ON CENTRAL AMERICA

● Mr. HELMS. Mr. President, today the Foreign Relations Committee held hearings on the Kissinger Commission report on Central America.

As chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee, I took a particular interest in the report of the Kissinger Commission. I was most interested in the prescriptions which would be proposed by Dr. Kissinger and his group of physicians ministering to the health of the region.

I am afraid that the prognosis is bleak. The report is a mandate for socialism, financed by the U.S. taxpayer.

I am reluctant to make such a judgment. No one has been a stronger supporter of assistance to the beleaguered countries of Central America than I. Because of the intensive work on the area that we have done in the subcommittee, I am keenly aware of the danger that a Socialist or Communist Central America would present to our own national security. Yet I feel it my duty to the people of the United States, and to President Reagan himself, to state that the prescriptions presented by the Commission are a danger to our national security equal to those of the Communist incursion.

The obvious purpose of the Commission was to restore the economy of the Central American region, revitalize its institutions, and bring peace to its inhabitants. I see scarcely anything in the proposal which would accomplish of these objectives.

Mr. President, if this were merely another academic study to be filed away on a shelf, one might pronounce it "interesting" as a polite means of dismissal. However, it is interesting only because it is a period piece, dredging up all the old policies of the past—the policies which failed to produce prosperity and development in the past. Unfortunately, even before this Senate has had an opportunity to discuss it, or evaluate its merits, the State Department has turned it into a legislative proposal firmly backed by a steamroller. I think we need to examine it slowly and deliberately.

If this were a realistic proposal to spend $8.4 billion to save Central America, it would be cheap at twice the price. But the American taxpayers are notoriously wary about the way Congress throws around their money. If they had a chance to analyze the proposals in detail, they would find little to give them confidence that the $8.4 billion would stabilize Central America at all. In all likelihood, the most it will do is to stabilize certain American commercial banks.

If we examine this proposal, we find that it is divided into two sections: $8 billion in so-called developmental aid, and $400 million in military aid.

The $8 billion in developmental aid is simply another round of the same nostrums that have failed in the past—the notion that central planning, multilateral institutions, central bank manipulation, and international cartels can build a sound and productive economy. Although the prose is liberally spiked with appeals to support the private sector, the actual mechanisms put forward run in exactly the opposite direction—that is to say, in the direction of state intervention and control of the economy. The report proposes no less than the following:

First. The resuscitation of the virtually defunct and discredited Central American Common Market, a concept that was the creature of the ill-fated Alliance for Progress. The Alliance itself was a triumph for the statist mentality of the nonmarket economy, but a failure in producing results. The Central American Common Market produced the typical result of thinking based on extreme market protection and cartels—a distorted economy based on high-priced industry and inadequate production. Experts believe that it set Central America back at least 10 to 20 years in the development of competitive free enterprise. We should not give one dime to Central America except upon the condition that all the remnants of the Common Market be dismantled.

Second. The establishment of a CACM Fund, which is supposed to refinance the trade deficits created by the CACM cartels. Such a fund would simply postpone the day of reckoning and perpetuate economic distortion. Needless to say this refinancing would be paid for by the U.S. taxpayer.

Third. U.S. membership in the Central American Bank for Economic Integration, supposedly to provide new financing for small businesses. Once again the U.S. taxpayer would provide the crutch for economies limping along with socialism.

Fourth. Establishment of a trade credit insurance program within Eximbank, to provide guarantees to U.S. commercial banks at U.S. taxpayers' expense. As the saying goes, here we go again. It is interesting to note that such insurance is not now available, according to the Kissinger Commission report, because "the risks of nonrepayment are viewed as excessive."

Fifth. The establishment of a so-called Emergency Action Committee of citizens from the region to propose "public-private initiatives." But it seems to me that the problem with the private sector is that there is already too much public initiative.

Sixth. The use of AID programs, that is, U.S. taxpayers' funds, to provide "infrastructure and housing." But such programs historically have put the cart before the horse. Infrastruc-

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ture and housing follow, not precede, sound economic development and are paid for by it. To put it first is to burden the development process and postpone the achievement of the humanitarian goals which inspired the aid.

Seventh. Reduction of nontariff trade barriers with regard to textiles, sugar, and meat. Access to U.S. markets is a financial benefit which is paid for by the export of U.S. jobs.

Eighth. Extension of OPIC guarantees to the region, which presently is considered too risky to qualify. Naturally the U.S. taxpayers would take the risk.

Mr. President, no doubt all of these measures would in a certain respect benefit certain parts of the private sector in the Central American countries. But they are benefits conferred at the expense of free enterprise generally. There are always the kinds of businessmen who fear the free market, but are prepared to make millions out of exclusive contracts or monopolies granted by governments or made possible by State controls which eliminate competition. Such behavior is not unknown in the United States. But the defects of our system, which constitute a small part of our economy, should not be exported and mandated in small economies where they become the rule.

Now, Mr. President, there remain two other areas of comments which I will get to in a moment. Those which I have mentioned so far are those which have failed in the past, precisely because they deal with symptoms, and not with causes. Not one of them, not all of them together, can provide a climate for healthy free enterprise.

Free enterprise can grow only where it is allowed to grow. There is no mention whatsoever in the Kissinger Commission report of those pervasive barriers to development which are common throughout Central America, and, indeed, throughout the less developed countries generally. The LDC's are less developed because they do not have the political will to remove these barriers.

There is much in the report about budget deficits and the crisis of debt rescheduling. There is little in the report about the real causes of the budget deficits—the political causes—and the poor judgment of the bankers who overextended themselves. There is much talk about the high costs of oil, and the failure of the world economy generally. But there is nothing said about the size of government payrolls in relation to GNP, the waste, losses, and inefficiencies created by government-owned monopolies and banking systems, the imposition of wage and price controls, the maintenance of minimum wage requirements in the face of mounting unemployment, the use of marketing boards to set artificially low agricultural prices, the artificially established and manipulated exchange rates, the excessive controls on establishing and operating new enterprises, the stubborn increase of export taxes in the face of falling world demand, and the political allocation of credit and foreign exchange.

Why should the U.S. taxpayer be asked to finance economic recovery when the whole issue of real reform is studiously ignored? The measures proposed by the Kissinger Commission would pour good money after bad, with little hope that a fundamentally stable economy could emerge in the region.

And, indeed, why is nothing said about the extensive corruption which is rampant not only in governmental and private institutions, but in political parties from left to right? While the U.S. system is by no means free from such a taint, there are many countervailing pressures to reveal and halt such practices. In many of the countries in the Central American region, as elsewhere, the levers of statist power provide a built-in bias for corruption. By reducing statism, these countries could decrease many opportunities for corruption. But once again, the Kissinger prescriptions work in the opposite direction: The $8.4 billion in a statist framework would increase corruption.

Nor should the danger be looked at in a purely moralistic sense. From the standpoint of economic development, corruption is a waste of needed capital, a diversion of resources, frequently out of the country, a heavy tax on businesses that are operating honestly, and a strong disincentive to new investment both from domestic and international sources.

Finally, Mr. President, there remain two other significant recommendations of the Kissinger Commission, both of which would make it impossible to restore stability and hope for the region. I refer first to the proposed Central American Development Organization (CADO), and second, to the repeated emphasis on confiscation and redistribution of productive agricultural lands, a process that is hidden behind that notorious euphemism, "land reform."

The Central American Development Organization, or CADO, is an interesting new hybrid. At first in the Kissinger Commission report it is described as a "privately-owned venture capital company." Yet later on it becomes clear that the initial capital for CADO would be put up by the U.S. taxpayer in the form of a long-term loan. And although we are told that those organizing the company would be expert entrepreneurs, it soon becomes clear that membership on the board would include government and union representatives, with only a few from private enterprise. In other words, the membership of CADO would be essentially political, with all the tensions and theories of economic development that such an approach necessarily suggests. In fact, the purpose of CADO would be far reaching, and set priorities for the development of the whole region.

The proposed legislation implementing the Kissinger Commission report states the purposes of CADO as follows:

> Such organization should serve the purpose of providing an effective forum for an open dialogue on and continuous review of Central America's political, economic, and social development, and should be composed of individuals from donor countries and participating Central American countries, including individuals from the private sector.

It is clear from the Kissinger report that CADO would become the ultimate czar not only of the Central American economy, but of its social and political structure. The report invests CADO with all the cliches of central planning, including the establishment of economic priorities, modernization of private institutions, promotion of social change, and comprehensive regional development.

What is even more disturbing is that CADO would get control over the distribution of U.S. taxpayers' funds in two ways: First, its own direct funding from the United States would be distributed by decisions of CADO, including the recipient nations. The United States would once more be in the position it is with the United Nations and other multilateral aid agencies, that is, our only power would make the determinations of social, political, judicial, and economic progress that would trigger cutoffs off U.S. direct aid. Thus, although the Kissinger Commission report is self-serving about requiring only "reports" and not "linkage," the mechanism for aid cutoffs, including military aid, is quietly set in place, with the ultimate decisions on U.S. security interests being turned over to a body of unspecified philosophical composition.

CADO is, in short, the engine of socialism, the kind of proposal that would seem more likely to come out of a meeting of the Socialist International than from freedom-loving Americans.

The other disturbing aspect of the Kissinger Commission report is the emphasis given to the seizure and redistribution of productive agrarian resources. The confiscation of a productive economic system, and its dismemberment of collectivization, is an integral part of every Marxist regime. Even though it makes no sense economically, and usually results in a lower standard of living for the peasant who is its victim, agrarian reform is always a high ideological priority for those trying to destroy a traditional, evolving society.

El Salvador has been no exception. The recent report of the AID Inspector General portrays a program that is an economic failure, a colossal waste of economic and human resources, a center of corruption, and an unauditable nightmare. Moreover, there are strong indications in the IG's report that $2 million of U.S. taxpayers' money, discovered in a spot check, may have been spent in contravention of U.S. law.

Be that as it may, land reform has contributed more to the disintegration of the social and economic fabric off El Salvador than the terrorist attacks of the Communist guerrillas against the industrial infrastructure. The so-called land reform program dismantled the managerial and capital skills of the most advanced agricultural institutions in the country, those that were responsible for the best paying jobs in the agricultural sector and that were earning the most foreign exchange. It has aggravated the tensions in society by uprooting families and communities, while at the same time thwarting the hopes of those to whom great promises were given. Moreover, by setting aside the constitutional and legal system of the country, this revolutionary program has undercut the notion of just law so essential to the judicial process.

Those who are now complaining about the failure of the judicial system in El Salvador are all too often the very ones who were urging the setting aside of the legal system of the country in order to promote ideological ends.

The proponents of confiscation of land created the myth of a landed "oligarchy" of 14 families that controlled the country. But when the United States imposed the program of confiscation on El Salvador, it turned out that hundreds and hundreds of families lost their land in phase I and thousands lost their land in phase II. So-called land reform hard very little to do with equity, and a lot to do with the cynicism of political revolution and political power. The purpose of this program was to destory the base of political support of the middle class and the most productive sector of the economy.

The United States should disassociate itself in every way from the program of land confiscation and collectivization. U.S. law provides that the U.S. taxpayers' money should not go to underwrite this shameful and destructive program. Yet the Kissinger Commission report assumes that we should continue to back such a failure. Such a conclusion not only invalidates the fundamental recommendations of the Commission, but will contribute greatly to further instability in the region.

In conclusion, Mr. President, I would like to add a note on military aid. I favor military aid for the region. There is no need to send U.S. soldiers into the region, when the local citizens are perfectly willing to fight for freedom. Yet because of the desperate situation in El Salvador, there are some, even conservatives, who would urge us to swallow the $8 billion elephant of socialism in order to catch the $400 million gnat of military aid.

But the only reason to give military aid is to reinforce the national security interests of the United States. Yet the Kissinger Commission would have us turn over that decision ultimately to CADO, as mentioned before, with an undetermined political makeup. It is CADO which would make the decisions on human rights and social reform which would turn on the spigot of U.S. military aid.

Such an abdication of U.S. interests is totally unacceptable.

It seems to me that the priorities of the Kissinger Commission are totally reversed. There is a war on in Central America. As long as there is a war on, there will be economic disruption and social suffering. We cannot expect that the Salvadorans can divide their energies between social and political reforms while trying to win a war at the same time.

The first step should be the eradication of the guerrilla movement; only after that can we expect progress toward a stable society. The people of El Salvador showed through the electoral process that they would support a government that is less than perfect in order to restore peace and order. We must give the people of El Salvador the military means to win the guerrilla conflict, without making it conditional upon achieving sweeping social reforms as a precondition.

The Kissinger Commission report, therefore, totally misses the mark. If its recommendations are adopted, they will contribute to the further disintegration of social structures in Central America, and hasten the spread of marxism. The Kissinger Commission recommendations will result in a disappointment of the legitimate aspirations of the people of the region for freedom. The more money that is poured into the statist structures promoted by the Kissinger Commission report, the greater will be the corruption, the inefficiency, the cynicism, and the suffering of the people. If we wish to protect our own interests and to give the people of Central America a chance to win their freedom, we must reject those recommendations.●

ACCEPTANCE OF BANKRUPTCY JUDGESHIP

● Mr. PELL. Mr. President, I ask that correspondence of Judge Arthur N. Votolato, Jr., U.S. Bankruptcy Judge for the District of Rhode Island to President Ronald Reagan, the President of the Senate, GEORGE BUSH, and to the Director of the Administrative Office of the U.S. Courts, William Foley, in compliance with title 5, United States Code, section 8331(22)(A) be printed in the RECORD in its entirety.

The correspondence follows:

U.S. BANKRUPTCY COURT,
District of Rhode Island,
December 6, 1983.

RONALD REAGAN,
The President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: In compliance with Title 5 United States Code, Section 8331(22)(A) I hereby advise you that I agree to accept appointment as a Judge of a United States Bankruptcy Court established pursuant to Sec. 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681). Although I am cognizant of the fact that the future of the bankruptcy courts of this Country is in considerable doubt because of the failure of Congress to enact corrective legislation necessitated by the Supreme Court decision in *Northern Pipeline Construction Co.* vs. *Marathon Pipe Line Co.*, 102 S.Ct. 2858 (1982), this notice is given to protect whatever retirement benefits may be contained in 5 U.S.C. Sec. 8339(n).

Yours truly,

ARTHUR N. VOTOLATO, Jr.

U.S. BANKRUPTCY COURT,
DISTRICT OF RHODE ISLAND,
December 6, 1983.

GEORGE H. W. BUSH,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: Notice is hereby given in accordance with the requirements of Title 5 United States Code, Sec. 8331(22)(A), that I have agreed to accept appointment as a Judge of the United States Bankruptcy Court established under Sec. 201 of the Bankruptcy Reform Act of 1978 (PL 95-958 Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States expressing said agreement is enclosed herewith.

Yours truly,

ARTHUR N. VOTOLATO, Jr.

U.S. BANKRUPTCY COURT,
DISTRICT OF RHODE ISLAND,
December 6, 1983.

WILLIAM E. FOLEY,
Director, Administrative Office of the U.S. Courts, Washington, D.C.

DEAR MR. FOLEY: Pursuant to the provisions of Title 5 United States Code, Section 8331(22)(A), you are hereby advised that I agree to accept appointment as a Judge of a United States Bankruptcy Court established pursuant to Sec. 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681). Although I am cognizant of the fact that the future of the bankruptcy courts is in considerable doubt because of the failure of Congress to enact corrective legislation necessitated by the Supreme Court decision in *Northern Pipeline Construction Co.* vs. *Marathon Pipe Line Co.*, 102 S. Ct. 2858 (1982), this notice is given to protect whatever retirement benefits may be contained in 5 U.S.C. Sec. 8339(n).

Yours truly,

ARTHUR N. VOTOLATO, Jr.●

S. 336—THE LABOR MANAGEMENT RACKETEERING ACT OF 1983

● Mr. HATCH. Mr. President, on June 20, 1983, by a vote of 75 to nothing, the Senate passed S. 336, the Labor Management Racketeering Act of 1983. The bill will provide unions and their pension plans with increased protection from organized crime and racketeering by strengthening the prohibitions and penalties contained in three key labor statutes, the Labor Management Relations Act of 1947, the Employee Retirement Income Security Act of 1974, and the Labor Management Disclosure Act of 1959.●

THE KNOXVILLE LINCOLN DAY DINNER

Mr. BAKER. Mr. President, I am here, obviously, in the Chamber of the Senate of the United States and not in Knoxville, Tenn., where I was supposed to be. But due to the blessings of airline deregulation, United Airlines now only has two flights a day to Knoxville and the last one left at 3 o'clock. As a result, I shall not be in attendance tonight at the Lincoln Day dinner in Knoxville, which, by the way, is one of the oldest Lincoln Day dinners in the United States. It will be attended by somewhere between 1,500 and 2,000 dedicated, loyal, intelligent and well represented Republicans.

I regret not being there. But I am sure they will understand, because when I became leader, I made a solemn promise to myself that, as much as I might hate missing engagements, even engagements of long standing, my primary responsibility is here and not elsewhere. So the cancellation is another in a series of cancellations, going back now for some years.

I have no regrets about that, Mr. President. I do not take lightly the responsibility given to me by my colleagues in the Senate. I am happy to say that in most instances, almost every instance, my friends, fellow Tennesseans and constituents, particularly my constituents in Tennessee and particularly Knoxville, understand why I have to do what I have to do. It is still a matter of great regret to me because tonight will be the first Knoxville Lincoln Day dinner I have missed since 1948. That is a long time. I have attended every one since that one in 1948 and they have all been smashing successes.

I have heard great speakers on every occasion—the late Senator Robert Taft, Thurston Morton, John Sherman Cooper, Everett Dirksen. The list can go on and on. And Senator Alan Simpson, who regaled the audience with not only wisdom but wit. They are still talking about that speech, especially the ladies.

But, Mr. President, I am sure they will be well served at the Lincoln Day dinner tonight, because my friend and former colleague, Ambassador William Brock, will be the speaker there.

I wish to offer my apologies to Bill Brock also, because we were going to fly back tonight. I was looking forward to that visit as I hope he looks forward to tonight in Knoxville.

At any rate, Mr. President, I want to take this brief opportunity to say to my friend and colleagues in the Senate who are listening, particularly to my friends and constituents in Tennessee, that I am genuinely sorry I am not there but am here.

Mr. SIMPSON. Mr. President, in response to what the majority leader was saying about the event he is missing in Knoxville, it was my great personal privilege last year, at his invitation, to address that group. It is one of the most delightful times I have had. I ran into old friends, people I played football with when I weighed 260 pounds and had hair. It was a delightful experience.

You are loved there and I know they will miss you tonight, Mr. Leader. It is a great event. People here really do not know how marvelous a thing it is. I appreciate having been invited.

Mr. LEVIN. Mr. President, could my friend inform the Senate just what century it was when he had hair?

Mr. SIMPSON. When?

Mr. LEVIN. What century?

Mr. SIMPSON. In the current century.

Mr. LEVIN. And you weighed 260 pounds?

Mr. SIMPSON. That is right. I thought beer was food.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I see the distinguished Senator from Michigan is on the floor now and the distinguished minority leader. The manager in behalf of the chairman of the Judiciary Committee is here, so I yield the floor.

Mr. LEVIN. Mr. President, I wonder if we could have a brief quorum call so I could get together with the majority leader for his reaction to a suggestion by a number of my colleagues relative to the death penalty bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMPSON). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, as I have announced earlier, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of the death penalty bill, which I will do in a moment, but as we have in other cases in the so-called crime package sequence I would not propound the following unanimous-consent request which has been examined by the minority leader, by the representatives of the chairman, and I believe there is no objection.

Mr. President, I ask unanimous consent that during the consideration of S. 1765, which is Calendar Order No. 356, a bill dealing with the death penalty, no amendments dealing with the control of firearms, the Hobbs Act, the Federal Tort Claims Act, or the proposed limitation of jurisdiction of authority of the Federal judiciary be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the agreement follows:

Ordered, That during the consideration of S. 1765 (Order No. 356), a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes, no amendments dealing with the control of firearms, the Hobbs Act, the Federal Tort Claims Act, or the proposed limitation of jurisdiction of authority of the Federal Judiciary, shall be in order.

Ordered further, That if any emergency measure dealing with the deployment of troops in Lebanon is available, the Majority Leader, after consultation with the Minority Leader, may temporarily set aside S. 1765, notwithstanding the invocation of cloture thereon. (Feb. 7, 1984)

ORDER OF PROCEDURE ON S. 1765

Mr. BAKER. Now, Mr. President, before I ask the Senate to turn to the consideration of the death penalty bill, let me describe for Members how I visualize this matter working.

First, Mr. President, it would be the intention of the leadership on this side to ask the Senate to turn to the consideration of that measure by unanimous consent. I hope there will not be an objection. If and when the Senate then has the bill before it, given the circumstances involved in private conversations which have occurred with respect to the length of debate, it would be the intention of the leadership on this side to file a cloture motion under the provisions of rule XXII to limit debate on the bill. If that is done today, under the rule the vote would occur 1 hour after we convene on Thursday. But I am willing to adjust that time as far as this side is concerned to suit the convenience of Senators who are principally concerned with this measure, especially the Senator from Michigan (Mr.

LEVIN) and the distinguished chairman (Mr. THURMOND), but in a word I would not expect the cloture vote to occur until some time late Thursday.

I would also hope that we could obtain, and in a moment I may ask, unanimous consent also to interrupt for a period of not to exceed a brief time for the consideration of the career criminal bill. I will not ask consent to bring it up but consent to interrupt for the purpose of attempting to bring it up.

Now, Mr. President, the final part of my statement is this. If cloture is invoked on Thursday and barring unforeseen exigent circumstances, it would not be the intention of the leadership to ask the Senate to be in on Friday of this week but, rather, to either adjourn as is now contemplated or, if circumstances here and abroad suggest that we should not adjourn, to recess on some basis, but in any event to take up the death penalty bill when we come back from the recess period which has been scheduled, and it would then be pending in a postcloture situation.

Now, understanding that if cloture is not invoked, this would not apply, but if cloture is invoked it would not be the intention of the leadership on this side to ask the Senate to be in on Friday to transact any other business.

The single exception, Mr. President, which occurred to me after my conversation with the minority leader and with others, especially with the Senator from Michigan, is I have made a commitment that after death penalty I will attempt to reach the career criminal bill.

Now, before I put the unanimous consent request for the Senate to proceed to the consideration of that item, so that I can clarify that point which I had not thought of before, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. As I sometimes do, I think I overcomplicated the situation with respect to the career criminal bill. I have already advised the Senator from Pennsylvania in a private conversation in the well of the Senate that I was not prepared to take up the career criminal bill before death penalty, but I would take it up after death penalty. So what I wish to say then is that after we dispose of the death penalty bill it is the intention of the leadership on this side to go to the career criminal bill, so it will not require any further modification of the situation.

Now, to review, Mr. President, in a moment I will ask unanimous consent that the Senate turn to the consideration of the death penalty bill, S. 1765. I will file a cloture motion. The vote on that will occur on Thursday, and I will be glad to negotiate with the minority leader and Senator LEVIN and the chairman of the committee on a time for that vote other than the 1 hour after we convene, and I would suggest late Thursday. If cloture would be invoked, it would not be the intention of the leadership on this side to be in on Friday barring emergency circumstances.

When we return from the Lincoln Day period, the death penalty measure will be pending, with the full understanding that if we have to be in during that period, we would not turn to the bill until after that time has expired. That is the general format.

DEATH PENALTY

Mr. BAKER. Mr. President, with that arrangement in mind, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 356, S. 1765.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. BAKER. Mr. President, as I indicated earlier, I now send to the desk a cloture motion and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1765, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

Howard Baker, Ted Stevens, Strom Thurmond, James Abdnor, Frank Murkowski, Jesse Helms, Mack Mattingly, Alan Simpson, Jake Garn, Barry Goldwater, James A. McClure, Alfonse D'Amato, John Tower, John P. East, Roger W. Jepsen, Pete V. Domenici, Jeremiah Denton, Steve Symms, Dan Quayle, Warren Rudman, Slade Gorton, Paul Trible, Bob Dole, and Bob Kasten.

UNANIMOUS-CONSENT AGREEMENT—S. 1765

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I intend to vote for cloture. I would try to contemplate a situation which might arise, and the majority leader may want to take action now to preempt that situation. In the event cloture is invoked—as I say, I am going to vote for cloture and hope it is invoked—then, under the rule, no other business could be disposed of until the completion of action on that measure.

It might very well be that there would be a situation in which the majority leader would want very much, if it involves an emergency concerning our men in Lebanon, to temporarily get away from the death penalty bill.

I would be willing to take it on myself to give the majority leader consent now to go off the death penalty bill in that kind of circumstance only, during that week. I think that in the interest of our national security, the majority leader should have that privilege, to go off the death penalty bill for that one exception only.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BAKER. Mr. President, that is a very pertinent and relevant suggestion. Otherwise, there would be no choice except to try to force a vote on final passage, in order to be released from the provisions of rule XXII, which would be unfair to all parties concerned. There would be no alternative if there were truly an emergency measure.

I would very much like to do that; and if the minority leader is prepared for me to do so, I will propound a unanimous-consent request at this time.

Mr. BYRD. I am willing to do that, and I believe that my colleagues on this side, under the circumstances, would not dispose of it.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that if closure is invoked on the pending measure, notwithstanding the provisions of rule XXII, after consulting with the minority leader, the majority leader be authorized to temporarily lay aside this measure and proceed to the consideration of any emergency measure dealing with the deployment of our troops in Lebanon.

Mr. LEVIN. Mr. President, reserving the right to object, and I do not object, I fully concur.

I presume that nothing in that request modifies the stated intention of the majority leader relevant to the death penalty bill coming up after that.

Mr. BAKER. No, it does not.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I thank the Senator from Michigan for not objecting, and I particularly thank the minority leader for making that very responsible and much appreciated suggestion.

Mr. President, I think the better part of discretion is for the Senate to go out now. It is 7:16.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEBANON

Mr. BAKER. Mr. President, I have one other matter.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the President of the United States, dated today, dealing with the situation in Lebanon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

The bloodshed we have witnessed in Lebanon over the last several days only demonstrates once again the length to which the forces of violence and intimidation are prepared to go to prevent a peaceful reconciliation process from taking place. If a moderate government is overthrown because it had the courage to turn in the direction of peace, what hope can there be that other moderates in the region will risk committing themselves to a similar course? Yielding to violence and terrorism today may seem to provide temporary relief, but such a course is sure to lead to a more dangerous and less manageable future crisis. Even before the latest outbreak of violence, we had been considering ways of reconcentrating our forces and the nature of our support in order to take the initiative away from the terrorists. Far from deterring us from this course, recent events only confirm the importance of the decisive new steps I want to outline for you now. Thus, after consultation with our MNF partners and President Gemayel and at his request, we are prepared to do the following:

First, to enhance the safety of American and other MNF personnel in Lebanon, I have authorized U.S. Naval forces, under the existing mandate of the MNF, to provide naval gun fire and air support against any units firing into greater Beirut from parts of Lebanon controlled by Syria, as well as against any units directly attacking American or MNF personnel and facilities. Those who conduct these attacks will no longer have sanctuary from which to bombard Beirut at will. We will stand firm to deter those who seek to influence Lebanon's future by intimidation.

Second, when the government of Lebanon is able to reconstitute itself into a broadly-based representative government, we will vigorously accelerate the training, equipping and support of the Lebanese armed forces, on whom the primary responsibility rests for maintaining stability in Lebanon. We will speed up delivery of equipment; we will improve the flow of information to help counter hostile bombardments; and we will intensify training in counter terrorism to help the Lebanese front, the terrorist threat that poses such a danger to Lebanon, to Americans in Lebanon, and indeed to peace in the Middle East.

Third, in conjunction with these steps, I have asked Secretary of Defense Weinberger to present to me a plan for redeployment of the Marines from Beirut Airport to their ships offshore. This redeployment will begin shortly and will proceed in stages. U.S. military personnel will remain on the ground in Lebanon for training and equipping the Lebanese Army and protecting the remaining personnel. These are conditional functions that U.S. personnel perform in many friendly countries. Our Naval and Marine forces offshore will stand ready, as before, to provide support for the protection of American and other MNF personnel in Lebanon and thereby help ensure security in the Beirut area as I have described.

These measures, I believe, will strengthen our ability to do the job we set out to do—and to sustain our efforts over the long term. They are consistent with the compromise joint resolution worked out last October with the Congress with respect to our participation in the multi-national force.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will be in at 11 a.m.

After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each: Senator DURENBERGER, Senator SASSER, and the distinguished minority leader, Senator ROBERT C. BYRD.

Mr. BYRD. Mr. President, I wonder if the majority leader would include a request that the time that has been provided for me may be transferred to Senator SASSER, in the event I am off the floor.

Mr. BAKER. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. I further ask unanimous consent that after the execution of the special orders, there be a period for the transaction of routine morning business, not to extend past 12:30 p.m., in which Senators may speak for not more than 5 minutes each.

At the closing of the period for the transaction of routine morning business, the Senate will resume consideration of S. 1765, the death penalty bill.

Mr. President, it may very well be that amendments will be offered during debate tomorrow, and votes may be anticipated tomorrow.

The intention of the leadership on this side is to attempt to establish by unanimous consent a time certain for the vote on cloture, pursuant to the motion filed today, late in the day on Thursday, the day after tomorrow.

Mr. President, I know of no other matter to bring to the attention of the Senate.

RECESS TO 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to; and at 7:19 p.m., the Senate recessed until tomorrow, Wednesday, February 8, 1984, at 11 a.m.

EXTENSIONS OF REMARKS

LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. PETRI. Mr. Speaker, excellence in education has become a major concern here in Congress and throughout America. Today, I am introducing legislation that would address this concern by seeking to improve the leadership abilities of school principals and other administrative personnel.

Four years ago, the Education and Labor Committee, on which I serve, received testimony from Dr. Ronald Edmonds, senior assistant to the chancellor for instruction of the New York City Public Schools. Dr. Edmonds told of his research showing that the single most important key to good schools is, in his words, "the style of leadership of the principal." When the renewed interest about excellence in education cropped up last year, I remembered Dr. Edmonds' advice.

In the past 4 years, an accumulating body of research has proved the importance of principal leadership for education quality. Two recent articles are especially instructive in this respect: JudithLittle's "The Effective Principal" in the August-September 1982 issue of American Education, and Michael Cohen's "Effective Schools: Accumulating Research Findings" in the January-February 1982 issue of the same magazine. Both authors cite extensive studies showing that good principals create good schools. The Blaney Institute, a public policy center in Wisconsin, recently concluded, "In order to upgrade the quality of leadership in public schools, society will have to change the way it trains its principals and superintendents." The time has come to implement this advice.

My new legislation would apply this advice by providing seed money to establish regional technical assistance centers to promote the development of the leadership skills of elementary and secondary school principals. One regional center would be created in each Federal region to serve the entire region. The center would be tied to a local university, and would draw on established expertise in both business administration and education.

The centers would become laboratories for training and research in effective school leadership. Seminars, internships, consultation, and a model administrative program would reach out to serve principals throughout the region—much like agricultural experiment stations reach out to serve the farmer. Efforts should focus on helping principals already at work and new principals entering the field. A wealth of information exists on good school leadership—drawn from business, government, and existing effective schools. That information should be made more readily available to all principals.

In addition to these regional centers, some money would be set aside for metropolitan training centers. These experimental metropolitan centers would be similar to the regional centers, but each would serve only an individual urban area. Hopefully, a few such metropolitan centers could serve as models for non-federally funded training centers in other urban areas.

All regional and metropolitan centers would be chosen on a competitive basis to insure that the best proposals are funded. The Federal funding provided by this legislation would be enough only to get these centers going on a 50/50 matching basis for 3 years. Once they prove their worth, public and private funding from the region served should be able to keep them going. In this way, initial seed money will yield a continuing harvest of better schools.

Everyone is talking about excellence in education. This legislation is one step toward achieving that excellence in a cost-effective manner. Mr. CHAFEE is introducing parallel legislation in the Senate. Good administrative leadership is a key to good schools. I invite all my colleagues to join Mr. GOODLING as cosponsors of this bill to improve school leadership. The full text of the bill follows:

H.R. 4775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; PURPOSE

SECTION 1. (a) This Act may be cited as the "Leadership in Educational Administration Development Act of 1984".

(b) It is the purpose of this Act to improve the level of student achievement in elementary and secondary schools through the enhancement of the leadership skills of school administrators by—

(1) establishing regional technical assistance centers to promote the development of the leadership skills of elementary and secondary school administrators; and

(2) establishing a program to assist local educational agencies in forming metropolitan training centers to promote such development.

(c) It is the intention of Congress that contractors seeking to establish technical assistance and training centers should design programs which upgrade the skills of elementary and secondary school administrators in—

(1) enhancing the schoolwide learning environment by assessing the school climate, setting clear goals for improvement, and devising strategies for completing manageable projects with measurable objectives;

(2) evaluating the school curriculum in order to assess its effectiveness in meeting academic goals;

(3) developing skills in instructional analysis to improve the quality of teaching through classroom observation and supervision;

(4) mastering and implementing objective techniques for evaluating teacher performance; and

(5) improving communication, problem-solving, student discipline, time-management, and budgetary skills.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 1985 and each of the five succeeding fiscal years.

(b) Of the amount appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall first make available such amount, not to exceed $1,500,000 per region, as may be necessary for establishing and operating a regional technical assistance center in each Federal region under section 3 of this Act. The remainder of such appropriated amount shall be available for carrying out section 4 of this Act.

REGIONAL TECHNICAL ASSISTANCE CENTERS

SEC. 3. (a) The Secretary shall, subject to the availability of funds pursuant to section 2, enter into a contract with an institution of higher education (or consortium of such institutions) in each Federal region for the establishment and operation of a regional technical assistance center in accordance with the requirements of this section and section 5. The contractor may associate with a private management agency for performance of such contract.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the technical assistance center available to school administrators from any of the local educational agencies located within the Federal region served by that contractor;

(2) to collect information on school leadership skills;

(3) to assess the leadership skills of individual participants based on established effective leadership criteria;

(4) to conduct training programs on leadership skills for new school administrators and to conduct training seminars on leadership skills for practicing school administrators, with particular emphasis on women and minority administrators;

(5) to operate consulting programs to provide within school districts advice and guidance on leadership skills;

(6) to maintain training curricula and materials on leadership skills drawing on ex-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

pertise in business, academia, civilian and military governmental agencies, and existing effective schools;

(7) to conduct programs which—

(A) make available executives from business, scholars from various institutions of higher education, and practicing school administrators; and

(B) offer internships in business, industry, and effective school districts to school administrators,

for the purpose of promoting improved leadership skills of such administrators;

(8) to disseminate information on leadership skills associated with effective schools; and

(9) to establish model administrator projects.

(c) In making a selection among applicants for any contract under this section, the Secretary shall take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(1) emphasize development of leadership skills identified by graduate schools of management and graduate schools of education; and

(2) assure the provision of assistance to school administrators from local educational agencies in which the number of pupils in the average daily attendance is less than 2,500.

METROPOLITAN TRAINING CENTERS

SEC. 4. (a)(1) The Secretary shall, subject to the availability of funds pursuant to section 2, enter into contracts with local educational agencies, intermediate school districts, State educational agencies, institutions of higher education, private management organizations, or non-profit organizations (or consortium of such entities) for the establishment and operation of training centers in eligible local educational agencies in accordance with the requirements of this section and section 5.

(2) For purposes of paragraph (1), the term "eligible local educational agency" means any local educational agency all or any part of which is located within a standard metropolitan statistical area with a population of 250,000 or more.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the training center available on an equitable basis, taking into account the contribution of the various local educational agencies to the cost of the center, to school administrators from each of the local educational agencies located, in part or in whole, within the standard metropolitan statistical area served by that contractor;

(2) to perform the same functions as are required of contractors pursuant to paragraphs (2) through (8) of section 3(b); and

(3) to take such actions as may be necessary to coordinate the contractor's operations with the regional technical assistance center for that contractor's Federal region for the purpose of sharing resources and avoiding duplication of services.

(c) In making a selection among applicants for any contract under this section, the Secretary shall—

(1) accept only the applications which demonstrate the existence of a prior agreement, among local educational agencies with more than one-half of the pupils in average daily attendance within the standard metropolitan statistical area to be served by the training center, to utilize the center;

(2) take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(A) emphasize the provision of assistance to school administrators from local educational agencies in which the number of pupils in average daily attendance is more than 2,500; and

(B) give preference, in the provision of such assistance, to consortia of local educational agencies.

GENERAL CRITERIA FOR CONTRACTS

SEC. 5. (a) The following conditions shall apply to each contract under sections 3 and 4:

(1) The contract shall assure the involvement of private sector managers and executives in the conduct of such programs.

(2) The contract shall contain assurances of an ongoing organizational commitment to carrying out the purposes of this Act through (A) obtaining matching funds for such programs at least equal in amount to the amount of funds provided under this Act, (B) making inkind contributions to such programs, (C) demonstrating a commitment to continue to operate such programs after expiration of funding under this Act, and (D) organizing a policy advisory committee including (but not limited to) representatives from business, private foundations, and local and State educational agencies.

(3) The contract shall demonstrate the level of development of human relations skills which its programs will instill by (A) identifying the credentials of the staff responsible for such development; (B) describing the manner in which such skills will be developed; and (C) describing the manner in which the program deals with human relations issues facing education administrators.

(4) The contract shall establish a system for the evaluation of the programs conducted.

(b) Each contract under sections 3 and 4 shall be for a term of three years, subject to the availability of funds pursuant to section 2. Such contract shall not be renewable, except that a single three-year extension may be granted if the contractor agrees to maintain the programs with assistance under this Act reduced by one-half.

REGULATIONS

SEC. 6. The Secretary is authorized to prescribe such regulations as may be necessary to carry out this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Education;

(2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965;

(3) the term "Federal region" means a Federal region as established under Circular A-105 prescribed by the Director of the Office of Management and Budget, or a successor thereto;

(4) the term "school administrator" means a principal, assistant principal, district superintendent, and other local school administrators;

(5) the term "local educational agency" has the meaning provided by section 595 of the Omnibus Budget Reconciliation Act of 1981; and

(6) the term "leadership skills" includes, but is not limited to, managerial, administrative, evaluative, communication and disciplinary skills and related techniques.●

OUR HOME THE CHESAPEAKE BAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. DYSON. Mr. Speaker, on the occasion of the 350th anniversary of the founding of the State of Maryland, the people of our great State are expressing their pride in many ways. Many of the most noteworthy contributions have come from schoolchildren. One such contribution is the winning essay from the Pocomoke High School essay contest of this year. It is a fine piece worthy of attention. The author, Ms. Kelly Morris, chose as her topic, the Chesapeake Bay, our precious resource which finds itself increasingly a victim of pollution. Ms. Morris' essay, a timely message calling for improved management of the bay, is entitled: "Our Home the Chesapeake Bay." I would like to share her piece with you today.

OUR HOME THE CHESAPEAKE BAY

(By Kelly Morris)

Our Chesapeake Bay began 20,000 years ago when the Susquehanna River finished carving the valley that our bay would one day occupy. Our bay is 200 miles long and ranges in width from 4 miles to 40 miles.

Each year the water becomes more polluted; and the fish, crabs, oysters, and other living organisms die by the thousands. Pollution that kills these organisms results from the cooling of nuclear power plants such as Calvert Cliffs, disposal of industrial wastes into the bay, and agricultural runoff. If natural resources are to stay alive, we need to care for our bay.

Aside from pollution, our bay still has much to offer. We use the bay as an avenue for shipping goods to and from other countries, and we use it as a training ground for the military such as Bloodsworth Island near Annapolis. We also use the bay as a recreational facility for swimming, fishing, sailing or boating. An example is Sandy Point State Park.

We should identify the uses of the bay that we want to conserve and the characteristics of the bay on which those uses depend. Then we should attempt to develop effective management strategies to keep the bay alive. Man is the only one who can plan the bay's future.●

CUSHING HOSPITAL

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. SHANNON. Mr. Speaker, Cushing Hospital in Framingham, Mass., first opened its doors in 1943, a U.S. Army hospital built to treat servicemen wounded in World War II. After the war, Cushing Hospital continued to symbolize the ideal of public service as a Veterans' Administration hospi-

tal, while maintaining its standard of medical excellence. When, in 1955, the Commonwealth of Massachusetts took over the hospital's administration with the idea of concentrating on geriatrics, a new chapter in public service began.

This new Cushing Hospital set out to provide the elderly with the best possible health care. It has remained dedicated to that goal over the years even in the face of unforeseeable challenges posed by today's world. Skyrocketing health costs and inadequate facilities to care for a fast-growing elderly population have conspired to make the goal of proper care that much more difficult. Cushing Hospital, as a public facility, has treated many patients unable to afford to go elsewhere. New technologies have opened the possibilities for longer life without addressing the question of quality of life for the elderly: At Cushing, improving the quality of life for patients becomes an integral part of comprehensive health care.

Cushing's caring staff, bright environment, connections to community organizations, and inhouse resources help the elderly pursue their interests and contribute to the community despite their medical difficulties.

The elderly comprise a higher percentage of America's population than ever before, and the percentage is growing. Right now, many elderly have no access to adequate health care, and have lost their links to the community. I hope more health care facilities will turn to the model set by Cushing Hospital, with its emphasis on improved quality of life, and I hope that Cushing's plans to reach even more elderly citizens through a network of community organizations will meet with the success that the hospital has had throughout its history of public service.●

VOLUNTARY NATIONAL SERVICE PROGRAM

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, I commend to the attention of my colleagues, an article by Matthew Cossolotto on "The Draft, National Service, and the Solomon Amendment," which appeared in the January 4, 1984 Chronicle of Higher Education. Mr. Cossolotto's article challenges us to turn our attention to the larger issue at stake in the debate over the Solomon amendment—the need to reexamine the programs that affect our draft age Americans. His proposals for a voluntary national service program should serve as a useful guideline for future national debate.

The article follows:

[From the Chronicle of Higher Education, Jan. 4, 1984]

THE DRAFT, NATIONAL SERVICE, AND THE SOLOMON AMENDMENT

There has been a great hue and cry about the so-called Solomon amendment, which denies federal aid to students legally required to register for the draft who fail to show evidence of having done so.

A variety of objections have been raised against this common-sense law, offered originally last year by Rep. Gerald B. H. Solomon, Republican of New York, as an amendment to the Defense Authorization Act. Opponents contend that withholding student aid from registration resisters (you can't technically call them draft resisters since there is no draft) constitutes unwarranted federal intrusion in academe, that such action discriminates against less-affluent male college student by singling them out for punishment, and that the practical difficulties of enforcing the law impose under hardship on college campuses. The Supreme Court has agreed to review a challenge to the law, and is likely to rule in the next few months.

But federal intrusion isn't, a priori, a bad thing. When the federal government intrudes on campuses to enforce civil-rights or anti-sex-discrimination laws, only a few raise objections. And I'm not sure it's so bad to require an already privileged group of college students to register for a possible future draft in exchange for receiving federal education assistance. As for the practical problems of enforcing the law on the campuses, the regulations implementing the Solomon provision do not seem to require an extraordinary effort on the part of financial-aid administrators. In view of the confusion in the Congress and the courts about the new law, however, delaying the October 1 effective date could have helped to ease the strain.

Another line of reasoning opposed to Solomon appeared in August on the opinion page of the Christian Science Monitor. The article suggested that the Solomon amendment represents "a significant threat to academic freedom broadly construed" because it "will have the effect of allocating educational opportunity on the basis of political belief."

This is a curious argument. While it is, of course, arguable that the decision of some to resist registration can be described as a political belief, that belief surely loses much of its force considering we are now at peace, and there is no military conscription in place or even contemplated except for a national emergency. The mere granting of a political motive to registration resisters does not settle the argument. The real question is whether taxpayers are obligated to subsidize the college education of people who violate the law by failing to register.

The Solomon amendment says, in effect, that taxpayers have no such obligation. It would certainly be unreasonable to expect taxpayers to support students who refuse to register for a future draft—by any measure a minimal and unobtrusive step, which a majority in Congress agreed was necessary for our national security.

There are admittedly differing views on whether registration is, indeed, necessary for national security; but that debate has been settled. Draft registration is the law of the land.

Making financial assistance contingent on registering is a far cry from denying admission to college to people on the basis of political persuasion. Registration resisters are free to apply to and attend any college, although they could face prosecution for violating the registration law. The Solomon amendment simply says that taxpayers should not be asked to pay for the college training of those who defy the law.

What is missing in the debate about the amendment and the broader draft-registration issue is a discussion about what kind of service young people may be required to perform. Proponents of peacetime draft registration argue that it is needed to meet military manpower requirements in the event of a general mobilization. As such, registration does nothing to insure the continued viability of the all-volunteer army.

Right now, due primarily to the economic recession, recruitment and retention in the armed forces are adequate. But what will happen if the economy enjoys a sustained recovery and civilian job opportunities begin to open up? The military may again face serious difficulty in attracting young people to serve.

In the next year or two, demographic factors may conspire with a reviving economy to make the all-volunteer military an increasingly untenable proposition. In 1981 over four million Americans turned 18. By 1985 the number in that age group will decline to just over three and half million.

As the economy picks up and recruitment tapers off, there will again be calls for a return to peacetime conscription. But those calling for a peacetime draft ignore both our strong tradition against mandatory service and the fact that the military will not need simply more bodies; it will need people with the right qualifications.

The registration and student-assistance debate should be expanded to include broader questions related to national-service options. Last November, however, the House of Representatives defeated a bill to establish a short-term Commission on Voluntary Service Opportunities. By a vote of 179 to 245, the House effectively derailed this legislative attempt to stimulate a national debate about existing service opportunities and various national-service proposals.

The fact is, our government has yet to give coherent attention to the patchwork of existing programs affecting draft-age Americans. Financial aid to students, job-training programs, military recruitment, and various civilian voluntary-service programs all interact, each pulling draft-age young people in one direction and away from another. We need a forward-looking national debate on those often conflicting programs to see if they can be pulled together into a coherent whole.

My own preference is for a voluntary national service program that would reduce federal subsidies to those who do not serve, provide certain benefits only to those who do serve, and emphasize the predominant importance of military service while providing expanded opportunities and rewards for those who serve in other capacities.

Under such a program we might.

Re-establish the old GI Bill, providing for full college benefits in exchange for two years of military service.

Replace all existing federal student-aid progrms with a "national service" loan program. Only those who had completed one year of non-military service would be eligible for a below-market-rate loan to cover college expenses.

Replace public-service jobs and job-training programs with direct subsidies or vouchers to employers hiring someone who has

completed at least one year of national service.

Establish a call-up order for a future draft that gives deferment priorities to those who have completed some from of service. No exemptions or deferments would be available to those who have not served. This step might encourage higher-income young people, who are indifferent to financial inducements, to participate in the national-service program.

There would also have to be a structure for certifying and implementing civilian-service programs in such areas as conservation, human services, and education both at home and abroad. The key principle should be decentralization, with local boards established to certify programs.

Private citizens and business should be encouraged to make tax-exempt contributions to finance national-service projects.

While opponents of the Solomon amendment may object to some parts of my proposal, there is nonetheless an imperative need to examine voluntary-service options before we find ourselves again contemplating a peacetime draft, with a few available alternative available to us.●

BLACK HISTORY MONTH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. RODINO. Mr. Speaker, it is a privilege for me to join again in this observance of Black History Month. I am especially proud of the celebrations planned by my State, New Jersey, and my city, Newark. Governor Kean has signed a proclamation recognizing the diamond-jubilee anniversary of the NAACP, and both he and Mayor Gibson have officially proclaimed February as Black History Month. I want to include in the CONGRESSIONAL RECORD immediately following my remarks an article from the January 29, 1984, Newark Star-Ledger that discusses the many activities in New Jersey planned to dramatize the rich contributions of blacks to American culture and history—contributions in art, literature, music, religion, science, government, the military, business, and entertainment.

I believe that 1983 was a milestone in some respects in the chronicles of blacks in America. But it was a year, also, in which we had to continue to resist the forces of reaction who would turn back the clock on civil rights.

Among the memorable events was the rally of hundreds of thousands of us in Washington last August to pay homage to Dr. Martin Luther King, Jr. We gathered to commemorate that day 20 years previous when Dr. King led us in a historic congregation, the day on which he made our country's spirits soar with his dream of what America could be.

I was privileged to take part both in that original rally when Dr. King set America on his "sunlit path of racial justice" and in the restatement two decades later of our commitment to the causes that consumed him: equal justice, equal opportunity, human rights. The latter rally demonstrated beyond doubt that the spirit of Dr. King lives on. They shot down the man, but they could not shoot down his dream, a dream that was stronger than life and more powerful than death.

Mr. Speaker, 1983 was also historic because, after a decade of struggle, we succeeded in having the Congress declare the birthday of Dr. King a national holiday to be celebrated on the third Monday of January. As an original sponsor of legislation to so honor this man, I am gratified that our long endeavor has achieved success and that all of us will have one special day to rededicate ourselves to the principles of social, political, and economic justice for all.

That such rededication will be vital to continued progress is evident. Reagan administration action and inaction in civil rights and social justice forebode dark clouds on the horizon of Dr. King's sunlit path, a path on which we have had to labor merely to mark time.

So, while there has been progress on the path to justice and equality—thanks in no small measure to the immense contributions of blacks in American history—black history is not fully writ. New black leaders continue to arise to join those who are veterans of the movement determined to use the power of politics and public office as the way to equality.

"The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle," Frederick Douglass said. "If there is no struggle, there is no progress."

Mr. Speaker, those words still ring true today. We are indeed fortunate to have been deeply involved in successful battles for progressive legislation: the Civil Rights Act, the Voting Rights Act, the Fair Housing Act, nutrition and education programs, legal services, to name but a few. Today, many of these programs are under continuing attack. Earnest struggles lie ahead for us, struggles to protect our hard-won victories and struggles to resume the steady march toward equal opportunity in our society for all.

BLACK HISTORY MONTH WILL HERALD OUTPOURING OF FESTIVITIES IN JERSEY

(By Angela Jones)

Wednesday will officially mark the beginning of Black History Month festivities nationwide, and Jerseyans are busy polishing plans for the annual celebration.

This year will also commemorate the 75th anniversary of the NAACP, the nation's oldest civil rights organization, and will mark the first year of existence of the New Jersey Historical Commission.

Last fall, Gov. Thomas Kean signed a bill introduced by Assemblywoman Mildred Barry Garvin (D-Essex) that established the commission and appropriated $75,000 towards its efforts this year in studying the history of blacks in New Jersey.

Garvin noted that establishment of this official commission will add a special glimmer to this year's celebration in the Garden State.

"I'm really excited," she said. "This commission makes it a real valid Black History Month in New Jersey. "We're finding as we gather data that there are historical sites all over the state as far as blacks are concerned. I think the identification of these historic places will make people more involved and aware of our contribution."

Giles Wright, coordinator of ethnic history programs for the commission, explained that Black History Month was started as "Negro History Week" in 1926 by Carter G. Woodson, the country's first black historian.

Forty years later in 1976, The Washington, D.C.-based Association for the Study of Afro-American Life and History, founded by Woodson, officially extended the event from a week to a month and replaced the word "negro" with "black."

In commemoration of the historical occasion and the diamond-jubilee anniversary of its parent organization, NAACP chapters in New Jersey will be holding special Black History Month activities throughout the year, according to state NAACP President Irene Hill Smith.

"We have been left out of the history books," Smith said. "Any occasion we have to highlight the contributions of blacks should be taken."

Smith said recent landmark events like the crowning of the first black Miss America and Miss New Jersey, coupled with the advent of a major black presidential candidate, add to the excitement of Black History Month this year.

Pierre Hollingsworth, president of the Atlantic City Chapter of the NAACP, said his organization will hold a series of events to mark the occasion, including essay contests, poetry recitations and concerts.

The statewide chairman of the NAACP's voter registration drive, Hollingsworth said he also will use the month to begin signing up 61,000 unregistered black voters in the state.

Meanwhile, Kean is scheduled to sign two proclamations next Monday in Trenton recognizing the NAACP anniversary and officially declaring February Black History Month in the state, according to Beverly Fedorko, public events coordinator for the Governor.

East Orange Mayor Thomas H. Cooke Jr. will be the featured speaker in a black history program at the East Orange Public Library on Feb. 15, according to Anthony Wilson, public relations spokesman for the city.

In Newark, events during the month will be centered around the theme, "Deep Are Our Roots: A History of Black People in the City of Newark," reported Shirley Rutherford, Black History Month chairwoman and executive director of the city's Human Rights Commission.

On Wednesday during a City Hall ceremony, Newark Mayor Kenneth Gibson will sign a proclamation officially kicking off Black History Month activities in the city.

The celebration will feature a City Hall exhibit of historical material from the archives of the Newark Public Library dating back to the 18th Century, as well as pictures and artifacts from the collections of individ-

uals whose families are longtime residents of the city.

Gibson said the exhibit "holds a particular significance to our citizens."

"Blacks have lived and worked in Newark since at least the 1730s," the mayor said. "Perhaps one of our first black heroes was a slave named Cudjo, who fought in place of his master and was rewarded with freedom and property on High Street."

The mayor said he hopes the exhibit "will fill our residents, particularly our young people, with a new pride and awareness of the importance of Newark's black citizens."

At the Newark Museum, a Smithsonian Institution exhibit depicting the unsung contributions of black Americans to the history of aviation in this country will open Feb. 7 and run through March 4.

Entitled "Black Wings: The American Black Aviation," the display is being sponsored by the Port Authority of New York and New Jersey, the Federal Aviation Administration and the museum.

Henry Henderson, who last year was appointed the first black commissioner to the Port Authority, said it is important for both blacks and whites to recognize the contributions of blacks in this field.

"Although we have lived through the growth of aviation, many of us are still not aware of the important roles that blacks played," he said.

The celebration will bring to New Jersey the two eldest daughters of slain civil rights leaders Martin Luther King Jr. and Malcolm X. Yolanda King and Attallah Shabazz will make appearances as stars in a play entitled "Stepping Into Tomorrow," a musical comedy dealing with the struggles of growing into adulthood, at Monmouth College on Feb. 28, according to Jane Schoener, director of public information for the college. The performance is scheduled for 7:30 p.m. in Pollak Auditorium on the campus, located in West Long Beach.

"Each year, (celebration of) Black History Month on the campus seems to be growing," Schoener said. "It's something the whole college community and the public can participate in."

Newark Symphony Hall will feature the play on Feb. 29 at 10 a.m. Other activities to be featured at the Broad Street theatre during the month include a one-man performance based on the writings of poet and author Langston Hughes, a presentation by the Newark Dance Theatre and concerts by jazz artist Jimmy McGriff and the North Jersey Philharmonic Glee Club.

The YWCA of Newark and vicinity will feature a series of films, concerts and workshops for children and adults, according to Bernadette Kociolek, director of marketing and communications for the organization.

Included in the YWCA's events are a documentary film on the life of Dr. Martin Luther King Jr., a concert by the Arts High School Chorus and a magic show.

Actor-choreographer Geoffrey Holder will be the featured performer when Essex County College opens its Ninth Annual Black History celebration Wednesday. The 7 p.m. performance will be the first in a month-long series of guest appearances, concerts, lectures and exhibits at the school, located on High Street in Newark.

An all-day conference entitled "In that Great Gettin' Up Mornin': Religion in Afro-American, Haitian and Jamaican History" will highlight Black History Month activities at Rutgers University's Newark campus on Feb. 18.

The program will be held at the Robeson Campus Center, and will feature Dr. Vincent Harding of the Iliff School of Theology in Denver, Colo., who will deliver a lecture on "Black Religion and its Transformation of America."

Human Rights activist Dick Gregory will open Black History Month Activities for Rutgers University's New Brunswick area campuses on Feb. 1 at 8 p.m. when he delivers a lecture at the Busch Student Center in Piscataway.●

THE LAST OF THE MOHICANS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. CLAY. Mr. Speaker, I would like to bring to the attention of my colleagues an article that appeared in the Quad-City Times on June 26, 1983, regarding Mr. Charles W. Toney.

Mr. Toney, who lived for some years in my congressional district, recently retired from Deere & Co. as director of affirmative action with 42 years of service. Mr. Toney did not begin his duties at Deere & Co. in this position. He was initially hired as a foundry worker earning $17 a week.

As the result of his dedicated, hard, and sometimes seemingly unrewarding efforts to improve and advance minorities, the employment picture for this group was greatly improved with a large number of minorities advancing to higher positions.

The position that Mr. Toney held was one that required long hours and serious dedication on his part but he somehow found the time to also become one of the foremost civil rights activists in his area, which also resulted in many gains for minorities in many other areas of involvement.

I would like to commend and applaud this dedicated, concerned individual for a job well done. His efforts should serve as an inspiration to all, young and old alike, today. The article follows:

THE LAST OF THE MOHICANS

(By John Willard)

Charles W. Toney lifted the brass figure of a foundryman from the white brick fireplace of his home overlooking Oakwood Country Club.

The sculpture is one several gifts Toney received when he retired last month as director of affirmative action for Deere & Co. It depicts a muscular man pouring molten metal out of a ladle.

Toney himself started at Deere as a $17-a-week foundry worker and rose to become the company's highest ranking black. Working your way up from the bottom like that would be impossible today, Toney said, because that old foundryman's job doesn't exist anymore.

"Today, metal castings are poured by a computer. Muscular power is out," Toney said as he studied the miniature foundryman.

"I'm the last of the Mohicans."

Toney says minorities who get ahead in businesses today will be those who can master the new technology. Education, especially in the fields of accounting and engineering, is the key. "We used to see many minorities going into the social sciences, but I feel we lost ground. You can hire only so many social workers.

"And black studies was fashionable for a while. Young people majoring in black studies had good motives, but there's no such thing as black arithmetic or black accounting."

Toney stressed the importance of science and accounting curriculums to the young blacks he met while working as Deere's affirmative action chief. When he started in the position 15 years ago, there were two black engineers in the entire corporation.

Backed by a company fully committed to increasing opportunities for women and minorities, Toney went searching for minority talent on college campuses. He scoured Deere's own ranks for promising minority workers.

Toney said blacks can be found in all areas of the corporation today. There are between 30 and 40 black engineers, two black lawyers, and 50 to 60 black first line supervisors. The company also has a black plant manager, something unheard of not long ago in the agricultural implement industry.

"I feel confident and happy that minorities are advancing. There's no doubt in my mind that Deere will have a black vice president very soon" he said.

Toney said black progress at the executive level has been slow because blacks were denied opportunities for so long. "Whites have had the advantage of attending the best schools, but now blacks are graduating with M.B.A. degrees," he said.

Another barrier, Toney said, has been management's reluctance to let blacks prove themselves.

"A good manager has to give us the same opportunity to fail as he would give to whites. All too often, everybody keeps waiting for that super black to come along."

Toney could fit the definition of a super black. A one-time magazine publisher, star athlete and the first black welder in the Quad-Cities, Toney has been breaking racial barriers all of his life.

He was born in La Crosse, Wis., and raised by his mother in Clinton, Iowa, where he excelled in sports at Clinton High School.

Despite his athletic feats, Toney wasn't allowed in Clinton's public swimming pool. The humiliating experience sparked his interest in civil rights.

Although his mother kept telling him that blacks weren't making it in industry, Toney decided to pursue a chemical engineering major at St. Ambrose College. The Depression interrupted his studies and he ended up working as a $9-a-week elevator operator in St. Louis's notorious "Hell's Half-Acre" ghetto.

After hearing that Deere was hiring, Toney returned to the Quad-Cities in 1936 and began his 42-year career with the company.

Toney took time out to work for noted civil rights activist A. Phillip Randolph in Washington, D.C. He also tried his hand at magazine publishing.

Toney and his wife, Ann, brought out their first issue of "Sepia Record" in 1944. The slick-paper magazine, featuring stories of black achievers in the Quad-Cities, predated the widely known black-achievement oriented "Ebony" by two years. "Sepia Record" folded after two issues because of lack of advertising revenue.

But Toney and Ann continued making racial breakthroughs. They won the first civil rights suit ever filed in Iowa after being refused service in a Davenport ice cream parlor.

Toney participated in a study of racial discrimination in Davenport. The survey, taken during the early 1950s by the League for Social Justice, revealed no black teachers in the city, no black firemen, no black policemen. Of 10,000 workers employed at 18 of the city's largest concerns, fewer than 175 were black.

Toney chuckled at a visitor's amazement of such facts while relaxing at his brick and cedar-ranch home in Coal Valley. He built it five years ago to be close to golfing, his favorite hobby.

With its ivory carpeting, damask-covered sofas and beamed ceilings, the home is a handsome and comfortable refuge for a man of achievement.

But Toney has no plans to spend his retirement just relaxing Teaching and consulting work are among the options he is considering.

Another task facing Toney is mastering the use of another retirement gift, a home computer. His 10-year-old grandson, a computer whiz, will be his teacher.●

RESOLUTIONS ADOPTED BY THE KNIGHTS OF COLUMBUS SUPREME COUNCIL

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. DYSON. Mr. Speaker, I rise today as a proud member of the Knights of Columbus to share with you and the rest of my colleagues several resolutions adopted by the Knights of Columbus Supreme Council in Columbus, Ohio. I am proud of the accomplishments of the K. of C., and offer these resolutions for review by the House.

KNIGHTS OF COLUMBUS,
New Haven, Conn., September 19, 1983.

Hon. ROY P. DYSON,
House Office Building,
Washington, D.C. 20515

DEAR REPRESENTATIVE DYSON: The Knights of Columbus Supreme Council, the governing body of our society, at meeting held in Columbus, Ohio, August 2-3-4, 1983, adopted resolutions pertaining to the founding principles of our nation as they pertain to religious freedom, support of life from conception to natural death, pornography in the media and tuition tax credit. Copies of these resolutions are attached for your information. Each is self-explanatory and the Knights of Columbus seek your support in enactment and enforcement of federal legislation compatible with the ideals expressed in these resolutions.

Sincerely yours,

HOWARD E. MURPHY,
Supreme Secretary.

Enclosures.

RESOLUTIONS ADOPTED BY THE KNIGHTS OF COLUMBUS SUPREME COUNCIL AT MEETING HELD IN COLUMBUS, OHIO, AUGUST 2-3-4, 1983

RESOLUTION NO. 1

Resolved, That we, as Knights of Columbus, take every opportunity to remind our Congressional representatives and Supreme Court Justices of the necessity to uphold the founding principles of our Nation, and

Resolved, That all councils and assemblies be requested to petition immediately the Supreme Court and the Congress to reaffirm unequivocably that the First Amendment to our Constitution forbids separation of Church and State, since separation would violate the founding concept of Christian neutrality in that "Congress shall make no law prohibiting the free exercise of religion" and further reminding them that our Constitution mandates freedom FOR religion, rather than freedom FROM religion, and further that it is their sworn and solemn duty to uphold and defend the Constitution.

RESOLUTION NO. 2

Whereas, Fundamental rights established in all countries where the Order exists guarantee that each person is created with certain equal and inalienable rights including the right to life, and

Whereas, Because science has been unable to prove just when human life begins, reason dictates the conclusion that it begins at conception, and

Whereas, The United States Supreme Court, on January 22, 1973, swept aside state laws prohibiting abortion on demand and consigned to death millions of children yet unborn, said opinion being reaffirmed by the Court on June 15, 1983,

Whereas, the Court usurped the traditional power of each state to prohibit abortion and protect the innocent life of defenseless unborn children, thus promulgating in effect a so-called right to abortion that appears nowhere in the Constitution.

Resolved, That we, as Knights of Columbus, express our profound dissappointment at the Court's decisions, stress our continued support for life from conception to natural death, commend President Reagan for his staunch pro-life stand, call upon our duly elected representatives, to restore to the people the basic liberties that the Court has eroded, including legal protection to the unborn and to those who are unable to care for themselves.

Further resolved, That we continue to support efforts to defend human life, to implement natural family planning and to participate in ongoing activities to preserve traditional family values throughout the world.

RESOLUTION NO. 3

Whereas, the Knights of Columbus have been most active in the fight against pornography both in its printed and visual forms because such materials attack the values of the family, the soul of our society and, unless pornography is successfully eradicated, it will continue its decaying, corruptive effect on our civilization as a whole, and

Whereas, in the United States of America the President has formed a White House Working Group on Pornography to provide impetus to the ongoing fight against this evil,

Resolved, That we commend the efforts of Morality in Media, Inc. to eradicate pornography and urge all state and subordinate councils in the United States to join Morality in Media, those in Canada to join Canadians for Decency and those in Mexico to join the Alianza por la Defensa de la Familia, and thus actively support the campaign against pornography; and

Further resolved, That we commend President Reagan on the establishment of the White House Working Group on Pornography and express our support for his continued efforts to have the existing laws concerning pornography strictly enforced, and

Further resolved, That we urge the legislative bodies in each of our countries to enact strong legislation prohibiting the showing of pornographic programming on cable television.

RESOLUTION NO. 4

Whereas, all persons under our democratic system of government are guaranteed free exercise of certain inalienable rights including the precious right of parents to educate their children in the school of their choice,

Whereas, the President of the United States caused legislation to be drafted to grant a tuition tax credit to parents who send their children to non-public schools, and considered this bill of such priority that he transmitted it to both houses of Congress as the first matter of business after the budget,

Whereas, the Supreme Knight has been instrumental in forming a coalition of Catholic organizations in cooperation with the United States Catholic Conference, to include the Knights of Columbus, the Catholic Daughters of the Americas, Citizens for Educational Freedom, Daughters of Isabella, National Catholic Educational Association, and the National Council of Catholic Women to engender grass roots support for this legislation,

Resolved, That we wholeheartedly endorse and support the efforts of the Supreme Knight and this coalition to gain enactment of the tuition tax credit bill known as "The Educational Opportunity and Equity Act of 1983" during this session of Congress.

Further resolved, that each Knight, individually, let his and his family's support for this legislation be known by communications with his United States Senators and Representative, and

Further resolved, That the Supreme Secretary send a copy of this resolution to President Reagan and each of the members of Congress to express our commendation to those who support this educational equity proposal and seeking earnest consideration from those who have not expressed their support.●

THE BUDGET THAT WASN'T

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. WIRTH. Mr. Speaker, over the past 2 years, the House and the other body have repeatedly proposed to the President that we begin serious negotiations to reduce the massive budget deficits which threaten the Nation's economic recovery. Last year's budget resolution included language, proposed by the House, calling on the President to name representatives to a bipartisan panel to craft a real, long-term deficit reduction plan. We got no response. Senator DOLE made a similar

proposal to the President from the other body. He got no response.

While we welcome the President's offer to negotiate—finally—in his state of the Union address, the budget he has just proposed thoroughly undermines any faith any of us may have had in his seriousness in making that offer. I commend to my colleagues' attention the following editorial from the Washington Post of February 5:

THE BUDGET THAT WASN'T

The more carefully you look at President Reagan's budget performance, the more peculiar it gets. He has sent to Congress a budget that neither he nor anyone in his administration is willing to support. His budget director acknowledges fundamental inconsistencies, and his economic adviser assures Congress that it has no relationship to the administration's purposes: "The budget is not what we want to see happen . . ."

What do they want? A smaller deficit, they say. How? Here you get suggestions of spending cuts, unspecified. But the budget director, David Stockman, told Fortune Magazine a few weeks ago that there will be no more large spending cuts—and he is certainly right as long as defense remains untouchable. You notice that this budget itself contains no significant spending cuts. The economic adviser, Martin Feldstein, hints that there will obviously have to be a big tax increase after the election. But Mr. Feldstein is leaving that job in a few months, and there is no reason to think that he is speaking for the president.

The White House spokesman heatedly says the president reaffirms the figures as printed in the budget. But which figures? Some assume that the deficit will decline. Others say that it won't. In fact, the president is refusing to make the basic choice. Mr. Stockman incautiously suggests that the White House is waiting to hear the voice of the people in November. But suppose Mr. Reagan wins, and concludes that the voters want neither spending cuts nor tax increases. What then? The administration grins and shrugs.

Mr. Reagan says that he wants Congress to negotiate with him. His secretary of the Treasury, always a reliable indicator of political currents at the White House, chides the Democrats for not responding immediately. But what are they to negotiate on? A budget that the administration has already disavowed?

Mr. Reagan is not doing a president's job. Under American law and customs, the initiative comes from the president. The American government does not work well when the president refuses to lead.

Mr. Reagan has given no one in Congress much reason to believe that he is ready to negotiate in good faith. If he were really looking for a way to begin reducing the deficit and wanted a congressional proposal, he could seize the combination of spending cuts and tax increases drafted by Sen. Robert Dole, who has shown more courage and candor on the budget than all the administration's various quarreling factions put together. Several times over the past year Sen. Dole has called for just such negotiations between the White House and congressional leaders; the White House never responded.

Given that experience, it's hardly unreasonable for Democrats to fear that negotiations now would be merely a trap. They assume that if they were to make any serious proposal, Mr. Reagan would spring up from the table and bound around the country brandishing it as evidence that the Democrats want to raise your taxes and weaken the national defense.

But perhaps Mr. Reagan has had a true change of heart since Sen. Dole's last unanswered invitation. Perhaps he really does want genuine negotiations now with Congress. If that is the case, those negotiations will have to start with a presidential proposal and a presidential position. Mr. Reagan will have to come up with a presidential budget that he is prepared to stand behind. On the central issue of American domestic policy, he will have to start behaving like a president.●

WHOSE CHOICE?

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. VENTO. Mr. Speaker, the President of the United States gave new meaning to the term "freedom of choice" on national television a few days ago.

He said:

What we have found in this country, and maybe we're more aware of it now, is the people who are sleeping on the grates, the homeless who are homeless, you might say, by choice.

By choice?

If the President really believes that people who live on the street, sleep on heating grates and park benches, freeze their feet and their fingers, and die of hypothermia are exercising their freedom of choice—then he better think again.

Choice implies a right or privilege to choose freely. You have free choice only if you are not imprisoned by the circumstances of your existence. The homeless have no power, no options.

When a man stands on the ledge of an 18-story building and threatens to jump, would the President say the man is exercising his freedom of choice?

It is a quicker death to jump, but homelessness is the same kind of fall—it just takes longer.

When someone is too sick, too confused and too disoriented to go to a shelter for the night, it does not mean that the person is homeless by choice.

Surely the President does not believe homeless people choose to be unemployed, choose to be unable to find housing, choose to be mentally ill, choose to be alcohol- and drug-dependent, choose to be ruled ineligible for disability assistance. What kind of choices are these?

The homeless do not have the ability to choose because of the weight of extenuating circumstances. They are victims of conditions beyond their control. But not beyond the control of the President. In fact, the Reagan administration's social policies are directly linked to the miserable plight of the homeless. Instead of offering them a helping hand, the President has offered them a slap in the face.

Under the Reagan administration's policies, the homeless cannot even pull themselves up by the proverbial bootstraps—because they do not have any boots.

Last week, the Housing and Community Development Subcommittee held a 9-hour hearing in a shelter for homeless people operated by the Community for Creative Nonviolence in Washington, D.C. The shelter, a barely habitable abandoned building owned by the General Services Administration, is located just a few blocks from Capitol Hill and only 2 miles from the White House.

Thirty-seven witnesses—big and small city mayors, the Governor of New York, representatives from charitable and religious organizations, volunteers, and homeless people themselves—told the subcommittee in no uncertain terms why there are so many homeless people today, and why there is not enough being done to help them.

The answers we heard were a horrifying indictment of the Reagan leadership.

From the testimony and the subcommittee's continuing work, it is evident that there is a clear relationship between the Reagan administration policies—cutting housing assistance, cutting nutrition and food programs, cutting social spending, cutting hundreds of thousands of people off social security disability—and the increased homeless population on the streets and grates of America.

Record unemployment and the country's worst economic slump since the 1930's fell hardest on those already on the margins of society—especially, the poor, the young, and minorities. In New York City, the average age of new applicants to public shelters is 34; 7 percent are under 21. In other cities, the average age of single homeless or sheltered populations is under 40.

Across the country existing shelters are being stretched to the breaking point. Each night they turn away homeless people because all the cots or floorspace is taken.

Reagan administration budget cuts have diminished the supply of low-cost housing. More units of low-rent dwellings are lost each year through abandonment, arson, demolition or conversion. Under the Reagan administration we have not yet had a decent low-income housing program. The reality of Reagan's housing assistance cuts has caught up with our society.

Many of the people living on the street today are former patients who were released from public mental hospitals as part of the shift from institutions to community-based care. While

some of the people released wound up in nursing homes or board and care homes, or even prison, many others—including some who obviously cannot take care of themselves—ended up on the street. Why? Local, State and Federal budget cuts axed the resources necessary to support these people in their communities. The severe cutbacks in Federal social programs—from counseling centers to halfway houses—meant that these former patients are being left to fend for themselves, frustrated and despairing, alone on the street.

Finally, the Reagan administration has over the past 2 years carried out an intensified, targeted effort to remove people from social security disability aid, including many qualified claimants. The latest figures show 300,000 people have lost their disability benefits. These are people who cannot work. Many have ended up in public shelters.

Since 1982, I have been advocating a national homeless program. A single piece of legislation alone would not prevent that man on the 18th floor ledge from jumping, but it could provide a net that would break his fall. Like the District of Columbia shelter which is owned by the Federal Government and operated by charitable organizations, the national homeless program we seek to establish would be built on the public and private resources we have.

Emergency shelter legislation passed the House of Representatives four times during the past 2 years. Given the administration's opposition, it is a tribute to the dedication of a small bipartisan group of Members and a small miracle that the legislation was finally signed into law last November. However, the program is an empty promise unless the Congress and the administration agree to provide the $60 million necessary to fund the program, about $30 per homeless person per year.

Ronald Reagan is old enough to remember the Great Depression and John Steinbeck's "Grapes of Wrath." Steinbeck was an eloquent witness to the frustration and indifference that grips people who have lost all hope, to homeless and hungry Americans on the move, the victims of economic circumstances that denied them any choice.

Steinbeck wrote about the hungry and the homeless this way:

A hunger in a stomach, multiplied a million times; a hunger in a single soul, multiplied a million times; muscles and minds aching to grow, to work, to create, multiplied a million times.

Would President Reagan say the people of the Great Depression were hungry by choice?

I was stung by President Reagan's unfair, insensitive and thoughtless statements about homeless people. Today's homeless deserve better from the President of this Nation.

The prophet Isaiah wrote in chapter 58, 7-10:

Thus says the Lord, Share your bread with the hungry,
Shelter the oppressed and the homeless,
Clothe the naked when you see them,
And do not turn your back on your own.

The President is the spiritual and moral leader of our country. It is pathetic that he would believe that people are homeless and desperate by choice.

OSHA RULE COUNTERS "RIGHT-TO-KNOW" LAWS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues a rule that was recently promulgated by the Occupational Safety and Health Administration (OSHA) which would eliminate what little public protection from toxic chemicals that exists. The rule would preempt local right-to-know laws that require industries to disclose to their workers, to their community and to public safety personnel the types of chemicals used on a day-to-day basis. These laws help make the public more aware of the dangers they face.

The new hazard communication rule proposed by OSHA leaves this very important matter entirely up to industry. The OSHA rule would require only manufacturing industries to assess the extent of danger presented by the chemicals used in their industry and then make the decision to inform the workers involved in the manufacturing process. Contrary to the right-to-know laws, the new rule does not require industries to inform the community and public safety personnel of the possible hazards and thus prevents the public from taking preventive measures and establishing effective evacuation procedures in the event of an accident. The OSHA rule furthermore places no requirements on construction, transportation, and public service industries where chemicals are widely in use. The OSHA rule thus ignores the public's right-to-know the dangers that they might be subjected to and severely hampers any efforts to minimize dangers to the community.

I would like to commend to the attention of my colleagues an article published in the Courier-Post that explains the provisions and ramifications of this rule:

FEDERAL OFFICIALS ATTEMPT TO UNDERCUT STATE AND LOCAL "RIGHT-TO-KNOW" LAWS

(By Ken Silver)

Reagan administration officials paid to protect the public from toxic chemicals have been, it seems, on a three-year vacation. But Occupational Safety and Health Administration (OSHA) officials recently worked overtime in an attempt to eliminate what little protection exists. Over the Thanksgiving holiday weekend OSHA Director Thorne Auchter issued a new federal rule which seeks to preempt state and local "right-to-know" laws and replace them with a watered-down "hazard communication" standard.

Right-to-know laws require industries to disclose the identities of chemicals they use to workers, community residents and public safety personnel. They are an attempt to lift the lid on information about chemical hazards—information which industry has long concealed under the guise of "trade secrets." Fourteen states and over 30 county, city and local governments have passed such laws.

The new "hazard communication" standard was drafted with heavy input from the chemical industry in response to the growing right-to-know movement. A much stronger hazard identification and labeling rule proposed by the Carter Administration was withdrawn by Auchter's boss, Labor Secretary Raymond Donovan, as his first official act in 1981. The chemical industry assailed the Carter rule as too costly to implement and had branded it a gross example of federal interference. But when the cities of Philadelphia and Cincinnati and the state of California passed right-to-know laws in rapid succession, the chemical industry turned to Auchter for help.

Faced with more than 50 right-to-know bills around the country, the chemical industry—almost overnight—became the strongest advocate of federal regulation.

And for good reason. The hazard communication standard issued by OSHA last week is chock full of loopholes.

The standard covers manufacturing industries only. It ignores exposure to toxic substances in public employment, in construction, in transportation and in the growing service industries. Auto body shops, railroad yards, power plants and hospitals are among the many kinds of workplaces excluded. In all, the hazard communication standard covers less than one-quarter of American workers who are exposed to toxic substances on the job.

Under the Auchter rule, employers and chemical manufacturers themselves will assess the hazards of the products they produce or use.

The rule contains no provisions for community residents, firefighters or public safety officials to gain access to information on the chemicals used, stored, transported or emitted into the air, water and soil that surround a factory.

Most disturbing is that the Auchter rule gives corporations wide discretion to conceal information considered a "trade secret." And it provides no procedures for workers to challenge the legitimacy of companies' trade secret claims.

The hazard communication standard will not fully pre-empt state and local right-to-know laws. OSHA officals publicly admit that their rule cannot pre-empt the provisions of those right-to-know laws that give community residents and public safety officials access to information. The place where federal pre-emption is a real threat is in the manufacturing sector of worker right-to-know laws.

Even so, the U.S. Court of Appeals for the Fourth District recently upheld West Virginia's right-to-know law, rejecting the West

Virginia Manufacturing Association's argument that the federal government has supremeacy in the regulation of workplace hazards. And last year a federal court upheld California's right to set a limit for worker exposure to ethylene dibromide (a known carcinogen) 100 times more stingent than the federal limit, over the objections of industry representatives.

The United Steelworkers of America and several affiliated national unions have already filed suit in federal court seeking a full judicial review which would require OSHA to explain its reasons for issuing such a weak standard. The unions have vowed to wage a protracted legal brawl to fight pre-emption in the courts. Industry, for its part, will argue that state and local right-to-know laws place an undue burden on interstate commerce are unconstitutional.

In spite of these legal uncertainties, chemical industry trade publications and some newspapers are reporting matter-of-factly that the standard will pre-empt state and local right-to-know laws. Lawmakers and the general public are understandably confused. In the 20 or more state legislatures where right-to-know bills will be debated next year, industry representatives are certain to proclaim that the federal government has "solved" the problem, thereby nullifying the need for state measures. Clearly, the major short-term benefit to industry from issuance of the hazard communication standard is not pre-empt, but confusion.

It is shameful indeed when our government works to keep its citizenry ignorant and confused, under the guise of allowing industry to protect trade secrets. It is high time for government to recognize that trade secrecy is a privilege—not a right—which society bestows upon private corporations for the limited purpose of promoting economic growth and production. Society must drastically limit that privilege when it encroaches on the inalienable rights of citizens to safe and healthy workplaces and communities.

The Reagan administration's failure to protect Americans from toxic chemicals and hazardous wastes is nothing new. The politicized quagmire of toxic secrecy into which President Reagan's EPA appointees sank a year ago appears to have finally swallowed Mr. Auchter whole as well.

The limp, loophole-ridden regulation issued by Mr. Auchter may as well be renamed the "right-to-snow." It is yet another reason why states, cities, counties and towns should enact strong laws for full disclosure of chemical hazards in the workplace and in the community.●

BUDGET REDUCTION FOR GALLAUDET COLLEGE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. FAUNTROY. Mr. Speaker, while I will be joining my colleagues in the Congressional Black Caucus in developing the CBC alternative budget for fiscal year 1985, I want to take this opportunity to address a specific budget proposal. Gallaudet College is located in the District of Columbia, but the budget proposal for the Nation's only postsecondary education institution for deaf persons will, if enacted, negatively affect virtually every Member's district.

President Reagan's fiscal year 1985 budget proposes an $11 million reduction in the budget for Gallaudet's Model Secondary School for the Deaf (MSSD) and the Kendall Demonstration Elementary School (KDES). To recover this reduction, the budget proposes that Gallaudet charge local school districts for the tuition and expenses of children from those districts attending MSSD and KDES.

Mr. Speaker, the proposal presents local education agencies with a very difficult budget decision. Moreover, parents may be forced to forego this educational opportunity for their children because neither they nor their local school district can pay the tuition costs.

These programs currently serve 601 students in 34 States, territories, and the District of Columbia. The issue of fairness certainly pertains to this budget proposal—it is unfair.

Mr. Speaker, I am pleased to have had the opportunity to cosign a letter to President Reagan, along with my colleagues, Mr. Bonior who is a member of Gallaudet's Board of Trustees, Mr. Perkins and Mr. Murphy. We have urged President Reagan to reconsider this unfortunate proposal. Short of his reconsideration, I urge my colleagues to oppose this budget proposal and to make their opposition known to the White House and members of the Budget and Appropriations Committee.●

UKRAINIAN INDEPENDENCE

HON. BARBER B. CONABLE, JR

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. CONABLE. Mr. Speaker, I would like to add my voice to those of my colleagues in commemorating Ukrainian Independence Day. The short experience with freedom that the Ukrainians enjoyed ended all too abruptly at the hands of a ruthless Soviet army. Ukrainians around the world show that they desire to enjoy again this freedom by commemorating this day.

Americans see the world as a large community, and when a member of that community is struck by natural disaster, Americans respond compassionately. When a member of the world community is victimized by brutal force or senseless violence, Americans react with shock and alarm. KAL flight 007, the attempted assassination of Pope John Paul II, and the Soviet role in Afghanistan, Hungary, and Eastern Europe serve to remind us in Congress that the American people become angered when the community rules of decency and civility are violated.

These recent examples, however, cause some to lose sight of the past travesties like the Soviet annexation of the Ukrainian people, land and culture. Over 7 million Ukrainians died of starvation during 1932–33 because of Stalin's collectivization programs. The Ukrainian people stood steadfast in their opposition, yet faced deportation or execution if found in noncompliance. Though this horrifying loss of life occurred 50 years ago, it stands as one of the most calculated examples of imposing by force the will of one nation upon that of another.

The Ukrainian people still yearn to regain their freedom. This struggle is not easy, yet the Ukrainians in the Soviet bloc enjoy the strong support of the compatriots abroad and of the American people who seek the goal of a world community where human rights and freedom are protected and available to all.●

UKRAINIAN INDEPENDENCE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mrs. KENNELLY. Mr. Speaker, 66 years ago, on January 22, 1918, the Ukraine declared itself independent and free. A scant 3 years later that declaration was nullified, not by choice, but by the crush of a powerful Red Army. Sadly enough, this victory of might over right was only the beginning of a drawn-out nightmare for the Ukraine.

Torture and terror are no strangers to the 50 million people in the Ukraine. Nor is forced starvation which has taken the lives of millions. The privation and suffering imposed on these Ukrainians, living under the heavy hand of the U.S.S.R., testifies to the horrifying capacity of man to wreak havoc on his fellow man.

The bright spot in this tale of oppression stems from Charles Péguy's remark that "Freedom is a system based on courage." If this is true, then those who live in the Ukraine are in a significant sense free, despite living under the looming shadow of the U.S.S.R., for those who live in the Ukraine are truly a courageous people. It is heartening to know that despite all efforts to eradicate the culture and traditions of this area, Ukrainian culture and traditions survive and flourish.

The courage of the Ukrainians fills me with a measure of awe and a great hope. It is my hope that in the years to come Congress will stand in this very room to celebrate an enduring political freedom for the Ukraine.●

CRAFTED WITH PRIDE IN AMERICA

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. BRITT. Mr. Speaker, in this age of increasing competition from foreign markets, strong efforts must be made to strengthen and promote our domestic textile industry.

Hopefully, trade law reform will be high on the legislative agenda this year. During the 1st session of the 98th Congress, I cosponsored H.R. 4124, the Comprehensive Trade Law Reform Act, which is designed to strengthen our trade laws by eliminating loopholes that allow dumping of foreign products and streamlining appeals procedures when violations occur.

I am also cosponsoring a bill, H.R. 4643, that enforces a labeling requirement imposed to let American consumers know whether a product is American made.

Recently one of my constituents sent me a poem that I feel captures the feelings of American textile workers concerning their current plight. "Crafted With Pride In America" was written by Mrs. Johnnie Busick, a tufting creeler who has been employed by Burlington House of Burlington, N.C. for over 30 years.

Mrs. Busick's poem communicates the dilemma facing the domestic textile industry and the reasons we, as elected officials, must do all we can to insure that our textile and apparel manufacturers have the chance to compete on a level playing field—not one that is tilted toward imports. What I hear from the textile manufacturers in my district is not a demand for protectionism, but merely a call for fair trade.

I hope Congress will keep Mrs. Busick's poem in mind when considering foreign trade legislation this year.

Following is the text of "Crafted With Pride In America," by Mrs. Busick:

Crafted With Pride In America
Made through knowledge and skill
Crafted with pride we inherited
That past generations instilled.

We are a people of great endeavors
Our accomplishments great and small
We started this nation with nothing
Then made life better for all.

Products of every nature
Have been made by our skillful hands
Reflecting the pride and genius
Throughout our God-given land.

Other nations have watched us and listened
And learned from the lessons we taught
And now as we watch they're stealing
The freedoms for which we have fought.

Foreign-made textiles and products
Keep flowing into our land
Loss of our jobs and our money
Even now makes idle our hands.

Stop now and look for a moment
At the treasure we're about to lose
We are the ones who can change it
It's ours to keep if we choose.

Let us all buy what we make in America
So America can lead once again
We're a people of great productivity
Let's fight this battle and win.

Crafted with pride in America
Let's always strive to stay number one
Crafted with pride in America
The greatest land under the sun.●

THE ANSONIA CHARGERS: CROWNING A WINNING TRADITION

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. RATCHFORD. Mr. Speaker, I rise today to call the attention of my colleagues to the extraordinary accomplishments of the Ansonia Chargers, the best high school football team in the State of Connecticut.

Ansonia High School may be one of the smallest high schools in Connecticut, but only if one judges by nunbers and square feet. In the realm of sport, the school is surely a giant. The heart and drive and effort of this school and its football team can really only be measured by looking at their deeds, accomplishments that stand unmatched anywhere in the State.

The Chargers are consistently one of the State's finest and are the only high school team to make the State playoffs every year since 1976 when the current system began.

This year, the Chargers earned an 11-0 record, including a 32-0 victory in the class S championship. In addition, the Chargers led the Naugatuck Valley League, a league in which football rivalries are legendary.

Mr. Speaker, I attended several of the Charger's games this year, as I do every year, and I can personally attest to the winning tradition of the Chargers. Coach Bill McAllister and his assistants John Hunt, Jim DellaVolpe, John Sponheimer, Bob Lisi, and Frank Colandro all deserve special mention for their dedication, and for the professional way in which their players conduct themselves. The Charger players also deserve the accolades they have earned for their mastery of the game and the way in which they have dominated their opponents.

I am not suprised that Connecticut sportswriters named the Chargers the No. 1 high school football team in the State. They are No. 1, and it is not a distinction that they will relinquish easily. I am sure that the Ansonia High School Chargers will be a power to be reckoned with for a long time to come.●

McKITTRICK RUNNERS BEAT ODDS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. THOMAS of California. Mr. Speaker, very few people outside of Kern County have heard of the town of McKittrick, Calif., but recently some young constituents from McKittrick succeeded in putting their town on the map. This group of young athletes attained national excellence against huge odds.

On December 12, 1983, six girls from McKittrick Elementary School traveled to the AAU National Cross-Country Championships. Teams from across the Nation competed at this event, in hopes of becoming one of the top teams in the Nation.

The runners for the McKittrick Westside Track Club—Amy Mabon, Jennifer Yeates, Kristen Phillips, Mary Mabon, Amber Collins, and Shawna Walters—placed third in the Nation in this event. This feat in itself is commendable, but this club had other odds to battle as well. Led by Coach Ken Mabon, the Westside Track Club competed against schools and clubs many times the size of their school—in fact, larger than the entire town of McKittrick. The six runners represented almost the entire fourth and fifth grades of McKittrick Elementary School, which has a total enrollment of 40 students. Yet, with perseverance, dedication, and talent, the Westside Track Club rose to national excellence.

Mr. Speaker, these girls and their coach deserve the highest commendation for their tremendous efforts and achievements, and I am tremendously proud of them.●

RADIO ADDRESS BY HON. ROBERT T. MATSUI ON THE U.S. MARINES IN LEBANON

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

Mr. SHANNON. Mr. Speaker, on January 7, 1984, my colleague from California, Mr. MATSUI, delivered an excellent radio address that explored the question of U.S. Marine forces in Lebanon. After examining the situation there closely as part of the monitoring group on Lebanon, Mr. MATSUI believes it is again time for Congress to consider our objectives in Lebanon, and whether they are realistic ones. I would like to submit his thoughtful speech on the subject, knowing it will

help us as we begin to address this issue.

Also included is an article from the New York Times:

RADIO ADDRESS BY HON. ROBERT T. MATSUI

Good afternoon. This is Congressman Bob Matsui from California. We have just heard the President discuss a critical problem: the lack of discipline in our public schools. But what the President doesn't seem to understand is that this lack of discipline is only a symptom of the deteriorating state of this country's educational programs, including cuts in the school lunch program, student aid program, and the President's attempt to eliminate the Department of Education.

Today, I would like to turn to another crisis, however. We have just learned that two more marines were injured as a result of shelling around the Beirut airport. I believe it is time to bring our marines home from Lebanon. Not tomorrow. Not at some vague distant date. But now.

For the truth is, the President's ill-conceived and ill-defined Middle East policies have more than failed; they have turned deadly.

While I supported our marines' role as initially defined—to give the Lebanese government time to restore its shattered nation—we are now seen by too many people as just another Middle East faction. Our role has turned from neutral peacekeepers to participants in the internal struggle. The marines have no useful role in helping to bring the warring factions together. Worse yet, so long as the marines remain, we risk a direct confrontation with Syrian and Russian troops.

So long as all factions in Lebanon accepted our marines as neutral peacekeepers, they had some chance of promoting a permanent solution. But it has become painfully clear—with the recent bombing of our marine barracks and frequent shelling of our troops—that we are no longer a peaceful influence. We are a lightning rod for terrorism.

We should not be perceived as cutting and running from Lebanon because of the bombing of the marine barracks. That would send a signal that America can be intimidated, but we cannot be. We all recognize the strategic importance of the Middle East, and we must always be prepared to use military force to protect our interests in that region.

But today, our military response to terrorism has plunged us into a storm of escalating violence. I believe we can calm that storm and further the peace process by withdrawing our troops from Lebanon.

If you sit and think about it for just a moment, we have only two alternatives. We can continue as we are now, taking sides in a conflict that is not ours and playing an active military role. This can ony escalate the conflict and bring us dangerously close to a Soviet-American confrontation. Or, we can work toward a diplomatic solution that all parties—including the Lebanese and the Syrians—can embrace.

Just this week, we witnessed a bold diplomatic effort which brought one of our men home, Navy Lieutenant Robert Goodman. Lieutenant Goodman's release revealed that personal diplomacy can make a difference. He was not released by gun ships and war planes but by calm discussion.

A recent Pentagon report, written by top military experts, concluded that not only has there been gross negligence in securing the safety of our marines, but also that our mission there is inherently impossible. This is not the fault of our marines. It is the fault of this administration.

The first step toward peace is to bring our men home and defuse the hostilities in Lebanon by changing the American profile from one of a marine with an M-16 to a diplomat with a real mission.

In recent hours, we have learned of progress toward a new security arrangement in Lebanon designed to extend the control of the Lebanese government. We hope that this new proposal succeeds. This is the time for the president to use a bold diplomatic stroke to achieve a lasting peace. What we need is a sign from this president that he is serious in reaching a diplomatic solution. And the demands the participation by the secretary of state or the vice-president. Certainly, there would be political risk on the part of this president by taking such a bold move. But our brave marines are risking much more—their lives. They deserve the utmost sacrifice from this administration.

And let us not forget that moving our Marines to another area in Lebanon will not make them any safer. We all know that no place in the Middle-East is safe from a terrorist. Our men are being killed, not because of where they are, but because of who they are. Mr. President, get our people out of a war we did not create, and let our diplomats use reason, trust, and bold action to bring peace to the Lebanese people, and peace-of-mind to the families of our marines.

This has been Congressman Bob Matsui. Thank you and peace be with you.

[From the New York Times, Jan. 7, 1984]

HOUSE DEMOCRAT ASKS A PULLOUT

WASHINGTON.—Representative Robert T. Matsui, chosen by the House leadership to give the weekly Democratic radio address, called today for the immediate withdrawal of United States troops from Lebanon, saying President Reagan's "ill conceived" policies had "turned deadly."

"It is time to bring our marines home from Lebanon," the California Democrat said. "Not tomorrow. Not at some vague distant date. But now."

Mr. Matsui, a member of Speaker Thomas P. O'Neill, Jr.'s monitoring group on Lebanon, went further in advocating an immediate withdrawal than had Mr. O'Neill, after meeting with the group last Tuesday.

Mr. O'Neill had said that "patience in Congress with Administration policies in Lebanon is wearing very thin" and that "maintaining the status quo position of our marines in Lebanon is unacceptable." But he also said Democrats wanted to give Mr. Reagan an opportunity to undertake new diplomatic efforts before trying to force his hand.

In an interview today after his radio address, Mr. Matsui said the Speaker was "fully aware of my position for an immediate pullout when he asked me to speak." Mr. Matsui agreed that his own statement had gone farther than Mr. O'Neill's, but said he did not know whether the Speaker now agreed with him.

"I can't speak for him," Mr. Matsui said, referring to Mr. O'Neill. Efforts to reach Mr. O'Neill or members of his staff today proved unsuccessful.

Mr. Matsui said he believed that Lebanon would be made "the top priority" when the Congressional session opens.

"The first step toward peace is to bring our men home and defuse the hostilities in Lebanon by changing the American profile from one of a marine with an M-16 to a diplomat with a real mission," Mr. Matsui said in his address, terming the Marines a "lightening rod for terrorism."

QUALITY EDUCATION IS ALIVE AND WELL AT NEW TRIER HIGH SCHOOL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. PORTER. Mr. Speaker, many Americans have grown concerned over the deteriorating quality of our public schools. I am hopeful that this educational crisis has triggered a trend toward greater expectations of our public schools, students, and teachers. Rather than focus my concern on problems, however, I would like to call attention to a school located in my congressional district which I consider to be second to no other secondary school in the country. Recently, Parade Magazine conducted a national survey on high school educators which confirmed my esteem for the New Trier school system by listing it among the top 15 high schools in the country. I hold up its tradition of success to my colleagues as an outstanding example of the best of American public education.

New Trier's long tradition of scholastic excellence is founded in its commitment to a rigorous academic program, maintained by a well-qualified faculty and supported by the parents and community. The school places emphasis on rigorous but balanced curriculum of math, science, humanities, and social sciences. These subjects are the cornerstone of a New Trier education. Moreover, the core curriculum is supplemented by new and progressive electives that allow the student to build upon the fundamentals that he or she has learned and develop creativity and imagination. Consequently, the strength and diversity of New Trier's educational programs are buttressed by traditional disciplines of the past while embracing the new ideas of the future.

Another important feature of New Trier is an advisory system that has served as a model for high schools both in Illinois and in other States. The advisory program links a teacher with 30 students in an effort to help guide them through their academic and extracurricular affairs. During the freshman year, informal visits by the adviser to the homes of each of his advisory students is encouraged. These visits help lower the barrier between parents, students, and teachers which binds the school to the home and the community, a condition which I consider to be the most important prerequisite of an excellent school. Moreover, these home visits represent New Trier's commitment to the dignity of

the individual which often fosters student-teacher friendships that go beyond 4 years of high school.

The results of New Trier's commitment to excellence has placed the school in the top 15 public high schools in the Nation. In this year alone, 238 New Trier students received awards as Illinois State Scholars, 72 students were awarded National Merit Scholarships, and 7 students received the prestigious Presidential Scholar Award. Those who have qualified for the National Merit Award are among the highest in the PSAT/NMSQT test scores in the State and represent the top half of 1 percent of this year's senior class. But this is only a small part of New Trier's academic success. The math team each year ranks high during national high school competition. Furthermore, various academic clubs including biology, debate, and Latin enjoy a very high level of participation by students and teachers alike. Each year, over 90 percent of the seniors graduate and move on to higher education, a significant indicator of future success.

It is clear that New Trier's pursuit of academic achievement has been met each day for over 80 years. Strong administrative leadership and a dedicated faculty deserve great credit for New Trier's achievement. It is the parents and community that have shared the common goal of providing the best education for their sons and daughters. New Trier deserves praise for this endeavor well done.●

ASIAN COMMUNITY NURSING HOME

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. MATSUI. Mr. Speaker, for many years the Asian Community Nursing Home has been a major goal of some highly dedicated, concerned, and caring people living in Sacramento, Calif. In fact, if not for the tireless commitment of these individuals and the gracious and thoughtful gift of one in particular, Mr. Angelo Tsakopoulos, it is entirely possible that this very worthwhile project would not become a reality.

Mr. Speaker, when the Asian Community Nursing Home is completed, it will be of enormous benefit and importance to Asian senior citizens. The plans are for a 99-bed skilled nursing facility designed to serve the unique needs of Asian and Pacific islanders. The facility will employ a bilingual staff and meet the special dietary needs of its patients. Moreover, patients in the home will not only receive excellent care but cultural and social support as well.

The Asian Community Nursing Home is the culmination of years of planning and work by the Asian Community Center, a nonprofit organization that has been providing special services to Asians since 1972. For the past 3 years, the nursing home has been the top priority of this group.

Mr. Speaker, when Mr. Tsakopoulos donated 3.5 acres of land to the Asian Community Center for the building of the nursing home, there became little doubt that the project was going to be a success. On behalf of the Sacramento community and Asian senior citizens, I would like to express my heartfelt thanks and appreciation to Mr. Angelo Tsakopoulos and the Asian Community Center for the tremendous service they have performed in furthering such a worthwhile project.●

ARCHBISHOP IAKOVOS: A MAN FOR ALL SEASONS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. BILIRAKIS. Mr. Speaker, a large part of our great American tradition has been our right to express religious belief—something which is one of the founding principles of our Nation.

This expression is manifested in several dimensions, but, perhaps the most dynamic aspect of these has been in the personalities of certain distinguished leaders.

If we were to sit and ponder for a moment, we might remember such individuals as the Reverend Jno. Witherspoon, a signer of the Declaration of Independence, Brigham Young, Elizabeth Ann Seton, Cardinal Spellman, as well as several of our own Presidents who distinguished themselves as people of deep religious belief.

And now, another individual, can be added to the list of unique and respected leaders. This person is His Eminence, Archbishop Iakovos, chief primate of the Greek Orthodox Church in the Western Hemisphere.

I could expound on the many attributes of this man of God, since I myself am a Greek Orthodox and am familiar with his accomplishments as a spiritual leader. I would, though, prefer to highlight some of the other significant qualities that are a part of his life.

For close to 50 years His Eminence has served his church and humanity, as a clergyman of the Orthodox Church. For the past 25 years he has served as spiritual leader for the Greek Orthodox faithful of the Western Hemisphere. His has been a life of commitment, dedication and sacrifice—a triad of qualities that, unfortunately, are much too rare in this day and age.

One of the most important aspects of the ministry of Archbishop Iakovos is his activity in the ecumenical movement. His successful strides to overcome centuries-long taboos and antiquated national customs have been an inspiration to the millions of Christians throughout the world. His efforts to reunite the segmented branches of the Christian Church have brought once-unwilling parties to the table for discussions and cooperation. He was an initiating factor in establishing the dialog that now exists between the churches of the East and those of the West—a dialog that has ended a silence of hundreds of years.

He evidenced the principles of his faith by having been in the forefront of the civil rights movement, as he marched with the late Dr. Martin Luther King, Jr. in Selma, Ala. in 1965. By doing this, he reaffirmed the words of the Declaration of Independence, "that all men are created equal." His efforts in behalf of human rights has not been limited to his mission in the United States. In 1974, when the island of Cyprus was invaded by Turkey, Archbishop Iakovos initiated a massive national campaign to assist the innocent Cypriot victims. Since that time, he has been outspoken against the policies of Turkey and, because of this boldness in the name of justice, he is considered as "persona non grata" in that country.

Archbishop Iakovos has been the recipient of many awards and honors, in cluding the Presidential Medal of Freedom, and has been named "Clergyman of the Year" and also "Man of the Year" by several national organizations.

April 1 of this year will mark the 50th anniversary of his entry into the Orthodox clergy and it will also be the 25th anniversary of his enthronement as Archbishop of the Western Hemisphere. Today he offers the invocation in the U.S. House of Representatives and Senate, an honor that he has rightly earned, and I would say that he does us an honor in so doing.

As we enter the new year and this second session of the 98th Congress, I am proud to recognize the wonderful and giving life of Archbishop Iakovos and certainly hope that my colleagues will join in the many ceremonies and tributes in his honor.●

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. GREEN. Mr. Speaker, I am introducing a House concurrent resolu-

tion which would authorize the rotunda of the U.S. Capitol to be used on April 30, 1984, for a ceremony commemorating the Days of Remembrance of Victims of the Holocaust.

Historically the rotunda has been used to fortify the memory of those whose lives, and deaths, have had resounding impact—unknown soldiers from World War I, World War II, and the Korean war have lain in state in the rotunda.

It therefore seems particularly appropriate that the Holocaust Commission commence its days of remembrance in the rotunda, a space which has become a symbol of those whose deaths we must remember to insure that our future does not repeat our past.●

CRITICISM OF THE DEPARTMENT OF THE INTERIOR

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. McCAIN. Mr. Speaker, the Department of the Interior, and those policies pursued by its past Secretary, have been the subject of much criticism. The press has led the attack on the Department and the former Secretary. I find nothing wrong with this. In fact, it is their role in our society to keep the public informed of the actions of their elected officials. However, it is also the responsibility of the press to insure the accuracy of their reporting.

It is because of this responsibility, which the press usually attempts to fulfill, that I was shocked to learn of the irresponsibility of one of our major televison networks. I can accept occasional mistakes. But when these mistakes are repeated, even after accurate information is made available through the congressional hearing process, they become unacceptable. I have included below a recent article from the American Legal Foundation which elaborates on this incident.

Prime-time investigative documentaries have given muckraking new respectability, but that respectability is facing legal accountability. Not only are media victims, such as General Westmoreland, taking the media to court, but media watchdog groups such as the American Legal Foundation (ALF) are aggressively exposing media bias. ALF, for example, recently dragged NBC before the Federal Communications Commission charging NBC deliberately falsified the news, misled the public and distorted the truth in a "Monitor" segment which accused the Interior Department under former Secretary James Watt of not enforcing stripmining reclamation laws.

The "Monitor" segment was broadcast twice. Between the broadcasts the Interior Department's Office of Surface Mining (OSM) sent NBC a twenty-three page critique of the segment and Congressional hearings were held which produced testimony vindicating the Interior Department. But NBC went ahead with the second broadcast without acknowledging any errors or inaccuracies. Here are some of the more blatant misstatements ALF's Complaint points out to the FCC:

The program was devoted to developing Lloyd Dobyns' opening statement: "[T]he government—and that's you and me—is owed a great deal of money from stripmining and the Interior Department is doing next to nothing about collecting it."

But OSM's critique of the first broadcast described in detail the extensive efforts made by the Department to enforce the reclamation laws. These efforts included development and implementation of a plan for assessing penalties against those mining companies which had violated failure to abate cessation orders, the use of Dunn and Bradstreet to collect reclamation fees, pursuance of other expeditious enforcement actions, and the referral of all unpaid penalties to the Interior Department Solicitor for the filing of civil collection suits. In a reply to OSM's critique NBC explicitly acknowledged OSM's actions "to correct and strengthen the collection efforts."

Yet NBC with full knowledge of these efforts rebroadcast the accusation that the Interior Department was "doing next to nothing to collect unpaid fines."

In the August rebroadcast Dobyns stated: "[T]he Office of Surface Mining told Congressman Morris Udall's committee that it had issued 1700 orders to mining companies to stop illegal activities. Not one has stopped. And the Interior Department has done nothing about it."

But OSM informed NBC prior to the rebroadcast that during the Udall Subcommittee hearings, James Harris, Director of OSM, testified OSM had issued 3,500 cessation orders during the course of its existence and that the violations set forth in only 1700 of these orders remain unabated. Harris' testimony also described the steps Interior had taken to abate the 1700 remaining violations. These steps included denying permits to operators having unabated violations, granting almost $200 million to the states during 1983 to reclaim abandoned mines, initiating litigation against mine operators who failed to abate their violations, and obtaining injunctions against recalcitrant mine operators. NBC acknowledged it was aware of the efforts described in this testimony by its specific reference to the testimony in the August 6th broadcast.

Dobyns stated in both broadcasts: "[T]he regulations can't be kept going because they aren't going now. They're on the books but they're not enforced."

Three people, one of whom accused the Department of "fraud" for not pursuing violators, then stated that the non-enforcement problems started with the Reagan administration. But NBC knew an October 1979 evaluation prepared by OSM's Division of Planning and Evaluation Systems under the Carter administration had found: "At the present time, no effort is being made to assess penalties that accumulate on a daily basis. No effort is being made to collect these penalties because, the Assistant Director, Inspection and Enforcement, believes that: (1) the penalties are excessive; (2) are unlikely to be collected; and (3) do not fit the circumstances of most violations.

"Additionally, the Assistant Director also believes that daily penalties do not serve the intended purpose of getting operators to abate because in his opinion, operators know OSM would never be able to collect."

NBC also knew that since September 1982 Dunn and Bradstreet had collected more than $1.3 million and that Interior Department under Watt collected about $330 million annually in reclamation fees which represents in excess of 98 percent of the fees owed.

NBC, as owner of several television stations, is answerable to the Federal Communications Commission for violations of Commission policy and rules. Accurate investigative reporting is a healthy expression of the First Amendment, but when that reporting, as in this case, is not supported by facts it becomes a vicious tool for those of the media elite who seek to push their political agenda in the guise of objective reporting.●

U.S. AID TO EL SALVADOR: A TRAVESTY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Ms. OAKAR. Mr. Speaker, the House is considering today the President's certification that the Government of El Salvador is making progress with regard to respect for human rights and certain political and economic reforms. This is an issue that has long concerned me and that I want to make a few comments on as we address the question of continued U.S. military assistance to El Salvador.

I am very concerned about what happens to U.S. aid to El Salvador. I have long suspected that much of it does not go to help the people of that small, beleaguered country but that it, instead, goes to line the pockets of businessmen and El Salvador officialdom. Now my suspicions are confirmed.

Mr. Speaker, I would like to bring to the attention of the House an article that appeared in the Cleveland Plain Dealer on January 22, 1984, that describes in detail the use of dummy companies and falsified economic documents to siphon U.S. economic aid to El Salvador into the private bank accounts of El Salvador businessmen. This is absolutely outrageous. The United States is ostensibly trying to help the Government and people of El Salvador to preserve their freedom. The corruption the Plain Dealer documents is contrary to our avowed aims.

With the U.S. budget deficit growing larger and larger each year, it is inexcusable that the administration tolerates the corruption and waste described in the article. The article raises very serious questions that this body should closely examine as it debates whether to approve the President's certification that El Salvador is making progress in preserving human rights and undertaking required economic reforms.

Following is the article:

[From the Cleveland Plain Dealer, Jan. 22, 1984]

SCAMS UNDERCUT U.S. AID TO SALVADOR

(By Amos A. Kermisch)

WASHINGTON.—Through the use of dummy companies and falsified documents, U.S. economic aid to El Salvador often ends up right back in America—in the private bank accounts of Salvadoran businessmen.

Since at least 1981, officials at the U.S. Agency for International Development (AID), which dispenses the money, have been concerned enough to insist that the Salvadoran Central Bank take steps to stop the transfer of funds.

A little-noticed 1982 audit of bank procedures by AID's inspector general said "no concrete actions" had been taken. A 1983 review by the inspector general found little improvement.

A confidential study by the accounting firm of Arthur Young & Co. for AID cited the tranfers as a problem.

This hypothetical example shows how the scam works:

A Salvadoran businessman applies to the Central Bank to import fertilizer. When the application is approved he buys $100,000 in fertilizer in the United States through a dummy U.S. corporation.

The dummy corporation inflates its invoice, perhaps by 20%, and sends it to the businessman. The invoice, which now says the fertilizer cost $120,000, is given to the bank. The businessman buys U.S. dollars with Salvadoran colones at 2.5 colones to $1, and the U.S. funds are forwarded to the dummy company in payment for fertilizer.

Once the money is in the hands of the dummy U.S. corporation, $100,000 pays for the fertilizer while $20,000 goes into the Salvadoran's private bank account.

Exactly how much of the $429 million granted to El Salvador by AID since 1979 has been siphoned off is unclear, but William C. Goodfellow of the Center for International Policy, who was in El Salvador studying AID programs, said the fact that it's happening "is common knowledge."

Highly favorable exchange rates at the Central Bank are one reason U.S. funds are attractive to Salvadorans. Businessmen dealing with the bank obtain dollars at 2.5 colones to the $1. In the United States the rate of exchange quoted by one dealer last week was 4.75 colones to $1. The street rate in El Salvador is about 4 colones to $1.

To qualify for U.S. economic support funds, El Salvador was required to guarantee it would spend a like amount in colones to restore public services destroyed in the civil war. The funds are used for job programs, housing, land reform, family planning and credit to Salvadoran businesses.

In many instances the Salvadorans fall short of projected goals in supporting these programs, the inspector general's audit found.

"There is great incentive to get the money out of there and very little incentive to keep it there," said Goodfellow.

Some AID officials, however, said questionable transfers are rare. "We have audited that program several times, we have done spot checks and we have found no significant problems," said an AID official in the U.S. embassy in San Salvador. "It's this very system of controls that makes it difficult to engage in capital flight."

AID required the Central Bank to establish an internal price-checking unit to identify inflated invoices and reject them. But the effectiveness of the unit has been questioned. An audit by AID's inspector general found that in 1982 the bank approved 73,268 import transactions.

Only 112 (0.15%) were reviewed by the three-man price-checking unit. Of those, 20% were based on inflated invoices.

The audit found Salvadoran control so weak the bank was operating without a complete price list of key imports needed for price verification.

A February 1982 review by AID officials found that $4.5 million in bank-approved transactions may have been overpriced by 15% to 20%. These transactions were rejected by U.S. officials.

The confidential Arthur Young study came to similar conclusions, sources said, and made a number of suggestions for improving Central Bank operations. At least some of these recommendations, including a computerized price-checking system, are to be adopted.

With Henry Kissinger's commission suggesting last week that $8.4 billion more in economic aid go to Central America, the intensity of the debate over the use of U.S. tax dollars, particularly in El Salvador, is sure to increase.

At least one congressional committee is reviewing the use of U.S. funds throughout Central America.

But Congress has concentrated its oversight on military aid to El Salvador, while administration economic aid requests have sailed through Congress easily. For instance, Congress approved the requested $195.5 million for economic aid in fiscal 1984, but cut by nearly 25% a request for $86.3 million in military assistance.

From the end of World War II until 1979, total U.S. aid to El Salvador was only $263.5 million. In the four years since then it has leaped fourfold to $1.1 billion, making El Salvador the third-largest recipient of U.S. largesse. President Reagan is expected to seek another $400 million in military aid over the next two years.

Without the injection of U.S. grants and long-term loans there is little doubt the Salvadoran economy would have collapsed. From $750 million to $1.5 billion has been transferred out of the country during the past five years by wealthy Salvadorans fearful of a Communist takeover, U.S. and Salvadoran officials estimate.

The guerrillas have sought to destroy the Salvadoran economy. Violence has cut electricity, closed factories, disrupted business, interrupted transportation, undermined farm production and dislocated thousands of rural families.

AID policy is to stabilize the economy by maintaining imports, underwriting employment, rebuilding roads, bridges and public utilities and supporting social programs such as land and judicial reforms.

Very little U.S. money is used to help more than 400,000 people displaced by the fighting, many of whom live in refugee camps.

"We don't want camp life to become so attractive that people will not want to go back home," an AID official said.

AID officials said the country's gross national product, which has declined 25% since the civil war began in 1979, stabilized in 1983 and may show some growth.

"That's the bottom line," said the senior AID official in the U.S. embassy in El Salvador.●

SECONDARY MARKET FOR SBA GUARANTEED LOANS

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. NOWAK. Mr. Speaker, dramatic changes are taking place in the capital markets of this country. We are in the era of bank deregulation, the so-called nonbank bank, and the financial services supermarket. These revolutionary changes should have a dramatic impact on the way smaller firms meet their debt and equity capital needs.

With these dynamic changes occurring in the financial markets, it is the responsibility of the Congress and the administration to insure that small business continues to have access to debt capital at reasonable cost. Based on that premise, I am introducing H.R. 4773, legislation to facilitate a vibrant secondary market for the SBA guaranteed loans. Joining me as original cosponsors on the bill are Representatives LYLE WILLIAMS, PARREN J. MITCHELL, BERKLEY BEDELL, CHRISTOPHER H. SMITH, DENNIS E. ECKART, TOM J. VANDERGRIFF, DAVID DREIER, BUDDY ROEMER, IKE SKELTON, JOHN J. LAFALCE, JAMES R. "JIM" OLIN, and C. ROBIN BRITT.

OBJECTIVES OF THE LEGISLATION

My legislation utilizes the basic SBA guaranteed loan program as its foundation. Authorized by section 7(a) of the Small Business Act of 1983, the guaranteed loan program enables commercial lenders to make long-term loans to smaller firms that otherwise might not be available. Through the 7(a) guarantee loan authority, small businesses have received over $12.4 billion in financing over the past 5 years. In fact, a recent General Accounting Office report states:

> The SBA's 7(a) loan program fills a worthwhile niche in assisting many new and existing small businesses to meet their credit needs and thereby provide jobs.

As chairman of the Subcommittee on Tax, Access to Equity Capital, and Business Opportunities, I held hearings on September 28, 1983, evaluating the operations of the secondary market for SBA guaranteed loans. Administration witnesses and representatives from the banking and securities industries testified at those hearings on the significance of a vibrant secondary market to the 7(a) program.

Based on that hearing and further investigation by my subcommittee, today I am introducing H.R. 4773. The legislation does not create any new Government programs. Instead, it merely provides for certain technical improvements in the operations of an existing division of the SBA, the Office of Secondary Market Oper-

ations. In essence, my bill recognizes the integral relationship of the secondary market to the 7(a) guaranteed loan program.

My legislation is being introduced today with two objectives in mind. First, it is designed to increase the flow of capital to the small business community. Second, it should encourage a lowering of the cost of borrowing to smaller firms.

THE OPERATIONS OF THE SECONDARY MARKET

In operation since 1972, the secondary market enables lenders to sell the guaranteed portion of an SBA loan to an investor. This provides the lender with an increase in liquidity and, as a result, enables it to make further loans to the small business community. Thus, the lender is provided with the opportunity of further leveraging the amount of debt capital available to small business in the marketplace. Moreover, the secondary market has encouraged lenders to make longer term and often larger loans than they could otherwise.

However, the secondary market for SBA loans is not widely utilized, nor has it reached its potential. One estimate suggests that less than 25 percent of 7(a) loans are currently sold through the operations of the secondary market. Nevertheless, this process has enabled financial institutions to increase their lending activity to small businesses by about $400 million in recent years.

My legislation would build on the inherent strengths of the current SBA program. Thus, H.R. 4773 would insure that SBA secondary market operations continue to be an integral component of the capital formation process.

In order to establish a more active marketplace, the bill would permit the pooling of SBA guaranteed loans in large homogeneous certificates. These "pooled loans" could then be offered to institutional investors in an analogous way to the operations of the secondary market for mortgages. The economies of scale of such a procedure could potentially offer the small business lower borrowing costs.

The second major provision of H.R. 4773, is designed to facilitate a more effective oversight of the SBA secondary market program itself. This provision mandates that the SBA Administrator develop such administrative procedures as are necessary for the promotion and effectiveness of the program.

For the benefit of the small business community, and of the Congress, the legislative language of H.R. 4773 is as follows:

H.R. 4773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(f)(1) The Administrator may, upon such terms and conditions as the Administrator may deem appropriate, guarantee the timely payment of the principal of and interest on such trust certificates or other securities as shall—

"(A) be issued by any person approved for purposes of this subsection by the Administrator, and

"(B) be based on and backed by a trust or pool composed of the portions of deferred participation loans and guaranteed loans which have been guaranteed by the Administrator under this Act or title V of the Small Business Investment Act of 1958.

"(2) Such trust certificates or other securities shall have such terms, conditions, and maturities, and bear such rate of interest, as the Administrator shall determine.

"(3) The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.

"(4) The Administrator shall collect from the issuer a reasonable fee for any guarantee under this subsection and shall make such charges as he may determine to be reasonable for the analysis of any trust or other security arrangement proposed by the issuer.

"(5)(A) In the event the issuer is unable to make any payment of the principal of or interest on any certificate or security guaranteed under this subsection, the Admininstrator shall make such payment as and when due in cash, and thereupon shall be subrogated fully to the rights satisfied by such payment.

"(B) The Administrator may, in connection with any guarantee under this subsection, whether before or after any default, provide by contract with the issuer for the extinguishment, upon default by the issuer, of any redemption, equitable, legal, or other right, title, or interest of the issuer in any loan portion constituting a portion of the trust or pool against which the guaranteed certificates or securities are issued.

"(C) With respect to any issue of guaranteed certificates or securities, in the event of default and pursuant otherwise to the terms of the contract, the portions of the loans which constitute such trust or pool shall become the absolute property of the Administration subject only to the unsatisfied rights of the holders of such loan portions.

"(D) No State or local law, and no Federal law, shall preclude or limit the exercise by the Administration of—

"(i) its power to contract with the issuer on the terms contained in subparagraph (B),

"(ii) its rights to enforce any such contract with the issuer, or

"(iii) its ownership rights, as provided in subparagraph (C), in the portions of loans constituting the trust or pool against which the guaranteed certificates or securities are issued.

"(6) The Administrator shall develop such procedures as are necessary for the facilitation, administration and promotion of secondary market operations.●

HEARINGS ON NATIONAL CULTURAL POLICY OF THE CONGRESSIONAL ARTS CAUCUS AND THE AMERICAN COUNCIL FOR THE ARTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. LANTOS. Mr. Speaker, on Saturday February 4, our distinguished colleague Mr. DOWNEY, who is also the chairman of the Congressional Arts Caucus, held hearings in San Francisco on our national cultural policy. I applaud the Congressional Arts Caucus and the American Council for the Arts for organizing these hearings. The topic is an important one that deserves our thoughtful attention.

During that hearing, I submitted testimony about the National Art Bank and other issues relevant to the hearing. Since I have received a number of inquiries about the National Art Bank, Mr. Speaker, I would like to include that testimony here to inform my colleagues about the Arts Bank.

TESTIMONY OF CONGRESSMAN TOM LANTOS AT THE HEARINGS ON NATIONAL CULTURAL POLICY IN SAN FRANCISCO

Mr. Chairman, I am delighted to have this opportunity to present my views on our national cultural policy. But first I would like to thank you personally, Chairman DOWNEY, for your interest in and support for the arts. The Arts Caucus is an important institution in increasing the awareness of the Congress with regard to issues of cultural policy, and your leadership of the Caucus has been important in drawing attention to arts issues within the Federal Government. I have been a member of the Caucus since 1980 and am pleased to join with you and other members of the Congress in this effort.

I would like to commend the American Council for the Arts and the Congressional Arts Caucus for conducting these hearings. Federal government policies and activities have a profound impact upon our cultural life, and it is essential that we focus our attention on what Washington can do to enhance and stimulate our cultural activities as a nation.

The arts have always been a legitimate and important interest of our federal Government. Interest in nurturing the arts was already expressed by the statesmen who helped to establish our country. President John Adams said, "I must study politics and war, that my sons may have the liberty to study mathematics and philosophy . . . to give their children the right to study painting, poetry, and music." Our creation of the National Endowment for the Arts is a fulfillment of this traditional American goal. Many federal buildings today bear the fruits of the depression-era Government support for the arts, and the murals produced during that period are a particularly important expression of the creative American spirit.

Mr. Chairman, I would like to discuss today a particular piece of legislation that I was pleased to introduce in the Congress

last year. The bill is H.R. 2303, the National Art Bank Act, which will serve the twin purposes of carrying on the traditions established in Congress of enhancing the appearance of Federal office buildings around the country with works of art, while simultaneously stimulating activity in the arts community in all fifty states.

The Art Bank would purchase high quality art from relatively unknown artists, then temporarily distribute it for the enhancement of federal buildings throughout the country. As the experts from the Humanities Council focus interest on these artists and their art works there is every expectation that the reputation of the artist will grow as he or she becomes better known and therefore the art will become more valuable. Works purchased at relatively modest price can then be resold at a profit. The proceeds of these resales would then not only cover the original expense but could be placed in the Art Bank to be used to continue supporting other artists and encourage artistic creativity across the nation.

There are so many artists from around our country who do outstanding work, but who, due to geographical isolation or other such factors unconnected with talent, are not as well known. The Art Bank legislation would greatly benefit such artists, as well as enhance otherwise bleak environments.

A number of my colleagues in the House of Representatives have joined me in cosponsoring this important bill, and my good friend Senator Claiborne Pell introduced an identical piece of legislation in the Senate. I will continue to work in the House of Representatives for the passage of this most important piece of legislation.

In conclusion, Mr. Chairman, I would like to share with you some of the programs we have sponsored in the 11th Congressional District of California to foster and encourage the arts. As public officials, I think it is our responsibility to foster and encourage artistic activity, and I have sought to do that in my District.

With the support and cooperation of the San Mateo County Arts Council, my wife and I have sponsored the Capitol Arts Program which now enters its third very successful year of bringing fine Peninsula art to the nation's capitol. Thousands of citizens from throughout the United States have had the unique opportunity to view winning entries from San Mateo County on display in our national Capitol in Washington.

As an outgrowth of my concern and respect for the rights of grandparents to have access to their grandchildren, I developed the Grandparents Arts Program. Grandparents and their grandchildren are being encouraged to participate in an art competition to display their special relationship in an artistic medium. Winners will be flown from San Francisco to Washington the Capital to see their works of art on display at the Capitol.

I am also sponsoring a program to permit children from around the nation to participate in an art competition with winning entries to be displayed here in San Francisco during the Democratic National Convention in July 1984. Artwork from each participating Democratic Congressional district will be represented. This program will give students the opportunity to define in their works and images the values of democracy and liberty upon which this country is founded.

Mr. Chairman, I appreciate this opportunity to offer my views and hope that the legislation which I have discussed and these other programs which foster the fine arts will be considered and publicized during the course of your hearings.●

THE EXTENSION OF THE MORTGAGE REVENUE BOND PROGRAM

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. HAMMERSCHMIDT. Mr. Speaker, on December 31, 1983, authority expired for States and localities to issue tax-exempt bonds to finance single-family mortgages. The failure of Congress to pass reauthorizing legislation has seriously jeopardized the availability of housing for those who may have otherwise been unable to afford it, as well as taken away one of the most effective instruments in stimulating the housing industry.

State housing finance agencies have utilized tax-exempt financing mechanisms and Federal subsidies to lower the cost of housing for low- and moderate-income families for the past 25 years. In my home State of Arkansas, the Arkansas Housing Assistance Agency, through close cooperation with lending institutions, investment banking firms, realtors, and builders, has registered strong success in fulfilling this function.

Since 1978, the AHDA has enabled thousands of low-income families to purchase or rent decent, safe, and sanitary housing by making available roughly $600 million that has assisted 11,500 households. In 1983 alone, the issuance of $200 million worth of mortgage revenue bonds generated $183.5 million in mortgages. Of that, approximately $90 million went to the construction of new homes.

Since 1979, when I testified before the House Ways and Means Committee, I have opposed actions attempting to restrict the issuance of tax-exempt bonds for housing. In the 97th Congress, I cosponsored a measure modifying some of the act's most objectionable provisions. And upon the convening of the 98th Congress, I joined with several of my colleagues in cosponsoring a bill repealing the 1980 sunset provision of the Mortgage Subsidy Bond Tax Act. Further, I introduced my own bill to outright repeal the 1980 act.

Today, I reaffirm my dedication to seeing that this invaluable program stays intact, by introducing legislation that would revive mortgage revenue bond authority for 5 years, a period of time which will provide for continuity and stability in the program's operation. Further, this legislation assures continued congressional review of the program and allows adequate time for a controlled demonstration of mortgage bonds and alternative mortgage cost reduction mechanisms.

I urge my colleagues to insist that speedy action be taken on this legislation. And although a 5-year extension is contained in the Tax Reform Act, I do not think this invaluable program should be held hostage to a large tax bill, one that has already been rejected once by this body due to objectionable provisions.

Experience with the bonds since 1980 has demonstrated the soundness of the legislative improvements and the continued effectiveness of the bonds in lowering homeownership costs. Studies by the General Accounting Office and the Congressional Budget Office have examined the bonds' operation closely.

In a 1983 GAO study, it was reported that in the first 6 months of 1982, when mortgage rates were at record highs, mortgage bonds still served a majority of lower income buyers. Seventy percent of State borrowers and 64 percent of local borrowers had incomes below 120 percent of the median. The CBO found that most States and cities it reviewed had imposed income limits on borrowers, in some cases as low as $16,000, in efforts to assure the greatest possible participation by low- and moderate-income home buyers.

The Arkansas Housing Development Agency has reported that of the $183 million in available mortgage money, 21 percent of the borrowers had family income below $19,999 a year. This figure roughly corresponds to the 1983 Arkansas median family income of $19,737.

Further, mortgage bonds' cumulative economic impact is impressive. Each $1 billion in mortgage bonds provides financing for some 7,000 new homes and for an additional 14,000 existing units, generates 7,500 jobs and $140 million in wages, and results in $62 million in Federal, State, and local taxes.

Most important of all is the continuing need for mortgage revenue bonds. Through the rest of the 1980's, the rate of household formation is expected to rise to new levels. Other Federal homeownership incentives, including tax deductions for mortgage interest and property taxes, are insufficient to lower homeownership cost to affordable rates.

Mortgage bonds can assist in offsetting cuts in Federal housing assistance for low- and moderate-income persons. As Federal assistance continues to dwindle, State and local government are faced with growing responsibility for meeting housing needs. Mortgage bonds are one of the few tools for direct housing assistance at the State and local level. Further, mortgage bonds give State and local govern-

ments greater flexibility than federally constrained programs to respond to the diversity of local and regional needs.

The continuing use of tax-exempt bonds for mortgage programs will offer vital assistance to first-time homebuyers, those who otherwise would be forced to rent, and to help strengthen the effective, self-supporting State and local housing agencies across the Nation.

H.R. 4770

A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MORTGAGE BOND PROVISIONS.

(a) IN GENERAL.—Subparagraph (B) of section 103A(c)(1) of the Internal Revenue Code of 1954 (defining qualified mortgage bond) is amended by striking out "December 31, 1983" each place such term appears in such subparagraph and by inserting in lieu thereof "December 31, 1988".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to obligations issued after December 31, 1983.●

DEATH SQUADS AND HUMAN RIGHTS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. WAXMAN. Mr. Speaker, by rejecting the Kissinger Commission's recommendation that Salvadoran aid be linked to human rights progress, the President has assured the rightwing death squads that they need expect no U.S. obstructions to their large scale acts of barbarism.

Over 30,000 Salvadoran citizens have been murdered by rightwing death squads since President Reagan took office. One in four Salvadorans has been displaced. It is impossible to calculate how many of these persons have sought refuge in the United States because they have no faith in their own government's ability or willingness to protect them.

Despite the obvious dangers of their return to El Salvador, the INS is deporting Salvadorans at the steady rate of about 350 a month. Of the 2,914 Salvadoran refugees who filed for asylum with the Immigration Service in fiscal year 1983, only 71 received it.

As long as the Salvadorans in this country face grave dangers at home, the United States is morally bound to offer them shelter until their return would be safe.

In an urgent message to the President in last week's Washington Post, the Southern California Interfaith Task Force on Central America pleads for humanitarian consideration of the Salvadoran refugees. In addition to its broader recommendations on Central American policy, it urges the adoption of H.R. 4447, introduced by Representatives JOE MOAKLEY and JOEL PRITCHARD, to allow Salvadorans to stay in the United States until after the administration studies what their fate would be if forced to return.

I am inserting the task force's message into the CONGRESSIONAL RECORD for every Member's consideration.

AN URGENT MESSAGE TO PRESIDENT REAGAN FROM HIS SOUTHERN CALIFORNIA NEIGHBORS

DEAR MR. PRESIDENT: We watch with growing disbelief and horror as, step by step, this country moves deeper into the affairs of Central America. The Kissinger Commission now asks us to become massively committed to a policy which has already failed, and which condemns the people of Central America to increased suffering. We must not destroy Central America in order to save it.

We hear the same old arguments. When will we learn that wars are easier to start than to stop?

One billion dollars in aid has been poured into El Salvador during your Administration. Daily we spend over $2 million in Central America. Now the Kissinger Commission recommends spending $8 billion there in the next 5 years. We currently are actively financing the sabotage of the economy and the government of Nicaragua.

What do we have to show for our investment so far? Close to 1 million Salvadorans have fled to refuge or exile—20 percent of the population. Over 36,000 political murders of noncombatants, almost all by government related forces. In Guatemala, government repression has terrorized the population and over 1,100,000 have fled their homes. In Southern California we now have over 300,000 Central American refugees.

We say "enough"! We refuse any longer to stand silent witness to this betrayal of American decency and humanity.

We urge you to:

(1) Halt all U.S. military aid, show of force, covert operations and internvention in Central America;

(2) Reject the Kissinger Commission's emphasis on immediate aid for a military victory in El Salvador while playing down the possibility of a peaceful political solution. Instead, take the first steps to implement the peace initiatives proposed by the Contadora Group (Venezuela, Colombia, Mexico and Panama) for a negotiated political solution among all parties to the Central American conflict;

(3) Grant temporary asylum to Central American refugees until they can safely return to their homelands.

In particular, support S. 2131 and H.R. 4447 which call for a two to three year suspension of deportations of Salvadorans while a study on human rights conditions for returnees is conducted by you and considered by the Congress.

We request the opportunity to meet with you when religious leaders gather in Washington on March 19th and 20th to pray and witness for peace, justice, and self-determination in Central America.●

THE RUSH TO MISJUDGMENT ON CRIME

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. EDWARDS of California. Mr. Speaker, the House of Representatives' Committee on the Judiciary will study with respect and care the crime bill enacted by the other body. But, as suggested in the below set forth editorial in the February 6, 1984 of the New York Times, the committee will "stick to measures that really fight crime."

THE RUSH TO MISJUDGMENT ON CRIME

A Senate eager to make an election-year display of fighting crime passed a 387-page measure last week. The Senate should have been content with the bill's laudable attempts to make sentencing more fair and uniform, to ease the confiscation of criminals' assets and to make additional Federal properties available to state prisons. Instead, it rode pell-mell over the Constitution by sanctioning "preventive detention" of unconvicted felons and rolled back the insanity defense by about 140 years of human understanding.

And still pending on the Senate's docket are other "anti-crime" bills that also threaten civil liberties. The worst of these would mangle the exclusionary rule, which prohibits the use of illegally obtained evidence in Federal trials. Though House members face even keener election-year pressures, they must now be looked to for a defense of American justice.

The Senate's bill would permit imprisoning "dangerous" defendants on the basis of nothing more than their inability to "prove" they won't commit a crime if released. That cures no known Federal crime problem. But it turns on its head the sound constitutional principle that defendants should be detained before trial only when there exists a reasonable fear that they will flee. Judges need no new law to deal with bail-jumpers.

In similarly overturning insanity defense, the Senate rashly misjudged the reason a jury may have misapplied it to acquit President Reagan's assailant. The main problem with the insanity defense now is that it requires the prosecution to prove sanity, an extremely difficult burden. But that could be corrected, as the Senate decreed, by requiring the defense to prove insanity.

But instead of stopping there, the Senate also reverted to the 19th-century notion that the only recognizable insanity should be a defendant's inability to distinguish right from wrong. That ignores an entire category of mentally ill people who may know what is right but are wholly incapable of controlling their actions. American law should be above blaming and punishing individuals who are so disabled.

Now the Senate is turning to a separate bill that would allow illegally obtained evidence to be used in Federal criminal trials whenever the judge finds the illegal search or seizure was committed in "good faith." That would obviously relax the pressure on law enforcement agents to observe the law and the Constitution. The bill is probably unconstitutional. Taking it up when the Supreme Court has important cases about the

exclusionary rule under advisement is perverse.

This is not the first time the Senate has acted hastily and unwisely on these issues. The House has so far shown a better sense of balance. Even in an election year, it is to be hoped the House will do its duty and stick to measures that really fight crime.●

SOVIET INTENTIONS IN SOUTHERN AFRICA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, few Americans realize that the Soviets are actively engaged in a resource war to cut off America's access to the strategic minerals in Namibia and Southern Africa. There is a great deal more to the border war between SWAPO and the Territorial Forces of Namibia and South Africa than meets the eye. The Soviets have apparently selected Namibia, which has the largest uranium mine in the world, plus vast resources of other minerals, as the gateway to ultimate Soviet control of all the critical minerals in Southern Africa upon which U.S. national defense industries depend.

Ever since Soviet leader Leonid Brezhnev announced in 1973 that "Our aim is to gain control of the two great treasure houses upon which the West depends—the energy treasure house of the Persian Gulf and the mineral treasure house of Central and Southern Africa", the Soviets have been stepping-up their support for the SWAPO terrorists who are the surrogate forces seeking to take over Namibia from their protected bases in southern Angola.

If the Soviets are successful in gaining control of the critical minerals upon which the United States is now 100 percent import dependent, such as chromium and platinum, our technological capabilities will be seriously restricted. We will be subject to Soviet economic and diplomatic blackmail and will either have to pay exorbitant prices or be denied access to these minerals altogether.

The fact that the Soviets have supplied extremely sophisticated military hardware to SWAPO in recent months, such as 35 to 40 radar systems, a wide range of missile systems including the SA-3, SA-6, SA-8, and now for the first time the heat-seeking ground to air SA-9 missile system, suggests just how serious they are about their desire to control this region of the world. (The SA-9 is a new and quite effective weapon, a 3-foot heat-seeking missile launched from an armored vehicle and capable of striking an aircraft 8,000 yards away.)

The following article from a recent edition of the New York Times should alert us to the grave nature of the Soviet threat in Southern Africa. I suggest that my colleagues take a few moments to carefully review it.

[From the New York Times, Jan. 29, 1984]

PRETORIA DISPLAYS NEW MISSILE CAPTURED IN ANGOLA

CAPE TOWN, Jan. 28.—The South African Army says that during its latest invasion of Angola it captured a new type of Soviet missile that it asserts has not been seen in the West in its entirety.

The ground-to-air SA-9 system was said to have been seized in a battle that started Jan. 2 in the town of Cuvelai, 125 miles north of the border between South-West Africa and Angola.

"This is the first complete system that has fallen into the hands of the West," Col. Julius Kriel, director of South African Air Force intelligence, said when the missile and its launching system was displayed to reporters here Friday. Colonel Kriel declined to say whether the missile system had also been shown to Western military attaches based in South Africa.

Correspondents were permitted to see the missile provided their reports about it were not published until Sunday morning. This was apparently intended to maximize the disclosure's impact in domestic politics.

The all-white Parliament is to begin its traditional no confidence debate Sunday and the opposition is expected to press the Government on the seriousness of what the authorities call a Soviet military buildup on the border.

Coverage of the missile in the South African press is seemingly intended to reflect this perceived threat. South African commentators suggested today that reports of the Soviet buildup were being promoted so as to justify increased military spending in the new budget next March.

Reporters were shown the missile and its amphibious carrier vehicle in a hanger at an air base. Western military specialists said recently that little was known about the SA-9, a three-foot-long, heat-seeking missile launched from an armored vehicle and capable of striking aircraft 8,000 yards away.

At a briefing before the missile was put on display, a military spokesman said the SA-9 was part of a "very sophisticated and extensive" system of air defenses in southern Angola, all of it Soviet-supplied.

Angola provides bases for insurgents from the South-West Africa People's Organization, which is fighting to overthrow South Africa's control of South-West Africa. South Africa mounts regular invasions of southern Angola, ostensibly to disrupt insurgent campaigns, and has been occupying parts of the former Portuguese territory for two years. The latest invasion began on Dec. 6 and South Africa says its forces have now withdrawn. Angola disputes this.

South African columnists and editorial writers have recently blamed the Government for the reported Soviet buildup in southern Angola, saying the frequent invasions had left the Angolan authorities with little choice but to increase the number of Cuban soldiers there and to seek more advanced arms from Moscow.

The military spokesman said Friday that the insurgents had "moved under the umbrella" of Angolan Army air defenses so as to prevent the South Africans from carrying out aerial reconnaissance.

In a rare public display of South Africa's purported knowledge about military dispositions in southern Angola, the military spokesman said there were at least 35 to 40 radar systems in the area and a wide range of Soviet missiles including SA-3, SA-6, SA-8 and SA-9 weapons. Radar systems included those used to guide SA-3 missiles against hostile aircraft, he said.

Colonel Kriel said Western specialists had previously believed the SA-9 to be a modified version of other missiles. It now seemed, however, that it had been developed "specifically for a role" in low- to medium-level surface-to-air defense, he said.

A rack carrying four of the missiles was mounted on a Soviet-made armored vehicle, which was also displayed. It was pushed into the hanger by a tractor. South African technicians had been unable to start its engine because, Colonel Kriel said, the instructions were written in Russian. Colonel Kriel said it had been abandoned in Cuvelai. It was not clear whether it had been manned by Cubans, Angolans or Soviet troops, he said.●

FmHA ECONOMIC EMERGENCY LOAN PROGRAM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. OBERSTAR. Mr. Speaker, the administration of the Farmers Home Administration (FmHA) economic emergency loan program and the refusal of the U.S. Department of Agriculture to provide farmers adequate credit assistance have caused substantial economic problems for our Nation's farmers.

I am today introducing a resolution expressing the sense of the House that the FmHA should obligate not less than $500 million of the economic emergency loan funds to the insured loan component of the program. Senator DALE BUMPERS introduced a similar resolution in the Senate.

Secretary Block's decision in November, 1982, to freeze the $600 million in funding was disturbingly insensitive to the economic plight of farmers experiencing financial difficulties. That decision defied the intent of Congress and ignored the needs of this country's farmers. It is extremely disturbing that farmers had to take legal action in Federal court against their own Government to obtain financial assistance which had been authorized by Congress.

In ordering Secretary Block to release the economic emergency funds, U.S. District Court Judge Flannery concluded that "throughout the year (1982) the Secretary received reports of growing numbers of delinquent loans and foreclosures." The court found Secretary Block's decision to be an abuse of his discretionary authority in view of the mounting evidence of farmers' financial distress. That situation has not changed. The number of FmHA farm foreclosures increased from 844 in fiscal 1982 to 1,347 in fiscal 1983. There have already been

250 FmHA foreclosures this fiscal year. The delinquency rate was 16 percent higher on September 30, 1983, than it was at that same time the year before.

When the Secretary was ordered to release the funds, I thought that there was some relief in sight for farmers. Unfortunately, those thoughts proved to be short lived. In its apportionment of the $600 million, the Office of Management and Budget (OMB) has prevented the funds from being distributed in a manner which would offer the most affordable emergency assistance to farmers. In a complete reversal of past policy, OMB has allocated only $50 million, less than 10 percent, of the funds to be loaned directly by the FmHA as insured loans. Furthermore, that $50 million had been exhausted by the time that OMB issued the apportionment order.

I wrote OMB on January 23, to protest the apportionment of the $600 million. During the first 4 operating years of the economic emergency loan program, approximately 95 percent of the funds were distributed as direct, insured loans, for a total of nearly $6.3 billion. More than 67,000 farmers participated in the program. Approximately 63,650 of those farmers received insured loans from the FmHA.

In ordering the Secretary to release the funds, Judge Flannery stated that:

> There is no reason to believe that a proportionately large number would not have participated had the program been implemented by the Secretary . . .

Accordingly, a proportionately large number of farmers would now be receiving insured loans had the funds been apportioned as they had been during the first three operating years.

If the remaining $550 million is allocated as guaranteed loans, we can expect participation in the program to decline substantially. Farmers will simply not be able to pay the higher interest rates charged by commercial lending institutions. For example, the FmHA usually charges approximately 10.25 percent for a real estate loan, whereas commercial lending institutions are currently charging about 13.5 percent. The difference comes to approximately $222 per month on a loan of $100,000 over 20 years. That amount of money is a considerable sum for a financially hard pressed farmer. Moreover, the rate difference is even higher for operating loans.

The purpose of the economic emergency loan program is that of providing emergency assistance to farmers in the most affordable way possible. The most affordable method is a direct, insured loan; not a guaranteed loan. In establishing the program, Congress recognized the inability of many farmers to obtain credit from sources other than the FmHA because of abnormally depressed economic conditions in their respective areas. By allocating $550 million as guaranteed loans through commercial lending institutions, OMB has undermined the usefulness of the program.

OMB's apportionment of the $600 million is just as capricious as Secretary Block's decision to freeze the funds. The administration's failure to respond effectively to the plight of financially squeezed farmers and administer the program as Congress had intended is deplorable. Just as there was no legitimate justification to freeze the funds in the first place, there is no reasonable justification to allocate only $50 million as insured loans.

In my home State of Minnesota, 150 farmers applied for insured loans after the funds became available on December 22. However, only one farmer was able to receive an insured loan before the $50 million allocation was exhausted on January 13. Minnesota would have received approximately $24 million if the funds had been allocated as they were in the past. While that amount would not have alleviated completely the depressed financial condition of the farmers in my State, it would have been a significant help. There is not enough credit in rural Minnesota to serve farmers' needs.

The administration made clear its position on the economic emergency loan program by refusing to propose a reauthorization of the program in its fiscal 1984 and 1985 budget requests. While Congress has refused to go along with many of the administration's unfair proposals, we continue to face unnecessary obstacles imposed by the administration. The OMB is hardly the agency to entrust with the distribution of funding for assistance programs.

The House Agriculture Committee Subcommittee on Conservation, Credit and Rural Development commendably has begun a full-scale oversight review of the misallocation of the loan program. On February 2, the gentleman from Tennessee, who chairs the subcommittee, convened a hearing of his subcommittee at which I testified. The subcommittee intends to pursue the issue, and I very much hope that it will act favorably and soon on my resolution.

I urge my colleagues to join me in cosponsoring my resolution calling for the reallocation of economic emergency loans program consistent with the intent of Congress and previous practice. It is critical that we act to help those farmers who face financial hardships and are unable to receive credit from other sources.●

UKRAINIAN INDEPENDENCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LANTOS. Mr. Speaker, I join my colleagues today to commemorate the founding of the independent state of Ukraine. The Ukrainian people enjoyed the blessings of independence for only a short time, but they displayed strength and fortitude in their heroic struggle. The beginning of this nation was turbulent and bloody. Three continuous years of war raged with Red and White Russian troops to the east and Polish troops in the west. At the end, the Ukrainian nation lay crushed by the numerically superior Red army.

A systematic effort to obliterate any nationalistic feeling in the Ukraine followed this independence movement, culminating in 1933 with the tragic, manmade famine. Still, these extreme measures did not destroy the hopes of the brave people living in the Ukraine, as they demonstrated again in 1968 with their wholehearted support of the reformations taking place across the border in Czechloslovakia, and today with the formation, despite heavy persecutions, of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords.

As with many of the people in the Soviet orbit, the Ukrainians are reluctant to wear the chain of Soviet hegemony unquestionably. The hope for freedom remains strong in the Ukraine, as it does in Poland, Hungary, and in many other lands. We salute today not only a noble, brief period in the history of the Ukrainian people, but the unfaltering spirit of national identity, as alive today as it was in 1918.

It is with admiration that we commemorate this courage, perserverance and spirit of the Ukrainian people.●

TRIBUTE TO TOM MATHERLEE

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. BROYHILL. Mr. Speaker, last week Mr. Tom Matherlee was sworn in as chairman of the American Hospital Association board of trustees. Tom is the president of Gaston Memorial Hospital in Gastonia, N.C. He is not only one of my constituents; he is also a very good friend of mine.

Tom began his career in health care as an attendant in a small hospital in Ohio, and his climb up the ladder in the field of hospital administration has been steady and sure. He is a past

president of the North Carolina Hospital Association, and has served in a number of posts with the American Hospital Association through the years.

Given the amount of health legislation before the Congress, and the attention which is being focused on spiraling health-care costs, I want to share with you Tom Matherlee's investiture speech before the American Hospital Association. I know that you will find his remarks to be relevant and thought provoking, as he discusses the challenges facing the Congress and all those interested in insuring quality, affordable health care for all Americans.

INVESTITURE SPEECH OF TOM MATHERLEE, CHAIRMAN, AMERICAN HOSPITAL ASSOCIATION

ACKNOWLEDGEMENTS

Without having any idea he was doing it, a 17th century English minister named John Tillotson clearly described why we have many of the challenges we face in the hospital and health care industry today. He said nothing about health care or cost, demand or productivity, governmental budget cuts or government programs, insurance, biomedical ethics, capital needs or technology. In fact, he wrote only one line that the editors of Bartlett's quotations consider worthy of immortality in their book. That one line could have been written for us.

"Those in the highest places," Tillotson observed, "Have the least liberty—because they are the most observed!"

How simple that is, and how true: Those in the highest places have the least liberty—because they are the most observed!

People have a double standard for behavior between themselves and other ordinary mortals—and those who have been elevated to high position.

People might cheat a little on a company expense account and know their neighbor takes a cash payment instead of a check for a service to hide the income. But they are horrified and demand stern punishment for a judge or business executive who is found taking a bribe or otherwise breaking the law.

What is true of individuals is also true of institutions, especially now, in this era of consumerism.

Big industries, leaders in their field, become big by meeting needs for more and bigger and better products. As well as jobs and wages and fringe benefits. Once they become leaders, however, they are expected to solve problems that affect them—and that they affect. Many of the demands made on them might be unjust, or impossible, but they are made just the same.

I'm sure you can see clearly how the concept applies to us. Both in the demand for solutions and the willingness to punish failure.

There are many problems in the health care field. To whom is the nation looking to solve those problems? The answer is another question: who has risen to the highest, and consequently, the most observed position in health care? I think the answer is hospitals and physicians. We are elected—we the hopsitals and physicians. We who have risen to the highest position in health care, and are the most observed.

In the next few minutes I want to review with you a few of the issues that have brought us to our mountain top location and reflect a little bit on what we as an association can do to address those highly visible issues and uphold our responsbility as highly visible leaders. I will touch on costs, capital, caring, Congress, and commitment.

COSTS

Listen to what some leaders say about health care: "They are eliminating the nonessential, or, as the public expresses it, cutting out the frills." And these words of wisdom . . ." It is not only the public which needs education on hospital costs and curtailment; our doctors may need it twice as much." Or this story I read: "Privately owned hospitals have suffered because the community has dumped upon them the indigent and accident load that should have been borne by taxation." These are not words from recent publications. They are, in fact, quotations from presidential addresses to the American Hospital Association in the years 1933 and 1935, 50 years ago.

In preparation for my comments today, I reviewed many such speeches of the past made to this organization.

I conclude that cost of health care has always been a concern and it will continue to be. Costs are always considered too high. Although a healthy body is something every person wants, it takes dollars that they would rather spend on someting else. Paying for health care services creates a conflict of desires. Today is no different than 50 years ago except there are different actors on the scene.

So, in the working life of those in this room, we have arrived, at one of those crucial points in the evolution of the hospital industry.

The pendulum is swinging from programs and policies directed to accessibility, improved technology and provision of more services. The pendulum is swinging toward less dependence on the acute care hospital, less support for technology, less growth in the dollars available for health care services. And, if we are not vigilant, the pendulum will swing away from the "care" in health care. The pendulum is powered, not by health policy but, rather, by budget policy.

Why is this pendulum swinging away from the good things we have all worked for? We have become a large industry, a visible industry, and industry whose problems of today and tomorrow have been created by our successfully meeting the challenges of yesterday.

Our industry has been a growth industry, spurred on by government and business programs touting access to health care services and quality in delivery. Today, the Medicare and Medicaid programs provide some coverage for 51 million elderly, disabled or needy people. Another 140-150 million are covered by employers or union-sponsored health insurance. Approximately 90 percent of our bills are paid by third parties.

Attention to growth, the demands for access, and our success in meeting these demands has created a false impression that hospitals have unlimited resources and capabilities and that we have no vulnerability.

Now sentiment has turned against continued rapid growth in expenditures. We are at a critical point because we are going to have to learn to manage with less at a time when our elderly population is increasing dramatically.

We cannot . . . indeed must not . . . stop caring and we cannot withhold our services from those who need care. We are at a critical point in our industry because our purchasers are trying to judge the efficacy, effectiveness, and cost benefit of our services, frequently without a real understanding of what the numbers and data mean. And we do not have adequate data to demonstrate a positive relationship between dollars spent and health status achieved.

We are at a critical point because we are faced with purchasers and competitors who want to shrink our historical base of operation, which is acute inpatient care. We are at a critical point because Medicare prospective pricing—the most significant change in payment systems our hospitals have ever faced—is being implemented in two-thirds of our hospitals at this time.

During this year we will see the results of the first complete year under the Medicare prospective payment system for these hospitals and we will see those not yet covered brought under the umbrella.

It will be a year of contrasts and a year of squeeze. In a few months it will be time for "show and tell"! Our job is to put forth our best efforts to see that the prospective payment system works. The alternative is a heavy-handed regulatory approach, and we must avoid it.

CAPITAL

Another highly visible and pivotal cost issue involves capital dollars. My belief is founded on projections of need, the large federal deficits, the pendulum swing of world-wide investment, changes in health care payment systems, the ever present threat in our state capitols and the Congress to restrict our capital sources, and the inability of a large segment of our industry to qualify in the capital market.

What is the need? It's large—maybe 100 to 200 billion dollars in the 1980's for replacement and renovation. Maybe as much as 85 percent of our hospital plant capacity will reach the end of its useful life during this decade. To put this need in perspective, consider that from 1973-1979, a period of much growth, only approximately 25 billion dollars was spent on hospital construction.[1]

Huge federal deficits also forewarn of difficulties in the capital markets. Many knowledgeable people believe that these deficits will squeeze out private borrowers. Given unsustainable federal budget deficits and the fickleness of currency values in a world-wide economy, a dollar crunch is almost certain to occur and federal borrowing needs will create even greater pressure on the private sector's ability to access capital markets.

The sources of capital in the hospital industry have changed dramatically over the past 10-15 years. In the late 1960's, debt represented a little over one-third of capital financing. Today debt is well in excess of two-thirds. Debt has emerged as the single most important source of non-federal hospital construction funding, with tax exempt bonds representing the largest share of this resource. Even with this shift, however, only 1100 hospitals (according to a recent study by an investment banking firm) have ever issued hospital revenue bonds.[2]

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[1] "Future Capital Requirements of The Hospital Industry", August 1982. Division of Hospital Planning, Office of Public Policy Analysis, American Hospital Association.

[2] "Tax-Exempt Hospital Revenue Bonds—Health Care Trends and Criteria For Bond Analysis." John Nuveen & Co., Inc., Chicago. Reported in Modern Health Care, October 1983, p. 174.

The report indicates that a major reason is that many hospitals have difficulty getting investment-grade credit ratings because major rating agencies rarely rate hospitals with less than 100 beds and about one-third of not-for-profit hospitals fall into that category.

At the federal level and in many states, some want to limit our access to debt financing, through the tax-exempt and taxable markets. Numerous states are looking at "caps" or "ceilings" on capital expenditures and we have and will continue to face challenges at the federal level to tax-exempt revenue bonds.

The changes taking place in the payment systems for health care services are another critical element. We need an adequate operating margin for capital formation. Moderating against that are inadequate Medicaid payments, demands from large third-party payers for discounts and elimination or reduction of public funding.

Will hospitals with current debt be able to generate funds to repay that debt and provide for future capital needs? How should we address the capital payment factor under the prospective payment systems in order to assure that all hospitals receive fair and equitable treatment under the system?

The factors surrounding the capital issue are, indeed, complex. They are not subject to simplistic solutions and business as usual proposals. It is imperative that we maintain our access to tax-exempt revenue sources, but it is also imperative that we not be so dependent on this one source. It is a fragile source, subject to political winds and the mind set of regulators. We must develop strategies for capital sources which will provide several options, one of which is how to reduce capital need.

Just as our industry moved to address a problem with availability when malpractice insurance sources dwindled a few years ago, so may there be an opportunity today and tomorrow for this great Association and the State associations represented on this stage to be creative in addressing the capital formation and access issue.

CARING

Costs and capital are not the only highly visible issues that confront us. Another of the difficulties we face in our industry is a growing skepticism about our motivation. Although many people are supportive of their local hospital, they question the motives of the industry as a whole. On occasion, one poor example gets magnified to the point that people believe it is our standard. We hear about the one patient who is difficult to place rather than the thousands who get care everyday without regard to financial resources. An insurance industry organization tells the public that hospitals are totally uncontrolled on costs and touts. "Fair Payment Systems" as the answer, a fancy name for an uproven all-payers regulatory system.

To negate such improper interpretations of our industry we must show our caring attitude. Care about those we serve as individuals, as human beings! Care about the economic situation in our communities! Care about those who need help but can't afford it! Care about the efficiency and effectiveness of our organizations! Care about the impact of our decisions in human and financial terms!

We talk a lot about quality, and we should! But we must really concern ourselves with caring. Patients do not always understand the quality aspects of our technological business—but they do know whether we care!

In our fervor of striving for new ways to do things, in our corporate reorganizations, and in our home offices which are sometimes remote and which can tend to remove our minds from our purpose of being, we must not forget why we are in business. We must occasionally feel the pain of our acute care endeavors—the pain of a tormented young man or young lady travelling the road far from home searching for drugs to ease their torment—the pain of the child with cancer—the pain of the elderly who are broken in body and spirit—the burn victim—the accident victim—the attacked! We must visualize the beauty of the healthy newborn child and the agony of the deformed! We must not forget and we must not let those in the halls of Congress forget!

If we can assure those whom we serve that we care—if we can demonstrate to those who make our laws that we care—then, perhaps, some of those who would attack us might be persuaded to become our healers in our time of need! We must keep the "care" in health care!

CONGRESS

Hospitals are caring institutions. They also must be politically active institutions, in a politically strong industry. In a national association like the American Hospital Association, people band together to share and learn from each other about common interests, and to achieve common purposes together that they cannot achieve separately.

The fact that they associate does not mean that all of a sudden the people lose all their identity, that there are no differences. For those who are sincere in their desire to make the association meaningful is means a willingness to work to minimize the differences and maximize the common purpose when it counts the most. So it is and always has been with the American Hospital Association.

There are skeptics who proclaim that the American Hospital Association can no longer represent all hospitals because hospitals are too diverse. People who see only the differences in hospitals fail to see the central purpose in all hospitals, the common thread that makes us what we are called—hospital—a place that cares for peoples' health needs.

In AHA, too, our diversity is recognized but our central core is also still there. To achieve harmony does not mean there can be no differences. In fact, to achieve harmony there must be differences. Harmony is created by different notes—as long as the notes are in the same key. As long as we know the key—our purpose for being—we can be diverse but still be an association for all hospitals.

Lifeless things, forms, do not change themselves—they are changed by other factors and forces; things with life change themselves as a natural process as they grow. This association has exhibited its life, has changed as a natural process through the years because its members have changed. The recommendations of the "Future Directions" Committee are being implemented this year.

The changing face of our Association calls for more involvement of those who have long served this Association well, the managers of our nation's hospitals. Managers of hospitals of all types participating through our new constituency sections, in addition to our traditional mode of representation in the House of Delegates will, in my opinion, greatly enhance the quality of our deliberations. The changes also call for greater involvement of hospital trustees and members of hospital medical staffs in our policy development process.

To achieve success in dealing with the issues confronting our hospitals today we must maintain a strong membership base. I believe we are strong and can become stronger as we implement the "Future Directions" recommendations. When you consider the potential of 6,000 institutional members with their boards of trustees, medical staffs, employees, auxiliaries, and their families we can be a potent force. When you consider 37,000 personal members, we can be a potent force. We simply must channel the energy.

To achieve success we must maintain a strong, skilled voice in Washington and our state capitals, as at no other time. Our voice needs to be heard more than ever. We must have staffs that are ever watchful and networks which can spring into action on short notice. Look how swiftly the Medicare Prospective Payment System moved through the Congress.

This Association has cooperated with the federal government in the development of the Medicare Prospective Payment System in order to try to reduce the rate of growth in health care costs. The system is not yet in place in all of our hospitals and there are already those who are desirous of changing it with their "quick fix" solution. Some suggest limiting the market basket inflation factor or taking away the 1% technology factor. There are those who are heralding an "all-payers" system without understanding what such a system means. These threats must not go unchallenged.

We will continue to work for reduction in the rate of increase in health care costs through encouragement of improved productivity, greater efficiency in our operations and innovations in delivery of services. We must at the same time, however, make it abundantly clear to the federal and state governments that we have a commitment to our fellow man, and that the commitment takes dollars. When cuts inhibit the commitment, we must be willing to stand up and be counted. Such commitment is necessary for success.

Because there is no health policy, I believe we must raise the consciousness level of Congress for the need of one. I do not mean a pie in the sky document, but some clear statements on which services are to be provided and at what level.

If a policy were in existence, I am convinced we could meet its demands. We have done so in the past when access and improvements in technology were the bywords. We have to know what the policy is, however, and the resources have to be there to support the policy.

To achieve success in the political arena, I believe, takes active participation of all our association members in deed and in dollars. No amount of dollars contributed through our PAC is going to buy us any votes, but it will help us to gain the ear of the legislators so that we can tell our story.

There are many issues facing us in Washington even though it is an election year. Budget neutrality on health care funds, tinkering with the prospective payment system, debates over the solvency of the Medicare trust fund, capital, planning, peer review, all-payers system, cap proposal, further cuts in funds, legislation on the handicapped, tax bills, Medicaid, plus many more. During 1984, we must prepare ourselves for

action after the rhetoric has faded and the election is over.

Another important activity which will begin this year and through which we can help ourselves is the campaign "Telling the Hospital Story." Our detractors would have the world believe that we are uncaring about people, resources used, or being effective and efficient in our operations. To tell the hospital story cannot be done by our national organization alone. Through the joint efforts of this Association, the state associations, the regional associations, and individual hospitals, however, I believe we can begin to show those whom we serve that we do indeed care about them, that we care about costs, that we are working to make our enterprises more efficient and effective, and that they have a friend in their hospital.

One could easily despair if they dwelt only on the problems and challenges our industry faces at this point in our history. I believe, however, that we should dwell on what we can do to help ourselves.

I am reminded of a story that I heard in a church service several years ago. It is simply titled, "Grandpa's Gate." The story relates that an elderly gentleman was repairing the gate to his garden fence. His young grandson approached and said, "Watcha doin', Grandpa?" The grandfather replied, "I'm fixin' this gate, Son," The grandson responded. "Why are you fixin' the gate, Grandpa?" And, as he continued to work, the grandfather replied, "Because the gate is broken. And, you see, Son, some things repair themselves; some things others have to repair; some things can't be repaired at all; some things only God can repair; and, son, some things I have to repair!"

Ladies and gentlemen, our challenge is to find those things which we need to repair! I am confident that we have the intellectual capacity, the organizational skills, and the people to do the job that needs to be done in the health care services arena if we really set our minds to it. It is incumbent that we, as an association of people and organizations, who know more about delivering health care services than anybody else in this great land of ours, take the initiative. Like Grandpa's gate, this is one of those things we can repair ourselves.

Ours is a human endeavor, involving human beings and human lives. The success of this Association is dependent upon the level of our commitment to our human purpose, to our commitment to those things we believe in. Are you committed, really committed, or are you simply involved? There is a difference, you know. In the typical breakfast of ham and eggs, the chicken is involved—the pig is committed! Are you willing to forego individual expediency for the long term good of all our members and those we serve?

What would we do without the American Hospital Association? Why are we here? We are here because of a voluntary decision, a belief that we can accomplish together what we cannot accomplish apart. We can pull together and make it together or we can get into turf wars and sink each other. We must be bigger than our differences and smaller than our pride!

I am excited about this Association and the opportunities the uncertainties of the future present us with. I am committed to this Association—committed to doing what I can to further its purposes and having a positive impact on health care services delivery. I pledge myself to represent you the best I know how, to listen to your concerns, to act where indicated and within my power. You have honored me by electing me to be your Chairman. I shall work tenaciously to uphold that honor and trust. I cannot function in isolation however. It will take the efforts of all these talented people behind me on this stage, the efforts of all in this audience, and the efforts of all our members back home to make this a successful year. With your help and by being indivisible we can succeed!●

FOUR MILLION MEMBERS OF THE AFL-CIO BUILDING AND CONSTRUCTION TRADES DEPARTMENT OPPOSE H.R. 555

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. MOORHEAD. Mr. Speaker, tomorrow the House is scheduled to resume consideration of H.R. 555, the Construction Work in Progress Policy Act.

H.R. 555 would repeal a carefully crafted Federal Energy Regulatory Commission ruling which the Commissioners unanimously believed fulfilled their regulatory responsibility "both to protect ratepayers from high rates, while at the same time insuring that utilities will continue to provide economic and reliable utility service, now and in the future."

The Commissioners at FERC studied this issue for almost 2 years. They received testimony from over 200 witnesses representing every side of this question. They concluded that failure to allow a utility to recover on a current basis at least a portion of the financing charges on new construction would result in "rate shock" (drastic, sudden rate hikes) to electricity consumers immediately upon completion of a new generating plant.

I believe that the ratepayer should be protected from such rate shock. Proponents of H.R. 555 claim this bill is "proconsumer". I do not see how any bill which would inflict on the consumer "rate shocks" as high as 30 percent could be classified as "proconsumer". If anything, H.R. 555 is "anticonsumer".

The 4 million members of the Building and Construction Trades Department of the AFL-CIO obviously agree with me.

I am enclosing in the RECORD at this point, a mailgram which was sent to all Members of the House of Representatives today opposing H.R. 555.

MAILGRAM

Date: February 7, 1984.

To: Members of the U.S. House of Representatives.

Sometime this week, you will be voting on H.R. 555, the Construction Work in Progress Policy Act.

While proponents of this legislation claim this bill is "proconsumer", consumers will ultimately pay the capitalization costs when the project is put on line. H.R. 555 merely defers the rate increase from the time construction starts, to the time the plant begins to generate electricity * * * Then the consumer gets hit with an enormous rate increase.

The four million members of the Building and Construction Trades Department, AFL-CIO, do not support H.R. 555, and urge you to do the same.

ROBERT A. GEORGINE,
President, Building and Construction Trades Department, AFL-CIO.●

A TRIBUTE TO CANTOR NATHAN AND GRACE KATZMAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to Cantor Nathan and Grace Katzman, two very special people who have devoted 37 years of service to Hollywood Temple Beth El in Los Angeles and who are lifelong friends of mine and of my family.

The Katzmans, who will be honored at the 62d Anniversary Ball on March 4, 1984, have played a very special role in my own life, as well as the lives of countless others in the Los Angeles community. It is with great pride that I share their accomplishments with my colleagues.

Cantor Katzman began his singing career at the age of 8 in Nicolaiev, Russia, where he sang in his father's choir. As a young man he dreamed of an operatic career and studied at the Juilliard School of Music in New York. He later traveled to Brussels to study opera, but the desire to express his religious feelings cantorally, as had his father and grandfather before him, became too strong. Cantor Katzman soon returned to the United States where he was selected to succeed Cantor Reichman at the B'nai Zion Congregation in Chicago.

On one of his frequent visits to Detroit to visit his father, the renowned David Katzman, Nathan was introducted to Grace Klein. They were wed on February 18, 1940, and on November 7, 1943, the Katzmans were blessed with a son, Joel.

The Katzmans spent 7 years with B'nai Zion and then moved to Los Angeles. Early in 1947, Mark Katzman joined the Katzman family, on January 13. Also in 1947, when Nathan Katzman was performing at a benefit concert, he was heard by some of the lay leaders of Hollywood's Temple Beth El. They invited him to audition before a select committee of the Temple and he has remained there ever since. No practitioner of politics could fail to be impressed by Cantor Katzman's staying power, outlasting

more rabbinical colleagues during this time than most people can count.

In addition to his duties as Beth El's Cantor, Nathan has served as school principal, Hebrew teacher, Bar and Bat Mitzvah tutor, and music and drama director. I was privileged to study with Cantor Katzman for my own Bar Mitzvah in 1956—and I think it is appropriate to mention here that no Sabbath or holiday service has ever seemed truly glowing to me unless it included Cantor Katzman.

Grace Katzman, a devoted wife, mother, and grandmother is also a talented artist. She has added beauty and artistry to numerous gatherings at Beth El, including the beautiful mural which hangs above the stage in the Emma Levine Garden Room, a room that holds a special place in my heart as it is dedicated to my own grandmother. Grace is also active in the sisterhood, where she has held numerous positions.

The Katzmans contributions to the community extend far beyond the boundaries of the synagogue. They have given their time and talent to countless causes and organizations including the University of Judaism, Hebrew University, Jewish Institute for the Blind, Survivors of Concentration Camps, National Women's League, B'nai B'rith, Hadassah, Mount Sinai Hospital, Gateways Hospital, United Synagogue of America, Camp Ramah, Yiddish Culture Club, Histadrut, Los Angeles Home for the Aged, the Senior Citizens Association of Los Angeles, and many more.

Most recently, Cantor Katzman was selected to participate in the Fourth International Congress on Humor, which will take place this summer in Tel Aviv, Israel. His presentation will deal with the humor reflected in Yiddish folk music.

The list of accomplishments for these two is endless. They have touched the lives of so many individuals and it is a personal joy to call them my friends.●

THE CHILD ABUSE AMENDMENTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. BROWN of California. Mr. Speaker, on February 2, 1984, the House of Representatives voted on H.R. 1904, the Child Abuse Amendments of 1983. This legislation reauthorized the Child Abuse Prevention and Treatment Act. I would like to clarify my position on sections of this bill which address the ethics of treatment of handicapped infants.

In 1982 in Bloomington, Ind., an infant was born with Down's syndrome and respiratory and digestive complications. The child's parents, with the support of their doctors and the courts, withheld food and treatment from the child. Since the infant's death, many people and groups have tried to determine whether decisions to withhold treatment violate any laws, and who should make this kind of decision.

Medical groups, disability representatives, and Government officials discussed this dilemma. After considerable consultation and cooperation, these groups approved the Department of Health and Human Services' [HHS] final rule, which set up voluntary hospital review panels to oversee decisions involving the care of handicapped infants. This rule is based on civil rights law which prohibits discrimination on the basis of handicap. The Washington Post of February 3, 1984, reports that an HHS spokesman said, "We feel our regulations are satisfactory. We don't feel additional legislation is necessary."

The child abuse amendments of 1983, however, contained provisions requiring States to insure that severely handicapped infants receive nutrition, medically indicated treatment, general care, and appropriate social services. If States do not meet this requirement, they will lose funding for child abuse treatment and prevention. Furthermore, any decision by parents, doctors, and clergy to withhold treatment must be reported as child abuse. The amendments put a difficult, agonizing decision to withhold treatment made by parents, doctors, and clergy in the same category as beating or molesting a child.

The child abuse amendments put the Government in the role of decisionmaker, as the provider of one answer which applies to all situations. Yet there are varying degrees of handicaps. At one extreme is an infant born 6 months early with several life-threatening handicaps, who will suffer a painful life and death, dying within a month, leaving his parents with tremendous grief and guilt, and medical bills over $50,000. At another extreme is an infant born deaf, a disability which many successfully overcome.

The parents who face each situation must live with the results of their decisions. Withholding treatment is extremely difficult; withholding treatment from an infant whose arrival was anticipated with joy is tragic. If the decision must be made, I believe it should be made by those who have the best interests of the child at heart: Parents, doctors, and clergy. The hospital review panel will oversee the decisionmaking process and lend support when needed.

An amendment was offered by Representative WAXMAN to the child abuse amendments to provide a more reasonable approach to this situation. The amendment, which I voted for, would have required the Department of Health and Human Services to issue guidelines for hospitals that want to establish ethical advisory committees to offer advice on the treatment of severely handicapped infants, and to help establish hospital treatment policies. The amendment would have established a national commission to study the issue of treatment of handicapped infants. Finally, it would have required HHS to compile a directory of physicians with expertise in the care and treatment of handicapped infants. Unfortunately, the amendment was defeated, 182 to 231. I also voted for Representative MILLER'S amendment to provide assistance to the victims of family violence. This amendment passed, 367 to 31.

Even though I disagreed with the provisions relating to handicapped infants, I had planned to vote for final passage of the Child Abuse Amendments of 1983 because I firmly support Federal funding of child abuse prevention and treatment. The legislation passed the House by a vote of 396 to 4. To my deep regret, I was unable to leave my office during the final vote. I was in an interview with the Independent Network News about ethylene dibromide [EDB], the chemical which the Environmental Protection Agency banned on February 3. As a member of the House Agriculture Committee, I believe that my first responsibility was to try to educate the public about EPA's decision.

I congratulate the Members who worked on the child abuse legislation for their efforts to address difficult, complex, and tragic situations. I hope this legislation and other Federal activities will help prevent and treat child abuse.

With increasing technical medical advancements, and the resulting increasing demands on medical and social resources, we are venturing into an area of tough choices. We must be very careful about how these choices are made, and about who makes them. Thomas Jefferson said:

> I know of no safe depository of the ultimate powers of the society but the people themselves.

I think vesting in Government the power to override decisions made on an individual basis by doctors, clergy, and families is an unwarranted, ill-advised depository. I fear that our good intentions and high ideals will never take the place of the love and grief which parents with an infant with life-threatening handicaps must bear.●

HARD WORK PAYS DIVIDENDS TO DR. KWANG-MING CHEN

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. WON PAT. Mr. Speaker, I call the attention of my colleagues to a hard working scientist who may have found the origins of a terrible neurological disease which plagued the people of Guam for many years.

The gentleman in question, Dr. Kwang-Ming Chen, is a neurologist with the Guam Research Center, and after 30 years of intensive study into the causes of amyotrophic lateral sclerosis—Lou Gehrig's disease—and Parkinsonism-dementia/PD, Dr. Chen believes that one source of the illnesses on Guam may be the high concentration of aluminum found naturally in Guam's water supplies.

His findings are of great importance to my people since the incidence of such diseases are estimated to be much higher per capita on the island than elsewhere in the world.

It is hoped that through the hard work of Dr. Chen, others can find a cure to these horrible illnesses and rid my people of these threats to life and good health.

Recently, the 17th Guam Legislature adopted a resolution honoring Dr. Chen for his brilliant work. At this time I will insert the resolution in the RECORD as a reflection of the high esteem in which we hold this great man and as a lesson to others that hard work does bring about its own rewards. Thank you.

RESOLUTION No. 374

Be it resolved by the legislature of the Territory of Guam:

Whereas, Amyotrophic Lateral Sclerosis/ALS or Lou Gehrig's disease, locally known as Lytico, and Parkinsonism-Dementia/PD, locally known as Bodig, are terminal illness that have a high incidence on Guam; and

Whereas, Lytico and Bodig have been diagnosed among Chamorros on Guam since the early 20th century, but it wasn't until 1953-54 that it was discovered that Chamorros on Guam had ALS 100 times more often than elsewhere in the world; and

Whereas, Dr. Kwang-Ming Chen, a neurologist with the Guam Research Center, has spent thirty years in the study of these diseases; and

Whereas, in 1964, Drs. Chen and Yoshiro Yase, began to suspect an environmental cause of the disease, with Guam's water being a leading suspect as well as the high concentration of aluminum found naturally in the water and soil; and

Whereas, after considerable study, Drs. Chen and Yase ruled out hereditary factors unless they occur at a molecular level, turning their attention to an interaction between high aluminum and low calcium and magnesium levels in the water supplies; and

Whereas, Dr. Chen, has concluded in an unpublished medical paper that "trace metal analyses of ecological environment and central nervous system definitely implicate interaction between aluminum, calcium and other trace elements playing a key role in the pathogenesis of Guam type ALS (Lytico) and PD(Bodig)"; and

Whereas, through Dr. Chen's study, it appears that the etiology of this most elusive disease of the central nervous system may have been found, and its prevention or treatment may be on the horizon; now, therefore, be it

Resolved, that the Seventeenth Guam Legislature, on behalf of the people of Guam, commend Dr. Kwang-Ming Chen on his latest findings on Lytico and Bodig; and be it futher

Resolved, that the Seventeenth Guam Legislature recommend that Dr. Kwang-Ming Chen be nominated for induction into the "Guma Onra" for his outstanding contribution in the field of Medicine and Health; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies be thereafter transmitted to Dr. Kwang-Ming Chen; to Dr. Yoshiro Yase; to the Chinese Association of Guam; to the Japanese Consulate; to the Guam Lytico and Bodig Association; to the Muscular Dystrophy Association; to the Mayo Foundation; to the Parkinson's Disease Foundation; to the Parkinson's Educational Program; to the National Multiple Sclerosis Society; to the Amyotrophic Lateral Sclerosis Society of America; to Margaret Heckler, Secretary of the Department of Health and Human Services; to Congressman Antonio B. Won Pat; to Senator Lowell Weicker, Chairperson of the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education; and to the Governor of Guam.●

PASS HOUSE CONCURRENT RESOLUTION 192

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. RITTER. Mr. Speaker, today the House of Representatives will be considering Senate Concurrent Resolution 80 which expresses the sense of Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations Commission on Human Rights. I urge my colleagues to support this legislation and reaffirm our Nation's longstanding commitment to furthering the basic human rights of the Baltic peoples as guaranteed to them in the Helsinki accords and various other multilateral agreements.

The history of the Baltic States during this century has been recounted many times in this Chamber. Unfortunately, theirs is another example of not only the brutality, but the reality of Soviet communism.

Today, the Baltic States suffer under the cruelty of Soviet totalitarianism. Their basic rights as human beings, rights that we take for granted, do not exist. Their own culture, language, and religion has been brutally suppressed through intense Russification. While the world community is generally aware of the illegal incorporation of the Baltic States by the Soviet Union, this issue of self-determination for the peoples of Estonia, Latvia, and Lithuania has never been fully discussed before in a world forum.

As cochairmen of the Ad Hoc Committee on the Baltic States and Ukraine, Congressman BRIAN DONNELLY and myself sponsored legislation, House Concurrent Resolution 192, calling on the President to direct the U.S. delegation to the United Nations to discuss the issue of the self-determination for the Baltic States before all appropriate U.N. forums. This specifically includes the next session for the U.N. Human Rights Commission in Geneva which will convene on February 6, 1984. This is why we have urged this resolution be brought to the floor post haste.

House Concurrent Resolution 192 reflects the fact that the United States has never recognized the unlawful annexation of the Baltic States into the Soviet Union, and also reaffirms our Nation's commitment to human rights and self-determination for all peoples. The legislation, therefore focuses on presenting the Baltic case to the U.N. Human Rights Commission under agenda item 9, entitled "The Rights of Peoples to Self-Determination and Its Application to Peoples Under Colonial or Alien Domination." Under this particular agenda point, the Commission can take action on the self-determination questions, as it did regarding Afghanistan 2 years ago.

Although the Baltic States border on Russia proper, they have always been Western oriented. For the United States to remain passive on the issues of human rights and self-determination for the countries of Estonia, Latvia, and Lithuania is to ignore the traditional ties of the Baltic nations to the West, to renege on all the basic principles of its Constitution, and to render meaningless its statements regarding support for the Universal Declaration of Human Rights and other relevant documents.

As sponsor of House Concurrent Resolution 192, I ask that my colleagues support me and call on the U.S. delegation to the United Nations Human Rights Commission to state the case of self-determination for the Baltic peoples and illuminate the disrespect for human rights consistently demonstrated by the Soviet Union.

It is important that we in the United States who enjoy fundamental freedoms, continue to speak out against the illegal occupation of the Baltic countries by the Soviet Union and for the restoration of the freedoms they have been denied for so long.●

NATIONAL ENGINEERS' WEEK

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. FOGLIETTA. Mr. Speaker, by Presidential message the week of February 17-25 is National Engineers' Week and I rise to recognize the many great contributions of the men and women of this profession. I also want to recognize Dr. Joseph Bordogna of the Moore School of Electrical Engineering at the University of Pennsylvania. Dr. Bordogna has been named the 1984 Engineer of the Year, an outstanding achievement.

Mr. Speaker, the celebration of National Engineers' Week is both a time to reflect on the great achievements of this profession as well as to plan for the possibilities and the greatness of our future.

Engineering has played an increasingly important role in our daily lives. With the highest standards of competency and integrity, engineers have made human life not only longer but also richer and better. Long gone are the days when engineers were thought of only as men who wear striped hats and drive locomotives. Today, the practice of engineering extends into virtually all facets of life: Communications, transportation, agriculture, architecture, industrial production, and biomedicine, to name just a few of the fields in which engineering has exercised spectacular influence and met with unprecedented success. Undoubtedly, engineers have a special talent for solving problems of practical interest and everyday needs.

With energetic pursuit, engineers have made astounding technological developments. In our modern era, what is most remarkable is the engineer's possession of what seems to be an innate ability to think small—equipment that in decades past would take 10 men to carry has now been modified and perfected to the extent that it now fits into the palm of your hand—and that is progress.

As I mentioned earlier, engineering has affected practically every aspect of human survival and engineering history dates back to the introduction of the wheel. The transition from stone to metal can also be credited to yet another feat of engineering. Such accomplishments have never ceased to be amazing, contributing to every culture of the world. The Greeks are worthy of much praise for their invention and development of aqueducts; to the glory that was Rome we applaud and marvel at the architectural achievements of the Pantheon, the colosseums, and cathedrals, and we should not forget yet another wonder of the world—the Egyptian pyramids. Many of man's triumphs and conquests must be credited to the realization of engineering goals. America is not without its own success stories as our country has also had its own engineering heroes in the likes of Lillian Moller Gilbreth who took great strides in time motion research; Washington Augustus Roebling, the first engineer to use caissons and steel cables to construct the Brooklyn Bridge—the bridge they said could not be built; Ole Singstad, the gentleman who magnificently engineered the design of the Holland Tunnel; Elwood Mead, builder of the Hoover Dam; Robert H. Goddard, who dared to explore the frontier of space; and Grace Murray Hopper whose contributions to computer programing were so significant that the U.S. Navy would not allow her to retire—even at age 78.

Another invention worthy of comment comes from the University of Pennsylvania. Known as the ENIAC, it has been hailed as the father of the modern electronic computer and has been named as one of the top 10 engineering achievements in the past 50 years. Needless to say, engineers are worthy of recognition and we, the people of the 20th century are indebted to these individuals who have dedicated themselves to efficiency and progress.

On this occasion, I want to recognize Dr. Joseph Bordogna of the University of Pennsylvania. Dr. Bordogna has been selected as the 1984 Engineer of the Year, an honor of which he is indeed worthy and most deserving. Known for his research in optical and radio communications, electro-optic recording materials, holographic television, and various miraculous laser projects such as a laser-equipped cane which allows blind people to see where they are going, Dr. Bordogna's accomplishments are many and he is honored for his distinguished career as both an engineer and an educator. He continues the great engineering tradition of the University of Pennsylvania.

I congratulate and compliment Dr. Bordogna on his personal and professional achievements and extend my praise to all engineers for their most spectacular and awe inspiring achievements, from which all of society has benefited. Said William Shakespeare: "We know what we are, but not what we may be." Seeing and helping us achieve "what we may be" remains the fundamental challenge of engineering.●

MORTGAGE-BACKED BONDS

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. McCAIN. Mr. Speaker, yesterday, I joined with my colleague from Oregon (Mr. AuCoin), to introduce a resolution critical for the future of our Nation's homebuilding industry. This resolution seeks to protect a truly innovative method of financing. One which has helped restore vigor to the housing market. I refer to mortgage-backed bonds, or a program known in the trade as builders bonds.

The use of these bonds began around 1980. The economy was sliding into recession. With interest rates hovering near 20 percent, savings and loans and mortgage banks either would not or could not provide the capital needed by our homebuilders. Housing starts were falling sharply. At the depth of the recession they fell 50 percent, to their lowest level since World War II. Homebuilders searched desperately for a mechanism which would stave off disaster. They came up with mortgage-backed bonds.

Mr. Speaker, let me briefly explain how this program works. A builder sells many homes, taking mortgages on them. He then transfers these notes to a wholly owned finance company which uses them to collateralize a bond issue. Under long established tax principles, builders do not pay taxes on the proceeds from these bonds because, eventually, they must be redeemed. Unlike traditional mortgage-backed securities, investors in these bonds do not purchase a share in the mortgage pool. Rather, they purchase debt secured by mortgages.

In addition, because the builder retains ownership of the mortgages, he is eligible for installment sales tax treatment similar to that of the automobile or appliance industry. The builder pays taxes only when he actually receives the principal from the mortgages. The end result of this program is a maximization of investment capital.

This arrangement benefits the homebuilder by providing him with badly needed new sources of reliable and affordable home mortgage funds. This in turn has direct benefits for the homebuyer. Lower financing costs, better access to the capital markets, and tax deferrals enable homebuilders to offer lower sales prices with interest rates one-half percent below the average rate. These cost savings help middle-class Americans realize the dream of homeownership far sooner in their lives than would be possible without them.

Mr. Speaker, I must question the wisdom of any attack on this program. A recent study by a major public accounting firm indicates that restrictions on the builder's bonds program would bring in $85 million in taxes. This is at a time when homebuilding is recovering from its worst years since World War II. The industry, which has led our country out of every recession since the 1950's, is witnessing a

60-percent increase in activity over its low point of 1982. Now is not the time to tamper with homebuilding.

We must resist any effort to stifle the creativity and innovation now underway in the mortgage finance field. I urge my colleagues to join us in protecting the housing industry.●

SHRINERS HOSPITALS FOR CRIPPLED CHILDREN

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. MINISH. Mr. Speaker, it is my pleasure today to salute a dear friend of mine, Mr. George Stringfellow.

Mr. Stringfellow enjoys a fulfilling and rich life—a life in which he has devoted much of his time and energy to others.

As an active member and a former imperial potentate of the Shriners, Mr. Stringfellow is justifiably proud of the Shriners Hospitals for Crippled Children. In the following speech, delivered by Mr. Stringfellow, he recalls the Shriners' meeting in 1920 when the imperial council passed the resolution establishing 19 orthopedic hospitals and 3 burn institutes.

This is an interesting piece of Americana history and I would like to take the opportunity to reprint it here:

Chairman James H. Shacklett, officers and members of your distinguished board, Imperial Sir Jacob Wingerter and beautiful ladies:

Thank you for your gracious introduction and for the warmth of your reception. I wish to especially thank Illustrious Sir Edward E. Buckley, the board's competent secretary, for safe and comfortable transportation to this meeting.

It is a privilege to speak to you for a few moments on how Shriners Hospitals came into being and their accomplishments to date.

At the 46th Imperial Council Session of the Shrine held in Portland, Oreg., in 1920, W. Freeland Kendrick, Imperial Potentate recommended that the council adopt a resolution authorizing the establishment of a hospital for crippled children to be supported by the membership of the Shrine of North America on an annual per capita basis. This hospital to be known as Shriners Hospital for Crippled Children and to become a goal for the Shrine organization beyond the mere pursuit of happiness.

It is difficult for us today to believe that any Shriner would have objected to the hospital idea, but there were some detractors. Even highly respected members of the Imperial Council raised questions concerning "practicability," "the qualifications of the child" and supposed "hasty legislation."

When opponents to the proposed hospital program had finished speaking, Noble Forrest Adair of Yaarab Temple rose and delivered what has since become known as the famous "bubbles speech"—the speech that is credited with having moved the Representatives later to vote unanimously for the proposal. Noble Adair said: "I was lying in bed yesterday morning, about 4 o'clock in the Multnomah Hotel, and some poor fellow who had strayed away from the rest of the band—and he was a magnificent performer on a baritone horn—stood down there under the window for 25 minutes playing 'I Am Only Blowing Bubbles.' After awhile, when I dropped back into a peaceful sleep, I dreamed of a little crippled children's hospital run by the Scottish Rite Fraternity in Atlanta, Ga., which has been visited by a number of the members of this Imperial Council, and I thought of the wandering minstrel of the early morning, and I wondered if there were not a deep significance for Shriners in the tune that he was playing, 'I Am Only Blowing Bubbles.' "

After considerable discourse on the merits of a hospital, Noble Adair continued: "I want to see this thing started. Let us lay aside the soap and water and stop blowing bubbles, and get down to brass tacks."

Imperial Potentate Kendrick spoke: "Nobles, just let me say two things and then let's vote on it. I want to say to you that I have listened to Forrest Adair and these splendid men place this proposition before you. The time has come when we should do something big. And what can you do as big as to furnish a hospital for a poor little crippled child? God put it here on earth and it is up to us to help it."

Imperial Sir Melish was recognized and said: "I think the duty of us all—the duty of myself first—is that if action is to be taken today, as it is, upon this matter, that we want to go before the world showing that the vote was unanimous, and that is the way I am going to vote."

There were many calls for the question. When it was put, Imperial Potentate Kendrick's resolution passed unanimously.

The passage of that resolution has resulted in the establishment of 19 orthopedic hospitals and 3 burns institutes in which 264,203 crippled and burned children have been cured or substantially helped to date (without cost to parents, children or guardians). That number—264,203—approximates the combined populations of the cities of Erie, Harrisburg, and Reading, Pa.

Fifty years ago the Shrine operated 15 hospitals with total operating expenses for the year ending March 3, 1933, of $963,000—roughly $62,400 per unit. The 1983 operating expenses for the 21 hospitals is $96 million—roughly $4.5 million per unit. In 1984 that figure will be $5 million each for 22 hospitals including the new Tampa unit. Since 1922 Shriners hospitals have spent more than $660 million in aiding crippled and burned children.

Without the worthy objective of aiding crippled and burned children or an objective which fills a similar need, our Fraternity would not enjoy its present prestige and public acceptance.

The late Fred Van Deventer, Shrine historian and author of the history of the Shrine called "Parade to Glory," had this to say about Imperial Sir W. Freeland Kendrick: "The election in 1919 of W. Freeland Kendrick as Imperial Potentate, set off a chain reaction that was to give the Shrine a soul—a soul so big that it passeth understanding, a soul so big that in the light of 30 years of service it transformed a playground for Masons into a fraternity of love.

"It is likely that in the whole history of humankind there never has been an undertaking by any group of men that was created so suddenly or developed and perfected so quickly as the soul of the Shriners—their hospitals for crippled children."

In adopting the Kendrick resolution, the Shrine did indeed "do something big."●

VESTAVIA HILLS CHAMBER OF COMMERCE PRESENTS "LAND OF OPPORTUNITY AWARDS"

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. ERDREICH. Mr. Speaker, for the last 2 years, the Vestavia Hills Chamber of Commerce has presented the "Land of Opportunity Awards" to first-generation immigrants with citizenship intentions who are working and demonstrating by example that the United States is still the "Land of Opportunity." Last year I was privileged to have been given the honor of presenting the award to six nominees. They included Tuan A. Le from Vietnam, who arrived in the United States in 1975, acquired a B.S. degree in mathematics, a B.S. degree in English, is working on an M.S. degree in mathematics and electrical engineering, and is employed at Rust International Corp. in Birmingham; Frank Petho, who came from Domborar, Hungary in 1953, graduated from Rutgers University, and is presently a project engineer for Turner Construction Co. in Birmingham; Dana Darlene Idol, who came from Panama to this country in 1958 and is currently credit manager for the Yielding Stores in Birmingham; Prem Tagra from India, who is an engineer with the Rust International Corp.; Galal Abdulla, an Egyptian native who operates a riding school at Oak Mountain State Park; and Tien Le, who came from Vietnam, graduated from Homewood High School at the age of 16 and received a 4-year premedical school scholarship to Birmingham-Southern College.

I was proud to present the "Land of Opportunity Award" to these six individuals who are living proof that America continues to be a land of opportunity and a beacon of democracy around the world.

I would like to commend those responsible for initiating the presentation of these awards, particularly Mr. Herc Levine, committee chairman of the "Land of Opportunity Awards," who was instrumental in turning his lifelong dream of recognizing those who came here seeking freedom to live and work and worship as they wish into a reality.

The Vestavia Hills Chamber of Commerce is due to be commended for establishing this recognition to exemplify that our democracy remains the land of opportunity, a vibrant and growing Nation whose values of personal liberty, hard work, religious freedom, the importance of family and neighborhoods, contribute to make this Nation the land of opportunity for all.●

TRIBUTE TO ARCHBISHOP IAKOVOS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. LONG of Maryland. Mr. Speaker, it is an honor to welcome again to Washington, his Eminence the Archbishop Iakovos, Primate of the Greek Orthodox Diocese of North and South America. It is indeed a special honor today, because this year marks the 25th year that His Eminence has served as spiritual leader for the entire Greek Orthodox population of the Western Hemisphere.

Archbishop Iakovos is well known here in Washington and throughout the world as a strong defender of religious and civil rights and as a prominent spokesman for humanitarian causes. His leadership of the campaign to assist Greek-Cypriot refugees, following the invasion of Cyprus by Turkish armed forces in 1974, won the hearts and minds of Americans of all religious and ethnic backgrounds. I know this personally, because the Archbishop's efforts so convinced me that I sought and won $15 million in foreign aid for the Greek-Cypriot refugees, 200 percent more than the administration had requested.

It is my fervent hope that the Archbishop's courageous stand on behalf of human rights is rewarded by a peaceful settlement in Cyprus. I commend him for his achievements and wish him many more years of success in leading the Greek Orthodox community in the Western Hemisphere.●

TRIBUTE TO MORTON WEBER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to one of Long Island's finest citizens. Morton Weber, an attorney and partner in the law firm of Weber, Haberman, Gross & Glueck, is widely known throughout Suffolk County, N.Y., because of his unceasing and dedicated involvement in a variety of important causes. It is my privilege to bring the accomplishments of Mort Weber to the attention of my colleagues in the U.S. Congress.

Throughout Mort's professional career, he has taken an active interest in enhancing the vitality of Long Island's business community. While many areas of the Nation have been hard hit by recession and unemployment, the economy of Long Island has remained strong. This is a credit to the ingenuity and foresight of our business leaders and to the dedication and hard work of Long Island's workers.

As chairman of the board of the Advancement for Commerce and Industry, Mort has played a critical role in promoting the development and well-being of our business community on Long Island. During Mort's tenure as president of ACI, the organization has grown from an original membership of 38 to over 800 members. Today, ACI has become one of the two largest and most influential business groups on Long Island, primarily due to Mort's tireless and dynamic leadership.

In addition to his service with ACI, Mort has distinguished himself by becoming involved in other activities of importance to the local community. Mort is a trustee of the Farmingdale University Foundation, a member of the American Business Associates, the Long Island Mid-Suffolk Businessmen's Association and the Long Island Coordinating Council.

He has volunteered his time and energy to the American Cancer Society and the Suffolk County Boy Scouts. Most recently, Mort has been appointed Suffolk chairman of the American Diabetes Foundation and Suffolk chairman for the State of Israel Bonds. In fact, Mort will soon be honored at an affair given by the Israel Bond Foundation for his exemplary service in this area.

Throughout his exceptional career characterized by accomplishment after accomplishment, Mort Weber has contributed so much to help make Long Island a better place to live. For this, he deserves our heartfelt gratitude. It is my sincere hope that Mort will continue his outstanding service to the community for many more years.

Mr. Speaker, I join with the family and friends of Mort Weber in paying tribute to this outstanding citizen.●

THE MEXICAN ECONOMY

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, U.S. Commerce Secretary Malcolm Baldrige's advice that Mexico should seek increased foreign direct investment and eliminate export subsidies will only damage our trade relations and further compound the border economic crisis.

If Mexican economy is to achieve stable and diversified growth to overcome its internal problems, it will need the support of the United States.

Mr. Speaker, the basic problem is that we have refused to recognize that a strong economy is in our own national self-interest. Instead, the United States has established a protectionist trade bias against a country that is not strong enough to overcome it. This administration believes that Mexico has reached a level of industrial sophistication comparable to Hong Kong or Korea, when in fact it is still struggling with the inevitable problems of Third World development. Because Mexico is not a member of the General Agreement of Tariffs and Trade, it is not provided with the benefits of an injury test in countervailing duty suits against its exports. As a result, if the Commerce Department finds that a Mexican product has been subsidized, a countervailing duty may be levied without determining if the domestic industry has been injured. Unfortunately, U.S. businesses are often protected against exports that are not competitive in the first place.

The administration's unwillingness to address the roots of the border economic crisis has prevented it from making a substantive effort to solve it. The United States is the only technologically advanced nation in the world to share a 2,000-mile border with a developing country, and I do not think I need to remind anyone that the long-term benefits of a strong and stable ally to the south far outweigh any short-term, short-sighted benefits conjured up by the Commerce Department.

Despite obvious economic and cultural ties, the fact of the matter is that the developmental gap between the two countries is wide enough that economic dislocation will be experienced on both sides of the border when a domestic crisis affects either one. Unless Mexico is helped to achieve the type of stability that will allow its economy to grow, U.S. businesses will continue to suffer the efforts of Mexico's internal problems.●

PROVIDING MEDICARE BENEFITS TO THOSE LIVING AND TRAVELING ABROAD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that will address a very real and common problem faced by the elderly living and traveling overseas. Despite the fact that since 1977, we have entered in arrangements with foreign countries in order to provide social security benefits to those living abroad, we still do not extend the same coverage under medicare. If an elderly individual is overseas and becomes ill, medicare will not pay for health care services. I believe that this is discriminatory, especially in those instances where there is a severe illness that requires prolonged hospital care or medical supervision.

If a medicare beneficiary has worked his or her entire life to contribute to the medicare trust fund in order to be

eligible for benefits upon reaching the age of 65, it is patently unfair to deny that same person their benefits if they choose to live or travel overseas.

This issue has been addressed by the House before as part of the 1979 social security amendments. The bill as reported by the Ways and Means Committee provided for the President to enter into international agreement with other countries in order to provide for medicare payments overseas. However, this provision was dropped in conference and as a result, did not become law.

We have recognized the inequity of not providing benefits to which the elderly are entitled to under the understanding that their contributions to the system would take care of their health care needs in their retirement years. It is time we act to make this part of the Social Security Act consistent with the 1977 provision that allowed for the payment of social security benefits to those individuals living abroad. Today, there are currently 151,366 retired and disabled workers living outside of the United States who receive $53 million in benefits.

The number of elderly who travel outside the United States each year are sizable. Each and every one of these people could face a health hazard that would require medical treatment that would not be paid for by medicare. Last year, the State Department issued 832,000 individuals over the age of 55 passports. Clearly, this situation is one which could impact upon a large segment of these people.

Medicare coverage under the law today is very limited for those individuals traveling outside the United States. The exceptions for coverage include emergency services while traveling between Canada and the 48 contiguous States and Alaska. It also includes hospital services that are needed while traveling in the United States near a border when a Canadian or Mexican hospital is more accessible than an American hospital.

The provisions of my legislation are simple. The President is authorized to enter into agreements establishing reciprocal arrangements for health care with other countries. Benefits provided under these agreements should be equal to benefits provided to the same eligible individuals in the United States. Due to the often lengthy amount of time that it takes to conclude such agreements, the Secretary of Health and Human Services is authorized to enter in temporary agreements. This will be especially helpful to individuals in countries which provide for dual citizenship, such as Israel and Ireland, which are frequented by large numbers of elderly.

For the benefit of my colleagues, I am inserting the text of this bill into the RECORD.

As an original member of the House Select Committee on Aging, I intend to work for passage of this legislation in any medicare bill that we consider this session. I believe that fairness dictates that we give all medicare beneficiaries their benefits—at home and abroad.

H.R. 4767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part C of title XVIII of the Social Security Act is amended by adding at the end the following new section:

"INTERNATIONAL AGREEMENTS

"SEC. 1888. (a) The President is authorized to enter into agreements establishing reciprocal arrangements between the programs established by this title and the program of any foreign country under which similar services are provided directly to entitled individuals or under which insurance is provided to meet all or part of the expenses of entitled individuals for such services.

"(b) Any agreement establishing such a reciprocal arrangement pursuant to this section shall specify—

"(1) the nature and extent of payment to be made to or on behalf of (A) individuals entitled to benefits under this title for services covered under such title when such individuals are present in the foreign country and receive such services from persons who are authorized under the program of that foreign country to furnish them, and (B) individuals entitled to benefits under the program of that foreign country who receive such services in the United States from persons meeting such requirements or conditions as are required under such title;

"(2) such limitations on the nature and duration of services for which payment may be made in one country to individuals entitled to benefits under the program of the other country, as the President deems appropriate, except that no agreement shall authorize any individual to receive benefits in the United States on a reciprocal basis in excess of those provided for individuals entitled to benefits under this title;

"(3) such limitation on entitlement of individuals to benefits on a reciprocal basis under an agreement in the United States and in the foreign country, as the President deems appropriate, except that no agreement shall provide entitlement to benefits under this title in the United States for an individual who does not meet the requirements for entitlement applicable under such title with respect to age or medical condition;

"(4) the methods by which the cost of providing services to persons on a reciprocal basis shall be shared equitably by the persons receiving such services and by the respective programs of the United States and the foreign country; and

"(5) such other provisions, not inconsistent with this section, as the President deems appropriate.

"(c) The Secretary shall make rules and regulations and establish procedures which are reasonable and necessary to implement and administer any agreement which has been entered into in accordance with this section.

"(d) Pending the conclusion of an agreement under this section with a foreign country, the Secretary is authorized to enter into interim arrangements with any hospital in that country which is accredited by the Joint Commission on Accreditation of Hospitals, or such other hospitals as the Secretary finds meet health and safety standards equivalent to those required under this title for hospitals in the United States and which are accredited in the foreign country concerned, under which payment may be made for inpatient hospital services, as defined in section 1861, to or on behalf of an individual who is entitled to such benefits under part A of this title. For purposes of making payment under such an interim arrangement, the Secretary shall use whichever of the methods provided for in section 1814(f) he finds appropriate, except that any payments made under part A of this title to the individual or to the hospital shall be reduced to the extent that the individual has no legal obligation to pay for any items or services furnished to such individual by reason of the laws of the foreign country in which the hospital is located or such individual's membership in an insurance plan that provides for payment for such items or services.".●

IN HONOR OF ARCHBISHOP IAKOVOS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Ms. SNOWE. Mr. Speaker, it is with great pleasure that I join my colleagues in honoring Archbishop Iakovos on the anniversary of his enthronement as archbishop 25 years ago.

In addition to being involved in every aspect of Greek-American life, religious and secular, Archbishop Iakovos is a world religious leader representing the Greek Orthodox Church and its people throughout the world. He is also a man who has devoted his life to his principles. He has been a staunch advocate of human rights and religious freedom for all people. The archbishop was actively involved in the civil rights movement, and has consistently spoken out against injustice wherever he saw it. The honorary degrees and other honors bestowed on Archbishop Iakovos, including the Presidential Medal of Freedom in 1980, cover several pages.

Those of us in Congress of Greek descent are proud to know Archbishop Iakovos and to honor him for his spiritual and secular leadership and for his many accomplishments as leader of the Greek Orthodox Church in America.●

GOOD NEWS FROM ROGER B. SMITH, CHAIRMAN OF THE BOARD, GENERAL MOTORS CORP.

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. TRAXLER. Mr. Speaker, I am pleased today to share some very good news with our colleagues regarding the 1983 performance of our Nation's largest automobile manufacturer, General Motors.

In remarks before the National Press Club earlier today, GM chairman of the board, Roger B. Smith, told his audience of a stunning comeback in 1983, when GM enjoyed record earnings and record sales. This performance is a dramatic reversal of losses incurred by the corporation just a few short years ago.

More importantly for GM workers and for GM communities, including those that I represent, GM is initiating this year a profit-sharing program which will provide $322 million for the 531,000 hourly and salaried GM employees around the country.

Mr. Smith provided some very important information regarding the current status of his part of our domestic auto industry, and some insights into the times ahead. I commend his remarks to all of our colleagues:

REMARKS BY ROGER B. SMITH, CHAIRMAN, GENERAL MOTORS CORP.

Thanks very much, John [Fogarty, correspondent, San Francisco Chronicle, and president, National Press Club].

It's a great honor to be invited back to the National Press Club.

And I'm enormously flattered by today's turnout.

John, I want to congratulate you on taking up your new duties as Club president.

Having a Fogarty succeed Don Byrne has led to some talk of an Irish Mafia takeover.

But I'm told those rumors are false.

I have been asked, however, to announce that henceforth the Club will serve only Guinness on tap—and you can buy any whiskey you want, as long as it's Irish.

I'm sorry I'm going to miss the big Inaugural Ball at the new Club Ballroom on Saturday.

In fact, I'm sorry I'm missing the new ballroom—period.

It's going to be great when it's finished—one of the best looking press clubs in America.

But during the renovation, it's been more like the Beirut Hilton.

Through all the construction, the Club has carried on valiantly.

You've kept to a busy schedule—despite the pounding of jackhammers and the vagaries of new plumbing.

We understand that kind of spirit in the American auto industry.

We, too, have been working while a renovation was under way.

But in our case, it was the renovation of an entire industry.

Even as our critics were calling American automaking a dying industry and trying to bury us, we were creating new products and putting up new plants.

We were busy improving product quality and reviving our sales.

At General Motors, we also managed to move a few of the bigger boxes around on the organization chart.

Our critics aside, we've begun a kind of industrial miracle in the American auto industry—a miracle that's still ongoing.

What's been happening reminds me of the guy who pulled his truck off the highway and went into a roadside diner to have lunch.

He ordered a hamburger, a cup of coffee, and a piece of pie.

Just as his lunch was set before him, three rough-looking guys in leather jackets, motorcycle helmets, and boots entered the diner and sat down beside him at the counter.

One hood grabbed his hamburger and ate it.

Another picked up his coffee and drank it.

The third tasted his pie, then mashed the rest of it with his fist.

The man said nothing, but got up, paid the cashier for the food, and walked out.

The three guys in leather jackets turned to the cashier, and one of them said:

"Not much of a man, is he?"

"No, and he's not much of a driver, either," said the cashier.

"He just ran his truck over three motorcycles."

The American auto industry has made an equally dramatic move.

We've begun what can only be called a stunning comeback—and I'll have some hard evidence of that to offer in a moment.

Now the question all the world wants to know—and all of you have been asking in your articles and columns and on-camera reports—seems to be this:

Can we sustain success?

Can the American auto industry survive prosperity without falling back into the bad habits that helped bring on the hard times?

I'm here to tell you we can.

And one of the things that's going to help us is a new program that's about to pay off very handsomely.

More about that later.

First, let's get to that hard evidence I promised.

Our results for 1983 are now final, and I'm very pleased to announce today that General Motors last year earned an all-time record of $3.7 billion on record sales of $74.6 billion.

The previous records were set in 1978, when net income was $3.5 billion, and in 1979, when sales were $66.3 billion.

Earnings per share for 1983 were $11.84, but were not a record.

The record is $12.24 per share in 1978, when fewer shares were outstanding.

The 1983 results compared with net income of $963 million, or $3.09 per share, on sales of $60.0 billion in 1982.

But to really understand the extent of our progress, you might look back to our 1980 results which showed a loss of $762 million.

The results we're announcing today—just three years later—are an incredible $4.5 billion improvement over that figure, although our unit sales increased less than 10 percent.

So the recovery at General Motors is real—and it's very demonstrable.

What made it such a good year?

Our 1983 performance was a reflection of many things.

Right at the top of the list I'd put the new spirit of cooperation and the dedication of our GM people.

It's certainly true that we did get a lift from the rising economy, but our improved operating performance was the key.

For example, if we had operated in 1983 at our 1983 volume—but at our 1978 performance rates—we would have barely broken even last year.

As proud as we are of our 1983 performance, I must emphasize that inflation made the year seem even better than it was.

If you adjust the data for inflation, you see that we still have a long way to go to achieve meaningful competitive results.

As much as we have accomplished to restore our competitive edge, still more remains to be done.

For example, our 1983 earnings were equal to 5.0 percent of sales, compared with 10 percent of sales we achieved in the mid-Sixties.

Still, we've made tremendous progress—and we're not done yet.

The recovery of the U.S. auto industry to date represents one of the greatest comebacks in American business history.

And our stockholders, our employes, our suppliers—everyone who has a stake in General Motors—will share in our success.

In fact, to a certain degree, I think I can say that all of America will share.

For example, in 1983, our stockholders received $892 million in dividends.

And just yesterday, the board declared a first-quarter dividend payment totaling $316 million.

Our suppliers, who traditionally account for 50 percent of our sales dollar, received about $37 billion in 1983.

Our GM dealers shared in our success through the increased business created for them.

In 1983, we supplied these dealers with 7.8 million cars and trucks worldwide to sell and service.

Through our 1983 tax payments of all kinds, state, local, federal, and foreign governments received about $5.8 billion.

Uncle Sam's share of this was more than half.

Our GM management also benefited.

For the first time in four years, we earned funds for the GM Bonus Plan—some $180 million.

And our 700,000 employes worldwide received $19.3 billion in salaries and wages—and about $5.5 billion in health care, pensions, and other benefits.

Finally—one of the things we are most proud of this year—GM will be sharing profits with its hourly and non-executive salaried employes under a new program.

An unprecedented $322 million—nearly a third of a billion dollars—will be shared with 531,000 eligible U.S. hourly and salaried employes.

No other company anywhere in the world, at any time in history, has ever distributed such a large amount of profits to its employes.

The $322 million we will pay out in profit sharing is more than the total earnings of all but the top 45 companies on Fortune's list of the 500 largest U.S. corporations.

Our profit-sharing checks will be distributed to our employes in early March.

For the eligible employe who worked a normal schedule all year, a share in GM's 1983 profits will mean about $640.

Those hourly employes with average overtime last year will be receiving $700—and

those with heavy overtime, considerably more.

In cities with a large concentration of GM people, the impact of our profit-sharing plan on the local economies will be substantial and immediate.

In the Greater Detroit area, for example, about 137,000 eligible employes will share approximately $67 million.

Much of the income that's distributed will give these local economies a measurable and much needed boost as it multiplies through the system.

But much will also be saved, and that will help these economies, too, since it will add to the funds available for local borrowing and investment.

In fact, one of the best features of the GM Profit Sharing Plan is the opportunity it gives employes to save.

Employes can invest their profit-sharing dollars in a tax-deferred savings plan—the biggest plan of its kind in the industry.

Under the plan, they can invest in GM common stock, in a guaranteed income fund, or a combination of the two.

This new plan will be in addition to the Employe Stock Ownership Plan, which also serves as a vehicle for employes to acquire GM common stock.

So the implementation of the GM Profit Sharing Plan marks a new milestone in employe relations.

The plan makes the corporation and its employes partners in the success of the business.

And—thanks to the opportunity to turn profit-sharing benefits into stock—the plan offers employes a bigger partnership in the business itself.

It represents a further democratization of the workplace, a true sharing of the ownership.

As Bert Metzger, president of the Profit Sharing Research Foundation, has said, through profit sharing "we have an opportunity today . . . to create a society where we do not have concentrated ownership, but diffused ownership among millions of our people."

So, in a very real sense, profit sharing offers our employes a share of the pot of gold at the end of the rainbow and a piece of the future, itself.

And we plan to work closely with Donald Ephlin of the United Auto Workers as we go forward with this.

Now, lest it sound like we invented it, I want to acknowledge that profit sharing has been around for a long time.

In North America, it dates back nearly 200 years to Albert Gallatin, secretary of the Treasury under Presidents Jefferson and Madison.

According to the records, Gallatin instituted the first North American profit sharing plan in 1797 at his glass works in New Geneva, Pennsylvania.

Today, there are an estimated 19 million U.S. employees covered by profit sharing plans in approximately 450,000 American companies.

While many companies with unions share profits, most very large unionized companies do not.

So the entry of GM into the field is significant—not only because the size of our initial payout is unprecedented, but also because we're one of the largest unionized companies around.

But over and above our own experience, I'd like to tell you why I think profit sharing is an idea that's right for the auto industry and right for America—especially now.

In my view, profit sharing is an idea whose time has come.

Perhaps the best reason is that we've been changing the way we run our companies in America.

To make the most of all our employes' capabilities, more and more companies have changed to a participative style of management. We've set aside the old authoritarian style of leadership and gone to a teamwork approach.

This was certainly one of the main goals behind our recent organization changes at General Motors.

It is our firm belief that, as more employes share in the burdens of decision making, so should they share in the rewards when those decisions pay off.

Our free enterprise system has always been based on the idea of entrepreneurship—what I like to call responsibility, risk, and reward.

But over the years, as we moved away from family-owned farms and small partnerships in America, the direct relationship between responsibility, risk, and reward became clouded.

The idea of personal involvement in the fortunes of the enterprise began to be lost.

Today, the vast majority of Americans are not engaged in partnerships or small family farms.

They are wage-earners—often in very large corporations.

As such, they're not directly rewarded by profits, and therefore not particularly motivated by profits.

In fact, some of them even see profit as a negative—as someone else's income, as something which reduces their own share of the pie!

But profit sharing puts entrepreneurship back in the free enterprise system.

It restores to every employe a stake in the business—literally makes him or her an entrepreneur.

It offers a tangible and substantial reward for a job well done and an incentive for even closer cooperation in the years ahead.

Most importantly, it counteracts an attitude of indifference we often find—like the sailor who was resting in his bunk when one of his buddies ran into the compartment shouting, "Hey, Mac, hurry up, get going—the ship is sinking!"

Mac continue to lie in his bunk and calmly said, "So what? What do I care? It ain't my ship!"

More and more today we're learning that the ship belongs to us all.

Profit sharing makes that relationship clear.

It strengthens the commonality of interests among all the stakeholders in a business, be they managers, employes, or stockholders.

It moves them toward a common goal, and encourages the participation of all.

Best of all, the record shows that the whole thing works.

Employes in profit sharing businesses do tend to be more productive.

They help create a bigger pie—so they can get a bigger slice.

As a result, the businesses themselves typically perform better and have more to share with their stakeholders.

Now this is the right time for the idea of profit sharing, because American business is locked in the fight of its life.

We're involved in a tough race against international competition, and we need all the help we can get.

From a financial standpoint, the beauty of profit sharing is that it makes compensation sensitive to the ups and downs of the business cycle.

With lower fixed costs, companies can offer employes a bigger share of the rewards when times are good—and more job security when times are bad.

Most important, profit sharing tends to be non-inflationary.

Profits are shared because there are improved efficiencies.

Thus, the labor cost per unit does not go up.

But the purchasing power of the workers does—importantly.

And the incentive for further improved efficiencies increases sharply.

Profit sharing is by no means a panacea.

But it is a very important tool—along with good management, advanced technology, and all the rest—in the effort to make America more competitive.

We at General Motors are very pleased that we now have full use of this new tool in our operations.

We believe it will help us sustain and improve our performance over the long term.

And we believe it has the potential to help our country deal with some of its tough economic problems as well.

Now, I've said on several occasions that we've made progress in re-establishing the competitive edge in the auto industry.

That progress is real—but it could be overshadowed if the economy falters.

The scale of the federal deficits built in under existing legislation is risky.

Clearly these deficits must be reduced.

The earlier they are reduced, the better it will be for the sustainability of the economic recovery and the auto business.

So it's important to begin to work on a down payment toward resolving this problem.

The government has to act, but so does the private sector.

To reduce the deficit, the government must reduce public spending more than it has—that is a certainty.

But our greatest hope in achieving a balanced budget over the coming years is a strong and growing economy.

Any fiscal or monetary policy that would slow that growth appreciably—or even throw it into reverse—would be counter productive.

Budget deficits would grow worse.

And that is where this great nation's private sector comes in.

Private sector initiatives alone cannot reduce the deficit.

But they can surely help.

Our government can create a healthy climate in which the economy can gain strength and grow—but it can contribute little of itself to the growth.

Only we in private business and private industry can make our economy grow and keep it growing—through our initative, our innovation, our productivity.

That is why I consider the success of our employe profit sharing plan at GM so important—because it stands as an example of what a group of private citizens, engaged in private enterprise, can accomplish together when they know that their combined efforts to increase productivity will be rewarded with a just and equitable share of the profits.

Whatever progress is achieved through private initiatives of this kind and of many other shapes and sizes will have two rather significant benefits:

First, it will reduce the calls on the public purse for further government-funded programs.

Second, it will create a climate of growth and prosperity, in which the hard political and economic decisions about budget deficits will be easier to make.

Yet Washington should not assume the hard decisions will be washed away by prosperity.

Instead, policymakers here should have faith that if they make some of the tough choices, growth and prosperity will make those choices easier to live with.

GM's announcement today that we're sharing our profits in unprecedented amounts with our employee is further proof that our system of private- and public-sector cooperation is a very good one.

It's a system that works and responds to change.

Today, General Motors and its employes become partners in success.

Over the years, as more employes use profit sharing to buy and own GM stock, there will be a further democratization of the workplace and a beneficial effect on the direction of our corporation.

It is our hope that as other companies adopt profit sharing and build a flexible component into employes' total compensation, our country will become increasingly competitive.

Unless we move toward such arrangements, we will continue to be forced to meet the economic ups and downs with changes in employment and plant utilization that undermine our ability to advance the competitiveness of American industry.

Only by advancing can we sustain our vitality, our employment levels, and the ability of American industry to close the competitive gap with other nations and to share the life-enriching fruits of prosperity with the American people.

Thank you very much.●

CHILD CARE PROGRAMS NEEDED

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mrs. BURTON of California. Mr. Speaker, over the past several decades, American women have been entering the labor force in record numbers. An increasing percentage of women entering the labor market are working mothers. In 1980, nearly 65 percent of mothers with school-age children were employed.

Unfortunately, in the United States, the number of child-care alternatives available to working mothers has not kept pace with the changing work patterns of American women. In most other industrialized nations, the contribution made by women to the economy is recognized through the provision of available and affordable child care programs. We must move quickly to fill this gap.

Along with my colleagues, PATRICIA SCHROEDER and GERALDINE FERRARO, I have introduced legislation, H.R. 4193, the School Facilities Child Care Act, to establish a child care program for children who have become known as "latchkey children." It is an inventive, cost-effective proposal which will encourage the Government, local communities and parents to cooperate in the creation of a new child care initiative. I urge my colleagues to examine this proposal and to join the 63 other Members who have cosponsored the School Facilities Child Care Act.

I highly recommend the following article which outlines the difficult dilemma faced by working mothers and forcefully illustrates the dismal state of our Nation's child care system.

WE LIBERATED MOTHERS AREN'T

(By Ann Crittenden)

The women's revolution in the United States is only half won. The first shoe has dropped; more women than ever before are working outside the home and breaking into the previously closed ranks of well-paid professionals. But the other shoe—the freeing of women from the burdens associated with responsibility for raising the next generation—has yet to fall. This unfinished business is a serious obstacle in their paths as they try to take advantage of their new opportunities.

The great paradox in this country is that while more mothers are entering the job market, almost no cultural or institutional changes in the way children are supposed to be reared have occurred. Women are taking on new jobs and getting little relief from their old ones. Sooner or later almost every working mother has to face the hard truth—that she is either raising her children in her spare time or short-circuiting her career, often by opting out for several years or by settling for a less demanding job. This dilemma helps explain the wage gap between working men and women, which has been growing rather than shrinking in the United States in the past 10 years despite all of women's so-called gains.

Looked at this way, it is not surprising that few women or men are happy with the current situation, and that the cries of confusion, resentment and backlash are getting louder. But the women's revolution wasn't naive, as some now seem to be suggesting; it was just incomplete.

It doesn't have to be like this. The problem is not the result of some inevitable, unsolvable conflict between work and family. It is a result of the fact that the United States does less than virtually any other country in the industrialized world to make life easier for working parents. We have less maternity leave, less job flexibility, less day care. And thanks largely to such policies, women in many comparable countries earn more, proportionately, then women in the United States.

In 1980, the median earnings of full-time female workers in the United States were 59 percent of the male wage, down from 64 percent in 1955, according to a study by Columbia University sociologist Sheila B. Kamerman. In contrast, Swedish women earned more than 90 percent of average male earnings, up from 73 percent in 1970. In Britain, women's wages as a percent of men's increased from 63 percent in 1970 to 73 percent in 1979 and in Italy, women's wages in manufacturing have risen from 70 percent of male earnings in 1960 to 84 percent in 1980. The gap in the United States is not only greater, it is widening, unlike the trend in every other industrialized nation. Women's rhetoric may be louder in this country, but European women go home with more equal paychecks.

This is not to argue that different social policies would solve all of women's problems; women in France, Britain and Italy still suffer from second-class status. And greater social support for working parents would still not solve the deeper problem of how anyone with family responsibilities can compete on the highest levels of our institutions, where workaholics with virtually no private lives often set the pace.

But there is no doubt that a set of practical and even inexpensive reforms could eliminate much of the conflict that women now feel between careers and child-rearing. Babies and work can be combined for 90 percent or more jobs, and once they are, women will be in a better position to confront the more intractable problems, such as the driven climate at the top of most institutions or the reluctance of most men to assume a fair share of household responsibilities.

The dream that men were going to share in the cooking, cleaning and diapering as their mates began to share the commute was only one of the feminist hopes of a decade ago that have not exactly come to pass. A brief look at the women's agenda of the late 1960s and early 1970s illustrates, in fact, how few of the changes that were going to liberate women from the choice between child-rearing and economic freedom have been made.

Long maternity leaves were going to become routine. Companies were going to set up on-site day-care center, so mothers could count on well-monitored child-care arrangements while they worked. Unions were going to push for flexible working hours, more part-time jobs and job sharing, so that women with small children could continue their careers. Federal day care was being debated in Congress, and a bill financing centers around the country was close to passage.

Schools would introduce before- and after-school programs to accommodate working parents.

It was always assumed that as women began to move into the workforce and up in their careers, society would have to adjust its child-care arrangements. After all, in the old days everyone helped care for the kids, and the spirit of the late 1960s and early 1970s argued that we'd all be better off if we moved back to that vision of extended parenting again.

So what happened? Almost nothing. Despite the fact that the great majority of women of childbearing age are working (including almost half of women with children under 6 years of age), almost 60 percent of working women will have no paid maternity leave of more than a few days. According to studies by Columbia's Kamerman, only about 40 percent of American female workers have the equivalent of the six-week paid disability leave usually considered desirable by doctors, and standard in other countries. The percentage is so low because disability insurance covering childbirth—providing for paid leave to remain at home with an infant—is required in only five states. And most of the women who opt for and are permitted to take an unpaid leave of absence for childbirth do not have a clear-cut right to return to their job.

Day care remains a seemingly Utopian goal. Twelve years ago, a comprehensive day-care bill was passed by Congress, authorizing roughly $2 billion in federal payments to states and cities for the establish-

ment of day-care facilities. But the bill was vetoed by President Nixon, not for budgetary considerations but political ones. Day care was anathema to the right wing of the Republican Party, which was challenging Nixon in 1972. Columnist James J. Kilpatrick had called the bill the "boldest . . . scheme ever advanced for the Sovietization of American youth." In his veto message, Nixon tried to disarm such critics by condemning the "communal approach to child rearing over and against the family-centered approach." It was "one of the most controversial veto messages of the Nixon presidency," according to Gilbert Steiner of the Brookings Institution.

When the bill was reintroduced the following year, a virulent mail campaign frightened all but a handful of congressmen away, and the legislation has never gotten anywhere since. As a result, public day care is almost nonexistent in this country. By one count, there are currently less than half a million publicly supported day-care places available in the entire United States—not enough to serve the needs of New York City alone.

The federal government has not even established minimum national standards for private day-care facilities as it does for hospitals and nursing homes. And only a tiny number of companies have set up day-care centers in the workplace.

Finding adequate child-care arrangements has become an expensive, exhausting scramble for working parents, many of whom settle for less than satisfactory "parking places" for their children during the day. Columbia sociologist Kamerman has found that most families have to rely on a jerry-built system of two to three different child-care arrangements a day for each pre-school child. It should hardly be suprising that many mothers decide that the struggle isn't worth it and drop out of the job market. I know experienced corporate lawyers, economists, journalists, administrator, and lobbyists who have made that decision.

For those women, and millions more, the answer could be more part-time jobs and flexible working schedules, but these too now seem more remote than ever. With hordes of recent college graduates desperate for work on any terms, and economic uncertainty breeding a new conservatism among those who do have jobs, companies have little incentive to make life easier for women.

Both men and women feel the lack of support for working parents, as the accounts of numerous divorced and separated fathers testify. A recent survey of single working fathers by Geoffrey L. Greif, an instructor of social work at Sidenor University in Philadelphia, revealed that more than three-fourths of them reported problems in juggling their time between jobs and children. Many admitted that they were spending fewer hours in the office as a result.

But there is no question that the burden still falls heaviest on women. According to Joseph H. Pleck, director of the Wellesley College Center for Research of Women, "there is good evidence that men's time spent on housework and child care is increasing, probably particularly in families with young children." One study conducted by Thomas Juster of the Institute for Social Research at the University of Michigan found that men age 25 to 44 spend an average of 14.1 hours per week on housework and child care in 1981 up from 11.8 hours in 1965. Yet women of the same age, most of whom are now working outside the home, spent 31.8 hours on the job at home, down from 45.9 hours in 1965.

"Working wives do less housework than homemakers, but they still do the vast bulk of what needs to be done," concludes a new book called "American Couples," by sociologists Philip Blumstein and Pepper Schwartz "Husbands of woman who work help out more than husbands of homemakers, but their contribution is not impressive. Even if a husband is unemployed, he does much less houswork than a wife who puts in a 40-hour week."

Years ago, before women began to enter the job market in large numbers, feminists often pointed out that in Russia, women had achieved more professional status than in the United States. Some men liked to counter that this could not be considered liberation, since Russian women still had to perform the traditional chores. It seems that at least American women have arrived at the same level of liberation as their Russian sisters.

Some have taken the current "who's minding the children" dilemma as a pretext for a 1950s style attack on the very notion of working mothers. A few months ago, the editor of a well-known liberal magazine confided to this reporter, who had just told him that she planned not to work full-time during her baby's first two years, that "our position is that mothers should stay at home."

Rather than retreat to the attitudes of 30 years ago, however, American women need to recognize that they can have, if not all of it, at least most of it. Rather than give up one or the other of their dual roles, working mothers need to demand some help with them, along the lines of the European system.

Almost every other industrialized country has developed "a plethora of public and private support systems which are designed to ease the growing tension between work and family life," according to Sylvia Hewlitt of the United Nations Association who is writing a book on the subject. Fully 75 countries have statutory provisions that guarantee a woman the right to leave employment for childbirth, protect her job while she is on leave and provide a cash benefit which is, on average, equal to five months' full pay. In Sweden, either parent can opt to take a nine months' leave upon the birth of a child, at 90 percent of salary, and be assured of claiming the same or a similar job on their return.

Even Britain, in the midst of its worst economic period since the Great Depression, has improved its child-care benefits recently. By law, employes have to be granted a minimum of six weeks of maternity leave at 90 percent of earnings.

Comprehensive day-care systems have been part of the European scene for years, even in such "pro-family" Catholic countries as France and Italy. A major reason is that these nations suffered a severe labor shortage after World War II and, as in the United States during World War II, policies were put in place to make it easier for women to join the labor force. Also, many European countries have decided that it should be national policy to encourage more births at a time when their populations have leveled off.

The East European countries provide government day care from infancy and in Western Europe many of the same benefits prevail. In several countries, the majority of 3- to 6-year-olds are in free public pre-school programs that last the working day. In France, 95 percent of this age group and 32 percent of 2-year-olds are in free public programs. Three-fourths of West German and 70 percent of Italian 3- to 6-year-olds are in similar schools. Many European countries routinely allow parents leave from work to care for sick children. And in Sweden, parents are entitled by law to work a six-hour day, with pay adjusted accordingly, until their child is 8 years old.

European schools have also adapted to the needs of working parents in ways that American institutions have not. American schools still function on a day that lets out in the early or mid-afternoon—a schedule better suited to the days when the United States was an agricultural society and children were needed to help with farm chores. In France, most public elementary schools provide free supplementary programs both before and after regular school hours and during vacations.

In "High School," the Carnegie Foundation for the Advancement of Teaching's recent report on American secondary education, Ernest L. Boyer writes that in the Soviet Union, China, East Germany and Japan, the school year averages 240 days and the school day lasts from six to eight hours. The typical school year in the United States is 178 days long, and the average school day is five hours and 35 minutes. Much of the worst scrambling American parents go through is in arranging their children's after-school agendas. But in Europe, school-sponsored athletics, play groups and other programs offer children supervised activities while Mom and Dad are still at work.

It would be naive to argue that if the United States adopted the European model, all the problems of working parents and their children would vanish. As the American workplace is now structured, there is not enough time in the day for one person, or even two high achievers, to properly love and nourish a child and race for the top. In practice, that has meant that mothers have pulled up short of the finish line. A look around most offices, from the corporate suite to the newsroom to the inner sanctums of government, confirm that most of the fast-track women there are either unmarried, childless or women whose children are grown.

There is no ready answer to the ultimate problem of how a woman—or man, for that matter—who wants a family life can compete for a room at the top with the driven. But that problem should not be confused with the practical problems most working parents face. Most careers are not in the fast lane, and they can be combined quite satisfactorily with child rearing if more supportive social policies are adopted.

Nor would these policies bankrupt the nation. Some would cost nothing. Most productivity experts believe that individuals enjoying shorter work weeks or more flexible work schedules often more than make up for their hours away from the job in improved productivity. Cafeteria-style fringe benefit packages, allowing employees to choose those benefits that fit their specific needs, are already in place at such corporations as TRW and American Can, where parents can trade some traditional benefits for the ability to have days off for essential parenting activities. Tax incentives for corporations to underwrite child-care costs could be expanded at minimal cost.

Specialists in the field of early childhood advocate a federally guaranteed right to a six-month unpaid maternity leave, so that a

woman does not have to choose between leaving her job or her newborn. Why not leaves of two or three years with the right to return to a similar job, as an American, family-oriented alternative to public infant day care? And it is hard to argue that disability insurance, covering pregnancy and childbirth, should not be made mandatory in the 45 states without coverage, and extended to public employees.

It is my guess that this or a similar agenda—the great unfinished business of the woman's movement—will become one of the major social and political issues of the 1980s.●

KINGSTON VFW TO HONOR ADJUTANT WILLIAM J. SMITH

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. HARRISON. Mr. Speaker, on Saturday evening, February 11, Anthracite Post 283 of the Veterans of Foreign Wars of the United States will honor its adjutant of many years, William J. Smith, with a testimonial dinner dance.

Mr. Smith has served as adjutant and public relations officer for the Anthracite Post for nearly 20 years and served as post commander in 1962-63.

Mr. Smith has long been active in the departmental and national organizations of the VFW. He has served as national aide-de-camp, special aide-de-camp to the commander in chief and as a member of the National Public Relations and Broadcasters Committee. On the departmental level, he is presently serving on the Scotland School Committee, Life Membership Committee and the Americanism Committee.

All of us know, Mr. Speaker, the outstanding work that the Veterans of Foreign Wars has done over the years in promoting patriotism, in creating numerous educational programs for the young such as its outstanding Voice of Democracy competition and, generally, in reminding us that in Webster's words "eternal vigilance is the price of liberty." We all know, as well, that a national organization is only as strong as the individuals who make up its posts. And its posts and their committees are only as strong as those few outstanding men who are willing to assume the hard work—not only the glamorous major assignments but the hard, seemingly endless day to day chores. Without such men no great organization could exist.

One such man is my friend and colleague in veteran's affairs, Bill Smith. It will be my honor, Mr. Speaker, to join his family, comrades, friends, and neighbors in paying tribute to him this Saturday evening and it is a pleasure as well to bring his outstanding efforts to the attention of my friends and colleagues here in the House.●

AMERICAN INDUSTRIAL COMPETITIVENESS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. GOODLING. Mr. Speaker, I wish to address an issue of vital concern to our national priorities in 1984: The question of American industrial competitiveness. The challenge of greater productivity growth is of supreme importance to America's future. Americans have witnessed declines in U.S. industrial strength and must come face to face with the hard reality that something must be done about managerial techniques if our Nation is to remain a world economic leader.

From 1948 to 1968, productivity in the private economy had risen at an average rate of about 3 percent a year, providing the American people with one of the highest standards of living in the world. But after 1968, that rate began dropping. By 1979 and 1980, it had actually turned negative as inflation and interest rates soared.

From this, there is no single, all-encompassing solution for increased productivity. Japan, however, may be used as a model for American corporations to begin this task. Increasingly, since World War II, Japanese products have experienced phenomenal success in international markets. Japan's ability to supply high quality, low priced goods is founded upon the special characteristics of the Japanese people, coupled with unique Japanese management techniques. The practice of making decisions by consensus and a strong group orientation have contributed to the success of Japanese management techniques. Consequently, the combination of Japanese culture and the system of management that has been so instrumental in inducing workers to be loyal, hardworking, and proud of the quality of work life, has resulted in highly productive and competitive industries.

American corporations should follow the Japanese example and try to dissolve the traditional acrimony between labor and management. They must look at the rewards in efficiency and productivity of the cooperative relations between workers and managers in Japan. This amounts to a redefinition of self-interest by both labor and management, the belief that each side must be more flexible in dealing with the other to meet the challenge of foreign competition. This participative characteristic of management is fairly new in the United States but has a long history in Japan.

We must bring back the competitive spirit which led America to its position of leadership and which, significantly, now so dominates and propels the Japanese economy. With these thoughts in mind, I would like to insert in today's RECORD, a copy of an article from People magazine.

The article follows:

HOW HAS JAPAN OVERTAKEN AMERICA? THE FAULT, SAYS ONE EXPERT, LIES NOT IN OUR CARS, BUT IN OURSELVES

Its 119 million people are squeezed precariously onto four Pacific islands virtually devoid of natural resources. Much of its industrial base was reduced to rubble by the end of World War II. Yet in less than 40 years Japan has become the world's second greatest economic power, rivaling the United States in steel, producing an ever-increasing variety of high-quality consumer goods and even surpassing the U.S. in electronics and in auto production. In the economically troubled U.S. and Europe, angry calls for protectionist strictures have been accompanied by a sense of awe at Japan's efficiency. Still, the question remains: How much of its success is based on ingenious managerial techniques and how much on the unique Japanese character?

This question and others are addressed by Robert C. Christopher in his book The Japanese Mind: The Goliath Explained (Linden Press/Simon & Schuster, $16.95). A former editor at TIME and Newsweek, Christopher, 59, has been fascinated by Japan since his arrival there as a Japanese-language officer in the U.S. Occupation forces in September 1945. "I returned there for a second tour of Army duty in the Korean War and from the mid-1960s on have visited the country almost annually," says Christopher. Now living in Old Lyme, Conn., he is the administrator of the annual Pulitzer Prizes. With Assistant Editor Joshua Hammer, he discussed what can be borrowed from Japan—and what can't be.

Is the Japanese mind really much different from the American mind?

Absolutely. The Japanese are profoundly group-oriented. They have a far greater sense of loyalty to the institutions they serve than Americans do. In Japan, people join a company and stay all their working lives. They feel, and are made to feel, that the company's success rests squarely on their efforts. Furthermore, the notion that you can achieve success outside the group context is utterly alien to them. A middle manager for a very important corporation has far more prestige than a guy who started and runs his own small or medium-size business, even though the latter may be wealthier and more powerful. To be different is dangerous and regarded with great disfavor.

What accounts for this group mentality?

Historically, you had a large group of people occupying a number of small islands with very limited natural resources. People were forced to ban together in support groups to make sure everything was equitably distributed. The Japanese never had the opportunity to assert their individuality because the possibility just wasn't there, economically or physically.

So a shared sense of vulnerability is a key factor in the Japanese success?

Yes. Japanese labor doesn't need to be persuaded that its interests and those of the corporation are inextricably bound up with each other. If a union has to choose between wage increases and a health cash flow for the company, it will opt for the cash flow. The success of the company is seen as the key to survival.

How does management cultivate that sense of individual loyalty?

Japan's big modern companies instinctively regard themselves as being responsible for the economic and psychic well-being of their workers. They do such things as furnish housing for single employees, help married employees acquire housing, sell land to them below market prices, provide low-interest loans, educational benefits for employees' children, and all sorts of medical and recreational facilities, and sponsor group outings. In general, they play a much more active role in the whole life of the employee than American firms do.

How does management structure differ from that of U.S. corporations?

Radically. In almost all Japanese companies, no executive decision is arrived at until everyone down to middle-management level and below has been given a chance to pass on it. I had a friend who for years was the top man at a Japanese shipping line. Whenever he had an idea he wanted to effect, one of his practices was to drop down to the company cafeteria at lunchtime and float the idea very tentatively in front of people four, five or six rungs down the ladder. In due course it would come back up the ladder to him and be presented as the judgment of all the people below. And the consensus approach shows itself in union-management relations too. It's quite common for management to meet at regular intervals with union leadership. When the time comes for contract negotiations, union leaders have a very clear idea of what the company's financial resources are.

But does that "team" approach extend all the way down the ladder?

Japanese executives are not nearly as remote from people on the production line as U.S. executives are. Most of them will tell you they started out on the production line themselves—if only for a token three or four months. If a chief executive doesn't have a lunch date, it's typical for him to go to the cafeteria to see how his workers are doing. In the U.S., that would sound like a publicity gimmick. I've met many Japanese executives who have spent time in this country express astonishment at what they regard as the arrogance of the American executive.

How have the Japanese managed to surpass the U.S. in research and development?

I think the key is the difference in the nature of ownership in Japan and the U.S. A great many Japanese companies belong to loose confederations, such as Mitsui or Mitsubishi. They are controlled not by outside investors but by other firms within the same group, so their managers are answering not to a bunch of people interested solely in seeing stock prices go up but to people who want to see these companies survive long-term. They're much readier to make investments that won't pay off for years. The Nippon Electric Company, for instance, made heavy investments in the semiconductor business, but it was 13 years before they made a profit from it. No publicly owned American company would carry such a major investment for so long with no return. Any guy who tried would get his head handed to him.

Yet U.S. corporations have had the capital for such reinvestment. What have they done with it?

Some of it went for inflated wages, which I believe were not justified by any increase in productivity. A lot of it went into "agglomeration." The steel industry took capital and bought shopping centers and oil companies instead of modernizing its steel-production facilities. Then take a look at the semiconductor business. The U.S.'s initial impulse was to get cheap Third World labor to build the semiconductor chips. The Japanese made machines to produce them. That involved a costly investment initially, but those machines are far less fallible than humans. The Japanese just swept the market because of the reliability of their semiconductors.

Has American workmanship also suffered?

Partly as a result of the changing social climate, including a far greater emphasis on immediate self-gratification, the pride Americans took in their work diminished. Workers got sloppy and careless. Again, though, it comes back to management. American managers tend to treat workers as interchangeable parts. Astonishingly, a Yankelovich poll showed that American workers privately subscribe to the work ethic more strongly than the Japanese. But they don't feel they get a chance to practice it because they're not motivated by American managers.

Why not?

Lots of reasons. But the primary one is the remoteness of managers from workers. Managers increasing tend to be MBAs with no real experience making anything. They think marketing is a substitute for production. You get all these youngsters out of business school stepping into highly paid, responsible jobs. They get a sense of being in a special class, whereas in Japan the management class traditionally comes up through the ranks. Also, the starting wage for a college graduate in Japan is not much higher than for a high school grad. So you don't create those instant class distinctions.

So what can we learn from the Japanese?

There are a lot of techniques that can be adopted profitably. We could easily make constant minor improvements in our manufacturing plants. Theoretically, we should be able to make heavier investments in technology, too, though there are limitations on that because of the nature of stockholder ownership in the U.S. and the need for getting money back quickly. That's hard to change without strong management. Unfortunately, there are a number of psychological techniques we cannot adopt. As a Japanese friend once said, "There's no way you're going to get individualistic Americans to behave like group-oriented Japanese."

What about projects like the Nissan plant in Smyrna, Tenn., where American workers are being exposed to Japanese management techniques?

Until now, virtually all Japanese companies that have come to the U.S. have operated on a relatively small scale—1,000 employees or fewer. They have located themselves in Middle American communities like Smyrna, where the traditional work ethic is still very strong. I question very much, as do many Japanese, whether the whole complex of Japanese management techiques can be applied in a big American plant whose workers are heavily unionized.

For example, when Chrysler was at its nadir, it offered its workers, instead of a wage increase, a profit-sharing deal, which as it turned out would have been a lot better for them. But the minute Chrysler showed a profit, the workers repudiated the plan and were right back pounding on the door demanding parity in wages with Ford and GM. Whether Chrysler can afford that is very doubtful.

Is there any way to get American labor and management working together?

The single most important thing is for American managers to become more respectful of workers. They have to instill a sense that we're all in this together. The Yankelovich poll showed that the Japanese workers were far more convinced that the fruits of any gain in productivity would go largely to them. American workers think the fruits are going to the executives and stockholders. If that is going to change, American managers must demonstrate genuine concern, not psychological sleight of hand.●

LEAKING UNDERGROUND STORAGE LEGISLATION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. RITTER. Mr. Speaker, it smells like gasoline. It tastes like gasoline. It is gasoline. More and more gasoline, or similar liquids, are being found in the tapwater of American households. Ground water provides drinking water to half the American people. We all know how essential it is. yet all of us are familiar with individuals in our districts whose wells have been contaminated by gasoline.

The problem will get worse before it gets better as more and more old, buried tanks rust through and leak their contents into the ground water. What is the scope of the problem? It is estimated that 1.4 million underground tanks in the United States store gasoline. An unknown additional number of tanks store a variety of other petroleum products and other liquid hydrocarbons. Of 1.4 million underground tanks storing gasoline, approximately 85 percent are made of steel with no corrosion protection and were buried over 20 years ago. Some experts estimate that 75,000 to 100,000 of these underground gasoline tanks may currently be leaking their contents into the ground and ground water supplies, and perhaps 350,000 tanks may be leaking within the next 5 years. This is a problem of national significance.

The solution to this problem or even the beginning of a solution is not cheap. But, the earlier we start the identification and cleanup process, the cheaper it will be. The longer we wait to start, the more tanks will rust through, and the more expensive cleanup will be. Waiting is the most expensive path. Millions of people could be affected.

I have just introduced H.R. 4761, which provides for relief, cleanup, and for preventative standards to be set by EPA for existing and future buried tanks.

My bill will tackle this problem in two different ways. First, it amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980—Superfund—to give the EPA the authority to clean up gaso-

line leaks which have occurred from underground storage tanks and makes fund moneys available for these cleanup or other assistance activities.

The authority available to EPA includes the ability to take actions that are necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, such as provision of alternate water supplies, temporary evacuation and housing of threatened individuals. In those situations, EPA would be authorized under Superfund to spend up to $1 million for each leaking storage tank. Long-term remedies such as ground water cleanup also will be available.

The money for these cleanup activities will come from the Superfund trust fund, a $1.6 billion fund assessed through a tax on oil and chemical feedstocks. And in these cases where a responsible party can be identified, my bill gives the EPA the authority to recover cleanup costs from them. Superfund liability provisions would be available for the Agency to use against all responsible parties who have caused or contributed to these leaks.

It is my intention that the Agency use these liability provisions in an evenhanded way so that responsible parties pay their fair share for damages that has occurred.

The second approach my bill takes toward solving this problem is to require the EPA to establish general standards applicable to new and existing underground storage tanks used for commercial or governmental purposes. These standards may include a wide variety of factors addressing the location, design, construction, operation, and maintenance of the tanks as well as monitoring, testing, financial responsibility, inspection, and corrective action for such tanks. In addition, I have directed the EPA to evaluate residential tanks as well. That study is to be completed within 1 year of the date of enactment of my bill.

Another important feature of my bill is that individual permits would not necessarily be required for each tank. Rather, the EPA Administrator is given the discretion to set up a permit program where he decides one is necessary. An example of this would be where specific factors—for example soil conditions, type of tank, years in ground, moisture, and other environmental factors—should be taken into account. Otherwise the Administrator can implement the standards set forth as a result of this bill directly.

Since I believe it is important that the States be involved to the maximum extent possible in handling the regulation of these underground tanks, my bill gives EPA the authority to approve State programs to operate in lieu of the Federal program. I hope that the States will take advantage of the opportunity to establish their own programs.

The bill has several self-enforcing features which will work to help correct the situation. In addition to direct regulatory features they are: first, financial responsibility or an insurance requirement on buried gasoline or liquid hydrocarbon tanks; second, the ability of suppliers of gasoline to deny product to owner unless there is compliance with standards set by EPA as a result of this bill. There are simply too many buried tanks out there to include all of them in the Federal Agency permitting process. Some individual tanks may already be safe.

Finally, this bill provides a $60 million authorization for 3 years—1985-87—to be utilized by the State and Federal Governments in carrying out the requirements of the bill. This is a generous authorization, which should provide more than adequate funds for doing the tasks required by the bill. Lack of prompt action at this time will only further compound the problem and make eventual cleanup vastly more difficult and expensive.

In conclusion, I would like to underscore the importance of addressing this emerging national environmental problem. As part of my initiative to help solve this problem, I will be working closely with State and local officials to insure coordination with the Federal officials.

I am introducing this bill today because I believe it takes a strong, comprehensive approach to resolving this crisis. It provides for both cleanup authority for environmental contamination that has occurred; it addresses the problem of existing inground tanks; and it insures that future problems do not occur by requiring that new underground storage tanks be safe.

I believe this legislation provides a framework for a successful resolution of an urgent national problem, and I intend to press forward for its prompt enactment.

Text of the bill follows:

H.R. 4761

A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for removal, remedial action, and liability with respect to gasoline and other liquid hydrocarbons which leak from certain underground storage tanks and to establish standards to prevent releases from such tanks into the environment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Leaking Underground Storage Tank Liability and Standards Act of 1984".

AMENDMENT OF CERCLA

SEC. 2. (a) DEFINITION OF UNDERGROUND STORAGE TANK.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "and" and the end of paragraph (31), by striking out the period at the end of paragraph (32) and substituting "; and" and by adding the following new paragraph at the end thereof:

"(33) 'underground storage tank' means a tank which is located partially or wholly underground."

(b) DEFINITION OF HAZARDOUS SUBSTANCE.—Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—

(1) striking out "and (F)" and substituting ", (F)",

(2) striking out "Control Act." and substituting "Control Act, and (G) gasoline and other liquid hydrocarbons which are stored in an underground storage tank from which there is a release or threatened release."; and

(3) by striking out "The term does not include petroleum" and substituting "Except as provided in subparagraph (G), the term does not include".

STANDARDS FOR UNDERGROUND STORAGE TANKS USED FOR STORAGE OF HAZARDOUS SUBSTANCES, INCLUDING GASOLINE OR OTHER LIQUID HYDROCARBONS

SEC. 3. (a) STANDARDS.—Not later than 12 months after the enactment of this Act, the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") shall promulgate regulations establishing performance standards, applicable to owners and operators of underground storage tanks used for the storage of hazardous substances, including gasoline or other liquid hydrocarbons, in order to prevent releases into the environment for the operational life of the tank. Such regulations shall apply only to underground storage tanks which are located on property used primarily for commercial or governmental purposes. The Administrator shall, where appropriate, distinguish in such standards between requirements appropriate for new tanks and for tanks in existence on the date of promulgation of the standards. Such standards shall include, but shall not be limited to, requirements respecting—

(1) the location, design, and construction of such tanks;

(2) contingency plans for effective action to minimize releases of hazardous substances, including gasoline or other liquid hydrocarbons, from such tanks;

(3) the maintenance and operation of such tanks;

(4) financial responsibility;

(5) monitoring or testing of such tanks and the surrounding environment;

(6) corrective action in the event of a release of any hazardous substance, including gasoline or other liquid hydrocarbons, from such a tank;

(7) recordkeeping and reporting; and

(8) closure or removal of the tank at the end of its operational life.

(b) IMPLEMENTATION AND ENFORCEMENT.—The Administrator may promulgate, and make effective in accordance with section 3010 of the Solid Waste Disposal Act, regulations to implement the standards of subsection (a) or the Administrator may establish a permit program to implement such standards where he finds that such a permit program is necessary for such purposes. If the Administrator makes such a determination, any person or category of persons who stores any hazardous substance, including gasoline or any other liquid hydrocarbon, in an underground storage tank located on property used primarily for commercial or

governmental purposes may be required to have a permit for such storage in order to assure compliance with such standards.

(c) APPLICATION OF SOLID WASTE DISPOSAL ACT PROVISIONS.—The provisions of section 3006 and 3007 of Subtitle C of the Solid Waste Disposal Act, the provisions of subsections (a) through (c) of section 3008 of such subtitle, the provisions of section 3009 of such subtitle, the provisions of section 3010(b) of such subtitle the provisions of section 6001 of such Act, and the provisions of subtitle G of such Act, shall apply to the program and requirements established under this section in the same manner as such provisions apply to the hazardous waste regulatory program established under subtitle C of such Act. For purposes of applying such provisions to the program and requirements established under this Act, the term "hazardous substance, including gasoline or other liquid hydrocarbons" shall be substituted for the term "hazardous waste" when used in such provisions.

(d) DEFENSE TO OTHER SUPPLY REQUIREMENTS.—If, upon the request of any person supplying any hazardous substance, including gasoline or other liquid hydrocarbons, to any underground storage tank, the owner or operator of any underground storage tank fails or refuses to provide to such supplier appropriate evidence of compliance with the stanards established under this section, such failure or refusal shall constitute a defense to any enforcement action brought under any other authority of law to require such supplier to deliver any hazardous substance, including gasoline or other liquid hydrocarbons, to such tank. For purposes of this subsection, any permit issued for a tank under this section or any other certification of compliance under this section, as determined by the Administrator, shall constitute appropriate evidence of compliance with such standards.

(e) CRIMINAL PENALTY.—Any person who knowingly commits a material violation or omission with respect to any requirement established by the Administrator under this section shall, if such violation or omission results in a release or threatened release of any hazardous substance, including gasoline or other liquid hydrocarbon, from an underground storage tank be subject to a fine of not more than $50,000 for each day of violation, or to imprisonment for not to exceed two years, or both.

(f) DEFINITIONS.—As used in this section—

(1) The term "underground storage tank" means a tank which is located wholly or partially underground.

(2) The term "hazardous substance" has the meaning provided by section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by section 2 of this Act.

(g) AUTHORIZATION.—There is authorized to be appropriated not more than $60,000,000 for the fiscal year period 1985 through 1987 to carry out this section. Not more than 50 per centum of the amount appropriated in any such fiscal year may be used to make grants to the States for purposes of assisting the States in the development and implementation of programs to carry out this section. Such State programs shall be carried out in the same manner as required with respect to State programs under section 3006 of the Solid Waste Disposal Act, and funds shall be allocated among the States in the same manner as provided in subsection (b) of section 3011 of that Act.

(h) RESIDENTAL UNDERGROUND STORAGE TANKS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study regarding underground storage tanks which are located on residential property and which are used for the storage of hazardous substances (including gasoline or other liquid hydrocarbons). Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment. Upon completion of the study, the Administrator shall submit a report to the President and to the Congress containing the results of the study and recommendations respecting whether or not such tanks which are located on residential property should be subject to the preceding provisions of this section.●

SENATE—*Wednesday, February 8, 1984*

(Legislative day of Monday, February 6, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable ROBERT W. KASTEN, Jr., a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Loving Father, we remember Senator LEAHY, his family and especially his mother, in the loss of his beloved father. Fill their hearts with Thy peace and comfort. We remember also Senator EVANS in the loss of his brother and pray Thou wilt console the family and especially the widow with Your gracious love.

Almighty God, Supreme Ruler of the Universe from whom comes all authority and all power, we pray for Thy blessing and guidance as the Senate faces these next 3 busy days. We thank Thee for our leaders, Senator BAKER, and Senator BYRD, and we ask that Thou wilt give them wisdom, strength, and patience as they steer the Senate through the work that ought to be completed before recess.

Help the Senate to avoid superfluous issues that retard rather than advance progress. Free the Senators from extraneous matters that interrupt and force them to digress from essential activities. Free them from anxiety and discouragement and help their hearts and minds to be open to divine direction.

We thank Thee Lord for hard working staffs whose tireless labors behind the scenes support the Senators in getting the job done. Bless them in their commitment and faithfulness. We ask this in the name of Him who finished the work He came to Earth to do. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 8, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT W. KASTEN, Jr., a Senator from the State of Wisconsin, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KASTEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

EXPRESSIONS OF SYMPATHY TO SENATORS LEAHY AND EVANS AND THEIR FAMILIES

Mr. BAKER. Mr. President, I wish to join with I am sure every Member of the Senate and our distinguished Chaplain in extending our sympathies to Senator LEAHY and his family on the passing of his father, and Senator EVANS and his family on the passing of his brother.

I have often said, Mr. President, that the Senate in many ways is a family and more tightly knit than many people realize. We live together daily. We interact as a relatively small group. We deal with difficult issues. We must contain our concerns and anger so that the Senate does the people's business.

So, Mr. President, when one of us suffers a loss or a grave illness or other anguish and pain, it gives us all more pain than might otherwise be suspected. I know these things firsthand, Mr. President, because I have experienced loss and grief from the loss of family members in two cases, losses of members of this kind, one in the Senate and one in the House. So I share with Senator LEAHY and Senator EVANS a personal understanding of the grief that they are experiencing and I extend to them a special understanding that this Senate family can offer.

SENATE SCHEDULE

Mr. BAKER. Mr. President, on today, there will be special orders in favor of three Senators after the leader time has been claimed or yielded back. The special orders are, as usual, for not more than 15 minutes in length. Authority was granted on yesterday for the distinguished junior Senator from Tennessee, Mr. SASSER, to utilize 15 minutes of special time in favor of the distinguished minority leader, Senator BYRD.

After the execution of the special orders, Mr. President, there will be a period for the transaction of routine morning business to go not past the hour of 12:30 p.m., in which Senators may speak for not more than 5 minutes each.

After the period for morning business has expired or has been closed, the Senate will resume consideration of the unfinished business, which is S. 1765, the death penalty bill. A cloture motion has been filed against further debate on the bill itself.

I urge Senators who may have amendments to that bill to come to the floor and offer them today. We should not simply stand by and wait for the cloture vote, because if cloture is invoked—and I very much hope that it will be—then only amendments that qualify under the rules will be eligible. So I urge Senators to use today to offer their amendments. I do expect rollcall votes today.

If we have a break in the course of the day in the debate on the death penalty bill or amendments to it, the leadership on this side will consult with the leadership on the other side with the view to try to find something else worthwhile for the Senate to do. One bill that might be taken up today, if the opportunity presents itself, is the career criminal bill. It would require unanimous consent to do that, but it is a good time to do that if there is a break in the proceedings. I would urge those who are interested in that measure to consider whether we might set aside 30 minutes or 1 hour to do that bill during the course of the day.

Mr. President, we will be in session today as long as necessary to accommodate the needs of Senators, perhaps beyond the usual recess hour of 6 o'clock. But I do expect it to be a full day, and, once again, I do expect rollcall votes today.

Mr. President, we are still negotiating on a time that might be established by unanimous consent for the cloture vote to occur tomorrow. If we do not succeed with that, the cloture vote will occur 1 hour after the Senate convenes. But I would like to make it later than that if possible in order to comply with the wishes of the Senator from Michigan and perhaps other Senators as well. I will try to have a further announcement on that and perhaps a unanimous-consent request to make later in the day.

Mr. President, I ask unanimous consent that the time allocated to the dis-

tinguished minority leader under the standing order may be reserved for his use at any time during this day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I see that the Senator from Minnesota (Mr. DURENBERGER) is here. He has the first special order. We have already provided for leader time to be reserved. I now yield back my time with the hope that the Chair may recognize Senator DURENBERGER to proceed under the special order.

RECOGNITION OF SENATOR DURENBERGER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Minnesota is recognized for not to exceed 15 minutes.

GEORGE THISS

Mr. DURENBERGER. Mr. President, I join the Chaplain this morning and the majority leader in sharing with our colleagues, PAT LEAHY and DAN EVANS, the grief that they feel in the loss of a loved one.

On December 2, 1983, in the middle of the recess period, I lost a very good friend and the State of Minnesota lost an outstanding public servant. George Thiss, who was my chief of staff, died of a heart attack, very suddenly.

George was the kind of person who is impossible to describe to those who did not know him. You can list all his accomplishments, his many contributions to a variety of public and private organizations and the tributes he earned in his community, but all of that only tells you a little bit about who George Thiss really was.

Above all, he was a person who cared for other people. He always saw the good in everyone. He was always there to help a person, not just with his time but with his ideas, his concern and his love.

He was a devoted husband and an ideal father. Anyone who saw George relate to his two sons, Chuck and Mark, walked away with a deep understanding and appreciation of what parenting means.

I cannot tell you how much I miss George. But I also cannot tell you how happy I am that I had the opportunity in my lifetime to know a person like George Thiss and to work closely with him on projects that meant a great deal to both of us.

Throughout his lifetime George shared everything he had with everyone he touched. One of the many things that struck me was that everyone who remembered George remembered a different quality—he had touched everyone, each in a different way.

Mr. President, I would like to share the memories of George with my colleagues and ask unanimous consent that articles from the December 3 Minneapolis Star and Tribune and the December 3 St. Paul Pioneer Press, along with the memorial to George Thiss, be included in today's RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

MEMORIAL SERVICE FOR GEORGE RAYMOND THISS

Many commentators and writers today express deep concern over the terrific pace at which our world and society seem to be moving. Events come and pass by so quickly. There is hardly time for any thinking. So many important matters of life are taken for granted and pushed aside. Then suddenly the inevitable realities of life spring forth and cause us to stop for a moment and ponder about our existence, our very nature, our Creator.

Death is one of the realities of life we tend to forget. It is something we all know we must one day face. We push it aside though and try to forget it. But the truth of the end of this physical life keeps coming forth again and again in an attempt to remind us of the importance of what we do with the days we have.

Our period of life is comparatively short when seen in the perspective of the hundreds of thousands of years of history behind us and the hundreds of thousands of years that stretch ahead. Yet these years are vital and important years for each of us. They are our years. They belong to no one else. In these years there are decisions we must make and these decisions determine our present and our future, our day to day existence and our destiny.

We do not know how or when life on this earth will cease to exist for any of us. But we know that death comes to all people. We do not know exactly what lies beyond the grave. Death's door is really a large question mark in many ways. Still for the Christian this does not present a problem. The Bible does not specifically define what eternity will be in terms of material things. Yet the Holy Scripture gives us all the information we need. For we are told that God has prepared a place for those who have faith and trust in Him.

God Almighty though is a reality of life we sometimes take for granted. Yet he is always there when we need him. Not only at the moment of death, but in every moment of life. Jesus said, "Come unto me all ye that labor and are heavy laden and I will give you rest." What a comfort and strength the fact of Christ's presence with us can be in time of sorrow and special need. Yet the real joy comes for the Christian in knowing that the Lord is present in every moment of life.

A loved one, a dear friend has died. We gather here tonight not only to mourn the loss, but also to celebrate the life, to share the experience and rejoice in the memories that each of you have of your relationship with George Thiss. I cannot share those with you. I did not have the privilege of knowing George. But I do know and have talked with the people who were most close with him and they have shared with me the most important things about their loved one. With their permission, I share some of them with you.

"My Dad cared about people. He treated people like real persons. He tried always to see the good side of people. He didn't dwell on the bad things. He tried to do a good job in everything he did. He helped us with our homework so that we could learn. He made us go to bed so we could get our rest. He spent time with us and did important things with us, things that were important to us, like playing catch, and going to games and coming to watch us play. He didn't want to move away because then he wouldn't have as much time for us. He kept his word. When he said he would do something you could depend upon it. He would do it. Maybe it would have to be later, but he would do it. He was a caring person, but he cared for us first."

As a result of these words from Chuck and Mark about their Dad, I chose the passage from St. Paul's letter to the Philippians to read today. I read it again, because I think St. Paul's directive was one that George Thiss followed. "Whatever is true, whatever is honorable, whatever is just, whatever is pure, whatever is lovely, whatever is gracious, if there is any excellence, if there is anything worthy of praise, think about these things."

George not only thought about that, he followed it as well and acted upon those words and ideas. We live in a day and age where there is much spoken of and written about parenting. One of our problems is that there is far more talk than action. It is evident to me from the life and character of his sons that George was a father who put parenting into action, not just in his relationship with his sons, not just in the time he spent with them, but also in the example he set for them. He not only cared for them. He showed them how important it is in life to care for other people also.

Each of you here this evening has had your life touched in some way by the caring nature of George Thiss. He has shared life experiences with you. George is no longer here with us. His journey on this earth has ended. Although that saddens his sons and they will miss him they are not concerned about him. Again I quote from them.

"Dad is in good hands. God is taking care of him. Self pity won't do any good, besides, Dad wouldn't want that. We know he had heart problems. I am glad he died quickly. It would have been hard on him to have to be down in bed and be sick or not be able to be up and around and doing things with us. A long illness would have been rough on him. I am so glad he did not have to go through that. He is in heaven now and we don't have to worry about him."

The boys speak the truth. We do not have to worry about George. And from what I have been able to learn about George, he would not want you to be sad and mourn about him. However, for many of you the question runs through your mind. What can we do? What can we do to honor George? There are some ways in which you can remember and honor George. Follow his example in your own life. Are there ways in which you can be a more caring person? Are there people around you who need the concern that you could offer. Are there children, young people in your life who could use some real, genuine parenting, are there people who depend upon you, who have gotten to the point that they feel they really can't, that your word does not really mean much anymore.

The boys are correct. George is in good hands. The God who created us and cared for us in this life has received George into his care. However, there are people whose lives were touched and cared for by George,

that won't have him around. Maybe you know them, maybe you are one of them. You have an opportunity to pick up where George left off and fill the void that is left by his departure.

The days ahead will be lonely for you the family and you the friends. Our God, however, did not create us and then just leave us. He promises that his presence is with us each and every day if only we will reach out to him and seek and accept his love and his comfort and his guidance. The presence of the living God is with you each of the days to come, to strengthen you to be a more caring person with His help.

[From the Minneapolis Star & Tribune, Dec. 3, 1983]

HEART ATTACK KILLS GEORGE THISS, 55, DURENBERGER AIDE

(By Jim Dawson and Steve Berg)

George R. Thiss, chief of staff to Sen. Dave Durenberger and former chairman of Minnesota's Independent-Republican Party, died of a heart attack early Friday.

Thiss, 55, was stricken in his Edina home about 8 p.m. Thursday after returning from work in Minneapolis. He was taken to Fairview Southdale Hospital where he died at 2:15 a.m. yesterday. Durenberger's administrative assistant said in Washington, D.C., that Thiss had not felt well earlier in the week, thought he had flu and visited his doctor. He also said Thiss had had some heart problems in the past few years.

"You fetch around for what made him different and everybody's friend," Durenberger said. "He always saw the good in people and saw the opportunity in a situation instead of looking on the dark side."

Durenberger said his Minneapolis office would be closed Monday in Thiss' memory.

Thiss joined Durenberger's staff in 1979, after serving for eight years as the executive director of the Upper Midwest Council. The council is a Minneapolis-based research group that conducts conferences and studies on regional economic issues.

He was state chairman of the Minnesota Independent-Republican Party from 1965 to 1971, the longest anyone has held that position. He left the position a year after the DFL Party captured the state Legislature, saying politics had "lost its fun."

"George was exceptional, a fine person," said Douglas Head, a Minneapolis attorney and former IR attorney general.

"He cared for people and he liked to be involved in government and public service," Head said. "His forte was organization and getting it done. He was an exceptionally fine planner."

Head also said Thiss had taken personally the IR defeat in 1971.

Thiss was widely known as a moderate who was skilled at bringing people of differing viewpoints together.

"He was one of the most successful chairmen the party ever had," said Lois West, communications director for the IR party. She said she once asked Thiss how he was able to get people to compromise on emotionally charged issues and he responded: "I just put myself in a mixture of their shoes and our shoes and we are able to come up with some ideas."

Thiss also served on the board of directors of the Humphrey Institute of Public Affairs. Harlan Cleveland, director of the institute said Friday that Thiss "was one of the Humphrey institute's strongest supporters and advocates from the very outset."

When Thiss re-entered politics in early 1979 as chief of staff for Durenberger, he said he planned to conduct the job from Durenberger's Minneapolis office.

"I wouldn't have taken this job if it meant going to Washington and getting involved in the scene 24 hours a day," he said in a 1978 interview. "You know, I got married kind of late (when he was 39), and we have two kids. . . . It's too much fun being with them to give that up and be going to a political meeting every night like I used to do when I was party chairman."

Thiss is survived by his wife, Joyce, and two sons, Mark, 14, and Chuck, 10.

The memorial service is scheduled for 7:30 p.m. Sunday at Normandale Lutheran Church in Edina. A private burial service will be held Monday.

Thiss's family requested that the memorial gifts go to the Humphrey institute.

[From the St. Paul Pioneer Press, Dec. 3, 1983]

I-R'S GEORGE THISS DIES OF HEART ATTACK

(By Aron Kahn)

Former State Republican Party Chairman George Thiss, who died early Friday, was responsible for much of the political success of U.S. Sen. David Durenberger, the senator said.

"From my first day in politics, George Thiss was the kind of public servant I wanted to be," Durenberger said following Thiss' fatal heart attack. "Whatever successes I enjoy as a U.S. senator are due in large part to lessons he taught me, the guidance he gave me and the friendship he shared with me."

Thiss, who was Durenberger's chief aide, died at 2:15 a.m. in Fairview-Southdale Hospital after suffering a heart attack at about 8 p.m. Thursday in his Edina home. He was 55.

Durenberger said Thiss was examined Tuesday after complaining of not feeling well.

Thiss served as state GOP chairman from 1965 to 1971, when he became director of the Upper Midwest Council, a public policy research organization. He became chief aide to Durenberger in 1978, and held that position at the time of his death.

"George knew and understood politics in the best sense of the word," Durenberger said. "He was brilliant at dealing with sensitive and difficult issues . . . He had a unique ability to bring people together, overcoming their differing points of view and focusing on their agreements."

Lois West, a spokeswoman for the Independent-Republican Party, said Thiss "was unusual in the political arena in that he never sought power and wasn't interested in public office. But he cared passionately about public policy, about bringing together the best minds and the best ideas to find the most workable solution."

A Minneapolis native, Thiss held degrees from the University of Minnesota and New York University. Before becoming state party chairman, he worked for his father's luggage firm and for Breck School.

Thiss began working on Republican campaigns in 1952 and in 1961 was named the state's outstanding Young Republican.

For the past three years, he was a member of the advisory committee to the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota. Memorials to the institute are preferred.

Thiss is survived by his wife, Joyce, and sons, Mark and Chuck, all of Edina.

A memorial service will be at 7:30 p.m. Sunday in Normandale Lutheran Church, 6100 Normandale Road, Edina, with a private burial in Lakewood Cemetery.

Durenberger's Minneapolis office will be closed Monday.

BALANCING THE BUDGET

LENDING, SPENDING, AND BORROWING

Mr. DURENBERGER. Mr. President, let me deal as briefly as I can in the time permitted me with one of the overriding quesions that faces the people of this country in 1984, which, we all know, is a Presidential, senatorial, and congressional election year. That is, how is it that we who have been charged with the responsibility of governance in America can return to the public in an election year with a $6.1 trillion national debt overhanging the future of that public, with a $170 to $180 to $200 billion annual deficit accumulation as far as the eye can see overhanging that same public.

By way of summarizing my thoughts on the subject and by way of a response to the constituents that I represent who will not have an opportunity to take me on on this issue at the polls this November, I wish to go back and, in four segments, address the subject of the questions that I am being asked about the deficit. I shall start with a little speech that I made on November 18, 1981, to the Public Affairs Council. I shall, after quoting briefly from it, ask unanimous consent that the entire speech be printed in the RECORD.

November 1981 was an interesting time for all of us, because we had just finished in the Congress doing everything we thought the American public elected us to do. We had cut spending, we had cut taxes, and nothing was happening. Interest rates were still high, inflation was still high, Wall Street was not altering its performance. We stood around in the fall of that year wondering why, having done all that—spending cuts and tax reform and so forth—the public was not responding. I tried to summarize my concern in this particular speech by covering some of the things that that conference was called to cover in Washington, D.C.—balancing the budget, tax cut, regulatory reform, New Federalism, private sector initiatives, corporate responsibility—all of that sort of thing. It was my job at the end of that conference to summarize what was then a very popular word in the discussion of these subjects—the word was "Reaganomics"—and to put all the themes of that conference into the context of spending cuts and taxes and then, as you recall, Mr. President, balancing the budget by November of 1983.

I took the opportunity to say that if I were President at that time, I think it would be most appropriate to give the Nation a positive vision of the Fed-

eral Government and its role in our society. I went on to say that only by following a compass that is pointed somewhere can we get somewhere. I said that the national agenda at that time had been shaped in reaction to the accumulated errors of a political epoch, and that will not do any more; what we need is a positive theory of government, a precise blueprint for Federal policy and purpose. The President, whoever he is, has to touch on each of those themes that people had been considering at this particular conference.

I started by taking on the theme of lending, spending, and borrowing. We in the political system accuse everybody else on the other side of the aisle of being the spenders, the lenders, the taxers, the big borrowers. I said what in the world does the abstraction of the Federal Government represent? Why do we have this fixation about debt and deficit? Why should we care whether the budget is balanced or not?

I said I did not find the answers to those questions by looking at Wall Street, as Dave Stockman has always believed—because balancing the budget is not a checkbook operation. It is not a matter of finding out how much you spent today and how much you had coming in today. In the 1980's, balancing the budget is an issue of trust. It is trust between every politician and his or her constituents—trust between me and my fellow Minnesotans. Trust between Federal Government and State and local government. And trust part of the individual and his or her private deeds and interests. The desire to balance the budget is the desire to change the role of Government in our society. We have not done that yet. And until we do, public tolerance of Government and its officials will not improve.

There are no easy budget tricks that can redefine the Federal purpose. That is the lesson we have forgotten in Dave Stockman's education as recounted by the Atlantic Monthly. Waste, fraud, and abuse, porkbarrel, boondoggle, handouts—cut every nickel and you cannot solve the budget problem. In fact, it is not a budget problem at all. It is a policy problem that cuts across every aspect of government. Consider the four basic components on the spending side of the Federal budget—entitlements, interest payments, defense spending, and discretionary social programs.

I said, back in 1981, as the first Republican Senator up in a Democratic State for reelection in 30 years:

Let me go back to the entitlements and be perfectly blunt about our dilemma. We cannot balance the budget without changing entitlements policy. It's more than Social Security. It's more than whole range of government commitments to the safety net theory of the federal role.

Changing entitlements policy is a necessary long and arduous political process. And truly, the Democrats would like nothing better than to see us try. Because the Republican Party is losing the confidence of the American people on the subject of income security. Even if the Democrats could propose fiscally sound reform—and the polls of that party are not interested in fiscally sound reform—the public would rather trust the political agenda to them, to the Democrats, if the social safety net is at the top of the list.

We have some politicians on our side of the aisle, as well. One or two. They can read public polls and they have scurried to the refuge of a bipartisan commission on Social Security to hide from the issue.

Mr. President, I ask unanimous consent that the remainder of that speech be printed in the RECORD in full.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR DAVE DURENBERGER TO THE PUBLIC AFFAIRS COUNCIL

Over the last day and one half, you have most probably heard several consistent themes in your seminar on Reaganomics. Balancing the budget, the tax cut, regulatory reform, the new federalism, private sector initiatives, corporate responsibility. In my role as your final speaker, I have the opportunity to paint a summary of Reaganomics and to put these themes into a framework that has a message. It's an opportunity that I am honored to have and one that I've looked forward to for several weeks.

My President would want me to say that we have made a new beginning—that his promise in the 1980 campaign has been fulfilled. But at the close of this first year as I look back over the last eleven months, that isn't my overwhelming impression.

If I had to choose one phrase to describe the 1st session of the 97th Congress, it would be "cut, cap and block." The strategy was to reduce the increase—to achieve a stalemate with the thousands of overextended, good intentions of the last decade. Accomplishing even a draw with the forces that were marching toward national bankruptcy is success by the yardstick of the past Congresses. But measured against the promise and opportunity of a new age, we have only made small steps toward a new beginning.

The President now has two months to reflect on the State of the Union before we plunge into battle, again. I have been giving some thought to the speech he will give in January and it's my intention to share those thoughts with you, today. It's not a short speech and it's not light-hearted. It's more like work, so get comfortable, and I will expose the brutal, facts of life facing a first-term Republican up for re-election.

In January, I want the President to give the nation a positive vision of the federal government and its role in our society. Only by following a compass that is pointed somewhere, can we get somewhere. The agenda has been shaped in reaction to the accumulated errors of a political epoch. That won't do anymore. What we need is a positive theory of government, a precise blueprint for federal policy and purpose.

He has to touch on each of the themes that you have been considering at this conference. So let's begin where every discussion in Washington begins these days, with the budget problems of the national government.

SPENDING, LENDING AND BORROWING

What does the abstraction of the federal budget represent? And why should we care if it's balanced? I don't find the answers to those questions by looking at Wall Street as Dave Stockman has always believed. Balancing the budget has become an issue of trust. Trust between every politician and his or her constituents—trust between me and my fellow Minnesotans. Trust between federal government and state and local government. And trust on the part of the individual and his or her private deeds and interests. The desire to balance the budget is the desire to change the role of government in our society. We haven't done that yet. And until we do, pubic tolerance of government and its officials will not improve.

There are no easy budget tricks that can redefine the federal purpose. That is the lesson in Dave Stockman's education as recounted by the Atlantic Monthly. Waste, fraud and abuse, porkbarrel, boondoggle, handouts—cut every nickel and you can't solve the budget problem. In fact, it's not a budget problem at all. It's a policy problem that cuts across every aspect of government. Consider the four basic components on the spending side of the federal budget—entitlements, interest payments, defense spending, and discretionary social programs.

Entitlements.—Social Security, railroad retirement, Medicare, Medicaid, food stamps, veterans' pensions, civil service retirement. An inflation indexed system of cash payments with the ratio of those who are entitled to those who are paying—growing every year. Entitlement programs are not only uncontrollable in a budgetary sense, they have become untouchable as a political reality.

Interest payments.—Do you know that interest payments on the national debt are now one-seventh of the federal budget? One hundred billion dollars per year of interest on a one trillion dollar debt. Look at the second hand on your watch. A trillion seconds takes you back to the year 31,000 B.C. Before the last Ice Age. Just the interest on that debt at a dollar a second has you in the Ark with Noah. The combination of entitlements and interest payments now makes up 57% of the federal budget.

Defense spending.—To keep it afloat in a sea of red ink, we have copied the trick from entitlements and inflation-proofed our national security policy, as well. We have made a commitment to 7% real growth—7% above the inflation rate for the foreseeable future—in the 28% of our budget that is defense spending.

Discretionary social programs.—Partly federal operations, partly grants to state and local governments. Highways, sewage treatment plants, national parks, elementary and secondary education. Amtrak, UDAG, EDA, CETA, general revenue sharing. 15% of the federal budget. The smallest piece of the budget pie and the only one not indexed by law or policy. Across-the-board cuts . . . 12% piled on 12% piled on 12% cuts . . . in discretionary spending will never solve the budget problem. Won't come close. The fight that we are about to have on a Presidential veto of the continuing appropriation is an exercise in futility viewed from the larger perspective.

Let me go back to entitlements and be perfectly blunt about our dilemma. We cannot balance the budget without changing entitlements policy. It's more than Social Security. It's that whole range of gov-

ernment commitments to the safety net theory of the federal role.

Changing entitlements policy is a necessarily long and arduous political process. And truly, the Democrats would like nothing better than to see us try. Because the Republican Party is losing the confidence of the American people on the subject of income security. Even if the Democrats could propose fiscally sound reform—and the polls of that party are not interested in fiscally sound reform—the public would rather trust the political agenda to them, to the Democrats, if the social safety net is at the top of the list.

We have some politicians on our side of the aisle, as well. One or two. They can read public opinion polls and they have scurried to the refuge of a bipartisan commission on Social Security to hide from the issue in 1982. That's a dilemma that cannot be solved in a budgetary framework. For me it's a question of my constituents' political trust on the one hand and their income security on the other. And the great frustration is that the process won't let me use their trust to preserve their security. I say now to my President we must risk our electoral victory to save our promise.

It is time to realize that budget gimmicks cannot solve the budget problem. It is time for the defense and foreign policy establishment to remember that negotiated arms reduction can also contribute to our national security. It is time for those who are entitled to recognize that income security cannot be achieved by ignoring the aging of our population. And it is time for all of us to recall this fact of life: when our principle currency is promissory notes, everything of value will be beyond our reach.

That's what I want the President to say about the budget in January.

TAXATION

There are those, of course, who will recommend that the President balance the budget by undoing the tax cut. In a purely accounting sense, we had accomplished a rough balance between spending and revenues when the reconciliation act passed in July. We had achieved a balanced budget in July.

But having balanced the budget, we turned right around and unbalanced it by passing the largest tax cut in the nation's history. By early October—before most of the provisions had even become effective—momentum was moving in the other direction. All sorts of new tax increases—now known as revenue enhancers—were being proposed. When a tax increase is called an enhancement, you know that Congress is at work. Will Rogers once said something like, "Taxation without representation seems intolerable, until you've seen it with representation."

I keep thinking that it is only on the revenue side of the budget that we have made a new beginning. We have a policy. If we give up any basic commitments in the tax package, we may lose our best opportunity to change the role of the federal government.

So let's assume that we intend to live with the new vision of the tax code for awhile. It seems to me that a fundamental question will soon be asked. By 1983 we will pass the point where the value of tax expenditures—deductions and credits and write-offs of one kind or another—exceeds the value of bottom line liability. More revenue will be going through the loop holes than will be coming through the door of the Treasury. We have already passed that point with the corporate income tax. We have taken it out of the category of revenue raiser and put it over on the regulatory side of federal activity.

Do we want a corporate income tax that collects small amounts of revenue but functions as a significant regulator of investment through the Internal Revenue Code? Most people in this room will nod their heads to an assertion that the federal government is a lousy allocator of resources. But few of you judge your latest tax break by that standard.

At some point we will have extended so many helping hands to so many worthy interests in such a generous way through the tax code, that the general interest would be better served by scrubbing the books clean. That is an issue that I would like the President to address in his speech next January.

REGULATION

In the United States, we tolerate regulation by a government bureau in four cases . . . to protect consumers from the excesses of monopoly . . . to limit market externalities . . . to compensate for imperfect or incomplete information in a market relationship . . . to guarantee equal opportunity.

Historically, regulation took the form of limitation—control prices, restrict access to markets, prohibit products or practices—in response to the reality of monopoly providers. The industries subject to this type of regulation became very comfortable with the arrangement. The stable environment provided by regulation became preferred to the uncertainty of competition. We have only belatedly realized that as our economy grew and changed, competition forced its way into these industries. Through deregulation of airlines, trucking, banking, rail freight and perhaps communication, we are recognizing that the consumer will be better served by competition than by regulation.

Catalytic converters, scrubbers, vapor recovery, sewage treatment, hazardous waste. The theory behind this type of regulation is surprisingly audacious. It suggests that whenever a net social benefit can be gained for society through regulatory intervention, a regulatory program ought to be imposed. So long as the cost/benefit ratio is positive on the benefit side, we act. That's the theory. And we do so without regard to the cumulative cost of all the regulations built up through this calculus made one regulation at a time.

For most technology forcing regulations that's a silly calculus. The costs are all borne in the first year and the benefits are spread out over the 30 or 40 year life of the investment.

What is the general interest? It is the checkbook interest. How much regulatory benefit can we afford each year without halting the forces of economic growth? We cannot, as the theory insists, afford to buy every benefit in sight . . . every year. How do we get a checkbook—a benefits plan—that tells us how much we can afford?

There is a concept floating around called regulatory budget—another one of those bad names for a good idea—that promises an answer to these questions. Let's call it benefits planning.

The first principle is that we want as much benefit as we can afford. We'll accept the theory to that extent. And we'll also accept the cost/benefit analysis of individual regulations as a building block in the process. But we'll build with them. We will construct a summary of all the costs of all the regulations on the books. All the costs. And we will project those costs out over the next five or six years and break them down industry by industry to see who is carrying the burden.

And then we'll ask ourselves, can we afford it? Can this industry finance that regulatory requirement without losing productivity to the point where benefits really aren't exceeding social costs? If the answer is no, we will use the benefits plan to shift the load around a bit. Stretch it out where it's necessary. Move priorities to another program, if more benefit can be obtained.

You won't believe this, but some folks around here are actually moving on this idea. The Japanese have been doing it for 30 years. And I want the President to tell the whole country about it next January. It is, after all, a new beginning.

FEDERALISM

In its first months every new administration invents a theory of federalism to reflect its philosophy in domestic policy. We've had dual federalism, cooperative federalism, creative federalism, new federalism, layer-cake federalism, marble-cake federalism, fruit cake federalism. Today, we have the worst of all federalisms—budget federalism.

This federalism combines the worst principles from three federalisms of different periods. The "Big Daddy" federalism of the Great Society. The "Dump and Run" federalism invented in our year of cut, cap and block. And a "Beggar Thy Neighbor" federalism based on principles of states' rights not credible since the Articles of Confederation.

The intergovernmental partnership built in the Great Society is primarily an $85 billion pipeline of federal grants-in-aid to state and local governments. That $85 billion accounts for one-third of the resources spent by governors and mayors and county commissioners to deliver services at the state and local level. As you will recall, it is one-half of the 15% of the federal budget labeled discretionary social programs.

Discretion in this context has a hollow right to a governor or a mayor. The $85 billion is delivered through 500 separate grant programs the vast majority of which are narrow purpose categorical instruments awarded at the discretion of federal bureaucrats—with no discretion for the elected official in the statehouse or the courthouse.

In addition to the fragmentation, state and local governments find thousands of mandates—regulatory requirements attached to specific grants—and three score general requirements that apply to all recipients of federal aid. These general requirements include handicap access, equal employment opportunity, Davis-Bacon, the National Environmental Policy Act, and the many circulars of OMB.

Great Society federalism wastes national resources, distorts local priorities, and betrays the principle of accountability at every level in our political system. It has for a decade prompted the complaint that state or local governments are no more than administrative provinces directed from the agencies in Washington.

The newest federalism is a promise by the President that says, "We will return significant responsibilities to state and local government and the resources to pay for them." The instrument of this federalism is the block grant.

We authorized nine block grants to consolidate 57 specific categoricals in the Reconciliation Act this July. They were proposed on the theory that we could cut back funding by 25%, if we cut back the mandates by 100%. But Congress left many regulations

intact and ear-marked funds within many of the blocks for specific categorical purposes.

And even though we authorized these new blocks in the reconciliation process, we have not appropriated the money, as yet. The President has proposed a further 12% across-the-board reduction in funding. The governors and mayors are five months into their fiscal year and they don't even know how much money they will have to spend, as yet.

The promise of a new federalism is quickly becoming no more than a constant hammering on the $85 billion pipeline of intergovernmental grants to sweat out a much larger deficit in the federal budget. We are on the brink of discrediting the President's promise, by making life unbearable for state and local officials.

Some states would do very well under the "Dump and Run" theory of federalism. They are largely exporting the costs of general government to citizens in other states through taxes on energy resources. Large cuts in federal grants are easy for North Dakota to absorb, they simply increase their tax on Minnesotans by boosting the severance tax on oil and gas. Seven states now export more than 20% of their state budgets through energy taxes.

The senior policy advisor at the White House told me this was primarily an issues of states' rights. Baloney. What rights do you have when the legislator proposing an increase in your taxes is running for office in another state. Taxation without representation is intolerable.

Maybe we can find time to concentrate on some worse problems in the federal structure of our government. There is one that deserves the President's immediate attention. You may hear it called the infrastructure problem.

Business Week recently described it as a significant threat to the hoped for economic recovery of the 1980s. I have been describing it as a problem of fiscal disparities in the hearings of my Subcommittee on Intergovernmental Relations.

In large part Great Society federalism—the pipeline of intergovernmental grants—has been used to fill a gap between the political and fiscal structure of state and local government and the economic structure of our society.

When the explosion in grant programs began, states and cities and counties simply did not have the capacity to respond to the challenge presented by the boom of post war growth. By capacity, I do not mean, as the special interests sometimes imply, that state and local government was dominated by mean spirited, country bumpkins who couldn't recognize the call of a new age. I mean that their fiscal instruments, primarily property and excise taxes, couldn't tap the new wealth reflected in rapidly rising incomes and that the political structure of local government did not allow for rational growth in most metropolitan communities.

There have been many changes in state and local government capacity over the past 20 years. But there is one aspect of the capacity problem that we have not solved and we continue to pay for the future everyday. We have not matched the boundaries of local government with the boundaries of local economic systems. States, especially in the Northeast and Midwest, have refused to let central cities grow to their economic horizons or to use fiscal instruments that can capture the wealth created by the services they provide.

A large part of the infrastructure problem that you will hear described is created by wealth chasing lower tax rates to the periphery of our metropolitan economic systems. Your companies do it all the time. It's a continuing transformation of the economic landscape. It causes disinvestment in the built-up infrastructure of the central city and at the same time created demand for new infrastructure investments in the outlying suburbs.

There are many political and fiscal mechanisms that could be used to attack this problem. All of them are in the hands of state legislators. So why do I recommend the issue to the President's attention? Because, with him, I dream of a government that accomplishes more of its purposes closer to the people. With his leadership we might make a new beginning on that dream by telling the states that it is time to cut the cities free and let them be integrated units of economic and political life.

PLURALISM

Federalism is an important theme in redefining the role of the national government. But lately, I find it a less useful tool than it has been in the past. Federalism focuses on the structure of government. But the scope of our discussion has reached far beyond the single-minded concentration on government in recent weeks. We have an old word in the American lexicon, pluralism, that may be more descriptive of our concerns. Somehow the "new pluralism" sounds more authentic in the world of Reaganomics.

We have four basic institutions in our society. The family . . . the business firm . . . our religious and voluntary associations . . . and the government. History has considered us a great society because we have all four and because we value and preserve each in its purpose.

There are many factors that contribute to the success of a great nation. There are natural resources. There is geography. And there are men and women of intellect and hope who devote their lives to the public good. We are a blessed nation in all of these ways. But I dare say that the genius of America is to be found in the love of our families, in the prosperity of our businesses, in the values of our voluntary associations, and in the form and openness of our government. It is to those roots that we should always return when it seems that we have lost our way. It is in understanding the distinct role of each of these four institutions that our strength is to be found.

The family must always be the fundamental institution of our society. The family gives life. The family carries our language, our customs and our values into our future—to our next generation. The family is the basic provider of human needs and would provide them, even if all of our other institutions didn't exist. The business . . . the voluntary association . . . the government, all have their beginnings in the family. What you do to preserve the family, you do for all of our society.

The business firm gets a little less respect. We are ambivalent about its role. Social philosophies find it hard to believe that greed unchecked can accomplish so much good. But we also recognize that there wouldn't be so much to have, if our economy were organized on any principle other than markets.

The religious and voluntary associations open our society to the possibilities of tomorrow. They, not government, are the guardians of our freedoms. Our churches and labor unions, service organizations and non-profit agencies, political parties and trade associations, charities and single issue groups . . . produce human services, preserve our cultural heritage, direct the energy of our volunteers, and teach the values that foster a stable democracy.

In a society organized like ours, government has taken too broad a role and in the process, we are losing sight of the purposes and functions of those other institutions—the family—the business—the voluntary association.

So let's not forget the basic purposes of government. For business we defend the shores, maintain order, and, I want to say, preserve the value of the currency. For the family we provide protection against the misfortunes of our economic system. From the fruits of profit and income, we take the resources necessary to provide every citizen with the dignity, the security and the opportunities that are the measure of a great nation. For the voluntary association, government's basic guarantees are the right to assemble, the right to speak, and the right to advocate change. Life, liberty and the pursuit of happiness.

All would agree that we have reached well beyond that charter. As we look for a new definition of federal purpose and policy, it is time to consider the condition of those other institutions. Do they have the strength to fulfill their roles? Can we achieve a balance in government by restoring the balance in society among these institutions? Is a new social contract for these other institutions also past due?

CORPORATE RESPONSIBILITY

As a final theme this morning, let's look at one institution—the business firm—and see how Reaganomics affects the answers to these questions.

Corporate social responsibility. It's a subject with which you are all familiar. There are two views. One is a simple view "The business of business is business." Or something to that effect. I take it that view is not widely represented in this audience.

The second theory takes the big question of responsibility and divides into a lot of smaller responsibilities—responsibility to the customer—responsibility to the employee—responsibility to the community—responsibility to society. Take those challenges one at a time, not necessarily in that order, and match them with the reality of Reaganomics.

Community responsibility. Philanthrophy and citizenship. Have you noticed that there is not a lot of "gap" talk going around? The ink wasn't dry on the tax bill authorizing above the line charitable deductions, before independent sector was announcing that the Economic Recovery Tax Act would create a gap in giving. And the immediate rejoinder from a hundred corporate CEOs was to the effect that they should not be expected to fill the "gap."

Well, you can tell the CEO that we did not create a gap. What we have done is stop the galloping growth in public programs that threatened to bankrupt the nation. The target was only to reduce the increase. By doing so, we have narrowed the gap between what is needed—what is needed—this year and what double digit inflation would require for those same services needed next year.

But don't tell your CEO to relax. Measured by any standard other than the fictitious gap, corporate philanthropy—on the whole—is no cause for congratulations.

Let me read you a quote from one of your own, Ken Dayton, on the subject of corporate giving.

Despite the growth in corporate giving, the record is all too clear: Relatively few businesses give at all. Most give very little. Despite all the rhetoric, small businesses give proportionately more than big corporations. Local business gives far more than national corporations.

According to a recent Conference Board study, only 30 percent of America's 2 million corporations report any charitable gifts at all on their income tax. The national average of those who give remains just over 1 percent of pretax profits.

And he concludes:

Ladies and gentlemen, if we cannot improve on that record during the 1980's, we can count on a swift return to primary dependence on government.

I'm not going to let the rest of you off the hook, either. The worst offender in the community affairs world is the fat cat sitting on top of a 5 percent corporate giving commitment who spreads it all around the community in pygmy grants to every group that makes a professional presentation. You can't make a difference in your community with that strategy. You have the potential to be an effective corporate citizen, but you are wasting it on the quantitative yardstick of good feeling, rather than using it to make a qualitative change in your community. You might just as well pay it in taxes. I'll put it to work.

I will raise another aspect of community citizenship. To whom do you owe a responsibility when your company locates a new plant? Do you answer only to the shareholder and seek the spot with the lowest tax assessment? Or do you consider the fiscal disparities problem that I mentioned earlier and realize that your choice to move to the suburbs—multiplied thousands of times in the corporate world—is the cause of the infrastructure problem that we face in the 1980's.

It's the free rider problem. It's in your rational—bottom line-interest to avoid the high tax burden of the center city. But everytime one of you moves out, the tax load on the rest increases and the flight to the periphery excelerates. Last out loses. Why can't you be responsible for breaking that cycle? It's your cycle. And it's the cause of a list of federal programs as long as your arm. Programs that you blame us for creating. As Business Week points out when the federal balloon bursts, it is you who will be punished by the infrastructure problem.

Employee Responsibility.—The relationship between the employer and the employee has the potential to be an enormous force for change in our society. I think of health care, job training, pensions, recreation, the work trip, child care. In everyone of these areas a new relationship between the employer and the employee could provide substantial benefits for both and for society as well.

Consider the work trip.—Organized entirely by the employee in most cases. And as a result we have a system based on convenience and personal mobility. Think for a moment what that system might look like, if the employer were responsible for the work trip.

Health care is just the other way around. Organized by the employer with little incentive for cost control. Here we need to move toward consumer choice so that our health care demands are limited by our needs and not passed on cost-free by the employer.

Social Responsibility.—The first principle of Reaganomics is that the private market more efficiently allocates resources than the government. To that we can all agree. But the absence of government has never been proof that private markets are functioning as the textbooks describe. There is no two-legged creature on earth more illiterate on the subject of markets than the corporate executive. You owe the society better, because society looks to you for leadership on these questions.

The windfall profits tax.—I received a thousand letters opposing the windfall profits tax. 970 were from corporate executives questioning my commitment to market allocations. We don't have an energy marketplace in this country. The marginal barrel of our oil—the world's oil—is produced by Saudi Arabia. And they with their OPEC partners set a cartel price. A price that has tripled overnight twice in the last decade. Is that how a marketplace behaves? You profess commitment to the marketplace. Why don't you get the blinders off and try to understand its fundamental principles. In the world of Reaganomics, you will have to, because the President certainly doesn't.

I do think it's time for a new social contract between the four basics of the institutions in our society. I say with confidence that we can change the role of the federal government. We can realize the opportunities of the new age. And the surprising thing is that we are on the right track. But let me leave you and the President with one more quote from Will Rogers. For some reason he said, "Even those who are on the right track will get hit if they just sit there."

The President needs to move us on a new agenda in January. I hope the few thoughts I have shared today can be part of our new beginning.

CHANGING THE ROLE OF GOVERNMENT IN OUR LIVES

Mr. DURENBERGER. Mr. President, on February 10, 1982, I came to the floor of the Senate, along with several other people, to speak to the budget dilemma. That was the first time we focused on 150-plus budget deficits. I recall at that time those who were on the floor that day—the junior Senator from South Carolina being one that comes to mind, who spoke in terms of freezing the budget in place—were lauded for their temerity in taking on this issue. I took my time that morning to go back and address the whole issue of whether the budget is as simple as cutting spending or holding spending down or reforming the tax system. I concluded that the answer to what is wrong with this whole system is a relatively simple answer—that we in this country started to go wrong when we started to believe that balancing the budget and changing the role of Government in our lives were not directly interrelated. Because, in fact, they are intimately tied together. We are never going to balance the national budget until we change the role Government plays in the lives of the people of this country. We shall never balance the budget unless we get to the underlying fundamental policies that drive the budget numbers higher and higher despite our historic efforts last year—1981—to slow the rate of growth in Government spending. In effect, I said, we cannot afford to stay the course. We must balance the budget by changing the role of Government.

I went on and made some suggestions, I said:

Don't try to change the whole thing overnight; pick one or two areas and get the American public behind this process of changing the role of government.

Mr. President, I ask unanimous consent that that particular speech, delivered here on February 10, 1982, appear in sequence in the RECORD with the first speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

BALANCE THE BUDGET BY CHANGING THE ROLE OF GOVERNMENT

Mr. DURENBERGER. Mr. President, 6 years ago, a former one-term Governor from Georgia was campaigning for the Presidency on two promises: that he would change the role of the National Government and the lives of the people of this country, and that he would balance the Federal budget.

Two years ago, a former two-term Governor from California was campaigning for the Presidency on two promises: that he would change the role of the National Government and the lives of the people of this country, and that he would balance the Federal budget.

That first Governor, Jimmy Carter, failed. In the 4 years of his Presidency, the national budget grew to record heights and, despite a doubling of tax collections, annual deficits became shockingly large. Following on the heels of this uncontrolled spending came disastrous inflation and interest rates.

Many in this country, and many in this Congress, are beginning to wonder if the second Governor elected for the Presidency on the platform of the same promises will suffer the same fate.

Instead of a balanced budget by 1984, we are now told that maybe—maybe, if everything goes right—we can balance the budget by 1987. Instead of budget surpluses we are faced with record deficits. Instead of continuing on the path of tax reform, the call for tax increases is growing louder.

The country is asking their politicians one simple question: What went wrong?

The answer is just as simple: We started to go wrong when we started to believe that the two promises of balancing the budget and changing the role of Government were not directly interrelated.

In fact, they are intimately tied. We will never balance the national budget until we change the role Government plays in the lives of the people of this country. We will never balance the budget unless we get to the underlying, fundamental policies that drive the budget numbers higher and higher despite our historic efforts last year to slow the rate of growth in Government spending.

We cannot afford to stay on that course. We must balance the budget by changing the role of Government.

And why should we care if the budget is balanced? The desire to balance the budget is the desire to change the role of the Federal Government. Until we do, public tolerance of Government will not improve.

Last year's historic changes in spending and taxation were long overdue. But, we cannot afford to spend another 12 months focusing only on budget numbers while ignoring budget policy.

I am prepared to make the tough decisions that will lead us to a balanced budget. I am prepared to work with my President to reduce the growth in Government spending. But I am not prepared to spend this year focusing only on the 15 percent of the budget that funds the so-called discretionary social programs.

If the theme of the 1980's is to do more, more efficiently, with less, that is the theme that has to apply to every area of Government activity—including the military, including the public works projects that Members of Congress prize so dearly, and including the energy heavy construction projects like the Clinch River breeder reactor. It is a theme that has to apply to every area of Government activity. I cannot support a 50-percent cutback in Federal support for higher education, particularly when other, less damaging options are available. I would much rather build one less destroyer, or defer the construction of two more dams. I would rather defer some heavy construction projects whose benefits are decades away, than cut deeply into programs that have an immediate and irreplaceable impact on human needs. I am convinced that the great majority of the people in this country share those feelings.

It would be a serious mistake to misinterpret these comments—or the President's proposals, for that matter—as a retreat from the basic Republican commitment to a balanced Federal budget. With Federal borrowing stealing 30 cents out of every dollar saved by the American people, a balanced budget is an economic necessity. But in a larger sense, balancing the Federal budget is an issue of trust between elected officials and the people they represent. It is a symbol of the political accountability that every voter has a right to demand. I care deeply about the fiscal crisis we have built toward for the past 20 years, and I am prepared to make whatever short-run sacrifices are necessary to restore long-term economic stability. The issue is not one of goals, but of means.

All of this just serves to highlight how essential it is to grasp the real message of budget deficits. The American people have been using elections and referendums for several years to tell elected officials to find better ways to meet the needs of America. Their message has been simple. "Find a better way—this one costs too much and produces too little."

The problems created by the hundred-fifty-billion-dollar deficit are far too severe to be solved with just another series of cuts, caps, and blocks. No one believes we can eliminate a $150 billion deficit by beating on a $90 billion Federal pipeline. My sense is that Republicans in the Senate will be chary about going along with that strategy again this year. We are not going to do anything like the reconciliation exercise that we engaged in a year ago. That could mean we will spend a whole year arguing about the specifics of the President's budget message, without getting much accomplished.

I hope that will not be the outcome, because that can only mean that we are one year further away from balancing spending with the revenues generated by new tax policies that are approaching fundamental sensibility. The President is absolutely right when he stresses the need to accomplish something this year, so I have a suggestion.

Rather than focus on the whole budget again, I think we should concentrate on two or three areas of Federal activity. In those areas we ought to examine thoroughly the structure of Federal policy and make some decisions about the long-range future. We ought to revamp our policy and the role of the Federal Government in implementing it so that when we are done with this year, we will have made some important contribution to balancing the budget in the long run, even if only in a few areas. We did that with tax policy last year, so we know how much revenue to expect. We could do it with two or three big-ticket items this year and be much closer to the balanced budget than we would be if we just look at cutting, capping, and blocking for the next 8 months.

The areas I would go into in depth are health, defense, and assistance to State and local governments. Taking the last one first, the Federal Government currently provides about $90 billion worth of grants to State and local governments. In his state of the Union message the President announced a major new federalism initiative that would restructure that entire series of programs. We ought not to lose the new federalism in the debate on budget cuts. We would accomplish a lot more if we forgot about the cuts and pushed ahead with the new federalism initiative.

Second, in the area of health care, today, the Federal Government spends $76 billion on health care for American citizens, who spend an additional $250 billion. It is the domestic program with the largest rate of growth, in the neighborhood of 20 to 25 percent a year. It is the second largest industry in the United States and if we do not do something to reform the way we finance the provision of health care in this country, even the Federal Government, with a $100 billion deficit, will not be able to afford it.

Third, is defense. The President has a flat commitment to increase defense spending by at least 7 percent per year for the foreseeable future. We simply cannot afford to make blanket commitments like that, and Congress will not go along with the kind of buildup that is reflected in the budget. We have to have a full-fledged debate on the future defense policy and program for the United States. We have to bring Congress and the President into agreement on where we are heading for the long term. We ought to have that debate, in depth, this year. It ought to decide MX, B-1, and the other issues once and for all.

Focusing on these three areas means that other areas will not receive as much attention. We ought to set as a goal doing three more next year. I would suggest income security policy, much of the so-called safety net of entitlement programs, which have been put off for a variety of reasons until next year anyway. I would suggest also housing—shelter—and the civil service system.

Let me say one final thing about the budget and the budget process. Some people, I think, suspect that the President intends to largely abolish the Federal Government with the exception of defense and social security. That is a lot of abolishing because the Federal Government is currently involved in thousands of programs. Some of them we really do not have any business doing and they ought to be eliminated. But there are important national roles beyond defense and social security. I think of environmental research. How do we know what substances are toxic to man? Consumers cannot find that out for themselves and 50 environmental research programs run by the States are duplicative and wasteful.

I think of higher education. Higher education has been a Federal role since the Morrill Act in 1862 that established land grant colleges in Abraham Lincoln's administration. Higher education is a necessary underpinning for the success of our Nation's economy.

I think of the Federal role in supporting refugees until they find a place in our society. The Federal role in preserving wilderness, or in supporting museums that preserve our cultural heritage.

There are Federal roles beyond defense and social security.

I fear that we are about to enter a big battle over these budget numbers that will do the Nation little long-term good. In the end, we will have come no closer to balancing the budget, because we will have made no progress in reshaping basic policy. And all the interest groups will spend a whole year fighting the administration of these issues whether the specific cuts are reasonable or not. It would be far better if Congress spent the year working on two or three issues and the interest groups spent the year focusing on the few narrow purposes that are truly Federal in preparation for other basic debates that will come in the future.

If we are to make rational public policy, we must approach policymaking in a more rational manner. Above all we need to focus, to recognize that the task of changing Government's role in the host of social areas it touches is too great a task to be accomplished in a single year.

The 1981 tax debate is an example of how the process should work. The fundamental changes embodied in the estate tax reform, the IRA's, depreciation changes, child care credits, and other sections of the tax bill are the foundation on which the property of the next generation of Americans rests. The policy changes involved included lowering the rewards for consumption and the penalties for saving and investment; the elimination of the national tax on inflation—by indexing—and on death—estate tax reform—and the accomplishment of the first phase of social security reform through the protection from tax provided that portion of earnings committed to voluntary pension contributions and individual retirement accounts and Keogh plans.

The process that produced that bill worked because Congress focused its efforts on a single area, resisted short-term remedies and addressed the fundamental issues underlying national tax policies.

We now need to apply the same discipline in the Government spending policy. When we have succeeded in reassessing Government's role in the essential areas of health, defense, income security, housing, civil service, and in the assistance through State and local governments we can look again to the Federal tax system.

Starting in the 1983-84 biennium we can complete our efforts to reform the nonproductive portions of the tax policy. Then by the 1985-86 biennium we address the tax system as a revenue raiser—we make a final judgment on the levels of revenue needed to support the levels of public services we have deemed essential.

If the President were to commit himself to support a constitutional amendment to require the Federal Government to balance its budget this would not be a bad year to start the process of presenting the amendment if the amendment were to be effective for fiscal year 1987, it would be a challenge to the last session of the 99th Congress. By no special coincidence this would also be the year that 16 Republican Senators, elected

with President Ronald Reagan, to the first Republican Senate majority in 26 years return to the electorate to determine whether or not the real message of the elections and referendums of the last 6 years really mean what I believe, that is "Find a better way."

President Reagan will earn his place in history for a variety of reasons. But the most important of those reasons is likely to be his role in beginning this process of policy reevaluation. The process is a partnership between the President, the Congress and the people of this country—an affirmation of the basic pluralism that forms the strength of American society. The President has done his part, and the challenge is now in our hands.

DOMESTIC REFORMS IN THE ROLE OF GOVERNMENT IN THE BUDGET

Mr. DURENBERGER. Mr. President, on December 7, 1983, I was privileged to be on a panel with several noted experts on the subject of changing the role of government at a conference sponsored by the Murray & Agnes Seasongood Good Government Fund in Cincinnati, Ohio. I took that occasion to follow the theory that you cannot change the budget problems in this country unless you change the role of government in this country.

I went on to suggest that domestic reforms in particular, the budget process, regulatory reform, tax reform, and a reform of the relationships of the various levels of government in this country, were at the heart of solving the problem of the role of government in our lives.

Mr. President, I ask unanimous consent that those remarks be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR DAVE DURENBERGER

Thank you, ladies and gentlemen. It is a pleasure and honor to be with you this morning.

We are here this morning to speak of changing the role of government. It is a cause close to my heart. Those are precisely the five words I use to describe why I first ran for the U.S. Senate—and why I was elected. To change the role of government. And it is a big cause. Over the last decade, Congress has attempted four major domestic reforms: The budget process; regulatory reform; tax reform, and New Federalism. Each is at the heart of changing the role of government. All have either died or are on their last legs.

These reforms deal with the principal activities of government. Spending. Taxation. Regulation. Who does what in a Federal system? None successful. They are needed, because the American people have come to see the National Government as the Government, and not as our Government. It is no longer the faithful servant of their interests to be trusted with their ideals. Why did we fail and how can we take up that effort again? Let us look at each arena in its turn and see what happened.

SPENDING

Let us begin where every discussion in Washington begins these days, with the budget problems of the National Government. What does the abstraction of the Federal budget represent? Should we be concerned about $200 billion deficits this year, next year, the year after that, rising to $300 billion by the end of this decade?

Balancing the budget has become an issue of trust between every politician and his or her constituents—between me and my fellow Minnesotans. The desire to balance the budget is the desire to change the role of government, because without fundamental changes in the way we do things, the gap between spending and revenues will continue to grow.

There are some who are not concerned about the deficit. They will point out that we owe it to ourselves. That everybody borrows. The total debt in this country—government, business, and consumer—is something like $6 trillion. Dave Stockman began the budget cycle this year by comparing the current debt of the U.S. Government and GNP with debt in the past, and found that the percentages were not remarkably different.

Soon we may even hear that it is cheaper to borrow than to tax. A tax increase would dampen the recovery. We would lose tax revenue as a result of lost economic growth. We would be forced to spend more on income security programs. And the deficit would be higher than it is now. If we increase taxes to close the gap, the deficit would acutally grow. We would have to borrow more.

Well, that's the point of no return. And the words of Thomas Jefferson become a moral imperative. Let me quote him: "The question of whether one generation has the right to bind another by the debt it imposes is a question of such consequence as to place it among the fundamental principles of any government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

The principle is that you leave the next generation with opportunities for choice no less than your own. That is why this Nation has always been willing to fight to preserve its liberties. That is why we, as a people, put such a high value on environmental protection and the conservation of natural resources. And it is a fundamental issue in the deficits we currently face.

We will have to change the role of government to solve the budget problem. There are no easy budget tricks to redefine the Federal purpose. Waste, fraud and abuse . . . pork barrel, boondoggle, handouts . . . cut every nickel and you can't solve the budget problem. In fact, it's not a budget problem. It's a policy problem that cuts across every aspect of government.

Consider the four basic components on the spending side of the Federal budget: Entitlements, interest payments, defense spending, and discretionary social programs.

Entitlements: Social security, railroad retirement, medicare, medicaid, food stamps, veterans' pensions, civil service retirement. An inflation-indexed system of cash payments with the ratio of those who are entitled to those who are paying growing every year.

Interest payments: You have to pay them. At 8 or 9 percent on $1.4 trillion of debt, they are becoming a substantial percentage of our annual expenses. The combination of entitlements and interest payments now makes up 56 percent of the Federal budget.

Defense spending: To keep it afloat in a sea of red ink, we have copied the trick from entitlements and inflation-proofed our national security policy, as well. We no longer judge it by what it defends or how adequately, but by how much real growth—growth over and above inflation—is included in the defense budget. Reagan wants 10 percent real growth. Congress gave 3 percent plus for 1984. Defense spending is 27 percent of the budget.

Discretionary social programs: Partly Federal operations. Partly grants to State and local governments. Highways, sewage treatment plants, national parks, elementary and secondary education, EPA and the FBI, Amtrak, NASA, agricultural extension. Onethousand and one-hundred programs of assistance to governments, businesses, and individuals. Seventeen percent of the Federal budget and the only portion not indexed to inflation and interest rates by law or policy.

You could eliminate this entire category of Federal spending—all of the Federal establishment but for defense, interest payments, and a handful of entitlements—and still not close the gap between spending and revenues.

Spending a deficit is like having a credit card with the bill sent to your kids. Can we, in good conscience, use those promissory notes to have life cushy now, knowing that our children will pay the carrying charges for the rest of their lives? Do we have the right to limit their opportunities to choose in that way?

At $200 billion annually, it's gotten to the point where we are constraining our own choices, as well. When Ronald Reagan came into office, the accumulated debt was in the $900 billion range. At the end of his first term, it will stand near $1.6 trillion. A 75 percent increase in one term. Whoever is sworn in as President in January 1985 will face as his or her first task the submission of a budget to the Congress. And the first $70 billion in that budget will have to be used to make interest payments on the debt rung up since January 1981.

Seventy billion dollars is the cost of medicare, our second largest social program. If we hadn't borrowed to meet the oh-so urgent needs of 1981, 1982, 1983, and 1984—we could pay for medicare in 1985 with the interest savings. Repeal the 1.3 percent payroll tax, repeal the premiums and copayments facing the elderly and flat out pay for medicare with the interest savings. Those are the kinds of choices even our generation faces when deficits are $200 billion annually.

In the absence of any simple budget tricks to solve the deficit problem, it sometimes seems that cut spending can only mean taking programs away from people or the strength out of our defense. Cut in this sense means raise the retirement age for social security, don't pay for liver transplants under medicaid, decrease the numbers eligible for student loans, and don't build this bomber or that missile.

Popular wisdom has it that Americans won't support those kinds of cuts! They don't want less income security or national security. They don't want a shorter menu of Government services. And popular wisdom may be right.

But I've always thought there can be another meaning to cut spending. We can provide the same level of service—of public benefit—with fewer dollars, if we use each dollar more wisely—target each to our highest priorities.

Let me use medicare as an example. Medicare, by all accounts, is in deep trouble. Just like social security was threatened with bankruptcy until the compromise package passed earlier this year, it appears that the

medicare trust fund will go into deficit sometime in this decade and in a big way.

We have already responded with a series of minor reforms. Some were very sensible including the shift to a prospective payment system and the experimental medicare vouchers. But in most cases, all we have done is shift minor costs from the government to other users of the health care system and back onto the beneficiaries.

What we need to realize is that the medicare problem is only a symptom of a problem affecting our whole health care system. It is not a health care but a sick care system. We don't make enough use of wellness services which can diminish the need for the high cost sick care services. And when we do use sick care, we use entirely too much of it because we consumers are not in control. The choice of tests and treatments is left up to the professionals and they bill the costs to an insurance company or Government agency for reimbursement. These institutions have no way to control costs because they have no role in the decision to consume services—or to use other services that might prevent the need for sick care altogether.

What we need to break this pattern—to take inflation out of the health care system and preserve medicare at more modest levels of Federal expenditure—is a consumer who makes choices and is, at least in some part, directly responsible for the cost of those choices.

The medicare example can be repeated again and again in other areas of governmental service both at the Federal and in State and local government. Elementary and secondary education . . . commuter transportation . . . housing . . . long term care. Cut spending doesn't have to mean just take something away. It can mean do things better, more wisely, so that we get the same benefit at a lesser cost. Government needs to change its role from financing institutions to enabling people as consumers. It's a theme I will return to again at the end of these comments.

TAXATION

Taxation: There are those, of course, who will recommend that we balance the budget by raising taxes. In fact, the other day, I read an article that said the only fair way to balance the budget is to raise taxes. Because everyone pays them. Whereas spending cuts must necessarily affect only the few and selectively.

Well, by that argument, everyone should pay 100 percent of their income in taxes and the Government should pass out the revenues according to some estimate of peoples' needs. We are not that kind of society. What we need to do is decide how much of our total income will be spent by government and then fairly apportion the obligation to pay. A blanket endorsement of tax increases doesn't help.

The fairness issue: Do we have a deficit because the 1981 tax cut gave the cupboard to the rich? Kemp-Roth was an across-the-board tax cut of 25 percent. Yes, the rich do get more dollars in tax relief, because they pay more in taxes in the first place. But the structure of the tax code—the relationship of one bracket to another and its tax rate—remains the same.

Indexing—which hasn't taken effect yet—actually provides substantially more benefit to the lower than the higher brackets. At the lower end of the income scale, the brackets are much narrower and the slope of the tax rate increase from bracket to bracket much steeper. Indexing keeps the average and lower than average wage-earner from sliding up that slope with inflation. For the truly rich—those with incomes in six figures—indexing is of no value at all. They will always pay 50 percent of income in taxes whatever the rate of inflation.

Finally, on the fairness issue—one must remember that Kemp-Roth and indexing were only part of the 1981 tax act. Only one-third of the revenue loss. What is really hurting now are all of the other baubles—new loopholes—added to the bill.

Most people in this room will nod their heads to the assertion that the Federal Government is a lousy allocator of resources. But few of you judge your latest tax break that way. It has come to the point where more goes out the backdoor of the Treasury through loopholes than comes in through the front door as tax payments. Truly, the value of credits, deductions, and exemptions in reducing taxes owed will soon exceed the value of taxes paid. Do we want a corporate income tax that collects only small amounts of revenue—less than 5 percent of Federal expenditures in the current fiscal year—but functions as a significant regulator of investment through the Internal Revenue Code? And do you know what the Tax Code does for consumer borrowing and the price of the average house in America.

The American public is not one bit fooled about who is paying taxes and who isn't. Try to convince them that the Tax Code is fair. That the way to solve the deficit problem is to jack up the rates and leave the system in place. They are ready to junk the current system and go to a consumption tax or a flat tax—anything to get a fresh start on the fairness problem.

We have done half of tax reform. We have brought down the rates. Now we need to broaden the base. And in the process, we will end the role of the Internal Revenue Code as a regulator of savings, investment, and consumption in this Nation.

REGULATION

In the United States, we tolerate regulation by a Government bureau in four cases . . . to protect consumers from the excesses of monopoly . . . to limit market externalities . . . to compensate for imperfect or incomplete information . . . and to guarantee equal opportunity.

Historically, regulation took the form of limitations—control prices, restrict access to markets, prohibit certain products or practices—in response to the reality of monopoly providers. This type of regulation began with the Interstate Commerce Commission in the 1880's and continued to expand through the 1930's. The industries subject to this type of regulation became very comfortable with the arrangement. The stable environment provided by regulation became preferred to the uncertainty of competition.

We only belatedly realized that as our economy grew and changed, competition forced its way into these industries. Deregulation—the first wave of regulatory reform to sweep the Congress—recognizes that the consumer will be better served by competition than by regulation. Deregulation of airlines, trucking, rail freight, banking, and perhaps communications, has and will continue to change the role of government.

But more recently, regulation has taken another form and become an important force in allocating investment in our society. This new type of regulation—well-illustrated by the environmental legislation of the 1970's—tends to focus on limiting the externalities of commercial and industrial activity.

Catalytic converters, sulfur dioxide scrubbers, vapor recovery systems, sewage treatment plants, air bags in automobiles . . . all are examples of this new type of regulation.

The theory behind this new regulatory form is surprisingly audacious. It suggests that whenever a net benefit can be gained for society through regulatory intervention, a regulatory program ought to be imposed. So long as the cost/benefit ratio is positive on the benefit side, we act to regulate. That's the theory. And we do so without regard to the cumulative cost of all regulations built up through this calculus made one regulation at a time.

That's a silly calculus. It's as if a family saw the benefit in having a new stove and refrigerator, new washer and dryer, new curtains and carpets, new his and her autos and towels, and set out to acquire a household of new furnishings without regard to the total cost or the balance in their checkbook. People don't do that with their money, as a rule. Congressmen have been doing it with your money for the last decade. Benefit maximization has been a compelling theory.

As the costs of benefit maximization continued to climb—and they are now estimated at $120 billion annually—Congress began to move on a second kind of regulatory reform. It was packaged as a major initiative in the first weeks of 1981 and as a high priority for the Reagan administration.

S. 1080, the regulatory reform act in the 97th and 98th Congresses, would mandate the measurement of cost and benefits . . . one regulation at a time. It would require that the least costly alternative to achieve the regulatory goal be imposed . . . one regulation at a time. It would give the Office of Management and Budget new authority over the agencies so that every nickel of cost could be counted . . . one regulation at a time.

S. 1080—regulatory reform—has now largely been shelved by the Congress. And it is well that it has. Because it wasn't the kind of change we needed. It enshrined the benefit maximization theory as our first principle of regulatory management. Light years behind the tools we need to balance the general interest with the claims of specific regulatory programs.

What is the general interest? It is the checkbook interest. How much regulatory benefit can we afford each year without halting the forces of economic growth? We cannot, I would insist, afford to buy every benefit in sight every year. How do we get a checkbook—a benefits plan—that tells us how much we can afford?

There is a concept floating around called the regulatory budget—another one of those bad names for a good idea—which I think could change the role of government in the regulatory arena.

The regulatory budget begins with a cost/benefit analysis for each regulatory program as a building block. But it doesn't stop after the simple determination that benefits exceed costs. It builds. It goes on to ask whether the economy as a whole can afford all of the costs. Take the price tag for each regulation projected out over 4 or 5 years. Break them down industry by industry. Find out how much the steel industry, for instance, will pay for clean water and clean air and worker safety for each year for the next 5 years. And then look at the financial condition of the steel industry to see if it can afford the cumulative cost of the regulatory programs we have adopted.

If not, then benefits don't really exceed costs because the health of the American steel industry is not something we included in our calculus done one regulation at a time. We will need to adjust the regulatory requirements. Stretch out the deadlines a bit. We may even learn that we can gain more benefit by shifting priorities from one program to another. Something we couldn't see when we looked at the world one regulation at a time.

That, to me, is regulatory reform. We need to consider the total costs of all regulations and the impact of those costs on the health of each of our industries through a regulatory budget. Yes, we will continue to regulate externalities in our society to improve the quality of life—but on a schedule that we can afford.

FEDERALISM

One of the most important efforts to change the role of government in recent years is often called New Federalism. In fact, starting with the Eisenhower administration, every President has had his own personal version of the New Federalism.

To understand why it is important, you need to know a little bit about the structure of the current Federal partnership. It is focused on the grant-in-aid system. We have some 400 grant programs that provide aid to State and local governments. It is estimated that these grants transfer about $90 billion a year from the Federal Treasury to the programs run by State and local governments. The system is complex and confusing. We have 35 grants for highways, about 100 for health care, 40 or more for elementary and secondary education, 4 or 5 for energy conservation, a half-dozen for libraries, 7 for fire protection, several for waste water treatment in several different agencies, grants for mass transit, job training, housing, urban parks, the arts and humanities. The list is endless. State and local officials feel a duty to go to Washington to beg for aid. And the aid they get comprises about one-fifth of their budgets. A larger percentage than State income taxes.

It has been called "cooperative federalism." But it is a land of conflict. A struggle for authority between the Union and the States and it is no secret that the National Government is winning. We use the conditional character of the grant—the "here's some money if you do this" character of the grant—to control the policies and priorities of State and local governments.

In this land of conflict, every President since Eisenhower has wanted to be a peacemaker. President Eisenhower appointed two commissions on intergovernmental relations with the purpose of recommending which grants and tax resources could be returned to State and local governments. They looked over the whole landscape and decided that one grant, for waste water treatment—and one tax, on telephone services, could be returned to the States. That was 1960. Last year, 1982, the Congress authorized $2.4 billion for waste water treatment and doubled the Federal telephone tax.

The newest peace initiative, of course, is President Reagan's "single, bold stroke" to realign responsibilities and resources in our Federal system which he announced in the 1982 State of the Union. After a year of negotiation, it came to the Hill as four block grants. Frankly, Eisenhower's plan stood a better chance of being passed by the Congress. But we have learned some important lessons watching the Reagan initiative. I would like to share one with you today.

Not all of the frustration with the Federal partnership can be laid at the doorstep of Washington. One of the major problems is out here in our metropolitan communities. It is the problem of boundaries laid down between local governments in a bygone era that serve as insulators between the services demanded by a modern economy and the wealth that economy creates. In the Twin Cities of Minnesota, for instance, there are 195 units of local government in the seven-county metropolitan area. And all of them are inclined to go their own way on taxes and spending.

States, particularly in the Northeast and Midwest, have refused to let central cities grow to their economic horizons or to use fiscal mechanisms that can capture the wealth that they create through the services they provide. Local government officials of the center city remain largely tied to the property tax for their own-source revenues while the wealth being created in the form of income by their services is making itself available as the bedroom suburb in another jurisdiction.

Cooperative federalism—the intergovernmental grant system—was invented in part as a response to this problem. We impose the Federal income tax on the suburb and send the revenues back to the city as an array of grant programs. And they come with strings. Decisions which would be better made within the metropolitan community are transferred to the State Capitol or to Washington.

I am convinced that every stable economic community can afford the public services necessary to sustain its level of economic organization. I am also convinced that it would be far better for each community to raise the revenue and provide the services with its own political and fiscal process, rather than be acted on by a redistributing agent from the outside. But the political boundaries and fiscal mechanisms of local government in America have made a different kind of federalism largely impossible. Changing the role of government at the national level in this case will have to be preceded by real and far-reaching reforms at the grassroots of government.

PLURALISM

Federalism is an important theme in redefining the role of the National Government. But lately, I find another concept competes for attention. Federalism focuses on the structure of government. But the scope of the national debate on changing the role of government has reached beyond a single-minded concentration on the problems of government. We have an old word in the American lexicon, pluralism, that may be more descriptive than federalism of the direction in which we need to be headed.

We have for basic institutions in our society. The family . . . the business firm . . . our religious and voluntary associations . . . and the government. History has considered us a great society beause we have all four and because we have valued and preserved each in its purpose.

There are many factors that contribute to the success of a great nation. There are natural resources . . . geography. There are the men and women of intellect and hope who devote their lives to the public good. But I daresay that the genius of America is to be found in the love of our families, the prosperity of our business, in the values of our voluntary associations, and in the form of our government. It is to these roots that we should always return when it seems we have lost our way. And it is in understanding the distinct role of each of these four institutions and the balance between them that our strength is to be found.

As we seek to change the role of government, we should not lose sight of its basic purpose. For business, it defends the shores, maintains order, and, I want to say, preserves the value of the currency. For the family, government provides protection against the misfortunes of our economic system. From the fruits of profit and income, we get the resources necessary to provide every citizen with the dignity, security and opportunities that are the measure of a great nation. For the voluntary association, government's basic guarantees are the right to assemble, the right to speak freely, and the right to advocate change. Life, liberty and the pursuit of happiness.

But of late, government has taken on a much broader role. It seems that every day, someone is thinking of something new that government ought to be doing. Government has become a major provider of services . . . from education to transit to recreation to job training to family counseling to housing to health care. Quite often, as government moves into a service area, the other institutions have moved out giving up their traditional roles.

Today, the public agency which acts as a service producer often has a monopoly on that service. But public services could be offered in a competitive environment where many producers of the same service would compete for a share of the market. Other producers might include the neighborhood self-help organizations, foundations, and nonprofits, or even profitmaking corporations.

Today, most citizens have little choice in selecting the kinds of public services they will receive, the amount of service they will consume, the producer of the service, or the allocation of their dollars across the range of services. Choice is lost when a public bureaucracy offers a single homogeneous service to the entire population and pays for it out of the general fund.

I have become convinced that if the role of government is to change, we must reverse the tendency toward providing more and more in the public sector with government as the producer. The role of government should be to enable people to get the services they need. But that does not mean that government has to produce the services, as well. We can give more of the job of producing the services back to the other institutions of our society.

Like the other themes I've mentioned this morning—spending, taxation, regulation, federalism—it will not be easy to change the role of government as service provider. But the promise is that we can keep up with change in the needs and wants of our citizens, if we restore the balance between all four of our basic institutions. Giving the responsibility for choice back to people—not just back to governments closer to people—but to people with access and options among all of our institutions is the key to changing the role of government.

Thank you.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that a speech that I delivered to the Minnesota Association of Counties in Bloomington, Minn., on January 30, 1984, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DAVE DURENBERGER

This is the time of year for thoughtful speeches. Each year at this time, Congress assembles and the Nation pauses to get a report from the President on the State of the Union. It is also a time to look ahead. The State of the Union message . . . and Ronald Reagan delivered his fourth last week . . . usually contains a long list of promises and proposals that the President would like Congress to adopt in the coming year.

Once every four years we are also asked to consider a very different kind of message in early January . . . an inaugural message to set the tone for a new administration. It is a statement that looks beyond the day-to-day business of government to the spirit of the nation. Typically, the Inaugural is mood music and the State of the Union, marching orders.

But this is not a typical year or a typical President. President Reagan's President's speech last Wednesday was more mood than march . . . heavy on the spirit and light on the business of government. And the mood is Stay the Course.

Inflation has been whipped. Hallelujah. Unemployment is way down. Three million more Americans are working today than when Fritz Mondale left office. Hallelujah. The recovery has arrived. Hallelujah. Stay the course. Hallelujah. And by the way . . . cut a few programs, don't touch taxes and continue my military buildup. Stay the course.

As a Republican, I should be glad that Stay the Course has become a hit tune. A year ago, only Ronald Reagan wanted to stay the course. And I had to plead with him not to sing it in Minnesota. Today, even Rudy Perpich is heard humming a few bars.

And the reason is obvious. An economic recovery has arrived. The Sunday business section of the Washington Post carried a banner headline, "Optimism Growing Over Global Economy." And beneath it was a cartoon of a happy little train starting up the hill of recovery. The locomotive was labeled USA and our economy was pulling France, Japan, Italy, Great Britain and West Germany out of the tunnel of recession and up the hill of growth. You look at the picture and you hear the childhood story . . . I think I can . . . I think I can . . . I think I can . . .

And the American people think we can. More startling than any economic news is the evidence from the pollsters taking the pulse of public opinion. Since the dawn of that magic art, pollsters have asked the public a simple question, "Do you think things will be better or worse at this time next year?" It's the optimism index.

And it has developed a classic pattern. On the day after the Inaugural, at the beginning of each new administration, "better" is way ahead of "worse." People are optimistic on that first day. But even on that first day the erosion has already set in. "Better" declines continuously. By midterm, "worse" has pulled even. And pessimism takes a commanding lead by the next election day. And on that day, a pessimistic people switches presidents and the process starts all over again. It's been that way for more than twenty years.

But this is not a typical year. "Better" made a comeback one year early for Ronald Reagan. For the first time in twenty years the American public is going into a presidential election believing that things are going to be better next year. And by a wide margin. So it's stay the course. Don't rock the boat by marching us off in new directions.

The last time that optimism took hold in mid-term was twenty-one years ago, in 1963, as John Kennedy took up his pen to write a State of the Union. The Cuban missile crisis was just behind us. The nation was coming out of a recession. The peace had been saved. People were going back to work. Optimism was in the air. Perhaps the Washington Post ran the same picture of the little train starting up the hill.

But President Kennedy didn't ask the nation to stay the course. He looked at that train and he said . . . you know, as good as it feels to be out of the tunnel of despair, that little train is only on the side of the hill. And he asked two questions. How shall we get to the top of the hill . . . to a vigorous growing economy once again? And what will we see when we get there? What opportunities and challenges lie beyond that hill . . . what is our vision of America's mission for this decade and the rest of the century?

In 1963, Kennedy's answer to the first question was a supply-side tax cut. At a time when things were running fairly well, he challenged Congress to cut taxes by $15 billion to provide the fuel for a full recovery. And it succeeded beyond anyone's expectations. It gave us our Laffer's Curve, Jack Kemp's theories and supply side economics.

Today, the challenge is different. It is not taxes, but government borrowing that threatens to keep us on the side of the hill. The fuel we need is lower interest rates . . . credit that we can afford . . . for the small business men and women to risk on new ventures, for the farmer to get the seed in the ground, for the young family to buy a first home and for the high school graduates to go off to college to reach their full potential.

But we find government standing first in line at the credit window. Demanding to go before all other Americans. Willing to pay more in interest than most can afford. Borrowing more than any of us could imagine a few short years ago.

Ronald Reagan let us know that he cares about $200 billion deficits, but only enough to make a downpayment this year. Frankly, there are others who believe a downpayment is all that is needed.

Borrowing is not the original sin. It is not being committed for the first time. And the federal government certainly isn't the only sinner. The total debt in this country—government, business and consumer—approaches six trillion dollars. We are all borrowers for cars and houses and vacations and business investments.

And even in the narrow circle of government. Borrowing is not just a federal problem. You may at times hear pious words from some state and local officials . . . you may speak them yourselves . . . to the effect that state and local governments have to balance their budgets every year. That it's only the spendthrifts in Washington who know no discipline.

Well, state and local governments borrow a tremendous amount. Their balance is in operation expenses and annual revenues, only. Most of their capital programs are not part of this balancing process, but are paid for by bonds. And in their annual operating revenues, state and local governments count $90 billion in federal aid—one fifth of their total budgets—to make it come out even each year.

So there is a school of thought that says borrowing is a relative question. Dave Stockman started last year's budget cycle by comparing the current debt of the United States as a percentage of GNP with debt in the past, and found that the percentages were not remarkably different. Secretary Don Regan argues that it's cheaper to borrow from corporate flow than to reduce the deficit by taxes.

At this point some words by Thomas Jefferson become a moral imperative. Let me quote him. "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of any government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

The first principle of government—the first responsibility each of us elected officials undertakes after the oath of office—is that you leave the next generation—our children—with opportunities for choice no less than our own.

That is why this nation has always been willing to fight to preserve its liberties. That is why we as a people put such a high value on environmental protection and the conservation of our natural resources. And it has become a fundamental issue in the budget process, because of the size of the deficits we face.

Spending a deficit is like having a credit card with the bill sent to your kids. Minnesota paid for its Vietnam bonus to Vietnam veterans with bonds thus sending the bill for the tragic political mistakes of our generation to our totally innocent children. Can we in good conscience use that plastic money to have life cushy now, knowing that our children will pay the carrying charge all of their lives? Do we have the right to limit their opportunities to choose, because we cannot limit out choices to what we can afford?

A fundamental issue. A moral imperative. An insoluable problem. Sounds like the spawning ground for a bipartisan presidential commission. MX, Social Security, Hunger, Central America, Lebanon. Perhaps I should retire from the partisan Senate, so that I can get in on the real action as a bipartisan presidential commissioner. And we now have a bipartisan group working on the deficit problem.

The true partisans, as opposed to the bipartisans, among us are tempted to go off in one of two directions. The anti-government partisans are tempted to get to the top of the hill by leaving some of us—the poor, the elderly, the farmer, small business—permanently behind.

They would go after the guts . . . and the heart . . . of government with massive cuts in pensions, education, child nutrition, health care, housing, farm assistance and rural electric cooperatives.

The pro-government partisans have a different agenda. They think we can get to the top of the hill—solve our budget dilemma—by repealing the tax legislation we passed in 1981. The problem with taxing our way to the top is that it would keep us permanently in the foothills of our economic potential by making government a continuously bigger slice of the national pie.

Some claim this is a question of fairness, rather than economics. Do we have a deficit because the 1981 tax cut gave the cupboard to the rich? Kemp-Roth was an across-the-board tax cut of 25 percent. Yes, the rich do get more dollars of tax relief from Kemp-

Roth, because they pay more dollars in taxes in the first place. But the structure of the tax code—the relationship of one bracket to another and its tax rate—remains the same.

And tax indexing—which hasn't taken effect yet—actually provides substantially more benefit to the lower than the higher brackets. At the lower end of the income scale the brackets are much narrower and the slope of the tax increase is much steeper. Indexing keeps the average and the lower-than-average wage earner from sliding up that slope with inflation. For the truly rich—those with incomes in six and seven figures—indexing is of no benefit at all. They will always pay 50 percent of their income in taxes whatever happens to the value of the dollar.

The American public is not one bit fooled about who is paying taxes and who isn't. Try to convince them that the tax code is fair. That the way to solve the deficit problem is to jack up the rates and leave the same old system in place. They are ready to junk the current system altogther and go to a consumption tax or a flat tax—anything to get a fresh start on the fairness problem.

In 1981, we did only one-third of tax reform. We brought down the rates and froze them with indexing. It was our hope that the pressure to balance the budget would force us to do the other half, to broaden the base by closing the loopholes—by repealing the credits, deductions and exemptions that provide no public benefit.

Base broadening remains the best hope to make progress on the tax side of the budget problem in the short term. If we can do that then—with the help of states—we can do the final one-third of reform. We can move to stop the debilitating increases in taxes on employing people in America.

What will we see when we get to the top of the hill—what is America's mission for the rest of this decade and beyond? I am tempted to give you my own vision of our future—if I did I'd talk to you about three gaps that we need to close.

One is the gender gap. Not just the political problem for Republicans facing women at the polls. But the economic gap that women face in the workplace and within our legal system. Child support, pensions, insurance, comparable worth. It will be expensive for our society to end economic discrimination against women. But it is a cost we must bear, because the flipside of those costs is the economic burden that women have borne too long.

Second, I would speak to you of the trade gap. Last year the value of U.S. imports exceeded the value of exports by $70 billion. It cost as much as two million new jobs in the U.S. Part of the problem is temporary and will be cured as we bring interest rates—and the value of the dollar—downward.

Third, the negotiating gap. How long will the gap between the last session of INF or START and the next go on? We need to get back to the table and a new vision of arms control will be necessary to get us there.

But rather than give you my agenda, let me talk about how the nation gets a vision of its future. Politicians can go to the top one at a time and come back with reports about what they saw. But how do we get the nation as a whole moving down the track to the top and down the other side of the mountain?

Consider how we got all these programs—the legacy of visions past—that we dare not cut. They came in the first instance, from our view of ourselves as a nation and as citizens. We are a country of doers. When we see a problem—in health care or education or environmental protection—we do not sit back and let someone else worry about it. We go out and invent a solution for ourselves. We organize some association of persons—and we work together to find a solution.

But America is one great community. If the problem is solved at home, we also want it solved down the block, in the next town, and down in Mississippi. We judge our nation, and judge ourselves that way. Minnesotans take great pride in the fact that we are so often our front on the solutions. People are so often following our example.

And then a Congressman or a Senator will catch on to the idea and will go out to Washington and advocate that the whole nation have this solution. Quite often the whole nation doesn't have the problem. So there's not much interest initially. And the problem gets redefined some. We attack the main issue and several that are closely related. Soon there is a caucus or coalition of members who have a stake in the solution. And when the problem is defined broadly enough—enough Congressional districts are cut in on the solution with something for everybody—you get a majority. Then you can get a bill passed. Get a program underway.

What happens next? A bureaucracy builds and an interest group grows up around the program. They develop a stake in seeing it continue. Even if the program is successful—even if it completely eradicates the original problem—the interest groups will hang on because the program is their reason for being. In good time you add a little bit, sweeten the pot. But you can't ever cut back, because the first rule of government in this kind of world is never do any direct harm. That's how we got 1100 programs of assistance and an American Public that doesn't want anything cut back.

Americans have always been that way. The first program to build a federal road for the benefit of a few was passed in the early 1800's. During the Pierce administration, Congress passed the first grant program to assist the indignant insane. Pierce vetoed it. But Congress came back with the Morill Act to support agricultural education, which Lincoln sighed during the Civil War, and we've been on that path for our entire history.

Americans have always organized interest groups—associations—to promote their interests. And they have always petitioned government for programs that serve those interests. And for our whole history, Congress has been responsive. The men and women who serve in Congress today are not less inclined toward the public interest nor more inclined toward the special interests. They have no less spine than the stalwarts of the 19th century. Perhaps more. They work harder at it. They are better informed. They have more experience in other facets of life. They would, I am sure—each and every one—vote the Jefferson quote I gave earlier as the law of the land tomorrow, if it were possible.

But there is a new element which has greatly changed the balance between the demand for government action by the public organized as special interests and willingness of the government to respond with a program of spending or a tax break. It is an institutional change. It is the decline of the political party and the rise of the interest group.

Come with me to a meeting of the Senate Finance Committee when we're doing tax reform. There are five hundred pairs of Gucci-shoed lobbyists jamming the hallway listening on the PA systems to their loopholes being discussed. I was in Kansas on Saturday and heard Senator Nancy Kassebaum talk about the bipartisan commission I mentioned earlier as follows: "If (commissions) become a way of doing business, we will have undermined the basis of our government. We will have erected one more barrier between elected officials and those who elected them." Why the need for bipartisan commissions for legislative progress? Because political party members make more hay by being against something than standing for something. The 1981 effort to save social security by legislative reform was killed off by democratic efforts to make their party candidates against anyone who reformed social security. So we waited until after the election and did the same thing with a commission.

Part of it is that the public no longer identifies closely with the political party and few indentify at all. So the politician has little to fear by deviating from the party line.

Ronald Reagan wants the MX missile. Dave Durenberger doesn't. Dave Durenberger wants tax indexing. Rudy Boschwitz doesn't. Rudy Boschwitz wants a dairy program that pays farmers not to produce. Paula Hawkins does not. Paula Hawkins wants a drug czar. Mark Hatfield does not. Mark Hartfield wants to acquire land for parks. Ronald Reagan does not. And you ask, does it mean anything that all of these are Republicans? What does the party stand for? So what does a Republican voter get for their efforts besides confusion? Or a Democrat? Which of you elected Democrats would like to run for the U.S. Senate on all of the Mondale promises—or on the total of all the Democratic candidate promises? You cannot and you will not. Mark Dayton tried it and he has a 7½ million dollar headache for trying.

Try to sell domestic auto content and trade protectionism while you are building a forty story monument in this town to a U.S. commitment to fair international competition and free trade. The public knows you cannot have it both ways.

Is the 12 billion dollar a year in newly-borrowed federal money for elementary and secondary education any more certain a cure for your headache in trying to improve the quality and affordability of U.S. education than enabling all those kids to pray for it each day in school.

What we see here is no more a party philosophy in platform than the platforms of the 1968-74 Democratic party which used the so-called rights of a few to destroy what had been a majority party in America—and took some good American politicians like Hubert Humphrey down with it. The point is that we do not get to the top of the hill without the American public. Those of us in politics can make it on one or two planks we find popular in our districts. Or as John Naisbett says in Megatrends, "by finding popular single issue interest parades to sign onto as grand marshal."

But what of the rest of the people in this room—the county commissioner, city council, town board, school board members and the people? How do they get a platform broad enough for all the good America needs to accomplish? And how do they get it in advance of an election rather than the millions of pieces of postal patron paid promises and political puffery they get in their mailboxes after the election—when it

is too late? What do the Democrats want? Who do you hold accountable when the deficit is $200 billion?

Every politician has a plan to solve the budget problem. But no two are alike. And there is no longer an instrument to force consensus. There was a time when a Republican was necessarily an abolitionist. And another time when a Democrat was necessarily a New Dealer. Visions and missions for the nation put forward by a political party and shared by a nation. But the role of the party as mediator between interests at the top of the pyramid has been lost. And you as a citizen are left with no instrument—no institution—that can make it stick in the name of the public's interest. Do you think it would be possible for either party today to adopt a detailed platform on how to balance the budget? It would be denounced in all of its specifics the very next morning. And first and most loudly by the elected officials of that party, trying to separate themselves from the planks not popular in their districts.

Over the last decade Congress has attempted four major domestic reforms. The budget process is one. It lies in shambles. The first session adjourned without the capacity to act on even token reconciliation instructions required by the budget process. The second was regulatory reform. All but dead. The third is sometimes called New Federalism. It has been attempted by every president since Eisenhower. Ronald Reagan gave up on it, even before the legislative package was delivered to the Hill. The fourth is tax reform—where perhaps a little life remains. We brought down the rates. But can we broaden the base? We have a $200 billion headache for trying.

These reforms deal with the heart of government. Taxing. Spending. Regulating. Who does what in a federal system? None successful. They are needed because the American people have come to see the federal government as the government, not as our government. It is no longer the faithful servant of our interests to be trusted with our ideals. And there is no instrument within our reach that we can take hold of and use to turn the problem around. At times in our history the political party has served that function. It needs to again. We need to start by taking sides, by each of us making one party our party again and by demanding that its members look at the platform of that party as an opportunity, as a trust and as a discipline. An opportunity to build from the grassroots a budget process, regulatory reform, new federalism, tax reform, pension reform, health care, long term care, housing, social service and public assistance. Then, when we get to the top of the hill, as we think we can, we will then have an instrument at the ready that cannot only see ahead, but move us ahead to the challenges and opportunities of tomorrow.

This you may think a curious comment on the State of the Union in 1984. But the plain fact is that we are more divided than ever before. We have to build the solution from the bottom up. Take it as our problem and find an instrument to achieve our definition of the solution. That instrument exists. It has always served and served us best in the most difficult of times. It is the political party. This once great state has two that are unique in their hyphenated roots—the DFL and the I-R. And when they stood for something they were great parties with national leaders and marched in the forefront of state and national progress.

It your responsibility in 1984 and beyond to adopt one of these parties and insist that it do the job it can to protect your interest—our general interest as citizens—from the chaos of continuing budget deficits and the unconscionable burden on our children of debt.

AMERICA MUST RETURN TO THE TWO-PARTY SYSTEM

Mr. DURENBERGER. In that particular speech, Mr. President, I went back to the November speech and the reference to the fact that you are not going to turn this country around unless you have a compass that tells you where it is going to be headed, because nobody is going to let you turn it around unless they know where you are going.

In this particular set of comments, I reflected on the optimism that a lot of us feel and as the President reflected so well in his State of the Union Message about the fact that people in this country are feeling better about themselves and about the general direction they are headed, but I also observed that the reason we feel better is that we are sort of like the little train going up the side of the mountain that we can all remember from when we were kids, the story about the little engine chugging up the side of the hill saying, "I think I can, I think I can, I think I can."

Really, that is what the American people are saying right now, "I think I can get there, I think I can get there, I feel better about inflation, unemployment, and all those things that are bothering me."

I then went on to observe that we will be sold during the course of this year a substantial dose of "You can't make it to the top of the hill on a $200 billion deficit," and that again we are searching in this country for some direction; that we did get that direction from the President; we got good feelings from the President, but we did not get that direction.

I concluded by making the argument, as I have observed and my colleagues here, that every one of us who has been elected, whether as a Republican or Democrat, can all go to the top of the hill and look out and see what is on the other side, but when we come back down from that hill each one of us will have a different version of what we saw and how we are going to get there once we get to the top. And if every one of us was asked, "How would you balance the budget?" you would have 535 different answers depending on what we saw and what kind of a constituency we were postured over. I came to the conclusion—and this is one I feel quite strongly about—that the only way the American people are going to be able to tackle the problem of deficits and changing the role of Government is if we get back to the two-party system in America. Neither of our parties stand for anything today so they cannot be used as leverage on the 535 Republicans and Democrats that represent this constituency.

I pleaded with the county commissioners in my State, as I have pleaded with township officers and with League of Women Voters and with anyone else who will listen, the plain fact today is that this Union is more divided than it ever has been before. The only way to build a solution to our problems is from the bottom up, for everyone in this country to take the problem as their own, find an instrument to achieve a definition of the solution. I argued that instrument exists in America; it is the political party, and that the sooner people start taking sides on one side or the other, join a party and make it their party and make a stand for the public general good of this country rather than the special interests that plague this place and shapes the futures of the 535 people, the better off we will be.

ACID RAIN

Mr. DURENBERGER. Mr. President, my subject this morning is acid rain. The American public is surprisingly well-informed on the subject of acid rain, the causes of the problem, and the resources at stake.

Across the country a solid majority supports a control program now. And in the States of New England and in the Great Lakes region where sensitive resources are threatened, the desire for a control program goes beyond support to deep commitment. A commitment to get an acid rain control program adopted by this Congress.

But there are some who do not share this view. As Bill Ruckelshaus has learned, acid rain is a regional issue with explosive potential. The pollution occurs in one region; the environmental damage in another. The benefit of cleanup accrues to one region; the cost of controls falls on another. Some regions—and some States within regions—have made commendable efforts to improve air quality. Other States and regions have done virtually nothing.

At conferences in those States great comfort is taken by reciting what we do not know about acid rain.

We do not have precise measures of acid deposition—wet and dry—or trend lines stretching back over decades.

We do not know the atmospheric chemistry that converts sulfur dioxide and nitrogen oxides into sulfuric and nitric acids.

We do not know how these acids are buffered by elements in the soil.

How acidity reaching freshwater interferes with the respiration and reproduction of aquatic life.

If the damage to our forest and croplands is cumulative and permanent.

Whether emissions reductions at one point will increase rain ph at another.

That litany is being recited with telling affect at conferences across the Nation. I have even heard the governmental affairs vice president of one of our largest corporations say that sulfur and nitrogen are nutrients. That we spend millions every year spreading nitrogen on croplands. So why should we spend millions more taking it out of the air?

We know the bottom line on this argument. Wait for the science. Speed up the research, but wait for more information before requiring controls. I hear that line of reasoning, and I ask: What difference would it make if we had precise answers to all those questions? Do we need to know the precise chain of chemical, physical, and biological processes that carry a ton of sulfur from a powerplant in Ohio to a lake in New York, to know that action is needed now? I do not think so.

We know that the atmosphere over our continent is loaded with millions of tons of sulfur dioxide and nitrogen oxides each year.

We know that the largest share of that loading—90 percent in the case of SO^2—is caused by man and his industrial activities. It is manmade pollution.

We know that sulfur dioxide as an air pollutant can produce negative effects in the young and those with respiratory diseases. We control it as a conventional pollutant under the Clean Air Act.

We know that sulfur dioxide is converted to sulfates that reduce visibility across the eastern half of our continent—and across magnificent vistas of the West.

We know that acid deposition damages buildings, crops, and forests directly.

That waters acidified by the deposition of air pollutants mobilize heavy metals carrying them to sensitive environmental resources and into the food chain.

We know where the pollution comes from. A very large share of the sulfur dioxide comes from stationary sources you can point to on a map.

We know how to reduce emissions. The technology is not a problem. It is here now and it is very effective in removing large percentages of the pollutants before they reach the atmosphere.

We know enough today to save the lakes alive—fish, forests, crops, jobs, and people. It is time to sweeten the rain.

Several acid deposition control bills are pending before the Congress. Mitchell, Stafford, Waxman/Sikorski, Glenn and a bill of my own.

Whichever of these bills becomes law, the end result will be the same. The physical result will be the installation of sulfur dioxide control strategies at powerplants in the Midwest to reduce emissions by 8 to 12 million tons annually. They do not differ much in the results they would produce. But differ greatly as to means.

The bills by Senators STAFFORD and MITCHELL are very similar. They would allocate reduction requirements among 31 States east of the Mississippi. Each State would achieve their reductions by amending their State implementation plans required by the Clean Air Act. There would be no financial assistance for the specific plants required to make reductions.

Congressmen SIKORSKI and WAXMAN have introduced a bill that would mandate scrubbers at the 50 largest powerplants, allocate additional reductions among the 31 States beyond that level and provide financial assistance from an electricity tax. Their bill would also set new standards for nitrogen oxide emissions from trucks.

Last week, Senator GLENN introduced his own bill. It also uses an electricity tax to finance the control programs. The Glenn tax is three times larger than that imposed by Congressman SIKORSKI's bill. Rather than allocate reductions by a formula, Senator GLENN would impose a uniform cap on SO^2 emissions across the 31 States at 1.5 pounds per million Btu's.

My own bill would work much like Superfund, the program to clean up hazardous waste dumps. EPA would establish a national priority list of sources to be controlled and would provide financial assistance for the owners of the facilities. The grants for cleanup would come from a tax on emissions of sulfur dioxide and nitrogen oxide from both mobile and stationary sources. The tax would raise $40 billion over 10 years and the bill would require a net 10 million to reduction of SO^2 emissions in the Eastern United States. After 1993, emissions would be frozen at approximately 16 million tons nationwide by requiring an offset for all emissions from new sources.

Four very different control programs. Do the means make a difference when the practical result in each case would be very much the same? Yes; but the important thing to keep in mind is the commitment we share. The commitment to get an adequate acid rain control program underway as soon as possible. It is in some sense a luxury to be able to debate the means, rather than define and defend the goal as we had to do 3 and 4 years ago. That the debate has shifted from whether we need an acid rain control program, to what kind of program we are going to have, is a sign of progress.

In that spirit, let me just simply state what I see to be the particular virtues of my bill.

The first is least cost. My bill makes an explicit attempt to maximize emissions reductions achieved for each dollar that we invest. An adequate acid rain control program will be very expensive. If we stray far from the least cost approach, we will either spend very much more than we have to, or realize much less benefit than we could.

I think that the least cost principle requires that we take a national approach—that we not use States or control technologies as the unit of analysis. We ought to look at all the major sources in the Eastern half of the United States—and some in the Plains States as well; determine what particular control strategy is most effective per dollar invested for each; and then rank order them top to bottom according to which investments will maximize emissions reductions for each dollar spent.

My bill instructs the Administrator of EPA to do exactly that as a first step in writing a priority list. As a second step, the list is adjusted to account for source-receptor relationships where known. We would take powerplants on the east coast of Florida off the list and add others from the Ohio Valley to the extent that the science demonstrated a clear linkage between the sources' emissions and deposition at a sensitive site. I think that a priority listing of this kind is the only way that we can guarantee the least cost—and the maximum benefit—from an acid rain control program.

Bills using mandated technology, allocating reductions among States or capping States at uniform emissions levels do not produce a least-cost solution. Senator GLENN's bill, for instance, includes a flat prohibition on fuel switching as a control strategy. That is very good for Ohio coalminers and we do have to take job dislocation into account in order to pass a bill. But that does not mean that every miner currently digging high-sulfur coal should be guaranteed the right to keep digging it indefinitely.

The second virtue is equity. Equity among consumers under the least cost approach requires that any acid rain control program include a financing mechanism. The Mitchell and Stafford bills do not spread the cost. Congressman SIKORSKI, Senator GLENN, and my own bill all spread the cost, but in very different ways.

Least cost does not produce an equal percentage reduction or average in every State of the Union and certainly not at every plant within each State. Some plants—I expect about 150 to achieve a 10-million ton reduction—will be subject to control requirements. The rest will not.

But that does not mean the plants escaping controls are not contributing to the acid rain problem. They may emit less or at a lesser rate, but the SO^2, even from low sulfur coal, even

when scrubbed, does damage when deposited on a sensitive resource. Consumers receiving power from a plant or system which is not targeted for controls under the program should not escape their share of the responsibility simply because their plant is too small or too old or too difficult to retrofit.

The fundamental equity problem is this: How to give credit for what has already been done. Said another way, we should not penalize those in States like Minnesota who had the foresight to take the lead in attacking the Nation's air quality problems—or they will never do it again.

Minnesotans have invested $300 million in scrubbers and are paying a premium to use low-sulfur coal each day. We are willing to pay a tax according to our continuing contribution to the problem, but we want it known that we have done a large part of our share already. And we want it known to us through tax assessments lower than those in States or on utility systems where no reductions have been made. That led me to design a financing mechanism based on an emission tax, rather than a tax on electricity consumption.

Let me tell you about Senator GLENN's bill to demonstrate the magnitude of this issue. Senator GLENN's electricity tax is not particularly hard on Minnesota. It is only on fossile fuel plants and we have a high percentage of nuclear power. Senator GLENN would exempt plants meeting the new source performance standards, and most of our large sources do.

Nevertheless, and according to a study by the Congressional Budget Office to be released next week, the Glenn electricity tax at 3 mils per kilowatt hour would cost Minnesotans $177 million more than an emission tax designed to raise the same amount of revenue nationwide. We would pay a much smaller percentage of the national emission tax, because we have done much to reduce our emissions. When Vice President MONDALE attacked the electricity tax in New Hampshire—and argued that the polluters should pay more—he was remembering his Minnesota roots.

Beyond fairness, there are other advantages in an emissions as compared to an electricity tax. An emissions tax creates marketplace incentives to reduce pollution and avoid the tax. Even without grants, EPA estimates that a modest tax on sulfur dioxide would produce near term—not 1993, but now—low-cost and no-cost reductions of 1 to 2 million tons each year. Polluters would simply make these reductions to avoid paying the tax because it would be cheaper. An electricity tax provides no such incentive.

And an emissions tax can be used to spread the cost beyond electric powerplants and their customers to other industrial and mobile sources who contribute to the acid rain problem. Why should electric consumers pay the whole cost of cleanup when they are only 60 percent of the pollution problem?

It will be argued that an electricity tax is necessary to spread more of the cost out of the Ohio Valley. Well, I would argue that a pure and complete emissions tax—including a tax on nitrogen oxide emissions from cars and trucks—would have the same practical effect. It shields Ohio electric consumers to the same degree, but does so by spreading the burden to all polluters according to their contribution to the problem, rather than to all electric consumers nationwide.

So we are back to the politics of acid rain and what is likely to happen in the Congress. Viewed from an environmental perspective each of the bills under consideration produce similar results. But by methods quite different.

The Senate Environment and Public Works Committee will begin hearings on February 2. I expect it will report a bill along the Mitchell/Stafford lines. The committee is primarily Northeastern or Western and a tax is opposed in both regions. But I do not think that bill can be scheduled for debate on the floor of the Senate because it loads the whole cost on a few States.

In the House an electricity tax looks pretty good. The votes are in the Midwest. Waxman/Sikorski has an impressive number of cosponsors.

But will the two ever meet on the way to the President's desk? I think not. The West will never agree to an electricity tax—they do not have the evidence of damage as we do in our part of the country or in New England. Up to now acid rain has been a safe environmental vote for the West. But it becomes expensive with an electricity tax—in fact, per kilowatt hour Wyoming would bear the same burden as Ohio.

Put a tax on them and you soon discover that the States west of the Mississippi are 40 percent of the Senate. Just as the Midwest is 40 percent of the House.

I have always thought an emissions tax the only fair thing to do. In this case, I think the fair thing may also be the only thing politically possible. Which is the third virtue I would claim for my bill. When you run out all the numbers, you find that the emissions-tax/least cost approach in my bill has results halfway between Mitchell/Stafford and Waxman/Sikorski for most States. Looked at solely from a cost perspective and State-by-State, my bill is in between the most likely House and Senate bills for the vast majority of States. If everyone will go halfway to solve the national problem of acid rain, an emissions tax is the most likely vehicle for compromise.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DURENBERGER. I thank the Chair.

RECOGNITION OF SENATOR SASSER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee (Mr. SASSER) is recognized for not to exceed 15 minutes.

Mr. SASSER. Mr. President, I might inquire if provision has been made for me to have the remainder of the minority leader's time this morning?

The ACTING PRESIDENT pro tempore. The Senator is correct; such provision has been made.

Mr. SASSER. I thank the Chair.

REPORT ON HONDURAS

Mr. SASSER. Mr. President, this past weekend I journeyed to Honduras to undertake a mission which encompassed a comprehensive review of the existing infrastructure which has been built by the U.S. military in that country. I went beyond this task and sought to achieve an understanding of what our military contemplates in the way of future construction-related activities which might be undertaken in Honduras.

Mr. President, I am now reporting to the Senate that the United States has embarked on a substantial buildup of permanent and semipermanent facilities which could be utilized to support contingency operations in Central America.

As the ranking minority member of the Subcommittee on Military Construction Appropriations, I have been concerned that the full inventory of our military activities has not been explained to the American people. Indeed, they have not even been told that such an inventory exists. It was precisely for this reason that last year I inserted language in the Military Construction Act which put a freeze on an airfield construction program in the key north coast city of La Cieba. The language prevented any spending on the project until the Committees on Appropriations have been notified as to the complete U.S. construction plan for the region.

The purpose of this report was to obtain in one document a complete overview of what has been built, from whatever funding source, should it be from the military construction budget, from funds provided for operations and maintenance in the Department of Defense, or other sources. In addition, this report would have placed before the Congress a complete listing of any future construction in support of U.S. military activities.

Mr. President, this requirement was not vetoed by the President; he did not find it unreasonable. By Presidential action this requirement became the law of the land as a integral part of the Military Construction Act for fiscal year 1984, Public Law 98-116.

Mr. President, it has been 4 months since the law required that this accounting be submitted to the Congress. Regretfully, I must inform the Senate that the Committees on Appropriation have not yet received that report. Before going to Honduras I asked officials in the Department of Defense when we could expect that report. Their response was not heartening. They said the report could not be submitted until June, which as we all know, is well after the time the Committees on Appropriations must complete our markup of the fiscal year 1985 budget request.

Consequently, as it became apparent to me that the requirements of the law were not being met, I decided to make this trip to measure the dimensions of American military involvement in Honduras.

Mr. President, to this day, the Military Construction Subcommittee has approved only two sites for funding for enhancement of military facilities in Honduras. During my visit I learned that four additional airfields which are capable of handling large military transport aircraft have been built or improved during the Big Pine I and Big Pine II exercises. Further, I learned that the next exercise, to be held in May, will encompass construction of at least two and perhaps three additional airstrips which are capable of landing these transport planes. In addition, yet another military exercise to be conducted late this year may result in even more airfield construction. These new airfields are being built not out of money provided for military construction by the Congress, but out of operation and maintenance funds approved by the Joint Chiefs of Staff for war games in the region. In support of the many airfields, which have been constructed, I found two operational radar sites in southern Honduras near the borders of Nicaragua and El Salvador.

Mr. President, I will detail a complete listing of U.S. construction activities for military facilities in Honduras later in this speech.

Mr. President, it distresses me to report that the regional military buildup is not confined to Honduras. During my visit I made two brief stops at the U.S. Navy base in Key West, Fla. I learned that this facility is undergoing a substantial upgrade to prepare for future contingency requirements. These include the expansion of ordnance warehousing for the U.S. Air Force and Navy, as well as docking and refueling facilities for the Navy. I am requesting from the naval facilities engineering command a complete documentation of the construction underway or planned for the Key West facility.

All in all, Mr. President, what I found is a sustained and rapid buildup of military facilities in the region, the purpose of which has not been made clear to the Congress or the American people. It is my firm belief that before the administration is allowed to continue this military buildup, a full and open debate must be held on this issue.

If we do not insist on a detailed explanation, we shall continue to see what is in truth nothing less than a backdoor military buildup in Honduras, a military buildup which far exceeds what is necessary for the successful completion of military exercises. The American people deserve a full and complete accounting of what our military objectives are in Honduras.

The military infrastructure buildup in Honduras, if continued apace could threaten to entangle our country in yet another foreign military involvement for which no clear mission has been defined and whose objectives have been obscured by the policymakers of this country.

Mr. President, the stated purpose of these military exercises in Honduras has been the training of U.S. Forces. But the exercises which have taken place have been of unusually long duration and have resulted in construction of military facilities beyond what could reasonably be expected or justified as necessary for the conduct of war games alone. This was underscored by the fact that while in Honduras I was told by high ranking U.S. officials that another reason for the exercises has been and remains to bring pressure against the Sandinista government of Nicaragua. I should note that this pressure is not designed to meet a threat of invasion by Nicaragua. In point of fact not one official of the United States even suggested that an invasion of Honduras by Nicaragua is to occur. To quote one senior official, "the threat is not an invasion by Nicaragua but an insurgency in Honduras."

Mr. President, I would suggest that we do not deal with subversion or insurgency by building a large military infrastructure. Airfields and base camps and radar sites and naval facilities are more suited to conventional conflict rather than an insurgency arising from the discontent of the impoverished or from the implacement of terrorists from another country. Subversion is not stopped by constructing airfields and preparing for war. Subversion will be halted only when the seeds of social and economic discontent are no longer allowed to grow. Weapons and a military buildup are not the solution to the social and economic problems of Honduras and Central America. In fact, it was the observation of many Hondurans and the Ambassadors of Contadora countries with whom I visited that military aid will only extend conflict, increase the tensions and make a peaceful solution more difficult to achieve.

Mr. President, Honduras is a poor country; 60 percent of the people of Honduras are either out of work or have unproductive jobs which do not provide sufficient income to meet the basic needs of their families. Per capita income is the lowest in the region, barely $600 a year. The social and economic budget of the Government of Honduras has already been cut back and funds for existing programs have been diverted to pay for the military activity in that country. This, despite the fact that the United States already funds one-third of the Honduran defense expenditures for the military assistance program and provides vast amounts of indirect support through the exercises and infrastructure I will shortly outline to the Senate.

Many Honduran families believe and told me directly that a war on social and economic problems in Honduras would have a much greater impact on reducing the threat of subversion, whether internal or external, than would a massive buildup of military facilities and armaments. Many Hondurans and many Americans, I might add, fear that with military priorities overshadowing domestic priorities the risk of internal unrest and external subversion will inevitably increase.

But, Mr. President, in Honduras military projects do take precedence over domestic needs. Tragic as it is, that remains the essential fact of life in Honduras today. Honduras, where once democracy was beginning to flourish, is becoming an armed camp.

The peace process, particularly that encouraged by the four Contadora countries, Mexico, Panama, Venezuela, and Columbia, is moving slowly. And all the while the arms buildup accelerates and we find a growing threat of permanent foreign military installations which could lead to military adventures beyond our control.

Mr. President, I will now list for the record several locations in Honduras where U.S. military personnel have constructed or plan to construct military facilities.

First, at Palmerola near Comuyagua, this is the location of the headquarters of joint task force, Alpha, which will serve as the command and control and communications port for the next planned exercise, Grenadaro I. This location also served as the headquarters for the Big Pine II exercise during 1983. Presently at Palmerola exist sophisticated communications equipment, 160 wooden tropical huts, a tem-

porary medical facility, and other base support facilities. Palmerola is the location of a $13 million military construction project approved by Congress to lengthen an existing hard surface runway, provide 50,000 barrels of jet fuel storage, provide a lighting system making Palmerola the only lighted runway in Honduras and other construction. This construction began in April of last year. It is presently almost 60 percent complete and the project will be finished in mid-July. Once completed, the Palmerola Airport will be capable of accommodating any aircraft in the U.S. military arsenal, including the large C-5A transport airplanes.

During my visit to Palmerola I learned that the temporary medical facilities, currently in use, will soon be redeployed back to the United States. Military officials expressed concern that new medical facilities must be made available prior to the conduct of the next exercise, Grenadaro I, in May. Presently under discussion with the Government of Honduras is a proposal by the U.S. military southern command to construct a combat support hospital at Palmerola. This hospital will consist of a permanent concrete block, tin roof core facility for an operating room, pharmacy, and other necessary medical facilities. I would underscore that this is a combat support hospital. In addition, some 15 wooden tropical huts will be built to house a minimum of 80 hospital beds. As I indicated, discussions are underway with the Government of Honduras to build this facility. U.S. Army officials indicated that there are no plans at the present for U.S. participation in this construction project. But these officials cautioned that such a facility must be provided for the U.S. contingent to be deployed in Grenadaro I in the latter part of May.

Palmerola is also the location for an ammunition storage facility requested by the Reagan administration for fiscal year 1985. This facility would cost $1.5 million and will consist of the reinforced concrete foundation, steel arched igloos with earthen covers. The purpose of this facility is to preposition in Honduras munitions and ordnance such as iron bombs and rockets for the U.S. Air Force's sophisticated bombers and fighters. The justification for this facility made available to the committee indicates that it "is required to enhance capabilities to execute tactical air contingency operations in support of allies in the region."

Also at Palmerola is proposed a $4.3 million military construction project in the fiscal year 1985 budget request. This project will provide almost 19,000 square feet of barracks space for 100 U.S. Army personnel. In addition, this project will provide for other construction, including an aircraft maintenance hangar.

These fiscal year 1985 projects which have been requested, particularly the Air Force ammunition storage facility, represent a significant departure in U.S. policy in Honduras, for with this project the U.S. will be prepositioning military ordnance in Honduras. Congress must be very careful before approving such a project.

At San Lorenzo, in southern Honduras, near the Nicaraguan border, U.S. Army engineers have built a 3,000 foot, hard-packed dirt runway capable of accommodating U.S. Air Force C-130 transport airplanes. This airfield, according to the combat engineer in Honduras, can be expected to last and remain operational for several years and will require little or no maintenance during the dry season and only moderate maintenance during the rainy season in order to remain operational.

Also at San Lorenzo, the U.S. Army has built 94 wooden tropical huts to house the U.S. troops during Big Pine II.

While I was there, they were housing a battalion headquarters and company of combat engineers. The San Lorenzo base camp consists of a dining facility, a small PX has been constructed, and other administrative and support buildings. It was stated by the engineers present at that location that these facilities could last for at least 2 years with minimal maintenance and the usable life could be extended for many, many years if properly maintained.

The U.S. Engineers who participated in the Big Pine II exercises also constructed 13 miles of tank traps, 12 feet wide and four-and-a-half feet deep south of San Lorenzo and only a few miles from the Nicaraguan border.

Near the San Lorenzo airstrip and base camp is an existing Honduran Deepwater Port facility. During my visit this past weekend a U.S. Navy transport vessel was docked at the pier to begin the redeployment back to the United States of the engineering battalion which participated in the Big Pine II exercises. U.S. officials were unclear as to the future use of San Lorenzo, although it was indicated that the base camp facilities might be turned over to a Honduran infantry unit presently deployed on an adjacent site. In addition, it was stated that the transport capable airfield might be utilized in future training exercises.

Prior to leaving for Honduras I learned that the administration is requesting $2.9 million for another military construction project to be constructed near San Lorenzo. This project is a pre-stop point for the U.S. Army. This project will consist of a 35,000 square foot warehouse, an ammunition and demolition storage area, and a 100,000 gallon fuel storage tank. This project is similar to the prepositioned munitions storage project which has been proposed by the administration for Palmerola. This project, in my opinion, should be closely scrutinized by the appropriate committees of Congress.

Aguacate is located in eastern Honduras. There a U.S. engineer battalion has extended a 4,300 foot dirt strip to 8,000 feet. This location was utilized extensively during 1983 in support of the Big Pine II exercise. It was stated by U.S. officials that Aguacate will possibly be used in Grenadaro I as well. During my visit to Aguacate I was briefed that the Honduran military is considering a project to pave the 8,000 foot strip which would make this location capable of accommodating jet fighter and attack aircraft.

Moving on to La Cieba, which is on the Honduran north coast, this is the site of the second military construction project approved by Congress. However, Congress has directed by law that none of the funds for this project shall be obligated until the Appropriations Committees receive a complete report on military construction throughout the Central American region. This project will consist of an $8 million upgrade which will include 30,000 gallons of fuel storage and a parallel taxiway to accommodate swift U.S. fighter operations. Although no construction has yet taken place at La Cieba, U.S. military forces are presently utilizing the existing runway.

During my visit I learned that two new airfields will be constructed during the Grenadaro I exercises. The first is located in Cucuyagua in western Honduras, a few miles from the Salvadoran border. This will be the site of the headquarters operations of the next military war game. The airfield, which will be constructed, will be similar to that which was built at San Lorenzo. It will be a 3,000-foot, hard-packed dirt runway capable of accepting C-130 transport airplanes and capable of enduring for many years with proper maintenance.

Jamastran is the second airfield which will be constructed during Grenadaro I. This airfield will be located in southern Honduras near the Nicaraguan border.

In Trujillo, on the north coast, the U.S. Navy Seabees extended an existing hard surface runway and built an additional 500 feet to make this runway C-130 capable.

The Trujillo facility is close to the regional military training center where several Salvadoran and Honduran battalions have been trained since last summer. During my visit to the regional military training center, I learned that 10 additional battalions would be trained at the existing facility during calendar year 1984 by the

American training cadre at that facility. Officials in the State Department have indicated that the administration is considering a fiscal year 1984 supplemental budget request for $25 million from the military assistance program to construct a permanent training center for future training requirements. I found the existing facilities, while austere, to be adequate for the training task which it has been assigned.

Last September the Department of Defense sent to the subcommittees on military construction a request to proceed with a million dollar design project for a proposed permanent port-airfield facility at Puerto Castilla. This proposal was withdrawn 3 weeks later. However, my staff has learned that a $50 million proposal for the fiscal year 1985 budget request had been included in earlier drafts of the President's budget submission to proceed with construction of this facility. The line item was struck from the budget in December during reviews at the level of the office of Secretary of Defense. The project which was proposed by the U.S. Southern Command consisted of $21.3 million for naval base improvements, $112.3 million to construct a hard surface runway and $24.5 million to build connecting roads. This project would cost $160 million.

During my discussions with U.S. military and State Department officials in Honduras I was assured that no final decision has been made on such a permanent U.S. naval facility in Honduras. The commander of the Honduran armed forces, General Alvarez, made it very clear during our discussions on Monday that it is the desire of the Honduran Government to encourage the United States to construct such a facility for joint United States-Honduran use. During my visit in Honduras, the Honduran President stated that his government is actively negotiating the installation of a North American air-naval base in Puerto Castilla.

Mr. President, I toured Puerto Castilla. I found already constructed by the Government of Honduras a 150-meter dock which was already being utilized by the U.S. Navy and Army during the Big Pine II exercises. This port facility, while built by the Honduran Government for civilian commerce can easily be shifted to military use. The existing 150-meter dock will soon be expanded to 450 meters. Already in existence are six 25,000-barrel fuel storage tanks and two 100- by 500-foot warehouses are under construction.

Mr. President, I oppose any kind of permanent U.S. facility in Honduras, such as has been proposed for Puerto Castilla by the southern command. The facility as envisioned by the southern command would station some 1,000 U.S. military personnel at that port. I think it would be a mistake to build such a facility during this period. The United States already has available the Key West naval base, which is being upgraded and improved for contingency operations and is less than 2 days steaming time to Honduras and only 2½ hours by subsonic aircraft from Honduras.

Furthermore, it was apparent to me that there is no need for the port facility in view of the existing docks and warehouses and fuel storage facilities I inspected at Puerto Castilla. In addition, there appears no justification for yet another long hard surface runway in Honduras.

So, Mr. President, I would hope that the Department of Defense will approach any negotiations with the Government of Honduras on a joint United States-Honduran naval base very carefully. I would urge the administration to turn down the proposal which has been made by the U.S. Military Southern Command Headquarters in Panama.

During my visit I also toured two operational radar sites in southern Honduras. One is at Tiger Island in the Gulf of Fronseca. The other is at Cerro La Mole, 20 miles south of Tegucigalpa, the capital of Honduras. The capabilities of these radars remain classified. They are manned by U.S. Marine Corps personnel and Air Force personnel of the United States. But I can say that U.S. Military officials indicated that the Cierro La Mole radar, high atop a 6,500-foot peak will become a permanent facility with the United States turning the site over to the government of Honduras sometime in 1986. The site at Tiger Island is manned by the U.S. Marine Corps personnel, as I stated earlier. Southern command officials indicated that the location of this particular radar system is currently under review.

Mr. President, I should mention three additional airfields which are available to the U.S. military. First, at Puerto Lempira on the eastern coast the United States made improvements to an existing runway facility to make it C-130 capable for the Big Pine I exercises held early last year. Second, the La Mesa Honduran Air Force Base at San Pedro Sula has been utilized substantially by U.S. military transports during the Big Pine II exercises although no construction has been made at this site. Three, the Toncontin Honduran Air Force Base, near the capital city, is also utilized by the U.S. military, no construction has been made at this site.

Mr. President, I do not want to speculate as to the intended use of these facilities. But such a massive buildup will allow substantial contingency operations in the region. I do not believe that the American people desire an increased U.S. miltary presence in a region of substantial military instability. Let us face it Central America is no Grenada. A defeat of either the guerrillas in El Salvador or the Sandinistas in Nicaragua will not be easily accomplished. There will be no 1-day wars in Central America. Should the United States get involved directly in a regional military conflict, the likelihood that our troops would be engaged in warfare for a sustained period of time is overwhelming.

The citizens of the United States desire no such conflict. The American people do not support a military solution to problems in Central America. Until all diplomatic and political options have been exhausted, we should not ask our people to take up arms. And we should not support activities which make it more likely that American arms will be employed in Central America.

But the facilities already constructed or planned for Honduras will make a war in the region easier to conduct. Such facilities could acutally serve to encourage Honduran military commanders to attempt a military solution to their diplomatic and political conflict with Nicaragua.

Furthermore, Mr. President, the next series of exercises, Grenadaro I, will be conducted beginning in May. These exercises will be conducted primarily at two sites. As I have earlier stated, one site is close to the Salvadoran border and the other is near the Nicaraguan border. These war games, so close to areas of military instability within El Salvador and Nicaragua, run a grave risk, in my opinion, of the accidental and unintentional involvement of our troops in a real shooting war.

A war in Central America must not be started by accident. Each new airfield, each new exercise, each new rocket or bomb we preposition in Honduras for U.S. fighters moves us closer to the probability of an accident or unintended act which could cause events to run beyond our control.

Already we have seen U.S. military personnel come under hostile fire. The presence of U.S. military personnel in exercises perilously close to the border area presents the greater fear that more Americans could find themselves involved in a border clash.

Mr. President, this is a serious topic. It is one I have not discussed lightly. It is a topic on which I devoted a great deal of thought and study and reflection. I have chosen my words carefully. I do not yet know where the administration seeks to go in Central America. But I have seen with my own eyes a military infrastructure that could accommodate any policy decision.

Mr. President, I urge my colleagues to go to Central America to review the facilities I have visited, to listen to the briefings, to raise their own questions, and to make an independent judgment on this matter.

As I have said in this Chamber on numerous occasions, we cannot permit the expansion of Soviet and Cuban influence in the region. That much is clear. But I believe that a too narrow focus on the conflict has caused us to ignore indigenous social and economic problems. Indeed, through a military preoccupation we may well be exacerbating them. And it is, after all, the social and economic problems which provide fertile ground for Marxist revolutions.

Mr. President, I look forward to a growing public debate on the issues that I have raised this morning. I believe that public debate is necessary. The American people must be fully informed to be fully supportive. And they must know what our policy is in Central America and what the mission of our military should be there. We have seen the grim and tragic results of backing into policies, such as that in Lebanon which has cost the lives of hundreds of young American men, with no clear purpose, no clear statement, no clear mission, no clear direction as to where we are going.

The policy option which is ultimately implemented in Central America has no chance of success without the full support of the American people.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I just wanted to take about 2 minutes to commend the Senator from Tennessee for the leadership and work that he has done to bring this to the light of the Senate.

I think it is clear that we have here, under the guise of military exercises in Central America, two things happening. First, we have the establishment of a permanent U.S. military presence of some significance in Honduras.

This morning, I asked the Secretary of the Air Force how many permanent Air Force personnel he expected to station in Honduras in 1985; he indicated 290. Last week, I asked Secretary Weinberger how many permanent military people we expected to have there and he indicated that his understanding was between 700 and 800. So we have a permanent military presence being established there.

We also have a permanent military infrastructure being constructed there; one that has generally not been authorized by the Congress. These action, in my opinion, cannot be justified on the basis that they are needed to accomplish military exercises. The justification which has been put forward is just simply inadequate.

As I see it, the difficulty with this course, and the difficulty with Congress letting this go forward without proper monitoring and proper policy decisions being made is, that if we have a long-range buildup of military presence in that region, it makes it virtually impossible for us to pursue the diplomatic options which may become available to reduce tensions there. I think that clearly what we have going on is a two-track situation, where SOUTHCOM has identified a source of action it is pursuing to increase our military presence. And that is going forward, regardless of any desire which may exist anywhere else in the administration to pursue a nonmilitary solution.

I think it is a subject of grave concern for the Congress and for the country. Again, I commend the Senator from Tennessee for the leadership he has shown in focusing our attention on this issue. I hope that we can give it the attention it deserves and can see to it that Congress plays its constitutional role in overseeing our military actions.

I thank the Chair.

Mr. President, I yield to the majority leader.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUMPHREY). Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12:30 p.m., with statements therein limited to 5 minutes.

NEEDED: LEGISLATION TO STOP U.S. NUCLEAR SALES TO CHINA

Mr. PROXMIRE. Mr. President, in the budget the President sent to the Congress on February 1, we are asked to spend tens of billions of dollars for the research, manufacturing, deployment, and development of delivery systems for nuclear weapons in fiscal 1985. The justification for this massive expenditure is to enhance our deterrence.

The just published nuclear weapons data book discloses that we are adding a net of three new nuclear weapons every day. I say "net" because our factories produce eight new nuclear weapons every day. They dismantle five old ones to provide plutonium and enriched uranium for the new weapons. The new weapons provide more power and greater accuracy. So we refine and expand our deterrent and make it more capable of surely delivering a retaliatory strike on the Soviet Union in the event we suffer a Soviet strike.

Unless and until we can achieve a mutual and verifiable agreement with the Soviet Union to stop the arms race, we will almost certainly continue to pursue this multibillion-dollar enhancement of a nuclear stockpile that already could devastate every conceivable target in the Soviet Union to kingdom come—even if they should launch the first preemptive strike.

Yes, deterrence has kept the uneasy superpower peace for more than 30 years while each superpower has had the capability of devastating the other. If Russia and the United States were the only two nuclear armed countries, this race might go on for another 30 or 50 or 100 years or more with human life continuing because of the balance of terror; that is, the grim absolute certainty that whatever superpower launched an attack would perish together with its adversary.

But Russia and the United States are not the only nations with nuclear arsenals. The nuclear club is growing. As it grows, the prospect of nuclear war progresses. That is why I speak out now. In a January 8 article in the Washington Post, Leonard Spector made a devastating case for much more tightly controlling our nuclear exports to China. Spector formerly served as chief counsel to the Senate Subcommittee on Nuclear Proliferation. He is now a senior associate at the Carnegie Endowment for International Peace. He writes:

> Unfortunately if countries were rated according to what they had recently done to spread nuclear weapons, China would stand out as "Non-Profiliferation Enemy Number One."

Spector calls the Chinese tutelage of Pakistan in how to build nuclear weapons, if true, the "most willful act to promote proliferation of nuclear weapons by a nuclear power in 20 years." He also points out that China has provided nuclear materials to South Africa, Argentina, and India. How about the nuclear relations of this country to China? Spector says that the present administration has conditioned any nuclear cooperation with China on China tightening its nuclear export policies. But then the administration is also discussing waiving the requirements that China agree to inspection by the IAEA to verify that our nuclear exports to China are not being used to make weapons.

And Spector points out what we in the Congress could and should do about this. Specifically with China in mind, we could and should amend the Atomic Energy Act to require that any nuclear cooperation agreement does not go into effect without a joint congressional resolution that the President would have to sign. We could, as an alternative, insist that any agreement with China come before the Senate requiring a two-thirds approval.

Mr. President, our failure to act on this matter will be outrageous. We are not talking about an agreement with our long-term allies—the democracies of Canada or the United Kingdom—we are talking about Communist China, a Marxist despotism, as ruthless and revolutionary a tyranny as the Soviet Union itself, and a country that could be once again firmly allied with the Soviet Union against this country next year, next month, or tomorrow. For us

to provide nuclear know-how or materials or equipment to China is as stupid and vicious as if the FBI furnished weapons to the criminal underground.

It is shameful for us to provide nuclear materials or equipment to any country anywhere that does not conform fully to the anti-proliferation treaty. But for us to provide nuclear capability to the biggest Communist country on the face of the Earth for any reason is insanity. Oh sure, the Chinese already have a rudimentary nuclear capability. It is only rudimentary because they do not have the kind of know-how we have and which we can—and unless we change our course will—provide them.

Why do the Chinese want to buy our nuclear exports? It is because they do not have materials and equipment and know-how to make their nuclear arsenal much more devastating. And, yes indeed, the Chinese at the moment threaten and oppose the Soviet Union. But that is at the moment, for the time being, temporarily. And even if these two Communist giants continue as enemies, a more powerful and lethal Chinese nuclear capability only increases the likelihood of nuclear war.

But worse, far worse, even than the danger of an ultimate Chinese and Russian military alliance against this country is the present, overt, and repeatedly demonstrated Chinese policy of strewing nuclear capability throughout the world. Nuclear proliferation represents far and away the most serious prospect of nuclear war. Stopping that proliferation should be our No. 1 foreign policy priority.

Mr. President, I ask unanimous consent that the article to which I have referred by Leonard Spector be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 8, 1984]

MORE COUNTRIES WITH NUKES?

(By Leonard S. Spector)

When Chinese Prime Minister Zhao Ziyang visits Washington next week, opening nuclear trade with the United States will be near the top of his agenda. The issue poses a difficult challenge for the Reagan administration, which is eager to expand U.S. exports of nuclear technology, but also wants to look tough on the question of nuclear proliferation.

Unfortunately, if countries were rated according to what they had recently done to spread nuclear weapons, China would stand out as "Non-Proliferation Enemy Number One." According to press accounts quoting U.S. officials, China in 1982 taught Pakistan how to build atomic weapons by giving it key weapons design information. If true, this is surely the most willful act to promote proliferation by a nuclear power in more than 20 years.

Moreover, in 1982, China also reportedly sold enriched uranium to South Africa and heavy water to Argentina and India—sales that could help these nations achieve their apparent goal of acquiring nuclear weapons. These sales were made without even the most elementary controls to prevent diversion of those nuclear materials into weapons programs.

China has refused to participate in both the Nuclear Suppliers' Group and the Treaty on the Non-Proliferation of Nuclear Weapons, two of the key international institutions intended to prevent proliferation. Only reluctantly did China join the International Atomic Energy Agency (IAEA).

To its credit, the Reagan administration explicitly conditioned any U.S. nuclear cooperation on Peking's tightening its nuclear export policies. State Department officials recently indicated that China has provided the necessary assurances that it would do so, and an agreement on Sino-American nuclear cooperation is now being drafted.

This is a step in the right direction. But crucial details about the duration and substance of Peking's assurances and how explicit these will be in the cooperation agreement—which is expected to have a 30-year term—have yet to be revealed. And the United States has apparently discussed waiving the basic non-proliferation principle that U.S. exports to China be subject to continuing inspection by the IAEA to verify that they are not being used to make weapons. The United States even imposes this requirement on Britain, which has its own nuclear weapons. The Reagan administration has not disclosed why it is considering this departure from traditional policy, or what alternative verification measures may be planned in the case of China.

The Reagan administration has been on the defensive in its dealings with Peking almost since it took office, trying to overcome the distrust created by candidate Reagan's criticism of earlier Sino-American rapprochement and by subsequent arms sales to Taiwan. The new agreement on nuclear cooperation is clearly part of a larger effort, which also includes loosened controls on U.S. military and high technology exports to China, to remove Peking's doubts about this administration.

The pressure to improve ties is reinforced by intense lobbying from U.S. corporations that make nuclear technology and want to sell it to China.

Secretary of State George P. Shultz apparently resisted these pressures in negotiating the basics of the nuclear cooperation agreement, but the incentive will remain to gloss over differences as the fine print is being drafted. Such corner-cutting could introduce weaknesses and ambiguities that could have a grave impact later, as illustrated by our current dispute with India over its authority under our 1963 nuclear accord to extract plutonium usable in weapons from spent nuclear fuel that originated in the United States.

The Atomic Energy Act gave Congress authority to ensure that the State Department negotiate ironclad restrictions on Chinese nuclear practices. The act said Congress could reject any nuclear agreement negotiated by State with a concurrent resolution passed by House and Senate. But the Supreme Court invalidated such "legislative vetoes" last June.

Congress could close this new legal loophole in time to guarantee the adequacy of the new Sino-American agreement and chasten U.S. negotiators in the process. It could amend the Atomic Energy Act to require that no nuclear cooperation agreement with a foreign country could go into effect unless endorsed beforehand by a joint resolution that the president would have to sign. Or Congress could insist that the Sino-American agreement be submitted to the Senate as a treaty requiring two-thirds approval.

It appears now that the Chinese nuclear accord, like too many of its predecessors, is being pursued in haste to achieve near-term foreign policy and commercial objectives, despite the major non-proliferation questions it raises. If Congress does not act quickly to restore its oversight functions, these questions may never receive the public scrutiny they urgently require.

THE GENOCIDE CONVENTION: LET US GET ON WITH IT

Mr. PROXMIRE. Mr. President, as we forge into the 2d session of the 98th Congress, we undoubtedly ask ourselves what issues will we resolve in the second session that we did not in the first? What have we been putting off for consideration at a later time?

Year after year, Mr. President, we put off consideration of the Genocide Convention. For decades, the Senate has side-stepped this critical issue. Specifically, 38 years have passed and we still have not ratified the Genocide Treaty, signed by President Truman and ratified by nearly 90 other nations.

The Genocide Convention is a noble cause. It guarantees to all groups, regardless of race, religion, nationality, or ethnic background, the right to live free from the specter of elimination. It assures that criminals, guilty of the most hateful crime known to man, will be tried and punished.

The United States prides itself on being a leading proponent of human rights; yet in the world's eyes, that image is tarnished until we approve the most important of human rights treaties.

Our failure to ratify also undermines our ability to criticize the Soviet Union for its systematic violation of human rights in Eastern bloc countries. We have handicapped ourselves diplomatically by refusing to acknowledge the importance of the Genocide Convention and its link to the fight for human rights.

Why should America be known as setting a double standard on human rights? Why should we give the Russians another excuse to use propaganda against us? Why do we insist on tossing away a valuable diplomatic tool?

Mr. President, if I knew the answer to these questions, I would not have risen almost daily since 1967 to urge my colleagues to ratify the Genocide Convention.

Until we give our advice and consent to this vital human rights treaty, the world realizes that the United States has failed to enter the fight for human rights without reservation. Let us shift the tide, Mr. President, and approve the Genocide Convention in

1984. Let us show the world our total commitment to human rights.

LEBANON AND U.S. MARINES

Mr. CHAFEE. Mr. President, yesterday the President announced that the U.S. Marines will be withdrawn from the Beirut area in the next few weeks and stationed on board ships off the coast of Lebanon. This is the proper course of action to take at this time. The decision was made in light of the deteriorating military and political situation in Lebanon and in view of the fact that the presence of the multinational force is no longer likely to be able to contribute to a solution of Lebanon's problems. This move also has the effect of taking the Marines out of the immediate physical danger they faced near the Beirut airport, also a most welcome development.

The President also announced that U.S. air and naval forces in the area would operate under more flexible rules of engagement. This morning the battleship U.S.S. *New Jersey* opened fire with the 16-inch guns on Lebanese moslem and Syrian-held positions. This is only the second time the 16-inch guns have been used in Lebanon, and it is the first time they have been used for a purpose other than direct support and protection for the marines.

Unlike the decision to withdraw the Marines, this move to escalate our military involvement is a grave mistake. We are not at war in Lebanon, and the United States cannot, through the selective use of naval or air bombardment, determine the outcome of events in Lebanon. Employment of our forces in this manner will only serve to weaken further our political influence and our ability to contribute to the diplomatic settlement which ultimately will bring peace to Lebanon. For this reason, I believe that U.S. interests will be better served if we are not involved militarily in the Lebanese conflict.

A great deal remains to be decided in Lebanon and in the region as well. As the drama unfolds, the opportunities for diplomatic initiatives expand. The United States should be devoting all of its efforts to these diplomatic tasks, not to sailing off the coast lobbing occasional shells—even 16-inch shells—at Druze militia. Such actions are sound and fury. It is my strong belief that they achieve nothing concrete in the short run, and in the long run they further weaken our ability to achieve through negotiations that which is clearly unattainable through military force.

ANATOLY SHCHARANSKY

Mr. PERCY. Mr. President, Anatoly Shcharansky celebrated his 36th birthday in a Soviet prison on January 20, 1984. Now in his seventh year of imprisonment, Mr. Shcharansky is in poor health. More than 10 years after Soviet authorities first denied his request to emigrate from the country, Mr. Shcharansky holds strongly to his dream to emigrate to Israel.

His wife, Avital, has worked tirelessly for her husband's release. She has met with leaders around the world seeking help and assistance for her husband and for other Soviet Jews who are currently in prison, labor camp or exile and who have been refused permission to emigrate. I have met with Mrs. Shcharansky several times in Washington and once in Jerusalem. She is a dedicated and resolute woman.

In a recent article in the Jerusalem Post, the historian Martin Gilbert writes of Mr. Shcharansky's struggle and Avital's torment. I want to add my voice to Mr. Gilbert's and many others in reiterating that Mr. Shcharansky and fellow Soviet Jews are not forgotten. We in Congress will continue to offer our unrelenting support for their cause and for the cause of all who have been denied basic rights in the Soviet Union.

I ask unanimous consent that the article by Martin Gilbert be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BIRTHDAY BEHIND BARS

A young Jew lies very ill in a Soviet prison. Last Friday, January 20, 1984, he celebrated his 36th birthday. Two weeks ago, when his mother was allowed to visit him, she could hardly recognize him. "I couldn't talk," she told friends, "I just looked at him and asked myself: what have they done to my son?"

Six months had passed since the last time the 75-year-old Ida Milgrom had been allowed to travel the 800 km. from Moscow to see her prisoner son, now in his seventh year of suffering, yet still scarcely half-way through his sentence.

The young man is Anatoly Shcharansky. He himself would prefer to use the name Natan Sharon, by which he intends to be known as soon as he reaches Israel: as soon as he is allowed to rejoin his wife Avital, who has lived in Jerusalem for nearly a decade.

Shcharansky was born in the Soviet Union four months before the establishment of the State of Israel. He first applied to go to Israel in 1973, some months before the Yom Kippur War. The mass movement of Soviet Jews in which he thus found himself, at the age of 25, was one of the 20th century's most dramatic movements of Jews to Israel. It was also one of the largest: between 1968 and 1982, more than 260,000 left the USSR.

More than 160,000 of these former Soviet Jews live in Israel today, reunited with their national centre, sharing its problems, and contributing to its strengths and struggles. Such was the scale of Soviet Jewry's emigration to Israel: a scale which has not perhaps, as yet, been adequately acknowledged, and whose many champions, both inside and outside the Soviet Union, have not yet received the accolade they deserve from the Jewish people.

Had Shcharansky's request for an exit visa been accepted in 1973, he would have been one of the 34,758 Jews allowed to leave the Soviet Union in that single year. Of this great number, a total of 33,277 chose Israel as their home.

Today, 10 years after Shcharansky's first refusal, the gates of emigration have been shut. Only 1,314 Jews were allowed to leave the Soviet Union in 1983. No former Prisoner of Zion, and only two long-term refuséniks, were among the 1,314 allowed out.

On March 15, 1977, less than four years after receiving his first refusal, Shcharansky was arrested. Held incommunicado for 16 months, he was tried in July 1978, and then sentenced to 13 years in prison and labour camp.

What "crime," in Soviet eyes, merited so severe a sentence? Why was the young Shcharansky—he was then just 30—given a heavier sentence than any previous Prisoner of Zion?

Like the 20 other Prisoners of Zion in prison, labour camp or exile today, Shcharansky did not act, and was not brought to trial, for himself alone. Had his, or theirs, been a selfish cause, a solely personal struggle, few people in the West would be concerned with his, or their, fate; or would campaign in so many diverse ways for his, and their, release.

Shcharansky was one of several hundreds of thousands of Soviet Jews who sought to be reunited with their Jewish national centre, Israel, and to lead a daily life amid Jewish values which were not under constant attack. He was also among those who actively and openly campaigned, inside the Soviet Union, for the right to go to Israel.

These campaigners of the early 1970s included many men more senior than Shcharansky, both as far as their own careers were concerned, and in relation to the Jewish movement: men like Prof. Alexander Lerner, who is still in Moscow after 12 years in refusal, and Dr. Alexander Lunz, who is now in Israel.

In the summer of 1974, as part of the struggle for the right to leave the USSR, a group of activists decided to inform the western world, and western Jewry, of the hardships under which those "in refusal" laboured. This knowledge, which included details of the suffering of those in prison, was passed to the West openly, signed with the names of all those who transmitted it. Some messages contained more than a hundred signatures. Most were signed by at least a dozen. Shcharansky's name was almost always on the list.

It happened that Shcharansky spoke excellent English. For this reason, he became both interpreter and a spokesman for the activists, especially when western visitors came to Moscow. His youthful zeal, his earnest concern for those in trouble, and his humour in adversity quickly impressed themselves on people who met him.

Neither Shcharansky himself, nor those with whom he was associated, was in any way anti-Soviet. They sought, and still seek, only to leave the Soviet Union, not to change it.

Some of the most active figures in the struggle, among them Mark Azbel, Victor Polsky and Alexander Voronel, received their exit visas and went at once to Israel. They were none of them dissidents, for whom exile would be a penance—as it was for Alexander Solzhenitsyn—but Jews for

whom emigration was repatriation, and an escape from discrimination.

In August 1975 the Soviet Union signed the Helsinki Agreement, confirming earlier international rights of any individual to leave any country for another, and stressing the right of divided families to be reunited.

By that time, Shcharansky had been, for more than a year, one of a growing number of Soviet Jews who were in the divided family category. On July 4, 1974, on his release from two weeks in prison, with a number of other refuseniks at the time of Nixon's visit to Moscow, he had married a 23-year-old Jewish girl, Avital. Their marriage took place less than 24 hours before her own exit visa expired, and she had therefore to leave the country immediately.

Avital wished to remain with her husband. He urged her to go, having been promised that he would be allowed to join her within a few months. But this promise came to nothing.

On learning of the Helsinki Agreement, Shcharansky wrote to Avital: "They have signed an international agreement, and it speaks exactly of us: of the reunification of families and free emigration. Soon we will be together in Jerusalem."

When these hopes proved illusory, Shcharansky became more and more active in the emigration movement, helping to make known to the West many cases of hardship and injustice. In the spring of 1976 he helped to establish a small Moscow group to monitor the Soviet Union's fulfillment of the Helsinki Agreement.

This unofficial group contained only two Jews, one of whom, the late Prof. Vitaly Rubin, was soon given an exit visa, and came to Israel. None of the other members were Jewish activists, but Soviet citizens who sought the fulfillment of Helsinki in respect to other Soviet groups and rights. Among them was Elena Bonner, the wife of Academician Andrei Sakharov.

The Soviet authorities saw in this small group a focus of dissent, and of opposition to the regime. Shcharansky and Rubin saw in it a vehicle for the assertion of the Jewish right of emigration, and of the reunification of families.

Soviet Jewry was never organized in a "movement." No such organizations can exist in Russia today, outside Party approval and control. But the Soviet authorities were determined to find, to "expose," and to punish what they termed a clandestine "emigration group," Jews who were serving as the "paid agents" of American imperialism, furthering an imaginary world Jewish conspiracy, and maintaining links with espionage circles in the West.

Immediately after Shcharansky was arrested, strenuous efforts were made by interrogators throughout the USSR to find Jewish activists willing to confess to being members of such a conspiracy, and to link their efforts on behalf of Jewish emigration with "paid" anti-Soviet activists.

No such link existed, and no such links were found. Instead, and at considerable risk, activists in more than 20 Soviet cities spoke openly in Shcharansky's defense: among them Yosef Ash, Yakov Gordin, Lev Roitburd, Boris Tsitlonok, Benjamin Fein, Lev Ulanovsky and Dina Beilina, each of whom is now in Israel, and Victor Brailovsky, who is now in the final year of a five-year sentence of exile in Kazakhstan.

It was "crucial to note," Brailovsky told his interrogators, "that the accusations against Shcharansky were aimed not only against this one individual, but also against all Jewish activists."

At his trial, Shcharansky did not defend himself alone: he also defended the right of every Soviet Jew to go to Israel. When challenged with the evidence of his "Zionist activity," he replied with a short historical lecture. "There is," he explained to his accusers, "a growing Jewish national movement. Every nation goes through a stage of development of its natural growth, and now Zionism is a manifestation of the growth of Jewish nationalism." It was a fact, he added, "that there is a Jewish State."

Calmly, and with dignity, Shcharansky told the court: "Five years ago, I submitted my application for exit to Israel. Now I am further than ever from my dream. It would seem to be cause for regret. But it's absolutely otherwise. I am happy. I am happy that I lived honestly, in peace with my conscience. I never compromised my soul, even under threat of death."

He ended his defense: "For more than 2,000 years Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, each year they have repeated, 'Next year in Jerusalem.' Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: 'Next year in Jerusalem!'; And I turn to you, the court, who are required to confirm a predetermined sentence: to you I have nothing to say."

Since Shcharansky's arrest, his friend and mentor Vladimir Slepak, the prisoners' champion Ida Nudel, the seminar leader Victor Brailovsky, and the Hebrew teacher Yosif Begun, have been among those Jews sentenced to long terms in prison, labour camp or exile for their part in the Jewish movement. Each one asserted, and continues to assert, the right of Soviet Jews to go to Israel, as well as their own personal desire to do so: Slepak to join his sister-in-law in Beersheba, Ida Nudel to join her sister in Rehovot, Brailovsky to join his father and his brother in Haifa.

Shcharansky and his fellow Prisoners of Zion know that they are not forgotten, that they are not alone; that their friends and relatives fight for them; that the Jewish world, with Israel at its core, cares for their fate and future, and awaits their return to their nation and their people. But the hardships of their punishment are real, and severe; their isolation is intense. Uncertainty is a cruel weapon used against them, and cruellest of all is the constant assertion of the Soviet authorities that they are alone, that nobody cares about them, that their western champions are silent.

During World War II, Martin Buber pleaded with the Jews of Palestine to practise a permanent grief, a daily alarm. For the Prisoners of Zion today, the plea is being answered by their many and devoted supporters. For Shcharansky, it is answered above all by Avital.

We here who see Avital Shcharansky's efforts on her husband's behalf can only marvel at the stamina and faith. He too, in his prison cell, knows of her struggle. A year ago, in a letter he was permitted to send her only after a four month hunger strike which greatly weakened him, he wrote: "What does my tireless traveller do now?

A shy and private person by nature, Avital drives herself to the verge of exhaustion, and is reluctant to rest, believing that each day's exertion may lead to her husband's release a day earlier.

Can Avital succeed in her quest? As she completes her most recent mission, in France, Britain, Holland and Sweden, she comment, "Maybe with this last push we can succeed."

Avital fights, as fight she must, for her husband. But hers is no selfish struggle, any more than his was. It's a spearhead of many struggles, a reflection of the needs of each of the 20 Prisoners of Zion, an inspiration to the many hundreds of divided families, to the 10,000 and more Soviet Jews still "in refusals and to a further 380,000 Soviet Jews who have sought, so far in vain, the initial invitation to Israel without which they cannot even ask to leave the Soviet Union.

SENATOR JOHN STENNIS

Mr. BOREN. Mr. President, during the Christmas recess, I was alarmed, like many other Members of the Senate, to learn that JOHN STENNIS had been hospitalized with a serious illness.

On January 23, when we all reassembled, it was a highlight of that day for me to see the senior Senator from Mississippi able to be at his duty station to answer the very first rollcall of the year.

I knew that he would be present if it was at all possible. The words "duty, honor and country" are not just the motto at West Point. They are descriptive of the principles to which JOHN STENNIS has devoted his entire life. There is no instance in the record of his public career when he has deviated from his steadfast determination to do his duty to his country and to deal honorably and kindly with all of those around him.

I have personally observed the quiet and strong exercise of his immense influence and have watched him turn the tide at very critical times in Senate debate. He has been a consistent supporter of adequate national strength and preparedness.

Above all, JOHN STENNIS has demonstrated that a person can occupy a high office for many years and remain in the truest sense a public servant and a gentleman. He has never lost a sense of humility and an understanding of the people. He is a person of unfailing kindness and courtesy. I once heard a fellow Senator describing a tough task as being as "impossible as getting off an elevator after JOHN STENNIS."

He is a person of total integrity. I have been told that the only time he ever asked someone to leave his office was because the person involved had urged Senator STENNIS to break his word and cast aside a commitment which he had made. Any Senator could have told the person that JOHN STENNIS would never do that.

Recently, as we left a meeting where JOHN STENNIS had spoken, another Senator said to me, "Observe him closely because there will never be in the future, another man like JOHN STENNIS in the Senate."

I know what he meant. JOHN STENNIS is a unique product of his own rich

experience. He has personally been a part of some of the greatest transitions in the South and in our Nation. He expresses himself in a unique and charming way. However, in a broader sense, I hope that there will be many who will follow the example that JOHN STENNIS continues to set for us. As long as our country maintains its greatness and the U.S. Senate remains an important part of its political process, men and women with the qualities of JOHN STENNIS will be needed.

Mr. President, all of us would say to JOHN STENNIS, "Thank you for the lessons which you teach us each day about integrity, careful judgment, quiet and unselfish courage, gentleness and kindness. We are glad that you are back with us, at your duty station where you are so badly needed."

ORDER TO RECEIVE AMENDMENTS TO S. 1765 DURING RECESS

Mr. BAKER. Mr. President, I conferred earlier today with the minority leader, who advised me that there is a caucus of his Members on this side of the aisle at this moment extending until 2 p.m. In a moment, I shall ask the Senate to recess until 2 p.m. Before I do so, under the rules, amendments may be filed to the bill only until 1 p.m. today in the event cloture is invoked tomorrow. Since we shall be in recess during that time, I ask unanimous consent that if we are in recess today past the hour of 1 p.m., notwithstanding that, it may be in order to receive amendments to qualify under the provisions of rule XXII to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 12:13 p.m., recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. WILSON).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

DEATH PENALTY

Mr. BAKER. Mr. President, if the managers of the bill are prepared to do so, I would yield the floor and inquire of the Chair if it will state the pending business.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. THURMOND. Mr. President, this bill provides a Federal procedure and criteria to meet the standards approved by the Supreme Court. Under the provisions of the bill, capital offenses are limited to treason, espionage, offenses resulting in the death of another person, and an attempt to assassinate the President that either injures the President or otherwise comes dangerously close to killing the President.

A prosecution for a capital offense would involve a two-stage trial. During the first stage, the jury or judge would consider only the issue of guilt and only evidence related to that issue would be admissible. Upon a finding of guilty of one of the specified capital offenses, if the Government has filed a pretrial notice of intent to seek the death penalty specifying the aggravating factors to be proved, the second stage of the trial would be entered and the jury would determine, pursuant to criteria set forth in the bill, whether or not the death penalty should be imposed.

The criteria, in essence, consists of statutory aggravating and mitigating circumstances for the jury or judge to use for guidance in the decisionmaking process with respect to the death penalty. The bill also contains a provision setting forth certain factors—much as race, color, or national origin of the defendant—that should not play a part in determining an appropriate sentence.

If the jury finds in the sentencing hearing that the death penalty is justified, the judge must impose the death penalty. If the jury fails to find the requisite aggravating criteria or, having found the existence of the aggravating criteria, determines that the record as a whole does not justify the death penalty, the judge must impose a sentence, other than death, authorized by law. If a sentence to life imprisonment is authorized and imposed, the court may specify that such term shall be served in full without parole.

The measure also provides for appellate review of a sentence of death with a priority over all other cases. The appellate court must affirm the sentence if it determines that the sentence was not imposed under the influence of passion, prejudice, or any other arbitrary factor and the information supports the special findings required to be made by the tried-of-fact. I recommend to my colleagues the committee report on S. 1765 (S. Rept. 98-251) on the specifics of the bill.

Mr. President, I would like to reiterate some observations I have made in the past concerning the reasons I support the death penalty for certain heinous Federal crimes as a matter of legislative policy. Capital punishment—the supreme penalty for crime—has several valid justifications.

First, this severe penalty is a way for society to express its sense of outrage for intolerable conduct threatening the very foundations of society. Wanton and cruel murder is such a crime. In my judgment, the society that demands death as a penalty for the most aggravated murders send a signal that innocent life is precious indeed and cannot be violated without like consequence to the killer. I remember the observation of the late Senator McClellan almost 10 years ago:

Mr. President, when all is said and done, when all the talking about deterrence and retribution and incapacitation is finished, what it all boils down to is whether it is ever 'just' to impose the death penalty. Can a man ever be found to have acted so viciously, so cruelly, so much like an animal as to justify society in imposing upon him the ultimate punishment? I firmly believe he can.

Mr. President, people who commit such crimes have forfeited their own right to life. Every legislator, prosecutor, and court in this land should make the clearest statement that such inhuman conduct must not and will not be tolerated and that the lives of those who choose to perpetrate such violence will be swiftly and certainly taken from them. No lesser penalty will suffice.

Second, Mr. President, I am convinced that the death penalty is a deterrent for the crimes for which it is consistently imposed. There are some empirical studies that suggest a significant deterrent value, but the evidence seems to really be inconclusive. I believe in deterrence as a matter of logic. As stated by the Supreme Court in Gregg against Georgia:

Although some of the studies suggest that the death penalty may not function as a significantly greater deterrent than lesser penalties, there is no convincing empirical evidence either supporting or refuting this view. We may nevertheless assume safely that there are murderers, such as those who act in passion, for whom the threat of death has little or no deterrent effect. But for many others, the death penalty undoubtedly is a significant deterrent. There are carefully contemplated murders, such as murder for hire, where the possible penalty of death may well enter into the cold calculus that precedes the decision to act. And there are some categories of murder, such as murder by a life prisoner, where other sanctions may not be adequate.

Third, Mr. President, the total removal of a person from society just to protect the public from his future behavior is an appropriate objective of the death penalty. In some cases, imprisonment is simply not a sufficient safeguard against the future actions of criminals. Some criminals are incorrigibly antisocial and will remain potentially dangerous to society for the rest of their lives. Mere imprisonment offers these people the possibility of

escape or, in some cases, release on parole. Even if they are successfully imprisoned for life, prison itself is an environment presenting dangers to guards, inmates, and others. In each of these cases, society is the victim. Basically, there is no satisfactory alternative sentence for these individuals. Life imprisonment without parole, although at first appearing to be a reasonable answer, is in reality highly unsatisfactory. Such a sentence greatly increases the danger to guards and to other prisoners who come into contact with those who have been so sentenced.

Finally, Mr. President, I want to emphasize an important point made by proponents and opponents of the death penalty—the taking of life is not simply different in magnitude from other coercive action against the person. It is different in kind. Murder is fundamentally different from all other offenses. So is the death penalty as punishment for such an offense. This is proper. In my judgment, the person who takes it upon himself to deprive the innocent and helpless of life—sometimes, Mr. President, in the most heinous and cruel manner—should in like manner forfeit his life. It is justice. And I am convinced it protects society from the violence of those who exploit and kill.

I hope the Senate will overwhelmingly endorse this long overdue measure.

Mr. HATCH. Mr. President, today, the Senate begins consideration of a long overdue measure to establish constitutional procedures for the imposition of the sentence of death for the most reprehensible Federal crimes. Except for a few substantive changes, and an effort to clarify and simplify the organization of the legislation, this bill is virtually identical substantively to S. 114 reported by the Senate Committee on the Judiciary in the 97th Congress on July 1, 1981 (See S. Rept. No. 97-143). The two important changes would first, authorize the judge when imposing a life term, in lieu of the death penalty, to provide that the sentence be served without parole; and second, permit consideration of nonstatutory aggravating factors, as well as nonstatutory mitigating factors, in deciding whether on the record as a whole the death penalty is justified in the case.

Mr. President, I submit that it is time for the U.S. Senate to consider the subject of the death penalty for the limited number of Federal crimes designated in this bill. Since 1972, when the U.S. Supreme Court in Furman against Georgia struck down Federal and State death penalty statutes that left to the unguided discretion of the jury or judge the determination of whether the death penalty should be imposed, American citizens have been left without the Federal protection that capital punishment can provide.

Murder in the United States today is hovering at an all-time high, having risen in two decades from approximately 8,700 homicides in 1969 to over 21,000 in the year 1982. Every day, we read newspaper stories describing violent criminal acts where someone is killed. Many of these killings are chilling in the cruelty and detachment with which the perpetrators tortune, maim, finally, extinguish innocent human life. We must do whatever we can to stop senseless murder. Our citizens deserve protection at every level of government—Federal, State, and local—from this scourge of violent crime.

Mr. President, it is important to note that the highly confusing Supreme Court decisions on capital punishment have not held the death penalty itself unconstitutional. The Court has held the penalty constitutional when under limited circumstances. Some 38 States have enacted legislation to try to satisfy the requirements set forth by the Supreme Court.

This bill provides a Federal procedure, as well as criteria to meet the standards approved by the Supreme Court. Under the provisions of the bill, capital offenses are limited to treason, espionage, offenses resulting in the death of another person, and an attempt to assassinate the President that either injuries the President or which fails only narrowly with regard to an attempt to kill the President.

A prosecution for a capital offense would involve a two-stage trial. During the first stage, the jury or judge would consider only the issue of guilt, and only evidence related to that issue would be admissible. Upon a finding of guilty of one of the specified capital offenses, if the Government has filed a pretrial notice of intent to seek the death penalty specifying the aggravating factors to be proved, the second stage of the trial would be entered and the jury would determine, pursuant to criteria set forth in the bill, whether or not the death penalty should be imposed.

The criteria, in essence, consists of statutory aggravating and mitigating circumstances for the jury or judge to use for guidance in the decisionmaking process with respect to the death penalty. The bill also contains a provision setting forth certain factors—such as race, color, or national origin of the defendant—that are not to play a part in determining an appropriate sentence.

In a prosecution for treason or espionage, the jury must find by a unanimous vote that at least one of the statutory aggravating factors applicable to these offenses exists, although it is unnecessary that there be a unanimous vote on any specific aggravating factor if a majority of the jury finds the existence of such a specific factor. If it does so, it must then by unanimous vote determine, in light of all the information presented—including nonstatutory mitigating and aggravating factors presented by the parties—whether the death penalty is justified.

On the other hand, for homicide and related offenses, the jury must first agree that the culpable involvement of the defendant in the offense was substantial under criteria set forth in the bill, or, in an attempt to kill the President, that the President was actually injured or dangerously close to being killed. I refer those who are interested to sections 3591 (b) and (c). Once the threshold finding is made, the jury must unanimously agree that at least one of the other aggravating factors specified in section 3592(c) exists, although it is unnecessary that there be a unanimous vote on any specific aggravating factor if a majority of the jury finds the existence of such a specific factor. If the jury findings meets this requirement, the jury must then determine, in light of all the information presented—including consideration of nonstatutory mitigating and aggravating factors presented by the parties—whether the death penalty is justified.

If the jury finds in the sentencing hearing that the death penalty is justified, the judge must impose the death penalty. If the jury fails to find the requisite aggravating criteria or, having found the existence of the aggravating criteria, determines that the record as a whole does not justify the death penalty, the judge must impose a sentence, other than death, authorized by law. If a sentence to life imprisonment is authorized and imposed, the court may specify that such term shall be served in full without parole.

The measure also provides for appellate review of a sentence of death with a priority over all other cases. The appellate court must affirm the sentence if it determines that the sentence was not imposed under the influence of passion, prejudice, or any other arbitrary factor and the information supports the special findings required to be made by the trier-of-fact.

Mr. President, I believe I have said enough to make my point or the points that need to be made with regard to this bill. I would only observe further that general and specific objections have been made to provisions of prior versions of this bill in the course of their consideration. I believe the committee report and supporting testimony in the hearings have adequately dealt with those concerns without my repeating prior arguments. Suffice it to say that the Senate has before it again a long overdue measure carefully drafted to meet constitutional muster under all of the Supreme Court decisions. I personally

hope we will promptly pass this measure.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest that all Senators who wish to be heard on this issue today come over to the floor and express themselves, because this is a very important issue and there is a lot of controversy concerning it.

In that regard, let me offer one more general thought on the controversy over the proposed restoration of the death penalty. In debating this issue, we hear a great deal of contradictory evidence on the deterrent value of capital punishment. Although I believe that there is compelling evidence in support of the proposition that capital punishment does have a substantial deterrent effect—particularly that offered by Prof. Isaac Ehrlich of the University of Chicago—this, in my view, is not ultimately the most compelling argument in support of capital punishment.

Ironically, it is only through the application of this sanction that civilized society is able to express the deep reverence that it places upon innocent human life. Although some may find it ironic, it is only through application of the most severe sanction that society has available that it is able to express its revulsion and repugnance toward those who would wrongfully deny innocent persons their life.

Some would characterize this as the "retribution" function of the criminal justice system. This is a legitimate function of the criminal justice system in my opinion. It is through such retribution that society expresses its outrage toward those who undermine the foundations of civilized society by contravening its most fundamental laws. The employment of the capital penalty reflects the fact that murderous criminals have not simply inflicted injury upon individual victims and their families and friends; they have further weakened the bonds, often tenuous ones, that hold communities together.

The retributive function of punishment was discussed recently by Dr. Walter Berns:

> We in the United States have always recognized the legitimacy of retribution. We have schedules of punishment in every criminal code according to which punishments are designed to fit the crime and not simply to fit what social science tells us about deterrence and rehabilitation: the worse the crime, the more severe the punishment. Justice requires criminals (as well as the rest of us) to get what they (and we) deserve and what criminals deserve depends on what they have done to us.

Similarly, Justice Holmes has written in "The Common Law":

> The first requirement of a sound body of law is that it should correspond with the actual feelings and demands of the community, whether right or wrong.

It is my view and I believe the view of the great majority of the American people that these feelings rightly and justly warrant the imposition of capital punishment under some circumstances.

In considering the bill before us, I was moved to consider the compelling words of a former colleague of ours, Senator JOHN MCCLELLAN, who remarked in a debate on a similar measure nearly 10 years ago:

> What other punishment is "just" for a man, found to be sane, who would stab, strangle, and mutilate eight student nurses?
>
> What other punishment is "just" for men who would invade the home of members of a rival religious sect and shoot to death men, women, and children, after forcing a mother to watch as her three young children were drowned before her eyes?
>
> What other punishment is "just" for a band of social misfits who would invade the homes of people they had never even met and stab and hack to death a woman eight and a half months pregnant and her guests?

To give merely one example from my own State: What other punishment is "just" for a gang of drug addicts who would invade a HI-FI store, corral up the employees and customers, puncture the eardrums of several with sharp instruments, force others to drink containers of acid, and coldbloodedly murder three innocent individuals? What other punishment is just for such individuals?

I do not apologize in the least for the deep feelings of emotion I have about these heinous crimes. I do not think that the American people should feel apologetic about their own emotional responses. It is when our society loses its sense of revulsion and anger about these offenses that I fear for our society. What other conceivable punishment is there in a compassionate society for a criminal who rapes and sodomizes and tortures a Stephanie Roper before brutally murdering her? There is no other conceivable punishment, in my view. Is it not time that those people who favor capital punishment take the offensive and regain their rightful claim to the position of respect for the value of human life?

Our society ought to be emotional about those who would transgress its deepest values, and violate its strongest bonds. In my view, it is because the criminal justice system in this country has increasingly divorced itself from the feelings of the citizenry—legitimate and compassionate and human feelings—that our criminal justice system is in the undisputed mess that it is today. It is long past the time that the people recover their criminal justice system from the control and domination of the "progressive" sociologists, the so-called civil liberties lawyers, and those who would endlessly call for rehabilitation no matter what the evidence and what the crime.

That persons who take the lives of others wrongfully ought to be subject to the most exteme criminal sanction reflects a social consensus that places great sanctity on the value of human life. It is a consensus that holds that individual offenders are responsible and accountable human beings, having it within themselves to conduct themselves in a civilized manner. It is also a consensus that holds that there is no crime more heinous than the deprivation of an innocent person's life.

Murder does not simply differ in magnitude from extortion or property destruction; it differs in kind as well. Its punishment ought to also differ in kind. Its sanction must acknowledge the inviolability and dignity of innocent human life. It must, in short, be proportionate. Those who support capital punishment have concluded that there is no other sanction that is "proportionate" to the crime of murder.

Let me again quote from Dr. Berns who is so eloquent on this subject.

> We think that some criminals must be made to pay for their crime with their lives and we think that we, the survivors of the world they violated, may legitimately extract that payment because we, too, are their victims. By punishing them we demonstrate that there are laws that bind men across generations as well as across (and within) nations, that we are not simply isolated individuals each pursuing his selfish interest.

Mr. President, let me conclude my statement by quoting from a letter than I received about 1½ years ago from a Jeffrey Clemans of Lawndale, Calif. Mr. Clemans writes:

> I figure when a 16-year-old girl can't walk from church to grandmother's house without being intercepted, immobilized, and tortured to death; then its time for me to write a few letters.

Mr. Clemans was referring to what I am afraid was a fairly routine homicide that had taken place in California and claimed the life of 16-year-old Shirley Lynette Ledford and a girl friend. The letter from Mr. Clemans continued:

> I wonder what raced through those girls' mind as their elbows and other joints were being smashed with a sledgehammer, as their flesh was being torn with pliers, as icepicks were about to be driven into their heads, as coathangers were tightened with pliers around their necks? I wonder what their last thoughts were on "the nation's number one problem" the economy. What were their last thoughts about men, about their parents for conceiving them on this planet? What were their final thoughts about the likelihood of a God in heaven?

Mr. Clemans concluded:

Do you think that there was a point during their ordeal that these children conceded their death? Did their screams for mercy change from "please don't do this to me" to "please finish me off"? Isn't it incredible to think that their actual rape was anticlimactic and that the most merciful think their captors did was to finally let them die?

I think Mr. Clemans is pretty eloquent in his letter to me.

Which side in the debate over capital punishment is demonstrating its respect for the sanctity of human life—Shirley Ledford's life? Is it those who would avenge her torture and killing? Is it those who would make clear society's revulsion toward this action by responding to it in the only proportionate way possible? Or is it those who would slap her murderer on the wrist, give him 10 to 20, promote his "rehabilitation," have him out on parole after he has been a model prisoner for 8 years, and allow him to enjoy the fruits of life—even those available to jailed criminals—which he so wantonly denied to Shirley Ledford?

Mr. President, I strongly urge the adoption of this measure as a first step by the Congress in reversing the tragically misguided criminal justice policy set in motion by the Supreme Court in its Furman and subsequent decisions. It is a first step toward enabling the American people to recapture its system of criminal justice.

I for one think it is a step long overdue and that this will resolve this matter in a procedural manner. I believe that the people of this country feel very strongly about these types of murders, about these types of activities, and very strongly that society is concerned about it. And I think it is time to be concerned about the victims of criminal conduct, maybe even as much as those who perpetrate criminal conduct.

Mr. President, I yield to the distinguished Senator from Michigan.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Michigan.

Mr. LEVIN. Mr. President, I rise in opposition to the bill to reinstate capital punishment for a number of Federal offenses, not because I or any of the other opponents of capital punishment are less sickened by acts of violence than those who propose and support capital punishment as a solution. As a matter of fact, I think those of us who oppose capital punishment are at a minimum equally sickened by the horrors and the brutalities which exist in this society.

The issue is not whether those acts exist. They do. In disgraceful and disgusting and repeated numbers.

The question which has to be addressed is whether or not capital punishment will deter those acts, and also whether or not the possibility of mistake in this criminal justice system and any other criminal justice system, which is operated by human beings, is subject to error.

Mr. President, I want to recount for our colleagues one of the cases with which I am familiar, which is very similar in its horrors to the one which has just been described by the floor manager of the bill.

I would like to read from a newspaper article about this murder because it is similar to the incidents which Senator HATCH has just described.

This was a murder which took place in New Mexico, and the victim, whose name was Velten was found partially clad by two crow hunters in an arroyo just east of Albuquerque on February 13, 1974. His body had been there for days. He had been slashed repeatedly with a knife. He had been shot with a .22 four times in the head and once in the neck. A State pathologist told the detectives the autopsy showed Velten had been sodomized, that he was a long-time practicing homosexual and that the cuts had been made with a heated knife.

Another pathologist attending a convention in Dallas told the authorities by phone to look for a gang of roving homosexuals and he recalled two cases in which a gang added to its thrill by forcing a woman to witness the mutilation.

The prosecution in this case in New Mexico found that woman witness, and she told of being taken into a room that night and having her head held close while members of the Vagos motorcycle gang, the defendants, mutilated the victim. She told of being raped herself and being slashed under both breasts with a knife that they had pulled from the flames of the room's gas heater. She told of witnessing the sodomy, the shooting, and of being blindfolded and taken in the van to the arroyo where Velten's body was dumped.

I am going to read a little further from that article later, but I think I have read enough, I hope, to give us the flavor of a brutal, horrible, sick murder that occurred in New Mexico not too many years ago.

It is a case with which I am personally familiar because the men convicted of that crime who were on death row were from Michigan. They were motorcyclists who were specifically identified by this woman witness whose testimony I have summarized. They were pointed out in court as being the ones who were responsible for these horrible mutilated deaths which I have described.

Anybody who was at that trial, or anybody who reads about this incident, who is not sickened is not normal or not human, as far as I am concerned. The same is true for the incidents which have been related to us by my friend Senator HATCH.

The problem is, in this case that the woman was wrong. Let me repeat that. It goes to the heart of the criminal justice system and one of the problems of capital punishment. The problem in this case that I have read about is that the woman was wrong. She erred, she perjured herself, she lied.

A number of Michigan men who were motorcyclists, by the way, were on death row for a long time awaiting their execution when a number of newspaper reporters from my home State got interested in the case and they dug, and they dug, and they dug. Because these defendants had not yet been executed and were still alive, and there was something to save and correct, years later these newspaper reporters dug up the truth. The truth was that a totally different set of motorcyclists, totally unrelated to these defendants from Michigan, were the perpetrators or at least were later found guilty of the same murder. The truth is that the woman, who so clearly and forcefully pointed out the first set of defendants, put them on death row and would have had them executed, perjured herself.

These are not isolated instances in a criminal justice system based on human beings, based on the kind of passions which exist in our society. I have represented a man who spent over 30 years in prison in the State of Michigan in a capital case who was completely and totally innocent of the murder for which he was found guilty.

His name was Charles Clark. He spent over 30 years of his life in a prison in Michigan for a crime he did not commit, was nowhere near, had no involvement in, knew nothing about. It was only because we had an investigator in our office who could find the witness who testified against him 30 years later, who would say, very innocently, "Well, my Heavens, I picked him out because the detective told me he was the one who killed my father. I did not know who it was when I said it was him. The detective told me it was him."

That is why he was convicted of first-degree murder. If Michigan had the death penalty he would not have been around to save 30 years later. He was so determined to prove himself innocent, may I say to my friend, that he refused two commutations of his sentence by two different Governors of Michigan because he was determined to walk out of that prison a free man without the cloud of guilt about him. And he finally did.

So I personally have represented a man in a capital case who was convicted by error, and there are many of them throughout history.

They are tough to prove after they are executed. It is tough to prove that Sacco and Vanzetti did not commit the murders for which they were convicted. But the Governor of Massachusetts said, "Let us have a Sacco-Van-

zetti Day," and there is now a Sacco-Vanzetti Day in Massachusetts, to commemorate two people that the Governor of Massachusetts said were executed because of the inflamed prejudice at the time.

I can read case after case of horrors that exist in this society. I have represented people who have committed such acts.

That is not hard. It really is not very hard. I can read case after case of brutality and sodomy, and I would think that this Chamber's passions would be inflamed just the way the jury was in New Mexico.

The problem is that you cannot cure your mistakes when you put people to death, and we make mistakes. We may not make them every day and they are not pristine clear sometimes. Sometimes they involve, was the person really insane or crazy? Let me tell you, it is plenty tough to dig up evidence after a person has been executed. In fact, it is almost impossible because the reason to do it is gone. It becomes now saving a name. It then becomes the children, the grandchildren, the great grandchildren, of somebody they feel was innocently convicted and executed. You have to try, try to preserve a name.

I do not have any tears or sympathy, frankly, for the perpetrators of crime. None whatsoever. I have as much desire to deter crime as any Senator in this room. I have had as much personal experience with it and I know what it means. I come from a city that is riven with it, riven with murder. I know what crime means in a society. Those of us who oppose the death penalty are as much opposed to the violent acts which are perpetrated in this society as those who support the measure.

That is not the issue. The issue is not whether you or I, or those who oppose or propose the death penalty, are more or less disgusted or determined to deter. The issue is whether the death penalty deters, and whether or not, in a system which is based on human beings, we can safely execute when we know we make mistakes. I am going to read of some of those mistakes, and I will put mistakes in the RECORD, in capital cases. I will take some time doing this, because I think the matter is worthy of it. I think those who are for the death penalty, as well as those who are opposed to it, agree that this subject is worthy of debate. So I will put some cases into the RECORD where mistakes have been made in capital cases, to show that it is indeed possible.

We will also put some evidence into the RECORD that capital punishment does not deter; that, as a matter of fact, the States that have capital punishment have twice as high a murder rate as the States that do not. Think about it. The States that have capital punishment have twice the murder rate of those that do not.

I know that my friend is on his feet, and I am happy to yield for a question, without yielding my right to the floor.

Mr. HATCH. I thank my colleague for yielding.

I find absolutely no fault with what the distinguished Senator has found. Where there is injustice in the criminal justice system, there is no question that all of us lose. There is no question that there are isolated cases in which people have been falsely accused, and falsely convicted, and where people have been wrongfully put to death. I do not think there is any question about that.

On the other hand, is the Senator arguing that because of these isolated cases which do arise, which have to concern any reasonable human being, there is no validity in having a capital punishment law for any reason beyond this day; that, therefore, we should just have incarceration as the major deterrent or the major punishment to resolve some of these heinous crimes? This bill would provide life sentences that stick for life, without parole.

Is that what the Senator is saying: that regardless of how many heinous murders are committed in this country, where they know who did it, where there is not the slightest shred of proof otherwise, where there is not the slightest doubt in the minds of people, where the murder is offensive, vicious, and brutal, there should be no ultimate sanction or punishment for those people?

Mr. LEVIN. I am going to be giving cases where there was absolutely no doubt that the defendant was guilty. As a matter of fact, in any case of conviction, they must believe beyond a reasonable doubt that the defendant is guilty. That is the jury's sworn oath.

I will cite cases in which the defendant confessed and was not guilty and had nothing to do with it. I will give cases where the person who confessed had absolutely nothing to do with the crime.

There are a number of reasons to oppose capital punishment. One is that we cannot cure our mistakes, and we make them. We do not know whether it is 1 in 100 or 1 in 1,000, and it is hard to define mistake absolutely. But we do make mistakes.

Second, capital punishment does not deter. Most studies show that you cannot prove deterrence by having capital punishment. The statistics show me quite the opposite, and I will repeat that, because to me it is a startling statement. States that have capital punishment have twice the murder rate of those States that do not have capital punishment.

Third, many of us have a moral revulsion to the State taking human life. Particularly in the religious community there is a deepseated revulsion to capital punishment. That is a third reason why many of us oppose capital punishment.

In this regard, I should like to read for my friend a letter which was received from many religious organizations which I will identify. The religious community in America is almost unanimous in its opposition to capital punishment. In November of 1983, a letter from the religious leadership was delivered to each of us, in opposition to reinstituting capital punishment at the Federal level. This letter reads as follows:

As representatives of national religious organizations we appeal to you to oppose S. 1765, a bill to reinstate the death penalty, which may come before the Senate in the near future. We oppose any legislation which sanctions the use of capital punishment.

We believe in the sanctity of human life. The taking of human life, whether it be an independent criminal act or sanctioned by the state, is inhumane. Our religious convictions lead us to the belief that each individual has worth and dignity.

We recognize that government has the responsibility to protect its citizens. Such responsibilities are necessary and should be carried through in a positive manner that leads to a safe, equitable, and just society. Our work brings us into touch with the deepest dimensions of the lives of both the victims and the perpetrators of violent crimes in our communities. We have witnessed the tragedy brought into the lives of victims of violent crime and also in the lives of those who commit such crimes. We believe that the death penalty fails to achieve the goal of protecting society and in fact perpetuates this tragic cycle of vengeance and violence.

The death penalty is irreversible and does not represent an effective law enforcement measure. By its very nature, the death penalty undermines our inherent respect for human life and eliminates any possibility of reform or of real restitution to society. Due process protections or jury attempts to weigh various mitigating and aggravating factors cannot provide an adequate safeguard against mistaken verdicts. The taking of human life is far too serious an act to contemplate when there is any possibility of error.

The United States is the only nation in North America with an active death penalty. Furthermore, virtually all countries in western Europe have abolished this ultimate punishment.

I should like to read that again, because my friend made reference to what the civilized societies do to express their revulsion. So I will repeat that line from this letter, because there are plenty of civilized societies—indeed, the majority in Western Europe—that have abolished capital punishment. That sentence reads:

Furthermore, virtually all countries in western Europe have abolished this ultimate punishment. We believe that the United States should follow the example of western Europe, for this would be a move toward greater humaneness and compassion. Such an initiative would be an effective testimony to those nations which trag-

ically take unto themselves the right to execute their own citizens.

Passage of the bill may involve praise from many citizens but it would represent only a hollow victory. Enactment of the death penalty would not accomplish our goal of finding a solution to the real problems of crime and violence. We urge you to oppose the death penalty and instead seek alternatives which respect the sacredness of human life.

That letter was written to every Member of the Senate. Perhaps the most pointed sentence in it, and I think it contains a lot of extremely important sentences, is this:

We believe the death penalty fails to achieve the goal of protecting society and in fact perpetuates this tragic cycle of vengeance and violence.

We should listen very carefully, when we are talking about moral revulsion, to who signed this letter. This letter represents almost a consensus in the national religious organizations against capital punishment. I think there is a real embodiment of a moral spirit in those organizations. Here are the organizations that are represented by these signatories: the National Council of Churches, the National Council of Catholic Charities, the Union of American Hebrew Congregations, the National Office of Jesuit Social Ministries, the United Church of Christ, the Washington Ethical Action Office, the United Methodist Church, the Mennonite Central Committee, the Lutheran Church in America, the American Jewish Committee, the Presbyterian Church, the Church of the Brethren, the Episcopal Church, the National Assembly of Religious Women, Clergy and Laity Concerned, Friends Committee on National Legislation, the American Jewish Congress, the Unitarian Universalist Association, Network, the American Baptist Churches, the Synagogue Council of America.

Mr. President, I ask unanimous consent that the letter that was addressed to each Senator be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST IN THE U.S.A.,
The Washington Office, Washington, D.C.

DEAR SENATOR: As representatives of national religous organizations we appeal to you to oppose S 1765, a bill to reinstate the death penalty, which may come before the Senate in the near future. We oppose any legislation which sanctions the use of capital punishment.

We believe in the sanctity of human life. The taking of human life, whether it be an independent criminal act or sanctioned by the state, is inhumane. Our religious convictions lead us to the belief that each individual has worth and dignity.

We recognize that government has the responsibility to protect its citizens. Such responsibilities are necessary and should be carried through in a positive manner that leads to a safe, equitable, and just society. Our work brings us into touch with the deepest dimensions of the lives of both the victims and the perpetrators of violent crimes in our communities. We have witnessed the tragedy brought into the lives of victims of violent crime and also in the lives of those who commit such crimes. We believe that the death penalty fails to achieve the goal of protecting society and in fact perpetuates this tragic cycle of vengeance and violence.

The death penalty is irreversible and does not represent an effective law enforcement measure. By its very nature, the death penalty undermines our inherent respect for human life and eliminates any possibility of reform or of real restitution to society. Due process protections or jury attempts to weigh various mitigating and aggravating factors cannot provide an adequate safeguard against mistaken verdicts. The taking of human life is far too serious an act to contemplate when there is any possibility of error.

The United States is the only nation in North America with an active death penalty. Furthermore, virtually all countries in western Europe have abolished this ultimate punishment. We believe that the United States should follow the example of western Europe, for this would be a move toward greater humaneness and compassion. Such an initiative would be an effective testimony to those nations which tragically take unto themselves the right to execute their own citizens.

Passage of the bill may invoke praise from many citizens but it would represent only a hollow victory. Enactment of the death penalty would not accomplish our goal of finding a solution to the real problems of crime and violence. We urge you to oppose the death penalty and instead seek alternatives which respect the sacredness of human life.

Thank you for your consideration of our views.

Sincerely,

James A. Hamilton, *Director, Washington Office, National Council of Churches;* Rev. Thomas J. Harvey, *Executive Director, National Council of Catholic Charities;* William L. Weiler, *Director, Washington Office, Episcopal Church;* Sister Roseann Mazzeo, *President, National Assembly of Women Religious,* John Collins, *Co-Director, Clergy and Laity Concerned;* Mary Jane Patterson, *Director, Washington Office, Presbyterian Church (U.S.A.);* Ruth Flower, *Legislative Secretary, Friends Committee on National Legislation;* Marc ——, Washington Rep, *American Jewish Congress;* Robert Alpern, *Director, Washington Office, Unitarian Universalist Association of Churches;* Joyce V. Hamilin, *Executive Secretary for Public Policy, Women's Division, United Methodist Church;* Nancy Sylvester, *National Coordinator, Network;* Robert C. Campbell, *General Secretary, American Baptist Churches;* Mordein Waxman, *President, Synagogue Council of America;* Rabbi David Saperstein, *Co-Director and Counsel, Union of American Hebrew Congregations, Religious Action Center;* Gasper LoBiondo, S.J., *Director, National Office of Jesuit Social Ministries;* Avery D. Post, *President, United Church of Christ;* Raymond Nathan, *Director, Washington Ethical Action Office;* Haviland C. Houston, *General Secretary, General Board of Church and Society, The United Methodist Church;* John K. Stoner, *Executive Secretary, U.S. Peace Section, Mennonite Central Committee;* Rev. Paul L. Brndjar, *Director, Church and Society, Lutheran Church in America;* Hyman Bookbinder, *Washington Representative, American Jewish Committee;* George Chauncey, *Director, Washington Office, General Assembly Mission Board, Presbyterian Church (U.S.A.);* Robert Neff, *General Secretary of the General Board, Church of the Brethren.*

Mr. LEVIN. Mr. President, as I indicated, I oppose this bill to reinstitute capital punishment, for a number of reasons.

The first reason that I have cited is that our system of justice is not foolproof. Human error can lead to irreparable mistakes. Based on my personal experiences as a defense lawyer and as head of the appellate section of the defender's office in Detroit, I know that mistakes happen frequently and that they happen in capital cases. I also know that it is difficult, if not impossible, to prove that a miscarriage of justice has occurred after someone has been executed.

During the debate on this effort to reestablish the death penalty, I will be citing a number of cases where innocent people have been convicted of capital crimes. An examination of these cases shows that it often takes years before it can be proven that a person has been a victim of a miscarriage of justice.

Mr. President, a judicial system which depends on human beings can cause human errors. One such error occurred in my own experience in my own State of Michigan. In 1967, a client of mine named Charles Clark walked out of prison a free man, after having spent 30 years in prison for a crime he never committed. Michigan was the first State to abolish the death penalty for murder, which was fortunate for Mr. Clark. In 1937, he was found guilty of shooting and killing a store owner during a robbery. At his trial, Mr. Clark was positively identified by the daughter of the dead man and that identification overcame his own defense that he was innocent.

Long after the verdict was rendered and the appeals process had run its course, Charles Clark continued to fight to prove his innocence. Indeed, he was so insistent on establishing his innocence that he declined offers by a number of Governors to commute his sentence because he believed that acceptance of commutation would have been at least a tacit admission of guilt.

When Charles Clark's case was assigned to me as a member of the public defender's office, I was intrigued by his adamant insistence on his innocence. I pored over the trial transcript and gradually became convinced that there was at least the possibility that Clark was telling the

truth. I asked an investigator assigned to our office to try and track down the daughter of the store owner—the only eyewitness to the crime. She was a young, impressionable girl at the time of the trial. When she was asked in the courtroom, "Are you sure that Charles Clark was the man who stood behind you?" She answered, "I am." When asked again, "Are you positive that he had a gun in his hand?" She answered, "I am." That testimony and that testimony alone was what convicted Charles Clark.

Amazingly enough, 30 years after the trial, our investigator was able to find the witness who identified Charles Clark and she readily agreed to discuss the case with him. In those discussions it soon became clear that she had never really seen her father's killer. In an affidavit she subsequently filed with the court, she readily acknowledged that her identification of Charles Clark as the killer resulted from a detective telling her that Charles Clark had killed her father. She did not have any personal recollection of Charles Clark when she identified him in court.

Based on the affidavit, Charles Clark was found to be innocent of the crime and released from prison. His story is tragic because he spent 30 years behind bars for something he did not do. But—and this can only give us cold comfort—at least he was able to walk out of that prison alive and free. If there had been a death penalty statute in effect in Michigan when Charles Clark was convicted of murder, he might have been sentenced to death and executed for a crime he never committed. His innocence could never have been established.

All of us, I suspect, are victims of our own experiences. My experience with Charles Clark and my research into other cases like his, has convinced me that the possibility of error in capital cases is real.

Another case that I am personally familiar with involved a number of Michigan men who were convicted of a horribly gruesome murder in New Mexico. These four men were convicted of murdering a man in New Mexico and were sent to death row, where they spent over 2 years before being completely exonerated of the crime. Three reporters from the Detroit News decided to get involved in the case after the girl friend of one of the men contacted the newspaper. These investigators struggled for 14 months while the Michigan men were on death row to get to the real facts of the case. The reporters tracked down the prosecution's principal witness, who recanted her story and admitted that it was the result of prosecutorial pressure to find someone to put behind bars.

Mr. President, I would like to take this opportunity to read an article from the Detroit News magazine which describes this error of justice in detail:

[From the Detroit News, Jan. 11, 1976]

THE INSIDE STORY OF HOW THE NEWS FREED FOUR FROM DEATH ROW

On Friday, Feb. 8, 1974, Thomas V. Gladish, a prospect for membership in the Los Angeles area Vagos Motorcycle Club, was ready to crash after 72 hours of gobbling amphetamines to keep his eyes open.

Running errands for the Vagos helped keep him awake. So did ripping off a rival motorcyclist's pad of stove, ice box and other items.

His accomplice was Ronald B. Keine, known as "Grub."

There was more to this day. While Gladish and Keine were running around suburban Los Angeles, fellow cyclist Clarence Smith Jr. ("Sandman") roughed up a rival clubman who trespassed into Vagos "territory."

Then he got drunk, shot at some stray dogs and was fined $5 for missing the Vagos club meeting that night.

Also stoned and useless from too much booze and pills was Arthur Ray Smith (the "Monterey Flash" because he moves so slowly). But Arthur (no relation to Clarence Smith) was at least physically present at the meeting.

Friend Richard Wayne Greer ("Doc") was more practically engaged. He spent that day borrowing a Dodge van and stocking it for a trip to Detroit.

If the day had not been so wildly typical, the Vagos might have been able to prove five months later that they truly spent it in suburban Los Angeles.

Instead, a Bernalillo County, N.M., jury chose to believe they murdered 26-year-old William B. Velten a $6-a-night Albuquerque motel room more than 800 miles away.

All but Arthur Smith—who prosecution "eyewitness" Judy Weyer simply forgot to implicate—were convicted of first degree murder, kidnapping, sodomy and rape and sent to death row to await the gas chamber.

Ever since Marlon Brando starred in "The Wild One," people have cherished and feared the image of a Hell's Angels-style horde of two-wheeled gangsters roaring out of a nightmare to terrorize some hapless town.

This was evident on June 5, 1974, when District Judge William F. Riordan ordered the county sheriff to take the bikers to the state prison outside Santa Fe where they were to be led into the dull green gas chamber on Aug. 1.

Aging Sheriff Lester Hay—since retired by the Albuquerque-Bernalillo County voters—passed out shotguns and ammunition to his wind-blown, sunburned troops.

Playing up his role in solving New Mexico's "crime of the decade," he had pledged to defend this town of a quarter-million against a band of "California marauders" who he warned might be just over the rise and riding hard to free their murderous companions.

Such was the atmosphere surrounding the investigation, the trial, and, now, the transfer of prisoners.

Hay's deputies shuffled nervously from foot to foot, checking and rechecking their weapons.

The bikers, strung together in leg irons, wondered whether they would even make it to death row.

One of their defense attorneys wandered in and was struck by a "paranoid feeling" his clients were being set up for a fatal escape try.

He confronted Hay. They stared at each other. Then Hay turned to the deputies and said: "I don't want no gunplay, boys," the attorney recalled.

The deputies relaxed.

The marauders never came.

Clarence Smith, Greer, Gladish and Keine began 18 months inside death row's small basement cells. A routine appeal had postponed the execution date.

In early November, 1974, Rose M. Bucca of Warren wrote a letter to the Detroit News addressed to the feature editor, William W. Lutz. It began: "To whom it may appeal to. . . ."

She said her "ole man" (her boyfriend) and his "brothers" had been framed for a particularly brutal homosexual mutilation murder on the testimony of a woman whose early statements to the police become increasing elaborate as authorities uncovered "new" facts.

Albuquerque was a town, she wrote, where the populus lined courtroom corridors to catch a glimpse of "those animals." The defendants were doubly damned, portrayed both as outlaw motorcyclists and from California, a state whose reputation for harboring dangerous kooks is widespread in America.

She wrote that both Smiths, Greer and Keine originally were from Michigan and had friends and relatives in the Detroit area. Even Velten, the victim, was born in Grand Rapids and had lived in Detroit before moving west.

"How can a whole state sit by and watch as four innocent men go to the gas chamber?" she pleaded.

Lutz referred the letter to Boyd Simmons, assistant managing editor (now retired), who headed The News' "Secret Witness" program which has solved 40 murders.

Simmons called on reporters Douglas Glazier, a veteran of more than two decades of crime reporting, and Stephen Cain, who also had worked numerous homicide investigations.

Any major newspaper, during the course of a year, gets scores of letters from inmates who claim they were framed. Most are transparent lies. Simmons decided this one bore investigating.

Simmons, supported by Burt Stoddard (now News managing editor), wrote and asked the Albuquerque newspapers to send The News clippings about the investigation and trial. These were studied. Phone calls to a dozen figures in the case produced more questions than answers.

The bikers, using borrowed and stolen credit cards, had left a trail of dated gasoline purchase slips from California to Oklahoma. The slips appeared to be powerful alibi evidence.

To account for the dates, District Attorney James Brandenburg argued that the bikers had killed Velton in Albuquerque, dumped the body east of town, doubled back west into Arizona, and then retraced their original route through Albuquerque, past the body, and on east toward Detroit.

It was theoretically possible, but lawyers often refer to stories like this as "inherently incredible."

Reporters Cain and Glazier asked New Mexicans about Brandenburg himself. "He's going to be governor," came the almost universal reply.

Described as a superb trial lawyer, he was articulate, intelligent, urbane, wealthy, ambitious and had the kind of rugged western

good looks enhanced by a blue suit and new Stetson hat.

An election was coming up, and here was the most sensational criminal case in local memory.

Brandenburg turned over the actual conduct of the case to an aggressive young assistant, Brian M. Gross, who had handled no more than six or eight felony trials.

Yet, by making the closing argument to the jury, Brandenburg was close enough to claim credit but distant enough to remain unblemished if the case soured.

The News team at first suspected that the bikers killed Velten but that the authorities had sanitized the evidence to gain a conviction.

A single Sunday story was planned.

Glazier flew to Albuquerque to talk to the defense attorney, the sheriff's and district attorney's investigators, read the trial transcript and view whatever original police reports were available.

Cain flew to Los Angeles to check the background of the Vagos, interview exdefendant Arthur Smith and Alan Well, the cycle club's attorney.

One story turned into 100.

To the News team, it increasingly became apparent that the sheriff's detectives had put together the case through a series of inspired guesses.

Velten's partially clad body was found by two crow hunters in the Tijeras Canyon arroyo just east of Albuquerque on Feb. 13, 1974. It had been there for days.

He had been slashed repeatedly with a knife. His penis had been severed and placed in his mouth, and he had been shot with a .22 four times in the head and once in the neck.

A state pathologist told the detectives the autopsy showed Velten had been sodomized, that he was a longtime practicing homosexual and that the cuts had been made with a heated knife.

Another pathologist, attending a convention in Dallas, told the authorities by phone to look for a gang of roving homosexuals. He recalled two cases in which such a gang added to its thrill by forcing a woman to witness the multilation.

Someone suggest motorcyclists.

The case was getting nowhere. Then late in February, Sheriff's Chief of Detectives Santos Baca recalled hearing a Feb. 9 radio message from Tucumcari, N.M., to be on the lookout for a van with California plates. The five occupants were wanted for the supported armed robbery of two hippie hitchhikers. He figured the van would have passed through Albuquerque about the time of Velten's death.

Baca learned the Californians had been arrested outside Oklahoma City during the early morning hours of Feb. 10. They carried hunting knives and a pair of 22's. And meeting the pathologist's prediction," they were cyclists.

The knives bore no evidence, and neither of the 22's matched the bullets taken from Velten. Still the bikers were the only game in town.

If the five out-of-town bikers did it, the police reasoned that they had to establish how the suspects met the victim. If Velten was homosexual, a gay bar seemed a likely place.

Sheriff's Detectives Gil Candalaria and Robert Tena showed pictures of Velten and the bikers at several known gay bars without result.

But in the process they visited a cheap motel which catered to gay patrons and stumbled across a part-time maid, Mrs. Judy Weyer. They left with the impression that she was "real nervous."

Nearly a month had passed since the murder.

Interviewed at the motel, Mrs. Weyer told Detectives Candalaria and Tena about a group of young men who had registered as "Mr. and Miss Butt," stayed for several days, had several female visitors, were raucus, difficult and left the room a mess.

What actually went on during subsequent questioning remains a matter of bitter, unresolved debate. She did make three written and numerous oral statements.

The detectives now had emerged with a "woman forced to witness mutilation, fulfilling the prophecy of the Dallas pathologist. The several-day motel stay was telescoped down to one, Feb. 8, and Mrs. Weyer subsequently identified all five Vagos.

Rose Bucca seemed to be correct in her original letter to The News. Each new statement Mrs. Weyer made nicely excluded earlier contentions the authorities had discovered to be false. Each new statement appeared to include whatever new facts the probers unearthed about the murder.

Her final story was sensational.

In her statement, Mrs. Weyer said she met Keine on her way to lunch on Feb. 8, felt sorry for him and let him have a room without registering.

She told of being taken into the room that night and having her head held close while the Vagos mutilated Velten. She told of being raped herself and being slashed under both breasts with a knife they had pulled from the flames of the room's gas heater.

She told of witnessing the sodomy, shooting, and of being blindfolded and taken in the van to the arroyo where Velten's body was dumped.

On March 12, 1974, Magistrate James O'Toole signed the warrants charging the five and set bail at $100,000 each.

On March 20, District Judge William Riordan accepted their innocent pleas at arraignment and upped the bonds to $250,000 each.

On May 20, Riodan opened the trial amid ostentatious security.

The defense was a disaster.

There were four original defense attorneys—Ronald Ginsburg, Well, George Henry Farrah and Mrs. Alice Hector—and four philosophies of defense.

The five defendants were given clean clothes but were allowed to face the jury retaining their long hair and beards . . . the California marauder image.

The Public Defender's investigators turned up impressive alibi witnesses who put the bikers in Arizona early on Feb. 9.

Other members of the Vagos, imported to substantiate the defendants' Feb. 8 California alibi, also made an impression, a bad one.

Attorney Well had enjoyed considerable California success on behalf of the Vagos by tripping up arresting officers on cross-examination.

The Albuquerque officers didn't trip.

Well hammered at Mrs. Weyer, hammered at her inconsistencies, hammered to the point he felt confident she had been demolished as a witness.

Judge Riodan, in an unusual display of judicial discretion for a capital case, cut short Well's interrogation.

"She's a simple girl," said Assistant DA Gross, explaining the inconsistencies in her story.

A prosecution doctor added what was taken to be convincing verification of a key part of Mrs. Weyer's incredible story. He testified that she indeed had half-moon scars under both breasts, made by the tip of a heated knife.

He also noticed identical hot knife scars down the backs of her legs, a revelation even to Mrs. Weyer.

Defense attorney Well had what he thought was an ace in the hole.

Convinced of the bikers' innocence and armed with several books on polygraphs, he worked out an arrangement under New Mexico law for the defendants to take lie detector tests and have the results given to the jury.

Independent polygraph expert James Wilson—who became a contract employe of the Sheriff's Department after the trial—testified that two of the bikers flunked when they denied the killing. He said the results of the other three were inconclusive.

The prosecution leaned heavily on testimony that hairs found in the Vagos' van could have come from Velten and that several bloodstains on a blanket matched his moderately unusual B-postive blood type.

The charges against Arthur Smith were dismissed when Mrs. Weyer failed to testify that he had done anything specific during the murder orgy.

Gross was furious. He turned his full attention to insuring the case against the remaining four.

On the eve of the trial; closing day, Gross and a young aide went bar hopping. They later appeared in court with a father and son who swore they had seen several of the defendants in Albuquerque on Feb. 8, four months earlier. Gross had found what proved to be clinching "evidence."

The jury took 15 hours to reach a conviction.

A mystery gun—stuffed in a paper bag—had remained in the courtroom for several days during the trial. Gross made no move to introduce it as evidence.

Defense attorneys Farrah and Ginsburg were to tell The News that Gross had admitted to them during the trial that the revolver had been found in the arroyo. They said Gross told them that ballistics tests showed the gun was a "positive mismatch" with the fatal bullets.

A year-and-a-half later, the gun would be resurrected to save the defendants' lives.

Cain, back from his first California trip in late November, 1974, say the Vagos as overgrown juvenile delinquents, mixing pot, pills, booze and minor league criminality. The club members' extensive police records contained no hint of violent homosexuality.

Glazier sensed that the atmosphere in Albuquerque easily could contribute to an emotional verdict—and possibly a wrong one.

He returned to Detroit with the trial transcript and copies of dozens of police reports. They contained scores of inconsistencies. The original police investigation had ignored a number of leads which appeared to point away from the bikers.

The News' Simmons felt the key was Judy Weyer, a mother of four who had abandoned her family in Minnesota before going to Albuquerque. Did she tell the truth?

Before the verdict was given, she left the courtroom and dropped out of sight. The Albuquerque authorities refused to say where she was.

Mrs. Weyer had testified she was born in St. Cloud, Minn., and Cain flew there on a hunch. He traced her parents, John and Dorothy McCall, through court records. They lived in a ramshackle house, without

indoor plumbing on the banks of the Mississippi River 20 miles outside St. Cloud.

McCall and Cain sipped peppermint schnapps and talked hard times. Eventually the father agreed to lead Cain to Mrs. Weyer, who was living in a trailer park 10 miles away.

The next morning, Cain knocked on her door. The Judy Weyer who answered did not appear to be the "moral leper" described by Bernalillo County investigators.

With downcast eyes and monotone voice, she repeated the details of what the bikers had done to her and Velten. She repeated the same descriptive phrases recorded in the trial transcript, in the same order.

Cain was somewhat surprised that she showed no resentment toward the bikers for the ordeal they had put her through.

Yet, when she was asked how the authorities had treated her, Mrs. Weyer flashed with anger.

She said the detectives had threatened to jail her for five years for perjury if she didn't back up her police statements in court. For testifying, she said Chief of Detectives Baca promised her way would be paid through secretarial school.

Mrs. Weyer told Cain her one-time Albuquerque boyfriend, Jose Antonio Rivera, also had been arrested during the murder investigation. She said the detectives tried alternately to get her to implicate Rivera in the murder and get Rivera to testify against the bikers.

She said she hadn't been able to remember the date the bikers were at the motel and that the detectives "put it up to me" that it had to have been Feb. 8.

Then came the first "bomb." The prosecution's Albuquerque doctor was wrong when he testified the bikers used a hot knife to slice down the back of her thighs. She said the red marks, which she no longer had, were caused by the seams in a pair of too-tight slacks.

Armed with this information, The News printed its first biker story on Dec. 8, 1974.

Called by Glazier, District Attorney Brandenburg defended the investigators, insisted the bikers were guilty beyond any doubt but promised to check the "tight pants" statement. He didn't.

When The News published additional stories describing discrepancies its reporters uncovered, Assistant DA Gross wrote News Editor Martin Hayden trying to get Glazier fired as "incompetent."

Then, in an apparent attempt to send the reporter on a wild goose chase, he was told to look into a "second group of California motorcyclists" who had stayed at the murder motel.

What the investigator didn't know was that the second group had information contradicting Mrs. Weyer's trial testimony and would play a pivotal role a month later in her decision to repudiate her testimony.

The investigator also told Glazier about a blond teenage girl who he said had witnessed some—possibly all—of the events at the motel and would have supported Mrs. Weyer had she been willing to talk.

This information also was to help destroy the police case.

The News was able to identify her as Shelly Fish, living with her husband at the Quantico Marine Base in Virginia.

Simmons sent John Peterson of The News Washington Bureau to Quantico, where Mrs. Fish talked freely.

She declared she had stayed at the Albuquerque motel where Mrs. Weyer had worked during February, 1974, but had seen none of the events supposedly witnessed by the part-time maid.

She told Peterson that the Bernalillo County authorities lured her back to Albuquerque just before the trial to view photographs of the Vagos. She said they held her incommunicado for two weeks when she failed to recognize them.

Mrs. Fish accused polygraph expert Larry Galbraith—who is now under sheriff—of deliberately flunking her on repeated lie tests when she truthfully insisted she knew nothing of the Vagos or the murder.

As part of what she called an effort to get her to testify falsely, Mrs. Fish said sheriff's officers sent her to a psychiatrist to "unblock my memory."

The News' investigation now had continued for two months. It had produced a welter of confusion. The bikers were not the nation's best citizens, but maybe, just maybe, they were being executed for a crime they didn't commit.

Yet, The News had been unable to turn up any solid new evidence.

Simmons decided to keep digging.

Glazier returned to Albuquerque and confronted Assistant DA Gross. He asked about the lack of evidence supporting Mrs. Weyer's testimony that the murder took place at the motel.

Gross confided over drinks that he actually believed up to 13 people—including the bikers—were involved in the Velten murder.

He suggested the murder may have taken place in the arroyo near where the body was found.

If the authorities didn't wholly believe their own case, why were they so sure the bikers were guilty?

The answer came from Tucumcari in neighboring Quay County where the bikers had been charged with the Feb. 9, 1974 robbery of two hippie hitchhikers.

According to a written report from Detective Tena to his superiors, the hippies had said the bikers threatened "they would cut them up in the same way they did the guy in Albuquerque."

If the bikers, on Feb. 9, actually had referred to cutting up someone in Albuquerque, then the authorities had good reason to believe they killed Velten. His slashed and multilated body wasn't found until Feb. 13, four days later.

Both Cain and Glazier talked to Quay County Assistant DA Pete Bidwell, who Detective Tena identified as the source of his information on the threat.

Bidwell searched both his memory and his notes but drew a blank on any reference either to Albuquerque or a threat.

The News' stepped-up probe began to pay off in January, 1975.

Glazier obtained a copy of a secret sheriff's report which revealed that four children, playing in Tijeras Canyon arroyo, had found a rusted .22 caliber Ivor Johnson revolver within sight of where Velten's body had been discovered two months before.

The state police crime lab found blood on the barrel but couldn't identify it. The lab sent a written report to the district attorney's office saying either that Ivor Johnson or a weapon "with similar barrel characteristics" had fired the fatal bullets.

The crime lab report was dated May 21, the second day of the trial. Although the gun had been in the courtroom, the authorities continued to insist it was not the murder weapon.

One week after Glazier's gun story appeared, Cain flew to southern California to track down two of the young men and a pair of female visitors who had registered at the "murder motel" as "Mr. and Miss Butt."

The first person Cain sought was Terry Highhouse, a teenager who had been released from the Orange County Jail the previous month.

Cain cross-checked the addresses on bail receipts for recent traffic tickets issued to Highhouse's known friends. This led the reporter to a temporary "crash pad" in Mission Viejo occupied by a group of part-time cabin burglars and marijuana dealers.

After gaining their confidence, Cain was led to Highhouse who, in turn, led him to the others.

Another window was opened.

In her original statement to Detectives Caldelaria and Tena, Mrs. Weyer had named the Butt group. She described what they ate, the brands of beer they drank and their general conduct at the motel.

In her subsequent statements and trial testimony, she dropped all references to the Butt group and attributed those same details to the Vagos.

Which group was she really identifying?

The four young people—in taped interviews with The News—said that the details of Mrs. Weyer's trial testimony (except the part about the rape and murder) were actually things they had done, not the Vagos.

But the group had not arrived in Albuquerque until after Velten's body was discovered.

Three days after this revelation, Albuquerque City Patrolman James O. Boman told Glazier that Mrs. Weyer had repudiated her accusations against the Vagos prior to the trial.

When he informed the district attorney's staff, he said he was promptly taken off the case.

Boman shared a low regard many Albuquerque city officers voiced for the county law enforcement agency.

Although the sheriff's detectives had been able to trace Velten's movements to Feb. 1, Boman said they neglected such basic procedures as checking the postmarks on the victim's accumulated mail to get a closer fix on the last time he was home.

Boman said the detectives turned aside his suggestion that beer cans found in the apartment be checked for fingerprints.

Glazier, now working nearly a year after the fact, managed to trace Velten's movements through Feb. 4 by befriending the sister of the owner of a Chinese restaurant Velten frequented. She led him to another patron of the New Chinatown Cafe who recalled chatting with Velten during the broadcast of a Russian opera.

The station had aired the program twice: on Feb. 4, before the Feb. 8 date fixed for Velten's murder, and again on Feb. 10, when the bikers were already in custody in Oklahoma.

The patron had paid for his meal by check but couldn't locate the canceled check. He asked the bank to review its records but was told it would take several days. (Eventually, the Feb. 4 date was confirmed).

The News team kept up the pressure.

Simmons and Cain flew to Minnesota.

They told Mrs. Weyer about finding the Butt group, about the information from Shelly Fish and what Patrolman Boman had said.

Cain told her the case against the bikers was falling apart and that he thought the authorities were running for cover.

He said there was a chance Glazier would be able to prove through the canceled check

that Velten was alive when she had said he was dead.

"If we prove he was alive," Cain argued, "who are they going to blame for putting the bikers on death row, themselves or you?"

She asked the newsmen to return when her husband got home from work, but before they could don their coats, she blurted out the story of falsely incriminating the Vagos. Cain had a tape recorder running under his sportcoat.

That evening, after Mrs. Weyer had told her husband about her false testimony, Cain and Simmons returned to the Weyer home. The four sat, with the tape recorder now openly visible on the dinner table.

Painstakingly, Mrs. Weyer detailed how detectives had threatened and tried to bribe her so that she would tell the story they wanted to hear.

She had been alone and depressed, she said. She had always assumed the bikers were guilty. Bowing to the insistent detectives, even taking the lead at times, "was something to do."

Mrs. Weyer said she had tried to repudiate her story prior to the trial both to Boman and others. Various county officials would later admit this in court. But each time she had tried, the detectives came down on her. Once, Assistant DA Gross ordered her arrested.

Gross later admitted this in court but said he didn't think the detectives in the room would take him seriously and actually book her, which they did.

Not once during the trial, she admitted, had she been able to look the bikers in the eyes. She wondered if they could forgive her.

Even the sensational "breast scars" were made by an ill-fitting bra, she said.

Mrs. Weyer told Simmons and Cain she had called the Albuquerque authorities several days before the reporters' visit to complain about Cain's phone calls. She apologized as the newsmen left.

After this story appeared, District Attorney Brandenburg seized on this complaint to charge The News had "unmercifully harassed" her and that her repudiation was a lie. He predicted she would never stick to it.

She did. Even though she was pregnant with her fifth child, Mrs. Weyer repeated the entire story in a sworn affidavit to the New Mexico Supreme Court.

She agreed to return to Albuquerque with her husband to repeat her repudiation in open court. She did this in the face of a Brandenburg threat to prosecute her for perjury if she deviated from her original trial testimony.

On still another trip to California, Glazier unearthed independent witnesses who further substantiated the Vagos' alibi—that they spent the murder day being anything but model citizens in a Los Angeles suburb.

Then last March, just as the pieces were falling into place, a monumental red herring dropped in the newsmen's laps.

A 24-year old homosexual, Eugene F. Greer, wrote Simmons from the New Mexico State Prison to say that a fellow inmate and former lover—L. D. Bickford—had bragged to him of committing several mutilation murders.

Greer said Bickford, already convicted of stabbing to death an Albuquerque hotel clerk, had boasted of murdering Velten, an aging Chicano in Carlsbad, N.M., a young cowboy in Phoenix, Ariz., and a fifth man somewhere in the east.

The News spent weeks on this promising—but false—lead.

Meanwhile, the bikers private defense attorneys—George Henry Farrah, Vince D'Angelo and L. Scott McCarty—were able to take Mrs. Weyer's affidavit and Bickford information to the New Mexico Supreme Court, where they won a full hearing on a new trial.

The hearing, last April 1, was conducted by Judge Riordan, the original trial judge, once an assistant to District Attorney Brandenburg. It centered on Mrs. Weyer's confession to The News.

Cain testified that neither he nor Simmons had intimidated or inappropriately influenced Mrs. Weyer.

When Brandenburg suggested intimidation took place before the formal interview with Mrs. Weyer's husband present, Cain produced the secret tape recording. It was played to a hushed courtroom.

Brandenburg claimed Mrs. Weyer's repudiation was improper because Cain had "lied" to her about the prosecutor's office "running for cover." Judge Riordan denied the motion for a new trial.

During a break in the hearing, one of Brandenburg's office workers had asked the DA—in Cain's presence—why Brandenburg didn't answer the reporter's "secret tape" with his pretrial recordings of Mrs. Weyer.

But it seemed the prosecuting attorney had his own reason for withholding his tapes. On one, she had repudiated her biker statements.

So, the Brandenburg tapes became the target of a second special appeal for a new trial, which also was denied.

The News team had reached the low point of its probe.

Glazier, Cain and Simmons had made some 10 trips to New Mexico, four to California, three to Minnesota, two to Arizona and one to Virginia. Glazier and Simmons had spent their own vacations following new leads in New Mexico.

Some 3,000 hours had been spent in the investigation at a cost of $50,000 to $75,000 in expenses and salaries. The newspaper could not recall exerting such an effort to preserve justice so far from its circulation area in its 102-year history.

The defense attorneys, who had received only token payment for their own monumental efforts, remained confident the appeals courts would ultimately free the bikers based on The News' evidence. There was little to do while awaiting the courts.

Simmons, meanwhile, retired from The News. Cain was diverted to other assignments. Glazier followed growingly weak leads.

The solution came out of the blue.

Last September, a 25-year-old drifter and ex-mental patient found God and decided to clear his conscience.

Kerry R. Lee, of Rome, Ga., walked into the North Charleston, S.C. police station on Sept. 19 and confessed to killing Velten in a narcotics sale dispute on Feb. 6, 1974.

Glazier was on the next plane to Charleston. There he met biker defense attorneys Farrah and D'Angelo.

Lee gave the attorneys a three page affidavit detailing the killing. The interview was witnessed by a South Carolina public defender who had tried to talk Lee out of incriminating himself.

Glazier then flew to Albuquerque to seek supportive evidence.

Brandenburg, the district attorney still insisting the bikers were guilty, refused to extradite Lee.

A new hearing was held in December before District Judge H. Vern Payne, with Lee appearing voluntarily.

An FBI agent testified that two bullets taken from Velten's head were an "absolute match" to the Ivor Johnson revolver found in the arroyo—the gun The News discovered had been withheld from the original trial.

William A. McCord, an Albuquerque resident, identified the gun as his. He and his daughter, Janet—who had dated Lee—declared Lee had stolen the revolver from McCord's gun cabinet before the murder.

Miss McCord testified Lee borrowed her car on the night of Feb. 5 and told her as he left he was on his way to pull a "dope ripoff." He telephoned later to say he had killed a man and returned to her home in the morning splattered with blood.

The borrowed car had gotten stuck in the arroyo not far from the murder scene. An Albuquerque patrolman testified he helped free such a car. A tow truck operator—with dated records to fix the time—identified Lee as the man waiting alongside the car he freed.

Miss McCord said Lee had taken her to the arroyo and showed her Velten's body.

Lee declared in his affidavit he had obtained a metal detector in a futile search for the discarded murder gun. It was confirmed by rental store records.

Although Lee "took the Fifth" when asked in court about the murder itself, his affidavit said two bullets struck Miss McCord's car during the struggle with Velten. The State Police found a bullet still lodged behind a fender.

Incredibly, the bullet was whole enough for the ballistics experts to make a positive match with the murder gun.

Under direct questioning by Judge Payne, New Mexico medical investigator Dr. James T. Weston admitted he erred in testifying at the original trial that Velten had been slashed with a heated knife. Weston also said he erred in testifying Velten had been sodomized.

The mounting evidence left Payne with no alternative. He ordered a new trial.

Dr. Weston's revised testimony brought the death row drama full circle.

It had been his contention that Velten was a homosexual which led the sheriff's detectives first to the gay bars, then to the motel, and finally to Judy Weyer.

It had been his testimony about the "heated knife" and alleged scars which Brandenburg repeatedly cited to "prove" Mrs. Weyer had to have been present at the killing.

On Dec. 15, District Judge Phillip Baiamonte dismissed the original indictment. At 4:40 p.m. Albuquerque time, Ronald B. Keine, Richard W. Greer, Clarence Smith Jr. and Thomas V. Gladish were freed.

What the bikers did now, the newsmen reasoned, was up to them. The time spent on death row may or may not have influenced their future lifestyle.

They show little bitterness, have cut their hair and shaved their beards. They look pale and haggard after their death row ordeal.

The News spent nearly 14 months resolving an injustice. It succeeded primarily because a newspaper could not walk away from four men thought to be innocent.

Mr. LEVIN. Mr. President, the article that I just read sets forth in tremendous detail the horrors of the murder which took place in New Mexico to which I referred.

It was also a murder where four men were convicted by mistake through

perjured testimony, spent 2 years on death row, and only as a result of some courageous newspaper reporters and a courageous news editor was their innocence ever established. It could never have been established had they been executed.

It is not a rare case. There are many cases in history where men and women have been put to death, where there was a mistake or error. There are many, many cases in history where in capital cases 20 or 30 years later innocence has been established where executions have taken place that never should have occurred.

One such example happened recently in England. Having a similar system of justice to our own in England, there are mistakes there as there are here as there are in every system of justice which is based on human beings.

We should follow the example of the British Parliament and reject this legislation to reinstitute the death penalty at the Federal level.

On July 13, 1983, the British House of Commons soundly defeated a proposal to reinstitute capital punishment in Great Britain. England, like the United States, has a judicial system which is not perfect. Indeed, documented cases of error, such as the miscarriage of justice which occurred in the famous Evans-Christie case, prompted many members of the British Parliament to vote for the abolition of the death penalty during the 1960's. Today, the risk of error still has a strong influence on the debate in England regarding whether to bring back the executioner. For example, in a speech in the House of Commons on July 13, 1983, Mr. Roy Jenkins said:

> In my two periods as Home Secretary I was concerned with at least 10 cases of capital conviction. There was not capital punishment in all of them. However, hanging took place in some of the 10 cases where the convictions were either clearly wrong or where there was a lingering flicker of doubt. There were only 186 capital convictions in the 20 years after the war when capital punishment existed, but the ratio of doubt to certainty was too high. *The finality of the punishment is too great for certainty of human judgment.* (Italic added.)

Similarly, Mr. Edward Heath urged the House of Commons to defeat the effort to reestablish capital punishment and stated:

> I come next to the point which in recent years I have found more and more worrying and more and more impressive. I refer to condemnation by mistake. I find it impossible to accept a penalty that is irreversible when it is so apparent that a number of mistakes have been made.

Mr. President, one of the most well-known cases of erroneous execution in Great Britain is that of Timothy John Evans—a man who was actually granted a posthumous pardon by Queen Elizabeth on July 29, 1967—approximately 15 years after he was executed for the murder of his infant daughter.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire pardon of Queen Elizabeth of Timothy John Evans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Following is text of pardon Elizabeth the Second by the Grace of God, of the United Kingdom of Great Britain, Northern Ireland and of our other realms and territories Queen head of the Commonwealth defencer of the faith to all to whom these presents shall come greeting:
>
> Whereas Timothy John Evans at the central criminal court on the thirteenth day of January 1950 was convicted of murder and sentenced to death now know ye that we on consideration of some circumstances humbly represented unto us are graciously pleased to extend our grace and mercy and to grant him our free pardon in respect of the said conviction: And we do hereby command all justices and others whom it may concern that they take due notice hereof.
>
> And for so doing this shall be a sufficient warrant.
>
> Given at our Court at St. James the eighteenth day of October 1966 in the fifteenth year of our reign.
>
> By Her Majestys command.

Mr. LEVIN. Mr. President, one paragraph of that pardon, which is dated October 16, 1966, reads as follows:

> Whereas, Timothy John Evans, at the Central Criminal Court, on the 13th day of January 1950 was convicted of murder and sentenced to death; Now, know ye that we on consideration of some circumstances humbly represented unto us are graciously pleased to extend our grace and mercy and to grant him our free pardon and respect of said conviction.

That pardon came a bit late. Timothy John Evans was executed, and it could do him nor society no good when the Queen gave him a free pardon.

It was one of the reasons that Great Britain abolished capital punishment, after having executed people innocent of the crimes with which they were charged.

Great Britain abolished capital punishment after having executed a man innocent of the crime he was charged with. A British author, Ludovic Kennedy, undertook the difficult task of convincing the British Government that previous reports on the Evans case were hastily done and that Evans was actually innocent of the murder of his child. The Kennedy book, "Ten Rillington Place," set off a new wave of protest in England to the execution of Evans, which led to the eventual posthumous pardon of Evans.

There is an important message to Americans in the preface of Mr. Kennedy's book on the Evans case which states:

> The fate of Timothy Evans was terrible, but it is regrettably improbable that it was unique, either in the United Kingdom or the United States, in which latter country no week passes without at least one newspaper story about a prisoner who wins release because he has proved that he was illegally convicted, or because another man confesses to the crime for which the first had been imprisoned. Is it possible that only capital judgments are infallible? The laws of chance make it hard to believe.

There is an important message in the case of Timothy Evans to us as well as to Great Britian, and because of the importance of that case I ask unanimous consent to have printed in the RECORD a Library of Congress study of the Evans-Christie cases and the abolition of capital punishment in Britian.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

THE EVANS-CHRISTIE CASES AND THE ABOLITION OF CAPITAL PUNISHMENT IN BRITAIN

Innocent men have been hanged in the past and will be hanged in the future unless either the death-penalty is abolished or the fallibility of human judgment is abolished and judges become supermen.[1]

Timothy John Evans, 25, truck driver, illiterate and mentally backward, was hanged on March 9, 1950 for the alleged murder of his infant daughter. He is now almost universally remembered as having been "convicted and hanged on a false case."[2] Evans had made several confessions to the police concerning the manner in which his wife and child had been killed. In one of these confessions he had accused another occupant of the house that he lived in, one John Christie, who Evans alleged had performed an operation for abortion on his wife. In a later confession Evans admitted that he had himself committed the killings. In the prosecution of Evans, under the rule that a person may be tried for one murder at a time, only the indictment relating to the murder of the daughter was proceeded with. However, the murder of the wife was always part of the prosecution's case. Evans was found guilty and his appeal that the evidence of the killing of his wife should not have been introduced into evidence was rejected.[3]

The prinicipal witness for the prosecution at Evans' trial was John Christie, his neighbor, against whom Evans had made and withdrawn an allegation of murder. In early 1953, three years after the execution of Evans, the bodies of six women were found in Christie's apartment and backyard. Included among the victims was Christie's wife. Some of the victims had been killed as long ago as 1943 and 1944. Christie confessed that he had strangled all the women for sexual purposes. He also admitted that he had strangled Mrs. Evans but denied having murdered her daughter.

The possibility of a miscarriage of justice caused great public disquiet and an official inquiry was instituted. The inquiry held in private by a Queen's Counsel concluded in a remarkably short period of one week that the case for the prosecution against Evans had been overwhelming and that Christie's claim that he had killed Mrs. Evans was unreliable and probably untrue. John Christie was hanged the day after the report was released.

Parliament debated the report and the Government was generally content in its view that justice had been done in the case. The impression, however, could not be

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[1] A. Koestler, *Reflections on Hanging* 105 (1957).
[2] 517 Parl. Deb. H. C. (5th ser.) 407, 410 (1955).
[3] Timothy John Evans, 34 Criminal Appeal Reports 78 (1950).

erased that the inquiry was a cover-up. The coincidences in the case were too incredible for the public to believe that a mistake had not been made. An important question arose:

Would any jury have convicted Evans had they known that at the time of his trial two bodies were buried in the yard, strangled by the witness for the prosecution? Would any Home Secretary have dared to allow Evans to be hanged had he known the full circumstances? [4]

Those advocating the abolition of capital punishment gained important ammunition for their cause and pressed their arguments with greater force. The Christie case was a good example to show that capital punishment had no deterrent effect. Christie who has taken part in the trial of the hanged Evans was not deterred from killing again. Moreover, were it not for the execution of Evans, his fate would have been different after the revelation made by Christie.

The Evans and Christie cases were instrumental in changing the minds of many people, including legislators, who were formerly against the abolition of capital punishment. For example, the Home Secretary who approved Evans' execution stated the following in a debate on capital punishment:

I was the Home Secretary who wrote on Evans' papers, "The law must take its course." I never said, in 1948, that a mistake was impossible. I think Evans' case shows, in spite of all that has been done since, that a mistake was possible, and that, in the form in which the verdict was actually given on a particular case, a mistake was made. I hope that no future Home Secretary, while in office or after he had left office, will ever have to feel that although he did his best and no one could accuse him of being either careless or inefficient, he sent a man to the gallows who was not "Guilty as charged." [5]

The fate of Timothy Evans became an important symbol on the road which eventually led to the abolition of capital punishment in Britain. It was, however, the execution of a young woman for the murder of her lover which provided a telling and often quoted view against capital punishment. In a statement issued by a teacher who taught in a school close to the prison where the woman was executed, it was said:

Today Ruth Ellis was hanged. Not only myself but many of my colleagues were faced with the effect of this upon the boys and girls we teach.

The school was in a ferment. There were some children who had waited outside the prison gates; some claimed to have seen the execution from their windows; others spoke with a fascinated horror about the techniques of the hanging of a female.

My colleagues and I agree that if there is any argument which weights above all others for the abolition of capital punishment then it is this dreadful influence it had. For not only was Ruth Ellis hanged today, hundreds of children were a little corrupted. [6]

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2. Kennedy, Ludovic. Ten Rillington Place. London, Gollancz, 1961. 308 p. (An account of the Evans and Christie cases.) HV 6248.E75K4

3. Tuttle, Elizabeth Orman. The crusade against capital punishment in Great Britain. London, Stevens, 1961. 177 p. HV 8699.G8T8

Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues that Timothy John Evans actually confessed to having murdered his infant daughter—a crime he was later found to be innocent of committing. In fact, after Evans was executed, he was granted a posthumous pardon by Queen Elizabeth for the crime of murdering his infant daughter. Later in the debate, I will describe another case which occurred recently in the State of Missouri where a man accused of committing the brutal murder of a child actually confessed to a crime he never committed. That man, Melvin Lee Reynolds, is now free, but only because Charles Hatcher confessed to the same murder Reynolds had been convicted of committing in such detail that the police knew Hatcher, and not Reynolds, had actually killed the child. The point of these two examples is that even in those cases where the evidence seems clear-cut—indeed, even where the prosecution has a confession to murder—the risk of error is real.

Mr. President, there is a great deal of dispute, of course, on the question of the deterrent effect of capital punishment, the death penalty. Many people in law enforcement have reached a conclusion that it is not a deterrent.

One of the most notable of those people is the former warden of San Quentin Prison, Warden Quentin Duffy, who testified relative to capital punishment as follows:

Born and raised in the "Prison Town" of San Quentin, with all but a very few of my adult years in prison work, my presentation is on the practical experience I have had for over 32 years in handling adult offenders, both male and female, who have been condemned to death.

I have personally witnessed over 150 executions and have legally officiated at the execution of 88 men and 2 women. Prior to my appointment as Warden at San Quentin, I participated in 60 legal hangings. The 2 women were the first women executed in the State of California.

May I preface my presentation with a brief account of:

METHODS OF EXECUTIONS IN UNITED STATES

Hanging, whether the prisoner is dropped through a trap, after climbing the traditional 13 steps, or whether he is jerked from the floor after having been strapped, black capped and noosed, is a very gruesome method of execution which has been used for many years, and is still used in several states . . . When, on a nod from the Warden, the executioner signals the three men in the small enclosure on the gallows, and the officials cut the taut strings, one of these strings springs the trap, while the other two are attached to dummy ropes. This gives the three officers a "somewhat" clear conscience, projecting the actual springing of the trap on the other person. The day before an execution the prisoner goes through a harrowing experience of being weighed, measured for length of drop to assure breaking of the neck, the size of the neck, body measurements, etc. When the trap springs he dangles at the end of the rope. There are times when the neck has not been broken and the prisoner strangles to death. His eyes pop almost out of his head, his tongue swells and protrudes from his mouth, his neck is broken, and the rope many times takes large portions of skin and flesh from the side of the face that the noose is on. He urinates, he defecates, and droppings fall to the floor while witnesses look on, and at almost all executions one or more faint or have to be helped out of the witness room. The prisoner remains dangling from the end of the rope for 8 to 14 minutes before the doctor, who has climbed up a small ladder and listens to his heart beat with a stethescope, pronounces him dead. A prison guard stands at the feet of the hanged person and holds the body steady, because during the first few moments there is usually considerable struggling in an effort to breathe.

The legal witnesses are dismissed after having signed the usual witness forms. However, the body of the condemned is left hanging below the gallows for an additional 15 or 20 minutes. This is to assure those in charge that ample time has elapsed before cutting the rope in order to make certain of death.

The body is then placed in a prison-made casket and kept in the morgue until loved ones or friends claim the remains. Most bodies are claimed by relatives, loved ones or friends, and funeral services are conducted in many cases in chapels in their own hometown, or a member of the clergy arranges burial in a cemetary away from the prison.

Although I have seen several electric chairs, I have never witnessed an electrocution. Wardens and other noted penologists have told me that it is about as gruesome a procedure as hanging. The body has to be prepared beforehand for the fastening, and one of the pants legs split in order that an electric plate can be placed against the leg. When the executioner throws the switch that sends the electric current through the

[4] H. Klare, *Notes on Capital Punishment* 8 (1964).
[5] 536 Parl. Deb. H.C. (5th ser.) 2084 (1955).
[6] J. Christoph, *Capital Punishment and British Politics* 106 (1962).

body, the prisoner cringes from torture, his flesh swells and his skin stretches to a point of breaking. He defecates, he urinates, his tongue swells and his eyes pop out. In some cases I have been told, the eyeball rests on the cheeks of the condemned. His flesh is burnt and smells of cooked meat. When the autopsy is performed the liver is so hot that doctors have said that it cannot be touched by the human hand. As in hanging, electrocution disfigures the body severely.

Prison morale is disrupted by the dimming of the lights throughout the institution when the switch is thrown the several times necessary to insure death.

In facing a firing squad several rifle shots are fired, and all but one are effective. As in the case of hanging and electrocution, shooting disfigures the body severely.

In administering death by lethal gas, from 89 personal experiences, I made the following observations:

With the exception of the death watch (which is used in all methods), there are no last hours of preparation of the body of the condemned. The prisoner is kept in a holding cell in a separate room for his last few hours—usually not more than 20 feet from the lethal gas chamber. He does not see the gas chamber until he enters it. A few moments before the scheduled hour a chaplain of his choice visits him. He is dressed in blue jeans and a white shirt. He is accompanied the 10 or 12 steps by two officers, quickly strapped in the metal chair, the stethescope applied, and the door sealed. The Warden gives the executioner the signal, and, out of sight of the witnesses, the executioner presses the lever that allows the cyanide eggs to mix with the distilled water and sulphuric acid. In a matter of seconds the prisoner is unconscious. At first there is extreme evidence of horror, pain, strangling. The eyes pop, they turn purple, they drool. It is a horrible sight, witnesses faint. It finally is as though he has gone to sleep. The body, however, is not disfigured or mutilated in any way.

It could be said that lethal gas executions are more humane. In all methods the person is, of course, dead. There are no humane ways to kill people. In lethal gas, however, the last preparations are not so grim. Lethal gas executions are a bit less nerve racking on the personnel than other methods, and the family of the condemned prisoner, his loved ones and the friends who claim the body do not go through as much of a harrowing experience when they claim a body that has not been mutilated. I have talked with hundreds of these folks and, although they are grief stricken, it is not quite so hard on them emotionally.

Throughout all of my over 32 years of prison work, as a youngster growing up in a prison town, as a young man living within a few yards of the shadows of the prison walls, I have always been against capital punishment. Prisoners have always been a part of my life. Murderers have worked in our home. As children, criminals of all types have been assigned to our gardens, repair and maintenance of buildings, and have attended to the needs around the grade school which I attended.

WRONG TO KILL

I base most of my belief that the Death Penalty is wrong on a simple understandable statement, that "It is Wrong To Kill". The murders that the men and women have committed, and have been sent to prison for, are 100 percent wrong. There is no valid reason for their act.

I believe it is also wrong that the State or Federal Government commit another premeditated murder. Two wrongs do not make a right.

DETERRENT

During my years at San Quentin I talked with every man, (and 2 women), that were committed to San Quentin Prison under the penalty of death. Many of these have been executed, others commuted to life imprisonment, some without possibility of parole. A few have had new trials or reversals. Some have died while serving their sentence within the prison walls. I found that 80 lifers died in prison in the 10 years surveyed.

I have personally asked every man, (and two women), if they gave any thought to the fact they might be executed should they commit a murder or crime that is covered by the death penalty. I have asked hundreds—yes, thousands of prisoners, who have committed homicides and who were not sentenced to death, whether or not they thought of the death penalty before the commission of their act. Their answer is invariably that they did not expect to get caught, that it was a crime of passion, jealousy, rage, temporary insanity.

I have interviewed and have asked the same question of thousands of robbers who have used a gun or other deadly weapon in the commission of their "Stick-up". They are, of course, potential murderers. They give similar answers.

I have, to date, not had one person say that they had ever thought of the death penalty prior to the commission of their crime.

I do not favor capital punishment because I do not believe it is a deterrent to crime. Statistics show that where it has been abolished, there is no noticeable difference in the number of homicides committed in like areas. In some states homicides are higher in capital punishment states, than in their neighboring abolition state. I believe that executions promote more similar crimes in the community. Many of us in prison work also know that there are more homicides following an execution than preceeding same.

NO EQUALITY

There is no equality in conviction and sentencing of those who commit murder. I have said often, and I repeat here—that I can take you into San Quentin Prison or to Sing Sing, Leavenworth or Atlanta Prisons, and I can pick out many prisoners in each institution serving life sentences or less, and I can prove that their crimes were just as atrocious, and sometimes much more so, than most of those men on the row. The verdict of death by lethal execution is, I believe, an emotional release by those who are hearing the case.

A PRIVILEGE OF THE POOR

I have never known a person of means to have been executed. If he has a competent attorney who develops the case, and who can play upon the emotions of the jury, he usually receives a lesser degree.

ERROR

There is always an element of the chance of error. It is true that the automatic appeal used in some states is a means of finding any errors. If an innocent person, however, is put to death and in later years the real murderer comes to light, it is too late to do anything about it. There have been many reversals by the State and Federal Courts. Many new trials ordered, lesser degrees administered, and Governors and Presidents have commuted many condemned inmates to a lesser degree than death.

EMOTIONS

People who come to our prison are, in most cases, emotionally, morally or mentally disturbed. I have known cases where men who have had to be executed when all they were able to answer were the legal answers to questions: "know the difference between right and wrong, the seriousness and quality of their act, and the penalty they were facing". They would otherwise be so mentally gone that their case was pitiful. Some would have to be lead to the gallows or the gas chamber, others dragged while screaming from mental fear.

INNOCENT

Although I have never personally known of an innocent person to have been executed, there is documented proof that this has happened a few times. It is of course, too late to do anything about it after the trap has been sprung.

VICTIMS

Often we are confronted with the statement: "How about the victims?" "How about their loved ones?"

Yes, we do think of the victims and of their loved ones. I have counseled with families of the victims. I have directed them, consoled them, wept with them and prayed with them. What has happended to their loved one is wrong! I repeat, two wrongs do not make a right.

We also think of the loved one of the condemned. They too suffer greatly. They have not committed any crime, but their grief is heavy.

COSTS

It costs more to execute than to send a person to prison to serve a full life sentence. This is proven by a survey made by a noted Penologist in the State of Illinois, (See Renewal, February 1, 1963), in which he states in part, "I found that thirty years of imprisonment cost the state about $45,000.00, assuming no cost-offsetting activity on the part of the prisoner. By way of comparison, the costs of a capital trial and appeals, special security handling in court and jail, and the long stay on Condemned Row, the rehearsals, and carrying out of an execution, were in excess of $60,000.00. Capital Punishment is by no means cheaper than life imprisonment, and the jurisdiction that maintains it, pays for it dearly in both money and human costs."

California's Administrator of Youth and Adult Corrections Agency, in an article in Federal Probation and Parole Magazine, June, 1964, wrote: "There is also the argument of cost. Why support some murderer for the rest of his life when we could execute him, and save all that money, the argument goes.

"Like so many arguments favoring the Death Penalty, this does not hold up under factual analysis. The actual cost of execution, the cost of operation, the super maximum Security Condemned Unit, the years spent by some inmates in condemned status, and a pro-rata share of top level prison officials, time spent in administering the unit, add up to a cost substantially greater than the cost to retain them in prison the rest of their lives."

And the former warden of San Quentin, Warden Duffy, continued in that statement by quoting a former Governor of California, Edmund G.

Brown, the father of the more recent Governor Brown:

EDMUND G. BROWN—FORMER GOVERNOR OF CALIFORNIA

I am unalterably opposed to capital punishment. It doesn't do a single, solitary bit of good and this has been proven time after time. As a matter of fact, it increases violence because when the state is guilty of a violent act it encourages the individual to be guilty of a violent act. This is seen by violence following a war or following an execution.

I hate to base this opinion on costs, but the cost of killing an individual is far, far greater than if we gave him life in prison. The expenses of a trial, the delay, the additional guards, the lawyers fees, the court fees, are far greater than if life in prison were the penalty.

I will do anything I can to see that capital punishment is abolished.

FOR OTHERS

When people who believe in the Death Penalty for all pre-meditated murders are faced with the question: "Would you want your son, daughter, your loved one executed if he committed a pre-meditated murder?" The answer is invariably "No!" It therefore, is obvious that it is good enough for someone else, but not good enough for me!

I have experienced several cases where people have said to me that all murderers should be executed. Then a member of their family is faced with execution, and they immediately do an about face and want their loved one saved.

ABOLISH

Our prison systems are set up on the concept that they must protect society and must work toward the rehabilitation of the offender. I believe that most prisoners, except for mental cases, can be changed for the better. A few will have to be kept under close confinement for the rest of their natural lives. Some must die in prison. Some lifers do die in prison. They have committed murder. They were not sentenced to death. Some who have been sentenced to death would fall into this category, others could be changed.

I personally believe that the Death Penalty should be abolished. We have ample facilities to keep offenders away from society for the rest of their lives if warranted.

When the Death Penalty is stricken from our statutes, and the gas chambers, the hangman's noose, the electric chair, and the firing squad are done away with, as the rack, the screw, burning at the stake, drowning, throwing to the lions, and other barbaric methods were, "we will all be the better for it."

The former prosecuting attorney of Wayne County, Mich., Bill Cahalan, has written a lengthy statement relative to capital punishment, a strong statement opposed to capital punishment, pointing out that it has not shown to be a deterrent and also pointing out that it is not enough to be against capital punishment and that we must support effective law enforcement which means those principles which lead to certainty of apprehension, conviction, and punishment.

I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement ordered to be printed in the RECORD, as follows:

SPEECH ON CAPITAL PUNISHMENT

(By William L. Cahalan)

The citizens of our society charge the Prosecuting Attorney with the responsibility of doing what he can to establish justice and insure domestic tranquility, and thus to bring about a society where we can live, work and play. Would capital punishment assist me—the prosecutor of the third largest county in the United States—in meeting that responsibility? Is capital punishment good for law enforcement? Will capital punishment help bring about a crime-free society? Will capital punishment contribute to the efficient administration of justice?

Most discussions of capital punishment begin with an analysis of whether or not it is a deterrent to crime. This is the wrong place to start. I, however, will start here so that we can get it out of the way. I am of the opinion that there is not sufficient evidence today to say with any certainty that capital punishment either does or does not deter crime. I have my doubts on whether or not we will ever have conclusive evidence. It is difficult if not impossible to prove a negative, particularly when it comes to human behavior. I doubt if we will ever know why a person commits a crime or does not commit a crime. I doubt whether or not the criminal knows himself.

Before discussing the pragmatic value of capital punishment I would like to share with you some of my thoughts on the moral issue.

I, like all sane people, abhor crime. In my job I have seen cases come across my desk which are so heinous that they make my blood run cold. I have seen the mutilated bodies of young victims of crime lying on the slabs in the morgue. I have talked and counseled at great length with widows of homicide victims. I have stood at the graveside time and time again with the mothers, fathers, young widows and small children of police officers shot down while performing their all-important and most honorable duty—protecting the lives and property of their fellow man. Yes, I abhor crime.

On the other hand, I respect human life. I know of nothing greater in all creation. I don't understand it. I don't know whence it comes or whither it goes. I am however, convinced of its sacredness. It is because of this that I oppose capital punishnment. Very simply stated, I respect human life more than I abhor any crime.

The citizens of 35 states have enacted laws calling for the death penalty. There must be compelling reason why our neighbors would ask that certain members of our society be hanged, electrocuted, shot or injected with a lethal substance.

I believe it is crime and the fear of crime—a most powerful force. It determines more than any other single factor where we live, where we work, where we send our children to school and where we seek recreation. It influences those judgments more than family, religion, education or cultural background. Every citizen in the United States fears crime and almost every citizen in the United States has been a victim of crime. Certainly these good citizens respect human life but they are soul sick with the fear of crime. And they might argue that life in the big city is really not human because of crime.

Fear of crime and the demand for capital punishment is a paradox. Society fears crime. It therefore enacts laws calling for capital punishment and capital punishment will have no effect upon the crimes that they fear the most. We are not as apt to be murdered nor do we fear murder as much as we fear rape, or the invasion of our home, or the mugging of our old folks, or the robbery of our person. These are the crimes that determine more than any other factor where we live, work, educate our children and play. In the City of Detroit in 1979 while there were 492 homicides, there were 1,369 rapes, 6,739 armed robberies, 3,555 robberies not armed, 1,119 attempted robberies, and 18,143 breaking and enterings of occupied dwellings. Yet, capital punishment will not effect these crimes. In fact, it will have a detrimental effect on our battle against these crimes by divering society's attention, by making the citizens think that they have done something about crime when in fact they have not.

We don't execute the rapist, the mugger, the hold-up man or the burglar. We execute the murderer and we seldom do that. Less than one percent of the murderers in those states that have capital punishment have been sentenced to die. (Of 204 homicides committed in Philadelphia in 1970, 170 perosns were arrested, charged and convicted. Three received the death penalty, fourteen got life sentences, 100 received sentences of two years or less and 48 were placed on probation.)

Of the over 31,000 serious crimes committed in Detroit last year, only 5, people at the most would have been executed if we had capital punishment in Michigan.

Not only would capital punishment divert our attention from more effective law enforcement, but it would divert our resources. One resource of which we are in very short supply is money, and capital cases require a great deal of it. "One capital trial in Georgia cost three-quarters of the county's tax revenue for the year. When the State of Iowa recently had to hire a special prosecutor to conduct a capital trial it cost $210,000. Even if the original trial is a perfunctory affair, subsequent appeals will be long and costly. A case that goes all the way to execution will probably have a dozen lengthy court hearings after conviction. In almost every case the state must foot the bill for the defense attorneys, not to mention the time required of prosecutors, court reporters, and judges. For every case that results in an execution, a dozen others will have been dropped after several rounds of expensive litigation." Stephen H. Gettinger, "Sentenced to Die", MacMillian, 1979.

As a practical matter, executing a very few murderers will not assist me in my responsibilities as prosecutor to help establish justice and insure domestic tranquility. If anything, it will be a hindrance.

If I stopped here I would not be faithful to my oath of office. It is not enough to be against capital punishment. We must address the hard issue of what is to be done about crime and the fear of crime. A woman who sees her convicted rapist walk out of court, an elderly person who meets her convicted mugger on the street the day after his sentence, the home owner who is continually confronted by the convicted burglar who has received probation must be heard when they say "okay, don't execute but do something."

We must insure that the opportunity to share fully in the fruits of this society is open to all; but we must as surely guarantee that for those who choose to live by a life of crime a sanction will be imposed. Without

certainty of punishment for criminal behavior, we can expect to deal annually with the anguished cries of crime victims for more and more severe penalties.

It is not enough to be against capital punishment. We must support effective law enforcement which means those principles which lead to certainty of apprehension, conviction, and punishment.

The imposition of clear and certain sanctions for earlier crime will obviate the perceived need for the most severe sanction for the later crime.

I live, work, and play in the City of Detroit. I know that its full renaissance will not have been generated until its environment is more nearly free of crime. I am opposed to capital punishment on moral grounds alone, but I know from thirteen years in my present job that for pragmatic reasons it is not only no solution, it is counter-productive. But insight based on my experience will not still outraged cries from victims. You must help this city and county move closer to the goal of a crime-free environment. When that occurs, the argument over capital punishment will have been won.

Mr. President, the president of the Police Foundation, former Police Commissioner Pat Murphy, opposes the death penalty, saying that he does not believe that it does have a significant effect on crime.

We have received literally dozens of letters from law enforcement officials, police chiefs, prosecutors across the country opposing the death penalty, saying that they have seen the error that is possible.

In the words of the deputy chief of police in Bloomfield, Conn., Anthony Toce:

I have seen the fallacy of eye-witness identification on too numerous occasions to even mention. Many times I have seen a witness or group of witnesses swear to identification via photographs or line-ups; only to find later that the accused could not have possibly been the culprit.

The Supreme Court Justice Burton Roberts, of the Supreme Court of the State of New York wrote as follows:

Our criminal justice system is fallible. Capital punishment is irreversible. The possibility of a mistake exists. If the state ever executed the wrong man, then all of the citizens of that state would be murderers.

The commissioner of public safety in the city of Troy, N.Y., has written that: "The death penalty is not a so-called solution to the problem of violent death. Rather, it creates a false sense of safety unrelated to the reality."

He wrote:

As the discussion about the restoration of the death penalty resumes, I urge you to reject the concept that the State can or should perform the most heinous form a murder—that of killing with premeditation. I urge you to reject the concept that we are so poor, so ignorant and so frightened that we cannot better serve our people by convicting, securing and studying the violent predators among us. By murdering the murderer, we discard our only means of understanding better why some people kill. The destruction of the diseased binds us forever to a future of ignorance and violence.

The superintendent of the downstate correctional facility in New York says:

The death penalty is too drastic to use when we are uncertain as to its deterrent effect.

I have been active in criminal justice since 1950. There are many competent and dedicated people in the field but we are humans. Mistakes are made. Occasionally an innocent person is sent to prison. The death penalty leaves no room for error.

Finally, in this regard, Mr. President, I ask unanimous consent that a statement of an organization of law enforcement officials that is entitled "Law Enforcement Against Death," a statement which eloquently opposes the imposition of the death penalty be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY LAW ENFORCEMENT AGAINST DEATH (LEAD)

We are living in the most difficult and dangerous times—a time of extraordinary political, social and economic uncertainty; a time when many of our hopes and dreams of the '60s have been dissipated as we enter the '80s; a time when the American people feel dispirited, frustrated, angry and powerless.

And, nowhere is the bitter public mood better reflected than in vengeful calls for the restoration of the death penalty. In 1972, the Supreme Court of the United States ruled that the death penalty in this country violated the Eighth Amendment of the Constitution which prohibits "cruel and unusual punishment." In 1977, the Supreme Court backtracked on its original decision and held that the states may impose the death penalty under certain conditions. With the country's continuing turn to the right in the last election, there is increasing momentum for congressional action in this area. Senator STROM THURMOND (R-S.C.), the new Chairman of the Senate Judiciary Committee, has already pledged to seek a death penalty law. And, the supreme irony can be found in President-elect Ronald Reagan's position on the issue. A man who desires the least amount of federal intrusion into our lives would grant the government the ultimate power to take a human life.

Thirty-five states now have death penalty statutes on the books; four of them using gallows as a method of execution. There are over 700 men and women across the nation living on death row.

As members of the law enforcement and criminal justice profession, we wish to express our concern about the destructive climate of hatred eating away at the nation's social fabric.

We wish to express our strong opposition to the use of the death penalty which amounts to a fraudulent hoax on the American people—pandering to our baser instincts, while perpetuating the myth that capital punishment is a cure-all for crime.

And above all, speaking from our own experience as lawmen, we wish to emphasize that the death penalty remains a totally ineffective weapon as a crime-prevention tool.

In recognition of these sentiments, we announce the formation of Law Enforcement Against Death (LEAD)—a national organization comprised of distinguished law enforcement officials and experts on criminal justice from 14 states, all of whom are pledged to educate the public and work against the use of the death penalty.

We are in agreement with those who argue that capital punishment is immoral, inhuman, and discriminatory.

Capital punishment is a barbaric practice which has no place in a civilized society. It is a throwback to the earliest days of penology when slavery, branding and other corporal punishments were the rule.

Capital punishment works in favor for the worst and most dangerous criminals who are rarely executed. In practice, it further discriminates against members of racial minorities, the poor and the uneducated.

Capital punishment diverts attention from more effective law enforcement. The vast percentage of crime—more than 99 percent—involves muggers, holdup men, burglars and rapists. By making citizens think that they have done something about crime, capital punishment diverts our attention and resources away from the largest battle against crime.

Capital punishment flies in the face of an international trend toward abolition. Except for France and Spain, no other country in western Europe has invoked the death penalty in the past decade. Even in The People's Republic of China, individuals sentenced to death have several years in which to make some sort of restitution and thus avoid execution.

But strictly from a law enforcement standpoint, an area of special concern to us, the issue involving the death penalty as a deterrent to capital crime, is absolutely critical. And wishful-thinking to the contrary, the overwhelming body of evidence accumulated thus far suggests the death penalty is no more effective than imprisonment in deterring crime and, in fact, may even increase the likelihood of criminal violence.

The following points should be emphasized:

(1) When the death penalty is employed in a given state, there is no decrease in the subsequent rate of criminal homicide in that state. For example, in Philadelphia during the '40s, there were as many murders after highly publicized executions as before.

(2) The imposition of the death penalty in a given state may actually increase the subsequent rate of criminal homicide in that state. In California, between 1946-55, the amount of homicide tended to increase in the days immediately prior to an execution. Indeed, in a study published in the October 1980 issue of The Journal of Crime and Delinquency, William Bowers and Glenn Pierce of Northeastern University's Center for Applied Social Research find evidence of "a brutalizing effect" of capital punishment. Using statistics from the state of New York between 1907-63, the authors found there were, on the average, two additional homicides in the month after an execution.

(3) States which abolish the death penalty do not show an increase of criminal homicide after abolition. In addition, states which have reinstated the death penalty after abolishing it have not shown a reduced rate of criminal homicide. And, death-penalty states as a group do not have lower rates of criminal homicide than non-death penalty states.

(4) Police officers on duty are not subject to a higher rate of criminal assault and homicide in states that have abolished the death penalty than they do in death penalty states. Similarly, prisoners and prison personnel do not experience a higher rate of criminal assault and homicide from lifeterm

prisoners in abolition states than they do in death penalty states.

If the considerable body of research showed that the imposition of the death penalty had a demonstrable effect on homicide, such findings might give us considerable pause for thought. But such is not the case.

Despite the emotionalism surrounding the issue, the eye-for-an-eye philosophy espoused by expedient politicians and the misguided thinking by well-meaning citizens, the overwhelming evidence shows that the death penalty is ineffective, impractical, if not counterproductive. Indeed, it serves no real purpose other than to quench our appetites for bloodthirsty revenge.

Our history books are loaded with details of brutality practiced by the government in the name of protecting society. We need no new chapters.

Mr. LEVIN. Mr. President, some time ago I inserted in the CONGRESSIONAL RECORD a May 12, 1983, Washington Post article about a man named Isidore Zimmerman, a man who spent 25 years in prison for a crime he never committed.

Two hours before Mr. Zimmerman was scheduled to die in the State of New York's electric chair, then Governor Lehman commuted his sentence to life in prison. If Zimmerman had not received his commutation from the Governor of New York, he would have died.

It was a quirk of fate which saved him so that he could walk out of prison decades later when the original indictment against him was finally dismissed by the Supreme Court of New York. New evidence in the Zimmerman case has revealed that eyewitnesses who were key to the prosecution had made statements before the trial that Zimmerman was completely innocent of the murder charge. These same witnesses later changed their story and testified against Zimmerman, but the prosecutor withheld information about their conflicting stories from Zimmerman's defense attorney during the original trial.

Chief Judge Charles Desmond wrote in his opinion dismissing the indictment against Mr. Zimmerman that:

The failure of the prosecutor to correct this falsehood and to afford counsel an opportunity to examine those statements, which were in his possession, in effect amounted to a suppression of such material and prejudiced the defendant in his right to a fair trial.

I would like to at this time, Mr. President, read from newspaper articles which have appeared in the Washington Post on the Zimmerman case, as well as an article which appeared in the Empire State Report in February 1983.

This article was entitled "In the Death House," and was written by Bob Keeler and reprinted in the Empire State Report.

The ghosts lingered in the cellblocks and the hallways, and Isidore Zimmerman quickly realized that he had made a mistake returning, after almost 44 years, to the death row at Ossining.

It was a cloudy day, with the rain falling periodically outside the squat brick building in the southwest corner of the Ossining Correctional Facility. Zimmerman was visiting the old Sing Sing death house—now used primarily for storage—accompanied by a reporter for a chain of German newspapers. Zimmerman was a hot ticket, because a judge's ruling in November 1982 made it look very likely that the state of New York is going to end up paying him a lot of money to make up for the quarter of a century that he spent in state prisons for a crime he didn't commit.

But Izzy Zimmerman wasn't thinking about the money, or the two books he has written about his experiences, or the movie offers. He was thinking about the 13 men who had been killed by the State of New York during the nine months that he lived on death row in 1938 and early 1939. Four of those men he considered totally innocent.

Mr. President, I ask unanimous consent that the remainder of this report in the Empire State Report magazine be printed in the RECORD, in full, as well as an article from the Washington Post relative to the Zimmerman case which indicates that there is a capital case a totally innocent man was convicted of a crime which he did not commit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN THE DEATH HOUSE

(By Bob Keeler)

The ghosts lingered in the cellblocks and the hallways, and Isidore Zimmerman quickly realized that he had made a mistake returning, after almost 44 years, to the death row at Ossining.

It was a cloudy day, with the rain falling periodically outside the squat brick building in the southwest corner of the Ossining Correctional Facility. Zimmerman was visiting the old Sing Sing death house—now used primarily for storage—accompanied by a reporter for a chain of German newspapers. Zimmerman was a hot ticket, because a judge's ruling in November 1982 made it look very likely that the State of New York is going to end up paying him a lot of money to make up for the quarter of a century that he spent in state prisons for a crime he didn't commit.

But Izzy Zimmerman wasn't thinking about the money, or the two books he has written about his experiences, or the movie offers. He was thinking about the 13 men who has been killed by the State of New York during the nine months that he lived on death row in 1938 and early 1939. Four of those men he considered totally innocent.

"Oh boy, I tell you, I'm sorry I went," Zimmerman says in his thick New York accent. "I saw ghosts galloping up and down the corridors. I went into the death chamber and, to my mind, I literally saw these people again. They were talking to me. They wanted to know why I wasn't with them. I said: 'I'm innocent. I was talking back to them.

"Then the sergeant—I guess it was a real joke to him—he locked me in the cell that I was posing in. He locked the door on me and I really yelled at him. I was so mad. Then, when I went to the execution chamber proper, the guy says: 'Well, better late than never. You finally made it.' I said: 'That's not funny.' They have a macabre sense of humor."

Zimmerman got to death row in 1938, the New York State Court of Appeals later ruled, because key witnesses against him were telling very big lies at his trial. The Manhattan assistant district attorney who prosecuted him knew about the lies, the Court of Appeals ruled, but he didn't tell the trial court about it. So Izzy Zimmerman, on the verge of admission to Columbia University on a football scholarship, dreaming of a career as a lawyer, found himself convicted of murder in a Lower East Side robbery that left a New York City police officer dead.

"To our knowledge, as of this day, it's the longest recorded case of wrongful imprisonment in history," says Fred Fabricant of the Manhattan firm of Shea & Gould, Zimmerman's lawyer. "The closest one I've been able to find is 17 years. I've had a paralegal researching every wrongful imprisonment case that we can find. We haven't been able to find any published opinion anywhere in the world of a longer case of wrongful imprisonment where the person was absolutely exonerated. And when you add in the death row experience, that just makes it worse."

Tom Stoddard, legislative counsel to the New York Civil Liberties Union, agreed: "It is hard to imagine a worse set of facts."

FALSE TESTIMONY

It is clear that the 19-year-old Zimmerman was not even at the after-hours club on the Lower East Side in which Patrolman Michael J. Foley was killed during a robbery on April 10, 1937. His alleged role was to have provided the robbers with the gun they used. At the trial, the most damaging information came from Danny Rose and a second high school acquaintance named Harry Cooperman. They acknowledged that they had given the gun to the killers, but they added that Zimmerman gave it to them.

Both Rose and Cooperman were testifying under immunity, and neither one of them went to prison. But nearly 20 years later, at a coram nobis hearing, (a post-trial procedure to determine whether the conviction was wrongfully obtained) in 1956. Zimmerman's lawyers produced three sworn statements by Rose—made before the trial and before he was granted immunity—in which he said that Zimmerman had nothing to do with the murders. At the trial, though, when Zimmerman's lawyer asked Rose if he had made previous statements exonerating Zimmerman, Rose denied making any such statements.

"That was perjured testimony which the DA saw and used." Fabricant says. "He had an obligation to bring it to the court's attention. So it was real affirmative wrongdoing." In other words, not only did Assistant District Attorney Jacob Rosenblum fail to tell the court about Rose's previous statements, he sat mum when Rose perjured himself. Why?

"I think what motivated them was really what motivated Tom Dewey," Fabricant says, "because Tom Dewey was the DA of New York County at the time. He had a tabulation of how many murder convictions he was getting on his road to the governorship, and this was five boys on trial for murder."

But if the DA was interested only in numbers, why let Rose and Cooperman off the hook completely just to get Zimmerman? Why trade two for one if you're interested in statistics? "I guess the only answer, we

have, to this day, is because Zimmerman screwed them," Fabricant says.

The story of how Zimmerman angered authorities goes back to the time he was in a holding tank for questioning, just after the robbery. While he was there, the jailers put a defendant named Lawrence Sullivan in with him. Sullivan had been badly beaten, and he told Zimmerman that the police had done it.

Fabricant says: "They called Izzy out and they said: 'Do you want to go home?' And he said: 'You bet.' They said: 'You can go right now. We just want you to do us one favor.' Izzy said: 'What's the favor?' They said: 'Well, we put this guy in your cell by the name of Sullivan.' Izzy said: 'Yeah?' They said: 'Well, listen, you're going to be called to testify, probably under subpoena by the defense counsel. When you're called, we want you to say you beat him up.' Izzy said: 'I can't do that.' They said: 'Okay, you can go home now. You remember that, and if you don't do it, we're going to get you.' Izzy was let go and he went home. Then he was called to testify and he testified that he did not beat him up, and back in he went."

At the trial, Zimmerman and four others were convicted of first degree murder and sentenced to die.

SENTENCE COMMUTED

On January 26, 1939, Zimmerman, like the others, had his hair trimmed and his trousers slit, ready for the electrodes. He had eaten his last meal, including steak and ice cream, and smoked a tremendously big cigar. At about 8:45 PM he was in the visiting cage at the death house, trying to console his father and two brothers as they came to the end of the last visit, with just over two hours to go until the execution. Just then, a deputy warden came to the visiting cage.

"He came to the door," Zimmerman remembers, "and he said: 'Mr. Zimmerman.' I said: 'Yes, what is it?' He said: 'You're not going to die tonight.' I said: 'Who said so? I want to die tonight.' By this time, I was ready for death. And he said: 'The Governor (Herbert Lehman) has said so.' I said: 'You call him and tell him that I want to die tonight. I don't want a commutation. I don't want to spend the rest of my life in prison for a crime I didn't commit.' He said: 'You will have nothing to say about it.'"

The deputy warden was right. Zimmerman had nothing to say about it, and he spent a good part of the rest of his life in prison. Three of the co-defendants died that night in the electric chair, and Zimmerman and Philip Chaleff had their sentences commuted. Over the next quarter of a century, the injustice of it all made Zimmerman anything but a model prisoner. "The bitterness that one would inevitably have from this kind of experience led him to act out a lot," Stoddard says. "I don't think I would have survived the experiences he did."

But Zimmerman survived, and in 1956, the suppressed Danny Rose statements surfaced at the coram nobis hearings. Nonetheless, he lost the battle in the Court of General Sessions and again in the Appellate Division. Only in 1962, with the Court of Appeals decision, did he finally get out.

But his bad luck held.

ZIMMERMAN SUES

First, he tried to sue the City of New York—Jacob Rosenblum's employer. He lost. Then he wanted to sue the State of New York, but found that the Court of Claims law didn't give him jurisdiction. So he went to the Legislature, which four times passed bills allowing him to sue the state. Three were vetoed by Nelson Rockfeller and one by Malcom Wilson. Finally, in 1981, after Zimmerman had become a public figure by lobbying the Legislature against the death penalty, Hugh Carey signed a bill allowing him to sue.

Despite his role as defender of the people from law suits, Attorney General Robert Abrams had been so impressed by the magnitude of the injustice that he advised Carey to sign the bill.

"We were in a very difficult position," says Richard Rifkin, deputy first assistant attorney general, whose involvement in the case alone is evidence of Abrams' interest. On one hand, the attorney general's job is to defend the people of the state against law suits. On the other hand, he has to advise the governor honestly on bills. "We have a lot of different responsibilities in this office," Rifkin says. "This is not unusual, in the sense that there are conflicts . . . Given the facts of this case, we felt that at least Mr. Zimmerman ought to have a court hear his claim."

Once the claim was filed, there was little doubt of the outcome. "These facts are all really indisputable," Rifkin says.

On November 5, Court of Claims Judge Adolph Orlando in Manhattan granted "partial summary judgment on the question of liability only." That means the only thing left to be determined is how much money Izzy Zimmerman gets. "When you throw out to anybody, especially laymen, How do you compensate this man; the answer is 'You can't,'" Fabricant says. But Zimmerman is asking for $10 million.

And what will he do if he gets it? Izzy Zimmerman has plenty of time to think about it these days. he had been making his living as a doorman in Manhattan until he became ill last year, but now the case is his only work. He lives in a two-bedroom Jackson Heights apartment with his wife, Ruth, the childhood friend who married him two years after he got out of prison, and his cat, Kerry.

"We plan to start a foundation in the name of my mother and father," Zimmerman says. "The purpose of that is to correct miscarriages of justice, such as people on death row. I did a show about two years ago with Phil Donahue in which there were four other guys who came directly from the death house. If these guys were so easily found, how about the ones that we haven't heard from? So we plan on starting a foundation. If a guy's innocent, we plan on helping him."

Mr. LEVIN. Mr. President, I also ask unanimous consent that an interview by Phil Donahue with three men who had been convicted of serious crimes that they never committed be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

PHIL DONAHUE. Good morning, Jane. The system does not always work. It didn't work for Larry Smith. Larry Smith served five years in the Ohio state penal system for a murder he did not commit. He was sentenced to prison for the rest of his natural life. The details, just the highlights of this incident, include the death, the shooting death of an alleged drug dealer in the Arkon, Ohio, Area. The drug dealer's girlfriend escaped the shootout, later drew a sketch of the alleged murderer for police. The sketch, that of a white male, was passed around the neighborhood, so to speak. Somebody said "that looks like Larry Smith." They hauled Larry Smith into a lineup, and the girl picked him out of the lineup and said that's the man.

Smith, protesting continually his innocence, asked to take a lie test. That may have been his first mistake. He flunked the lie test. I assumed you'll never take another lie test.

LARRY SMITH. No.

DONAHUE. O.K. You served five years in prison, and what turned it around for you?

SMITH. A Sergeant Grayshock(?) from Akron, Ohio, from the sheriff's department reopened the case. He went to Texas and got confessions from a husband and wife that was involved in the slaying and they were polygraphed. They both passed polygraphs. He got two more people to confess to their involvement in it, plus the guy that did the murder admitted it to another police officer, and they got me a new trial.

DONAHUE. At which time you were found innocent.

SMITH. Yes.

DONAHUE. Did you get any money for serving time? Did you get any compensation?

SMITH. Two hundred and thirty dollars.

DONAHUE. And your wife divorced you while you were in prison. Also here is Larry Hicks, who in 1978 was accused of a double murder. Telling this in a very short way, you helped two men load furniture in a truck for transfer to another residence. You noticed during the time that they were drinking and there was some conflict between the two. There were also two women standing by who were involved with these men. You helped them and then you left. Apparently, sometime after you left, the fight ensued, and these two men were stabbed to death.

LARRY HICKS. Right.

DONAHUE. The two women said you did it.

HICKS. Right.

DONAHUE. Did you take a lie test?

HICKS. Not right then. I took one later on.

DONAHUE. How did you do on the lie test?

HICKS. I took two lie detector tests, and I beat them both.

DONAHUE. And you kept saying I didn't do this, I didn't do this?

HICKS. Right.

DONAHUE. And they said?

HICKS. That I did. They kept saying I did do it, and I kept saying I didn't do it.

DONAHUE. And you actually went to death row, did you?

HICKS. Right.

DONAHUE. You were how close to execution.

HICKS. Two weeks.

DONAHUE. Two weeks? What happened?

HICKS. Well, within that two weeks, J.S. Kembro, he called me back to the county, it was Layte County, and he granted me a new trial.

DONAHUE. And in that second trial, you were found?

HICKS. Not guilty. I was found—I got acquitted the second trial.

DONAHUE. Is it your feeling that there are other guys in there just like you who got railroaded?

HICKS. Oh, yes, definitely, most definitely.

DONAHUE. And when they say I'm innocent, the authority looks at'em and says that's what they all say.

HICKS. That's what the authorities say. "That's what they all say."

DONAHUE. Isadore Zimmerman, in 1937, was arrested and subsequently convicted by

a New York City police officer. And, you served how many years?

ISADORE ZIMMERMAN. Twenty-four years and eight months.

DONAHUE. You were how old at the time of this incident?

ZIMMERMAN. Eighteen years old.

DONAHUE. And you didn't do it.

ZIMMERMAN. I didn't kill anybody. The only involvement they said I had was loaning a gun to somebody. I had the incredibly bad luck to find two characters—one had loaned his coat and hat to someone else. I carried the hat and coat from one to the other, forgot the entire incident. Two months later, well, a detective was killed in a holdup. These two characters remembering that I had carried his hat and coat, decided that they could shift some of the responsibility on my shoulders, that perhaps it would be better for them, so they involved me by saying there was a gun in the coat. Actually, there was not, but they locked me in the Tombs where I had some more incredibly bad luck. A man was placed in the Tombs with me.

DONAHUE. The Tombs meaning the prison.

ZIMMERMAN. Meaning the county prison. And, there, he had been the victim of a brutal beating. I nursed him and took care of him to the best of my ability. Several months later, the district attorney said to me, asked me if I wanted to go home. I says, sure, I want to go home. I didn't do anything. He says I'm convinced of that. All I want you to do is testify that if your cellmate had any bruises on his body that you inflicted them during your fight. I said I would not perjure myself for him or anyone else. Nineteen years later, I first found out that the district attorney had brought these witnesses to his office and told them this is what I want you to say about Isadore Zimmerman. He deliberately framed me, and I wound up on death row for nine months, two hours away from my date of execution, but then Governor Lehman commuted my sentence.

DONAHUE. Your head was shaved?

ZIMMERMAN. My head was shaved. My leg was shaved. I was prepared to die. As a matter of fact, I had written to the governor, asking him to die, because I didn't want to spend the rest of my life in prison for a crime I never committed.

DONAHUE. You were—the murder happened in '37. You were immediately incarcerated. And, you were freed in what year, Izzy?

ZIMMERMAN. 1962.

DONAHUE. What was it that resulted in your being released?

ZIMMERMAN. The same witnesses now came forth and didn't perjure themselves at the instigation of the District Attorney. They finally told the truth. And, mind you, their testimony had helped send four men to the electric chair.

DONAHUE. You're also kind of a lobbyist now in a way. You're your own political rabble rowser. What are you doing?

ZIMMERMAN. I am the unofficial spokesman against the death penalty.

DONAHUE. And you also feel that the state of New York should compensate those who were wrongly jailed, is that right?

ZIMMERMAN. Yes, especially me, because I did twenty-five years for a crime I never committed. As a matter of fact, I have a bill up now, and I'd like some of your viewers to write to the Governor if they feel that I was wrongfully imprisoned. All they have to say is that they're in favor of it.

DONAHUE. Some kind of compensation for those who are wrongly convicted.

ZIMMERMAN. Yes.

Mr. LEVIN. Mr. President, I ask unanimous consent that an article from the New York Times of June 1, 1983, headlined "$1 Million Is Awarded To Man Wrongly Imprisoned 24 Years" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$1 MILLION IS AWARDED TO MAN WRONGLY IMPRISONED 24 YEARS

(By E. R. Shipp)

A Queens man who spent 24 years in New York prisons for a murder state officials have since conceded he did not commit was awarded $1 million in compensation yesterday by the State Court of Claims.

But the man, Isidore Zimmerman, who came within hours in 1939 of being executed, said he was "very unhappy" that the judge, Joseph Modugno, rejected his claim for $10 million.

"I should have gotten much more because what I sacrificed can never be replaced," said Mr. Zimmerman, a 66-year-old retired doorman.

NO CAREER AND NO CHILDREN

He said that several members of his family had died before he was able to clear his name, that he had not been able to pursue a career, that his health had suffered and that he had had no children.

In a 10-page decision, Judge Modugno noted that Mr. Zimmerman "testified in detail as to his sufferings, his severe beatings and long periods of solitary confinement in 'strip cells' where he was kept on a diet of bread and water in a room with limited sleeping and toilet facilities."

The judge concluded: "Based on all the evidence in the record and 120 exhibits, the court has determined that an award in the sum of $1 million would be fair and reasonable."

This, he said, is sufficient to cover all claims, "including loss of earnings, medical expenses, loss of liberty and civil rights, loss of reputation and mental anguish."

Both Mr. Zimmerman and the state gave indications that there might not be an appeal. The two sides have 30 days to decide.

Mr. Zimmerman's lawyer, Alfred Fabricant, noted that if he appealed, there was the chance the award would be reduced. Mr. Zimmerman, who is in poor health, also indicated he needed money now.

"I have no means to live on anymore," he said.

David M. Fishlow, a spokesman for Attorney General Robert Abrams, pointed out that Mr. Abrams had pushed for the legislation that made it possible for Mr. Zimmerman to sue the state.

"The only issue was the amount of the state's liability," Mr. Fishlow said. "He asked for $10 million. Attorney General Abrams, on behalf of the state, felt that was excessive."

In 1937, Mr. Zimmerman, then 20, was one of seven young men charged with taking part in the robbery of a Lower East Side restaurant during which a police officer was killed. Convicted of first-degree murder, he spent nine months on death row. Two hours before he was scheduled to be executed, Gov. Herbert H. Lehman commuted the sentence to life in prison.

Mr. LEVIN. Mr. President, on July 19, 1977, Governor Dukakis of Massachusetts:

Declaring that the "stigma and disgrace" attached by history to the names of Nicola Sacco and Bartolomeo Vanzetti, their families, and the Commonwealth of Massachusetts should be "forevermore removed."

Sacco and Vanzetti were executed in the State of Massachusetts for the murders of two men nearly a half a century before Governor Dukakis declared them to be victims of an error of justice. Governor Dukakis proclaimed that the miscarriage of justice had occurred when Sacco and Vanzetti were executed. Their trial was, in his words, "permeated by prejudice against foreigners and hostility toward unorthodox views."

The belief that Sacco and Vanzetti were innocent is held by many because of the use of misleading evidence during the trial and the prosecution's failure to present exculpatory evidence. The judge who presided over the trial openly displayed biased opinions concerning the case and the prosecutor played upon the jurors' prejudices and emotions, and his repeated calls for patriotism.

In his report on Sacco and Vanzetti, a number of abuses were identified by Governor Dukakis, including making use of false evidence, making use of unfair and misleading evidence, withholding exculpatory evidence, and appealing to the jury's prejudices and biases.

The proclamation of the Governor of Massachusetts in part reads as follows:

The people of Massachusetts today take pride in the strength and vitality of their governmental institutions, particularly in the high quality of their legal systems; and

They recognize that all human institutions are imperfect, that the possibility of injustice is ever-present, and that the acknowledgment of fault, combined with a resolve to do better, are signs of strength in a free society; and

The trial and execution of Sacco and Vanzetti should serve to remind all civilized people of the constant need to guard against our susceptibility to prejudice, our intolerance of unorthodox ideas, and our failure to defend the rights of persons who are looked upon as strangers in our midst.

Mr. President, it took nearly a half century for the State of Massachusetts to rectify the wrong which occurred in the Sacco and Vanzetti case. I suspect that more often than not, these errors are never revealed or are never recognized by the State. There are several reasons why it is difficult to exonerate defendants in such cases. First, since the person is dead, the incentive to rectify the wrong is almost nil. Unless a family member, dedicated attorney, or some other person takes up the cause, the question of guilt dies with the accused.

In addition, even where there is substantial evidence of an error of justice,

it is difficult for the State to admit that an error has been made which resulted in the death of an innocent person. The mistake is very often the result of an overzealous prosecutor as in the case of Isadore Zimmerman, or blatant prejudice against the defendant, as in the Sacco-Vanzetti case. Also, very few lawyers want to do the investigative work which is necessary to prove one's innocence.

Mr. President, one of the most moving statements relative to the death penalty by a condemned man is a fairly well-known statement of Bartolomeo Vanzetti, which he gave shortly before he was executed for a crime of which the Governor of Massachusetts said he was unjustly convicted. He said in those moments before he was executed:

Yes. What I say is that I am innocent, not only of the Braintree crime, but also of the Bridgewater crime. That I am not only innocent of these two crimes, but in all my life I have never stole and I have never killed and I have never spilled blood. That is what I want to say. And it is not all. Not only am I innocent of these two crimes, not only in all my life I have never stole, never killed, never spilled blood, but I have struggled all my life, since I began to reason, to eliminate crime from the earth.

Everybody that knows these two arms knows very well that I did not need to go in between the street and kill a man to take the money. I can live with my two arms and live well. But besides that, I can live even without work with my arm for other people. I have had plenty of chance to live independently and to live what the world conceives to be a higher life than not to gain our bread with the sweat of our brow.

My father in Italy is in a good condition. I could have come back in Italy and he would have welcomed me every time with open arms. Even if I come back there with not a cent in my pocket, my father could have give me a possession, not to work but to make business, or to oversee upon the land that he owns. He has wrote me many letters in that sense, and other well to do relatives have wrote me many letters in that sense that I can produce.

Well, it may be a boast. My father and my uncle can boast themselves and say things that people may not be compelled to believe. People may say they may be poor when I say that they are to consider to give me a position every time that I want to settle down and form a family and start a settled life. Well, but there are people maybe in this same court that could testify to what I have say and what my father and my uncle have say to me is not a lie, that really they have the means to give me position every time that I want.

Well, I want to reach a little farther, and it is this,—that not only have I not been trying to steal in Bridgewater, not only have I not been in Braintree to steal and kill and have never steal or kill or spilt blood in my life, not only have I struggled hard against crimes, but I have refused myself the commodity or glory of life, the pride of life of a good position, because in my consideration it is not right to exploit man. I have refused to go in business because I understand that business is a speculation on profit upon certain people that must depend upon the business man, and I do not consider that that is right and therefore I refuse to do that.

Now, I should say that I am not only innocent of all these things, not only have I never committed a real crime in my life—though some sins but not crimes—not only have I struggled all my life to eliminate crimes, the crimes that the official law and the official moral condemns, but also the crime that the official moral and the official law sanctions and sanctifies,—the exploitation and the oppression of the man by the man, and if there is a reason why I am here as a guilty man, if there is a reason why you in a few minutes can doom me, it is this reason and none else.

I beg your pardon. (Referring to paper.) There is the more good man I ever cast my eyes upon since I lived, a man that will last and will grow always more near and more dear to the people, as far as into the heart of the people, so long as admiration for goodness and for sacrifice will last. I mean Eugene Debs. I will say that even a dog that killed the chickens would not have found an American jury to convict it with the proof that the Commonwealth produced against us. That man was not with me in Plymouth or with Sacco where he was on the day of the crime. You can say that it is arbitrary, what we are saying, that he is good and he applied to the other his own goodness, that he is incapable of crime, and he believed that everybody is incapable of crime.

Well, it may be like that but it is not, it could be like that but it is not, and that man has a real experience of court, of prison and of jury. Just because he want the world a little better he was persecuted and slandered from his boyhood to his old age, and indeed he was murdered by the prison. He know, and not only he but every man of understanding in the world, not only in this country but also in the other countries, men that we have provided a certain amount of a record of the times, they all still stick with us, the flower of mankind of Europe, the better writers, the greatest thinkers of Europe, have pleaded in our favor. The scientists, the greatest scientists, the greatest statesmen of Europe, have pleaded in our favor. The people of foreign nations have pleaded in our favor.

Is it possible that only a few on the jury, only two or three men, who would condemn their mother for worldly honor and for earthly fortune; is it possible that they are right against what the world, the whole world has say it is wrong and that I know that it is wrong? If there is one that I should know it, if it is right or if it is wrong, it is I and this man. You see it is seven years that we are in jail. What we have suffered during these seven years no human tongue can say, and yet you see me before you, not trembling, you see me looking you in your eyes straight, not blushing, nor changing color, not ashamed or in fear.

Mr. President, we took the life of Sacco and Vanzetti many years ago. I now ask unanimous consent that the statement from the office of Governor Dukakis, dated July 19, 1977, relative to that execution, as well as a proclamation of Governor Dukakis of the same date, be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FROM THE OFFICE OF GOVERNOR DUKAKIS

Declaring that the "stigma and disgrace" attached by history to the names of Nicola Sacco and Bartolomeo Vanzetti, their families, and the Commonwealth of Massachusetts should be "forever removed, " Governor Michael Dukakis Tuesday issued a proclamation marking the 50th anniversary of Sacco and Vanzetti's death by execution.

At noontime State House ceremonies attended by the grandson of Nicola Sacco, the Governor proclaimed August 23, 1977, "Nicola Sacco and Bartolomeo Vanzetti Memorial Day" and called on the people of Massachusetts to guard against "the forces of intolerance, fear, and hatred," which he said clouded the atmosphere of their indictment, trial and appeals.

After signing the proclamation in the Senate Chambers, Governor Dukakis presented copies printed in English and Italian to Spencer Sacco, a grandson of Nicola Sacco, and Franco di Bruno, Italian Consul-General in Boston, who appeared on behalf of Bartolomeo Vanzetti's sister, Vincenzina Vanzetti of Cuneo, Italy.

"Sacco and Vanzetti would not have wanted to be pardoned, even it it were possible for me to do so," the Governor said, "for they maintained their innocence to the end. They asked not for mercy or forgiveness, but for justice."

"The Sacco-Vanzetti case has caused years of agony for their families and for the thousands of people who came to their defense. Today's proclamation will not wipe out their pain, nor is it meant to help us forget their cause. What it will do, I hope, is say to the world that an injustice was done—an injustice we must never repeat," the Governor continued.

Nicola Sacco, a shoemaker, and Bartolomeo Vanzetti, a fish peddler, were avowed Anarchists who were accused of murdering Alessandro Berardelli and Frederick Parmenter on April 15, 1920, during a $15,677 payroll robbery in South Braintree, Massachusetts. They were found guilty on July 14, 1921, following a six-week trial. After six years of unsuccessful appeals, during which the confession of Celestino Madeiros exonerating Sacco and Vanzetti of the South Braintree murders was rejected by the court, Sacco and Vanzetti were sentenced to death. Governor Alvin T. Fuller ordered a review of the case by a special three-member advisory committee. Based in part on the committee's findings, Governor Fuller denied clemency and on August 23, 1927, Sacco and Vanzetti were executed at Boston's Charlestown Prison.

In his proclamation, Governor Dukakis states that "the atmosphere of their trial and appeals was permeated by prejudice against foreigners and hostility toward unorthodox political views," and that "the conduct of many officials involved in the case shed serious doubts on their willingness and ability to conduct the prosecution and trial of Sacco and Vanzetti fairly and impartially."

A memorandum on the case prepared by the Governor's Legal Office cites a number of abuses by the prosecution, including "making use of false evidence, making use of unfair and misleading evidence, withholding exculpatory evidence, and appealing to the jury's prejudice and biases." Similar charges of prejudicial behavior have been made against the trial judge.

The proclamation points out that Massachusetts law at that time limited the possibility of Sacco and Vanzetti being given a new trial. Until a 1939 change in state law, the Massachusetts Supreme Judicial Court could order a new trial only when the verdict was contrary to the law. With passage of Chapter 341 of the Acts of 1939, as a

direct result of the Sacco-Vanzetti case, the state's highest court was empowered to order a new trial when the verdict went against the weight of evidence or was contradicted by newly discovered evidence, or "for any other reason that justice may require."

Speaking at the proclamation signing, Governor Dukakis stated, "We are not here to determine whether these men were guilty or innocent. We are here to say that the high standards of justice which we in Massachusetts take such pride in, failed Nicola Sacco and Bartolomeo Vanzetti, and as the proclamation states, 'to remind all civilized people of the constant need to guard against our susceptibility to prejudice, our intolerance of unorthodox ideas, and our failure to defend the rights of persons who are looked upon as strangers in our midst.'"

Proclaiming August 23, 1977, "Nicola Sacco and Bartolomeo Vanzetti Memorial Day", the Governor declared that "the stigma and disgrace should be forever removed from the names of Nicola Sacco and Bartolomeo Vanzetti, from their families and descendants, and so, from the name of the Commonwealth of Massachusetts.

Accepting the proclamation on behalf of the Sacco family, Spencer Sacco thanked the Governor "personally for taking the initiative to correct an injustice that has been with us for fifty years. We, the family, wish to accept this proclamation on behalf of all those who have witnessed or been victims of similar injustices."

On July 14th, Mr. Sacco flew to Italy to present a copy of the proclamation to Vincenzina Vanzetti. In a letter to the Governor, Bartolomeo Vanzetti's only surviving sister thanks the Governor on behalf of her brother Ettore and herself "for the happy outcome of this cause which is so close to my heart and for which I have been working so many decades."

She continues: "I have lived for so many years with the hope of seeing the issuing of such a document. I thank you not only for myself and my family but also on behalf of all who in Italy and throughout the world have worked and are still working for this cause."

Also participating in the proclamation ceremonies were Massachusetts Secretary of State Paul Guzzi, who co-signed the proclamation for the Commonwealth, and Suffolk University Professor of Law, Alexander J. Cella, who made opening remarks.

A PROCLAMATION—1977

Whereas, a half century ago next month, Nicola Sacco and Bartolomeo Vanzetti were executed by the Commonwealth of Massachusetts after being indicted, tried, and found guilty of murdering Alessandro Berardelli and Frederick A. Parmenter; and

Whereas, Nicola Sacco and Bartolomeo Vanzetti were Italian immigrants who lived and worked in Massachusetts while openly professing their beliefs in the doctrines of anarchism; and

Whereas, the atmosphere of their trial and appeals was permeated by prejudice against foreigners and hostility toward unorthodox political views; and

Whereas, the conduct of many of the officials involved in the case shed serious doubt on their willingness and ability to conduct the prosecution and trial of Sacco and Vanzetti fairly and impartially; and

Whereas, the limited scope of appellate review then in effect did not allow a new trial to be ordered based on the prejudicial effect of the proceedings as a whole; and

Whereas, this situation was later rectified as a direct result of their case by the adoption of Chapter 341 of the Acts of 1939, which permitted the Massachusetts Supreme Judicial Court to order a new trial not merely because the verdict was contrary to the law, but also if is was against the weight of the evidence, contradicted by newly discovered evidence, or "for any other reason than justice may require"; and

Whereas, the people of Massachusetts today take pride in the strength and vitality of their governmental institutions, particularly in the high quality of their legal system; and

Whereas, they recognize that all human institutions are imperfect, that the possibility of injustice is ever-present, and that the acknowledgment of fault, combined with a resolve to do better, are signs of strength in a free society; and

Whereas, the trial and execution of Sacco and Vanzetti should serve to remind all civilized people of the constant need to guard against our susceptibility to prejudice, our intolerance of unorthodox ideas, and our failure to defend the rights of persons who are looked upon as strangers in our midst; and

Whereas, simple decency and compassion, as well as respect for truth and an enduring commitment to our nation's highest ideals, require that the fate of Nicola Sacco and Bartolomeo Vanzetti be pondered by all who cherish tolerance, justice and human understanding; and

Whereas, Tuesday, August 23, 1977, will mark the fiftieth anniversary of the execution of Nicola Sacco and Bartolomeo Vanzetti by the Commonwealth of Massachusetts;

Now, therefore, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, by virtue of the authority conferred upon me as Supreme Executive Magistrate by the Constitution of the Commonwealth of Massachusetts, and by all other authority vested in me, do hereby proclaim Tuesday, August 23, 1977, "NICOLA SACCO AND BARTOLOMEO VANZETTI MEMORIAL DAY"; and declare, further, that any stigma and disgrace should be forever removed from the names of Nicola Sacco and Bartolomeo Vanzetti, from the names of their families and descendants, and so, from the name of the Commonwealth of Massachusetts; and I hereby call upon all the people of Massachusetts to pause in their daily endeavors to reflect upon these tragic events, and draw from their historic lessons the resolve to prevent the forces of intolerance, fear, and hatred from ever again uniting to overcome the rationality, wisdom, and fairness to which our legal system aspires.

Mr. LEVIN. Mr. President, the State of Massachusetts, like my own State of Michigan, has had a number of cases where innocent persons have been victims of an imperfect judicial system. On March 22, 1982, Mr. Mark Grodin, assistant professor of law at the New England School of Law testified before the Massachusetts Legislature on miscarriages of justice in the State of Massachusetts. His testimony read:

I have conducted research into several cases in Massachusetts in which persons were put to death or condemned to die and in which there later developed evidence clearing them of the crime charged or at least raising very serious doubts about their guilt. These cases remind us of the fallibility of our criminal justice system even when making a decision as momentous as imposing the death sanctions.

The number of these cases and the patterns that emerge from them provide us with very little confidence that restoration of the death penalty will not result again in the killing of innocent persons by the commonwealth.

(During Mr. LEVIN's remarks the following occurred:)

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to yield to my friend from Pennsylvania without losing my right to the floor and without this being counted as my first speech in toto under the two-speech rule.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Michigan, Mr. LEVIN, for yielding this time to permit me to speak on S. 1765 and to state my reasons for supporting and being a cosponsor of this legislation.

There is no more difficult question, either philosophically or from a practical point of view, than the issue of the death penalty. It is obviously difficult under any circumstance for society to exact capital punishment. But it is my judgment, based upon experience as a prosecuting attorney and as a defense attorney and as an observer of the criminal justice system, that the death penalty is warranted in a limited number of cases.

My conclusion stems from my experience and judgment that capital punishment is, in fact, a deterrent. If the death penalty is invoked in a limited number of cases, it can have a substantial effect on decreasing criminal conduct, decreasing murder, and decreasing other crimes of violence which are likely to lead to murder.

One case is illustrative of many I have seen. That involved an incident in the late 1950's with three young men by the names of Williams, Cater, and Rivers, a celebrated murder case in the city of Philadelphia. Williams was the ringleader, a young man of 19; Cater was 18, and Rivers was 17. Rivers had been selected to join in the planned robbery because he had no prior record. His fingerprints were, therefore, not on file and he could open the drugstore door as planned without leaving his prints as a source of detection.

Williams, the oldest of the group, had a revolver and brandished it as they talked about planning a drugstore robbery. Cater and Rivers refused to go along with Williams if he took the revolver because, as later disclosed in their confessions, Cater and Rivers were concerned that if a revolver were taken on the robbery someone

might be killed and they might get the death penalty.

These facts were set forth at length when the men confessed after the fact. Those confessions are on record with the prothonotary, and the records are preserved in the Supreme Court of Pennsylvania.

When Williams saw that Cater and Rivers refused to go along with the revolver, he said he would leave the revolver behind and slammed the door shut with the revolver behind it. Cater and Rivers then rose to leave and, unbeknownst to them, Williams took the revolver from behind the door.

Cater and Rivers were men with marginal IQ's, but they were concerned that a weapon should not be taken lest someone be killed and they face the possibility of the death penalty.

But unbeknownst to Cater and Rivers, Williams did take the gun along. They moved to a drugstore in north Philadelphia. The proprietor resisted, Williams drew the revolver and shot and killed him, a classic felony murder resulting from the robbery.

Williams ultimately was executed for the offense. Cater and Rivers were sentenced to death, but their offense was ultimately commuted because they, in fact, did not know that the gun was to be used. Although equally guilty as a matter of law, they did not receive the death penalty as discretion was used.

That case is illustrative, in my judgment, of how two young men who were prepared to be robbers, even men with marginal I.Q.'s and very little by way of educational background, were unwilling to participate in a robbery if a weapon were to be used which might result in a killing and in the imposition of the death penalty on them.

I have heard from professional burglars that they will not carry weapons in the course of their burglaries because they are apprehensive of a scuffle, apprehensive of resistance, and apprehensive that they may use the weapon and face the possibility of the death penalty in the jurisdictions where capital punishment is imposed.

In 1960, 1961, and 1962, when I held the position as assistant district attorney in Philadelphia, as chief of the Appeals, Pardon, and Parole Division, it was my responsibility to interview applicants for pardons. During the course of those interviews, I had the responsibility to talk to hundreds of men and women who were in jail who were applying for pardons. They discussed the background of their own particular crime, their own mental attitudes, and their own outlooks.

During the course of those interviews, and during the course of interviewing inmates in Pennsylvania prisons over the 8 years that I was district attorney of the city of Philadelphia and made frequent visits to the prisons, I learned that the people in those penal institutions were very aware, very knowledgeable, very concerned about the potential penalties. They very much take into accout the presence of the death penalty if they in fact are involved in the commission of a crime which may result in someone's death.

I realize that the statistics on whether capital punishment is a deterrrent go both ways. But the judgments which I have had in the course of some substantial experience in the field have convinced me that capital punishment is, in fact, a deterrent.

In my judgment, the death penalty ought to be imposed in only the most extraordinary cases. On an average in the city of Philadelphia, there were some 500 homicides, and our rule was that the district attorney himself had to make the decision to seek the death penalty. That was a rule long before I became district attorney in Philadelphia. Those analyses were very careful and painstaking. There were only two or three or perhaps four cases a year where the death penalty was recommended. Of course, that was only the prosecutor's recommendation. The matter had to be presented to the court, juries had to be convinced, and the juries ultimately had to impose the death penalty. And it was done in a very limited number of cases.

But it is my judgment that the availability of the death penalty was, in fact, a significant deterrent to those who would rob or rape or murder or where murder was a possible or probable consequence of the commission of a felony. On consideration of which cases merited the death penalty, there are some horrendous examples—those with hardness of heart, with the most reprehensible of all kinds of conduct, with bad records—where the death penalty was appropriate.

The imposition of the death penalty has achieved very substantial refinement during the course of the past 10 years in the United States. During most of that time, the death penalty was not imposed at all or on a very limited basis. Since 1962 no death penalty has been carried out in Pennsylvania. During a period from 1967 to 1977, there was very possibly no death penalty carried out anywhere.

Evolving in the late 1950's, there has been a practice of a split verdict, which provided substantial protection for those accused of murder. It was the case, as a general practice in the United States, that a person's prior record was considered at the time the jury came to a conclusion on innocence or guilt, as illustrated by a famous case in Pennsylvania, Commonwealth of Pennsylvania against Anthony Scolari. Scolari was charged with robbery and murder and, during the trial, the jury heard evidence of 25 prior robberies on the part of Scolari. The jury was instructed that they were not to consider the 25 prior robberies until they had determined that Scolari was in fact guilty of the robbery at issue. Then, and only then, would they be permitted to consider his prior record on the question of the penalty, whether Scolari would have life imprisonment or death in the electric chair.

That so-called prior record rule in Pennsylvania was admittedly unfair, and Pennsylvania adopted the system of split verdict. This required that there first be a trial to determine guilt and only after guilt was determined would there then be a submission of the defendant's prior record to the jury so that a conclusion might be reached on the appropriate kind of penalty.

In the landmark decision of Furman against Georgia, handed down in 1972, the Supreme Court of the United States declared capital punishment unconstitutional because it was not rationally enforced. Following that Supreme Court decision, there were modifications in death penalty statutes across the country. I participated in the Commission To Consider Reimposition of the Death Penalty. The commission held hearings all over the Commonwealth of Pennsylvania and reaffirmed the use of the penalty, using aggravating or mitigating circumstances, in conformity with the decision. The mitigating factors set forth in S. 1765 are a recognition that the jury should have before it factors which would lead it away from the death penalty, as, for example: Where the defendant was 18 years of age or less at the time of the offense; where the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution; or where the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; or where the defendant was an accomplice whose participation in the offense was relatively minor.

Prior to the Furman decision, no rule existed for such mitigating factors, but after Furman, such mitigating factors were taken into account as a matter of constitutional mandate.

Similarly, S. 1765 contains a list of aggravating factors which has been another hallmark of the Furman decision. The factors include whether the defendant had previously been convicted of an offense resulting in death, whether the defendant had previously been convicted of two or more Federal or State offenses punishable by a term of imprisonment, or whether other aggravating factors were present as recited in the law. So that, looking at the legislation which we have before us in the year 1984 there has been substantial refinement on the imposition of

the death penalty to be as sure as we can that it is imposed only in an appropriate case.

Does this eliminate the possibility of mistake? I am prepared to concede that it does not. It is not possible to fashion any system of the administration of criminal justice which is foolproof. Notwithstanding the fact that there is a very heavy burden of proof on the State to prove guilt beyond a reasonable doubt and, notwithstanding the fact that jurors and courts shy away from the death penalty, no one can say that a system can function without any mistakes. But in evaluating whether the incidents of injustice require the abolition of the death penalty to avoid any mistake or whether the incidents of injustice weigh more heavily on the side of the many victims of murders—many victims who, in my judgment, would avoid being murdered were the death penalty deterrent available—it is my feeling that the balance falls on the side of having the death penalty available in the limited number of cases I have cited.

Consider the number of murders in the United States and the growing number since 1957. According to the FBI Uniform Crime Reports, there were 8,027 murders in 1957 and in 1982 21,012 murders, a growing progression. A substantial number of those were felony murders, ranging from some 13 to 45 percent, and it is apparent that the number of murders in this country poses a major and growing national problem.

Mr. President, I ask unanimous consent that the statistics may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. MURDER RATES

	Number of murders	Percent felony murders
Year:		
1982	21,012	23
1981	22,516	23
1980	23,044	25
1979	21,456	22
1978	19,555	23
1977	19,121	45
1976	18,780	28
1975	20,510	32
1974	20,600	28
1973	19,530	29
1972	18,520	27
1971	17,630	28
1970	15,810	29
1969	14,590	27
1968	13,650	25
1967	12,090	32
1966	10,920	22
1965	9,850	21
1964	9,360	20
1963	8,640	12
1962	8,530	13
1961	8,740	(1)
1960	9,110	(1)
1959	8,583	(1)
1958	8,182	(1)
1957	8,027	(1)

[1] Not available.

Source: FBI Uniform Crime Reports.

Mr. SPECTER. The issue of deterrence, Mr. President, extends beyond those who have been murdered, but extends as well to those who are victims of burglary, robbery, or rape. There is a substantial possibility of being murdered when those felonies are perpetrated. Those offenses range into the tens of thousands of cases annually.

So, Mr. President, it is my judgment that if the deterrent of the death penalty were to be present, there would be a significant saving of lives of the innocent victims. How many? Who can say? It is not possible to get a statistical answer. But I would venture a judgment that it would be in excess of 100 a year, or in excess of 200 a year. So that when we are talking about the number of innocent victims who are murdered each year and ask to draw an evaluation of how many of those lives would be saved if capital punishment were present as a deterrent, it is my judgment that the number would be substantial.

On balance, we ought to legislate in favor of doing our utmost to protect those innocent victims while at the same time fashioning a system which provides substantial procedural safeguards for the accused and take every reasonable precaution to avoid mistakes. We should avoid subjecting anyone to the death penalty except in those cases of outlandish and outrageous conduct and where the background and record of the individual cries out for that kind of punishment.

Mr. President, I wish to emphasize particularly a provision of S. 1765 which is based on a bill, S. 1565, I introduced last June to permit capital punishment for those serving life imprisonment who then commit a murder while in prison. This is a category of offense which, in my judgment, is one of the clearest demonstrations of why the death penalty ought to be available, where someone is serving a life sentence. If the death penalty is not available, that person obviously has nothing to lose by serving a second life sentence.

Soon after I introduced the bill in June 1983, we noted a tragic example of why this legislation is so sorely needed. On October 22 of last year, two corrections officers of the Marion, Ill., Federal prison were stabbed and killed in separate incidents. Two other guards were wounded. The murdered officers, aged 53 and 51, were both husbands and fathers. They worked in a wing which housed 60 of the most dangerous and hardened criminals at Marion. From all accounts, it appears that they were killed with brutality and cunning.

Disturbingly, the two inmates charged with the murders each have astounding criminal histories of violence. Each has been convicted of three prior murders, each has been convicted of murders of other inmates while in prison, and each was serving multiple life terms.

These two murders starkly illustrate that there are some prisoners who truly feel that they have nothing left to lose and are immune from further punishment, even if they commit another murder. In such a situation, only the threat of capital punishment can serve as a deterrent to those bent on prison violence. And only capital punishment, therefore, can save the lives of those correctional officers and inmates placed in danger every day. Similarly, the deterrence of the death penalty may serve to save the lives of other innocent victims.

So, Mr. President, I support S. 1765, realizing full well the magnitude of having a life taken even by the State under compelling circumstances such as those described today.

I again thank the distinguished Senator from Michigan for yielding. At this time, Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I ask the indulgence of the distinguished Senator from Michigan and the distinguished Senator from Washington to allow me to make a few remarks in closing to the remarks of the distinguished Senator from Pennsylvania.

Mr. LEVIN. I am happy to yield to the distinguished Senator from Utah.

Mr. HATCH. With the understanding that he not lose his right to the floor and that it not be a second speech under the rules, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to compliment the distinguished Senator from Pennsylvania because I do not know of anybody now on the floor of the U.S. Senate who has more personal experience in this area or more actual knowledge in this area than the distinguished Senator from Pennsylvania, nor do I know anybody on the Judiciary Committee who works harder and understands the law better than my distinguished colleague from Pennsylvania.

I think anybody who comes here arguing that we have to have a cut and dried, 100 percent sure, foolproof way of making sure nobody ever suffers is asking for the clearly impossible. But what the distinguished Senator has pointed out is that, although it is impossible to determine that there was always justice which occurs in the criminal courts of this Nation, it is possible to set the procedures and to follow the laws to the extent that very few inequities really do occur in these areas.

To say that we should not have the awesome punishment for some of these heinous, reprehensible crimes that go on in our society because occasionally we may make an error fails to recognize the importance of society's

aims, goals, and needs, at a time when needs are rising very greatly.

I want to thank the distinguished Senator and express my gratitude to him for coming to the floor and giving us the benefit of his knowledge. I personally appreciate it.

Mr. SPECTER. Mr. President, if I may, I would like to thank my distinguished colleague from Utah, Senator HATCH, for those very gracious remarks. In the course of the past 3 years I have had occasion to work very closely with Senator HATCH and we have grappled with some of the most difficult problems. I am very appreciative of his comments concerning hard work, since he is a Senator who knows what hard work is. There is no one in the Senate who works harder than Senator HATCH. I have seen him conduct hearings in the Constitutional Law Subcommittee beginning at 9 a.m. and sitting through late at night. I have seen him take on hearings for specific judicial candidates, an extracurricular chore, and work around the clock.

It has been a pleasure to work with Senator HATCH. Not that we always agree, as there are times when we do not. There has never been any occasion when he has not thoroughly analyzed all the issues to the maximum extent he can in trying to reach accommodation. I very much appreciate the opportunity to work with the Senator from Utah.

Mr. HATCH. I thank my colleague.

Mr. President, this bill establishes every conceivable procedure to minimize the opportunity for error. There is no question, however, that in any human institution it carries with it the possibility of error. To suggest that society cannot operate a criminal justice system because of the possibility of error is to put into question the entire foundation of such a system.

We have to establish a system that reduces to the irreducible minimum the possibility of error and then have the self-confidence to rely on that system. If the possibility of human error is sufficient to call into question public institutions we better throw up our hands entirely. We have every possible safeguard in this bill. That is all that I think a mortal Congress can really do. Let me list illustrative protections contained in S. 1765, the safeguard protections.

The jury must determine beyond a reasonable doubt, a very difficult standard, that the defendant committed the capital offense. The jury must make this determination unanimously.

The jury must determine beyond a reasonable doubt that there was absolutely no mitigating factor involved. The jury must make this determination unanimously.

The jury must affirmatively determine beyond a reasonable doubt, again, that an aggravating circumstance existed. And I might add the jury has to make this determination unanimously.

A full appellate opportunity is required if the defendant desires. This appeal shall fully review the record, determine that the atmosphere of the trial was fair to the defendant, and determine that the record supports the jury's finding.

You have bifurcated trials, separate trials for the determination of guilt or innocence, and for the determination of the appropriate sentence.

You have multiple appeals as a matter of course, appeals in both the State and the Federal courts and systems.

You have opportunities for habeas corpus petitions.

You normally have several years of motions and countermotions before a death sentence can be carried out. You have every conceivable sort of procedural opportunity to delay the implementation of the sentence.

Let me conclude by just stating what the Massachusetts special commission said:

> We do not feel, however, that the mere possibility of error, which can never be completely ruled out, can be urged as a reason why the right of the State to inflict the death penalty can be questioned in principle. * * * All that can be expected of [human authorities] is that they take every reasonable precaution against the danger of error. When this is done by those who are charged with the application of the law, the likelihood that errors will be made descends to an irreducible minimum. If errors are then made, this is the necessary price that must be paid within a society which is made up of human beings and whose authority is exercised not by angels but by men themselves. It is not brutal or unfeeling to suggest that the danger of miscarriage of justice must be weighed against the far greater evils for which the death penalty aims to provide effective remedies.

I appreciate the comments of the distinguished Senator from Pennsylvania. They are true. They are accurate. They are well-intentioned and, I think, they work in the final analysis.

I thank my colleague from Washington for allowing me to make these interim remarks between those of the distinguished Senator from Pennsylvania and his own. I thank my colleague from Michigan for allowing me to make these remarks.

The PRESIDING OFFICER. The chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I may be allowed to yield the floor at this point with the understanding that subsequent remarks I might make on this measure or amendments or motions concerning this measure not be considered a second speech when I resume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Washington.

Mr. EVANS. Mr. President, few issues are as difficult for Members of the Senate and citizens of this country as decisions on the death penalty.

Mr. President, the Senate has before it legislation to attempt to establish constitutional procedures to impose the death penalty for various Federal felonies. This issue has been before the Congress since the Supreme Court nullified existing Federal and State death penalty laws in 1972. These laws were struck down because the Court found they were administered in an "arbitrary and capricious" manner. Judges had too much discretion to impose sentences and juries had no clear direction in concluding which, if any, aggravating circumstances were present in a crime.

The Congress has failed to establish Federal criteria to reinstitute the death penalty because I do not believe at this juncture that such criteria can be established. In our efforts to revise the Federal death penalty statute we have focused our attention, I believe, on the wrong issues. The underlying reason for making the death penalty available is to thwart the alarming growth of violent crime in this country. As a deterrent, it does not work. As a matter of legislative policy, it is wrong. As mandated in S. 1765, the death penalty raises serious constitutional questions.

Understanding capital punishment as a question of principle imposes an unequivocal double standard. It seeks to redress a murder with a murder, or in certain cases a serious crime with a murder. The point is, killing is killing—whether it is officially sanctioned or committed by a hardened criminal—the end result simply does not justify the means.

The effectiveness of the death penalty can be measured on the basis of deterrence, retribution, and incapacitation of the convicted criminal.

DETERRENCE

In spite of a good deal of controversy, I believe there exists no conclusive evidence proving the deterrence value of capital punishment. In recent studies comparing the homicide rates of States who do and do not have the death penalty, conclusions indicated that no causal relationship existed between declines in homicides and capital punishment. For example, Minnesota and Rhode Island are two States without the death penalty. Ironically, they proportionately have the same number of killings as do neighboring Iowa and Massachusetts, both of which prescribe the death penalty. There is not one substantive bit of evidence or testimony indicating the death penalty has a superior deterrent value to life imprisonment. In fact, life imprisonment appears to serve the same purpose as incapacitation.

INCAPACITATION

The sentencing reforms this body recently passed make a positive attempt to incapacitate criminals. I joined my colleagues here in voting to establish minimum mandatory sentences to thwart habitual offenders. In passing the measure, the Senate recognized the effectiveness of this approach in preventing such criminals from committing similar crimes again, arguing prison terms without parole would deter potential murders—perhaps as many if not more than the death penalty.

RETRIBUTION

The third premise of the death penalty, retribution, requires that society operate with an "eye for an eye" mentality. I need not go into the rather bizarre consequences of extending that to other crimes and other penalties. The merits of this concept notwithstanding, we cannot even apply it to the legislation now before us which requires in some cases, a sentence of death when no death from a crime occurred. The possibility of error and the controversy over existing safeguards have created risks that are unacceptable when a human life is at stake.

Finally, the legislation raises some serious constitutional questions which cannot be treated lightly, especially since the legislation before us has had no formal hearings before the Senate Judiciary Committee. The Supreme Court has questioned whether the death penalty is constitutional as a punishment for crimes where no death resulted.

I am also deeply concerned with the legislation's requirement that only a majority of jurors need to agree on which aggravating factors were present in the crime to justify the sentence of death. Furthermore, under S. 1765, an appellate court is no longer required to determine on an appeal that a sentence is or is not "out of proportion to the severity of the crime," a constitutionally mandated procedure.

Mr. President, I served for 12 years as Governor of the State of Washington. During that time, I had the unique responsibility, shared by my colleagues over the years as Governors, of determining whether a stay of execution was warranted and, in effect, had the power of life or death over those on death row.

I shall never forget an experience some years ago, visiting the State penitentiary in Walla Walla, Wash., and traveling down death row. I noticed a small, enclosed courtyard where 13 men were exercising, playing basketball. I asked who they were, and I was informed that those were all men on death row.

I realized at that time that I, as Governor, had the ultimate decision, or potentially the ultimate decision, on the life or death of those 13 men. I did not believe then, nor do I believe now, that morally I could take the life of another human being. Furthermore, I do not believe that killing represents the most effective means available to the government for the protection of its citizens. It represents a failure of law enforcement and it undermines society's respect for human life, eliminating any possibility of rehabilitation or restitution.

In conclusion, the death penalty is not justified as a matter of principle, nor as an effective legislative policy. Constitutionally, its imposition is suspect at best. The death penalty has no effect unique from that of any other available punishment. Society has the responsibility to express its moral outrage at the heinous conduct of criminals. Society has the responsibility of expressing its concerns for the victims of capital crimes. But all other issues fade beside the overwhelmingly fundamental one: Society does not have, should never have, the right to take the life of another human being. For that overwhelming reason and the others I have stated, I am opposed to S. 1765, and I urge its defeat by the Members of this body.

Mr. DECONCINI. Mr. President, let me first say that the remarks of the distinguished Senator from Washington are of great interest to me. Having worked for a Governor and having seen the agony of making those decisions, I can appreciate the impression that would make on the person who has to decide.

Also, I want to mention the fact that the Senator from Michigan and I have agreed on many issues in the law enforcement area. He had served in government before coming to the Senate. He enjoyed a very distinguished career as city councilman. As a matter of fact, he was the author of the only pornographic zoning legislation that has been upheld by the Supreme Court, to do something about that problem. His record is unsurpassed with respect to supporting strong law enforcement.

We have a disagreement here. For the next few days, I suspect that there will be debate regarding the sometimes gory details of various cases.

Mr. President, I support S. 1765, a bill to establish rational procedures for the imposition of the sentence of death in specified limited circumstances. S. 1765 was carefully and narrowly drafted to comport with U.S. Supreme Court decisions establishing procedural guidelines for imposition of the death sentence. I am convinced that the bill meets the requirements of the Constitution as laid down by the Court.

The issue and arguments surrounding the use of the death penalty are among the most familiar in American debate. Polls consistently show that two-thirds of the American electorate favor the death penalty; 39 States have death penalty statutes; and in my home State of Arizona, over 80 percent of the people have indicated they favor a death penalty for certain offenses. A clear majority of the American people want to see a death penalty statute reinstated. The question is, Will this body of its representatives reflect this view? Will we even get a chance to vote on this issue?

I thank the Senator from Michigan for agreeing to the unanimous-consent request to move to the bill, and we will have a cloture vote tomorrow.

The courts and Congress have struggled with the issue of the death penalty over the past decade, and I hope we can resolve the issue shortly.

S. 1765 was introduced in the 98th Congress by Senator THURMOND, chairman of the Judiciary Committee. The distinguished Senator from Utah was a cosponsor of this bill and the ones introduced every year since he and I joined this body in 1977. I had the honor of introducing it, as the main sponsor, in the 97th Congress.

On July 26, 1983, by a vote of 13 to 5, the committee ordered S. 1765 reported with a recommendation that it be passed by the Senate.

Congress has given extensive legislative consideration to the death penalty issue in previous Congresses. Since the 1972 Furman against Georgia decision struck down the existing Federal and State capital punishment procedural statutes, bills to restore the death sentence have been introduced in each succeeding Congress.

In the 95th Congress, S. 1382, introduced by the late Senator MCCLELLAN, was the subject of extensive hearings in the Subcommittee on Criminal Laws and Procedures and in the full Judiciary Committee. S. 1382 was reported by the subcommittee in 1978, but the committee failed to report the measure to the Senate.

In the 96th Congress, I, along with Chairman THURMOND, introduced S. 114, which was similar to previous measures. S. 114 was reported by the committee on January 17, 1980, but was not considered by the Senate.

In the 97th Congress, Chairman THURMOND and I introduced a capital punishment bill, again carrying the number S. 114, which was the subject of committee hearings. Although the bill was reported by the Judiciary Committee by a vote of 13 to 5, no action was taken by the Senate.

It is clear from this chronology that the issue is ripe for action by this body. I propose that we face it squarely, as we are doing today, and that we debate some of the problems that are being raised. It is clear that a substantial majority of the American people want us to adopt the death penalty. While I look forward to our discussion here of the issues presented by this

bill, I am hopeful that we in the Senate expeditiously comply with the wishes of our constituents and adopt a Federal capital punishment procedure.

Let me assure the Senator from Michigan that although we have an honest disagreement here, I believe it is necessary to present some cases with gory details, some of personal experience as a prosecutor, but some cases that are so outrageous that there seems to be a lack of understanding here as to the victims involved in these cases.

I cite a recent case in Marion, Ill., in October 1983. Marion, Ill., Federal Correctional Institute is the maximum security institute for the Federal correction system. I have taken the time to visit that institution. In October 1983, one inmate was being escorted from a shower. He paused at a cell where another inmate unlocked the handcuffs and gave the inmate a knife. The inmate stabbed the guard 40 times.

The guard was 51 years old and left a widow and three children. The inmate was 31. He had been committed for armed bank robbery. He had stabbed an inmate to death at Leavenworth in 1979, stabbed two other inmates to death at Marion, most recently in September 1982. He received three consecutive life terms for these offenses.

So we can see that it is clear that life sentences are no deterrent for premeditated murder.

At the same time in October, a second inmate was being escorted to a recreational area. He passed in front of a cell, paused, and slipped out of his handcuffs. He received a knife from a fellow inmate and stabbed an officer, killing him.

That guard was 53 years old. He left a widow and two children. He was the son of an officer who had served a full career at that same institution.

This inmate was 28 years old. He was committed to a life sentence for killing his commanding officer while in the military in the Philippines. While at Leavenworth he committed a serious escape attempt, including taking hostages and taking over control areas of the prison and obtaining a number of weapons. While at Marion, this inmate was involved in three murders of other inmates and received three consecutive life sentences also.

These two defendants are members of the Aryan Brotherhood, a very violent antiwhite group. They joined in a number of murders as is outlined, and yet they will not face the death penalty.

Those cases are being prosecuted now. A jury will decide whether or not they were the individuals who committed the act and if they do no death sentence will be available.

This is only one example of a clear case, and I agree with the Senator from Pennsylvania as well as the Senator from Utah who say that there is no way to be absolutely sure that error will not occur, and no one that I know who subscribes to the death penalty wants to ever leave that impression. We are mortal human beings who believe strongly that punishment is a proper part of the criminal justice system and part of that punishment is the forfeiture of life under very strict circumstances.

Here we have a bill that would set constitutional provisions that would provide the safeguards of the individual, that would provide a second trial or hearing to determine whether or not the sentence should be imposed. There is nothing automatic about it. There is the automaticness of the second hearing and trial where aggravated mitigating circumstances will be presented. There will not be rules of evidence in that second hearing. Aggravating factors must be established beyond a reasonable doubt. This is after the defendant has been convicted of the crime by a jury of his peers and then in the hearing whether or not the death sentence should be imposed. We are talking about the aggravating factors being brought forward. Reasonable doubt is a standard that has been used in the long period of time and it is really the second time it will be brought before the hearing body here, either the jury or the judge.

If the jury, based on a unanimous vote, finds the death sentence justified, the court shall sentence the defendant to death. The jury will be instructed that the defendant has the right to justice without discrimination and each juror shall sign a statement to that effect.

So we are not going to have a wave of emotion bringing about the conclusion that the death sentence is justified. We are going to have each juror decide and sit down and take the time and contemplate and then sign a statement that no discrimination was used. I realize that we cannot legislate people's thoughts and whether or not they are discriminating. But after a jury takes the oath, I believe our system has worked well.

The amendment also has worked well and will insure that each juror will search his conscience before subscribing to the statement. The amendment also provides for an expedited review process and sets out the criteria.

It seems to me, Mr. President, that we have long struggled with this. Thirty-nine States have instituted the death penalty or reinstituted it since the Supreme Court threw it out in 1972. Most of these have been upheld.

I think it is time for us to move forward on a vital piece of legislation that is to me justified and something that society is demanding for the real persons who are injured are the victims. What do we do about the victim? Do we permit a constant murdering by these individuals who are outlined in the case I gave in Marion, Ill.?

How many more inmates or guards will these two individuals decide that it makes no difference, three consecutive life sentences or six consecutive life sentences, why not take another life today, for there is no greater penalty than another consecutive life sentence?

These are justified, Mr. President, and I realize the emotion attached, because having been a prosecutor it is not an easy task when you decide to ask the court and the jury to impose the death penalty. It is not something you sit around and kick your feet back and say, "Well, shall we do it today, or shall we let this one go?"

I think anyone who is in that position has to contemplate and think deeply whether or not the justification is there and whether or not the retribution to society is proper, and in my judgment it is.

I yield the floor.

Mr. LEVIN. Mr. President, I notice that my friend from Oregon is on the floor. I ask unanimous consent that I be allowed to yield to him without my continuation being counted as a second speech under rule XIX.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank my colleague, the Senator from Michigan (Mr. LEVIN), for yielding at this moment in order for me to make a few remarks on this subject, and to commend him on his valiant defense here of the sanctity of life. With great enthusiasm, I join him in the battle that he is leading. Let me begin my remarks to the Senate with a brief recitation of the arguments which underlie my adamant opposition to the death penalty.

First, the sentence of death has not been proven a successful deterrent to violent criminals. Second, the sentence of death has been handed out in such an arbitrary manner that it perverts even the most rudimentary notions of justice. And finally, the sentence of death is an inappropriate response to our Nation's malfunctioning criminal justice system which offers the public no other meaningful punishment for grievous offenders except the death penalty.

Before I engage in a debate grounded in legalisms, statistics, and criminal justice rhetoric, I would like to make clear that all of these arguments in opposition to the death penalty are secondary to my belief that the death penalty is fundamentally immoral and that it brutalizes the honored values we hold dear in this society—foremost of which is the value of human life.

To me, the death penalty is no different from abortion or war or any other governmentally sanctioned form of killing. Our civilization stands condemned and accountable for all of the intentional acts of violence it inflicts upon humanity, upon both the born and the unborn. Whether these acts claim justification in shifting conceptions of mortality, political ideology, or criminal justice, these acts are immoral.

We sit in this Chamber and debate issues involving the sanctity of life, and we do so far removed from the battlefields, abortion tables, and execution chambers. We lose ourselves in a maze of carefully crafted arguments. And in the process, we distance ourselves from life itself, deluding ourselves into believing that we can understand life issues through an elaborate process of intellectualization. Well, Mr. President, we cannot.

In the case of the debate on the death penalty, this tendency to run and hide from the implications of our decisions is manifest time and time again. The antiseptic term "capital punishment" is substituted for the term "public execution" or "death penalty." The executions themselves are conducted in cloak-and-dagger secrecy, with elaborate phone hook-ups to the Governor and last-second court appeals providing the impression that the Government is about to do something that it would prefer not to do. I was Governor of Oregon two decades ago and participated in this process, and the memory of that experience remains fresh to this day.

The inescapable conclusion from that experience is that killing a criminal who killed an innocent person perpetuates a circle of violence and hate and performs no function worthy of civilized government. Instead of embarking upon the high road which sustains life, the death penalty drags along the low road of vengeance, of eye-for-an-eye retribution, of cold bloodletting, and it cheapens the sanctity of life.

Ten months ago in Atmore, Ala., our society witnessed what so-called capital punishment is all about. John Louis Evans, convicted for murdering a pawnbroker in Mobile, Ala., became but another reminder of how public executions perform no valuable criminal justice function other than to remove one person from this Nation's crowded death row. Evans was led into the execution room, strapped into the Alabama electric chair, and a skullcap fitted with electrodes was placed on his head. A black mask was placed on his face, and I will now read from the April 24 edition of the Washington Post which details what transpired next:

At 8:30 p.m. CST, Warden J. D. White threw the switch and the first charge, which authorities had insisted would kill Evans instantly, surged through his body. He slammed against the straps, fists clenched permanently, and sparks flew around his head and left leg. The leather strap on his left leg burned completely through, and the electrode fell away.

Doctors detected a heartbeat. When White threw the switch again, small flames licked around Evans' head and smoke streamed from his leg and the leather cap holding electrodes to his skull.

Prison physician Dr. William Thomas said later that after the second charge, Evans "just had a weak heartbeat." Canan [Evans' lawyer] again asked for the executioner to stop, but a third charge was administered. White announced that Evans had been pronounced dead at 8:44 p.m.

I ask unanimous consent that the entire text of the Washington Post article appear in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, I submit to my colleagues that the execution of John Louis Evans is a blemish on our integrity as a nation and is proof positive of why public executions do not constitute a moral, civilized sanction against criminals.

This is no "sob sister" observation. To oppose the death penalty does not mean to condone the brutal acts of murderers like John Louis Evans. Their damage has been done, and the grief which is experienced by the victim's family members will exist forever. So often the cry "What about the victim's life?" drowns out the chorus of concerned citizens who oppose the imposition of the sentence of death. The argument to the effect that "a murderer forfeits his right to live when he kills" has a ring of logic to it, but since when did logic become the highest value to which a civilization can aspire?

No one in this Chamber grieves more for the victims of senseless acts of violence than I. But the deliberate extinction of human life is not a fit response to a preceding deliberate extinction of human life.

Mr. President, Mr. Anthony Lewis in his editorial, "Kill Him, Kill Him, Kill Him," documents the sobering fact that the effect of sanctioned executions runs far beyond the death row cell blocks. Let me read an excerpt from Mr. Lewis' editorial:

The case against capital punishment rests, in the end, on the belief that the process of carrying out the death penalty degraded the society and distorts the law. Anyone who doubts the strength of that case should think about three scenes enacted in this country late on the night of October 4th.

In Huntsville, Texas, James D. Autry was taken from his death row cell in the penetentiary and strapped to a wheeled cot. Intravenous tubes were connected to both arms, ready to administer a dose of poison. Mr. Autry's fear, his perspiration, his uttered thoughts were observed and reported.

Outside, a crowd of people shouted for his death whenever television lights were turned on. 'Kill him, kill him, kill him,' they chanted. Charles Dickens could not have improved on the ghastliness of the Texas scenes. In 1849 he saw a crowd waiting for an execution, screaming and laughing. He wrote that no one could imagine 'a sight so inconceivably awful . . . I am solemnly convinced that nothing that iniquity could devise could work such ruin as one public execution.'

I ask unanimous consent that the entire text of this editorial be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HATFIELD. Mr. President, two points come to mind. First, lethal injections and other forms of "humane" executions are nothing but bandages and salves to the conscience of society. Deliberate killing is no more humane because it occurs in the sterile surroundings of a hospital room instead of in a dusty execution chamber. A saline solution abortion is no more humane than a suction abortion, and conventional war is no more humane than nuclear war.

Second, all of us feel the shock waves generated by public executions, whether these executions horrify us or appeal to our desire for retributive justice. Public executions demoralize and dehumanize our society and the scene outside of the prison in Huntsville is not one which is representative of our country's hallowed history.

Mr. President, let me now turn to the three arguments which I mentioned at the outset underlie my firm opposition to the death penalty.

First, the sentence of death has not been proven a successful deterrent to violent criminals. Many other Members of this body will address the deterrence issue, so I will not spend a great deal of the Senate's time today proving the ineffectiveness of the death penalty as a deterrent. Good commonsense is proof enough. Murderers are deterred by nothing. They do not give detached, introspective reflection to the consequences of their acts. They are persons ruled by impulses, and because the sentence of death only applies to criminals who commit especially heinous crimes, they are persons often mentally impaired and disaffected, alienated from society and themselves.

One study with which I am familiar showed that Michigan, which did away with the death penalty, had an identical homicide rate to its neighboring States which kept their execution statutes. And there are other studies which point in the other direction. The logic of deterrence is undeniable. The effectiveness of statutes aimed at deterring offenders, especially violent ones, is probably negligible at best.

Second, the sentence of death has been handed out in such an arbitrary

manner that it perverts even the most rudimentary notions of justice.

Justice Brennan, in the famous Furman against Georgia case, sized up the problem as follows:

> When the punishment of death is inflicted in a trivial number of the cases in which it is legally available, the conclusion is virtually inescapable that it is being inflicted arbitrarily. Indeed, it smacks of little more than a lottery system.

A lottery system, Mr. President. That is what the sentence and execution of the death penalty have become: a lottery. And who are the losers of this lottery? The poor, the ignorant, the criminals who do not have the benefit of unlimited resources. The losers of the death penalty lottery are the ones who did not turn State's evidence and testify against their codefendants. The losers of the death penalty lottery are the ones who received appointed counsel and often received ineffective counsel. The losers of the death penalty lottery are the ones who were unlucky enough to face ambitious prosecutors who sought the death penalty to further their own legal careers as much as to further the ends of justice themselves. In short, the losers in the death penalty lottery are the ones on death row by poor fortune, without regard to the comparative severity of their crimes.

Mr. President, one need not be a seasoned constitutional lawyer to recognize the arbitrary and reckless manner in which the sentence of death is imposed. Studies have shown that similarly situated defendants, accused of identical crimes involving similar fact patterns, have been treated drastically different. The difference is not 5 years versus 10 years, or life imprisonment with parole versus life imprisonment without parole. The difference is life and death.

In fact, Mr. President, if any basis can be discerned for the imposition of the death sentence, it is the basis of race and nationality. As of December 1983, there were 1,289 people on death row. Approximately half of these people were either blacks or Hispanics: 540 blacks and 66 Hispanics. Conclusive studies are being conducted which soon will show beyond a shadow of a doubt that the race of the defendant and the race of the victim are the best predictors with respect to the imposition of a death sentence. That, my dear colleagues, hardly forms the basis of a rational death penalty sentencing procedure.

I recognize that the Supreme Court recently announced in Pulley against Harris that proportionally reviews are not constitutionally required. However, the majority stated clearly that this decision did not apply to all State capital sentencing schemes, and that the issue of race was not before the Court. While I was disappointed with the majority holding, I found the comments of Justices Brennan and Marshall, in their dissenting opinion, quite compelling.

Finally, Mr. President, I oppose the death penalty because the sentence of death is an inappropriate response to this Nation's malfunctioning criminal justice system. The public cries for a meaningful penalty for a murderer, and the criminal justice system responds with a life imprisonment sentence which is something far less than life imprisonment. That is the problem. I believe that if the public were assured that life imprisonment meant just that, then there would not be a consensus in favor of the death penalty.

The public is justifiably concerned with the cost of feeding and housing a criminal for a lifetime. There probably is not a Member in this Chamber who is more concerned over the billions of dollars that are spent each year to house and feed criminals than I. But let us keep in mind that there are over 435,000 people in prisons all over this country, and only 1,300 of them are on death row. About half of this Nation's prison population is serving time for nonviolent offenses. If we are going to address the costs of incarceration, then we should begin with that 200,000 or so who are costing the Government $15,000 to $20,000 each year while in prison. Community service and restitution are viable alternative forms of punishment which save the taxpayers hundreds of millions of dollars. You could execute every person on death row and not make a dent in the annual cost of feeding and housing prisoners in this country.

Murderers and other serious offenders belong in prison and should stay there. That is the price to pay for homicide, and that is a serious, steep price. The reason we have parole and early release is due to the madness of our correctional practices. People with life imprisonment sentences receive far less because our prisons are overflowing, and we cannot keep everyone housed forever. And so, we whittle away at everyone's sentences, and that immediately changes life terms to shorter terms.

If life imprisonment meant life imprisonment, then punishment in the nature of death would find fewer and fewer supporters.

Mr. President, for the aforementioned reasons, I oppose the death penalty. My colleague from Michigan, Senator LEVIN, has also made a strong case for why "mistake" justifies the abolishment of the death penalty, and I associate myself with his comments. The death penalty is patently immoral. It brutalizes the value of life in our society. It does not deter crime, it is handed out arbitrarily and discriminatorily, and it is an inappropriate precaution to the possibility of reduced life sentences for murderers. Our society would be better served without death penalty statutes on its books. S. 1765 represents a step backward in the history of our civilization.

I thank the Senator from Michigan for yielding time.

EXHIBIT 1

ATTORNEY CHARGES EVANS WAS TORTURED BY ALABAMA IN BOTCHED ELECTROCUTION

ATMORE, ALA.—The lawyer for John Louis Evans III said his client was "tortured in the name of vengeance disguised as justice," But Alabama officials said today that the outcry over the way Evans was killed will not stop such executions and that the next may occur within a year.

Sparks, smoke, flames and equipment failures marked Evans' execution Friday night in the electric chair and provoked his lawyer, watching from the witness' room with three reporters, to beg Gov. George C. Wallace for mercy.

It took three 30-second jolts, each of 1,900 volts of electricity, over a nine-minute span to kill the man accused of murdering a Mobile pawnbroker. One jolt is, usually fatal, and the drawn-out execution—caused when an electrode strap malfunctioned—drew immediate reaction.

"John Evans was burned alive by the state of Alabama," his lawyer, Russell Canan, said. "Three times . . . [he] was tortured in the name of vengeance disguised as justice."

Inez Nassar, mother of the man Evans killed during a 1977 robbery attempt said, "He got what he deserved." However, she added, "I feel sorry for his mother; she has my sympathy."

Alabama Attorney General Charles Graddick, who predicted that the execution would deter crime, said it offered "a clear message to criminals." He denied that it would lead to execution of all the state's 59 death-row inmates but predicted that another execution will occur in Alabama within a year.

Evans, 33, of Beaumont, Tex., was the first person executed in Alabama since 1965 and only the seventh in the nation put to death since the Supreme Court lifted its death-penalty ban in 1976.

At 8:30 p.m. CST, Warden J. D. White threw the switch and the first charge, which authorities had insisted would kill Evans instantly, surged through his body. He slammed against the straps, fists clenched permanently, and sparks flew around his head and left leg. The leather strap on his left leg burned completely through, and the electrode fell away.

Doctors detected a heartbeat. When White threw the switch again, small flames licked around Evans' head and smoke streamed from his leg and the leather cap holding electrodes to his skull.

Canan turned to Prison Commissioner Fred Smith, in the witness room with a direct line to Wallace, and said, "I ask for clemency. I ask you to communicate this to the governor. This is cruel and unusual punishment. . . ." Smith relayed the request.

Prison physician Dr. William Thomas said later that after the second charge, Evans "Just had a weak heartbeat." Canan again asked for the executioner to stop, but a third charge was administered.

As doctors examined the body again, Smith summoned the warden and told him, "Hold everything. They're asking for clemency."

Seconds later, Smith called out: "The governor will not interfere. Proceed." But

White announced that Evans had been pronounced dead at 8:44 p.m.

"There wouldn't be any way in my medical judgment," Thomas said, that Evans would not have died soon from the first charge. Later, Smith said that there was "no way it could be foreseen" that a new strap would fail and prevent Evans from dying quickly.

EXHIBIT 2

'KILL HIM, KILL HIM, KILL HIM'

(By Anthony Lewis)

WASHINGTON.—The case against capital punishment rests, in the end, on the belief that the process of carrying out the death penalty degrades the society and distorts the law. Anyone who doubts the strength of that case should think about three scenes enacted in this country late on the night of Oct. 4.

In Huntsville, Tex., James D. Autry was taken from his death row cell in the penetentiary and strapped to a wheeled cot. Intravenous tubes were connected to both arms, ready to administer a dose of poison. Mr. Autry's fear, his perspiration, his uttered thoughts were observed and reported.

Outside, a crowd of people shouted for this death whenever television lights were turned on, "Kill him, kill him, kill him," they chanted.

In the Supreme Court building in Washington, Justice Byron R. White waited for a last-minute application for a stay of execution. The application, written on three sheets of a yellow pad, made a new argument related to another case due to be heard by the Court. Shortly after midnight Justice White granted the stay.

Charles Dickens could not have improved on the ghastliness of the Texas scenes. In 1849 he saw a crowd waiting for an execution, screaming and laughing. He wrote that no one could imagine "a sight so inconceivably awful. . . . I am solemnly convinced that nothing that iniquity could devise could work such ruin as one public execution."

Supporters of the death penalty argue that the opponents are bleeding hearts who waste sympathy on brutal killers. They argue also that executions would have a deterrent effect if lawyers did not put so many obstacles in the way.

But there is no way to administer the death penalty fairly in human terms, efficiently in the use of legal resources, effectively in terms of deterrents. That is why executions have stopped in all the countries of Western Europe. It is also the inescapable lesson of the recent history in those of our states that have capital punishment.

Fairness would mean at least a rough sense that the death penalty was imposed for similar reasons in different cases: reasons having to do with the nature of the crime and the criminal's record, not his race or the accident of where he lived. But there is not even rough justice in decisions on who shall live and who shall die.

A massive study recently completed shows that race is still a big factor. It was done by David Baldus, professor of law at the University of Iowa. He went into it doubting the relevance of race, but the figures would not go away.

Professor Baldus studied 1,200 cases of murder or manslaughter brought by prosecutors between 1973 and 1979 in Georgia, a key state in the legal history of capital punishment. He weighed more than 500 factors, involving the strength of the evidence, the character of the defendant, the nature of the crime and so on.

He found that the death penalty is least predictable in Georgia in cases with some aggravating factors but not extreme brutality. There the discretion of prosecutors and juries is crucial, and race tells.

A black person who kills a white in such cases is 3.7 times as likely to be sentenced to death in Georgia as a white who kills a white, Professor Baldus found. Prosecutors are also more likely to press for the death penalty.

Beyond the issue of race, there is the question whether judges impose death sentences in like circumstances. The Supreme Court, when it upheld the death penalty in 1976, assumed that appellate judges would assure "proportionality" in reviewing sentences, but many experts say they have not. That is the issue that the Court will examine this term—and that was raised at the last minute in the Autry case.

Why couldn't legal objections to executions be raised in a more orderly way? One answer is that there are not enough competent lawyers for the people on death row in this country: not nearly enough. In states with dozens awaiting execution, such as Florida and Georgia, a few desperate lawyers work on the cases.

There are now 1,230 Americans on death row. That appalling number makes it certain that the Supreme Court and other courts, state and Federal, will continue to be deluged by petitions in capital cases. There is no way to dispose of those legal papers summarily. Human lives are at stake, and not all of the convicted persons are brutes. Every once in a while one turns out to be innocent. Many have been treated unfairly.

Nor, finally, is there any way to make administration of the penalty more humane. The process degrades not just the Dickensian crowd outside but all of us. If there were a way to be sure that justice had been done to those 1,200 prisoners, would we want to kill them all in a week? A month? If not, capital punishment will remain what it is: an ugly lottery that deters no one and soils our national character.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. METZENBAUM. I yield to the Senator from Tennessee, without losing my right to the floor.

Mr. BAKER. I thank the Senator.

Mr. President, I encourage Senators who have speeches to make to come to the floor and do it today. I especially urge Republican Senators who may wish to speak on this subject to notify our cloakroom, so that we can establish the hour of adjournment or recess today and establish the time for convening tomorrow.

There is no desire to cut off any Member who wishes to speak, but the leadership on this side needs some guidance from our Members on how many wish to speak, so that we can allocate the time. I am willing to ask the Senate to stay as long as needed in order to accommodate Senators who wish to speak. But keep in mind that, under the provisions of rule XXII, we have to vote 1 hour after we meet and after a quorum is established. I should like, either by establishing the convening hour or by unanimous consent, to set the time to vote on cloture between 1 p.m. and 1:30 p.m. tomorrow. I have not yet had an opportunity to consult with the minority leader on that. He is temporarily out of contact, but as soon as I can do so, I will discuss the matter with him.

I urge Members who wish to speak on this matter today to do so. I will have a further announcement about adjournment time today and convening time tomorrow after we have a better idea of how many Senators wish to speak.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, Will Purvis, Jack O'Neil, Michael Synon, J. B. Brown, John Schuyler, Neil Shumway, F. N. U. Frank, Charles Stielow, Tom Mooney, Maurice Mays, "Russell," Frank Dove, Fred Dove, and George Williams.

Edward Larkman, Anastarcio Vargas, Stephen Grezschowiak, Max Rybarczyk, Pietro Matera, Gus Colin Langley, Coke Brite, John Brite, Roosevelt Wilson, Louis Hoffner, and Abraham Podinker.

William Lindley, Silas Rogers, Pvt. A. B. Ritchie, Samuel Tito Williams, John Valletutti, David Almeida, Ralph Lobaugh, Frank Smith, Gordon Morris, Robert Ballard Bailey, Edgar Labat, Clinton Poret, Lloyd Eldon Miller, and John Rexinger.

James Foster, Dale Bundy, Robert Shuler, Jerry Chatman, Paul Imbler, Thomas Wansley, Freddie Pitts, Wilbert Lee, Calvin Sellers, Dave Keaton, Christopher Spicer, Thomas Gladish, Richard Kline, Clarence Smith, Richard Greer, Delbert Tibbs, Johnny Ross, Robert Henry McDowell, and Anibal Jaramillo.

What do all these people have in common? They have all been sentenced to death for murders they did not commit. In some cases, new evidence exonerated them. In other cases, the true murderer later confessed.

Mr. President, it seems to me that this list alone would be sufficient reason to oppose this bill. There are many reasons to oppose S. 1765, a bill that will put the Federal Government in the business of taking human life.

Foremost, the death penalty reflects a complete lack of appreciation for the sanctity of life.

No civilized society should sanction such horrible, painful and irreversible punishment.

In our country, the death penalty is an especially odious punishment. It has been arbirtrary and discriminatory. In the United States, the people who are sentenced to die are disproportionately black, male, and poor. Some persons convicted of a crime are

given a life sentence, while others who have committed the same offense are sentenced to death.

I oppose the Federal death penalty because it is impossible to protect innocent people from conviction and execution. Our criminal justice system is run by people. Our juries are composed of people.

As Lafayette put it over 150 years ago:

> I shall continue to demand the abolition of the death penalty until I have the infallibility of human judgments demonstrated to me.

To allow human error—to deprive innocent persons of their lives is a horror that no American should ever have to face. Some may suggest that a few errors are a small price to pay for removing "Vicious Criminals" from our society. But I say that one unwarranted death sentence, one erroneous execution is one too many.

Through history, there have been many instances of innocent people being sentenced to death and at least seven instances of erroneous executions.

In 1950, Timothy John Evans was hanged in England for the murder of his wife and child. Convicted largely because of the testimony of a witness, Evans was executed even though the victims' bodies were never found. Four years later, the witness, John R. Christie, confessed to the Evans murders, as well as to several others. Horrified police discovered nine bodies hidden in the wall in Christie's house. The Evans case, which has been termed the "best-documented modern example of an execution in error" was a major factor in the abolition of capital punishment in England. (Stephen Gettinger, "Sentenced To Die," New York: MacMillan, 1979, p. 184.) Yet the United States, which has an even more frightening history of erroneous murder convictions and erroneous executions, is not shocked enough to abolish capital punishment once and for all. Instead, today we are considering legislation to expand the use of the death penalty in the United States.

But we Americans have our own "Timothy Evans" stories. They illustrate how our criminal justice system cannot be relied on to insure that only the guilty are executed. Inevitably, innocent persons will be convicted due to mistake or malice on the part of prosecutors, incompetence or worse by police, and sheer human error by private citizens.

In 1938, Isidore Zimmerman was about to be admitted to Columbia University on a football scholarship and hoped to become a lawyer. Instead, he was arrested, tried, and convicted in the murder of a New York City patrolman.

No one ever accused Zimmerman of the killing. Rather, two witnesses who supplied the gun to the actual killers testified—under immunity—that they received the gun originally from Zimmerman. Based on this testimony, Zimmerman was sent to death row with the real killers. On January 26, 1939, after he finished his last meal before his planned electrocution, Governor Lehman commuted his sentence to life in prison.

Only in 1962, after another procedural petition was filed by his defense lawyers, did the New York courts vindicate Zimmerman's persistent claim of innocence. Zimmerman's lawyer produced sworn pretrial statements by one of Zimmerman's accusers that Zimmerman was innocent. The testimony had been deliberately suppressed by the prosecutor, because Zimmerman had refused to cooperate with them in an unrelated police brutality case.

It is noteworthy that we debate this bill just after passing the habeas corpus bill. That bill will drastically limit the period of time in which people convicted of capital offenses can have their claims reexamined by Federal courts. The Zimmerman case illustrates the fact that evidence exonerating a condemned man may surface only years after conviction. By imposing a statute of limitations on habeas corpus review by Federal courts, we have increased the risk that people like Izzy Zimmerman will never be freed because the execution will have already occurred.

While the Zimmerman case was the result of deliberate malfeasance on the part of the prosecutors, others are wrongly convicted by a system that is not capable of overcoming incompetence. Jerry Banks was convicted and sentenced to death in 1975 for the murder of two people in the woods near Stockbridge, Ga. Banks had found the victims, and police found spent shells from Bank's shotgun on the scene. Despite evidence that Banks had been hunting nearby the week before, and was with a neighbor at the time of the shooting, a jury sentenced him to die.

After the trial, a motorist who had been flagged down by Banks came forward to corroborate the defendant's story. The trial judge refused to order a new trial, but one was obtained on appeal. In the second trial, Banks' attorney—who has since been disbarred—called only the motorist, and failed to discuss the alibi witness. Again, a death sentence resulted.

After a second trial, overwhelming evidence of Banks' innocence came to light. These included statements by a number of witnesses that a white man was seen near the crime with an automatic weapon—parenthetically, I should point out that Banks is black—that rapid fire shots were heard, and that Banks' shotgun could not have fired those shots. All of these witnesses claimed that they had notified the sheriff's office; no one at the sheriff's office remembers the contact. Incredibly, the trial judge refused another trial. Again, Banks won on appeal, and faces another trial.

Mr. President, we must recognize that erroneous convictions result because of human fallibility. Eyewitness identification, based on fleeting recollections when a witness is shocked or frightened, is the principal evidence used in many convictions. Sometimes people are just plain wrong. Because of these mistakes, our criminal justice system should never impose irreversible punishment such as death.

I might say parenthetically that sometimes there are cases brought to my attention of rape, murder, and other heinous crimes, where I personally would feel that if I had the murderer, the rapist in my hands I feel so strongly about it that I could destroy him myself.

I understand the whole question of feeling that the murderer, the rapist should pay the highest penalty. But I also understand that mistakes have been made and will continue to be made over and over again.

I am convinced that if we pass this legislation in all probability they will be made under the statute we enact.

There is obviously a higher moral issue involved having to do with the matter of taking a fellow human being's life.

Others have addressed themselves to that issue and I share their views on that in that connection.

I am confining most of my remarks today to the matter of capital punishment and the number of errors that have been made in the past where a human life either has been taken or at the last minute that life has been saved by reason of the truly guilty person coming forward and either pointing the finger, coming up with new evidence, or admitting the crime.

In my own State of Ohio, William Jackson served 5 years on a rape conviction because of misidentification. Only then did the real criminal surface. He was found because he was caught committing another crime which led to evidence tying him to the rapes. The two men had similar haircuts, facial shapes, mustaches, and partial beards, and are of the same height and build. Mr. Jackson, with a great deal of charity, does not blame the victims who misidentified him. One shudders to think that this sort of misidentification could easily be the basis of a capital conviction.

A recent case right here in the District of Columbia demonstrates why, despite the numerous protections we afford criminal defendants, it is fortunate that the District has no death penalty.

In 1975, Bradford brown was arrested for murdering a man in Ivy City, in

southeast Washington. Several neighborhood witnesses testified against Brown, and he was convicted. The D.C. Court of Appeals routinely affirmed the conviction.

Only years later did a resourceful detective learn through an informant that another man was the killer. After doing independent investigating, Detective Robert Kanjian found evidence linking the real killer to the crime, and the killer is now in jail.

According to Chief Appellate Judge Theodore Newman, Brown's case: "was a routine, ordinary appeal—the system worked, but unfortunately convicted a man who was legally and functionally innocent." Judge Newman now wonders about the reliability of eyewitness identification and Detective Kanjian is now changing his mind on the death penalty. "I kept thinking about what could have happened if Bradford had been in a State with a death penalty," he stated in an interview.

Of course, our Constitution guarantees that no person shall be convicted of a crime unless his or her guilt is proven beyond a reasonable doubt. But I must confess that the following case demonstrates why this strict standard of proof is not sufficient to justify the irreparable imposition of the death penalty.

Earl Charles, a native of Savannah, Ga., moved to Tampa, Fla., in September 1974. In December of that year, he was extradited back to Savannah and accused of a brutal robbery-murder. The principal evidence against Charles was an eyewitness. The eyewitness had originally failed to recognize Charles' photograph. Later, she identified Charles after detectives told her that Charles would be arrested anyway. Against this testimony, Charles presented time cards, rent receipts, and testimony by his Tampa employer to prove he had been at work hundreds of miles away at the time of the killings. Nevertheless, Charles was convicted and sentenced to die.

Fortunately, Charles' family had some money and a home they could mortgage, and could retain counsel to vindicate him. Fortunately, a veteran Savannah lawyer was able to, in his words, deliberately string this thing out so that he could prove Charles' innocence.

Finally, a Tampa policeman recalled talking to Charles in Tampa on the day of the murder, and a note confirming the conversation was found in the officer's logbook. This evidence, unlike the others, was apparently enough for the court, for the conviction was overturned and the charges dropped.

Mr. President, our Bill of Rights extends to those citizens accused of a crime substantial protection. But it is simply impossible to say that these protections provide sufficient guarantees so that we can undertake irreversible punishments such as death.

Today there are more than 1,200 men and women under a sentence of death in this country. Which of these 1,200 will be the next Isidore Zimmerman, a victim of prosecutorial malice? The next Jeremy Banks, a victim of layer upon layer of police incompetence? The next William Jackson, Bradford Brown, or Earl Charles, all victims of mistaken eyewitness identification? Can we, as a nation, really afford to say that isolated mistakes are acceptable as long as most of those executed are killers? How many mistakes are we willing to allow. I believe that we have already allowed too many mistakes, and I, for one believe we must abolish the death penalty. No innocent American should ever have to face death at the hands of his Government because of inevitable mistakes made by our criminal justice system.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point more specific data with respect to the names of those that I mentioned earlier as having been found guilty of murder and of then having been found innocent at a later point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. Will Purvis (Mississippi, 1893). On basis of eyewitness testimony, sentenced to death for murder. Survived hanging because knot slipped. Pardoned in 1898, and cleared by 1917 deathbed confession of true culprit.

2. Jack O'Neil (Massachusetts, 1898). Hanged for murder. Several months later, another confessed.

3. Michael Synon (Illinois, 1900). Death sentence reversed on appeal for prejudicial remarks of trial judge. At second trial, witness testified that Synon was miles away from the scene of the crime; he was acquitted.

4. J. B. Brown (Florida, 1901). Sentenced to death for murder, his hanging was averted at gallows because execution warrant listed the jury foreman's name. Sentence commuted; released after another confessed in 1913.

5. John Schuyler (New Jersey, 1907). Sentenced to death for murder, pardoned and indemnified eight years later when real murderer confessed.

6. Neil Shumway (Nebraska, 1907). Hanged for murder in 1909. Three years later, victim's husband confessed to crime.

7. "Dago" Frank (New York, 1915). Executed for murder. "Accomplices" later admitted that Frank was not even present at scene of crime.

8. Charles Stielow (New York, 1915). Sentenced to death for murder. Received stay forty minutes before scheduled execution. Three years later, released when real culprit confessed.

9. Tom Mooney (California, 1916). Sentenced to death for murder. Sentence commuted, later pardoned. Political conviction, based on perjured eyewitness testimony and falsification of other evidence.

10. Maurice Mays (Tennessee, 1919). Executed for murder. Five and a half years later, true killer confessed. Interesting facts.

11. "Russell" (New York, 1920). Executed for cop killing. "Accomplice" later said Russell was not guilty, and admitted his own guilt.

12. Frank Dove, Fred Dove, & George Williams (North Carolina, 1922). All sentenced to death for murder. A fourth defendant, on the morning of his execution, stated that the three had nothing to do with the murder. After six years in prison, the three were pardoned.

13. Edward Larkman (New York, 1925). Sentenced to death for murder. Sentence commuted; another confessed; pardoned in 1933.

14. Anastarcio Vargas (Texas, 1926). Sentenced to death, his head had been shaven for execution when a look-alike confessed. Released in 1930, and later pardoned.

15. Stephen Grezschowiak & Max Rybarczyk (New York, 1930). Convicted with third man of felony murder and executed. Third man said these two were never involved.

16. Pietro Matera (New York, 1931). Death sentence for murder; commuted. In winter 1960, wife of the true killer confessed to having framed Matera—he was released after thirty years in prison.

17. Gus Colin Langley (North Carolina, 1932). Sentenced to death for robbery/murder, was twenty-five minutes from execution when technicality saved his life. Released and eventually pardoned after witnesses proved he was 400 miles away at time of crime.

18. Coke Brite & John Brite (California, 1936). Death sentences for murder commuted to life; paroled in 1952 after evidence that prosecution's case was based on perjured testimony.

19. Roosevelt Wilson (Alabama, 1937). Sentenced to death for rape, despite claims that "victim" consented. Jurors later said they believed act was consensual but that Wilson deserved to die simply for "messing around" with a white woman (Wilson was black).

20. Louis Hoffner (New York, 1940). Death sentence for murder commuted. Released in 1955 and indemnified for false imprisonment.

21. Abraham Podinker (New York, 1942). Death sentence for murder commuted. Sentence set aside in 1961 because prosecutor covered up perjured testimony of key witnesses.

22. William Lindley (California, 1943). Death sentence for murder commuted. True killer identified but never located. Lindley was never released or pardoned.

23. Silas Rogers (Virginia, 1943). Originally sentenced to death, released after nine years in prison. Governor termed Rogers a "victim of a gross miscarriage of justice."

24. Pvt. A. B. Richie (U.S. Army, 1945). Court martialed and sentenced to death for murder. Last-minute commutation by President Truman averted hanging. Pardoned in 1947 after another confessed.

25. Samuel Tito Williams (New York, 1947). Death sentence for murder. After almost sixteen years in prison (22 months on death row), released because confession had been coerced. Later compensated by the State.

26. John Valletutti (New York, 1947). Death sentence reversed on appeal. Police had beaten Valletutti into confessing, and actual killer later confessed.

27. David Almeida (Pennsylvania, 1947). Sentenced to death for his role in supermarket robbery during which policeman was killed. Later found that prosecution sup-

pressed evidence showing victim killed by bullet from another cop's gun.

28. Ralph Lobaugh (Indiana, 1947). Death sentence for three rape-murders. Within three years, another man had been convicted of one of the crimes, and a third man had confessed to the other two. Lobaugh's sentence commuted to life; finally released in 1977.

29. Frank Smith (Connecticut, 1949). After eight execution dates had been set, new evidence found in 1954. Sentence commuted to life two hours before scheduled execution.

30. Gordon Morris (Texas, 195?). Death sentence commuted after murder victim's brother showed that Morris could not have committed the crime. Finally released.

31. Robert Ballard Bailey (West Virginia, 1950). Under death sentence for murder, received a reprieve 48 hours before scheduled execution. Conditionally pardoned in 1960, and released from the conditional pardon in 1966.

32. Edgar Labat & Clinton Poret (Louisiana, 1953). Two black men sentenced to death for raping a white woman and robbing her male friend. After a dozen stays of execution and sixteen years on death row, released because witnesses' testimony unraveled, alibi witnesses came forward, and evidence showed that one of defendants had been beaten into confessing.

33. Lloyd Eldon Miller (Illinois, 1956). Death sentence for murder. Received a stay only hours before scheduled execution. Evidence that prosecution misrepresented paint smears on defendant's clothes as blood. Conviction set aside, and Miller released after 11 years in prison.

34. John Rexinger (California, 1957). Sentenced to death for rape, exonerated when true rapist confessed.

35. James Foster (Georgia, 1957). Based on erroneous eyewitness testimony of murder victim's wife, sentenced to death. Released when former policeman confessed to the crime.

36. Dale Bundy (Ohio, 1957). Sentenced to death for murders committed by a friend, who implicated Bundy. Acquitted after new trial.

37. Robert Shuler & Jerry Chatman (Florida, 1960). Two black men sentenced to death for raping a white woman. Freed in 1972 after proved that police had suppressed evidence and that plaster footcasts introduced at trial had been made in deputy sheriff's backyard.

38. Paul Imbler (California, 1961). Sentenced to death for murder, resentenced to life imprisonment after four years on death row. Awarded a new trial in 1969 after substantial evidence showed he was not guilty. Finally released after ten years in prison.

39. Thomas Wansley (Virginia, 1963). Black man sentenced to death for two rapes and robbery of white women. Both convictions overturned, the second one by Federal district court because of degree of prejudicial pretrial publicity.

40. Freddie Pitts & Wilbert Lee (Florida, 1963). Convicted in 1963 and again in 1972 for murder, served twelve years, mostly on death row. Finally released in 1975 after executive pardon. Another convict had confessed to the crime in 1966.

41. Calvin Sellers (Texas, 1965). Sentenced to death for armed robbery. In 1977, court found that original conviction was based on perjured testimony of two police officers.

42. Dave Keaton (Florida, 1971). Indicted erroneously with four others (the Quincy five) for robbery-murder, Keaton was the only one sentenced to death. Others confessed to the crime and were convicted. Keaton released in 1973 after State decided not to reprosecute.

43. Christopher Spicer (North Carolina, 1973). After death sentence for murder, new trial ordered for insufficiency of evidence. At second trial, jury acquitted Spicer after just 11 minutes of deliberation.

44. Thomas Gladish, Richard Kline, Clarence Smith & Richard Greer (Arizona, 1974). Four motorcyclists sentenced to death for kidnapping, rape, sodomy & murder. Fourteen months later, another confessed, a new trial was ordered, and the original indictment was dismissed. Released in December 1975.

45. Delbert Tibbs (Florida, 1974). Sentenced to death for attempted rape of 16-year-old white girl (Tibbs was black) and murder of her companion. Conviction overturned because not supported by the weight of the evidence—other than victim's unreliable testimony, no evidence that Tibbs was within 150 miles of scene of crime.

46. Johnny Ross (Louisiana, 1975). Sentenced to death for rape which occurred when he was 15. Released in 1981 when showed that his blood type did not match that of the rapist.

47. Robert Henry McDowell (North Carolina, 1979). Black man sentenced to death for murder of 4-year-old white girl. Received stay days before scheduled execution when victim's mother implicated victim's stepfather. Conviction then reversed.

48. Anibal Jaramillo (Florida, 1980). Sentenced to death for two drug-related murders. State Supreme Court reversed conviction for insufficient evidence.

Mr. METZENBAUM. Mr. President, I yield to the Senator from Michigan.

The PRESIDING OFFICER (Mr. EAST). The Senator from Michigan.

Mr. LEVIN. Mr. President, my friend from Ohio mentioned the case of Bradford Brown and the detective who was instrumental in correcting a terrible injustice. I would like to read a letter that the detective, Robert J. Kanjian, has written to me, very much in keeping with the eloquent remarks of our friend from Ohio. He wrote me on July 3, 1980.

CAREER CRIMINAL UNIT,
METROPOLITAN POLICE DEPT.,
Washington, D.C.

DEAR SENATOR LEVIN: I'm writing to bring to your attention an unusual and unfortunate case of mistaken identity which could possible have resulted in a wrongful death if the jurisdiction in which the crime had occurred had legislated the death penalty.

To be specific, one Bradford Brown was wrongly convicted of murder and given an eighteen (18) years to life sentence. Fortunately, the District of Columbia does not administer the death penalty. Had it subscribed to it, Bradford Brown might have been dead. He had already served a five year period of his sentence and exhausted all avenues of appeal.

When his case went as far as the U.S. Supreme Court, it refused to hear the case. This was the final blow and last resort for Bradford Brown, an innocent victim of circumstances. Black, poor and possessing a previous criminal record, Bradford resigned himself to life in prison while strongly maintaining his innocence.

Meanwhile, by a quirk of fate, another person was providing information about some crimes. The informant was positive that he knew who murdered Rodney Frazier. I checked out the information and found the case closed with a conviction of Bradford Brown. With the facts given to me, I could see it was impossible that Bradford could be guilty.

I therefore began a long and tedious struggle to prove Bradford innocent and help prove the real murderer guilty.

Joyfully in July, 1979, Bradford became a free man. However, he has no job, has lost his wife and children and is completely disillusioned.

He is not only one disillusioned. I, personally, had been an advocate of the death penalty. I was sure the criminal justice system would not allow such a thing to happen. I was sure that there were so many safeguards along the way that something like this would never happen.

But, indeed it has, and I am left to openly question our legislative "safeguards".

He was "identified" by an eyewitness who swore, "I'll never forget his face". In truth, the only resemblance to the real killer is his skin color.

He had circumstantial evidence against him. He himself was a victim of a shooting in the same block ten months earlier.

He had an alibi substantiated by many people. However, the jury overlooked his alibi.

I therefore ask, what legislation can you submit that will prevent any other unfortunate occurrences of this heinous miscarriage of justice? What can you do to protect the public from this ever happening again?

As I look back now, Bradford spent five years of his life in prison; but it seems small and insignificant when you think that he might have lost his life!

I strongly urge you to submit legislation that will require substantial safeguards so that this will never happen again; and if this is impossible, then do away with the death penalty entirely.

Very truly yours,

ROBERT J. KANJIAN,
Detective.

Mr. President, I have read a portion of a report by Law Professor Mark Brodin of the New England School of Law relative to mistakes that had occurred in Massachusetts. He was testifying before the Massachusetts Legislature in 1982. He started with recounting a case of one Jack O'Neil who was the last person in Massachusetts that was hanged prior to the abolition of the death sentence in Massachusetts.

The professor wrote:

O'Neil was convicted on circumstantial evidence of the murder of a well-to-do woman in Shelburne Falls. The trial occurred during a period of marked anti-Irish sentiment in Massachusetts, particularly in the western part of the state. O'Neil, poor and Irish, maintained his innocence to the end. Shortly after he was hanged, a soldier from the town of Shelburne Falls was mortally wounded in Cuba during a battle of the Spanish-American War. Before dying, the soldier confessed to the murder that O'Neil was executed for, and a newspaper reporter recorded it.

Ethnic prejudice is a theme that runs through many of the cases resulting in imposition of the death penalty. Jerry Gedzium was electrocuted by the Common-

wealth in the late 1920's. On the first page of its February 28, 1982 edition, the Boston Post referred to him as "Jerry the Pole."

Anti-immigrant sentiment was of course a major underpinning of the trial and execution of Nicola Sacco and Bartolomeo Vanzetti. Much of the "eye-witness identification" in that case was tainted by bigotry against Italians, all of whom certain of the witnesses felt "looked alike." Volumes have been written about this case in this country and abroad. Nearly all writers and historians have concluded that there is serious doubt as to the guilt of these two men, and little doubt that they were subjected to unfair trial and postconviction procedures permeated by the atmosphere of the "Red Scare".

That is not the only case where defendants were convicted on flimsy evidence by a jury whose prejudices were inflamed by an unscrupulous prosecutor and a hostile trial judge. Around the same time that Sacco and Vanzetti were executed, a man named Cero was convicted of murder and sentenced to death. Cero was granted a new trial on the basis of evidence pointing to his employer, a man named Gallo, as the murderer. The two men were then tried jointly, each accusing the other. This time, CERO was acquitted and Gallo convicted.

The year 1928 saw the execution of one George Taylor. The courts rejected his appeals, even though another man had confessed on his deathbed to the murder which Taylor stood convicted of.

Herman Snyder was executed in the early 1930's after his appeal had been rejected by the Supreme Court. That Court voted 5 to 4, the latter four justices concluding that error had been committed in Snyder's trials.

Perhaps the case that argues most eloquently against the restoration of the death penalty is the one involving two cab drivers who were charged with a 1934 robbery at the Paramount Theater in Lynn, in which a man was killed. The defendants, Molway and Berrett, were positively identified at trial by no fewer than eight eye witnesses. Their case was scheduled to go to the jury the following Monday. Over the weekend, however, police in New York arrested three men for a very similar type holdup. These men confessed to the Paramount job, and were positively identified by the same eye witnesses. Clement Molway and Louis Berrett were released, and the other men were ultimately executed for the crime. The jury foreman who sat in the Molway-Berrett trial was interviewed shortly after their release. He informed the newspaper reporter that the jury was ready prior to the weekend break to convict the defendants, and that he was mighty glad their deliberations had been delayed. The foreman then added: "This trial has taught me one thing. Before it I was a firm believer in capital punishment. I'm not now."

Another recent case in this report before the Massachusetts Legislature was that of Johnny Ross, a black youth in Louisiana who was convicted of rape in 1975 and sentenced to death. Ross was released from custody a few years later after irrefutable proof of his innocence in the nature of blood-type evidence was discovered by attorneys working for the Southern Poverty Law Center.

Again in Massachusetts, this report refers to Lawyer Johnson, a man convicted of murder and sentenced to death several years ago who has recently been granted a new trial on the basis of evidence pointing to a prosecution witness as the real perpetrator. The evidence consisted of a witness who came forward for the first time nearly 10 years after the trial.

The Lawyer Johnson case should be a constant reminder to us of the risk of executing innocent persons, and that risk always will remain in any system where human beings are the ones who are implementing it. We are not perfect. We are human. We make mistakes. We cannot correct them when there is an execution.

In December 1971, when Lawyer Johnson was only 19 years old, he was arrested in Roxbury, Mass., for the shooting death of James Christian in the Mission Hill housing project. Lawyer Johnson was found guilty and sentenced to death in the Suffolk Superior Court in 1972. In 1974, a new trial was ordered for Johnson when it was determined that the trial judge had not permitted adequate cross-examination of the only witness who placed Lawyer Johnson at the scene of the crime. On retrial, Johnson was convicted of second degree murder and sentenced to life imprisonment. In 1981, almost 10 years after Johnson was sentenced to death, a young woman, a former neighbor, came forth with evidence that Kenneth Myers, the chief witness against Johnson during the trial, was the man who had actually committed the murder. The young woman said she saw Myers shoot Christian but was afraid to testify to that effect when Lawyer Johnson was on trial. In 1982, based on that evidence, Johnson was granted a new trial and released from prison.

Mr. President, I ask unanimous consent that a newspaper article relative to that mistake on Lawyer Johnson be printed in the RECORD in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MURDER CHARGE DROPPED, HE'S FREE MAN AGAIN

(By Betsy A. Lehman and Joseph M. Harvey)

A 30-year-old Roxbury man who was sentenced to death and who spent 10 years in prison for a murder he said he did not commit was freed yesterday in Massachusetts Superior Court.

All charges against Lawyer Johnson of Dorr Street, Roxbury, were dismissed, based on new evidence from a witness to a 1971 murder who now says that Johnson was not the guilty man. The witness, who was 10 years old when the murder was committed, says the real killer was the man who testified against Johnson in two previous trials.

Shortly before noon yesterday, Massachusetts Superior Court Judge James P. McGuire accepted the recommendation of Asst. Dist. Atty. Thomas J. Mundy that charges against Johnson, who was facing a third trial in the murder of James Christian, 30, of Chelsea, be dismissed. The third trial was ordered after the new witness came forward in 1981.

Kenneth Meyers the man who previously identified Johnson as the killer, is now serving a long sentence in Walpole state prison for robbery and refuses to testify again. Without his testimony, the prosecution had no case.

Dawnielle Montiero, a neighbor in the Mission Hill project, has said she saw Meyers shoot Christian but was afraid to say so. Mundy has contended that the long delay before Montiero's testimony and her friendship with Johnson raised doubts about the reliability of her testimony.

Christian, a reported drug addict, was shot twice in the face as he came out of the doorway of a Mission Hill public housing project on Prentiss street on Dec. 17, 1971 Johnson has said all along that he was not at the scene, but in two trials could not prove it.

The first trial, in 1972, resulted in Johnson's conviction for first degree murder and Judge Wilfred J. Paquet ordering the mandatory death sentence. On appeal, the Supreme Judicial Court set aside the conviction and sentence in 1974 because Meyers the principal prosecution witness had been allowed to withhold the identities of two alleged witnesses to the shooting.

A second trial in November 1974, at which Meyers again identified Johnson as the killer, ended in a second degree murder conviction with a mandatory life sentence.

In 10 years, Johnson has been incarcerated at the Walpole, Norfolk and Concord correctional institutions.

In an interview yesterday in his mother's house, where he has lived since he was released in February on bail, Johnson said that "anger destroys," but still he is bitter about the legal system that twice convicted him, once to death, and once to life in prison. He accused prosecutors of manipulating both the jury and the testimony because they cared only about getting a conviction, not about the truth.

"It was a legal lynching." he said. The prosecution, he said, "fabricated and conspired" with Meyers. Both juries were all white; the murder victim was white, too, and Johnson, who is black, said the racial fears of the jurors were played on by the prosecution.

"I totally believed in the system of justice," he said. "My faith in the system is gone."

(Mundy, who was also the prosecutor in the original case, yesterday called Johnson's release a "travesty of justice.")

("We reluctantly dismissed the indictment because of the age of the case and the unavailability of witnesses," Mundy told The Associated Press.)

Johnson said he has little interest in voting, doesn't really feel "part of the crowd," yet, but opposes capital punish-

ment. "Two wrongs don't make a right," he said.

In prison, Johnson learned to paint, cook and to be a barber. He is enrolled in a beauty academy now to learn to be a hairdresser. He hopes the hairdressing will support him until he can make it as a serious artist. Art is his passion, the one part of his life in which he said he feels complete confidence.

Michael Fields, a spokesman for the Campaign Against Restoration of the Death Penalty, said Johnson's case is another illustration of the injustice of the death penalty. If he had been executed, these new developments would not have done him much good," Fields said.

Johnson's lawyer Michael Avery of Boston said, "if he had been executed in 1972 we would have lost some of the beautiful art he has created."

Mr. LEVIN. Mr. President, earlier today, we read a letter addressed to each of us from representatives of literally dozens of religious organizations. We should make no mistake where the religious sentiment of this country is in terms of the organizations reflected in this letter. The organized religions in this country are nearly unanimously—I cannot represent unanimously—but nearly unanimously opposed to capital punishment. This letter, stating strong opposition to capital punishment, was signed by representatives of the following organizations:

The National Council of Churches; the National Council of Catholic Charities; the Union of American Hebrew Congregations; the National Office of Jesuit Social Ministries; the United Church of Christ; the Washington Ethical Action Office; General Board of Church and Society, United Methodist Church; the Mennonite Central Committee; Lutheran Church in America; the American Jewish Committee; the Presbyterian Church in the U.S.A.; the Church of the Brethren; the Washington Office, Episcopal Church; the National Assembly of Religious Women; the Clergy & Laity Concerned; the Presbyterian Church (USA); the Friends Committee on National Legislation; the American Jewish Congess; the Unitarian Universalist Association; the United Methodist Church; Network; the American Baptist Churches; and the Synagogue Council of America.

In addition to that evidence of the near consensus—not unanimity, but near consensus—of our religious groups in their opposition to capital punishment, I want to read from a statement of the U.S. bishops that was recently printed by the U.S. Catholic Conference.

The Catholic bishops, in their statement of opposition to capital punishment, have written as follows:

The three justifications traditionally advanced for punishment in general are retribution, deterrence, and reform.

Reform or rehabilitation of the criminal cannot serve as a justification for capital punishment, which necessarily deprives the criminal of the opportunity to develop a new way of life that conforms to the norms of society and that contributes to the common good. It may be granted that the imminence of capital punishment may induce repentence in the criminal, but we should certainly not think that this threat is somehow necessary for God's grace to touch and to transform human hearts.

The deterrence of actual or potential criminals from future deeds of violence by the threat of death is also advanced as a justifying objective of punishment. While it is certain that capital punishment prevents the individual from committing further crimes, it is far from certain that it actually prevents others from doing so. Empirical studies in this area have not given conclusive evidence that would justify the imposition of the death penalty on a few individuals as a means of preventing others from committing crimes. There are strong reasons to doubt that many crimes of violence are undertaken in a spirit of rational calculation which would be influenced by a remote threat of death. The small number of death sentences in relation to the number of murders also makes it seem highly unlikely that the threat will be carried out and so undercuts the effectiveness of the deterrent.

Mr. President, perhaps one of the most widely talked about miscarriages of justice in the capital case is that of the erroneous convictions of Freddy Pitts and Wilbur Lee, both of whom spent 12 years in Florida prisons for a crime they never committed. The following historical account of the case was compiled for a compensation committee of the Florida State Legislature and it dramatically demonstrates the obstacles involved in reversing an error of justice.

"This case has a long history," this report begins:

In August of 1963, defendants Pitts and Lee were indicted by the Gulf County Grand Jury on two first-degree murder charges before the Circuit Court of the 14th Judicial Circuit of Florida. On August 28, 1963, the trial judge sentenced the defendants to death on their tendered pleas of guilty.

I wish at times that we could put our words in italics in the RECORD, because those words are so significant. Think about it. This was a case of error, and I shall get to that in a moment, where two men were sentenced to death on pleas of guilty.

In 1966 and 1967 a first post-conviction collateral attack against these convictions was denied by the trial judge and affirmed on appeal.

In 1970 a second post-conviction collateral attack against these convictions was granted in the lower court, reversed on appeal by the District Court of Appeal, *State* v. *Pitts*, 241 So. 2d 399 (1st D.C.A. Fla. 1970), and reversed again by the Florida Supreme Court on confession of error by the State, *Pitts* v. *State*, 247 So. 2d 53 (Fla. 1971). The case on remand was then sent back for a new trial by the District Court of Appeal, *Pitts* v. *State*, 249 So. 2d 47 (1st D.C.A. Fla. 1971).

On September 15, 1971, the lower court dismissed the original 1963 grand jury indictments against the defendants on the ground that the defendants had been indicted by a grand jury from which blacks had been systematically excluded.

On October 20, 1971, the Gulf County Grand Jury re-indicted the defendants on the original first degree murder charges. On December 15, 1971, the lower court dismissed these indictments on the ground that the grand jury was illegally constituted [one of the jurors had previously been convicted of a felony and had not been restored to his civil rights], and transferred the venue of this case to Jackson County, Florida.

On January 4, 1972, the Jackson County Grand Jury indicted the defendants on the original first degree murder charges before the Circuit Court for the Fourteenth Judicial Circuit of Florida. On January 21, 1972, the defendants entered pleas of not guilty.

Within the 3 years that followed, new evidence came before the court, such that in 1975, Governor Askew, of Florida, granted a full pardon to the defendants Pitts and Lee. Governor Askew said that he could not categorically state who murdered Floyd or Burkett, who were the victims. The Governor said:

There is more than enough evidence for me to seriously question the guilt of Pitts and Lee. This evidence, in fact, points to their innocence. I am sufficiently convinced that they are innocent to warrant the action that I take today. I am persuaded that the ends of justice require me to seek freedom and a full pardon for these two men.

So, in 1963, based on pleas of guilty, two men sentenced to death, later on again sentenced to death, 13 years later were pardoned by the Governor of Florida saying that he is sufficiently convinced that they are innocent to require him to give them a full pardon.

Mr. President, in 1979, another mistake occurred in the area of capital punishment, when Melvin Lee Reynolds, of St. Joseph, Mo., at the age of 24, was sentenced to life imprisonment for a murder he did not commit. Melvin Lee Reynolds spent 4 years in prison before Charles Hatcher confessed to the murder Reynolds had been convicted of committing. Hatcher described the murder in such detail as to convince the prosecutor that only he could have committed it. Hatcher is now a prime suspect in 15 other murder cases across the country.

The key evidence presented at the trial against Melvin Lee Reynolds was a tape-recorded statement of his confession to the crime. Think of it. Here is a man later found to be totally innocent, against whom was produced a tape-recorded statement of his own confession.

Sometimes we are told: "My gosh, how can there be a mistake when there is a confession? Say you have a confessed mass murderer. Can you then still argue a mistake?" The answer is take a look at the case of Melvin Lee Reynolds.

During the trial, that confession was introduced into evidence. The defend-

ant said that it was obtained by police harassing him. He was convicted, the jury choosing to believe the police, and during the many years that Reynolds spent in prison he consistently maintained his innocence. He said the confession was a result of police coercion. His own struggles, of course, would have likely proved to be fruitless but for the fact that another man later confessed to this murder.

If the death penalty had been inflicted there, an innocent man never could have walked out of prison.

Mr. President, an article which appeared in the St. Louis Post Dispatch on October 14, 1983, provides more of the story of Melvin Lee Reynolds. I ask unanimous consent that the report of the St. Louis Post Dispatch of that date be printed in the RECORD in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONFESSION—WRONG MAN IMPRISONED

(By Terry Ganey)

JEFFERSON CITY.—Melvin Lee Reynolds, sentenced to life imprisonment for one of the most shocking murders in the history of St. Joseph, Mo., took his first step to freedom today after another man confessed to committing the crime.

Reynolds, who had insisted for the last four years that police forced him to confess to the crime, left the Missouri State Penitentiary about 7:30 a.m. for an appearance in Buchanan County Circuit Court. The appearance is a requirement of the legal process needed to set Reynolds free.

The court is the same one where Reynolds was convicted in 1979 for the sexual attack and murder of 4-year-old Eric Christgen. The jury that convicted him and the Missouri Supreme Court, which later turned down his appeal, did not believe his story that the confession had been coerced by police.

But on Thursday, Charles Hatcher, 54, announced in Buchanan County Circuit Court that he had committed the murder, setting the stage for Reynold's release.

"All this is too good for me to be true, but I'm glad it is," Reynolds, 28, said Thursday in an interview at the prison. "Ever since my mother told me (about Hatcher's confession), nothing gets me depressed in here anymore, I've had nothing but happy thoughts."

Hatcher is facing capital murder charges in the killing of another youngster in St. Joseph. He rocked the city and its Police Department when he made his admission before Judge Frank B. Connett Jr., who had presided over Reynolds' trial in 1979.

"I did take the boy, and I did kill him," Hatcher said. "I don't know why I did it."

Prosecuting attorney Michael Insco of Buchanan County said the details of Hatcher's written confession had left no doubt that he was the man who had abducted the child at a shopping mall May 26, 1978, sexually abused him and then strangled him.

After Hatcher entered his plea and waived further legal proceedings, Judge Connett sentenced him to life imprisonment.

Insco said Thursday that the Christgen murder case was closed and that Reynolds could be released. Hatcher still faces the death penalty in the murder last year of Michelle Steele, 11, a crime he denies committing.

Reynolds has said he had made his confession after marathon interrogation sessions that often lasted several hours. He recalled one that went from 8 a.m. until 1:30 a.m.

"They let me get a cup of coffee during that whole time," he said. "I was so scared, I wasn't even hungry."

He said he had confessed to end the constant harassment.

"Every person has a breaking point, and I went past mine," he said. "I told them if they wanted a confession, I'd do it. I was getting to the point where I was tired."

The case of Reynolds was not the only one in which the authorities' interrogation techniques were questioned. Before Reynolds made his confession, 64-year-old Harry Fox died of a heart attack during police questioning in the case. For 23 years, Fox had operated an elevator at a building in downtown St. Joseph, near where the Christgen boy was last seen. For was brought in for questioning as a possible witness.

Fox had been brought in for questioning June 5, 1978, according to police reports. He was questioned beginning at 8:17 p.m., became ill at 9 p.m. and was pronounced dead of a heart attack at a St. Joseph Hospital at 10:19 p.m.

A relative of Fox later said Fox was "scared to death" by the questioning.

Reynolds recanted his confession on the witness stand during his trial. But the jury convicted him of second-degree murder, Judge Connett sentenced him to life imprisonment. In September 1981, the state Supreme Court upheld the conviction and sentencing, rejecting Reynolds' arguments he had been coerced by police into giving the tape-recorded statement played at his trial.

"I have sat back and thought, if I wouldn't have made that confession, I wouldn't be in here," Reynolds said. "That was the hardest evidence they had."

Reynolds said he had been subjected to threats of physical abuse at the penitentiary because of the nature of the crime he was convicted of and had been forced into homosexual acts.

"This is a whole different world," he said. He said that he had been "gay since I was 10," but that he had led a normal life during the year preceding his arrest.

Reynolds said he did not plan to initiate any suits alleging wrongful prosecution against authorities in St. Joseph.

"I just want my freedom," he said. "My freedom means a hell of a lot more to me than some suit."

The Christgen boy, the son of a wood products businessman, disappeared from the mall after his father's secretary left him alone for a few minutes. The woman, who was acting as a babysitter, went inside a store. The boy's body was found the next day in a heavily wooded area in northwest St. Joseph.

Reynolds said he planned to rebuild his life in St. Joseph, living with his mother and stepfather.

The possibility of his release became apparent three months ago, when Hatcher wrote a letter of confession to the FBI from his cell in the St. Louis County Jail. Hatcher was facing first-degree murder charges in the death of the Steele girl, whose body was found along the Missouri River. On a change of venue, Hatcher was to stand trial on the charges in St. Louis County Circuit Court.

On July 25, Hatcher wrote the FBI, with details in the killing of the Christgen boy. The trial in St. Louis County was never held because authorities refiled charges against Hatcher, accusing him of capital murder. He is now scheduled to go to trial on the new charges in January in St. Joseph.

FBI agent Joseph Holtslag testified Thursday in Buchanan County Circuit Court that Hatcher had told him he confessed to help Reynolds. In the interview, Reynolds said he did not know Hatcher and never had heard of him.

Holtslag said that Hatcher had lived at the St. Charles Hotel in St. Joseph from April to June 1978 and that he had provided "very detailed and very accurate" information on the Christgen murder that could not have been obtained by the public.

"I squeezed hard enough to cut off his air," Holtslag quoted Hatcher as saying in a description of the boy's murder.

While Insco, the prosecuting attorney, said Thursday that the Christgen murder case was closed and that Reynolds could be released, St. Joseph Police Chief James R. Hayes disputed that conclusion. Hayes said Hatcher's written confession had six discrepancies, including the claim that the murder had occurred through strangulation. Hayes said a pathologist had found that the youth suffocated during the sexual abuse.

"We are appalled that the Missouri Highway Patrol and the St. Joseph police were not really involved, and feel we have been circumvented in what I assume will be the final solution to this case," Hayes said.

Mr. LEVIN. Finally, Mr. President, I ask unanimous consent that an editorial which appeared in the St. Louis Post Dispatch in October of 1983, discussing the implications of the Melvin Lee Reynolds case, be printed in full in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CASE OF THE WRONG MAN

In a column opposite this page, Anthony Lewis reviews the arguments against the death penalty: it involves the state in killing as an answer to killing, it is not a proven deterrent but rather appeals to demands for vengeance, and it is dealt out almost capriciously. But the ultimate objection to the ultimate punishment is visible in the case of a Missourian who was not, thank heaven, sentenced to death.

Melvin Lee Reynolds of St. Joseph had confessed to the brutal murder of a 4-year-old boy. He said the police had subjected him to marathon interrogations that lasted as long as 14 hours, and he reached a "breaking point." But when he tried to recant his confession, the jury did not believe him, and neither did the state Supreme Court. So he was sentenced to life imprisonment. He had served four years when a man held for another murder said he killed the boy Mr. Reynolds was convicted of killing. Now the prosecutor has closed the case. Mr. Reynolds can go free.

The Reynolds case says something about confessions and police methods used to extract them, even when those methods fall short of outright physical brutality. Under the stress of constant harassment, individuals can reach breaking points. But the case says even more about capital punishment. Suppose Mr. Reynolds had been executed for the murder? There would have been no way to correct the erroneous conviction, no way for the state to make amends for killing an innocent man. Such errors have hap-

pened before. The risk is too great to incur in the future.

Mr. LEVIN. One brief portion of that editorial reads as follows:

But the case says even more about capital punishment. Suppose Mr. Reynolds had been executed for murder? There would have been no way to correct the erroneous conviction, no way for the State to make amends for killing an innocent man. Such errors have happened before. The risk is too great to incur in the future.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I rise in strong opposition to S. 1765, a measure the potential dangers of which far outweigh whatever merits the bill may have.

Our constituents have conferred upon us Senators grave responsibilities in matters of life and death for our Nation and our society. The bill which we are now considering carries a "procedural" label, when in fact it is one of profound substance in the direction it would give to our society. It would not only condone the death penalty, it would enshrine it as an integral part of our criminal justice system.

We are, perforce, generalists as lawmakers, although we can usually claim credentials and expertise in certain fields of legislation. By personal study and experience I believe I claim some knowledge in this highly charged area where human passions abound.

Before embarking on a legislative career I was an assistant public prosecutor in the city and county of Honolulu. That experience convinced me that the swiftness and certainty with which the criminal justice system runs its course does indeed have a salutary effect on deterring crime. But I was also convinced that the death penalty as such does not deter capital crimes.

Later, as a member of the Hawaii House of Representatives, I authored and introduced a bill to repeal the death penalty in Hawaii. This was in 1957.

Before doing so, I interviewed in prison a total of 45 convicted felons who had committed capital crimes punishable by death. To each one I posed the same question: Would you have committed the crime for which you have been convicted if you had know before the commission of the crime that the punishment would be death?

Without exception they all replied, yes, because as they explained, at the time of the commission of the crime they gave no thought whatsoever to what the consequences would be, to what the penalty would be.

This convinced me that truly the death penalty was no deterrent at all to the commission of capital crimes.

With the enthusiastic support of all religious groups in Hawaii, including the Catholics, the Protestants, the Jews, the Buddhists, and Shintoists, I was successful in achieving passage of my repeal bill in Hawaii in 1957 and, despite public passions demanding change of the law from time to time, I am proud to say that the Hawaii State Legislature has seen fit to keep this ultimate penalty off the statute books of my State.

Two years after its passage, Honolulu police officers arrested a man named Kim who had fatally stabbed his estranged wife 27 times.

He himself had reported the killing by telephone and beckoned the police to where he had killed his wife, and pointing to her said, "Well, I did that, I killed her; now you can hang me and we will be even." To his astonishment the policeman told him, "What do you mean, hang you? Didn't you know that capital punishment was repealed 2 years ago? You are not going to die. You are going to rot in jail."

Mr. Kim pounded the wall and pounded his head against the wall, and according to police reports said, "Oh, no, no, no, why did I kill her, why did I kill her then; why didn't somebody tell me that I wouldn't be killed?"

This is one instance at least when a person committed a capital crime because he thought he was going to receive capital punishment.

He thought the death penalty would serve to punish him as he felt he deserved and sort of justify his killing. It was no deterrent. It was in fact an incentive to kill insofar as this one instance goes.

I have yet to hear of one case where the death penalty has served as a real deterrent and, insofar as this Senator is concerned, the only justification for the death penalty in a civilized society such as ours is to deter others from committing similar crimes. But as has been pointed out so ably by the Senator from Michigan, (Mr. LEVIN) and others who preceded me, evidence of research in this field suggests that the death penalty does not deter capital crimes.

Rather, there is evidence which shows that its repeal does not in fact increase the incidence of capital crime. That has been proven in the case of Hawaii, too, where, since the repeal of capital punishment in Hawaii, we have had no increase in capital crimes. Also, as has been pointed out, States with capital punishment do not, in fact, suffer less capital crimes than those States which do not invoke the death penalty.

What justification is there for society to take the life of one of its members? If individual members of society take the life of another, we call that murder. Why then is it not murder for society to take the life of one of its members, especially in the case of an innocent member? And as has been pointed out by others who spoke before me, there are innumerable cases where the innocent have been sent to death row.

I hold in my hand here a book entitled, "The Court of Last Resort," written by Erle Stanley Gardner. In this book he points out innumerable cases in which he was directly involved where the innocent had been sentenced to death and where in some instances just hours before the execution was to take place he had saved the innocent from execution. And other more recent cases have been pointed out here where the innocent have been put to death and received irreversible punishment to the extent that society could not in any way compensate the survivors, much less the victim.

The pending measure would reimpose punishment for serious Federal offenses while attempting to establish procedures that might pass a constitutional test for the imposition of the death sentence through State courts.

Last October we experienced the horror of a suicide mission resulting in the death of nearly 200 marines in their beds in the barracks at the Beirut Airport. Certainly this is yet another piece of evidence that death is no deterrent to determined fanatics. Yet S. 1765 seeks to impose gradations and distinctions in the seriousness of murder, placing several victims on a level of seriousness above others. This might be justified on the basis of deterrence and greater risk by nature of the victim's calling if the evidence were clear that the death penalty did in fact deter. I submit there is even less reason to believe in its deterrence for the type of victim specified in this bill.

Mr. President, all life is sacred or no life is sacred at all. The most saintly and the most deprived of us share the common bond of humanity, however bright or dim the individual sparks thereof. Nor can that bond be ranked by one's station in this life.

Ours, Mr. President, shockingly, is the only Nation in this continent with an active death penalty. In Western Europe virtually all countries have abolished it. As a free world leader in a nuclear age we would be wise not to suggest that our society harbors, collectively, the same guilt that has bred the death penalty wish in that poor murderer who fatally stabbed his wife 27 times.

I urge my colleagues who support S. 1765, with all respect for the firmness

of their convictions on this issue, to reconsider their decision thoroughly in the light of what has been said here in debate. I urge my colleagues to vote against passage of S. 1765.

Mr. LEVIN. Mr. President, will my friend from Hawaii yield?

Mr. MATSUNAGA. I would be happy to yield to the Senator from Michigan.

Mr. LEVIN. My friend from Hawaii made a very, very poignant statement about the lack of deterrence that exists in the death penalty. I am wondering if he would mind if at this point in the RECORD I ask unanimous consent to put into the RECORD a study by the Congressional Research Service of the murder rates in States that have the death penalty compared to the murder rates in the States that do not have the death penalty. Year after year after year this shows that States that have the death penalty have twice as high a murder rate as States that do not have the death penalty.

Mr. MATSUNAGA. I would be happy to have the Senator's statement and statistics inserted immediately following my statement because it in fact substantiates what I have been trying to say.

Mr. LEVIN. I thank my friend.

Mr. President, I ask unanimous consent that two tables that have been introduced by the Congressional Research Service and the Library of Congress be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—AVERAGE MURDER RATES IN STATES WITH THE DEATH PENALTY AND IN STATES WITHOUT THE DEATH PENALTY, REGARDLESS OF THE STATUS OF THE DEATH PENALTY PROVISION, 1977–82

	Death penalty States		Nondeath penalty States		Difference
	Number of States	Murder rate [1]	Number of States	Murder rate [1]	
1977	34	10.02	16	5.33	4.69
1978	34	9.96	16	5.93	4.02
1979	37	10.64	13	6.25	4.39
1980	36	11.35	14	6.33	5.03
1981	36	10.79	14	5.57	5.22
1982	37	9.80	13	5.04	4.76

[1] 100,000 population.

Sources: Data on which States have death penalty from: U.S. Department of Justice. Bureau of Justice Statistics. Capital Punishment Reports, 1977–82. U.S. Government Printing Office, various years. Data on murder rates from: U.S. Department of Justice. Federal Bureau of Investigation. Uniform Crime Reports, 1977–82. U.S. Government Printing Office, various years.

TABLE 2.—AVERAGE MURDER RATES IN STATES WITH THE DEATH PENALTY AND IN STATES WITHOUT THE DEATH PENALTY, FOR THOSE STATES WHERE THE DEATH PENALTY PROVISION WAS UNCHANGED, 1977–82

	Death penalty States		Nondeath penalty States		Difference
	Number of States	Murder rate [1]	Number of States	Murder rate [1]	
1977	15	10.89	14	5.32	5.57
1978	26	10.20	14	5.59	4.61
1979	29	11.25	12	6.31	4.94

TABLE 2.—AVERAGE MURDER RATES IN STATES WITH THE DEATH PENALTY AND IN STATES WITHOUT THE DEATH PENALTY, FOR THOSE STATES WHERE THE DEATH PENALTY PROVISION WAS UNCHANGED, 1977–82—Continued

	Death penalty States		Nondeath penalty States		Difference
	Number of States	Murder rate [1]	Number of States	Murder rate [1]	
1980	33	11.44	13	6.60	4.84
1981	29	10.71	13	5.64	5.06
1982	29	10.23	13	5.04	5.19

[1] 100,000 population.

Sources: Same as table 1, except information on the status of death penalty provisions for 1982 obtained from: Carol Kalish, U.S. Department of Justice. Bureau of Justice Statistics. Telephone conversation on Jan. 16, 1984.

Mr. MATSUNAGA. Mr. President, I yield the floor.

Mr. KASTEN. Mr. President, as a supporter of S. 1765, the capital punishment measure before us today, I want to direct the attention of my colleagues to a specific provision of the bill. It provides for the death penalty for any Federal prisoner already under life sentence who commits murder while in prison.

As things now stand, prisoners serving life terms know that courts cannot punish them further if they commit more crimes while in prison. What is another life term to a prisoner who knows he will never get out of jail? As a result, hardened criminals in our jails have been known to butcher other inmates, and even prison guards, with impunity.

Recently, in my own State of Wisconsin, we saw the tragic consequences of this problem. Boyd H. Spikerman, a Federal prison guard at the Federal Correctional Institution in Oxford, Wis., was attacked from behind and murdered on January 29. Under present law, his killer simply stays where he is now, behind bars, free to kill again. The bill we consider today would impose the death penalty on those who, like Boyd Spikerman's killer, scoff at the law from behind prison walls and commit murder.

Mr. President, I urge adoption of the death penalty legislation before us. Those who do not respect the life of another should forfeit the right to their own.

Mr. LAXALT. Mr. President, in deliberating upon the restoration of capital punishment for certain Federal crimes, we are charged with an awesome responsibility. It is a responsibility that we must not shirk, for the issue goes to the fundamental nature of our criminal justice system and can be avoided no longer. Throughout these last several days of debate on Criminal Code reform, we have stressed that Government's most basic duty is to insure that its citizens may go about their daily lives in safety. I am convinced that in fulfilling this obligation, it is sometimes necessary and appropriate for the Government, upon sober reflection and under well specified circumstances, to impose the death penalty upon those criminals who have damaged society most severely. I support this legislation.

The constitutionality of carefully tailored statutes that provide for the death penalty is firmly established. Indeed, as the Supreme Court noted in Gregg against Georgia, the text of the Constitution itself reveals that the framers assumed that capital punishment would apply in certain cases. Others have addressed the constitutionality of this bill extensively, and the subject is closely examined in the committee report; I wish merely to note here that having carefully studied and worked on S. 1765, I believe that it sets out the appropriate definitions, does provide the requisite safeguards, and is in accord with the Constitution.

Some crimes that snatch away the lives of innocent human beings or that imperil the very existence of our democracy do in fact merit the sanction of capital punishment. The penalty is designed both to deter others from committing similar crimes in the future and to demonstrate the importance that our society attaches to innocent human life and to the right to live free from violent attack. While deterrent effect of capital punishment is not yet a matter of complete agreement among the experts, there is significant evidence bearing out the intuition most people share that the capital threat does stop some would-be criminals from committing some crimes—Isaac Ehrlich's 1973 study, for instance, concludes that every execution may prevent up to eight murders.

Prison violence provides just one specific example of our justice system's need for the deterrent effect a Federal death penalty could provide. My Subcommittee on Criminal Law recently concluded hearings showing that many criminals already serving multiple life sentences feel that they have nothing more to lose by preying on innocent prison staff members and on other inmates; some Federal institutions today house prisoners who, while incarcerated, have brutally murdered as many as three people. Without the death penalty, the Federal Government is powerless to impose any further sanctions against these killers, and the killers know it. Beyond helping to prevent additional atrocities, capital punishment serves in other ways to further the ends of justice. It is axiomatic that justice requires punishment of the guilty, and for certain types of crimes, death is the appropriate punishment. As the Gregg plurality stated:

(I)n part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.

For too long, our criminal justice system has concentrated on the rights of wrongdoers to the neglect of the rights of crime victims and of society in general. This bill, along with a number of others that we have addressed in the last several days, works to redress that imbalance. We must make every effort to insure that criminals are dealt with fairly and in accordance with the Constitution. We must also seek to insure that those who are guilty of the most heinous crimes receive a just punishment. I urge adoption of this bill.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEPSEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 7 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF SENATE JOINT RESOLUTION 218

Mr. BAKER. Mr. President, I have a unanimous-consent request of which I have advised the minority leader.

I ask unanimous consent that Senate Joint Resolution 218 be star printed to reflect a modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

1984 FARM PROGRAM

Mr. PRESSLER. Mr. President, since the signup period for the 1984 corn and wheat program began on January 16, 1984, many farmers have contacted me expressing various concerns about the program. The most common comment is from wheat farmers who cannot afford to divert 30 percent of their wheat base without any compensation. Even with the insurance of the target price and the loan program, the wheat farmers do not feel that they can afford to divert 30 percent of their land to participate in the program. Instead of signing up for the program, wheat farmers plan to plant fence row to fence row and hope for the best. A low signup for the wheat program will only increase the surplus of wheat and further depress already low wheat prices.

The House of Representatives has passed H.R. 4072 to modify the 1984 wheat program. H.R. 4072 would provide for a 10-percent paid diversion and 20-percent voluntary diversion program. The bill would also reduce the scheduled target price increase by one-half. The Congressional Budget Office cost savings estimate for H.R. 4072 is $3.3 billion over the next 5 years. Enactment of the program would allow farmers to depend more on the market for their income, instead of on deficiency payments from the Federal Government. If any of the program's features are changed, the signup date for the program must be extended. An extension to April 1, 1984, would provide farmers ample time to sign up. I urge my colleagues to join me in efforts to move this legislation through the Senate.

In addition to the general displeasure with the wheat program, farmers who practice a summer fallow crop rotation are concerned with acreage conservation requirements in this year's program. The summer fallow farmers divert half of their ground annually to preserve moisture for the next year's crop. Under the 1934 farm program, the summer fallow farmer must set aside 30 percent of his normal acreage to participate in the program, but he cannot use any of his summer fallow ground for conservation acreage. So in effect, the summer fallow farmer can only raise a crop on the 35 percent of his land that is neither summer fallowed nor set-aside to meet program requirements. For example, one South Dakota wheat farmer said that under the program, he could only plant 56 acres of wheat on a 160-acre farm. He has to divert 104 acres to comply. The wheat farmers in South Dakota who use summer fallow practices say that under the current conservation acreage requirement, they cannot afford to participate.

Another problem many farmers in my home State are having is with their acreage bases. Many farmers did not participate in the 1982 farm program, so they did not certify their 1982 crop acres. The acreage base for the 1984 corn and wheat program is the average planted acreage of 1982 and 1983. Unfortunately, producers who did not certify their planted acres in 1982 have only a base equal to one-half of their normal acreage. Many of these farmers can prove that they did raise a certain number of acres of corn or wheat in 1982. The Department of Agriculture can verify the planted acreage with the use of aerial photographs which are routinely taken. If a farmer can prove that he did plant the program crop in 1982, then his base should be modified to reflect that planted acreage. I have contacted Secretary of Agriculture Block concerning these problems, and urged him to take action to resolve them. The Senate must first act on the wheat program legislation, but the Secretary has the authority to make the other necessary changes in the farm programs to encourage participation.

Passage of this important farm legislation, along with some administrative changes, would make the crop diversion programs much more attractive to farmers. These changes will benefit farmers with higher prices and taxpayers with lower farm program costs.

ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Mr. McCLURE. Mr. President, in his well-publicized memoirs, "Khrushchev Remembers," the former Soviet ruler lauds the importance of the state's official propagandist arm, "Sovinformbureau" (Soviet Bureau of Information). On page 275 he notes that Sovinformbureau and its appendages "were considered indispensable to the interests of our state, our policies, and our Communist Party."

I believe, Mr. President, we should pay particular attention to the role that Soviet propaganda officials have played and continue to play in shaping the policies of the Kremlin. As Khrushchev and other authoritative commentators on Soviet policy since him have pointed out, those directly responsible for Soviet propaganda have important input into the policymaking process.

Soviet propagandists do not merely react to the decisions of Andropov and the ruling circle, they help shape those decisions in advance with an eye toward their special needs and objectives. While the United States does not have, and does not wish to have, a propaganda agency, it does, like all governments, have a need to inform the world about the policies of the U.S. Government. Communicating those policies is the task of the U.S. Information Agency.

Since its creation during World War II, the USIA has performed much, with very little, for a great many people around the world.

In order to maintain and improve the high standards of professionalism characteristic of the USIA, the Agency recently appointed a U.S. Advisory Commission on Public Diplomacy. The report of that Commission is now complete and I urge every Member of Congress to examine it carefully.

The Commission makes a careful note of the challenge posed by Soviet propaganda efforts and by Soviet jamming—jamming, I hasten to add, which continues in direct contravention of the Helsinki accords.

A number of thoughtful and important recommendations have issued from the Commission. Of particular note, I believe, is the Commission's recommendation "that USIA's capability to assess the probable reaction of foreign public opinion be utilized in the making of every major foreign

policy proposed or policy options study."

I should like to direct the Senate's attention at this time to an editorial which appeared in the Wall Street Journal, January 26, 1984. It deals with the Commission's emphasis on a policy role for the USIA.

Mr. President, I ask unanimous consent to insert the report and the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1983 REPORT OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

[Graphs and charts mentioned throughout the report not reproducible in the RECORD.]

To the Congress and to the President of the United States:

In accordance with the requirements of Section 8, Reorganization Plan No. 2 of 1977, and Public Law 96-60, the United States Advisory Commission on Public Diplomacy submits herewith its annual report on the U.S. Information Agency.

Respectfully submitted,

Edwin J. Feulner, Jr., Chairman, President, The Heritage Foundation, Virginia; E. Robert (Bob) Wallach, Vice-Chairman, Lawyer-Counselor, Dean, Hastings Law School Center for Trial and Appellate Advocacy, California; Hershey Gold, Chairman of the Board, Super Yarn Mart, California; Tom C. Korologos, Vice President and Director of Legislative Affairs, Timmons and Company, Inc., Virginia; Olin Robinson, Professor of Political Science, President, Middlebury College, Vermont; Leonard L. Silverstein, Attorney; Partner, Silverstein & Mullens, President, National Symphony Orchestra Association (1980-83), Chief Editor, Tax Management, Maryland; Mae Sue Talley, Retired Business Executive, Publisher and Civic Leader, Arizona.

A MESSAGE FROM THE CHAIRMAN

Public diplomacy has come of age.

During the last several years, as foreign policy decisions have been seen to have a direct impact on American politics and the economy, the role of public diplomacy has been substantially heightened. In recognition of this fact, the importance of the U.S. Information Agency within the foreign affairs community has been correspondingly increased.

This Administration, with the Commission's strong support, has undertaken a long-term commitment to augment USIA's financial resources and modernize its facilities. It is heartening to those who believe in the importance of public diplomacy that the long-time "starvation diet" of the Agency has been to some extent overcome, particularly at a time of great pressure to reduce federal spending. Funding levels have increased in the last three years, although measured in constant dollars, the Agency still operates at a substantially lower budget level than it enjoyed in its peak post war years.

Effective communication of American policies and values is an important tool for the policymaker. There are severe limitations on military action in virtually any foreign policy crisis. Similarly, concerted economic action is difficult because of domestic political considerations and because coordinated action among allies is often difficult to achieve. Thus, public diplomacy often becomes the most appropriate, indeed sometimes the only, course of action available to our policymakers.

However, public diplomacy is important in its own right not just as the "other option." As Disraeli said, "It is with words that we govern men." The role of semantics is critical in any battle of ideas. This Commission has expended considerable effort during the past year on this issue, and we invite public discussion of the subject.

My colleagues and I have traveled throughout the world a great deal during the past several years, and we have talked with many USIA officers and American ambassadors. We have also met with a number of senior foreign policymakers in Washington. We have been consistently impressed by the quality of USIA personnel and the high regard in which they are held by others in the foreign affairs community. Their ability to reach foreign opinion leaders, to explain the subtle nuances of American foreign policy, to convey the universal regard that Americans of all political persuasions have for our system of government, and their ability to respond quickly with official U.S. Government views on fastbreaking events make the USIA professional an essential part of the American foreign policy process.

Much of USIA's work is not new. It includes time-tested techniques which are used by our allies and adversaries as well: exchange programs, foreign radio broadcasting, television, magazines, books, libraries and cultural centers, and many other activities which are discussed and evaluated in this report.

The current Administration, and particularly USIA Director Charles Z. Wick, have brought new energy and a renewed sense of purpose to the Agency. Director Wick, while occasionally criticized for his personal style, has nonetheless brought the Agency to the forefront of U.S. foreign affairs. New initiatives, such as "Euronet" (satellite television links to embassies in Europe), modernization of the Voice of America, youth exchanges, and substantial expansion of educational exchange programs, have led to a heightened sense of the importance and relevance of the mission of USIA.

Director Wick has opened up USIA to new ideas and new people. Private sector advisory committees have brought some of the best minds from America's private sector to the work of public diplomacy. Their ideas have been a positive stimulus to USIA.

Certain policy and managerial changes have raised criticism as well as support among members of Congress and the national news media. While this Commission has been alert to such criticism, it is our judgment that the improvements have far outweighed whatever shortcomings might be seen in the Agency.

The communication skills and advisory capabilities of USIA today are being more effectively utilized. Their full use in the making of foreign policy—as well as in policy implementation—will not be realized until the Director of the U.S. Information Agency participates regularly as a statutory advisor to the National Security Council. This is a recommendation which the Commission has made previously. We strongly endorse it again this year.

The United States Information Agency is effectively carrying out its legislative mandate. We commend this report to everyone interested in public diplomacy.

EDWIN J. FEULNER, Jr., *Chairman.*

SUMMARY OF RECOMMENDATIONS

The role of USIA and public diplomacy

The Commission recommends that a Presidential Directive be issued implementing Congressional intent that the Director of USIA serve as a statutory advisor to the National Security Council and as the principal advisor to the President on foreign public opinion and the conduct of public diplomacy.

The Commission recommends that a task force be created under the National Security Council to assess the problem of semantics in the international "war of words" and propose an institutionalized means to counter misleading terminology and increase the accuracy of international political discourse.

The Commission recommends that USIA's capability to assess the probable reaction of foreign public opinion be utilized in the making of every major foreign policy proposal or policy options study.

Voice of America

The Commission believes it is urgent and essential that the U.S. do more to ensure that the Voice of America can deliver a strong, reliable signal worldwide.

The Commission recommends that VOA give a higher priority to research and development on direct satellite broadcasting (DBS) technology.

The Commission recommends that a Special Representative of the President with the rank of ambassador be appointed to coordinate U.S. Government activities relating to the negotiations of VOA transmitter site agreements.

The Commission believes that placing Radio Marti within the Voice of America is questionable public policy that sets a precedent of uncertain consequence. The Commission recommends that USIA take care to ensure that VOA's Charter is not compromised, that Radio Marti meets the highest standards of accuracy and objectivity, and that it not become the voice of any single segment of American society.

Research

The Commission recommends that the staff and budget of the Office of Research be increased substantially to provide the research capability required for national security and foreign policy needs and for the regular and methodical evaluation of Agency programs and products.

Exhibits

The Commission recommends that USIA strengthen American cultural and political presence through an expanded exhibits program in Western Europe and the Third World.

Private sector programs

The Commission recommends that Congress not extend the requirement that it be notified fifteen days in advance of all USIA program grants.

The Commission recommends that USIA seek and encourage promising new organizations to participate in its grant programs. Effective, traditionally-funded organizations, subject to careful scrutiny and periodic review, should continue to play a central role in multiplying what can be accomplished through government programs.

Donated books

The Commission recommends that Congress enact legislation increasing the tax deduction for donated books to increase the incentive for publishers to donate books for USIA program use.

English teaching

The Commission recommends that the Agency strengthen its English teaching programs and give increased support to Binational Centers.

THE COMMISSION: WHAT IT IS AND WHAT IT DOES

For more than a generation, it has been the intent of Congress that a bipartisan group of citizens, drawn from a broad cross section of professional backgrounds, should bring informed and independent judgment to bear on America's public diplomacy. To this end, it has established the U.S. Advisory Commission on Public Diplomacy to conduct a continuing overview of the activities of the United States Information Agency.[1]

It is the task of the Commission to recommend policies and programs in support of USIA's mission and principal activities. The Commission is required to assess the work of the Agency and to report its findings and recommendations to the President, the Congress, the Secretary of State, the Director of USIA, and to the American people.

We approach these responsibilities with a sobering sense of their magnitude and in the unanimous conviction that public diplomacy is indispensable to our national security.

USIA is an agency in transition. Begun in World War II, it has been forced for decades to compete in the war of ideas with inadequate resources and obsolete equipment. Today, this is changing. Both in government and among the American people there is an increasing sense that "ideas have consequences"—that using communications technology to shape opinions is as important as maintaining a strong national defense.

The results are impressive:

A heightened role for the Agency in the conduct of foreign policy.

New approaches to USIA's traditional information programs and to the administration of international educational and cultural exchange programs.

A creative sensitivity to the potential of communications satellites and state-of-the-art technology in television programming.

A systematic and long overdue effort to modernize the facilities of the Voice of America.

And above all awareness at the highest levels of American government that public diplomacy is an essential ingredient in the conduct of foreign affairs.

The Commission has been an active partner with USIA in bringing these changes about.

Oversight activities

The Commission believes it can best carry out its oversight responsibilities by thoroughly informing itself on what USIA is doing now and what its plans are for the future. This means taking the time to listen to those engaged in and knowledgeable about the conduct of public diplomacy.

During the past year the Commission met at least once a month and, as required, more frequently. It held regular hearings in Washington with USIA Director Charles Z. Wick and his senior associates. In addition it met with members of USIA's Congressional committees and their staffs, senior officials in the White House and the Department of State, and with numerous public and private sector communications professionals.[2]

Members of the Commission have also visited many of USIA's overseas posts for a firsthand look at the Agency's field activities. During 1983, its seven members visited 25 posts and discussed public diplomacy problems and programs with some 20 U.S. Ambassadors and more than 50 senior USIA officers. Many of these post visits were privately financed. Commission members also participated in regional conferences for USIA's Public Affairs Officers in Africa and East Asia. A meeting of the full Commission was held with members of the United States delegation to the United Nations in New York.

Legislative activities

Making its views known to Congress is an important part of the Commission's statutory responsibilities. It does so through meetings with members of USIA's authorization and appropriations committees and through letters and reports. At appropriate stages in the legislative process this year, the Commission expressed its views to members of Congress and their staffs on USIA's budget, the need to modernize the Voice of America, Project Democracy, the accreditation of the Voice of America's Capitol Hill correspondents, and legislation to establish Radio Marti within the Voice of America.

The Commission took a leading role in seeking accreditation by the Congressional media galleries for the Voice of America's news correspondents. For decades, denial of accreditation had been based on the argument that VOA is a government-funded agency and therefore not a legitimate news organization. At the same time, however, Congress for many years has permitted numerous other government-funded news agencies to be accredited as exceptions to House and Senate rules—Tass, Radio Moscow, the BBC, Radio France International, and East German Radio, among others.

Struck by this double standard, the Commission brought the accreditation issue to the attention of the Senate Rules Committee and other members of the Senate. In testimony before the Committee, the Commission pointed out that VOA is a legitimate news organization required by law to be an "accurate, comprehensive and objective source of news." Lack of accreditation, in the Commission's view, gives intellectual ammunition to America's adversaries who characterize VOA as a propaganda arm of incumbent administrations, while the legitimacy of their own government-supported and controlled press agencies is enhanced by having received U.S. Capitol press credentials.

The Commission is pleased that as a result of the hearings and discussions with members of the Senate Rules Committee and members of the Congressional Radio-Television Galleries, VOA correspondents finally have been granted long overdue accreditation and full access to the proceedings of Congress.

Public diplomacy activities

In addition to their advisory responsibilities, Commission members have contributed directly to the achievement of public diplomacy objectives. Some have undertaken speaking engagements with foreign audiences on topics relevant to USIA's country plan objectives. Commission members occassionally grant media interviews while abroad and engage in personal contact with influential decision-makers in foreign countries.

Members have also represented the U.S. Government in such ceremonial activities as the launching of the Tricentennial of the first German settlement in the United States in Krefeld, Germany; the opening of USIA's "American Theater Today" exhibit in Athens; the opening of new USIS facilities in Sri Lanka; and the opening of an American graphics exhibit in Tel Aviv.

The Commission has taken an activist approach to its responsibilities because it believes informed private citizens can contribute to the development of sound public policy. The Commission is also deeply committed to the importance of foreign attitudes in achieving U.S. foreign policy objectives and to the significance of public diplomacy.

The report which follows sets forth the Commission's principal findings and concerns over the past year.

THE ROLE OF USIA AND PUBLIC DIPLOMACY

Recommendations

The Commission recommends that a Presidential Directive be issued implementing Congressional intent that the Director of USIA serve as a statutory advisor to the National Security Council and as the principal advisor to the President on foreign public opinion and the conduct of public diplomacy.

The Commission recommends that a task force be created under the National Security Council to assess the problem of semantics in the international "war of words" and propose an institutionalized means to counter misleading terminology and increase the accuracy of international political discourse.

The Commission recommends that USIA's capability to assess the probable reaction of foreign public opinion be utilized in the making of every major foreign policy proposal or policy options study.

No one in a democratic society—certainly no elected official—would question the importance of public opinion or the power of ideas. Yet these facts, unchallenged in our domestic affairs, are often forgotten or slighted in the conduct of our relations with other countries. They are, however, the con-

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[1] The U.S. Advisory Commission on Public Diplomacy was established in 1978 as the successor to two advisory bodies—the U.S. Advisory Commission on Information for the U.S. Information Agency and the U.S. Advisory Commission on International Educational and Cultural Affairs for the former Bureau of Educational and Cultural Affairs in the Department of State. The Commission by law carries out the functions of its predecessors as well as additional responsibilities set forth in Reorganization Plan No. 2 of 1977.

President Reagan has nominated Priscilla L. Buckley, Richard M. Scaife, and Herbert Schmertz to be members of the Commission, succeeding Leonard L. Silverstein, Mae Sue Talley, and Olin Robinson whose terms have expired.

[2] Among others, the Commission met with former Assistants to the President for National Security Affairs William P. Clark and Richard V. Allen, Deputy Secretary of State Kenneth Dam, Representative Dante B. Fascell, Arms Control and Disarmament Agency Director Kenneth Adelman, Under Secretary of State William Schneider, State Department Counselor Edward Derwinski, Ambassador John Holdridge, Deputy USUN Ambassador Charles Lichenstein, Ambassador Max Kampelman, Assistant Secretary of State Chester Crocker, Ambassador Thomas Enders, Ambassador Otto Reich, Chairman of the Board for International Broadcasting Frank Shakespeare, and former CBS President Frank Stanton.

cern of public diplomacy and USIA whose role is to explain the motivations, actions and policies of the American people to an often skeptical world.

This is no small task. Even the most casual observer of foreign affairs must be aware of the troubled state of U.S.-European relations, to cite only one problem area. European public have expressed, indeed often demonstrated, their misapprehensions and criticisms of the U.S. over nuclear and strategic matters and the deployment of new U.S. medium range missiles in Europe. There are sharp differences over monetary, trade and agricultural export policies. Much of the European media and public opinion is hostile to U.S. policies in Central America. Public opinion polls show a decline in respect for American leadership. Some of these issues reflect divergent national interests, but some stem from misunderstandings and others are fanned into controversies by Communist-planted "disinformation."

Words and foreign policy

Perhaps the most serious type of "disinformation" sown by the Communists over the years is that which Under Secretary of Defense Fred C. Ikle and Senator Daniel Patrick Moynihan have termed "semantic infiltration," i.e., the systematic distortion of the meaning of certain words to confuse or mislead.[3] The Communists seem to have followed the lead of Humpty Dumpty, who explained to Alice, "When *I* use a word it means just what I choose it to mean."[4]

In just this way Soviet propagandists have corrupted such powerfully positive words as "people," "liberation," "peace," and "democratic," and used them to describe movements and governments whose goals and structures are the antithesis of their names. Any opposing movement or government is usually labeled fascist or imperialist. The efforts of democratic nations to counter this have been sporadic and unsystematic, and we have even fallen into the trap of using Communist terminology ourselves, as in, for example, the German Democratic Republic.

Regrettably, there is no "truth-in-labeling" required of speeches by political leaders. If there were, it would help people everywhere to perceive and understand the meaning of world events more accurately. It would also raise the level and accuracy of international political discourse. This Commission believes that both Administration and Congressional leaders must be made more aware of the crucial importance of semantics in the "war of words." If our adversaries insist on following Humpty Dumpty's rule, then they must be called to account for their distortions.

We believe the times require a conscious effort to improve the accuracy and political impact of words and terms used by our leaders in speaking to the world. By so doing, they can help disclose the hypocrisy and distortions of hostile propaganda. This is not a problem that will go away, and we must be prepared to deal with it on a systematic and continuing basis.

The Commission recommends that a task force be created, under the National Security Council and including representatives of the Departments of State and Defense and USIA, to assess the problem and propose an institutionalized means to respond to inaccurate or misleading terminology in international political discourse.

Resources

The role of USIA is not to manipulate, but to try to ensure that foreign perceptions of the U.S. are accurate and to correct misinformation and misunderstandings. Public diplomacy, wisely and skillfully used, can lessen the possibility of confrontation and conflict, but as we have pointed out in past reports, it has for years been woefully underfunded.

The Commission is encouraged by recent indications that the U.S. Government is beginning, albeit slowly in certain quarters, to recognize the importance of public diplomacy. A recent House Foreign Affairs Committee report noted the significance of information and educational exchange programs "has long been overlooked by U.S. policy makers." The Committee added:

"The United States has lagged behind those nations that compete with the United States in the dissemination of ideas, both in content and in technology used to deliver that message. The committee hopes that the recommended increases will be used to enable the Agency to play a greater role in promoting U.S. national security and a more forceful role in the ongoing war of ideas."[5]

After 15 years of declining budgets (measured in constant dollars) and personnel levels Congress, acting in response to an Administration request, appropriated a total of $578 million for FY 1983 for USIA, an increase of $82 million over the previous year. For FY 1984, the White House authorized a USIA request to Congress of $711 million.

In a year of severe budget restraints, Congress actually appropriated $660 million for USIA for FY 1984. (This includes $10 million for Radio Marti and $18 million for the National Endowment for Democracy, both new programs outside the Agency's traditional activities.) While considerably less than the Agency's request, it is nevertheless a solid increase over the previous year's budget. This Commission has long urged the expansion of USIA's resources. Consequently, we take much satisfaction from this action by the Congress which reflects a growing commitment to public diplomacy.

Special planning group

In previous reports, this Commission also stated its conviction that public diplomacy is an indispensable element in our national security. We were heartened when President Reagan signed a National Security Decision Directive (NSDD 77)[6] to strengthen the organization, planning and coordination of public diplomacy activities.

NSDD 77 established a Special Planning Group (SPG) responsible for the overall direction of a wide-ranging program of public diplomacy activities. It is chaired by the Assistant to the President for National Security Affairs and consists of the Secretary of State, the Secretary of Defense, the Director of USIA, the Director of the Agency for International Development, and the Assistant to the President for Communications.

Four interagency standing committees operate under the guidance of the SPG:

The International Information Committee is chaired by a senior representative of USIA. A senior State Department officer serves as vice chairman. It is responsible for planning, coordinating and implementing international *information* activities in support of U.S. policies and national interests.

The International Political Committee is chaired by a senior representative of the Department of State. A senior officer of USIA serves as vice chairman. It is responsible for planning, coordinating and implementing international *political* activities in support of U.S. policies and national security interests.

It also plans activities to support the growth of democratic values and political institutions abroad, as proposed in the President's Westminster speech in London on June 8, 1982, and develops strategies to counter totalitarian ideologies.

The International Broadcasting Committee is responsible for the planning and coordination of international broadcasting activities sponsored by the U.S. Government, including the Voice of America, Radio Free Europe and Radio Liberty.

The Public Affairs Committee is responsible for the planning and coordination of U.S. Government domestic public affairs activities relating to foreign policy and national security issues.

This rather complicated and interlocking committee structure is in place and functioning. The senior body, the SPG, met several times last year, and among other things directed the formation of a new interagency committee on arms control. The International Information and International Political Committees meet biweekly on alternate weeks. As one senior USIA official told the Commission: "We are beginning to sense that the government realizes that public diplomacy matters."

As a result of NSDD 77, a mechanism now exists that should make for more effective coordination in explaining and implementing U.S. foreign policies. It also ensures that the specialized resources and skills of USIA will play an important role in the process.

In its last report this Commission stated that "the Agency could perform a valuable and much-needed service by advising the government on the public presentation of its foreign policies and by actively participating in the coordination of administration statements announcing or explaining U.S. policies." This new interagency committee structure should permit that, and should help the U.S. Government to speak with one voice in foreign affairs. We see this as an important step forward.

Importance of public opinion

Advising and participating in the public presentation of foreign policies which have already been decided upon is a satisfactory solution to only part of the problem. As our previous report pointed out, "America's experiences in Vietnam, Iran, and now in Europe and Latin America show clearly that foreign cultures, attitudes, and opinions must routinely be taken seriously into account in *formulating* U.S. foreign policy" (emphasis added). A close reading of NSDD 77 reveals no intent to accord USIA a regular advisory role in the making of foreign policy. And from what we have been told by senior Agency officials, USIA is still rarely afforded the opportunity to participate in an advisory capacity when policies are being developed. The Agency's specialized knowledge and understanding of foreign cultures and attitudes, and its ability to survey atti-

[3] Daniel Patrick Moynihan, "Words and Foreign Policy," *Policy Review*, Fall 1978; "Further Thoughts on Words and Foreign Policy." *Policy Review*, Spring 1979. For a more recent discussion of this subject, see Jim Guirard, "Losing the Semantic War," *Washington Inquirer*, June 17, 1983.

[4] Lewis Carroll, *Through The Looking Glass.*

[5] House Report No. 98-130, May 16, 1983.

[6] NSDD 77 is a classified document. Its substance was widely reported by the press and described in some detail to Senate and House Committees in open hearings on USIA's FY 1984 budget request. See *The New York Times*, January 20 and February 4, 1983.

tudinal trends and measure foreign public opinion remain a sadly underutilized resource by our government.

An assessment of the probable reaction of foreign public opinion should be an integral part of every major foreign policy proposal or policy options study. USIA has the capability to provide this on a regular basis. We urge that it be used.

National security council

The Commission noted with satisfaction last year that USIA's role in the foreign affairs community had been substantially expanded through the energetic leadership of Director Charles Z. Wick. We stated our conviction that this more active role must be institutionalized to ensure the regular participation of the Agency in the formulation and execution of American foreign policy. That is still our conviction.

After a careful study of the various ways in which this might be accomplished, including a review of earlier reports and recommendations made by previous Commissions, the Comptroller General, members of Congress, and several ad hoc task forces appointed by Presidents Eisenhower and Kennedy, we concluded, as they did, that USIA should participate regularly on the National Security Council. This does not necessarily require formal membership.

Membership on the Council is limited by law to the President, the Vice President, and the Secretaries of State and Defense. However, the legislation that created the NSC provided that it would have both members and advisors. The Director of the Central Intelligence Agency and the Chairman of the Joint Chiefs of Staff have been designated statutory advisors. As a result, both regularly participate in the meetings of the NSC and, of equal or greater importance, in the NSC interagency working groups, for it is in these groups that the policy options are developed.

USIA already has a legal responsibility to serve as an advisor to the NSC. Reorganization Plan No. 2 of 1977 states:

"The Agency shall be headed by the Director . . . who shall serve as the principal advisor to the President, the National Security Council, and the Secretary of State on the functions vested in the Director."

Thus, the law which created the Agency confers upon the Director of USIA the same advisory status with respect to the NSC as that of the Director of CIA and the Chairman of the Joint Chiefs of Staff. Congressional intent is clear. The statute needs only to be implemented by a Presidential directive to formalize the Agency's role and designate the Director of USIA a statutory advisor to the NSC. The Commission recommends that this be done.

MEDIA AND PROGRAMS

Voice of America: Recommendations

The Commission believes it is urgent and essential that the U.S. do more to ensure that the Voice of America can deliver a strong, reliable signal worldwide.

The Commission recommends that VOA give a higher priority to research and development on direct satellite broadcasting (DBS) technology.

The Commission recommends that a Special Representative of the President with the rank of ambassador be appointed to coordinate U.S. Government activities relating to the negotiation of VOA transmitter site agreements.

The Commission believes that placing Radio Marti within the Voice of America is questionable public policy that sets a precedent of uncertain consequence. The Commission recommends that USIA take care to ensure that VOA's Charter is not compromised, that Radio Marti meets the highest standards of accuracy and objectivity, and that it not become the voice of any single segment of American society.

The Voice of America is the international radio of the U.S. Government. VOA broadcasts news, balanced programs on American thought and culture, and explanations of U.S. policies worldwide to a regular weekly audience of more than 100 million listeners. With a current budget of approximately $150 million and a staff of almost 3,000, VOA is the largest and best known part of USIA.

As President Reagan noted in his radio address to the American people on the Korean Airlines tragedy:

"The truth is mankind's best hope for a better world. That's why in times like this, few assets are more important than the Voice of America and Radio Liberty, our primary means of getting the truth to the Russian people.

"Within minutes of the report of the Soviet destruction of the Korean jet, the Voice of America aired the story on its news programs around the globe. We made sure people in Africa, Asia, the Middle East, Europe and, most important, the people in the Soviet bloc itself knew the truth.

"Accurate news like this is about as welcome as the plague among the Soviet elite. The Soviets spend more to block Western broadcasts coming into those countries than the entire worldwide budget of the Voice of America."[7]

Because of VOA's importance to U.S. national security policy, the Commission has examined its activities and plans for the future with care. We are both pleased and concerned.

We are pleased because a historical pattern of neglect of this national resource has been arrested and hopefully reversed. A recent National Security Council review of the government's international broadcasting capabilities led to a Presidential commitment to modernize VOA's antiquated and obsolete facilities and to expand and significantly improve its language services and geographic coverage.

This commitment, which takes into account past recommendations of this Commission, the General Accounting Office and others, has found resonance among responsible members of Congress in both parties. Increased public awareness of VOA's needs is helping to shape a consensus of support for needed improvements.

VOA program developments

The Commission is also encouraged by a number of recent program developments at the Voice.

Three new language services have been established—Amharic (Ethiopia), Azerbaijani (Soviet Union), and Pashto (Afghanistan)—bringing the total number of VOA languages to 42. The Pashto Service, together with Dari and Farsi, gives VOA direct radio access to all major population groups in Afghanistan. VOA's Polish broadcasting has increased from 2½ to 7 hours daily.

Daily VOA editorials, now broadcast on all language services, explain and advocate official government policies. The Commission finds this to be a positive development. Lively and vigorous, the editorials provide a welcome new format for carrying out VOA's statutory obligation to "present the policies of the United States clearly and effectively."

VOA is improving its program review process. Coherent program and production procedures are being instituted for the first time for all language services. Higher standards for news content, format, and general broadcast practices are being established.

The introduction of computer technology, long considered essential in the news rooms of America's commercial media, has substantially improved the speed, productivity, and accuracy of VOA's news operations.

An office of audience relations has been created to increase analysis of listener mail and overseas awareness of VOA. With the Commission's encouragement, VOA is for the first time publishing an audience magazine. The new bimonthly periodical, called *Voice*, includes VOA program guides and feature articles that amplify and make more understandable major VOA program themes. The Commission urges Congress to pass legislation permitting this publication to be sold within the United States.

And the separate VOA personnel office established in 1980 has done much to upgrade the quality of recruitment and personnel administration.

In its 1982 report, the Commission recommended that USIA take greater care to avoid actions and policies that can be easily misinterpreted and cast doubt on VOA's commitment to accuracy and objectivity. Substantial progress has been made. Leadership continuity and increased emphasis on broadcasting professionalism have helped put to rest the fears of some that VOA's credibility is being damaged. The Commission is aware of no evidence that VOA's statutory obligation to broadcast news that is "accurate, objective and comprehensive" has been compromised.

VOA modernization

These are all welcome developments. At the same time, improvements in programming and administration avail little if VOA is unable to deliver a strong reliable signal worldwide.

The Commission is concerned that the U.S. is still doing far less than it can to ensure that the Voice of America becomes and remains technologically competitive. In President Reagan's words: "We are as far behind the Soviets and their allies in international broadcasting today as we were in space when they launched Sputnik in 1957."[8]

More than 35 percent of VOA's transmitters are 30 years old or older. Some equipment predates World War II. Overseas, VOA uses up to 250 KW transmitters only, whereas there are now 96 "superpower" 500 KW transmitters in use by other countries with more under construction. Some 123 countries now broadcast in shortwave, and a crowded high frequency spectrum makes it increasingly difficult for VOA to deliver a signal that can be easily heard. Soviet jamming compounds the problem.

The Commission appreciates the political and technological difficulties of modernizing in a highly competitive international broadcasting environment at a time when budget constraints exist and communications technology is changing rapidly. VOA wisely began the task by commissioning a series of preliminary engineering studies

[7] Radio Address of the President to the Nation, September 10, 1983.

[8] *Ibid.*, p. 13.

covering antenna systems, technical transmission requirements, worldwide power generation requirements, station characteristics and locations, and a worldwide operations center and network control. The absence of such long-range planning in the past led to piecemeal projects, numerous delays, major project changes, and extensive budgetary reprogramming.

In the Commission's view, the economic and technical decisions underlying VOA modernization ought to be guided by four fundamental principles.

Redundancy and Dispersal of Facilities

Conventional shortwave broadcasting, according to recent estimates, will be VOA's primary medium of communication for the foreseeable future.

Most experts agree that transmitters in the U.S. alone cannot send a competitive signal to much of Europe and Asia or to parts of Africa and South America. To supplement its U.S. transmitters, VOA maintains 16 stations around the world to relay shortwave and some medium wave signals. This network, which has a current replacement value of about $2 billion, has serious deficiencies. In critical areas of the world VOA can be heard only with difficulty, if at all. VOA's construction program seeks to address these needs.

Overseas transmitter sites, however, are vulnerable. Political uncertainties and the possibility of sabotage are risk factors that must inform VOA's decision-making. Back-up transmission sites, redundant facilities, contingency plans, augmented U.S. transmitter capability, and new flexible antenna technology are essential if the U.S. is to cope adequately with the problem of vulnerability.

The Commission is aware that this approach is costly. But it is founded on the reasonable premise that national security, not broadcasting economy, should govern the decisions of Congress and the Executive Branch.

Alternative Technologies

The Commission is persuaded that VOA must vigorously explore a variety of approaches to delivering its signal.

Superpower 500 KW transmitters are one approach to modernization, and many countries have adopted it. The Soviet Union now has more than 30 such transmitters. West Germany has nine. Even countries such as Gabon and Libya have four each. It may be that the U.S. should construct some 500 KW transmitters. The Commission finds persuasive, however, arguments that simply increasing transmitter power is not the only answer to VOA's needs.

A recent MIT study suggests the cost of using 500 KW transmitters is high, with the newest using about 40 to 56 percent more power than comparable 250 KW transmitters[9] technical and safety problems also increase with higher voltage output. The MIT study concludes that an alternative way to obtain higher power is to use an array of multiple transmitters and multiple antennas to produce a single broadcast beam. New antenna technology also permits selective increases in signal levels and focused broadcasting to high population and crisis areas.

VOA should make every effort to increase retransmission of its programs by FM, medium wave, and cable where local conditions permit. Packaged programs, land line feeds, and direct satellite broadcasting for retransmission to receivers located in selected local medium wave stations are options that should be vigorously pursued. VOA should also take greater advantage of the worldwide expansion in audio cassettes by increasing direct distribution of VOA cassettes as well as making them available to broadcasters and cablecasters

The Commission is also convinced of the importance of developing and marketing improved HF receivers. Research in the design of high quality, economical shortwave receivers should be encouraged.

Finally, the Commission believes that VOA must give a higher priority to research and development on direct satellite broadcasting (DBS). USIA's recent contract with NASA to begin exploratory studies of this option is a useful but modest first step. Decisions at ITU Administrative Radio Conferences in the coming years will greatly influence adaptation to DBS technology. The U.S. must take care that it is well prepared for and adequately represented at these conferences. And while the U.S. should be prepared to think in terms of shared channels and common carrier approaches that will assure opportunities to other broadcasters, all such discussions must be viewed in the context of the essential right of VOA to broadcast without censorship or regulation.

Automation

Much of what VOA now does manually can be automated. A start has been made in the editing and distribution of news and other program materials. Frequency scheduling and the determination of broadcast schedules is another important VOA function which is labor intensive and involves the prediction of propagation patterns six to eight months in advance. Better signal monitoring and measurement combined with more advanced computer-based scheduling would permit short-term frequency adjustments to day-to-day conditions. The Commission believes VOA should make the automation of frequency scheduling a high priority.

VOA should also explore the possibilities of station automation. Completely automated, unattended sites may not be desirable given security, fuel and remote site maintenance considerations, but VOA should look carefully at the cost benefits to be derived form increased automation.

Site Negotiations

The importance to VOA's modernization plans of successful bilateral negotiations with foreign governments cannot be understated. The need to renew existing relay station agreements occurs periodically. The U.S. is currently negotiating agreements with the governments of Greece, Botswana, and Sri Lanka. VOA is seeking Congressional authorization for additional sites in the Middle East, the Persian Gulf, the Western Mediterranean, the Far East, Europe, and the Caribbean.

The stakes are high. Foreign governments are aware that real estate is essential to U.S. international broadcasting, and demands are made accordingly. VOA has operated in Greece since 1979 without a renewal agreement. Negotiations for additional facilities in Sri Lanka have been long and difficult.

The Commission is concerned that while the importance of site negotiations has been recognized by senior officials responsible for U.S. national security policy, the staffing and carrying out of these negotiations has not been given the priority they deserve. The appointment of a senior USIA career officer as Special Coordinator for International Negotiations is a start in the right direction. Given the magnitude of the task, however, the commission recommends that a Special Representative of the President with the rank of ambassador be appointed to oversee all activities of the U.S. Government with respect to the negotiation of international transmitter site agreements for the Voice of America.

The Commission is sympathetic to the magnitude of the modernization tasks facing the Voice of America. VOA's announced plans are to seek and spend $1.5 billion during the next six years on the modernization of its broadcasting facilities. Planning, research and development are essential to doing the job wisely, but in our view it is time to move quickly to the "bricks and mortar" before audiences are lost to more aggressive competitors. We urge the Congress to grant the resources that are needed and at the same time to be probing in its oversight to see that they are spent well.

Radio Marti

Compromise legislation that for the first time places a surrogate broadcasting service within the Voice of America was signed into law on October 4, 1983. The legislation established Radio Marti, a Cuba Service within VOA to be administered separately from other VOA functions for the primary purpose of broadcasting news *about Cuba* to Cuba.[10]

Radio Marti's mission will differ significantly from VOA's historic mission, which is to broadcast news about the U.S. and world events, information about significant American thought and institutions, and statements of official U.S. policy. The head of Radio Marti will report directly to the Director of USIA and the Director of the Voice of America.

The Commission believes the decision to put Radio Marti in the Voice of America is questionable public policy. It sets a precedent of uncertain consequence that could cast doubt on VOA's most important and fragile asset—its credibility.

In saying this, we do not mean to suggest that Radio Marti will necessarily be any less dedicated to truth and objectivity than VOA. The purposes of surrogate broadcasting, however, differ a great deal from those of the radio voice of the U.S. Government. And these purposes are perceived very differently throughout the world. The appropriate organizational location for Radio Marti is with Radio Free Europe and Radio Liberty under the Board for International Broadcasting.

The Commission is persuaded that the intent of Congress is that VOA's Charter not be compromised, that Radio Marti meet the highest standards of accuracy and objectivity, and that it not become the voice of any single segment of American society.[11]

The Commission intends to monitor closely the implementation of the legislation and the activities of Radio Marti and its Advisory Board with a view toward maintaining a strong, credible and highly professional Voice of America.

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[9] John E. Ware, Ithiel De Sola Pool, and Richard J. Solomon, "A Study of Future Directions for the Voice of America in the Changing World of International Broadcasting," MIT Research Program on Communications Policy, April 25, 1983.

[10] P.L. 98-111. The Radio Broadcasting to Cuba Act. The Act provides that the programs of the Cuba Service are to be designated "Voice of America: Cuba Service" or "Voice of America: Radio Marti Program."

[11] See Appendix I.

Television service

Of all the media used by USIA, television has the greatest potential popular appeal and is perhaps the most powerful means of communicating with foreign audiences when it is used well.

Until recently, however, television was something of a stepchild in USIA. The Agency was uncertain as to how to use it or even where it belonged (it has at times been awkwardly attached to the Voice of America). There was an urgent need, as this Commission pointed out last year, for a qualified professional to direct the Television and Film Service. Under the circumstances, it is not surprising that television has been slow to develop its potential within the Agency.

This is now changing. The Commission is encouraged by progress already achieved and efforts to make more extensive and effective use of this powerful medium. An experienced television professional was brought in as director of the Service which was subsequently made a separate element in the Agency, giving it the prominence it deserves.

One of the first changes of the new management was the introduction of marketing concepts to attack a basic problem: how to get the product shown. Whereas VOA broadcasts directly to its listeners, television programs must be filtered through the managers and editors of foreign television stations. In the future, it may be possible for USIA to telecast directly into homes, but now it is necessary to offer a product that can compete for time in the highly competitive, sophisticated world of international television broadcasting. A new marketing division hopes to accomplish this by employing basic research, market segmentation, audience evaluation and careful planning.

Satellite File

Efforts are also being made to develop new distribution outlets for USIA's television products. An interesting innovation with much promise is the weekly Satellite File, a half-hour reel of short news and features. This is fed from the Agency's Washington studios to two commercial international TV news services which include this material in their own files. It then is transmitted to some 275 stations in 80 countries around the world. Copies of the Satellite File are also hand-delivered to a number of Washington-based foreign TV correspondents who incorporate some of the clips in reports to their home stations.

Tracking the use of Satellite File programs is proving to be difficult. They are apparently being used with some regularity in Latin America and the Far East, but infrequently so far in Europe where the members of the European Broadcasting Union have been reluctant to use USIA material. Nevertheless, the Satellite File has become a worldwide product. Slightly more than a million dollars was spent on the File in FY 1983, and $3.4 million has been requested for FY 1984.

The Satellite File is an excellent concept. Whether it can break into the European market, or whether its usage in other areas will be great enough to make it cost-effective remains to be seen. The effort is encouraging, and the Commission will follow this experiment with interest.

Foreign TV Press

During the past year cooperative productions and facilitative assistance have assumed increasing importance. The Co-production Unit has tripled in size. It assists visiting foreign television teams in covering news events and producing documentaries on politics, economics, defense, science and the arts. European stations, which seldom use USIA-produced material, welcome the Agency's cooperation in producing their own. The Unit responds to an average of 12 requests per week from foreign producers for facilitative assistance.

Television is also being effectively used by the Agency's Foreign Press Centers, whose potential importance for explaining U.S. policies to foreign audiences has finally been realized. At Director Wick's invitation, senior Administration policy-makers now routinely come to press centers in Washington, New York and Los Angeles to brief the foreign press corps on U.S. views and policies. The Agency has assigned experienced producers, with minicam crews on call, to assist the foreign TV press. They provide video pool coverage of "on-the-record" press briefings, arrange for and record one-on-one TV interviews with high-level officials on current issues, arrange for stock footage and research, and offer reels of short news clips on important subjects to correspondents for use on foreign news programs.

Interviews are also videotaped at USIA's studios when more elaborate sets or arrangements are required: for example, a video dialogue between Defense Secretary Caspar Weinberger in Washington and European correspondents at NATO headquarters in Brussels. Special interviews by foreign correspondents were also videotaped with Secretary of Agriculture John Block, Special Trade Representative William Brock, Deputy Secretary of State Kenneth Dam and Dr. Henry Kissinger, among many others.

All of President Reagan's major policy speeches have been transmitted by satellite. USIA also played a major role in assisting the foreign press at the Williamsburg Summit. And prior to Vice President Bush's trips to Europe and North Africa, the Agency taped press conferences with the Vice President and members of the foreign press. These were followed with a series of one-on-one interviews with journalists from the countries he was to visit. The interviews were then sent by satellite to guarantee timely arrival.

The result of these efforts is more accurate information about the United States, its policies and political processes, presented in the news and documentary television programs of foreign countries.

Following the shooting down of the Korean airliner, the Television Service, working around the clock, prepared videotapes using the voices of the Soviet pilots. These were shown on monitors in the United Nations Security Council chamber during Ambassador Jeane Kirkpatrick's dramatic debate with the Soviet Ambassador—the first use of television in a U.N. Security Council meeting. The historic and extremely effective presentation was featured prominently by U.S. and foreign TV networks to an audience of many millions. The Commission commends USIA for its initiative in this innovative use of the medium.

To take advantage of advances in communications technology, the Television Service has undergone extensive technical modernization. It now has complete compatibility with international television standards and enhanced program flexibility. It has acquired in-house capability to convert U.S. videotapes to different world commercial standards. For an initial investment of $55,000 in conversion equipment, the Agency and the American taxpayer now save more than $150,000 per year in outside contracts.

Euronet

In November 1983, the Agency inaugurated "Euronet," a one-way video, two-way audio link via commercial satellite and European ground stations with five embassies in Western Europe. Other embassies will soon be added to the net. This provides four hours of direct satellite broadcasting each week, putting U.S. spokesmen and policymakers in direct contact with embassy officers, host country officials, and opinion makers.

The first transmission was made soon after troops from the U.S. and six Caribbean countries went into Grenada. The Prime Ministers from Barbados and St. Lucia and Ambassador Jeane Kirkpatrick spoke from USIA studios. They then answered questions from journalists gathered in American Embassies in five European capitals. Excerpts were shown that evening on TV news programs in all five countries.

Euronet permits live transmission of Presidential press conferences and speeches, press briefings from the State Department and the Foreign Press Centers, as well as the instantaneous delivery of USIA films, the TV Satellite File, and other material.

Next year, through an agreement with NASA and the Departments of State and Defense, the Agency hopes to be able to broadcast via a NASA satellite to dish antennas placed on most American Embassies in western Europe. This will permit longer direct transmissions and obviate the use of local land lines. Judging from the experience thus far, Euronet promises to be a flexible and poweful communications tool.

USIA is entering a new and creative television era. The Commission commends the Agency for the leadership, initiative, and enthusiastic innovation demonstrated in its use of this medium.

Project democracy

Project Democracy was a major multiagency programming initiative designed to advocate the principles of democracy abroad and support people and organizations committed to the development of democratic institutions. Its origins lie in President Reagan's Westminster speech to the British Parliament on June 8, 1982 when he promised the United States would engage in significant new effort to:

". . . foster the infrastructure of democracy—the system of a free press, unions, political parties, universities—which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means."

Project Democracy was presented to the Congress on February 23, 1983 by Secretary of State George Shultz. Its principal components include: (1) leadership training in the skills of democracy, (2) educational exchanges to increase mutual understanding, (3) programs to strengthen the institutions of democracy, (4) meetings and publications to convey ideas and information, and (5) development of institutional and personal ties between groups here and abroad.

Separately, but with Administration encouragement through an AID study grant, an alternative approach to the objective of strenghtening democratic values and institutions abroad was presented to the Congress by the bipartisan American Political Foundation. This initiative, labeled "The Democracy Program," recommended that Congress create a private, independent nonprofit corporation to be called the National

Endowment for Democracy.[12] The Endowment would not administer programs but would provide funds to private sector groups. As originally conceived, principal recipients of Endowment funding would be institutes created by the Republican and Democratic parties, the AFL-CIO's Free Trade Union Institute, and the Chamber of Commerce's Center for International Private Enterprise.

The Commission supports the objectives of Democracy and the National Endowment for Democracy. A renewed commitment by the U.S. Government and American private sector organizations to the goal of encouraging democratic values and institutions abroad is very much in the national interest.

At the same time, the commission is troubled by elements of both approaches.

Considerable confusion and misunderstanding characterized efforts to explain Project Democracy. It was not effectively communicated to the Congress or to the American people. The name itself suggests a new mandate for USIA, when most of what was intended was enhancement of proven Agency information and educational and cultural exchange programs. It is a disservice to place Agency programs under a label that gives rise to public suspicion and misunderstanding—a label that also provide critical foreign observers with the opportunity to make damaging interpretations of the programs themselves.

The Commission has no intrinsic objections to USIA's undertaking new initiatives so long as they are in keeping with the Agency's statutory authorities. USIA should do so cautiously, however, taking care to keep appropriate Congressional committees fully informed.

The National Endowment for Democracy was approved by Congress in November, 1983.[13] Congress appropriated $18 million in USIA's FY 1984 budget for the Endowment. The Endowment's goals, as we understand them, are unobjectionable. Moreover, the Commission believes strongly that the pluralism of American society provides scope for initiative, motivation, innovation, and communication that adds appreciably to what can be accomplished through government programs alone. It may be that a new quasi-public organization with its own separate staff can help to develop a stronger partnership between government and private organizations in long-term democratic institution-building.

It should be remembered, however, that USIA and AID have for more than a generation worked successfully with academic institutions, private foundations, trade unions, civic organizations and professional associations. The relationship has achieved public objectives without undercutting private initiative and professional independence. And in those programs where academic integrity is essential—such as the Fulbright scholarship program—USIA has maintained multiple grant relationships with private organizations while preserving immunity to short-term fluctuations in U.S. foreign policy.

The Commission believes that Congress in time should look carefully at this legislation to determine whether most if not all of the Endowment's activities could be accomplished through grants made directly to private organizations by existing agencies of government. If another organizational filter for the purpose of channeling appropriated funds to private groups does not on full examination prove to be unnecessary, the Commission believes the Congress should take care to ensure that the Endowment's activities complement existing government programs and promote the long-term interests of the United States. For its part, the Commission too will carefully assess the activities of the Endowment in keeping with its legislative history and the Commission's USIA oversight responsibilities.[14]

Research: Recommendation

The Commission recommends that the staff and budget of the Office of Research be increased substantially to provide the research capability required for national security and foreign policy needs and for the regular and methodical evaluation of Agency programs and products.

The Director of USIA is required by Executive Order to provide the President, the National Security Council, and the Secretary of State with "assessments of the impact of actual and proposed United States foreign policy decisions on public opinion abroad."[15] To the extent that its limited resources permit, the Agency's Office of Research does conduct surveys and analyses of foreign public reaction to current U.S. policies. It also studies the perceptions and attitudes of influential groups toward the U.S.

These studies have been widely used and praised by the White House, the NSC, and the Departments of State and Defense. To date, however, they have focused mainly on assessing public reaction in Western Europe and Japan to existing U.S. security policies and on the problems of implementing them. To our knowledge, USIA has rarely been a participant in those councils or interdepartmental groups where new policies or options are developed. Nor has it been asked to assess the impact of *proposed* foreign policy decisions as called for by the Executive Order.

In the Commission's view, the Agency's research capability is a highly valuable, if underutilized, resource which can provide insights into foreign attitudes that should be an integral part of both executive and Congressional foreign policy deliberations.

Recently a new interagency group, the Foreign Opinion Research Advisory committee (FORA), was approved by the Assistant to the President for National Security Affairs. It was established to coordinate and commission quantitative and qualitative studies of foreign opinion in support of the public diplomacy initiatives undertaken by the NSC's International Information Committee,[16] with emphasis on engendering foreign public support for U.S. policies. FORA is composed of representatives of USIA, the Departments of State and Defense and USAID. It is chaired by an officer from the NSC.

This is an encouraging, although thus far modest, development. FORA has no budget and a staff of only one officer. If supported and used, however, it should prove useful in identifying common information needs of the various U.S. Government agencies dealing with foreign affairs. It could also achieve better dissemination and use of research data, and involvement of the various agencies in the research process. It could produce some savings through elimination of duplicate research efforts and through resource-sharing. And it could help to institutionalize the central role of USIA's opinion research in the foreign policy process. The Commission will watch its activities and results with interest.

In its last two reports, this Commission observed that staff and funding levels for research were inadequate and should be substantially increased. The NSC has indicated that it agrees. Meeting with this Commission, senior NSC officers expressed their belief that resources for research should be approximately doubled. Research did receive a modest increase in FY 1983 (approximately $130,000), and we were pleased to note that FY 1984 appropriations included $4.1 million for research, an increase of $991,000 over the previous year. This is encouraging, but it will still not provide the research capability the Commission believes is required.

The Commission also recommended the Office of Research play a more active and systematic role in evaluating the effectiveness of Agency products and programs, including VOA. We recognized that this would require additional funding and personnel. The Office of Research does, of course, conduct occasional surveys of VOA listeners in various foreign countries to determine audience size and preferences. It also has made studies of communication/media habits in a few key countries. These are of considerable value to USIS posts in their planning, and should be done more frequently and include every priority country. But these modest efforts fall considerably short of the comprehensive approach to program evaluation that USIA needs.

We understand that the Office of Research plans—contingent upon the availability of funds—to reestablish a separate media research staff to carry out research for new VOA listener out-reach initiatives, to study the impact and effectiveness of the exchange programs, and to begin the systematic evaluation of Agency media products. Such evaluation and impact studies would be invaluable to Agency program planners and resource managers. We commend these new plans. We hope the Agency will accord them a high priority and that Congress will appropriate the necessary funds. A substantially increased research budget would serve the national interest.

Exhibits: Recommendation

The Commission recommends that USIA strengthen American cultural and political presence through an expanded exhibits program in Western Europe and the Third World.

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[12] Members of the National Endowment for Democracy's Board of Directors include Polly Baca Barragan, William E. Brock III, Legree Daniels, Frank J. Fahrenkopf, Jr., Dante B. Fascell, Lane Kirkland, Charles Manatt, Louis Martin, John Richardson, Olin Robison, Albert Shanker, Jay Van Andel, Sally Shelton, and Charles H. Smith, Jr.

[13] P.L. 98-164, November 22, 1983.

[14] An oversight relationship between this Commission and the National Endowment for Democracy was discussed in a colloquy in the House of Representatives between Reps. Dante B. Fascell and Benjamin A. Gilman. Rep. Fascell stated: *"There is certainly an appropriate role for the U.S. Advisory Commission on Public Diplomacy in assessing the activities of the National Endowment for Democracy. . . . I believe that the Commission can, consistent with its charter, contribute usefully to the oversight of the Endowment and its relationship with USIA. The Commission's role would be advisory and in the exercise of its oversight would have no authority or operational responsibilities with respect to the Endowment. However, I believe that Commission oversight will help to maintain the broad bipartisan support and national consensus that will be essential to success."* *Congressional Record*, November 17, 1983, pp. H 10331-2.

[15] Executive Order 12048, March 27, 1978.

[16] See p. 13 of this report.

USIA's Exhibits Service produces an average of thirteen major exhibits a year. The Agency participates in international trade fairs and special international promotions, and it produces and distributes smaller displays in multiple copies for USIS posts. USIA is responsible, too, for official U.S. national exhibitions at International Expositions. For example, $8.5 million has been appropriated for U.S. participation at International Expo '85 to be held in Tsukuba, Japan.

The Commission finds the rationale for exhibits persuasive. Attendance at major exhibits ranges from the tens of thousands to occasional audiences of more than one million. A single Expo can draw as many as 20 million visitors. In the provincial cities of Eastern Europe and in the past, in the Soviet Union, exhibits with language-qualified American guides have provided many with their only first-hand exposure to the United States and to American citizens.

Following the Soviet invasion of Afghanistan in 1979, the United States stopped sending exhibitions and other cultural presentations to the Soviet Union. Recent efforts to negotiate a cultural agreement with the Soviet Union, which would include a major exhibit, have been sidetracked as a result of the shooting down of the Korean airliner. The Commission understands the logic of these decisions, but anticipates the day when Soviet attitudes will permit resumption of more normal cultural relations. The U.S. has much to gain from the exposure to American life that major exhibits can bring to the Soviet people.

The Commission is also persuaded there is much to be gained by mounting exhibits in Western and developing countries. For example, the recent success of USIA's American theater exhibit in Athens, at a time when sensitive base negotiations were taking place, demonstrated to members of the Commission that exhibits can make a powerful political and cultural statement in non-Communist countries where the U.S. has vital interests. The Commission recommends that USIA strengthen American cultural and political presence through an expanded exhibits program in Western Europe and the Third World.

EDUCATIONAL AND CULTURAL PROGRAMS

Exchanges and international visitors

This Commission has long regarded USIA's educational exchange and international visitors programs to be among the most effective tools of public diplomacy. They serve the long-term security interests of the United States by promoting mutual understanding between Americans and the citizens of other countries and by exposing foreign scholars and leaders to American institutions and values. In our last report we expressed our concern over the steady decline in resources allotted to these programs, and we recommended that they be materially strengthened.

We are pleased to note this decline has been reversed. The Pell Amendment to USIA's FY 1983 authorization legislation, for example, sought to double, through annual increases, the size of the FY 1982 budget for exchanges by FY 1986. Director Wick has declared his wholehearted support for this amendment. For FY 1984, Congress has appropriated $92.9 million for the Fulbright program, the Hubert H. Humphrey North-South Fellowship program, Congressional-German Bundestag sponsored youth exchanges, and the International Visitors program—an increase of $15.7 million over the FY 1983 figure. Congress has authorized even higher funding levels for FY 1985.

The decrease in the *number* of educational exchanges and international visitors was also a matter of concern to the Commission. From a high point of 904 Americans studying abroad on Fulbright grants in 1966-67, the number fell to 364 by 1980-81. The number rose to 395 in 1981-82 and stayed about the same in 1982-83. With the new budget, however, the number of American Fulbright scholars is expected to be well over 500. Foreign and private sector contributions to the Fulbright program last year—more than $100 million—were substantially greater than government-provided funds.

The International Visitors (IV) program, which brings young foreign leaders to the U.S. for visits of a few weeks, has followed a similar pattern. The number of IV grantees in 1978 was 2,171. Allotted funds did not keep up with inflation or rising costs, however, and by 1981 that number had fallen to 1,579. In response to appeals from ambassadors and USIS posts overseas, funds were increased; 1,732 young leaders visited this country in FY 1982, and 1,974 grantees came in FY 1983. The FY 1984 appropriation will result in a further increase in a program that this Commission, and many ambassadors with whom we have talked, believe is one of the most effective foreign affairs efforts conducted by the U.S. Government.

The Hubert H. Humphrey North-South Fellowship program awarded 125 grants in FY 1983 to mid-career professionals in public service from developing countries for one year of non-degree study and practical courses. An increase of $560,000 over the FY 1982 budget of $3.2 million will permit an expansion of this program.

The FY 1984 authorization provided that $2.5 million be used to fund a new youth exchange program jointly sponsored by the Congress and the German Bundestag as part of the President's International Youth Exchange Initiative.

Indicating the Agency's dedication to these programs and its desire to improve them, the Director has created an advisory panel on International Educational Exchange. Composed of 12 prominent educators, foundation executives and other private sector representatives, the panel was formed to "suggest means of strengthening exchange programs vital to the national interest."

At an early meeting of the panel, Director Wick explained his view of the importance and purpose of exchanges:

"This commitment to exchange programs demonstrates a broad-based understanding that they serve a vital national interest. We simply cannot do without the link that they provide us to significant levels of the thinking leadership of the world. The Fulbright program is not a national luxury. It is a national imperative that must be attended to."

The panel is expected to make a preliminary report early in 1984.

Press and Congressional criticism of a few controversial grants made by the Agency's Office of Private Sector Programs has provoked fears that the educational exchange programs might in turn be "politicized" and their scholarly integrity impaired.[17] The Commission has discussed these concerns with a number of Agency officials. Individual Commissioners have talked with chairmen of binational Fulbright commissions abroad as well as USIS Cultural Affairs Officers. We have also talked with members and staff of the Board of Foreign Scholarships, whose mandate is to monitor the administration of the academic exchange programs, and with representatives of non-governmental organizations in the U.S. engaged in carrying out USIA's exchange programs. Throughout our inquiries, we found no reason to doubt that the scholarly integrity and nonpolitical character of the peer review process by which the educational exchange grants are awarded is being respected and maintained.

USIA's FY 1984 authorization bill included for the first time a charter for the Bureau of Educational and Cultural Affairs analogous to the VOA Charter. According to the Senate Foreign Relations Committee report, the purpose of the charter is "to insure that the scholarly integrity, the excellence and the non-political character of these programs are maintained." The Committee added that "The effectiveness of these programs can be seriously undermined if they are perceived as a short-term exercise in promoting a particular viewpoint."

It was, we suspect, the controversy over the private sector grants that moved Congress to legislate a charter for the Bureau. There were even some suggestions that the Bureau should be transferred from USIA back to the Department of State, to another government agency, or to a private foundation.

The Commission does not question the idea of a charter for educational and cultural affairs. We are disturbed, however, by the suggestion that USIA should be reorganized again when it has only recently adjusted to the thoroughgoing reorganization of 1977. Furthermore, we see no reason for such a change.

The exchange programs are operating well. They are expanding, and we have found no evidence that their integrity has been in any way impaired or compromised. The Agency accords a high priority to the exchange programs and is committed to safeguarding and strenghthening them.

Finally, it was awkward in the past and would be again to have the exchange programs directed in Washington by one agency and carried out overseas by officers of another agency. We would point out that wherever these programs are located in Washington, they will continue to be administered overseas by career USIA foreign service officers. They will continue to be looked at in terms of their overall contribution to the long-term foreign policy goals of the United States. And the U.S. share of the programs will continue to come largely from appropriated funds.

The Commission is convinced that the proper place for the educational exchange programs is where they are right now—within USIA.

University affiliations

In 1983, USIA began the first year of the worldwide University Affiliation Program, following initial pilot linkage projects in specific geographic areas. This program seeks to bring closer ties between U.S. and foreign colleges and universities through exchanges of faculty for as short a period as three weeks and as long as a year.

Grants of $50,000 or less were awarded to 29 university partnerships and will be spent

[17] See p. 27 of this Report.

over the next two to three years. These faculty exchanges focus on the social sciences, humanities, communications and education. The institutions receiving grants in 1983 ranged from community colleges to Ivy League schools and included state colleges and universities throughout the United States.

USIS posts in countries where university affiliations exist are enthusiastic about them and hope to see the program expanded. The Commission views this as a logical extension of existing academic exchange programs and a commendable new initiative.

Private sector programs: Recommendations

The Commission recommends that Congress not extend the requirement that it be notified fifteen days in advance of all USIA program grants.

The Commission recommends that USIA seek and encourage promising new organizations to participate in its grants programs. Effective, traditionally-funded organizations, subject to careful scrutiny and periodic review, should continue to play a central role in multiplying what can be accomplished through government programs.

USIA 's Office of Private Sector Programs provides selective assistance and limited grant support to non-profit activities of private sector organizations whose goals complement the public diplomacy programs of the U.S. Government. The Office has an operating budget of approximately $7.1 million.

During the past year the Office has been the focus of considerable press attention and Congressional scrutiny. Allegations of political bias, flawed management, questionable grant decisions, and even illegality have characterized an intense public debate that unquestionably has affected the ability of the Office to contribute to the Agency's overall mission.

The Commission and USIA Inspectors have examined these allegations with care. We are aware of no illegalities in the operations of the Office, and we are satisfied that a number of steps have been taken to assure critics of the soundness and integrity of these valuable programs.

A thorough examination by USIA's Office of Inspections also identified no illegalities but did make a number of useful recommendations that have since been implemented by the Director of the Agency. Chief among these is the development of adequate guidelines and standards for the conduct of the grant process and the independent evaluation of grant applications. These guidelines have been submitted to the Commission and appropriate Committees of Congress. The Agency has also adopted personnel polices that will ensure continuity, staff expertise, and adequate management supervision in the Office.

In the Commission's judgment, these steps have done a great deal to re-establish public confidence in USIA's grant programs.

The Commission also welcomes continued Congressional oversight. It questions, however, whether the requirement that Congress be notified fifteen days in advance of all Agency program grants is necessary or sound public policy.

We strongly support the right of Congress to inquire into any aspect of USIA's activities including specific grant decisions. And USIA's Congressional oversight committees appropriately worked with the Agency to develop new grant application guidelines and grant review criteria. But it does not appear to be appropriate or useful for Congress to participate routinely in decisions to award Agency grants—in effect reserving the right to influence grant decisions before they are made. Moreover, to require that *all* program grants be submitted in advance creates an excessive administrative burden on the Agency. We urge Congress to reconsider its notification requirement.

Foundations, academic and cultural institutions, and other not-for-profit organizations are essential to the conduct of public diplomacy. Proven organizations, traditionally funded by USIA, should continue to play a central role in multiplying what can be accomplished through government programs alone. They should not, however, be immune to careful scrutiny and periodic review. At the same time, promising new organizations should be encouraged to participate in the Agency's grant programs. By acting as a catalyst to the involvement of both new and traditionally-funded organizations, the Office of Private Sector Programs performs an important and necessary function.

German-American Tricentennial

USIA has been deeply involved during the year in two related and significant efforts to strengthen U.S. ties with a key NATO ally, the Federal Republic of Germany.

The best known is the German-American Tricentennial, which commemorates the arrival of the first German immigrants to America in 1683 when 13 Mennonite families from the city of Krefeld, West Germany, arrived in Philadelphia and founded Germantown. The Tricentennial celebrates the contribution that citizens of German descent have made to the building of the United States. The Tricentennial was officially launched on January 6, 1983 when the Chairman of this Commission represented the U.S. Government and the American people at the inaugural ceremonies in Krefeld.

To encourage and coordinate the many activities and observances that took place during the year, and to raise money from private sector contributions to support them, President Reagan established a commission with members drawn from the government, the private sector and the German-American community. The USIA Director served on the Tricentennial Commission as the personal representative of the President. USIA provided staff and administrative support. More than 900 programs in 45 states and the District of Columbia have honored the Tricentennial. These have included symphony concerts, film festivals, book fairs and art exhibits.

Both countries have given this anniversary high-level attention. Vice President Bush traveled to Krefeld to take part with President Karl Carstens and Chancellor Helmut Kohl in a ceremony honoring the departure of the first German families. The high point of the year's cultural activities and ceremonies was the visit to Philadelphia in October of President Carstens and the dedication the same month of a two-acre Friendship Garden on the mall between the White House and the Jefferson Memorial.

Another initiative is the Inter-Agency Steering Committee on U.S.-German Contacts. At the request of the Secretary of State, Director Wick became chairman of the committee on which 25 federal departments and agencies—all with programs involving the Federal Republic of Germany—are represented. They range in size from the Department of Defense to the National Endowments for the Arts and Humanities. The Federal Republic has created a counterpart committee in Bonn. These committees are working to improve the quality of contacts between the two governments as well as to broaden and strengthen private exchanges.

The Commission regards the German-American Tricentennial as an especially interesting example of private sector-government cooperation, and commends the contribution of the Agency to these important efforts. USIA would do well, we think, to make continued use of shared interest in important historical events as a basis for significant program initiatives.

The President's International Youth Exchange Initiative.

President Reagan's International Youth Exchange Initiative was launched in May, 1982 at the Versailles conference with the enthusiastic approval of all summit partners. In the President's words, it will "insure closer relations and mutual understanding among the 'successor' generations" by increasing exchanges of young people, ages 15 to 25, between the United States and its economic summit partners—Canada, Federal Republic of Germany, France, Italy, Japan and the United Kingdom. These countries are matching the money that the U.S. is spending on youth exchanges.

The Youth Exchange Initative is a partnership between the private sector and government to double the number of exchanges within three years. This partnership involves private organizations, who as grant recipients will actually manage the exchange program; private sector financial support raised by the President's Council; a privately funded advertising campaign; and increased community involvement.

The Initiative will not create new private or public organizations. Rather, it will help existing non-profit organizations expand and improve their programs by offering grants of combined donated and appropriated funds. In the first year, grants were awarded to 33 organizations, ranging from $8,000 to more than $590,000 and totaling about $1.4 million.

The President's Council for International Youth Exchange is composed of 110 American leaders in business and education, including Mrs. Mae Sue Talley, a member of this Commission. The Council seeks to raise $10 million over the next three years to match an equal amount from the federal government. During its first year, the Council has received pledges of $3.35 million.

The National Advertising Council has taken the International Youth Exchange as one of its public service ad campaigns. Youth Exchange ads are now appearing on television and radio and in newspapers and magazines across the country. The Ad Council estimates that 30 to 50 million dollars of free advertising will result. These ads recruit American host families and American youth for exchanges abroad.

USIA has always depended heavily on private citizens to carry out its mission. Director Charles Z. Wick has stated that one of his goals is to encourage a stronger partnership between USIA and the private sector in achieving shared goals in public diplomacy. The extensive involvement of the private sector in Youth Exchange—from families to large corporations to local communities—is a major step in that direction which should be encouraged.

A new program of this magnitude and complexity will undoubtedly encounter some problems. We understand that the intention is eventually to broaden this program to include developing countries as

well. In the Commission's view this should be done as soon as feasible. Youth Exchange shows promise of becoming a major and permanent U.S. exchange program. The Commission commends the President's International Youth Exchange Initiative and will follow its development with great interest.

Books, libraries, and English teaching: Recommendations

The Commission recommends that Congress enact legislation increasing the tax deduction for donated books to increase the incentive for publishers to donate books for USIA program use.

The Commission recommends that the Agency strengthen its English teaching programs and give increased support to Binational Centers.

Books

USIA's book program promotes the export and distribution of American books in English and in translation abroad. Overseas, Agency-supported book publishing is primarily in such languages as Arabic, French, Spanish, and Chinese, with occasional publishing in other languages such as Korean, Thai, Burmese, and Portuguese.

USIA maintains regional book offices in Mexico City, Buenos Aires, Cairo, Hong Kong, and Paris for the African Regional Service Center. None of the books produced are actually published by USIA. Instead, its support takes the form of assistance to publishers who then sell the books through commercial channels.

In 1976, the number of books published with USIA's assistance dropped below one million for the first time since the program was established in 1950. USIA's book production in FY 1982 totalled only 571,035. Worldwide production in the 1960s was more than 10 million in some years.

By comparison, in 1980 (the latest year for which statistics are available), the Soviet Union published more than 12 million books in Spanish alone. In 1979 and 1980, the USSR's publishing of Spanish language children's books exceeded the total worldwide USIA efforts in all languages.

USIA's Donated Book program distributes books donated by U.S. publishers. These books are used for presentation to influential foreign nationals; to support Fulbright lecturers or other Americans speaking overseas; and for distribution or exhibition at libraries, seminars or scholarly institutions. For many years, donated books have been an important resources in USIA's cultural programs.

Until 1968, American publishers were able to deduct the "fair market value," i.e. approximately the retail price for books donated to USIA. But under an IRS ruling and subsequent tax legislation, publishers were limited to deductions for the "actual manufacturing cost" for such donations. It became cheaper for publishers to destroy their excess inventories than to pay shipping costs to USIA. Either way the tax advantage would be the same. Since 1969 donations to the Agency from American publishers have decreased from as many as 3 million books per year to approximately 100,000 per year.

The Commission recommends that Congress enact legislation increasing the tax deduction for donated books to double the manufacturing cost. This would provide an incentive for publishers to donate books to USIA and, in the Commission's view, avoid the abuses that led to more restrictive tax legislation. The Agency should of course retain its discretion to select only books that have program value. The Commission believes this would be an important step in promoting the dissemination of American books overseas.

The creation of an organization in the United States similar to the British Book Development Council should also be considered. The Council, sponsored by the British Government and the publishing industry, views books as an important expression of culture. It has proved exceptionally useful in encouraging book distribution overseas. It could serve as a model for U.S. Government and private sector cooperation.

Libraries

In the past twenty years the number of USIA libraries abroad dropped from 254 to 131, and the number of books in those libraries declined from 2.4 million to 800,000. Despite that, libraries continue to play a vital role in the Agency's cross-cultural communication effort.

USIA's libraries vary from country to country, but the majority offer a full range of library services—book loans, reference services (in person and by telephone and mail) and access to audio-visual materials. The collections in each library may range in size from 4,000 to 30,000 volumes. They focus on current publications in the social sciences, international relations, the arts, and the humanities. All maintain a core collection containing the high-lights and classics of American thought and literature. They provide foreign students and researchers access to the best of American scholarly and cultural achievement and are visited by more than 3.5 million people annually.

In 1982, the Agency issued a new policy statement for its libraries. It emphasized their value, calling them "visible American institutions . . . [which] provide an important and accessible American cultural presence overseas . . . well suited to reach influential leaders and the highly motivated self-selecting audience." The Commission concurs and hopes that USIA's libraries will receive the support they need to strengthen and expand their valuable work.

English Teaching and Binational Centers

Declining funds have also seriously weakened two other important and closely related programs—English teaching and Binational Centers (BNCs).

USIA supports both direct and indirect English teaching programs. The latter focuses on teacher training curricula development, and working with ministries of education and institutes of higher learning. In 1967 there were 107 USIA staff officers and 49 American grantees engaged in English teaching programs overseas. Today, the Agency has only 9 English teaching officers serving as consultants to USIS posts. The Agency prepares English teaching and teacher training materials, and also publishes the quarterly journal *English Teaching Forum* for teachers of English as a foreign language.

The Agency directly supports English teaching through BNCs, local binational institutions of private citizens which are largely self-supporting. In the opinion of many Agency officers, they are potentially one of the most important—and presently most neglected—resources for reaching successor generations in the developing countries. They are especially important in Latin America. Through their classes and libraries, BNCs teach English to large numbers of young people. More than 350,000 attended English-language classes at USIA-assisted centers last year. Some will reach positions of leadership having made a personal commitment to learn our language and culture. The proficiency in English acquired at the BNCs enables many of these students to seek admission to American universities and to compete for our exchange grants.

These centers, through their libraries and cultural programs, represent a continuing American interest in the daily life of the host country, reinforcing the awareness that local citizens and Americans share basic interests and can work together to mutual advantage. Yet despite their proven value to U.S. interests, years of budget constraints and higher priorities in other areas have led to a steady reduction in the Agency's involvement with BNCs. In 1968, for example, 139 American USIA personnel were serving in 132 BNCs around the world. Today, there are 13 Agency officers serving in 12 centers. The Agency does maintain some contact with approximately 60 centers around the world, offering occasional cultural programs and modest assistance.

Enhancement of the BNCs by USIA may take forms which do not necessarily mean a return to direct subsidies. USIA should look carefully at other options which would allow it to offer professional in-service training for English teachers and librarians, support in the form of texts and teaching aids, occasional upgrading of physical facilities of classrooms and libraries, and more frequent cultural programs.

MANAGEMENT

The agency changes names (plus que ça change . . .)

The United States Information Agency (USIA), known from 1978 to 1982 as the U.S. International Communication Agency (USICA), was officially renamed USIA on August 24, 1982 by act of Congress. Thus the Agency reverted to the name it had been known by since 1953, and overseas it is once again called the United States Information Service (USIS).

The name "USICA" led to confusion about the nature and purpose of the Agency and was never popular either with the Agency's employees or with the public abroad. The legislation leaves the Agency and its functions intact. The Commission commends the Agency Director for his initiative and the Congress for its action in bringing about a name change that everyone welcomed.

Relocation and consolidation of USIA in Washington

For 30 years USIA was plagued by the fact that its personnel and major activities in Washington were scattered in many widely dispersed locations in Washington. Inevitably, this made communications and coordination more difficult, and the efficiency of the Agency suffered. In the fall of 1981 the Agency began planning to rectify this situation and achieve a long-standing goal to consolidate its Washington headquarters.

A search team selected a new building at 301 4th Street, S.W., across the intersection from the Voice of America, and Congressional approval to lease the building was obtained in September 1982. The design of some 330,000 square feet of interior space was promptly completed, and the move began before the end of the year. By September 1983 the new USIA building was almost fully occupied, and more than 90 percent of the Agency's headquarters employees are now consolidated in three adjacent buildings. Although some regrets were

expressed that the new location moved the Agency even further away from the State Department and the NSC, the consolidation has increased the efficiency of most Agency operations and improved space utilization.

It is also expected that there will be substantial savings. One-time expenses for the move were approximately $6.5 million, but over a ten-year period it has been estimated that there will be savings of between $7 and $9 million over and above the cost of the move.[18]

The Commission commends the Agency for its initiative in bringing about this long-sought relocation and consolidation and for the efficiency and swiftness with which the move was carried out.

Need for more personnel and posts overseas

In its earlier reports, this Commission expressed its conviction that public diplomacy is indispensable to our national security but that it has been inadequately understood and inadequately supported. USIA has never been given resources commensurate with its mission and responsibilities. As columnist James Reston commented recently, "Congress is so preoccupied with the war of missiles, tanks and planes that might happen in the future that it tends to forget the importance of the war of words that is now going on."[19]

The steady decline in the Agency's resources over the past fifteen years should be a matter of serious concern to Congress and the nation. Measured in constant dollars, USIA's budget has declined 27 percent since 1967, and its personnel level has dropped 34 percent. Even more disturbing to the Commission is the drop in the number of USIA employees overseas—where the work of explaining U.S. actions and supporting U.S. policies takes place. In 1967 the Agency had 1,716 Americans overseas and 7,062 foreign national employees. In 1983 there were only 941 Americans (a decline of 45 percent) and 3,539 foreign nationals (a decline of almost 50 percent).

Understaffing makes it difficult to administer a sound personnel assignment and transfer system. It also adversely affects professional development. For example, USIA's staffing level is too low to permit adequate specialized educational and training programs for junior and middle-grade officers.

The expansion of certain existing activities and the addition of major new programs will further strain the limits of already overburdened overseas staffs. The President's new International Youth Exchange Initiative and the increases in educational exchanges and the International Visitors program, mandated by the Pell Amendment, will require the support of additional American exchange officers and more foreign national employees if these important programs are to succeed.

The investigations of this Commission, including inspection trips by individual Commission members to a substantial number of overseas posts in every geographic area, have pointed up the pressing need for more people and more posts. For example, China, the world's most populous nation, presents unique opportunities and challenges to USIA as it emerges from 30 years of isolation. The Chinese are eager to know about the U.S. and its policies. USIS can perform a vital function here, as it has demonstrated by the achievements of posts in Beijing, Shanghia and Guangzhou (Canton).

It is essential that we now reach other parts of China. The Agency should open branch posts in Shenyang (Manchuria), in Chengdu (Sichuan), concurrent with the opening of the new American Consulate General in that city this year, and in Wuhan (Central China), where another American Consulate General is soon to be opened. These cities are the administrative, commercial and educational centers for regions having a combined population of more than 350 million people. U.S. interests would also be well-served if there were branch posts in Khon Kaen, Thailand and in Yogyakarta, Indonesia.

Dwindling resources caused the Agency to close many small posts, some of which the Commission believes should be reopened. For the last ten years USIS has had no American officers in any city outside of London or Paris in the United Kingdom and France. We believe there is important work for USIS officers in the major regional centers in those countries. Branch posts are also needed in Spain, Portugal, Germany, Morocco and Nigeria. American officers should be assigned to Mozambique and Djibouti. The Agency recently expanded its eastern Caribbean operations to include Grenada. Beyond that in Latin America, the need is for more people and resources for existing posts.

We do not wish to list every post and position where additional personnel are needed, but we do wish to make the point that the Agency's overseas staffing has been reduced below the level where new programs can be accommodated or critical issues adequately handled. While the Agency proposes to add a few new positions and post overseas, it should assign a much higher priority to the strengthening of its operations in the field.

Personnel and management problems

During the spring of 1983, the Commission became concerned when a number of newspaper stories alleged nepotism, favoritism and other personnel irregularities in USIA. We were also informed of Congressional inquiries on the same subject.

The Commission held closed hearings during which it met with the Director, the Agency's Counselor, the Chief Inspector and other senior Agency officials. We learned that the Director had been out of the country when the press articles appeared and the first Congressional inquiries were made. Upon his return, the Director acted promptly: he notified the Comptroller General of the allegations and also ordered investigations by the Agency's Inspection Office, USIA's Office of Security, and the General Counsel.

The investigations found instances of procedural irregularities and bad judgment, but nothing of an illegal or fraudulent nature. Congressional inquiries were answered fully and forth-rightly. The Director subsequently established a new position of Inspector General, the number of auditors was increased, and an Assistant Director of Management for Policy Coordination was named as an addition to the Director's staff. More recently, a new Deputy Director and a new Associate Director for Management were nominated.

The Commission was concerned that managerial inadequacies, lax review procedures and critical press coverage could erode public confidence in the Agency. We are persuaded, however, that when the Director confronted the allegations and irregularities, he took action to report, investigate, and correct them. The Commission will monitor the new management arrangements and procedures.

Senior Foreign Service assignments

For years, this Commission has observed with concern the scant consideration accorded Senior Foreign Service Officers from USIA for assignment abroad as ambassadors or deputy chiefs of mission (DCM).

USIA's officers constitute approximately 19 percent of the career Foreign Service. They enter through the same competitive process (the same examinations administered by the Foreign Service Board of Examiners), are promoted by the same criteria, and share similar experiences and responsibilities abroad with their Foreign Service colleagues from State. In fact, most senior USIA public affairs officers have had far greater experience managing sizeable staffs and substantial budgets than their State Department colleagues of equal rank. Nonetheless, it is rare for a USIA Senior Foreign Service Officer to be appointed ambassador or DCM.[20]

Based on many visits to posts abroad, we are convinced that this does not reflect on the quality of USIA's officers. Rather, it suggests the absence of a process by which they can be fairly evaluated in comparison with their State Department colleagues for these senior positions.

The legislative history of the establishment of the USIA career service and the Senior Foreign Service clearly reveals the presumption that USIA officers would serve in senior positions of our overseas missions. As early as 1966, the Deputy Undersecretary of State for Administration, William J. Crockett, testifying before the Senate Foreign Relations Committee, said: "Bringing USIA officers into the career Foreign Service will increase the number of men and women with broad professional training in foreign affairs from whom the President, with the advice and consent of the Senate, can choose outstanding individuals for posts of high responsibility."[21]

The Foreign Service Act of 1980 instructed the Secretary of State and the Director of USIA to "implement policies and procedures to insure the Foreign Service officers of the United States Information Agency are able to compete for chief of mission positions and have opportunities for assignments outside their area of specialization on the same basis as other Foreign Service officers." Unfortunately, this portion of the Foreign Service Act has largely been ignored.

The record will show that USIA officers serve with distinction in U.S. missions through the level of Public Affairs Counselor. There they find themselves blocked with little chance to compete for DCM and ambassadorial appointments. Inevitably, this has become a serious morale problem for senior Agency officers. An opportunity to be seriously considered for DCM and ambassadorial appointments would benefit the officers and the entire service.

In an attempt to correct this situation, Congress in 1983 passed legislation changing the designation of USIA's Foreign Service Information Officers to Foreign Service Officers. The name change helps remove im-

[18] Consolidation of United States Information Agency Activities in Washington, D.C., GAO Report of January 13, 1983.

[19] *The New York Times*, September 28, 1983.

[20] Currently there are 84 State officers in ambassadorial positions and 128 DCMs. Two USIA officers are presently assigned as ambassadors. Three are DCMs.

[21] Senate Foreign Relations Committee hearing, 89th Congress, April 19, 1966.

plications of second-class status. Congressional intent is clearly to give USIA officers the same opportunities as State Department officers to compete for senior Foreign Service assignments.[22]

There is an increasing need for ambassadors with public affairs skills. Modern developments in communication and transportation have significantly altered the role and functions of ambassadors, greatly increasing the importance of public diplomacy in the conduct of international affairs. As a result, the experience of USIA's senior officers has become even more relevant to our country's needs abroad.

We realize that years of habit and tradition cannot abruptly be changed. Nevertheless, a way should be found by State and USIA to assign the best of USIA's career officers as chiefs or deputy chiefs of mission.

APPENDIX I

Radio Marti

On September 22, 1981, President Reagan issued Executive Order 12323 creating a Presidential Commission on Broadcasting to Cuba. A ten-member Commission, chaired by F. Clifton White, was appointed in mid-January, 1982.[23]

In its Final Report, the Commission urged the early establishment of radio broadcasting to provide the people of Cuba with accurate news and information, particularly about Cuba itself. The Commission recommended that broadcasting to Cuba be undertaken by an independent, non-profit entity, called Radio Broadcasting to Cuba, Inc., which would operate in much the same manner as Radio Free Europe and Radio Liberty.

At the same time, President Reagan sought legislation to authorize and appropriate funds for radio broadcasting to Cuba. The Administration proposed a separate government-funded station named Radio Marti and sought to place it under the Board for International Broadcasting.

Congress approved Radio Marti in the fall of 1983, but in a very different form. Rather than a separate station, it placed Radio Marti within the Voice of America, providing for 14 hours of daily VOA programming directed at Cuba. It also established a Presidential Advisory Board for Radio Broadcasting to Cuba.

The U.S. Advisory Commission on Public Diplomacy met to consider the impact of this legislation. Historically, this Commission has not questioned separately funded surrogate broadcasting activities. It has, however, strongly opposed placing them in the Voice of America.

The Commission decided to reaffirm its position publicly in letters to the President and his senior foreign affairs advisors and to Congressional leaders involved in the Radio Marti decision. We have reprinted the Commission's letter and several replies to it, because we believe they are helpful in clarifying Congressional and Administration intent in implementing the Radio Marti legislation.

As requested by the Assistant to the President for National Security Affairs, and in connection with its general oversight responsibilities, this Commission will assess the activities and organizational structure of Radio Marti with care.

[22] P.L. 98-164, November 22, 1983.

[23] Other members of the Commission were William Bourne Bayer, Joseph Coors, Tirso Del Junco, George Jacobs, Jorge L. Mas, Richard M. Scaife, Herbert Schmertz, Richard B. Stone, and Charles Z. Wick.

APPENDIX II

Former Members of the United States Advisory Commission on International Educational and Cultural Affairs (1953-1977):

Homer Daniels Babbidge, Jr., President, University of Connecticut, Connecticut.

Eva T. H. Brann, St. Johns College, Maryland,

Richard T. Burress, Associate Director, Hoover Institute on War, Revolution and Peace, California.

Leo D. Cherne, Executive Director, Research Institute of America, New York.

Thomas B. Curtis, Vice President and General Counsel, Encyclopedia Britannica, Missouri.

David R. Derge, President, Southern Illinois University, Illinois.

Harry S. Flemming, President, Inverness Capital Corporation, Former Special Assistant to the President, Virginia.

Luther H. Foster, President, Tuskegee Institute, Alabama.

John W. Gardner, President, Carnegie Corporation of New York, New York.

Lawrence Goldberg, Vice President, Brandeis University, Massachusetts.

Rufus C. Harris, President, Mercer University, Georgia.

Rita E. Hauser, Attorney at Law, Stroock & Stroock & Lavan, New York.

Rev. Theodore M. Hesburgh, President, University of Notre Dame, Indiana.

Walter Johnson, Professor, University of Chicago, Illinois.

Jewel Lafontant, Attorney at Law, Stradford, Lafontant, Gibson, Fisher and Corrigan, Illinois.

Roy E. Larsen, Vice Chairman of the Board, Time and Life Building, New York.

James A. S. Leach, President, Flamegas Co., Inc., Iowa.

Leonard H. Marks, Attorney at Law, Cohn and Marks, Former Director, United States Information Agency, Washington, D.C.

Beryl B. Milburn, Vice Chairwoman, Texas Constitutional Revision Committee, Texas.

Wayland P. Moody, President, San Antonio College, Texas.

Dortch Oldham, Retired Publisher, Chairman, Tennessee Republican Party, Tennessee.

Martha L. Pate, Chairwoman of College and School Division of the United Negro College Fund, Connecticut.

Arnold M. Picker, Executive Vice President, United Artists Corporation, New York.

Thomas E. Robinson, Rider College, New Jersey.

Robert A. Scalapino, Professor of Political Science, University of California at Berkeley, California.

Joseph R. Smiley, Professor of Modern Languages, Univerity of Texas El Paso, Texas.

William French Smith, Attorney General of the United States, Washington, D.C.

Pauline Tompkins, President, Cedar Crest College, Pennsylvania.

William C. Turner, President, Western Management Consultants, Inc., Arizona.

Former Members of the United States Advisory Commission on Information (1948-1977):

William F. Buckley, Jr., Columnist, New York.

Erwin D. Canham, Editor, Christian Science Monitor, Massachusetts.

Mrs. Dorothy B. Chandler, Vice President, Times-Mirror Company, California.

Jonathan W. Daniels, Editor, Raleigh News and Observer, Author, North Carolina.

Lewis W. Douglas, Ambassador to Great Britain, Chairman of the Board, Mutual of New York, New York.

Mark E. Ethridge, Publisher, Louisville Courier Journal, Kentucky.

George H. Gallup, Chairman of the Board, American Institute of Public Opinion, New Jersey.

Ben Hibbs, Editor, Saturday Evening Post, New York.

Palmer Hoyt, Publisher and Editor, Denver Post, Colorado.

Sigurd S. Larmon, Chairman of the Board and President, Young and Rubican Advertising Company, New York.

Hobart Lewis, Chairman of the Board, Editor-in-Chief, Reader's Digest, New York.

Mark A. May, Professor of Psychology and Director of Institute of Human Relations, Yale University, Connecticut.

James A. Michener, Author, Pennsylvania.

Justin Miller, Judge, U.S. Court of Appeals, President, National Association of Broadcasters, California.

Clark A. Mollenhoff, Columnist, Author, Washington, D.C.

Arthur C. Nielsen, Jr., President, A.C. Nielsen Company, Illinois.

Morris S. Novik, Labor Consultant on Media, AFL-CIO, New York.

Philip D. Reed, Chairman of the Board and President, General Electric Co., New York.

J. Leonard Reinsch, President, Cox Broadcasting Corporation, Georgia.

John L. Seigenthaler, Editor, Nashville Tennesseean, Tennessee.

John M. Shaheen, President, Shaheen Natural Resources Company, Inc., New York.

Frank Stanton, President, Columbia Broadcasting System, New York.

Thomas Van Husen Vail, Publisher and Editor, Cleveland Plain Dealer, Ohio.

Former Members of the United States Advisory Commission on Public Diplomacy (1978-):

John Hope Franklin, Senior Mellon Fellow, National Humanities Center, Professor of History, University of Chicago, North Carolina.

Lewis Manilow, Attorney, Former President, Chicago Museum of Contemporary Art, Illinois.

Jean McKee, Executive Director, Federal Mediation and Conciliation Service, New York.

Neil Sherburne, Former Chairman, Association of Governing Boards of Universities and Colleges, Secretary-Treasurer, Minnesota AFL-CIO (Retired), Minnesota.

[From the Wall Street Journal, Jan. 26, 1984]

BEYOND WICKGATE

Newshounds pawing through Charles Wick's closet recently may be missing the real story coming from the U.S. Information Agency. A USIA advisory commission, led this year by the Heritage Foundation's Edwin Feulner, has just finished a report that could radically alter the way U.S. foreign policy is shaped. Issued last week, the Feulner report is a battle plan for the war of ideas—a war worth more vigorous pursuit.

In essence, the report recommends that politicians give USIA more clout and less lip. That means, first, more resources. Congress last year approved tiny parts of a five-year plan to refurbish the broadcast facilities of Voice of America and Radio Free Europe, some of which date to Harry Truman. Still, the Feulner Report says,

USIA's budget has declined 27% in real terms since 1967. Total payroll dropped 34% in the same span, more drastically overseas. Then, USIA employed 7,000 foreign nationals; now, 3,500.

While the report doesn't say so, USIA also needs more-serious efforts from the State Department to negotiate for new facilities overseas and to overcome jamming by the Soviets and Cubans, now said to cost $300 million annually. Last year, U.S. diplomats reviewing human rights agreed in Madrid to omit mention of jamming as a vital denial of freedom.

The most important recommendation may be this: Use USIA for input as well as output. For example, the commission suggests that the head of USIA serve as an adviser to the National Security Council, as the heads of the CIA and Joint Chiefs do now. Congress recommended this step in 1977, but the needed executive order was never issued. The commission also would expand USIA's ability to sample foreign opinion through polls, news surveys and other means.

These steps would focus needed attention on popular forces in the world, one of the keys to a successful American foreign policy. Even enthusiasts often see public diplomacy as a useful but separate device, boxed off from the "real" foreign policy of treaties and summitry. Instead, we should be integrating the global electorate into our decisions—what Jeff Bell has described on these pages as a "populist foreign policy." Whether we are promoting economic growth models in Latin America or a consensus for action in the alliance, the success of U.S. dilomacy is likely to hinge on the support of foreign people.

When President Reagan decided to restrict U.S. participation in Europe's Soviet pipeline fiasco, for example, the notion was widely accepted that this had "angered our allies." In fact, the decision did outrage many political and business elites. But it excited many Britons to ask why Margret Thatcher wasn't following America's lead, and led to German magazine reports on slave labor used to build the pipeline. Polish marchers shouted, "Death to Brezhnev, Long Live Ronald Reagan,"

A sophisticated policy would take note of such effects before deciding that sanctions against the Soviets are "unpopular with our allies." The Feulner report shares this insight and makes some sensible suggestions for the USIA that would help broaden foreign-policy creation.

CHARLESTON NAVAL SHIPYARD RECEIPT OF CHIEF OF NAVAL MATERIAL PRODUCTIVITY EXCELLENCE AWARD

Mr. THURMOND. Mr. President, the Charleston Naval Shipyard in the beautiful port city of Charleston, S.C., has been selected to receive the prestigious Chief of Naval Material Productivity Excellence Award.

The shipyard competed in diverse areas such as cost savings, productivity improvement, and overhauls completed within cost. The Charleston Naval Shipyard was in competition with other such shipyards around the country, and its selection for this award recognizes the outstanding work done by South Carolinians and the members of the U.S. Navy who work at the shipyard.

In the words of the shipyard commander:

This is the premier award and means that we have been recognized as the number one shipyard by two higher echelons of command.

The shipyard commander, Capt. R. G. Camacho, Mr. Jack Day, director of management engineering and a Clemson University graduate, and the men and women who work at the Charleston Naval Shipyard are to be commended for their fine dedication in service to our country.

Mr. President, it is only proper that the Senate recognize the dedication and achievements of these fine Americans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the text of the bill (S. 684) to authorize an ongoing program of water resources research.

The message also annouced that the House agrees to the amendments of the Senate to the bill (H.R. 2898) to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes.

At 2:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill (S. 1186) to clear certain impediments to the licensing of the yacht *Dad's Pad* for employment in the coastwise trade, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 440. An act for the relief of Fredrick Francisco Akers;

H.R. 1557. An act for the relief of William D. Benomi;

H.R. 1716. An act for the relief of Divinia Manatad and Jeuerita Manatad;

H.R. 1865. An act for the relief of Nery De Maio;

H.R. 1867. An act for the relief of Olga Rojas-Pujolar;

H.R. 1932. An act for the relief of Mireille Laffite;

H.R. 2387. An act for the relief of Benjamin B. Doch;

H.R. 3221. An act for the relief of Harvey E. Ward;

H.R. 3382. An act for the relief of Dennis L. Dalton;

H.R. 3926. An act for the relief of Theron M. Bradley, Jr.;

H.R. 3927. An act for the relief of Kenneth L. Perrin;

H.R. 4439. An act extending the authorization for the Railroad Accounting Principles Board, and for other purposes;

H.R. 4504. An act to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between members appointed from the House of Representatives and members appointed from the Senate; and

H.R. 4656. An act to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

At 4:53 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 255. Concurrent resolution providing for an adjournment of the House from February 9 to 21, 1984, and an adjournment of the Senate from February 9 or Feburary 10 to February 20, 1984.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 379. An act to cancel certain indebtedness in connection with disaster relief activities;

S. 684. An act to authorize an ongoing program of water resources research, and for other purposes; and

H.R. 2898. An act to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 6:08 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1388. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors, to increase rates of

compensation for certain blinded veterans, to modify the periods during which certain temporary increases in compensation are paid, to provide for continuation of compensation pending the administrative appeal of certain reductions or discontinuances, to make certain improvements in the Veterans' Administration home loan guaranty program, to repeal the 1989 termination date of the Vietnam-era GI Bill, and to make certain improvements in other veterans' programs; to express the sense of the Congress that increases in compensation should take effect on December 1 beginning in fiscal year 1985, and to establish a pilot project to expedite certain medical facility construction projects; and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 440. An act for the relief of Fredrick Francisco Akers; to the Committee on the Judiciary.

H.R. 1716. An act for the relief of Divinia Manatad and Jeuerita Manatad; to the Committee on the Judiciary.

H.R. 1865. An act for the relief of Nery De Maio; to the Committee on the Judiciary.

H.R. 1867. An act for the relief of Olga Rojas-Pujolar; to the Committee on the Judiciary.

H.R. 1932. An act for the relief of Mireille Laffite; to the Committee on the Judiciary.

H.R. 2387. An act for the relief of Benjamin B. Doch; to the Committee on the Judiciary.

H.R. 3221. An act for the relief of Harvey E. Ward; to the Committee on the Judiciary.

H.R. 3382. An act for the relief of Dennis L. Dalton; to the Committee on the Judiciary.

H.R. 3926. An act for the relief of Theron M. Bradley, Junior; to the Committee on the Judiciary.

H.R. 3927. An act for the relief of Kenneth L. Perrin; to the Committee on the Judiciary.

H.R. 4439. An act extending the authorizaton for the Railroad Accounting Principles Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4504. An act to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between members appointed from the House of Representatives and members appointed from the Senate; to the Committee on Foreign Relations.

MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1557. An act for the relief of William D. Benomi.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 4656. An act to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution was signed on February 7, 1984, by the President pro tempore (Mr. THURMOND):

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of the delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2516. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the fiscal year 1985 arms control impact statements; to the Committee on Foreign Relations.

EC-2517. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of emergency defense assistance to Chad; to the Committee on Foreign Relations.

EC-2518. A communication from the chairman of the Board for International Broadcasting, transmitting, pursuant to law, the annual report of the Board for fiscal year 1983; to the Committee on Foreign Relations.

EC-2519. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on the determination to continue certain assistance to Haiti; to the Committee on Foreign Relations.

EC-2520. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, notice of a delay in the submission of a report on political performance of United Nations member countries in the international organizations to which the United States is a member; to the Committee on Foreign Relations.

EC-2521. A communication from the chairman of the U.S. Advisory Commission on Public Diplomacy, transmitting, pursuant to law, the annual report on the U.S. Information Agency for 1983; to the Committee on Foreign Relations.

EC-2522. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notice of payment of guarantees under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2523. A communication from the Peace Corps, transmitting, pursuant to law, the fiscal year 1982 annual report of the Peace Corps; to the Committee on Foreign Relations.

EC-2524. A communication from the Director ACTION, transmitting, pursuant to law, the report on the system of internal accounting and administrative control in effect in ACTION during calendar year 1983; to the Committee on Governmental Affairs.

EC-2525. A communication from the Director of the Selective Service System, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2526. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Evaluations, 1983"; to the Committee on Governmental Affairs.

EC-2527. A communication from the chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission on compliance with the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2528. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Issues and Concerns Regarding the D.C. Retirement Board"; to the Committee on Governmental Affairs.

EC-2529. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice of a computer matching program that has been submitted to the Federal Register; to the Committee on Governmental Affairs.

EC-2530. A communication from the chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the annual report of the Commission for calendar year 1983; to the Committee on Governmental Affairs.

EC-2531. A communication from the vice chairman and Chief Financial Office of the Potomac Electric Power Co., transmitting, pursuant to law, the balance sheet of the Potomac Electric Power Co. as of December 31, 1983; to the Committee on Governmental Affairs.

EC-2532. A communication from the District of Columbia Auditior, transmitting, pursuant to law, a report entitled "University of the District of Columbia President's Discretionary Fund Fiscal Year 1983 Annual Report"; to the Committee on Governmental Affairs.

EC-2533. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2534. A communication from the chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2535. A communication from Judge Kamlowsky, of the northern district of West Virginia, transmitting, pursuant to law, acceptance of his appointment as a bankruptcy judge; to the Committee on the Judiciary.

EC-2536. A communication from Judge Radcliffe, of the District of Oregon, transmitting, pursuant to law, acceptance of his appointment as a bankruptcy judge; to the Committee on the Judiciary.

EC-2537. A communication from the Director of the Community Relations Service, Department of Justice, transmitting, pursuant to law, the annual report on the activities of the Community Relations Service for fiscal year 1982; to the Committee on the Judiciary.

EC-2538. A communication from the chief immigration judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of the deportation of certain aliens under section 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2539. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report entitled "Women and Minorities in Science and Engineering"; to the Committee on Labor and Human Resources.

EC-2540. A communication from the chairman of the National Endowment for the Arts, transmitting a draft of proposed legislation to establish a National Medal of Arts for recognition of individuals and groups who make outstanding contributions to the Arts in the United States; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 422. A bill to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance (Rept. No. 98-353).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: in the Air Force there are 45 appointments to the grade of brigadier general (list begins with Jimmie V. Adams), Rear Adm. Robert F. Dunn, U.S. Navy, to be vice admiral, Lt. Gen. David E. Grange, Jr., U.S. Army, to be reassigned in the grade of lieutenant general, Maj. Gen. Robert Arter, U.S. Army, to be lieutenant general, and Col. Arthur V. Episcopo, U.S. Army Reserve, to be brigadier general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force Reserve there are 193 promotions to the grade of colonel (list begins with Andrew A. Allan), in the Air Force Reserve there are 25 promotions to the grade of colonel (list begins with Jacob L. Braig), in the Air Force there are 6 appointments to the grade of lieutenant colonel and below (list begins with Curtis D. Hodge), in the Air Force Reserve there are 18 promotions from the Air National Guard to the grade of lieutenant colonel (list begins with Donald R. Allen), in the Air Force Reserve there are 32 promotions from the Air National Guard to the grade of lieutenant colonel (list begins with Michael A. Armour), in the Air Force there are 11 permanent promotions to the grade of lieutenant colonel and below (list begins with Bernard J. Amels), in the Army Reserve there are 1,146 promotions to the grade of colonel and below (list begins with Ronald C. Davis), in the Army Reserve there are 226 promotions to the grade of colonel and below (list begins with William Alexander), in the Army Reserve there are 634 promotions to the grade of colonel and below (list begins with Duane V. Ackerman), in the Army there are 8 permanent promotions to the grade of colonel and below (list begins with George D. Imes, Jr.), in the Army there are 14 permanent promotions to the grade of colonel and below (list begins with Claude K. Jackson), in the Army there are 46 appointments to the grade of lieutenant colonel (list begins with Jeffrey D. Anthony), in the Army there are 9 permanent promotions to the grade of lieutenant colonel and below (list begins with Robert A. Sempek), in the Army there are 6 appointments to the grade of colonel and below (list begins with Jerry B. Reinoehl), in the Army there are 31 appointments to the grade of captain (list begins with Heman B. Bartholomew), in the Army there are 21 appointments to the grade of captain (list begins with Paul F. Adams), in the Marine Corps there are 2 permanent appointments to the grade of major (list begins with Mark H. Biser), in the Marine Corps there are 24 permanent appointments to the grade of second lieutenant (list begins with Truman O. Anderson III), in the Naval Reserve there are 203 permanent promotions to the grade of captain (list begins with John T. Albritton), in the Naval Reserve there are 322 permanent promotions to the grade of commander (list begins with Constante U. Abaya), in the Navy there are 29 permanent promotions to the grade of lieutenant commander and below (list begins with Mark F. Clapper), in the Navy there are 2 promotions to the grade of lieutenant commander (list begins with Joseph A. Calahan II), in the Navy there are 1,105 permanent appointments from the Naval Academy to the grade of ensign (list begins with John F. Abbot), and in the Navy there are 278 permanent appointments to the grade of chief warrant officer (list begins with James W. Crawford). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 27, 1984, at the end of the Senate proceedings.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Maurice Lee Barksdale, of Texas, to be an Assistant Secretary of Housing and Urban Development.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Captain John D. Bissler, National Oceanic and Atmospheric Administration to be a Member of the Mississippi River Commission; and

J. Bonnie Newman, of New Hampshire, to be an Assistant Secretary of Commerce.

By Mr. THURMOND, from the Committee on the Judiciary:

John R. Hargrove, of Maryland, to be United States District Judge for the District of Maryland.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN (for himself, Mr. LEVIN, and Mr. RUDMAN):

S. 2270. A bill to amend title 18 of the United States Code to prohibit the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S. 2271. A bill to authorize the transfer to the Smithsonian Institution without reimbursement of the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

S. 2272. A bill to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. GLENN:

S. 2273. A bill to establish a Student Aid Volunteer Earnings program; to the Committee on Labor and Human Resources.

By Mr. BOREN:

S. 2274. A bill to amend title 38, United States Code, to authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans; to the Committee on Veterans Affairs.

By Mr. CHAFEE:

S. 2275. A bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 2276. A bill to direct the Secretary of Transportation to study the feasibility of constructing a rail rapid transit line between the West Falls Church, Virginia, station of the Washington, D.C. metrorail system and Dulles International Airport; to

the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself, Mr. RUDMAN, Mr. BINGAMAN, Mr. BUMPERS, Mr. LEVIN, Mr. PROXMIRE, and Mr. RIEGLE):

S. 2277. A bill to prevent certain acquisitions of domestic petroleum companies by major international energy concerns; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 2278. A bill entitled the "Care for Chemically Dependent Veterans Act"; to the Committee on Veterans' Affairs.

By Mr. RANDOLPH (for himself, Mr. ANDREWS, Mr. THURMOND, Mr. INOUYE, Mr. HOLLINGS, Mr. BURDICK, Mr. GLENN, Mr. MOYNIHAN, Mr. BENTSEN, Mr. ZORINSKY, Mr. LEVIN, Mr. DECONCINI, Mr. SARBANES, Mr. COCHRAN, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. WILSON, Mr. WEICKER, Mr. GORTON, Mr. STEVENS, Mr. LUGAR, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. STENNIS, Mr. KENNEDY, Mr. PELL, Mrs. HAWKINS, and Mr. CHILES):

S.J. Res. 228. A joint resolution to designate the week of May 20, 1984, through May 26, 1984 as "National Digestive Diseases Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for Mr. STEVENS (for himself and Mr. MURKOWSKI)):

S. Res. 337. A resolution honoring Dr. William R. and Dorothy Jane Wood; placed on the calendar.

By Mr. MOYNIHAN:

S. Con. Res. 94. A concurrent resolution expressing the sense of Congress that the president of Syria should permit Jewish emigration; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself, Mr. LEVIN, and Mr. RUDMAN):

S. 2270. A bill to amend title 18 of the United States Code, to prohibit the use, for fraudulent and other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce; to the Committee on the Judiciary.

COMPUTER CRIME PREVENTION ACT OF 1984

● Mr. COHEN. Mr. President, today I am introducing the Computer Crime Prevention Act of 1984 to protect personal, business, and government information from the threat of computer-related crime. I am pleased that Senators LEVIN and RUDMAN are joining me today in introducing this bill.

As we all know, computers have become, in their relatively short history, indispensable to the workings of our society and have revolutionized the way the world collects, stores, transfers, and uses information. Computers have touched almost every aspect of our daily lives and have become valuable tools of business, medicine, government, academia, defense, and countless other fields. Indeed, if you suddenly took away all of our mainframes, remote terminals, and home computers, the world would function at a much slower pace.

Despite the great benefits of computers, however, we are finding more and more that computers can be the Achilles heel of business and government. Information can easily be stolen, altered, or destroyed by persons who gain unauthorized access to computers. Such trespasses against business or government computers can cost stockholders and taxpayers dearly. Moreover, when computers are invaded, the personal privacy of millions of Americans whose records are stored in the computers could be jeopardized.

Last October, the Subcommittee on Oversight of Government Management, which I chair, held 2 days of hearings on the issue of computer crime and security. The subcommittee received testimony from many experts from both the Federal Government and the private sector on the threats that are posed by computer break-ins and on what steps can be taken to address these problems.

Those hearings vividly illustrated that computer break-ins should not be treated as simply innocent pranks by curious youngsters. Rather, computer abuse can seriously harm personal lives and businesses. The subcommittee heard testimony from a member of a group of computer hackers who had broken into the computers of credit bureaus and had changed the credit ratings of prominent persons. While the hackers considered this activity to be simply joyriding, serious injury could have occurred to the reputations of the individuals whose records were involved. Similarly, unauthorized access to medical records could result in injury or death if patient information were altered. The subcommittee learned that there is potentially big money at stake in computer crime, as persons can access computers to commit fraud or to obtain confidential business, investment, or government information.

The accounts of computer break-ins are legion, and evidence suggests that the reported cases represent only a small percentage of the actual number of break-ins that have occurred.

The hearings also revealed that Federal law has not kept pace with the problem of computer crime and does not adequately deter these activities. The Department of Justice testified, for example, that there is currently no Federal sanction dealing specifically with computer crime. Any enforcement action in response to computer-related crime must rely on statutory restrictions that were designed for other offenses, such as the mail or wire fraud statutes. Enforcement officers and Federal prosecutors are thus required to create a theory of prosecution that fits the "square peg of computer crime into the round hole of theft, embezzlement, or even illegal conversion of trade secrets." This can often result in the dismissal of cases because existing statutes cannot be stretched far enough to cover the computer crimes involved.

While many private companies and some Federal agencies are combating computer crime through enhanced security measures, there is strong support among the business community for Federal computer crime legislation. In a recent survey of members of the American Society of Industrial Security, for example, 93 percent of those responding indicated that a Federal computer crime statute is necessary to deter and more effectively prosecute computer abusers.

In order to correct these problems, I am introducing the Computer Crime Prevention Act of 1984. First, this bill would make it a violation of Federal law to use a computer covered by the act to devise a scheme to defraud, or to embezzle, steal, or knowingly convert the property of another to his own use or to the use of another. This provision would cover, for example, persons engaging in industrial espionage. The bill provides penalties of up to $50,000 or three times the amount of the gain from this prohibited activity, whichever is higher, or up to 5 years imprisonment, or both.

The bill establishes the same penalties for any person who intentionally and without authorization damages a Federal or financial institution's computer, or deletes or alters data stored in these systems. Finally, the bill provides the same penalties for any person who intentionally and without authorization buys, procures, or sells the password or access code of a computer covered by the act.

The bill provides lesser penalties for persons who knowingly, intentionally, and without authorization access a computer covered by the act. These activities are subject to fines of up to $5,000, imprisonment of up to 1 year, or both. This provision is designed to protect the privacy and confidentiality of personal and business records from trespassers who peruse or copy the information. It would cover the intentional hacker; however, because this provision covers only knowing, intentional trespasses, it will not penalize computer enthusiasts who accidentally tap into the computer systems.

The bill covers three types of computers which are highly vulnerable to computer crime. First, all computers owned or operated by the Federal Government are protected by the act. The Federal Government now has

over 18,000 medium and large-scale computers at some 4,500 sites. In addition, the GSA estimates that the Federal Government could have between 250,000 and 500,000 micros in place by 1990. Many of these computers contain valuable national security and financial information, as well as personal and proprietary data of millions of individuals and businesses.

Second, the bill covers the computers of federally guaranteed financial institutions. The widespread use of electronic funds transfers and computerized banking practices have made these computers particularly vulnerable to abuse. Finally, this bill covers all networks operating in interstate commerce.

This bill has been carefully drafted to insure that the jurisdiction of State law enforcement officials is not preempted by the mere existence of a Federal computer crime law. Rather, the bill sets forth elements that Federal law enforcement officers should consider in deciding whether to exercise Federal jurisdiction in a computer crime case.

I want to point out that this bill is not intended to act as a substitute for strong computer security measures in the Federal Government or private sector. Government and business would be, in my opinion, negligent if they leave their computer systems wide open to abuse. Especially in the Federal agencies, stronger computer security policies should be adopted and followed. Federal computer crime legislation is a crucial step, however, in deterring and facilitating the prosecution of computer crime and abuse.

Mr. President, in this Orwellian year of 1984, we are very conscious of the dangers to personal privacy that exist in our computer age. Computer crime legislation is one concrete way in which the Government can act to protect the privacy and integrity of personal and business information. I urge my colleagues to support this bill and ask unanimous consent that a copy of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Computer Crime Prevention Act of 1984".

SEC. 2. (a) Chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1028. Computer fraud and abuse

"(a) Whoever, knowingly, intentionally, and without authorization, directly or indirectly uses, or attempts to use any computer for the purpose of—

"(1) devising or executing any scheme or artifice to defraud, or

"(2) obtaining money, property, or services, for themselves or another, by means of false or fraudulent pretenses, representations or promises,

shall, if the computer—

"(A) is owned by, under contract to, or operated for or on behalf of the United States Government or a financial institution, and the prohibited conduct directly involves or affects the computer operation for or on behalf of the United States Government or a financial institution; or

"(B) operates in, or uses a facility of, interstate commerce,

be fined not more than three times the amount of the gain directly or indirectly derived from the offense or $50,000, whichever is higher, or imprisoned not more than five years, or both.

"(b) Whoever knowingly, intentionally and without authorization damages or destroys or attempts to damage or destroy a computer described in subsection (a) or knowingly, intentionally, and without authorization alters or deletes or attempts to alter or delete any computer program or data stored in a computer described in subsection (a) shall be fined not more than three times the amount of the loss directly or indirectly sustained from the offense or $50,000, whichever is higher, or imprisoned not more than five years, or both.

"(c) Whoever knowingly, intentionally, and without authorization buys, procures, or sells the password or access code for a computer described in subsection (a), for the purpose of

"(1) devising or executing any scheme or artifice to defraud, or

"(2) obtaining money, property, or services, for themselves or another, by means of false or fraudulent pretenses, representations or promises,

shall be fined not more than three times the amount of the gain directly or indirectly derived from the offense or $50,000, whichever is higher, or imprisoned not more than five years, or both.

"(d) Whoever knowingly, intentionally, and without authorization uses a computer described in subsection (a) shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(e) For the purpose of this section the term—

"(1) 'computer' means an electronic, magnetic, optical, hydraulic, organic, or other high speed data processing device or system performing logical, arithmetic, or storage functions, and includes any property, data storage facility, or communications facility directly related to or operating in conjunction with such device or system; but does not include an automated typewriter or typesetter, a portable hand-held calculator, or any computer designed and manufactured for, and which is used exclusively for, routine personal, family, or household purposes and which is not used to access, to communicate with, or to manipulate any other computer;

"(2) 'financial institution' means—

"(A) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(B) the Federal Reserve or a member of the Federal Reserve including any Federal Reserve bank;

"(C) an institution with accounts insured by the Federal Savings and Loan Corporation;

"(D) a credit union with accounts insured by the National Credit Union Administration;

"(E) a member of the Federal home loan bank system and any home loan bank;

"(F) a member or business insured by the Securities Investor Protection Corporation; and

"(G) a broker-dealer registered with the Securities and Exchange Commission pursuant to section 15 of the Securities and Exchange Act of 1934;

"(3) 'property' means anything of value, and includes tangible and intangible personal property; information in the form of computer processed, produced, or stored data; information configured for use in a computer; information in a computer medium; information being processed, transmitted, or stored; computer operating or applications programs; or services;

"(4) 'services' includes computer data processing and storage functions;

"(5) 'United States Government' includes a branch or agency thereof; and

"(6) 'use' includes to access, instruct, communicate with, store data in, or retrieve data from, or otherwise utilize the logical, arithmetic, or memory functions of a computer, or, with fraudulent or malicious intent, to cause another to put false information into a computer; and

"(7) 'computer medium' includes the means of effecting or conveying data for processing in a computer, or a substance or surrounding medium which is the means of transmission of a force or effect that represents data for processing in a computer, or a channel of communication of data for processing in a computer.

"(f)(1) In a case in which Federal jurisdiction over an offense as described in this section exists concurrently with State or local jurisdiction, the existence of Federal jurisdiction does not, in itself, require the exercise of Federal jurisdiction, nor does the initial exercise of Federal jurisdiction preclude its discontinuation.

"(2) In a case in which Federal jurisdiction over an offense as described in this section exists or may exist concurrently with State or local jurisdiction, Federal law enforcement officers, in determining whether to exercise jurisdiction, shall consider—

"(A) the relative gravity of the Federal offense and the State or local offense;

"(B) the relative interest in Federal investigation or prosecution;

"(C) the resources available to the Federal authorities and the State or local authorities;

"(D) the traditional role of the Federal authorities and the State or local authorities with respect to the offense;

"(E) the interests of federalism; and

"(F) any other relevant factor.

"(3) The Attorney General shall—

"(A) consult periodically with representatives of State and local governments concerning the exercise of jurisdiction in cases in which Federal jurisdiction as described in this section exists or may exist concurrently with State or local jurisdiction;

"(B) provide general direction to Federal law enforcement officers concerning the appropriate exercise of such Federal jurisdiction which, for the purposes of investigation, is vested concurrently in the Department of Justice and the Department of the Treasury; and

"(C) report annually to Congress concerning the extent of the exercise of such Federal jurisdiction during the preceding fiscal year.

"(4) Except as otherwise prohibited by law, information or material obtained pursuant to the exercise of Federal jurisdiction may be made available to State or local law enforcement officers having concurrent ju-

risdiction, and to State or local authorities otherwise assigned responsibility with regard to the conduct constituting the offense.

"(5) An issue relating to the propriety of the exercise of or of the failure to exercise Federal jurisdiction over an offense as described in this section, or otherwise relating to the compliance, or to the failure to comply, with this section, may not be litigated, and a court may not entertain or resolve such an issue except as may be necessary in the course of granting leave to file a dismissal of an indictment, an information, or a complaint.".

Sec. 3. The table of sections of chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following:

"1028. Computer fraud and abuse.".●

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S. 2271. A bill to authorize the transfer to the Smithsonian Institution without reimbursement of the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

TRANSFER OF GENERAL POST OFFICE BUILDING TO THE SMITHSONIAN INSTITUTION

● Mr. GOLDWATER. Mr. President, today I am introducing, along with Senator GARN and Senator SASSER, a bill to authorize the transfer of the General Post Office Building located between Seventh and Eights Streets, Northwest, and E and F Streets, Northwest, to the Smithsonian Institution. The building is presently being used by the International Trade Commission and the U.S. Postal Service, and it is our understanding that the ITC desires to move to more modern and appropriate offices.

The Smithsonian Institution has plans to use the General Post Office Building for special and changing art exhibits sponsored by the National Portrait Gallery and the National Museum of American Art. Library facilities, and auditorium and other research facilities would also be located in the building. In addition, the General Post Office Building would house the Archives of American Art. According to the development plans, the building would be integrated with the Old Patent Office Building, home of the National Portrait Gallery and National Museum of American Art.

The Board of Regents of the Smithsonian has approved the proposal to acquire the General Post Office Building for the Institution.●

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S. 2272. A bill to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes; to the Committee on Rules and Administration.

CONSTRUCTION OF SCIENCE FACILITIES

● Mr. GOLDWATER. Mr. President, the Air and Space Museum is moving forward with a wide range of new programs, the most important of which is the proposed new facility at Dulles. The National Air and Space Museum has amply demonstrated its ability to preserve for posterity the inspiring achievements of America in the field of air and space by becoming not only the most popular museum in the world, but the most popular museum in history.

Yet, science marches on and contemporary airplanes such as the 747, Air Force One, and the Concorde, and the space shuttle *Enterprise*, are too large to bring, even disassembled, to the Mall. They must be introduced to the museum for the inspiration of our children and grandchildren at an airfield site.

Dulles Airport is the logical site for the construction of the great new museum which, like the museum on the Mall, will become a standard for the world. We would be remiss not to encourage the establishment of this facility at Dulles which will not only showcase the technological marvels of the present and the future, but also serve as a sensible economic alternative to replacing the buildings at the existing Silver Hill site. The museum will have the opportunity to exhibit these wonderful artifacts in totally new ways and at the same time make available to the public, insight into the outstanding craftsmanship that goes into the restoration of these airplanes and space vehicles.●

By Mr. GLENN:

S. 2273. A bill to establish a student aid volunteer earnings program; to the Committee on Labor and Human Resources.

STUDENT AID VOLUNTEER EARNINGS ACT

● Mr. GLENN. Mr. President, I am pleased to introduce legislation to create a student aid volunteer earnings program. This program is designed to address two very real problems. Today, higher education and postsecondary vocational training costs more than ever, while loans and jobs to help young adults defray expenses are scarcer than ever. At the same time, State and local governments have been squeezed by the combination of recession and Federal cutbacks, and many of the needs of our communities and our people are simply not being met.

Fifty years ago, Franklin Delano Roosevelt launched the most successful civilian youth program in the history of our country. In 9 years, the Civilian Conservation Corps put 3 million young people to work carving out roads and trails, stretching phone lines, and building bridges. After World War II Harry Truman helped millions of young American veterans get a higher education through the GI bill.

Twenty years ago, John F. Kennedy captured the imagination of a new generation of Americans when he launched the Peace Corps, and that program lives on today. And despite what the cynics may say, so does the idea of young people serving their society. The State of California, for example, now runs its own Youth Conservation Corps, and attracts thousands of young recruits each year, promising only hard work, miserable conditions, and low pay.

So if young people today seem disillusioned or disenchanted, it may simply be because we have been too tentative to inspire them and too timid to ask them to serve their country.

Under the SAVE program, young volunteers will perform community service work in libraries, daycare centers, schools, parks, or with senior citizens. They may serve for a maximum of 2 years and will be paid the minimum wage. In addition, they will receive Federal assistance for college or vocational training upon completing the program. Besides meeting a number of immediate national needs, I believe this program constitutes a sound, long-term investment in America's future.

The work performed under the SAVE program will not be make-work. Organizations which apply for funds to sponsor volunteers will be required to explicitly define the work they will perform. In addition, the organizations will be required to pay 20 percent of the volunteers' wages. This will insure that they have a stake in creating meaningful opportunities and in monitoring work habits and attendance.

In short, the SAVE program will provide communities with a corps of motivated young people to enhance the effectiveness of local human services and environmental concerns, and it will provide young people with employment opportunities and financial resources which will allow them to pursue higher education and vocational training.●

By Mr. BOREN:

S. 2274. A bill to amend title 38, United States Code, to authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans; to the Committee on Veterans' Affairs.

WORLD WAR I VETERANS' SERVICE PENSION ACT

● Mr. BOREN. Mr. President, I am introducing legislation today which will authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans. A similar bill, H.R. 1918, is pending in the House where

over 200 of our colleagues from that body have cosponsored it.

Those who valiantly served our country during World War I in order to preserve the principles of freedom should not be forgotten. Veterans of World War I are few in number and deserving of this small monthly pension. It is appropriate to demonstrate our concern and compassion for these veterans while we still have the time to do so.

Under this legislation, title 38 of the United States Code would be amended to extend benefits of $150 per month to veterans of World War I and certain surviving spouses. The measure will clearly take into consideration the availability of appropriations in paying these benefits.

The VA Administrator will make these payments to any World War I veteran who served in the active military, naval, or air service for 90 days or more during World War I, was discharged or released from such service for a service-connected disability, or served for a period of 90 consecutive days or more which began or ended during World War I.

Those who served during World War I, did so under very adverse and unfavorable circumstances and deserve every benefit possible. In this respect, our praise should go beyond the mere recognition of their deeds but should also extend to include this proposed benefit. We should not only extend our appreciation and compassion in words, but also in deeds.

Mr. President, I am introducing this legislation as a firm believer in those individuals who courageously gave of themselves in World War I. There are only 297,000 World War I veterans and 210,000 spouses still surviving. I am convinced this cause is worthwhile to honor those who fought for our freedoms during World War I.

I urge my colleagues to join me in supporting the passage of this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "World War I Veterans' Service Pension Act".

SEC. 2. (a) Subchapter II of chapter 15 of title 38, United States Code, is amended by inserting after section 512 the following new section:

"§ 513. Veterans of World War I

"(a) Subject to the availability of appropriations, the Administrator shall pay to any veteran of World War I who meets the service requirements of this section a pension at a monthly rate of $150.

"(b)(1) A veteran meets the service requirements of this section if the veteran served in the active military, naval, or air service—

"(A) for ninety days or more during World War I;

"(B) during World War I and was discharged or released from such service for a service-connected disability; or

"(C) for a period of ninety consecutive days or more which began or ended during World War I.

"(2) For the purposes of this section, the term 'World War I' means the period beginning on April 5, 1917, and ending on July 2, 1921.

"(c) Any payment to a veteran under this section is in addition to any payment to which the veteran is entitled under section 521 of this title or section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 512 the following new item:

"513. Veterans of World War I.".

SEC. 3. (a) Subchapter III of chapter 15 of title 38, United States Code, is amended by inserting after section 541 the following new section:

"§ 541a. Certain surviving spouses of World War I veterans

"(a) Subject to the availability of appropriations, the Administrator shall pay to the surviving spouse of any deceased World War I veteran who met the service requirements of section 513(b) of this title a pension at a monthly rate of $150.

"(b) No pension shall be paid to the surviving spouse of a veteran under this section unless such surviving spouse was married to the veteran—

"(1) before December 14, 1944;

"(2) for one year or more; or

"(3) for any period of time, if a child was born of the marriage or was born to them before the marriage.

"(c) Any payment to a surviving spouse under this section is in addition to any payment to which the surviving spouse is entitled under section 541 of this title or under section 306 of the Veteran's and Survivors' Pension Improvement Act of 1978.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 541 the following new item:

"541a. Certain surviving spouses of World War I veterans.".

SEC. 4. The amendments made by this Act shall apply to payments under chapter 15 of title 38, United States Code, for months after September 1983.●

By Mr. CHAFEE:

S. 2275. A bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes; to the Committee on Labor and Human Resources.

LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT ACT OF 1984

● Mr. CHAFEE. Mr. President, elementary and secondary school administrators must play a central role in improving the level of instruction and achievement in American schools. Today I am introducing legislation to enhance the leadership and managerial skills of those who have taken on this responsibility which is so critical to our Nation's future.

"Leadership" is a term we have heard repeatedly during the school improvement debate. In setting a new course for American education, leadership here in Washington and from State and local governments is vitally important. But leadership must begin in the schools themselves. We need leaders—those who unify and motivate both faculty and students—in every school building in the country.

Although studies on American education do not identify any single ingredient for success in improving schools, they do indicate that our most effective schools are those characterized by strong leadership by the school principal. The principal sets a school's instructional objectives, strengthens the commitment of teachers, evaluates school achievements and takes corrective action when they fall short.

Management abilities are closely linked with personal leadership qualities in the school principal. The ways in which a principal allocates time and resources, evaluates staff, administers the budget and handles paperwork contribute significantly to his or her success at improving the schoolwide learning environment.

The leadership skills of principals and other school administrators are being tested now as never before. We look to school administrators to insure that the drive for educational improvement will not falter. The Leadership in Educational Administration Development Act of 1984 establishes a program to help equip administrators for this challenge by enhancing their managerial, evaluation, communication, budgetary, and human relations skills.

This legislation will enable institutions of higher education to compete for Federal grants to create regional technical assistance centers for the development of the leadership abilities fo elementary and secondary school administrators. One center would be established in each Federal region, affiliated with a local college or university and drawing on established expertise in the fields of education and business administration. In addition to these regional centers, some funds would be set aside for the establishment of metropolitan training centers by local school districts, State education agencies, or private management organizations.

These training centers will conduct workshops emphasizing the unique combination of educational and managerial skills which are required for effective school administration. The programs will train administrators to set educational goals and strategies to attain them; to master objective techniques for evaluating teachers performance; to assess the effectiveness

of the school curriculum; to improve the quality of instruction through analysis and classroom observation; to improve the administrative abilities necessary for effective school leadership—communications, consensus-building, time-management, budgetary, disciplinary and other skills.

Administrators already at work as well as those newly entering this challenging field will be served by the centers. Programs will feature instructors from both the academic and business communities and will also offer training by practicing administrators with proven records in outstanding school districts. The centers will collect and disseminate information about leadership skills associated with successful schools, and offer internships for participants in business, industry and established effective schools.

This legislation is designed to provide seed money to establish these centers as permanent laboratories for training and research in effective school leadership. The competitive nature of the program will insure that the best proposals are funded. Those submitting proposals must obtain 50 percent matching funds and demonstrate a commitment to continue operating the program after federal funds expire. Once their effectiveness has been demonstrated, these centers will hopefully succeed in generating sufficient support from public and private sources to provide ongoing programs for school administrators.

The importance of administrative leadership in schools has been stressed in several major studies of our problems in education in the past year. School leadership was emphasized in the report of the task force on education for economic growth of the Education Commission of the States, which reported:

In study after study, it has been shown that one key determinant of excellence in public schooling is the leadership of the individual school principal. In those schools where the principal is well-trained, highly motivated and zealously devoted to inspiring excellence among teachers and students, the effect is bracing—even in ghetto schools whose facilities are inadequate and whose students come from poor families . . .

Specifically, we urge that each state examine and improve its programs for training school principals and aspiring principals, and that effective new programs be established to train principals in effective educational management . . .

We recommend that school systems expand and improve, at every level of administration, their use of effective management techniques. Business can help here, with exchange programs and other collaborative efforts to train school managers and to keep school officials abreast of the latest techniques in fiscal and personnel management . . .

Good administrative leadership is a key to good schools. The bill I am introducing today can help to improve the climate for learning in American schools without greatly expanding the federal role or unduly interfering with local prerogatives. By offering this type of training initiative, I believe we can bolster that key ingredient of leadership.

Companion legislation is being introduced in the House by Representatives PETRI and GOODLING. The bill provides a sound opportunity for Congress to renew its commitment to improving the quality of education in the United States. Mr. President, I ask unanimous consent that the Leadership in Educational Administration Development Act of 1984 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; PURPOSE

SECTION 1. (a) This Act may be cited as the "Leadership in Educational Administration Development Act of 1984".

(b) It is the purpose of this Act to improve the level of student achievement in elementary and secondary schools through the enhancement of the leadership skills of school administrators by—

(1) establishing regional technical assistance centers to promote the development of the leadership skills of elementary and secondary school administrators; and

(2) establishing a program to assist local educational agencies in forming metropolitan training centers to promote such development.

(c) It is the intention of Congress that contractors seeking to establish technical assistance and training centers should design programs which upgrade the skills of elementary and secondary school administrators in—

(1) enhancing the schoolwide learning environment by assessing the school climate, setting clear goals for improvement, and devising strategies for completing manageable projects with measurable objectives;

(2) evaluating the school curriculum in order to assess its effectiveness in meeting academic goals;

(3) developing skills in instructional analysis to improve the quality of teaching through classroom observation and supervision;

(4) mastering and implementing objective techniques for evaluating teacher performance; and

(5) improving communication, problem-solving, student discipline, time-management, and budgetary skills.

AUTHORIZATION OF APPROPRIATONS

SEC. 2. (a) There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 1985 and each of the five succeeding fiscal years.

(b) Of the amount appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall first make available such amount, not to exceed $1,500,000 per region, as may be necessary for establishing and operating a regional technical assistance center in each Federal region under section 3 of the Act. The remainder of such appropriated amount shall be available for carrying out section 4 of this Act.

REGIONAL TECHNICAL ASSISTANCE CENTERS

SEC. 3. (a) The Secretary shall, subject to the availability of funds pursuant to section 2, enter into a contract with an institution of higher education (or consortium of such institutions) in each Federal region for the establishment and operation of a regional technical assistance center in accordance with the requirements of this section and section 5. The contractor may associate with a private management agency for performance of such contract.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the technical assistance center available to school administrators from any of the local educational agencies located within the Federal region served by that contractor;

(2) to collect information on school leadership skills;

(3) to assess the leadership skills of individual participants based on established effective leadership criteria;

(4) to conduct training programs on leadership skills for new school administrators and to conduct training seminars on leadership skills for practicing school administrators, with particular emphasis on women and minority administrators;

(5) to operate consulting programs to provide within school districts advice and guidance on leadership skills;

(6) to maintain training curricula and materials on leadership skills drawing on expertise in business, academia, civilian and military governmental agencies, and existing effective schools;

(7) to conduct programs which—

(A) make available executives from business, scholars from various institutions of higher education, and practicing school administrators; and

(B) offer internships in business, industry, and effective school districts to school administrators;

(8) to disseminate information on leadership skills associated with effective schools; and

(9) to establish model administrator projects.

(c) In making a selection among applicants for any contract under this section, the Secretary shall take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(1) emphasize development of leadership skills identified by graduate schools of management and graduate schools of education; and

(2) assure the provision of assistance to school administrators from local educational agencies in which the number of pupils in the average daily attendance is less than 2,500.

METROPOLITAN TRAINING CENTERS

SEC. 4. (a)(1) The Secretary shall, subject to the availability of funds pursuant to section 2, enter into contracts with local educational agencies, intermediate school districts, State educational agencies, institutions of higher education, private management organizations, or non-profit organizations (or consortium of such entities) for the establishment and operation of training centers in eligible local educational agencies in accordance with the requirements of this section and section 5.

(2) For purposes of paragraph (1), the term "eligible local educational agency" means any local educational agency all or any part of which is located within a stand-

ard metropolitan statistical area with a population of 250,000 or more.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the training center available on an equitable basis, taking into account the contribution of the various local educational agencies to the cost of the center, to school administrators from each of the local educational agencies located, in part or in whole, within the standard metropolitan statistical area served by that contractor;

(2) to perform the same functions as are required of contractors pursuant to paragraphs (2) through (8) of section 3(b); and

(3) to take such actions as may be necessary to coordinate the contractor's operations with the regional technical assistance center for that contractor's Federal region for the purpose of sharing resources and avoiding duplication of services.

(c) In making a selection among applicants for any contract under this section, the Secretary shall—

(1) accept only the applications which demonstrate the existence of a prior agreement, among local educational agencies with more than one-half of the pupils in average daily attendance within the standard metropolitan statistical area to be served by the training center, to utilize the center;

(2) take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(A) emphasize the provision of assistance to school administrators from local educational agencies in which the number of pupils in average daily attendance is more than 2,500; and

(B) give preference, in the provision of such assistance, to consortia of local educational agencies.

GENERAL CRITERIA FOR CONTRACTS

SEC. 5. (a) The following conditions shall apply to each contract under sections 3 and 4:

(1) The contract shall assure the involvement of private sector managers and executives in the conduct of such programs.

(2) The contract shall contain assurances of an ongoing organizational commitment to carrying out the purposes of this Act through (A) obtaining matching funds for such programs at least equal in amount to the amount of funds provided under this Act, (B) making inkind contributions to such programs, (C) demonstating a commitment to continue to operate such programs after expiration of funding under this Act, and (D) organizing a policy advisory committee including (but not limited to) representatives from business, private foundations, and local and State educational agencies.

(3) The contract shall demonstrate the level of development of human relations skills which its programs will instill by (A) identifying the credentials of the staff responsible for such development; (B) describing the manner in which such skills will be developed; and (C) describing the manner in which the program deals with human relations issues facing education administrators.

(4) The contract shall establish a system for the evaluation of the programs conducted.

(b) Each contract under sections 3 and 4 shall be for a term of three years, subject to the availability of funds pursuant to section 2. Such contract shall not be renewable, except that a single three-year extension may be granted if the contractor agrees to maintain the programs with assistance under this Act reduced by one-half.

REGULATIONS

SEC. 6. The Secretary is authorized to prescribe such regulations as may be necessary to carry out this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Education;

(2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965;

(3) the term "Federal region" means a Federal region as established under circular A-105 prescribed by the Director of the Office of Management and Budget, or a successor thereto;

(4) the term "school administrator" means a principal, assistant principal, district superintendent, and other local school administrators;

(5) the term "local educational agency" has the meaning provided by section 595 of the Omnibus Budget Reconciliation Act of 1981; and

(6) the term "leadership skills" includes, but is not limited to, managerial, administrative, evaluative, communication and disciplinary skills and related techniques.●

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 2276. A bill to direct the Secretary of Transportation to study the feasibility of constructing a rail rapid transit line between the West Falls Church, Va. station of the Washington, D.C. Metrorail System and Dulles International Airport; to the Committee on Banking, Housing, and Urban Affairs.

RAIL ALTERNATIVES FOR TRANSPORTATION TO AND FROM DULLES INTERNATIONAL AIRPORT

Mr. TRIBLE. Mr. President, solving tomorrow's transportation problems requires that we anticipate them and begin seeking solutions today.

For this reason, Senator WARNER and I are introducing legislation which would direct the Transportation Department to study the feasibility of a rail link between Dulles Airport and the Metrorail System. Congressman FRANK WOLF is introducing a companion measure in the House of Representatives.

Several factors have led to our conclusion that rail service must be carefully studied.

First and foremost, we must find inexpensive and innovative methods to encourage use of Dulles Airport. The location of Dulles Airport is the main obstacle to greater use of the facility. Only those who drive can reach it in a timely manner. A rail link between Dulles and Metrorail would make Dulles accessible to anyone who can conveniently travel to a Metro Station.

As Dulles expands, local and Federal planners must also contend with congested roads in the vicinity of the airport. The Dulles access road and the parallel toll lanes now under construction will reduce congestion for the time being. However, western Fairfax County—the area around Tysons Corner, Reston, Herndon, and the Route 50 corridor has seen rapid growth during the past decade and will remain a growth area for the remainder of this century. A rail link which Reston and Herndon commuters could use to connect with Metro would prevent additional congestion on the over-taxed roads in this burgeoning area.

This rail link should produce more riders for Metro, reduce operating deficits, protect our environment and save energy, since it will reduce the number of cars on the road.

One transportation consultant estimates that a light rail system could be constructed for 20 percent of the cost of Metro. This is the type of alternative which we must examine as we seek to restrain Federal expenditures. Furthermore, this study should examine the feasibility of State, local, and private sector participation.

Rail service to Dulles may or may not be cost-effective. We will only know this when we study the proposal carefully. It is better to conduct such a study today, anticipating tomorrow's transportation problems, than to desperately search for "quick fix" solutions when those problems beset us in the coming decades.

Mr. WARNER. Mr. President, I am pleased to join my distinguished colleague from Virginia in introducing this legislation to begin a study of different rail alternatives in order to improve ground transportation to and from Dulles Airport.

One of the major long-range transportation goals I have had as a U.S. Senator is a major shift in jet airliner traffic from the federally owned and operated Washington National Airport to the federally owned and operated Dulles International Airport. One of the major stumbling blocks to this effort has been the lack of convenience to Dulles caused by inadequate accessibility and ground transportation. We have been moving to correct this problem and the introduction of this legislation is another positive step toward solving what most northern Virginians consider to be the region's No. 1 problem—transportation. That is transportation to and from work, that is access to the world's air transportation system, that is a safe and reliable public transit system.

The recent opening of the Dulles access road-I-66 connector road represents a major improvement in access to Dulles Airport. By using I-66, the connector, and the Dulles access road, a driver can cut 20 to 30 minutes off the trip to and from Dulles. The next step is to tie Dulles in with Washington's mass transportation system, and the purpose of this legislation is to begin a study on how we can best accomplish this.

This project's timeliness is important as we are attempting to expand the terminal facilities at Dulles in order to handle the new passenger traffic we expect at Dulles in the next several years.

So, Mr. President, this project is an important element in the overall package we are trying to put together that will result in Dulles Airport becoming the major airport for the metropolitan Washington, D.C., area.

By Mr. METZENBAUM (for himself, Mr. RUDMAN, Mr. BINGAMAN, Mr. BUMPERS, Mr. LEVIN, Mr. PROXMIRE, and Mr. RIEGLE):

S. 2277. A bill to prevent certain acquisitions of domestic petroleum companies by major international energy concerns; to the Committee on the Judiciary.

DOMESTIC PETROLEUM COMPANY ACQUISITION ACT OF 1984

● Mr. METZENBAUM. Mr. President, the recent announcement of the proposed Texaco-Getty merger signals a new wave of oil company acquisitions. Indeed, the Wall Street Journal recently reported that the major oil companies, encouraged by Texaco's bold bid for Getty, are eyeing new takeover targets, including Superior Oil, Sun Oil, Union Oil, and Occidental Oil.

If the Texaco-Getty merger is approved, it may well lead to far greater concentration in this vital industry. Eventually, a handful of companies could control our energy destiny.

I am not the only one with this concern. In fact, leading industry figures have expressed a similar fear.

J. Hugh Liedtke, chairman of Pennzoil Corp., recently said:

> If the Getty-Texaco merger were to be permitted under the antitrust laws, then I think you're going to see a tremendous upheaval in the industry which would entail the few very large companies gobbling up all of the medium-sized and smaller companies . . . pretty soon you're only going to have half a dozen of them and you will have true monopoly.

I believe that these efforts by major oil companies to acquire their midsize competitors is directly contrary to the national interest.

First, they will reduce competition in the oil industry, both at the producing and retailing level.

Second, they will accelerate the shutdown of independent service station dealers, concentrating greater market power in the hands of the major oil companies.

Third, they will focus the search for new oil supplies on Wall Street, rather than on new energy frontiers, inevitably reducing new oil and gas discoveries. Our energy security would be endangered.

In order to preserve competition and promote energy independence, I am introducing today legislation that would prohibit mergers between major oil companies and midsize oil companies, unless such mergers demonstrably increase oil and gas development and production.

The inescapable fact about the Texaco-Getty merger is that it will encourage similar oil company takeovers. Experts believe that other midsized concerns with major family shareholders, such as Superior Oil, will be prime targets in the coming months. Investment advisers are urging clients to buy stocks in publicly held concerns such as Union Oil and Phillips Petroleum so that profits can be taken when anticipated takeover maneuvers begin.

These deals will have nothing to do with efficiency or creating new energy supplies. Rather, they involve a redirection of capital to acquire proven reserves rather than toward more risky ventures to discover new reserves.

If these acquisitions go forward, as is likely, the result will be further concentration of the energy industry. Our antitrust policy has always been sensitive to the need to arrest trends toward concentration so we can prevent monopolies before they begin. This legislation is consistent with this historic national policy.

In addition to promoting horizontal concentration, these mergers will harm competition through increased vertical control of retail outlets by the major integrated companies. Texaco, for example, has actively pursued a strategy of shutting down its independent service station owners in favor of company-owned outlets. If the majors continue to acquire midsized companies, this disturbing trend will accelerate.

As independent retail outlets are eliminated, the major oil companies will be able to more effectively dictate the retail price of gasoline. Experience indicates that this will result in higher pump prices. In addition, independent service station dealers often provide consumers with a full-service option often unavailable at company-owned outlets. Independent service station dealers are also a major competitive force in the automotive repair market. As the majors drive the independents out of business, the availability of such service will be reduced, consumer choices narrowed, and prices will increase.

Pennzoil's Liedtke described what will happen if these mergers continue:

> In our business, in the future, the big reserves of oil and gas are going to be found in frontier areas, at a great depth principally, and probably through tertiary recovery. When I say this, I'm talking about areas like the Bering Sea, I'm talking about offshore Alaska, I'm talking about the overthrust belt in the Western United States, and there's another overthrust belt in the eastern part of the United States . . .
>
> These areas take enormous amounts of money to play (in), and if medium-sized companies are taken out of that play and can't bid in, then you're going to lose a lot of competition for finding new oil . . .

The brokerage firm of Shearson-American Express recently bluntly told investors why these oil mergers are occurring.

> Buyouts are attractive because they represent a compelling alternative to finding and developing oil from scratch.

A new wave of oil company mergers will also severely undermine our policy or energy independence. Billions of dollars will be spent to shuffle proven reserves among companies. As long as the industry giants can obtain new reserves by purchasing undervalued stock in other oil companies, they have no incentive to discover new reliable sources of energy.

If the major multinationals cannot acquire reserves through mergers, they will invest in developing new sources of oil and gas. The tax laws currently give the oil industry special deductions worth billions of dollars in order to encourage such development. Without this legislation, that money will be used merely to concentrate proven reserves in fewer hands and we will not see the new exploration which is necessary to lower energy costs and lessen our reliance on vulnerable foreign sources.

The measure introduced today will stop this merger craze, by prohibiting major oil companies from acquiring control of approximately 11 midsized domestic energy concerns. The bill will contain an exemption which would allow such mergers if the firms can prove that the transaction will cause new exploration or development of energy resources.

I am pleased to have as cosponsors of the important legislation my distinguished colleagues, Senators RUDMAN, BINGAMAN, BUMPERS, LEVIN, PROXMIRE, and RIEGLE.●

By Mr. BOSCHWITZ:

S. 2278. A bill entitled the "Care for Chemically Dependent Veterans Act"; to the Committee on Veterans' Affairs.

CARE FOR CHEMICALLY DEPENDENT VETERANS ACT

Mr. BOSCHWITZ. Mr. President, today I am introducing legislation that will make permanent the Veterans' Administration's authority to place chemically dependent veterans in non-VA community facilities.

Currently, this program is operating under a pilot authority that is due to expire September 30, 1985. The program was begun in 1979 in response to inadequacies in the VA's chemical-dependency program.

Mr. President, I have been in contact with VA officials in medical facilities around Minnesota concerning this program. And their response to my questions about how well it is working have been overwhelming. The typical com-

ment has been: "It's the best thing ever to happen to the VA's chemical-dependency program." Veterans who have been through it have made the same sort of comment.

The VA, and the rest of us, have come a long way in our willingness to treat those who suffer from alcohol or drug dependencies. It was not so long ago that alcoholics were considered willful malingerers, and medical treatment consisted of drunk tanks only. Today, we recognize that chemical dependency is a disease, and should receive medical care accordingly.

I believe the VA's current halfway-house approach of treatment and rehabilitation should be encouraged and continued. And that is why I am introducing my bill today. I hope we on the Committee on Veterans' Affairs can address this issue this year, and remove any uncertainty about the program's future.●

By Mr. RANDOLPH (for himself, Mr. ANDREWS, Mr. THURMOND, Mr. INOUYE, Mr. HOLLINGS, Mr. BURDICK, Mr. GLENN, Mr. MOYNIHAN, Mr. BENTSEN, Mr. ZORINSKY, Mr. LEVIN, Mr. DECONCINI, Mr. SARBANES, Mr. COCHRAN, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. WILSON, Mr. WEICKER, Mr. GORTON, Mr. STEVENS, Mr. LUGAR, Mr. LAUTENBERG, Mr. MATSUNAGA, Mr. STENNIS, Mr. KENNEDY, Mr. PELL, Mrs. HAWKINS, and Mr. CHILES):

S.J. Res. 228. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Digestive Diseases Awareness Week"; to the Committee on the Judiciary

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

● Mr. RANDOLPH. Mr. President, I am gratified to join with my friend and able colleague, Senator ANDREWS, in introducing a joint resolution of the Congress, designating the week of May 20 through May 26, 1984, as "National Digestive Diseases Awareness Week." Provided that this resolution meets with the approval of both bodies of the Congress and the President of the United States, it will mark the second year that such a proclamation has been made, calling upon all Government agencies and the people of the Nation to observe this week with appropriate programs and activities.

The digestive system, which includes the esophagus, stomach, intestines, gallbladder, liver, and pancreas, can be affected by a wide range of acute and chronic diseases. To one who suffers from a disorder of the digestive tract, the problems range from mild discomfort to an actual threat to life itself. It has been estimated that 20 million Americans suffer from chronic digestive diseases, with over 14 million cases of acute disorders treated yearly. Tragically, more than 200,000 deaths result from these illnesses each year.

We have introduced this resolution today because we feel that it is important to recognize the impact of digestive diseases on our Nation's health. More Americans are hospitalized with disorders of the digestive organs or the gastrointestinal tract than with any other group of disorders, accounting for 15 percent of all admissions to general hospitals. When measured in economic terms, digestive disorders are extremely costly to the American public—with direct personal health care expenditures for treatment estimated at over $17 billion per year. These direct health care payments combined with annual lost wages, taxes, and disability result in a total economic burden of approximately $50 billion annually.

While the monetary cost to our country resulting from digestive diseases is staggering, the cost is even greater when measured in terms of human discomfort and pain. Some of these debilitating diseases affecting Americans are quite common, such as ulcers and hepatitis. Others, such as inflammatory bowel diseases and pancreatitis, occur less frequently, but the effects may be just as devastating. Unfortunately, the occurrence of these last two illness is proportionately high in West Virginia. Gastrointestinal cancers are also quite common. On a nationwide basis, these malignancies account for approximately 30 percent of all deaths due to cancer. In West Virginia alone, an estimated 1,000 new cases of colon and rectal cancers, 200 new stomach cancers, and 250 new pancreatic cancers are anticipated to be diagnosed in 1984. In this same year, it is estimated that 475 West Virginians will die from cancer of the colon and rectum, 100 from cancer of the stomach, and 200 are expected to die from cancer of the pancreas.

In light of these grim facts, we feel it is imperative that the people of the United States be made to recognize disorders of the digestive system as a major health concern. Research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems should become a national health priority.

To date, we have made tremendous strides in the effort to combat these illnesses. A long-range plan to combat digestive disorders was developed by the National Commission on Digestive Diseases in 1979, and in 1980 the Congress established the National Digestive Disease Advisory Board to advise the Commission and the Secretary of HHS on how to implement the plan, and to monitor the efforts of Federal agencies and private organizations. As a result the national digestive disease education program was established to heighten awareness and to increase knowledge of these disorders, informing the public about the diagnosis, treatment, control, and prevention of such health problems.

With prime responsibility for research and research training in digestive diseases at the National Institutes of Health, the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases has led our Nation's medical research community to such tremendous achievements as: First, the isolation of two viruses that cause infectious hepatitis, and the development of a vaccine to prevent type B hepatitis; second, accumulation of knowledge on the cause of gallstones for which nonsurgical treatments are now being developed and tested; third, vast improvements in the techniques for the diagnosis of digestive diseases—with fiberoptic endoscopes, the physician of today can actually look into much of the digestive tract, and in many cases can remove small tumors or polyps—believed to be forerunners of colon cancer—without surgery; fourth, development of ultrasound and CAT scanning for identification of disease of the pancreas, gallbladder, or the liver; fifth, accumulation of knowledge about the cause of scarring within the liver which leads to cirrhosis—now the sixth leading cause of death in the United States—this knowledge may provide a basis for new treatments; sixth, development of new drugs for the treatment of peptic ulcer disease, which have lowered the frequency of complications and the need for surgery; and seventh, improvement in the success rate of liver transplants due to improved operative techniques and management, and to the use of a new immunosuppressant, Cyclosporin A.

These are truly remarkable accomplishments about which our Nation's medical and biomedical research communities should be extremely proud. Through the cooperative efforts of those involved in research and the efforts of concerned Federal and State agencies, including the Digestive Diseases Clearinghouse, voluntary lay and medical organization, and through the coalition of digestive disease organizations, it is our hope that someday, in the not too far distant future, we can drastically reduce the occurrence and severity of digestive disorders, if not totally eliminate them. Our short-term goals addressed in this resolution are to mobilize and focus the activities of the digestive disease community to educate the public and health care community as to the seriousness of digestive diseases and to provide information relative to treatment, prevention and control.

● Mr. ANDREWS. Mr. President, I am pleased to join my fellow colleague, the senior Senator from West Virginia, in introducing a joint resolution designating the week of May 20–26, 1984, as

"National Digestive Disease Awareness Week."

Presently, 20 million Americans endure the pain that results from chronic digestive disease disorders. Each year, we lose one-tenth of our population to digestive disease illnesses. These disorders range from cancer affecting the pancreas, colon, and other sections of the digestive tract to one of the most painful afflictions known as Crohn's disease which affects both the small and large intestines.

Despite these grim statistics, I am pleased to note that we have made tremendous progress in finding cures for the millions who suffer from these tragic ailments. Through the achievements of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, we have found effective medications which help victims of Crohn's disease to live a full and active life.

I urge my colleagues to join with me and Senator RANDOLPH in supporting this legislation. Through passage of this resolution, we will recognize both the gravity of digestive diseases and the great strides which have been made in seeing that these victims can live life to the fullest.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. PACKWOOD, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 627, a bill to authorize the establishment of a National Scenic Area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 914

At the request of Mr. MCCLURE, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1734

At the request of Mr. ZORINSKY, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1938

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1938, a bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and for other purposes.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 1992

At the request of Mr. BENTSEN, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2014

At the request of Mr. SPECTER, the names of the Senator from Florida (Mr. CHILES) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2086

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 2086, a bill to revise the tax law relating to publisher inventories.

S. 2089

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2089, a bill to extend section 167(k) of the Internal Revenue Code for 10 years.

S. 2165

At the request of Mr. DANFORTH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2182

At his request, the name of the Senator from Tennessee (Mr. SASSER) was withdrawn as a cosponsor of S. 2182, a bill to harmonize, reduce, and eliminate barriers to trade in wine on a basis which assures substantially equivalent competitive opportunities for all wine moving in international trade.

S. 2190

At the request of Mr. HUDDLESTON, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2214

At the request of Mr. GLENN, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2214, a bill to require that certain assistance may be furnished to El Salvador only if the President reports to the Congress on plans of the Government of El Salvador to control indiscriminate violence, and for other purposes.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Montana (Mr. MELCHER) and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. GARN), the Senator from California (Mr. CRANSTON), the Senator from Idaho (Mr. SYMMS), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 204 a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from California (Mr. CRANSTON), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of

Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary."

SENATE JOINT RESOLUTION 221

At the request of Mr. WEICKER, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Florida (Mr. CHILES), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Mr. MATHIAS), the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. RIEGLE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Illinois (Mr. PERCY), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Joint Resolution 221, a joint resolution to honor the contribution of blacks in the American Revolution.

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the names of the Senator from Louisiana (Mr. LONG), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. DANFORTH), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 222, a joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

SENATE JOINT RESOLUTION 224

At the request of Mr. BOREN, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Indiana (Mr. LUGAR), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Hawaii (Mr. INOUYE) were added cosponsors of Senate Joint Resolution 224, a joint resolution to designate the week of April 1, 1984, as "National Amateur Wrestling Week."

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. CHILES, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. CHILES, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Hampshire (Mr. RUDMAN) were added as cosponsors of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 306

At the request of Mr. KENNEDY, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. BURDICK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Illinois (Mr. DIXON), the Senator from Kentucky (Mr. FORD), the Senator from Massachusetts (Mr. TSONGAS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Ohio (Mr. GLENN), the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. RIEGLE), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. SARBANES), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. METZENBAUM), the Senator from Hawaii (Mr. INOUYE), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Resolution 306, a resolution to preserve the food stamp program and other food assistance programs.

SENATE RESOLUTION 336

At the request of Mr. DOLE, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of Senate Resolution 336, a resolution to proclaim "Circle K International Week."

SENATE CONCURRENT RESOLUTION 94—RELATING TO JEWISH EMIGRATION FROM SYRIA

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 94

Whereas the Syrian Government has forbidden all members of the Syrian Jewish community to emigrate;

Whereas the approximately 4,500 Jews living in Syria have been victims of a systematic anti-Jewish, anti-Zionist program, which has included severed restrictions on travel abroad, loss of the right to hold government jobs, laws requiring that all Jews bear special identification cards, and restrictions on Jewish rights of inheritance;

Whereas recent events, including the unexplained murders of a young Syrian Jewish woman and her children, suggest a renewed pattern of violence against the Jews in Syria; and

Whereas Syrian President Hafez Assad stated in a 1976 interview that he would allow the members of the Syrian Jewish community to emigrate to the United States: Now, therefore, be it—

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the president of Syria should immediately permit all members of the Syrian Jewish community to emigrate from Syria to the United States.

● Mr. MOYNIHAN. Mr. President, today, close to 5,000 Syrian Jews are living in constant fear for their lives. On December 28, 1983, in the town of Aleppo, a Jewish mother, Lillian Adabi, and her two young children were brutally murdered and their bodies mutilated. In a nation ruled by terror, this appalling crime is not so much a matter for law enforcement officials as a message deliberately sent.

The atrocity at Aleppo is only the most recent outrage perpetrated against the Syrian Jewish community. They live in constant fear of harassment and assault, yet they cannot leave. Jews in Syria are forbidden to emigrate, a denial of a basic right recognized by civilized nations the world over and one enjoyed by all other groups in Syria. In March 1974, two Jewish men were murdered and four young Jewish women were raped and killed after attempting to flee Syria for Lebanon.

Also Jews are the object of official discrimination in Syria. Syrian law requires that all Jews carry special identification cards stamped "Musawi"—followers of Moses. No other community in Syria is so identified by religion. To travel abroad—if permitted at all—Jews must post bonds equivalent to $5,000 and leave members of their immediate family behind, like hostages, to guarantee their return. Syrian authorities cruelly have ignored appeals for family reunions with relatives in other nations.

The 25,000 Jews of Syrian origin live in the United States. Many members of this community have offered to provide homes to the Jews of Syria, should they ever be permitted to emigrate.

We have come to expect brutality from Syria's President Hafez Assad and from his brother Rifaat, the chief of Syria's internal security forces. We

have watched this regime murder indiscriminately for decades. In recent months, Americans have experienced the ruthlessness of the Assads in Lebanon—at great cost of American life. Our own experiences with the current Syrian regime ought to make us especially sensitive to the fear and isolation of the Syrian Jewish community.

The awful killing of the Adabi family in Aleppo has added new urgency to the plight of Syrian Jews. The danger to them is real and present.

On January 31, 1984, I spoke at a "Community Wide Rally to Save Syrian Jewry" held by members of the Share Zion Congregation in Brooklyn, N.Y., to focus attention on the conditions facing Syrian Jews. The distinguished Governor of New York, my friend Mario M. Cuomo, issued a proclamation designating January 31, 1984, as "Save Syrian Jewry Day" in New York.

Mr. President, the Syrian Jewish community is one of the oldest Jewish communities on Earth. We cannot stand by silently as the Jews of Syria, who have suffered for so many years, are persecuted and murdered. I have introduced a concurrent resolution calling on the President of Syria immediately to permit all members of the Syrian Jewish community to emigrate from Syria. I invite my colleagues in the Senate to join me in support of this humanitarian appeal.

I ask unanimous consent that the Proclamation of the Governor of New York be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

The Jews in Syria, numbering some 4,000 souls, have been living in constant fear, experiencing discrimination and deprived of their basic and elemental rights as citizens of their country.

They have been subjected to acts of violence and terrorism and denied the universally recognized right to emigrate.

A community-wide rally is being organized in support of their human rights on Tuesday, January 31, 1984.

Now, therefore, I, Mario M. Cuomo, Governor of the State of New York, do hereby proclaim January 31, 1984, as

SAVE SYRIAN JEWRY DAY

In New York State, and I join with the Syrian Jewish community of New York and with all citizens of New York State in requesting unrestricted emigration of Syrian Jews to countries of their choice and the protection of the security, safety and human rights of those Jews who choose to remain in Syria.

I appeal to President Hafez Assad of Syria to meet these humanitarian requests on behalf of Syrian Jews.●

AMENDMENTS SUBMITTED

IMPOSITION OF THE DEATH SENTENCE

LEVIN AMENDMENTS NOS. 2701 AND 2702

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; as follows:

On page 8, line 15, after the period insert the following: "Under this bill, the Government may not seek the death penalty in any proceeding brought against a juvenile pursuant to chapter 403 of this title."

AMENDMENT NO. 2702

On page 3, line 4, after the period insert the following: 'Notwithstanding any other provision of this section, the death penalty shall not be imposed, except in cases of espionage or treason, if the defendant has not himself killed, attempted to kill, or intended that a killing take place or that lethal force be employed."

MERIT PAY SYSTEM REFORM

PROXMIRE AMENDMENT NO. 2703

(Ordered to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (S. 958) to amend chapter 54 of title 5, United States Code, to reform the merit pay system; as follows:

At the appropriate place in the committee substitute, insert the following new section:

SEC. . (a) For the purposes of this section, "executive dining room" means any dining room which is located in an office building used by any agency in the executive branch and where breakfast, lunch, or dinner—

(1) is available only to an officer or employee of the Government serving in a position in the executive branch in grade GS-15 or above, Executive Level V or above, or colonel or above, or their guests; or

(2) was available only to such officers or employees or their guests before the date of enactment of this Act.

(b) Each person receiving a meal in an executive dining room or a Senate dining facility shall be charged for such meal a price in an amount which is not less than an amount sufficient to defray the cost of providing such meal considering the cost of the food, labor, and utilities, and the depreciation of equipment used in providing such meal.

(c) Sums collected pursuant to subsection (c) shall be deposited in the Treasury of the United States as miscellaneous receipts.

NO FREE LUNCH ACT

Mr. PROXMIRE. Mr. President, when the President of the United States visited the Capitol for a January 24 luncheon, he set a sterling example for the rest of the Federal Government. He handed the distinguished majority leader, Mr. BAKER, a $5 bill to show that there is no such thing as a free lunch. That principle, enunciated so well by the President, should be applied to exclusive dining rooms operated by executive agencies but heavily subsidized by the taxpayer.

The President was right on the money when he pointed out that there really is no such thing as a free lunch. But Federal agencies operate 22 exclusive dining rooms which dish up the next best thing—meals which the taxpayer subsidizes to the tune of 82 cents out of every $1 spent.

In fiscal year 1981, the Federal Government spent about $2,900,000 to operate these dining rooms. Those privileged to use these restaurants—Government executives who normally earn over $55,000 a year—paid about $500,000 for their meals. The taxpayer, whose average salary is less than half that of those executives, forked over the remaining $2,400,000.

Mr. President, I can see no rationale for continuing this subsidy. It promotes inefficiency—why be concerned over cost when you know the taxpayer is going to be paying most of it. And it is simply unfair to the taxpayers of this country.

This amendment would end those subsidies. Those who eat in the executive dining rooms would be required to pay the cost of their meals. And just to be fair, the bill also applies to dining rooms operated by the Senate.

FEDERAL DEFICIT REDUCTION

HELMS (AND OTHERS AMENDMENT NO. 2704

(Ordered to lie on the table)

Mr. HELMS (for himself, Mr. MCCLURE, and Mr. NICKLES) submitted an amendment intended to be prosposed by them to a budget resolution; as follows:

At the appropriate place in the Budget Resolution, add the following: "Notwithstanding any other provision of this resolution the functional totals for all functions save social security and defense are reduced by 10 per centum."

Mr. HELMS. Mr. President, I am today offering on behalf of the able Senator from Idaho (Mr. MCCLURE) and myself, an amendment that will effectively bring down the soaring Federal deficit. The amendment will be called up when the Budget Resolution is considered by the Senate.

Simply put, the proposal would reduce by 10 percent the cost of all functions of this year's concurrent budget resolution except social security, national defense, and interest on the Federal debt.

Using economic assumptions from the President's budget, with which I do not necessarily agree, the amendment would cut $27.7 billion from the

deficit this year alone. I believe it will be much more than that.

Mr. President, I offered an identical amendment last May during the budget debate. Forty-one Senators supported it. Our purpose in offering this amendment today is to advise the appropriate committees of the Senate that we intend to have a vote on this proposition later in the year.

Mr. President, I am not one who subscribes to the view held by some that deficits can be tolerated, even in the short term. To do so is to ignore the role of debt servicing costs in the deficit picture. Historically, the Federal Government has paid as little as 1 or 2 percent annual interest on the debt. Now, because Federal policies have pushed interest rates to far higher levels, debt servicing costs are astronomical. In the fiscal year 1985 budget, interest payments on the debt amount to more than $116 billion. That is 12.5 percent of the total proposal expenditures—a level that is absolutely intolerable, in the short run or over the longer haul.

The cost of paying the interest on the Federal debt illustrates the urgency of eliminating the deficit. However, I agree with President Reagan's comment that the way in which we go about it is all important.

Mr. President, I do not believe tax increases of any kind should be used in a futile effort to bring down the deficit. Nor do I believe Congress should approve a compromise package of spending cuts and tax increases. Middle class Americans are paying more taxes now than they can stand. Many would agree that the Federal Government's hands are already too deep in their pockets.

We must think about cutting taxes, not raising them.

In weeks to come, I will be urging Senators to study other means of reducing the deficit, including the so-called grace commission report on fraud and waste in government, the prospects of giving the President line-item veto authority over all spending bills approved by Congress, and the need for basic reform of entitlement programs, which are now spiraling out of control. I also want to examine how many tax dollars could be saved by doing away with all nonmilitary foreign aid.

I encourage other Senators to examine this proposal and to join in this effort to cut Federal spending.

Mr. President, I ask unanimous consent that this amendment be held at the desk and that the text of it be printed in the RECORD at the conclusion of my remarks.

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold oversight hearings on the National Labor Relations Board on March 6, 1984. This is the first of a series of hearings dealing with Federal labor relations policy and current problems affecting collective bargaining. Persons wishing to testify should submit a written request to Chairman DON NICKLES, Subcommittee on Labor, Washington, D.C. 20510. Requests to testify must be submitted no later than February 17. If you have any questions concerning the hearing, please contact Chuck Carroll, on the subcommittee staff, at 202-224-5546.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Production, Marketing, and Stabilization of Prices, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, February 8, at 2 p.m., to hold a hearing to consider S. 2085, a bill to amend sec. 3a of the Cotton Statistics and Estimates Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 8, at 10 a.m., to receive testimony on Air Force programs in review of the fiscal year 1985 Department of Defense authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 8, at 11 a.m., to hold a hearing to consider the President's proposed budget for fiscal year 1985 for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 8, at 1:30 p.m., to consider the nomination of Robert F. Kane to be Ambassador to Ireland, to be followed, at 2 p.m., by a top secret briefing on Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, February 8, at 2 p.m., to consider the Veterans' Administration fiscal year 1985 budget and construction resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 8, in order to hold a business meeting to consider Senate Resolution 293, civil contempt proceeding against Anthony Accardo.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE AVIAN INFLUENZA EPIDEMIC

● Mr. HEINZ. Mr. President, I would like to call attention to the plight of poultry farmers in Pennsylvania, and to address the threat facing the poultry industry nationwide. These farmers are suffering incredible losses to their flocks because of an epidemic of highly pathogenic avian influenza.

A mild form of this disease was first detected in Lancaster County in mid-April 1983, and has now become quite deadly. In early November, an extraordinary emergency was declared, and USDA began an eradication program. This program calls for the depopulation of infected birds, and pays farmers to rebuild their decimated flocks. Recently, USDA broadened the scope of the program to include the destruction of birds suffering from the mild strain of the virus, or low pathogenic avian influenza. To date, over 10 million chickens have been destroyed, while as many as an additional 10 million await destruction.

Currently, the indemnity program pays only the replacement value of the depopulated flocks, but more must be done to save these farmers. That is why I, along with 24 of my House and Senate colleagues from Pennsylvania, Delaware, Maryland, and New Jersey, sent a letter to the Director of the Office of Management and Budget, David Stockman. In this letter, we have urged Mr. Stockman to approve the release of funds necessary to reimburse poultry farmers for the fair market value of their flocks eradicated due to avian influenza.

I would like to stress that this is indeed a national problem and is deserving of a national remedy. By the time USDA completes the eradication process, Pennsylvania farmers will have lost nearly one-third of their flocks. Our farmers have made a tre-

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mendous sacrifice for the greater interest of maintaining healthy poultry flocks around the Nation. I believe they must receive just and due compensation for these staggering losses, and that the Federal Government has a responsibility to guarantee the future livelihoods of these farmers. We cannot allow our farmers' future to be trampled out of existence, and I will continue my work to insure the future viability of the poultry industry, both in my State and across the entire Nation.

I ask that the full text of our letter to Mr. Stockman be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C., January 30, 1984.

MR. DAVID STOCKMAN,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. STOCKMAN: We are writing to urge your immediate approval of funds which will fairly compensate poultry farmers in Pennsylvania, Virginia, Maryland, and New Jersey for the loss of millions of birds destroyed as a result of the avian influenza.

As you know, the first outbreak of this disease was discovered in Pennsylvania in mid-April. This first strain was relatively mild, but by late October, the virus changed and became highly fatal. Because the virulent form of the virus continued to spread, the USDA declared an extraordinary emergency in Pennsylvania on November 9, 1983. As a result of this announcement, the federal government implemented an eradication program that provides for the destruction of all infected birds with the high pathogenic virus and established an indemnity program that pays farmers for the repopulation of their flocks.

The USDA recently announced that the eradication of the low pathogenic virus will begin immediately in Pennsylvania and Virginia in order to totally eradicate the disease. The eradication program and subsequent indemnity program must meet the test of fairness and effectiveness by justly compensating farmers for their losses.

Under the existing indemnity program, farmers are now receiving the price of replacing their birds, but this figure doesn't begin to reflect the true extent of their losses. We are asking for fair and adequate compensation for our farmers—we are not seeking a windfall. The indemnity payments must reflect the fair market value of the chickens destroyed.

Precedent for paying fair market value and fairly compensating farmers was set during the eradication of the exotic Newcastle disease in California. Under this 1972 program, farmers were paid the initial sum, based on replacement value, plus a supplemental payment to reflect fair market value. It is only just that farmers subject to the eradication program be offered equal consideration. Without such payments, the poultry industry in affected states will have no future.

It must be emphasized that without fair compensation, as reflected in fair market value, the cooperative spirit shown by the poultry farmers will quickly deteriorate. The USDA will not be able to achieve the desired degree of cooperation in identifying other low pathogenic flocks unless the compensation is perceived as reasonable and fair. Without the farmers' full participation in this process, the problems and cost of eliminating this disease will dramatically increase.

This outbreak of avian influenza is a threat not only to the mid-Atlantic poultry industry, but to the poultry industry nationwide, and, therefore, deserves national attention and a national remedy.

These farmers have performed a heroic national service for the rest of the country in combating and containing the flu. They have allowed their flocks to be eradicated so that all other flocks21Thank you for your attention to this matter.

Sincerely,

Robert S. Walker, George W. Gekas, William F. Clinger, Jr., John Heinz, Arlen Specter, Joseph R. Biden, Jr., Frank Harrison, William F. Goodling, Thomas M. Foglietta, Richard T. Schulze, w Revolution in Nicaragua," is my former administrative assistant, Mr. Jim Guirard, Jr. Following a distinguished career of almost 20 years on Capitol Hill, Jim Guirard served for the year 1981 as national affairs director of the American Security Council Foundation and has been for the last 2 years a governmental affairs consultant here in Washington, D.C.

Jim Guirard's article lists by name 20 of the most prominent among these defectors from the earlier revolution—all of them opponents of Somoza and most of them so much so that they became high Government officials in the early months of the Sandinista regime. One by one, all of these people have either defected from or have been totally alienated by the increasingly repressive Marxist-Leninist regime which is now led by such confirmed Communists as the Ortega brothers and Tomas Borge.

He suggests that in the defection of the non-Communist leaders of the 1979 revolution, the "human rights legitimacy of the old revolution (now deceased) has been transferred to the New Revolution"—which, therefore, deserves our sympathy and support.

This rationale makes it all the more appropriate that the Congress has finally decided to continue this assistance, despite a recommendation by the House of Representatives that it be terminated.

Mr. President, I ask that Jim Guirard's article be printed in the RECORD.

The article follows:

[From the Washington Times, Nov. 15, 1983]

THE NEW REVOLUTION IN NICARAGUA

(By Jim Guirard Jr.)

Americans have long yearned to be on the "right side" of a truly popular revolution in Latin America—one in which the United States is not obligated, in the name of anti-communism, to prop up the repressive regime under attack. But now that there is just such a revolution in progress—the New Revolution in Nicaragua—the New York Times-Washington Post wing of the media is demanding that we oppose it and "finally accept" the old 1979 Sandinista Revolution instead.

The fatal flaw in this argument is that there is nothing left in the earlier revolution for an honest civil-libertarian to accept. It has devolved into nothing more than a grisly dictatorship of the Gestapo-left—a fact which is becoming so obvious as to begin causing doubts among even the most pro-Sandinista of journalists.

Between the lines, all but the very most pseudo-liberal of them seem increasingly haunted by an honorable impulse to hold their noses when trying to explain why it is "acceptable" to hold hands with such vicious illiberals—such fascists—as the Ortega brothers, Tomas Borge and Fidel Castro. But they still do recommend the old revolution over the new one.

Could it be that many of these journalists (like the House of Representatives, which has twice voted to prohibit U.S. aid to the New Revolution) fail to recognize:

The Sandinistas' total repudiation of the democratic goals which constituted their former legitimacy?

The Sandinistas' total subservience to the Cubans and the Soviets?

The pluralist, civil-libertarian sentiments of most of the New Revolution's political leaders—most of whom were leaders of the 1979 revolution as well?

Many lawmakers and journalists continue to hope naively that the Sandinista junta is merely "leftist," which falsely implies that it is liberal. Such people would do well to listen instead to what the Sandinistas say about themselves, to themselves, when they think Americans are not listening. Consider, for example, the following excerpt from a July 21, 1981 speech to fellow Sandinistas by Humberto Ortega, minister of defense and brother of Daniel Ortega, chief of the junta:

"We are not going to give ourselves a false name. Our revolution has a profoundly anti-imperialist, profoundly revolutionary, profoundly class nature. We are anti-Yankee, against the bourgeoisie . . . We guide ourselves by the scientific doctrine of revolution, by Marxism-Leninism . . . Without Sandinism we cannot be Marxist-Leninists, and Sandinism without Marxism-Leninism cannot be revolutionary . . . [so] we are making the effort to transform our society in a revolutionary way, not a reformist way."

Translation: Make no mistake about it, comrades. We believe in doing things the way Lenin did. We are dyed-in-the-wool communists, and we are going to stay that way.

Jose Esteban Gonzales, longtime enemy of Somoza and now exiled director of the Nicaragua Permanent Commission on Human Rights, explains what this means to the now "liberated" people of Nicaragua:

"During the first few days of the revolution we refused to make comparisons (between the new government and Somoza) because there was a different situation. Now I say clearly the situation is much worse. During the Somoza regime the repression didn't affect the whole community but only those who were in conflict with the government. But now everybody in Nicaragua is affected—not just those who are directly political."

Congressmen and journalists who applauded Gonzales when he condemned Somoza now seem deaf, dumb, and blind to his testimony that the Sandinistas are much worse. They condemn him and the whole "Contra" group of revolutionaries as "thugs, thieves, and brigands"—the words of Rep. Tom Downey (D-N.Y.). They talk of Nicaragua's admittedly communist dictatorship in such powder-puff terms as "non-pluralistic socialism"—the words of Washing-

ton Post reporter on Central America, Karen De Young.

In effect, the House and the press are listening still to the hollow echo of a "revolution" which has lost the right to be known by that honorable name. And they turn a deaf ear to the cries for help from those who desire the democracy and pluralism which gave that earlier revolution its legitimacy—its soul. Such people as:

Alfonso Robelo, a leader of the first revolution and member of the original Sandinista junta;

Eden Pastora, military hero of the first revolution and ex-deputy defense minister;

Arturo Cruz, ex-member of the junta and ex-Sandinista ambassador to the U.S.;

Jose Francisco Cardenal, former vice president of the Sandinistas' Council of State;

Edgard Macias, anti-Somoza militant and head of the Popular Social Christian Party;

Jose Esteban Gonzales, head of the Nicaraguan Permanent Commission on Human Rights;

Violeta Chamorro, ex-member of the original Sandinista junta;

Pedro Joaquin Chamorro, Jr., former Sandinista supporter—publisher (like his father before him) of La Prensa;

Humberto Belli, anti-Somoza editor of La Prensa;

Jaime Montealegre, ex-vice president of the Sandinista Council of State;

Agustin Alfaro, ex-Sandinista consul general in New Orleans;

Miguel Bolanos, ex-official of the Sandinista security police;

Adolfo Calero, head of Nicaraguan Conservative Party; jailed by Somoza; now head of the Contras;

Archbishop Obando y Bravo head of the Nicaraguan Catholic Church and former Sandinista supporter;

Carlos Coronel, ex-Sandinista minister of fisheries;

Alvaro Taboada, ex-Sandinista ambassador to Equador;

Francisco Fiallos, ex-Sandinista ambassador to Geneva;

Heraldo Montealegre, ex-Sandinista alternate governor of the World Bank;

Steadman Fagoth, leader of the Miskito Indians and former antisomocista.

The list goes on and on. Indeed, it grows each day as the Contras and allied groups gain recruits. The point is that in the defection of such leaders the "human rights" legitimacy of the old revolution (now deceased) has been transferred to the New Revolution—the "Nuevolucion," we should christen it.

If the revolution of 1979 merited "liberal" and "progressive" support, then the Nuevolution of 1983 merits it all the more. First, because the tyranny against which it is directed is more oppressive to Nicaraguans than was the Somoza regime. Second, because the Sandinista dictatorship is far more dangerous to neighboring peoples than Somoza ever was. Third, because so many of the same good people (absent the perfidious communists, of course) are leading this New Revolution as led the old one.●

COMMENDING CONGRESSMAN BARBER CONABLE

● Mr. D'AMATO. Mr. President, I rise today to commend one of Congress most distinguished and respected Members, my good friend, Congressman BARBER CONABLE of Alexander, N.Y.

While many pass through the Halls of Congress, few manage to leave their mark on this institution. BARBER CONABLE is one of those few.

As the ranking minority member of the House Ways and Means Committee, widely believed to be the most powerful of all congressional committees, Congressman CONABLE has proved instrumental in helping get the Government off people's backs.

His work on the President's National Commission on Social Security Reform was widely admired by the Members of Congress he worked with, as well as by the other members of the Commission. This accomplishment is just one of many that can be attributed to the Congressman.

In addition, I would like to give credit to Mr. CONABLE for the yeoman work he has done on behalf of the Reagan Presidency. Mr. CONABLE has been one of the President's staunchest allies in the House of Representatives, consistently coming to the President's aid on crucial votes before the Ways and Means Committee and on the floor of the House. He was the chief minority sponsor of the 1981 Reagan tax cuts and shephered them through to passage. Many needed reforms would not have been enacted if it were not for the Congressman.

But even more than for these political accomplishments, BARBER CONABLE will be remembered by his political allies and foes alike as a warm and decent man. I have personally benefited from his unerringly wise counsel. I appreciate even more than that the warm hand of friendship he extended when I was still a stranger in this town. Washington will miss BARBER CONABLE and his tomahawk collection. Some treasures cannot be replaced.

New York and the Nation will be the less for the retirement of this distinguished Congressman. I hope that even though he is retiring from Congress, he will still remain in the service of President Reagan and the Nation. I can think of no one better qualified. In fact, it is my belief that the President ought to give serious consideration to naming Mr. CONABLE the next Secretary of the Treasury. I would fully support him if he chose to do so.●

ROBERT E. TRUMBULE

● Mr. GLENN. Mr. President, last Saturday, February 4, with the death of Robert E. Trumbule, specialist in environmental policy for the Congressional Research Service, the Congress lost a valuable resource. Bob Trumbule exemplified the highest professional standards and the best analytical tradition of the supporting staff that serves the Congress.

From his analytical vantage point in CRS, Bob played a leading role in the acid rain policy debate. A 1975 committee print he authored was one of the first to identify acid rain as an emerging issue. He was an early analyst of the possible approaches the Federal Government and the private sector might take in dealing with the problem of acid rain. In particular, he explored opportunities for using new technologies to resolve this problem.

It was in this role that my staff and I found Bob Trumbule to be so valuable in helping us with the background and analysis of the acid rain issue. His ideas and his analyses were important contributions to the development of the bill I have introduced on the issue, S. 2215. Moreover, I know that he contributed also to the efforts of other colleagues and Members, including those on the other side of the aisle and in the other Chamber, and always regardless of their position on the issue. He was always available to assist the many committees and Members of Congress who needed information and assistance on the difficult and complex issue.

In the evolution of this issue, Bob Trumbule became central to the network of experts on all sides of the debate. For example, he was an active member of a negotiation exercise on acid rain that brought together government, congressional, and private sector actors to debate approaches; he participated in the Federal Government's acid rain assessment group; and he was a frequent speaker and panelist at acid rain conferences and symposia, with the sponsors ranging from industry to environmental groups. With these many contacts, he became a key facilitator in the transfer of ideas and information on the subject.

Bob's keen intelligence, his enthusiasm, and most of all, his obviously deeply felt desire to be of genuine help in moving the acid rain debate in the most constructive channels impressed all who dealt with him. My staff and I found his briefings and presentations of the utmost value. His expertise will be missed by all his congressional colleagues, and the friendships he fostered while interacting with so mnay diverse interests in this and other issue areas will long be remembered.●

HUNGER IN AMERICA

● Mr. GLENN. Mr. President, I am pleased to cosponsor Senate Resolution 306 which rejects the proposal by the President's Task Force on Food Assistance Programs to combine the food stamp program and other Federal food assistance programs into a block grant to the States. These valuable nutrition programs must remain national programs in order to be responsive to

the growing number of American citizens who suffer from hunger.

During the past 3 years, Members of Congress, Government agencies, and a number of private organizations have conducted studies on the hunger problem in America. These studies and reports indicate that for the first time since the 1960's, hunger in America is on the rise. During this period our country has endured a severe recession and high unemployment. Yet, at the same time, the administration has made dramatic cuts in the food stamp, child nutrition and other Federal food assistance programs which serve the needy. The demand for food assistance is much greater than the resources available to private and public agencies attempting to provide relief to our Nation's hungry.

Although the President was "perplexed" to read reports of hunger in the land of plenty, and his chief adviser doubts whether people attending soup kitchens are truly needy, there is a substantial body of evidence which shows that large number of Americans are having difficulty getting enough to eat.

The Center on Budget and Policy Priorities conducted a national survey of local food banks last spring. In over half of 181 emergency food programs surveyed, the number of individuals seeking food assistance increased by 50 percent or more between February 1982 and February 1983.

The General Accounting Office issued a report last year on "Public and Private Efforts to Feed America's Poor." The GAO reported that there have been significant increases in the number of persons seeking food aid and that "an unmet need remains."

The U.S. Conference of Mayors reported in 1982 that a majority of 55 cities surveyed identified food as the emergency service most in demand. In a study completed last year, eight cities reported significant increases in demand for emergency food assistance and cited both budget cuts and unemployment as the cause.

The reports by these public and private organizations of growing hunger in America is confirmed by the growth of demand for Federal food assistance programs. Despite tightened eligibility rules and benefit reductions, Federal expenditures for food stamps, child nutrition and other Federal food programs grew from $14 billion in 1980 to $19 billion in 1983. Participation in food assistance programs is generally higher than it was 3 years ago. However, there remains an unmet need.

The WIC program provides food supplements and nutrition counseling to only one-third of those low-income women, infants and children who qualify for it. This program is credited with a reduction in the incidence of low-birth-weight infants. A Harvard University study found that because of the reduced incidence of low-birthweight infants needing extended hospital care after birth, each $1 spent in the prenatal component of WIC actually saves $3 in hospital costs. Great progress could be made if all eligible women, infants, and children were reached with this program. Yet the Reagan administration has repeatedly tried to slash funding for WIC, and merge it into a block grant to the States.

I am pleased that Congress has rejected these proposals, but I think we should do more. I have set as national goals eliminating nutritional deficiencies among pregnant women, infants and children, and lowering our infant mortality rate. Over a 4-year period, phased-in increases in the WIC program would allow us to reach all of the people who are eligible, thus giving poor children a much brighter start in life.

The food stamp program serves 21 million low-income Americans, yet 34 million Americans currently live in poverty. The average food stamp benefit is just 47 cents per person per meal. Emergency food agencies almost universally report substantial increases in requests for help toward the end of the month, when food stamp allotments have been exhausted. The Reagan administration has continually proposed cuts in this program even though the deep recession and high unemployment have increased the need for assistance.

I believe we should be doing more to help poor children, the elderly, the unemployed, and the working poor receive adequate nutrition. I have proposed an increase in food stamp benefits of 8 percent to help assure that monthly benefits truly last a month.

The school lunch and child nutrition programs have also undergone severe cuts during the last 3 years, resulting in nearly a million less children being served. The Reagan administration has proposed to merge the child care food program and the summer food program into a block grant with funding frozen at fiscal year 1985 levels. I propose that we improve that school lunch and child nutrition programs rather than gut them.

Prompted by alarming reports on increased hunger in the United States, the President last August appointed a task force on food assistance which has recently issued their final report. A major recommendation of the task force would have serious negative consequences for poor families. This proposal would give States the option to run their own food assistance programs with one fixed Federal appropriation. This approach would make food programs less responsive to need and would result in hardships during periods of economic recession.

Under the current food stamp program, more food stamps are automatically provided in a State if unemployment rises and more persons become poor. Similarly, more children in a State can automatically receive free school meals if unemployment rises. A needy family or poor child has an entitlement to these benefits, regardless of the State in which they live. Under the proposed block grant program, however, the entitlement to individuals would end. States would receive fixed amounts of funds. If the amount proved insufficient, benefits would have to be cut or needy persons would have to be dropped from the State's program.

The task force has attempted to respond to this issue by indicating that the Federal appropriation for each State would be adjusted periodically to reflect changes in food costs and the needy population. However, State unemployment rates are not known until several months after the rate actually rises or falls, and State population data is typically several years out of date. This approach is incapable of assuring that when additional needy persons apply for food stamps or free meals in a State, the funds will be there to meet the increased need on a prompt basis. In addition, a fixed block grant program under which the allocations to State varied quarterly or monthly would be almost impossible for the States to administer, as benefit levels and eligibility criteria would be altered frequently.

The block grant approach for food assistance could lead to benefit reductions for vulnerable poor families who lack political influence. Welfare payment levels vary from State to State, and the current food stamp program automatically helps narrow this gap by providing more food stamp benefits to persons who are poorer because their State pays low benefits. When States set their eligibility limits for food stamps in the 1960's, some States set eligibility cutoffs at only about half the poverty line. These wide variances were eased when we established uniform national food program standards in the 1970's. Under the block grant approach, 15 years of progress would be wiped away. By eliminating uniform standards the most vulnerable groups in our society—minorities, women and children, the elderly and others—would have to fight for scarce resources.

Hunger is a serious national problem. We must renew our national commitment to providing adequate food assistance. Congress has demonstrated support for Federal nutrition programs by rejecting block grant proposals and further benefit reductions that have been proposed by the President. I urge my colleagues to join me in supporting this resolution which rejects the task force's recommendation to dismantle the Federal nutrition pro-

grams. We must retain a strong Federal role in the fight against hunger.●

NINE MYTHS ABOUT IMMIGRATION

● Mr. KENNEDY. Mr. President, there has been, during the course of our recent and continuing debate over immigration reform, a great deal said over the impact of immigration upon the United States.

We have heard that immigrants are "welfare abusers," that undocumented aliens heavily use welfare services, and that immigrants pay less than their share of taxes.

Those of us who have followed these issues closely know such emotional charges are just that—accusations based upon fear. From many well-documented sources—including the General Accounting Office and the U.S. Select Commission on Immigration and Refugee Policy—we know that the facts show immigrants pay their way, and undocumented aliens are, in many respects, undocumented taxpayers.

Added to this research is a recent essay circulated by the Heritage Foundation entitled "Nine Myths About Immigration," written by Prof. Julian Simon, who is a senior fellow at the Heritage Foundation and a professor at the University of Maryland.

For those Members of Congress who are constantly badgered by complaints over the impact of current immigration trends, I believe Professor Simon's concluding thoughts—based upon extensive research—should prove reassuring. He concludes:

> Exactly how beneficial immigrants are to the U.S. society and economy may be debated. What is certain, however, is that many of the alleged costs of immigrants are simply unfounded, hollow myths.

Mr. President, I commend Professor Simon's provocative essay to my colleagues and ask that it be printed in the RECORD.

The essay follows:

NINE MYTHS ABOUT IMMIGRATION

(By Julian L. Simon)

INTRODUCTION

Immigration is one of the most complicated topics of our times. Society and Congress are struggling with the problem in the form of the Simpson-Mazzoli bill, which is now before the Senate and House (S. 529 and H.R. 1510). The issue of immigration seems to pit two fundamental values—lending a helping hand to strangers and ensuring the economic self-interest of family and community—against one another. Also involved are values that may not appeal to all but which are in no way irrational, such as maintaining some degree of cultural or racial homogeneity in the country (Margaret Thatcher has spoken for that in the case of Great Britain) and keeping a particular political balance.

Wherever it may lead, a debate on U.S. immigration policy ought to be based on facts. Regrettably, a number of myths about immigration work against a reasoned debate. The sum of these myths is that immigrants lower the standard of living of U.S. natives. This simply is not supported by the evidence. In the interests of an informed debate on immigration, these myths must be examined.

MYTH NO. 1: IMMIGRANTS ARE WELFARE ABUSERS

It is frequently alleged that immigrants no sooner arrive in the U.S. than they become public charges, draining welfare money from the U.S. taxpayers and paying no taxes. Solid evidence gives the lie to this charge.[1]

In 1976 the Census Bureau interviewed 156,000 households (including about 15,000 immigrant families) to learn about 1975 family income and welfare services patterns. From this sample was constructed a picture of lifetime economic behavior by assuming that the information on immigrants who had been here, say, two years, or ten years, as of 1975 described the representative immigrant family after two years, or after ten years, and so on.

The services that most often catch the public eye are welfare and supplemental security, unemployment compensation, aid to dependent children, and food stamps. The average native-born U.S. family received $498 from these programs in 1975 (calculations include families getting no assistance). The average for immigrant families that arrived between 1950 and 1974 was $548. Not much difference. For immigrant and native families of similar education and age, there is no difference.

Of course there may be some systematic abuses of the welfare system by immigrants. But the U.S. legislative system surely can devise adequate remedies. Senator Charles Percy (R-Ill.), for example, sponsored a bill strengthening the requirement that sponsors of immigrants stand behind them financially to prevent their entering in order to go onto welfare. Nor would it be un-American to require immigrants to provide the American public some service in return for the benefits they receive. In the past, serving in the Army was such an example; it also had the side effect of quickly Americanizing the immigrants who served.

Providing school for immigrant children during an immigrant family's first five years in the U.S. costs slightly less than $859 for the average native family, because immigrants tend to come before they have children or while the children are still young. After that, school expenditures for immigrant families are higher than for native families, rising from $1,068 to $1,237 during the next 15 years. (The difference is not that immigrants have many children, but that the average native family is older with fewer children still in school.)

When public retirement programs are included—such as Social Security, Medicare, and Medicaid—immigrant families on average are seen to receive much less in welfare payments and services than do average native families. Immigrants in fact lessen the Social Security burden upon native workers by contributing to the fund while not drawing from it. And if there is any single factor that cramps government economic policies right now, it is payments through Social Security, other pension plans, and other assistance to the elderly.

Immigrants typically arrive young and strong. Native U.S. families received in 1975 on average $735 for Social Security, $167 for Medicare and $20 for Medicaid, a total of $922. Immigrant families received a total of $92 during the first five years in the U.S., $227 in the second five years, $435 in the third five years, and $520 the fourth and fifth five-year periods. The difference in favor of natives is large. Immigrants thereby benefit natives.

But what about Social Security when immigrants reach retirement age? The answer depends not on entitlements or legal obligations, but on the flow of real resources from workers to retirees. In this way, the children of retired immigrants support their parents with their taxes, as in the case of natives. Hence the immigrant retirees do not increase the burden on natives.

In summing the figures for all the transfers and services, the average immigrant family is found to receive $1,404 in welfare services in years 1 to 5, $1,941 in years 6 to 10, $2,247 in years 11 to 15, and $2,279 in years 16 to 25. Native families overall average the same, $2,279 considerably more than the immigrants receive during their early years in the U.S. Figures for these early years are more relevant because in making rational for these early years are more relevant because in making rational policy decisions the distant future is weighted less heavily than the near future.

MYTH NO. 2: ILLEGALS MAKE ESPECIALLY HEAVY USE OF WELFARE SERVICES

Contrary to common belief, illegal immigrants from Mexico and elsewhere receive little in welfare services because of their illegal status. Labor researchers David North and Marion Houston of the New Trans Century Foundation found the following proportions of illegals using services: Free medical, 5 percent; unemployment insurance, 4 percent; food stamps, 1 percent; welfare payments, 1 percent; child schooling, 4 percent.[2] Practically no illegals receive the costliest service of all—Social Security. But 77 percent of illegal workers paid Social Security taxes, and 73 percent had federal income tax withheld. Several other studies using a variety of research methods reveal similar results. The low use of social services is largely because the illegals are afraid of being apprehended. And among the illegal Mexicans, more than 80 percent are male, half are single (most of the married men leave their wives and children in Mexico), and most are youthful (less 10 percent of the workers are over 35) and need few services.

MYTH NO. 3: IMMIGRANTS PAY LESS THAN THEIR SHARE OF TAXES

If immigrants paid relatively little in taxes, it could be argued that they still burden natives, even with fewer welfare services for immigrants than for natives. While there is no direct information on taxes paid, data on family earnings allow a reliable estimate.

Within three to five years after entry, immigrant family earnings reach and pass those of the average native family, because of the variance in age composition of native and immigrant families. The average native family paid $3,008 in taxes in 1975. In comparison, immigrant families here 10 years paid $3,359, those here 11 to 15 years paid $3,564, and those here 16 to 25 years paid $3,592. Such substantial differences benefit natives.

Assuming 20 percent of taxes finance activities that are little affected by population size (for example, maintaining the armed forces and the Statue of Liberty), the data on services used and taxes paid, taken together, show substantial differences that benefit natives: an average of $1,354 yearly for years 1 to 5, and $1,329, $1,535 and $1,353 for years 6 to 10, 11 to 15, and 16 to

25 respectively. These are the amounts by which each additional immigrant family enriches U.S. public coffers. Evaluating the future stream of differences as one would a dam or harbor, the present value of an immigrant family discounted at 3 percent (inflation adjusted) was $20,600 in 1975 dollars, almost two years average earnings for a native family: at 6 percent the present value is $15,800, and $12,400 at 9 percent.

MYTH NO. 4 IMMIGRANTS CAUSE NATIVES TO LOSE JOBS

The most politically powerful argument against admitting immigrants has been that they take jobs held by natives and thereby increase native unemployment. The logic is simple: If the number of jobs is fixed, and immigrants occupy some jobs, then there are fewer jobs available for natives.

In the immediated present, the demand for any particular sort of worker is indeed inflexible. And, therefore, additional immigrants in a given occupation, in theory, must have some negative impact on wages and/or employment among people in that occupation. For example, the large recent influx of foreign physicians means additional competition for U.S. physicians. There is good reason to believe that U.S. physicians will earn less because of immigrant physicians. Such negative effects upon particular occupations could be avoided only if immigrants were to come into all occupations in proportion to the size of those occupations. Workers whose occupations immigrants enter disproportionately can therefore be expected to complain.

Theory says that there must be some unemployment in some sectors. But theory does not say whether the effect will be huge or trivial. For this, empirical research is needed. The effect is difficult to measure, because natives move away from areas with high unemployment to areas where it is lower, and immigrants move there, too, thereby obscuring the impact of immigration. Nevertheless, if immigrants were to cause large amounts of unemployment in particular industries, the phenomenon would surely be noticeable. Yet no empirical study has found such unemployment in noticeable amounts.

Even in the few sectors, such as the restaurant and hotel industries, where immigrants concentrate, there tends not to be a deleterious effect on natives because natives do not want these jobs. Evidence comes from experiments conducted by the Immigration and Naturalization Service together with San Diego County. In one case, 2,154 illegal aliens were removed from jobs, and the California State Human Resources Agency tried without success to fill the jobs with U.S. citizens. The County of San Diego Human Resources Agency reported:

"Some of the reasons for the failure were: (1) most employers paid less than the minimum wage rate, (2) the job categories were not appealing to the local resident (a matter of prestige), and (3) applicants were discouraged by not only the low wages but also the difficulty of some jobs, and the long hours demanded by the employers."[3]

Research also does not show across-the-board unemployment caused by immigrants, either in the U.S. as a whole or in particular areas of relatively high immigration. Heretofore such studies have been rather casual. Therefore, research assistant Stephen Moore and the author recently mounted a systematic attempt to detect whether such immigrant-caused unemployment exists in significant amount. Still no such effect is observable. It seems fair to conclude therefore that, while in theory immigration ought to produce some unemployment in the short run, the amount is in fact negligible. And in the long run, when there is not even a theoretical reason to believe that immigration causes unemployment, there is no reason at all to think that it does.

One reason that umemployment is not caused is that potential immigrants have considerable awareness of labor-market conditions in the U.S. and tend not to come if there is little demand for their skills. Also, immigrants tend to be varied in their skills and therefore do not have a disproportionate impact on a few industries. At the same time—this point is crucial, but too little understood—immigrants increase demand for labor across the range of occupations, because immigrants consume goods as well as produce them.

Another reason, then, for the absence of unemployment caused by immigrants is that they not only take jobs, they make jobs. Immigrants not only create new jobs indirectly with their spending, they create new jobs directly with new businesses, which they are more likely than natives to start. A Canadian government survey, which should be similar to U.S. experience, finds that almost five percent of the 2,037 immigrants surveyed had started their own businesses within the first three years in Canada. Not only did they employ themselves, they employed others, "creating" a total of 606 jobs. Expressed as a proportion of the 2,037 total immigrants, roughly 30 percent as many jobs were created from scratch as total jobs were held by immigrants. Furthermore, these numbers rose rapidly after the three-year study period; after one year there were 71 self-employed immigrants creating 264 jobs, compared with the 91 and 606 respectively after three years.

The businesses immigrants start are small at first, but small businesses are the most important source of new jobs, according to a recent MIT study.

Historically, migrants have tended to enter in good times and leave during bad, thus buffering unemployment for citizens, another positive effect of immigrants upon the labor market. Furthermore, a much lower proportion of immigrants work for government than do natives (perhaps 8 percent compared to 16 percent). This indicates a relatively low burden on the government to help supply jobs even after they have been in the U.S. many years. This should have a beneficial effect upon overall native chances for employment. It also benefits natives because a disproportionately small number of immigrants are making use of public productive capital.

MYTH NO. 5: IMMIGRANTS PUSH WAGES WAY DOWN

The impact of immigration is likely to be greater on wages than on unemployment rates, because potential immigrants with skills that are in low demand choose not to migrate, and those with saleable skills gravitate to industries where there are jobs. This will have some downward pressure on wages. For example, immigrant physicians are more likely to reduce a native physician's yearly income than to throw him or her out of work.

Economists Barton Smith and Robert Newman of the University of Houston found that adjusted wages are just 8 percent lower in the Texas border cities,[4] where the proportion of Mexicans is relatively high, compared to Texas cities away from the border where the proportion of Mexicans is much lower, a considerably smaller difference than they had expected to find. Much of the apparent difference is accounted for by a lower cost of living in the border cities.

MYTH NO. 6: IMMIGRANTS ARE "HUDDLED MASSES"—UNEDUCATED, UNSKILLED, AND "TIRED"

The belief that immigrants arrive now, as they did in the past, with little or no education, few marketable skills, and in a generally tired and depressed condition is one of the most powerful, least accurate, and most persevering myths about immigration. This description is found in many books and articles including Oscar Handlin's famous, The Uprooted.[5]

The central fact about immigrants now, as throughout U.S. history and in almost all places at almost all times, is that immigrants are just entering into the prime of work life. This is the very best time to make a maximum contribution in all ways to the country receiving them. In contrast, the U.S. resident population is rapidly aging. But the immigrants are concentrated in their twenties and thirties, when they are flexible about job and geographical location, and therefore contribute importantly to the constant adjustment of the economy to changing conditions. They are of the age of greatest physical and mental vigor. And in this age bracket they contribute heavily to old-age support while requiring relatively little welfare service from the public coffers. See Table 1 for the age distributions of the U.S. public at large of and recent immigrants.

TABLE 1.—DISTRIBUTIONS BY AGE OF LEGAL IMMIGRANTS AND U.S. POPULATION

Age	U.S. population, 1970[1]	Legal immigrants to United States 1967–73[2]
0 to 19	38.8	34.5
20 to 39	25.7	46.4
40 to 59	22.2	13.9
60-plus	14.2	4.3

[1] Department of Commerce, Social Indicators (Washington, D.C.: U.S. Government Printing Office, 1976), p. 32.
[2] Charles B. Keely and Ellen P. Kraly, "Recent Net Alien Immigration to the U.S.: Its Impact on Population Growth and Native Fertility," talk to the Population Association of America, 1978.

Even more surprising is that immigrants on average have as much education as do natives. Contemporary cohorts of immigrants include somewhat larger proportions of persons of low skill and low education than does the native labor force, but they contain a much larger proportion of those of high skill and high education—physicians, engineers, scientific researchers, and the like—than does the native population. And recent research by economist P. J. Hill of Montana State University and others shows that even before the turn of the century cohorts of immigrants compared favorably with the native populations with respect to education and skill.[6] This makes sense. A person with little education and skill is not necessarily stupid, and understands that life without saleable human capital is particularly tough in a new and strange environment, and therefore that it is wiser to stay at home. On the other hand, it is sensible for a person with a good amount of saleable human capital to take the chance and immigrate, because such a person has a good chance to improve his or her lot by moving to a new and richer country.

Along with youth and skill, immigrants tend to bring an unusually high degree of self-reliance, initiative, and innovative flair. Again, it makes sense that it is such people, rather than the dull and frightened, who have the courage and the belief in themselves necessary to the commitment to the awesome change that international migration represents.

MYTH NO. 7: IMMIGRANTS INCREASE PRESSURE UPON RESOURCES AND ENVIRONMENT

Still another unfounded charge is that immigrants create a squeeze in natural resources for natives. For example, Zero Population Growth's honorary president, Paul R. Ehrlich, talks about the effect of additional people on the "perilously shrinking water supply in this country. And our food supply. Think of the competition they'll cause for housing and jobs." The basis is the assertion that "The United States in less than 50 years will be more crowded, more polluted, more ecologically unstable, more prone to political unrest, more burdened with social stress, and far, far more precarious than we can possibly imagine."[7]

These predictions are without foundation. The water and food supplies consumed in the U.S. have been improving in past decades by every reasonable measure of quantity and purity, though this appears to be little known. The air, moreover, is becoming less polluted, according to the official Pollutant Standard Index prepared by the U.S. Environmental Protection Agency.[8] And over the long run, natural resources are becoming less scarce rather than more scarce, as indicated by the fundamental economic measure of cost.

But not all such propositions about the effects of immigrants upon resources can be rebutted so easily. For example, consider this statement in a 1981-1982 article called "Immigration and the American Conscience" by The Environmental Fund: "Had the United States stabilized its population in 1970, we could have the same level of energy consumption and standard of living as we do today without any Iranian oil or a single nuclear power plant." The statement probably is true. But even more probably, and much more important, the statement also is terribly misleading.

One important flaw in the statement is that the eleven years it encompasses is much too short a time for the most important effects of population change to have their effects. Babies take a quarter century to mature into producers of goods and ideas; even immigrants may require several years to reach their full productivity.

It takes even longer for a crucial historical cycle to take place: (a) an immigrant swelled population leads to greater use of natural resources; (b) prices of raw materials then rise; (c) the price rise and the resultant fear about scarcity impel individuals to seek new sources of raw materials, new production technologies, and new substitutes for the resource, and (d) eventually the price of the service provided by the resource in question—for example, the price of energy whether produced from wood, coal, oil, or nuclear power—falls lower than it was before the temporary scarcity began. This process takes time and is quite indirect. Yet it has been the mainspring of economic advance for 5,000 years. It is, however, obscured by the above quotation, which makes it seem as if the main effect of the additional people is bad. In fact, after a relatively short time, the main effect is that people are better off than if the whole cycle beginning with more people had not taken place.

A stationary population in the long run would have a lower economic level than a growing population. Imagine the results 100 or 500 years later, or today, of stabilizing world population in 1000 B.C., 1 A.D., 1000 A.D., 1750 A.D., or 1900 A.D. A key characteristic of a high level of economic civilization is that it contains the capacity to resolve newly arising problems more quickly than did lower economic civilization. For example, the incidence of famine has declined sharply in the past century because of modern roads and other transportation systems. Food scarcity as a result of rapid population growth took much longer to remedy in 1300 A.D. or 1600 A.D. than now, because of today's systematic ways of finding and applying new knowledge that will meliorate the scarcity.

Much of The Ultimate Resource shows that natural resources (including energy) are, with passing decades, less rather than more of a constraint to U.S. and world growth. To cite such "limits" in discussions of national policy is unsound geology and biology, incorrect history, and terrible economics. The progressive improvement that has occurred in the world's resource availability would not have taken place if population density had remained at the lower levels of earlier centuries and millennia.

MYTH NO. 8: IMMIGRANTS CAUSE DIMINISHING RETURNS

The heart of the Malthusian objection to immigration is "capital dilution." This means that because of the theory of "diminishing returns" output per worker will fall. This argument is so marvelously simple, direct, and common-sensical that it has great seductive power, especially to academics. The Malthusian notion therefore is grist for any family newspaper. The arguments that demonstrate the inapplicability of Malthusian capital dilution in the context of immigration are relatively complex and indirect. As a consequence, editors who fear that such arguments will tax the attention and thought of their readers and listeners protect their audiences from such a terrible fate. And the field is therefore left to simple—though incorrect—Malthusianism.

Nowadays the most important capital is human capital—education and the skills that adults own and carry with them—rather than the "capitalist" supplying all the capital. Still, there is some harm to natives caused by the presence of more workers but the same capital.

If the private sector of the economy were like the government sector—where workers' pay is assumed equal to the full value of what they produce, with nothing left for the owner of the capital—then capital dilution would indeed lower average native income. But in the private sector, additional workers imply higher earnings for owners about equal to the loss of earnings by other workers. This trade-off leaves overall native per capita income roughly unchanged.

Yet "workers" suffer as "capitalists" gain. That is, to the extent that the classes are separate, there is a transfer from workers' pockets to owners' pockets. But in fact much of America's private capital is owned directly by "workers" through pension funds and by way of the taxes paid on interest and dividends. Hence the loss to the "worker" class is unclear.

As to special groups of workers, especially low-income earners, the negative effect is probably less than commonly thought and may be nonexistent. Because legal immigrants arrive with considerable education and skills and enter a wide variety of occupations, they hurt no occupation or income level much, even in the short run. (And to repeat, in the long run, occupations on average benefit from additional jobs created by the purchases made by immigrants to about the same extent that immigrants take existing jobs within the occupations. In short, immigrants make jobs as well as take jobs.)

Regarding the public capital used by immigrants, there should be concern about the additional capital outlays needed to equip immigrants—the extra schoolrooms, hospital beds, firehouses, and the like. Not relevant is the use of public goods not affecting natives' use or pocketbooks—looking at the Washington Monument or riding on a lightly used interstate highway. And to a considerable extent, the U.S. is on a pay-as-you-go basis with respect to capital expenditures: The debt service on past public borrowings covers much of the outlay on new capital. Therefore, through their taxes, immigrants pay "rent" on public facilities. This is an important additional reason why Malthusian capital dilution is not a crucial problem.

MYTH NO. 9: THE UNITED STATES IS FLOODED BY MEXICAN ILLEGALS

The number of aliens illegally residing and working in the United States is an issue that enters into the discussion of immigration in many ways. It is the main focus of the writings of those who oppose immigration, and it is used to generate strong feelings on the grounds that it causes a breakdown in the law and order of the country and corrupts attitudes toward the law. The issue also is used to suggest that the United States is rendered vulnerable to invasion or other unnamed dangers because it has "lost control of its borders." The Federation for American Immigration Reform (FAIR) and The Environmental Fund (TEF), the two organizations most active in fighting against immigration, dwell upon the word "control." This plays upon a fear of chaos and social breakdown. And the supposed large-scale loss of jobs by natives due to illegals is a major objection to immigration generally, including that by labor unions.

Are such arguments justified by the data? Clearly not. The evidence for the largest and most frightening estimates of illegals is flimsy or nonexistent. In general there is a strong negative relationship between the quality of the research and the size of the estimate.

The Immigration and Naturalization Service frightened many with its 1970s estimates that there were 4 to 12 million illegals in the U.S. But a study by the Bureau of the Census staff at the request of the Select Commission on Immigration and Refugee Policy[9] noted that this estimate was based on nothing more than an impression derived from the data on the number of apprehensions of illegals either crossing the border or on the job. The INS gave no evidence in support of its estimate. And apprehension records are obviously a fallacious basis for any such estimate. For example, the same person might be apprehended several times during a single week.

Later the INS shifted its estimate to 8.2 million persons, as of mid-1975, deriving the figure from a Lesko Associates study it commissioned.[10] The basis for the estimate was the "Delphi technique." This technique may be appropriate for such tasks as forecasting technological developments. But it is an absolutely unreliable and inappropriate estimation method for a subject such as the number of illegals in the U.S. Even Lesko called the estimate "not analytically defen-

sible."[11] Yet for a long time these figures were the basis for much of the political debate on the subject.

The INS then offered an estimate of 6 million illegals as of 1975. This was derived by asking INS District Directors to estimate the number of illegals residing in their districts. According to the Bureau of the Census description:

"The district officers were asked to provide, in addition to estimates of illegals for their districts, a description of the methodology used to generate the estimates. None gave specific procedures. Rather, all but one referred to the 'experience' of officials as the basis for the estimate; the other claimed no 'scientific' basis at all for his estimate. Thus, the overall estimate may be characterized as 'synthetic speculation'."[12]

Ingenious statisticans have recently tackled the problem in a variety of interesting ways, including analysis of alien deaths in the United States,[13] changes in Mexico's population,[14] comparisons of data (such as Social Security and income tax records) in which illegal aliens are fairly sure to be counted,[15] analysis of changes in the Mexican-origin population reported by the Current Population Survey,[16] and surveys of persons returning to Mexico, and of Mexican families, concerning their migration histories.[17]

The harvest of findings from this body of work is as follows:

(1) The careful survey of these and other studies by Siegal et al. concludes that "The total number of illegal residents in the United States for some recent year, such as 1978, is almost certainly below 6.0 million, and may be substantially less, possibly only 3.5 to 5.0 million."[18]

(2) A considerable proportion of the illegals are not Mexican. "The available evidence indicates that the size of the Mexican population living illegally in the United States is smaller than popular estimates suggest. The Mexican component of the illegally resident population is almost certainly less than 3.0 million, and may be substantially less, possibly only 1.5 to 2.5 million."

(3) Of the Mexicans illegally in the United States at any given time, a very large proportion are here for a matter of months and then return voluntarily. "The gross movement into the United States of Mexican illegals is considerable, as is reflected in the large numbers of apprehensions made by INS, but this 'immigration' is largely offset by a considerable movement in the opposite direction. . . . Apparently most of the Mexican nationals who enter the United States illegally in any years return to Mexico. . . ."[19]

(4) Korns' study of illegal-alien employment even suggests that there has been no increase in the total number of illegals since an expansion that occurred between 1964 and 1969. The Census Bureau's Associate Director for Demographic Fields, George E. Hall, commented that "To date, the Census Bureau has not been able to detect explosive growth in the illegal population in any of its data collection systems."[20] It is because most immigrants who enter illegally leave when their jobs end or when they have earned what they came to earn, usually after a half-year or less, that there can be a constant inflow and yet little or no increase in the total number of immigrant residents.

(5) In contrast to the Mexicans, the non-Mexican illegals—who typically either overstay their visa periods or enter with fraudulent documents, rather than by crossing the border clandestinely without documents—are much less likely to return to the home countries. "Hence, non-Mexican illegal immigration may add to the permanent resident population to a far greater extent than the Mexican migration flows," conclude Siegel et al., on the basis of the studies surveyed. This last point suggests that expensive efforts to reduce clandestine border crossing may be a waste.

CONCLUSION

Just about all the individual economic objections to immigrants are without factual foundation. No mention has been made, moreover, of the benefits from immigration. And there are very large benefits. Improved productivity, as a result of the increased production volume that flows from immigrant purchasing power as well as from the additional supply of ingenious inventive minds that immigrants bring, is one of the most important such benefits. It quickly dominates all the short-run costs.

Exactly how beneficial immigrants are to the U.S. society and economy may be debated. What is certain, however, is that many of the alleged costs of immigrants are simply unfounded, hollow myths.

FOOTNOTES

[1] Julian Simon, "Immigrants, Taxes, and Welfare in the U.S.," forthcoming in *Population and Development Review*. The following information is an analysis in this article of the Census Bureau survey described in Myth #1.

[2] David S. North and Marian F. Houston, *The Characteristics and Role of Illegal Aliens in the U.S. Labor Market: An Exploratory Study* (Washington: Linton and Company, March 1976).

[3] M. Vic Villalpondo, *et al.*, "A Study of the Socio-Economic Impact of Illegal Aliens, County of San Diego" (San Diego: Human Resources Agency, January 1977).

[4] Barton Smith and Robert Newman, "Depressed Wages Along the U.S.-Mexican Border: An Empirical Analysis," *Economic Inquiry*, January 1977, pp. 56-66.

[5] Oscar Handlin, *The Uprooted* (New York: Grosset and Dunlap, 1951).

[6] Peter J. Hill, "Relative Skill and Income Levels of Native and Foreign-Born Workers in the United States," *Explorations in Economic History*, 12, 1975, pp. 47-60.

[7] Paul R. Ehrlich in a fund-raising letter for Zero Population Growth, no date.

[8] For a discussion of these EPA findings, see Julian Simon, *The Ultimate Resource* (Princeton, N.J.: Princeton University Press, 1981).

[9] Jacob S. Siegal, Jeffrey S. Passel, and J. Gregory Robinson, "Preliminary Review of Existing Studies of the Number of Illegal Residents in the United States," in *U.S. Immigrant Policy and the National Interest*, Appendix E to the Staff Report of the Select Commission on Immigration and Refugee Policy Papers on Illegal Migration to the United States, April 1981.

[10] Lesko Associates, 1975. *Final Report: Basic Data and Guidance Required To Implement a Major Illegal Alien Study During Fiscal Year 1976*, Prepared for Office of Planning and Evaluation, U.S. Immigration and Naturalization Service, Washington, D.C., October 1975.

[11] *Ibid.*

[12] Siegal, *et al.*, *op. cit.*, p. 17.

[13] J. Gregory Robinson, "Estimating the Approximate Size of the Illegal Alien Population in the United States by the Comparative Trend Analysis of Age-Specific Death Rates," unpublished paper presented at the annual meeting of the Population Association of America, Philadelphia, Pennsylvania, April 26-28, 1979.

[14] Howard Goldberg, "Estimates of Emigration from Mexico and Illegal Entry Into the United States, 1960-1970, by the Residual Method," unpublished graduate research paper, Center for Population Research, Georgetown University, Washington, D.C., 1974.

[15] Clarice Lancaster and Frederick J. Scheuren, "Counting the Uncountable Illegals: Some Initial Statistical Speculations Employing Capture-Recapture Techniques," *1977 Proceedings of the Social Statistics Section, Part I*, American Statistical Association, 1978, pp. 530-535; Alexander Korns, "Cyclical Fluctuations in the Difference Between the Payroll and Household Measures of Employment," *Survey of Current Business*, May 1979, pp. 14-44, 55.

[16] David M. Heer, "What is the Annual Net Flow of Undocumented Mexican Immigrants to the United States?" *Demography*, August 1979, pp. 417-423.

[17] Mexico, Centro Nacional de Informacion y Estadisticas del Trabajo, *En Volumen de la Migración de Mexicanos no Documentos a los Estados Unidos: nuevas Hipótesis*, by Manual Garcia y Griego, December 1979; and Mexico, Centro Nacional de Información y Estadisticas del Trabajo, *Los Trabajadores Mexicanos en los Estados Unidos: Premeros Resultados de la Encuesta Nacional de Emigración*, by Carlos H. Zazueta and Rodolfo Corona, December 1979.

[18] Siegal, *et al.*, *op. cit.*, p. 19.

[19] Siegal, *et al.*, *op. cit.*, pp. 33-34.

[20] George E. Hall, testimony before the House Subcommittee on Census and Population, April 27, 1981, p. 8.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. HELMS. Mr. President, paragraph 2 of rule XXVI of the Standing Rules of the Senate requires that each committee of the Senate publish its rules not later than March 1 of each year.

Therefore, I submit for the RECORD the rules of the Committee on Agriculture, Nutrition, and Forestry. The rules are as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.

3. To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

4. Six members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That for the purpose of receiving sworn testimony, a quorum of the committee and each subcommittee thereof shall consist of one member.[1]

LITHUANIAN INDEPENDENCE DAY

● Mr. ZORINSKY. Mr. President, next week, during our Lincoln's Birthday recess, Lithuanians throughout

[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommendations, see rule XXVI, paragraph 7, of the Standing Rules of the Senate.

the world, including 832,000 in this country, will pause to mark the 66th anniversary of Lithuanian Independence Day. As has been my custom in the past, I would like to say a few words about this anniversary and the Lithuanian people's ongoing struggle for independence.

It was on February 16, 1918, that Lithuanian patriots established a Lithuanian Republic guaranteeing, among other rights, freedom of speech, freedom of assembly, and freedom of religion. This brave and inspiring experiment came to a tragic end some 22 years later, when Soviet Russia annexed Lithuania by force, together with her Baltic sister states of Latvia and Estonia.

Freedom quickly was extinguished in the area. Lithuanians were deported to Soviet slave labor camps. A policy of Russification sought—and still seeks—to stamp out the Lithuanian language and ethnic heritage. Lithuanians suffered—and still suffer—in Soviet prisons for their efforts to keep alive their national traditions.

Still, against great odds and with inspiring valor, the Lithuanian people have retained their spirit of independence. Their unshakable belief in freedom has enabled them to endure Communist oppression and to continue the struggle to break free from Soviet rule.

To its credit, the United States has never recognized the Soviet annexation of Lithuania. Nor will Lithuanian Americans rest until their brethren behind the Iron Curtain are no longer slaughtered, deported, exiled, imprisoned, or committed to psychiatric institutions by their oppressors.

Mr. President, this country has been enriched by the values brought here by those of Lithuanian descent. My own hometown of Omaha has been particularly fortunate to have an active Lithuanian American community contributing to its economy, its institutions and its culture. I wish to pay special tribute to the members of the Omaha Lithuanian American community at this time.

Finally, Mr. President, as Lithuanians around the country prepare for next week's observance, I want to join in expressing support for the 3.2 million Lithuanians still living under Soviet domination. We must send a clear signal that we have not abandoned these brave patriots. We must help keep alive the spirit and traditions of the Lithuanian nation. We must continue to champion the cause of freedom and independence for the Lithuanian people.●

IN RECOGNITION OF LUIGI PIRANDELLO

● Mr. D'AMATO. Mr. President, I rise today in recognition of a unique heritage, a cultural style that has influenced all of the world—Pirandello. Pirandello is now an international force in the theater.

Luigi Pirandello developed a very novel way to present drama. As a playwright he was so exceptional that he won the Nobel Prize for Literature in 1934. He has been recognized as the most seminal dramatist of our time. His style is accessible to all cultures.

Each year, the Centro Nazionale di Studi Pirandelliana sponsors an international conference on some of the many aspects of Pirandello's work. The Pirandello Society of America also honors this Nobel winner. In fact, scholars and theater companies are attracted from around the world, especially to study and analyze such seminal works as "Six Characters in Search of an Author."

Mr. President, the great work of Luigi Pirandello should never be forgotten. Therefore, it is appropriate that we show our recognition of this man today and in the days to come.●

THE CONABLE CONSCIENCE

● Mr. MOYNIHAN. Mr. President, the news that BARBER CONABLE will be retiring from Congress was sad news on both sides of the aisle and both sides of Capitol Hill. For 20 years Rochester has benefited from BARBER CONABLE's diligence, concern, ability, and honor. Indeed, so have we all. The Congress will be a lesser body without him, and the knowledge hurts. I shall miss BARBER CONABLE.

Mr. President, I would like to call to the attention of my colleagues an editorial from the New York Times. It is entitled "The Conable Conscience" and pays able tribute to this fine New Yorker. I ask that, this editorial—perhaps I should say tribute—be printed in the RECORD.

The tribute follows:

[From the New York Times, Feb. 8, 1984]

THE CONABLE CONSCIENCE

He wrote the big "10-5-3" investment tax incentive bill for corporations in 1981 and, as ranking Republican on the Ways and Means Committee, skillfully guided it through the House. But that didn't mean he was a patsy for the wealthy. Barber Conable vigorously opposes tax deductions for executive fringes like country club memberships and personal chauffeurs.

As a Republican and an incumbent, he has always stood to gain from an electoral system that heavily depends on campaign financing from special interests. But since 1967, when he joined Ways and Means, Barber Conable has refused to accept campaign contributions of more than $50.

He vociferously defends the idea that members of Congress should be able to earn enough to live in comfort. But he abhors the idea of raising his own salary and has consistently voted against Congressional pay raises.

Representative Conable is a fiscal conservative and enemy of big government who opposes middle-class raids on the Treasury like tax-exempt housing bonds and fat subsidies for dairy farmers. But he is a pramatist. Understanding the great value of social insurance, he helped draft the legislative compromise last year that restored the solvency of Social Security.

Barber Conable has represented Rochester for 20 years. In that time, says Charles Rangel, the Manhattan Democrat, he has been "one of the hardest-working, most respected, most articulate people around." Mr. Conable has announced that he will not run again this year. It will be a loss not only for his constituents but for us all.●

ORDER FOR SENATE RESOLUTION 337 TO BE PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, I have an item that I believe has been cleared on the other side. I inquire of the minority leader if he has any objection to placing on the calendar a resolution introduced by the distinguished Senators from Alaska (Mr. STEVENS and Mr. MURKOWSKI).

Mr. BYRD. Mr. President, I have no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the resolution I just identified be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 1557 TO BE PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, I have a request that appears to be cleared on both sides.

I ask unanimous consent that H.R. 1557, for the relief of William D. Benoni, be held at the desk pending further consideration.

Mr. BYRD. Mr. President, reserving the right to object—and I will not object—I am aware that a Member of the other body, on the other side of the aisle, is very interested in this matter. I would have no objection to smooth out the path for passage of this measure if the majority leader would prefer to put it on the calendar, and it would appear on the calendar tomorrow.

Mr. BAKER. I thank the minority leader. That would indeed help, especially since I hope we may be able to go out tomorrow instead of Friday.

What that means is that if it did not go on the calendar today, we could not deal with it tomorrow, under the practice established recently that we do not take up matters that are not printed on the calendar.

I appreciate the suggestion, and I am sure the colleague in the House appreciates it as well.

Mr. President, in response to the suggestion by the minority leader, I ask unanimous consent that H.R. 1557 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY ASSISTANCE TO EL SALVADOR

Mr. BYRD. Mr. President, I understand that there is a message at the desk from the House on H.R. 4656. Am I correct in that understanding?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask that the Senate proceed with first reading.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk read as follows:

A bill (H.R. 4656) to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

Mr. BYRD. Mr. President, the majority leader is aware of what I am attempting to do here and is prepared, I am sure, as I would be, to object to the next request.

I ask that the Senate proceed to the second reading of the bill.

Mr. BAKER. Mr. President, I do object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Second reading will occur the next legislative day.

Mr. BAKER. I thank the minority leader for advising me in advance that he intended to proceed under the provisions of rule XIV toward placing this bill on the calendar, which he has a perfect right to do. The procedure we have just gone through is the accepted and standard procedure which will ultimately lead to the placement of this bill on the calendar.

PROGRAM

Mr. BAKER. Mr. President, there are other things we can do, but I am prepared to postpone them until the morning, if the minority leader has no immediate need for action on any of the several items in our folder for action by unanimous consent.

The only remaining item, then, is to set a time for the Senate to convene tomorrow and, if possible, to set a time for the vote on cloture.

I hope we could come in, say, at 11 a.m. I am not making this request at this time but merely prescribing it. We would come in at 11 a.m., or earlier, if that seems desirable.

There would be time for the two leaders, which would consume 20 minutes, and a brief time for the transaction of routine morning business. At 11:30 a.m., we would resume consideration of this bill.

At 1:30 p.m., the vote on cloture would begin, and we would waive the mandatory quorum under the provisions of rule XXII.

As to the vote, the order provides for 15 minutes, but I would be willing to predict that it would be 30 minutes, and we estimate that we would be finished about 2 p.m., with the vote on cloture.

As I indicated earlier, if cloture is invoked—and I hope it will be—then it will not be the intention of the leadership on this side to ask the Senate to proceed further with that measure until we have returned from the Lincoln Day period.

Mr. BYRD. Mr. President, I have asked the distinguished majority leader if it would be possible to delay the beginning of that vote until, say, 2 p.m., and have a 30-minute time limit on the rollcall. But the distinguished majority leader, after exploring and inquiring on his side, is not able to do that. I say that for the RECORD.

Having said that, would it be possible for the majority leader to consider coming in at 11:30 a.m., and perhaps cutting the time for the two leaders to 1 minute each? And can he come in at that time and still work out his schedule so that he can reach a vote at the time he desires?

The reason I make this request is the Appropriation Subcommittee is meeting tomorrow at 10 a.m., and I understand it will involve some matters in which I have an interest. I wish to be able to attend that meeting.

Mr. BAKER. The Senator should be able to attend that.

The only thing that is left that would be interferred with would be that folder of routine business that I had thought we might do during leader time, but we can do that after the vote tomorrow. I do not have any problem with that.

We could come in at 11:30 a.m., and be on the bill at not later than 11:35 a.m., and then we will have until 1:30 p.m., and waive the quorum, with the full expectation that the vote will be over by 2 p.m.

Mr. BYRD. I thank the distinguished majority leader. So the vote would start at 1:30 p.m.?

Mr. BAKER. Yes.

Mr. BYRD. Would the majority leader be willing at this time, and I have not approached the majority leader on this request, to stretch that vote to 30 minutes?

Mr. BAKER. Yes.

Mr. BYRD. By consent?

Mr. BAKER. By consent.

Mr. BYRD. Very well.

Mr. BAKER. Mr. President, I thank the minority leader.

ORDER FOR RECESS UNTIL 11:30 A.M. TOMORROW

Mr. President, then I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER REDUCING LEADERSHIP TIME TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that on tomorrow and tomorrow only the time under the standing order assigned to the two leaders be reduced to 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF UNFINISHED BUSINESS AND TIME FOR VOTE TO OCCUR TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after that time, the Senate resume consideration of the unfinished business and that at 1:30 p.m. the vote occur on cloture pursuant to the motion heretofore filed and that the mandatory quorum required by rule XXII in preparation for the vote be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT THE VOTE AT 1:30 P.M. TOMORROW BE 30 MINUTES IN DURATION

Mr. BAKER. Mr. President, I further ask unanimous consent that the time for the rollcall vote on this rollcall only be 30 minutes, to begin at 1:30 p.m. and to end at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank all Senators and I especially thank the minority leader.

Mr. BYRD. I thank the majority leader.

RECESS TO 11:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I think that covers the situation for today. I, therefore, move, in accordance with the order just entered, that the Senate now stand in recess until 11:30 a.m. tomorrow.

The motion was agreed to; and at 6:49 p.m., the Senate recessed until tomorrow, Thursday, February 9, 1984, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 8, 1984:

DEPARTMENT OF EDUCATION

Maureen E. Corcoran, of California, to be general counsel, Department of Education, vice Daniel Oliver, resigned, to which position she was appointed during the last recess of the Senate.

IN THE COAST GUARD

Rear Adm. Paul A. Yost, U.S. Coast Guard, to be commander, U.S. Coast Guard

Atlantic area with the grade of vice admiral while so serving, and

Rear Adm. John D. Costello, U.S. Coast Guard, to be commander, U.S. Coast Guard Pacific area with the grade of vice admiral while so serving.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

William P. Kozlovsky Robert S. Lucas
Richard P. Cueroni Kenneth G. Wiman

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, pursuant to title 10, United States Code, section 624:

John I. Hudson Edwin J. Godfrey
William G. Carson, Jr.

INTERSTATE COMMERCE COMMISSION

J. J. Simmons III, of Oklahoma, to be a member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985, vice J. J. Simmons III, resigned.

HOUSE OF REPRESENTATIVES—*Wednesday, February 8, 1984*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Make us aware, O God, of the futility of trying to confine Your love to our pleasure and convenience. May we see, as did the Psalmist, that, "It is good to give thanks to the Lord, to sing praises to Thy name, O Most High; to declare Thy steadfast love in the morning, and Thy faithfulness by night * * *." Grant that we may always be open to Your Majesty that towers above our understanding. May our spirits be listening to Your ever new and forgiving spirit that we will be inspired to be more loving and gracious in our daily lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 23, answered "present" 12, not voting 33, as follows:

[Roll No. 20]

YEAS—365

Ackerman	Bates	Boxer
Addabbo	Bedell	Breaux
Akaka	Beilenson	Britt
Albosta	Bennett	Brooks
Alexander	Bereuter	Broomfield
Anderson	Bethune	Brown (CA)
Andrews (NC)	Bevill	Brown (CO)
Andrews (TX)	Biaggi	Broyhill
Annunzio	Bilirakis	Burton (CA)
Anthony	Bliley	Burton (IN)
Archer	Boehlert	Byron
Aspin	Boggs	Campbell
AuCoin	Boland	Carney
Badham	Boner	Carper
Barnard	Bonior	Chandler
Barnes	Borski	Chappell
Bartlett	Bosco	Cheney
Bateman	Boucher	Clarke
Clinger	Hatcher	Mollohan
Coats	Hayes	Montgomery
Coelho	Hefner	Moody
Coleman (MO)	Hertel	Moore
Coleman (TX)	Hightower	Moorhead
Collins	Hiler	Morrison (CT)
Conte	Holt	Morrison (WA)
Conyers	Hopkins	Mrazek
Cooper	Horton	Murphy
Courter	Howard	Murtha
Coyne	Hoyer	Myers
Craig	Hubbard	Natcher
Crane, Daniel	Huckaby	Neal
Crane, Philip	Hughes	Nelson
D'Amours	Hunter	Nichols
Dannemeyer	Hutto	Nielson
Darden	Hyde	Nowak
Daub	Ireland	O'Brien
Davis	Jeffords	Oakar
de la Garza	Jenkins	Obey
Dellums	Johnson	Olin
Derrick	Jones (NC)	Ortiz
DeWine	Jones (OK)	Ottinger
Dicks	Jones (TN)	Owens
Dingell	Kaptur	Oxley
Dixon	Kasich	Packard
Donnelly	Kastenmeier	Panetta
Dorgan	Kemp	Parris
Dowdy	Kennelly	Pashayan
Downey	Kildee	Patman
Dreier	Kindness	Patterson
Duncan	Kogovsek	Paul
Dwyer	Kolter	Pease
Dyson	Kramer	Pepper
Eckart	LaFalce	Perkins
Edwards (AL)	Lagomarsino	Petri
Edwards (CA)	Lantos	Pickle
Edwards (OK)	Latta	Porter
English	Leach	Price
Erdreich	Leath	Pritchard
Erlenborn	Lehman (FL)	Pursell
Evans (IL)	Leland	Quillen
Fascell	Lent	Rahall
Fazio	Levin	Rangel
Feighan	Levine	Ratchford
Ferraro	Levitas	Ray
Fiedler	Lewis (CA)	Regula
Fields	Livingston	Reid
Fish	Lloyd	Richardson
Flippo	Loeffler	Rinaldo
Foglietta	Long (MD)	Ritter
Foley	Lott	Robinson
Ford (TN)	Lowery (CA)	Rodino
Fowler	Lowry (WA)	Roe
Frank	Lujan	Roemer
Franklin	Luken	Rogers
Frenzel	Lundine	Rose
Frost	Lungren	Rostenkowski
Fuqua	Mack	Roth
Garcia	MacKay	Roukema
Gaydos	Madigan	Rowland
Gekas	Marlenee	Roybal
Gephardt	Marriott	Rudd
Gibbons	Martin (IL)	Russo
Gilman	Martin (NC)	Sawyer
Gingrich	Martin (NY)	Scheuer
Glickman	Matsui	Schneider
Gonzalez	Mavroules	Schulze
Gore	Mazzoli	Schumer
Gradison	McCloskey	Seiberling
Gramm	McCollum	Sensenbrenner
Gray	McCurdy	Shannon
Green	McDade	Sharp
Gregg	McEwen	Shaw
Guarini	McGrath	Shelby
Gunderson	McHugh	Shumway
Hall (IN)	McKernan	Shuster
Hall (OH)	McKinney	Siljander
Hall, Ralph	McNulty	Sisisky
Hall, Sam	Mica	Skeen
Hamilton	Michel	Skelton
Hammerschmidt	Mikulski	Slattery
Hansen (UT)	Mineta	Smith (FL)
Harrison	Moakley	Smith (IA)
Hartnett	Molinari	Smith (NE)
Smith (NJ)	Tauke	Whitley
Smith, Denny	Tauzin	Whittaker
Smith, Robert	Taylor	Whitten
Snowe	Thomas (GA)	Williams (OH)
Snyder	Torres	Wilson
Solarz	Torricelli	Winn
Spence	Traxler	Wirth
Spratt	Udall	Wise
Staggers	Valentine	Wolf
Stangeland	Vandergriff	Wolpe
Stenholm	Vento	Wortley
Stokes	Vucanovich	Wright
Stratton	Walgren	Wyden
Studds	Watkins	Wylie
Stump	Weaver	Yatron
Sundquist	Weber	Young (FL)
Swift	Weiss	Young (MO)
Synar	Wheat	Zschau
Tallon	Whitehurst	

NAYS—23

Chappie	Goodling	Roberts
Clay	Harkin	Sabo
Coughlin	Hawkins	Schroeder
Dickinson	Jacobs	Solomon
Durbin	Lewis (FL)	Walker
Emerson	Miller (OH)	Yates
Evans (IA)	Mitchell	Young (AK)
Gejdenson	Penny	

ANSWERED "PRESENT"—12

Carr	Lipinski	Schaefer
Daniel	Martinez	Sikorski
Dymally	McCandless	Simon
Edgar	Oberstar	Volkmer

NOT VOTING—33

Applegate	Forsythe	Miller (CA)
Berman	Hance	Minish
Bonker	Hansen (ID)	Ridge
Bryant	Heftel	Savage
Conable	Hillis	St Germain
Corcoran	Kazen	Stark
Crockett	Kostmayer	Thomas (CA)
Daschle	Lehman (CA)	Towns
Early	Long (LA)	Vander Jagt
Florio	Markey	Waxman
Ford (MI)	McCain	Williams (MT)

□ 1520

Mr. SIKORSKI changed his vote from "nay" to "present."

Ms. FERRARO changed her vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1763. An act to reform procedures for collateral review of criminal judgments, and for other purposes; and

S. 1764. An act to amend title 18 to limit the application of the exclusionary rule.

CALENDAR WEDNESDAY

The SPEAKER. This is the day of Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

ADJOURNMENT OF THE HOUSE FROM FEBRUARY 9, 1984, TO FEBRUARY 21, 1984, AND ADJOURNMENT OF THE SENATE FROM FEBRUARY 9, 1984, OR FEBRUARY 10, 1984, TO FEBRUARY 20, 1984

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 255) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 255

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 9, 1984, it stand adjourned until 12 o'clock meridian on Tuesday, February 21, 1984, and that when the Senate adjourns on Thursday, February 9, 1984, or on Friday, February 10, 1984, pursuant to a motion made by the majority leader in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 20, 1984.

The SPEAKER pro tempore (Mr. MOAKLEY). The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 268, nays 137, not voting 28, as follows:

[Roll No. 21]

YEAS—268

Ackerman	Byron	Edwards (CA)
Addabbo	Carney	Erdreich
Akaka	Carr	Erlenborn
Albosta	Chandler	Evans (IL)
Alexander	Chappell	Fascell
Andrews (TX)	Cheney	Fazio
Annunzio	Clarke	Feighan
Anthony	Clay	Ferraro
Applegate	Coelho	Fiedler
Aspin	Coleman (TX)	Fish
AuCoin	Collins	Flippo
Barnard	Conte	Florio
Barnes	Conyers	Foglietta
Bateman	Cooper	Foley
Bates	Coyne	Ford (MI)
Bedell	Crockett	Ford (TN)
Beilenson	Daniel	Fowler
Bevill	Darden	Frank
Biaggi	Dellums	Franklin
Bliley	Derrick	Frenzel
Boehlert	Dickinson	Frost
Boggs	Dicks	Fuqua
Boland	Dingell	Garcia
Boner	Dixon	Gaydos
Bonior	Donnelly	Gejdenson
Bonker	Dorgan	Gephardt
Borski	Dowdy	Gibbons
Boucher	Downey	Glickman
Boxer	Duncan	Gonzalez
Breaux	Durbin	Gore
Britt	Dwyer	Guarini
Brooks	Dymally	Gunderson
Brown (CA)	Dyson	Hall (IN)
Broyhill	Eckart	Hall (OH)
Bryant	Edgar	Hamilton
Burton (CA)	Edwards (AL)	Hammerschmidt
Harkin	Miller (CA)	Sharp
Harrison	Mineta	Shelby
Hatcher	Mitchell	Sikorski
Hawkins	Moakley	Simon
Hayes	Montgomery	Sisisky
Hefner	Moody	Skelton
Hertel	Moore	Slattery
Hightower	Morrison (CT)	Smith (IA)
Horton	Morrison (WA)	Snyder
Howard	Mrazek	Solarz
Hoyer	Murphy	Spratt
Hughes	Murtha	Staggers
Hutto	Natcher	Stangeland
Hyde	Nichols	Stokes
Jacobs	Nowak	Stratton
Jenkins	O'Brien	Studds
Jones (NC)	Oakar	Swift
Jones (OK)	Oberstar	Tallon
Jones (TN)	Obey	Tauzin
Kaptur	Olin	Taylor
Kasich	Ottinger	Thomas (CA)
Kastenmeier	Owens	Thomas (GA)
Kennelly	Packard	Torres
Kildee	Panetta	Torricelli
Kogovsek	Patterson	Traxler
Kolter	Paul	Udall
LaFalce	Pease	Valentine
Lantos	Penny	Vandergriff
Leath	Pepper	Vento
Lehman (FL)	Perkins	Volkmer
Leland	Pickle	Walgren
Lent	Price	Watkins
Levin	Pritchard	Waxman
Levine	Quillen	Weaver
Lipinski	Rangel	Weiss
Long (MD)	Ratchford	Wheat
Lowery (CA)	Reid	Whitehurst
Lowry (WA)	Robinson	Whitley
Luken	Rodino	Whitten
Lundine	Roe	Williams (OH)
MacKay	Rose	Wilson
Marlenee	Rostenkowski	Winn
Marriott	Roukema	Wirth
Martin (NY)	Rowland	Wolpe
Matsui	Roybal	Wortley
Mavroules	Rudd	Wright
Mazzoli	Russo	Wyden
McCurdy	Sabo	Wylie
McDade	Sawyer	Yates
McGrath	Scheuer	Yatron
McHugh	Schneider	Young (MO)
McNulty	Schumer	Zschau
Mica	Seiberling	
Michel	Shannon	

NAYS—137

Anderson	Gregg	McKernan
Andrews (NC)	Hall, Ralph	McKinney
Archer	Hall, Sam	Mikulski
Badham	Hansen (ID)	Miller (OH)
Bartlett	Hansen (UT)	Molinari
Bennett	Hartnett	Mollohan
Bereuter	Hiler	Moorhead
Bethune	Holt	Myers
Bilirakis	Hopkins	Neal
Broomfield	Hubbard	Nielson
Brown (CO)	Huckaby	Ortiz
Burton (IN)	Hunter	Oxley
Campbell	Ireland	Parris
Carper	Jeffords	Pashayan
Chappie	Johnson	Patman
Clinger	Kemp	Petri
Coats	Kindness	Porter
Coleman (MO)	Kramer	Pursell
Coughlin	Lagomarsino	Rahall
Courter	Latta	Ray
Craig	Leach	Regula
Crane, Daniel	Levitas	Richardson
Crane, Philip	Lewis (CA)	Ridge
D'Amours	Lewis (FL)	Rinaldo
Dannemeyer	Livingston	Ritter
Daub	Lloyd	Roberts
Davis	Loeffler	Roemer
DeWine	Lott	Rogers
Dreier	Lujan	Roth
Edwards (OK)	Lungren	Schaefer
Emerson	Mack	Schroeder
English	Madigan	Schulze
Fields	Martin (IL)	Sensenbrenner
Gekas	Martin (NC)	Shaw
Gilman	Martinez	Shumway
Gingrich	McCandless	Shuster
Gradison	McCloskey	Siljander
Gramm	McCollum	Skeen
Green	McEwen	Smith (FL)
Smith (NE)	Stenholm	Weber
Smith (NJ)	Stump	Whittaker
Smith, Denny	Sundquist	Wise
Smith, Robert	Synar	Wolf
Snowe	Tauke	Young (AK)
Solomon	Vucanovich	Young (FL)
Spence	Walker	

NOT VOTING—28

Berman	Gray	Minish
Bosco	Hance	Nelson
Conable	Heftel	Savage
Corcoran	Hillis	St Germain
Daschle	Kazen	Stark
de la Garza	Kostmayer	Towns
Early	Lehman (CA)	Vander Jagt
Evans (IA)	Long (LA)	Williams (MT)
Forsythe	Markey	
Goodling	McCain	

□ 1540

Mr. SMITH of Florida and Mr. ANDREWS of North Carolina changed their votes from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

● Mr. NELSON of Florida. Mr. Speaker, had I voted on rollcall No. 21, I would have voted "no."●

REDEPLOYMENT OF MARINES IS CORRECT DECISION

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, the President's decision yesterday to redeploy the U.S. marines from their ground positions in Lebanon was a correct decision, but I lament the fact that this decision came 263 deaths too late.

As I have stated numerous times over the past year, these men should never have been placed in this position in the first place. Marines are fighting men, and militarily it was a poor decision to give them this mission impossible. It is high time the President responded to the growing demands of the American people to remove our troops from danger in Lebanon.

I am glad that the President has made this decision now, instead of waiting for a complete breakdown of order in Lebanon and another disaster.

IT'S NOT FUNNY, MR. PRESIDENT

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, last Friday the friends and supporters of our distinguished colleague, Congresswoman KATIE HALL held a luncheon for her in Gary, Ind.

The honored guest of that luncheon was the Speaker of the House.

I would like to share with you the words of the benediction given by Rev. Charles Doyle. His remarks deserve repeating. They deserve to be heard by every citizen concerned about the course of national policy-making.

Father Doyle began by referring to that odd moment in last month's state of the Union address when President Regan interrupted his prepared remarks to ask "Did I say something funny?"

Father Doyle did not think so. He gave us his own personal answer to the President's question.

"It wasn't funny," he said;

To the laidoff steelworker. It wasn't funny to the ADC mother trying to make it on $196 a month; not funny to the unemployed father whose food stamps have been cut back; not funny to the third-grader who doesn't have a workbook; nor to the parents of the Marines in Lebanon; not to the rest of us who sit in the shadow of the nuclear bomb.

He ended his remarks with a personal tribute to the Speaker, a tribute that my colleagues would be glad to second. "With a little help from you," Father Doyle told the Speaker;

We, the people, will bring a smile to their faces through the courage and conviction of our friend KATIE HALL who uses you as the model of their concern for the disadvantaged. Guide them. Strengthen them. Help them feel your caring presence, and ours.

Mr. Speaker, I have just one word to add to those of Father Doyle. Amen.

BUDGET FAKERY

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, last week several of our Republican colleagues started the practice of making personal attacks on those Democratic Members who were so bold as to speak out against the disastrous economic policies of the Reagan administration, particularly the deficit built into the budget submitted by the President for fiscal year 1985.

In an understandable effort to divert attention from the President's embarrassing policies, the attackers referred to what they described as 18 key amendments to last year's appropriation and authorization bills. They implied that votes on these amendments were a kind of litmus test as to the bona fides of the Members criticizing the President's deficits.

It seemed strange to me that the attackers made no effort to identify these so-called key amendments. When I finally obtained the list from the minority staff, I could see why. Some of the amendments were quite insignificant from a budget standpoint. Others are simply egregious examples of legislative games playing, with no practical budgetary effect, or with effects quite different from those claimed.

For example, rollcall No. 217 in the last session was on a motion by the gentleman from Minnesota (Mr. FRENZEL) to recommit H.R. 1183 with instructions. The instructions would have directed Congress simply to reduce outlays by $12 billion in fiscal year 1984. Since there was no specification as to where the cuts were to be made or in what amounts, the actual effect would have been zero, as its proponents surely knew.

Another example: Rollcall No. 315 was on a motion by the gentleman from Iowa (Mr. TAUKE) to recommit with an amendment to reduce funding for health care for the handicapped. The amendment would have reduced the authorization from $1.87 billion in fiscal year 1984 and $1.54 billion in fiscal year 1985 to $900 million for each year, a total saving of $1.61 billion in 2 years. However, the minority lists this as a savings of $4 billion. It almost looks as though this arithmetic were done by the same people who wrote the President's budget.

Rollcall No. 386 was on an amendment by the gentleman from New Jersey (Mr. FLORIO) to substitute preferred stock for Amtrak's $800 million debt. Since Amtrak is wholly owned by the United States, defeat of the amendment did not represent any savings at all.

Mr. Speaker, subtracting the fake savings from these 18 amendments, the best that can be said is that they might have produced savings of $4.72 billion in fiscal year 1984. While this is a substantial sum, it amounts to less than 2.5 percent of the $194 billion deficit projected for this fiscal year.

By way of comparison, last year I voted for amendments which would have produced savings of $13.76 billion and increased revenues of $2.68 billion, for a total of $16.44 billion in deficit reduction. In addition, I voted against appropriation bills totaling $265.1 billion, because I thought they represented grossly excessive spending.

In short, Mr. Speaker, I come to the fight to reduce the President's deficit with a credible record, not only in this Congress but in earlier ones. I am sure the same is true of other Democratic colleagues who have been so unfairly attacked for speaking out against the continuation of President Reagan's fiscally disastrous course. As to our Republican critics, I would only say, with apologies to one of their own who originated the phrase, "In their hearts they know we are right."

I WISH THE PRESIDENT HAD DONE IT SOONER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the President did the right thing in putting the marines back on the ships. I only wish he had done it sooner.

POSITIONING OF MARINES MADE NO SENSE

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, the White House has finally recognized that we cannot stop religious warfare, ethnic warfare, and class warfare by positioning U.S. marines on an airport runway. It made no military sense; it made no diplomatic sense.

But now the Pentagon tells us that there are new orders for our Navy to bomb more freely than ever the Moslem and Druze positions in and around Beirut.

Mr. Speaker, I oppose one more military move until someone can explain to my constituents what strategy this serves. Is this in support of a government that has already collapsed? Will this create more American prisoners of war? Will it heighten the danger of our diplomats who stay behind when the troops leave? Do we have goals that are so clear and so clearly attainable that they can justify killing Lebanese on the ground and risking the lives of Americans in the air?

I do not believe, Mr. Speaker, that anyone in the Pentagon or the National Security Agency or in the White House has those answers, and for that reason, I continue to oppose our policy in Lebanon.

□ 1550

BUDGET DEFICITS

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, over the past 4 weeks, the stock market has continually gone down. Experts claim that the proposed $200 billion deficit in the President's 1985 Federal budget is responsible for all the pessimism on Wall street. The people of my district are also concerned about this record-breaking deficit. The current bipartisan discussions between the Congress and the White House are attempting to address this problem. Something must be done.

I would like the record to show what I have been hearing, at my local town meetings, been reading in letters from constituents, and what I have been told by the people of the Fourth Congressional District of Pennsylvania. I must also say that I agree with what the people I represent are saying.

Considerable savings could be made by cutting waste out of the Defense budget without hurting our ability to defend the Nation. The President has proposed a $35 billion increase in the Defense budget over the 1984 budget to total $272 billion in defense outlays for 1985. Our national defense problems cannot be solved by throwing money at them. Defense procurement can be improved, to prevent the well-publicized purchases of $100 dollar wrenches. Questionable weapons programs such as the MX missile and the rapid deployment force can be eliminated or delayed.

Foreign aid does not make much sense to the people of my district, where unemployment is still close to 15 percent. The President is proposing to increase foreign aid by $4 billion between 1984 and 1985 to bring our total foreign aid budget to $17.5 billion in 1985. Most of this increase is in military aid, and some of that goes to countries who have little regard for the human rights of their citizens.

Simplification of the tax system is something we all want. The President even mentioned it in his state of the Union address. In many ways, our current tax system is already simple, as it is understood, back home. Rich people simply do not pay taxes. Wealthy corporations simply do not pay taxes. The tax burden is placed simply on the backs of working people. I urge the responsible parties to simplify our tax system in a way which reflects a basic fairness which eliminates tax loopholes used by those who are the wealthiest among us.

Budget Director David Stockman told a congressional panel that the country was like a company in the 11th hour before bankruptcy. We cannot borrow to pay for excessive defense and foreign aid spending. We cannot borrow to make up for wealthy tax avoiders. We cannot borrow against the future of America.

DRUNK DRIVING/BANKRUPTCY

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, the tragedy is keenly and uniquely felt. Yet, in so many ways, duplicates thousands. Still another American family, one every 21 minutes, has lost a loved one in an alcohol-related automobile collision.

Drinking, driving, destruction.

We legislators have become acutely aware of our responsibility to treat this, the Nation's No. 1 violent crime, a crime that annually kills more than 25,000 people; injures 650,000 others, and causes at least $20 billion in property damage.

One effort to make people think twice about drinking and driving is H.R. 2380 which I am cosponsoring.

This bill closes the loopholes in the Bankruptcy Act which now permit debts incurred, as the result of an act of drunk driving, to be dischargeable in bankruptcy.

Our legislation not only would deter drunk driving but also would financially protect victims of the drunk driver.

H.R. 2380 is a sound, responsible commitment to America and I ask you to join me in supporting it.

THE GOOD NEWS AND THE BAD NEWS ON LEBANON

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MORRISON of Connecticut. Mr. Speaker, the President's announcement yesterday regarding Lebanon contains good news and bad news. The good news is that the President has finally recognized what many here in this body and across this country have been saying, that our mission in Lebanon was a mistake, that there was no peace to keep, and that our marines could not be successful as peacekeepers. It is news that comes late and a decision that comes late, but it is the right decision.

However, the bad news is that we still seem to be pursuing a mission without policy, a mission without clear support from the American people. What is the role of our troops, now removed to the ships offshore? And what is the mission of that armada?

Mr. Speaker, those are questions that ought to be addressed not merely by the President but by this Congress. I hope that we will return to those questions without delay. What are we doing in Lebanon? And where are we going?

CONFRONTATION AND ESCALATION REMAINS THE REAGAN POLICY ON LEBANON

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, I think we are all relieved today knowing that our marines are being evacuated from the Beirut airport. But we cannot fool ourselves into thinking that they are safe and all is well.

It is not. If there is any pattern to Ronald Reagan's so-called foreign policy, it seems to be a preference for confrontation instead of negotiation. As Richard Cohen, in his excellent article in today's Washington Post, pointed out, there are too many similarities between Vietnam and Lebanon.

While we are expressing the need to remove our troops, Ronald Reagan appears to be escalating our military involvement. He has issued a statement speaking of "reconcentrating our forces" and plans to "vigorously accelerate the training, equipping, and support of the Lebanese Armed Forces." His arrogance is awesome. When will he realize that we cannot prop up a government that does not exist?

We must bring our bombs, our boats, and our boys home immediately.

AMERICAN SHIPPING INDUSTRY DEALT A BLOW BY BILL'S RECOMMITTAL

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, yesterday, H.R. 2883 was recommitted to the Merchant Marine Committee, which had ordered it reported 30-10. This bill was designated as private legislation because it mentions a specific operator and specific ships. Yet, those of us who know the facts recognize that the bill would have benefited more than one operator.

It would have doubled our American-flag luxury cruise fleet;

It would have assured $10 million of work for American ship repair yards in the first year alone; and

It would have created 1,000 seagoing jobs a year for a labor force that is enduring 50 percent unemployment.

Instead of these significant results, let me tell you what recommitting the bill to committee will do:

With only two exceptions, all those "Love Boats" you will see or hear about will be foreign-flag ships;

With only two exceptions, Americans who take cruises will spend their money on vessels owned by foreign nationals and crewed by foreign seamen; and

With only two exceptions, the U.S. Treasury will continue to be denied tax revenues from the lucrative cruise industry.

I am disheartened that we begin another year no closer to a revitalized American cruise ship industry—an industry that has been dormant for decades. I am frustrated by this most recent turn of events, but I am not giving up hope. Things cannot get any worse.

DISABLED WORKERS LEGISLATION OPPOSED BY REAGAN ADMINISTRATION

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, once again the Reagan administration has shown its utter insensitivity to the needs of the disabled.

Yesterday, the Secretary of Health and Human Services made it clear to

the Senate Finance Committee again that President Reagan opposes the disability legislation now pending in Congress.

The disability program is a national tragedy.

Since March 1981, nearly half a million disabled workers have had their lives seriously disrupted by the ongoing reviews; 190,000 beneficiaries have been cut from the rolls. Another 160,000 have kept their benefits only after a long appeal; 120,000 cases are currently pending.

All of us have heard from our constituents about the terrible cases of injustice which have occurred.

Half of the States have stopped processing cases, either on their own or because of a court order—and understandably so. They know, from firsthand experience, that the current rules are harsh and unfair, and that the entire disabled population will be living in fear and uncertainty until these problems are addressed.

Legislation to address this crisis is now waiting to go to the House floor. In response, the Reagan administration has worked to defeat this bill, and has threatened those States which have refused to process claims until reforms are made.

The Reagan administration's response is a disgrace, and I would strongly urge Members on both sides of the aisle to work for prompt action on this urgent legislation.

UPCOMING CWIP BILL OF PRIME IMPORTANCE TO CONSUMERS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute.)

Mr. GEJDENSON. Mr. Speaker, today the House will be addressing a bill on CWIP, construction work in progress. It is probably the most important utility issue that will face the Congress in this year.

If the present FERC regulations continue, they will allow major utilities around the country to prebill consumers for facilities that are not yet producing energy. This will give them a free ticket into the pockets of every consumer to make them pay for utilities they are not receiving. Senior citizens will pay for nuclear powerplants that have yet to produce electricity and may never do so in their lifetimes. It will stop utilities from the long and established practice of having to go to the free marketplace to decide whether or not it is necessary to build a utility facility, and we will no longer have that constraint on building. They will build more plants than we need, and the consumers will have to pay for them even if they are not completed.

Mr. Speaker, the debate today will be important to the future utility bills of our consumers in our districts, and they can jump astronomically if this legislation is not enacted.

THE LESSONS OF LEBANON

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, what have we learned in Lebanon?

I hope we have learned that we should be more careful before we declare some theater of war is central to our credibility on a global scale.

We should learn as well that even the power of a great nation is limited both by our resources and our ability to influence events. And we should learn that our power can be dissipated when we direct it to unattainable ends or apply it without caution.

□ 1600

A great power must use its power sparingly and effectively. If our bitter and tragic experience in Lebanon is to have any value, then let us leave that bloody spot with a better understanding of the real world and the real role we must play in this dangerous world today.

MANDELA FREEDOM RESOLUTION

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, yesterday afternoon, I introduced House Resolution 430, the Mandela freedom resolution. Joining me, as bipartisan original cosponsors, were my colleagues, the gentleman from Florida (Mr. PEPPER), the gentleman from New York (Mr. FISH), and the gentleman from Iowa (Mr. LEACH).

This resolution calls upon the Government of South Africa to immediately release Nelson and Winnie Mandela, black South African leaders who have been held in detention for more than 20 years for their opposition to South Africa's system of racial apartheid.

Nelson Mandela and his wife, Winnie, are freedom fighters in every sense of the words. They have labored long and hard, with considerable personal risk, to change the apartheid system in South Africa and to bring about a new South Africa where all its citizens will be treated equally under the law without regard to race or religion. Nelson Mandela has been imprisoned for over 20 years because of his leadership in the African National Congress which is widely regarded as the most important black South African political organization. Winnie Mandela, the "Sojourner Truth" of the antiapartheid movement, has been banned in her own country for over 20 years because of her role in founding the Black Parents Association.

Nelson and Winnie Mandela have endured serious hardship and many sacrifices as champions for human rights and fundamental political change in South Africa. They are in the great tradition of Raoul Wallenberg of Sweden and Lech Walesa of Poland's Solidarity labor movement—symbols of man's concern for his fellow man and universally accepted standards of justice and decency.

A dialog must be initiated between the white minority and black majority in South Africa if violence is to be avoided and peace achieved in that troubled country. The release of the Mandelas, in my opinion, is an essential element in the process of national reconciliation which is so long overdue.

I urge our colleagues to join with us in support of the Mandela freedom resolution and to demonstrate their solidarity with the aspirations for self-determination of the oppressed majority population in South Africa. As we observe Black History Month this February in the United States, let us take this opportunity to reaffirm our commitment to principles of freedom and democracy the world over and our deep concern for the peace and prosperity of the African people.

REDEPLOYMENT OF MARINES, THE FIRST STEP

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I want to thank the President for his actions of yesterday in redeploying the marines in Lebanon. I am grateful for his leadership.

This morning I sent a letter of thanks to the President. In the letter I reminded the President that the next few days and weeks could be the most dangerous for our Lebanon mission. After all, the terrorists do not want us to leave. They want us to stay so that they can continue to shoot sitting ducks.

Therefore, the President must make sure that the marines are removed as quickly as their safety will permit.

Further, the President should realize that the marines are still targets and will also be at some risk onboard ship.

Frankly, the marines should be brought all the way home as soon as possible.

Thanks for the most important first step, Mr. President, but be careful. Now is not the time to forget. Now we must remember that terrorists love ducks, whether sitting or floating.

DEFER FUNDING FOR POTENTIALLY AWESOME BIOLOGICAL WEAPONS SYSTEM

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, recently the Washington Post reported that a National Institutes of Public Health (NIH) advisory committee has approved a military project that is apparently intended to produce a vaccine against dysentery. While such a program may indeed serve to save the lives of millions of Third World children, I believe the Congress should pay heed to former Arms Control and Disarmament Agency Director Paul Warnke's advice and defer any funding intended for this program until such time as an arms-control-impact statement regarding this program is submitted to Congress. We must be absolutely certain that in approving funding for research against dysentery that we are not at the same time approving funding for the development of a potentially awesome biological weapons system.

Mr. Speaker, as amended in 1975, the Arms Control and Disarmament Act requires that the defense programs and analysis division of ACDA submit an arms-control-impact statement to Congress for any budgetary proposal that involves technology with potential military applications. In this regard, while I am greatly pleased that NIH is seeking actively a cure to one of the most deadly Third World diseases, I remain concerned that NIH is doing so in conjunction with the Defense Department and, fear that such experimentation could later be modified and used for the development of an indigenous U.S. biological warfare-fighting capability. For this reason, I sincerely hope that the appropriate committees of Congress will maintain the spirit of the law and request that ACDA complete an arms-control-impact statement with respect to this project.

FORMATION OF SPECIAL AD HOC COMMITTEE TO FREE MARTIN FELDSTEIN

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, today, I would like to announce the formation of the Special Ad Hoc Committee To Free Martin Feldstein. Tentative board members include Paul Volcker, David Stockman, Murray Weidenbaum, Rudy Penner, Herbert Stein, PETE DOMENICI, and BOB DOLE, all of whom have impeccable conservative credentials and all of whom have agreed with Martin Feldstein that urgent action is needed now to reduce the enormous Federal deficits which the Reagan administration policies have brought the Nation.

Additional members of the steering committee are most welcome.

SPURIOUS INFORMATION ABOUT H.R. 555, CONSTRUCTION WORK IN PROGRESS POLICY ACT

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, today, H.R. 555 will be on the floor; this is the "CWIP" bill. There has been a lot of misinformation floating around that somehow this is going to totally ban CWIP. It will not.

What it says is that to get CWIP, a utility would have to show about four things; that it acquires less than 40 percent of its construction funds from electric rate revenues. That means that it has a substantial construction project and the project is the least costly way to meet the electric needs of its consumers; third, that the company has to pay higher than average interest rates for borrowed money; and fourth, that it will not create anticompetitive effects for wholesale consumers.

I especially want to address my remarks to my fellow colleagues, who like I do, represent very rural areas in this country. There is a reason that the National Rural Electric Cooperative Association is in support of this bill. Those of us who represent farmers and small towns who get their power from the REC's will be put in dire consequences if H.R. 555 is not passed and if, in fact, we have to live with the FERC rule of last year. Because of the unique position of the REC's, they will be put in a bind, and if the FERC rule of last year is allowed to stand, the rural people of this country are going to pay higher and higher electric rates.

So I ask those of you who represent rural areas, please take a close look at this bill, contact your local REC's and see what they say about it.

GIVE THE PRESIDENT THE LINE-ITEM VETO

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATTERSON. Mr. Speaker, the President said in his state of the Union speech that we must bring down the deficit to insure economic growth in this country. The President asked Congress to give him the line-item veto power; but he asked for it by constitutional amendment and we could not deliver that for about 6 years or so.

Each of the President's budgets, over the past 3 years, has been in excess of $180 billion in deficit; so I believe that the President is right. We should give him the line-item veto. We should do it today. We should do it now, by statute.

I do not know if it will do any good. I am not sure where he will line-item; but I would like to give him that privilege immediately.

Yesterday, I introduced H.R. 4774, the Line-Item Veto and Appropriations Act of 1984, and I ask my colleagues on both sides of the aisle to cosponsor my bill, which would give the President immediate power to eliminate or reduce spending in the 1984 budget. This will give the President the opportunity to demonstrate to the American people that he is willing to cut the budget deficit this year, and not wait until next year after the election.

My proposal, H.R. 4774, which grants the President enhanced rescission authority is based on the procedures set forth in the Impoundment Control Act of 1974, and works as follows: The President notifies Congress of his intention to eliminate or reduce an item in an appropriations bill. Congress then has 45 days to disapprove of the President's decision by enacting legislation to the contrary. If Congress fails to enact legislation, the President's decision stands, and the funds are eliminated or reduced. However, if Congress enacts legislation expressly disapproving of the President decision, the President will still have the opportunity as he does on all bills, to veto the enactment. Congress may then act to override the President's veto as prescribed by the Constitution.

One important note before I conclude. H.R. 4774, is only effective for 1 year from the date of enactment unless Congress, in its judgment, acts otherwise on or before the date of expiration.

In conclusion, let me stress the fact that this bill preserves the essential checks and balances between the legislative and executive branches of Government as was intended by the framers of our Constitution. I urge my colleagues support of this proposal with the hope of reducing the Federal Deficit through the administration's increased involvement and responsibility for the budget process.

□ 1410

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, at this time, I would hope to offer a unanimous-consent request calling for

consideration of an amendment to require a balanced budget. The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Strange, there is not a word. Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of a balanced budget amendment: the Democratic leadership of this House.

MOVING THE MARINES OFFSHORE OF BEIRUT

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, the President's decision to withdraw U.S. marines from the Beirut area to ships stationed offshore and to deter direct armed intervention by Syria in the Beirut area through naval and air support is one that deserves the support of Congress.

The mission of the United States in Lebanon has been twofold. The first mission was to provide a presence that would permit Israel to withdraw its forces to their present defensible position. That mission has been accomplished.

The second mission was to deter directed armed intervention by Syria in the Beirut area. Because such intervention would involve Syria moving heavy equipment, this could be detected and deterred through naval and air support without subjecting our forces onshore to attrition through death or injury.

ATTITUDES ON NUCLEAR WEAPONS

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, Samuel Johnson wrote that "events of history press upon the mind with the weight of truth."

I find it incredible that Mr. Neil Kinnock, the leader of Great Britain's Labour Party, has apparently failed to heed Samuel Johnson's prudent observation.

Mr. Kinnock today begins a week of meetings with Government leaders in our country. It would behoove America's leaders to remind him of British events which occurred four and one half decades ago.

Reading last Sunday's London Times, I was shocked to learn that, in recent days, when Mr. Kinnock met with a number of our colleagues visiting the House of Commons, he was asked by our distinguished colleague from California, BILL LOWERY, how, if he were Prime Minister, he would respond if, in Congressman LOWERY's words, "the Soviets lobbed a nuclear bomb into the heart of London."

According to the London Times account, Mr. Kinnock replied he would not retaliate.

The article further says that Mr. LOWERY told Mr. Kinnock if the United States failed to retaliate to a Soviet first strike, the failure would indicate "a total lack of will and resolve to defend ourselves."

Mr. Speaker, it is my firm conviction that Mr. Kinnock's naive attitude—if held by our President and free world partners who possess nuclear weapons—would tend to encourage a preemptive Soviet attack.

In my judgment, such a posture is dangerous to our collective efforts to deter nuclear war and to maintain peace through strength.

It is inconceivable that the leader of the British Labour Party has not benefited from the tragic lesson taught the late British Prime Minister Neville Chamberlain.

How can Mr. Kinnock fail to recognize the devastating consequences of Chamberlain's appeasement?

Has Mr. Kinnock forgotten Chamberlain's acquiescence to Mussolini's conquest of Ethiopia?

Has Mr. Kinnock forgotten that Chamberlain signed the 1938 Munich Pact which recognized Hitler's territorial claims in Czechoslovakia? Can Mr. Kinnock forget that Chamberlain then promised "peace in our time," only to find his nation at war with the Axis Powers 1 year later?

Mr. Speaker, the inscription on the front of the National Archives carries the admonition that "Those who tend to forget history are doomed to repeat it."

I would hope Mr. Kinnock would consider this admonition.

How, we must ask Mr. Kinnock, can he ignore events of history which press upon the mind with the weight of truth?

EXCLUSION OF CHURCHES AND CHURCH SCHOOLS FROM SOCIAL SECURITY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, today I am introducing a bill which would repeal mandatory inclusion of churches and church schools in the social security program.

Our country has a tradition of separation of church and state. This is a wise principle which has served our Nation well. Government regulation of religious organizations should be kept to an absolute minimum.

To tax churches may raise revenues, but it will also increase spending obligations with little net advantage.

The ministers with whom I have talked do not feel that the present law is good policy and I agree with them. I urge this Congress to listen to their voices.

The bill I am introducing today is a fair and reasonable alternative. I ask the Members to review and support this legislation.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, at this time I had hoped to offer a unanimous-consent request calling for consideration of the voluntary school prayer constitutional amendment. The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships.

This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it very clear to all of the American people listening, who desire, as the slogan says above the Speaker's head, "In God We Trust," that our young people in our schools have the opportunity to pray at their free will.

It is interesting to couple along with this slogan behind the Speaker's head with the Supreme Court, the very institution who has repealed the opportunity to pray in schools, the daily invoking of the name of God, saying that "God should save our Nation." And I truly believe that that is one thing the Supreme Court has said that I can agree with, that God would certainly save our Nation.

VOLUNTARY SCHOOL PRAYER

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, several surveys show between 75 and 80 percent of the American people favor restoring prayer to American schools. However, the Democratic liberal leadership of this House is holding the prayer amendment hostage. I ask you, Mr. Speaker: Is this not the people's House? Should not the people set the agenda for Congress?

I find it ironic that we began this session this afternoon with a prayer, yet the leadership is denying American schoolchildren the opportunity of doing the same thing.

Mr. Speaker, do not the children of this Nation deserve prayer as much as the Congress?

XIV OLYMPIC WINTER GAMES

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, today marks the opening ceremonies of the 14th winter Olympic games in Sarajevo, Yugoslavia.

One of the athletes representing us at those games is Scott Hamilton, an extraordinary young man from Bowling Green, Ohio.

Scott is the reigning U.S. and world figure skating champion and the overwhelming favorite to win a gold medal.

Yet, had it not been for the generosity of an anonymous financial supporter, the world would have never known of, or been able to appreciate, Scott's superb athletic talents.

We can only guess how many other gifted athletes, like Scott Hamilton, will, because of a lack of training funds, be watching the Olympics rather than participating in them.

Our Government is the only one in the world which does not financially support its Olympic movement. While I am not proposing direct Federal appropriations, there is a way to assist millions of amateur athletes in this Nation.

With that goal in mind, I, along with Congressmen RANGEL and VANDER JAGT introduced H.R. 1984, the Olympic Checkoff Act.

This bill would solve the financing problems facing the U.S. Olympic Committee, without any costs to the Federal Government, by allowing the American people to donate their money, through the use of the 1040, to our Olympic program.

H.R. 1984 has been cosponsored by 261 Members of the House and 59 Members of the other body. Yet, sadly this legislation languishes in the Ways and Means Committee.

Mr. Speaker, I would urge all of our colleagues who believe in the promotion of amateur athletics in this country to contact the chairman of the Ways and Means Committee to request action on H.R. 1984.

The Olympic Checkoff Act is as good as gold.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, we print "In God we trust" on our money, we sing "God Bless America" on holidays and we begin each day here in the House by acknowledging our Creator. It is an American tradition to be mindful of the first source of all our blessings of liberty.

It is a tradition that our courts have unfortunately sought to sever from the daily routine of children. Prayer in school does not represent a threat to the separation of church and state but rather is in keeping with the habits and beliefs of the framers of the Constitution who themselves began their work by asking God's guidance.

The American people want prayer back in schools. We in Congress must reflect their will by bringing a school prayer amendment to the floor.

FACING UP TO OUR DEFICIT BY A CONSTITUTIONAL AMENDMENT FOR A BALANCED BUDGET

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, this Congress has been unwilling to face up to the awesome problem of our deficits. That is no secret.

It is almost the height of irony that the criticism before this body of the executive's request to increase spending this year $70 billion has been that that increase is too small and not too large. What greater evidence do we need that this body is unwilling and unable to face up to its problems.

We must, if we are going to salvage this Nation's financial future, be willing to consider a balanced budget amendment to the Constitution or a limitation on spending. We must begin to consider that if we are to fulfill our responsibilities.

For Congress to refuse to even vote on that measure seems to me to be the height of irresponsibility. The people of this country deserve better.

Let us hope that the leadership will change their mind and allow the Members to vote on a constitutional amendment that limits our spending and balances the budget.

□ 1620

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

(Mr. HARTNETT asked and was given permission to address the House for 1 minute.)

Mr. HARTNETT. Mr. Speaker, at this time, I would hope to offer a unanimous-consent request calling for consideration of the line-item veto constitutional amendment.

Now the Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leadership.

Mr. Speaker, this request has been cleared with the minority leadership. I would now yield to a spokesman from the majority leadership for that appropriate clearance.

I wonder if the gentleman from Mississippi (Mr. MONTGOMERY) or the gentleman from New York might make that clearance for me.

Mr. Speaker, you know, it has been said by many that probably a line-item veto would do more to bring about a balanced budget than any other thing we could do here in this Congress.

I want to tell the American people, it should be clear to them, who stands in the way of a line-item veto to cut Federal spending, the Democratic leadership of this House.

RECOMMITTAL OF H.R. 2883—A SAD DAY INDEED

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW Mr. Speaker, Yesterday was a sad day indeed for the merchant marine industry when H.R. 2883, my bill to authorize the reflagging of two cruise ships, was recommitted to the Committee on Merchant Marine and Fisheries.

Opponents have alleged that this bill would destroy the U.S. shipbuilding industry. Baloney!

Despite tax incentives for U.S. operators and despite construction subsidy programs, no such vessels have been constructed in the past 25 years.

This bill would actually encourage U.S. shipbuilding. The boats in my bill would develop the market of people who would like to cruise from U.S. port to U.S. port. And if it is successful, it will demonstrate to financiers that such operation is viable and will thus encourage their participation.

Aside from encouraging U.S. shipbuilding, there would be immediate tangible economic benefits: In direct jobs and revenues and thousands of dollars for merchants, suppliers, and tourist-related industries in various U.S. ports of call.

Incredibly, this bill would result in a doubling of the size of our merchant marine fleet.

I hope that the House will at some time in the future get the opportunity to debate and judge this issue on its merits.

A LOT MORE UNITY IS IN ORDER

(Mr. RITTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. Speaker, I am glad that the U.S. marines are out of their sitting duck positions at Beirut. I personally wanted to see them come out at the right time. I just felt we should not be

telling our adversaries just what that time would be.

Mr. Speaker, I would hope that the recent dramatic increase in violence in Beirut was not stimulated by partisan political voices but the facts, the chronology of events, do tell us otherwise.

In yesterday's Washington Post, one notes that a relative silence in Beirut, a lull in the fighting between December 4 and February 2, events moved swiftly:

Feb. 2: Heavy fighting erupts between Lebanese army and Shiite militiamen in suburbs of Beirut.

Feb. 3-4: Moslem Shiite leader calls for resignation of Moslem cabinet leaders and urges Moslems in the army not to follow orders of commanders. Prime Minister Wazzan submits resignation of cabinet.

Feb. 6: Moslem and Druze militiamen seize much of Beirut, demand Gemayel's resignation.

Feb. 7: Reagan announces decision to redeploy Marines from Beirut to ships offshore.

My colleagues, that corresponds precisely with a resolution moving through the Democratic party, through the Democratic Caucus and through the Foreign Affairs Committee and poised to move through this House. When our adversaries see us as a House divided, that is when they strike. Or is the total correspondence between the movement of the partisan resolution and the dramatic increase in violence only a coincidence?

A lot more unity is in order.

LINE-ITEM VETO POWER FOR ALL FUTURE PRESIDENTS

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, while at this time I do not intend to ask for a unanimous-consent request, I do want to talk about the line-item veto.

There are many who seem to be opposed to the line-item veto because it seems to be presented with the idea that is a panacea to our spending problems.

We realize it is not, but we are saying that we think it is one more weapon in the arsenal to cut spending. There are many people who say that the line-item veto should be opposed because it gives dictatorial power to the President.

Well, I think the States, 43 whose Governors have the opportunity to have that power, certainly indicate that is not the case. It is not dictatorial power.

There are many who surprisingly oppose it because it might become a weapon for the President of the United States, Ronald Reagan. But let me add, we are planning to give this power to all future Presidents.

So I would hope since the Congress apparently is not going to take its responsibility, that we ought to give this additional weapon to the President so he could carry out his responsibilities.

BY THEIR JET TRAILS YOU SHALL KNOW THEM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a moment ago we voted on the adjournment resolution. We voted to leave town for a week and leave our legislative business behind.

We will leave behind proposals to balance the budget, approve a line-item veto, fight crime, reform taxes, and permit children to pray in schools.

Is that what the American people think we ought to be doing? Leaving this agenda behind as we clear out of town?

We hear a lot of talk on this floor about the Nation's problems but there seems to be very little willingness to stay here and do something of value about those problems.

My guess is that some weeks from now we will be told that many of the legislative items supported by a vast majority of the American people cannot be considered because we do not have the time.

Now we do have the time. Now we could act. But in voting to adjourn we refused to do so.

The American people may be interested in who voted how on that adjournment resolution.

Well, Republicans voted by better than a 2-to-1 margin to stay in town and do the country's work. By a 9-to-1 margin, Democrats voted to leave our work behind.

Mr. Speaker, "By their jet trails you shall know them."

ON COSPONSORING HOUSE JOINT RESOLUTION 404

(Mr. COURTER asked and was given permission to address the House for 1 minute.)

Mr. COURTER. I thank the Speaker.

Mr. Speaker, I agree with the comments of the gentleman from Pennsylvania and also the gentleman from Florida who just spoke about the importance of passing a line-item veto so that we can finally give this President some tools to do the job.

During this year 1984 we will, and the members of the public will, be listening to Members of Congress, the Senate, the House of Representatives, lots of people talking and deploring the fact that the deficit is large and sometimes out of control.

I think it is important for those individuals and citizens that listen to that that they turn around and ask the question, those who proffer and complain about a large deficit as to whether they have cosponsored House Joint Resolution 404, whether they have basically put on the line the important thing, whether they will vote and stand up with the majority of the American people and give this President and all future Presidents the right to a line-item veto.

I live, obviously, in the State of New Jersey. Our Governor has that right. We have had a balanced budget in New Jersey year after year after year.

Indeed, 43 Governors in the United States of America have the power of a line-item veto. It is about time that the Governors and the people in the various States give this Congress the message: We need a line-item veto.

We must get control of spending and balance the budget, finally.

Thank you, Mr. Speaker.

LET US MAINTAIN INSTITUTIONAL INTEGRITY IN THE HOUSE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LUNGREN. I thank the Speaker.

Mr. Speaker, Sunday's New York Times carried a story about Presidential politics. In that story, someone described as one of the Speaker's associates had this to say about the Speaker's recent endorsement of Jimmy Carter's Vice President: "Every punch we take is one less Fritz has to take." The Speaker sees himself as the person who carries the fight, who can be punching away at Reagan while Fritz carries the banner.

While many Democrats may applaud the Speaker's action, I really wonder if his new role as a prize fighter is what the House and the Nation need at this time.

Do we really need a Speaker who sees himself as a boxer, giving and taking punches? Is Fritz Mondale so frail that he needs someone to stand in there and fight for him? Will this House be turned into Madison Square Garden with the Speaker as the main event?

Mr. Speaker, please let Fritz fight his own fight. We need you to provide some sort of institutional integrity for all of us. We will not get it if you are always looking for a fight or if you are taking too many punches.

□ 1630

SPEAKER'S ENDORSEMENT OF WALTER MONDALE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, in the speech announcing his endorsement of Walter Mondale the Speaker said:

Thirty-two years I have been here and never have I been as afraid of a cold war as I am today. We need to turn the world toward peace and away from war.

I applaud the Speaker's goals, if not the way he seeks to go about achieving these goals.

Senators JOHN GLENN and ERNEST HOLLINGS who are both good Democrats and Presidential candidates chided Mr. Mondale on his opposition to a whole series of weapons systems that they believe are needed to preserve the peace.

This is what Senator GLENN had to say last November. I quote:

I support the development and deployment of the B-1 bomber. Fritz Mondale opposes it. I support the development and deployment of a new *Nimitz* class aircraft carrier. Fritz Mondale opposes it. He voted to reduce U.S. troops in Europe by 50 percent.

Senator GLENN, will you please call the Speaker.

THE FEDERAL DEFICIT

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, I have listened with interest to the admonitions of the minority side about the Federal deficit. They say they want a line-item veto, and they want to change the U.S. Constitution.

I hope they understand that changing the Constitution is not going to change the deficit. You have to change the budget to change the deficit. I am certainly willing to vote for a change in the budget if you are, but we ought to call the White House if we want to change the budget. The administration has proposed a budget calling for $180 billion in Federal deficits.

There is not an arithmetic book in this country that says you can increase military spending by $100 billion and at the same time tell the American people they will not have to pay additional taxes. That is a recipe for big budget deficits

If the President wants to spend more money, then he must ask the American people to pay for it. If he is not willing to do that, we are going to experience big Federal deficits, No matter what the Constitution says.

Our Federal deficit is not a Republican or Democrat deficit. The deficit is an American deficit and it is an American problem, and this Congress and this President had better get about the business of bringing it under control.

SPENDING STARTS IN THE HOUSE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, talk was just made about nonsense. Let me say that any Member of the House whose party has been in control of this House since I was 11 years old is ill suited to address the White House and blame it for a budget which is ultimately based on laws this House passes.

Every tax we raise is raised starting in this House. Every bill we spend starts in this House. The so-called uncontrollables are controlled by this House. And the gentleman's majority party just voted 9 to 1 to leave and will later on this year tell us that we do not have time to do what we ought to do.

Now, if we are going to get serious, that would mean that the majority leader would have to be less partisan in his Press Club speeches, it would mean the Speaker would have to be less partisan in throwing punches for Fritz, and if we are going to talk about partisanship, we would be delighted to have a joint schedule to routinely and methodically organize things.

But if somebody who, as I said, was 11 when the gentleman's party took control and who was 9 when the Speaker was elected to this House, I hardly feel that we are responsible for the deficits the gentleman's party created.

VETERANS' COMPENSATION AND PROGRAM IMPROVEMENTS AMENDMENTS OF 1983

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1388) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors, to increase rates of compensation for certain blinded veterans, to modify the periods during which certain temporary increases in compensation are paid, to provide for continuation of compensation pending the administrative appeal of certain reductions or discontinuances, to make certain improvements in the Veterans' Administration home loan guaranty program, to repeal the 1989 termination date of the Vietnam-era GI bill, and to make certain improvements in other veterans' programs; to express the sense of the Congress that increases in compensation should take effect on December 1 beginning in fiscal year 1985, and to establish a pilot project to expedite certain medical facility construction projects; and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Compensation and Program Improvements Amendments of 1983".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$62" in subsection (a) and inserting in lieu thereof "$64";

(2) by striking out "$114" in subsection (b) and inserting in lieu thereof "$118";

(3) by striking out "$173" in subsection (c) and inserting in lieu thereof "$179";

(4) by striking out "$249" in subsection (d) and inserting in lieu thereof "$258";

(5) by striking out "$352" in subsection (e) and inserting in lieu thereof "$364";

(6) by striking out "$443" in subsection (f) and inserting in lieu thereof "$459";

(7) by striking out "$559" in subsection (g) and inserting in lieu thereof "$579";

(8) by striking out "$648" in subsection (h) and inserting in lieu thereof "$671";

(9) by striking out "$729" in subsection (i) and inserting in lieu thereof "$754";

(10) by striking out "$1,213" in subsection (j) and inserting in lieu thereof "$1,255";

(11) by striking out "$1,506" and "$2,111" in subsection (k) and inserting in lieu thereof "$1,559" and "$2,185", respectively;

(12) by striking out "$1,506" in subsection (l) and inserting in lieu thereof "$1,559";

(13) by striking out "$1,661" in subsection (m) and inserting in lieu thereof "$1,719";

(14) by striking out "$1,888" in subsection (n) and inserting in lieu thereof "$1,954";

(15) by striking out "$2,111" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,185";

(16) by striking out "$906" and "$1,350" in subsection (r) and inserting in lieu thereof "$938" and "$1,397", respectively;

(17) by striking out "$1,357" in subsection (s) and inserting in lieu thereof "$1,404"; and

(18) by striking out "$262" in subsection (t) and inserting in lieu thereof "$271".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended—

(1) by striking out "$74" in clause (A) and inserting in lieu thereof "$77";

(2) by striking out "$124" and "$40" in clause (B) and inserting in lieu thereof "$128" and "$41", respectively;

(3) by striking out "$50" and "$40" in clause (C) and inserting in lieu thereof "$52" and "$41", respectively;

(4) by striking out "$60" in clause (D) and inserting in lieu thereof "$62";

(5) by striking out "$134" in clause (E) and inserting in lieu thereof "$139"; and

(6) by striking out "$112" in clause (F) and inserting in lieu thereof "$116".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "$327" and inserting in lieu thereof "$338".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	"Pay grade	Monthly rate
E-1	$461	W-4	$661
E-2	$475	O-1	$583
E-3	$486	O-2	$602
E-4	$518	O-3	$644
E-5	$532	O-4	$681
E-6	$544	O-5	$751
E-7	$571	O-6	$846
E-8	$602	O-7	$915
E-9	[1] $629	O-8	$1,003
W-1	$583	O-9	$1,077
W-2	$607	O-10	[2] $1,179
W-3	$624		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $677.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,264."

(b) Subsection (b) of such section is amended by striking out "$51" and inserting in lieu thereof "$53".

(c) Subsection (c) of such section is amended by striking out "$134" and inserting in lieu thereof "$139".

(d) Subsection (d) of such section is amended by striking out "$66" and inserting in lieu thereof "$68".

(e) For the purposes of section 156(e)(1)(A) of Public Law 97-377, the overall average of the percentages by which each of the dependency and indemnity compensation rates under section 411 of title 38, United States Code, is increased by subsections (a) through (d) shall be considered to be 3.5 per centum.

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended—

(1) by striking out "$225" in clause (1) and inserting in lieu thereof "$233";

(2) by striking out "$323" in clause (2) and inserting in lieu thereof "$334";

(3) by striking out "$417" in clause (3) and inserting in lieu thereof "$432"; and

(4) by striking out "$417" and "$84" in clause (4) and inserting in lieu thereof "$432" and "$87", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended—

(1) by striking out "$134" in subsection (a) and inserting in lieu thereof "$143";

(2) by striking out "$225" in subsection (b) and inserting in lieu thereof "$233"; and

(3) by striking out "$114" in subsection (c) and inserting in lieu thereof "$118".

EFFECTIVE DATE OF FUTURE INCREASES

SEC. 107. It is the sense of the Congress that any increases enacted to take effect in fiscal year 1985 and subsequent fiscal years in the rates of disability compensation and dependency and indemnity compensation payable under chapters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved and that the budgets for fiscal year 1985 and such subsequent years should include amounts to achieve such purpose.

PART B—COMPENSATION PROGRAM AMENDMENTS

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

SEC. 111. Section 312(b) is amended—

(1) in clause (8), by striking out "or";

(2) in clause (9), by inserting after the comma "or"; and

(3) by inserting after clause (9) the following new clause:

"(10) dysthymic disorder (or depressive neurosis),".

RATES OF COMPENSATION FOR CERTAIN BLINDED VETERANS

SEC. 112. (a) Subsection (o) of section 314 is amended by striking out "60 per centum" and inserting in lieu thereof "40 percent".

(b) Subsection (p) of such section is amended—

(1) in clause (1), by striking out "40 per centum disabling," and inserting in lieu thereof "30 percent disabling, or service-connected total deafness in one ear,"; and

(2) in clause (2), by striking out "service-connected total deafness in one ear, or".

(c) The Administrator shall conduct a study of the appropriateness of the correlations between degrees of deafness (both in conjunction with other disabilities and otherwise) and the rates of disability compensation payable under section 314 of title 38, United States Code, and, not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of such study. Such report shall include such recommendations for legislative or administrative action as the Administrator may consider appropriate on the basis thereof.

INCREASES IN COMPENSATION ON ACCOUNT OF HOSPITALIZATION OR CONVALESCENCE

SEC. 113. (a) Section 3011(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) This section shall not apply to the payment of a temporary increase in compensation for treatment or observation during a course of hospitalization or for convalescence.".

(b) Clause (8) of section 3012(b) is amended to read as follows:

"(8) by reason of termination of a temporary increase in compensation for treatment or observation during a course of hospitalization or for convalescence, shall be the day on which the treatment, observation or convalescence terminated;".

(c) The Administrator shall prescribe guidelines, and shall take such other steps as the Administrator may consider appropriate, for the prevention of overpayments in the implementation of the provisions of this section.

CONTINUATION OF COMPENSATION PENDING REVIEW AND APPEAL

SEC. 114. (a) Section 3012 is amended—

(1) in subsection (b)(6)—

(A) by inserting a comma and "except as provided in subsection (c) of this section," after "shall be"; and

(B) by striking out "his" and inserting in lieu thereof "such payee's"; and

(2) by adding at the end the following new subsection:

"(c) The effective date of a reduction in or discontinuance of compensation by reason of a change in service-connected or employability status or change in physical condition in the case of a veteran who files a request pursuant to subsection (a) of section 3117 of this title shall be the earliest of—

"(1) the date on which such veteran withdraws the notice of disagreement filed in accordance with subsection (a)(3) of such section;

"(2) the date on which such veteran files a statement pursuant to subsection (b) of such section;

"(3) the date on which such case is closed pursuant to the sixth sentence of section 4005(d)(3) of this title; or

"(4) the date on which the Board of Veterans' Appeals makes a final determination upholding the determination referred to in subsection (a)(1) of section 3117 of this title to reduce or discontinue such veteran's compensation;

except that such effective date shall in no event be earlier than specified in subsection (b)(6) of this section.".

(b)(1) Chapter 53 is amended by adding at the end the following new section:

"§ 3117. Continuation of compensation pending review and appeal

"(a) Any veteran—

"(1) who receives from the Veterans' Administration a notice of a determination to reduce or discontinue such veteran's compensation by reason of a change in service-connected or employability status or change in physical condition;

"(2) who was receiving compensation for a disability that was continuously rated totally disabling for a period of ten or more years ending on the date such determination was made; and

"(3) who, not later than thirty days after the date on which the notice of such determination was sent to such veteran (at such veteran's last address of record), files a notice of disagreement with such determination pursuant to section 4005 of this title,

may file with such notice of disagreement a request that such compensation not be reduced or discontinued pending review by the activity which made such determination and pending the final determination of the Board of Veterans' Appeals on any formal appeal with respect to such determination that may thereafter be timely filed under section 4005(d)(3) or 4005A(b) of this title.

"(b) Any veteran who has filed a request under subsection (a) of this section may, at any time, file with the Veterans' Administration a written statement withdrawing such request.

"(c) A reduction or discontinuance of compensation with respect to which a request is filed pursuant to subsection (a) of this section shall not take effect before the date determined under section 3012(c) of this title.

"(d) If a reduction or discontinuance of compensation payable to a veteran takes effect as provided in subsection (c) of section 3012 of this title, such veteran shall be

indebted to the United States in an amount equal to the excess of the total amount of compensation paid to such veteran over the total amount of compensation that would have been paid to such veteran if the reduction or discontinuance of such compensation had taken effect as provided in subsection (b)(6) of such section without regard to subsection (c) of such section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3117. Continuation of compensation pending review and appeal.".

TITLE II—AMENDMENTS TO OTHER VETERANS' PROGRAMS

GRANTS FOR ESTABLISHMENT, EXPANSION OR IMPROVEMENT OF STATE VETERANS' CEMETERIES

SEC. 201. Section 1008(a)(2) is amended by adding at the end the following new sentence: "There is also authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each of the four succeeding fiscal years for the purpose of making such grants.".

REPEAL OF 1989 TERMINATION DATE FOR VIETNAM-ERA GI BILL

SEC. 202. Section 1662(e) is amended to read as follows:

"(e) The Secretary of Defense shall reimburse the Administrator for all amounts of educational or training assistance allowances paid by the Administrator under this chapter or chapter 36 of this title after December 31, 1989.".

MISCELLANEOUS EDUCATION PROGRAM AMENDMENTS

SEC. 203. (a) Section 1602(1)(A) is amended by adding at the end the following new sentence: "Notwithstanding the provision of the preceding sentence making a veteran who is eligible for assistance under chapter 34 of this title ineligible for the educational benefits program provided by this chapter, a veteran who is eligible for assistance under such chapter 34 solely by virtue of the provisions of section 1652(a)(3) of this title may elect to receive benefits under this chapter in lieu of assistance under such chapter 34.".

(b) Section 1733(a) is amended by striking out all after "of this title" the second time it appears and inserting in lieu thereof a period.

(c)(1) Section 1781 is amended—

(A) by inserting "(a)" before "No educational"; and

(B) by adding at the end the following new subsection:

"(b) No person may receive benefits concurrently under two or more of the provisions of law listed below, for the pursuit of the same program of education—

"(1) chapters 31, 32, 34, 35, and 36 of this title;

"(2) section 901 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141);

"(3) section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note);

"(4) the Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).".

(2) Section 1795 is amended—

(A) in subsection (a)—

(i) by striking out "laws" and inserting in lieu thereof "provisions of law"; and

(ii) by adding after clause (4) the following new clauses:

"(5) section 901 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141);

"(6) section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note);

"(7) the Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note); and".

(B) in subsection (b), by striking out "and (4)" and inserting in lieu thereof "(4), (5), (6), and (7)".

SUBSTITUTION OF HOUSING LOAN ENTITLEMENT

SEC. 204. Section 1802(b)(2) is amended by striking out "an immediate" and inserting in lieu thereof "a".

LOAN GUARANTIES FOR MANUFACTURED HOMES PERMANENTLY AFFIXED TO LOTS

SEC. 205. (a) Section 1810 is amended—

(1) by inserting after subsection (a)(8) the following new clause:

"(9) Subject to subsection (f) of this section—

"(A)(i) To purchase a manufactured home to be permanently affixed on a lot that is owned by the veteran.

"(ii) To purchase a manufactured home and a lot on which the home will be permanently affixed.

"(B)(i) To refinance, in accordance with the terms and conditions applicable under the provisions of subsection (e) of this section (other than paragraph (1)(E) of such subsection) to the guaranty of a loan for the purpose specified in clause (8) of this subsection, an existing loan guaranteed, insured, or made under this chapter that is secured by a manufactured home permanently affixed on a lot that is owned by the veteran.

"(ii) To refinance, in accordance with section 1819(a)(5) of this title, an existing loan that was made for the purchase of, and that is secured by, a manufactured home that is permanently affixed to a lot and to purchase the lot on which the manufactured home is affixed."; and

(2) by adding at the end the following new subsection:

"(f)(1) For a loan to be guaranteed for the purpose specified in clause (A)(ii) or (B)(ii) of subsection (a)(9) of this section, the purchase of (or the refinancing of a loan secured by) the manufactured home and the lot for that home shall be considered as one loan and must comply with such criteria as may be prescribed by the Administrator in regulations.

"(2) A loan may not be guaranteed for the purposes of subsection (a)(9) of this section unless the manufactured home purchased, upon being permanently affixed to the lot, is considered to be real property under the laws of the State where the lot is located."

(b) Section 1819(a)(5) is amended by inserting "or section 1810(a)(9)(B)(ii) of this title" after "paragraph (1)(G) of this subsection" both places it appears.

(c) Section 1803(c)(3) is amended—

(1) in clause (A), by striking out "or (8)" and inserting in lieu thereof a comma and "(8), or (9)(B)(i)"; and

(2) in clause (E), by inserting "1810(a)(9)(B)(ii) or" after "section".

EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS

SEC. 206. Section 2011(1) is amended to read as follows:

"(1) The term 'special disabled veteran' means—

"(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans' Administration for a disability rated at (i) 30 percent or more, or (ii) 10 or 20 percent if such veteran has been determined, under section 1506 of this title, to have a serious employment handicap, or

"(B) a person who was discharged or released from active duty because of service-connected disability.".

PAYMENTS FOR FIDUCIARY SERVICES

SEC. 207. (a) Section 3202(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) In a case in which the Administrator determines that a commission is necessary in order to obtain the services of a fiduciary in the best interests of the beneficiary, the Administrator may authorize a fiduciary appointed by the Veterans' Administration to deduct from the beneficiary's estate a reasonable commission for fiduciary services rendered, but in no event shall (A) the commission for any year exceed 4 percent of the monetary benefits under laws administered by the Veterans' Administration paid on behalf of the beneficiary to the fiduciary during such year, or (B) any commission be authorized in the case of a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services on behalf of the beneficiary.".

(b) The section heading for section 3202 is amended by striking "guardians" and inserting in lieu thereof "fiduciaries".

(c) The item relating to section 3202 in the table of sections of chapter 55 is amended by striking out "guardians" and inserting in lieu thereof "fiduciaries".

MEMBERSHIP OF SPECIAL MEDICAL ADVISORY GROUP

SEC. 208. Section 4112(a) is amended by inserting a comma and "other individuals considered by the Chief Medical Director to have experience pertinent to the missions of the Department of Medicine and Surgery," after "professions".

PILOT PROJECT FOR EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

SEC. 209. (a) Subject to subsection (b) and notwithstanding section 5004(a)(1) of title 38, United States Code, or any other provision of law, not to exceed $25,000,000 in funds that were appropriated to the Veterans' Administration, major projects construction account and that the Administrator of Veterans' Affairs has determined are no longer needed either for the projects for which such funds were appropriated or for contingencies arising in the Veterans' Administration's construction program may be obligated in fiscal year 1984 for the purpose of undertaking in fiscal year 1984 working drawings for the construction or alteration of any medical facility in order that such construction or alteration can, subject to appropriations therefor, be undertaken in fiscal year 1985, except that no funds may be obligated under this subsection for working drawings for the replacement or new construction of a complete health-care facility.

(b)(1) The amount obligated for working drawings under subsection (a) for any one medical facility shall not exceed $2,500,000.

(2) No working drawings for the construction or alteration of any particular medical facility shall be undertaken under subsection (a) unless the Administrator, not more than thirty days prior to undertaking the drawings, has provided to the Committees on Veterans' Affairs and on Appropriations of the House of Representatives and the Senate written notice thereof and of the es-

timated range of the total cost of such construction or alteration and of the cost of the drawings.

(c) For the purpose of this section, the term "medical facility" shall have the meaning specified in section 5001(3) of such title.

SPRINGFIELD CONFEDERATE CEMETERY

SEC. 210. The land comprising the Confederate Cemetery at Springfield, Missouri, shall be considered part of the Springfield National Cemetery, and may be used for the purposes for which national cemeteries may be used under chapter 24 of title 38, United States Code. The condition contained in the first section of the Act of March 3, 1911 (36 Stat. 1077, chapter 211), which requires that the land comprising that cemetery be used only as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America is hereby superseded.

BOARD OF VETERANS' APPEALS

SEC. 211. Section 4001 of title 38, United States Code, is amended—

(1) by amending the second sentence of subsection (a)—

(A) by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than sixty-five)",

(B) by striking out "associate", and

(C) by inserting before the period at the end of such sentence "in a timely manner", and

(2) by adding at the end thereof the following new subsections:

"(c)(1) When there are sixty-five members of the Board, the Chairman may from time to time appoint from the professional staff of the Board, or reappoint one time within the three-year period following the expiration of the term of the initial appointment, individuals to serve as temporary members of the Board for terms not to exceed one year. Not more than one such member may be appointed to a section of the Board.

"(2) If, as a result of the temporary absence of a member, a section is composed of less than three members, the Chairman may assign an individual from the professional staff of the Board to serve as an acting member of the Board on such section for not to exceed thirty days. An individual so appointed may serve a total of sixty days as an acting member during any fiscal year. Not more than one such member may be assigned to a section of the Board.

"(3) In each annual report to the Congress required by section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which such report is made with respect to the authority provided by paragraph (1) of this subsection. In each such annual report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of Board members appointed pursuant to paragraph (2) of this subsection.".

"(d) The Chairman of the Board shall submit a report to the appropriate committees of the Congress, not later than December 31, 1984, and annually thereafter, on the experience of the Board during the prior fiscal year together with projection for the fiscal year in which the report is submitted and the subsequent fiscal year. Such report shall contain, as a minimum, information specifying the number of cases appealed to the Board during the prior fiscal year, the number of cases pending before the Board at the beginning and end of such fiscal year, the number of such cases which were filed during each of the twenty-four months preceding the prior fiscal year and the then current fiscal year, respectively, the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the prior fiscal year, and the number of members of, and the professional, administrative, clerical, stenographic, and other personnel employed by, the Board at the end of the prior fiscal year. The projections for the current fiscal year and subsequent fiscal year shall include, for each such year, estimates of the number of cases to be appealed to the Board and an evaluation of the Board's ability, based on existing and projected personnel levels, to ensure timely disposition of such appeals as provided for by subsection (a) of this section.".

SEC. 212. Section 4002 is amended by striking out "associate" wherever it appears.

SEC. 213. Section 4003(b) is amended by adding at the end thereof the following new paragraph:

"(2) When, without the vote of a member appointed under section 4001(c) (1) or (2) of this title a section would be evenly divided, such member shall not vote.".

TITLE III—EFFECTIVE DATES

SEC. 301. (a) Except as provided in subsections (b), (c), and (d), the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by sections 101 through 106 shall take effect on April 1, 1984.

(c) The amendments made by section 114 shall take effect with regard to determinations made after March 31, 1984, to reduce or discontinue compensation.

(d) The amendments made by section 111, by subsections (a) and (b) of sections 112 and 113, and by section 209, shall take effect on October 1, 1983.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MONTGOMERY: Strike out all after the enacting clause and insert:

That (a) this Act may be cited as the "Veterans' Compensation and Program Improvements Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$62" in subsection (a) and inserting in lieu thereof "$64";

(2) by striking out "$114" in subsection (b) and inserting in lieu thereof "$118";

(3) by striking out "$173" in subsection (c) and inserting in lieu thereof "$179";

(4) by striking out "$249" in subsection (d) and inserting in lieu thereof "$258";

(5) by striking out "$352" in subsection (e) and inserting in lieu thereof "$364";

(6) by striking out "$443" in subsection (f) and inserting in lieu thereof "$459";

(7) by striking out "$559" in subsection (g) and inserting in lieu thereof "$579";

(8) by striking out "$648" in subsection (h) and inserting in lieu thereof "$671";

(9) by striking out "$729" in subsection (i) and inserting in lieu thereof "$755";

(10) by striking out "$1,213" in subsection (j) and inserting in lieu thereof "$1,255";

(11) by striking out "$1,506" and "$2,111" in subsection (k) and inserting in lieu thereof "$1,559" and "$2,185", respectively;

(12) by striking out "$1,506" in subsection (l) and inserting in lieu thereof "$1,559";

(13) by striking out "$1,661" in subsection (m) and inserting in lieu thereof "$1,719";

(14) by striking out "$1,888" in subsection (n) and inserting in lieu thereof "$1,954";

(15) by striking out "$2,111" each place it appears in subsections (o) and (p) and inserting in lieu there "$2,185";

(16) by striking out "$906" and "$1,350" in subsection (r) and inserting in lieu thereof "$938" and "$1,397", respectively;

(17) by striking out "$1,357" in subsection (s) and inserting in lieu thereof "$1,404";

(18) by striking out "$262" in subsection (t) and inserting in lieu thereof "$271"; and

(19) by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) Sections 312 and 355 are amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. (a) Section 315(1) is amended—

(1) by striking out "$74" in clause (A) and inserting in lieu therof "$77";

(2) by striking out "$124" and "$40" in clause (B)) and inserting in lieu thereof "$128" and "$41", respectively;

(3) by striking out "$50" and "$40" in clause (C)) and inserting in lieu thereof "$52" and "$41", respectively;

(4) by striking out "$60" in clause (D) and inserting in lieu thereof "$62";

(5) by striking out "$134" in clause (E) and inserting in lieu thereof "$139";

(6) by striking out "$112" in clause (F) and inserting in lieu thereof "$116".

(b) Section 315 is amended by striking out "per centum" both places it appears and inserting in lieu thereof "percent".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. section 362 is amended by striking out "$327" and inserting in lieu thereof "$338".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E-1	$461
E-2	475
E-3	486
E-4	518
E-5	532
E-6	544
E-7	571
E-8	602

"Pay grade	Monthly rate
E–9	[1] 629
W–1	583
W–2	607
W–3	624
W–4	661
O–1	583
O–2	602
O–3	644
O–4	681
O–5	751
O–6	846
O–7	915
O–8	1,003
O–9	1,077
O–10	[2] 1,179

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $678.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,265.".

(b) Subsection (b) of such section is amended by striking out "$51" and inserting in lieu thereof "$53".

(c) Subsection (c) of such section is amended by striking out "$134" and inserting in lieu thereof "$139".

(d) Subsection (d) of such section is amended by striking out "$66" and inserting in lieu thereof "$68".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended—

(1) by striking out "$225" in clause (1) and inserting in lieu thereof "$233";

(2) by striking out "$323" in clause (2) and inserting in lieu thereof "$334";

(3) by striking out "$417" in clause (3) and inserting in lieu thereof "$432"; and

(4) by striking out "$417" and "$84" in clause (4) and inserting in lieu thereof "$432" and "$87", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended—

(1) by striking out "$134" in subsection (a) and inserting in lieu thereof "$139";

(2) by striking out "$225" in subsection (b) and inserting in lieu thereof "$233"; and

(3) by striking out "$114" in subsection (c) and inserting in lieu thereof "$118".

EFFECTIVE DATE

SEC. 107. The amendments make by this part shall take effect on April 1, 1984.

EFFECTIVE DATE OF FUTURE INCREASES

SEC. 108. It is the sense of the Congress that any increase provided by law to take effect after fiscal year 1984 in the rates of disability compensation and dependency and indemnity compensation payable under chapters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved and that the budgets for any such fiscal year include amounts to achieve such purpose.

PART B—COMPENSATION PROGRAM AMENDMENTS

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

SEC. 111. Section 312(b) is amended—

(1) by striking out "or" at the end of clause (8);

(2) by inserting "or" at the end of clause (9); and

(3) by inserting after clause (9) the following new clause:

"(10)" dysthymic disorder (or depressive neurosis),".

RATES OF COMPENSATION FOR CERTAIN BLINDED VETERANS

SEC. 112. (a) Subsection (o) of section 314 is amended by inserting "or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less," after "5/200 visual acuity or less,".

(b) Subsection (p) of section 314 is amended—

(1) by striking out "40" in clause (1) and inserting in lieu thereof "30"; and

(2) by inserting after the second period the following new sentence: "In the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 10 or 20 percent disabling, the Administrator shall allow the next intermediate rate, but in no event in excess of $2,185.".

INCREASES IN COMPENSATION ON ACCOUNT OF CERTAIN PERIODS OF HOSPITALIZATION OR CONVALESCENCE

SEC. 113. Section 3011(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a temporary increase in compensation for hospitalization or treatment where such hospitalization or treatment commences and terminates within the same calendar month, the period of payment shall commence on the first day of such month.".

EFFECTIVE DATE

SEC. 114. The amendments made by this part shall take effect as of October 1, 1983.

TITLE II—VETERANS' PROGRAM IMPROVEMENTS

INCLUSION OF CERTAIN ADOPTED PERSONS WITHIN THE TITLE 38

DEFINITION OF CHILD

SEC. 201. Section 101(4)(A) is amended by adding at the end the following new sentence: "A person described in clause (ii) of the first sentence of this subparagraph who was a member of a veteran's household at the time the person became 18 years of age and who is adopted by the veteran shall be recognized as a legally adopted child of the veteran regardless of the age of such person at the time of adoption.".

FIVE-YEAR EXTENSION OF PROGRAM TO PROVIDE ASSISTANCE TO STATE VETERANS' CEMETERIES

SEC. 202. Section 1008(a)(2) is amended by inserting a comma and "and such sums as may be necessary for fiscal year 1985 and for each of the four succeeding fiscal years," after "fiscal years".

MISCELLANEOUS EDUCATION PROGRAM AMENDMENTS

SEC. 203. (a) Section 1602(1) is amended by adding at the end the following new subparagraph:

"(D)(i) The requirement of ineligibility for educational assistance under chapter 34 of this title, prescribed in subparagraph (A), shall be waived in the case of a veteran described in division (ii) of this subparagraph who elects to receive benefits under this chapter instead of assistance under such chapter 34. A veteran who makes such an election shall be ineligible for assistance under such chapter. Such an election is irrevocable.

"(ii) A veteran referred to in division (i) of this subparagraph is a veteran who before January 1, 1977, performed military service described in subparagraph (C)(iii), is entitled under section 1652(a)(3)(C) of this title to have such service considered to be 'active duty' for the purposes of chapter 34 of this title, and is eligible for assistance under such chapter only by reason of having such service considered to be active duty.".

(b) Section 1733(a) is amended—

(1) by inserting "(with no dependents)" after "an eligible veteran"; and

(2) by striking out all after "of this title" the second place it appears and inserting in lieu thereof a period.

(c)(1) Section 1781 is amended—

(A) by inserting "(a)" before "No educational"; and

(B) by adding at the end the following new subsection:

"(b) No person may receive benefits concurrently under two or more of the provisions of law listed below for the pursuit of the same program of education:

"(1) Chapters 31, 32, 34, 35, and 36 of this title.

"(2) Chapter 107 of title 10.

"(3) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

"(4) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).".

(2)(A) Subsection (a) of section 1795 is amended to read as follows:

"(a) The aggregate period for which any person may receive assistance under two or more of the provisions of law listed below may not exceed 48 months (or the part-time equivalent thereof):

"(1) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended.

"(2) Title II of the Veterans' Readjustment Assistance Act of 1952.

"(3) The War Orphans' Educational Assistance Act of 1956.

"(4) Chapters 32, 34, 35, and 36 of this title, and the former chapter 33.

"(5) Chapter 107 of title 10.

"(6) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

"(7) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).".

(B) Subsection (b) of such section is amended—

(i) by striking out "clauses (1), (2), (3), and (4)" and inserting in lieu thereof "subsection (a)"; and

(ii) by striking out "forty-eight" and inserting in lieu thereof "48".

SUBSTITUTION OF HOUSING LOAN-GUARANTY ENTITLEMENT

SEC. 204. Section 1802(b)(2) is amended by striking out "an immediate" and inserting in lieu thereof "a".

LOAN GUARANTIES FOR MANUFACTURED HOMES PERMANENTLY AFFIXED TO LOTS

SEC. 205. (a) Section 1810 is amended—

(1) by inserting after subsection (a)(8) the following new clause:

"(9)(A)(i) To purchase a manufactured home to be permanently affixed to a lot that is owned by the veteran.

"(ii) To purchase a manufactured home and a lot to which the home will be permanently affixed.

"(B)(i) To refinance, in accordance with the terms and conditions applicable under the provisions of subsection (e) of this section (other than paragraph (1)(E) of such subsection) to the guaranty of a loan for the purpose specified in clause (8) of this sub-

section, an existing loan guaranteed, insured, or made under this chapter that is secured by a manufactured home permanently affixed to a lot that is owned by the veteran.

"(ii) To refinance, in accordance with section 1819(a)(5) of this title, an existing loan that was made for the purchase of, and that is secured by, a manufactured home that is permanently affixed to a lot and to purchase the lot to which the manufactured home is affixed."; and

(2) by adding at the end the following new subsection:

"(f)(1) For a loan to be guaranteed for the purpose specified in subclause (A)(ii) or (B)(ii) of subsection (a)(9) of this section, the purchase of (or the refinancing of a loan secured by) the manufactured home and the lot for that home shall be considered as one loan and must comply with such criteria as may be prescribed by the Administrator in regulations.

"(2) A loan may not be guaranteed for the purposes of subsection (a)(9) of this section unless the manufactured home purchased, upon being permanently affixed to the lot, is considered to be real property under the laws of the State where the lot is located.".

(b) Section 1819(a)(5) is amended by inserting "or section 1810(a)(9)(B)(ii) of this title" after "paragraph (1)(G) of this subsection" both places it appears.

(c) Section 1803(c)(3) is amended—

(1) by striking out "or (8)" in clause (A) and inserting in lieu thereof a comma and "(8), or (9)(B)(i)"; and

(2) by inserting "1810(a)(9)(B)(ii) or" in clause (E) after "section".

EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS

SEC. 206. Section 2011(1) is amended to read as follows:

"(1) The term 'special disabled veteran' means—

'(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans' Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of this title to have a serious employment handicap; or

"(B) a person who was discharged or released from active duty because of service-connected disability.".

PAYMENTS FOR FIDUCIARY SERVICES

SEC. 207. (a) Section 3202(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) In a case in which the Administrator determines that a commission is necessary in order to obtain the services of a fiduciary in the best interests of a beneficiary, the Administrator may authorize a fiduciary appointed by the Veterans' Administration to obtain from the beneficiary's estate a reasonable commission for fiduciary services rendered, but the commission for any year may not exceed four percent of the monetary benefits under laws administered by the Veterans' Administration paid on behalf of the beneficiary to the fiduciary during such year. A commission may not be authorized for a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services on behalf of the beneficiary.".

(b)(1) The heading for section 3202 is amended to read as follows:

"§ 3202. Payments to and supervision of fiduciaries".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 is amended to read as follows:

"3202. Payments to and supervision of fiduciaries.".

BOARD OF VETERANS' APPEALS MEMBERSHIP

SEC. 208. (a) Section 4001(a) is amended by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than 65)".

(b) Section 4001 is amended by adding at the end the following new subsection:

"(c)(1) Subject to paragraph (2) of this subsection, the Chairman may from time to time designate employees of the Veterans' Administration to serve as temporary members of the Board. Any such designation shall be for a period of not to exceed one year, as determined by the Chairman. An individual may not serve as a temporary member of the Board for more than 24 months during any 48-month period.

"(2) Designation under paragraph (1) of this subsection of an individual as a temporary member of the Board may not be made when there are fewer than 65 members of the Board.

"(3) In each annual report to the Congress under section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which the report is made with respect to the authority provided by paragraph (1) of this subsection. In each such report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of temporary Board members designated under this subsection and the number of acting Board members designated under section 4002(a)(2)(A)(ii) of this title during the year for which the report is made.".

(c) Sections 4001 and 4002 are each amended by striking out "associate" each place it appears.

(d) Section 4002 is amended—

(1) by inserting "(a)(1)" before "The Chairman";

(2) by striking out the second sentence and inserting in lieu thereof the following:

"(2)(A) If a section is composed of fewer than three members as a result of the absence of a member or a vacancy on the Board or the inability of a member assigned to a section to serve on that section, the Chairman—

"(i) may assign another member of the Board to the section;

"(ii) may designate an employee of the Veterans' Administration to serve as an acting member of the Board on such section for a period of not to exceed 90 days, as determined by the Chairman; or

"(iii) may direct the section to proceed with the transaction of business without awaiting the assignment of an additional member to the section.

"(B) An individual may not serve as an acting member of the Board for more than 270 days during any 12-month period.

"(3) A section of the Board may not at any time have among its members more than one individual who is a temporary member designated under section 4001(c) of this title or an acting member designated under paragraph (2)(A)(ii) of this subsection.";

(3) by designating the sentence beginning "A hearing docket" as subsection (b); and

(4) by designating the sentence beginning "A section of" as subsection (c).

MEMBERSHIP OF SPECIAL MEDICAL ADVISORY GROUP

SEC. 209. Section 4112(a) is amended—

(1) by inserting a comma and "other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Department of Medicine and Surgery," after "professions";

(2) by striking out "Director, whose duties" and inserting in lieu thereof "Director. The duties of the special medical advisory group"; and

(3) by striking out "direct" and inserting in lieu thereof "directly".

REVISION OF EFFECTIVE DATE FOR CERTAIN RESERVE OFFICERS' TRAINING CORPS PARTICIPANTS' ELIGIBILITY FOR VETERANS' ADMINISTRATION BENEFITS

SEC. 210. Subsection (d) of section 113 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Public Law 97-306; 96 Stat. 1433) is amended to read as follows:

"(d) The amendments made by subsections (a) and (b) and the provisions of subsection (c)—

"(1) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, shall take effect as of October 1, 1982; and

"(2) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated before October 1, 1982, shall take effect as of October 1, 1983.".

PILOT PROGRAM FOR EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

SEC. 211. (a)(1) Subject to subsection (b) and notwithstanding any other provision of law, during fiscal years 1984 and 1985 the Administrator of Veterans' Affairs may obligate, for the purpose described in paragraph (2), a total of not more than $25,000,000 of funds appropriated to the Veterans' Administration under the appropriation account "CONSTRUCTION, MAJOR PROJECTS" that are unobligated and that the Administrator determines are no longer needed for the projects for which such funds were appropriated and are not needed for contingencies arising in the Veterans' Administration's construction program.

(2) Funds described in paragraph (1) may be obligated for the purpose of undertaking during fiscal year 1984 or 1985 working drawings for any project for construction or alteration of any medical facility that is planned to be undertaken (subject to appropriations for such project) during fiscal year 1985 or 1986.

(b)(1) Funds may not be obligated under subsection (a) for working drawings for projects for the complete replacement of an existing health-care facility or for projects for the new construction of a complete health-care facility.

(2) The amount obligated under subsection (a) for working drawings for any one project may not exceed $2,500,000.

(3) The Administrator may not undertake under subsection (a) working drawings for a project unless the Administrator, not less than 30 days before undertaking the drawings, has provided to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives written notice of the drawings to be undertaken, the estimated cost of the drawings, and the estimated range of the total cost of the project.

(c) For the purpose of this section:

(1) The term "medical facility" has the meaning provided in section 5001(3) of title 38, United States Code.

(2) The term "working drawings" includes specifications and other related technical services.

SPRINGFIELD CONFEDERATE CEMETERY

SEC. 212. The land comprising the Confederate cemetery at Springfield, Missouri, shall be considered part of the Springfield National Cemetery and may be used for the purposes for which national cemeteries may be used under chapter 24 of title 38, United States Code. The provisions of the first section of the Act of March 3, 1911 (36 Stat. 1077, chapter 211) requiring that the land comprising that cemetery be used only as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America is hereby superseded.

TECHNICAL AMENDMENTS

SEC. 213. Title 38 is amended as follows:

(1) Section 351 is amended by striking out "title 28, United States Code," both places it appears and inserting in lieu thereof "title 28".

(2) Section 412(a) is amended—

(A) by striking out "section 414 of title 42" in clause (1) and inserting in lieu thereof "section 214 of the Social Security Act (42 U.S.C. 414)";

(B) by striking out "section 402 of title 42" in clause (3) and inserting in lieu thereof "section 202 of the Social Security Act (42 U.S.C. 402)"; and

(C) by striking out "subchapter II of chapter 7 of title 42" in the matter after clause (3) and inserting in lieu thereof "title II of the Social Security Act (42 U.S.C. 201 et seq.)"; and

(3) Section 3010(m) is amended by striking out "subsection" and inserting in lieu thereof "section".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. HAMMERSCHMIDT. Reserving the right to object, Mr. Speaker, I take this time to ask our distinguished chairman to explain to us what his amendments are.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows, on October 25, 1983, the House passed H.R. 4169, the Omnibus Reconciliation Act of 1983. Included in that bill were the provisions of H.R. 2937, a bill reported earlier by the Committee on Veterans' Affairs to provide a 4.1-percent cost-of-living increase in compensation for our service-connected veterans and their widows effective April 1, 1984. In November, the other body passed its 3.5-percent bill with the same April 1 effective date. Also, during the first session of this Congress, the House passed two veterans bills, H.R. 2936 to increase the membership of the Board of Veterans' Appeals from 50 to 65 members and H.R. 2948 affecting the VA's home loan guaranty program.

In November, the other body passed its 3.5-percent bill with the same April 1 effective date. We have been working with the other body since November to resolve the differences in the two bills. They have accepted many of our provisions and the compromise agreement I bring to you today is a good one.

Last year the President's budget requested a 6-month delay in cost-of-living increases for all Federal beneficiaries. During our committee hearing on the VA's budget, representatives of the major veterans' organizations expressed their views on the delayed increase. It was their unanimous position that they would not oppose the deferral with the caveat that if any exceptions were to be made for any group, disabled veterans should be considered first. The organizations repeated their position statement during subsequent hearings on compensation legislation. One witness probably stated it best. He said that veterans had always served their country and if the delayed COLA would help to bring the huge deficits under control, they would continue to do their part.

At the time we reported H.R. 2937, the first concurrent budget resolution had been approved by the House and was pending in the Senate. That resolution included funds for a 4.1-percent increase which was the amount estimated at that time by the Congressional Budget Office to be the factor required to keep pace with the rate of inflation. Subsequently, those estimates were revised and the finally adopted first concurrent budget resolution was based on a 3.5-percent inflation factor which forms the basis for the proposed amendments we are considering today. The compromise agreement also contains another significant provision—a sense of the Congress policy statement that future increases in rates of disability compensation and DIC shall take effect on December 1, 1984, and on December 1 of each fiscal year thereafter.

The cost-of-living increase provided by the proposed amendments is necessary since these benefits are not indexed by law. This adjustment simply keeps pace with the rise in the Consumer Price Index since the last cost-of-living increase that became effective October 1, 1982. The rate increase will benefit almost 2.3 million service-connected disabled veterans and approximately 319,000 widows and children of veterans who have died in service-incurred disease or injury.

In addition to the cost-of-living increase, the proposed amendments contain provisions which would provide additional benefits to certain blinded veterans who also have service-connected hearing loss. We feel this increased compensation is warranted because the loss of hearing has a far greater impact on a blinded veteran's mobility than such loss would have on an individual who has not lost his or her sight. A blinded person relies on the direction of sound in walking and moving around. If the defective hearing impairs a person's ability to detect the direction of a noisy hazard, he or she does not know which way to turn to avoid the peril.

The proposed amendments provides eligibility for VA benefits to a senior ROTC member who is injured in summer camp for such injuries which were suffered prior to October 1, 1982. Present law covers benefits for injuries sustained on or after that date and the committees feel that all such ROTC members should be eligible as veterans, without regard to the time of injury.

The proposed amendments provides eligibility to Veterans' Administration benefits to a child adopted by a veteran, regardless of age at adoption, who became helpless prior to age 18, provided the child was a member of the veteran's household at age 18.

The bill approved by the other body would add dysthymic disorder—depressive neurosis—to the list of diseases of certain former prisoners of war that are presumed to be service connected. Because the House committee feels that depressive neurosis is one of the anxiety states that were added by Public Law 97-37, we are accepting the proposal of the other body to clarify the intent of Congress that this disability should be included on the list of diseases of certain former prisoners of war that are presumed to be service connected.

Last May, the House passed H.R. 2936 by a vote of 423 to 2 to give the Administrator of Veterans' Affairs discretionary authority to expand the Board of Veterans' Appeals from 50 to 65 members in order to improve the timeliness in processing appeals from veterans. The Senate bill contained essentially the same provisions and I am happy to say that the compromise agreement we bring to you today not only gives permanent authority for 65 members of the Board of Veterans' Appeals but also gives the Administrator flexibility to assign temporary or acting members to the Board to reduce what is now an unacceptable backlog of appeals.

Finally, let me speak briefly to that provision of the Senate bill that would repeal the December 31, 1989, termination date for the current Vietnam-era GI bill program. This is the second or third time the other body has attempted to repeal the termination date. Each time the House has flatly refused the provision. As the gentle-

man knows, with his concurrence, this provision is not contained in the compromise we worked out with the other body. I will not take the time of the House to go into all of the reasons why we opposed this provision, I have made my position known on this matter many times before. Hopefully, we have put this issue to rest and the message I want sent to the Office of the Secretary of Defense is that we are not going to agree to any extension of this date.

The House committee has on two occasions reported H.R. 1400 without dissenting votes. This bill would provide for a new GI education program to enhance the recruitment and retention of military personnel for all branches of the service. In addition, it would provide entitlement for those who make an obligation to serve in the Active Reserve and National Guard. If there is going to be an education program for those now serving in the military beyond fiscal year 1989, then H.R. 1400 will have to be enacted. We have no plan now or in the future to extend the current 1989 termination for the current Vietnam-era GI bill program.

I can also assure the gentleman the cost of our compromise with the other body is within the amounts contained in the first concurrent budget resolution. I appreciate the gentleman's help in getting this agreement with the other body. By doing so, our disabled veterans should be receiving their increased benefits for April in their May 1 checks.

There follows a more detailed explanation of the provisions passed by the Senate, the House amendments and the proposed agreement:

EXPLANATORY STATEMENT OF HOUSE BILL (H.R. 4169), SENATE BILL (S. 1388), AND COMPROMISE AGREEMENT ON S. 1388, THE VETERANS' COMPENSATION AND PROGRAM IMPROVEMENTS AMENDMENTS OF 1984

This document explains the provisions of title IV of H.R. 4169 as passed by the House of Representatives (hereinafter referred to as the "House bill"), the provisions of S. 1388 as passed by the Senate (hereinafter referred to as the "Senate bill"), and the provisions of a compromise on S. 1388 as agreed to by the Veterans' Affairs Committees of the House and Senate. The differences between the Houe bill, the Senate bill, and the compromise agreement are noted below, except for clerical corrections, conforming changes made necessary by agreements reached between the Committees, and minor drafting, technical, and clarifying changes.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

Part A—Rate increases

Disability Compensation

Both the House bill (sections 402 through 404) and the Senate bill (sections 101 through 103) would amend chapter 11 of title 38, United States Code, to increase, effective April 1, 1984, the basic rates of service-connected disability compensation for veterans, the rates payable for certain severe disabilities, the dependents allowances payable to veterans rated 30-percent or more disabled, and the annual clothing allowance for certain disabled veterans. The House bill would increase such rates and allowances by 4.1 percent and the Senate bill by 3.5 percent. Under both bills, the increases are rounded to the nearest dollar.

The compromise agreement (sections 101 through 103) follows the Senate bill.

Dependency and Indemnity Compensation

Both the House bill (sections 405 through 407) and the Senate bill (sections 104 through 106) would amend chapter 13 of title 38 to increase, effective April 1, 1984, rates of dependency and indemnity compensation (DIC) payable to the surviving spouses and children of veterans whose deaths were service connected. The House bill would increase such rates by 4.1 percent and the Senate bill by 3.5 percent, with the increases in both bills rounded to the nearest dollar.

The compromise agreement (sections 104 through 106) follows the Senate bill.

The Senate bill (section 104(e)), but not the House bill, would specify that—for the purposes of section 156(e)(1)(A) of Public Law 97-377, relating to increases in benefits paid to replace, for the survivors of those who died on active duty or from service-connected causes, certain social security survivors' benefits terminated by section 2205 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35)—the overall average of the percentages by which each of the DIC rates set forth in present section 411 of title 38 is increased shall be considered to be 3.5 percent. Section 156(a) of Public Law 97-377 provides that the benefits thereby restored are to be increased, effective on the same date as section 411 DIC increases, "by a percentage that is equal to the overall average of" those increases (rounded to the nearest tenth of a percent). Hence, the effect of this provision would be to ensure that the increase in the replacement benefit for each of those survivors, effective April 1, 1984 is 3.5 percent.

The compromise agreement does not contain this provision.

However, the Committees note that the Senate provision expresses the Committees' intention regarding the rate for the COLA for these benefits that would, upon enactment of the compromise agreement, take effect on April 1, 1984 (by virtue of Public Law 97-377), and that the VA has advised that it intends to provide a 3.5-percent increase in these benefits.

Effective Date of Future Increases

The Senate bill (section 107), but not the House bill, would express the sense of the Congress that future increases in rates of disability compensation and DIC shall take effect on December 1 of the fiscal year involved and that the budget for each such fiscal year include amounts necessary to achieve that purpose.

The compromise agreement (section 107) contains this provision.

The Committees note their understanding that, in section 1(b)(15) of the Congressional budget for fiscal year 1984 (H. Con. Res. 91), provision is made, in the totals for Function 700, "Veterans' Benefits and Services", for fiscal years 1985 and 1986, for compensation and DIC increases to be enacted effective December 1 of each of those fiscal years. Section 107 of the compromise agreement is intended as a formal declaration of Congressional policy as to the date on which future increases shall take effect.

Part B—Compensation Program Amendments

Presumption Concerning Dysthymic Disorder

The Senate bill (section 111), but not the House bill, would amend section 312(b) of title 38 to provide, effective October 1, 1983, for the inclusion of dysthymic disorder (or depressive neurosis) in the list of diseases of certain former prisoners of war that are presumed to be service connected.

The compromise agreement (section 111) contains this provision.

Rates of Compensation for Certain Blinded Veterans

Both the House bill (section 411) and the Senate bill (section 112) would amend, effective October 1, 1983, provisions of subsections (o) and (p) of section 314 of title 38 that govern the rates of special monthly compensation payable to certain veterans who suffer from service-connected blindness in combination with a hearing loss that is service connected in at least one ear.

Under current law, veterans who suffer from blindness with "visual acuity of 5/200 or less" (meaning vision no better than 5/200) combined with bilateral deafness (with hearing impairment in at least one ear being service-connected) rated at 60-percent-or-more disabling are entitled to the payment of disability compensation at the rate prescribed by subsection (o) of section 314. The Senate bill, but not the House bill, would reduce from 60 percent to 40 percent the minimum degree of disability for bilateral deafness required to qualify for the subsection (o) rating. The House bill, but not the Senate bill, would establish an additional category of veterans entitled to the subsection (o) rating, those who suffer from blindness with "only light perception or less" (meaning vision with light perception only or with no light perception) combined with deafness rated from 10- through 40-percent disabling (with hearing impairment in at least one ear being service connected).

The compromise agreement (sections 112(a)) would establish an additional category of veterans entitled to the subsection (o) rating, those who suffer from blindness with only light perception or less combined with either bilateral deafness rated at 40-percent-or-more disabling (with hearing impairment in at least one ear being service connected) or total service-connected deafness in one ear.

Under current law, veterans who suffer from blindness with visual acuity of 5/200 or less combined with deafness (with hearing impairment in at least one ear being service connected) rated at 40-percent disabling are entitled, by virture of subsection (p) of section 314, to the next higher rate of compensation (a "full-step" increase) above the otherwise applicable rate based on the condition of blindness only. These otherwise applicable rates are prescribed in subsection (l) of section 314 for blindness with visual acuity of 5/200 or less but with more than light perception, in subsection (m) for blindness with only light perception, and in subsection (n) for blindness without light perception. In both the House and Senate bills, the degree of disability for deafness combined with blindness required for the full-step increase would be reduced to 30 percent. In addition, the Senate bill, but not the House bill, would provide a full-step increase, instead of compensation at the next intermediate rate (a "half-step" increase), to those who suffer from blindness with visual

acuity of 5/200 or less combined with service-connected total deafness in one ear.

The compromise agreement (section 112 (b)(1)) would expand the category of veterans with visual acuity of 5/200 or less who receive a full-step increase, currently consisting of those with deafness rated at 40-percent disabling, to include those with deafness rated at 30-percent disabling.

Under current law, veterans who suffer from blindness with 5/200 visual acuity or less combined with service-connected total deafness in one ear are entitled, by virtue of subsection (p) of section 314, to a half-step increase. Neither the House bill nor the Senate bill would modify the half-step-increase provision itself. However, the House bill, but not the Senate bill, would, as noted above in the discussion of the subsection (o) rating, reduce the requirements for the subsection (o) rating to include blindness with only light perception or less combined with certain deafness rated at 10-percent-or-more disabling. Since service-connected total deafness in one ear is rated as 10-percent disabling, the House bill, but not the Senate bill, would, therefore, grant the subsection (o) rating to certain veterans who currently benefit from a half-step increase. Such veterans are those who suffer from blindness with light perception only combined with service-connected total deafness in one ear and those who suffer from blindness without light perception combined with such deafness. Also, the Senate bill, but not the House bill, would provide a full-step increase to all those who, under current law, receive a half-step increase.

The compromise agreement (section 112(b)(2)), in the cases of veterans who suffer from blindness having only light perception or less, would expand the scope of the half-step-increase deafness criterion, currently service-connected total deafness in one ear, to include those who have bilateral deafness rated at 10- or 20-percent disabling (with hearing impairment in at least one ear being service connected).

The following chart illustrates the differences in disability ratings for combinations of hearing and vision impairments under current law, the House bill, the Senate bill, and the compromise agreement:

COMPARISON OF COMBINED DISABILITY RATINGS UNDER CURRENT LAW

[The House bill, the Senate bill, and the compromise agreement]

Current rating for blindness: Deafness disability rating	Current schedule for combined disability	Proposed rating		
		HB [1]	SB [2]	CA [3]
Anatomical loss or no light perception—N:				
10 percent (1 ear)	N½	0	0	0
10 percent (2 ears)	N	0	N	N½
20 percent (2 ears)	N	0	N	N½
30 percent (2 ears)	N	0	0	0
40 percent (2 ears)	0	0	0	0 [4]
Anatomical loss or no light perception 1 eye; light perception only in other—M½:				
10 percent (1 ear)	N	0	N½	0
10 percent (2 ears)	M½	0	M½	N
20 percent (2 ears)	M½	0	M½	N
30 percent (2 ears)	M½	0	N½	N½
40 percent (2 ears)	N½	0	0	0
Light perception only—M:				
10 percent (1 ear)	M½	0	N	0
10 percent (2 ears)	M	0	M	M½
20 percent (2 ears)	M	0	M	M½
30 percent (2 ears)	M	0	N	N
40 percent (2 ears)	N	0	0	0
Anatomical loss or no light perception in 1 eye; 5/200 or less visual acuity in other—M:				

COMPARISON OF COMBINED DISABILITY RATINGS UNDER CURRENT LAW—Continued

[The House bill, the Senate bill, and the compromise agreement]

Current rating for blindness: Deafness disability rating	Current schedule for combined disability	Proposed rating		
		HB [1]	SB [2]	CA [3]
10 percent (1 ear)	M½	M½	N	M½
10 percent (2 ears)	M	M	M	M [4]
20 percent (2 ears)	M	M	M	M [4]
30 percent (2 ears)	M	N	N	N
40 percent (2 ears)	N	N	0	0
Light perception in 1 eye; 5/200 or less visual acuity in other—L½:				
10 percent (1 ear)	M	M	M½	M [4]
10 percent (2 ears)	L½	L½	L½	L½ [4]
20 percent (2 ears)	L½	L½	L½	L½ [4]
30 percent (2 ears)	L½	M½	M½	M½
40 percent (2 ears)	M½	M½	0	M½ [4]
5/200 or less visual acuity—L:				
10 percent (1 ear)	L½	L½	M	L½ [4]
10 percent (2 ears)	L	L	L	L [4]
20 percent (2 ears)	L	L	L	L [4]
30 percent (2 ears)	L	M	M	M
40 percent (2 ears)	M	M	0	M [4]

[1] House bill.
[2] Senate bill.
[3] Compromise agreement.
[4] No change from current law.

The Senate bill (section 112(c)), but not the House bill would require the Administrator to conduct a study of the appropriateness of the correlations between degrees of deafness (including deafness combined with other diseases) and the rates of disability compensation paid by the VA and, not later than one year following the date of enactment, to submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of the study together with the Administrator's recommendations for legislative or administrative action.

The compromise agreement does not contain this provision.

The Committees note that, under section 355 of title 38, the Administrator is charged with adopting and applying a schedule of ratings of reductions in earning capacity resulting from specific injuries. The Administrator is also charged with adjusting the schedule from time to time in accordance with experience.

In a letter dated January 10, 1984, to the Chairman of the House Veterans' Affairs Committee, the Administrator noted that the VA is currently exploring the medical and benefits aspects of hearing loss, and is considering a study of the current state of the art with regard to treatment and prosthetic devices for the hearing disabled.

The Committees direct the Administrator to provide for the conduct of a study, pursuant to the provisions of section 355, of the rating schedule with respect to the varying degrees of hearing loss (considered both alone and in combination with other disabilities) suffered by veterans. Particular attention should be given to the methods for conducting the medical evaluations upon which hearing-loss ratings are based.

The Committees further direct the Administrator to submit to them, not later than April 1, 1985, a report on the results of this study. The report should include a discussion of any plans or recommendations for administrative or legislative action that the Administrator considers appropriate with respect to VA programs for hearing-impaired veterans. The report should also include descriptions of the various methods currently used in the VA's Department of Medicine and Surgery and Department of Veterans' Benefits and outside the VA for measuring hearing loss and the extent to which such methods accurately and realistically measure the hearing loss that hearing-disabled persons experience in varied real-life situations, such as those that occur in the workplace, in school, at home, in public places, and in open spaces, and should set forth any plans or recommendations for changes in such VA methods that the Administrator may consider appropriate based on the study results. The Committees believe that the completion of the hearing-impairment study described above and the submission of a report on it, as directed, will remove the need for a statutory provision.

Increases in Compensation on Account of Certain Periods of Hospitalization or Convalescence

Both the House bill (section 408) and the Senate bill (section 113) would amend chapter 51 of title 38 to modify, effective October 1, 1983, the period during which the compensation paid to a service-connected disabled veteran rated less than 100-percent disabled is temporarily increased to the 100-percent rate on account of the veteran's hospitalization for a period in excess of 21 days for a service-connected disability or for hospital treatment followed by convalescence for such a disability. Under current law, the period for which payment is made begins on the first day of the month following the month in which the hospital care begins and it ends on the last day of the month in which the hospitalization or convalescence ends. The House bill would modify this period so that it would begin on the first day of such hospital care. (This was the status of the law prior to enactment of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253).) The Senate bill would modify the period for which payment is made so that it would begin on the first day of hospital care and continue only until the day on which the hospitalization or convalescence ends.

The compromise agreement (section 113) would provide, effective October 1, 1983, that, when a period of hospital care in excess of 21 days for a service-connected disability occurs entirely within a single month, the period for which payment of increased compensation on account of such care is made would commence on the first day of that month. This provision, in conjunction with present section 3012(b)(8), which provides that the period of payment ends on the last day of the month in which the care terminates, would have the effect of making the period of payment in such cases the entire month in which the care was furnished.

The Committees note that, under the compromise agreement, veterans whose service-connected hospital care lasts for more than 21 days but does not carry over into a second calendar month would receive the same benefit—one full month of compensation at the 100-percent rate—as is received under current law by those whose care is of the same duration but happens to extend into a second calendar month.

Continuation of Compensation Pending Review and Appeal

The Senate bill (section 114), but not the House bill, would amend chapter 53 of title 38 to provide for the continued payment of disability compensation at the 100-percent rate pending review and appeal (and subject to repayment if the veteran loses on appeal) of a determination made after March 31, 1984, to reduce or discontinue such compensation as the result of a change in the serv-

ice-connected or employability status or physical condition of a veteran whose disability had, prior to that determination, been rated as total for at least 10 years and who, within 30 days after that determination, files a statement of disagreement and requests continued payment.

The compromise agreement does not contain this provision.

TITLE II—VETERANS' PROGRAM IMPROVEMENTS

Inclusion of Certain Adopted Persons Within the Title 38 Definition of Child

The House bill (section 410), but not the Senate bill, would amend section 101(4) of title 38, effective October 1, 1983, to expand the definition of "child" for purposes of general eligibility for Veterans' Administration benefits so as to include a veteran's adopted child even though the child was age 18 or over at the time of adoption as long as (1) the child had become permanently incapable of self-support prior to reaching age 18, and (2) was a member of the veteran's household at age 18. Under the VA's interpretation of current law, a veteran's adopted child who became permanently incapable of self-support before turning 18 is considered as meeting the definition only if the adoption occurred before the child reached age 18.

The compromise agreement (section 201) contains this provision.

Five-Year Extension of Program to Provide Assistance to State Veterans' Cemeteries

The Senate bill (section 201) and section 5 of H.R. 2948 as passed by the House on May 24, 1983 (hereinafter referred to as H.R. 2948), would amend section 1008(a)(2) of title 38 to authorize the appropriation of such sums as are necessary for fiscal years 1985 through 1989 for matching-fund grants to States for establishing, expanding, or improving State veterans' cemeteries.

The compromise agreement (section 202) contains this provision.

Miscellaneous Education Program Amendments

Repeal of 1989 Termination Date for Vietnam Era GI Bill.—The Senate bill (section 202), but not the House bill, would amend section 1662(b) of title 38 to repeal the December 31, 1989, termination date for the current, Vietnam-era GI Bill and provide for reimbursement to the VA by the Department of Defense for all amounts of Vietnam-era GI Bill benefits paid by the VA after December 31, 1989.

The compromise agreement does not contain this provision.

Authority for Advanced Payment of Educational Assistance.—The House bill (section 421), but not the Senate bill, would amend section 1780(d) and various cross-references in chapters 31 and 36 of title 38 to terminate, effective October 1, 1983, the VA's making of advance payments of educational assistance to certain veterans and dependents enrolled in programs of education.

The compromise agreement does not contain these provisions.

Other Education Program Amendments.—The Senate bill (section 203), but not the House bill, would amend chapters 34, 35, and 36 of title 38 to make a series of amendments relating to VA-administered educational assistance programs to (1) allow certain individuals who, despite having post-December 31, 1976, active-duty service that would make them eligible for the Post-Vietnam Era Educational Assistance program (VEAP) (chapter 32), are not eligible for VEAP because they have Vietnam-era GI Bill eligibility (under chapter 34) by virtue of certain pre-1977 training duty to elect to participate in VEAP in lieu of receiving GI Bill benefits; (2) conform the level of survivors' educational assistance benefits (under chapter 35) for entitlement-free pursuit of high-school training to the level of Vietnam-era veterans' GI Bill benefits for such training; (3) bar concurrent receipt of benefits under more than one VA-administered educational assistance program for pursuit of one program of education; and (4) expand the coverage of the 48-month maximum limitation on total educational assistance benefits to include certain recently-enacted programs administered by the VA.

The compromise agreement (section 203) contains these provisions.

Substitution of Housing Loan-Guaranty Entitlement

The Senate bill (section 204) and section 4 of H.R. 2948 would amend section 1802(b)(2) of title 38 to permit, effective on the date of enactment, substitution of a veteran's home-loan guaranty entitlement when a veteran-transferee is not an immediate transferee.

The compromise agreement (section 204) contains this provision.

Loan Guaranties for Manufactured Homes Permanently Affixed to Lots

The Senate bill (section 205) and section 3 of H.R. 2948 would amend chapter 37 of title 38 to provide, effective on the date of enactment, for the guaranty of a loan to a veteran for the purchase of a manufactured home (or the refinancing of a loan previously made for the purchase of a manufactured home) on the same terms and conditions as a loan for a conventionally-built home if two criteria are met: First, the manufactured home is or will be permanently affixed to a lot owned or being purchased by the veteran; and, second, as so affixed, the home is regarded as real property under the laws of the State in which the home is located.

The compromise agreement (section 205) contains this provision.

Employment Emphasis Under Federal Contracts for Veterans with Serious Employment Handicaps

The Senate bill (section 206), but not the House bill, would amend section 2011 of title 38 to expand, effective on the date of enactment, the definition of "special disabled veteran" for the purposes of certain employment and training initiatives under chapters 41 and 42 of title 38 to include a veteran with a service-connected disability rated at 10- or 20-percent disabling if the veteran has been determined to have a serious employment handicap under the VA's rehabilitation program for service-connected disabled veterans carried out pursuant to chapter 31 of title 38.

The compromise agreement (section 206) contains this provision.

Payments for Fiduciary Services

The Senate bill (section 207), but not the House bill, would amend section 3202(a) of title 38 to authorize, effective on the date of enactment, the VA to permit VA-appointed fiduciaries to deduct from beneficiaries' estates certain limited commissions for fiduciary services where the Administrator determines such commissions are necessary in order to obtain fiduciary services that are in the best interests of the beneficiaries and where the fiduciaries receive no other remuneration for their services.

The compromise agreement (section 207) contains this provision.

Board of Veterans' Appeals Membership

The Senate bill (section 211) and subsection (a) of H.R. 2936 as passed by the House on May 17, 1983 (hereinafter referred to as H.R. 2936), would amend present section 4001(a) of title 38 to authorize an expansion—from 50 to 65—in the maximum number of members of the Board of Veteran' Appeals.

The compromise agreement (section 208) contains this provision.

The Senate bill (section 211) and subsection (c) of H.R. 2936 contain provisions that would amend section 4001 and 4002 of title 38 to make a technical amendment to delete the word "associate" from the statutory description of members of the Board.

The compromise agreement (section 208) contains these provisions.

The Senate bill (section 211) and subsection (b) of H.R. 2936 would further amend section 4001 to authorize the appointment of individuals to serve as members of the Board in other than a permanent status. Under the Senate bill, the Chairman of the Board would be authorized, but only when there are 65 members on the Board, to appoint individuals from the professional staff of the Board to serve as "temporary" members of the Board for terms of up to one year each and to reappoint any such individual no more than once within the three-year period following the expiration of an initial appointment. Also, the Senate bill would authorize the Chairman, when there is a temporary absence of a Board member from one of the Board's three-member sections, to appoint an individual from the professional staff of the Board to serve as an "acting" member of the Board on that section for a period of up to 30 days at a time, with a maximum of 60 days service in any fiscal year.

Under H.R. 2936, the Chairman would be authorized to designate an employee of the VA who is an attorney or a physician to serve temporarily as a member of the Board without any time limitation.

Under the Senate bill and H.R. 2936, no section of the Board could have more than one individual who is serving as a member on an other-than-permanent basis.

The compromise agreement (section 208) follows the Senate bill with modifications to delete the requirement that non-permanent members be drawn from the Board's staff; to authorize the Chairman to designate individuals as "acting" members to fill vacancies temporarily, as well as to serve in the event of temporary absences; and to lengthen the maximum periods of such designations to periods of up to 90 days, but not to exceed, in the case of any individual, a maximum total of 270 days in any 12-month period.

The Committees note that, although a requirement that an individual designated to the Board on an other-than-permanent basis be "from the professional staff of the Board" (Senate bill) or "an employee of the Veterans' Administration who is an attorney or a physician" (H.R. 2936) is not included in the compromise agreement, they intend that any non-permanent members be drawn from the professional staff of the Board unless no such staff members with appropriate qualifications for the positions involved are available. The Committees also note that, although the compromise agreement uses the word "designate" (as used in H.R. 2636) rather than "appoint" (as used in the Senate bill) to describe the Board Chairman's authority to place an individual on

the Board in a non-permanent position, the Committees contemplate that, when a qualified employee of the Veterans' Administration is not available, it would be appropriate for a non-VA employee to be given an appointment for the purpose of serving as a non-permanent Board member pursuant to a designation by the Chairman.

The Senate bill (section 211), but not H.R. 2936, would amend section 4003(a) of title 38 to preclude temporary or acting members from casting a vote in cases in which the votes of the two permanent members are split.

The compromise agreement does not contain this provision.

The Committees intend, however, in providing the limited authorities for temporary and acting members, that the Chairman of the Board will continue the current practice of expanding the panel, or convening another panel, in cases in which the votes of the permanent members are split and a temporary or acting member votes against the claimant.

The Senate bill (section 211), but not H.R. 2936, would further amend section 4001 of title 38 to require the Administrator to report annually, as part of the annual report to the Congress required by section 214 of title 38, on the implementation of the provisions (described above) authorizing the designation of acting and temporary Board members.

The compromise agreement (section 208) contains this provision.

The Senate bill (section 211), but not H.R. 2936, would further amend section 4001 of title 38 to require the Chairman of the Board to report annually to the appropriate committees of the Congress on the Board's current and projected future workload together with an evaluation of the Board's ability, based on current and future personnel levels, to dispose of appeals in a timely manner.

The compromise agreement does not contain this provision.

Membership of Special Medical Advisory Group

The Senate bill (section 208), but not the House bill, would amend section 4112 of title 38 to expand, effective on the date of enactment, the membership of the VA's Special Medical Advisory Group to include individuals, other than members of health and allied scientific professions specified in current law, who have experience pertinent to the missions of the VA's Department of Medicine and Surgery.

The compromise agreement (section 209) contains this provision.

Revision of Effective Date for Certain Reserve Officers' Training Corps Participants' Eligibility for Veterans' Administration Benefits

The House bill (section 409), but not the Senate bill, would revise the effective date provision (subsection (d)) of section 113 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Public Law 97-306)—which provided general title 38 benefits eligibility to Senior Reserve Officers' Training Corps (SROTC) participants who, after September 30, 1982, incur a disability during field training or a practice cruise—so as to provide, effective October 1, 1983, such eligibility to SROTC participants who incurred a disability during field training or a practice cruise before October 1, 1982.

The compromise agreement (section 210) contains this provision.

Pilot Program for Expediting Certain Medical Facility Construction Projects

The Senate bill (section 209), but not the House bill, contains a provision that would permit certain medical facility construction projects to be expedited. Specifically, it would authorize the Administrator to obligate up to $25 million from the so-called "working reserve" in the VA's major construction account in fiscal year 1984 in order to undertake working drawings for certain construction projects prior to either the adoption of resolutions approving the projects by the House and Senate Veterans' Affairs Committees or the approval of the projects in the appropriations process. However, the Administrator would also be required, at least 30 days before initiating working drawings for a medical facility construction project, to provide the Veterans' Affairs and Appropriations Committees of both Houses with written notice of the intention to do so, together with the estimated cost of the drawings and the estimated range of the total costs of the construction project. No funds could be expended under this provision for working drawings for the replacement or new construction of a complete health-care facility, nor could more than $2.5 million be spent on working drawings for any one project.

The compromise agreement (section 211) contains a provision derived from the Senate provision with amendments. These amendments would also permit the VA to obligate funds for working drawings in fiscal year 1985—for projects on which construction could be initiated in fiscal year 1985 or 1986—with the same total $25 million limitation operating as a cap on aggregate expenditures for fiscal years 1984 and 1985 combined, and would provide a clarifying definition of "working drawings".

Springfield Confederate Cemetery

The Senate bill (section 210), but not the House bill, would, effective on the date of enactment, provide that the land comprising the present Springfield (Missouri) Confederate Cemetery shall be considered part of the Springfield National Cemetery and remove a restriction on the use of that land which permits the burial of only Confederate veterans.

The compromise agreement (section 212) contains this provision.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I support and applaud the unanimous-consent request of the distinguished chairman of the House Veterans' Affairs Committee. The agreement reached on the bill before us is a good agreement and one that the House ought to agree to.

We have reached an accord with the other body on fundamental issues. This bill provides for an increase in compensation for service connected disabled veterans, their dependents, and survivors that is in accord with the increase in the cost of living as recorded by the Consumer Price Index. This increase carries out the congressional promise of many years that benefits for service-connected disabled veterans is the first priority of our Nation.

Mr. Speaker, the chairman's request also assures a long-needed increase in the membership of the Board of Veterans Appeals of the Veterans' Administration. All of us know that such an increase is imperative and the House has previously expressed its will on this issue.

Other aspects of Senate bill 1388 have been the subject of extensive negotiations with the other body. They include a limited liberalization of benefits for hospitalized disabled service connected veterans, increased compensation for a few blind veterans who also have hearing difficulties, and a liberalization of benefits to former prisoners of war who have a certain kind of depressive neurosis.

All in all, Mr. Speaker, this is the culmination of efforts of both bodies of the Congress to assist those veterans who are our prime responsibility. We are within budget restrictions and expectations and I urge full support of this measure by all of my colleagues and I congratulate the chairman of the House Veterans' Affairs Committee for his efforts in bringing this measure to final resolution.

● Mr. LEATH of Texas. Mr. Speaker, there are a number of technical amendments in this bill relating to educational programs administered by the Veterans' Administration which I have reviewed and support.

An agreement has been reached to delete the Senate amendment which would extend the termination date for entitlement to GI bill benefits beyond December 31, 1989, for certain individuals who may be on active duty beyond that date.

I want the RECORD to show that I support the chairman of my committee, the gentleman from Mississippi, in having this provision deleted. I hope that the action of the House in rejecting the extension of the termination date for GI bill benefits will send a signal to the Pentagon, as well as those on the other side of the Capitol. The House is just not going to accept extending the termination date beyond December 31, 1989.

As the Members know, the Committee on Veterans' Affairs reported H.R. 1400, the Veterans' Educational Assistance Act of 1983, on May 16, 1983. The bill is currently pending before the Armed Services Committee. The Department of Defense is opposed to the bill. I strongly recommend that the Department of Defense get behind this bill and lend its support to its enactment before this 98th Congress adjourns.

H.R. 1400 will provide educational benefits for personnel who remain on active duty beyond December 31, 1989.

Mr. Speaker, so that everyone will understand what I am saying, either DOD support H.R. 1400 which will provide educational benefits beyond 1989 for active duty military personnel, or educational benefits for thousands of active duty personnel will

expire. I can assure everyone that the 1989 termination date is not going to be extended.●

● Mr. McEWEN. Mr. Speaker, I support the compromise reached on this bill, and I most pleased that a cost-of-living increase is provided to veterans with service-connected disabilities, their dependents, and survivors.

I am also pleased that an agreement was reached with respect to certain blinded veterans, and those veterans who are hospitalized in excess of 21 days.

S. 1388 will also authorize an increase in size of the Veterans' Appeals Boards which is vitally needed. I commend the chairman of our committee, Mr. MONTGOMERY, the ranking member Mr. HAMMERSCHMIDT, and the chairman of the Subcommittee on Compensation, Pension, and Insurance, my colleague from Ohio, Mr. APPLEGATE, for their efforts in shepherding this legislation through the Congress.

Thank you.●

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi (Mr. MONTGOMERY)?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Mississippi (Mr. MONTGOMERY).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors; to express the sense of the Congress that increases in the rates of compensation should take effect on December 1 beginning in fiscal year 1985; and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REPORT ON RESOLUTION OF INQUIRY DIRECTING THE PRESIDENT TO FURNISH CERTAIN INFORMATION TO THE HOUSE OF REPRESENTATIVES WITH RESPECT TO U.S. ACTIVITIES REGARDING GRENADA

Mr. MONTGOMERY, from the Committee on Armed Services, submitted a privileged report (Rept. No. 98-597, part I) on the resolution (H. Res. 383) directing the President to furnish certain information to the House of Representatives with respect to U.S. activities regarding Grenada, which was ordered to be printed.

CONSTRUCTION WORK IN PROGRESS POLICY ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 375 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 555.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 555) to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases, with Mr. DORGAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, February 7, 1984, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Construction Work in Progress Policy Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) it is in the public interest that electric utilities have a cash flow adequate to support investments in resources that are in the interest of their ratepayers;

(2) it is in the public interest that electric energy services be delivered at least possible cost, and with adequate reliability, and that unnecessary rate increases be avoided;

(3) inclusion of the costs of construction work in progress in public utility rate bases established by the Federal Energy Regulatory Commission causes rate increases;

(4) inclusion of the costs of construction work in progress in public utility rate bases established by the Federal Energy Regulatory Commission may, in some cases, cause anticompetitive price discrimination and may, in some cases, cause some utility customers to pay for utility facilities that they will not use;

(5) inclusion of the costs of cosntruction work in progress in public utility rate bases established by the Federal Energy Regulatory Commission violates the principle that today's ratepayers should pay through rates only for the costs of facilities in service to them; it also transfers a portion of the risk of financing the construction of additional facilities from shareholders to ratepayers; and

(6) the adequacy of cash flow of some electric utilities in poor financial health may be improved in a manner that is consistent with the interests of their ratepayers by the inclusion of some of the costs of construction work in progress in public utility rate bases established by the Federal Energy Regulatory Commission and, thus, the Commission should have discretion to approve such inclusion, on a case-by-case basis, pursuant to policies and procedures established by law.

PURPOSE

SEC. 3. It is the purpose of this Act to establish policies and procedures governing the inclusion of costs of construction work in progress in the rate bases of public utilities regulated under the Federal Power Act.

AMENDMENT OF FEDERAL POWER ACT

SEC. 4. The Federal Power Act is amended by adding the following new section at the end of part II:

"COSTS OF CONSTRUCTION WORK IN PROGRESS

"SEC. 213. (a) Nothing in this section shall be construed to affect the authority of the commission to approve the inclusion of the following costs of construction work in progress in the rate base of a public utility in accordance with the provisions of sections 205 and 206 of this Act—

"(1) the costs of any pollution control facility; and

"(2) the costs of conversion of oil and natural gas-fired facilities to the use of fuels other than oil or natural gas.

For purposes of the following provisions of this section, the term 'costs of construction work in progress' shall be treated as not including the costs referred to in paragraphs (1) and (2).

"(b) Upon application of a public utility, the Commission shall, consistent with the provisions of subsections (c) through (k) of this section, approve inclusion of the costs of construction work in progress in the rate base of such public utility.

"(c) Any public utility whose internal generation of funds from rates established by the Commission and from all other sources of funds related to the Commission's jurisdiction in a test period established by the Commission is, after subtraction of interest payments and dividends (except reinvested dividends) subject to the Commission's ju-

risdiction, 40 per centum or less of planned construction expenditures subject to the Commission's jurisdiction in such test period may file an application for the inclusion of the costs of construction work in progress in the rate base of such public utility.

"(d) Any application submitted to the Commission under subsection (c) shall contain—

"(1) a detailed description of the financial condition of the public utility filing the application and, if the public utility is in 'severe financial difficulty', as defined by the Commission by rule, a certification of such condition;

"(2) a detailed description of construction expenditures subject to the Commission's jurisdiction in the test period and detailed description of funds to be internally generated during that period from rates prescribed by the Commission and all other sources of funds related to the Commission's jurisdiction;

"(3) a statement explaining the need for the facility proposed to be included in the rate base and describing the public utility's construction program, including a detailed assessment of the potential of alternative means of meeting demand for electric energy services at least system cost with adequate reliability, including—

"(i) customer consumption efficiency improvements and use of renewable resources,

"(ii) load management techniques,

"(iii) cogeneration,

"(iv) electricity generation using biomass, waste, renewable resources, or geothermal resources,

"(v) changes in rate design,

"(vi) production efficiency improvements (including improved powerplant productivity and inter-utility coordination), and

"(vii) any other alternatives established by the Commission by rule; and

"(4) such other information reasonably related to the commission's duties under this Act as the Commission shall by rule require.

"(e) Upon application by a public utility under subsection (c) of this section, the Commission shall commence an evidentiary hearing. In any such hearing, the burden of proof to show that any increased rate for which application is made under this subsection is consistent with the requirements of this section shall be upon the applicant. The Commission shall give to the hearing and decision of such questions the same preference as is given to questions arising in proceedings brought under subsections (a) through (e) of section 205, and the Commission shall decide such questions as speedily as possible.

"(f) If an application filed by a public utility pursuant to subsection (c) of this section contains a certification of 'severe financial difficulty' (as defined by the Commission by rule) and if the Commission finds that such public utility is in 'severe financial difficulty', the Commission, after preliminary adjudicatory hearing on the matter of the validity of the certification, shall permit, by order, the inclusion of the costs of such public utility's construction work in progress in the rate base and shall permit any rate increase attributable to such inclusion in the rate base, subject to the limitations set forth in paragraphs (1), (5), and (6) of subsection (h) of this section, to take effect immediately. The Commission shall require any public utility collecting any such rate increase to refund, with interest, to the persons on whose behalf such increases were paid, such portion of such increased rates as, by final order issued pursuant to subsection (g) of this section, shall not be found justified.

"(g) If, after evidentiary hearing, the Commission finds that—

"(1) the facility, the costs of which are proposed to be included in the rate base of a public utility submitting an application pursuant to subsection (c) of this section, is reasonably necessary to meet the demand of its customers for electric energy services at least system cost with adequate reliability, after accounting for all measures determined to be of less system cost, and

"(2) the financial condition of the public utility would, in the test period, likely be such as to prevent the financing of such facility by borrowing except at a cost significantly higher than the average cost of new long-term debt within the electric utility industry during that period, after taking account of the possibility of innovative financing methods,

the Commission shall permit, by order, the inclusion of such costs of construction work in progress in rate base subject to the limitations contained in subsection (h) of this section.

"(h) The amount of costs of construction work in progress permitted to be included in a public utility's rate base by Commission order issued pursuant to subsection (g) of this section shall be limited by the following conditions—

"(1) no such costs in excess of those necessary to restore the internal generation of funds from rates established by the Commission and from all other sources of funds related to the Commission's jurisdiction during the test period established by the Commission, to a level of 40 per centum of construction expenditures subject to the Commission's jurisdiction, after subtraction of interest payments and dividends (except reinvested dividends) subject to the Commission's jurisdiction, during such test period shall be permitted to be included in such public utility's rate base;

"(2) no such costs that the Commission finds to have been imprudently incurred, including costs incurred because of mismanagement of the public utility, shall be permitted in such public utility's rate base;

"(3) no rate increase attributable to the inclusion of such costs in such public utility's rate base shall be so substantial as to have an anticompetitive effect, including the establishment of unreasonable price discrimination between wholesale and retail customers of such public utility and no such rate increase shall be otherwise unduly discriminatory or preferential;

"(4) upon certification by a customer of such public utility that a facility, or portion thereof, the costs of which are proposed to be included in rate base by such public utility will not be used to serve such customer or will provide service to such customer for only a fraction of such facility's useful life, the Commission shall limit the increase of rates to such customer attributable to the inclusion of such facility in such public utility's rate base to an amount that is just and reasonable in light of the facts of the situation;

"(5) in the first two years beginning on the date of promulgation of rules pursuant to subsection (j) of this section, no rate increase attributable to the inclusion of the costs of construction work in progress shall exceed 6 per centum per annum of the rates in effect on the date of promulgation of such rules; and

"(6) no electric energy rate increase attributable to the inclusion of such costs in the rate base may be charged for electric energy sold prior to the date of a Commission order approving such increase.

"(i) Public utilities shall discontinue the capitalization of allowance for funds used during construction for those costs of construction work in progress which are included in the rate base pursuant to this section.

"(j) Not later than one hundred and eighty days from the date of enactment of this section, the Commission shall promulgate rules governing the implementation of authorities granted in this section.

"(k) The Commission shall require that an amount of revenues equal to the amount of revenues derived from construction work in progress in the rate base of a public utility shall be deferred from inclusion in the rates of that utility when the facility becomes used and useful for public service, for a period of time which is no longer than the period over which construction work in progress has been included in jurisdictional rates, insofar as the Commission determines that such action is just and reasonable.

"(l) As used in this section, the term—

"(1) 'construction work in progress' means construction of a facility used to generate or transmit electric energy which construction is undertaken, or proposed to be undertaken, but which is not yet in service.

"(2) 'allowance for funds used during construction' means the cost of funds used for construction work in progress.

"(3) 'system cost' means an estimate of all the direct costs of a resource over its effective life, including the cost of generation transmission and distribution, if subject to the Commission's jurisdiction, and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases and decreases), and such quantifiable environmental costs as are directly attributable to such resource.".

□ 1530

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just to set the framework for the debate that is about to take place, I would like to point out to the members of the committee that this is probably as important a piece of consumer legislation as we will see. While the issue sounds technical to many people, it really is quite simple. The question is whether the financing of new construction by utilities shall be borne by the shareholders or by the consumers.

The Federal Energy Regulatory Commission has issued a rule that says virtually automatically 50 percent of those costs of construction can be placed in rate base. That is unsound. It is the shareholders who make the profits in any other private enterprise. The shareholders ought to take the risk.

Furthermore, automatically having the consumers finance new construction to the extent of 50 percent will create a tremendous incentive for overbuilding. And we have seen in the last 10 years more than 100 powerplants canceled. If those powerplants were built with construction work in

progress, then it is the consumer who will end up holding the bag. The consumer has no control over management for its bad decisions. The shareholders do. It is highly inequitable that consumers, when a plant is abandoned, should have to bear those financing costs rather than the shareholders.

This matter has been considered by our committee with a great deal of care. We have had two hearings. The record of those hearings runs some 568 pages. We have had 24 witnesses. In addition, in the 97th Congress, we held 11 hearings with more than 100 witnesses submitting testimony on utility issues related to CWIP. In the first session of this Congress, we have already held eight hearings on the issues involving the financial health of the utility industry, and just yesterday we held a hearing on utility demand and capacity studies in which CWIP was specifically addressed.

The matter has been very carefully considered. The FERC did not very carefully consider it. The 2 years it took for consideration of this matter—and our committee has considered it for 3 years—was mostly engaged in a dispute among the Commissioners, two of whom wanted to include 100 percent CWIP in the rate base and the others did not. The 50 percent they came up with was not the result of any scientific study. There is no record to back it up as a sound rule. It was a straight compromise between the Commissioners who thought they ought to put CWIP in the rate base to 100 percent, as the utilities wanted, and those who thought it ought to be a restricted policy.

The compromise that we have come up with is a sound one. We say that ordinarily shareholders ought to finance the risk of investments from which they profit. But where a utility can show that a plant is truly needed and its cash flow problems and its ability to raise money in the marketplace at reasonable rates is such that they could not build a truly needed powerplant, then we say it is appropriate for consumers to be charged.

The FERC itself says that automatic CWIP in the rate base will result in increased costs to the consumers. It will encourage unneeded powerplants, and it shifts the risk from where they being, the shareholders under the free enterprise system, to the consumers who ought not to be asked to bear those risks.

I strongly urge passage of the legislation.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment in the nature of a substitute.

Mr. OTTINGER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MOORHEAD: Strike out all after the enacting clause and substitute:

SHORT TITLE

SECTION 1. This Act may be cited as the "Construction Work in Progress Act of 1984".

AMENDMENT TO FEDERAL POWER ACT

SEC. 2. The Federal Power Act is amended by adding the following new section at the end of part II:

"COSTS OF CONSTRUCTION WORK IN PROGRESS

"SEC. 213. (a) The Commission may approve the inclusion of construction work in progress in the rate base of a public utility in accordance with the final rule of the Commission published in the Federal Register on June 1, 1983 and effective July 1, 1983 (48 Fed. Reg. 24353, et seq.).

"(b) Nothing in subsection (a) shall be construed to affect the authority of the Commission to amend or modify the final rule referred to in subsection (a) in accordance with the provisions of sections 205 and 206 of this Act.".

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. MOORHEAD. Mr. Chairman, this amendment to H.R. 555 would simply provide that the Federal Energy Regulatory Commission may approve the inclusion of construction work in progress in a utility's rate base in accordance with the final FERC rule on CWIP which became effective on July 1, 1983. This amendment was offered by me during subcommittee markup and it failed by only one vote.

Mr. Chairman, I believe that the FERC rule on CWIP is eminently fair and reasonable, and is a necessary response to some very real financial problems in the electric utility industry. The amendment I offer would prevent Congress from substituting its judgment for that of the Regulatory Agency which has given this subject careful consideration.

The Commissioners at the FERC studied this issue for 2 years. They received testimony from all concerned parties. And they agreed unanimously to adopt this limited rule which they believe fulfilled their regulatory responsibility, both to protect the ratepayer from high rates, while at the same time insuring that utilities will continue to provide economic and reliable utility service, now and in the future.

First of all, Mr. Chairman, the FERC rule allows utilities to recover a cash return on the financing (or carrying costs only) on 50 percent of their investment in plants under construction. Of course, none of the principal which the utility has invested in the plant is recoverable until the plant is placed in service.

Everyone admits that sooner or later the consumer is going to pay both for the cost of the plant and for the financing of the plant if the plant becomes operable. The people who have invested their money in the company that built the plant are not going to get 1 penny return on investment until the plant goes into operation. The only thing that is covered here is 50 percent of the financing charges on the project and, in the long run, it will create lower rates for the consumer because if it has to be placed on the continuing debt of the firm, eventually the cost to the consumer will be much higher.

FERC estimates the average initial rate increase to wholesale customers will be limited to 3.57 percent. In any case, to protect consumers from any unanticipated rate increases, the amendment I propose today contains a consumer cap of 6 percent per year on any rate increase attributable to the FERC rule during the first 2 years that the rule is in effect.

This ruling by the Commission will affect less than 8 percent of all sales of electricity by investor-owned utilities in the United States.

Mr. Chairman, one of the objectives which FERC seeks to achieve by this rule is to lessen any bias which may discourage construction of new generating facilities. Last summer, the Department of Energy released a major study which stated that reliable electric service may be jeopardized by 1990. DOE concluded that there are significant financial disincentives to capital investment which will prevent the timely and effective addition of new capital. The disincentives identified included the regulatory treatment of funds for construction work in progress.

The study estimated that annual electric bills could be as much as $18 billion higher by the end of the century as utilities try desperately to meet electric power demand by resorting to costly—but quickly available—natural gas and oil-fired turbines.

Recently, Secretary Hodel warned that "the failure to allow utilities to build more powerplants will come home to roost. Growth in electric consumption will continue." Dun & Bradstreet's Power Engineering and the North American Electric Reliability Council have also warned of imminent electricity shortages.

Prior to the markup of this legislation in the Energy and Commerce Committee, I received a letter from the Department of Energy, as did the other members of this committee,

which clearly spelled out the danger of adopting the bill before us today. This letter clearly states that, and I quote:

If passed, (H.R. 555) would adversely impact the ability and willingness of the Nation's private electric utility companies to make the long-term investments necessary to assure reliable electric power supplies at minimum cost * * * by perpetrating disincentives to necessary capital investment, H.R. 555 would serve to increase consumer costs in the long run and potentially increase oil imports on a noneconomic basis.

The CHAIRMAN. The time of the gentleman from California (Mr. MOORHEAD) has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 5 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield just briefly?

Mr. MOORHEAD. I yield to the gentleman from New York.

□ 1650

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, to clarify the position for the committee, what the gentleman's amendment does is to codify the FERC rule permitting 50 percent inclusion of construction work in progress?

Mr. MOORHEAD. That is correct. Absolutely.

Mr. OTTINGER. I thank the gentleman.

Mr. MOORHEAD. Mr. Chairman, while a strategy of no-growth may have been compatible with the stagflation of the late seventies, it is clear that such a strategy will not work in the rapidly growing economy which is being fostered by current policies. Growth in electric demand has consistently outpaced growth in the gross national product.

Mr. Chairman, the dangers of not having an adequate and secure supply of electricity are clear. Brownouts will allocate limited supply. Electricity costs will rise as uneconomic and inefficient generators are rushed into service. Consumption will be diverted into less efficient energy sources. Most importantly, the higher cost and unreliability of electricity will constrain economic growth. Businesses will expand their operations abroad and may in fact relocate their existing operations. American business will lose its competitive edge.

In light of the uncertainties of the future, the goal of national policy must be to encourage the unfettered operation of the marketplace and devise approaches to utility regulation which are flexible and responsive to economic forces. It is for precisely this reason that FERC has been vested with its authority. In light of FERC's extensive and careful consideration of this matter, Congress should rely on FERC's expertise.

Mr. Chairman, I want to point out to the Members of this House that these Federal regulatory agencies are put into place to protect the public. When they made a finding after years of study, they are not trying to be the enemy of society, of our consumer; they are acting for the consumer, in their best interest, as they see that interest.

For the House, in a brief period of time, to try to override their decisions, with very little evidence before the committee, I think is irresponsible. I would point out that there have been hearings held on electric power, on the development and financing of power, in the committee, but there was only a 1-day hearing on this particular bill. If we are going to be able to judge what a piece of legislation actually does, and its need in the entire environment, we have to be able to precisely zap in on that one piece of legislation. We cannot go on generalities.

The Commission has done their work. They have studied this question over a long period of time, and I think they have come up with the best answers.

For this and other reasons, Mr. Chairman, I urge my colleagues to support this amendment, which would codify the FERC rule and would help insure our ratepayers of adequate, reliable, and reasonably priced electricity in the future.

Mr. WEAVER. Mr. Chairman, I rise in opposition to the amendment.

This amendment, of course, would simply put us back to where we started and negate the whole purpose of this bill. I would like to relate the experience of the State of Oregon.

The people of the State of Oregon adopted in an initiative resolution in the late 1970's a Construction Work in Progress Act. It is the law of the State of Oregon, and it has been the law of the State of Oregon now for 5 years.

It has worked exceedingly well. It has done two things. First of all, the law adopted by the people of the State of Oregon on construction work in progress did simply this: It said to the utility industry, "While you have plants under construction, prior to their operating, you must not charge us in our electric bills for the cost of these plants."

It was a very simple measure. As I say, it has worked exceedingly well. It has saved the consumers not only hundreds, probably billions, of dollars but even more importantly, it acted to help the market work.

Prior to adoption of a construction work in progress law in Oregon, the utility industry had plans to build dozens of plants and had, indeed, under construction a number of them. They had also spent hundreds of millions of dollars on plans for other plants. By charging the consumer for these plants and all costs involved in these plants, they had a blank check. So the leaders of the industry had no checks on them, no market checks at all. They said, "We will just go ahead and build these plants, pass the cost off to the consumer, and it is not going to cost our stockholders a thing. As a matter of fact, we will probably make money on them because it increases the capitalization and the indebtedness of our utility."

By passing construction work in progress in Oregon, it served notice to the utility industry to look over their plans for building these plants. Did load growth forecasts really indicate a need for the plants? As the utilities began looking over their projections for additional plants more carefully, knowing their stockholders would have to pay for them, they found, indeed, they did not need the plants.

The Skagit plants in the State of Washington were canceled. The Pebble Springs plants in the State of Oregon were canceled. Thank goodness they were. Even with those canceled, we have a glut of electricity in the Northwest. We have several thousand megawatts in surplus that we are desperately trying to sell at bargain-basement prices.

So construction work in progress worked exceedingly well in Oregon doing those two things. It saved the consumer the hundreds of millions of dollars that the utility industry would have tried to place in their electric bills for the cost of these plants that were not complete and will never be complete, and this indeed has been a boon.

The responsibility lay with the industry itself, with the utilities themselves. They made the mistakes. They were stockholder companies. Capitalism implies a risk. But more importantly, I think, construction work in progress said to the industry, "Be more careful, be more cautious with your projections of needed plants. Do not think you have a blank check just to pass the costs on, because your stockholders are going to have to bear a responsibility and, therefore, you must make a sound and prudent business decision; not just simply go helter-skelter on in building plants we do not need because you know the consumer will eventually pay for them."

With that, I ask the House to oppose this amendment, as it would simply negate the whole purpose of the bill, and consider the experience in Oregon where construction work in progress has been eminently successful.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, in my remarks yesterday I tried to make the point that consumers are going to pay the cost sooner or later. It is not a question of

whether or not they are going to pay; they are going to pay those costs. It is just a matter of when.

The facts show that under the amendment offered by the gentleman from California that those costs that the consumers will bear will be far less than under H.R. 555. Let me try to illustrate that, if I may, with this chart that I have here.

This chart shows first a 7-year construction period. Then after that, the part that is cross-hatched, a 30-year useful service life of the electric utility. Under this illustration that I am trying to show here, we are talking about a typical coal-burning plant that would cost $1 billion to construct.

□ 1700

Now, under this blue area within the 7-year construction period, if a full 100 percent of construction work in progress were included at the rate base, the cost to consumers to finance that portion over that 7-year construction cycle would be $410 million. However, if we had to wait until the construction period has been completed and then put the cost into the rate base, it is going to throw the cost up into this redline up above.

However, if we have some of the cost up front and then amortize the cost over the 30-year life of the program, is it going to cost considerably less over that 30-year period.

The redline area represents $1.244 billion additional cost to ratepayers if construction work in progress is not in the rate base. In other words, thus the consumer is going to pay three times as much to finance this plant if CWIP is not in the rate base. That is three times $410 million which is up front, as compared to $1 billion 244 million if we have to wait until after the construction period before that cost goes into the rate base.

Now, all Members have been furnished this information on a chart. I would urge that they take a look at it. I think the figures clearly show that H.R. 555 is not in the consumer's interest.

The gentleman from California offers an amendment that would call for one-half or 50 percent of the financing cost for new plants to be placed immediately into the rate base. In contrast, H.R. 555 insures a rate shock by saying that all those costs will go on at the end of the construction period, starting here, and thus those rates to finance those costs would have to go up to that extent.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I am glad to yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would like to engage the gentleman in a dialog. I have some fundamental questions.

Although one could make some arguments about the changes in the value of money over time, as one of my other colleagues, I am sure, will bring up shortly, I do not argue that the gentleman's general representation is an accurate one. I guess what I question is some of his fundamental assumptions, and that is this: How does the utility management decide whether or not it is going to build a generating facility or take a look at other options that exist in the free marketplace at the moment?

For instance, if we provide them construction work in progress, we are giving them an incentive to go toward production and toward building new generating facilities. What happens to my community and other communities around the country that are negotiating presently with utilities to set up garbage-to-steam-to-energy plants? The electric company now has an incentive not to negotiate with my communities, but it has an incentive to build new facilities.

Mr. BROYHILL. Mr. Chairman, may I respond to the question?

Mr. GEJDENSON. Yes. I would really like to hear the answer.

Mr. BROYHILL. Mr. Chairman, the gentleman from California, of course, has taken care of that in his amendment.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL. Mr. Chairman, the amendment offered by the gentleman from California (Mr. MOORHEAD) requires the Federal Energy Regulatory Commission to address the needs for that additional power as soon as they file for the construction work in progress, at the start of plant construction.

Mr. GEJDENSON. All right. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, if we are turning that decision over to the Government regulators, if we want Government to make all decisions on the need for a new generating facility, and if we are going to have the taxpayers pay—in this case they happen to be ratepayers; it is just as if we were voting for a new tax on electric consumers by forcing them to prepay for this facility—if we are going to ask the taxpayer-ratepayer to pay for the facility and if we are going to ask the Government to decide whether or not we need that facility, then, for God's sake, why do we need to give the utility a profit on it?

If I am going to pay for it, if Goverment is going to decide whether or not we need it, why do we not just build it and we will sell the electricity to the utility and, if there is a profit, we will give it back to the ratepayer?

Mr. BROYHILL. Mr. Chairman, the gentleman must have a misunderstanding of how these costs are amortized, because if we have a plant that is built, say, taking 7 years to construct, and then they start amortizing all those costs at the end of that 7-year construction period, as this chart seems to show——

Mr. GEJDENSON. Mr. Chairman, that is just the way it should——

Mr. BROYHILL. I have still got the time.

Mr. GEJDENSON. Yes.

Mr. BROYHILL. And, Mr. Chairman, I am trying to explain to the gentleman how the system really works.

So that those costs are going to be amortized, the consumers are going to pay for it sooner or later, and if they start paying sooner, they are going to certainly have a far lower cost over the 30-year life of that plant.

I also want to point out that perhaps the gentleman has not read all of the amendment offered by the gentleman from California, because his amendment does require a utility to consider all other options to new plant construction before it can receive CWIP.

Mr. GEJDENSON. Mr. Chairman, if I may interrupt, will the gentleman yield at this point?

Mr. BROYHILL. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, the only incentive they are providing to the utility is an incentive to go into construction work, so that while we tell the utility manager—and I believe they are all honest and decent gentlemen—to take a look at all other options, what we are guaranteeing him is a profit if he starts to build, whether he finishes or not.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, I would point out again that the Members should please read the gentleman's amendment. The gentleman's amendment says that the utility must do certain things. If they apply to ask for 50 percent of the carrying charges to be put into the rate base during this construction period, in order to get approval of that they must have considered the feasibility of adopting alternate strategies such as cogeneration or wind or solar or geothermal or perhaps someone else's power that might be available in the region.

So under this amendment the utility must fully assess the conservation potential and energy saving load management techniques and explain why these alternatives to new plant con-

struction are not capable of meeting the ratepayers' electric demand.

So, Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(On request of Mr. OTTINGER, and by unanimous consent, Mr. BROYHILL was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I am pleased to yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, first I think it should be pointed out that while the utility in its filing must state the alternatives that it has investigated, there is no obligation under the amendment offered by the gentleman from California that FERC do anything with this information. The inclusion in the rate base of the 50 percent is virtually automatic unless they find it is not a prudent investment.

Is that not the case?

Mr. BROYHILL. Mr. Chairman, the Federal Energy Regulatory Commission would have ample authority to utilize this information and to deny the inclusion of CWIP if they find that other alternate power is available to the consumers in that area. They would certainly rule that that would not be a prudent investment.

Mr. OTTINGER. Mr. Chairman, that is the finding that would have to be made, and there is no provision, as there is under our bill, that FERC actually make an investigation and have a hearing with respect to the advantages of alternate means of production or conservation. Under the FERC rule there is only the requirement of a filing, and upon the filing it is practically automatically approved.

Mr. BROYHILL. There are ample laws under which they operate in approving these requests for the Federal Energy Regulatory Commission to make those determinations.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further with respect to the chart?

Mr. BROYHILL. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I am concerned, because I have a chart, which I will explain, and it shows that at every point, since the consumer is financing it, the consumer has to pay more. It is true at the end of the construction of the plant, and at the end of the useful life of the plant, the consumer will have paid everything, assuming that the plant is built.

But we have a situation, for example, with New England Power where they had asked for CWIP in the rate base. Now, they have concluded that it would be advantageous for its customers to withdraw from the ownership—this is Seabrook Unit No. 2—and thus New England Power is attempting to sell its shares of unit 2 or, in the alternative, get cancellation of the unit.

□ 1710

If you had CWIP in operation in that case, is it not true that it is the consumer that would have borne the burden of financing a canceled plant, when the consumer has no power over the management at all, the shareholders have that control and the shareholders do have control over the management and could do something about it.

Mr. BROYHILL. Well, Mr. Chairman, if I could say if I have the time, the gentleman well knows that the rate treatment of an abandoned construction project is not affected by this bill or this rule that FERC has come up with. The rate treatment of canceled plants, to my understanding, is the subject of other law which we are not addressing here today.

In other words, that law focuses on the prudency of management decisions to undertake the project in the first place and so forth.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(At the request of Mr. OTTINGER and by unanimous consent, Mr. BROYHILL was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield on that point?

Mr. BROYHILL. I would be glad to yield.

Mr. OTTINGER. What the gentleman says is accurate so far as he states it; but if there has been CWIP allowed in the rate base, the consumer will have paid the financing charges for whatever period of time the plant has been under construction.

Mr. BROYHILL. Well, what I am saying, if I can state this, as I understand the law, is that the Federal Energy Regulatory Commission in those cases retains full authority to require the refunding of CWIP payments that the ratepayers may have made and where there has been a determination that they are unreasonable or that they are improper.

Mr. OTTINGER. Well, if the gentleman would yield further, it is my understanding that as a matter of practice FERC has not done that. Just as a matter of practice, FERC has not even looked at the filings that were made before it for CWIP treatment. There have now been a number of applications and they have just automatically granted the requests. Once the application is filed, there could be challenge with respect to prudency, but there is no regular provision for examining whether or not this is a prudent investment or indeed, whether or not it is a least cost investment. That is what concerns us about the FERC rule. It makes it much easier to finance plants that may in fact be imprudent, may in fact end up being in excess of the needs for the area, as we have seen in so many plants around the country, including the Shoreham in my area. You end up having to spend billions of dollars for a plant which when the building is completed is found to be really not needed.

Mr. BROYHILL. Mr. Chairman, I reclaim my time. I have been generous in yielding, but the problem that we face as we go into the next couple of decades is an adequate supply of energy. Without reasonably priced electricity, this country is going to stop. Domestic manufacturing is already finding that it is lower priced to go to other countries. Jobs are lost there and if we do not have energy, we are not going to find people willing to invest in this country.

I do not see anything in the gentleman's bill, H.R. 555, that would help the ratepayers under those kinds of circumstances.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. Yes.

Mr. MOODY. The gentleman has been very generous in yielding and I appreciate it.

There are a couple things I want to discuss with the gentleman, however.

First of all, the chart, and the gentleman's statement as well with the chart that the consumer either pays now or pays later; but you know, people spend a lot of money to pay later, whether it is taxes or anything else. Why? Because money is worth something over time.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(At the request of Mr. MOODY, and by unanimous consent, Mr. BROYHILL was allowed to proceed for 3 additional minutes.)

Mr. MOODY. Mr. Chairman, if the gentleman will yield further, people will pay a lot of money to postpone payment because money is worth something over time, whether it is taxes or anything else; so that merely adding up dollars irrespective of the year they fall in is not legitimate, because a dollar 10 years from now is worth a lot less now than a dollar now is worth now; so it is not really legitimate to add up dollars irrespective of the year they fall in.

Mr. BROYHILL. I can understand the gentleman's argument; however, we all know that as soon as that plant is completed, that all of those costs, the construction costs as well as the interest costs that have been expended during the construction cycle are going to be added to the rate base; so those costs or these extra costs are these that are on top here, those are

going to be added on. That is coming out of the consumers' pocket.

Under the gentleman's scenario, what about them adding an interest cost on that, too? We have not added any interest on either side; so if we want to add interest on this money, then in fairness we are going to have to add interest on that money which is far more, more than three times as much.

Mr. MOODY. Mr. Chairman, if the gentleman will yield a bit further, I will address that.

That is quite true and it a valid point so far as it goes. The problem is that if I borrow money, I borrow it at probably at least double the rate that the utility does. It costs me much more in my financing on the borrowing side of my balance sheet with the borrowers and lenders on the borrowing side of my balance sheet, spending 18 percent for my credit card, Mastercard, Visa, and those kinds of charge cards, whereas the utility has a far lower cost of financing; so if I can get the utility to finance it, rather than my financing it in year 1, I would like to use their financing so that I kick in my share in year 10, it is certainly in my interest. It is not in my interest to have it come out of my income now when I can put it off later purely on a financing charge basis.

The utility pays at least half of what I would pay on an annual basis to finance the same amount of money. It is far cheaper for me to have the utility with its great borrowing power and low risk than it is for me in effect to have the money up front and then have it rolled in later.

Mr. BROYHILL. Well, Mr. Chairman, I am not going to continue longer. I have been up here for some time.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I would be glad to yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, I do not believe the gentleman should try to tell us that the average person who might have a maximum of 6 percent added to his electrical bill, assuming he had a $100 electric bill and you added $6 to it for this purpose, would go out and borrow the money at 18 percent? It is not going to be borrowed. He would be paying as he goes.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(At the request of Mr. MOODY, and by unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

Mr. MOODY. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL. I yield to the gentleman.

Mr. MOODY. Mr. Chairman, the answer to that, I say to the gentleman, is that we are all borrowers and lenders. No, I do not go out and borrow specifically to cover that $6; but all of us at the end of a month are borrowers and lenders simultaneously. I have a portfolio like the gentleman does with some money on either side of that ledger.

I am a homeowner. I have mortgage interests. I have credit card interest and at the same time I have savings accounts; so all of us are in the borrowing and lending market constantly.

Six dollars less in my pocket means, other things being equal, that I will let my charge card run up $6 more, for which there is an 18-percent interest charge.

Mr. MOORHEAD. Well, if the gentleman will yield further, I hope the average American does not do it that way, because it is cheaper to pay as you go and I think people do on most of their major expenditures.

Mr. BROYHILL. Mr. Chairman, if I could reclaim my time just to conclude, my argument is that under the terms of H.R. 555, the ratepayer is going to have rate shock of perhaps 30 percent or more when that plant comes on line because that is when all the costs, not only the construction costs, but all the interest costs are put into the rate base and you are going to pay more.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words and I rise to oppose the amendment.

Mr. Chairman, this issue has a number of different facets to it; but I think the one the gentleman has just discussed may be a very important one. If the automotive industry were to come to us as we were finishing high school and said to you that during your lifetime you may use 5 or even 10 cars, we would like to start billing you for the iron ore that is coming out of the mines at this point, just in case you are going to need them, and we are going to start building them at some point and we are going to put that on your MasterCharge or your Visa; but we are going to start charging you today for the lumber we are growing, because some day you are going to need a home and you are going to need those trees.

What is going to happen is that everybody is going to come to us next. We are going to have the people who make clothing goods come to us and want to pay for the machinery because it will be cheaper for us to buy that suit that we are going to buy 20 years from now if they do not have to borrow the money to build the machinery that harvests the cotton and the wool and everything else.

It is a great argument, but what we have here is an industry that has traditionally had some balance between regulation and private sector control on how much generation is necessary. Even under those circumstances, it has been a very difficult decision making progress for the most responsible of utility executives.

□ 1720

Taking a look at the period of time we have just come through, one of the most turmoiled times in energy consumption in the history of the world, possibly, from 1970 to 1984, with the best estimates, even after the first energy crisis, we have overestimated the increase for demand of electricity.

What happens when you take that very responsible head of a utility and you give him an incentive to build? As we take a look at the choices of having more efficient appliances, of energy conservation, of buying energy from garbage to steam to electric energy facilities, how does that impact us as a country? If you put in the smallest incentive for building new generating facilities over the next 20 years you will add in excess of a trillion dollars to the cost of generating electricity.

Do you know what a trillion dollars means? It means that every product that is made in this country is less competitive when you try to export it.

What this proposal by FERC and the gentleman's amendment will do is make us more dependent on generating more energy.

Government and industry have been in a very tenuous relationship in this case. From 1898 in the first Supreme Court review, the Government has held that what is used and useful will be paid for by the consumers. And the companies, as all companies have to do when they are dealing with amassing capital, have to go out to the private marketplace and convince the private sector that there is a need for that new facility.

What this does is it takes that decisionmaking process and skews it, not entirely, but certainly skews it in a very significant way to building new generating facilities. That will make it less competitive for American industry, it will make it more expensive for Americans to buy the energy they need.

When you come to certain categories of people, it affects them most adversely. Senior citizens who are living in oftentimes very difficult economic situations are being forced to pay for electricity that they may never see and they may never live to see delivered.

So now you are going to force them in Washington State, in that area where WPPSS is now in trouble, to pay for three or four utility plants that will never be completed and no one may ever see any benefit from.

We need to infuse in the decisionmaking process of the utility executives some aspect of reality, that there is a danger to building new facilities

and new transmission plants and not an incentive to gold-plate the entire process.

If we want to see the process move forward, the existing legislation that is before the House today does that. It protects companies that are in dire financial straits, that can prove that they need new generating facilities, and in that case we provide them construction work in progress.

If you do not want to let the company make the decision then have it go to the private sector to get the resources. However, if the consumers are going to be prebilled for the plant, then let them make the profit off the plant. Do not tax the consumers of electricity in this country and then give the profits to the stockholders. If the stockholders want to make the profits, then the stockholders ought to take the risk.

Finally, and I will finish with this point, what we will see in America if the amendment passes and the FERC rule stays in place is separate holding companies created by existing utilities that will separate their generating facilities from their distribution companies.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GEJDENSON) has expired.

(By unanimous consent Mr. GEJDENSON was allowed to proceed for 2 additional minutes.)

Mr. GEJDENSON. They will separate the generating facilities from their transmission and service facilities and they will not even need to go to State regulatory agencies. They will be able to prebill for construction work in progress.

Mr. MOORHEAD. Will the gentleman yield?

Mr. GEJDENSON. I will be happy to yield to the gentleman's questions.

Mr. MOORHEAD. Is it not true that there is no way, if we do not put the plant into operation, that they can recover their original investment, their principal, or the 50-percent of the interest rate that they have already paid? There is no benefit to the stockholders whatsoever from that.

Mr. GEJDENSON. If Mr. Iacoca makes a product that I like and I need, then I will pay for it gladly. If for the factory he has completed he borrows the money to build that factory, he sells me one of his new cars, I buy that car and I pay for the cost of borrowing money to build that factory.

What I do not want to do is give Mr. Iacoca, unless he is in trouble, and when he was in trouble the Federal taxpayers did subsidize him, but when he is not in trouble I want him to go to the free marketplace to get the money to borrow to build that manufacturing facility. Then I will make a decision whether or not to buy.

Mr. MOORHEAD. If the gentleman will yield further, you pay for the R&D on the next model of Mr. Iacoca's cars when you buy this year's model.

Mr. GEJDENSON. The gentleman is correct.

Mr. MOORHEAD. You are doing exactly the same thing.

Mr. GEJDENSON. When I pay my utility bill, I provide the profit in that. The company is not simply recovering operating costs. I pay a profit which the utilities' regulatory agencies have given the utilities and which makes them attractive to investors so that they can go out and get additional revenue to build new generating facilities and transmission lines.

Mr. MOORHEAD. I would point out, if the gentleman will yield further, that while the wholesale prices will continue to be controlled by the agency, in other words CWIP is not automatic, they have to apply, they have to prove that the plant is necessary before they get it.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GEJDENSON) has again expired.

(On request of Mr. MOORHEAD and by unanimous consent Mr. GEJDENSON was allowed to proceed for 2 additional minutes.)

Mr. MOORHEAD. Then if they get it, the public utility commissions in each and every State have to make the determination of the prices that the utility companies in the States can charge for their retail products.

Mr. GEJDENSON. If the gentleman will examine the way the State utility regulatory agencies make their decisions, there is no agency in any of the 50 States that could disallow in the rate base a consideration for something that FERC approved for a utility. They would have them in court in 15 minutes and throw that decision out. Anybody who has watched utility regulation can understand that.

The fundamental issue here, even beyond the recovery of the actual costs, is the question of whether or not you build. You have a society and a utility which is taking a look at realistic options in the marketplace, and to what gives them a better chance to serve their customers, and State regulators have an opportunity to weigh that decision, or do you skew the process into just building.

What I am saying is if they have an option that is subsidized for building, then a responsible utility president will opt for building.

Mr. MOORHEAD. If the gentleman will yield further, the rates will automatically go up higher and higher and higher if you have a disincentive for the utility companies to take the logical course of action and provide the energy for America in the future.

Mr. GEJDENSON. Let us examine, then, recent history. If you take a look at recent history, even the post-1973 energy crisis, as we have tried to peg the demand for new energy, in each instance the utilities and even the Government has overestimated the need for new generating facilities. We have in this instance overbuilt significantly the necessary generating facilities.

Mr. COATS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, throughout the debate on H.R. 555, both in committee and on the floor, I have been struck by the uncertainty which permeates every estimate and every discussion of future electricity demand in the United States. Despite our best efforts, it is simply impossible to accurately predict how fast our economy will grow or what will happen to the price of a barrel of crude oil or what new technologies may be developed to improve our ability to conserve energy and to utilize renewable sources of energy.

If we cannot know the future, with certainty, then I think we are obligated to adopt a public policy which takes into account every reasonable possibility. To put it another way, we should not be passing laws which could have the effect of precluding the creation of any job or preventing the growth of our economy. I know this is not the intent of H.R. 555, but I believe that it may be the actual effect.

I recently received a copy of a report from an organization in Indiana called Hoosiers for Economic Development. The report is entitled "A Perspective on Future Electric Power Supply and Demand for the State of Indiana" and draws the following troublesome conclusion: Based on past trends in electric power usage and projections in demand growth of between 2.4 and 3.1 percent annually, Indiana could be facing electric power shortages as early as 1993. I should point out that the Hoosiers for Economic Development committee is an educational organization of 15,000 members looking at issues that affect long-range economic development in the State of Indiana. The leadership of this organization is made up of many distinguished and knowledgeable individuals including bank presidents, corporate executives, agricultural experts, and the former senior Senator from Indiana Birch Bayh. If the conclusions of this report are conceivable, which I believe they are, then we must be very careful in raising new regulatory barriers to the development of new electric generating capacity. For my constituents it means nothing less than the opportunity to have a good job and a comfortable standard of living.

Perhaps an analogy to the natural gas industry would help to explain the serious flaws in H.R. 555. As we are all well aware, the problems in the natural gas industry; that is, rising prices

in the face of falling demand, are largely the result of a regulatory scheme which has insulated producers from signals in the market place. The very best example of this is the Algerian liquified natural gas that was forced upon consumers in my State and in other States at prices well above the market. While the situation has improved some—at least the Algerian gas has been stopped—serious damage has been done and markets have not yet begun to recover from the imbalances perpetuated by the Natural Gas Policy Act.

I believe H.R. 555 creates a similar danger by insulating consumers from the actual costs of generating electricity. As we have seen in the past, consumers can be hit by "rate shock" when a new generating facility is put online. H.R. 555, by narrowly restricting the applicability of CWIP, could actually discourage conservation and make it more difficult for utilities and other energy planners to gage future energy demand.

I agree with the supporters of H.R. 555 that CWIP should not be available to utilities without restriction or qualification. To this point, there are some well-worn facts which bear repeating. First of all, we should not forget that the FERC rule, which is the basis for the pending amendment, affects only 8 to 10 percent of all sales of electricity by privately owned electric companies in the United States. In other words, 90 percent of electricity sales will continue to be regulated by State authorities and State public utility commissions. The FERC rule will in no way affect the State's authority to regulate electric power. In fact, the legislature of my State of Indiana has clearly spoken on this issue and this bill will in no way affect their decision.

It also is important to note that the FERC rule does not allow all of CWIP to be placed in the utility's rate base. Instead, it allows only up to 50 percent of CWIP to be put in the rate base and, as an added protection, consumer rates will be allowed to increase no more than 6 percent per year, for the first years. In addition, the FERC rule places additional safeguards to protect the consumers from unwarranted rate increases.

Finally, it should be noted that the FERC rule was developed over a period of several years with numerous opportunities for public comment. On the other hand, H.R. 555 was the subject of only 1 day of hearings in this Congress. Even if we in the Congress were qualified to decide these issues, we would still have to defer to the extensive work of the FERC.

As Federal legislators looking at the future demand for electricity, I think we have two responsibilities. First, we must be sure that our energy resources are reasonably priced and that utilities are responsive to consumer demand. Second, we must be concerned that adequate reserves of energy are available for the future. I believe that Mr. MOORHEAD's amendment goes further toward striking this critical balance than H.R. 555.

□ 1730

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise to oppose the amendment on several grounds. We should not codify the recent FERC rule which has the effect of adding CWIP charges on to consumers' backs.

The question before us is why should CWIP be restrained and discouraged? The first reason is the cost of borrowing. As was developed earlier in the colloquy between myself and the gentleman from North Carolina, the cost of borrowing is much higher for the consumer than for the utility. If we force the financing costs now on to the backs of the consumer for a project he does not have any benefit of until later, rather than asking the utility to use its great borrowing power to borrow that same money, the financing costs are much higher. The risk that I have to face when I go to the capital market is much higher and therefore the interest charges on any money I must borrow to pay any daily costs such as my credit cards or in any other way to finance my way through a current period, is much higher by at least that, that which a utility must pay.

Therefore, if we have the consumers do the financing rather than the utility, the financing cost, the total financing cost is substantially higher and that is bad.

Second, as has been pointed out there is an intergenerational equity concern here. Many people will be asked to pay charges for utilities now that they will never receive the benefit of because they are older, they are in the last years of their lives and we are saddling older people with financing costs for projects they will never receive benefit from.

Of course it is also true that people will pay financing costs for projects that they will not benefit from because they will be living elsewhere.

The average American family moves every 5 years. So there is another inequity which is built in.

But the most serious reason why we should not encourage CWIP, why we should discourage and restrain it wherever possible, has to do with the issue of abandoned projects. I speak with some knowledge on this because in Wisconsin we have two extremely expensive projects which have been abandoned after running up enormous bills.

The first is the Haven nuclear project which was abandoned because it turned out to be ill-considered, ill-advised project, and has cost the consumer $17 million in extra finance charges they would not have had to bear.

The Tyrone coal-powered electric project has cost the consumers $22 million in finance charges they should never have had to bear.

The consumers were not in on the making of the decision to have those projects. Nonetheless they have to bear the costs of the mistakes.

Why is that bad? Why is it bad to have that happen?

First of all it is obviously unfair, it is inequitable to force consumers to pay for something they never receive the benefit of.

Second, it promotes risk taking that really should not be. It encourages heavy capital, higher risk projects than would otherwise be undertaken.

When the decisionmakers, who have the equity position in the project, can transfer the risk of the failure of that project, the abandonment, eventually, of that project on to someone else, they obviously are going to be more inclined to take that risk and that is exactly what happened in Wisconsin because CWIP'ing was permitted.

We have $39 million of extra finance charges directly on the backs of the consumer in Wisconsin because those risks were ill-advisedly taken.

No. 2 within that reason which I mentioned is that it encourages heavy capital projects. Because we are artificially lowering the equity cost of any given project by removing the shareholders of the utility from the loss or abandonment of that project, by artificially lowering the finance costs and the equity financing costs as well as the borrowing finance cost of a project, we are encouraging projects that are heavier in capital needs relative to other projects.

This has led to more nuclear facilities being undertaken in Wisconsin than would otherwise be the case. Someone said earlier that this would preclude, this would discourage utilities from engaging in alternative forms of energy. Alternative forms of energy normally are much less capital intensive than nuclear.

The CWIP'ing in Wisconsin has lead to, in the judgment of informed observers, to more nuclear projects and more heavy projects, including nuclear, than would otherwise be the case. In other words, it leads directly to excessive building.

□ 1740

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. MOODY) has expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 2 additional minutes.)

Mr. MOODY. As for the question of rate shock, yes, rates will eventually go up when the project is completed, if it is completed. And the financial charges are then clicked in.

But this is entirely appropriate. It is entirely appropriate that the rates go up at the right time. And for those Members who are so worried about rate shock I suggest you vote for taxes in 1984 to prevent tax shock in 1985, because an exactly analogous situation obtains.

Most of the consumers that I represent would rather pay their fair share when it is time to pay their fair share than frontload financing costs for projects they may not enjoy and for which the financing costs are much higher if they have to pay the frontload than if they eventually have to pick up the so-called rate shock at the appropriate time.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

The gentleman mentioned CWIP'ing in Wisconsin. I wondered if the State of Wisconsin had a penalty for CWIP'ing. Fifteen yards, possibly.

Mr. MOODY. No; the State of Wisconsin, fortunately, in 1971, through administrative procedure, our Public Service Commission began to permit CWIP'ing. We did not permit it before then. And since that time there has been a distinct twisting of financial decisions toward heavier capital projects, including two that I mentioned, which have had the unfortunate effect of loading heavy finance costs onto the backs of consumers, rather than onto the equity shareholders of the utility.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from California.

Mr. MOORHEAD. I thank the gentleman for yielding.

The gentleman may be speaking about a situation that was true in Wisconsin, but there is nothing in this rule or nothing in my amendment whatsoever that would allow the recovery for an abandoned project. That would fall on the backs of the investors and the company that was investing. There is nothing here that would allow that recovery.

Mr. MOODY. I appreciate the gentleman's comment.

However, I would observe that if CWIP'ing is going on and the project is subsequently abandoned later, then those consumers have in fact been paying finance charges which they should not have been having to pay.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the discussion that we have been having here, I think, has been an extremely useful debate on the merits or lack thereof of CWIP, but I would not want my colleagues to think that if some of them, like me, are people who do not find CWIP necessarily an inappropriate way of paying for projects that they should automatically therefor vote for the substitute or against the bill. I think quite the contrary is true.

We permit CWIP's in my State and I have always felt that the argument that you pay for it now or you pay for it later has some merit.

A CWIP, however, I think even though the most enthusiastic supporter of CWIP's would be willing to agree, it can be abused. Any good tool can be abused. If you set aside for a moment whatever our respective views may be, pro or con, on CWIP, I think we can all agree you do not want to abuse CWIP. And if my colleagues will take a look at what this bill does, you will find that all in the world it does is build some guidelines so that CWIP can be used where it is appropriate and so it cannot be abused.

The testimony before the committee was that some utilities simply were not able to have sufficient cash flow to build certain kinds of projects. Testimony was that they were not able to borrow money at rates that were equal to other utilities in some instances. The testimony was that therefore they were not able to build needed facilities.

What does H.R. 555 do? It says you may have a CWIP on a case-by-case basis if you can simply demonstrate you have insufficient cash flow, that you cannot get your loans at rates that are equal to what others do, and if you can demonstrate that you have a facility that needs to be built and cannot be met by conservation or some other manner such as that.

People who support CWIP can and should support this bill to be sure that a valuable tool is used properly and not abused.

I think that the substitute that is being offered should be voted down. Those who are extremely leary of CWIP's should certainly support H.R. 555 and those who support CWIP's as a tool that should be used properly and not abused should vote for H.R. 555.

PERFECTING AMENDMENT OFFERED BY MR. BETHUNE

Mr. BETHUNE. Mr. Chairman, I offer a perfecting amendment.

Mr. OTTINGER. Mr. Chairman, I reserve a point of order against the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. BETHUNE: Page 12, after line 8, insert:

CERTAIN RATE INCREASES

SEC. 5. (a) Section 205 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(g) Notwithstanding any other provision of this section or section 206—

"(1) if, in any calendar year, a public utility (or a pool or group of utilities) files with the Commission an increase in the rates or charges for the transmission or sale of electric energy, such increased rates or charges may not take effect prior to the date one year after the date of such filing unless each State regulatory authority which regulates the retail rates of each purchasing utility which purchases such electric energy certifies to the Commission that that such increase (together with all other increases in rates or charges for the sale or transmission of electric energy by such public utility or pool or group to the purchasing utility which take effect in the same calendar year) will not exceed by more than 20 percent the rates or charges which would have applied to such transmission or sale under schedules in effect on the last day of the calendar year immediately preceding the calendar year in which such increased rates or charges are filed; and

"(2) if, in any calendar year, the Commission approves or adopts an increase in the rates or charges for the transmission or sale of electric energy by a public utility (or a pool or group of utilities), such increased rates or charges may not take effect prior to the date one year after the date of approval or adoption unless each State regulatory authority which regulates the retail rates of each purchasing utility which purchases such electric energy certifies to the Commission that such increase (together with all other increases in rates or charges for the sale or transmission of electric energy by such public utility or pool or group to the purchasing utility which take effect in the same calendar year) will not exceed by more than 20 percent the rates or charges which would have applied to such transmission or sale under schedules in effect on the last day of the calendar year immediately preceding the calendar year in which such increased rates or charges are approved or adopted by the Commission.".

(b) Subsection (g)(1) of section 205 of the Federal Power Act shall take effect with respect to rates or charges filed with the Federal Energy Regulatory Commission after the date of the enactment of this Act. Subsection (g)(2) of section 205 of the Federal Power Act shall take effect with respect to rates or charges approved or adopted by the Federal Energy Regulatory Commission after the date of the enactment of this Act.

Mr. BETHUNE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BETHUNE. Mr. Chairman, I will not take too much time of my colleagues here, but inasmuch as we are discussing today the question of utility rates and actions by FERC, I thought it would be an appropriate time to raise a point that is of great concern to the people of my State and other States in the South.

The Federal Energy Regulatory Commission, as has been demonstrated by the rule that they propose here, can very frequently get ahead of itself

and do things that have devastating impact on the consumers.

I am in support of the gentleman from New York's position on the bill that is on the floor here today. As I was opposed to the Alaska natural gas pipeline bill for the same reason in that it permits cost of construction to be passed on to the consumers before the construction is completed. And I think that is a burden that the investors ought to bear.

The point that I make in my amendment that I offer today is that I think it is presumptively unfair any time FERC takes an action that would result in an increase of cost to the consumers of any State in this country in excess of 20 percent. And we are faced with that prospect in my State now that an action by FERC may do just that.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

I would like to say that I understand the gentleman's concern. We are aware of the situation of the FERC rate increases as they affect the consumers in Arkansas and neighboring States.

And we will be happy to pursue that subject in our subcommittee forthwith.

The amendment offered by the gentleman I believe is out of order because it goes beyond the scope of this legislation. The legislation deals only generally with inclusion of construction work in progress in the rate base in the extent and under the conditions under which it will be included, not an actual rate action by the Commission.

If the gentleman would agree to withdraw his amendment, we can assure him that we will look into his concerns.

Mr. BETHUNE. I thank the chairman for making that point.

I wonder if the ranking minority member would engage in this colloquy as well because I think that certainly the people in my State would appreciate knowing that we have the consensus of both sides of the aisle that this is a problem that needs tending to and we would certainly like to have that assurance.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from California.

Mr. MOORHEAD. We of course want to work with the gentleman and try to work the problem out.

Mr. BETHUNE. I thank the gentleman. And I would hope that in the course of working with the committee that should this particular approach not be the one that would reach the problem that we have that we could come up with some other approach that would work in this instance.

Mr. Chairman, I am glad we are having the opportunity today to discuss some of the actions of the Federal Energy Regulatory Commission (FERC). I, for one, do not understand whose best interests the FERC had in mind when they ruled that utilities could charge ratepayers for construction work in progress. It certainly is not in the best interest of the ratepayer.

It seems to me that a disturbing trend is developing across this country. Big business—including utilities—are coming to the Federal Government to ask for Government assistance. Sometimes it is in the form of Government loans and loan guarantees. In this case, they have asked that the Federal Government help insure that their energy plant construction costs are covered. But not by investors, who stand to gain a great deal from their investment in a powerplant. They have asked that utility ratepayers pay for construction of power plants. Ratepayers who may or may not ever use that energy.

If this trend continues, pretty soon we will not even need the private investor. The utility can just come straight to the Federal Government and say they have been thinking about building a new nuclear or coal-fired plant, and could they have the ratepayers start paying now so they can get the plans drawn up.

Under the FERC ruling, it does not seem to matter whether or not the energy is needed, or whether or not the plant will ever be completed. My concern is that if the private investors are hesitant to put their money behind a new powerplant and need to know that the ratepayer will soon be backing up their investment, then maybe the utility needs to take a second look at how necessary this plant is.

We have seen this all before. Just a couple of years ago the backers of the Alaska Natural Gas Pipeline were here asking the ratepayers to bail them out. And we have always had a problem trying to get private investors for the Clinch River Breeder Reactor.

Right now, people in my State of Arkansas are being asked to help pay for new nuclear power in Louisiana and Mississippi. It does not seem to matter to the FERC that Arkansas does not need or want this power. But apparently, the utilities cannot find anyone else who wants or needs this power either.

So they have turned to the Federal Government. I do not think that is the right place to turn. It is time the utilities were responsible for their own decisions. H.R. 555 is a good start.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas (Mr. BETHUNE)?

There was no objection.

Ms. OAKAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Construction Work in Progress Policy Act because it protects consumers from unnecessary rate increases and prevents the transfer of investment risk from stockholder to ratepayer. Asking consumers to pay up front for long-term capital investment projects from which they may never benefit is unfair.

In 1983, the Federal Energy Regulatory Commission relaxed its rule concerning CWIP to allow any utility, even those in a strong financial position, to include half of the cost of financing a powerplant, while still under construction, in its federally regulated rate base. In essence, the FERC gave a green light to utilities to expand and pass half of their investment costs on to captive consumers. H.R. 555 prevents this inequity.

H.R. 555 provides consumer protection against unnecessary rate increases by restricting the inclusion of all costs of CWIP in rate bases regulated by the FERC to situations in which a utility has cash flow below 40 percent of expenditures and can only borrow money at rates significantly higher than the industry average. Without this protection, low-income consumers and those on fixed incomes would be providing partial financing for utility investments.

As it stands now, the FERC rule encourages expansion rather than conservation. This is irresponsible and wasteful. H.R. 555 would require a utility to prove that the facility it wants to build is necessary and that alternatives such as cogeneration or conservation are economically unviable. This is a responsible and prudent approach to energy and economic efficiency.

H.R. 555 is supported by the Consumer Federation of America, the Sierra Club, the American Association of Retired Persons, the American Public Power Association, the United Auto Workers, and the United Steel Workers of America. I urge my colleagues to join me in supporting this important consumer legislation.

□ 1750

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from California (Mr. MOORHEAD) is recognized for 5 minutes.

There was no objection.

Mr. MOORHEAD. Mr. Chairman, we have heard a long debate on this amendment and we have heard all

kinds of statements about what the amendment does and what it does not do.

RESPONSE TO ABANDONED PLANT CONCERN

Proponents of H.R. 555 would have us believe that the rule so carefully fashioned by FERC would transfer the financial risks associated with cancellation of construction projects from shareholders to ratepayers. This is not true. The rate treatment of abandoned construction projects is not affected by this rule. Rather, the rate treatment of canceled plants is the subject of an extensive body of existing law which focuses on the prudency of management's decision to undertake the project and equitable risk sharing. FERC retains its full authority to refund all CWIP payments to the ratepayer in instances where such payments are determined to be in anyway unreasonable or improper.

RESPONSE TO "DOUBLE-WHAMMY" CONCERN

Proponents of H.R. 555 have expressed concern that including 50 percent of the financing costs for CWIP in utilities' rate base is somehow unfair to wholesale consumers who are building their own plant. They inaccurately argue that the FERC rule will unfairly require them to pay for another utility's future generating capacity at the same time they are building their own plant.

Nothing can be farther from the truth. First, there are very few wholesale customers who are either building or planning to build enough capacity to become entirely self-sufficent. To the extent wholesale customers must continue to purchase electricity, they are contributing to the electric load that the other utilities must satisfy and should be treated as any other customer. Second, FERC has recently changed its policy to protect the wholesale customer who will become self-sufficient. Wholesale customers can escape liability for charges attributable to CWIP once they have demonstrated that they bear no responsibility for the decision to build a new plant and will, in fact, purchase no power from the new plant.

RESPONSE TO CONCERN ABOUT ELDERLY PAYING FOR PLANTS THEY MAY NEVER BE SERVED BY

Proponents of H.R. 555 continually raise the elderly and the fact that they may never be served by investments in future capacity as an argument against the FERC rule. I have now listened to this argument several times, and today I feel I must respond. First, I should point out, there are no guarantees that any of us will be around to enjoy the benefits of our investments. Second, I resent the inference that our senior citizens are any less patriotic and any less concerned about this Nation's future than the rest of us.

What we are talking about today is one of the significant financial disincentives impeding the development of the necessary generating capacity vital to our industrial base and economic prosperity. There is reason for grave concern about the electric power industry's willingness and ability to undertake future capital projects. Our senior citizens share in all of our desire to bequeath the next generation an adequate and secure source of electricity.

Mr. Chairman, I wish to point out that in a letter from the Chairman of the Federal Energy Regulatory Commission he pointed out that the final rule in order No. 298 represents years of experience dealing with the cost of financing utility plant as it impacts wholesale electric rates. He said:

I believe it is a judicious reform of the anomalous practice of excluding from rate base the cost of financing ongoing construction programs. Not only did the "financial distress" test for CWIP, which was abandoned by the Commission, afford the industry little assistance in a time of economic hardship and stop-gap regulatory policies, it did not enable utilities to prepare to meet the demands of the future.

He further said:

To date, twelve rate cases involving CWIP have been filed under the new rule. As these and future cases are addressed by the Commission, the Congress and the public will be able to ascertain more clearly whether the Commission's approach is equitable and economically viable. The Congress may wish to benefit from the Commission's experience under the new rule before requiring so radical a reversal of Commission ratemaking policy.

I would point out, in closing, that this Commission is set up to protect the consumer. They are not in line with the industry. They want to protect the consumer, they want to protect all of us. We are overruling their regulation if we pass H.R. 555 without even seeing how it would work.

I ask for an aye vote on my amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MOORHEAD).

The question was taken; and on a division (demanded by Mr. MOORHEAD) there were—ayes 6, noes 10.

RECORDED VOTE

Mr. MOORHEAD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 266, not voting 32, as follows:

[Roll No. 22]

AYES—135

Anderson	Broomfield	Craig
Archer	Broyhill	Crane, Daniel
Badham	Burton (IN)	Crane, Philip
Bartlett	Byron	Dannemeyer
Bennett	Campbell	Daub
Bevill	Chandler	DeWine
Bilirakis	Chappie	Dickinson
Billey	Cheney	Dreier
Boggs	Clarke	Duncan
Breaux	Coats	Dyson
Brooks	Courter	Edwards (AL)
Erdreich	Lewis (FL)	Pritchard
Erlenborn	Livingston	Quillen
Fascell	Lloyd	Ritter
Fields	Loeffler	Robinson
Flippo	Lott	Rogers
Frenzel	Lowery (CA)	Rudd
Frost	Lujan	Schaefer
Fuqua	Mack	Schulze
Gibbons	Marriott	Sensenbrenner
Gingrich	Martin (NC)	Shaw
Gramm	Martin (NY)	Shelby
Gunderson	McCandless	Shumway
Hall, Ralph	McCollum	Shuster
Hall, Sam	McEwen	Siljander
Hammerschmidt	Mica	Skeen
Hansen (ID)	Michel	Smith, Denny
Hansen (UT)	Miller (OH)	Smith, Robert
Hartnett	Montgomery	Solomon
Hatcher	Moore	Spence
Hightower	Moorhead	Stangeland
Hiler	Morrison (WA)	Stenholm
Holt	Myers	Stump
Huckaby	Nelson	Sundquist
Hunter	Nichols	Tauzin
Hutto	Nielson	Thomas (CA)
Hyde	O'Brien	Vandergriff
Ireland	Oxley	Vucanovich
Johnson	Packard	Walker
Kindness	Parris	Whitehurst
Kramer	Pashayan	Whittaker
Lagomarsino	Patman	Winn
Latta	Petri	Wolf
Leath	Pickle	Wortley
Lewis (CA)	Porter	Young (AK)

NOES—266

Ackerman	Dowdy	Jones (TN)
Addabbo	Downey	Kaptur
Akaka	Durbin	Kasich
Albosta	Dwyer	Kastenmeier
Alexander	Dymally	Kemp
Andrews (NC)	Eckart	Kennelly
Andrews (TX)	Edgar	Kildee
Anthony	Edwards (CA)	Kogovsek
Applegate	Edwards (OK)	Kolter
Aspin	Emerson	Kostmayer
AuCoin	English	LaFalce
Barnard	Evans (IA)	Lantos
Barnes	Evans (IL)	Leach
Bateman	Fazio	Lehman (FL)
Bates	Feighan	Leland
Bedell	Ferraro	Lent
Beilenson	Fiedler	Levin
Bereuter	Fish	Levine
Biaggi	Florio	Levitas
Boehlert	Foglietta	Lipinski
Boland	Foley	Long (MD)
Boner	Ford (MI)	Lowry (WA)
Bonior	Ford (TN)	Luken
Bonker	Fowler	Lundine
Borski	Frank	MacKay
Bosco	Franklin	Madigan
Boucher	Garcia	Marlenee
Boxer	Gaydos	Martin (IL)
Britt	Gejdenson	Martinez
Brown (CA)	Gekas	Matsui
Brown (CO)	Gephardt	Mavroules
Bryant	Gilman	Mazzoli
Burton (CA)	Glickman	McCloskey
Carney	Gonzalez	McCurdy
Carper	Goodling	McDade
Carr	Gore	McGrath
Chappell	Gradison	McHugh
Clay	Gray	McKernan
Clinger	Gregg	McNulty
Coelho	Guarini	Mikulski
Coleman (MO)	Hall (IN)	Miller (CA)
Coleman (TX)	Hall (OH)	Mineta
Collins	Hamilton	Mitchell
Conte	Harkin	Moakley
Conyers	Harrison	Molinari
Cooper	Hawkins	Mollohan
Coyne	Hayes	Moody
Crockett	Hefner	Morrison (CT)
D'Amours	Hertel	Mrazek
Daniel	Hopkins	Murtha
Darden	Horton	Natcher
de la Garza	Howard	Neal
Dellums	Hoyer	Nowak
Derrick	Hubbard	Oakar
Dicks	Hughes	Oberstar
Dingell	Jacobs	Obey
Dixon	Jeffords	Olin
Donnelly	Jenkins	Ortiz
Dorgan	Jones (OK)	Ottinger

Owens	Sawyer	Thomas (GA)
Panetta	Scheuer	Torres
Patterson	Schneider	Torricelli
Paul	Schroeder	Traxler
Pease	Schumer	Udall
Penny	Seiberling	Valentine
Pepper	Shannon	Vento
Perkins	Sharp	Volkmer
Price	Sikorski	Walgren
Pursell	Simon	Watkins
Rahall	Sisisky	Waxman
Rangel	Skelton	Weaver
Ratchford	Slattery	Weber
Ray	Smith (FL)	Weiss
Regula	Smith (IA)	Wheat
Reid	Smith (NE)	Whitley
Richardson	Smith (NJ)	Whitten
Ridge	Snowe	Williams (MT)
Rinaldo	Snyder	Williams (OH)
Rodino	Solarz	Wilson
Roe	Spratt	Wirth
Roemer	Staggers	Wise
Rose	Stokes	Wolpe
Rostenkowski	Stratton	Wyden
Roth	Studds	Yates
Roukema	Swift	Yatron
Rowland	Synar	Young (FL)
Roybal	Tallon	Young (MO)
Russo	Tauke	Zschau
Sabo	Taylor	

NOT VOTING—32

Annunzio	Hance	Minish
Berman	Heftel	Murphy
Bethune	Hillis	Roberts
Conable	Jones (NC)	Savage
Corcoran	Kazen	St Germain
Coughlin	Lehman (CA)	Stark
Daschle	Long (LA)	Towns
Davis	Lungren	Vander Jagt
Early	Markey	Wright
Forsythe	McCain	Wylie
Green	McKinney	

□ 1810

The Clerk announced the following pairs:

On this vote:

Mr. McCain for, with Mr. Minish against.

Mr. Corcoran for, with Mr. Coughlin against.

Mr. HORTON and Mr. SAWYER changed their votes from "aye" to "no."

Mr. HIGHTOWER and Mr. BURTON of Indiana changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. WEISS. Mr. Chairman, for those colleagues who share my belief that one of Congress roles is to be an advocate for the consumer, we have today an unequivocal opportunity to exercise that responsibility.

The Federal Energy Regulatory Commission (FERC) reversed regulatory policy of nearly 100 years when it decided last July to automatically permit electric utilities to pass along to ratepayers the financing costs of new power facilities under construction. The Construction Work in Progress Policy Act (H.R. 555) is a responsible effort to overturn this unwarranted policy switch. FERC's new order demonstrates an astounding lack of sensitivity toward American consumers saddled with ever-increasing electricity bills at the end of each month.

The American Public Power Association, a national organization representing more than 1,750 local, publicly owned utilities, accurately summed up the issue when it asked:

At a time when electric bills are rising and demand is declining, should consumers bear the immediate cost and risk of generating plants that are not supplying electricity and may never be needed?

The appropriate answer is, of course, "No." Especially when one ponders the tremendous burden construction work in progress (CWIP) charges will hand to consumers who have already absorbed rate increases of 70 percent during the last 5 years. When fully implemented, according to one estimate, the new rule will raise electric rates assessed by utilities purchasing wholesale electric power by $750 million.

Both the consumer and the electricity-generating industry will suffer if FERC's rule is allowed to stand. CWIP charges shift part of the financial risk of constructing facilities from shareholder to ratepayer, weakening the incentive for sound utility management. Instead of inspiring utilities to obtain needed capacity through least-cost methods such as conservation, load management, or alternate energy resources, FERC is encouraging utilities to build additional large and expensive powerplants. Consumers are forced to pay in advance for generating capacity for which there may be no need and from which they may never benefit.

Nonetheless, the policy embodied in H.R. 555 does not abandon utilities able to demonstrate they require extraordinary rate relief. Longstanding Federal policy directing FERC to scrutinize CWIP requests on a case-by-case basis would be restored, guaranteeing genuinely neeedy electric companies a safety net.

The importance of this vote, though it will affect only a relatively small portion of overall electricity sales, should not be underestimated. Many States prohibit or restrict CWIP charges in the retail sale of electricity; H.R. 555, if passed by Congress, would serve as a precedent for many State public service commissions debating whether to adopt similar limitations, or to review existing ones.

In liberalizing the use of construction work in progress, FERC has rewarded an industry without requiring sufficient proof of need. Once again, as it has had to do with regularity under President Reagan's leadership, the Congress must intervene and represent the consumer's position in Federal policymaking. Let us do our job.

● Mr. UDALL. Mr. Chairman, the inclusion of construction work in progress costs in wholesale rate bases has always been a complex and controversial issue. When the House considered the authorization bill for the Alaskan natural gas pipeline, I favored allowing some of the costs of the project to be passed on to consumers. This was a unique situation when the importance of the project merited requiring consumers to share the risk. However, we were very careful to insure that consumers bore only a small portion of the risk and the private sector assumed the greater financial risk.

Today we address the broader question of allowing construction work in progress costs in a utility's rate base as a general rule. I believe the Federal Energy Regulatory Commission (FERC) rule that allows up to 50 percent of the costs of construction work in progress to be included in rate bases went too far. The future electricity demand in this country is uncertain. Conservation measures have already cut down on our electricity needs and we have only begun our efforts for more efficient use of our energy supplies. If we allow the FERC ruling to stand, consumers may be charged for constructing facilities that may never be used.

H.R. 555 is a fair compromise to the CWIP controversy. The bill does not prohibit the inclusion of construction work in progress in wholesale rate bases, but rather limits the circumstances under which it can be used. H.R. 555 is good financial policy, good energy policy, and good consumer policy.●

● Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 555, the Construction Work in Progress Policy Act.

As one who believes that the use of CWIP may often be more beneficial to the consumer than AFUDC, I originally approached H.R. 555 with a certain degree of trepidation. However, upon close examination of both the bill, the committee report, the recent FERC ruling on this subject and a variety of related material, I find that the Committee on Energy and Commerce has indeed fashioned a fair and reasonable approach to the often controversial issue of CWIP use by electric utilities.

The major difference between CWIP and AFUDC is not whether the utility's customers will pay for the new facility, but rather, at which point its customers start paying. It should be noted that in this debate we are discussing the use of CWIP in wholesale power transactions, which account for only 10.8 percent of total revenue from sales of electricity, an area which falls under the jurisdiction of FERC.

There are two major reasons why I support H.R. 555. First, it retains the current FERC policy of allowing 100 percent CWIP for the construction of pollution control facilities and for conversions from oil or gas to coal. As such, our national policy of increasing the use of coal in an environmentally sound manner is not hindered by this bill.

Second, I support H.R. 555 over the 1983 FERC ruling because this legislation treats the inclusion of CWIP on a case-by-case basis. This provision is especially important, and is exemplified by three names: Marble Hill, Byron, and Zimmer. These are the names of three nuclear powerplants which were recently abandoned in their construction stages. If these plants had been allowed the use of CWIP, the risk of nuclear powerplant construction would have been transferred from the utilities' shareholders to the ratepayer who would have been penalized for management decisions which he had not participated in.

As such, I find the provision of H.R. 555, which mandates a finding of whether a new facility represents the least costly method of meeting electricity demand prior to allowing CWIP, of special importance. Under this criteria, it would appear that in most instances the use of CWIP would be prohibited for nuclear powerplants since coal-fired electrical generation is clearly more economical in terms of construction costs and operation and maintenance.

A recent study conducted by the Worldwatch Institute entitled, "Nuclear Power: The Market Test," states that new coal-fired powerplants are less expensive to build than new nuclear powerplants—even if all of the safety and health dangers of nuclear power are not considered.

However, it was those very safety issues which recently led to the denial of an operating license to a nearly completed $3.35 billion nuclear powerplant in Illinois, and contributed to the abandonment of a 97-percent completed $1.6 billion nuclear powerplant in Ohio and a half completed $2.5 billion nuclear facility in Indiana.

According to the Worldwatch study, there are 30-odd nuclear plants scheduled for completion during this decade; other sources place this figure at 48 plants. With a lifetime generating cost of between 0.10 and 0.12 per kilowatt hour, 1982 dollars, these plants will cost 65 percent more than that of a new coal-fired powerplant.

The Worldwatch study added:

> If all the electricity used by Americans cost as much as this nuclear electricity will, the nation's utility bills would rise about 130 percent. As a source of heat, electricity from new nuclear plants at today's delivered cost compares with oil priced at $240 per barrel.

Time magazine, in this week's cover story, reports that according to Charles Komanoff, of Komanoff Energy Consultants of New York City, a coal-fired powerplant with state-of-the-art pollution control equipment can be constructed for around $1,200 per kilowatt hour compared to nuclear plants which cost $3,000 per kilowatt hour.

The future of electrical generation certainly appears to lie with coal. According to an OTA study released this week, "Nuclear Power in an Age of Uncertainty," even if regulatory policies were changed to favor nuclear powerplant construction, "smaller coal-fired powerplants would be preferred because they have shorter leadtimes, lower financial risk, and greater public acceptance than current nuclear designs."

As such, I believe the provisions of H.R. 555 will do great service to utilities engaged in the construction of coal-fired powerplants. This type of electrical generation is clearly more favorable to the consumer.●

● Mrs. COLLINS. Mr. Chairman, as a cosponsor of H.R. 555, I rise to express my support of this much needed legislation. At a time when electric bills are escalating and demand is declining, consumers have no business bearing the cost of generating plants which have yet to be completely constructed and may never be needed.

What causes me the greatest concern is the argument put forth by those who believe that electric utilities should be allowed to routinely pass on to the ratepayers 50 percent of the financing charges on the cost of new powerplants. Supposedly those arguments are based on the premise that such action is being carried out in the best interest of the "unsuspecting" consumer. That could not be farther from the truth.

The truth of the matter is that the Federal Energy Regulatory Commission (FERC) reversed a longstanding regulatory policy which required that customers not pay until a plant is actually producing electricity. Such an ill-conceived rule flies clearly in the face of commonsense. It only creates unnecessary burdens on consumers who may not even be around to enjoy the electricity generated. It also tends to promote the construction of larger powerplants when their need is questionable, and blatantly ignore the need to explore and utilize less costly measures of meeting electric energy needs.

By supporting passage of H.R. 555, my colleagues will be correcting an inequity of a rule that has the potential to raise electric rates for consumers of utilities who purchase wholesale electric power by $750 million.

Allowing FERC to permit construction work in progress. on a case-by-case determination adheres to a policy of keeping it as an extraordinary form of rate relief.●

● Mr. VENTO. Mr. Chairman, I rise in support of H.R. 555, as reported by the Energy and Commerce Committee and urge the House to favorably consider this vital utility policy legislation.

Many Members who are supporters of this legislation were concerned with construction work in progress (CWIP) long before the current FERC rule was adopted. For myself, my authorship of Minnesota's utility regulation law in the mid-1970's, while serving in the Minnesota Legislature, gave me the opportunity to become familiar with all aspects of the CWIP issue. I became convinced that CWIP was a bad deal for utility customers then and remains so today.

The CWIP policy established by FERC is really an abrogation of public accountability. FERC's new rule will routinely allow wholesale customers to be billed for 50 percent of the financing charges during construction, with no real accountability as to the prudency or reasonableness of those charges. What this policy would do is further insulate utilities and their investors from being accountable for bad business decisions. CWIP is really a matter of shifting risk from the investor to the utility customer, with no assurance to utility customers that they will ever gain any benefit.

While the present FERC rule only deals with wholesale power, its policy and practical implications are far broader. For instance, wholesale rates will be forced up, while retail rates, which are under State utility regulation, will not reflect CWIP charges. This policy distortion creates an economic inequity and is a subtle but definite push to State utility regulators to include CWIP at the State level. If the FERC CWIP policy is left unchallenged, I can foresee utilities' running to State commissions and urging the adoption of CWIP into retail rates to reflect the Federal policy.

The historical used and useful principle has served well in protecting the public from imprudent or unnecessary charges or add-ons in powerplant construction. Just look at American commerce, the used and useful principle is the basis on which most business transactions are conducted in this country. H.R. 555 recognizes that in certain unique instances that there needs to be exception to this norm. H.R. 555 crafts a public policy that distinguishes those certain cases in which an up-front infusion or consumer funds may be necessary to supply needed electrical capacity, from those instances where a utility and its investors are more than adequately capable to finance their construction plans.

I believe H.R. 555 is vital consumer legislation and urge its adoption.●

● Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 555, the Construction Work in Progress Policy Act (CWIP), and in opposition to the amendment to strike all provisions of H.R. 555 and replace them with the current FERC rule on CWIP.

Mr. Chairman, the bill before us is a good one. It encourages responsible planning by utilities in order to avoid

unnecessarily high utility rates for consumers. The CWIP method of setting rates transfers the burden of investment in new plant construction from shareholders to ratepayers. It also relieves utility decisionmakers from the discipline of the marketplace by alleviating risk. This is accomplished by allowing utilities, regardless of need, to set its rates by charging customers for the financing of new plants. This is inherently bad policy, and one that does not merit our support.

Mr. Chairman, I urge my colleagues to support H.R. 555 as reported by the Energy and Commerce Committee, and to defeat weakening amendments.●

● Mr. HUGHES. Mr. Chairman, I rise in strong support of H.R. 555. I believe that the entire concept of billing electric customers for construction work in progress (CWIP) raises very serious questions of the role of investment and risk capital in our free enterprise system, particularly with respect to investor-owned utilities.

Although the measure before us today deals only with the Federal Government's role in CWIP, as administered by the Federal Energy Regulatory Commission, there is concern that the liberal FERC rule now in effect could serve as a model that will be quickly adopted and utilized by the various State regulatory commissions.

If CWIP does come into widespread use, utilities will no longer have to convince skeptical investors on the wisdom of plant construction. Instead, the burden will fall upon the consumer who will find the expense tacked on to his monthly electric bill, and will never have had any voice in the decision.

According to theory, in a free enterprise system, a business or individual must develop a proposal which will win the confidence of investors. If the proposal is well conceived and well executed, the investors can expect to enjoy a return on their investment. If it was not such a good idea or it was not carried out very well, then the investor must accept the consequences of a bad decision.

Over the years, that has basically been the system in effect for investor owned utilities with plans for new plant construction. All of us who hold public office have heard the gripes of consumers who are concerned about electric rate increases. In reply we have heard the pleas of utilities which claim that they must be able to provide a sufficient rate of return—that high dividends are essential to attract the investment that is needed to build new plants to meet basic customer demand.

Unfortunately, we have already moved away from that concept and increasingly find it is the consumer who is left holding the bag for bad decisions. Even now, in my southern New Jersey Congressional District, electric customers are paying for four floating nuclear plants that were never built and should have never been built. The idea of putting nuclear powerplants on barges floating in the ocean was dubious from the very beginning. The electric customers in my region are also paying for the local utility company's share of the canceled Hope Creek 2 nuclear power station.

Those are losses that should have been borne by the shareholders or other investors—but they are not. They are being paid for by the consumer, who never had a voice in the decision. Moreover, those canceled plants in my district are just a small fraction of the 100 plants that have been canceled around the Nation over the past 10 years.

The routine use of CWIP will take us even further away from the concept of investors carrying the risk. The ratepayer will face not only the possibility of paying for a plant after cancellation, but also the certainty of paying for it even before it generates the first watt. That system substantially replaces the level of risk for the investor, and indeed raises the issue of whether utilities should be allowed such a high rate of return in the future.

Certainly, there is a legitimate role for CWIP, such as in cases where a utility is in very bad financial condition, or where the plant can be justified as essential and the least costly alternative. The bill before us today, H.R. 555, allows for those considerations.

In the final analysis, however, we must recognize that the element of risk that now exists with respect to decisions on power plant construction serves as a healthy brake on building large, costly new plants, which could wind up getting canceled. If a utility cannot convince the investment community to take the risk, then a clear-cut question arises as to why the captive ratepayers should be compelled to take that same risk.

Mr. Chairman, H.R. 555 represents a balanced reasonable approach that preserves CWIP for those situations where it is truly justifiable, while protecting electric utility ratepayers from the abuses that could arrive with widespread and unchecked use of CWIP. I urge my colleagues to support the bill.●

● Mr. EDGAR. Mr. Chairman, today I rise in support of H.R. 555, the Construction Work in Progress Policy Act of 1983. This bill was drafted in response to a July 1983 ruling of the Federal Energy Regulatory Commission. In this ruling the Commission overturned a long-term policy which permitted electric utilities to charge customers for the financing costs of new plants under construction on a case-by-case basis. Utilities were allowed to include these costs in their wholesale rate base only if the costs were related to the installation of pollution control facilities or conversion of oil or gas-fired plants to other fuels, or if the utility experienced severe financial difficulty. In its new ruling the Commission now permits any utility, regardless of its financial condition, to automatically include 50 percent of its CWIP costs in its wholesale rate base.

What are the consequences of the new Commission policy?

Consumers will be paying fees for plants not yet providing electricity.

Utilities will no longer be disciplined by the constraints of borrowing money in the financial marketplace.

The financial risk of investment is transferred from the shareholder to the ratepayer.

Public and private power companies which buy electricity from utilities with CWIP will be placed at a competitive disadvantage.

The bottom line is that customers will pay higher rates for electricity.

Since the new rule became effective in July, seven utilities have filed rate increases for CWIP ranging from $457,000 to $50 million. I am sure that these are just the first of many rate hikes. These CWIP increases are piling on top of already rising electric bills to our constituents.

What does H.R. 555 do to help?

It directs the Commission to return to previous policy on CWIP.

It protects the consumer from paying for canceled or deferred construction (in the last 10 years, over 100 powerplants have been canceled after more than $10 billion had been spent on them).

It preserves competition in the electric utility industry.

It will help to insure that generating facilities are cost effective and necessary.

H.R. 555 is needed. I urge my colleagues to join me in voting for it.●

● Mr. DELLUMS. Mr. Chairman, I rise in support of H.R. 555, the Construction Work in Progress Policy Act.

We, as lawmakers, are faced with a responsibility to act on this matter, given the abdication of that responsibility by the appropriate regulatory body, the Federal Energy Regulatory Commission. In 1983, the Commission abandoned its previously adopted financial distress standard for construction work in progress ratebase inclusion and allowed any utility, regardless of its financial condition or need for such relief, to apply for 50 percent assessment of construction work in progress costs to be included in wholesale ratebases.

This FERC decision abandoned established precedent allowing CWIP charges only in cases of documented financial distress. This policy protects

the electric power consumer by insuring that they pay only for a generating ratebase—that is, only for those facilities which are of present benefit to the consumer. Given current estimates of 40 percent excess generating capacity, and given the fact that over 100 powerplants have, in the last decade, been halted after construction started, at a cost of over $10 billion, it is clearly necessary for Congress to act in order to guide not only the decisions of the FERC, but also those State ratemaking authorities which will look to the FERC for prototype regulations in this area.

I am a cosponsor of H.R. 555 and I feel that the bill contains adequate provisions to protect utilities which are able to document financial circumstances leading to an appropriate FERC action for CWIP relief. While we have not restricted the prerogatives of the Federal Energy Regulatory Commission, we have sought to delimit a standard which will serve as a guidepost for FERC decisions in this area.

Several other aspects of this bill merit attention, most notably those provisons which encourage conversion of oil- and gas-fired plants and installation of pollution control equipment, activities which are sanctioned by this legislation through addition of their cost of ratebases.

H.R. 555 is, in all respects, consumer protection legislation which will have an immediate, favorable impact upon the electric power consumer. I urge my colleagues to vote for its final passage.●

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MOAKLEY) having assumed the chair, Mr. DORGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 555) to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HARKIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 288, noes 113, not voting 32, as follows:

[Roll No. 23]

AYES—288

Ackerman	English	Lipinski
Addabbo	Evans (IA)	Long (MD)
Akaka	Evans (IL)	Lowry (WA)
Albosta	Fazio	Luken
Alexander	Feighan	Lundine
Andrews (NC)	Ferraro	MacKay
Annunzio	Fiedler	Madigan
Anthony	Fish	Marlenee
Applegate	Flippo	Martin (IL)
Aspin	Florio	Martin (NY)
AuCoin	Foglietta	Martinez
Barnard	Foley	Matsui
Barnes	Ford (MI)	Mavroules
Bates	Ford (TN)	Mazzoli
Bedell	Frank	McCloskey
Beilenson	Franklin	McCurdy
Bereuter	Fuqua	McDade
Bethune	Garcia	McGrath
Biaggi	Gaydos	McHugh
Boehlert	Gejdenson	McKernan
Boland	Gephardt	McKinney
Boner	Gilman	McNulty
Bonior	Glickman	Mikulski
Bonker	Gonzalez	Miller (CA)
Borski	Goodling	Mineta
Bosco	Gore	Mitchell
Boucher	Gradison	Moakley
Boxer	Gray	Molinari
Britt	Gregg	Mollohan
Brown (CA)	Guarini	Moody
Brown (CO)	Hall (IN)	Morrison (CT)
Bryant	Hall (OH)	Mrazek
Burton (CA)	Hamilton	Murphy
Byron	Hammerschmidt	Murtha
Carney	Harkin	Natcher
Carper	Harrison	Neal
Carr	Hawkins	Nowak
Chappell	Hayes	O'Brien
Clarke	Hefner	Oakar
Clay	Hertel	Oberstar
Clinger	Hiler	Obey
Coelho	Hopkins	Olin
Coleman (MO)	Horton	Ottinger
Coleman (TX)	Howard	Owens
Collins	Hoyer	Panetta
Conte	Hubbard	Patterson
Conyers	Hughes	Paul
Cooper	Hutto	Pease
Coyne	Hyde	Penny
Crockett	Jacobs	Pepper
D'Amours	Jeffords	Perkins
Daniel	Jenkins	Petri
Darden	Jones (OK)	Pickle
de la Garza	Jones (TN)	Price
Dellums	Kaptur	Pursell
Derrick	Kasich	Rahall
Dickinson	Kastenmeier	Rangel
Dicks	Kemp	Ratchford
Dingell	Kennelly	Ray
Dixon	Kildee	Regula
Donnelly	Kogovsek	Reid
Dorgan	Kolter	Richardson
Dowdy	Kostmayer	Ridge
Downey	LaFalce	Rinaldo
Durbin	Lantos	Rodino
Dwyer	Leach	Roe
Dymally	Lehman (FL)	Roemer
Dyson	Leland	Rogers
Eckart	Lent	Rose
Edgar	Levin	Rostenkowski
Edwards (CA)	Levine	Roth
Edwards (OK)	Levitas	Roukema
Emerson	Lewis (FL)	Rowland
Roybal	Snowe	Walgren
Russo	Snyder	Watkins
Sabo	Solarz	Waxman
Savage	Spence	Weaver
Sawyer	Spratt	Weber
Scheuer	Staggers	Weiss
Schneider	Stokes	Wheat
Schroeder	Stratton	Whitley
Schumer	Studds	Whittaker
Seiberling	Swift	Whitten
Shannon	Synar	Williams (MT)
Sharp	Tallon	Williams (OH)
Shaw	Tauke	Wilson
Sikorski	Taylor	Wirth
Siljander	Thomas (GA)	Wise
Simon	Torres	Wolpe
Sisisky	Torricelli	Wyden
Skelton	Traxler	Yates
Slattery	Udall	Yatron
Smith (FL)	Valentine	Young (AK)
Smith (IA)	Vandergriff	Young (FL)
Smith (NE)	Vento	Young (MO)
Smith (NJ)	Volkmer	Zschau

NOES—113

Anderson	Hall, Ralph	Nelson
Archer	Hall, Sam	Nichols
Badham	Hansen (ID)	Nielson
Bartlett	Hansen (UT)	Ortiz
Bateman	Hartnett	Oxley
Bennett	Hatcher	Packard
Bevill	Hightower	Parris
Bilirakis	Holt	Pashayan
Bliley	Huckaby	Patman
Boggs	Hunter	Porter
Breaux	Ireland	Pritchard
Brooks	Johnson	Quillen
Broyhill	Kindness	Ritter
Burton (IN)	Kramer	Robinson
Campbell	Lagomarsino	Rudd
Chandler	Latta	Schaefer
Chappie	Leath	Schulze
Cheney	Lewis (CA)	Sensenbrenner
Coats	Livingston	Shelby
Courter	Lloyd	Shumway
Craig	Loeffler	Shuster
Crane, Daniel	Lott	Skeen
Crane, Philip	Lowery (CA)	Smith, Denny
Dannemeyer	Lujan	Smith, Robert
Daub	Mack	Solomon
DeWine	Marriott	Stangeland
Dreier	Martin (NC)	Stenholm
Duncan	McCandless	Stump
Edwards (AL)	McCollum	Sundquist
Erdreich	McEwen	Tauzin
Erlenborn	Mica	Thomas (CA)
Fascell	Michel	Vucanovich
Fields	Miller (OH)	Walker
Frenzel	Montgomery	Whitehurst
Gibbons	Moore	Winn
Gingrich	Moorhead	Wolf
Gramm	Morrison (WA)	Wortley
Gunderson	Myers	

NOT VOTING—32

Andrews (TX)	Frost	Markey
Berman	Gekas	McCain
Broomfield	Green	Minish
Conable	Hance	Roberts
Corcoran	Heftel	St Germain
Coughlin	Hillis	Stark
Daschle	Jones (NC)	Towns
Davis	Kazen	Vander Jagt
Early	Lehman (CA)	Wright
Forsythe	Long (LA)	Wylie
Fowler	Lungren	

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Minish for, with Mr. McCain against.

Mr. Coughlin for, with Mr. Corcoran against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from New York?

There was no objection.

REAGAN'S DEFICIENT FOREIGN POLICY

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, it is a sad day for U.S. foreign policy. President Reagan's murky Lebanon policy has clearly evolved into reaction rather than positive coherent action. Reality emerged with violent events yesterday, and the Reagan Lebanon house of cards came tumbling down.

The President's reaction makes the United States appear weak and without direction. The President has badly misjudged and misrepresented what was possible in Lebanon.

President Reagan had every reason to reassess his policies these past months, but stubbornly refused to do so.

The President's decision to finally redeploy the marines is long overdue and I trust it will occur in fact, not just in rhetoric.

However, President Reagan's orders to initiate brutal ship bombardments and air-strike strategies to cover the embarrassment of his deficient foreign policy are unworthy.

After 264 marines' lives have been sacrificed for this hopeless policy the American people expect some positive answers to fill the vacuum, not a cannonade.

NATIONAL ENERGY EDUCATION DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 146) to designate March 23, 1984, as "National Energy Education Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I do so for the purpose of advising the Chair that the minority has no objection to this resolution being taken up at this time.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I wonder if we could get some idea about what it is costing us to bring this resolution to the floor. Recently I have done a little bit of checking and I find out every time we print one of these resolutions it is costing us something on the order of $1,500. When you add in staff time and all of the things that have to be added in on some of these proclaiming of days, we can easily get the figure up to about $2,500.

I make mention of that because that is what one working family in this country, when they pay their taxes, pays $2,500 in taxes on an average. That means that one family is working the entire year to pay taxes to have us pass one of these resolutions.

I was just wondering whether or not those kinds of cost estimates are anywhere close to being correct.

Mr. DANNEMEYER. This Member from California cannot tell the gentleman what it costs. Perhaps the gentlewoman from Indiana (Mrs. HALL) can relate that to us.

Mrs. HALL of Indiana. Will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentlewoman from Indiana.

Mrs. HALL of Indiana. Mr. Speaker, I think it is a very simple question. It is my understanding that any Member of this Congress can get information on what it costs to print any bill or any resolution, and it is quite simple to assign a staff member to do it.

Of course, if Congressman WALKER does not want to do that, I will be happy to ask one of my staff persons to find out and let him know.

Mr. WALKER. Will the gentleman yield further?

Mr. DANNEMEYER. I am happy to yield to my colleague from Pennsylvania.

Mr. WALKER. What I am saying is that I have asked and those are the figures that I have gotten. They are rather disturbing figures. I am just wondering whether or not somebody can confirm that that is, in fact, what it is costing us every time we bring up one of these commemorative resolutions.

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WALKER. Mr. Speaker, reserving the right to object, I have asked a question and I was hoping that maybe somebody could give me an answer.

Mr. LELAND. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. LELAND. Does the gentleman wish to reveal how much it cost for us to place any kind of extension into the RECORD when we do special orders?

Mr. WALKER. I will be glad to tell the gentleman that I am not certain of what that cost is. This gentleman is not in the habit of placing remarks into the RECORD, so I do not do that.

Mr. LELAND. I understand that the gentleman, since the gentleman's tenure has been longer here than mine, the gentleman has spent a lot of time extending his remarks into the RECORD, and has spent a lot of money, much more than it costs for a resolution to be extended into the RECORD.

Mr. WALKER. Reclaiming my time, I would say to the gentleman that this gentleman from Pennsylvania has very seldom, if ever, extended his remarks in the RECORD.

I do speak on the floor and I allow the things that I say on the floor to stand in the RECORD. But unlike a lot of Members around here I do not spend my time extending in the RECORD.

So that which is done is done as a part of the permanent RECORD, and so if the gentleman has some information that language is being put in the RECORD in my name as extensions, I would say to the gentleman that I would find that very disturbing because that should not be going on.

Of course, we did have that happen in the committees around here during the last Congress where words that I did not speak were put into a committee record by a staff member. And if the gentleman knows that that is happening here on the floor, I would certainly want that revealed.

Mr. LELAND. There is some information available that suggests that the gentleman has put some extensions of remarks in the RECORD that have been rather extensive, to say the least, and have cost a considerable amount of money.

Now, if that happens not to be the case, this gentleman from Texas apologizes. But I would suggest to the gentleman that those extensions of remarks cost considerably more than a resolution.

□ 1840

Mr. WALKER. Reclaiming my time, the gentleman is making an accusation. Would the gentleman care to tell us exactly what it is that this gentleman has put into the RECORD that cost any money? This gentleman has never gone to the well under the rules of the House and asked for an extension of remarks that cost the taxpayer more than the allocation.

Now if the gentleman knows that it is the case, I would really very much like to know that.

Mr. LELAND. If I may revise my allegation, let me suggest that the gentleman has taken time for special orders as opposed to——

Mr. WALKER. Oh, reserving the right to object, in other words, the gentleman is saying that this gentleman has participated in debate on the floor and has been out here doing my job and has been speaking on the floor and that is going into the CONGRESSIONAL RECORD and is being printed as a verbatim transcript of the CONGRESSIONAL RECORD and that that is somehow wrong in this Congress?

Mr. LELAND. No, I did not suggest that.

Mr. WALKER. Is that what the gentleman is saying?

Mr. LELAND. I have never alleged that that was wrong. As a matter of fact, if the gentleman will allow me, all I was suggesting was that the gentleman has spent a considerable amount of money that was paid by the taxpayers to do so. And all I am saying is that under the rules, the gentlewoman from Indiana also has the right to present to this body those resolutions passed through her committee which, by the way, is the responsibility held by this gentlewoman and she also has a right to extend that which is her given responsibility.

Mr. WALKER. The gentleman from Pennsylvania has no doubt of that whatsoever. The gentleman from Pennsylvania has no intention of objecting to the resolution being brought to the floor. The gentleman from Pennsylvania was simply trying to ascertain what it is costing the taxpayers to bring a string of these resolutions to the floor. We have had these resolutions coming to the floor on a more and more frequent basis. The gentleman from Pennsylvania is simply suggesting that that is not done without cost and that one of the things that we ought to understand in this body is the fact that at a time when we are talking all the time on this floor about $200 billion deficits, that we in fact contribute to some of that with some of the things we do around here. Now each time we print one of these resolutions it is costing several hundred if not several thousands of dollars. All this gentleman is saying is that I think it might be well to ascertain that cost. And I simply asked a question. I thought it was a reasonable question. How much did this particular bill cost to bring to the floor? And the gentleman from Pennsylvania still has not gotten an answer to that question.

Mr. LELAND. If the gentleman will yield, this gentleman is not trying to badger the gentleman from Pennsylvania nor is he alleging that the gentleman from Pennsylvania expects to object to the resolutions that are on the floor. But I would suggest to you, too, that there are other measures that we ought to look at that also cost money that the gentleman has participated in, and that is the comparison that I make, and that is all.

Mr. WALKER. I understand the gentleman's point. I understand the gentleman is uncomfortable with some of the things that this gentleman is saying in debate on the House floor and that the gentleman——

Mr. LELAND. No, no, no, I am not debating.

Mr. WALKER. The gentleman does not want those kinds of things raised as a part of the actual record of the Congress. But this gentleman feels strongly that if you want to do your job——

Mr. LELAND. I beg the gentleman's pardon; that is not the suggestion that I am putting forward.

Mr. WALKER. Mr. Speaker, I have the time and then I will yield.

The SPEAKER pro tempore (Mr. HAYES). Is there objection?

Mr. WALKER. I am reserving the right to object, which is the regular order.

The SPEAKER pro tempore. The gentleman may proceed under his reservation.

Mr. WALKER. Reserving the right to object, I would simply say that I think that it is rather questionable to suggest that we shut down debate in the House of Representatives in order to save the American people money. That is what the gentleman from Texas is suggesting here, and I think that would be a tragedy, that we would gag the Members of Congress in order to save the American taxpayers a little bit of money.

All I am simply doing in reserving the right to object is to ask whether or not we have some idea as to what this bill is costing. If I get that answer I will be very glad to withdraw the reservation.

Mr. LELAND. May I ask the gentleman one more question?

Mr. WALKER. I would be very glad to yield to the gentleman.

Mr. LELAND. Does the gentleman from Pennsylvania go to the committee of jurisdiction that handles these resolutions and ask the same questions?

Mr. WALKER. I would be very glad to do that. I just thought that at the time that it came up on the floor that that might be a very appropriate time to ask the question because each bill that comes up before that committee, of course, is not going to come to the floor. The committee does exercise some——

Mr. LELAND. Some frugality.

Mr. WALKER. They certainly sort out among them.

Mr. LELAND. I thank the gentleman.

Mr. WALKER. And I think it is important to recognize that they have to have 218 signatures before they bring it to the floor. I think that is a very reasonable kind of rule. I am just wondering how much it is costing each time we are doing it. It seems to me a legitimate kind of question, one that should not have caused this much furor. If we do not have an answer now perhaps next time we bring a bill to the floor maybe we will know how much money it is costing and that would satisfy this gentleman. But it is a question, I think, that is worth thinking about.

● Mr. TAUZIN. Mr. Speaker, few proclamations generate as much activity and public participation as the National Energy Education Day (NEED). NEED is a 10-year effort aimed at promoting ongoing energy education programs in our Nation's schools. Its projects inform students and the general public about energy and its effect on employment, research and development, Government policies, global events, and future career opportunities.

This year's theme for National Energy Education Day is "Energy Works for America." From a scientific viewpoint, it will explore how the laws of physics and chemistry relate to our production and use of energy for transportation, communication, manufacturing, and in personal lives.

Our continued support can give these young Americans a headstart by encouraging educators, public officials, industry, and community leaders to help our youth focus on energy issues throughout their schooling in an organized and challenging manner. That is the objective of National Energy Education Day.●

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 146

Whereas an adequate and competitively priced energy supply is essential for a strong economy in the United States;

Whereas affordable energy resources are required to fuel the economic growth which will provide new jobs and employment opportunities so that all people of our society may enjoy a higher standard of living and greater prosperity;

Whereas the developments needed for the future will require greater attention to the scientific laws in the areas of physics and chemistry as they relate to the development, distribution, and efficient use of our energy for transportation, communication, manufacturing, and personal use;

Whereas people are striving to make energy work more efficiently in their homes, transportation systems, and workplaces;

Whereas fundamental changes in the United States energy future requires the United States educational system at all grade levels to prepare our youth for the

new demands and challenges which lie ahead;

Whereas the celebration of a National Energy Education Day (NEED) will bring together students, teachers, school officials, and community members to focus attention on the need for a greater understanding of energy issues; and

Whereas such celebration should be conducted in a manner which encourages a deeper understanding of the efficient ways energy works for the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to promote and enhance energy education programs at all grade levels of public and private schools throughout the United States, March 23, 1984, is designated "National Energy Education Day". The President is requested to issue a proclamation calling upon the people and educational institutions of the United States to observe such day with appropriate ceremonies and activities, and directing all Federal agencies to participate in the observance of such day and to cooperate with persons and institutions conducting such ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL INVENTORS' DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 271) designating February 11, 1984, as "National Inventors' Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Reserving the right to object, Mr. Speaker, I make this reservation for the sole purpose of indicating the minority has no objection to the House taking up this resolution.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman from California yield under his reservation?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, today I rise in support of House Joint Resolution 271 declaring February 11, 1984, as National Inventor's Day. This date is the birthday of one of America's greatest inventors, Thomas Edison.

As in years past, I am chief sponsor of the resolution due to my chairmanship of the Judiciary Committee's subcommittee with jurisdiction over patent law. I would like to thank the 232 Members of the House who have joined with me in honoring those individuals who have dedicated themselves to bettering society through the inventive process. I also would like to thank my counterpart chair, the gentlelady from Indiana (Mrs. HALL) and Mr. DANNEMEYER for bringing this joint resolution to the floor.

House Joint Resolution 271 sets aside a time to honor those people who have sparked the great technological advancement of our Nation. We entrust our future to the inexhaustibly creative minds of our people. By recognizing their contributions, we focus attention on the importance of innovation in meeting the challenges of a highly technological world.

The National Council of Patent Law Associations in conjunction with the Patent and Trademark Office sponsors the National Inventor's Hall of Fame into which four new members will be inducted this year. This year's inductees include: William M. Burton, who is responsible for the manufacturing of gasoline; Wallace H. Carothers, the inventor of nylon; Phillo T. Farnsworth, producer of the first all electronic television system; and Theodore H. Maiman, designer of the ruby laser system.

● Mr. MOORHEAD. Mr. Speaker, I would like to concur in the remarks of the gentleman from Wisconsin (Mr. KASTENMEIER) and note that our Founding Fathers recognized the importance of inventors when they adopted without dissent, at the Constitutional Convention, the vital provision in article I, section 8, that Congress shall have the power:

> To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Perhaps, Daniel Webster in a speech in Congress, in 1824, said it best when he declared that:

> Invention is the fruit of a man's brain, that industries grow in proportion to invention and that therefore the Government must aid progress by fostering the inventive genius of its citizens.

I think it is important that we recognize all those people who have made contributions to the welfare of this country through the development of new products and processes.

Accordingly, I urge the adoption of House Joint Resolution 271.●

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 271

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1984, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLDER AMERICANS MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 466) designating May 1984 as "Older Americans Month," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Reserving the right to object, Mr. Speaker, I do so only for the purpose of indicating that the minority has no objection to this resolution being taken up by the House at this time.

● Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 466, which expresses the sense of Congress that our Nation should observe the month of May 1984 as Older Americans Month. Since 1963, the President has proclaimed each May as the month to express the Nation's gratitude to its senior citizens. In years past, Congress joined in this tribute to our senior citizens when it passed previous Older Americans Month resolutions. Accordingly, I urge my colleagues to recognize our senior citizens again this year.

I have always been a strong believer in assisting our older Americans. Our country relies in large part on the wisdom and experience of previous generations. Senior citizens have enriched our society immeasurably, always providing us with a keen perspective on life. It is important for parents to instill a sense of respect and admiration in our youth toward those who have come before them. Their energy, experience, drive, and zest for life cause this Nation to turn to them for knowledge, solace, and guidance.

Senior citizens across the country have continued to contribute their caring and goodwill for their fellow neighbors through programs such as the Foster Grandparents program. The Westchester, Orange, Rockland and Sullivan Counties programs in my 22d Congressional District, has provided love and attention to underprivileged and handicapped children for many years. These senior citizens volunteers range in age from 60 to 89 and

work 4 hours per day, 5 days a week. There are over 16,000 foster grandparents in 199 projects throughout the United States, and I am certain that my colleagues feel as certain as I do about the positive contributions made by these volunteers.

It is only fitting that the love and caring that our elderly give to all of us be recognized by the country as a whole. House Joint Resolution 466 sets aside the entire month of May for us to pay tribute to the selflessness of all older Americans. I join my colleagues in thanking these dedicated men and women for their ongoing service and contributions to communities all across America, and I urge support of House Joint Resolution 466.●

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 466

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas older Americans should be acknowledged for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities acknowledge older Americans during the month of May: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the traditional designation of the month of May as "Older Americans Month" and the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation, the President is directed to issue a proclamation designating the month of May 1984 as "Older Americans Month" and calling on the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, on February 9.

Mr. GINGRICH, for 60 minutes, on February 9.

Mr. WEBER, for 60 minutes, on February 9.

Mr. MACK, for 60 minutes, on February 9.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. LELAND. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Ms. OAKAR, for 45 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. COLLINS, for 15 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MARTINEZ, for 10 minutes, on February 9.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Reserving the right to object, I assume that none of those Members is going to use those and cost the taxpayers money, are they?

Mr. LELAND. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. LELAND. The gentleman might be able to answer that himself. I am only doing what has been asked of me to do at this moment. I am not prepared to answer that.

Does the gentleman have the answer to that?

Mr. WALKER. Well, I do not have an answer to it, but since the gentleman was making the requests——

Mr. LELAND. Well, why does not the gentleman just speculate.

Mr. WALKER. Reserving the right to object, I just thought that since the gentleman was critical a few minutes ago——

Mr. LELAND. No, no, no, the gentleman is wrong.

Mr. WALKER [continuing]. Of utilizing special order time and saying that that might cost the taxpayers money. I just thought that since he was making the request, we would want to make certain that none of those Members was actually going to cost the taxpayers any money.

Mr. LELAND. Let me ask the gentleman, was I critical of the gentleman?

Mr. WALKER. I would not say the gentleman was critical, the gentleman was just raising a question as to whether or not debate on the floor cost the taxpayers money. And I had to admit to the gentleman that in fact it did, but I thought that it was money probably well spent.

Mr. LELAND. Very good.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AN AGENDA FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. LELAND. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. LELAND. Is this going to cost the taxpayers any money for the gentleman to do this?

Mr. WALKER. Well, I am going to participate in debate here on the House floor under the rules of the House and I would hope that that is within the business of the House.

Back a couple of years ago we had a gentleman that was suggesting that casting votes in the House of Representatives was costing us money. And he went through and he added up all the costs of casting votes in the House of Representatives.

And I suggested to people at that time that one of the things that we ought to be all about in the House of Representatives was casting votes, that one of the problems in this body is that we do not cast enough votes, that we are not accountable enough to our constituents.

But this gentleman thought that that was just terrible, that Members of Congress would actually have to come over and cast votes after being elected here.

It seems to me another thing that we are elected to do around here is come to this floor and explain to the American people and explain to our constituents that it is something that we ought to come to the floor and say for the record those things which we believe, rather than simply going out and wandering around the countryside telling the American people things that we think that they want to hear, but are unwilling to put on the record in this Congess.

I think I am disturbed when I see what is happening as a pattern in this Congress where many, many Members of Congress are not willing to really come out here and go on the record and really willing to debate, but rather have reduced their participation in this Congress to handing in prepared

sheets of paper that go into Extensions of Remarks or go into the RECORD as supposedly words said on the House floor which were never spoken.

I am tired of a CONGRESSIONAL RECORD, in all honesty I would tell the gentleman, that is a travesty of the truth. I am perfectly willing to bring my views to the floor and debate them. And I think that is one of the things that we should be all about as a legislative body. That is one of the jobs that we are sent here to do.

And so if the gentleman is asking whether it costs the taxpayers something for me to do my job, yes, the taxpayers do have to pay for me to do my job. And they have to do some of the things that are ancillary to my doing my job, but I think that that is after all what the Constitution says that this representative role is all about.

Mr. LELAND. I would just like to thank the gentleman for his eloquent instruction.

Mr. WALKER. Mr. Speaker, one of the things that I thought we ought to do this evening is talk a little bit about a couple of things that happened in the course of today.

We are more and more concerned about the kind of arrogance and abuse that is going on, on the floor with regard to an agenda that the American people want to see discussed here.

There is a real concern when you see an opportunity opened up for the American people to have legislation that has been reported out of committee brought to this floor and once again today, for the second week in a row, every chairman of every committee of this House told the American people that they do not have legislation important enough to bring to this House under Calendar Wednesday.

I think that that has to be disturbing. It has to show that there is a closed shop around here, that there is a kind of arrogance that says that we will hold everything and only bring it out under stranglehold rules under ways in which we can limit debate and ways in which we have the ability to control the process, rather than bringing it out under processes which are more open and more democratic.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Well, is it not conceivable though that there was not any legislation to bring forward, that there was not a bill that had been reported out of committee that could have been brought to the floor?

Mr. WALKER. Well, the gentleman is right that that is a possibility. However, it is just not the truth as it relates to today. There are a number of bills that were on the Union Calendar, bills that had been reported out of almost all the committees of this House, that could have brought to the floor for consideration.

I would mention one. There is the tax reform bill. We have heard the Democrats talking an awful lot in recent weeks about additional taxes, about the need for more taxes for balancing the budget and getting rid of deficits. They could have brought a bill to the floor today that would have allowed them to offer their tax package. It would have allowed them, through amendment, to offer a tax package out here and tell the American people specifically how they wanted to tax them to get the budget deficits down. They refused to bring that bill out here.

I would also point out that that bill was also available then to be amended for some of us who believe that what we need in this country is tax reform to get rid of some of the power of the special interest, to get rid of some of the greedy special interests that have gotten their hooks into the tax system and are forcing the American working people to pay more and more taxes while they reap the benefits out of the system.

Some of us think that ought to be reformed. And we would love to get a bill out here under an open rule where we could amend some of those provisions of the Tax Code to get away from some of that greedy special interest power.

But, of course, that was not brought to the floor even though it was available to be brought to the floor this afternoon.

Mr. MACK. Well, maybe the gentleman might go a step further and explain why Calendar Wednesday. What is the reason for having this particular technique and why could not the chairmen have asked the Speaker to have a specific piece of legislation brought to the floor? Why use Calendar Wednesday?

Mr. WALKER. Well, what Calendar Wednesday does is it avoids having to get a rule on a bill. It means that when you bring the bill out here it is subject to 2 hours of general debate. And then it is an open rule, which means that you can add any germane amendments that would be applicable. That would mean that for the first time in as long as I can remember in the Congress, we would actually have a tax bill out here under an open rule. Instead of the way that we usually get tax bills here on the floor under a closed rule that says that only a handful of Members are going to be able to offer amendments and those amendments will be very, very specific in nature, which means that you cannot get a broad based reform of the tax system under the kinds of rules that they bring to the floor.

They foreclose the possibility of bringing matters to the floor under a more, as I say, open and democratic kind of process as would be available under Calendar Wednesday.

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What we had was virtually every committee chairman saying, "No, I do not want to participate in that kind of open process; I want to stick with the kind of process around here that freezes us into a closed dictatorial system rather than an open democratic one."

Mr. MACK. Well, it sounds like maybe the committee chairmen were not prepared.

Is Calendar Wednesday something which occurs each week, and has been for many years?

Mr. WALKER. The gentleman is absolutely correct. Calendar Wednesday has been a part of the rules of the House since at least early in this century, and I think it goes back into the 19th century. So this is not a day which catches the chairman unawares. It is certainly part of the rules.

And, of course, it was first objected to when they tried to waive it last week, so that the chairman knew well that this was going to come up and that they could have been prepared.

Mr. MACK. Let me interrupt again, if I may.

Why would they object to Calendar Wednesday? Why would they try to waive Calendar Wednesday? I do not understand that.

Mr. WALKER. Well, of course, for years around here we waived every Calendar Wednesday because, once again, the people who lead this Congress, the leadership of this Congress, are saying they want total control of every piece of legislation. They want it to go through the Rules Committee, they want to bring it to the floor under a rule, or they want to bring it out here under the Suspension Calendar where you have absolutely no opportunity to amend.

Mr. MACK. Or maybe they do not want to bring it out at all?

Mr. WALKER. The gentleman makes an excellent point. In many instances what they do not want to do is have some of that legislation come out here at all. And we have literally dozens of bills of very, very great importance to the American people that are being held in committee and are not permitted to come to this floor for debate or for action.

We are trying, as best we know how, through various techniques, to try to open up the process to allow more of the bills to come to this floor, to allow the American people's agenda to be voted upon; but, of course, we are being thwarted by people who have no desire whatsoever to see votes occur on

those issues or to see those issues even debated on this floor.

Mr. MACK. So it sounds like what you are saying is that because there are certain pieces of legislation that at least in our opinion are of a great deal of interest to the American people, whether that is the line-item veto that we have been talking about for the last several weeks, or the balanced budget amendment, or school prayer, we just cannot seem to get that legislation to the floor because somewhere along the system somebody blocks it; that, in essence, what we have been doing is resurrecting the idea of Calendar Wednesday with the hope that we can force some of that legislation to come to the floor. Is that what the gentleman is saying?

Mr. WALKER. The gentleman is absolutely correct. That is precisely what we are attempting to do. Calendar Wednesday is not a perfect vehicle. As a matter of fact, it is a pretty lousy vehicle to achieve some of the things that we are trying to achieve. But it is one way of having a little more open process than this House has had for the last 25 years; and it has been with a great deal of frustration that we have attempted to do this.

We have been put upon by many of the forces of abuse around here who say what we are doing is obstructionist, and so on, when really what we are doing is opening up a process that has been closed and kept away from the American people for far too long.

Mr. MACK. What the gentleman is saying, then, is that he is trying to use every possible avenue to allow legislation to come to the floor.

Mr. WALKER. That is exactly correct.

Mr. MACK. And we are going a step further. At the beginning of this session, frankly, we were kind of saying that it was the Speaker who was blocking legislation. For example, at the end of the last session, we were claiming that the Speaker was using what I had called an arrogant abuse of power in not allowing the immigration reform bill to come to the floor of the House. But really what we are saying now is, now that we have reactivated, so to speak, Calendar Wednesday, each of the committee chairmen is also a part of blocking this kind of legislation.

Mr. WALKER. I think what we see is an entire leadership problem. We see the entire leadership of the Democratic Party lined up in a way that would prevent legislation from coming to the Hill. Yes. You cannot singly target one individual any longer.

It has now become apparent to the American people that it is the majority leadership in this body that is the problem. I think that that becomes clear every time we see Calendar Wednesday passed over with no chairmen at all coming to the floor saying that they have legislation to bring before us.

Mr. MACK. Again, I guess we have to place the emphasis on Calendar Wednesday because as we started out this session we were asking unanimous consent to bring certain pieces of legislation to the floor, and there was a ruling by the Chair that in order for us to use that particular technique we would actually have to get approval not only from the minority leadership but also from the majority leadership; is that correct?

Mr. WALKER. Well, sure. That was the way of making certain that, once again, that accountability would not be a factor here on the floor. By asking unanimous consent to bring legislation to the House, we were forcing certain Members of the majority to stand up and object to that; and they found it very uncomfortable to stand up and object to bringing balanced budget legislation to the floor or bringing school prayer legislation to the floor or bringing line-item veto legislation to the floor.

It became very uncomfortable to object to that, and so they went to the Speaker and they said, "Save us, save us, do not make us go through this exercise. You come down with a ruling, you give us a ruling that says that the Chair will simply not recognize any requests of that type."

And that is exactly the ruling they got. So Members were muzzled, Members were gagged here on the floor from being able to raise legitimate issues, raise legitimate motions, and we were in effect told that, "Your legislative agenda will never be permitted to come to the floor under what had previously been a legitimate means for getting legislation considered."

I would remind the gentleman that that unanimous-consent technique was used just a few years ago when the Members wanted to raise the outside limits on earnings that we could take. Boy, when we wanted to do that, and when we wanted to boost those up a little bit and get a little bit bigger share of the pie for ourselves, it was no problem then, boy. They came running out here in about 20 seconds with one of those unanimous-consent requests, and the Chair gaveled it through, and the American people never were the wiser; there was no debate on it; it just happened lickety-split, just like that.

But when you come to some issue like voluntary school prayer, then we have a ruling from the Chair that says, "Well, you cannot do it, fellows. That is the wrong kind of thing to have done. Only when we want to line our own pockets do we allow techniques of that type to be used."

Mr. MACK. So what the gentleman is saying is that, in the past, the unanimous-consent request was made to, in essence, increase a Member's pay, which apparently everybody agreed to, and then when we tried to use that to bring meaningful legislation to the floor of the House, the Chair ruled that it was no longer in order.

Mr. WALKER. The gentleman is absolutely correct. That is exactly what happened.

What I am saying is that we were not using some kind of extraordinary technique when we were asking unanimous consent for this to be done. It was something that was done when we wanted to raise the outside earnings. We basically doubled the outside earnings that Members of Congress were allowed to take, using that kind of technique. And it was perfectly fine then, but it is not perfectly fine when you want to raise the issue of voluntary school prayer.

Mr. MACK. Let me raise this question: The gentleman mentioned a minute ago that Members on the other side of the aisle apparently went to the Speaker and said, "We have got to stop this, it is becoming embarrassing," I guess, for some Members to have to stand up.

Mr. WALKER. That is what this gentleman has to assume, yes.

Mr. MACK. Why would they be embarrassed? There are certainly people over there who support a balanced budget amendment. That is an item I think that cuts across the line. I mean I think there are Members on both sides of the aisle who feel very strongly—at least, from what I hear people saying, they are very interested in balancing the budget.

Mr. WALKER. As the gentleman knows, it is a question of accountability. They all want to say they are for a balanced budget; they want to go back to their districts and they want to tell the people how they are for balanced budgets and how this horrible President is increasing all the deficits, and so on, and they just have no control whatever. They kind of forget their oath that they swear allegiance to the Constitution; they kind of do not look at the Constitution that says that we have control over spending in this body.

I mean those things are conveniently forgotten. But they want to go home and talk like budget balancers and people against the deficit, and then when someone raises an issue where they might have to actually vote on it, they want to object to it or find a way to objecting to it without being held accountable for that objection. And that is exactly what they have achieved now. The Chair simply does not recognize the motion; so, therefore, they are not personally held accountable.

It seems to me that what the American people should demand most from this body is accountability; that what they should demand most from us is

that we vote on issues so that they can tell how we voted, and that we speak to issues so that they can understand what it is we are saying.

What we see more and more and more of in this body is an attempt, first of all to dissuade us from voting on issues, either by keeping the issues locked up in committee so there are no votes or, once they come to the floor, to try to frame it in a way that there are no votes, or we also have techniques to keep people from speaking to the issues. And we have just gone through an exercise here a few minutes ago where it was suggested that we ought to consider some of these things that might end up gagging Members even more.

□ 1910

The Members of this body, particularly the Members of the minority, already this session have been gagged time and time again. This is becoming a constant pattern of the majority since the opening days of this session about 3 weeks ago, of attempting to gag the minority and actually, in some instances, gagging the minority.

I think it is an abuse of power. It is an arrogance of power that is becoming very, very evident to anybody who wants to take a look at the record in a fair way.

Mr. MACK. If the gentleman will yield further, the gentleman began to touch on another subject which you talked about a little bit earlier, and that is in essence verbatim transcripts of the proceedings on the floor. This is something that I think the gentleman talked about last week.

Would the gentleman expand on that a little bit?

Mr. WALKER. Well, one of the things that this gentleman is concerned about is the fact that when people pick up the CONGRESSIONAL RECORD, many people out across the country assume what they are getting in that CONGRESSIONAL RECORD is a verbatim transcript that tells actually what went on here on the House floor.

Instead, when they pick it up, it is nothing of the kind. It has a lot of speeches in it that were never made. Some of the speeches that were made are so drastically revised that they say something completely different from what was actually said; that we have a collection of distortions, in some cases outright lies, that are passing as the record of this Congress. That is, I think, a real question about the way in which this body operates.

It is my point that what we ought to do is, we ought to have a record which says what went on. If the gentleman and I talk here on the floor as we are talking right now, the RECORD the next day ought to reflect our conversation. You ought not be able to go back and change every remark you made to say something completely different from the statement you just made. I ought not be able to do that either. We ought to both be here on the floor discussing the issues, and only that discussion should appear in the RECORD as being the actual record of the House.

Now, if somebody wants to revise and extend their remarks, fine; let us put that in the back of the RECORD somewhere, like we have "Extensions of Remarks" now, and if somebody wants to make a long, windy speech about some issue, let us at least point out to the American people that that long, windy speech was prepared in the guy's office by some staff member who labors over a typewriter doing that kind of thing, but the fellow did not actually come to the floor and deliver that speech. We ought to make it clear to the American people just what is what here and which is which.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Does it make it any better if the long, windy speech is given extemporaneously?

Mr. WALKER. I think it does, I would say to the gentleman, because at least you are on the record that way; at least we are on the floor debating and the gentleman from Ohio can rise and raise questions and do as he pleases. It makes it a good deal different, because there is accountability to that.

What we have in too many of the cases on this floor is the fact that we have no accountability. We have legislative history being written by staff aides of committees that is then stuck into the RECORD and passes for being something which actually took place on this floor and is judged by the courts of the land as being a legislative history.

Mr. SEIBERLING. That is against the rules of the House.

Mr. WALKER. I would say to the gentleman that it happens around here all the time. It may be against the rules of the House, but there are very long transcripts put into the RECORD right after a Member stands up and says, "Mr. Speaker, I ask unanimous consent to revise and extend my remarks and rise in favor of the bill," and then a long speech follows that was never delivered on this House floor that becomes a part of the legislative history.

If the gentleman from Ohio does not believe that is happening, he must be walking around with his eyes closed on this floor. It happens all the time out here.

Mr. SEIBERLING. All I can say is that if there is a debate on the floor with respect to a point that is crucial, and I am not talking about just a Member saying, "I support the bill," and giving all his reasons, then under the rules of the House, any Member who puts in additional material that is germane and is of substance and is not merely additional personal remarks is violating the rules both in spirit and letter and should be called to account.

Mr. WALKER. The gentleman has to be concerned about what goes on around here, then, because back, I think it was in the last Congress, when we passed a bill around here on black lung disease, included down in that bill was a tax break for Members of Congress.

Mr. SEIBERLING. Well, that was in the bill, not just in the remarks on the floor.

Mr. WALKER. It was in the bill, and what the claim was later on was that if you voted for that you had to know that the information with regard to the tax break for Members was down in there because it was said on the floor. Just look at the CONGRESSIONAL RECORD, and sure enough, if you went to the CONGRESSIONAL RECORD there was a speech in there by the chairman of the committee that indicated that, in fact, that was in there.

However, when one of the Members from the gentleman's side of the aisle went back and reviewed the video tapes, he found that those words were never spoken; that they were added later on. That is a pretty substantive point to have left out of the debate that was later added in. I am saying to the gentleman that that is the kind of question that the American people have every right to get upset about.

Mr. SEIBERLING. If the gentleman will yield further, all I have to say is, I happen to have been present when that bill was passed by voice vote.

Mr. WALKER. No, it was a recorded vote on it, I would say to the gentleman. I was present, too, and there were about 47 of us who voted against it.

Mr. SEIBERLING. Well, all right, I guess it was a recorded vote. But in any event, there had to be a tacit conspiracy on both sides of the aisle to not bring out the fact that this bill covered that particular point or it never could have happened.

Mr. WALKER. I would say to the gentleman, I do not know about these tacit conspiracies. As for this gentleman, I voted "no" on the bill because I knew it was in there.

Mr. SEIBERLING. Most of the Members did not.

Mr. WALKER. That is right; most gentlemen did not because it was not explained to them. But the point is that later on in the CONGRESSIONAL RECORD it appeared as though it was explained to the Members of the House. That language was added later on.

I am saying to the gentleman that that is not an accurate CONGRESSIONAL RECORD and that is a substantive point

of the type that the gentleman said was against the rules. I do not know how it happened, then.

Mr. SEIBERLING. If the gentleman will yield further, I simply say that on that point, I do not think that added any substance to it, because the fact is it was in the bill and whatever else was said was really immaterial because that did not add anything except an appearance; it did not add substantively to the legislative history.

Mr. WALKER. I respect the gentleman's viewpoint, of course, but good heavens, if you later on refer back to that and say, "Of course the Members knew about it because it was said on the floor," it seems to me you are then saying that that was the legislative history that was developed on the floor. That is the point. Some people got very badly burned by that. I, for one, find that disturbing.

Mr. SEIBERLING. I agree with the gentleman. I think that was excessive and really was a violation of the spirit if not the letter of the rule.

Mr. WALKER. And this gentleman from Pennsylvania simply cites that as one example. There are numerous other examples of the same kind of thing happening, and I think it is most disturbing.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I just want to engage the gentleman from Ohio for just a moment, because this is now the first several days of the second year that I have been in Congress, and I guess it really was a shock to me the first time I really understood what the gentleman from Pennsylvania is talking about: That you can read through the RECORD, being somewhat naive, I guess, expecting that everything that was recorded in that RECORD, actually took place here on the floor of the House.

I think the point that is being raised here, and I think very well in that particular discussion about that vote, is an excellent point. I think we ought to get back to the point where what we say and what we do on the floor of the House is accurately recorded in the RECORD.

Mr. SEIBERLING. There is a very simple way of accomplishing that, and that is whenever someone asks for permission to extend his remarks you just get up and object. However, a lot of your colleagues on that side of the aisle will not be very happy if you do.

Mr. MACK. I think the point that the gentleman makes is a good one. My reaction back to the gentleman is going to be that if, in fact, we did get up and do that, I have a feeling that the relationship between Members would deteriorate quite rapidly.

Mr. WALKER. There is another way of doing it, too, I would say to the gentleman, and that is to have verbatim transcripts of the Congress, to have the same kind of transcripts that virtually every other parliamentary democracy has. They have verbatim transcripts of their proceedings. Virtually all the courts of this land depend upon verbatim transcripts, and in many of those courts life and death decisions are being made, and verbatim transcripts are good enough for them.

Only in the Congress do we abrogate to ourselves a license to be something better than what our words would really indicate that we are.

□ 1920

Only in the Congress do we say that we should have the ability to clean things up a little bit so that we look better than the words we may have actually spoken. That to me is wrong, and that is what we have got to get away from.

I wanted to raise one other point here, too, and that is that having gone through Calendar Wednesday with none of these things being raised on the floor today and none of the issues being brought out that could have been brought out on a Calendar Wednesday, we had another interesting vote then this afternoon as well. We had a vote on whether or not to adjourn this House.

Now, the adjournment resolution is for a period of time that had been set aside for some period of time to go home for a Lincoln-Washington Day recess, understandably. But some of us are under the impression that that might also be time to act on some of the agenda the American people think is important, and that had we decided not to go home, we might have stayed here for a week and taken up some of these issues, principally economic issues and balanced budget issues that are very much on the minds of the American people. Instead, we had a vote, and we find out who wants to wing off to places unknown—some home, some to other parts of the world—and who wants to stay here and work. And the vote was rather interesting. Two to one, the Republicans voted to stay here and do the country's work; 9 to 1, the Democrats voted to wing off to heaven knows where.

Now, it seems to me that the American people may want to assess that vote a little bit when they ask themselves, "Why aren't the issues being voted on?" Because later on in this session I will tell anyone that what is going to happen is we are going to be told that we do not have time to act on these issues, we do not have time to come to the floor and act on the issues. We had time, and the Democrats voted to leave town instead.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, that really should not surprise the gentleman. What occurred was that there was Calendar Wednesday, which is a device to try to get legislation to the floor that is being blocked for one reason or another, and I think the gentleman said earlier that every committee chairman opted not to bring any legislation to the floor. Is that correct?

Mr. WALKER. Every committee chairman decided they did not have anything valuable enough to bring to the floor, that is right.

Mr. MACK. It seems to me that if they are going to say that there is not anything—I think that was done last week also; is that correct?

Mr. WALKER. Absolutely. Every chairman last week said he did not have anything valuable enough to bring to the floor.

Mr. MACK. And it is not surprising to me, and I guess the gentleman is not really surprised either, that 9 to 1 they decided to adjourn.

Mr. WALKER. The gentleman is absolutely right. I mean I am not really surprised at all, because the fact is that we could come back here next week and they would have nothing to do next week either. So the vote to leave town and leave all the business behind is a typical vote and is a perfectly understandable vote, given the character of what we have done thus far in this Congress. So I have to say to the gentleman, yes, the vote was completely in character, but nevertheless somewhat disturbing to people across this country who wonder why Congress is not getting the things done that they believe ought to be done.

Here we are, we have got 3 weeks that we have been back in town since we went home for 3 months, and now we are taking another 1½ weeks or 1 week off to go out to the countryside again.

I would like to think that one of the reasons why we would go out is to listen to the American people and what they are having to say about the issues of the day, but the fact is they are going to be saying the same things now that they were saying 3 weeks ago, and then we are going to come back to town and we are going to do nothing about balancing the budget, controlling spending, implementing school prayer, getting rid of crime—all the things that we hear about in our districts. We are not going to do anything about them when we get back here. We are going to once again say, "I have been home and I have been listening to the American people, but I can't do anything about it because the committee chairmen are holding up all of these things the committee chairmen are holding as hostage."

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to rise to make the point that when we voted today to take this recess, anyone who voted yes on that resolution has forfeited the right later to stand up and tell us we do not have time to take up prayer in the school, we do not have time to take up a balanced budget, and we do not have time to take up line-item veto.

Our point was not that we should necessarily not have a district work period or that the House should not be scheduled in an orderly manner. Our point was to make the case that there is plenty of time for this House to make major decisions if it wants to do that. There is more than ample opportunity for this House to act if it wants to.

I rise tonight, and I particularly listened to what I thought was a remarkably instructive dialog between the gentleman from Ohio, the gentleman from Florida, and the gentleman from Pennsylvania about behavior in the House. I am not sure whether there have been in the past conspiracies on a bipartisan basis between leaderships, but I do think it is clear—and it is something which I suspect the gentleman from Texas has often noted from the particular concerns that he has eloquently represented on this House floor—that one of the saddest things about serving up here is the degree to which double talk and deceit becomes the norm. And it becomes the norm all too often in the executive branch, it becomes the norm all too often with the lobbyists, and it becomes the norm all too often on this floor, as the gentleman pointed out, to have someone get up and say, "You should have known something was in the bill because I said so on the floor," and then to go back and view the video tapes and find out in fact that it was never said on the floor. It is not just a little game.

As we begin to close out our first 3 weeks here and prepare for this recess, I just want to restate a point that the gentleman from Pennsylvania, I think, has been carrying for 3 or 4 weeks now. There is a group on our side of the aisle that actually believes in the House of Representatives. We think it is actually possible for this body to meet on the floor systematically and to decide things systematically. We think that in fact the committees and the power which has drifted off into the committees are, if anything, now an obstruction to the great decisions that have to be made in this country. When I look at the events of the day, the crisis in Lebanon, with the pain and the misery over there, the drop in the stock market, the blackmail by the Chairman of the Federal Reserve, the threat to jobs in America, and I look at all the serious problems we face as a country, I think a great deal of the petty antics that go on in this House is ridiculous and an insult to the American people.

In closing, I want to say for the record and to the Democratic leadership that runs this House that we have no interest in coming back here and playing games, we have no interest in coming back here with unanimous-consent requests, we have no desire to come back here for Calendar Wednesday, and there is a simple, easy way to avoid that. If the leadership that dominates this House, that sets the Calendar, that controls the committees—if that leadership will simply agree to a schedule through the spring to allow us to bring up the package that the President has now gotten through the Senate which will stop crime and stop drugs and give Americans a chance to live in a safe, decent neighborhood, and to bring up legislation to provide for prayer in the schools, to bring up a line-item veto—we are not asking that they pass it; we can understand it if the liberal Democratic leadership opposes all these things—but I think the gentleman from Pennsylvania was exactly right in saying that the first thing the people of the United States should expect from us for our salary, having sworn an oath to uphold the Constitution, is that we will stand here and be counted on our votes, not just on our ability to speak.

So if the Democratic leadership that runs this House would simply agree to schedule in advance a guaranteed series of votes on the key issues that face America and would agree to a bipartisan effort to arrange a calendar that is legitimate and that both sides have advanced notice of, then I think we will get through a productive spring. But I think if in fact they are determined to play the part of petty dictators, they are determined to hold off the floor bills that the American people want, and they are determined to strangle any opportunity for an organized and orderly process, then I think we must come back here determined to make sure that the American people know who in fact is killing the things they want.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his statement.

There would be an easy solution even around that if they would just allow the minority each week to have two bills on the calendar, allow the minority leadership, for instance, to select a couple of bills to go on the calendar for each week. That would assure that we would get the kind of debate that we want, because we know which bills the minority would begin to call onto the House floor. That is all that we really need. We could go through an orderly process, as the gentleman said, we could have debate on these major issues, and it would be done within the rules and the decorum of the House.

That would certainly be a way of assuring the American people that we are accountable for our actions here and for our votes on the issues of concern to them.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding, and I thank him for again using the time constructively tonight to try to tell the American people what is going on in the House of Representatives.

I would like to just develop again a little bit the issue our colleague, the gentleman from Georgia, raised in passing, because the pattern of this House blocking consideration of major legislation is not beginning to subside; it is getting worse.

We had a good example of it just last week with the vote in the Senate on Federal Criminal Code revision, major anticrime legislation, which passed the U.S. Senate by a vote of 91 to 1. It was pretty bipartisan.

Mr. WALKER. Would the gentleman repeat that again? What was the vote in the Senate?

Mr. WEBER. The vote in the Senate was 91 to 1 in favor of Criminal Code revision, legislation to toughen our anticrime laws in this country.

Mr. WALKER. So it is pretty popular over there?

Mr. WEBER. It is pretty popular. It is bipartisan.

□ 1930

When it came to this House, the liberal leadership of this House said they were not even going to consider it on the floor of the House of Representatives. They pronounced it in the words of one Democratic Member "dead on arrival."

Mr. WALKER. Is that in the rules, is there anything in the rules of the House that declares a bill dead on arrival?

Mr. WEBER. Well, I have checked with the rules. I do not find dead on arrival.

Mr. WALKER. DOA is not in our rules, then?

Mr. WEBER. If we could find DOA in the rules, it would apply to a whole lot of things, like immigration reform, bankruptcy reform, school prayer, and in this case, of course, Federal Criminal Code revision.

I want to read into the RECORD some statements from a source that usually is pretty sympathetic to the liberal

majority, that is the Washington Post, in an editorial that they ran on Monday of this week, entitled "DOA in the House?"

I quote from the Washington Post editorial:

The Senate has a history of giving serious consideration to criminal code revision. Why shouldn't it? The subject is of paramount interest to voters, the proposals are the product of long years of expert deliberation and wide-ranging hearings, and the legislative documents themselves offer tens of thousands of pages of information and recommendations. The country has invested both resources and talent in this efort, and it is certainly worthy of consideration by Congress. Why, then, when the bill passed the Senate once again last week, did some House wag pronounce it "dead on arrival" in that chamber?

Mr. WALKER. It seems that House wag was the Democratic leader of this body, was it not?

Mr. WEBER. I point out again, the words are not mine. These are the words of the Washington Post.

Mr. WALKER. The Washington Post?

Mr. WEBER. The normally liberal Washington Post.

It seems that the House "doesn't like the comprehensive approach" and prefers to consider each change in the criminal law as an individual matter.

The Post goes on to say in the same editorial:

Great credit is due the Senate coalition led by Senators Thurmond—

A Republican—

and Biden—

A Democrat—

who had to bargain, negotiate and compromise with opponents on both ends of the political spectrum to win passage of the bill. If they are exasperated by the cavalier decision of some House members not even to look at this package seriously, it is understandable. It won't do to pick one or two items out of hundreds of reforms and throw the rest out without any consideration. The bill put together after more than a decade of work and passed by an almost unanimous Senate deserves a respectful hearing and a thorough debate by the House.

I think that makes the case that the gentleman in the well and others of us have been making on a full range of issues over the last few weeks probably better than we possibly could.

The point is this is not necessarily even a partisan matter. The Washington Post is not usually thought of as a Republican house organ. They are in this case pointing out the absolute obstructionist tactics of the majority in stifling even discussion of serious legislation and that is truly reprehensible.

Mr. WALKER. Let me say to the gentleman that we ought to make certain that the American people understand as well what is down in the bill. I have an amendment that is in that bill that was first put in in a House Justice authorization bill, but now has been included in that Senate crime bill, that would attempt to protect our elderly citizens against crime.

One of the real tragedies in this country is the fact that many elderly Americans literally lock themselves into their homes because they are afraid of being mugged outside their doors, that they have become prisoners in this country, that regardless of the social security checks and retirement and their hopes of living in retirement, they have become virtual prisoners to the crime that is in the streets around them.

I offered some language that was adopted in this House and now has been adopted in the Senate that would attempt to speak to that issue. When this House declares that bill dead on arrival here, it means that we are not going to speak to those frustrations of elderly Americans who find themselves victimized by crime.

Now, that is tragic and as the gentleman has put it, it is absolutely reprehensible that we would have a situation where the House of Representatives in its arrogance can decide that the American people will not have crime spoken to, will not permit elderly Americans to take some of the locks off their doors and walk safely on the streets again, but instead we will continue a pattern that sees crime run rampant and Americans fears to walk across a parking lot to their cars after dusk.

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I would be glad to yield to gentleman.

Mr. WEBER. And the sad point from a political perspective on this issue, as on so many others, is not necessarily the Democratic majority is going to bring it to the floor, let Members cast votes on it and then vote it down, which I would not like to see, either, but they are not even going to permit us to vote on it, so that the voters back home who are asking their Congressmen day after day, "What are you doing about crime? How come you cannot do anything about crime?" They are never going to get to know how their Member of Congress stands because the Democratic leadership of this body is going to make sure that those Members do not have to vote on this package at all, so they can never be held accountable.

Mr. WALKER. I think we want to emphasize the point the gentleman just made. We are not suggesting that Members of Congress should vote any particular way on these issues. That is up to the individual Member of Congress. He or she has to represent their districts and we are not suggesting to them how they cast their votes. We are simply suggesting that they ought to cast a vote, that somehow that should be one of the things that we judge when we go into the election next year.

We have attempted to set up means by which more and more we would be able to find out what the voting records of Members of Congress are. We have been trying to open up the process. We find ourselves frustrated by a leadership and an attitude which says that open democratic procedures in the House should not be permitted. We saw it today. We may see it again in the future. If we continue to see it, it will be an ongoing tragedy.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I would like the gentleman's approval to introduce into the RECORD as part of his special order an excellent Washington Post editorial, entitled "DOA in the House?" which I think illustrates precisely what everyone here has been saying.

Mr. WALKER. This is the editorial the gentleman from Minnesota just quoted from?

Mr. GINGRICH. Yes. I think the entire address should be put in, because when a paper which is nationally regarded as a liberal newspaper, a newspaper committed normally and traditionally to the Democratic Party, a newspaper which in the past I think would have been favoring people such as the Speaker of the House, when this newspaper begins to articulate and clarify its outrage that a Member of the House closely tied to the liberal Democratic leadership would pronounce a bill on crime dead on arrival, it just seems to me that in that kind of setting that the entire editorial should be put in as part of what we are saying tonight, because I think the average citizen out there should understand that this is a great problem which even relatively liberal newspapers such as the New York Times and the Washington Post have increasingly begun to attack and that the question of dictatorship in the House and the question of a small clique of liberal Democrats strangling the public will is really a matter I think that we have to bring to people's attention. In that sense, in the tradition the gentleman is suggesting, let me briefly read this editorial, which is entitled "DOA in the House?"

[From the Washington Post, Feb. 6, 1984]

DOA IN THE HOUSE?

Does the idea of a comprehensive revision of the federal criminal code sound familiar? It should. It's been kicking around Capitol Hill since 1966, when a national commission was created to review the law and prepare a recodification. In 1971 President Nixon established a special unit in the Justice Department to continue the work of the commission, and in 1973 a bill was introduced by Sens. Hruska and McClellan. It has been reintroduced in one form or another in every Congress since.

The Senate has a history of giving serious consideration to criminal code revision. Why

shouldn't it? The subject is of paramount interest to voters, the proposals are the product of long years of expert deliberation and wide-ranging hearings, and the legislative documents themselves offer tens of thousands of pages of information and recommendations. The country has invested both resources and talent in this effort, and it is certainly worthy of consideration by Congress. Why, then, when the bill passed the Senate once again last week, did some House wag pronounce it "dead on arrival" in that chamber? It seems that the House "doesn't like the comprehensive approach" and prefers to consider each change in the criminal law as an individual matter.

Over the past 18 years, proponents of comprehensive reform have made concessions in order to build consensus. This year, for example, they took a number of controversial subjects out of the bill—capital punishment, the exclusionary rule and control of the drug enforcement program, to name a few. Still, the remaining 387-page measure dealt with dozens of important issues. Sentencing and parole, bail procedures, organized crime, the insanity defense and assistance to state and local law enforcement organizations were all included. After five days of debate the measure was passed by the Senate on a vote of 91-1, a fair indication of bipartisan consensus.

Great credit is due the Senate coalition led by Sens. Thurmond and Biden, who had to bargain, negotiate and compromise with opponents on both ends of the political spectrum to win passage of the bill. If they are exasperated by the cavalier decision of some House members not even to look at this package seriously, it is understandable. It won't do to pick one or two items out of hundreds of reforms and throw the rest out without any consideration. The bill put together after more than a decade of work and passed by an almost unanimous Senate deserves a respectful hearing and a thorough debate by the House.

□ 1940

That was the Washington Post.

Let me just remind everyone, and I think the gentlemen who have been working here with us are particularly suited to think of this, that means that the work on this bill began the year I entered graduate school, the year some of us may have entered high school, the year others may have entered college. For our entire adult lifetime that work has been going on and yet the liberal Democratic leadership of this House, on an issue as important as crime, and drugs, and the very problems which are of concern to the average American, just allows one of their senior Members to discuss it out of hand and pronounce it dead on arrival.

I think this particular incident illustrates precisely why we are doing what we are doing.

Mr. WALKER. Let us be clear what they are saying is that has been kicking around in this House for 18 years. Now, this House has been controlled by one political party for that entire 18-year period. One political party has been in control for that entire 18-year period, and I hear some applause from the other side.

I wonder if they will applaud how street crime has increased during that 18-year period. I wonder whether they will applaud what has happened as a result of our unwillingness to do something about the criminal code of this country, because in fact during that 18-year period that has been the time during which some students have found themselves unable to go to school because their schools were no longer safe. Elderly citizens have found themselves unable to walk the streets because the streets are not safe. Women leaving shopping centers at night have found it unsafe to get into their cars and have to be escorted by a uniformed officer to have any hope whatsover of getting across a parking lot.

Those things have taken place in the last 18 years while this House has diddled and daddled around trying to do something to reform the criminal law. I do not think that that kind of 18-year record is worth very much applause.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I also am disappointed to hear the applause from one of our colleagues. What really strikes me is it is one thing to applaud because maybe this legislation has not been passed, or the gentlemen on the other side of the aisle have a different philosophical bent, but can you really applaud the fact that for 18 years the majority party has blocked even consideration of it? That does not sound like a very courageous and forthright position for any Member to take, regardless of philosophical perspective.

Mr. LELAND. Will the gentleman yield?

Mr. WALKER. I will be glad to yield.

Mr. LELAND. I only applauded because the gentleman made reference to the fact that the majority party has been in power for so long.

Mr. WALKER. I thank the gentleman for his explanation, and I am sure we would want that on the record, because our point is that that has been an 18-year record of some tragedy, that the American people may want to think a little bit about that very fact, that for 18 years that one party has been in power and all of the things that we are referring to have taken place. Yet this Congress has done absolutely nothing on a crime bill. That is the point we were making.

Mr. LELAND. Will the gentleman yield further?

Mr. WALKER. I will be glad to yield.

Mr. LELAND. I am just so glad you are in the minority and continue to hold the minority opinion about the leadership of the House.

Mr. WALKER. I thank the gentleman. What we are seeking to do is correct that.

We think that perhaps the fact that the majority party that has found itself grossly out of line with the opinions of the vast majority of Americans ought to be replaced and replaced by a leadership which is more in tune with where the majority wishes of the American people are.

I think it is very evident from everything I know that the American people are concerned about crime. I think they have been concerned about crime for 18 years. I think that on any poll that you would take in this country or in any sampling you would take you would find that people are sick and tired of being preyed upon by criminals and they want something done about it.

The point we are making is that this House has decided to do nothing for 18 years. We have done nothing, and that 18-year record of leadership is not exactly one that from our point of view deserves applause.

We think that maybe a new majority in this House, a majority more responsive to the will of the American people might in fact get a crime bill passed.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. WEBER. I thank the gentleman for yielding and I appreciate our colleague from Texas joining in the debate because those of us on this side of the aisle who have been raising these issues have encouraged Members from your side of the aisle to join us so that we can have some kind of discussion. If the gentleman would care to respond, I would just like the gentleman's opinion: Do you think we should be able to debate and vote on a crime bill without regard to how the gentleman might vote? Does the gentleman agree we should be able to bring that package to the floor that passed the Senate by a vote of 91 to 1?

Mr. WALKER. I will be glad to yield to the gentleman from Texas.

Mr. LELAND. If the gentleman does not mind yielding, let me suggest to you that I am not questioning the motives of the leadership. I have not researched the reasons for the leadership not bringing the crime bill to this body. For whatever reason. I trust the judgment of the leadership, and I applaud that judgment, for that matter, because I know that the leadership has greater wisdom than I on matters like these.

I would suggest to you that probably the leadership has been in conference with some of the people on the other side of the aisle on these very matters and will probably conclude that,

indeed, it might not be timely for these matters to come to the floor.

The gentlemen here present are not omnipotent and also do not hold the only opinions about how this House should proceed. I suggest that we have survived, this institution survives and has survived for the last 18 years under the leadership of the majority party in this House and I think that we have done well.

You gentlemen obviously have some great hate for this institution for some reason or another. You keep castigating it. I do not think that is right. I think it is you gentlemen on the other side of the aisle that are always yelling and screaming for bipartisan relations and bipartisan efforts in this body, and I think that we ought to work in a bipartisan way to resolve some of these problems.

Mr. WALKER. I would simply want to say to the gentleman I do not know of anybody who would be characterized as hating this body. As a matter of fact, as a matter of fact, what we are trying to point out is things that have gone drastically wrong in this body, doctored CONGRESSIONAL RECORDS, unfair committee ratios, proxy voting that amounts to ghost voting, a lot of things that have gone wrong in this body under the majority leadership. We think that those kinds of corrections would bring a great deal of credit to this body, to correct some of the errors of the past, to correct the fact that we are not speaking to legislation the American people are interested in and would, in fact, win some respect of the American people.

We find it disturbing that the body we serve in is held as one of the lowest items of respect, as one of the lowest institutions of respect among the American people. We find that very, very disturbing.

We love this body enough to believe that it should be all that it can be. One of the things it should be is democratic. It should be a body in which the individual Members who are elected and come here, 435 of us, do engage in real debate about real issues of real importance to the American people.

We think that is important and we think that that is being gradually eroded and in fact eliminated by the kind of leadership the gentleman is saying that he thinks is wise leadership.

I will be glad to yield to the gentleman.

Mr. LELAND. I thank the gentleman for yielding. The body is democratic both with a big "D" and a small "d" and I am happy to be a part of it, and a party to these discussions, as a matter of fact, and would suggest to the gentleman that the gentleman should look at the last 18 years and why it is that this body is in fact Democratic with a big "D." It is because the American people have chosen to send a majority of the Democrats to this House, and also to continue to send and reelect the House leadership. Thus I can only conclude that the intelligence level of the American people is not to be questioned.

Mr. WALKER. The gentleman is absolutely correct, and these gentlemen are not questioning the intelligence of the American people at all. We think that once they know the facts that they are going to change this. And one of the things we are all about is making certain that the American people now get the facts about what has really been going on in here, because what I find is many of the people do not know that Congress has abrogated to itself a license to lie in the CONGRESSIONAL RECORD.

Mr. GINGRICH. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I want to say something which the gentleman from Texas I hope will not find offensive. But I think that it ought to be said. And in the spirit of precisely I think the good fellowship the gentleman has shown all evening.

Any member of the Black Caucus should understand precisely what we are talking about. What I was told today is there is one committee which has a staff ratio on salaries of $7 for the Democrats for every $1 in that committee spent on Republican staff. That is just plain discrimination. That discriminates against every citizen in America who is in a district that happens to have a Republican Representative.

I think, as the gentleman knows, we did not come to engage in a discussion of the Black Caucus on the floor, but to bring other issues that we think are important to the floor. But the gentleman should be one of those who most understands our frustration and our sense of rage and our sense of impotence.

Quite candidly, I think the House is a great institution. I think it is a marvelous institution. And I think over the last few years since 1974 the Speaker of this House has gradually brought into his hands all of the people that Joe Cannon once had.

This is structurally the most powerful Speaker we have seen since 1910. He got up on the floor this fall and said something which if he said it to you you probably would be out leading some demonstration.

□ 1950

He said to everyone on this side of the room: "I control the schedule, I," the Speaker, "and I will bring up anything I want to any time I want to."

Now, that is a level of unfairness and in fact it was a sneak attack. They did not have the decency with 24 hours' notice to tell us when they were bringing up issues.

I would think that the Black Caucus or any group in this body, with the record that you have developed over the years of fighting for everyone to have a fair chance, and every American to have an equal opportunity, that you, of all people, could appreciate in that spirit why we are simply asking for a fair break.

Mr. WALKER. I yield to the gentleman from Texas.

Mr. LELAND. If I may respond, if the gentleman is such a champion of the cause of the Black Caucus I would suggest that the gentleman should communicate more with the other people on that side of the aisle on some of the issues that we are most concerned with because it seems that the issues, most of the issues that we are most concerned with, particularly those priority issues, it turns out every time they come to the floor of this Congress the majority of the other side, the Republican Members of this House, tend to vote against us in the Black Caucus.

So do not give me that business about empathy with a minority party over there until you start substantially supporting our issues.

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. GINGRICH. Let me ask the gentleman for a second because maybe I do not understand the polls that I see and the people that I talk with.

When I go back home and I talk with Americans who happen to be black, they tell me, for example, by overwhelming margins they favor prayer in school, they would like to see prayer in school; they tell me they are worried about crime; they do not want their children to become cocaine addicts. They tell me that in fact they have many concerns. They would like more take-home pay. they do not want their taxes raised.

Now, I may not be a member of the Black Caucus and my understanding is under your rules I would not be admitted, but in terms of my concern for fundamental values that black Americans share that I will not yield an inch to any member of the Black Caucus.

We may disagree with economic policy; you may be more liberal than I am. But that is not a question of the terms of the fundamental value that I will bet you in you district in Texas if you were to run a poll and you were to ask the black Americans who you happen to represent how they feel about prayer in school, the overwhelming majority, 80 percent of them would say in fact they are in favor of prayer in school.

So while we may disagree about some economic issues, I think there are many ways we agree, and I think

black Americans would agree on a simple question of fairness.

We are not asking you to always vote with us, but we are asking you at least to press your leadership to give us a fair chance.

Mr. WALKER. I yield to the gentleman from Texas.

Mr. LELAND. I would like to respond by saying to the gentleman that the Black Caucus members are elected by usually a majority of black people in their districts and we represent the interests of black people hopefully in the best way that they can be represented. And I would suggest to you that those issues that you talked to are not necessarily priority issues.

We are struggling for survival and for the most part when we are talking about fundamentals, for the most part, the economic issues that you do not support us on are the ones that are more fundamental to us than the issues that you have talked about.

How is it that we can be that concerned about prayer in schools when in fact our people are hungry? When, as a matter of fact, people in your administration suggest that there is no hunger in America when we know there is hunger in our districts?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. MACK. Not to react to the hunger thing, because I think——

Mr. LELAND. I am sorry?

Mr. MACK. I say not to react to the hunger thing, because I think that was really out of order with what we are talking about here. I want to say to you that it seems to me that the most significant thing——

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

AGENDA FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. WEBER) is recognized for 60 minutes.

Mr. WEBER. Mr. Speaker, I yield to the gentleman from Florida.

Mr. MACK. I just want to finish a point with the gentleman from Texas, but I think really the most fundamental thing that really holds us all together, black and white, Democrat and Republican, conservative and liberal, is in fact the strength that comes from the spirit which we learned, at least I learned from prayer in school. And I say that when all things are really difficult, when times are tough, when the economic trails are against you, that the thing that keeps us all going is the spirit and if we do not let our children learn that from very young ages, then we have taken something away from them very significant, and something that would be very, very hard to replace.

Mr. WEBER. I yield to the gentleman from Texas.

Mr. LELAND. Let me suggest to you that I am not here to debate the issue of prayer in schools, that I was only responding to the gentleman's reference to me about certain fundamental issues that he considers to be priorities as opposed to what the Congressional Black Caucus considers to be a priority.

Mr. WEBER. If I may reclaim my time just a minute, everyone has a right, obviously, to judge the interests of their own constituents accordingly, but the gentleman from Georgia I think makes a valid point in the fact that poll after poll after poll shows that on those issues that the gentleman from Georgia made reference to, as well as other issues, the opinions of black Americans are not in tune with the opinions expressed by members of the Black Caucus on some of those issues.

Granted, the gentleman from Texas may be correct, they are not the highest priority. Let me give you one example, an issue that I am interested in is the pro life issue. I take a pro life stand on the abortion issue.

In most public opinion surveys taken since the Supreme Court decision in 1973, the most antiabortion subgroup are black males. Yet, as I am sure the gentleman knows, most of the members of the congressional Black Caucus, for reasons of principle, I am sure, take an opposite point of view.

All we are trying to suggest is that those of us on this side of the aisle sometimes vote somewhat differently than members of the Black Caucus, also believe we are reflecting views of sometimes black constituents as well.

I yield to the gentleman from Texas.

Mr. LELAND. I thank the gentleman for yielding.

I hope the gentleman is not suggesting, too, that black people come to the Congress only to represent black views.

Mr. WEBER. Certainly not.

Mr. LELAND. We have various issues. Several members of the Black Caucus who are elected by a majority of white districts. Myself, I do not represent a black district. I represent a district that has a minority of blacks, as a matter of fact. And so do some of my other colleagues; KATIE HALL, ALAN WHEAT, RON DELLUMS, and I could go on as to other members of the congressional Black Caucus.

Thus we get elected by people who do not just—who are not just black and hold opinions about black people necessarily but, rather, represent varied districts.

What I am trying to say to you is that we come to Congress as equal citizens of this country to serve the interests of America, not just black views; black people and their interests are a high priority for us, of course, but my suggestion indeed was that after being given the analogy that the Republican Party in this body is in a similar situation to the Black Caucus is absurd as far as I am concerned because, indeed, that body that is not empathetic with us; the minority party, if you will, does not support overwhelmingly or in the majority, the majority of time, the issues that we put forward in this body. So for us to be prodded into being interested in the minority's plight in this body is rather futile.

Mr. WEBER. Reclaiming my time, if I may, there is a substantive difference. Granted the gentleman's point that we differ philosophically on the issues. The point we have been trying to make is that for a long time the agenda, supported by the Black Caucus among others, was blocked from consideration in this Congress, in this institution. And black Americans in Congress, black Americans generally were in the forefront of every move that sought to open up this Congress.

In fact, one of the devices that we have sought to use, the Calendar Wednesday device, was used extensively in the 1950's by liberal Members of the House of Representatives to bring to the House floor civil rights legislation which was being blocked by the Speaker.

In that sense our colleague from Georgia suggested, I think quite properly, that members of the Black Caucus who have rightly identified the use of the system to block consideration of their agenda in the past, should at least empathize with us when we say that the system is now being used to block action or accountability on our agenda as well.

I yield to the gentleman from Florida.

Mr. MACK. Let me just make a couple of points. First of all I want to make the comment that the comment I made a moment ago about the spirit was because even though you and I have known each other for a short period of time there is a connection and I knew that what were not saying that you were a person who was not concerned about prayer in school. And I wanted to have that opportunity to express that.

The other thing is that what I would like to state now, though, is that maybe people ought to ask the question: What are we doing here at 8 o'clock on Wednesday evening discussing these issues? Why was this not done during the day? Why did we not start the legislative day until 3 o'clock this afternoon?

□ 2000

I would like a response. I guess I can give the gentleman a little information. I mean, we are here tonight talking about prayer in school. We have mentioned and talked about the bal-

anced budget amendment, the line-item veto. We have talked about the crime package.

But the point that I am making is that we are having to do that at the end of the legislative day because we are not given the right to talk about those issues that we are concerned with and the people from our districts are saying they are concerned with.

And that is our job. That is our responsibility, to come here to Congress and talk about those issues.

Mr. WEBER. If I may reclaim my time briefly, I think the gentleman makes a good point. We have, under the rules of this House, procedures that allow for these Special Orders that are taken after the House has concluded business.

Many Members ask why we take this time. And the point is precisely what our colleague from Florida just said that this at least gives us an opportunity to debate those issues. Now we are still denied the fundamental opportunity which is to vote on those issues and that is what we would like.

I would just like to thank the gentleman from Texas for being one of the very few Members of the Democratic majority that would at least come down here and give us some opportunity to discuss and debate those issues, because we are sincere in our concern. We are not down here trying to harass the majority. We are not down here trying to simply score debating points.

We genuinely think that there is a agenda that the America people care about that is not being considered by this House of Representatives and it is not likely to be considered by this House of Representatives. And this is the only forum available to us to at least bring those issues to the floor for debate, if not for any kind of action.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would like to join the gentleman from Minnesota in thanking the gentleman from Texas for the spirit in which he engaged in debate tonight. I think it has been a useful experience from my viewpoint and hopefully from his viewpoint as well. I would join the gentleman from Minnesota in thanking the gentleman from Texas.

Mr. LELAND. If the gentleman would yield to me, I appreciate the remarks from both gentlemen and I would like to say to the gentleman that invited I would always be here to offer my input, if you will. I have no fear of avoiding issues, if you will.

But I would like to go back to the original discussion in terms of the openness and the analogy between the Black Caucus and the minority party in this body.

The fact of the matter is that the gentleman is presuming that under the premise that indeed we agree that there is no openness in the body. I, for one, believe that there is an openness and a justice about this body.

Mr. WEBER. If I may reclaim my time, how can the gentleman then explain the fact that the school prayer amendment that we have been discussing has been around for 21 years and has not been voted on in this body since I became an adult?

Mr. LELAND. I am not the historian that the gentleman is, but I would tell the gentleman that for whatever reason the fact of the matter is that politics as they are play a very integral part in this body.

Mr. WEBER. If I may reclaim my time, this is why the gentleman from Georgia, a few minutes ago, expressed such outrage because forget about even the Black Caucus agenda for a minute. If this was a piece of legislation that the gentleman from Texas felt was of high, high priority and I gave him the same response that the gentleman just gave me and said, well, you know, it is politics and there are some reasons why, the gentleman would be enraged. The gentleman would not accept that answer for a second.

Mr. LELAND. But I accept the reality. The reality is that this body is made up of politicians and thus we, like in a chess game, play with those issues as much as anybody does. Just like the minority party. The minority party uses all kinds of ploys to get its point across in this body, as well as the majority body. I find nothing wrong with that, nothing terribly immoral about that.

The other point I would like to make, if I can, if the gentleman will yield further, and that is that I have heard the gentleman and his colleagues kicking on the leadership in the House and beating up on them verbally. I always learned from my mother and other people who have been examples to me that you catch flies with honey. You do not go and beat up on somebody.

I suggest that the gentleman has been—and the gentleman before me—has been shooting from the hip and has not yielded any kind remarks toward the leadership at all. The gentleman has not given the leadership of this body any credit for anything.

So I would suggest to the gentleman that the leadership is not going to play ball with the gentleman as long as he does that.

My advice to the gentleman, if the gentleman will accept that, I think I have some speck of wisdom. I have been in politics now for some time, almost 12 years. I have always been able to achieve a whole lot more by sitting down and talking to people and being more civil with them as opposed to getting up on the well of the House and lambasting my colleagues. I have done that on several occasions and have reaped unfortunate products of that lambasting, too.

But I suggest that the gentleman ought to be a little kinder to the leadership. The reality is that the leadership is here. And I would suggest to the gentleman that probably given the political winds as they are that the majority party is going to stay in power for some time in the future.

So if in fact the minority party has some grievances that they ought to sit down with the leadership. Not just the minority leader and the leadership of the minority, but some of the gentlemen here who constantly on a daily basis sometimes get up and lambast the majority party, the majority leadership. Sit down and talk to them about some of the concerns that you have, particularly some of the younger Members. Sit down and talk to them. You will find that they are not really the evil guys or monsters that some of you are suggesting that they are. They are willing to help you because they love this institution. And to challenge them you are challenging the institution itself.

Mr. WEBER. I appreciate the gentleman's point of view but the fact is historically there have been times when this institution has been improperly used and when the rules have been abused by the majority party, whatever that majority party has been at the time, to block action on the will of the people.

The example of Speaker Joe Cannon earlier in this century is probably the best known. The power of King Caucus is something that all Americans read about in their history books. And the fact is this institution from time to time does become, in a sense of the word, corrupted.

And then there have been reform movements that we have looked back on very favorably historically that have sought to open the institution up to seek action on the people's agenda. And more recently again, as I pointed out, I think that was true of the civil rights agenda in the fifties and early sixties.

Although I have no personal animosity toward the members of the Democratic leadership, most of us who are trying to make this point are looking at legislation that has not been acted on for decades, 21 years in the case of the school prayer amendment, 18 years in the case of criminal code reform. And we frankly have a hard time believing that now all it is going to take is some friendly conversations and a little olive branch extended to the Speaker and the majority. I simply think that there is no likelihood of that and instead maybe we need to bring home to the American people a little more clearly exactly which party

it is that is preventing action on their agenda.

We as Republicans cannot prevent action on any agenda item that is a priority of the Democratic Party. We vote day after day on the Democratic Party agenda and that is as it should be. I would not seek to prevent any issue from coming to the floor regardless of how politically tough it is. We have to vote on the domestic content bill year after year, which has no chance of getting passed and becoming law, but you want to put us all on record.

I had to vote a couple of weeks ago on the weatherization bill, very popular in my part of the country, but in my judgment it was a budget buster. So I voted against it.

We have to vote on all these tough issues that are on the Democratic agenda.

But the agenda that we think has support among the American people, overwhelming support in most cases, is not brought to the floor of this House. And, with all due respect to the recommendations of our colleague from Texas, I simply think that the time of talking nicely about these issues has passed and it is time to shout a little bit.

Mr. LELAND. I guess I can only wish the gentleman well. Keep on shouting, keep on lambasting the majority leadership and keep on having the problems that you are having. I can only tell the gentleman that he ought to look for some alternatives to what he is doing because it is not working, obviously. It has not worked for 18 years, so look for some alternatives.

Mr. WEBER. I thank the gentleman for his comments. But I think what we have tried for 18 years is business as usual. As I talked to my constituents they think the Congress is engaged in business as usual.

And I would suggest to the gentleman that what we are trying out is breaking out of the pattern of business as usual. If we have tried for 18 to 21 years of business as usual without success, I think we deserve to give this experiment in applying a little pressure to try to see if we cannot open up the House on some items that are on the American people's agenda, I think we should give that tactic a little more time than a few weeks.

Mr. LELAND. Let me tell the gentleman that the people of my district love the House leadership. I am one who believes—by the way next week, all of next week, I am holding town hall meetings in my district because I have been afforded that opportunity. The people are looking forward to my coming home. Not on holiday, not to go off on some trip, but rather to travel to my district to inform my people about what has been going on in the last session and what is happening now as we begin this new session and as we proceed.

□ 2010

But when I go home, I talk about what is going on in this body, particularly what is going on in this House, and I inform the people as to what the leadership is doing, what the minority is doing, what I have been doing, and the people can judge for themselves. Overwhelmingly in my district the people continue to reelect me, for some reason, and I suspect that that is because they appreciate what I have done.

I am a member of the majority party in this body, and the people in my district continue to reelect me. Obviously, they feel some confidence in the fact that I represent their views as they want me to. So they are pretty happy.

I realize that in your districts the people might not like the majority leadership or the majority party. But we all represent different interests. I would say again that the majority of the people in this body happen to have been elected by the majority party in this House.

Mr. WEBER. Reclaiming my time for a minute, I have to restate an important point. All of us as Republicans run for reelection in our districts with a full record available to our constituents, having voted on every item that is on the Democratic agenda.

With all due respect to the gentleman, who I am sure represents his district very well, that is not true of the Democrats. They do not go to their voters with a record of having voted on items that are on the Republican agenda and justify their votes to their constituents, because we do not bring many of those items to the floor because the leadership of your party refuses to permit us to have votes on those issues.

If you believe that our political system is the best, then there has to be some degree to which both parties are permitted to compete effectively in the marketplace of ideas.

We understand that the majority party has the right to run the House of Representatives. But we are suggesting that it is an abuse of power to systematically prevent the American people from being able to judge a majority of the Members of this body in their votes on issues that consistently show a majority support from the American people, like school prayer, balanced budget, line-item veto, criminal code reform, immigration reform, bankruptcy reform, all of these issues that never come here to be voted on, because they are not on the agenda of the Democratic majority.

I cannot help but say that I think that is an abuse of power on the part of the majority. The majority has the power to bring those bills to the floor and then defeat them if they think they are bad law. They can bring the school prayer amendment to the floor of the House and use the votes that they have as the majority party to defeat school prayer, and then if they do not think it is a good idea, it will not become law. But they do not do that. They do not permit us even to vote on it. And that is the point where we have a fundamental problem with the action of the majority.

Mr. LELAND. The institution is supported by the American people. Obviously the American people believe in what is happening here, because otherwise the American people would not elect a majority party to be in power in this body.

Mr. WEBER. Reclaiming my time again, the gentleman is not necessarily correct. The American people, of course, go and vote for one of two candidates that is offered to them; but I am sure the gentleman has seen public opinion polls that show an alarming decline in the basic confidence of the American people in this institution.

Our colleague, the gentleman from Pennsylvania, I think made reference to that a few minutes ago.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The most recent polls show that 16 percent of the American people have any kind of favorable view of this body.

Mr. WEBER. What was that percent? Sixteen percent?

Mr. WALKER. Sixteen percent. Which would mean that 84 percent of the American people do not regard this body very highly.

That has to be disturbing to all of us who think highly of the Constitution and representative government that it embodies. When that kind of low opinion exists in the country of this institution, something has got to be wrong, and the American people have got to be saying, in that kind of data, that something has gone drastically wrong.

Mr. WEBER. It is further reflected, of course, in voting statistics.

I am sure the gentleman is concerned about the alarmingly low voter turnout that we have in this country compared to other Western nations. And this lack of confidence in the people's House, this basic institution of government that is supposed to be most responsible to the people, has to reflect on the way we are doing business here.

Mr. LELAND. If the gentleman will yield further, let me ask the gentleman then, in those polls he is talking about, is it not true, however, that, although there is a low popularity quotient as far as the institution itself is concerned or the Congress itself, because of some image that the people perceive this House as being or this

body as being, is it not true that, in the same polls that have been taken, there is a high favorability rate, a high popularity rate that is given to the individual Members of Congress?

Mr. WALKER. Mr. Speaker, if the gentleman will yield, the gentleman from Texas is absolutely correct in that. The people tend to give their individual Members of Congress a very, very high mark. They see them as being representative of their districts, and so on.

That also, though, speaks to the problem around here, because one of the reasons why those favorable ratings are so high is because we have million dollar budgets to operate with. We are able to mail into our districts all the time; we are able to go out and hold town meetings that we mail to people on; we are able to do radio shows; we are able to do television spots; we are able to do all of those things that a challenging candidate in those districts has very little opportunity to do, who has to raise awfully big bucks just in order to be somewhat even to challenge an incumbent Member of Congress.

For the minority party, that represents a big gap. It means that we start off with 100 people more who have to achieve that challenger status to incumbent Members of Congress. Incumbent Members of Congress do not have that rating from the American people in a vacuum; incumbent Members of Congress have that because we have the ability to communicate better than practically anybody else in this society with a block of 500,000 people.

So the gentleman is correct in that polling data, but it has to be disturbing that having said that their individual Member of Congress is a great guy, they then turn around and say that the Congress as a whole stinks.

Mr. WEBER. If the gentleman will allow me to reclaim my time for a minute, it is because of precisely the system we have been talking about here today that you can have this phenomenon, where people are frustrated with Congress, they do not think it gets anything done, they cannot understand why they do not act on major legislation, they cannot understand why they do not deal with problems. But the individual Member of Congress is never held accountable for that. Part of the reason, of course, is because he never has to hold up his voting record on a number of issues that are of great importance to the American people.

So the system we have been describing here today produces just the phenomenon that the gentleman from Texas describes, where the institution itself is held in very low esteem but individual Members in their districts are thought to be OK because, of course, they go home and say, "Well, gee, John and Sally, I am, of course, in favor of school prayer, and I am doing whatever I can for it." There is no voting record to show that he has ever voted against it because the leadership manages to make sure that that has never come up for a vote. In that way, the institution is blamed but the individual Member is preserved. It is truly an incumbent's game, and it is not a good game for the American people and it is not a good game for this institution.

I yield to the gentleman from Texas.

Mr. LELAND. I appreciate the gentleman's yielding.

I would just like to close my remarks by saying that I appreciate the allowance of my participation in this colloquy. But I strongly disagree with all of the gentlemen who have said that this House has been so unduly unfair to them, and I feel very strongly that the gentlemen have opportunities to present their views through the committee process and other processes of this body.

I understand the frustration that the gentlemen probably have. But all I can tell you is that those people out there in the public do not just read those newsletters that we send out, they do not just come to the town hall meetings and feel good about what we represent as individuals in this body just because we are there, but rather because we do present them with issues such as you have been talking about. And I have been confronted with those very issues that the gentleman has talked about. I have given those people my views, my people, my constituents, about those issues.

To suggest that we have to debate those issues on the floor is not necessarily the only way that we are judged on those issues, but rather we are judged in campaigns, in town-hall meetings and in other forums that are organized in the district, whether they are organized by my office or by civic clubs and other groups in my district. I have to respond. I have to be responsible and responsive to the people of my district. They judge me by that. That is where the popularity comes from, that is where the favorability quotient comes from, not just because we have so much money to spend, and that kind of thing. You will find that I am probably as fiscally conservative as anybody in this House when it comes to spending money out of my budget. But at the same time my people continue to send me here. And when they decide that I do not belong here, when they decide to send a Republican, or another Democrat, for that matter, then I will walk away gracefully and say that I have done the best job that I could have but at the same time I will have to face the reality that the American people in my district do not want me here. And that is the reality that you have to face. At some point you are going to have to figure out how to gracefully, whether you believe it is the way or not, to appeal to the majority leadership. And the majority leadership, I would say, represents this institution well, whether you like it or not.

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I believe strongly, and I say this from the depths of my heart, that the members of the majority party who represent the leadership here love this institution as much as anybody in this House, on whatever side you want to sit. They try to protect the integrity of this institution the best they can.

Sure, they have ideological differences, sure, they have partisan differences, and sure, they have all kinds of differences, because as someone said, to err is human. We are all humans. We are all human beings who make up this body. We make up rules and policies and things like that in order that we can proceed in an orderly manner in this society.

This body, this House of Representatives, the people's House, is the greatest House in the world. Whatever thoughts we might have, and whatever faults the Speaker of the House might have, the majority leader, the majority whip, whatever faults that they might have, I would like you to put them next to anybody else in other bodies around the world and compare what it is that we have in this country. I would suggest that you would come up, the minority party, with the suggestion that we have the greatest body in the world. I do not think that you would deny that. I do not think that you can deny that.

So I think that we have to impart some of that to the people out there who are listening to our views, that as faulty as we are as human beings, as faulty as we are being partisan players in this body, we still have the greatest institution there is. I think that this body is greater than the other body on the other side of the Capitol because, indeed, we represent at the very basic level the people, the one-man, the one-woman, one-vote concept. It is the most democratic concept that has ever been created by humankind and we continue to impart that and execute that principle more than any other body, led by the majority leadership here.

So I would be careful about how we castigate that leadership and suggest that what we need to do is possibly sit down and look at some alternatives if, in fact, you have consternation about what is going on in this body, as opposed to being just so antagonistic that there is no reasonability derived here.

I thank the gentleman.

Mr. WEBER. I thank the gentleman for his statement, and I again thank

the gentleman for his participation in this special order this evening, although I have to come again to a substantially different conclusion than the gentleman from Texas, because we have again concluded a week of action or inaction here in the House of Representatives, and we are going to adjourn tomorrow and go home for another week for a break after being in session for only 3 weeks.

I was back home in my district during the month of January holding town meetings and listening to my constituents and I heard great frustration about a whole range of issues. Now I am going to go back again next week saying we have not dealt with a single one of those issues, hearing that same frustration, and explain to them that when we go back into session we probably still will not deal with those issues.

With all due respect to the leadership of this House, I think ultimately the fact of the low esteem in which the public holds the Congress is something for which the majority party must share some blame. It is in that spirit that we try to bring these issues to the floor for debate and that we will continue to try to confront and try to urge the majority leadership to change their actions.

I thank the gentleman from Texas for his participation, and the other gentlemen who have participated in this special order.

REAFFIRMING COMMITMENT TO SCIENTIFIC PEER REVIEW PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

● Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a resolution with the distinguished ranking minority member of the Science and Technology Committee, the gentleman from Kansas (Mr. WINN), that reaffirms our commitment to the scientific peer review process.

This country's preeminence in scientific research can be maintained only if the scientific review process, established over three decades ago, remains unfettered. This process insures that the funding of scientific research proposals is based solely upon scientific criteria. Proposals for the expenditure of our limited financial resources are forced to prove their scientific value against other competing proposals. In this manner, only those proposals deemed to be meritorious, after appropriate review by the scientific community, are recommended to be funded.

Each year many worthy scientific projects are abandoned or deferred for lack of funds. Each such instance represents to some degree, a technological risk for the United States. It is therefore essential that the advice of our leading experts be sought on establishing priorities, to insure the most essential and promising projects are funded. Failure to follow such procedure leads invariably to a widespread preception that success in the competition for Federal research funds is less dependent on scientific merit than on having the right connections.

Recent actions by this body have called into question our commitment to peer review process and have threatened the fragile and unique relationship between the Federal Government and the university community. In response to this situation, the National Academy of Sciences, the American Association of Universities, and the American Association of State Colleges and Universities, have adopted resolutions that call upon the Congress to reaffirm its support of the peer review process and to refrain from actions that would make scientific decisions a test of political influence rather than judgment of the quality of the work to be done.

This resolution is in response to their request, I would urge my colleagues to join in cosponsorship of this resolution and restore the peer review process.●

WHAT THE NEW BUDGET MEANS FOR THE PEOPLE OF CLEVELAND AND OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 45 minutes.

● Ms. OAKAR. Mr. Speaker, Congress received the President's new budget for fiscal year 1985 last week. It is a voluminous document that is overwhelming to the average citizen. Many ask, "How do the budget's avalanche of numbers, the millions spent on this and the millions cut from that, affect me? What does the budget mean for me and my children today and in the future?"

I understand this feeling of confusion. Yet it is important that people know what the numbers mean and what they tell us. For the Federal budget is like a roadmap. The President uses it to tell us what he wants to do, what type of future he wants to give our people, what his priorities are and what he really cares about.

I would like to take a few moments to put the President's new budget in perspective for my constituents in Greater Cleveland and the people of Ohio and answer some of these questions.

What does the budget mean for Ohio? Today, Ohio ranks 45th in the Nation in its rate of return on the Federal tax dollar. In simple terms, this means that the people of Ohio receive 79 cents for every dollar sent to Washington. Put another way, Ohioans receive $5 billion less from the Federal Government than they contribute in taxes. The budget the President has sent to Congress does nothing to change Ohio's status as a donor State despite the severe economic conditions that have affected the State since the late seventies.

The President's budget actually reduces funds for Ohio. It calls for dramatic cuts in such major programs as food stamps and aid to families with dependent children. It recommends no change in funding levels for such critical programs as medicaid, revenue sharing, the community development block grant and the Job Training and Partnership Act programs and the low-income energy assistance block grant program.

When inflation is taken into account, we find that Federal funding has, in reality, been cut by at least 4 to 5 percent in these areas. In the medicaid program, the cut is much deeper. Last year, medical care inflation was 8.7 percent, requiring the States to spend even more on health care.

The one area where Ohio registered a small but real gain in Federal help was in highway planning and construction money. Funding to help rebuild the State's bridges and roads will increase by at least 6 percent in the new budget. This is due to the concerted efforts of the entire Ohio congressional delegation to improve the State's position during House consideration in late 1982 of the nickel gas tax. As you recall, the administration agreed, because of delegation pressure, to increase Ohio's return of Federal highway money from 61 cents on every dollar we send out of State to 85 cents. This was achieved by forcing a recalculation of the formula that distributes Federal highway money. Our goal was to move Ohio closer to receiving its fair share of Federal dollars.

I have included a table in my statement that shows what Ohio can expect to receive under many of the Federal formula programs in the President's fiscal 1985 budget. Following is the table:

FEDERAL FUNDS TO OHIO MAJOR FORMULA GRANT PROGRAMS

[Dollars in thousands]

Program	Fiscal year—				Fiscal year 1984–85 percent change
	1982	1983	1984	1985	
Medicaid, HHS	[1] $847,330.4	[2] $776,764	[2] $1,084,956	$1,084,956	0
AFDC, HHS	[1] 264,490.7	[2] 396,279	[2] 463,857	416,641	−10.2
Highway planning and construction, Transportation	[3] 225,100	[3] 437,500	[3] 461,800	[3] 488,700	+5.8
State and local government fiscal assistance revenue sharing, Treasury	[1] 179,738	[4] 172,828	[4] 176,227	176,227	0
Education for the disadvantaged (chapters I and II) Education	[5] 108,584	[5] 124,404	[5] 137,662	143,101	+4
Community development block grant, HUD	[1] 123,513	160,416	124,848	124,848	0
Social services block grant, HHS	[1] 113,769	[2] 116,139	[2] 116,884	[2] 116,100	−.67
Employment and labor training (JPTA), Labor			[8] 103,211	[8] 103,211	0
Low-income energy assistance block grant, HHS	[1] 96,064	[2] 101,200	[2] 96,180	[6] 96,180	0
Formula grant UMTA, Transportation	[7] 104,500	[7] 91,500	[7] 85,900	87,016	1

[1] House Information Service, "Geographic Distribution of Federal Funds" fiscal year 1982.
[2] Department of Health and Human Services, Health Care Financing Administration.
[3] State of Ohio Washington office.
[4] U.S. Department of the Treasury.
[5] U.S. Department of Education, Budget Office.
[6] The low-income home energy assistance program will receive no appropriations in fiscal year 1985. Instead the administration proposes and will submit legislation later this year to finance the program from the petroleum overcharge restitution fund. The administration estimates that the same amount of money will be available through this fund as was appropriated for fiscal 1984. Accordingly, this estimate is based on the assumption that Ohio would receive the same amount of money under the new program. However, legislative specifications are not available at this time.
[7] Department of Transportation, Budget Office.
[8] U.S. Department of Labor, Northeast-Midwest Coalition.

These budget estimates for fiscal 1985 carry a twofold message to the people of Ohio. The first is that the continued cuts in Federal aid mean that Ohio and its citizens will bear an increasingly large burden of paying for programs that really should be shared more equitably with the Federal Government. Health care, welfare, education, community development, urban transportation, and energy costs are national problems and responsibilities. Job creation and giving our workers the skills for new jobs are also national problems and national responsibilities. Ohio and its citizens cannot shoulder the increasingly heavy burden that is being shifted from Washington. We simply do not have the financial resources. During its long years of prosperity, Ohio contributed its tax dollars to help less fortunate sections of our country. Today, Ohio needs help if it is to reinvigorate its economy and once again become an economic dynamo.

The second message is that the Ohio congressional delegation must work tirelessly to increase the State's share of Federal aid. This is absolutely critical. The Federal formulas that are the basis for determining how much money Ohio receives must be rewritten to reflect Ohio's problems, needs, and changed condition. It is an anachronism to consider Ohio a donor State when its unemployment rate remains well above the national level, when the State's infrastructure is crumbling, and when many of its smokestack industries remain smokeless.

Even cuts in national programs such as medicare are deeply felt in Ohio. Let us examine the case of medicare which over 1.3 million elderly Ohioans rely on to help cover their medical costs.

The President's new budget proposes a $1 billion cut in the medicare program by increasing out-of-pocket expense for medicare premiums, deductibles, and copayments. Our aged now pay 15 percent of their annual income on medical care. They can expect to pay more if the President's medicare changes are accepted.

This is what the President intends to do:

Delay by 1 month all elderly citizen's coverage by the medicare program. The administration plans to delay coverage until the first full month after a person reaches age 65.

Freeze physician reimbursement for 1 year. The administration, however, does not ask that physicians be forbidden from passing additional costs on to the elderly patient.

Increase premium costs for medicare part B to $78 from $75. The President plans to add additional dollar or two increases for every year thereafter. This deductible must be paid before the patient's medical bills will be covered by the program.

Allow each beneficiary the option of accepting a medicare voucher which they could then use to purchase their own private health insurance. The healthier and wealthier elderly patients will undoubtedly move to private insurers, leaving the poorer patients with higher medical bills in the medicare program.

If Ohio is hurt by the President's new budget, Greater Cleveland is hurt even more. A look at the following three important programs shows what our people can expect:

COMMUNITY DEVELOPMENT BLOCK GRANTS

Cleveland received $32 million from that program in fiscal 1982. This money is being used for city parks, sewers, bridges, and roads, the type of infrastructure projects that make a city livable and foster economic development. In fiscal 1985, we can expect the same amount that we received 3 years earlier. But when we take inflation into account, that $32 million actually turns out to be a deep reduction of more than 10 percent.

REVENUE SHARING

Cleveland received $13.8 million in Federal revenue sharing funds in fiscal 1982. In fiscal 1985, we can expect to receive $13.5 million, a 2-percent decrease before inflation. However, if we consider inflation, the cut turns out to be at least 10 percent, money that the city can ill afford to lose.

ECONOMIC DEVELOPMENT ADMINISTRATION

Grants to Cleveland from the U.S. Economic Development Administration in fiscal 1982 totaled $3 million. This money has been used for local economic development and job creation. Specifically, Cleveland has used EDA funds for completion of the Lee-Seville Industrial Park, the improvement of Midtown Park, the installation of water and sewer lines in Cleveland's East Side and loans to small businesses. However, the President has called for the elimination of EDA. Our city cannot afford this loss.

NASA'S LEWIS RESEARCH CENTER

The Lewis Research Center faces a $40 million cut for two programs under the President's new budget. Loss of these funds would eliminate research to develop a fuel-efficient turboprop airplane engine and hamper work on an advanced communications satellite. NASA is spending $35 million this year on both programs. These cuts affect Ohio companies that receive subcontracts from the projects and make it more difficult for Greater Cleveland to attract and spawn new businesses whose work may relate to the work performed at Lewis. You might say that the Lewis cuts could have a chilling effect on the area's economic outlook.

There is one additional area where administration budget cuts concern me. This involves help to our less fortunate citizens who have been battered by the deep recession.

The administration calls for a cut of over a half billion dollars from the fiscal 1985 budget for food stamps.

That cut amounts to an effective reduction of 9 percent when inflation is included. For Ohio, it means a loss of tens of millions of dollars. Last year, the Federal Government cut Ohio's food stamp program by $40 million, a real cut of 4.8 percent.

The State, its localities, and its citizens cannot afford this cut at a time when the number of hungry and homeless people who seek food and meals at shelters and food banks continues to rise ever higher. I checked recently with the Cleveland Food Bank and the Salvation Army to see how many people are seeking food assistance.

John Barnicle, assistant director of the Cleveland Food Bank, reported,

We're distributing over 600,000 pounds of food a month to area agencies as of February 1984, double the amount we distributed for the same period a year ago.

Major Paul Kelly of the Salvation Army said that the Salvation Army served food to 88,421 people in Cuyahoga County last December, up from 37,128 people in January 1983. That means a 138-percent increase in the number of people needing food help in just 11 months.

Mr. Speaker, this is a preliminary review of what the President's new budget means for Ohio and Greater Cleveland. We will learn more as we get further along in the budget process.

What I wanted to do today was to discuss some of the high points of the President's budget and give the people of Ohio and Greater Cleveland an understanding of the outlines of the President's roadmap.

I am taking the liberty of attaching background figures on the impact of previous administration budget decisions on Ohio, Cleveland and Ohio's 20th Congressional District. Following are charts and tables:

[Charts not reproducible in RECORD.]

20TH DISTRICT OF OHIO—AREA TOTALS OF FEDERAL BUDGET MONEY FOR FISCAL YEARS 1979–82

[Amounts in thousands of dollars]

	Fiscal year—		Percent change	Fiscal year 1981	Percent change	Fiscal year 1982	Percent change
	1979	1980					
Grant funds	223,604.7	231,318.3	3.4	248,989.4	7.6	209,442.7	−17
Nongrant funds	737,978.4	1,081,193.1	47	961,419.0	−11	1,064,875.1	11
Federal funds	961,583.2	1,312,511.5	36	1,210,408.5	−8	1,274,317.8	5.3

CLEVELAND OHIO—AREA TOTALS OF FEDERAL BUDGET MONEY FOR FISCAL YEARS 1979–82

[Amounts in thousands of dollars]

	Fiscal year—		Percent change	Fiscal year 1981	Percent change	Fiscal year 1982	Percent change
	1979	1980					
Grant funds	358,871.6	351,274.5	−2.1	305,397.1	−13	210,143.6	−13
Nongrant funds	1,508,439.0	2,395,285.8	+58.8	1,961,605.8	−18	2,089,749.8	+6.5
Federal funds	1,867,310.6	2,746,560.3	+47	2,267,002.9	−17.5	2,229,983.4	−1.6

OHIO—AREA TOTALS OF FEDERAL BUDGET MONEY FOR FISCAL YEARS 1979–82

[Amount in thousands of dollars]

	Fiscal year—		Percent change	Fiscal year 1981	Percent change	Fiscal year 1982	Percent change
	1979	1980					
Grant funds	3.624,954.9	4,048,194.7	+11.7	4,229,057.3	4.5	3,917,564.9	−7.4
Nongrant funds	12,950,623.1	15,708,071.8	−21.3	17,723,190.2	12.8	19,576,814.1	10.5
Federal funds	16,575,578.0	19,576,266.5	+19	21,952,247.5	11.1	23,494,379.0	7.0

Source: House Information System, "Geographic Distribution of Federal Funds Fiscal Years 1979–1982".

OHIO FORMULA GRANTS

Program name	Fiscal year 1982 funds to Ohio (in thousands)	Fiscal year 1982 actual federal budget (in thousands)	Ohio share of Federal funds (percent)
Medical assistance program, HCFA, HHS	$847,330.4	$18,013,821	4.7
Assistance payment maintenance assistance, HHS	269,490.7	6,006,179	4.4
Highway planning and construction, FHWA, DOT	240,153.6	8,018,900	3.0
State and local government fiscal assistance trust fund, treasury	179,738.8	4,566,700	3.9
Education for disadvantaged children—LEA's, education	162,829.8	3,040,980	5.4
Community development block grant entitlements, CPB, HUD	123,513.2	3,456,000	3.6
Social services block grants programs OHDS, HHS	113,769.1	2,400,000	4.7
Comprehensive employment and training programs, DOL	104,678.3	2,983,658	3.5
Low income energy assistance block grant programs, SSA, HHS	96,064.7	1,875,000	5.12
National school lunch program (Cash), FNS, USDA	74,342.4	422,200	17.6
Formula grants program, UMTA, DOT	61,156.0	4,734,238	1.3
Unemployment insurance, ETA, DOL	57,432.4	2,846,838	2.0

Source: House Information Service, "Geographic Distribution of Federal Funds, FY 1982."

CLEVELAND FORMULA GRANTS

Program name	Fiscal year 1982 funds to Cleveland (in thousands)	Fiscal year 1982 Federal funds to Ohio (in thousands)	Cleveland share of Ohio budget (percent)
Community development block grants, HUD	$32,366.0	$123,513.2	26.2
State and local government fiscal assistance trust fund, Treasury	13,826.0	179,738.8	7.7
National school lunch program (Cash), USDA	8,756.4	74,342.4	11.8
Comprehensive employment and training programs, Labor	6,643.3	104,678.3	6.3
Unemployment insurance, Labor	6,331.1	57,432.4	24.2
Summer youth employment and training programs, Labor	6,290.6	33,213.7	18.9
Supplemental food, WIC, USDA	3,995.7	37,578.8	10.6
Employment services, Labor	3,231.1	20,763.4	15.6
Child care food program, USDA	1,440.7	13,639.8	10.6

Source: House Information Service, "Geographic Distribution of Federal Funds, FY 1982."

20TH DISTRICT FORMULA GRANTS

Program name	20th district share of Ohio budget (in thousands)	Ohio share of Federal budget fiscal year 1982 (in thousands)	20th district share of Ohio budget (percent)
Medical assistance, HHS	$53,188.5	$847,330.4	6.3
Assistance payments maintenance assistance, SSA	19,220.6	269,490.7	5.3
Community development block grants entitlements program, Treasury	14,140.8	123,513.2	11.4
State and local government fiscal trust fund, Treasury	10,539.7	179,738.8	5.8
Low-income energy assistant block grant progam, HHS	6,851.5	96,064.7	7.1
Formula grants program, Transportation	6,286.7	61,156.0	10.3
Educational deprived children, LEA's	4,988.1	162,829.8	3.0
National school lunch program (Cash) USDA	4,384.8	74,342.4	5.9
Comprehensive employment and training programs, Labor	3,501.8	104,678.3	3.4
Unemployment insurance, Labor	2,501.7	57,432.4	4.4
Summer youth employment programs, Labor	2,291.7	33,213.7	6.9
Supplemental food, women, infant and children, USDA	1,426.3	37,578.8	3.8

Source: House Information Service, "Geographic Distribution of Federal Funds, FY 1982."●

THE EDB CONTROVERSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker. I wanted to take this opportunity to discuss some of the issues surrounding the current controversy over the use of ethylene dibromide (EDB). I am including some material in the RECORD which details background information on EDB and the recent Environmental Protection Agency (EPA) decision on EDB.

As chairman of the House Agriculture Subcommittee on Department Operations, Research, and Foreign Agriculture, I have been holding hearings for the last 3 years on the EPA pesticide regulatory program authorized by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This is one of the most complicated areas of Federal statute and is one which encompasses all of the difficulties which this body faces in dealing with toxic chemical regulation.

The problems surrounding the current controversy over EDB and symptomatic of the larger set of problems which we face. While the process of regulatory decision making is still ongoing at EPA, the Food and Drug Administration (FDA), and the Department of Agriculture (USDA), we can begin to draw some conclusions about policy issues in this area.

First, let me state that the subcommittee has been monitoring this situation for over a year now. The agencies involved are aware of the subcommittee's concern and our desire to see the pesticide regulatory system avoid EDB-type emergencies. We have not, to date, held public hearings on the issue due to a policy of avoiding hearings on specific chemicals and their decisions at EPA. What we have attempted to do is fit individual decisions and actions into a broader context to better deal with generic problems which are forcing specific controversy. As a veteran of over 10 years of being forced to deal with a series of emergencies, I am trying to force EPA, and the Congress, to look beyond the "pesticide of the month."

In the case of EDB, a number of broader issues arise. First, there is the general problem which surrounds any attempt to set a cancer policy in Government. Any move into this area brings science squarely into the political arena and makes the use of unbiased scientific fact very difficult. Deliberations about safe levels of exposure, risk analysis, risk management, and the host of other scientific questions take on political and economic consequence.

As the subcommittee has examined on numerous occasions, the question of an acceptable cancer risk has yet to be properly debated. There are informal standards set at EPA that a risk of an additional cancer of one in a million is a threshold of risk which sets in place certain regulatory actions. Yet that may or may not be proper level and even this threshold is one which has shown some flexibility in the past. Even if there were a fixed threshold of unacceptable risk, we find that EPA is ill-prepared to deal with this situation. We have been told by EPA that 85 percent of the currently registered chemicals do not have a complete set of tests done on them as required by current law. EDB is an example of an old chemical which has been grandfathered in and does not have a complete data package.

But we must also be careful to separate our risk analysis from risk management. We may find that a substance is a dangerous one, but one for which there are ways to properly manage those risks to mitigate any danger to the public. Conversely, we may have a mildly dangerous substance which, improperly managed, can pose a greater risk to public health and safety. We also may have certain groups or subpopulations which need greater management of the risks due to some unique circumstance which this group shares. In the case of EDB, and the alternatives which have been proposed for it, the greater challenge for us is to carefully examine the risk management side of the equation now that we have finally collected additional information about the risk analysis side.

In the case of EDB we have an interesting problem which is occuring with increasing frequency. We have an old chemical which, due to assumptions made about it not entering the food stream and due to old measurement technologies, was not covered under the Food, Drug and Cosmetic Act. We have since learned that EDB does show up in food because we finally began testing for it and began to pick up residues of parts per billion (p.p.b.). We are finding that prior assumptions, upon which current law is based, may not be correct.

With EDB, we found ourselves on relatively new ground concerning enforcement of any residue tolerances set for EDB and found that neither EPA nor FDA had clear authority to act as they might have with a newer chemical. What is needed is an updating of our assumptions and data based upon current knowledge. We cannot allow ourselves to be forced to action by today's crisis. As we have learned with EDB, the cost is too great. Farmers, consumers, pesticide manufacturers, and the Federal Government all suffer each time we get caught napping as we did with EDB.

We have another problem which results from our delay in dealing with EDB. The problems with EDB have been formally known since 1975, yet we have done very little about developing alternatives to EDB either for soil fumigation on in postharvest treatments. We now have farmers who, with few alternatives to EDB for soil fumigation, face a very thin line of defense against nematodes which can cause great crop losses. We have alternatives available for postharvest and quarantine fumigation, but each of these chemicals is under some form of inquiry about its toxicity. We can expect that critical examination of existing alternatives will increase in the light of the EDB crisis.

Since 1976, USDA has spent about $4 million on research into alternatives to EDB fumigation. However, this was not a high priority area of research until the EDB issue became infamous during the Medfly crisis. There are potential alternatives to postharvest fumigation in cold storage and irradiation, but these alternatives have not yet been scaled up to widespread use. We are faced with using our existing arsenal of fumigants for the near future and hoping to buy enough time to develop alternatives. What have we been doing for the last decade during mounting evidence that EDB would become a controversial product?

These and other policy questions underlie the current crisis and argue for a broader approach being taken in this area of regulation. I for one will continue to push for a longer term emphasis in this area. It is best for the public, the industry, and the Government.

Mr. Speaker, I hope my colleagues will go through the material which I am proposing to insert in the RECORD at this point. I do ask, Mr. Speaker, unanimous consent to insert, following my remarks, the EPA's statement of last Friday concerning the action that they are taking, together with the background sheet which they have submitted with their statement; an article in the February 3 issue of Science with regard to the EDB, and then in addition to that I would like unanimous consent to include a paper prepared by the General Accounting Office as a report to me labeled "Issues Surrounding the Pesticide Ethylene Dibromide." This paper was prepared at my request I think nearly 2 years ago in connection with the Medfly outbreak in California. But, aside from the fact that it is 2 years old, it still gives an excellent picture of the background of the situation.

In addition to that, I would like unanimous consent to include a paper prepared by the Congressional Research Service labeled "Ethylene dibromide," which is an update as of last week, January 31, giving the background from the standpoint of the Congressional Research Service.

All of these documents are valuable additions to our background information. I have only submitted a portion of the information that was available, partly out of a desire not to load up the CONGRESSIONAL RECORD too much, but also perhaps to encourage some of the more concerned Members to explore some of the other reports that have been made.

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There are not only many other reports, but there are some cases where reports were authorized but not made. It would be interesting to explore those. For example, the Executive Office of the President set up a task force on this 2 years ago to explore the issue and to make recommendations for coordinating the total Federal approach to this matter and I suspect they found it was too difficult a problem because the task force never made a report.

I would very much like to understand why it is that they failed to come to grips with this problem and take action at a much earlier date.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from California (Mr. BROWN)?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I yield back the balance of my time.

The material referred to follows:

EPA ENVIRONMENTAL NEWS

U.S. Environmental Protection Agency Administrator William D. Ruckelshaus today announced the immediate emergency suspension of the pesticide ethylene dibromide (EDB) for use as a grain fumigant and recommended residue levels for grain and grain-related products to protect the nation's food supply from EDB contamination.

The actions Ruckelshaus announced today call for:

Effective immediately, the emergency suspension—the strongest action the agency can take under the law—of the use of EDB as a fumigant for stored grain and grain milling machinery, halting at once all further sales and uses of the chemical;

The establishment of recommended maximum acceptable residue levels for raw grains, milled grain products and finished ready-to-eat products;

Initiation of a rulemaking process to revoke the exemption that currently prevents the agency from setting tolerance levels enforceable by the Food and Drug Administration.

Concerning the use of EDB as a fumigant on citrus fruit, Ruckelshaus said, "We received data four days ago that show levels higher than we expected in some imported citrus. Just as I need more time to collect and analyze grain samples and data, I need more time now to do the same for fruit." He added that in "just a few weeks I will announce my decision as to how we will address that use."

Ruckelshaus noted, "Today's action—coupled with our emergency suspension of EDB's use as a soil fumigant this past September—will eliminate about 97 percent of the chemical's agricultural use."

He said the emergency suspension of EDB as a grain fumigant will result in the "clearing of EDB from the food pipeline in this country. I firmly believe that the guidelines we are recommending today are fully protective of public health. I expect the residue levels on all grain products will begin to decline almost immediately as a result of the actions we are announcing today. In fact, in the very near future, that rate of decline should become quite pronounced."

Ruckelshaus said he was recommending the following maximum permissible residue levels for EDB on grain and grain-related products:

For raw grain intended for human consumption—wheat, corn, oats, etc.—the level should not exceed 900 parts per billion;

For intermediate level products such as flour, various mixes for preparing baked goods, soft cereals, and other products that require cooking before eating, the recommended residue level is 150 parts per billion;

For ready-to-eat products such as cold cereals, snack foods, bread, and all baked goods, the residue levels should not exceed 30 parts per billion.

"Many of the data upon which these guidelines were built were provided to us by a number of states," Ruckelshaus said. "I hope now that our three recommended levels will help those and other states effect a consistent, coherent approach to what is clearly a national problem." Additional data was provided by the U.S. Department of Agriculture, the Food and Drug Administration, the Grocery Manufacturers Association and other industry groups.

On Sept. 30, 1983, EPA announced the suspension of the use of EDB as a soil fumigant for agricultural crops, which accounted for an estimated 90 percent of its pesticide uses in controlling nematodes (root worms). At the same time, the agency ordered cancellation of its uses as a fumigant for stored grain and on grain milling machinery. Nine parties appealed the cancellation of grain uses and asked for a hearing before an Administrative Law Judge. By statute, the products subject to that hearing can continue to be used until the hearing is concluded and a final order is issued—typically a two-year process.

In its Sept. 30 order, the agency also called for cancellation by Sept. 1 of this year of EDB's uses as a quarantine fumigant on citrus fruits, tropical fruits such as mangoes and papayas and other fruits and vegetables which can be host to tropical fruit flies.

Ruckelshaus said most of the remaining three percent of EDB is used as a quarantine fumigant on fresh citrus and other tropical fruits. However, he added that the majority of fresh citrus grown in this country is not treated with EDB. Generally less than two percent of the total fresh citrus consumed in the U.S. is treated with EDB, most of it imported.

The six states which have fumigation requirements to control fruit fly infestation are Florida, California, New Mexico, Texas, Arizona, and Hawaii.

EDB, a persistent halogenated hydrocarbon, has been registered as a pesticide since 1948. At the time of last year's suspension order, over 280 million pounds (140,000 tons) of EDB were being produced annually in this country. Of this, some 20 million pounds were used as a pesticide, and the remainder as an additive in leaded gasoline. Exposure to EDB from its use in gasoline, however, is minimal compared to that from its use as a grain fumigant, because virtually all of the EDB in gasoline is destroyed in the combustion process.

Studies in laboratory animals have indicated EDB to be a carcinogen and mutagen that can cause reproductive disorders.

CATEGORIES OF PRODUCTS TO WHICH THE RECOMMENDED RESIDUE LEVELS APPLY

RAW GRAINS INTENDED FOR HUMAN CONSUMPTION

Whole kernels of wheat, corn, rice, rye, barley, oats and popcorn. This category also includes bran, shorts and middlings fractions (milling and grain processing by-products) from these grains.

INTERMEDIATE (UNCOOKED) GRAIN PRODUCTS

Milled and otherwise processed grain products that must be cooked by the consumer prior to consumption. This category includes partially cooked products.

Examples: Flour, cake mix, pancake mix, corn meal, hushpuppy mix, grits, quick grits, oatmeal, instant oatmeal, hominy, brown and serve rolls and frozen bread dough.

COOKED (READY TO EAT) GRAIN PRODUCTS

Grain products or foods containing grain products which require no cooking prior to consumption.

Examples: Bread, cakes, pancakes, corn bread, hushpuppies, cooked grits, cooked oatmeal, cooked hominy, corn oil, crispy rice cereal, wheat flakes, cereal and puffed oats.

EPA EDB FACTS

BACKGROUND

Ethylene dibromide (EDB) has been registered as a pesticide since 1948. It is a halogenated hydrocarbon, as are DDT, chlordane, heptachlor, aldrin, dieldrin and dibromochloropropane (DBCP), which were subject to EPA regulatory decisions in the 1970's.

Over 280 million pounds of EDB are produced annually in the United States. About 260 million pounds (over 90 percent of the annual total) are used as an additive in leaded gasoline. The remaining eight percent, which exceeds 20 million pounds annually, has been used as a pesticide for various agricultural activities.

Until suspended by EPA in September 1983, the major agricultural use of EDB (involving almost 20 million pounds per year) was for pre-plant soil fumigation. EDB was injected into the soil to protect a crop from attack by nematodes (root worms). Citrus, pineapples, soybeans, cotton, tobacco, and over 30 other fruit, vegetable and nut crops were protected this way.

EDB is employed in quarantine programs to fumigate citrus and other fruits and vegetables after harvest to prevent the spread of tropical fruit flies. It is also used to fumigate stored grain and milling machinery. This prevents insect infestation. Somewhat less than one million pounds of EDB have been used annually for these purposes.

Minor uses of EDB include termite control, and fumigation of storage vaults, beehives, and timber. These involve less than 300,000 pounds annually.

In 1975, the National Cancer Institute issued a preliminary notice that EDB appeared to induce cancer in laboratory animals. In 1977, further evidence confirmed that EDB posed risks of producing tumors, genetic mutations and adverse reproductive effects. In December 1977, EPA began a review of the risks and benefits of EDB under a procedure known as Rebuttable Presumption Against Registration (RPAR). The Agency issued Position Document I

(PD 1) which described the health risks of concern, and solicited comments and further information from registrants, users, and the public concerning risks and benefits of EDB.

After analyzing the comments and information received in response to PD 1, and further research on the use of EDB, EPA issued a proposed decision to cancel EDB in December 1980. This included registrations for fumigation of stored grain, milling machinery and timber, and to phase out the use of quarantine fumigation over approximately two years. The soil fumigation was to be retained, as that use did not appear to result in significant human exposure.

During this review the agency found evidence that EDB residues can occur in food products as a result of grain and milling machinery fumigation. The actual extent to which this occurred was not known. Not all grain is fumigated, and there are other fumigants besides EDB. The agency also recognized that the chemical properties of EDB indicated that it has the potential for contaminating groundwater, although there was no information at that time that such contamination had occurred. EPA arranged with the State of California to conduct ground water monitoring to detect possible EDB contamination.

The proposed decision in 1980 contained many proposals for reducing risks to persons who apply EDB and handle treated commodities, because the available evidence indicated these people were exposed to EDB to a much higher degree than the general public. The 1980 proposal was reviewed by the U.S. Department of Agriculture and the independent Scientific Advisory Panel, as the law requires. Many comments also were received from registrants, user groups and the public. Following the proposed decision, a number of Federal and State agencies conducted further studies on ways to apply EDB and handle treated commodities in order to reduce exposure for applicators and other workers.

In March 1982, EPA was notified that residues of EDB had been detected in groundwater in Georgia. EPA investigated the situation there in cooperation with the U.S. Geological Survey. Since EDB is also used in gasoline, it could not be readily determined whether the groundwater contamination resulted from the soil fumigation use or leaking underground storage tanks. However, in June 1983, California monitoring found EDB contaminated groundwater in areas of soil fumigation use. The use of EDB was halted in four counties. Shortly thereafter, wells in Hawaii and Florida also were found to be contaminated.

The discovery of contaminated groundwater significantly changed the risk/benefit perspective for EPA, as this was a new route of dietary exposure to the public. As a result, on September 30, 1983, EPA ordered an immediate suspension of the soil fumigation use of EDB. This is the most stringent measure EPA can take under the law; it immediately halted the sale and distribution of EDB registered for soil fumigation. Though appeals to EPA's suspension action can be made, use of the product ceases during this appeal process. Soil fumigation accounted for over 92 percent of the more than 20 million pounds of EDB used annually as an agricultural pesticide.

The September 30 decision proposed immediate cancellation of EDB fumigation of stored grain, grain milling machinery, felled logs, and proposed cancellation of quarantine use on citrus and other tropical fruits to control the fruit fly effective September 1984. Appeals were made for administrative hearings for each use EPA proposed to cancel.

Minor uses of EDB—including beehives supers, storage vaults and termite controls—are being retained with added safety precautions and the requirement that applicators be trained and certified.

The use of EDB in gasoline has not been a part of EPA's action. Preliminary analysis of exposure to EDB from gasoline vapors suggest that exposures pose no public health hazard.

EDB agricultural uses	Approximate pounds used	EPA decision
1. Soil fumigation (soybeans, cotton, peanuts, pineapples, 30 other fruit and vegetable crops).	Over 20,000,000 lb	Immediate suspension of sale and distribution of products. Cancellation action initiated (Sept. 30, 1983). Quantities on hand prior to action may be used. One request for administrative hearings for pineapples in Hawaii.
2. Stored grain fumigation.	Less than 500,000 lb	Immediate suspension of sale, distribution and use. Cancellation action initiated (Sept. 30, 1984).
3. Spot fumigation (grain milling machinery).	do	Do.
4. Fumigation of felled logs.	Less than 100,000 lb	Administrative hearings on cancellation.
5. Quarantine fumigation (citrus, other fruits and vegetables).	do	Administrative hearings on cancellation. Cancellation action initiated (Sept. 30, 1983) with phaseout by Sept. 1, 1984.
6. Minor uses (beehives, storage vaults, termite control).	do	Retain use, with additional precautions and restricted to certified applicators and data requirements.

EDB Contamination Kindles Federal Action

Florida's recent action in banning the sale of more than 70 grain products contaminated with the pesticide ethylene dibromide (EDB) has brought to the boil an issue that has been simmering on the back burners of federal regulatory agencies for 7 years. The Environmental Protection Agency (EPA) first moved to control uses of EDB in 1977, but protests from manufacturers and users and lack of attention during the first 2½ years of the Reagan Administration have so far thwarted federal action.

Florida decided to take matters into its own hands and pulled off grocer's shelves a variety of nationally marketed grain products under brand names such as Betty Crocker, Aunt Jemima, and Pillsbury. Other states have since found EDB-tainted products in their territories, which has sent EPA scrambling to determine what levels of the pesticide should be permitted in food. Farmers and food manufacturers, fearing that the agency could declare a large portion of the nation's grain supply inedible, have called on Secretary of Agriculture John Block to press their case with EPA administrator William Ruckelshaus.

EDB is a popular pesticide because it is effective and versatile. For the past 40 years, farmers have applied EDB to control insect infestation in stored grain. For 20 years, many grain companies have fumigated milling machinery with the chemical. More recently, use of the pesticide has broadened. Farmers in the Southeast and Southwest have injected EDB into soil to kill nematodes before planting crops. During the 1981 medfly crisis, California fumigated fruit grown in-state with EDB and subsequently required imported fruit—primarily that shipped from Florida and Texas—to undergo EDB fumigation. Florida and other states also fumigate citrus fruit shipped to Japan.

State and federal officials now realize that EDB's extensive use has led to a widespread problem. A significant portion of the country's processed grain products may have some contamination, according to EPA's expert on the pesticide, Richard Johnson. So far, he says, 30 percent of the packaged grain products tested by various sources show contamination. (Preliminary studies by Florida indicate that cooking may dissipate about 80 percent of the pesticide, but more experiments are being conducted.)

Last summer California, Florida, Hawaii, and Georgia discovered that ground water in various areas was polluted with EDB from soil fumigation. Most recently, California announced that Florida citrus shipped to the state had worrisome EDB concentrations in the pulp.

The danger to humans from low-level, long-term exposure is not yet clear because no reliable epidemiological studies are available. But according to EPA documents, animal studies demonstrate that EDB is highly toxic. Experiments show that the chemical causes cancer, gene mutations, and reproductive damage in a variety of animal species. Studies by federal agencies in the 1970's indicated that the pesticide is carcinogenic in rats and mice at 20,000 parts per billion (ppb). If EDB were a new chemical, it would never pass muster with current environmental law, according to several federal environmental officials.

Given the animal data and the recent reports of contamination in water and food, EPA officials are now trying to decide whether the agency should issue stricter regulations by declaring an immediate end to all uses of the pesticide. In September, it banned the sale and distribution of EDB as a soil fumigant and said it wants a phaseout of other uses over the next year. The phaseout, however has been appealed by members of the agricultural community, the chemical industry, and the U.S. Department of Agriculture (USDA). This could delay full cancellation of all EDB use until 1986. EPA's task is also complicated by the fact that the Reagan Administration's Caribbean Basin initiative promotes the importation of tropical fruit from Caribbean countries. USDA import regulations cannot be met without use of the pesticide. The U.S. Agency for International Development, at the urging of USDA, is currently deciding whether it too should appeal EPA's action.

EPA officials are also working feverishly to determine what concentration of the pesticide should be allowed in food because currently there is no federal tolerance standard for EDB. Florida officials, without waiting for federal guidance, concluded that 1 ppb is unacceptable. The 76 products that were banned contained an average range of 15 to 20 ppb of the pesticide, but one food sample went as high as 755 ppb. The Grocery Manufacturers of America, a national trade group, is fighting the ban tooth and nail but so far has been unsuccessful in obtaining a federal injunction. EPA is expected to announce a standard within the next month.

Regulatory action on EDB has been impeded by two factors. When EPA suspects that a pesticide poses an unacceptable health hazard, federal law requires it to develop regulatory proposals by weighing the

risks and benefits and then seeking public comment. In the case of EDB, industry objected at every step of the way. And under former EPA administrator Anne Burford further progress came to a virtual halt.

After EPA gave notice in 1977 that it intended to regulate the pesticide on the basis of the animal data, the process from start to regulatory finish was to last 43 weeks. The procedure bogged down immediately. Industry inundated the agency with documents disputing the findings. It also insisted that there were no good alternatives to replace the pesticide. Three years later, EPA had completed only the first step of the review.

In December 1980, just before the Carter Administration exited, the agency issued a comprehensive report that rejected almost all the criticisms raised by the chemical companies and the agricultural community and went on to propose greater restrictions on EDB's use. The report, written by Johnson, proposed severe limits on EDB's use as a soil fumigant. At that point, EPA did not call for an outright ban because it lacked firm evidence of ground water pollution. It also recommended a gradual elimination of EDB as a fumigant of stored grain, milling machinery, and citrus fruit, arguing that the potential economic losses would be negligible to farmers and others. It proposed a phaseout in 3 years to allow the food industry sufficient time to develop alternatives to the pesticide. In the long run, EPA contended, the health risks far outweighed the financial considerations. The agency came to this conclusion after it uncovered some startling findings.

For decades, it was generally assumed that the pesticide was volatile and left no residue in food. In the late 1970's, however, a number of researchers discovered that the pesticide does not dissipate. One study showed that EDB persisted in wheat with levels reaching 500 ppb 3 months after fumigation. EPA's own scientists confirmed the problem of contamination. From a USDA laboratory, EPA officials obtained batches of wheat flour that had been distributed across the country as part of federal food subsidies, including the School Lunch Program. EPA scientists reported in 1980 that all the samples contained the pesticide. (Later analyses in 1981 revealed that some of these wheat samples contained up to 4200 ppb. The samples were then made into biscuits, which registered levels averaging about 37 ppb.) Armed with the 1980 information and results from several other studies on EDB residue in grain and citrus fruit, the agency calculated that exposure to the pesticide in an average diet could increase a person's risk of cancer by a factor of 3 in 10,000. In the past, an increased cancer risk of even 1 in 1,000,000 triggered regulatory action.

The agency's recommendations were coldly received by the new Reagan appointees. Block wrote EPA, prior to Burford's arrival, that the proposed cancellation was unacceptable because alternatives could not be developed by the 3-year deadline even though EPA had concluded the industry could substitute other pest control methods for the pesticide. He said the proposal would also place financial burdens on the food industry. He did not acknowledge EPA's concern about the health risks of the pesticide through dietary exposure, except to state that he wanted more data to determine residues in food.

The pesticide issue was also stymied at EPA by John Todhunter, then head of the Office of Pesticides and Toxic Substances, who resigned in the wake of Burford's controversial departure. A hearing held in September by Representative Mike Synar (D-Okla.), chairman of a subcommittee of the Government Operations Committee, revealed that Todhunter had demanded numerous revisions of the agency's EDB report. Synar also presented documents indicating that Todhunter and associates held private meetings with members of Florida's citrus growers and vegetable industry. Todhunter at the hearing denied he attended some of the meetings; another, he insisted, had no influence on the agency's decisionmaking. According to recent interviews with EPA officials, Todhunter also gutted the agency division in charge of handling these types of special pesticide reviews. Although the agency had some 90 pesticides on a roster for reexamination, Todhunter slashed the staff from 128 to about 20.

Time trickled away until last summer when California reported ground water contamination. The discovery was "the straw that broke the camel's back," said Johnson, who is still head of the agency's EDB team. After a 3-year hiatus, the agency set to work on a new set of regulations. In 2 weeks, Johnson and colleagues produced another lengthy report and pushed even harsher rules. Based on additional information, EPA calculated that the cancer risk was an order of magnitude higher than its 1980 estimates.

Again, the citrus industry, farmers, and chemical companies objected and have formally appealed EPA's action on the grounds that there are no good alternatives to the pesticide. USDA, which recently held private meetings with industry, has also intervened. Settling the differences could take another 2 years, but the revelation of EDB-tainted food and heightened public awareness may speed up the process.

EPA has said that several methods show promise as a substitute for EDB fumigation, but they have all been pooh-poohed by the agriculture department. According to EPA, citrus fruit could be treated by irradiation or another procedure that subjects fruit to cold temperatures; for stored grain, other chemicals could be applied. Florida citrus growers protest that without EDB, they will lose the $25-million grapefruit market in Japan. The Japanese goverment, however, has accepted citrus fruit treated by the cold storage method "for a long time," says Hisao Azuma, an agriculture official at the Japanese embassy in Washington.

Despite EPA's desire to regulate the pesticide since 1977, efforts at USDA to help farmers and citrus growers develop other methods have been meager, according to a recent study on EDB by the General Accounting Office. In a briefing submitted last spring to Representative George Brown, Jr. (D-Calif.), chairman of the Agriculture Committee's subcommittee on research, the General Accounting Office said studies by USDA have "been limited to short-term research projects. . . . This crisis-oriented research resulted in the postponement of broader-scoped, long-term research." It noted that since 1977, it has twice advised USDA to develop an agency-wide plan for research and development, but to no avail. An EPA official recently put it this way, "Without an all-out cancellation, industry wouldn't consider alternatives. Now we're canceling and they're screaming there are no alternatives."

The General Accounting Office also faulted EPA's regulatory process. It cited several problems, concluding that the agency has "emphasized starting, but not completing the process, planned poorly, [and] not resolved several important policy and procedural issues. . . ."

One interesting fact in EDB's regulatory history is that the House Agriculture Committee, which has jurisdiction over pesticide use, has yet to examine the problems with the pesticide and EPA's role. Despite the strong criticisms by the General Accounting Office, Brown did not pursue the matter with his usual keen interest in pesticide problems. Some sources allege that other committee members told Brown to lay off EFB because of its wide importance to their constituents, but Brown denies this. Nevertheless, Synar and other legislators are going after the topic. Senator Dave Durenberger (R-Minn.), chairman of the oversight subcommittee of the Environment and Public Works Committee, will hold an EDB hearing on 27 January.

EPA is now pondering what to do next. On the issue of citrus fumigation, Edwin Johnson, head of EPA's Office of Pesticide Programs, says that the agency may choose a tolerance standard "at the lowest level we can set and still fumigate effectively." With grain products, Richard Johnson believes that Florida's cut-off point of 1 ppb is probably too harsh. Although he had hoped that EDB's use as a grain and citrus fumigant would have ended last summer, Johnson says 1 ppb standard would be too disruptive to the nation's economy and its food supply. "We are not dealing with a crisis [to health]," he said. Noting that the agency has already taken 7 years to achieve any substantive regulation of EDB, "Another year is not going to make that much difference." Meanwhile, the special review process at EPA has not been overhauled, its staff has not been reconstituted, and the list of pesticides slated for reevaluation continues to grow.

MARJORIE SUN.

GENERAL ACCOUNTING OFFICE REPORT TO CONGRESSMAN GEORGE E. BROWN, JR.

ISSUES SURROUNDING THE PESTICIDE ETHYLENE DIBROMIDE

At the request of George E. Brown, Jr., Chairman of the Subcommittee on Department Operations, Research, and Foreign Agriculture, House Committee on Agriculture, we reviewed efforts to eradicate the Mediterranean fruit fly (Medfly) from California and control the gypsy moth in the northeastern part of the Nation. As agreed with the subcommittee's office, this briefing paper presents the results of our review of the controversial pesticide, ethylene dibromide (EDB), which was used in the Medfly program.

Scope of work

During our review of EDB issues, we contacted officials at the Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS), Agricultural Research Service (ARS), and Office of Inspector General; the Environmental Protection Agency (EPA) headquarters and region IX (San Francisco); the Department of Health and Human Service's Food and Drug Administration (FDA); the Department of Labor's Occupational Safety and Health Administration (OSHA); and California's Department of Food and Agriculture (CDFA), Division of Occupational Safety and Health (Cal/OSHA), Department of Finance, and Controller's Office. We discussed alternatives to using pesticides as postharvest fumigants with two Califor-

nia firms (Emergent Technologies, Inc. and International Nutronics, Inc.) and the CDFA medical consultant. We were referred to these two firms by APHIS and CDFA officials.

We relief on agency summary or management reports and did not examine the detailed supporting documentation. For example, we relied on monthly summaries of pesticide usage and did not examine the daily use reports. Besides the relevant reports and documents of the agencies listed above, we also reviewed reports and comments from the National Institute for Occupational Safety and Health (NIOSH), National Cancer Institute, EPA's Scientific Advisory Panel, Office of Technology Assessment, labor unions, and private companies.

Background

Over the past 30 years, the U.S. agricultural sector has become more and more dependent on chemical pesticides to control crop damage. Even though other pest control methods (such as the use of predators and parasites) are available, pesticides remain our major weapon against pests. Pesticides control insects, diseases, rodents, weeds, bacteria, and other pests that attack food and fiber supplies and threaten our health and welfare.

Although pesticides benefit agricultural production, they are a mixed blessing. If used improperly or without knowledge of their side effects, pesticides, like other chemicals, can poison, cause cancer and birth defects, and harm wildlife and the environment.[1] In addition, concern has been expressed about the adverse effect of pesticides on beneficial predators and parasites and other nontarget organisms and the development of pesticide-resistant pests.

Government decisionmakers, producers, and the public must therefore face the complex problem of determining a balance between the damage pests do versus the environmental, health, and other adverse problems caused by pesticides. This complex problem is exemplified by the issues surrounding the use of EDB.

Using the pesticide EDB to fumigate produce, especially fruit, as part of the Medfly eradication program in California illustrates the problems surrounding the Nation's pest control efforts and decisions. Although EDB has been used as a fumigant for about 30 years, the recent medfly crisis underscores the fact that EDB-related problems and unanswered questions remain.

Numerous Federal and State agencies are involved in EDB issues

Responsibility for various aspects of EDB fumigation is vested in numerous Federal and State agencies. Federal agencies with significant involvement in the EDB issues are APHIS, EPA, OSHA, NIOSH, FDA, and ARS. California's Department of Food and Agriculture and Division of Occupational Safety and Health are also involved. The following table summarizes the various governmental agencies and their respective areas of responsibility and involvement in the EDB issue.

SUMMARY OF AGENCIES' INVOLVEMENT IN THE EDB ISSUE

Agency and involvement

USDA's Animal and Plant Health Inspection service: APHIS is responsible for imposing quarantines to protect the country from the introduction or spread of pests. It required using EDB to prevent the spread of California's Medfly infestation.

USDA's Agricultural Research Service: ARS provides research data to APHIS on (1) EDB residue levels in treated commodities and (2) alternatives to EDB.

Environmental Protection Agency: EPA is the primary regulator of pesticides. Since 1977 it has been conducting a rebuttable presumption against registration (RPAR) program on EDB.

Department of Labor's Occupational Safety and Health Administration: OSHA is the primary regulator for safety in the workplace. Currently, it is considering revising its EDB worker exposure level standard.

Department of Health and Human Service's National Institute for Occupational Safety and Health: NIOSH reviews, evaluates, and disseminates information on occupational hazards. It issued several reports on the hazards of EDB.

Department of Health and Human Service's Food and Drug Administration: Irradiation, a promising alternative to EDB fumigation of citrus, is regulated by FDA. FDA conditionally approved pilot irradition programs for citrus in California.

California's Department of Food and Agriculture: CDFA is responsible for issues, including pesticide use, which affect the State's food and agricultural complex. With APHIS, it has overall responsibility for the eradication of the Medfly in California.

Califonria's Division of Occupational Safety and Health: Cal/OSHA is responsible for protecting California workers. In 1981, it imposed an occupational exposure standard more stringent than the Federal OSHA standard.

The EDB problem

Recent scientific evidence derived from animal studies indicates that EDB presents potential health risks, including cancer and reproductive disorders. The problem with EDB's use as a postharvest fumigant of citrus centers around (1) the absence of a feasible alternative and (2) inadequate or inappropriate regulatory standards.

EPA has determined that EDB's risk to human health is greater than its social, economic and environmental benefits. However, EDB is still being used throughout the Nation to fumigate citrus, not only for Medflies but also for Caribbean and Mexican fruit flies. EPA, APHIS, ARS, and OSHA officials all acknowledge that EDB is a highly toxic pesticide and potential carcinogen. They add, however, that currently there is no feasible alternative to EDB in citrus fumigation. Vapor heat and cold storage can control Medflies as effectively as EDB, but these methods often result in fruit damage.

The 1980 outbreak of the Medfly in California required quick and effective action to head off a potential agricultural catastrophe. To prevent the spread of the infestation, APHIS imposed a quarantine which require that selected Medfly host produce (produce attracting Medflies), including citrus, moving out of regulated areas be treated with EDB. Japan, a major importer of U.S. citrus, also imposed import restrictions which required using EDB as a fumigant.

Another aspect of the EDB problem involves the regulatory standards. EPA's standard sets a limit on the EDB (actually EDB's resultant inorganic bromide) residue left in or on the fumigated product. OSHA's standard provides a permissible level for worker exposure to EDB in the air.

EPA and OSHA officials acknowledged that scientific data strongly indicates that the present EDB air standard is inadequate. In addition, the EDB tolerance standard for citrus may be inappropriate, because it set a limit on EDB's inorganic bromide but not on EDB per se (see p. 13). Occupational and public health concerns surrounding using EDB as a fumigant for citrus increased during the Medfly's occurrence in California. For example:

EDB fumigation of U.S. citrus for export to Japan touched off a controversy among government agencies, environmental groups, and labor unions in both countries over the safety of EDB.

In September and October 1981, the International Brotherhood of Teamsters and other labor unions petitioned OSHA for an emergency temporary standard which would reduce the present permissible exposure level.

On September 2, 1981, Cal/OSHA adopted an emergency temporary standard for EDB. This standard was made permanent on March 21, 1982. The California standard is nearly two orders of magnitude lower (1/100) than the current Federal standard.

APHIS had no feasible alternative to EDB

To prevent the spread of the Medfly in 1980 and 1981, APHIS quarantined the State of California and established regulated areas within the State. This quarantine required that, before leaving regulated areas, suspected Medfly host citrus must be treated in some manner to kill any "hitchhiking" Medflies.

ARS told APHIS that the two most viable treatment methods for citrus were (1) chemical fumigation with EDB and (2) cold storage of the fruit for 10 to 16 days at near-freezing temperatures. ARS cautioned, however, that the cold storage method often damaged the fruit. The vapor heat alternative was not considered for the California Medfly infestation because of it's high energy demands, length of treatment, and impracticality of handling large volumes of fruit.

APHIS checked with EPA and found that EDB was still a registered pesticide. (APHIS officials were aware that EPA was considering banning EDB as a postharvest fumigant.) EPA told APHIS that no chemical alternatives to EDB were registered for citrus fumigation purposes. APHIS also checked with FDA on the status of irradiation, a potential alternative to EDB fumigation, but FDA had not approved its use for postharvest fumigation of agricultural products.

Therefore, APHIS officials stated that, in establishing quarantine regulations, they had no choice but to approve EDB's use on citrus. The regulations also allowed using the cold storage treatment on citrus. However, APHIS officials realized this method would rarely be used because of (1) the damage it might do to the produce and (2) the lack of proper facilities to store the produce at the required temperatures.

Lack of progress in discovering and implementing an alternative to EDB

Because of the absence of a feasible alternative, in 1980 EPA proposed a phaseout by 1983, instead of an immediate ban, on EDB's use as a fruit and vegetable fumigant. The duration of EPA's phaseout period was based on estimates of when irradiation would be operational on a broad scale. Recent estimates were received from USDA, FDA and EPA officials ranged between 1985 and 1992.

[1] See GAO report, "Delays and Unresolved Issues Plague New Pesticide Protection Programs" (CED-80-32, Feb. 15, 1980).

The Federal Food, Drug, and Cosmetic Act (FFDCA) of 1938 (21 U.S.C. 301 et seq.), as amended, makes FDA responsible for regulating the safety of food additives. The act specifically included sources of radiation (irradiation) in the definitions of food additive (section 201(s)) and adulterated food (section 402(a)(7)). Since irradiation is considered a food additive, FDA is the Federal agency responsible for approving its use on raw agricultural commodities.

ARS is USDA's principal in-house research arm. As stated in its current draft strategic plan, ARS' mission is to "plan, develop, implement, and evaluate research designed to produce the new knowledge and technologies required to assure the continuing vitality of the Nation's food and agricultural enterprise." This mission includes ARS' responsibility to provide the basic, or background, research for EDB alternatives. Developing and implementing that research is the responsibility of APHIS' Methods Development Staff and private industry.

USDA research efforts

Information has been available to USDA since 1975 that the pesticide EDB is a suspected carcinogen and since 1977 that EPA was considering canceling its use.

Since 1976 USDA estimated it spent over $4 million researching alternatives (including irradiation) to EDB, however, an approved replacement has not been found. USDA officials said that this research was not a high priority item until 1980 when the Medfly outbreak occurred in California and EPA published a preliminary decision to cancel EDB.

Furthermore, an ARS National Research Program Leader told us that much of the postharvest commodity treatment research (which includes EDB-related research) has been limited to short-term research projects to provide quick information on narrowly scoped problems. This crisis-oriented research resulted in the postponement of broader scoped, long-term research. He also said that the past lack of a long-range research plan was partly responsible for the present absence of a feasible alternative to EDB.

The lack of a long-range research plan has been pointed out on a number of occasions. In a December 1981 report,[2] the Office of Technology Assessment stated that a satisfactory long-term process does not exist for evaluating agricultural research activities and developing research priorities. It also stated that decisions are made on an ad hoc basis with little coordination among USDA and other agencies conducting agricultural research. Furthermore, in our July 24, 1981, report,[3] we found that USDA, as the primary Federal agricultural researcher, did not have a long-range plan for in-house research. We recommended, as we had in 1977, that the Secretary of Agriculture develop an agencywide plan for in-house agricultural research and development. An Assistant to the Administrator of ARS acknowledged that past planning efforts had deficiencies and said that they were drafting a strategic plan to correct the situation.

USDA officials point out that their research has been somewhat successful in that prospective alternatives have been identified. As mentioned above, irradiation is considered a very promising alternative to EDB fumingation of citrus. But USDA officials believe still more research is needed regarding irradiation's effect on fruit quality. USDA officials also told us that recent breakthroughs regarding the cold treatment method may make it a more viable short-term alternative to EDB, while irradiation still might be the long-term alternative.

Quarantine Treatment Criterion

Our discussions with ARS and APHIS officials, indicated that a great deal of concern and confusion exists over APHIS' criterion for approving quarantine treatment methods. Basically, APHIS' criterion is that research must demonstrate that a particular treatment method kills 99.99683 percent (this precent is referred to as the probit 9.0 level) of the target pest. APHIS officials told us that the methodologies for demonstrating the probit 9.0 level are not clearly understood by ARS scientists or other research institutions. APHIS officials also told us that the criterion has not been formally communicated in writing to ARS and that not much literature is available on probits. An APHIS staff scientist acknowledged that this could cause problems in designing experiments to demonstrate attainment of the probit 9.0 level.

ARS officials told us they have three concerns with APHIS' quarantine treatment criterion:

APHIS' criterion for approving treatment methods is too rigid in that it is applied to all possible host commodities. Demonstrating this high kill ratio, 99.99683 percent, is unnecessary for hosts which are not likely to be infested.

It is very costly to demonstrate probit 9.0 because APHIS requires an unnecessarily high pest population in the experiments.

The criterion does not allow for sterilizing pests as a substitute for killing them.

Regarding this last concern, an ARS official told us that sterilizing the pest produces the same desired quarantine effect—ensuring that a pest does not spread outside an already infested area—as killing the pest. If a pest should survive a particular disinfestation treatment, such as irradiation, yet be sterilized so that it is incapable of producing offspring, that pest will not spread or perpetuate an infestation.

This issue of sterilization versus killing a pest as part of the approval criterion is crucial to the viability and research of the irradiation alternative to EDB. The ARS official told us that if APHIS would accept sterilization as part of its criterion, irradiation would be a more promising alternative to EDB. Less irradiation is needed to sterilize a fruit fly than to kill it. The lower the irradiation dose, the less likelihood of fruit damage, and therefore, the more economically viable the treatment is to producers and shippers.

The ARS official said that APHIS officials have orally indicated that data demonstrating sterilization will be acceptable in meeting the approval criterion. However, ARS' current research is designed to demonstrate just the killing effect of irradiation. ARS officials said they would redesign experiments to demonstrate the sterilizing effect if and when they are assured in writing that APHIS will accept the data as meeting the probit 9.0 criterion.

FDA Actions Regarding Irradiation

FDA has recently begun to take action on approving the use of irradiation as an alternative to EDB. Until 1981, FDA assigned food irradiation a low priority. An FDA official said that FDA has not acted on the irradiation process over the past 20 years because private industry did not pursue it.

Although FDA has permitted irradiation's use to inhibit sprouts on potatoes and rid wheat and wheat flour of insects since the early 1960's, it has not approved a 1973 petition from USDA for irradiating papayas. In an August 28, 1981, memorandum to a senior policy advisor to the President, FDA stated that it has not approved any further use of irradiation "because of difficulties encountered in the process of establishing safety for the food additive use of irradiation." A major problem with the safety evaluation was the lack of knowledge of the identity, amount, and toxicity of the by-products formed in irradiated food. Traditional toxicity testing, which uses the results of animal feeding studies to determine a "safety factor," was not practical because it is difficult to feed animals the exaggerated amounts of irradiated food that such studies require.

On March 27, 1981, FDA published an advance notice of proposed rulemaking on food irradiation. Among other things, FDA is considering a proposal to permit food irradiation at a dosage not exceeding 100 krad (a krad is a unit of energy expressed as a radiation absorbed dose).

FDA stated that irradiating food at doses not exceeding 100 krad poses no danger to consumers. However, it believes there is insufficient information to demonstrate that irradiating fruits and vegetables at particular dosages (1) is effective in controlling insect infestation and (2) does not affect marketability or quality. FDA also emphasized that consumer fear of anything treated with irradiation could affect the economic viability of the irradiation alternative.

Although FDA does not expect to issue a final regulation regarding irradiation of foods until 1984, in September and November 1981, it granted conditional approval for two California firms to irradiate commercial produce. FDA, USDA, and EPA officials hope that these test projects will answer many of their questions about food irradiation.

Lack of coordination between FDA and USDA

Officials from both FDA and USDA told us that prior to 1980 coordination problems between the two agencies contributed to the slow progress toward approval of the irradiation alternative. They said, however, that since 1980 coordination has improved.

As mentioned above, in 1973, over 8 years ago, USDA petitioned FDA for approval to use irradiation to disinfest papayas. To support the petition, USDA submitted a voluminous amount of data regarding irradiation and it effects, or lack thereof, on produce and lab animals. FDA officials repeatedly asked for more and different kinds of data. USDA officials told us that they could not get a commitment from FDA as to the specific type of research data needed to resolve FDA's concerns. USDA officials estimated they spent about $1.5 million in developing data for this petition. FDA never acted on USDA's petition.

FDA officials said that during that time they had difficulty in determining whether irradiated foods were safe. Normal toxicity testing, which is used for most other food additives, did not lend itself to testing irradiated foods. In 1979, FDA set up an internal task force to evaluate the agency's policy on irradiated foods and to recommend safety criteria. In August 1980, the

[2] "An Assessment of the United States Food and Agricultural Research System," Office of Technology Assessment, Dec. 1981.

[3] "Long-Range Planning Can Improve the Efficiency of Agricultural Research and Development" (CED-81-141, July 24, 1981).

task force recommended that food irradiated at doses of (1) 100 krad or less be considered wholesome and safe for consumption and (2) more than 100 krad be subject to a battery of toxicological tests and animal feeding studies.

The March 1981 FDA advance notice of proposed rulemaking included the task force's recommendations. FDA officials told us that their final regulations on irradiated foods would clarify specifically what data FDA needs to approve a particular irradiation process, including irradiation of citrus. This final regulation, however, is not expected to be published for another 2 years.

Officials told us that two of their major concerns about irradiation are its (1) effectiveness at killing the pest and (2) effect on the marketability of the produce. In the August 28, 1981, memorandum to a senior policy advisor to the President, FDA acknowledged that these two concerns are likewise USDA's responsibility:

"Although we are considering allowing the irradiation of produce on a limited basis to address and answer concerns on efficiency and post-irradiation effects, we now have insufficient information on which to issue a regulation under section 409 of the Act [FFDCA], to provide for such use. Despite this statutory dilemma, we believe, * * * food irradiated below 100 krad to be safe." However, we suggest that the U.S. Department of Agriculture be asked to comment on the need for research to establish the marketability of irradiated produce and the extent to which the irradiation method chosen satisfies USDA's quarantine requirements."

EDB regulation

EDB's use in California is regulated by EPA, OSHA, and Cal/OSHA. EPA has set a standard for the maximum level of EDB (actually, EDB's resultant inorganic bromide) residue left in or on the fumigated product. The Federal OSHA standard provides a permissible level for employee exposure to EDB in the air. Cal/OSHA determined that the Federal OSHA standard was not adequate to protect workers and imposed a more stringent EDB occupational air exposure level.

EPA is the primary regulator of pesticides. Its authority is contained in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et seq.), as amended, and FFDCA, as amended. Under FIFRA, a pesticide can generally not be sold, shipped, or delivered unless EPA has registered it. FIFRA further provides that EPA can only unconditionally register a pesticide if it determines, among other things, that the pesticide performs its intended function without causing "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide."

If a pesticide remains in or on food, FFDCA requires that pesticide manufacturers, or other petitioners, apply to EPA for a tolerance—the maximum residue allowed in or on food for that pesticide. EPA sets tolerances on the basis of data the petitioner submits on the nature, level, and toxicity of a pesticide's residues. This data, which includes the results of tests of the pesticide's effect on laboratory animals, is similar to the types of data pesticide manufacturers must submit to EPA to register a pesticide.

Prior to EPA's creation in December 1970, USDA regulated pesticides. Thus, during the 1950's and 1960's, USDA granted the original registrations of EDB. Although EDB remains a registered pesticide, no tolerances have been set for EDB per se in or on agricultural products. Tolerances were set for the inorganic bromides which result from the use of EDB in or on food. EPA can, but has not, set an ambient air standard for EDB.

OSHA has set a maximum standard relating to the exposure of workers to airborne EDB. OSHA's current standard, adopted in 1971, provides that an employee's exposure to airborne EDB shall not exceed an 8-hour, time-weighted average limit of 20 parts of EDB per million parts of air (ppm). The standard was based on a 1970 American National Standards Institute recommendation. The potential for EDB to cause cancer or reproductive damage was not a basis for establishing the current standard because limited EDB-related cancer data was available.

Based on updated reports and studies on the carcinogenicity of EDB—most notably, a 1981 National Cancer Institute study which reported that inhalation of EBD significantly increased the incidence of tumors in rats and mice—Cal/OSHA imposed a much more stringent standard, which provides that no employee be exposed to EDB in excess of a time-weighted average limit of 0.13 ppm.

Federal regulatory actions on the EDB problem

EPA and OSHA now recognize that EDB is a carcinogen and causes reproductive problems in lab animals. Although EPA and OSHA officials acknowledged that scientific data strongly indicates the present EDB air standard is inadequate to protect workers, their actions to revise the standard have been slow. Also, the EDB residue tolerance standard may be inappropriate for protecting consumers. Furthermore, consumers and workers are confused and upset by conflicting EDB standards, and they also may be exposed to unsafe EDB levels.

EPA's RPAR is a slow process

EPA's rebuttable presumption against registration (RPAR) program was designed to quickly and comprehensively weigh the risks and benefits of potentially hazardous pesticides to determine if regulatory action is necessary to protect the public and the environment.

EPA began a general review of EDB shortly after an October 1974 National Cancer Institute "Memorandum of Alert" regarding EDB's suspected carcinogenicity. Today, almost 8 years later, EPA has yet to make a final ruling on EDB. During this time, workers and consumers may have been exposed to unsafe EDB air and residue levels.

In 1978 and 1979, we performed an extensive review of two of EPA's main pesticide protection programs—registration standards and RPAR. In our report [4] on these programs, we stated that EPA needed to complete RPARs faster so that the public is not exposed to dangerous pesticides any longer than necessary. EPA had estimated about 43 weeks between RPAR notice of issuance and the final regulatory decision. Actual performance has not come close to meeting that overly optimistic estimate. We found that RPARs were taking longer to complete than expected because EPA has emphasized starting, but not completing, RPARs; planned poorly; not resolved several important policy and procedural issues; failed to develop formal RPAR operating procedures; relied on an inaccurate status reporting system; and not received timely assistance from its Cancer Assessment Group.

EPA was aware that it needed to accelerate the RPAR process and indicated that several changes were being implemented in response to our report.

EPA officials told us, however, that the above-mentioned management deficiencies only contributed to the slow completion of the RPAR on EDB. EDB is a broad, complex subject; it involves numerous uses besides fumigation of fruits and vegetables (for example, preplanting treatment of soil to protect crops against worms, treatment of felled logs and flour mills, and fumigation of stored grain) and affects numerous sectors of our society, such as farmers, producers, transportation workers, wholesalers, retailers, and consumers. Officials of EPA's Office of Pesticide Programs told us that it takes a long time to properly and adequately consider all risks and social, economic, and environmental benefits associated with EDB's various uses.

Those EPA officials also cited the lack of a viable alternative to EDB for citrus fumigation as a major problem in weighing the risks versus the economic impact of a decision to cancel EDB use. In summarizing EPA's concern for an alternative and its preliminary decision, a 1980 EPA report on EDB stated:

"There is one vital consideration which the Agency has extensively investigated: whether gamma irradiation presents a viable alternative to EDB in the near future. As indicated previously, this method is effective and approved for use in many countries, but has not yet been approved for use in the U.S.

* * * * *

"Based on this factor alone—that irradiation technology can be implemented within about 24 to 36 months—the Agency believes that Option 3 [the phase out of EDB after no more than 2½ years and immediate implementation of specified worker protection measures to ensure that the EDB air standard of 0.4 ppm is met] presents the best solution. * * * Regarding risks to applicators and warehouse workers, the Agency finds that implementation of the safety measures would significantly reduce the risks to these persons without significantly affecting the economic benefits."

As of August 23, 1982, EPA had not concluded the RPAR on EDB. EPA's Special Assistant to the Assistant Administrator for Pesticides told us that the Agency's tentative position still called for the phase out of EDB's use as a citrus fumigant after two to three years, or by mid-1985.

EDB's residue tolerance level may be inappropriate

Presently, no tolerances have been set for EDB *per se* in or on agricultural products. Tolerances were set for the inorganic bromides which result from EDB's use in or on food. Recent data indicate that this tolerance level may not be appropriate.

EPA has not set a residue tolerance level for EDB *per se*, because it had been assumed (on the basis of data submitted by petitioners) that no EDB residues would remain on the commodities. This conclusion was based on the hypothesis that the EDB would evaporate or be converted to bromide ions and taken up by the commodities as inorganic bromides. The analytical methods available at that time (from 1950 through 1965) for detecting residues only measured the organic bromide ion. Consequently, the tolerance for the use of EDB on citrus was

[4] "Delays and Unresolved Isssues Plague New Pesticide Protection Programs" (CED-80-32, Feb. 15, 1980).

set at 10 ppm of the inorganic bromide. Since that time, the technology has been developed to detect the organic bromide, or the EDB *per se*, in treated commodities.

In addition, the risk of cancer to consumers of EDB-treated citrus can be calculated based on certain assumptions. CDFA stated that when risks to consumers of treated commodities can be reduced to less than one chance in a million of developing tumors in a lifetime, it is considered a negligible risk.

EPA and CDFA calculated cancer risk assessments for consumers of EDB-treated fruit. Both agencies agree that residues should be kept as low as possible and usage should continue only for a short time until alternatives become available. In August 1981, EPA stated that if EDB-treated fruit is allowed to stand in storage or in transit for a sufficient time (4 to 8 days) prior to consumption, the risk to consumers would be minimal during a one year period of use. In October 1981, CDFA stated that a low risk probability can be achieved if EDB per se residue levels in treated fruit do not exceed 0.15 ppm and usage does not exceed one year.[5]

Although an acceptable level of risk was shown for 1 year of exposure, a November 1981 CDFA report showed that for 2 years of exposure the tumor risk doubles to two chances in a million. And for 3 years of exposure, the risk triples to three chances in a million.

An EPA official stated that even if EPA would allow EDB's use to continue for a phaseout period of 2 to 3 years, it would not set an EDB tolerance level. He explained that EPA sets tolerance levels based on the worst exposure case over a 70-year life. Such a tolerance level would be substantially below current EDB residue levels found in citrus, and the citrus industry would not be able to comply with such a standard. Thus, this standard would, in effect, result in the immediate ban of EDB's use as a citrus fumigant. But, again, since no alternative exists, EPA believes EDB's use should be phased out over a 2- to 3-year period. EPA also maintains that during that period, or until mid-1985, the risk to consumers is minimal. But, in it's 1980 report, EPA stated:

"With this option [the 2½-year phaseout] the dietary risks to the U.S. population would continue for 2 to 2½ years. The estimated cancer risks are based on a 70 year lifetime exposure, the cancer risks associated with this interim period of 2 years would be about 2/70 of that risk * * *. In light of the large benefits of EDB that would continue for this period, the Agency finds that these lower risk levels would be acceptable, but only for the 2 to 2½ year period [or, until mid-1983]. Any further continuation of risk would be considered unreasonable."

OSHA was also slow to act on EDB

Like EPA, OSHA received information in the mid-1970's that EDB could cause severe health problems. Moreover, in 1977, NIOSH recommended that OSHA's standards be made more stringent. However, OSHA did not initiate the rulemaking process to revise its standard until December 1981. This action was taken as a result of the 1980-81 California Medfly crisis, the consequent concern expressed by labor unions, and Cal/OSHA's establishment of a much more stringent standard. A final revised OSHA standard is still not expected until at least the summer of 1983.

OSHA's current standard provides that an employee's exposure to airborne EDB shall not exceed an 8-hour, time-weighted average limit of 20 parts of EDB per million parts of air (ppm). This standard was adopted in 1971 as a national consensus standard under section 6(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655). The standard was intended to protect workers from injury to lungs, liver, and kidneys. EDB's potential to cause cancer or reproductive damage was not considered in setting the current standard.

In 1977, NIOSH recommended that the acceptable exposure level for EDB should be reduced to 0.13 ppm. The recommendation was based on several scientific reports which indicated that chronic exposure to EDB could lead to cancer and reproductive disorders. In response to NIOSH's recommendation, OSHA published a request in the Federal Register on March 17, 1978, asking for comments on NIOSH's recommendation for a more stringent standard. After reviewing the comments, OSHA took no further action. OSHA officials told us that concrete data was not presented to indicate that a lower standard was necessary.

OSHA took no further action on EDB until the Medfly outbreak in California. In September 1981, as a result of that outbreak, the International Brotherhood of Teamsters petitioned OSHA for an emergency temporary standard for EDB of 0.015 ppm. In October 1981, the American Federation of Labor and Congress of Industrial Organizations and the International Longshoremen's and Warehousemen's Union also petitioned OSHA to impose a 0.015 ppm emergency temporary standard.

OSHA stated that the petitions did not meet the statutory criteria for an emergency standard and therefore denied the petitions. OSHA said that only a limited amount of information was available regarding the nature and extent of employee exposure to EDB on a nationwide basis. Thus, it was not clear that employees handling EDB-treated produce were exposed to a grave danger as expressed in the Occupational Safety and Health Act. OSHA stated that numerous variables in the workplace of those potentially exposed to EDB also made it impossible for the agency to support a finding that the provisions requested by the unions were necessary or feasible.

In denying the petitions, OSHA expressed particular concern regarding its unsuccessful record in setting emergency standards. OSHA stated that of its last five emergency standards which were challenged by various groups, only one was upheld by the courts. OSHA therefore decided that its limited resources would be better utilized in promulgating a permanent standard as soon as possible, based upon the best data available.

On December 18, 1981, OSHA issued an advance notice of proposed rulemaking to receive comments on its intention to revise the present occupational EDB standard. The comment period, originally to end March 1, 1982, was extended to June 1, 1982. OSHA officials told us this was done to allow on-going EDB studies to be completed and the results to be considered by the agency in the advance notice phase of rulemaking.

Also in December 1981, OSHA issued voluntary guidelines to employers and employees suggesting interim measures to limit worker exposure to EDB. The guidelines stress the use of respiratory protection, proper personal hygiene practices, and adequate ventilation for workers facing the highest potential exposure—that is, from EDB's use as a pesticide.

On September 2, 1981, Cal/OSHA adopted an emergency temporary standard for EDB. The standard was made permanent on March 21, 1982. The standard provided that no employee be exposed to EDB in excess of an 8-hour, time-weighted average of 0.13 ppm. The standard was based on a review of the scientific data available, most notably a June 1981 National Cancer Institute inhalation study of EDB and NIOSH's 1977 recommendation of a 0.13 ppm standard. (NIOSH reiterated its recommendation on October 26, 1981.)

Cal/OSHA's emergency and permanent standards were upheld in court four separate occasions.

On October 27, 1981, the Florida Citrus Packers and other Florida corporations filed motions in a U.S. District Court asking for a temporary restraining order against the emergency temporary standard. The court ruled in favor of Cal/OSHA's standard.

On November 30, 1981, the Ninth Circuit Court of Appeals upheld the U.S. District Court order finding that "the risk of injury resulting from exposer to higher concentrations of Ethylene Dibromide weighs more heavily in the balance of harm than appellants' loss of profits."

On December 4, 1981, the Superior Court, County of Sacramento, denied Western Growers' Association's petition which challenged Cal/OSHA's emergency standard. The court found the emergency standard to have been properly adopted.

On July 26, 1982, in a suit filed by Florida Citrus Packers and other Florida citrus corporations, a U.S. District Court in California ruled in favor of Cal/OSHA's permanent standard. The court ruled that California did not need prior Federal OSHA approval to set and enforce a more stringent EDB worker exposure standard.

Confusion surrounds EDB's air standards

Although USDA, EPA, and OSHA, have attempted to coordinate their EDB regulatory activities, problems still exist. Conflicting reports on the safe exposure level have caused confusion and concern on the part of workers.

Conflicting safe exposure levels

Along with the renewed outbreak of the Medfly in California in the summer of 1981, the regulatory controversy surrounding EDB's safety surfaced. Produce workers became aware of the conflicting reports on safe EDB air exposure levels:

OSHA's standard is 20 ppm.

In 1977, NIOSH had recommended that the standard should be 0.13 ppm.

EPA's December 1980 preliminary RPAR determination called for a standard of 0.40 ppm.

In August 1981, Cal/OSHA's Standards Board originally recommended a standard of 0.015 ppm. (Later, Cal/OSHA set the standard at 0.13 ppm.)

Workers and employers were confused and concerned as to what was an appropriate and safe level of exposure. Consequently, longshoremen refused to load EDB-fumigated fruit destined for Japan. When Japanese workers heard about the problem, they also refused to handle EDB-treated produce. The problem was compounded by the Japanese Government's requirement that all citrus from California (not just fruit from specified regulated areas within the State)

[5] Both EPA's and CDFA's calculations (1) assumed that 2.6 percent of the U.S. citrus crop would be treated with EDB and (2) used the most conservative mathematical risk assessment model.

for export to Japan must be treated with EDB.

California workers' concerns were alleviated when Cal/OSHA established its own EDB standard of 0.13 ppm. But this standard is applicable only within California. In other States, the controversy remains as to the appropriate, safe EDB exposure level.

Interagency task force

To review EDB-related problems, an EDB interagency task force comprised of USDA, EPA, and OSHA officials was formed at the direction of the President's Office of Science and Technology Policy in the fall of 1981. The task force did not arrive at any conclusions or recommended course of action regarding EDB issues. Although no official statement from the task force has been released, our discussions with agency officials disclosed that all three agencies agree that

EDB is potentially a very hazardous substance and should be handled properly and with extreme care;

EDB is still needed as a pest fumigant on a number of agricultural products; and

More data is needed on (1) levels of EDB retained in fumigated citrus as well as its packaging material and (2) employee exposure levels following fumigation.

In regard to the latter, in November 1981, the three agencies jointly contracted with a consulting firm to develop such data. Although this data will be helpful, officials from the three agencies declined to speculate whether this study alone would resolve EDB's regulatory problems.

Even with the interagency task force and the joint contract, problems still persist. For example, USDA and EPA were not consulted before OSHA issued its recommended procedures to reduce worker exposure to EDB. Consequently, USDA, EPA, and now OSHA have published different (although similar in content) sets of recommended or proposed measures for adequate protection of applicators and workers exposed to EDB. Furthermore, EPA and OSHA officials told us that although they are "talking" to each other, they have not formally agreed to develop one EDB air exposure standard.

EDB issues needing resolution

Although the involved Federal agencies have taken steps to remedy EDB-related problems, several issues remain unresolved. Since 1975, scientific studies have indicated that EDB has the potential to cause serious health effects, yet to date (1) an acceptable alternative has not been approved or implemented and (2) Federal regulatory agencies have not reached a final decision on appropriate EDB standards.

The following EDB issues are unresolved:

1. Does EPA's tentative deadline of banning EDB's use as a citrus fumigant by mid-1985 coincide with FDA, APHIS, ARS, and private industry estimates of when an alternative will be approved and implemented?

2. Regarding irradiation of citrus, what is needed to approve it as a quarantine treatment method? How are these needs to be satisfied? Which agency is responsible for each need?

3. Would better coordination between USDA and FDA on irradiation issues (1) avoid conflicting requirements or standards and (2) minimize duplication of effort by the two agencies? (Irradiation is an identified potential alternative to EDB in fumigating citrus, but it has yet to be approved for use by the responsible regulatory agencies, FDA and USDA. Both agencies are concerned with irradiation's (1) effectiveness at preventing the spread of the pest and (2) effective on the marketability of the produce.)

4. Should APHIS' quarantine treatment criterion and its rationale be established in writing and clearly communicated to ARS? Should APHIS respond to ARS' concerns about the appropriateness of the criterion? Who should resolve any disputes?

5. Regarding EDB's air exposure standard, should there be one Federal air exposure standard for workers? If more than one standard, why? To which group or classification of workers would each standard apply? If one standard, why are two agencies presently developing or revising their own EDB worker exposure standards? Would better coordination between EPA and OSHA (1) minimize duplication of effort and (2) avoid conflicting standards or protective measures?

6. Since the technology is available to detect the EDB *per se* residue in or on agricultural products, would an EDB *per se* residue standard be more appropriate (than the present inorganic bromide standard), particularly if EDB's use is allowed during a phaseout period? (EPA's 1980 report on EDB indicated that the dietary risk to the U.S. population would be unacceptable at present tolerance levels after mid-1983.)

ETHYLENE DIBROMIDE

(By Michael M. Simpson, Analyst in Life Sciences, Science Policy Research Division)

INTRODUCTION

Ethylene dibromide (EDB) is an organic, i.e., carbon-containing, chemical also known as 1,2 dibromoethane, ethylene bromide, and symdibromoethane. It has been used in several ways: as a fumigant for ground pest control, for stored grain and grain milling machinery, for citrus and other tropical fruits; as an additive to leaded gasoline (to clean lead deposits out of gasoline engines); as a constituent of fire extinguishing chemicals, gauge fluids, and waterproofing preparations; and as a solvent for celluloid, fats, oils and waxes. About 200 million pounds of EDB were produced in this country in 1980, with about 143 million pounds used domestically. An estimated 110 million pounds of EDB went into leaded gasoline in 1980; this was about 77 percent of domestic use. About 15 million pounds of EDB were used as a pesticide in 1980 (about 10 percent of domestic use). While use of the chemical in leaded gasoline is a major source of EDB emissions (with EDB evaporating during fuel pumping and from fuel tanks and carburetors), recent concerns have focused on EDB as a pesticide.

Previously, nematodes and other soil pests were controlled by fumigation with EDB of the soil prior to planting several types of fruits and vegetables. Soil fumigation with EDB occurred primarily in California, Hawaii, and the Southern States; the groundwater in California, Hawaii, Florida, and Georgia have been found to contain EDB residues. Consequently, permission to use EDB as a soil fumigant was suspended by the U.S. Environmental Protection Agency (EPA) in September 1983.

The EPA also ordered the termination of use of EDB as a spot fumigant of grain and milling machinery, but the order was appealed and EDB can still be used during the appeal process. EDB has been found in grain and grain products, e.g., breads and cake mixes, at concentrations up to several thousand parts per billion (ppb) in raw grain products, and up to several hundred ppb in baked goods. EPA has known of the presence of EDB in grains and baked goods for some years. An EPA document of 1980 cites studies from 1978 reporting that EDB does not completely dissipate from grains and baked goods. The State of Florida has ordered a halt to the sale of various grain products, including cake mixes, grits, and floor, found to contain at least 1 ppb of EDB. Massachusetts, Maine, Texas, and California are four of at least 20 States now testing for EDB residues.

Besides soil fumigation and fumigation of grain, EDB has been used to fumigate citrus to prevent the spread of fruit flies. Treated fruits have been found to contain up to 5000 ppb of EDB.

To date, the EPA has not established tolerance or regulations of EDB in agriculture, except for soybeans (1 ppb), although such action is expected by mid-February 1984. The EPA has published "health advisories" regarding EDB in drinking water. EPA estimates that lifetime exposure to EDB in drinking water at the following concentrations would produce the corresponding excess cancer risks:

0.02 ppb (0.02 microgram/liter), 3×10^{-5}.
0.1 ppb (0.1 microgram/liter), 1.5×10^{-4}.
1 ppb (1 microgam/liter), 1.5×10^{-3}.

Several other environmental chemicals have been regulated around the point where their excess cancer risk is 1×10^{-6} (i.e., one in a million), or 1×10^{-5}; all the risks indicated above exceed those values.

The announcement of the presence of EDB in groundwater, citrus, and grains and baked goods has prompted much concern.

HEALTH EFFECTS OF EDB

Acute effects

EDB in extended contact with the skin may cause reddening, blistering, and sores; these reactions sometimes may not be visible for 1-2 days. The skin may become sensitized to EDB, i.e., smaller amounts of the chemical would lead to reactions with future exposures. EDB vapor is a severe irritant to the eyes and mucous membranes of the respiratory tract. Inhalation of the vapor may result in severe acute respiratory injury, reduction in the functioning of the central nervous system, and severe vomiting. Persistence of symptoms is dependent upon the magnitude and duration of exposure, general health of the individual, and promptness and extent of medical intervention. When death occurs, it appears to be due to respiratory or circulatory failure, complicated by fluid in the lungs, with possible liver and kidney damage. A 150 pound person ingesting between 1 teaspoon and 1 ounce of EDB would probably die.

Long-term effects

The International Agency for Research on Cancer (IARC) has positively determined that EDB causes cancer in animals.

On Dec. 14, 1977 the EPA issued a rebuttable presumption against registration (RPAR) for EDB for pesticide uses on the basis of the chemical's capacity to cause tumors, mutate genes, and adversely affect reproduction. Adverse reproductive effects in mice have been observed at doses as small as 20 parts per million (ppm) in air. Tumorigenesis has been observed in rats breathing 10 ppm EDB in air. Other rats developed tumors after eating feed mixed with 2 grams of EDB per kilogram of body weight (2 g/kg).

HEALTH EFFECTS OF ALTERNATIVES TO EDB

It is because of EDB's possible health effects that interest has been expressed in finding alternatives to the chemical. Several chemicals have been approved by the EPA

as alternatives to EDB for various uses: carbon disulfide; carbon tetrachloride; ethylene dichloride; and methyl bromide. All are designed to kill pests; as such, none is "safe" in an absolute sense.

Acute effects

Carbon Disulfide

Exposure to carbon disulfide can result in irritated eyes, stomach, mucous membranes and respiratory tract; blistered, burned, or sensitized skin; altered hormonal balances; and psychological and behavioral disorders including uncontrollable anger, suicidal tendencies, and extreme irritability. The probable lethal oral dose for a 150 pound person is between 1 ounce and 1 pint.

Carbon Tetrachloride

Carbon tetrachloride removes oils from the skin and can cause skin to become dry and cracked. It can irritate the eyes. The functioning of the central nervous system can be reduced following exposure to carbon tetrachloride. Nausea, vomiting, diarrhea, liver and kidney damage, jaundice, blood in urine, and coma can also result from exposure to the chemical. The EPA issued an RPAR for carbon tetrachloride on Oct. 15, 1980 on the basis of the chemical's capacity to damage the liver and kidney (hepatotoxicity and nephrotoxicity). A 150 pound person ingesting between 1 teaspoon and 1 ounce of the chemical will probably die.

Ethylene Dichloride

Like the previously mentioned alternatives, exposure to ethylene dichloride can result in dry and cracked skin. Liquid or vapor forms of the chemical can damage the eyes. Nausea, vomiting, confusion, dizziness, fluid in the lungs, and respiratory and circulatory failure can occur following exposure to the chemical. The probable lethal oral dose for a 150 pound person is between one ounce and one pint.

Methyl Bromide

Exposure to methyl bromide can result in irritated eyes, skin, and mucous membranes. Fluids can accumulate in the lungs. Malaise, visual disturbances, headaches, nausea, vomiting, and tremor can occur following exposure. The probable lethal oral dose for a 150 pound person is between one teaspoon and one ounce.

Long-term effects

Carbon Disulfide

Atherosclerosis and coronary heart disease are two possible long-term effects of exposure to carbon disulfide. The peripheral nerves can also degenerate in time. Adverse effects on reproduction have been observed in rats breathing 50 milligrams of carbon disulfide per cubic meter of air (50 mg/m^3 air). There are no reports of data pertaining to the capacity of this chemical to cause tumors.

Carbon Tetrachloride

Adverse effects on reproduction have been observed in rats breathing 250 ppm carbon tetrachloride in air, or ingesting 2 g/kg of the chemical. Tumors have developed in hamsters after eating 3 g/kg carbon tetrachloride in feed. Rats developed tumors when carbon tetrachloride was administered under their skins at 31 g/kg. The EPA issued an RPAR for carbon tetrachloride on Oct. 15, 1980 on the basis of the chemical's capacity to cause tumors.

Ethylene Dichloride

There are no reports of data pertaining to the capacity of this chemical to cause adverse reproductive effects. Tumors developed in rats and mice breathing 5 ppm ethylene dichloride in air. Other rats ate 5 g/kg ethylene dichloride in their feed and developed tumors, as did mice at 3.5 g/kg. Gastrointestinal problems, neurological changes, liver and kidney damage, and death are the principal long-term health effects in humans exposed to the chemical. An equal dose of ethylene dichloride will usually cause less severe damage to the liver and kidneys than carbon tetrachloride.

Methyl Bromide

There are no data reported pertaining to the capacity of this chemical to cause adverse reproductive effects or tumors. Lethargy, mental confusion, and disturbances in speech, visual, and sensory functions are the most common long-term complaints associated with exposure to methyl bromide.

According to the EPA, not only have these chemicals been approved as substitutes for EDB for many uses, they are also less costly to purchase. Agriculture firms and workers may prefer EDB partially because it is easier to apply and work with (e.g., proper use of some chemical alternatives to EDB requires that the building containing grain milling machinery be sealed; further, the sticky nature of some of the alternatives makes them more difficult to work with), and partially because of familiarity with working with EDB.

Two physical alternatives to some uses of EDB been proposed and used on limited bases: irradiation, and long-term cold storage. The U.S. Food and Drug Administration presently does not allow irradiated foods in commerce. Irradiating foods may produce chemicals in the foods which may have adverse health effects (for details, please see CRS white paper "Preservation of Food by Irradiation" by Donna Porter, June 21, 1983). Long-term cold storage has been used as an alternative to EDB for a shipment of citrus to Japan. There are current questions about the cost and availability of both irradiation and cold storage facilities as alternatives to EDB for fruit if used on a national scale.

STANDARDS

Table 1 summarizes the Federal standards pertaining to EDB and the chemical alternatives previously described. The Federal occupational exposure standards for ethylene dichloride were established to prevent toxic effects other than cancer, and thus may not provide adequate protection from potential carcinogenicity.

POINTS FOR FURTHER CONSIDERATION

(1) Should the Federal Government allow the blending of grains containing high levels of EDB with grains containing low levels to produce grains containing acceptable levels of EDB?

(2) Should there be a separate standard for EDB: in raw grains; in baked goods; in products designed for cooking by the consumer, e.g., cookie mixes; in citrus and other fruits and vegetables; in groundwater?

(3) Should labels be required warning of possible hazards in eating unbaked cookie dough?

(4) Should there be Federal monitoring for EDB residues in foods and water?

(5) Should there be Federal requirements for the amount of time and degree of ventilation of stored grains (to allow for the dissipation of EDB)?

(6) Would a ban of EDB force the timely and economically acceptable development of alternative chemicals with all of EDB's qualities and none of its faults?

(7) How feasible are long-term cold storage and/or irradiation as substitutes for EDB?

(8) What should the Federal role be in the reclamation of groundwater resources contaminated with EDB?

(9) What should the Federal government do about human exposures to EDB via leaded gasoline?

Congress may wish to consider some or all of these questions.

TABLE 1.—COMPARISON OF ETHYLENE DIBROMIDE AND CHEMICAL ALTERNATIVES: REGULATIONS; SOME HEALTH EFFECTS

	Methyl bromide	Ethylene dichloride	Carbon tetrachloride	Carbon disulfide	Ethylene dibromide
Acute toxicity rating	4 est	3	4	3	4.
Air:					
Federal 8-hr. time-weighted Average work exposure ppm	NI	50	10	20	20.
Federal ceiling work exposure ppm	20	100	25	30	30.
Federal peak work exposure ppm/mins	NI	200/5	200/5	100/30	50/5.
Federal peak work exposure ppm/mins	NI	15/15	2/60	10/15	0.13/15.
ACGIH timewWeighted average work exposure ppm	5	10	5	10	NI.
ACGIH short-term work exposure Limit ppm	15	15	20	NI	NI.
Water:					
Federal freshwater acute exposure µg/l	NC	118,000	35,200	NC	NC.
Federal freshwater chronic exposure µg/l	NC	20,000	NI	NC	NC.
Federal saltwater acute exposure µg/l	NC	113,000	50,000	NC	NC.
Federal ambient human protection µg/l	NC	NI	NI	830	NC.
Federal drinking water excess cancer risk @ µg/l concentration	10^{-5} @ 1.9	10^{-5} @ 9.4	10^{-5} @ 4	NI	3×10^{-5} @ 0.02.
RPAR:					
RPAR date	NA	NA	15 Oct 80	NA	14 Dec 77.
RPAR oncogenicity	NA	NA	Y	NA	Y.
RPAR mutagenicity	NA	NA	NA	NA	Y.
RPAR reproductive effects	NA	NA	NA	NA	Y.
RPAR nephrotoxicity	NA	NA	Y	NA	NA.
RPAR hepatotoxicity	NA	NA	Y	NA	NA.
Long-term:					
Animal tumors inhalation	NI	Rat, mice, 5 ppm	NI	NI	Rat 10 ppm.
Animal tumors ingestion g/kg	NI	Rat 5, Mice 3.5	Hamster 3	NI	Rat 2.

TABLE 1.—COMPARISON OF ETHYLENE DIBROMIDE AND CHEMICAL ALTERNATIVES: REGULATIONS; SOME HEALTH EFFECTS—Continued

	Methyl bromide	Ethylene dichloride	Carbon tetrachloride	Carbon disulfide	Ethylene dibromide
Animal tumors under skin g/kg	NI	NI	Rat 31	NI	NI.
Animal reproductive effects inhalation	NI	NI	Rat 250 ppm	Rat 50 mg/m³	Mice 20 ppm.
Animal reproductive effects ingestion g/kg	NI	NI	Rat 2	NI	NI.
Agency classification:					
Carcinogen	EPA potential	NCI; IARC animal	IARC animal	NI	IARC animal.
Hazardous substance	NI	EPA	EPA	EPA	EPA.
Hazardous waste	EPA	EPA	EPA	EPA	EPA.
Priority toxic	EPA	EPA	EPA	NI	NI.

Legend: Acute toxicity rating 3 = Probable lethal oral does for 150 lb person between 1 ounce and 1 pint.
Acute toxicity rating 4 = Probable lethal oral dose for 150 lb person between 1 teaspoon and 1 ounce.
Acute toxicity rating 4 est. = Estimated to be a "4".
ACGIH = American Conference of Governmental Industrial Hygienists; NI = No Information; NC = No Criteria; Y = Yes; NA = Not Applicable; ppm = parts per million; IARC = International Agency for Research on Cancer; EPA = U.S. Environmental Protection Agency; NCI = National Cancer Institute.

REVIVING THE NUCLEAR ARMS TALKS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, as a member of the congressional delegation that attended the Twenty-third U.S. Congress-European Parliament Exchange meeting at the headquarters of the Parliament of Europe in Strasbourg, France, on January 20 and 21, I was requested to present a paper dealing with the problem of nuclear missile deployment in Europe and the now suspended negotiations dealing with such missiles.

Since then, I have had numerous requests for copies of the paper I presented. Since it deals with a subject of great and timely importance, I offer it for printing in the RECORD today.

In the paper, I recommended that the United States promptly offer to delay further deployment of the Pershing II and U.S. cruise missiles in Europe, if the Soviet Union will impose a similar moratorium and agree to resume negotiations over United States and Soviet missiles.

In my speech, I also supported a number of other steps to reduce the risk of nuclear war. These included:

First, combining the INF and START negotiations into a single negotiation;

Second, a commitment by NATO countries to forgo the first use of nuclear weapons in Europe, moving instead to a policy of deterring any Soviet nonnuclear aggression there solely by the use of NATO's nonnuclear forces;

Third, negotiating for a nuclear-free zone on both sides of the border in Europe;

Fourth, reducing NATO's tactical nuclear weapons in Europe to 3,000 from the current 6,000, and

Fifth, freezing tactical nuclear weapons modernization programs.

I also pointed out that the bellicose posturing of President Reagan and other top administration officials over the last 3 years has been counterproductive toward meaningful arms control efforts and has undermined the confidence of America's allies.

I added that such negative results are compounded when coupled with policies and programs aimed at getting the jump on the other side. Calling them illusory and destabilizing, cited as among such programs the Soviet SS-20 missile, the U.S. MX missile, the U.S. antisatellite program, and President Reagan's proposed "star wars" antimissile program.

The speech concluded with the following:

Almost as disturbing as the immense numbers and appalling destructive power of the nuclear weapons stockpiles is the feeling of drift and loss of control that is brought about by the almost total absence of constructive, imaginative leadership for arms control at the highest governmental levels in either of the two superpowers. It is this, after all, that has, I believe, sparked the nuclear freeze movement in the United States (supported by 85 percent of the population according to the latest public opinion polls) and the strong anti-nuclear movement in various countries of the European Community. At the same time, there is strong majority support, both in the U.S. and Western Europe, for NATO and for maintaining an effective defense against possible Soviet aggression.

These two sets of facts, side by side, constitute a powerful vote of no confidence against the continuing nuclear arms buildup. They also provide a mandate for politicians to take a new direction, away from policies that entail the threat of total destruction and toward policies that emphasize stability and nuclear arms control and reduction.

The full text of my paper follows:

A DEMOCRATIC PERSPECTIVE ON THE INTERMEDIATE RANGE NUCLEAR WEAPONS NEGOTIATIONS

(By Congressman John F. Seiberling)

When asked to present a Democratic Perspective on Intermediate Range Nuclear Weapons Negotiations, my first reaction was to recall the famous remark of the American humorist, Will Rogers, who said, "I do not belong to any organized political party: I am a Democrat."

Certainly, at this point the Democratic party has no stated positions on this subject that I am aware of, beyond support for our country's long-standing commitment to support NATO. However, I think I can say that the views I am about to express are shared by a substantial number of my colleagues in Congress and, to a large degree, by the leading Democratic presidential candidates.

Since the end of World War II, both the Republican and Democratic parties, every U.S. president, the Congress, and the American public have been strongly committed to the defense of Western Europe, including deterrence of a nuclear attack on Western Europe. The American commitment is given substance by the presence of several hundred thousand American military personnel stationed in Europe, by the NATO alliance, and by America's economic, ethnic, cultural and historic ties with Europe. I see no likelihood that that commitment will falter, so long as it is desired on this side of the Atlantic.

I assume that each of you are generally familiar with the evolution of NATO defense policy, including the decision in 1979 to proceed with the eventual deployment of 108 U.S. Pershing II and 464 ground-launched cruise missiles (GLCM's) in Europe. The highlights are laid out quite well in an article by former U.S. Secretary of Defense Robert S. McNamara, entitled, "The Military Role of Nuclear Weapons: Perceptions and Misperceptions," published in the Fall, 1983 issue of Foreign Affairs. I have brought with me a few extra copies of that excellent article for any of you who wish to read it.

It should be emphasized that NATO's 1979 decision was not just a decision for deploying intermediate-range nuclear missiles (INF). An equally important part of the "two track" decision was the second track, namely to seek agreement with the Soviet Union to reduce or eliminate intermediate-range missiles on both sides.

I also assume that each of you are generally familiar with the history of INF negotiations between the U.S. and Soviet representatives in Geneva, which went on intermittently from November, 1981 until they were broken off by the Soviets in November, 1983. An exceptionally informative account of the unhappy course of those negotiations appeared in the December 5, 1983 issue of Time magazine, in an article by Strobe Talbott. The article reveals some of the bitter divisions within the Reagan Administration over these negotiations. I have a few extra copies of that article also, if anyone would like to have it.

We in the congressional delegation are, of course, very interested in hearing the views of the European delegation as to the political impact in Europe of the suspension of the INF talks. Viewed from our side of the Atlantic, the political situation here seems increasingly precarious, especially in Germany. We are getting the impression that a continuation of present trends could well lead before too long to the end of NATO as a viable military alliance.

In the U.S. there is a widespread feeling that the Reagan Administration has not been sufficiently flexible or serious in the Geneva negotiations, its primary objective being deployment of Pershing IIs and GLCMs. Whether this impression is the result of a conscious choice or merely the

net effect of disarray within the Administration is not altogether clear. There is also the feeling that, contrary to its oft-expressed view that actual deployment of the Pershing II would produce Soviet concessions, the Reagan Administration may have already fumbled its best opportunity, namely the "walk-in-the-woods" proposal, to negotiate reductions in Soviet missiles.[1] Amidst the official proclamations that the start of the new missile deployment was a great diplomatic victory for NATO, some high officials within the Reagan Administration are reported to believe that the Administration seriously miscalculated as to the Soviet response.[2]

In any case, NATO and the U.S. are now confronted with the necessity of reviewing their posture and probably developing a new negotiating position. In my opinion, the first essential step in this process must be a reevaluation of the basic strategy on which NATO's defenses are based.

In 1967, NATO adopted the strategy of "flexible response," whereby it proposed to deter any Soviet aggression by maintaining forces adequate to counter an attack at whatever level the Soviets chose to fight. This strategy includes "first use" of nuclear weapons, if necessary, including the threat of escalation all the way to strategic nuclear weapons. However, when the Soviet Union achieved rough parity with U.S. strategic nuclear forces, the strategic nuclear weapons element of the flexible response strategy lost its credibility.[3]

Official NATO doctrine, however, retains the first use option. The rationale for this is described by McNamara as follows:

". . . those who assert that the nuclear first use threat serves to strengthen NATO's conventional deterrent believe that, regardless of objective assessments of the irrationality of any such action, Soviet decisionmakers must pay attention to the realities of the battlefield and the dangers of the escalatory process. And, in so doing, they maintain, the Soviets will perceive a considerable risk that conventional conflict will lead to the use of battlefield [nuclear] weapons, which will lead in turn to theater-wide nuclear conflict, which will inevitably spread to the homelands of the superpowers." [4]

This theory of deterrence, it was thought, would avoid the "decoupling" of the U.S. strategic nuclear deterrent from the defense of Europe. However, this rationale has also, it seems to me, been effectively demolished for the reasons explained by McNamara as follows:

". . . it was a desire to strengthen the perception of such a likely escalation that led NATO to its December 1979 decision to deploy the new intermediate-range Pershing II and the nuclear-armed cruise missiles in Europe. The key element in that decision was that the new missiles would be capable of striking Soviet territory, thus presumably precipitating a Soviet attack on U.S. territory and a U.S. retaliation against the whole of the Soviet homeland. The new weapons thus 'couple' U.S. strategic forces with the forces deployed in Europe, easing concerns that the Soviets might perceive a firebreak in the escalatory process. So long as the escalation is perceived to be likely to proceed smoothly, the logic continues, then the Warsaw Pact will be deterred from taking the first step—the conventional aggression—which might start the process.

"But *for the same reason that led Henry Kissinger to recognize that a U.S. President is unlikely to initiate the use of U.S.-based strategic nuclear weapons against the U.S.S.R., so a President would be unlikely to launch missiles from European soil against Soviet territory.*

"And, as I have indicated, more and more Western political and military leaders are coming to recognize, and publicly avowing, that even the use of battlefield nuclear weapons in Europe would bring greater destruction to NATO than any conceivable contribution they might make to NATO's defense.

"There is less and less likelihood, therefore, that NATO would authorize the use of any nuclear weapons, except in response to a Soviet nuclear attack. As this diminishing prospect becomes more and more widely perceived—and it will—whatever deterrent value still resides in NATO's nuclear strategy will diminish still further." [5]

In addition to its diminishing credibility as a deterrent, NATO's first use threat contributes to political tensions and divisions in Western Europe, reduces support for NATO's conventional forces, and may actually invite preemptive nuclear strikes by the Soviets in event of a war in Europe.[6] The Pershing IIs, especially, would tend to invite such preemptive strikes, since their most likely use would be against Soviet command and control facilities and other high-value targets, which the Soviets are likely to seek to protect at the outbreak of hostilities.

McNamara's proposed remedy to this unsatisfactory state of affairs is for NATO, at a summit meeting of its heads of government, to announce the intention of the Alliance to move to a policy of deterrence of Soviet conventional force aggression solely through the use of NATO's non-nuclear forces. This would require a simultaneous commitment to make the relatively modest additional expenditures to improve NATO's conventional military forces.[7]

While NATO's conventional forces are being strengthened, additional steps could be taken to reduce the risk of nuclear war. McNamara suggest that these include: [8]

(1) Halting tactical nuclear weapons modernization programs.

(2) Reducing NATO's tactical nuclear weapons in Europe to 3,000 or less.

(3) Negotiating for a nuclear-free zone on both sides of the border in Europe.

To these I would add a number of other steps. The most immediate problem is how to revive the negotiations on INF weapons and halt the deployment of additional Soviet weapons in Europe. It seems unlikely that this can be done while the U.S. is proceeding with the deployment of its new missiles, especially the Pershing II. Accordingly, I believe an offer should be promptly made by the U.S. to extend the current pause in the deployment schedule for a reasonable time if the Soviets will agree to impose a comparable moratorium on their INF deployment and agree to return to the negotiations.

In addition to its obvious advantages, such a delay is desirable from the standpoint of future arms control, particularly as it relates to ground-launched cruise missiles. The problem of the GLCMs has been well summarized by a Democratic Presidential candidate, Senator John Glenn, as follows:

"Unlike air-launched cruise missiles—which can be verified and actually enhance our abiility to deter war—ground-launched cruise missiles could be extremely destabilizing. And once the Soviets upgrade their own cruise missile capability, our advantage today could become their advantage tomorrow.

"A cruise missile race would be a major setback for the cause of arms control—and I believe we must make one last-ditch effort to keep it from occurring. To demonstrate our good faith, the United States should initiate a temporary moratorium on deployment of ground-launched cruise missiles—at least until the Soviets have a chance to accept or reject a balanced and equitable agreement." [9]

However, reconvening the INF negotiations will accomplish little unless both sides are prepared to advance realistic proposals in a serious atmosphere. This means that negotiations should be carried on privately, through the negotiators, and not through the news media, as has largely been the case up to now. Furthermore, it is difficult to see how any proposal can be considered unless it deals in some way with the British and French intermediate range missiles.[10]

As an additional step toward reviving the negotiations, the U.S., in consultation with NATO, should propose combining the INF and START talks into a single negotiation. Since the two are interdependent anyway, combining the two negotiations into one should actually simplify the process while giving greater flexibility for accommodating such factors as the British and French missiles.[11]

If the Reagan Administration is truly serious and objective about arms control, none of the foregoing steps should present any great internal difficulty. The same may be said as to the Soviet Union. However, even if these steps are taken, they are not likely to succeed unless there are some significant shifts in attitudes, tactics and even basic policy on both sides. Here I'll confine my suggestions to our side, it being the only one over which we have any control.

The ideal negotiator is tough but flexible, firm but polite. Paul Nitze is such a negotiator. So was Paul Warnke. The Soviets respect that kind of approach. On the other hand, they take scathing denunciations and insults seriously when they come from the President of the United States himself and from other top officials. When to these are added bellicose and needlessly militaristic rhetoric, the net effect can only be counterproductive if our aim is to create receptiveness for our arms control proposals and confidence among our allies. Democratic Presidential candidate, and former Vice President, Walter Mondale, has put the problem succinctly:

"Today, by all rights, the young people of Europe should be marching against the Soviet SS-20s pointed at them. Instead, they're marching against an Administration which spoke casually of nuclear warning shots and 'winnable' nuclear war." [12]

Such negative results are compounded when they are coupled with policies and programs which appear to be not merely efforts to maintain a balance or to avoid surprise, but to get the "jump" on the other side. This is what arms control consultant Sidney Drell calls "the fallacy of the last move." [13] MIRV was such a move on the U.S. side. It was followed by the Soviet's MIRVed SS-18. This, in turn, is being countered by the U.S. MX missile in a destabilizing, first-strike basing mode. Deployment of excessive numbers of SS-20s in Europe was such a move on the Soviet side. It, in turn, has provoked the Pershing II deployment.

In another such move, the Reagan Administration is pressing ahead to develop an anti-satellite (ASAT) weapon, despite a Soviet offer of a treaty to ban such weapons. ASAT weapons are opposed by a large

segment of the scientific community on the basis that they serve little or no defensive purpose, and merely threaten to broaden the arms race to include space. Once testing of the U.S. ASAT is completed, its deployment will be unverifiable. Worse yet, ASAT weapons will make vulnerable the principal means we and the Soviets have of monitoring arms control agreements and guarding against a nuclear attack. Full-scale deployment of these weapons will push both sides to adopt a launch-on-warning posture, greatly increasing the risk of accidental nuclear war.[14]

President Reagan's proposed "Star Wars" anti-missile defense program is another "last move." In addition to having a truly astronomical cost potential and being both illusory and destabilizing, it reveals a state of mind that envisions an endless arms race, rather than nuclear arms control and reduction, as the pattern for the rest of this century and far into the next century. What does that say about the seriousness of the Administration's commitment to arms control?

Such policies and programs, coming on top of hostile and inflammatory rhetoric, surely do not help create the kind of atmosphere conducive to winding down the already terrifying scale of nuclear weapons competition. The situation is well-summarized by Paul Warnke:

"I do not think that anybody who has studied the subject would be in favor of [unilaterally] eliminating our nuclear weapons. I would not want to depend on Soviet charity or philanthropy to prevent them from exploiting that advantage.

"The question is, What do we need in order to have an effective deterrent against the use or threatened use of Soviet nuclear weapons? What I would answer is, We have plenty, and we don't need any more. What we ought to do is explore every possibility for effective nuclear arms control, such as a nuclear freeze, arms reductions, and qualitative control. What our current policy looks like, I am afraid, is not an effort just to maintain a deterrent, but an effort to build up a nuclear war-fighting and war-winning capability. That is the risk, and if we follow that course, I can guarantee the other side is going to follow it too. As a consequence, the nuclear abyss comes closer and closer."[15]

Almost as disturbing as the immense numbers and appalling destructive power of the nuclear weapons stockpiles is the feeling of drift and loss of control that is brought about by the almost total absence of constructive, imaginative leadership for arms control at the highest governmental levels in either of the two superpowers. It is this, after all, that has, I believe, sparked the nuclear freeze movement in the U.S. (supported by 85 percent of the population according to the latest public opinion polls) and the strong anti-nuclear movement in various countries of the European Community. At the same time, there is strong majority support, both in the U.S. and western Europe, for NATO and for maintaining an effective defense against possible Soviet aggression.

These two sets of facts, side by side, constitute a powerful vote of no confidence against the continuing nuclear arms buildup. They also provide a mandate for politicians to take a new direction, away from policies that entail the threat of total destruction and toward policies that emphasize stability and nuclear arms control and reduction.

Millions of our citizens appear to have grasped better than many of their leaders the simple fact that, in the nuclear age, neither side can survive unless the other survives. Being simple and inescapable, there is even cause to believe that this fact will, sooner or later, not merely penetrate, but dominate the thinking of leaders on both sides of this sadly divided world. And, as Winston Churchill once remarked, "Facts are better than dreams."

FOOTNOTES

[1] The refusal to authorize the U.S. negotiators to pursue the Nitze-Kvitsinsky "walk-in-the-woods" proposal was reportedly made by President Reagan himself. Whether the Soviet leadership would have accepted the proposal if it had been offered officially is, of course, a moot question.

[2] An article by Walter Pincus in the Washington Post for December 18, 1983, states:

"Faced with the Soviet walkouts in Geneva and Vienna, a few officials say they may have underestimated Moscow's response to the new U.S. missiles, particularly the Pershings, which can hit targets inside Russia within 12 minutes.

"One key Reagan administration official, who along with others said that the first deployment of U.S. missiles in Europe would force the Soviets to negotiate seriously, now believes that the Soviet Union will begin a major buildup of nuclear missile forces in Europe and near the U.S. mainland before returning to arms control negotiations with the United States."

[3] Robert S. McNamara, "The Military Role of Nuclear Weapons: Perceptions and Misperceptions," Foreign Affairs, Fall, 1983, pp. 59-80. McNamara describes the situation as follows:

"Given the tremendous devastation which those Soviet strategic forces that survived a U.S. first strike would now be able to inflict on this country, it is difficult to imagine any U.S. President, under any circumstances, initiating a strategic strike except in retaliation against a Soviet nuclear strike. (McNamara, Ibid. p. 67)

". . . As I have indicated, the launch of strategic nuclear weapons against the Soviet homeland would lead almost certainly to a response in kind which would inflict unacceptable damage on Europe and the United States—it would be an act of suicide. The threat of such an action, therefore, has lost all credibility as a deterrent to Soviet conventional aggression. The ultimate sanction in the flexible response strategy is thus no longer operative. One cannot build a credible deterrent on an incredible action." (McNamara, Ibid. p. 73)

[4] McNamara, Ibid. p. 74.

[5] McNamara, Ibid. p. 74. (Emphasis added.)

[6] McNamara, Ibid. pp. 74-76.

[7] McNamara, Ibid. pp. 74-78. The actual expenditures might eventually turn out to be less than the projected $20 billion if they help bring about some progress in the Mutual and Balanced Force Reduction talks.

[8] McNamara, Ibid. pp. 74-79.

[9] Remarks of Senator John Glenn to the National Press Club, Washington, D.C., October 12, 1983.

[10] Members of this delegation can personally confirm the Soviet position on this. At our meeting on January 11, 1983 in Moscow with Yuliy Kvitsinsky, the top Soviet INF negotiator, the following dialogue took place, as summarized from my personal notes taken at the meeting:

Kvitsinsky: "The Zero Option is unfair. It would have been fair if the U.K. and France did not have any missiles. But since that is not the case, and since the U.S. proposal does not deal with British and French missiles, it is meaningless.

"We are prepared to have a Zero Option between the U.S. and the USSR if there were some offset by reducing British and French missiles."

Rep. Lantos: "No one rationally argues that British and French missiles are a threat to the Soviet Union."

Kvitsinsky: "Isn't NATO a coordinated defense organization? The balance of forces has always taken into account the total forces on both sides. Mitterand himself said that that the French INF missiles are an addition to the NATO forces. It would be hard to imagine that, in any European war, France would be on the side of the Soviet Union."

Another pertinent dialogue is the following between former Democratic Congressman Jonathan Bingham and Paul Warnke, former Director of the U.S. Arms Control and Disaramament Agency (ACDA), and chief SALT negotiator in the Carter Administration:

Mr. Bingham: "Does it make any sense for us to maintain that the French and British nuclear forces are to be left out of the calculation in discussing what is a reasonable balance in the European theater?"

Mr. Warnke: "I think it is quite clear that the Soviets will not leave those forces out in their own consideration of what sort of an agreement they would be prepared to accept. We cannot negotiate for the British and the French. I think there is very little chance that they will come into these negotiations because their forces are so small that any substantial cutback would eliminate them entirely, but that is a decision that is theirs to make. What we ought to do is tell the Europeans that we are prepared to accept any agreement that is good enough for them. Obviously, that agreement on the part of the Soviets would have to reflect, on their part, some consideration of the French and British military forces."

(As reported in "Defense Sense: The Search for a Rational Military Policy," edited by Congressman Ron Dellums, Ballinger Publishing Company, 1983, p. 44.)

[11] This course is strongly supported by Democratic Presidential candidate, Senator John Glenn:

"I believe we should urge the Soviets to bring the START and INF negotiations together into a single forum. Clearly, the security of NATO is inseparable from the strategic security of the United States—and I see no good reason for keeping the talks separate. Obviously, 'intermediate-range' Pershing missiles that can hit vital Soviet targets are of strategic importance to the Russians. And it is equally clear that Soviet SS-20 missiles capable of reaching the United States are strategic to us—even though they may be deployed in Asia. And in the final analysis, it will do little good to reduce intermediate-range missiles in one corner of the globe if those same missiles are eventually deployed in another part of the world. For all these reasons, I believe the time has come to bring strategic and intermediate-range force negotiations together—in the same room and under the same negotiators." (Glenn, October 12, 1983, speech, supra).

To the same effect, see Sidney Drell, "Facing the Threat of Nuclear Weapons," University of Washington Press, 1983, pp. 51-53. Drell, himself a distinguished scientist and arms control expert, spells out some specifics for combined negotiations. Paul Warnke likewise has urged combining the two negotiations.

[12] Walter Mondale, Speech to the Coalition for a Democratic Majority, Washington, D.C., November 15, 1983.

[13] Drell, supra, p. 79.

[14] Mr. Kenneth Adelman, the current of the U.S. Arms Control and Disarmament Agency, has publicly stated that the U.S. is "not interested" in negotiating a ban on ASATs. Fortunately, however, Congress has directed the administration not to proceed with final flight testing to the F-15 ASAT until a serious effort has been made to negotiate a treaty banning such weapons. Senator John Glenn's comments on this weapon are significant:

"And while we're trying to get an agreement with the Soviets on ground-launched cruise missles, why don't we also try to negotiate a ban on anti-satellite weapons? Right now, these weapons are still in their formative stages—and if we can stop them, now is the time to do it. Although the Soviets have already employed a crude anti-satellite system of their own, they have indicated a willingness to talk about dismantling it. And I think we owe it to humanity to find out if they're serious." (Glenn, October 12, 1983 speech, supra).

[15] Cited in "Defense Sense," supra at p. 46.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for February 8 and 9, on account of illness in the family.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROWN of California, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,971.25.

Mr. WEISS' 1 minute speech to appear in course of debate on H.R. 555.

Mr. SEIBERLING, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,697.50.

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:

Mrs. ROUKEMA.
Mr. WILLIAMS of Ohio in two instances.
Mr. DICKINSON.
Mr. DANNEMEYER.
Mr. LAGOMARSINO in three instances.
Mr. RUDD.
Mr. MCCANDLESS.
Mr. WYLIE.
Mr. ERLENBORN.
Mr. SUNDQUIST.
Mr. FIELDS in two instances.
Mr. WOLF.
Mr. GILMAN in four instances.
Mr. PORTER.
Mr. LUNGREN.
Mr. SMITH of New Jersey.
Mr. PAUL.
Mr. MARLENEE.

The following Members (at the request of Mr. LELAND) and to include extraneous matter:

Mr. EDWARDS of California.
Mr. SKELTON.
Mrs. BYRON.
Mr. GAYDOS.
Mrs. BURTON of California.
Mr. HARRISON in three instances.
Mr. YATRON.
Mr. MAVROULES.
Mrs. KENNELLY.
Mr. GUARINI in two instances.
Mr. ADDABBO.
Ms. MIKULSKI.
Mr. RODINO.
Mr. STOKES.
Mr. FASCELL.
Mr. LIPINSKI.
Mr. LANTOS.
Mr. FOWLER.
Mr. OWENS.
Mr. MORRISON of Connecticut.
Mr. BORSKI in three instances.
Ms. OAKAR.
Mr. SWIFT.
Mr. SHELBY.
Mr. HAMILTON.
Mr. SCHEUER.
Mr. STARK.
Mr. EDGAR.
Mr. VENTO.
Mr. JACOBS.
Mr. MARTINEZ.
Mr. HAWKINS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1763. An act to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

S. 1764. An act to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2898. An act to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles.

S. 379. An act to cancel certain indebtedness in connection with disaster relief activities; and

S. 684. An act to authorize an ongoing program of water resources research, and for other purposes.

ADJOURNMENT

Mr. LELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, February 9, 1984, at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various individuals and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the first, second, third and fourth quarters of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEETING OF NORTH ATLANTIC ASSEMBLY ECONOMIC COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 17, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elliott H. Levitas	2/15	2/16	France	560.80	82.00		[3] 3,757.20				3,839.20
Toby Roth	2/15	2/17	France	1,121	164.00		3,511.00				3,675.00
Peter Abbruzzese	2/15	2/17	France	1,121	164.00		3,511.00				3,675.00
Committee totals					410.00		10,779.20				11,189.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] The total shown on the airline ticket is $3,920.20; however Elliott H. Levitas did not use the 1st class portion of the ticket from Atlanta to Washington, and traveled coach from Washington to New York Kennedy Airport. Therefore, according to TWA/CATO a credit is due on the ticket in the amount of $163. Congressman Levitas did not receive a credit receipt for the amount due because of the tremendous congestion in the airport (at the time of the heavy snowstorm.)

ELLIOTT H. LEVITAS, Mar. 31, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY STANDING COMMITTEE MEETING, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 24 AND MAR. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Congressman Jack Brooks	3/24	3/31	France	3,885.40	539.00		903.00				1,442.00
Peter A. Abbruzzese	3/24	3/31	France	3,885.40	539.00		1,873.10				2,412.10
Committee total					1,078.00		2,776.10				3,854.10

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
Note: Based on information received from American Embassy as of date of this report.

JACK BROOKS, Apr. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 13 AND JUNE 14, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Annunzio, F.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
Badham, R.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
Horton, F.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
Matts, S.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
O'Brien, G.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
Rose, C.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
Stratton, S.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
Total					938.00		13,054.93		182.40		14,175.33
Whitehurst, W.	6/13	6/14	England		134.00		40.23		22.80		197.03
Military transportation							1,824.76				1,824.76
Total					134.00		1,864.99		22.80		2,021.79
Grand total											16,197.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

S. STRATTON, Jan. 19, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ATTEND MEETING OF NORTH ATLANTIC ASSEMBLY—SUBCOMMITTEE ON EAST-WEST ECONOMIC RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 10, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abbruzzese, P.	7/3	7/9	Japan		904.00						904.00
Commercial transportation							3,333.00				3,333.00
Levitas, E.	7/1	7/3	Geneva		230.0						230.00
	7/3	7/10	Japan		918.00						918.00
Commercial transportation							4,156.00				4,156.00
Committee total					2,052.00		7,489.00				9,541.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLEMENT J. ZABLOCKI, July 16, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ANNUAL TOUR OF THE NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND SEPT. 3, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Levitas, E.	9/1	9/2	Canada		74.00						74.00
	9/2	9/3	Iceland		124.00						124.00
Military transportation							510.70				510.70
Commercial transportation							388.50				388.50
Abbruzzese, P.	9/1	9/2	Canada		74.00						74.00
	9/2	9/3	Iceland		124.00						124.00
Military transportation							510.70				510.70
Commercial transportation							388.50				388.50
Committee total					396.00		1,798.40				2,194.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ELLIOTT LEVITAS, Sept. 14, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ANNUAL TOUR OF THE NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 9, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Stratton, S.	9/5	9/6	Portugal		150.00						150.00
	9/7	9/8	France								
	9/8	9/9	United Kingdom		[3] 137.32						137.32
Military transportation							825.00				825.00
Commercial transportation							1,664.00				1,664.00
Committee total					287.32		2,489.00				2,776.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund made in country.

S. STRATTON, Sept. 14, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AUSTRIA AND SWITZERLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 7 AND OCT. 13, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Badham, R.	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Brooks, J.	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Burton, S.	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Godfrey, F.	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Lasch, R.	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Matts, S.	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
O'Brien, G.	10/4	10/5	France								
	10/6	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Total					5,362.00						5,362.00
Rose, C.	10/7	10/11	Austria		536.00						536.00
	10/11	10/13	Switzerland		230.00						230.00
Military transportation							35,750.40				35,750.40
Committee total					6,128.00		35,750.40				41,878.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLEMENT J. ZABLOCKI, Nov. 7, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JOHN P. MURTHA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 24 AND OCT. 26, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John P. Murtha	10/24	10/25	Germany								
	10/25	10/26	Lebanon								

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
Note: Since the bills for expenses have not yet been received, a full report will be filed when the information is available.

JOHN P. MURTHA, Nov. 29, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH AMERICAN PARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 10 AND NOV. 14, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dicks, N.	11/10	11/14	Bermuda		649.10		[3] 798.13				1,447.23
Frenzel, W.	11/10	11/14	Bermuda		649.10		[3] 798.13				1,447.23
Pritchard, J.	11/10	11/14	Bermuda		649.10		[3] 798.13				1,447.23
Abbruzzese, P.	11/10	11/14	Bermuda		649.10		[3] 798.13				1,447.23

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH AMERICAN PARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 10 AND NOV. 14, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Boyer, R. K	11/10	11/14	Bermuda		649.10		[3] 798.13				1,447.23
Atwater, A	11/10	11/14	Bermuda		649.10		[3] 798.13				1,447.23
Committee total					3,894.60		4,788.78				8,683.38

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

NORM DICKS, Dec. 2, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GRENADA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 12 AND DEC. 14, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Representative Julian C. Dixon	12/12	12/13	Barbados		106.00		16,031.65				
	12/13	12/14	Grenada		133.00						
Representative William H. Gray III	12/12	12/13	Barbados		106.00						
	12/13	12/14	Grenada		133.00						
Representative Charles H. Hayes	12/12	12/13	Barbados		106.00						
	12/13	12/14	Grenada		133.00						
Representative John Conyers, Jr.	12/12	12/13	Barbados		106.00						
	12/13	12/14	Grenada		133.00						
Representative Gus Savage	12/12	12/13	Barbados		106.00						
	12/13	12/14	Grenada		133.00						
Mr. Jerome Mondesire	12/12	12/13	Barbados		106.00						
	12/13	12/14	Grenada		133.00						
Mr. Bevan Dufty	12/12	12/13	Barbados		106.00						
	12/13	12/14	Grenada		133.00						
Committee total					1,673.00		16,031.65				17,704.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JULIAN C. DIXON, Jan. 10, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. CHARLES ROSE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 14 AND DEC. 17, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rose, Charles	12/14	12/17	Germany		228.00		106.62				334.62
Commercial transportation							3,281.00				3,281.00
Committee total					228.00		3,387.62				3,615.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES ROSE, Jan. 13, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2601. A letter from the Acting Secretary of State, transmitting a report on the manner in which the national interest has been served by payments under loan guarantees or credit assurance agreements, with respect to loans made or credits extended to Poland, in the absence of a declaration of default against Poland during the month of January, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

2602. A letter from the Comptroller General of the United States, transmitting his review of the proposed rescissions and deferrals contained in the message from the President dated January 12, 1984 (H. Doc. No. 98-157), pursuant to Public Law 93-344, section 1014 (b) and (c) (H. Doc. No. 98-168); to the Committee on Appropriations and ordered to be printed.

2603. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the Navy's plans to study the conversion from in-house operation to commercial contract of various functions at different locations, pursuant to Public Law 96-342, section 502(a); to the Committee on Armed Services.

2604. A letter from the Secretary of the Air Force, transmitting his determination that the inertial upper stage system has exceeded its baseline unit cost by more than 25 percent, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

2605. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1985, and for other purposes; to the Committee on Armed Services.

2606. A letter from the Comptroller General of the United States, transmitting a report on GAO's examination of the Government Printing Office's financial statements for fiscal years ended September 30, 1983 and 1982 (GAO/AFMD-84-29, January 26, 1984), pursuant to 44 U.S.C. 309(c); to the Committee on Government Operations.

2607. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report on the Commission's inter-

nal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2608. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting an evaluation of part of the Bank's system of internal accounting and administrative controls in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2609. A letter from the Chairman, Civil Aeronautics Board, transmitting a comprehensive review of the Board's implementation of the Federal Aviation Act, and of each of the Board's programs under the act, pursuant to Public Law 85-726, section 1601(c) (92 Stat. 1744); to the Committee on Public Works and Transportation.

2610. A letter from the Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting technical corrections to a previously submitted draft of proposed legislation that dealt with NASA's fiscal year 1985 authorization (EC2599); to the Committee on Science and Technology.

2611. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the annual report on the status of the exercise of U.S. rights and responsibilities under the Panama Canal Treaty of 1977, pursuant to Public Law 96-70, section 3301; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, the Judiciary, and Post Office and Civil Service.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. PRICE: Committee on Armed Services. House Resolution 383. Resolution directing the President to furnish certain information to the House of Representatives with respect to U.S. activities regarding Grenada; with amendment (Rept. No. 98-597, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS (for himself, Mr. FRENZEL, Mr. PEASE, Mr. SCHULZE, Mr. HANCE, and Mr. MOORE):

H.R. 4784. A bill to reform the remedies available to U.S. producers regarding unfair import competition, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS of North Carolina (for himself, Mr. PERKINS, Mr. BIAGGI, Mr. PETRI, Mr. WILLIAMS of Montana, Mr. CORRADA, and Ms. SNOWE):

H.R. 4785. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes; to the Committee on Education and Labor.

By Mr. BILIRAKIS:

H.R. 4786. A bill to reform the laws relating to former Presidents; jointly, to the Committees on Government Operations, House Administration, the Judiciary, and Post Office and Civil Service.

By Mr. BROWN of Colorado:

H.R. 4787. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit to employers for employing individuals who, before the date of such employment, have been unemployed 12 weeks or more; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4788. A bill to repeal the mandatory social security coverage of employees of religious organizations enacted by the Social Security Amendments of 1983; to the Committee on Ways and Means.

By Mrs. BYRON (for herself and Mr. GOODLING):

H.R. 4789. A bill to amend the Railroad Retirement Act of 1974 to remove the "last employer" limitation on the receipt of certain annuities in cases where the employment concerned is nonrailroad employment compensated at a rate not exceeding $4,800 per annum; to the Committee on Energy and Commerce.

By Mr. CLINGER:

H.R. 4790. A bill to suspend for 3 years the duty on crude 8+5 hydroxyquinolines; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 4791. A bill to provide for the minting of half dollar coins to commemorate the 75th anniversary of the Boy Scouts of America and the Girl Scouts of the United States of America; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EDGAR (for himself and Mr. MONTGOMERY):

H.R. 4792. A bill to amend title 38, United States Code, to clarify the scope of authority of Veterans' Administration police officers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN (for himself, Mr. BARTLETT, Mr. PACKARD, and Mr. NIELSON of Utah):

H.R. 4793. A bill to consolidate existing Federal vocational education programs, to simplify requirements for States and other recipients participating in Federal vocational education programs, and to authorize certain State and national programs for the development of vocational skills in the work force that will improve productivity and economic growth, and for other purposes; to the Committee on Education and Labor.

By Mr. FIELDS:

H.R. 4794. A bill to amend the Internal Revenue Code of 1954 to allow deductions for contributions to education savings accounts; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 4795. A bill to limit the number of days a depository institution may restrict the availability of funds which are deposited by check or any other similar instrument; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4796. A bill to permit certain Federal employees who retired or became entitled to receive compensation for work injury before December 9, 1980, to elect to resume coverage under the Federal employees' group life insurance program; to the Committee on Post Office and Civil Service.

By Mr. FUQUA (by request):

H.R. 4797. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Technology.

By Mr. SAM B. HALL, JR.:

H.R. 4798. A bill to amend subchapter II of chapter 5 of title 5, United States Code, to establish administrative procedures for debarring and suspending persons from eligibility for Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. HANCE (for himself, Mr. PATMAN, Mr. LELAND, Mr. ORTIZ, Mr. VANDERGRIFF, Mr. ANDREWS of Texas, Mr. FROST, and Mr. DE LA GARZA):

H.R. 4799. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 4800. A bill to require the Attorney General to include in the uniform crime reports information describing the incidence of certain offenses involving the expression of racial, ethnic, or religious prejudice; to the Committee on the Judiciary.

By Mr. KOLTER:

H.R. 4801. A bill to improve worker training under the Trade Act of 1974, and for other purposes; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.R. 4802. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. LEACH of Iowa:

H.R. 4803. A bill to amend the Peace Corps Act to establish a Peace Corps Academy; to the Committee on Foreign Affairs.

By Mr. MADIGAN:

H.R. 4804. A bill to amend title 10, United States Code, to provide for participation by members of the armed services in international sports activities; to the Committee on Armed Services.

By Mr. MAVROULES (for himself, Mr. ADDABBO, Mr. FISH, Mr. FRANK, Mr. OBERSTAR, Mr. VENTO, Mr. WEISS, Mr. MARTINEZ, Mr. BOLAND, Mr. BEDELL, Mr. MITCHELL, Mr. GUARINI, Mr. MOODY, and Mr. CONYERS):

H.R. 4805. A bill to amend title 10, United States Code, to provide Federal assistance for economic stabilization and local community development in areas affected by defense base closures and the termination of major defense contracts, and for other purposes; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. McEWEN:

H.R. 4806. A bill to amend the Internal Revenue Code of 1954 to encourage the domestic steel industry to modernize their plants and equipment in order to produce steel more efficiently by increasing the amount of the investment tax credit for high-technology steel property; to the Committee on Ways and Means.

By Mr. SWIFT:

H.R. 4807. A bill to provide that any inconsistency between the prohibition against hunting wild birds or animals within the Olympic National Park and any hunting right or privilege of any individual or Indian tribe shall be resolved in favor of the prohibition against such hunting; to the Committee on Interior and Insular Affairs.

By Mr. TAUZIN:

H.R. 4808. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TORRICELLI:

H.R. 4809. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. PARRIS, and Mr. MCKINNEY):

H.R. 4810. A bill to amend the National Capital Transportation Act of 1969 to direct the Secretary of Transportation to study the feasibility of constructing a rail rapid transit line between West Falls Church, Va., station of the Washington, D.C., metrorail system and Dulles International Airport; to the Committee on the District of Columbia.

By Mr. BILIRAKIS:

H.J. Res. 473. Joint resolution to authorize and request the President to designate the month of January as "National Eye Health Care Month"; to the Committee on Post Office and Civil Service.

By Mrs. JOHNSON (for herself, Mr. LEACH of Iowa, Mr. CLINGER, Mr. PETRI, Mr. BOEHLERT, Mr. GREEN, and Mrs. SCHNEIDER):

H.J. Res. 474. Joint resolution to call on the President to convene an advisory panel and a summit conference to reduce the deficit in the budget of the United States and to apply basic principles to guide Federal budget deficit reduction plans; to the Committee on Government Operations.

By Mr. LONG of Maryland:

H.J. Res. 475. Joint resolution designating 1984 as the "Year of the Secretary"; to the Committee on Post Office and Civil Service.

By Mr. PURSELL:

H.J. Res. 476. Joint resolution designating the year of 1984 as the "Year of the Secretary"; to the Committee on Post Office and Civil Service.

By Mr. ROTH:

H.J. Res. 477. Joint resolution to designate the month of March 1984 as "Youth Art Month"; to the Committee on Post Office and Civil Service.

By Mr. SHAW (for himself, Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANTHONY, Mr. ARCHER, Mr. BARNES, Mr. BATEMAN, Mr. BATES, Mr. BEILENSON, Mr. BENNETT, Mr. BEREUTER, Mr. BEVILL, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONKER, Mr. BOSCO, Mrs. BOXER, Mr. BREAUX, Mr. BRITT, Mr. BROOKS, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mrs. BURTON of California, Mr. CAMPBELL, Mr. CARNEY, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CHENEY, Mr. CLARKE, Mr. CONABLE, Mr. CONTE, Mr. CORCORAN, Mr. CORRADA, Mr. DANIEL B. CRANE, Mr. D'AMOURS, Mr. DANIEL, Mr. DANNEMEYER, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DAVIS, Mr. DE LUGO, Mr. DICKINSON, Mr. DICKS, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DREIER of California, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. EDWARDS of Alabama, Mr. EMERSON, Mr. FASCELL, Mr. FIELDS, Mr. FISH, Mr. FOGLIETTA, Mr. FORSYTHE, Mr. FRANK, Mr. FRANKLIN, Mr. FRENZEL, Mr. FUQUA, Mr. GEJDENSON, Mr. GEKAS, Mr. GIBBONS, Mr. GILMAN, Mr. GINGRICH, Mr. GRAMM, Mr. GREGG, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HARTNETT, Mr. HAWKINS, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HILER, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JEFFORDS, Mr. JENKINS, Mrs. JOHNSON, Mr. JONES of North Carolina, Mr. KASTENMEIER, Mr. KEMP, Mr. KINDNESS, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LATTA, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LONG of Maryland, Mr. LOTT, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUNGREN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCEWEN, Mr. MCHUGH, Mr. MCKERNAN, Mr. MCNULTY, Mr. MACK, Mr. MACKAY, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MATSUI, Mr. MAVROULES, Mr. MICA, Mr. MICHEL, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MOLINARI, Mr. MOORE, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. MURTHA, Mr. NELSON of Florida, Mr. OBERSTAR, Mr. O'BRIEN, Mr. ORTIZ, Mr. OWENS, Mr. PACKARD, Mr. PANETTA, Mr. PASHAYAN, Mr. PATMAN, Mr. PATTERSON, Mr. PAUL, Mr. PEPPER, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. RICHARDSON, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROGERS, Mr. ROTH, Mr. ROWLAND, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SHUMWAY, Mr. SILJANDER, Mr. SIMON, Mr. SISISKY, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Ms. SNOWE, Mr. SNYDER, Mr. SOLOMON, Mr. STANGELAND, Mr. STARK, Mr. STRATTON, Mr. STUDDS, Mr. SUNIA, Mr. SWIFT, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. VENTO, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEBER, Mr. WEISS, Mr. WHITTAKER, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WINN, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, and Mr. QUILLEN):

H.J. Res. 478. Resolution designating the week of April 29 through May 5, 1984, as "National Week of the Ocean"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey:

H.J. Res. 479. Joint resolution designating 1984 as the "Year of the Secretary"; to the Committee on Post Office and Civil Service.

By Mr. DANNEMEYER (for himself, Mr. MCCANDLESS, Mr. LEHMAN of California, Mr. LANTOS, Mr. LEWIS of California, Mr. CHAPPIE, Mr. FAZIO, Mr. SHUMWAY, Mr. PACKARD, Mr. HUNTER, Mr. MOORHEAD, Mr. LOWERY of California, Mr. DREIER of California, Mr. THOMAS of California, Mr. DIXON, Mr. MINETA, Mr. COELHO, Mr. BROWN of California, Mr. STARK, Mr. MILLER of California, Mr. TORRES, and Mr. ANDERSON):

H. Con. Res. 256. Concurrent resolution expressing the sense of the Congress that an International Prayer Breakfast should be held in conjunction with the games of the XXIII Olympiad in Los Angeles, Calif., in 1984; to the Committee on Foreign Affairs.

By Mr. SENSENBRENNER (for himself and Mr. WINN):

H. Con. Res. 257. Concurrent resolution to reaffirm the commitment of the Congress to award Federal funds for scientific research projects and facilities solely on the basis of scientific merit as determined by a peer review process; to the Committee on Science and Technology.

By Mr. BROOKS:

H. Res. 434. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. FORD of Michigan:

H. Res. 435. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 2d session of the 98th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. HOLT:

H.R. 4811. A bill for the relief of Dr. Gerardo M. Gacad; to the Committee on the Judiciary.

By Mr. TORRICELLI:

H.R. 4812. A bill for the relief of Ann Devenny; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 408: Mr. SHELBY, Mr. WON PAT, Mr. LEVITAS, Mr. BEILENSON, Mr. MURPHY, Mr. DOWNEY of New York, Mr. AUCOIN, Mr. STUDDS, Mr. GREEN, Mr. FROST, Mr. MOLLOHAN, Mr. DURBIN, Mr. LEVIN of Michigan, Mr. MINISH, Mr. HARRISON, Ms. SNOWE, and Mr. DYMALLY.

H.R. 421: Mr. FISH and Mr. STUDDS.

H.R. 428: Mr. BERMAN, Mrs. HALL of Indiana, Mr. STARK, and Mr. RANGEL.

H.R. 1028: Mr. SCHULZE.

H.R. 1065: Mr. ACKERMAN and Mr. MINISH.

H.R. 1607: Mr. KASICH and Mr. MORRISON of Washington.

H.R. 1959: Mr. HARTNETT.

H.R. 2124: Mr. ROTH, Mr. LONG of Maryland, Mr. GARCIA, Mr. JONES of North Carolina, Mr. HARRISON, Mr. DARDEN, Mr. BREAUX, Mr. BATEMAN, Mr. HUTTO, Mr. CLARKE, and Mr. BURTON of Indiana.

H.R. 2168: Mr. WEBER and Mr. TOWNS.

H.R. 2447: Mr. DINGELL, Mr. BATES, Mr. BLILEY, Mr. BRYANT, Mr. LELAND, Mr. LUKEN, Mr. MARKEY, Ms. MIKULSKI, Mr. OTTINGER, Mr. SLATTERY, and Mr. WALGREN.

H.R. 2584: Mr. FOGLIETTA, Mr. KOLTER, and Mr. PATMAN.

H.R. 2715: Mrs. SCHNEIDER and Mr. GRAY.

H.R. 2753: Mr. MINISH.

H.R. 2779. Mr. SMITH of New Jersey.

H.R. 2837: Mr. SMITH of New Jersey, Mr. ADDABBO, and Mr. SPRATT.

H.R. 3016: Mr. MCEWEN, Mr. BARTLETT, Mr. WYLIE, Mr. CHAPPIE, Mr. DOWDY of Mississippi, Mr. HANCE, and Mr. YOUNG of Florida.

H.R. 3271: Mr. WISE and Mr. LONG of Louisiana.

H.R. 3361: Mr. OLIN.

H.R. 3581: Mr. THOMAS of Georgia, Ms. KAPTUR, and Mr. PANETTA.

H.R. 3641: Mr. CORCORAN.

H.R. 3775: Ms. FIEDLER, Mr. MOLINARI, Mr. DONNELLY, Mr. THOMAS of Georgia, Mr. BATES, Mrs. ROUKEMA, Mr. MCNULTY, Mr. WHITEHURST, Mr. MCKERNAN, Mr. ASPIN, Mr. LEVIN of Michigan, Mrs. KENNELLY, Mr. BENNETT, Mr. COYNE, Mr. GINGRICH, Mr. LEVITAS, Mr. MURTHA, Mr. MRAZEK, Mr. TORRES, Mr. D'AMOURS, Mr. KASTENMEIER, Mr. SEIBERLING, Mr. COUGHLIN, Mr. BORSKI, Mr. LEWIS of California, Mr. DEWINE, and Mr. NELSON of Florida.

H.R. 3821: Mr. MAVROULES, Mr. BOLAND, Mr. RICHARDSON, Mr. HORTON, Mr. RATCHFORD, Mr. DEWINE, Mr. MCNULTY, Mr. MINETA, and Mr. FRENZEL.

H.R. 3878: Mr. KINDNESS, Mr. COATS, Mr. WON PAT, Mr. DANNEMEYER, Mr. FORSYTHE, Mr. FRENZEL, and Mr. CLINGER.

H.R. 3950: Mr. MADIGAN, Mr. SKELTON, Mr. FASCELL, Mr. GUARINI, and Mr. NIELSON of Utah.

H.R. 3997: Mr. REGULA, Mr. KINDNESS, and Mr. WEBER.

H.R. 4023: Mr. WIRTH, Mr. WEBER, Mr. DYSON, and Mr. EDWARDS of Oklahoma.

H.R. 4037: Mr. DELLUMS and Mr. HARRISON.

H.R. 4039: Mr. BURTON of Indiana.

H.R. 4092: Mr. ROBERTS, Mr. LEACH of Iowa, Mr. WOLF, Mr. SOLOMON, Mr. SKEEN, Mr. CONABLE, Mr. HOPKINS, Mr. ENGLISH, Mr. DYSON, Mr. HANSEN of Utah, Mr. MRAZEK, Mr. FISH, Mr. BATES, Mr. MCKERNAN, Mr. WISE, Mr. SHELBY, and Mr. WEBER.

H.R. 4161: Mr. FORD of Michigan.

H.R. 4163: Mr. DANNEMEYER.

H.R. 4187: Mr. BEREUTER and Mr. HEFTEL of Hawaii.

H.R. 4243: Mr. ARCHER and Mr. LAGOMARSINO.

H.R. 4267: Mr. WON PAT, Mr. PACKARD, and Mr. CONYERS.

H.R. 4268: Mr. WON PAT, Mr. PACKARD, Mr. FRENZEL, and Mr. CONYERS.

H.R. 4287: Mr. EVANS of Illinois, Mr. HUTTO, and Mr. HEFNER.

H.R. 4308: Mr. STOKES, Mr. RUSSO, Mr. PURSELL, Mr. HILER, Mr. WOLPE, Mr. COYNE, Mr. MADIGAN, Mr. PRICE, Mr. MURTHA, Mr. WALGREN, Mr. RIDGE, Mr. GEKAS, Mr. CLINGER, Mr. FOGLIETTA, Mr. DEWINE, Mr. ROGERS, Mr. SIMON, Mr. MCEWEN, Mr. MCDADE, Mrs. MARTIN of Illinois, Mr. BORSKI, Mr. MCNULTY, Mr. CORCORAN, Mr. BEVILL, and Mr. KILDEE.

H.R. 4324: Mr. LEACH of Iowa.

H.R. 4377: Mr. APPLEGATE, Mr. LATTA, Mr. KASICH, Mr. WILLIAMS of Ohio, Mr. GRADISON, Mr. KINDNESS, Mr. STOKES, Mr. MILLER of Ohio, Mr. DEWINE, Ms. OAKAR, and Mr. MCEWEN.

H.R. 4402: Mr. ANTHONY.

H.R. 4438: Mr. TALLON, Mr. OXLEY, Mr. SOLOMON, Mr. KOGOVSEK, Mr. JEFFORDS, Mr. PASHAYAN, Mr. SABO, Mr. FRANK, Mr. FORD of Tennessee, and Mr. QUILLEN.

H.R. 4457: Mr. BEDELL, Mr. MCKINNEY, Mr. OTTINGER, Mr. KOSTMAYER, Mr. CROCKETT, Mr. BENNETT, Mr. PERKINS, Mr. BEILENSON, Mr. STARK, Mr. DELLUMS, and Mr. HORTON.

H.R. 4477: Mr. LAFALCE, Ms. KAPTUR, Mr. DURBIN, Mr. ECKART, Mr. HOWARD, Mr. FLORIO, Mr. GUARINI, Mr. MCHUGH, Mr. FAZIO, Mr. SEIBERLING, Mr. BOEHLERT, Ms. OAKAR, Mrs. BOXER, and Mrs. KENNELLY.

H.R. 4485: Ms. OAKAR.

H.R. 4507: Mr. BOLAND.

H.R. 4538: Mr. SWIFT.

H.R. 4549: Mr. HARTNETT and Mr. BURTON of Indiana.

H.R. 4565: Mr. NICHOLS.

H.R. 4571: Mr. HARTNETT, Mr. HATCHER, Mr. KINDNESS, Mr. MOLLOHAN, Mr. SEIBERLING, and Mr. WILLIAMS of Ohio.

H.R. 4589: Mr. PRITCHARD, Mr. HUGHES, Mr. MOAKLEY, Mrs. SCHNEIDER, Mrs. BURTON of California, Mr. BONKER, Mr. SUNIA, Mr. OTTINGER, Mr. BERMAN, Mr. MITCHELL, Mr. BONIOR of Michigan, Mr. MINETA, Mr. LANTOS, Mr. ACKERMAN, Mr. CARPER, Mr. EDWARDS of California, Mr. BEILENSON, Mr. OWENS, Mr. WYDEN, Mr. VENTO, Mr. FASCELL, Mr. FLORIO, Mr. HOWARD, Mr. WEISS, Mr. FAZIO, Mr. BENNETT, and Ms. SNOWE.

H.R. 4635: Mr. MURTHA, Mr. ROGERS, Mr. MCDADE, and Mr. ROE.

H.R. 4642: Mr. CLINGER, Mr. MOAKLEY, Mr. WILSON, Mr. STUDDS, Mr. SHARP, Mr. OBERSTAR, Ms. OAKAR, Mr. DONNELLY, Mr. RAHALL, Mr. MORRISON of Washington, Mr. ANTHONY, Mr. KOSTMAYER, Mrs. HALL of Indiana, and Mr. HARTNETT.

H.R. 4659: Mr. DELLUMS, Mr. STARK, Mr. BONKER, Mrs. HALL of Indiana, Ms. OAKAR, and Mr. LUNDINE.

H.R. 4663: Mr. BEDELL and Mr. RATCHFORD.

H.R. 4678: Mr. ROBERTS and Mr. BEREUTER.

H.R. 4696: Mr. WEISS.

H.R. 4702: Mr. ANTHONY.

H.R. 4720: Mr. WORTLEY.

H.R. 4747: Mr. FRANK, Mr. CORRADA, Mr. WOLPE, Mr. WEISS and Mr. TORRES.

H.J. Res. 145: Mr. BOLAND, Mr. MARTINEZ, and Mr. WILLIAMS of Ohio.

H.J. Res. 200: Mr. FROST, Mr. MCGRATH, Mr. ANDREWS of Texas, Mr. BATES, Mr. CONYERS, Mr. CROCKETT, Mr. DYMALLY, Mr. GINGRICH, Mr. GONZALEZ, Mr. GORE, Mr. GUARINI, Mr. LANTOS, Mr. LENT, Mr. MARTINEZ, Mr. MATSUI, Mr. MINETA, Mr. MURTHA, Mr. FEIGHAN, Mr. FLORIO, Mr. SHELBY, Mr. PEPPER, Mr. SCHAEFER, Mr. TALLON, Mr. WEISS, Mr. OTTINGER, Mr. ADDABBO, Mr. MOLINARI, Mr. BOLAND, Mrs. SCHNEIDER, Mr. SOLARZ, Mrs. KENNELLY, Mr. OLIN, Mr. SNYDER, Mr. LONG of Maryland, Mr. EDWARDS of Alabama, Mr. DOWNEY of New York, Mr. DENNY SMITH, Mr. WYDEN, Mr. DANIEL B. CRANE, Mr. STARK, Mr. KOSTMAYER, Mr. YOUNG of Missouri, Mr. GRAY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. PANETTA, and Mr. HUGHES.

H.J. Res. 205: Mr. BARNES, Mr. BATEMAN, Mr. COATS, Mr. DONNELLY, Mr. LELAND and Mr. RICHARDSON.

H.J. Res. 404: Mr. HUNTER.

H.J. Res. 433: Mr. JONES of North Carolina, Mr. RODINO, Mr. FISH, Mr. GEKAS, Mr. HORTON, Mr. MARKEY, Mr. LEVIN of Michigan, Mr. GREEN, Mr. REID, and Mr. FORD of Tennessee.

H.J. Res. 434: Mr. HUCKABY, Mr. SOLARZ, Mr. HARKIN, Mr. GIBBONS, Mr. HUBBARD, Mr. LEATH of Texas, Mr. FUQUA, Mr. ALEXANDER, Mr. MRAZEK, Mr. DORGAN, Mr. MACKAY, Mr. ERDREICH, Mr. MORRISON of Connecticut, Mr. DOWDY of Mississippi, Mr. STARK, Mr. MOODY, Mr. MILLER of California, Mr. FLIPPO, Mr. LONG of Louisiana, Mr. LOWRY of Washington, Mr. ANTHONY, Ms. KAPTUR, Mrs. KENNELLY, Ms. MIKULSKI, Mr. KILDEE, Mr. RICHARDSON, Mr. MOAKLEY, Mr. KOGOVSEK, Mrs. COLLINS, Mr. BOUCHER, Mr. JENKINS, Mr. OBEY, Mr. NEAL, Mr. D'AMOURS, Mr. FISH, Mr. MAZZOLI, Ms. FIEDLER, Mr. CONTE, Mr. BROWN of California, Mr. BURTON of Indiana, Mr. KRAMER, Mr. LELAND, Mr. TORRICELLI, Mr. OTTINGER, Mr. LAFALCE, Mr. GONZALEZ, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. RAY, Mrs. HALL of Indiana, Mr. FOLEY, Mr. MOORHEAD, Mr. GILMAN, and Mr. EDWARDS of Alabama.

H.J. Res. 443: Mr. KOSTMAYER, Mr. WON PAT, Mr. MARTIN of New York, Mr. BARNES, Mr. FRANK, Mr. ERDREICH, Mr. LOWERY of California, Mr. DEWINE, Mr. HILER, Mr. HOWARD, Mr. WOLFE, Mr. SUNIA, Mr. WORTLEY, Mr. LAGOMARSINO, Mr. LEWIS of Florida, Mr. KASICH, Mr. LENT, Mr. SMITH of Florida, Mr. PACKARD, Mr. SCHEUER, Mr. MOODY, Mr. LIPINSKI, Mr. VANDERGRIFF, Mr. MCKERNAN, Mr. DAUB, Mr. YOUNG of Alaska, Mr. LAFALCE, Mr. HOPKINS, Mr. WEISS, Mr. CARPER, Mr. WILLIAMS of Ohio, Mr. BERMAN, Mr. FORD of Tennessee, Mr. REID, Mr. EVANS of Illinois, Mr. GREEN, Mr. FRENZEL, Mr. WAXMAN, Mr. CHANDLER, Mr. EMERSON, Mr. LEVINE of California, Ms. OAKAR, Mr. ACKERMAN, Mr. FORSYTHE, Mr. CAMPBELL, Mr. BATEMAN, Mr. SAWYER, Mr. ROE, Mr. DERRICK, Mr. MOLLOHAN, Mr. MADIGAN, Mr. SEIBERLING, Mr. BATES, Mr. CONTE, Mr. RAHALL, Mr. MACK, Mrs. VUCANOVICH, Mr. HUNTER, Mrs. ROUKEMA, Mr. COATS, Mr. GREGG, Mr. BURTON of Indiana, Mr. WEBER, Mr. CRAIG, Mr. ROEMER, Mr. WHITEHURST, Mr. GINGRICH, Mr. MICHEL, Mrs. JOHNSON, Mr. BOEHLERT, Mr. DREIER of California, Mr. KINDNESS, Mr. LEVITAS, Mr. MARRIOTT, Mr. LOTT, Mr. FIELDS, Mr. BILIRAKIS, Mr. LIVINGSTON, Mr. EDWARDS of Alabama, Mr. ROBINSON, Mr. MRAZEK, Mr. LEVIN of Michigan, Mr. GUARINI, Mr. CONYERS, Mr. FROST, Mr. CARNEY, Mr. HARTNETT, Mr. HILLIS, Mr. MOORHEAD, Mr. LATTA, Mr. FLORIO, Mr. VANDER JAGT, Mr. MCCOLLUM, Mr. MCCANDLESS, Mr. MOLINARI, Mr. DENNY SMITH, Mr. SILJANDER, Mr. SCHAEFER, Mr. PETRI, Ms. FIEDLER, Mr. FRANKLIN, Mr. KEMP, Mr. SKEEN, Mr. SIMON, Mr. SHUMWAY, Mr. WALGREN, Mr. HAMMERSCHMIDT, Mr. ROWLAND, Mr. HEFNER, Mr. WILSON, Mr. MCNULTY, Mr. MCEWEN, Mr. PURSELL, Mr. MOAKLEY, Mr. EVANS of Iowa, Mr. BENNETT, Mr. APPLEGATE, Mr. FLIPPO, Mr. BLILEY, Mr. PAUL, Mr. QUILLEN, Mr. STANGELAND, Mr. HYDE, Mr. BROOMFIELD, Mr. RUDD, Mr. PICKLE, Mr. LEACH of Iowa, Mr. LEATH of Texas, Mr. GEJDENSON, Mr. BADHAM, Mr. GEKAS, Mr. DYSON, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. SCHUMER, Mr. D'AMOURS, Mr. RUSSO, Mr. MCDADE, Mr. WHITTAKER, Mr. OTTINGER, Mr. ROBERTS, Mr. NIELSON of Utah, Mr. LOEFFLER, Mr. PORTER, Mr. ROGERS, Mr. GUNDERSON, Mr. DANIEL B. CRANE, Mr. DAVIS, Mr. SCHULZE, Mr. MCCAIN, and Mr. NICHOLS.

H.J. Res. 459: Mr. TOWNS, Mr. RANGEL, Mr. OBERSTAR, and Mr. RATCHFORD.

H.J. Res. 463: Mr. SWIFT, Mr. DONNELLY, Mr. LOEFFLER, Mr. Hammerschmidt, Mr. LAGOMARSINO, Mr. Rowland, Mr. DIXON, Mr. STENHOLM, Mr. KASICH, Mr. HAYES, Mr. BARNES, Mr. VANDERGRIFF, Mr. WOLPE, Mr. ORTIZ, Mr. SOLARZ, Mr. BERMAN, Mr. DWYER of New Jersey, Mr. WOLF, Mr. HORTON, Mr. DEWINE, Mr. MCNULTY, Mr. COATS, Mr. LEVIN of Michigan, Mr. WILSON, Mr. FAZIO, Mr. FRENZEL, Mr. PACKARD, and Mr. ROE.

H. Con. Res. 23: Mr. DUNCAN, Mr. HAYES, Mr. PACKARD, Mr. SMITH of New Jersey, and Mr. WILSON.

H. Con. Res. 83: Mr. MCCANDLESS.

H. Con. Res. 107: Mr. RATCHFORD, Mr. WYDEN, Mr. HEFTEL of Hawaii, Mr. MOLINARI, and Mr. LEVITAS.

H. Con. Res. 123: Mr. STUDDS, Mr. SABO, Mr. SHANNON, and Mr. CLARKE.

H. Con. Res. 223: Mr. RITTER.

H. Con. Res. 226: Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. ARCHER, Mr. DE LA GARZA, Mr. GREGG, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. MACKAY, Mr. MCCOLLUM, Ms. OAKAR, Mr. PANETTA, Mr. ST GERMAIN, Mr. SHAW, and Mr. YOUNG of Missouri.

H. Con. Res. 240: Mr. NEAL, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. CROCKETT, Mr. CONYERS, Mr. HOWARD, Mr. WEISS, Mr. MCNULTY, Mr. NICHOLS, Mr.

RANGEL, Mr. ECKART, Mr. GLICKMAN, Mr. WISE, Mrs. BOGGS, Mr. BEDELL and Mr. RATCHFORD.

H. Con. Res. 244: Mr. KOLTER, Mr. FLORIO, Mr. BATES, Mr. SWIFT, Mr. MOODY, Mr. OTTINGER, Mr. VENTO, Mr. SLATTERY, Mr. WON PAT, Mr. GUARINI, Mr. WHEAT, Mr. PATTERSON, Mr. WEISS, Mr. MINISH, Mr. SIMON, Mr. RANGEL, Mr. DELLUMS, Mr. STUDDS, Mr. FAZIO, Mr. MARKEY, Mr. RATCHFORD, and Mr. LIPINSKI.

H. Res. 295: Mr. FRANK.

H. Res. 411: Mr. TALLON and Mr. LEVINE of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

314. By the SPEAKER: Petition of the Presbytery of Genesee Valley, Rochester, N.Y., relative to H.R. 1510; to the Committee on the Judiciary.

315. Also, petition of the Board of Supervisors, County of Los Angeles, Calif., relative to balancing the Federal budget; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LEGISLATION INTRODUCED TO STUDY FEASIBILITY OF RAIL TRANSIT LINK TO DULLES INTERNATIONAL AIRPORT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. WOLF. Mr. Speaker, today I am introducing legislation to direct the Secretary of Transportation to study the feasibility of constructing a rapid rail transit line between the Metrorail station terminal in West Falls Church and Dulles International Airport. My Virginia colleague, Senator PAUL TRIBLE, is introducing a companion measure in the U.S. Senate and Congressman STAN PARRIS and Senator JOHN WARNER are joining us in our efforts.

The study will examine various rail modes, including but not limited to heavy rail, light rail, monorail and magnetic levitation systems.

I believe that this legislation is an important step in laying the groundwork to accommodate increased demand for adequate and responsive ground transportation to and from Dulles Airport—the Washington metropolitan area's airport of the future.

Many recent developments have focused Federal commitment on encouraging use of Dulles. The 1981 Metropolitan Washington Airports Policy set limits on growth at National Airport. Refinements of the policy are now being considered and will likely speed the transfer of future growth to Dulles. The master plan for Dulles is currently being updated and is expected to include plans for expanding the airport's facilities to accommodate the anticipated growth. Even today we are witnessing significant growth at Dulles. New airline service has been added and passenger use of Dulles is increasing on an average of 16 percent monthly.

These developments, coupled with the fact that 80 percent of the region's growth is occurring outside the beltway in the Dulles corridor, underscore the need to begin planning now for a rail line to accommodate passenger growth and accessibility at Dulles. We have unique opportunity also in this study to examine whether such a rail system could also help alleviate the growing traffic problems in western Fairfax Country, Va., by providing commuter stops at several locations along the route.

It is important to note that the right-of-way down the median strip of the Dulles Access Highway has been reserved by the FAA for possible future use for a mass transit rail system. Also, the road was graded with this prospect in mind, and enough space was provided under the overpasses.

The legislation will call upon DOT to review various rail systems. Each must be examined for capital and operational costs, efficiency, convenience, capacity, and demand. One example of a system with a potential for success in this area is light rail transit (LRT). Such a system is in use in San Diego, where the LRT was completed on time and under budget, with 75 percent of its operating costs recovered at the farebox.

Throughout the past decade, Congress has considered several bills calling for extension of the Washington Metropolitan Area Transit Authority's Metrorail system to Dulles. While some of those bills have been approved by one House of the Congress, none has passed both the House and Senate. Numerous studies of extending Metrorail or establishing alternate rail modes to Dulles also have been conducted by several different groups, including WMATA, highlighting the interest and support for some type of rail service to the airport.

I believe it is time to update past efforts and look to the future with one study that can then be the basis for action to make rapid rail to Dulles a reality if proved feasible. I look forward to working with my colleagues to speed passage of this legislation.

The introduced legislation follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Capital Transportation Act of 1969 is amended by adding at the end thereof the following new section:

"STUDY OF RAPID TRANSIT LINE TO DULLES AIRPORT

"SEC. 17. (a) The Secretary of Transportation shall study the feasibility of constructing a rail rapid transit line between the West Falls Church, Virginia, station of the Washington, D.C. metrorail system and Dulles International Airport in Virginia. The study shall include, but need not be limited to, a study of the feasibility of heavy rail, light rail, monorail, and magnetic levitation systems. The Secretary shall study the feasibility of each such system with and without intermediate stops.

"(b) The Secretary shall complete the study required by subsection (a) and transmit the results thereof to Congress not later than one year after the date of enactment of this section.".●

H.R. 1176

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. LAGOMARSINO. Mr. Speaker, today I am introducing legislation to repeal the sunset date on the mortgage revenue bond program.

As you know, Congress failed to extend this essential program last year in spite of overwhelming congressional support for mortgage revenue bonds. The legislation to repeal the December 31, 1983 sunset date, H.R. 1176, garnered the support of 334 House Members. However, the bill was not considered on its own merits but was, unfortunately, included in H.R. 4170, the Tax Reform Act, which failed to receive a rule in the House due to controversial provisions unrelated to the mortgage revenue bond program.

Mr. Speaker, it is critical that Congress address the extension of this vital program immediately. As we all well know, affordability is the major obstacle to the dream of homeownership for millions of Americans. For example, in my home State of California, you must earn at least $31,000 to purchase an average-priced home. Only 25 percent of Californians earn that amount. Thanks to mortgage revenue bonds, many Californians with incomes below $31,000 have been able to finance homes. In fact, in 1982 the median income of State mortgage revenue bond program beneficiaries was $23,511, and approximately 200,000 of these middle-income earners were able to purchase a home because of single family mortgage revenue bonds.

In addition to increasing the affordability of homes, mortgage revenue bonds also provide jobs—nearly 100,000 in 1983—and taxes to Federal, State and local governments—approximately $800 million in 1983—generated by the construction of new housing units. The minimal revenue loss to the Federal Government as a result of the tax-exempt status of the bonds is, I believe, a small price to pay for the numerous benefits reaped by millions of Americans through the single family mortgage revenue bond program. Now that economic recovery is well underway and unemployment is nearly under control, we must not stifle fur-

ther economic growth in our Nation by failing to extend this important program.

I encourage all of my colleagues to join me in supporting and urging congressional action on legislation to repeal the sunset date on the single family mortgage revenue bond program.●

HOUSTON MISSING CHILDREN PROGRAM A GREAT SUCCESS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. FIELDS. Mr. Speaker, the national incidence of missing children is a stunning and frightening problem. Each year some 1.5 to 1.8 million children are missing from their homes. Approximately 50,000 of those missing children are the victims of serious accidents or foul play.

Responding to the tragedy of missing children, Congress passed the Missing Children Act in September of 1982. The act was designed to encourage the Federal Bureau of Investigation to utilize specific information such as fingerprints, blood types and other identifying characteristics which are essential in the identification of missing children.

Enlarging the FBI Crime Information Center's vital statistics file is only half the battle. Parents must possess their children's fingerprints and other vital statistics to benefit from that change.

As a part of the President's private sector initiative, the Federal ACTION Agency initiated six private sector pilot projects to lay the groundwork for a nationwide missing children program push. Houston was selected as one of those pilot projects. Zoe Laurence, the current director of community education for the Sheldon Independent School District, was selected to serve as the coordinator for the Houston missing children program.

Zoe organized what I believe will become a model program across the Nation to provide parents with records of their children's fingerprints and other identifying characterics. With the assistance of Houston area law enforcement agencies, various civic groups and the financial support of Tennaco, Exxon, and Brown & Root Corps., the Houston missing children program fingerprinted over 15,000 Houston children. In addition, Zoe provided information, materials and technical assistance to establish ongoing fingerprinting programs in Houston area schools and libraries.

Under the capable leadership of Zoe Laurence, the Houston missing children pilot program was a great success. I believe this program has once again shown that private sector initiatives can work and should be encouraged.

I commend Zoe Laurence for a job well done. Her dedication and sense of civic duty in volunteering to organize such a large-scale project for no monetary gain are rare. I thank Zoe Laurence and I am sure the parents of Houston thank Zoe Laurence. If her efforts help even one missing child, they will have been worthwhile.●

NATIONAL CREDIT UNION ADMINISTRATION REDUCES FEES

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. WYLIE. Mr. Speaker, I am pleased to note that the National Credit Union Administration has slashed by 30 percent the operating fees it will require in 1984 from Federal credit unions. This brings to 40 percent the total fee reductions credit unions have received from NCUA over the past 2 years.

Thanks to streamlined operations, NCUA will need less to finance its activities next year. As a result, $6 million, which NCUA would have collected under the old fee plan, will not be needed by the agency and will remain in credit unions. The 1983 and 1984 fee cuts are the first since NCUA began an operating-fee method of assessment 5 years ago. Previously, fees had risen every year—9 percent in 1980, 8 percent in 1981, and 7.5 percent in 1982.

Continued cost-cutting efforts at NCUA, coupled with a projection for robust (20.5 percent) asset growth in 1983, increased earnings on NCUA investments, and a high level of productivity by NCUA staff are key elements that made a second consecutive operating-fee cut possible.

The impact of the 30-percent cut will be substantial. To illustrate, the House credit union, Wright Patman Congressional Federal Credit Union, would have paid an estimated 1984 operating fee of approximately $10,845 based on midyear assets of $35.9 million. With the 30-percent cut, our credit union will pay an estimated $7,623, a reduction of $3,222. The 1984 fee will be based on assets at yearend.

Mr. Speaker, my congratulations to the National Credit Union Administration and its Chairman, Edgar F. Callahan, for a job well done in reducing this burden for our Nation's Federal credit unions.●

BICENTENNIAL OF TREATIES OF PARIS AND VERSAILLES

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. SUNDQUIST. Mr. Speaker, last fall more than 200 members of the Daughters of the American Revolution and several other distinguished Americans including Senator JOHN WARNER, Mrs. Charles Robb and Mrs. Douglass MacArthur made an historic trip to Paris to participate in the commemoration of the bicentennial of the signing of the Treaties of Paris and Versailles. Also attending the events was Mrs. Walter Hughey King, president general of the National Society Daughters of the American Revolution. Although the bicentennial year has passed, I felt that my colleagues might still benefit from the important historical background and timely comments in portions of this speech Mrs. King delivered on this grand occasion last year at the American Church in Paris.

The speech follows:

TREATIES OF PARIS AND VERSAILLES

We feel this Treaty of Paris was, and is, so important to the United States, and hence worthy of this splendid outflow of emotion, pageanty, international attention and good will, plus the time and effort of countless citizens of several Nations.

Historians properly describe it as the 3rd most important paper of American history, the other two being the Declaration of Independence, and the Constitution itself. Without the Treaty of Paris, one could say that the Declaration of Independence was only a piece of "Campaign rhetoric" that never became reality, and without the Treaty the Constitution would not have been written at all. Thus you see its claim to big 3 status is indeed well founded.

The 1783 Treaty of Paris provided a solution and a final answer to the questions of American political independence and territorial integrity. It is not only the first and most important treaty of the United States ever signed, but it is probably the most successful and permanent treaty any nation ever signed. Dozens of other treaties have been solemnly signed in Paris by many nations. Most of those other treaties have been cosigned to the dustbins of history, and even their empires have passed away. But this Treaty of Paris has remained intact, in force, relevant, and permanent. This Treaty's two-century lifespan perpetuates not only its no-compromise, hardline provisions, but the friendship of the warring nations that signed it.

In 1780-83, America was fortunate to have men who were equal to their mighty mission. Their task was to persuade England to accept our independence, to recognize our Thirteen Colonies as a sovereign nation, and to accede to our mastery over a mass of territory twice as large as the Thirteen Colonies themselves, and to make sure that those who died to make America a free and independent nation did not die in Vain.

The Founding Fathers in Paris on behalf of American goals, John Adams, Benjamin

Franklin, and John Jay, were elected by Congress to serve as Peace Commissioners. In 1783, Franklin was 77 years old, and for a time in 1782, he was the sole negotiator; he was famous for getting along well with French; his friendship with Foreign Minister Vergennes was legendary.

In devising the strategy for victory-without-compromise, Franklin listed four "necessary" points, as well as four "advisable" ones, which could also be described as "talking points" or "throwaways." Franklin even proposed that the British cede Canada to us. However, the American Commissioners considered their "necessary" goals as nonnegotiable, and every one was included in the Definitive Treaty of Peace.

England recognized the United States as "free, sovereign and independent states,"; the King relinquished forever all claims to American property. The treaty ordained "A firm and perpetual Peace" between England and the United States.

The Treaty established truly generous boundaries for the new nation: Canada on the north, the middle of the Mississippi River on the west, and Florida on the south. This territory gave us more than 500 million new acres of lands, and about double the size of the Thirteen Colonies which had fought the Revolution.

The treaty established the right of Americans to fish off of Newfoundland and Nova Scotia; it agreed that creditors on either side should not be interfered with in the recovery of all bona fide debts; prohibited future confiscations; required the cessation of all hostilities, the speedy withdrawal of all British troops, and the release of all prisoners; and agreed that the Mississippi River would always remain free and open to both England and the United States.

Truly, the terms were a magnificant accomplishment for our peacemakers. Yet their vision continued; they stated their belief that if America were to fulfill its goal of becoming a great new nation, it would have to begin by acting like one, even when it was new, small, and weak. Their words have meaning and advice for us even today; they stated:

"Since we have assumed a place in the political system, let us move like a primary and not a secondary planet." How right they were! And today I wish we'd stop being so hesitant and apologetic when we act to defend ourselves and the things in which we believe.

Of all the international treaties known to me, this Definitive Treaty of Paris of 1783 has been the most lasting, and has produced the greatest blessings to the world as a whole. It gave America the opportunity to prove that a constitutional republic, based on God-given rights, can flourish and endure in a changing world. Our land has been an example to many others, from the very start; that is why I consider this Treaty so important.●

DANGERS TO PEACE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. RUDD. Mr. Speaker, my colleagues and I are all too aware of the dangers to peace posed by President Assad and his Soviet backers. Blame for the violence and unrest in Lebanon can generally be directed at Syria, which has 50,000 troops in Lebanon, occupies more than half the country, and has strong back-up forces behind its own lines which include Soviet troops and the latest in Soviet technology and weaponry.

Syria has also been behind much of the terror and assassination in the region. It provided refuge and expertise to the Iranian extremist group which claimed responsibility for killing 241 U.S. Marine peacekeepers in Beirut, and also maintains ties with the Palestine Liberation Organization and other terrorist groups.

The possible demise of the Gemeyal government, the redeployment of our troops offshore, and the more active involvement of U.S. naval and air firepower in the region, have marked a change in direction for the United States, Lebanon, and Syria. One thing is for certain, the United States and its allies must not relinquish to Syria and its Soviet patron any greater or more threatening role in the Middle East than they have already achieved.

Mr. Speaker, I would like to share with my colleagues an insightful article published in the Arizona Republic last Sunday, which addresses the problem and offers some ideas to check the expanionist policies of Syrian President Hafez Assad in the Middle East.

Mr. Darrow Tully, the author of this piece, is also the publisher of this daily newspaper, which is the largest in the State of Arizona. He originally presented these ideas in a speech before the Jewish Federation of Greater Phoenix.

The article follows:

[From the Arizona Republic, Feb. 5, 1984.]

HOLDING ASSAD IN CHECK: JORDAN MAY BE KEY TO CURBING SYRIA'S EXPANSIONIST AMBITIONS

(By Darrow Tully)

The tomb of Saladin, the 12th century sultan who ruled an empire constituting most of the Middle East, is located in the heart of Damascus. Saladin conquered Jerusalem, crushed the crusaders and united the Arab world. President Hafez Assad, dictator of Syria, has visions of achieving hegemony in the Middle East with Syria as the preeminent power. He would be a modern Saladin.

That objective has been most evident in Assad's deliberate and systematic destruction of Yasser Arafat as leader of the Palestine Liberation Organization Assad's objective is a Syrian solution to the Arab-Israeli conflict.

In September 1982, President Reagan articulated his Middle East policy, the basic points being a Palestinian self-government in conjunction with Jordan and evacuation by all foreign forces from Lebanon, including those of Syria.

Negotiations started by Ambassador Philip Habib and continued by Secretary of State George Shultz resulted in a Lebanese-Israeli withdrawal agreement in May 1983. Syria was not included in the negotiations and Assad steadfastly refused to negotiate a withdrawal, calling the May 1983 agreement "a Zionist-American hegemonistic plan worse than the Camp David accords."

The Arizona Republic recently carried a frontpage story headlined "Syria, Israel OK Plan to Separate Lebanese Factions." However, the basis of the Israeli-Syrian agreement is to establish disengagement zones in the battered southern suburbs of the capital and in the nearby Shouf Mountains with the eventual help of 800 observers from Italy and Greece.

Lebanese officials stressed that the plan is not seen as a basis for any reduction in the multinational force but that this might come later at their request. They said, in fact, that President Amin Gemayel will seek assurances from the United States, France, Italy and Britain that they will keep their forces in Lebanon as an expression of faith in the plan.

"The Syrians were very positive," one official close to the negotiations said.

The following is from the Jan. 16 *Newsweek:* "The latest best hope to calm the violence lies with an initiative drafted by Donald Rumsfeld, Reagan's Mideast trouble-shooter. . . .

"The plan's design is relatively modest. It acknowledges that, for the present, Israeli and Syrian occupiers will remain in Lebanon. It aims merely to extend the Lebanese army's authority outward from Beirut into parts of the country now carved into the turf of warring Lebanese factions.

"The plan implicitly recognizes Syria's occupation of eastern Lebanon's Bekaa Balley at a time when Assad's Israeli enemies to the south, racked by the enormous economic and human costs of their occupation, are considering a near-total, unilateral withdrawal from Lebanon. The Syrians calculate that a pullout of U.S. Marines and other multinational peacekeepers might eventually fuel the Lebanese civil war to greater intensity—but they are banking on their own forces to stabilize the country much as they have in the past. . . .

"No Western leader would pick Syria for a negotiating partner by choice. Assad's ruling clique has shown itself to be both fanatical and profoundly cruel. And it relies more heavily than ever on Soviet arms. But, along with Israel, Syria exercises the only real power in the region. It has a clear aim: to maintain its historically strong influence over Lebanese territory. . ."

I'm not surprised the Syrians are positive. They maintain more than 60,000 troops in Lebanon and continually fuel internal struggles within Lebanon proper.

When Egyptian President Anwar Sadat ejected the Soviets in 1972, Syria became the apple of the Russian eye. Syria's relationship with Russia was further enhanced with the onset of the Iran-Iraq war. Assad provided the only viable Mideast ally and, in October 1980, the Soviet-Syrian treaty of friendship and cooperation was signed, specifically calling for "cooperation in the military field" and, perhaps more ominously, "mutual consultations on threats to each other or peace and security *in the whole world.*"

The original concept of a "Greater Syria" which Assad embraces was a Jordanian idea when Emir Abdulla, Transjordan's first ruler, aspired to establish his throne in Damascus. Although Syria, Lebanon and Iraq were the specific areas encompassed in the "Greater Syria" concept, many Arabs considered Palestine to be within the framework.

The massive immigration of Palestinians into Lebanon during successive Arab-Israeli

wars further exacerbated the situation as the PLO established a state within a state. This became intolerable to Syria and over time led to the Syrian-PLO conflict.

As *Time* magazine pointed out in the Dec. 19, 1983 issue:

"The two countries share more than a millenium of history . . . Both Lebanon and Syria achieved independence in the 1940s but cultural and family ties still bind their populations, the Sunnis and the Druse . . ."

American Marines were originally dispatched to Lebanon to give protection to the evacuation of PLO forces and bolster the potential for Lebanese unity under the Gamayel government.

But as the winter 1983-1984 issue of *Foreign Affairs* points out:

"America has slid incrementally into a most awkward predicament. The more it becomes identified with the Phalange and takes military action against the Druze and Shi'ites, the more it becomes a partisan and the more Assad's leadership is strengthened. The more America views the Lebanese conflict and Syria's position there in a primarily East-West context, the more Assad and his Lebanese allies need a close relationship with Moscow, thus making America's conception a self-fulfilling prophecy.

"In U.S. government circles, some argue for greater American-Israeli coordination in order to achieve a balance of power with Damascus and Moscow. As of mid-November 1983, it appears that the United States has moved down this road at least to a limited extent, seeking to strengthen the Israeli position and role with the sweetening of significant new forms of U.S. aid. If this view prevails, the result would most likely be the very opposite of what its proponents desire. Temporarily and militarily, the Syrians and their Soviet backers may become more cautious. But politically, they would gain not only in Lebanon but throughout the Middle East, as even moderate Arab states would feel obliged to move closer to Syria, because their internal stability would be undercut if they appear ready to cooperate with a perceived U.S.-Israeli combination.

"Consequently it has to be accepted that, for the foreseeable future, Assad will remain a dominant force in Lebanon. . . ."

Some Israelis feel the northern border might be safer if Syria dominated. They point out Syria has scrupulously observed the armistice on its own borders and by firm control over the PLO has demonstrated its ability to dominate the area bordering Israel.

There is a growing minority which feels it would be better strategy to cut a deal with a strong Syria than a weak Jordan.

There is no such thing as a cheap war or a cheap occupation. Israel has suffered tremendously as a result of its disproportionate but necessary commitment of national resources to national defense.

However, Syria is feeling the pinch, also. According to Time:

"Plummeting oil revenues and bad harvests have drained foreign reserves. According to an international monetary fund report, Syria's total reserves (excluding gold) dropped from $927 million in mid-1981 to $40 million by early 1982. Electricity is now rationed nationwide. Though unemployment figures are not released by the government, more people are out of work than a year ago and inflation is on the rise. . . ."

As friends of Israel have assisted, so has been the case with Syria. Foreign Affairs points out: "Saudi Arabia, conscious of its great wealth and physical vulnerability, has always preferred efforts at getting along with radical neighbors over confrontation. Even when it finally subsidizes a radical state like Syria, it prefers persuasion to threats of withholding funds—not unlike America's attitude toward Israel. Its increasingly active diplomacy has been apprehensive over Syria's close involvement with the Soviet Union but has attempted to deal with Syria on a case-by-case basis, not as an adversary. . . ."

Crown Prince Abdullah of Saudi Arabia has given Syria an estimated $6 billion over the past five years. This dramatic shift of power to Syria has made a Jordanian peace initiative more difficult. King Hussein has taken steps toward improving relations with both Syria and Moscow.

On the positive side, Hussein has acknowledged that if the PLO comes completely under Syrian control, he would no longer feel obligated to abide by the 1974 Rabat summit resolution which declared the PLO the sole legitimate representative of the Palestinian people. Although Hussein is in no position to negotiate for the Palestinians, I personally believe West Bank Arabs would welcome him as their negotiator, if they are convinced Arafat is a goner.

Foreign Affairs suggests:

"Another approach could be the long-rumored Jordanian return to a parliamentary form of government, in which West Bank Palestinians would obtain sizable representation. Both these alternatives would require Israeli acquiescence, of which there is no evidence . . ."

El Hassan Bin Talal, crown prince of Jordan, has said: "We believe it is in America's best interest, as we know it is in ours, to move toward a settlement. . . .

"Over the past few years, the United States, Israel and frankly, many Arab countries, have tended to overlook or take for granted our country. Yet, Jordan is critical to a settlement, to our settlement, of the Middle East problem."

The inescapable fact is that with the demise of the PLO, the Jordanians are, for all intents and purposes, now one people. Virtually all Palestinians now residing in Jordan have taken up Jordanian citizenship. Residents of the West Bank cannot and should not be looked upon as enemy aliens because of the technicality of a state of war. Crown Prince Talal points out that Jordan pays the salaries and pensions of West Bank officials and bears development costs of some of the territory.

The U.S. and Israel certainly don't agree about the ultimate autonomy of the area, with the U.S. asserting the Palestinians should have full autonomy "giving the inhabitants real authority over themselves, the land and its resources subject to fair safeguards on water." The Israeli position is ". . . autonomy does not concern territory but inhabitants."

Ruth Lapidoth, David Ben-Gurion visiting professor of law at the University of Southern California, articulates the schism as follows:

"Autonomy means limited self-government, and the meaning of the concept autonomous region lies somewhere between the concept of a non-self-governing territory and that of an independent state."

The only lasting peace on the West Bank must come from agreements between King Hussein of Jordan and the state of Israel. The question is under what form of government can Israelis and Arabs live together in peace and equanimity while protecting the security of the border and maintaining the demographic balance?

Switzerland became a nation when three forest cantons (small territorial areas) formed a confederation to revolt against external authority. It may be that the Israeli settlements on the West Bank may be in a position to form such an alliance. The Arab villages and towns could at least consider the same idea. It is not a perfect solution, but it might provide relief from martial law and supply King Hussein the face-saving device he desires to get the Jordanians to the table without totally alienating the rest of the Arab world.

A recent wire service story stated: "In a move that could lead to a breakthrough in Middle east peace negotiations, Jordan's parliament approved constitutional amendments that permit the election of representatives for the occupied West Bank.

"Meeting for the first time in nearly a decade, the upper and lower houses voted unanimously to amend the constitution to allow election of a new parliament with West Bank representation.

"Western diplomats said the move could foreshadow an attempt by King Hussein to represent the West Bank's 1 million Palestinians in a new peace initiative—with or without the badly divided Palestine Liberation Organization. . . ."

It is imperative for long-term peace prospects that at least one other Arab nation sign a peace treaty with Israel. Jordan seems the most logical candidate. Syria's power would be measurably weakened and some accommodation might be worked out on Lebanon's future.

After the signing of the Camp David accords, the rest of the Arab world solemnly cast Egypt into outer darkness, in effect declaring it, like Israel, a non-nation.

That was five years ago. Today, Egypt is emerging from the shadows.

All this has brought a glimmer of life back to Reagan's plan for peace in the Middle East.

Assad may very well find himself in the position of a modern Saladin. However, the Russian bear will want to manipulate the empire more than Assad himself. History in the Middle East has a way of repeating itself.●

SISTER CELESTE BONINA OF ST. LUCY'S CHURCH HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. RODINO. Mr. Speaker, last December I had the honor of attending a solemn mass of thanksgiving commemorating the 50th anniversary of the religious reception of Sister Celeste Bonina of St. Lucy's Church in Newark.

Since she first came to St. Lucy's in 1938, Sister Celeste Bonina has made enormous contributions to the church as well as the greater community. A warm, devoted, and loving person, she has given selflessly to those in need. Whether it is assisting the sick, visiting the imprisoned, or offering comfort to those in grief, Sister Celeste Bonina has been there for us.

She helped to organize the St. John's Guild in 1945, which still exists under her leadership, and which has played an important role in assisting the orphanage, the school, and the convent in spiritual, social and fundraising activities. Her talents also extend into music and the arts.

Sister Celeste Bonina has given so much to so many—especially to the members of St. Lucy's Church, among whom I proudly count myself as one. As a long time member of St. Lucy's, I speak from personal experience in recognizing this extraordinary person today.●

SCOUTING COINAGE LEGISLATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. DANNEMEYER. Mr. Speaker, in the next few years, two organizations that have made a tremendous contribution to the healthy development of generations of American boys and girls will celebrate their 75th anniversaries. Over the years, both of these organizations have relied on the volunteer efforts of thousands upon thousands of adult Americans, each of whom has shared his or her time and experience so that American youth could be better prepared to face the challenges of adult life. Without their efforts, which cannot be recognized enough, millions of boys and girls would not have had the opportunity to develop personal skills and to learn to work with others in a structured and supervised setting.

The two organizations to which I refer are the Boy Scouts of America and the Girl Scouts, U.S.A. While totally separate entities, these two fine groups will celebrate their 75th anniversaries in 1985 and 1987 respectively. In the process, the Boy Scouts will pay tribute to approximately 88 million boys who, over the years, have participated in Cub Scout, Boy Scout, Eagle Scout, and Explorer programs plus the millions of adult volunteers who have made those programs possible. Likewise, the Girl Scouts will be honoring over 45 million young girls who have participated in Girl Scouts programs over the years as well as the millions of volunteers who have assisted in their good works. The anniversaries will also focus attention on the 3.4 million boys and 3 million girls who are currently involved in the Boy and Girl Scout programs respectively and will provide needed recognition for the 1.1 million Boy Scout and 607,000 Girl Scout volunteers.

In addition to recognizing the people involved, the two anniversaries will also serve as excellent reminders that benefits of scouting go far beyond just the direct participants. For instance, the Boy Scouts worked nationwide during the 1980 census distributing informational material at an estimated savings to Federal taxpayers of some $5 million. Likewise, in my State of California in 1982, some 15,000 scouts worked as volunteers helping to build trails and maintain campsights. And these are but two examples; there are many more instances where Girl Scouts and Boy Scouts have made a contribution to their community or surrounding area by helping people in it.

As one who participated in Boy Scout programs—especially Eagle Scouts—when I was young, I only wish that more young people could have been involved in scouting in the past and could be involved in the future. As for the past, there is not too much that can be done about that but there are ways to encourage participation in the future. One is to make more young people aware of scouting and its benefits, and to that end, I am today introducing legislation calling for commemorative coins to honor the 75th anniversaries of the Boy Scouts and the Girl Scouts. The bill I have "dropped in the hopper" calls for two coins, one for each organization, both to be minted in 1986. Both coins would be 50-cent pieces, much like the Kennedy 50-cent pieces, rather than precious metal coins. That way, the cost of the coins to the public—which would be either/or the total cost of minting and distributing the coins, whichever is higher—would be low enough so that Boy Scouts and Girl Scouts, not to mention their parents and others, would be able to afford them.

With respect to the minting of the coins, my legislation provides that both coins be produced and dated in 1986 and that both organizations have input into the design of their respective coins. The Secretary of the Treasury would, however, retain the final say on the design of the coins which would be legal tender. The reason for the 1986 date is fairly simple; it is late enough not to interfere with the sale of the Olympic coins and it is early enough not to come into conflict with a possible coin commemorating the 200th anniversary of the U.S. Constitution. Also, it should be noted that there is precedent for issuing commemorative coins both before and after the commemorative year in question; a coin commemorating the 75th anniversary of the Battle of Gettysburg was issued 2 years in advance—in 1936—while a coin commemorating the 100th anniversary of Alabama statehood was issued 2 years after the centennial celebration—in 1921.

Ample precedent also exists not only for honoring the Boy Scouts and the Girl Scouts but to do so with commemorative coins. Stamps honoring both organizations have been issued at the time of previous anniversaries and commemorative coins honoring other organizations have been issued in the past. In fact, no less than 68 commemorative coins were issued from 1892 to 1954, 49 of which were commemorative 50-cent pieces. Furthermore, in the past few years, four more commemorative coins have been issued, three of which are of the Olympic variety and one honors George Washington on the 250th anniversary of his birth. Granted, none of these previous coins have honored service organizations but since both the Boy Scouts and the Girl Scouts have Federal charters in addition to a proven record of accomplishment, I see no reason why such an organization should not be recognized. Certainly, the Boy Scouts and the Girl Scouts are worthy of such recognition not to mention the fact that six nations honored the 75th anniversary of British scouting with either a stamp or a coin.

Mr. Speaker, I realize that, to date, the Olympic coins have not sold quite so well as people had hoped. However, there is still time yet and it is important to note that these coins are far more expensive than the proposed Boy Scout and Girl Scout coins would be. Indeed, there is every reason to believe—given the attention that will be focused on the 75th anniversaries of these two fine organizations—that there will be a great deal of interest in the coins my bill proposes. Thus, I would expect that sales would be considerable and that these coins would not be a money loser. Moreover, an additional safeguard against financial loss has been written into the legislation I am proposing; instead of requiring a fixed number of coins to be minted, the bill provides up to 10 million of each. Just how many would actually be produced could, therefore, be adjusted according to demand.

In recognition of the contributions both the Boy Scouts and the Girl Scouts have made, in view of the continuing need for constructive self-help programs for American youth, and in light of past precedents, I believe Congress should enact this legislation and hope that it will do so at the earliest opportunity. American youth, and all those interested in America's future, would be the beneficiaries.●

GET THE FREMONT LINE ROLLING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. EDWARDS of California. Mr. Speaker, I support the tentative approval of the proposed GM-Toyota

joint venture for Fremont, Calif., by the Federal Trade Commission. Although there have been many newspaper editorials supporting that decision, I submit for the record just one, that which appeared in the San Jose Mercury on December 26, 1983. It contains the information we all need to consider when contemplating the proposed joint venture. The editorial follows:

[From the San Jose Mercury-News, Dec. 25, 1983]

GET THE FREMONT LINE ROLLING

The Federal Trade Commission has all but approved the joint General Motors-Toyota agreement to reopen the Fremont plant, but the one-vote decision is an open invitation to Chrysler and Ford to challenge the plan in court.

We hope the invitation is refused. The reopened plant will provide jobs in East Bay and South Bay communities. More important, it could open a new era in U.S. auto manufacturing, one that benefits consumers and the U.S. economy alike.

It's difficult to understand what Chrysler chairman Lee Iacocca meant when he said that the pact would limit competition. How will 250,000 cars deflate competition in a market approaching 10 million sales a year? Another model should broaden consumers' choices and hold down prices.

Availability of small cars of the sort that will be built in Fremont is, in fact, down. It began to fall when Japanese auto makers shifted their exports to larger, more expensive models in order to protect their balance sheets under the self-imposed limits on exports.

Should GM and Toyota desert the small-car market to their hybrid firm, Chrysler and Ford can march in and capture a bigger share on the strength of their established products. If GM and Toyota try to manipulate the market or fix prices, the FTC can enforce the provisions of the consent decree.

Iacocca hammers at the fact that the pact unites the world's largest and third largest auto manufacturers. It's a lame complaint. Ford, second in U.S. sales in 1982, owns 25 percent of the ninth-ranked firm that makes Mazdas. Sixth-ranking Renault, which is owned by the French government, holds 46 percent of American Motors. And GM, whose projected share of U.S.-sales has actually fallen, has owned a third of Isuzu for years.

Closer to home, Iacocca's 12th-ranked Chrysler owns 15 percent of 11th-ranked Mitsubishi Motors. Yet that doesn't seem to have quashed competition between Chrysler's Mitsubishi-made import and Mitsubishi's own logo. Moreover, there was talk in the auto industry earlier this year of Chrysler and 5th-ranked Volkswagen jointly building cars in Pennsylvania.

The number that may have disturbed Iacocca most were the the headlines-grabbing sales report from the first 10 days of December. Sales of U.S.-made autos were up 21 percent over the same period a year before. Ford captured 29 percent of the rise, GM grabed 19 percent, and Chrysler got 6 percent.

Iacocca is running on empty. It's time to drop the green flag on the Fremont line. Gentlemen, start your engines.●

ST. URHO'S DAY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. FASCELL. Mr. Speaker, I would like to bring to the attention of our colleagues an annual event celebrated by Finnish Americans across the country commemorating St. Urho. According to legend, St. Urho preserved the Finnish wine harvest when he drove all the grasshoppers from Finland, saving the grape crop.

Every year, on March 16, Finnish Americans come together to honor the great feat of St. Urho. The descendants of our Finnish immigrants have adopted St. Urho as the patron saint of the Finnish people in commemoration of his achievement. They celebrate this event by dressing in royal purple and nile green, representative of wild grapes and grasshoppers. Banquets and parades are two of the festivities involved with the St. Urho celebration.

The legend of St. Urho, which first emerged more than a quarter of a century ago in Virginia, Minn., has evolved into an annual festival among Finnish Americans. The legend has continued to spread and today St. Urho's Day is widely recognized. Many States, including Florida, have issued proclamations officially declaring March 16 as St. Urho Day. Several years ago the city of Menahga, Minn., erected a statue in tribute to St. Urho.

What started out as a tale in 1956 has grown to be a proud holiday for Finnish Americans in this country as they remember their heritage—a holiday not only commemorating St. Urho, but the combined legacy of the United States and Finland.●

CENTENNIAL OF THE BIRTH OF HARRY S. TRUMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. SKELTON. Mr. Speaker, on January 25, President Reagan issued a proclamation declaring May 8, 1984, to be the "Centennial of the Birth of Harry S. Truman." President Truman set high standards for all who followed him into the Oval Office, and his numerous accomplishments as President merit the many honors which are now being bestowed upon him in this, the centennial year of his birth. I would like to share the President's proclamation on the Truman centennial with my colleagues.

CENTENNIAL OF THE BIRTH OF HARRY S. TRUMAN

(By the President of the United States of America)

A PROCLAMATION

May 8, 1984, marks the one hundredth anniversary of the birth of Harry S. Truman, the thirty-third President of the United States and one of this Nation's most respected statesmen.

First elected to the United States Senate from Missouri in 1934, Mr. Truman gained national recognition during World War II, when his investigating committee saved the taxpayers large amounts of money by exposing waste and extravagance in the procurement process. In November 1944, the voters elected Mr. Truman Vice President. He served only 83 days in that office and succeeded to the Presidency in April 1945, upon the death of President Roosevelt.

In his first months in office, President Truman guided the country through the end of World War II and made the difficult decisions that ushered in the nuclear age. In the postwar years, he oversaw America's transition from a wartime to a peacetime economy and began an era of growth and stability. In foreign affairs, President Truman established the cornerstones of the policy of containment in dealing with the communist threat to Europe. Through the Truman Doctrine and the Marshall Plan he stalwartly assisted free peoples in their efforts to stem the tide of totalitarian subversion. In applying the principles of collective security, President Truman assisted in the formation of the North Atlantic Treaty Organization to help European nations respond to this threat.

In 1948, Mr. Truman was elected to the Presidency, battling from behind to overtake Governor Thomas Dewey. President Truman responded to the invasion of South Korea by utilizing United Nations as well as American forces in dealing with that crisis.

Although confronted with a series of major challenges throughout his tenure, President Truman responded with courage, humanity, decisiveness, and a wit which have secured his place in the Nation's history as one of our most respected Presidents.

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim May 8, 1984 to be the "Centennial of the Birth of Harry S. Truman." I call upon the people of the United States to observe that day with appropriate ceremonies and activities in remembrance of his many accomplishments and dedication to freedom and democracy.

In witness whereof, I have hereunto set my hand this 25th day of January, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN.●

THE HIGHER EDUCATION SAVINGS INCENTIVE ACT OF 1984

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. FIELDS. Mr. Speaker, concern for the education of our Nation's children has become an issue of growing

concern across the United States. And, well it should be. The future of our Nation rests upon a well-educated citizenry, Not only does our ability to compete technologically in the world market depend upon excellent education, but our existence as a democratic Republic depends upon an educated electorate.

Unfortunately, the rising cost of higher education over the past two decades placed a tremendous economic burden upon our Nation's families. While the Federal Government responded with ever-increasing student aid programs, recognition is widespread in Congress that middle- and upper middle-income students have come to rely too heavily on student loans and assistance to finance their higher education.

In fact, the Federal Government's role in higher education has increased from $40 million in 1960 for direct student aid to $7.3 billion in 1983 for education grants, guaranteed student loans, college work study, and related assistance programs. While Government student assistance has grown, family contributions to higher education have decreased. For instance, total family income increased by 30 percent between 1978 and 1981 while family contributions to their children's higher educations actually declined by more than 6 percent.

Mr. Speaker, I believe the time has come for the Federal Government to shift its emphasis from increasing governmental assistance for higher education to increasing the incentive for families to resume primary responsibility for financing the education of their children. For this reason, I am introducing, today, legislation to provide those financial incentives to encourage long-term family savings for the education of their children. This legislation would provide tax benefits for educational savings while, at the same time, increasing the savings rate of our Nation which is now 4.7 percent, the lowest of any industrialized nation in the world.

With the average cost of higher education projected to exceed $25,000 by 1990, and with Government subsidization of middle- and upper middle-income students' higher educations likely to decrease, the enactment of educational savings incentives is not merely important, it is imperative.

My legislation, the Higher Education Savings Incentive Act, would provide a tax deduction of up to $2,000 per year, per student for contributions made to an education savings account. More specifically, this legislation would allow the principal contributed to an education savings account to be tax deferred and allow the interest accured in education savings accounts to be tax free.

Tax deferral of the principal contributed to education savings accounts is achieved by deeming any principal used to pay qualified educational expenses as taxable income only to the student beneficiary. The student beneficiary would be required to add 10 percent of the total principal expended for educational purposes to his taxable income for each of 10 succeeding years. The student beneficiary may elect to begin the tax repayment as early as age 25 or as late as age 30.

Similar to provisions governing an individual retirement account, there would be a 10-percent penalty for early withdrawal of these educational funds.

Mr. Speaker, I believe both individual students and families are better served by creating an environment favorable to educational savings than by continued reliance on direct Government assistance or indirect Government loan subsidization.

Although the primary purpose of the Higher Education Savings Incentive Act is to promote savings for higher education, the corresponding benefit to the economic strength of our Nation is substantial. To sustain the economic recovery which our Nation is experiencing, we must do all that we can to increase the amount of available capital. Capital is the lifeblood of our economy, and, without it, we are destined to return to high interest rates, high unemployment, astronomical trade imbalances, and sagging levels of productivity.

I believe that, if enacted, this legislation will greatly increase savings for higher education, will unlock important sources of capital which will allow American industries to expand their facilities, to create thousands of jobs, to more effectively compete abroad, and to more efficiently produce those products we depend upon in our daily lives.

I urge my colleagues to join me in strengthening opportunities for higher education and increasing our Nation's savings rate by cosponsoring the Higher Education Savings Incentive Act of 1984. Education is truly the key to a free and prosperous society.●

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I would like to take a few moments to remember the tremendous sacrifices veterans have made in the service of our country. On February 14, 1984, the Nation will be observing a very important day, the National Salute to Hospitalized Veterans. I would like to share with my colleagues a proclamation declaring our commitment to the health and well-being of America's veterans. Mr. Speaker and fellow Members of Congress, join with me now in pledging support for responsible health care for our veterans.

PROCLAMATION

Whereas, many thousands of veterans of America's armed forces have served this nation in times of both peace and war, and in doing so have thereby assured the safety and prosperity of all her people as this nation enters its third century of independence: and

Whereas, more than a million veterans enter Veterans Administration medical facilities nationwide for medical attention annually: and

Whereas, the Veterans Administration, for the eleventh consecutive year, has organized a national day of tribute honoring all hospitalized veterans, with the purpose of urging all Americans to remember these men and women especially on this day and throughout the year: and

Whereas, we wish to express to the patients in the West Haven Veterans Administration Medical Center our concern and sincere appreciation, Now, therefore, I, Bruce A. Morrison, do hereby proclaim February 14, 1984, for the "National Salute to Hospitalized Veterans" and do therefore call upon all our citizens to observe the occasion in fitting ways and to pay tribute to hospitalized veterans on this day and each day of the year.

MEDICARE COPAYMENT PROPOSAL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. OWENS. Mr. Speaker, it has long been obvious to many of us that the administration's proposal to impose additional copayments on medicare beneficiaries is just one more way to shift costs to those who are least able to pay. This has been well expressed by Prof. Anne Somers in a letter to the New York Times on February 6, 1984.

[From the New York Times, Feb. 6, 1984]

MEDICARE: THE NEW 60-DAY PROPOSAL'S INEQUITY

PISCATAWAY, N.J., *January 24, 1984.*

To the Editor:

The Administration's proposal to require Medicare patients to make significant copayments for the second through the 60th day of hospital care in return for "unlimited coverage" after 60 days (news story Jan. 5) is deeply flawed.

The official rationale stresses greater protection of patients against the costs of long illnesses. This would be highly desirable, if true, since chronic disease and the often catastrophic costs of long-term care are now the major health problem of the elderly. In fact, however, the new protection applies only to hospital costs, not to nursing homes or home care, where most long-term care is provided.

Moreover, the average hospital stay of a Medicare patient is only 10 days, and less than one percent of patients exceed 60 days. Encouraging the elderly to think they

would be gaining significant protection against the costs of long-term illness is highly misleading.

For many of the 99 percent whose hospital stays are less than 60 days, the additional costs could be an unreasonable burden. At the proposed copayment rates—8 percent of the deductible (now $356) for days 2 through 15, and 5 percent for days 16 through 60—the average patient with a 10-day stay would have to pay $245 in addition to $356, or a total of about $600.

This may not seem disastrous until one recalls that the median annual income of the over-65 population is about $6,600. So the average patient would have to pay nearly 10 percent of an entire year's income just for the hospital stay (this does not include doctors' bills and other associated costs).

For the very poor, many of these costs would be transferred to Medicaid, the Veterans Administration or other public programs which, unlike Medicare, are financed entirely through general revenues. The Medicare program would save some money but only at the expense of other portions of the Federal budget.

Also, those who could afford to do so would simply buy additional supplemental private insurance to cover the new co-payment. Hospitals would be tempted to give preference to such fully insured patients, thus exacerbating the trend toward two-tier health care.

The emphasis placed on increased coverage for long-stay hospital patients is also incompatible with current Administration efforts to further reduce the Medicare length of stay through the D.R.G. method of hospital reimbursement. Under this system hospitals are paid a fixed predetermined rate for a given diagnosis or procedure regardless of length of stay. The whole point is to encourage early discharge.

For short-stay patients, the proposed copayment will perhaps reinforce the D.R.G. push to get them out of the hospital as fast as possible. But for those who require longer stays, there is incentive to try to make it to the 60th day, after which they will be eligible for unlimited hospital care—a particularly valuable benefit in the absence of long-term nursing home or home-care benefits. The strain on hospital administrators and doctors, caught in the 'middle of these conflicting incentives, would be intense.

Without question, Medicare is faced with a financial crisis. Lack of meaningful financial controls is one, but only one, cause of that crisis. The aging of the population, the absence of cost-effective programs for the care of long-term patients and the expensive pro-technology bias in the Medicare program today are all parts of the problem and must be considered in the solution. The crisis will not be solved by ill-considered unidimensional approaches.

ANNE R. SOMERS,
Professor of Community and Family Medicine, Rutgers Medical School.

Professor Somers' view of this additional burden proposed for the elderly should be considered carefully before we contemplate imposing additional hardships on our senior citizens.●

CONGRESS 1984 AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 8, 1984 into the CONGRESSIONAL RECORD:

The report follows:

CONGRESS 1984 AGENDA

As legislators come back for the second session of the 98th Congress, the two most contentious issues on the legislative calendar are the presence of U.S. Marines in Lebanon and a budget deficit that may exceed $200 billion next year. Congress also faces a long and growing agenda of other important but unfinished business. There is a pervasive attitude among my colleagues that hard work needs to be done, but that we will not get to it. While I deplore such an attitude, I find it difficult to counter.

The presence of our Marines in Lebanon is bound to be one of the first orders of legislative business. Pressure for disengagement from Lebanon has been building steadily in Congress and across the nation for many weeks. Heavy casualties among our Marines and official reports criticizing our involvement in Lebanon have added weight to the arguments of those who want the troops to come home. Consequently, early in the session there will be a vote on whether to keep the troops in Beirut until March of 1985.

The situation with regard to the budget deficit is similar, though the outcome is a bit harder to predict. Almost everyone acknowledges that the deficit is dangerous, and that something must be done about it. People worry that the deficit soon may drive interest rates up and bring on another recession. They want to know what the federal government is doing to get its fiscal affairs in order. Because of this concern, Congress should produce the deficit-reduction plan that most observers think it will not produce. Congress's hope seems to be that people do not fear the deficit enough to protest inaction.

The volume of uncompleted and urgent work should push Congress to act on many measures. Pending environment and energy legislation would tighten controls on the disposal of toxic wastes, reauthorize clean air and clean water statutes, start new water projects, extend regulation of pesticides, slow leasing of offshore oil and natural gas properties, lift controls on natural gas prices, and address the worst aspects of the problem of acid rain. In the area of trade, there are bills reauthorizing export controls, compelling the use of domestic content in foreign automobiles, giving the President greater power to respond to unfair trade practices, and providing more credit to foreign customers so that they can purchase more of our farm goods. Civil rights advocates are pressing hard for passage of the Equal Rights Amendment, reorganization of the President's Civil Rights Commission, and legislation to end sex-based discrimination in insurance and pensions. Those interested in law enforcement await a sweeping revision of the federal criminal code, including rewrites of provisions on bail, sentencing, penalties for drug trafficking, and the insanity defense. Congress may try to figure out what to do about the Supreme Court decision which invalidated the "legislative veto" that Congress had used for fifty years to control rules coming out of the executive branch.

The list of things left undone is longer yet. Action on social and educational issues may encompass reform of social security disability, attention to nutrition programs, and enactment of health insurance for the jobless, incentives for states to enforce court-ordered child support, and expanded financing for mathematics and science in schools. A big fight is expected when the required debt ceiling increase comes up. Important economic initiatives include a move for lower telephone rates, a plan to create tax-free enterprise zones in inner cities, an effort to make the Federal Reserve more accountable to political authority, and a reorganization of the nation's bankruptcy courts. General deregulation of banks and other financial institutions could begin. Debates on defense will center on the size of the military budget, and more clashes on chemical weapons and the MX missile are likely. The breakdown of the nuclear arms control dialogue, the unchecked flow of illegal aliens across our borders, and the military aid being granted to repressive anti-communist forces in Central America (the latter is as controversial as ever despite the pro-aid tone of the Kissinger Commission's recent report) will round out the international relations agenda.

The prospect of a meaningful advance on this formidable agenda is made even more remote by the session's bad start. Irritability and intemperance have marked the first week. Hot words have been exchanged on Lebanon, and parliamentary "guerrilla warfare" has all but broken out. Members' frustration is high.

There are compelling reasons for Congress to make significant progress on these and other matters, but I doubt that it will do so. I often wonder why Congress is not more effective in dealing with its agenda. Is it the quality of the membership or the leadership? Is it the way Congress is set up? Is it the intractable, uncompromising nature of the issues which legislative proposals address? Is it the extreme difficulty of building a consensus in support of these proposals? Is it election-year politics? I suspect that these factors, and probably others, too, are part of the problem. In any case, I have the strong (and depressing) feeling that Congress is not dealing effectively with the matters of greatest concern to most Americans.

The optimists say that this session will be remembered for its helpful focus on a few carefully chosen issues. I hope that they are right. I expect the session to be short and unproductive, one dominated by image an rhetoric. Avoiding legislative mistakes, not seeking the grand consensus, will be the order of the day. I expect much debate, but not much action, on Lebanon, a small step toward deficit-reduction, and some action on a few other major issues. However, Congress is not in the mood to tackle its long agenda aggressively, nor will it do much of anything far-reaching. In the end, we probably will settle for one or two pieces of substantive legislation, plus several appropriations bills. I am not optimistic about the chances of reaching an accord on the entire budget, but of this I am sure: the more Congress marks time in 1984, the more it sets the stage for major moves in 1985.●

AUTO THEFTS REACH EPIDEMIC PROPORTIONS

HON. JAMES H. SCHEUER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. SCHEUER. Mr. Speaker, there is little doubt that professional auto theft constitutes one of the most serious and costly criminal problems facing our Nation today.

The American Automobile Association, with more than 23 million members nationwide, states that auto theft in the United States "has reached epidemic proportions." This is not mere hyperbole: When 25 cents of every auto insurance dollar goes to cover the costs of auto theft, all carowners share the $4 billion price tag for theft through higher insurance premiums. When our Nation spends an estimated $1 billion each year in law enforcement costs related to auto theft, all American taxpayers share the burden. When a car is stolen every 32 seconds somewhere in the United States, we have a problem of epidemic proportions indeed.

A recent article in the New York Times highlights the problem of auto theft in New York City. I commend this article to the attention of my colleagues and urge them to give careful consideration to supporting H.R. 3999, the Motor Vehicle Theft Law Enforcement Act.

The article follows:

[From the New York Times, Dec. 13, 1983]

NEW YORK CAR THEFT: NOT FOR AMATEURS

(By M.A. Farber)

On the afternoon of Oct. 18, police officers on a routine inspection of automobile body shops dropped by Juan Aponte's business in the Crotona Park section of the Bronx.

In the shop, as it turned out, were 13 late-model cars that had recently been stolen, a 1976 automobile stolen in 1977 and covered by dust in the shop's basement, and the rear ends or engines of four other cars that had been stolen and then dismantled. One of the whole cars, a 1982 Pontiac, had been reported stolen only two weeks earlier, in Chicago.

Four men, including Mr. Aponte, and the van had been re-registered under the new number to a Bronx woman.

Every year, tens of thousands of cars are stolen off New York City's streets, and perhaps half of the cars are taken or received by people connected to an organized crime enterprise, according to police. In 1982 alone, the value of the 104,056 cars reported stolen in the city was $427 million, nearly half the value of all stolen property.

In the last decade the picture of auto crime in New York has changed dramatically. Before 1970, most of the cars stolen were for "joy rides," and of the 80 percent normally recovered a relatively high percentage were in good shape.

Now, however, the cars stolen in New York, most often from middle-income residential sections of Brooklyn and Queens, usually pass through several hands and wind up in parks and on piers, or in garages and repair shops like Mr. Aponte's, most of which are engaged in legitimate business.

Among large cities, New York's rate of car theft is surpassed by Detroit, Houston and Los Angeles, on a per capita basis. But the number of cars reported stolen here—perhaps a third of which really are failed theft attempts or are false reports by owners to collect insurance—is more than twice as high as in Los Angeles, which last year had the country's second highest total, 48,000.

Many of the cars are stripped for parts, which can be worth three times the value of the car intact. Some are "torched"—burned apart at the bolts—welded onto the better half of a wreck bought at salvage, and sold under the title and identification number of the wreck.

Others are "tagged" with new or counterfeit titles and identification numbers and sold locally. Still others are exported, through ruses, to Latin America, the Middle East and elsewhere, and sold for two or three times their domestic value.

In one week, Maryland Port Administration police found nine cars on the docks in Dundalk, Md., being prepared for shipment to different receivers in Ecuador and Colombia. All had been stolen in the New York area and driven to Maryland by couriers for $500 apiece.

Other cars, including BMW's and Mercedes-Benzes, were being spirited through Elizbeth, N.J., and Miami. So quickly were they being disposed of that some of the owners did now know they were gone.

Equally brazen was the theft of cars this year from the parking lot adjacent to the Queens Criminal Court. At least 20 of the cars were dumped in Forest Park, stripped of such generally untraceable parts as doors, front ends and trunk lids.

THE TRAIL OVERSEAS AND "STEALING TO ORDER"

The Federal Bureau of Investigation and the police are now investigating the export of dozens of stolen cars from the metropolitan area to the Caribbean and to an Arab country. Proof of ownership is not required to export a car.

Another investigation centers on stolen trucks that are dismantled here, shipped abroad and reassembled.

In the Maryland case, the police were unable to recover two Datsuns and a BMW that were already en route to Ecuador. The cars, according to a subsequent examination of their shipping documents, bore VIN plates stolen in New York from cars of the same model and year. A routine police check of these plates, which the owners had not noticed were missing, would not have shown that the cars en route to Ecuador had been stolen.

The machinations of car theft are further illustrated by the case of Michail Koliskor, who operated an auto repair in the Flatbush section of Brooklyn.

Making one car from two

When police raided the shop on May 19, they found at least half a dozen stolen cars, including the rear half of a 1978 Volkswagen Scirocco that had been stolen from Kelvin Salzman in Bensonhurst two days earlier. At that moment, the rear part of Mr. Salzman's car was being welded to the front half of a Scirocco that, according to the police, had a good title and had probably been bought at salvage. Police speculated that the front of Mr. Salzman's car, whose "VIN number was hot," had been "crunched into scrap metal."

The police said that last January Mr. Koliskor reported the theft of his own Cadillac, and collected on his insurance claim, with most of the payment going to the finance company. But that Cadillac, like a Buick a relative of Mr. Koliskor had reported stolen, was found in the shop.

Stealing to order is another aspect of car theft, sometimes resulting from requests for parts over the "teletype," or open telephone line that links some junkyards.

"Someone on the line will say 'I need an '82 Cadillac front and someone else will answer, 'Call me tomorrow,'" said Sgt. Michael Bosak of the auto division. "That night, an '82 Cadillac will be stolen."

Getting in: 10 seconds and a "Slim Jim"

Ordinarily, a thief will insert a "slim jim"—a long, flat piece of steel about 60 1,000ths of an inch thick—between the exterior of a car window and a door, reaching downward to disengage the lock. The thief, often inside a car within 10 seconds, will then pull out the ignition lock with a "slap hammer" and use a screwdriver to start the engine.

The deterrent value of car alarms and special locking devices has been much debated. But, according to Deputy Inspector Joseph R. Harding, commander of the police department's auto crime division: "Anything you can do to slow down a thief, and make him wonder whether this car is worth the trouble, is helpful. He may well go on to the next car."

Car thieves are paid as much as $300 or even more for a late-model automobile. They are often thought to be in their teens and addicted to drugs, and some are.

But a State Department of Correctional Services profile of those in prison for grand larceny, automobile, in 1981 and 1982 shows that only 10 of the 61 were 20 years old or younger. Sixteen were between the ages of 21 and 24, and the largest number, 19, were 25 to 29 years old.

The addict as a business liability

Moreover, said Sgt. Tom Pepe of the auto division, fences do not "want to deal with a junkie."

"A junkie takes cheap," he said, "maybe $50 to $80 for a car, but if he's arrested the first thing he does is give you up."

There are other risks, too, in the world of stolen cars—not from the police or the courts but from the nature of an illicit business that Alfred P. Vigorito, a Bronx prosecutor, described as "second only to narcotics and right up there with gambling."

One of those risks is fatal. A dozen murders of auto thieves or fences are now under investigation, authorities said, and the prime suspects are competitors of the victims.

MANY ARE ARRESTED, BUT FEW GO TO PRISON

About 9,000 people are arrested each year in connection with automobile theft in the city. Many of them are the same people, and only a tiny percentage of them go to prison and fewer still for long terms.

"We arrest virtually every professional car thief, and many amateurs, each year," said Inspector Harding. "For the most part, they're right back on the street. Let's face it. Who does time for auto crime?"

Detective Bruce Milau of the auto unit said some stolen car fences seemed unable to stop, whatever the penalty. "They have transmission fluid in their veins," he said. "They can't give it up."

In the Bronx, Stephen Callinan is regarded by detectives with a mixture of scorn and awe. At the age of 43, Mr. Callinan has been arrested 20 times, at least 12 of them for

auto crime offenses. On three occasions, the last in 1974, he was convicted of felonies. He is under indictment on three counts of criminal possession of stolen cars, one count of criminal possession of a mobile telephone stolen from a 1979 Lincoln, and 12 counts of illegal possession of stolen VIN plates.

A freshly stolen coupe de ville

Two of several stolen cars found last May 13 behind his home in the well-to-do Country Club section of the Bronx were Cadillacs—one a 1983 Coupe de Ville that had been stolen earlier that day from La Guardia Airport.

On Oct. 13, five months later, Mr. Callinan was re-arrested and charged with possession of parts from a 1983 Cadillac stolen Oct. 5 in Hackensack, N.J.

Of the 30,500 inmates now serving more than a year's sentence in the state's prison system, 55 were imprisoned on the top felony charge of grand larceny, automobile, according to Louis J. Ganim, a correction department spokesman. Thirty-four of the 55 were convicted in New York City, Mr. Ganim's statistics, however, do not match the figures provided by various district attorneys.

For example, Robert M. Morgenthau, the Manhattan District Attorney, said prison officials may have classified defendants differently than he had. In 1982 in Manhattan alone, Mr. Morgenthau said, 44 defendants were convicted of grand larceny, automobile, and sentenced to state prison.

Breaking downs the State's count

By Mr. Ganim's count, the prison system received, in 1982, six such defendants from Manhattan, as well as four from Queens, three from Brooklyn, and one from the Bronx.

"I can only tell you what we've got," Mr. Ganim said. "Some defendants might have had their sentences adjusted or be free on appeal."

Mr. Ganim said that of the 61 inmates who were committed in 1981 and 1982 for car theft—including 35 from the city—only 16 were sentenced to maximum terms longer than three years.

The city jail system, where prisoners generally serve sentences of up to a year, does not classify its inmates by type of crime.

In general, little or no time

"In the overwhelming majority of cases," Inspector Harding said, "the defendants do little time, if they do time at all."

In general, Mr. Morgenthau challenged Inspector Harding bleak view of car theft prosecutions.

In 1982, according to Mr. Morgenthau, there were 1,941 arrests in Manhattan in which the top charge was grand larceny, automobile. But he stressed that only 198 defendants had been indicted on felony charges of car theft in 1982, in cases where the evidence was strongest.

By the end of the year, he said, 134 had been convicted, 110 sentenced and 89 had received a year or more imprisonment. "That's not bad," he said. "Is it enough? No. But it shows there are sanctions out there."

Inspector Harding was unimpressed. "You have to look at what happened to all arrests," he said. "That's what counts."

THE "CHOP SHOPS" AND THEIR OPERATORS

Paul Schiavo defended himself the way many others do when accused of possessing stolen cars or parts.

Mr. Schiavo, who is 42 years old, ran the Discount Auto Corporation at 56-01 Foster Avenue in the Flatbush section of Brooklyn. During an inspection of the junk yard on March 1, 1982, the police saw an employee dismantling a 1980 Chevrolet engine and transmission. The body of the car, which had been reported stolen the previous fall, was found crushed under a stack of other vehicles.

The police also found a 42 Cadillac, BMW, Mazda, Audi and other make engines or transmissions whose serial numbers had been altered or ground off, as well as an electric grinder and grinding stones. Mr. Schiavo was quoted by the police as saying that the auto parts without numbers had "come with the place" when he bought it.

During a second inspection of the yard six weeks later, the police found 138 transmissions, 25 engines and 71 doors whose serial numbers had been removed.

Defendant charged with 2 felonies

Mr. Schiavo was charged with and convicted of criminal possession of the Chevrolet engine and transmission and with failing to register as a dismantler. Both charges are felonies punishable by maximum sentences of four years.

At Mr. Schiavo's sentencing, Douglas Kallen, an assistant district attorney in Brooklyn, strongly recommended a prison term of one to three years.

"Chop shops like the defendant's are large producers and they make a lot of money and without them, perhaps more importantly, the street thieves wouldn't have a source to sell their cars," Mr. Kallen said. "If the court were to fine the defendant, that would be merely a cost of his doing business as a corporation, such as an attorney's fee or as an insurance fee."

Robert Sgarlatto, Mr. Schiavo's attorney, argued that his client had no knowledge of any stolen parts at his yard, was not responsible for any illegal dismantling and had been convicted on "innuendo and insinuation."

The lawyer described Mr. Schiavo as "a family man, a businessman" and said that to imprison him "would be a waste of the People's money."

Joseph J. Lombardo, the State Supreme Court Justice presiding, noted that the defendant had served six months in jail a decade earlier and had been arrested a dozen times, mostly for possession of stolen property in cases that were dismissed. He sentenced Mr. Schiavo to five years probation and levied a $10,000 fine.

"Now, it's easy enough to perhaps get the impression that this is a victimless crime in the sense that no one was assaulted, no one was raped," the judge said. "But actually it is a crime which strikes at every person who owns an automobile and who has it stolen."

Justice Lombardo said he agreed with the prosecutor "that the purpose of these statutes is to cut down—impossible to eliminate thievery—but at least cut down on it and to make those who make thievery possible responsible to the community and responsible to the criminal justice system."

Probation recommendation accepted

But he said he would go along with the sentencing recommendation of the Probation Department.

The decision not to imprison Mr. Schiavo still rankles Elizabeth Holtzman, the Brooklyn District Attorney, who has made a concerted effort to punish auto criminals. So far this year, she said, 47 car thieves have been sent to prison, compared with 7 in 1982.

"No longer will there be a free ride in Brooklyn for stealing a car," Miss Holtzman said. "Not for the thieves, and not for the chop shops."

FROM JOY RIDES TO SYSTEMATIC THEFT

In significant measure, the story of automobile theft in New York has become a story of organized crime.

"Organized crime people spanning all ethnic groups have come to recognize the tremendous profits to be realized from stolen cars, and have become deeply involved," Inspector Harding said. "Often we can't prove that in court, but that's what our intelligence tells us."

In 1980, the uniformed auto crime unit was replaced by a plainclothes division and put under the command of the Police Department's Organized Crime Control Bureau.

The inspector said the recovery rate of stolen cars now was about 64 percent, with cars found in 1982 valued at a total of $76.5 million. But he was unable to generalize about the conditions of those cars. Some officers said the chance a stolen car would be recovered in good shape was no better than even.●

UKRAINIAN INDEPENDENCE DAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. LAGOMARSINO. Mr. Speaker, It is a great honor and pleasure for me to join in commemorating the 66th anniversary of Ukrainian Independence Day. The occasion is both a joyful and a solemn one. Joyful because it marks the first recognition of the fully sovereign state of the Ukraine. Solemn because that independence proved to be short-lived as invading forces swept in to battle for control of the territory.

The United Ukrainian Republic fought against the Russian armies who attacked them from the east and the Polish forces who attacked them from the west. The battle dragged on for 3 years and ended with Soviet domination of the Ukraine in 1921.

Though conquered militarily, the Soviets have not been able to conquer the spirit of the Ukrainian people. The Ukrainians are a proud race who have continued to struggle against Soviet oppression to maintain their identify and preserve their rich heritage. Theirs is a heritage which dates back over 1,000 years to a time when Kiev-Rus, as the Ukraine was then known, was a major power in Europe and a rich commercial center. Their determination and drive to sustain their distinct culture, language, and traditions serve as an inspiration to all the peoples of the world who seek escape from domination and persecution so that they might have power over their own destiny.

Ukrainian Independence Day is also the time to commemorate another solemn occasion—the Ukraine famine of 1932-33. This famine which was deliberately engineered by the Commu-

nist Party in Moscow resulted in the death of 7 million Ukrainians, 20 percent of the population of that Republic. I have cosponsored H.R. 3993 to establish a commission to study this famine so that the full extent of Soviet inhumanity can be exposed. There is no doubt in my mind that the Soviet Union has a long record of human rights violations and the Ukraine famine of 1932-33 is a prime example.

Let me close with the hope that support will grow so that the Ukrainian people may once again be fully sovereign and independent.●

AMERICAN HEART MONTH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. LIPINSKI. Mr. Speaker, heart disease is our Nation's No. 1 health enemy. One in six Americans suffer from heart disease or 750,000 people die annually. Heart disease, the vulture that kills more people than accidents, chronic obstructive pulmonary disease, pneumonia, influenza, and all other cases combined.

As February is American Heart Month, I would like to take this opportunity to discuss some of the factors that contribute to heart disease and what is being done to reverse the trend.

According to the American Heart Association, extensive clinical and statistical studies have identified several factors as contributing to an increased risk of heart attack and stroke. The more risk factors present, the greater the risk. Some of these factors can be changed under the direction of a doctor. Still, other risk factors can be controlled by the individual. The uncontrollable factors include heredity, sex, age, race. The controllable factors risk factors include smoking, high blood pressure, elevated blood cholestoral, diabetes, and lack of exercise.

Major advances in finding the causes, cures, and prevention for heart disease are occurring on a daily basis. Just last month a study was completed tying high cholesterol intake to heart disease. Also, published in January was the 1984 Surgeon General report, "The Consequences of Smoking, Cardiovascular Diseases," is a volume of information addressing the adverse effects of smoking on heart disease. The National Heart Lung and Blood Institute has ongoing research taking place on stroke, heart attacks, and high blood pressure.

While the national campaign against heart disease is moving full speed ahead, the States are intensifying programing and fundraising. In Chicago, the local affiliate of the American Heart Association sponsors cardiopulmonary resuscitation (CPR) training sessions almost daily, health fairs, referral services, and hypertention clinics—people can actually walk into City Hall and have their blood pressure checked.

I urge the public to take advantage of these programs because the life you save may be your own.●

THE ECONOMIC CONVERSION ACT

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. MAVROULES. Mr. Speaker, virtually every Member of this body has at least one community that depends on defense contract dollars for its economic well-being. Thanks to the largest arms buildup in the Nation's history, these communities are enjoying the view from the top of a historically up-and-down, rollercoaster, defense-spending ride.

When defense spending is up, these communities enjoy job opportunities, an expanded tax base, and the ability to offer their citizens a wide range of services. Their children are properly educated, the elderly are cared for, public safety requirements are met, the streets are cleaned, and the garbage is collected. In short, these communities are not bad places in which to live.

But when defense spending is down, such communities stand an excellent chance of suffering severe economic dislocation. We have only to recall recent history, when we cut defense spending at the tail-end of the Vietnam war. In New England, where I reside, 44 percent of the region's aerospace work force either ended up in unemployment lines, or moved out in search of new jobs. I am sure that every one of my colleagues has a similar horror story.

On the surface, things appear rosy today. But there are a number of reasons why we can expect this trend not to continue. Paramount among these are economic, budgetary, and national security considerations.

Bloated defense budgets drain money and brains away from the civilian sector—away from the critical need to bring America's industry into the modern age so it can compete on equal footing with its international sparring partners.

Bloated defense budgets are a significant and noticeably harmful addition to the Federal deficit problem. The bigger the deficit, of course, the less money around to invest in the private sector and new jobs, and the higher the interest rates, which themselves cause so much economic havoc among our small businessmen and farmers, our homebuilders and buyers.

Bloated defense budgets, finally, compel us in Congress to look over our shoulders back home to gage how our districts and States can benefit economically from the Pentagon's largesse, and not at our legitimate national security needs. How can we promote a sane, sensible defense policy when we are compelled to choose between peace and jobs, between a solid arms control agreement with the Soviets whereby the entire world benefits and a fancy, new state-of-the-art nuclear weapons system that will put our people to work?

The Reagan administration's $1.9 trillion rearmament program, and its fiscal 1985 request for $313.4 billion in budget authority, up 18 percent in current dollars from last year, certainly qualifies as bloated. The indications in this and the other body are that the administration will have to settle for much less.

We would therefore be foolhardy, to put it mildly, not to prepare for a future of lower defense spending levels and lost contract work. Moreover, such preparation would be salutory, freeing us as voting Members in the Nation's Legislature from the onus of viewing the defense budget as one big jobs bill.

Today, I am introducing, along with 13 of my colleagues, the Economic Conversion Act, which would lay the groundwork to prevent the severe economic dislocation some of our communities would suffer when they lose defense dollars. We must take care not to imperil those communities that rely on defense work as we strive to cut the deficit and meet our legitimate defense needs, and it is this problem that the Economic Conversion Act addresses.

The bill also has the laudatory purpose of giving heretofore defense-dependent communities viable and productive economic ways to keep their plants open and people employed in the civilian sector. It is a widely accepted fact that dollars spent in the civilian sector are economically more valuable than if they were spent in the defense sector, and they employ many more people than defense dollar do. Thus, this bill promises more than to save jobs; it promises a boost to national economic growth. And no new Federal spending would be required.

What is the Economic Conversion Act?

The bill, which would sound an economic declaration of independence for communities uncomfortably tied to defense dollars, has three major provisions:

First, it calls for the Secretary of Defense to give an advance warning to communities and workers affected by any defense spending rollback. Whenever possible, they will be given 1-year

advance notification of any defense contract reduction or cancellation. Communities would thus have time to prepare for and avoid the loss of business, higher unemployment, and the reduced tax revenues arising from lost defense work.

Second, communities affected by a contract reduction or cancellation of $10 million or more would be eligible for an alternative production and job retraining planning grant. The grant would not exceed $250,000, and is aimed at encouraging workers who lost their jobs to stay rooted in the community and retrain themselves. It would also help finance the planning for finding new uses for idle plant and equipment, caused by the defense contract rollback.

The $10 million contract threshold assures that the program covers solely instances of severe economic dislocation.

Third, the Economic Conversion Act would provide a temporary income guarantee for the unemployed defense worker—also designed to insure that the worker does not abandon his community in search of greener pastures, and that he has time to find new local work and remain a productive member of his community.

Each eligible worker would receive benefits totaling 90 percent of the first $20,000 earned under the canceled contract, and 50 percent of the next $5,000, for a period as long as he worked on the contract up to a maximum of 2 years. Other forms of income assistance, including any outside income, would first be deducted from these benefits.

The Economic Conversion Act, mindful of the deficit problem, requires no new Federal spending, no new appropriations, no new additions to the Federal deficit, no more red ink. The money saved from the canceled defense contract would be funneled back into the economic conversion program.

According to the CBO, the cost of the program for one lost contract would be about $1 million, planning grant and income aid included. Compared to the compensation Rockwell received in 1977 for the lost B-1 bomber contract ($750 million), $1 million is not much at all to ask for the defense worker and his community. The $9 million excess, saved from the canceled contract and not used by the economic conversion program, could be used to trim the deficit or in other economically productive programs.

The Economic Conversion Act represents good, hardnosed economics, of the kind practiced in the private sector. It also represents a cost-conscious approach to solving a chronic and difficult problem caused by defense cutbacks.

Perhaps most important, it shows us, as Members of Congress, the way to vote on the various and sundry items in the defense budget strictly on their merits.

The choice need not be between peace and jobs. Economic conversion means jobs and peace.

For myself and the other cosponsors, I ask for your support of this bill.●

TRIBUTE TO NICHOLAS JOHN LOUNTZIS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. YATRON. Mr. Speaker, it is my honor today to recognize the accomplishments of my good friend, Nicholas John Lountzis, who will celebrate his 90th birthday on February 17, 1984. Mr. Lountzis has distinguished himself through the years as an outstanding restauranteur. His achievements are truly remarkable and I welcome this opportunity to bring Nicholas J. Lountzis to the attention of my colleagues in the U.S. Congress.

Mr. Lountzis was born in Vousdre, Greece. He has 1 brother and 4 sisters and he spent his early years as a shepherd, tending a flock of 350 sheep and 150 goats. When he was 17, with $25 in his pocket and knowing only one English word, "Boston," Nick sailed for the United States. Arriving at Ellis Island, he traveled directly to Boston where, with the help of friends, he obtained employment as a dishwasher. In 1911, he was earning $5 a week. After 3 months he began to shine shoes.

In 1912, Nick moved to Maine where he later opened his own shoeshine-hat cleaning shop. In 1915 he moved to Detroit with intentions of working with Henry Ford. However, when he arrived he changed his mind and put his efforts instead into a hot dog stand directly across from the automobile plant. He then worked at a soda fountain, where he served without pay for 3 months and earned the trust and respect of the owner. He stayed at this job for 2 years. Moving to Chicago in 1917, Nick began working for a Mr. Demetes who operated the finest soda fountain-luncheonette in the city. In 1918, Nick was to join the U.S. Infantry, nearly arriving for the armistice in France. The war ended in November, however, and he was stationed in Texas. He earned the rank of corporal and returned to Chicago for another year.

The year 1920 was a year of hardship. Nick lost his savings to a con-artist in a faulty business venture and after working 3 months in a concession stand at one of the most extravagant theaters in Hammond, Ind., the stand was bombed. In 1923, Nick returned to New York and subsequently went into a partnership on a luncheonette at 59th and Madison Avenue called the "Alps." After a year he bought out his partner and for the first time since 1914 Nick owned his own business. In 1927, Nick returned to Chicago, where he met his future wife, Anna Allushuski, a coal miners daughter from Girardville, Pa. They married in 1930 and had a son, Nickolas, Jr., in 1932. In 1934, Nick and his family came to Reading, Pa., where they made their permanent home.

Nick's first job in Reading was at the historic Crystal Restaurant, which was the starting place for many Greeks who branched off into their own businesses. To this day, many of the finest restaurants in Berks County are operated by those who had their original training by the owner of the Crystal, Mr. Mantis, or by Nick himself. In 1935, Nick and Anna had another son, William J. His proficiency in the restaurant business grew and he was instrumental in establishing many innovations in the Crystal restaurant that increased business. He worked there for 12 years and became known as a famous mixmaster. He saved, invested, and also helped to manage the Mount Penn Tavern. By 1947, he was ready to begin his own restaurant. He purchased the "Chat-a-While Inn," opening it on his wedding anniversary on February 19, 2 days following his 53d birthday. He had accomplished his dream. In future years he expanded the restaurant, remodeled it and established it as one of the finest eating places in the area. He also arranged passage for more than a half-dozen family members and friends to come from Greece. In later years, he owned two other restaurants, the Valley Inn and the Riveredge which he later sold. In 1970 he began a 5-year term as president of St. Matthews Greek Orthodox Church. The year 1977 was a sad time, as he lost his beloved wife.

Today, Nick still greets his guests at Nick's Chat-a-While Inn with warm congeniality, making certain everything is more than satisfactory. His two sons and his one grandson work at the restaurant. Nick has also been involved with the Blue Lodge, the Shriners, the American Legion, the National Restaurant Association, the Greek Democratic Club and was the treasurer of AHEPA.

This detailed account of Nick's life, I feel, serves to underline the experience of many immigrants who have come to our great Nation in search of a better life for themselves and their families. Nick Lountzis has made a significant contribution to our country through his years of hard work and perseverance. He has shown what can be accomplished through determination in a free society. I know that my colleagues will join me in wishing Nick

a very happy 90th birthday and will wish him continued success in the years to come.●

UNIFORM CRIME REPORTS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mrs. KENNELLY. Mr. Speaker, the bill I am introducing today requires the Attorney General to include in the FBI's Uniform Crime Reports information concerning the incidence of crimes where it appears that to crimes were committed to express racial, religious, or ethnic prejudice. The idea of developing a nationwide system of reporting to produce an accurate measurement of this type of crime was first advanced by the U.S. Commission on Civil Rights in July of 1983, and it is my hope that this bill will turn that recommendation into a reality.

A series of arsons of synagogues in my congressional district last fall drew my attention to this problem. Each year, hundreds of acts of violence and intimidation are committed against specific groups in every region of the country because of their race, religion, or ethnic background. Every time they occur, they threaten the basic precepts of a peaceful and pluralistic society. Cross burnings, swastikas sprayed across the walls of a temple or school, desecrations, arson, or intimidation of people because of their skin color, religion, or ethnic heritage, is a threat to us all.

Unfortunately, it is impossible to measure the extent of the problem. We do not know the amount, location, or type of crime that is motivated by racial, religious, or ethnic hatred. We do not know if it is on the rise or on the ebb. There is simply a shortage of hard data about this problem, with the exception of information collected by the Anti-Defamation League. Their efforts, while very useful, only cover anti-Semitic incidents in selected areas throughout the country. This is not enough.

Although annual crime statistics are collected and published by the Federal Bureau of Investigation in the Uniform Crime Reports, the slaying of a spouse in a domestic quarrel and the murder of a black person because of his color are both recorded as homocide.

There is a clear and demonstrable need for reliable statistical information on the subject of crime motivated by racial, religious, or ethnic hatred. Communities presently cannot respond to the problem because there is not enough information on criminal violence motivated by bigotry. This makes it very difficult for law enforcement officials to measure trends in such crimes, to develop enforcement strategies, and to allocate personnel in areas of greatest need. The lack of data impairs the ability of policymakers to assess the extent of the problem and develop adequate measures of prevention. Such data is also needed to highlight and determine national, local, and regional trends in this type of crime, and to evaluate the effectiveness of particular efforts employed to combat it. In addtion, such statistics would insure that Federal, State, and local governments are aware of the dimension of this threat. It would help reinforce the fact that the problem does exist across the Nation and that must be addressed.

Finally, on a symbolic but nonetheless important level, the systematic gathering of information about these crimes would represent society's statement that it is important to know the dimension of the problem, and that we as a people are willing to commit time and resources to eradicating bigotry, racism, and its violent byproducts.●

THE STATUS OF BLACKS IN MEDICINE

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. FOWLER. Mr. Speaker, recently there have been a number of articles in the national news media concerning what some authorities perceive to be a looming surplus of doctors in this country. A "doctor glut" is a phrase frequently used in these articles.

However, forcasts of an oversupply of physicians—even if accurate as to the overall doctor force—certainly do not apply to blacks and other minorities. The harsh fact is that we historically have suffered from a severe and chronic shortage of black and other minority doctors in this country. I, for one, am convinced that this is a major reason why health problems among black Americans are greater than among our white citizens. This disparity has been confirmed by the Department of Health and Human Services' Health Report for 1983 released last month. The report showed that black Americans have an average life expectancy 6 years less than white Americans, are almost twice as likely to suffer from high blood pressure, and have an infant mortality rate twice that for white infants.

Mr. Speaker, the status of blacks in medicine is the subject of a special report published recently in the prestigious New England Journal of Medicine. It was written by Louis W. Sullivan, M.D., president and dean of Morehouse School of Medicine, which is located in my district in Atlanta and is the first predominantly black medical school to be established in the United States in this century. Dr. Sullivan is a distinguished physician and medical educator and an acknowledged authority on black health conditions.

In his report, Dr. Sullivan documents the shortage of black doctors in the United States and presents some of the tragic evidence of the health disparity among black Americans. Among other sources, Dr. Sullivan cites a far-reaching study conducted by the Association of Minority Health Professions Schools under a grant from the Robert Wood Johnson Foundation entitled: "Blacks and the Health Professions in the 80's: A National Crisis and a Time for Action." The study was released last June and is itself required reading for anyone concerned about black health problems and the status of black health professions in this country.

Mr. Speaker, I commend Dr. Sullivan's perceptive report to the Members of the House and include it in the RECORD at this point in my remarks:

THE STATUS OF BLACKS IN MEDICINE—PHILOSOPHICAL AND ETHICAL DILEMMAS FOR THE 1980'S

(By Louis W. Sullivan, M.D.)

Of interest to those in medicine and the other health professions is a study recently completed by the Association of Minority Health Professions Schools.[1] The members of this association are from eight predominantly black health-professions schools: Morehouse School of Medicine (Atlanta), Charles R. Drew Medical School (Los Angeles), Meharry Medical College, Meharry Dental School (Nashville), Tuskegee Institute School of Veterinary Medicine (Tuskegee, Ala.), the College of Pharmacy at Texas Southern University (Houston), Xavier University (New Orleans), and Florida Agricultural and Mechanical University (Tallahassee).

The study provides a current perspective on the poor health status of blacks in the United States. For example, it points out that the present average life expectancy of black American males is five years shorter than that for white American males (65.3 vs. 70.5 years) and that the infant mortality rate for black Americans is twice as high as that for white Americans (21.8 vs. 11.4 deaths per 1000 live births).

However, these averages obscure some appalling figures in some rural areas and inner cities of our country. For example, in Georgia today the average life expectancy of blacks is 8.4 years shorter than that for whites. In six rural counties in Georgia, the life expectancy for black males is only 49.6 to 51.5 years, whereas the average life expectancy for white males in the same coun-

[1] Hanft RS, Fishman LE, Evans WJ. Blacks and the health professions in the 80's: a national crisis and a time for action. Washington, D.C.: Association of Minority Health Professions Schools, 1983.

ties is from 59.5 to 69.5 years.[2] In Kenya, one of the less-developed and poorer countries of the world, the average life expectancy of the male population is 51.3 years, exceeding that in some rural counties in Georgia.[3] In 1980, in 50 rural counties among Georgia's 159 counties, the infant mortality rate for blacks was higher than 30 per 1000 live births, and in 16 counties the rate was higher than 43 per 1000. Similar rates are found in many rural areas and inner cities all over the United States.

The Association's study documents the continuing shortages of black physicians and other black health professionals. In 1950, only 2.1 per cent of all the physicians in the United States were black. Despite the efforts of the past two decades, in 1980 black physicians represented only 2.6 per cent of all physicians in the United States. In 1981, less than 2 per cent of the faculties of our medical schools were black.

In 1983, the scarcity of black role models among practicing physicians and medical-school faculties in the United States suggests to black young people that it is not realistic to aspire to be a physician. This negative message to black youngsters is reinforced by poor counseling in high school and college, where black students are often steered into vocational courses and less rigorous academic subjects, leaving many of them poorly prepared for the study of medicine.

Compounding this longstanding problem in medicine is the recent advent of a severe shortage of funds for student financial aid, which was documented a few months ago in the Journal.[4] Because most black medical students come from families with annual incomes of below $20,000, the Association's study suggests that unless more funds are made available for scholarships and low-interest loans for low-income students, there is a very real possibility that the number of blacks enrolling in medical schools in the future will drop precipitously. Furthermore, the medical students who do graduate in future years will be less likely to practice as primary-care physicians in poorer communities, since they will need to earn high incomes as specialists in affluent communities, so that they can repay their large debts. Because millions of Americans still reside in rural areas and inner cities without physicians, this projected distribution of new physicians would be just the opposite of what is needed.

Also addressed in the study is the contribution of the predominantly black medical schools to the education of black physicians. Despite considerable expansion in medical education in the United States during the past 25 years, in 1981-1982, the four predominantly black medical schools (Morehouse, Meharry, Drew, and Howard) had almost 25 percent of the black students in the nation's 127 medical schools. Six of the nation's medical schools had no black students, and 75 (61 percent) had a black student enrollment of less than 5 percent, whereas blacks comprise almost 12 percent of the U.S. population. These figures reflect a need for predominantly black medical schools in the United States. In addition, other studies have shown that more than 60 percent of the graduates of Meharry and Howard medical schools practice in medically underserved inner cities and rural areas[5] (and Elam L: person communication).

The predominantly black medical schools adhere to the same high standards of medical education, and are measured by the same yardsticks for accreditation of their programs, as are applied to all other medical schools. However, black medical schools have operated with inadequate financial resources and without access to the clinical facilities available to other medical schools.

These problems and a number of others described in the Association's study have served to deter our black young people from pursuing medicine as a career. Predominantly black health-professions schools have also been rendered financially vulnerable because of severe retrenchment in federal support for medical education and research, as well as the ravages of inflation and recession in our nation's economy.

Because black physicians and predominantly black medical schools are needed to address the severe unmet health-care needs of our poor and minority citizens, our nation and our profession face a philosphical and ethical dilemma: Either we provide the financial and other resources needed to implement our country's creed of equal opportunity, or we abandon a large segment of our population to a high infant mortality, a shortened life expectancy, debilitating poverty, a crushing burden of illness and disability, and increasing disillusionment, frustration, and loss of hope. As the most affluent of nations and the leader of the free world, we should not allow this to happen.

Education has always provided the chance for upward mobility in our society, and it still can today—for blacks and other minorities as well as for poor whites. Medical education is an important part of this opportunity for self-improvement, and the existence of this opportunity is a symbol of hope for minorities and an affirmation of the American dream.

The contribution of black institutions to the vitality and the advancement of the United States has never been fully appreciated. For example, more than half the black physicians practicing in the United States today are graduates of Meharry or Howard medical schools, each more than 100 years old. Our current deficits in the number of black physicians would be much greater if these two schools not exist.

The Association's report suggests that black health-professions schools should be strengthened by increased financial support for their programs from governmental sources (federal, state, county, and municipal) and from the private sector (foundations, corporations, associations, and individuals). Black health-professions schools should have equal access to tax-based municipal and veterans administration hospitals and other clinical facilities for their teaching and service programs and for the opportunities to contribute to the nation's biomedical-research enterprise. The National Institutes of Health, the National Science Foundation, and other public and private research agencies should work with these schools to strengthen their research capabilities, drawing on their unique perspectives and their ability to focus on the health problems of blacks and other minority groups.

Adequate scholarships, work—study funds, and low-interest loans should be made available to medical students from low-income and minority groups, so that the best candidates available can become our future physicians and the possibility of becoming a physician will not be foreclosed to bright young people who happen to be from minority and low-income families. In association with the dramatic curtailment of federal programs for student financial aid, during the past two years at the Morehouse School of Medicine we have observed a decrease in the number of entering freshman students from families with annual incomes below $20,000 and a concomitant increase in the number from families with incomes of $30,000 or more.

All medical schools should expand and reinforce their commitment to recruiting and educating more black students. In 1978, there were only 793 black students among 14,393 medical-school graduates (5.5 per cent); by 1982, the number of blacks had decreased to 763 (4.8 per cent) among 15,985 medical-school graduates.

Governors, state legislatures, boards of regents, and other leaders should urge the publicly supported medical schools in their states to increase the number of black students enrolled. A recent report from the Southern Regional Education Board, a 14-state cooperative educational agency, has urged the training of more black physicians, noting that whereas blacks comprise 19 per cent of the population of the South, less than 3 per cent of the physicians in the South are black.[6] This report, like the 1980 report of the Graduate Medical Education National Advisory Committee,[7] pointed out the need for more black physicians, even while recommending reductions in the overall production of physicians in the United States.[6 7]

Many factors other than the availability of physicians affect the health status of blacks, but it is necessary to have an adequate number of physicians. It is helpful to have black physicians who understand and respect the culture, history, and social status of their black patients. It is also helpful to have physicians who live in the communities they serve and who contribute to solving community problems.

A coordinated effort is needed to respond to the crisis described in the Association's report. We need vigorous leadership from the President, the Congress, federal agencies, governors, state legislatures, and county and city governments. We also need leadership from the private sector, for it too is affected by these problems, and it has a stake in finding solutions to them.●

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[2] Bachtel DC, ed. The 1983 Georgia County guide. Tifton, GA.: University of Georgia, Rural Development Center, 1983.

[3] Bureau of Public Affairs. Kenya: background notes. Washington, D.C.: Department of State, 1982.

[4] Sandson JI. A crisis in medical education: the high cost of student financial assistance. N Engl J Med 1983; 308:1286-9.

[5] Lloyd SM Jr, Johnson DG. Survey of graduates of a traditionally black college of medicine. J Med Educ 1978; 53:640-50.

[6] McPheeters HL. Health professionals for the South: supply and cost issues needing state attention. Atlanta: Southern Regional Education Board, 1983.

[7] Report of the Graduate Medical Education National Advisory Committee to the Secretary, Department of Health and Human Services. Washington, D.C.: Department of Health and Human Services, 1980.

THE STATE OF UNITED STATES-SOVIET RELATIONS MANDATES CRISIS COMMUNICATIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. STARK. Mr. Speaker, arms control and national security issues have assumed a high political profile. Much of the congressional debate has focused on the merits, or lack thereof, of various technical arms control proposals and weapons systems. This debate has been constructive, and will undoubtedly continue throughout the current session.

Discussion of these technical issues, however, has obscured perhaps the most important factor in our efforts to avoid nuclear war. I refer to the ability of the superpowers to manage crises which could unintentionally escalate to a nuclear exchange.

Various imaginable force structures on both sides can affect the stability of the nuclear balance in any given hypothetical situation. But it will be our "in-place" crisis management capability that determines whether the weapons deployed become the weapons fired.

My colleague, Mr. DREIER, and I have introduced a bill, H.R. 408, which addresses this question. I am inserting the text of this bill in the RECORD, along with a list of the current cosponsors, which I feel demonstrate the bipartisan nature of our support.

H.R. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) the threat of nuclear war is of increasing concern to the citizenry of both the United States and the Soviet Union;

(2) the need has long been recognized for assuring quick and reliable communications directly between the leaders of the United States and the Soviet Union in order to reduce the danger of nuclear war arising from accident or miscalculation;

(3) the "hot line" established in 1963 is currently the only such means for direct and immediate communications between the leaders of the United States and the Soviet Union; and

(4) increased communications and consultation between the Governments of these two countries may substantially decrease the threat of war.

(b) Therefore, the President shall seek to negotiate an agreement with the Soviet Union for the establishment of a permanent joint United States-Soviet Communications Center to provide an additional channel for communications between the United States and the Soviet Union in order to reduce the threat of an accidental nuclear war. The agreement negotiated pursuant to this Act should provide that—

(1) the function of the Communications Center would be to serve as a direct and secure means of communications between the United States and the Soviet Union;

(2) the Center would have no intelligence-gathering capabilities of its own and would not be used for the purposes of espionage;

(3) the Center would be located in a third country agreed upon by the United States and the Soviet Union, with the costs of operating the Center to be shared equally by the United States and the Soviet Union; and

(4) the Center would be staffed by an equal number of personnel (including all technical, military, and diplomatic personnel) from each country, with the head of each country's delegation being an individual with the rank of ambassador.

SEC. 2. the agreement negotiated pursuant to this Act shall be either a treaty or an executive agreement which will enter into force only upon its approval by both Houses of the Congress.

ADDITIONAL CONSPONSORS OF H.R. 408

Mike Lowry, John Porter, Steny Hoyer, Ed Feighan, Ted Weiss, Bill Frenzel, Ed Markey, Gus Yatron, John Seiberling, Howard Wolpe, Robert Lagomarsino, Norman Mineta, Bill Hughes, Mike Barnes, Stan Lundine, Bob Edgar, Walter Fauntroy, Larry Smith, Edwin Forsythe, Bruce Vento.

Harry Reid, George Crockett, Robert Mrazek, Berkley Bedell, Vic Fazio, Bob Whittaker, John Kasich, James Jeffords, Don Edwards, Richard Ottinger, Norman Dicks, Dan Coats, Chris Smith, Paul Simon, James Weaver, Arlan Stangeland, William Ratchford, George Wortley, Gary Ackerman.

Bob Matsui, Howard Berman, Al Swift, Claudine Schneider, Al McCandless, Charlie Wilson, Charlie Rangel, Bill Patman, Tom Vandergriff, Hal Daub, Rod Chandler, George Gekas, Connie Mack, Tom Tauke, Bill McCollum, Robert Torricelli, Bill Lowry, Henry Hyde, Gene Chappie, Dan Marriott.

Norm Shumway, Newt Gingrich, William Broomfield, Doug Barnard, Sid Morrison, George Brown, Bob Wise, Ron Marlenee, Dan Schaefer, James Howard, Mo Udall, Parren Mitchell, Bill Lehman, Mel Levine, Bill Gray, Barbara Boxer, Bruce Morrison, Marty Russo, John Conyers, Duncan Hunter.

Raymond McGrath, Ray Kogovsek, Marty Martinez, Michael Bilirakis, Geraldine Ferraro, Barbara Mikulski, John Spratt, Don Pease.

Richard Shelby, Antonio Won Pat, Elliott Leritas, Anthony Beilenson, Austin Murphy, Tom Downey, Les AuCoin, Gerry Studds, Bill Green, Martin Frost, Alan Mollohan, Rich Durbin, Sander Levin, Joe Minish, Frank Harrison, Olympia Snowe, Mervyn Dymally.

TRIBUTE TO DR. STANFORD ROSEN

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. SHELBY. Mr. Speaker, I would like to pay tribute to and recognize Dr. Stanford Rosen, an outstanding citizen and fine podiatric surgeon who lives in my hometown of Tuscaloosa, Ala.

Dr. Rosen has recently been elected president of the academy of Ambulatory Foot Surgery, an international organization of specialists who use surgical techniques to remedy foot problems without overnight hospitalization. This honor is just one of many that has been bestowed upon Dr. Rosen during his highly successful practice of podiatric medicine.

In 1962 he graduated from Geneva College in Beaver Falls, Pa. He received his D.P.M. degree in Cleveland at the Ohio College of Podiatric Medicine in 1966.

After graduation he was a private practitioner in Columbus, Ohio, for 5 years. From 1972 to 1974 he worked at the University of Alabama in Birmingham, as chief of podiatry for the Diabetes Hospital and served as an assistant professor of podiatry in medicine at the U.A.B. School of Medicine.

From 1974 to 1981 Dr. Rosen was director of the Podiatry Center in Vestavia, Ala. He came to his present practicing position at the Foot Health Center in Tuscaloosa, Ala., in May of 1982.

Dr. Rosen's leadership capabilities in his field have earned many honors and appointments. He was selected as a member of the Govenor's staff for 1973-79 and 1980-84. He has served as vice president and board member of the Birmingham Lay Diabetes Society; public health chairman and president of the Alabama Podiatry Association; board of directors of the Birmingham Regional Health Systems Agency; and was listed in "Who's Who in America."

Dr. Rosen has continued his fine spirit of helping others, not only in his professional field, but in his community as well. During his residency in Tuscaloosa he has served as vice president of the Tuscalossa Quarterback Club; taken an active membership in the Tuscaloosa Tip-Off Club; and served on the University of Alabama Scholarship Committee.

Dr. Rosen is a widely published author in many professional journals. Some of his outstanding articles include "Podiatry and its Role in Diabetic Medicine," Alabama Journal of Medicine, 1972; "The Foot—The Forgotten Part," Alabama Journal of Medicine, 1974; "What Diabetes Means to the Podiatrist," Current Podiatry, May 1977; "Restless Leg Syndrome," Alabama Journal of Medicine, 1981; and "Wilson Bunionectory," Academy of Ambulatory Foot Surgery Journal, 1983.

Mr. Speaker, Dr. Stanford Rosen is a fine example of an individual who has made many outstanding contributions to his profession. He is an asset to his community whose praiseworthy efforts serve as an inspiration to all of us.

He has given so much of himself to others and I believe this tribute is certainly deserving to this outstanding individual. The podiatry profession is

fortunate to have a man like Dr. Rosen on their team.

I want to also take this opportunity to express to Joan, his lovely wife, and their seven children, what an honor it is for me to recognize a man like Dr. Rosen. I am proud to have a gentleman of this caliber in my district and in my hometown of Tuscaloosa. I know he will be successful in whatever task he undertakes, and I wish him the very best in all future endeavors.●

TRIBUTE TO PITTSTON SAN CATALDO SOCIETY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to the San Cataldo Society of Pittston. This nonprofit organization was established in the year 1903, which makes the San Cataldo Society the oldest in the Wyoming Valley. Its membership today totals 265 regular members plus an additional 142 social members, of which I am honored to be one.

The purpose of the society is to provide good citizenship, to get involved in civic affairs, encourage the exercise of the right to vote, and to provide for the welfare of all of its members, both regular and social.

The officers of the society this year are Salvatore Anzalone, president; Joseph Leonardi, vice president; Joseph Falzone, treasurer; Raimondo Leonardi, treasurer; Carmen M. Saporito, recording secretary and Frank Scarantino, assistant treasurer.

This is the kind of charitable organization, Mr. Speaker, which is at the bedrock of our community values. It seeks to deal with community problems, it helps its members and it works to build a better place in which to live. It is a pleasure for me to salute its officers and members in this 81st year of its existence and to wish for my friends in the San Cataldo Society many, many more years of social friendship and successful service to the community.●

TRIBUTE TO ROBERT L. TIENKEN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. STOKES. Mr. Speaker, the Congress recently lost the valued and trusted services of an acknowledged congressional scholar and outstanding public servant with the retirement of Robert L. Tienken of the Congressional Research Service. He was Senior Specialist in American Public Law and a recognized expert in the areas of ethics in Government and congressional procedures.

As an adviser to the House Committee on Standards of Official Conduct, Mr. Tienken provided our committee with invaluable counsel on a wide range of matters that come within its jurisdiction. Despite the thorny and frequently unprecedented nature of many of the problems brought to him by committee members and staff, he unfailingly provided illuminating and helpful advice and counsel.

Two stars guided Robert Tienken's professional life, the Constitution and the Congress of the United States. He revered both—a reverence evident in all his work for the Congress and in the performance of his assignments. For him, the Constitution and the rules and precedents of the House and Senate are the result of reason and of reasonable men and women and insure a workable legislative process.

Robert Tienken brought distinction to everything he undertook—at Princeton, where he earned a bachelor's degree summa cum laude, as a graduate of the Yale University Law School, and as a member of the New York State Bar.

Following several years of practice in an insurance law office in New York City and several more years in private legal practice in Princeton—where he simultaneously pursued graduate studies in political science—Robert Tienken came to Washington in 1957. For a number of years thereafter, he served as legislative assistant first on the staff of Senator H. Alexander Smith of New Jersey and, after the Senator's retirement, with Representative Seymour Halpern of New York.

In 1961, Tienken joined the Congressional Research Services' American Law Division where his many talents became available to the entire Congress, not simply one office. In 1973, he became Senior Specialist in American Public Law, a position for which by training, ability, and disposition he was preeminently qualified.

Tienken played a significant research and advisory role in many issues that affected Congress throughout the 1960's and 1970's including issues of ethics in Government, congressional procedures, contested elections controversies, reapportionment and redistricting, and Congress and the courts. His work in these areas was distinguished by its comprehensiveness, scholarly detachment, and unquestionable good sense. In all of his endeavors for Congress, Robert Tienken strove to provide a product that was useful and meaningful to the legislative process, not something to grace congressional office shelves, much admired and little read.

Robert not only earned the respect and admiration of his congressional clients, he was greatly admired and universally liked by his CRS colleagues. For them, as for us, his encyclopedic knowledge and institutional memory opened the door to solutions to many problems. Notwithstanding his own crowded docket, he always found time to provide invaluable assistance to one and all. When consulted—and his counsel was widely sought—the matter at hand became the focus of attention while he himself, with amiability and unaffected modesty, receded to the background.

Robert L. Tienken has been throughout his life the essence of civility, courtliness, kindness, and amiability. Those of us who have benefited from his long labors on behalf of Congress and the American people will miss him. I join his wide circle of appreciative clients and friends in wishing him a deservedly long, healthy, and happy retirement.●

THE STRUGGLE FOR JUSTICE CONTINUES

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mrs. BURTON of California. Mr. Speaker, on February 18, 1984, the Bay Area Day of Remembrance Committee will be sponsoring an event entitled, "The Struggle for Justice Continues." This special day will commemorate an event which I would like to bring to the attention of my colleagues.

Forty-two years ago, on February 19, 1942, President Franklin D. Roosevelt signed into law Executive Order 9066 which authorized the evacuation of 120,000 persons of Japanese ancestry from the west coast, two-thirds of whom were American citizens.

Executive Order 9066 gave military officials the authority to remove these individuals from their homes to assembly centers—temporary living quarters at racetracks and fairgrounds—and then to 10 relocation centers, dispersed throughout isolated parts of the United States for the remainder of World War II. Although many of the people interned were allowed to leave the relocation centers to attend schools or seek employment, the majority of the Japanese Issei and Nisei, first and second generation Japanese Americans, made their tar-papered barrack rooms their homes behind the guarded barbed wire fence during the war years.

As we reflect upon this terrible injustice imposed on loyal Americans who were denied their basic constitutional rights and civil liberties, it is my fervent hope that this kind of tragedy will never occur again in the course of our Nation's history.

The loss of personal liberty and the prejudices which were inflicted upon Americans of Japanese descent will forever remain as scars and painful memories among these former internees.

It would seem that some 40 years later, we would have a better understanding of other ethnic groups. Yet, the struggle for justice must continue, for it was just a year ago that an innocent American of Chinese descent was beaten to death because his racial identity was mistaken by two men angered by the effect of Japanese car sales on our economy. Perhaps the most shocking aspect of this case were the judge's statements that these men, under ordinary circumstances, would not harm others. The two men were ordered to pay a fine of $3,000 and were placed on probation. This example of the denial of civil rights for minority groups makes it essential for all Americans to be vigilant in protecting the rights of their fellow Americans.

In the House of Representatives, we have followed the recommendations of the Commission on Wartime Relocation and Internment of Civilians and introduced legislation to compensate the victims of this injustice. I will work with my colleagues to pass this legislation.

This year, the Bay Area Day of Remembrance Committee will be addressing and emphasizing the theme entitled, "The Struggle for Justice Continues." I would like to take this opportunity to join this group and recognize February 19 as a day of remembrance to reflect upon the goals of freedom and justice which we all strive to achieve.●

WEST LEECHBURG TRIPLETS JOIN MARINE CORPS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. GAYDOS. Mr. Speaker, earlier this year the U.S. Marine Corps scored another first in its illustrious career.

On January 6, 1984, Robert, Mark, and Edwin DeLancey, triplet sons of Mr. and Mrs. Robert and Sarah DeLancey of 112 Jantosik Street, West Leechburg, Pa., raised their right hands and were sworn into military service as marines.

It was the first time in the recorded history of the corps' recruiting station in Pittsburgh, Pa., that a set of triplets had enlisted together. And, it is my understanding that although such records are not kept at Marine Corps Headquarters such an event is looked upon as a rare occurrence, indeed.

The DeLancey triplets were recruited by Sgt. William Neilson of the Pittsburgh station and after their swearing-in ceremonies they left for boot camp at Parris Island, S.C.

Major James P. Walsh, commanding officer of the Pittsburgh station, said the three young men "are a positive reflection on the patriotism shown by the men and women of today." He added the corps was extremely proud to welcome the DeLancey's into its ranks.

As the representative from the 20th Congressional District of Pennsylvania, where the DeLancey family resides, I, too, am proud of these young men. They have demonstrated a love of country and a willingness to serve in its defense which seems to be growing more prevalent among the Nation's young adults.

And, these 20-year-old triplets are carrying on a family tradition by their enlistment. They are following in the footsteps of their father, Robert Sr., an employee of West Leechburg Works of Allegheny Ludlum Steel Corp. Mr. DeLancey enlisted in the Air Force during World War II and served with the 482d Bomb Group in Europe.

Mr. Speaker, I am sure my colleagues in the Congress of the United States join me in applauding Robert, Mark, and Edwin DeLancey and wishing them well in their new careers.●

GREGORY MACKRIDES

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. BORSKI. Mr. Speaker, I rise to bring to the attention of my colleagues an outstanding example of citizenship and bravery in the heroism displayed by Mr. Gregory Mackrides of Philadelphia.

On the evening of April 4, 1982 in Philadelphia, Mr. Mackrides intervened in an attempted assault by two men on Warren Parks, a 14-year-old youth. While attempting to protect the youth, Mr. Mackrides sustained serious injuries from blows and stab wounds.

Mr. Mackrides has long been active in sports in the city of Philadelphia. He presently is the director of the Sports Clinic of Philadelphia. His skills in weight-lifting led many to believe he would be a strong contender for the 1984 Olympic games. Tragically, the injuries sustained in the attack will prevent him from realizing this dream.

Gregory Mackrides deserves the fullest recognition and appreciation of the American people. Serious crime is a scourge on life in America today. Efforts are underway to improve the effectiveness and efficiency of our law enforcement and judicial systems. The individual can and should contribute in many important ways to the law enforcement process. Sadly, many do not want "to become involved." Gregory Mackrides became involved in a most serious way. He is an example of the best kind of citizen—someone who cares about his fellow man.

Mr. Mackrides has received a Presidential commendation for his heroism, as well as recognition from State and local government and civic organizations. Gregory Mackrides' citizenship extends beyond his actions on behalf of Warren Parks. Through his work in the Sports Clinic, he has contributed toward the physical and moral development of young people in Philadelphia. He is the past president of the Optimist Club in Torresdale. He is also founder of the Northeast Victims of Crime, an organization devoted to assisting victims of crime through its efforts in cooperation with law enforcement agencies and counseling groups.

Gregory Mackrides' heroism and continuing citizenship is an example for all to follow.●

TRIBUTE TO LEFTY TRUSZOWSKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. HARRISON. Mr. Speaker, on Sunday, March 4, Alex "Lefty" Truszkowski better known as "Lefty and His Singing Accordion," will be honored at a testimonial dinner-dance.

For the last 55 years, Lefty has dedicated his life to music and, in particular, to polka music. He is famous throughout the Wyoming valley for bringing that music, with everlasting good cheer, a smile and a friendly remark far and wide to almost every conceivable type of public and private event. He has performed for weddings, clubs, social affairs and "Polish Day" programs throughout the State of Pennsylvania. He has also given selflessly of his time to entertain patients in hospitals and all of us at numerous charitable events.

And so, Mr. Speaker, Sunday, March 4, his family, friends, and neighbors will return to Lefty some of the joy that he has given to others. It is my pleasure to join in that tribute here today and to recognize not only my friend "Lefty" but to his wife, Stella, whose strength and support has made possible so much that he has done.●

LITHUANIAN INDEPENDENCE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Ms. MIKULSKI. Mr. Speaker, I join in noting with Lithuanians around the world the 66th anniversary of the declaration of Lithuanian independence which took place on February 16, 1918. Lithuania is home to a proud people who are subjected unwillingly to Soviet oppression. Their independence, established in 1918, was sadly cut short after a heroic struggle against the numerically superior forces of Communist Russia.

The Lithuanian people, however, continue to demonstrate tremendous courage when faced with constant Soviet attempts to eradicate all forms of their culture and tradition. Despite the most severe forms of repression and religious persecution, Lithuanian culture and tradition still thrive. All Lithuanians retain a strong desire for freedom, and it is this desire from which they get their strength.

The Lithuanians are a symbol to the world of a people determined to maintain their culture, traditions, language, and religion even though the Soviet Union controls their society.

Through their determination, the Lithuanians have succeeded in maintaining their nationalistic spirit, and that spirit remains alive today.

It is this spirit of freedom that we honor today. Let the Lithuanian people know that we, in the United States, recognize and respect their right to freedom and self-determination. We honor and encourage their perseverance. Their struggle is not, and will not, be forgotten.●

KISSINGER COMMISSION CRITICIZED

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. JACOBS. Mr. Speaker, the following are news releases from the Christian Church (Disciples of Christ) of Indianapolis, Ind.

Before Congress throws one more saddle on U.S. taxpayers, I think we should all reflect on these criticisms of the Kissinger Commission which, as President Reagan has said in essence, have rubber stamped the administration's military-look-the-other-way-on-human-rights policy in Latin America.

TEGUCIGALPA, HONDURAS (DNS).—The lone Christian Democrat in Honduras' Congress says the Kissinger Commission on Central America was not interested in hearing views opposing the American military presence.

The commission did not interview opposition leaders in Honduras, says Efraín A. Díaz Arrivallaga. Most Hondurans are afraid to speak out because anything other than unquestioned support draws the label "communist."

Congressman Díaz told four visiting executives of the Christian Church (Disciples of Christ) that many Hondurans believe the United States has no interest in this poor country's problems but is using Honduras to deal with its own military objectives in Nicaragua and El Salvador.

Díaz says he does not believe that Nicaragua is trying to destablize Honduras and that nobody believes the Honduran government line that there are no Nicaraguan counter-revolutionaries operating from Honduran soil.

The young economist told the visitors that Americans hear more about what is going on than Hondurans and that his own views are not published in the capital.

Díaz said the Honduran Congress never has debated the American military presence. The government has made modifications to an existing treaty to allow for the building of two radar stations supporting recognizance flights, five military air-fields, a military science center for training Salvadoran troops, the Pine One, Two and Three war games and a proposed permanent naval base similar to Guantanamo in Cuba.

Pine Three, he said, is planned for June along the frontier with El Salvador and Guatemala.

Díaz said Honduras has no border dispute with Nicaragua as it has had with El Salvador. Further, there is favorable economic balance. He feels Honduras is being pushed into a conflict with Nicaragua for the deaths will be Honduran and the objectives someone else's.

Díaz said that as a Christian he believes Honduras has had too much incursion by religious groups which "distort the Christian message" by supporting the status quo when the church should be a force for social change.

SAN SALVADOR, EL SALVADOR (DNS).—Four United States church officials were refused admittance to the Mariona Prison where political prisoners are detained, in their attempt to see a church worker held more than two months without charge.

Guards at the prison, after checking with superiors, turned the Americans away, explaining that church groups sometimes are a cover for journalists who write negative reports on the prison.

A delegation led by the Rev. David A. Vargas, executive secretary for Latin America and the Caribbean of the Christian Church (Disciples of Christ), had arranged a meeting with Ramón Grande García, arrested in November with other members of his family active in church refugee work.

The government considers providing shelter, food and medicine to refugees by the churches as assistance to guerrillas engaged in a war of independence.

American missionaries visit Grande weekly but members of his church are afraid to because of danger to Salvadorans. In addition to the murder of Archbishop Oscar Romero here, dozens of clergy have been killed and more than 400 lay workers have disappeared in recent years.

Grande, in his middle 20's and a church relief supplies worker, was arrested in a midnight raid in November along with his father, sister, 21-year-old brother and smaller children. Government troops sacked the house of the sister, stealing furniture, clothing and leading all but the small children away blindfolded.

In prison, the sister, a church secretary now freed, was beaten until she couldn't speak, tortured with electric shock, and forced to sign documents with her blindfold still on. The father and brother also still are being held.

Mariona Prison lies along a refuse-strewn road at the north of San Salvador where the so called "death squads" have dumped hundreds of bodies, some with the label "communist" sticking from their mouths.

Spokespersons for the Committee of the Mothers and Families of Disappeared, Imprisoned and Assassinated Political Victims told the visiting Disciples of Christ leaders that 40,000 civilians have been killed in the political violence and 5,000 have simply disappeared out of a population about equal to one of the larger cities in the U.S.●

TRIBUTE TO JUDGE LYLE EDSON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. LANTOS. Mr. Speaker, tomorrow the San Mateo County Bar Association will host a farewell dinner to honor San Mateo County Superior Court Judge Lyle R. Edson for 20 years of judicial and civic accomplishments. Those who will attend are his peers in the legal profession and the many jurists for whom he has served as a model of excellence.

Judge Edson began his distinguished career with studies at the University of San Francisco, which were interrupted by meritorious service as a naval officer in the South Pacific during World War II. He completed his law degree at the University of San Francisco, graduating cum laude in 1948. He was admitted to the California Bar on January 11, 1949.

Judge Edson began his service to the citizens of San Mateo County when he was appointed deputy district attorney and then chief deputy district attorney in 1955. In 1964, he was appointed as a judge of the Municipal Court for the Southern Judicial District of San Mateo County by Gov. Edmund G. Brown. He remained on the municipal court bench until 1969 when his distinctive tenure was acknowledged by then Gov. Ronald Reagan, who appointed him a judge of the Superior Court of San Mateo County. It is especially his sensitivity and commitment which will be sorely missed with the retirement of Judge Edson.

A native of Ogden, Utah, Judge Edson has also distinguished himself as an involved resident of the community of Redwood City where he and his wife, Josephine, raised their 5 children. He has contributed greatly to many public service groups such as the Redwood City Public Library Board, the Rotary Club of Redwood City, and the California Judges Association. In

these, as in all ventures he undertook, he exhibited valuable leadership.

Mr. Speaker, I am pleased to have this opportunity to acknowledge the accomplishments of Judge Lyle R. Edson and to wish him and his family a very enjoyable and productive future.●

RABBI ARNOLD M. SHEVLIN RECEIVES B'NAI B'RITH COMMUNITY SERVICE AWARD FROM S. J. STRAUSS LODGE NO. 139

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. HARRISON. Mr. Speaker, on Sunday evening, February 12, the Seligman J. Strauss Lodge of B'nai B'rith will hold its annual Lincoln Day Dinner.

This is a significant event for our entire community. It symbolizes the brotherhood which should exist between all peoples and all races and which, indeed, must exist if we are ultimately to live in a world free of strife and the horrors of war.

But this event is significant for another reason, as well, Mr. Speaker. It affords the S. J. Strauss Lodge the opportunity to pay tribute, each year, to an outstanding individual through the presentation of their Community Service Award. This year's most deserving recipient of that tribute is Rabbi Arnold M. Shevlin, spiritual leader of Congregation B'nai B'rith of Wilkes-Barre, Pa.

Rabbi Shevlin was born in Philadelphia and is a graduate of Gratz College, Temple University, the Hebrew Union College-Institute of Religion and the Hebrew Union College. He holds the degrees both of doctor of divinity and of master of Hebrew literature.

In 1947, as a student rabbi, Arnold M. Shevlin founded Temple Israel in Fairfield, Conn. After 4 years service there, he entered the U.S. Army and served in the Korean Campaign. Upon his release from active duty, he served as rabbi in Temple Beth Sholom, Danville, Va., and Congregation Rodeph Shalom, Philadelphia. During this latter service, he was also vice president of the board of rabbis in Philadelphia and cochairman of the Governor's Committee on Mental Health for Philadelphia.

Fourteen years ago, Rabbi Shevlin came to Wilkes-Barre as the spiritual leader of Congregation B'nai B'rith. Its temple is presently located at 408 Wyoming Avenue, across the bridge in Kingston. That fact is symbolic; for Rabbi Shevlin's influence in the community spans not only the Susquehanna River but men, women and organizations of all faiths and national origins. The rabbi's interests and efforts are truly ecumenical. While in the Wyoming Valley, he has been a lecturer in the department of theology at King's College, an independent liberal arts college operated by the Fathers of the Congregation of the Holy Cross. He has served as Jewish chaplain at the Retreat State Hospital and at the Chase Correctional Institution in Dallas. He has been chairman of the Nesbitt Hospital Institutional Review Committee, vice chairman of the Wilkes-Barre General Hospital Pastoral Care Advisory Committee, first vice president of the Board of Directors of Home Care Management of Luzerne County. He has served on the advisory boards of both the Wyoming Valley Clinic and the Heinz Rehabilitation Center. His interests and activities extend as well to the Wilkes-Barre Rotary Club, the Luzerne County Historical Society, the Martin Luther King Committee of Luzerne County, the Century Club of King's College and the Planned Parenthood Association of Luzerne County.

His past memberships and affiliations are too numerous to mention, Mr. Speaker, but special note must be taken that he has given of his time as a lecturer at many of our institutions of higher learning: Wilkes College, College Misericordia, Keystone Junior College, and the Penn State University campus.

And so, Mr. Speaker, on the evening of February 12, the entire Wyoming Valley community will pause to pay tribute to a unique human being, to a man who symbolizes the brotherhood which the Lincoln Day Dinner was instituted to honor and to a man whose service, in so many different ways, has made our community a better place.

It is a pleasure for me, Mr. Speaker, to join with his congregation, his family, and his many friends in paying special tribute to Rabbi Arnold M. Shevlin on this occasion and, as well, to bring his achievements to the attention of my friends and colleagues here in the House.●

HELP FOR AGENT ORANGE VICTIMS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. BORSKI. Mr. Speaker, the passage in the House of Representatives of H.R. 1961, the Vietnam Veterans' Agent Orange Relief Act of 1983, is an important first step which may, at least in some small way, compensate those who were exposed to the harmful effects of agent orange. Agent orange, a toxic herbicide mixture, was used during the Vietnam war to defoliate jungle growth.

While in Vietnam, our soldiers faced all of the dangers of war, knowing it was possible to be injured or killed. Our Government also recognized these dangers and the potentially disabling environment in which our men and women served. The United States assumed responsibility for those soldiers who did, in fact, suffer physically and mentally from the ravages of war.

However, all of the damaging effects of the war were not known to those serving in Vietnam nor to the American public. Several years of herbicide spraying passed before the National Cancer Institute released results of studies examining the effects of agent orange on laboratory animals. The chemical compound for agent orange contains high levels of the contaminant dioxin. It was shown to cause birth defects in mice, generating great concern about similar effects in humans. At the same time, newspapers in Vietnam began to report the presence of health problems, including birth defects, in rural populations which had been exposed to herbicides.

The American response to this news was first, to restrict the use of agent orange to remote areas of Vietnam; then later, to stop all spraying of agent orange.

But thousands of veterans were exposed to agent orange before the ban in 1971. Many have developed serious illnesses, including skin conditions, cancer, liver ailments, numbness in the extremities, vision and hearing impairments, and birth defects in their children. They have urged the Veterans Administration to provide medical treatment for their disorders and many have filed for disability compensation. Most of these attempts to secure relief have not been successful as the Veterans Administration has hesitated to assume responsibility for the agent orange exposure.

Mr. Speaker, the Veterans Administration has refused to permit disability and death benefits for those veterans suffering the results of exposure to dioxin, claiming there is not conclusive evidence linking various medical ailments with exposure to agent orange. However, the Veterans Administration was responsible for conducting such medical studies. Through foot-dragging and delay tactics, it avoided undertaking any substantive research for several years.

Finally, in 1979, Congress ordered the Veterans Administration to document the health effects of agent orange. But the Administration was unable to determine how best to proceed with the study and, in October 1982, turned responsibility for the study over to the Centers for Disease Control, which is still conducting research.

During all of this time, Vietnam veterans continued to manifest illnesses

and were unable to secure help from the country they served so valiantly. These veterans have certainly waited long enough. They need our help now. H.R. 1961 is one way in which we can help redress the physical suffering they have experienced.

While this legislation will not compensate veterans for all illnesses they developed after their return from Vietnam, it will provide disability and death benefits to victims of those conditions most likely to be caused by agent orange. Veterans will be permitted to recover for chloracne, a skin disorder; cancerous tumors of soft tissues; and, porphyria cutanea tarda, a rare liver disease.

I am proud to lend my support to this legislation. We asked much of our young men and women who served our country in Vietnam. We asked them to fight, suffer, and die. Now, they are asking for our help. H.R. 1961 is but one small way to alleviate the long-lasting effects of that war on these brave Americans.●

A TRIBUTE TO THE 175TH BIRTHDAY OF ABRAHAM LINCOLN

HON. FRANK J. GUARINI
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. GUARINI. Mr. Speaker, February 12, 1984, will mark the 175th anniversary of the birth of Abraham Lincoln, the immortal 16th President of the United States of America.

It is my pleasure to have been invited once again to functions being conducted commemorating this great President's birthday as conducted by the Lincoln Association of Jersey City.

This association, composed of many of New Jersey's outstanding citizens, is the oldest continuous organization in the entire United States dedicated to the memory of Abraham Lincoln. Their annual events have been conducted continuously and without interruption since 1866, dedicated to the ideals and principals of this great man, who was principally responsible for the reservation of the United States of America from political disintegration in perhaps the most troubled time in our Nation's history.

In addition to paying tribute to the Great Emancipator, it is my desire to congratulate and compliment the Lincoln Association for its continued remembrance, perpetuating itself to the high ideals and principles of Abraham Lincoln.

The litany of Lincoln's difficult road to the White House is outlined as follows. A study thereof indicates the many disappointments and failures Abraham Lincoln encountered and endured and overcame before his election to the Presidency in 1860.

Statistics show that books and literature concerning Abraham Lincoln are only exceeded by the Bible. It is difficult to project new information on the greatness of Abraham Lincoln.

Homer Hock wrote:

LINCOLN

There is no new thing to be said of Lincoln. There is no new thing to be said of the mountains, or of the sea, or of the stars. The years may go their way, but the same old mountains lift their granite shoulders above the drifting clouds, the same mysterious seas beat upon the shore, and the same silent stars keep holy vigil above a tired world. But to mountains and seas and stars men turn forever in unwearied homage. And thus with Lincoln. For he was mountain in grandeur of soul; he was sea in deep undervoice of mystic loneliness; he was star in steadfast purity of purpose and of service. And he abides.

In the compilation by William E. Barton entitled "Abraham Lincoln's Creed" it is written:

I believe in God, the Almighty Ruler of nations, our great and good and merciful Maker, our Father in heaven, who notes the fall of a sparrow and numbers the hairs on our heads. I recognize the sublime truth announced in the Holy Scriptures and proved by all history that those nations are blessed whose God is the Lord. I believe that the will of God prevails. Without him, all human reliance is vain. With that assistance I cannot fail. I have a solemn vow registered in heaven to finish the work I am in, in full view of my responsibility to my God, with malice toward none; with charity for all; with firmness in the right, as God gives me to see the right.

Abraham Lincoln, with the trials and tribulations of his personal and political life, is epitomized in the late John F. Kennedy's "Profiles in Courage":

To be courageous requires no exceptional qualifications, no magic formula, no special combination of time, place, and circumstance. It is an opportunity that sooner or later is presented to us all. Politics merely furnish one arena which imposes special tests of courage. In whatever arena of life one may meet the challenge of courage, whatever may be the sacrifices he faces if he follows his conscience—the loss of his friends, his fortune, his contentment, even the esteem of his fellow men—each man must decide for himself the course he will follow. The stories of past courage can define that ingredient—they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

WHAT PEOPLE SAID

The great poet Carl Sandburg said:

When people talked about Lincoln, it was nearly always about one or more of these five things: (1) how long, tall, quick, strong, or awkward in looks he was; (2) how he told stories and jokes, how he was comical or pleasant or kindly; (3) how he could be silent, melancholy, sad; (4) how he was ready to learn and looking for chances to learn; (5) how he was ready to help a friend, a stranger, or even a dumb animal in distress.

It was K. Morgan Edwards who made the comparison of Jesus Christ and Lincoln, who wrote in his comparison:

JESUS AND LINCOLN

There is a striking similarity between the Man of Galilee and the man from Illinois.
Both had obscure beginnings.
Each came to his own and they received him not.
Neither allowed difficulty to turn him from his central purpose.
Both prepared for responsibility through self-sacrifice and self-denial.
Both loved little children.
Both befriended the weak.
The common people heard each of them gladly.
Neither condescended, yet both loved all men as children of God.
Both hated the things which enslaved men.
Each had a passion for justice and truth.
Each took the pains of humanity as his own so that he was a "man of sorrows . . . acquainted with grief."
Neither made room for bitterness.
Each of them knew the loneliness of following the course of the heart rather than the dictates of men.
Both marched resolutely toward death for humanity.
Each of them died to set men free.

On Sunday, February 12, there will be a traditional laying of the wreath at the beautiful Lincoln statue at Lincoln Park, in Jersey City. I look forward later to being at the annual dinner at the casino in the park, where Albert Angrisani, former Assistant Secretary of Labor, to Bayonne's own U.S. Secretary of Labor Raymond J. Donovan, will be the guest speaker.

Ceremonies at the dinner will include the installation of retired Superior Court Judge Henry B. McFarland as the 1984-85 president of the Jersey City Lincoln Association.

During the ceremonies it will be my distinct pleasure to present a bust of Abraham Lincoln to the 1983-84 outgoing president, my dear friend, Judge J. Leonard Hornstein, of the Superior Court of New Jersey. I am pleased to continue this tradition, which I commenced in 1982 when I presented the first bust to outgoing president, Joan Quigley, vice president of St. Francis Hospital, and last year to Mark Sullivan, Jr., attorney at law, who served last year.

Officers and trustees to be installed at the association's 119th annual dinner on February 12 will be Dorothy McGrath, first vice president, Dr. Reginald Farrar, second vice president; Edwin Bogart, third vice president, Lorraine O. Smith, secretary, Nicholas Boshko, treasurer, and J. Owen Grundy, historian.

Trustees are John J. Quigley, Jr., Peter T. D. Murphy, the Reverend Edward Glynn, S.J., Gustav Onorato, Mrs. J. Randolph Jones, Kevin Ward, and Edward J. Davin. I am pleased that Assemblyman Paul Cuprowski has introduced a resolution in the New Jersey Assembly commemorating this

175th anniversary, and praising the association.

Lincoln's life indeed echoes the words of the late Robert F. Kennedy who said:

But I know of no American who would not rather be a servant in the imperfect house of freedom, than be a master of all the empires of tyranny.

I feel certain that Martin Luther King, Jr., as he expressed in his famous message, had Abraham Lincoln in mind when he said:

It is no longer a choice between violence and non-violence in this world, it is nonviolence or nonexistence. * * * I have a dream that one day every valley should be exalted, every hill and mountain shall be made low, the rough places will be made plains, and the crooked places will be made straight * * * and all flesh shall see it together.

Both these men have been to the "mountain top" working for peace, love, and the brotherhood of mankind. We hope that all persons of good will will continue this dedication.●

A FUNNY THING HAPPENED ON THE WAY TO THE FINANCIAL FORUM

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. SHELBY. Mr. Speaker, too often, it seems, the Members and staffs who roam these hallowed halls of the Hill become divorced from reality—the reality of everyday life from which most of us are comfortably insulated. The debate surrounding the breakup of AT&T provides a case in point. By day, Members engaged in pedantic pugilism, hurling modern day regulatory spears of access charges and ENFIA rates at their committee counterparts. By night, however, one could always look forward to an effortless affair with a WATTS line, free from any time constraint or service hassle that plague most mere mortals. After all, AT&T would never dare allow telephone service to degenerate within 500 yards of the Capitol steps.

The drama of divestiture is far from over. In fact, as Ann B. Diamond of the New York investment firm of Seiden & de Cuevas, has eloquently shown in the following article, it is still far from apparent as to who the villains and heroes are in this ultimate of financial melodramas.

DIAL M FOR MURK

(By Ann B. Diamond)

A funny thing happened on the way to the A.T.&T. divestiture. Everyone forgot to service the customer. A lot of material has been published on the divestiture, but none of it explained how frustrating it would be to get your telephone fixed.

I thought I had it figured out. I would buy my phone from American Bell, the part of A.T.&T. that sells and repairs equipment. That way, if anything went wrong, A.T.&T. would feel some loyalty and help me. Wrong. There is no such thing as loyalty in the telephone business now. This is what happened when I reported a dead telephone to American Telephone and Telegraph Company:

A.T.&T. "What exactly is the problem?"

Me. "I don't know. The telephone doesn't work."

A.T.&T. "Is the problem with the equipment or the line?"

Me. "How should I know?"

A.T.&T. "If your problem is with the line, New York Telephone will have to service you. If it is the equipment, American Bell is responsible."

Me. "I am not an engineer. All I know is that I can't make a call."

A.T.&T. "I'll have someone from New York Telephone come to see you. I'm not supposed to do this, but I will make an exception and help you out."

Me. "Oh, thank you."

After three days, there is a visit from a New York Telephone repairman.

New York Telephone. "What seems to be the problem?"

Me. "My phone doesn't work."

New York Telephone. "I checked your line and it works fine. There is a problem with your equipment. I shouldn't do this, but I will call American Bell for you and ask them to visit."

Me. "Oh, thank you."

Another three days pass, and then a visit from an American Bell person.

American Bell. "What is the problem?"

Me. "My phone doesn't work."

American Bell. "Your equipment is fine. There seems to be trouble on the line. We will have to contact New York Telephone to see who is responsible. I shouldn't do this, but I will call them to set up a visit."

At this point, I begin to catch on to the hidden meaning of divestiture—to provide an excuse for telephone repairmen to tell customers someone else is responsible for the repair.

When people ask what this divestiture business means, I know just what to tell them: an endless circle of disservice to the customer. Sure makes you want to reach out, reach out and punch someone.●

A TRIBUTE TO THOMAS W. ZITO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. GUARINI. Mr. Speaker, a good and faithful public servant from the city of Bayonne is retiring, leaving an illustrious career with countless accomplishments affecting the good and welfare of tens of thousands of individuals. His hometown community is joining in a well-deserved salute to be held at the High Hat Restaurant in Bayonne.

On Saturday, February 18, 1984, Thomas W. Zito will be honored by the United Service Organization, in cooperation with other community service organizations, for 42 years of public service to his community. Mr. Zito retired as director of the Bayonne Housing Authority on November 30, 1983.

Representation at the retirement dinner will be from the following organizations: Boy Scouts; Catholic Committee on Scouting; NCCJ; NAACP; United Way of Hudson County; American Red Cross; USO Motby; Bayonne Housing Authority; South Shore Village not for Profit Corp.; South Shore Village Leased Housing Corp.; New Jersey Association of Housing Authorities; National Association of Housing Officials; National Housing Conference; Tiro A. Segno of New York, Inc. (N.Y. Rifle Club); National Leased Housing Association; St. Peter's Prep; and the Unity Council.

Tom Zito comes from a family with roots long established in Bayonne. His grandfather, Anthony Carlo, migrated to Bayonne from Sasson in Italy in 1886. His mother, Anna, was born in Bayonne in 1898. His father, Peter, came to Bayonne from Petina, Italy, in 1902.

Tom Zito attended local public schools and graduated from Bayonne High School in June 1930. After graduation, he worked during the day and attended New York University where he earned the bachelor of arts and masters degree in economics.

In 1940, he married Rose Scarito; they have three children and one grandchild.

In 1942, Mr. Zito was employed as an economics instructor at the John Marshall School of Law in Jersey City. He became assistant to the dean in charge of the college division where he was instrumental in raising the college program from a 2-year course of study to degree-granting status.

In 1950, Tom Zito was delegated by the board of directors of John Marshall School of Law to represent the interest of the school before the section of legal education of the American Bar Association. After 3 days of testimony, Mr. Zito's presentation resulted in the gift of the charter of the John Marshall Law School to the Seton Hall University. The law school was then accredited by the American Bar Association.

Mr. Zito served as the first admissions officer of the law school of Seton Hall University.

On March 15, 1951, Tom Zito was appointed executive director of the Housing Authority of the city of Bayonne. At the time, the authority was newly organized with no staff and no resources. Today, the authority is responsible for 2,000 units of federally assisted housing, a completed urban renewal program, which revitalized the economic life of the central core of the city of Bayonne, and 65 employees. In connection with the urban renewal program and with the backing and support of the former mayor, Francis Fitzpatrick, and city of Bayonne received the first letter of credit from the Urban Renewal Administra-

tion for the $1 million credit toward the cost of a new city hall.

In 1960, the State of New Jersey mandated that all veterans' projects in the State be sold. Mr. Zito organized the support of the political and corporate leaders in the city of Bayonne and arranged for the purchase of the 260-unit garden apartment through the sale of renewal bonds to Allstate Insurance Co. Today, this apartment complex has the lowest rent in the city without the benefit of any Federal subsidies.

During the Nixon years, no direct Federal funds were available as outright grants for construction funds for housing for low-income families. Mr. Zito recommended to all New Jersey public housing authorities that they create nonprofit corporations to comply with the provisions of the housing laws making funds available for the private sector.

In this manner, a nonprofit corporation, South Shore Village II, was formed as an instrumentality of the authority to construct and purchase housing units for occupancy by low-income families. As a result of this endeavor, our 600 units of housing became a reality.

The format of the organization of tenants into a unity council was devised by Mr. Zito. Each apartment complex elected a president, and all the presidents collectively were organized as the unity council. The council has a staff of five paid employees whose function is to assist the tenants in all aspects of their social and cultural well-being. This uniqueness of the unity council is that although the staff is employed by the authority, their basic obligation is to the needs of all tenants. Mr. Zito always maintained that the unity council should operate independently—free from political interference.

In other community endeavors, Mr. Zito was appointed a trustee of the board of education because of his educational background as a teacher and administrator.

In 1956, Esso, the largest single taxpayer, requested that the city of Bayonne and the board of education reduce expenditures 10 percent so that taxes could be reduced in 1956 and to hold the line in 1957, with no increases in taxes or expenditures. Under Mr. Zito's leadership as president of the board of education, the economies were achieved. Esso officials showed their appreciation by providing a lake for Scouters at Camp Lewis and the engineering data and plans to construct a bridge between the high school and technical school. This bridge made it possible to achieve economies from the common use of the auditorium for study classes instead of individual homeroom classes.

From 1953 to 1976, Mr. Zito taught economics at Rutgers University as an adjunct instructor. During this period, the Dumbarton Oaks Agreement resulted in the free float of gold which, prior to the agreement, was pegged at $32 per ounce. Mr. Zito accurately predicted and recommended to his students that gold shares be purchased as a hedge against the inflation which was to follow. Many of his students benefited from the increase in value of gold shares.

In addition to his duties as an academician and as executive director of the authority, Mr. Zito devoted time to community endeavors. He served the Boy Scouts, the United Way, the Selective Service System, the National Conference of Christians and Jews, the USO, the NAACP, and National and State housing organizations.

For the Boy Scouts, he was instrumental, as president, in the development of a lake at Camp Lewis; for the Catholic Committee on Scouting, as chairman, he supported the annual nuns' day at Camp Lewis; for the United Way, as president, he was a factor in the first million-dollar campaign; for the NCCJ, he served as chairman of the brotherhood annual award dinner; for the NAACP, he spearheaded the program of homeownership housing for minorities; for national housing groups he served as an officer and board member.

It is no surprise, therefore, that for his endeavors on behalf of others, Tom Zito was honored by the Boy Scouts with the Silver Beaver; the Catholic Committee on Scouting with the Pelican and St. George Award; the NAACP with the Man of the Year Award; the NAACP as the Catholic honoree; the Catholic War Veterans as the recipient of the God and Country Award, and by the New Jersey Association of Housing Officials as the Second Achievement Awardee.

One significant phase of his housing experience was being selected by the Agency for International Development to visit Costa Rica and report to the agency on the progress of American housing aid. Another major achievement was the development and approval by HUD of an authority operation which resulted in setting up a reserve to support the obligations of a not-for-profit corporation.

Tom Zito has provided the inspiration and perspiration to get the job done. He believes that with every problem there is an opportunity to win the grace of strength and progress, and believes that a person's life work must not only be simply good, it must be good for something.

Taking part in the program are the following, which indicates the communitywide love and admiration for Tom's work: Mayor Dennis Collins, honorary chairman; Councilman Neil De Sena, Michael Sheehan, cochairman; Assemblyman Joseph Doria, who will be joined by Anthony Cortalessa; and James T. O'Halloran, the guest speaker, according to Dominick Cione, chairman of the event.

I am certain that my colleagues here in the House of Representatives wish to join me in this salute to Thomas Zito, for indeed he has made our great Nation even greater.●

UKRAINIAN NATIONAL ASSOCIATION CELEBRATES 90TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. LIPINSKI. Mr. Speaker, on February 22, 1984, the Ukrainian National Association celebrates the 90th anniversary of its founding. The UNA is the oldest and largest Ukrainian organization in America, and has provided valuable leadership and services to the Ukrainian community.

Since its founding by Ukrainian immigrants on February 22, 1894, the Ukrainian National Association has helped Ukrainians succeed in the New World while maintaining contact with their cultural heritage. UNA members established cultural, religious, patriotic, and social activities to foster a sense of community in their neighborhoods. The UNA fraternal and insurance benefit functions provided recent immigrants with important financial assistance.

There are over 80,000 UNA members in 450 local branches located across the United States and Canada. The members meet regularly to discuss organization and community issues, plan religious and patriotic ceremonies, and organize social and athletic events. In addition, many branches participate in community fund drives, parent-teacher associations, and other civic activities.

The local branches of the UNA continue to provide financial assistance to Ukrainians across the country. Annual scholarships to needy students, low-interest loans and an emergency fund for victims of natural disasters are just a few of the many services provided by the Ukrainian National Association.

The UNA publishes newspapers and periodicals, both in English and in Ukrainian, that keep readers informed of the progress of the UNA and link Ukrainians around the world.

The Ukrainian National Association is a shining example of the initiative taken by immigrants to this country. We can all be proud that this organization, set up nearly a century ago by newcomers in a strange land, continues to serve its people. The guidance, leadership, and solidarity provided by the UNA still enrich the lives of thousands of Ukrainian-Americans. I congratulate the Ukrainian National As-

sociation on its 90th anniversary, and I wish the UNA and its members many more years of success in serving the Ukrainian-American community.●

BEAGLE CHANNEL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. LAGOMARSINO. Mr. Speaker, it is welcome news to read that the Foreign Ministers of Argentina and Chile have signed a Declaration of Peace and Friendship and have pledged to settle the dispute over the Beagle Channel.

As you will recall, those two nations almost went to war in 1978, with each claiming territorial jurisdiction over the waterway at the southern tip of South America.

Special recognition should be given to Pope John Paul II who engaged in a 5-year mediation effort trying to find a formula that would resolve the conflicting claims.

Although there have been no details released yet on the exact terms for the settlement of the dispute, apparently both nations will be working together to draw up the final treaty.

I am pleased that the Governments of Argentina and Chile have acted in a responsible, constructive manner to resolve a conflict that for so long served to block cooperative relations between the two.●

THE 1984 CONGRESSIONAL CALL TO CONSCIENCE VIGIL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. PORTER. Mr. Speaker, as a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I would like to call my colleagues' attention to the plight of the Tarnopolsky family of Kharkov.

The Tarnopolsky family, Yuri, Olga, and their 12-year-old daughter Irina, originally applied to emigrate to Israel in June 1979. They have been refused permission for an exit visa several times and have been subject to great hardship and harassment. Yuri, an organic chemist, lost his professional standing in the scientific community and last March Yuri was arrested and charged with anti-Soviet slander.

Following the arrest of her father, young Irina corresponded with Yuri Andropov, General Secretary CPSU, requesting justice for her father. She wrote,

My father, Yuri Tarnopolsky is in prison now. He is accused of slandering the Soviet system and soon will be tried. But my Papa is an honest man. He has never lied. He is under arrest only because we are Jewish and want to leave for Israel . . . Already four years we have waited for permission to leave. Now Papa is arrested and we don't know what will happen to us. I beg you to release my Papa and let us leave for Israel.

Despite this urgent plea, Mr. Tarnopolsky was tried, without legal representation and sentenced to 3 years of imprisonment in a Siberian labor camp.

In November, Olga embarked on a 6-day journey to visit her husband. Prior to her trip, she was informed by prison authorities that she would be allowed to visit her husband three times a year and bring him one small package, weighing 1 kilogram, during each visit. Olga packed up a small amount of warm clothing for her husband and traveled over 3,500 miles by train from Kharkov to Chita. At the end of her difficult journey, she was told by prison authorities that she would not be allowed to see her husband. Although at first the prison authorities refused to tell her why she had been denied permission to visit Yuri, she was finally told that her husband had broken a prison rule by placing his small notebook on his pillow instead of keeping it on his nightstand. And as a result of this small infraction, Olga's long trip was for naught.

I am sure that my colleagues can sympathize with the Tarnopolsky family and the persecution they have been forced to suffer. It is an outrage that this innocent family, who simply desire to practice their religion and live in Israel, have become victims of the tyranny of Soviet authorities. Unfortunately, the Tarnopolsky family is only one of thousands who are denied permission to emigrate, are not allowed to practice their religion and are subject to great harassment. During 1983 Soviet emigration reached an all-time low of 1,314 and the prospects for 1984 are not much better.

We must not forget the plight of the Tarnopolsky family and the injustice suffered by other Soviet refuseniks. Their situation emphasizes the need for congressional activity, such as the Congressional Human Rights Caucus and the International Parliamentary Group for Human Rights in the Soviet Union, to focus attention on the abuses practiced by the Soviet Government. We must do all that we can to help Irina Tarnopolsky realize her dream of living in Israel and practicing her religion. There is no more vital task than to help innocent victims whose only crime is their desire for human liberty.●

UNEMPLOYMENT REDUCTION AND RETRAINING ACT

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. BROWN of Colorado. Mr. Speaker, today, I am introducing the Unemployment Reduction and Retraining Act, which proposes a jobs tax credit for those who hire the long-term unemployed.

Although the United States has made great strides in recovering from the 1981–82 recession, we are not out of the woods with respect to unemployment. We still have 8 percent of our labor force out of work. What is needed is an incentive for the private sector to increase the size of its work force.

This bill is directed at small businesses, which account for about one-half of the Nation's total employment. It limits the tax credit to a maximum of $100,000 per taxable year and to the unemployment insurance wages paid on a qualified employee during the first year of employment.

Qualified workers are defined in the bill as employees who have been involuntarily unemployed and were eligible to receive or received unemployment compensation during the 12 consecutive weeks immediately preceding their hiring.

The tax credit is refundable, allowing an employer to take immediate advantage of its benefits, even if he doesn't have any tax liability for the current year. For new employers, especially, this can help in meeting cash flow problems and may be the deciding factor in hiring additional employees.

Currently, the Tax Code provides a jobs tax credit for a targeted group of workers. This group includes handicapped people undergoing vocational rehabilitation and economically disadvantaged Vietnam-era veterans.

My proposal is written to coexist with the targeted jobs tax credit program. An employer could choose to file for a credit under either provision, if he meets the qualifying criteria. However, he would not be eligible for both credits on the same employee in the same year.

I believe we need to encourage continued investment and job creation in the United States, and the jobs tax credit is one means of doing just that. I urge my colleagues to join me in this initiative. Please contact my office if you would like to cosponsor this jobs proposal.●

HON. JAMES E. VAN ZANDT

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. SCHULZE. Mr. Speaker, the State of Pennsylvania has long had a tradition of sending to Washington men who have made significant and lasting contributions to our Nation. Since the earliest days of our Republic, Pennsylvanians have served this country in great and various ways. Often these individuals have possessed talents in numerous fields, and became known not only as national, but world leaders. Ben Franklin and Gen. George C. Marshall are representative of such men.

Jimmie Van Zandt follows in this line of distinguished Pennsylvanians. Never content to be accomplished in only one area, Jimmie served where the need was greatest. Hailing from the town of Altoona in the center of the Keystone State, and the hub of the railroad industry, Jimmie began the first of his several careers with the railroad. After serving 20 years in that capacity, Jimmie Van Zandt won a seat in the U.S. Congress. In 1943, deciding that he could better serve his country in the war against the Axis powers, he enlisted in the Navy. As with all things he has done, he excelled in this role, rising to the rank of captain by 1946.

Returning to the House of Representatives after this period of naval service, he served on the Armed Services Committee, and as the ranking member of the Joint Committee on Atomic Energy.

For the past 20 years Jimmie has served selflessly as the secretary of the Pennsylvania congressional delegation. He has done so in the best bipartisan spirit, serving with equal enthusiasm both Republican and Democratic members. His wealth of experience about the ways and means of Congress and Washington, coupled with his intimate knowledge of Pennsylvania's resources and needs, have enabled him to serve in this capacity as no one else possibly could. His past accomplishments never prevented him from attending to whatever details were necessary to attain results that were in the best interest of his home State and the country.

Among the many citations that he has received are those from veterans organizations, including the Veterans of Foreign Wars Distinguished Service Medal. Fittingly, the James E. Van Zandt Veterans' Administration Center will be dedicated later this year in Jimmie's hometown of Altoona. This is truly a worthy tribute to him.

While the delegation will surely miss the benefit of Jimmie's experience, as well as his commitment to service, the spirit of his example as a public servant will remain. We understand that there is more still that Jimmie wishes to do, including the writing of his memoirs. So I will simply say thank you, Jimmie, and join with my colleagues in wishing you well.●

STEEL MODERNIZATION ACT OF 1984

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. McEWEN. Mr. Speaker, I rise today to introduce the Steel Modernization Act of 1984—legislation to provide investment tax credits for the modernization of America's steel industry.

Mr. Speaker, this bill is not a bailout of a dying industry, because the industry is not dying. We see evidence of the vitality of the steel industry as it attempts to meet head on the pressure of foreign competition. Steel companies throughout the country are investing in new technology: Armco, headquartered in my own congressional district, is installing state-of-the-art continuous casters at some of its plants. Bethlehem Steel has committed a half-billion dollars for continuous casters just now coming on line. And the list goes on.

Yet, because of the poor performance of the industry in the last 2 years, it is hard pressed to generate internal funds for investment and to present a favorable outlook to the financial community. Thus, its ambitious plans to invest over $5 billion in 1981 had to be scaled back by more than half.

This means that foreign steel producers who have modernized sooner will continue to stay ahead of us. In Europe and Japan, the cost of capital embodied in 1 ton of steel is 25 percent less than in the United States. And the result is that their steel industries, and those in countries like Brazil and Korea, produce more steel, about twice as much as we do, using continuous casters and other new technologies.

This bill provides only an incentive to our steel industry to modernize, so that it can achieve a truly competitive place in the world steel market. It does not take over the industry. The choice to modernize is theirs.

But, the incentives provided in this bill mean that the industry can present to investors a more favorable financial plan, which means lower costs of capital, and ultimately lower costs of producing steel. It enhances security for the jobs of nearly 300,000 workers employed in the industry itself, and of another 800,000 or so people in industries dependent on steel. It benefits the whole country, because steel is a national industry, as shown in a recent report of the Congressional Research Service. It is, Mr. Speaker, an opportunity for Government to give steel and those who derive their livelihoods from it a new beginning in the international marketplace.●

CERTIFICATION OF HUMAN RIGHTS PROGRESS IN EL SALVADOR

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. EDGAR. Mr. Speaker, I want to commend the House for its action yesterday in again passing legislation to require the President to certify progress on ending human rights violations in El Salvador as a condition to continued military aid to that troubled country.

As an original sponsor of this measure, it has always been my chief concern that the United States has a moral and practical responsibility to refuse to condone repression and official terrorism. The evidence which I have gathered shows that the Government of El Salvador has not exercised adequate control over the Salvadoran military and the so-called death squads with regard to violations of fundamental human rights. Tens of thousands of Savladoran civilians and a number of American citizens have been victims of political violence, while the Salvadoran authorities continue to refuse to curb the institutions and individuals which clearly are responsible for the terror.

I should emphasize that the need for the House to act on this legislation was created by President Reagan when he pocket vetoed identical certification legislation at the end of 1983. I have joined several other Members of Congress in a lawsuit challenging the validity of the use of the pocket veto in this case. I viewed the President's veto of certification as a signal that with the President's blessing, recommended that military aid to El Salvador be conditioned on human rights progress and that such conditions be formally codified in law.

The simple fact is that there will never be any progress toward long-term stability in El Salvador until both official terrorism and civil war can be wound down. The Kissinger Commission's recommendations for vastly increased military and economic aid to El Salvador and other Central American countries can serve no purpose unless political and social stability can form the foundation for a worthwhile investment of this type. The administration has yet to propose a viable policy for winding down the

violence, and in fact has created an atmosphere in which it appears that the United States is not essentially concerned with continued, widespread, politically motivated violence.

One major flaw of the Kissinger Commission report, which is now being touted as a blueprint for U.S. policy in Central America, is that it fails to consider new, creative approaches to diplomacy and negotiation which might help defuse the escalating cycle of violence which now traps El Salvador and its people. My own view, after visting Central America and studying this situation, is that the role of the Catholic Church and clergy could be a key to the search for peace and negotiation. For example, the conservative and liberal clergy within Central America could mitigate the conflict by using social and moral influence with leftist and rightist political factions. An American policy firmly and visibly identified with the quest for a peaceful settlement could foster the types of needed negotiations between the various factions in El Salvador. I believe that there are institutions and groups within Central America committed to ending the violence, but that these parties are not receiving adequate support from our Government officials and diplomats.

Within this year it is my hope to again visit Central America, as I did in 1981, in order to seek out ways that American policy could be used constructively for peace in the region. As one who views the crisis in Central America as a continuing threat to peace and stability in our hemisphere, and as one who has serious disagreements with current American policy toward the region, I feel a responsibility to use my own position to advance the search for peace.

The conditioning of military aid on human rights progress is a step in the direction of a peaceful and constructive solution, but we must continue the journey toward a long-term solution to a crisis which could drain our moral credibility and damage U.S. interests on the international scene for years to come.●

WORLD MARRIAGE DAY 1984

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. BORSKI. Mr. Speaker, I rise to call the attention of my colleagues to the celebration of World Marriage Day, honoring the institution of marriage as the basic unit of our society.

World Marriage Day is sponsored by Worldwide Marriage Encounter, an organization primarily devoted to helping couples improve their lives together. Founded in 1962, Marriage Encounter currently has a membership of 250,000, with chapters in 57 countries. Their long-held ideal has been to provide programs that foster communication between individuals, in turn enabling people to better experience the sacrament of marriage.

Many believe the value of the family has diminished in the present era of rapid sociological and technological change. We must not let this happen. A healthy marriage, with its sacrifices and joys, contributes to the development of trust and communication between individuals, and thus to the personal growth of our people.

The observance of World Marriage Day can remind us of the important influence marriage can and should have on our society.

I call on my colleagues to consider the message of World Marriage Day and the fine work of Worldwide Marriage Encounter.●

TRIBUTE TO LOUIS SMITH, FORMER DIRECTOR OF THE JEWISH COMMUNITY CENTER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. HARRISON. Mr. Speaker, my native Wyoming Valley and the Jewish community in particular, suffered a grievous loss with the death of Louis Smith, the former executive director of the Jewish Community Center, who passed away this past Sunday in Lauderhill, Fla., after an illness.

Born in Lithuania, the son of the late Jenny and Elick Smith, Lou was brought to Pennsylvania at the age of 3. He was raised in Pittston and graduated with the class of 1918. After further training in engineering, he began a long and exemplary career.

Lou organized Camp Ahmy, and for 2 years was the YMCA's athletic director. At the same time, he was a professional basketball player with the Celtics.

From 1925–76 Lou Smith performed the real work of his life as executive director of the Jewish Community Center. For 31 of those years, he was, as well, the executive director of the Wyoming Valley Jewish Committee, which is responsible for the annual United Jewish Appeal campaign.

It would take far too long, Mr. Speaker, to catalog here the many awards and tributes which Lou Smith received in his life. It should be sufficient to note that the State of Israel bonds board of governors saluted him for his many years of service to the support of the States of Israel and Israel bonds. From the Council of Jewish Federations, he received an award for his outstanding community leadership spanning more than half a century at the Jewish Community Center of Wyoming Valley. And, I am certain, dear to his heart, Lou received, in 1973, the community service award of the Seligman J. Strauss Lodge 139 of B'nai B'rith. That coveted award is given each year to a community leader, who by his example and his efforts, has done most to promote the cause of brotherhood and make a better community for all of us to share.

Particular note must be made, also, of Lou's outstanding efforts following the 1972 Agnes flood. He brought the entire Jewish Community Center together in one effort to overcome the trauma of the loss and to rebuild that which had been destroyed. At the same time, he worked tirelessly with the United Way of Wyoming Valley and its various member agencies to bring relief beyond his own community to all the tens of thousands who were afflicted by the Agnes disaster.

Over the years, Mr. Smith was a member of the general board of directors of the Ecumenical Council of Wyoming Valley and of the board of trustees of the Luzerne County Community College. He was a devoted and very active member of Temple Israel.

Beyond the titles and the awards and, yes, even beyond his daily work, most of all we remember Lou Smith as a gentle, caring, dedicated human being. He could not see human suffering without wanting to do something about it. He could not see ignorance without wanting to enlighten it. He could not see hatred without wanting to end it. He was one of those rare people whose counsel and guidance were sought by men and women of all creeds and ethnic backgrounds, of all professions and stations in life. He was a friend to the Wyoming Valley and all of its people.

In the last years of his life, Lou and his beloved wife, Julia, retired to Florida and there in the sunshine, he had the opportunity to reminisce, relax and simply to enjoy his family and many friends. On occasion, he came back to Wilkes-Barre and visited with us and we always welcomed his return and were sorry to see him go. In a far more profound sense, Mr. Speaker, we are sorry that he has left us this final time.

I rise, Mr. Speaker, to extend my deep sorrow to Julia Lieberman Smith, and to Lou's son, Robert, as well as his grandchildren, his sisters, Dorothy Kaplan and Rose Levin, and his brother, Ben Smith. To them I can offer only the solace that, in the words of his own people, "his memory shall be a blessing" to us all.●

BELL LIBRARY COMMEMORATED

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. MARTINEZ. Mr. Speaker, I would like to take a few moments today to recognize and commend the Bell Library in Bell, Calif. The Bell Library was established in 1913 and was the 29th branch library in the Los Angeles County system. This year marks the 70th anniversary of the Bell Library and it is with great pride that I have the opportunity to recognize the library's many achievements on the floor of the U.S. House of Representatives.

Throughout the 70 years of service, Bell Library has diligently served and accommodated the community. It has provided residents with information and materials offering a wealth of knowledge, skills, and culture. Oftentimes, we tend to take libraries for granted and overlook the many services provided free of charge. The Bell Library was begun in 1913 in a small classroom with a handful of books. Today, it has grown to contain over 21,000 volumes and is housed in its own building. With much personal satisfaction, I commend the Bell Library and its many dedicated employees for the exemplary service to our community.●

FINDING THE COURAGE TO CUT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. PAUL. Mr. Speaker, in case you or any of my colleagues missed it, former Secretary of the Treasury, William E. Simon, offered some noteworthy observations about Congress and the budget in a recent Wall Street Journal article. Without arguing about the merits of Mr. Simon's tongue-lashing, I confess I have always found it remarkable that even though we already confiscate more than one-third of personal income it does not satiate our appetites for spending money. We borrow literally trillions of dollars from our children and grandchildren.

I suggest that my colleagues consider the simple test that has guided me during my few years in this body. It comes from the noted French legislator and author of a century ago:

See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without commiting a crime. Then abolish this law without delay, for it is not only evil itself, but also it is a fertile source for further evils. . . .

I hope my colleagues will reflect on Mr. Simon's comments and find the courage to begin the painful, yet necessary, task of reducing the tremendous burden of government.

[From the Wall Street Journal, Feb. 2, 1984]

THE POLITICAL COWARDICE OF CONGRESS COURTS REVOLUTION

(By William E. Simon)

I recall an old Grade Z movie in which someone is poking about in the ruins of a burned mill. Lo and behold, he unearths the body of a large humanoid monster beneath the blackened rubble. It is the monster created by the misguided Dr. Frankenstein, and apparently it was not destroyed when the mill burned down in the previous movie.

The rest of the plot is easily imagined. The monster is reanimated. It gets loose and crashes about the landscape, terrorizing the simple burghers. Finally a posse of citizens, with torches and muskets, traps the monster and destroys it. Or so we are given to believe. You can bet that another curious adventurer, years later, will stumble across the remarkably preserved corpse of the monster in the cave in which it was thought to have perished. Then yet another Grade Z plot will unfold, something like "Return of the Son of Frankenstein."

What brings all this to mind was the return of Congress to the scene of its relentless destruction of tomorrow's prosperity, a destruction interrupted only by occasional recesses in which the perpetrators return home either to lie about their exploits or to blame the coming calamities on someone else.

The damage wrought by this hydraheaded aggregation of pusillanimity, irresponsibility, venality and ignorance staggers the imagination. Congress has utterly defeated the president's efforts to put the brakes on federal spending, defeated them so conclusively that no less a person than David Stockman, director of the Office of Management and Budget, now admits that anyone hoping for any additional budget cuts is a "dreamer."

Less than two years ago, Congress promised the president that it would produce or allow budget cuts three times the size of proposed tax increases. So the president put his name to a five-year, $228 billion tax bill. That was supposed to reduce the fiscal 1983 deficit to $115 billion. Well, what happened? Federal revenues dipped in the face of the higher taxes, Congress welshed on its part of the deal and the fiscal 1983 deficit turned out to be $195 billion. And now we are being told to expect deficits of that magnitude indefinitely into the future, as if the American economy can sustain such a spending spree without collapse or revolution.

Last month the Grace Commission announced its findings on improving government management. It is a magnificent document chock-full of plans for saving the taxpayers billions of dollars every year. But turn to the section called "Cost of Congressional Encroachment" and see what the Gang of 535 is doing to keep spending up.

Close useless military bases? Congress says no. Stop subsidies to military commissaries surrounded by competing private supermarkets? Congress says no. Let the veterans administrator try to make sense of that sprawling and inefficient empire? Congress says no. Pay government printers no more than the private sector counterparts? Congress says no. Let construction wages reflect supply and demand? No way, say the wonderful folks in Congress.

No wonder Mr. Grace says, "Government spending is getting so bad that things are gonna happen that never happened before. I can't tell you when, but it's gonna happen. At some point the taxpayers are gonna say NO!"

Listen to what some of the more candid members of Congress say about their own performances. Take Rep. Dan Rostenkowski (D., Ill.): "We have put special interests on notice that we can be pushed around. We have confessed to an already doubting nation that we are ruled by political fear, rather than economic courage." He ought to know. He's chairman of the House Ways and Means Committee.

Or listen to Rep. James Jones (D., Okla.): "The leadership, starting with the president, avoided all the tough problems and basically took the political safe approach." Rep. Jones is chairman of the House Budget Committee.

Lest anyone think I am citing only Democrats, here's an offering from Sen. Rudy Boschwitz (R., Minn.). Why won't Congress get serious about the deficit? a constituent asks him on the campaign trail. Sen. Boschwitz draws a deep breath. "Lack of political courage," he candidly replies. Shortly thereafter, we see the good senator claiming credit for the costly Payment-in-Kind program for subsidizing feed grains, the new dairy bill that pays farmers not to milk their cows, and retention of special tax benefits for moderate income housing. Sen. Boschwitz is a member of the Senate Budget Committee.

Not long ago, I was invited once again to testify before a congressional committee on "the problem of the deficit." Now I ask you: Do the hypocritical, pandering, gutless wonders in Congress intend to do anything after taking more testimony, from me or anybody else? Of course not. This is yet another absurd ritual to give the illusion of motion, while Congress goes right on squandering the national substance, inviting resurgent inflation, ducking the tough questions, receiving awards from every special-interest group that ever wheedled a subsidy or tax break in return for a campaign contribution, and, of course, railing about "the problem of the deficit" at every campaign stop from East Overshoe to Hog Haven.

As one editorial writer recently put it, "How can Congress show its face in Washington again? One would need the vocabulary of Shakespeare to adequately describe this craven, abject, lily-livered body of lap dogs, these lickspittles, these toadies, these footmen." In my opinion, he lets 'em off easy. It's time for the American people to crucify these no-count, posturing, blood-sucking, thimble-witted hypocritical Kallikaks. Anything less is far too good for them.●

VOCATIONAL EDUCATION CONSOLIDATION ACT OF 1984

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. ERLENBORN. Mr. Speaker, today, along with several of my colleagues, I am introducing the adminis-

tration's bill to consolidate and simplify the existing Federal vocational education program. While modeled on last year's bill (H.R. 2940) which I introduced, this bill has a number of major changes:

The Adult Education Act is not included in this legislative proposal;

The provisions for a set-aside of funds for the handicapped and disadvantaged is applied to the entire State grant program;

A hold-harmless provision—with a 3-year phaseout—for the small State minimum is added to the State allocation formula;

The authorization figure for fiscal year 1985 is set at the current spending level and at "such sums" for fiscal years 1986 through 1989. Last year's bill contained only a "such sums" figure while the administration's budget request for vocational and adult education combined was $500 million—compared to this year's figure of $838 million.

As our colleagues know, the current vocational education law and regulations have been characterized as extremely complicated, intrusive, and burdensome to many State and local officials. The bill I am introducing today would vastly simplify the current law while sharpening the Federal focus on such priorities as economic development and adult retraining. Furthermore, these provisions are in keeping with the needs and trends of the 1980's and are designed, I feel, to complement the bipartisan and administration-supported Job Training Partnership Act.

It is also important to emphasize that under the proposal the Federal effort at targeting funds for the handicapped and disadvantaged would be enhanced. Assuming current funding levels for the Vocational Education Act, Federal support under this bill would increase approximately 8 percent for the handicapped and 2½ percent for the disadvantaged over current spending levels.

I laud the administration for coming forward with such a creative, positive, and serious proposal which would accomplish four major objectives: First, to increase State and local flexibility in using Federal funds to provide educational services; second, to increase cost effectiveness by minimizing administrative burdens at the Federal, State, and local levels; third, to focus Federal vocational education funds on activities that will contribute to economic development; and fourth, to assist the States in insuring handicapped and disadvantaged students equal access to vocational educational programs.

I urge my colleagues to give this legislation careful attention as the Education and Labor Committee begins its deliberations on the reauthorization of the Vocational Education Act.

A section-by-section analysis of the bill follows:

VOCATIONAL EDUCATION CONSOLIDATION ACT SECTION-BY-SECTION ANALYSIS

PART A—GENERAL PURPOSES

Section 101 establishes the purpose of the Act as the authorization of State and national programs which will promote economic development by addressing the needs of youth and adults in all communities for vocational education, strenthening State and local systems of vocational education, enhancing equal opportunities in vocational education for all students overcoming sex stereotyping and sex bias in vocational education, addressing the national need of employers for a skilled work force, addressing the training needs of displaced workers, and coordinating with other programs of training and employment. An additional intention is that States participating in programs under the Act be afforded broad discretionary authority in planning, developing, administering, coordinating and operating these programs.

Section 102 authorizes $731,314,000 for this Act for fiscal year 1985 and such sums as are necessary for fiscal years 1986 through 1989. It further provides for expenditure of funds appropriated under the Smith-Hughes Act.

Section 103 authorizes the Secretary to set aside, for National Programs, up to 5 percent of the funds appropriated under the Act.

Section 104 prescribes a method for allotting funds to the States. Funds are to be allotted on the basis of population and number of unemployed persons in three age cohorts and inverse per capita income. Section 104 also provides for a declining minimum States allotment (initially at ninety percent of the fiscal year 1984 level) during fiscal years 1985 through 1987. In fiscal years 1988 and 1989 no State may receive less than $100,000. (If funds are not available to satisfy these requirements, allotments to States will be reduced proportionately.)

Section 105 describes the requirement of a Proposed Use Report that a State must submit to the Secretary in order to participate in programs funded under Part B. The report must designate a single State agency that is responsible for the administration or supervision of the administration of Part B programs. It will describe the goals the State will seek to achieve, the characteristics of the individuals to be served, how the Federal funds will be used, how the funds will be distributed within the State, and the anticipated results. It will further describe how the State will provide vocational education students with students with access to basic skills instruction, how equal opportunity in vocational education will be enhanced for all students, how the State will address sex stereotyping and sex bias in vocational education, and how the State job training coordinating councils and private industry councils or other private sector representatives will be involved in planning and carrying out vocational programs. The report will include assurances regarding proper administration, fiscal control, fund accounting, submission of reports, and the participation of private school students. Finally, the report will contain an assessment of programs and projects supported during the most recently completed program year. Prior to submission, the report will be made public in the State.

Section 106 provides for State audit of activities funded under Part B.

Section 107 requires that the Secretary submit an annual report to Congress on the Status of vocational and adult education in the Nation.

Section 108 establishes a National Advisory Council on Vocational Education, with members appointed by the President.

Section 109 makes certain sections of the General Education Provisions Act applicable to programs conducted under this Act.

PART B—STATE PROGRAMS

Section 120 states that the Secretary shall make grants to the States (in accordance with Section 104) for establishing, expanding, and improving vocational education programs. A State may set aside that portion of the grant required for State administration. Of the remainder, at least 30 percent must be used for programs and projects under Subpart 1 (Economic Development and Skilled Work Force Training), and at least 30 percent for programs and projects under Subpart 2 (Strengthening State and Local Systems of Vocational Education). In addition, States must use at least 10 percent of their total Subpart 1 and Subpart 2 funds to meet the special needs of handicapped persons and at least 20 percent of their total Subpart and Subpart 2 funds to met the special needs of educationally disadvantaged persons. Funds under this part may be used to pay for up to half of the administrative expenses at the local level. Funds also may be used to pay for State or local advisory councils, but not for stipends or construction.

Section 121 provides that States may use funds under this part directly or to make grants or enter into contracts with other eligible recipients for the purpose of carrying out programs and projects under Part B.

Section 122 states the purpose of Subpart 1 as supporting Economic Development and Skilled Work Force Training programs and projects. Training conducted under this Subpart must correspond to specific State or local economic needs or plans.

Section 123 describes the types of activities that may be funded under Subpart 1, including retraining persons whose jobs have been lost or jeopardized by technological or economic change; training for skilled occupations needed to revitalize business and industries that are essential to States or local economic well-being; training for skilled occupations which are needed to attract the entry of new businesses into a State or community; related research, curriculum development, and instructor training; and training in entrepreneurship. Recipients must give careful consideration to the needs of persons who have lost their jobs or whose jobs are jeopardized by technological or economic change.

Section 124 states the purpose of Subpart 2 as supporting programs, projects, services, and activities for strengthening State and local systems of vocational education.

Section 125 describes the types of activities that may be funded under Subpart 2, including joint programs with business, industry, and labor; support services (except for stipends) for homemakers and single heads of households; programs designed to reduce sex stereotyping and sex bias in vocational education; cooperative and work-study programs; programs for persons with limited English proficiency; remedial instruction in basic skills; acquisition or replacement of equipment; consumer and homemaking education; and student organizations.

PART C—NATIONAL PROGRAMS

Section 130 requires the Secretary to use funds reserved under Section 103(a) to support any or all activities authorized by sections 131, 132, 133, and 134.

Section 131 authorizes the Secretary to conduct research, develop programs, collect and disseminate information, and develop State and local leadership in vocational education. The Secretary is also authorized to support a National Center for Research in Vocational Education.

Section 132 authorizes the Secretary to make contracts, grants and cooperative agreements with Indian tribes and organizations for vocational education programs and projects consistent with tribal economic development plans.

Section 133 authorizes support of the National Occupational Information Coordinating Committee established under the Job Training Partnership Act.

Section 134 authorizes activities of Program Inprovement for Meeting National Skilled Work Force Needs. These may include exemplary job training programs for persons who have lost their jobs or whose jobs are jeopardized by technological or economic change; demonstration programs designed to reduce sex stereotyping and sex bias in vocational education; model or demonstration training programs; collaborative programs, including employment and training programs, with business, industry, and labor and with other agencies of the Federal government; programs designed to expand the use of volunteers in providing vocational education; activities in the areas of rural vocational education and rural family education; and special training programs and projects designed to address critical shortages of skilled workers which the Nation requires.

PART D—DEFINITIONS

Section 140 provides definitions for a number of terms used in the Act.

PART E—CONFORMING AMENDMENTS; REPEALS; EFFECTIVE DATE

Section 150 would make a number of conforming amendments to the Job Training Partnership Act and other Acts.

Section 151 repeals the Vocational Education Act. The effective date of this Act is July 1, 1985.

RETIREMENT OF JOHN J. FORD

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. PRICE. Mr. Speaker, I would like to pay tribute to an individual who, with the highest distinction, served the Committee on Armed Services, U.S. House of Representatives, as a professional staff member and as staff director, Mr. John J. Ford.

Retiring recently after 19 years of outstanding service to the Committee on Armed Services, John Ford came to the committee from the staff of the Army Times publication as its Capitol Hill correspondent. During these past 19 years, he successfully climbed the ladder of experience and responsibility in the committee, participating in countless investigations and mastering issues in such diverse areas as legislation governing military personnel and compensation, and public policy related to the development and procurement of the variety of complex weapon systems defending our Nation today.

With the knowledge, understanding, and genuine concern for the hospital rights of military personnel and their dependents, John Ford's efforts contributed materially to the enactment of permanent legislation establishing the basic military health program known today as CHAMPUS.

While a staff member to several special and standing subcommittees, his innovative counsel resulted in improved enlisted promotion policy, enhanced medical and dental care for military personnel and dependents, standardization of the law governing appointments, promotion, separation, and retirement of military officers, and the enactment of the survivor benefit plan among other progressive personnel initiatives that bear his imprint.

As staff director of the Armed Services Committee, John Ford handled that responsibility with a highly commendable sense of evenness and fairness so necessary in congressional staffs today. His intellect, sincerity, sense of humor, and good fellowship has earned the respect and affection of all the committee members and staff colleagues.

The chairman, members, and the staff of the Committee on Armed Services are extremely grateful to John Ford for his contributions to the committee, the Congress, and the national security of the United States.●

THE DEATH OF JOHN PHILLIPS

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. McCANDLESS. Mr. Speaker, it is with great sadness that I announce the death of a former colleague, John Phillips, of Riverside County, Calif. Former Congressman Phillips died at the age of 96 in Palm Springs shortly before Christmas. He served this body with distinction from 1942 until his retirement in 1956.

He began his career in politics in 1930, when he was elected to the City Council of Banning, Calif. He later went on to serve in the California State Assembly and State senate.

A longtime resident of the area, he moved to Palm Desert and Rancho Mirage until 1970, when he moved to Hemet for 9 years.

He was married to the late Dorothy Phillips for 53 years, until she died in 1966. He is survived by a daughter, Margaret McWhirter of Palm Springs, two sons, Robert W. of Riverside, and Carl of Hemet; and eight grandchildren and six great-grandchildren.●

GONE TO THE (PRAIRIE) DOGS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. MARLENEE. Mr. Speaker, I would like to call the attention of my colleagues to an editorial written by Gladys Silk, editor of the Glasgow Courier, the weekly newspaper of Glasgow, Mont.

The editorial, entitled "Gone to the Dogs" explains the problems we westerners encounter with certain public lands policies. Some of these policies, as Mrs. Silk points out, are "utter madness." I offer the following editorial for the edification of my colleagues.

[From the Glasgow Courier, Jan. 19, 1984]

GONE TO THE DOGS

(By Gladys Silk)

Every now and then, we pounce in the middle of the prairie dog fracas because we firmly believe we have one of the largest concentrations of the rodents in the country.

Located mostly on the Charles M. Russell Game Refuge (CMR), the big rodents in the UL Bend have spread over 20,000 acres, according to research done by Marilyn Orahood of Malta who concentrated on prairie dogs in her testimony at a hearing on the CMR Environmental Impact Statement (EIS) in October, 1980. And the UL Bend count was not included in the EIS.

The goal of CMR, according to its EIS, is to "maintain viable prairie dog towns between 5,000 and 20,000 acres (not counting the UL Bend) of suitable size with signs and patterns desirable for black-footed ferrets." No black-footed ferrets have ever been found on the CMR, yet a proposal in the EIS was to introduce them and other endangered species as they become available.

The Courier added its bit at the hearing about prairie dogs and their link to bubonic plague. We knew that animals with plague were collected in 1974 and 1975 in Garfield County on the south side of Fort Peck Lake.

On Jan. 4 of this year, a report came back from the Center for Disease Control laboratory in Fort Collins, Colo., that a dead cottontail rabbit found in a prarie dog town on BLM land near Miles City in Custer County was carrying fleas with the plague. The prairie dogs had disappeared. According to reports, they had been dying.

Although health officials say that there has never been a death from the plague in Montana, a total of 27 persons in New Mexico had plague in 1983 and three of them died. We heard reports of plague in humans in Oregon and other states.

Ken Quickenden, a medical epidemiologist for the state Department of Health and Environmental Sciences said fleas are the most common carrier of the disease. He said a vast majority of human victims contact the disease by being bitten by fleas and "you can also contact the disease if you are a hunter, trapper or other person who comes in direct contact with an infected animal."

To expend acreage for ballooning prairie dog populations to feed back-footed ferrets that do not exist here is utter madness.

We spend millions of dollars to protect people from diseases on the one hand, and millions to proliferate disease carriers on the other.

Is any endangered species or overgrown rodent dangerous to human health worth the risk? ●

THE DAMASCUS HIGH SCHOOL BAND AND "OPERATION FRIENDLY INVASION"

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mrs. BYRON. Mr. Speaker, our best ambassadors of good will toward other countries are not usually appointed by the President; they are Americans themselves. In my district, there is an outstanding group of young men and women that truly exemplifies this.

The Damascus High School Band first participated in "Operation Friendly Invasion" in 1979 as part a celebration commemorating the 35th anniversary of D-day. The 1979 trip took them through parts of England and France, where they took part in many ceremonies honoring veterans of the Normandy invasion. In addition to making many friends overseas and reliving the historic event, the Damascus group earned the name "Young Ambassadors" from the Europeans who welcomed them. Indeed, Lt. Col. Hal Ryder, who has helped organize the event and is writing a book about "Operation Friendly Invasion," said, "As representatives of the spirit and character of our country, the Damascus High School Band and its community are unequaled." The band became the only foreign band to perform under the Arc de Triomphe at the Tomb of the Unknown Soldier.

Because of their outstanding performance in 1979, the band and parents were eagerly invited back for this year's 40th commemoration celebration. Students and parents are currently organizing fund-raising activities to pay for the costs and the band is having extra rehearsals to prepare. They will be gone for 12 days, including ceremonies on the beaches at Normandy.

I am sure that this year's trip will be every bit as successful as the one in 1979. In an important way, the Damascus Band and Band Front represent the best of America. Along with the other Members of this body, I salute them and wish them the best for their trip.●

DESIGNATING 1984 AS THE YEAR OF THE SECRETARY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to be introducing legislation which appropriately recognizes and honors the largest segment of the white collar work force: the American secretaries.

I think the Members of this House are all aware of the outstanding contributions that the men and women of the secretarial profession have brought to the private and public sectors of out society. In every office, secretaries serve as the focal point—the linch pin—of information and productivity. In a day, a secretary will process mail, complete order forms, contact clients, answer the phones, take dictation, edit drafts, type letters, schedule appointments, reschedule appointments, pay the bills, develop reports, update the ledger, and balance their budget. This last task, as we know, Mr. Speaker, can prove to be most challenging!

Performing some of the most valuable work of an administrative staff, secretaries compliment and complete the work of the office executive. My secretary/office manager, Joan Alexander, typed this very speech and has worked on hundreds of other critical assignments. Put simply, Mr. Speaker, our Nation's businesses could not operate, could not function, could not succeed without these technically trained and talented people, the secretaries.

Mr. Speaker, good secretaries are in constant demand to help run our businesses; our hospitals; our schools; and our Government. There are currently 3.6 million secretaries in the United States and the Bureau of Labor Statistics has projected that the secretarial profession will expand, burst forth, throughout the 1980's and into the next century.

As the number of secretaries continues to grow, so too does the vital role these professionals play in office operations. Mr. Speaker, as America has moved swiftly into office automation and computer technology, our Nation's secretaries have adapted rapidly and have fostered business operations. The 1980's promise to be the age of computer advancement possibly rendering many traditional office procedures worthless and expendible. Already, our secretaries have shown a willingness, an eagerness, and an ability to excel in computer literacy and electronic mail communications. As we move closer to the 21st century, it will be these new office systems that American businesses need to utilize. Furthermore, it will be the office secretary on whom these businesses must rely to manage the new systems most effectively and efficiently.

Although we have recognized the last week in April as secretaries' week, since 1952, I think it is time that we acknowledge and keep in step with the expansion of this profession and the ever increasing role secretaries are assuming in American business. Mr. Speaker, today I recognize this progression and I introduce a timely resolution to designate 1984 as "The Year of the Secretary." I encourage my colleagues to support this legislation as a fitting tribute to the secretarial profession upon whose skills, loyalty, and efficiency the functions of American business and government are predicated.●

ROUKEMA CONGRATULATES EAGLE SCOUTS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mrs. ROUKEMA. Mr. Speaker, it is with great pleasure that I call my colleagues' attention to the accomplishments of James W. Hillas and Steven M. Friedman. Both of these fine young men recently achieved the rank of Eagle Scout in Boy Scout Troop 126 of Montvale, N.J. Both James and Steven have worked long and hard to reach this goal, the highest rank that can be attained as a Scout.

James W. Hillas is a lifelong resident of Bergen County, N.J. He was born in Westwood in 1964, resided in Park Ridge, and at the age of 5, moved to Montvale. James attended public schools in the Montvale School System. He was treasurer of the Pascack Hills Senior Class and now attends Green Mountain College in Vermont. James joined the Boy Scouts at the age of 11, was elected to the Order of the Arrow and currently holds the position of assistant scout master. He was an instructor for winter survival courses and is merit badge counselor for several merit badges. James resides with this parents and sister in Montvale.

Steven M. Friedman was born in the Bronx, N.Y., in 1965, lived in Matawan, N.J., and Maryland, and moved to Woodcliff Lake in 1982. He graduated from Pascack Hills High School in 1983 and currently attends Syracuse University. Steven also joined the Scouts at the age of 11 and since that time, has been very active. He has been a patrol leader, senior patrol leader, and was elected to the Order of the Arrow. He has also served as a river guide on the Delaware River and has been a water safety instructor. Steven resides in Woodcliff Lake with his parents, a brother and a sister.

Mr. Speaker, these two young men have shown maturity and responsibility and have proven their leadership to their peers. I commend them and wish them continued success.●

TRIBUTE TO JOHN J. FORD

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. DICKINSON. Mr. Speaker, I rise today to pay tribute to Mr. John J. Ford, who has retired as staff director, House Committee on Armed Services. For the past 19 years, John Ford performed his duties as a professional staff member and later as the staff director in an outstanding and distinguished manner, truly a professional among professionals.

As a staff member of the Investigations Subcommittee, he recommended actions related to a number of irregularities resulting in remedial actions in the Department of Defense significantly benefiting the United States. John Ford's depth of knowledge and unique ability not only to understand, but to explain the implications of the enormous decisions facing the committee have resulted in informed judgments and a better national defense policy.

In the unique position as director of a nonpartisan staff in a nonpartisan committee, he handled that responsibility with a highly commendable sense of fairness rarely seen in congressional staffs today. As a result of John Ford's ability and leadership as staff director, the Armed Services Committee staff achieved and maintained a well deserved and widely recognized reputation for excellence and quality performance.

As the ranking minority member of the Committee on Armed Services, I commend John Ford for a task well done and successfully completed that reflects great credit upon himself and the Congress of the United States.●

FEDERAL CREDIT UNION POSTAGE STAMP

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Ms. OAKAR. Mr. Speaker, 1984 promises to be a banner year for Federal credit unions. On June 26, we will observe the 50th anniversary of the signing of the Federal Credit Union Act. During the last session, many of our colleagues joined in cosponsoring House Joint Resolution 139, designating the week of June 24, 1984, as "Federal Credit Union Week." I am happy to report that the resolution, having been acted upon favorably by both Chambers of the Congress, was signed into law on August 11 as Public Law 98-71. I would like to take this opportunity to thank my colleagues for their support of this highly worthwhile commemorative resolution.

Federal credit union officials from around the country are planning to gather in Salem, Mass. tomorrow, February 10, for the U.S. Postal Service's ceremony to inaugurate the new 20-cent commemorative stamp recognizing the important role credit unions play in the American financial marketplace. The stamp honors the 50th anniversary of the signing of the Federal Credit Union Act, which allows credit unions to organize under the supervision and insurance protection of the Federal Government.

The ceremony will be held at the Hawthorne Inn with Postmaster General William A. Bolger speaking. Mrs. Catherine Filene Shouse will also be on the program. She is the niece of Edward A. Filene of Boston who played a key role in the establishment of credit unions in the 1920's and 1930's. National Credit Union Administration Board Chairman Edgar Callahan, Vice Chairman P. A. Mack and Board Member Elizabeth Burkhart will also be in attendance. They preside over the Federal agency that regulates Federal credit unions.

John Hutchinson, president of the National Association of Federal Credit Unions (NAFCU), will join them on the podium to pay tribute to the U.S. Postal Service, the National Credit Union Administration and Members of Congress who supported the concept of a stamp for credit unions. Mr. Hutchinson and the NAFCU staff deserve a good deal of credit for their diligence and perseverance in pursuing their request for a Federal credit union commemorative stamp. As John Hutchinson recently told me:

> This stamp will be an integral part of NAFCU's plans to properly celebrate the 50th anniversary of Federal credit unions.

This first-class Federal credit union postage stamp and commemorative resolution, will insure that Federal credit unions receive the recognition they deserve for diligently serving the financial needs of their more than 26 million members. I extend my own personal congratulations not only to Federal credit unions but to all our Nation's credit unions on this happy occasion. It is reassuring to once again witness the great things that can be accomplished when Americans reach out in an cooperative way to achieve a common good.●

THE EFFECTIVE SCHOOLS DEVELOPMENT IN EDUCATION ACT OF 1984

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. HAWKINS. Mr. Speaker, on February 2, 1984, I introduced H.R. 4731, the Effective Schools Development in Education Act of 1984. The purpose of this bill is to assist and encourage State and local education agencies in broadening and improving effective school programs that they have developed and implemented.

The effective schools movement, based on effective schools research and models of school effectiveness, acts on this research that shows that instructionally effective schools have five characteristics that differentiate effective schools from ineffective schools: First, strong leadership at the school level; second, high expectations that no child will fall below minimum levels of achievement; third, an orderly school atmosphere conducive to learning and teaching; fourth, student acquiring of basic and higher order skills takes precedence over all other school activity; and fifth, frequent and consistent evaluation of student progress.

The research into what makes a school an effective institution primarily began in the inner cities of this Nation among the children of the poor. An early pioneer in this endeavor was George Weber, who examined four inner city schools—in his 1971 study—in which achievement in reading was clearly successful for poor children. Weber found that all four schools evidenced: strong leadership by the school principal; high expectations for all students; and orderly school climate; strong emphasis on pupil acquisition of reading skills; frequent evaluation of student progress.

Another giant in the effective schools movement was education researcher-reformer Ronald Edmonds. Mr. Edmonds disagreed with highly respected academicians who postulated that in a child's education, family background was a more important teacher than a child's school experience, and that therefore "schools don't make a difference." Edmonds at Harvard, at Michigan State University, and as a New York City school administrator put his research to practical application and concluded that a school can make a difference when it controls the quality of those things it does best: leadership; expectations; and school climate. Edmonds noted that in research on pupil performance, in which he participated in the 20 elementary schools in Detroit's Model Cities neighborhood—in 1974—that

"pupil family background neither causes nor precludes elementary school instructional effectiveness."

The new thinking advanced by Edmonds and his colleagues challenged the accepted view in the early seventies that "schools don't make a difference" because family background and social class was a more effective teacher than any classroom experience. Edmonds' view was that a school's control of program and program quality could make the difference in a child's school achievement regardless of family background.

Effective schools research is now showing that there are many things teachers, principals and schools do control which can serve as the means to improve student achievement, student behavior, and teaching and learning practices. The underlying assumption in effective schools programs is: that all children are educable; that their education derives primarily from the nature of the school to which they are sent, as contrasted with the nature of the family or neighborhood from which they come; and that children who start out not doing well in school get further behind the longer they go to school.

The objective is to stop the continuous movement of children who are not prepared to do academic work and to require that students demonstrate minimum academic mastery at each of the levels of schooling, so that they will be successful at the next level.

Currently, there is insufficient specificity concerning the exact number of school districts with effective schools programs in place. It is reasonable to assume, however, that some 15 to 25 States have implemented effective schools programs, involving some 875 school districts and covering about 2,400 school buildings, with approximately two-thirds of the programs occurring in elementary schools. The programs tend to be located in large and moderate-sized cities, less in the suburbs, but fairly well distributed in rural areas.

Dr. Matthew Miles of the Center of Policy Research in a January 1983 report on effective schools, prepared for the National Commission on Excellence in Education, noted that a representative example of an effective schools program typically was as follows:

> The program is aimed at improving teaching practices, student achievement, and student behavior. In each school building, a leadership team is convened for shared decisionmaking: it includes teachers, department heads and the principal. The principal and teachers receive intensive training in how to guide the process, which begins with the collection of hard data on student achievement and behavior, along with information on community perceptions of the school, and review of district policies that impact on the school. The team analyzes the data in the light of five major factors from the effective school research (leadership, climate, teaching, expectations, pupil monitoring), and examines current practices used in the school.
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> This review leads to the development of an improvement plan with specific changes in each of the five areas; the plan is carried out with careful monitoring of progress. There is a range of supportive, self-using materials. The program is designed to be managed without much external consultation or technical assistance.
>
> The program took four years and about $300,000 to develop into its present form. It is currently being used in 7 school districts, most of them urban. Included are 18 elementary schools, 4 middle schools/junior high schools, and 13 high schools. The typical add-on costs for schools are minimal, usually about $2,000 for released time for training.
>
> The program has only been in operation for a year, but data already suggest improved student attendance and fewer discipline problems. It's too early to tell about student achievement. The results seem to depend in part on how well integrated the leadership team is as it manages the process.

Dr. Miles described effective schools programs that he studied as being "well defined, largely based on the effective schools/effective teaching literature, and emphasized improvement at the school building level." He further indicated that most of the schools in his study said that the experience had a clear impact on their defined goals:

> Student achievement and improved student behavior (attendance, vandalism reduction, improved discipline); the "5 factors" of the effective schools literature (leadership, orderly humane climate, high expectations, instructional focus, and student performance monitoring); teaching behavior; curriculum change; and positive organizational changes (collaboration, support, climate).

I am impressed by the mounting evidence that the effective schools programs across this Nation, are making an important contribution in improving the education climate in many of our schools, thereby effecting improvement in student achievement and student behavior.

I am also concerned about the education of this Nation's children, and am deeply disturbed by the continuing attacks on the public education institutions of this country. I have determined therefore that I will use a substantial amount of my energies to enhance, encourage, and support new ideas in education. The effective schools bill that I have introduced in this session of Congress is such a step in that direction.

The Effective Schools Development in Education Act of 1984 would authorize the Secretary of Education to award matching grants to State and local education agencies that have implemented an effective schools improvement program, and who wish to broaden and improve such programs, but who may not be able to effectuate such improvements because such additional funds may not be available at the local or State level. State or local educational agencies making applications for such matching grants—in which the award funds would not pay more than one-half the cost of a State or local educational agency program—could use the funds:

To promote State and local educational agency awareness of effective schools programs through school conferences, seminars, and meetings, and through visits to model effective schools;

To develop and implement data collection systems and feed back the analysis and interpretation of the data to local schools;

To support effective schools efforts such as: training programs, workshops, and forums for school personnel, parents, and community organizations; and to support demonstration programs;

To obtain technical assistance;

To develop, publish, and disseminate effective schools materials;

To encourage State and local educational agencies to participate in effective schools programs and school improvement programs;

To encourage State and local educational agencies involved in effective schools program implementation;

To conduct research and development programs in effective schools practice and school improvement methods, which can contribute to an improved formulation of Federal, State, and local education policy;

To assist State and local educational agencies in meeting the special school needs of educationally deprived children involved in effective schools programs.

There is no doubt that more study and research is needed to determine the dynamics of program implementation and impact within the school and in the classroom. What is clear is that effective schools programs are occurring nationwide at a significant rate, and that most of the programs are being fairly well implemented.

What is also clear is that effective schools programs are showing promise for secondary school improvement as well as for elementary schools, and that this promise suggests that effective schools usage will expand appreciably over the next few years.

What better role for the Federal Government than to encourage the adoption of effective schools programs in schools throughout the Nation that see the need for this kind of program effort. Nowhere is this said with more clarity than in the National Commission on Excellence in Education's report, "A Nation at Risk." In discussing the role of the Federal Government in education, the report notes that this role includes "supporting curriculum improvement and research on teaching, learning, and the management of schools; supporting teach-

er training in areas of critical shortage or key national needs."

More emphatically, the Commission report stated that:

The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. It must provide the national leaderships to ensure that the Nation's public and private resources are marshaled to address the issues discussed in this report.

The leadership I am concerned about rests here in the Congress. We have and opportunity in considering the effective schools bill to advance the cause of education by recognizing that the children of this Nation are our most precious resource, by extending every opportunity to provide them with excellence in education. Promoting a national effort in assisting schools in their effective schools endeavors would be the best use of resources of which I am aware.●

SUMMER YOUTH EMPLOYMENT PROGRAM

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. WILLIAMS of Montana. Mr. Speaker, I am delighted to be able to share the results of a survey on the impact on cities of funding cuts in fiscal year 1984, for job training and the summer youth employment program. This survey was prepared by the National League of Cities and the U.S. Conference of Mayors.

I have spoken before regarding the cuts in the basic job training program, so my colleagues should be apprised of that general problem. This survey cites the specific impact of the cuts on 24 cities.

This is the first opportunity, however, to review the impact of the cuts in the 1984 summer youth employment program. The cuts are extreme in some cities. For example, Chicago lost 47 percent of the funds it had last summer, Cleveland 42 percent, and Dallas 40 percent, just to mention a few.

One reason for these cuts is that the Congress appropriated $100 million less for the summer youth employment program in fiscal year 1984 when compared with fiscal year 1983. In addition to the lower funding level, there was a formula change in allocating JTPA summer youth funds when compared with the CETA formula; there was a 100 percent hold-harmless provision regarding summer youth funds under CETA; and, there was a 5 percent Secretary's discretionary fund under CETA that was previously distributed to prime sponsors experiencing high unemployment rates.

I urge my colleagues to review this survey and the summer youth employment program funding situation in their districts.

I would like to thank Alan Beals, executive director of the National League of Cities, and John Gunther, executive director of the U.S. Conference of Mayors, for making the results of this survey available to me. Also, special credit should go to Carol Kocheisen of NLC and Steve Cain of USCM, who prepared the survey.

FEBRUARY 1, 1984.

Hon. PAT WILLIAMS,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE WILLIAMS: Attached for your review are two recent surveys of selected cities conducted by the National League of Cities and U.S. Conference of Mayors documenting significant reductions in funding for training programs for the economically disadvantaged and for the summer youth employment programs.

While the national unemployment rate has been declining and is projected to continue decreasing modestly this year, many cities have not shared in the economic recovery experienced by the nation overall. Unemployment problems remain severe for the unskilled who reside in these cities.

Unemployment among young people, especially minority teenagers, has been impervious to general improvements in the economy. And, as you know, funding for summer youth employment programs for this summer is 14 percent below the amount available last year.

We appreciate your support for these vital programs and look forward to working with you to secure additional needed funding.

Sincerely,

ALAN BEALS,
Executive Director, National League of Cities.

JOHN GUNTHER,
Executive Director, U.S. Conference of Mayors.

Enclosures (2).

FUNDING FOR TRAINING PROGRAMS FOR ECONOMICALLY DISADVANTAGED

[In millions]

Service delivery area	Fiscal year 1983	Fiscal year 1984	Difference	Percent difference
Birmingham, Ala	$7.07	$5.90	$1.13	−16
Mobile, Ala	4.47	3.44	−1.03	−23
Los Angeles, Calif	26.72	24.65	−2.07	−8
Bridgeport, Conn	5.3	3.6	−1.7	−32
Hartford, Conn	3.77	2.83	−.94	−25
Tampa, Fla	2.76	1.30	−1.46	−53
Miami, Fla	12.30	9.53	−2.7	−22
Des Moines, Iowa	3.26	2.28	−.98	−30
Boston, Mass	7.31	3.99	−3.32	−45
Worcester, Mass	2.97	2.87	−.10	−3
Ann Arbor Area, Mich	3.75	2.20	−1.55	−41
St. Louis, Mo	7.50	3.62	−3.88	−52
Butte Rural CEP, Mont	1.8	1.3	−0.5	−28
New York, NY	70.8	45.8	−25.0	−35
Cleveland, Ohio	7.67	6.32	−1.35	−18
Columbus, Ohio	6.6	4.4	−2.2	−33
Oklahoma City, Okla	2.61	2.13	−.48	−18
Tulsa, Okla	2.01	2.66	+.65	+32
Philadelphia, Pa	17.58	12.35	−5.23	−30
Pittsburgh, Pa	9.0	6.0	−3.0	−33
San Juan, P.R	4.12	4.42	+.30	+7
Dallas, Tex	1.76	1.02	−.74	−42
Salt Lake City, Utah	4.0	3.2	−.8	−20
Milwaukee, Wis	7.60	7.55	−.05	−1

SUMMER YOUTH EMPLOYMENT PROGRAM—FEDERAL FUNDING AVAILABILITY

[In millions]

Service delivery area	Summer 1983	Summer 1984	Difference	Percent difference
Birmingham, Ala	$3.86	$2.63	−$1.23	−32
Mobile, Ala	1.76	1.47	−.29	−16
Los Angeles, Calif	12.34	11.51	−.83	−7
Pueblo, Colo	.364	.692	+.328	+90
Bridgeport, Conn	2.67	1.70	−.97	−36
Hartford, Conn	1.70	1.65	−.05	−3
New Haven, Conn	1.33	1.17	−.16	−12
Jacksonville, Fla	1.90	1.50	−.400	−21
Tampa, Fla	1.26	.997	−.263	−21
Des Moines, Iowa	1.08	1.07	−.01	−1
Chicago, Ill	24.08	12.70	−11.38	−47
Indianapolis, Ind	3.90	2.40	−1.50	−39
Worcester, Mass	.911	.946	+.34	+4
Baltimore, Md	5.40	4.50	−.90	−17
Ann Arbor Area, Mich	1.70	1.40	−.30	−18
Minneapolis, Minn	1.424	.885	−.539	−38
Kansas City, Mo	2.20	1.90	−.300	−14
St. Louis, Mo	2.85	1.80	−1.05	−37
Butte Rural CEP, Mont	.26	.40	+.14	+54
New York, N.Y	30.30	24.30	−6.0	−20
Cleveland, Ohio	5.16	2.99	−2.17	−42
Columbus, Ohio	2.50	2.40	−.10	−4
Oklahoma City, Okla	.980	.760	−.219	−22
Tulsa, Okla	1.21	1.26	+.05	+4
Portland, Oreg	1.61	1.29	−.32	−20
Philadelphia, Pa	7.34	5.62	−1.72	−23
Pittsburgh, Pa	2.90	2.50	−.40	−14
San Juan, P.R	2.75	2.10	−.65	−24
Dallas, Tex	.753	.448	−.304	−40
Salt Lake City, Utah	1.20	1.00	−.20	−17
Seattle, Wash	2.126	1.799	−.327	−16
Milwaukee, Wis	2.37	3.50	+1.13	+48●

PROHIBITING INDIAN TRIBES FROM HUNTING ELK IN OLYMPIC NATIONAL PARK BEING DISCUSSED

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. SWIFT. Mr. Speaker, I am introducing today a bill to overturn a recent lower court decision that allows members of Indian tribes to hunt elk in Olympic National Park in Washington State.

Olympic National Park was established by Congress in 1938. One of the principal reasons the park was created was to provide protection for the herds of native Roosevelt elk and other wildlife indigenous to the area. This purpose was so central to the creation of the park that the park was almost called Elk National Park. In 1942, Congress acted to give further protection to the elk by banning all hunting in the park. These enactments have been very successful: Today, the largest unmanaged herd of Roosevelt elk in the Nation lives within the park.

Recently, however, the safety of the elk has been threatened by a Federal district court decision which arose when two Indian tribal members were charged with hunting and killing elk within the park boundaries. The judge dismissed the charges that had been brought by the United States because in his opinion tribal members were guaranteed the privilege of hunting in

the areas encompassed by the park. He also ruled that neither the 1938 act creating the park nor the 1942 act banning all hunting in the park served to diminish these privileges.

With due deference to the court decision, what has been guaranteed to Indians is the privilege—not the right—to hunt on lands which are "open and unclaimed." I do not believe that the lands of the park, which have been expressly reserved for the benefit of the U.S. citizens, continue to exist as open and unclaimed for the purpose of determining the preogatives of Indian tribes under treaties into which they entered. Prior to the court decision, there had been no hunting within the park, and in fact at least one tribe had promulgated regulations prohibiting hunting in the park.

The legislation that I am introducing today will make it clear that the 1942 statute extinguishes any privilege that may exist for Indians to hunt in the park. In addition to the obvious and severe threat this decision poses to previously protected elk and other wildlife, it also creates a potentially dangerous situation for the more than 2.5 million people who visit the park each year. Tourists may be mistaken for game by overeager hunters; moreover, wildlife accustomed to peacefully coexisting with humans may now become hostile to visitors as a result of any hunting excursions.

Mr. Speaker, this legislation is necessary to insure that the original intent in creating the park, the protection of the Roosevelt elk and other wildlife, is carried out. I urge my colleagues to support this bill.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 9, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2186, to provide for the establishment of a State Mining and Mineral Resources Research Institute program.
SD-366

Environment and Public Works
To continue hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

Rules and Administration
To hold hearings on Senate resolutions requesting funds for committee operating expenses for 1984.
SR-301

10:00 a.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-124

FEBRUARY 13

10:00 a.m.
Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on deficits and declining industrial competitiveness.
SD-562

FEBRUARY 21

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate Calendar).
SD-215

Judiciary
Constitutional Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-406

Judiciary
Juvenile Justice Subcommittee
To resume hearings on S. 2014, to increase the role of the Federal Government in locating and returning missing children.
SD-226

Rules and Administation
Business meeting, to consider Senate resolutions requesting funds for committee operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

Veterans' Affairs
To hold hearings on S. 1747, to establish Peacetime Veterans' Career Members Contributory Educational Assistance programs, the substance of S. 1873, to direct the President to report to the Congress on the recruitment and retention needs and experiences of the Armed Forces, and to review the Veteran's education assistance program (VEAP).
SR-418

FEBRUARY 22

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Science Foundation.
SR-253

10:00 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

11:30 a.m.
Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up Senate Concurrent Resolution 40, to provide grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the parent's marriage.
SD-226

FEBRUARY 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Science Foundation.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs, and the Consumer Information Center.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation.
SD-138

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed budget request for the Nuclear Regulatory Commission.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

FEBRUARY 24

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 1857, to revise certain tax rules relating to private foundations, and S. 2165, to make permanent the income tax credit for research and development expenditures.
SD-215

Labor and Human Resources
Aging Subcommittee
To resume oversight hearings on the implementation of the Older Americans Act (Pub. L. 89-73), focusing on title III, long-term care provisions.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation to express the sense of the Senate that parents of adolescent children should be involved in the care, treatment, and counseling of adolescents served by Federal assistance programs.
SD-628

11:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1758, to establish a recovery account system for calculating the depreciation deduction under the accelerated cost recovery system for 3 and 5 year personal property.
SD-215

FEBRUARY 27

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 1723, to redesignate the United States Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate Calendar).
SD-215

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 2053, to provide for the placement of severely disabled individuals in community or family living facilities.
SD-215

FEBRUARY 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Mine Safety and Health Review Commission, ACTION, Corporation for Public Broadcasting, National Commission on Libraries and Information Science, and the Soldiers' and Airmen's Home.
SD-116

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for National Aeronautics and Space Administration.
SR-253

Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Pub. L. 89-73), focusing on title IV, research demonstration and education training provisions.
SD-628

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration, Department of Transportation.
SD-124

FEBRUARY 29

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, Prospective Payment Assessment Commission, and Federal Mediation and Conciliation Service.
SD-116

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the Surface Transportation Assistance Act (Pub. L. 97-424).
SD-406

Veterans' Affairs
To hold oversight hearings on the Veterans' Administration readjustment counseling program and the VA loan guaranty program.
SR-418

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SR-325

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Labor, and

the Employment and Training Administration, Department of Labor.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration.
SR-253

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
SD-106

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation Research Act (Pub. L. 97-219).
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1531, to provide for the establishment and operation of school-age child care services in public schools.
SD-430

MARCH 2

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the process of recovering oil by mining.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the U.S. Representative to the United Nations, and for voluntary contributions to International Organizations and programs.
SD-192

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Environmental Protection Agency.
SD-406

MARCH 5

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings to review the cost of Tennessee Valley Authority power purchased by the Department of Energy.
SD-406

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Committee for Purchase from the Blind, Federal Elections Commission, Merit Systems Protection Board, Office of Special Counsel, Federal Labor Relations Authority, U.S. Tax Court, Administrative Conference of the United States, and the Advisory Committee on Federal Pay.
SD-124

MARCH 6

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Bureau of Standards.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Architectural and Transportation Barriers Compliance Board, and the Office of Inspector General, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Internal Revenue Service, Department of the Treasury, and the General Services Administration.
SD-124

Environment and Public Works
Business meeting, to consider those items in the President's budget for fiscal year 1985 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
SD-406

11:30 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 7

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Labor-Management Services Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard.
SR-253

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Railway Association, and Conrail.
SD-138

Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans' Administration.
SR-418

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, focusing on international narcotics control, migration

and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 8

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, and departmental management, all of the Department of Labor, and the President's Committee on Employment of the Handicapped.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.
SD-124

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to facilitate commerce by the domestic renewable energy industry and related service industries.
SD-366

Environment and Public Works
Business meeting, to mark up S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.
S-126, Capitol

MARCH 13

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Education, departmental management, salaries and expenses, Office of Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

Office of Technology Assessment
The Board to hold a general business meeting.
Room to be announced

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title V, community services employment provisions.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Panama Canal Commission, and the St. Lawrence Seaway Development Commission, Department of Transportation.
SD-138

Environment and Public Works
Business meeting, to resume mark up of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for multilateral development banks.
S-126, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service, and the Office of Personnel Management.
SD-124

MARCH 14

8:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Executive Office of the President, and the Advisory Commission on Intergovernmental Relations.
SD-124

Environment and Public Works
Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Inspector General, Agency for International Development, General Accounting Office, the Peace Corps, and the Inter-American Foundation.
S-126, Capitol

MARCH 15

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including vocational and adult education, education for the handicapped, and rehabilitation services and handicapped research.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.
SD-124

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on restoring classroom discipline in public schools.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Export-Import Bank.
S-126, Capitol
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Treasury.
SD-124

MARCH 19

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Government Financial Operations, Bureau of the Public Debt, Bureau of the Mint, and U.S. Savings Bonds Division, all of the Department of the Treasury.
SD-124

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, and educational research and training activities overseas.
SD-116

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, and general Government programs.
SD-124

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including college housing loans, special institutions, Howard University, the National Institute of Education, education statistics, bilingual education, and libraries.
SD-116
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MARCH 22

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.
SD-124
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Headstart programs.
SD-562

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

MARCH 26

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of Amvets, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SR-325

MARCH 29

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including human development services.
SD-116

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-562

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low income energy assistance and Head-start programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 6

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, policy research, and departmental management, salaries and expenses.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the Corporation, including political activity.
SD-430

APRIL 12

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 2

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

MAY 3

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

CANCELLATIONS

FEBRUARY 9

10:00 a.m.
Judiciary
Business meeting, on pending calendar business.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, February 9, 1984*

The House met at 11 a.m., and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 8, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, February 9, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, of all the many gifts that brighten our lives and cause us joy, we thank You for Your miracles of life and love. We remember how You spoke to the prophets of old and showed Your power in the events of the time, yet we thank You too for the miracles that touch our lives in our day and time—the miracles of reconciliation between enemies, the miracle of transcending differences for the sake of the common good, the miracles of healing and helping, and above all else, the miracle of life itself. Amid the dangers and destruction in our world, we pray, O God, that the miracle of peace may be with us and all Your creation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1762. An act entitled the "Comprehensive Crime Control Act of 1984."

BLACKLISTED

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I rose this morning to discover that I have been blacklisted by an agency of the U.S. Government. The very same Government that was founded on the principles of free speech has determined that I and other individuals with different views than those of the current administration, should not be invited to speak in Government-sponsored engagements abroad.

Now, I have been grouped in good company. Among my fellow philosophical outlaws are Walter Cronkite, David Brinkley, Ben Bradlee, Elizabeth Drew, James Schlesinger, Adm. Stansfield Turner, Coretta Scott King, and our colleagues TOM DOWNEY, JACK BROOKS, and the late Phil Burton.

Mr. Speaker, this is a very frightening development. Our Nation was built on debate and the resolution of different views. For over 200 years, we have progressed through consensus building—never ignoring or stifling those that disagree. The year is 1984 and George Orwell's work does not seem so fictional any more.

NATIONAL LAW ENFORCEMENT HEROES MEMORIAL

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, as a 23-year veteran of the New York City Police Department, I am introducing legislation today to honor our Nation's forgotten patriots by establishing a National Law Enforcement Heroes Memorial in Washington, D.C.

This memorial would pay a long overdue tribute to all Federal, State, and local law enforcement officers killed in the line of duty. In addition, it would serve as a constant reminder of the critical need to better protect those who continue to protect us.

The FBI reports that during the 10-year period from 1973 through 1982, 1,600 law enforcement officers were killed in the line of duty. During the last 2 years, 309 law enforcement officers died while performing their official duties—nearly one police death every 2 days.

Under this measure, no Federal expenditures would be required to construct the memorial. Instead, the Law Enforcement Officers Memorial Fund, Inc., a nonprofit, tax-exempt group, would be authorized to establish the memorial through private contributions.

Mr. Speaker, with good reason, we have built memorials to honor those who lost their lives in foreign wars. A similar national monument is needed to honor those brave men and women who lose their lives at home in the war against crime.

DEFICITS: A SPEECH OF FRUSTRATION

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, this morning I am giving a speech of frustration and I apologize for the feeling, not the speech. I am frankly sick and tired of the so-called political leaders in our two parties and in the White House telling us what they are not going to do on the deficit.

So far these men of courage are committed to not cutting entitlements, that is $400 billion in the budget; not cutting military spending, that is $300 billion in the budget; not cutting interest payments, that is $100 billion in the budget. And, oh, yes, they are not going to raise taxes.

I have got news for these so-called leaders. There is nothing left in the budget after you exclude these subjects.

If you cut everything else, the deficit next year will still be $125 billion.

The feeling grows that our leaders do not want to reduce these deficits. They want to get reelected. I mean they seem desperate to find someone to blame; someone else, preferably.

The American people know who to blame: all of us.

I have news for our leaders. Either lead with courage and wisdom on this question, or someone else will.

We are pretty far down the hierarchy in the House, pretty low on the totem pole. We do not have your knowledge or your experience, but the feeling grows. If you do not have the courage to lead, step aside and let us try.

LEGISLATION TO PROVIDE FUNDS FOR DRUG EDUCATION PROGRAMS IN THE SCHOOLS

(Mr. ORTIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, today I am introducing the National Drug Education Act of 1984 to fund education pro-

grams in the schools to deter drug use and provide children with information about the harmful effects of drug abuse.

Statistics indicate that drug experimentation and use among young people is widespread and transcends all socioeconomic strata. Even children under age 12 are being induced through peer pressure to try drugs or alcohol. Daily alcohol and marihuana use among high school students is high. At least 1 in every 16 high school seniors is actively smoking marihuana on a daily basis and 1 in 16 is drinking alcohol daily.

In addition to the harmful physical and mental side effects, drug use costs this Nation $100 billion annually, of which an astonishing $70 to $80 billion is attributable to drug-related crime and corruption, and $15 to $20 billion is attributable to the impact of drug abusers on the health care, law enforcement, and judicial systems, the employment market, and the general welfare and social service systems. We cannot afford to drain our economic and judicial system in this way. More importantly, we cannot stand by and watch our children become drawn into drug abuse because they did not know or understand the consequences.

My bill would provide grant moneys to State educational agencies to establish and improve drug, alcohol, and tobacco education programs for elementary and secondary school students. The bill allows the States flexibility and autonomy in designing programs to meet their needs. Local educational agencies would provide 5 percent of the funds, the States would provide 20 percent, and the Department of Education would contribute the other 75 percent. This bill would insure that students receive the information they need at an early enough age to be able to cope with peer pressure to use drugs and to make an informed choice not to use them.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research and Production of the Committee on Science and Technology be permitted to sit while the House is reading for amendment under the 5-minute rule on Thursday, February 9, 1984. The minority has been advised of this request and it is my understanding that they have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

BLACKLISTED BY U.S. INFORMATION AGENCY

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, this morning I was both amused and shocked when I read the Washington Post and discovered that I and 83 of my fellow citizens had been "blacklisted" from speaking engagements abroad, sponsored by the U.S. Information Agency's American participation program.

This action on the part of the Reagan administration's self-confessed electronic peeping tom, Charles Z. Wick, is something that we have come to associate with Republican administrations ever since Watergate and President Nixon used his infamous "hit list" to single out American citizens for special treatment. Of course, such an action is a clear abuse of Executive power and it got President Nixon in deep trouble.

For the record, while I am pleased to be associated with such dignitaries as Walter Cronkite and Benjamin Bradlee, as a Member of Congress, chairman of the House Government Operations Committee, and a member of the Judiciary Committee, I am less than pleased with the existence of such a list and I am more than anxious to discover a detailed explanation as to why the list was compiled in the first place.

Through the years, we have developed procedures for dealing with such arrogant and outrageous abuses of Executive power. The President and his hand-picked political appointees should be aware that the American people and their Representatives in Congress will not tolerate such behavior.

In closing, I want to urge all of my colleagues who might be disappointed that they too did not make the Wick blacklist, not to give up in a fit of pique but keep faith with your democratic values and you too may work your way into a similar exhaulted circle.

□ 1110

CHARLES WICK'S BLACKLIST—IN GOOD COMPANY

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, you know, all the years that I have been entering contests, playing sweepstakes, I have never won anything. I was low in the draft lottery; but now I have won something.

I have made Charles Wick's blacklist, and I am really honored to be with this other company of 83 distinguished Americans.

I can understand; maybe they just did not have enough money to hear progressive Democrats speak on the issues of the day.

Therefore, I propose a solution, Mr. Speaker; Mr. Wick is wonderful at tape recording things. I will be happy to call him on the telephone, he can record my speech and he can have it for distribution abroad. And I propose a second solution. A very long trip abroad for Mr. Wick and an end to this wick hunt at home.

REPORT OF AD HOC GROUP ON DEFICIT REDUCTIONS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, on yesterday, Congressman TRENT LOTT, Senators INOUYE and LAXALT and I met with a group from the White House and the administration in a serious effort to identify and locate ways in which jointly we might reduce the enormous deficits that are frightening the money markets and alarming the public and providing upward pressures on interest rates.

Some progress may be reported.

I offered a suggestion, originally made by the former President Ford, with respect to streaching out certain military procurements and thus saving perhaps $100 billion over the 3-year period.

Other suggestions were made.

Mr. Speaker, I ask unanimous consent that I may insert in the RECORD at this point a letter to Hon. James Baker, Chief of Staff at the White House, which I have had hand delivered to him today with respect to where those talks stand at this moment.

The SPEAKER pro tempore (Mr. GARCIA). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., February 9, 1984.

Hon. JAMES BAKER,
Chief of Staff,
The White House.

DEAR JIM: In view of the enormous increases in military spending projected by the President's budget submission for the next three years, Speaker O'Neill has requested that the next meeting of our ad hoc exploratory group on deficit reductions be devoted exclusively to discovering and agreeing upon ways in which the runaway growth in military spending can be reduced by at least $100 billion over this time frame.

At our meetng on Wednesday, the White House agreed to consider and evaluate my suggestion, originally expressed by former President Ford, that we stretch out planned military procurement and other costs related to attaining specific force levels, attaining over the next six years the five year growth which the administration has asked.

31-059 O-87-32 (Pt. 2)

This would seem to be a good starting point for our next meeting.

It is obvious that any really substantial spending reductions must come from the very rapid increase in military spending, since this—except for interest charges on the growing national debt—is clearly the most rapidly escalating item in the budget and the most logical source for serious savings.

Military budget authority for the current fiscal year already comes to $265 billion. President Reagan has asked for a total of slightly more than $1 trillion in additional military spending over the next three years. His requests amount to $268 billion above the current spending level for this period.

It is with the view in mind of achieving really major reductions in our unacceptably high level of budget deficits that Speaker O'Neill has asked that we concentrate first on these areas which can yield the most significant results.

As you know, domestic programs have been reduced substantially during the past three years, and whatever additional savings might be available through further economies in domestic activities would be relatively small by comparison. These can be considered, along with tax loophole closers and other revenue code reforms, after first we have made a convincing demonstration of the seriousness of our intent by agreeing upon major reductions in the rate of growth in military spending. I believe that our doing so will have a reassuring effect both with the general public and with the financial markets which seem to lack confidence that anything of a major nature will be done this year to stem the flood of red ink flowing from the enormous deficits in the President's budgets.

Whenever your associates in the Administration can complete their analysis of the Ford suggestion which I offered and be prepared to present such other savings as they may propose in the area of military spending, I shall be anxious to join you for our next meeting.

Although I have appointments in Texas next week, I can and will cancel such as necessary to return to Washington for a resumption of our meetings on Tuesday, Wednesday or Thursday if you desire. I believe that Senator Byrd has requested that you make available to him and Senator Inouye any formal proposals you may be prepared to offer some 48 hours in advance, if possible, for their prior study and evaluation.

Looking forward to hearing from you in this regard.

Sincerely,

JIM WRIGHT.

THIS BODY SHOULD ACT TO REDUCE THE PRESIDENT'S BUDGET

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, it is time for this body to act. Fine rhetoric is not enough. Eloquent spokesmen on both sides of the aisle have come to the well in the past few weeks and decried the tremendous budget deficit. But only actions are what counts—the markets and voters have not been fooled by our empty rhetoric compromised votes.

I ask my colleagues, when are we going to begin to cut and cut across the board? The American people are pleading for us to act. At the rate we are spending the annual deficit by the year 2000 will be $2 trillion if we make it that far.

Recently, the Grace Commission submitted 2,500 cost-cutting recommendations on ways to reduce Federal spending by $424 billion over the next 3 years. These recommendations provide a good starting point from which we can begin to eliminate our huge deficits and reduce the size of overgrown Government. But cutting must begin with each one of us. Republicans must support cuts in overseas military spending that contributes nothing to our own defense and Democrats must support cuts in domestic programs. Furthermore, each of us must support cutting funding for programs that benefit the special interests in our districts as well as welfare for both the rich and poor. Our constituents do not want more handouts, but lower taxes, less spending, and balanced budgets.

It is past time to reassess our priorities. The taxpayers can no longer afford to have us spend ourselves into oblivion. Our children and grandchildren will not be able to afford the tremendous debts we are leaving as our legacy to them.

Mr. Speaker, it is up to those of us in this body to take the lead and reduce the President's budget across the board.

CALLING FOR CONSIDERATION OF VOLUNTARY SCHOOL PRAYER AMENDMENT

(Mr. DEWINE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DEWINE. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of the voluntary school prayer constitutional amendment.

The Chair has ruled that in order to make this request I must have clearance of the majority and minority leadership. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for the appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear, I think, to the American people who stands in the way of voluntary school prayer, the Democratic leadership of this House.

THE LINE-ITEM VETO—HOUSE JOINT RESOLUTION 404

(Mr. BADHAM asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, I am constantly amazed at the newfound fiscal conscience that many of my colleagues on the other side of the aisle have developed.

On the one hand they blame the President for the deficits. Then they turn around and refuse to give the President any tool he might need to reduce the Federal deficit.

The big spenders have publicly criticized the line-item veto and I think it is easy to see why. They do not want President Reagan singling out their favorite programs from which they can derive political capital.

The line-item veto would go a long way toward eliminating this kind of abuse of the taxpayers' hard-earned dollars.

So, Mr. Speaker, I urge my colleagues to cosponsor and to support House Joint Resolution 404, establishing a line-item veto because, Mr. Speaker, I believe that the vast majority of the American people would like to see a return to fiscal sanity in the budget process.

LET US GET DOWN TO BUSINESS—PASS THE BALANCED BUDGET AMENDMENT

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, when Congress adjourns today and the Members go back to their districts, one theme will be heard across the country. Every Member will have to make up an excuse for the House's inactivity on the people's agenda.

We have pending before various committees and subcommittees important legislation that our people want us to pass. But the House routinely refuses to act. Instead, we have to listen to Member after Member criticize the White House for its intransigence on the budget. It seems ironic to me that the same Members that yell and scream and call the President uncaring when he takes a day or two off refuse to do any real work themselves. Perhaps the reason they do not have time to take up the balanced budget amendment or go downtown to work with the President on reducing deficits is that they squander all their time knocking the President. If we spent half the time trimming the budget that we spend coming up with excuses why we cannot, we would have balanced the budget years ago.

Mr. Speaker, we owe the people of this country better representation. If the House leadership is unwilling to do what our citizens want and balance the budget, then it is indeed time for new leadership. Let us stop making ex-

cuses and get down to business. Bring the balanced budget amendment to the floor.

DEVASTATING EFFECTS OF BIG SPENDING POLICIES

(Mr. ROGERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I rise today in strong support for the balanced budget amendment.

I call on my colleagues to support this mission not just on behalf of the thousands of Americans who have asked their Representatives to support the amendment, but also on behalf of the future generations of Americans.

I would like to remind our colleagues of some of the effects which our deficit spending will have on the Nation. First, there is the issue of interest rates.

Our Federal Government is cornering the market; 75 percent of all available credit is taken up by Uncle Sam. This leaves all private borrowers scrambling to compete for the remaining 25 percent.

This policy has bid up interest rates over recent years, and, as most small businessmen and farmers can attest, when Uncle Sam elbows you out of the credit market there is not much you can do to fight back.

The second major effect of the big spending policy is soaring costs of servicing the debt. This cost has climbed from near $6 billion in 1960 to an estimated $91 billion over the next year; and by the close of the decade, this decade, interest payments are expected to account for 16 percent, over 16 percent of the total Federal budget.

Mr. Speaker, the Congress, this 98th Congress has a choice; it can leave future generations of Americans a well-ordered financial condition, one primed for the engines of growth, to generate improved standards of living, jobs, and equality of life and freedom, which we all can treasure; or we can leave to it a future of lost jobs, lost hopes, and soaring taxes.

A BALANCED BUDGET OR A CONSTITUTIONAL CONVENTION

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, the party that calls itself the party of the people is thwarting the will of the people.

All across this Nation an overwhelming majority of the people support adoption of a balanced budget amendment to the Constitution. And once again, a handful of Members in this House, who presume to know more than millions of taxpayers, have thwarted efforts to get the ball rolling for a balanced budget amendment.

It is the same kind of attitude, Mr. Speaker, that is spending this country into bankruptcy. At the beginning of 1968, the total debt from our Nation's first 192 years of existence was $350 billion. By 1978, the year I first campaigned for Congress, the debt had doubled. Since then, it has doubled again, this time in only 5 years. Given current deficit projections, the national debt will top $2 trillion during fiscal year 1986.

Mr. Speaker, we are building a financial crisis of proportions unequaled in the history of this Nation. Unless we act now to bring a halt to this deficit spending, by moving on the balanced budget amendment, we will see a return of high inflation, high interest rates, and high unemployment—and worse.

Moreover, if we in Congress do not act soon, the American people will take the issue out of our hands, by pursuing with vigor, and rightly so, a constitutional convention.

□ 1120

PRODUCTIVITY INCREASES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, it has been said that there is no free lunch. This week's issue of Business Week carries a cover story about what one Treasury Department economist terms "the only free lunch in economics," an increase in productivity.

In light of all the disheartening news of budget and trade deficits, the news of a surprising and potentially permanent growth in productivity is indeed a ray of sunshine.

After over a decade of low or no growth in productivity we are, for the first time in years, facing the prospect of substantial and sustained economic growth.

During the first three quarters of 1983 the hourly output of the average worker increased by a remarkable 13.6 percent. While no one projects continued growth rates of this magnitude, some experts predict that annual growth rates in output per work hour in the nonfarm sector could run as high as 3 percent a year for the rest of this decade.

Many of the factors responsible for the decline in productivity experienced during the 1970's have begun to reverse themselves.

Shortly, I will be reserving time for a special order to discuss these reversals and the potential social and economic benefits. I invite my colleagues to join me in a dialog on this vital issue.

SEEKING CONSIDERATION OF A BALANCED BUDGET AMENDMENT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget.

However, the Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership.

I would now yield to a spokeman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. The American people hear no response. That should make it clear to the American people who stands in the way of a balanced budget—the Democratic leadership of this House.

LEGISLATION TO EFFECT CHANGES IN MEDICARE PROGRAM

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, today I am introducing a bill that will tie a loose thread in the medicare knot. As a Representative from a congressional district with a large number of medicare recipients, I am particularly concerned about the solvency of this important program. We should not fool ourselves, the medicare system in its present form is in trouble. We, as elected officials, have the responsibility to formulate and to then institute changes to put this important system back on its feet. Just a few short months ago the Congress demonstrated its ability to rise above partisan squabbling by passing a social security reform package. It was not easy, but the job was done and responsible changes were made that will do much to strengthen the system. Now it is time to turn our attention to the medicare program.

With passage of the Tax Equity and Fiscal Responsibility Act (TEFRA), we took the first step toward cost control in the medicare system by introducing prospective payment into the system. Under this new reimbursement system, hospitals will know in advance exactly how much money they will receive from medicare per patient based on the diagnosis of the illness. This plan encourages efficiency and discourages unnecessary spending. A number of States have enacted prospective payment plans and have found them to be most effective in

building checks and balances into the system.

Mr. Speaker, the bill that I am introducing today will instill this same check and balance on the supplementary medical insurance portion of the medicare program. Currently, a physician who accepts assignment is solely responsible for the request for reimbursement of services. A standard 1500 form is completed by the physician and submitted to medicare for reimbursement. Physicians are not required to provide a copy of this request for reimbursement to the patient. The only record of the reimbursement provided to the physician by the medicare system is an explanation of benefits form that is mailed to the patient by the medicare office once the physician has received reimbursement. In most instances, the patient does not receive this form until weeks after the services were provided. By this time the patient is hard pressed to recall the details of the treatment. For example, if a patient was under the care of an orthopedic surgeon and required 10 office visits to treat the problem, it is unlikely that weeks later the patient would remember whether he/she saw the physician 7 times or 10 times. Thus, the current law has an open loophole should one decide to squeeze the system. My legislation will simply close this loophole by requiring that any physician or other person furnishing services covered under the system provide a copy of the request for reimbursement to the patient within 10 days after the written request for payment is submitted. In so doing, the patient will be able to review the request for reimbursement.

Mr. Speaker, I know that in the grand scheme of things, this is a minor change at best. However, I am convinced that as we continue to study this very important system in an attempt to insure its solvency, these minor technical changes are an important first step. Therefore, I urge my colleagues to join me in supporting this legislation.

SYRIA'S TRUE GOAL IN MIDDLE EAST—THE DESTRUCTION OF ISRAEL

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, over the past few weeks we have endured a convulsion of 1-minute speeches urging the removal of the multinational peacekeeping forces from an independent Lebanon.

Now that their removal is imminent, I am sure that these Members of Congress will be interested to hear the report last night on the "CBS Evening News" in which Dan Rather said:

The Soviet Union has moved quickly today to coordinate what one Moscow source called, Soviet-Syrian military policies. The Kremlin announced that a member of its ruling Politburo will make a brief working visit to Damascus next week in recognition of Moscow's great deal at stake in Syria, its military aid, its political influence, and its 5,000 technicians based there.

Perhaps with the collapse of only the second Arab nation to make peace with Israel the Reverend Jesse Jackson and those Members of Congress who have cheered Lebanon's demise will be able before very long to toast Mr. Assad in Syria's ultimate and true goal in the Middle East, the total destruction of Israel.

CONSIDERATION OF A LINE-ITEM VETO AMENDMENT

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of a line-item veto constitutional amendment.

The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. And this request has been cleared by the minority leadership.

I now yield to a spokesman from the majority leadership for appropriate consideration to consider a line-item veto.

Mr. Speaker, I continue to be amazed that I would hear no response. I would not hear one word from the majority leadership to permit this issue to be debated and considered by this floor.

And that lack of response should continue to make it clear to the American people who stands in the way of consideration of a line-item veto and cutting Federal spending. The majority leadership of this House.

I am here to object to continued business as usual, Mr. Speaker, in the face of the pending recession. The next recession will not be caused by monetary policy, not caused by taxes, not caused by business cycles, but caused by the spending policies of this Congress. With the procedure for line-item veto, Congress has the ability to reverse and to reduce those spending policies. And I would suggest that the reduction of the spending policies should at least deserve consideration and debate on the floor of this House.

THE LINE-ITEM VETO—A NECESSARY TOOL

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, as an enthusiastic supporter of legislation calling for a line-item veto, I rise today to ask the distinguished leadership on the other side of the aisle why the House has not yet had—and reportedly will not have—an opportunity to consider this critically important tool for reducing the size and cost of Government.

Much has been said, Mr. Speaker, but little has been done here on the floor of the House—to control Federal spending, or, to bring down dangerously high deficits that threaten the widespread economic recovery just now getting underway.

Time and time again, each of us has heard our constituents rise at local meetings and plead for restraint—for some responsible leadership—when it comes to spending their hard-earned tax dollars. But time and time again, Mr. Speaker, the leadership of this Congress has turned a deaf ear to those pleas.

The President has called controlling Federal spending one of his most important jobs.

It is, without question, one of his most important jobs. Our Nation's economic survival depends on it. But the President cannot do the job if we do not give him the necessary tools.

The line-item veto is one of those necessary tools. It works in 43 States. And it would work here in Washington—if only the big spending leadership on the other side of the aisle would permit its consideration on the floor of this House.

□ 1130

LEGISLATION AUTHORIZING REIMBURSEMENT TO CITY OF DUCHESNE, UTAH, FOR SERVICES PROVIDED TO CENTRAL UTAH PROJECT

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, late last session I introduced legislation that would authorize the Secretary of Interior to provide reimbursement to the city of Duchesne, Utah, for public safety services provided by the city to the portion of the central Utah project situated within the city.

At the present time the Bureau of Reclamation has three housing camps within the city limits of Duchesne. There are over 300 people who live in these camps. This represents close to 20 percent of the total population of Duchesne. In addition, there are 91 individuals who are employed by the Bureau of Reclamation and who impact the city but live outside of the city limits. In all there are approximately 813 Bureau personnel and dependents, 31 percent of the popula-

tion, who impact the city and benefit from the public safety services without significantly contributing to the tax base of Duchesne City.

There are four functions of the public safety services, law enforcement, fire protection, animal control, and administrative, which each of the Bureau personnel directly benefit from, but because they live on Federal lands within the limits of the city they do not pay local taxes. The total amount budgeted for these services in 1984 is $176,423 and the estimated cost for 1985 is $188,679. In addition, the city anticipates the need for street improvements and maintenance this next year at a cost of $86,073. The total cost of providing public safety services and public roads for Federal workers is $81,993 for this budget year and $87,703 for fiscal year 1985.

This represents a significant portion of the city of Duchesne total budget. The people of Duchesne are being forced to pay additional taxes in order to cover the cost of services directly benefiting the large population of Federal workers. The bill I have introduced would permit the Bureau of Reclamation to reimburse the city of Duchesne for the services it provides for over 427 of its personnel and 386 dependents. I feel strongly that the Government has both a moral and a real obligation to reimburse the city of Duchesne for the financial hardships it has created.

Mr. Speaker, I hope that this legislation can move through the legislative process quickly and that the Federal Government will fulfill their obligations to the people of Duchesne. Thank you.

FEDERAL CRIME LEGISLATION

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, last night Members from the other side of the aisle took to the well to applaud a recent editorial in the Washington Post which criticized an unnamed Member of the House for remarks predicting that the crime package just passed by the Senate would not successfully move in the House.

I wish to correct errors in the Post editorial, errors which were repeated by Members on the other side of the aisle.

First, was the confusion of the Senate-passed bill with the Criminal Code revision, on which both Houses of Congress have labored for more than a decade. They are two entirely different matters, covering, for the most part, different matters, and no one reasonably well informed on Federal crime legislation should be suggesting that the recent bill represents Federal Criminal Code revision.

Second, the prediction that the omnibus bill approach to anticrime legislation would not be successful in the House should not have been, but was, interpreted as opposition to the individual measures contained in the Senate package.

The bill passed by the Senate falls under the jurisdiction of perhaps as many as half a dozen House committees; no one knows yet just how many subcommittees. Unless all act favorably on the measure, which is highly unlikly, such a bill is unlikely to come to a vote in the House. This fact, as all Members of this body know, is not partisanship, or obstructionism, but merely reality.

The Senate leadership knows this. Almost all of the major matters in the original Senate package—including bail, sentencing, forfeiture, habeas corpus, exclusionary rule, capital punishment, and tort liability reform—have been, or are being, acted on as separate bills. The one notable exception is one which my colleagues on the other side of the aisle blame us for bottling up—the Justice Assistance Act. In fact, the House passed this bill last May by a vote of 399 to 16. If my House colleagues would prevail upon their counterparts in the other body to also act upon the matter separately, I assure them we could complete a conference and have a bill to the President within days or a few weeks.

THE FEDERAL MONEY MANAGEMENT ACT OF 1984

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GILMAN. Mr. Speaker, today, I have introduced the Federal Money Management Act of 1984, H.R. 4837, which requires timely deposits of all funds received by the Federal Government.

The Task Force on Financial Asset Management of the President's Private Sector Survey on Cost Control (PPSSCC) recently reported that $38 billion is being lost annually by the U.S. Government due to poor fiscal management.

Of that sum, many millions of dollars are being lost due to the failure of the U.S. Government to expeditiously deposit all checks received from any source.

The current law allows deposits to be made not later than the 30th day of the month in which they are received. The 291-page Grace report on financial asset management documents the failure of many bureaucracies to observe these guidelines.

While the U.S. Department of the Treasury promises action on ending the practices criticized in the PPSSCC task force report, there is an urgent need to enact this Federal Money Management Act of 1984, mandating prompt bureaucratic efforts in making substantial savings by more timely deposit of checks issued to the Federal Government. This act allows only a 3-day time limit between receipt and deposit, thereby saving taxpayers an estimated, by PPSSCC, $41.5 million and a one-time cash acceleration of $125.4 million.

Mr. Speaker, I urge my colleagues favorable consideration of this proposal and for their review I request that a full text of this bill be inserted at this point in the RECORD.

H.R. 4837

A bill to require custodians of public money to deposit funds not later than three business days after the date of receipt, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Money Management Act of 1984".

SEC. 2. Section 3302(c) of title 31, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "A person having custody or possession of public money, including a disbursing official having public money not for current expenditure, shall deposit the money without delay. If deposited with a depositary designated by the Secretary of the Treasury under law, such money shall be deposited not later than the close of the third business day after the date of receipt. If deposited in the Treasury, such money shall be deposited not later than the third day after the date of receipt.".

DEMOCRATS HAVE ABILITY TO PRODUCE LEGISLATION TO REDUCE DEFICITS

(Mr. DAUB asked and was given permission to address the House for 1 minute.)

Mr. DAUB. Mr. Speaker, since the beginning of the 2d session of the 98th Congress we in the House and the American people as well have been treated to a series of denunciations by the majority of the deficits contained in President Reagan's 1985 budget.

When I hear the impassioned oratory of these men and women inveighing against deficit spending I smell the same scent of hypocrisy as when Playboy magazine attacks sexism. Just as Hugh Hefner parts with a few of the many dollars he has made exploiting women in order to gain the sympathy of those who have come to believe that exploitation is wrong, the Democrats in the House now seek to convince Americans who fear the deficit that they are in the vanguard of those who seek to reduce it.

But just as Hugh Hefner continues to print centerfolds the Democrats continue to spend money. These 1-minute speeches provide Republicans with a rare opportunity to address issues that the majority refuses to

consider in committee or as legislation. The majority who take the well to decry the deficit do not suffer these restrictions.

Let me put it to you now. You control the most important committees in the House by a better than 2-to-1 margin. When you have a mind to do so, legislation can be brought to this floor overnight. So instead of talk I invite you to return to the committees that you so overwhelmingly control and come back with answers. Let us see some budgets that reduce these deficits. Let us see where you would reduce spending. Where you would increase taxes. Even more than the President of the United States, you in the majority have the ability to produce a budget bill quickly and see it through the House.

I invite you to add actions to your words.

THE LINE-ITEM VETO AND A BALANCED BUDGET AMENDMENT

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I am having a real problem understanding why our Democratic leaders will not even consider bringing up a balanced budget amendment this year. Every single day I get letters from my constituents about our inability to balance our budget, and what can I tell them? The only answer I can possibly give them is that the Democrats refuse to bring this to the floor. Oh, my colleagues on the other side of the aisle may cry and wring their hands about how our President has the largest deficit in the history of this great country, but do they honestly want a balanced budget? Of course not. Their silence speaks the real truth.

Let us give the President the tools he really needs to balance the budget—the line-item veto and a balanced budget amendment.

THE BUDGET DEFICIT

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, the onus of the infamous budget deficit has been placed on the shoulders of President Ronald Reagan by the majority party in Congress. So, as a result, I see only two options: First, we can carry on business as usual, waiting until the tail end of the session on Sunday midnight, when Monday the entire Government goes bankrupt, and force compromises busting the budget; or, second, we could give Ronald Reagan the authority he is requesting, a line-item veto to begin bringing the budget deficits into line.

And if, after the authority is given the President, the budget is experiencing $180 billion to $200 billion deficits, then the responsibility certainly squarely fits on his shoulders.

Now, to those of you who are fearful of constitutional amendments, consider the option of giving specific authority in each budget bill to allow the President to deal with the line-item veto.

Rather than passing the blame, let us give opportunity for positive constructive changes to help America move once again and deal with this great problem of budget deficits.

□ 1140

EQUAL COMMITTEE REPRESENTATION FOR THE MINORITY

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, this morning I have been advised by the Democratic leadership that they will bring up a motion to add Members on their side to the Committees on Education and Labor, and Foreign Affairs.

This Member from California intends to offer a motion to commit to that resolution so as to give to the House the opportunity of participating in a debate on the issue of whether or not we in the minority have been afforded equal representation consistent with our total membership in the House on all of the committees of the House, not just the Committee on Education and Labor and the Committee on Foreign Affairs.

Under the rules of the House, on a motion to commit this Member would have no time to discuss the matter. I am at the mercy of my distinguished colleague, the gentleman from Arkansas, who will handle the matter for the majority. He has said he will give me equality of time. I asked the gentleman how much time he intends to take and he said maybe 2 minutes.

I would hope that in the bottom of his heart he can find some concern for minorities and perhaps expand the time. Under the rules, he has 1 hour on his resolution. I would ask that we each have half an hour, but I am here with my hat in my hand asking, Give me what you will, because we need to discuss this issue so the American people can find out how the minority has been adversely treated here in the House of Representatives.

DEAD ON ARRIVAL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the gentleman from New Jersey seemed concerned that some of us had used the Washington Post editorial about a bill coming over from the other body being dead on arrival.

Let me suggest that for a number of us there is a feeling that the Committee on the Judiciary has become Death Valley; that prayer in school has been in there for 20-some years and does not quite get out; that the bankruptcy bill does not quite get out; that the criminal revision will not quite get out.

So for those of us who may be looking at the historical track record of 18 years of working on criminal reform, over 20 years of working on prayer in school, we would appreciate very much a commitment by that committee to have a schedule to report out a bill and to have a commitment from the Democratic leadership to bring those bills to the floor.

I hope the gentleman from New Jersey, looking at the historical record, can appreciate why we believe the Washington Post when they quoted him as saying that the bill was dead on arrival.

FREEDOM TO PRAY

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, many of us have recited many times from very meaningful words, our Pledge of Allegiance, and it goes:

> I pledge allegiance to the flag of the United States of America. And to the republic for which it stands, one nation under God, indivisible, and with liberty and justice for all.

With that pledge, I joined more than 220 million Americans who have repeated it countless times in confirming our commitment to this country. Now I must ask the question of my colleagues on the other side of the aisle: Where is this Nation? I believe that this is a nation under God, just as we recite in our pledge.

But I have to also ask the compatible question: What do my colleagues believe in? I think many of them must believe in a court ruling that denies millions of American public schoolchildren the chance to pray to their God. I just hope, Mr. Speaker, that the next time these Members are at a sporting event or at a townhall meeting or town meeting and they recite the Pledge of Allegiance that they remember that this country was founded upon a belief in a Supreme Being and not on a belief in a Supreme Court.

I urge my colleagues to cosponsor and support House Joint Resolution 100 to permit voluntary school prayer.

ELECTION OF MEMBERS TO STANDING COMMITTEES OF THE HOUSE

Mr. ALEXANDER. Mr. Speaker, I offer a privileged resolution (H. Res. 436) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Education and Labor: Dennis E. Eckart, Ohio, and Timothy J. Penny, Minnesota;

Committee on Foreign Affairs: Robert Garcia, New York.

The SPEAKER pro tempore (Mr. MOAKLEY). The gentleman from Arkansas (Mr. ALEXANDER) is recognized for 1 hour.

Mr. ALEXANDER. Mr. Speaker, this resolution is very simple and I will not take long to explain it. It merely authorizes the reappointment of the gentleman from Ohio (Mr. ECKART) to the Committee on Education and Labor for 1 year; the gentleman from Minnesota (Mr. PENNY) to the Committee on Education and Labor for 1 year; and the gentleman from New York (Mr. GARCIA) to the Committee on Foreign Affairs for 1 year.

Under the rules, temporary appointments can only be made for 1 year. All three of these gentlemen have temporary appointments to these two committees. This resolution merely reappoints these three gentlemen to these two committees for 1 additional year, under the rules. It does not change the ratios that were adopted by the 98th Congress. It does not in any way affect the rules that were adopted by the 98th Congress. It merely complies with the rules.

I understand from a previous announcement by my good friend, the gentleman from California (Mr. DANNEMEYER), that he intends to offer a resolution to recommit this resolution in order to protest the rules that have already been adopted by the 98th Congress.

I will simply state that the 98th Congress has already adopted the ratios that establish the membership of the various committees. That matter has already been debated by this House. It has been voted upon, and, by a majority vote, approved by this body.

In addition to the action by the House, on an action brought before the Federal courts which was taken to the court of appeals, as well as to the Supreme Court of the United States, was brought about by the gentleman from California (Mr. DANNEMEYER) and others, on April 23, 1981. The U.S. District Court in the District of Columbia, accepting the jurisdiction over the rules of the House of Representatives, refused to take action upon the petition of the gentleman from California and others, stating that the matter had been properly resolved by action of the House of Representatives and that the matter was concluded. Subsequent appeals to higher courts, indeed to the Supreme Court, affirmed the decision of the lower courts.

Mr. Speaker, I ask unanimous consent to include extraneous matter in the RECORD which includes the committee ratios adopted by the 98th Congress as set forth by the actions of this Congress, together with two examples explaining those ratios. It is important to note that the committee ratios on the committees in question have always favored the majority—even in the Congress in which the House was controlled by the Republican Party.

I ask further unanimous consent, Mr. Speaker, to include in the RECORD a letter dated November 17, 1983, which was forwarded to the Republican colleagues of the House by the gentleman from California (Mr. DANNEMEYER) and others explaining the tactics which are proposed to disrupt the proceedings of this House, which is illustrated by the gentleman from California.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from Arkansas?

There was no objection.

The documents referred to follow:

COMMITTEE RATIOS UNDER GOP AND DEMOCRATIC MAJORITIES

	GOP majorities—						Democratic 98th—		
	80th Congress (1947): 245 Republicans, 188 Democrats; ratio: 56.6 percent			83d Congress (1953): 221 Republicans, 211 Democrats; ratio: 51.2 percent			98th Congress (1983): 274 Democrats,[2] 166 Republicans; ratio: 62.3 percent		
	GOP (percent)	Ratio	Excess (percent)	GOP (percent)	Ratio	Excess (percent)	Democratic (percent)	Ratio	Excess (percent)
Key committees:									
Appropriations	58.1	(25/18)	+1.5	60.0	(30/20)	+8.8	63.2	(36/21)	+0.9
Rules	66.7	(8/4)	+10.1	66.7	(8/4)	+15.5	69.2	(9/4)	+6.9
Ways and Means	60.0	(15/10)	+3.4	60.0	(15/10)	+8.8	65.7	(23/12)	+3.4
Key committee average			+5.0			+11.0			+3.7
Other committees:									
Agriculture	58.6	(17/12)	+2.0	53.1	(17/15)	+1.9	63.4	(26/15)	+1.1
Armed Services	57.1	(20/15)	+0.5	52.8	(19/17)	+1.6	63.6	(28/16)	+1.3
Banking	59.3	(16/11)	+2.7	55.2	(16/13)	+4.0	63.0	(29/17)	+0.7
Budget[1]							64.5	(20/11)	+2.2
District of Columbia	56.0	(14/11)	−0.6	52.0	(13/12)	+0.8	63.6	(7/4)	+1.3
Education and Labor	60.0	(15/10)	+3.4	55.6	(15/12)	+4.4	62.9	(22/13)	+0.6
Energy and Commerce	59.3	(16/11)	+2.7	54.8	(17/14)	+3.6	64.3	(27/15)	+2.0
Foreign Affairs	56.0	(14/11)	−0.6	55.2	(16/13)	+4.0	64.9	(24/13)	+2.6
Government Operations	60.0	(15/10)	+3.4	53.3	(16/14)	+2.1	64.1	(25/14)	+1.8
House Administration	56.0	(14/11)	−0.6	56.5	(13/10)	+5.3	63.2	(12/7)	+0.9
Interior	57.1	(16/12)	+0.5	55.6	(15/12)	+4.4	64.1	(25/14)	+1.8
Judiciary	55.6	(15/12)	−1.0	53.3	(16/14)	+2.1	64.5	(20/11)	+2.2
Merchant Marine	56.0	(14/11)	−0.6	50.0	(14/14)	−1.2	64.1	(25/14)	+1.8
Post Office and Civil Service	60.0	(15/10)	+3.4	52.0	(13/12)	+0.8	62.5	(15/9)	+0.2
Public Works	59.3	(16/11)	+2.7	55.2	(16/13)	+4.0	62.5	(30/18)	+0.2
Science[1]							63.4	(26/15)	+1.1
Small Business[1]							63.4	(26/15)	+1.1
Veterans' Affairs	59.3	(16/11)	+2.7	53.8	(14/12)	+2.6	63.6	(21/12)	+1.3
Other committee average			+1.4			+2.7			+1.3

[1] Committee did not exist in 80th and 83d Congresses.
[2] Includes delegates in House totals but not on committee ratios.

EXAMPLE: WAYS AND MEANS COMMITTEE

In the 98th Congress, the Democratic Party won 62.3 percent of all House seats, but took 65.7 percent of the seats on the Ways and Means Committee, or only 3.4 percent more than the Democratic House percentage.

Compare this with the actions of the Republican Party. When last the Republicans controlled the House (the 82rd Congress, in 1953) their percentage of total House membership was 51.2 percent. Nevertheless, the Republicans claimed 60 percent of the seats on Ways and Means. This was 8.8 percent more than their House percentage—more than twice the excess percentage taken by the Democratic Party in this 98th Congress.

In reality, those who are now crying "Unfair" were more than twice as "unfair" when last they organized the House.

What we have done is not to be "unfair" to the Republicans, but rather to assure that the Democratic Party has working con-

trol of certain key committees in this Congress—control without which the House majority, be it Democrat or Republican, simply could not function.

EXAMPLE: RULES COMMITTEE

In the 98th Congress, the Democratic Party won 62.3 percent of all House seats, but took 69.2 percent of the seats on the Rules Committee, or 6.9 percent more than the Democratic House percentage.

What did the Republican Party do when it organized the Rules Committee? In the 80th Congress (1947), the Republican membership on the Rules Committee exceeded their House percentage by 10.1 percent compared to our 6.9 percent in the 98th Congress. And, in the Republican 83rd Congress, Republican membership on Rules exceeded their House percentage by 15.5 percent.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 17, 1983.

DEAR REPUBLICAN COLLEAGUE: The Constitution of the United States places within the jurisdiction of Congress the power to "determine the Rules of its Proceedings." *U.S. Constitution, Art. I, Sec. 5, cl. 2.* Pursuant to this power, the House of Representatives has provided by rule that the 22 standing committees in the House shall be elected by the Representatives at the commencement of each Congress from nominations submitted by the respective party caucuses.

From the end of World War I until 1970, the rule of thumb in the House of Representatives had been that committee ratios would be proportional to party membership in the entire House. Supreme Court decisions decided during that period in the area of voter equality (i.e. Baker v. Carr, Reynolds v. Sims) seemed to reinforce this proportionally standard for House committee and subcommittee appointments.

Beginning in 1971, however, the Democratic majority in the House, through its caucus, voted to create an extra working margin of two-to-one on many of the major committees and subcommittees. At first, Republicans had only one-third of the seats in the 94th and 95th Congresses, and thus the new House committee ratios closely corresponded to Republican representation in the House as a whole.

Yet, beginning in the 96th Congress when GOP representation in the House rose to 36.3 percent, the effects of the two-to-one "extra working margin" became more evident. Republicans found themselves with 15 less seats on standing committees than they would have obtained had committee seats been allocated proportionally according to full House party membership. The Democratic Caucus of the 96th Congress extended the "extra working margin" concept to subcommittee as well, and hence the Republicans received 58 less subcommittee seats than a proportional system of representation would have dictated. On Febrary 13, 1980, all 160 Republican Members sent a letter of protest to Speaker of the House Tip O'Neill, which resulted in no remedial action.

As a result of the 1980 congressional elections for the 97th Congress, Republican Members garnered 44.1 percent of the seats of the House of Representatives and the Democrats held 55.86 percent of the House seats. After such a significant gain by the Republicans, many were willing to believe that the House might return to the committee allocation system of the 1921-1971 era. Yet, after the dust cleared, Republicans found themselves 30 less full committee seats and 37 less subcommittee seats than proportional allocation according to party membership would have indicated (see Appendix A). Although the Democrats represented 55.86 percent of House membership, they granted themselves 65.71 percent of the seats on the Committee on Ways & Means, 68.75 percent of the seats on the Appropriations Committee, and 60 percent of the seats on the Budget Committee.

The importance of such inequitable allocation of seats is underscored by the fact that in 1981-82 there were 43 committee votes decided by a voting margin equal to, or smaller than, the number of seats Republicans claimed they were deprived of on these committees. Republicans voted as a bloc in 26 instances, and these votes most likely would have been reversed had Republicans been allocated seats in a fair manner (see Appendix B).

The Republicans were thus left with five options: (1) to accept their fate, thus compounding the problem, (2) to protest again, which had already been done in 1980 to no avail, (3) to obstruct House proceedings and try to bring increased attention to the problem as well as to gain leverage in committees and subcommittees, (4) to take their case to the people through the election arena, and (5) to take their case to court.

On July 23, 1981, fourteen Republican Representatives brought legal action against the elected Democratic leadership in the United States District Court in the District of Columbia knowing that this was a long-shot alternative. The D.C. District Court dismissed the case citing its reluctance to stick its head into legislative affairs. The Circuit Court of Appeals, although holding that the court system did have jurisdiction over the Rules of the House, dismissed the case citing that there was not sufficient injury involved! Lawyers interested in seeing an example of an extreme case of waffling by a court need merely look at the opinions of the Circuit Court which is bereft of any principled rationale or succinct legal analysis. The U.S. Supreme Court recently denied certiorari.

What the Democrats have been saying to us is that we still should be able to field a competitive team despite the fact that we are missing our designated hitter on offense and centerfielder on defense. The Democrats are not the only ones to utilize this philosophy. In Iron Curtain countries such as Albania, Bulgaria, Poland and the USSR, committee memberships are not proportional to membership of the entire legislative bodies. In every western world country, and in the U.S. Senate but not the U.S. House, committee memberships accurately reflect the overall political divisions.

Organization of the 98th Congress, like the 97th, has resulted in an enormous Republican deprivation of committee and subcommittee seats. Republicans have been shorted 24 committee and 37 subcommittee seats in this session (see Appendix C).

In turn, if we are to do anything to remedy this problem, rather than just lying in the grave, the only alternatives we have left are (3) obstruction of House proceedings, and (4) taking the case to the people.

The end that we seek to achieve shoud be something that is meaningful to the public, i.e.: (1) continuing appropriation measures should be clean—not Christmas trees; (2) consideration by House of concurrent budget resolution which will reflect spending reductions advocated by Grace Commission—about $80 billion per year; (3) the proposed constitutional amendment to balance the budget should be on the floor for a vote; (4) the constitutional amendment on school prayer should be on the floor for a vote; (5) the constitutional amendment on abortion should be on the floor for a vote; (6) proposed reforms on bankruptcy, criminal law, immigration and enterprize zones should come to the floor for a vote; (7) proxy voting on committees should be eliminated; (8) verbation, transcripts and records of congressional proceedings, and (9) committee and subcommittee ratios should be consistent with the division in the full House as it was precised in November 1982.

Given these facts and the tremendous significance of the problem here presented, we would like to request that you join us in the effort to obstruct House proceedings at the beginning of the Second Session and thus bring these important issues to a vote and or a resolution in the 98th Congress. Exhibit D contains a list that is not exclusive. If you would like to help in this effort, please call Don Eberly, Director of the Repubican Study Committee at 5-0587.

Sincerely,

Jerry Solomon, Newt Gingrich, Dan Crane, John Kasich, Connie Mack, Ron Packard, Don Ritter, Bill Dannemeyer, Tommy Hartnett, Dan Lungren, Bob Walker, David Dreier, Norm Shumway, Denny Smith.

Mr. ALEXANDER. Under the rules, I am allowed 1 hour. This matter has been debated extensively in the past weeks. It is discussed during the 1-minute period and during special orders almost every day. The Members have had ample opportunity to know the scope and the depth of the proposal which will be offered by the gentleman from California. I do not see the merits in taking a lot of time on this. In fairness I do want to afford the gentleman from California ample time, and because of his impassioned and eloquent statement a minute ago, I will not adhere to my statement that I will give him equal time. I will yield 5 minutes to the gentleman in order to discuss his motion.

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. ALEXANDER) has consumed 4 minutes.

The gentleman from California (Mr. DANNEMEYER) is recognized for 5 minutes.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for the dispensation.

PARLIAMENTARY INQUIRY

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, I have a motion to commit with respect to the resolution offered by the gentleman from Arkansas. At what point in the process is it appropriate for me to offer the motion to commit?

□ 1150

The SPEAKER pro tempore. After the previous question has been ordered or moved.

Mr. DANNEMEYER. At that point I may offer the motion to commit?

The SPEAKER pro tempore. The gentleman is correct.

Mr. DANNEMEYER. Mr. Speaker, how much time under the rules would this gentleman from California have to discuss the motion to commit, if any?

The SPEAKER pro tempore. If the previous question is ordered, the gentleman from California would not have any time to debate the motion.

Mr. DANNEMEYER. So, Mr. Speaker, as a practical matter, the only time this gentleman from California would have to talk about this issue is the time the gentleman from Arkansas has given me right now?

The SPEAKER pro tempore. The gentleman is correct.

Mr. DANNEMEYER. Mr. Speaker, I thank the Chair for the indication of where we are.

Mr. Speaker, initially let me say that we in the minority party of the House are pursuing this issue of malapportionment of committee ratios not just because of the slots on the committees on which we seek proper representation. To put that in perspective, in the 98th Congress we Republicans have been shorted 22 slots on full committees and 37 slots on subcommittees.

Our goal is to bring this matter to the floor of the House for consideration and a rollcall vote in order to establish accountability to the American people on the major issues of the day such as prayer in public schools, a balanced budget in the form of a proposed constitutional amendment, the issue of human rights, the proposed constitutional amendment dealing with the decision of Roe against Wade, the issue of immigration reform that this country badly needs, the issue of bankruptcy law, and the issue of criminal law. Those are the issues that we think we have a responsibility to bring to the floor of this House and debate and have a rollcall vote on so that the American people will, with that rollcall vote on those issues, be able to assess who is accountable in this institution for stopping legislation the people want or helping legislation the people want.

We believe that that accountability is what politics is all about in America, that one party proposes, another party opposes, people have a record vote, and that lays the foundation for the November election so that candidates around the country, challengers and incumbents, will have the privilege and the responsibility of pointing out where the incumbent Member in this instance has voted wrong or inconsistent with the voters of that district.

That is why we are pursuing this matter. It is not just the slots in and of themselves that we seek.

To show the inequity that is taking place in this whole issue, in 1982, in November, Republican candidates for Congress around the country received 43.2 percent of the vote all over the country. Because of the vagaries of reapportionment in the 50 States of the Union, we ended up with 38 percent of the membership of the entire House. With 43 percent of the vote nationally, we ended up with 38 percent of the Members of the House of Representatives, specifically 167 out of 435.

The Democratic majority has exclusive control over this matter since they have 62 percent or 267 Members on their side. And one of the amazing things about this whole process is that the Democratic Party leadership has over the last several decades made an eloquent defense of civil rights of minorities in America. I have to ask, in the face of that protestation of respect for minority rights, what in the world has ever caused the majority Democrats in this House to deviate to the point of what they have done to we Republicans, the minority in the House, and do what they have done to us?

I ask, "Why do you dislike Republicans so much? What have we done to you? We bathe regularly, most of us shave, we conduct ourselves in a proper manner, and we wear suits and ties. What is it about us that you dislike?"

And I have to say that "what I have to conclude is that you don't like the proposals that we make for the American public. We stand here in the well of the House and we say we want this House to vote on a proposed constitutional amendment to require the Federal Government to have a balanced budget, and you are stopping that issue day after day from coming into existence."

And we ask, "Why do you do that? That is why we want the representation on the Judiciary Committee. You have shorted us on the Judiciary Committee in this Congress one slot."

The SPEAKER pro tempore. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

Mr. GINGRICH. Mr. Speaker, I wonder if the gentleman from Arkansas will yield to me for a moment?

Mr. ALEXANDER. No; I do not yield, Mr. Speaker.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, as I understand the proposition that is being made by the Republicans, it is that there should be a more proportionate Republican membership on committees to reflect the results of the election in 1982 in terms of the respective percentage of Republican votes and Democratic votes. If that proposition is correct, then I have a proposition for my colleagues on the other side, which I am sure they cannot refuse. It is based on the principle that what is fair for one is fair for the other, or what is sauce for the goose is sauce for the gander.

Democrats, then, should have a proportionate number of judges and Cabinet members and other Presidential appointees in the agencies to reflect the percentage of Republican and Democratic votes in the results of the Presidential election, which was a lot closer than the congressional election in 1982.

What is fair is fair.

If they will implement my proposal to them, I will support theirs.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Mr. Speaker, I will conclude the debate at this point.

Mr. DANNEMEYER. That is unfortunate.

Mr. ALEXANDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will conclude this debate by reading an excerpt from a letter that the gentleman from California (Mr. DANNEMEYER) wrote to his Republican colleagues which I think clearly states the purpose and the intent of the motion to commit which the gentleman from California (Mr. DANNEMEYER) intends to offer following my conclusion of this debate. It says, and I quote:

> We would like to request that you—
>
> The Republican colleagues—
>
> join us in the effort to obstruct House proceedings at the beginning of the second session and thus bring these important issues to a vote and/or a resolution in the 98th Congress.

Mr. Speaker, it should be clear that the intent of the motion of the gentleman from California is clearly dilatory and aimed at obstructing the regular proceedings of the House.

Mr. Speaker, in conclusion, I would point out that some 140 bills have been passed by the House of Representatives during the first session of the 98th Congress and are now pending in the other body, the scheduling procedures of which are controlled by the Republican majority. I would suggest to the gentleman and his associates, who have joined him in this questionable venture, that if they are mystified by the procedures by which bills come to the floor of a legislative body, they are the leadership of their own party which is now sitting on 140 pieces of legislation which have already passed this House.

Mr. Speaker, I have no need for further time. I do not yield further time to debate this matter, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

MOTION TO COMMIT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. DANNEMEYER, moves to commit House Resolution 436 to the Committee on Rules with instructions to report the resolution back to the House forthwith with the following amendment: At the end of the resolution strike out the period and insert in lieu thereof the following:

": *Provided*, That this resolution shall not take effect until the majority membership of each standing committee of the House, except the Committee on Standards of Official Conduct, is constituted with its membership in a ratio which is proportionate to the membership of the two political parties in the House as a whole."

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit offered by the gentleman from California (Mr. DANNEMEYER).

The question was taken; and on a division (demanded by Mr. DANNEMEYER) there were—yeas 13, nays 16.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 153, nays 237, not voting 43, as follows:

[Roll No. 24]

YEAS—153

Archer	Davis	Hunter
Badham	DeWine	Hyde
Bartlett	Dickinson	Jeffords
Bateman	Dreier	Johnson
Bereuter	Duncan	Kasich
Bilirakis	Edwards (AL)	Kindness
Bliley	Edwards (OK)	Kramer
Boehlert	Emerson	Lagomarsino
Broomfield	Erlenborn	Latta
Brown (CO)	Evans (IA)	Leach
Broyhill	Fiedler	Lent
Burton (IN)	Fields	Lewis (CA)
Campbell	Fish	Lewis (FL)
Carney	Franklin	Livingston
Chandler	Frenzel	Loeffler
Chappie	Gekas	Lott
Cheney	Gilman	Lowery (CA)
Clinger	Gingrich	Lungren
Coats	Goodling	Mack
Coleman (MO)	Gradison	Madigan
Conable	Gramm	Marlenee
Conte	Green	Marriott
Coughlin	Gregg	Martin (IL)
Courter	Gunderson	Martin (NC)
Craig	Hammerschmidt	Martin (NY)
Crane, Daniel	Hansen (UT)	McCain
Crane, Philip	Hartnett	McCandless
Dannemeyer	Hiler	McCollum
Daub	Hopkins	McDade
McEwen	Regula	Snowe
McGrath	Ridge	Snyder
McKernan	Rinaldo	Solomon
Michel	Ritter	Spence
Miller (OH)	Roberts	Stangeland
Molinari	Robinson	Stump
Moore	Rogers	Sundquist
Moorhead	Roth	Tauke
Morrison (WA)	Roukema	Taylor
Myers	Rudd	Thomas (CA)
Nielson	Schneider	Vucanovich
O'Brien	Schulze	Walker
Oxley	Sensenbrenner	Weber
Packard	Shaw	Whitehurst
Parris	Shumway	Whittaker
Pashayan	Shuster	Williams (OH)
Paul	Siljander	Winn
Petri	Skeen	Wolf
Porter	Smith (NE)	Wortley
Pritchard	Smith (NJ)	Young (AK)
Pursell	Smith, Denny	Young (FL)
Quillen	Smith, Robert	Zschau

NAYS—237

Ackerman	Flippo	Mikulski
Addabbo	Florio	Miller (CA)
Akaka	Foglietta	Mineta
Albosta	Foley	Mitchell
Alexander	Ford (MI)	Moakley
Anderson	Ford (TN)	Mollohan
Andrews (TX)	Fowler	Montgomery
Annunzio	Frank	Moody
Applegate	Fuqua	Morrison (CT)
Aspin	Garcia	Murphy
AuCoin	Gaydos	Murtha
Barnard	Gejdenson	Natcher
Barnes	Gephardt	Neal
Bates	Gibbons	Nelson
Bedell	Glickman	Nichols
Beilenson	Gonzalez	Nowak
Bennett	Gore	Oakar
Berman	Gray	Oberstar
Bevill	Guarini	Obey
Biaggi	Hall (OH)	Olin
Boggs	Hall, Ralph	Ortiz
Boland	Hall, Sam	Ottinger
Bonior	Hamilton	Owens
Borski	Harkin	Panetta
Bosco	Harrison	Patman
Boucher	Hatcher	Patterson
Boxer	Hayes	Pease
Breaux	Hefner	Penny
Britt	Hertel	Pepper
Brooks	Hightower	Perkins
Brown (CA)	Howard	Pickle
Bryant	Hoyer	Price
Burton (CA)	Hubbard	Rahall
Byron	Huckaby	Rangel
Carper	Hughes	Ratchford
Carr	Hutto	Ray
Chappell	Jacobs	Reid
Clarke	Jenkins	Richardson
Clay	Jones (OK)	Rodino
Coelho	Jones (TN)	Roe
Coleman (TX)	Kaptur	Roemer
Collins	Kastenmeier	Rose
Conyers	Kennelly	Rostenkowski
Cooper	Kildee	Rowland
Coyne	Kogovsek	Roybal
Crockett	Kolter	Russo
D'Amours	Kostmayer	Sabo
Daniel	LaFalce	Sawyer
Darden	Lantos	Schroeder
Daschle	Leath	Schumer
Dellums	Lehman (CA)	Seiberling
Derrick	Lehman (FL)	Sharp
Dicks	Leland	Shelby
Dingell	Levin	Sikorski
Dixon	Levine	Simon
Donnelly	Levitas	Sisisky
Dorgan	Lipinski	Skelton
Dowdy	Lloyd	Slattery
Durbin	Long (MD)	Smith (IA)
Dwyer	Lowry (WA)	Solarz
Dymally	Luken	Spratt
Dyson	Lundine	Staggers
Eckart	MacKay	Stenholm
Edgar	Martinez	Stokes
Edwards (CA)	Matsui	Stratton
English	Mavroules	Studds
Erdreich	Mazzoli	Swift
Evans (IL)	McCloskey	Synar
Fazio	McHugh	Tallon
Feighan	McNulty	Tauzin
Ferraro	Mica	Thomas (GA)
Torres	Walgren	Wirth
Torricelli	Watkins	Wise
Traxler	Waxman	Wolpe
Udall	Weaver	Wright
Valentine	Weiss	Wyden
Vandergriff	Wheat	Yates
Vento	Whitley	Yatron
Volkmer	Whitten	Young (MO)

NOT VOTING—43

Andrews (NC)	Hawkins	Mrazek
Anthony	Heftel	Savage
Bethune	Hillis	Schaefer
Boner	Holt	Scheuer
Bonker	Horton	Shannon
Corcoran	Ireland	Smith (FL)
de la Garza	Jones (NC)	St Germain
Downey	Kazen	Stark
Early	Kemp	Towns
Fascell	Long (LA)	Vander Jagt
Forsythe	Lujan	Williams (MT)
Frost	Markey	Wilson
Hall (IN)	McCurdy	Wylie
Hance	McKinney	
Hansen (ID)	Minish	

□ 1210

The Clerk announced the following pairs:

On this vote:

Mr. Corcoran for, with Mr. Williams of Montana against.

Mr. McKinney for, with Mr. Minish against.

Mr. Vander Jagt for, with Mr. Hance against.

Mr. Wylie for, with Mr. Markey against.

Mr. Kemp for, with Mr. Hawkins against.

Mrs. Holt for, with Mr. Jones of North Carolina against.

Mr. Lujan for, with Mr. Mrazek against.

Mr. Schaefer for, with Mr. Savage against.

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 255. Concurrent resolution providing for an adjournment of the House from February 9 to 21, 1984, and an adjournment of the Senate from February 9 or February 10 to February 20, 1984.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1787. An act to establish a National Drug Enforcement Policy Board.

CONFERENCE REPORT ON S. 1340, REHABILITATION ACT AMENDMENTS

Mr. PERKINS. Mr. Speaker, I call up the conference report on the Senate bill (S. 1340) to revise and

extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of February 6, 1984.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

□ 1220

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report on S. 1340 contains amendments to the Rehabilitation Act of 1973 and the Developmental Disabilities and Bill of Rights Act.

The Rehabilitation Act of 1973 is the largest Federal program focused on helping disabled Americans to become more productive citizens. When I first came to Congress in 1949, there was no large program of assistance. It was not until 1953 that we were able to achieve enactment of an expanded Vocational Rehabilitation Act.

During all my years in Congress one of my greatest satisfactions has been to work on improving that program and watching it grow so that today it serves approximately 1 million Americans. All evaluations show that vocational rehabilitation is an extremely cost-effective program returning $11 to the Treasury for every dollar of expenditure.

The conference report we are bringing to you today further improves this program. First, and most importantly, we increase the funds for basic State grants from $943.9 million authorized for fiscal 1983 to $1.038 billion for fiscal 1984, to $1.117 billion for fiscal 1985 and $1.203 billion for fiscal 1986.

This means a 9.9-percent increase from fiscal 1983 to fiscal 1984, 7.7 percent from 1984 to 1985, and 7.7 percent from 1985 to 1986.

I am extremely pleased that we were able to achieve these substantial increases for vocational rehabilitation. I know we face enormous deficits, but these expenditures will be returned to the Treasury many times over in terms of reduced unemployment compensation, reduced disability payments, and fewer food stamps. We can make no better investment.

The vocational rehabilitation program is also improved in this conference report:

First, by having the basic State program automatically extended to fiscal 1987 if Congress takes no adverse action. This provision will bring additional stability to the program.

Second, by extending all the discretionary programs from fiscal 1984 to fiscal 1986. These programs provide the essential training and research components of vocational rehabilitation.

Third, by improving these discretionary programs by targeting the training grants on areas where there are shortages of personnel and by broadening the research and training centers to deal with both particular and multiple disabilities.

Fourth, by requiring performance standards to judge the success of the programs.

Fifth, by strengthening client assistance through requiring each State to have such a program by September 30, 1985. Those States now receiving, or having in the past received, section 112 client assistance funds through their regular vocational rehabilitation agency may continue to administer this client program in that manner if the Governor designates this agency. Other States must have a separate agency operate their newly required client assistance programs, and

Sixth, by placing the Helen Keller National Center for Deaf-Blind Youth and Adults on a firmer footing through creating a separate authority for the center.

Mr. Speaker, this conference report will improve the lives of many disabled Americans, and I would like to commend our colleague, AUSTIN MURPHY, chairman of the Subcommittee on Select Education, for his leadership in achieving these gains. We are all indebted to Mr. MURPHY and his subcommittee members.

As fine as this conference report is in the area of vocational rehabilitation, it is enormously deficient in other areas where the House of Representatives tried to improve the Nation's basic education and domestic programs. The House conferees on this bill tried and tried, but we were completely unsuccessful in securing improvements in these other programs.

The Members recall that the budget resolution for fiscal 1984 called for increases in funding of basic education and domestic programs. This resolution was approved by both the House of Representatives and the Senate.

In order to implement the resolution, the Committee on Education and Labor added amendments to the bill reauthorizing the Rehabilitation Act. We had to do this because the so-called Gramm-Latta budget caps adopted in 1981 severely restricted spending for education and other areas.

We provided: $3.83 billion for the chapter 1 program for disadvantaged children; $505 million for impact aid; $825 million for vocational education; $112 million for adult education; $273.9 million for arts and humanities; $10.8 million for museum services; $398 million for the community services block grant; $2.25 billion for low-income energy assistance; $1.36 billion for the women, infants, and children (WIC) feeding program; $1.5 billion for education of the handicapped; $28 million for the National Technical Institute for the Deaf.

On September 13 the House approved those amendments by a vote of 283 to 124, showing clearly that spending for these areas should be increased in accordance with the budget resolution. The Senate had already passed a companion bill reauthorizing vocational rehabilitation, but without any amendments raising the authorization ceilings for other programs. So, the House asked for a conference with the Senate.

The Senate refused to go to conference with us for months and months.

I tried and tried to go to conference with the Senate. I wrote to the chairman of the Senate committee asking for a conference. I had my staff contact his staff. And there was no response.

After 2 months of trying, I finally joined our majority leader, JIM WRIGHT, in offering an amendment to the second continuing resolution to provide the funding for these programs which our amendments to the vocational rehabilitation bill had authorized. Again, the House approved these funds by a vote of 224 to 189.

We provided: $3.645 billion for chapter 1; $812.8 million for vocational education; $112 million for adult education; $382.3 million for the community services block grant; $2.07 billion for low-income energy assistance; $1.357 billion for education of the handicapped; $1.037 billion for vocational rehabilitation; $145 million for immigrant education; $570 million for college work-study; $380 million for supplemental opportunity grants; $347 million for community health centers; $28 million for National Technical Institute for the Deaf; $3.559 billion for job training; $34 million for Gallaudet College; $10 million for emergency shelter for the homeless; $150 million for child nutrition. But again the Senate frustrated the will of the House.

This time at least the Senate had to agree to a conference committee; otherwise, the Government would have come to a halt without a continuing resolution. But the Senate conferees would only accept 10 percent of the increased funding we approved. Ten cents on the dollar. And no funds at all for compensatory education, voca-

tional education. Low-income energy assistance, the WIC program, or school lunch programs.

And let me remind the House that all the increases we asked for were well within the budget resolution; and they were mostly meant to repair part of the harm, and only part of the harm, caused to education and nutrition by the cutbacks of the last 3 years.

Having lost on the continuing resolution, we tried again to go to conference with the Senate on the vocational rehabilitation bill. And the Senate again refused.

Finally, the Senate appointed conferees in February and agreed to a conference. This was 5 months after the House has passed its bill.

At the Senate-House conference I brought up the amendments calling for increases in education and domestic programs.

I brought up the increase for vocational education. The response was "we won't discuss that." I brought up the immigrant education program. The response was "we won't discuss that." I brought up the low-income energy assistance program, but we got no where.

I tried and tried, but the House conferees had no choice in light of the Senate's obstinance. If we wanted any conference report, we had to yield, and so we did.

I am sorely disappointed. I hope we can find another way to increase these funds.

I would like to make a point with respect to one particular program not included in the conference report, the special impact aid for immigrant children. Although the conferees did not accept the 3-year authorization for this program included in the House bill, the program was authorized, and a $30 million appropriation made, in the continuing resolution for fiscal year 1984 (H.J. Res. 413). Thus, the program should be operational this year, and I urge the Department of Education to move expeditiously to implement it. Moreover, the program is to be considered an applicable program for purposes of the General Education Provisions Act, just like any other program administered by the Secretary of Education.

The only positive accomplishment we gained in this conference on S. 1340 was that the vocational rehabilitation program realized solid increases in funding, because the opponents of these other programs suggested that increase only. The appropriation for vocational rehabilitation is already 9.9 percent higher for fiscal 1984 because we secured that increase in the final conference report on the second continuing resolution. It will be raised another 7.7 percent in fiscal 1985 and another 7.7 in fiscal 1986 as a result of this conference report before us today.

We should be as proud of that accomplishment as we are ashamed of our defeats in improving education and nutrition.

□ 1230

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to make some observations on the conference report for S. 1340, the Rehabilitation Act Amendments of 1984. The amendments represent a reauthorization effort to improve and expand the Rehabilitation Act originally passed by Congress in 1921. The House and the other body discussed and resolved 45 points of difference between their respective bills. The conference report reflects this resolution.

I shall comment on three areas in the conference report: the reauthorization of the State grant program; the authorization levels for discretionary programs; and the elimination of title IV and title V from the conference agreement.

The State grant program reauthorized by the Rehabilitation Act Amendments of 1984, provides assistance to State Vocational Rehabilitation Agencies which help handicapped individuals to receive training and support services so that they may join the American work force, lead more independent lives, and participate more fully in their communities. The 1984 amendment increase the allotments States would receive for fiscal year 1984 by 10 percent over the fiscal year 1983 appropriation, to $1,037.8 billion. The 1984 amendments would increase the State allotments for fiscal year 1985 and fiscal year 1986 by an inflation factor based on the Consumer Price Index for urban consumers (CPI-U); however, the total funds that could be made available for the State grant program could not exceed $1,117.5 billion in fiscal year 1985, and $1,203.2 billion in fiscal year 1986. These caps would allow a growth rate of 7.7 percent each year. The amendments allow an automatic extension of 1 year for fiscal year 1987 with an increase based on the CPI-U. These authorization levels represent a midpoint between the original authorization levels in H.R. 3520 and those adopted by the other body.

The State grant program over its 63-year history has had strong bipartisan support, due in large measure to its cost-effectiveness. Since its central focus is promoting employment of handicapped individuals, it helps reduce the dependence of handicapped individuals on Federal income maintenance programs, once such persons are rehabilitated and employed. For example, on the average, for every rehabilitation dollar invested on a handicapped individual, that person's earning power increases by $10. On the average, the cost of a rehabilitation is returned in 4 years, through local, State and Federal taxes paid by a rehabilitated, employed handicapped individual. The authorization levels for State grants in S. 1340 are viewed as further support for the investment potential of the rehabilitation program.

S. 1340 also reauthorizes the multiple discretionary programs under the Rehabilitation Act for 3 years, fiscal year 1984 through fiscal year 1986. These programs provide Federal dollars for research in rehabilitation, training of rehabilitation personnel, collaborative agreements with industry to promote on the job training and employment of handicapped individuals, independent living programs, and several other activities. The authorization levels adopted for these multiple programs are highly variable. For example, when fiscal year 1984 authorization levels are compared with fiscal year 1983 appropriations, the increases range from a zero-percent increase to a 246-percent increase. Although the variability in authorization levels for fiscal year 1985 over fiscal year 1984 is less dramatic, it ranges from 5 percent to 23 percent. Similarly when the fiscal year 1986 levels are compared with fiscal year 1985 levels the range is 4.8 percent to 15 percent. Such variability may raise questions not only related to a failure to contain costs and help reduce the Federal deficit, but also the neglect of funding equity across program categories.

The House bill, H.R. 3520 contained a title IV and title V not contained in the bill of the other body. Title IV increased the authorization of appropriations for: Chapter 1 of the Education Consolidation and Improvement Act of 1981; the Impact Aid Program (Public Law 81-815); the Vocational Education Act of 1963; the Adult Education Act, the National Foundation on Arts and Humanities Act of 1965; the Museum Services Act; the Community Services Block Grant Act; the Low Income Energy Assistance Act of 1981; the Supplemental Food Program for Women, Infants, and Children under section 17 of the Child Nutrition Act; the Education of the Handicapped Act; and the National Technical Institute for the Deaf Act.

If title IV had been adopted as part of the conference report, these several programs would have had their respective authorization ceilings increased by about $1.6 billion. These programs have nothing directly to do with the rehabilitation of handicapped individuals.

Title V of H.R. 3520 authorized funds for school districts with more than 500 immigrant children. Since the numbers of legal and illegal alien children in the public schools is unknown, the projected costs for this

new program ranged from $500 million to $2 billion.

The conferees agreed to drop both titles IV and V from the House bill, thus removing two significant barriers to the speedy adoption of the conference report on S. 1340.

I urge my colleagues to vote for the conference report. The integrity of the Rehabilitation Act has been preserved. Particularly through the reauthorization of the State grant program we will continue to promote employment of handicapped individuals. Such an endorsement is not incompatible with our interest in reducing the Federal deficit and our commitment to a full economic recovery.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I would like to thank my chairman, CARL PERKINS, for his commitment to bringing the rehabilitation reauthorization bill to conference and to seeing that we reached agreement with the Senate. The 1 million handicapped persons who are receiving services under this act should be aware that Chairman Perkins kept their interests foremost when very difficult decisions had to be made in order to reach agreement in conference.

S. 1340 is an excellent piece of legislation to build upon for the next 3 years and beyond. We have provided increases in funding to begin to restore the losses due to inflation and cuts in SSI and SSDI rehabilitation moneys. Because the State grant entitlement is authorized at $1,037,800,000, we will be seeking a supplemental appropriation of $34 million to meet the entitlement this year. For fiscal year 1985 and 1986, the entitlement is to be set by increases in the cost of living for the previous fiscal year. As in the House adopted bill, and an additional authorization for State grants permits funding above the cost of living increase. The total amount that may be appropriated for both the entitlement and the additional authorization, however, is set at $1,117,500,000 in fiscal year 1985 and $1,203,200,000 in fiscal year 1986. I want to assure my colleagues that this provision maintains the compromise approach adopted on the House floor to eliminate any inconsistency with budget act requirements on funding of entitlements in outyears.

The House bill contained a 5-year reauthorization for State grants and the Senate bill a 3-year reauthorization. The conference agreement provides that there will be an automatic extension of funding for a fourth year if the program is not reauthorized prior to September 30, 1986, the amount authorized for the entitlement in the fourth year would be the fiscal year 1986 level increased by the Consumer Price Index for all urban consumers in the previous fiscal year.

The cost effectiveness of this program has historically brought it unified bipartisan support. It is essential that the data that documents the program's effectiveness and its impact on the lives of rehabilitation clients continues to be available. The conference agreement mandates the collection of individual client data. The conferees are further in agreement that the commissioner of RSA shall continue to collect the information contained in the "annual vocational rehabilitation program/cost report," RSA reporting form RSA-2, which has been critical to the effective management of rehabilitation agencies.

The agreement reached on the client assistance program recognizes demonstrated benefits to both State rehabilitation agencies and to their client when a third party is available to mediate differences and facilitate the process of rehabilitation. The successful experience of existing client assistance projects, which have been administered in a variety of settings through a demonstration project grant authority, justifies a change to a State grant formula program. In every State, the Governor, with the advice of those knowledgeable about the rehabilitation process and about the needs and services available to persons with handicaps, will choose a placement for the client assistance program. In States where a client assistance project is now or has been administered within an agency providing rehabilitation services, the Governor may choose to continue that placement. In all other States, the Governor is required to place the program outside of any agency providing rehabilitation services under this act.

I would like to clarify at this point that the conferees intended that the term "handicapped individuals," as used in this section, refer to all persons who are handicapped and is not intended to be limited to persons eligible for services under titles I and III of this act. The comprehensive evaluation of the client assistance program required by the conference agreement is to include information on all handicapped persons served by the client assistance program. By providing information on the program's operation in a variety of settings, this evaluation is expected to provide a sound basis for decisions concerning its reauthorization in 1986.

The conference agreement includes a number of additional provisions intended to provide information to both Congress and the administration for the next reauthorization of the act, as well as information to assist both the administration and appropriations committees in their funding requests and decisions. For the first time, standards are rquired for the evaluation of all programs under the act. In the csse of independent living centers and projects with industry, such standards must be developed by February 1, 1985, and an evaluation based on those standards completed by February 1, 1986. The conference agreement also requires the Commissioner of RSA to gather and provide accurate information on rehabilitation personnel shortages to justify the allocation of training funds. The conferees recognize that it is essential to maintain and upgrade the skills of presently employed personnel, as well as to increase the number of personnel in shortage areas, in order to meet current and projected vocational rehabilitation needs. The Commissioner's report on personnel shortages and allocation of funds is to be submitted each year to Congress along with the department budget submission for the succeeding fiscal year.

The conference agreement also includes the separate statutory authority provided in the house bill for the Helen Keller National Center for deaf-blind youths and adults, and as in both House and Senate bills, establishes the National Council on the Handicapped as an independent agency with the Federal Government.

Mr. Speaker, without the strong commitment of both Chairman PERKINS and Senator WEICKER for programs benefitting handicapped persons, we would not be voting on this conference agreement today. I appreciate their cooperation, and the hard work of their staffs, in helping us enact this extremely important piece of legislation.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, as a member of the committee and as a member of the conference, we are grateful for the leadership of the chairman, the gentleman from Kentucky (Mr. PERKINS). We are also thankful for the commitment of the gentleman from Pennsylvania (Mr. MURPHY), the ranking minority member, the gentleman from Illinois (Mr. ERLENBORN), and all of our colleagues who worked so assiduously on this legislation.

Mr. Speaker, I rise as a member of the committee and as a member of the conference which considered this legislation, to express my strong support for this legislation before us.

The Rehabilitation Act of 1973 stands as a monument to the commitment which our Federal Government has made to the economic development of handicapped adults in this Nation. It is a successful program and one which continues to enjoy a great deal of bipartisan support in Congress. I was proud to have been one of the

original authors of the 1973 act and continue to work to assure that its provisions remain responsive to the needs of the handicapped as well as the world of work.

Specifically, this legislation provides the following:

Extends the State grant portion of the Rehabilitation Act through fiscal year 1986, at a level of $1,037.8 billion in fiscal year 1984 with cost-of-living increases for each the following years;

Extends all other programs under the act for 3 more years;

Establishes a separate authority for the Helen Keller National Center for Deaf-Blind Youth and Adults;

Establishes the National Council on the Handicapped as an independent agency within the Federal Government;

Requires the collection of individual client data for the annual report required of the Rehabilitation Services Administration;

Requires the development of standards for evaluations of existing independent living center and projects with industry, but specifically does not deny funding for existing programs; and

Changes the client assistance program from a demonstration, discretionary program to a formula State grant program authorized at $6 million in fiscal year 1984. $6.3 million in fiscal year 1985 and $6.6 million in fiscal year 1986. In States which have had a client assistance program in place within an agency that provides rehabilitation services, the Governor may choose to continue such placement. In States where there has not been previously been such a placement, the Governor must place the program in an independent agency. States must have a client assistance program in place by October 1, 1984, as a condition of eligibility for vocational rehabilitation State grants.

I would like to make a few elaborated points on these provisions. First, I am pleased that we were able to provide for separate authority for the Helen Keller National Center which is located in my home State of New York to assure that they can continue their work on behalf of deaf-blind children.

Second, I am pleased that we provided for an autonomous National Council on the Handicapped, which is critical if we are to remove the deliberations of this body from political influence as well as other similar types of influence. I recently met with the newly appointed chairperson of the Council, Sandra Perrino, who is from my home State of New York, and am fully convinced that the Council stands ready to work together with Congress on behalf of the handicapped children and adults in this Nation.

Finally, I am strongly supportive of the compromise language that we were able to retain for projects with industry. This program has a proven track record of success since 1968 and has provided 65,000 people with disabilities with competitive employment since its inception. It also is a program which forms a true partnership with the private sector. I have had the opportunity to witness this partnership firsthand for the national coordinator for PWI is located in my own congressional district in the Bronx and through Aging in America, Inc., where PWI is administered, there have been large numbers of local businesses as well as individuals who have benefited from this important partnership. I believe that PWI is a partnership that we want to continue to promote. Further, the language in this legislation provides for evaluations of existing programs and projects but will not terminate current programs which would cause grave disruptions in current services.

Finally, I wish to commend Chairman PERKINS and the chairman of the subcommittee, AUSTIN MURPHY for their leadership on this issue. I know that the road to this day has been long in coming and I appreciate his attention to seeing this legislation through in a bipartisan fashion. I also wish to commend our chairman, CARL PERKINS, for his leadership and statemenship in attempting to address other programs which are important to this committee in this legislation. I regret that we were not able to accommodate the interests of this body, which is clearly on record in support of increases in education which were provided for under title IV of the House-passed version of this bill. However, I feel that we will again have the opportunity to address these concerns in the near future and I stand with the chairman in seeing these issues to their appropriate conclusions—more money for education.

I am also glad that the conferees were able to drop the floor amendment adopted by the House which radically readjusts the low-income energy assistance program formula. While I recognize that those Members from States which produce natural gas feel that adjustments must be made in the existing formula, I believe that the floor of the House is not the appropriate arena to examine these issues and I will fight any attempt to effect this change in the future, especially when it will result in a major loss of funding for States in the Northeast where the low-income family is directly dependent upon this program in order to pay their fuel bills during the cold months of the winter season.

I join with my colleagues in supporting this legislation and urge the House to act with us in support of S. 1340.

□ 1240

Mr. ERLENBORN. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Speaker, I strongly endorse the conference report on S. 1340, the Rehabilitation Act Amendments of 1984. This report is the result of many hours of constructive negotiations and is the result of work by the subcommittee and the full committee in this House since last April.

I would note that the negotiations in the conference began only after the extraneous, costly, and unrelated title IV and title V were deleted from the conference consideration. I would also note, Mr. Speaker, that, as vigorously as this gentleman dissented to the inclusion of title IV and title V, this gentleman would just as vigorously now compliment the chairman of the full committee, the gentleman from Kentucky, and the chairman of the subcommittee, the gentleman from Pennsylvania, and thank those gentlemen for agreeing to permit the Rehabilitation Act to be negotiated and to go to conference without title IV and title V.

Through the conference, the State grant program would be extended through fiscal year 1986 at funding levels that would help States to maintain and in fact to modestly expand their rehabilitation services for handicapped individuals with employment potential. The conferees, this member, the chairman of the subcommittee and the full committee, and the ranking minority member of the full committee all insisted from the very beginning that that 9.9-percent increase for State grants be permitted.

Through this conference, discretionary programs would also be reauthorized for 3 years. In the long term, Mr. Speaker, perhaps one of the most significant features of the conference report is an amendment that would direct the National Council on the Handicapped to review, to analyze and to recommend back to Congress how Federal legislation that impacts on handicapped individuals may be improved. The focus of this Council's efforts would be to identify those unanticipated and unintended barriers to opportunities for independent and productive lives for the handicapped that may exist in Federal law because of incompatibility, ineligibility or related requirements in major Federal legislation.

During the conference negotiations compromises were made by both bodies. I believe that most of these compromises strengthen and improve the act. In one area of compromise, however, I have a lingering concern—that pertaining to the client assistance program. Although I have endorsed

the conference as a whole, I would share with my colleagues the effects because they may come back to haunt us in future years.

Since 1974, Mr. Speaker, the client assistance program has been a model demonstration program to encourage the development of programs to assist rehabilitation clients and potential applicants and State vocational rehabilitation agencies to resolve differences between clients in those agencies related to services. It has been a good program and a good demonstration program.

The conference agreement converts the client assistance program from a demonstration initiative to a mandatory State program. With this conference report, in order to receive State grant money under the Rehabilitation Act, each State must establish such a program. The Governor of each State would designate a public or private agency to administer the State client assistance program. So far so good, because, Mr. Speaker, after a good deal of thought and study and listening to the witnesses, I support the mandatory provisions. However, another provision does cause me some concern.

The conferees agreed to a provision which would give a majority of Governors of States of this country more discretion than other Governors in choosing an agency to administer the client assistance program. Those States in which any time between 1974 and today a client assistance program grant was administered and housed within a State agency could designate the State rehabilitation agency to administer the client assistance program. In the remaining States, however, a Governor would be prohibited from designating a State vocational agency from administering the client assistance program. And that is where the problem is. In many States, the vocational rehabilitation agency would be the preferable and the best administrator of the client assistance program.

Now, we have a preliminary list. According to the Rehabilitation Service Administration, the States of Alabama, Alaska, Arizona, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Montana, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, and Wyoming would be prohibited from establishing a client assistance program within a State agency. That list may change. It is a preliminary list. So the list I have just read may change after the final statute is analyzed and after the history of these States back to 1974 is reviewed. But the principle is the same. In those States that are not eligible, a Governor would be required to designate another separate public or private agency to administer the CAP, so long as it is not the vocational rehabilitation agency.

The prohibition provision may or may not pose significant administrative or service-related problems for these 23 States. However, it may be viewed as an example of unbalanced public policy, for it clearly gives one group of States broader discretion than other States.

If this conference report is adopted, it is my hope that the Commissioner of the Rehabilitation Services Administration will conduct a comprehensive evaluation of CAP's, and the Commissioner will then be able to determine whether there are any negative effects associated with this prohibition so that they may be remedied during the next reauthorization.

In closing, I would emphasize that although I am concerned about this one aspect of client assistance, I do support the conference report wholeheartedly and urge my colleagues to do the same.

● Mr. OTTINGER. Mr. Speaker, I rise in support of the conference report on the Rehabilitation Act amendments of 1983. The central focus of this legislation is the vocational rehabilitation program which assists handicapped individuals to become employable. I commend the chairman for his leadership in this area. Passage of this legislation means the reauthorization of a very successful Federal-State partnership that guarantees the handicapped a genuine opportunity to make full and meaningful contributions to our society.

In addition to expressing my support for this important legislation, I would also like to explain the circumstances under which the conferees chose to eliminate a House provision pertaining to the low-income home energy assistance program (LIHEAP). I, along with several of my colleagues from the Energy and Commerce Committee, participated as conferees on this section which would have increased the fiscal year 1984 authorization level for LIHEAP from $1.875 billion to $2.250 billion, and amended the State allocation formula. The Senate bill did not contain this provision.

First, I want to stress that the LIHEAP provision was eliminated for procedural, not substantive, reasons. It was the considered opinion of the conferees that prompt action on the Rehabilitation Act amendments could only be achieved by limiting the bill solely to measures bearing directly on the particular problems of the handicapped. As a result, both title IV and title V were eliminated. LIHEAP was contained in title IV.

Second, conferees on both sides expressed strong support for strengthening LIHEAP. The severity of this winter's weather has reached almost every corner of the Nation, leading to unprecedented demands for heating fuel and, inevitably, unprecendented demands for LIHEAP assistance. Recently, I wrote the President on this subject.

The Speaker and Representative CONTE have made a similar appeal to the Director of the Office of Management and Budget. The text of these letters are as follows:

JANUARY 27, 1984.

Hon. RONALD W. REAGAN,
The President.

DEAR MR. PRESIDENT: I am writing to urge your immediate attention to a growing national crisis. Federal fuel assistance payments to low-income families are rapidly running out in the face of one of the most cold and bitter winters ever recorded, and we are not even half-way through the heating season. If prompt action is not taken, hundreds of thousands of needy families will suffer the life-threatening effects of utility shutoffs because they do not have the money to pay their bills. These people will be faced with a "heat or eat" predicament. Surely you would not force the poor to choose between an empty heating oil tank or an empty pantry.

The Low-Income Home Energy Assistance Program (LIHEAP) was established to give poor households a fighting chance against such situations. But this unprecedented cold spell is forcing more poor families than ever before to come forward and seek assistance, however, inadequate, from this critical source of emergency energy funds. In my own state of New York, for example 40 out of 62 counties have reported that they will exhaust their allotted funds by mid-February, and 9 counties are already so oversubscribed that they are refusing new applications.

LIHEAP is in desperate need of funds. Year after year you have sought to cut funds from this program and last Fall you succeeded in reducing the appropriation by $100 million over the previous year. However, last November, after strong congressional pressure on this issue, your director of the Office of Management and Budget committed the Administration to seeking supplemental additional funds if necessary. On November 9, 1983, Mr. Stockman wrote to the chairman of the Senate Subcommittee on Labor-HHS Appropriations pledging the reapportionment of $241 million in third and fourth quarter funds if necessary, and "a 1984 supplemental sufficient to restore" these funds in the event that judgment funds from *United States* v. *Exxon*, an oil overpricing case, would not be available.

The Exxon case is on appeal, and it is apparent that all Exxon funds are likely to remain the subject of litigation for the rest of this fiscal year. In any event, Exxon funds cannot properly be substituted for federally appropriated LIHEAP funds since oil overcharge funds are intended to remedy past overcharging. Victims of oil overpricing are owed those funds regardless of federal action on the LIHEAP program.

The time has come to act on these November commitments. To address the current emergency, I urge you to (1) immediately accelerate the disbursement of the $241 million reserved for the last two quarters of this fiscal year, and (2) seek immediately a supplemental appropriation to replace the early expenditure of these funds.

Your prompt attention to this matter is, without exaggeration, a matter of life and death. I look forward to your early reply.

Sincerely,

RICHARD L. OTTINGER,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1984.

Hon. DAVID STOCKMAN,
Director, Office of Management and Budget, Washington, D.C.

DEAR DAVE: This is to follow up on the concerns that we, along with members of the Appropriations Committee, have expressed concerning the steps that need to be taken to assure an adequate level of funding for low income home energy assistance this winter.

As you will recall, in a letter addressed to the Chairman of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee dated November 9, 1983, you stated that the Office of Management and Budget continued to hope that Exxon funds would be available to supplement appropriated fuel assistance funds this winter, but should that not happen, you would reapportion $241 million currently held in reserve for certain states. In that letter, you stated: "If it becomes evident during the heavy heating months beginning in December that states need additional funds for the winter period, we will reapportion the third and fourth quarter money for immediate availability to meet those needs."

You also state in that letter: "Should it also be evident in this event that the Exxon case funds will not be available to the states for the third and fourth fiscal quarters, we will promptly seek a 1984 supplemental sufficient to restore the existing third and fourth quarter apportionments and thereby maintain program levels throughout the remainder of the year."

In acknowledgement of that letter, and in reliance on the intent that additional funds would be provided, the House and Senate conferees stated the following in the conference report to the second continuing resolution for fiscal year 1984, House Report 98-450, dated November 12, 1983: "The conferees direct that if the judgement funds from the case *United States* v. *Exxon* are not available for the low-income home energy assistance program by early February 1984, the Office of Management and Budget will re-apportion available 1984 funds and submit a request for supplemental appropriations for the low income home energy assistance program in the amount of at least $200 million."

As you know, this winter has been extremely cold. Depending on which agency you talk to, December was either the coldest or the second coldest on record. The nation's heating bill during the December 18-31 cold spell was 41% above normal, and cost the nation an additional $1.76 billion in heating costs. There has been an additional cold spell in January, and another is now been predicted. The cost of heating oil is now rising in response to the increased consumer demand, and the cost of natural gas continues its spectacular rise this winter following the trend of the past two years.

While you state in your letter that the low-income fuel assistance funds available in FY 1984 are equal to the amount available in FY 1983, due primarily to carryover funds, it must be noted that last winter was abnormally warm. In addition, your figures do not take into account the $200 million made available to the states last winter under the Warner amendment. Finally, carryover amounts vary from state to state. In fact, for states that traditionally have the heaviest demand for assistance, and have never built up any kind of funding cushion, like our state of Massachusetts, there is no carryover from FY 1983 and the amount available this winter is absolutely below what was available last winter.

In light of the weather and the state-by-state funding situation, it is to be expected that states will need additional funds. In fact, the signs are mounting quickly, both from the states themselves, and from information provided to us by our Colleagues, that there is indeed a need for such funds. Prompt action is required to provide the resources to meet this need.

Since it is now clear that Exxon money will not be available in the short-term, we urge you to immediately take the steps outlined in your letter.

As you know, simply advancing third and fourth quarter payments will not address the problems of cold weather states which fully exhaust their annual allocations during the first half of the year. Consequently, what needs to be done to address the problem seriously is for the Office of Management and Budget to submit the supplemental request of $241 million, as indicated in your November 9 letter, at the first available opportunity, which is likely to be when the Administration's FY 1985 budget proposal is sent to Congress on February 1. Pending action on the supplemental, the Office of Management and Budget should proceed to make immediately available to the states by whatever appropriate mechanism such as deficiency apportionment, the funds that will be provided through the supplemental. This would accomplish the two things that are needed, additional funds, and getting those additional funds out to the states to permit them to use the funds during the remaining months of winter.

This suggested course of action would be fully in accord with the conference report to the second continuing resolution for FY 1984, the letter referred to above, and conversations that occurred at the time with you and your staff.

We call on you, Dave, to take the steps that are necessary as a result of the freezing winter we are experiencing: Reapportion available FY 1984 funds; submit a supplemental of $241 million; and release the $241 million to the states immediately in anticipation of the enactment of the supplemental.

Please advise us of any action planned by the Office of Mangement and Budget by February 1.

With continued best regards, we are

Cordially yours,

THOMAS P. O'NEILL, Jr.,
The Speaker.
SILVIO O. CONTE,
Member of Congress.

Mr. Speaker, it is clear that a supplemental request for the LIHEAP is urgently needed, and that action must occur in the very near future if we are to address this problem during this heating season. I understand that Mr. Stockman recently informed the Appropriations Committee that he would soon be forwarding a request to Congress. That is good news. But it should not be used as an excuse on our part for additional delay. I believe Congress should initiate action on a supplemental request immediately. At this point, delay is almost as harmful as total inaction. It is clear that the action of the conferees is dropping title IV in no way derrogates the need for these funds on congressional support for them.●

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to commend both the House and Senate conferees for the excellent work they have done in agreeing to this conference report on the Rehabilitation Act amendments of 1983. Passage of this major legislative initiative will enable thousands of mentally and physically handicapped individuals to continue to receive rehabilitation training and services throughout this Nation.

I am particularly pleased that the House-Senate conferees have agreed to establish a separate statutory authority and funding source for the Helen Keller National Center for deaf-blind youths and adults. Since the center was first authorized by Congress back in 1967, it has become recognized as the leading facility providing specialized services to deaf-blind Americans. With its 9 regional offices and 20 affiliates across the Nation, the center is mandated to provide the full range of training and research services to approximately 40,000 deaf-blind persons in the United States. The Helen Keller National Center is truly an irreplaceable national resource.

Unfortunately, the ability of the center to survive has been placed in jeopardy in recent years due to its statutory treatment under the Rehabilitation Act. While the center is widely considered an invaluable program administered through the Rehabilitation Act, annual appropriations bills have not specified funding levels for these programs. As a result, the level of funding provided to the center has been subject to ongoing fluctuations and uncertainly. By providing the center with an independent statutory authority, these uncertainties will be largely eliminated and the center will be able to better plan to provide these services in a stable and effective manner.

Mr. Speaker, once again I would like to commend the committee for the excellent job it has accomplished in approving this important piece of legislation and recognizing the invaluable service provided to our country by the Helen Keller National Center for deaf-blind youths and adults. It is my hope that this body will lend its full support to this important initiative and vote for final passage of the Rehabilitation Act amendments.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of the conference agreements on the rehabilitation amendments of 1984. The conference report (H. Rept. 98-595) which is before us today is an important step in

reaffirming the commitment of the U.S. Congress to the Rehabilitation Act. The first Rehabilitation Act was adopted in 1918 to assist handicapped veterans returning from World War I. Since its creation the program has provided effective and efficient assistance to handicapped individuals who want to return to the mainstream of life despite their disability. The enormous success of the program over the past 60 years has resulted in strong bipartisan congressional support. That support should be continued by the adoption of the conference report.

Two provisions of these amendments are particularly important—the first of these gives specific directions to the Secretary of Education to follow through on evaluations of program effectiveness. To a large measure the efficiency of any Federal program is determined by the administration of that program at the Federal level. These amendments will insure that the Department of Education fulfills its responsibility in setting standards and evaluating how well the program is functioning. This type of information is vital to maintaining program performance and making informed judgments about necessary changes or adjustments.

Another real victory for rehabilitation is the maintenance of the entitlement nature of the State grant program. The heart of the rehabilitation program is State grants. Under this section of the law the Federal Government provides funding directly to States for the purpose of making services available to disabled individuals within the State. This particular portion of the act has always been treated as an entitlement. However, when the bill was under consideration in the House, efforts were made to eliminate the entitlement for the States and to make it a straight discretionary grant program. The Senate bill also eliminated the entitlement. But I am pleased to note that the importance of this provision was finally realized and efforts to alter the funding mechanism for the States were rebuffed. The Congress has once again affirmed that rehabilitation is a vital program that demands guaranteed funding.

Finally, I must say that I am very disappointed that titles IV and V of the House bill was not accepted or even discussed in the conference. Title IV would have provided increased authorization ceilings for many critical education programs. The increases were not budget busters. They were well thought-out levels which would have allowed programs under the jurisdiction of the Education and Labor Committee to be funded at levels allowable in the 1983 budget resolution. While the passage of the rehabilitation amendments is the most crucial issue here and the bill that has been agreed to is a sound one, I still find it appalling that the House was not allowed to even discuss titles IV and V during the conference. I am hopeful that this type of action will not recur in subsequent conferences and that we will still be able to achieve the goals of titles IV and V.

I urge my colleagues to adopt this conference report.●

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 3, not voting 46, as follows:

[Roll No. 25]

YEAS—384

Ackerman	Chandler	Edwards (OK)
Addabbo	Chappell	Emerson
Akaka	Chappie	English
Albosta	Cheney	Erdreich
Alexander	Clarke	Erlenborn
Anderson	Clay	Evans (IL)
Andrews (TX)	Clinger	Fazio
Annunzio	Coats	Feighan
Applegate	Coelho	Ferraro
Archer	Coleman (MO)	Fiedler
Aspin	Coleman (TX)	Fields
AuCoin	Collins	Fish
Badham	Conable	Flippo
Barnard	Conte	Florio
Barnes	Conyers	Foglietta
Bartlett	Cooper	Foley
Bateman	Coughlin	Ford (MI)
Bates	Courter	Ford (TN)
Beilenson	Coyne	Fowler
Bennett	Craig	Frank
Bereuter	Crockett	Franklin
Berman	D'Amours	Frenzel
Bevill	Daniel	Fuqua
Biaggi	Dannemeyer	Garcia
Bilirakis	Darden	Gaydos
Bliley	Daschle	Gejdenson
Boehlert	Daub	Gekas
Boggs	Davis	Gephardt
Boland	Dellums	Gibbons
Bonior	Derrick	Gilman
Borski	DeWine	Gingrich
Bosco	Dickinson	Glickman
Boucher	Dicks	Gonzalez
Boxer	Dingell	Goodling
Breaux	Dixon	Gore
Britt	Donnelly	Gramm
Brooks	Dorgan	Gray
Broomfield	Dowdy	Green
Brown (CA)	Downey	Gregg
Brown (CO)	Dreier	Guarini
Broyhill	Duncan	Gunderson
Bryant	Durbin	Hall (IN)
Burton (CA)	Dwyer	Hall (OH)
Burton (IN)	Dymally	Hall, Ralph
Byron	Dyson	Hall, Sam
Campbell	Eckart	Hamilton
Carney	Edgar	Hammerschmidt
Carper	Edwards (AL)	Hansen (UT)
Carr	Edwards (CA)	Harkin
Harrison	McKernan	Schulze
Hartnett	McNulty	Schumer
Hatcher	Mica	Seiberling
Hayes	Michel	Sensenbrenner
Hefner	Mikulski	Sharp
Hertel	Miller (CA)	Shaw
Hightower	Miller (OH)	Shelby
Hiler	Mineta	Shumway
Holt	Mitchell	Shuster
Hopkins	Moakley	Sikorski
Howard	Molinari	Siljander
Hoyer	Mollohan	Simon
Hubbard	Montgomery	Sisisky
Huckaby	Moody	Skeen
Hughes	Moore	Skelton
Hunter	Moorhead	Slattery
Hutto	Morrison (CT)	Smith (FL)
Hyde	Morrison (WA)	Smith (IA)
Ireland	Mrazek	Smith (NE)
Jacobs	Murphy	Smith (NJ)
Jeffords	Murtha	Smith, Denny
Jenkins	Myers	Smith, Robert
Johnson	Natcher	Snowe
Jones (OK)	Neal	Snyder
Jones (TN)	Nelson	Solarz
Kaptur	Nichols	Solomon
Kasich	Nielson	Spence
Kastenmeier	Nowak	Spratt
Kennelly	O'Brien	Staggers
Kildee	Oakar	Stangeland
Kindness	Oberstar	Stenholm
Kogovsek	Obey	Stokes
Kolter	Olin	Stratton
Kostmayer	Ortiz	Studds
Kramer	Ottinger	Stump
LaFalce	Owens	Sundquist
Lagomarsino	Oxley	Swift
Lantos	Packard	Tallon
Leach	Panetta	Tauzin
Leath	Parris	Taylor
Lehman (CA)	Pashayan	Thomas (CA)
Lehman (FL)	Patman	Thomas (GA)
Leland	Patterson	Torricelli
Lent	Pease	Traxler
Levin	Penny	Udall
Levine	Pepper	Valentine
Levitas	Perkins	Vandergriff
Lewis (CA)	Petri	Vento
Lewis (FL)	Pickle	Volkmer
Lipinski	Porter	Vucanovich
Livingston	Price	Walgren
Lloyd	Pritchard	Walker
Loeffler	Pursell	Watkins
Long (MD)	Quillen	Waxman
Lott	Rahall	Weaver
Lowery (CA)	Rangel	Weber
Lowry (WA)	Ratchford	Weiss
Luken	Ray	Wheat
Lundine	Regula	Whitehurst
Lungren	Reid	Whitley
Mack	Richardson	Whittaker
MacKay	Ridge	Whitten
Madigan	Rinaldo	Williams (MT)
Marriott	Roberts	Williams (OH)
Martin (IL)	Robinson	Wilson
Martin (NC)	Rodino	Winn
Martin (NY)	Roe	Wirth
Martinez	Roemer	Wise
Matsui	Rogers	Wolf
Mavroules	Rostenkowski	Wolpe
Mazzoli	Roth	Wortley
McCain	Roukema	Wright
McCandless	Rowland	Wyden
McCloskey	Roybal	Yates
McCollum	Rudd	Yatron
McDade	Russo	Young (AK)
McEwen	Sabo	Young (FL)
McGrath	Sawyer	Young (MO)
McHugh	Schroeder	Zschau

NAYS—3

Crane, Daniel	Crane, Philip	Paul

NOT VOTING—46

Andrews (NC)	Forsythe	Kemp
Anthony	Frost	Latta
Bedell	Gradison	Long (LA)
Bethune	Hance	Lujan
Boner	Hansen (ID)	Markey
Bonker	Hawkins	Marlenee
Corcoran	Heftel	McCurdy
de la Garza	Hillis	McKinney
Early	Horton	Minish
Evans (IA)	Jones (NC)	Ritter
Fascell	Kazen	Rose

Savage	St Germain	Towns
Schaefer	Stark	Vander Jagt
Scheuer	Synar	Wylie
Schneider	Tauke	
Shannon	Torres	

□ 1300

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 1340, just agreed to.

The SPEAKER pro tempore (Mr. MITCHELL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2899, ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 429 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.R. RES. 429

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2899) to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the bill for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be considered for amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 429 is a 1 hour open rule providing for the consideration of H.R. 2899, the Environmental Research, Development and Demonstration Act for fiscal year 1984 and fiscal year 1985.

The rule waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill. This waiver is necessary because various provisions of the bill make funds available for expenditure without limiting those expenditures to the amount and the extent provided in advance in appropriations acts or allow funds appropriated for one purpose to be used for a new purpose. These provisions could be construed as an appropriation and therefore a violation of the rule.

Mr. Speaker, the bill will be read for amendment by section, with each section considered as read. Upon conclusion of consideration of the bill for amendment, one motion to recommit could be offered.

Mr. Speaker, H.R. 2899 is a 2-year authorization which provides $283.5 million for fiscal year 1984 and $297.7 million for fiscal year 1985. This authorization would allow the Environmental Protection Agency to continue ongoing research and developmental activities. It would promote stability in continuing other programs dealing with environmental problems that are affecting our Nation. Such as acid rain, hazardous waste, and ground water contamination.

Mr. Speaker, I know of no opposition to the rule. I urge adoption of House Resolution 429 so that the House will have an opportunity to consider this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the provisions of the rule have been ably explained.

The EPA, as we all know, is an important agency of this Government. Although some think it is bureaucratic, and I agree, the present Director is doing a good job.

Mr. Speaker, this authorization is necessary. There is some controversy on the bill, but, Mr. Speaker, I know of no controversy on the rule and I urge the adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGRATH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 55, as follows:

[Roll No. 26]

YEAS—378

Ackerman	Downey	Kildee
Addabbo	Dreier	Kindness
Akaka	Duncan	Kogovsek
Albosta	Durbin	Kolter
Alexander	Dwyer	Kostmayer
Anderson	Dymally	Kramer
Andrews (TX)	Dyson	LaFalce
Annunzio	Eckart	Lagomarsino
Applegate	Edgar	Lantos
Archer	Edwards (CA)	Latta
Aspin	Edwards (OK)	Leach
AuCoin	Emerson	Leath
Badham	English	Lehman (CA)
Barnard	Erdreich	Lehman (FL)
Barnes	Erlenborn	Leland
Bartlett	Evans (IA)	Lent
Bateman	Evans (IL)	Levin
Bates	Fazio	Levine
Bedell	Feighan	Levitas
Beilenson	Ferraro	Lewis (CA)
Bennett	Fiedler	Lewis (FL)
Bereuter	Fields	Lipinski
Berman	Fish	Livingston
Bethune	Flippo	Lloyd
Bevill	Florio	Loeffler
Biaggi	Foglietta	Long (MD)
Bilirakis	Foley	Lott
Bliley	Ford (MI)	Lowery (CA)
Boehlert	Ford (TN)	Lowry (WA)
Boggs	Fowler	Luken
Boland	Frank	Lungren
Bonior	Franklin	Mack
Borski	Frenzel	MacKay
Boucher	Fuqua	Madigan
Boxer	Garcia	Marriott
Breaux	Gaydos	Martin (IL)
Britt	Gejdenson	Martin (NC)
Brooks	Gekas	Martin (NY)
Broomfield	Gephardt	Martinez
Brown (CA)	Gibbons	Matsui
Brown (CO)	Gilman	Mazzoli
Broyhill	Gingrich	McCain
Bryant	Glickman	McCandless
Burton (CA)	Gonzalez	McCloskey
Burton (IN)	Goodling	McCollum
Byron	Gore	McDade
Campbell	Gramm	McEwen
Carney	Gray	McGrath
Carper	Green	McHugh
Chandler	Gregg	McKernan
Chappell	Guarini	McNulty
Chappie	Gunderson	Mica
Cheney	Hall (IN)	Michel
Clarke	Hall (OH)	Mikulski
Clay	Hall, Ralph	Miller (CA)
Clinger	Hall, Sam	Miller (OH)
Coats	Hamilton	Mineta
Coelho	Hammerschmidt	Mitchell
Coleman (MO)	Hansen (UT)	Moakley
Conable	Harkin	Molinari
Conte	Harrison	Mollohan
Conyers	Hatcher	Montgomery
Cooper	Hayes	Moody
Coughlin	Hefner	Moore
Courter	Hertel	Moorhead
Coyne	Hightower	Morrison (CT)
Craig	Hiler	Morrison (WA)
Crane, Daniel	Holt	Mrazek
Crane, Philip	Howard	Murphy
D'Amours	Hoyer	Murtha
Daniel	Hubbard	Myers
Dannemeyer	Huckaby	Natcher
Darden	Hughes	Neal
Daschle	Hunter	Nelson
Daub	Hutto	Nielson
Davis	Hyde	Nowak
Dellums	Jacobs	O'Brien
Derrick	Jenkins	Oakar
DeWine	Johnson	Oberstar
Dicks	Jones (OK)	Obey
Dingell	Jones (TN)	Olin
Dixon	Kaptur	Ortiz
Donnelly	Kasich	Ottinger
Dorgan	Kastenmeier	Owens
Dowdy	Kennelly	Oxley

Packard	Sawyer	Taylor
Panetta	Schroeder	Thomas (CA)
Parris	Schulze	Thomas (GA)
Pashayan	Schumer	Torres
Patman	Seiberling	Torricelli
Patterson	Sensenbrenner	Traxler
Paul	Sharp	Udall
Pease	Shaw	Valentine
Penny	Shelby	Vandergriff
Pepper	Shumway	Vento
Perkins	Shuster	Volkmer
Petri	Sikorski	Vucanovich
Pickle	Siljander	Walgren
Porter	Simon	Walker
Price	Sisisky	Watkins
Pursell	Skeen	Waxman
Quillen	Skelton	Weaver
Rahall	Slattery	Weber
Rangel	Smith (FL)	Weiss
Ratchford	Smith (IA)	Wheat
Ray	Smith (NE)	Whitehurst
Regula	Smith (NJ)	Whitley
Reid	Smith, Denny	Whittaker
Richardson	Smith, Robert	Whitten
Ridge	Snowe	Williams (MT)
Rinaldo	Snyder	Williams (OH)
Ritter	Solarz	Wilson
Roberts	Solomon	Winn
Robinson	Spence	Wirth
Rodino	Spratt	Wise
Roe	Staggers	Wolf
Roemer	Stangeland	Wolpe
Rogers	Stenholm	Wortley
Rostenkowski	Stokes	Wright
Roth	Stratton	Wyden
Roukema	Studds	Yates
Rowland	Stump	Yatron
Roybal	Sundquist	Young (AK)
Rudd	Swift	Young (FL)
Russo	Tallon	Young (MO)
Sabo	Tauzin	Zschau

NAYS—0

NOT VOTING—55

Andrews (NC)	Hansen (ID)	McKinney
Anthony	Hartnett	Minish
Boner	Hawkins	Nichols
Bonker	Heftel	Pritchard
Bosco	Hillis	Rose
Carr	Hopkins	Savage
Coleman (TX)	Horton	Schaefer
Collins	Ireland	Scheuer
Corcoran	Jeffords	Schneider
Crockett	Jones (NC)	Shannon
de la Garza	Kazen	St Germain
Dickinson	Kemp	Stark
Early	Long (LA)	Synar
Edwards (AL)	Lujan	Tauke
Fascell	Lundine	Towns
Forsythe	Markey	Vander Jagt
Frost	Marlenee	Wylie
Gradison	Mavroules	
Hance	McCurdy	

□ 1320

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEFICIT DOWNPAYMENT COMMITTEE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, on yesterday our so-called downpayment committee had its first meeting. Four Representatives from Congress, two from the House and two from the Senate, met with administration officials. The first meeting, I thought, went pretty well. We did not accomplish a lot, but we talked seriously and we agreed we would meet again, in a few days, hopefully.

The responses we have had initially, were not too bad, but I worry about some of the news accounts that I am now seeing. We are serious about trying to find some agreement on a "downpayment" that we can lock into our legislative process to reduce the deficit. But I hear in the press, first of all, the gentleman from the other body, Mr. BYRD. He pre-judges the whole process and says he does not think it will work.

I had an opportunity to be with the distinguished majority leader this morning on a program and he was very cooperative sounding, yet he comes right down here in the well and gives a 1-minute speech and starts out by saying we should not have any more meetings for a couple of weeks and we should only talk about defense.

There have been press accounts about how a $100 billion downpayment was a waste of time. Mr. Speaker, $100 billion in my neck of the woods is not a waste of time. And we start talking about, oh, we are going to accomplish that anyway. When you look at last year's record and what we did in the budget on reducing spending or raising revenue, we did not do too good.

Also, if you talk about just the defense area, you are not really looking at the whole prospect of what we should be doing. Are you serious about these negotiations or not? As evidenced by the enclosed letter from White House Chief of Staff James Baker, the administration is, and we are.

THE WHITE HOUSE,
Washington, February 9, 1984.

Hon. JAMES C. WRIGHT, Jr.,
Majority Leader, House of Representatives, Washington, D.C.
Hon. DANIEL K. INOUYE,
U.S. Senate, Washington, D.C.

DEAR JIM AND DAN: There are press accounts today of various statements attributed to you and to your colleagues representing the Democratic leadership. I do not know whether these accounts are accurate. But I trust you agree with me that if we are to be successful, we must communicate with each other directly rather than through the press.

In that spirit, let me respond here privately to some of the points raised by the news accounts:

With respect to the suggestion that a number of modest measures adding up to $100 billion in deficit reduction are a "waste of time," I'm sure you agree that it will be a sad state indeed if $100 billion is judged to be a waste of time.

With respect to the associated suggestion that Congress may enact such deficit-reduction measures in any case, I trust you agree that last year's record is not at all supportive of this conclusion; and that, whatever the record, our ability to reach agreement could substantially improve the chances of favorable Congressional action.

With respect to the suggestion that defense spending must be discussed at our next meeting, we are completely agreeable to that. We are analyzing now the suggestion you made at our first meeting, Jim; and we will be fully prepared to discuss that and other possible deficit reduction measures at our next meeting. You offered to provide specific proposals of your own—to complement or substitute for the specific proposals we have already put on the table. We look forward to the opportunity to consider any such proposals.

On the question of when we should next meet, I was disappointed to read that the Democratic leadership strategy may be to seek to delay until the end of the month. For our part, we are ready now to meet today, tomorrow, or at any other time that would suit your convenience. This has been our position since the President first requested that we meet on January 25. I'm sure you agree that the American people neither want nor deserve delay. And, in any case, there are practical considerations related to the Congressional calendar and to the effective date of potential deficit reduction measures which should lead us to meet at the very earliest possible date. My colleagues and I stand ready to meet with you and to continue our discussions in good faith. We do hope you will agree to meet within a week—as you suggested might be possible at the conclusion of our last meeting.

With best regards,
Sincerely,

JAMES A. BAKER III,
Chief of Staff and Assistant to the President.

□ 1330

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 429 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2899.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2899) to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes, with Mr. HUBBARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Florida (Mr. FUQUA) will be recognized for 30 minutes, and the gentleman from New York (Mr. MCGRATH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of the bill, H.R. 2899, to authorize appropriations for environmental research, development, and demonstration for

fiscal year 1984 and fiscal year 1985. The funds appropriated pursuant to this authorization are for the research programs of the Environmental Protection Agency.

I wish to express my appreciation for the leadership of Mr. SCHEUER, chairman of the Subcommittee on Natural Resources, Agriculture Research and Environment, and thank the ranking minority member of the subcommittee, Mr. MCGRATH, for his work on behalf of this legislation.

As reported by the Committee on Science and Technology, H.R. 2899 authorizes $283,510,000 in fiscal year 1984 and $297,686,000 in fiscal year 1985 for EPA research and development activities.

Mr. Chairman, few areas have been the subject of such intense debate and deep public concern as the area of environmental protection. I was personally gratified by the President's pledge, which he conveyed in his state of the Union address, of a renewed commitment to the environment. At that time, the President stated that he would ask for supplemental appropriations in fiscal year 1984 and increased funding in fiscal year 1985 for environmental programs. This authorization bill will allow this expansion in a manner agreeable to the Congress, since it is $37,510,000 above the $246,000,000 already appropriated for these programs in fiscal year 1984. The fiscal year 1985 authorization contained in the bill is $297,686,000 which is $19,638,000 above the President's request for fiscal year 1985.

Funds appropriated pursuant to this bill will be used for research projects which in turn will support the pollution abatement mission of EPA, the more publicized and frequently controversial mission of that Agency. In many cases the controversy and publicity arises when, in order to meet statutory deadlines, the Agency is called upon to make regulatory decisions on the basis of sparse information.

Two recently prominent cases of this situation involve dioxin and ethaline dibromide (EDB). It is, therefore, vitally important that EPA has a research program of the highest quality that is adequately funded and properly responsive to the environmental problems that threaten the Nation and that regards to the requirements of our environmental laws.

This 2-year authorization bill is intended to promote the kind of quality research program for the EPA. The bill is responsive to national needs and strikes a proper balance between research necessary to implement existing environmental laws and research needed to respond appropriately to emerging environmental problems such as acid rain, indoor air pollution, ground water contamination, and hazardous waste. The bill will also provide the continuity and stability necessary for EPA's research program to achieve the quality and credibility we expect from it. In addition the bill establishes a senior environmental assistance program to utilize senior citizens while carrying out environmental research programs.

Mr. Chairman, H.R. 2899 is the product of extensive oversight hearings and investigations of EPA's research and development activities and I urge its adoption.

Mr. McGRATH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2899.

The Environmental Protection Agency has enjoyed bipartisan support in the Congress since its inception under a Republican administration. That same bipartisan concern and support for environmental protection, exists in this Congress today.

The primary responsibility of the EPA is the protection of public health and the environment. I have a deep concern for the ability of EPA to fulfill this mandate. I believe the agency must be funded adequately if it is to succeed in doing quality research for the protection of the environment.

In his state of the Union address, the President emphasized the seriousness of the environmental problems facing us and promised funding increases for research into these problems. It is my understanding that the gentleman from Florida (Mr. FUQUA) intends to offer an amendment which will revise the budget figures in the bill to more closely reflect the priorities set forth in the EPA fiscal year 1985 request. The effect of the Fuqua amendment will be to bring the figures in the bill for fiscal year 1985, to the level requested by the administration for five areas, while retaining the total figure for fiscal year 1985 now in the bill.

I believe this funding level will enable EPA to continue its vital research in clean air, drinking water, hazardous waste disposal, pesticides, and ground water. This research is absolutely crucial if the agency is to be able to set standards for the protection of the health of the American people. In the past year two major threats, dioxin and EDB contamination have been identified. While there is general agreement that these compounds cause cancer in laboratory animals there is considerable controversy over the effects of human exposure to these potential carcinogens. If the EPA is to set the standards for human exposure to these substances, which the public is demanding, it must have the funds to conduct the necessary research. H.R. 2899 as amended will provide these funds, and I urge my colleagues to support this bill.

Mr. McGRATH. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. COATS).

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, as the President said in his state of the Union address, there is great concern in this country and in Canada about the problem of acid rain. I share that concern and support the chairman's willingness to accommodate the request of the President to increase fiscal year 1985 EPA funding to $34 million for acid rain. Many questions remain unanswered about the causes, effects, and methods of mitigating or controlling acid rain. Congress recognized this in December 1980, when it passed title VII of the Energy Security Act, authorizing a 10-year research program on acid deposition. The national acid precipitation assessment program is now underway and we only have had 2 years of research under that program. Progress is being made and we are benefiting from the research being done by both the Federal Government and private sector. The President's increase in funding will enable EPA to develop the necessary data to fully understand the sources and characteristics of acid rain; to define the extent of damage caused by acid rain; develop new technology and most importantly, to determine the strategy for mitigating measures. The administration included $67 million for developing new technology and $5 million for an experimental program to restore buffering capacity.

□ 1349

This funding plus the $55 million for interagency acid rain research will total an increase of $127.5 million for fiscal year 1985 for efforts to address this problem.

This clearly demonstrates the commitment of the President to restore our lakes and to develop new technology to reduce pollution that causes acid rain.

In my own State of Indiana, we are funding or participating in research and development of new technologies to reduce SO_2 and NO_x emissions. Some examples are: Pressurized fluidized bed combustion, steam stripping of coal and most recently in the development of a unique flue gas scrubber, which will produce marketable fertilizer rather than sludge as a byproduct.

These and many other potential technologies lie on the verge of assisting us resolve the problem of acid rain. We should continue to move forward in developing our scientific knowledge to its greatest potential before mandating expensive cleanup measures.

Mr. FUQUA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I applaud the chairman, the gentleman

from Florida; the gentleman from New York (Mr. SCHEUER); and the gentleman from New York (Mr. MCGRATH) for bringing a very good bill to the floor.

I would like to talk for a moment about solid wastes and hazardous waste disposal, particularly land disposal of hazardous wastes.

Last fall the House approved amendments to the RCRA bill—Resource Conservation and Recovery Act. One of the objectives of that bill was to minimize the generation of hazardous waste and particularly the land disposal of hazardous wastes by encouraging process substitution, materials recovery, properly conducted recycling, and reuse and treatment, and other alternatives.

That bill, as approved by the House, provides a system of land disposal of hazardous wastes. The House has spoken. And later today I will offer an amendment to earmark moneys in this bill for alternatives to land disposal, storage, and containment; alternatives to the present system of land disposal of hazardous waste in this country.

A number of States, including my own State of Kansas, in an effort to protect the health of the residents have or are discussing ways to restrict land disposal of hazardous wastes. My own State is considering legislation which would eventually ban land disposal.

The State of New York has devised a plan where hazardous waste generators have to commit themselves to moving away from land disposal. Other States are acting to ban land disposal on certain hazardous wastes.

If both Federal and State policy are moving away from land disposal, like the Times Beaches of this world, alternatives need to be made available. Moneys should be spent by the EPA not to promote land disposal, or to make it more acceptable, but to make alternatives available all over this country, not only to protect the health and safety of millions of Americans who live near the sites, but also to provide some certainty to businesses in this country as well.

Therefore, we need to be proceeding now with adequate research and development on alternatives to land disposal.

The earmarking is necessary I believe—that I will have in my amendment—because according to the Office of Technology assessment of the March 1983 study, only about 10 percent of EPA's current R&D efforts for hazardous waste are devoted to alternatives to land disposal. OTA's report on technologies and management strategies for hazardous waste control says: "Emerging thermal, physical, and chemical treatment technologies are at a point where they could substantially benefit from more R&D support." Right now, Mr. Chairman, it seems that a great deal of EPA effort are going to make existing land disposal technologies more feasible, that is not the way we should be going.

The purpose of my amendment, Mr. Chairman, will be to insure that there is a threshold point, a minimum point, whereby the Administrator of EPA is going to move away from the current system of land disposal sites and encourage more research and development into hazardous and solid waste alternatives.

Mr. FUQUA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Florida (Mr. FUQUA).

It is my understanding, section 2(a)(4) of the bill contains provisions that increase funding for the development of disposal technologies for hazardous wastes. Is this correct?

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding. Yes; the gentleman is correct.

Mr. YOUNG of Missouri. Mr. Chairman, it is also my understanding that a portion of these funds is to be spent on research in the area of the destruction of dioxin. Is this true and if so what is the monetary figure?

Mr. FUQUA. Yes; the gentleman is correct. The amount to be spent on such research is $2 million.

Mr. YOUNG of Missouri. Mr. Chairman, the committee report specifies that moneys should be used in the more promising technologies, like detoxification and advanced thermal incineration. Is this evidence that the intent of the committee is to move away from landfills as the only option for disposal and move EPA toward a more technological and permanent solution for the destruction of dioxin?

Mr. FUQUA. Yes; this is the intent of the committee.

Mr. YOUNG of Missouri. With that understanding of the committee intent, Mr. Chairman, I would respectfully submit that there is no greater concern in the area of dioxin contamination that the contaminated city of Times Beach, Mo.

I strongly concur with the intent of the committee that additional funds be directed and specifically earmarked toward research and development of a permanent technological solution for the destruction of dioxin. There is no question that only until a method of destruction is discovered that is feasible and cost effective, there will be no permanent solution. I am strongly opposed to the practice of landfilling our hazardous wastes. This practice only delays the problem and sets a hazardous waste time bomb ticking, as evidenced by Love Canal.

Mr. Chairman, I feel that research on the permanent destruction of dioxin at Times Beach would transfer as a solution to hundreds of smaller sites across the Nation. Is it the intent of the committee that a portion of these funds be designated for research of a permanent solution at Times Beach?

Mr. FUQUA. The gentleman from Missouri and my distinguished colleague has been a leader in the search for an exceptable and effective way to destroy dioxin. A solution to the problems at Times Beach would certainly aid the Nation in reaching a permanent solution for the cleanup of dioxin. Indeed, it is the intent of this legislation that some of these funds would be used for research on destruction technologies at Times Beach, Mo. Research performed in this manner will produce the most useful results.

Mr. McGRATH. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MOLINARI).

Mr. MOLINARI. Mr. Chairman, I rise in support of this legislation. The Environmental Protection Agency's research and development program is a vital component of the Agency's regulatory network. Indeed, almost all decisions made by EPA are based upon the knowledge gained through R&D pursuits.

Today, we witness new chemicals entering the environment, increasing waste disposal problems, life-threatening ground water contamination and rising levels of public health ailments linked to toxic pollutants. Accelerated research and innovation will be crucial to meet these challenges.

Mr. Chairman, we have heard mention today about the problem of dioxin. What has not been mentioned, and I think it is very significant, is that the serious problem of garbage disposal in this country has been held up to a large extent because of the fear of the unknown, how dangerous dioxins are. I think when we can come to grips with that problem and be able to insure the public that we can build resources-recovery facilities that are safe from this threat of dioxin we will be able to get on with the job.

I am also pleased to see that we are putting money into the acid-rain budget. That is a problem that has become a big political issue and we have States suing each other. Canada is threatening to sue the United States. And we are mad at Canada. New York State has sued nine other States.

It is time that the Federal Government is taking a hand here and to provide some of the answers that we need.

This is a good start. I urge my colleagues to support it.

Mr. Chairman, we rely heavily upon the scientific community to research long-term health effects and the dynamics of the environment. The administration has repeatedly called for improved scientific data prior to implementing new regulations. I place great faith in the ability of vigorous research to develop new solutions to prevent any future environmental hazards. However, I cannot stress enough the importance of allocating funds and resources in a careful manner. Simply throwing additional moneys at the Agency will prove costly and ineffective. Through conscientious allocation of our resources, we will get a great deal more value for our dollar. This bill is designed to authorize funds in the most effective manner and it is my hope that EPA will follow this legislative direction by implementing these funds wisely.

I commend the committee for its diligent work and careful evaluation in drafting this legislation. It addresses every major division in EPA's R&D program and provides continuity in the program by authorizing funds for 2 fiscal years. I especially applaud the committee's attention to the issue of resource recovery. Many localities are faced with a dilemma similar to my own. Municipal refuse is building up to uncontrollable proportions and alternative disposal methods are urgently needed. Resource recovery can provide an effective solution. I am, therefore, pleased to see the committee addressing the problems incurred by the Hempstead plant so that plans and construction for future resource-recovery facilities can go quickly forward.

Sufficient funding for EPA's R&D is long overdue. If we are to avoid the mistakes of the past and safeguard public health and the enviroment, control technology will have to meet the challenges posed by the ever-growing, waste-producing technology. I urge my colleagues to support this legislation.

● Mr. KOLTER. Mr. Chairman, the bill authorizing appropriations for the Environmental Protection Agency's Office of Research and Development for fiscal years 1984 and 1985, provides several very important opportunities. Most significant is the 124-percent increase in acid deposition research funding.

All evidence seems to indicate that acid deposition causes substantial damage to our air, water, and land. Numerous sources are responsible for increased sulfur dioxide in the atmosphere, but a large portion is emitted from coal-burning facilities.

Development of control technology is essential to properly utilize the billions of tons of higher sulfur coal located throughout the United States. Coal beneficiation is one method that Congress must seriously consider before it embarks on any sulfur dioxide emissions program. Electrostatic precipitators and other post ignition technology represents only a part of the total solution. More work is needed on front-end technology. Tremendous strides have been made in removing organic and pyritic sulfur from coal, but much more work needs to be accomplished.

This legislation represents a positive step toward that goal. It increases funding for our commitment to learn more about the acid deposition question. Enlargement and enhancement of the existing body of knowledge on acid deposition will help Congress choose a rational solution.

I urge my colleagues to support passage of H.R. 2899 and commend the committee for its work.●

● Mr. SCHEUER. Mr. Chairman, I rise in strong support of H.R. 2899.

As chairman of the Subcommittee on Natural Resources, Agriculture Research, and Environment, it has been my privilege to work closely with many of my colleagues on this bill.

I especially want to thank the chairman of the full committee, Mr. FUQUA, for his strong support and efforts in bringing this legislation to the floor.

I also want to express my respect and appreciation for the contributions made by the ranking minority member of the subcommittee, the gentleman from New York (Mr. MCGRATH).

Mr. Chairman, while the administration has requested a substantial increase for research and development in fiscal year 1985, it is still insufficient to protect the environment and to safeguard the health of our citizens. The 1985 request is $278 million, which is $33 million, or 13.5 percent, over the 1984 appropriations.

This is a step in the right direction for which Mr. Ruckelshaus is to be congratulated. Realistically, however, this amount is just slightly above the 1982 appropriation, which was $272 million, and significantly below the 1981 appropriation of $365 million.

It is essential that the EPA research budget preserve a basis for developing rational environmental policies, for issuing sound environmental regulations, and for developing for industry technologies to meet these regulations. To do otherwise would undermine EPA's ability to fulfill its mission.

Sound standards would not be promulgated in a timely fashion, and once issued, they would doubtless be subject to court challenges.

The net result would be more pollution and, consequently, a deterioration in environmental quality and public health. Clearly, the American public would not favor this sort of scenario.

The committee responded to these concerns by reporting H.R. 2899, which is now before the House.

As noted by the chairman of the full committee, the gentleman from Florida (Mr. FUQUA), we have increased the President's requested funding level for EPA research and related activities of $205.5 million in fiscal year 1984 and $278 million in fiscal year 1985 to $283.5 million in fiscal year 1984 and to $297.7 million in fiscal year 1985. This recommendation provides fiscal year 1984 funding at a level slightly higher than fiscal year 1982 levels.

The fiscal year 1985 authorization essentially maintains the same support and direction with a 5 percent across-the-board increase over fiscal year 1984. Included with the increases supported by the committee are funds to restore the Great Lakes research program at the fiscal year 1982 level of funding.

Other increases would support monitoring activity and ecological effects on toxic pollutants contaminating many of the Nation's waterways.

Another area of particular concern to the committee was long-term environmental research, which is essential for detection of new environmental threats such as EDB and, ultimately, an effective EPA.

Fund are to be used exclusively for grants or block grants to universities conducting long-term environmental research and would greatly enhance the credibility and usefulness of the entire EPA research program.

This bill also contains an authorization for a research effort on indoor air pollution. The committee has held a number of hearings on this issue and believes research in this area should be supported.

In addition to these budgetary actions, H.R. 2899 contains a provision creating a senior environmental assistance program, which is intended to facilitate the use of services of senior citizens by all levels of government in carrying out the programs authorized under this act.

Although reprograming between research programs authorized in this bill would be permitted, such reprograming in excess of 5 percent of appropriated funds must be preceded by congressional notification. This requirement is intended to prevent program terminations and to maintain program continuity.

In closing, I would note that the fiscal year 1985 administration's request for acid rain is $34,033,000 which is approximately $20 million higher than the fiscal year 1984 appropriations. I support this effort to increase our research in acid rain.

It is reassuring that the administration has finally recognized the importance of a strong acid rain research program. However, this is only part of the program, an additional effort must be made to control the pollutants at their source.

The time has long since passed when we can accept the administration's unbroken refrain now echoed by Mr.

Ruckelshaus, that we do no know enough to act and that we need more research, more studies, more delay. We are being told that since we do not know everything about acid rain, we cannot do anything.

Mr. Chairman, I do not believe that, and neither do the American people. How many more lakes will have to die in the Adirondacks and throughout the Eastern United States and Canada? How much of our fragile environment will have to be lost forever?

How much of our precious natural resources must be laid waste before the White House stops pandering to the giant utility interests and begins to protect the health and well being of the American people?

Finally, I would like to say that the Nation is confronted with serious environmental as well as economic problems that demand viable and effective solutions.

Part of the answer to these problems lie in a strong environmental research program. This bill will provide such a program and I urge its adoption.●

● Mr CORRADA. Mr. Chairman, I am pleased to rise in strong support of H.R. 2899, legislation which authorizes appropriation for research, development, and demonstration for fiscal years 1984 and 1985 for the Environmental Protection Agency (EPA).

The use of a 2-year authorization bill is welcomed as a way of providing more long-range direction to the programs as well as saving time in these efforts. I am also encouraged by the 7-percent increase in the administration's fiscal year 1985 budget request. Although over half of the total increase was allocated to one program, the Superfund available for the cleaning of hazardous wastes, I am hopeful that increase in other key areas of the EPA budget will take place during deliberations by the Congress.

The clean-up and protection of our environment—the air we breathe, the water we drink, and the soil on which we grow our food—are of utmost concern to all citizens. Any damage done to the environment creates a problem with consequences which are both long-range and expensive to repair.

Specifically, the legislation addresses the following major programs and seeks to increase specific funding for their R&D:

First, clean air: $3 million for health effects research on toxic air pollutants, particularly for accelerated investigation of the 37 airborne pollutants listed as hazardous. There are also increased funding for control technology and studies on the effect of air pollutants on agriculture.

Second, clean water: There is a comprehensive research program to develop the scientific data necessary to achieve the goals of the Federal Water Pollution Control Act. An increase of $11.5 million in water quality is aimed, among other things, at the control of nonpoint sources of pollution, a comprehensive research of the health and ecological effect of toxic pollutants, and additional research to improve reliability and cost-effectiveness of municipal wastewater treatment plants.

Third, hazardous waste: This increasingly important area requires a comprehensive research and monitoring program to identify areas of the country with particular problems and to develop the most effective ways of cleaning up the problem. I am hopeful that President Reagan's fiscal year 1985 budget request increases will signal a new commitment to address this serious health hazard.

Total levels of authorization under this bill are $283.5 million for fiscal year 1984 and $297.7 million for fiscal year 1985. I urge my colleagues to support the amendments that will be offered by Chairman FUQUA of the Science and Technology Committee. I commend him and his staff on their work on this legislation and urge its passage.●

Mr. McGRATH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FUQUA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, each section is considered as having been read for amendment under the 5-minute rule.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Act of 1984".

The CHAIRMAN. Are there any amendments to section 1?

Mr. FUQUA. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill following section 1 is as follows:

GENERAL AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities:

(1) $61,380,000 for fiscal year 1984 and $64,449,000 for fiscal year 1985 for activities authorized under the Clean Air Act;

(2) $39,750,000 for fiscal year 1984 and $41,738,000 for fiscal year 1985 for activities authorized under the Federal Water Pollution Act: Of which, $2,500,000 is authorized in each fiscal year for the Great Lakes Research Program to be administered exclusively through the Environmental Protection Agency's Large Lakes Research Station, Grosse Ile, Michigan; and of which, $1,500,000 is authorized for fiscal year 1984 for research on the accumulation, environmental impact, and source of toxic substances in the Narragansett Bay and surrounding estuaries and $1,500,000 is authorized for fiscal year 1984 for research on the accumulation, environmental impact, and source of toxic substances in the Puget Sound and surrounding estuaries;

(3) $23,400,000 for fiscal year 1984 and $24,570,000 for fiscal year 1985 for activities authorized under the Safe Drinking Water Act;

(4) $39,889,000 for fiscal year 1984 and $41,883,000 for fiscal year 1985 for activities authorized under the Solid Waste Disposal Act;

(5) $6,063,000 for fiscal year 1984 and $6,366,000 for fiscal year 1985 for activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act;

(6) $1,233,000 for fiscal year 1984 and $1,295,000 for fiscal year 1985 for radiation activities authorized under section 301 of the Public Health Service Act;

(7) $27,144,000 for fiscal year 1984 and $28,501,000 for fiscal year 1985 for interdisciplinary activities;

(8) $23,769,000 for fiscal year 1984 and $24,957,000 for fiscal year 1985 for activities authorized under the Toxic Substances Control Act;

(9) $21,492,000 for fiscal year 1984 and $22,567,000 for fiscal year 1985 for energy activities;

(10) $14,038,000 for fiscal year 1984 and $14,740,000 for fiscal year 1985 for acid rain research activities authorized under the Energy Security Act; and

(11) $16,381,000 for fiscal year 1984 and $17,200,000 for fiscal year 1985 for hazardous waste activities under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).

(b) There are authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, $9,160,000 for fiscal year 1984, and $9,618,000 for fiscal year 1985, for program management and support.

(c) When the Administrator of the Environmental Protection Agency finds it in the public interest, the Administrator may utilize funds authorized in subsection (a) or (b) for the purpose of conducting appropriate scientific and professional reviews of research and development grant, contract, and cooperative agreement applications and to enter into cooperative agreements to conduct such reviews.

(d)(1) No funds may be transferred from or to any category listed in subsection (a) or (b) of this section or in subsection (a) of section 4, for any purpose, except as specifically permitted under paragraph (2).

(2) Funds authorized for any fiscal year in any category listed in subsection (a) or (b) of this section or subsection (a) of section 4 may be transferred (for the same fiscal year) from that category to any other category so listed; except that no funds may be so transferred from any particular category to another category if the total of all amounts so transferred from that particular category for the fiscal year involved would exceed 10 per centum thereof, or if the total of all amounts so transferred to such other category for such fiscal year would exceed 10 per centum thereof, unless—

(A) a period of thirty legislative days has passed after the Administrator (or the Administrator's designee) has transmitted to the Speaker of the House of Representa-

tives, the President of the Senate, and appropriate committees of the House and Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(B) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(3) If any funds are transferred from one category listed in subsection (a) or (b) of this section or subsection (a) of section 4 to another category so listed, and the transfer of such funds or any part thereof is not in full compliance with the requirements of paragraph (2), then (from and after the date of such transfer) none of the funds otherwise available for the fiscal year involved in the category to which the transfer is made (including but not limited to the transferred funds themselves) may be obligated, expended, or otherwise used, for any purpose, until such time as all of such requirements have been fully complied with.

(e) No funds appropriated pursuant to this Act shall be used by the Administrator for any payment for a reduction-in-force in any fiscal year, and no such reduction shall be finalized, unless at least thirty days prior to issuing any general notice of such reduction the Administrator informs the appropriate legislative and appropriation committees of the Senate and House of Representatives in writing of the reasons for such reduction, the impact of such reduction on carrying out the provisions of this Act, the details of such reduction, and other pertinent information.

(f) Appropriations made pursuant to the authority provided by this Act shall remain available for obligations for expenditure, or for obligation and expenditure, for such periods as may be specified in the Acts making such appropriations.

(g) No funds authorized for appropriation pursuant to this Act may be used for any activities other than those authorized by this Act.

SUPERFUND RESEARCH

SEC. 3. Of the funds appropriated from the Hazardous Substance Response Trust Fund for fiscal year 1984 and fiscal year 1985, $15,000,000 shall be expended for research and development activities for each fiscal year. It is the sense of the Congress that the costs of those research and development activities associated with or necessitated by the actual or threatened release of hazardous substances, as those terms are defined under Public Law 96-510, be paid for out of the fund created by Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

LONG-TERM RESEARCH

SEC. 4. (a) The Administrator shall establish and maintain a separately identified program of continuing, long-term environmental research and development that will support and contribute to each research category authorized in section 2(a) of this Act. Unless otherwise specified by law, at least 20 per centum of the total funds appropriated to the Administrator under authority provided by section 2(a) of this Act shall be obligated and expended for such long-term environmental research and development under this subsection.

(b) The Administrator shall take whatever steps are necessary and appropriate to ensure—

(1) that the program established under subsection (a) of this section is planned, organized, and managed for maximum benefit to all the programs administered by the Environmental Protection Agency,

(2) that the research funded through the program established under subsection (a) of this section is of high scientific quality and relevant, whether directly or indirectly, to the mission of the Environmental Protection Agency, and

(3) that the results of the research funded through the program established under subsection (a) of this section are widely disseminated to those who would benefit therefrom.

(c) The Administrator shall prepare an annual report on the performance of the program established under subsection (a) of this section and shall submit the report to the appropriate legislative and appropriation committees of the Senate and House of Representatives at the time the President's budget is submitted to Congress. The report shall include—

(1) a strategic plan that includes clearly defined objectives and performance measures for the program,

(2) a list of funded research projects by category of research,

(3) the nature, status, and major results of funded research projects,

(4) how the results of the research projects are likely to be used and what steps are being taken to foster their use, and

(5) other pertinent information on the performance of the programs listed in subsection (a).

ENERGY RESEARCH

SEC. 5. (a) Appropriations authorized for energy research under section 2(a)(9) shall be used for environmental research associated with (1) synthetic fuels production; (2) the extraction, processing, transportation, and combustion of coal, oil, natural gas, and other fossil fuels; and (3) other energy development activities and their related problems that may pose a threat to public health and environmental quality.

(b) In complying with subsection (a) the Administrator is directed—

(1) to establish and thereafter maintain a long-term health and ecological effects research program on energy-related pollutants whose aim shall be to identify those pollutants most harmful to public health and environmental quality and to elucidate, for those pollutants found most harmful, the relationship between exposure and health and environmental effects;

(2) to take whatever steps are necessary and appropriate to ensure that the research program called for in paragraph (1) is effectively coordinated with related research programs of the National Institutes of Health, the Department of Energy, the Department of Commerce, and other Federal agencies involved in such research; and

(3) to establish and thereafter maintain a monitoring program on energy-related pollutants which includes development of remote and proximate methodologies for measuring pollutants emanating from energy sources specified in section 5(a).

(c) The Administrator shall continue to be responsible for conducting, and shall continue to conduct, fundamental research, evaluations, and assessments of environmental engineering technologies to quantify reliability of their performance and cost and to identify classes of energy-related pollutants to establish emission factors for risk and environmental assesssments as necessary to fulfill the requirements of the Clean Air Act, the Federal Water Pollution Control Act, and other pertinent pollution control statutes.

SENIOR ENVIRONMENTAL ASSISTANCE PROGRAM

SEC. 6. (a) To carry out the purposes of this Act, the Administrator of the Environmental Protection Agency is directed to develop a Senior Environmental Assistance Program, designed to assist Federal, State, and local environmental agencies in carrying out programs authorized under this Act.

(b) In providing assistance under subsection (a), the Administrator shall utilize, to the fullest extent possible, existing older American employment programs, as provided for in section 105(b)(4) of Public Law 95-478.

(c) The Administrator shall not make any grant to, or enter into any agreement with, any State or local environmental agency for funding of any activities under this section unless such agency certifies that such activities will supplement and not supplant any existing jobs.

SCIENCE ADVISORY BOARD

SEC. 7. (a) Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (Public Law 95-155) is amended to read as follows:

"(b)(1) The Board shall be composed of at least nine members appointed by the Administrator from nominees recommended to the Administrator by a nominating committee. The nominating committee shall include representatives from Federal research agencies including but not limited to the National Institute of Occupational Safety and Health, National Institute of Environmental Health Sciences, National Cancer Institute, National Science Foundation, National Academy of Sciences, and current and former members of the Science Advisory Board. The nominating committee shall be established, chaired, and managed, in consultation with the Administrator, by the National Institute of Environmental Health Sciences. The nominating committee shall solicit from the general public, through notice in the Federal Register, candidates for nomination to the Board. The Administrator may require such information from the nominees to the Board as the Administrator deems necessary, and the Administrator shall publish in the Federal Register the name, address, and professional affiliation of each nominee.

"(2) Each member of the Board and nominee to the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section. The Administrator shall select persons nominated for the Board to ensure that Board membership is fairly balanced in terms of the points of view represented and the functions to be performed by the Board.

"(3) The terms of the members of the Board shall be three years, and shall be staggered so that the terms of no more than one-third of the total membership of the Board and its committees shall expire within a single fiscal year. Each member of the Board shall serve the full length of that member's term unless that member is unable, for involuntary reasons, to discharge his or her duties as set forth in this section or has violated the regulations promulgated pursuant to paragraph (5).

"(4) If a vacancy on the Board is not filled by the Administrator within ninety days of

the occurrence of that vacancy, the nominating committee established under paragraph (1) shall meet and appoint, within sixty days, a member of the Board to fill that vacancy from the list of nominees recommended to the Adminstrator under paragraph (1) in accordance with the selection criteria set forth in paragraph (2).

"(5) In order to ensure the objectivity of the Board, the Administrator shall promulgate, within one hundred and twenty days after the date of the enactment of this paragraph, regulations regarding conflcts of interest with respect to the members of the Board.".

(b) Section 8(e)(2) of such Act (Public Law 95-155) is amended by adding at the end thereof the following: "The Board's advice and comments and the response of the Administrator shall be included in the record with respect to any proposed rule and published in the Federal Register in accordance with the requirements of the environmental statutes and the authority of the administrator.".

RESEARCH PROGRAM CONCERNING INDOOR AIR QUALITY

SEC. 8. (a) The Congress finds, on the basis of reports prepared by the General Accounting Office and the National Academy of Sciences, that due to the absence of a statutory mandate for a single Federal agency to undertake and coordinate research, development, and demonstration efforts concerning indoor air pollution—

(1) Federal programs in this field are fragmented and underfunded; and

(2) an adequate information base concerning potential indoor air quality problems is not being developed by the Federal Government.

(b) The Administrator shall carry out a research program under this section with respect to indoor air quality. Such program shall be designed to (1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment, and (2) coordinate Federal, State, local, and private research, development, and demonstration efforts relating to the improvement of indoor air quality.

(c) The Administrator may establish such committees, comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality, and such advisory groups, comprised of individuals representing the scienitific community, industry, and public interest organizations, as may be necessary to assist the Administrator in carrying out the research program required by this section. The Administrator shall also consult and coordinate with State and local officials and other interested parties having concerns related to the program carried out under this section.

(d) The research program required under this section shall include, but not be limited to—

(1) reserach, development, and demonstration concerning the identification, characterization, and monitoring of indoor air pollution sources and levels (including research, development, and demonstration relating to (A) the measurement of various pollutant concentrations and their strengths and sources, (B) high-risk building types, and (C) instruments for indoor air quality data collection);

(2) research relating to the effects of indoor air pollution on human health;

(3) research, development, and demonstration relating to control technologies to prevent or abate indoor air pollution (including the development, evaluation, and testing of individual and generic control devices and systems); and

(4) the dissemination of information to assure the public availability of the findings of the Administrator pursuant to the research, development, and demonstration activities under this section.

(e)(1) Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for the implementation of the research program required under this section.

(2) Not later than thirty-six months after such date of enactment, the Administrator shall submit a progress report, including an assessment of future research needs.

(3) Not later than fifty-four months after such date of enactment, the Administrator shall submit to the Congress a final report setting forth the results of the program, assessing the state of knowledge concerning the risks to human health associated with indoor air pollution, assessing the need for further research, and making such recommendations as may be appropriate.

(4) The progress report and the final report submitted under this subsection shall be submitted to the National Academy of Sciences within a reasonable period before the dates required for submittal to the Congress and, when submitted to Congress, such reports shall contain any comments provided by the National Academy of Sciences.

(f) Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and demonstration and the related reporting, information dissemination, and coordination activities specified in this section. Nothing in this section shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law.

(g) Of the funds appropriated pursuant to the authorization contained in section 2(a)(9) of this Act for each of the fiscal years 1984 and 1985, the sum of $4,000,000 is authorized to be appropriated to carry out this section.

□ 1350

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 11, strike out "$61,380,000" and insert in lieu thereof "$61,191,000.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 12, strike out "$64,449,000" and insert in lieu thereof "$64,251,000.

AMENDMENT OFFERED BY MR. FUQUA TO THE COMMITTEE AMENDMENT

Mr. FUQUA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA to the committee amendment: On page 2, line 12, strike "$64,251,000" and insert in lieu thereof "$65,212,300".

Mr. FUQUA. Mr. Chairman, this is an amendment that raises the funds for air quality research to that requested by the administration. I do not think there is any opposition to the amendment, and I urge its adoption.

Mr. McGRATH. Mr. Chairman, the minority has no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA) to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Committee amendment: On page 13, after line 22, insert the following—

(c) Section 8(h)(2) of such act (Public Law 95-155) is amended to read as follows:

"(2) Members of the Board shall be compensated at a rate to be fixed by the President but not less than $100.00 per day of service and not more than the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code."

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA: Strike out section 3 (page 7, lines 4 through 15) and redesignate succeeding sections accordingly.

Mr. FUQUA. Mr. Chairman, the purpose of this amendment is to remove section 3 from the bill which would authorize the EPA to utilize moneys from the Superfund trust fund to support research projects on hazardous waste.

This trust fund, established from taxes levied on industry, is intended to support hazardous waste cleanup activities.

Section 3 would have implemented the concept that industry should bear

some of the cost for hazardous waste research performed by EPA.

The Committee on Energy and Commerce has raised objections over this approach and, in response we have agreed to remove this section from the bill with the understanding that it will be further considered at the committee level.

This amendment reflects this agreement and I urge its adoption.

Mr. McGRATH. Mr. Chairman, if the gentleman will yield, the minority has no objection to this amendment, and we support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA: Strike out section 7 (beginning on page 11, line 14 and ending on page 14, line 5) and insert in lieu thereof the following new section:

"SEC. 7. Section 8(h)(2) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (Public Law 95-155) is amended to read as follows:

"(2) Members of the Board shall be compensated for each day or service rendered at a rate to be fixed by the President but not less than the daily equivalent of the rate of pay payable for step 4 of grade GS-11 and not more than the daily equivalent of the maximum rate of pay payable for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code."

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Chairman, the amendment I offer would remove language in section 7 of the bill that establishes a procedure for selection of members of the EPA Science Advisory Board and retains language, with minor technical changes, authorizing compensation for members who serve on the Board. This provision was developed to insure that qualified individuals were appointed to the Science Advisory Board.

The Board advises the EPA Administrator on vitally important matters, including the scientific justification of proposed regulations, and we feel it is essential that the qualifications and credibility of the Board reflect the highest standards.

Section 7 was a response to questionable practices of the past in the selection of SAB members that threatened the integrity of the Board. We have, however, reached an agreement with the new EPA Administrator to work more closely together on this issue and reexamine the provisions of section 7 within our committee.

As for compensation of SAB members, this authority is provided by the amendment at the Agency's request.

Mr. Chairman, this amendment is offered in the spirit of cooperation and I urge its adoption.

Mr. McGRATH. Mr. Chairman, if the gentleman will yield, as I understand it, this amendment just fixes compensation for members of the Science Advisory Board, and the minority has no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA: On page 2, line 15, strike "$41,738,000" and insert in lieu thereof, "$32,701,300".

On page 3, line 5, strike "$24,570,000" and insert in lieu thereof, "$23,920,000".

On page 3, line 8, strike "$41,883,000" and insert in lieu thereof, "$38,534,000".

On page 3, line 11, strike "$6,366,000" and insert in lieu thereof, "$8,038,500".

On page 3, line 15, strike "$1,295,000" and insert in lieu thereof, "$2,121,500".

On page 3, line 19, strike "$28,501,000" and insert in lieu thereof, "$23,702,100".

On page 3, line 22, strike "$24,957,000" and insert in lieu thereof, "$27,103,200".

On page 3, line 25, strike "$22,567,000" and insert in lieu thereof, "$17,813,400".

On page 4, line 2, strike "$14,740,000" and insert in lieu thereof, "$34,032,500".

On page 4, line 6, strike "$17,200,000" and insert in lieu thereof, "$15,053,500".

On page 4, line 11, strike "$9,618,000" and insert in lieu thereof, "$9,453,700".

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Chairman, this amendment would maintain the fiscal year 1985 authorization amount contained in this bill. To accommodate various aspects of the President's fiscal year 1985 funding request, the amendment would increase the authorization levels for the air, pesticides, radiation, toxic substances, and acid rain research programs to the levels requested by the administration and make corresponding adjustments in the other programs.

While several funding changes are made by this amendment, the program goals and direction which are explained in the committee's report still reflect the intent of this legislation.

Mr. Chairman, this is a responsible amendment which imposes no new funding obligations and I urge its adoption.

□ 1400

Mr. McGRATH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. FUQUA).

As I understand it, it just realines some money within the present authorization in the bill to conform with some administration requests on acid rain, pesticides, radiation, and toxic substances research.

Mr. Chairman, I feel it is a worthy amendment.

AMENDMENT OFFERED BY MR. WINN TO THE AMENDMENT OFFERED BY MR. FUQUA

Mr. WINN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WINN to the amendment offered by Mr. FUQUA: On page 2, line 15, strike "$32,701,300" and insert in lieu thereof "$26,768,000".

On page 3, line 5, strike "$23,920,000" and insert in lieu thereof "$23,124,000".

On page 3, line 8, strike "$38,534,000" and insert in lieu thereof "$34,756,700".

On page 3, line 19, strike "$23,702,100" and insert in lieu thereof "$20,418,100".

On page 3, line 25, strike "$17,813,400" and insert in lieu thereof "$14,471,000".

On page 4, line 6, strike "$15,053,300" and insert in lieu thereof "$12,633,500".

On page 4, line 11, strike "$9,453,700" and insert in lieu thereof "$9,268,600".

Mr. WINN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. WINN. Mr. Chairman, the amendment that I am offering is simply an attempt to bring this authorization in line with the administration's request for EPA research and development which we received a little over 1 week ago. My amendment would reduce the fiscal 1985 authorization by $19.7 million. It would not affect the fiscal 1984 authorization. In addition, my amendment reorients the fiscal year 1985 authorization figures contained in the committee version of H.R. 2899 to reflect new priorities. This reallocation is the same as in the Fuqua amendment. The only difference is that when you add up the figures for each category, my amendment would be $19.7 million less.

Mr. Chairman, the reason for my amendment can be explained in two words: the deficit. We have heard a lot of talk in this body and in the media over the past month or two about the projected size of the fiscal 1985 deficit and the potential effect that the expected large deficit will have on our Nation's economy.

I do not believe that there is a single Member of this House who does not share that concern over the deficit. Our honest differences of opinion come when we, as individual Members,

try to decide what the best course is to reduce the deficit or, at worst, hold it steady. I know that a sizable number of the freshmen from the other side of the aisle took a stand in the first session of this Congress to demonstrate their concern over the deficit. I commend them for that act and share their concern.

Today, with this amendment, there is another opportunity to show your concern for the deficit problem. While we each may disagree on the best way to tackle the deficit, I do not think that there is any question that adding $20 million to this EPA bill is not the right way to go about it.

I want to lay to rest any fears that this is an attempt to gut EPA's research and development funding. My amendment would leave intact an authorization $33.2 million above the fiscal year 1984 appropriated level for the Agency. This would mean that these EPA research and development programs would still receive a very solid 14 percent increase in their funding. Let me point out just some of the things that would receive very strong funding under this amendment.

Research would be accelerated to understand the causes and effects of acid rain. As the President pointed out in his state of the Union message, funding for acid rain research is doubled from fiscal year 1984 to fiscal year 1985. We would increase the research into understanding the risks posed by hazardous and toxic chemicals. We would enhance our research to assess technologies which control pollutants. We would provide funding to improve the scientific basis for estimating human health consequences of environmental pollutants. The increases in research are widespread, reflecting the importance attached to adequate research to implement effective regulatory programs. In nearly every area, the research programs are increased to reflect the importance of EPA's scientific and technical activities.

I am sure that in rebuttal to this amendment we will hear scare stories that reducing this authorization to the administration's request will do substantial damage to EPA's efforts. Do not believe it. EPA will still receive substantial and adequate funding to carry out their programs that we all realize are important. At the same time, by supporting this amendment we can strike a blow for fiscal integrity. It is still early in the second session, and if we do not begin to dig in a little bit now, the looming deficit monster will be completely uncaged by the end of this year.

Mr. Chairman, I urge support of this amendment and yield back the balance of my time.

Mr. FUQUA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would note from the outset that this bill was reported unanimously out of the subcommittee. The recommended authorization levels were the product of a strong bipartisan cooperation and a commitment that the authorization levels contained in this bill are necessary if the EPA is to fulfull its environmental research mission.

I would additionally note that no substitute was offered when this bill was considered by the full committee, and it was reported out of the full committee by a voice vote.

This authorization bill represents fiscally sound and responsible legislation. Increases in the bill, a scant 7 percent above the administration's request last year will provide EPA with the flexibility to convert new and emerging threats to our health and environment. This need has been very amply demonstrated in the past year with the realization of the severe problems associated with EDB, dioxin and hazardous waste disposal.

In the last fiscal year, the administration realized the need for the flexibility only late in the year, with a $41 million supplemental increase. The Senate committee has already recognized the need for renewed commitment to environmental research by reporting out a $300 million authorization bill for fiscal year 1984. That is $3 million more than we have in this bill.

Mr. Chairman, the amendment that I have offered does not increase the total amount of the bill; it just readjusts some of the figures within the request, and in some of the areas that we feel are so critical, should the administration or the Administrator of EPA determine that somewhere in the year they would need some additional supplemental appropriations, by our authorization request we would take care, I think, of most any type of request that they would make.

I think this is a sound approach. It gives flexibility to the committees involved, and the administration, and as I pointed out, the other body, controlled not by this party but another party, has reported out a bill $3 million more than what we are attempting to get the House to pass here today.

So, Mr. Chairman, I urge the defeat of the amendment offered by my good friend, the gentleman from Kansas, and the adoption of the amendment that I have offered, which does not raise any additional funds above the $297 million that we have, but readjusts those figures in some very critical areas that the Congress has provided leadership for and which, even in the supplemental request, the administration recognized those needs and asked for those increases in that supplemental request.

Mr. Chairman, I urge the defeat of the amendment.

□ 1410

Mr. McGRATH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I regret that I cannot support the amendment offered by the gentleman from Kansas (Mr. WINN). While I generally applaud his efforts to bring authorization bills down to the administration's request, in the instance of the EPA I cannot support such a move.

H.R. 2899 contains funding for fiscal year 1985 which is about 7 percent above the request. I prefer to give this agency the additional flexibility in its budgeting. For example, in the state of the Union address of the President, he stated that the EPA intends to seek a supplemental appropriation for the current fiscal year to support additional acid rain research, and I might point out that that additional supplemental request for acid raid research will be $5.5 million.

With the authorization contained in H.R. 2899, I believe we are providing the agency with the option to request additional funds at a later date without having to seek additional authorization.

While I would not and I do not normally support such moves, in the case of EPA I feel it is justified. It seems that every few months a new environmental hazard is identified, and I believe H.R. 2899 allows the agency the flexibility to respond to new threats to our health and environment as they are identified.

Therefore, Mr. Chairman, regretfully, I must oppose the amendment offered by the gentleman from Kansas (Mr. WINN).

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. WINN) and in lukewarm support of the amendment offered by the gentleman from Florida (Mr. FUQUA) because I am not sure Mr. FUQUA goes far enough.

Let us put this subject we are talking about in a little perspective before we get to the horror stories. In 1981 the Congress appropriated for that fiscal year approximately $350 million for research and development at the Environmental Protection Agency. In the first year of the Gorsuch administration, $306 million was actually spent for this purpose. The next year the administration requested $250 million for research and development, and then for the next year, $206 million.

Overall, taking into account inflation and other additional costs, in the 3 years of the Gorsuch administration, the research and development budget was effectively cut approximately 50

percent, and what we were cutting were not frills, not unnecessary efforts, but really the heart and soul of what the agency is set up to do. Without this research and development capability, EPA cannot go foward with the development of the very standards that are necessary to make judgments and decisions about what regulatory levels should be permitted. Without the research and development capability, we cannot address cost-effective means of abating pollution, and the difficult and complex problems of toxic chemicals and their disposal. And yet it was in exactly this area that there was a 50-percent reduction. This reduction translated into many disasters, whether they were in determining dioxin levels and how to deal with that, or dealing with the problems of PCB's, or dealing with the most recent problem of the EDB's. If we had prevented this decrease in funding, and gone ahead of this curve, these problems could either have been avoided, minimized, or addressed more quickly and in return the public's health would have been better protected. That is what we are talking about—public health.

My good friend, the gentleman from New York, quite correctly pointed out that the Environmental Protection Agency was originally created under a Republican administration and for 10 years had operated in a bipartisan partnership because the public health was paramount. With the advent of Ms. Gorsuch, we saw a reversal of that policy. Not only did we see a reversal of the policy, but the agency in many ways was turned to ashes. We saw people who had to leave because they no longer had opportunities to do their professional work in such areas as R&D. They will never come back. They are gone. We are going to have to rebuild this capability, and now I hope, like the Phoenix bird, EPA will rise from its ashes once again.

But we cannot do that by simply giving lip service to this problem. We have got to deal with it by giving back the monetary resources and backing up our words with action.

Now, when Mr. Ruckelshaus came in, I believe he came in to change the direction of EPA. At this point he has simply stopped EPA from going in the downhill direction it had been going. It has not turned around yet, because I am advised that this budget we are now looking at is still about 50 percent of what Mr. Ruckelshaus thought he needed for the Environmental Protection Agency. This 14 percent increase is only beginning to touch the 30 percent reduction.

Now, I will address the deficit question because I think we should—it is an important one. I am prepared to say that we should go to a pay-as-you-go budget for everything. Whether it has to do with health care, the environment, defense, entitlements or taxes, we ought to go to a pay-as-you-go budget. But that is not the question we are facing today. The question here is: Where are your priorities?

If we had a pay-as-you-go budget, Mr. Chairman, then I would say that anything that goes above the baseline should not be authorized unless we pay for it by increasing taxes, or make reductions elsewhere. What we are talking about here are our priorities. Even with the $297 million, that does not get us back to where we were in 1981. And it is obvious to this Member what direction we need to be going in.

Mr. Chairman, I, therefore, ask my colleagues to vote against the amendment offered by the gentleman from Kansas (Mr. WINN).

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Winn amendment because, as I understand it, it does not violate priorities. It establishes priorities, and in many respects, unless I am incorrect, it reflects the priorities set in category by the committee amendment itself.

What we are talking about here is another opportunity to meet our obligations to the environment and at the same time couple it with our obligations to start working on these deficits.

I am glad to see that the gentleman from Georgia touched upon pay-as-you-go because we have given this House an opportunity on several occasions to start adopting that principle, and even though he iterates that we should wait for the proper time, we have been saying that for a year and a half, since I have been in the Congress, and never has that opportunity arisen. When debate was offered on these varieties of individual bills on pay-as-you-go, I do not know whether he supported them or not.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. But he seems to indicate that he is in favor of pay-as-you-go.

I am going to enlist him in the overall efforts for pay-as-you-go consciousness for this body, and I am glad that he got up and used those very same phraseologies which we consider to be more than mottoes but a need for this body.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I will certainly yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

First of all, let me assure the gentleman that I am not a Johnny-comelately in this matter, and I do not know who is going to be joining us in this effort. I was a sponsor of the pay-as-you-go effort when it was first introduced. I am a cosponsor of the legislation, and I hope that we can put together a bipartisan coalition in this House and, if necessary, enroll the White House and enroll the leadership of this House to get a pay-as-you-go budget. I voted against the rule that stopped us from offering it the last time.

So that is not the question. I am for pay-as-you-go, and I am willing to pay for this. But what I am suggesting is that we do not have a pay-as-you-go budget. We have got to have one, and when we have one, I would hope that one of the priorities that we and the American people are willing to pay for—and every poll shows the American public is willing to pay for protection of their health—will be this priority. We need it, we ought to pay for it, but we have got to have it.

Mr. GEKAS. Mr. Chairman, if I may reclaim my time, the gentleman has just said in effect that after we go bankrupt, then we are going to get together and try to meet our obligations. I consider him enlisted in the cause of pay-as-you-go, and I will float memo after memo to the gentleman from Georgia until we can establish a plan overall for pay-as-you-go.

But I think we should start now today preserving the priorities of EPA and preserving our commitment to EPA, recognizing that EPA under its new leadership is committed to the environmental concerns, and we should blend in with this bill our care for the environment and our concern for the deficits.

Mr. Chairman, I support the Winn amendment.

□ 1410

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise only for the purpose of asking the gentleman from Georgia to engage in a brief colloquy with me, if the gentleman would.

I think those of us that are on the floor at the present time all share the same view with respect to the budget and a desire to keep the budget down to a minimum.

But is it not a fact that had we spent more money in the right places, and I am talking about the subject we are talking about here today, research and development, that indeed we could have saved this Government a great deal of money. The committee hearings, I think, bore out the extraordinary sums we have expended because we failed to spend money properly in research and development.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I would be happy to yield.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is absolutely correct and his memory is flawless in this regard.

The hearings that we have conducted on this matter have demonstrated that is we had developed the appropriate technologies when it was possible to do so, the cost of cleanup, either in the Superfund program or the cost to the private sector through RCRA could have been slashed demonstrably. If we do not have the new technologies for recycling or for incineration, we are going to continue to put the stuff in the ground. It is going to continue to pollute the aquifers and we are going to continue to see communities threatened economically and otherwise.

The investment we make in R&D is one of the greatest returns on investment that we get and one of the greatest savings. Our hearings have borne that out. We are being penny wise and pound foolish to scrimp on trying to get ahead of the toxic chemical curve.

Mr. MOLINARI. I thank the gentleman for his comments.

I just would like to conclude by mentioning one example, Mr. Chairman. The gentleman from Missouri (Mr. YOUNG) mentioned before the Times Beach problem. We learned that for less than $100,000 annually with the present state of the art that dioxin could have been properly disposed of.

It cost EPA and the taxpayers and those in industry $33 million for one buy out at Times Beach. We are told that the total cost of buy out is going to exceed $100 million; so we look at that as a clear cut example of how foolish we have been, and if we spend some dollars now we are going to save much more in the future.

The CHAIRMAN. Is there further debate on the Winn amendment?

If not, the question is on the amendment offered by the gentleman from Kansas (Mr. WINN) to the amendment offered by the gentleman from Florida (Mr. Fuqua).

The question was taken; and on a division—(demanded by Mr. WINN)—there were—ayes 4, noes 10.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: on page 7, after line 15, insert the following new subsection:

SEC. . It is the sense of the Congress that, in the process of selecting hazardous waste sites and the placement of hazardous waste materials, the Environmental Protection Agency shall give priority to full cooperation with local citizens groups who are trying to protect and preserve the environmental quality of their communities.

Mr. DINGELL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) reserves a point of order against the amendment.

Mr. WALKER. Mr. Chairman, this amendment is merely a sense-of-Congress amendment that goes to the EPA, stressing the fact that what has happened all too often in agencies of the Government that are concerned with the environment is that they have become somewhat captive, unknowingly at times, but somewhat captive to the lobbyists and lawyers of big firms that can find entry into the agencies, make their points felt, whereas small citizen groups within communities that are trying to protect their communities against hazardous waste dumps find themselves shut out of those deliberations; so all this amendment really is saying is that we would like to see the Environmental Protection Agency show a little more cooperation toward those citizen groups, allow those citizen groups to have the cooperation of EPA in developing the information that they need in order to protect the environmental quality of their own communities.

I think this makes sense. I would hope that we would recognize that in local areas the people of those areas also have something to contribute to these deliberations about hazardous waste dumping.

So all this amendment does, it simply says that it is the sense of Congress that the EPA should cooperate with those kinds of efforts.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I would like to say that we have had a chance on this side to examine the amendment. We have no objection to the amendment and urge its adoption.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New York.

Mr. McGRATH. Mr. Chairman, we have examined the amendment also. We have no objection to the amendment.

Mr. WALKER. Mr. Chairman, I thank the gentleman from New York.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Michigan (Mr. DINGELL) insist upon his point of order?

Mr. DINGELL. I do, Mr. Speaker.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL) to state his point of order.

Mr. DINGELL. Mr. Chairman, I want it known that there is no lack of affection or respect for the author of the amendment when I make the point of order and also that I do not really have any problem with the substance of it.

There are several problems, however, with regard to the rules of the House. The first is that the amendment is not germane to the bill nor is it germane to the place in the bill to which it is offered.

The bill is entitled, "To Authorize Appropriations for Environmental Research, Development, and Demonstration for the Fiscal Years 1984 and 1985, and for other purposes."

The amendment is offered at page 7 following section 2(g).

Section 3, which related to Superfund research, has been stricken.

The provisions of section 2(g) are in a section entitled "General Authorizations." It says, "There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development and demonstration activities:"

The next section which appears is section 4(a), which is entitled, "Long-term Research."

Immediately prior to the point where the amendment is offered appears the language, "No funds authorized for appropriation pursuant to this Act may be used for any activities other than those authorized by this Act."

Section 4(a) authorizes the administrator to establish and maintain a separately identified program of continuing, long-term environmental research and development that will support and contribute to each research category.

As mentioned, the title of the bill is, "To Authorize Appropriations for Environmental Research, Development, and Demonstration for the Fiscal Years 1984 and 1985."

The amendment is a sense-of-Congress resolution, in a sense, that the Environmental Protection Agency will give priority to full cooperation with local citizen groups who are trying to protect and preserve the environmental quality of their communities.

Now, this is an unexceptional section. It is one that most anyone can agree with as a matter of substance.

□ 1430

But I observe that it does not belong in this particular legislation, nor does it belong in the particular place where it is offered.

Provisions relative to Superfund research were just stricken, but those were provisions relative to Superfund research and not with regard to any sense of Congress or sense of Congress instruction to the Environmental Protection Agency.

The rules of the House require that the language of the amendment must be germane to the bill and germane to

the portion of the bill to which it is offered. It must seek to do the same thing by the same purposes.

One of the tests of the amendment for germaneness, but only one, is that the rules of the House require or, rather, have as a test that the jurisdiction to which the measure would be referred is one of the criterion that is used by the Chairman in determining whether or not the matter is germane.

First of all, the purposes of the bill are for research. The purposes of the amendment are essentially a congressional expression of intent or instruction to EPA with regard to with whom the EPA shall be cooperative and in what order of priority.

I observe that the fundamental purposes of the bill are different than the fundamental purposes of the amendment, as are the fundamental purposes of the sections immediately before or immediately after that.

It is clear that were this language offered to the bill it might conceivably go to quite a different committee than that which is now handling the legislation on the floor. And for that reason, Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the Chairman.

I appreciate the learned discourse of the gentleman from Michigan (Mr. DINGELL) on the procedures of the House with regard to this amendment. The gentleman from Pennsylvania would be loathe to interfere in the jurisdictional areas of the gentleman from Michigan, but I would suggest to the Chair that this amendment does not at all. This amendment is, in fact, directed at the Environmental Protection Agency, the exact agency which is covered by this bill.

It is merely a sense of Congress resolution. It requires no new duties of the Environmental Protection Agency. It has no obligations upon this Congress or upon the House.

It is strictly a matter of expressing our will with regard to a matter of some importance in the whole matter of hazardous waste, and I suggest to the Chair that the matter is entirely germane in this bill that speaks purely to the agency to which the amendment is directed.

The CHAIRMAN (Mr. HUBBARD). The Chair has heard both the gentleman from Michigan (Mr. DINGELL) and the gentleman from Pennsylvania (Mr. WALKER).

However, the Chair is going to rule that because this bill, although open to amendment at any point, is limited to authorizing appropriations to environmental research, development, and demonstration for the fiscal years 1984 and 1985 regarding the Environmental Protection Agency, that the particular amendment introduced by the distinguished gentleman from Pennsylvania (Mr. WALKER) has to do with the selection of hazardous waste sites and their regulation, indicating that it is the sense of Congress that in the process of selecting hazardous waste sites and the placement of hazardous waste waters, the EPA shall give certain priorities. The Chair does sustain the point of order of the gentleman from Michigan that the particular amendment by the distinguished gentleman from Pennsylvania is not indeed germane to this bill.

AMENDMENT OFFERED BY MR. ANDREWS OF TEXAS

Mr. ANDREWS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Texas: At the end of the bill, add the following new section:

"REPORT ON ALTERNATIVES TO EDB

"SEC. 9. The administration shall, within 120 days after the date of enactment of this Act, conduct an investigation and submit a report to the Congress and the President on the feasibility of available alternatives, such as irradiation, to the use of ethylene dibromide (EDB) as a citrus, soil, and grain fumigant. This report, which shall include assessments in areas that are severely impacted, particularly those in citrus-producing States, shall also include recommendations concerning alternatives to such use that the Administrator determines to be the most reasonable and prudent. The Administrator pursuant to section 28 of Public Law 95-346 (FIFRA) shall take appropriate steps to carry out the purposes of this section in coordination with the Secretary of Agriculture's research and implementation program."

Mr. ANDREWS of Texas. Mr. Chairman, the amendment I have at the desk is very simple and very limited. It directs the EPA to report to Congress and the President within 4 months on the feasibility of alternatives to the use of EDB as a citrus, soil, and grain fumigant.

By now most everyone in this body has read at least some newspaper clippings about EDB. This poisonous chemical has received widespread attention in every major newspaper in the country as well as hundreds of local ones over the past several months. EDB is short for ethylene dibromide and has been described by EPA as one of the most dangerous carcinogens they have ever encountered. Last September, the Agency estimated that a lifetime of exposure in our foods would cause cancer in 3 out of every 1,000 persons. This is an alarming ratio, made more alarming by the fact that our exposure to EDB has extended over 35 years. The chemical was registered as a pesticide in 1948 and it has been in use almost ever since to fumigate stored grain, milling machinery, soil, and citrus fruit. The EPA estimates that half of the Nation's grain stockpile is tainted. About 30 percent of the packaged grain products tested by various sources show contamination; 10 States so far, beginning with Florida, pulled products off their shelves.

Citrus presents an even grimmer prospect. EDB is used as a fumigant on imported fruit and vegetables and on fruit and vegetables intended for the fresh market among citrus-producing States like Texas, Florida, Hawaii, Louisiana, California, Arizona, and New Mexico. These States fumigate to various degrees for their fruit fly quarantine program. In the past, Texas has fumigated about 20 percent of its citrus although it has been able to reduce that percentage over recent years.

Unfortunately, the residue levels of EDB in fumigated citrus can be very high, and these high levels are not dissipated by baking or other processing before they are eaten. In issuing voluntary guidelines to the States in determining "safe" residue levels in certain foods, EPA said that 30 parts per billion (ppb) in ready-to-eat foods was "safe." Recently, California officials have reported Florida citrus pulp to contain as much as 5,000 ppb of EDB and an average of 200 ppb over the last 5 years. That random Florida citrus sample was about 170 times more toxic than the level EPA considers safe. The Washington Post reported this morning that a random sample of Mexican citrus imported to Texas showed a level of EDB 70 times higher than EPA's recommended 30 ppb level. Citrus-producing States like Texas and Florida have increased portions of EDB-treated citrus fruit in their diets and suffer a greater risk of cancer.

We know we are being exposed to a dangerous chemical, but we do not know exactly what the danger is. We just do not know. EPA has known for a decade—since 1974—that EDB causes cancer in rats and mice and most likely in humans. EPA has known since the early 1970's that EDB does not dissipate in food, as was assumed in earlier years. EPA knows that EDB had been produced in the United States since the 1920's and used as a pesticide in the United States for almost 40 years. EPA know that about 15 million pounds of EDB had been used as a fumigant every year in this country. Yet, this administration has refused to act, despite the Carter EPA's formal recommendation in 1980 that its use be canceled. EPA has refused to act. To this day, no tolerance levels have been set. We know our food supply is contaminated, but we do not know how much. And, frankly, until very recently, EPA has been more of a hindrance than a help.

Now, finally, EPA is moving. Use of EDB as a soil fumigant was suspended late last year and just last week its use as a grain fumigant was suspended after the State of Florida set tolerance

levels of its own and started pulling products off the shelf. EPA is waiting until alternatives are developed before suspending its use on citrus.

The problem is that there are no ready alternatives for EDB treatment of citrus. Yet, it is EDB residues in citrus that pose the highest and most dangerous concentrations. EDB has been popular because it is effective, easy to use, and versatile. It has been heavily relied upon. States that export fruit to other countries—as Texas does to Japan—have met USDA regulations in the past through the use of EDB. But, despite the fact that the handwriting has been on the wall for a long, long time, the USDA has not properly anticipated this inevitable outcome. And now we are in a bind. Research has not been pursued aggressively and applications have not been developed.

There are basically four chemical alternatives to EDB but all of them have acute and long-term adverse health effects quite similar to EBD. While two of these chemicals are known to cause cancer in mice and rats, tests pertaining to the carcinogenic nature of the other two have not ever been undertaken. That is a good example of a research gap in this area. Intensive testing of these chemicals could hasten a determination of their safety.

Some nonchemical alternatives exist as well. A method called gamma irradiation is a very promising prospect. This is where fruit is exposed to gamma rays. But irradiating fruit in this way may produce dangerous chemicals in the fruit. This is another example of a gaping hole in our research effort. The safety of these chemical byproducts can be determined by intensive testing which has just not yet been done.

Another possible method is known as long-term cold storage. Long-term cold storage of citrus bound for Japan has been attempted on a limited basis, but questions remain concerning the costs and availability of cold facilities.

Engineering research could yield more efficient means to achieve the necessary temperature. Enhanced efficiency could mean lower costs and improved availability. This is an engineering problem. But we just have not devoted to it the resources necessary to come up with an answer.

In 1980, the Texas Department of Agriculture established a sterile fruit fly program that has reduced by more than 80 percent the amount of EDB used to fumigate citrus. The program controls fruit flies through the release of sterile Mexican fruit flies along with a careful program of insect trapping and fruit cutting. EDB is used as a last resort only in Texas. In fact, last year 98 percent of Texas fruit was shipped without EDB fumigation.

That program saved Texas citrus producers $500,000 last year in fumigation costs and managed to displace more than 15,000 pounds of EDB. This is the kind of alternative that needs serious looking into if we are to ever put EDB behind us.

Science magazine recently reported that since 1977, the GAO has twice advised USDA to develop an agency-wide plan for R&D in the area of EDB alternatives, but to no avail. According to the article, studies by USDA have been "limited to short-term research projects * * * (which have) * * * resulted in the postponement of broader scoped, long-term research." Perhaps research like this only gets done when it is forced by stringent pesticide regulation. In this case, EPA has hardly forced the technology.

There are serious trade problems that have arisen in the wake of EDB's suspension. For example, we require Caribbean countries to fumigate with EDB the tropical fruit that they export to the United States. Their fruit exports are among the most important of their U.S. exports. If we suspend EDB as a citrus fumigant without a ready alternative, we have denied them access to our markets. This, of course, should be viewed in light of the recently approved Caribbean Basin Initiative in which we agreed to dramatically ease restrictions to U.S. markets for Caribbean nations. I read in the Washington Post on February 2 that many Caribbean countries have been erecting EDB fumigation chambers, with U.S. help, in anticipation of increased exports resulting from the CBI.

Apparently, the Soviet Union has expressed concern about the level of EDB contamination in the grain that we sell to them as well.

The possible suspension of EDB's use as a citrus fumigant poses a number of trade and regulatory problems that need to be addressed in the report that this amendment orders. And they need to be resolved soon.

I urge my colleagues' support for this amendment.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Texas. I yield to the chairman of our committee, the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. I appreciate the gentleman yielding. I want to commend him for his amendment. I think it is a very constructive addition to the bill. We have examined it and we support the amendment.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Texas. I yield to my distinguished colleague, the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I support the amendment offered by my colleague, the gentleman from Texas (Mr. ANDREWS), which requires the administration to submit to Congress within 120 days a report on alternatives that are available to replace the use of the chemical EDB.

The State of Texas has been in the forefront of recent efforts to detect the presence of EDB in food products and has taken a lead in bringing this issue to the attention of concerned consumers throughout our Nation.

Scientists and health experts have known for years that EDB is a dangerous pesticide that has been found in some cases, to cause cancer, mutations, and sterility in laboratory animals. In spite of this known danger, action on removing this chemical from the market has been delayed for years. The result is that we will continue to see traces of EDB in our food products for several years to come, even now that restrictions have been imposed on its use.

I share the concern of some of the officials in the State of Texas who believe that the recently announced voluntary guidelines developed by EPA may be "too little, too late." Fortunately the State of Texas has moved quickly, not only to adopt the guidelines but to go beyond the EPA guidelines to impose restrictions on citrus as well.

I am confident that the officials in my State are working as diligently and as quickly as possible under the circumstances to remove products with EDB from the market.

At the Federal level, we must now look beyond the current crisis to insure that a safe and effective alternative pesticide is approved to replace the use of EDB. We must be sure that whatever chemicals or practices are employed to replace EDB are not found to be hazardous to consumers 5, 10, or 20 years down the road.

I commend the gentleman from Texas for his foresight in this regard by offering this amendment and I urge my colleagues to support his amendment so that Congress can be assured that work is progressing quickly on finding a suitable alternative to this dangerous chemical.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Texas. I yield to the gentleman from New York.

Mr. McGRATH. The minority has looked at this amendment. We find it to be a worthy amendment that really costs no money. Perhaps we will take away some of the confusion that reigns around the country on this issue at the present time, particularly in the State of New York, as well as Florida, Texas, and California.

We accept the amendment and ask for its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: On page 3, line 9, after the words "Solid Waste Disposal Act" insert the following: ": *Provided*, That $1,000,000 is to be expended in fiscal year 1985 for fate studies and research into enhanced degradation of 2,3,7,8 tetrachlorodibenzo-p-dioxin."

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. DINGELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue reading the amendment.

The Clerk concluded the reading of the amendment.

□ 1440

Mr. VOLKMER. Mr. Chairman, this amendment is self-explanatory.

This amendment directs the Environmental Protection Agency (EPA) to conduct research into fate studies and the degradation of dioxin. Presently the agency is not placing enough emphasis in this area.

When the appropriations bill was before us in early June, I engaged in a colloquy with Mr. BOLAND of Massachusetts, and we agreed that research in the area of destruction and natural degradation would be allowed. Also, the report language of H.R. 2899 directs EPA to expend funds under this program in amounts necessary to determine the properties and half-life of dioxin in soil.

To further emphasize this, my colleague in the Senate, Senator EAGLETON, succeeded in adding $2 million for dioxin research on the EPA appropriations bill. The House then approved this addition as part of the conference report.

How much of this $2 million is EPA spending on this research? They are not sure—EPA could not give us an exact figure. But we do know that at most they are spending $130,000. That $130,000 is all of the $2 million that is being spent to study the natural transport and degradation of dioxin in the environment. This figure shows the agency is ignoring one of the primary purposes for which the money was appropriated.

Ron Kucera, deputy director of the Missouri Department of Natural Resources, testified before the Science and Technology Subcommittee on Investigations and Oversight that through basic research we may learn that there are effective methods for enhancing and accelerating natural dioxin degradation. Missouri has approximately 500,000 tons of dioxin-contaminated soil and even though incineration has been proposed as a treatment method, it is estimated that the total cost for this treatment would be $2,000 per ton or more than $1 billion.

Basic research would allow us to make confident predictions about the behavior and half-life of dioxin in Missouri soils. Progress is being made regarding accelerated degradation using enzymes, but further research is needed. We cannot afford to base multimillion dollar remedial action decisions on nickel-and-dime research.

My amendment would simply authorize the appropriation of $1 million for fate studies—how dioxin reacts and breaks down in the environment, what happens to it as it sits there in the soil—and for research into speeding up the degradation process.

Citizens in Missouri need this research, as do citizens of States like Michigan, New Jersey, Arkansas, California, Illinois, Kansas, New York, Ohio, Oregon, and Pennsylvania, States which have discovered dioxin problems. As this list indicates, the kind of research I advocate is important to the entire Nation. I urge the adoption of the amendment.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I am glad to yield to the chairman of the committee.

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, we have had a chance to examine the amendment. We think it is a good amendment. We have no objection. We urge the adoption of the amendment.

Mr. McGRATH. Mr. Chairman, will the gentleman yield to me?

Mr. VOLKMER. I yield to the gentleman from New York.

Mr. McGRATH. I thank the gentleman for yielding.

Mr. Chairman, the minority has examined the amendment of the gentleman from Missouri and in view of the fact that it just directs a portion of the money in the bill without increasing the total amount so that it is directed toward the degradation problem, we support it and urge its adoption.

Mr. VOLKMER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of the bill add the following new section:

ALTERNATIVES TO LAND DISPOSAL

SEC. 9. From the amount appropriated pursuant to the authorization for fiscal year 1985 under section 2(a)(4) of this Act for research, development, and demonstration on control technologies, the Administrator shall expend not less than 25 percent of such amount on control technologies which may serve as feasible alternatives to land disposal, storage, and containment.

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this amendment would not add any money to the bill at all. This amendment would direct the Administrator of EPA to spend not less than 25 percent of the funds authorized for control technologies research and development under section 2(a)(4) of this bill on R&D on feasible alternatives to land disposal. Last fall, this House approved amendments to the Resource Conservation and Recovery Act which significantly restricted the use of land disposal and clearly stated, as an objective, "minimizing the generation of hazardous waste and the land disposal of hazardous wastes * * *." That is clearly a shift away from land disposal, and it is one that is also being pursued by a good number of the States.

Those decisions have been sound ones. Some 86 percent of the sites designed for cleanup under the Superfund legislation were land disposal or storage sites. In my district, such a landfill—the Furley site—is a potential time bomb that we are trying to grapple with right now. The seeping contamination from the Furley site, I am sure, will be repeated time and again around the country from land disposal sites that are already out there. I would lay odds that nearly every one of us has at least one land disposal site in our district, and they will all eventually need serious and expensive cleanup work.

Now that we have decided to move away from land disposal, it is essential that we see that the necessary research and development proceeds so that alternatives to land disposal can be vigorously pursued. Not to do so would mean that we have told American businesses to move away from land disposal without effectively moving them toward responsible alternatives.

As it stands now, the Office of Technology Assessment tells us that only about 10 percent of EPA's research and development on control technologies is directed toward land disposal alternatives. Given the concerns that have developed, the policy enunciated in the RCRA legislation by the House,

and the wide ranging consensus among technical experts that land disposal is a flawed and risky technology, that falls far short of what is needed. This amendment merely directs that we focus on the needed R&D work on these alternatives. It modestly calls for commitment of 25 percent of these funds to bringing these alternatives on line. I, personally, think we could go much higher, but, in the interest of reaching a consensus, this amendment will send EPA a message about the direction they need to follow.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the chairman of the committee.

Mr. FUQUA. I appreciate the gentleman yielding to me.

Mr. Chairman, I want to commend the gentleman from Kansas (Mr. GLICKMAN) for his amendment. I know of his longtime concern with respect to the problem of hazardous waste disposal. I think his amendment makes a significant contribution to the bill and we support the amendment.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New York.

Mr. McGRATH. I thank the gentleman for yielding.

Mr. Chairman, the minority has had an opportunity to examine the gentleman's amendment. We find it is in conformity with our wishes.

Mr. Chairman, we support the amendment.

Mr. GLICKMAN. Mr. Chairman, I appreciate the gentleman's comments.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer a modified amendment to the one offered previously.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 17, after line 16, insert the following new subsection:

SEC. 10. It is the sense of the Congress that, with respect to authorities contained in this bill, the Environmental Protection Agency shall give priority to full cooperation with local citizens groups who are trying to protect and preserve the environmental quality of their communities.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the committee chairman.

Mr. FUQUA. Mr. Chairman, I thank the gentleman for yielding.

I would like to reiterate that under the revised germane conditions of the amendment, we again have no objection to the amendment.

Mr. WALKER. I thank the gentleman.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. McGRATH. I thank the gentleman for yielding.

I want to just say, Mr. Chairman, that the minority has had an opportunity to examine this most germane amendment and we urge its adoption.

Mr. WALKER. Mr. Chairman, I thank the gentleman from New York. It is nice to be loved and germane at the same time.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

Mr. EVANS of Iowa. Mr. Chairman, I rise in strong support of this bill, H.R. 2899, the Environmental Research, Development, and Demonstration Act.

Mr. Chairman, as Members of this body will remember, a few years ago, a very successful demonstration project under the Environmental Protection Agency, the Administration on Aging, and the Department of Labor established the senior environmental employment program in 10 States.

H.R. 2899 contains a reauthorization for the senior environmental employment program and would authorize the Administrator of EPA to continue and expand this vital program. The reauthorization contained in H.R. 2899 would achieve the same goal—the continuance of the SEE program—as a bill which I introduced early in this session—H.R. 569, which currently has 32 cosponsors.

This demonstration conducted a few years back was a project which hired over 200 senior citizens for a variety of activities. Examples of these activities include a statewide survey of hazardous-waste generators, and implementation of a hazardous-waste manifest system in New Jersey, and an Illinois program to monitor the quality of the State's water supplies.

SEE is a direct-employment program under which the EPA hires elderly individuals. The primary task of these participants is to assist State and local governments with environmental-control programs. They have in the past helped to implement various programs such as ECHO—Each Community Helping Others—a State and local program which helped to transfer local noise-control expertise from one town to another with little or no financial assistance from EPA.

During the demonstration period, the Foundation for Applied Research, an independent contractor to the AOA, examined the results of the program—they concluded that the demonstration was a great success—not only because it helped environmental programs in a way that cannot be measured in dollars and cents—or because the program provided cost-beneficial employment to a segment of the society which is too often presumed to be unproductive and too often is underemployed—but also because of the benefits that the program provided to its participants to engage are not only socially beneficial but provide for community interaction for a group which too often isolated.

Mr. Chairman, even against a tough, analytic yardstick, the SEE program is productive. During the demonstration project, the evaluation revealed that employment of senior citizens in environmental areas resulted in a cost savings of 16.4 percent of labor costs. The demonstration was so successful that the final evaluation recommended that it be expanded to all 50 States—this is just what this legislation will accomplish.

The Environmental Research, Development, and Demonstration Act authorizes expanded use of senior citizens in both EPA national and regional offices. It will allow the employment of eligible older Americans to work on such activities as air monitoring and emission testing, pesticide inventory and control, water-supply sampling and monitoring, technical libraries and public information, carcinogenic surveys and followups, hazardous-waste-materials routing surveys, rural health screening, and noise abatement and control programs.

This program allows enviromental agencies to tap a highly motivated, highly skilled, and experienced work force. Approximately 1.4 million older Americans are unemployed and seeking work. Older Americans already possess a broad range of skills and extensive on-the-job training. Older workers also have excellent records of hard work, reliability, and low absenteeism. Second, our system actively discriminates against the older worker. The U.S. Commission on Civil Rights concluded that employment discrimination against the elderly was widespread in Federal jobs programs. The Commission said:

> We are shocked at the cavalier manner in which our society neglects older persons who often desperately need federally supported services and benefits.

In addition to the older Americans who are seeking work, there are hundreds of thousands or workers over the age of 55 who are so-called discouraged workers—people who have given up looking for a job but would take one if it were offered. Many of these citizens are economically disadvantaged. And yet the demonstration project showed that these older workers, if given the chance, can be more productive per dollar of Federal cost than other workers in the same fields of endeavor.

31-059 O-87-33 (Pt. 2)

Mr. Chairman, I would like to point out to my colleagues that when I had the opportunity to offer an amendment—which was substantially the same in nature—to the EPA research and development bill last year, this amendment was endorsed by a wide variety of national organizations. Those endorsing my efforts are: the Natural Resources Defense Council, the Sierra Club, and the Friends of the Earth. In addition, in a recent letter, the Administrator of the EPA has urged the quick passage of a authorization for this program and, last year, the President included a special note praising the worthiness of the SEE program in the veto message of S. 2577, the Environmental Research, Development, and Demonstration Act of 1983, introduced in the 97th Congress. As Members of this body remember, the bill was vetoed for reasons unrelated to this program.

In closing, I say that this program will help the EPA stretch its already lean budget and assist older Americans to obtain productive and meaningful employment by allowing them to give future generations the benefits of cleaner and safer environment. I urge the passage of this legislation.

The CHAIRMAN. Are there further amendments to the bill?

Under the rule, the Committee rises.

Accordingly the Committee rose and the Speaker pro tempore (Mr. DURBIN) having assumed the chair, Mr. HUBBARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that, Committee, having had under consideration the bill (H.R. 2899) to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes, pursuant to House Resolution 429, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 9, not voting 62, as follows:

[Roll No. 27]

YEAS—362

Ackerman	Durbin	LaFalce
Addabbo	Dwyer	Lagomarsino
Akaka	Dymally	Lantos
Albosta	Dyson	Latta
Alexander	Eckart	Leach
Anderson	Edgar	Leath
Andrews (TX)	Edwards (AL)	Lehman (CA)
Annunzio	Edwards (CA)	Lehman (FL)
Applegate	Edwards (OK)	Leland
Archer	Emerson	Lent
AuCoin	English	Levin
Badham	Erdreich	Levine
Barnard	Erlenborn	Levitas
Barnes	Evans (IA)	Lewis (CA)
Bateman	Evans (IL)	Lewis (FL)
Bates	Fazio	Lipinski
Bedell	Feighan	Livingston
Beilenson	Ferraro	Lloyd
Bennett	Fiedler	Loeffler
Bereuter	Fields	Long (MD)
Berman	Fish	Lott
Bethune	Flippo	Lowery (CA)
Biaggi	Florio	Lowry (WA)
Bilirakis	Foley	Luken
Bliley	Ford (TN)	Lundine
Boehlert	Fowler	Lungren
Boland	Frank	Mack
Bonior	Franklin	Madigan
Borski	Fuqua	Marriott
Bosco	Garcia	Martin (IL)
Boucher	Gaydos	Martin (NC)
Boxer	Gejdenson	Martin (NY)
Breaux	Gekas	Martinez
Britt	Gibbons	Matsui
Brooks	Gilman	Mavroules
Broomfield	Gingrich	Mazzoli
Brown (CA)	Glickman	McCain
Brown (CO)	Gonzalez	McCandless
Broyhill	Gore	McCloskey
Burton (CA)	Gramm	McDade
Byron	Green	McGrath
Campbell	Gregg	McHugh
Carney	Guarini	McKernan
Carper	Gunderson	McNulty
Carr	Hall (IN)	Michel
Chandler	Hall (OH)	Mikulski
Chappell	Hall, Ralph	Miller (CA)
Chappie	Hall, Sam	Miller (OH)
Clarke	Hamilton	Mineta
Clay	Hammerschmidt	Mitchell
Clinger	Harkin	Moakley
Coats	Harrison	Molinari
Coelho	Hatcher	Mollohan
Coleman (MO)	Hayes	Montgomery
Coleman (TX)	Hefner	Moody
Collins	Hertel	Moore
Conable	Hightower	Moorhead
Conte	Hiler	Morrison (CT)
Conyers	Holt	Morrison (WA)
Cooper	Hopkins	Mrazek
Coughlin	Howard	Murphy
Courter	Hubbard	Murtha
Coyne	Huckaby	Myers
Crockett	Hughes	Natcher
D'Amours	Hunter	Neal
Daniel	Hutto	Nelson
Darden	Hyde	Nielson
Daschle	Ireland	Nowak
Daub	Jacobs	O'Brien
Davis	Jenkins	Oakar
Dellums	Johnson	Oberstar
Derrick	Jones (OK)	Obey
DeWine	Jones (TN)	Olin
Dickinson	Kaptur	Ortiz
Dicks	Kasich	Ottinger
Dingell	Kastenmeier	Owens
Dixon	Kennelly	Oxley
Donnelly	Kildee	Packard
Dorgan	Kindness	Panetta
Dowdy	Kogovsek	Parris
Downey	Kolter	Pashayan
Dreier	Kostmayer	Patman
Duncan	Kramer	Patterson
Pease	Seiberling	Thomas (GA)
Penny	Sensenbrenner	Torres
Pepper	Sharp	Torricelli
Perkins	Shaw	Traxler
Petri	Shelby	Udall
Pickle	Shumway	Valentine
Porter	Shuster	Vandergriff
Price	Sikorski	Vento
Pursell	Siljander	Volkmer
Rahall	Simon	Vucanovich
Rangel	Sisisky	Walgren
Ratchford	Skeen	Walker
Ray	Skelton	Waxman
Regula	Slattery	Weaver
Reid	Smith (FL)	Weber
Richardson	Smith (IA)	Weiss
Ridge	Smith (NE)	Wheat
Rinaldo	Smith (NJ)	Whitehurst
Ritter	Smith, Denny	Whitley
Roberts	Smith, Robert	Whittaker
Robinson	Snowe	Whitten
Rodino	Snyder	Williams (MT)
Roe	Solarz	Williams (OH)
Roemer	Solomon	Wilson
Rogers	Spence	Winn
Rose	Spratt	Wirth
Rostenkowski	Staggers	Wise
Roth	Stangeland	Wolf
Roukema	Stokes	Wolpe
Rowland	Stratton	Wortley
Roybal	Studds	Wyden
Rudd	Sundquist	Yates
Savage	Swift	Yatron
Sawyer	Tallon	Young (AK)
Schneider	Tauke	Young (FL)
Schroeder	Tauzin	Young (MO)
Schulze	Taylor	Zschau
Schumer	Thomas (CA)	

NAYS—9

Bartlett	Crane, Daniel	Hansen (UT)
Burton (IN)	Crane, Philip	Paul
Cheney	Dannemeyer	Stump

NOT VOTING—62

Andrews (NC)	Gray	McKinney
Anthony	Hance	Mica
Aspin	Hansen (ID)	Minish
Bevill	Hartnett	Nichols
Boggs	Hawkins	Pritchard
Boner	Heftel	Quillen
Bonker	Hillis	Russo
Bryant	Horton	Sabo
Corcoran	Hoyer	Schaefer
Craig	Jeffords	Scheuer
de la Garza	Jones (NC)	Shannon
Early	Kazen	St Germain
Fascell	Kemp	Stark
Foglietta	Long (LA)	Stenholm
Ford (MI)	Lujan	Synar
Forsythe	MacKay	Towns
Frenzel	Markey	Vander Jagt
Frost	Marlenee	Watkins
Gephardt	McCollum	Wright
Goodling	McCurdy	Wylie
Gradison	McEwen	

□ 1500

Mr. DANNEMEYER changed his vote from "yea" to "nay."

Mrs. LLOYD and Mr. ARCHER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on H.R. 2899, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1340) entitled "An act to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes."

MESSAGE FROM THE SENATE

The SPEAKER pro tempore The Chair lays before the House the following message from the Senate. The Clerk read as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 255) entitled "Concurrent resolution providing for an adjournment of the House from February 9 to 21, 1984, and an adjournment of the Senate from February 9 or February 10 to February 20, 1984," do pass with the following amendment:

The Clerk read the Senate amendment, as follows:

Page 1, after line 9, insert:

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the Senate amendment.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, I take the time to inform the Members that this concludes the business for today and for the remainder of the week. We will be announcing the program for the week beginning on February 22 next week, and Members will be advised of that schedule through their offices.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the distinguished Republican whip.

Mr. LOTT. I take it that our offices will be notified in writing the first part of next week as to what the schedule will be for the following week?

Mr. FOLEY. That is correct.

Mr. LOTT. Could the gentleman give us any information about the first part of the week? I understand we will be coming back in on Tuesday. Are we to expect suspensions and recorded votes on that first day, or do we know at this time?

Mr. FOLEY. If the gentleman will yield, I would suggest to the membership that on Tuesday, February 21, we will, in all likelihood, have no legislative business scheduled. Because the House will be in session that day, it is possible that there could be a procedural vote; but we do not intend to schedule any legislation at this juncture. It is, therefore, unlikely that legislative business will be scheduled until Wednesday, the following day.

□ 1510

Mr. LOTT. Do we anticipate then, on that Wednesday, that we come in at 3 o'clock, as I believe our schedule calls for?

Mr. FOLEY. Yes; our current plan is to come in on Wednesday at 3 o'clock, as the normal procedure would indicate.

Mr. LOTT. Do we have any idea at this point whether or not we will have legislative business on Friday?

Mr. FOLEY. I am sorry, I cannot definitively advise the gentleman on that, but it is my strong presumption that there will be no legislative business on Friday. The schedule will be announced next week, as the gentleman has indicated.

Mr. LOTT. I thank the gentleman.

AUTHORIZING THE SPEAKER TO APPOINT MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON BIRTHDAY CEREMONIES

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies on February 22, 1984, the birthday of George Washington.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 21, 1984, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 22, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, February 22, 1984, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Indiana (Mr. SHARP).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SELECTION OF MEMBERS TO BE ACCREDITED BY THE PRESIDENT AS OFFICIAL ADVISERS RELATING TO TRADE AGREEMENTS DURING 2D SESSION OF THE 98TH CONGRESS

The SPEAKER. Pursuant to the provisions of section 161(a), Public Law 93-618, and upon recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 98th Congress: Mr. ROSTENKOWSKI of Illinois; Mr. GIBBONS of Florida; Mr. JONES of Oklahoma; Mr. VANDER JAGT of Michigan; and Mr. FRENZEL of Minnesota.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1557. An act for the relief of William D. Benoni.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4336. An act to make certain miscellaneous changes in laws relating to the civil service.

LEGISLATION TO UPDATE THE COMMUNICATIONS ACT OF 1934

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GORE. Mr. Speaker, I am introducing today for myself and Mr. WAXMAN, Mr. SWIFT, Mr. BATES, Mr. MOORHEAD, Mr. RINALDO, and Mr. OXLEY H.R. 4840, a bill to update the Communications Act of 1934 by making restrictions limiting alien ownership of broadcast and common carrier licenses applicable to the new video technologies that are rapidly overtaking the television marketplace. The purpose of this bill is to prohibit control of major television networks which do not directly own licenses and large cable television systems by foreign entities or aliens. The bill also would relieve the Federal Communications Commission of the burden to examine, on a case-by-case basis, whether the "public interest will be served by the refusal or revocation" of a common carrier or broadcast license to an alien or foreign entity.

When the Communications Act of 1934 was enacted, Congress established a basic policy against granting radio licenses to aliens. The rationale for these restrictions was the recognition that the airwaves were a limited resource and the congressional desire that they be held in public trust for use by and for the benefit of the American people. An equally important concern giving rise to the alien ownership restrictions were national security considerations. In the event that the security of the United States was ever in jeopardy, a strong and united response required close coordination between U.S. communication systems. The Congress found that such coordination would be facilitated by preventing aliens from owning common carrier and broadcast licenses.

The bill that I am introducing today would simply reaffirm this longstanding congressional policy and extend it to new video technologies and distribution media that were neither in existence at the time of passage of this act nor contemplated by its authors.

It is important to recognize that alien ownership restrictions are not unprecedented in Federal law. Indeed, many of the basic U.S. industries regulated by the U.S. Government are subject to such limitations and prohibitions.

Examples of industries in which Federal laws either prohibit or limit foreign ownership or investment include, among others: energy and natural resources, aviation coastal shipping, fishing, national defense service industries, and broadcasting.

Moreover, the United States is not alone in the world in restricting foreign ownership and investment, especially in the communications area. No other country allows the degree of foreign ownership in its broadcast and cable television companies that is possible in the United States. Although we in the United States take pride in the fact that our telecommunications media are privately owned, we must be careful to insure that the public airwaves continue to be held in the public interest and for the benefit of American viewers.

My bill addresses the problem of bringing the Communications Act up to date with the virtual explosion in video technologies for distributing programing to the viewing public. When the 1934 Communications Act was enacted, cable television was an unknown technology. The cable industry has grown to the point where 38 percent of all television households are penetrated by cable with more than 30 million basic cable subscribers. It is apparent that the cable industry will continue to grow until its penetration of TV households competes directly with existing broadcast media.

The Congress has monitored this explosion in new video technologies with a vigilent eye but, in the case of cable television, a light regulatory touch. At present, the cable industry generally has been deregulated by the FCC. I applaud this policy.

I believe my bill is completely consistent with the goal of deregulation. However, I also believe that it is essential to our national security, the health of our economy which is becoming increasingly information based, and the ability of the United States to compete throughout the world that we impose a minimum requirement that only U.S. citizens have the unquestioned control of these new video technologies.

I urge my colleagues to carefully consider this bill and that the Committee on Energy and Commerce reports it favorably to the full House.

FARMERS LOAN REFORM

Mr. SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 20 minutes.

● Mr. ALEXANDER. Mr. Speaker, I am today introducing legislation to speed up the procedures for approving farmer's loan applications.

My bill would require the Farmers Home Administration to make a final decision on farm operating loans, economic emergency loans, and economic disaster loans, within 60 days of the time county offices receive an application.

I represent the First Congressional District of Arkansas, which is not a wealthy part of the Nation.

We have some 20,000-plus farmers, and many of them are suffering economic pain today.

They are suffering from a cycle of Federal policies that is creating a cycle of problems.

The $200 billion budget deficits have kept interest rates high. When farmers need money to survive, money is hard to find and the cost of borrowing money is unfairly high.

While budget deficits have pushed interest rates upward, high interest rates have contributed to a dollar that is overvalued by over 20 percent. This overvalued dollar has made American exports less competitive.

The result is a trade deficit that may reach $100 billion. America's farms, which are the most competitive farms in the world, are rendered less competitive to the degree the dollar is overvalued.

Sales are lost and farmers are victimized again.

Meanwhile, while our Government delays when farmers come for help, many foreign governments do not. Foreign governments provide subsidies that give foreign farmers an unfair advantage.

The domestic recession, high budget deficits, and high interest rates have hurt farmers at home. An overvalued dollar, unfair foreign competition, and a slow world economy have reduced our sales abroad.

The domestic and international problems were compounded by drought this past summer.

The damage was devastating.

In 1983, Arkansas alone suffered over $400 million damage.

Many counties in eastern Arkansas have suffered losses of 50 percent in sorghum, soybean, and cotton crops.

Clay County, one of the major cotton producing areas in the State, lost almost three-fourths of the 1983 cotton crop, as well as some 65 percent of the sorghum crop, 45 percent of the soybeans, and 25 percent of the corn.

Nationwide, soybean production in 1983 was down 28 percent from 1982. The average yield was down over 30 percent.

Cotton production was down 35 percent from 1982. In the delta States, it was down almost 50 percent.

Rice yields averaged over 100 pounds an acre less than in 1982.

I urge my colleagues, particularly those from nonfarming districts, to understand the devastating consequences to America's farms.

Mr. Speaker, these are not just numbers. The numbers reflect people in trouble. The numbers reflect family farms endangered, others foreclosed. The numbers reflect years of hard work that are jeopardized by factors

beyond the farmers' control. The numbers reflect families struggling to survive.

These people deserve, and pay taxes to support, a Government that understands their problems and responds fairly to their needs. Yet too often they find a Government in Washington that is uncaring, distant, or slow to respond in times of crises.

The bill I introduce today is simple. It would require that decisions be made, on operating loans, emergency loans, and disaster loans, within 60 days of the time that applications are received by the county office.

I believe that this limit is fair and reasonable. I believe that farmers deserve a response from their Government within a fair and reasonable period of time.

Our farmers are competing against farmers from abroad who receive far greater support from their government. It is about time that the American Government take care of American farmers as foreign governments take care of foreign farmers.

One way to do this is to respond in a humane and efficient manner when our farmers come for help in times of trouble.●

NATIONAL COIN WEEK RESOLUTION INTRODUCED

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to designate April 15 to 21, 1984, as National Coin Week. More than 8 million Americans share an interest in collecting coins. This year's theme, "Numismatics: A Foundation for Friendship," is illustrative of part of the joy of being a coin collector. As coins are a thing of value, so are friendships. And many friendships are created over discussing and comparing coin collections.

We all recognize the intrinsic value of a coin. But coins are symbolic as well. We have all thrown a penny into a fountain, wishing for good luck in life for ourselves and our friends. We have donated coins to charities to exercise good will toward our fellow man. Even flipping a coin to resolve a dispute between friends is a common occurrence.

Coins encourage friendship by promoting the study of different cultures. As the numismatist examines ancient coins, he also studies the civilizations that produced those coins. This study of coins and their historical significance leads to an increased understanding among nations and among people.

The spirit of camaraderie is apparent throughout numismatic circles. Through publications and conventions, coin collectors gather to share friendship and examine coins of value. National Coin Week encourages collection by publicizing a wonderful hobby and occupation. National Coin Week serves a marvelous purpose, and it is a privilege to be introducing this legislation to honor numismatics.

Over 800 local coin clubs are scattered across the 50 States and the overseas military installations. The membership of these clubs attests to the basic interest in, and value of, coin collecting. Friendships are formed as people meet through these clubs, and members benefit from long and sincere friendships based upon a common interest in numismatics. The interest in numismatics is worldwide, and the bonds of friendship produced by coin collecting are strong.

Congress has issued commemorative proclamations for National Coin Week on several occasions in the past. Legislation authorizing National Coin Week 1983 was cosponsored by 232 of my colleagues. I hope that National Coin Week 1984 will again be the subject of such widespread congressional support. This year, National Coin Week will promote the value of friendship. I believe that we should once again recognize National Coin Week, and I urge my colleagues to join me as cosponsors.●

SINGLE AUDIT ACT OF 1984

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, today I am introducing the Single Audit Act of 1984. This legislation is designed to assure greater accountability in the use of the more than $90 billion in Federal financial assistance provided to State and local governments each year. It is also intended to enable these governments to audit their Federal assistance funds in a less costly and more efficient manner.

My bill will require each State and local government receiving $100,000 or more per year in Federal financial assistance to obtain a single, annual, organizationwide, financial and compliance audit in lieu of the many grant-by-grant audits now required. Such governments will also be responsible for seeing that any Federal funds they pass through to subrecipients are properly audited.

To help assure that Federal funds have been spent as Congress intended, auditors conducting single audits must perform compliance tests on all major Federal programs and a sample of other programs. In addition, when an audit reveals that a government has not complied with important grant requirements or has not maintained adequate management controls over Federal funds, the recipient must submit a plan for appropriate corrective action.

To assist State and local auditors in obtaining reimbursement for the costs associated with conducting single audits, my bill specifies that Federal funds may be used to pay for a portion of the single audit and directs the Office of Management and Budget to set standards for determining the appropriate Federal share of the costs incurred.

Finally, my bill provides for Federal agencies to conduct additional audits of Federal assistance funds if such audits are necessary to fulfill their responsibilities under Federal law. Furthermore, my bill contains provisions intended to assure that small and minority accounting firms are afforded the maximum practicable opportunity to perform single audits. Without these protections, such firms might be adversely affected by the transition from grant-by-grant auditing to the single audit.

Mr. Speaker, hearings held by the Government Operations Committee in 1979 revealed that the traditional grant-by-grant approach to auditing Federal assistance programs is uncoordinated, inefficient, and ineffective. As a result, the Committee recommended the adoption of a single audit approach. Grant recipients would be audited on an organizationwide basis rather than a grant-by-grant basis. Responding to the Committee's recommendation, the Office of Management and Budget has tried to implement this approach through administrative action. Its regulations are contained in an attachment P to its circular A-102, which prescribes administrative requirements for grants to State and local governments.

In 1982, the committee held hearings to review the implementation of the attachment P single audit requirements and to consider proposals to make the single audit statutory. The committee found that because of numerous problems, the single audit approach had not been widely implemented. It, therefore, recommended that Congress defer action on single audit legislation.

Mr. Speaker, over the past 2 years, the pace of single audit implementation has been slow and problems persist. Moreover, it now appears that legislative action is necessary to secure the potential benefits offered by this approach. The Single Audit Act of 1984 is a carefully balanced proposal designed to assure adequate oversight of Federal grant funds at a reasonable cost. I urge colleagues to support it.●

FREEZING THE NUCLEAR ARMS RACE

The SPEAKER. Under a previous order of the House, the gentleman

from Illinois (Mr. HAYES) is recognized for 10 minutes.

Mr. HAYES. Mr. Speaker, as I am certain every Member of this body knows, the U.S. Congress, as a whole, has yet to go on record in favor of freezing the nuclear arms race. The existence of thousands upon thousands of nuclear warheads—in the United States and in the Soviet Union—makes it quite clear that neither side will ever achieve nuclear superiority over the other. Rather than posing a deterrent to attack, the increased production and deployment of these weapons systems has only brought us closer to annihilation as a people. There is no more dangerous threat to the very existence of mankind than the existence and proliferation of nuclear weapons.

It is in this context that I wish to share with my colleagues the following letter from over 200 members of the faculty of the University of Chicago:

[From the Chicago Maroon, Friday, May 27, 1983]

AN OPEN LETTER TO THE U.S. CONGRESS FROM MEMBERS OF THE FACULTY OF THE UNIVERSITY OF CHICAGO

We need a pause in the nuclear arms race.

The United States Congress can take the lead.

We need a pause before the United States and the Soviet Union take the fateful, irrevocable steps to counterforce, "limited nuclear war" arsenals.

The recent proposals for defensive weapons based in space must not distract our attention from the crucial issue of what to do about the extreme danger posed by the proliferation of nuclear weapons systems. Indeed if these proposals were implemented they would initiate a new round in the arms race.

We ask Congress to put "on hold" the building, testing, and deployment of new weapons systems with destabilizing counterforce capability. These include the MX, Cruise, Trident, and Pershing missiles. We suggest that an initial pause lasting one year would be an appropriate action. It would give evidence of our desire to end the arms race, and would focus immediate attention around the world on the Soviet Union. The Russian government would be placed under enormous pressure to match or to exceed our action. If it did, the two superpowers would have succeeded in taking the difficult first steps toward a nuclear freeze and eventual arms reduction.

The proposed pause would not endanger our nation or its allies. Our ability to deter attack would not be compromised. The United States would retain the power of its existing vast arsenal, an arsenal whose retaliatory capability is invulnerable to any foreseeable attack.

We the undersigned respectfully urge you to take this bold step. It would not endanger our nation, and it could help avert nuclear catastrophe:

Anatomy: Atsuyo Nakamura.

Anesthesiology: H. Bruce Triplett.

Anthropology: Paul Friedrich, Manning Nash, George W. Stocking.

Art and design: Thomas Mapp.

Astronomy and astrophysics: David N. Schramm, Michael S. Turner, Peter O. Vandervoort.

Behavorial science: Erika Fromm: E.T. Gendlin, Robert J. Havighurst, J.R. Kantor, Martha K. McClintock, Stephen Monsell; Lance Rips, Marvin Zonis.

Biochemistry: Herbert C. Friedmann, Eugene Goldwasser, Theodore L. Steck.

Biology: Randall S. Alberte, Stuart Altmann, Terence Martin, Hewson Swift.

Biophysics and Theoretical biology; Kwen-Sheng Chiang, Lucia Rothman-Denes, Hugh R. Wilson.

Business: Miriam Gasko, Robin M. Hogarth, Alex Orden.

Chemistry: R. Stephen Berry Robert Gomer Michael Johnston Stuart Rice Nathan Sugarman.

Classical Languages and Literatures: Nancy Helmbold, W.R. Johnson, Robert A. Kaster, George B. Walsh.

College: Issac D. Abella, Ira A. Kipnis, Leo Nedelsky, Richard P. Taub.

Divinity school: Jerald C. Brauer, Bernard O. Brown, Don S. Browning, Anne Carr; Franklin I. Gamwell; Langdon B. Gilkey, James M. Gustafson, Robin Lovin, Bernard McGinn, Alvin Pitcher, Gene Reeves, Anthony C. Yu.

Economics: Bert F. Hoselitz.

Education: Robert Dreeben, J.W. Getzels, Mark Krug, Robert L. McCaul, William D. Pattison, Susan S. Stodolsky, Herbert A. Thelen.

English: Wayne Booth, Merlin Bowen, Janel M. Mueller, Bruce Redford, Sanford Schwartz, Richard Stern, Richard Strier, Stuart Tave, Winthrop Wertherbee.

Far Eastern languages and civilizations: Harry Harootunian, David T. Roy.

Geography: Doris B. Holleb.

Geophysical sciences: Julian R. Goldsmith, Robert C. Newton.

Germanic languages and literatures: Peter K. Jansen, Clayton Koelb.

Pediatrics: Victor Baum, Michael Bennish, Jay E. Berkelhamer, Samuel P. Gotoff, Jane E. Kramer, Martin B. Mathews, John W. Moohr, Richard Newcomb, Arthur Rosenblum, Michael R. Sharpe, Charles N. Swisher, Otto Thilenius, F. Howell Wright.

Pharmacology: Leon I. Goldberg, Philip C. Hoffman, Jai D. Kohli.

Philosophy: Ted Cohen, Alan Donagan, Alan Gewirth, Leonard Linsky, David Malament, Richard P. McKeon, Ian Mueller, Howard Stein, Josef Stern, William W. Tait, Warner Wick, William Winsatt.

Physics: S. Chandrasekhar, Ugo Fano, Henry Frisch, Hellmut Fritzsche, Mark Inghram, Leo P. Kadanoff, Sol Krasner, Kathryn Levin, Gene F. Mazenko, Peter Meyer, Sidney R. Nagel, Eugene N. Parker, James Pilcher, Chris Quigg, Thomas F. Rosenbaum, Jonathan L. Rosner, Stephen Shenker, Mel Shochet, Robert Wald, Bruce D. Winstein.

Political science: J. David Greenstone, Russell Hardin, Gary Orfield, Lloyd I. Rudolph, Susanne H. Rudolph, Duncan Snidal, Kenneth Northcott.

History: Ralph Austen, John Coatsworth, Jan Goldstein, Leonard Krieger, Tetsuo Najita, Robert J. Richards.

Law school: Mary Becker, James Boyd White, Hans Zeisel.

Linguistics: Eric P. Hamp, James D. McCawley.

Mathematics: Felix E. Browder, I. N. Herstein, Alfred L. Putman, William H. Reid.

Medicine: Sheldon R. Cogan, Hymie Kavin, Richard Langendorf, Stephen A. Lerner, Dennis Levinson, Jerome S. Mehlman, Murray Rabinowitz, A. Rubenstein, F. Gary Toback.

Microbiology: Robert M. Lewert, Alvin Markovitz.

Near Eastern languages and civilizations: Walter Farber, Helene J. Kantor, Martha T. Roth.

Neurology: Louis R. Caplan, Sara Szuchet.

Obstetrics and gynecology: Robert Benveniste.

Pathology: Hilliard Cohen, Godfrey S. Getz, Hyman Rochman, Hans Schreiber, Martin Swerdlow, Bruce Wainer.

Psychiatry: Peter Barglow, Henry Conroe, Robert Friedman, Richard M. Glass, David R. Hawkins, Rita J. Jeremy, Chris Johanson, Chase Kimball, Elisabeth Lassers, Deborah L. Levy, Herbert Meltzer, John Metz, Allan Rechtschaffen, Charles R. Schuster, Paul J. Schwab, Betty Jo Tricou, Martha E. Zeuhlke.

Romance languages and literatures: Elissa B. Weaver.

Slavic languages and literatures: Milton Ehre, Fruma Gottschalk.

School of social service administration: Malcolm Bush, Joan Costello, Dwight Frankfather, Paul Gitlin, Emanuel Hallowitz, Carol Jacus, Bernice Kimbrough, Elaine Switzer.

Sociology: C. Arnold Anderson, Donald Levine, William J. Wilson.

South Asian languages and civilizations: Norman Cutler, C. M. Naim.

Statistics: David Draper.

Surgery: Paul C. Kuo, Robert Lewy, Sharon R. Menkveld, Lawrence Pottenger, Lawrence S. Ross, L. R. Sehgal.

The publication of this letter was assisted by The Chicago Area Faculty for a Freeze. Names listed are those received as of May 24, 1983.

□ 1520

RESOLUTION IN SUPPORT OF FOREIGN LANGUAGE STUDIES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, the security and prosperity of the United States have come to depend more than ever on our ability to communicate with other nations. The revolution in Iran, the continuing cycle of violence in Lebanon, and the threat of upheaval in Central America have been unwelcome reminders that our national security does indeed depend on events outside our national control. International economic competition from Japan, West Germany, and the nations of the developing world threaten our ability to export American products and further illustrate the need to improve our understanding of other cultures, languages, and economic systems. Yet in the face of a world becoming more closely intertwined economically, politically, and militarily, the President is attempting to eliminate for the second time the most critical foreign language and international studies program in this Nation.

I oppose President Reagan's fiscal year 1985 budget proposal to eliminate the Office of International Education and Foreign Language Studies in the Department of Education. I believe the President's proposal is extremely

shortsighted and if accepted by Congress, would be detrimental to the national security and economic prosperity of the United States. Accordingly, I am today introducing a resolution which expresses the sense of the Congress that fiscal year 1985 funding levels for Federal foreign language and international education and exchange programs should be maintained or increased above fiscal year 1984 levels.

Many leading members of the education and defense-security communities have voiced their opposition to the elimination of this vital program. Last year, when the President first proposed the elimination of the Office of International Education, Secretary of Defense Caspar Weinberger wrote to Secretary of Education Terrell Bell requesting that he restore or increase funding for this program. More recently, Secretary Bell's own National Advisory Board on International Education concluded that the programs conducted by the Office of International Education "play a crucial role in insuring the availability of an adequate capacity in this country for foreign languages and international studies. The Board commends the aims, objectives, and accomplishments of these programs and strongly endorses their continuation."

According to some of our Nation's leading defense and intelligence experts, the crucial shortfall in the foreign language proficiency of our diplomatic and intelligence communities is cause for both alarm and immediate action. In 1981, Adm. Bobby Inman, former Deputy Director of the Central Intelligence Agency, testified that "the importance of adequate foreign language capability in the intelligence community cannot be overstated. The foreign language capability of our country is poor and getting worse." Admiral Inman went on to document the importance of foreign language proficiency to U.S. intelligence activities, and the growing problems the CIA, the NSA, and other intelligence agencies are having in recruiting qualified linguists. He said that "decisive action should be taken on the Federal level to insure improvement in foreign language training in the United States."

Craig Wilson, Special Assistant to the Secretary or Defense for Intelligence and Human Resources, has testified that of the 13,000 positions in the Department of Defense which require foreign language capability, only half are filled by individuals with the necessary language competence. This critical lack of foreign language skills in our Armed Forces could have dire consequences in the event of war. As the former Commander in Chief of the U.S. Army in Europe—Gen. George Blanchard—once wrote:

> Language interoperability is not just a nice-to-have professional skill. In time of war, it may prove to be a decisive element on any potential NATO battlefield.

Perhaps the greatest impact of our lack of proficiency in foreign languages has been in the field of international diplomacy. In 1980, when a Soviet soldier in Afghanistan sought asylum in the American Embassy, none of the Embassy staff could speak to him in Russian. Only 6 of the 60 American diplomats in Iran in 1978 spoke the local language, and when the Embassy was seized, only 2 of the remaining staff could communicate with their captors. Before the Vietnam war, this country did not have even five American-born experts who could speak the Vietnamese language. What a difference a few more experts might have made.

Our most critical shortfall in the field of diplomacy is in the less commonly taught languages, Russian, Arabic, Chinese, and Japanese, which together, comprise 80 percent of the world's spoken languages. The State Department's overall compliance rate in filling Foreign Service positions that require minimum language competence is a sad 66 percent. However, in the less commonly taught languages, the compliance rate is much lower, only 35 percent in Chinese and in Arabic. Furthermore, according to a study prepared for the President's Commission on Foreign Languages and International Studies, less than half of the Federal positions requiring proficiency in Russian are actually filled by individuals competent in that language.

While there are no easy solutions to correct our lack of foreign language skills, the Office of International Education is one of the best means we have of improving the language capabilities of our intelligence and diplomatic communities. The Office's primary function is to help fund the 91 National Foreign Language and Area Studies Resource Centers around the country, 14 of which focus on the Soviet Union and Eastern Europe. These National Centers are our primary source of candidates for Federal positions in the fields of intelligence, diplomacy, and national defense. In addition, the National Centers are virtually our sole source of specialists in the less commonly taught but strategically important languages and cultures. While the Federal contribution to the national centers constitutes only a portion of their total operating budgets, the Federal funds represent seed money which encourages private donations and symbolizes our Nation's commitment to improving our foreign language capabilities.

The Office of International Education funds several other programs which are essential to the improvement of our communications skills in this interdependent world. The foreign language and area studies fellowship program offers full year and summer scholarships to graduate students and teachers in order to improve their language competence and knowledge in interdisciplinary fields. The Office also provides grants for undergraduate international education and for the Nation's entire research program devoted to the development of teaching materials for over 170 foreign languages. Most important, the Office funds four essential Fulbright-Hays programs including foreign curriculum consulting, faculty research abroad, and group projects abroad. This last program helps to fund the Overseas Resource Centers where American graduate students study Arabic, Russian, Chinese, Turkish, Indonesian, and other languages while living in these various countries.

Mr. Speaker, the fiscal year 1984 budget for the Office of International Education is just $30.8 million, less than 2 percent of the total budget for the Department of Education. Yet in spite of the obvious contribution the Office makes to our national security and economic potential, President Reagan attempted to cut funding for the program by over 50 percent in fiscal year 1983, and he proposed the elimination of the program in fiscal years 1984 and 1985. Thankfully, Congress has consistently rejected the President's proposals in this area, and approved funding increases for the Office of International Education for fiscal years 1983 and 1984. My resolution expresses the sense of the Congress that for 1985, the program conducted by the Office of International Education should be funded at least at 1984 levels.

Mr. Speaker, I believe that through the Office of International Education and Foreign Language Studies, the Federal Government can play an important role in the preparation of our Nation for the decades to come. Federal policy in this area can set an important precedent for the actions of State and local governments, businesses, foundations, and individuals. But in the final analysis, the Federal Government holds the ultimate responsibility for the Nation's security and well-being. This responsibility involves guaranteeing that our Nation has the talent necessary to protect our vital national interests, at home and abroad.

I believe that we need to produce diplomats, intelligence experts, military personnel, and corporate executives who are competent in foreign languages and knowledgeable about world affairs. The programs conducted by the Office of International Education can help provide us with these essential human resources. The cost is small and the benefits for our Nation

will be great. I urge my colleagues to support this resolution, and I hope that we will continue to advocate a strong Federal role in American foreign language and international education. The resolution follows:

H. CON. RES. 258

Concurrent resolution expressing the sense of Congress that funding levels for Federal foreign language and international education and exchange programs should be maintained or increased

Whereas a number of national education task forces and commissions, including the National Commission on Excellence in Education, have outlined a serious decline in the study of foreign languages in the United States and have recommended increased second language training at all educational levels;

Whereas leading members of the defense and intelligence communities have expressed concern about America's lack of expertise in international studies and in foreign language proficiency;

Whereas the United States has produced insufficient numbers of qualified area studies and foreign language specialists during the last decade to meet our future defense, diplomatic, and intelligence needs;

Whereas the study of the less commonly taught but strategically important languages and cultures such as Japanese, Chinese, Arabic, and Russian is extremely limited in the United States;

Whereas new programs in the combined study of business, foreign languages, and international relations would make a significant contribution to the reversal of America's declining economic competitiveness in international trade;

Whereas in comparison with the investments of America's allies and potential adversaries, the United States Government's investment in foreign language and international education historically has been quite small;

Whereas approximately 80 percent of the Nation's foreign language training in the less commonly taught languages takes place at federally funded National Resource Centers for Foreign Languages and International Studies;

Whereas for fiscal years 1984 and 1985 the present Administration has recommended zero budget funding for the Office of International Education and Foreign Language Studies, which funds the National Resource Centers and the Fulbright-Hays Scholarship program; and

Whereas Congress has consistently rejected the Administration's proposals and fully funded the Office of International Education and Foreign Language Studies for fiscal year 1984: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the fiscal year 1985 funding levels for Federal foreign language and international education and exchange programs should be maintained or increased above fiscal year 1984 levels.●

LEGISLATION PROMOTING METHANOL AS AN AUTOMOTIVE FUEL

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. SHARP) is recognized for 5 minutes.

● Mr. SHARP. Mr. Speaker, I am introducing today, with my colleagues Mr. BROYHILL, Mr. DANNEMEYER, Mr. HEFTEL, and Mr. WYDEN, a legislative proposal to promote the use of methanol as an automotive fuel. It is the result of 2 years work by the Fossil and Synthetic Fuels Subcommittee, including hearings, an investigation, and a report.

I believe the course of action it suggests can reduce America's oil imports, improve the air quality of our cities, and help restore the health of our coal industry. Methanol offers an opportunity to turn our most plentiful energy resource—coal—into our most needed form of energy—liquids for transportation. Doing so will reduce our energy dependence, balance of trade deficits, air pollution, and unemployment.

In recent years we have become increasingly aware of the importance of solving the problems of energy, the environment, trade imbalance, and chronic unemployment in certain regions and industries. Unfortunately, we also learned that solutions proposed to resolve one of these problems often exacerbated one or more of the others. Proposals to produce more energy or burn it more efficiently, for example, often threatened additional environmental difficulties, and environmental safeguards appeared to increase oil imports and further depress the coal industry.

Methanol as an automotive fuel can make significant contributions to the resolution of all of these problems. It will allow us to put U.S. coal in our cars, and to burn it cleanly.

An alcohol fuel that can be produced from coal, gas, or other sources, methanol has long been used as a racing car fuel. Although other alternative fuels are in various stages of development, methanol is considered by most experts consulted during our investigation—including representatives of auto and energy companies—to be the alternative most likely to replace gasoline.

Market forces alone will probably lead to the widespread use of methanol in cars and buses sometime in the future. The transition will be delayed, however, and the lost benefits to the Nation will be large if preparation does not begin during the current world oil surplus.

The benefits of replacing gasoline and diesel fuel with methanol made from domestic coal are enormous. Gasoline accounts for over 40 percent of the Nation's oil use—more than the amount of oil we import. Conversion of just 20 percent of our cars to a coal-based fuel would reduce oil imports by approximately 470 million barrels per year, resulting in a reduction of roughly $15 billion in the balance of payments deficit.

If the methanol is produced from coal, 20 percent of U.S. cars would create a market for an additional 300 million tons of coal per year—an increase of 36 percent over 1982 domestic production. This would mean the creation of 10,000 to 20,000 jobs directly in the coal industry, with additional jobs created indirectly in related jobs. Because higher-sulfur coal can be converted to methanol, many of these jobs could be created in areas where the coal depression is most severe and the future bleakest.

Environmental gains will also be substantial. Converting diesel-fueled buses to methanol, for example, can reduce nitrogen oxides by as much as 50 percent and particulates and smoke by 90 to 100 percent. Methanol-fueled cars also emit lower quantities of currently regulated pollutants, although the potential tradeoff of improved emissions for improved fuel economy makes it impossible to quantify the gains.

Will the motorist have to pay for all of these national benefits, No; methanol made from natural gas already costs less than gasoline on a miles per dollar basis. Oil and gas prices in the long run are expected to rise faster than coal prices, so methanol from coal will eventually be cheaper than gasoline or methanol from gas.

In the short run, demand for fuel methanol will be met with methanol made from natural gas. The price is currently artificially low because of excess capacity and the existence of old, low-priced contracts for the gas used as a feedstock.

The technology for producing methanol from coal exists, but it has not been proven on a commercial scale. The first coal-to-methanol plant in the United States went into production late last year. Although at least one coal-to-methanol project is under consideration for assistance by the Synthetic Fuels Corporation, large-scale commercial development of the industry will not occur until foreseeable demand for methanol exceeds current capacity.

With all of these advantages, why is not methanol already taking over the automotive market? Why does Government need to become involved, even on a very limited and temporary basis such as I am proposing?

Government is needed as a catalyst during the infant industry stage to help reach the threshold at which methanol and gasoline can compete evenly without subsidies, and in a few areas Government needs to level the playing field where it is now tilted against methanol.

The principal obstacle to the widespread adoption of methanol as a fuel is a chicken-and-egg problem. Manufacturers will not mass produce methanol-fueled vehicles until there is widespread demand, which requires a distribution and sales system for fuel methanol. Marketers will not establish

the retail fuel distribution system, however, until there are a sufficient number of cars equipped to use the fuel. Consumers, of course, want both competitively priced cars and convenient methanol sales outlets before they will buy a methanol car.

One part of the legislative proposal I am introducing, therefore, is designed to overcome this chicken-and-egg problem. It provides temporary and strictly limited incentives for the purchase of methanol-fueled cars to bring their price down close to that of gasoline-fueled cars. This will partially compensate the first few thousand methanol motorists for the higher initial cost and inconvenience.

All of these incentives would be limited by an early expiration date or a strict sunset provision, triggered by the manufacture of a given number of methanol-fueled cars. This will strictly limit revenue losses. Methanol will not need, and should not receive, a permanent subsidy. It merely needs to be helped to the starting line so that it can compete with gasoline in the marketplace.

A second part of my legislative proposal is intended to remove some legal and regulatory barriers that now discriminate against methanol as a fuel. Highway fuel taxes and automobile fuel efficiency standards are now based on the volume of fuel consumed rather than the fuel's energy content. This penalizes methanol, which has only half of gasoline's energy content per gallon.

Because the highway tax should be based on the number of miles driven and the amount of energy consumed, not the number of gallons consumed, my proposal would set the tax for methanol at 4½ cents per gallon. Because two gallons of methanol contain the energy content of one gallon of gasoline, this would make the tax on the two fuels approximately equal.

A third part of the proposed legislation would have the Government establish demonstration fleets of methanol cars and buses.

Although several hundred methanol cars are in operation in the United States, principally in California, bulk purchases are needed to allow auto manufacturers to bring the cost of production down. Fuel outlets established for Government fleets would be made available to private motorists, helping to overcome one barrier to private purchases of methanol cars.

Methanol buses offer tremendous potential for reducing urban air pollution, but additional demonstration experience is needed before cities will buy or convert whole fleets. Only three methanol-fueled buses are now in operation in the United States, and two of these are converted diesel buses.

In addition to the proposals contained in the legislation I am introducing, the subcommittee's investigation resulted in several recommendations for actions that can be taken administratively. I have communicated these to the President, the Secretaries of Energy, Transportation, and Interior, and the Administrator of EPA.

Mr. Speaker, I will reintroduce this legislation in the near future. I invite those of my colleagues who share its energy, environmental, and economic goals to join us in cosponsorship. To assist them in analyzing it, I include at the conclusion of my statement a summary and explanation of the bill's provisions and the text of the bill.

SUMMARY AND EXPLANATION

Section 1 is the short title, the Methanol Energy Policy Act of 1984.

Section 2 states findings and purposes.

Section 101 requires the Secretary of Energy to acquire 1,000 methanol cars during 1985 for use by various government agencies, and to make available to the general public the methanol fueling outlets established to fuel the government fleet.

These cars are intended as substitutes for, not additions to, the normal fleet of government cars to be purchased in the coming year. Other agencies are authorized to reimburse DOE for up to the cost of the gasoline-fueled cars that would otherwise have been purchased. The only additional cost to the government would be the incremental cost of a methanol engine and fuel system and the cost of monitoring the demonstration program.

The purpose of the provision is to allow a bulk purchase of methanol cars that would allow a lower production cost, and to establish a network of methanol fuel outlets. Fleet cars that return to a central depot each day are an ideal place to begin the use of methanol vehicles.

The order for the cars is to be announced far enough in advance to allow private parties and other government agencies—federal, state or local—to piggyback on the order.

Section 201 requires the Secretary of Transportation to help finance 20 methanol buses in fiscal year 1985 for testing and demonstration.

The positive experience and extremely favorable emission test results are based on a very limited number of buses in actual passenger service. This provision is not intended to add to the appropriation for the Urban Mass Transit Administration but rather to require 20 of the buses they will finance out of their fiscal year 1985 appropriaton to be methanol-fueled.

Section 301 establishes an Interagency Methanol Commission to coordinate the government's methanol activities and requires periodic reports to Congress.

The Commission, chaired by the Secretary of Energy, would include representatives of the Department of Transportation, Environmental Protection Administration, the General Services Administration, the Synthetic Fuels Corporation, the Department of Treasury, the Department of Defense, and the Postal Service. It will help coordinate the necessary research, regulatory, purchase, and informational activities of the various agencies.

Section 401 requires the Secretary of Transportation to study and report to Congress on any problems relating to the transportation of methanol by pipeline.

Methanol has an affinity for water, and there is some concern that oil product pipelines will have to be kept drier than they currently are. Any other efficiency or safety issues should be identified before large-scale pipeline transportation of methanol is needed.

Section 501 ensures that states will not lose allocations from the Highway Trust Fund as a result of tax exempt methanol sales.

In certain states the allocation from the Highway Trust Fund is set at 85 percent of their estimated payments into the fund. Widespread use of methanol exempted from the highway tax would lead to a reduction in the funds available to that state for highway construction and repair and could lead to opposition to methanol as a fuel.

This provision states that for purposes of determining a state's estimated payments for this allocation formula, methanol will be presumed to have been taxed at the rate which will be effective after the expiration of the exemption in 1988.

Section 601 allows a $1,000 credit to taxpayers purchasing a domestically produced methanol-fueled car, until 10,000 per year are manufactured.

Until methanol vehicles are mass produced, they will cost as much as $1,600 more than conventional vehicles. This extra cost will prevent demand for methanol cars from reaching the level at which mass production could bring the cost down to the level of gasoline-powered cars.

The proposed tax credit will help offset this difference. The sunset provisions triggered by the number of methanol cars manufactured will set a ceiling on the potential revenue loss resulting from this provision. Section 602 sets the highway tax for methanol at 4½ cents per gallon and exampts all methanol fuel from the entire highway tax until September 31, 1988.

The Btu or energy content of methanol per gallon is approximately one half that of gasoline, so methanol is effectively taxed at twice the rate of gasoline on a cost per mile basis. Setting the tax at half the current rate for gasoline will remove an important disincentive to methanol's use. This step has already been taken in California.

In 1982 methanol made from coal or biomass was exempted from the highway tax until 1988. The purpose was to provide an incentive for people to purchase methanol cars while their price was still higher than gasoline cars and while it was inconvenient to find retail methanol outlets.

The exemption was limited to methanol made from coal or biomass because of the fear that giving the exemption to methanol made from natural gas could increase natural gas prices. That fear is unfounded. Even if the manufacture and sale of methanol cars booms between now and 1988, and 50,000 cars are sold, the amount of natural gas needed to produce methanol to fuel them would add less than one one-hundredth of one percent (.01%) to a normal year's demand for natural gas.

Eventually methanol will be made primarily from coal, but creating the demand that will call forth a coal-to-methanol industry requires giving the incentive to methanol made from gas.●

● Mr. WYDEN. Mr. Speaker, I am pleased to join in this bipartisan effort to shape a comprehensive national policy to stimulate broader use of methanol—America's most promising fuel.

The potential benefits of methanol in transportation often focus on its energy security, energy efficiency and cost advantages over petroleum-based fuels.

But that leaves out a significant advantage of methanol: Its contribution to cleaner air in our cities.

Not surprisingly, California—home to 1 of every 10 automobiles in this country—has been the pioneer in examining the emission characteristics of methanol. Their results to date are well-worth our attention.

The California Energy Commission found methanol-powered vehichles to emit significantly less carbon monoxide, hydrocarbons, and nitrogen oxides—the most pernicious pollutants our cities face—than gasoline-powered vehicles.

The consumer benefits too. California's results indicate these emissions can be achieved with catalytic converters that are much less expensive than conventional ones because fewer scarce precious metals are needed.

Tests on diesel engines fueled by methanol are equally compelling.

The Energy Commission found diesels operating on methanol to have the lowest nitrogen oxide and hydrocarbon emissions of any engine tested, and particulate emissions were virtually eliminated.

It is with these tantalizing emission traits in mind, as well as the other benefits associated with methanol, that I join in this effort to tap the tremendous potential of methanol to clearing up our air.

Our legislation marshalls the combined forces of the public and private sectors to broaden the use and familiarity with methanol. There are compelling reasons to do so.

First, a fundamental obstacle preventing widespread use of methanol in the transportation sector is the chicken and the egg situation that exists with respect to supply and demand.

Fuel producers are reluctant to build plants or provide transportation-grade methanol until the automobile market develops.

Auto manufacturers are reluctant to undertake mass production of methanol-fueled vehicles until the fuel is widely available.

The conversion of government and commercial fleets to methanol offers the best hope of breaking this stalemate. Our bill provides a roadmap to reach this objective.

Another compelling reason to stimulate commercial/governmental fleet conversions is the very fact that these fleets operate in urban areas. All of our cities in whose air quality is worse than the Clean Air Act standards for nitrogen oxides, hydrocarbons, carbon monoxide, and particulates have a substantial number of commercial and governmental fleets.

Widespread conversions can only contribute to enhanced air quality.

Finally, let me point out that methanol is not an exotic fuel of the future. It is produced today for a variety of industrial purposes. The change from industrial to transportation grade methanol is simple. The current spot market price for methanol is about 90 cents per gallon, on an energy equivalent basis with gasoline.

And, much to OPEC's chagrin, it can be produced from virtually anything—from coal to wood.

Our bill blends action with some creative thinking to push us in the right direction of weaning ourselves from the foreign crude.●

● Mr. DANNEMEYER. Mr. Speaker, I am pleased to join the gentleman from Indiana (Mr. SHARP), the chairman of the Subcommittee on Fossil and Synthetic Fuels, in introducing the Methanol Energy Policy Act of 1984.

This legislation is an outgrowth of the hearings held by the subcommittee in the 97th Congress on methanol as an alternative to gasoline-powered vehicles. It represents a bipartisan initiative on an important energy and environmental issue.

The use of methanol, which can be produced from either natural gas or coal, has the advantage of reducing our use of petroleum and thus has an energy benefit. However, my particular involvement stems from the important environmental benefits of using methanol in cars and buses.

I took an active role in the subcommittee hearings and have been keenly interested in this subject because I represent a region of the country that is a nonattainment area under the Clean Air Act. The staff of the South Coast Air Quality Management District in southern California has determined that the air in and around Los Angeles will never meet Federal standards without a shift away from petroleum and motor vehicles to alternative fuels for industry and transportation. Methanol is just such an alternative. In fact, the Institute of Gas Technology Highlights of September 12, 1983, reports one study in which the replacement of gasoline vehicles with methanol models could cut smog in the Los Angeles basin by 70 percent.

The State of California has led the Nation in the field of methanol. Both the California Energy Commission and the Bank of America testified before the subcommittee on their joint methanol vehicle project. In fact, last year the State took delivery of the largest fleet of methanol vehicles in the world, 506 Fords. The cars will be operated by 15 city and county governments, 6 State agencies and 2 private companies. However, this experiment needs additional assistance to continue.

While we are far from mass use of methanol, it is clear we will never get there without taking further steps. The California experience has been a good one, but more must be done. The legislation we are introducing today includes an important statement of congressional policy. This is necessary since other Federal actions can unintentionally thwart the methanol conversion effort. For example, I found during action on the Clean Air Act in the 97th Congress that the antitampering provisions of existing law make it difficult to convert standard gasoline vehicles to alternative fuels. With this in mind, the Committee on Energy and Commerce adopted my amendment to permit vehicle engines to be more readily converted to methanol, methane, propane, or other fuels that would result in lower emission levels.

Finally, Mr. Speaker, I look forward to working with my colleagues on this initiative as a member of both the Subcommittee on Fossil and Synthetic Fuels and the Subcommittee on Health and the Environment of the Committee on Energy and Commerce. Chairman SHARP and I have worked closely on this issue and we will continue to do so with the goal of passing methanol legislation in the 98th Congress.●

● Mr. BROYHILL. Mr. Speaker, along with Congressman PHIL SHARP, I am today introducing the Methanol Energy Policy Act of 1984.

It is imperative for the Federal Governmenroduction of a broad range of industrial chemical products. Although most of the world's current methanol capacity is based on surplus natural gas, methanol can be produced from a variety of other raw materials, including coal, petroleum and biomass.

Methanol has real advantages over conventional fuels used in transportation and industrial applications. As a transportation fuel, it is currently being used in both public and private fleets in California, with encouraging results. I am equally excited about the significant environmental advantages being experienced. Methanol burns cleaner and at a lower temperature than gasoline or diesel fuels, producing less nitrogen oxides, and negligible particulate and hydrocarbon emissions. This means improved health for the American people and hope for areas such as southern California and Houston, which experience a great deal of smog caused by automobile-related polluants.

I wish to make clear, however, that I do not believe that this bill goes far enough in encouraging methanol use. Therefore, I plan to introduce an additional methanol bill later in the month along with Congressman DICK OTTINGER. In addition to Federal demonstration projects similar to those contained in this bill today, it will phase in mandated purchases of Fed-

eral passenger vehicles and urban buses. Congress must send a strong message to the American people that we will work to lessen our dependency on foreign oil supplies and we will work to cleanup our environment through the use of cleaner fuels.●

THE U.S. MISSION IN LEBANON

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, the news reports within the last 36 hours indicate that there has been some change in strategy with respect to whatever it is we could call properly the military posture of the country in Lebanon. However, I think that from what I have read, both from utterances by leaders in the Congress and spokesmen of the administration, thus far the indications of what it is that is being changed seem to me to be that it is more of the same, that is, an evasion of the questions that need to be answered. And that can be done only by the Commander in Chief, the President of the United States, upon the demand of the Congress and not until the Congress demands it.

The question is the same that I raised a little better than 14 months ago in a letter addressed to the President. Unfortunately, of course, this President does not accustom himself to answering Members of Congress or at least the House. I have had the honor of serving in this Congress with six different Presidents, and this is the first President that does not reply to a letter from a Member of the House. That is fine.

The point is that I followed what I feel to be the channels and the procedures that I think are incumbent upon us to follow, and when I did not receive an answer in January a year ago, I then addressed a letter to the chairman of the Foreign Affairs Committee, who was then our highly thought of, beloved, and late and to be lamented Clem Zablocki of Wisconsin.

But in the interim period, between the time I wrote the letter to the President and the letter to the chairman, the President in a way, in a manner of speaking, addressed one of the questions or two aspects of one question during a question-and-answer period that he had with some members of the press, and he was asked the same questions I raised.

First, what is the mission of the Marines? And, second, for how long will the marines be in Lebanon?

To the first, the President answered that the main objective was to preside over the removal of those foreign powers and their troops that were in possession of some segments of the territory known as Lebanon today; and, second, as peacekeeping. Or, maybe one was involved in the other. It was hard to discern from the answer.

The second answer was that the Commander in Chief had no idea as to how long the marines would be serving in Beirut. He said further that that would depend—and I quote directly—"on the Lebanese Government."

This, of course, aroused me very much because anybody who was conversant with the situation would know that when you tried to define the Lebanese Government, it boiled down to the Gemayel regime, which is one faction and has been only one faction before, and a government, if such it can be called, that never has had, much less now, even total jurisdiction over the city of Beirut, much less the country of Lebanon.

So then I addressed my letter to the chairman. About 6 weeks after that I still had not received a reply or an acknowledgment in writing from the chairman, but he intercepted me one day on the House floor—and I believe it was exactly a year ago this month—and he said that he had received my letter, and that the counsel and all of his aides considered it the most perceptive and the most knowledgeable that they had received or that they had in communications from any Member of Congress, including members of the committee.

But then, in this words—and I quote directly—he said, "But, HENRY, there is nothing we can do. We can't do anything now until something happens."

I asked, "What do you mean, something happens?" I said, "The only thing that can happen is that marines are going to be killed."

He as much as agreed by the nod of his head.

Then I really became disturbed, and I acted as I have done in all of my career, not only in this body but in the State senate and on the city council where I have had the honor of serving. And I want everybody to know that I feel I am one of the most privileged of Americans because I have been highly honored to serve in the local legislative body, in the State legislative body, the State senate, and in the Congress for 22 years and 1 month tomorrow. So that when I do take to this forum, it is not because I have some strong strategic reason, political or legislative, but because this is the only forum available to a Member by the use of his voice; and, as I have said before, all a Member has is two things: his voice and his vote, and that is it, in a body of this kind.

□ 1530

I glory in that, because I feel that through attribute and preparation and background, as I have discovered, not ever having had the intention before of being in politics, much less ever in the Congress; so as I have gone along I have developed what I call the legislative advocacy, which I think is a profession or should be.

I do not envy the gavel. I certainly do not envy any office, such as the Presidency. I do not wish the Office of the Presidency on my worst enemy; so I do not have that kind of ambition, never have had. I would not be happy in an administrative or executive position. I am as happy as anybody could be in human existence in this that I call the legislative advocacy, the give and take of the forum.

No one man can do anything alone, whether he is a member of a committee or a subcommittee or a member of a body such as this, which consists of 435 Members; so I believe in the open market of competition, of ideas, of programs, of attempting to be presumptuous enough to call myself a representative of a pluralistic cosmopolitan body, socially, economically; so that what I am saying and the reason I am saying it is that I approach this as I have for 22 years.

I have not been here 1 month before I had a crisis as a new Member and I took to the floor. I ended up over a period of 2 years addressing myself to that subject matter.

Certainly there were no TV cameras covering us then, and even today I tend to forget that there is such a thing.

The reason that I am speaking is that because I believe that this privilege being available to a Member through what we call special orders should be addressed presentially, physically, and not inserted into the RECORD, because I think then the main purpose is that I am sure the Members of Congress had in the initial periods of this program and procedure and privilege were that they be used for the direct communication and if possible, the clash of ideas; any Member wishing to come on the floor and challenge an utterance is free to do so, because I certainly will yield as I have; but on this issue at this point, the motivation has been the same, and that is that we are dealing in areas in which Americans and their lives and well-being are involved. This, I think, calls for a very extra exertion from each and every one of us, whether we are members of the committee that has jurisdiction or not members.

At this point, the thing that motivates my continuing the subject matter, yes, over the course of 14 months I have pleaded with the President not only to define clearly and coht in avoiding the unnecessary deaths of these almost 300 marines and especially the massacre of October 24.

It has been one of the most demoralizing and saddening experiences of my career in public elective office.

Heretofore, whether it was the State senate or even here, I felt that we might have had some impact. I know that I made 55 addresses on special orders; but finally, the Deputy Attorney General for criminal matters was kicked out, even though the administration in charge then was doing the same thing. He would not even answer letters, the Attorney General. To this day I am waiting for a reply to letters I have addressed to him; but the 55 speeches did focus attention on the malodorous situation, on the questionable behavior of the Deputy Attorney General and it did directly lead to his being ejected from that office.

So that up to now I felt that way, but when I have seen that we continue and persist in what should be obvious and, as I say, remains uncontroverted, I have never been rebutted. I have just been ignored and others who later joined in a similar outcry were similarly ignored; but the Congress, my associate now, as I said in December, Mr. Speaker, in my special delivery letter to the Speaker are now coequally responsible with the President.

The fact that at this point the marines may be removed from the airport to onboard ships in my opinion does not lessen their exposure to death or serious bodily harm, because for 5 months I have been pointing out that those ships offshore that we have there under the battleship class, maybe perhaps not the *New Jersey*, but everything else underneath, is highly vulnerable to the antiship missile gun emplacements in those hills where the firing has come down against the marines, fully capable up to a range of 50 miles of sinking everything short of the battleship class.

Now, those marines aboard those ships are just as vulnerable and perhaps more disastrously.

I have been and one of the reasons I asked you to consider joining the Senate leaders in calling us back into session in December to consider, in light of the President's new commitment in Lebanon in the first weeks of December, wherein he ordered the bombardment both through the air as well as from ships of those positions, variously labeled or described as either being Druze or Syrian and at this point, I think the issue is still not clarified.

All it proves is the bankruptcy of whatever it is that the President has tried to define as a policy.

Now, under those conditions, what now? What now is the situation and what now should be done?

I feel that the least the Congress can do is to do what it has not done. I feel sadly that the Congress has abdicated its high responsibilities as a coequal, separate, and independent branch of the Government, and one above all that has deposited in its sovereignty the only exclusive constitutional power and prerogative of declaring or defining war.

The President is continuing to make war. The Congress has not declared war. There is nothing unconstitutional that I can see in what I have been demanding, and that is that we advise the President, "Mr. President, the Congress has not declared war. You stop making war, because the Congress has not declared war." That is all. I do not see anything unconstitutional about that; but at this point it is urgently needed that we define whatever it is that the President will do to make up for an absolutely dismal bankrupt—policy I would not call it, but course of action that he has taken through deed and action.

What is the policy now? What is the mission of our military, whether they are on shipboard or on land? Are we going to fight the Syrians? Who are we going to fight?

The great absurdity, the insanity of a President telling the world and this country that the marines in Beirut were peacekeepers—peacekeeping is a political, a diplomatic chore. The marines are warriors. The Joint Chiefs of Staff were unanimous. This is the thing that kept motivating me to ask, what is the mission?

□ 1540

The Joint Chiefs of Staff from the beginning, ad initio, as they say in law, have been against the marines in Beirut. But the Commander in Chief, of course, is the Commander in Chief so that is was not particularly magnanimous in the month of December when it was decided that the military would look into why, why were not more precautions taken when 240 marines were murdered.

That, to me, I thought, was so heinous because who would be the scapegoat anyway you want to shape it? It would be our military. But the military experts, the ones that we spend millions and millions and millions of dollars to be the experts in the military were all from the beginning against that. And if they are now being evacuated it is because the obvious military imperative need is to evacuate.

In the light of the turn of events and the complete demotion of the so-called Gemayel government or faction, now, though, who are we going to fight? The President talks blaming Syria. Well, not too many weeks ago, and I praised him for that from my city of San Antonio, he sent a message to the head of state of Syria, Assad, thanking him for his great act of statesmanship in allowing the release of the American aviator that the now-aspirant to the Democratic nomination, Jesse Jackson, went over and apparently facilitated. But now the President says it is those Syrians that are to blame for everything that has happened since and in the defeat, elimination of the Gemayel government.

So at this point the question remains the same. Mr. President, what is the mission, in clear, coherent terms, of our military onshore, offshore, in the air? But, more importantly, Mr. Speaker, and this is even a matter of greater concern to me, is the fact that the President has been just as unable, or I do not want to accuse any President of being evasive deliberately with respect to the mission of our military in Central America. What is their mission?

Never before in the history of our military, even the statutes reveal the fact that no such thing as a 6-month, 8-month training exercise is considered as defined in our military rules, regulations, and even the statutes. As a matter of fact, I have had to introduce legislation in order to try to soften, assuage some of the rather bitter injustices perpetrated on some of these very noble Army, especially, and professionals like doctors, medics, who since the very first week of assignment on a tour that they were told would last from 6 to 8 months lost their basic living quarters allowance.

What does that mean? It means that some of them are being deducted every month at least $650. That means that some of them are having problems saving the mortgage on the home that they are living in in San Antonio, because at Fort Sam Houston, where they are located, we have always had an inadequacy in housing for those that are defined as permanently based.

So when you go on a training mission there is nothing in the procedures or the manuals that allow for more than a 30-day period and, therefore, if you are, well, then, initially you lose that status and you lose that basic quarters living allowance. It is one of the injustices.

These crevices that when Presidents, Commanders in Chief take sudden, tempestous, unpredictable, and unprepared actions will always develop in these poor, unfortunate Americans that are brave, heroic, loyal, efficient, to fall through crevices. We saw that during Korea, during Vietnam, but never with such a vengeance as in Lebanon where the President indulged in this fantasy land concept that the Marines were not in a hostile environment, they were not under combat situations, they were peacekeepers and therefore I hope no Member has had experiences as I have had during the break in December and November of pathetic calls from a couple of parents way out of my State. One was from Philadelphia and the other was from Florida. These are about some of these dead marines. One of them, the one in Philadelphia, was very anguished and

was calling me all the way long distance. These are just little, average, American families. They do not have money for long distance calls.

This call was wanting to know if I could help him answer some questions somehow or other. He had heard, I think the reason he bandied my name around, that I had introduced legislation that would provide $50,000 to the surviving next of kin, or beneficiaries, or dependents of service men or women killed in an undeclared war, for the very reason of the fantasy land that a warrior, a man, a woman that we train to do one thing, to defend us, to serve as military, not as politicians, not as diplomats, which they are not equipped to do, and then place them in a situation like we did during Vietnam, as we have continued to do in Central America, as I have reported here where these soldiers are exposed to serious bodily harm or death, but you are not allowed to even carry arms in that case.

In the case of the marines, as I pointed out to the President in successive letters, they are there with full combat gear. They are equipped with combat equipment. How can you tell us they are there only as peacekeepers with no possibility of hostility or consequential harm to their lives and persons, even to this day?

So here is this father saying, "Mr. Gonzalez, I heard you are the only one." I said, "Well, I am not the only one, but maybe I am the only one that has bothered to introduce legislation like this," that, incidentally, I have not been able to get any kind of priority consideration either in the basic quarters allowance, which I think is a terrible injustice that none of us in Congress ought to hold ourselves responsible for for 1 minute, much less these months; and also in this case of the definition of what should be our responsibility in defining the role of these servicemen in an undeclared war, in an area in which if the President dares hint that they are in an area of hostility or combat, that then he has to come to the Congress under the War Powers Limitation Act and give some kind of accountability.

But here is a parent that says, "Mr. Gonzalez, can you tell me—the President sent the message, the Secretary of Defense sent the message on the death of my son, and my son was the one whose body was the last one to be dug out of that rubble in Beirut. Now he is young, very young, a fine man. The Marine Commandant that came to the funeral said so. But they are telling me that my son died in an accident. In an accident? He did not die in defense of his country? He did not die on behalf of the service of his country? In an accident?"

I have to say "Well, look, this is what we have, too; this is what the debate is all about. Some of us are trying to figure out."

I did my best to say, "Look, the main thing is to do that which ought to be done to safeguard the lives of every one of the men."

If we have arrived at a point in our national development, as I have said here, too, before, of those decadent, obsolete societies that the forefathers who built this country escaped from, and with the purpose and intent of escaping forever and trying to grasp the destinies of their own fate back into the hands of the people, after all, our Constitution, the most revolutionary words even in today's world, are those first seven "We, the people of the United States." It does not say we, the Congress; I, the President; or We, the courts. It says "the people" are the sovereign power from which all of us come, and we forget that.

When I remind some of my fellow Americans they think I am a socialist, that I dare think that we, we the people, are the real source of power.

□ 1550

That is how far we have strayed. But it is reflected even in these gyrations and convolutions and trampoline-like bouncing up and down in the forging of our policy that involves the life and death of our fellow Americans.

I say if we reach that point of these decadent societies that we have always associated with that which we do not want ever to be associated with, where lives are expendable, where life is cheap, I say I do not think the average American ever wants to look upon it that way. Every single life is valuable, every single one. None of the marines should be expendable on a higher game of political chess that has yet to be reported to the American people by a President that I do not think even he has appraised the dimensions involved.

But we, the Congress, should not escape that responsibility which was placed upon us by the Constitution. We are or are supposed to be still separate, equal, not subordinate to the President, equal and independent. And I say, Mr. President, whether those men are on that ship or not, they are not safer, they are still exposed, but their mission is still not explained.

I pointed out and I have used a reference to that which, through biblical times, is very appropriate and that is: "If the trumpet give an uncertain sound, then who is prepared to do battle?"

PERSONAL EXPLANATION

The SPEAKER pro tempore (Mr. SEIBERLING). Under a previous order of the House, the gentleman from Florida (Mr. MACKAY) is recognized for 5 minutes.

● Mr. MACKAY. Mr. Speaker, I was unable to be on the House floor for the recorded vote on final passage of H.R. 2899, the EPA research and development authorization.

Had I been able to be present for the vote, I would have voted "yes."

As a cosponsor of the bill, and as a member of the Science and Technology Committee which prepared and reported it, I strongly support the bill.

I appreciate having this opportunity to state my position on this bill for the RECORD.●

THE TRAGEDY OF VIOLENCE IN LEBANON AND IN EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewomen from Ohio (Ms. OAKAR) is recognized for 10 minutes.

Ms. OAKAR. I thank the Speaker.

Mr. Speaker, I would like to address two issues. One is the situation in Lebanon and our Government's participation there. The other relates to the so-called classified document of Judge Tyler concerning the American missionaries who were brutally murdered in El Salvador some years ago.

First of all, I would like to tell a little bit about Lebanon. It is true, as the previous speaker indicated, as we all know to our great sorrow, that more than 200 of our marines are dead as a result of their presence in Lebanon and the Lebanese people have suffered, themselves, immeasurably from external and internal forces.

The tragedy of violence is that in war the people who suffer the most are usually innocent. They are the civilians, the children, the elderly, the men and women who really do not want to be involved in the conflict.

I want to suggest to this body that most of the people in Lebanon fit that category. The American people ought to be extremely concerned about what is going on today and in the future. At the same time that the President announced the pullout of our marines which some felt was a good sign, the President also announced the escalation of the conflict, punctuating his decision with hundreds of rounds from the *New Jersey's* 16-inch guns, the heaviest American naval bombardment since the Vietnam war. This bombardment which began yesterday afternoon and went into the evening has led to the tragic deaths of many Lebanese civilians living in small villages. Many of these people were not terrorists, were not part of the conflict, did not desire to be part of a conflict. They want to live in some kind of tranquility. Many of them were women and children.

This morning my office received a phone call from an American of Lebanese heritage. One of the villages that was destroyed yesterday, he said, was

his family's village. "I am a disabled American veteran," he sobbed, "I served my country in the Navy in World War II and now they have gone and killed my family."

This individual's tragedy has been repeated many hundreds of thousands of times in Lebanon in the past decade, some of which was brought about by the use of American weapons.

Now we have become active participants in the mayhem under the guise that we are striking back at this religious group or that religious group.

What is really the difference in a person's religion, Moslem, Christian, or what have you? A child is a child. The bitterness of this particular gentleman is magnified many thousandfold in Lebanon, in the Middle East and in other parts of the world.

This has ominous implications for our country. The day-long shelling yesterday put the United States into direct conflict with other parties.

To what end? They, the United States, at times unfortunately has been inflaming extremists in the area while shifting policies on a weekly basis.

The tragic, despicable terrorist bombing of our marine position last October demonstrated the ability of shadowy enemies to match any damage we inflict from our formidable naval task force.

I hope the President is setting aside some time during his vacation in Santa Barbara to think deeply of the broader implications of what he has ordered this week in Lebanon.

He and his advisers have to come to grips with what is really going on in the Middle East, and they must begin now to develop and apply a policy of diplomacy. This business of reacting to events instead of helping to shape them has already gotten us in deep trouble.

Now is the time for statesmanship, not politics. The President ought to be using our superpower status for peace and diplomacy, not war.

Let us quit looking at military solutions to everything, foreign aid in the form of cluster bombs and tanks, military personnel, our ships off the coast striking at little villages in this country.

Why do we not as a country strive to unite this once great country, this Middle Eastern area of great heritage and ancient tradition? Why do we not put as one of our priorities the use of diplomacy to reconcile this Nation and the rest of that region and let us quit using excuses to kill children and women in that sad, devastated country.

In another area, I would like to comment on the Tyler report and the fact that the State Department asked that it be classified, which means that most Americans will never know unless they get some form of deep classification, the ability to know what really took place in the murders of our own American citizens and whether or not, indeed, the higher ups in the military that we give aid to, that our people, our tax dollars are used for, really indeed did commit the offensive act of killing individual missionaries, religious and lay people.

I think that that report ought to be declassified. Published reports have indicated that there was a coverup, that indeed the highest ranking individual in the military—and these are published reports. I have read the report but because it is classified I cannot comment on it, on my thoughts. But I will talk about what has been in the papers. Published reports have indicated that the highest person in the military was involved from day 1 in a coverup.

If this is true then the American people might want not to give aid to that individual who we think at times is involved in death squads and all kinds of things that relate to the killing of innocent people in the villages of El Salvador.

But I think the frosting on the cake in terms of the insensitivity of the State Department is when some of us asked, along with the chairman of the Committee on Foreign Affairs, Mr. FASCELL, along with myself and others, that they at least declassify the report for the families of the missionaries, that the State Department insisted that these individuals be given access to the classification only after they had a clearance by the State Department to obtain classified information.

□ 1600

I do not know if many Americans know what is involved to get a clearance to read classified information, but it is a long involved process. It involves the investigation of your background and so on.

These are the families. This is the mother and father of Sister Dorothy Kazel from my district in Cleveland, Ohio, who was an Ursuline sister. Her parents are the finest Americans in the country. Now why they have to go through that tedious process which is so demeaning, do a background check that very often takes months, is beyond my comprehension.

Can you imagine asking that there be a background check on the Mother Superior of the Ursuline Order of Cleveland, Ohio, Mother Bartholomew?

I mean this is just another insult to the families of the murdered missionaries.

I serve as a kind of liaison to those martyrs and their families in terms of the State Department. The reason I got involved was that when the families would call to ask what was being done about apprehending the murderers of their members of the family, the missionaries, at times the State Department did not even return their phone calls. So that has been at times the cavalier attitude of the State Department toward the deep sorrow that the families and, indeed, the American public has experienced.

So I say to the State Department and to the administration, what do we have to hide? Why do you not declassify that 101-page report so that the American people can know the truth, not only about the missionaries, but it is a larger issues in terms of how they want their tax dollars to be used in the form of foreign aid.

And I have a feeling, and I have great faith in the American people, and I am proud to represent a good portion of the people in my district, in my area, I really believe that the majority of Americans do not want their tax dollars to be used to kill people, whether it is the people in the villages of Lebanon or the people in the villages of El Salvador or, indeed, our own American citizens.

HEARINGS TO BE HELD ON DISABILITY REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PICKLE) is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, the reason I take this time is to advise the Members that the Social Security Subcommittee and the Senate Special Committee on Aging are holding a series of reviews and hearings around the country regarding the disability reform bill that is now pending.

Members will remember that some 4 years ago the administration was mandated by the Congress to conduct continuing disability reviews for people receiving disability benefits, and to do it over every 3 years. In response the administration started a crash program of continued review of disability cases. In the process many people were removed from the rolls who should not have been on there, and it served a good purpose.

But, we will remember that these reviews were done some 8 months in advance of the time that we had set and they were done in such a crash manner that many thousands of people throughout the country were terminated improperly.

For the past 2 years the subcommittee has tried to come up with some way to correct the extremely harsh results that occurred.

Finally we have passed a bill out of the subcommittee and the full committee. That bill now is one of the titles of the pending tax bill before this House. I am hoping that bill can now be advanced without delay be-

cause the disability aspect is one section that certainly should be passed.

Now a couple of weeks ago we were all dismayed to hear administration officials testify that they would not support any disability reform legislation this year, that it was going to cost way too much money, some $5 or $6 billion, and that it was unnecessary because the administrative review procedures that have been established by the Department of Health and Human Services (HHS) will insure that these cases are properly handled.

Well, in the first place, we have had our staff review those cost figures. The administration is not correct. The higher figures quoted by some in the administration can only be supported by assuming that the portion of the bill relating to the medical improvements standard will be applied retroactively. The language in this legislation makes it clear that no such retroactive application is intended or desired. According to the Congressional Budget Office (CBO) this bill costs, with respect to the social security trust funds, about $1.7 billion over a 5-year period. The cost of the legislation actually proposed can be handled within the disability trust fund. There will not be an extra tax involved.

Second, the administration has said that the stabilizer might be triggered, and if it was the cost-of-living (COLA) might be affected.

Now the administration has since testified that the stabilizer would not be triggered. Because concern about triggering the stabilizer is an integral part of this issue, and indeed may be of more importance than the cost estimate for the bill itself, I have had the subcommittee staff prepare a report on the subject. This report is quite exhaustive and detailed and I recommend it to any Member who wishes to fully understand this complex area.

The main point of the report is that according to the Social Security Administration actuaries under either present law or enactment of the disability bill, OASDI reserves could fall below 15 percent in January 1985, which could trigger the stabilizer. However, all sets of economic assumptions currently in use, including the CBO baseline, the President's budget, and the 1983 trustees' report II–B assumptions as revised in November, show wage increases outpacing price increases for the appropriate measuring period in 1984 and 1985. Therefore, no change in the COLA would be made even if the ratio drops below 15 percent. After 1985 the reserves increase steadily so that in no later year would they be low enough for the stabilizer to be triggered.

As for the contention that this matter can be dealt with through administrative reforms, we have to admit to ourselves that administratively they have not handled this situation. Twenty States now are conducting disability reviews on the basis of court orders which mandate a medical improvement standard and nine other States have already voluntarily imposed moratoriums on the review of cases. The disability program in the States is in absolute disarray.

For the administration now to say that we do not need this bill and that it is going to cost too much, and that it might trigger our trust fund, is just not the truth. We know it and I think the administration knows it.

Senator HEINZ in the other body announced that he was going to go to Chicago to hold a hearing on the disability legislation, which he favors very strongly.

We are going to take this issue to the American people. It is grossly unfair to say to the disabled that we are not going to pass corrective legislative reform when it is urgently needed.

Two sections of that bill are vitally important to disabled people. One, that we establish guidelines for medical improvement. That is needed. The program is in disarray throughout all the States, and therefore, we need to have uniform guidelines that we all have agreed to.

Second, we have extended in this legislation benefits to the ALJ level so that if someone is determined to be no longer eligible to remain on the disability rolls they can at least appeal the initial decision and continue to receive benefits until the ALJ level. The subcommittee and the full Committee on Ways and Means have approved this legislation unanimously.

There are many other valuable parts of this bill. Every disability organization in America is for this legislation. I do not know anyone who is against it. My friend Dave Stockman may be the only one who wants to say that he does not want to have this legislative reform passed, even though it would eliminate some terrible inequities, because it might cost a little money.

This is a good bill. It is a fair bill. It is needed. And therefore, our subcommittee, along with the Committee on Aging in the Senate and have joined together to hold these public hearings. And these hearings are demonstrating once again how urgent the need is for this legislation and how widespread the support for it is among all segments of our population.

A CALL FOR TRUTH IN CENTRAL AMERICAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MARTINEZ) is recognized for 10 minutes.

Mr. MARTINEZ. Mr. Speaker, I rise today to address a tremendous error, a misconceived idea which has run amuck in our approach to major foreign policy problems. Traced back through history, this error has been repeatedly made resulting in repeated failures. I am referring to the belief that the presence of our Nation's military forces aid the process of peace in Central America. To me it is simple and clear, the most peaceful use that can be made of our military personnel is not to deploy them at all. Of all the incongruent, dogmatic, flag-waving slogans that are heard being echoed by the President and his supporters, not one truthfully addresses the issue of what benefits have been gained from the placement of U.S. troops in that region.

For all the good and the bad produced by the Kissinger report, I must comment on one very important point. It is stated in this report's introduction that "ultimately, a solution of Central America's problems will depend on the Central Americans themselves." No truer words have been spoken in the entire Central American debate. The citizens of the United States have been beaten over the head with Presidential rhetoric concerning the necessity of maintaining our armies in El Salvador, Honduras, and by proxy in Nicaragua. We have been led down the narrow path of bipolarity, spoon-fed the view that all confrontations between the revolutionary Government of Nicaragua and rebels of El Salvador are to be seen as continuations of the ideological battles between East and West superpowers.

At first the revolution in Nicaragua was welcomed by the leaders of this country. But when the Nicaraguan leaders looked beyond the American style of democracy, to establish a unique, indigenous form of government tailored to accommodate the needs of that nation, the revolution was declared as having been lost to Soviet-Cuban ideology and subsequently targeted for U.S.-supported subversion and terrorism. I say that this perception is wrong. Revolutions take time to mature. Our Nation is in a position of power and leadership that can afford to let Nicaragua work off the frustrations of hundreds of years of economic suppression and political disenfranchisement. How can we expect cooperation from a nation, whose government we work to defeat in warfare and are now crippling economically?

President Reagan and his fellow Republicans in the House and Senate would do well to remember their American history. The American Revolution was born out of the frustrations and injustices brought on by the actions of a superpower which attempted to impose itself, its institutions and government upon another people. I believe that now we must change our tract in our dealing with Central America. We must follow the suggestions of the Contadora nations

by removing our troops from the area, halting the military maneuvers in Honduras, attempt sincere negotiations with the Government of Nicaragua, force the promotion of human rights in El Salvador by the use of economic persuasion, and above all, allow these nations to determine their own destinies. I believe that if this were to occur the area would refute communism and develop along guidelines that are best suited to its needs. If the President cannot see the wisdom of these actions, then it is urgent that the Congress recognize its duty and implement these changes.

□ 1610

PERMANENT RESIDENT STATUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today I am introducing legislation that will give lawful permanent resident status to a number of aliens who have lived in this country in a legal limbo for many years. I refer to those Cuban and Haitian nationals who came to the United States to seek a safe haven from poverty and abuse.

Most of these people arrived in 1980 and were given the classification of Cuban/Haitian entrants—status pending. That was an entirely unique classification having virtually no precedent in our immigration law. The classification was devised because no other category was appropriate. Technically, they were not refugees; technically they were not immigrants since they had no visas. More importantly, however, they were not and never have been illegal aliens. They were invited by Presidential declaration to come to our shores and they have been here ever since.

This legislation would provide a remedy to the tragic plight of those Haitian boat people, many of whom were imprisoned for up to 18 months. Federal court decisions have found this detention program to have been illegal and discriminatory and like the Cubans, the Haitians have accumulated significant equities and become productive members of our communities.

This proposal will therefore adjust their status to permanent residents and permit them to become full-fledged members of our society.

This bill also seeks to rectify an unjust policy the administration has been following in refusing to issue visas in Havana to Cuban nationals for whom petitions have been approved, thus preventing the reunification of families. This runs counter to the fundamental basis of our immigration policy—family reunification must remain our primary consideration.●

DO ONLY THE UNBORN MATTER?

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, night after night, an almost empty Chamber hears a small minority of ultraconservative members going on at great length to voice their complaint that the House leadership and the majority will not take up their agenda of issues. These include the so-called social issues of antiabortion, compulsory school prayer, and others dear to certain constituencies to which the speakers relate.

Since the group is a small minority out of the main stream, one may be inclined to dismiss their perennial polemics as the price paid for freedom of speech. However, it is another thing when the President of the United States uses the awesome communicating power of his office to espouse the same causes and, more important, to use them as a screen to divert attention from the devastating social impact of his own policies.

This is brought out in a most cogent way by two recent newspaper columns. One, by Carl T. Rowan, appeared in the Washington Post for February 7. Mr. Rowan points out that one might credit President Reagan with a deep concern in his campaign for the unborn if it were not for the fact that his policies have served to cripple and stunt so many wanted babies.

Mr. Rowan points out that in 1982 13.1 million children lived in poverty in the United States and that infant death rates increased in 11 States.

Mr. Rowan asks, "Why has a president, so committed to a right to life, cut $10 billion a year in federal health, nutrition, education, child care and family support programs," and has "espoused policies that threw 700,000 children off AFDC and medicaid."

The other column was by Abe Zaidan which appeared in the February 5 edition of the Akron Beacon Journal, of which Mr. Zaidan is the distinguished senior editor. Mr. Zaidan points out that the President's remark that many street people are homeless "by choice," reveals, if nothing else, the "deliberate—and insensitive—tone the Reagan administration has set in responding to serious social problems in America."

Mr. Zaidan also notes that this tone is becoming "theocratic in nature, and certainly blind to the diversity of religious beliefs in this country. Essentially it deals with abortion and, secondly, prayer in public schools." Mr. Zaidan asks a very compelling question: "If one President can impose his religious views on a person's private life, what is to prevent the next President from imposing quite the opposite in the name of religion?"

Mr. Speaker, I offer the full text of both columns following these remarks:

DO ONLY THE UNBORN MATTER?

(By Carl T. Rowan)

No doubt President Reagan is influencing a lot of people when he accuses those who perform abortions of "the taking of some 4,000 unborn children's lives every day," or when he professes agony over the "pain" he says fetuses suffer during an abortion.

I could forget the electioneering aspects of this anti-abortion campaign and credit Reagan with a deep concern if it were not for the fact that his policies have served to cripple and stunt so many wanted babies who lie in the wombs of poor women, and if he had not moved so callously to cut social programs in ways that are causing more and more babies to die in their first year of life.

The Children's Defense Fund, a lobbying group, has issued a powerful report, "America's Children in Poverty," which provides some facts Reagan ought to know about:

· Between 1979 and 1982 America's children fell into poverty at a rate of about 3,000 more each day.

· In this richest nation on earth 13.1 million children lived in poverty in 1982—one black child out of every two, two Hispanic children out of five, and millions of white youngsters in the hollows of Appalachia and the rural and urban pockets of poverty. (The annual poverty level for a family of four was $9,862 that year.)

· Many families with impoverished youngsters get no government help, and those that do get a lot less than affluent Americans think. Welfare (Aid to Families with Dependent Children) payments average $24.32 per person per week, and food stamps average 45 cents per person per meal.

Between 1981 and 1982 infant death rates for all Americans increased in 11 states; minorities suffered setbacks in 13 states. There are now parts of America where a baby doesn't have as much chance of living to be a year old as does one born in Panama, Guyana or Cuba.

Reagan is a powerful advocate, so it would be marvelous to have him speaking as passionately for the healthy survival of fetuses that mothers want, and children already born, as he does for fetuses that women and teen-age girls do not want to carry to term.

The Children's Defense Fund says that infant mortality rates are rising, and are shamefully high among minorities, because of a growing lack of prenatal care for poor women. Its report cites cuts in Medicaid coverage and reductions in nutrition programs by the Reagan administration, plus the loss of health insurance because of unemployment, as reasons why there has been a drop in the percentage of women receiving medical care early in their pregnancy.

Babies born to women receiving late care or none at all are three times as likely to die in infancy as those born to women receiving early care, the CDF reports.

The next time the president gives his speech about the pain and "killings" of abortions, he may want to answer some questions raised by this CDF report. Why has a president so committed to a right to life cut $10 billion a year in federal health, family nutrition, education, child care and family support programs—cuts the Children's Defense Fund says have endangered the well-being and futures of millions of poor children?

Why has Reagan espoused policies that threw 700,000 children off AFDC and Medicaid in fiscal 1982, leaving only 52 poor chil-

dren out of 100 getting AFDC and 73 out of 100 receiving Medicaid?

Why has a president who professes to care so much about saving children taken compensatory education opportunities away from 440,000 disadvantaged children and taken child care services out of the reach of many thousands more?

Reagan's speech about saving fetuses doesn't carry so noble a ring when you read the Children's Defense Fund report about what he has done to the children who live among us.

REAGAN DEFYING U.S. TRADITION ON PERSONAL NATURE OF RELIGION

(By Abe Zaidan)

The story didn't get a lot of attention—four paragraphs on Page 12—in last Wednesday's New York Times. It was about President Reagan's appearance on ABC-TV's *Good Morning America* the day before. It quoted him as saying that people who are using sidewalk grates as makeshift beds are "homeless, you might say, by choice."

The President, the Associated Press account reported, said he was referring to former mental patients who, after recent changes in the law, were free to leave institutions.

Now, if you are a Reagan supporter, you may have one of the following reactions to the story:

His version of the "street people" is absolutely correct.

He didn't mean it the way it sounded.

He was misquoted, or the story was taken out of context.

So what?

Figures on the number of homeless in America are hard to come by, probably because most nose-counts are based on mailing addresses, telephone numbers or some form of institutional reports, all of which exclude these unfortunate souls. And if you started counting them by progressing north from Bowery and Prince streets in New York City, some would be dead by the time you reached Times Square.

So you rely on the estimates of the beleaguered agencies that are forced to deal with the problem on a catch-as-catch-can basis. The latest I've seen were in Joan Beck's perceptive column on Thursday's Commentary page: 500,000 to 3 million. And, she notes, the problem is growing.

Of itself, the President's homeless-by-choice reaction, to put it in the best light, could be just that: an instant response to a question that would require hours to touch all of the bases. But that argument is hard to buy in light of the deliberate—and insensitive—tone the Reagan administration has set in responding to serious social problems in America.

On occasions I have heard the President suggest that the unemployed need only look at the classified ads if they really want to find work. (Perhaps true in some cases, but certainly not the majority.)

Edwin Meese, the man Reagan has chosen to be his attorney general, has pooh-poohed the extent of hunger in America, saying he has not seen any figures to support the claim of wide-spread hunger—a view shared by a White House task force. They now have the figures, courtesy of the latest Harris Survey, which reported last week that nearly 21 million Americans can "reasonably be classified as suffering from hunger." Put another way, hunger has found its way into nearly one of 10 homes.

On the matter of women's rights, the President repeatedly insists that he sincerely seeks progress short of the Equal Rights Amendment. But in practice, his Justice Department has come out against a federal court ruling in Washington state that declared a woman ought to be paid as much as a man for a comparable job.

There is another problem of tone that has increasingly worked its way into this year's campaign rhetoric. It strikes me as being theocratic in nature, and certainly blind to the diversity of religious beliefs in this country. Essentially it deals with abortion and, secondly, prayer in public schools. The President felt the school-prayer issue was such a bedrock of American values that he even squeezed it into his mini-announcement that he would seek re-election.

In both instances—abortion and school prayers—Reagan has set distinct we-and-they standards. If you are "they," you must certainly favor wholesale abortions and a Godless barbaric existence.

Even if he might not go that far if pressed, it is the tone of those utterances that makes me uncomfortable.

Besides, the assumptions simply aren't true. Religious conviction is, and ought to be, a very personal matter in a free society.

If one president can impose his religious views on a person's private life, what's is to prevent the next president from imposing quite the opposite in the name of religion?

Remember the fears in some quarters when Jack Kennedy, a Catholic, and Jimmy Carter, a born-again Christian, were running for president? That somehow they would establish their beliefs as the law of the land? It never happened. Both men saw to it that religion remained a private matter.

But on faith, as well as most issues of social consequence in America, Reagan has broken the mold—in tone and, I'm now convinced, in substance as well. And I suspect that will become more disturbingly evident as this year's presidential campaign lets fly.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PICKLE, for 5 minutes, today.

(The following Members (at the request of Mr. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. SILJANDER, for 60 minutes, today.

Mr. WALKER, for 60 minutes, February 21.

Mr. WEBER, for 60 minutes, February 21.

Mr. MACK, for 60 minutes, February 21.

Mr. GINGRICH, for 60 minutes, February 21.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 20 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mrs. COLLINS, for 30 minutes, today.

Mr. HAYES, for 10 minutes, today.

Mr. GORE, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. SHARP, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Ms. OAKAR, for 10 minutes, today.

(The following Members (at the request of Mr. MARTINEZ) to revise and extend their remarks and include extraneous material:)

Mr. RODINO, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EVANS of Iowa, prior to the vote on H.R. 2899 in the Committee of the Whole today.

(The following Members (at the request of Mr. MOLINARI) and to include extraneous matter:)

Mr. BROYHILL.

Mr. LOTT in two instances.

Mr. LEWIS of California.

Mr. MCCAIN.

Mr. COUGHLIN.

Mr. SCHULZE.

Mr. SPENCE.

Mr. LENT.

Mr. CRAIG.

Mr. LIVINGSTON in two instances.

Mr. YOUNG of Alaska.

Mr. GREEN.

Mr. SNYDER.

Mr. WORTLEY.

Mrs. ROUKEMA in three instances.

Mr. HILER.

Mr. DAVIS.

Mr. GEKAS.

Mr. MICHEL.

Mrs. JOHNSON.

Mr. CONTE.

Mr. KEMP.

Mr. ERLENBORN.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. VENTO.

Mr. SHELBY.

Mr. DORGAN in two instances.

Mr. WEISS.

Mr. KOLTER.

Mr. LELAND.

Mr. OBEY.

Mr. LEVIN of Michigan.

Mr. FAUNTROY.

Mr. DASCHLE in 10 instances.

Mr. HARRISON in two instances.

Mr. ECKART.

Mr. LEHMAN of Florida.

Mr. ORTIZ.

Mr. MATSUI.

Mr. SIMON in two instances.

Mr. OTTINGER in three instances.

Mr. RATCHFORD.

Mr. DINGELL.

Mr. WON PAT.

Mr. FOWLER.

Mrs. COLLINS.

Mr. BORSKI.

Mr. MRAZEK.

Mr. WYDEN.
Mr. RODINO.
Mr. OBERSTAR.
Mr. EDGAR.
Mr. CONYERS in two instances.
Mr. OWENS.
Mr. MOAKLEY.
Mr. MORRISON of Connecticut.
Ms. OAKAR in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following title were taken from the Speaker's table and, under the rule, referred as follows:

S. 1762. An act entitled "Comprehensive Crime Control Act of 1984"; to the Committee on the Judiciary.

S. 1787. An act to establish a National Drug Enforcement Policy Board; to the Committees on Energy and Commerce and the Judiciary.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1557. An act for the relief of William D. Benoni.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 1340. An act to revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes; and

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did, on February 8, 1984, present to the President, for his approval a joint resolution of the House of the following title:

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

ADJOURNMENT

Mr. MARTINEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 255, 98th Congress, the House stands adjourned until 12 o'clock noon, Tuesday, February 21, 1984.

Thereupon (at 4 o'clock and 14 minutes p.m.), pursuant to House Concurrent Resolution 255, the House adjourned until Tuesday, February 21, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2612. A communication from the President of the United States, transmitting a request for supplemental appropriations for fiscal year 1984 and amendments to the request for appropriations for fiscal year 1985, pursuant to 31 U.S.C. 1107. (H. Doc. No. 98-169); to the Committee on Appropriations and ordered to be printed.

2613. A letter from the Secretary of Defense, transmitting a report on the salaries paid from Federal funds to officers and employers of Federal contract research centers which exceeded that for level II of the Executive Schedule, pursuant to 10 U.S.C. 2359 (93 Stat. 818); to the Committee on Armed Services.

2614. A letter from the Chairman, National Capital Planning Commission, transmitting a draft of proposed legislation to amend the National Capital Planning Act of 1952, as amended, and for other purposes; to the Committee on the District of Columbia.

2615. A letter from the Secretary of Health and Human Services, transmitting the annual report for 1983 on the status of State compliance with the Consumer-Patient Radiation Health and Safety Act of 1981, pursuant to Public Law. 97-35, Section 981(d); to the Committee on Energy and Commerce.

2616. A letter from the Administrator, Environmental Protective Agency, transmitting the Agency's indemnification report, together with the background report on which it was based, pursuant to Public Law 94-469, Section 25(a)(3); to the Committee on Energy and Commerce.

2617. A letter from the Secretary of the Interior, transmitting notification of a delay in submitting the study of adequacy of royalty management for energy and nonenergy minerals on Federal and Indian lands, pursuant to Public Law 97-451, section 303(b); to the Committee on Interior and Insular Affairs.

2618. A letter from the Administrator, Environmental Protection Agency, transmitting the national water quality inventory report for 1982, pursuant to FWPCA, section 305(b)(2) (86 Stat. 854; 91 Stat. 1589); to the Committee on Public Works and Transportation.

2619. A letter from a Secretary of Defense, transmitting a report on waivers of minimum funding and staffing requirements for technology transfer from Federal laboratories, pursuant to Public Law 96-480, section 11(b); to the Committee on Science and Technology.

ADVERSE REPORTS

Under clause 2 of rule XIII.

Mr. FASCELL: Committee on Foreign Affairs, House Resolution 383. Resolution directing the President to furnish certain information to the House of Representatives with respect to U.S. activities regarding Grenada (Rept. No. 98-597, Pt. II). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

BY Mr. FLORIO (for himself, Mr. MARKEY, Mr. WYDEN, Mrs. SCHNEIDER, Mr. GORE, Mr. ECKART, Ms. MIKULSKI, Mr. MOLINARI, Mr. OTTINGER, Mr. DICKS, Mr. JEFFORDS, Mr. LAFALCE, Mr. SMITH of New Jersey, Mr. HOWARD, Mr. TORRICELLI, Mr. WAXMAN, Mr. LELAND, Mr. D'AMOURS, Mr. MCHUGH, Ms. SNOWE, Mr. EDGAR, Mr. NELSON of Florida, and Mr. FAZIO):

H.R. 4813. A bill to amend the Solid Waste Disposal Act to provide for the cleanup of hazardous waste sites which present a threat to human health and the environment, to provide a fund to finance the cleanup, to establish the standards which apply to such cleanup, to establish a viable Federal-State partnership in the cleanup program, to permit public participation in the cleanup process, to provide Federal rules regarding liability for damages and cleanup costs, to provide emergency assistance and health effects studies for residents of affected communities, to permit public participation in the cleanup process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALBOSTA:

H.R. 4814. A bill to amend title 35 of the United States Code to increase the effectiveness of the patent laws by providing protection to holders of U.S. patents from unfair foreign competition; to the Committee on the Judiciary.

H.R. 4815. A bill to protect the mails from disruption by prohibiting the transportation of mail on any airline which is a debtor in a case under title 11 of the United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4816. A bill to discourage domestic corporations from establishing manufacturing subsidiaries in foreign countries for the purpose of avoiding Federal taxes by including in the gross income of the U.S. shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in any country which imposes little or no taxes on such operations or provides any tax incentive for capital investments in such operations; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 4817. A bill requiring the Secretary of Agriculture to notify applicants for certain emergency and operating loans of the approval or disapproval of such application within 60 days of receipt of the application; to the Committee on Agriculture.

By Mr. BARNARD:

H.R. 4818. A bill entitled: "The Peyton S. Hawes Recognition Act of 1984"; to the Committee on Public Works and Transportation.

By Mr. BEDELL (for himself and Mr. SHANNON):

H.R. 4819. A bill to require the Federal Energy Regulatory Commission to use origi-

nal cost methodology to set Trans-Alaska Pipeline tariff rates; to the Committee on Energy and Commerce.

By Mr. BEREUTER:

H.R. 4820. A bill to amend title 11 of the United States Code to provide that a debt in connection with a paternity judgment for support of a child shall not be dischargeable; to the Committee on the Judiciary.

By Mr. BROOKS (for himself, Mr. HORTON, and Mr. CARPER):

H.R. 4821. A bill to establish uniform audit requirements for State and local governments receiving Federal financial assistance; to the Committee on Government Operations.

By Mr. BROWN of California (for himself and Mr. SKEEN):

H.R. 4822. A bill to amend the National Science Foundation Act of 1950 to provide for the initiation and support of research fundamental to the engineering process in order to strengthen engineering research and engineering education, and to make changes in the organization and nomenclature of the Foundation to reflect the new essential emphasis on engineering; to the Committee on Science and Technology.

By Mr. CARR:

H.R. 4823. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit to individuals who reside in certain States to counter the effects of an imbalance in the Federal tax to Federal benefit ratio; to the Committee on Ways and Means.

By Mrs. COLLINS (for herself and Mr. MCGRATH):

H.R. 4824. A bill to establish a Bureau of Motor Carrier Safety within the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CONABLE:

H.R. 4825. A bill to provide for a temporary reduction in duty on imported fresh, chilled, or frozen brussels sprouts; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 4826. A bill to amend chapter 93 (relating to public officers and employees) of title 18 of the United States Code to forbid the recording by public officers and employees of telephone conversations without the consent of all parties to such conversations; to the Committee on the Judiciary.

H.R. 4827. A bill to amend title 18 of the United States Code with respect to sentencing, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG:

H.R. 4828. A bill to assure the first amendment rights of all citizens and to provide criminal penalties for violations thereof; to the Committee on Government Operations.

By Mr. D'AMOURS:

H.R. 4829. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIEL:

H.R. 4830. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. DORGAN:

H.R. 4831. A bill to provide for full and prompt disclosure of rail transportation contracts; to the Committee on Energy and Commerce.

By Mr. DURBIN (for himself, Mr. BOEHLERT, Ms. OAKAR, Mr. WOLPE, Mr. OBERSTAR, Mr. EDGAR, Mrs. JOHNSON, Mr. JEFFORDS, Mr. DAVIS, Mr. FISH, Mr. DWYER of New Jersey, Mr. KOSTMAYER, Ms. KAPTUR, Mr. WILLIAMS of Ohio, Mr. TRAXLER, Mr. LEVIN of Michigan, and Mr. KOLTER):

H.R. 4832. A bill to establish a system of individual training accounts in the unemployment trust fund to provide for training and relocating unemployed individuals, to amend the Internal Revenue Code of 1954 to provide that certain contributions to such accounts shall be deductible from gross income, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. EDGAR (for himself, Mr. DASCHLE, Mr. EVANS of Illinois, and Mr. PENNY):

H.R. 4833. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide comprehensive treatment services to veterans who served in the Vietnam theater of operations and are suffering from the posttraumatic stress disorder; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN (for himself, Mrs. ROUKEMA, Mr. BARTLETT, and Mr. CHANDLER):

H.R. 4834. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Act of 1954 to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. FASCELL (for himself, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. STUDDS, Mr. IRELAND, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. GARCIA, Mr. BROOMFIELD, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mr. LEACH of Iowa, Ms. SNOWE, Mr. HYDE, Mr. SOLOMON, Mr. SILJANDER, Mr. ZSCHAU, Mr. ROSTENKOWSKI, Mr. BOLAND, Mr. ANNUNZIO, Ms. MIKULSKI, Mr. BONIOR of Michigan, Mr. SIKORSKI, Mr. DAUB, Mr. MINISH, Mr. ASPIN, Mr. KASTENMEIER, Mr. GUNDERSON, Mr. MOODY, Mr. OBEY and Mr. MICHEL):

H.R. 4835. A bill to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland; to the Committee on Foreign Affairs.

By Mr. FUQUA (for himself, Mr. WINN, Mr. SCHEUER, Mr. VOLKMER, Mr. LUJAN, Mr. MCGRATH, Mr. NELSON of Florida, Mr. WALKER, Mr. RALPH M. HALL, Mr. CARNEY, Mr. DYMALLY, Mr. CHANDLER, Mr. ANDREWS of Texas, Mr. BATEMAN, Mr. MACKAY, Mr. LEWIS of Florida, and Mr. GREGG):

H.R. 4836. A bill to establish a system to promote the use of land remote-sensing satellite data, and for other purposes; to the Committee on Science and Technology.

By Mr. GILMAN:

H.R. 4837. A bill to require custodians of public money to deposit funds not later than 3 business days after the date of receipt, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 4838. A bill to amend title 5, United States Code, to permit present and former civilian employees of the U.S. Government to receive service annuity credit for retirement purposes for all their periods of service to the United States including such service which was covered by social security, regardless of eligibility for social security benefits; to the Committee on Post Office and Civil Service.

H.R. 4839. A bill to provide adequate mental health care and psychiatric care to all Americans; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. GORE (for himself, Mr. WAXMAN, Mr. BATES, Mr. RINALDO, Mr. SWIFT, and Mr. OXLEY):

H.R. 4840. A bill to amend the Communications Act of 1934 to limit ownership of national television networks not otherwise subject to section 310 of the act and certain large cable television systems by foreign entities or aliens, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mr. FORSYTHE, Mr. STUDDS, Mr. YOUNG of Alaska, and Mr. BIAGGI):

H.R. 4841. A bill to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASICH:

H.R. 4842. A bill to amend title 10, United States Code, to promote cost savings in defense procurement procedures by requiring that defense procurement contracts include a clause giving the Government a right to technical data and computer software necessary to obtain spare parts under the contract from other manufacturers; to the Committee on Armed Services.

By Mr. KOSTMAYER:

H.R. 4843. A bill to amend the Housing and Community Development Act of 1974 to provide that jurisdictions having no or few areas in which a majority of the residents are persons of low and moderate income may carry out activities under the community development block grant program that serve areas having the highest proportion of such persons; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LELAND:

H.R. 4844. A bill to amend the Communications Act of 1934 to promote fairness in telecommunications policy by providing for lifeline telephone service; to the Committee on Energy and Commerce.

H.R. 4845. A bill to amend title 5, United States Code, to revise the pay structure for Federal employees whose duties primarily relate to firefighting; to the Committee on Post Office and Civil Service.

By Mr. LEVITAS:

H.R. 4846. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Agriculture.

H.R. 4847. A bill to terminate certain authority which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on District of Columbia.

H.R. 4848. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by

an enactment of the Congress; to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN:

H.R. 4849. A bill to provide for the acceptance by the Administrator of Veterans' Affairs of certain real property in Grafton, W. Va., for inclusion in the Grafton National Cemetery; to the Committee on Veterans' Affairs.

By Ms. OAKAR:

H.R. 4850. A bill to establish certain restrictions on the transportation of high-level radioactive waste and spent nuclear fuel; jointly, to the Committees on Public Works and Transportation, Energy and Commerce, and Interior and Insular Affairs.

By Mr. ORTIZ:

H.R. 4851. A bill to provide assistance to State and local educational agencies for drug, alcohol, and tobacco education programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. PAUL:

H.R. 4852. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for social security and railroad retirement taxes; to the Committee on Way and Means.

By Mr. RODINO:

H.R. 4853. A bill to authorize the creation of a record of admission for permanent residence in the cases of certain natives of Cuba and Haiti, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H.R. 4854. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any automatic adjustment, to provide that any bill or resolution which would increase Members' pay or confer any tax benefit with respect to Members as a separate and distinct class may be passed or adopted (as the case may be) only by a recorded vote, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. SHARP (for himself, Mr. BROYHILL, Mr. DANNEMEYER, Mr. HEFTEL of Hawaii, and Mr. WYDEN):

H.R. 4855. A bill to develop a national methanol energy policy and to coordinate efforts to implement such policy; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. SHAW:

H.R. 4856. A bill to amend title XVIII of the Social Security Act to require physicians and others requesting payment on the basis of an assignment under the medicare program to provide a copy of the completed request for payment form to the patient; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SILJANDER:

H.R. 4857. A bill to amend title 18 of the United States Code to provide for the informed choice of women upon whom abortions are performed about the use of anesthetics and analgesics in cases where there is reasonable medical certainty that organic fetal pain is caused by abortion; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mrs. COLLINS):

H.R. 4858. A bill to amend the National Labor Relations Act and the Railway Labor Act to modify the circumstances under which certain collective bargaining agreement subject to such act may be rejected by an employer in a case under chapter 11 of title 11 of the United States Code; Jointly, to the Committees on Education and Labor, Energy and Commerce, and the Judiciary.

By Mr. THOMAS of California (for himself, Mr. DUNCAN, Mr. ARCHER, Mr. MARTIN of North Carolina, Mr. CAMPBELL, Mr. ANTHONY, Mr. FORSYTHE, Mr. LAGOMARSINO, Mr. STUMP, Mr. DREIER of California, Mr. BADHAM, Mr. FLIPPO, Mr. CHAPPIE, Mr. HEFTEL of Hawaii, Mr. VANDER JAGT, and Mr. PHILIP M. CRANE):

H.R. 4859. A bill to amend the Internal Revenue Code of 1954 to provide an election for parallel income and deduction treatment with respect to initial payments made to certain physicians' and surgeons' mutual protection and indemnity associations; to the Committee on Ways and Means.

By Mr. UDALL (by request):

H.R. 4860. A bill to provide for the cooperation between the Secretary of the Interior and Indian tribes with respect to the regulation of surface coal mining operations on Indian lands, and the acquisition and reclamation of abandoned mines on Indian lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WATKINS:

H.R. 4861. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a multicandidate political committee may contribute to a candidate in a Federal election and to limit the total amount that a candidate for the office of Senator or Representative may accept from multicandidate political committee in an election; to the Committee on House Administration.

H.R. 4862. A bill to establish as an executive department of the Government a Department of International Trade and Industry, to establish the National Oceanic and Atmospheric Administration and the Bureau of the Census as independent agencies, and for other purposes; jointly, to the Committees on Government Operations, Energy and Commerce, Foreign Affairs, Merchant Marine and Fisheries, Post Office and Civil Service, Science and Technology, and Ways and Means.

By Mr. WEISS:

H.R. 4863. A bill to provide supplemental appropriations of $350,000,000 for fiscal year 1984 for emergency assistance for Africa; to the Committee on Appropriations.

By Mr. WILLIAMS of Ohio:

H.R. 4864. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mr. PEPPER, Mr. MCKINNEY, Ms. SNOWE, Mr. BRYANT, Ms. OAKAR, Mr. WEISS, Mrs. BURTON of California, Mr. BOSCO, Mr. FLORIO, Mr. RICHARDSON, Mrs. COLLINS, and Mr. MCHUGH):

H.R. 4865. A bill to amend titles XVIII and XIX of the Social Security Act to provide coverage for community nursing center services under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4866. A bill to amend the Internal Revenue Code of 1954 to exempt certain emergency transportation of individuals from the excise tax on transportation by air, and for other purposes; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.J. Res. 480. Joint resolution to authorize and request the President to issue a proclamation designating May 6, through May 13, 1984, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. ANNUNZIO:

H.J. Res. 481. Joint resolution to provide for the designation of April 15 to April 21, 1984, as "National Coin Week"; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI:

H.J. Res. 482. Joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial; to the Committee on House Administration.

By Mr. CORCORAN (for himself and Mr. HYDE):

H.J. Res. 483. Joint resolution designating the week of October 7 through 13, 1984, as "Respect Life Week"; to the Committee on Post Office and Civil Service.

By Mr. DOWNEY of New York:

H.J. Res. 484. Joint resolution to designate the week beginning May 20, 1984, as "National Arts with the Handicapped Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. WRIGHT, Mr. BOLAND, and Mr. SIMON):

H. Con. Res. 258. Concurrent resolution expressing the sense of Congress that funding levels for Federal foreign language and international education and exchange programs should be maintained or increased; jointly, to the Committees on Education and Labor and Foreign Affairs.

By Mr. COURTER:

H. Res. 437. Resolution requesting the President to provide to the House of Representatives certain information concerning Soviet Union compliance with various arms control agreements; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina (for himself and Mr. FORSYTHE):

H. Res. 438. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the second session of the 98th Congress; to the Committee on House Administration.

By Mr. MILLER of California:

H. Res. 439. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Children, Youth, and Families in the second session of the 98th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

319. By the SPEAKER: Memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to the locating of military bases in the northeastern region of the United States; to the Committee on Armed Services.

320. Also, memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to the health care of veterans exposed to atomic radiation; to the Committee on Veterans' Affairs.

321. Also, memorial of the General Assembly of the State of Indiana, relative to the Fair Trade in Steel Act of 1983, H.R. 4352; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GORE introduced a bill (H.R. 4867) for the relief of Mary Acosta Aquino which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 204: Mr. PEPPER.

H.R. 354: Mr. PATTERSON.

H.R. 421: Mrs. BOXER and Mr. RANGEL.

H.R. 428: Mr. STOKES and Mr. OWENS.

H.R. 659: Mr. D'AMOURS, Mr. TRAXLER, and Mr. SWIFT.

H.R. 881: Mr. LONG of Louisiana, Mrs. BOGGS, Mr. FLORIO, Mr. RUSSO, and Mr. TRAXLER.

H.R. 991: Mr. BEREUTER, Mr. YATES, Mr. APPLEGATE, Mr. RAHALL, Mr. TAUKE, Mr. LOTT, Mrs. HALL of Indiana, and Mr. HARTNETT.

H.R. 1242: Mrs. KENNELLY, Mrs. COLLINS, and Mr. HAYES.

H.R. 1255: Mrs. LLOYD and Mr. MCKERNAN.

H.R. 1580: Mr. LUJAN.

H.R. 1815: Mr. SOLOMON, Mr. KILDEE, Mr. TORRICELLI, and Mr. FORD of Michigan.

H.R. 1937: Mr. OLIN.

H.R. 2053: Mr. HUTTO and Mr. MCEWEN.

H.R. 2090: Mr. SHANNON, Mr. CHAPPIE, and Mr. BATES.

H.R. 2448: Mr. BLILEY and Mr. BURTON of Indiana.

H.R. 2491: Mr. PEASE, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mrs. BOXER, Ms. KAPTUR, Mr. CROCKETT, Mr. JEFFORDS, and Mr. VANDERGRIFF.

H.R. 2977: Mr. HORTON.

H.R. 3028: Mr. PASHAYAN, Mr. VANDERGRIFF, Mr. DANIEL B. CRANE, Mr. NEAL, Mr. HAWKINS, and Mr. SHELBY.

H.R. 3050: Mr. FISH.

H.R. 3282: Mr. MOLINARI and Mr. HARRISON.

H.R. 3299: Mr. LEWIS of Florida.

H.R. 3405: Mr. BATES, Mr. EVANS of Illinois, and Mr. DELLUMS.

H.R. 3457: Mr. PENNY.

H.R. 3477: Mr. PHILIP M. CRANE.

H.R. 3498: Mr. EDWARDS of California, Mr. MRAZEK, and Mr. GUARINI.

H.R. 3581: Mr. PACKARD.

H.R. 3591: Mr. CONYERS, Mr. EDGAR, Ms. KAPTUR, Mr. MARLENEE, and Mr. WON PAT.

H.R. 3659: Mr. LONG of Maryland and Mrs. JOHNSON.

H.R. 3728: Mr. EDGAR, Mr. WISE, Mr. O'BRIEN, Mr. BONIOR of Michigan, Mr. TRAXLER, Mr. LUKEN, Mr. ERDREICH, Mr. DAVIS, Mr. RINALDO, and Mr. KOSTMAYER.

H.R. 3755: Mr. LEVIN of Michigan.

H.R. 3796: Mr. CHANDLER, Mr. DWYER of New Jersey, Mr. FISH, Mr. GEKAS, Mr. REGULA, Mr. SKELTON, Mr. WHITEHURST, Mr. YATRON, and Mr. HANSEN of Utah.

H.R. 3832: Mr. WAXMAN.

H.R. 4074: Mr. HEFTEL of Hawaii.

H.R. 4098: Mr. GLICKMAN, Mr. REID, Mr. BARNES, Mr. KOSTMAYER, Mr. DELLUMS, Mr. PEASE, Mr. KENNELLY, Mr. BROWN of California, Mr. PANETTA, Mr. BIAGGI, Mr. RANGEL, Mr. HALL of Ohio, Ms. MIKULSKI, Mr. DAVIS, Mr. ANNUNZIO, Mr. DASCHLE, Mr. LELAND, Mr. WHEAT, Mr. CARNEY, Mr. SLATTERY, Mr. YOUNG of Florida, Mr. ROEMER, Mr. TAUKE, and Mr. FISH.

H.R. 4110: Mr. MOODY, Mr. BARNES, and Mr. WILLIAMS of Ohio.

H.R. 4124: Mr. BEVILL, Mr. KINDNESS, Mr. MOLLOHAN, Mr. KOLTER, Mr. HORTON, Mr. HUGHES, Mr. NOWAK, Mr. ROE, Mr. FEIGHAN, Mrs. HALL of Indiana, Mr. TALLON, Mr. MCEWEN, Mr. RAHALL, Mr. RIDGE, Mr. HUBBARD, Mr. HARTNETT, Mr. WHITLEY, Mr. CLARKE, Mr. PORTER, Mr. BRITT, Mr. HEFNER, Mr. QUILLEN, Mr. YATRON, Mr. BOEHLERT, Mr. COURTER, Mr. PETRI, Mr. BOLAND, Mr. DUNCAN, Mr. CARNEY, Mr. APPLEGATE, Mr. STRATTON, Mr. ASPIN, Mr. WILLIAMS of Ohio, Mrs. MARTIN of Illinois, Mr. WILSON, and Mr. REGULA.

H.R. 4150: Mr. HARTNETT, Mr. DYSON, and Mr. SNYDER.

H.R. 4164: Mr. CONTE.

H.R. 4175: Mr. DOWDY of Mississippi, Mr. FAZIO, and Mr. LEVIN of Michigan.

H.R. 4212: Mr. MARTINEZ, Mr. MCKINNEY, Mr. MCKERNAN, Ms. MIKULSKI, Mr. KILDEE, Mr. LEWIS of California, Mr. HARTNETT, Mr. LAFALCE, Mrs. MARTIN of Illinois, Mr. FORD of Tennessee, Mr. FRANK, and Mr. SPRATT.

H.R. 4214: Mr. BROWN of Colorado, Mr. MARKEY, Mr. FOLEY, and Mr. BONKER.

H.R. 4287: Mr. JENKINS, Mr. OWENS, Mr. ST GERMAIN, Mr. D'AMOURS, Mr. TALLON, Mr. FRENZEL, Mr. MADIGAN, and Mr. DAVIS.

H.R. 4308: Mr. STOKES, Mr. RUSSO, Mr. PURSELL, Mr. HILER, Mr. WOLPE, Mr. COYNE, Mr. MADIGAN, Mr. PRICE, Mr. MURTHA, Mr. WALGREN, Mr. RIDGE, Mr. GEKAS, Mr. CLINGER, Mr. FOGLIETTA, Mr. DEWINE, Mr. ROGERS, Mr. SIMON, Mr. MCEWEN, Mr. MCDADE, Mrs. MARTIN of Illinois, Mr. BORSKI, Mr. MCNULTY, Mr. CORCORAN, Mr. KILDEE, Mr. BEVILL, Mr. DURBIN, Mr. FORD of Michigan, Mr. WALKER, Mr. WILLIAMS of Ohio, Mr. WYLIE, and Mr. HAYES.

H.R. 4352: Mr. SHELBY, Mr. WISE, Mr. BONIOR of Michigan, Mr. HORTON, Mr. DAVIS, Mr. TRAXLER, Mr. KOSTMAYER, Mr. ERDREICH, Mr. COUGHLIN, Mr. FAZIO, Mr. ROE, Mr. LUKEN, Mr. KINDNESS, Mr. JACOBS, Mr. PRICE, Mr. CLINGER, Mr. PERKINS, Mr. QUILLEN, Mr. NICHOLS, Mr. WILLIAMS of Ohio, Mr. RINALDO, Mr. MCKINNEY, Mr. RIDGE, Mr. HAYES, Mr. HALL of Ohio, Mr. MILLER of Ohio, Mr. HUNTER, Mr. TORRES, Mr. MCDADE, Mr. FORD of Tennessee, Mr. JONES of Tennessee, Mr. DWYER of New Jersey, Mr. VOLKMER, Mr. CHAPPIE, Mr. MARTIN of North Carolina, Mr. CARR, Mr. SNYDER, Mr. COELHO, Mr. MADIGAN, Mr. HANCE, Mrs. COLLINS, Mr. STOKES, Mr. RUSSO, Mr. EDWARDS of Alabama, Mr. CORCORAN, Mr. BURTON of Indiana, Mr. MCCLOSKEY, Mr. NIELSON of Utah, Mr. SCHULZE, Mr. LONG of Maryland, Mr. EDGAR, and Mr. FEIGHAN.

H.R. 4366: Mr. SAWYER.

H.R. 4499: Mr. FORD of Michigan and Mr. HERTEL of Michigan.

H.R. 4540: Mr. BOSCO and Mr. D'AMOURS.

H.R. 4544: Mr. O'BRIEN, Mr. SILJANDER, Mr. STENHOLM, Mr. MCCAIN, Mr. VOLKMER, Mr. WEBER, Mr. KOGOVSEK, Mr. EMERSON, Mr. DAN BURTON of Indiana, Mr. DANIEL, and Mr. WILLIAMS of Ohio.

H.R. 4571: Mr. BURTON of Indiana, Mr. MICHEL, and Mr. MYERS.

H.R. 4621: Mr. ROBERT F. SMITH, Mr. BONKER, Mr. WHITTAKER, Mr. HUCKABY, Mr. ECKART, Mr. WILSON, Mrs. LLOYD, Mr. FIELDS, Mr. LONG of Louisiana, and Mrs. HALL of Indiana.

H.R. 4622: Mr. GARCIA, Mr. WHITEHURST, Mr. ERDREICH, and Mr. DWYER of New Jersey.

H.R. 4642: Mr. HAMMERSCHMIDT.

H.R. 4643: Mr. BRITT, Mr. FIELDS, Mr. MARTIN of North Carolina, Mr. FRANK, Mr. REGULA, Mr. HUGHES, Mr. QUILLEN, Mrs. JOHNSON, Mr. CAMPBELL, Mr. NICHOLS, Mr. RANGEL, Mr. D'AMOURS, Mr. ALBOSTA, and Mr. SPRATT.

H.R. 4657: Mr. CHAPPELL.

H.R. 4663: Mr. DWYER of New Jersey.

H.R. 4677: Mr. WHITTAKER, Mr. SMITH of Florida, Mr. MCNULTY, Mr. BEDELL, and Mr. HARTNETT.

H.R. 4719: Mr. HILER, Mr. WON PAT, Mr. DUNCAN, Mr. YOUNG of Alaska, Mr. SAWYER, Mr. MINISH, Mr. COURTER, Mr. HARTNETT, Mr. EDWARDS of Oklahoma, Mr. CORCORAN, and Mr. DANIEL B. CRANE.

H.R. 4747: Mr. MARTINEZ, Mr. DWYER of New Jersey, Mr. OWENS, Mr. RAHALL, Mr. CLAY, and Mr. GAYDOS.

H.R. 4789: Mr. RAHALL.

H.J. Res. 10: Mr. DEWINE.

H.J. Res. 74: Mr. SABO, Mr. YATES, Mr. RALPH M. HALL, Mr. MCKERNAN, Mrs. COLLINS, Mr. HAYES, Mr. FASCELL, Mr. BATES, Mr. CROCKETT, Mr. KOGOVSEK, Mrs. KENNELLY, Mr. EVANS of Illinois, Mr. WHEAT, Mr. BARNES, and Mr. ANDREWS of Texas.

H.J. Res. 84: Mr. ROE.

H.J. Res. 205: Mr. CLARKE, Mr. GEKAS, Mr. RAHALL, and Mr. WOLPE.

H.J. Res. 243: Mr. DEWINE, Mr. MCCOLLUM, Mr. ROBERTS, and Mr. VALENTINE.

H.J. Res. 253: Ms. FERRARO, Mr. DASCHLE, Mr. DELLUMS, Mr. HAMMERSCHMIDT, Mrs. BURTON of California, Mr. GUNDERSON, Mr. KASTENMEIER, Mr. PATTERSON, Mr. HOWARD, Mr. LONG of Maryland, Mr. DE LA GARZA, Mr. LEVINE of California, Mr. SKELTON, Mr. TAUZIN, Mrs. MARTIN of Illinois, Mr. JONES of North Carolina, Mr. PACKARD, Mr. OTTINGER, Mr. WALGREN, Mr. LIVINGSTON, Mr. THOMAS of California, Mr. PURSELL, Mrs. HOLT, Mr. CAMPELL, and Mr. CARPER.

H.J. Res. 309: Mr. EDWARDS of Oklahoma.

H.J. Res. 326: Mr. JONES of North Carolina, Mr. MCCURDY, Mr. WON PAT, Mr. GUARINI, Mr. NEAL, Mr. DONNELLY, Mr. PARRIS, Mr. FROST, Mr. SAM B. HALL, JR., Mr. MARTIN of New York, Mr. EVANS of Illinois, and Mr. COLEMAN of Missouri.

H.J. Res. 337: Mr. NOWAK, Mr. OBERSTAR, Mr. TALLON, Mr. ANTHONY, Mr. HAMMERSCHMIDT, Mr. FRANKLIN, Mr. ALBOSTA, Mr. MONTGOMERY, Mr. LOWRY of Washington, Mr. LEVIN of Michigan, Mr. HEFNER, Mr. KOSTMAYER, Mr. COYNE, Mr. WEAVER, Mr. HARRISON, Mr. ALEXANDER, Mr. KEMP, Mr. CARR, Mr. WALGREN, Mr. LEACH of Iowa, Mr. SWIFT, Mr. JONES of North Carolina, Mr. SABO, Mr. LOTT, Mr. CLARKE, Mr. AKAKA, Mr. HOWARD, Mr. SMITH of Florida, Mr. FORD of Tennessee, Mr. WON PAT, Mr. BARNES, Mr. WAXMAN, Mr. FRANK, Mr. SMITH of New Jersey, Mr. DIXON, Mr. HAYES, Mr. YATRON, Mr. ACKERMAN, Mr. WINN, Mr. WORTLEY, Ms. SNOWE, Mr. SKELTON, Mr. MCGRATH, Mr. BERMAN, Mr. STOKES, Mr. MCHUGH, Mr. LELAND, Mr. FLORIO, Mr. KOLTER, Mr. CAMPBELL, Mr. ROE, Mr. VALENTINE, Mr. DAUB, Mr. BIAGGI, Mrs. BOXER, Mr. ANDREWS of North Carolina, Mr. GRAY, Mr. HUGHES, Mr. MCNULTY, Mr. HARKIN, Mr. SIMON, Mr. WOLPE, Mr. COOPER, Mrs. LLOYD, Mr. LIPINSKI, Mr. YATES, Mr. GEKAS, Mr. BETHUNE, Mr. GREEN, Mr. RANGEL, Mr. HILER, Mr. FAUNTROY, Mr. ANNUNZIO, Mr. RAHALL, Mr. MARKEY, Mr. MOLLOHAN, Mr. WEISS, and Mr. SCHEUER.

H.J. Res. 344: Mr. ACKERMAN, Mr. BEDELL, Mr. CHAPPIE, Mr. CLARKE, Mr. CORCORAN, Mr. DANNEMEYER, Mr. DAVIS, Mr. DE LA GARZA, Mr. DEWINE, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. HANSEN of Idaho, Mr. HAWKINS, Mr. HAYES, Mr. HYDE, Mr. LAFALCE, Mr. LELAND, Mr. LEWIS of Florida, Mr. MADIGAN, Mr. MARKEY, Mr. MINETA, Mr. MOLINARI, Mr. PACKARD, Mr. RATCHFORD, Mr. REID, Mr.

SAWYER, Mrs. SCHROEDER, Mr. SHANNON, Mr. SHUMWAY, Mr. SOLARZ, Mr. SUNIA, Mr. YATRON, Mr. MCNULTY, Mr. RAHALL, Ms. MIKULSKI, and Mr. SPRATT.

H.J. Res. 360: Mr. MINISH.

H.J. Res. 394: Mr. SPRATT.

H.J. Res. 415: Mr. ACKERMAN, Mr. ADDABBO, Mr. BATES, Mr. BEDELL, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BOEHLERT, Mr. BOLAND, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. BREAUX, Mr. BROOKS, Mr. CONABLE, Mr. CORCORAN, Mr. CORRADA, Mr. CROCKETT, Mr. DICKS, Mr. DIXON, Mr. DONNELLY, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of Alabama, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLORIO, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRENZEL, Mr. GEKAS, Mr. GRADISON, Mr. GREEN, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HATCHER, Mr. HAWKINS, Mr. HIGHTOWER, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HYDE, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mrs. LLOYD, Mr. LUKEN, Mr. MCCAIN, Mr. MCKERNAN, Mr. MCNULTY, Mr. MADIGAN, Mr. MARTIN of New York, Mr. MARTINEZ, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MILLER of California, Mr. MOODY, Mr. MURPHY, Mr. NICHOLS, Mr. NOWAK, Mr. OTTINGER, Mr. OWENS, Mr. PATTERSON, Mr. PEPPER, Mr. PRICE, Mr. PRITCHARD, Mr. RANGEL, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. RUDD, Mr. SHELBY, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of Iowa, Ms. SNOWE, Mr. SNYDER, Mr. STARK, Mr. STOKES, Mr. SUNIA, Mr. SWIFT, Mr. TORRICELLI, Mr. VANDER JAGT, Mr. VENTO, Mr. WAXMAN, Mr. WILSON, Mr. WON PAT, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Florida, and Mr. YOUNG of Missouri.

H.J. Res. 418: Mr. ANDREWS of Texas, Mr. BATEMAN, Mr. BONIOR of Michigan, Mr. BREAUX, Mr. DAVIS, Mr. DEWINE, Mr. DONNELLY, Mr. GREEN, Mr. HARTNETT, Mr. KOSTMAYER, Mr. LATTA, Mr. LONG of Louisiana, Mr. MCCANDLESS, Mr. MOLLOHAN, Mr. PRITCHARD, Mr. REGULA, Mr. SHAW, Mr. WOLF, and Mr. YOUNG of Alaska.

H.J. Res. 435: Mr. BURTON of Indiana, Mr. PHILIP M. CRANE, Mr. HUNTER, Mr. HYDE, Mr. KINDNESS, and Mr. WILLIAMS of Ohio.

H.J. Res. 443: Mr. LUNGREN, Mr. HORTON, Mr. COURTER, Mr. HUTTO, Mr. THOMAS of California, Mrs. HOLT, Mr. HANSEN of Utah, Mrs. MARTIN of Illinois, Mr. SHUSTER, Mr. BETHUNE, Mr. SUNDQUIST, Mr. PRITCHARD, Mr. ROTH, Mr. YOUNG of Florida, Ms. SNOWE, Mr. TAUKE, Mr. OXLEY, Mr. GORE, Mr. SMITH of New Jersey, Mr. HOYER, Mr. FUQUA, Mr. RINALDO, Mr. SHAW, Mrs. BOXER, Mr. BROWN of Colorado, Mr. SOLOMON, Mr. HEFNER, Mr. MAZZOLI, Mr. HUGHES, Mr. ROBERT F. SMITH, Mr. GOODLING, Mr. BEREUTER, Mr. STRATTON, Mr. STUMP, Mr. LUJAN, Mr. ENGLISH, Mr. YOUNG of Missouri, Mr. WISE, Mr. DONNELLY, Mr. BROWN of California, Mr. BEVILL, Mr. LEACH of Iowa, Mr. LONG of Maryland, Mr. O'BRIEN, Mr. LANTOS, Mr. MARTIN of North Carolina, Mr. PATTERSON, Mrs. LLOYD, Mr. SNYDER, Mr. MORRISON of Washington, Mr. ADDABBO, Mr. LEWIS of California, Mr. LUNDINE, Mr. WIRTH, Mr. GILMAN, Mr. PARRIS, Mr. BARTLETT, Mr. SISISKY, Mr. CHAPPELL, Mr. ZSCHAU, Mr. CHENEY, Mr. ANDREWS of Texas, Mr. RITTER, Mr. DELLUMS, Mr. SNYDER, Mr. VOLKMER, Mr. MILLER of California, Mr. MYERS, Mr. FISH, Mr. WOLPE, Mr. MINETA, Mr. PASHAYAN, and Mr. NELSON of Florida.

H.J. Res. 445: Ms. MIKULSKI, Mr. MARRIOTT, Mr. MCCLOSKEY, Mr. SAVAGE, Mr. HANSEN of Idaho, Mr. GREEN, Mr. DORGAN, Mr. MCEWEN, Mr. SMITH of New Jersey, Mr. SILJANDER, Mr. GEKAS, Mr. STARK, Mr. MARTIN of New York, Mr. MILLER of California, Mr. WEBER, Mr. LEVITAS, Mr. HOWARD, Mr. FRANKLIN, Mr. ROWLAND, Mr. LELAND, Mr. LEWIS of California, Mr. KEMP, Mr. LUNGREN, Mr. CORCORAN, Mr. THOMAS of Georgia, Mr. CARNEY, Mr. ROTH, Mr. ROBINSON, Mr. DOWDY of Mississippi, Mrs. SCHNEIDER, Mr. JONES of Tennessee, Mr. ROBERTS, Mr. LONG of Maryland, Mr. CONYERS, Mr. MAVROULES, Mr. GRAY, Mr. LENT, Mr. BRITT, Mr. GOODLING, Mr. PARRIS, Mr. SAWYER, Mr. HARRISON, Mr. STANGELAND, Mr. AKAKA, Mr. JENKINS, Mrs. KENNELLY, Mr. MARKEY, Mr. OBERSTAR, Mr. GRADISON, Mr. FROST, Mr. AUCOIN, Mr. RAHALL, Mr. PASHAYAN, Mr. VANDERGRIFF, Mrs. BOXER, Mr. MORRISON of Washington, Mr. SKEEN, Mr. HARTNETT, Mr. CRAIG, Mr. ADDABBO, Mr. BEREUTER, Mr. GREGG, Mr. LOEFFLER, Mr. MACK, Mr. MOLINARI, Mr. RITTER, Mr. BILIRAKIS, Mr. DANNEMEYER, Mr. ROBERT F. SMITH, Mr. CHENEY, Mrs. VUCANOVICH, Mr. DENNY SMITH, Mr. LIVINGSTON, Mr. HANSEN of Utah, Mr. NIELSON of Utah, and Mr. LOTT.

H.J. Res. 458: Mr. HYDE, Mrs. SCHNEIDER, Mr. MOORE, Mr. MCKERNAN, Mr. YOUNG of Alaska, Mr. DYSON, and Mr. TAUZIN.

H.J. Res. 459: Mr. MINISH.

H.J. Res. 472: Mr. LENT, Mr. BOLAND, Mr. HYDE, Mr. HOYER, Mr. BOEHLERT, Mr. CONTE, Mr. WON PAT, Mr. ROGERS, and Mr. BARNES.

H. Con. Res. 23: Mr. GINGRICH and Mr. ROGERS.

H. Con. Res. 90: Mr. PHILIP M. CRANE.

H. Con. Res. 105: Mr. VANDERGRIFF.

H. Con. Res. 224: Mr. PRICE.

H. Con. Res. 229: Mr. WYDEN and Mr. BEDELL.

H. Con. Res. 239: Mr. STUDDS, Mr. BEDELL, Mr. RATCHFORD, Mrs. BOGGS, Mrs. BOXER, and Mrs. KENNELLY.

H. Con. Res. 248: Mr. HAWKINS.

H. Res. 377: Mr. ROGERS, Mr. LIPINSKI, and Mr. WISE.

H. Res. 395: Mr. CHANDLER, Mr. NIELSON of Utah, Mr. FORD, of Michigan, Mr. KASTENMEIER, Mr. STOKES, Mr. MITCHELL, Mr. CORRADA, Mr. TOWNS, Mr. FROST, Mr. HORTON, Mr. RANGEL, Mr. BEDELL, Mr. LAFALCE, Mr. OTTINGER, Mr. LEHMAN of Florida, and Mr. MORRISON of Connecticut.

H. Res. 411: Mr. MURPHY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2751

By Mr. BIAGGI:

—Page 3, after line 13, insert the following new section (and redesignate succeeding sections accordingly):

LIMITATION ON DISCRIMINATORY ACTIVITY

SEC. 5. (a) Section 5(h)(3) of the National Foundation on the Acts and Humanities Act of 1965 (20 U.S.C. 954(h)(3)) is amended by adding at the end thereof "or have been used in any manner to denigrate any ethnic, racial, religious, or minority group;".

(b) Section 5 of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 954) is amended by adding at the end thereof the following new subsection:

"(m) Through regularly monitoring and reviewing programs and projects for which funds are paid under this section, the Chairman of the National Endowment for the Arts shall take such action as may be necessary to ensure that the artistic content of such programs and projects does not contribute to promoting the stereotyping of any ethnic, racial, religious, or minority group.".

SENATE—*Thursday, February 9, 1984*

(Legislative day of Monday, February 6, 1984)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of mercy, judge of all the Earth, help us never to forget that Thou art the God of order. May we remember the law writ large in history, the inexorable law of the harvest. Thy word declares, "Be not deceived, God is not mocked: for whatsoever a man soweth, that shall he also reap." (Galatians 6: 7). We "sow the wind, we reap the whirlwind." (Hosea 8: 7). We "sow to ourselves in righteousness, we reap in mercy * * *." (Hosea 10: 12). As we take seriously the physical order by which we progress technologically, may we take seriously the moral order whereby we grow spiritually. We pray in the name of Him whose perfect humanity reflected obedience to Thy law. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ADJOURNMENT OF THE TWO HOUSES

Mr. BAKER. Mr. President, it is my hope that we can adjourn today, but in order to do that, I think it is appropriate that we take the precaution that we have done now twice before providing that the House and the Senate may be called back in session at the joint initiative of the Speaker of the House and the majority leader in the Senate, after consulting with the minority leaders in the House and Senate.

Mr. President, I have discussed this with the minority leader.

Mr. President, I ask unanimous consent that the Chair lay before the Senate the adjournment resolution sent us by the House of Representatives, which is House Concurrent Resolution 255.

The PRESIDING OFFICER (Mr. WALLOP). The clerk will report.

The legislative clerk read as follows:

A CONCURRENT RESOLUTION (H. CON. RES. 255)

Providing for an adjournment of the House from February 9 to 21, 1984, and an adjournment of the Senate from February 9 or February 10 to February 20, 1984.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 2705

Mr. BAKER. Mr. President, on behalf of myself and the distinguished minority leader I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for himself and Mr. BYRD proposes an amendment numbered 2705.

At the end of the concurrent resolution, add the following:

"SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER).

The amendment (No. 2705) was agreed to.

The concurrent resolution (H. Con. Res. 255), as amended, was agreed to, as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 255) entitled "Concurrent resolution providing for an adjournment of the House from February 9 to 21, 1984, and an adjournment of the Senate from February 9 or February 10 to February 20, 1984," do pass with the following amendment:

Page 1, after line 9, insert:

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, if the majority leader will yield, I compliment him on including this language which has just been adopted by way of amendment. I think that he and I both had considered earlier even adjourning the Senate on a pro forma basis but, after full consideration of the subject, this seems to provide the proper approach and one which would be workable in the event that there is an emergency situation which would require the Senate and the House to be called back.

Mr. BAKER. Mr. President, I thank the Senator.

Let me acknowledge that the minority leader expressed his concern and brought to my attention the options and possibilities that would be available so the House and Senate could perform their constitutional responsibilities, notwithstanding the adjournment. I thank him for that.

I, too, believe this is the best course of action. It is a proven formula that we have followed, this being the third time, I believe. I can assure the minority leader and other Senators that if there is any doubt about whether the House and Senate should be called back in an emergency circumstance, the doubt would be resolved in favor of doing it rather than against doing it. So it is more than a formality, it is indeed a protection that is appropriate under the circumstances.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, having worked with Senator BAKER all these years, I have no concern with respect to the majority leader's taking action, if action is necessary, in calling us back. I have full confidence in him in that regard.

Mr. BAKER. I thank the minority leader.

Mr. President, I similarly have the same regard and respect for the minority leader and when he was majority leader we enjoyed the same relationship and the same confidence.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there are resolutions now dealing with a number of items with respect to committee assignments and ratios and one to amend the rules. The minority leader, I believe, is familiar with those. If he has no objection, I will present them at this time.

Mr. BYRD. I have no objection.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

INCREASING THE SIZE OF COMMITTEES

Mr. BAKER. Mr. President, I send a resolution to the desk in respect to the adjustment of the size of committees and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Resolved, That rule XXV, paragraph 2, be amended for the 98th Congress as follows:

Strike "20" after "Energy and Natural Resources" and insert in lieu thereof "21";

Strike "17" after "Foreign Relations" and insert in lieu thereof "18";

Strike "16" after "Environment and Public Works" and insert in lieu thereof "18".

Strike "15" after "Aging" in rule XXV, paragraph 3(b), and insert in lieu thereof "19".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee (Mr. BAKER)?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 338) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAKING CERTAIN MAJORITY PARTY COMMITTEE ASSIGNMENTS

Mr. BAKER. Mr. President, I send to the desk a resolution making majority party assignments to the committees as constituted and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 339

Resolved, That the Senator from South Carolina (Mr. THURMOND) is hereby appointed to the Committee on Labor and Human Resources.

SEC. 2. The Senator from New Hampshire (Mr. HUMPHREY) is hereby appointed to the Committee on Banking, Housing and Urban Affairs, in lieu of the Committee on Labor and Human Resources.

SEC. 3. The Senator from Florida (Mrs. HAWKINS) is hereby appointed to the Committee on Foreign Relations, in lieu of the Committee on Banking, Housing and Urban Affairs.

SEC. 4. The Senator from Washington (Mr. EVANS) is hereby appointed to the Committee on Energy and Natural Resources, as well as the Committee on Environment and Public Works, in lieu of the Committees on Armed Services and Governmental Affairs.

SEC. 5. The Senator from Virginia (Mr. WARNER) and the Senator from Washington (Mr. EVANS) are hereby appointed to the Special Committee on Aging.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee (Mr. BAKER)?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 339) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

AMENDMENT OF RULE XXV RELATING TO COMMITTEE MEMBERSHIP

Mr. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 340

A resolution amending Rule XXV.

Resolved, That at the end of Rule XXV, add the following:

(18) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs, may, during the Ninety-eighth Congress, also serve as a member of the Committee on Armed Services, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(19) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Armed Services and the Committee on Governmental Affairs, may, during the Ninety-eighth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve by reason of this subdivision as a member of more than three committees listed in paragraph 2.

(20) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation, may, during the 98th Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(21) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance, may, during the Ninety-eighth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 340) was considered and agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MINORITY PARTY COMMITTEE ASSIGNMENTS

Mr. BYRD. Mr. President, I send another resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 341

Making certain Minority party assignments.

Resolved, That the Senator from Illinois (Mr. DIXON) is hereby appointed to the Committee on Armed Services.

SEC. 2. The Senator from Michigan (Mr. LEVIN) is hereby appointed to the Committee on Energy and Natural Resources.

SEC. 3. The Senator from New Jersey (Mr. LAUTENBERG) is hereby appointed to the Committee on Environment and Public Works.

SEC. 4. The Senator from Arkansas (Mr. PRYOR) is hereby appointed to the Committee on Governmental Affairs.

SEC. 5. The Senator from Louisiana (Mr. JOHNSTON) and the Senator from New Mexico (Mr. BINGAMAN) are hereby appointed to the Special Committee on Aging.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 341) was considered and agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I want to extend my thanks to the majority leader for considering various requests made by the minority leading up to the offering of these resolutions. In some instances, the distinguished majority leader was able to accede to the requests, and in other instances he was unable to accede to the requests. He certainly made the effort, and what he could do he did. The minority is very appreciative. What he could not do he could not do, and we are sorry about that, but we understand.

Mr. BAKER. Mr. President, I thank the minority leader for his remarks. Indeed, we jockeyed back and forth over a period of time trying to work out the best arrangement we could.

I want to say it is never an easy matter to establish ratios and apply them specifically to a range of committees. It is more difficult than committee members may realize. But the minority leader, in his unfailing way, while demanding on the one hand, was reasonable and, one way or another, we worked it out as we always do. I thank the minority leader.

Mr. BYRD. If the majority leader will yield further, I want to express thanks to Bill Hildenbrand, the Secretary of the Senate, and to Pat Griffin, the secretary to the minority, for their excellent work in connection with these matters.

Mr. BAKER. Mr. President, the minority leader has now done it. He has said for all the world to know that it is really Mr. Hildenbrand and Mr. Griffin who do the work. They do it very well indeed, and I join the minority leader in congratulating them.

AMENDMENT OF RULE XXV RELATING TO COMMITTEE MEMBERSHIP

Mr. BAKER. Mr. President, there is one further resolution we should now take up, a resolution to amend rule XXV to provide certain exceptions which will validate the appointments we have made. I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 342

A resolution amending Rule XXV.

Resolved, That at the end of Rule XXV, add the following:

(15) A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Labor and Human Resources, and on the Committee on Banking, Housing, and Urban Affairs, may, in lieu of their service on the Committee on Banking, Housing and Urban Affairs, during the Ninety-eighth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(16) A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, the Committee on Environment and Public Works, and the Committee on Labor and Human Resources, may, in lieu of the Committee on Labor and Human Resources, also serve as a member of the Committee on Banking, Housing and Urban Affairs, but in no event may such Senator serve by reason of this subdivision as a member of more than three committees listed in paragraph 2.

(17) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Rules and Administration may also serve as a member of the Special Committee on Aging.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 342) was considered and agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there will be a time for morning business later in the proceedings so we can take care of a number of routine matters which I believe the House may be waiting for. Rather than impose on the time of those Senators who anticipate speaking at this time, I yield the floor.

DEATH PENALTY

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1765, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

The Senate resumed consideration of the bill.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

NO MORE MARION-TYPE KILLINGS

Mr. DIXON. Mr. President, the taking of another individual's life, under whatever guise, is a matter of the gravest concern in our society. Debate has raged in our country for decades over one manifestation of the taking of a human life; namely, the death penalty.

I first wrestled with the question of the death penalty as an attorney and then as a freshman legislator in the General Assembly of the State of Illinois.

May I say for the record, Mr. President, I have prosecuted death penalty cases as an assistant State's attorney of St. Clair County, Ill., and I have defended individuals on many occasions in death penalty cases.

After listening to all of the arguments on both sides of the issue during my years of private and public life, I concluded that the death penalty, within carefully prescribed limits, is warranted.

Mr. President, I addressed this body on November 9, 1983, to urge the Senate leadership to bring S. 1765 to the Senate floor for our consideration.

I focused then, as now, on one important reason to act upon S. 1765: The lives of our Federal employees are at stake.

Mr. President, on October 22, 1983, two dastardly acts occurred at the maximum Federal security facility in Marion, Ill. Two correction officers were savagely murdered in separate incidents that day by inmates who stabbed their victims to death. Two other officers suffered serious injuries. All four assaults were unprovoked, which makes their tragic results even more demanding of our attention.

The two inmates who killed the guards had committed the same crime against others on previous occassions—not once, not twice, not three times, not even four or five, but, believe it or not six times! These two inmates have now killed a total of eight individuals since they were locked behind bars, according to at least one authoritative report.

As far as I am concerned, Mr. President, this tragedy at Marion highlights a very significant truth: When a prisoner is serving a life sentence, no deterrent exists at all to prevent him or her from harming or killing other inmates, guards, other staff, a lawyer, a reporter or anyone else. In essence, that killer is allowed to walk free! Do not mistake what I am saying: The guilty party does not get to leave prison. In effect, however, because the judicial system has already imposed a sentence of life on the individual, there is nothing left to deter the person.

As our law now exists, prisoners can kill with absolute impunity on the grounds of the maximum security penitentiary at Marion and elsewhere without fear of reprisal. without fear of reprisal.

This situation is intolerable, Mr. President. It rises to the level of the incomprehensible and absurd when one considers, as one Marion official put it, that the officers were killed "for sport."

Following those murders, Associate Attorney General D. Lowell Jensen testified before the Senate Judiciary Committee. A few months ago, I asked that his remarks on the Marion killings be printed in the CONGRESSIONAL RECORD. I doubt that it is necessary to repeat that prior request, but I would like to share with you Mr. Jensen's introductory remarks. He opened his testimony by saying:

* * * The brutal murders * * * are an outrage. But also outrageous is the fact that a decade's inaction has left current Federal law in a state where it is likely that our criminal justice system will be powerless to impose any meaningful sanction for these vicious crimes.

I could not say it better. Mr. Jensen hit the nail on the head. The current state of Federal law is an outrage!

His statement provides solid reasoning to support proposed section 1118 of title 18 of the United States Code, which is contained in S. 1765.

In light of what transpired at Marion, I urge my colleagues to reflect carefully upon the current situation, because it cries out for a remedy. I know there is a great deal of contro-

versy surrounding the current bill, and the issue of capital punishment in general. I understand that. Reasonable people may well differ over how best to respond to moral and personal demands.

I hasten to add, however, that wanton murder by inmates who believe they have nothing to lose must be halted.

I recognize, Mr. President, that the provision of the bill which would prevent repeats of Marion-type tragedies is but one of many sections of a very controversial bill. By focusing on this specific section of the bill in these remarks, I do not hope to convince individual Senators that they should, therefore, support the entire package. That decision is one which each Senator must make based on his or her own beliefs.

My purpose, Mr. President, is to point out that we have an obligation to vote on the merits of this proposal—an obligation to the American people. That duty entails the necessity of confronting the death penalty issue head-on. In limiting my remarks to the specific section of the law dealing with inmates who kill, my intent is to suggest that the death penalty, under certain narrowly drawn circumstances, is indeed warranted.

Mr. President I shall vote for cloture.

Mr. THURMOND. Mr. President, the Justice Department has written a letter to us on this subject which I wish to present to the Senate at this time.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
February 9, 1984.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, Washington, D.C.

DEAR MR. CHAIRMAN: This is to express the continuing strong support of the Department of Justice for S. 1765, which would establish constitutional procedures for imposition of the death penalty for the most egregious federal offenses. While federal statutes consistently provide for the death penalty for murder, treason, and espionage, these provisions have been rendered unenforceable since the Supreme Court's 1972 Furman decision. For these statutes to be enforceable Congress must enact statutory guidelines and other constitutionally required procedural safeguards which the Supreme Court has held necessary to protect against the arbitary or disproportionate application on capital punishment.

It is essential that the opportunity exist to impose the death penalty for the most brutal and reprehensible federal crimes involving the murder of innocent victims or grave jeopardy to the very security of the nation. It must be recognized that some crimes are so horrible that no alternative response, not even life imprisonment without possibility of parole, can provide a just and proportionate punishment. Also, we strongly believe that the death penalty can be an effective deterrent for cases involving premeditation and calculation, and thus save the lives of those who would otherwise become the irretrievable victims of crime.

The recent brutal murders of two correctional officers at the federal penitentiary in Marion, Illinois unfortunately is a clear illustration of the impotence of a federal criminal justice system in which the death penalty cannot be imposed under any circumstances. Those charged and now awaiting trial in federal court for these murders are two inmates already under multiple life sentences who were incarcerated in the most secure unit in the highest level security prison in the federal correctional system. For such offenders, life imprisonment—the most severe sanction federal law now had to offer—is meaningless in terms of punishment and deterrence. Moreover, these cases show that imprisonment does not truly incapacitate the most incorrigible violent offenders, it merely reduces the sphere of their potential victims to other inmates and prison personnel.

In recent years, the Committee on the Judiciary has held extensive hearings on the death penalty and undertake an exhaustive and conscientious effort to formulate procedures for the imposition of the death penalty at the federal level that are in accord with the Supreme Court's decisions over the last decade. S. 1765 is the culmination of this effort and provides a procedural mechanism that permits imposition of the death penalty for a limited number of the most serious federal crimes yet assures against arbitrary, disproportionate, or discriminatory application of the penalty.

Since 1972, more than two-thirds of the States have enacted new death penalty laws to meet the constitutional requirements articulated by the Supreme Court. Restoration of the death penalty at the federal level is long overdue.

In short, the federal criminal justice system should, in our view, provide criminal sanctions that are fully adequate in terms of punishment, deterrence and protection of the public. We believe that enactment of S. 1765 would achieve that important goal.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

Mr. President, it is clear how this administration stands. This administration favors this bill. The Justice Department favors this bill. The prosecutors of this Nation favor this bill. Murder and serious crimes have got to come to an end. Again, I want to say that crime in this country has gotten out of hand.

I repeat that the number of violent crimes committed in this Nation, according to the FBI 1982 major crime index, was 1,285,705. A violent crime was committed every 25 seconds. A murder was committed every 25 minutes, with a total for that year of 21,012.

There was a forcible rape every 7 minutes, for a total of 77,763 throughout the country for that year; a robbery every 59 seconds, for a total of 536,888 robberies for that year; aggravated assault, one every 49 seconds, for a total of 650,042 for that particular year.

Mr. President, the number of murders committed in the United States annually have doubled in the last 20 years.

Mr. President, I might also point out that 39 States have enacted capital punishment statutes since the Supreme Court decision of Furman against Georgia in 1972—39 States. All but 11 States now have capital punishment statutes. The Federal laws relating to capital punishment were invalidated when a State law was held unconsitutional for failure to give adequate guidance to the jury in deciding to impose the death penalty in a particular case. The United States has never corrected this except for a homicide committed in the course of an aircraft hijacking, for which a constitutional procedure for imposing capital punishment was enacted in 1974. If we have capital punishment for causing a death in the course of an aircraft hijacking, we also need capital punishment for the other Federal crimes committed in this field—that is, murder. This includes killing the President, Members of Congress, Supreme Court justices, Federal prison guards, and many others.

Espionage is also very important. Those who would betray our country and those who would steal important secrets and subvert our Government should be held accountable with their lives in aggravated cases. Similarly, treason—traitors to the country—should be liable for the death penalty if the jury so decides in aggravated cases.

The jury may not decide to give capital punishment in any of these cases, but they should have the discretion to do so if they see fit.

The fourth offense covered by the bill is the attempt to kill the President, where he actually strikes the President or otherwise comes dangerously close to killing him.

Mr. President, I want to say further that this bill is not only supported by the Department of Justice and the administration, it is supported by the National Sheriffs Association; it is supported by the International Association of Chiefs of Police; it is supported by the National Association of Chiefs of Police.

Mr. President, yesterday morning, I spoke in Nashville, Tenn., at a law enforcement center there. There were law enforcement people there from 14 States. I wish every Member of the Senate could have seen and heard what I did.

It was brought out in that presentation that 2 people have killed 87 people. They have murdered, they have raped, and they have dismembered bodies. In many cases, after raping a women, they would dismember her body, cut off her legs. In several cases, they cut her head off. In other cases, they actually disemboweled her. In some cases, they even cut out and removed her sex organs.

Mr. President, if that kind of outrageous conduct does not deserve capital punishment, I do not know what does. Here are two people who, as I said, have raped and murdered, dismembering and killing not 1 or 2, but 87 people.

Mr. President, with regard to one of these defendants, this was given in the presentation down in Nashville. This was with regard to the one, Lucas, one of the defendants:

Oftentimes Lucas would stab the victim repeatedly around the neck and chest areas, sometimes cutting the victim's throat and sometimes disemboweling her. He would also strangle his victims manually or with their own clothing. Numerous victims died as a result of being beaten to death. Some of the victims may not show signs of rape due to the fact that Lucas sometimes reached a climax, ejaculating in his clothing while killing the victims. He also is known to have mutilated the bodies by biting off the nipples of the breasts and castration. Lucas is also known to decapitate the victims and keep the heads for several days in his car. He would then dispose of the head, usually in a different State. Lucas would usually undress the victim before disposing of the body. Bodies were often left along highways, back roads and close to roadside parks. Several of the bodies were discovered nude with the exception of their socks. Lucas has a phobia about socks. He refuses to wear them or wash his feet.

Mr. President, he is one of the defendants who have killed at least 87 people. Law enforcement officials have the evidence on that many. Officials think he and his companion may have killed many more, and they believe they are going to continue to find evidence on those murders.

Mr. President, with crimes like this being committed throughout the country, how can we refuse? Suppose your wife or daughter was raped and dismembered and disemboweled? Is there a Senator who would refuse to give them capital punishment? I do not believe there is.

Mr. President, the time has come to reenact capital punishment at the Federal level. Thirty-nine States have done it. The Federal Government needs to do it. I hope the Senate will this afternoon vote cloture so we can pass this bill. It will be a deterrent to crime. As I said, in the last 20 years, the homicide rate has doubled.

Mr. President, I again say I hope the Senate will see fit to vote cloture so we can proceed with this bill.

Mr. LEVIN. Will the Senator yield for a question before he leaves, just a brief question?

Mr. THURMOND. I will be glad to yield.

Mr. LEVIN. I must ask this question. Everyone in the Senate is equally abhorred by the crime the Senator has described. There is nobody in this Senate who abhors such crime any less than does the Senator from South Carolina.

How many of those crimes that the Senator has just enumerated took place in States that already have capital punishment? How many of the specific crimes that he has just gone through, with the kind of abominations which are so abhorrent to everybody in this Chamber, took place in States that already have capital punishment?

Mr. THURMOND. Mr. President, I am sure some of them did take place in States that have capital punishment. I hope those 2 who killed 87 people committed those crimes in States that do have capital punishment, so they can get capital punishment. But if they were committed in the 11 other States, then they would not. But if they had committed those crimes—and some of them may have, I am not sure—on Federal property in a State, in a national park or military base or where the Federal Government has jurisdiction, then they could not get capital punishment.

Mr. LEVIN. The point is they were not deterred.

Mr. THURMOND. If any of them did commit serious crimes where there was Federal jurisdiction, they could only get life. We do not think that that is just punishment. Deterrence is not the only reason for the death penalty. We do not think that is fair to the public. Therefore, we think that the Federal Government ought to have the right, if the jury sees fit, to give capital punishment where it is warranted.

Mr. LEVIN. The point is they were not deterred from committing those crimes by the presence of capital punishment.

Mr. President, as always, the Senator from Illinois (Mr. DIXON) expresses a point eloquently.

In this case, the difficulty is that the issue is not whether or not we are going to reimpose the death penalty. The issue today is whether or not 1 day of debate on the death penalty—1 day of debate plus perhaps a few hours—is a reasonable debate in the U.S. Senate on this issue. We spent 5 days on withholding on interest and dividends. We spent weeks on the gas tax. Think of it. Five days on withholding on interest and dividends. Weeks on the gas tax. We have had about a day-and-a-quarter on the death penalty, and we are voting on cloture. We have not even begun to get into the details of this bill.

The Senator from Illinois says that we should have the death penalty for the wanton killing of prison guards. That is one of many, many sections in this bill.

There are provisions in this bill which would allow for the death penalty even though the defendants did not kill, did not attempt to kill, and did not intend that a killing take place or that lethal force be employed.

I am going to repeat that, because I hope those listening in their offices will realize the breadth of this bill on which we are going to vote on cloture. The bill permits the death penalty to be imposed in situations in which the defendant himself or herself did not kill, did not attempt to kill, did not intend that a killing take place or that lethal force be employed.

This is not a bill which has been carefully crafted within proscribed limits, as the Senator from Illinois has said. He picked on one item where there was the killing of a prison guard. It is a much broader bill, with many provisions in it.

We do have an obligation to vote on the merits. I agree with that. But, given the history of this body, we should have a deliberative debate on issues of great moment to this country. Can we say, in good conscience, that a day and a quarter of debate on reinstitution of the death penalty is sufficient, when we have issues of this magnitude before us? That is the issue on which we will be voting. Should we stop debate on a bill of this breadth?

The issues involved in this are emotional, and people have strong feelings on this issue. I would wager that everybody in this Chamber feels first and foremost for victims and their families, that everybody in this Chamber feels for a society which has been brutalized by violence and by terrorist acts, and that we all want violent persons removed from this society. There is unanimity on that; there is consensus on that.

I do not think people who favor the death penalty feel any more deeply about victims than people who oppose the death penalty. I do not think people who favor the death penalty feel any more deeply about society being brutalized by violent crime than those of us who oppose the death penalty. All of us want violent persons removed from society, off the streets.

The issue here, however, is rational as well as emotional. The question we have to face and should face in a reasonable debate of reasonable length is with respect to the realistic possibilities of error which we detailed yesterday in many cases. We have put into the RECORD many cases where the wrong person was convicted of a capital offense. The absence of a showing of the details of the death penalty and the issues involving the morality of the death penalty—these are all issues which are worthy of a lot more debate than a day and a half. These are issues on which people who are equally repulsed by crime and terror differ; and, at a minimum, we should give these issues the kind of debate which the traditions of this body require.

I must say that a good part of my own opposition to capital punishment stems from my view and my own expe-

rience that innocent persons have been convicted of capital crimes and they have been put to death for crimes they never committed. But there are other compelling reasons why the Senate should reject this effort to reinstitute the death penalty.

Close scrutiny of the States where capital punishment is the practice shows that even under the so-called guided-discretion post-Furman statutes, the death penalty continues to be imposed in an unjust and arbitrary manner.

Despite suggested guidelines for imposition of the death penalty, our experience with post-Furman sentencing procedures reveals that they have not eliminated the inequitable imposition of State sanctioned death. The poor, the uneducated, and minorities are still more likely to be sentenced to death than are those who have the financial resources necessary to obtain the best legal defense. Strong support from the family of the accused and the know-how to make a good impression on the jury may make the difference between life and death. No matter how hard we try to eliminate flaws in our judicial system, it will continue to be a reflection of the inequities which exist throughout our social system. No procedural safeguards can eliminate the arbitrariness and discretion evident at every stage of a criminal proceeding.

A study of arbitrariness and discrimination under post-Furman capital statutes by William J. Bowers and Glenn L. Pierce, the director and assistant director of the Center for Applied Social Research at Northeastern University, resulted in findings as follows:

• • • There are gross differences in the treatment of potentially capital offenders by race of offender and victim and by judicial circuits within States. These are (1) independent of aggravating felony-related circumstances, (2) present at both presentencing and sentencing stages of the criminal justice process, (3) uncorrected by postsentencing appellate review process, (4) unaltered by the form and restrictiveness of capital statutes among states, and (5) remarkably similar to the best-documented patterns of differential treatment by race of offender and victims under pre-Furman capital statues, now ruled unconstitutional. These findings show that the present system of capital punishment is inconsistent with the constitutional standards of the Furman and Gregg decisions of the United States Supreme Court, but is instead consistent with historically prevailing extralegal influences which compromise and displace the legally prescribed functions of such punishment and are an enduring source of arbitrariness and discrimination.

Mr. President, I have put a chart at the rear of the Chamber which reflects some of the arbitrariness of death penalities, even following Furman. We can see in that chart just what difference these arbitrary factors make as to whether or not someone is going to be put to death.

We have taken a look at the States that have the largest number of people on death row for which data is available—Texas, Florida, Georgia, Illinois—and we looked at what difference it makes if the victim in this case is white or black. We looked at the racial patterns in capital sentencing.

We can see on the chart that if the victim is black in Florida, which has the most capital offenses, there is about a 10 percent less chance of the perpetrator receiving capital punishment than if the victim is white.

In Texas, there is about a 20 percent greater chance that the defendant will be put to death if the victim is white than if the victim is black.

In Georgia, there is about a 10 percent greater chance that the defendant will be put to death when he kills a white person than when he kills a black person, and in Illinois, about a 6 percent, or 600 times the likelihood that the person killing a white person will be put to death than the person whose victim is black.

These arbitrary patterns of race, in this case involving the race of the victim, permeate our system of justice.

I wish my friend from Illinois did not have to leave for another pressing engagement so that he could help explain to us why it should be that the victim's race should be so overwhelmingly relevant as to whether or not the perpetrator is put to death.

There are similar studies relative to the race of defendants that show that race is still relevant in this society.

Mr. President, I ask unanimous consent to have printed in the RECORD a study that is reprinted in the January 5 edition of the New York Times showing the relationship between the race and the victim and the imposition of the death sentence in eight States.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 5, 1984]

COURTS STUDY LINK BETWEEN VICTIM'S RACE AND IMPOSITION OF DEATH PENALTY

(By Fay S. Joyce)

ATLANTA, Jan. 4.—With more executions likely to take place as death row inmates exhaust their appeals, opponents of the death penalty are increasingly focusing on the agrument that imposing the death sentence tends to be related to the race of the victim.

The courts are already beginning to consider whether that argument should be taken into account. The United States Court of Appeals for the 11th Circuit will hear arguments in Atlanta the week of Jan 16 on the admissibility of a study of sentencings in Georgia by a team from the University of Iowa led by David Baldus. On Dec. 13 the Supreme Court granted a stay of execution to a convicted Georgia murderer, Alpha Otis Stephens, until the appeals court rules on the legal relevance of the study.

COURT BARRED ARBITRARINESS

The merits of the Baldus study have already been argued here before Federal District Judge Owen Forrester, who, in a different case, is expected to rule soon on the factual question of whether there is racial discrimination in the application of the Georgia death penalty.

A new, broader study shows that murderers of white victims have received the death penalty more often than murderers of blacks and this is cited as significant evidence that the penalty continues to be applied in a discriminatory manner, even though the Supreme Court held in 1972 that imposing it arbitrarily was unconstitutional.

Students of the death penalty believe the latest study, a review of 17,000 homicide cases in eight states carried out by Samuel Gross and Robert Mauro of Stanford University, along with other studies that seem to indicate the legal system values white lives more than black ones, will put pressure on courts to reconsider death penalty statutes.

"We may be on the threshold of a whole new evaluation of the racial aspects of the death penalty," Gary Bedau of Tufts University said after reading the Stanford work.

STUDY OF EIGHT STATES

Mr. Gross and Mr. Mauro studied the homicides that resulted in 340 death sentences in Georgia, Florida, Illinois, Oklahoma, Arkansas, North Carolina, Mississippi and Virginia. The authors studied criminal homicides from 1976 to 1980 in which negligence was not a factor and there were known suspects at least 15 years old at the time of the killing.

In each of the eight states they found a person was more likely to be sentenced to death if he had killed a white rather than a black, and in some states far more likely.

The differences were particularly dramatic for Georgia. The study reported on 773 slayings of whites; the death penalty was imposed in 67 of those cases, or 8.7 percent. But in the 1,345 slayings of blacks, only 12 resulted in death sentences, or nine-tenths of 1 percent.

RACE AND THE DEATH SENTENCE IN 8 STATES

[Number of criminal homicide cases in which negligence was not a factor and there were known suspects at least 15 yr. old, and the number of times the death penalty was invoked in these cases. Multiple homicides are counted as a single incident. Unless otherwise noted, totals are from 1976–80; in States where the death penalty was instituted later than January 1976, the date of the legislation is given]

State	White victims			Black victims		
	Homicides	Death penalty	Percent	Homicides	Death penalty	Percent
Florida	1,803	114	6.3	1,683	14	0.8
Georgia	773	67	8.7	1,345	12	.9
Illinois (July 1977)	1,214	35	3.0	1,866	10	.5
Oklahoma (August 1976)	581	40	6.9	252	3	1.2
North Carolina (June 1977)	850	21	2.5	966	4	.4
Mississippi	208	17	8.2	639	5	.8
Virginia (May 1977)	646	15	2.3	742	4	.5
Arkansas	396	13	3.3	398	2	.5

Source: Study of racial patterns in the use of the death penalty by Samuel R. Gross and Robert Mauro of Stanford University.

POSSIBLE CAUSES CITED

In Florida, 114 death sentences were imposed in the same period in the cases of 1,803 white victims, or 6.3 percent. But the death penalty was handed down in only 14 of 1,683 homicides involving black victims, or eight-tenths of 1 percent.

In Illinois, where 1,214 whites were homicide victims, the death penalty was imposed in 35 cases, or 2.9 percent. Of the 1,866 murders of blacks, only 10, or one-half of 1 percent, resulted in the death penalty.

While the study did not seek reasons for the differences, Mr. Gross and Mr. Mauro speculated on two possibilities: unconscious racism on the part of prosecutors, jurors and judges who value white life more than black life, and the tendency of largely white juries to identify with white victims.

Attorneys for states argue against interpreting such statistics as evidence of discrimination. Responding to an earlier study, Georgia Attorney General Mike Bowers said: "We acknowledge disparities in sentencing rates. The mere existence of those disparities doesn't carry the burden of proof that there has been intentional discrimination on the basis of race. Discrimination means something purposeful and intentional. That's clearly the standard under the U.S. Supreme Court."

In a 5-to-4 decision, the Supreme Court halted executions in 1972 because it found the death penalty was imposed arbitrarily and was therefore unconstitutional. Two of the five Justices who struck down the death penalty said it had fallen disproportionately on the poor and on members of minority groups who commited murder. States drafted new laws to meet the objections, and in 1976 the Court reinstated the death penalty.

Mr. LEVIN. Mr. President, Charles Black, professor of law at Yale University, is a well-known expert on the post-Furman death penalty statutes. In his book, "Capital Punishment: The Inevitability of Caprice and Mistake," Charles Black has as his principle thesis the theory that post-Furman statutes will continue to be arbitrary and discriminatory. His conclusion is:

One way or another, the official choices—by prosecutors, judges, juries, and Governors—that divide those who are to die from those who are to live are on the whole not made, and cannot be made, under standards that are consistently meaningful and clear, but that they will continue to be made, under no standards at all or under pseudo-standards without discoverable meaning.

Mr. President, I asked the Library of Congress to do a report on racial factors in the imposition of capital punishment in 1981. That report, which has already been made part of the record, reviews a number of situations, a number of circumstances, as relates to who gets life and who gets death. But it shows that in an analysis of the data compiled by Bowers and Pierce, there is:

A consistent pattern across all four States: Black killers, and the killers of whites, are more likely than white killers and the killers of blacks to receive the death penalty * * * their data shows that type of murder did not account for racial differences in the probability of receiving the death penalty. For both felony and nonfelony homicides the same differences by race of both offender and victim appeared.

And that is worth repeating because it shows a consistent pattern of the influence of race in the imposition of the death penalty. "Black killers, and the killers of whites, are more likely than white killers and the killers of blacks to receive the death penalty" in America and that is post-Furman, not pre-Furman.

Mr. President, another persuasive reason why the Senate should reject this attempt to reinstitute the death penalty is that capital punishment has not been proven to be an effective deterrent to crime. In fact, the death penalty may actually have a stimulating effect upon those deranged individuals who see it as a way of attracting attention to themselves.

Studies on the deterrent effect of the death penalty are nearly unanimous in finding that capital punishment acts as no greater deterrent than does life in prison. In fact, a comparison of the average murder rates in those States with the death penalty and those without it shows that the average murder rate in States with the death penalty is about twice as high as it is in the States without the death penalty.

I wish our friend from South Carolina was here to explain to us how it is that he can reach a conclusion that the death penalty deters when the statistics show year after year pre-Furman—post-Furman, that the murder rate in States that have the death penalty is significantly higher than the murder rate in those States that do not have the death penalty.

I asked the Library of Congress to do a comparison for me using the FBI's uniform crime statistics and the capital punishment report released by the Bureau of Justice Statistics. In each of the 6 years examined, the Library of Congress researched States with capital punishment and without and came to the conclusion that States that have capital punishment have about twice as high an average murder rate than did the States without capital punishment.

Here are some of the figures:

In 1977, the murder rate per 100,000 population in death penalty States was about 10.9 percent. The murder rate per 100,000 population in nondeath penalty States was about 5.4 percent.

In 1978, the death penalty, the murder rate in death penalty States was 10.2 percent; in nondeath penalty States, 5.6 percent.

In 1979, the murder rate in death penalty States was 11.2 percent; in nondeath penalty States, 6.3 percent.

In 1980, the death penalty States had a murder rate of 11.4 percent; the nondeath penalty States had a murder rate of 6.6 percent.

In 1981, the death penalty States had a murder rate of 10.7 percent; the nondeath penalty States had a murder rate of 5.6 percent.

In 1982, the death penalty States had a murder rate of 10.3 percent and the nondeath penalty States had a murder rate of 5 percent.

When we put together the average over the last 6 years that are reflected in that chart we see that death penalty States have a murder rate of 10.78 percent whereas States without the death penalty have a murder rate of 5.75 percent.

Now that is about twice as high a murder rate in States that have the death penalty as in States that do not. And we have a chart in the back of this Chamber which graphically illustrates that difference, and for those who will consider voting for this bill because they believe capital punishment acts as a deterrent to homicides I hope they will look at the figures because the figures are persuasive that if anything there is a reverse relationship between capital punishment and the murder rate.

The States that have capital punishment, rather than deterring murders, have about twice as high a murder rate as the States that do not have capital punishment.

Mr. President, the issue again here today is not really whether we are in favor of or opposed to the death penalty. The issue today is whether we are going to stop debate after barely over a day's debate on a broad bill that provides the death penalty under many, many circumstances.

The New York Times in an editorial this morning wrote the following:

A vote to cut off Senate debate on a death bill is scheduled for today. A vote against cloture will be a vote to keep talking—until after a recess and until the Senate can start sifting for sense instead of rushing for blood.

We are going to be voting to stop debate on a bill which, for instance, permits the death penalty to be imposed in circumstances where the defendant has not himself killed or attempted to kill or even intended that a killing take place or that lethal force be employed.

Can we as Members of a historic body which has protected the right to deliberative debate, spending a week on the question of withholding on interest and dividends, spending weeks on the gasoline tax, can we in good conscience as the repositories of tradition of this Senate which has allowed for deliberative debate on critical issues say that there has been adequate debate on a bill which permits the death penalty to be imposed in some circumstances where there has not even been an intent, an attempt to kill or intention to do great bodily harm? Does that rise to the dignity of the description of my friend from Illinois of supporting the death penalty within carefully prescribed limits?

I think not. I think we are entitled to significant debate on this bill before we vote on it. And then we must vote on it, because not only does it contain many specific provisions that are

worthy of debate, but it also contains the fundamental choice of whether or not this society is willing to say that the death penalty deters, that the death penalty is in fact, an appropriate response of the State to a violent act by one of its citizens.

The Catholic bishops, in their statement on capital punishment, said the following:

It is morally unsatisfactory and socially destructive for criminals to go unpunished. But the forms and limits of punishment must be determined by moral objectives which go beyond the mere inflicting of injury on the guilty. Thus, we would regard it as barbarous and inhumane for a criminal who had tortured or maimed a victim to be tortured or maimed in return. Such a punishment might satisfy certain vindictive desires that we or the victim might feel, but the satisfaction of such desires is not and cannot be an objective of a humane and Christian approach to punishment.

That is why so many representatives of so many national religious organizations have appealed to us in a letter which each one of us has received, which reads as follows:

DEAR SENATOR: As representatives of national religious organizations we appeal to you to oppose S. 1765, a bill to reinstate the death penalty, which may come before the Senate in the near future. We oppose any legislation which sanctions the use of capital punishment.

We believe in the sanctity of human life. The taking of human life, whether it be an independent criminal act or sanctioned by the state, is inhumane. Our religious convictions lead us to the belief that each individual has worth and dignity.

We recognize that government has the responsibility to protect its citizens. Such responsibilities are necessary and should be carried through in a positive manner that leads to a safe, equitable, and just society. Our work brings us into touch with the deepest dimensions of the lives of both the victims and the perpetrators of violent crimes in our communities. We have witnessed the tragedy brought into the lives of victims of violent crime and also in the lives of those who commit such crimes. We believe that the death penalty fails to achieve the goal of protecting society and in fact perpetuates this cycle of vengeance and violence.

This letter which has been made part of the RECORD is signed officially by representatives of the following national religious organizations:

The National Council of Churches; the National Council of Catholic Charities; the Washington Office of the Episcopal Church; the Washington Office of the Unitarian Universalist Association of Churches; the National Assembly of Women Religious; the Women's Division of the United Methodist Church; Clergy and Laity Concerned; Network; the Washington Office of the Presbyterian Church (U.S.A.); the American Baptist Churches; the Friends Committee on National Legislation; the Synagogue Council of America; the American Jewish Congress; the Union of American Hebrew Congregations Religious Action Center; the U.S. Peace Section of the Mennonite Central Committee; the National Office of Jesuit Social Ministries; the Church and Society of the Lutheran Church in America; the United Church of Christ; the American Jewish Committee; the Washington Ethical Action Office; the Washington Office; the General Assembly Mission Board of the Presbyterian Church (U.S.A.); the General Board of Church and Society of the United Methodist Church; and the General Board of the Church of the Brethren.

When there is that kind of an outpouring representing so many religious organizations in this country, it would seem to me that the least that we can do is debate the merits of this bill and debate the details of this bill for more than a day and a half. I would suggest to my colleagues that is the least we can do. We owe at least that much to the sentiment which is reflected in that letter.

We owe it to ourselves to determine whether or not error occurs in significant numbers in our justice system, significant enough so that we do not want to take the chance of putting people to death who may later prove to be innocent. We owe it to ourselves to debate the questions of deterrence and the questions of morality. We owe it to ourselves and to our traditions in this Senate to debate that for more than a day and a half.

Mr. President, I understand our friend from Maine is here. I ask unanimous consent that I may yield the floor to him at this time without this being considered the end of my first speech under rule XIX.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Mr. MITCHELL. Mr. President, I thank my distinguished colleague from Michigan and commend him for his effort in opposition to this legislation, a bill which would authorize Federal juries and judges to impose the death penalty for Federal crimes by establishing criteria designed to meet the requirements of the Supreme Court. Involving as it does the life or death of American citizens, this bill deserves—indeed demands—the most searching inquiry, the most careful consideration, the most thorough debate.

Yet, neither the need for this statute nor the appropriateness of its approach have been properly debated by this Congress. Hearings on a similar measure were held last in 1981, and that marks the most recent examination of this issue.

Additionally, and perhaps more ironically, a cloture motion to cut off debate on this bill was filed virtually within 90 seconds of the bill's being laid down, before a single word of debate had occurred.

I am not, in principle, a supporter of the notion of the filibuster. I do not believe that legitimate and compelling legislative goals can be reached by trying to stall the will of a determined majority by the process of extended debate. Indeed, the filibuster has been used so frequently in past decades precisely to stall—with no hope of preventing—the enactment of essential corrective legislation, that to lend credence to this procedure is distasteful to many Members of this Senate, including this one.

But in an instance where no debate, literally not a single word of opposition or support for a measure has even been heard, for a cloture petition to be filed, as it was in this instance immediately on the bill's being laid down, betrays a willingness to dispense with debate that is not only unbecoming, but should be a matter of shame to a body which has been known as the world's greatest deliberative body.

What is it that the proponents of the cloture motion fear? A full, exhaustive debate—particularly on the question of judicially imposed and legislatively sanctioned death—is nothing more than the proper exercise of the most fundamental responsibility of this legislative body.

This debate, however, is being threatened with a cutoff based only on the utilitarian considerations of whether or not there are enough votes in this Chamber whose owners would like to take Friday off and go home.

That is, in all its essentials, the kind of cloture motion we face now.

The implication is that because there may be a majority in this Senate unwilling to oppose anything that smacks of toughness on crime, this measure can be as readily disposed of as the drug czar bill, provided only that a minimum of lip service is paid to the notion of debate.

So the cloture motion was filed 90 seconds after the bill was laid down. That is, indeed, a minimum of lip service to the idea of full and extended debate of an issue touching the Constitution of the United States, the lives and deaths of Americans.

In the past 2 weeks, we have seen a steamroller at work in the Senate. Carefully drawn rules that protect the rights of all Americans have been modified without regard to our constitutional powers to so modify them, and without regard to the serious effects our votes may well have on the future development and preservation of constitutionally guaranteed liberties.

A concentrated and unfortunately effective effort is being made to present to the Senate each and every slogan in the anticrime lexicon with the implicit threat that a failure to approve each and every one will consign the dissenters to purgatory in the

public opinion polls and defeat in the next election.

I often wonder if those who would allow the most recent public opinion polls to shape their view of constitutional requirements and constitutional protections are also willing to accept the verdict of those very same polls, which place the practice of the political profession at about the lowest level of esteem?

The oath of office we take as Senators does not require us to give full allegiance to the latest Gallup poll or the most recent Harris survey. It does, however, require allegiance to the Constitution of the United States.

And when an issue that directly relates to that Constitution and to the protections and requirements that the Supreme Court has adduced from that document is consigned to a cloture vote on the basis of Senate housekeeping needs, when such a constitutionally and morally significant issue is seen as something whose consideration can be traded for a day off, then surely the Senate has finally come to the point where it fully merits the low level of esteem accorded it by the American people.

Yet that is the practical situation that now faces the Senate. We are being asked to dispose of a bill which contains the procedures for invoking the irrevocable penalty of death under the inducement that if enough Senators can bring themselves to ignore the issues, we may have the day off on Friday.

For 2 weeks, we have been warned that a vote against any of the measures that the Judiciary Committee is recommending—without regard to the degree of unanimity in the committee itself—is a vote for violent crime. This nonsense has pervaded the debate on every aspect of every one of these crime bills.

What we have absolutely failed to do is to make it clear to the public that Federal sanctions against Federal crimes have a minimal effect on violent crime. Eighty percent of the violent crimes in this Nation—and they are the crimes about which our people are rightly aroused—fall within the jurisdiction of State and local officials, not the Federal Government.

A murder, a robbery or a mugging on the streets of any city or town in America does not constitute a Federal offense. The criminal will not go into a Federal jail. He will not be processed through the Federal courts. That case, like the overwhelming majority of violent crimes, will be reported locally, investigated locally, arraigned locally, indicted locally, and if conviction occurs the guilty party will be housed in a local jail.

That remains the simple and solid truth of the vast majority of crimes committed in this country. It remains true of the vast majority of violent crimes, in particular. And that is the unspoken background factor of all the anticrime legislation that this Senate or any future Senate will or can consider.

The simple fact is that whatever we do at the national level has virtually no noticeable effect on the violent crimes committed throughout the United States today. Nor can it do so under our system of Government.

Yet the Senate is being steamrollered into accepting a variety of constitutionally questionable and practically confusing remedies to a problem which it is simply not within our power to rectify.

What is not being made clear is that the effect of congressional legislation in the area of crime is limited and circumscribed. We can have little direct effect on the operation of local law enforcement officials. What we do here has no direct impact on the staffing of local prosecutors' offices, or on the resources of local courts. What we do here, judged against the standard of effectiveness, is mere posturing on the question of violent crime. It is not effective, direct action. Virtually no felon or would-be felon in the United States need fear the direct consequences of any of our actions. And that is the simple truth.

As a practical political matter, it is the Members of the Senate who are most at risk in considering these anticrime bills. We are the ones who fear the retribution of the public if our votes can be merchandised as procrime votes. We are hostages in this public relations effort.

So now we have reached the stage, after less than 10 hours of discussion, in which the rules governing the imposition of a Federal death penalty can be treated as cavalierly as the most minor tariff measure we might consider.

We have reached the point where the Senate of the United States is willing to go on the public record for a legislative enactment whose primary justification is perhaps most accurately described in the language of the committee report itself: "It appears from the polls," the committee report solemnly informs us, "and from a flood of recent correspondence that a demand for the death penalty coincides with a greater public awareness of the crime problem."

"A flood of recent correspondence." So what? My office has been flooded by mail on a regular basis. So have the offices of every Senator in this Chamber.

Each and every one of us has received a flood of mail on a number of issues, ranging from withholding of taxes on savings interest to abortion to school prayer to the Panama Canal treaties to the nuclear freeze. I cannot imaging a Senate office which has not, at some time or other, been the recipient of a flood of correspondence.

Are we seriously proposing to change Federal law to authorize the death penalty on the basis of an alleged flood of mail? If that is the case, any Member of the Senate could readily identify the issues on which the most pieces of mail have been received and which we should therefore consider for immediate enactment.

Yet this bill that is before us now—and the cloture petition filed to limit debate on this bill—rests on no basis much more solid than that which we could attribute to a flood of mail.

But we are now trying to debate the question of whether the Panama Canal Treaties will or will not prove advantageous to the United States in the long run. We are not considering an issue that is readily amenable to future corrections of course if the present course seems not to work. We are debating, in reality, an issue that will affect, not only the Federal criminal justice system in capital cases but also the kind of society and the kind of a people we are and want to become.

We are debating the circumstances under which a life may or may not be taken by the premediated judgment of the Federal criminal judicial system. We are considering writing a law which will instruct 12 men and women about the circumstances in which they are rationally required to inflict on a fellow human being the irrevocable sentence of death.

And we are trying to debate that issue without the benefit of a unanimous committee recommendation. Moreover, we are trying to debate this issue in an atmosphere rendered virtually sterile by the filing of a cloture petition seconds after the bill was laid down.

It is self-evident that a hope exists that if the issue before us now can be treated as routinely as possible, with an adequately forewarned vote on the cloture petition to occur at a predetermined time, that no heed will be paid to the substance of the issue. Perhaps its proponents either suspect or know that its provisions and its intent cannot withstand serious scrutiny; so they are hoping to get by with as little serious debate as the barest decencies require.

I have little expectation that either the flimsy basis of this proposal or the dimensions of the entire issue at stake will receive the kind of scrutiny that life-and-death matters should, as a minimal decency, receive. But the inevitability of an evil is no reason to disregard it. There is no personal excuse in not making more of an effort than, for instance, might be devoted to a change in tariff law.

So although the decks are stacked, and although the proponents of this

bill will clearly benefit from the combination of apathy and political fear that anticrime legislation generally evokes, it is important that at least more than a perfunctory effort be made to block this rush to judgment and to consider seriously just exactly what it is we think we are doing when we impose a Federal death penalty; what it is we think we are achieving by writing that penalty into our laws; and what we stand to lose as well as to gain from such an exercise.

One thing we will be doing is not explicitly stated. But it is the one essential factor that provides the basis on which this measure is being considered. We will be imputing to humanly created and operated judicial procedures a measure of infallibility that simply does not exist.

The American system of criminal justice is the finest in the world. Our procedures are carefully drawn and their effect is continually monitored by our Federal courts, to insure that the constitutional rights which help guard against a miscarriage of justice are observed by the officers of the courts and are effective in practice as well.

As a former official of our courts, as a prosecuting attorney at the Federal level, as defense attorney, as a Federal judge, I am well aware of the strength and tenacity of the efforts our system expends to prevent miscarriages of justice.

But precisely because I have a close personal knowledge of the workings of the system, of the nature of the process, and of the unpredictable and unexpected events that can derail the most carefully prepared case, I am also acutely aware of the fact that our system will never produce totally infallible justice. It seems to me, indeed, that it is beyond the power of human beings, working in an environment and process designed by and for human beings, to ever aspire to that level of infallibility which would assure us that never, under any conceivable circumstances, would we risk the judicial killing of an innocent person.

This factor seems to me to be as important an aspect of debate over the death penalty as the constitutional and moral issues that will be discussed as well. The fundamental fact is that the existence of a death penalty necessarily carries with it the possibility—and in the variety of human experience over time, I would venture to say the certainty—that an innocent individual will be subjected to that last, irrevocable penalty, death.

The argument is made that because the death penalty is such a fearful one, the likelihood of error or improper imposition is so minor as to be virtually negligible. The committee report on the bill explicitly makes that claim in the following terms:

> The committee finds this argument—

This argument, I emphasize, is the argument that an innocent human being may be executed by mistake—

> The committee finds this argument to be without great weight, particularly in light of the procedural safeguards for criminal defendants mandated by the Supreme Court in recent years. The Court's decisions with respect to the rights of the individuals, particularly those expanding the right to counsel, together with the precautions taken by any court in a capital case, have all but reduced the danger of error in these cases to that of a mere theoretical possibility.

This is, indeed, a sanguine expression of confidence in our judicial system. The Bureau of Justice Statistics reports that for all of calendar year 1982, "about half the 64 persons who left death row by means other than death had both their convictions and their sentences vacated."

Both convictions and sentences means, not that sentences of death were commuted, but that the convictions themselves were found to be invalid. And that occurred in "about half" of 64 cases.

If this is an example of the infallible system of human courts—regardless how much effort is expended to perfect them—then the committee's airy claim that the danger of error has been reduced to that of a mere theoretical possibility is baseless.

The committee report also quotes approvingly the words of the minority report of a Massachusetts Special Commission of 1961:

> We do not feel * * * that the mere possibility of error, which can never be completely ruled out, can be urged as a reason why the right of the State to inflict the death penalty can be questioned in principle * * *. If errors are then made, this is the necessary price that must be paid within a society which is made up of human beings and whose authority is exercised not by angels but by men themselves.

This is indeed a unique view to take, not only of a presumptive State "right" to inflict death, but of the value of individual life to our society—a society and a system of government premised and founded on respect for the individual.

It is worth pointing out that the Constitution of the United States does not grant expressly to government the "right" to take life. It does, on the other hand, expressly deny government the right to inflict certain kinds of punishments.

So, for any minority of any commission to argue—as this Massachusetts commission minority argues in 1961—that some kind of State right to inflict death even exists is to betray a disregard for and incomprehension of our Constitution, which is breathtaking in scope.

And for the Judiciary Committee majority to cite such a perverse and misguided judgment shows only the thinness of the entire defense against the compelling and irrefutable fact that as long as we authorize capital punishment, we authorize the possibility of killing an innocent human being.

The irrevocable nature of the death penalty is precisely one of the reasons that I believe it can never be justified. We, as human beings, with all the fallibility that our human condition implies, do not have it within our moral capacity to authorize the taking of a human life. We may believe that we can, somehow, arrogate to ourselves such a power, but we will simply be condoning a usurpation of moral authority.

We cannot legitimize such a usurpation by any appeal to theories of government or morality. It is simply not given to human beings to make ultimate judgments, and the life and death judgment is nothing if not ultimate.

Constitutional experts disagree on the constitutional grounds for authorizing a death penalty. They disagree as to the kinds of procedural safeguards the Constitution requires. Experts in criminal justice disagree about the effect of the death penalty as a deterrent. The majority of our Nation's religious faiths strongly deny the moral basis for it.

(Mr. DANFORTH assumed the chair.)

Mr. MITCHELL. On this subject, in fact, the only semblance of agreement that even exists goes directly against the recommendation of the committee majority. I speak of the extremely broad-based opposition of all sectors of our religious community, who deny the moral authority for it, who deny the benefit to society from it, who deny any proper justification for the taking of human life except self-defense.

It is adduced, in the committee's report, that "protection of the society" assumes a moral imperative that legitimizes a Government-sanctioned imposition of death.

That is an ironic development in a nation and a society which has, painfully and carefully over the last two centuries, made huge strides in the civilizing task of limiting the Government's rights over individuals. Our society is as it is today, in part, because of our continued history of denying to Government the moral authority to take any steps it may think are needed to protect society. Indeed, our society has found that its protection is most assured when Government's reach is limited.

So to make the claim that the protection of society somehow compels the death penalty is to take an enormous leap beyond the perimeters of what we have allowed our Government to do to protect us. We have in the past and would in the future reject the Government's efforts to protect us

by limiting political debate because some ideas are dangerous to society. Yet we are willing to grant to Government the supreme power that it may, through its imperfect human servants, take the life of a human being under certain conditions.

That seems to me to be a power that no government ought to have. It is a power that no government can infallibly apply. And it is a power that no government has the moral authority to claim.

When we consider the practical implications of this claim that the protection of society demands a death penalty, the realities are so completely at odds with the claim that the claim evaporates.

Consider the reality of what is being proposed. In this bill, the death penalty is intended to be applied to particularly nefarious murderers, as well as to nonmurderers, on the basis that by depriving these individuals of life, we will protect society.

There are in this Nation—or were at the end of last year—33,526 convicted murderers. They ranged from people who had encompassed the unintentional death of another through some act of their own to those who coldbloodedly committed murder for hire. There were, however, only 1,163 actually on death row.

Through the fortuitous and circuitous processes of the law, a judgment has been reached by men and women in juries and courtrooms all over America that society demands the death of some 1,100 individuals who committed murder, but not of 32,000 others who also committed murder. These cases were all tried at the State level.

There is no reason to believe that a Federal death statute would show a significantly higher percentage of murderers condemned nationwide than has been the experience at the State level. I find no assumption or intention in the committee report to indicate that there is an intention to sentence more Federal prisoners to death row. To the contrary, the report carries clear language indicating the committee's desire that the penalty be applied only in the most extreme cases. So the actual outcome can be reasonably expected to somewhat parallel the outcome of State murder convictions and sentences.

Yet, if that is the case, then the committee says society will be safer to some noticeable degree if about 3 percent of federally indicted murderers are executed.

What kind of rational thought process can lead to such a conclusion? The demonstrated fact in literally thousands of State murder convictions is that the death penalty is applied in a random manner.

A very recent University of Iowa Law School study of the predictability of death sentences under the new, approved death penalty statutes reveals that virtually nothing has changed since the 1972 Furman against Georgia decision. In that case, the Supreme Court ruled that precisely because the penalty was applied randomly, it was a prohibited penalty under the eighth amendment.

The Court has not yet been persuaded that the outcome of the new, improved State statutes will mirror the experience of the pre-1972 situation. But the statistical evidence is mounting, and ultimately, I believe, will be compelling.

But in the meantime, we have a system in the States in which a death sentence is exactly like a lottery ticket: Some convicted murderers draw death. Some draw life imprisonment. Some draw other lesser penalties. There is virtually no factor in the outcome that is more predictable than the use of a simple lottery drawing.

Yet in the face of this reality, the committee is asking us to believe that society will either be safer or feel itself safer if the Government can inflict the death penalty more or less at random, provided the pool of potential victims are all convicted murderers.

The committee holds, apparently, to the facile belief that it is possible, by weighing aggravating and mitigating circumstances in the minds of a jury, to develop and implement a system of sentencing which will have that degree of predictability, proportionality, and moral authority which is prerequisite to any form of punishment.

In this belief, the committee is ignoring the obvious reality that the imposition of the death penalty can never, in the real world, be a rational decision.

Indeed, by inviting the jury to consider the heinous nature of the crime in addition to mitigating or aggravating circumstances, the committee bill practically guarantees that whatever the basis for a death sentence, rationality will be given little or no play.

It is such an obvious logical contradiction that it should be apparent on the face of it to every Member of the Senate. We cannot assure a consistent, fairly based, rational kind of death sentencing by creating a procedure in which the nonrational aspects of human emotions are expressly given a guiding part. It is no defense to claim that to uphold a decision involving the death penalty, an appellate court must find that no passion entered into the decision. How can you invite jurors to consider the heinous nature of the crime without at the same time evoking their passions? And to ask appellate judges to find, on the basis of reading a trial transcript, that no passion entered the decision is to ask of them a degree of wisdom that no human being actually possesses.

Yet the fundamental premise that society will be protected by the self-evidently nonrational—and therefore random—infliction of the death penalty on a small number of convicted murderers is enshrined as a central justification of this bill.

It is necessary to recall that we are a nation of laws, not men, precisely because we desire protection against irrationality.

We have judged that laws, although executed by fallible human beings, can lay a claim to being free of the passions and prejudices which fill even the sanest of human minds.

And we have rejected the idea of a government of men, not because there are not good and honest and conscientious men in this land and throughout the world, but because our Founders knew, and most of us acknowledge, that regardless of how moral a man may be, nothing can ever assure consistency of justice better than laws that even the most moral of men must obey.

Yet in this bill we are being asked to make one of the most fundamental of judgments—the sentence of death—contingent on the reactions of men and women contemplating whether a murder was especially "heinous, cruel, or depraved." It is hard to conceive of a set of instructions more calculated to create, not reduce, passion, and irrationality in the process.

And yet, judgments arrived at through this fundamentally antirational proceeding are presented as a desirable protection for society. I can only recall the words of Justice Brandeis: "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

There is no credible or sensible basis on which society can benefit by a process that will result in the random and relatively rare imposition of death by Federal judges or juries.

I recognize that society's needs encompass a system of justice in which crime is predictably and certainly punished. I do not discount the public opinion polls that reflect an increased demand for a return to the death penalty. But I also do not believe that a simple yes-or-no answer to a public opinion pollster represents the full sum of public opinion on an issue in which a range of factors is involved.

I believe the polls do reflect a demand for more efficient, more predictable, and more rational justice. I believe the public opinion polls reflect impatience with dilatory court proceedings and sensationalized accounts of criminals going free. It would be surprising if the public showed no impatience in these circumstances.

But the public opinion polls do not ask if the public wants to see two executions every week to empty the cur-

rent death rows. The polls do not ask if all murderers ought to be sentenced to death. The public opinion polls provide a readily recognizable symbolic question to which the public gives a ready answer.

I make that judgment about the underlying issues involved in the public opinion polls largely on the basis of historical fact. In the State of Maine in the last century, we abolished the death penalty for a time and then reintroduced it. And the public reaction was revealing.

Initially, when the penalty was in effect, the Governor was required to determine when sentence of hanging would be carried out. And the chief executives of Maine—like many other chief executives—tended to delay setting such executions for all the humane and political considerations that we can readily imagine. When, after a period of about two decades, no executions had occurred, even though individuals sat on death row, the State legislature abolished capital punishment.

Although the rate of violent murder actually declined during that period, the penalty was reinstated and remained again in force for 4 years. During that time, the execution of murderers and the reports of those executions so outraged public opinion that the penalty was abolished, for what I hope will be forever, in 1887. It may be of interest to note that the last execution in Maine was of a man who many subsequently came to believe was, in fact, innocent.

But that shift in public opinion in Maine in the last century, in my view, demonstrates a truth about public opinion that remains unchanged today. Americans are repelled and horrified by random violence. They are repelled and react strongly to random, senseless brutality committed by private individuals. But they are no less repelled and outraged when the perpetrator of random violence is the Government itself.

I believe that human nature and the emotions and feelings that go into it have not changed since the last century. Americans are still repelled and outraged by random violence.

And it is crystal clear that in the manner by which some murders are tried as capital crimes and others on lesser charges, in the manner in which some are chosen for death row and others are not, that the judicially sanctioned violence of executions is no less random and purposeless in its effects than the senseless murders which have from time to time terrorized our communities.

That factor of randomness may not be well understood by the public today. But if the Government were ever again to become an author of frequent and repeated acts of judicial violence in the execution of death sentences, I am confident that public revulsion would turn as readily against Government as it now does against violent criminals.

The public opinion polls, therefore, are not something I disregard as meaningless. But they are a reflection of current public opinion—a snapshot in time—which we can only sensibly view in the light of our own best judgment and experience.

I believe that the public demand for predictable and certain criminal justice is one that will not be denied. Nor do I believe that this measure before us will satisfy it in the least.

The American people are not demanding that their Government execute all murderers or even most murderers or even a small proportion of murderers. They are demanding that their communities be protected against all kinds of random violence. They are demanding that the officials of law enforcement focus attention precisely on those crimes by which the vast majority of victims are made to suffer. The imposition of the death penalty for a small number of federally convicted murderers—and others—does nothing to respond to that demand.

The other goal of this legislation, the so-called deterrent effect, has never been proven or demonstrated. Neither the States in our Nation which have abolished the penalty, nor the majority of Western nations, in which the penalty no longer exists, suffer higher rates of murder than the States of this Nation which permit the penalty.

The U.S. homicides rate today is running at about 9.7 per 100,000 people, the highest in our history. Since 1977, we have again begun executing convicted murderers. In the United Kingdom, which has very recently rejected an appeal to return to the rope, the murder rate is 1.1 per 100,000 people. In the United Kingdom which has no executions, in Japan, which has a murder rate as low as the British and which does permit executions, studies have been made of the deterrent effect on murderers or would-be murderers of a death penalty and those studies have replicated the findings of similar American studies. No correlation exists. Neither the proponents of a death penalty nor the proponents of its abolition can cite any conclusive figures to buttress their cases.

The State of South Dakota in 1939 adopted and implemented a death penalty. In the following decade, homicide rates plunged 20 percent. But in the neighboring State of North Dakota, during the same 10-year period, no death penalty was in effect, no executions were carried out, and the North Dakota homicide rate plunged 40 percent.

Studies have compared neighboring States with and without the death penalty, and studies have consistently and repeatedly shown that absolutely no conclusive deterrent or antideterrent effect can be rationally deduced from these figures. What we are left with are the anecdotal impressions of prosecutors, police, and judges.

Those anecdotal illustrations may be vivid and illuminating. But they are not a basis for legislation.

Even the committee report on this bill acknowledges that:

> In short, the available data on this question is at best inconclusive. But rather than seeking to provide such data, or of refraining from action, the Committee majority goes on to cite a Justice Department statement to the effect that "while sociological studies have reached differing conclusions, common sense tells us that the death penalty does operate as an effective deterrent."

Whose commonsense? All this statement does is to demonstrate anew that there is nothing so uncommon as commonsense.

The committee majority's deference to commonsense did not reach the point of actually examining what has happened in this country in the past, an action that would have demonstrated the most elementary kind of commonsense.

Such an examination is not difficult to conduct, even on a cursory basis.

The homicide rate of 9.8 per 100,000 that we suffer today is not unprecedented. In the 1930's the Nation's homicide rate was comparable. In 1933 it reached 9.7 per 100,000, not appreciably less than today. And in the 1930's, State sanctioned executions were a fact of life so common, so widespread, and so frequent that they barely rated a paragraph in out-of-town newspapers.

In 1935 and 1936, the number of executions fell barely short of 200 persons. That represents just about four a week. And there was never a year, from 1930 to 1945 and beyond, that the rate of executions averaged less than two per week, week in, week out, year in, year out.

But did all that killing actually halve the homicide rate? It did not. The homicide rate did not fall to 4.7 until 1960, 15 years after the end of the war, in a period where executions had fallen by half, and during a period when widespread public revulsion against the death penalty was at a height. By 1966, barely 42 percent of the American people favored the death penalty.

I am not attempting to make the case for antideterrence. As I have said, I do not believe that either a case for deterrence or nondeterrence can legitimately be inferred from the data we have.

But when we are considering deterrence, we have to remember that even at the height of the 1930's execution

orgy, death was prescribed for barely 1 of every 50 murderers.

Taking the current committee report at face value, I can safely assume that there is no intention on the part of the committee majority to double or triple the actual number of executions in this Nation overnight.

So we face a situation in which the deterrent factor—to any would-be felon careful enough to calculate it—has fallen from a 1-in-50 chance of being executed to a 1-in-250 chance of being executed. And that is a situation the committee explicitly claims it does not intend to alter by a substantial degree. Yet somehow, the clearly minor additional deterrent impact is nonetheless said to outweigh all of the other compelling reasons not to reintroduce judicially sanctioned executions by the Federal Government.

On whose scales?

If this deterrence argument is going to be given serious consideration, it is important to recognize the magnitude of numbers which this bill can reach.

In fiscal year 1980, exactly 77 Federal homicide convictions were returned. In that year, 708 federally convicted murderers were in custody. Their average sentence, according to the Sourcebook of Criminal Justice Statistics, was somewhat less than 10 years.

No one has presented any evidence to suggest that huge increased numbers of Federal homicides are likely to be apprehended and tried in the immediate future. Nor has anyone suggested that the rate or severity of murder within Federal jurisdiction is likely to skyrocket.

So we are dealing with a number of individuals whose magnitude—in a nation of 220 million—can only be called infinitesimal. Yet the deterrent effect of this bill on this potential criminal population is alleged to be so valuable that no other consideration should be weighed in the balance.

I am forced to conclude either that the logic of the committee is completely woolly or that an effort is being made to mislead the Senate.

If the report on the bill means what it says, that only in rare instances is the actual imposition of death contemplated, then the report cannot equally mean that this truly minor additional deterrent will have any effect whatsoever on homicide rates.

Any deterrent effect, after all, is predicated on a theory that a would-be murderer calculates what his chances are of being executed for his crime. While I question the soundness of this insight into the criminal mind, taking it at face value, I am still left with the conlcusion that the committee believes that an increase in the likelihood of execution of a degree so slight as to be statistically imperceptible, will, nonetheless, have a deterrent effect sufficient to outweigh its other costs.

This is a denial of commonsense so bald and so outrageous as to be beyond belief.

The only alternative deterrent effect I can imagine is the hope—and it is merely a hope—that by demonstrating a willingness to reimpose a Federal death penalty, somehow or other we will show potential State-level murderers and malefactors that their misdeeds will remain unconsummated.

That would be a peculiar basis, to say the very least, on which to legislate.

The only other possible conclusion—given the actual dimensions of the Federal homicide problem—is that we are engaged in politically motivated posturing whose main purpose is not to have any practical effect on the real world but is meant to reinforce an image of toughness on crime.

I do not believe that, either, is any basis on which to debate the conditions under which the Government should sanction the taking of human life. The case has simply not been made. And I would submit that on the basis of the actual homicide rate which falls within Federal jurisdiction, the case is virtually impossible to make.

Neither logic, nor reason, nor even that much-vaunted commonsense can persuade me that the possible future fate of a percentage of a total Federal homicide prisoner population of less than 1,000 can or will ever create a deterrent, an incentive, or anything except a statistical aberration.

So this measure before us has no basis in necessity. It has no basis in reason. And it most emphatically can never have a basis in morality.

The case for deterrence has not been made. The argument for protecting society is baseless. And the moral appeal, when it rises above the level of demagoguery, is specious.

On all these grounds, disregarding the Constitutional shortcomings in this bill itself, I believe deeply that this Senate ought not to reinstate the Federal death penalty, and I hope a majority of the Senate will agree.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is sad to see the Congress of the United States being urged to return to lynch mob justice and the dark ages of law enforcement by reinstating the death penalty for Federal crimes.

There is not a single shred of credible evidence that capital punishment deters capital crime or any other crime. It is a travesty of responsible law enforcement; it is a vindictive, irrational and unfair response to the serious problem of crime in a free society. I believe that the death penalty has no place in the Federal Criminal Code, and I urge the Senate to defeat this reactionary step on crime.

I believe that capital punishment is wrong as a matter of principle, and wrong as a matter of practical public policy. It will only divert Congress and the public from realistic action on the urgently needed measures which offer the only meaningful hope of reducing crime.

There are at least seven fundmental objections to the death penalty.

First, and most important, the death penalty is inherently unfair, because it is applied in a way that makes it the ultimate discrimination against minorities and the poor. Capital punishment is a mockery of the noble concept of equal justice under law. So far, the Supreme Court has not seen fit to rule that such discriminatory application of the death penalty renders it unconstitutional. Again and again, however, leading studies have documented the fact that the death penalty is infected with a racial bias that cannot be explained by statistical chance or on any other valid basis. The Supreme Court may not yet have found this evidence persuasive as a matter of constitutional law—but it is more than persuasive enough for Congress to decline to act as a matter of public policy.

Second, capital punishment places incredible strains on our criminal justice system. It is a deeply divisive penalty that drains emotions and resources out of all proportion to any impact it can possibly have on the problem of violent crime in the United States.

Third, capital punishment all too easily becomes a transparent excuse for inaction on other steps to combat crime. Since it is targeted to less than 1 percent of violent crimes, it cannot seriously be argued that capital punishment is an important factor in the reduction of crime in America. Rather it is a substitute—an ineffective, impractical, simplistic substitute—for the specific, modest, concrete measures that can and should be taken to lower the crime rate.

Fourth, if the goal of the death penalty is deterrence, the evidence linking capital punishment to reduction in crime is notoriously lacking. Even the Department of Justice, in its testimony to the Senate Judiciary Committee, has admitted that there is no clear evidence that the death penalty has any deterrent effect. The valid goals of punishment in our criminal justice system can be achieved as part of the sentencing guidelines approved by the Senate last week, which permit life imprisonment for the most violent crimes, such as those addressed in the death penalty bill.

Fifth, the death penalty is a bankrupt policy because it leaves no room for mistakes, which are inevitable in the criminal justice system. The risk of executing innocent persons is simply not worth taking, because the death penalty is not the only punishment available for violent crimes.

The stability of our society does not depend on the death penalty. It is an extreme remedy in cases where clear alternatives are readily available. The argument that it is essential fails utterly. In my view, it is better to imprison 100 murderes for life than to take the risk that one innocent citizen will be put to death.

Sixth, the role of Government in the act of execution is an act so debasing that it corrupts the Government itself and breeds disrespect for law. The only major industrialized nations that use the death penalty other than in times of national crisis are the Soviet Union, South Africa, and the United States. America must never adopt a policy rejected by all major industrialized nations except the two whose denials of human rights are the most extreme.

Seventh, the bill now before the Senate also raises substantial doubts about its constitutionality. For example, it is by no means clear that the death penalty may constitutionally be imposed for crimes that do not result in death. The lack of a requirement for a unanimous jury on findings of aggravating factors justifying the death penalty is also constitutionally suspect. For these two defects alone, this measure should be rejected. If it ever sees the light of day as law, it will inevitably take years before the Supreme Court rules on these provisions.

Finally, we should reject capital punishment because it is simply too divisive to be part of a comprehensive response to crime in America. As Senators who worked on the bipartisan crime package know, the only hope for adoption and implementation of anticrime proposals is to develop a consensus on effective measures. If enacted, the bipartisan package which the Senate adopted last week will have a real impact on reducing crime in America. That package contains anticrime reforms which can make a substantial difference in our continuing war against crime. The overhaul of our criminal sentencing system and the bail reform contained in the bipartisan package are essential changes which are long overdue. Other law enforcement improvements in the package in the areas of drug trafficking, criminal forfeiture, and prosecution of violent juveniles are critical tools for the reduction of crime in America. The bipartisan crime package also contains needed Federal assistance for State and local prosecutors who are our front line against crime.

If the Senate is serious about reducing crime, we should be urging the House of Representatives to enact the criminal law reforms which the Senate passed last week, instead of giving Members of Congress an excuse to ignore essential criminal law reforms. I intend to vote against cloture and to vote against the bill. It is an evil, hollow symbol, and I urge the Senate to reject it.

Mr. President, I thank the Senator from Michigan for yielding time. I commend him for his efforts in bringing this matter not only to the Members of the U.S. Senate but also to the American people. I think he has performed a very important service.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. LEVIN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GRASSLEY. I yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that of the 10 minutes remaining, 6 minutes be under the control of the Senator from Iowa and 4 minutes under the control of the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the question of capital punishment is one which I have agonized over for many years. As a State legislator in Iowa in 1963 and 1965 I voted to abolish the death penalty under Iowa law. Today, however, I am a cosponsor of S. 1765 and favor the establishment of constitutional procedures for the imposition of the sentence of death. My decision to support S. 1765 and capital punishment is reached reluctantly.

Current Federal law is a sham. We have a death penalty in many of our statutes but have no constitutional means by which the Federal Government can carry out the sentence. Federal law in this area as well as the others we have attempted to improve this week, makes no sense.

As the distinguished chairman of the Judiciary Committee pointed out this morning, we have a death penalty and constitutional procedures for one crime only—airline hijacking. That is because the airline hijacking bill was passed after the Supreme Court's Furman decision and contained the necessary procedures within the bill itself. Now airline hijacking is a serious crime, but should it be the most serious crime under Federal law? Is an airline hijacking and killing of one person more serious than the mass murder of prison guards at the Federal prison in Marion, Ill.—when the guards are killed, as Senator DIXON pointed out, "for sport"? Is an airline hijacking more serious than the grizzley mass murders described by Chairman THURMOND this morning?

Mr. President, a few days ago I received a letter from a constituent in Iowa, and that letter enclosed a newspaper clipping that was in the Cedar Rapids Gazette that I wish to enclose in the RECORD. That letter expressed my constituent's amazement about the story. The story was about a man convicted of murder under California law. That man killed his professor at Stanford University in California. Theodore Streleski, and I quote from the article, "walked into the campus office of Professor Karel de Leeuw, who had his back to the door, and slammed a two-pound hammer into his head three times." What was behind the killing? The professor had, 8 years earlier joked about Streleski's wearing wing-tipped shoes in class.

That convicted muderer is about to be released after only 5½ years from Soledad Prison, and he says he may kill again. Let me quote you some of his words:

> I can't reassure you I won't kill Reagan . . . You kill one time to make a point. You don't make twice the point by killing twice. It's an 85 percent 15 percent thing. You get most of the effect on the first shot.

Mr. President, it is almost surreal that as a condition of his parole, he is barred from the campus of Stanford University.

So, Mr. President, while this has been a difficult decision and one over which right minded persons differ, my conscience tells me that support for S. 1765 is the right decision.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Cedar Rapids Gazette of January 28, 1984.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cedar Rapids Gazette, Jan. 28, 1984]

KILLER DUE FOR PAROLE UNSURE ABOUT REPEAT

SAN FRANCISCO.—State officials say Theodore Streleski's impending parole from prison for murdering a math professor is "automatic," even though he refuses to promise he won't return to the Stanford University campus and kill again.

"No matter what he says or feels, there's no way the prison system can keep him in," says Phil Guthrie, spokesman for the state Corrections Department in Sacramento. "Once he has served that time, he gets out and automatically becomes a parolee."

Streleski's hammer murder in 1978 of a Stanford professor, partly because the teacher had laughed at his wing-tipped shoes, caused considerable outrage. Now, he is renewing the furor with a series of interviews in which he says he is "noncommittal on whether I will go back to Stanford and kill again."

You can hypothesize any number of situations in which any human being could kill another," Streleski, 47, told the San Jose Mercury News while in Soledad Prison, "I can't reassure you I won't kill Reagan. . . .

"You kill one time to make a point. You don't make twice the point by killing twice. It's an 85 percent-15 percent thing. You get most of the effect on the first shot."

Streleski, who had tried for 19 years to get his doctorate at Stanford, walked into the campus office of Professor Karel deLeeuw, who had his back to the door, and slammed a two-pound hammer into his head three times.

Streleski said he planned for eight years to kill deLeeuw as a "statement" against the way Stanford treats its graduate students and, in part, because he felt slighted because of a joke the professor had made years earlier about his wing-tip shoes.

After 5½ years in prison for second-degree murder, he is due to be released in March to San Francisco. But District Attorney Arlo Smith said Friday, he will ask the state Board of Prison Terms to release Streleski somewhere else because Stanford is only 40 miles south of San Francisco. He will be barred from the campus as a condition of his parole.

Mr. GRASSLEY. I yield the remainder of my time to the Senator from Alabama.

Mr. DENTON. I thank my gracious friend from Iowa.

Mr. President, I rise today in strong support of S. 1765, a bill to establish constitutional procedures for the imposition of the sentence of death for certain Federal offenses.

Not since the Supreme Court's decision in *Furman* v. *Georgia*, 408 U.S. 238 (1972), striking down Federal and State death penalty statutes that allowed for unguided discretion by the trier of fact to determine whether or not the death penalty should be imposed, have American citizens had the protection that capital punishment can provide. S. 1765 provides for the return of that protection by incorporation constitutionally acceptable procedures that guard against the unfettered discretion condemned in Furman.

Following the 1976 rulings by the Supreme Court in a group of landmark death penalty cases: *Gregg* v. *Georgia*, 428 U.S. 153 (1976); *Proffitt* v. *Florida*, 428 U.S. 242 (1976); *Jurek* v. *Texas*, 428 U.S. 262 (1976); *Woodson* v. *North Carolina*, 428 U.S. 280 (1976); and *Roberts* v. *Louisiana*, 428 U.S. 325 (1976)), the bill provides for a bifurcated trial. That is, first the trier of fact would determine guilt or innocence. Then, after the defendant is convicted of an offense for which the penalty of death is authorized, the court would hold a separate hearing to determine whether or not the death penalty should be imposed. At that hearing, which would normally be before the same jury that conducted the trial, or before the judge if both parties agree, both sides would have an opportunity to present all revelant information. That procedure would require the factfinder to determine the existence of statutory aggravating and mitigating circumstances as a basis for proceeding to the ultimate determination of the penalty to be imposed.

Putting the death penalty back into the Federal criminal justice system is a step that, in my view, is long overdue. For far too long, the pendulum of justice has swung in the wrong direction, and too much attention has been paid to the rights of convicted criminals. The excess of attention that has been given to the rights of criminals has been produced by sacrificing the greater right of society to live free from the fear of violent harm, and the rights of the victims against whom convicted criminals have committed their heinous crimes.

Governments, particularly governments of law and not of men, have no higher duty than to protect the governed from harm. The Founding Fathers themselves recognized that principle and gave it the primacy it deserves by setting forth, in the Preamble to our Constitution the mandate to "establish justice" and to "provide for the common defense." The death penalty implements the principle by providing not only a deterrent to individuals, but also by providing a social and general deterrence to crime by showing the seriousness with which the society views extreme cases of unlawful conduct. As a result, the population as a whole is made aware of the horror of the most serious crimes, and the members of society acquire the desire to avoid such criminal behavior.

Capital punishment also has an incapacitating effect. The death penalty prevents continued commission of truly serious crimes by incorrigibly antisocial criminals who whould otherwise remain potentially dangerous to society for the rest of their natural lives. Mere imprisonment only offers those individuals the possibility of escape or, in some cases, release on parole. Life imprisonment without parole only increases the dangers to guards and other prisoners who come into contact with the most dangerous offenders.

Finally, capital punishment serves the legitimate function of retribution. It allows society to extract legitimate retribution from people whose behavior so transcends the bounds of acceptable conduct that they take the lives of their fellow citizens. Additionally, it allows society to express its outrage and sense of revulsion toward those who undermine the foundations of our society through contravention of its law. Not only must innocent life be protected by any society, but that society must be willing to impose its severest penalty upon those who take the lives of others.

Claims from other quarters that support for abolishment of the death penalty is growing are just not true. In fact, support for capital punishment is widespread. The American Bar Association/University of Chicago poll found that over 73 percent of the citizens polled were in favor of capital punishment. An ABA poll found 69 percent of lawyers and law students in favor of death sentences. A March 1981 Gallup poll, taken before the attempt on President Reagan's life, revealed that public support for imposing the death penalty for the crime of murder had reached its highest point in 28 years. The poll indicated that 66 percent—two out of every three—Americans favored the death penalty for persons convicted of capital crimes.

Mr. President, in conclusion, I reiterate that the primary responsibility of society is to protect its members so that they may live their lives in peace and safety. In providing that protection, society must do what is necessary to deter those who may break the laws, and it must appropriately punish those who do break the laws.

Accordingly, I will vote in favor of S. 1765. I urge my colleagues to join with me to approve the bill as a positive step to protect our society.

Also, I urge my colleagues to vote for cloture.

I thank you, Mr. President.

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I thank the Chair.

The fundamental argument in favor of the death penalty is based on a presumption which on the face of it sounds reasonable. The presumption is that by administering the death penalty we will prevent crime, that the death penalty serves as a deterrent and if we have the death penalty it will reduce the crime rate.

The problem is that the presumption, while it sounds reasonable, is not in fact accurate.

The PRESIDING OFFICER. I say to the Senator from Missouri that the time allotted to the majority has ended.

The Senator from Michigan has 12 minutes remaining.

Mr. LEVIN. Mr. President, I am happy to yield 3 minutes additionally to the Senator from Missouri.

Mr. DANFORTH. I thank the Senator from Michigan.

There has been no study ever in the long history of studying the death penalty which has ever shown that there is a significant difference in the crime rate or the homicide rate between jurisdictions which have the death penalty and those which do not have the death penalty.

So, from the standpoint of conventional crimes generally covered by the death penalty, there has never been a study showing that there is a difference.

The problem before us today, Mr. President, is that most of the crimes that are covered by this particular Federal imposition of the death penalty are not conventional crimes; rather,

they are crimes of terrorism, assassination, murder of foreign officials, air piracy, and destruction of trains.

These are acts of terrorists. And everyone who remembers the news accounts of the terrorists at the Marine compound in Beirut driving his truck into the compound with a smile on his face understands that those who commit violent acts of terrorism are not necessarily deterred by the possibility of death. In fact, the possibility of death might encourage them.

In 1978, the Governmental Affairs Committee held a hearing on the death penalty and on terrorism in general, and a witness before that committee, Prof. Louis Renee Barris said as follows, relating to psychotics committing acts of terrorism:

> Where such motive is present among terrorists who are suicidal schizophrenics, the problems of effective counter terrorist actions are greatly exacerbated. This is the case because such terrorists whose incentive is to use violence, nihilistically rather than politically, are apt to regard the threat of death as a stimulus rather than a deterrent.

And Professor Barris than went on to say:

> As we have just seen, the viability of deterrent threats against terrorist actors may be undermined when these actors are impelled by psychotic motives. It must now be pointed out that the ability to deter violent behavior by terrorists is in doubt, with all categories of terrorists, including those whose actions spring from pure political concerns.

In other words, it is possible we are not deterring violent acts by imposing the death penalty. We are encouraging it. This might be an incentive to crime rather than a deterrent.

The PRESIDING OFFICER. All time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the issue before us is not whether we reimpose the death penalty but whether we do credit to this issue or this institution by stopping the debate on the death penalty after about 1 day of debate.

We have put evidence in this record that the death penalty does not deter.

The landmark study on this question is a study of Thorsten Sellin on capital punishment. His conclusion is that there is no evidence that abolition of the death penalty causes an increase in criminal homicides or that reintroduction is followed by a decline.

Let this debate continue a little longer. Let us go into the statistics on deterrence and then let us vote. But for heavens sake, do not cut off debate, in an institution with a tradition of deliberation, with only 24-hour debate on a subject as grave and as critical and as important as whether or not we institute the death penalty. Again, I want to emphasize that this bill is broad. Under this bill, the death penalty could under some circumstances be imposed even in the absence of an intent to take life.

Mr. WEICKER. Mr. President, I rise in opposition to S. 1765, a bill which establishes constitutional procedures for the imposition of capital punishment. This has been a difficult week, Mr. President, not so much for the criminals of America, but for our most precious natural resource, the Constitution of the United States and all it stands for. In ignorance, disregard, or defiance of the authority of the Supreme Court to interpret that document we have passed bills which violate in varying degrees our proper role as the legislative branch. In our haste to demonstrate to the American people that the U.S. Senate means to do something about crime, today, we will be setting precedents we will deeply regret in the future. I dearly hope, Mr. President, that the Senate today will summon its courage and wisdom and say, "Enough."

In a body of Senators sworn to uphold the Constitution of the United States, it should not have to be argued that questions of constitutionality should be decided in the courts. A majority of the Supreme Court has ruled that capital punishment in certain carefully prescribed circumstances is not cruel and unusual punishment and, therefore, is not prohibited by the eighth amendment. In my view, Mr. President, the only situation in which I could support establishing a death penalty is the narrow circumstances of the murder of a law enforcement officer; those special individuals who we have singled out to protect us deserve that protection. However, recognizing that "the penalty of death is qualitatively different from a sentence of imprisonment, however long," the Supreme Court insists:

> That a State * * * has a Constitutional responsibility to tailor and apply this law in a manner that avoids the arbitrary and capricious' infliction of the death penalty. (*Woodson* v. *North.)*

No less of an obligation rests on the Federal Government. This bill carelessly ignores many of the guidelines the Court has established to prevent "arbitrary and capricious" executions on the State level.

In Godfrey against George, the Supreme Court wrote:

> In *Furman* v. *Georgia*, the Court held that the penalty of death may not be imposed under sentencing procedures that create a substantial risk that the punishment will be afflicted in an arbitrary and capricious manner. *Gregg* v. *Georgia* reaffirmed this holding: "Where discretion is afforded a sentencing body on a matter so grave as the determination of whether a human life should be taken or spared, that discretion must be suitably directed and limited so as to minimize the risk of wholly arbitrary and capricious action." A capital punishment scheme must (the Court writes) provide a "meaningful basis for distinguishing the few cases in which (the penalty) is imposed from the many cases in which it is not."

S. 1765 provides that after a conviction for an offense for which a penalty of death is authorized, the court will hold a separate hearing on whether to impose the death penalty. At this hearing the jury or judge would make a determination as to the existence of statutory aggravating and mitigating factors as a basis for proceeding to an ultimate determination for capital punishment. The four mitigating factors are enumerated in the bill.

The aggravating factors vary depending on the particular crime being prosecuted. These factors are also enumerated in the bill.

The procedures included in this legislation for considering and weighing both mitigating and aggravating factors may on the surface sound as if S. 1765 "minimizes the risk of wholly arbitrary and capricious action." However, a closer reading of this bill reveals that it does not. S. 1765 states that:

> The jury, or if there is no jury, the court, may consider whether other aggravating factors exist.

The committee report says:

> That, while the death penalty should not be available unless at least one statutory aggravating factor is found to exist, the jury or judge should be able to consider nonstatutory aggravating factors, as well as statutory and nonstatutory mitigating factors.

In fact, the report goes on to say:

The phrase "required to be considered under section 3592" is intended to make it clear that the special findings relate only to the statutory factors required to be considered and not to nonstatutory factors permitted to be weighed in the ulitmate decision whether, on the record as a whole, the death penalty is justified.

Mr. President, where is the safeguard against arbitrary and capricious action if nonstatutory factors may be considered in each individual case? Who is to determine what, in each instance, may be a legitimate aggravating factor? How are we to know what nonstatutory aggravating factors are considered when S. 1765 only requires a jury to return special findings on the statutory aggravating circumstances.

S. 1765 also states that:

> It is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific factor.

Mr. President, this is in direct violation of the Supreme Court ruling in Andres against United States which states:

> In criminal cases (the) requirement of unanimity extends to all issues—character or degree of the crime, guilt, and punishment—which are left to the jury.

And what of the provisions included in this bill, Mr. President, permitting the imposition of capital punishment for crimes in which no death occurred? As my distinguished colleagues—Senators KENNEDY, METZENBAUM, and

LEAHY—have pointed out in their minority views to this legislation:

Although treason and espionage have historically been regarded as offenses for which the death penalty may be imposed, the Supreme Court decision in *Coker* v. *Georgia* creates serious doubt as to the constitutionality of the provisions of this bill permitting the imposition of the death penalty for crimes where death does not result. The Court in *Coker* held that the death penalty could not be imposed for a rape in which death did not result. The rationale of that case is equally applicable to treason, espionage, and attempted assassinations of the President—all crimes where death does not result.

Mr. President, this legislation raises other constitutional questions about the bases for appeal and to whom an appeal is made. There is no requirement that the independent courts of appeal review the cases presented before them to determine whether the imposition of the death penalty is in proportion to other sentences in similar circumstances. Again, I quote my distinguished colleagues in their minority views:

Under the Supreme Court decision in *Coker* v. *Georgia*, 433 U.S. 584 (1977), an appellate court must look at the death penalty sentence to determine whether it is out of proportion to the severity of the crime * * *. (W)e are concerned that this bill does not require a determination "that the sentence of death is not excessive, considering both the crime and the defendant" in order to affirm a death sentence on appeal.

The constitutional question raised in this legislation should be enough to make us pause and reflect on the dangerous flaws we may be about to enact into law and include in the legislative history of this matter. The statistics, which reveal that the institution of a death penalty will not deter violent crime in the future, should lead us to honestly question what this bill is all about.

Mr. President, the fact that the Supreme Court has ruled that capital punishment is permissible does not settle the question of whether we, as representatives of the American people, should enact this final and irrevocable punishment. That is a question of studying objective facts about our criminal justice system and searching our conscience as a nation to determine if such a policy is justified.

Any one who has listened to this debate over the last several days has been confronted by the Senator from Michigan and others with the reality of the fallibility of our criminal justice system. Mistakes have been made, are being made, and will continue to be made in the process of convicting citizens of capital crimes. I believe the case has clearly been made that such mistakes are not isolated incidences but a systemic reality. Police, prosecutors, witnesses, juries, and judges are human beings and will err. Out of this recognition grows the presumption of innocence, the right of appeal, and all of the due process protections which elevate our criminal justice system above any on this planet. But that we would entrust the power to end a human life with such a system is the supreme act of human arrogance.

Distinguished British jurist Sir William Blackstone stated:

It is better that the guilty persons escape than one innocent suffer.

What ratio of innocents executed to murderers freed should we as a nation deem morally acceptable: 1:10? 1:100? 1:1,000? How can we preach the sanctity of life and state that even a single innocent life taken is worth whatever "benefit" society derives for executions?

Finally, Mr. President, capital punishment is not the hallmark of a civilied nation. Government, in the American tradition, has taken on the role of teacher and example to our people. What lesson do we convey by sanctioning Government execution? Our polite, legalistic reasons not withstanding, capital punishment is based on the desire for revenge: One group settling its grievance by harming another. Have we not risen above that ancient and barbaric standard? We have no way of knowing the price we pay for the spreading of this subtle, moral teaching throughout our land.

The final indictment, Mr. President, is the list of nations with whom we are associating ourselves with a policy of capital punishment, the likes of Afghanistan, Iran, Iraq, Syria, Libya, the Soviet Union, and South Africa.

In closing, Mr. President, I would like to read the words of Justice Benjamin N. Cardozo. Cardozo says:

The death penalty will seem to the next generation, as it seems to many even now, an anachronism too discordant to be suffered, mocking with grim approach all our clamorous professions of the sanctity of life.

Let us vote to bring that about.

Mr. JEPSEN. Mr. President, I rise in support of S. 1765, a bill establishing constitutional procedures for imposition of capital punishment.

Over the past day and a half, we have heard numerous accounts of how innocent individuals were callously and deliberately murdered. Frankly, Mr. President, the murders described in the RECORD are of such gruesome proportions and sickening detail that many would consider prohibiting young children from reading yesterday's edition of the RECORD.

I strongly believe that society must punish and attempt to prevent cold, calculated acts of violence such as premeditated murder and political assassination. Those who perform such acts threaten the very existence and stability of our society.

The death penalty is not something that should be used indiscriminately. I believe the bill before us today makes sufficient changes in Federal law to insure that this does not happen.

But clearly, there are crimes for which the death penalty is the only appropriate penalty.

Very often, the debate surrounding the question of whether or not we should have a death penalty involves a case history or situation where innocent people have been convicted of murder only later to be released because of new evidence or a confession by the real culprit.

I think those examples, Mr. President, serve a valuable service to the death penalty debate but I do not think they make the case the opponents to death penalty had hoped.

When an innocent person has been convicted of a crime, only later to be found innocent, it reminds us of the need to strengthen our criminal justice system. Indeed, it makes it all the more imperative that when faced with the ultimate penalty question, we must make every effort to see that the penalty is appropriate. S. 1765 has those provisions which I believe will insure that innocent people are not put to death.

But why is it opponents of the death penalty never seem to want to talk about the innocent victims. And rest assured, the victims are not just the people who are murdered. Indeed, some have argued that the families that are left behind to deal with the tragedy are sometimes more profoundly affected by the whole incident.

Mr. President, I want my colleagues to understand why I believe the death penalty is so necessary. It is not, as some have suggested, because of a desire for vengeance. Clearly, vengeance is possibly the worst reason for having the death penalty. Rather, the reason we need a death penalty is to protect innocent individuals who are the potential victims.

We cannot bring back those who have been murdered. But, we can take steps to see that those who commit murders are not out roaming the streets looking for new victims.

If we do not deal firmly and decisively with those who have no regard for their fellow man or woman, then we are indirectly saying that we, too, have no regard for the life of the victim.

I support the use of the death penalty as a means of punishment for certain crimes. I believe the bill before us makes the death penalty a viable deterent and reaffirms our belief in the sanctity of life.

Mr. DOLE. Mr. President, I would take this opportunity to outline the reasons why I will vote in favor of passage of S. 1765, Senator THURMOND's bill to establish a constitutionally sound procedure for imposing the penalty of death for the commission of certain Federal crimes. I have long advocated the restoration of the death

penalty for the most serious Federal crimes of treason, espionage, murder, and felony offenses resulting in death. I wholeheartedly support the bill reported and I feel that the amendments adopted by the committee strengthen the legislation. I commend the chairman for taking the lead in introducing this measure and going forward with it in this session of Congress.

I. CONSTITUTIONAL QUESTIONS

Mr. President, there are many arguments raised today against capital punishment on philosophical, sociological, religious, and legal grounds. Many take the position that capital punishment is cruel and unusual punishment by today's standards, that morals and values have changed and that it is no longer an appropriate penalty for the crimes specified in the bill we have reported out of committee. I believe, however, that a brief examination of the history of capital punishment in our society refutes this view. At the time of the adoption of the bill of rights in 1789, capital punishment was employed for a variety of crimes, including crimes which did not result in the taking of another life. In the case of *Trop* v. *Dulles*, 356 U.S. 86, the Supreme Court noted that "the death penalty has been employed throughout our history, and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty." This view has been repeatedly stated by the Court, and was restated recently in the landmark case of Furman against Georgia, the 1972 decision which analyzed once again the circumstances under which the penalty could be imposed, and which is the impetus for S. 1765. The proscription of the eighth amendment is toward the employment of penalties which involve unnecessary cruelty, or which are so disproportionate to the offense as to be unjust. The acceptability of the death penalty as appropriate punishment for certain crimes was implicitly approved in the language of the 14th amendment, adopted in 1868, which provides that no State shall deprive any person of "life, liberty, or property" except by due process of law.

Of course, the question of whether or not the use of the death penalty for a given offense is disproportionate to the crime for which it is imposed is one which is constantly subject to scrutiny as the attitudes of society develop in the light of modern experience. But I would affirm, Mr. President, that the crimes for which the penalty is imposed in S. 1765 are those which, in conjunction with the aggravating factors which may be considered under that legislation, are regarded by all civilized societies as being of sufficient gravity to justify a sentence of death upon conviction. And, when we look at contemporary public opinion, not only in this country but in others, we find that it is overwhelmingly in favor of capital punishment in principle. In the United States, two-thirds of the States have reenacted capital punishment statutes designed to overcome the Supreme Court's Furman decision, by mandating bifurcated hearings for the imposition of capital punishment. Public opinion polls have consistently shown the public majority in favor of capital punishment. Indeed, it is only a vocal minority which has raised the charge that capital punishment is, per se, cruel and unusual.

I would submit, Mr. Chairman, that the use of the death penalty for the crimes set forth in S. 1765 is neither cruel nor unusual; and that the procedures set forth in that bill insure the due process of law and equal protection required by our Constitution.

II. DETERRENT EFFECT

While the arguments against capital punishment on the cruel and unusual theory seem shallow, in my opinion, we are still left with the fundamental question: Is capital punishment just and useful? Does it accomplish any purpose which benefits society, and if so, do the advantages outweigh the disadvantages?

It seems to me, Mr. Chairman, that there are two fundamental purposes which any criminal penalty should serve if it is to be deemed just and useful: First, it should protect society from the criminal element, and second, it should help create and reinforce social mores which deem crime to be wrong per se. Both purposes abound around the idea of deterrence. When a society ceases to believe that criminal acts will be punished adequately, the moral sanction against killing and other heinous crimes diminishes. If people see murderers repeatedly given life sentences and released on parole after 15 years or less, the absolute credibility of the malum prohibitum surrounding heinous crimes disappears. In addition to the general, societal ambivalence concerning heinous crimes, we must consider the individual direct purposes of deterrence which capital punishment has on people who are considering committing a heinous crime, for in their calculations, the issue of the certainty of the sentence that will be imposed upon them will play a critical role.

There have been endless articles written concerning the statistical evidence for the deterrent consequences of capital punishment statuts. Many have argued that there is no conclusive statistical evidence that capital punishment deters murder. On the other hand, many have argued the opposite. Prof. Isaac Ehrlich, for example, conducted a statistical study of the years 1933 through 1969, and concluded that "an additional execution per year, may have resulted on the average in seven or eight fewer murders."

The Ehrlich study is very important here in our deliberations, because it refutes previous investigations highly publicized which did not find any deterrent statistical evidence of capital punishment. In addition, Professor Ehrlich has published a new cross-sectional analysis of the data, which confirms the conclusions of his original study. This appears in the June 1977 issue of the American Economic Review.

Of course, there are other studies which come to the opposite conclusion. With regard to the validity of those studies which deny any correlation between capital punishment and the incidence of murder, it is important to realize that those individuals who are in fact deterred by the presence of capital punishment statutes are not actually included in the data, because there is no way to determine their number. And while the statistical evidence on the deterrent effect of capital punishment is not conclusive, the general opinion of those in law enforcement who deal with murderers and capital offenders on a day-to-day basis is that the death penalty does deter these crimes. And those opinions, some of which were brought out in committee testimony, carry considerable weight for me.

But there is a larger point, beyond the numbers and theories on deterrence of the penalty to other criminals in society, which must not be overlooked. And that is, Mr. Chairman, that capital punishment is most certainly, and undeniably, a deterrent to that criminal who is executed. He will not be coming out on parole in 10 or 15 years to commit yet another assault on society; he will not be in a position to threaten the lives of prison personnel, or other prison inmates. He will be gone. And in light of the tragic incidence of heinous crimes committed by persons already convicted once for such a crime, who are unregenerate upon reentering society, this is perhaps the most compelling consideration. Some would say, "how can we take a life to demonstrate the importance of our laws, without degrading the laws we are trying to enforce?" My answer is, it is a question of societal self-defense.

No one among us would hesitate, we would hope, to kill a criminal who was attacking ourselves or our family members with intent and capability to kill. It would be necessary self-defense. Does not society have the same right and even obligation to defend itself against those who infringe upon the most fundamental right of a citizen—the right to live? If we take the logic of those who would abolish the penalty to its conclusion, then our law enforcement agencies could not act to

defend a citizen whose life was threatened by riot or criminal act if that defense necessitated the killing of the persons creating the threat.

I, for one, reject that view. I believe that capital punishment is a powerful deterrent, if administered consistently and fairly. Assuming that potential assailants value their lives, it is rational to assume that they will think twice before taking action which will lead to the electric chair.

On this psychological point, Mr. Chairman, I am aware of certain opinions of criminologists, who contend that many murderers are really self-destructive, suicidal personalities who seek to commit murder in order to provoke the State to kill them, which is what they wish to do to themselves. While some murderers may in fact fit this description, it is far from clear that the majority do. Moreover, the existence of such individuals strengthens the argument for capital punishment, as their physical destruction is the only way of protecting society from their violence.

The psychological apologist argument against capital punishment, while warning us about suicidal psychotics, also contends that murder is frequently a "crime of passion," and that no cold calculation is involved before the act, thus rendering deterrence impossible. Statistical evidence does not clearly reveal what proportion of crimes of murder are in fact crimes of passion. S. 114 imposed capital punishment for crimes which clearly involved premeditation, however, so the argument lacks persuasiveness.

III. PROVISIONS OF S. 114

Mr. Chairman, the bill we have reported out not only specifies the death penalty for the basic offenses, but also spells out a clear bifurcated system for the judge and jury to follow after a person is convicted of a crime for which capital punishment may be imposed. A separate hearing must be held to determine whether this penalty should be imposed.

The bill sets out specific procedures and standards for the judge or jury to determine whether this penalty should be imposed. It must be determined whether aggravating and mitigating circumstances are present, and if so, which outweighs the other.

The burden of proof on the Government to establish aggravating factors is greater than that on the defendant to establish mitigating circumstances. In addition, the defendant is allowed to appeal his sentence of death. Thus, one cannot argue that this bill does not give defendants a fair chance to argue for mitigating factors which militate against capital punishment.

Mr. President, this procedure is fair, it is objective, and it is just. It meets the constitutional requirements set forth by the Supreme Court in Furman against Georgia, and cannot be said to constitute "cruel and unusual punishment," nor to give judges and juries unfettered discretion as to whether to impose capital punishment.

For these reasons, I will vote in favor of the bill.

● Mr. QUAYLE. Mr. President, I support S. 1765 as a long overdue response to the growing problem of crime in the United States. Since the procedure for imposing the death penalty was held unconstitutional in 1972, in the case of Furman against Georgia, the number of murders and nonnegligent manslaughters in the United States has risen from 15,832 to 21,010. This is an increase of 24.6 percent. Mr. President, this increase demands action on the part of this Congress.

To date, 35 States have responded to the Furman decision, including my home State of Indiana. In 1977, Indiana amended the criminal law and procedure section of the Indiana Code in a fashion similar in nature to what is before us today. By establishing a bifurcated trial procedure and outlining aggravating and mitigating circumstances, Indiana has successfully met the constitutional requirements to provide guidelines for discretion while retaining necessary flexibility.

The increase in the number of murders in the United States is indeed alarming. Of particular concern to me and the citizens of Indiana is the growing problem of murder for hire. The northwestern corner of Indiana, which is adjacent to the city of Chicago, has been plagued with the problem of contract killings for decades. The city of Gary, Ind., has one of the highest murder rates per capita in the United States today. Much of this is due to the strong element of organized crime in the area. The problem has become epidemic during these past years of Federal inaction. This bill is a fitting response to this calculated form of crime.

Mr. President, as a nation we have long been on record as maintaining capital punishment as a just and fitting response to certain crimes against our citizenry. The death penalty is an integral part of our criminal justice system. Recent studies by the University of Chicago and the American Bar Association found that 73 percent of the people polled were in favor of the death penalty. As a nation we have decided that the death penalty is a necessary and proper societal response in the form of just punishment. Whether we continue to maintain this form of punishment is not the question before us. The question is whether we amend our procedural statutes to conform to the constitutional requirements of Furman.

Mr. President, in 1972 the U.S. Supreme Court issued a challenge in its decision of Furman against Georgia. The court struck down the provisions of then-existing State and Federal statutes because there were inadequate guidelines provided for judges and jurors to consider in exercising their discretion. The challenge issued was this: If we are to maintain capital punishment as a viable part of our criminal justice system, we must structure it so as to conform to the constitutional principles upon which our system is founded. S. 1765 is the product of over 9 years of work. The examples of the States' legislative responses as well as the series of post-Furman Supreme Court decisions have been employed to help formulate this corrective legislation.

We have the opportunity today to respond to the challenge presented some 12 years ago which we are long overdue in answering. Capital punishment has proven to be an effective deterrent to the intolerable high rate of murder in this country. Therefore, I am hopeful S. 1765 will be approved.●

VOTE ON CLOTURE MOTION

The PRESIDING OFFICER (Mr. DANFORTH). Under the previous order, 1:30 p.m. having arrived, the clerk will state the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1765, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

Howard Baker, Ted Stevens, Strom Thurmond, James Abdnor, Frank Murkowski, Jesse Helms, Mack Mattingly, Alan Simpson, Jake Garn, Barry Goldwater, James A. McClure, Alfonse D'Amato, John Tower, John P. East, Roger W. Jepsen, Pete V. Domenici, Jeremiah Denton, Steve Symms, Dan Quayle, Warren Rudman, Slade Gorton, Paul Trible, Bob Dole, and Bob Kasten.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule has been waived. The question is, Is it the sense of the Senate that debate on S. 1765, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes, be brought to a close? The yeas and nays are automatic under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Nevada (Mr. LAXALT), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. ARMSTRONG) would vote "yea".

Mr. BYRD. I announce that the Senator from California (Mr. CRAN-

STON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 65, nays 26, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—65

Abdnor	Garn	Nunn
Andrews	Goldwater	Packwood
Baker	Gorton	Pell
Baucus	Grassley	Percy
Bentsen	Hatch	Pressler
Biden	Hawkins	Pryor
Boren	Hecht	Quayle
Bradley	Heflin	Randolph
Bumpers	Heinz	Roth
Byrd	Helms	Rudman
Chiles	Huddleston	Specter
Cochran	Humphrey	Stafford
D'Amato	Jepsen	Stennis
DeConcini	Johnston	Stevens
Denton	Kassebaum	Symms
Dixon	Kasten	Thurmond
Dole	Long	Trible
Domenici	Lugar	Wallop
Durenberger	Mattingly	Warner
East	McClure	Wilson
Exon	Murkowski	Zorinsky
Ford	Nickles	

NAYS—26

Bingaman	Hatfield	Mitchell
Boschwitz	Inouye	Moynihan
Burdick	Kennedy	Proxmire
Chafee	Lautenberg	Riegle
Cohen	Levin	Sarbanes
Danforth	Mathias	Sasser
Dodd	Matsunaga	Tsongas
Eagleton	Melcher	Weicker
Evans	Metzenbaum	

NOT VOTING—9

Armstrong	Hart	Leahy
Cranston	Hollings	Simpson
Glenn	Laxalt	Tower

The PRESIDING OFFICER. On this vote the yeas are 65, the nays are 26. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed.

Mr. BAKER. Now, Mr. President, I announced earlier, that if cloture was invoked today, as indeed it has been, for which I am thankful, we would not make an attempt to finish this bill before we go out for the Lincoln Day break. Unless someone has something they wish to say on this measure at this time, I am prepared to ask the Senate to have a period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not past 3 p.m. in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. There will be no more votes today. It is the intention of the leadership on this side at the conclusion of business today to ask us to adjourn over, pursuant to the resolution adopted, until 12 noon on Monday, the 20th of February.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS AND FOREIGN ASSISTANCE

Mr. DURENBERGER. Mr. President, the issue of Presidential certification about the status of human rights in El Salvador has confronted the Congress for some time. Now, with the continuing controversy over President Reagan's pocket veto of certification language; with the impending debate on legislation to implement the Kissinger Commission report; and with the passage yesterday by the House of new certification language, we can be certain that the Senate will soon plow through this thicket once again.

It is often said, in desperation if not in jest, that politics make strange bedfellows. One of the reasons that is so is because legislators are necessarily concerned about process, and not just about substance. To a large degree, that has been true of the debate over certification.

There are few among us who would deny that the human rights record of El Salvador has been very dismal. We can and do disagree over such things as the prospects for improvement or the ultimate source of the atrocities which are a daily occurrence in that country, but none of us can ignore the reality that thousands of Salvadorans have been killed, terrorized, tortured, or coerced into exile over the past few years. This is reality, and it is a reality which the United States has always found most unsavory. That is why no one should have been surprised at Vice President BUSH's recent remarks about death squads when he was visiting El Salvador. The Vice President was expressing the unanimous concern of people in this country.

So from the standpoint of substance, the certification provision which Congress adopted 2 years ago is understandable. It makes a certain degree of political and moral sense. Politically, it states the obvious point that the Government of El Salvador cannot hope to bring peace to its country so long as death squads are a fact of life. In other words, the certification provision was drafted with a pragmatic point in mind: you cannot win people over if they fear for their lives. But it was drafted with a moral intention as well. It expressed in a few terse words the impatience of the American people with an atrocious situation.

From the standpoint of process, however, the certification provision was extremely controversial. It raised a number of vital questions. For instance, it was criticized as leaving us and the Government of El Salvador with an all-or-nothing proposition, something which was considered by some people to be unrealistic given the savagery of the leftist guerrillas trying to topple a duly elected government. Others considered the certification instrument to be a major abrogation of congressional powers, for it virtually guaranteed that once a report was filed—regardless of its contents—appropriations would follow more or less automatically.

Unfortunately, the debate over certification has become a debate over an instrument, not a goal. As I see it, Mr. President, this has been both unnecessary and counterproductive, for we have lost sight of the fundamental issue: conditionality of assistance, a point on which we are all agreed.

The question, then, is whether we can achieve our goal with a more appropriate instrument. I think we can.

I have written to Senator PERCY suggesting that certification and reporting be undertaken by the Congress, rather than the President. I have done so for a number of reasons.

First, I believe it imperative that Congress meet its responsibilities in the area of foreign policy. These responsibilities do not include the day-to-day implementation and exercise of policy. But they do include the duty of broad goal setting and oversight. They are responsibilities which are in some respect shared with the executive. Too often we have failed to meet them for fear of having to make the kinds of tough choices which characterize the real world. We would rather sit back and leave everything in the President's hands. As understandable as this might be, I fear it is dangerous, regardless of the issue in question or the party in power.

When Congress relies exclusively on the executive to determine the facts of a situation, and moreover states that it will appropriate funding without arriving at its own conclusions, I feel that it is abrogating its proper role in foreign policy. What is worse, once the President has filed an instrument of

certification, any discussion which occurs gets inextricably bound up in partisan politics. Regardless of the facts contained in any document, whether a Presidential report or a newsstory, those facts require interpretation. If we are to reach a judgment about events, we must understand a context for those events unless we want to rely simply on a procrustean bed with which to trim reality to fit our preconceptions.

So the second reason I feel we should begin to do some of our own investigation and reporting is that this will give us the opportunity to debate the issues in the fullest sense. We can to some extent minimize the risk that debate will be tainted by charges of partisanship, and we can collectively arrive at our own understanding of the context in which to examine events in El Salvador and elsewhere.

The issue, as I see it, Mr. President, is twofold: How to put teeth into the concept of conditionality on which virtually all Americans are agreed, and how to do so in a way which actively involves Congress in its proper foreign policy role.

I do not believe that the readoption of Presidential certification will do either of these things. It will call for reports, but it will not result in much more than that. And it will keep Congress from meeting its own obligations to share some responsibility for the conduct of policy.

Instead, I hope that we will recognize an opportunity here to begin to help shape the policy with which so many of us are concerned. I do not claim this will be easy. Responsibility is seldom easy to bear. But I do think it will more actively engage this institution in Central American policy, and I believe that that is well worth the added burden.

Mr. President, I ask unanimous consent that a copy of my letter to Senator PERCY be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., February 9, 1984.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR CHUCK: As you know, the Congress will soon confront the issue of Presidential certification of human rights in El Salvador and other countries. The debate over the Kissinger Commission report, the continuing controversy over President Reagan's pocket veto of certification language, and the action by the House yesterday virtually ensure that this will be a highly contentious issue.

In my view, a great deal of the controversy is both unnecessary and counter-productive, for it detracts attention from the main issue: conditionality attached to assistance programs. There is a widely-shared consensus that aid should be conditioned, a point made with equal force by the Kissinger Commission and by the Administration. Unfortunately, the ongoing furor over certification has missed this point, for it has confused an instrument with a goal.

I'd like to suggest a possible solution: Congressional rather than Presidential determinations, under the lead of the Committee on Foreign Relations.

Presidenial certification has a number of drawbacks, as both its proponents and its opponents have come to recognize. Perhaps the chief flaw of the process is that it virtually eliminates Congressional judgment from the decision about whether to appropriate assistance. Once an instrument of certification is filed, money is virtually guaranteed. There is little Congressional analysis of the facts presented in the certification document, and even less independent Congressional fact-finding.

Congress has broad investigatory powers, and the Committee has ample staff support from trained experts who can travel to Central America and arrive at their own conclusions. Regular reports from Congressional committees to the membership would go a long way toward restoring the proper role we play in foreign policy—a role defined by broad oversight and goal-setting.

Regular Congressional reports would have at least two other advantages over certification. First, the contents of the report would not need to be determined through explicit specification on the floor of the Senate. In other words, the report could be constructed on the basis of regular consultation with interested members and could address itself to broader questions of context.

Second, the report could to some extent minimize the perils of partisanship. If senators and representatives are to debate the significance of a set of findings, rather than simply the findings themselves, they must be free to do so with the least possible taint of partisanship. Just as it would be difficult for a Domocrat to criticize a Presidential report without being accused of partisanship, so too it would be difficult for a Republican to support a finding without the same problem. This is even more the case in an election year. A report originating from a bipartisan Congressional committee can overcome that problem.

Perhaps most important, however, regular Congressional reports—perhaps on a semi-annual basis—would provide the basis for a genuine debate, something which we have thus far engaged in too seldom. It would be my hope that such reports would provide the basis for regular votes on aid levels. Thus far, we have relied on such hasty vehicles as continuing resolutions to move appropriations, with little opportunity for reflection. If appropriations were linked to Congressionally generated findings about the status of human rights in recipient countries, we could begin to play the role which we have thus far abrogated.

I hope that you will let me know your views, for I would like to share this idea with others if you feel it worthwhile, and to begin working on appropriate legislation.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

THE UNITED STATES SHOULD USE ITS POWER TO BLOCK THE TRANSFER OF RADIOACTIVE WASTE FROM EUROPE TO CHINA

Mr. PROXMIRE. Mr. President, could the People's Republic of China secure a "plutonium mine" from the radioactive waste of European nuclear reactors? If so, could they extract from the waste useful plutonium for the manufacture of weapons? Would it make any sense economically or militarily? Do they not have enough plutonium already?

These are questions raised by the disclosure that China could receive $5.45 billion for making a deal with West Germany and Switzerland for the disposal of their radioactive materials from commercial reactors.

But there are obstacles in the way for China. The first obstacle is that at the moment most of the West German reactor fuel comes from the United States, under our law the President must insure that all nuclear materials originating in this country remain subject to safeguards administered by the Atomic Energy Agency to guarantee that they are not used for military purposes. According to a New York Times story, however, on February 8, Philip D. Keif of the Department of Energy, that has responsibility for executing this law, said that our Government would have no general objection to the plan although our approval would be on a case-by-case basis.

The second obstacles to the Chinese acquisition of this "plutonium mine" is that China—which has just joined the Atomic Energy Agency—has not yet said whether it would accept safeguards on civilian plants and waste storage sites. The Times reports that European officials have said that China has no "hope of being allowed to store Western nuclear waste unless it does" accept such safeguards.

Frankly, this Senator does not put any reliance on that kind of assurance. Suppose China agrees to the safeguards, accepts the more than $5 billion and the radioactive material builds its "plutonium mine" over the next 10 or 15 years and then simply renounces its agreement. What recourse do we have under those circumstances? Obviously none.

And what use could the Chinese put this disposal resource? We believe the PRC has sufficient quantities of uranium and plutonium for their military purposes. And we know it is much easier and cheaper to create their own than to reprocess spent fuel. And even if they they did, spent fuel may not be ideal for weapons.

While we believe these conclusions to be accurate, we cannot rule out a military use for this spent fuel—perhaps as an emergency source of plutonium or perhaps by transfer to third parties—even terrorists.

Mr. President, just recently I called to the attention of the Senate the fact that the Chinese represent what may today be the most serious threat of all the countries in the world of nuclear proliferation. They have spread nucle-

ar arms material and know-how to Pakistan, India, and elsewhere. So obviously when the Chinese can pick up $5 billion and in the process build their own "plutonium mine," we can expect them to jump at the deal. So we should enforce the law to the fullest. That means we should call on the administration to take judicial notice of the record of the People's Republic of China in proliferating nuclear weapons. That notice should persuade us to vigorously enforce our law that insures that all nuclear materials originating in this country remain subject to safeguards administered by the Atomic Energy Agency to be sure that they are not used for military purposes.

Fortunately, the nuclear power industry is no longer expanding as rapidly as it did a few years ago. Some nuclear powerplants well underway have been scrapped because of the decline in the demand for electricity. With the surfeit of oil and the many increased costs of safeguarding nuclear power, it may be that the nuclear power boom has passed its peak and will decline indefinitely. In as much as plutonium from nuclear power waste has constituted a potential source of a vital ingredient of nuclear weapons, this is a fortuitous development that those of us concerned with the dangers of nuclear proliferation should take advantage of. One way to do so is to crack down on precisely the kind of threat posed by the European sale to China of waste nuclear materials that originated in this country.

Now, Mr. President, some say that the Chinese already have ample stores of plutonium. They do not need another "mine" to provide for their nuclear arsenal. This may be the case. But the question is how much plutonium is enough. The Chinese may have sufficient plutonium to fill their own current needs given the other limitations that stand in the way of their building themselves to nuclear arms super status. But they are a very large country with dedicated, revolutionary Marxist government. They also have the capacity to plan and act on a very long term basis. And, if they see their mission as providing nuclear materials to other countries—which is just what they are doing—then the plutonium might fit in nicely.

Mr. President, I ask unanimous consent that the article to which I have referred by Paul Lewis in the February 8 issue of the New York Times be printed in the RECORD at this point.

There being no objecton, the article was ordered to be printed in the RECORD, as follows:

CHINA BIDS TO STORE RADIOACTIVE WASTE

EUROPE OFFER TIED TO NEED FOR CURRENCY

(By Paul Lewis)

PARIS.—The Chinese Government is offering to store dangerous radioactive waste from European nuclear reactors in remote areas of the country in return for badly needed Western currency. The deal could be worth as much as $5.45 billion, according to one European official.

Last month, China signed a letter of intent to rent storage space for nuclear waste with three West German companies active in the nuclear supply business, European nuclear officials and industry executives said today.

China's prospective deal with these German companies raises serious questions relating to both the danger of nuclear proliferation and the imbalance between the industrialized and developing world. It must still be approved by the West German Government and it would need authorization of the United States if the spent reactor fuels sent to China were originally enriched in America.

(Responding to the report of the arrangement, Michael Oppenheimer, senior scientist with the Environmental Defense Fund, a nonprofit lobbying group, aid in New York: "It is in a sense blackmail of another country. You're asking another country that has more serious economic problems than your own to shoulder an environmental burden that you yourself would not tolerate.")

The German companies are Nukem, a big nuclear supply company based in Hanau; one of its subsidiaries specializing in the transportation of nuclear material, called Transnuclear, and Alfred Hempel, a privately owned company specializing in trade with the Communist world. None of these companies could be reached for comment tonight, but the same sources said that Nukem had confirmed its signature on the letter of intent to a West German news agency.

The Chinese have also approached the Swiss Government suggesting that they take waste from Swiss reactors, these sources say.

Basically, China's plan to become a storehouse for Western nuclear waste raises the possibility it would acquire what nuclear experts call a plutonium mine—that is, a large store of nuclear waste from which it might be able to extract plutonium, the main ingredient in nuclear bombs.

INTERNATIONAL SAFEGUARDS

Under United States law, the Reagan Administration must insure that all nuclear materials originating in the United States remain permanently subject to safeguards administered by the Vienna-based International Atomic Energy Agency to guarantee that they are not used for military purposes. At present, most of the fuel used in German reactors comes from the United States.

(In Washington, a spokesman for the Department of Energy, Philip D. Keif, indicated that the Government would have no general objection to the plan. "We would be sympathetic to the desires of some European countries who do not have a suitable prospect for disposal," he said. American approval of specific agreements would be on a case-by-case basis, he added, in which "nonproliferation is the essential standard.")

Last month, China joined the Atomic Energy Agency, which enforces a nonproliferation treaty, drawn up in the late 1950's whose signatories include virtually all the countries in the United Nations. However, three countries—the United States, Britain and the Soviet Union—signed the pact after they already possessed nuclear weapons, and they exempted their military installations from inspection.

China which also possesses nuclear weapons has specified the same terms; it has not yet said whether it would accept safeguards on civilian plants and waste-storage sites. But European officials say China has no hope of being allowed to store Western nuclear waste unless it does.

POLITICALLY SENSITIVE

Finding permanent, safe storage space for the thousands of tons of radioactive waste produced by nuclear reactors is one of the most challenging and politically sensitive tasks facing any country that opts for nuclear power. And sources in the European nuclear industry say that China appears eager to offer Western nations such remote areas as the Gobi Desert for this purpose in exchange for dollars.

China is currently engaged in a major campaign to modernize its economy, and last month the deputy chairman of the state economic commission told European businessmen that China will spend $1 billion this year to buy advanced Western technology.

At present, no European country with nuclear power stations possesses a permanent long-term storage site for nuclear wastes, some of which will be giving off deadly radiation for thousands of years. However, Sweden is currently building such a site underground, while Germany, Britain and France are prospecting for suitable locations.

The United States hopes to have such a repository operating by the end of the century. At present, spent reactor fuel generally is stored in swimming pool-like structures at the reactors where it was used. The spent fuel is still in its original form, being in most reactors clusters of fuel rods each about 12 feet long. The material can be shipped by truck or barge, in heavy steel protective canisters, but such shipments are rare in the United States because of the lack of a final repository.

COST OF THE DEAL

The quantity of fuel China wants to store and the price it is asking were not immediately clear. But one knowledgeable European official said the letter of intent signed between the China Nuclear Energy Industry Corporation and the three German concerns provides for the storage of about 4,000 tons of waste at a price of $1,500 a kilogram, equivalent to 2.2 pounds. Those figures indicate a deal that would be worth approximately $5.45 billion. It was not known over what period of time the waste would be shipped.

It is also unclear whether the Chinese are principally interested in storing the small quantity of so-called high level and very dangerous waste, produced after reactor fuel is reprocessed to separate out the plutonium, or the much larger quantities of spent fuel removed from reactors before it is reprocessed. At present, more than 20,000 tons of spent reactor fuel is being stored in specially cooled sites at reactors around the world and this figure is due to reach 70,000 tons by 1990.

When fuel is reprocessed, the rods are chopped up and immersed in acid, to allow the plutonium that was produced in the fission process, and the unused uranimum, to be chemically separated. The balance is atoms that were produced when uranium was split to release energy, called "fission products," which are highly radioactive and have no commercial value.

The wastes left from reprocessing are caustic, and often continue to give off heat,

sometimes boiling by themselves. To be stabilized for easier handling, they can be solidified and mounted in a borosilicate glass similar to pyrex, or mixed with concrete.

President Carter banned reprocessing of spent fuel from civilian reactors in the United States because of fears of the spread of the technology for extracting bomb-grade plutonium, or spread of the plutonium itself through theft or terrorist attack. However, the United States Government maintains reprocessing plants at which uranium is extracted from spent fuel from Government reactors.

According to American researchers, both types of wastes must be carefully isolated from groundwater and human contact until no longer radioactive.

A TRIBUTE TO ELEANOR ROOSEVELT

Mr. PROXMIRE. Mr. President, today I would like to pay tribute to a great woman in American history—1984 marks the 100th anniversary of Eleanor Roosevelt's birth. Recently, a centennial celebration was held in Washington in honor of this crusader for human rights. Eleanor Roosevelt contributed greatly to this country's fine reputation for human rights. She embodied the principles she fervently worked to secure.

Eleanor Roosevelt lived in times that cried out for equality, liberty, social justice, and democracy. She not only heard this cry, but saw the dire need to actively secure these principles. She knew that solid substantial progress for human rights required specificity, monitoring, and accountability.

Mr. President, the United States has had a monumental human rights treaty in its midst now for 35 years, awaiting ratification by this body. The Genocide Convention would hold accountable those who commit this heinous crime. The Genocide Convention would also help us to monitor the occurrence of this international crime. Eleanor Roosevelt believed such documentation was important for the advancement of human rights.

Mrs. Roosevelt also expressed the need for exchange of ideas across national boundaries to promote interdependence of governments. The force of her cause continues to influence our lives 21 years after her death.

In 1963 Adlai Stevenson quoted Eleanor Roosevelt on his Christmas card:

> Where, after all, do human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in, the school or college he attends, the factory, farm, or office where he works.
>
> Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

We can make human rights have meaning universally by first giving our advice and consent to a treaty here at home. In remembrance of Eleanor Roosevelt, let us reaffirm our Nation's commitment to human rights by ratifying the Genocide Convention.

A FATHER'S LOVE, A DAUGHTER'S MEMORY

Mr. KENNEDY. Mr. President, Hadley Roff, my former press secretary, a good friend and now the deputy mayor of San Francisco, recently endured one of the worst tragedies that can come to any family. He lost his 19-year-old daughter in an auto accident.

At a memorial service for his daughter, Kelly, Hadley delivered a moving tribute that glowed with love and with bright memories of Kelly's laughter.

He faced this tragedy with bravery, and the sympathy of all who knew him here goes to Hadley, to his wife, Sue, and to Kelly's brothers, Jim and Tim.

In the San Francisco Examiner, Scott Beach reported and reprinted Hadley's eulogy in an article entitled, "A father's love, a daughter's memory." I ask that the article be included in the CONGRESSIONAL RECORD at this point. Hadley's simple eloquence speaks of Kelly's legacy to her family—and in a deeper sense, it speaks to all of us.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FATHER'S LOVE, A DAUGHTER'S MEMORY

(By Scott Beach)

"I'm Kelly's dad."

With that simple introduction, Hadley Roff began the eulogy. His 19-year-old daughter Kelly had been killed in a car crash only a few days previously. A memorial for her was held, last Thursday, at Stern Grove, and a large crowd of people came to pay respects and offer condolences. In addition to Kelly's family and friends, there were political figures, including Dianne Feinstein, whom Hadley Roff serves as deputy mayor; members of the Board of Supervisors, commissioners, police and fire officials, labor leaders, sports figures—an impressive assembly. And many were there, myself among them, who are just friends of Hadley and Sue Roff.

The services were brief—some light and pleasant music, the eulogy and a few remarks by people who knew Kelly, with labor leader Dave Jenkins as master of ceremonies, and some selected scriptural readings by Msgr. Peter G. Armstrong of St. Pius Church in Redwood City. Hadley's eulogy was one of the most beautiful things of its kind I've ever heard. Later in the day, I asked him for permission to publish it, believing that it is an important statement of a father's love. The following is the text of that eulogy.

I'm Kelly's dad—and on behalf of Kelly's two brothers, Jim and Tim, and Kelly's stepmother Susie, let me welcome you and say how grateful we are that you're sharing this time with us.

Kelly would have been 20 years old on May 20th, and already she was planning the party, and indicating the presents she wanted.

So full of life and eager anticipation, so brimming with fun, she delighted in parties—in bringing people together—organizing—particularly if it provided an opportunity to dress outlandishly.

As "a nut" in her high school photo, an old fur wrapped around her neck and ridiculous pink glasses with pointed ends perched above a goofy smile—at a "squid party"—as a "nerd" in an outrageous get-up of 1950s hand-me-downs and unforgettable white Mary Janes with blue anchors on the toes—or as an elf in green and red at Christmas—or wrapped in cellophane as a bag of beer nuts—always a clown, always looking ahead to the next party, Kelly loved life with an unrestrained enthusiasm.

Cleaning up her room, putting the dishes away, scrubbing the kitchen counter before her crumbs became a feast for legions of ants—there was enthusiastic restraint.

She had a smile that would light a room—a splendid authentic laugh that bubbled deep from within her—and, when angry, she had a scowl darker than any cloud.

Like most young people, her moods shifted—happy most of the time, eager to be with people—but at times quiet, wanting to be alone, sitting on her bed, knees tucked under her chin, reading. Reading with the radio blaring, turned up to its loudest with a rock 'n' roll tune incomprehensible to anyone over the age of 25. "Damn it, turn that thing down! turn it down!" would be the cry from the parental floor above.

The telephone was in constant use. Sometimes, I even got to use it. The refrigerator is still a jumble of notes held by little magnets—Bobby called—Please call Barbara——

Kelly, this last Saturday—such an eternity ago—completed six weeks as a stock clerk at Macy's downtown. How she loved being in that store—any store, for that matter—for she loved to shop, to window-gaze, to report, breathlessly: "Dad, Susie, I saw the most wonderful dress!"

Now she lies on a green slope near a towering sentinel of a cypress, at Woodlawn Cemetery—not far from the bustling stores of Serramonte.

She had grit. When she was 10, living near Washington, D.C., Kelly, an AAU swimmer, was seeded far, far back in a major meet. Her mother, Mary, who over the years had driven her to meet after meet, was then hospitalized dying with cancer.

Kelly paced, waiting to be called to her heat in the breaststroke. She fidgeted on the starting block—then won not only her heat but the gold medal.

Kelly had a mind of her own—definite, opinionated—still yet to be finally shaped by the charity of experience. Kelly, like so many young people today, scorned scholarship and fatherly admonitions about the future and about responsibility. She lived joyously for the day—dreaming of the future—of that new dress—of that birthday party in May—of "maybe, Dad, going to college someday"—of the rich and, of course, handsome man who would step magically into her life and sweep her to St. Mary's Cathedral for a glittering wedding and, afterward, the biggest party ever.

The dreams of a 19-year-old—eager for the future, but equally eager for each moment of every day—a life so full of dreams—so expectant, so anticipatory—yet so incomplete, so unfinished—an unfinished symphony stopped so ultimately.

On Sunday, Sisters Francis and Joseph Grace at Mary's Help in South San Francisco really didn't have to say the words. The message, compassionate but unmistakable,

was in their eyes. Their words helped, and Father Gorman's, the hospital chaplain, and the doctor. A parent's worst nightmare—the news, so unexpected, so unanticipated, at first was hallucinatory.

Back home, there still was the expectation that the front door would bang open—it was never just opened—and a radio would click to the highest decibel—and there would be that energetic "Hi, ya!" But, mostly, there was the deep silence in response to the unanswerable question: "Why?"

Kelly left a boundless legacy of love. She left scores of loving friends who gave substance to her life, and who, together, strengthen all of us who live on.

"Why?" A cosmic riddle, unfathomable, except in the ageless truth: Life goes on. Life goes on—the staying power of mankind. For young people, there are chores to do, dreams to realize, independence to accept, self-reliance to achieve, talents to mold into the responsibilities of adulthood. For those of us who are older, there are still challenges to meet, work to be done, bills to be paid. And, for all, there is laughter to renew, joy to rekindle—and above all, there is the flame of love and compassion to keep bright and extend to others.

Kelly, in her brief life, had no opportunity to achieve the stuff of encyclopedias, books written, concerts composed, continents conquered, discoveries made. But, even in so short a life, she may have achieved the greatest aspect of all—the gift of love.

CONGRESSMAN ED FEIGHAN SAYS MEDICARE NEEDS DOCTOR-COST CONTROL

Mr. KENNEDY. Mr. President, 32 million Americans are once again being threatened by proposed cuts in a program they have contributed to and have come to rely on: medicare. The Reagan administration wants to slash $18 billion from the medicare budget in the next 4 years by increasing patient costs and discouraging the use of health care among the elderly and disabled.

Medicare's financial troubles are symptomatic of a much greater problem: the skyrocketing cost of health care in this country. We can only save medicare from bankruptcy if we treat the disease, not the symptom. We cannot forget that essential health care services are becoming unaffordable for too many Americans.

My friend and colleague in the House, ED FEIGHAN of Ohio, recently addressed medicare's problems and offered a number of excellent observations. I believe that Congressman FEIGHAN's views will be of interest to all of us as we seek to deal fairly and responsibly with the coming crisis in medicare, and I ask unanimous consent that his analysis now be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer Feb. 2, 1984]

MEDICARE NEEDS DOCTOR-COST CONTROL

(By Edward F. Feighan)

Shortly after his inauguration, President Reagan made an important promise: "Those who must depend on the rest of us—the poverty-stricken, the disabled, the elderly, all those with true need—can rest assured that the social safety net of programs they depend on are exempt from the cuts." Sadly enough, the president has spent the last three years breaking this promise time and time again.

His most recent assault on what he calls "the social safety net" concerns Medicare, a program that helps protect 29 million older Americans and three million disabled citizens against rising health-care costs. When recent projections warned that Medicare would be insolvent by 1990, the president claimed that Medicare is in crisis because its benefits are too generous and the elderly use too much health care. As a solution, he proposed increasing premiums, copayments and deductibles, and cutting the Medicare program by $18 billion over the next four years.

By consistently ignoring the needs and concerns of those without income and health security, the president continues to alienate those of us who favor fiscally and socially responsible solutions to the unnecessarily high deficits that plague our economy.

Medicare's financial difficulties are not due to overly generous benefits and free-loading older Americans. In fact, Medicare pays less than half the health costs of the elderly. Eyeglasses, hearing aids, dental services, prescription drugs and most long term nursing care are not covered. Even with Medicare, the average senior citizen pays well over $1,500 a year in out-of-pocket medical expenses.

Medicare is in financial trouble because it is a relatively small cog in a health-care system that is careening out of control. Health-care expenditures in this country reached $322 billion in 1982, and the health-care industry was ravaged by a 12 percent inflation rate.

In Cuyahoga County, the cost of medical care has skyrocketed to the point where it is now 26 percent higher than the national average. Nationally, physician fees have been increasing at a rate 50 percent greater than the rate of inflation since 1975. To make matters worse, the health-care industry is riddled by waste; we have 100,000 excess hospital beds going unused, two million unnecessary operations each year that cost over $4 billion, duplicative technology worth millions of dollars, too many specialists and not enough primary-care physicians.

Inflation and waste in health care have helped push Medicare to the brink of bankruptcy, and if the president and Congress fail to consider Medicare in its proper context, older Americans will undoubtedly bear the brunt of more myopic budget cuts.

Medicare's financial crisis can also be attributed in part to mechanical failures in its reimbursement system. Medicare reimbursement is based on the amount of service provided—physicians receive a fee for each service provided and hospitals are reimbursed for the cost of providing services. The more services given, the more money received. It is easy to see how this "blank check" approach has fueled high inflation in health care.

Fortunately, Congress has passed legislation to hold down hospital costs. A new prospective payment system reimburses hospitals for 468 different procedures at a fixed rate. Hospitals now know how much they will get from Medicare for heart surgery, a cataract operation, even a broken hip.

If a hospital's costs are less than the fixed amount, it gets to keep the difference. If the hospital spends more than the fixed amount, it must absorb the loss. The goal of this system is to encourage hospitals and doctors to reduce unnecessarily long hospital stays and stop unnecessary procedures.

Unfortunately, Medicare payments to physicians still lack suitable cost controls. Physicians, who make almost all medical decisions, have no real incentive to hold down Medicare costs by prescribing only the necessary testing and treatment.

This part of Medicare, the supplementary medical insurance, has seen its cost skyrocket by as much as 20 percent a year. Doctors are reimbursed by Medicare for 80 percent of their "reasonable charge" while the patient pays the other 20 percent. But if a doctor considers a Medicare reimbursement insufficient, the patient can be billed for an additional amount—there is no limit. On the average, this tack-on charge represents 27 percent of a patient's total doctor bills. In an important move, the House Ways and Means Committee recently approved legislation that would ask doctors to accept Medicare reimbursement as payment in full for each service provided.

Medicare payments to physicians must be made more cost-efficient. Now that hospitals are operating under a prospective payment system, it is the doctors' turn to bite the bullet as we try to contain health care costs and save Medicare from bankruptcy. Creating a prospective payment system for in-hospital physician services is one proposal that Congress should carefully consider during its debate on Medicare reform.

To understand the dynamics of this debate, I find it helpful to review the major components of President Reagan's proposed $18 billion cut. The president wants to discourage the use of health care by the elderly by making them pay a much bigger portion of their medical costs.

The Reagan proposal calls for Medicare to become a "castastrophic coverage" plan that would charge patients much more for the first 60 days of their hospital stay while the government would pay all hospital bills after that.

Under this plan, for example, a patient who stays in the hospital 30 days would pay over $1,000 as opposed to $350 under current law. In addition, Medicare's coverage of physician services would be restructured with significant increases in both the premium and the deductible.

This catastrophic coverage would help very few people. Ninety-eight per cent of all hospitalized Medicare patients stay in the hospital less than 60 days and these senior citizens would be severely burdened by the new cost-sharing requirements.

The President's Advisory Council on Social Security has proposed a different version of catastrophic Medicare coverage. The yearly premium for supplementary medical insurance would immediately increase by 250 percent to $412, but patient liability would be limited to $200 a year in doctors' bills plus $350 for each hospital confinement. Members of the advisory council also want to raise the age for Medicare eligibility from 65 to 67. This would force millions of senior citizens on fixed incomes to pay thousands of dollars a year for private health insurance.

As Congress discusses Medicare reform, it must keep in mind that Medicare faces more than a financial crisis; the program has become increasingly unable to protect older Americans against skyrocketing health-care costs. So I am convinced that any attempt to solve Medicare's financial problems by reducing benefits will fail in the long run. If Medicare coverage is allowed to erode, the elderly will have to dig deeper into their pockets to pay the rising premiums of Medigap policies, and this will create a whole new class of health-care indigents.

Saving Medicare requires immediate action on two fronts. First, Congress must correct flaws in Medicare's reimbursement system, giving doctors and hospitals more incentive to weed out waste and increase their efficiency. Secondly, we must use the Medicare issue to initiate a meaningful critique of the health-care industry as a whole.

We can save Medicare only if we contain the cost of health care in this country. Our health-care system needs to be reoriented toward the delivery of more cost-effective and efficient services.

Senior citizens must not be asked to foot the bill for health care inflation and an inefficient Medicare reimbursement system. This is why I am unalterably opposed to President Reagan's plan to put Medicare on the chopping block. If we allow this to happen millions of Americans will feel the pain for many years to come.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:12 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following joint resolution without amendment:

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

The message also announced that the House had passed the following bill and joint resolution in which it requests the concurrence of the Senate:

H.R. 555. An act to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

H.J. Res. 271. Joint resolution designating February 11, 1984, "National Inventors' Day."

At 1:36 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the committee of conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1340) entitled "An Act to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes."

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate, on February 9, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 255) providing for an adjournment of the House from February 9 to 21, 1984, and an adjournment of the Senate from February 9 or February 10 to February 20, 1984.

The message also announced that pursuant to the provisions of section 161(a) of Public Law 93-618, and upon recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 98th Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JONES of Oklahoma, Mr. VANDER JAGT, and Mr. FRENZEL.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1340. An act to revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes;

H.R. 1557. An act for the relief of William D. Benoni; and

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

MEASURES REFERRED

H.R. 555. An act to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; to the Committee on Energy and Natural Resources.

H.J. Res. 271. A joint resolution designating February 11, 1984, "National Inventors' Day"; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, February 9, 1984, he had presented to the President of the United States the following enrolled bills:

S. 379. An act to cancel certain indebtedness in connection with disaster relief activities; and

S. 684. An act to authorize an ongoing program of water resources research, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Government Affairs, without amendment:

S. Res. 293. Resolution directing the Senate legal counsel to bring civil action to enforce subpena of the Permanent Subcommittee on Investigations (Rept. No. 98-354).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCLURE, from the Committee on Energy and Natural Resources:

Ann Dore McLaughlin, of the District of Columbia, to be Under Secretary of the Interior; and

Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs,

Richard H. Francis, of Virginia, to be President of the Solar Energy and Energy Conservation Bank.

(The above nominations were reported from the Committee on Energy and Natural Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2279. A bill for the relief of Ching-Yau Cheng and Mei-Wa Cheng, his wife; to the Committee on the Judiciary.

S. 2280. A bill for the relief of Ching-Kee Cheng and Wun-Mun Cheng, his wife; to the Committee on the Judiciary.

By Mr. HATCH:

S. 2281. A bill to revise and extend provisions of the Public Health Service Act relating to the National Health Service Corps; to the Committee on Labor and Human Resources.

By Mr. GOLDWATER (for himself, Mr. FORD, and Mr. PRESSLER):

S. 2282. A bill to amend the Communications Act of 1934 to limit ownership of national television networks not otherwise subject to section 310 of the act and certain large cable television systems by foreign entities or aliens, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

By Mr. MATHIAS:

S. 2283. A bill to provide for the public financing of general elections for the U.S. Senate, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURENBERGER (for himself, Mr. ARMSTRONG, and Mr. GRASSLEY):

S. 2284. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction; to the Committee on Finance.

By Mr. BIDEN:

S. 2285. A bill to amend the Congressional Budget Act of 1974 to limit the period for which the enactment of new budget authority may be authorized, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. BIDEN:

S. 2286. A bill to amend the Congressional Budget Act of 1974 to require authorizing legislation for tax expenditures, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. PELL:

S. 2287. A bill to provide for the distribution of oil overcharges collected by the Department of Energy to consumers; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2288. A bill to extend duty-free treatment to imports of chipper knife steel; to the Committee on Finance.

By Mr. SPECTER:

S. 2289. A bill to amend the Vocational Education Act of 1963 to place certain community-based organizations of State, local, and national advisory councils, to provide special consideration of certain proposals for vocational education grants, and to require a set-aside of certain allocations for vocational education programs; to the Committee on Labor and Human Resources.

By Mr. WILSON (for himself and Mr. CRANSTON):

S. 2290. A bill to amend the act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws," enacted September 2, 1965; to the Committee on Energy and Natural Resources.

By Mr. HUMPHREY:

S. 2291. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to allow immediate access to the full amount which will be available to the Fund, and for other purposes.

By Mr. GORTON (for himself and Mr. GOLDWATER):

S. 2292. A bill to provide for continued access by the Federal Government to land remote sensing data from satellites, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN:

S. 2293. A bill to provide for the free entry of a ring of eight bells for the use of Kalamazoo College, Kalamazoo, Mich.; to the Committee on Finance.

By Mrs. HAWKINS:

S. 2294. A bill to require the registration of deposit brokers with the Securities and Exchange Commission, to require the Federal depository institution insuring agencies to better police the funds acquisition activities of newly insured and financially impaired depository institutions, to amend the Securities Exchange Act of 1934, the Federal Deposit Insurance Act, the National Housing Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. QUAYLE:

S. 2295. A bill to amend title 23, United States Code, to provide that for purposes of determining the minimum allocation paid to any State, the amount of taxes treated as paid into the highway trust fund with respect to gasohol and certain methanol and ethanol fuels shall be determined as if such fuels were taxed as gasoline; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 2296. A bill to permit the enlistment of a limited number of aliens in the Regular Army of the United States; to the Committee on Armed Services.

By Mr. LEVIN:

S. 2297. A bill for the relief of Evelyn M. Rachoza; to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. ANDREWS):

S. 2298. A bill to amend title 38, United States Code, to provide for the payment of a service pension to veterans of World War I and the Mexican border period and to surviving spouses of such veterans; to the Committee on Veterans Affairs.

By Mr. DOLE (for himself, Mr. DENTON, Mr. GRASSLEY, Mr. BENTSEN, Mr. HATCH, and Mr. JEPSEN):

S. 2299. A bill entitled the "Anti-fraudulent Adoption Practices Act of 1984;" to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. PERCY, and Mr. LEVIN):

S. 2300. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize multiyear contracts in certain cases; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mrs. HAWKINS, and Mr. INOUYE):

S. 2301. A bill to revise and extend programs for the provision of health services and preventive health services, to establish a program for the provision of home and community-based services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 2302. A bill to consolidate existing Federal vocational education programs, to simplify requirements for States and other recipients participating in Federal vocational education programs, and to authorize certain State and national programs for the development of vocational skills in the workforce that will improve productivity and economic growth, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 2303. A bill to revise and extend the Alcohol and Drug Abuse and Mental Health Service block grant; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ (for himself, Mr. BOREN, Mr. JEPSEN, and Mr. PRYOR):

S. 2304. A bill to enhance U.S. food aid, restore the competitive position of the United States in agricultural export markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOSCHWITZ (for himself and Mr. DURENBERGER):

S. 2305. A bill to amend the Internal Revenue Code of 1954 to make certain local organizations of police and firefighters exempt from taxation.

By Mr. PRYOR:

S. 2306. A bill to amend the Internal Revenue Code of 1954 to provide that a defined contribution plan qualified under section 401(a) will not be a disqualified person with respect to a private foundation merely because it owns more than 20-percent interest in a corporation, partnership, or trust which is a subsatntial contributor to the foundation; to the Committee on Finance.

By Mr. BOSCHWITZ (for himself, Mr. DANFORTH, and Mr. TSONGAS):

S. 2307. A bill making a supplemental appropriation to carry out title II of Public Law 480; to the Committee on Appropriations.

By Mr. HATCH:

S. 2308. A bill to revise and extend provisions of the Public Health Service Act relating to the provision of primary health care services; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 2309. A bill to authorize the offer and payment of rewards for information and services concerning terrorist activities; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. BOREN, Mr. HEINZ, and Mr. COCHRAN):

S. 2310. A bill to establish senior citizen tutorial volunteer network programs which will provide opportunities for senior citizens to work in elementary and secondary schools and in the home with educationally disadvantaged children and their families; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 2311. A bill to amend the provisions of the Public Health Service Act relating to health maintenance organizations; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. BUMPERS, Mr. PRYOR, and Mr. PELL):

S.J. Res. 229. A joint resolution to proclaim the week beginning April 22, 1984, as "National Dance Week"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 230. A joint resolution to designate the week of October 7 through 13, 1984, as "National Birds of Prey Conservation Week"; to the Committee on the Judiciary.

By Mr. DODD (for himself, and Mr. LAXALT):

S.J. Res. 231. A joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND (for himself, Mr. BAUCUS, Mr. DOLE, Mr. GRASSLEY, Mr. HATCH, Mr. LAXALT, Mr. LEAHY, Mr. HEFLIN, Mr. BINGAMAN, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN,

Mr. CRANSTON, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mrs. HAWKINS, Mr. HELMS, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MOYNIHAN, Mr. NUNN, Mr. STAFFORD, Mr. STEVENS, and Mr. TSONGAS):

S.J. Res. 232. A joint resolution to authorize and request the President to designate the month of May 1984, as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 233. A joint resolution to authorize the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information; to the Committee on the Judiciary.

By Mr. BENTSEN:

S.J. Res. 234. A joint resolution to designate the week of February 11 through 18, 1984, as "League of United Latin American Citizens Week"; to the Committee on the Judiciary.

By Mr. PELL:

S.J. Res. 235. A joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a national law enforcement heroes memorial; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. PELL, and Mr. MATHIAS):

S.J. Res. 236. A joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms race; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. COCHRAN, Mr. HELMS, Mr. PRYOR, Mr. MITCHELL, Mr. KASTEN, Mr. INOUYE, Mr. GOLDWATER, Mr. SYMMS, Mr. HEINZ, Mr. MATSUNAGA, Mr. DOMENICI, Mr. BUMPERS, and Mr. GRASSLEY):

S.J. Res. 237. A joint resolution to designate the week of November 25 through December 1, 1984, as "National Home Care Week"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. DENTON, Mrs. HAWKINS, Mr. NICKLES, Mr. HUMPHREY, Mr. RANDOLPH, Mr. LAXALT, Mr. MCCLURE, Mr. MURKOWSKI, Mr. ABDNOR, Mr. DOMENICI, Mr. WEICKER, Mr. PRYOR, Mr. STENNIS, Mr. BENTSEN, Mr. GARN, Mr. WILSON, Mr. BUMPERS, Mr. SARBANES, Mr. LUGAR, Mr. NUNN, Mr. HELMS, Mr. CHAFEE, Mr. THURMOND, Mr. PELL, Mr. MATSUNAGA, Mr. ZORINSKY, Mr. BAUCUS, Mr. CRANSTON, Mr. MATTINGLY, and Mr. DODD):

S.J. Res. 238. A joint resolution to designate the week beginning November 19, 1984, as "National Adoption Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 338. A resolution to increase the size of committees; considered and agreed to.

By Mr. BAKER:

S. Res. 339. A resolution making certain majority party assignments; considered and agreed to.

By Mr. BYRD:

S. Res. 340. A resolution amending rule XXV; considered and agreed to.

S. Res. 341. A resolution making certain minority party assignments; considered and agreed to.

By Mr. BAKER:

S. Res. 342. A resolution amending rule XXV; considered and agreed to.

By Mr. MATHIAS:

S. Res. 343. A resolution authorizing expenditures by the Committee on Rules and Administration; to the Committee on Rules and Administration.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 344. A resolution to direct the Senate Legal Counsel to intervene in the case of *Irwin B. Arieff* v. *U.S. Department of the Navy;* considered and agreed to.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 345. A resolution authorizing production of documents by the Senate Permanent Subcommittee on Investigation; considered and agreed to.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 346. A resolution to direct the Senate Legal Counsel to represent the Senate parties in the case of *Judd Gregg, et al.* v. *Danford L. Sawyer, Jr.,* et al., Civil Action No. 84-0204; considered and agreed to.

By Mr. BAKER:

S. Res. 347. A resolution commending James Davis Range for his extraordinary service to the U.S. Senate; considered and agreed to.

By Mr. MURKOWSKI:

S. Res. 348. A resolution expressing the sense of the Senate regarding global interests in, and responsibility toward, the crisis in Lebanon; to the Committee on Foreign Relations.

By Mr. PRYOR (for himself and Mr. PRESSLER):

S. Res. 349. A resolution relating to the membership of the Federal Reserve Board of Governors; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2281. A bill to revise and extend provisions of the Public Health Service Act relating to the National Health Service Corps; to the Committee on Labor and Human Resources.

NATIONAL HEALTH SERVICE CORPS AMENDMENTS OF 1984

Mr. HATCH. Mr. President, I am today introducing the National Health Service Corps Amendments of 1984. This legislation is an important step in our continuing concern that adequate health manpower is available to our Nation's underserved.

The National Health Service Corps (NHSC) is a Federal program designed to place physicians, dentists, and other health professionals in federally designated health manpower shortage areas (HMSA's) that have a demonstrated need and demand for them. The authority for the NHSC consists of a "field" program and a scholarship program. The NHSC field program is responsible for assigning corps members to HMSA's. The scholarship program obligates health providers to serve in a HMSA in return for a NHSC scholarship. Since 1981, only a small number of new NHSC scholarships have been awarded as part of an exceptional financial need program.

Although an increase in the supply of physicians and other health professionals and the resulting market forces have reduced the number of areas of health manpower shortage, there will continue to be a need for a NHSC program to assist areas that have not been able to attract and may never be able to attract the needed health care providers. I therefore support the NHSC as a modest but effective long-term means to voluntarily move health care providers into areas that need them the most.

While some needs remain and the National Health Service Corps goal and commitment remain the same—"to improve the delivery of health services in health manpower shortage areas"—the growth of the corps has justifiably leveled off. The number of corps members is now in harmony with evidence that a surplus of physicians and other health care providers (e.g., dentists, nurses) is having a significant effect on the geographic distribution of health professionals. Shortage areas in need of health manpower continue to diminish in response to the success of the NHSC program and the general diffusion of health professionals to areas of need.

There are undoubtedly some areas for which no increased amount of competition in the health care delivery system will provide a readily accessible doctor. In particular, I believe there will continue to be an uneven distribution of health providers in small isolated communities in remote rural areas. Many of these areas will not be able to attract sufficient health care practitioners, even in the face of a doctor "glut", without the NHSC.

The NHSC legislation that I introduce today reauthorizes the NHSC field program and a small NHSC scholarship program for 3 years and contains the following major features: First, the bill contains an authorization level ($90, $85, and $85 million for fiscal years 1985-87) that will allow the NHSC field program to remain at its current level of federally salaried corps members through fiscal year 1987. These authorization levels are actually somewhat higher than projected needs to allow for an increase in the NHSC field budget if the mix of federally salaried corps members and private practice option members changes adversely.

Second, the bill contains an authorization level sufficient to support 150 new NHSC scholarships in each of fiscal years 1985, 1986, and 1987 and the outyear continuation of NHSC scholarship awards first made prior to October 1, 1987. A modest NHSC

scholarship program will assist the corps by assuring a small pipeline of service contingent health practitioners to help meet the needs of the most critical manpower shortage areas. However, this modest program will not interfere with the recruitment of volunteers into the NHSC, which is the preferable means.

Third, under this legislation, the Secretary of HHS is directed to transmit to the Congress a long-term staffing plan for the NHSC based on a total corps size of 2,100 or such lesser number that is consistent with the demonstrated health manpower needs of health manpower shortage areas. As the number of health manpower shortage areas shrink in response to NHSC program placements and market forces, the corps needs such a versatile long-range plan to continue its mission of providing health personnel to communities with the greatest need and demand for health care and which have been unable to attract providers of primary care services.

Two technical amendments are also included in the bill. First, starting with individuals who sign their first NHSC scholarship contract in fiscal year 1985, the Secretary of Health and Human Services is given the flexibility to select for these individuals which residency and advanced clinical training program they may participate in while deferring their scholarship obligation. Second, current law contains two authorities for loans to corps members to enter private practice in a health manpower shortage area. The bill combines these authorities into one loan program available to all corps members (scholarship obligated and volunteers) who will enter into or are currently in private practice in a health manpower shortage area. These loans will assist eligible individuals in the purchase of equipment and the renovation of facilities used in providing health services and will help to promote the National Health Service Corps private practice option program. The private practice option encourages individuals to serve at their own financial risk in underserved areas during their period of obligated service. The option also provides incentives for corps members to develop good relationships with the community they serve and to stay in that community for longer periods of time.

Taken altogether, this bill gives the NHSC program the flexibility it needs to continue to operate at a level consistent with the needs of health manpower shortage areas. I urge the support of all my colleagues for this worthwhile goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Amendments of 1984".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 3. (a) Section 338(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$90,000,000 for the fiscal year ending September 30, 1985; $85,000,000 for the fiscal year ending September 30, 1986; and $85,000,000 for the fiscal year ending September 30, 1987".

(b) Section 338F(a) is amended by striking out the last sentence and inserting in lieu thereof the following: "For the fiscal year ending September 30, 1985, and each of the two succeeding fiscal years, there are authorized to be appropriated such sums as may be necessary to make 150 new scholarship awards in accordance with section 338A (d) in such fiscal year and to continue to make scholarship awards to students who have entered into written contracts under the Scholarship Program before October 1, 1987.".

OBLIGATED SERVICE

SEC. 4. Section 338B(b)(5) is amended to read as follows:

"(5)(A) With respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1984, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into contract under section 338A on or after October 1, 1984, the Secretary may defer such date in accordance with the provisions of clause (i).

"(B)(i) With respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) With respect to an individual receiving a degree from a school of veterinary medicine, optometry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) With respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes his academic training leading to such degree.".

SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE

SEC. 5. (a) Subsections (a) and (b) of section 338F are amended to read as follows:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of his profession in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338C (b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section; to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.".

(b) Subsection (c) of such section is amended by striking out "grant or" in the first sentence.

(c) Subsection (d)(1) of such section is amended by striking out "this section," and inserting in lieu thereof "this section (as in effect prior to October 1, 1984),".

(d) Section 338C(e) is amended by striking out paragraph (1) and by striking out "(2)" before "Upon".

PERSONNEL PLAN FOR THE NATIONAL HEALTH SERVICE CORPS

SEC. 6. (a) By October 1, 1985, the Secretary of Health and Human Services shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for the recruitment, employment, and retention of personnel for the National Health Service Corps which assures that—

(1) the Corps will continue to improve the delivery of health services in health manpower shortage areas (as designated by the Secretary under section 332 of the Public Health Service Act) during fiscal year 1988 through 1990; and

(2) during each such fiscal year, the total number of Corps members shall not exceed 2,100 or such lesser number as the Secretary considers necessary to serve the demonstrated needs of health manpower shortage areas.

(b) The plan required by subsection (a) shall include alternative proposals for the

recruitment, employment, and retention of personnel for the National Health Service Corps, estimates of the amounts that would be required to carry out each such proposal during each of the fiscal years with which the plan is concerned, and such recommendations for legislation and administrative action as the Secretary considers appropriate.

(c) The Secretary shall prepare the plan required by subsection (a) in consultation with State governments, voluntary organizations, and organizations representing health professionals.

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall take effect on October 1, 1984, except that section 6 shall take effect on the date of enactment of this Act.

By Mr. GOLDWATER (for himself, Mr. FORD and Mr. PRESSLER)

S. 2282. A bill to amend the Communications Act of 1934 to limit ownership of national television networks not otherwise subject to section 310 of the act and certain large cable television systems by foreign entities or aliens, and for other purposes; to the Committee on Commerce, Science and Transportation.

RESTRICTING FOREIGN CONTROL OF CABLE SYSTEMS AND NEW MAJOR TELEVISION NETWORKS

● Mr. GOLDWATER. Mr. President, I am introducing, today, for myself and Senators FORD and PRESSLER, legislation to limit foreign control of new major U.S. television networks and large cable television systems. There is nothing new in the proposal. The measure simply brings existing alien ownership restrictions of communications law up to date with modern technology. The basic need for the bill is to prevent foreigners from buying up and gaining control over the primary source of information which is available to and used by the American people.

Section 310(b) of the Communications Act of 1934 presently restricts foreign ownership of and participation in broadcast licenses of individual radio and television stations. Section 310(b) is but one of several statutes that restrict foreign ownership in critical U.S. industries.

Present law prohibits indirect as well as direct foreign ownership of broadcast stations. The extent of the prohibition depends upon the amount of foreign participation. Individual foreigners are barred from holding licenses. Corporate licensees are limited to 20-percent alien ownership of capital stock and are prohibited from having a foreign citizen as either an officer or a director. Holding companies are allowed as much as 25-percent foreign ownership and 25-percent foreign participation on the board of directors. In addition, the Federal Communications Commission is granted discretion to approve more foreign stock ownership, board of directors' representation and officers in the case of holding companies.

Current law does not specifically apply to cable system operators, nor would it apply to any major national television network which does not hold a station license. These are two major loopholes in the law which must be closed up.

National television networks increasingly provide the primary source of news and information to the vast majority of U.S. citizens. Newspapers and magazines, books and other printed materials, come in as a distant second as the source of day-in and day-out information received by most people. While it is true that the three major national television networks are presently all covered by the foreign ownership restrictions of section 310(b), since they have financial interests in or ownership of individual broadcast licenses, a new major network could arise that does not hold any license or the present corporations could change their organization by spinning off their interests in station licenses.

Also, due to the growing expansion of cable television service throughout the United States, the majority of American people now have the opportunity to receive cable service and 38 percent of American homes are subscribers. It may take several more years for cable to reach its true potential, but all telecommunications studies predict a growing share of the home video market for cable systems. Although I realize that in 1975 and 1980, the FCC declined to adopt a rule against foreign ownership of cable television systems, I feel strongly that cable television deserves no less protection from foreign influence than broadcast television or radio.

Mr. President, it should be noted that no other country in the world allows the degree of foreign ownership in its broadcast and cable television companies that is possible in the United States. The proposed law merely extends existing policy to new video technologies.

The bill we are introducing will add a new section 333 to the Communications Act of 1934. It will make it unlawful for foreign persons to directly or indirectly operate or control a major national television network not subject to current law. To avoid redundancy, only major national television networks, which are not subject to section 310(b) of the act as owners of interests in television stations, will be brought within the new alien ownership restrictions. ABC, CBS, and NBC, as now organized, will not be affected because two of the networks are already covered by internal corporate limits on foreign influence and all are covered by section 310(b).

The new section 333 will also establish foreign ownership restrictions that are directly applicable to large cable television systems.

Unlike the present section 310(b)(4), section 333 will not give the FCC discretion to allow undue alien ownership in parent companies of these networks and cable systems. The Commission will have discretion only as to allowing an alien to be an officer.

Mr. President, I want to make it clear that any ownership arrangements now existing, which would otherwise be prohibited under the bill, are grandfathered to avoid possible industry disruption. For example, existing Canadian and other foreign ownership of U.S. cable systems would not be affected by the bill. Specifically, any foreign-owned cable operator otherwise covered by the bill could continue to expand service under existing franchises or submit bids for new franchises if the bidding process had already commenced. Also, the present ownership structure of any television network otherwise covered by section 333, but permissible under the current section 310(b), will be grandfathered. The effective date of the grandfather clause is today, February 9, the date of introduction of the bill.

Mr. President, I have mentioned that the bill will apply only to large cable television systems. This is provided for in section 333. Paragraph (b)(2) contains a definition of cable operators which limits the bill to a cable operator who directly or indirectly operates or controls one or more cable television systems which, in the aggregate, serve no less than 250,000 subscribers.

The definition section would allow foreign investment in cable operations where the potential for influence is minimal, but it would reach situations where the degree of potential, foreign influence is sizable.

This subject is not new to the Senate. Last June 14, we passed S. 66, the cable bill, which contains a provision, section 605(b), directly applicable to foreign ownership. The section calls on the FCC to identify situations in which foreign investors can buy into U.S. cable companies, but U.S. investors do not enjoy reciprocity. The U.S. Trade Representative is supposed to act on such barriers, when they are uncovered.

Also, on August 10, 1982, the Senate Commerce Committee reported a cable bill, S. 2172, which I coauthored, that included a foreign ownership restriction that is even tougher than section 333 of the bill I am introducing today. Section 605(b) of S. 2172 would have directed the FCC to adopt rules creating an absolute ban on foreign ownership or control of cable television systems in the United States by the nationals of any country to the extent that ownership of cable systems was prohibited in such foreign country.

Because many countries do not allow U.S. investment in communications enterprises to the extent allowed in this country, S. 2172 could have created a complete barrier to much foreign investment in the cable television industry in the United States.

This bill, on the other hand, is much more narrow in scope. It allows outright foreign ownership and control of cable systems serving an aggregate of 250,000 subscribers. Moreover, the present bill provides for grandfathering of current foreign ownership in excess of those limits and allows reasonable levels of foreign investment in the nationally oriented cable companies while establishing fair limits to prevent undue influence.

Finally, the bill amends section 310(b)(4) of the Communications Act by removing discretion from the FCC to permit foreign ownership interests in certain situations, where the Commission may find that the public interest will be served thereby. The Commission can now permit alien officeships, directorships, and ownership interests in parent companies of licensees. The proposed amendment will retain this flexibility only as to officerships. Again, the bill contains a grandfather clause.

Mr. President, I hope there will be early and favorable action on the bill to protect against improper foreign influence in the primary source of information received by the American public.

Mr. President, I ask the text of the bill and a brief analysis may appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. That Part I of Title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"LIMITATION OF ALIEN CONTROL OF NATIONAL TELEVISION NETWORKS NOT OTHERWISE SUBJECT TO SECTION 310 AND CABLE TELEVISION SYSTEMS

"SEC. 333. (a) It shall be unlawful for—

"(1) any foreign government or the representative of any foreign government;

"(2) any alien or the representative of any alien;

"(3) any corporation organized under the laws of any foreign government or representatives thereof;

"(4) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record by aliens or their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country;

"(5) any corporation directly of indirectly controlled by any other corporation (i) of which more than one-fourth of the directors are aliens; or (ii) of which more than one-fourth of the capital stock is owned of record by aliens or their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country; or (iii) of which any officer is an alien, if the Commission finds that the public interest will be served by prohibiting such alien officership;

to directly or indirectly operate or control a national television network not otherwise subject to Section 310 of the Act or a cable television multiple system operator.

"(b) For purposes of this section:

"(1) The term 'national television network not otherwise subject to Section 310 of the Act,' means a person (including persons under common control) which offers an interconnected television program service on a regular basis for twenty-five (25) or more hours per week to at least twenty-five (25) affiliated television broadcast stations in ten (10) or more states and which is not otherwise subject to the alien ownership restrictions of Section 310 of the Act.

"(2) The term 'cable television multiple system operator' means a person (including persons under common control) which directly or indirectly operates or controls one or more cable television systems which, in the aggregate, serve no less than 250,000 subscribers.

"(3) The term 'cable television system' means a facility or combination of facilities which consist of a primary control center used to receive and retransmit, or to originate broadband telecommunications service over one or more coaxial cables, or other closed transmission media, from the primary control center to a point of reception at the premises of a cable subscriber.

"(c) The provisions of this section shall not apply to any officership, directorship, ownership, operation or control which would otherwise be prohibited by this section if such interest existed as of February 9, 1984; provided that such interest is not increased or transferred after February 9, 1984, to any individual or entity prohibited by this section from holding or exercising such interest, except that the cable television multiple system operator grandfathered under this subsection may expand service under existing franchises and may submit bids for new franchises if the bidding process has commenced as of February 9, 1984.

SEC. 2. That section 310(b)(4) of the Communications Act of 1934 is amended in its entirety to read as follows:

"(4) any corporation directly or indirectly controlled by any other corporation (i) of which more than one-fourth of the directors are aliens; or (ii) of which more than one-fourth of the capital stock is owned of record by aliens or their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country or representatives thereof; or (iii) of which any officer is an alien, if the Commission finds that the public interest will be served by prohibiting such alien officership;"

SEC. 3. That section 310 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e) The provisions of subsection 310(b)(4) shall not apply to any officership, directorship, ownership, operation or control which would otherwise be prohibited by this section if such interest existed as of February 9, 1984, and was permissible under subsection 310(b)(4) prior to February 9, 1984, provided that such interest is not increased or transferred after February 9, 1984, to any individual or entity prohibited by this section from holding or exercising such interest."

ANALYSIS OF THE BILL

Section 333 extends alien ownership restrictions presently applicable to certain broadcast station licenses to ownership of major national television networks not otherwise subject to Section 310 of the Act and large cable television multiple system operators (MSOs).

The definition of "national television network not otherwise subject to Section 310 of the Act" is intended to exclude the major television networks—ABC, CBS and NBC—now subject to Section 310 of the Act. None of the three major networks as now organized would fall within the parameters of new Section 333.

Due to the expansion of cable television service throughout the United States, citizens are also becoming more exposed to, and reliant on, information transmitted over cable systems. Cable television deserves no less protection from foreign influence than broadcast television or radio.

Exempted from the applicability of Section 333 are interests existing prior to the date of the bill's introduction and which were permissible under the current section 310(b)(4). This "grandfather" clause is intended to prevent undue disruption in the industry by adoption of the bill. For example, existing Canadian and other foreign ownership of U.S. cable systems would not be disturbed. However, the bill provides that "grandfathered" interests may not be increased by new bids or new applications not now pending, and first filed after the date of introduction. For example, an MSO may have elected prior to that date an officer who is an alien. Under Section 333, the officer may be retained; but he or she may not become an officer of another MSO, nor may additional or substitute alien officers be elected, after the date of introduction. Similarly, any foreign-owned MSO otherwise covered by the bill could continue to expand service under existing franchises or submit bids for new franchises if the bidding process had already commenced. "Grandfathered" levels of alien-owned capital stock shall not be increased after the date of introduction.

It is recognized that the degree of potential alien influence is dependent upon the number of citizens reached by a given foreign-owned cable operator. Section 33 therefore applies to MSOs serving more than 250,000 subscribers, the approximate number of households reached by a small-market television station. This restriction of applicability is intended to facilitiate detection of prohibited interests and to permit foreign investment in operators where the potential for influence is minimal.

Finally, the bill amends Section 310(b)(4) of the Communications Act. That Section now authorizes the Federal Communications Commission to permit alien officerships, directorships and ownership interests in parent companies of licensees above those specified by the provision if the public interest will be served thereby. It is intended that the Commission's discretion to permit interests greater than those specified in Section 310(b)(4) be retained only as to officerships. Section 310(e) is added as a "grandfather" clause to exempt from the provisions of amended Section 310(b)(4) officerships, directorships and levels of ownership obtained or applied for prior to the date of the bill's introduction.●

By Mr. MATHIAS:

S. 2283. A bill to provide for the public financing of general elections for the U.S. Senate, and for other purposes; to the Committee on Rules and Administration.

SENATE ELECTION CAMPAIGN FUND ACT OF 1984

Mr. MATHIAS. Mr. President, I am introducing today a bill to provide partial public funding of Senate general election campaigns. It is similar to legislation that I have supported in the past and reflects my belief that public funding of congressional campaigns is essential to complete the task of campaign finance reform begun by Congress over a decade ago.

I introduce this bill because I continue to believe that the public financing of election campaigns offers the best means to remedy the ills of the current system. What I find troubling about the way we now finance elections is not simply the high-water mark set by recent campaign spending. It is the way in which the flood of campaign dollars has itself altered the process. Candidates and officeholders alike increasingly have had to devote themselves not to the interests of the voters but to the pursuit of campaign contributions.

Money alone does not win a campaign. But few campaigns today are won without it. The price tag of a successful Senate campaign rose 70 percent from 1980 to 1982, according to figures released by the Federal Election Commission. Overall spending in congressional campaigns rose from $239 million in 1980 to $342 million in 1982. If this rise continues, campaign spending in another few years will be off the charts.

What is the real cost of this vastly inflated role of money in the system? It is in the numbers of prospective candidates—talented and qualified men and women—who will choose not to run because of the difficulty in raising the kind of money it takes to run a competitive campaign. Ultimately the price is a system in which the qualification for higher office is a good direct mail list, a personal fortune, or an ability to appeal to narrow interests to bankroll a campaign, a system in which a candidate whose primary currency is a supply of good ideas will be unable to compete.

I am not suggesting and my bill does not propose that there is no role for individuals, political parties, or even the sometimes vilified political action committee in funding Federal campaigns. The bill would not limit their participation, except as it limits overall campaign spending. Those who choose to participate by giving directly to a candidate, or through a party, or PAC, should remain free to do so.

Candidates and officeholders, however, should also be given some measure of freedom from the incessant demands of campaign fundraising and freed from the resultant public perception that big money and special interests dominate campaign financing.

The bill I am introducing would provide a system of matching public funds to qualified Senate candidates in the general election campaign. Most importantly, it would limit overall campaign spending in the general election to $200,000 plus 16 cents times the voting age population of the State in which the election is held. To establish eligibility, a candidate would be required to raise the lesser of 20 percent of the applicable spending limit or $200,000. In raising this threshold amount and in qualifying for subsequent matching funds, only contributions of $100 or less from individuals, at least 80 percent of whom were residents of the candidate's State, would be taken into account. Finally, candidates who accepted public funding could not spend more than $35,000 of personal funds on the campaign.

I ask that the bill, a section-by-section analysis, and a brief summary be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senate Election Campaign Fund Act of 1984".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new title:

"TITLE V—PUBLIC FINANCING OF SENATE GENERAL ELECTIONS CAMPAIGN

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) the definitions set forth in section 301 of this Act apply to this title;

"(2) 'general election' means any regularly scheduled or special election held for the purpose of electing a candidate to the United States Senate;

"(3) 'eligible candidate' means a candidate who is eligible, under section 502, for payments under this title;

"(4) 'account' means the Senate General Election Campaign Account maintained by the Secretary of the Treasury in the Presidential Election Campaign Fund established by section 906(a) of the Internal Revenue Code of 1954; and

"(5) 'authorized committee' means, with respect to any candidate for election to the United States Senate, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate.

"ELIGIBILITY FOR PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title, a candidate shall in writing agree—

"(1) to obtain and to furnish to the Commission any evidence it may request about his campaign expenditures and contributions;

"(2) to keep and to furnish to the Commission any records, books, and other information it may request; and

"(3) to an audit and examination by the Commission under section 507 and to pay any amounts required under section 507.

"(b) To be eligible to receive payments under this title, a candidate shall certify to the Commission that—

"(1) the candidate and his authorized committees will not make campaign expenditures greater than the limitations in section 315(b)(3) of this Act;

"(2) no contributions will be accepted by the candidate or his authorized committees in violation of section 315(a) of this Act;

"(3) the candidate is seeking election to the United States Senate, and he and his authorized committees have received contributions for that campaign in a total amount of not less than the smaller of—

"(A) 20 percent of the amount of expenditures the candidate may make in connection with the campaign under section 320(b)(3) of this Act, or

"(B) $200,000; and

"(4) at least two candidates have qualified for the election ballot for election to the same seat in the United States Senate under the law of the State involved.

"(c) Agreements, certifications, and declarations required by this section shall be filed at a time determined by the Commission but shall be submitted prior to a candidate's request for payments under section 505 for consideration in conjunction with the Commission's certification process.

"ENTITLEMENT TO PAYMENTS

"SEC. 503. (a) Every candidate who meets the eligibility requirements in section 502 is entitled to payments for use in his general election campaign in an amount equal to the amount of contributions he and his authorized committees receive for that campaign.

"(b) A candidate entitled to payments under subsection (a) shall be entitled to—

"(1) an initial payment in an amount equal to the contributions certified under section 502(b)(3); and

"(2) additional payments to be paid in—

"(A) multiples of $10,000 under section 506, if, with respect to each such payment, the eligible candidate and his authorized committees have received contributions aggregating $10,000; and

"(B) a final payment under section 506 (designated as such by the candidate involved) of the balance of the entitlement of the candidate under this section.

"(c) In determining the amount of contributions received by a candidate and his authorized committees for the purposes of subsection (a) of this section and section 502(b)(3)—

"(1) no contribution received by the candidate or any of his authorized committees as a subscription, loan, advance, deposit, or as a contribution of products or services, shall be taken into account;

"(2) no contribution received from a political committee or any other organization shall be taken into account;

"(3) no contribution received from any individual shall be taken into account to the extent that such contribution exceeds $100 when added to the amount of all other contributions made by that individual to or for the benefit of such candidate in connection with his general election campaign;

"(4) no contribution received from any individual who resides in a State other than the State in which the election is held shall be taken into account to the extent that such contribution when added to all other contributions received from such individuals

exceeds 20 percent of the aggregate of contributions otherwise taken into account;

"(5) no contribution (A) which is received before September 1 of the year immediately preceding the year in which any general election is held and (B) which is not maintained in a separate account until the date on which such candidate qualifies under the law of the appropriate State for election, shall be taken into account; and no contribution maintained in such a separate account shall be used to make any expenditure until the date on which the candidate qualifies under the law of the appropriate State for election to the Senate; and

"(6) no contribution received after the date on which the election is held shall be taken into account.

"(d) Notwithstanding the provisions of subsection (a), no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by him and his authorized committees and any other payments made to him under this title for his general election campaign, exceeds the amount of the expenditures limitation applicable to such candidate for that campaign under section 315(b)(3)(A) of this Act.

"WAIVER OF OVERALL EXPENDITURE LIMITATION; ADDITIONAL PUBLIC FINANCING FOR CERTAIN CANDIDATES

"SEC. 504. (a)(1) Not later than the date on which a candidate qualifies under the law of the appropriate State for election to the Senate of the United States or 90 days before the date of any general election, whichever is earlier, each candidate for election to the Senate of the United States shall file with the Commission a declaration of whether he intends to make expenditures in excess of the limitations on expenditures under section 315(b)(3) of this Act.

"(2) Not later than 60 days before the date of such general election, each candidate who has reason to believe that he may make expenditures in excess of such limitations shall notify the Commission to that effect, unless such candidate filed with the Commission a timely declaration that he intended to exceed such limitations, as provided in paragraph (1).

"(3) Each candidate for election to the Senate of the United States shall notify the Commission and each other candidate for the same election within 48 hours after he, or any of his authorized committees—

"(A) makes any expenditure, or incurs any obligation to make an expenditure, in excess of the limitation on expenditures contained in section 315(b)(3) of this Act; or

"(B) receives any contribution which, when added to the total amount of contributions received by him and his authorized committees, exceeds the amount of the limitation on expenditures contained in section 315(b)(3)(A) of this Act.

"(4) The Commission is authorized to determine, upon its own initiative or upon the request of any candidate for election to the Senate of the United States, whether any candidate has made expenditures or incurred obligations to make expenditures in excess of the limitations contained in section 315(b)(3) of the Act, or has received contributions in excess of the limitation contained in section 315(b)(3)(A) of this Act.

"(b) The limitation on expenditures contained in section 315(b)(3)(A) of this Act shall not apply to any candidate for election to the Senate of the United States if any other candidate in the same election—

"(1) fails to file with the Commission a timely declaration as provided in subsection (a)(1); or

"(2) files with the Commission a notice as provided in subsection (a)(2); or

"(3) is required to notify the Commission in connection with the making of expenditures or the receipt of contributions as provided in subsection (a)(3).

"(c)(1) Any person who makes independent expenditures, as defined in section 301(17) of this Act, or incurs costs of communication, required to be reported under section 301(7)(B)(iii) of this Act, shall notify the Commission not later than 48 hours after such person first makes such independent expenditures or incurs such costs of communication aggregating more than $5,000, and thereafter shall so notify the Commission each time such person makes any additional independent expenditure, or incurs any additional such cost of communication, aggregating $5,000 or more.

"(2) If, with respect to an election, independent expenditures, as defined in section 301(17) of this Act, are made, or costs of communication, required to be reported under section 301(9)(B)(iii) of this Act, are incurred, aggregating more than one-third of the limitation on expenditures in section 315(b)(3)(A) of this Act, the Commission shall, with respect to such election, suspend the limitation on expenditures established in such section 315(b)(3)(A) at the request of any candidate in such election who is eligible to receive payments under section 502, and who has received the benefit of no more than one-third of such independent expenditures or costs of communication.

"(d)(1) The provisions of section 503(d) shall not apply in the case of a candidate who elects to receive payments under this title with repect to whom the expenditure limitation contained in section 315(b)(3)(A) of this Act is made inapplicable under subsection (a), (b), or (c).

"(2) The additional amount to which a candidate is entitled under this subsection shall be based only upon the amount of contributions received after the date on which such expenditures limitation is made inapplicable, except that any contribution which is received from an individual after the date on which the limitation on expenditures is made inapplicable shall be considered as a contribution from an individual who has not previously made a contribution to such candidate.

"(3) The additional amount to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the expenditure limitation under section 315(b)(3)(A) of this Act which would otherwise apply to such candidate.

"CERTIFICATIONS BY COMMISSION

"SEC. 505. (a) No later than 48 hours after a candidate files a request with the Commission to receive payments under section 506, the Commission shall certify the eligibility of such candidate to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Initial certifications by the Commission under subsection (a), and all determinations made by it under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 511.

"(c) Any candidate who knowingly and willfully submits false information to the Commission under this section shall be punished as provided in section 512.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary of the Treasury shall maintain in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1954, in addition to any other accounts he maintains under such section, a separate account to be known as the Senate General Election Campaign Account. The Secretary shall deposit into the account, for use by candidates eligible for payments under this title, the amount available after the Secretary determines that amounts in the fund necessary for payments under subtitle II of the Internal Revenue Code of 1954 are adequate. The moneys in the account shall remain available without fiscal year limitation.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary of the Treasury shall pay out of the account the amount certified by the Commission to the candidate to whom the certification relates.

"(c) Payments received under this section shall be used only to defray election campaign expenses incurred with respect to the period beginning on the day after the date on which the candidate qualifies for the election ballot under the law of the State involved and ending on the date of the election, or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first. Such payments shall not be used (1) to repay any loan to any person, or (2) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family (as defined in section 315(b)(3)) of such candidate.

"(d)(1) If the Secretary of the Treasury determines that the moneys in the account are not, or may not be, sufficient to pay the full amount of entitlement to all candidates eligible to receive payments, he shall reduce the amount to which each candidate is entitled under section 503 by a percentage equal to the percentage obtained by dividing (A) the amount of money remaining in the account at the time of such determination by (B) the total amount which all candidates eligible to receive payments are entitled to receive under section 503. If additional candidates become eligible under section 502 after the Secretary determines there are insufficient moneys in the account, he shall make any further reductions in the amounts payable to all eligible candidates necessary to carry out the purposes of this subsection. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 503.

"(2) If, as a result of a reduction under this subsection in the amount to which an eligible candidate is entitled under section 503, payments have been made under this section in excess of the amount to which such candidate is entitled, that candidate is liable for repayment to the account of the

excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507 (a) After each Federal election, the Commission shall conduct a thorough examination and audit of the campaign expenditures of all candidates for Federal office who received payments under this title for use in campaigns relating to that election.

"(b)(1) If the Commission determines that any portion of the payments made to an eligible candidate under section 506 was in excess of the aggregate amount of the payments to which the candidate was entitled, it shall so notify that candidate, and he shall pay to the Secretary of the Treasury an amount equal to the excess amount.

"(2) If the Commission determines that a candidate who has received payments under section 506 for use in his campaign has campaign funds in excess of the amount of expenses for such campaign as allowed under section 506(c), the Commission shall so notify the candidate and he shall pay an amount equal to the amount of the unexpended portion to the Secretary. In making its determination under the preceding sentence, the Commission shall consider all amounts received as contributions to have been expended before any amounts received under this title are expended.

"(3) If the Commission determines that any amount of any payment made to a candidate under section 506 was used for any purpose other than to defray campaign expenditures, it shall notify the candidate of the amount so used, and the candidate shall pay to the Secretary of the Treasury an amount equal to such amount.

"(4) No payment shall be required from a candidate under this subsection for any election in excess of the total amount of all payments received by the candidate under section 506 in connection with such election.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a campaign more than 18 months after the day of the election to which the campaign related.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the account.

"OTHER POWERS AND DUTIES OF THE COMMISSION

"SEC. 508. (a) The Commission is authorized to conduct examinations and audits (in addition to the examinations and audits under sections 505 and 507), to conduct investigations, and to require the keeping and submission of any books, records, or other information necessary to carry out the functions and duties imposed on it by this title.

"(b) The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination with the administration of those other laws as the provisions of this title permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"REPORTS TO CONGRESS

"SEC. 509. (a) The Commission shall, as soon as practicable after the close of each calendar year, submit a full report to the Senate setting forth—

"(1) the expenditures incurred by each candidate, and his authorized committees, who received any payment under section 506 in connection with an election;

"(2) the amounts certified by it under section 505 for payment to that candidate; and

"(3) the amount of payments, if any, required from that candidate under section 507, and the reasons for each payment required.

"(b) The Commission shall submit, not later than March 1 of each year immediately following a year in which any Federal election is held, a special report to the Senate setting forth—

"(1) the amounts certified by it under section 505 of this title and sections 9005, 9008, and 9036 of the Internal Revenue Code of 1954 for payments from the Presidential Election Campaign Fund;

"(2) the amount of money remaining in the fund at the end of the calendar year in which any Federal election is held;

"(3) an estimate of the amount of money which will be transferred to such fund during each of the four calendar years immediately following the year in which any Federal election is held; and

"(4) an estimate, to the extent practicable, of the amount of money necessary to make all payments to which eligible candidates and the national committees of each political party will entitled with respect to the next two Federal elections to be held.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. (a) The Commission is authorized to appear in and defend against any action filed under section 511, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized to appear, through attorneys and counsel described in subsection (a), in the district courts and other appropriate courts of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of examination and audit made pursuant to section 507.

"(c) The Commission is authorized to petition, through attorneys and counsel described in subsection (a), the courts of the United States for declaratory or injunctive relief concerning any civil matter arising under this title. Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal from the determination of such court shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court of the United States for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"JUDICIAL REVIEW

"SEC. 511. (a) Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after such certification, determination, or other action by the Commission.

"(b)(1) The Commission, the national committee of any political party, and any individual eligible to vote for Senator of the United States are authorized to institute an action under this section, including an action for declaratory judgement or injuctive relief, as may be appropriate to implement or construe any provision of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise such jurisdiction without regard to whether a person asserting rights under the provisions of this subsection shall have exhausted administrative or other remedies provided at law. Such proceedings shall be heard and determined by a court of three judges, in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"PENALTY FOR VIOLATIONS

"SEC. 512. Violation of any provision of this title is punishable by a fine of not more than $10,000, or imprisonment for not more than 5 years, or both.".

LIMITATIONS ON EXPENDITURES IN SENATE GENERAL ELECTION CAMPAIGNS

SEC. 3. (a) Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441 a(b)) is amended—

(1) by striking out "and" at the end of paragraph (2)((A);

(2) by striking out the period at the end of paragraph (2)(B) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end of paragraph (2) the following:

"(C) expenditures made on behalf of any candidate (as determined under subparagraph (B)) for the office of Senator of the United States shall be considered to be expenditures made by such candidate.

"(3)(A) Except as otherwise provided in section 504 of this Act, a candidate who receives payments under section 506 of this Act for use in his general election campaign for the office of Senator of the United States may not make expenditures in such campaign in excess of $200,000, plus 16 cents multipled by the voting age population (as certified under subsection (e) of the State in which the election is held.

"(B) For purposes of the limitation on expenditures contained in subparagraph (A) only that percentage of an expenditure by a candidate or his authorized political committees for broadcasting time which represents the cost to such candidate or committees of transmitting the material broadcast to the State in which such candidate is seeking election shall be taken into account.

"(C) A candidate who receives payments under section 506 of this Act for use in his general election capaign for the office of Senator of the United States may not make expenditures in such campaign in excess of $35,000 from his personal funds or from the personal funds of his immediate family. For

the purposes of this subsection, the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.".

(b) Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended by inserting immediately before the period a comma and "except that with respect to the limitation established by subsection (b)(3) the term 'base period' means the calendar year 1984".

EFFECTIVE DATE

SEC. 4. The amendments made by this Act apply to any campaign for election to the United States Senate for which the election is held after December 31, 1984.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There is authorized to be appropriated to the Federal Election Commission such sums as may be necessary for the purposes of carrying out the provisions of this Act during the fiscal year ending September 30, 1986.

SECTION BY SECTION ANALYSIS—"SENATE ELECTION CAMPAIGN FUND ACT OF 1984"

This bill would provide for partial public financing of candidates for the United States Senate in their general election campaigns. The Federal Election Campaign Act in amendment by adding a new title: "Title V, Public Financing of Senate General Election Campaigns."

Section 1 provides that the Act may be cited as the "Senate Election Campaign Fund Act of 1984".

Section 2 adds at the end of the Federal Election Campaign Act of 1971, as amended, a new Title V entitled "Public Financing of Senate General Election Campaigns" which contains the following provisions:

Section 501 adopts the definitions contained in 2 U.S.C. 431 with the following additions:

"General election" means any regulatory scheduled or special election held to elect an individual to the U.S. Senate.

An "eligible candidate" is one who has made the necessary agreements regarding spending limits, certifications on funds raised and declarations of personal liability and other declarations on which eligibility depends under section 502.

"Account" refers to the Senate Campaign Account, which would be created as a part of the Presidential Election Campaign Fund.

Section 502 sets out the requirements for a candidate to become eligible: He must agree to furnish evidence about campaign expenditures and contributions; to keep and furnish records and to an audit by the Commission and to repay any funds required under section 507. The candidate and his authorized committee also must certify that campaign expenditures will be limited to amounts no greater than $200,000 plus 16 cents times the state's voting age population; that no contributions will be accepted greater than the limits of 2 U.S.C. 441a; that no less than $200,000 or 20 per cent of the applicable spending limit, whichever is smaller, has been raised in contributions of $100 or less from individuals and that he and at least one other candidate have qualified for the ballot for election to the Senate in his State.

Section 503 provides that an eligible candidate will be entitled to receive an initial matching payment in an amount equal to the matchable contributions certified and additional matching payments in multiples of $10,000 and a final payment in the amount of the balance of his entitlement.

Under Section 503(c) the following types of contributions will not be matched:

(1) a subscription, loan, advance, deposit or a contribution of products or services; (2) a contribution from any organization or political committee; (3) a contribution from an individual in excess of $100; (4) a contribution from an individual residing in a state other than the state in which the election is held to the extent such contributions exceed 20 percent of the aggregate contributions which are matchable; (5) a contribution received before the September 1 of the year prior to the election and any contribution which is not kept in a separate account until the date the candidate qualifies for election; this paragraph also prohibits the making of any expenditures from a separate account before the candidate qualifies for election; (6) a contribution received after election day.

Section 503(d) precludes a candidate from receiving any matching payment, which counting other contributions and payments would exceed the amount of the expenditure limit.

Section 504 requires the filing by all candidates, including those who do not receive public funds, of declarations of intentions on making expenditures above the limits set for publicly funded candidates and subsequent notices as the campaign progresses. Section 504(a) authorizes the Federal Election Commission to determine on its own initiative or at any complying candidate's request whether any candidate has received contributions or made expenditures above the limits.

Section 504(b) authorizes the removal of a candidate's expenditure ceiling if an opponent either fails to file the declaration of intentions or declares an intention to spend more than the limit or actually exceeds the limit either in expenditures or the amount of contributions received.

Section 504(c) authorizes the Federal Election Commission at the request of a complying candidate to remove the expenditure ceiling if, in that election, independent expenditures are made or the costs of reportable communications are incurred, exceeding one-third of the candidate's expenditure limit. Section 504(d) allows contributions to be matched with additional public funds in excess of the spending limit but they may not be in amounts of more than 50% of the spending limit. An individual who has already contributed $100 to a candidate may contribute an additional $100 which will be matched when the limit has been removed.

Section 505 describes the certification procedure by the Federal Election Commission for eligible and qualified candidates. Within forty-eight hours after a candidate's request for payments has been received the FEC must act on that request. Initial certifications are final except of the audit provisions found in section 507 and the judicial review sections of section 510. A knowing and willful submission of false information is subject to the penalty provisions contained in section 511.21Section 506 establishes the procedure for the Secretary of the Treasury to provide matching payments to eligible candidates certified by the FEC. The Senate Campaign Fund Account will be established within the Presidential Election Campaign Fund which contains the tax check-off funds. No public funds are to be made available to the Senate General Election Campaign Account until the Secretary has determined that sufficient monies are available in the fund to finance Presidential primary candidates, the political party nominating conventions and Presidential general election candidates. Payments may only be used by a Senate candidate to defray general election campaign expenses incurred from the day after a candidate qualifies until the day of the election or the date of withdrawal or cessation of activity in seeking election. No matching payments may be used to repay loans or to make payments to the candidate or the family of the candidate. Section 506(d) provides for an equitable reduction in all candidate entitlements when funds are not sufficient to cover all certifications.

Section 507 covers the audit and examination of all candidates receiving public funds by the FEC. If any candidate has received an overpayment, an equal amount of funds shall be returned to the Treasury. If the Commission determines that a candidate has funds which are excess to the campaign expenses allowed, the candidate is required to pay the amount of the unexpended portion. In making the determination all contributions will be considered as expended before any matching payments have been expended. Repayment is also required of any funds not used to defray campaign expenditures. No repayment may be required more than 18 months after the election. Funds repaid will be deposited into the Senate General Election Campaign Account.

Section 508 provides the Commission with additional authority to conduct the examinations and audits and investigations and to require the keeping of books and records necessary to carry out the new functions and duties of Title V.

Section 509 requires the Commission to submit to the Senate after each calendar year a report on the expenditures incurred by each candidate, the amount of certifications and repayments. A special report is required no later than March 1 of the year following a federal election showing the amount of funds certified to all federal candidates and national committees, together with estimates of amounts which will be transferred to the Presidential Election Campaign Fund in each of the next four years and the amounts that will be needed to make all payments.

Section 510 sets out the procedures for judicial review of the Commission's actions. Any interested party may file a petition for review of any Commission certification, determination or other action within 30 days thereafter in the Court of Appeals for the D.C. Circuit.

Also, the Commission, the national committees and any individual voter may bring an action in federal district court to implement or construe any provision of this Title, including actions for declaratory or injunctive relief. Such actions are to be heard by three-judge panels with appeals to the Supreme Court.

Section 511 provides that any violation of any provision of this Title is punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

Section 512 seeks to establish consistency and coordination among federal agencies invovled in administering aspects of the campaign act.

Section 3 sets out the expenditure ceilings for candidates for Senate elections.

The publicly funded candidate's expenditure ceiling is limited to $200,000 plus 16

cents times the voting age population of the candidate's state. No more than $35,000 may be spent from a candidate's personal funds or those of his or her immediate family. The expenditure ceiling may be increased each year by the increase in the consumer price index, with the year 1984 serving as the base year for such determination.

Section 4 states that these amendments will apply to any Senate election campaign held after December 31, 1984.

Section 5 authorizes such sums as may be necessary for the FEC for purposes of administering this Title during the 1986 fiscal year.

SUMMARY OF LEGISLATION PROVIDING PUBLIC FINANCING FOR SENATE GENERAL ELECTION CAMPAIGNS

1. Purpose: To provide partial public financing and impose expenditure limitations in Senate general elections beginning in 1986.

2. Establishing Eligibility: A candidate is eligible to receive matching public funds if the following conditions are met—

a. He and at least one other candidate have qualified for the election ballot for election to the same United States Senate seat,

b. He agrees to abide by an expenditure limit equal to $200,000 plus $.16 times the voting age population in his state,

c. He has raised the lesser of $200,000 or 20 percent of the expenditure limit in contributions of $100 or less received from individuals, at least 80 percent of which are from residents of the candidate's state, and

d. He agrees not to expend more than $35,000 of his personal funds or the funds of his immediate family.

3. Certification of Eligibility: The Federal Election Commission must certify a candidate's eligibility to receive payments within 48 hours of his request.

4. Recordkeeping and Audits: A candidate must keep records and furnish any evidence of his contributions and expenditures which the Commission may request.

The Commission will conduct an audit of the campaign expenditures of all candidates who receive public funds.

5. Lifting of Expenditure Limits: The expenditure limits are waived if any of the following occurs:

a. A candidate fails to file with the Commission a declaration of whether he intends to abide by the expenditure limitations either on or before the day he qualifies for the ballot or 90 days before the election, whichever is earlier.

b. A candidate who originally filed a declaration stating his intention to abide by the expenditure limit notifies the Commission that he has reason to believe he may exceed it.

c. A candidate makes expenditures or incurs obligations to make expenditures in excess of the expenditure limit or receives aggregate contributions which exceed the expenditure limit.

d. Independent expenditures and the cost of communications required to be reported under the Act exceed one-third of the expenditure limits and an eligible candidate who has received the benefit of no more than one-third of such expenditures or costs requests the Commission to suspend the expenditure limitations.

6. Restrictions on the Use of Public Funds: Public funds may only be used for those election campaign expenses incurred after the date a candidate qualifies for the ballot through the date of the election.

Public funds may not be used to repay any loan or to make any payments, directly or indirectly, to a candidate or to members of his immediate family.

7. Repayments: A candidate assumes personal liability to repay amounts received under the Act if the Commission determines he received amounts to which he was not entitled, or if the Commission determines that any public funds were spent for any purpose other than to defray campaign expenses.

The Commission must notify a candidate of any liability for repayment within 18 months of the date of the election.

8. Source of Public Funds: Funding would come from the Presidential Election Campaign Fund established by the $1 check-off on Federal income tax forms.

By Mr. DURENBERGER (for himself, Mr. ARMSTRONG, and Mr. GRASSLEY):

S. 2284. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction; to the Committee on Finance.

VOLUNTEER MILEAGE LEGISLATION

Mr. DURENBERGER. Mr. President, volunteers make invaluable and tireless contributions to the betterment of our society, but are seldom recognized for their services. Today Senator ARMSTRONG and I are introducing legislation which recognizes the high cost of operating an automobile when performing volunteer services and provides a realistic tax deduction for those costs.

Present law operates as a disincentive to volunteers who utilize their automobiles when performing volunteer activities. Currently they may only deduct a standard mileage rate of 9 cents per mile or, they may deduct their actual unreimbursed expenses, such as gas, oil, tolls, and parking fees. They cannot recover the substantial costs of depreciation, insurance, or repairs.

The 9 cent per mile rate bears little resemblance to the cost of operating a car. It is my understanding that when the deduction was originally enacted, in 1958, it was 7 cents a mile and, in the high inflation years that have ensued, it has only been increased 2 cents per mile. The present 9 cent allowance is totally out of touch with soaring gasoline prices and the other high costs of operating an automobile.

The bill we are introducing today would permit volunteers to take the same deduction for the use of their cars that individuals are allowed to deduct for unreimbursed business mileage expenses. The current allowable rate is 20 cents per mile.

Even with an increased deduction of 20 cents per mile, volunteers will not be fully compensated for the expense of operating their automobiles. Hertz recently estimated that the cost of operating a new car for 5 years, driving 10,000 miles per year, is 45.5 cents per mile. Assuming we increase the mileage deduction, volunteers will still be required to contribute over half the cost of operating their cars.

I firmly believe that the private sector is willing and ready to take on the many tasks facing us as a nation, and to provide needed services at the national, State, local, and neighborhood level. We have recognized the cost of doing business and provided for it with the business mileage deduction. But we have not given the same recognition to the voluntary sector or the value of their contributions. Our bill is a recognition, at least in part, of the important contributions of time and effort made by millions of Americans.

A 1981 Gallup survey estimated that 31 percent of Americans volunteer on a regular, active basis of 2 or more hours per week. Ten percent of adults averaged 7 or more hours of volunteer activity a week. Another study estimated the value of the volunteers activities in fiscal year 1981 at $64.5 billion. If the Federal Government had performed these services instead of volunteers, the Federal deficit would have more than doubled. These volunteer hours greatly enhance the money given to charity. Numerous studies have shown that the value of a dollar given to a charitable organization is multiplied three or four times through the efforts of volunteers.

The change Senator ARMSTRONG and I are proposing, on the Federal level, is long overdue. Several States have taken the lead on this issue and have already enacted higher deductions in their tax systems.

Mr. President, one of the most exciting and challenging opportunities we are going to face as a nation in the next decade is in the area of service delivery. It will also be one of the most difficult tasks not because we lack the ability and creativity to design and encourage alternative delivery systems, but because we are not offering the right incentives. We are not sending a signal that says we trust and recognize that the private sector can deliver needed public services.

This bill will send the right signal to millions of America's volunteers. It is time we act. I urge my colleagues to give this bill early consideration.

Mr. President, I ask unanimous consent that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 170 of the Internal Revenue Code of

1954 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—If the Secretary prescribes by regulation a standard mileage rate which may be used to compute for the taxable year the deduction under section 162 for use of a passenger automobile, such standard mileage rate may be used to compute for such year the deduction under this section for use of a passenger automobile.".

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1983.

By Mr. BIDEN:

S. 2285. A bill to amend the Congressional Budget Act of 1974 to limit the period for which the enactment of new budget authority may be authorized, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

S. 2286. A bill to amend the Congressional Budget Act of 1974 to require authorizing legislation for tax expenditures, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BUDGET LEGISLATION

Mr. BIDEN. Mr. President, I am introducing today two bills that will improve the Federal budget process and prevent deficits of the magnitude we are experiencing today from recurring. These bills will require a periodic review of Federal spending programs and impose controls over the creation of tax loopholes.

The specter of deficits as far as the eye can see has shocked and angered the American people. As these bills are being introduced, the President has proposed a budget that will produce, he says, a deficit of $180 billion in fiscal year 1985. While the President predicts that deficits will fall to $123 billion in 5 years, others suggest they may rise to something on the order of $250 billion. Deficits of the magnitude of either extreme are the height of fiscal irresponsibility and are unacceptable.

What are we to do about such a situation? Clearly we should take immediate action to decrease spending and increase revenues. I have supported such actions and I will support them again. My proposals in these bills today cannot make deficits of $250 billion disappear overnight. But once we take the actions necessary to reverse the unwise decisions of past years, we must put in place mechanisms, like those proposed in these bills, that can prevent such decisions from being made again.

There are many proposals today aimed at increasing control over the budget. Some of them are extreme, involving even constitutional amendments. Others are simply unworkable. Some would be welcome additions to our arsenal in the fight for fiscal responsibility. But I believe it is safe to say that none will do more to improve permanent control over the Federal budget than the two I am proposing today.

THE FEDERAL SPENDING CONTROL ACT OF 1984

Mr. President, the first bill I am introducing today is what has come to be known as sunset legislation. I am a longtime supporter and advocate of sunset. I introduced my first sunset bill in 1975. The opposition of special interests has prevented its enactment to date. However, I believe that those special interests are now coming to realize that opposition to spending controls is self-defeating.

This bill offers an effective means of controlling Federal spending without sacrificing essential Federal services. It should actually enhance the provision of truly necessary Government services. Waste makes no useful contribution toward meeting national needs.

The essence of sunset is simplicity itself—to require the periodic termination and reconsideration of spending programs.

The bill I am introducing today goes back to basics. No new spending program could run for more than 4 years. Most existing spending programs would have to conform to the 4-year rule—social security is a major exception. There is a waiver process to deal with problems where 4 years is clearly too short a period to achieve measurable results or where the stability of national commitments could be called into question. As each program's funding is scheduled to expire, there would be the usual opportunity for review by the appropriate committee. Then the Senate, and the House of Representatives, would vote on whether to continue the program, or modify it, or terminate it. The possibility of termination will force a review of each spending program. And the review will assure that the decision to terminate or not will be a rational one. It is really a very simple mechanism—like all good mechanisms.

In the past, Congress has not done well at providing cost-effective programs tailored to meet urgent needs. Instead, it has often tried to overwhelm problems with a multitude of programs. That approach seldom works and it is always expensive. As we move today to place immediate restraints on Federal spending, we must also move to take greater command over Federal programs and Federal spending in the future.

Without sunset, we may be doomed to repeat today's economic and fiscal problems in the next decade, or perhaps sooner. The need to adopt responsible, workable approaches to Federal spending is clear. I believe that Congress is now ready to put its fiscal house in order.

THE TAX EXPENDITURE CONTROL ACT OF 1984

Mr. President, the second bill I am introducing today is "The Tax Expenditure Control Act of 1984."

Every American knows that the Tax Code is riddled with unfair provisions: Tax loopholes and tax shelters whose only use is tax avoidance; tax subsidies that benefit the few; and tax incentives that have outlived their usefulness.

In these days of ever-escalating deficits, Congress' attention has turned to these so-called tax expenditures. To the extent that these special exemptions from paying taxes can be repealed, the deficits can be narrowed at no cost to the average taxpayers who does not benefit from many of these tax expenditures.

But attention is still not focused on preventing the creation of new tax loopholes and subsidies. Or, for that matter, on a regular review of the more than $350 billion in lost revenues each year from existing tax expenditures.

The stumbling block to achieving better control over tax expenditures is that Congress has no system for dealing with them effectively.

They are often passed as obscure provisions in larger tax bills. The tax law does not state the objectives of a tax expenditure, which would permit a measurement of its effectiveness. There is no integration of tax expenditures with direct spending programs with similar purposes. Once adopted they usually remain effective forever, with no periodic review.

Therefore, better scrutiny of tax expenditures can become an important tool in our efforts to achieve efficiency and economy in the use of Federal funds. A regular examination of tax expenditures should help to assure that our various tax expenditures programs are working in consonance. It will make it possible for Congress to review the equity of these tax programs and to consider their effectiveness in achieving national policy goals.

What can the Congress do in an orderly efficient manner to regain control over tax expenditure programs that show individual costs which will total some $350 billion?

In this $350 billion is buried many a program which affects the economy of our Nation, the deficit to our budget and the well-being of our citizens. Some of them work well; others may not.

Also hidden among these tax expenditures are subsidies to individuals and corporations that might never be granted if direct payments were being made. It is in this budget that many of the often-abused tax loopholes reside. The results achieved through the use

of some tax expenditures could be in direct contradiction to the results sought through other directly appropriated funds.

Mr. President, I believe that, considering the magnitude of the sums involved, the Congress should begin immediately to consider what possible actions it might take to assure control of the use of tax expenditures. That is the purpose of the Tax Expenditure Control Act of 1984.

Briefly stated, my bill recognizes tax expenditures for what they are. It considers them, in fact, to be Government spending through the tax system, but without the usual controls that are attached to direct expenditures. Specifically, these tax expenditure programs are not reviewed by the committees that would normally oversee the activity with which the tax expenditure is associated.

On the appropriations side, we have a system of checks and balances. There, the legislative committee with jurisdiction over the subject and with the expertise on the subject, develops authorizing legislation. Only after that authorizing legislation has been adopted do the Appropriations Committees apply their fiscal expertise to weigh priorities and develop appropriation bills. Most important the Appropriations Committees apply that expertise in the framework of legislative policy set down by the Congress.

There is no such system for tax expenditures—no equivalent to the authorization process that is used for appropriated funds. The tax law does not state the objectives of the law. The Congress does not consider, in light of recommendations from committees with specialized information, the content of the programs which are to be financed by tax expenditures. Nor does it consider the integration of tax expenditures with direct spending.

This bill, the Tax Expenditure Control Act, would require authorizing legislation for each tax expenditure. Authorizing legislation would be referred to the standing committee normally responsible for the activity covered by the tax expenditure. The Ways and Means and Finance Committees would continue to be charged with the responsibility for using their expertise to develop the appropriate tax mechanisms for best carrying out the programs authorized by Congress, as well as for developing revenue-raising measures.

The Tax Expenditure Control Act would limit the life of legislation authorizing tax expenditures to 10 years. Since eventually all tax expenditures would be subject to the new authorizing process, all tax expenditures would become subject to a sunset review process at least once every 10 years.

In these days, direct Government spending programs are coming under more careful, periodic review. A periodic review and reconsideration of the subsidies, preferences and incentives in the tax system is as important as a review of direct spending programs. To the extent that one individual's tax is forgiven or reduced, the taxes of the others must rise—or else the deficit must rise. In these times of fiscal strain, anything that causes the deficit to rise must not be overlooked. It is important, therefore, that we look periodically to see what we are getting for our tax expenditure dollars.

I think the advantages of such a system will be many. It will provide for better coordination of tax and budget expenditure programs because they will each be reviewed and authorized by the same committee. It will also require more careful and deliberate consideration of tax expenditure policy because Congress will be required to consider each tax expenditure as a Government program, and make a conscious decision as to whether it is a good program for the country. These questions tend to get lost when the subject is presented in tax language.

Tax expenditures are not necessarily bad. That is the last thing that my remarks or my bill are intended to imply. But just like Federal spending programs, the tax laws can become a haven for unwise subsidies, undeserved preferences and unneeded incentives that manage to escape regular scrutiny and consideration. I do hope that this legislation will stimulate thought and discussion among my colleagues on this $350 billion question.

Mr. President, the economy of this country cannot long tolerate the kind of deficits that are being talked about today. We must act to eliminate them and to be certain that they never return. I hope that Congress is ready to act this year on a variety of deficit-fighting measures, including these two bills that I am introducing today.

Mr. President, I ask unanimous consent that the text of these two bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Spending Control Act of 1984".

SEC. 2. (a) Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new sections:

"LIMITATIONS ON AUTHORIZING LEGISLATION; AUTHORIZATIONS REQUIRED

"SEC. 405. (a) TIME PERIOD PRESCRIBED.—Except as provided in subsection (c), it shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or any amendment thereto, which authorizes the enactment of new budget authority for a program for a period of more than four fiscal years or for an indefinite period.

"(b) AUTHORIZATION REQUIRED.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution or any amendment thereto which provides new budget authority for a program for any fiscal year beginning after two years after the effective date of this section, unless the provision of such new budget authority is specifically authorized by law.

"(c) WAIVER IN THE SENATE.—If any committee of the Senate determines that an authorization of the enactment of new budget authority for a period in excess of four fiscal years is necessary to accomplish the purposes for which the authorization is to be made, the committee may report a bill or resolution authorizing the enactment of new budget authority for a definite period in excess of four fiscal years. At the same time or after the committee reports such bill or resolution, the committee shall report a resolution to the Senate providing for a waiver of the provisions of subsection (a) which limit the authorization of the enactment of new budget authority to a period not in excess of four fiscal years and stating the reasons why such a waiver is necessary. The resolution shall be referred and considered in accordance with section 407.

"TERMINATION OF CERTAIN EXISTING AUTHORIZATIONS

"SEC. 406. (a) LIMITATION ON THE PROVISION OF NEW BUDGET AUTHORITY.—Except as provided in subsections (b) and (c), it shall not be in order in either the Senate or the House of Representatives to consider a bill or resolution providing new budget authority for any fiscal year beginning after the date which is five years after the effective date of this section if the provision of such budget authority is made pursuant to a law, in effect on the effective date of this section, authorizing the enactment of new budget authority for a period of more than four fiscal years or for an indefinite period.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to the provision of new budget authority for—

"(1) payments to or from a trust fund established by the Social Security Act;

"(2) payments of interest on obligations constituting a part of the public debt of the United States; or

"(3) payments of refunds of internal revenue collections, but subsection (a) shall apply to new budget authority provided for payment of that portion of any tax refund of a taxpayer for any taxable period which exceeds the greater of—

"(A) such taxpayer's liability for payment of tax for such taxable period, or

"(B) the total amount of tax payments made by such taxpayer for such taxable period.

"(c) WAIVER IN THE SENATE.—If the Committee on Appropriations of the Senate determines that subsection (a) should not apply to a bill or resolution providing new budget authority for a particular program, the committee shall report a resolution to the Senate providing for a waiver of such subsection with respect to the consideration of such bill or resolution and stating the reasons why the waiver is necessary. The resolution shall be referred and considered in accordance with section 407.

"PROCEDURES FOR THE CONSIDERATION OF WAIVER RESOLUTIONS IN THE SENATE

"SEC. 407. (a) REFERRAL AND DISCHARGE.—Any resolution reported under section 405(c) or 406(c) shall be jointly referred to the Committees on Appropriations and the

Budget of the Senate. Each such committee shall report such resolution to the Senate within ten days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If either committee does not report the resolution within such ten-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

"(b) CONSIDERATION OF RESOLUTION.—During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and minority leader or their designees, and the time on any debatable motion or appeal shall be limited to twenty minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of such debatable motion or appeal. No amendment to the resolution is in order.

"(c) EFFECT OF ADOPTION OF RESOLUTION.—If, after both committees have reported (or have been discharged from further consideration of) a resolution waiving the application of section 405 (a) or 406 (a) with respect to the consideration of a bill or resolution, the Senate agrees to the resolution by a rollcall vote, section 405 (a) or 406 (a), as the case may be, shall not apply with respect to the consideration of the bill or resolution to which the resolution so agreed to applies.

"(d) OVERSIGHT PLAN REQUIRED.—Whenever any bill or resolution is reported by a committee under the provisions of section 405 (a), or a resolution is reported by the Committee on Appropriations under the provisions of section 406 (c), the report accompanying such bill or resolution shall contain a plan for oversight hearings by the committee to determine progress being made toward the intended objectives of the program with which the bill or resolution is concerned.".

(b) The table of contents in subsection (b) of the first section of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 404 the following new items:

"Sec. 405. Limitations on authorizing legislation; authorizations required.
"Sec. 406. Termination of certain existing authority.
"Sec. 407. Procedures for the consideration of waiver resolutions in the Senate.".

EFFECTIVE DATE

SEC. 3. This Act and the amendment made by this Act shall take effect on the first day of the first regular session of the Congress which begins after the date of the enactment of this Act.

S. 2286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tax Expenditure Control Act of 1984".

SEC. 2. Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new section:

"AUTHORIZING LEGISLATION FOR TAX EXPENDITURES

"SEC. 405. (a) AUTHORIZATION REQUIREMENT.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or any amendment to a bill or resolution, which, directly or indirectly, enacts new tax expenditures unless such enactment is authorized by law.

"(b) REQUIRED REPORTING DATE.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorized the enactment of new tax expenditures to become effective during a fiscal year—

"(1) unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year, and

"(2) if that bill or resolution authorizes the enactment of new tax expenditures to be effective during a period exceeding 10 consecutive calendar years.

"(c) REFERENCE.—A bill or resolution authorizing the enactment of new tax expenditures shall be referred to the committee of the House of Representatives or the Senate, as the case may be, which has jurisdiction over the activity which such new tax expenditure is intended to affect.

"(d) WAIVER IN THE SENATE.—The provisions of section 402(c) shall apply to the waiver of subsection (b)(1) of this section with respect to any bill or resolution to which such subsection applies.

"(e) NEW TAX EXPENDITURES.—For purposes of this section, the term 'new tax expenditures' means the enactment of a tax expenditure or the increase of an existing tax expenditure.".

SEC. 3. The amendment made by section 2 of this Act shall take effect on the first day of the first regular session of the Ninety-ninth Congress.

SEC. 4. Any tax expenditure enacted before the date of enactment of this Act shall be repealed on the earlier of—

(1) the termination date of such tax expenditure, or

(2) December 31, 1994.

By Mr. PELL:

S. 2287. A bill to provide for the distribution of oil overcharges collected by the Department of Energy to consumers; to the Committee on Energy and Natural Resources.

PETROLEUM CONSUMER OVERCHARGE RESTITUTION ACT OF 1984

● Mr. PELL. Mr. President, the administration has announced it will submit to Congress legislation that would dramatically change the Department of Energy process of restitution for those consumers overcharged for the fuel bills in the 1970's.

According to the fiscal year 1985 budget message submitted to Congress, the proposed legislation would establish a petroleum overcharge restitution fund and turn over to a special account within the Department of Health and Human Services several hundred million dollars in funds collected from oil companies as a result of price control violations.

From this account the Congress would appropriate money for energy conservation and assistance programs, including low-income home heating assistance, programs for home weatherization, and energy grants to schools and hospitals.

On the surface this proposal would appear commendable. In fact, however, the proposal would amount to a seizure by the Federal Government of funds held in trust for consumers who were overcharged. The Federal Government would then use these consumer funds to pay the costs of programs previously supported by general revenue taxpayer funds.

In effect, the administration has spotted a pot of money collected from oil companies who illegally overcharged their customers and decided to use that money for existing energy programs despite the clear intent of the Congress to support those energy programs from general revenues.

The net result of the administration proposal is the use of consumer funds with no added benefit to consumers. The cost of these energy programs is simply shifted from general revenues of the Treasury to the consumers who were short-changed.

The Congress, in fact, has already made known its view of this idea. A year ago, the Congress directed that $200 million in oil overcharge funds be made available to the States for energy conservation programs and stipulated that the funds must "supplement and not supplant" money already appropriated for those programs.

The administration repeatedly has stated it will oppose any increase in taxes to help reduce the huge deficits in the administration budget. But in this proposal, the administration is happy to claim as its own the proceeds of an illegal tax imposed on consumers by oil companies, and use those proceeds to reduce its deficit.

There is an additional reason to oppose the administration proposal. The proposal makes these energy programs, low-income home heating assistance and weatherization assistance, and grants to schools and hospitals primarily dependent on the availability of funds recovered from oil companies for overcharges. There is no assurance whatsoever that the amount of oil overcharge funds recovered will be sufficient to maintain these programs at desired levels in future years.

There are estimates that total recovery of overcharges may be as much as $6 billion over the next few years. But that must be resolved by the courts. To make these energy assistance programs primarily dependent on such an uncertain source of funds is poor policy and could endanger the future of those programs.

There is a better solution, one which the Congress has previously approved.

I am today introducing legislation requiring the Department of Energy to transmit oil overcharge funds to State governments for energy conservation programs, including low-income energy and home weatherization assistance. These funds, which belong really to the consumers of this Nation, would be in addition to, not replacement for, funds appropriated by the Congress for these programs.

This legislation would preserve the right of overcharged consumers to the first claim on overcharge funds. Only in those cases in which it is impossible to identify individual overcharged consumers, or impractical to refund the overcharges to them, would the funds revert to the Federal Government for these consumer-directed energy programs administered by the State governments.

I support strongly the program of low-income home heating assistance, low-income home weatherization, and grants to schools and hospitals for energy conservation projects. Indeed, the schools and hospitals grant program is the result of legislation which I introduced. In my view, the administration proposal would place the future of these programs in peril, and would constitute a Treasury Department raid on funds that belong to overcharged consumers.

I urge the Senate to reject the administration proposal and to enact the legislation I am introducing today. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Petroleum Consumer Overcharge Restitution Act".

SEC. 2. (a) From the acccounts held in escrow on the date of enactment of this Act as a result of alleged petroleum pricing and allocation violations, the Secretary of Energy is directed to exercise his remedial authority under the Emergency Petroleum Allocation Act of 1973 to disburse these funds immediately to the Governors or Chief Executive Officers of the States, less such amounts as may be necessary to pay all identifiable legitimate claims for such overcharges.

(b) In addition to the funds distributed under subsection (a), the Secretary of Energy shall distribute to the Governors or Chief Executive Officers of the States as promptly as is practicably feasible, all other amounts collected or hereafter collected as a result of alleged petroleum pricing and allocation violations which are—

(1) attributable to direct or indirect injuries to ultimate consumers or to otherwise unidentifiable parties; and

(2) not necessary to satisfy the claims of identifiable injured claimants who can demonstrate specific injury.

(c) The Secretary of Energy shall make disbursements under this Act based on the ratio, calculated by the Secretary, which—

(1) the consumption within each State of refined petroleum products (other than refinery feedstocks) during the period from September 1, 1973 until January 28, 1981 bears to

(2) the consumption within all States of such products during that period.

(d) The disbursement made under this Act shall be available for energy conservation programs of the States, including low-income energy assistance, schools and hospitals conservation programs, and other related weatherization activities.

SEC. 3. (a) The oil overcharge funds returned to States will supplement the funds for existing authorized energy programs, not to supplant the funds for existing programs. These funds may not be permanently deposited to the United States Treasury and returned to the States through the appropriation process.

(b) Not more than 10 percent of the funds available to each State under this Act may be used to meet administrative costs.

SEC. 4. The Comptroller General of the United States shall conduct a review or an investigation of the use of funds received under this Act by a State in order to insure compliance with the provisions of this Act.

SEC. 5. As used in this Act, the term "States" means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States. For the purposes of this Act, the term "energy conservation programs" used in Section 2d above means:

(A) the program under part A of the Energy Conservation and Existing Buildings Act of 1976 (42 U.S.C. 6861 and following);

(B) the programs under part D of title III of the Energy Policy and Conservation Act (relating to primary and supplemental state energy conservation programs; 42 U.S.C. 6321 and following);

(C) the program under part G of title III of the Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals; 42 U.S.C. 6371 and following);

(D) programs under the National Energy Extension Service Act (42 U.S.C. 7001 and following); and

(E) the program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 and following).●

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2288. A bill to extend duty-free treatment to imports of chipper knife steel; to the Committee on Finance.

DUTY ON CHIPPER KNIFE STEEL

● Mr. LEVIN. Mr. President, today I am introducing legislation that would permanently eliminate the duty on chipper knife steel imported into the United States, beginning in April 1985, after the current temporary duty expires.

Chipper knife steel is designed solely to be used to manufacture wood-chipping knives for the pulp, paper, and forest products industries. The rate of the duty on chipper knife steel has been temporarily reduced as the result of legislation passed in each of the past two Congresses. The current temporary reduction is scheduled to expire on March 31, 1985. Although this expiration date is still more than a year away, if the duty on chipper knife steel were permanently repealed now, it could help chipper knife manufacturers in making their plans for future production. In a like manner, continued uncertainty about the quantity and price of chipper knife steel could lead to a curtailment in production and the loss of jobs in States like my own State of Michigan. It has been estimated that in Michigan alone, a permanent elimination of the duty on chipper knife steel could save well over 100 jobs over the next couple of years. Repeal of the import duty would put U.S. manufacturers of chipper knives in a much better position to compete with foreign manufacturers, which do not have to use the chipper knife steel subject to the U.S. duty in their productive processes.

Numerous governmental investigations have found that there has been virtually no domestic production of chipper knife steel during the past several years. In 1983, the U.S. International Trade Commission recommended that there be an exemption of chipper knife steel from the import quotas on specialty steel because of the inadequate domestic supply of chipper knife steel. Last July, President Reagan went along and exempted chipper knife steel from the specialty steel import quotas because of its inadequate domestic supply. Therefore, elimination of the import duty on chipper knife steel would not have an adverse affect on the domestic production of chipper knife steel, but it would help the employment situation for workers in the United States who manufacture chipper knifes.

Congressman ALBOSTA has introduced identical legislation in the House of Representatives. I urge the members of both the Ways and Means Committee and the Senate Finance Committee to give this legislation thorough and expedited attention.

I ask unanimous consent that the text of this legislation be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 606.93 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "8.3% ad val. + additional duties (see headnote 4)" in rate column numbered 1 and inserting in lieu thereof "Free"; and

(b) Item 911.29 of the Appendix to such Schedules is repealed.

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after April 1, 1985.●

By Mr. SPECTER:

S. 2289. A bill to amend the Vocational Education Act of 1963 to place certain community-based organizations on State, local, and national advisory councils, to provide for special consideration of certain proposals for vocational education grants, and to require a set-aside of certain allocations for vocational education programs; to the Committee on Labor and Human Resources.

VOCATIONAL EDUCATION AND COMMUNITY-BASED ORGANIZATIONS ACT OF 1984

Mr. SPECTER. Mr. President, today, youth employment is in crisis. The youth employment crisis today has the potential for becoming tomorrow's social disaster.

It is estimated that 50 to 60 percent of black youth are unemployed. Hispanic barrios and Appalachian hollows are not far behind in these discouraging statistical reports.

This Nation is experiencing an economic recovery which is not reaching our youth population. At the same time, the small business owners who have 80 percent of the jobs, require employees with skills and work habits that members of the unemployed youth population do not have.

Increased opportunities to secure skills training and motivational training are essential if we are to begin solving this national problem.

That is why, Mr. President, I am determined to examine the tried and tested experience of Rev. Leon Sullivan, the Nation's foremost expert in manpower training and the nationwide network of OIC—Opportunities Industrialization Centers—to discover what has worked best in their 20 years of successful operation.

I find that this nonprofit, self-help, prevocational training program, teaching basic skills in reading, and writing, and computations, serves as a feeder to the skills training centers that have developed a placement record of 70 percent and a retention rate of 80 percent.

Originating in Philadelphia, Pa., OIC's are now located throughout the Commonwealth of Pennsylvania, in Pittsburgh, McKeesport, Carlisle, West Chester, Chester, Erie, Monessen, Norristown, and beyond the State of Pennsylvania these successful programs exist nationwide in such diverse cities as Riverside and San Diego, Calif., Jacksonville, Fla., Columbia, S.C., Detroit, Mich., and Providence, R.I.

The Sullivan motivational and attitudinal training process which takes people who have been turned off and turns them on to the work ethic and the work habits that will result in increased productivity is badly needed as a model that can be replicated to undergird our existing vocational and technical training schools system.

A demonstration project, developed in cooperation with the National Institute for Education and the Philadelphia Board of Education is a second aspect of the OIC employment training system that will help meet the needs that we have identified. This project, approved by the president of the Teacher's Union, and the Pennsylvania State Superintendent of Schools, used certified teachers in OIC centers and provided diplomas to graduates from the principals of the high schools. Dropouts and delinquents who would never make it into the vocational training school were given on-the-job training by businesses in connection with OIC training under the umbrella of the public school system. The 4-year demonstration was judged as one of the most successful research and demonstration projects in the history of the institute.

The plan was to provide 100 percent Federal funds the first year; 75 percent the second year; 50 percent the third year, and 25 percent the fourth year. At the end of the 4th year a takeover by the State would take place. In the State of Pennsylvania it worked as planned. The Pennsylvania State Education Department approved the program for State funding.

The U.S. Senate passed the Career Education Act in 1977 and cited the OIC model in the accompanying report as being highly recommended to State school superintendents.

Mr. President, this proven track record of demonstrated effectiveness has led successive Congresses to include OIC by name in the Comprehensive Employment and Training Act and the Job Training Partnership Act. More than 50 Senators at one time or another cosponsored OIC bills. Results have led leaders of business and industry to form a National Industrial Advisory Council composed of the chief executive officers of major corporations, such as AT&T, General Motors, General Electric, General Foods, IBM, Pfizer Pharmaceuticals, Sears, R&R Donnelly, Sun Co., Gulf Oil, Campbell Soups, RCA, and Pepsico. These companies have pioneered with Reverend Sullivan in the public-private partnership approach to solving our national employment and training problems.

Because of this background, and the critical nature of today's youth-employment problems, I am recommending that the Senate pass legislation which will amend the Vocational Education Act of 1963 and provide for a prevocational motivational and basic literacy training system to reach the unreached ages 16 to 21 who are rapidly becoming a permanent underclass in our society.

Former alcohol abusers, ex-offenders, school dropouts, and the juvenile delinquents who are growing in number have been served successfully by OIC for a number of years, and the indication is that it can be done on a broader scale if our educational system targets special resources to inner cities where the danger and opportunities are the greatest.

This bill, which I am introducing today, addresses this problem. The bill seeks to close a gap which has existed since the passage of the Vocational Education Act of 1963. Presently, nonprofit, self-help, community-based organizations such as the Opportunities Industrialization Centers of America, Inc., are not assured participation in vocational education programs.

The exclusion of such organizations is indeed unfortunate, especially when one considers the success record of many community-based organizations in providing prevocational training, a component of vocational education which is essential in light of the alarming rate of functional illiteracy in this country—which the U.S. Department of Education estimates at 26 million.

I have cited from the State of Pennsylvania the work of one outstanding example OIC, under the leadership of its founder and chairman, Rev. Leon H. Sullivan. OIC has trained more than 700,000 Americans in more than 40 States and 150 rural and urban communities, providing remedial and supportive services which are needed by the hard-core structurally unemployed as preparation for vocational training.

In introducing the Vocational Education and Community-Based Organizations Act of 1984, I seek to improve and intensify existing vocational education programs by providing prevocational, self-help, motivational training organizations with access to our vocational system.

The bill has three main thrusts:

First. To place community-based organizations such as OIC on the various advisory councils and other boards which administer the vocational education program;

Second. To provide for special consideration of grant proposals for prevocational education and which meet certain other goals enumerated in the statement of purpose; and

Third. To provide a set aside for prevocational education and training.

This act will allow States to improve existing vocational programs through encouragement and funding of State and local proposals which develop new self-help, community-based preparation programs that provide prevocational, motivational, attitudinal, and basic skills training. It will also assist in providing prevocational preparation targeted to inner-city youth, non-English-speaking barrios, and other urban and rural pockets of poverty.

In addition, the bill provides for cooperation between self-help, community-based organizations of demonstrated effectiveness and existing vocational and technical training institutions.

Further, the bill allows for the provision of intern programs of demonstrated effectiveness in developing cooperative partnerships with business, and industry, and vocational education institutions which improve the basic skills of prevocational students.

Finally, under this act, eligible community-based organizations which are dissatisfied with the final action on their application for funds can appeal the action of the State to the Secretary of the Department of Education.

I am especially pleased to introduce this bill in February 1984, during the 20th anniversary year of OIC, which was founded by Rev. Leon Sullivan in 1964. Reverend Sullivan, who serves as pastor of the 6,000-member Zion Baptist Church in Philadelphia, has pioneered in the field of manpower development, employment, and training for about a quarter of a century.

His unique contributions to both the Education and Labor Departments of the Federal Government has been recognized by Presidents from Johnson through to President Reagan—each of whom has visited the OIC and praised its successful track record and demonstrated effectiveness. He was appointed to the Manpower Policy Commission created by the Congress in 1973, and reappointed by Presidents Ford and Carter. As a recognized leader among businessmen, he has served on the boards of General Motors, the Girard Bank, the Mellon Bank, and the Philadelphia Savings & Loan.

As a community leader, he has served on the boards of the United Way and the Boy Scouts, and has received the Public Service Award of the United States, the Philadelphia Award, the Freedom Foundation Award, the Spingarn Award, the United States Public Service Award, and the Edwin Dahlberg Peace Award.

This great man and his great contribution toward the solution of the tragic youth crisis in America has unlocked the door of opportunity for disadvantaged young Americans of all races.

The business community is deeply concerned with the fact that we are not preparing American youth motivationally and attitudinally for the work force, and that we are not giving them the basic skills needed for the rapid technological changes taking place in our society. It is my hope that this bill introduced today will help correct what is wrong, fill in what has been missing—vocational training opportunities for those who will not make it unless brought into the vocational system by a general prevocational preparation through an outreach effort with adequate remedial and supportive services.

Mr. President, I ask unanimous consent that the bill in its entirety be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act my be cited as the "Vocational Education and Community-Based Organizations Act of 1984".

SEC. 2. Section 101 of the Vocational Education Act of 1963 (hereafter in this Act referred to as "the Act") is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) It is further the purpose of this part to assist States in improving and intensifying existing vocational education programs to develop human resources and reduce structural unemployment, and by establishing a prevocational, self-help, motivational training resource to reach the hard-to-employ and prepare them for success in existing vocational education programs through encouragement and funding of State and local proposals which—

"(1) develop new self-help, community-based preparation programs that provide prevocational, motivational, attitudinal, and basic skills training necessary for existing vocational and technical training schools;

"(2) assist in providing adequate prevocational preparation targeted to the innercity youth, the non-English-speaking barrios, the Appalachian hollows, and other urban and rural pockets of poverty; and

"(3) provide for cooperation between self-help community-based organizations of demonstrated effectiveness and existing vocational and technical training institutions.".

SEC. 3. (a) Section 105(a) of the Act is amended—

(1) by striking out "and" at the end of clause (19);

(2) by striking out the period at the end of clause (20) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(21) self-help community-based organizations of demonstrated effectiveness.".

(b) Section 105(g)(1) of the Act is amended by inserting after "labor" a comma and the following: "and self-help community-based organizations of demonstrated effectiveness".

(c) Section 107(a)(1) of the Act is amended—

"(1) by striking out "and" at the end of clause (I);

"(2) by striking out the period at the end of clause (J) and inserting in lieu thereof a semicolon and "and"; and

"(3) by adding at the end thereof the following:

"(K) a representative of self-help community-based organizations of demonstrated effectiveness.".

(c) Section 162(a)(11) of the Act is amended—

(1) by striking out "and" at the end of clause (11);

(2) by striking out the period at the end of clause (12) and inserting in lieu thereof a comma and "and"; and

(3) by adding at the end thereof the following:

"(13) representing self-help community-based organizations of demonstrated effectiveness.".

SEC. 4. (a) Section 106(a)(5)(A) of the Act is amended—

(1) by striking out "and" at the end of division (i);

(2) by striking out "; and" at the end of division (ii) and inserting in lieu thereof a comma and "and"; and

(3) by inserting at the end thereof the following:

"(iii) make proposals which contribute to carrying out section 101(b) and which provide for career intern programs of demonstrated effectiveness, utilize intermediary organizations with a record of demonstrated effectiveness in developing cooperative partnerships with business and industry and vocational education institutions or improve the basic skills of prevocational students; and".

(b) Section 106 of the Act is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Any eligible recipient that is a self-help community-based organization dissatisfied with the final action with respect to any application for funds under this Act, particularly any action not consistent with the provisions of division (iii) of clause (5)(A) of subsection (a), may, pursuant to procedures issued by the Secretary, appeal the action of the State to the Secretary. Any procedures established pursuant to this subsection shall provide for expeditious determination of the appeal.".

(c) Section 120(b)(1) of the Act is amended—

(1) by striking out "and" at the end of clause (N);

(2) by striking out the period at the end of clause (O) and inserting in lieu thereof a comma and "and"; and

(3) by adding at the end thereof the following:

"(P) provision of vocational education support services by self-help community-based organizations for programs which contribute to carrying out the goals of section 101 (b) and which provide for career intern programs of demonstrated effectiveness, utilizing intermediary organizations with a record of demonstrated effectiveness in developing cooperative partnerships with business and industry and vocational education institutions, or which improve the basic skills of provocational students.".

(d) Section 130 of the Act is amended—

(1) by striking out the period at the end of clause (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a comma and "and"; and

(3) by adding at the end thereof the following:

"(B) research and demonstration programs which contribute to carrying out the goals of section 101 (b) and which provide for career intern programs of demonstrated effectiveness, utilize intermediary organizations with a record of demonstrated effectiveness in developing cooperative partnerships with business and industry and vocational education institutions, or which improve the basic skills of prevocational students.".

SEC. 5. Section 110 of the Act is amended by adding at the end thereof the following new subsection:

"(f) For each fiscal year, at least 10 per centum of each State's allotment under section 103 of this title from appropriations made under section 102 of this title and 10 per centum of the funds under section 130 shall be used to pay up to 50 per centum of the cost of programs, services, and activities which contribute to carrying out the goals

of section 101(b) and which provide for career intern programs of demonstrated effectiveness, utilize intermediary organizations with a proven record in developing cooperative partnerships with business and industry and vocational education instutitions or which improve the basic skills of prevocational students.".

SEC. 6. Section 195 of the Act is amended—

(1) by inserting after "agency" in paragraph (13) a comma and the following: "a self-help community-based organization"; and

(2) by adding at the end thereof the following:

"(22) The term 'self-help community-based organizations of demonstrated effectiveness' means organizations described in section 4(5) of the Job Training Partnership Act, such as Opportunities Industrialization Centers, National Urban League, Operation S.E.R. and 70,001, Inc.

"(23) The 'career intern programs of demonstrated effectiveness' means the model tested and recommended by the National Institute of Education, of the Opportunities Industrialization Centers type.

"(24) The term 'intermediary organizations with a record of demonstrated effectiveness in building partnerships with business and industry' means organizations such as the OIC National Industry Council, the National Alliance for Business, and the Amigos de SER.

SEC. 7. Section 103 of the Act is amended to read as follows: "There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act for the fiscal year 1985 and for each succeeding fiscal year ending prior to October 1, 1989.".

By Mr. WILSON (for himself and Mr. CRANSTON):

S. 2290. A bill to amend the act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws," enacted September 2, 1965; to the Committee on Energy and Natural Resources.

AUBURN DAM PROJECT

Mr. WILSON. Mr. President, in the spirit of President Reagan's recent reaffirmation of this Nation's commitment to the sound development of our precious water resources, I am today introducing a bill designed to put a long delayed major dam project in my home State of California back on track. The proposed Auburn Dam and Reservoir, located on the American River, was first authorized by Congress in 1965—nearly 20 years ago. Today, this much needed project remains uncompleted. Only the dam's foundation work has been done, leaving a highly visible scar across the beautiful American River Gorge. Enactment of the bill before you now would serve as the first step in taking action to finally complete this project.

Delays in construction of this facility began in 1975 when a nearby earthquake raised questions of dam safety. By 1980, the project was redesigned to withstand any expected seismic disturbances. A supplemental environmental impact statement is now close to completion and new preliminary design specifications have been drawn up.

The consequence of all these delays is that the estimated cost of completing the project has exceeded the authorized cost ceiling. Originally authorized in 1965 at $424 million, indexing has increased this figure to $1.6 billion in 1984 dollars. The problem, however, is the estimated cost for the Auburn Dam and Reservoir now stands at $2.2 billion. This leaves a $600 million shortfall in financing authority.

Instead of proposing that Congress pick up the entire tab for meeing these inflated costs, the bill I am introducing today proposes that the Federal Government enter into a financing partnership with any interested project beneficiaries. Already, several public and private utilities, irrigation and water districts, and possibly the State of California have indicated an interest in sharing the upfront costs of completing the construction of this dam. As many of my colleagues know, cost-sharing on water resource projects is an idea that is heartily endorsed by this administration. The Auburn Dam project seems to me to be a perfect illustration of how we can put this partnership idea into effect.

This bill authorizes and directs the Secretary of the Interior to enter into cost-sharing negotiations with interested parties and report back to Congress within a year with proposed agreements. Once Congress is in receipt of these cost-sharing agreements, modifications to the original project authorization legislation may be in order.

This bill is not asking for more money, it is not proposing a new water project for the West, and it entails no new or additional drains on the U.S. Treasury. All that it proposes is that interested project beneficiaries be allowed to participate in a project that is now only partially completed. Willing non-Federal entities have indicated that they will share in the costs of the project as long as they receive commensurate benefits.

Identical legislation is moving through the other body. In anticipation of its enactment, the Bureau of Reclamation is already beginning to set up a mechanism to expedite forthcoming cost-sharing negotiations. I understand the State of California is excited about this proposal and intends to work closely with the Bureau of Reclamation on this project. Additionally, my esteemed colleague from California has joined as an original cosponsor of this bill.

Mr. President, this legislation deserves fast track consideration. Even though we have many other matters to dispose of this session, I would not expect that consideration of this bill will take an inordinate amount of time.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws" (Public Law 89-161; 79 Stat. 615), enacted September 2, 1965 (hereinafter referred to as the "Act"), is amended by inserting at the end thereof the following new section:

"SEC. 7. The Secretary is authorized and directed to enter into negotiations with non-Federal entities and may consummate agreements which shall include provisions for cost-sharing with such entities to provide assistance toward financing the construction, operation, and maintenance of the Auburn-Folsom South unit. No such agreements may take effect until funds are appropriated to carry out such agreements. Notwithstanding section 9(c) of the Recalamation Project Act of 1939, such agreements may provide a right for the participating non-Federal entities to share in the power and separable power facilities and other project services as the Secretary may deem appropriate. Not later than one year after the date of enactment of this section, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the results of the negotiations, including copies of the proposed agreements.".

Mr. WILSON. Senator CRANSTON is out of town today. I ask that his statement of support for my Auburn-Folsom South unit cost-sharing bill be printed in the RECORD.

● Mr. CRANSTON. Mr. President, I am pleased to cosponsor legislation to authorize the Secretary of the Interior to enter into negotiations with non-Federal entities to assist with the cost of constructing the Auburn Dam project in California. Today the total cost of the Auburn-Folsom South unit is $2.3 billion—far exceeding the $1.4 billion level permitted in the 1965 congressional authorization. Given this high cost, it is clear that substantial non-Federal cost sharing is going to be essential if the project is ever to be built.

I support the Auburn Dam project assuming it is economically justifiable and environmentally sound. But I want to make it clear that this bill does not reauthorize the Auburn-Folsom South unit. Reauthorization at this point is premature. The supplemental environmental impact statement on the Folsom South Canal, which will cover the issue of lower American River flows, will not be

issued in draft until August 1984. The final EIS is not expected until September 1985. The supplemental EIS on Auburn Dam itself has not yet been prepared. The Department of the Interior has not yet revised the economic analysis of the project.

I am aware of the great interest in maintaining the flows of the lower American River. It is imperative that this issue be resolved—and the lower American protected—before proceeding with the needed project reauthorization. Additionally, in negotiating any cost-sharing agreements with non-Federal entities, the Department of the Interior must take into consideration the needs of the lower American River.

The legislation being introduced today will help provide additional information regarding the economic feasibility of the Auburn Dam project by determining non-Federal participation. The bill requires that the Secretary of the Interior report back to appropriate House and Senate committees regarding possible cost-sharing agreements.●

By Mr. HUMPHREY:

S. 2291. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to allow immediate access to the full amount which will be available to the fund, and for other purposes; to the Committee on Environment and Public Works.

SUPERFUND IMPROVEMENT ACT OF 1984

● Mr. HUMPHREY. Mr. President, today I am introducing legislation to amend the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund. My bill, the Superfund Improvement Act of 1984, addresses the issues of adequate and accelerated funding, the liability of municipalities for cleanups at municipally owned sites, and the need to deal responsibly with health concerns at hazardous waste sites.

Last November 18, I inserted in the RECORD a working draft of this legislation. At that time, I explained that only within the past year, under new leadership, has the Superfund moved forward as quickly as Congress had intended. We now find ourselves facing a situation in which the States and EPA are ready and able to undertake studies and cleanups at additional sites, but are prevented from doing so by a lack of sufficient funds. EPA has already determined how it will spend the $410 million fiscal year 1984 Superfund appropriation. Nonetheless, many States, including New Hampshire, could make good use of additional funds in 1984. The President recognizes this problem, and in his State of the Union Address said that he would request a $50 million supplemental appropriation for Superfund in 1984. While I believe this is an important step in the right direction, I am not convinced that it goes far enough.

To date, for the years 1981-84, Congress has appropriated approximately $885 million for the Superfund program. Given a total fund of $1.6 billion, this leaves over $700 million for fiscal year 1985, the last authorized year of the program. I believe that EPA could responsibly obligate a substantial portion of these funds in 1984, and most certainly an amount in excess of the $50 million supplemental that the President has said he will request. My legislation would solve this problem by allowing EPA access to all of the remaining funds in the hazardous substance response trust fund. The practical effect of this provision would be to accelerate the authorizations and appropriations under Superfund, and I would hasten to point out that this would not add to the overall $1.6 billion initial authorization.

In this respect, the Superfund Improvement Act of 1984 is a stopgap measure for allowing prompt action under Superfund. There is no question that the Superfund should and must be reauthorized beyond 1985, and I am convinced that this reauthorization should occur this year. In the interim, however, there is an urgent need to provide EPA with additional moneys, in excess of $50 million, to fund more site cleanups in 1984.

The second provision of this bill would limit the liability of municipalities for the cost of cleaning up municipally owned sites to no more than 50 percent of the total amount. At the current time, municipalities are liable for at least 50 percent of the total cleanup cost, and as much as 100 percent of the total cost. I believe this provision of the law is counterproductive. I know of a number of cases in which municipalities have intentionally dragged their feet on Superfund site cleanups because of a fear that they would be held liable for a substantial portion of the cleanup costs, and that they would be unable to shoulder this financial burden. This fear is so strong that in other cases communities have downplayed the nature and severity of hazardous waste problems at municipal landfills, and some have even made efforts to have sites removed from the Superfund's national priority list.

This is not a beneficial situation for any of the concerned parties—municipalities, local residents, and State and EPA officials—because the longer a site cleanup is delayed, the greater the overall cost is likely to be, and the more extensive the environmental damage. Hence, I believe that limiting the liability of States and political subdivisions for the cleanup costs at publicly owned hazardous waste sites is a reasonable and prudent measure which is in the best interests of the public health and protection of the environment.

The third element of the Superfund Improvement Act addresses the very important issue of health concerns raised by hazardous waste sites. In my own State of New Hampshire, and in other States as well, there are many citizens who are concerned that nearby hazardous waste sites may be affecting their health. Although the 1980 Superfund Act established the Agency for Toxic Substances and Disease Registry, as a part of the Centers for Disease Control, (CDC), in order to respond to these concerns, a lack of adequate funding has seriously hampered the Agency's efforts.

My bill deals with this problem on two levels. First, the bill authorizes $10 million for the Agency for Toxic Substances and Disease Registry (ATSDR) to distribute to the States in order to conduct initial health surveys or risk assessments at all hazardous waste sites in each State. Based on these initial assessments, the States would report their findings to the ATSDR along with requests for any further more detailed studies that they may feel are necessary.

The second element of this section earmarks 5 percent of each year's total Superfund appropriation for the ATSDR. At the current time, this Agency must submit its budget request to EPA, which reviews and adjusts the request, and in turn submits it to OMB as part of EPA's overall Superfund budget request. As a result, funding for the ATSDR has been inadequate. There is strong and widespread support among public health officials throughout the country for providing the ATSDR with a significant and guaranteed funding level. If this provision had been in effect in 1984, 5 percent of the total Superfund appropriation of $410 million would have translated into $20.5 million for the ATSDR. I believe this is a reasonable and realistic amount for addressing public health concerns raised by hazardous waste disposal.

The bill would also allow States to enter into cooperative agreements with the ATSDR in order to fund any additional studies that the States may feel are necessary in following up on the initial health surveys. States would also be able to enter into cooperative agreements to fund baseline health programs for addressing hazardous waste concerns. Where individual States are unable to run their own programs, the ATSDR would have responsibility. In most States, the public health departments would be likely to run such health programs, although in some States the environmental protection agency may hold this authority.

I believe this section of the bill, which provides for initial health surveys, the availability of funding for

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followup studies as well as diagnostic services and other programs, and a statutory delegation of authority to the ATSDR for addressing hazardous waste health concerns, constitutes a comprehensive and constructive approach to the problems which we face. The States and the Federal Government would be enabled to work cooperatively to meet the challenge.

Mr. President, I offer the Superfund Improvement Act of 1984 as a package of amendments that I believe addresses some of the most urgent problems that have arisen in the implementation of the Superfund program. In closing, Mr. President, let me reemphasize that this bill is not a substitute for a major reauthorization of the act. Rather, it is an interim measure, which addresses the immediate need to accelerate expenditures of Superfund moneys so that timely cleanups can go forward while we in Congress push separate legislation to reauthorize the program beyond 1985. I believe the other provisions dealing with municipal liability and health surveys also address extremely important and pressing concerns.

I invite my colleagues' support for this bill, Mr. President, and I ask unanimous consent that the text of the Superfund Improvement Act of 1984 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Superfund Improvement Act of 1984".

ACCESS TO FULL AMOUNT AVAILABLE TO FUND

SEC. 2. (a) Section 111(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out paragraph (4) thereof.

(b) Section 223(c)(2) of such Act is amended—

(1) in subparagraph (A), by striking out "for the following 12 months, and" and inserting in lieu thereof a period;

(2) by striking out subparagraphs (B) and (C); and

(3) by redesignating subparagraph (D) as subparagraph (B).

(c) Section 111(c)(3) of such Act is amended by striking out "subject to such amounts as are provided in appropriate Acts,".

(d) The amendments made by this section shall become effective on the date of the enactment of this Act.

STATE SHARE OF REMEDIAL COSTS FOR CLEANUP OF FACILITIES OWNED BY STATE OR LOCAL GOVERNMENTS

SEC. 3. (a) Section 104(c)(3)(C)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "at least 50 per centum or such greater amount as the President may determine appropriate" and inserting in lieu thereof "50 per centum, or such lesser amount as the President may determine appropriate".

(b) The amendment made by subsection (a) shall apply to contracts and cooperative agreements entered into on or after the date of the enactment of this Act.

USE OF FUND FOR SURVEYS, REGISTRY OF EXPOSED INDIVIDUALS, AND DIAGNOSTIC SERVICES

SEC. 4. (a) Section 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by inserting "in accordance with subsection (m)," after "(4)"; and

(2) by inserting "and health surveys" after "epidemiologic studies".

(b) Section 111 of such Act is amended by adding at the end thereof the following new subsection:

"(m)(1) For each fiscal year, an amount equal to not less than 5 percent of the total amount expended from the Fund for such fiscal year shall be used for the purpose of carrying out activities described in subsection (c)(4), including any such activities related to hazardous waste stored, treated, or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act.

"(2) Such activities shall be carried out by the Agency for Toxic Substances and Disease Registry established by section 104(i), either directly, or through grants to the States (or political subdivisions thereof) in the case of States (or political subdivisions) which the Administrator of such agency determines are capable of carrying out such activities.".

(c) Section 3012(c) of the Solid Waste Disposal Act (relating to hazardous waste site inventories) is amended by adding at the end thereof the following new paragraph:

"(3)(A) In addition to the amounts authorized under paragraph (2), there are authorized to be appropriated for fiscal year 1985 an additional $10,000,000 to be used for conducting health surveys with respect to hazardous waste sites identified and eligible to be identified in the inventories conducted under this section and hazardous waste disposal facilities having a permit under section 3005.

"(B) The health surveys shall be carried out by the Agency for Toxic Substances and Disease Registry established under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, either directly, or through grants to the States (or political subdivisions thereof) in the case of those States (or political subdivisions) which the Administrator of such agency determines are capable of carrying out such surveys.

"(C) The amount appropriated for carrying out the surveys shall be allotted among the States in such manner as the Administrator of such Agency determines to be appropriate to carry out the purposes of this paragraph.

"(D) Any State or political subdivision carrying out a survey shall report the results of the survey to the Administrator of such agency, and shall include recommendations with respect to further activities which need to be carried out under section 111(m) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The Administrator of such agency shall include the same recommendations in a report on the results of any survey carried out directly by the agency, and shall issue a final report which includes the results of all the surveys carried out under this paragraph.

"(E) For the purposes of this paragraph and section 111(c)(4) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the term "health surveys" shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities subject to this paragraph, based on such factors as the nature and extent of contamination, the existence or portential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparisons of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.".

(d) The amendments made by this section shall be effective with respect to fiscal year 1985 and each fiscal year thereafter.

By Mr. GORTON (for himself and Mr. GOLDWATER):

S. 2292. A bill to provide for continued access by the Federal Government to land remote sensing data from satellites and for other purposes; to the Committee on Commerce, Science, and Transportation.

LAND REMOTE SENSING SATELLITE COMMUNICATIONS ACT OF 1984

Mr. GORTON. Mr. President, I am introducing today on my behalf and on behalf of the distinguished Senator from Arizona (Mr. GOLDWATER) a bill to provide for a continued U.S. land remote sensing capability and an orderly transfer of this capability to the private sector.

Our current experimental land remote sensing satellite (Landsat) system has established the United States as the undisputed world leader in remote sensing technology. Four satellites have been launched during the past 12 years, and a fifth, called Landsat D-prime, will be launched next month. Data from these satellites have enabled us to see the Earth in a way never previously possible, and our policy of nondiscriminatory data access, or "open skies," has made Landsat a provider of worldwide benefit and international goodwill.

Recently, other nations have begun developing their own land remote sensing systems. I must warn my colleagues that not only is our leadership in this area threatened, but uncertainty over the future of Landsat has jeopardized the existence of any U.S. land remote sensing capability at all. Our inability to resolve the debate between those who believe the Landsat system should be commercialized and those who feel the Government should con-

tinue to sponsor the system has left us with no plans for any capability after Landsat D-prime, which is expected to function for 3 years.

Last March, the administration proposed to commercialize the Landsat system. This decision was based on the fact that the system is very costly to operate and generates very little revenue. The idea behind commercialization is that the private sector could operate the technology at less expense than the Government, and that a private marketing effort could greatly expand the market for data.

The problem with the administration's proposal was that it included commercialization of our meteorological satellite (Metsat) system, an idea that had no congressional support. Last year, when I introduced a resolution opposing Metsat commercialization, I expressed my feeling that the outcry over the prospect of commercializing Metsat was preventing Congress from focusing on the more relevant issue of Landsat. Now that the resolution and its House companion have overwhelmingly passed and the Metsat commercialization proposal has been dropped, we can give Landsat commercialization proper consideration.

Mr. President, as chairman of the Commerce Committee's Subcommittee on Science, Technology, and Space, I have followed this issue very closely, and I have come to see two fundamental facts.

First, the market for land remote sensing data is currently very small, and will not develop without private sector initiative and marketing expertise. Several years of private marketing will be required to make land remote sensing a profitable business, and no adequate private systems are likely to be developed until the potential for profit exists.

Second, Landsat D-prime represents the final product of more than a billion dollars of Federal expenditure, and should not be turned over to the private sector for a price that would reflect only the revenues that can currently be realized from its operation.

The legislation I am introducing today would provide for a phased commercialization of Landsat, beginning with data marketing and expanding to space system management as market development enables wholly private systems to prosper.

Under this approach, the Government would maintain ownership of Landsat D-prime and contract for private marketing of the data and possibly private operations of the system. Concurrently, the Government would work with the private sector on development of a follow-on system with at least equivalent capabilities. Private involvement in system development would reduce Federal costs from the expense of constructing another experimental Government satellite, and private operation and data marketing would further develop the market for data. In the future, wholly private systems would be licensed by the Secretary of Commerce.

Last month the Department of Commerce issued a request for proposals asking private parties to bid for the Landsat system and development of a follow-on system. Current law stipulates that legislation must be enacted to permit any such transfer, and this legislation would authorize the transfer while setting forth conditions under which it is acceptable to the Congress.

Mr. President, I feel this legislation would insure continued U.S. involvement in remote sensing, expedite the development of an expanded data market, and minimize Federal expenses in transferring this capability to the private sector.

I hope the bill will stir debate on the issue, and I eagerly await the comments and suggestions of the private sector, the administration, and my colleagues.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Land Remote Sensing Statellite Communications Act of 1984".

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) the Federal Government's experimental LANDSAT system has established the United States as the world leader in land remote sensing satellite technology;

(2) the continuous collection of land remote sensing data from satellites is of major benefit in managing the Earth's natural resources;

(3) private sector involvement in space can provide sound bases for the future growth of space-based technologies;

(4) it is necessary to determine the extent to which it is appropriate and in the national interest for the private sector to assume responsibility for civil land remote sensing satellite system operation and data management;

(5) the existing civil land remote sensing system of the United States involves important international commitments;

(6) civil land remote sensing involves relevant national security concerns;

(7) it is in the national interest to promote the establishment of private land remote sensing ventures;

(8) land remote sensing development has been inhibited by lack of market development and private industry is best suited to develop the data market;

(9) it is doubtful that the private sector alone currently can develop a total land remote sensing system because of the high risk and large capital expenditure involved;

(10) cooperation between the Federal Government and private industry is necessary to manage effectively the existing LANDSAT system so as to ensure data continuity, to honor international and national security responsibilities, and to broaden the data market enough to support self-sufficient private ventures; and

(11) such cooperation should be structured to minimize the amount of support and regulation by the Federal Government, while assuring continuous availability to the Federal Government of land remote sensing data.

PURPOSES

SEC. 102. The purposes of this Act are to—

(1) guide the Federal Government in achieving proper involvement of the private sector by providing a framework for gradual commercialization of land remote sensing, allowing an increasing private role as the market for data expands, and assuring continuous data availability to the Federal Government;

(2) preserve the leading position of the United States in civil land remote sensing, preserve the national security, and honor the international obligations of the United States;

(3) reaffirm the right of all nations to sense the Earth's surface and acquire land remote sensing data, so long as such data are made available to all potential users on a non-discriminatory basis; and

(4) minimize the duration and amount of further Federal investment necessary to assure data continuity while achieving commercialization of civil land remote sensing.

DEFINITIONS

SEC. 103. For purposes of this Act, the term—

(1) "LANDSAT system" means LANDSAT 4 and LANDSAT D-prime, and related ground equipment, systems and facilities;

(2) "non-discriminatory basis" means without preference, bias, or any arrangement that favors any purchaser or class of purchasers over another, such that—

(A) data products are made available to all potential buyers at standard, published prices;

(B) all purchasers are given the same opportunities for access to data, such as timeliness of availability and terms of delivery; and

(C) special arrangements, other than any arrangement for exclusive access to data by any purchaser, such as volume discounts, gathering of data with certain characteristics requested by a purchaser, and maintenance of secrecy regarding any such arrangements, are permissible if the availability and prices of such services are published and uniformly available to the data purchasers;

(3) "Secretary" means the Secretary of Commerce;

(4) "unenhanced data" means digital or minimally processed signals collected from civil land remote sensing satellites involving rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response; the term does not include conclusions, manipulations, or calculations derived from such signals or combination of the signals with other data or information; and

(5) "United States private entity" means any non-governmental entity or consortium of entities, the majority of whose assets is owned by citizens of the United States, the majority of whose personnel is comprised of citizens of the United States, and whose

principal place of business is in the United States.

TITLE II—OPERATION AND DATA MARKETING OF LANDSAT SYSTEM

OPERATION

SEC. 201. (a) The National Oceanic and Atmospheric Administration shall be responsible for—

(1) the orbit and data collection of LANDSAT 4, and disposition of LANDSAT 4 upon the termination of its useful operation, as determined and published by the Secretary;

(2) the launch, orbit, and data collection of LANDSAT D-prime, and disposition of LANDSAT D-prime upon the termination of its useful operation, as determined and published by the Secretary;

(3) ground equipment and facilities which are used to operate the LANDSAT system; and

(4) provision of data to foreign ground stations under the terms of existing Memoranda of Understanding between the United States Government and nations that operate ground stations.

(b) The Secretary may extend any such Memoranda of Understanding if such extension provides for their expiration upon the termination of the useful operation of the LANDSAT system.

(c) The provisions of this section shall not prohibit the National Oceanic and Atmospheric Administration from continuing to contract for the operation of the LANDSAT system, so long as the Administration retains—

(1) ownership of the system;

(2) ownership of the unenhanced data; and

(3) authority to make decisions concerning operation of the system.

MARKETING OF UNENHANCED DATA

SEC. 202. (a) In accordance with the requirements of this title, the Secretary shall, to the extent provided in advance by appropriations Acts and in accordance with the provisions of subsection (c) of this section, contract with a United States private entity for the marketing of unenhanced data collected according to the provisions of section 201 of this title. Any such contract shall provide that—

(1) the contractor may set the prices of unenhanced data products, if the products are always available to all potential buyers at published, non-discriminatory prices and terms of access;

(2) the contractor shall compensate the United States Government for the right to sell the data by payment of an initial fee, a percentage of data sales receipts, or some combination of such fee and receipts;

(3) the contractor shall pay to the United States Government the full purchase price of any unenhanced data that the contractor elects to utilize for purposes other than sale, in accordance with paragraph (4) of this subsection; and

(4) the contractor shall not engage in any sale of processed data except in a manner consistent with applicable antitrust laws.

(b) Prior to entering into such a contract, the Secretary shall publish the requirements of subsection (a)(1) through (4) of this section, and the contract shall be subject to such requirements.

(c)(1) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 days of continuous session of Congress has passed after the receipt by each such committee of such transmittal or (B) each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of such transmittal, the Secretary shall include the information specified in subsection (a) (1) through (4) of this section.

(2) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which either House is not in session because of an adjournment of more than 5 days to a day certain are excluded in the computation of such period.

AWARDING OF THE CONTRACT

SEC. 203. The Secretary shall award any such contract on the basis of—

(1) the financial return to the United States Government, based on any initial fee offered for marketing rights and any percentage of data sales receipts offered to the United States Government; and

(2) the ability to expand the market for unenhanced land remote sensing data.

TITLE III—DATA CONTINUITY AFTER THE LANDSAT SYSTEM

PURPOSE

SEC. 301. It is the purpose of this title to—

(1) provide for a transition from operation by the Federal Government to private, commercial operation of land remote sensing satellite systems;

(2) determine, with minimal risk during the proposed transition period, whether wholly private operation of land remote sensing is in the best interests of the United States; and

(3) provide for the continuity of land remote sensing satellite data after the termination of the operation of the existing system, as described in title II of this Act.

DATA CONTINUITY

SEC. 302. The Secretary shall evaluate proposals from United States private entities for a contract for the development of a system capable of generating land remote sensing data and marketing such unenhanced data for a period of 6 years. Such evaluation and any solicitation of proposals shall be conducted by means of a competitive process. Such proposals, at a minimum, shall specify—

(1) the quantities and qualities of data expected from the system;

(2) the projected date upon which operations could begin;

(3) the number of satellites to be constructed and their expected lifetimes;

(4) any need for Federal funding to develop the system;

(5) any percentage of sales receipts offered to the Federal Government; and

(6) plans for expanding the market for land remote sensing data.

NOTIFICATION REGARDING AWARDING OF THE CONTRACT

SEC. 303. (a) The Secretary shall evaluate the proposals referred to in section 302 of this title and, to the extent provided in advance by appropriations Acts, may contract with a United States private entity for the development of a system capable of generating land remote sensing data and marketing such unenhanced data for a period of 6 years. As part of such evaluation, the Secretary shall analyze the expected outcome of each proposal, in terms of—

(1) the availability to the Federal Government of at least the quantities and qualities of data used by the Federal Government in fiscal year 1983;

(2) the availability of such data upon the expected termination of the LANDSAT system;

(3) the cost to the Federal Government of developing the recommended system;

(4) the potential to expand the market for data;

(5) any percentage of data sales offered to the Federal Government, in accordance with section 304 of this title; and

(6) such other factors as the Secretary deems appropriate and relevant.

(b)(1) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 days of continuous session of Congress has passed after the receipt by each such committee of such transmittal or (B) each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of such transmittal, the Secretary shall include the information specified in subsection (a) (1) through (6) of this section.

(2) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which either House is not in session because of an adjournment of more than 5 days to a day certain are excluded in the computation of such period.

MARKETING INCENTIVE

SEC. 304. In order to promote aggressive marketing of land remote sensing data, any contract entered into pursuant to this title may provide that the percentage of sales paid by the contractor to the Federal Government shall decrease according to stipulated increases in sales levels.

SALE OF DATA

SEC. 305. Any contract entered into pursuant to this title shall provide that—

(1) the contractor will offer to sell and deliver unenhanced land remote sensing data to all potential buyers on a non-discriminatory basis;

(2) the contractor will engage in any sale of processed data only in a manner consistent with applicable antitrust laws; and

(3) the contract shall not provide a guarantee of purchases of data by the Federal Government from the contractor.

REPORT

SEC. 306. Within 2 years after the date on which any such contract becomes effective, the Secretary shall report to the Congress on the progress and feasibility of the transition to total private financing, operation, and ownership of a land remote sensing satellite system, together with any legislative recommendations to accomplish such transition.

TERMINATION OF AUTHORITY

SEC. 307. The authority granted by this title shall terminate 10 years after the date of the beginning of any contract entered into according to the provisions of this title.

TITLE IV— PRIVATE LAND REMOTE SENSING SYSTEMS

GENERAL AUTHORITY

SEC. 401. In consultation with other appropriate Federal agencies, the Secretary shall license qualified United States private entities to operate civil land remote sensing satellite systems in accordance with the provisions of this title.

CONDITIONS FOR OPERATION

SEC. 402. (a) No party or consortium may operate any land remote sensing satellite system which is subject to the jurisdiction or control of the United States without obtaining a license pursuant to section 401 of this title.

(b) A party or consortium shall be licensed to operate its system if—

(1) unenhanced land remote sensing data are made available to all potential users on a non-discriminatory basis;

(2) in the case of a consortium, the system is administered by a central, responsible entity established by the consortium;

(3) no terms of the license issued under this title protect the license holder from fair competition from other license holders;

(4) the license provides that, before any party or consortium terminates its operations under the license, it will make disposition of any satellites in space in a manner satisfactory to the President; and

(5) the entity seeking to obtain the license agrees, as a condition for the receipt of such license, to provide to the Secretary any data generated under such license which the Secretary may request for the purpose of archiving, pursuant to section 602 of this Act.

(c)(1) The Secretary, in consultation with other appropriate Federal agencies, shall be responsible for protection of national security interests and adherence to international responsibilities of the United States which are relevant to operation of private land remote sensing satellite systems, including—

(A) responsibility for all outer space activities of non-governmental entities of the United States;

(B) liability for damage caused by space objects under registration or license by the Federal Government; and

(C) registration with appropriate international authorities of all objects launched into space by non-governmental entities of the United States.

(2) In order to carry out paragraph (1) of this subsection, the Secretary shall, before licensing any private land remote sensing satellite system, secure an agreement from the private entity or consortium that it will—

(A) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(B) obtain advance approval from the Secretary of any agreement it intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities; and

(C) operate the system in a manner that is consistent with international law.

(13) The Secretary, in order to carry out the responsibilities specified in this title, may—

(A) inspect the facilities or financial records of any entity that holds a license pursuant to this title;

(B) promulgate regulations to implement the provisions of this title; and

(C) provide, within the licenses or regulations issued, for penalties for noncompliance with the requirements of such licenses or regulations, including termination of license and civil penalties.

AGENCY ACTIVITIES

SEC. 403. Federal agencies are authorized and encouraged to engage in joint activities in satellite land remote sensing by forming consortia with private firms, in accordance with the provisions of section 401 of this title, if—

(1) such activities will not compete with United States private sector activities;

(2) such activities are appropriate to an agency's missions and activities; and

(3) appropriated funds are available for that purpose.

TERMINATION

SEC. 404. The authority contained in this title shall terminate at the expiration of 10 years after the date of enactment of this Act if no firm or consortium has been licensed and continues in operation under the provisions of this title.

TITLE V—RESEARCH AND DEVELOPMENT

CONTINUED FEDERAL RESEARCH AND DEVELOPMENT

SEC. 501. The Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other Federal agencies shall continue land remote sensing research and development, and are encouraged to conduct experimental space remote sensing programs (including applications programs) and to develop remote sensing technologies in support of their authorized missions, using funds appropriated for those purposes. In carrying out such programs, Federal agencies are encouraged to cooperate with private industry.

USE OF EXPERIMENTAL DATA

SEC. 502. Data gathered in Federal experimental land remote sensing programs may be used in related research and development programs funded by the Federal Government, including applications programs, but not for commercial uses or in competition with private sector activities, except as permitted by section 503 of this title.

SALE OF EXPERIMENTAL DATA

SEC. 503. Data gathered in Federal experimental land remote sensing programs may be competitively sold en bloc (consistent with national security interests and international obligations of the United States) to any United States entity which will market the data on a nondiscriminatory basis.

TITLE VI—GENERAL PROVISIONS

"OPEN SKIES"

SEC. 601. (a) Unenhanced land remote sensing satellite data generated by any system operator under the provisions of this Act shall be made available to all users on a non-discriminatory basis, in accordance with the requirements of this Act.

(b) For the purposes of this title, the term "system operator" means a contractor under title II or III or a license holder under title IV of this Act.

ARCHIVING OF DATA

SEC. 602. (a) In order to preserve many of the public benefits of civil remote sensing from space, including long-term global environmental monitoring, the Secretary shall provide for long-term storage and maintenance of data, as described in subsection (b) of this section, and for access to such data.

(b)(1) The Secretary shall continue to provide storage, maintenance, and access for unenhanced data from the LANDSAT system.

(2) The Secretary shall provide storage, maintenance, and access for unenhanced data generated pursuant to title III of this Act. The Secretary may obtain and examine such data to determine whether such data have potential public value, and to store and maintain data that are determined to be of value.

(3) The Secretary may provide storage, maintenance, and access for unenhanced data generated by license holders under title IV of this Act if the Secretary finds that such data have sufficient public value.

(c) All data generated by any system operator under titles III or IV of this Act shall be made available to the Secretary by the system operator in a form suitable for processing for data storage, maintenance, and access. The Secretary may (as provided in advance by appropriations Acts) pay to such system operator reasonable costs for reproduction and transmittal of the data.

(d)(1) Copies of stored data may not be made available from the archive except (A) to the system operator originally providing the data, or (B) pursuant to paragraph (2) or (3) of this subsection.

(2) Copies of stored data may be made available to persons requesting such copies if the system operator who originally provided the data so authorizes the Secretary in writing.

(3) Copies of stored data may be made available to persons requesting such copies without authorization of the system operator after 10 years after the date of the generation of such data.

(4) Persons or system operators requesting and receiving copies of such data from the archive shall pay to the Secretary reasonable costs of reproduction and transmittal.

(5) Nothing in this subsection shall release the Secretary from the Secretary's obligation to provide data storage, maintenance, and access.

(e) In carrying out the functions of this section, the Secretary may use existing facilities or may contract with a private sector party or parties for performance of such functions, to the extent provided in advance by appropriations Acts.

NONREPRODUCTION

SEC. 603. Unprocessed land remote sensing data generated by any system operator under the provisions of this Act may be sold on the condition that such data shall not be reproduced and disseminated by the purchaser.

REIMBURSEMENT FOR ASSISTANCE

SEC. 604. The Administrator of the National Aeronautics and Space Administration, the Secretary of Defense, and the heads of other Federal agencies may provide assistance to operators of remote sensing systems under the provisions of this Act. Substantial assistance, such as launch services, shall be reimbursed by the operator.

RADIO FREQUENCY ALLOCATION

SEC. 605. The Federal Communications Commission is authorized and encouraged to allocate to any license holder under title IV of this Act access to Government radio frequencies and other civil radio frequencies appropriate for land remote sensing systems in a timely manner, consistent with the national interest.

CONSULTATION

SEC. 606. (a) The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national securi-

ty. The Secretary of Defense shall be responsible for identifying and notifying the Secretary of those national security concerns of the United States which are relevant to activities under this Act.

(b) The Secretary shall consult with the Secretary of State on all international matters arising under this Act. The Secretary of State shall be responsible for identifying and notifying the Secretary of those international obligations and commitments of the United States which are relevant to activities under this Act.

By Mrs. HAWKINS:

S. 2294. A bill to require the registration of deposit brokers with the Securities and Exchange Commission, to require the Federal depository institution insuring agencies to better police the funds acquisition activities of newly insured and financially impaired depository institutions, to amend the Securities Exchange Act of 1934, the Federal Deposit Insurance Act, the National Housing Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 1984

● Mrs. HAWKINS. Mr. President, I am today introducing legislation to modernize and reform Federal Government insurance of deposits in banks and thrift institutions just as the Garn-St Germain Act, which the Congress passed in 1982, modernized and reformed the Nation's financial institutions. As a result of passage of the Garn-St Germain Act, financial institutions have become increasingly competitive. This is no less true when it comes to seeking new sources of funds for their deposits. Gathering deposits on a national basis through the use of brokerage intermediaries has become an increasingly popular and effective means of raising deposit dollars.

These changes in the way financial institutions raise their deposits have produced both positive and negative effects. The use of intermediaries to raise funds has made it possible for institutions of all sizes, including small- and medium-sized banks and thrift institutions, to tap national markets for their needed deposit dollars. This makes additional funds available for use in their local communities.

The brokerage intermediaries provide the consumer with an efficient vehicle for obtaining the maximum return on his or her investment dollars, consistent with the safety of Federal insurance of deposits. Financial institutions, too, use this new method to make their investment. Many credit unions, banks, and thrift institutions now place substantial amounts of idle funds with other institutions through brokerage intermediaries. Florida credit union managers tell me that with their small staffs there would be a great loss if they could not use brokers to seek out the highest return on investments.

At the same time, the Federal regulators have expressed concern that this ready availability of funds can lead to abuse by financial institutions and by the intermediaries who raise funds for them. They maintain that at the financial institution level, some institutions in weak financial condition have used brokerage firms to maintain their liquidity without giving adequate consideration to their ability to repay. Apparently some newly formed institutions, intent of rapid growth, have turned a virtue into a vice, and have grown faster than they are able to prudently invest,

Finally, because of uncertainty over the status of deposits as securities under the Federal securities laws, certain brokerage firms have not been subject to oversight of their activities by the Securities and Exchange Commission. This lack of oversight has been a major source of concern for Federal regulators and has left the consumer, without the protections which the Federal securities laws provide.

The Federal Deposit Insurance Reform Act of 1984, which I am introducing today, updates Federal law to bring it current with these important marketplace developments, the bill is simple and straightforward.

First, it updates the definitions of "broker" and "dealer" in the Federal Securities Exchange Act of 1934 by including persons in the business of engaging in transactions in deposits. Thus, these persons will be required to register with the Securities and Exchange Commission and will be subject to the requirements which apply to brokers and dealers which effect transactions in securities such as stocks and bonds. There is no good reason why the public should not have the protection which Federal securities laws provide when dealing with intermediaries who place deposits for them or engage in other transactions in deposits. As drafted, the bill would excempt from the definition of "broker" and "dealer," banks and thrift institutions, since they are already adequately supervised by the Federal banking agencies.

Second, the bill would recognize that the public can place deposits through registered broker-dealers and retain their insurance deposits. The bill rejects, as too extreme, a proposal by the Federal insurance agencies which would effectively deny insurance to members of the public who use registered brokers. Thus, the bill would preserve the benefits currently available to all insured institutions, including small- and medium-sized institutions, to raise capital on national markets—without the expense of national advertising campaigns or interstate branch networks. Often only the very largest institutions can afford to raise deposits in this way. The bill also means that the public can continue to enjoy the benefits of investing their dollars at maximum rates of interest with continued Federal insurance without the prohibitive expense of placing these funds themselves.

Third, the bill contains two important exceptions designed to safeguard the Federal insurance funds by granting the agencies the authority to restrict the use of brokers by new or financially impaired financial institutions.

In sum, the bill presents a balanced approach to the problem of bringing Federal insurance of deposits current with the marketplace realities of today. It reaffirms that insured deposits may be raised on a nationwide basis using qualified professionals. Finally, it recognizes that growth can be too much of a good thing, by providing authority to the agencies to limit growth for new or financially impaired institutions.

Mr. President, I urge my colleagues to join me in support of this legislation. I ask unanimous consent that the text of the bill be placed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Deposit Insurance Reform Act of 1984".

SEC. 2. Section 3 (a) (4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c (a) (4)) is amended to read as follows:

"(4) The term 'broker' means any person engaged in the business of effecting transactions in securities or in deposits for the account of others, but does not include a bank of insured institution.".

SEC. 3. Section 3 (a) (5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c (a) (5)) is amended to read as follows:

"(5) The term 'dealer' means any person engaged in the business of buying and selling securities or deposits for his own account, through a broker or otherwise, but does not include a bank or insured institution, or any person insofar as he buys or sells securities or deposits for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business.".

SEC. 4. Section 3 (a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end thereof the following:

"(41) The term 'deposits' means deposits of a bank which are, or are eligible to become, insured deposits within the meaning of section 3(m) of the Federal Deposit Insurance Act, or deposits or accounts of an insured institution which are, or are eligible to become, insured accounts within the meaning of section 401(c) of the National Housing Act.

"(42) The term 'insured institution' means an insured institution within the meaning of section 401(a) of the National Housing Act.".

SEC. 5. Section 3(m)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)(1)) is amended by adding at the end thereof the following: "The Corporation may not deny or limit insurance coverage for any transaction involving an insured deposit effected by a broker or dealer, as those terms are defined in section 3(a) of the Securities Exchange Act of 1934, except in the case of a newly insured bank or a bank which is eligible for assistance pursuant to section 13(c) of this Act.".

SEC. 6. Section 405(a) of the National Housing Act (12 U.S.C. 1728(a)) is amended by adding at the end thereof the following: "The Corporation may not deny or limit insurance coverage for any transaction involving an insured account effected by a broker or dealer, as those terms are defined in section 3(a) of the Securities Exchange Act of 1934, except in the case of a newly insured institution or an insured institution which is eligible for assistance pursuant to section 406(f) of this Act.".

SEC. 7. The Securities and Exchange Commission, the Federal Savings and Loan Insurance Corporation, and the Board of Directors of the Federal Deposit Insurance Corporation shall each transmit an annual report to each House of the Congress respecting their implementation of the amendments made by this Act.●

By Mr. QUAYLE:

S. 2295. A bill to amend title 23, United States Code, to provide for purposes of determining the minimum allocation paid to any State, the amount of taxes treated as paid into the highway trust fund with respect to gasohol and certain methanol and ethanol fuels shall be determined as if such fuels were taxed as gasoline; to the Committee on Environment and Public Works.

HIGHWAY REVENUE EQUITY ACT

● Mr. QUAYLE. Mr. President, I rise today to introduce the Highway Revenue Equity Act which underscores one of our most important national priorities: The development and promotion of alternative energy sources, namely alcohol fuels or gasohol.

The purpose of this act is to correct an unintended consequence of the Surface Transportation Assistance Act of 1982. That law sought to find an equitable distribution formula for revenues paid into the highway trust fund, by guaranteeing each State a minimum 85-percent return on its revenues paid into the trust fund. Prior to this time, States such as Indiana, which has been diligent in building and maintaining its share of the interstate highway system, saw their gas tax payments diverted into other States and saw their highways and bridges begin to deteriorate. I strongly supported that 85-percent minimum payback provision in the Surface Transportation Assistance Act and I worked with a number of my like-minded colleagues to guarantee at least the 85-percent level of equity in the distribution of trust fund moneys which are critical to our highway system.

Now, however, we are faced with another situation which is simply unfair to States which produce and consume gasohol. My own State of Indiana, as well as other gasohol-consuming States, including California, Florida, Illinois, Michigan, North Carolina, Ohio, Oklahoma, Texas, and Wisconsin are being penalized by reduced payments from the highway trust fund—to the tune of millions of dollars.

We can all vividly remember the illustration of our Nation's dependence on foreign petroleum during the OPEC embargo of 1973 and the Iranian hostage crisis of 1979.

We all remember not only the long lines at service stations and skyrocketing cost of gasoline, but also the national humiliation of seeing ourselves held hostage by oil-rich nations. Such a scenario can be repeated if the unstable Mideastern nations decide to war among themselves or to punish the Western oil-importing nations once again. The citizens of this country strongly demanded at that time a national energy policy based on self-sufficiency, not foreign imports. One response adopted by Congress was the exemption of gasohol from the Federal excise tax on gasoline. Additionally, some 35 States seconded this effort by passing their own sales tax exemptions, designed to complement the current 5-cent Federal exemption, in an effort to promote gasohol sales.

The results of these incentives have been profound: In the month of January 1982, over 87 million gallons of gasohol were sold in this country. By December 1982, this figure had increased to over 280 million gallons sold per month, an increase of 322 percent in less than 1 year. The total gasohol sales throughout the country in 1982 were close to 2 billion gallons. In that 1 year, consumers saved 200 million gallons of gasoline by using gasohol as an alternative. In my own State of Indiana, gasohol sales have continued to dramatically increase to the point where almost 30 percent of all fuels sales in 1983 were gasohol. Along with other effective energy conservation and fuel-switching measures, we have succeeded in cutting our petroleum import bill by over 40 percent in just 5 years.

This success story is not without an unfortunate penalty. Most gasohol-consuming States are finding that as their gasohol sales have increased, their percentage allocations from the highway trust fund are decreasing. Indiana and the other 85 percent minimum States have been willing to promote gasohol consumption, but not at the expense of their highways. I believe that if we as a nation are committed to promoting alternative energy, we must support our States in their efforts to produce and consume gasohol. Even if Indiana did not subsidize the sale of gasohol—and the Indiana State Legislature is now considering an end to the existing 3-cent per gallon tax exemption—the favorable geographic location and strong local support would insure the continuing success of the gasohol industry in Indiana and other States which have supported its production and use.

The Surface Transportation Assistance Act provides that no State can receive from the highway trust fund less than 85 percent of its tax payments into that fund. Because gasohol is exempt from 5 cents of the Federal gasoline tax, the consumption of gasohol is excluded from the estimated tax payments made by each State into the trust fund. Consequently, gasohol-consuming States have been drastically hurt by the reduced return to highway trust fund moneys. Indiana will lose an estimated $21 million annually in highway trust fund moneys in fiscal year 1985 and following years because of increased gasohol sales stimulated by Federal and State tax incentives. The other 85 percent minimum payback States in this situation will lose a combined total of an estimated $122 million in highway trust fund moneys—funds which are critical to the maintenance and improvement of our highway system.

Furthermore, if Indiana and other States are forced into reducing their tax incentives for gasohol production and consumption by fear of losing highway trust fund moneys, this will only delay and impede our national effort to reduce dependence on foreign oil by developing our own national energy resources. I believe it is unfortunate that States like Indiana and several others, which tend to draw on alcohol fuels produced in other States because of the sales tax incentives, are being forced to move in reverse in their efforts to promote our national energy goals.

The legislation I am introducing today simply calls for the 85-percent minimum payback to be calculated based upon the State's contribution to the highway trust fund, as if gasohol sales are treated the same as gasoline sales. This legislation does not reduce the share of other States' allocations from the trust fund, nor does this legislation impair the integrity of the highway trust fund. The amount of moneys available for dispersal from the highway trust fund will still exceed the actual allocations made to the 85-percent minimum States, even after the adjustments for gasohol sales are computed. My bill is identical to one introduced as H.R. 3842 last year by my colleague from Indiana, Congressman SHARP.

No one will disagree that gasohol is an important component of our Nation's energy future. Its increased use has been successfully promoted in many States, and the reward for that success should not be the penalty of

decreased allocations from the highway trust fund. If we truly want to provide incentives to indigenous sources of energy production, then we should not turn around and take this incentive away as we are currently doing through the highway trust fund allocations.

Mr. President, I ask unanimous consent that after my remarks a copy of the Highway Revenue Equity Act be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Highway Revenue Equity Act".

SEC. 2. Section 157(a) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of determining under this subsection the percentage or estimated tax payments attributable to highway users in any State paid into the Highway Trust Fund in any fiscal year, the amount paid into the Highway Trust Fund with respect to the sale of gasohol or qualified methanol or ethanol fuel by reason of the tax imposed by section 4041 (relating to special fuels) or 4081 (relating to gasoline) of the Internal Revenue Code of 1954 shall be treated as being equal to the amount which would have been so imposed with respect to such sale without regard to the following provisions of such code: section 4041(b)(2) (relating to exemption for qualified methanol and ethanol fuel), section 4041(k) (relating to reduced rate on fuels containing alcohol), and section 4081(c) (relating to reduced rate on gasoline mixed with alcohol).".

SEC. 3. The amendment made by this Act shall be effective for fiscal years beginning after September 30, 1984.●

By Mr. THURMOND:

S. 2296. A bill to permit the enlistment of a limited number of aliens in the Regular Army of the United States; to the Committee on Armed Services.

ENLISTMENT OF ALIENS IN THE ARMY OF THE UNITED STATES

Mr. THURMOND. Mr. President, today I am introducing an updated version of legislation Congress passed more than three decades ago, known as the Lodge Act.

Under provisions of the Lodge Act, the Regular Army was allowed to enlist aliens without dependents between the ages of 18 and 35. This authority was granted for 3 years originally and was subsequently extended twice.

Mr. President, the original intent of the bill was to take advantage of the exodus of refugees from Eastern Europe following the Communist takeover of those countries.

In fact, there are still service members in the Army today who enlisted under provisions of the Lodge Act.

Mr. President, nations around the world are continuing to fall under the yoke of Communist rule and with that occurs a natural exodus of refugees. Previous experience with this measure produced some very fine and dedicated soldiers. Therefore, I feel that we could most certainly benefit again by passage of this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 3253 of title 10, United States Code, the Secretary of the Army may, under such regulations as he may prescribe and subject to the approval of the Secretary of State, accept original enlistments and reenlistments in the Regular Army of not more than 2,500 qualified aliens, without dependents, who are not less than eighteen years of age or more than thirty-five years of age.

(b) An alien may not be accepted for an original enlistment in the Regular Army under this Act for a term of less than five years. The term of reenlistments may be for such terms as the Secretary of the Army shall prescribe with the approval of the Secretary of State.

(c) Persons enlisted or reenlisted in the Regular Army under the authority of this Act shall be integrated into established units of the Army with citizen members and may not be segregated into separate organizations for aliens.

(d) An alien may not be enlisted or reenlisted in the Regular Army under this Act after September 30, 1987.

(e) An alien enlisted or reenlisted in the Regular Army pursuant to this Act who—

(1) subsequently enters the United States (or any territory or possession of the United States) pursuant to military orders;

(2) is otherwise qualified for citizenship;

(3) has completed five or more years of active duty in the Regular Army; and

(4) has been honorably discharged therefrom;

shall be deemed to have been lawfully admitted to the United States for permanent residence within the meaning of section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427).

By Mr. DOLE (for himself, Mr. DENTON, Mr. GRASSLEY, Mr. BENTSEN, Mr. HATCH, and Mr. JEPSEN)

S. 2299. A bill entitled the "Anti-Fraudulent Adoption Practices Act of 1984;" to the Committee on the Judiciary.

ANTI-FRAUDULENT ADOPTION PRACTICES ACT OF 1984

● Mr. DOLE. Mr. President, I take this opportunity to introduce today the Anti-Fraudulent Adoption Practices Act of 1984. I am pleased to state that Senators DENTON, GRASSLEY, BENTSEN, HATCH, and JEPSEN join with me in sponsoring this very important legislation that will provide important legal protections to adoptive parents and birth mothers who might be victimized by the activities of persons who solicit money for the performance of adoption services that are never rendered.

The need for this legislation lies in a national tragedy which only recently came to my attention. It is a tragedy of people who prey on the emotions and frustrations of couples longing for children, of confused and distraught unwed mothers, and who do so with complete disregard for the welfare of the children who are the subject of adoption efforts. Early this year, Mr. John Grubb, police chief of the small town of Chase, Kans., contacted me about an alleged adoption scam which, he stated, had resulted in several couples in my State being defrauded of large sums of money upon the promise of adoption services that were not performed. Couples seeking to adopt children were promised, by the perpetrators of this scheme, that children available for adoption could be provided from the country of Mexico in a relatively short period of time and with little difficulty. Thousands of dollars were then obtained from these couples, who believed that their years of frustration and waiting would soon be ended. Tragically, however, their problems—as they soon discovered—were just beginning.

While some children were actually made available, as promised, early in the activities of this organization, the majority of the couples from whom money was obtained were left with neither their hopes fulfilled nor their money returned.

Information brought to my attention by victims and law enforcement officers in a number of States indicated that these fraudulent adoption activities may have been carried on in as many as 22 States, and involved over 100 couples. I and other Senators who join with me on this bill have requested that the FBI, INS, and IRS conduct a coordinated investigation to determine the precise extent of the problem.

The purpose of the legislation that is being introduced today is to provide additional statutory protections to those who might be victimized by a fraud of this type. In our examination of the laws governing adoptions, it has become apparent to us that a significant gap exists in the law's ability to prevent abuses of this type occurring. That gap occurs when the parties who operate so-called grey market adoption rings operate across State lines and in foreign commerce. The reason for this is quite simple: The States have only that degree of authority that can be exercised within their own boundaries. While one State may have laws that may be aggressively used to prosecute or prevent such acts, a neighboring State may not; and thus, the control of interstate adoption rings that oper-

ate nationwide is of necessity a Federal responsibility.

The legislation would accomplish two primary objectives: It would create a series of new Federal criminal statutes that are designed to; first, prohibit fraudulent acts in connection with the offer or performance of adoption services; second, prohibit the payment of compensation over and above expenses for adoption services performed, by limiting such compensation to fees of a State licensed adoption service, attorneys, and doctors providing professional assistance in connection with an adoption; and third, provide for civil remedies in the U.S. district courts for adoptive parents and birth mothers who are defrauded.

This bill is not intended to usurp the legitimate authority of the States to regulate adoption practices within the State as they see fit. What it is intended to accomplish is to provide uniform, national penalties and remedies for persons who are victimized by fraudulent adoption rings operating in interstate and foreign commerce.

Finally, I and my colleagues who join me in sponsoring the bill wish to make it clear that the bill is not meant, in any way, to prohibit or even discourage the availability of adoption services outside of the community of State licensed adoption agencies. The bill specifically excludes agreements between adoptive parents and birth mothers which may involve the payment of legitimate fees to professionals who perform valid services incident to the adoption from the reach of its provisions.

We look forward to working together in conducting hearings on the bill, and hope for early consideration in our respective committees. We believe the legislation will find favor with the vast majority of our colleagues and we welcome any and all who may wish to cosponsor.

Thank you, Mr. President. I ask unanimous consent that a brief summary of the bill included in the RECORD at the conclusion of these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTIONAL ANALYSIS—ANTI-FRAUDULENT ADOPTION PRACTICES ACT OF 1984

Sec. 101—Amends title 18 of the United States Code by providing for criminal sanctions for anyone committing fraud in the offering or providing of adoption services in international or interstate commerce. Sets a maximum penalty of $10,000 or 5 years or both.

Also provides criminal sanctions for anyone who solicits or receives compensation for arranging adoptions with the exception of: 1.) licensed agencies, 2.) fees received for professional medical or legal services, 3.) natural parent of a child and 4.) prospective adoptive parents. Sets a maximum penalty of $10,000 or 5 years or both for a violation.

Also provides criminal sanctions for anyone who uses force or duress to cause another person to travel in interstate or international commerce in connection with an adoption. Sets a maximum penalty of $20,000 or 10 years or both for a violation.

Defines certain terms used in this section.

Sec. 102—Technical change of chapter index.

Sec. 103—Amends title 42 of the United States Code by strengthening the Department of Health and Human Services' role in collecting adoption data, developing model adoption legislation for use by the States and investigating means to help the States in prosecuting violations of adoption laws.

Sec. 104—Opens the federal district courts to anyone who has been defrauded by an adoption service, regardless of the amount in controversy. Also allows for appropriate punitive damages and attorney's fee.●

● Mr. DENTON. Mr. President, I am pleased to join my colleague from Kansas, Senator DOLE, in the introduction of the Anti-Fraudulent Adoption Practices Act of 1984, as an original cosponsor.

The genesis for our proposed bill is the exposure of an adoption ring which promised children from Mexico to couples in 20 States. There have been several press accounts including a series of investigative reporting articles in the Fort Worth Star-Telegram.

These heartbreaking stories of so many disappointed families and vulnerable biological mothers exploited by false promises prompted me to work in cooperation with Senator DOLE to begin to explore remedies to the tragedy of black market adoption.

While I know of no such similar tragic cases of fraudulent adoption activities involving Alabama families, the potential certainly exists for families to be defrauded in much the same way as the couples who never received children from Mexico. I believe that some of my constituents may need protection in this regard, and this has been confirmed by an adoption expert in my State. I feel that the Anti-Fraudulent Adoption Practices Act will provide such protection for Alabamians.

As chairman of the Subcommittee on Family and Human Services, I have held several hearings on adoption in the past 3 years and the issue of black-market adoptions has often surfaced.

I have legislative jurisdiction over adoption services matters, including the Adoption Opportunities Act. This act directs the Secretary of the Department of Health and Human Services "* * * to study the nature, scope and effects of the placement of children in adoptive homes * * * by persons or agencies which are not licensed by or subject to regulation by any government entity."

In the Labor and Human Resources Committee report, which accompanies this legislation (S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983), we have stated: "The committee supports and encourages legal interstate adoption; however, it remains concerned about the operation of illegal, black-market adoption activities which often occur across State lines."

Therefore, I will be making a request to Secretary Heckler to carefully examine the black-market activities which have been recently exposed and make suggestions to the States about ways the enforcement of the interstate compact for the placement of children can be vastly improved for nonagency adoptions.

Furthermore, I would like to see the Department of Health and Human Services, using the Department of Justice's expertise, help States develop better procedures for prosecuting those persons who operate illegal adoption rings.

I feel privileged to be working on the development of the Anti-Fraudulent Adoption Practices Act with as knowledgeable a person as Senator DOLE who, as chairman of the Finance Committee, also has jurisdiction over important adoption and foster care programs.

The proposal includes the following features:

Criminal penalties for any person who defrauds prospective adoptive parents or biological parents;

Civil remedies for prospective adoptive parents or biological parents who have been defrauded;

Criminal penalties for any person who coerces or entices biological parents or adoptive parents, or who makes a profit from arranging an adoption; and

Activities for the Department of Health and Human Services which would aid States in prosecuting illegal adoption activities.

I look forward to working with Senator DOLE, with the other Senators cosponsoring this bill, and with concerned organizations in a sincere attempt to end black-market adoption activities which create tragedy for too many American families.●

● Mr. GRASSLEY. Mr. President, I believe that my distinguished colleague from Kansas, Senator DOLE, has clearly outlined the need for this legislation. It is evident that this issue transcends the boundaries of a particular State or locality. While State law is applicable in cases where adoptions are intrastate, interstate adoptions have a potential vacuum inherent in the unavailability of sanctions for fraudulent practices.

In my own State of Iowa, 20 couples have listed complaints with the Office of Consumer Fraud. About eight of those couples are Iowans and the stories that they tell are mixed with frustration and dashed hopes. Linda and Mike Davis of Wapello, Iowa were promised that a child would be placed with them through a Mexican adop-

tion agency with a local contact; 2 years and $5,000 later—no child. When asked about that period of her life, Linda Davis told my office, "How do you put a measure on an emotional rollercoaster? We were promised time after time that a child would be in our home within days, only to be continually disappointed—it was a terrible strain on our marriage."

By far the majority of adoptions in this country are conducted in a legal manner, providing valuable service to thousands of Americans seeking to open their homes to needy children and enrich the lives of all concerned. As the numbers of available children for adoption drop, families become the easy prey of scam operations. The legislation before us would impose the appropriate sanctions in such cases of abuse. And importantly, the Federal Government will focus on gathering information in an area that is lacking in statistical information.

I am pleased to add my name as a supporter of this legislation. I urge all of my colleagues to cosponsor this bill.●

● Mr. BENTSEN. Mr. President, I join my distinguished colleague from Kansas in introducing S. 2299, the Anti-Fraudulent Adoption Practices Act of 1984.

A recent series of articles that appeared in the Fort Worth Star Telegram clearly demonstrates the need for this legislation. According to those reports, a small group of unlicensed independent adoption brokers may have defrauded nearly 40 couples of up to $7,000 apiece by promising to find them adoptable babies.

Allegations of deceptive adoptive practices by this group have been made by couples in at least 20 States—from Hawaii to Pennsylvania. And if the accused brokers are to be believed, the actual number of fraudulent agreements may be as high as 400. One of the most serious allegations stemming from these reports is the charge that pregnant women are smuggled into the United States as a way of circumventing immigration requirements relating to adoption.

Unfortunately, Mr. President, the seamy scenario I have described may only represent the tip of the iceberg in the largely unregulated world of international and interstate adoption. A review of recent adoption statistics points to this unfortunate conclusion. Last year, according to the National Committee for Adoption, an estimated 2 million American couples were waiting to adopt children. Of these, only 60,000 were able to obtain a child. Foreign and interstate placements account for nearly 14 percent of reported adoptions—we have no reliable estimates of unreported independent placements.

As an adoptive parent, I sympathize with the desire of all prospective parents to bring a child into their homes. And I believe that States, whose jurisdiction over family law is well established, should continue to exercise primary responsibility for regulation of adoption practices. However, because a significant number of adoptions occur outside the reach of State statute, the Federal Government has a responsibility to insure against deliberate and unconsionable deception of vulnerable children and their families—both natural and adoptive.

Under the provisions of our bill, the Federal Government would work in concert with States to supplement—and not supplant—State adoption statutes. This much needed measure would make fraudulent practices by an adoption service that operates between States or internationally a Federal crime punishable by a fine of up to $10,000 and imprisonment of up to 5 years. Enactment of S. 2299 will provide access to the Federal courts for both prospective parents and pregnant mothers. In addition, this legislation will direct the Secretary of Health and Human Services to join with States in reviewing all adoption legislation to determine whether improvements in existing law should be made as a means of better insuring that adoptive children and their parents are protected.

I hope my colleagues will agree with the objectives of this bill and join us to secure its swift passage.●

● Mr. HATCH. Mr. President, it was recently reported in my home State of Utah that 21 couples wanting to be parents were defrauded in an alleged adoption scam. Through a Southwestern agency, these prospective parents and many others were told of special arrangements in which they could adopt orphaned Mexican children. However, the adoption agency in question seemed to have no intention of fulfilling, in good faith, its side of the contract. Thousands of dollars were lost, with inestimable emotional travail for the brokenhearted prospective parents. Their acute pain is not as great, however, as was the trauma of the young Mexican woman who paid the same Southwestern agency to send her daughters to temporarily live in U.S. homes. She planned to later immigrate and rejoin them, only to find that they had been permanently adopted by another American family who were similarly deceived by the disreputable firm in question.

Despite growing instances of these problems, there are no Federal statutes to prosecute those who victimize prospective parents with their agencies' fraudulent claims. There is no practical recourse for the waiting parents-to-be. There is no recourse for those who have been tricked into giving up their children. The Federal Government can investigate and uncover certain wrongdoings, but cannot effectively prosecute the accused perpetrators because of preexisting statutes of questionable relevance. There are today no criminal statutes to directly punish interstate or foreign adoption agencies guilty of fraudulent practices.

The examples of fraudulent practices I earlier described give adoption a bad name. Yet, adoption is an important part of American family life. But my heart reaches out to those who have been criminally victimized by those who would profit at the expense of a couple's desire to be parents of an adoptable child. I am also thinking of those parents who were misled about their legal guardian rights. For these reasons, I am pleased to be among the original cosponsors of legislation being introduced today by Senators DOLE, GRASSLEY, DENTON and me, entitled, the Anti-Fraudulent Adoption Act of 1984.

Our legislation makes adoption fraud a Federal offense carrying a maximum penalty of 5 years in prison and a $10,000 fine. It further opens the Federal courts to damage lawsuits by prospective parents and other victims of adoption agencies convicted of fraud. The bill also prohibits private adoption agencies from charging more than a "reasonable fee," attorneys' fees, medical services provided to the mother of the adoptive child, or other agency services.

This legislation does not restrict legal adoptions. Obviously, adoption is an important part of many American families. It simply increases the likelihood that adoption practices are ethically and legally aboveboard. I am hopeful that this legislation will minimize, if not end altogether, the fraudulent activities that may occur in private placement adoption agencies. I encourage my colleagues to join us in this effort.●

By Mr. COHEN (for himself, Mr. PERCY, and Mr. LEVIN):

S. 2300. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize multiyear contracts in certain cases; to the Committee on Governmental Affairs.

CIVILIAN AGENCY MULTIYEAR CONTRACTING ACT OF 1984

● Mr. COHEN. Mr. President, today I am introducing legislation—the Civilian Agency Multiyear Contracting Act—which authorizes civilian procuring agencies to enter into multiyear contracts, not to exceed 5 years, when such contracts are determined to be in the Government's best interest. I am pleased to have Senators PERCY and LEVIN as cosponsors.

Each year, the Federal Government spends more than half of its discretionary budget on the procurement of property and services, ranging from weapons systems to janitorial services,

from the private sector. In fiscal 1983, Government contracts worth over $175 billion were awarded. I am convinced that significant economies can be realized through the effective implementation of procurement reforms.

One such procurement reform, which enjoys widespread support within the procurement community, is multiyear contracting. Under the Federal Acquisition Regulation, effective April 1, 1984, multiyear contracting may be used when no-year or multiyear funds are available or, in the case of 1-year funds, when multiyear contracting is specifically authorized by statute. Otherwise, the Anti-Deficiency Act (31 U.S.C. 1341 et seq.) precludes contractual agreements requiring direct obligations in excess or in advance of appropriations.

The Department of Defense was granted broad multiyear contracting authority in 1980 (10 U.S.C. 2306(h)). My legislation would extend this authority Governmentwide and allow civilian procuring agencies to contract on a multiyear basis, provided the following criteria are met. First, appropriations must be available for the first year of the multiyear contract and there must be a reasonable expectation that, during the remaining years the contract is in effect, additional funding will be requested. Second, the agency head awarding the multiyear contract must determine that the contract will serve the best interests of the Government by No. 1, reducing costs, No. 2, promoting economies in administration, performance, and operation, No. 3, increasing quality of performance by or service from the contractor, and No. 4, encouraging effective competition. Third, during the proposed contract period, there will be a continuing need for the property or services, and such minimum need is expected to remain substantially and such minimum need is expected to remain substantially unchanged. Fourth, the specifications for the property or services being procured are expected to be reasonably stable. And fifth, the use of such contracting method will not inhibit small business participation.

Support for multiyear contracting dates back to the Commission on Government Procurement. In 1972, the Commission reported to Congress that the advantages of multiyear contracting exceed the disadvantages, and recommended that such method should be used, when appropriate, governmentwide. The General Accounting Office agreed in a 1978 report, entitled "Federal Agencies Should Be Given Multiyear Contracting Authority for Supplies and Services," recommending that legislation should be enacted, with appropriate safeguards, to provide such authority. The Office of Federal Procurement Policy also endorsed the concept of governmentwide multiyear contracting in its February 1982 proposal for a Uniform Federal Procurement System, as did the Grace Commission in its June 1983 Report on Procurement.

In preparing this legislation, I solicited the views of the procurement community to determine the potential benefits of multiyear contracting and the areas in which multiyear contracting would be used. I received responses from the following civilian agencies, contracting associations, and organizations, all of which supported the concept of multiyear contracting: the General Services Administration, the Department of Energy, the Department of Interior, the Department of Agriculture, the Department of Commerce, the Small Business Administration, the Department of Housing and Urban Development, the Computer and Business Equipment Manufacturers Association, the Associated General Contractors of America, the Aerospace Industries Association, the Electronics Industries Association, the Professional Services Council, the American Bar Association, and the National Academy of Public Administration.

According to the responses I received, there are numerous benefits associated with multiyear contracting. First, the Government stands to save money. Multiyear contracting authority, used appropriately, would provide significant reductions in the cost of procurement resulting from lower contract prices as well as lower administrative expenses. Annual contracts frequently involve start-up costs which must be recovered during the year. This has a direct impact on the price of property or services offered to the Government. Under a multiyear contract, such nonrecurring costs could be prorated over the life of the contract, thus reducing the unit cost of the work performed and consequently the price offered to the Government.

In some cases, multiyear contracting would allow agencies to take advantage of greater price discounts. As an example, the General Services Administration recently analyzed the pricing practices of a major automated data processing (ADP) equipment vendor, which showed that the vendor's pricing structure varied significantly based on its customer's ability to commit for multiple-year leases of equipment. Those customers—all commercial—who would commit to a 5-year lease were granted discounts ranging from 62 to 75 percent of the 1-year rates. The maximum volume discounts given to those customers who could only commit to a single year was 5 percent of the 1-year rate. In effect, customers such as the Government who leased equipment for several years, but who could only contractually commit themselves to a lease of 1 year, have paid as much in 2 years as other customers pay in 5 years.

Administrative costs to the Government could also be reduced. For annual contracts, agencies expend a significant amount of time and money to accomplish a variety of contract formation functions, including market research, preparation of solicitations, evaluation of offers, negotiation of price, terms and conditions, and technical analyses. Agencies could reduce their cost of doing business if these administrative activities were performed on other than an annual schedule. Similarly, multiyear contracting would reduce prospective contractors' administrative costs associated with bid or proposal preparation.

According to the 1978 GAO report, the GSA administered approximately 390 single-year janitorial contractors costing $43 million and approximately 2,000 single-year trash removal contracts costing about $7 million. Analysis by GSA officials at the time indicated that savings of $1.6 million annually could be achieved if the contracts were awarded for 4-year terms. This would amount to savings of $6.4 million over the life of the contracts. The estimated savings would accrue, according to the GAO, from reduced administrative requirements prior to contract award and improved operations efficiency through continuity in contract mangagement.

In addition to the savings in contract prices and administrative costs, the quality of performance and service from contractors could improve. The GAO stated in its 1978 report that multiyear contracting can improve contractor performance and service by reducing the uncertainty of continued Government business, providing continuity in the delivery of recurring supply and service needs, and enabling the contractor to maintain a stable, well-trained work force. The quality of the work performed generally improves during the contract term. Where annual contracts are required, the impact of the initial stages of the performance learning curve is felt each year. By using multiyear contracts, this impact is felt only in the initial year of the contract.

Finally, competition for contracts could increase. Many companies are unwilling or unable to make significant capital investments for 1-year contracts. Multiyear contracts would make such undertakings more attrative by providing longer periods of assured business, thereby stimulating competition. Small businesses in particular would now be able to bid for multiyear contracts by prorating nonrecurring startup costs which, for a 1-year contract, would preclude these businesses from competing. Moreover, by extending the Government's commitment to the contractor, multiyear contracting encourages financial assistance for small businesses enabling

them to improve their competitive position.

An example of an annual procurement which would have been competitive had it been awarded on a multiyear basis involves a GSA contract for converting waste into fuel. The GSA received proposals from firms indicating an interest in contracting with GSA to collect trash from Federal buildings, convert it into refuse-derived fuel, and sell it back to GSA for burning in Federal heating plants. GSA's contracting authority for such a service contract, however, is currently limited to a 1-year period. Considering the large front end investment that would be required for a contractor to acquire the necessary equipment and facilities, potential contractors were unwilling to make such an investment for a 1-year contract. According the GSA, if multiyear contracting authority were enacted, GSA would be able to contract competitively for conversion of waste to fuel, with anticipated savings in cost and energy resources.

There are some disadvantages involved in multiyear contracting. By definition, Congress relinquishes a certain degree of control over the purse strings by permitting agencies to obligate funds in the outyears. The risk in making such a commitment is that the Government could be locked into prices that may subsequently decrease due to an economic downturn or a technological breakthrough. My legislation safeguards against this risk by establishing criteria that must be met before a multiyear contract can be used.

Congress also has the discretion to cancel or terminate a multiyear contract. There are, however, costs involved. Agencies are required under my legislation to pay cancellation or termination costs from appropriated funds which were either originally available for performance of the contract, currently available, but not otherwise obligated, for the procurement of similar property or services, or made available for the payment of such costs.

According to agency responses to the Oversight Subcommittee's survey, the prospective uses of multiyear contracting are varied and numerous. The General Services Administration anticipates that multiyear contracting could be used for recurring support services, such as janitorial, maintenance, and repair of real and personal property, protection, trash, and snow removal services. GSA would also consider using such authority selectively in the procurement of certain common use supplies and ADP and telecommunications equipment. Multiyear contracting could also be used for small demand items which, when bought in larger quantities, might encourage increased competition.

The Department of Agriculture listed numerous areas in which multiyear contracting would be considered, including shuttle bus service, janitorial services, requirement contracts for items such as back tags for cattle and bleeding needles, food stamp production, ADP services and equipment, telecommunication services and equipment, reforestation projects, road maintenance projects, and construction.

The Department of Interior stated that multiyear contracting may be used for construction programs, research programs, service contracts, such as janitorial and other routine services, management and operating contracts, seedling production, and reforestation contracts. Leases of equipment, in appropriate circumstances, would also be considered as possible candidates.

The National Academy of Public Administration put together a laundry list of potential uses, including first, procurement of services, such as janitorial, maintenance, utilities and a wide variety of building and base operations; second, lease-purchase arrangements, such as photocopying, communications, and computer equipment; third, high-volume usage of commercial articles, such as copying paper, typewriters, other office supplies, and automobiles; and fourth, procurement of specially designed equipment or highly specialized capital items, where a large investment is required in plant or equipment which could be amortized over several years.

Considering these many uses of multiyear contracting and the benefits to be gained, I am hopeful that my colleagues will lend their support to this legislative proposal.

I ask unanimous consent that a copy of the Civilian Agency Multiyear Contracting Act, along with a section-by-section analysis, be included in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1.—The short title of this bill is the Civilian Agency Multiyear Contracting Act of 1984.

Section 2.—Section 2 amends title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 *et seq.*) by adding after section 305 (41 U.S.C. 255) a new section 306 on Multiyear Contracts.

Section 306(a) defines "multiyear contract" to mean a contract for the purchase of property or services for a period not exceeding five years.

Section 306(b) establishes the following criteria which must be met before an agency head may enter into a multiyear contract:

First, appropriations are available for the first year of the multiyear contract, and there is a reasonable expectation that, during the remaining years the contract is in effect, additional funding will be requested (section 306(b)(1)).

Second, the agency head awarding the multiyear contract determines that: (A) the contract will serve the best interests of the Government by reducing costs, promoting ecomonies in administration, performance and operation, increasing quality, and encouraging competition; (B) during the proposed contract period, there will be a continuing need for the property or services, and such minimum need is expected to remain substantially unchanged; (C) the specifications for the property or services being procured are expected to be reasonably stable; and (D) the multiyear contract will not inhibit small business participation (section 306(b)(2)).

Section 306(c) states that a multiyear contract may include a provision which makes performance under the contract for the second and subsequent years contingent on appropriations for such years, and a provision for the payment of a reasonable cancellation charge to the contractor if the performance of the multiyear contract is cancelled.

Section 306(d) provides that a multiyear contract shall be cancelled or terminated if appropriated funds are not available. In such case, the cost of the cancellation or termination shall be paid from appropriated funds which were either originally available for performance of the contract, currently available (but not otherwise obligated) for the procurement of similar property or services, or made available for the payment of such cost.

Section 306(e) states that this legislation was not intended to modify or affect any other provision of law which authorizes multiyear contracting.

Section 3.—Section 3 sets the effective date of this legislation at contracts entered into after September 30, 1984.

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civilian Agency Multiyear Contracting Act of 1984".

SEC. 2. (a) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 305 (41 U.S.C. 255) the following new section:

"MULTIYEAR CONTRACTS

"SEC. 306. (a) For the purposes of this section, the term 'multiyear contract', when used with respect to the purchase of property or services, means a contract for the purchase of property or services for a period not exceeding five years.

"(b) An agency head may enter into a multiyear contract for the purchase of property or services when—

"(1)(A) appropriations are available and adequate for the payment for such purchase only for the first fiscal year during which the contract is in effect; and

"(B) there is reasonable expectation that, during the period which the contract is in effect, such agency head will request funding for the contract at the level necessary to avoid concellation of the performance under, or termination of, the contract; and

"(2) such agency head determines that—

"(A) such a contract will serve the best interests of the Government by—

"(i) reducing costs under the contract;

"(ii) promoting economies in administration, performance, and operation;

"(iii) increasing quality of performance by or service from the contractor;

"(iv) encouraging effective competition;

"(B) during the proposed contract period—

"(i) there will be a continuing or recurring need for the property or services; and

"(ii) the minimum need for the property or services to be purchased is expected to remain substantially unchanged in terms of rate of production or performance, rate of purchase, and total quantity or extent of services;

"(C) the specifications for the property or services are expected to be reasonably stable, and the technical risks associated with the purchase are not excessive; and

"(D) such a contract will not inhibit small business concerns from submitting a bid or proposal for such contract.

"(c) A multiyear contract authorized by this section may include—

"(1) a provision that the performance under the contract during the second or any subsequent fiscal year included in the contract term is contingent on the appropriation of funds for such year; and

"(2) a provision for the payment of a reasonable cancellation charge to the contractor if the performance is cancelled pursuant to a provision described in clause (1).

"(d)(1) If appropriated funds are not available for expenditure on a multiyear contract during the second or subsequent fiscal year included in the contract term, the performance under the contract shall be cancelled for such fiscal year or the contract shall be terminated.

"(2) Any cost of the cancellation of performance under, or termination of, the contract shall be paid from appropriated funds which—

"(A) were originally available for performance of the contract;

"(B) are then currently available for the acquisition of similar property or services and are not otherwise obligated; or

"(C) are made available for the payment of such costs.

"(e) Nothing in this section is intended to modify or affect any other provision of law which authorizes multiyear contracting and is in effect on the date of enactment of the Civilian Agency Multiyear Contracting Act of 1984.".

(b) The table of contents at the beginning of such Act is amended by striking out the item relating to section 306 and inserting in lieu thereof the following:

"306. Multiyear contracts.".

SEC. 3. The amendments made by section 2 of this Act shall take effect with respect to contracts entered into after September 30, 1984.●

By Mr. HATCH (for himself, Mrs. HAWKINS and Mr. INOUYE):

S. 2301. A bill to revise and extend programs for the provision of health services and preventive health services to establish a program for the provision of home and community-based services, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH SERVICES, PREVENTIVE HEALTH SERVICES AND HOME AND COMMUNITY BASED SERVICES ACT OF 1984

Mr. HATCH. Mr. President, today I am introducing the Health Services, Preventive Health Services and Home and Community Based Services Act of 1984. This bill would reauthorize the preventive health and health services block grant, the home health-care training program, and the tuberculosis, venereal disease, immunization programs. In addition, would authorize a home and community-based health services block grant and a 3-year demonstration project related to improving emergency medical services for children.

The bill includes reauthorization of the preventive health and health services block grant for fiscal year 1985 through fiscal year 1988. In order to receive allotments, States must prepare and submit to the Secretary descriptions of the intended uses of funds received. These descriptions must be made public in such a manner as to facilitate public comment.

States may use allotments for:

First. Preventive health services programs for the control of rodents, and community and school-based fluoridation programs;

Second. Establishing and maintaining preventive health service programs for screening, diagnosis, prevention, and referral for treatment of hypertension;

Third. Community-based programs for the purpose of demonstrating and evaluating optimal methods of organizing and delivering comprehensive preventive health services to defined populations, comprehensive programs designed to deter smoking and the use of alcoholic beverages among children and adolescents, and other risk-reduction and health-education programs;

Fourth. Comprehensive public health services formerly provided by States under section 314 of the Public Health Service Act.

Fifth. Provide grants and contracts to support establishment of home health agencies in areas where the services of such agencies are not available;

Sixth. Provide grants to support demonstration projects for the expansion and improvement of emergency medical service systems, including services for the treatment of critically ill children; and

Seventh. Providing services to rape victims and for rape prevention.

This block grants for health protection and disease prevention has offered the States the opportunity to effectively administer the resources provided. The decentralization of decisionmaking processes from the Federal level to the States has worked, and States have responsibly assigned priorities to meet those health needs which are determined to be most pressing in their respective geographic region. Preliminary data from a soon to be released GAO report cites the overall effectiveness of the block grant approach to addressing many of our Nation's most serious, and preventable, public health problems.

The bill also reauthorizes the childhood immunization, tuberculosis, and venereal disease programs for fiscal years 1985, 1986, and 1987. These programs are high-priority preventive health services which are carried out in a partnership between the Federal Government, States, and localities. They are very important programs, critical to our Nation's public health. It is my hope, therefore, that the Appropriations Committee will see fit to fund them at the full authorization levels I am requesting.

Specifically, authorization levels of $35 million, $37.5 million, and $40 million for fiscal years 1985, 1986, and 1987, respectively, would be set for the childhood immunization program. Appropriation administration of safe and effective vaccines is one of the most cost-effective methods of preventing human suffering and reducing the economic costs resulting from vaccine-preventable disease. Without question, immunization programs make an important contribution to the public health as well as being cost effective. I would note the encouraging fact that immunization levels are at an all-time high of 95 percent, and cases of measles, rubella, tetanus, polio, and mumps have reached alltime lows.

For projects and programs for the prevention and control of venereal disease, this legislation would authorize levels of $50 million, $55 million, and $55 million for fiscal years 1985 through 1987. Although the programs for the prevention and control of venereal disease have made great strides in recent years in the treatment of gonorrhea and syphilis, there is still room for improvement. In 1984, it is estimated that outreach programs will provide services to 9.3 million adolescents and young adults. These efforts will prevent an estimated 6,500 cases of syphilis and more than 179,000 cases of gonorrhea and will result in the treatment of more than 760,000 veneral-disease patients. Currently, the venereal-disease-control program is focused primarily on syphilis and gonorrhea, but other sexually transmitted diseases are on the increase in this country. Research and treatment of genital herpes and nongonococcal urethritis are two problems which should receive additional attention. I would not think that many of the victims of sexually transmitted disease are innocent babies who acquire these diseases at birth. Increased emphasis should be appropriately placed on prenatal and neonatal care of these children.

This bill also authorizes preventive health service programs for tuberculosis at levels of $8 million, $9 million, and $10 million for fiscal years 1985, 1986, and 1987 respectively. This compares to a fiscal year 1984 appropriation of $5 million. Tuberculosis is still a major health concern and risk

throughout the Nation, particularly in large cities and areas that have experienced significant refugee influx. Tuberculosis is medically treatable. The continuation of efforts to curb its growth could lead to its ultimate eradication. Thus, continuation of tuberculosis outreach programs to high incidence areas is a priority preventive health service for the Federal Government. I would like to note my respect for the outstanding efforts of my distinguished colleague from Florida, Senator PAULA HAWKINS, to focus the Senate's attention on the need for an effective tuberculosis-treatment program.

A new authority would also provide States with block grant funds to: coordinate all community-based and home health services; identify elderly and disabled individuals at risk of institutionalization; determine the needs of individual community based; make recommendations for cost-effective measures to meet those needs; and provide basic in-home support services, for example, homemaker/home health aide, for qualifying individuals.

Eligibility under the block grant would be limited to disabled individuals and elderly individuals who are over 65 and who are at risk of institutionalization. States must also assure that services provided under the block grant are not duplicative of those provided under other Federal programs.

Funds for this block would first be authorized at $20 million for fiscal year 1985 to enable States to plan and implement the block grant. Authorization levels of $150 million, $200 million, and $200 million are then authorized for 1986, 1987, and 1988 respectively for home and community-based services.

Home health care can result in enormous cost savings over the long run. There is a clear and audible consensus among health experts and representatives of elderly and disabled organizations to reorient our national health policy. At present there is an emphasis on institutionalized long-term care, and we need to encourage more appropriate nursing home care and improved home health services.

I have been involved in home healthcare legislation for the past 4 years. Although it has been a long and arduous process to develop a commitment within Congress regarding home health care, I feel we have been successful although much more needs to done.

I plan to continue to make home health care a major issue that Congress must deal with until programs are implemented that will improve the delivery of home services for our elderly and disabled citizens. That is why this legislation includes this home and community-based health services block grant. The proposal is a modification of my earlier bill, S. 1539.

Unless viable community-based services are developed to prevent unnecessary institutionalization of the elderly and disabled we can only expect that the numbers of persons in nursing homes will grow, especially as the proportion of elderly individuals in the population increases at a faster rate than other age categories. Congress, through the States, must act to assure an adequate, cost-effective, and humane alternative is readily available through home health care.

Finally, this bill would amend title XIX of the Public Health Service Act by providing a demonstration program relating the emergency health care for children who need treatment for trauma or critical care. Under the program, $2 million per year would be authorized for fiscal year 1985 through fiscal year 1987 for 1-year grants to no more than four States in any fiscal year. This will allow 12 States to participate over the 3 years although the Secretary may renew a demonstration project for 1 additional fiscal year if it is determined that the extension of the project will provide a significant benefit which will be useful to other States.

Of all the patients receiving care in hospital emergency departments approximately 20 to 35 percent are children. Yet various statistics suggest that insufficient attention has been placed on the needs of children. Although our emergency medical services programs have demonstrated their extraordinary ability to save lives, special priority needs to be given to upgrading their capacity to provide emergency care for children who are critically ill. In making this point, I would like to note the contribution of my distinguished colleague, Senator INOUYE, whose bill, S. 163, first brought to the Senate's attention the possibility that pediatric emergency care might need additional attention.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Services, Preventive Health Services, and Home and Community-Based Services Act of 1984".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

CHILDHOOD IMMUNIZATION

SEC. 3. Section 317(j)(1) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$35,000,000 for the fiscal year ending September 30, 1985, $37,500,000 for the fiscal year ending September 30, 1986, and $40,000,000 for the fiscal year ending September 30, 1987".

PREVENTIVE HEALTH SERVICE PROGRAMS FOR TUBERCULOSIS

SEC. 4. Section 317(j)(2) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$8,000,000 for the fiscal year ending September 30, 1985, $9,000,000 for the fiscal year ending September 30, 1986, and $10,000,000 for the fiscal year ending September 30, 1987".

PROJECTS AND PROGRAMS FOR THE PREVENTION AND CONTROL OF VENEREAL DISEASE

SEC. 5. The first sentence of section 318(d)(1) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$50,000,000 for the fiscal year ending September 30, 1985, $55,000,000 for the fiscal year ending September 30, 1986, and $55,000,000 for the fiscal year ending September 30, 1987".

HOME HEALTH SERVICES

SEC. 6. (a) Section 339(a)(5) is amended by striking out "and" after "1983," and by inserting before the period a comma and "September 30, 1985, September 30, 1986, and September 30, 1987".

(b) Section 339(b)(5) is amended by striking out "and" after "1983," and by inserting before the period a comma and "September 30, 1985, September 30, 1986, and September 30, 1987".

PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

SEC. 7. (a) Section 1901(a) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$89,000,000 for fiscal year 1985, $93,450,000 for fiscal year 1986, $98,125,000 for fiscal year 1987".

(b) Section 1904(a)(1)(F) is amended to read as follows:

"(F) Feasibility studies and planning for emergency medical services systems and the establishment, expansion and improvement of such systems, including the establishment, expansion, and improvement of emergency medical services for children who need treatment for trauma or critical care. Amounts for such systems may not be used for the costs of operation of the systems or the purchase of equipment for the systems.".

(c) Section 1905(c) is amended—

(1) by striking out paragraphs (2) and (4); and

(2) by redesignating paragraphs (3), (5), (6), (7), and (8) as paragraphs (2), (3), (4), (5), and (6), respectively.

(d) Subsection (e) of section 1905 is repealed.

GRANTS TO STATES FOR DEMONSTRATION PROJECTS CONCERNING EMERGENCY MEDICAL SERVICES FOR CHILDREN

SEC. 8. Part A of title XIX is amended by inserting after section 1909 the following new section:

"EMERGENCY MEDICAL SERVICES FOR CHILDREN

"SEC. 1909A. (a) For activities in addition to the activities which may be carried out by States under section 1904(a)(1)(F), the Secretary may make grants to not more than four States in any fiscal year to support a program of demonstration projects in such States for the expansion and improvement of emergency medical services for children who need treatment for trauma or crit-

ical care. Any grant made under this section shall be for a one-year period.

"(b) The Secretary may renew a grant made under this section to a State for one additional one-year period only if the Secretary determines that renewal of such grant will provide significant benefits through the collection, analysis, and dissemination of information or data which will be useful to other States.

"(c) To carry out this section, there are authorized to be appropriated $2,000,000 for fiscal year 1985 and each of the two succeeding fiscal years.".

HOME AND COMMUNITY-BASED SERVICES

SEC. 9. (a) Part A of title XIX (as amended by section 8 of this Act) is further amended by adding at the end thereof the following:

"Subpart 2—Home and Community Based Services

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 1910. (a) For the purpose of allotments to States to carry out the activities described in section 1910C, there are authorized to be appropriated $150,000,000 for fiscal year 1986, $200,000,000 for fiscal year 1987, and $200,000,000 for fiscal year 1988.

"(b) For the purpose of allotments to States for planning the implementation of this subpart, there are authorized to be appropriated $20,000,000 for fiscal year 1985.

"ALLOTMENTS

"SEC. 1910A. (a)(1) From the amounts appropriated under section 1910 for fiscal year 1985, the Secretary shall allot—

"(A) $150,000 to each of the several States, the District of Columbia, and Puerto Rico; and

"(B) $50,000 to each of American Samoa, the Virgin Islands, the Commonweath of the Northern Mariana Islands, Guam, and the Trust Territory of the Pacific Islands.

"(2) Except as provided in paragraph (3), the Secretary shall allot to each State, from the remainder of the amounts appropriated under section 1910 for fiscal year 1985 which have not been allotted under paragraph (1), and from the amounts appropriated under such section for fiscal years 1986, 1987, 1988, an amount for each such fiscal year equal to the product of—

"(A) the total amount of such remainder for fiscal year 1985 or the total amount appropriated for fiscal year 1986, 1987, or 1988, as the case may be, multiplied by

"(B) the ratio (stated as a percentage) that the total number of elderly individuals residing in the State bears to the total number of elderly individuals residing in the United States, multiplied by

"(C) the quotient of—

"(i) the ratio (stated as a percentage) that the total number of elderly individuals residing in the State bears to the total population of the State, divided by

"(ii) the ratio (stated as a percentage) that the total number of elderly individuals residing in the United States bears to the total population of the United States.

"(3) Notwithstanding paragraph (2)—

"(A) the total amount of the allotment for each of the several States, the District of Columbia, and Puerto Rico for each of the fiscal years 1986, 1987, and 1988 shall not be less than one-half of one percent of the total amount appropriated under section 1910 for such fiscal year;

"(B) the total amount of the allotment for each of the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands for each such fiscal year shall not be less than one-fourth of one percent of the total amount appropriated under section 1910 for such fiscal year; and

"(C) the total amount of the allotment for each of American Samoa and the Commonwealth of the Northern Mariana Islands for each such fiscal year shall not be less than one-sixteenth of one percent of the total amount appropriated under section 1910 for such fiscal year.

"(b) To the extent that all the funds appropriated under section 1910 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1910D for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this subpart pursuant to section 1910D(e));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this subpart,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for a fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved under subsection (a) as the total number of elderly individuals in the tribe during such fiscal year bears to the total number of elderly individuals residing in the State during such fiscal year.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the elderly individuals and disabled individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 1910B. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotments under section 1910A (other than any amount reserved under subsection (c) of such section) from amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"USE OF ALLOTMENTS

"SEC. 1910C. (a) Except as provided in subsection (c), amounts paid to a State under section 1910B from its allotment under section 1910A for any fiscal year beginning after September 30, 1985, may be used for the following:

"(1) Activities to coordinate home and community based services provided to elderly individuals and disabled individuals by public and private institutions and voluntary organizations in order to eliminate duplication in the provision of such services and to maximize the use of funds provided under this subpart and other Federal laws for such services.

"(2) The development of procedures and means to—

"(A) identify elderly individuals and disabled individuals, including elderly individuals and disabled individuals who are—

"(i) patients in hospitals who are at risk of prolonged institutionalization; and

"(ii) patients in skilled nursing facilities and intermediate care facilities who could return to the community if home and community based services were available;

"(B) identify geographic regions and population groups of such elderly individuals and disabled individuals who do not have access to home and community based services;

"(C) make recommendations for cost-effective measures to meet the needs of such elderly individuals and disabled individuals for home and community based services;

"(D) encourage and enhance the participation of families and voluntary organizations in providing home and community based services for elderly individuals and disabled individuals; and

"(E) develop and provide educational programs informing the public about all available home and community based services.

"(3) Pursuant to the procedures and means developed under paragraph (2), the identification of elderly individuals and disabled individuals described in subparagraph (A) of such paragraph, and for each elderly individual or disabled individual identified, the preparation of the recommendations described in subparagraph (C) of such paragraph.

"(4) The conduct of activities to provide education and information to the public and to medical and social service professionals concerning home and community based services provided by public and private institutions and organizations.

"(5) The provision to elderly individuals and disabled individuals of—

"(A) homemaker or home health aide services provided by an individual who has successfully completed a training program approved by the Secretary;

"(B) medical social services under appropriate direction;

"(C) dietary services provided by or under the supervision of a registered dietitian;

"(D) physical, occupational, speech, or respiratory therapy;

"(E) adult day care services;

"(F) drugs and biologicals when necessary for an elderly individual or a disabled individual to receive in the home of such individual other services provided under this subpart;

"(G) respite care services for a period not to exceed 14 days;

"(H) any other supportive services, including patient and family training, which may be appropriate and necessary to prevent the institutionalization of an elderly individual

or a disabled individual, except that funds provided to a State under this subpart shall not be used for the purchase of professional nursing or physician services; and

"(I) case management services.

"(b) In determining which activities to conduct with funds provided under this subpart, a State shall give priority to the activities described in paragraphs (1) through (4) of subsection (a).

"(c) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this subpart.

"(d) A State may not use amounts paid to it under section 1910B to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of services, except that a State may use amounts paid to it under section 1910B to establish a system under which—

"(A) the State provides vouchers to elderly individuals and disabled individuals which may be used by such individuals to pay providers of services described in subsection (a) for such services; and

"(B) such providers present such vouchers to the State for redemption for cash payments for the provision of such services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

The Secretary may waive the limitation contained in paragraph (3) with respect to a fiscal year beginning after September 30, 1985, upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this subpart.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1910D. (a)(1) In order to receive an allotment for a fiscal year under section 1910A each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 1910A for a fiscal year beginning after September 30, 1985, shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) and that the State will meet the requirements of subsection (c).

"(b) After the expiration of the first fiscal year beginning after September 30, 1985, for which a State receives an allotment under section 1910A, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 1910B for such fiscal year.

"(c) As part of the annual application required by subsection (a) for an allotment for a fiscal year beginning after September 30, 1985, the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to it under section 1910A in accordance with the requirements of this subpart;

"(2) provide assurances that such chief executive officer will establish an appropriate mechanism to coordinate activities of State agencies which administer programs relating to health, welfare, rehabilitation, and the elderly and the provision of home and community based services by State and local agencies and public and private institutions and organizations;

"(3) provide assurances that such chief executive officer will designate or establish a State agency to administer funds provided under this subpart and the plan developed under paragraph (2) in a manner which will insure, to the maximum extent feasible—

"(A) that the needs of elderly individuals and disabled individuals for home and community based services identified under section 1910C(a)(3) will be met; and

"(B) that services provided to elderly individuals and disabled individuals under this subpart will not duplicate services to elderly individuals and disabled individuals provided under other provisions of Federal law;

"(4) certify that the State will coordinate the provision of home and community based services with funds provided under this subpart with activities conducted to provide such services by voluntary, religious, and community organizations and local governments;

"(5) provide assurances that the State will make reasonable efforts to provide services under this subpart through agencies and providers rendering services under the State's medicaid plan approved under title XIX of the Social Security Act; and

"(6) certify that the State agrees that Federal funds made available under section 1910B for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d) The chief executive officer of a State shall, as part of the application required by subsection (a) for any fiscal year beginning after September 30, 1985, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1910B for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this subpart, and any revision shall be subject to the requirements of the preceding sentence.

"(e) Except where inconsistent with the provisions of this subpart, the provisions of section 1903(b), paragraphs (1) through (5) of section 1906(a), and sections 1906(b), 1907, 1908, and 1909 shall apply to this subpart in the same manner as such provisions apply to subpart 1 of this part.

"DEFINITIONS

"SEC. 1910E. For purposes of this subpart—

"(1) The term 'elderly individual' means an individual who has attained the age of 65 years.

"(2) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

(b) Such part is further amended—

(1) by amending the heading of such part to read as follows:

"PART A—PREVENTIVE HEALTH, HEALTH SERVICES, AND HOME AND COMMUNITY-BASED SERVICES";

(2) by inserting after the heading of such part the following:

"SUBPART 1—PREVENTIVE HEALTH AND HEALTH SERVICES"; AND

(3) by striking out "this part" and inserting in lieu thereof "this subpart" each place it appears in sections 1902(d)(1)(A), 1902(d)(1)(B), 1904(a)(1), 1904(a)(3), 1904(b), 1905(c)(1), 1905(c)(3), 1905(c)(6), 1905(c)(8), and 1905(d).

By Mr. HATCH:

S. 2302. A bill to consolidate existing Federal vocational education programs, to simplify requirements for States and other recipients participating in Federal vocational education programs, and to authorize certain State and national programs for the development of vocational skills in the work force that will improve productivity and economic growth, and for other purposes, to the Committee on Labor and Human Resources.

VOCATIONAL EDUCATION CONSOLIDATION ACT OF 1984

Mr. HATCH. Mr. President, today I am introducing a bill to simplify, improve, and consolidate Federal programs assisting vocational education. The principal purpose of the bill is to merge existing vocational education grant programs administered by the Secretary of Education into a single, simplified grant to appropriate State agencies. This bill will also reduce the administrative burden, paperwork, and intermittent offensive on-site compliance reviews required by existing legislation, and allow State and local educational agencies maximum flexibility over the use of Federal funds. It will also assist the States in ensuring handicapped and disadvantaged students equal access to vocational education programs.

The bill I am introducing today is actually a refinement of Senate bill 1039 which I introduced in April 1983. Since that time my staff has worked with countless groups accepting the challenge I gave to women's groups and others at that time to help the administration and me improve upon S. 1039 and make it more responsive to the needs of those who receive the benefits of Federal vocational education funds as well as make the program administrators less encumbered with Federal red tape.

This is both the administration's bill and my bill, because we have worked very closely together in incorporating important changes from the bill of last year. Foremost among the changes is

dropping adult education reauthorization from the bill. Later on I will be introducing a new reauthorization bill for adult education now being developed jointly with the administration.

The bill also differs from last year's proposal in the following respects:

First. States would be required to use at least 10 percent of the funds they receive under the act, not including funds going for State administration, to meet the special needs of the handicapped and at least 20 percent to meet the special needs of the educationally disadvantaged.

Second. The State allocation formula includes a "hold-harmless" provision, which would be phased out over a 3-year period, in order to moderate the impact of making changes in the formula.

We believe that these new provisions would ensure that special needs populations receive an equitable level of services and would ease the transition into a new State allocation formula.

The remainder of the bill closely follows last year's consolidation proposal. Part A, General Provision, is a simplification of parallel provisions of the current Vocational Education Act (VEA). At least 95 percent of all funds appropriated would be made available for State programs; the Secretary would be authorized to set aside up to 5 percent for discretionary projects in areas of particular national importance. The VEA formula for State allotments (based on population and inverse per capita income) would be modified to include an unemployment factor, target more heavily on older populations, and eliminate constraints on the income factor. In order to participate in the program, each State would have to file an annual proposed use report, which would replace all of the State plans, reports, and evaluations required under existing law. The report would include a simple explanation of proposed objectives, activities to be carried out, and allocations of funds, as well as other basic assurances and descriptions.

Part A would also provide for State audits, an annual Secretary's report to Congress and continuation of the National Advisory Council on Vocational Education. Membership requirements for the Council would be simplified from current law.

Part B of the bill would authorize State programs. A single, consolidated grant would replace the existing categorical programs for basic grants, program improvement and supportive services, special programs for the disadvantaged, consumer and homemaking education, State advisory councils and State planning grants. The setasides for postsecondary and adult programs and for guidance and counseling are also eliminated, as are the program matching, maintenance-of-effort and most other fiscal requirements. However, as noted above, each State would have to use at least 10 percent of the State grant for services for the handicapped and at least 20 percent for services for the educationally disadvantaged.

Under subpart 1 of part B, States would be required to use at least 30 percent of their grants for programs and projects specifically related to economic development. From these funds the States would support such activities as training needed for new businesses entering their areas, retraining or skilled workers who have lost their jobs because of technological or economic changes, development of training programs in new occupational fields and entrepreneurship training for men and women who want to start their own businesses. Encouragement is offered for these locally designed programs to be coordinated or jointly administered with business and industry, so that the training provided is truly related to local skilled work force needs.

One of the most significant features of subpart 2 of part B of the bill is the authority for States to continue to designate a full-time sex equity coordinator to oversee programs designed to eliminate sex bias and sex stereotyping in vocational education. This subpart would also support and strengthen the traditional activities in vocational education such as cooperative education, work-study programs, remedial instruction in basic or employability skills, support services such as day care and the occupation of homemaker (consumer and homemaking education).

Part C of the bill would authorize national discretionary programs in vocational education. Most of the activities currently allowable or mandated in existing legislation are authorized, such as a National Center for Research in Vocational Education, programs for Indian tribes and Indian organizations, the National Occupational Information Coordinating Committee and other program improvement activities designed to meet national skilled work force needs that are no respectors of State boundaries, and in some instances, the boundaries of our Nation. In this regard, although the bill does not specifically state that the Secretary may use discretionary funds for demonstration or other activities which would help some of our neighbors in Latin America to learn how to establish vocational education and training programs to improve their econimic well-being and better utilize the fruits of modern technology, I construe the term "Programs of National Significance" to mean that it is of national significance for us to be able to export to Central and South American countries the vocational education know-how of our country to compliment the vast amounts of other economic aid we are providing our neighbors to the south. I am aware that countries on the continent of Europe are now sending teams to help our neighbors establish vocational and other educational programs while we sit idly by and do virtually nothing to help provide long-range solutions to a vexing economic problem—upgrading the quality of the work force, and concomitantly the quality of life.

Another significant feature of the new bill is the Secretary's authority to utilize discretionary funds to develop demonstration and model programs to promote sex equity in vocational education. I would hope that the Secretary would move vigorously in implementing this authority. While much has been accomplished in vocational education to remove bias and sex stereotyping, much remains to be done.

In summary, Mr. President, the changes made in this year's bill would ensure that special-needs populations receive an equitable share of Federal support. I would hope that these changes, along with the deletion of adult education from the bill, will make the bill acceptable to all parties concerned about vocational education. I ask unanimous consent, Mr. President, that the bill, along with a section-by-section analysis of it, be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOCATIONAL EDUCATION CONSOLIDATION ACT
SECTION-BY-SECTION ANALYSIS

PART A—GENERAL PURPOSES

Section 101 establishes the purpose of the Act as the authorization of State and national programs which will promote economic development by addressing the needs of youth and adults in all communities for vocational education, strengthening State and local systems of vocational education, enhancing equal opportunities in vocational education for all students, overcoming sex stereotyping and sex bias in vocational education, addressing the national need of employers for a skilled work force, addressing the training needs of displaced workers, and coordinating with other programs of training and employment. An additional intention is that States participating in programs under the Act be afforded broad discretionary authority in planning, developing, administering, coordinating and operating these programs.

Section 102 authorizes $731,314,000 for this Act for fiscal year 1985 and such sums as are necessary for fiscal years 1986 through 1989. It further provides for expenditure of funds appropriated under the Smith-Hughes Act.

Section 103 authorizes the Secretary to set aside, for National Programs, up to 5 percent of the funds appropriated under the Act.

Section 104 prescribes a method for allotting funds to the States. Funds are to be allotted on the basis of population and number of unemployed persons in three age cohorts and inverse per capita income. Sec-

tion 104 also provides for a declining minimum State allotment (initially at ninety percent of the fiscal year 1984 level) during fiscal years 1985 through 1987. In fiscal years 1988 and 1989 no State may receive less than $100,000. (If funds are not available to satisfy these requirements, allotments to States will be reduced proportionately.)

Section 105 describes the requirement of a Proposed Use Report that a State must submit to the Secretary in order to participate in programs funded under Part B. The report must designate a single State agency that is responsible for the administration or supervision of the administration of Part B programs. It will describe the goals the State will seek to achieve, the characteristics of the individuals to be served, how the Federal funds will be used, how the funds will be distributed within the State, and the anticipated results. It will further describe how the State will provide vocational education students with access to basic skills instruction, how equal opportunity in vocational education will be enhanced for all students, how the State will address sex stereotyping and sex bias in vocational education, and how the State job training coordinating councils and private industry councils or other private sector representatives will be involved in planning and carrying out vocational programs. The report will include assurances regarding proper administration, fiscal control, fund accounting, submission of reports, and the participation of private school students. Finally, the report will contain an assessment of programs and projects supported during the most recently completed program year. Prior to submission, the report will be made public in the State.

Section 106 provides for State audit of activities funded under Part B.

Section 107 requires that the Secretary submit an annual report to Congress on the status of vocational and adult education in the Nation.

Section 108 establishes a National Advisory Council on Vocational Education, with members appointed by the President.

Section 109 makes certain sections of the General Education Provisions Act applicable to programs conducted under this Act.

PART B—STATE PROGRAMS

Section 120 states that the Secretary shall make grants to the States (in accordance with Section 104) for establishing, expanding, and improving vocational education programs. A State may set aside that portion of the grant required for State administration. Of the remainder, at least 30 percent must be used for programs and projects under Subpart 1 (Economic Development and Skilled Work Force Training), and at least 30 percent for programs and projects under Subpart 2 (Strengthening State and Local Systems of Vocational Education). In addition, States must use at last 10 percent of their total Subpart 1 and Subpart 2 funds to meet the special needs of handicapped persons and at least 20 percent of their total Subpart 1 and Subpart 2 funds to meet the special needs of educationally disadvantaged persons. Funds under this part may be used to pay for up to half of the administrative expenses at the local level. Funds also may be used to pay for State or local advisory councils, but not for stipends or construction.

Section 121 provides that States may use funds under this part directly or to make grants or enter into contracts with other eligible recipients for the purpose of carrying out programs and projects under Part B.

Section 122 states the purpose of Subpart 1 as supporting Economic Development and Skilled Work Force Training programs and projects. Training conducted under this Subpart must correspond to specific State or local economic needs or plans.

Section 123 describes the types of activities that may be funded under Subpart 1, including retraining persons whose jobs have been lost or jeopardized by technological or economic change; training for skilled occupations needed to revitalize business and industries that are essential to State or local economic well-being; training for skilled occupations which are needed to attract the entry of new businesses into a State or community; related research, curriculum development, and instructor training; and training in entrepreneurship. Recipients must give careful consideration to the needs of persons who have lost their jobs or whose jobs are jeopardized by technological or economic change.

Section 124 states the purpose of Subpart 2 as supporting programs, projects, services, and activities for strengthening State and local systems of vocational education.

Section 125 describes the types of activities that may be funded under Subpart 2, including joint programs with business, industry, and labor; support services (except for stipends) for homemakers and single heads of households; programs designed to reduce sex stereotyping and sex bias in vocational education; cooperative and work-study programs; programs for persons with limited English proficiency; remedial instruction in basic skills; acquisition or replacement of equipment; consumer and homemaking education; and student organizations.

PART C—NATIONAL PROGRAMS

Section 130 requires the Secretary to use funds reserved under Section 130(a) to support any or all activities authorized by sections 131, 132, 133, and 134.

Section 131 authorizes the Secretary to conduct research, develop programs, collect and disseminate information, and develop State and local leadership in vocational education. The Secretary is also authorized to support a National Center for Research in Vocational Education.

Section 132 authorizes the Secretary to make contracts, grants and cooperative agreements with Indian tribes and organizations for vocational education programs and projects consistent with tribal economic development plans.

Section 133 authorizes support of the National Occupational Information Coordinating Committee established under the Job Training Partnership Act.

Section 134 authorizes activities of Program Improvement for Meeting National Skilled Work Force Needs. These may include exemplary job training programs for persons who have lost their jobs or whose jobs are jeopardized by technological or economic change; demonstration programs designed to reduce sex stereotyping and sex bias in vocational education; model or demonstration training programs; collaborative programs, including employment and training programs, with business, industry, and labor and with other agencies of the Federal government; programs designed to expand the use of volunteers in providing vocational education; activities in the areas of rural vocational education and rural family education; and special training programs and projects designed to address critical shortages of skilled workers which the Nation requires.

PART D—DEFINITIONS

Section 140 provides definitions for a number of terms used in the Act.

PART E—CONFORMING AMENDMENTS; REPEALS; EFFECTIVE DATE

Section 150 would make a number of conforming amendments to the Job Training Partnership Act and other Acts.

Section 151 repeals the Vocational Education Act. The effective date of this Act is July 1, 1985.

S. 2302

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled, That this Act may be cited as the "Vocational Education Consolidation Act of 1984".

PART A—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 101. (a) The purpose of this Act is to authorize state and national programs which will promote economic development by: (1) addressing the needs of youth and adults, in all communities, for vocational education; (2) strengthening the ability of state and local systems of vocational education to promote and respond to economic development; (3) enhancing equal educational opportunity in vocational education for all students, including those with special needs such as the handicapped, the educationally disadvantaged, and those with limited English proficiency; (4) overcoming sex stereotyping and sex bias in vocational education; (5) addressing the national need of employers for a skilled and literate workforce; (6) addressing the training needs of displaced workers; and, (7) coordinating with other programs of training and employment to ensure the most efficient use of resources.

(b) It is the intent of Congress that states participating in programs authorized by Part B of this Act be afforded broad discretionary authority in planning, developing, administering, coordinating and operating those programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) For the purpose of carrying out this Act there are authorized to be appropriated $731,314,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 through 1989.

(b) Funds appropriated by the first section of the Smith-Hughes Act (that is, the Act approved February 23, 1917, 39 Stat. 929, as amended) shall be considered as funds appropriated pursuant to this section.

SET-ASIDE FOR NATIONAL PROGRAMS

SEC. 103. From the amount appropriated pursuant to section 102 for any fiscal year the Secretary may set aside up to 5 per centum of that amount for national programs under section 130.

STATE ALLOTMENTS

SEC. 104. (a) Subject to section 103, the Secretary shall allot the funds appropriated under section 102 to each state for each fiscal year in the following amounts—

(1) 40 per centum according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged fifteen through nineteen and the number of unemployed persons in the State aged fifteen through nineteen bears to the sum of the corresponding products for all the States;

(2) 40 per centum according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged twenty through forty-four and the number of unemployed persons in the State aged twenty through forty-four bears to the sum of the corresponding products for all the States; and

(3) 20 per centum according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged forty-five through sixty-four and the number of unemployed persons in the State aged forty-five through sixty-four bears to the sum of the corresponding products for all the States.

(b)(1) The allotment ratio of a State, other than an insular area, for any fiscal year is one minus one half of the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (excluding the insular areas).

(2) The allotment ratio of an insular area is .6.

(3) The Secretary shall compute allotment ratios on the basis of the average of the appropriate per capita incomes for the three most recent fiscal years for which data, satisfactory to the Secretary, exist.

(c)(1) Notwithstanding subsection (a), the Secretary shall allot to each State—

(A) for fiscal year 1985, no less than 90 per centum of the amount it received under the Vocational Education Act of 1963 (other than section 105 of that Act) for fiscal year 1984;

(B) for fiscal year 1986, no less than 85 per centum of the amount it received under the Vocational Education Act of 1963 (other than section 105 of that Act) for fiscal year 1984;

(C) for fiscal year 1987, no less than 80 per centum of the amount it received under the Vocational Education Act of 1963 (other than section 105 of that Act) for fiscal year 1984; and

(D) for fiscal year 1988 and 1989, no less than $100,000; and

(2) Amounts required to comply with paragraph (1) shall be derived by proportionately reducing the allotments of all other States, subject to adjustments needed to avoid reducing any State below the minimum amount.

(3) If insufficient funds are appropriated to comply with paragraph (1), the allotment of each State shall be reduced proportionately.

(d)(1) The Secretary may reallot all or a portion of a State's allotment for any fiscal year if the State does not submit a Proposed Use Report under section 105, or indicates to the Secretary that it does not need the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during a fiscal year upon which to make reallotments.

(2) The Secretary may reallot funds on a competitive basis to one or more States that demonstrate a current need for additional funds under this Act. Any funds reallotted to another State shall be deemed to be part of its allotment for the fiscal year in which the funds are reallotted.

(e) For the purpose of determining allotments under this section—

(1) population shall be based on the latest data that are satisfactory to the Secretary;

(2) unemployed population shall be based on the average of the appropriate unemployment data for the three most recent fiscal years for which data, satisfactory to the Secretary, exist;

(3) the term "per capita income" means, for any fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in that year; and

(4) the term "insular area" means the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

PROPOSED USE REPORT

SEC. 105. (a) Any State desiring to participate in the program authorized by Part B of this Act during any fiscal year shall submit to the Secretary an annual Proposed Use Report which describes the vocational education goals the State seeks to achieve, the characteristics of the individuals to be served, how the Federal funds will be used to achieve the purposes of this Act, how the funds will be distributed within the State (including any allocation formulas to be used), and the results the State anticipates. The Proposed Use Report must designate the single State agency or instrumentality that is responsible for the administration or supervision of the administration of the State's program under Part B, including its compliance with all the requirements of this Act.

(b) In addition to the information required by subsection (a), the Proposed Use Report must:

(1) describe how the States will—

(A) provide access for all vocational education students to instruction in the basic skills that are needed for employment;

(B) use funds awarded under Part B to enhance equal educational opportunity in vocational education for all students, including those with special needs such as the educationally disadvantaged, the handicapped, and those with limited English proficiency;

(C) use funds available under Part B to overcome sex stereotyping and sex bias in vocational education programs; and

(D) involve the State job training coordinating council and private industry councils established under the Job Training Partnership Act, as well as other representatives from business, industry, finance, labor, and agriculture in planning and carrying out vocational education programs funded under Part B so that those programs reflect the skilled labor needs of employers and current technology.

(2) contain assurances that the State will—

(A) provided for such methods of administration as are necessary for the proper and efficient administration of programs under this Act;

(B) provide for such fiscal control and fund accounting procedures as are necessary to ensure proper disbursement and use of Federal funds paid to the State;

(C) comply with requests of the Secretary for reports that are necessary to carry out his functions under this Act;

(D) provide for the participation of students who are enrolled in private schools in programs, projects, services, and activities at the secondary level that are supported by funds awarded under Part B, consistent with State law, and the number of those students in the area to be served who share the need for vocational education which the program, project, service or activity is designed to address;

(E) maintain continuing public administrative direction and control over funds used to provide programs, projects, services, and activities to students in a private school; and

(F) distribute funds to eligible recipients on the basis of annual applications, approved by the State, which describe the activities to be supported with Federal funds.

(c) Each Proposed Use Report must contain an assessment of the vocational education programs supported with Federal funds during the State's most recently completed program year, including an assessment of the extent to which the State met the goals established for that year.

(d) Prior to submitting it to the Secretary, the State shall make the Proposed Use Report public in a manner that facilitates comment from interested agencies, groups, and individuals.

AUDITS

SEC. 106. Each State shall obtain financial and compliance audits of any funds which the State receives under this Act. Such audits shall be made public within the State on a timely basis. The audits shall be conducted at least every two years by an organization or person independent of an agency administering activities under the Act. The audits shall be conducted in accordance with the Comptroller General's Standard for Audit of Governmental Organizations, Program, Activities, and Functions.

SECRETARY'S REPORT

SEC. 107. The Secretary shall submit to Congress each fiscal year a report on the status of vocational education in the Nation. The report must contain concise analyses of the information in Proposed Use Reports under section 105, as well as other appropriate information gathered by the Secretary.

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

SEC. 108. (a) There shall be a National Advisory Council on Vocational Education during the period for which funds are appropriated under section 102. The President shall appoint members of the Council for terms of three years, except that the President may select initial members of the Council for terms of one or two years. The Council shall have a a majority of its members persons who are not educators or administrators in the field of education. The Council shall meet at the call of the Chairman, whom the President selects, but not less than three times a year. The Chairman of the National Commission for Employment Policy shall be a member of the Council.

(b) The National Advisory Council shall—

(1) advise the President, Congress, the Secretary, and the head of any other appropriate Federal department or agency concerning the administration of vocational education programs supported under this Act as well as the implementation of other laws that affect vocational education, and employment and training programs;

(2) make whatever reports or recommendations to the President, Congress, the Secretary, and the head of any other appropriate Federal department or agency as are appropriate and reasonable, and include in any such report the comments of the National Commission for Employment Policy;

(3) identify, in conjunction with the National Commission for Employment Policy, the vocational education and training and employment needs of the Nation and assess the degree to which existing vocational education, training and employment, vocational rehabilitation, adult education, special education, and other programs represent a coordinated and effective approach to meeting those needs;

(4) conduct whatever hearings, studies, or other fact-finding activities are needed to

enable the National Advisory Council to carry out its functions; and

(5) conduct independent evaluations of other programs conducted under this Act, and publish the results.

(c) The Council may accept gifts if their acceptance will better enable it to carry out its functions under this section.

GENERAL EDUCATION PROVISIONS

SEC. 109. Only the following sections of the General Education Provisions Act shall apply to programs conducted under this Act: sections 412 (a) and (b), 415, 416, 417, 420, 422(a) (1) and (2), 426(a), 432, 433, 437, 438, 439, 440, 451, 452, 454, 455 and 456.

PART B—STATE PROGRAMS

USE OF FUNDS

SEC. 120. (a) The Secretary, in accordance with the amount allotted to each State under section 104, shall make grants to the States for the purposes of establishing, expanding, and improving vocational education programs, projects, services, and activities in accordance with subparts 1 and 2.

(b) Each State shall use the amount granted under subsection (a) to carry out programs, projects, services, and activities authorized by this part in the following manner—

(1) first, the State may set aside that portion of the amount granted under subsection (a) required for the State's administration of the programs, projects, services, and activities described in its Proposed Use Report; and

(2) from the remainder, the State shall use—

(A) no less than 30 per centum to carry out programs, projects, services, and activities authorized by subpart 1; and

(B) no less than 30 per centum to carry out programs, projects, services, and activities authorized by subpart 2.

(c)(1) A State shall use (A) no less than 10 per centum of the funds under subsection (b)(2) to meet the special needs of handicapped persons, and (B) no less than 20 per centum of the funds under subsection (b)(2) to meet the special needs of educationally disadvantaged persons.

(2) A State may use funds under subsection (b)(2) to pay up to 50 per centum of the cost of an eligible recipient's administration of programs, projects, services, and activities described in its approved annual application.

(d) A State may use funds granted under subsection (a) to pay for the cost of any State or local advisory council which assists the planning, implementation, or evaluation of a program, projects, service or activity under this Act.

(e) A State may not use funds granted under subsection (a) to pay the cost of stipends or construction.

ELIGIBLE RECIPIENTS

SEC. 121. (a) A State may use the funds received under section 120 directly, or to make grants to or enter into contracts with eligible recipients, for the purpose of carrying out programs, projects, services, and activities authorized by this part.

(b) A State may prescribe the manner in which grants and contracts are made to eligible recipients and may prescribe whatever terms, consistent with Federal requirements, are reasonable and necessary for the proper and efficient administration of programs, projects, services, and activities authorized by this part.

SUBPART 1—ECONOMIC DEVELOPMENT AND SKILLED WORK FORCE TRAINING

STATEMENT OF PURPOSE

SEC. 122. It is the purpose of this subpart to assist States to provide vocational education programs, projects, services, and activities that foster State and local economic development by training persons, including displaced workers, in the occupational skills needed by business and industry. Skilled work force training conducted under this subpart must correspond to current State or local economic needs or plans that are specifically described in the Proposed Use Report.

AUTHORIZED ACTIVITIES

SEC. 123. (a) In order to achieve the purposes of this subpart, a State shall, in accordance with section 120(b)(2)(A), use funds for one or more of the following—

(1) retraining persons whose jobs have been lost or jeopardized by technological or economic change for occupations in which there is a current or projected shortage of workers;

(2) training for skilled occupations needed to revitalize businesses and industries that are essential to State or local economic well-being;

(3) training for skilled occupations which are needed to attract or otherwise promote the entry of new businesses and industries into a State or community;

(4) conducting applied research and developing information for dissemination to the public on occupational skills in emerging or rapidly changing trades, crafts, businesses, and industries, including activities carried out in cooperation with the National or State Occupational Information Coordinating Committee;

(5) developing new curricula or innovative pilot programs for emerging or rapidly changing trades, crafts, businesses, and industries;

(6) providing vocational education for persons who are out of school, unemployed, and who live in an economically depressed area;

(7) training or retraining vocational education instructors (through exchange programs between business or industry and the school, where feasible);

(8) improving the quality of vocational education courses leading to the development of a skilled work force through the acquisition or replacement of equipment.

(9) providing training in entrepreneurship and the skills necessary for entrepreneurship; and

(10) providing any vocational education program, project, service, or activity that promotes the purposes of this subpart.

(b) Each State and eligible recipient shall give careful consideration to the needs of persons described in subsection (a)(1) by making its best efforts to recruit those persons for participation in the programs, projects, services, and activities supported with funds under this subpart.

SUBPART 2—STRENGTHENING STATE AND LOCAL SYSTEMS OF VOCATIONAL EDUCATION

STATEMENT OF PURPOSE

SEC. 124. It is the purpose of this subpart to strengthen State and local systems of vocational education so that all persons, regardless of sex, (including handicapped persons, educationally disadvantaged persons, and persons with limited English proficiency) can participate in vocational education programs that are designed to provide needed job skills and foster economic development.

AUTHORIZED ACTIVITIES

SEC. 125. In order to achieve the purpose of this subpart a State shall, in accordance with section 120(b)(2)(B), use funds for one or more of the following—

(1) strengthening State and local vocational education systems by promoting the active participation of representatives from business, industry, labor, finance, and agriculture in vocational education through joint training programs and shared facilities, and by coordinating these programs with programs under the Job Training Partnership Act;

(2) providing necessary support services (except stipends) for vocational education students, including students preparing to obtain employment in occupations traditionally associated with members of the opposite sex, current or former homemakers seeking employment, and single heads of households who lack adequate job skills;

(3) providing programs, projects, services, and activities designed to reduce sex stereotyping and sex bias in vocational education, including the support of full-time personnel to assist the State in achieving sex equity in all its vocational education programs;

(4) providing cooperative vocational education programs involving agreements between schools and employers;

(5) providing vocational education programs, projects, services, and activities designed to meet the special needs of persons with limited English proficiency;

(6) providing work study programs which address the vocational education needs of economically disadvantaged students;

(7) providing remedial instruction in basic skills for vocational education students who need it to benefit from vocational instruction;

(8) providing new training courses for adults who wish to improve current occupational skills or who wish to develop skills for new careers;

(9) strengthening secondary and postsecondary programs and projects to provide high quality instruction in new or developing trades, crafts or occupations that are technologically demanding;

(10) improving the quality of vocational education in the most economical manner possible through the acquisition or replacement of equipment and necessary minor remodeling of vocational education facilities;

(11) providing programs for the occupation of homemaker (consumer and homemaking education);

(12) providing industrial arts and pre-vocational guidance programs;

(13) providing support to vocational student organizations that are an integral part of a vocational education program;

(14) providing career guidance, counseling, placement, and follow-up services, including use of the Employment Service, as appropriate;

(15) providing vocational education programs, projects, services, and activities for incarcerated persons nearing their release; and

(16) providing any vocational education program, project service, or activity that meets the purposes of this subpart.

PART C—NATIONAL PROGRAMS

USE OF FUNDS

SEC. 130. The Secretary shall use funds set aside under section 103 to support one or more of the programs, projects, services, or activities authorized by sections 131, 132, 133, and 134. In any fiscal year the Secretary may use these funds for particular

types of programs, projects, services, or activities authorized by these sections.

RESEARCH

SEC. 131. (a) The Secretary may support directly, or through grants, contracts, or cooperative agreements to public or private institutions, agencies, or organizations, one or more of the following—

(1) research and development activities on problems of national significance in vocational education;

(2) studies addressing national problems, such as defense preparedness, that are caused by shortages of skilled workers;

(3) the collection and dissemination of information on research and program improvement activities in vocational education;

(4) the collection of information to facilitate national planning and policy development in vocational education; and

(5) the development of State and local leadership resources in vocational education.

(b) The Secretary may support a National Center for Research in Vocational Education to conduct one or more of the activities authorized under subsection (a).

PROGRAMS FOR INDIAN TRIBES AND INDIAN ORGANIZATIONS

SEC. 132. (a) The Secretary may, upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, make one or more grants, contracts, or cooperative agreements with a tribal organization of that Indian tribe to plan, conduct, and administer vocational education programs, projects, services and activities that are authorized by part B of this Act and are consistent with tribal economic development plans.

(b) The Secretary shall review applications and award funds under subsection (a) on a competitive basis.

OCCUPATIONAL INFORMATION DATA SYSTEM

SEC. 133. The Secretary may extend financial and technical assistance to support the National Occupational Information Coordinating Committee established under section 464 of the Job Training Partnership Act.

PROGRAM IMPROVEMENT FOR MEETING NATIONAL SKILLED WORK FORCE NEEDS

SEC. 134. The Secretary may support directly, or through grants, contracts, or cooperative agreements to public or private institutions, agencies, or organizations, one or more of the following—

(1) the development, demonstration, evaluation validation, and dissemination of exemplary job training programs and projects for persons whose jobs have been lost or jeopardized by technological or economic change;

(2) the development and demonstration of programs and projects designed to reduce sex stereotyping and sex bias in vocational education;

(3) the development, demonstration, evaluation, and dissemination of skilled work force training programs and projects (including the curricula for such programs or projects) for rapidly changing occupations or occupations necessary for economic development;

(4) the development and demonstration of collaborative vocational education programs and projects that combine the resources of business, industry, labor, education, finance, agriculture, and public and private training and employment programs;

(5) the development of vocational education programs and projects that incorporate the principles of entrepreneurship;

(6) the development, demonstration, and evaluation of programs and projects designed to train or retrain vocational education instructors through exchanges between business or industry and the schools;

(7) the development, demonstration, and evaluation of programs or projects designed to expand the use of volunteers in providing vocational education;

(8) the improvement of rural vocational education and rural family education;

(9) special training programs and projects, developed independently or in combination with other public or private training programs, designed to address critical shortages of skilled workers which the Nation requires;

(10) joint planning and coordination of programs and activities supported under this Act (or other laws that affect vocational education and training and employment programs such as the Job Training Partnership Act) with other Federal departments and agencies as well as representatives of business and industry, labor unions, and education and training organizations; and

(11) other programs or projects, including technical assistance and training, that are consistent with the purposes of this Act, and designed to support the efforts of States to improve the overall quality of the vocational education they provide.

PART D—DEFINITIONS

SEC. 140. As used in this Act—

(1) The term "acquisition" means taking ownership of property, receiving property as a gift, entering into a lease-purchase arrangement, or leasing the property. The term includes processing, delivery, and installation of property.

(2) The term "administration" means those activities of a State or eligible recipient that are reasonable and necessary for the proper and efficient performance of its duties under this Act, including State supervision, and the development of the Proposed Use Report.

(3) The term "construction" includes the construction of new buildings, the acquisition, expansion, and alteration of existing buildings, and includes site grading, improvement, and architect fees. The term does not include minor remodeling needed to accommodate equipment used for instructional purposes.

(4) The term "educationally disadvantaged" means, when used with respect to an individual, a person who has one or more academic deficiencies (such as inadequate writing, reading, or mathematical skills) and who therefore requires special services and assistance in order to succeed in vocational education programs.

(5) The term "eligible recipient" means a public or private agency, organization, or institution capable of administering a vocational education program. The term may include public corporations and community-based organizations.

(6) The term "handicapped" means, when used with respect to an individual, a person who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired person, or a person with specific learning disabilities, who by reason thereof requires special education and related services, and who, because of that person's handicapping condition, cannot succeed in the regular vocational education program without special education assistance or who requires a modified vocational educational program.

(7) The term "limited English proficiency," with reference to an individual, means a person—

(A)(i) who was not born in the United States;

(ii) whose native language is other than English; or

(iii) who comes from an environment where a language other than English is dominant; and

(B) who therefore has substantial difficulty understanding, speaking, reading, or writing English.

(8) The term "Secretary" means the Secretary of Education.

(9) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(10) The term "vocational education" means an organized instructional program that is directly related to the preparation of persons for employment, paid or unpaid, in an occupation that does not require a baccalaurate or advanced degree.

PART E—CONFORMING AMENDMENTS; REPEALS; EFFECTIVE DATE

SEC. 150. (a) The Job Training Partnership Act is amended—

(1) in section 4—

(A) by amending paragraph (14) to read as follows:

"(14) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.";

(B) by amending paragraph (23) to read as follows:

"(23) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary or secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law."; and

(C) by striking out in paragraph (28) "section 195(1) of the Vocational Education Act of 1963." inserting in lieu thereof "section 140(a)(10) of the Vocational Education Consolidation Act of 1984.".

(2) Part B of title I of such Act is amended—

(A) in section 122(a) by striking out paragraph (8);

(B) in section 122(b)(7)—

(i) by striking out subparagraph (B); and

(ii) by redesignating subparagraph (A) as paragraph (7);

(C) in section 122(b)(8) by inserting "(including an annual review and comment on the Proposed Use Report under section 105 of the Vocational Education Consolidation Act)" after "agencies" in the first clause; and

(D) in section 125(b)(1) by striking out "the Vocational Education Act of 1963," and inserting in lieu thereof "the Vocational Education Consolidation Act of 1984,".

(3) Part A of title IV of such Act is amended in section 427(a)(1) by striking out "section 104(a)(1) of the Vocational Education Act of 1963" and inserting in lieu thereof

"section 105(a) of the Vocational Education Consolidation Act of 1984".

(4) Part E of title IV of such Act is amended—

(A) in section 461(c) by striking out "the Vocational Education Act of 1963", and inserting in lieu thereof "the Vocational Education Consolidation Act of 1984,";

(B) in section 463(a) by striking out "under section 161(b) of the Vocational Education Act of 1963," and inserting in lieu thereof "under section 464 of this Act,"; and

(C) in section 464—

(i) by amending subsection (a) to read as follows:

"(a)(1) There is established a National Occupational Information Coordinating Committee (hereinafter referred to in this section as "the Committee") which shall serve as the successor to the entity previously established under section 161(b) of the Vocational Education Act of 1963. Membership of the Committee shall include the Assistant Secretary of Education for Vocational and Adult Education, the Administrator of the National Center for Education Statistics, the Commissioner of Labor Statistics, the Assitant Secretary of Labor for Employment and Training, the Assistant Secretary of Commerce for Economic Development, and the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

"(2) Of the amounts available for this part for each fiscal year, not more than $5,000,000 is authorized to be reserved for the Committee. Not less than 75 per centum of the funds transferred by the Secretary to the Committee shall be used to support State Occupational Information Coordinating Committees and other organizational units designated under section 125 of the joint Training Partnership Act for carrying out State labor market information programs.";

(ii) by striking out in subsection (b) "In addition to its responsibilities under the Vocational Education Act of 1963, the National Occupational Information Coordinating Committee shall—" and inserting in lieu thereof "In addition to any responsibilities that the Secretary of Education may impose on the Committee under the Vocational Education Consolidation Act of 1984, the Committee shall—"; and

(iii) by striking out in subsection (c) "the National Occupational Information Coordinating Committee under this Act, under section 161 of the Vocational Education Act of 1963, and under section 12 of the Career Education Act" and inserting in lieu thereof "the Committee under this Act, and under section 133 of the Vocational Education Consolidation Act of 1984,".

(5) Part F of title IV of such Act is amended—

(A) in section 472(a) by striking out "(established under section 162 of the Vocational Education Act of 1963)." and inserting in lieu thereof "(established under section 108 of the Vocational Education Consolidation Act of 1984)."; and

(B) in section 473(7)(B) by striking out "section 162 of the Vocational Education Act of 1963;" and inserting in lieu thereof "section 108 of the Vocational Education Consolidation Act of 1984;".

(b) Section 703(a)(8) of the Elementary and Secondary Education Act of 1965 is amended by striking out "section 122(a)(4)(C) and part J of the Vocational Education Act of 1963, and".

(c) Section 306(b)(11) of the Adult Education Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Consolidation Act of 1984".

(d)(1) Section 113(d) and 114(b) of the Higher Education Act of 1965 are each amended by striking out "the Vocational Education Act" and inserting in lieu thereof "the Vocational Education Consolidation Act of 1984".

(2) Section 1022(a) of the Higher Education Act of 1965 is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Consolidation Act of 1984".

(e) The Appalachian Regional Development Act of 1965 is amended—

(1) in section 211(a) by striking out in the second sentence "the provisions of the Vocational Education Act of 1963 (77 Stat. 403)" and inserting in lieu thereof "the appropriate provisions of the Vocational Education Consolidation Act of 1984"; and

(2) in section 214(c) by striking out "Vocational Education Act of 1963" and inserting in lieu thereof "Vocational Education Consolidation Act of 1984".

(f) Section 101(a)(11) of the Rehabilitation Act of 1973 is amended by striking out "the Vocational Education Act" and inserting in lieu thereof "the Vocational Education Consolidation Act of 1984".

SEC. 151. (a) The Vocational Education Act of 1963 is hereby repealed on the effective date of this Act.

(b) Funds appropriated for use during fiscal years 1984 or 1985 under the Vocational Education Act of 1963 that are not obligated by July 1, 1985 by a State or other recipient shall remain available for obligation in accordance with the requirements of this Act.

(c) In order to effect a smooth transition to the consolidated program authorized in this Act, the Secretary may, prior to the effective date of this Act, promulgate regulations, establish dates for the receipt of Proposed Use Reports under section 105, and take other actions he deems necessary.

(d) This Act shall take effect July 1, 1985.

By Mr. HATCH:

S. 2303. A bill to revise and extend the alcohol and drug abuse and mental health services block grant; to the Committee on Labor and Human Resources.

ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT AMENDMENTS OF 1984

Mr. HATCH. Mr. President and distinguished colleagues, today I am introducing legislation which would reauthorize the alcohol and drug abuse and mental health block grant for 3 years.

In 1981, through the Omnibus Budget Reconciliation Act we changed the funding mechanism for these services by authorizing the ADMH block grant. This act replaced the categorical service programs supported by the Government for the previous 20 years. I am pleased to report that the States have successfully completed the transition from these categorical services to locally controlled and administered programs. Local communities can now offer alcohol, drug abuse and mental health services with more flexibility to meet the needs of their local citizens.

I recommend to my colleagues their favorable consideration and support of this reauthorization. This bill contains only a few relatively small changes. First, we are proposing the appropriations for 3 years at the following levels: fiscal year 1985, $473,300,000; fiscal year 1986, $486,469,000; and fiscal year 1987, $501,063,070.

Second, the amendment calls for a review of the allocation of funds to the States by the Secretary of Health and Human Services. Under the current formula for allocation, there appears to be inequitable distribution of funds to the various States. This bill instructs the Secretary to ask for a review to determine whether a more equitable formula can be designed. By April 1985, the Secretary shall have reported back to Congress with findings and recommendations.

Third, the bill addresses the concern that data collected has not been useful. The bill proposes that the Secretary work with appropriate national organizations to insure that State and local governments have access to a model format for collecting data so that such data may be made available to the States. I believe that this language will provide the vehicle to compare State programs and yet still keep the data collection process from becoming too burdensome and expensive for the States.

Fourth, the bill makes modifications in audit requirements and repeals certain transition language.

Finally, the bill addresses the problem of increased substance abuse among women. Empirical data has begun to emerge that shows women are increasing their use of alcohol and drugs—including prescription drugs. The cost of substance abuse to our society is staggering. More research is needed on treatment and prevention programs that are effective in reducing the ill health effects of substance abuse among women.

Increased awareness of the effects of alcohol and drugs in the unborn fetus is included within this proposal with a focus on educational efforts for mothers in their childbearing years. This measure would amend the alcohol, drug abuse and mental health block grant to set up a demonstration program for treatment and prevention efforts aimed at women. An additional authorization of $7 million is provided for these demonstration projects.

State proposals should be flexible in their expansion of services to women alcoholics and drug addicts. The following areas are some that have been suggested as appropriate:

First, the development of separate and discrete services for women alcoholics and drug addicts in the following components of treatment: inpatient; outpatient; halfway house and; extended care;

Second, the development of programs which provide residential and

therapeutic care for women alcoholics and drug addicts and their children;

Third, the development of programs which provide access to vocational and educational services including counseling and training for women alcoholics and drug addicts who are returning to or entering the labor force for the first time;

Fourth, the development of services—inpatient and outpatient—for pregnant women alcoholics and drug addicts;

Fifth, the development of incentives for alcoholics and drug abuse personnel to create diversionary programs for women alcoholics and drug addicts in the criminal justice system;

Sixth, the development of programs which address the subpopulations of women alcoholics and drug addicts, that is, victims of violence, elderly women, minority women, youth, adult children of alcoholics, single heads of households, incarcerated women; and

Seventh, the development of employee assistance programs in female intensive industries.

The data indicates that women are experiencing increased ill health effects as a result of their increased use of abusive substances. But it is also evident that existing treatment modalities do not address the treatment of women, which in some cases varies from existing treatment methods. We must change this trend.

I ask unanimous consent that the full text of my bill be included in the RECORD at the conclusion of my remarks along with a bill, summary sheet and a "Fact Sheet on Women, Alcohol, and Other Drug Abuse" prepared by the North American Women's Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF "ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT AMENDMENTS OF 1984"

A straight three-year reauthorization with only a few modifications.

Funding:

Fiscal year 1985—$472,300,000 [1]
Fiscal year 1986—$486,469,000
Fiscal year 1987—$501,063,070

REVIEW OF ALLOCATION OF FUNDS—FORMULA ALLOCATION

Language reads: The Secretary shall review with appropriate State and local government representatives the distribution of funds allotted to the States under this part during each of the fiscal years 1982, 1983, and 1984 for the purpose of determining whether a formula for the distribution of such funds can be devised which is more equitable than the formula specified under subsections (b) and (c). In conducting such review, the Secretary shall consider—

1. The financial resources of the various States;

2. The populations of the States;

3. Any relevant conditions or circumstances which have changed since the date of enactment of this part; and

4. Any other factor which the Secretary may consider appropriate.

By April 1, 1985, the Secretary shall prepare and transmit to the Congress a report concerning the review conducted under this subsection which includes such recommendations as the Secretary considers appropriate.

Retains existing set-asides between alcohol, drug abuse services, and mental health services; and retains set-aside between alcohol and drug abuse services including 20 percent set-aside for prevention programs.

Uniform data tool shall be developed by the Secretary to be made available to the State for multi-State data collection acitivities.

The portion of S. 2146, the treatment, research, and prevention of substance abuse among women which provides $7 million per year as additional funds for States to develop services to meet the needs of women and substance abuse.

Changes audit requirements to every two years.

FACT SHEET ON WOMEN, ALCOHOL, AND OTHER DRUG ABUSE

(Prepared by the North American Women's Commission)

The number of women in the United States with alcohol and other drug problems is much larger than commonly assumed.

There are approximately 10 million alcoholics in the United States. Many experts estimate that up to one-half of the alcoholic population are women.

According to Marty Mann, the founder of the National Council on Alcoholism: "My guess is that if you added up all the problem drinkers in this country, the hidden as well as the revealed, the sex ratio would be just about 50 : 50."

Women are more likely to be cross-addicted—68 percent of all psychoactive drugs are prescribed to women.

"Generally speaking, women are more likely to use and have problems with mood drugs than men are: Two of every three mood prescriptions are written for women, especially women in the 40-59 age range." [1]

The number of women who drink has increased since World War II. In 1978, 66 percent of women were drinkng regularly, as compared to 77 percent men.

The percentage of women entering Alcoholics Anonymous has risen from 22 percent in 1968, to 26 percent in 1972, to 29 percent in 1977, and to 31 percent in 1980.

Women with alcohol and other drug problems experience a profound sense of isolation accompanied by feelings of guilt and shame. These feelings, along with denial of the problem, often stand in the way of women seeking help. When women do seek treatment, they present complicated medical and psychological problems which require specialized services.

A woman with an alcohol or other drug problem faces a double stigma. She is an addict and she is viewed as a "fallen woman."

"There is evidence presented in the literature that drug-abusing women entering treatment are likely to present chronic medical and complicated psychosocial problems that require special attention from the agencies that serve them." [2]

Pregnant alcoholics and drug addicts are often excluded from services or are subjected to inappropriate services, that is, heroin addicted mothers are often maintained on methadone in an outpatient setting.

It is estimated that only 1 in 10 husbands stay in marriages with alcoholic wives whereas, 9 in 10 wives stay in marriages with alcoholic husbands. (National Council on Alcoholism).

Alcohol and drug dependent women report an alarmingly high number of incidents of sexual abuse. According to Wilsnack: "Thus when alcoholic or drug-dependent women are asked about experiences with incest or rape, the rates appear high, ranging from 12 percent to 53 percent for incest or other childhood sexual abuse, and up to 74 percent for all sexual abuse combined." [3]

Although progress has been made, alcohol and drug dependent women often do not have access to or receive appropriate services.

According to statistical material published by the National Institute on Alcohol Abuse and Alcoholism (Feb. 1981), the ratio of men to women admissions to treatment programs is approximately 5 to 1; nationally, there are 375 women's treatment establishments out of a total of 5,577; 82.5 percent of intakes to treatment were men, 17.5 percent women.

The number of women entering treatment varies by State. For example, according to the Maryland Alcoholism Control Administration's Annual Report for fiscal year 1983, the percentage of women entering treatment was as low as 13.8 percent. The Office of Alcohol and Drug Abuse Prevention for the State of Maine reports that 24 percent of the individuals treated in 1983 were women.

Many experts believe that women have needs which are not being met by the existing treatment system. "Many primary care centers are based on a man's needs. Women are usually diagnosed as having added psychological problems because they have chemical dependency symptoms that are different from men's. They are not sicker than men, they are sick different. They need to be in treatment that normalizes their life experiences." [4]

Most treatment programs do not provide child care or adequate altenatives for women who are entering treatment.

Female intensive industries lag far behind male intensive industries in their development of employee assistance programs.

Research on women with alcohol and other drug dependencies has been sorely neglected. Curlee's observation of over 15 years ago still holds true. According to Curlee: "studies on alcoholism tend to either ignore women entirely or to simply assume that alcoholism is the same regardless of the sex of the sufferer."

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[1] President's funding level.

[1] Dan Kaercher, "The Uses and Abuse of Mood Altering Drugs," Better Homes and Gardens (May 1983), p. 86.

[2] George Beschner and Peggy Thompson, "Women and Drug Abuse Treatment: Needs and Services", National Institute on Drug Abuse, Services Research Monograph Series (1981), p.18.

[3] Sharon Wilsnack, "Drinking, Sexuality and Sexual Dysfunction in Women," chap. to appear in Alcohol Problems in Women: Antecedents, Consequences, and Intervention, Wilsnack and Beckman eds. (1983), p. 33.

[4] Carol Smith, "Ladies Last," Alcoholism, (September-October 1982).

S. 2303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alcohol and Drug Abuse and Mental Health Services Block Grant Amendments of 1984".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. Section 1911 is amended by striking out "and" after "1983," and by inserting before the period a comma and "$473,200,000 for fiscal year 1985, $486,469,000 for fiscal year 1986, and $501,063,070 for fiscal year 1987".

TRAINING GRANTS

SEC. 4. Section 1912 is amended—

(1) by striking out subsection (a);

(2) by striking out the matter preceding subparagraph (A) of subsection (b)(1) and inserting in lieu thereof the following:

"(b)(1) From the total amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State for such fiscal year an amount which bears the same ratio to such total amount as the amounts—";

(3) by striking out "subsection (b)" each place it appears in subsections (c) and (d) and inserting in lieu thereof "subsection (a)"; and

(4) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

REVIEW OF ALLOCATION OF FUNDS

SEC. 5. Section 1912(c) (as redesignated by section 4(4) of this Act) is amended to read as follows:

"(c)(1) The Secretary shall review the distribution of funds alloted to the States under this part during each of the fiscal years 1982, 1983, and 1984 for the purpose of determining whether a formula for the distribution of funds available for allotment to States under this section can be devised which is more equitable than the formula specified under subsections (a) and (b). In conducting such review, the Secretary shall consider—

"(A) the financial resources of the various States;

"(B) the populations of the States;

"(C) any relevant conditions or circumstances which have changed since the date of enactment of this part; and

"(D) any other factor which the Secretary may consider appropriate.

"(2) In conduting the review required by this subsection, the Secretary shall consult with appropriate representatives of State and local governments.

"(3) By April 1, 1985, the Secretary shall prepare and transmit to the Congress a report concerning the review conducted under this subsection which includes such recommendations as the Secretary considers appropriate.".

USE OF FUNDS FOR ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH ACTIVITIES

SEC. 6. Section 1915(c) is amended—

(1) by striking out "fiscal year 1984" in paragraph (6)(C) and inserting in lieu thereof "fiscal years 1984, 1985, 1986, and 1987"; and

(2) by inserting after paragraph (13) the following new paragraph:

"(14) That, in determining programs and activities to be conducted with amounts available in any fiscal year for programs and activities for the prevention and treatment of alcoholism, alcohol abuse, and drug abuse, the State agrees to—

"(A) give special attention to programs and activities for the prevention and treatment of alcoholism, alcohol abuse, and drug abuse among women, including homemakers, single mothers, divorced mothers, widowed mothers, displaced homemakers, and pregnant women; and

"(B) coordinate the programs and activities described in subparagraph (A) with programs and activities carried out under section 1920A.".

AUDITS

SEC. 7. (a) Section 1916(b)(2) is amended by striking out "Each State shall annually" and inserting in lieu thereof "Every two years, each State shall".

(b) Section 1916 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part in order to enable States to share uniform data and information with respect to the provision of such services.".

ELIMINATION OF REPORT

SEC. 8. Section 1916(b)(6) is repealed.

TRANSITION

SEC. 9. Section 1920 is repealed.

ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE AMONG WOMEN

SEC. 10. Part B of title XIX is amended by adding at the end thereof the following new section:

"ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE AMONG WOMEN

"SEC. 1920A. (a) In addition to the amounts appropriated under section 1911, there are authorized to be appropriated $7,000,000 for each of the fiscal years 1985, 1986, and 1987, for allotments to States for programs and activities for the prevention and treatment of alcoholism, alcohol abuse, and drug abuse among women, including homemakers, single mothers, divorced mothers, widowed mothers, displaced homemakers, and pregnant women.

"(b) Amounts appropriated under this section shall be allotted in accordance with subsections (b) and (c) of section 1912.

"(c) Except to the extent inconsistent with this section, the provisions of sections 1913, 1914(a)(2), 1914(b), 1914(d), 1915(a), 1915(c)(1), 1915(c)(8), 1915(c)(9), 1915(c)(10), 1915(c)(11), 1915(c)(12), 1915(d), 1916, 1917, 1918, and 1919 shall apply to the payment and administration of amounts appropriated under this section, and to programs and activities carried out with such amounts, in the same manner as such sections apply to the payment and administration of amounts appropriated under section 1911 and to programs and activities carried out with amounts appropriated under such section.".

EFFECTIVE DATE

SEC. 11. This Act and the amendments and repeals made by this Act shall take effect on October 1, 1984.

By Mr. BOSCHWITZ (for himself, Mr. BOREN, Mr. JEPSEN, and Mr. PRYOR):

S. 2304. A bill to enhance U.S. food aid, restore competitive position of the United States in agricultural export markets, and for other purposes; to the Committee on Agriculture, Nutrition and Forestry.

FOOD AID AND EXPORT MARKET PROMOTION ACT

● Mr. BOSCHWITZ. Mr. President, over the past decade the United States has been the world's largest exporter of agricultural products. The United States currently supplies 80 percent of the soybeans, 60 percent of the feed grains, 40 percent of the wheat and cotton, and 20 percent of the tobacco and rice moving into the world trade.

The value of these exports increased from approximately $7 billion in 1970 to around $44 billion in fiscal year 1981. These exports have created more than 800,000 domestic jobs in related industries, and have taken production of 2 out of every 5 acres of U.S. cropland. In addition, these exports generate about one-fourth of all farm cash receipts and contributed nearly $30 billion to our balance of trade at their height in 1981.

Despite the many benefits of international trade in farm products, the United States finds itself currently facing a major agricultural trade dilemma. The gross value of our agricultural exports in fiscal year 1983 was $34.5 billion, a decline of 21 percent from the 1981 level. Over the same period, the volume of export shipments declined from 162 million metric tons to 145 million metric tons—10.5 percent.

There are a number of reasons for the recent declines in the value and tonnage of U.S. agricultural exports: The worldwide recession, strength of the U.S. dollar, increased debt burdens facing U.S. customers, and the increased use of export subsidies by the European Community and other countries.

In response to this trade dilemma, I am introducing the Food Aid and Export Market Promotion Act, along with Senators BOREN, JEPSEN, and PRYOR. The purpose of this legislation is twofold: First, to expand agricultural exports through existing credit and food aid programs; and second, provide the Secretary of Agriculture with additional export credit tools aimed at developing markets for U.S. agricultural exports in countries with economies that are strong enough so that they can start phasing out of Public Law 480, yet not strong enough to move completely to GSM-102.

Our ability to effectively compete in agricultural trade in the decade ahead will greatly depend on our ability to provide more creative financing for potential customers. The export credit initiatives included in this bill will pro-

vide the Secretary of Agriculture with the tools necessary to expand U.S. agricultural exports in a number of key markets. The food aid provisions will allow our country to maintain its fine tradition of helping the hungry around the world.

On February 23, I will chair a hearing of the Subcommittee on Foreign Agricultural Policy to consider this bill. It is my hope that these initiatives will receive the solid support of humanitarian organizations as well as agricultural groups. Both have much to gain by its implementation.

With the help of my colleagues, I think this bill can be passed expeditiously. I invite all of you to join as cosponsors in the effort to turn the tide toward increasing agricultural exports.

I ask unanimous consent that a summary of major provisions follow my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOOD AID AND EXPORT MARKET PROMOTION ACT

SUMMARY OF MAJOR PROVISIONS

Sec. 2. Mandate that $7 billion of GSM-102 *credit guarantees* be made available in Fiscal Year 1984. The Administration has approved $4 billion in guarantees for FY84, compared to $5.15 billion in FY83.

Under the GSM-102 program, the Commodity Credit Corporation guarantees commercial loans made to finance exports of U.S. agricultural products with repayment periods of 6 months to 3 years.

Sec. 3. Increase the authorization level for Title II of P.L. 480 from $1.0 to $1.5 billion. The increased Title II authority would be available to meet increased needs for food assistance. Title II commodities are given as outright food grants to needy nations.

Sec. 4. The authority for overseas commodity donations under Section 416 of the Agricultural Act of 1949 would be expanded to allow donations of any CCC-owned commodities without counting them against P.L. 480 allocations. (*Currently*, only dairy products can be given away under this authority.)

Sec. 5. The Budget Reconciliation Act of 1982 mandated that between $175 and $190 million of CCC funds be used for export promotion in each of the Fiscal Years 1983-1985. Approximately $70 million remains to be used in FY84.

The bill would direct the Secretary to use at least $25 million in FY84 and $50 million in FY85 for the intermediate credit programs (GSM-201 and GSM-301).

GSM-201 is a direct credit program which provides CCC financing for the exportation of breeding livestock with repayment terms of 3-10 years. GSM-301 is a direct credit program for infrastructure development with repayment of 3-10 years.

Section 5 also amends the existing intermediate credit programs to:

(a) Provide the Secretary with the flexibility to set the repayment terms and the interest rate. Currently, the Secretary is required to set repayment terms over a 3-10 year period with interest rates that reflect those of short-term U.S. Treasury notes.

(b) Provide the Secretary with the authority to establish an intermediate credit guarantee program. Under this provision, the CCC would guarantee a commercial loan which calls for repayment within 3-10 years. In addition, the Secretary would be authorized to use CCC funds to buy-down the interest rate offered by the commercial lender.

Sec. 6. Mandate a GAO study to investigate our existing food aid programs. The study must be completed within 120 days of the enactment of the legislation.

The purpose of this study would be to evaluate:

(a) the needs of recipient countries relative to global food aid needs;

(b) the use to which recipients put the food aid once it is received;

(c) the nutritional and economic success of the programs; and

(d) the extent to which the ultimate consumer knows that the aid is coming from the United States and how this information could be provided more effectively.●

By Mr. BOSCHWITZ (for himself and Mr. DURENBERGER):

S. 2305. A bill to amend the Internal Revenue Code of 1954 to make certain local organizations of police and firefighters exempt from taxation; to the Committee on Finance.

TAX EXEMPTION FOR INCOME RECEIVED BY CERTAIN POLICE AND FIREFIGHTER'S PENSION FUNDS

● Mr. BOSCHWITZ. Mr. President, I am introducing legislation today which would provide a permanent tax exemption for the income received by certain local police and firefighter's pension funds. There is no additional cost to this legislation, since the affected organizations are already exempt under a 1981 IRS letter. It would merely give them a permanent place in the Tax Code, thus easing their fears of a future change in their status, and allow them to more effectively plan and budget for the future.

In 1975, an IRS Revenue Ruling (75-199) dealt with an organization that was formed to provide sick benefits for its members and pay death benefits to the beneficiaries of members. In that organization membership was restricted to individuals of good moral character and health who belonged to a particular ethnic group and resided in a stated geographical area.

The ruling held that since the benefit from the organization was for its members and there was only minor and incidental benefit to the community as a whole, the organization does not qualify for exemption from Federal income tax under section 501(c)(4) of the Code. (That code section provides a tax exemption for the income of "Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality and the net earnings of which are devoted exclusively to charitable, educational or recreation purposes.")

Then in 1981 the IRS reopened the issue through revenue ruling 81-58 which addressed the question of whether or not a nonprofit police officer association providing retirement and death benefits qualified under the above-mentioned section of the Tax Code as a social welfare organization.

The association in question was formed to promote the professional development of its members, to educate the public to recognize and appreciate the value of the services of the members, and to provide a lump-sum payment to each member upon retirement or a lump-sum payment to beneficiaries upon the member's death. The membership benefit program constituted the primary activity of the organization. It's primary sources of income were contributions by the general public and fundraising events.

The ruling held that although there was incidental benefit to the community, primary benefits were limited to members. Therefore, it was not operated for the promotion of social welfare and did not qualify for the 501(c)(4) exemption.

However, the IRS on December 14, 1981, essentially reversed both of the above rulings for some police and fire pension organizations with a special letter relating to the Mankato Fire Department Relief Association. That letter determined that ruling 81-58 did not apply to the Mankato organization for the following reasons:

The services they provide (the payment of pensions to retired members) are services that in other communities are provided by municipal or State governments and supported by tax funds. The Government recognizes its activities as its responsibility and thus in the public interest. Because of the significant State involvement, they provide a service that the Government recognizes as lessening its burden. Therefore they serve the common good and general welfare of the people within the meaning of section 501(c)(4) of the code.

Mr. President, in Minnesota alone there are 626 pension funds that would be affected by this legislation; of that number, 29 are local police relief associations; 22 are local salaried firefighter's relief associations; and 575 are volunteer firefighter's relief associations. Over 24,000 people have retirement coverage provided by these associations.

All 626 local relief associations are nonprofit corporations. Most of their financial support which is derived from sources other than investment income comes from tax revenue contributed by either the State of Minnesota or the local municipalities in which the relief associations are located.

There are several reasons why these organizations feel that their situation

differs from the organizations described in revenue ruling 81-58:

First. The association described in 81-58 is a general fraternal organization of individuals without any precise legal form and not required or specifically authorized by law; whereas Minnesota local relief associations are nonprofit corporations organized under the general nonprofit corporate laws of the State, are established for a specific purpose, and are either required or specifically authorized to be established by one or more legislative enactments. For members of a Minnesota local relief association, membership in the local relief association is mandated by law or corporate bylaw and is not a matter of personal choice.

Second. The association described in the revenue ruling only provides retirement benefit coverage which supplements the regular retirement benefit coverage provided to the police officers by another retirement fund established or maintained by the employing political subdivision, whereas Minnesota local relief associations provide the regular retirement benefit coverage for police officers, salaried firefighters or volunteer firefighters and are established or maintained by the city in which they are located.

Third. The association described in the revenue ruling is only funded from private, nongovernmental sources, like personal contributions or fundraisers, whereas Minnesota local relief associations are primarily funded from State and municipal tax revenue, with the level of both State and municipal contributions mandated by law.

In addition to the above arguments in favor of the exemption, these organizations are similar in legal structure, organization, and function to other tax exempt public pension funds, notably teacher retirement associations.

I believe this to be an extremely important piece of legislation for all of our police and firefighter's organizations, and I urge its adoption.●

By Mr. PRYOR:

S. 2306. A bill to amend the Internal Revenue Code of 1954 to provide that a defined contribution plan qualified under section 401(a) will not be a disqualified person with respect to a private foundation merely because it owns more than 20-percent interest in a corporation, partnership or trust which is a substantial contributor to the foundation; to the Committee on Finance.

REMOVAL OF CERTAIN IMPEDIMENTS FOR EMPLOYEE STOCK OWNERSHIP PLAN

● Mr. PRYOR. Mr. President, today I am introducing legislation which is designed to remove provisions in existing law that prevent an Employee Stock Ownership Plan (ESOP) from owning more than 20 percent of a company in certain situations. This bill, if enacted, will result in virtually no revenue loss to the Federal Government. It will, however, encourage the formation of ESOP's and will remove a barrier that now prevents some ESOP's from increasing their holdings. As such, it is an extension of the previously expressed congressional support for employee stock ownership.

Mr. President, ESOP's have been encouraged for quite some time through our tax system. The Senator from Louisiana, the former chairman of the Finance Committee, Mr. LONG, has been the leader in this effort. ESOP's have been used by many companies to give the employees a stake in the venture, and I believe they have been a very useful incentive in many, many situations.

Since ESOP's have been preferred for many years, Mr. President, it seems to me that we should remove existing barriers that prevent them from operating effectively.

Under existing law, Mr. President, section 4943 of the Internal Revenue Code imposes a 5-percent tax on the excess business holdings of a private foundation. This tax, enacted in the private foundation reforms made in 1969, is designed to prevent private foundations from holding large amounts of stock in companies, and therefore, controlling them. The provision is there for a good reason, Mr. President, but I do not think it should operate in such a manner so as to exclude ESOP'S from owning more than 20 percent of the stock of the company. This occurs as a result of the definitions and rules under that section and section 4946 of the Code. If the corporation has made certain contributions to the foundation in prior years, and if an ESOP subsequently acquires more than 20 percent of the corporation's stock, they both become disqualified persons under the foundation rules. Serious tax consequences result, Mr. President, and as a practical matter, if a corporation has an ESOP and a foundation, there is a good chance it may have run afoul of these complex provisions, and the end losers might be the employees, people we have historically tried to help by encouraging ESOP formation. The bill I am introducing today, Mr. President, provides that an ESOP could acquire more than 20 percent of a company's stock without becoming a disqualified person. Additionally, it would also allow the ESOP to buy stock from the foundation without running afoul of the rules of section 4941, which deals with sales between the foundation and a disqualified person.

In short, Mr. President, it seems that if we are going to encourage ESOP's, we should do so, and where rules exist that prohibit employee stock ownership for no reasonable policy reason, they should be removed. That is what my bill attempts to do. I urge my colleagues to carefully consider this bill, and I hope it can be favorably acted upon by the Senate in the near future.

I ask unanimous consent, Mr. President, that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2306

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 4946(a)(1)(C) of the Internal Revenue Code of 1954 (relating to definition of disqualified persons) is amended to read as follows:

"(C) an owner (other than a defined contribution plan (as defined in section 414(i)) which satisfies the requirements of section 401(a)) of more than 20 percent of—

"(i) the total combined voting power of a corporation,

"(ii) the profits interest of a partnership, or

"(iii) the beneficial interest of a trust or unincorporated enterprise which is a substantial contributor to the foundation,"

(b) Effective date.—

The amendment made by subsection (a) of this Act shall apply to plan years beginning after the date of enactment of this Act.●

By Mr. BOSCHWITZ (for himself, Mr. DANFORTH, and Mr. TSONGAS):

S. 2307. A bill making a supplemental appropriation to carry out title II of Public Law 480; to the Committee on Appropriations.

SUPPLEMENTAL APPROPRIATION

● Mr. BOSCHWITZ. Mr. President, by autumn of 1972, 5 years of relentless drought had brought famine to millions of people in the sub-Saharan region of West Africa known as the Sahel. By 1973, the severity of the situation had become painfully apparent to the rest of the world. In that year, the late Senator Hubert Humphrey of Minnesota, who was then the chairman of the Senate Subcommittee on Africa, introduced a bill calling for $30 million to be spent on relief to the starving. Even after this aid had been requested, however, the issue became a political and bureaucratic football that was tossed around in Washington for months. Washington's slow response to this need allowed the famine to take the lives of 200,000 to 300,000 people.

Today, more than 150 million people in at least 24 countries on that same continent now face starvation because of another more serious drought. Already, in Mozambique alone, an estimated 100,000 have died of starvation. In most countries this is the second year of the drought and their food supplies have been exhausted.

In response to this situation, the United States has provided about 187,000 metric tons of food—valued at $73.2 million—to Africa. This is about 11 percent of the 1.7 million tons of

food that have been contributed by countries around the world.

The U.S. Agency for International Development (AID) has requested an emergency food aid supplemental appropriation for Africa in the amount of $90 million. This is a useful step, but it seems inadequate to meet the need. The U.N. Food and Agriculture Organization (FAO) has estimated that, in order to avoid widespread starvation in the 24 countries facing food emergencies, an additional 1.6 million metric tons of food must be provided by June of this year. This amount of food translates into $640 million worth of aid.

Traditionally, the United States has met about 40 percent of this type of food need. We should again strive to meet that goal. However, in the interest of acting promptly to save the lives of the millions of men, women, and children now facing starvation, I, along with Senators DANFORTH and TSONGAS, am introducing a bill to appropriate $150 million in immediate food aid to the famine-stricken countries in Africa. This bill will provide about 375,000 metric tons of food—less than 25 percent of the amount that is likely required. While this aid is being distributed, Congress can reassess Africa's needs and our ability to meet them.

I am very much aware that it is difficult for many in Congress to vote for more foreign aid in a time of spending constraints. However, I urge my colleagues to keep in mind that providing aid to Africa will have positive effects on the economy of the United States as well. The money we are requesting for this aid will be spent on U.S. agricultural commodities—which we have in abundance. Also, the processing of these commodities will generate additional employment in our land.

Despite the economic difficulties faced by our Nation, we are by any measure richly blessed. At this time of crisis in Africa, it is both our privilege and our responsibility to come to the aid of those who are in such desperate need. Time is of the essence. I invite my colleagues to cosponsor this supplemental appropriation bill and to help me in seeking its prompt passage.●

By Mr. HATCH:

S. 2308. A bill to revise and extend provisions of the Public Health Service Act relating to the provisions of primary health care services; to the Committee on Labor and Human Resources.

PRIMARY HEALTH CARE ADMENDMENTS OF 1984

Mr. HATCH. Mr. President, I am today introducing the "Primary Care Block Grant Admendments of 1984."

In 1981, Congress created four different health block grants, one of which was the primary care block grant. This primary care block, which includes the community health center (CHC) program, was established as a voluntary program giving States the option of applying to the Secretary for an allotment to administer the program themselves or allowing the Federal Government to continue administering the program.

Under the primary care block grant, States must meet a number of requirements in order to receive allotments. Among other things, this block requires matching payments by the States for a categorical program whose costs have previously been fully paid by the Federal Government.

I believe that this matching requirement, as well as other provisions in the block, has been unnecessarily harsh. To this point, I note that only one State and the Virgin Islands have received allotments under this block.

It is necessary to get more States involved in the primary care block grant. The Department of Health and Human Services has taken a useful first step by developing formal relationships with the States, first, to increase the State's familiarity with the CHC program generally as well as with individual centers through involvement in grant reviews and project monitoring activities; second, to involve States in primary care needs/demands assessments, in CHC program resources management, and in developing funding plans for the State; and third, to assess all primary care resources in the State, analyze the organization and distribution of those resources, and plan for allocations of Federal and State primary care manpower and funds to identified areas of greatest need. Through these efforts, an increased awareness of the need for primary care services within individual States has been created.

I am encouraged by the Department's efforts, but I am convinced of the need to amend the primary care block grant statute to further encourage State participation. Several States have expressed interest in participating and are likely to do so with the changes I am proposing.

My proposal would continue the optional nature of the block by allowing the Federal Government to continue funding CHC's in States that are not interested in receiving allotments under the block grant.

The State's matching requirement would be reduced from 20 percent and 33⅓ percent to 10 percent for each of the 3 fiscal years that authority is extended.

Under the revised block grant, States would continue to be required to fund Federal grantees during the first year States receive allotments, but at levels the State deems appropriate.

My bill would continue current law provisions for funding CHC's which meet the requirements of the section 330 categorical authority and which serve medically underserved populations, but would require the active involvement of the Governor of a State in the entire medically underserved designation process.

In addition to those criteria which the Secretary must now consider in designating medically underserved areas, he would also be required to take into account those factors deemed relevant by the Governor.

Finally, my bill would require the Secretary to prepare a report by March 30, 1985, which would review the current formula used for alloting funds to the States and would make recommendations on a more equitable distribution of funds to the States. Among other things, this report should examine the merits of using medically underserved populations in the determination of the amount of a State's allotment. I am confident these changes will encourage more States to be involved in primary health care service delivery and to apply for allotments under the primary care block grant.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Primary Health Care Amendments of 1984".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PRIMARY CARE BLOCK GRANT

SEC. 3. (a) Section 1921(c) is amended to read as follows:

"(c) For grants under subsection (a), there are authorized to be appropriated $2,500,000 for the period beginning on October 1, 1984, and ending on September 30, 1987.".

(b) Section 1922 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1922. For allotments under section 1924 and for grants under section 330, there is authorized to be appropriated $340,000,000 for fiscal year 1985, $345,000,000 for fiscal year 1986, and $350,000,000 for fiscal year 1987.".

(c) Section 1924 is amended by adding at the end thereof the following new subsection:

"(c)(1) The Secretary shall conduct a study for the purpose of devising a formula for the distribution of funds available for allotment to States under this section which is more equitable than the formula specified under subsections (a) and (b). In conducting such study, the Secretary shall consider—

"(A) the financial resources of the various States;

"(B) the populations of the States;

"(C) any relevant conditions or circumstances which have changed since the date of enactment of this part, including any changes in the number of individuals in medically underserved populations; and

"(D) any other factor which the Secretary may consider appropriate.

"(2) In conducting the study required by this subsection, the Secretary shall consult with appropriate representatives of State and local governments.

"(3) By April 1, 1985, the Secretary shall prepare and transmit to the Congress a report concerning the study conducted under this subsection which includes such recommendations as the Secretary considers appropriate.".

(d)(1) Section 1926 (a)(1) is amended by striking out "1983 and 1984" and inserting in lieu thereof "1985, 1986, and 1987".

(2) Section 1926 (a)(2) is amended—

(A) by striking out the first sentence and inserting in lieu thereof the following: "From amounts paid to a State under section 1925 for the first fiscal year for which such State receives an allotment under section 1924, and from the State funds required to be made available under paragraph (4) for such fiscal year, a State shall make grants to each community health center which received a grant for its operation under section 330 (d) for the fiscal year immediately preceding such fiscal year and which meets the requirements of this paragraph; and

(B) by striking out the second sentence.

(3) Section 1926 (a) (3) is amended—

(A) by striking out "1983 and 1984" in the first sentence and inserting in lieu thereof "1985, 1986, and 1987";

(B) by striking out "fiscal year 1983" in the second sentence and inserting in lieu thereof "the first fiscal year for which a State receives an allotment under section 1924";

(C) by striking out "fiscal year 1984" in such sentence and inserting in lieu thereof "any fiscal year succeeding the first fiscal year for which the State receives an allotment under section 1924"; and

(D) by striking out "for the fiscal year" each place it appears in such sentence and inserting in lieu thereof "for such succeeding fiscal year".

(4) Section 1926 (a) (4) (A) is amended to read as follows:

"(4) (A) In any fiscal year for which a State receives an allotment under section 1924, the State shall make available, from State funds, for the grants described in paragraphs (2) and (3) for such fiscal year and for State administrative expenses for such grants for such fiscal year an amount equal to 10 percent of its allotment.".

(5) Section 330 (b) (3) is amended by striking out the second, third, fourth, and fifth sentences and inserting in lieu thereof the following: "The Secretary may not designate a medically underserved population unless, prior to such designation, the Secretary consults with the chief executive officer of the State in which the population is located and local officials in such State. In making recommendations to the Secretary, such chief executive officer and local officials may consider unusual local conditions which are a barrier to access to or the availability of personal health services. The Secretary shall prescribe criteria for determining the specific shortages of personal health services of an area or population group, which shall—

(A) take into account criteria recommended under the preceding sentences by the chief executive officer of a State or local officials in a State; and

(B) include infant mortality in an area or population group, other factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.".

MIGRANT HEALTH CENTERS

SEC. 4. The first sentence of section 329 (h) (1) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$42,000,000 for the fiscal year ending September 30, 1985, $43,200,000 for the fiscal year ending September 30, 1986, and $43,600,000 for the fiscal year ending September 30, 1987".

EFFECTIVE DATE

SEC. 5. This Act and the amendments made by this Act shall take effect on October 1, 1984.

By Mr. MOYNIHAN:

S. 2309. A bill to authorize the offer and payment of rewards for information and services concerning terrorist activities; to the Committee on the Judiciary.

ANTI-TERRORISM REWARDS ACT OF 1984

● Mr. MOYNIHAN. Mr. President, I rise to introduce the Anti-Terrorist Rewards Act of 1984, which would authorize a $10 million fund to be available for payments for information and services leading to arrest, conviction or other appropriate resolution in cases of terrorist acts, including those acts abroad that are directed at U.S. persons and property.

If we in the United States begin 1984 with some trepidation—as we surely do—it is not only because the horrors of totalitarianism described by Orwell continue, but also because another barbarous phenomenon, known as terrorism, has come to challenge our civilization. Terrorist acts abroad this past year killed 274 Americans. Of the 1983 fatalities, most (241) were our marines who were snuffed out by one of the largest man-made explosions in history. There have been smaller nuclear explosions. Even before this incident, a car bombing of our Embassy in Beirut killed 17 Americans, as well as 63 foreign nationals.

While the bomb seems to be an increasingly popular weapon of terrorists, they also continue to employ more discrete methods. For example, in May, Lt. Comdr. Albert Schaufelberger, who served the U.S. Military Assistance Group in El Salvador, was killed in San Salvador on the campus of the University of Central America. In November, Navy Capt. George Tsantes, Jr., who served in Athens with the Joint Greece United States Military Advisory Group, was shot to death on his way to work.

As we mourn these victims, we must express gratitude that, at home, we have so far been largely spared. Yet we cannot ignore the awful possibilities. Terrorist bombs continue to explode in New York and other major cities. And who in this body did not sense our country's vulnerability as we stood on the spot where a bomb was detonated in the Capitol on November 7? It takes no stretch of the imagination to contemplate a group aching to perpetrate some outrageous act during the summer Olympic games in Los Angeles. Or elsewhere.

I say these things not to arouse emotions. No such inducement is required. To the contrary, we must be able to speak of these matters and consider what we might and must do without losing our composure or our liberties. Certainly, we say something of an overreaction in the Capitol when increased security procedures initially imposed undue restrictions on the press who cover our deliberations. Happily, however, this was soon rectified. And we can also take some comfort that our security officials did not require us to hang red or yellow identification badges around our necks, although this might avoid some embarassment for us when we are not recognized by the Capitol Police.

It is clear that the times require our intelligence and law enforcement agencies to exercise especial vigilance. But they need help. It has long been the custom of our country, and other democracies as well, to offer payments to citizens and informants who assist in the detection of crimes and the apprehension of criminals. This concept might be extended to offering rewards for assistance in dealing with those who have committed or would commit terrorist acts against U.S. persons and property abroad. At present, there is no statutory authorization for the State Department to do so.

Mr. President, the bill I have introduced would create a $10 million fund from which the Secretary of State could pay rewards for information or services, leading to arrest, conviction, or other appropriate resolution, concerning terrorist acts abroad directed against U.S. persons and property. I do not wish to be understood as suggesting that this measure would be sufficient in all terrorist cases. But it could be useful. The Secretary would be accorded broad latitude as to when and how to make offers and payments. For example, in cases where Americans were killed or U.S. property damaged in countries with whom we have friendly relations and which have operating judicial systems, the Secretary might make arrangements through their governments to post a schedule of rewards. This approach might well be taken with Greece and El Salvador with respect to the Tsantes and Schaufelberger cases. At present these cases remain unsolved. A substantial reward may provide an incentive for a

citizen with information or, perhaps, a coconspirator to come forward.

Consider how a reward might help in the Tsantes case. The group claiming credit for his murder—"November 17," after the date of the suppression in 1973 of a demonstration against the former ruling military junta in Greece—also claimed credit for the 1975 assassination in Athens of Richard Welch who served there as the CIA's Chief of Station. There are other linkages; for example, ballistics tests show that the same gun was used in both killings. The Greek Government offered rewards totaling above $130,000 for information concerning the Welch murder; no reward has been offered in the Tsantes case. No prosecution was ever brought in the Welch case and the Greeks appear no closer to apprehending those responsible for killing Tsantes.

It is doubtful that conventional police work will achieve any results. Mr. President, what is needed is a significant break—a witness, someone who will come forward and name names or provide a significant lead. The posting of a substantial reward, perhaps as high as $1 million, might well prompt someone to come forward. If this bill passes, I would expect the State Department to make such an offer in this case. It is worth a try. The principle that two of the world's foremost democracies will not tolerate terrorism is worth the price of such an award.

Mr. President, the foregoing are cases in which rewards might be used to help identify and apprehend terrorists. It is of paramount interest to prevent terrorist acts. To do so requires timely information—which is typically difficult to acquire as terrorist cadres do not lend themselves to penetration. The Secretary could fashion approaches to offers and payments which take this problem into account and provide incentives for coconspirators to betray their treacherous comrades.

The bill would also provide the Attorney General similar broad authority to offer and pay rewards concerning domestic terrorism cases. Again, knowledge that large payments are available to informants might well help deter terrorist activities. The Attorney General would draw on the same $10 million available to the Secretary of State. In this connection, it should be noted that current authority to pay rewards is generally limited to $25,000 to $50,000 to any one person, except in the case of the Presidential Assassinations Act which has a $100,000 maximum. One advantage of the bill would be to permit ample payments, even exceeding $100,000 in meritorious cases.

In view of the broad authority which would be given to the Secretary of State and the Attorney General, the bill requires that they exercise it under guidelines which would be submitted to the appropriate committees of Congress for review. Semiannual reports on all offers and payments of rewards would be required under this act.

As is generally the case in reward statutes, no payments could be made under this bill to any office or employee of the United States or any State or local government who furnishes information or renders services in the performance of his or her official duties.

Mr. President, I believe that this bill would make a modest, but nonetheless, important contribution to our Nation's efforts to combat terrorism. I urge my colleagues to support this measure.●

By Mr. LEVIN (for himself, Mr. BOREN, Mr. HEINZ, and Mr. COCHRAN):

S. 2310. A bill to establish Senior Citizen Tutorial Volunteer Network programs which will provide opportunities for senior citizens to work in elementary and secondary schools and in the home with educationally disadvantaged children and their families; to the Committee on Labor and Human Resources.

SENIOR CITIZEN TUTORIAL VOLUNTEER NETWORK ACT OF 1984

● Mr. LEVIN. Mr. President, I am today introducing legislation which would establish Senior Citizen Tutorial Volunteer Network programs to provide supplemental educational and related services to educationally disadvantaged children attending chapter 1 schools.

The purpose of this legislation is to upgrade the basis skills of educationally disadvantaged children. This would be achieved by utilizing the reservoir of skill and talent that exists among senior citizens and parents in the school community.

Specifically, under my proposal, senior citizen volunteers would work directly with disadvantaged children who would be benefited by tutoring. Most of the time of senior citizen volunteers would be spent in the classroom or in the home providing services to pupils in small groups or on a one-on-one basis as needed. The remainder of the time would be spent serving as liaison to the families of the children with whom the volunteer is working. The liaison activities could include:

First, assisting the parent in carrying out home learning activities in basic skills;

Second, advising and supporting parents in creating a home environment conducive to study, including work space, monitoring homework, time-management and scheduling;

Third, serving as a regular contact for reporting progress and sharing problems and concerns of such children.

Programs that involve senior citizens and parents in the education of their own children are by no means new. Many researches have concluded that increasing the interest of parents in their children's education, developing ways of conveying that interest to the children, and engaging senior citizens and parents in the actual teaching of children are effective ways of increasing academic achievement and discipline in the schools.

As president of the Washington, D.C., based Home and School Institute, one of the program models on which this legislation is based, Dr. Dorothy Rich has a long record of service and experience with parents, senior volunteers, and schools across the Nation. In testimony before the Senate Labor and Human Resources' Subcommittee on Aging, Family, and Human Services on March 22, 1983, she revealed:

> Research on the importance of the family as educator is very clear . . . these programs work for a wide range of families, including those who have little time, little money, and little formal education.
>
> A question that needs to be addressed is not how to use the school to strengthen the family, but how to use the potency and impact of the family to strengthen the school. Research has clearly shown that the efforts of schools which do not involve families do not result in achievement for children. What is needed is a real and substantive partnership between home and school. And this needs to happen *now*. It's traditionally safe to say that we need to know more before taking action, etc., but in my judgment we already know a great deal.

Since 1978, the University of Pittsburgh Center for Social and Urban Research has been studying the affect senior citizens participating in its generations together senior citizen school volunteer program have had on children's growth and learning. Dr. Sally Newman, director of the program which is also one of the models on which my proposal is based determined that:

> As a result of these programs there is an improvement in the academic performance and social behavior of children and youth and an improvement in the self-esteem, mental, and physical health of the elderly. Over 35,000 youth and 1,500 older persons have benefitted from their participation in these programs that currently are in over 50 schools in Western Pennsylvania. We know this model works. . . . We are particularly supportive of this intergenerational effort that will enable a population of youth who may be educationally disadvantaged to keep pace with more fortunate youth.

During the growth of the program from 1978 through 1983, Dr. Newman collected information from participating teachers and senior volunteers on their perception of the program's impact. Consistent positive reporting from a variety of communities, and at all grade levels, suggests that the generations together SCSV model can be successfully replicated in other school

districts. The data summary from the 1982-83 program impact questionnaires showed that:

98% of the senior citizen volunteers gave an overall rating of Excellent or Good to the program;

97% of the teachers gave an overall rating of Excellent or Good to the volunteers' contribution to the classroom.

95% of the senior citizen volunteers felt that there was adequate use of their time.

86% of the senior citizen volunteers felt that there was adequate use of their skills, interests, and experience.

The National Committee for Citizens in Education (NCCE), a national advocacy group, has systematically compiled the results of two dozen recent studies, all of which point to the same conclusion: Parents involvement in schools in almost any form improves student achievement. NCCE's studies cover children of all ages and families in many parts of the country. Consistently, NCCE'S research shows that:

Involvement is positively related to achievement, even in areas with severe poverty . . . schools with a well established mechanism for parent involvement have better overall achievement than schools which do not, regardless of the social background of the parents.

Although the recent reports on the condition of education receiving wide discussion, focus almost exclusively on what takes place in the classroom, they do, to some degree, recognize the impact of forces outside the school on children's academic performance. For example, the National Commission on Excellence observes that schools are continually called on to provide solutions to personal, social, and political problems that the home and other institutions either will not or cannot resolve. The Commission concludes the report with a word to parents and students in which it exhorts parents to recognize that they have a responsibility as the first and most influential teacher of their children. Parents are asked to engage actively in their children's education. As another, perhaps more relevant example, the recent report from the Carnegie Foundation for the Advancement of Teaching describes a communications gap between home and school. The Carnegie report concludes:

For schools to be effective, parents must be involved. To increase participation, we recommend that there be a Parent-Teacher-Student Advisory Council at every school. We further recommend that a parent-volunteer program be established in all the nations secondary schools.

There is an urgent need for implementation of my proposal. The various pilot projects that are taking place around the country cannot meet the demand and the challenge in its entirety. Project Help in Benton Harbor, Grand Rapids, and East Lansing, Mich., and in South Bend, Ind., have all achieved substantial gains in reading for first graders and kindergarteners. The grandpeople project at Emerson Elementary School in Riverside, Calif., is a success story, and families learning together of rural South Carolina recently reported that 92 percent of participating parents felt that the program made their children confident and enjoy school more. Replications of the program have taken place in Nazareth, Pa., and Rockford, Ill.

Again, they cannot meet the demand and the challenge in its entirety. It is estimated that over 11 million children of low-income families need help in basic skills. The current chapter 1 program for the education of disadvantaged children reaches less than half that number.

The modest cost of my proposal would be $6 million a year for a 5-year funding cycle. Funds would be used to provide training to senior citizen volunteers, teachers, and other elementary and secondary school personnel involved in the programs, to adapt and develop appropriate curriculum materials to be used, and to provide assistance to senior volunteers to pay expenses necessary to such programs.

Applicants eligible for program funding under the competitive grants process would be local educational agencies entitled to receive assistance under title 1 of the Education Consolidation and Improvement Act of 1981, and public agencies or private nonprofit organizations applying jointly with one or more such local educational agencies.

Time is of the essence, I hope we can speedily consider this much-needed legislation.

I am pleased that Senators BOREN, HEINZ, and COCHRAN have joined me as cosponsors of this much-needed legislation.●

By Mr. HATCH:

S. 2311. A bill to amend the provisions of the Public Health Service Act relating to health maintenance organizations; to the Committee on Labor and Human Resources.

HEALTH MAINTENANCE ORGANIZATION AMENDMENTS OF 1984

Mr. HATCH. Mr. President, I am today introducing the Health Maintenance Organization Amendments of 1984. One of the most significant factors in the explosive growth of our Federal deficit has been the rapid escalation of Federal health care payments, principally through the medicare and medicaid programs. Health care has also taken an ever-increasing proportion of private income. Many initiatives have been taken and many alternative delivery systems have been developed to try to contain this growth. One of the most promising and successful developments in this respect has been the rise of health maintenance organizations (HMO's).

HMO's collect fixed, prepaid premiums from their members, usually through employers, and typically for comprehensive service on a per capita basis. The health care provider receives a fixed income and thus has no incentive to provide unnecessary health services, since a greater than expected call on resources may be uncompensated. This contrasts with the normal fee-for-service arrangement in which the more services a patient uses, the more a provider is likely to be paid. By spreading financial risk, HMO's remove the incentive for overuse. The health care costs of some HMO's are 40 percent less than those under regular insurance plans, and the average hospital utilization rate for HMO's is likewise lower than that for conventional plans. Furthermore, HMO's have been shown to deliver good quality care, and to naturally encourage greater emphasis on preventive health practices.

Despite these virtues, however, HMO's spread very slowly. In an effort to stimulate their expansion, Congress in 1973 passed the Health Maintenance Organization Act, title XIII of the Public Health Service Act. That act preempted restrictive State laws and set organizational, financial, and benefit standards for those HMO's that wanted to become federally qualified. It also provided loans, contracts, and grants to assist in their planning, formation, and initial operation. Since that time, and with the help of the Federal legislation, HMO's have found increasing acceptance among employers, enrollees, and health providers alike. With total enrollments of over 13 million nationwide, HMO's are now enjoying ready access to private financing for their formation. And indeed a growing number of them are for-profit, and profitable, organizations.

With this acceptance has come a phaseout of Federal financial assistance. At this time only a few loans to young HMO's already in place are being continued—no Federal funding for new HMO's has been appropriated, nor is any needed. Indeed, the number of HMO's forming and applying for Federal qualification has been greater since Federal support has ceased. Thus it appears that this part of the program has been successful in helping the industry get on its feet, and has served its purpose.

However, the balance of the Federal program is of continuing importance in maintaining Federal standards and in insuring the access to HMO's of many employees across the country. Thus it gives me pleasure to introduce at this time the Health Maintenance Organization Amendments of 1984, which will improve the operation of the act and reauthorize a limited range of support functions for 3 years.

These amendments continue the loan fund through fiscal year 1987 in order to honor our commitment to the few HMO's which have remaining eligibility under existing loans, and for handling any defaults on loans or guarantees already made. They would also extend for 3 years the training and technical assistance functions performed by the Department of Health and Human Services in administering the program.

Next, the bill would make some minor but beneficial changes in the operation of the act. HMO's may, but are not required, to offer health services called supplemental services. These amendments would allow HMO's to set their fees for such services based on experience rather than on community rating principles. This should result in HMO's becoming more competitive with conventional insurance in this area and increasing the number of such services that HMO's will offer to their enrollees.

This legislation would repeal, for private HMO's, the requirement that one-third of their governing boards must be composed of enrollees of that organization. There is widespread consensus that this requirement is not useful, since the one-third figure confers on the enrollee group no control, while the fiduciary responsibilities of directors require them to make their decisions based on what is best for their organization and its shareholders, whether they are enrollees, doctors, or officers of the HMO itself. Further, this requirement has had the effect of impeding the spread of HMO's by making it difficult for existing HMO's to set up subsidiaries in other service areas.

The bill also repeals the requirement that HMO's periodically requalify in order to retain their Federal status. I am of course concerned that HMO's, once qualified, remain fiscally sound and continue to adhere to other Federal standards, and I have in the past favored the requalification requirement. However, DHHS now has in place a review and monitoring program, backed by the Secretary's authority to withdraw Federal qualification, which is adequate to insure compliance by HMO's on a continuing basis. Under these circumstances, retention of the requalification provision serves no real purpose and is simply a burdensome formality.

Finally, the amendments contain several housecleaning provisions designed to update the act. Sections 4, 5, and 6 would repeal unneeded support authorities which are no longer being funded or which have never been funded. Other sections further update the act to reflect the lack of new Federal financial support for new HMO's, eliminate a little-used report, and update the digest of State HMO laws and regulations annually instead of quarterly.

Mr. President, the fact that these proposed amendments are little more than fine tuning of the Health Maintenance Organization Act of 1973 indicates not only the smooth functioning of that law as administered by the Department of Health and Human Services, but also the basic sound health of the HMO industry itself. Nevertheless, I feel we should not let pass the opportunity of reauthorization without making such beneficial adjustments as may seem wise in light of our experience with the program since it was last amended in 1981.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Maintenance Organization Amendments of 1984".

SUPPLEMENTAL HEALTH SERVICES

SEC. 2. Section 1301(b)(2) of the Public Health Service Act (hereafter in this Act referred to as "the Act") is amended by striking out the second sentence.

MEMBERSHIP REPRESENTATION ON POLICYMAKING BODIES

SEC. 3. Section 1301(c)(5) of the Act is amended to read as follows:

"(5) in the case of a public health maintenance organization, have an advisory board to the policymaking body of the public entity operating the organization—

"(A) which is organized to assure that—

"(i) at least one-third of the members of the board will be members of the health maintenance organization; and

"(ii) there will be equitable representation on the board of members from medically underserved populations served by the health maintenance organization; and

"(B) to which policymaking authority for the organization may be delegated;".

ELIMINATION OF AUTHORIZATION OF SUPPORT FOR FEASIBILITY SURVEYS, PLANNING, AND INITIAL DEVELOPMENT COSTS

SEC. 4. (a) Sections 1303, 1304, and 1307 (c) of the Act are repealed.

(b) Section 1306 of the Act is amended—

(1) by striking out "grant, contract, loan," each place it appears (except in subsection (b)(5)) and inserting in lieu thereof "loan",

(2) by striking out "in the case of an application for assistance under section 1303 or 1304, such application meets the application requirements of such section, and in the case of an application for a loan or loan guarantee," in subsection (b)(1),

(3) by striking out "1304," in subsection (b)(2), and

(4) by striking out "grants, contracts, loans," in subsection (c) and inserting in lieu thereof "loans",

(c) Section 1307 of the Act is amended—

(1) by striking out "grant, contract, loan," each place it appears and inserting in lieu thereof "loan",

(2) by striking out "grant, contract, or" in subsection (a)(1), and

(3) by striking out "such assistance" in subsection (a)(1) and inserting in lieu thereof "the loan".

(d) Section 1309(a) of the Act is amended—

(1) by striking out paragraph (1), and

(2) by striking out "(2)".

(e) The first sentence of section 1317(b) of the Act is amended—

(1) by striking out clause (1), and

(2) by redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

(f) The amendments made by this section do not apply to any grant made or contract entered into under title XIII of the Act before October 1, 1984.

LIMITATION ON LOANS AND LOAN GUARANTEES FOR INITIAL COSTS OF OPERATION

SEC. 5. (a) The last sentence of section 1305(a) of the Act is amended by inserting before the period ", and unless the Secretary has made a grant or loan to, entered into a contract with, or guaranteed a loan for, the organization in fiscal year 1981, 1982, 1983, or 1984 under this section or section 1304(b) (as in effect before October 1, 1984)".

(b) The amendment made by subsection (a) does not apply to any loan or loan guarantee for the initial costs of operation of a health maintenance organization made under title XIII of the Act before October 1, 1984.

ELIMINATION OF LOANS AND LOAN GUARANTEES FOR ACQUISITION AND CONSTRUCTION OF AMBULATORY CARE FACILITIES

SEC. 6. (a) Section 1305A of the Act is repealed.

(b) Section 1306(b)(2) of the Act is amended by striking out "or 1305A,".

(c) The amendments made by this section do not apply to any loan or loan guarantee made under section 1305A of the Act before October 1, 1984.

REPEAL OF REQUIREMENT FOR HEALTH SYSTEMS AGENCY REVIEW

SEC. 7. Paragraph (5) of section 1306(b) of the Act is repealed. Paragraphs (6), (7), and (8) are redesignated as paragraphs (5), (6), and (7), respectively.

LIMITATION ON BORROWING BY LOAN GUARANTEE FUND

SEC. 8. The first sentence of section 1308(d)(2) of the Act is amended by inserting "before October 1, 1983," after "guarantees issued by him".

REPEAL OF REQUIREMENT FOR PERIODIC DEMONSTRATION OF COMPLIANCE

SEC. 9. Section 1310(d) of the Act is amended by striking out the last sentence.

ANNUAL UPDATE OF STATE LAW DIGEST

SEC. 10. The first sentence of section 1311(c) of the Act is amended by striking out "quarterly" and inserting in lieu thereof "annually".

REPEAL OF LIMITATION ON SOURCE OF FUNDING

SEC. 11. Section 1313 of the Act is repealed.

ELIMINATION OF UNNECESSARY REPORT

SEC. 12. Section 1318(e) of the Act is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) Section 1309(a) of the Act (as amended by section 4 of this Act) is further amended by striking out "and" after "1984" and by inserting before the period a comma and "1985, 1986, and 1987".

(b) Section 1309(b) of the Act is amended to read as follows:

"(b) To meet the obligations of the loan fund established under section 1308(e) resulting from defaults on loans made from the fund and to meet the other obligations of the fund, there is authorized to be appropriated to the loan fund for fiscal years 1985, 1986, and 1987, such sums as may be necessary.".

By Mr. MOYNIHAN:

S.J. Res. 229. Joint resolution to proclaim the week beginning April 22, 1984, as National Dance Week; to the Committee on the Judiciary.

NATIONAL DANCE WEEK

● Mr. MOYNIHAN. Mr. President, I rise today, on behalf of myself, my two distinguished colleagues from Arkansas, Mr. BUMPERS and Mr. PRYOR, and my distinguished colleague from Rhode Island (Mr. PELL), to introduce a joint resolution proclaiming the week beginning April 22, 1984, as National Dance Week.

Dance invites our participation in and appreciation of human movement, as artistic expression, exercise, and therapy. And the invitation has resulted in a most successful pas de deux: In the last 20 years, professional dance companies have grown nearly 400 percent; while the audience for professional dance, through live performance and through television, has expanded by more than 2,000 percent.

In our theaters and festivals, ballet and public schools, churches and synagogues, dance marks our celebrations of life. Terpsichore's beguiling and pleasing embrace merits this national vote of homage.

I ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 229

Whereas, more and more professionals and amateurs are involved in dance for their livelihood and avocation, as well as for artistic expression, aesthetic appreciation, emotional outlet and physical fitness;

Whereas, within the past two decades the number of dance companies grew from 100 to 400, while their audiences increased from about 1 million to twenty million, with nearly twice that number viewing dance on television;

Whereas, dance companies are an important artistic and cultural asset in over 200 communities throughout the country, with professional dance companies touring to 350 cities and towns each year;

Whereas, the total budget for America's dance companies rose to over $100 million last year supporting not only thousands of dancers but similar numbers of craft and service personnel who directly benefit from the economic activity generated by dance companies;

Whereas, the number of dance students in universities, private colleges, public schools and studios is increasing rapidly throughout the country;

Whereas, dance is an ethnically and racially diverse activity that serves as a forum for cultural integration.

Whereas, national recognition and promotion will help dance to enrich the lives of Americans of all backgrounds, lifestyles and interests. Now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 22, 1984 is designated as "National Dance Week" and the President of the United States is authorized to issue a proclamation calling upon Federal, State and local government agencies and programs, thereby showing their support of dance in America.●

By Mr. SPECTER:

S.J. Res. 230. A joint resolution to designate the week of October 7, 1984, through October 13, 1984 as "National Birds of Prey Conservation Week"; to the Committee on the Judiciary.

NATIONAL BIRDS OF PREY CONSERVATION WEEK

Mr. SPECTER. Mr. President, today it is my pleasure to introduce legislation designating October 7 to 13, 1984, "National Birds of Prey Conservation Week," on behalf of my distinguished colleague from Pennsylvania, Congressman DON RITTER, and myself.

People sometimes deride resolutions designating special weeks or days, and you might wonder why birds of prey deserve special recognition. There are over 1 million Americans who regularly observe hawks and other birds of prey. To them, the critical importance of these birds to our environment is clear, and it is on their behalf that I am introducing this resolution.

In the past, public attitudes toward birds of prey have been a product of ignorance, and, in 1982, 40 of the 53 birds of prey species were listed by one or more State conservation agencies as endangered, extirpated, threatened, or of concern. Yet, these birds play a vital role as indicators of the quality of the environment and ecosystem they inhabit because they are at the top of their food chain and are, thus, very sensitive to environmental changes. They are essential to our ability to monitor the health of our environment and to recognize problems before they become disasters. Similarly, management to benefit birds of prey will also benefit a wide spectrum of other wildlife species.

The creation of National Birds of Prey Conservation Week would focus public attention on the value of these birds in wildlife communities and stimulate support for the management of their habitats and the preservation of important hawk migration outlooks. It would also direct the public toward esthetic appreciation of these splendid birds and away from the illegal shooting of them which continues to be prevalent in some areas. In addition, it would encourage schools to include birds of prey teaching units in their science curricula.

I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 230

Whereas hawks, owls, and other birds of prey are vital ecological components of the wildlife communities in which they live, and are important environmental indicators of ecosystem quality;

Whereas forty of the fifty-three species of birds of prey that occur regularly in the United States have been listed by one or more State conservation agencies as endangered, extirpated, threatened, or of concern;

Whereas public attitudes regarding birds of prey are changing to one of appreciation and understanding; and

Whereas over a million Americans are birdwatchers who regularly observe hawks and other birds of prey every autumn at migration outlooks located on major raptor flyways scattered from California to Maine, and from Minnesota to Florida and Texas: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 7, 1984 through October 13, 1984 is designated as "National Birds of Prey Conservation Week", and the President of the United States is authorized and requested to issue a proclamation calling upon individuals to observe such a week by considering the importance of birds of prey in wildlife communities.

By Mr. THURMOND (for himself, Mr. BAUCUS, Mr. DOLE, Mr. GRASSLEY, Mr. HATCH, Mr. LAXALT, Mr. LEAHY, Mr. HEFLIN, Mr. BINGAMAN, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. CRANSTON, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mrs. HAWKINS, Mr. HELMS, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MOYNIHAN, Mr. NUNN, Mr. STAFFORD, Mr. STEVENS, and Mr. TSONGAS):

S.J. Res. 232. Joint resolution to authorize and request the President to designate the month of May 1984, as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

Mr. THURMOND. Mr. President, again this year, I am pleased to introduce, along with 25 of my colleagues, including seven distinguished members of the Committee on the Judiciary, a joint resolution designating the month of May as "National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of and involved in the ever-growing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities.

Interest in sports begins at an early age. Nearly 30 million boys and girls

take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racquet sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also are good preventive programs of health care. Therefore, it is essential that we publicize fitness programs, designed to improve the quality of our lives. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I am introducing this joint resolution which requests President Reagan to declare May 1984 as "National Physical Fitness and Sports Month."

Mr. President, I ask unanimous consent that a copy of the resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 232

Whereas one of every two adults in our country is a regular participant in exercise and sports;

Whereas the number of physically active men and women has doubled in ten years and continues to grow rapidly;

Whereas today we recognize that physical activity is an important part of daily life for people of both sexes and of all ages;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available so that all of our citizens will be able to experience the joys and benefits they offer; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May, 1984, as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

By Mr. THURMOND:

S.J Res. 233. A joint resolution to authorize the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information; to the Committee on the Judiciary.

ORGANIZED CRIME COMMISSION AUTHORITY TO SUBPENA WITNESSES

Mr. THURMOND. Mr. President; at the request of the Department of Justice, I am introducing today a joint resolution to authorize the President's Commission on Organized Crime, of which I am a member, to compel the attendance and testimony of witnesses and the production of information.

In order to meet the mandate placed upon it by the President, the Commission must be given the power to quickly and efficiently collect all relevant information from all sources. While I have some questions concerning the scope of the authority being sought, this proposal is an appropriate vehicle for further consideration by the committee.

I ask unanimous consent that the resolution and accompanying letter be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 233

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this joint resolution—

(a) The term "Commission" means the Commission established by the President by Executive Order 12435, dated July 28, 1983, as it now exists and as it may be extended pursuant to amendments to that order.

(b) An oath taken before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, shall be deemed to be an oath taken before a competent officer or person within the meaning of section 1621 of title 18, United States Code (relating to the offense of perjury).

(c) A proceeding before or ancillary to the Commission shall be deemed to be a matter within the jurisdiction of, or before, a department or agency of the United States within the meaning of section 1001, of title 18, United States Code (relating to the offense of making a false statement) and section 1505 of title 18, United States Code (relating to the offense of obstruction of proceedings).

(d) A proceeding before or ancillary to the Commission shall be deemed to be an official proceeding within the meaning of section 1512 of title 18, United States Code (relating to tampering with a witness, victim, or an informant) and section 1513 of title 18, United States Code (relating to retaliating against a witness, victim, or an informant).

(e) For the purposes of section 7, the terms "agency", "individual", "maintain", "record", and "accounting" have the meanings set forth in section 552a, title 5, United States Code.

SEC. 2. ISSUANCE OF SUBPOENAS.

The Commission shall have the power to issue subpoenas, under the signature of the Chairman of the Commission or of another member of the Commission authorized by the Commission, requiring the attendance and testimony of witnesses before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, and the production of information relating to a matter under investigation by the Commission. A subpoena may require the person to whom it is directed to produce such information at any time prior to the time at which such person is to testify, and may require the attendance of a witness and the production of information from any place within the jurisdicton of the United States at any designated place of hearing.

SEC. 3. ENFORCEMENT OF SUBPOENAS.

In case of contumacy or refusal to obey a subpoena issued to a person under section 2, a court of the United States within the jurisdiction of which the person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, shall have jurisdiction, upon application by the Attorney General on behalf of the Commission, to issue to such person an order requiring such person to appear before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, there to give testimony or produce information relating to the matter under investigation, as required by the subpoena. A person who fails to obey such order of the court may be punished by the court as provided in section 401 of title 28, United States Code (relating to criminal contempt), or may be confined pursuant to section 1826 of title 18, United States Code (relating to civil contempt), but such confinement shall not exceed the life of the Commission, including extensions, and in no event shall such confinement exceed eighteen months.

SEC. 4. TESTIMONY OF PERSONS IN CUSTODY.

If the Commission determines that it requires the testimony of a person in custody, a court of the United States within the jurisdiction of which the person is to testify, or within the jurisdiction of which such person is held in custody, shall have jurisdiction, upon application by the Attorney General on behalf of the Commission, to issue a writ of habeas corpus ad testificandum requiring the custodian to produce such person before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose.

SEC. 5. COMPULSION OF TESTIMONY.

If a person who has been or may be called to testify or provide other information refuses, on the basis of his privilege against self-incrimination, to testify or provide such information, the Commission may, with the approval of the Attorney General, issue an order requiring the person to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination in the same manner and subject to the same conditions as an agency of the United States is authorized to issue such an order pursuant to sections 6001, 6002, and 6004 of title 18, United States Code.

SEC. 6. TAKING OF TESTIMONY AND RECEIPT OF EVIDENCE.

The Commission, or a member of the Commission or member of the staff of the Commission designated by the Commission for such purpose, may conduct hearings, administer oaths and affirmations, examine witnesses, and receive documentary or other information in evidence.

SEC. 7. ACCESS TO OTHER AGENCY RECORDS.

(a) Disclosure otherwise prohibited by subsection (b), of section 552a of title 5, United States Code, of a record maintained by an agency, may, upon application to such agency by an attorney for the Commission who has been authorized by the Commission to make such an application, be made to the Commission and members of the staff of the Commission for use in the performance of the Commission's duties.

(b) An agency disclosing a record under subsection (a) shall not make the accounting required by subsection (c) of section 552a of title 5, United States Code, to be made available to the individual named in the record.

SEC. 8. LIMITATIONS ON DISCLOSURE.

A person to whom disclosure of information is made under section 7, shall use such information solely in the performance of his duties for the Commission and shall make no disclosure of such information except as provided for by this joint resolution, or as otherwise authorized by law.

SEC. 9. SERVICE OF PROCESS, WITNESS FEES.

(a) Process and papers issued by the Commission, or by a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, may be served in person, by registered or certified mail, by telegraph, or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. When service is by registered or certified mail or by telegraph, the return post office receipt or telegraph receipt therefor shall be proof of service. Otherwise, the verified return by the individual making service, setting forth the manner of such service, shall be proof of service.

(b) Process of a court to which application may be made under this joint resolution may be served in a judicial district wherein the person required to be served is found, resides, or transacts business.

(c) A witness summoned before the Commission, or before a member of the Commission or a member of the staff of the Commission, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States, and a witness whose deposition is taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., November 18, 1983.

The VICE PRESIDENT,
U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to authorize the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information. This proposal is submitted on behalf of the Commission.

On July 28, 1983, the President approved Executive Order No. 12435 creating the Commission on Organized Crime. Chaired by one of the most distinquished members of the Federal Judiciary, the Honorable Irving R. Kaufman, the President's Commission on Organized Crime is comprised of twenty members including Senator Strom Thrumond, Representative Peter W. Rodino, Jr., and Justice Potter Stewart. The mandate of this panel is set out in Executive Order No. 12435 which specifies that:

The Commission shall make a full and complete national and region-by-region analysis of organized crime; define the nature of traditional organized crime as well as emerging organized crime groups, the sources and amounts of organized crime's income, and the uses of which organized crime puts its income; develop in-depth information on the participants in organized crime networks; and evaluate Federal laws pertinent to the effort to combat organized crime. The Commission shall advise the President and the Attorney General with respect to its findings and actions which can be undertaken to improve law enforcement efforts directed against organized crime, and make recommendations concerning appropriate administrative and legislative improvements and improvements in the administration of justice.

To perform these important functions effectively, the Commission must be able to gather all relevant information expeditiously and efficiently from all available sources. The provisions of the enclosed draft joint resolution are designed to assist the Commission's information-gathering process by: empowering the Commission to issue subpoenas to compel the testimony of witnesses and the production of information (Sec. 2); to seek court orders—punishable by contempt—enforcing its subpoenas (Sec. 3); permitting the Commission to apply for writs of habeas corpus ad testificandum to secure the testimony of persons in custody (Sec. 4); empowering the Commission—with the approval of the Attorney General—to order the giving of testimony or production of other information that a witness refuses to give or produce on the basis of his privilege against self-incrimination (Sec. 5); authorizing the Commission to administer oaths, examine witnesses, and receive evidence (Sec. 6); and permitting disclosure to the Commission of records maintained by other government agencies (Sec. 7). In addition, the joint resolution provides for the protection of information disclosed to the Commission (Sec. 8) and contains provisions for the service of process and payment of witness fees (Sec. 9).

SECTION-BY-SECTION ANALYSIS

The first section of the proposed joint resolution is intended to define the term "Commission" and to clarify that Federal laws relating to perjury, false statements, obstruction of justice, and interference with witnesses apply to Commission proceedings. This section also defines certain key terms by reference to the Privacy Act of 1974, 5 U.S.C. 552a.

Section 2 grants the Commission, acting through the Chairman or an authorized member, subpoena power in aid of the Commission's investigative mission. The Commission's subpoena power is intended to be as broad as the law permits. Specifically, it includes the power to require the attendance and testimony of witnesses, and the production of information both before and at the time at which the person subpoenaed is to testify. The only limitation intended to be placed on the Commission's subpoena power under this section is that the testimony or information sought relate to a matter under investigation by the Commission.

Section 3 specifies the manner in which the Commission's subpoenas are to be enforced. As is true of other government agencies, the Commission has not been given the power to enforce its own subpoenas; rather, like the others, the Commission must seek a court order compelling compliance with its subpoena if the person to whom it is addressed fails or refuses to comply. In such a case, Section 3 gives Federal courts jurisdiction, upon application by the Attorney General on behalf of the Commission, to issue an enforcement order, and provides that failure to obey the order of the court may be treated by the court as contempt thereof.

Section 4 provides a means whereby the Commission may obtain necessary testimony from a person in custody. Under this section, the Attorney General is authorized to apply, on behalf of the Commission, to an appropriate Federal court for a writ of habeas corpus ad testificandum requiring the person's custodian to produce the person before the Commission.

Section 5 grants the Commission the same authority as is conferred by 18 U.S.C. 6001, 6002, and 6004 on various administrative agencies to compel the giving of testimony or production of other information in the face of a refusal based on a person's privilege against self-incrimination. If, in the judgment of the Commission, it may be necessary in the public interest to obtain testimony or other information from an individual and the individual has refused or is likely to refuse to testify or provide the information on the basis of his privilege against self-incrimination, the Commission may, with the approval of the Attorney General, order the individual to give the testimony or provide the information sought. In such a case, however, the testimony or information provided may not be used against the individual in a criminal case other than a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

Section 6 simply authorizes the Commission, acting through a member or a staff member designated for such purpose, to conduct hearings, administer oaths and affirmations, examine witnesses, and receive documentary and other information in evidence.

Section 7 provides for disclosure to the Commission of records of Federal agencies that would otherwise be prohibited by the Privacy Act of 1974, 5 U.S.C. 552a(b). Under Section 7, such a record may, upon application by an attorney for the Commission, be made available to the Commission and its personnel for use in the performance of their duties without notice to or consent by the individual to whom the record pertains, and the agency making the disclosure is relieved of the obligation, imposed by 5 U.S.C. 552a(c), of making an accounting to the individual named in the record. By virtue of the cross-reference in section 1(e) of the joint resolution, the terms "agency," "individual," "maintain," "record," and "accounting" have the meanings set forth in 5 U.S.C. 552a.

Section 8 is intended to underscore the limited purposes for which information autorized by this joint resolution to be made available to the Commission is to be used. It provides that a person to whom disclosure is made of agency records under section 7 shall use such information solely in the performance of his duties for the Commission and shall make no disclosure of such information except as provided for by the joint resolution, or as otherwise authorized by law.

Section 9 contains provisions relating to service of process and payments to witness. Subsection (a) specifies the various means by which the Commission may serve process and other papers. Subsection (b) sets forth the permissible places of service of process of a court to which application is made under the joint resolution. Subsection (c) provides that witnesses summoned before

the Commission shall be paid the same fees and mileage as are paid witnesses in the courts of the United States, and that witnesses whose depositions are taken and the persons taking the depositions shall be paid the same fees as are paid for the same services in the courts of the United States.

In announcing the creation of the Commission on July 28, the President noted the importance of the investigations by the Kefauver Committee in the early fifties, the labor racketeering hearings of the McClellan Commission in the mid-fifties, and the testimony of Federal informant Joseph Valachi before a Senate Committee in the 1960's. The President went on to say that this Commission is "vitally important—one of the centerpieces in our strategy for a frontal assault on the mob in America." He concluded by stating his belief that the Commission "can mobilize the American people against organized crime by triggering the kind of public support that is vital for its final isolation and elimination."

Again, the investigative powers proposed in the enclosed draft joint resolution are essential if the Commission on Organized Crime is to fulfill its mandate. These powers are consistent with those approved by the Congress for previous commissions including the Warren Commission, the Commission on the Causes and Prevention of Violence, and the Commission which investigated the 1979 nuclear incident at Three Mile Island. We will deeply appreciate the prompt attention of the Congress to this proposal.

The Office of Management and Budget has advised this Department that there is no objection from the standpoint of the Administration's program to the presentation of this legislative proposal and that its enactment would be in accord with the program of the President.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

Enclosure.

A JOINT RESOLUTION: AUTHORIZING THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME TO COMPEL THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF INFORMATION

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this joint resolution—

(a) The term "Commission" means the Commission established by the President by Executive Order 12435, dated July 28, 1983, as it now exists and as it may be extended pursuant to amendments to that order.

(b) An oath taken before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, shall be deemed to be an oath taken before a competent officer or person within the meaning of section 1621 of title 18, United States Code (relating to the offense of perjury).

(c) A proceeding before or ancillary to the Commission shall be deemed to be a matter within the jurisdiction of, or before, a department or agency of the United States within the meaning of section 1001, of title 18, United States Code (relating to the offense of making a false statement) and section 1505 of title 18, United States Code (relating to the offense of obstruction of proceedings).

(d) A proceeding before or ancillary to the Commission shall be deemed to be an official proceeding within the meaning of section 1512 of title 18, United States Code (relating to tampering with a witness, victim, or an informant) and section 1513 of title 18, United States Code (relating to retaliating against a witness, victim, or an informant).

(e) For the purposes of section 7, the terms "agency", "individual", "maintain", "record" and "accounting" have the meanings set forth in section 552a, title 5, United States Code.

SEC. 2. ISSUANCE OF SUBPOENAS.

The Commission shall have the power to issue subpoenas, under the signature of the Chairman of the Commission or of another member of the Commission authorized by the Commission, requiring the attendance and testimony of witnesses before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, and the production of information relating to a matter under investigation by the Commission. A subpoena may require the person to whom it is directed to produce such information at any time prior to the time at which such person is to testify, and may require the attendance of a witness and the production of information from any place within the jurisdiction of the United States at any designated place of hearing.

SEC. 3. ENFORCEMENT OF SUBPOENAS.

In case of contumacy or refusal to obey a subpoena issued to a person under section 2, a court of the United States within the jurisdiction of which the person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, shall have jurisdiction, upon application by the Attorney General on behalf of the Commission, to issue to such person an order requiring such person to appear before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, there to give testimony or produce information relating to the matter under investigation, as required by the subpoena. A person who fails to obey such order of the court may be punished by the court as provided in section 401 of title 28 United States Code (relating to criminal contempt), or may be confined pursuant to section 1826 of title 18, United States Code (relating to civil contempt), but such confinement shall not exceed the life of the Commission, including extensions, and in no event shall such confinement exceed eighteen months.

SEC. 4. TESTIMONY OF PERSONS IN CUSTODY.

If the Commission determines that it requires the testimony of a person in custody, a court of the United States within the jurisdiction of which the person is to testify, or within the jurisdiction of which such person is held in custody, shall have jurisdiction, upon application by the Attorney General on behalf of the Commission, to issue a writ of habeas corpus ad testificandum requiring the custodian to produce such person before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose.

SEC. 5. COMPULSION OF TESTIMONY.

If a person who has been or may be called to testify or provide other information refuses, on the basis of his privilege against self-incrimination, to testify or provide such information, the Commission may, with the approval of the Attorney General, issue an order requiring the person to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination in the same manner and subject to the same conditions as an agency of the United States is authorized to issue such an order pursuant to sections 6001, 6002, and 6004 or title 18, United States Code.

SEC. 6. TAKING OF TESTIMONY AND RECEIPT OF EVIDENCE.

The Commission, or a member of the Commission or member of the staff of the Commission designated by the Commission for such purpose, may conduct hearings, administer oaths and affirmations, examine witnesses, and receive documentary or other information in evidence.

SEC. 7. ACCESS TO OTHER AGENCY RECORDS.

(a) Disclosure otherwise prohibited by subsection (b), of section 552a of title 5, United States Code, or a record maintained by an agency, may, upon application to such agency by an attorney for the Commission who has been authorized by the Commission to make such an application, be made to the Commission and members of the staff of the Commission for use in the performance of the Commission's duties.

(b) An agency disclosing a record under subsection (a) shall not make the accounting required by subsection (c) of section 552a of title 5, United States Code, to be made available to the individual named in the record.

SEC. 8. LIMITATIONS ON DISCLOSURE.

A person to whom disclosure of information is made under section 7, shall use such information solely in the performance of his duties for the Commission and shall make no disclosure of such information except as provided for by this joint resolution, or as otherwise authorized by law.

SEC. 9. SERVICE OF PROCESS, WITNESS FEES.

(a) Process and papers issued by the Commission, or by a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, may be served in person, by registered or certified mail, by telegraph, or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. When service is by registered or certified mail or by telegraph, the return post office receipt or telegraph receipt therefor shall be proof of service. Otherwise, the verified return by the individual making service, setting forth the manner of such service, shall be proof of service.

(b) Process of a court to which application may be made under this joint resolution may be served in a judicial district wherein the person required to be served is found, resides, or transacts business.

(c) A witness summoned before the Commission, or before a member of the Commission or a member of the staff of the Commission, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States, and a witness whose deposition is taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

By Mr. BENTSEN:

S.J. Res. 234. Joint resolution to designate the week of February 11, 1984 through February 18, 1984, as "League of United Latin American Citizens

Week"; to the Committee on the Judiciary.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS WEEK

● Mr. BENTSEN. Mr. President, as the League of United Latin American Citizens (LULAC) celebrates its 55th anniversary, I am pleased to introduce a joint resolution proclaiming February 11 to 18, 1984, as National LULAC Week.

LULAC, the oldest and largest Hispanic organization in the United States, has long been in the forefront of efforts to win equal rights and equal opportunity for some 15 million Americans of Hispanic descent. Hispanic Americans are the fastest growing ethnic group in this Nation and have played a vital role in the development of this country.

Despite the obvious and important role Hispanic Americans have played in building America, many have been slow to appreciate the problems and injustices suffered for so long by this community. For more than half a century, LULAC has been a leader in the effort to eradicate segregated schools, eliminate restrictions against Hispanics owning property and has worked to combat other forms of discrimination. For generations, LULAC has championed the fundamental guarantees of our Constitution and sought equality of opportunity for all Americans.

But as LULAC has fought against social injustice, it has also been committed to developing programs in response to the unique problems faced by Hispanic Americans in the schools and in the workplace.

In 1957, LULAC developed a preschool program to teach Spanish-speaking children English prior to their entry into the public schools. The project came to be known as the "Little schools of the 400" and became so successful that the Texas Board of Education provided funding to implement this concept statewide.

In 1965, President Lyndon B. Johnson, impressed by the little schools concept, expanded on this model and proposed Operation Head Start, which has served tens of thousands of children since its inception.

LULAC's commitment to educational achievement has evolved in accordance with the changing requirements of the Hispanic community. In 1973, for example, the LULAC educational service centers were established and now provide academic and career counseling to 16,000 college students annually. LULAC also administers the Nation's largest Hispanic scholarship program, which began in 1975 and raises $250,000 annually to benefit 500 students.

In an effort to improve employment opportunities for disadvantaged Hispanics, LULAC jointly organized the SER-jobs for progress program with another prominent Hispanic organization, the American GI Forum. SER has been in operation for 9 years and provides job training at 150 job centers in more than 100 cities in the country, serving some 50,000 trainees annually.

The achievements of this vital organization is a tribute to the ingenuity and sense of purpose so commendable of our American tradition. LULAC has served as an inspiration to the Hispanic community. The struggle for social justice, human dignity, better opportunity in education, and greater access to employment will remain cardinal points of LULAC concern.

I am pleased to join in commending the leaders and members of LULAC on their 55th anniversary and ask your support in approving this joint resolution honoring dedicated men and women who have sought and worked untiringly to make the American dream an integral part of the lives of all Hispanic Americans.

As this new decade brings new challenges, I know we can rely on LULAC to be a guiding force and play a key role in helping shape responses to the issues of the eighties.●

By Mr. PELL:

S.J. Res. 235. A joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial; to the Committee on the Judiciary.

HONORING OUR NATION'S LAW ENFORCEMENT HEROS WHO HAVE DIED IN THE LINE OF DUTY

● Mr. PELL. Mr. President, I am pleased today to introduce legislation commemorating the brave men and women who have given their lives in the war against crime. The joint resolution I am introducing today along with Congressman MARIO BIAGGI of New York will establish a National Police Memorial within the District of Columbia. With good reason we have honored those who lost their lives in foreign wars, and a similar national monument is needed to honor law enforcement officers who have been killed in the line of duty.

The Federal Bureau of Investigation reports that during the past decade, 1,600 law enforcement officers were killed in the line of duty. In the last 2 years alone, 309 died while performing their official duties—meaning there is nearly one police officer killed every 2 days in the United States.

Under the legislation I am introducing with Congressman BIAGGI, no Federal funds would be required to construct the police memorial. Our proposal creates a nonprofit "Law Enforcement Officers Memorial Fund" which will establish the memorial through private contributions. This organization will also be responsible for selecting a suitable site on grounds owned by the Federal Government within the District of Columbia. The site selection will be made with the approval of the National Capital Planning Commission and the Commission of Fine Arts. The actual design of the Memorial, which will be known as the "National Law Enforcement Heroes Memorial," will be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. The only expenses borne by the Federal Government in connection with the memorial will be in relation to the process of site selection and approval of the design and plans.

I am especially proud that my own State of Rhode Island has been a national leader in advancing the idea of a police memorial. Last year, the Rhode Island General Assembly became the first State legislative body to pass a resolution calling upon the Congress to establish a National Police Memorial. The idea for this resolution originated with Raymond Pezzulo, a retired Providence policeman who has been a longtime national leader in the Fraternal Order of Police, Wayne Sacco, the president of the Rhode Island FOP, and Detective Tony Phillips, treasurer of the Rhode Island FOP. I would like to take this opportunity to commend the Rhode Island Fraternal Order of Police for their leadership in advancing this important proposal.

Clearly no memorial can fully acknowledge the supreme sacrifice made by those men and women in the law enforcement community who have lost their lives in the line of duty. What we are seeking to do with this resolution is express our gratitude for the vital services provided by our law enforcement community, and to focus national attention on the need to better protect those who continue to protect us. I sincerely hope that this legislation will bring greater national recognition to the men and women who are our front line of defense in the war against crime, especially at a time when we are asking the police to do more and more in the war against crime with diminished budgets and smaller manpower levels. In spite of these considerable obstacles, the national crime rate has dropped for 2 years in a row and there is no question that the law enforcement community deserves the credit for this improvement in our security.

Mr. President, I hope that every Member of the Congress will join with Congressman BIAGGI and me in supporting this legislation to commemorate our Nation's law enforcement heroes who have given their lives in the line of duty.

I ask unanimous consent that the text of the resolution be printed in the RECORD at this point:

There being no objection, the Joint Resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 235

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Law Enforcement Officers Memorial Fund, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia, is authorized to establish a memorial on public grounds in the District of Columbia or its environs to honor and recognize law enforcement officers in the United States who died in the line of duty. Such memorial shall be known as the National Law Enforcement Heroes Memorial.

SEC. 2. (a) The Secretary of the Interior, in consultation with the Law Enforcement Officers Memorial fund, Inc., is authorized and directed to select with the approval of the Commission of Fine Arts and the National Capital Planning Commission a suitable site on grounds owned by the Federal Government in the District of Columbia or its environs.

(b) The Law Enforcement Officers Memorial Fund, Inc., shall be responsible for the development of a design and plans for such memorial which shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission fails to approve or make specific objection to such design and plans within ninety days of submission, his or its approval shall be deemed to be given.

(c) Neither the United States nor the District of Columbia shall bear any expense in the establishment of the memorial other than expenses incurred in the process of site selection and approval of design and plans.

SEC. 3. The authority conferred pursuant to this resolution shall lapse unless—

(1) prior to groundbreaking for actual construction of the memorial, funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial in accordance with the approved design and plans, and

(2) the construction of such memorial is commenced within five years from the date of adoption of this resolution.

SEC. 4. The maintenance and care of the memorial established under this resolution shall be the responsibility of the Secretary of the Interior.●

By Mr. MATSUNAGA (for himself, Mr. PELL and Mr. MATHIAS):

S.J. Res. 236. A joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms race; to the Committee on Foreign Relations.

EAST-WEST COOPERATION IN SPACE AS AN ALTERNATIVE TO A SPACE ARMS RACE

Mr. MATSUNAGA. Mr. President, I am today introducing, with the distinguished Senators from Rhode Island and Maryland, Mr. PELL and Mr. MATHIAS, a joint resolution designed to encourage cooperative East-West ventures in space as an alternative to a space arms race. The resolution calls upon the President of the United States to renew the 5-year space cooperation agreement with the Soviet Union that was initiated by President Nixon in 1972, renewed by President Carter in 1977, then allowed to lapse in 1982 after it had resulted in a decade of benefits to American space science. The resolution also urges the President to renew East-West planning for joint activities in such fields as space medicine and biology, space rescue, planetary science, manned and unmanned space exploration. Such renewed activity is good science and good politics.

From a scientific perspective, our legislation proposes no new departures. It seeks merely to resume promising activities of proven mutual benefit that enjoy the virtually unanimous support of space scientists in the United States, the Soviet Union, Europe, Japan, India, throughout the world, all of whom have suffered from the breakdown in communication between the two world leaders in space science research. In this case, they are innocent victims of circumstances having little or nothing to do with space issues per se, including the issue of technology transfer. The space agreement was 1 of 11 U.S.-U.S.S.R. cooperation agreements initiated in the early seventies. It so happened that 3 of those 11—space, energy, science, and technology—came up for renewal in May 1982, 5 months after the declaration of martial law in Poland. They thus offered convenient means for demonstrating American displeasure with Soviet behavior at a coincidental point in time. As the Under Secretary of State for Security Assistance, Science and Technology told the House Foreign Affairs Committee last summer, "the primary criterion in the selection of those agreements which have been terminated was the date of their expiration, which in all cases was mid-1982." In that respect, the space cooperation agreement was terminated by pure chance.

Had the United States-Soviet medicine and public health cooperation agreement come up for renewal in May 1982, instead of the space agreement, the world medical community might be lamenting its losses today, rather than the space science community, and important advances in cardiovascular medicine and cancer research would not have been recorded. As with medical research, the challenges and potential benefits of space science research transcend nationalistic differences. Its artificial compartmentalization is in the interest of no one.

Prior to introducing similar legislation last session, I contacted many of the Nation's leading space scientists and others prominent in space activities and asked them: Would American science benefit from resumption of cooperative activities with Soviets? I ask unanimous consent that the full text of their unanimously affirmative replies be included in the RECORD, following my statement, as well as the texts of letters just received from Dr. Tobias Owen and Christopher Kraft, the text of the 1977 United States-Soviet space cooperation agreement that this legislation seeks to renew, and the section on space science of a State Department progress report on the 11 U.S.-U.S.S.R. cooperation agreements, submitted to the Congress last summer, which describes a solid, expanding, fruitful program of space science cooperation right up to the administration's decision to let it all lapse.

Among the uninformed, there exists a self-contradictory presumption that the Soviets, whose Sputnik excited a crisis of confidence in American science and technology, practice some kind of stone age space science and that they would be the only beneficiaries of United States-Soviet space cooperation. The record shows otherwise. Especially in space medicine and biology the United States has learned a great deal from cooperation with the Soviets and could learn a lot more. During the 1970's, when our own space exploration program took a back seat to space shuttle development, American scientists piggybacked into a Soviet biosatellite program which proved so successful that our Government allowed American participation to continue even after the space agreement was terminated. The last experiment in that series occurred only a few weeks ago, when, for the third time, the Soviets accepted American experiments on one of their biological spacecraft. Originally, scientists from both countries anticipated that the gesture would be repaid by the Americans including a like number of Soviet experiments on the shuttle once it became operational; but we changed our minds. Similarly, American scientists have benefited enormously from data on the Soviet Union's 14 successful Venus missions. At the time the cooperation agreement was terminated, American space scientists were on the verge of signing substantial agreements "to cooperate in further exploration of Venus," according to the letter I received from Dr. Eugene Levy, a member of our negotiating team. Indeed, the State Department reported that "for the 5 months of 1982 in which U.S.-U.S.S.R. exchange activities took place under space agreement auspices, the overall value of the scientific and technical information clearly favored the United States."

In a most illuminating letter, Dr. Tobias Owen of the State University of New York at Stony Brook lists four United States-Soviet space cooperation categories of increasing complexity, based on his 15 years of experience in dealing with Soviet space scientists:

First, joint discussion of results from space missions.

Second, joint planning of separately conducted missions in order to increase the total science return.

Third, sharing of experiments, for example, we fly one of their instruments on one of our spacecraft, and vice versa.

Fourth, joint missions—in which planning, construction, operations, and data analysis are done jointly.

Dr. Owen's proposal contains the seeds of a space cooperation policy, that, if developed properly, could present us with an exciting alternative to an arms race in space. It might be initiated by relatively small-scale, confidence-building activities—sharing of results from separate missions, consultation in setting objectives for separate but potentially complementary missions—and would build gradually toward joint activity of steadily expanding scope. Progress along that high road could be tied to progress in such space arms control issues as inspection and verification. I have suggested elsewhere that the process might be linked to a moratorium on weapons testing in space: So long as cooperation proceeded in a manner satisfactory to both parties, the moratorium would hold; the longer the process continued, the greater the stake of each participant, and the less likelihood of regression.

In summary, renewal of the space cooperation agreement with the Soviet Union would provide scientists and foreign policymakers with new options for pursuing their important interests. Exploration of the solar system could proceed in a manner that without the slightest doubt promises the greatest scientific return for all parties. At the same time, foreign policymakers would be presented with new working alternatives to confrontation in space, new working contexts, that could open up a whole new array of opportunities. Even in its initial stages, renewal of the cooperation agreement would permit the repetitive but so far unproductive calls on both sides for reduction in tension to be translated into concrete deeds without posing any danger to national security. Finally, renewed cooperation in space could save bilions of dollars as space science and exploration lead us into a new age of awesome potential. As Dr. Owen writes, a Mars sample return mission is "a natural for cooperation" that could set the stage for an international manned mission to Mars in the 21st century. Is not the prospect at least worth exploring?

Perhaps more than any other avenue, United States-Soviet space cooperation offers an opportunity to practice the policy of "hard-headed détente" advocated by President Richard Nixon and others, involving sharply defined activities and limited expectations, in the context of an expanding, hopeful vision of the future. Our children and grandchildren would never forgive us for failing even to give it a decent chance.

I ask unanimous consent that the text of the joint resolution and accompanying material be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 236

Whereas the United States and the Soviet Union are on a course leading toward an arms race in space which is in the interest of no one;

Whereas the prospect of an arms race in space between the United States and the Soviet Union has aroused worldwide concern expressed publicly by the governments of many countries, including most of the allies of the United States, such as Australia, Canada, France, the Federal Republic of Germany, India, Japan, and the United Kingdom of Great Britain;

Whereas an arms race in space would open the door to a range of new weapons systems that would seriously threaten global stability, undermine the prospects for successful arms control agreements, and create pressures for new defense expenditures unprecedented in scope even for these times;

Whereas the 1972–75 Apollo-Soyuz project involving the United States and the Soviet Union and culminating with a joint docking in space was a significant success, thus proving the practicability of a joint space effort;

Whereas shortly after the completion of the Apollo-Soyuz project, and intended as a follow-up to it, the United States and the Soviet Union signed a formal agreement to examine the feasibility of a Shuttle-Salyut Program and an International Space Platform Program, but that initiative was allowed to lapse;

Whereas the United States signed a five-year space cooperation agreement with the Soviet Union in 1972, renewed it in 1977, then chose not to renew it in 1982, despite numerous scientific benefits accruing to the United States as a result of joint activities initiated under that agreement;

Whereas the opportunities offered by space for prodigious achievements in virtually every field of human endeavor, leading ultimately to the colonization of space in the cause of advancing human civilization, would probably be lost irretrievably were space to be made into yet another East-West battleground; and

Whereas allowing space to become an arena of conflict without first exerting every effort to make it into an arena of cooperation would amount to an abdication of governmental responsibility that would never be forgotten: Now, therefore, be it

Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled that the President should—

(1) Renew the 1972-1977 agreement between the United States and the Soviet Union on space cooperation for peaceful purposes;

(2) Initiate talks with the Government of the Soviet Union, and with other governments interested in space activities, to explore the opportunities for cooperative East-West ventures in space as an alternative to an arms race in space, including cooperative ventures in such areas as space medicine and space biology, space rescue, planetary science, manned and unmanned space exploration; and

(3) Submit to the Congress at the earliest possible date, but not later than October 1, 1984, a report detailing the steps taken in carrying out paragraphs (1) and (2).

1977 UNITED STATES-SOVIET SPACE COOPERATION AGREEMENTS

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING COOPERATION IN THE EXPLORATION AND USE OF OUTER SPACE FOR PEACEFUL PURPOSES

The United States of America and the Union of Soviet Socialist Republics;

Considering the role which the U.S.A. and the U.S.S.R. play in the exploration and use of outer space for peaceful purposes;

Striving for a further expansion of cooperation between the U.S.A. and the U.S.S.R. in the exploration and use of outer space for peaceful purposes;

Noting the positive cooperation which the parties have already experienced in this area;

Desiring to make the results of scientific research gained from the exploration and use of outer space for peaceful purposes available for the benefit of the peoples of the two countries and of all peoples of the world;

Taking into consideration the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, as well as the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space;

Encouraged by the progress made in the course of mutually agreed activities pursued under the Agreement Between the United States of America and the Union of Soviet Socialist Republics Concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes, signed May 24, 1972;

In accordance with the General Agreement between the United States of America and the Union of Soviet Socialist Republics on Contacts, Exchanges and Cooperation in Scientific, Technical, Educational, Cultural, and Other Fields, signed June 19, 1973, and in order to develop further the principles of mutually beneficial cooperation between the two countries;

Have agreed as follows:

ARTICLE 1

The Parties will continue to develop cooperation in such fields of space science and applications as space meteorology; study of the natural environment; exploration of near earth space, the moon and the planets; space biology and medicine; satellite search and rescue systems; and, in particular, will cooperate to take all appropriate measures to encourage and achieve the fulfillment of the Summary of Results of Discussion on Space Cooperation Between the U.S. National Aeronautics and Space Administration and the Academy of Sciences of the U.S.S.R. dated January 21, 1971, periodically renewed.

ARTICLE 2

The Parties will carry out such cooperation through their appropriate national agencies by means of mutual exchanges of scientific information and delegations, and meetings of scientists and specialists of both countries, and also in such other ways as may be mutually agreed. Joint Working Groups may be created for the development and implementation of appropriate programs of cooperation.

ARTICLE 3

The Parties will take all necessary measures for the further development of cooperation in the area of manned space flight for scientific and practical objectives, including the use in joint flights of compatible docking and rendezvous systems derived from those developed during the experimental flight of Apollo and Soyuz spacecraft in July 1975. Joint work in this diretion will be carried out in accordance with the Agreement Between the U.S. National Aeronautics and Space Administration and the Academy of Sciences of the U.S.S.R. on Cooperation in the Area of Manned Space Flight dated May 11, 1977.

ARTICLE 4

The Parties will encourage international efforts to resolve problems of international law in the exploration and use of outer space for peaceful purposes with the aim of strengthening the legal order in space and further developing international space law and will cooperate in this field.

ARTICLE 5

The Parties may by mutual agreement determine other areas of cooperation in the exploration and use of outer space for peaceful purposes.

ARTICLE 6

This Agreement shall enter into force May 24, 1977 and shall remain in force for five years. It may be modified or extended by mutual agreement of the Parties.

Done at Geneva this 18th day of May 1977 in duplicate in the English and Russian languages, both equally authentic.

For the United States of America
CYRUS R. VANCE.

For the Union of Soviet Socialist Republics
A. GROMYKO.

REPORT TO CONGRESS: SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION, FISCAL YEAR 1981 AND FISCAL YEAR 1982, DEPARTMENT OF STATE AUTHORIZATION ACT, SECTION 126. (A) AND (B)

EXECUTIVE SUMMARY

Overview

This summary section will provide a brief overview of the history and current status of the U.S.-Soviet cooperative science and technology exchange agreements, followed by a statement on "the risk of the transfer to the Soviet Union of militarily significant technology through research, exchanges, and other activities conducted pursuant to those agreements," as requested in Section 126. (a)(1).

The balance of the report will contain the individual agency submissions, which will address the information requested in Section 126. (a)(2).

The list of Soviet nationals participating during the upcoming academic year in the U.S. and the Soviet Union under the graduate student/young faculty exchange or senior scholar exchange, their topics of study and where they are to study shall be provided not later than July 1 as specified in Section 126. (c).

Background

Since 1958, agreements between the United States and the Soviet Union have provided for science and technology exchanges with the Soviet Union, as well as those in the fields of education, culture and information. Science and technology exchange activities were conducted under specialized cooperative agreements which were signed by the U.S. and U.S.S.R. during summits in Moscow (1972 and 1974) and Washington (1973). This framework led to a significant increase in science and technology activities, which remained at a high level throughout much of the 1970's.

FISCAL YEARS 1981 AND 1982: US-USSR COOPERATION IN SPACE RESEARCH

Under the 1972 intergovernmental US-U.S.S.R. Agreement on Space Cooperation (renewed in 1977), NASA carried out specific joint activities and projects with Soviet counterparts during 1981 and 1982 within the framework of four Joint Working Groups (JWGs): Space Biology and Medicine, Near-Earth Space, the Moon and Planets, Study of the Natural Environment, and Space Meteorology. A fifth area of cooperation envisioned in the 1977 Space Agreement renewal—satellite search and rescue systems—continued to be developed during this period but moved beyond the bilateral framework under a 1980 multilateral agreement involving participation by Canada and France, the U.S. and the U.S.S.R.

During 1981, bilateral exchanges under the Space Agreement continued to be curtailed significantly as part of the US response to the Soviet invasion of Afghanistan, and were reduced even further by the US during 1982 in response to Soviet actions in Poland. Among the sanctions announced by the Administration in December, 1981, was the decision that the US-USSR Space Agreement would not be renewed when it came up for renewal. The agreement thus expired on May 24, 1982.

1981 activities

The majority of joint US-USSR space activities during 1981 took place in the areas of space biology and medicine and planetary research. Highlights of projects and activities which occurred in 1981 are given below:

Space Biology and Medicine.—During 1981, NASA continued to participate in preparations for a Soviet biosatellite mission scheduled for launch in 1982 (the launch has since slipped to the fall of 1983). This "Cosmos" biosatellite mission will fly primates for the first time in the Soviet program, and the U.S. will provide technical support for planned cardiovascular and biorhythm measurements on two small rhesus monkeys. In addition, U.S. scientists are participating in investigations using rats to study calcium metabolism and embryology. In return for its assistance, the U.S. will receive the unique biomedical data obtained during the mission for subsequent analysis and interpretation.

In May, agreement was reached on a new cooperative project to measure human vertebral bone mineral changes resulting from long-duration manned spaceflight. Through a series of computer-assisted tomograph (CAT) scans taken of cosmonaut vertebra, the effects of extended periods of weightlessness on overall bone development processes may be observed and analyzed. Under this cooperative project, Soviet scientists are responsible for taking the prescribed pre-flight and post-flight CAT scans of cosmonauts using US-provided magnetic tapes, and then shipping these tapes with the raw data to the US for subsequent analysis and interpretation. The final result of the US study is then to be shared with the Soviets. This type of study, using the most modern medical techniques, should result in a greater understanding of the physiological changes occurring both during space missions and following return to the normal gravity environment on Earth.

In November, 1981, the twelfth meeting of the Space Biology and Medicine JWG was held in Washington. A special feature of the meeting was a 2½-day Cardiovascular Symposium, which brought together US and Soviet specialists to exchange information and data from ground-based simulations of weightlessness and actual space missions. US scientists learned firsthand the biomedical results from the Soviet 185-day Salyut manned mission, as well as the results of a later 75-day Salyut mission. The agreed work in bone mineral measurements using CAT scanning techniques was broadened in scope to include studies of bone mineral mass and muscle density. In addition, US participation in the USSR "Cosmos" biosatellite mission was further defined. Finally, the participants agreed to publish the final results of their Joint Bedrest Study (completed in 1979) independently during 1982.

Near Earth Space, the Moon and Planets.—During 1981, a number of scientist-to-scientist exchanges took place in the areas of planetary geology, planetary atmospheres and space plasma physics. The Soviets also contributed a large body of written material on the results of their past Venera missions to Venus for incorporation in future NASA publications on Venus.

In August, the Soviet Academy of Sciences complied with a NASA request to reduce the potential for radio-frequency interference (RFI) during the Voyager 2 spacecraft's nine-day encounter period with the planet Saturn. Similar Soviet cooperation had been extended to NASA in connection with previous US planetary encounters in 1978 (Pioneer-Venus), 1979 (Pioneer 11-Saturn), and 1980 (Voyager 1-Saturn).

A highly-successful meeting of the U.S.-USSR JWG on Near-Earth Space, the Moon and Planets was held in San Francisco in October, 1981. During this meeting, scientific results were presented from the 1978 U.S. and Soviet missions to Venus (Pioneer Venus and Venera 11 and 12, respectively). Reports were given on the state of a current research in the following topic areas: the solar wind interaction with non-magnetized or weakly magnetized solar system bodies; geological interpretation of Mars data; lunar sample analyses; and Antarctic meteorite and cosmic dust studies. The participants also exchanged detailed information on plans for future planetary missions, and reached agreement on a joint program of collaboration in the analysis and interpretation of X-ray and gamma-ray remote sensing data for planetary exploration using ground-based and balloon flight studies.

During the October planetary discussion, the two sides agreed to consider as a primary objective for their next JWG meeting the establishment of several kinds of coordinated efforts which could enlarge the scope of current bilateral activities. That meeting was to have taken place in the Soviet Union in May, 1982, but was not held due to the non-renewal of the U.S.-U.S.S.R. Space Agreement.

Space Meteorology.—In the rocket meteorology area, cooperation has focused on the exchange and analysis of data from the Eastern and Western Hemispheric meridional network. During 1981, these joint efforts continued but at a reduced level due to the closing of several U.S. rocket ranges in 1979 and 1980, and changes in NASA's budget priorities. In the satellite meteorology area, laboratory and field data were exchanged during 1981 to establish common data processing procedures for atmospheric temperature sounding with the objective of making international sources of meterological data more compatible.

Short-term and long-term exchanges during 1981

A statistical summary of the total man-days spent in short-term and long-term exchanges during 1981 under U.S.-U.S.S.R. Space Agreement is given below:

Type	U.S. mandays spent in U.S.S.R.	U.S.S.R. mandays spent in U.S.
Short term (less than 60 days)	88	[1] 406
Long term (over 60 days)	0	0

[1] Due largely to two Joint Working Group (JWG) meetings held in the U.S. during the year. Other exchanges were approximately in balance.

Value of information exchanged during 1981

The overall value of the scientific and technical information exchanged during 1981 would appear to be approximately balanced. It should be noted, however, that certain data (particularly biomedical data related to long-duration manned spaceflight) is available only from the U.S.S.R.

1982 activities

Following the decision on non-renewal of the Space Agreement, NASA received interagency authorization to complete its participation in the Soviet "Cosmos" biosatellite mission (discussed in an earlier section) on the basis of agency-to-agency agreements with Institute of Biomedical Problems in Moscow dating from 1978-81. These agreements continue in force independent of the Space Agreement. Continuation of other agency-level activities was and is subject to case-by-case interagency review, as would be any proposals for NASA involvement in future Soviet biosatellite missions.

During 1982, several U.S. specialists in planetary geological and atmospheric research visited space research institutes in the Soviet Union as guests of the U.S.S.R. Academy of Sciences. The specialists were NASA contractors and grantees from universities and private industry. These scientist-to-scientist discussions were particularly fruitful since they occurred during and after the successful landings of the U.S.S.R.'s Venera 13 and 14 spacecraft on the Vensuian surface in March, 1982.

Other bilateral activities envisoned by or dependent upon the existence of the U.S.-U.S.S.R. Space Agreement essentially ceased with its lapse in May, 1982. No meetings of the JWG's established under the Agreement took place during 1982. No new joint space activities or projects were initiated during 1982.

Short-term and long-term exchanges during 1982

A statistical summary of the total man-days spent in short-term and long-term exchanges in 1982 under the U.S.-U.S.S.R. Space Agreement prior to its expiration on May 24 is given below:

Type	U.S. man-days spent in U.S.S.R.	U.S.S.R. man-days spent in U.S.
Short term (less than 60 days)	55	0
Long term (over 60 days)	0	0

Value of information exchanged during 1982

For the five months of 1982 in which U.S.-U.S.S.R. exchange activities took place under Space Agreement auspices, the overall value of the scientific and technical information clearly favored the U.S. For example, visits to the Soviet Union clearly benefited the U.S. scientific community involved with planetary exploration, expecially since these visits coincided with receipt of data and results during and after the March Soviet Venus lander missions. No comparable US information flow to the Soviets was possible during 1982, since the U.S. had no Venus mission of its own to Venus during this period. In fact, at present there are no plans to launch another U.S. spacecraft to Earth's sister planet before 1988.

In the biomedical area, the U.S. continued to receive the raw data from Soviet CAT scans of cosmonaut crews involved in long-duration manned spaceflight for subsequent processing and reduction. Such data are unique in light of the current short-duration focus of the U.S. manned spaceflight programs using the Space Shuttle. Since human physiological changes become more pronounced with the increase in staytime in the weightless environment of space, U.S. biomedical information provided to the Soviets during 1982 was of relatively limited research value.

Level of U.S. and U.S.S.R. funding during 1981 and 1982

Since the entry into force of the U.S.-U.S.S.R. Space Agreement, NASA has conducted its cooperative activities and projects with Soviet counterparts on the basis of mutual interest and reciprocity. During 1981 and 1982, as in previous years, funding for approved joint projects has been provided within the budgetary constraints of existing programs. No specific R&D line items for U.S.-U.S.S.R. actitivies is included in NASA budgets.

STATE UNIVERSITY OF NEW YORK AT STONY BROOK,
Stony Brook, N.Y., February 3, 1984.

Senator SPARK M. MATSUNAGA,
Hart Building, Washington, D.C.

DEAR SENATOR MATSUNAGA: I was delighted to learn that you are co-sponsoring a bill to promote peaceful cooperation in space with USSR.

As a scientist devoted to studies of the solar system, I have had numerous contacts with Soviet counterparts over the years. I made my first visit to USSR in 1967, to give a series of lectures at various institutions. This was part of an exchange program between the Soviet and U.S. Academies of Science, under the general cultural exchange agreement that existed between the two countries at that time.

Since then, I have made many other visits, and have hosted visits from Soviet scientists here. These encounters have always involved exchanges—the Soviets would share and discuss their new results and we would present ours. The openness with which they were willing to discuss their results was particularly helpful during our preparations for the successful landing on Mars by the Viking Missions in 1976.

These days, visits in both directions are much harder to arrange. To cite just one example, the Soviets can no longer fly on their own airline to our country. Despite these obstacles, we still make efforts to meet, since it remains mutually enlightening to do so. At the present time, the Soviets have two Venus orbiters in place that are making maps of the planet's surface. The resulting information is of great interest to our scientists planning a similar mission.

This leads me to some specific proposals for future cooperation in space with the USSR. I see these opportunities falling into four categories. In order of increasing complexity, these are as follows:

1. Joint discussion of results from space missions.

2. Joint planning of separately conducted missions in order to increase the total science return.

3. Sharing of experiments, e.g., we fly one of their instruments on one of our spacecraft, and vice versa.

4. Joint missions—in which planning, construction, operations, and data analysis are done jointly.

In looking over the mission set recommended in Part I of the SSEC Report (see enclosure), I see the following opportunities for cooperation:

(A) *Small Bodies—Asteroids and Comments.*—Sharing of instruments and joint mission planning would be very effective. To build up a comprehensive picture of the nature of these small bodies, we will need to visit a lot of them. If would be marvelous if we could plan jointly with the Soviets that we would visit one set of these objects (which might just be one object) and they would go to another, using a common payload consisting of instruments from both countries.

(B) *Inner Planets.*—The missions currently under consideration by both countries are redundant already, but this overlap is bound to be useful. It would be even more useful if these missions could be planned in detail by representatives of both groups, and provisions were made for subsequent data exchange and analysis.

(C) *Outer Planets.*—At the present time, the Soviets have no Outer Planet Program. If some cooperation could be arranged in the other areas, it might be possible to develop something here too. For example, they do have infrared spectrometers that could be considered as candidate instruments on some of these missions.

Part II of the SSEC report will consider missions of larger scope, and it is here that cooperation with the USSR becomes particularly attractive. The two missions with highest priority at the present time are Mars Sample Return and Comet Sample Return. Of these two, the Mars Sample Return Mission is a natural for cooperation. The reasons are that it is expensive, the Soviets are clearly interested in Mars, and it is a mission with a great potential for popular interest and enthusiasm.

There are several different ways of mounting the mission, but one that has a special appeal is to do it in two steps: first to gather samples and second to bring them back. The two goals are to sample as wide a variety of terrains on Mars as possible and to bring back as much material as possible. Working closely with the USSR offers a chance to accomplish both of these goals at a far lower cost than to do it alone.

We know the Soviets have a capability for deploying automated sample collectors, since that is how they brought materials back from the moon. Mars is much more difficult, but there have been suggestions from several quarters that they are even interested in manned Mars missions. (E.g. OTA Report of December 1983—see enclosure.) If so, sample return should be an appealing precursor.

One way to do this would be for both the U.S. and USSR to send rovers to different landing spots on Mars. The two vehicles could then cross the respective terrains separating the two landing sites, gathering samples as they moved. They would then rendezvous at the mid-point between them,

which could then be the landing point of the sample return rocket. Using two rovers each, one would get to two sample return rockets. This way each country gets more samples from more places than they could expect for the same investment made by themselves. It would be an adventure that the rest of the world would find very intriguing (the rovers could be equipped with TV to broadcast what they "see").

The level of cooperation required for such an endeavor would be nearly as great as for the Apollo-Soyuz mission. I share your sense that through such cooperation we have a much better chance of reducing the currently intolerably dangerous tensions between our two countries. I wish you every success in your efforts with the appropriate legislation.

With best wishes,

Cordially,

Tobias Owen.

HOUSTON, TEX.,
January 10, 1984.

Senator SPARK MATSUNAGA,
Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: I would like to make a few comments relative to your proposal to carry out future space activities with the U.S.S.R. At the time of the Apollo Soyuz Test Project, I was the director of the Johnson Space Center, the NASA organization responsible for carrying out this mission. I am familiar with the reasons given by you and some others relative to the political significance such a new cooperative U.S.-U.S.S.R. venture might have, that is, that cooperation of this nature might lead to a better understanding between the two countries, bringing about a better environment for disarmament discussions and hopefully forestall the use of space for any other purpose than the peaceful scientific and social endeavors which could benefit all peoples here on earth. There are, of course, many military applications of space technology that are already in use such as satellite communication and surveillance. Also, one would be naive not to recognize the future potential for space weapons of a defensive and offensive nature. Nevertheless, I believe we should make every effort to convince the U.S.S.R. and the rest of the world to limit the military uses of space.

I believe the ASTP project conducted in 1975 was of benefit to the United States and the U.S.S.R. because it gave us an opportunity to see the methods and techniques that the two countries utilized to carry out complex manned spaceflight missions. Any operations such as these, have a certain aura of mysticism that develops around them which can be dispelled by planning and conducting an operation together. The safety of the two flight crews demanded that both sides be very forthright in their dealings with each other and I am satisfied that the results were successful because of the attitude of the two organizations involved.

The mission objective required that the two countries develop and demonstrate a universal docking mechanism which could be used in the event of the need for rescue by either country and for docking missions of any kind in the future. This objective required a great deal of coordination and exchange of information to assure that a proper design was achieved. It is my opinion that the two countries contributed equally well to this goal and that the result was mutually beneficial.

On the other hand, there has been a great deal of speculation and sometimes uninformed accusation that the U.S. gave away some of its technological know-how while receiving little in exchange from the U.S.S.R. It is very doubtful, at least to my knowledge, that the U.S.S.R. received any technology from us that was not readily available in some unclassified documentation. We did find (at least through the people we dealt with) that the engineers from the U.S.S.R. had very little understanding of how to manage a large scale project when numerous groups of people were required to accomplish the task and day-to-day coordination and communication is required. That is, their knowledge of free world management techniques was naive to say the least. Therefore, one could conclude that the knowledge they gained might be some form of technology transfer. However, it was the opinion of most of us at the Johnson Space Center that although they may have understood how we manage they would find it very difficult to apply in their country because of the extreme differences in industrial and government structure. There are a number of anecdotes that we experienced that would tend to corroborate this feeling.

The fact that you as a member of the Senate and a number of other political leaders feel that the present conditions in foreign policy could benefit from another cooperative venture between the U.S. and the U.S.S.R. is encouraging to me. My experience is primarily technical and in intra-government affairs, but I too believe that such a proposal would be helpful. Therefore, I support your efforts, and I am hopeful that you will succeed in convincing the present administration that they should approach the U.S.S.R. with regards to future cooperative space activities. Also, I would suggest that the matter be broached in the same manner as before. That is, that NASA and the U.S.S.R. Academy of Sciences be requested to work out some scientific proposals which could then be ratified by the two governments.

Thank you for the opportunity to provide an opinion on this important proposal.

Very truly yours,

CHRISTOPHER C. KRAFT, Jr.

WASHINGTON, D.C.,
February 28, 1983.

Hon. SPARK M. MATSUNAGA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATSUNAGA: We joined forces with the Russians in the Second World War to eliminate the Axis menace to civilized life on earth. We achieved that aim without resolving our ideological differences or even discussing them. The menace confronting us was enough to make us cooperate.

Now we and the Soviet peoples are confronted with a menace to our survival more grave than Hitler's Axis. The menace is ourselves; our worser selves, frozen in suspicion, mistrust, and ideological antagonisms. Space offers us a fleeting chance to get away from the earthbound framework of confrontation and mistrust and join forces again. The Soviet Union is a great nation, however profoundly we disagree with its ideology and its leadership. We Americans, confident in our strength and our free way of life, can hold out our hand to the Soviets for cooperation in space, as a start toward saving our children from the deadly peril created by our mutual old fears, reflected in the arms control deadlock.

Your initiative in the matter of East-West cooperation is thoughtful, cautious, and promising. I support your Resolution and hope that the Senate will endorse it.

Sincerely,

HERMAN WOUK.

NATIONAL RESEARCH COUNCIL,
Washington, D.C., February 25, 1983.

Hon. SPARK MATSUNAGA,
Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: As a scientist who has participated in the Apollo-Soyuz mission and has been involved directly in scientific exchanges with the USSR relating to the exploration of the planet Venus I wish to express my enthusiastic support for the bill you are introducing on cooperation in space. Science flourishes best when it is conducted in an atmosphere of free and open exchange of data, analysis and criticism. In the case of the planetary exploration program our experience in the past is that planetary science as a whole benefitted greatly from the period of open exchange and cooperation with our colleagues in the USSR. Data obtained by their Venera probes were made available at a very early stage to us. We were able to compare their results with ours, and analyze areas of agreement and disagreement thereby resolving many questions that otherwise would have been left in dispute or even unanswered. Design of future experiments was greatly facilitated. For example, radar altimetry data obtained by our Pioneer Venus Orbiter was used to determine the proper landing sites for the probes Venera 13 and 14 and the future probes Veneras 15 and 16. The data they obtained were thereby rendered much more meaningful to the great benefit of us as well as them. Failure to cooperate in this way means a great loss for science.

Furthermore, and this judgment extends to cooperation with other nations as well as the USSR, some planetary projects such as sample return missions to asteroids or Comet Sample Return, are extremely expensive and probably beyond the means of any one nation, even the United States, under the economic constraints imposed today. By pooling resources the world can undertake such missions rich in scientific potential that otherwise would have to be postponed long into the next century.

For all these good reasons, I welcome the step you are taking and urge the Congress and the President to expedite enactment of the legislation you propose.

Yours sincerely,

THOMAS M. DONAHUE,
Professor of Atmospheric Science,
University of Michigan.

THE UNIVERSITY OF IOWA,
Iowa City, Iowa, February 22, 1983.

Hon. SPARK M. MATSUNAGA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATSUNAGA: It is a pleasure to learn of your initiative in urging the establishment of a fresh program of collaboration between the United States and the Soviet Union in the peaceful uses of outer space. Such a program will, I agree, counteract the current tendency to militarize outer space and may thereby contribute significantly to international arms control.

Even within the prevailing chill in our diplomatic relations with the Soviet Union, a significant level of scientific collaboration continues. But as an experienced practitioner in space research I consider that your purposes can be effectively served only if

the collaboration is of a joint operational nature on a roughly equal footing. I use the term operational to include the design and construction of flight equipment; launching and in-flight operations; and the acquisition and analysis of data. Thus I mean to distinguish operations from the much more modest level of collaboration that is represented by the post-facto exchange of data from essentially independent undertakings.

Further, any agreed joint mission or missions must have substantive objective of undisputed scientific or technological importance and not be principally in the nature of a demonstration, as was the case with the Apollo-Soyuz mission in 1975. It is, of course, obvious that missions involving humans within the spacecraft attract greater public interest than do those consisting of remotely controlled equipment, but the latter have, in my opinion, a much deeper and more durable significance and offer the opportunity for continuing collaboration, at reasonable cost, for many years. A specific example is a joint U.S.-U.S.S.R. mission to the planet Saturn comprising an orbiter and an entry probe. Both the U.S. and the U.S.S.R. have much to offer in the field of planetary exploration but the U.S. is unable to proceed with such a mission at present because of lack of funding.

Sincerely yours,

J. A. VAN ALLEN,
Professor of Physics and Head of Department.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Pasadena, Calif., February 23, 1983.

Senator SPARK MATSUNAGA,
109 Senate Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: For some time I have been concerned about the relationship between the United States and other nations in areas involving the civil space program. The significance of this program as a part of foreign policy of our Nation as an instrument of national policy has not been adequately recognized in recent years. I believe that we must concern ourselves in providing some pacific and mutually satisfactory means of exchange with both the Soviet Union and the Western nations. We have truncated our bilateral relations with the Soviet Union in this area and left our relations with the European community and the Japanese either in limbo or in jeopardy.

Some of my views expressed in a science policy speech which I recently made in Washington (at the George Washington University, Graduate Program in Science, Technology, and Public Policy) entitled "Setting Scientific Priorities: It Can Be Done". A copy of this is enclosed for your reference and use.

I have had the privilege of hearing your proposal with regard to restarting some sound and ongoing relations with the USSR in this area. If this action is carried forward in a positive manner with regular and ongoing progress, it may indeed provide a real key to defusing the dangerous circumstances that exist. Making any progress will depend on some mutual goodwill and an ongoing activity that is considered mutually beneficial. If the technical and scientific objectives are sound, then this could serve as a forum to ease tensions and would distinguish both parties. We must of course be careful to recognize the immediate and long-term U.S. strategic interests; however, we must not convert the space area into an arena for weapons of mass destruction if that can be avoided.

I congratulate you for seeking some means of normalizing U.S.-Soviet relations in some limited areas as a start.

Very truly yours.

G. J. WASSERBURG,
JOHN D. MACARTHUR,
Professor of Geology and Geophysics.

CORNELL UNIVERSITY,
Ithaca, N.Y., February 28, 1983.

Hon. SPARK M. MATSUNAGA,
109 Senate Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: The last 20 years have seen the opening of a new chapter in human history, the successful exploration by manned and (principally) unmanned space vehicles of 40 new worlds, including all the planets known to the ancients. If we are not so foolish as to destroy ourselves, future generations will recognize our time as an epochal turning point for our species and for life on Earth.

These expeditions have been carried out by the United States and the Soviet Union. Scientific data have been freely exchanged after the missions were completed. In some cases, such as the Apollo-Soyuz docking, joint missions were carried out cooperatively.

Space technology now permits extraordinary new missions, including roving vehicles on the surface of Mars, landings on asteriods that pass close to Earth, and entry vehicles into the organic clouds of Titan. Both for economic reasons, and because these are properly explorations performed for the entire human species, there is much to be said for making such expeditions international—involving not just the United States and the Soviet Union, but also the European Space Agency, Japan, and other emerging spacefaring nations.

The militarization of space, the extension of terrestrial rivalries into the vast expanse of space, is antithetical to peaceful exploration of space. In addition, it threatens economically vital satellite assets and politically stabilizing reconnaissance satellites. Nuclear weapons are already banned from the space environment by treaty. All conventional weapons, on both manned and unmanned space vehicles, should likewise be prohibited, in the joint interest of the United States and the Soviet Union and in the interest of the human species.

With every good wish,

Cordially,

CARL SAGAN.

WASHINGTON UNIVERSITY IN ST. LOUIS,
St. Louis, Mo., February 22, 1983.

Senator SPARK MATSUNAGA,
109 Senate Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: This letter is meant to strongly support your continuing efforts to establish cooperative scientific endeavors in space on an international basis. There are a number of missions that could be accomplished with international cooperation that one nation might not be able to afford. For instance, several NASA and NAS panels have suggested that an unmanned sample return mission to Mars would be the next logical step in the exploration of that planet. The Soviets already have demonstrated a capability to use rovers and unmanned sample return vehicles in exploring the lunar surface (Soviet Lunakhod and Luna missions). Perhaps a joint US-USSR mission to collect samples from the Martian surface might be a logical starting place for a significant international endeavor. Such a mission is presently far above the present budgetary constraints placed on NASA.

Cordially,

RAYMOND E. ARVIDSON,
Associate Professor.

ARNOLD W. FRUTKIN,
25958 HERSHEYVALE,
Franklin Village, Mich.

Senator SPARK MATSUNAGA,
109 Hart Building
Washington, D.C.

DEAR SENATOR: I should like to express my support of your initiative calling for the President to explore the possibilities of reviving space cooperation with the Soviet Union.

As the long-time Assistant Administrator of NASA for International Affairs with lead responsibility for the extensive programs of cooperation with other space powers which were conducted in the 1960's and 1970's, I know of the very substantial scientific, economic and political benefits which may be derived for this country through prudent, well-balanced joint efforts in space.

In the case of the Soviet Union, such programs must be carefully selected and structured and commitments to them must be developed through proper phasing so that continuity is linked to demonstrated performance. With such precautions, and given the full support of the heads of government, cooperative space projects can be successful and broadly rewarding.

I hope that the administration will find it possible to move forward on the basis of the resolution you propose.

Sincerely,

ARNOLD W. FRUTKIN.

BELL LABORATORIES,
Murray Hill, N.J., February 28, 1983.

Senator S. MATSUNAGA,
Senate Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: My personal expertise in space science research involves studies of the plasmas in space: in the Earth's and other planet's magnetospheres and in the interplanetary medium. I am presently the Chairman of the Space Science Board's Committee on Solar and Space Physics; this Committee, through the Board, advises NASA on its research activities in solar and space plasma physics research (often called solar-terrestrial research).

From my personal research experiences, in collaborations with Japanese and European scientists, and from the work of my Committee, I personally believe that there is considerable national scientific benefit to be gained from properly formated international cooperative science activities. The Soviet Union has a strong space plasma physics science program, in both observation and in theory. Much of this work involves studies of the Earth's magnetosphere. I believe that scientific benefits in space plasma physics research could result to the U.S. through a carefully worked-out collaborative program with the Soviet Union. Thus, I endorse your present initiative to request the Administration to investigate ways in which cooperative space science ventures between the two nations might be pursued.

Sincerely,

L. J. LANZEROTTI.

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., February 25, 1983.
Senator SPARK MATSUNAGA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATSUNAGA: I am writing to encourage and to lend my support to your efforts to restore U.S. initiative in seeking greater international cooperation in peaceful civilian space activities, including space science and applications. For some years I have been involved in efforts to advance cooperative space science programs between the United States and other nations—especially with the Western European nations and with the Soviet Union—and I have seen the benefits that could accrue to our country through such cooperation.

It is apparent that investigation of the solar system—man's newly extended environment—is an activity of great interest to many countries. The reasons for this interest are manifold. Among these reasons is the desire to expand our scientific understanding of the sun and planets, and thereby to expand our grasp of the terrestrial phenomena which govern Earth; important new insights and understanding about Earth have come from our studies of other planets. Moreover, scientific investigation of the solar system provides the opportunity to find answers to many of the important questions about the origin and evolution of our world which have occupied people throughout history. Looking ahead, it appears that the space environment will offer increasingly more in the way of economic and other benefits; scientific investigation of the solar system today offers our best approach to uncovering and assessing potential benefits for tomorrow.

The United States is not alone in its ability to carry out solar system investigations. Other nations have developed similar interests as well as similar and complementary technical capabilities. Our ability to exploit these capabilities and interests for our own benefit and for the broader benefit of mankind would be enhanced greatly by coordination of our activities and by the pooling of selected resources in solar system science. In my view, space activities are likely to remain a mix. Some elements, which serve purely nationalistic objectives, are unlikely to be conducive to international collaboration in the foreseeable future. Other elements lend themselves very well to an international approach.

During the past decade, attempts were made to initiate substantive collaboration with the Soviet Union in scientific exploration of the planets. These efforts were taken under the aegis of the joint U.S.-Soviet agreements signed by President Nixon in 1972 and later renewed in 1977. Because of a number of not surprising difficulties, progress was particularly slow. However, having served as a member of the U.S. National Aeronautics and Space Administration delegation to the last of these talks, it was my distinct impression that important progress was being made and that we were on the verge of being able to strike modest, but still substantial, agreements to cooperate in further exploration of the planet Venus. In the middle of this important progress last year the Administration let these bilateral agreements lapse, thus terminating the discussions.

At the present time discussions are being carried out under the auspices of the U.S. National Academy of Sciences (along with NASA) and the European Science Foundation (along with the European Space Agency) to lay plans for a program of joint planetary exploration. If properly implemented, this could be an important adjunct to the independent planetary programs of the two sides. I happened to be chairman of the U.S. delegation in these discussions and thus have a general perspective on the problems involved. A clearly stated commitment, on the part of the United States, to international cooperation would not solve all of the problems; but it would contribute in a major way by providing a foundation for agreements and for long-range plans.

I would be happy to discuss these matters further with you. If I can be of any help in your efforts, please do not hesitate to call upon me.

With best wishes,
Sincerely,

EUGENE H. LEVY,
Associate Professor of Planetary Sciences.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Pasadena Calif., February 23, 1983.
Hon. SPARK MATSUNAGA,
Senate Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: I am writing in support of the renewal of cooperation between the United States and the Soviet Union in the exploration of the solar system. The Space Science Board and its Committee on Planetary and Lunar Exploration has consistently urged that an active, open working relationship be established which would allow the full range of cooperative activities, including scientific discussions and identification of scientific goals of mutual interest, concurrent commitment to and coordination of planetary missions addressing these goals, and the timely exchange of information throughout the missions.

Substantial progress had been made toward establishing such a working relationship, only to have been interrupted by events of the last few years and the subsequent lapse of the cooperative agreement between the governments of the United States and the Soviet Union. Since the objectives and desirability of such a working relationship remain, it is important that the cooperative agreement be renewed.

Very truly yours,

EDWARD C. STONE,
Professor of Physics.

UNIVERSITY OF HAWAII AT MANOA,
Honolulu, Hawaii, March 2, 1983.
Senator SPARK MATSUNAGA,
Hart Senate Office Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: As a planetary scientist committed to the peaceful exploration of the solar system, I am pleased to support the bill you are introducing encouraging international cooperation in space. For a number of years I have had the opportunity to see the advantages of such cooperation: as NASA Acting Deputy Associate Administrator for Space Science, as a member of the U.S. Delegation to the joint U.S./USSR discussions on planetary exploration (before their termination last year), and currently as Chairman of the Solar System Exploration Committee of the NASA Advisory Council.

In the past, three areas of cooperation in space science with the USSR have been particularly fruitful. The first and most prominent has been in manned space flight: not only the Apollo-Soyuz mission, but equally important the continuing exchange of data with the Soviets on the human response to long-duration space flight. Because of the dominance during recent years of the USSR in long-duration flight, this exchange has been of particular benefit to U.S. science, providing us data that would otherwise be impossible to obtain. Second is the related close cooperation between U.S. and Soviet scientists in other areas of life science research in space, which has included the flight of U.S. experiments in Soviet satellites. The third area is in planetary exploration, where U.S. and Soviet scientists have worked together closely in the analysis of data on the Moon and Venus. These cooperative planetary efforts have included exchange of lunar samples (providing us access to three sites not visited by Apollo) and use of U.S. radar data to locate Venus landing sites for the Soviet Venera landers. Although these cooperative programs have not always been easy to achieve, I believe all who have been involved believe the efforts to have been worthwhile, and to have provided significant returns to both U.S. and Soviet science.

At present there is a strong interest in the U.S. planetary science community in increased international cooperation. Given the costs of planetary missions, it is clear that scientists of all nations should work together to avoid unnecessary duplication of effort and to share their results. Our ties with other space-faring nations have recently increased, particularly with Europe and Japan. I hope that the international climate will permit a similar increase in consultation and cooperation with the USSR and other Socialist countries, and I believe such joint efforts would be of clear benefit to U.S. science.

Sincerely,

DAVID MORRISON,
Professor of Astronomy.

THE UNIVERSITY OF TEXAS
AT AUSTIN,
THE GENERAL LIBRARIES,
Austin, Tex., February 25, 1983.
Hon. SPARK MATSUNAGA,
Senate of the United States.

MY DEAR SENATOR: I have read with interest of your desire to enact legislation which would encourage the United States to enter into negotiations with the Soviet Union with an aim of reaching an understanding about the potential military use of outer space.

Obviously our two great powers already have the capacity to launch offensive and defensive weapons from low-earth orbit and will one day not far distant have the ability to launch nuclear weapons, too. These are logical steps in the exploration and utilization of space, and their potential for destruction is overwhelming.

Inevitably, each power must explore and refine this potential, and this can be done intellectually and in laboratories without even venturing into space. Testing in space would merely be the next step. The awesomeness of the problem confronts us right now.

Just as we have successfully outlawed the use of poison gas through one world war and several nearworld wars, I believe that through joint discussion we can do the same for space-launched nuclear weaponry. Indeed, if the United States and the Soviet Union were to devise a compact whereby together they explored and developed these capacities and used them for peaceful objectives, dangers would be avoided and the world would become a safer place.

I urge you to pursue your objectives. I urge you to keep our alternatives before the public. And I long for the day when this tremendous resource is used peacefully for all mankind.

JAMES A. MICHENT.

SPACE SERVICES INC. OF AMERICA,
Houston, Tex., February 26, 1983.
Senator SPARK MATSUNAGA,
Senate Hart Building,
Washington, D.C.

DEAR SENATOR MATSUNAGA: I am happy to have the opportunity to support your bill regarding international co-operation in the exploration and exploitation of Space. Having had the great privilege of flying in this country's only joint space mission (Apollo-Soyuz) in 1975, I feel somewhat qualified to comment on the merits of such joint ventures.

The original intent of that flight was to further efforts at détente between the USSR and the USA by a demonstration of constructive co-operation between our countries in an arena recognized by the citizens of both countries as peaceful, prestigious, and beneficial. Those objectives were accomplished very successfully in 1975 and I believe are worth continuing to pursue in 1983 and beyond. It requires little astuteness in the science of human behavior to recognize that people who are communicating freely with each other and working diligently towards common objectives rarely indulge in activities which would prove catastrophic to the accomplishment of those objectives.

Two common criticisms of the Apollo-Soyuz Test Project are that we still have a high degree of tension between the USA and the USSR in spite of it and that we gave away valuable space technology in the process. There is no argument with the contention that current relationships leave much to be desired, but I propose they would be even more difficult without the friendly interfaces and good will built in accomplishing Apollo-Soyuz. It may be worth noting that the five cosmonauts chosen to be recognized at Chairman Brezhniv's funeral were personal friends of ours and I would therefore assume we still have some potential of favorable inputs at the higher levels of the Soviet government.

The proposition that we gave away technology does not recognize the openness with which NASA conducts its business. Everything done has been in the public domain and is available internationally to any interested party. Conversely, the USSR program had been conducted under a heavy veil of secrecy and for the first time were open to public scrutiny. In my opinion, the major thing the Soviets could have learned, to their everlasting benefit, is how to conduct major technical programs efficiently through use of free lateral and vertical communications among all participants. This would also have been to our major benefit because it is called "democracy". Unfortunately, they have not opted to purloin these lessons yet, but we should not give up hope.

Regarding future activities, both the USA and the USSR are recognizing the merits of international space ventures by including participants from their respective spheres of influence in their national space program. The next step to truly international space ventures should not be that difficult. A couple of obvious possibilities are:

1. Coupling our demonstrated leadership in reuseable, economic launch and re-entry vehicles with the USSR's long duration, large space station objectives.

2. Initiating a dialogue on pooling international resources for interplanetary exploration and exploitation. What better way to unify the globe than to get everyone working towards a constructive, common goal?

Thank you for the opportunity to comment on your bill and best wishes for your success in accomplishing its objectives.

DONALD K. SLAYTON,
President.

By Mr. HATCH (for himself, Mr. COCHRAN, Mr. HELMS, Mr. PRYOR, Mr. MITCHELL, Mr. KASTEN, Mr. INOUYE, Mr. GOLDWATER, Mr. SYMMS, Mr. HEINZ, Mr. MATSUNAGA, Mr. DOMENICI, Mr. BUMPERS, and Mr. GRASSLEY):

S.J. Res. 237. A joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week"; to the Committee on the Judiciary.

NATIONAL HOME CARE WEEK

Mr. HATCH. Mr. President, my purpose in speaking today is to bring before my colleagues a resolution to designate November 25, 1984, through December 1, 1984, as "National Home Health Week."

In the last 3 years I have sponsored three major home health initiatives to improve and expand the availability of home care services to our elderly and disabled. Widely supported on both sides of the aisle, two were reported by the Committee on Labor and Human Resources, and one has been signed into law.

By the turn of this century, it is estimated that the number of citizens 65 years and over will increase by 35 percent. In light of this geometric increase in the number of senior citizens, many needing more extensive health care and attention, it is imperative that we provide alternatives to those elderly and disabled citizens who will need some form of long-term health care. I believe that home health care is the best of these alternatives. Home health care organizations have shown that they can provide quality, cost-effective health care using new, innovative techniques to increase their efficiency.

I am encouraged by these efforts and I salute the millions of home health aides, therapists, nurses, dieticians, physicians and above all the families, who provide these services to millions of elderly and disabled Americans. It is their selfless hard work that invests in citizens their rights to their dignity and independence.

I encourage my colleagues to consider cosponsoring this effort and respectfully request the assistance of the leadership in working for its swift adoption.

I ask unanimous consent that the text of this resolution be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 237

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than four thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 25, 1984, through December 1, 1984, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

By Mr. HATCH (for himself, Mr. DENTON, Mrs. HAWKINS, Mr. NICKLES, Mr. HUMPHREY, Mr. RANDOLPH, Mr. LAXALT, Mr. MCCLURE, Mr. MURKOWSKI, Mr. ABDNOR, Mr. DOMENICI, Mr. WEICKER, Mr. PRYOR, Mr. STENNIS, Mr. BENTSEN, Mr. GARN, Mr. WILSON, Mr. BUMPERS, Mr. SARBANES, Mr. LUGAR, Mr. NUNN, Mr. HELMS, Mr. CHAFEE, Mr. THURMOND, Mr. PELL, Mr. MATSUNAGA, Mr. ZORINSKY, Mr. BAUCUS, Mr. CRANSTON, Mr. MATTINGLY, and Mr. DODD:

S.J. Res. 238. A joint resolution to designate the week beginning November 19, 1984, as "National Adoption Week"; to the Committee on the Judiciary.

NATIONAL ADOPTION WEEK

Mr. HATCH. Mr. President, it is again my privilege to sponsor the Senate resolution proclaiming Thanksgiving week as National Adoption Week. During the past few years, a growing number of Americans have felt a need to reestablish our traditional values, especially family values. The official designation of Thanksgiving week to National Family Week is an example of this encouraging trend. Adoption is an important part of the life and love of many American families. In many ways, our country's unequaled record in adopting, loving, and caring for those who would otherwise be bereft of God's greatest gift is the

most important testament in the annals of America's "First." America is first in many things, but most important of all, we are first in love.

As Senators, we unanimously approved this resolution in 1983, but the House failed to act in time. We in the Senate recognized then, as we do now, the needs of many children in this country who need what they desperately long for, a permanent home with a family. We should not let another year go by without affirming this commitment. In America today, there are estimated to be 100,000 adoptable children who are legally free for adoption. These children, however, remain in foster care and institutions due to various public and private barriers. There also remains a lack of awareness by prospective parents who don't know that these children are available.

The majority of these children have special needs. They may have physical, emotional, or mental handicaps, or they may be children who have already reached school age. They may be children from various ethnic backgrounds. They may be children with brothers and sisters. What they all share in common is a basic right and a fundamental need for a permanent, secure, and loving home.

This is why this resolution is so important. It is not just another commemorative resolution. It gives clear meaning to the congressional intent in support of encouraging and supporting fair adoption practices.

As part of National Family Week, adoption has been honored over the past 9 years. The North American Council on Adoptable Children (NACAC) has been actively involved in providing information available on activities highlighting this week's activities. Further, the National Committee for Adoption has also sponsored activities during this week along with the Department of Health and Human Services, under the direction of Assistant Secretary Dorcas Hardy. I am certain these important activities will occur this year under their auspices if we can formally create National Adoption Week.

Let us join in these efforts. Let us focus attention on adoption and commend those public and private institutions working to find permanent homes for all adoptable children. Let us join in a celebration for families who have united through adoption. I urge you to join other Senators and me by cosponsoring and enacting this resolution. I ask unanimous consent that the complete text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 238

Whereas the week of November 19 has been privately commemorated as National Adoption Week for the past nine years;

Whereas we in Congress recognize the essential value of belonging to a secure, loving, permanent family as every child's basic right;

Whereas approximately one hundred thousand children who have special needs—school age, in sibling groups, members of minorities or children with physical, mental and emotional handicaps—are now in foster care or institutions financed at public expense and are legally free for adoption;

Whereas the adoption by capable parents of these institutionalized or foster care children into permanent, adoptive homes would insure the opportunity for their continued happiness and long-range well-being;

Whereas public and private barriers inhibiting the placement of these special needs children must be reviewed and removed where possible to assure these children's adoption;

Whereas the public and prospective parents must be informed of the availablility of adoptable children;

Whereas a variety of media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses and industries will feature publicity and information to heighten community awareness of the crucial needs of waiting children; and

Whereas the recognition of Thanksgiving week as National Adoption Week is in the best interest of adoptable children and the public in general; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 19 through November 25, 1984, hereby is designated "National AJoption Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 500

At the request of Mr. MATHIAS, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 500, a bill entitled the "Christopher Columbus Quincentenary Jubilee Act."

S. 764

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1475

At the request of Mr. WALLOP, the names of the Senator from Iowa (Mr. JEPSEN) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1537

At the request of Mr. DANFORTH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the four following fiscal years.

S. 1730

At the request of Mr. DIXON, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1730, a bill to amend the Small Business Act to increase small business participation in the procurement process, thereby reducing costly noncompetitive procurements and increasing defense preparedness, and for other purposes.

S. 1851

At the request of Mr. HUMPHREY, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1851, a bill to establish additional wilderness areas in the White Mountain National Forest.

S. 1911

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 1911, a bill to insure the independence of certain administrative law judges.

S. 2025

At the request of Mr. NUNN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2025, a bill to amend the Highway Improvement Act of 1982 to provide additional funds for the completion of certain priority primary projects.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2099

At the request of Mr. JEPSEN, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 2099, a bill to delay for 2 years the mandatory coverage of employees

of religious organizations under social security.

S. 2218

At the request of Mr. DODD, the names of the Senator from Texas (Mr. BENTSEN) and the Senator from Montona (Mr. BAUCUS) were added as cosponsors of S. 2218, a bill to continue in effect the certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

S. 2256

At the request of Mr. HUDDLESTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Florida (Mr. CHILES), the Senator from Utah (Mr. HATCH), the Senator from Maryland (Mr. SARBANES), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2262

At the request of Mr. TRIBLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2262, a bill to amend title 5, United States Code, to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport.

S. 2270

At the request of Mr. COHEN, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2270, a bill to amend title 18 of the United States Code to prohibit the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as "National Social Work Month."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Ohio (Mr. GLENN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Oklahoma (Mr. BOREN), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating April 27, 1984, as "National Nursing Home Residents Day."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Illinois (Mr. PERCY), the Senator from Florida (Mrs. HAWKINS), the Senator from Montana (Mr. MELCHER), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary."

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. Levin, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 40, a concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution—because of divorce, separation, or death—of the marriage of such grandchildren's parents, and for other purposes.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from Ohio (Mr. GLENN), the Senator from South Dakota (Mr. ABDNOR), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Arkansas (Mr. PRYOR), the Senator from South Carolina (Mr. THURMOND), the Senator from South Dakota (Mr. PRESSLER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Kentucky (Mr. FORD), the Senator from Maine (Mr. COHEN), the Senator from Alabama (Mr. HEFLIN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Iowa (Mr. JEPSEN), the Senator from Utah (Mr. GARN), the Senator from Idaho (Mr. MCCLURE), the Senator from Idaho (Mr. SYMMS), the Senator from North Carolina (Mr. HELMS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Concurrent Resolution 75, a concurrent resolution favoring a National Museum of the U.S. Army.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution expressing the sense of Congress that the President of Syria should permit Jewish emigration.

SENATE RESOLUTION 343—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS submitted the following resolution which was referred to the Committee on Rules and Administration.

S. RES. 343

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,340,195, of which amount first not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and second, not to exceed $2,500 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 348—RESOLUTION RELATING TO THE CRISIS IN LEBANON

Mr. MURKOWSKI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 348

Whereas all nations have an interest in preventing the disruption of Middle East oil production and exports;

Whereas the conflict in Lebanon has heightened tensions throughout the Middle East, has inhibited the comprehensive peace process, and could expand into a regional military conflict which would threaten the flow of oil out of the Middle East;

Whereas the United States has deployed a portion of the Sixth Fleet off the shores of Lebanon in an effort to maintain stability in that country;

Whereas the United States deploys the Seventh Fleet in the Indian Ocean with the responsibility for assuring the security of the Straits of Hormuz and the oil fields of the region;

Whereas many other nations are more heavily dependent upon the uninterrupted flow of oil than the United States, which currently relies on Middle East oil for only 3 percent of its imports;

Whereas Japan, South Korea, Spain, and West Germany receive 64 percent, 78 percent, 60 percent, and 37 percent of their oil imports, respectively, from the Middle East, and these, as well as other countries, have not contributed to the Multinational Force or otherwise played a substantial role in the stabilization of Lebanon;

Whereas the various members of the Multinational Peacekeeping Force have been, and will continue to be, targets of violence from those elements involved in, and contributing to, the internal conflict in Lebanon;

Whereas section 5 (c) of the Multinational Force in Lebanon Resolution, (Public Law 98-119), approved October 12, 1983, stipulates that "the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multination Force in Lebanon"; and

Whereas a more broadly-based peacekeeping force in Lebanon would be a better demonstration of the vital interest of the international community in a stable Middle East; Now, therefore, be it

Resolved. That it is the sense of the Senate that the President should—

(1) vigorously and thoroughly explore—

(A) in coordination with the other member countries of the Multinational Force in Lebanon, the formation of a more broadly-based force in Lebanon the membership of which would reflect those oil-consuming countries substantially dependent upon Middle East oil imports;

(B) in discussions with the Government of the Union of Soviet Socialist Republics, the possibililty of an orderly transferral of the peacekeeping responsibilities in Lebanon to either a United Nations peacekeeping force or to forces from neutral countries; and

(C) the concept of replacing the onshore presence of United States Marines in Lebanon with United States military advisors in the event that a continued United States military presence as part of a more broadly-based force in Lebanon remains necessary; and

(2) prepare and transmit to the Congress a report setting forth the measures he has taken to carry out paragraph (1) no later than six months after the date of adoption of this resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. MURKOWSKI. Mr. President, all of us are concerned about the deteriorating situation in Lebanon. I want to address a potential outcome of the crisis which has received insufficient attention. I also will introduce a resolution calling on the President to explore three specific policy options.

If the battle for Lebanon begins to spread beyond that tiny country's borders, the flow of Middle East oil exports could be cut off. A Middle East war, spawned in Lebanon, could have a disastrous effect on the economies of the many nations so dependent on Middle East oil for their economic well-being. Indeed, virtually all modern economies are based upon a lifeline of oil. Disruption of Middle East oil supplies would, therefore, cripple world economic stability.

Hence, the security of oil supplies is inherently tied to the maintenance of stability in Lebanon. All oil dependent nations have an obligation and duty to help prevent the disruption of Middle East oil production and exportation. Therefore, I strongly believe that all oil-consuming countries must share the burden of protecting the security of Lebanon and the Middle East oilfields. The U.S. 6th Fleet off Lebanon and the 7th Fleet in the Indian Ocean have been carrying this burden far too long.

The level of U.S. dependence on Middle East oil is now only 3 percent on the other hand, in 1982 Middle East oil made up 70 percent of Japan's oil imports and 82 percent of Italy's. France got 65 percent of its 1982 oil imports from the region, West Germany 36 percent and England 30 percent. It is time that these countries, as well as all other oil consuming nations, realize that their military security and economic well-being hinges on stability in the Middle East.

Mr. President, I feel it is now time to start exploring several options which could be acted upon after the dust clears in Beirut. First, a formula under which the makeup of the multinational peacekeeping force directly reflects the beneficiaries of the resource we are trying to protect. Second, we should immediately discuss with the Soviets, at the highest possible level, their policy toward deployment of a U.N. force in Beirut. It has come to my attention that the administration has not thoroughly investigated this policy alternative and that the Soviets may now be willing to agree to such a deployment. Third, we must consider the idea of replacing our troops with military advisers in the event that some continued U.S. military presence becomes necessary.

I want to emphasize in closing that I am not advocating the abandonment of U.S. responsibilities in the Middle East. We are a great power, and with great power status comes great responsibilities. The United States has more than met those responsibilities. It is time other nations in the international community do the same.

Mr. President, I send to the desk a resolution which calls on the President to fully explore the three policy options I have just discussed.

I also ask unanimous consent that this chart, showing the extent of reliance of various countries on Middle East oil, be included in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Nation	Total imports		Mideast imports		Latin American imports		Other imports	
	Thousands of barrels per day	Percent of total consumption	Thousands of barrels per day	Percent of total consumption	Thousands of barrels per day	Percent of total consumption	Thousands of barrels per day	Percent of total consumption
United States	5,113	33	933	6	1,139	7	2,559	17
Japan	4,479	99	2,907	64	129	3	1,443	32
Canada	374	24	95	6	155	10	124	8
West Germany	2,224	100	832	37	45	2	1,347	60
France	1,977	100	1,091	58	87	5	704	38
United Kingdom	917	59	413	26	42	3	462	30
Italy	2,051	100	1,335	65	181	8	535	26
Netherlands	1,488	100	462	31	53	4	973	65

Nation	Total imports		Mideast imports		Latin American imports		Other imports	
	Thousands of barrels per day	Percent of total consumption	Thousands of barrels per day	Percent of total consumption	Thousands of barrels per day	Percent of total consumption	Thousands of barrels per day	Percent of total consumption
Spain	1,018	100	616	60	230	23	172	17
South Korea	498	100	392	78	47	9	58	11
Other West Europe	3,230	100	1,258	39	69	2	1,903	59

Source: CIA figures.

SENATE RESOLUTION 349—MEMBERSHIP OF THE FEDERAL RESERVE BOARD OF GOVERNORS

Mr. PRYOR (for himself and Mr. PRESSLER) submitted the following resolution relating to the membership of the Federal Reserve Board of Governors; which was referred to the Committee on Banking, Housing, and Urban Affairs.

S. RES. 349

Whereas small business, by Small Business Administration standards of measurement, accounts for 98 percent of all U.S. businesses, and

Whereas 60 percent of all new jobs are created by firms with 500 or fewer employees, and

Whereas small business bankruptcies in 1982 totalled nearly 66,000, due in large part to high interest rates, and many other firms closed down without filing for bankruptcy, and

Whereas our agricultural industry, including three million farmers, is heavily dependent upon credit, and

Whereas neither of these sectors has direct representation on the Federal Reserve Board, which establishes our national monetary policy, and

Whereas the growth of our national economy depends on the health of the small business and agricultural sectors: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should nominate to the next vacancy on the Federal Reserve Board of Governors a person of demonstrable experience in small business or agriculture.

● Mr. PRYOR. Mr. President, today I am introducing a sense of the Senate resolution calling upon the President to fill the next vacancy on the Federal Reserve Board with a representative of small business or agriculture.

I am proud that Senator PRESSLER joins me in sponsoring this legislation.

This is not a new concept. Other Senators in the past have proposed a similar approach.

I believe that this is a good time to raise this issue once again, however, since the President is expected to name a replacement before long for the seat now held by Nancy Teeters.

Mr. President, I am sure our colleagues are well aware of the importance of agriculture and small business to our economy. A few figures give an idea of the role they play in our national economic growth. Ninety-eight percent of U.S. firms can be classified as small business. Sixty percent of all new jobs are created by firms with 500 or fewer employees, and it has been estimated that 80 percent of all new jobs are created by small business, especially in high technology growth industries.

The direct and indirect contribution of agriculture is greater than 20 percent of the annual production in the United States. Four million workers are employed in farming, and 20 million more jobs are dependent on the agricultural sector. Agriculture provides one-fifth of all U.S. exports.

Despite the importance of these sectors of the economy, however, it has been more than 20 years since a representative of agriculture has been appointed to the Board, and in that time only one member of the Board has had a small business background.

Both small business and agriculture are extremely credit sensitive, and I believe that the Board would benefit from the viewpoint found on main street, in addition to the expertise of the members now serving on the Board of Governors.

I invite other Members of the Senate to join Senator PRESSLER and me as cosponsors of this resolution, and I hope that the Senate will consider this legislation just as soon as possible in order to let the President know how we feel about this imminent nomination.●

AMENDMENTS SUBMITTED

ADJOURNMENT RESOLUTION

BAKER (AND BYRD) AMENDMENT NO. 2705

Mr. BAKER (for himself and Mr. BYRD) proposed an amendment to the concurrent resolution (H. Con. Res. 255) providing for an adjournment of the House from February 9 to 21, 1984, and an adjournment of the Senate from February 9 or February 10 to February 20, 1984; as follows:

At the end of the concurrent resolution, add the following:

"SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it."

PROCEDURES FOR IMPOSITION OF DEATH PENALTY

HATFIELD AMENDMENT NO. 2706

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the amendment (No. 2702) proposed by Mr. LEVIN to the bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; as follows:

After the period, insert the following: "Notwithstanding any other provision of this Act, no sentence of death shall be carried out unless the U.S. Marshal charged with the execution of any sentence of death has taken such action as may be necessary to cause such execution to be carried out in public, including the making available such communication facilities, including radio and television, opportunities as may be necessary to permit the widest possible exposure of such execution to the public, and unless such execution is at a time most likely to provide such exposure."

SOLID WASTE DISPOSAL ACT AMENDMENTS

KASTEN AMENDMENT NO. 2707

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill (S. 757) to amend the Solid Waste Disposal Act to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes; as follows:

Redesignate sections 22 through 29 as sections 23 through 30, and insert after section 21 the following new section:

USE OF RECOVERED MATERIALS BY FEDERAL AGENCIES

SEC. 22. (a) Section 6002 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsections:

"(h) DEFINITION.—As used in this section, in the case of paper products, the term 'recovered materials' includes—

"(1) post consumer materials such as—

"(A) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and similar establishments, after they have passed through their end-usage as a consumer item, including (but not limited to) used corrugated boxes, newspapers, magazines, mixed wastepaper, tabulating cards, and used cordage; and

"(B) all paper, paperboard, and fibrous wastes which enter and are collected from municipal solid waste; and

"(2) manufacturing wastes, forest residues, and other wastes such as—

"(A) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including—

"(i) envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations;

"(ii) bag, box, and carton manufacturing wastes; and

"(iii) butt rolls, mill wrappers, and rejected unused stock;

"(B) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

"(C) fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

"(D) wastes generated by the conversion of goods made from fibrous material (that is, waste rope from cordage manufacture, textile mill waste, and cuttings); and

"(E) fibers recovered from waste water which otherwise would enter the waste stream.

"(i) PROCUREMENT PROGRAM.—(1) Within one year after the date of publication of applicable guidelines under subsection (e), each procuring agency shall develop an affirmative procurement program which will assure that items composed of recovered materials will be purchased to the maximum extent practicable, consistent with applicable provisions of Federal procurement law.

"(2) Each affirmative procurement program required under this subsection shall, at a minimum, contain—

"(A) a recovered materials preference program;

"(B) an agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) a program for requiring (i) estimates of the total percentage of recovered material utilized in the performance of a contract, (ii) certification of minimum recovered material content actually utilized, where appropriate, and (iii) reasonable verification procedures for estimates and certifications; and

"(D) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

In the case of paper, the recovered materials preference program required under subparagraph (A) shall provide for the maximum use of the post consumer recovered materials referred to in subsection (h)(1).

"(3) In developing the preference program, the following options shall be considered for adoption:

"(A) CASE-BY-CASE POLICY DEVELOPMENT.—Subject to the limitations of subparagraphs (A) through (C) of subsection (c)(1), a policy may be established for awarding contracts to the vendor offering an item composed of the highest percentage of recovered materials practicable (and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1)). Subject to such limitations, agencies may make an award to a vendor offering items with less than the maximum recovered materials content.

"(B) MINIMUM CONTENT STANDARDS.—Minimum recovered materials content specifications may be set in such a way as to assure that the recovered materials content (and in the case of paper, the content of post consumer materials referred to in subsection (h)(1)) required is the maximum available without jeopardizing the intended end use of the item, or violating the limitations of subparagraphs (A) through (C) of subsection (c)(1).

Procuring agencies shall adopt one of the options set forth in subparagraphs (A) and (B), or a substantially equivalent alternative, for inclusion in the affirmative procurement program.".

(b) Section 6002(c)(1) of such Act is amended by inserting after "highest percentage of recovered materials practicable" the following: "(and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1) practicable)".

(c) Section 6002(d)(1) of such Act is amended by striking out "five years after the date of enactment of this Act" and inserting in lieu thereof "18 months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984".

(d) Section 6002(e) of such Act is amended—

(1) in paragraph (1), by inserting after "section" the following: ", and in the case of paper, provide for maximizing the use of post consumer recovered materials referred to in subsection (h)(1)"; and

(2) in the matter following paragraph (2), by striking out "for at least three product categories" and all that follows through "1982", and inserting in lieu thereof "for paper within 180 days after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984, and for three additional product categories (including tires) by October 1, 1985".

(e) Section 6002(g) of such Act is amended—

(1) by striking out "the policy expressed in" and inserting in lieu thereof "the requirements of"; and

(2) by inserting before the period at the end thereof the following: ", and to report to the Congress every two years, beginning in 1984, on actions taken by Federal agencies and the progress made in the implementation of this section, including agency compliance with subsection (d)".

● Mr. KASTEN. Mr. President, today I am introducing an amendment to the Solid Waste Disposal Act to encourage the use of recycled paper.

The Federal Government is one of the largest consumers of paper in the Nation, yet it does not have a policy that encourages the use of recycled materials.

The amendment I am introducing today establishes a purchasing policy to encourage the Federal Government to use recycled paper. Today, bids for Federal purchases must meet strict performance standards. Of those bids which meet specifications, the contract is awarded to the lowest bidder. The amendment I am introducing does not change this criteria. It does add a simple step, providing that recycled paper which meets this criteria be given preference.

Not only would this amendment conserve our natural resources, it also would help reduce our Nation's landfill problem. Approximately 65 percent of the volume of municipal solid waste is paper. By encouraging recycling, a significant portion of the volume of municipal solid waste can be reduced. Furthermore, the amendment encourages resource recovery for the highest and best use.

The paper industry already has made great strides in recycling. Many paper companies already recycle waste materials as part of their normal operation. The quality of papers which may be produced from recycled materials has also improved dramatically in recent years. Papers that were produced from recycled materials are now available which perform as well as many of those produced from virgin stock.

A number of States have adopted programs which encourage the use of recycled paper. At the conclusion of my remarks I will submit for the RECORD a statement describing one State's experience with its recycling program. In addition, I have a number of samples of recycled paper that I invite my colleagues to inspect, to see the quality and diversity which is available.

All too often the Federal Government is willing to tell others what to do, and exempt itself from that action. This amendment is a small step to commit the Government to improving resource conservation and recovery.

I request the text of the letter describing Maryland's recycling program be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARYLAND BUYS RECYCLED PAPER

The Maryland Department of General Services recently purchased 98,000 reams of recycled bond paper for state and local agency use. This represents the largest one time purchase of recycled bond paper since the passage of House Bill 153 in 1977, which established the state's recycled paper purchasing program.

The 98,000 reams purchased were competitive with virgin bond paper in both price and quality. The purchase will save an estimated 13 billion BTUs, or enough energy to heat about 114 homes for a year.

Since the passage of the law in 1977, state agencies, local governments, schools, colleges and private organizations have purchased over $12.7 billion worth of recycled paper products. The products purchased have included recycled bond paper, paper towels, toilet tissue, corrugated boxes, computer paper and other products. To date, the program has saved approximately 772 billion BTUs, or enough heating oil to heat about 6,772 homes for a year.

The Maryland Energy Office (MEO) continues to provide technical information on recycled paper, and has assisted many organizations in establishing programs to buy recycled paper. MEO can provide further information on Maryland's internationally recognized program and information on starting a similar program.●

CHANGES IN CIVIL SERVICE

BAKER (FOR STEVENS) AMENDMENT NO. 2708

Mr. BAKER (for Mr. STEVENS) proposed an amendment to the bill (H.R. 4336) an act to make certain miscella-

neous changes in laws relating to the civil service, as follows:

On page 4, beginning with line 1, strike out all through page 5, line 23, and redesignate the succeeding sections accordingly.

On page 7, line 9, strike out "implementation" and insert in lieu thereof "operation".

On page 7, line 11, strike out "and currently in operation".

On page 7, line 14, strike out "4703(d)(1)(B)" and insert in lieu thereof "4703(d)(1)".

On page 6, line 16, beginning with "There" strike out all through "which" on line 17, and insert in lieu thereof "The revolving fund referred to in section 1304(e)(1) of this title".

U.S. ARMY CORPS OF ENGINEERS

BAKER (FOR STAFFORD) AMENDMENT NO. 2709

Mr. BAKER (for Mr. STAFFORD) proposed an amendment to the bill (S. 1330) a bill to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes, as follows:

Viz: On page 20, line 20, delete "1983" and insert in lieu thereof "1984".

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT OF 1983

BAKER (FOR GARN) AMENDMENT NO. 2710

Mr. BAKER (for Mr. GARN) proposed an amendment to the bill (S. 2040) an original bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes, as follows:

Viz: Insert the following new sections after Section 101:

SEC. 101A. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding the following new paragraph at the end thereof:

"(41) The term 'mortgage related payment security' means a security that is rated in one of the four highest rating categories by at least one nationally recognized rating organization and either:

"(i) represents ownership of one or more promissory notes or certificates of interest or participations in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under, such notes, certificates, or participations), which notes:

"(A) are directly secured by a first lien or a second lien on a single parcel of real estate, including stock allocated to a dwelling unit in a residential cooperative housing corporation, upon which is located a dwelling or other residential or commercial structure, or on a manufactured home, as defined in Section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used as a residence; and

"(B) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution which is supervised and examined by a Federal or State authority, or by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to Sections 203 and 211 of the National Housing Act; or

"(ii) is secured by one or more promissory notes or certificates of interest or participations in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, on notes meeting the requirements of subparagraphs (i)(A) and (B) or certificates of interest or participations in promissory notes meeting such requirements.".

SEC. 101B. Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding the following new subsection at the end thereof:

"(g) Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no member of a national securities exchange or broker or dealer shall be deemed to have extended or maintained credit or arranged for the extension or maintenance of credit for the purpose of purchasing a security, within the meaning of this section, by reason of a bona fide agreement for delayed delivery of a mortgage payment related security against full payment of the purchase price thereof upon such delivery within 180 days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

SEC. 101C. Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) is amended by adding the following new sentence at the end thereof: "Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no person shall be deemed to have borrowed within the ordinary course of business, within the meaning of this subsection, by reason of a bona fide agreement for delayed delivery of a mortgage related payment security against full payment of the purchase price thereof upon such delivery within 180 days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

SEC. 101D. Section 11(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(d)(1)) is amended by:

(a) inserting "(i)" between "of" and "any"; and

(b) inserting the following immediately after "thirty-five days after such purchase": "or (ii) any mortgage related payment security against full payment of the entire purchase price thereof upon such delivery within 180 days after such purchase, or within such shorter period as the Commission may prescribe by rule or regulation".

NOTICES OF HEARINGS

SUBCOMMITTEE ON INFORMATION MANAGEMENT AND REGULATORY AFFAIRS

Mr. DANFORTH. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Information Management and Regulatory Affairs on reauthorization of the Paperwork Reduction Act of 1980. The hearing will be held on Tuesday, March 6, beginning at 9:30 a.m., in room SD-342 of the Dirksen Senate Office Building.

The hearing will focus on what steps are needed to stengthen the act and improve its implementation. Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Information Management and Regulatory Affairs, Committee on Governmental Affairs, room SD-326, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Reid Detchon, staff director, or Ms. Helen Hobart, chief clerk, at 202-224-0211.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding the following oversight hearings:

On February 21, 1984, beginning at 10 a.m., in Senate Russell 385, a hearing on the Bureau of Indian Affairs' (BIA) fiscal year 1985 budget justifications. Those wishing additional information should contact Paul Alexander of the committee at 224-2251.

On February 23, 1984, beginning at 9:30 a.m., in Senate Dirksen 538, hearings on Indian programs within the Department of Education and Department of Health and Human Services. Those wishing additional information should contact Mary Jane Wrenn and Patricia Zell at 224-2251.

On February 29, 1984, beginning at 9:30 a.m., in Senate Dirksen 562, a hearing on S. 2166, reauthorization of the Indian Health Care Improvement Act. Those wishing additional information should contact Patricia Zell-Cox at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 9, at 2 p.m., to hold a hearing to consider S. 1611, the Arizona Strip District Wilderness Act of 1983; and S. 2155, a bill

to designate certain national forest system lands in the State of Utah for inclusion in the national wilderness preservation system to release other forest lands for multiple-use management, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Thursday, February 9, 1984, to hold hearings on S. 2160, National Fisheries Marketing Council Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 9, at 10 a.m., to hold a hearing to consider the President's proposed budget for fiscal year 1985 for the U.S. Synthetic Fuels Corporation, the Forest Service, and the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 9, to hold a business meeting to consider Senate Resolution 293, Civil Contempt Proceedings Against Anthony Accardo.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FORMER AMBASSADOR HARRIMAN EXPRESSES CONCERNS OVER POLICY FAILURES

● Mr. KENNEDY. Mr. President, at this precarious stage in the relationship between the United States and the Soviet Union the leaders of both nations stand to benefit from the very special insight of W. Averell Harriman, former Ambassador to the Soviet Union, President Kennedy's Chief Negotiator of the 1963 Limited Test Ban Treaty, and one of the greatest public servants in the history of the Republic. In an article in the New York Times on January 1, Ambassador Harriman expresses his deep concern over the failure of President Reagan's Soviet policy and portrays the future in a stark light:

This is the grim result of Reagan Administration diplomacy: If present developments in nuclear arms and United States-Soviet relations are permitted to continue we could face not the risk but the reality of nuclear war.

The world is now approaching a point of nuclear no return. Ambassador Harriman points out that the Soviets bear their share of the blame for the stalemate but he also emphasizes that:

The behavior and the proposals of the Administration in both the strategic and European nuclear discussions have raised serious doubts in the minds of many about whether there was ever any intention to reach any reasonable agreement.

The administration's rote denunciation of the Soviet Union is no substitute for a coherent policy. When the United States and Soviet leaders prefer condemnation to negotiation, when compromise is forsaken for confrontation, then each regional conflict, whether in the Middle East or Latin America, becomes a test of national wills and a potential East-West showdown.

Ambassador Harriman is convinced that a sensible arms control agreement can be attained. As he points out:

The Limited Nuclear Test Ban of 1963, after all, came after the Cuban missile crisis and years of tension in Berlin. Both sides, however, must want an agreement. Each side must be willing to seize on what is positive in the other's proposal rather than be paralyzed by the least favorable elements presented by each.

Mr. President, Ambassador Harriman has been a unique voice of reason and a man of extraordinary vision in our foreign relations. His call for a renewed effort to reverse the downward spiral cannot and must not go unheeded. In his words, "We must seek to pass on to our children and grandchildren not fear but hope; not an arms race, but arms control; not the death of the Earth, but a better and safer world."

Mr. President, I ask that Ambassador Harriman's recent article be included in the RECORD at this point, and hope that my colleagues will reflect carefully on it.

The article follows:

[From the New York Times, Jan. 1, 1984]

IF THE REAGAN PATTERN CONTINUES, AMERICA MAY FACE NUCLEAR WAR

(By W. Averell Harriman)

For three years, I have refrained from directly criticizing the President of the United States. I have been reticent because I believe that America must stand united before the world, particularly in the face of our foremost adversary, the Soviet Union. I also believe a President should be given fair time to pursue his goals and test his policies. In this sense, politics should stop at the water's edge. But this cannot mean that all criticism should be muted indefinitely, no matter how wrong a President may be or how critical the world situation may become.

President Reagan has had his fair chance, and he can no longer expect Americans to support policies that make our relationship with the Soviet Union more dangerous than at any time in the past generation.

This is the grim result of Reagan Administration diplomacy: If present developments in nuclear arms and United States-Soviet relations are permitted to continue, we could face not the risk but the reality of nuclear war.

To be silent in this situation is not patriotic but irresponsible. In the last month, nuclear arms negotiations have collapsed. Communication of all kinds between the United States and the Soviet Union has broken down; instead, we have propaganda barrages and the spectacle of the leaders of the two mightiest nations on earth trading insults, as if they had no more serious obligations than their own personal pride and political survival.

THE MOST DANGEROUS RELATIONSHIP WITH MOSCOW IN A GENERATION

Flush with the polls and the overwhelming victory of 6,000 Americans over 600 Cubans on Grenada, the Administration now shows every sign of drawing the wrong lesson from that experience and risking defeats of a proportion it seemingly cannot even imagine.

Day by day in the Middle East, the Administration sinks further into a quagmire, committing American lives and American honor with no clear policy, no certain plan and, indeed, no obvious concern for the day when American soldiers and Soviet soldiers come face-to-face, no longer safely separated by the buffers of distance and surrogate military forces.

Moreover, Lebanon is only the most immediate trouble spot. Around the world, possible points of conflict and escalation become more volatile than ever as each superpower, in today's deteriorating situation, may be tempted to confront rather than to compromise, to treat every test as a measure of national will. The destruction of the South Korean airliner by the Soviet Union last summer provided chilling proof of the increasing potential for miscalculation and misunderstanding. Events can too readily overwhelm common sense and human safeguards.

These trends by themselves would be cause enough for worry, but they take place against the backdrop of a nuclear arms race rapidly escaping out of control—and dangerously passing the point of no return.

Within a few years, both the United States and the Soviet Union will have in place intercontinental missiles interpreted each by the other as instruments of a massive first strike. Within a span of months, both nations will put shorter-range nuclear missiles nearer each other's territory, missiles capable of striking critical command and control centers with flight times so short that caution may be the first casualty of some future crisis.

As if this were not sufficient, thousands of nuclear-armed cruise missiles will soon be stationed on American submarines, to be followed by thousands more carried on Soviet ships, or hidden, in uncountable numbers, in the vast expanse of the Soviet Union. These cruise missiles will pose extremely difficult challenges to arms control verification and they will vastly complicate our ability ever to achieve the nuclear reductions both American and Soviet leaders say they seek.

Perhaps the most tragic trend—because it is so avoidable—is that the arms race is about to be launched into space. Anti-satellite weapons will constitute a continuing threat to early warning, reconnaissance and communications satellites—all critical to our

security and vital to preventing nuclear war by accident or miscalculation.

The Administration's "Star Wars" defense scheme will mean more than the destruction of three solemn arms control treaties—the Limited Test Ban, the Outer Space Treaty and the Anti-Ballistic Missile Treaty—that have served our security so well. It will mean that both sides will accumulate thousands more offensive weapons to overcome whatever defenses they each might devise. It promises security that is beyond our capability to provide and thus plays cruelly on the fear and the hope of every citizen. It promises a technological shield when the solution is in ourselves—in serious negotiation and mutual restraint.

It is always easy for Americans to blame the Soviet Union, and no American—no matter how much he or she desires a safer world—should lose sight of the fact that the Soviet Union does indeed bear a heavy responsibility for where we are today. But blaming the Soviet Union, which has been the single-minded indulgence of this Administration since the first day it took office, is not a strategy or a policy. It will not reshape the Russian nation; it will not bring down the Iron Curtain; and, above all, it will not reduce the nuclear threat that hangs over every American.

Anyone can assail the Soviet Union for the failure of Soviet-American relations. But we must demand more of our President, who, after all, is elected not to preside over failure but to find an acceptable solution even in the face of formidable problems. The unfortunate truth, however, is that we are now witness to more than a Presidential failure to act or an Administration's lack of policy. President Reagan and his Administration bear their own heavy measure of responsibility for the situation we face today.

No President in the nuclear age, strenghtened abroad as was Mr. Reagan by the consensus at home for a strong national defense, secure politically on the right and the left for the endeavor of arms control, has had such an opportunity to reverse the nuclear arms race. Yet this opportunity has been squandered. And all Americans hoped that when he took office his past opposition to arms control would end. Yet the record of three years has betrayed these hopes.

Despite his campaign pledge to the nation that "as President, I will immediately open negotiations on a SALT III treaty," Mr. Reagan waited more than 17 months before even beginning to talk with the Soviet Union about such an agreement. Since then, the pace of negotiation has been, to put it politely, tepid; the discussions have been punctuated by long recesses, and there have been no significant results. All that has been done is to rename SALT, to call it Start; the talks have now stalled indefinitely.

The negotiations on intermediate-range nuclear forces in Europe have collapsed completely. In the most promising initiative during those talks, the so-called "walk in the woods" proposal, our negotiator, a veteran hardliner in dealing with the Soviet Union, was repudiated by the Administration for trying too hard to reach a workable compromise that actually would have been greatly to our advantage.

Indeed, the behavior and the proposals of the Administration in both the strategic and European nuclear discussions have raised serious doubts in the minds of many about whether there ever was any intention to reach any reasonable agreement. Negotiations have been treated as a forum for propaganda, an occasion for invective, a mask to cover new deployments and an arena to gain advantage—rather than as a path to human survival on this planet. This is a most shortsighted policy, for its outcome will simply be more missiles in Soviet hands—scarcely a sensible program for America's security.

A SQUANDERED CHANCE TO REVERSE THE NUCLEAR RACE

The SALT II treaty, negotiated by three Presidents—two of them Republicans—was rejected by this Administration, with the President's own counselor saying, "We feel there is no legal or moral commitment to abide by SALT I and SALT II," international law to the contrary. Apart from the effect on the negotiating climate with the Soviet Union, this rejection means that almost 300 Soviet missiles and bombers that would have been destroyed under the terms of SALT II still are targeted on our cities and towns. What should have remained at worst an irresponsible election slogan was elevated to the level of a national policy, ushering in a new era of strategic instability.

Other actions amplify my deep concern about the course that the Administration has taken.

Despite the mounting threat of nuclear terrorism and the spread of nuclear weapons to more nations, the Administration has rejected the imperative of nuclear nonproliferation, and in fact has undercut important initiatives of previous Republican and Democratic Presidents. The goal of a comprehensive nuclear test ban—a prerequisite to effective nonproliferation and an objective of every other President since Dwight D. Eisenhower—has been summarily discarded. The President will not even discuss the control of space weapons with the Soviet Union.

The issue of verification—so central to arms control—has been blurred by the Administration. Serious problems with Soviet compliance have been submerged in irresponsive charges, innuendo and leaks. The objective, instead, should be to clarify questionable Soviet behavior and insist on compliance—not to exploit these concerns in order to further poison our relations, repudiate existing agreements, or, worse still, terminate arms control altogether.

DAY BY DAY, SINKING FURTHER INTO A MIDEAST QUAGMIRE

Additionally, even the instruments with which our Government carries on the business of arms control have been degraded. Long-time opponents of arms restraint have been put in charge of policy making. American delegations have arrived at the Geneva negotiations empty-handed, then waited weeks to receive formal negotiating instructions. Fifteen months after taking office, the Administration could not agree on an opening position to take in strategic arms talks. Three years after taking office, the Administration still does not have a policy on verification. This lack of professionalism presents a stark contrast with the precision and purpose of our adversaries—and, insignificant though it may appear to some, it speaks volumes about attitude and commitment. That is what disturbs me most of all.

It will not be easy to undo these three years of nuclear irresponsibility, or to free both nations from excessive pride, or to control new weapons while we set about the task of controlling all weapons. But we are obliged to try with every ounce of strength we can muster, lest our generation of Americans be the first to imperil the legacy of life it has been given.

I am convinced that Soviet leaders desire serious negotiations. Such negotiations will not be easy; they will involve, as they always have, a hardheaded struggle to improve the national security of both countries. Nor need they signal our approval of other Soviet actions, such as the invasion of Afghanistan or the repression in Poland. Their object, despite the irreconcilable ideologies of our two nations, is the common goal that nuclear weapons have made a necessity; the prevention of nuclear war.

I am also convinced that constructive agreements to reduce nuclear arms, to make their use less likely, are possible—even at this late date. The Limited Nuclear Test Ban of 1963, after all, came after the Cuban missile crisis and years of tension in Berlin. Both sides, however, must want an agreement. Each side must be willing to seize on what is positive in the other's proposal rather than be paralyzed by the least favorable elements presented by each. Both sides must be willing to work for an agreement that will serve our mutual advantage. This essential change in attitude alone could be the catalyst for progress.

To put it plainly, President Reagan must be ready and willing to negotiate; he must want progress even more than he wants to berate the Soviet Union.

I am convinced that we must engage ourselves now in this fundamental choice about our future—and that is why I write as the New Year begins. We must demand a new effort to prevent war, not to prepare for it. A leadership for peace can be the finest expression of America's dream. We dare not fail. We are only human beings, subject to all the mortal perils of life, all the temptations to power; but, at the same time, in our very humanity, we must seek to pass on to our children and grandchildren not fear, but hope; not an arms race, but arms control; not the death of the earth, but a better and safer world.

(W. Averell Harriman, former Ambassador to the Soviet Union and to Britain, has been an adviser to five Presidents and was chief negotiator of the 1963 Limited Test Ban Treaty.)●

TRIBUTE TO WILLIAM D. BARTH

● Mr. DIXON. Mr. President, a distinguished business leader, small business spokesman, and citizen of my State recently passed away.

William D. Barth was born in Washburn, Ill., earned a master of science in accounting at the University of Illinois, and spent his entire professional career within the State with the accounting firm of Arthur Andersen & Co. At the time of his death he resided in St. Charles, Ill., a quiet town on the Fox River.

After receiving his degree in 1948, Mr. Barth joined Arthur Andersen's Chicago office as one of the original members of its small business division. There he remained for 35 years, becoming managing director of the firm's national small business practice from 1973 to 1982, and director of legislative liaison for small business thereafter.

He guided this small business practice to a unique position among Big-Eight accounting firms, with person-

nel trained especially for, and assigned only to, small business engagements within their communities.

Later, in frequent visits to Washington, D.C., he brought this wealth of experience to bear in testimony before and recommendations to the tax writing and small business committees of the Senate and House, including the Senate Small Business Committee on which I have been privileged to serve.

In these capacities, he won recognition across the country for his innovative proposals for small business capital formation.

A WIDE RANGE OF EFFORTS IN BEHALF OF SMALL BUSINESS

In 1978, he introduced the small business participating debenture concept in testimony to the Senate Small Business Committee at a hearing at the American Stock Exchange. The idea became a bill as a result of the efforts of the Senator from Connecticut (Mr. WEICKER). As current chairman of our committee, Senator WEICKER was instrumental in gaining the first legislative hearing for the current version of the measure (S. 842) 3 months ago, and Bill Barth conducted the panel of private sector witnesses supporting the measure.

Bill Barth was also a leading participant in the White House Conference on Small Business in 1980, an influential member of the Small Business Committee of the American Institute of Certified Public Accountants since its founding in 1981, an appointed member of the National Advisory Council of the Small Business Administration and was coauthor of the small loan pension class exemption proposal submitted to the Department of Labor in 1983.

In his many appearances before congressional and administrative bodies in Washington, D.C., Bill Barth often represented the National Small Business Association—which he served without pay as an associate trustee—and the Small Business Legislative Council, a consortium which has now grown to 80 national trade associations with common small business interests.

This experience gave the small business community a strong and wise voice in the formulation of major tax, capital formation, and other small business legislation of the past 5 years. That good counsel will be sorely missed.

AN ENDURING COMMITMENT TO COMMUNITY, FAMILY, AND FRIENDS

No representative of the small business community was more deeply respected. In fact, the day before his death, his coworkers at the firm had nominated him for the Small Business Administration Accountant Advocate of the Year Award for 1984.

Within his town, he had been president of St. Charles Unit School Board No. 303, served on the board of the tri-city youth program, the Chicago Economic Development Corporation, the Norris Cultural Arts Commission, and the President's Council of Illinois Wesleyan University. He was an active member of the Baker Memorial United Methodist Church of St. Charles, where he participated in the church musical ensemble, playing the trumpet in the sanctuary a month before he died.

A devoted family member, he was known for his constant willingness to take time from grappling with national policy problems to help with his wife's small enterprise. Bill Barth was survived by his wife, a daughter, Karen Wolland, a son, Douglas, and three grandchildren who were bereaved of his presence only 20 months before his scheduled retirement. To them, I extend my deepest sympathy on the passing of this model citizen, who was revered not only by his family but by his neighbors, his business associates, and the small business community throughout the Nation.●

THE WHITE PASS AND YUKON RAILWAY: AN ESSENTIAL TRANSPORTATION SYSTEM FOR ALASKANS

● Mr. MURKOWSKI. Mr. President, the White Pass and Yukon Railway was built between 1898 and 1900 to meet the transportation requirements of the Klondike gold rush in the Yukon Territory. The railway system originates at Skagway in Alaska, proceeds through Alaska and British Columbia, and extends to Whitehorse, the Territorial Capital of Yukon.

Throughout this century, the White Pass and Yukon has been the principal transportation system connecting the Yukon to tidewater. The development of Yukon has depended upon reliable rail service from Skagway, and more than 55,000 passengers annually have historically traveled the scenic train route as a major Southeastern tourist attraction.

Although the railway is Canadian-owned, the great majority of its employees are Alaskans, who make their homes in Skagway. The operating personnel are predominately Alaskan, and the railway's shops are located in Skagway. A large proportion of Skagway's citizens are third or fourth-generation railroad employees. The community depends upon the continued viability of the White Pass and Yukon Railway, just as the railway company depends upon the people of the community to meet its manpower requirements.

Mr. President, when worldwide demand for ore concentrate declined sharply in the recent recession, the Cyprus Anvil Mining Corp. temporarily closed its open pit lead, zinc and silver mine at Faro, Yukon Territory. Because the mine—Canada's largest and one of the world's largest—was the dominant shipper on the White Pass and Yukon, the railroad was forced to suspend service with the closing of the mine in June 1982. The great majority of Skagway's work force has been unemployed since then.

As noted by my colleague, Senator TED STEVENS, the Canadian Transport Commission (CTC) on December 15, 1983, issued an exhaustive draft report on the transportation requirements of Yukon. In that report, CTC concluded that the railway remains the best transportation system to insure the future development of the territory. Unfortunately, the CAMC has announced its preference for trucking, as an alternative to rail transportation, when the mine reopens, probably this fall.

Mr. President, if CAMC converts to trucking, the railroad will probably be abandoned in Canada under controlling Canadian transport law. The CTC report notes that rail rates must be compensatory under Canadian precedents—and without CAMC traffic, rail rates for other traffic would be prohibitive. If the railroad is abandoned, it is doubtful that Skagway will survive on tourism alone, particularly with the loss of the principal attraction, White Pass and Yukon's passenger service into Yukon and British Columbia.

Mr. President, there are two roads capable of accommodating truck traffic from the mine at Faro to tidewater ports. One terminates at Skagway, the other at Haines. It is simply not practical for Alaska to permit the ore concentrate to be hauled to tidewater over either of these roads.

The CTC draft report makes clear that either road will require upgrading and massively increased maintenance if heavy trucks operate around the clock, 7 days per week, on a year-round basis. U.S. Federal and Alaska State taxpayers would be required to upgrade and maintain the highways selected for transport, but there would be no significant job opportunities to replace those rail jobs lost in Skagway. The CTC report notes that the great majority of jobs would go to Canadians under CAMC's trucking option.

If trucking operations are commenced, U.S. Federal taxpayers apparently will be required to absorb the cost of maintaining customs facilities around the clock, every day throughout the year. Both United States and Alaska State taxpayers will be required to bear the social costs of long-term unemployment in Skagway. These are unacceptable burdens—and there is no reason to expect Alaskans to bear them to accommodate CAMC's trucking option.

As things now stand, CAMC cannot initiate trucking operations for hauling ore concentrate without substantial changes in Alaska laws and high-

way maintenance procedures. It is naive for CAMC to expect Alaska to absorb these enormous costs in order to accommodate one private-sector shipper whose conduct will insure the demise of a historic Alaska community.

Mr. President, I would urge CAMC to review carefully the recommendations of the CTC, and to negotiate with the railway company in good faith. The White Pass and Yukon management is reported by CTC to be willing to accept break-even rates to restore rail service between Skagway and Whitehorse. This is a $4 million annual concession by the railroad, assuming that such rates can be agreed upon by rail management and CAMC.

There simply is no transportation alternative for CAMC. Either CAMC will rely upon the historic rail service to provide its transportation needs, as it has done in past years, or there will be no transportation of CAMC ore concentrate from Faro to Alaska tidewater ports. The trucking option, for Alaskans, is intolerable.●

THE 120TH ANNIVERSARY OF THE ORDER KNIGHTS OF PYTHIAS

● Mr. CHILES. Mr. President, Gov. Bob Graham of Florida has proclaimed February 19, 1984, as the Order Knights of Pythias Day in Florida, commemorating the 120th anniversary of this organization's existence. I shall submit the proclamation for the RECORD.

Today, I would also like to honor the Order Knights of Pythias' 120th anniversary by describing this fraternal order and its many charitable contributions. First, however, I think a little history is needed.

The name of this society is taken from the story of Damon and Pythias who lived in Syracuse during the fourth century, B.C. Pythias was condemned to death by Dionysius, tyrant of Syracuse, but was allowed to go home to see his wife and children because Damon offered himself as security. When Pythias did not return, Damon held true to his promise and was led to the place of execution. Suddenly, Pythias rushed forward, embracing his friend. Dionysius was so moved by this display that he released both men and asked if he could participate in their friendship. This story not only gives the Order Knights of Pythias its name but vividly illustrates the goals and ideals to which they are committed.

Founded by Justus Rathbone on February 19, 1864, right here in Washington, D.C., the Order Knights of Pythias was established to help heal the hatreds caused by the Civil War. Basing its ritual on the story of Damon and Pythias, the society embraces the cardinal principles of friendship, charity, and benevolence. In fact, the Pythian motto is "Be Generous, Brave and True." The Order Knights of Pythias was incorporated by Congress on August 5, 1870, the first fraternal order to be federally chartered.

The order is international, with a membership of almost 120,000 in the United States, Canada, and Israel. There are over 2,000 subordinate lodges under jurisdiction of 55 grand lodges at the State level, all of which are supervised by a supreme lodge. The Dramatic Order Knights of Khorassan is associated with the Order Knights of Pythias as well as the women's auxiliary, the Supreme Temple Order Pythian Sisters. Membership is also available for the children of Pythians through the Sunshine Girls, the Junior Order Knights of Pythias, and the Junior Order Princes of Syracuse. Some of the most famous Pythians include Presidents William McKinley, Warren G. Harding, and Franklin D. Roosevelt.

The Order Knights of Pythias is distinguished by its commitment to altruistic principles. There are so many good works done by the members of this society that I could not possibly name them all. I will, however, highlight some of the most notable of their philanthropic activities.

The order supports the Cystic Fibrosis Foundation, provides financial assistance to worthy Pythians in distress, and gives aid to victims of disasters. This group operates homes for aged and infirm members and their families and sends under-privileged children to camp in the summer. The promotion of highway safety, the organization of blood banks and the offering of scholarships for winners of public speaking contests are also among the organization's many activities, not to mention hospitalization and care of the needy. The Dramatic Order Knights of Khorassan are involved in humanitarian ventures and the Supreme Temple Order Pythian Sisters donate to projects for heart, cancer, and kidney patients. These charitable contributions of time and money certainly attest to the order's belief that selfless devotion to others is the responsibility of all mankind.

The order's example of charity and benevolence is one we all need to follow. Just as friendship saved the lives of Damon and Pythias so many years ago, our friendship and generosity to others can and must make a difference. Helping others is the highest ideal to which we can aspire and I want to commend the Order Knights of Pythias for 120 years of service to this Nation and to the world.

The proclamation follows:

PROCLAMATION

Whereas, the Order Knights of Pythias was founded in the City of Washington, D.C., on February 19, 1864, by Justus H. Rathbone; and

Whereas, its purpose during the Civil War was to heal and allay the hatreds caused by the conflict raging; and

Whereas, on August 5, 1870, the Order was incorporated by an Act of Congress and was the first fraternal order to be so chartered; and

Whereas, the cardinal principles of the Order Knights of Pythias are friendship, charity and benevolence, and members of the Order are duty bound to disseminate these concepts, which appeal to men of all walks of life; and

Whereas, the Order is international, with membership in the United States, Canada and Israel; and

Whereas, the altruistic endeavors of the Order Knights of Pythias are manifold, and members take pride in their accomplishments—sponsoring homes for the aged, sending underprivileged children to vacation camps, supporting facilities for higher education, and making contributions to hospitals and foundations;

Now, therefore, I, Bob Graham, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim February 19, 1984, as "Knights of Pythias Day" in Florida.●

ACCOMPLISHMENTS OF DR. ALBERT A. BUCAR

● Mr. DIXON. Mr. President, on June 20, 1984, Dr. Albert A. Bucar of my State will be installed as president of the American Optometric Association. Dr. Bucar is a long-time resident of Illinois, and we all join his family, friends, and associates in honoring him for this distinctive accomplishment. The entire State of Illinois has reason to be proud. Dr. Bucar's achievements reflect a professional dedication to optometry and a personal commitment to charity and humanity.

Albert A. Bucar received B.S. and O.D. degrees from the Illinois College of Optometry. Since college his involvement in the field of optometry has consistently increased. His past membership in the American Optometric Association is characterized by utter devotion to this organization. Dr. Bucar has served as a member and secretary-treasurer of the AOA Board of Trustees, vice president of the AOA, chairman of the AOA Public Health and Optometric Care Committee, chariman of the AOA project team on data collection and, finally, a fellow of the American Academy of Optometry. He has held numerous memberships and trusteeships in organizations ranging from the U.S. Public Health Service to the National Institute of Health.

Albert A. Bucar is an asset of unlimited proportions to his State and community. As president of the Illinois Optometric Association, his valued leadership has insured the highest professional standards in his field. Dr. Bucar's work at the local level demonstrates a dedication to the highest of community standards. He is a noted

member of assorted boards and committees in Lake County. He is president of the St. Peter's Grade School Board of Education, a member of the Antioch Community High School Board of Education, president of the Antioch Lions Club, and chairman of the local Cub Scout Pack 900.

It is an honor and a privilege to mark the occasion of Dr. Albert A. Bucar's selection as president of the American Optometric Association with a tribute to his countless personal achievements which benefit immensely both community and Nation. The optometric profession is certainly a finer one because of this dedicated individual.●

THE MILL HOUSE

● Mr. LEVIN. Mr. President, I rise to pay tribute to the Mill House, the oldest residence built by a Jewish family in the New World, and one of the oldest continuously occupied dwellings in the United States.

The Mill House is located on the Hudson River, just north of Newburgh, N.Y. It was built in 1714 by Louis Moses Gomez who migrated from England to New York around 1700. The House was erected to serve a dual purpose—home to Gomez and his sons, and as a post to trade furs and other goods with European settlers and Indians.

During the mid-1700's, the Mill House was occupied by the Revolutionary War patriot, Wolfert Acker. It was a meeting place for patriots during our war of independence. After the war, Acker took advantage of the House's strategic location to operate a packet line to New York City. He also added a second story to the original structure of the House, and so it stands today.

During the 1800's, the Mill House continued to prosper. Noted writer and gentleman farmer William Henry Armstrong lived there for 50 years. Craftsman Dard Hunter was among the Mill House's prominent 20th-century occupants. Shortly before World War I, Hunter converted the old grist mill into a lucrative paper mill.

The Mill House was inscribed in the National Registry of Historic Places in 1973. In 1979, the Gomez Foundation for Mill House was established. The foundation's purpose is to raise funds to purchase the property, preserve it intact, and to create a museum of the heritage of Jewish settlement in America. Once these goals are achieved, the Mill House will serve as a place of study and research, a library, a conference center, and a display site for photographs, documents, household articles, and related artifacts belonging to past occupants. Such a facility will be of great educational and historical value to all of us who share an acute interest in the religious, ethnic, and racial heritages of this great Nation.

Mr. President, 1984 represents the 270th year of the Mill House's existence. It is a most appropriate place to memorialize the origins of Jewish settlement in this country. I ask you and my distinguished colleagues to join me in paying tribute to the founder and early occupants of Mill House, and those dedicated to the cause of preserving this vital part of America's rich history.●

NATIONAL SECURITY IS AFFECTED BY THE EXPORT ADMINISTRATION ACT

● Mr. GARN. Mr. President, the Senate will soon take up S. 979, a bill to revise and renew the Export Administration Act of 1979. As my colleagues prepare for that consideration, I would draw their attention to an excellent analysis of the issues surrounding this consideration, contained in a recent backgrounder written by Bruce Weinrod and Juliana Pilon of the Heritage Foundation. This is a very thoughtful piece that points out clearly that the question involved in this debate is one of national security, necessitating a very careful approach by the Congress. I ask that the text of the study be printed in the RECORD.

The material follows:

[From the Heritage Foundation Backgrounder, Sept. 23, 1983]

STAUNCHING THE TECHNOLOGY FLOW TO MOSCOW

(By Bruce Weinrod and Juliana Pilon)

INTRODUCTION

In recent years, Soviet bloc countries have been obtaining significant quantities of Western technology that strengthen Soviet military capabilities. An effective Export Administration Act (EAA) is an essential element of the remedy to this problem. At the heart of the current congressional debate over amendments to the Act are two issues: (1) whether the U.S. government will have the authority to act promptly and effectively to prevent the transfer of militarily relevant technology to the Soviet bloc; and (2) whether the President will be able to impose economic sanctions in support of the conduct of foreign policy.[1]

Ideally, the free flow of goods and technology should not be restricted by the state. However, a hostile Soviet Union and its allies pose a threat to the free world. The recent downing of a Korean Airlines passenger jet highlights both the nature of the Soviet challenge as well as the need for a President to have nuanced tools at his command for responding to such incidents. Therefore, the United States must consider the national security and foreign policy impact of its international economic transactions. The Soviet Union consistently has sought to obtain militarily relevant Western technology by every means possible. Its success has contributed to shifting the military balance away from the West. As a result of mistaken licensing, weak enforcement, and illegal Soviet bloc activities, the West has suffered a virtual hemorrhage of technology in the past decade.[2]

To prevent this from continuing, national security export controls should be strengthened: (1) an Office of Strategic Trade should be established; (2) enforcement of the export control laws should be turned over to the Customs Service, which has the needed expertise; (3) licensing laws must be toughened; (4) technology diversion from other Western nations must be reduced via tighter oversight of the transfer of advanced U.S. technology to Western nations; (5) U.S. authority to act against companies outside the U.S. that violate export restrictions must be maintained; (6) foreign availability of items under consideration for transfer must be judged by strict standards; (7) the President's ability to restrict imports as well as exports must be established and maintained in order to place more pressure on potential foreign violators of U.S. export controls.

Further, presidential authority to implement foreign policy export controls must be maintained. Such controls should not be imposed frivolously, but, properly implemented, they would be effective instruments of U.S. foreign policy.

BACKGROUND

Prior to World War II, U.S. export controls were instituted on an ad hoc basis against specified nations. As the Soviet threat emerged after World War II, the U.S. took multilateral and unilateral steps to control exports for security reasons: multilaterally, the U.S. in 1949 joined with Western European nations to coordinate export controls through the Coordination Committee (COCOM);[3] unilaterally, the Export Control Act of 1949 gave the President substantial powers to restrict or prohibit trade with Communist bloc nations.

During the 1970s, influenced by détente, the statutes and their administration were relaxed to encourage greater trade with the Soviet bloc. Current export policy, with respect to foreign policy and security aspects, is governed by the Export Administration Act (EAA) of 1979,[4] which provides the following:

The President is delegated authority to control U.S. exports.

Two types of controls—national security and foreign policy—are established.[5]

Under national security controls, the President is authorized to restrict the export of "dual-use" goods and technology, i.e. non-military items which would make a significant contribution to the military potential of any country whose strengthening would prove detrimental to the security of the U.S.

Under foreign policy controls, the President can restrict exports where necessary to further significantly the foreign policy of the U.S. or to fulfill its declared international obligations.

Under both types of controls, extraterritorial jurisdiction can be asserted: that is, exports by foreign subsidiaries of U.S. companies of items not made in the U.S. can be restricted, as can the reexport of items to Western nations by non-U.S. companies under contract or license to U.S. companies.

Under both types of control, the question of whether the goods or technology involved is available from other countries is a relevant factor, but can be overridden by other considerations.

Fulfillment of preexisting export contracts can be blocked.

[1] Footnotes at end of article.

NATIONAL SECURITY CONTROLS

National security controls are the most important element of the EAA.[6] Soviet efforts, via legal and illegal means, to obtain Western technology and the beneficial use that the Soviet bloc has made of this technology are well-documented. Over the past decade, the Soviets have applied Western technology to make advances in signal processing, command and control systems, semiconductor manufacturing, guidance technology and many other areas. While no controls can be totally leakproof, much more can be done to prevent Soviet bloc acquisition of key products and technology. Ideally, a separate agency should be created with responsibility for national security controls.[7] Second best would be the rationalizing and strengthening of existing licensing and enforcement mechanisms, along with the creation of the post of Under Secretary of Commerce for Export Policy and an Office of International Strategic Trade Administration.[8] A third alternative would be to establish a White House office for export control matters to coordinate all U.S. agency policies.[9]

National security controls are now managed by the Department of Commerce. Yet there is an inherent institutional conflict between the priority duty of Commerce to promote U.S. exports and its role as licenser and enforcer of export restraints. The Department's generally poor record on national security controls is a result of this flaw.

A new independent agency, with the sole priority responsibility of dealing with export control issues, would result in deserved attention to the security aspects of export policy. It would assure a high-level advocate within the Executive Branch to present a security perspective on export issues and to provide independent information and analyses to Congress.[10]

STRENGTHENING ENFORCEMENT MEASURES

Creating the new agency will take time. Meanwhile, existing institutions must be strengthened. The Office of Export Administration, charged with enforcement responsibility, has not performed effectively. While Commerce has made extraordinary progress in the past two years in remedying past weaknesses, the institutional arguments for shifting criminal enforcement responsibility out of Commerce to the U.S. Treasury Department's Customs are strong. The inherent tension between Commerce's role as a promoter of exports and its role as enforcer of export controls means an almost inevitable tendency to ease up on activities which upset the business community; and Customs has the enforcement experience to do an effective job.

In addition to giving priority criminal enforcement authority to Customs, the possession of restricted goods with intent to export them should be criminalized; sentences and fines for illegal diversion should be increased; court authorized surveillance should be expressly permitted when there is probable cause that a violation of technology laws is being committed; the controlled commodities list should be revised; negotiations should be opened with U.S. allies for the prosecution or extradition of those believed to have violated American export laws; and it should be a federal offense to steal, receive, buy or bribe to obtain technology with the intent to export it unlawfully.[11] At the same time, civil penalities should be maintained. In addition, the President should have the authority to restrict the transfer of items to U.S. diplomatic offices and other entities which are under the controls of countries to which export controls have been applied.

Another area of concern is technological research. Scholarly conferences and exchanges are tempting targets for the Soviets. The CIA has concluded that over one-third of Soviet scientific proposals made under joint exchange program auspices would have had negative security implications had they been approved. While scholarly contacts should be respected, controls, where necessary, should be applied, including: (1) classifying information; (2) restricting communication of technical data to foreign nationals; (3) requiring prepublication review by the Defense Department for key government financed research; (4) establishing voluntary agreements to limit flows of technical data; and (5) limiting access to the U.S. for certain foreign nationals. More attention also should be given to industrial research and all Western nations should expel immediately diplomats who engage in industrial spying. Finally, the Administration and Congress must consider how to assure that technology transfers via the sale of a U.S. company to a foreign corporation do not damage U.S. security.

Improved licensing process

In the mid-1970s, Congress authorized development of a list of Militarily Critical Technologies (MCTL) to identify items to be restricted for national security reasons.[12] Unfortunately, the list is not now fully useful. Priority should be given to completing this task, as well as to the monitoring of newly developing technologies. Monitoring new technologies (perhaps by a high-level joint government-industry committee) would reveal emerging security problems at an early stage and thus give manufacturers warning of likely export controls.

Also warranting more attention are Soviet technology needs. At little cost, the U.S. can maintain an accurate, timely list of the technologies that the Soviets are likely to seek. The Soviets probably will deploy over 200 weapons systems in the next decade; by analyzing the technology needed for such systems as missile guidance, computer-aided aircraft designs, and submarine and airborne navigation, the U.S. can prevent or limit Soviet breakthroughs by blocking technology transfers in these areas.

Above and beyond procedure, strict U.S. licensing is crucial, both because U.S. technology is still the most advanced and because U.S. policy sets the standard for the West. Furthermore, technology obsolete by Western standards may be state of the art to the Soviet bloc and capable of helping its military capabilities significantly. A Department of Defense veto under national security control authority of sales of oil and gas exploration equipment would be consistent with a policy of strict standards.

One suggested licensing reform should be rejected: that an item unilaterally controlled by the U.S. (i.e. not on the COCOM list or subject to bilateral control agreement) should be totally decontrolled (for the particular country group and the particular item) after one year if, after an exception to the control is made, no other license applications are received or none are disapproved. The automatic lifting of controls without regard to military considerations would be harmful to U.S. security.

Other measures

Consideration must also be given to how the U.S. can deal with new small-sized technologies, such as microchips, as well as computer tapes, which are difficult to detect when smuggled out of the U.S. or are widely available to the public. For example, Radio Shack offers computing systems with semiconductor components that are more sophisticated than most of those used in U.S. defense systems. A policy that would automatically exempt all embedded microprocessors from controls would not be consistent with U.S. national security interests.

The business community can participate in the national security export control process. It can help determine the items to be restricted and can assist with enforcement, including counterespionage efforts. The object of controls is not to penalize the private sector but to enhance Western security. The private sector could join the government in establishing a center for technical expertise, which would be on the cutting edge of anticipating potential military applications of emerging technologies.

RELATIONSHIP OF U.S. AND OTHER WESTERN EXPORT POLICIES

In the early postwar years, the effective implementation of U.S. export restrictions was assured by U.S. economic and technological dominance. But how the export policies of other non-Communist nations also must be considered in crafting a national security export control policy. This raises some important questions. Should the U.S. control items available from other sources? Should the U.S. control items exported to friendly nations? Are unilateral controls on COCOM designated items necessary? Is the unilateral asseration of extraterritorial jurisdiction good policy?

Some supporters of looser national security controls make what is known as the "foreign availability" argument. If a particular product of technology is available from a foreign source, they argue, U.S. controls are useless and should not be authorized. Yet even if an item were available elsewhere, it would not necessarily make sense for the U.S. to export that item. The United States is the political and moral leader of the free world, and, choosing the circumstances wisely, occasionally must set an example in order to have effective leverage.

There are difficult questions of judgment and evaluation regarding "foreign availability." It requires subjective evaluations of such matters as comparability (is the non-U.S. item really the same, or is it only similar); quantity (can the non-U.S. producer supply quantities, or resupply, especially in a relatively short time, and is the quantity sufficient to be militarily significant); quality (is the item likely to last as long or be as efficient); price (Soviet bloc hard currency problems make this relevant); and maintenance.

In the determination of foreign availability, the burden of proof should be on those seeking an export license. The U.S. government should not have the task of proving that there is not foreign availability. The Department of Defense, moreover, should be involved in evaluating the foreign availability question. Some critics have suggested loosening the controls even further by requiring that national security controls be lifted if the President cannot persuade other nations, within six months, which item in question to stop exporting. This would undercut U.S. leverage completely, as the government in question would know that, if it held out six months, it would no longer be subject to U.S. pressure to restrict the item.

WEST-WEST CONTROLS

Many advocates of relaxed export controls suggest that restrictions on U.S. exports to non-Communist nations, or at least to fellow COCOM nations, be eliminated or substantially reduced. This should be a long-term policy goal; now it would create national security problems and would send mixed signals at a time when the U.S. is urging stricter controls by others.

The Soviets acquire much of their technology via illegal diversions from Western nations. Illegal critical technology exports totaled around $1.6 billion in 1980, primarily because non-Communist nations in general had not taken export restrictions for national security as seriously as they should. The U.S. initiated "detente" policy of the 1970s persuaded many Western nations that they need not take the Soviet threat seriously; and exports play a substantial role in the economies of many of these nations.

There are indications, however, that COCOM nations, at the urging of the U.S., are beginning to take more seriously their role as guardians of Western militarily related technology. For example, Japan recently expelled a Soviet diplomat (for the first time since World War II) on charges of technology espionage and is now taking steps to tighten its controls. On July 22, 1983, Britain announced tighter controls on militarily useful technology. By keeping West-West controls tight, the U.S. can be more effective in assuring that the COCOM nations take their obligations seriously. Further, some discretionary authority must remain with the President to block sensitive exports that the U.S. may not want to share even with its allies; and maintenance of West-West controls allows the U.S. to monitor the flow of paper that discovers illegal diversions of U.S. technology. U.S. policy must clarify the right of the Pentagon to review critical exports so that it can play a greater role in blocking potential diversion of items to the Soviet bloc. At the same time, the Pentagon must be sensitive to Allied needs for U.S. technology for military purposes while working with U.S. allies to safeguard its utilization.

Western neutral nations which are major recipients of U.S. technology (Switzerland, Austria, Sweden, and Finland) account for much of the technology illegally diverted to the Soviet bloc. The credible threat that certain goods or technologies might not be exported to these nations is necessary to assure that this pattern will be changed. In late 1982, high U.S. officials stated that the leakage of Western technology from Austria had to stop; they subsequently held up approval of U.S. construction of a much wanted semiconductor plant in Austria. As a result, the Austrian government agreed to tighten its controls; Switzerland recently levied very heavy fines on companies that illegally diverted items to the East.

COCOM[13]

Although its effectiveness has been limited, COCOM, or some equivalent body, remains essential to preventing the hemorrhage of vital technology. COCOM's past weaknesses can be attributed to: (1) U.S. failure, especially during the 1970s, to give COCOM suitable priority; (2) the example set by the U.S. itself during the 1970s, when its own national security export control mechanism deteriorated and when it applied for the single largest number of COCOM exceptions; and (3) the absence of formal leverage to assure full implementation by participating governments of decisions made at COCOM.

COCOM needs common standards for evaluating licenses, and consideration should be given to ways of modifying COCOM's rule of unanimity, so that one nation can no longer block the addition of an item to the COCOM proscribed list. At the same time, unanimity should be maintained for taking an item off the list. Multilateral policing and common sanctions against COCOM regulation violators should be considered, and the defense ministries of allied nations should be more involved in COCOM decisions. There should be no exceptions allowed for commercial reasons.

At a minimum, the COCOM structure must be strengthened. The full-time staff has consisted of only ten to fifteen persons, in a makeshift office. Ministerial-level COCOM meetings, which had not been held for two and a half decades until recently, should be held on a regular basis. Regular follow-ups to the current NATO study on technology should be instituted. An international industry-government panel, though unwieldy, might be useful to gain consensus on emerging technologies whose export should be restricted by COCOM.

It is argued by some advocates of looser national security controls that unilateral U.S. controls and procedures can be weakened because the same items will be on the COCOM lists and, thus, will be controlled by the U.S. in conformity with a COCOM mandate in any event. The trouble is that a single COCOM member can still block a consensus for restricting a particular item. Without the threat and leverage of possible unilateral U.S. sanctions, some other Western nations might ignore or, at least, not enforce the controls. While other nations are indeed gaining on the U.S. in technological areas, the U.S. still has the leadership in a variety of goods, production processes and technologies that are of great benefit to the private sectors of other countries. This could provide leverage to obtain a strong Western commitment to COCOM. Weakening U.S. standards first places the cart before the horse.

U.S. ASSERTION OF EXTRATERRITORIAL JURISDICTION

Current law gives the President authority to impose so-called extraterritorial controls when he feels that they are necessary. Such controls are of two types: restrictions on exports of non-U.S. made items by U.S. subsidiaries located abroad and controls on the reexport by non-U.S. companies located overseas of items originally exported from the U.S. Such controls should be used sparingly, but they are essential not only to effective export controls but to the effective enforcement of U.S. antiterrorism and antiboycott laws. Further, the absence of such controls would be an incentive for U.S. businesses to move overseas.

It is unfortunately true that assertion of extraterritorial jurisdiction occasionally may increase political tensions with U.S. allies. Certainly, allied reaction should be heavily weighed, but it cannot be a determining factor when important U.S. national security or foreign interests are at issue.[14] Those who argued that the pipeline sanctions would have a severe long-lasting impact upon U.S.-European relations were wrong. Recently, France's Defense Minister Charles Hernu stated that the disagreement "did not leave any scars" and "we do not even speak of it". And in their June 1983 communique, NATO foreign ministers agreed that "economic relations with [the Soviet bloc] must remain consistent with broad allied security concerns."

With respect to reexport controls, the EAA permits the President to require that a foreign company obtain a reexport license to export a specified U.S. origin item to another country. This means that the company has to receive approval from both its government and the U.S. This provision should remain in force until U.S. allies more consistently take into account U.S. security concerns. Extraterritoriality is a means to an end. If and when other nations have secure safeguards and tough standards regarding technology diversion, there will be no real need for such action.

A new extraterritorial issue has developed with the suggestion that authority to impose import controls be added to current presidential powers. This is a significant and potentially useful addition to U.S. national security export control laws and should be incorporated in the EAA. Specifically, the President should have option of prohibiting imports from an overseas subsidiary of a U.S. company that violates the law by reexporting U.S. items and from a non-U.S. company outside the U.S. that violates U.S. or COCOM restrictions. Appropriate monitoring and enforcement mechanisms will also be needed. Given that the U.S. is the world's largest market, such a potential sanction should prove very effective.

FOREIGN POLICY CONTROLS

Foreign policy export controls, while not as directly related to the militarty security of the U.S. as national security controls, are nonetheless an important tool for the President. Export controls (aside from setting a moral example), as Undersecretary of Commerce Lionel Olmer has suggested, can deter future actions; mobilize international support against certain behavior; impose economic cost on the targeted nation; and expresses disapproval of another nation's policies. Further, the President must have the ability to conduct policy through a variety of means.

The Soviet pipeline sanctions, for example (1) delayed the construction of the Siberian pipeline; (2) compelled the USSR to allocate scarce resources between priority domestic projects and the export pipeline; (3) gave the Europeans an opportunity to assess alternative energy supply options in view of the soft petroleum and gas market and possibly prevent further reliance on Soviet gas; (4) gained European cooperation for a more coordinated approach toward East-West trade. Europeans are now more cooperative on a coordinated economic policy toward the Soviet bloc because, not in spite of, the sanctions.

Under current law, the President must "consider" six criteria in deciding whether to authorize foreign policy controls. A suggestion has been made that the President must "determine" that all six tests have in fact been met. Such a requirement is inadvisable. The President would have no discretion concerning, or ability to weigh, competing factors. In any event, the distinction between foreign policy and national security is a fine one, and undue restrictions on foreign policy controls will merely encourage a President to use a national security justification.

Contract sanctity

Some critics argue that export controls should not be applied to contracts already in effect. The abrogation of existing contracts can be unfair, but is justifiable, if important national security or foreign policy interests of the U.S. are served. Not maintaining this authority would mean that the

President would be powerless to act promptly and effectively should it be discovered that a particular item's export would be damaging to Western security or would be shipped to a country which has openly aided a heinous terrorist act. Thus, an exception to contract sanctity for significant problems such as terrorism is the minimum that should be provided.

Private sector concerns can be accommodated in two ways. First, it can be stipulated that short-term contracts, below a certain volume or dollar amount, could be carried out unless the President determines that extraordinary circumstances dictate otherwise. Second, businesses, which have made expenditures with respect to a contract that cannot be carried out or is abrogated should be allowed to recover their expenses by means of tax deductions; alternatively, insurance systems could be established for such contingencies. U.S. allies could take similar action. Certainly, companies should always be put on notice that contract suspension is a possibility in certain situations.

Advocates of total contract sanctity for foreign policy controls suggest that the President could use new authority expanding the scope of the International Economic Powers Act to achieve the desired result of voiding existing contracts. While this would be better than nothing, it would expand needlessly the meaning of "emergency" beyond what it properly should be, and could raise serious legal questions.

CONCLUSION

National security export controls are an important means of protecting U.S. interests. Some argue that crucial items will reach the Soviet bloc eventually anyway and that, therefore, tight controls are not warranted or useful. This ignores the principal benefit of controls, which is that they delay the absorption of new militarily relevant technology by the Soviet bloc. In the past, there was an eight- to ten-year technology acquisition gap from West to East, but that has already been reduced substantially, and in some instances the Soviet bloc is applying Western dual-use technology for militar purposes even before the West does.[15] Given the Soviet bloc conventional advantage in Europe and the increasing Western emphasis on new technologies to counterbalance the large Soviet quantitative advantage, controls are even more necessary than heretofore. Further, each Soviet bloc technological breakthrough results in huge added costs to NATO nations for countermeasures.

On the broadest plane, both national security and foreign policy controls must be seen within the context of the overall East-West struggle. The looser export controls of the detente era did not, as predicted by its formulators, result in more responsible Soviet behavior; instead, security related exports were use to build up the Soviet bloc's military capability, and other trade was used to escape the consequences of disastrous economic policies.

Given current Soviet conduct, it should be the policy of the U.S. (and a consensus of Western nations) to restrict dual-use goods or technology and to give the President the option to limit trade for foreign policy reasons, such as the Soviet invasion of Afghanistan or the imposition of martial law by the Polish government.

Economic matters are an increasingly important aspect of overall relations among nations. The export policies of the United States therefore cannot be considered solely in the context of ordinary business concerns, important though they may be.[16] The context must be broadened to include U.S. security and Soviet behavior. Under present conditions, the correct policy is to err, if at all, on the side of protecting Western security and granting the President foreign policy authority and flexibility.

FOOTNOTES

[1] The Senate will consider S. 979, and the House will debate H.R. 3231.

[2] For background on technology transfer to the Soviet Union, see: CIA, *Soviet Acquisition of Western Technology* (Washington, D.C.: Government Printing Office, 1982); U.S. Congress, Senate, Permanent Subcommittee on Investigations of the Governmental Affairs Committee, *Transfer of United States High Technology to the Soviet Union and Soviet Bloc Nations*, 97th Cong., 2d. sess., November 15, 1982; U.S. Congress, Office of Technology Assessment, *Technology and East-West Trade* (Washington, D.C.: Government Printing Office, 1979) and Update, May 1983; Paige Bryan *et al.*, "Capitalists and Commissars," *Policy Review*, Fall 1982, pp. 19-34; Miles Costick, "Strategic Trade, Economic Sanctions and the Security of the Free World," in Geoffrey Stewart-Smith, ed., *Towards a Grand Strategy for Global Freedom* (London: Foreign Affairs Research Institute, 1981).

[3] COCOM now consists of the NATO nations (except Iceland and Spain) and Japan.

[4] See PL 96-72; 93 Stat. 603.

[5] A third type of control—short supply—is not considered here.

[6] Controls on strictly military items are administered by the Department of State; on items with both military and civilian use ("dual use") by the Department of Commerce.

[7] For background on the proposed Office of Strategic Trade, see Hearing Before the Senate Banking Committee, February 3, 1983; and S. 434 introduced by Senator Jake Garn (R-Utah).

[8] See Paige Bryan, "East/West Trade Controls," in Richard N. Holwill, ed., *Agenda '83* (Washington, D.C.: The Heritage Foundation 1983), p. 51ff.

[9] See the testimony of Theodore L. Thau before the Senate Banking Committee, March 2, 1983, pp. 390-449.

[10] It is important to note that no system of licensing, or of enforcement and controls can assure a security-minded policy; ultimately, the Administration in power will make the crucial decisions as to these matters and can override security considerations. See General Accounting Office, "Details of Certain Controversial Export Licensing Decisions Involving Soviet Bloc Countries," May 5, 1983.

[11] These suggestions were made by Senator Sam Nunn (D-GA) as a result of oversight hearings by the Senate Permanent Subcommittee on Investigations of the Senate Governmental Affairs Committee.

[12] The "Bucy Report" of 1976 called for focusing on "arrays of design and manufacturing know-how," along with equipment incorporating advanced technical data, as opposed to emphasizing finished products per se.

[13] For background on COCOM, see Gary Bertsch, *East-West Strategic Trade, COCOM, and the Atlantic Alliance* (Paris: Atlantic Institute for International Affairs, 1983).

[14] The U.S. ambassador to the Conference on Security and Cooperation talks, Max Kampelman, has pointed out that "there is a tendency to end up sometimes with the lowest common denominator" in working with the allies and that "we must continue to maintain our standards and exercise our judgment, and express what is in our best interests without necessarily waiting for consensus." Testimony before the Commission on Security and Cooperation in Europe, December 28, 1981, p. 40; *Washington Post*, January 20, 1983.

[15] For the latest discussion of this matter, see "Interview with Assistant Air Force Secretary Tidal McCoy," *Current News*, Part 2, July 15, 1983, p. 15.

[16] Private sector concerns should be accommodated to the extent consistent with security and foreign policy requirements. But it is also true that export controls affect a relatively small percentage of U.S. exports (foreign policy controls affected less than one percent of the $140 billion in U.S. manufactures exported in 1982), and are applied infrequently.●

U.S. POLICY IN LEBANON

● Mr. BIDEN. Mr. President, Winston Churchill's description of Soviet Russia in the 1930's could be applied to U.S. policy in Lebanon today: It is "a riddle, wrapped in a mystery, inside an enigma." Even those of us on the Senate Foreign Relations Committee have more questions than we have answers about where we are headed and why.

The initial reaction to the President's February 7 announcement was almost uniformly one of relief at the planned withdrawal of U.S. Marines from their dangerously exposed positions near the Beirut airport. Now we are learning that that withdrawal will not begin for a while and may never be total. Now it is obvious that the administration plans to enlarge the role of naval air attacks and gunfire while removing the Marines.

These appear to be conflicting signals to our friends and adversaries, an altogether too frequent attribute of U.S. policy in the Middle East. As John M. Goshko and Fred Hiatt write in this morning's Washington Post:

However, there was still confusion about whether the switch in tactics ordered by Reagan Tuesday is a face-saving cover for an impending U.S. disengagement from Lebanon or a genuine effort to help the militarily embattled Gemayel government to survive the onslaught of Syrian-backed dissident militias.

Mr. President, I have learned in recent years to believe Ronald Reagan. He usually says just what he means. And in this case, I am driven to the conclusion that he is not changing U.S. policy in Lebanon.

Deputy White House press secretary Larry Speakes made this point yesterday. He said, "The mission remains. The goals remain. We are looking for more effective ways to do it." And speaking of the Marines, he said, "We don't consider this a withdrawal but more of a redeployment."

Secretary of State Shultz also stressed that the marines would remain in place until their redeployment could be done consistent with carrying out broader U.S. goals in Lebanon. He told a news conference in Barbados:

There is no physical reason why the marines could not move quickly. The President has asked the Secretary of Defense to provide a schedule for how the redeployment should be carried out so we can maintain the effectiveness of the various missions we're trying to fulfill.

White House handling of the President's announcement contributed to the confusion. By releasing the statement late in the day, without full briefings of the key congressional committees and without even a text for study, the administration guaranteed diverse interpretations of its actions and intentions. If the White House advanced its release because of prema-

ture leaks, as some press reports claim, that may also have made the situation worse, for it surprised our multinational force partners as well as the Congress.

Now that we have had some briefings and can study the President's announcement, it is clear to me that our tactics have changed, but not our basic policy. The administration still wants the Gemayel government to unify Lebanon and is willing to use U.S. naval firepower in support of that regime. It is prepared to keep marines in Lebanon for the foreseeable future, in one form or another, until its original objectives have been attained. It is unwilling to admit that its policy has failed, that the circumstances under which Congress authorized an 18-month troop commitment have changed utterly, or that the costs and risks of trying to maintain that policy have increased dramatically.

In fact, our marines are in greater peril because we have launched preemptive, not just retaliatory, strikes against anti-Gemayel forces while leaving our troops in known, fixed positions. They are "lame ducks" now, as well as "sitting ducks."

We still do not have a plan to bring about peace, only a hope that the beleaguered minority government of President Gemayel can somehow reunite the disintegrating army, form a coalition among factions which have been fighting each other for centuries, and force the Syrians to withdraw. We still do not have the military force to achieve these objectives, even assuming them to be attainable.

America's national interests require a change of course, beginning not ending with the prompt and orderly withdrawal of our marines. We must be realistic, not naive, about the situation in Lebanon. And we need a clarity of long-run purpose, not the confusion of ad hoc reactions, buttressed by a well-coordinated plan to protect our vital interests.

Mr. President, perhaps the most cogent analysis of our policy in Lebanon was given by former Secretary of Defense James Schlesinger in recent testimony before the Foreign Relations Committee. I ask that his statement, and the President's February 7 announcement, be printed in the RECORD.

The material follows:

STATEMENT OF JAMES R. SCHLESINGER BEFORE THE COMMITTEE ON FOREIGN RELATIONS, JANUARY 11, 1984

Mr. Chairman, Members of the Committee, it is an honor and a special responsibility for me to appear today before this Committee to examine the perplexities of American Middle Eastern Policy. The focus must, of course, be on Lebanon and the onshore American Marine deployment. Yet, we must bear in mind, that nothing in the Middle East can be treated in isolation. The problem of Lebanon intersects with other significant Middle Eastern issues: the Arab-Israeli conflict, the inter-Arab relationships, the Shiite awakening, and even (through the Iranian involvement) the stability of the Persian Gulf.

It is essential therefore to consider these potentially wider ramifications of our Lebanese policy. If we fail to do so, we may ultimately impose upon ourselves political costs on which we have not reckoned.

In this connection, it seems appropriate to recall the earlier dispatch of Marines to Lebanon by President Eisenhower in 1958. At that time, in addition to the internal turmoil within Lebanon, there had been the prior overthrow of the Iraqi monarchy (and the murder of the King and Prime Minister), the fears regarding Soviet penetration, and the simultaneous insertion of British forces into Jordan to stabilize that country. Eisenhower dispatched a substantial force, capable of dealing not only with internal resistance but also with the uncertainties pertaining to the region as a whole. A full Marine division went in over the beaches. There was no resistence. Indeed, the Marines were met by vendors selling ice cream and souvenirs.

Recent policy has, in effect, stood Eisenhower on his head. Rather than a massive deployment to deal with token resistance, we have had a token deployment to deal with massive resistance.

This earlier experience with a deployment sufficiently large to deal not only with the immediate problem but also with unforeseen contingencies may serve as a cautionary tale, as we examine the perplexities of our current policies. It seems to me, Mr. Chairman, that these perplexities may best and most briefly be examined under four headings: (1) the transformation of the mission, (2) the present situation of the Marines, (3) requirements for consistent policy and (4) other considerations and potential costs.

1. The Transformation of the Mission. The second dispatch of the Marines in September, 1982, after the massacres in the two refugee camps, at first blush embodied a mission reasonably clear, though not necessarily sustainable. This experience indicates, I believe, the riskiness of force deployments either as a humanitarian reflex action or as a gesture of political support. Suffice it to say that this mission has over time become increasingly enigmatic.

I need not here review the careful and compelling analysis of the Long Commission regarding the change in the mission—for which the Marines were insufficiently prepared and for which their operating guidelines were insufficiently clear. American support for the Gemayel government, direct support for the Lebanese Army with training and supplies, naval gunfire directed against Druze positions, and reconnaisance overflights meant quite simply the transformation of the Marine role from that of a peacekeeping mission, however amorphous, to that of participant in a complex struggle. The rules of engagement for the Marines were not altered to reflect these changes, and, more importantly, policy makers do not appear to have appreciated the transformation of the mission. In brief, a deployment initially intended to provide assurance to Palestinian and others against the depradations of the Phalangist militia had become the principal support for the Gemayel government with its Phalangist associations. It should scarcely be a surprise that the climate turned from benign to hostile.

The withdrawal of the Israelis in the summer of 1983—which the United States had first encouraged and then discouraged—dramatically altered the position of the multi-national force. Though apparently not anticipated, the Israeli withdrawal did three things. First, it eliminated the shield that had protected the multinational forces including the Marines. Second, it obliterated entirely the hope on which the Marine mission had come to be based: that the Gemayel government could extend its authority over the entire country. Third, and perhaps most important, it created a powerful incentive to attack the Marines; for, with the withdrawal of the Israelis, the United States had become the principal prop of the Gemayel government.

The attitude towards Syria has itself undergone some surprising metamorphoses. In the spring, the Syrians were expected, rather naively, to withdraw their forces under the same conditions as the Israelis—at the behest of the Gemayel government. In the summer, policymakers had become disgruntled with Syrian obduracy, and the fleet was reinforced "as a marker to the Syrians". In the fall, Syria was denounced as an accomplice in terrorism and as a spearhead for Soviet ambitions. Now, in the winter, with the release of Lieutenant Goodman, the Syrians are being portrayed as seeking a resolution and desiring an end to the confrontation.

Throughout, however, the Syrians have been reasonably clear about their objectives: a prestige-enhancing political victory over the United States and the undermining of the Gemayel regime. From time to time, the Syrian press has trumpeted about "another Vietnam" and the inevitability of American withdrawal. The vulnerability of the Marine position has permitted Syria to play a cat-and-mouse game with the Marines--at the same time that it pursued its longer-term objectives.

2. The Present Situation of the Marines. Given the changes in the underlying political conditions and the transformation of the Marine mission, what should be said about the situation on the ground? Quite clearly, the present Marine deployment has become untenable in the longer run. Objectively considered, the Marine deployment is, quite simply, a lodgment under hostile conditions. The Marines are now hunkered down; they are hard pressed just to defend their present position. The few square miles that the Marines control around the Beirut airport implies that they provide very limited physical reinforcement for the Gemayel government—however welcome their presence may be in terms of American political support and at least the possibility of escalation.

The correlation of forces (as the Soviets would describe it) clearly does not favor the side that we support. A Marine deployment so small now provides primarily an incitement to the other side for further hostile actions—while remaining insufficient in size to intimidate the other side into a satisfactory political settlement.

Any deployment, in addition to satisfying a valid national interest, must meet the twin tests of clarity of mission and sufficiency. Unlike the Grenada invasion, the deployment in Lebanon probably failed both these technical tests. A deployment, perhaps adequate for a somewhat ill-defined peacekeeping mission, is quite clearly insufficient under conditions of hostility. The present deployment has resulted in greater pressure on ourselves than on the other side. Simply hanging in there will prove to be a costly and an unsatisfactory policy. The Marines

will have to be reinforced to the point that they change the balance of power—or else withdrawn.

3. Requirements for Consistent Policy. A deployment of U.S. forces should always be treated as a serious matter. It is much more than a matter of symbolism. Under Lebanese conditions, a serious military force would be one that provides substantial support for the Gemayel government, intimidates the other side, and would alter significantly the present balance of forces in the region. To achieve such an outcome would require substantial reinforcement of the small Marine lodgment presently in Lebanon. There is considerable question whether there exists the political will for such reinforcement—and a larger question whether it would be in the longer run national interest. But the issues are stark. We are back to President Eisenhower—and the compelling need to avoid token deployments under hostile conditions.

Alternatively, we can set the goal of withdrawing our forces. Picking the least-bad circumstances is, no doubt, an ancillary condition. The Syrians may be prepared to provide some kind of fig-leaf to cover the nakedness of withdrawal—and perhaps another example of the famed "decent interval". But we should be under no illusions. The cost of staying would gradually rise—and almost certainly exceed the political costs of withdrawal, however substantial they may be. The United States is not well-equipped for this kind of war of attrition. Unquestionably the Syrians will, quite properly, treat our withdrawal as their political victory.

4. Other Considerations and Potential Costs. The costs of withdrawal are rasonably clear cut: weakening of the Gemayel government, political embarrassment of the United States, a general loss of American credibility in the region. These are substantial costs, although they are probably not overwhelming. But no one should believe that withdrawal can be costless. The basic issue is not whether costs will be incurred, but whether or not they can be avoided by any plausible policy choice. Hanging in there, waiting for something to turn up, may simply augment the net political loss.

I observed at the outset that Lebanon cannot be treated in isolation. A costly protracted war of attrition in Lebanon may well affect public support for American policy elsewhere. Erosion of support for the Administration, reflecting disaffection with a continuing stalemate in Lebanon, is likely to reduce the public's willingness to support Administration policy in Central America—for which both goals and strategy are more persuasive than they are in Lebanon. After all, any Administration must carefully consider how it wishes to invest its political capital.

In the Middle East itself, one must also carefully assess the political costs either of hanging in there or of escalation. A continuation of the existing cat-and-mouse game might well enhance Syrian prestige even more than would an American withdrawal—and increase prospective Syrian influence over the moderate Arab states. A continuation of the present stalemate, subsequent to the Israeli withdrawal, may increasingly make the United States a lightning rod for Arab nationalism, displacing the Israelis in this role. Finally, the continuing turbulence in Lebanon both contributes substantially to the Shiite awakening outside of Iran and helps to focus Shiite resentment against the United States.

The United States deployed its forces into Lebanon reflexively, almost heedlessly, and without careful consideration of the impact of this deployment, should it pass beyond the peacekeeping role, on the complexities of Lebanese politics, on Arab nationalism, or on the Shiite awakening. At the same time that we consider the clear costs of withdrawal, we should bear firmly in mind these other, less tangible but certainly substantial, costs of remaining engaged.

Let me close, Mr. Chairman, by observing that some have argued that we should never allow terrorists to determine our policies. Nonetheless, if we were to remain in Lebanon—if that is not in our interest—we should be allowing terrorists to determine American policy about as much as if we withdraw. Finally, I would observe, Mr. Chairman, that, if we conclude that Iranian-sponsored terrorism is intolerable to us, it would be far more effective for us to consider direct action—and, to borrow the phrase of a recent Secretary of State, go to the source.

STATEMENT BY THE PRESIDENT

The bloodshed we have witnessed in Lebanon over the last several days only demonstrates once again the length to which the forces of violence and intimidation are prepared to go to prevent a peaceful reconciliation process from taking place. If a moderate government is overthrown because it had the courage to turn in the direction of peace, what hope can there be that other moderates in the region will risk committing themselves to a similar course? Yielding to violence and terrorism today may seem to provide temporary relief, but such a course is sure to lead to a more dangerous and less manageable future crisis. Even before the latest outbreak of violence, we had been considering ways of reconcentrating our forces and the nature of our support in order to take the initiative away from the terrorists. Far from deterring us from this course, recent events only confirm the importance of the decisive new steps I want to outline for you now. Thus, after consultation with our MNF partners and President Gemayel and at his request, we are prepared to do the following:

First to enhance the safety of American and other MNF personnel in Lebanon, I have authorized U.S. Naval forces, under the existing mandate of the MNF, to provide naval gun fire and air support against any units firing into greater Beirut from parts of Lebanon controlled by Syria, as well as against any units directly attacking American or MNF personnel and facilities. Those who conduct these attacks will no longer have sanctuary from which to bombard Beirut at will. We will stand firm to deter those who seek to influence Lebanon's future by intimidation.

Second, when the government of Lebanon is able to reconstitute itself into a broadly-based representative government, we will vigorously accelerate the training, equipment and support of the Lebanese armed forces, on whom the primary responsibility rests for maintaining stability in Lebanon. We will speed up delivery of equipment; we will improve the flow of information to help counter hostile bombardment; and we will intensify training in counter terrorism to help the Lebanese front, the terrorist threat that poses such a danger to Lebanon, to Americans in Lebanon, and indeed to peace in the Middle East.

Third, in conjunction with these steps, I have asked Secretary of Defense Weinberger to present to me a plan for redeployment of the Marines from Beirut Airport to their ships offshore. This redeployment will begin shortly and will proceed in stages. U.S. military personnel will remain on the ground in Lebanon for training and equiping the Lebanese Army and protecting the remaining personnel. These are conditional functions that U.S. personnel perform in many friendly countries. Our Naval and Marine forces offshore will stand ready, as before, to provide support for the protection of American and other MNF personnel in Lebanon and thereby help ensure security in the Beirut area as I have described.

These measures, I believe, will strengthen our ability to do the job we set out to do—and to sustain our efforts over the long term. They are consistent with the compromise joint resolution worked out last October with the Congress with respect to our participation in the multi-national force.●

A TRIBUTE TO JFK

● Mr. LEVIN. Mr. President, at the Memorial Concert at Kennedy Center honoring the memory of President Kennedy last November 22, one of the many highlights were the remarks by Tom Scanlon. For those who were unable to attend that wonderful concert and therefore missed Mr. Scanlon's speech, I ask that they be inserted in the RECORD today.

The remarks follow:

TRIBUTE TO JOHN F. KENNEDY

(By Thomas J. Scanlon)

Good evening

I have been asked to pay tribute to President John F. Kennedy tonight, and I feel honored. I held no position in his Administration. I did not know him personally. I am here only as one of the thousands whose lives were profoundly influenced by him.

When John Kennedy took the oath of office, I was a graduate student in Philosophy. Six months later, I entered the Peace Corps. Today, I am still involved with the problems I worked on then. The Peace Corps experience led me to a new life wofk.

I hope that I speak not only for myself here but for all of us whose lives and careers were inspired by John F. Kennedy.

In the past few weeks, television has enabled all of us to remember President Kennedy again in life—how alive he made us feel and how proud to be Americans. In fact, the greatest sacrifice for me in being in the Peace Corps was to be outside our country during much of that magical period.

Yet we volunteers were never really very far from events in the United States. I was stationed in Chile in a small village 6,000 miles south of here. One day I drove my jeep as far as I could toward the coast, walked a few miles to a local mission, and continued on horseback for three more hours to a remote Indian neighborhood. I was feeling very proud of myself. Certainly no other American had ever been there. Perhaps, they had never even heard of the United States. After a customary cup of tea with my Indian host, he said to me, "Did you know that yesterday was President Kennedy's birthday?"

There are many achievements that will secure John Kennedy's place in history. But the Peace Corps is the one that I choose as my text because it tells us so much about him.

The Peace Corps reflects John Kennedy's vision of America. He brought out a sense of idealism and participation that runs like a deep stream in all of us. Through the Peace Corps he challenged us to go to the remotest parts of the world, to live without privileges of any sort, to learn a new language and to put our skills and energies to work as a symbol of our country's concern for others.

Ten thousand of us responded to that challenge in the first three months. Today there are over 89,000 Americans who have returned to the United States after serving two years as Peace Corps volunteers in 88 countries.

The impact of these volunteers—and the 5,200 who are serving today—is incalculable.

Perhaps it was summed up best by a little girl in Africa who wrote adoringly to her volunteer teacher—in not so perfect English: "You are a blot on my life which I will never erase."

The Peace Corps exemplifies the quality President Kennedy admired most—courage, in this case the willingness to take a risk. There was considerable opposition to the Peace Corps when President Kennedy first announced it. Some called it a Children's Crusade and a publicity stunt.

The Kennedy Administration pressed forward. But one of Sargent Shriver's aides did ask him, fairly early, "Aren't we really going out on a limb with the Peace Corps? We still don't know whether the idea will work or whether the volunteers will be accepted." "Out on a limb, nothing!" Shriver replied, "We're out there walking on the leaves."

The Peace Corps symbolizes John Kennedy's commitment to world peace. The Peace Corps itself was a peace initiative. In teaching hundreds of languages to volunteers, the Peace Corps learned that in many languages the word for "stranger" is the same as the word for "enemy". The Peace Corps has shown that the more we know about each other, the less likely it is that we will consider one another as enemies. As John Kennedy said to the Irish Parliament in the summer of 1963:

"Across the gulfs and barriers which divide us, we must remember that there are no permanent enemies."

Today the question of peace involves no less than our survival as a planet. In the tragic operas or dramas which we witness here at the Kennedy Center, simple misunderstandings lead the action unavoidably toward its tragic end. This is the essence of tragic art. In the real world of international politics, one such misunderstanding could bring the ultimate tragedy which would end all music and all art.

John Kennedy was possessed by this realization. His eloquence and conviction were prophetic. Popular consciousness of the dangers of nuclear war is only now beginning to catch up with him.

Finally, the Peace Corps highlights John Kennedy's compassion for the billions around the world who live in an abject poverty and misery. People ask why John Kennedy is so beloved in the developing world? The answer to that question is clear. John Kennedy truly cared about that half of humanity which lacks the basic necessities He made promises to them and he delivered. He convinced the Congress to approve levels of development assistance and Food for Peace which have never been equaled since.

Then, of course, there was Peace Corps itself. The people in developing countries saw us as the direct expression of John Kennedy's interest in them. "Children of Kennedy" we were called in many parts of Latin America, "Wakima Kennedy" or "Followers of Kennedy" in Africa.

Twenty years ago this evening, there were 5,937 volunteers serving in forty-six countries. Each of them remembers vividly the outpouring of grief which his death occasioned. In Nepal, some villagers walked for five days to where the volunteers were to bring them the sad news. In Iran, a local coworker told a volunteer, "Our President is dead." In Bangkok, people dressed in mourning garb. Schools everywhere searched for flags to fly at half mast. A volunteer wrote from Brazil:

"If then this awful thing could reach out to the farthest corner of the world and have the effect of all people that I believe it did—then there is a real brotherhood among men—only one family of man."

History must judge John Kennedy not only by what he was able to accomplish in 1,000 days but also by what he inspired all of us to *volunteer*—in the broadest sense—to do for our country.

So might I suggest that there is amost fitting tribute which all of us can pay to John Kennedy here this evening. We can pay him this tribute in our own lives; in our concern for a just and compassionate society here at home; in our willingness to assist the masses of poor throughout the world; and, most important, in assuring our Nation's commitment to take the first steps toward peace. We can be prepared, in his memory and in his honor, to go out and "walk on the leaves."●

ARMS SALES TO GUATEMALA

● Mr. DURENBERGER. Mr. President, on January 29, I learned that the U.S. Government had agreed to sell the Government of Guatemala approximately $2 million worth of helicopter spare parts for its aging fleet of six United States-made UH1-H Huey helicopters. I found this sale particularly troubling in light of Guatemala's abysmal human rights record. My greatest concern is that I believe that this action is likely to cause a further deterioration in the quality of life for Guatemala's citizens and to send the wrong message at the wrong time to Guatemala's military dictatorship.

In its recent report to the President, the National Bipartisan Commission on Central America stated that a renewal of military assistance to Guatemala should be directly linked with improvements in human rights conditions in that country. Several passages in that report are quite instructive as to the kind of Government that we are supporting in Guatemala:

The existing human rights situation there is unacceptable, and the security situation could become critical . . . Military aid and military sales should be authorized if Guatemala (makes) rapid progress towards democratic pluralism and respect for human rights.

The Guatemalan armed forces have been able so far to contain low-level insurgency without assistance from abroad. This relative success is due to a number of factors: long experience in counter-insurgency; the greater geographical difficulty in the guerrillas have in obtaining supplies from Nicaragua, as contrasted with the Salvadoran case; and the more favorable conditions for counter-insurgency operations prevailing in the less densely populated backlands of Guatemala. But financial restrictions on the Guatemalan government and shortages of military supplies and spare parts could soon begin to limit the effectiveness of the Guatemalan counter-insurgency effort.

An even more serious obstacle in terms of the ultimate containment of armed revolt in Guatemala is the brutal behavior of the security forces. In the cities they have murdered those even suspected of dissent. In the countryside, they have at times killed indiscriminately to repress any sign of support for the guerrillas. Such actions are morally unacceptable. They are also self-defeating—as long as they persist, the conditions in which insurgency can appear and reappear will continue.

As with much of the Commission's report, I find that I am in strong agreement with this assessment of the true nature of the Guatemalan regime. Numerous organizations, including the Inter-American Commission on Human Rights, Amnesty International, the U.S. Department of State, and Americas Watch have, to varying degrees, characterized Guatemala as "a nation of prisoners" where civil liberties which we take for granted are routinely violated. Human rights abuses have been endemic in Guatemala during the past three military governments. In a July 1982 report, Amnesty International itemized 69 massacres of civilians since Gen. Efrain Rios Montt had seized power in Guatemala. Amnesty International estimated that 2,186 civilians in rural areas died in these incidents.

Rios Montt was toppled in an August 1983 coup by Guatemala's present dictator, Gen. Oscar Mejia Victores. Since that time, the overall human rights picture in Guatemala has, if anything, deteriorated substantially. Human rights monitors have determined that political murders, disappearances, and torture are commonly employed devices in the Guatemalan Government's "Campaign Against Subversion." No one can accurately estimate how many people have died in this campaign, but estimates range into the thousands.

Since 1981, the Reagan administration has attempted on numerous occasions to coax the Guatemalan Government toward less repressive policies. These efforts, unfortunately, have not met with success. Throughout much of 1983, the administration sought to improve relations with Guatemala in the hope that we could attain some leverage with the Guatemalans and thereby encourage that Government to improve its human rights performance. Nevertheless, the Guatemalans showed a distinct unwillingness to cooperate with us. In October, two Guatemalan employees of the Agency for International Development disappeared and were later found to have been murdered. A third U.S. AID em-

ployee suffered a similar fate in November. As a consequence of the killings, the administration recalled our Ambassador to Guatemala in November and canceled the sale of military spare parts to that country. Moreover, Congress rejected $53.5 million which had been previously earmarked for Guatemala for various forms of economic assistance.

It is often argued that only through initiating contact and providing aid can we hope to affect the behavior of a government. It is thought that we can gain leverage over nations which receive our arms, for instance by conditioning sales on the elimination of death squads. But this is a difficult argument to make with respect to Guatemala. As I see it, we simply do not have either the political or the economic leverage to make the Guatemalans change their ways.

Increasing the U.S. military assistance by the sale of $2 million worth of helicopter parts is not the sort of thing which ordinarily interests most Americans. After all, this is a miniscule sale by our standards, and the equipment is nonlethal. But what is small by our standards can be enormous in Guatemala. Refitting disabled helicopters has the potential to make life particularly unpleasant for many Guatemalans who have, in some way, displeased the Guatemalan military regime.

Guatemalan leaders have on numerous occasions said that they were extremely interested in buying spare parts for their helicopters. Allan Nairn in an April 11, 1983 article in the New Republic has aptly described the Guatemalan military's interest in purchasing this equipment:

> The United States' refusal to sell spare parts had grounded much of the fleet, so Lieutenant Bonilla (a Guatemalan officer) was encouraged by reports that the Reagan Administration was considering a change in policy. "That would be wonderful," he said. "With six helicopters, for example, the airborne troops would land all at once before they could make a move. The nicest, the ideal, the dream, would be a surprise: suddenly, pow! Helicopters with troops!" As he spoke, he made machine gun noises and waved his Galil toward the refugee shacks.
>
> The day before this conversation, a peasant family in Bonilla's camp, interviewed in their shack outside the view of soldiers, described such an assault on their village. "Two times they came there in helicopters," said one of the men. "They would come in and land and the people would retire and they would always kill a few. They flew over, machine-gunning people from the helicopter." The family said that five were killed in the strafing.

Clearly, while the financial impact of such an arms sale is small, the human cost is very much higher.

On another level, this cash sale may well violate the law of the United States. Section 502B of the Foreign Assistance Act prohibits military assistance or commercial sales of military or police equipment to governments engaged in "a consistent pattern of gross violations of internationally recognized human rights." Guatemala's record in the area of human rights in the last few years would, in my mind, completely disqualify that country for any sort of consideration for any form of military assistance from this country.

This sale raises other important issues. The British Government has made it known that it does not view this sale favorably. In the past, Guatemala has threatened to invade the former British Colony of Belize and to reclaim it as part of a "Greater Guatemala." To this day, the British maintain a force of over 1,500 troops and a squadron of Jaguar fighters to preserve the soverignty of Belize against this possibility. The Thatcher government has indicated that these helicopters could potentially destabilize the current balance of forces along the Guatemala-Belize border.

The Reagan administration has been less vocal on a final yet important reason for this arms sale—that of its desire to bring Guatemala into a regional security arrangement with its neighbors, Honduras and El Salvador. Guatemala does not subscribe to many of the freedoms which we regard as vital both for ourselves and for our friends in Central America.

Individual rights are ignored, freedom of the press is nonexistent, political parties are largely controlled by the Government, religious freedom is constrained, and the judicial process is distorted by Government fiat. The struggle in Central America is essentially a struggle against such conditions. It is being fought not by leftist guerrillas or by Sandinistas, but by reform-minded Democrats who are our allies. If we condone or contribute to the kind of conditions which are a fact of life in Guatemala, we undercut our efforts to bring stability, prosperity, and justice to the region.

This arms sale is a small thing, but nevertheless we can be measured by such small things. This sale is neither wise policy nor is it moral. It brings us to the level of complicity with dictators who continually ignore the needs and rights of their people and who seek to maintain their position through fear and repression. Our Government should disassociate itself from this policy and halt this transaction. Such an act would truly convey the abhorrence that Guatemala's human rights policies engender in most Americans.

That is why I have been joined by Senators BOSCHWITZ, HATFIELD, and KASSEBAUM in initiating a letter to Langhorne Motley, the Assistant Secretary of State, urging a reconsideration of the sale. I therefore ask that a copy of our letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., February 9, 1984.

Hon. LANGHORNE A. MOTLEY,
Assistant Secretary of State for Inter-American Affairs, U.S. Department of State, Washington, D.C.

DEAR MR. MOTLEY: On January 29, the U.S. government announced that it had agreed to sell Guatemala $2 million worth of spare parts for that country's fleet of United States-made helicopters. The State Department has indicated that, because this helicopter parts sale was for cash, it does not constitute a violation of the Congressional ban on sales of military equipment to Guatemala.

In its recent report to the President, the National Bipartisan Commission on Central America stated that a renewal of military assistance to Guatemala should be directly lined with improvements in human rights conditions in that country: "The existing human rights situation there is unacceptable, and the security situation could become critical . . . Military aid and military sales should be authorized *if* Guatemala (makes) rapid progress towards democratic pluralism and respect for human rights." Recent developments reflect a deterioration, not an improvement, in the over-all human rights picture in Guatemala. Nevertheless, the Reagan Administration has, in effect, abrogated the Congressional ban.

There are a number of compelling arguments as to why this sale should not have been made. First, the Guatemalan army has used helicopters extensively to subdue opposition in rural communities throughout the country. Second, human rights abuses have been endemic in Guatemala during the past three military governments; these abuses have intensified substantially since the Mejia Victores coup of August 1983. Third, and perhaps most important, the law of the United States (Section 502B of the Foreign Assistance Act) prohibits military assistance or commercial sales of military or police equipment to governments engaged in "a consistent pattern of gross violations of internationally recognized human rights." According to numerous independent observes and organizations, Guatemala is characterized by a regular pattern of human rights violations.

We would therefore urge that you reconsider this decision to sell helicopter parts to the Guatemalan government. By cancelling the sale, the U.S. government could convey its continuing displeasure with the human rights policies of the Guatemalan government. Failure to halt this transaction, on the other hand, would only encourage the Guatemalan government to believe that it can persecute its citizens with impunity.

Sincerely,

DAVE DURENBERGER.
RUDY BOSCHWITZ.
MARK O. HATFIELD.
NANCY LANDON KASSEBAUM.●

DR. JOHN D. MILAM

● Mr. TOWER. Mr. President, I call to the attention of my colleagues a most distinguished Texan Dr. John D. Milam, who was recently elected president of the American Association of Blood Banks. He assumed the presidency of this 9,500-member medical as-

sociation at its 36th annual meeting in New York City, on October 31, 1983.

Dr. Milam is chief of staff, associate director of pathology laboratories, director of the blood bank and transfusion service, director of the Schools of Blood Bank Technology and Medical Technology, and director of the blood banking fellowship program for St. Luke's Episcopal Hospital at the Texas Medical Center in Houston. He is also a past president of the South Central Association of Blood Banks and the Texas Society of Pathologists.

The American Association of Blood Banks is the largest organization in the world devoted exclusively to blood banking. More than 2,300 community or hospital blood banks and transfusion services are members of the AABB, and more than 7,000 individuals professionals, including physicians, researchers, medical technologist, administrators, and donor recruiters, also belong.

Dr. Milam has been active for many years in the AABB. Previously he served as a member of the AABB Board of Directors from 1977 to 1981, and has been a member of the organization's standards, external affairs, technical manual, education, and district liaison coordinating committees.

Dr. Milam received his M.D. degree from the School of Medicine at Louisiana State University. He trained in pathology at the LSU Medical Center in Shreveport, La.; the Charity Hospital of Louisiana in New Orleans, and the Memorial Hospital for Cancer and Allied Diseases in New York City.

On behalf of the millions of patients and blood donors in Texas and throughout the country that Dr. Milam has served so well, I want to congratulate him and wish him well in his service to the American Association of Blood Banks.●

SENATOR DANIEL K. INOUYE

● Mr. LEVIN. Mr. President, recently I had occasion to read wonderful remarks about our extraordinary colleague, DAN INOUYE. They were written by a friend of his and mine. Dean Jerrold M. Michael of the University of Hawaii's School of Public Health.

Dean Michael's eloquent words capture some of the extraordinary sensitivity of DAN INOUYE and I submit for the RECORD for the enjoyment of our colleagues and those who may read the RECORD.

The remarks follows:

INTRODUCTION OF SENATOR DANIEL K. INOUYE ON THE OCCASION OF HIS RECEIVING AN HONORARY FELLOWSHIP FROM THE HEBREW UNIVERSITY OF JERUSALEM

(Dean Jerrold Michael)

It is of course a great honor to be chosen to introduce Senator INOUYE to this group, for the story of his life and that of his wife Maggie is the story of America. It is a story, as former President Lyndon Johnson said, and I quote, of

"A man who has lived by the code of personal courage on the battlefield and in the political arena; a man who has faced the aggressor's bullets and the bigot's contemptuous stare, and has lived to gain the admiration and respect of his fellowman. Even more important, he has by his example and witness helped to make the hearts of his fellowmen more tolerant, more free of the awful burden of racism."

To many of my coreligionists in this audience, the saga of the European migration is well known as an important part of the American heritage. We have long been aware of the contributions to our society which came issued from Western Europe—the surge of industrious peasants out of Poland, Germany, and other European centers—men and women who fought eagerly for something in a new land and often found it, if not for themselves, for their children or their children's children. But, as Ambassador Mike Mansfield has said:

"Less known is the Oriental immigration inheritance of America. It is one which has not loomed large in the totality of American life and its blend into the whole has neither been rapid nor easy."

Ambassador Mansfield went on to say:

"The great bulk of the immigrants to America from Asia in fact did not choose to leave their homes; rather, they were compelled to leave by the inadequacies of crowded lands and a rigid social system to meet the growing human demands which were imposed on them in the 19th century. Often these early immigrants constituted individual sacrifices who went forth into an alien world in a desperate last-ditch effort to save the family clan structure."

And so it was that the great-grandfather of this American whom we honor tonight, one Wasaburo Inouye of the Yokoyama Village in Japan, was caused to make a momentous decision—for a fire had spread through that village and it was the code of that hill country of southern Japan that he who lived in the house where a fire began must pay for the restoration of any other house that burned and for all the lost possessions. He could, of course, flee with his family in the dead of night—and slip away—and forever after, the name of Inouye would be ceremoniously stricken from every registry book and dishonor would fall upon the family.

No—he decided that they must pay the other families the almost overwhelming sum of $400 and since there was no way to earn such money in the village, the eldest son, Senator INOUYE's grandfather Asakichi, then 28, must leave the village and earn that money—earn it by becoming a contract worker in the sugarcane fields of Hawaii at a wage of $10 a month. And so it was on September 28, 1899, along with his wife, Moyo, and only son, Hyotaro, that the first steps in the beginning of a uniquely American odyssey began.

And also there began for Hyotaro and his family on Kauai, years of backbreaking work on the plantations. By the time he was 14, Hyotaro was considered old enough to wield the machete and day by day throughout the harvest season, he worked by his father's side.

On September of 1913, Hyotaro left Kauai for the first time to prepare for his formal education which he was to take at Mills High School in Honolulu. When he graduated, he won a job as a file clerk with the Theo H. Davies Co., and in the River Street Church, he met a girl—a small, bright-eyed Japanese, whose name was Kame and who Hyotaro knew in his heart of hearts would become his wife or all the days of his future would be blighted. And that too came to pass.

Kame Imanaga's parents died early in her life and she found a home with Rev. Daniel Klinefelter and his wife. They had a great deal to do with her sensitivity to life and with the way that she was to bring up her family.

In September 1923, she was married to Hyotaro Inouye and 1 year later, in the early evening of September 7, 1924, a son, DANIEL K. INOUYE, was born.

My friends, Kame Inouye is with us today and, if may, I should just like to have her recognized at this time. Her beloved husband, Hyotaro, is no longer with us but his memory remains and in tribute to him, let me quote the words of Senator INOUYE as he described the moment in January 9, 1963, when he was sworn in as the first Japanese American to hold a seat as a U.S. Senator.

"Maggie and I had spent New York's Eve in Hawaii, then returned to Washington. The weather was unusually cold and we brought our own warmth with us. I was about to take my seat as the U.S. Senator and my father had come along to see me take the oath of office. This was a special gladness because my father had suffered a heart attack some years before and had not been able to be in Washington when I was sworn in as a Member of the House of Representatives. I knew he always felt that to be a great loss and in a certain sense, this day belonged to him. Because of my very junior status, there was no seat for him in the crowded family gallery to the left of the Presiding Officer. Instead, he sat at the other end of the Chamber. Waiting my turn to take the office, I had searched the galleries for him. Then my name was called and I was escorted forward to where Vice President Lyndon Johnson waited to administer the oath of office. As I raised my arm and swore to defend and protect the Constitution of the United States, I suddenly saw beyond the Vice President's shoulder and directly in front of me the spellbound face of my father. Our eyes met and held fast. I tried to imagine what he was thinking and I felt an everlasting gratitude to be alive, to be part of the turn of events that had brought Hyotaro Inouye to this time and this place."

As you all know, Senator INOUYE's middle name is KEN. KEN in Japanese, means to build and in his earlier years, Senator INOUYE thought that his father, in choosing that name, intended for him to be a builder or, as he understood it at the time, a carpenter. It was not until long afterward that he realized the true significance of his middle name, given with the devout hope that he, as the eldest son, would continue to build the INOUYE family.

Born in Honolulu, Senator DANIEL K. INOUYE grew up in the McCully-Moiliili area, graduated from McKinley High School, and the University of Hawaii, where he received his bachelor's degree in 1950 in the field of government and economics. He is also a graduate of George Washington University Law School where he received his juris doctor in 1952.

Enlisting in the U.S. Army in the renowned 442d Infantry Regimental Combat Team in March 1943, he received a battlefield commission on November 1944 and retired as a captain in May 1947 after having received his country's second highest military declaration, the Distinguished Service Cross, as well as the Bronze Star, Purple

Heart with Cluster, five battle stars and four Distinguished Unit Citations. He clearly distinguished himself in the field of combat as he has since in the field of political and social action.

When he returned from the war, he met a beautiful University of Hawaii professor, Margaret Awamura (Maggie), whom he married June 12, 1949. So you can see, this is a special time—for tomorrow, the Inouye's celebrate their 34th wedding anniversary. Incidentally, the wedding was arranged in formal fashion by the Japanese version of the Yiddish "Shotkin" or matchmakers—Dr. and Mrs. Kohatsu.

As part of the great social revolution which is a key to Hawaii's present, Dan was elected to the House or Representatives of the Territory of Hawaii in 1954. He became majority leader of that body in that year and served through 1958. In 1958, he was elected to the Senate of the Territory of Hawaii. With statehood in 1959, he was elected to the U.S. House of Representatives and, as I told you earlier, in 1962, he became the first Japanese American to enter the U.S. Senate where he has served successively through four elections.

While he has distinguished himself in many areas in that august body, perhaps his most well-known area of leadership has been as a member of the Subcommittee on Foreign Operations. It is there that he has demonstrated his commitment in support of an appropriate and balanced foreign policy for the United States, which has always included the resolute support of that lone democracy in the Middle East—the State of Israel.

Of equal impact has been his unflagging support in the field of education and in particular, in the field of health science. As many of you know, DANIEL INOUYE had wanted to be a physician and, in fact, a surgeon. Having given his right arm in defense of his country, that was no longer to be possible, but it did not diminish his continuing interest in the improvement in health of the people of this country and in fact to the world.

And so it is quite appropriate that he is recognized this evening by an institution such as the Hebrew University of Jerusalem that devotes itself to the education of people of all backgrounds, all religions, all racial denominations—in the field of health science.

One final vignette about this man we honor tonight: A story about a place in Honolulu well known to all of us—Punchbowl Cemetery.

The GI's who had fallen in World War II were returned to the islands, to Punchbowl, and their graves were marked with temporary wooden crosses. Slowly, however, pressure had been building up, especially among the religious leaders of the Hawaiian community, for a system of permanent markers. People had an image of crosses at the military cemetery at Flanders Field, made famous by the poem about that World War I cemetery in France. Orators invariably referred to it as a resting place for the valiant of our Christian nation. The Territorial legislature was about to pass a resolution to indicate to Congress what kind of memorial markers would be appropriate. DAN, as commander of the Disabled American Veterans, had requested the opportunity to make a statement. He knew that many who had fought beside him and who would rest now forever at Punchbowl were not Christian—but rather were Buddhists or Jews or perhaps had no religious belief at all, and he reckoned that they were in no position to obtain the right to lie in death with the same spiritual convictions they had borne in life.

Who, then, would speak for them? In the case of the Nisei of Buddhist faith, certainly not their aged parents, so long taught to hold their peace and suffer their indignities in silence. In the case of the Jews—probably not—for their coreligionists for centuries had learned that to be quiet was to exist.

DAN asked the legislature what would happen to our vision of freedom of religion if, by government edict, we mark all as Christians. Where was the fairness, the simple respect owed to those who had given up their lives for this country?

And so today, instead of rows of standing crosses, there are the flat markers at each grave that are inscribed with the names, the dates of birth and death, and the religious symbol of each person. Punchbowl today, is a tranquil and lovely resting place for thousands of brave GI's, unmarred by subtle unintentional religious bigotry.

Almost 58 years ago to the day, when Senator INOUYE was but 1 year old, Hebrew University was founded high on Mount Scopus, overlooking the old city of Jerusalem. A university—in the words of Prof. Albert Einstein—and spoken by him on that day—"that will serve people of all religions and all races, a university never to be cramped with the spirit of narrow nationalism, a university always free from the evil of bias and with the hope that teachers and students will always preserve the consciousness that they serve their people best when they maintain their union with humanity and with the highest human and moral values."

It is quite appropriate that such a university should honor such a man, Senator DANIEL K. INOUYE.●

JOAN SCHEUER AND EDUCATION IN NEW YORK

● Mr. MOYNIHAN. Mr. President, the system of financing schools in New York State, as indeed in many others, is one which is exceedingly complex. It requires a precise and incisive mind to understand the intricacies and subtleties of the process. So, when one finds a cogent analysis of the financing system in New York, there is a feeling of relief and appreciation.

Such was the case when I read an article entitled, "The Equity of New York State's System of Financing Schools: An Update." This work was published in the Journal of Education Finance and was written by Joan Scheuer, who is a consultant for the Office of Budget Operations and Review of the New York City Board of Education.

Mr. President, I commend the article to my colleagues' attention and ask that it be printed in the RECORD.

The article follows:

THE EQUITY OF NEW YORK STATE'S SYSTEM OF FINANCING SCHOOLS: AN UPDATE

(By Joan Scheuer)

"Schizophrenic" was the word chosen to describe New York State's system of financing public schools in 1970.[1] From its inception in 1962, both equalizing and disequalizing features have countered each other within the plan. Over the years, the legislature has added save-harmless provisions, extra weightings, new aid programs and devices for cushioning economic and demographic change. By 1981, the system had become so complex that Judge Hopkins of the appellate court described it as "a patchwork mounted on patchwork, an Ossa of confusion piled on a Pelion of disorder." [2]

CALL FOR REFORM

Deficiencies in the New York plan were identified by a series of government task forces and commissions throughout the 1970s. The drive for reform culminated in 1974 with the case, *Levittown* v. *Nyquist*, in which the cities and schools boards of Buffalo, Rochester, Syracuse, and New York joined twenty-seven property poor districts in a challenge to the constitutionality of the state's system of financing schools. In June 1978, following a long trial, the lower court Judge L. Kingsley Smith declared New York's method of funding education unconstitutional. Judge Smith's opinion was upheld by the appellate division in October 1981, but reversed by the court of appeals in June 1982. The majority opinion for the court of appeals made clear that the reversal rested on constitutional grounds, rather than a denial that the system was inequitable.

It must be recognized that there are . . . significant inequalities in the availability of financial support for local school districts, ranging from minor discrepancies to major differences, resulting in significant unevenness in the educational opportunities offered.[3]

So saying, the court passed the problem back to the legislature. Some legislators have argued that recent changes in the law have effectively reduced inequities in the system, that the claims raised in the *Levittown* case have been substantially addressed since the trial began. "In principal," said one influential state senator, "the [l]egislature has met the dicta of the [c]ourts." [4] But, Governor Cuomo and the Board of Regents maintain that the system is in need of comprehensive reform and that inequities have increased, not diminished, in recent years.[5]

This paper will examine recent legislative initiatives to determine their effectiveness in reducing the kinds of inequities that were the focus of the *Levittown* complaint—chiefly wealth-related disparities in local spending, the interdependence of school spending and local fiscal capacity and inequities among types of districts. It will review the New York State system of financing schools to determine whether it has become more or less equitable since 1975, and will attempt to answer the following questions: How have disparities in local wealth and spending changed? To what extent has the interdependence of local spending and local wealth been intercepted? Has the state's ability to compensate for disparities in school spending improved? Has the state improved its method of meeting pupil needs? Have inequities among types of districts and regions have ameliorated?

THE NEED FOR CHANGE

Pressure on the legislature to change the school finance scheme mounted as the *Levittown* litigation proceeded. Following Judge Smith's decision in 1978, Governor Carey announced his support for reform. With the Regents, he appointed the Special

Footnotes at end of article.

Task Force on Equity and Excellence in Education (the Rubin Task Force) to study the issues raised in the *Levittown* case and recommend remedies.[6]

The efficiency of the system as well as its equity was called into question. All but six districts were receiving aid on a save-harmless basis in 1976. The state share of total educational expenditure dropped from a peak of 48 percent in 1967-69 to 37.6 percent in 1977-78.[7] The number of districts receiving aid on a save-harmless basis rose as state support levels lagged. The Board of Regents called upon the legislature to increase funding levels, revise the attendance-based method of counting pupils and phase out the nonequalizing features of the aid formulas.[8]

LEGISLATIVE RESPONSE

The legislature responded to pressure for reform with a series of changes in the aid formulas and in the composition of the aid package. Chapter 53 of the Laws of 1978 replaced the foundation formula that had been in place since 1974 and restored the aid ratio format. A two-tiered percentage equalizing formula was introduced for basic operating aid. The state share of the ceilings was set at 49 percent of the tier I ceiling and 20 percent of the tier II ceiling, in a district of average wealth. Ceilings for both tiers were raised, with the tier I ceiling increasing each year from $1,450 in 1978-79 to $1,685 in 1982-83 and the tier II ceiling increasing from $1,500 to $2,155 in 1982-83. The minimum $360 flat grant provision was retained, but there has been no increase in the $360 per pupil grant since 1974.

Change in the wealth measure

Responding to pressure to introduce an alternative to property value as the sole indicator of local fiscal capacity, the legislature redefined the measure of local wealth for the second tier of operating aid in 1981. It substituted personal income per total wealth pupil unit (TWPU) for full value per total wealth pupil unit (TWPU) in the tier II formula for operating aid. The change was not welcomed by most of the large city school districts, which appear wealthier when local wealth is defined in terms of income per pupil, than they appear when wealth is defined as relative property value per pupil. The change reduced aid for city districts. In 1980-81, the big five city school districts received 32.4 percent of all tier II aid distributed by the state; in 1981-82 they received 27.7 percent and in 1982-83, 27.4 percent.[9]

Pupil counts

Changes in the statutory definition of weighted pupils have made the New York formulas unduly complex. The law defines pupils differently depending on how the public count is used in the aid formulas. For computing aid payments, pupils are defined as "total aidable pupil units" (TAPU "for payment"). They are counted on the basis of average daily attendance (ADA) in the base year (the year preceding aid payment). An extra .25 weighting is assigned to pupils in grades 7-12; pupils with special educational needs (PSEN) receive an extra .25 weighting, pupils in summer programs an additional .12, and those in adult education programs an extra .50.

For measuring wealth, the pupil count is defined as "total wealth pupil unit" (TWPU). All weighted pupils, including those weighted for handicaps, are included. To conform with the year that audited data on property valuation becomes available, pupils are counted for TWPU on the basis of selected attendance periods for the year preceding the base year.

The large city plaintiffs in the *Levittown* case argued that the use of attendance in state formulas discriminated against urban school districts. They claimed that high absentee rates were characteristic of all large cities and required greater rather than reduced expenditures on the part of large city school districts.[10] Although the Board of Regents, the Rubin Task Force, and Governor Carey proposed a shift in the definition of pupils from an attendance based pupil count toward one based on enrolled pupils, average daily attendance (ADA) has continued to be the basis for aid computation in all of New York's aid formulas.

Composition of the aid package

The composition of aids that make up the state's contributions to educational support has changed from year to year, reflecting legislative priorities. In 1975-76, major aids included operating, transportation, building aid, BOCES, and special service aid and high tax aid. Operating aid accounted for 75.8 percent of the total state aid allocation, other "major" aids for 21.9 percent, and all other state aid for 2.3 percent.[11] By 1982-83, operating aid made up 68.9 percent of the total, other major aids 26.2 percent, and all other aids, 4.8 percent. The drop in the percentage of aid allocated in the form of operating aid is the result of the newly created separate "excess cost" formulas for handicapped pupils in public school programs and in private institutional placements and the growth of special purpose aid programs.

In 1979, four aid programs for handicapped pupils were consolidated and a separate aid ratio formula was developed for handicapped pupils in public schools. The handicapped aid ceiling was set to reflect the average level of operating expenditures in the state and handicapped pupils were assigned extra weights of 1.7, 0.9 and 0.13 according to the level of service received. Weightings for handicapped pupils were removed from the TAPU count for computing aid, but since 1981 they have been included in the count of pupils for determining district wealth (TWPU). A special formula covers the few pupils in public programs where costs exceed $10,000 per pupil or four times the local level of operating cost per pupil.

Over twenty separate formulas now allocate state funds to school districts.[12] Separate formulas provide for pupils in programs that serve the gifted and talented and pupils with limited English proficiency. Low-income (LISSA) aid is distributed to districts with relatively low personal income on an aid ratio formula basis. Aid for diagnostic screening in elementary grades is distributed by formula. The big five cities receive special services aid for data processing and occupational education and two other formulas provide aid for these functions in districts served by Boards of Cooperative Educational Services (BOCES). Separate minimum aid ratios and save-harmless provisions apply in many of the nonoperating aid formulas.

Categorical grants have proliferated and now include support for certain small cities that were affected adversely by a series of court decisions on constitutional tax limits. Categorical aids totaled approximately $180 million, or 2.4 percent of the $4,528 million distributed in state aid for 1982-83.

Cushions against change

Several devices were created by the legislature to protect districts against the 53 percent increase in property values that took place in New York State between 1975 and 1980.[13] Districts were given the option of selecting the most advantageous of full valuation for the prior year minus one, or an average of two years preceding the prior year. In 1981, the average increase in property value per pupil over a two year period was limited to 120 percent for purposes of computing operating aid.

Another shield against change is provided by the option to average pupil counts for two years. Since 1979, districts have been permitted to select the most favorable of the previous year's TAPU count or an average of the two preceding years.

Many forms of save-harmless provisions were incorporated in the New York State aid system between 1974 and 1982.[14] Until 1980, districts were guaranteed at least as much per pupil and at least as much in total aid, as they received the year before. In 1980, per pupil save-harmless was discontinued, but districts with rapidly falling enrollments were guaranteed "special" aid increases of 108 percent per pupil over the prior year's per pupil aid, provided that aid did not exceed the prior year's total dollar entitlement.

Limits on the increase in state aid that a district was permitted to receive from year to year were imposed in 1974-75. These limits, or "caps" were reduced and adjusted in subsequent years and were eliminated entirely in 1981.

DEFINING AND ASSESSING THE EQUITY OF NEW YORK'S AID SYSTEM

Past assessments

An assessment of the equity of New York state's method of funding public education was offered in testimony for the plaintiffs during the *Levittown* trial.[15] The analysis focused on two criteria of equity: (1) Disparities in local school district wealth and spending and their effect on educational resources; and (2) the correspondence between local wealth and local school district expenditures throughout the system. The study, prepared by the Education Policy Research Institute (EPRI), was based on data for 1974-75 supplied by the New York State Education Department (SED) from state computer runs and the state's Consolidated Data Base. Expenditures were represented by "approved operating expenditures (AOE) per weighted pupil in average daily attendance (WADA)" and wealth by "full property value per resident pupil in weighted average daily attendance (FV/RWADA)."

Four findings were offered as evidence of the system's overall inequity in 1975:[16] (1) the range in the value of real property per weighted pupil in school districts throughout the state was substantial—from $412,370 to $8,884, a ratio of 46-to-1. When the values at the extremes of the range were disregarded, the ratio between the property wealth of the district at the 10th percentile and the district at the 90th percentile was still more than 4-to-1. (2) There was a wide range in school district spending between the state's highest spending district and its lowest spending district—from $4,215 to $936 per pupil, a ratio of 4.5-to-1 and there was a spread in spending level between the districts at the 10th and 90th percentiles of close to 2-to-1. (3) The dependence of local school district spending on local school district property wealth was demonstrated by ranking districts in order of property wealth per pupil (full value per RWADA) and comparing average property wealth per pupil with the average approved operating ex-

penditure per pupil for each of seven levels of wealth. The Pearson correlation between full value per RWADA and operating expenditures per WADA was found to be +.71; the correlation between operating expenditures and median family income was +.64 and correlations between local spending and variables measuring teacher experience, training, and salary were all highly significant. (4) Finally, the *Levittown* witnesses testified that disparities in operating expenditures were directly related to the quality and extent of available educational resources, as represented by the numbers of classroom teachers and professional staff per student, and the training, salary, and experience level of teachers.

Three years later, the Rubin Task Force found that inequities in the system had persisted.[17] After a careful review of alternative equity standards and measures and their implications, the Task Force decided to focus on two equity goals: expenditure equality and fiscal neutrality. Among the statistical tools to measure expenditure equality, the research staff selected the range, the restricted range, and the coefficient of variation. To measure the interdependence of spending and wealth throughout the system, the Task Force research examined the correlation between local property wealth (FV/RWADA) and approved operating expenditures per pupil (AOE/TAPU), as well as the correlation between personal income and approved operating expenditures per pupil. As an indicator of the strength of the relationship between wealth and expenditures, Task Force reports used regression analysis to determine the elasticity of expenditures (AOE/TAPU) with respect to both property and income wealth. Data were supplied by the State Education Department using computer runs for 1975-76 and subsequent years.

Methodology

To update these earlier assessments of the equity of New York State's system of financing education, this paper used data from the same State Education Department sources that supplied data for the studies made in 1975 and 1978. As far as possible, the statistical measures used in the previous studies will be applied to recent data. New York City will be treated separately, as it was in *Levittown* testimony and Task Force analyses, and regressions will be weighted by pupils, as they were used to determine elasticity for the Rubin Task Force.

As an indicator of local property wealth per pupil, one can compare data for the two periods on the full value of property behind each child defined as pupil in resident weighted average daily attendance (RWADA), a definition that has remained constant and correlates closely with the wealth measure in current use, full value per total weighted pupil unit (TWPU). Income data did not become available for use in school aid formulas until 1979. Income data for 1981-84 will be examined in two forms—income per pupil (TWPU), the definition used in the current formula to determine local fiscal capacity for tier II operating aid, and income per tax return, the most accessible indicator of personal income per household.

In New York State, local school spending is defined by statute as approved operating expenditures per total aidable pupil unit (TAPU). For 1982-83 aid, TAPU for expense was defined to encompass all weighted pupils, including handicapped pupils, and can therefore be compared to the definitions of local expenditures used in 1974-75 and 1977-78.

An index of need that related the weighted to unweighted pupils in each district will be used to assess the system's effectiveness in targeting aid to special pupil groups. Districts will be ranked according to the needs index and their needs analyzed in relation to local wealth and the flow of special aids. Needs and aids will be examined for different regions as represented by the eleven labor market areas in the state.

Findings

Disparities.—When the statistical procedures used by witnesses in the *Levittown* trial and by the Rubin Task Force are applied to 1981-82 data on school spending and local fiscal resources in New York State, little change in the pattern of wealth and spending is found. Indicators of local property wealth for 1982 aid continue to show a wide disparity from the wealthiest to the poorest district—a range for full value per RWADA of $1,093,534, and a ratio of 48-to-1 between the richest and poorest district compared to 53.3-to-1 in 1974-75 and 51-to-1 in 1977-78.[18] When values for the districts at the 90th and 10th percentiles are compared, the range is $83,563 and the ratio between the wealth of the district at the 90th compared to the wealth of the district at the 10th percentile is 2.8-to-1 in 1982 compared to 3.4-to-1 in 1974-75 and 3-to-1 in 1977-78.[19]

The ranges in personal income per pupil are narrower than the spread in property wealth; the ratio between the highest and lowest values is 20-to-1 and the ratio between the income level of the district at the 90th percentile compared to the income level of the district at the 10th percentile is 2.5-to-1. When income is defined as personal income per tax return, the ratio between the highest and lowest values is 8.3-to-1 and the ratio between the income level of the district at the 90th percentile compared to the district at the 10th percentile is 1.6-to-1.

Table 1 compares expenditures statistics for 1974-75, 1977-78, and 1981-82 data. Approved operating expenditures per pupil still vary widely throughout the state, ranging from $1,370 per pupil to $12,683 per pupil (TAPU), with a ratio of 9-to-1 between the highest and lowest spending district and a ratio of 1.8-to-1 when spending in the districts at the 90th and 10th percentiles are compared. The range, restricted range, and coefficient of variation have increased since 1974-75 and 1977-78.

Fiscal Neutrality.—When pupils are grouped by ranked intervals of local district property wealth and the average spending level of each interval is examined, the relationship between local wealth and school spending is illustrated. Table 2 shows that the patterns for 1982 are very similar to those described by the Rubin Task Force, and the *Levittown* plaintiffs. As district wealth increases, more is spent on local schools, and more educational resources are available for each pupil.

When the relationship of wealth and spending is examined using a variety of definitions, one finds that the interrelation between the wealth and expenditures of local school districts persists, despite the intervention of state aid. Correlations confirm the association between wealth and expenditure throughout the system. In 1981-82, the correlation between property value per RWADA and approved operating expense per pupil was +.63, compared to +.71 in 1974-75. In 1981-82, the correlation between total school expenditures and property value per RWADA was +.69, the correlation between approved operating expenditures and personal income per TWPU was +.63, and the correlation between approved operating expenditures and personal income per tax return was +.72. The correlation between approved operating expenditures and classroom teachers per 1,000 pupils continued to be highly significant, +.50 in 1981-82 compared to +.60 in 1974-75, while the correlation between professional staff per 1,000 pupils and expenditures was +.62 in 1981-82 compared to +.69 in 1974-75.

Measuring the percent change in local spending with respect to wealth, one finds an elasticity of 0.293 when approved operating expenditure per pupil spending is related to full value per pupil and an elasticity of .572 when related to personal income per pupil for the 1981-82 year. Put differently, a .29 percent change in spending is produced by each percent change in property wealth and local spending will respond by .57 percent for each percentage change in the local level of personal income. The Rubin Task Force found a .32 percent elasticity for property related disparities and a .66 percent elasticity for income related disparities in 1979-80.[20]

Matching aid needs

An index of pupil need was constructed for this study by relating weighted to nonweighted pupils in each district. As a proxy for pupil costs or pupil need, the index is limited; it only reflects extra costs that are explicity recognized by the weighting formula. Research for the Rubin Task Force found that the weightings used for the New York formula significantly understate pupil costs,[21] and the Regents concur, as stated in their 1982 Report and Recommendations to the legislature. The index of pupil need tests only the effectiveness of the aid system in targeting resources to those pupils that it has identified as requiring extra aid, rather than the adequacy of the weights. Nevertheless, it offers a simple if limited indicator of the system's capacity to compensate for extra pupil needs.

When pupils are ranked and grouped in deciles according to the needs index, and the average wealth and levels of aid for each decile are computed, it is clear that aid is not related to local need. On the contrary, as Table 3 shows, aid tends to be negatively related to pupil need. District wealth determines both operating aid and total aid and overwhelms whatever weightings are incorporated in the formula. Table 4 indicates that not only operating aids, but targeted aids for specific pupil groups, are not directly responsive to the number of handicapped or low scoring pupils in a district, because they are wealth equalized. In addition, only a few dollars per child are available in each district for pupils with limited English proficiency, for diagnostic screening, or programs for the gifted and talented.

Labor market differentials

When average values for selected variables are examined on the basis of labor markets, marked regional differentials are apparent. Data for 1977-78 were compiled by labor market area by the Rubin Task Force. The task force found that average operating expenditures were 1.4 times higher downstate than in the upstate metropolitan and nonmetropolitan areas, and that property wealth, household income, and tax effort also were greater in the downstate area.[22]

Table 5 illustrates similar upstate/downstate differentials for 1981-82. It also shows that the downstate metropolitan suburbs re-

ceive the lion's share of save-harmless aid and are considerably richer than the rest of the state. At the same time, they have higher tax rates, higher operating expenditures, and higher than average pupil needs.

CURRENT CONCERNS

Once again, the nonequalizing provisions of the aid formula are threatening its viability and equity. According to a report by the New York State Division of the Budget, 263 districts are expected to receive 1982-83 aid on a save-harmless basis.[23] Of these, 186 have been receiving save-harmless aid since 1980-81 or before, and 142 have been on save-harmless for seven years or more. The report points out that 73 percent of the 1982-83 save-harmless aid is distributed to districts in five suburban counties. Save-harmless aid per pupil goes, for the most part, to districts that have the highest property and income wealth and spend the most for education. These districts receive the greatest share of other nonequalizing aids, such as transportation and BOCES aid, flat grants, and aid attributable to special options for averaging pupil counts and limiting property valuation.

The Board of Regents identified three key deficiencies of the present school finance system: (1) the state level of support is too low to prevent a growing wealth-related gap in expenditures; (2) pupil counts and weightings understate the cost of educating pupils; and (3) aids are allocated without regard to district need.[24]

For 1983-84, the Regents recommend a comprehensive reform package that would phase out save-harmless and flat grant provisions and relate aid to local tax effort. The Regents' plan would require an increase of $359 million in state funds for 1983-84, assuming a 10 percent increase in the level of local spending. This proposal is redistributive in its impact and the political costs of implementing the plan are high; the Regents estimate that 211 districts would lose aid in 1983-84 under the proposal, most of them in metropolitan suburban areas.[25]

Another approach to revising the current aid plan was offered in the final Report and Recommendations of the Rubin Task Force submitted in February 1982, following three years of research and debate. The Task Force offered seven alternative suggestions for making the New York plan more equitable. All were based on the percentage equalizing format that has been traditional in New York State and most of the options included an increase in ceilings, to reflect current spending levels, a revised definition of local wealth, an enrollment based pupil count, and adjustments for special needs and overburdens. The cost to the state of the recommendations varied from $500 million to $1.5 billion for the initial year of the plan.[26]

The *Levittown* case is closed and court action no longer threatens to force comprehensive reform of school finance in New York State. Yet, the issues raised by the case continue to influence the state legislature and executive policy makers. The Executive Budget presented by Governor Cuomo incorporated many of the reforms suggested by the Rubin Task Force and accepted most of the concepts of equity that were put forward in the course of the *Levittown* trail. The Governor proposed to eliminate save-harmless aid, reduce flat grant provisions and "provide increased support for those districts least able to support basic programs from the real property tax.[27] While substantially improving the distributional equity of the system, the Governor's plan would have imposed severe cutbacks on many districts.

The legislature declined to adopt so punitive a plan. Instead it continued existing law with a relatively small increase in ceilings, even declining to reduce aid allocations for the few most wealthy districts. Instead of permitting the formulas to determine the distribution of aid freely and fully, the legislature agreed on a school aid increase of $203 million for the 1983-84 school year,[28] and then made sure that New York City's share of the total funds distributed remained close to 30 percent. Once again, the formulas were fine-tuned to meet this overriding political priority. Of the 708 districts in the state, 291, or 41 percent, will receive aid on a save-harmless basis, thereby diminishing the equalizing effect of the system.

TABLE 1.—MEASURES OF EQUITY FOR ELEMENTARY/SECONDARY EDUCATION IN NEW YORK STATE FOR 1975, 1978, AND 1982 (EXCLUDING NYC)

	1975	1978	1982
Descriptive statistics:			
Mean expenditures [1]	$1,498	$1,867	$2,716
Median expenditures	1,428	1,789	2,519
Measures of expenditure equality:			
Restricted range	$1,139	$1,429	$2,154
Federal range ratio	1.057	1.069	1.14
Coefficient of variation	24.06	24.69	26.00
Measures of Fiscal Neutrality:			
Correlation between property wealth and expenditures	.735	.694	.620
Elasticity of expenditures with respect to wealth	.330	.320	298

[1] Expenditures refer to approved operating expenditures for TAPU. The 1982 figures based on "TAPU for handicapped," which includes handicapped pupils, are comparable to TAPU weightings used in 1975 and 1978.

Source: The 1975 and 1978 findings by the Education Finance Center of the Education Commission of the States, were prepared for the New York State Task Force on Equity and Excellence in Education in June 1979. The 1982 data were supplied by the Bureau of Education Finance Research of the New York State Department of Education to the New York City Board of Education Office of Budget Operations and Review, and were compiled by the author.

TABLE 2.—RELATIONSHIP BETWEEN WEALTH, SPENDING, AID, AND TEACHING RESOURCES (1981-82)

Deciles of wealth [1] (FV/TWPU) (dollars)	Personal Income [1] per tax return (dollars)	Approved operating expenses per TAPU (dollars)	General fund expenses per TAPU (dollars)	Payable operating aid per TAPU 1982-83 (dollars)	Classroom teachers per 1,000 pupils	Professional staff per 1,000 pupils	Median salary (dollars)
Decile:							
(1) 21,480-43,465	15,715	2,315	2,888	1,563	60.6	67.5	18,093
(2) 43,481-49,923	15,843	2,264	2,889	1,413	61.7	68.8	18,760
(3) 49,952-55,762	17,114	2,413	3,019	1,329	62.1	69.0	18,648
(4) 55,770-60,020	15,533	2,361	2,884	1,256	61.4	68.7	19,256
(5) 60,104-68,011	17,724	2,480	3,083	1,189	63.0	70.6	19,567
(6) 68,085-74,435	18,259	2,660	3,293	1,082	62.9	71.7	21,127
(7) 74,647-81,091	18,744	2,718	3,285	1,010	63.4	71.9	21,867
(8) 81,119-98,828	20,276	2,878	3,548	876	65.0	74.3	21,701
(9) 99,108-117,065	20,803	3,228	3,911	714	66.5	76.8	24,056
(10) 117,371-1,042,932	28,530	3,878	4,725	523	81.6	92.9	24,387
New York City 80,666	17,805	2,612	[2] 3,240	[2] 1,017	53.9	64.0	25,872
State average without New York City 77,937	19,347	2,720	3,352	1,095	65.8	74.2	20,740

[1] 1980-81 data, as used to compute 1982-83 aid.
[2] Estimated.

Source: Data were supplied by the New York State Education Department, Bureau of Educational Finance Research and the Information Center on Education and were compiled by the author.

TABLE 3.—RELATIONSHIP BETWEEN NEEDS INDEX, OPERATING EXPENDITURES, WEALTH, AND STATE AIDS (EXCLUDING NYC)

Deciles of pupils grouped by needs index Decile	Average	Approved operating expenses per TAPU (dollars)	Estimated operating aid per TAPU 1982-83 (dollars)	Total State aids per TAPU 1982-83 (dollars)	Full value per TWPU for 1982-83 Aid (dollars)	Personal income per return (dollars)
(1)	.152	2,661	1,116	1,432	83,334	20,847
(2)	.176	2,437	1,170	1,505	69,664	19,633

TABLE 3.—RELATIONSHIP BETWEEN NEEDS INDEX, OPERATING EXPENDITURES, WEALTH, AND STATE AIDS (EXCLUDING NYC)—Continued

Deciles of pupils grouped by needs index Decile	Average	Approved operating expenses per TAPU (dollars)	Estimated operating aid per TAPU 1982–83 (dollars)	Total State aids per TAPU 1982–83 (dollars)	Full value per TWPU for 1982–83 Aid (dollars)	Personal income per return (dollars)
(3)	.184	2,491	1,148	1,489	72,444	18,915
(4)	.190	2,743	1,133	1,457	73,427	21,023
(5)	.196	2,704	1,129	1,143	76,671	19,453
(6)	.204	2,874	1,026	1,339	91,872	21,665
(7)	.212	2,808	1,109	1,419	77,581	18,788
(8)	.222	2,868	1,128	1,451	74,039	19,334
(9)	.242	2,765	1,041	1,327	76,467	16,986
(10)	.280	2,814	961	1,242	82,210	17,975
New York City	.267	2,613	1,017	1,449	[1] 80,666	17,805
State average without New York City	.194	2,720	1,095	1,409	77,937	19,347

[1] New York City data reported by borough.
Needs index = 1 Combined adjusted ADA/TAPU for expense (including weighted handicapped pupils).
Source: Data were supplied by the New York State Education Department, Bureau of Educational Finance Research, and were compiled by the author.

TABLE 4.—AIDS FOR SPECIAL PUPIL GROUPS IN RELATION TO WEIGHTED PUPILS (NEEDS INDEX) (EXCLUDING NEW YORK CITY)

Pupils grouped by needs index [1] Decile	(Average value)	Handicapped aid per weighted HC pupil	PSEN aid per PSEN pupil	BOCES aid per TAPU	Low income aid per TAPU	Limited English proficiency aid per LEP pupil	Gifted and talented aid per G&T pupil	Diagnositc screening aid per K–6 pupil
(1)	.152	1,819	274	65	10	2	40	8
(2)	.176	1,522	305	67	10	4	40	8
(3)	.184	1,442	304	72	10	4	40	8
(4)	.190	1,511	297	71	9	9	40	8
(5)	.196	1,361	290	69	9	6	40	8
(6)	.204	1,296	259	71	9	11	40	8
(7)	.212	1,386	269	65	9	9	40	8
(8)	.222	1,410	275	71	9	9	40	8
(9)	.242	1,376	244	47	8	21	40	8
(10)	.280	1,388	232	37	7	38	40	8
New York City	.267	[1] 1,180	[1] 254		7	[1] 51	40	8
State average (without New York City)	.194	1,492	279	63	9	8	40	8

[1] Estimated Needs Index = 1 — Combined adjusted ADA/TAPU for expense (including weighted handicapped pupils).
Source: Data were supplied by the New York State Education Department, Bureau of Educational Finance Research and the Information Center on Education, and were complied by the author.

TABLE 5.—AVERAGE VALUES FOR SELECTED VARIABLES (INCLUDING NEW YORK CITY)

	Save-harmless aid per TAPU (dollars)	Personal income per return (dollars)	Operating expense per pupil (dollars) [1]	Tax rates (mills)	Full value (TWPU) (dollars)	Payable operating aid per pupil (dollars)	Needs index [2]
Labor market area:							
00 New York City	[3] 12	17,805	2,613	[4] .023	[4] 80,666	1,017	0.267
01 Westchester-Rockland-Putnam	74	25,602	3,437	.026	112,408	711	.217
02 Nassau-Suffolk	90	22,886	3,386	.028	88,758	1,049	.198
03 Albany-Troy	39	16,697	2,365	.019	69,826	1,105	.183
04 Binghamton	102	16,668	2,352	.018	61,244	1,284	.184
05 Buffalo	59	16,565	2,331	.015	68,310	1,142	.202
06 Elmira	0	15,973	2,330	.019	61,525	1,198	.200
07 Poughkeepsie	22	19,287	2,569	.020	75,970	1,007	2.207
08 Rochester	46	19,183	2,531	.019	74,012	1,045	.201
09 Syracuse	31	16,939	2,333	.018	66,787	1,198	.192
10 Utica-Rome	30	14,785	2,087	.015	53,879	1,363	.185
11 Nonmetropolitan	15	15,139	2,215	.017	65,307	[4] 1,244	.189
State Average	na	18,752	2,685	.022	78,809	1,095	.195

[1] Approved operating expenditure per TAPU including handicapped.
[2] 1–(Combined adjusted ADA/TAPU Including handicapped).
[3] Estimated.
[4] New York City data reported by borough.
Prepared for the Office of Budget Operations and Review, New York City Board of Education on the basis of data supplied by the State Education Department, September 1982.

CONCLUSION

Disparities in local wealth and spending have remained wide in New York State, despite structural changes in the aid formulas since 1975. Local wealth, whether defined in terms of property valuation per pupil or personal income, remains closely associated with local school spending, according to statistical indicators.

The effect of recent legislation shifting emphasis in the formula from property wealth to income is reflected by a slight change in the elasticity measures, but the variables still reflect a high degree of interdependence between wealth and spending.

State aid is distributed in inverse relation to district wealth, as it was in 1975. As in 1975, it is still insufficient to compensate for disparities in local spending.

Pupil needs continue to be greatest in relatively wealthy areas. Because aid is wealth-equalized, combined state aid as well as aid for handicapped and PSEN pupils does not go to districts in relation to the concentration of need. Aid for pupils with limited English proficiency, for the gifted and talented, and diagnostic screening is limited, averaging from $8 to $44 per pupil.

The nonequalizing features of the system have proliferated and the number of districts receiving aid on a nonformula basis has recently increased.

Save-harmless aid tends to go to downstate suburban areas, where fiscal capacity and spending levels are high. As more districts receive aid on a save-harmless basis, the system becomes more inequitable. Furthermore, when funding levels fall, interregional inequities are exaggerated.

The analysis shows that recent legislation to improve the equity and efficiency of the New York school finance system has not significantly reduced disparities or intercepted the link between wealth and expenditure. Adjustment in formula elements and minor programmatic initiatives cannot improve the system without a substantial rise in state funds. Both equity and efficiency are difficult to achieve without incurring costs, be they the political costs of redistributive schemes such as the Regents' or the Governor's, or the dollar costs of increased state support, as recommended by the Rubin Task Force.

In New York State, disequalizing and equalizing elements continue to conflict within the system. The motion they produce is not like that of a pendulum; reform is not followed by counterreform. Rather, the legislature continues to respond to the need for change on an ad hoc basis, creating a school finance system that is in-

consistent, "schizophrenic," and increasingly complex.

FOOTNOTES

[1] John E. Coons, William H. Clune III, and Stephen D. Sugarman, *Private Wealth and Public Education* (Cambridge: Belknap Press, 1970), p. 182.

[2] James D. Hopkins, Appellate Division, Second Department. Opinion dated October 26, 1981. *Levittown v. Nyquist*, 94 Misc.2d 466, *modified;* cf. Philip Mayerson, *Classical Mythology in Literature Art and Music.* (New York: Scott Forsman, 1971). "Piling Pelion on Ossa has become proverbial in English for adding difficulty to difficulty."

[3] Judge Hugo Jones, New York Court of Appeals, *Levittown V. Nyquist*, June 23, 1982.

[4] James H. Donovan, Chairman, Committee on Education, the Senate of the State of New York, "Levittown Legislative Perspective," March 23, 1982.

[5] Mario M. Cuomo, Annual Message on the State of the State, January 5, 1983, and Regents Task Group on State Aid to the Public Schools, R. Carlos Carballada, Chairman, "Proposals to the Legislature concerning State Aid to the Public Schools," November 18, 1982.

[6] Hugh L. Carey, Governor, and Theodore Black, Chancellor of the New York State Board of Regents, statement released September 22, 1978 announcing creation of a Special Task Force on Equity and Excellence in Education.

[7] New York State School Finance Law Study Project, Orlando F. Furno, director, "An Analysis of the Impact of State Aid Formulas on Local School Districts in New York State" (Albany, N.Y., 1978), Table 6, p. 15.

[8] The University of the State of New York, The State Education Department, *The Regents Proposal for Improving State Aid to Public Education in New York State* (Albany, N.Y., December 1978).

[9] New York State Division of the Budget, Education Unit, "1983-84 New York State Executive Budget Recommendations for Public Schools" (Albany, N.Y., February 1, 1983), p. 44.

[10] *Levittown v. Nyquist*, Nassau County Clerk Index No. 8205/74, brief for plaintiff-intervenors, and testimony of Bernard Gifford, August 5-6, 1976.

[11] New York State Division of the Budget, Education Unit, "Analysis of New York State's System of School Finance—With Examples from the 1975-76 School Year" (Albany, N.Y., October 1976), Table 38; and "Description of 1982-83 New York State Aid Programs Relating to State Support for Public Schools" (Albany, N.Y., August 4, 1982), Table 5.

[12] New York State Division of the Budget, Educational Unit, "Analysis of *$977 Million*—New York State Operating Save Harmless and Special Aids—(1974-75 through 1982-83 School Years) and of *$565* Million—All 1982-83 Aids Not Fully Equalized—(Including Save Harmless and Special Aids)" (Albany, N.Y., September 14, 1982), p. i.

[13] New York State Education Department, Bureau of Educational Finance Research, "Analysis of School Finances New York State School Districts" (Albany, N.Y., 1978 and 1980), Table 8.

[14] New York State Division of the Budget, Education Unit, "Analysis of *$977 Million*," pp. 10-11.

[15] Joel S. Berke and Jay H. Moskowitz, testimony for the plaintiffs, *Levittown, v. Nyquist*, Nassau County Clerk Index No. 8205/74, May 1976.

[16] *Ibid.*, exhibit 37.

[17] The New York State Special Task Force on Equity and Excellence in Education, *Research Findings and Policy Alternatives: A Second Interim Report* (September 1980), p. 24.

[18] *Ibid.*, p. 25.

[19] *Ibid.*, p. 26.

[20] *Ibid.*, p. 133, a. iii.

[21] James Gaughan and Richard Glasheen, "Research Report of the Study on Special Pupil Needs" (Albany, N.Y.: New York State Education Department, March 19, 1980); and New York State Education Department, "Providing State Aid for the Education of Children with Handicapping Conditions, Based on a Study of Program Costs" (Albany, N.Y., November 1979).

[22] The New York State Special Task Force on Equity and Excellence in Education, *A Second Interim Report*, p. 32.

[23] New York State Division of the Budget, "Analysis of *$977 Million*," p. v.

[24] Regents Task Group on State Aid to the Public Schools, R. Carlos Carballada, Chairman, "Proposals to the 1983 Legislature Concerning State Aid to the Public Schools" (November 18, 1982), p. 1-2.

[25] *Ibid.*, p. 4-10.

[26] The New York State Special Task Force on Equity and Excellence in Education, *Report and Recommendations* (February 1982), volume 3.

[27] Governor Mario M. Cuomo, annual message, January 5, 1983

[28] New York State Division of the Budget, Education Unit, "Preliminary Description of 1983-84 New York State Aid Programs funded in General Support for Public Schools Appropriations" (Albany, N.Y., March 28, 1983).●

A DEFENSE PROCUREMENT SUCCESS STORY

● Mr. GARN. Mr. President, the Wall Street Journal recently published an editorial which details the success of the B-1 procurement program. As a supporter of the B-1 bomber, I am glad to reiterate the Journal's message: "two years into development and (the B-1) is well ahead of schedule and below cost." The success of the B-1 program is based to a large extent on the effective use of multiyear procurement, exploitation of existing technology and equipment, use of a fixed-price incentive program to encourage cost savings, and tight management by the Air Force. I commend the Air Force and Rockwell, the major contractor, for their work on the B-1, and urge them to continue in their efforts to use the taxpayers' money wisely and efficiently.

Mr. President, I ask that the Journal editorial, "Procurement Success Story," be printed in the RECORD.

The article follows:

[From the Wall Street Journal, February 6, 1984]

PROCUREMENT SUCCESS STORY

Waste, fraud, mismanagement. Those words have become popularly synonymous with the Pentagon procurement process. It is good, then, to be able to cite recent evidence counter to that image.

The big news Friday was that the Air Force had divided a huge jet-engine contract between General Electric and the former, exclusive contract-holder, Pratt & Whitney. The competition is expected to produce cost savings, plus a warranty system that shifts some costs for material failures back on the contractor.

Another success story also appears to be underway, involving the B-1. The B-1 bomber program, which Jimmy Carter killed and Ronald Reagan resurrected, is not two years into development and is well ahead of schedule and below cost. That's no small accomplishment for a $20.5 billion program, which some critics contended might cost nearly twice that. Much of the credit goes to an Air Force management that decided not to re-invent the wheel and to the multiyear procurement procedure that Defense Secretary Weinberger has been advancing.

The Air Force has already documented $550 million in cost savings, and the figure could reach more than $1 billion, according to Gen. William E. Thurman, who manages the B-1 program. He attributes the savings to the multiyear procurement procedure, which helps drive down unit costs by avoiding costly fits and starts in the production program. New incentives for cost savings have led, as well, to some smart engineering decisions to use available standard components, where possible, instead of designing new ones.

For instance, the B-1 will use the Air Force's standard radio equipment, and the radar will be the same one already developed for the F-16. On the other hand, the Air Force didn't spare any money on providing the B-1 with the special capabilities needed to replace the aging B-52s as America's penetrating strategic bomber; emphasis was placed on developing sophisticated computers, avionics and other electronic equipment both to protect the aircraft from enemy attack and to improve its ability to locate and destroy targets.

Contractors have been encouraged to save money under the B-1's fixed-price incentive program, under which the government and the contractors evenly split the savings when an item comes in under budget. Rockwell, the major contractor, already has saved about $500 million. At the same time, aircraft assembly is moving ahead so briskly that the first plane may be ready as soon as next fall, about six months ahead of schedule. The last of the 100 planes is due by mid-1988.

The B-1's primary function will be to strengthen the U.S. nuclear deterrence capability through its ability to penetrate Soviet air defenses and its ability to find dispersed Soviet weapons. Greater Soviet deployment of mobile missiles threatens to weaken the U.S. counterstrike capability, since it is difficult to target U.S. ballistic and cruise missiles on these weapons. But the Air Force expects that the aircraft also can function as a long-range tactical bomber, carrying either conventional bombs or "smart" guided weapons. It may well serve a special role in projecting American air power into remote areas that are too distant for our current land-based or carrier-based tactical aircraft. Some British military experts believe that the costly war over the Falkland Islands might have been averted had the British had such a long-range bomber capable of interdicting the Argentine ships and thus capable of discouraging a seaborne invasion of the islands.

The handling of the B-1 appears to point the way for all new military procurement programs, entailing less congressional disruption of year-to-year budgeting and better incentives for cost saving. It demonstrates how much room there has been for improvement and how much more military muscle this country can acquire for its money through more intelligent procurement practices.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, in mid-February 1918, the people of Lithuania declared their right to self-determination and asserted their territorial rights. That declaration represents a hallmark in the history of the free world. Lithuania had freed itself from the imperial dominion of a neighboring power and had burst forth as a fresh and independent nation. Promises of unstymied political, economic and cultural growth lay on the horizon—attainable now that the nation was free to pursue its own destiny. Establishment of an independent Lithuania was an absolute triumph for the people of the small Baltic State and a

real advance for the cause of global freedom.

The fruits of victory were sweet, but they were fleeting. A short 22 years after the declaration of independence, the Soviets marched in. In 1940, the Soviet bear crushed the Lithuanian progress with a cruel blow. It battered and bruised the fledgling sovereign state—wiping out political institutions and deporting some 35,000 political leaders. The bear did not stop with decimating Lithuanian political achievements, it strangled her linguistic and cultural traditions—factors vital to national identity. The bear stomped on Lithuanian dignity. As has been the case not only in the Baltic nations but also in Eastern Europe and Afghanistan, the Soviets refused to recognize the territorial integrity of a people and have absorbed an entire nation into their huge union.

The Soviets openly violated internationally recognized human rights agreed to in the Helsinki accords and the Universal Declaration of Human Rights. And the campaign to annihilate all vestiges of an independent Lithuanian state has continued to this very day. That the Soviet effort still persists is testimony to Lithuanian fortitude and deep-rooted nationalism. In the face of this repression, Lithuanians hold fast to an intangible that can be neither stifled nor destroyed. All lovers of freedom that hope, that a sovereign state of Lithuania will one day be restored.●

BLACK HISTORY MONTH

● Mr. RIEGLE. Mr. President, each February, during the celebration of Black History Month, our Nation commemorates the tremendous contributions of blacks to our country. This month provides us an opportunity to recognize their contributions and increase our awareness of black history, perhaps one of the most neglected aspects of our history.

The rich field of black history has been opened chiefly as a result of the efforts of Carter G. Woodson, a black scholar and historian. In 1926, he established Negro History Week, to "dramatize the achievements of the race." This early celebration has been modernized through the years into Black History Month. During this month, we reflect on the countless accomplishments of an the integral role played by black Americans. It is a month in which we make an extra effort to educate and reeducate America on this underrepresented chapter of our history.

In Michigan, we take great pride in the leadership and contributions of our black heroes and heroines. Sojourner Truth, who helped lead this country out of the dark days of slavery; Elijah McCoy, a noted inventor of engine lubricating devices; American diplomat and Nobel Prize winner Ralph Bunche; Rosa Parks, whose refusal to give up her seat on an Alabama bus sparked the civil rights movement; and the "Brown Bomber," Joe Louis, a great athlete who held the heavyweight boxing title longer than any other man; to mention only a few.

These individuals strove for greatness and achieved it. Their contributions and the contributions of millions of black Americans to this country and the world are incredible, especially in light of the tremendous obstacles and discrimination they faced and fought and which today we are still working to overcome.

If there is one enduring message to be drawn from Black History Month, let it be that we are proud of all black Americans and that we will not backslide on any of the hard fought advancements of the past 200 years; that as a nation we will work together toward opening wider the doors of equality, justice and opportunity to all.●

A TRIBUTE TO FRANK CAVAN

● Mr. LEVIN. Mr. President, it is a real pleasure for me to pay tribute today to Frank L. Cavan, of the Ford Motor Co.'s labor relations staff, who is retiring after 37 years of distinguished service during which he has made an outstanding contribution to the field of equal employment opportunity.

Mr. Cavan has had a principal role in administering programs stemming from the plans for progress, executive orders, title VII of the 1964 Civil Rights Act, veterans, youth and handicapped programs, Age Discrimination in Employment Act, State and local EEO provisions, as well as a variety of other programs to aid the disadvantaged.

With his expertise in employment matters, he served in key roles with New Detroit, Inc., Greater Detroit Chamber of Commerce, and Detroit Personnel Management Association.

His reputation for fairness, honesty, and integrity is widely recognized by representatives of management, labor, and government with whom he has worked over the years.

Following his graduation from the University of Michigan in 1941, and prior to joining the Ford Motor Co., Mr. Cavan enlisted in the U.S. Army and ultimately achieved the rank of major while serving his country from 1941 to 1945 in the Engineering and Amphibian Command in the Philippines and the Southwest Pacific.

We salute Frank L. Cavan as a contributor to a better America.●

CONSUMERS, MANUFACTURERS ALIKE NEED OUR HELP

● Mr. KASTEN. Mr. President, I am sure that every Member of this body counts among his or her constituents businessmen who manufacture goods. In addition, all of us represent consumers who buy the goods these manufacturers produce. If a problem affecting manufacturers and consumers alike were to arise, and it were within Congress power to solve rather easily, one would expect rather speedy congressional action to correct the situation.

Unfortunately, we have today a problem that is costly to producers and consumers, that is nevertheless easy to fix, but that Congress has been unwilling to resolve. The problem comes from existing product liability laws, an uncoordinated jumble of statutes varying from State to State. They produce confusion and uncertainty, resulting in high insurance rates, greater consumer costs, and needless litigation. A uniform system of product liability laws would produce savings for both the private and public sector. Such a system requires simply that we pass a Federal product liability bill to provide a national standard with which everyone can live. We have such a bill before us. It has received broad-based support and now awaits our action.

In the meantime, those who live under the present legal regime continue to suffer from its assorted quirks. People familiar with the current system speak eloquently about its unfairness and its costs. That is why I ask to include in the CONGRESSIONAL RECORD two editorials out of Racine, Wis., an area noted for its manufacturing. They will show my colleagues why we need to fix the product liability situation as soon as possible.

I urge my colleagues to read these articles carefully and support the uniform product liability legislation.

The editorials follow:

[From the Journal Times, Jan. 18, 1984]

UNIFORM LAWS SENSIBLE

Imagine a football game where the rules change every two yards. That would mean 50 sets of rules apply depending on the location of the ball. Sound difficult? Not, apparently, much more so than the nation's product liability law problem.

Rules for deciding liability law, vary widely from one state to the next. In fact, only 30 states actually have such statutes—and no two are alike. Because most manufacturers ship their goods to other states, they are faced with a virtually impossible task of meeting all the vague and conflicting standards that are set by each state.

In Wisconsin, perhaps 75 percent of all goods made here is shipped for out-of-state use and it becomes extremely difficult for a Wisconsin manufacturer to be certain his product will satisfy the rules and regulations in all the states.

In Arizona, a court will find the product's design adequate if it conforms with the

"technical, mechanical and scientific knowledge of designing in existence and reasonably feasible for use at the time" the product leaves the plant.

In California, however, that same Wisconsin product can be found defective if it "fails to perform as safely as an ordinary consumer would expect."

In Nebraska, the design would be appropriate if the product incorporated what was "generally recognized" as the "best prevailing technology reasonably available."

But a Georgia court would find the product defective if the design caused it to be "not merchantable" and "reasonably suited to the use intended." Further confusing the issue is the Pennsylvania law, which says that if the product lacks any element necessary to make it safe, this same design would be found defective.

As a result of this hodge-podge of laws, if you make a product in Wisconsin, under the current state-wide system, you may lose a lawsuit in California, but win a virtually identical suit in Minnesota or other states.

What's needed, obviously, is a product liability law that would implement uniform rules of law in all 50 states—with clear rules defining the legal rights of consumers and the obligation of manufacturers in injury cases.

The first positive things such a law would produce would be to cut down on unnecessary litigation and reduce legal costs.

Fortunately, a bill (S. 44), seeking to create such uniform rules for product liability, now is pending in the U.S. Senate. It is sponsored by Sen. Robert Kasten, R-Wis., and endorsed by the administration and both Democrats and Republicans in Congress—because it is believed it would provide benefits to both consumers and businesses nationwide. The Senate Commerce Committee is scheduled to take action on S. 44 later this month.

The federal law, as proposed, appears to be a major step forward for everybody: labor, consumers and business, because what it really would do is make the Wisconsin law and judicial precedent a national law and precedent. In the same way that Wisconsin was the forerunner of OSHA—because we had strict rules about health and safety in the work place, we required other states to meet our standards—this proposed law would force other states to a reasonable and workable uniformity standard.

The proposed law would NOT remove the strict liability of manufacturers and designers and engineers to design and make products of the highest standards, but it WOULD provide a set of rules whereby all U.S. citizens could measure quality and force compliance. This would be more fair for all persons concerned—and should make for faster, more certain justice, in the event of law-suits.

It would appear that Kasten's bill deserves the careful consideration of the Congress. Certainly, it should be an improvement if everyone were required to play by the same rules.

RADIO 14 WRJN—SENTRY BROADCASTING, INC.—EDITORIAL, THURSDAY, JANUARY 26, 1984

Wisconsin Senator Bob Kasten is a cosponsor of a bill in Congress that is designed to put together a Product Liability law that would establish uniform rules for the entire country. To the many manufacturers in the Racine area this is indeed, good news. As it stands now, every state differs and the laws and regulations are a hodge podge. Major features of this bill are: it sets forth the basic standard of responsibility to which product sellers are to be held. . . . The bill requires distributors and other non-manufacturing sellers to exercise reasonable care in their handling of products. It provides a system of comparative fault, allocating the cost of product liability claims among the parties. Where the claimant or third party has misused, altered, or modified the product; (and the product seller proves that such misuse, alteration or modification caused the harm) damages are reduced accordingly. A Claimant must bring a product liability action within two years after he or she discovered the harm and the cause, and jury determines by clear and convincing evidence whether the product seller's conduct was so reckless that he deserved to pay punitive damages. What this all means to our manufacturers is the achievement of stability and fairness in the law of product liability and a reduction of legal costs. A uniform product liability law will enable every consumer to better understand the conditions of the sale of items, and the responsibility of the seller and buyer. Because the Racine area is heavily industrialized and the lives and fortunes of so many of our people depend on the growth and success of these industries, we feel that support for Senate Bill 44 is deserved by our representatives in the Senate and Congress. This is Bill Gumm, WRJN General Manager.●

METROPOLITAN GOVERNMENT OF NASHVILLE/DAVIDSON: A RECORD OF PROGRESS

● Mr. SASSER. Mr. President, as the ranking member of the Senate Subcommittee on Intergovernmental Relations, I take this opportunity to note the appearance of Mayor Richard Fulton, the chief executive officer of the metropolitan government of Nashville-Davidson County, Tenn. at the February 6, 1984 hearing on metropolitan regional governance.

I often find it useful to consult with Dick Fulton on issues of interest to local goverments—both in my role on the subcommittee and as a member of the Advisory Commission on Intergovernmental Relations. So, I am pleased that he could lend his expertise to the hearing on metropolitan regional governance.

I know him to be an able and dedicated public servant in Tennessee. Since 1975, he has been mayor of the metro government—which is one of the oldest and most successful consolidated governments in the country. His testimony reveals how this form of government streamlines services and saves tax dollars for those who live within its boundaries.

Before he became mayor, Dick Fulton represented the Fifth District of Tennessee in the U.S. Congress for 13 years. He was a member of the powerful House Ways and Means Committee and served as the Democratic regional whip. Early in his political career, Dick Fulton was a State senator in Tennessee. So, when he addresses questions of federalism and the Federal system, he brings a unique background which includes extensive experience at every level of government. Dick Fulton's talents brought him national recognition this year when he was elected president of the U.S. Conference of Mayors. As their chief spokesman, Dick brought to the hearing a national perspective on the concerns of local governments throughout this country.

So, Mayor Richard Fulton's testimony is a valuable contribution to the hearing on metropolitan regional governance. I commend Senator DAVID DURENBERGER for focusing the attention of the subcommittee on this subject. I submit for the RECORD the prepared statement of Mayor Fulton to the subcommittee.

TESTIMONY—METROPOLITAN REGIONAL GOVERNANCE FOR THE INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE

(By Richard H. Fulton)

INTRODUCTION

The rapid growth and modernization of our Nation has brought with it a highly mobile, highly demanding public which is involved daily with a number of local governments. People are no longer restricted to the boundaries of a single city or county, whether rural, suburban or urban. Today's citizen rarely works, lives, shops and enjoys his recreation within a single jurisdiction.

However, the development of a regional community has not been accompanied by the development of a political process or governmental system which relates to these new communities and their challenges. Many problems facing local governments (transportation, economic development, environment, law enforcement, health protection, solid waste disposal, etc.) cross jurisdictional boundaries and can only be solved on a broader geographic basis. Recently, however, local governments have come under increasing pressure to implement solutions to these areawide problems. Three (3) examples in Nashville are:

1. Air pollution: where we are having to implement a city-wide auto emissions program or lose federal transportation funds.

2. Hunger: where food lines grow longer and more displaced and homeless people migrate to the city seeking shelter.

3. Health care: where our General Hospital serves as a "hospital of last resort" for the medically indigent, many who live outside Davidson County.

With the cost of local government increasing, the challenge facing local officials today is to create a political process and management system that will pool administration operations for economy and efficiency, and bring their combined resources to bear on "regional" problems. There are several approaches available to translate a geographic and economic area into a regional governmental organization and process. These include:

Reorganization of local government (consolidation); or

Creation of special state or federal agencies; or

Creation of a special purpose or functional government; or

Geographic and functional modifications of local government (annexation, transfer of responsibilities and interlocal agreements); or

Intergovernmental cooperation (regional councils).

I am appearing before this sub-committee today to discuss the approach which I am most familiar with and which I feel is the most efficient, that is consolidation.

On April 1, 1963, the City of Nashville went out of business. So did Davidson County, which surrounded it. Instead there was a robust vital entity called "The Metropolitan Government of Nashville and Davidson County."

Now, twenty-one years after its birth, Nashville's "Metro" still is the only local political subdivision in the United States with a single central government and a single chief executive. Indeed Nashville's government is unique, designed specifically to cope with America's 20th Century problem of urbanization. Before discussing some of the accomplishments of this innovative region-wide government, let me first describe the why and how of the consolidation process.

WHY CONSOLIDATE?

In the mid 1950's the Nashville area had about 325,000 people, (approximately 175,000 in the then city of Nashville with surrounding Davidson County having a population of approximately 148,000) with a population growth of at least 50,000 every decade. This expanision was directed toward the undeveloped country-side, where there was an unending demand for services: new water, new sewer, new drainage systems, more schools, more fire and police protection. Nashville, the legally incorporated area to which the state legislature had granted broad powers to provide all needed municipal services, was a 23 square mile area hole in the center of the 100 square mile "actual city." Indeed, the government that existed just across this line actually lacked the legal authority even to own a fire engine. For the urban "ring" of the doughnut—Davidson County, founded in 1783—was ruled by a "farmers government" a throwback to horse-and-wagon days. A Tennessee county could repair roads, provide sheriff's services, operate hospitals and schools, but could not perform such basic functions as setting speed limits without special state legislation. As a result, the county, part of which was as thickly settled as the city itself, collected no garbage, erected no street lights, owned no parks or libraries, provided no fire protection or water service. Sewers were virtually non-existent.

Thus the problem: a single metropolitan area with overlapping governments, one with plenty of power but a limited area, the other with plenty of area but limited power. This two-headed government created constant friction and in-fighting. The resulting rivalry poisoned city-county relationships and created a costly chain reaction of inefficiency and waste. City police and the county sheriff's office hoarded crime information from each other; burglar's loot from the county could be openly displayed in city pawnshops without the police knowing it was stolen. The two school systems battled continously over how to split state education aid. On some major roads, where the city-county line went down the middle, the speed limit was 35 m.p.h. in one direction, 45 in the other. No libraries were built in the suburbs, where they were most needed. The city discontinued buying new parkland, at a time when burgeoning population demanded more green space. It even rejected offers of free parklands, on the premise that the county would refuse to contribute to the upkeep.

Because Davidson County was legally incapable of providing water or sewer service, 93 percent of its houses were dependent on septic tanks or outhouses. With only 282 hydrants in the entire county (outside the then existing city limits), fire departments had to rely on pumper trucks or ponds and residents paid $50 to $150 more a year for fire insurance than city dwellers. Most devastating of all, the whole pattern of the city's growth was thrown into chaos: because Nashville is underlaid with hard limestone, housing developments were squeezed into relatively small areas where soil cover was deep enough for septic tanks—in addition millions of dollars of new industry was lost because companies balked at building their own services.

In his now classic Metropolitan Government written more than 40 years ago, Victor Jones summarized the problem of metropolitan communities: "Disintegrated local government in metropolitan areas results in an unequalized services, in a disparity between need and fiscal ability to meet the need, and in a dispersion and dissipation of political control of the development of social, economic and political institutions . . . everywhere—in Europe as well as in America—the problem of providing services for the entire metropolitan community and of financing and controlling its local government is conditioned by its disintegration."

Nashville, therefore, provided a classic example of the tax battle now raging in most of Metropolitan areas between the city government and its non-taxpaying guests, the "daytime" citizens from the suburbs. Although most Nashvillians paid taxes only to their bedroom communities beyond the city lines, their jobs depended on Nashville's existence as a business center, and they used a vast range of city-supported services. The city did its best to even the balance by overcharging county residents for city-supplied water and electricity and slapping a $10 tax on commuter's cars, but the suburbanites invariably came out ahead.

This, then, is why Nashville needed a new government.

NASHVILLE'S CONSOLIDATION PROCESS

It wasn't easy for Nashville to achieve reform. Two enormous forces of inertia had to be overcome: the voter's fear change; and the state laws and constitutional provisions that made it far easier to create new governments than to be rid of old ones. Beginning in 1951, with a community services commission survey, it took Nashville's reformers twelve years to push the new government through. It required one constitutional amendment, three acts of the state legislature, one planning-commission report, two charter-commission reports and two referendums.

As stated earlier, the government that was finally voted in on June 28, 1962 is unlike anything else in the United States. Under the old city and old county government, there were six incorporated communities, seven special district for a total of 15 governmental units to service 399,743 people. The city had 12 departments, 20 council districts, an elected Vice Mayor, a Mayor and 24 Boards and Commissions. The county was governed by a county court with 55 members and a County Judge. Under Metro, this was consolidated into a single legislative body with 35 district members, 5 at large members and elected Vice Mayor and Mayor, all of this within a new governmental entity composing 533 square miles.

A nine member Board of Education (now elected) supplanted a seven-member city board and a seven-member county board.

The Sheriff, elected for a two-year term, was stripped of law enforcement duties and made responsible for process serving and for maintenance of the Metropolitan jail and workhouse. The Metropolitan Police Department is now responsible for all law enforcement within Metro boundaries.

The city and county road services were merged into one department, Public Works. Water and Sewer services were consolidated into a Department of Water and Sewerage. In all, 87 departments and agencies were pared down to 25.

In 1958-59 it was estimated that close to 40 percent of the old city's total real estate was tax-exempt because it was owned or operated for governmental, charitable or religous purposes. The city faced, in addition, the decline of inner city tax receipts. Finally, the city received little return for the many services it provided to surburbanites who worked in the city. In coming to grips with this challenge, a compromise had to be worked out to satisfy and to serve the urban and suburban citizens of Nashville. In tax matters, Nashville-Davidson County was given an unprecedented authority to levy different property-tax rates on its citizens, creating two separate districts. The County-wide General Services District taxes everyone to pay for services the whole county uses; police, fire, airport, parks libraries, roads, hospitals. The Urban Services District is limited to residents of the built-up urban area; it pays for such services as garbage collection, sewers, street lights. Moreover, as the urban area continues to push out into the country-side, bringing the need for more services, the boundaries of the urban-service taxing district will expand with it, to pay for the growth.

A single Tax Assessor and Trustee (both elected) were also retained while county-elected judges and court officials remained largely undisturbed.

HAS METRO WORKED?

The answer is, an unqualified YES. The difference that the "Metro" government has made in Nashville is spectacular.

First, expanded levels of public service have been provided and financed—county-wide police, fire and ambulance service. Services have been upgraded. In 1962, 27 miles of the city sewered. There are now over 1600 miles of sewer lines and 2162 miles of water lines are in the ground. Recently we have embarked on an $90 million expansion program that will give us an even greater capacity.

Second, property taxes have stabilized. Nashville had the highest effective tax rate in Tennessee when Metro came in 1963. Today, Memphis and Shelby County have not consolidated, Knoxville and Knox County have not; and Chattanooga and Hamilton County have not. Nashville/Davidson County has a much lower effective tax rate than they have. [See Chart Appendix]

Third, service economics have been achieved. For example, centralized purchasing for the Government and the Board of Education has saved 2 million dollars in the first year, $100,000 each year after. We now manage a self-insurance program which saved 1.5 million dollars the first year, 1 million dollars each year after. Serious consideration is being given to consolidating the equipment of Public Works, Water and Sewer, and Parks and Recreation. Also, con-

solidation of the engineering divisions of Public Works, Water and Sewer and Traffic and Parking is being reviewed.

In addition to these benefits, other gains have been found. A public opinion survey in Nashville revealed that political accessibility and accountability in Metro equalled or exceeded that in its predecessor governments. The political visibility of the Mayor has been high and has led to increased political responsibility. Stability is a benefit too, in the 21 years of Metro government, there have been but two Mayors.

CONCLUSIONS AND RECOMMENDATIONS:

What should be the federal role in promoting and supporting regional goverance?

In the past, the federal government has used a "carrot and stick" approach to foster regional planning and local government cooperation. As a "carrot", funds have been made available to plan, coordinate and review interlocal community developments. However, in some cases the federal government has taken a further step to provide grant-in-aid for functional regional programs. This, I believe, provides the greatest assistance. For instance, federal funds are being used to extend water and sewer lines to the most northern and western sections of Davidson County. In effect two cities (Hendersonville on the north. Brentwood on the west) in two different counties (Sumner and Williamson) have been "linked" by this network. Their problems became ours and vice-versa.

Another example, is in coping with the problems of hunger, homelessness and health services. Nashville serves as one of 76 urban medical centers in the United States. We have 2 medical schools and 16 hospitals including one city owned and operated facility which serves as a hospital of last resort. As a result, many people came to Nashville seeking medical assistance and very often their families join them later. More often than not, these people have no means of support and must rely on public and private assistance programs. These assistance programs do not recognize county lines when determining eligibility, and although many jurisdictional questions still exist, at least governments are encouraged to find a regional approach to solving these problems. Certainly, then, federal funds and policies used in this manner can be a very effective catalyst in establishing a base for regional governance.

However, there are instances where the federal government has mandated policies and used a stick as an enforcement tool. Air pollution programs, which I alluded to in the beginning of this presentation is a case in point. Here, federal funds have been provided for implementing on auto emissions testing programs in Nashville. If such a program was not started by July of this year, Nashville would have been "spanked" and federal transportation funds would have been withheld. Yet, is this approach really going to accomplish its goal of reducing air pollution? I think not and the reason is simple . . . the problem is multi-area while the solution is a single approach. For years, Metro has tried to get funds to implement a computer traffic signalization program which would alleviate traffic congestion and thus air pollution. Yet the federal government has insisted that this testing program be implemented first. Is this really a cost effective approach to the problem?

In each of these examples, the federal government has played a central role in determining the final outcome. In the case of the carrot, the role was a positive one, and in the case of the stick, a negative one. What really needs to be done is to analyze the factors which contribute to the deterioration of our nation's infrastructure on urban fabric and then design programs which address these needs.

What lessons does Nashville's Metropolitan Government experience hold for a Metropolitan area with area-wide problems.

First, we pay a high price for ultra local government in this country but I am convinced that the oft-stated desire for grass roots government is more myth in the minds of Americans than reality. Moreover, good government is never cheap. For example, an essential part of school reform has been hiring more teachers while simultaneously raising salaries. As a result, the School System budget has grown from a 1973-74 figure of 76 million dollars to a 1983-84 budget of 143 million dollars.

Second, Metro is a concept and not a precise formula. Be it consolidation, annexation, tax-base sharing, or the council of government's approach, unless it is truly a genuine local arrangement, it is unlikely to succeed. Regionalization tailored to the conditions and needs of a particular local area makes sense, but we should be weary of any national formula through action by the federal government to force urban area into adopting regionalization plans.

The road to city-county consolidation may not cover the entire distance to the ideal governmental reform. But Nashville has proven one fundamental point that is applicable to almost every city: the concept can be designed to work.

In closing, there are numerous consequences to the multi-headed government found in Metropolitan areas. First, is in inequities in financing local public services. In many instances the heaviest service needs occur in the areas with the least financial capacity. Second, is the realization and concern of how local governments of various sizes can cope with area-wide problems. Many believe, as I believe, this committee will come to believe, that local communities in metropolitan areas are mutually interdependent and that integrative governments are therefore needed to formulate and execute area-wide policies in which all have a stake. Fragmented government can be illogical and inefficient, whether the problem is transit, water, sewers, health or planning. Unified policy formation and execution without a single metropolitan government to guide the process with authority is an impossibility.

APPENDIX.—ACTUAL AND EFFECTIVE TAX RATES

City	City-rate	County-rate	Actual rate	Percent appraisal	Effective rate
Memphis (reappraised 1980)	3.13	3.66	6.79	0.8904	6.05
Knoxville (reappraised 1983)	2.98	2.10	5.08	.100	5.08
Chattanooga (reappraised 1980)	2.56	2.422	4.982	.9359	4.66
Nashville (appraised as of 1973, reappraisal presently underway)	1.91	4.92	6.83	.4305	2.94

REHABILITATION ACT AMENDMENTS—CONFERENCE REPORT

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany S. 1340, Rehabilitation Act amendments.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of February 6, 1984.)

Mr. RANDOLPH. Mr. President, I rise in support of the conference report on S. 1340, the Rehabilitation Amendments of 1984. Enactment of this measure is important to handicapped Americans, for this legislation before us today continues the tradition of vocational rehabilitation services established in 1920 by the Smith-Fess Act. Data collected by the Rehabilitation Services Administration indicates that lifetime earnings for persons rehabilitated will improve by about $11 for every dollar spent on services.

The Rehabilitation Amendments of 1984 extends and amends the Rehabilitation Act of 1973 for 3 years. In addition, the measure makes provision for an additional year of authority for the State grant program in the event that legislation has not been enacted beyond fiscal year 1986.

This measure contains important new initiatives which will benefit handicapped Americans. The client assistance program, which assists vocational rehabilitation clients by informing and advising them of benefits under the Rehabilitation Act, has been a discretionary program; this measure requires all States to have a client assistance program so that handicapped individuals can benefit from the services. The conference agreement recognizes the diversity of the existing client assistance projects and has included provisions to allow client assistance projects that formerly were or currently are administered and/or housed in a vocational rehabilitation agency to be administered and/or housed in that same vocational rehabilitation agency.

The measure also contains amendments to provide the Director of the National Institute of Handicapped Research with the authority to test new concepts and innovation ideas, to allow grants to research and training centers to include faculty support for teaching

of rehabilitation related courses, and to clarify that research and training centers can include both centers dealing with multiple disabilities and centers focusing on one disability.

In order to target resources on personnel shortages, this measure has directed the Commissioner of the Rehabilitation Services Administration to prepare a report on personnel needs and how funds will be allocated in order to meet those needs.

The conference agreement establishes the National Council on the Handicapped as an independent agency and makes such technical and clarifying changes to the Rehabilitation Act of 1973 as are necessary to assure the Council's independence. In addition the National Council on the Handicapped is charged with the responsibility of reviewing Federal programs for handicapped Americans, assessing disincentives or incentives of those programs which relate to community based services, full integration, and independence and dignity, making recommendations based on the assessments, and preparing and submitting a report to the President and the Congress not later than February 1, 1986.

The conference agreements amends the projects with industry authority to require that applicants have an evaluation plan, that the Commissioner publish standards for evaluation, and that the Commissioner conduct a comprehensive evaluation of the total program. The measure also requires that to the extent practicable that the Commissioner assure an equitable distribution of payments made under the projects with industry authority.

The conference agreement includes evaluation requirements for the independent living centers authorized under part B. Regrettably, part A of title VII, the State grant program, has never been funded. Although the independent living centers are providing valuable services to severely handicapped Americans, it is my hope that funds will become available so that a Statewide service delivery system under part A can be initiated.

In the 97th Congress I introduced a measure, S. 2459, to establish the "Helen Keller Center for Deaf-Blind Youths and Adults" as a separate institution. I am pleased that this measure included a title II, the Helen Keller National Center Act, which establishes a separate authorization for the Helen Keller Center for Deaf-Blind Youths and Adults.

Mr. President, I commend the chairman of the Committee on Labor and Human Resources (Mr. HATCH), the chairman of the Subcommittee on the Handicapped (Mr. WEICKER), the members of our Subcommittee on the Handicapped, and our colleagues from the House of Representatives, who have directed their time and efforts to insure that vocational rehabilitation services continue to be available for handicapped Americans.

I support this measure and ask that my Senate colleagues join with me in supporting a measure vitally important to this Nation's 36 million handicapped citizens.

Mr. HATCH. Mr. President, on behalf of the Senate-House conferees on S. 1340, I rise to offer the conference report and statement of the managers on the Rehabilitation Act amendments of 1984. The purpose of this legislation is to amend the Rehabilitation Act of 1973 and to extend the authorization of appropriations for this act and the Developmental Disabilities Assistance and Bill of Rights Act.

In presenting S. 1340, we are pleased to report a bill which represents a strong bipartisan effort. S. 1340 was originally reported unanimously out of both the Subcommittee on the Handicapped and the full Labor and Human Resources Committee and passed the Senate on the consent calendar with no objections. The House bill also had unanimous bipartisan support until the nonrehabilitation provision of titles IV and V were added. After agreement was reached to drop these nongermane amendments, the conferees were able to proceed to this final version of S. 1340 rather quickly.

I thank all of my colleagues for their contributions to this finished bill. My distinguished colleague, Senator LOWELL WEICKER, who chairs the Subcommittee on the Handicapped, labored diligently to create a bill which we now have before us today. In addition, I should like to acknowledge Senator JENNINGS RANDOLPH, the distinguished ranking minority member of the subcommittee. He has been a consistant supporter of S. 1340 and has worked hard on its development. It is so fitting that a man whose life has been so devoted to helping the disabled achieve a higher quality of life can conclude his illustrious career with passage of this bill that reauthorizes the Rehabilitation Act. I would like to recognize the fine work of the other subcommittee members: Senators STAFFORD, HAWKINS, NICKLES, EAGLETON, MATSUNAGA, and KENNEDY.

I would be remiss if I did not also thank the Congressman from the House Education and Labor Subcommittee for their conscientious efforts to arrive at a final resolution of differences so that we could today vote on S. 1340. I would especially like to extend my appreciation to Chairman PERKINS and Congressmen BARTLETT, MURPHY, SIMON, and ERLENBORN for their efforts.

As reported by the Senate-House conferees, the Rehabilitation Act amendments of 1984 extends the Rehabilitation Act of 1973 for an additional 3 years. While our committee believes the original act is working well, the bill mandates changes in several areas of the original statute which will strengthen and improve the delivery of services to handicapped people of our Nation.

Ninety percent of the money authorized for the Vocational Rehabilitation Act provides States with funding to evaluate and train for employment more than 1 million disabled persons per year. In S. 1340, the authorization for State grants will be increased to $1,037 million for fiscal year 1984, $1,117.5 million for fiscal year 1985, and $1,203.2 million for fiscal year 1986. This amounts to approximately a 9.4 percent, and 7.7 percent increase for the 3 years respectively. Since the States administer the program and are required to match the Federal contribution on an 80-percent Federal and 20-percent State basis, this grant exemplifies the epitomy of a highly successful Federal-State partnership.

The remaining 10 percent of the act's funding goes for various federally sponsored support and demonstration projects. Some of the projects and programs funded with this discretionary money include professional training, the National Institute of Handicapped Research, the National Council on the Handicapped, Projects With Industry, special recreation and comprehensive rehabilitation centers. In addition, S. 1340 mandates that a client assistance program be established in each State and that the National Council on the Handicapped become an independent agency. Further, the Helen Keller Center for the Deaf and Blind is given a separate authorization for the first time and the reports and evaluation authorized of the various programs were also clarified.

Mr. President, the conferees are pleased to present today what we believe is a strong bill for final consideration by the Senate. It will assure the continuation of a program which is important to disabled persons and their families throughout the country; it is a program which demonstrates the cost effectiveness of training handicapped persons for employment; it is a program that deserves the continued support of our Congress.

Mr. WEICKER. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I have a number of items in my folder that are cleared on this side for action by unanimous consent. If the minority leader is prepared to work through these things, I would like to go forward with them at this time.

Mr. BYRD. Mr. President, I am ready to proceed.

Mr. BAKER. I thank the minority leader.

ORDER OF PROCEDURE ON MONDAY, FEBRUARY 20, 1984

Mr. BAKER. Mr. President, first an order with respect to the adjournment of the Senate. I ask unanimous consent that, when the Senate convenes on Monday, February 20, 1984, under the provisions of House Concurrent Resolution 255, as amended, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; that the second reading of H.R. 4656 not occur until Tuesday, February 21, during morning business; that the morning hour be deemed to have expired; and that, following the reading of Washington's Farewell Address, the Senate then stand in recess until the hour of 11 a.m. on Tuesday, February 21, 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER APPOINTING SENATOR LAUTENBERG TO READ WASHINGTON'S FAREWELL ADDRESS

Mr. BAKER. Mr. President, also in that connection, in view of the fact that cloture has now been invoked on the pending measure, I ask unanimous consent, notwithstanding the resolution of the Senate of January 24, 1901, with respect to the reading of President Washington's Farewell Address, and notwithstanding the provisions of rule XXII dealing with proceedings after cloture, that on Monday, February 20, 1984, immediately following the prayer and the disposition of the Journal, the traditional reading of President Washington's Farewell Address take place and that the Chair be authorized to appoint a Senator to perform that task.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appoints the Senator from New Jersey, Mr. LAUTENBERG, to read President Washington's Farewell Address on Monday, February 20, 1984.

Mr. BAKER. I thank the Chair.

THE CALENDAR

Mr. BAKER. Mr. President, there are four items on the calendar of business on this side that are cleared for action by unanimous consent. I say to the minority leader that I am prepared to go forward with those four, as follows:

Senate Resolution 201, which is Calendar Order No. 473; H.R. 3655, Calendar Order No. 623; Senate Resolution 337, which is Calendar Order No. 649; and H.R. 1557, which is Calendar Order No. 650.

Could I inquire of the minority leader if he is prepared to clear all or any portion of those items at this time?

Mr. BYRD. Yes; I am glad in particular that the majority leader is moving to take up Senate Resolution 201, which expresses the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union and that he is also moving to take up Calendar Order No. 650, which is of interest to my good friend, Mr. CONTE, in the House.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate the items identified in the order stated.

CHEMICAL WARFARE OF SOVIET UNION

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 201) expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AFGHANISTAN AND CHEMICAL WARFARE

Mr. BYRD. Mr. President, this resolution reflects the concern which I and many of my colleagues have about Soviet policy in Afghanistan and elsewhere that makes innocent civilians the target for inhuman, illegal chemical attacks. Since 1982, the Soviets have refused to allow Red Cross representatives into the country of Afghanistan to assist those innocent people caught up in the war between invading Soviet forces and Afghan freedom fighters. Can Soviet reluctance to admit the Red Cross be traced to the use of chemical weapons? Are they hiding the effects of their policies on the civilian population from public scrutiny? We cannot know, but we can speculate about Soviet motives.

An excellent review of the situation in Afghanistan is now available. The State Department's Bureau of Intelligence and Research has made public a report entitled "Afghanistan: Four Years of Occupation." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AFGHANISTAN: FOUR YEARS OF OCCUPATION

(Following is a paper prepared by the Bureau of Intelligence and Research in December 1983. It is a sequel to Special Report No. 106, "Afghanistan: Three Years of Occupation.")

OVERVIEW

Four years after Soviet troops invaded Afghanistan neither a political nor a military solution seems likely in the near future. The Afghan resistance shows no sign of weakening or loss of popular support. The countrywide insurgency continues and the mujahidin deny the Soviets military success.

During 1983 resistance operations against Soviet/regime forces have become more effective even in urban areas. Tactical cooperation has increased among resistance groups and most of the country's land area remains under resistance control. Typically, once Soviet/regime sweep operations have been completed, areas return to mujahidin control. Major problems of supply and disunity remain, however, and resistance forces are unlikely to be able militarily to eject the Soviets from Afghanistan.

Despite some optimism following the April round of indirect negotiations in Geneva that the parties might be able to work out a settlement, the UN-sponsored negotiations among the concerned parties have thus far not made significant progress because of Moscow's unwillingness to set a timetable for the withdrawal of its forces. The Soviet Union appears committed to a strategy of attempting to wear down the resistance militarily, gaining control of urban areas, and remodeling the Afghan political and social structure in its own image. Soviet troop strength remains at approximately 105,000.

Afghanistan's internal problems have multiplied as the regime remains factionally divided and as Soviet control deepens. During 1983 economic and administrative chaos increased. The war has severely damaged Afghanistan's social and economic infrastructure, causing major declines in social services, agricultural production, and industrial output. Afghanistan is becoming more dependent upon outside food sources, and its economy is ever more dependent upon Soviet aid.

Significant declines in security in both urban and rural areas have led to increased Soviet use of KHAD—Khedamati-i-Etal'at-i-Dolati, the Afghan intelligence and security organization. KHAD is being greatly expanded but has been ineffective in promoting loyalty to the regime.

Intense Soviet efforts to fashion the Afghan military into an effective force also have failed and the people are increasingly alienated by forced conscription drives. Soviet frustration over inability to stop resistance activities has led in recent months to a deliberate policy of increased brutality and reprisals against the civilian population.

The refugee problem continues to grow. Between one-fifth and one-fourth of Afghanistan's pre-1979 population now lives outside its borders, mainly in Pakistan and Iran. The UN High Commissioner for Refugees (UNHCR), the World Food Program (WFP), and a variety of voluntary agencies and governments, including the United States, assist Pakistan in caring for these refugees—the vast majority of whom are de-

termined to return to their homeland when it is freed from foreign occupation.

U.S. policy goals for Afghanistan remain the same. We seek the earliest possible negotiated political settlement in Afghanistan to effect the withdrawal of Soviet forces and end the agony of the Afghan people. Such a settlement must also provide for the other three requirements spelled out in five UN resolutions on Afghanistan: the independent and nonaligned status of Afghanistan, self-determination of the Afghan people, and the return of the refugees with safety and honor. The United States supports the UN negotiating efforts to achieve these goals.

THE SOVIET OCCUPATION

In 1983 the military struggle for Afghanistan continued unabated. As before, the Soviets concentrated on building up key logistical bases, securing Kabul and other major cities, improving security for lines of communication, and controlling infiltration routes across the Pakistani and Iranian borders. During the year, no major changes occurred in the size or composition of Soviet forces committed to Afghanistan. The total number remains at about 105,000 Soviet troops in Afghanistan with some 30,000 additional men on the Soviet side of the border.

Throughout 1983 Soviet/Afghan forces regularly conducted multibattalion operations designed to interrupt resistance supply lines and respond to reports of mujahidin concentrations, but these efforts have not significantly affected mujahidin activity. The resistance has been remarkably resilient, and the mujahidin today are stronger and better equipped than ever before. They have an extensive intelligence capability and regularly learn in advance about Soviet/Afghan operations from sympathizers in the Afghan military.

Large areas of the country remain under resistance control, and even in principal cities Soviet/Afghan control is being increasingly challenged. Throughout the year the resistance has dramatically demonstrated its ability to extend the war into the capital by regularly conducting operations inside Kabul and its suburbs. During the winter months, Kabul's electricity supply was a principal target of the mujahidin. Power cuts lasting several days were caused by destruction of the power lines leading from power stations outside Kabul, confronting the capital with an energy crisis unprecedented in the 4 years of Soviet occupation. Frequently, only the Pule Charki thermal power station located on the outskirts of Kabul could be relied upon, but its capacity was limited due to repeated interdiction of fuel supplies from Termez on the Afghan/Soviet border. A key petroleum pipeline which services Kabul and the major Soviet airbase at Bagram, 50 km north of Kabul, has been sabotaged so often that it is no longer dependable as a regular source of fuel.

During the summer, Marshal S. L. Sokolov, the Soviet first deputy defense minister, returned to Afghanistan for another inspection tour. Following his previous visit in late 1981, the Soviets significantly stepped up their military operations and increased their troop strength. While there has been no discernible increase of troops or step-up in operations this year, Sokolov's latest visit clearly reflected the Soviet leadership's concern about the progress of the war. The upsurge in reprisals against civilians also appears to reflect growing frustration over failure to stem the resistance.

During the summer, the level of fighting in Kabul was also significantly higher than last year. In mid-June, a few days before resumption of the UN-sponsored indirect negotiations, the mujahidin staged a nightlong attack against the Soviet-manned Bala Hissar fortress and attacked a Soviet command post near the Darulaman Palace. The attacks resumed in early July with a successful rocket attack on Kabul airport that damaged military and civilian aircraft.

On the night of August 13-14, the mujahidin staged the most ambitious operation in the capital since the Soviet invasion. Using coordinated rocket, mortar, and small arms fire, they attacked Radio Afghanistan, Soviet residential complex, and the Bala Hissar fortress. On October 1 the mujahidin brought the Soviet Embassy in Kabul under attack for several hours. These incidents, involving some of the most heavily guarded and important installations in the city, along with bombings and frequent assassinations of regime officials, underscore the tenuous government control in Kabul.

In a move to demonstrate the regime's control of the capital, on September 28 Babrak Karmal conducted a highly publicized walking tour of Kabul. That he felt compelled to undertake such a step and the elaborate security precautions necessary to carry it out, only served to further highlight the strength of the resistance.

Large sections of the cities of Qandahar, Mazar-e Sharif, and Herat likewise remain in the hands of the resistance. Movement of regime personnel into many areas of these cities is possible only with substantial military support and during daylight hours. In April, in response to mujahidin attacks, the Soviets conducted heavy bombing and shelling of the western suburbs of Herat. As many as 50 planes a day flew missions over the city, causing extensive damage and resulting in several thousand civilian casualties. This savage bombing of Herat and the surrounding villages, however, brought no improvement in the government's security situation. Even daylight resistance operations in Herat are not uncommon, and fighting in and around the city takes place every night.

Throughout the year, Soviet/Afghan forces also have been repeatedly attacked in and around Qandahar, the country's second largest city. An incident in late August vividly demonstrated the regime's limited control there. The day following a regime speech proclaiming that the power of the "counter-revolutionaries" had been broken in that city, mujahidin from Qandahar and the countryside appeared on rooftops around government installations in the city center and at many military posts surrounding the city. For several hours they taunted regime soldiers through loud speakers and exhorted them to defect.

In recent months, even in Jalalabad, which has been one of the most secure cities in Afghanistan, the situation has eroded with frequent attacks on the airfield. Similarly, the regime faces resistance in northern Afghanistan. Mazar-e Sharif has been subjected to repeated mujahidin attacks. In September, an attack against the airfield outside the city caused extensive damage.

In late April and early May, following a deterioration of security in Paktia and Paktika Provinces, which lie astride supply lines from Pakistan, a major Soviet/Afghan offensive was launched. The operation, involving some 10-15,000 government forces, was designed to relieve pressure on several Afghan cantonments that were under mujahidin pressure and could be resupplied only by air. A Soviet-trained elite Afghan unit, the 38th Commando Brigade, was decimated near the town of Urgun. One battalion was wiped out, and the remainder of the unit deserted to the resistance. This defeat represented a major setback to Soviet efforts to reconstruct the Afghan army.

In late summer, the mujahidin again stepped up pressure in Paktia and Paktika Provinces. During August and September many isolated government outposts in these provinces deserted or were overrun. Major cantonments at Urgun, Khowst, and Jaji Maidan were brought under seige. Although no important towns fell to the mujahidin during the September attacks, the fighting highlighted the growing strength of the resistance in this region and reflected increasing tactical coordination among mujahidin bands inside Afghanistan.

This past year has been marked by increased mujahidin success in convoy interdiction. Resistance efforts in Paktia and Paktika Provinces were significantly boosted by the interdiction of Soviet and regime resupply convoys traveling through the Lowgar Valley. Although additional government military posts have been set up along the major highways to protect the convoys, the mujahidin have proven increasingly skilled in the use of mines and in preventing convoy movement. The road through the Lowgar Valley—which begins just south of Kabul and is the primary land route from Kabul to Paktia and Paktika Provinces—has been a particular problem for the Soviets. Soviet/Afghan convoys were repeatedly ambushed with heavy losses, often forcing the convoys to return to Kabul. Security in the Shomali region south of the Salang Tunnel on the road to Kabul also has posed a major problem for the Soviets. Traffic through this area, the principal line of communications between the Soviet border and Kabul, is often halted for days.

The insurgents likewise have become more efficient this year in combating Soviet air power—Moscow's most effective weapon. Using heavy machineguns, the mujahidin have become adept at downing Soviet MiGs and helicopters. The resistance has capably employed heavy machineguns during attacks on convoys and claims its successes have forced Soviet/regime helicopters to fly at high altitudes, thus reducing their ability to support the ground forces. Although there have been isolated reports of surface-to-air missiles in the hands of the resistance, such weapons are still limited. The presence of a few missiles, however, is sufficient to compel Soviet/Afghan pilots to be more cautious.

A disturbing trend has been the increasing use of reprisal attacks in response to *mujahidin* successes. The level of violence against the civilian population by Soviet firepower has reached new heights. Attacks against Soviet convoys have led to the destruction of nearby villages, cultivated fields and orchards, and the execution of male inhabitants. In July, Soviet forces executed 20-30 elders in the provincial capital of Ghazni in reprisal for the deaths of several Soviet personnel. In October, following a series of hit-and-run attacks on convoys outside Qandahar, reprisals were launched against villages in the area resulting in significant destruction and the deaths of some 100 civilians.

In the Shomali region, the sustained bombing of villages has created virtual free-fire zones along the highway. The vineyards and orchards of what was once the showcase

of Afghan agriculture have suffered irreparable damage from repeated Soviet attacks. In late October during a Soviet/Afghan operation in the Shomali, at least half of the historic town of Istalef was leveled by aerial bombardment and artillery shellings in reprisal for Soviet losses in the area. Civilian casualties totaled several hundred women and children were bayoneted and village elders shot.

NEGOTIATIONS AND CEASE-FIRE

A new tactic adopted this past year has been the attempted negotiation of ceasefires between resistance groups and the Soviets. While many have quickly broken down, one prolonged highly publicized cease-fire was in the Panjsher Valley—which opens onto the vital Salang pass route between Kabul and the Soviet border. The Panjsher truce, arranged between the mujahidin leader Mahsud and the Soviets without the participation of the Karmal government, reveals the strengths and weaknesses of both the Soviets and the resistance.

The Panjsher cease-fire began in March and officially ended in August, but the valley remains quiet. Coming after six large-scale and costly Soviet Panjsher Valley campaigns over the past 3 years, the truce promised to free Soviet troops for duty elsewhere by reducing the Soviet presence in the valley to token level. At the same time, it provided Mahsud an opportunity to consolidate his position and develop his logistical and economic base and harvest a vital food crop. This cease-fire has also enabled Mahsud to resupply and train his forces and to expand his organization and operations well beyond the Panjsher Valley. In recent months Mahsud's forces have been conducting operations outside the valley in Konduz, Paghman, and the Shomali region.

SOVIET CASUALTIES AND POW'S

Soviet casualties since December 1979 now total at least 17-20,000 killed and wounded. General dissatisfaction with conditions in Afghanistan have prompted a number of Soviet troops to desert. Accounts of indiscipline, drug usage, and black marketing—including the sale of weapons and ammunition—are numerous.

In the early period of the Afghanistan war, there were very few prisoners taken on either side, but now various resistance groups hold Soviet prisoners of war. In 1982 the International Committee of the Red Cross (ICRC) was able to work out an agreement among the Karmal regime, the Soviet Union, Pakistan, Switzerland, and the Afghan resistance whereby Soviet prisoners of war captured in Afghanistan and held by the resistance would be taken to Switzerland for internment for 2 years. At the end of their internment, the prisoners would be turned over to the ICRC by the Swiss Government for repatriation. In February 1983 the president of the ICRC told the press that the ICRC would not participate in the forced repatriation to the U.S.S.R. of Soviet prisoners interned in Switzerland. In July one of the eight Soviet prisoners interned under this agreement escaped to West Germany where he is seeking political asylum. Another Soviet soldier arrived in Switzerland on October 28.

Two Soviet army privates from Afghanistan arrived in the United States as refugees on November 28. Their resettlement is being assisted by a private voluntary agency.

POPULAR SUPPORT FOR THE RESISTANCE

Popular support for the mujahidin remains high even though the fighting has brought destruction and reprisals on civilians, has disrupted social services and administration in most of the country, and has contributed to competition for food supplies. Local populations continue to provide the mujahidin with shelter, food and recruits. Casualties among civilians and the resistance fighters have not reduced mujahidin activities, and morale remains high.

It is impossible to assess the exact number of mujahidin since the numbers fluctuate according to the season and in relationship to the level of Soviet operations in specific areas. Loosely organized in some six main organizations and several smaller groups, the resistance forces operating out of Peshawar are split into two alliances—the moderates and fundamentalists—both calling themselves the "Islamic Unity of Afghan mujahidin." Despite ongoing efforts—mainly by groups in Peshawar—to promote unity, disagreements between groups, including armed attacks upon each other, are not infrequent.

Allegiance of the fighting groups operating in Afghanistan to headquarters in Peshawar is often flexible and contingent on a continuation of adequate supplies. In the past, only a few of the fundamentalist groups in Peshawar have exercised significant operational control over affiliated units in Afghanistan. However, the major mujahidin offensive in Paktia and Paktika Provinces during September and October was conducted by groups with direct links to Sayed Ahmad Gailani, leader of a moderate group in Peshawar.

Tactical cooperation among mujahidin groups inside Afghanistan has increased during this past year. This has been evident in the Shomali region and in attacks conducted inside the capital. Moreover, Mujahidin operations in Paktia and Paktika Provinces have been supported by other resistance groups who have interdicted Soviet/regime convoys traveling through the Lowgar Valley.

While the mujahidin have demonstrated increasing military effectiveness and cooperation this year, the resistance is still plagued by internal divisions and factional fighting. No nationwide resistance organization has yet evolved that is capable of coordinating activities throughout the country, and progress toward organizational and logistical coordination is slowed by serious territorial and ideological rivalries.

Both moderate and fundamentalist alliances have problems of organization. The spring of 1938 witnessed an effort to forestall the fragmentation of the Peshawar-based fundamentalist groups. In May, seven of these groups appointed Professor Abdul Rasal Sayaf, the leader of a minor group, to a 2-year alliance presidency. Despite this mediation, however, internal strains continue within the fundamentalist alliance as some groups accuse others of being more interested in expanding their own power bases than in fighting the Soviets.

Supply shortage remains another serious problem for the resistance. Although small arms appear to be available in sufficient numbers, ammunition, medicines, and frequently food are sometimes critically short. Resistance leaders frequently mention to the media and others the need for increased supplies of heavy machineguns and weapons such as mines and rocket grenades for use against armored vehicles. Nonetheless, this year the resistance has registered a higher kill ratio against Soviet aircraft, increased ability to challenge the Soviet policy of urban control, and continued success in operations against Soviet bases and supply lines.

Participation of Iranian-based Afghans in the resistance has also increased in recent months, although the Iranian Government exercises tight control over cross-border activites. The primary beneficiaries of the limited Iranian support have been the Shia groups in Afghanistan.

The most dramatic new development this year, involving an initiative to organize the resistance more effectively, was an appeal by ex-King Zahir Shah in June concerning the need to create a united organization capable of speaking on behalf of the Afghan people. The timing of the ex-king's announcement stemmed from growing concerns that representatives of the Afghan people have not been included in the UN-mediated indirect negotiations in Geneva and frustration over inability to create a united resistance organization. Zahir Shah expressed his willingness "to better coordinate our resistance activities and to better represent them in international conferences and activities." At the same time he also stated that he had no personal ambitions and did not want to reestablish the monarchy.

In August, following consultations with the ex-king, the three groups belonging to the moderate alliance announced the establishment of a "United Front for the Liberation of Afghanistan." Its sponsors called on Zahir Shah to "take necessary measures" to obtain international recognition of a 12-man committee set up to oversee implementation of the united front. The moderates hope that this involvement will provide a rallying point and give new visibility to the Afghan cause, thus increasing their effectiveness in the international arena.

Provisions were made for the accession of other resistance groups to the united front with the same rights as the founding members, thus leaving the door open to participation by the fundamentalists. Although the latter have to date publicly eschewed involvement in any organization involving the ex-king, if Zahir Shah's initiative gains momentum, it could eventually receive some fundamentalist support.

ACCELERATION OF THE GOVERNMENT'S PROBLEMS

As the Afghan resistance against Soviet occupation enters its fifth year, the Soviet-sponsored Babrak Karmal regime faces continued widespread popular dissatisfaction. Most observers feel that the regime could not survive without Soviet military support.

Attacks on Soviet and regime offficials are common even in areas claimed to be under government control, and Soviet personnel need extremely tight personal security because of the constant threat of kidnaping and assassination. Increased Soviet brutality against civilians has, moreover, undermined the intense Soviet/regime propaganda campaign portraying the Soviets as peacekeepers and Karmal himself as a beloved and democractically chosen leader.

The Karmal regime has been unable to expand its influence beyond a small coterie of party loyalists, who themselves are divided into warring factions. Factionalism and corruption are serious obstacles for the regime, and steps by the dominant Parcham faction to heal the deep divisions within the party and promote a National Fatherland Front have not been successful. The 12th Party Plenum in early July revealed continuing rifts. Addressing the plenum, Karmal observed that previous decisions had not been fully implemented, a situation which he blamed on "lack of unity, disorganization, lack of ability, and fatalism."

Serious clashes have occurred between the Parcham and Khalq factions, including a confrontation in mid-August near Herat in which more than 100 persons were reported killed. In mid-May, an argument over a military promotion list favoring Parcham officers led to a violent altercation between Minister of Defense Abdul Qader and his Khalq deputy, Major General Khalilullah, who physically assaulted Qader.

Soviet dissatisfaction with Karmal over his inability to unite the warring factions also has surfaced. Rumors have abounded throughout much of the year that a major shift in leadership was imminent. A Cabinet reshuffle in October may have reflected an attempt to alleviate some of the intragovernmental strains. Open Soviet preference for the Parchamis could, however, exacerbate tensions in the party. In early 1983, for example, a money-market scandal involving Soviet advisers and high-level Parchamis was publicized by the Khalq faction in an effort to enhance its own position.

The Afghan intelligence and security organization, KHAD, has been largely ineffective in its efforts to counter the insurgency and ensure loyalty in the military and among the general populace, and its operations have added to the fear and distrust permeating Afghan society. KHAD responsibilities include counterinsurgency, military intelligence, security for Afghan VIPs and official installatons, and foreign intelligence and covert action. Organized under Soviet direction, KHAD is designed to assist the Afghan communists in setting up the same kinds of party and government institutions used by the U.S.S.R. to control its own population. The Soviet presence pervades the KHAD leadership, and the KGB continues to play a significant role in training and operations.

KHAD, however, shares in the internecine Parcham-Khalq competition resulting in factionalism, fear, and incompetence within the organization itself. Intraparty violence, moreover, frequently overlaps with mujahidin operations and obscures responsibility for violent acts. Agents in the Parcham-dominated KHAD often provide information enabling the mujahidin to assassinate Khalq party members. The Khalqis play a reciprocal game with the Parchamis. KHAD activities also have contributed to the already low morale with the Afghan military.

It is widely believed in Pakistan that KHAD has sent its agents among refugees to foment discord in the camps and to stir up trouble between the refugees and their Pakistani hosts. Nearly 3 million Afghans now live in Pakistan; the inevitable conflicts over access to land, grazing rights, and social services make fertile ground for KHAD mischief. KHAD agents also are suspected of having infiltrated Afghan resistance organizations based in Peshawar to gain intelligence on mujahidin activities and to exacerbate divisions among the resistance groups. KHAD agents are believed to have fueled Shia-Sunni religious conflicts especially in border areas of Pakistan's Northwest Frontier Province where most of the refugees have settled, and to have supported the tribal Baluch separatist movement in Baluchistan Province.

In 1983 KHAD was significantly strenghtened in an effort to exert greater control over the Afghan civilian population, particularly in the cities. The organization, which now includes between 15-20,000 personnel, is widely recognized as being responsible for prisoner interrogation. Amnesty International—which has appealed to Babrak Karmal to stop torture, arbitrary arrest, and secret trials which deny defendants the right of defense—issued a report in early November citing systematic torture of prisoners. Based on interviews with ex-prisoners and their relatives, the Amnesty International report said those tortured include civil servants, teachers, teenage students, and persons arrested as a warning to others—as well as those actually associated with armed resistance to the regime.

The decline in security this year is only one aspect of Afghanistan's grave internal plight. Domestic opposition to the Soviet presence and to the Karmal regime also has accelerated the trend toward economic and administrative chaos which will take years to repair. The country's social and economic infrastructure has been decimated, and in 1983 the Afghan Government approached the International Monetary Fund seeking credits. Social services, agricultural production, and industrial output continue to suffer reverses, and inflation is estimated at around 20%-25%.

In a speech before the UN General Assembly (UNGA) on October 6, Afghanistan's Foreign Minister Mohammad Dost acknowledged the impact of resistance activity on the Afghan economy. He stated that "50 per cent of the country's schools, 14 per cent of our hospitals, 75 per cent of our public transportation vehicles, all communications cables and significant numbers of other public installations have been destroyed." He noted that the damage to the economy totaled $287 million or roughly half of the total investment during the 20 years before the 1978 revolution.

The continued refugee exodus is another impediment to the functioning of social and educational services, as well as the business sector. Reduction of the work force by the continuing flight of refugees, particularly the middle class, has had a similarly negative impact. Shortages of raw materials and manpower as well as lack of security have forced many industrial units to close. Mujahidin operations, moreover, have damaged power facilities and disrupted the flow of petroleum products to urban areas. Most utility projects planned before the Soviet invasion remain uncompleted.

The Afghan economy is increasingly linked with the Soviet Union. In a recent speech at the military academy, Babrak Karmal indicated that the value of trade between the U.S.S.R. and Afghanistan will increase threefold between 1983 and 1987. He noted that more than half of the country's industrial output comes from facilities built with Soviet aid.

Despite other problems, the natural gas industry continues to function more or less normally, due in part to the proximity of the Sheberghan gas fields to the Soviet border. Babrak Karmal claims that revenues from the sale of natural gas amount to 40% of Afghanistan's total exports, but the figure is probably much higher. Afghanistan uses its revenues from gas sales to reduce its debt to the U.S.S.R. and as barter for Soviet machinery and other goods. Afghanistan also exports dried fruit, raisins, and skins and remains a major source of opium; trade in the latter commodity being conducted by Soviet soldiers, as well as by Afghan citizens.

The war's impact on agricultural production varies widely from province to province. Although the Soviet/regime forces have destroyed crops and depopulated many food-producing areas near highways, the country has generally remained self-sufficient in food. Shortages have been experienced mainly in urban areas as a result of swelling urban populations and the interdiction of road transportation by the resistance. Kabul's population now stands at 1.8 million in contrast to 600,000 in 1979; as a result Kabul is increasingly dependent on imported foodstuffs such as wheat, cooking oil, and sugar. Other basic commodities, including medicines, also are generally in very short supply.

The Soviet Union has supplied food and other commodities to meet the basic needs of the cities. In November, for example, the Soviet Union announced agreement to provide Afghanistan with 20,000 tons of wheat immediately and a further 180,000 tons over the next year. According to official press reports from Kabul, half of the wheat would be given as a grant and the other half sold in Kabul in exchange for Afghan goods. This significant increase—115,000 tons of wheat were supplied from the Soviet Union in 1982 and 74,000 tons in 1981—illustrates both increased food shortages and growing reliance on the Soviet Union as a supplier. Although the food supply improved somewhat this year over 1982, a shortfall is again expected during the winter.

PROBLEMS IN THE MILITARY

The Soviets have failed to rebuild the Afghan army, comprised of 40-50,000 men, into an effective military force. Its size is far short of the regime goal and far less than the 90,000 in the Afghan military in 1978. Morale and discipline remain low and the army continues to experience desertions at about the same rate as it gains new conscripts. Many conscripts, in fact, desert and are reconscripted repeatedly. The desertion rate—up to 80% reported in some units—is higher in the less secure and more contested areas of the country.

As a result of recruiting problems and desertions, reservists during 1983 were once again retained beyond their legal release date. Revised draft laws promulgated in August, in concert with a massive conscription drive, further reduced exemptions from military service and increased the flight of eligible men from the country or into rural areas. These latest changes have led to the recall of men who completed their military service as late as 1980. The regime employs the talashi—in which an entire village or section of a city is cordoned off and a house-to-house search conducted for conscripts, weapons, or mujahidin. Following an intensive conscription drive in Kabul during October, Interior Minister Gulabjoi protested that the drafting of recent reservists would severely disrupt the economy.

In addition to problems of low morale and inadequate training and equipment, the army suffers from lack of a skilled officer corps. Many senior officers were killed following the 1978 coup, and the army has been unable to fill this professional vacuum. As part of the effort to rebuild the Afghan armed forces, military personnel annually numbering in the thousands have been sent to the Soviet Union for training. In addition, Soviet advisers serve at all levels of the Afghan army. The Soviet presence has caused considerable problems. As in previous years, during 1983 there were instances of Afghan troops turning on their Soviet advisers.

The Afghan military, which is dominated by the Khalq faction, is further weakened by Khalq-Parcham animosity, with the Khalqis generally taking the view that the Parchamis have sold out to Moscow. The

Parchamis in turn suspect the Khalqis of disloyalty and have moved to limit Khalq authority in the officer corps and the military schools.

Despite such problems, Moscow may still have ambitious long-range regional plans for the Afghan military. In 1982, in an interview published by the Yugoslav news agency Tanjug, Afghan Minister of Defense Abdul Qader asserted that the Afghan army will have a significant future role, similar to that played by the Cuban and Vietnamese armies. Tanjug also quoted a 1981 statement by Babrak Karmal that, "Not far away is the day when our army will become a strong and energetic army capable of defending peace and security not only in Afghanistan, but in the region as well."

THE REFUGEES

At year's end 2.9 million Afghan refugees were in Pakistan, according to official Government of Pakistan figures, while an estimated 650,000 Afghan refugees were in Iran. (About 850,000 Afghans worked in Iran before 1979, bringing the present total of Afghans in Iran to roughly 1.5 million.) Before the Soviet invasion, some 14–17 million persons lived in Afghanistan, meaning that between one-fifth and one-fourth of the country's population has now been displaced outside its borders.

Although the refugee exodus has slowed down, it continues steadily, picking up when fighting becomes heavier or when food supplies are particularly scarce. This fall, for example, fighting in Paktia and Paktika Provinces caused a new flight into Pakistan's North Waziristan and Kurram Agencies along the Afghan border. A campaign by the Kabul regime to convince refugees that it is safe for them to return to Afghanistan has been a complete failure. Increasingly harsh Soviet reprisals against civilians suspected of collaborating with the mujahidin will no doubt increase the refugee flow into Pakistan and Iran.

In addition to those persons who have left Afghanistan, an undetermined number have been displaced within the country itself as fighting and destruction have driven people into urban areas. Since the Soviet invasion, the Kabul population, for example, has expanded by an estimated 1.2 million despite the exodus from the city of large numbers of businessmen and other professionals.

Loss of much of the country's educated elite and work force has had a serious negative impact on the Afghan economy. Furthermore, changes in the country's ethnic balance and destruction of the educational and social infrastructure have combined with the loss of educated professionals to create social problems that will endure for many years to come.

The UNHCR has, with the assistance of the Government of Pakistan, undertaken an international relief program for the refugees in Pakistan which includes basic housing and health and educational services. Despite the heavy burden the refugee influx has placed on Pakistan, the refugees have been welcomed and good rapport continues between them and their hosts. Pakistani assistance to the refugees includes some cash allowances to individuals and payment of relief administration costs. Contributions from several other countries and international voluntary agencies have greatly assisted this program.

The Afghan refugees in Iran have not been handled in any systematic way and there have been no international relief efforts there.

Most of the Afghan refugees are Pathan and, therefore, feel comfortable in the Pathan-dominated Northwest Frontier Province (NWFP). Due to the large concentration of refugees in the Northwest Frontier Province, however, Pakistani authorities began in 1982 to move refugees into new camps in less populated parts of the adjacent non-Pathan Punjab Province. Efforts to move the refugees increase the possibility of conflicts between the refugees and their hosts. Nonetheless, more than 40,000 Afghans were relocated from the NWFP in order to relieve population pressures and provide better living conditions. Large numbers, subsequently left the Punjab to return to Pakistan-Afghanistan border areas citing adverse climatic conditions in the south and a desire to remain close to their homeland.

Pakistani authorities continue seeking ways in which to manage the massive refugee population to the advantage of all concerned. President Zia has reaffirmed his commitment to a political solution including repatriation, and the Government of Pakistan adheres to a ruling by the Organization of the Islamic Conference that no member country should deal with the Karmal regime.

Working through the UNHCR, the World Food Program, and a variety of voluntary agencies, the U.S. Government continues to share in the international assistance program. Since 1980, the United States has contributed more than $300 million to Afghan refugee relief. During fiscal year 1983, the United States contributed $80 million to support Afghan refugees in Pakistan, including $49 million through the WFP. The U.S. contribution represents some 35% of the total UNHCR budget and about 50% of the international food contribution.

SOVIET STRATEGY

The Soviets have failed to reduce the level of the insurgency, but they do not seem to have changed their long-term goals or altered their overall strategy in Afghanistan. Their troop strength remains at approximately 105,000 men. Furthermore, they seem to believe, perhaps erroneously, that in terms of the international reaction, the worst is over. While Afghanistan has proved to be a far knottier problem than Moscow originally envisaged, the Soviets seem to judge that the costs are bearable and that in the long run they will be able to wear down the insurgency.

If anything, Moscow's commitment to preserving a pro-Soviet, Marxist-dominated regime in Kabul appears to have grown over the last 4 years as the Soviets have come to view Afghanistan as a test of their credibility. Despite constant rumors, the Soviets evidently are unprepared to replace Babrak Karmal, probably because no viable alternative exists.

The Soviets appear to be trying to impose a Soviet-style political and economic system. Their efforts, however, have been frustrated by the unsettled conditions in the countryside. Still, where possible, the Soviets have introduced changes aimed to increase the central government's control and security. Afghan Government and party officials are routinely sent to the U.S.S.R. for training and indoctrination.

The Afghan economy has been progressively integrated into the Eastern bloc. Afghanistan was an observer at the October 1983 council meeting of the Council for Mutual Economic Assistance in Havana. Last spring, TASS announced that the U.S.S.R. was the main trading partner of the Democratic Republic of Afghanistan. The Soviets control Afghanistan's natural gas industry, virtually all Afghan gas going to the U.S.S.R. to serve Kabul's Soviet debt. Moscow's current ambassador to Afghanistan was previously the first secretary of the Tartar Autonomous Soviet Socialist Republic where he oversaw the development of the West Siberian oil and gas fields.

Since the invasion, 10–20,000 Afghan students have been educated in the U.S.S.R. Moscow considers this program sufficiently important to exempt the students from military service in Afghanistan. There has been a steady stream of articles in Soviet academic journals and the national press comparing Afghanistan with the U.S.S.R.'s Central Asian republics, where final pacification and integration took a similar form.

In their approach to Afghan tribal and nationality problems, the Soviets have taken another page out of their own Central Asian experience as they pursue a policy of divide and rule. The Karmal regime's strategy has been to offer large sums of money, weapons, and privileges as an inducement to tribes and villages to abandon the resistance and to obstruct mujhidin activity. It was the failure of this program—with previously neutral tribal groups joining the resistance instead—that contributed to the government setbacks in Paktia and Paktika Provinces this year.

In recent months the regime has widely publicized the surrender of mujahidin groups under an official amnesty program. The resistance, however, discourages potential collaborators from aiding the regime by regularly using assassination and other forms of retaliation against government supporters. Mujahidin frequently accept arms and cash subsidies from the government only to return to the resistance after a few months. To date no major sustained defections from the mujahidin to the regime have occurred.

STATUS OF THE UN-SPONSORED NEGOTIATIONS

UN efforts to help negotiate a solution to the Soviet occupation of Afghanistan date from a November 1980 resolution by the UN General Assembly. The then Secretary General, Kurt Waldheim, appointed Perez de Cuellar as this personal representative to see if the United Nations could play an active and useful role in negotiations concerning Afghanistan. When Perez de Cuellar succeeded Waldheim, he followed the same formula and appointed Diego Cordovez, UN Under Secretary General for Special Political Affairs, to act for him on the problem.

Cordovez shuttled between Kabul and Islamabad in April 1982 and gained agreement for a round of indirect talks between Pakistan and Afghanistan which were held in Geneva that June. Iran decided not to participate formally but agreed to be kept informed and thus associated with the talks.

Following these discussions, the United Nations, Pakistan, and Afghanistan all issued positive statements and indicated that there was a measure of flexibility in the negotiating positions of both sides. Kabul apparently agreed in principle to allow the subject of troop withdrawal to be part of the negotiating package and to accept the idea that at some point the refugees must be consulted on the conditions of their return. Cordovez announced in a press conference that he kept a written record of the understandings that he has reached and that he would work from these texts in subsequent discussions.

From January 21 to February 7, 1983, Cordovez again visited the area to refine the text of the agreement. His consultations dealt with four items previously identified for consideration: withdrawal of foreign troops from Afghanistan; noninterference and nonintervention; international guarantees of a final settlement; and voluntary return of the refugees.

During Perez de Cuellar's March visit to Moscow, he and Cordovez exchanged views on the Afghanistan situation with both Chairman Andropov and Foreign Minister Gromyko. According to the Secretary General, the Soviet Government expressed itself strongly in favor of a political settlement and supported a continuation of his efforts.

A second round of indirect talks took place in Geneva from April 11 to April 22, 1983. Cordovez met separately with the Pakistani and Afghan Foreign Ministers and with Soviet observers daily to further develop the text of a possible agreement. Once again Cordovez also kept Iran informed of the discussions. At the conclusion of this round, there were suggestions that a breakthrough might be possible.

After consultations with the capitals concerned, another round of indirect talks took place in Geneva from June 12 to 24, 1983. Although the parties reportedly made progress in defining the nature of a comprehensive settlement—its principles and objectives, the interrelationship among its four components, and the provisions for its implementation—the talks stalled on the crucial issue of the Soviets' unwillingness to provide a timetable for troop withdrawal from Afghanistan. Although the parties had agreed that Cordovez should visit the region in September for further discussions, Perez de Cuellar decided in late summer that such a visit at that time would not be productive.

On November 23, the UNGA again passed a resolution urging immediate withdrawal of all foreign troops from Afghanistan by a vote of 116 to 20, with 17 abstentions—the largest majority since the Soviet invasion nearly 4 years ago. This was the fifth time since January 1980 that the UNGA had called for a troop withdrawal from Afghanistan, each time by overwhelming margins.

Also during the UNGA, Perez de Cuellar and Cordovez met informally with both the Pakistani and Afghan Foreign Ministers to explore conditions for resuming the diplomatic process. On November 30, the United Nations announced that Cordovez would continue the diplomatic process by further negotiations in Islamabad, Kabul, and Tehran at a mutually convenient date.

Mr. MATHIAS. Will the Senator yield for just a brief comment?

Mr. BYRD. I yield the floor.

Mr. MATHIAS. Mr. President, the Senator has referred to the desperate conditions of the people in Afghanistan. I thought he would be interested in knowing that at 5 o'clock this afternoon there will be in the Secretary's office a group of three French doctors who are the only humanitarian workers who have been allowed by Afghan elements to treat the residents of villages and members of the resistance in the remote parts of Afghanistan. I urge the Senator and all others who would like to meet these remarkable people to come meet them.

Mr. BYRD. Mr. President, I thank the Senator for making that announcement.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 201

Whereas the accumulated evidence indicates that the Soviet Union is engaged in the use and/or provision of chemical warfare agents in Southeast Asia and Afghanistan;

Whereas this finding is based upon investigations conducted by the United States Government and by other governments and international organizations such as the United Nations and the Governments of Canada and France; and

Whereas such activities are in contravention of arms control agreements signed and ratified by the Union of Soviet Socialist Republics: Now, therefore, be it

Resolved. That it is the sense of the Senate that the United States should immediately seek to—

(a) urge that other governments carefully assess the evidence and, where possible, conduct their own independent investigations of suspected chemical warfare;

(b) assist the United Nations to gain unhindered access for United Nations investigators to areas where chemical and toxin weapons use is suspected; and

(c) negotiate with the Soviet Union and other nations the strengthening of existing agreements on chemical, biological, and toxin weapons so as to provide effective mechanisms for assuring compliance, to include provision for on-demand, onsite inspection when necessary.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RETIREMENT AGE FOR JUDGES

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3655) to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment at the end of the bill insert:

SEC. 2. That section 903 of title 11 of the District of Columbia Code is amended by striking out "forty-three" and inserting in lieu thereof "fifty".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MATHIAS. Mr. President, I support the adoption of this urgently needed legislation.

H.R. 3655 accomplished two goals. First, it will increase the number of judges on the Superior Court of the District of Columbia by seven. The addition of seven judges will greatly help the court to meet its caseload. In hearings held last April before he Senate D.C. Appropriations Subcommittee, chaired by our distinguished colleague Senator ARLEN SPECTER, superior court officials testified that pending caseloads were at an all-time high, with no relief in sight. The resulting strain put on the judicial system means not only longer working hours for court personnel. It means delayed completion of individual cases raising the spectre of speedy trial violations; it means increasing burdens on already overburdened local jails; it means a basic lack of judicial efficiency in the local courts of the Nation's Capital. The situation is beyond the ability of the court to manage, despite all of the in-house measures that have been taken to alleviate and deal with the problems. Without the addition of more judges, the court's caseload cannot be managed and the current backlog will continue to grow.

Mr. President, the second purpose of H.R. 3566 is to increase the mandatory retirement age of D.C. judges—on both the superior court and the District of Columbia Court of Appeals—to age 74 from age 70. This will also help the court to address its backlog by enabling its more experienced judges to remain on the court for an additional 4 years.

The Budget Committee has alerted the Governmental Affairs Committee that H.R. 3655 contains authorizations for fiscal year 1984 which were reported after the May 15 deadline contained in section 402(a) of the Budget Act. It was not the intent of the committee to ignore this deadline. The Budget Committee has acknowledged the importance of this legislation in light of the District of Columbia's overburdened court system. The purpose of the May 15 deadline is to encourage timely consideration of authorization legislation so as to avoid hindering the appropriations process. Since that was clearly not the case here, the Budget Committee has generously consented to refrain from raising a point of order against H.R. 3655.

Mr. President, in closing, I would like to urge that my colleagues approve this important and timely legislation.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HONORING DR. WILLIAM R. AND DOROTHY JANE WOOD

The resolution (S. Res. 337) honoring Dr. William R. and Dorothy Jane Wood, was considered, and agreed to as follows:

S. RES. 337

Whereas Doctor William R. Wood serve as president of the University of Alaska from 1960 to 1973;

Whereas Doctor William R. Wood, and his wife Dorothy Jane, since his retirement, remained in Fairbanks and have devoted their time to community projects including the Fairbanks Industrial Development Council and Festival 1984;

Whereas Doctor William R. Wood served as mayor of the city of Fairbanks from 1978 to 1980;

Whereas Doctor William R. Wood and his wife Dorothy Jane have been active in Fairbanks and Alaska public affairs since their arrival in Alaska twenty-four years ago; and

Whereas the city of Fairbanks is designating the week of February 5, 1984, as "William R. and Dorothy Jane Wood Appreciation Week": Now, therefore, be it

Resolved, That the United States Senate joins with the people of Fairbanks in saluting Doctor and Mrs. Wood for their contributions to the community of Fairbanks.

Mr. STEVENS. Mr. President, this resolution recognizes a distinguished Alaskan educator and his wife who have left their mark not only on the university they served, but on their community as well. The resolution recognizes the contributions of Dr. William R. Wood and his wife Dorothy Jane as Fairbanks, Alaska, their hometown for the past 24 years, honors them with William R. and Dorothy Jane Wood Appreciation Week.

Dr. William R. Wood has had a full career in education and public service. It has included Federal Government service, public school teaching and administering, service in the Navy during World War II where he rose to the rank of captain, and of course, many, many years in academia.

During the 1920's and 1930's he played professional basketball. He continued his education, earning his Ph. D. from the University of Iowa in 1939.

Following World War II, Bill returned to his home State of Illinois for several years. After that, and before joining academia, he served 4 years in the U.S. Office of Education. From that time on he consulted on a regular basis on higher education development, particularly as it pertained to Pacific rim nations. He has regularly served as a consultant on education to the Department of State on Indonesia, Colombia, and Vietnam.

In 1954 Bill started his travels West which in 1960 would lead him to Fairbanks where he has remained ever since. He went to the University of Nevada where he was vice president, and for almost 2 years, acting president.

By this time, most people would say that Bill Wood had had a complete career. Rather than rest on his laurels he headed for Alaska in 1960 where he took over the helm of the University of Alaska, a position he held until his retirement from academic life, but not from public service, in 1973.

During Dr. Wood's tenure at the university, it expanded from 921 full-time students to 2,828 in 1973. The year he retired, 900 students graduated from the university system, almost as many as had been students when he started.

I used the word "system," to describe the university at Bill's retirement. That is because during the 31 years he achieved his goal of making the university a statewide system which reached all Alaska citizens. When he retired, the university had in addition to the Fairbanks campus, major campuses in Anchorage and Juneau. The number of community colleges had doubled from 4 to 8; 23,000 people were taking some kind of instructional program from the university.

The Fairbanks campus saw some major changes during those 13 years. In addition to the construction program which saw the addition of 17 major buildings including several dormitories, the fine arts complex which includes the Elmer E. Rasmusen Library, classroom buildings, and the Elvey geophysical building, the academic program expanded considerably. Nine research institutes were established during that time. The musk ox and fisheries programs were established. All in all, the university went from being a small single campus school to a major university system available to all of Alaska's citizens.

During this time he and Dorothy Jane raised a family. They now have, by last count, seven grandchildren. Dorothy Jane has involved herself in the Fairbanks community since her arrival. She has been a violinist with the Fairbanks Symphony Orchestra and has been active in Fairbanks gardening and beautification projects as well as many volunteer civic and community organizations.

Throughout his years at the university, Bill involved himself in community affairs. During those years he was very active in the Rotary in Fairbanks where at different times he served as secretary and president.

When Bill retired in 1973, rather than leaving for warmer climates which many Alaskans retirees do, he stayed in Fairbanks and became even more involved in Fairbanks and Alaskan affairs.

He set up, with some others, a small international consulting firm specializing in Pacific rim development. This continued an interest he has had in the Pacific rim for many years as evidenced by his work with the State Department. He served from 1976 to 1980 as vice president of the Fairbanks Industrial Development Corp. which worked to foster investment in Fairbanks.

In 1978 Dr. Wood was elected mayor of Fairbanks, a position he served in until 1980. In 1980, along with others, he formed the Festival 1984 organization which is working on Alaska's celebration of its 25th year of Statehood.

One measure of Alaska's respect for Bill Wood was the granting of honorary membership in Pioneers of Alaska—a very rare honor. Membership usually requires 30 years residence in Alaska. I want to assure you that that rule is very strictly adhered to so the action was no small honor.

Dr. Wood has not only been honored by his fellow Alaskans. In 1971 Liberia honored him with its Star of Africa award, that nation's highest honor given to a noncitizen. The University of Iowa gave him their Distinguished Alumnus Award. He is also a member of the Explorers Club.

Mr. President, you can see from this brief recitation what a distinguished career Dr. William R. Wood has had, not only in Alaska, but also in the world. I thank my colleagues for joining me and my colleague from Alaska in passing this resolution recognizing Dr. Wood's contributions to his city, his State, and his Nation.

The Anchorage Times, on February 3, 1984, printed an editorial praising Dr. Wood's contributions to Alaska. I ask unanimous consent that the editorial be printed following these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anchorage Times, Feb. 3, 1984]

THANK YOU, DR. WOOD

Among Fairbanks' greatest treasures is Dr. William R. Wood, who has directed his life toward exemplary public service in the decade since his retirement as president of the University of Alaska.

Fairbanks plans a number of activities next week in Dr. Wood's honor to thank him for his enormous contributions to the betterment of the community.

Dr. Wood became president of the University of Alaska in 1960 after having been vice president of the University of Nevada. Little did Alaskans know then that he would stay around and eventually become one of the state's premier citizens.

During the 13 years of his presidency the statewide community college system was expanded, the university curriculum was enriched, the teaching staff increased, fundraising was accelerated and a tremendous building program was completed.

Since his retirement in 1973 he has served Fairbanks as mayor and as the unpaid executive director of the Fairbanks Industrial Development Corp.

His most recent challenge has been the chairmanship of Festival Fairbanks '84, which promises to be the piece de resistance in Alaska's observance of the silver anniversary of statehood.

Highlight of the city's celebration on Jan. 3 was the reunion of members of the Alaska Statehood Committee and delegates to the Constitutional Convention. Dr. Wood conceived, planned and coordinated the event, which will live long in the memories of those who were there.

The fruits of his public service have been tasted far beyond the boundaries of Fairbanks.

When he came to the state, the university had a campus at Fairbanks and four community colleges. During his tenure, campuses were developed in Archorage and Juneau and the number of community colleges grew to eight. The Wood era also saw the establishment of several research facilities, which bring credit and benefit to the whole state.

Alaskans all over the state can join Fairbanks in a big "thank you" to Dr. Wood.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF WILLIAM D. BENONI

The bill (H.R. 1557) for the relief of William D. Benoni, was considered, ordered to a third reading, read the third time, and passed.

BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO PLACE H.R. 1750 ON THE CALENDAR

Mr. BAKER. Mr. President, I have a request now with respect to the discharge of a bill from the Judiciary Committee. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1750, a bill for the release of Po Namyu Polama, and others, and I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISCELLANEOUS AMENDMENTS TO THE CIVIL SERVICE LAWS—H.R. 4336

Mr. BAKER. Mr. President, I would say next to the minority leader I am prepared to ask the Senate to turn to the consideration of H.R. 4336.

Mr. BYRD. Mr. President, I have no objection.

Mr. BAKER. Mr. President, I thank the minority leader. I ask the Chair to lay before the Senate H.R. 4336, the civil service amendments bill.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 4336) to make certain miscellaneous changes in laws relating to the civil service.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, H.R. 4336 makes miscellaneous amendments to the civil service laws. It is necessary to take this bill up at this time primarily because of the urgency involved with section 6 and section 7 of the bill, concerning respectively, the President's Commission on Executive Exchange and the Department of the Navy personnel demonstration project at China Lake and San Diego, Calif. Both the Commission's executive exchange and the Navy's demonstration project are highly innovative Federal programs which deserve our continued support. The Commission's authorization to utilize an Office of Personnel Management revolving loan fund expired on December 31, 1983, and this legislation reauthorizes the use of that fund. The Navy's authorization to continue operation of the demonstration project expires in June 1985, and this legislation would extend that authorization until September 30, 1990.

Additionally, I have three amendments which I am offering at this time. First, section 5 dealing with the Vacancies Act would be deleted because it makes substantive changes to existing law which need to be studied further. My second amendment would allow the President's Commission on Executive Exchange to continue to use an Office of Personnel Management revolving loan fund instead of establishing a new fund in the Treasury. Finally, amendment 3 would lift the 5,000-individual ceiling on the Navy's demonstration project because this cap has been reached and the Navy would like to add, initially, approximately 750 individuals.

Section 2 allows a retired administrative law judge to be reappointed for a specified period or for the period which may be necessary for the judge to conduct and complete the hearing and disposition of one or more specified cases. In supporting this provision, the Office of Personnel Management said it would be useful because agencies sometimes experience unexpected retirements and/or temporary increases in ALJ workload and could make effective use of retired administrative law judges in those cases. I agree.

Section 3 designates the chairman of the Federal Labor Relations Authority to be the chief executive officer of the Authority. This section is identical to S. 1664, ordered reported from the Government Affairs Committee on November 17, 1983. In would eliminate the ambiguity as to who has responsibility and authority for the management of internal administrative matters in the Authority.

This designation would insure that one individual is responsible and accountable for the sound management of the Authority. Accountability would be established for matters such as personnel management, fiscal management, general administrative support services, property management, procurement and contracts, and personnel property and document security, and management analysis and program evaluation. With the chairman functioning as head of the Authority for the management of internal administrative matters, the agency would have a single individual to look to for leadership and direction. The empowering of the chairman with this authority is not intended to diminish the powers and duties of the other members in matters relating to cases before them as prescribed in section 7105 of title 4, United States Code.

Section 4 clarifies the time period within which an exception to an arbitration award must be filed. This section defines the period that an arbitration award will be final and binding to be 30 days beginning on the date the award is served. Current law provides that the 30-day period for filing an exception runs from the date which is written on the award.

Section 5 amends the Vacancies Act which provides for the filling of a vacancy if an agency head or officer dies, resigns, or is sick or absent. In such a case, the first assistant would perform the duties until a successor is appointed or the absence or sickness stops, unless the President designates another individual to perform those duties. Under current law, a vacancy caused by death or resignation may be filled temporarily for not more than 30 days.

H.R. 4336 would make well intentioned changes to this act. However, on the basis of discussions with the House, OMB, the Federal Labor Relations Authority, and the Justice Department, I have an amendment to strike all of section 5 from the bill because these proposed changes to the Vacancies Act are substantive and require more study before they should be taken up by the full Senate.

Section 6 affects the President's Commission on Executive Exchange by defining training as including the private sector assignment of an employee in the executive exchange program meaning that employees would have to sign a service agreement prior to participating in the training. The service agreement must provide that

the employee will remain in the service of the agency at the end of the training for a period of time equal to three times the length of the training and that the employee will pay the Government the cost of the training if they leave before the end of this period. The payment can be waived under certain circumstances. Additionally, section 6 permanently reestablishes a revolving fund for the executive exchange program in the Treasury of the United States.

I have an amendment to this section, requested by the President's Commission on Executive Exchange, which would allow the program to continue to use the OPM revolving fund instead of establishing a new fund in the Treasury.

Section 7 provides the authority for the Department of Navy to continue operation until September 30, 1990, of the personnel demonstration project at the Naval Weapons Center, China Lake, Calif. and the Naval Ocean Systems Center, San Diego, Calif.

I have a final amendment, requested by the Department of the Navy, which would lift the 5,000-individual ceiling currently imposed by section 4703(d)(1)(A), of title 5, United States Code.

AMENDMENT NO. 2708

(Purpose: to delete the matter relating to detail authority to fill certain vacancies; to remove the limitation on the number of individuals who may be included in the demonstration project authorized to be continued by the Department of the Navy, and to reauthorize the President's Commission on Executive Exchange to use the revolving fund which such commission was authorized to use before December 31, 1983)

Mr. BAKER. Mr. President, next I have three amendments I offer on behalf of the distinguished Senator from Alaska (Mr. STEVENS) and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. STEVENS, proposes an amendment numbered 2708.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, beginning with line 1, strike out all through page 5, line 23, and redesignate the succeeding sections accordingly.

On page 7, line 9, strike out "implementation" and insert in lieu thereof "operation".

On page 7, line 11, strike out "and currently in operation".

On page 7, line 14, strike out "4703(d)(1)(B)" and insert in lieu thereof "4703(d)(1)".

On page 6, line 16, beginning with "There" strike out all through "which" on line 17, and insert in lieu thereof "The revolving fund referred to in section 1304(e)(1) of this title".

Mr. BINGAMAN. Mr. President; H.R. 4336, the "Civil Service Miscellaneous Amendments Act of 1983," was passed by the House of Representatives on November 16, 1983. This bill makes several necessary changes in existing Federal personnel law.

While all sections of this bill are important, I would like to highlight section 3 which makes the Chairman of the Federal Labor Relations Authority (FLRA) the chief executive and administrative officer of the Authority. This provision is needed to clarify the confusion which has existed since the creation of the FLRA in 1979.

The enabling legislation, the Civil Service Reform Act of 1978, does not indicate the relationship of the Chairman to the other two members of the Authority. As a result, the role of the Chairman particularly with respect to administrative authority in the agency is undefined. This lack of further description has contributed to certain administrative problems at the FLRA. While the three members and the General Counsel agreed by signed memorandum on May 20, 1982, to delegate to the Chairman "responsibility and authority for the management of internal administrative matters," there is a need to establish in law that the Chairman is the chief executive and administrative officer of the Authority. In carrying out this responsibility the Chairman has authority for the management of internal administrative matters, which include procurement, fiscal management, personnel management, and office services. This bill fulfills this need while in no way diminishing the authority of the other two members to carry out their case decisionmaking statutory responsibilities under 5 U.S.C. 7105.

Any attempt to invest the Chairman with responsibilities other than for the management of internal administrative functions would create a problem for the members in carrying out their statutory responsibilities. Strong staff support is necessary in order to carry out the case decisionmaking process.

Since its creation, the FLRA has had a single unitary staff which provides equal support with equal responsiveness to each member of the Authority. Any disruption of this setup would have extreme consequences in fulfilling the statutory responsibility of the Authority.

If the performance of statutory responsibilities is hindered by the establishment of a single unitary staff, consideration should be given to reorganizing the staff so that each member would have his or her own legal staff. This would insure independence and foster competition.

However, the purpose of this section is to insure that the Chairman is the chief executive officer of the Authority while, at the same time, preserving equality and independence for each of the three Authority members in the performance of their statutory responsibilities.

I urge my colleagues to approve H.R. 4336 as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2708) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4336) as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' COMPENSATION AND PROGRAM IMPROVEMENTS AMENDMENTS OF 1984

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1388.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1388) entitled "An Act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors, to increase rates of compensation for certain blinded veterans, to modify the periods during which certain temporary increases in compensation are paid, to provide for continuation of compensation pending the administrative appeal of certain reductions or discontinuances, to make certain improvements in the Veterans' Administration home loan guaranty program, to repeal the 1989 termination date of the Vietnam-era GI Bill, and to make certain improvements in other veterans' programs; to express the sense of the Congress that increases in compensation should take effect on December 1 beginning in fiscal year 1985, and to establish a pilot project to expedite certain medical facility construction projects; and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert: That (a) this Act may be cited as the "Veterans' Compensation and Program Improvements Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$62" in subsection (a) and inserting in lieu thereof "$64";

(2) by striking out "$114" in subsection (b) and inserting in lieu thereof "$118";

(3) by striking out "$173" in subsection (c) and inserting in lieu thereof "$179";

(4) by striking out "$249" in subsection (d) and inserting in lieu thereof "$258";

(5) by striking out "$352" in subsection (e) and inserting in lieu thereof "$364";

(6) by striking out "$443" in subsection (f) and inserting in lieu thereof "$459";

(7) by striking out "$559" in subsection (g) and inserting in lieu thereof "$579";

(8) by striking out "$648" in subsection (h) and inserting in lieu thereof "$671";

(9) by striking out "$729" in subsection (i) and inserting in lieu thereof "$755";

(10) by striking out "$1,213" in subsection (j) and inserting in lieu thereof "$1,255";

(11) by striking out "$1,506" and "$2,111" in subsection (k) and inserting in lieu thereof "$1,559" and "$2,185", respectively

(12) by striking out "$1,506" in subsection (l) and inserting in lieu thereof "$1,559";

(13) by striking out "$1,661" in subsection (m) and inserting in lieu thereof "$1,719";

(14) by striking out "$1,888" in subsection (n) and inserting in lieu thereof "$1,954";

(15) by striking out "$2,111" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,185";

(16) by striking out "$906" and "$1,350" in subsection (r) and inserting in lieu thereof "$938" and "$1,397", respectively;

(17) by striking out "$1,357" in subsection (s) and inserting in lieu thereof "$1,404";

(18) by striking out "$262" in subsection (t) and inserting in lieu thereof "$271";

(19) by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) Sections 312 and 355 are amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. (a) Section 315(1) is amended—

(1) by striking out "$74" in clause (A) and inserting in lieu thereof "$77";

(2) by striking out "$124" and "$40" in clause (B) and inserting in lieu thereof "$128" and "$41", respectively;

(3) by striking out "$50" and "$40" in clause (C) and inserting in lieu thereof "$52" and "$41", respectively;

(4) by striking out "$60" in clause (D) and inserting in lieu thereof "$62";

(5) by striking out "$134" in clause (E) and inserting in lieu thereof "$139";

(6) by striking out "$112" in clause (F) and inserting in lieu thereof "$116";

(b) Section 315 is amended by striking out "per centum" both places it appears and inserting in lieu thereof "percent".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "$327" and inserting in lieu thereof "$338".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	"Pay grade	Monthly rate
E-1	$461	W-4	$661
E-2	$475	O-1	$583
E-3	$486	O-2	$602
E-4	$518	O-3	$644
E-5	$532	O-4	$681
E-6	$544	O-5	$751
E-7	$571	O-6	$846
E-8	$602	O-7	$915
E-9	[1] $629	O-8	$1,003
W-1	$583	O-9	$1,077
W-2	$607	O-10	[2] $1,179
W-3	$624		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $678.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,265."

(b) Subsection (b) of such section is amended by striking out "$51" and inserting in lieu thereof "$53".

(c) Subsection (c) of such section is amended by striking out "$134" and inserting in lieu thereof "$139".

(d) Subsection (d) of such section is amended by striking out "$66" and inserting in lieu thereof "$68".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended—

(1) by striking out "$225" in clause (1) and inserting in lieu thereof "$233";

(2) by striking out "$323" in clause (2) and inserting in lieu thereof "$334";

(3) by striking out "$417" in clause (3) and inserting in lieu thereof "$432"; and

(4) by striking out "$417" and "$84" in clause (4) and inserting in lieu thereof "$432" and "$87", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended—

(1) by striking out "$134" in subsection (a) and inserting in lieu thereof "$139";

(2) by striking out "$225" in subsection (b) and inserting in lieu thereof "$233"; and

(3) by striking out "$114" in subsection (c) and inserting in lieu thereof "$118".

EFFECTIVE DATE

SEC. 107. The amendments made by this part shall take effect on April 1, 1984.

EFFECTIVE DATE OF FUTURE INCREASES

SEC. 108. It is the sense of the Congress that any increase provided by law to take effect after fiscal year 1984 in the rates of disability compensation and dependency and indemnity compensation payable under chapters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved and that the budgets for any such fiscal year include amounts to achieve such purpose.

PART B—COMPENSATION PROGRAM AMENDMENTS

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

SEC. 111. Section 312(b) is amended—

(1) by striking out "or" at the end of clause (8);

(2) by inserting "or" at the end of clause (9); and

(3) by inserting after clause (9) the following new clause:

"(10) dysthymic disorder (or depressive neurosis),".

RATES OF COMPENSATION FOR CERTAIN BLINDED VETERANS

SEC. 112. (a) Subsection (o) of section 314 is amended by inserting "or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less," after "5/200 visual acuity or less,".

(b) Subsection (p) of section 314 is amended—

(1) by striking out "40" in clause (1) and inserting in lieu thereof "30"; and

(2) by inserting after the second period the following new sentence: "In the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 10 or 20 percent disabling, the Administrator shall allow the next intermediate rate, but in no event in excess of $2,185.".

INCREASES IN COMPENSATION ON ACCOUNT OF CERTAIN PERIODS OF HOSPITALIZATION OR CONVALESCENCE

SEC. 113. Section 3011(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a temporary increase in compensation for hospitalization or treatment where such hospitalization or treatment commences and terminates within the same calendar month, the period of payment shall commence on the first day of such month.".

EFFECTIVE DATE

SEC. 114. The amendments made by this part shall take effect as of October 1, 1983.

TITLE II—VETERANS' PROGRAM IMPROVEMENTS

INCLUSION OF CERTAIN ADOPTED PERSONS WITHIN THE TITLE 38 DEFINITION OF CHILD

SEC. 201. Section 101(4)(A) is amended by adding at the end the following new sentence: "A person described in clause (ii) of the first sentence of this subparagraph who was a member of a veteran's household at the time the person became 18 years of age and who is adopted by the veteran shall be recognized as a legally adopted child of the

veteran regardless of the age of such person at the time of adoption.".

FIVE-YEAR EXTENSION OF PROGRAM TO PROVIDE ASSISTANCE TO STATE VETERANS' CEMETERIES

SEC. 202. Section 1008(a)(2) is amended by inserting a comma and "and such sums as may be necessary for fiscal year 1985 and for each of the four succeeding fiscal years," after "fiscal years".

MISCELLANEOUS EDUCATION PROGRAM AMENDMENTS

SEC. 203. (a) Section 1602(1) is amended by adding at the end the following new subparagraph:

"(D)(i) The requirement of ineligibility for educational assistance under chapter 34 of this title, prescribed in subparagraph (A), shall be waived in the case of a veteran described in division (ii) of this subparagraph who elects to receive benefits under this chapter instead of assistance under such chapter 34. A veteran who makes such an election shall be ineligible for assistance under such chapter. Such an election is irrevocable.

"(ii) A veteran referred to in division (i) of this subparagraph is a veteran who before January 1, 1977, performed military service described in subparagraph (C)(iii), is entitled under section 1652(a)(3)(C) of this title to have such service considered to be 'active duty' for the purposes of chapter 34 of this title, and is eligible for assistance under such chapter only by reason of having such service considered to be active duty.".

(b) Section 1733(a) is amended—

(1) by inserting "(with no dependents)" after "an eligible veteran"; and

(2) by striking out all after "of this title" the second place it appears and inserting in lieu thereof a period.

(c)(1) Section 1781 is amended—

(A) by inserting "(a)" before "No educational"; and

(B) by adding at the end the following new subsection:

"(b) No person may receive benefits concurrently under two or more of the provisions of law listed below for the pursuit of the same program of education:

"(1) Chapters 31, 32, 34, 35, and 36 of this title.

"(2) Chapter 107 of title 10.

"(3) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

"(4) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).".

(2)(A) Subsection (a) of section 1795 is amended to read as follows:

"(a) The aggregate period for which any person may receive assistance under two or more of the provisions of law listed below may not exceed 48 months (or the part-time equivalent thereof):

"(1) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended.

"(2) Title II of the Veterans' Readjustment Assistance Act of 1952.

"(3) The War Orphans' Educational Assistance Act of 1956.

"(4) Chapters 32, 34, 35, and 36 of this title, and the former chapter 33.

"(5) Chapter 107 of title 10.

"(6) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

"(7) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).".

(B) Subsection (b) of such section is amended—

(i) by striking out "clauses (1), (2), (3), and (4)" and inserting in lieu thereof "subsection (a)"; and

(ii) by striking out "forty-eight" and inserting in lieu thereof "48".

SUBSTITUTION OF HOUSING LOAN-GUARANTY ENTITLEMENT

SEC. 204. Section 1802(b)(2) is amended by striking out "an immediate" and inserting in lieu thereof "a".

LOAN GUARANTIES FOR MANUFACTURED HOMES PERMANENTLY AFFIXED TO LOTS

SEC. 205. (a) Section 1810 is amended—

(1) by inserting after subsection (a)(8) the following new clause:

"(9)(A)(i) To purchase a manufactured home to be permanently affixed to a lot that is owned by the veteran.

"(ii) To purchase a manufactured home and a lot to which the home will be permanently affixed.

"(B)(i) To refinance, in accordance with the terms and conditions applicable under the provisions of subsection (e) of this section (other than paragraph (1)(E) of such subsection) to the guaranty of a loan for the purpose specified in clause (8) of this subsection, an existing loan guaranteed, insured, or made under this chapter that is secured by a manufactured home permanently affixed to a lot that is owned by the veteran.

"(ii) To refinance, in accordance with section 1819(a)(5) of this title, an existing loan that was made for the purchase of, and that is secured by, a manufactured home that is permanently affixed to a lot and to purchase the lot to which the manufactured home is affixed."; and

(2) by adding at the end the following new subsection:

"(f)(1) For a loan to be guaranteed for the purpose specified in subclause (A)(ii) or (B)(ii) of subsection (a)(9) of this section, the purchase of (or the refinancing of a loan secured by) the manufactured home and the lot for that home shall be considered as one loan and must comply with such criteria as may be prescribed by the Administrator in regulations.

"(2) A loan may not be guaranteed for the purposes of subsection (a)(9) of this section unless the manufactured home purchased, upon being permanently affixed to the lot, is considered to be real property under the laws of the State where the lot is located.

(b) Section 1819(a)(5) is amended by inserting "or section 1810(a)(9)(B)(ii) of this title" after "paragraph (1)(G) of this subsection" both places it appears.

(c) Section 1803(c)(3) is amended—

(1) by striking out "or (8)" in clause (A) and inserting in lieu thereof a comma and "(8), or (9)(B)(i)"; and

(2) by inserting "1810(a)(9)(B)(ii) or" in clause (E) after "section".

EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS

SEC. 206. Section 2011(1) is amended to read as follows:

"(1) The term 'special disabled veteran' means—

"(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans' Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of this title to have a serious employment handicap; or

"(B) a person who was discharged or released from active duty because of service-connected disability."

PAYMENTS FOR FIDUCIARY SERVICES

SEC. 207. (a) Section 3202(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) In a case in which the Administrator determines that a commission is necessary in order to obtain the services of a fiduciary in the best interests of a beneficiary, the Administrator may authorize a fiduciary appointed by the Veterans' Administration to obtain from the beneficiary's estate a reasonable commission for fiduciary services rendered, but the commission for any year may not exceed four percent of the monetary benefits under laws administered by the Veterans' Administration paid on behalf of the beneficiary to the fiduciary during such year. A commission may not be authorized for a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services on behalf of the beneficiary.".

(b)(1) The heading for section 3202 is amended to read as follows:

"§ 3202. Payments to and supervision of fiduciaries".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 is amended to read as follows:

"3202. Payments to and supervision of fiduciaries.".

BOARD OF VETERANS' APPEALS MEMBERSHIP

Sec. 208. (a) Section 4001(a) is amended by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than 65)".

(b) Section 4001 is amended by adding at the end the following new subsection:

"(c)(1) Subject to paragraph (2) of this subsection, the Chairman may from time to time designate employees of the Veterans' Administration to serve as temporary members of the Board. Any such designation shall be for a period of not to exceed one year, as determined by the Chairman. An individual may not serve as a temporary member of the Board for more than 24 months during any 48-month period.

"(2) Designation under paragraph (1) of this subsection of an individual as a temporary member of the Board may not be made when there are fewer than 65 members of the Board.

"(3) In each annual report to the Congress under section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which the report is made with respect to the authority provided by paragraph (1) of this subsection. In each such report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of temporary Board members designated under this subsection and the number of acting Board members designated under section 4002(a)(2)(A)(ii) of this title during the year for which the report is made.".

(c) Sections 4001 and 4002 are each amended by striking out "associate" each place it appears.

(d) Section 4002 is amended—

(1) by inserting "(a)(1)" before "The Chairman";

(2) by striking out the second sentence and inserting in lieu thereof the following:

"(2)(A) If a section is composed of fewer than three members as a result of the absence of a member or a vacancy on the Board or the inability of a member assigned to a section to serve on that section, the Chairman—

"(i) may assign another member of the Board to the section;

"(ii) may designate an employee of the Veterans' Administration to serve as an acting member of the Board on such section for a period of not to exceed 90 days, as determined by the Chairman; or

"(iii) may direct the section to proceed with the transaction of business without awaiting the assignment of an additional member to the section.

"(B) An individual may not serve as an acting member of the Board for more than 270 days during any 12-month period.

"(3) A section of the Board may not at any time have among its members more than one individual who is a temporary member designated under section 4001(c) of this title or an acting member designated under paragraph (2)(A)(ii) of this subsection";

(3) by designating the sentence beginning "A hearing docket" as subsection (b); and

(4) by designating the sentence beginning "A section of" as subsection (c).

MEMBERSHIP OF SPECIAL MEDICAL ADVISORY GROUP

SEC. 209. Section 4112(a) is amended—

(1) by inserting a comma and "other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Department of Medicine and Surgery," after "professions";

(2) by striking out "Director, whose duties" and inserting in lieu thereof "Director. The duties of the special medical advisory group"; and

(3) by striking out "direct" and inserting in lieu thereof "directly".

REVISION OF EFFECTIVE DATE FOR CERTAIN RESERVE OFFICERS' TRAINING CORPS PARTICIPANTS' ELIGIBILITY FOR VETERANS' ADMINISTRATION BENEFITS

SEC. 210. Subsection (d) of section 113 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Public Law 97-306; 96 Stat. 1433) is amended to read as follows:

"(d) The amendments made by subsections (a) and (b) and the provisions of subsection (c)—

"(1) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, shall take effect as of October 1, 1982; and

"(2) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated before October 1, 1982, shall take effect as of October 1, 1983.".

PILOT PROGRAM FOR EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

SEC. 211. (a)(1) Subject to subsection (b) and notwithstanding any other provision of law, during fiscal years 1984 and 1985 the Administrator of Veterans' Affairs may obligate, for the purpose described in paragraph (2), a total of not more than $25,000,000 of funds appropriated to the Veterans' Administration under the appropriation account "CONSTRUCTION, MAJOR PROJECTS" that are unobligated and that the Administrator determines are no longer needed for the projects for which such funds were appropriated and are not needed for contingencies arising in the Veterans' Administration's construction program.

(2) Funds described in paragraph (1) may be obligated for the purpose of undertaking during fiscal year 1984 or 1985 working drawings for any project for construction or alteration of any medical facility that is planned to be undertaken (subject to appropriations for such project) during fiscal year 1985 and 1986.

(b)(1) Funds may not be obligated under subsection (a) for working drawings for projects for the complete replacement of an existing health-care facility or for projects for the new construction of a complete health-care facility.

(2) The amount obligated under subsection (a) for working drawings for any one project may not exceed $2,500,000.

(3) The Administrator may not undertake under subsection (a) working drawings for a project unless the Administrator, not less than 30 days before undertaking the drawings, has provided to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives written notice of the drawings to be undertaken, the estimated cost of the drawings, and the estimated range of the total cost of the project.

(c) For the purpose of this section:

(1) The term "medical facility" has the meaning provided in section 5001(3) of title 38, United States Code.

(2) The term "working drawings" includes specifications and other related technical services.

SPRINGFIELD CONFEDERATE CEMETERY

SEC. 212. The land comprising the Confederate cemetery at Springfield, Missouri, shall be considered part of the Springfield National Cemetery and may be used for the purposes for which national cemeteries may be used under chapter 24 of title 38, United States Code. The provision of the first section of the Act of March 3, 1911 (36 Stat. 1077, chapter 211) requiring that the land comprising that cemetery be used only as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America is hereby superseded.

TECHNICAL AMENDMENTS

SEC. 213. Title 38 is amended as follows:

(1) Section 351 is amended by striking out "title 28, United States Code," both places it appears and inserting in lieu thereof "title 28".

(2) Section 412(a) is amended—

(A) by striking out "section 414 of title 42" in clause (1) and inserting in lieu thereof "section 214 of the Social Security Act (42 U.S.C. 414)";

(B) by striking out "section 402 of title 42" in clause (3) and inserting in lieu thereof "section 202 of the Social Security Act (42 U.S.C. 402)"; and

(C) by striking out "subchapter II of chapter 7 of title 42" in the matter after clause (3) and inserting in lieu thereof "title II of the Social Security Act (42 U.S.C. 201 et seq.)"; and

(3) Section 3010(m) is amended by striking out "subsection" and inserting in lieu thereof "section".

Amend the title so as to read: "An Act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors; to express the sense of the Congress that increases in the rates of compensation should take effect on December 1 beginning in fiscal year 1985; and for other purposes.".

● Mr. SIMPSON. Mr. President, it gives me great pleasure to speak in favor of final passage of S. 1388, with House amendments, the Veterans' Compensation and Program Improvements Amendments of 1984. This bill was passed by the Senate by unanimous consent at the "11th hour" before adjournment sine die on November 18.

The House's companion measure passed in that body on October 25, 1983, as title IV of H.R. 4169, the proposed Omnibus Budget Reconciliation Act of 1983. The pending measure, S. 1388 as amended by the House in February 1984, embodies a compromise agreement between the House and Senate Committees on Veterans' Affairs. It is, I believe, a fair and reasonable compromise—worked out after long and extensive negotiations.

The most important feature of this bill is the authorization of a 3.5-percent increase in cost-of-living allowance (COLA) for our Nation's service-connected disabled veterans, dependents and their survivors who receive dependency and indemnity compensation (DIC). It is not a well-known fact that without congressional action, the Nation's most deserving veterans—those injured in service to their country—do not receive an automatic increase in their benefits to keep up with inflation, as do beneficiaries of other Federal programs which are indexed and receive automatic annual adjustment. S. 1388 would provide for an across-the-board increase in compensation and DIC benefits to veterans of 3.5 percent, effective April 1, 1984. This increase would be the same as that received by beneficiaries of indexed income maintenance programs such as social security and veterans' pension, and reflects a welcome nationwide decrease in the rate of inflation now being experienced compared to that of a year ago.

This year the administration and the Congress asked recipients of veterans' disability compensation and DIC to participate in a small sacrifice to lower the anticipated amount of the Federal budget deficit: a delay of 6 months in the increase of their COLA's, making compensation and DIC increases for 1984 effective April 1 instead of October 1. As is typical of this patriotic group, all veterans organizations quickly announced their support of a shared sacrifice to be distributed between compensation recipients and all other beneficiaries of Federal income maintenance programs.

This bill proposes to conform the fiscal year 1985 effective dates of compensation and DIC COLA's with those of other indexed programs which are not effective December 1. The proposed legislation includes a provision which states congressional intent to enact a compensaton COLA effective December 1, 1984, and expresses the sense of the Congress that the fiscal year 1985 and subsequent year budgets should include the necessary sums to fund such an effective date. The results of this proposed change would be

that in fiscal year 1985, service-connected disabled veterans would receive their COLA after the passage of 8 months rather than the usual 12-month period. In subsequent years, the effective date would remain December 1, which would then provide a 12-month interval as the usual basis for adjustment. The action would achieve the goal, established last year by the Budget Committee and ratified by the Congress in the fiscal year 1984 budget resolution, of lining up the time of annual increases for veteran's compensation and DIC with other Federal benefit programs increases.

Mr. President, some other important provisions in the compromise version of the bill includes a clarification of a presumption concerning dysthymic disorder—or depressive neurosis—for veterans who are former prisoners of war. It is derived from my original bill, S. 578, and will clarify the original intent of Public Law 97-37, the Former Prisoners of War Benefits Act of 1981, by adding dysthymic disorder—or depressive neurosis—to the list of presumptive diseases which is used as a basis for disability compensation and for eligibility for VA medical care. The specific addition of this diagnosis will clarify the intent of Public Law 97-37 and thereby aid in its implementation.

I am very concerned that congressional intent in Public Law 97-37 is met. Certainly when the original legislation was considered, the Senate recognized the need for some liberalization with respect to claims filed by former POW's for certain mental disorders. The complexity of anxiety states, anxiety neuroses, posttraumatic stress disorder, and dysthymic disorders and their associated and sometimes interrelated diagnoses inadvertently resulted in a lack of clarity regarding the granting of service connection for depression—a lack of clarity documented by correspondence, by testimony received by the committee pursuant to hearings on this and other health care issues, and by the literature on mental health disorders. The specific addition of dysthymic disorder will eliminate this problem.

The cost of this addition would be quite modest as the number of claims is small but the benefit would be great because these worthy veterans, if they are diagnosed as having a depressive neurosis, will now be granted the service connection they deserve.

Another provision contained in this measure is one which would remove an inequity in the method of determining eligibility for increasing compensation for service-connected veterans rated less than 100 percent, who, while being treated for their service-connected disability, are hospitalized or convalescent for a period longer than 21 days.

This inequity was created by the enactment of the Omnibus Budget Reconciliation Act of 1982—Public Law 97-253—which changed the period for which such payments are made by having them begin on the first day of the month following the month in which the hospital care begins, and end on the last day of the month in which it ends. As a result, some veterans who are not still hospitalized at the beginning of the month following their admission do not receive any increase at all, while other veterans, hospitalized for the very same length of time but admitted on a different day of the month, receive 1 full month of compensation at the 100-percent rate. Several measures were introduced to remedy this unintended inequity. The compromise provision would be an extremely equitable solution to this problem. It would provide that when a period of hospital care in excess of 21 days occurs entirely within 1 month, the period for which payment of increased compensation is based would commence on the first day of that month. Thus the problem with different policies for different dates of admission for treatment would be removed and every veteran who met the 21-day minimum under applicable VA regulations would receive payment at the 100-percent rate for no less than 1 full month.

Mr. President, the compromise also includes a measure which would provide adjustments in the disability rating schedule for certain blinded veterans who also suffer service-connected hearing loss. The joint explanatory statement provides a complete explanation and chart of the proposed adjustments for these veterans.

In conjunction with a realinement of the rating schedule for blinded veterans who also suffer hearing impairment, it became apparent that the VA has not examined recently the appropriateness of the correlations between the degrees of deafness and the rates of disability compensation paid by the VA. Therefore, the Senate bill included a provision which would have provided for a study of deafness, and a report on the results of that study, including the Administrator's recommendations for any legislative or administrative action, to the Committees on Veterans' Affairs in the House and Senate. Due to the House committee's extreme reluctance to include the requirement for such a study in statutory language, I have agreed to language in the joint explanatory statement directing the Administrator to conduct the study and to submit to the Committees on Veterans' Affairs of both Houses, by April 1, 1985, a report on the results of such a study. It is my expectation that this language will produce results comparable to those which would have flowed from the Senate provision and my hope that future legislative action in this regard will not be required.

Another provision in the compromise provides for a needed expansion of the Board of Veterans' Appeals from 50 to 65 members in order to allow it to be more responsive to its large caseload and reduce the waiting time for claimants appealing VA benefits decisions. The provision also would provide the Administrator with authority to designate temporary and acting members, subject to certain limitations, in order to further expand the ability of the Board to keep up with its heavy workload.

Once again the Senate has passed, and the House has rejected, the repeal of the December 31, 1989, termination date for the current Vietnam-era GI bill and the provision for the reimbursement to the VA by the Department of Defense of all amounts of such GI bill benefits paid after December 31, 1989. I am extremely disappointed that the House continues to reject this change which has now been passed by the Senate three times. Passage of this repeal would remove the discentive for current service persons who have remaining GI bill eligibility to remain in service because they feel pressured to separate from the service in order to take advantage of their educational benefits before the program expires in 1989.

A final provision which I wish to discuss in this statement is one that would permit certain medical facility construction projects to be expedited. It establishes a 2-year trial period during which the VA would be able to obligate up to $25 million from the so-called working reserve in the VA's major construction account for fiscal years 1984 and 1985 to allow the Administrator to undertake working drawings for certain construction projects before they are approved, as required under section 5004 of title 38, by the House and Senate Veterans' Affairs Committees. This time-limited change in congressional policy is proposed to allow the VA to see if it can save significant time, and therefore money, in the time spent, and dollars obligated, from the time working drawings are begun to the completion of new construction projects. I have some very basic concerns about the timeframe and the cost involved in new construction, and I look forward to seeing the results of this experiment. However, my concerns with new construction go beyond just time and money. I will be interested to see to what degree long-term planning is incorporated into this process and to what degree those long-range plans are shared with the Congress in order to provide us with a more complete basis for determining whether or not to approve projects the VA recommends for its construction program.

Mr. President, this bill as amended represents an excellent opportunity for us to join in bipartisan support of a very fair and well-measured compromise which preserves all of the important elements of both the Senate and House versions of the bill.

Mr. President, in conclusion I wish to thank sincerely the distinguished ranking minority Member from California, my friend Senator CRANSTON, for his invaluable help throughout the entire process of crafting this bill and reaching a very equitable compromise; my long time friend and mentor, the Senator from South Carolina, Senator THURMOND, for his contributions; each of the other committee members who are my colleagues of the Senate and, of course, G. V. "SONNY" MONTGOMERY, the very able and affable chairman, and the respected JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the House committee, two gentlemen I greatly enjoy working with, and the very capable chairman of the Subcommittee on Compensation and Pension, DOUGLAS APPLEGATE.

In addition, I should like to recognize and thank the very able members of the majority staff for their efforts, Tom Harvey, the former staff director and chief counsel, a man I shall greatly miss; Julie Susman, deputy chief counsel and staff director and legislative director; Brent Goo, Scott Wallace, Joe Buzhardt, Becky Hucks, Kay Eckhardt, and our editorial director, Harold Carter; as well as members of the very capable minority staff, Jonathan Steinberg, chief counsel and staff director; Ed Scott, Babette Polzer, Bill Brew, and Ingrid Post. My thanks also to the staff on the House Veterans' Affairs Committee, especially Mack Fleming, the very able chief counsel and staff director, and Arnold Moon and Charles Peckarsky, who were essential to the achievement of this equitable compromise.

Mr. President, I am most pleased to have the opportunity to urge that my colleagues in the Senate ratify this measure on behalf of the entire committee, all Members of which are cosponsors of this measure, I urge the Senate's favorable consideration of this bill. I ask that the joint explanatory statement be printed in the RECORD in lieu of a conference report.

The statement follows:

EXPLANATORY STATEMENT OF HOUSE BILL (H.R. 4169), SENATE BILL (S. 1388), AND COMPROMISE AGREEMENT ON S. 1388, THE VETERANS' COMPENSATION AND PROGRAM IMPROVEMENTS AMENDMENTS OF 1984

This document explains the provisions of title IV of H.R. 4169 as passed by the House of Representatives (hereinafter referred to as the "House bill"), the provisions of S. 1388 as passed by the Senate (hereinafter referred to as the "Senate bill"), and the provisions of a compromise on S. 1388 as agreed to by the Veterans' Affairs Committees of the House and Senate. The difference between the House bill, the Senate bill, and the compromise agreement are noted below, except for clerical corrections, conforming changes made necessary by agreements reached between the Committees, and minor drafting, technical, and clarifying changes.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

Part A—Rate Increases: Disability Compensation

Both the House bill (sections 402 through 404) and the Senate bill (sections 101 through 103) would amend chapter 11 of title 38, United States Code, to increase, effective April 1, 1984, the basic rates of service-connected disability compensation for veterans, the rates payable for certain severe disabilities, the dependents allowances payable to veterans rated 30-percent or more disabled, and the annual clothing allowance for certain disabled veterans. The House bill would increase such rates and allowances by 4.1 percent and the Senate bill by 3.5 percent. Under both bills, the increases are rounded to the nearest dollar.

The compromise agreement (sections 101 through 103) follows the Senate bill.

Dependency and indemnity compensation

Both the House bill (sections 405 through 407) and the Senate bill (sections 104 through 106) would amend chapter 13 of title 38 to increase, effective April 1, 1984, rates of dependency and indemnity compensation (DIC) payable to the surviving spouses and children of veterans whose deaths were service connected. The House bill would increase such rates by 4.1 percent and the Senae bill by 3.5 percent, with the increases in both bills rounded to the nearest dollar.

The compromise agreement (sections 104 through 106) follows the Senate bill.

The Senate bill (section 104(c)), but not the House bill, would specify that—for the purposes of section 156(e)(1)(A) of Public Law 97-377, relating to increases in benefits paid to replace, for the survivors of those who died on active duty or from service-connected causes, certain social security survivors' benefits terminated by section 2205 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35)—the overall average of the percentages by which each of the DIC rates set forth in present section 411 of title 38 is increased shall be considered to be 3.5 percent. Section 156(a) of Public Law 97-377 provides that the benefits thereby restored are to be increased, effective on the same date as section 411 DIC increases, "by a percentage that is equal to the overall average of" those increases (rounded to the nearest tenth of a percent). Hence, the effect of this provision would be to ensure that the increase in the replacement for each of those survivors, effective April 1, 1984, is 3.5 percent.

The compromise agreement does not contain this provision.

However, the Committees note that the Senate provision expresses the Committees' intention regarding the rate for the COLA for these benefits that would, upon enactment of the compromise agreement, take effect on April 1, 1984 (by virtue of Public Law 97-377), and that the VA has advised that it intends to provide a 3.5-percent increase in these benefits.

Effective date of future increases

The Senate bill (section 107), but not the House bill, would express the sense of the Congress that future increases in rates of disability compensation and DIC shall take effect on December 1 of the fiscal year involved and that the budget for each such fiscal year include amounts necessary to achieve that purpose.

The compromise agreement (section 107) contains this provision.

The Committees note their understanding that, in section 1(b)(15) of the Congressional budget for fiscal year 1984 (H. Con. Res. 91), provision is made, in the totals for Function 700, "Veterans Benefits and Services", for fiscal years 1985 and 1986, for compensation and DIC increases to be enacted effective December 1 of each of those fiscal years. Section 107 of the compromise agreement is intended as a formal declaration of Congressional policy as to the date on which future increases shall take effect.

Part B—Compensation program amendments: Presumption concerning dysthymic disorder

The Senate bill (section 111), but not the House bill, would amend section 312(b) of title 38 to provide, effective October 1, 1983, for the inclusion of dysthymic disorder (or depressive neurosis) in the list of diseases of certain former prisoners of war that are presumed to be service connected.

The compromise agreement (section 111) contains this provision.

Rates of compensation for certain blinded veterans

Both the House bill (section 411) and the Senate bill (section 112) would amend, effective October 1, 1983, provisions of subsections (o) and (p) of section 314 of title 38 that govern the rates of special monthly compensation payable to certain veterans who suffer from service-connected blindness in combination with a hearing loss that is service connected in at least one ear.

Under current law, veterans who suffer from blindness with "visual acuity of 5/200 or less" (meaning vision no better than 5/200) combined with bilateral deafness (with hearing impairment in at least one ear being service-connected) rated at 60-percent-or-more disabling are entitled to the payment of disability compensation at the rate prescribed by subsection (o) of section 314. The Senate bill, but not the House bill, would reduce from 60 percent to 40 percent the minimum degree of disability for bilateral deafness required to qualify for the subsection (o) rating. The House bill, but not the Senate bill, would establish an additional category of veterans entitled to the subsection (o) rating, those who suffer from blindness with "only light perception or less" (meaning vision with light perception only or with no light perception) combined with deafness rated from 10- through 40-percent disabling (with hearing impairment in at least one ear being service connected).

The compromise agreement (sections 112(a)) would establish an additional category of veterans entitled to the subsection (o) rating, those who suffer from blindness with only light perception or less combined with either bilateral deafness rated at 40-percent-or-more disabling (with hearing impairment in at least one ear being service connected) or total service-connected deafness in one ear.

Under current law, veterans who suffer from blindness with visual acuity of 5/200 or less combined with deafness (with hearing impairment in at least one ear being service connected) rated at 40-percent disabling are entitled, by virtue of subsection (p) of section 314, to the next higher rate of compensation (a "full-step" increase) above the otherwise applicable rate based on the condition of blindness only. These otherwise

applicable rates are prescribed in subsection (l) of section 314 for blindness with visual acuity of 5/200 or less but with more than light perception, in subsection (m) for blindness with only light perception, and in subsection (n) for blindness without light perception. In both the House and Senate bills, the degree of disability for deafness combined with blindness required for the full-step increase would be reduced to 30 percent. In addition, the Senate bill, but not the House bill, would provide a full-step increase, instead of compensation at the next intermediate rate (a "half-step" increase), to those who suffer from blindness with visual acuity of 5/200 or less combined with service-connected total deafness in one ear.

The compromise agreement (section 112 (b)(1)) would expand the category of veterans with visual acuity of 5/200 or less who receive a full-step increase, currently consisting of those with deafness rated at 40-percent disabling, to include those with deafness rated at 30-percent disabling.

Under current law, veterans who suffer from blindness with 5/200 visual acuity or less combined with service-connected total deafness in one ear are entitled, by virtue of subsection (p) of section 314, to a half-step increase. Neither the House bill nor the Senate bill would modify the half-step-increase provision itself. However, the House bill, but not the Senate bill, would, as noted above in the discussion of the subsection (o) rating, reduce the requirements for the subsection (o) rating to include blindness with only light perception or less combined with certain deafness rated at 10-percent-or-more disabling. Since service-connected total deafness in one ear is rated as 10-percent disabling, the House bill, but not the Senate bill, would, therefore, grant the subsection (o) rating to certain veterans who currently benefit from a half-step increase. Such veterans are those who suffer from blindness with light perception only combined with service-connected total deafness in one ear and those who suffer from blindness without light perception combined with such deafness. Also, the Senate bill, but not the House bill, would provide a full-step increase to all those who, under current law, receive a half-step increase.

The compromise agreement (section 112(b)(2)), in the cases of veterans who suffer from blindness having only light perception or less, would expand the scope of the half-step-increase deafness, criterion, currently service-connected total deafness in one ear, to include those who have bilateral deafness rated at 10- or 20-percent disabling (with hearing impairment in at least one ear being service connected).

The following chart illustrates the differences in disability ratings for combinations of hearing and vision impairments under current law, the House bill, the Senate bill, and the compromise agreement:

COMPARISON OF COMBINED DISABILITY RATINGS UNDER CURRENT LAW

[The House bill, the Senate bill, and the compromise agreement]

Current rating for blindness: Deafness disability rating	Current schedule for combined disability	Proposed rating		
		HB [1]	SB [2]	CA [3]
Anatomical loss or no light perception—N:				
10 percent (1 ear)	N½	0	0	0
10 percent (2 ears)	N	0	N	N½
20 percent (2 ears)	N	0	N	N½
30 percent (2 ears)	N	0	0	0

COMPARISON OF COMBINED DISABILITY RATINGS UNDER CURRENT LAW—Continued

[The House bill, the Senate bill, and the compromise agreement]

Current rating for blindness: Deafness disability rating	Current schedule for combined disability	Proposed rating		
		HB [1]	SB [2]	CA [3]
40 percent (2 ears)	0	0	0	0 [4]
Anatomical loss or no light perception 1 eye: light perception only in other—M½:				
10 percent (1 ear)	N	0	N½	0
10 percent (2 ears)	M½	0	M½	N
20 percent (2 ears)	M½	0	M½	N
30 percent (2 ears)	M½	0	N½	N½
40 percent (2 ears)	N½	0	0	0
Light perception only—M:				
10 percent (1 ear)	M½	0	N	0
10 percent (2 ears)	M	0	M	M½
20 percent (2 ears)	M	0	M	M½
30 percent (2 ears)	M	0	N	N
40 percent (2 ears)	N	0	0	0
Anatomical loss or no light perception in 1 eye; 5/200 or less visual acuity in other—M:				
10 percent (1 ear)	M½	M½	N	M½ [4]
10 percent (2 ears)	M	M	M	M [4]
20 percent (2 ears)	M	M	M	M [4]
30 percent (2 ears)	M	N	N	N
40 percent (2 ears)	N	N	0	N [4]
Light perception in 1 eye; 5/200 or less visual acuity in other— L½:				
10 percent (1 ear)	M	M	M½	M [4]
10 percent (2 ears)	L½	L½	L½	L½ [4]
20 percent (2 ears)	L½	L½	L½	L½ [4]
30 percent (2 ears)	L½	M½	M½	M½
40 percent (2 ears)	M½	M½	0	M½ [4]
5/200 or less visual acuity—L:				
10 percent (1 ear)	L½	L½	M	L½ [4]
10 percent (2 ears)	L	L	L	L [4]
20 percent (2 ears)	L	L	L	L [4]
30 percent (2 ears)	L	M	M	M
40 percent (2 ears)	M	M	0	M [4]

[1] House bill.
[2] Senate bill.
[3] Compromise agreement.
[4] No change from current law.

The Senate bill (section 112(c)), but not the House bill would require the Administrator to conduct a study of the appropriateness of the correlations between degrees of deafness (including deafness combined with other diseases) and the rates of disability compensation paid by the VA and, not later than one year following the date of enactment, to submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of the study together with the Administrator's recommendations for legislative or administrative action.

The compromise agreement does not contain this provision.

The Committees note that, under section 355 of title 38, the Administrator is charged with adopting and applying a schedule of ratings of reductions in earning capacity resulting from specific injuries. The Administrator is also charged with adjusting the schedule from time to time in accordance with experience.

In a letter dated January 10, 1984, to the Chairman of the House Veterans' Affairs Committee, the Administrator noted that the VA is currently exploring the medical and benefits aspects of hearing loss, and is considering a study of the current state of the art with regard to treatment and prosthetic devices for the hearing disabled.

The Committees direct the Administrator to provide for the conduct of a study, pursuant to the provisions of section 355, of the rating schedule with respect to the varying degrees of hearing loss (considered both alone and in combination with other disabilities) suffered by veterans. Particular attention should be given to the methods for conducting the medical evaluations upon which hearing-loss ratings are based.

The Committees further direct the Administrator to submit to them, not later than April 1, 1985, a report on the results of this study. The report should include a discussion of any plans or recommendations for administrative or legislative action that the Administrator considers appropriate with respect to VA programs for hearing-impaired veterans. The report should also include descriptions of the various methods currently used in the VA's Department of Medicine and Surgery and Department of Veterans' Benefits and outside the VA for measuring hearing loss and the extent to which such methods accurately and realistically measure the hearing loss that hearing-disabled persons experience in varied real-life situations, such as those that occur in the workplace, in school, at home, in public places, and in open spaces, and should set forth any plans or recommendations for changes in such VA methods that the Administrator may consider appropriate based on the study results. The Committees believe that the completion of the hearing-impairment study described above and the submission of a report on it, as directed, will remove the need for a statutory provision.

Increase in Compensation on Account of Certain Periods of Hospitalization or Convalescence

Both the House bill (section 408) and the Senate bill (section 113) would amend chapter 51 of title 38 to modify, effective October 1, 1983, the period during which the compensation paid to a service-connected disabled veteran rated less than 100-percent disabled is temporarily increased to the 100-percent rate on account of the veteran's hospitalization for a period in excess of 21 days for a service-connected disability or for hospital treatment followed by convalescence for such a disability. Under current law, the period for which payment is made begins on the first day of the month following the month in which the hospital care begins and it ends on the last day of the month in which the hospitalization or convalescence ends. The House bill would modify this period so that it would begin on the first day of such hospital care. (This was the status of the law prior to enactment of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253).) The Senate bill would modify the period for which payment is made so that it would begin on the first day of hospital care and continue only until the day on which the hospitalization or convalescence ends.

The compromise agreement (section 113) would provide, effective October 1, 1983, that, when a period of hospital care in excess of 21 days for a service-connected disability occurs entirely within a single month, the period for which payment of increased compensation on account of such care is made would commence on the first day of that month. This provision, in conjunction with present section 3012(b)(8), which provides that the period of payment ends on the last day of the month in which the care terminates, would have the effect of making the period of payment in such cases the entire month in which the care was furnished.

The Committees note that, under the compromise agreement, veterans whose service-connected hospital care lasts for more than 21 days but does not carry over into a second calendar month would receive the same benefit—one full month of com-

pensation at the 100-percent rate—as is received under current law by those whose care is of the same duration but happens to extend into a second calendar month.

Continuation of Compensation Pending Review and Appeal

The Senate bill (section 114), but not the House bill, would amend chapter 53 of title 38 to provide for the continued payment of disability compensation at the 100-percent rate pending review and appeal (and subject to repayment if the veteran loses on appeal) of a determination made after March 31, 1984, to reduce or discontinue such compensation as the result of a change in the service-connected or employability status or physical condition of a veteran whose disability had, prior to that determination, been rated as total for at least 10 years and who, within 30 days after that determination, files a statement of disagreement and requests continued payment.

The compromise agreement does not contain this provision.

TITLE II—VETERANS' PROGRAM IMPROVEMENTS

Inclusion of Certain Adopted Persons Within the Title 38 Definition of Child

The House bill (section 410), but not the Senate bill, would amend section 101(4) of title 38, effective October 1, 1983, to expand the definition of "child" for purposes of general eligibility for Veterans' Administration benefits so as to include a veteran's adopted child even though the child was age 18 or over at the time of adoption as long as (1) the child had become permanently incapable of self-support prior to reaching age 18, and (2) was a member of the veteran's household at age 18. Under the VA's interpretation of current law, a veteran's adopted child who became permanently incapable of self-support before turning 18 is considered as meeting the definition only if the adoption occurred before the child reached age 18.

The compromise agreement (section 201) contains this provision.

Five-Year Extension of Program to Provide Assistance to State Veterans' Cemeteries

The Senate bill (section 201) and section 5 of H.R. 2948 as passed by the House on May 24, 1983 (hereinafter referred to as H.R. 2948), would amend section 1008(a)(2) of title 38 to authorize the appropriation of such sums as are necessary for fiscal years 1985 through 1989 for matching-fund grants to States for establishing, expanding, or improving State veterans' cemeteries.

The compromise agreement (section 202) contains this provision.

Miscellaneous Education Program Amendments

Repeal of 1989 Termination Date for Vietnam Era GI Bill: The Senate bill (section 202), but not the House bill, would amend section 1662(b) of title 38 to repeal the December 31, 1989, termination date for the current, Vietnam-era GI Bill and provide for reimbursement to the VA by the Department of Defense for all amounts of Vietnam-era GI Bill benefits paid by the VA after December 31, 1989.

The compromise agreement does not contain this provision.

Authority for Advanced Payment of Educational Assistance: The House bill (section 421), but not the Senate bill, would amend section 1780(d) and various cross-references in chapters 31 and 36 of title 38 to terminate, effective October 1, 1983, the VA's making of advance payments of educational assistance to certain veterans and dependents enrolled in programs of education.

The compromise agreement does not contain these provisions.

Other Education Program Amendments: The Senate bill (section 203), but not the House bill, would amend chapters 34, 35, and 36 of title 38 to make a series of amendments relating to VA-administered educational assistance programs to (1) allow certain individuals who, despite having post-December 31, 1976, active-duty service that would make them eligible for the Post-Vietnam Era Educational Assistance program (VEAP) (chapter 32), are not eligible for VEAP because they have Vietnam-era GI Bill eligibility (under chapter 34) by virtue of certain pre-1977 training duty to elect to participate in VEAP in lieu of receiving GI Bill benefits; (2) conform the level of survivor's educational assistance benefits (under chapter 35) for entitlement-free pursuit of high-school training to the level of Vietnam-era veterans' GI Bill benefits for such training; (3) bar concurrent receipt of benefits under more than one VA-administered educational assistance program for pursuit of one program of education; and (4) expand the coverage of the 48-month maximum limitation on total educational assistance benefits to include certain recently-enacted programs administered by the VA.

The compromise agreement (section 203) contains these provisions.

Substitution of Housing Loan-Guaranty Entitlement

The Senate bill (section 204) and section 4 of H.R. 2948 would amend section 1802(b)(2) of title 38 to permit, effective on the date of enactment, substitution of a veteran's home-loan guaranty entitlement when a veteran-transferee is not an immediate transferee.

The compromise agreement (section 204) contains this provision.

Loan Guaranties for Manufactured Homes Permanently Affixed to Lots

The Senate bill (section 205) and section 3 of H.R. 2948 would amend chapter 37 of title 38 to provide, effective on the date of enactment, for the guaranty of a loan to a veteran for the purchase of a manufactured home (or the refinancing of a loan previously made for the purchase of a manufactured home) on the same terms and conditions as a loan for a conventionally-built home if two criteria are met: First, the manufactured home is or will be permanently affixed to a lot owned or being purchased by the veteran; and, second, as so affixed, the home is regarded as real property under the laws of the State in which the home is located.

The compromise agreement (section 205) contains this provision.

Employment Emphasis Under Federal Contracts for Veterans with Serious Employment Handicaps

The Senate bill (section 206), but not the House bill, would amend section 2011 of title 38 to expand, effective on the date of enactment, the definition of "special disabled veteran" for the purposes of certain employment and training initiatives under chapters 41 and 42 of title 38 to include a veteran with a service-connected disability rated at 10- or 20-percent disabling if the veteran has been determined to have a serious employment handicap under the VA's rehabilitation program for service-connected disabled veterans carried out pursuant to chapter 31 of title 38.

The compromise agreement (section 206) contains this provision.

Payments for Fiduciary Services

The Senate bill (section 207), but not the House bill, would amend section 3202(a) of title 38 to authorize, effective on the date of enactment, the VA to permit VA-appointed fiduciaries to deduct from beneficiaries' estates certain limited commissions for fiduciary services where the Administrator determines such commissions are necessary in order to obtain fiduciary services that are in the best interests of the beneficiaries and where the fiduciaries receive no other remuneration for their service.

The compromise agreement (section 207) contains this provision.

Board of Veterans' Appeals Membership

The Senate bill (section 211) and subsection (a) of H.R. 2936 as passed by the House on May 17, 1983 (hereinafter referred to as H.R. 2936), would amend present section 4001(a) of title 38 to authorize an expansion—from 50 to 65—in the maximum number of members of the Board of Veterans' Appeals.

The compromise agreement (section 208) contains this provision.

The Senate bill (section 211) and subsection (c) of H.R. 2936 contain provisions that would amend section 4001 and 4002 of title 38 to make a technical amendment to delete the word "associate" from the statutory description of members of the Board.

The compromise agreement (section 208) contains these provisions.

The Senate bill (section 211) and subsection (b) of H.R. 2936 would further amend section 4001 to authorize the appointment of individuals to serve as members of the Board in other than a permanent status. Under the Senate bill, the Chairman of the Board would be authorized, but only when there are 65 members on the Board, to appoint individuals from the professional staff of the Board to serve as "temporary" members of the Board for terms of up to one year each and to reappoint any such individual no more than once within the three-year period following the expiration of an initial appointment. Also, the Senate bill would authorize the Chairman, when there is a temporary absence of a Board member from one of the Board's three-member sections, to appoint an individual from the professional staff of the Board to serve as an "acting" member of the Board on that section for a period of up to 30 days at a time, with a maximum of 60 days service in any fiscal year.

Under H.R. 2936, the Chairman would be authorized to designate an employee of the VA who is an attorney or a physician to serve temporarily as a member of the Board without any time limitation.

Under the Senate bill and H.R. 2936, no section of the Board could have more than one individual who is serving as a member on an other-than-permanent basis.

The compromise agreement (section 208) follows the Senate bill with modifications to delete the requirement that non-permanent members be drawn from the Board's staff; to authorize the chairman to designate individuals as "acting" members to fill vacancies temporarily, as well as to serve in the event of temporary absences; and to lengthen the maximum periods of such designations to periods of up to 90 days, but not to exceed, in the case of any individual, a maximum total of 270 days in any 12-month period.

The Committees note that, although a requirement that an individual designated to

the Board on an other-than-permanent basis be "from the professional staff of the Board" (Senate bill) or "an employee of the Veterans' Administration who is an attorney or a physician" (H.R. 2936) is not included in the compromise agreement, they intend that any non-permanent members be drawn from the professional staff of the Board unless no such staff members with appropriate qualifications for the positions involved are available. The Committees also note that, although the compromise agreement uses the word "designate" (as used in H.R. 2636) rather than "appoint" (as used in the Senate bill) to describe the Board Chairman's authority to place an individual on the Board in a non-permanent position, the Committees contemplate that, when a qualified employee of the Veterans' Administration is not available, it would be appropriate for a non-VA employee to be given an appointment for the purpose of serving as a non-permanent Board member pursuant to a designation by the Chairman.

The Senate bill (section 211), but not H.R. 2936, would amend section 4003(a) of title 38 to preclude temporary or acting members from casting a vote in cases in which the votes of the two permanent members are split.

The compromise agreement does not contain this provision.

The Committees intend, however, in providing the limited authorities for temporary and acting members, that the Chairman of the Board will continue the current practice of expanding the panel, or convening another panel, in cases in which the votes of the permanent members are split and a temporary or acting member votes against the claimant.

The Senate bill (section 211), but not H.R. 2936, would further amend section 4001 of title 38 to require the Administrator to report annually, as part of the annual report to the Congress required by section 214 of title 38, on the implementation of the provisions (described above) authorizing the designation of acting and temporary Board members.

The compromise agreement (section 208) contains this provision.

The Senate bill (section 211), but not H.R. 2936, would further amend section 4001 of title 38 to require the Chairman of the Board to report annually to the appropriate committees of the Congress on the Board's current and projected future workload together with an evaluation of the Board's ability, based on current and future personnel levels, to dispose of appeals in a timely manner.

The compromise agreement does not contain this provision.

Membership of Special Medical Advisory Group

The Senate bill (section 208), but not the House bill, would amend section 4112 of title 38 to expand, effective on the date of enactment, the membership of the VA's Special Medical Advisory Group to include individuals, other than members of health and allied scientific professions specified in current law, who have experience pertinent to the missions of the VA's Department of Medicine and Surgery.

The compromise agreement (section 209) contains this provision.

Revision of Effective Date for Certain Reserve Officers' Training Corps Participants' Eligibility for Veterans' Administration Benefits

The House bill (section 409), but not the Senate bill, would revise the effective date provision (subsection (d)) of section 113 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Public Law 97-306)—which provided general title 38 benefits eligibility to Senior Reserve Officers' Training Corps (SROTC) participants who, after September 30, 1982, incur a disability during field training or a practice cruise—so as to provide, effective October 1, 1983, such eligibility to SROTC participants who incurred a disability during field training or a practice cruise before October 1, 1982.

The compromise agreement (section 210) contains this provision.

Pilot Program for Expediting Certain Medical Facility Construction Projects

The Senate bill (section 209), but not the House bill, contains a provision that would permit certain medical facility construction projects to be expedited. Specifically, it would authorize the Administrator to obligate up to $25 million from the so-called "working reserve" in the VA's major construction account in fiscal year 1984 in order to undertake working drawings for certain construction projects prior to either the adoption of resolutions approving the projects by the House and Senate Veterans' Affairs Committees or the approval of the projects in the appropriations process. However, the Administrator would also be required, at least 30 days before initiating working drawings for a medical facility construction project, to provide the Veterans' Affairs and Appropriations Committees of both Houses with written notice of the intention to do so, together with the estimated cost of the drawings and the estimated range of the total costs of the construction project. No funds could be expended under this provision for working drawings for the replacement or new construction of a complete health-care facility, nor could more than $2.5 million be spent on working drawings for any one project.

The compromise agreement (section 211) contains a provision derived from the Senate provision with amendments. These amendments would also permit the VA to obligate funds for working drawings in fiscal year 1985—for projects on which construction could be initiated in fiscal year 1985 or 1986—with the same total $25 million limitation operating as a cap on aggregate expenditures for fiscal years 1984 and 1985 combined, and would provide a clarifying definition of "working drawings".

Springfield Confederate Cemetery

The Senate bill (section 210), but not the House bill, would, effective on the date of enactment, provide, that the land comprising the present Springfield (Missouri) Confederate Cemetery shall be considered part of the Springfield National Cemetery and remove a restriction on the use of that land which permits the burial of only Confederate veterans.

The compromise agreement (section 212) contains this provision.●

Mr. DOMENICI. Mr. President, I rise in support of S. 1388 and the compromise amendments now pending before the Senate. The House has overwhelmingly adopted this bill and upon Senate passage, it will be on its way to the President.

This bill is important for two reasons: First, it provides a 3.5 percent cost-of-living increase, effective on April 1, 1984, for veterans with service-connected disabilities. Over 2.6 million disabled veterans and their families who receive compensation benefits anticipate this COLA. In addition, the bill makes improvements in a variety of important veterans' programs. Second, the adoption of this bill will implement the fiscal year 1984 congressional budget and the reconciliation for veterans' programs that it contains.

I urge my colleagues to support this bill, which will give our Nation's disabled veterans a deserved increase in their compensation benefits.

I would like to commend Chairman SIMPSON and the distinguished members of the Veterans' Affairs Committee for bringing this bill to the floor in a timely fashion. This committee has a long tradition of serving the Nation's veterans, which it continues today.

Mr. THURMOND. Mr. President, I rise in strong support of S. 1388, the Veterans' Compensation and Programs Improvements Amendments of 1984.

I believe that S. 1388 is excellent legislation containing many significant provisions that will enhance and improve the benefits provided to the Nation's deserving veterans.

Mr. President, of particular importance is the provision of this legislation which provides for a 3.5-percent increase in the rates of disability compensation and dependency and indemnity compensation. This increase insures that the benefits that are received by veterans and their dependents keep pace with inflation.

Mr. President, I am also pleased that S. 1388 includes a provision that is derived from a bill that I introduced, S. 1187, which would provide increased awards of service-connected compensation to certain blinded veterans who are also suffering from hearing disabilities. I believe that this provision will provide needed assistance to a number of our most severely disabled veterans.

I regret that another provision, which was also derived from legislation that I introduced, S. 859, was not approved by the House in its consideration of this legislation. That provision would have allowed totally disabled service-connected veterans in receipt of benefits at the 100-percent rate for a period of 10 years or more to continue to receive benefit payments at the 100-percent rate during the appeal of a VA decision to reduce or discontinue their disability evaluation. These veterans often suffer severe hardships during the long period of time that it takes to appeal an adverse VA decision. In the absence of this provision, I urge the VA to use its existing authority under section 4007 of title 38 of the United States Code to grant expedited hearings to these veterans when requested.

Mr. President, despite the absence of the aforementioned provision, I

strongly support this legislation and urge the support of my colleagues.

● Mr. EXON. Mr. President, the legislation currently pending before the Senate contains a version of legislation which I introduced last year, S. 995.

I introduced that bill in April, following disturbing reports which were brought to my attention by the Disabled American Veterans of Nebraska regarding disparities in benefits for hospitalized disabled veterans. The national DAV then assisted me in formulating this legislation and 30 Senators have cosponsored S. 995 to date.

The problem which I have sought to remedy is a complicated one which was caused by the Omnibus Reconciliation Act of 1982. One part of that act changed, for payment purposes, the effective date of original or increased awards of Veterans' Administration compensations and pensions from the first date of entitlement to the first day of the first full calendar month of entitlement. This change was made as a cost-cutting measure. The legislation I introduced last April would not have overturned that entire reconciliation provision; however, it would have deleted application of this provision as it pertains to the temporary 100-percent disability ratings received by disabled veterans during periods of hospitalization of longer than 21 days.

Following enactment of the 1982 reconciliation bill, two veterans who are hospitalized for an identical number of days for treatment of an identical service-connected disability could receive unequal compensation, depending solely on the date of the month the hospitalization began. Some could even receive no increased compensation.

Mr. President, at a time of personal financial stress and hardship created by having to enter the hospital, I do not believe that some of our disabled veterans should be denied their temporary 100-percent disability rating. Many of these veterans have limited incomes before their hospitalization begins. This disparity becomes especially apparent when the deciding factor is simply the day of the month which a veteran happens to begin his hospitalization. I do not think we should be placing disabled veterans in a situation where they will be forced to delay their hospitalization solely to become eligible for their benefits. Nor should we continue a situation which creates an incentive to stay in the hospital any longer than necessary for the same reason.

Following the introduction of my bill, the distinguished chairman of the Veterans' Affairs Committee agreed to have it considered at a hearing last June. During that session, the major veterans organizations supported S. 995, with only the Veterans' Administration opposing it on the grounds that the VA "is not aware of any hardship accruing to hospitalized veterans." I strongly disagreed, as did the committee, which included in the Senate-passed version of the veterans compensation bill a compromise version of S. 995. The House of Representatives passed similar legislation which encompassed major portions of my bill as well. The conference report before us today is acceptable to me and takes care of the most pressing problems which were created by the 1982 law for our hospitalized veterans.

Again, I want to thank the chairman, the ranking minority member and other members of the committee for their work on this issue. And I want to express a special "thank you" to the Nebraska and national Disabled American Veterans for all of their help as well.●

Mr. BYRD. Mr. President, I want to take this opportunity to congratulate the distinguished chairman (Mr. SIMPSON) and ranking minority member (Mr. CRANSTON) on bringing this legislation to the floor.

I am particularly grateful to see that the bill contains section 211, which provides for a pilot program for expediting certain medical facility construction projects, such as the $21.6 million clinical addition to the Clarksburg Veterans' Administration Medical Center in West Virginia. This provision is originally derived from amendment No. 1298 to this bill, which was submitted for printing on May 25, 1983, and which I cosponsored.

Section 211 would enable the VA—on a 2-year pilot basis—to avoid delays and expedite the final design and working drawings for certain major VA medical facility construction projects. This would be accomplished by permitting VA to use up to $25 million in its so-called working reserve to undertake working drawings for selected projects, concurrent with the completion of the congressional authorization and appropriations process.

Under current law, the VA cannot begin preparation of working drawings for a project until after construction funds have been appropriated. Thus, major projects, such as the Clarksburg VAMC clinical addition lie dormant between the time preliminary plans are completed and construction funds become available. Under section 211 of the bill, working drawings could be developed at an accelerated pace, with the consequent savings in inflation.

Enactment of this legislation is one more step to bringing to fruition the timely construction of the $21.6 million clinical addition to the Clarksburg, W. Va., VA medical center which will provide improved health care for West Virginia's veterans.

I am resolved to continue my efforts to work closely with the Veterans' Administration, the Veterans' Affairs Committee, and the Appropriations Committee to accelerate the Clarksburg project which will provide the dual benefits of improved health care for West Virginia's veterans and lower construction costs for taxpayers.

I thank the chairman (Mr. SIMPSON) and the ranking minority member (Mr. CRANSTON) for their cooperation in this effort.

Mr. BYRD. Mr. President, the ranking minority member of the Veterans' Affairs Committee (Mr. CRANSTON) is necessarily absent today. Therefore, I submit the following statement on his behalf for inclusion in the RECORD.

● Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am pleased to join with the distinguished chairman of the Veterans' Affairs Committee, my good friend from Wyoming (Mr. SIMPSON), in urging the Senate to approve the amendments of the House to S. 1388, the proposed Veterans' Compensation and Program Improvements Amendments of 1984. The provision of the House substitute amendment to the text embody a compromise agreed to after extensive negotiations between the two Veterans' Affairs Committees.

The compromise agreement is derived from the provisions contained in S. 1388 as passed by the Senate on November 18, 1983 and from the provisions of title IV of H.R. 4169 as passed by the House of Representatives on October 25, 1983.

Mr. President, the compromise agreement represents a most equitable resolution of the differences between the two bodies on this legislation. The Senate's position on the matters addressed in the compromise—including a number of key provisions derived from provisions I authored—are well represented in the final agreement. The committees', both majority and minority members, have worked closely together in achieving this compromise. The end result is an excellent demonstration of our committees' bipartisan, continuing concern for our Nation's veterans.

I firmly believe that the needs of the 2.3 million veterans with service-connected disabilities and the 300,000 survivors of those who died from service-connected causes must be our committees' No. 1 priority. The continuing fulfillment of the commitment we have established for our highest priority veterans to grant compensation benefit increases at least equal to increases in social security and VA pension benefits is, therefore, a matter of great importance to me.

Thus, I want to stress my strong support for the 3.5-percent increase—the percentage increase approved by the Senate in November—that this compromise agreement would provide, effective April 1, 1984, in the rates of compensation for service-connected disabled veterans and dependency and

indemnity compensation—DIC—for survivors. This is the same percentage COLA that social security and VA pension received effective December 1983.

In addition to the compensation/DIC COLA, there are a number of other provisions in the measure before us today in which I have particular interest and which I am most pleased were incorporated in the compromise agreement.

EFFECTIVE DATE OF FUTURE COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES

Mr. President, section 108 of the compromise agreement would express the sense of the Congress that future cost-of-living adjustments—COLA's—in the rates of veterans' disability compensation and survivors' DIC after fiscal year 1984 shall take effect on December 1 of the fiscal year involved. It would further express the sense of the Congress that budgets—both the President's and the congressional budget—for fiscal years after 1984 be developed so as to include the necessary funds to make compensation COLA's effective on the December 1 date. This provision is derived from the provisions of amendment No. 1303 which was submitted for me by Senator BYRD on May 26, 1983, and which is cosponsored by Senators RANDOLPH, MATSUNAGA, and DECONCINI.

As members know, congressional agreement has been reached on delaying by 6 months 1983 COLA's in Federal income-maintenance programs. Legislation was enacted on April 20, 1983—in section 111 of the Social Security Amendments of 1983, Public Law 98-21—to delay by 6 months, until December 1, 1983, the social security increase that otherwise would have automatically occurred on June 1, 1983. Since both the timing and percentage of VA nonservice connected pension COLA's are, under section 3112 of title 38, United States Code, tied to the indexing of social security benefits, a 6-month delay—June 1 to December 1, 1983—is the effective date of the increase in that VA program automatically occurred as a consequence of the social security COLA delay enacted in Public Law 98-21.

However, in the cases of VA compensation and DIC, there is no provision of law linking these programs to social security or otherwise providing for automatic COLA's. For the last 7 years, however, the Congress has adopted the practice of providing annual increases in these benefits effective each October 1.

This year, in accordance with the 6-month-delay agreement for COLA's—which is reflected in the first concurrent resolution on the budget for fiscal year 1984, House Concurrent Resolution 91, as well as Public Law 98-21—the compromise agreement provides for the compensation/DIC COLA to be effective April 1, 1984. This is 6 months later than the date, October 1, 1983, that the increase would customarily have been made effective.

However, I believe, and both the Senate and the House have now adopted my view, that at the earliest opportunity the Congress should take action to provide assurance that the effective date of future increases in VA compensation rates will be consistent with the date on which other income-maintenance COLA's are effective—December 1. Thus, section 108 of the compromise agreement expresses the sense of the Congress that any future compensation COLA's shall take effect on December 1 of each fiscal year—the same date as will COLA increases under the social security and VA pension programs—and be budgeted for on that basis.

A major advantage of this approach is that, under it, Congress could enact compensation/DIC COLA's each year based on an equitable and actual—rather than a projected—inflation factor. That factor would be the social security COLA percentage, and there would be no built-in "lag time" between the end of the period on which that inflation factor is computed and the date on which it would be made effective with respect to the compensation program. Public Law 98-21 made two changes with respect to the social security COLA. Beginning in 1984, it permanently changed the social security COLA date to December 1 and moved from the first quarter to the third quarter of the calendar year the period on which the annual COLA is based. Thus, the amount of the COLA effective December 1 for social security will be based on a third-quarter-to-third-quarter increase in the applicable inflation indicator that is calculated only a few weeks earlier—in early November. Under the compromise agreement, the same time relationships would be available to be used by the Congress to calculate the compensation/DIC COLA.

I would also like to note that the budget resolution for fiscal year 1984, House Concurrent Resolution 91, makes provision in the outyears for compensation/DIC COLA's effective on December 1, 1985 and 1986. Section 108 of the compromise agreement will, upon enactment, formally make fully explicit the will of Congress that this is the approach that should be taken.

Regrettably, despite the agreement reached in the Congress on this issue in House Concurrent Resolution 91 and the action of the Senate in passing this provision on November 18, 1983, the President's budget for fiscal year 1985 proposes an April 1, 1985, effective date for next year's COLA. Therefore, consistent with this provision in the compromise agreement and the agreement reached in the budget process, I will be proposing to add to the President's budget the funds necessary, which I understand to be $157.4 million in budget authority and $157.3 million in outlays—to provide for a December 1, 1984, effective date.

INCREASES IN COMPENSATION ON ACCOUNT OF CERTAIN PERIODS OF HOSPITALIZATION

Section 113 of the compromise agreement resolves in a fair and equitable manner a problem that resulted from enactment of section 401 of the Omnibus Budget Reconciliation Act of 1982 that was addressed by the provisions of amendment No. 1302, which Senator BYRD submitted on my behalf on May 26, 1983, and which is cosponsored by Senators RANDOLPH and MATSUNAGA. This section would modify the period during which a temporary increase in compensation, to the 100-percent rate, is paid on account of certain periods of hospitalization and convalescence for the service-connected disability of a veteran rated less than 100-percent disabled. I also note that attention was first called to this problem by S. 995, introduced by the distinguished Senator from Nebraska (Mr. EXON) and cosponsored by 30 Senators.

Mr. President, the approach taken in the compromise agreement corrects an inequity in current law—one that was created by an amendment made by section 401 of the 1982 Budget Reconciliation Act. As Members may recall, the 1982 amendment delays the beginning of all awards of and increases in compensation to the first day of the first full month following the date on which the award or increase otherwise becomes effective. Thus, under the law as so amended, some veterans receiving hospital care for their service-connected disabilities for more than 21 days but less than a month do not receive an increase in their compensation to the rate for 100-percent disability. These are veterans whose hospital care begins early in a calendar month and ends late in the same month. In contrast, however, certain other veterans, those whose hospital care for their service-connected disabilities is for the same length of time, do receive compensation at the 100-percent rate for a full month. These are veterans whose hospital care begins later in a calendar month and ends in the next month.

The provisions in the compromise agreement would address this issue of inequity by providing that veterans whose service-connected hospital care lasts for more than 21 days but does not carry over into a second month would receive the same benefit—1 full month of compensation at the 100-percent rate—as is received under current law by those whose care is of the same duration but happens to extend into a second calendar month. As the author of the provisions in section 113 of the Senate bill, I was most pleased that the committees were able to devise

this solution to a most difficult problem, and I fully endorse it.

PILOT PROGRAM TO EXPEDITE VA MEDICAL FACILITY CONSTRUCTION PROJECTS

Mr. President, the compromise agreement also contains, in section 209, a provision I authored to enable the VA, on a pilot-project basis, to expedite certain VA medical facility construction projects. That provision is derived from amendment No. 1450 to S. 1388 of June 29, 1983, which was derived from my amendment No. 1298 of May 25, which was cosponsored by Senators BYRD, RANDOLPH, MATSUNAGA, DECONCINI, SASSER, and EXON.

The compromise agreement would enable the VA—on a 2-year trial basis—to avoid the long delays between the completion of preliminary plans and the initiation of the final design and working drawings for certain VA medical facility major construction projects. It would achieve this purpose by permitting the agency to use up to $25 million in its so-called working reserve in the major construction account to undertake working drawings on certain projects in fiscal years 1984 and 1985, concurrent with the completion of the congressional approval and appropriations processes with regard to the actual construction phase of those projects. Under current law, the VA cannot begin preparation of the working drawings for a project until after construction funds have been appropriated. Thus, major projects lie dormant—generally for 18 months or more—between the time preliminary plans are completed and the construction funds become available. Under the compromise agreement, working drawings could be developed during what is currently a hiatus in the life of a project.

DEFINITION OF "SPECIAL DISABLED VETERAN" FOR CERTAIN VETERANS' EMPLOYMENT PROGRAMS

Section 206 of the compromise agreement would include in the definition of "special disabled veteran" for the purposes of certain veterans' employment programs those individuals in receipt of compensation for disabilities rated 10 or 20 percent disabling if they have been determined, under the VA's rehabilitation program for service-connected disabled veterans, to have substantial employment handicaps. I proposed this provision, based on a provision I authored last year in the Emergency Veterans' Job Training Act of 1983, Public Law 98-77, in order to liberalize somewhat the definition of special disabled veterans for purposes of the special emphasis under Federal contracts program in chapter 42 of title 38, United States Code. Under existing law, the term "special disabled veteran" means those who are entitled to compensation for disabilities rated at 30 percent or more disabling and those who were discharged or released from service because of a service-connected disability. These veterans as well as Vietnam-era veterans have the benefit of employment emphasis—which consists of mandatory job listing and affirmative action programs for Federal contractors—pursuant to section 2012 of title 38. They are also veterans to whom the VA may, pursuant to section 2014(g) of title 38, give preference in employment in certain programs.

BOARD OF VETERANS' APPEALS PROVISIONS

Section 208 of the compromise agreement, I am also delighted to note, contains a provision, based on legislation I sponsored in the Senate, to authorize expansion in the membership of the Board of Veterans' Appeals. This provision would increase the statutory limitation on the size of the Board from 50 to 65 members in order to help deal with the very substantial backlog of cases on the Board's docket—over 64,000 appeals that had accumulated by the end of fiscal year 1983.

In addition to this increase in the size of the Board, other provisions in section 208—which are derived from provisions originally included in S. 636, the proposed Veterans' Administration Adjudication Procedure and Judicial Review Act as reported by the Veterans' Affairs Committee on May 18, 1983, and first passed by the Senate, in H.R. 2936, on June 15 and later were added, by a floor amendment in which I joined with Senator SIMPSON, to S. 1388, as passed on November 18—would authorize the Chairman of the Board to designate individuals to serve as members of the Board in nonpermanent positions in certain circumstances and would require the Chairman to report to the Congress on the use of the new authority.

As discussed in more detail in the explanatory statement that the committee chairman (Mr. SIMPSON) has inserted in the RECORD as part of his remarks, the Chairman of the Board would be allowed to designate individuals to serve as acting members when there is a vacancy on the Board or a Board member is temporarily absent or unable to serve, or to serve as temporary members when the Board has a full complement of members. The authority to appoint temporary members is intended to be used when the Board Chairman wishes to expand the overall size of the Board to help reduce a backlog of pending cases. I also note the committees' intention, as set forth in the explanatory statement, that, under the new authority, the chairman will continue the current practice of expanding a Board panel, or convening another panel, in cases in which a nonpermanent member is involved and the votes of the permanent members are split and the nonpermanent member votes against the claimant.

Mr. President, S. 636, from which these provisions are drawn, is a comprehensive bill dealing with judicial review of VA claims decisions, the payment of reasonable fees to attorneys for representing claimants before the VA, and the VA's internal adjudication and regulation-issuing procedures. As I noted when S. 1388 was before the Senate on November 18 of last year, I want to make clear that my continuing support for the enactment of these few provisions from S. 636 outside of that legislation is in no way a reflection of any change in my longstanding, very strong support of legislation providing for judicial review of VA benefit claims. I would much prefer to be addressing these provisions in the context of that more comprehensive legislation. However, in view of the House's continuing unwillingness at this point to deal with the judicial review issue and my concern that the very significant backlog which the Board is now facing has the practical effect of denying a great many veterans access to a fair and timely decision on their claims, I support moving forward with these provisions in the compromise agreement.

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

Mr. President, I would also like to mention two additional provisions that I strongly support and are contained in the compromise agreement.

First, Mr. President, I am very pleased that the House has accepted the Senate provision to include dysthymic disorder—or depressive neurosis—in the list of diseases of certain former prisoners of war that are presumed to be service connected. As my colleagues will recall, this provision was passed by the Senate twice, first in the Veterans' Health Care and Programs Improvement Act of 1983 last June, and then again in November in S. 1388.

This provision, contained in section 111 of the compromise agreement, should prove quite valuable in terms of assisting former prisoners of war who are suffering from this mental disorder to receive the benefits they deserve.

RATES OF COMPENSATION FOR CERTAIN BLINDED VETERANS AND STUDY

Second, Mr. President, section 112 of the compromise agreement would modify provisions of section 314 of title 38 that govern the rates of special monthly compensation payable to veterans who suffer from service-connected blindness in combination with a hearing loss. I am delighted that—after extensive negotiations—we were able to reach an accord on the complicated and complex issues involved, which were addressed in differing ways by the House and Senate bills. Rather than explain in detail the agreement that was reached, I would

refer my colleagues to the explanatory statement of the compromise agreement that was inserted in the RECORD by the chairman of the House Veterans' Affairs Committee (Mr. MONTGOMERY) that appears on page 2298 during the House's consideration of the compromise agreement, and is being inserted in the RECORD in identical form by the chairman of the Senate committee (Mr. SIMPSON) as part of his statement on this measure. The explanatory statement contains an extensive discussion of the differences between the House- and Senate-passed provisions and of the compromise. As so often happens when our two committees work closely together to work out the differences between the provisions that each has passed, the end result in this instance represents, in my view, a better approach than either body had approved, and I fully endorse it.

Additionally, in lieu of a Senate-passed provision requiring the Administrator to conduct, and report to the Congress on, a study of the appropriateness of the correlations between the degrees of deafness and the rates of disability compensation paid by the VA, the committees have—in the explanatory statement—directed the VA, pursuant to its existing authority to establish and adjust the disability rating schedule, to provide for such a study, including the methods used for evaluating hearing loss. The committees have also directed that the report of the study include a discussion of plans and recommendations for action on VA programs for hearing impaired veterans and a description of the methods used by the VA and elsewhere to measure hearing loss and the extent to which those methods accurately measure the severity of the disability in real life situations. The issues relating to measuring hearing loss are quite complicated, and I believe that the conduct of this study will be quite valuable and will enhance our efforts to improve assistance for these service-connected disabled veterans and to bring about a reevaluation—and, I hope, a strengthening—by the VA of its present assistance programs with respect to hearing impaired veterans and its hearing loss measurement techniques. I will be looking forward with great anticipation to the submission of the report next spring.

I would also like to note in this connection the efforts of the Disabled American Veterans—DAV—to call attention to and create a greater understanding of the problems faced by veterans with hearing disabilities. Indeed, on October 18, 1983, the DAV organized and hosted a symposium on the needs of hearing impaired veterans to focus on identifying the problems and needs of such veterans, especially in terms of medical treatment, vocational rehabilitation, and assistive devices. The DAV is continuing to pursue these issues, and I applaud its efforts.

OTHER PROVISIONS

Other provisions contained in the compromise agreement also address the needs of veterans in a variety of ways: Inclusion of certain adopted persons within the title 38 definition of child; a 5-year extension of State veterans' cemeteries program; substitution of housing loan guaranty entitlement when a veteran transferee is not an immediate transferee; a provision to permit veterans buying manufactured homes that are permanently affixed to lots to permit the loans to be guaranteed under the same terms and conditions as loans for conventional homes; VA payments for fiduciary services for legally incompetent veterans under certain circumstances; expansion of the criteria for membership of the special medical advisory group; a revision of the effective date for providing certain reserve officers' training corps participants with eligibility for VA benefits; permitting the use of land at the Springfield, Mo., Confederate Cemetery as part of the VA National Cemetery System; and miscellaneous, largely technical education program amendments. I support the enactment of all of these provisions, which are each addressed in detail in the explanatory statement that Chairman SIMPSON has, as I have noted, included in the RECORD with his statement on this measure.

CONCLUSION

Mr. President, before concluding my remarks, I want to take a moment to express my thanks to those who worked so diligently on this measure—both for their outstanding efforts and for the cooperation and courtesy that was extended to me and the members of the committee's minority staff. I would first thank the distinguished chairman of each committee, Senator SIMPSON and Congressman MONTGOMERY, and the ranking minority member (Mr. HAMMERSCHMIDT) of the House committee, for their many contributions to the development of this measure.

In addition, the excellent work on this measure by staff members of the House committee—Mack Fleming, Arnold Moon, Charlie Peckarsky, Rufus Wilson, and Pat Ryan—as well as the splendid technical assistance of Robert Cover, assistant counsel, Office of the House Legislative Counsel, was invaluable and is deeply appreciated. Finally, I want to make special mention of the very fine work done on this measure by the Senate committee staff members—Julie Susman, Scott Wallace, Brent Goo, Victor Raymond, and Joe Buzhardt—and by Babette Polzer, Bill Brew, Ed Scott, and Jon Steinberg of the minority staff.

With final passage of this compromise agreement at hand, Mr. President, the Congress is once again reaffirming its commitment to those who have served our Nation in uniform and especially to those who, as a result of so serving, now bear the scars of battle.

Mr. President, the compromise agreement now before the Senate is an excellent one, and it has my complete support. I urge my colleagues to approve it unanimously.●

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING SENATE LEGAL COUNSEL TO INTERVENE—SENATE RESOLUTION 344

Mr. BAKER. Mr. President, I have a resolution with respect to the intervention by the Senate Legal Counsel that I offer for myself and the distinguished minority leader, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 344) to direct the Senate Legal Counsel to intervene in the case of Irwin B. Arieff v. U.S. Department of the Navy.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, I have sent to the desk a resolution relating to the authority of the Senate Legal Counsel and ask for its immediate consideration. Because the matter personally affects the Members of this body, I would like to describe the case and the problems which are raised by it.

The Office of the Attending Physician to the Congress provides, on request, personal primary medical care to Members of Congress, Justices of the Supreme Court, former Members and Justices, pages, and senior officials of the Congress and the Court. One service which is provided to patients of the Office has been the filling of prescriptions. The medications for these prescriptions have been obtained from the National Naval Medical Center in Bethesda or are purchased from private pharmaceutical houses.

In January 1981, a reporter made a request under the Freedom of Information Act for the Navy's records of the prescription medications which it has supplied to the Attending Physician. In late 1979, the reporter had

also asked for records of the supply by the Navy to the Attending Physician of prescription medications which are controlled substances. In response to that earlier request, the Clerk of the House of Representatives and the Secretary of the Senate sent a joint letter to the Secretary of the Navy which objected to the disclosure of the supply of those medications. On the basis of the objection of the Clerk and the Secretary, the Navy denied the reporter's requests.

In September 1981, the reporter brought an action under the Freedom of Information Act to compel disclosure of the supply by the Navy of prescription medications to the Attending Physician. The Department of Justice defended against disclosure on the ground that it would invade the privacy of the patients of the Attending Physician. In April 1982, the U.S. District Court for the District of Columbia granted summary judgment in favor of the Navy and dismissed the complaint.

The reporter appealed to the U.S. Court of Appeals for the District of Columbia Circuit. In a decision in July 1983, the court of appeals found error in the failure of the district court to require the disclosure of any segregable portions of the Navy's supply records which would not invade the privacy of patients of the Attending Physician. The appellate court reversed without ordering the disclosure of any documents, and remanded to the district court for further proceedings.

Now that the case is back in the district court, the time for the adjudication of this controversy is at hand. The Department of Justice has been supportive of our concerns for the privacy of the Attending Physician's patients and has pledged to continue its efforts. We are appreciative of all that it has done and will continue to do. However, we have concluded that it is also important for the court to hear directly from representatives of the patients of the Attending Physician. The following resolution, accordingly, directs the Senate Legal Counsel to move to intervene in this action in the names of this Senator and of Senators BYRD, THURMOND, BIDEN, MATHIAS, and FORD to protect the interests of the patients of the Attending Physician. The Senators, in whose names the Counsel will move to intervene, comprise the Joint Leadership Group and are the members with responsibility under the Ethics in Government Act for superintending the litigation concerns of the Senate.

I would like for a moment to state our concerns. Even though the reporter's Freedom of Information Act request does not seek the individual prescriptions of the Attending Physician, the disclosure which is sought remains an intolerable invasion of personal privacy. Information on the cost of providing medications to patients of the Attending Physician is availale to the public. Beyond this, the interest of patients in the absolute confidentiality of medical treatment is paramount. Every patient of the Attending Physician, or of any other physician, is entitled to the expectation that he or she will never have to read, and that the public will not have the occasion to read, about the diverse illnesses which are treated in his or her physician's offices and which may be imputed to them, unless the patient personally and individually chooses to disclose to the public his or her illness and treatment.

It is true that the Congress could resolve this problem by legislation and it may be wise to consider that approach. But we also believe that the Freedom of Information Act was never intended to compel the kind of unwarranted intrusion into personal privacy which this lawsuit seeks. By intervening, we hope to render more secure the expectation of all persons that the Freedom of Information Act will serve its great functions without diminishing their reasonable expectations of medical privacy.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 344) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 344

Whereas, in the case *Irwin B. Arieff* v. *U.S. Department of the Navy*, case No. 81-2406, pending in the United States District Court for the District of Columbia, the plaintiff has asserted a claim under the Freedom of Information Act for records of prescription medications supplied by the Department of the Navy to the Office of the Attending Physician to the Congress;

Whereas the patients of the Office of the Attending Physician have a justifiable expectation in the confidentiality and privacy of records of the supply of these prescription medications to the Office of the Attending Physician to the Congress;

Whereas pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. 288g(c) (1982), the Senate may direct its counsel to perform such duties consistent with title VII of the Ethics in Government Act as the Senate may direct: Now, therefore, be it

Resolved, That the Senate legal counsel is directed to intervene, in the case of *Irwin B. Arieff* v. *U.S. Department of the Navy*, in the name of Senator Howard H. Baker, Jr., Senator Robert C. Byrd, Senator Strom Thurmond, Senator Joseph R. Biden, Jr., Senator Charles McC. Mathias, Jr., and Senator Wendell H. Ford to protect the interests of the patients of the Office of Attending Physician to the Congress in the confidentiality and privacy of the records which are the subject of this action.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE PRODUCTION OF DOCUMENTS—SENATE RESOLUTION 345

Mr. BAKER. Mr. President, I have another resolution dealing with authority for the production of documents by the Senate Permanent Subcommittee on Investigations. I send the resolution to the desk for myself and the distinguished minority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 345) authorizing production of documents by the Senate Permanent Subcommittee on Investigations.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, since 1981, the Permanent Subcommittee on Investigations has been investigating alleged improper practices in the Hotel Employees and Restaurant Employees International Union. In 1982, the Department of Labor requested subcommittee records concerning the union's Honolulu local, and the Senate authorized the subcommittee to provide the records by adopting Senate Resolution 523 on December 17, 1982. Now, the Department of Labor is conducting an investigation of the dental plans and related operations of the union. Secretary Donovan has asked the subcommittee to furnish records of its investigation of these matters.

The enclosed resolution would authorize the chairman and ranking minority member of the subcommittee, acting jointly, to provide the necessary records and related documents. It reserves discretion for the subcommittee to withhold confidential matters.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 345

Whereas the Department of Labor has requested copies of records obtained by the Permanent Subcommittee on Investigations, and of related subcommittee documents, from the subcommittee's investigation of the dental plans and related operations of the Hotel Employees and Restaurant Employees International Union;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the

Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that documents, papers, and records under the control of or in the possession of the Senate are needful for use in any investigation for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, are authorized to produce to the Department of Labor records and related subcommittee documents pertaining to the dental plans and related operations of the Hotel Employees and Restaurant Employees International Union.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. BAKER. Mr. President, I have another resolution also concerning the Senate Legal Counsel. I send the resolution to the desk and ask for its immediate consideration. The resolution is offered for myself and the distinguished minority leader.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 346) to direct the Senate Legal Counsel to represent the Senate parties in the case of *Judd Gregg, et al.* v. *Danford L. Sawyer, Jr., et al.*, Civil Action No. 84-0204.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, three Members of the House of Representatives, a law librarian, a practicing lawyer, and a law student have filed an action in the U.S. District Court for the District of Columbia with respect to the accuracy of the CONGRESSIONAL RECORD. The defendants are the Public Printer; the chairman and vice chairman of the Joint Committee on Printing; Representative HAWKINS and Senator MATHIAS; G. Russell Walker, Editor-in-Chief of Official Reporters of Debates in the Senate; and Geraldine Lyda, Director of the Office of Official Reporters in the House. The resolution directs the Senate Legal Counsel to represent the Senate parties in this litigation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 346) was agreed to as follows:

S. RES. 346

Whereas, in the case *Judd Gregg, et al.* v. *Danford L. Sawyer, et al.*, Case No. 84-0204, pending in the United States District Court for the District of Columbia, the plaintiffs have asserted a claim against Senator Charles McC. Mathias, Jr., individually and in his capacity as Vice Chairman of the Joint Committee on Printing, and against G. Russell Walker, individually and in his capacity as the Editor-in-Chief of Official Reporters of Debates of the United States Senate;

Whereas, pursuant to section 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a), (1982), the Senate may direct its counsel to defend the Members and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Charles McC. Mathias, Jr., and G. Russell Walker in the case of *Judd Gregg, et al.* v. *Danford L. Sawyer, et al.*

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC WORKS IMPROVEMENT ACT

Mr. BAKER. Mr. President, I next ask the minority leader if he is prepared to consider S. 1330 at this time.

Mr. BYRD. Yes, Mr. President.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 634, S. 1330.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 1330) to authorize the United States Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert:

That this Act shall be cited as the "Public Works Improvement Act of 1983".

TITLE I—NATIONAL COUNCIL

SEC. 101. (a) There is established a National Council on Public Works Improvement to be composed of:

(1) the Secretary of the Army, who shall be Chairman;

(2) the Secretary of Agriculture;

(3) the Secretary of Housing and Urban Development;

(4) the Secretary of Transportation;

(5) the Administrator of the Environmental Protection Agency;

(6) the Chairman of the National Governors Association;

(7) the President of the National Conference of State Legislatures;

(8) the President of the National Association of Counties;

(9) the President of the National Association of Regional Councils;

(10) the President of the National League of Cities;

(11) the President of the United States Conference of Mayors; and

(12) four individuals, appointed by the President, from among persons and organizations knowledgeable and experienced in public administration, planning, architecture, civil engineering, or public investment financing.

(b) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) Ten members of the Council shall constitute a quorum for the transaction of business, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

SEC. 102. (a) Upon the request of the Chairman of the Council, Federal agencies shall detail a total of not more than thirty full-time employees of the Federal Government or their equivalent to work for the Council, and such agencies shall be reimbursed by the Council for the salaries of such employees.

(b) The Secretary of the Army, acting through the Chief of Engineers (hereinafter in this title referred to as the "Secretary"), shall assign a staff director to the Council, and shall also provide office space, supplies, equipment and other support services to the Council and its staff, such services to be reimbursable.

(c) The heads of all Federal agencies shall cooperate with the Council to the maximum extent practicable, and shall provide, on a timely basis, such information as the Council may request.

(d) The Council shall convene its first meeting no later than sixty days following enactment of this Act, whether or not by such time the members of the Council described in section 101(12) shall have been appointed by the President, and the Council shall be fully empowered to carry out its responsibility under this Act notwithstanding any delay in the appointment of the nongovernmental members.

(e) The Council or any member authorized by the Council may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Council or such member may deem advisable. Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council before such member.

(f)(1) From funds otherwise appropriated to the Secretary for the purposes of civil works, the Secretary is directed to transfer to the Council up to $500,000 in the fiscal year ending September 30, 1984.

(2) There is authorized to be appropriated to the Council the sum of $3,500,000 in each of the fiscal years ending September 30,

1985, and September 30, 1986, such sums to remain available until expended.

SEC. 103. (a) By September 30, 1985, the Council shall transmit to the Congress and the President a report containing an analysis of existing public works improvements by region, State, and major metropolitan areas of the United States and by type of facility. For the purposes of this subsection, the Council shall use existing data and sampling techniques to the maximum extent feasible, and shall include, but not be limited to, an analysis of the following—

(1) the age and condition of the facilities and trends in their conditions;

(2) means used to finance the construction, rehabilitation, and maintenance of facilities, including, but not limited to, general obligation and revenue bonds, use fees, excise taxes, direct governmental assistance (including Federal assistance), and private investment;

(3) trends in public expenditures and other means of financing facilities, including use fees; and

(4) the capacity of public works improvements to sustain current and anticipated economic development.

(b) By September 30, 1985, the Council shall develop and publish criteria and information on techniques for establishing inventories of existing and needed public works investments that will be consistent among Federal agencies, the several States, and units of local government.

SEC. 104. By September 30, 1986, the Council shall recommend specific revisions in Federal laws, regulations, and policies and further recommend alterations in the current responsibilities of Federal, State, and local governments that may be necessary to reverse the pattern of disinvestment in public works improvements; to eliminate duplication, waste, and delay; to encourage consideration of the lowest life-cycle costs in developing and maintaining such improvements; to reverse disincentives for rehabilitation of such improvements; and to correct regional imbalances. The Council shall include analyses and recommendations in accordance with the purposes of this Act concerning the need for and desirability of—

(a) changes in the imposition or allocation of excise taxes, use fees, other sources of public revenue, and borrowing authorities;

(b) statutory or regulatory revisions including changes, increases, or decreases in monetary allocations in existing grants-in-aid, direct construction, or subsidy programs;

(c) changes to increase the flexibility and cost-effectiveness of existing Federal public works improvements programs by redefining the scope of such programs, removing disincentives to maintenance, and streamlining administrative procedures;

(d) new block grant programs together with proposals for allocating such grants for the purpose of assisting State banks or revolving funds or for other purposes; and

(e) Federal assistance for research to improve the cost-effectiveness of construction, rehabilitation, and maintenance of public works improvements.

SEC. 105. (a) For the purpose of this Act, the term—

(1) "construction" means the design and erection of a new structure, including its initial equipment and acquisition of land for such project, and the reconstruction of a project at an existing site or adjacent to an existing site;

(2) "rehabilitation" means the correction of deficiencies in a facility or the modernization of equipment so as to extend the useful life or improve the effectiveness of such facility; and

(3) "maintenance" means regularly scheduled activities, including routine repairs, intended to keep a facility operating efficiently.

(b) For the purposes of this title, "public works improvements" means facilities owned or operated by the Federal Government, a State, local unit of government, or other public agency or authority organized pursuant to State or local law, including, but not limited to, highways, streets, and bridges, mass transit, resource recovery facilities, rail transportation, airports, water supply and distribution systems, sewers, dams, public buildings, docks and ports, waterways, and parks.

TITLE II—IDENTIFICATION OF CAPITAL INVESTMENTS

SEC. 201. Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"e. (1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public capital investment program and that shall contain summaries of the total amount of such appropriations or new obligational authority and outlays. In addition, the analysis under this paragraph shall contain—

"(A) an estimate of the current service levels of public capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

"(B) the most recent assessment analysis and summary, in a standard format, of capital investment needs in each major program area over a period of ten years;

"(C) an identification and analysis of the principal policy issues that affect estimated capital investment needs for each major program; and

"(D) an identification and analysis of factors that affect estimated capital investment needs for each major program, including but not limited to the following factors:

"(i) economic assumptions;

"(ii) engineering standards;

"(iii) estimates of spending for operation and maintenance;

"(iv) estimates of expenditures for similar investments by State and local governments; and

"(v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data is available.

"(2) For purposes of this section, any appropriation, new obligational authority, or outlay shall be classified as a public capital investment to the extent that such appropriation, authority, or outlay will be used for the construction or rehabilitation of any—

"(A) highway, street, or bridge,

"(B) airport or airway facility,

"(C) mass transit system,

"(D) rail transportation facility,

"(E) wastewater collection, treatment, or related facility,

"(F) water supply or distribution facility,

"(G) water resource project,

"(H) resource recovery facility,

"(I) dam,

"(J) waterway or port,

"(K) federally assisted housing,

"(L) Veterans' Administration hospital, or

"(M) other major Federal building or facility.".

AMENDMENT NO. 2709

(Purpose: To correct the date in the short title of the bill)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Vermont (Mr. STAFFORD).

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. Stafford, proposes an amendment numbered 2709.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 20, delete "1983" and insert in lieu thereof "1984".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2709) was agreed to.

The PRESIDING OFFICER. Without objection, the committee amendment, as amended, is agreed to.

Mr. STAFFORD. Mr. President, I urge that the Senate pass S. 1330, the Public Works Improvement Act.

This bill represents an important step forward by the Committee on Environment and Public Works to improve this Nation's infrastructure. The bill requires the development of information on the Nation's capital investment in order to help the Congress and the President determine more appropriate ways to improve our highways, waterways, airports, parks, public buildings, and other public capital investments.

The bill accomplishes this purpose by establishing a National Council on Public Works Improvement to consolidate information on the condition of the Nation's infrastructure, then recommend appropriate Federal action.

In addition, S. 1330 requires the executive branch to improve its identification and analysis of capital spending programs as a part of the President's budget.

Mr. President, the Committee on Environment and Public Works began hearings on the broad issue of our Nation's infrastructure 1 year ago. There was a recognition at that time that the Nation's existing infrastructure systems were deteriorating and inad-

equate to accommodate future economic and population growth.

Seven days of hearings were held during the first session of this Congress. A variety of public and private witnesses testified, including mayors, Governors, corporate executives, and other experts on public capital investments. Although all these witnesses agreed that a severe problem existed, recommendations diverged.

During these hearings, our committee considered a variety of bills that addressed the challenge in different ways. Elements of some of these bills are incorporated in S. 1330. Proposals for more extensive programs, such as economic development grants or grant programs to assist States in setting up infrastructure banks, were also considered.

The committee, however, wishes to ensure that a Federal infrastructure program of whatever form will not merely substitute for existing programs but will encourage increased capital investments, improve the capital planning process, encourage prudent maintenance, and eliminate the need for perpetual Federal support.

At the time S. 1330 was reported, a commitment to a large new Federal infrastructure grant program appeared premature. Yet the committee will continue to explore Federal program options during this session of the 98th Congress. S. 2151, the Public Capital Investment Act of 1984, which I introduced at the end of the last session, would provide grants to the States to help establish State-operated capital investment funds.

The committee will continue to review this and other proposals for new programs and modifications referred to the committee during this session. When the committee determines that further action is required to address the infrastructure problem, additional legislation will be reported.

The committee-reported version of S. 1330 focuses on developing new information and consolidating existing data on public capital investments through two separate means.

First, the bill establishes a National Council on Public Works Improvement to analyze the condition of existing public works facilities and recommend appropriate Federal actions.

Title I of S. 1330 creates a 15-member National Council on Public Works Improvement. The Council will be composed of the heads of the five major agencies that administer Federal public works programs, the leaders of the major public interest representing other levels of government, and individuals who are expert in issues the Council will examine.

The Council is required to develop uniform criteria and methodologies for conducting public works inventories and provide an assessment of the condition of existing public works improvements to the President and the Congress by the end of fiscal year 1985.

The Council is also required to make recommendations for changes in existing Federal laws, regulations, and policies, and for alterations in the allocation of responsibilities among Federal, State, and local governments to improve the condition and capacity of the Nation's infrastructure by the end of fiscal year 1986.

Second, in title II, the bill mandates the development of information on public capital expenditures to be included in the President's annual budget. The Council's reports, as well as the information provided in the budget, should help our committee as well as others in Congress identify changes needed to improve the Federal Government's ability to finance and manage its substantial investment in public capital facilities.

As a result of this bill, both the quality of information and the level of detail on which expenditures are justified in the budget request should be improved. The reporting requirements specified in S. 1330 shall be contained in the budget transmitted next year and thereafter. For example, the President is required to submit multiyear spending projections for each major capital investment program, and specifically review the major policy issues affecting infrastructure programs addressed in the budget.

This bill does not change the basic budgeting procedures of the Federal Government or the congressional budget process. It does not establish a separate capital budget. It does not provide for separation of capital expenditures from operating costs.

Rather, it implements an alternative examined by the General Accounting Office in its own investigation of budgeting procedures and reviewed by the committee. This involves reformulation of the special analysis accompanying the annual budget submission. This change will expand the information available to the Congress on public facilities and improve our ability to make informed decisions on a long-term capital program that will truly meet the Nation's needs.

I believe that this legislation is a necessary first step toward improving the Federal Government's ability to finance and manage its substantial investment in public capital facilities.

Mr. President, I urge that other Senators join me in voting for the adoption of this bill.

Mr. DOMENICI. Mr. President, I rise to express my support for S. 1330, the Public Works Improvement Act of 1983. This legislation is the product of extensive hearings and review by the Environment and Public Works Committee over the last year.

I consider this legislation to be an important first step in addressing the serious problem of our Nation's declining infrastructure. In the past two decades, as we have struggled to reduce Federal deficits, we have also reduced the share of Federal expenditures for nondefense capital investments. In 1960, 5.7 percent of all Federal outlays were directed toward nondefense physical capital investments; this percentage declined to 4.9 percent in 1970, and in the past fiscal year, declined even further to 3.6 percent.

As the Federal contribution for capital investments has declined, the condition of our infrastructure has deteriorated. Our estimated infrastructure needs through the remainder of this decade now far exceed available public resources.

S. 1330 begins to address this problem by putting in place a national commission to examine this serious situation and to make recommendations to the Congress on the best ways to stretch limited Federal funds to get the most for our money. The commission is composed of 15 members who have particular expertise in the area of public works investments. Specifically, its membership is charged with the responsibility of assessing the public works needs of this country, reviewing existing Federal programs that provide public works assistance, and recommending necessary statutory changes to more adequately address the problem.

Title II of S. 1330 requires the President to submit a more detailed identification of public works investments that are contained in the yearly budget in order to provide information on annual Federal expenditures for infrastructure. This is not an amendment to change the budget process, but is a requirement which will insure that Congress will receive adequate information on what level of Federal assistance is being provided each year for capital improvements.

Mr. President, I am pleased that this important legislation is receiving the support of the full Senate and that I was a part of the formulation of this critical legislation.

Mr. DURENBERGER. Mr. President, I am pleased that the Senate is considering today S. 1330, the Public Works Improvement Act. This bill requires the development of specific information on the Nation's capital investment needs in order to assist the Congress in evaluating the condition of the Nation's public infrastructure. The bill accomplishes this purpose by two means.

First, the bill requires improved identification and analysis of capital spending programs in the President's budget. The provisions in the bill mandating this improvement are similar to those contained in S. 1432—the Federal Capital Investment Program Information Act of 1983 which I introduced

last June. The bill also establishes a National Council on Public Works Improvement to consolidate existing information on the condition of the Nation's infrastructure and recommend appropriate Federal responses.

During the last session, the Committee on Environment and Public Works held several hearings on the condition of public capital investments. A variety of public and private witnesses testified, including mayors, Governors, corporate executives, and other experts on public capital investments. All these witnesses agreed that the condition of the Nation's public capital systems was not adequate to support future economic growth.

The committee also found that much of the data compiled on the condition of the Nation's public civil works and the Nation's needs were dramatic, but anecdotal and often conflicting. For instance, a survey of over 800 municipalities carried out by the National League of Cities and U.S. Conference of Mayors in 1982-83 produced valuable findings, including data on the priorities cities set on various public works facilities, and on regional differentials in priorities and abilities to finance repair and replacement. However, it was not comprehensive. It did not cover special districts—such as public water authorities—nor did it seek information on the need for expansion of existing facilities. The authors of the survey themselves concluded that "considerable further research needed to be done."

In addition, we do not even know much about the status of Federal capital spending. Special analysis D of the fiscal year 1985 administration budget "Investment, Operating, and Other Federal Outlays," provides some information about Federal spending for physical structures. However, it does not cover all Federal investment-type spending. In addition, this spending is simply categorized as defense or nondefense spending.

The lack of information on Federal spending definitely hampers Federal capital planning. It effectively prevents systematic analysis of the optimum use of Federal capital resources because of the unavailability of comparative figures. While the Government's capital planning processes may be integrated into agency budget planning processes, Government-wide planning is not really done.

Consequently, this bill is designed to improve the budgetary information on the Nation's public capital programs available to the Congress and State and local governments. It requires the administration to expand the information on public capital investments transmitted with its budget. The administration is required to submit multiyear spending projections for each major capital investment program, and specifically review the major policy issues affecting these programs in the annual budget. The reporting requirements specified in S. 1330 are to be instituted in the budget transmitted after January 1, 1985; in other words, for fiscal year 1986.

As a result of this bill, both the quality of information and the level of detail on which expenditures are presented in the President's annual budget request will be improved.

I assure my colleagues that this bill does not change the budgeting procedure of the Federal Government or change the congressional budget process. It does not establish a separate capital budget, or provide for separation of capital expenditures from operating costs. Rather, reformulation of the special analysis accompanying the annual budget submission will expand the information available to the Congress on public facilities and improve our ability to make informed decisions on a long-term capital program that will truly meet the Nation's needs.

I believe that this legislation is a necessary first step toward improving the Federal Government's ability to finance and manage its substantial investment in public capital facilities. I urge other Senators to join me in voting for the adoption of this bill.

Mr. RANDOLPH. Mr. President, the Committee on Environment and Public Works after much deliberation has reported to the Senate S. 1330, a bill dealing with the infrastructure and capital budgeting problems of this Nation. In recent years it has become abundantly clear that many communities in this country have infrastructure problems. Those items which have traditionally been referred to as the public works of our communities, both large and small, have been ignored when it comes to maintenance and rehabilitation.

The cities and towns have focused on spending available resources to match Federal funds for new construction, since most Federal assistance was directed in this manner.

Mr. President, estimates of the infrastructure problem today run into the several hundreds of billions of dollars. Items which need rehabilitation include streets, roads, waterlines, sewers, public buildings, and many other items. The committee, after looking at this need in light of all the budgetary problems facing this Nation, could not agree on a grant program to address this problem. No specific funding source appears to be available from which we could move at this time.

The committee, therefore, felt that it was more appropriate to establish a commission to examine the needs carefully and to recommend funding amounts and sources for this much needed activity.

Another important element in this legislation is the requirement for an informational-type capital budget to be submitted with the President's budget. One of the real shortcomings which the current Federal budget has is its lack of a capital budget as contained in most State budgets. While it is not possible at this time to require that a capital budget be included in the President's annual budget submission, we do believe that it is necessary to have this type of information brought together in the budget.

Mr. President, S. 1330, while not going as far as I would like, certainly begins to focus needed attention on our critical public works decline. I support this legislation and urge its passage.

Mr. MOYNIHAN. Mr. President, today, for the first time, the Senate considers legislation to address the problem of the Nation's deteriorating public works. I believe this legislation is noncontroversial, but no less important for it. It is timely; indeed, it is long past time that we begin to fashion a solution to the problem.

The bill before us bears marked resemblance to legislation I first proposed in September 1982. That earlier bill, the Rebuilding of America Act, proposed establishment of a commission to assess the condition of our public works and recommend a rational, well-planned recovery program. It also called for an experimental Federal capital budget analysis. Last year, in concert with Senator DODD, I reintroduced the bill incorporating his initiative to require preparation of a capital investment schedule within the unified Federal budget.

The bill we take up today, S. 1330, the Public Works Improvement Act of 1984, is a refinement of those earlier proposals. It takes into account testimony that we heard over the past year in the Environment and Public Works Committee. It represents the sensible approach of our distinguished chairman, the Senator from Vermont, Mr. STAFFORD, and our beloved ranking minority member and chairman emeritus, Mr. RANDOLPH, and of nearly all the members of our committee to a problem that has sometimes been cast in—may I say—overly dramatic terms.

We found out, during the course of our hearings last year, that the problem we face is manageable. Not inconsequential by any means, but not cataclysmic, either.

The Congressional Budget Office, in April of last year, estimated the overall requirement for critical public works spending between now and 1990 at somewhat less than $500 billion. The Federal share would be somewhat more than half of that. CBO calculates that, within existing program structures, the Federal Government would have to spend but an additional $4 billion a year to meet its share of the expenditure.

The editors of a National League of Cities-U.S. Conference of Mayors survey, after reviewing the cities' own estimates of their infrastructure problems, concluded that "a steady but manageable investment over a number of years could and would enable communities to start work on the capital assets ranked as highest priorities."

Encouraging as all this is, we still do not have the information we need to be confident of devising infrastructure programs that will be effective. For example, the CBO study points out that we may need to revise the focus of Federal assistance, a point that has been made in previous studies. To repeat only the most often stated point, Federal public works assistance for some time has favored new construction to the exclusion and detriment of maintenance of existing structures.

The league-conference survey admits to a critical flaw: The great majority of cities seem not to have regular, formal quality assessment and inventory procedures for their public capital facilities. Moreover, the survey concludes that "cities vary greatly in their ability to finance infrastructure needs, and have varying needs for Federal and State assistance."

Financing is central, of course. A grab bag of public, private, and public-private financing schemes have been proposed. Some may cause as many problems as they solve. The sale-leaseback arrangements to which cities are increasingly turning in their hunger for cash to pay for infrastructure repairs are, in the views of some in the Congress and the Treasury, eroding the Federal income tax base. There is a question, too, of diverting private capital from industrial to public works investment.

It is a fact, too, that different kinds of public works receive greatly varying degrees of Federal assistance. The CBO estimates current annual levels of Federal spending in seven different categories—six if one lumps together two having to do with air transportation. The category "municipal water supply" is the smallest of the six though it may need the most help.

Building the Nation's public works was one of the first tasks our National Government undertook. Somehow we lost our way. To a point, I might mention, that the Army Corps of Engineers, which in large measure built our transportation network in the early 19th century, is now overseeing more civil construction in Saudi Arabia than in the United States.

We have not yet seen our way clear to regaining our direction in these matters. But I am certain that passage of this legislation will result in our agreeing on a return to this most central of national purposes.

I believe that passage of this legislation will enable us to renew our national consensus on public works.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Public Works Improvement Act of 1984".

TITLE I—NATIONAL COUNCIL

SEC. 101. (a) There is established a National Council on Public Works Improvement to be composed of:

(1) the Secretary of the Army, who shall be Chairman;

(2) the Secretary of Agriculture;

(3) the Secretary of Housing and Urban Development;

(4) the Secretary of Transportation;

(5) the Administrator of the Environmental Protection Agency;

(6) the Chairman of the National Governors Association;

(7) the President of the National Conference of State Legislatures;

(8) the President of the National Association of Counties;

(9) the President of the National Association of Regional Councils;

(10) the President of the National League of Cities;

(11) the President of the United States Conference of Mayors; and

(12) four individuals, appointed by the President, from among persons and organizations knowledgeable and experienced in public administration, planning, architecture, civil engineering, or public investment financing.

(b) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) Ten members of the Council shall constitute a quorum for the transaction of business, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

SEC. 102. (a) Upon the request of the Chairman of the Council, Federal agencies shall detail a total of not more than thirty full-time employees of the Federal Government or their equivalent to work for the Council, and such agencies shall be reimbursed by the Council for the salaries of such employees.

(b) The Secretary of the Army, acting through the Chief of Engineers (hereinafter in this title referred to as the "Secretary"), shall assign a staff director to the Council, and shall also provide office space, supplies, equipment, and other support services to the Council and its staff, such services to be reimbursable.

(c) The heads of all Federal agencies shall cooperate with the Council to the maximum extent practicable, and shall provide, on a timely basis, such information as the Council may request.

(d) The Council shall convene its first meeting no later than sixty days following enactment of this Act, whether or not by such time the members of the Council described in section 101(12) shall have been appointed by the President, and the Council shall be fully empowered to carry out its responsibilities under this Act notwithstanding any delay in the appointment of the nongovernmental members.

(e) The Council or any member authorized by the Council may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Council or such member may deem advisable. Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council or before such member.

(f)(1) From funds otherwise appropriated to the Secretary for the purposes of civil works, the Secretary is directed to transfer to the Council up to $500,000 in the fiscal year ending September 30, 1984.

(2) There is authorized to be appropriated to the Council the sum of $3,500,000 in each of the fiscal years ending September 30, 1985, and September 30, 1986, such sums to remain available until expended.

SEC. 103. (a) By September 30, 1985, the Council shall transmit to the Congress and the President a report containing an analysis of existing public works improvements by region, State, and major metropolitan areas of the United States and by type of facility. For the purposes of this subsection, the Council shall use existing data and sampling techniques to the maximum extent feasible, and shall include, but not be limited to, an analysis of the following—

(1) the age and condition of the facilities and trends in their conditions;

(2) means used to finance the construction, rehabilitation, and maintenance of facilities, including, but not limited, to general obligation and revenue bonds, use fees, excise taxes, direct governmental assistance (including Federal assistance), and private investment;

(3) trends in public expenditures and other means of financing facilities, including use fees; and

(4) the capacity of public works improvements to sustain current and anticipated economic development.

(b) By September 30, 1985, the Council shall develop and publish criteria and information on techniques for establishing inventories of existing and needed public works investments that will be consistent among Federal agencies, the several States, and units of local government.

SEC. 104. By September 30, 1986, the Council shall recommend specific revisions in Federal laws, regulations, and policies and further recommend alterations in the current responsibilities of Federal, State, and local governments that may be necessary to reverse the pattern of disinvestment in public works improvements; to eliminate duplication, waste, and delay; to encourage consideration of the lowest life-cycle costs in developing and maintaining such improvements; to reverse disincentives for rehabilitation of such improvements, and to correct regional imbalances. The Council shall include analyses and recommendations in accordance with the purposes of this Act concerning the need for and desirability of—

(a) changes in the imposition or allocation of excise taxes, use fees, other sources of public revenue, and borrowing authorities;

(b) statutory or regulatory revisions including changes, increases, or decreases in monetary allocations in existing grants-in-aid, direct construction, or subsidy programs;

(c) changes to increase the flexibility and cost-effectiveness of existing Federal public works improvements programs by redefining the scope of such programs, removing disincentives to maintenance, and streamlining administrative procedures;

(d) new block grant programs together with proposals for allocating such grants for the purpose of assisting State banks or revolving funds or for other purposes; and

(e) Federal assistance for research to improve the cost-effectiveness of construction, rehabilitation, and maintenance of public works improvements.

SEC. 105. (a) For the purpose of this Act, the term—

(1) "construction" means the design and erection of a new structure, including its initial equipment and acquisition of land for such project, and the reconstruction of a project at an existing site or adjacent to an existing site;

(2) "rehabilitation" means the correction of deficiencies in a facility or the modernization of equipment so as to extend the useful life or improve the effectiveness of such facility; and

(3) "maintenance" means regularly scheduled activities, including routine repairs, intended to keep a facility operating efficiently.

(b) For the purpose of this title, "public works improvements" means facilities owned or operated by the Federal Government, a State, local unit of government, or other public agency or authority organized pursuant to State or local law, including, but not limited to, highways, streets, and bridges, mass transit, resource recovery facilities, rail transportation, airports, water supply and distribution systems, sewers, dams, public buildings, docks and ports, waterways, and parks.

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"e. (1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public capital investment program and that shall contain summaries of the total amount of such appropriations or new obligational authority and outlays. In addition, the analysis under this paragraph shall contain—

"(A) an estimate of the current service levels of public capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

"(B) the most recent assessment analysis and summary, in a standard format, of capital investment needs in each major program area over a period of ten years;

"(C) an identification and analysis of the principal policy issues that affect estimated capital investment needs for each major program; and

"(D) an identification and analysis of factors that affect estimated capital investment needs for each major program, including but not limited to the following factors:

"(i) economic assumptions;

"(ii) engineering standards;

"(iii) estimates of spending for operation and maintenance;

"(iv) estimates of expenditures for similar investments by State and local governments; and

"(v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data is available.

"(2) For purposes of this section, any appropriation, new obligational authority, or outlay shall be classified as a public capital investment to the extent that such appropriation, authority, or outlay will be used for the construction or rehabilitation of any—

"(A) highway, street, or bridge,

"(B) airport or airway facility,

"(C) mass transit system,

"(D) rail transportation facility,

"(E) wastewater collection, treatment, or related facility,

"(F) water supply or distribution facility,

"(G) water resource project,

"(H) resource recovery facility,

"(I) dam,

"(J) waterway or port,

"(K) federally assisted housing,

"(L) Veterans' Administration hospital, or

"(M) other major Federal building or facility.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT OF 1983—VITIATION OF ACTION

Mr. BAKER. Next, Mr. President, I am advised that final passage and third reading of S. 2040 has been had, and it is the desire of sponsors of that measure that third reading and passage of that measure be vitiated.

Could I inquire of the minority leader if there is objection to that?

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate turn to consideration of S. 2040, the secondary mortgage market bill, and that passage and third reading of that measure be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2710

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished chairman of the Senate Committee on Banking, Mr. GARN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. GARN, proposes an amendment numbered 2710.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert the following new sections after Section 101:

SEC. 101A. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding the following new paragraph at the end thereof:

"(41) The term 'mortgage related payment security' means a security that is rated in one of the four highest rating categories by at least one nationally recognized rating organization and either:

"(i) represents ownership of one or more promissory notes or certificates of interest or participations in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under, such notes, certificates, or participations), which notes:

"(A) are directly secured by a first lien or a second lien on a single parcel of real estate, including stock allocated to a dwelling unit in a residential cooperative housing corporation, upon which is located a dwelling or other residential or commercial structure, or on a manufactured home, as defined in Section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used as a residence; and

"(B) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution which is supervised and examined by a Federal or State authority, or by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to Sections 203 and 211 of the National Housing Act; or

"(ii) is secured by one or more promissory notes or certificates of interest or participations in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, on notes meeting the requirements of subparagraphs (i) (A) and (B) or certificates of interest or participations in promissory notes meeting such requirements.".

SEC. 101B. Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding the following new subsection at the end thereof:

"(g) Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no member of a national securities exchange or broker or dealer shall be deemed to have extended or maintained credit or arranged for the extension or maintenance of credit for the purpose of purchasing a security, within the meaning of this section, by reason of a bona fide agreement for delayed delivery of a mortgage payment related security against full payment of the purchase price

thereof upon such delivery within 180 days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

SEC. 101C. Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) is amended by adding the following new sentence at the end thereof: "Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no person shall be deemed to have borrowed within the ordinary course of business, within the meaning of this subsection, by reason of a bona fide agreement for delayed delivery of a mortgage related payment security against full payment of the purchase price thereof upon such delivery within 180 days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

SEC. 101D. Section 11(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(d)(1)) is amended by—

(a) inserting "(i)" between "of" and "any"; and

(b) inserting the following immediately after "thirty-five days after such purchase": "or (ii) any mortgage related payment security against full payment of the entire purchase price thereof upon such delivery within 180 days after such purchase, or within such shorter period as the Commission may prescribe by rule or regulation".

● Mr. GARN. Mr. President, in the last days of the first session, we acted on S. 2040, the Secondary Mortgage Market Enhancement Act of 1983. However, due to the hectic floor activity, the Senate passed S. 2040 without the successful attachment of an important amendment. Sponsored by Senators GARN, TOWER, PROXMIRE, and RIEGLE, this amendment relating to margin requirements, was not drafted in time for inclusion at our October markup in the Banking Committee. The language was drafted with assistance from and approved by both the Securities and Exchange Commission and the Federal Reserve Board. The intent of the committee to act on this amendment was included in our report filed with S. 2040.

Thus, Senators TOWER, PROXMIRE, RIEGLE, and I wish the Senate to turn its attention to this amendment and act on it favorably.

Mr. President, the proposed amendments of sections 7, 8, and 11(d) do not in any way lessen the obligation of self-regulatory organizations to insure that their rules, including their margin rules, adequately address forward trading by their members in mortgage-related securities. Indeed, the committee expects that the Securities and Exchange Commission will exercise its regulatory authority over self-regulatory organizations to insure that those organizations maintain margin rules for private mortgage-related securities that will adequately cover adverse price movements and serve to protect individual investors.

The committee also wishes to emphasize that the Commission retains authority to establish minimum net capital requirements that reflect a broker-dealer's exposure in the forward trading market. The committee expects that the Commission will exercise this authority to prevent repetition of problems that are considered to have arisen in the early market for GNMA securities.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2710) was agreed to.

● Mr. GARN. Mr. President, in addition to the inclusion of the aforementioned amendment, Senator TOWER has requested that I clarify some report language in the committee report that accompanied S. 2040. The Securities and Exchange Commission, after careful review of the report, has concluded that a statement in the report is in error. On page 5 of the committee report 98-293 under the section, transactional regulation exemptions, the following sentence should be corrected to reflect the new language below:

The current language reads:

It should be noted, however, that any resales of such securities must be made pursuant to another exemption from registration, such as that provided by section 4(1) of the Securities Act in order to avoid the necessity for registration of the resale transaction.

The new language should read:

It should be noted, however, that any resales of such securities must separately qualify for an exemption from registration. Section 4(5), of course, could be relied upon for resale transactions that met its requirements.

Mr. President, on behalf of Senators TOWER, PROXMIRE, and RIEGLE, I thank the Senate for their indulgence in this matter.●

● Mr. TOWER. Mr. President, I thank my colleagues for prompt legislative action in the secondary mortgage market. Truly, it is an essential element of housing finance.

I was encouraged by the introduction of companion legislation, H.R. 4557, in the House, by the distinguished chairman of the House Banking Committee, Mr. ST GERMAIN. The leadership on the encouragement of the private sector's increased participation in the mortgage capital markets by the distinguished gentleman from Rhode Island, my friend from Texas, Mr. BARTLETT, and his colleagues is to be applauded. It is my understanding that hearings were scheduled for February 1, 1984, in the House Banking Committee's Subcommittee on Housing. Also, Mr. President, it is my understanding that H.R. 4557 has been referred to the House Energy and Commerce Committee and its Subcommittee on Telecommunications, Consumer Protection, and Finance.

With the need for mortgage capital projected to increase by approximately $200 billion per year over the next 10 years, it is critical, in my view, that this market have greater private sector participation. The private sector, together with the existing Government agencies of Ginnie Mae, Fannie Mae, and Freddie Mac, will work to provide the capital necessary for affordable housing.●

● Mr. PROXMIRE. Mr. President, I want to join the chairman of the Banking and Housing Committee in urging the Senate to approve S. 2040, the Secretary Mortgage Market Enhancement Act of 1983.

Recent hearings conducted by the committee clearly demonstrated that changes in the Nation's financial markets require us now to update and reform some of our banking, securities, and tax laws—if we are to assure American homebuyers an adequate supply of mortgage credit in the years immediately ahead.

Leaders of both our housing and housing finance industries testified that there is an urgent need to:

First, expand the secondary mortgage market, since this is where most of the money to finance home mortgages comes from today.

Second, expand private sector involvement in the secondary market, since private enterprise can help raise capital for housing, but has been discouraged by dominating institutions which have Government connections.

Third, expand use of mortgage-backed securities by encouraging private sector issues, since such securities are considered today to be the best means for attracting investment in housing.

S. 2040 is designed to achieve these objectives. It eliminates outdated rules which restrict mortgage-backed securities and other securities used in the housing market. It eliminates unnecessary rules which inhibit many investors, particularly the large institutional investors, from putting money into housing.

S. 2040 also encourages private enterprise in the secondary markets by making clear, through changes in the laws governing securities and banking, that it is welcome. The bill sends a clear message to Wall Street that the secondary mortgage market is open for competition. And, in the committee's view, more competition in the secondary mortgage market means more mortgage credit at lower cost to the home buyer.

Mr. President, S. 2040 was overwhelmingly approved by the Banking Committee. It is supported by all segments of the housing industry. I have not been informed of any real opposition. I, therefore, strongly recommend

that Members of the Senate act promptly to pass S. 2040, the Secondary Mortgage Market Enhancement Act of 1983.●

● Mr. RIEGLE. Mr. President, I believe enactment of this bill is a valuable step which will help insure that an adequate supply of funds is provided for home mortgages while our country's housing finance industry is undergoing historic changes.

In my judgment, S. 2040, as reported by the Banking Committee, satisfies four important criteria that I have applied during consideration of his legislation.

First, it encourages private firms to enter the secondary mortgage market as issuers of mortgage-backed securities. I strongly support that objective. In the years ahead, an expanded and assured flow of funds must be attracted into mortgage lending from nontraditional sources. Leading housing analysts suggest that mortgage-backed securities will have to supply over 75 percent of all housing credit by 1990. Since American home buyers will benefit by having the secondary mortgage market as broad and deep as possible, Congress should do what is necessary to increase the number of firms in the market.

Second, the bill maintains the ability of Ginny Mae, Fannie Mae, and Freddie Mac to provide funds for home mortgages and to respond to changes in the market. These organizations form the foundation of our country's housing finance system. Witnesses from all sectors of the housing industry testified that these three institutions are making vital and innovative contributions to the Nation's housing in a very difficult time. Any effort to weaken these basic housing institutions would be irresponsible, particularly now that the demand for housing has finally begun to rebound from disastrously low levels.

Expert witnesses, who testified before the Banking Committee, agree that private companies will be unable to issue mortgage-related securities in the volume needed to produce an active and sufficient secondary market for at least another 5 to 10 years. In the meantime, we must be sure that the existing mortgage system remains vigorous.

I am encouraged by testimony indicating that private firms not only want to enter this market under today's conditions but also intend to remain as active participants through all periods of the business cycle. However, the Nation's housing finance system is far too complex and dynamic for anyone to forecast with certainty how changes would affect the system's performance under different economic conditions. Congress should encourage the entry of private firms, but we will have to observe how they perform throughout a business cycle. Since a reliable supply of mortgage funds is so important to home buyers and many sectors of the American economy, public policy in this area should be made only with great care.

I point out, in particular, that this bill rejects the radical suggestions of some members of the administration who want to quickly terminate or greatly reduce the Federal Government's role in housing finance.

Third, the bill amends existing law to help insure that housing finance is available at reasonable rates for modestly priced homes in all parts of the country. I am pleased that the committee added two amendments to help many Americans afford decent housing. The first amendment authorizes Fannie Mae and Freddie Mac to purchase second mortgages that are used to purchase or refinance a home. This would help bring interest costs down to affordable levels for many middle income families. The second amendment increases the mortgage limits for multifamily projects in high-cost areas. The current limits have proven to be unreasonably low in many areas and therefore have prevented many needed rental units from being built.

Fourth, the bill specifically includes certain safeguards to protect the interests of individual investors. This legislation exempts certain mortgage-backed securities from Federal or State securities laws. I reluctantly agreed to these exemptions, because I believe a compelling case was made for amending the laws that relate to mortgage-backed securities. In addition, I believe the committee limited these exemptions so that individual investors would not be exposed to undue risks. I will continue to watch this issue carefully, however, and will ask for oversight hearings after the legislation is enacted.

Mr. President, I had hoped that this bill in its entirety could have been included in this year's comprehensive housing authorization legislation. However, that does not now seem possible because the parliamentary situation for title I is rather complicated in the House of Representatives. I still believe that the appropriate course of action would be to include provisions of title II in a comprehensive housing bill that could be enacted during this session of Congress. I believe that the need for an adequate supply of mortgage credit in all parts of the country requires that Congress enact as much of S. 2040 as possible this year.

Mr. President, I believe that the Secondary Mortgage Market Enhancement Act of 1983 is prudent legislation and deserves the broad, bipartisan support of the Senate.●

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Secondary Mortgage Market Enhancement Act of 1983".

TITLE I—SECURITIES LAWS AMENDMENTS

REGISTRATION EXEMPTION

SEC. 101. Section 4(5) of the Securities Act of 1933 is amended to read as follows:

"(5) Transactions involving one or more promissory notes, participation interests in such notes, or mortgage related payment securities secured by such notes or participation interests, offered and sold subject to the following conditions:

"(A) The note or notes are directly secured by a first lien or a second lien on—

"(i) a single parcel of real estate (including stock allocated to a dwelling unit in a residential cooperative housing corporation) upon which is located a dwelling or other residential or commercial structure, or

"(ii) a manufactured home, as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used as a residence;

"(B) The note or notes were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution which is supervised and examined by a Federal or State authority or were originated by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to sections 203 and 211 of the National Housing Act; and

"(C) The terms of the sale require that—

"(i) the minimum aggregate sales price to the purchaser be not less than $250,000,

"(ii) payment of the sales price by the purchaser be made with cash within one hundred twenty days of the date of sale, and

"(iii) each purchaser buy only for his own account.

For the purpose of this paragraph, the term 'mortgage related payment securities' means (I) any obligation (which may be with or without recourse to the issuer thereof) which, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, on notes meeting the requirements of subparagraphs (A) and (B) or participations in such notes which are pledged as security for such obligation, and (II) any participation interest in a pool or pools of such notes and the proceeds thereof, and any related rights designed to assure servicing of, or the receipt or timeliness of receipt by holders of such mortgage related payment securities of amounts payable under, such mortgage notes if such obligation or participation interest is rated in one of the four highest rating categories by at least one nationally recognized rating organization.".

SEC. 102. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding the following new paragraph at the end thereof:

"(41) The term 'mortgage related payment security' means a security that is rated in one of the four highest rating categories by at least one nationally recognized rating organization and either:

"(i) represents ownership of one or more promissory notes or certificates of interest

or participations in such notes (including any rights designated to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under, such notes, certificates, or participations), which notes:

"(A) are directly secured by a first lien or a second lien on a single parcel of real estate, including stock allocated to a dwelling unit in a residential cooperative housing corporation, upon which is located a dwelling or other residential or commercial structure, or on a manufactured home, as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used as a residence; and

"(B) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution which is supervised and examined by a Federal or State authority, or by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to sections 203 and 211 of the National Housing Act; or

"(ii) is secured by one or more promissory notes or certificates of interest or participations in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, on notes meeting the requirements of subparagraphs (i) (A) and (B) or certificates of interest or participations in promissory notes meeting such requirements.".

SEC. 103. Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding the following new subsection at the end thereof:

"(g) Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no member of a national securities exchange or broker or dealer shall be deemed to have extended or maintained credit or arranged for the extension or maintenance of credit for the purpose of purchasing a security, within the meeting of this section, by reason of a bona fide agreement for delayed delivery of a mortgage payment related security against full payment of the purchase price thereof upon such delivery within 180 days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

SEC. 104. Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) is amended by adding the following new sentence at the end thereof: "Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no person shall be deemed to have borrowed within the ordinary course of business, within the meaning of this subsection, by reason of a bona fide agreement for delayed delivery of a mortgage related payment security against full payment of the purchase price thereof upon such delivery within one hundred eighty days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

SEC. 105. Section 11(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(d)(1)) is amended by—

(a) inserting "(i)" between "of" and "any"; and

(b) inserting the following immediately after "thirty-five days after such purchase"; "or (ii) any mortgage related payment security against full payment of the entire purchase price thereof upon such delivery within one hundred and eighty days after such purchase, or within such shorter period as the Commission may prescribe by rule or regulation".

INVESTMENT BY DEPOSITORY INSTITUTIONS

SEC. 106. (a) Section 5(c)(1) of the Home Owner's Loan Act of 1933 (12 U.S.C. 1464(c)(1)) is amended by adding at the end thereof the following:

"(S) MORTGAGE BACKED SECURITIES.—Investments in securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section, subject to such regulations as the Board may prescribe.".

(b) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following:

"(15) to invest in securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered or sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section, subject to such regulations as the Board may prescribe.".

(c) Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end of paragraph seventh the following: "The limitations and restrictions contained in this paragraph as to an association purchasing for its own account investment securities shall not apply to securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section, subject to such limitations as the Comptroller of the Currency may prescribe.".

PREEMPTION OF STATE LAW

SEC. 107. (a) Any person, trust, corporation, partnership, association, business trust, or business entity created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section if such securities are rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization, and in securities issued or guaranteed by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, to the same extent that such person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Where State law limits the purchase, holding, or investment in obligations issued by the United States by such a person, trust, corporation, partnership, association, business trust, or business entity, such securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section if such securities are rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization, or such Federal Home Loan Mortgage Corporation or Federal National Mortgage Association securities shall be considered to be obligations issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity or class thereof in any State which, prior to the expiration of three years after the date of enactment of this Act, enacts a statute which specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by any person, trust, corporation, partnership, association, business trust, or business entity or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest which was made prior thereto and shall not require the sale or other disposition of any securities acquired prior thereto.

(c) Any securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section if such securities are rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization, shall be exempt from any law of any State with respect to or requiring registration or qualification of securities or real estate to the same extent as any obligation issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Any State may, prior to the expiration of three years after the date of enactment of this Act, enact a statute which specifically refers to this section and requires registration or qualification of any such security on terms which differ from those applicable to any obligation issued by the United States.

DELAYED OR CONTINUOUS REGISTRATION

SEC. 108. The Securities and Exchange Commission shall, by rule or regulation, provide for the registration pursuant to section 6 of the Securities Act of 1933 of one or more promissory notes, participation interests in such notes, or mortgage related payment securities secured by such notes or participation interests, which are to be offered and sold on a delayed or continuous basis in the future, where the notes or participation interests therein are directly secured by a first lien or a second lien on (1) a single parcel of real estate (including stock allocated to a dwelling unit in a residential cooperative housing corporation) upon which is located a dwelling or other residential or commercial structure, or (2) a manufactured home, as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used as a residence.

TITLE II—FEDERAL HOME LOAN MORTGAGE CORPORATION AND FEDERAL NATIONAL MORTGAGE ASSOCIATION AMENDMENTS

FEDERAL HOME LOAN MORTGAGE CORPORATION PREFERRED STOCK

SEC. 201. Section 306(f) of the Federal Home Loan Mortgage Corporation Act is amended—

(1) by inserting before the period at the end of the last sentence thereof the following: ", and shall not be entitled to vote with respect to the election of any member of the Board of Directors"; and

(2) by adding at the end thereof the following: "Such preferred stock, or any class thereof, may have such terms as would be required for listing of preferred stock on the New York Stock Exchange, except that this sentence does not apply to any preferred stock, or class thereof, the initial sale of which is made directly or indirectly by the Corporation exclusively to any Federal Home Loan Bank or Banks.".

FEDERAL NATIONAL MORTGAGE ASSOCIATION PREFERRED STOCK

SEC. 202. (a) The first sentence of section 303(a) of the National Housing Act is amended to read as follows: "The corporation shall have common stock, without par value, which shall be vested with voting rights, each share being entitled to one vote with rights of cumulative voting at all elections of directors.".

(b) Section 303 of such Act is amended by adding at the end thereof the following:

"(h) Any preferred stock of the corporation may have such rights as are permitted by the rules of the New York Stock Exchange in the case of securities listed on such Exchange.".

(c) Section 308(b) of such Act is amended by striking out the word "common" in the first sentence.

LIMITATIONS ON PARTICIPATION AGREEMENTS BY FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION

SEC. 203. (a) The sixth sentence of section 302(b)(2) of the National Housing Act is amended to read as follows: "The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages that are purchased by it; in any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage and not merely with respect to the interest purchased by the corporation.".

(b) The fifth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended to read as follows: "The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages that are purchased by it; in any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage and not merely with respect to the interest purchased by the Corporation.".

FEDERAL HOME LOAN MORTGAGE CORPORATION MANUFACTURED HOUSING LOANS

SEC. 204. (a) Section 302(d) of the Federal Home Loan Mortgage Corporation Act is amended by inserting after "located," the following: "or a manufactured home which is personal property under the laws of the State in which the manufactured home is located,".

(b) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following: "The term 'residential mortgage' also includes a loan or advance of credit secured by a mortgage or other lien on a manufactured home which is the principal residence of the borrower, without regard to whether the security property is real, personal, or mixed.".

(c) Section 305(a)(1) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following: "Where a residential mortgage is secured by a manufactured home, the term 'mortgage insurance program' shall also include any manufactured home lending program under section 2 of the National Housing Act.".

FEDERAL HOME LOAN MORTGAGE CORPORATION AUTHORITY TO PURCHASE STATE AGENCY INSURED MORTGAGES

SEC. 205. Section 302(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "a State or an agency or instrumentality of either" and inserting in lieu thereof "any of its agencies or instrumentalities".

FEDERAL HOME LOAN MORTGAGE CORPORATION GUARANTEE OF MORTGAGE-BACKED SECURITIES ISSUED BY OTHERS

SEC. 206. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following:

"(h) The Corporation may not guarantee mortgage-backed securities or mortgage related payment securities backed by mortgages not purchased by the Corporation.".

FORTY-FIVE-DAY APPROVAL PERIOD

SEC. 207. Section 309 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(i) If the Federal National Mortgage Association submits to the Secretary of Housing and Urban Development, after the date of the enactment of the Secondary Mortgage Market Enhancement Act of 1983, a request for approval or other action under this title, the Secretary shall, not later than the expiration of the forty-five-day period following the submission of such request, approve such request or transmit to the Congress a report explaining why such request has not been approved. Such period may be extended for an additional fifteen-day period if the Secretary requests additional information from the corporation. If the Secretary fails to transmit such report to the Congress with such forty-five-day or sixty-day period, as the case may be, the corporation may proceed as if such request had been approved.".

MULTIFAMILY MORTGAGE LOAN-TO-VALUE RATIO

SEC. 208. (a) The second sentence of section 302(b)(2) of the National Housing Act is amended by inserting after "mortgage" the first place it appears the following: "secured by a property comprising one- to four-family dwelling units".

(b) The first sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by inserting after "mortgage" the first place it appears the following: "secured by a property comprising one- to four-family dwelling units".

BOARD OF DIRECTORS

SEC. 209. The first sentence of section 308(b) of the National Housing Act is amended to read as follows: "The Federal National Mortgage Association shall have a board of directors, which shall consist of eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom shall be elected annually by the stockholders.".

HOUSING AND URBAN DEVELOPMENT ANNUAL REPORT TO THE CONGRESS ON FEDERAL NATIONAL MORTGAGE ASSOCIATION ACTIVITY

SEC. 210. Section 309(h) of the National Housing Act is amended by striking out the last two sentences and inserting in lieu thereof the following: "Pursuant to the authority provided in this subsection, the Secretary shall, not later than June 30 of each year, report to the Congress on the activities of the corporation under this title.".

MULTIFAMILY LIMITS

SEC. 211. (a) The penultimate sentence of section 302(b)(2) of the National Housing Act is amending by inserting before the period at the end thereof the following: ", except that such limitations may be increased to not to exceed 240 per centum of the dollar amount limitations contained in section 207(c)(3) of the National Housing Act in any geographical area for which the Secretary determines under section 207(c)(3) that cost levels require any increase in dollar amount limitations under that section".

(b) The penultimate sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by inserting before the period at the end thereof the following: ", except that such limitations may be increased to not to exceed 240 per centum of the dollar amount limitations contained in section 207(c)(3) of the National Housing Act in any geographical area for which the Secretary of Housing and Urban Development determines under section 207(c)(3) that cost levels require any increase in dollar amount limitations under that section".

PURCHASE OF SECOND MORTGAGES BY FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION

SEC. 212. (a) Section 302(b) of the National Housing Act is amended by adding the following new paragraph at the end thereof:

"(5)(A) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in conventional mortgages or advances of credit that are secured by a subordinate lien against a one- to four-family residence only if (i) the residence is the principal residence of the mortgagor, (ii) the proceeds of such loan were used to purchase or to refinance only the remaining balance of a loan the proceeds of which were used to purchase the residence, and (iii) the commitment to purchase the loan is issued prior to October 1, 1985, except as provided by paragraph (3). If the corporation, pursuant to paragraphs (1) through (4), shall have purchased, serviced, sold, or otherwise dealt with any other outstanding mortgage secured by the same residence, the aggregate original amount of such other mortgage and the mortgage authorized to be purchased, serviced, sold, or otherwise dealt with under this paragraph shall not exceed the applicable limitation set forth in paragraph (2).

"(B) The corporation shall establish limitations governing the maximum principal obligation of subordinate conventional mortgages described in subparagraph (A). Such limitations shall not exceed $50,000 in the case of a one-family residence and $60,000 in the case of a two- to four-family residence. In any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal

obligation of the mortgage and not merely with respect to the interest purchased by the corporation.

"(C) No subordinate mortgage shall be purchased by the corporation if the total outstanding indebtedness secured by the property as a result of such mortgage exceeds 80 per centum of the value of such property unless (i) that portion of such total outstanding indebtedness that exceeds such 80 per centum is guaranteed or insured by a qualified insurer as determined by the corporation (and not the corporation itself); (ii) the seller retains a participation of not less than 10 per centum in the mortgage; or (iii) for such period and under such circumstances as the corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the corporation in the event that the mortgage is in default. The corporation shall not issue a commitment to purchase a subordinate mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (ii) of such sentence.".

(b)(1) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended—

(A) by striking out "The maximum principal obligation" and all that follows through "associations."; and

(B) by adding at the end thereof the following: "Until October 1, 1985, the term 'residential mortgage' shall also include purchase or refinancing loans or advances of credit that are secured by a surbordinate lien against a one- to four-family residence only if the residence is the principal residence of the borrower and the proceeds of such loan or advance of credit were used to purchase or to refinance only the remaining balance of a loan the proceeds of which were used to purchase such residence.".

(2) Section 305(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(4)(A) With respect to the purchase by the Corporation of any purchase or refinancing residential mortgage secured by a subordinate lien against a one- to four-family residence as authorized by the last sentence of section 302(h), the Corporation shall establish limitations governing the maximum principal obligation of such mortgages. Such limitation shall not exceed $50,000 in the case of a one-family residence and $60,000 in the case of a two- to four-family residence. In any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage and not merely with respect to the interest purchased by the Corporation. If the Corporation shall have purchased, serviced, sold, or otherwise dealt with any other outstanding mortgage secured by the same residence, the aggregate original amount of such other mortgage and the mortgage authorized to be purchased, serviced, sold, or otherwise dealt with under this paragraph shall not exceed the applicable limitation set forth in paragraph (2).

"(B) No subordinate mortgage shall be purchased by the Corporation if the total outstanding indebtedness secured by the property as a result of such mortgage exceeds 90 per centum of the value of such property unless (i) that portion of such total outstanding indebtedness that exceeds 80 per centum is guaranteed or insured by a qualified insurer as determined by the Corporation (and not the Corporation itself); (ii) the seller retains a participation of not less than 10 per centum in the mortgage; or (iii) for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event that the mortgage is in default. The Corporation shall not issue a commitment to purchase a subordinate mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with requirements of clause (ii) of such sentence.".

(c) The amendments made by this section do not apply to commitments issued prior to the date of enactment of this section.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FAREWELL TO JIM RANGE

Mr. BAKER. Mr. President, it is my sad but happy duty to advise the Senate that Jim Range of my staff, who has been counsel to the majority leader, is leaving the employ of the Senate and will be employed in private business in Washington. I take this opportunity to ask that the Senate turn to the consideration of a resolution commending James Davis Range for his extraordinary service to the U.S. Senate, if the minority leader has no objection.

Mr. BYRD. There is no objection, Mr. President.

Mr. BAKER. I send a resolution to the desk, Mr. President.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A Senate resolution (S. Res. 347) commending James Davis Range for his extraordinary service to the United States Senate.

Mr. BAKER. Mr. President, today, the Senate loses one of its most dedicated and able servants, and I lose one of my most responsible and personable assistants. Jim Range, my counsel, is leaving the Senate after 11 years. He will be sorely missed.

Jim Range belongs to the outdoors, and he left it as it were, only to make it better. His love of the environment borders on the legendary: Oceans and mountains and parks are his stomping grounds: Dogs and birds and fish his constituents. I can remember a day when Jim brought me and my camera to a wildlife preserve to watch American eagles. Only his enthusiasm for, and knowledge of their existence compared with their splendor.

Several of my colleagues have joined in other travels with Jim, for his world is one to share, not hoard. With Jim, there always seemed to be an expedition in the works, there always seemed to be yet another venture on which to embark. If some take such pleasures for granted, such is not the case with the ranger.

He brought his vision and understanding of our surroundings to Congress with constructive determination, and any list of key individuals who helped shape environmental policy in the last decade has Jim Range's name on it.

I have a feeling, Mr. President, that come Monday, there will be a lot of puzzled faces in the Senate because Jim will not be there to straighten them out. His phone is one of the Hill's most popular. Staffers and Members alike knew they could count on him for reliable information and if he did not have the answers at the time, he would get them as soon as possible. Shakespeare once wrote, "I remember him well and I remember him worthy of praise." Such will be the sentiments worthy of Jim Range.

Mr. President, I ask unanimous consent that 2 poems which express our sentiments about Jim, be printed in the RECORD.

There being no objection, the poems were ordered to be printed in the RECORD, as follows:

SKETCHES FROM A HUNTER'S ALBUM

(By Ivan Turgenev)

Little by little he felt his desire harden,
Drawing him back to the village and shady garden,
Where lindens stood in stately dark magnificence,
And lilies of the valley spread their virgin fragrance,
Where round-shouldered willows by the weir,
Bend in a row above the water clear,
Where a stout oak grows above the fat-eared wheat,
Where hemp and nettles make the air smell sweet . . .
He was drawn back to those broad fields so lush,
Where the earth like velvet is so black and plush,
So that, no matter where you may direct your eye,
Everywhere is a rustling of soft waves of rye,
And through transparent clouds, so round and white,
Fall heavy beams of sunshine golden light;
There it is good . . .

THE COUNSEL

There once was a Counsel named Ranger
Who kept the Republic in danger
For several years
Amid mounting fears
While his dog made the Senate his manger.

It was all due, of course, to H. Baker,
The thinking man's legislator
Who gave Ranger his job
But was then heard to sob
"A mistake, and I'm the mistaker."

He came to work in a truck
Which had frightened many a duck,
Which some people, as well,
Had advised him to sell,
But to all he replied, "What the heck."

Yes, his speech was as blue as the ocean,
Barnyard pearls were his deepest devotion.
Though he withered the ear,

He made himself clear
And he kept the Senate in motion.
His command of the Calendar was absolute.
If your bill was to pass, you had best salute,
For rank hath its pleasures
And legislative measures
Were as limp, without Ranger, as H. Greene's cheroot.
His personal causes were winsome—
Clean air, clean water, and then some.
But nothing engages
His heart more than Pages
When Alison and Kim, his twins, come.
With him we're all Captain and Chief,
For us it will be a relief
To be Tommy and Jim
And Dan once again.
Frank Moore must be thinking "Good Grief."
There isn't much more one can say.
The Counsel will simply not stay.
He's departing in haste
To help manage waste,
But who cares? We still have Mary Kay.

Mr. DOMENICI. Mr. President, I would like to add my thoughts to those of the distinguished majority leader concerning the accomplishments of Jim Range. Jim has been an invaluable asset to all Senators and to their staffs. His dedication to duty and his understanding of the operations of this complex institution are greatly appreciated. He has been an effective conduit of the majority leader's wishes, and has always been willing to assist in situations both mundane and intricate.

The assistance he has lent to the Senate Budget Committee has been especially valuable to me and to our other members. The clock did not run when he gave his time and insight to what have sometimes been very difficult questions. His sense of humor has frequently kept us from taking ourselves too seriously, and his gentlemanly manner has earned him the respect of his political allies and foes alike.

We will all certainly miss his soft vowels and his hard work. I wish him every success and happiness in his future endeavors.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 347

Whereas, James Davis Range has served as an exemplary Counsel to the Majority Leader of the Senate of the United States during the 98th Congress;

Whereas, James Davis Range has served his country in various positions, including service on the National Commission on Water Quality and service as a professional staff member to the United States Senate Committee on Environment and Public Works;

Whereas, James Davis Range has performed invaluable work on the Clean Water Act, the Resource Conservation Recovery Act, the Endangered Species Act, and the Environmental Research and Development Act;

Whereas, James Davis Range has served the Senate, the Senators of the Republican Majority, and the Majority Leader with competence, dedication, and loyalty;

Whereas, James Davis Range has persistently worked to achieve those goals that will improve our Nation;

Whereas, the ducks of this Nation are greatly in hope that James Davis Range's new job will keep him away from the blinds of the nation; now therefore be it

Resolved, That the Senate of the United States extends its appreciation and gratitude to James Davis Range for his devoted and superb service to his country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to James Davis Range.

Mr. BAKER. Mr. President, I am sure we need not move to reconsider the vote on this resolution. I am just as sure that all of us wish Jim Range well in his endeavor as do I. I think the accolade given him in this resolution just adopted is richly deserved.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, today's Executive Calendar has certain nominations that are cleared for action on this side. May I say to the minority leader that we have nominations beginning on page 1 under the African Development Foundation, all of those on page 2 and page 3, and pages 4, 5, and 6, as well as those nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, and Navy on pages 7 and 8. All of those are cleared for action by unanimous consent on this side, Mr. President. If the minority leader is prepared to consider any or all of those nominations, I am prepared to consider them at this time.

Mr. BYRD. Mr. President, the minority is prepared to consider both nominations on page 1, all nominations on pages 2, 3, 4, 5, 6, page 7, and page 8 with the exception of the first nomination that appears on page 8. That first paragraph on page 8 is not just a nomination. That is a list of nominations.

Mr. BAKER. Do I understand correctly that the minority leader is not prepared to consider that list at this time?

Mr. BYRD. The majority leader is correct.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed into executive session for the purpose of considering nominations as follows: Calendar No. 448 through No. 460, and the nominations placed on the Secretary's desk on pages 7 and 8, with the exception of those Foreign Service nominations described in the first paragraph on page 8.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

AFRICAN DEVELOPMENT FOUNDATION

The bill clerk read the nomination of A. C. Arterbery, of California, to be a member of the Board of Directors.

The PRESIDING OFFICER. The nomination is considered and confirmed.

INTERNATIONAL MONETARY FUND

The bill clerk read the nomination of Richard D. Erb, of Virginia, to be United States Executive Director.

The PRESIDING OFFICER. The nomination is considered and confirmed.

The bill clerk read the nomination of Mary Kate Bush, of New York, to be United States Alternate Executive Director.

The PRESIDING OFFICER. The nomination is considered and confirmed.

DEPARTMENT OF STATE

The bill clerk read the nominations of Walter Leon Cutler, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

The PRESIDING OFFICER. The nomination is considered and confirmed.

The bill clerk read the nomination of Thomas W. M. Smith, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

The PRESIDING OFFICER. The nomination is considered and confirmed.

AIR FORCE; NAVY; ARMY

Mr. BAKER, Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill clerk read the following nominations in the Air Force, Navy, and Army.

IN THE AIR FORCE

The following named officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of

section 624, title 10 of the United States Code:

Col. Jimmie V. Adams, [redacted], Regular Air Force.
Col. Joseph W. Ashy, [redacted], Regular Air Force.
Col. Loring R. Astorino, [redacted], Regular Air Force.
Col. Robert H. Baxter, [redacted], Regular Air Force.
Col. Malcolm F. Bolton, Jr., [redacted], Regular Air Force.
Col. Charles G. Boyd, [redacted], Regular Air Force.
Col. Stuart R. Boyd, [redacted], Regular Air Force.
Col. Edward R. Bracken, [redacted], Regular Air Force.
Col. Denis M. Brown, [redacted], Regular Air Force.
Col. George L. Butler, [redacted], Regular Air Force.
Col. Harold N. Campbell, [redacted], Regular Air Force.
Col. Richard E. Carr, [redacted], Regular Air Force.
Col. David M. Cornell, [redacted], Regular Air Force.
Col. Hugh L. Cox, III, [redacted], Regular Air Force.
Col. Richard L. Craft, [redacted], Regular Air Force.
Col. Philip M. Drew, [redacted], Regular Air Force.
Col. David B. Englund, [redacted], Regular Air Force.
Col. Larry D. Fortner, [redacted], Regular Air Force.
Col. James E. Freytag, [redacted], Regular Air Force.
Col. Richard B. Goetze, Jr., [redacted], Regular Air Force.
Col. Frank S. Goodell, [redacted], Regular Air Force.
Col. Richard E. Hearne, [redacted], Regular Air Force.
Col. William L. Hiner, [redacted], Regular Air Force.
Col. Frank B. Horton, III, [redacted], Regular Air Force.
Col. John E. Jaquish, [redacted], Regular Air Force.
Col. Frank J. Kelly, Jr., [redacted], Regular Air Force.
Col. Robert H. Ludwig, [redacted], Regular Air Force.
Col. Joel M. McKean, [redacted], Regular Air Force.
Col. Raymond V. McMillan, [redacted], Regular Air Force.
Col. Eric B. Nelson, [redacted], Regular Air Force.
Col. Keithe E. Nelson, [redacted], Regular Air Force, Judge Advocate.
Col. Donald A. Rigg, [redacted], Regular Air Force.
Col. Martin J. Ryan, Jr., [redacted], Regular Air Force.
Col. John P. Schoeppner, Jr., [redacted], Regular Air Force.
Col. John Serur, [redacted], Regular Air Force.
Col. Garryl C. Sipple, [redacted], Regular Air Force.
Col. Richard D. Smith, [redacted], Regular Air Force.
Col. Donald Snyder, [redacted], Regular Air Force.
Col. Dale C. Tabor, [redacted], Regular Air Force.
Col. Earl S. Van Inwegen, [redacted], Regular Air Force.
Col. Henry Viccellio, Jr., [redacted], Regular Air Force.
Col. Charles A. Vickery, [redacted], Regular Air Force.
Col. Frank E. Willis, [redacted], Regular Air Force.
Col. Charles P. Winters, [redacted], Regular Air Force.
Col. Mark J. Worrick, [redacted], Regular Air Force.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Robert F. Dunn, [redacted], U.S. Navy.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. David E. Grange, Jr., [redacted], Army of the United States.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert Arter, [redacted], U.S. Army.

The Army National Guard of the United States officer named herein for appointment as Reserve Commissioned Officer of the Army, under the provisions of title 10, United States Code, sections 593(a), and 3385:

To be brigadier general

Col. Arthur V. Episcopo, [redacted].

The PRESIDING OFFICER. The nominations are considered and confirmed.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill clerk read the nomination of Maurice Lee Barksdale, of Texas, to be an Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. The nomination is considered and confirmed.

DEPARTMENT OF COMMERCE

The bill clerk read the nomination of J. Bonnie Newman, of New Hampshire, to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. The nomination is considered and confirmed.

THE JUDICIARY

The bill clerk read the nomination of John R. Hargrove, of Maryland, to be U.S. district judge for the District of Maryland.

CONFIRMATION OF JOHN R. HARGROVE

Mr. MATHIAS. Mr. President, today the Senate has an opportunity to provide a major reinforcement for the Federal bench in the State of Maryland. I am confident that the Senate will confirm the nomination of John R. Hargrove to serve as U.S. district judge for the District of Maryland.

A graduate of the University of Maryland Law School in 1950, Judge Hargrove has had an active career on the bench and before the bar. Since 1974 he has served as associate judge of the Supreme Bench of Baltimore City. Prior to that, he served as an administrative judge of the First District Court of Maryland, as associate judge of Baltimore's Municipal Court, and as judge on the People's Court of Baltimore. Moreover, Judge Hargrove has had extensive experience in the Federal sphere, as an assistant U.S. attorney for the District of Maryland for more than 6 years.

Judge Hargrove's nomination is the culmination of a judicial merit selection process of which I am quite proud. Shortly after Judge Shirley Jones announced late last year that she was voluntarily leaving the Federal bench, I convened a nine-member panel of distinguished Marylanders, including lawyers and lay people, to screen candidates for the nomination. The members of this panel pored over countless resumes and conducted numerous interviews of potential contenders. At the end of that process, they concluded that Judge Hargrove was thoroughly qualified for the Federal bench. President Reagan agreed, as did the Attorney General and the Judiciary Committee, and today the full Senate should concur in that judgment.

At a time when our judicial system is under increasing pressure and workload, it should be encouraging to know that such a capable, experienced, and able nominee is available for the Federal bench.

I urge the Senate to confirm the nomination of John R. Hargrove.

The PRESIDING OFFICER. The nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The bill clerk read the following nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, and Navy.

Air Force nominations beginning Andrew A. Allan, and ending William R. Klemm, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Air Force nominations beginning Jacob L. Braig, and ending Edward S. Schwartz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Air Force nominations beginning Curtis D. Hodge, and ending William E. Records, II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Air Force nominations beginning Donald R. Allen, and ending Rowland R. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Air Force nominations beginning Michael A. Armour, and ending Krikor O. Partamian, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Air Force nominations beginning Bernard J. Amels, and ending William A. Hill, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Ronald C. Davis, and ending Robert P. Lech, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning William Alexander, and ending Robert D. Stewart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Duane V Ackerman, and ending William T. Ramey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning George D. Imes, Jr., and ending Howard Russell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Claude K. Jackson, and ending Charles A. Munson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Jeffrey D. Anthony, and ending Luther O. Waller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Robert A. Sempek, and ending John H. Pitchford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Jerry B. Reinoehl, and ending Paul D. Szabados, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Herman B. Bartholomew, and ending Clark B. Will, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Army nominations beginning Paul F. Adams, and ending Andrew M. Warner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Foreign Service nominations beginning Eugene J. Friedmann, and ending Michael Mamoru Yaki, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Marine Corps nominations beginning Mark H. Biser, and ending Charles H. Rucks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Marine Corps nominations beginning Truman O. Anderson, III, and ending Lisa A. Row, which nominations were received by the Senate on January 27, 1984, and appeared in the CONGRESSIONAL RECORD of February 2, 1984.

Navy nominations beginning John Thomas Albritton, and ending Sylvia Ethel White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Navy nominations beginning Constante U Abaya, and ending Mary Case Wheeler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Navy nominations beginning Mark F. Clapper, and ending Paul V. Tomasic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Navy nominations beginning Joseph A. Callahan, II, and ending George Hilary Watt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Navy nominations beginning John Fincher Abbot, and ending John William Zwirner, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

Navy nominations beginning James W. Crawford, and ending Dennis Robert Yeargain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 27, 1984.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD OPEN UNTIL 5:30 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open today until 5:30 p.m. for the introduction of bills and resolutions and the filing of statements and committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 3:30 p.m.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

AIDE MEDICALE INTERNATIONALE

Mr. MATHIAS. Mr. President, "ami" is one of Americans' favorite words in the French language. It also happens to be the happy acronym for Aide Medicale Internationale, a French humanitarian organization which is, indeed, a friend to a troubled world. It was organized in 1979 to answer the call for medical assistance from distressed countries.

The organization was born out of the bitter experiences of Vietnam, Lebanon, and Biafra. A small group of dedicated doctors and nurses felt that the larger, established relief groups were unable to deal efficiently and rapidly with the disasters that befell those countries. They planned AMI as a small, centrally organized group with the capacity to move quickly and quietly. Since its creation, AMI has sent small teams of doctors and nurses to Laos, Cambodia, Lebanon, Colombia, and Afghanistan. Their missions have averaged 2 to 3 months in length, and have been carried out under the most difficult circumstances.

One of the most difficult humanitarian missions ever undertaken by AMI has been in Afghanistan where people are suffering the shock of invasion, occupation, and civil war. For nearly 3 years AMI has worked tirelessly to bring medicine and other relief aid to remote villages where the Afghan Government has not allowed humanitarian organizations, even the Red Cross, to operate. In most cases, groups of two or three doctors and nurses have traveled on foot or by mule for several days to treat members of the civilian population and of the resistance, to set up hospitals or community clinics, and to give basic medical training to the Afghan people.

The best description of AMI's work in Afghanistan can be found in the firsthand account of the doctors themselves. In a report on one 3-month mission in Afghanistan's Panjshir Valley, they wrote:

> We have been walking for nine days and nights, almost without resting . . . At times there are only several hundred meters between us and the Soviets . . . The rumbling of hunters and helicopters chase us from one refuge to the next.
>
> Disguised as mujahiddins, we are as dirty and as tired as the mountain resistance who are accompanying us. With us, we have 400 kg. of medicine and surgical supplies—antibiotics, antidiarrhgies, antiflammatories, vitamines, anesthetics and equipment necessary for amputation. Our companions: ninety (90) mujahiddins armed up to their teeth, 35 animals loaded with guns, cannons, and of course the sacks of medicine, carefully packed.

Our valley is situated north-east of Kaboul, and ends at the foot of Bukhshan. It shelters 90,000 people, divided into 24 villages made of stone and dried mud . . . We are to work in a village situated 5 km from there, where we will be able to train nurses and administer general medical aid.

Along the road toward the villages, groups of wounded and sick people fall upon us hoping for care and attention. We reassure them that they will be attended to, as soon as the hospital is installed . . . In two days we were able, with the help of the majuhiddins, to create a sort of pharmacy, separate rooms for women and men and a corner for consultation.

The day of work begins at 8:30 . . . Because we were living three hours from the fronts . . . we were taking into our care many wounded by the war and all the horrors that accompany it. Our student nurses . . . progress quickly. In two weeks time they were able to administer basic medical aid and dress their first wounds. They will be able, after our departure, to care for wounded people, to diagnose and clear up infections while waiting for the relief team to arrive.

Aide Medicale Internationale is a unique organization and deserves our recognition, admiration, respect, and support. This week three representatives of AMI, Dr. Pascal Mathey, Dr. Laurence Laumonier, and Dr. Phillippe Augoyard, are in Washington and today will visit the Capitol. I am confident Senators will join me today in welcoming them and in expressing our thanks. We can speak to them not only as Senators, but from our hearts, as friends and as fellow citizens of this troubled planet. The sacrifice they have made and the hardship they have endured is a magnificent example to the world of selfless service with no object but the relief of suffering and the cure of sickness and injury.

Appreciation is, of course, not limited to the Capitol. Mrs. Mathias first called AMI to my attention, and I know that she is a strong advocate of AMI and its work.

We may speak for ourselves, but I suspect that she speaks for millions of Americans who admire courage and generosity, who know the value of volunteer effort, and who cherish those who love their neighbors as themselves.

Our ancient allies in France are famous for many contributions to civilization in art, music, architecture, horticulture, viticulture, and many other fields. But none of these gifts trancend the spirit that has sent these gallant men and women of France to the peaks and valleys of Afghanistan.

As their Afghan friends might say, in the words of the Quran,

They will have peaceful homes and their God. Because God knows what they have been doing, their deeds are clear.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUMPERS. Mr. President, will the Senator withhold his request?

Mr. MATHIAS. Certainly I withhold.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

THE TEXACO-GETTY MERGER

Mr. BUMPERS. Mr. President, I had hoped that the Senate and the Congress would at least have an opportunity to have a test vote on congressional sentiment regarding the Texaco-Getty Oil merger. Normally the message that is here from the House would be a privileged matter and could be brought up by the majority leader or any Senator. I certainly would not want to circumvent the majority leader on something like that, but I had hoped that the Federal Trade Commission would take some action to at least allay the fears a lot of us have about this merger. I am concerned. We held hearings in the Small Business Committee this past week with General McGrath, the new head of the Antitrust Division, as the principal witness. Of course, he did not feel at liberty to discuss this case or the Toyota-General Motors case, but I am certainly under no such constraint. I just cannot understand how on Earth the Texaco-Getty merger could keep from being anticompetitive and in restraint of trade and especially damaging to small business.

Second, I know the argument is that the $10 billion taken out of the economy to accomplish that merger all winds up going back into the economy anyway. I think that argument has to be tested on a case-by-case basis.

Eleven percent, or more than $1 billion, is going to go to the Getty Museum. It is a little difficult for me to believe that that money is going to find its way back into the national institutions so that it is available for capital formation for business.

Finally, Mr. President, when we deregulated oil in this country, it was at the insistence of the oil industry, especially the major oil companies, who assured us that if they had the right price, there were all kinds of oil to be found.

You have to ask yourself how much oil Texaco could find if it put $10 billion into its exploration program. There is one thing I do know—that putting $10 billion into Getty does not produce even one additional barrel of oil for this country.

You wonder where that venturous spirit is. Texaco will become the second biggest oil company in the United States, just behind Exxon, not because it has shown the spirit of risk and determination to go out and look for oil, but because it has bought up the large reserves that Getty held.

Mr. President, I object to any kind of merger of this nature. I do not care who the party is that is trying to take over Getty or anybody else. But I have been increasingly concerned about the lack of antitrust enforcement by this administration; and certainly in this case, which I consider to be one of the most egregious violations of the antitrust laws, I am increasingly disturbed that no action has been taken.

I had hoped that we would be able to get a test vote in the Senate, but I guess that will not be possible, since this cannot be brought up now. It is not privileged any longer, because we voted cloture on the death penalty bill, and it is not possible to bring up anything except by unanimous consent; and I understand that there are some objections to bringing up the bill that the House has.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have just come from the secure briefing room where Members are being briefed presently on the situation in Lebanon.

I have been handed a note now saying that there are no further requirements for morning business. The adjournment resolution, as amended, has been concurred in by the House of Representatives and the resolution is back here.

The minority leader indicated that he would stay at the briefing, that he need not be present when the motion to adjourn is made.

AUTHORITY FOR CERTAIN ACTION DURING ADJOURNMENT OF THE SENATE

Mr. BAKER. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday, February 20, 1984, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives and that they be appropriately referred and the Vice President and President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, after the Senate completes its business today, it will stand in adjournment, pursuant to the provisions of House Concurrent Resolution 255, as amended, to the hour of 12 noon on Monday, February 20, 1984.

At that time, as is the custom of the Senate and pursuant to order previously entered, the Senate will convene for the purpose of hearing the presentation of President Washington's farewell address to be delivered by the distinguished Senator from New Jersey (Mr. LAUTENBERG).

After the delivery of President Washington's farewell address, the Senate will then stand in recess until the hour of 11 a.m. on Tuesday, the following day, February 21.

On Tuesday, after the recognition of the two leaders under the standing order, the Senate will resume consideration of the unfinished business, which is the death penalty bill, S. 1765, pursuant to the provisions of rule XXII, cloture having been invoked today.

Mr. President, I hope that we are able to finish that bill during the day on Tuesday or Wednesday.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 20, 1984

Mr. BAKER. Mr. President, I see no other Senator now seeking recognition.

Mr. President, I now move, in accordance with the provisions of House Concurrent Resolution 255, as amended, that the Senate now stand in adjournment until the hour of 12 noon on Monday, February 20, 1984.

The motion was agreed to; and at 3:24 p.m., the Senate adjourned until Monday, February 20, 1984, at noon.

NOMINATIONS

Executive nominations received by the Senate February 9, 1984:

AMBASSADOR

Richard H. Imus, of California, a Foreign Service Officer of class 1, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Textile Matters.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

For appointment:

To be assistant surgeon

Karen C. Carlson
Sevasti J. Dames
Arthur J. French III
Sandra A. Kweder
Mary A. Powers
Roger D. Prock

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Helath Service subject to qualifications therefor as provided by law and regulations:

For permanent promotion:

To be medical director

William P. Castelli
Dorynne J. Czechowicz
Laurence S. Farer
Clyde W. Farson
William T. Friedewald
Elba J. Garcia
Ralph H. Henderson
King K. Holmes
Luverne A. Husen
Donald R. Jasinski
Audrey F. Manley
Harold D. McDonald
Gary R. Noble
Robert H. Purcell
Robert F. Read
Kenneth C. Schneider
Benjamin C. Young, Jr.

To be senior surgeon

Myron J. Adams, Jr.
Gerald L. Brown
Mitchell H. Gail
Lillian Gavrilovich
James Gilliam, Jr.
Gary Herschel Harding
Charles L. Hostetter
Stephen F. Jencks
John A. Knight, Jr.
Oliver M. Korshin
David L. Levin
Dolores Y. Loew
Osamu H. Matsutani
Lawrence W. Osborn
Kenneth M. Petersen

To be surgeon

William D. Brown
Vern W. Harpole
Stephen P. Heyse
Thomas M. Kessler
Philip D. Noguchi
Richard K. Rudy
Loren A. Zech

To be senior assistant surgeon

Edgar R. Cordivin

To be assistant surgeon

David W. Anderson

To be dental director

Thomas L. Austin
Louis F. Cannavale
William S. Driscoll
John Folio
James E. Standifer
Richard G. Weaver
Richard L. Webber

To be senior dental surgeon

Lynn J. Brown
Donald P. Butler
David B. Jones
Gary A. Kellam
Clifford C. Scharke
Conrad A. Schwalm
William D. Straube

To be dental surgeon

Robert J. Allen
Robert A. Best
Harold A. Black
Martin R. Cirulis
Stephen B. Corbin
John G. Devine
Benjamin F. Howard
John H. Lee
Russell K. Lemack
Francisco L. San Miguel-Mendez
Jerome J. Savel
Robert H. Selwitz
Daniel L. Speth
Gordon H. Tong
Mary E. Tope
Allan D. Valentine

To be nurse director

Juanita M. Barkley
Alicia M. Blessington
Ray Cameron
Dorothy Delooff

To be senior nurse officer

Vivien M. Demarest
Jeanette M. Scheppan
Marilyn K. Vanderven

To be nurse officer

Marianne M. Davenport
Michael K. Fire
Doris C. Haak
Aleta J. Kessinger
Frank J. Lang
Lorraine A. Maciag
Billy J. Moore
Mary M. Shoultz

To be senior assistant nurse officer

Janice M. Carico
Roger A. Monson

To be engineer director

Robert L. Ajax
William E. Barkley
Peter Y. Bengtson
Denis E. Body
George A. Carson
John K. Carswell
Robert M. Clark
Ronald F. Coene
Charles F. Costa
R. Frank Grossman
Herbert F. Klein
Kenneth J. Kronoveter
Robert E. Landreth
Pong N. Lem
George B. Martin
Howard D. Metz
Thomas M. Moore
Allen H. Palmer
George L. Pettigrew
Charles R. Phillips
Maris Pubulis
Donald G. Remark
Stanley J. Reno
Marvin Rosenstein
Fred G. Rueter
John L. Russell
William J. Wandersee
James V. Waskiewicz
Richard F. Wromble

To be senior engineer officer

George E. Anderson
Ronald Kent Anderson
Charles R. Bowman
Keith E. Enders
Kenneth W. Grimley, Jr.
John L. Hankinson
Wayne R. Mathis
William A. Mullen, III
Wayne R. Ott
Charles W. Whitmore

To be engineer officer

Paul S. Arell
William M. Burch
Victor N. Byerly
Terry L. Christensen
Alwin L. Dieffenbach
Douglas C. Jensen
Paul J. Liebendorfer
Laurence D. Reed
Cecil P. Roper, Jr.
Elliot A. Shefrin
Mark A. Werre
Gordon H. Wilcox

To be senior assistant engineer officer

James T. Sorensen

To be scientist director

John J. Bartko
Robert F. Clarke
Alfred Hellman
Eugene H. Herman
Barry L. Johnson
Pantelis G. Rentos
Norman L. Richards
Jonathan Roberts
Ralph E. Shuping
Joel M. Solomon

To be senior scientist

Melvyn R. Altman
Roger L. Anderson
William A. Betts
John P. Burke
Jerry L. Chandler
James M. Everts
Zorach R. Glaser
Bobby J. Gunter
James C. Hill
Arthur E. Lagace, Jr.
James F. McTigue
Harvey P. Stein
Michael Weisberg

To be scientist

Hugh J. Hansen
Howard W. Kroll
John H. Sammons

To be sanitarian director

Larry O. Garten
Edwin O. Goodman
James F. Lawler
James M. Stewart

To be senior sanitarian

Raymond D. Beaulieu
Lee A. Bland, Jr.
Joseph E. Burrow, Jr.
Walter L. McPartlin
Michael A. Randolph
John C. Yashuk
Webster Young, Jr.

To be sanitarian

Darryl B. Barnett
Steven F. Cohen
Terrance B. Gratton
Kenneth W. Holt
Donald R. Tillery

To be veterinary director

Richard P. Bradbury
William F. Cornett III
Dennis O. Johnsen
Richard A. Mason
James D. Small

To be senior veterinary officer

Samuel R. Adams, Jr.

To be pharmacist director

Richard R. Ashbaugh
Robert L. Ashmore
Thomas S. Bozzo
Robert L. Childress
George E. Conley
Raymond J. Farkas
Paul T. Farrell
Daniel Hausman
William P. Heffernan
Walter Jakubowski
Michael J. Kopcho
Edward L. Kruger
John J. Miescier
Jeremiah R. Toomey
Leighton H. Tooms

To be senior pharmacist

Edgar H. Adams
James V. Anderson
Richard J. Bertin
Norman C. Dittman
Robert A. Epstein
Bobby L. Golden
Ronald W. Horloff
John F. Mays
Jimmy R. Mitchell
Francis X. Osullivan, Jr.
Ronald J. Pytel
Timothy F. Svoboda
Charles P. Veach
Donald G. Weinand

To be pharmacist

Thomas J. Ambrose
Mark D. Anderson
David Barash
Michael G. Beatrice
John A. Boren
Dennis C. Dahl
Robert Dechristoforo
James E. Edge
Steven C. Garrett
Terrance L. Green
Norman A. Hadd
Steven K. Halstead
Samuel M. Hope
Rolley E. Johnson
Delbert G. Martin
James A. May
Craig R. McCormack
Roger L. McGhee
Gregory G. Moeller
Karl O. Nease
Paul F. Nelson
Robbin M. Nighswander
Barry W. Nishikawa

Steven L. Pettitt
Thomas G. Rotella
Karl W. Schilling
William B. Sisco
William P. Sleasman
Franklin D. Stottlemyer
Frankie L. Sutton
Edward D. Westmoreland

To be senior assistant pharmacist

Robert W. Boyce
Mary B. Forbes
Yana R. Mille
David L. Rosen
Gregory D. Thomas

To be dietitian

Donald M. Patin
Janice M. Rary

To be senior assistant dietitian

Gloria J. Stables

To be therapist director

Neil O. Hartman
Robert N. Parrette
Dale E. Swett

To be senior therapist

Timothy V. Reyburn

To be therapist

William M. Brown
Francis W. Levy, Jr.

To be senior assistant therapist

Leopold R. Labranche
Charles L. McGarvey
Ivana R. Williams

To be health services director

Erich W. Bretthauer
Thomas R. Fewell
Neil S. Goldstein
Kenneth D. Howard
Walter Kelsey Hunter
Stanley J. Kissel, Jr.
Joseph Scotto
Robert F. Swiecicki
Elizabeth S. Trever

To be senior health services officer

Reuben A Baybars
Norman E. Childs
Lila R. Davis
Kenneth R. Envall
Robert B. Faoro
Gerald L. Gels
Robert T. Handren, Jr.
John E. Hubbard
Philip W. McClain
Philip M. McClean
Louise A. Meister
James W. Rolofson

To be health services officer

Martin T. Abell
Donald J. Benchoff
Robert N. Burns
Randal D. Carter
William M. Chapin, Jr.
Norman E. Dodds
Joseph Garcia, Jr.
Daniel J. Gouves
Earl H. Handwerker
Bryan D. Hardin
Thomas Loftus
Lee H. Loomis
John T. Miller, Jr.
Johnny R. Rainey
Jon M. Rasmussen
Carl D. Reed
Idelle P. Smith
Robert Soliz
Edwin S. Spirer
John D. Wells
Wilhelmina Wilson
Sherman H. Wooding

To be senior assistant health services officer

Patricia E. Brooks
Barry M. Goldberg
Wayne T. Sanderson

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

For appointment:

To be senior surgeon

Leonard Bachman
Paul A. Blake
Joel G. Breman
Floyd J. Brinley, Jr.
Anthony M. Bruno
Robert W. Burgess
Robert F. Cary
Edward R. Chahin
Thomas N. Chase
F. Lawrence Clare
Clifford L. Culp, Jr.
Jack Durell
Robert Edelman
Bruce L. Evatt
Douglas E. Gaasterland
Marilyn H. Gaston
Elliot S. Gershon
Gilman D. Grave
Donald E. Henson
Alan R. Hinman
Gordon C. Johnson
T. Stephen Jones
Henry Krakauer
Robert G. Laffoon
Philip J. Landrigan
Donald H. Luecke
Alfred E. Miller
Paul M. Monahan
Ernesto S. Montoya
James D. Moore
Loren R. Mosher
Anil B. Mukherjee
Peter M. Nakamura
Martin J. Nemiroff
Harold F. Newman, Jr.
Audrey H. Nora
Herbert Pardes
Ira H. Pastan
T. J. Redding
David Rodbard
Patricia A. Salomon
Joseph D. Schulman
John L. Sever
Jay R. Shapiro
Herbert T. Takashima
Shiro Tanaka
Carl W. Tyler, Jr.
Robert A. Weeks
Bruce D. Weintraub
Melvin W. Williams
Samuel H. Wilson

To be surgeon

John S. Andrews, Jr.
David H. Barrett
Michael P. Biernoff
Jack D. Blaine
Harold J. Bodin
A. David Brandling-Bennett
Richard D. Brodsky
Robert D. Burgess
Carlos C. Campbell III
Bruce P. Chandler
Jose F. Cordero
Thomas J. Creelman
Jeffrey A. Cutler
Dennis M. Deleo
D. Peter Drotman
Richard B. Everson
Frederick L. Ferris III
John C. Finley
Timothy G. Fleming
Leslie G. Ford
Donald P. Francis
William L. Freeman
Edward I. Ginns
Dorothy M. Gohdes
James T. Goodrich
Mary E. Guinan
Frank A. Hamilton
Dale E. Haveman
David E. Heppel
David L. Heymann
James L. Hoff
James M. Jaranson
David C. Jimerson
Richard A. Kaslow
Samuel J. Keith
Robert F. Knouss
William C. Knowler
Cornelis A. Kolff
Jeffrey P. Koplan
Kenneth H. Kraemer
W. Robert Lange
Dale N. Lawrence
James A. Lewis
Randall H. Lortscher
Milton K. W. Lum
William J. Martone
Edward E. Max
Barton C. McCann
Dennis B. McIntyre
William J. Miner
Herbert C. Morse III
Joel Moss
Phillip I. Nieburg
Allan S. Noonan
Charles Q. North
Antonia C. Novello
Robert B. Nussenblatt
Mark W. Oberle
David J. Pettitt
Donald G. Puro
Gerald V. Quinnan, Jr.
Walter Reich
Walter J. Rogan
Bruce S. Schoenberg
Chester F. Schott
Cynthia D. Schraer
Elston Seal, Jr.
Mitchell Singal
Walter C. Sloane
Dixie E. Snider, Jr.
Dorothy D. Sogn
Harrison C. Spencer, Jr.
Alan M. Steinman
James W. Stratton
Angelita J. Sunga
Edward Tabor
Carl J. Tjerandsen
Lynda K. Zaunbrecher

To be senior assistant surgeon

Wallace L. M. Alward
Ronald E. Brennan
Michael J. Carraher
William E. Carter, Jr.
Dean F. Effler
David T. Estroff
Richard A. Goodman
William L. Heyward
John T. Huttenlocher
Mark A. Kane
John R. Kittredge
Douglas N. Klaucke
Timothy D. Mayhew
Richard J. Miller
Melinda Moore
Guillermo R. Otero-Herrmann
Gary M. Pablo
John E. Parker
Stephen B. Permison
Stephen R. Preblud
Michael J. Rosenberg
Kenneth A. Schachter
David C. Sokal
Johnetta G. Stokes
Richard D. Klausner
Barbara A. Levin
David R. Marsh
Frederick T. Strand
Arnold E. Washington
John L. Wetherby III

To be senior dental surgeon

Jerome L. Gordon
Stanford E. Hamburger
David W. Fix
Gene A. Gerber
Arthur R. Hand
Jeffrey T. Hoffeld
Dushanka V. Kleinman
William J. Niendorff
Gary E. Schumacher
Charles H. Smith
Rodney Wong
David K. Wright

To be senior assistant dental surgeon

James E. Adamo
Victor R. Alos
David Apatoff
Steven M. Boe
Allen R. Bond
Roland J. Bondani
John W. Brown III
Eric G. Bruce
Barbara C. Bursaw
Richard A. Champany
James R. Cheever
George M. Ciavola
Christopher Delecki
Stephen P. Delpiano
Walter R. Dickinson, Jr.
Camille P. Dipaola
Robert G. Doherty
Suzanne Eberling
William E. Evans
Lawrence J. Furman
Martin G. Goebbel
Michael D. Harmon
Robert W. Hendricks, Jr.
Michael H. Hess
John V. Kelsey
Thomas E. Lenoir
John D. Levy
Roger D. Livingood
David B. Lloyd
Donald W. Marianos
Patrick D. McDermott
John R. Meeth
Steven R. Newman
Lawrence J. Ochfeld
Catherine A. Phillips
Paul D. Phillips
Gerald S. Phipps
Garry E. Pitts
Robert G. Plage
Steven P. Pruce
Timothy W. Sizemore
Fred B. Skrepcinski
James W. Toothaker
Sarah E. Valway
Barry S. Vanorman
Richard H. White
Harvey S. Wilson

To be nurse officer

Karen L. Allen
Olive P. Brown
Linda N. Bullen
Patricia L. Callison
Karen J. Clifford
Mary M. Dodson
Kendra L. Ellis-Hatheway
Mary E. Emerson
Merlyn K. Erickson
Marilyn J. Geiger
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To be senior assistant nurse officer

Melissa M. Adams
Barbara J. Anderson
Bruce C. Baggett
Barbara E. Baker
William S. Campbell
Clifton E. Carr, Jr.
Mary Chambers
Vianne S. Coppola
Martha J. Coury
Nancy J. Devlin
Elizabeth J. Holcomb
Roberta A. Holder
Eva L. Jones
Eleanor B. Kelner
Gaylyn J. Lawrence
Carolyn B. Lee
Melinda S. Lee
Thomas H. Love
Judith E. Maeda
Anthony E. R. Mann
Charles R. Mauch
Theresa M. McDonald
Thelma C. McGee
Peter P. Meccariello
Jerry D. Metzler
Samuel Monroe
Suzanne M. Mullin
Daniel A. Napoliello
Melva V. Owens
Mary M. Preston
Glenn A. Pruitt
Inez T. Rixse
Cristino Rodriguez
Janet S. Schultz
Robert J. Sivret
Michael D. Smith
Maria J. Tavormina
Paul R. Varney
Constance G. Walker
Marcia J. Withiam

To be assistant nurse officer

Danny J. English
Lonna J. Fullerton
Michelle T. Hall
Donna M. Kenison
Kathleen M. Kobus
Roman L. Kupczynski
Robert T. Lippert
Helen L. Meyers
Mark B. Parshall
Marva R. Pedro

To be engineer officer

James A. Crum
Daniel Jay Deroeck
Thomas G. Gallegos
Joseph D. Gillam
Richard J. Guimond
James A. Heidman
Michael J. Kremer
Stephen B. Leighton
Oliver T. Love, Jr.
Brock M. Nicholson

Chester F. Paul
Leo H. Stander, Jr.
Walter H. Stevenson
Dennis W. Taylor
William M. Vatavuk
Michael Verschelden
Timothy R. Webster
John M. Yacher

To be senior assistant engineer officer

Jesse L. Abzug
Marc R. Alston
Thomas F. Bloom
Willard D. Daellenbach
James A. Dinovo
James F. Dunn
Roy M. Fleming
John R. Giedt
Frank J. Hearl
Daniel L. Hightower
James G. Hopson
Franklin D. Kauahquo
Terence S. Langan
William D. Laroche
Charles S. McCammon, Jr.
Gary A. McFarland
William H. Midgette
Dennis M. Obrien
Carl E. Sullenger, Jr.
David S. Sundin

To be senior scientist

Paul Seder

To be scientist

Paul A. Baron
Jon A. Broadway
Jeanne R. Burg
Charles O. Roberts

To be senior assistant scientist

John M. Russo
Joyce A. Salg

To be sanitarian

Robert E. Glenn
David H. Pedersen

To be senior assistant sanitarian

Richard M. Bryan
Thomas A. Demarcus
John M. Fajen
Max B. Gyllenskog
Robert F. Herrick
John P. Sestito

To be assistant sanitarian

William J. Daniels

To be veterinary officer

Morris E. Potter

To be pharmacist

Clarence E. Gissendanner
Larry M. Kleinman
Michael R. Schallock

To be senior assistant pharmacist

Alan L. Ballard
Mark E. Breutzman
Patrick O. Cox
Charlene A. Freiberg
Beverly J. Friedman
George R. Gatewood III
John A. Heckel
James R. Hunter
Hairon J. Martin
Anna M. Myers
Anastasia E. Perez
Ralph H. Rack
William I. Schuman
Norman J. Turner
Dennis J. Vettese

To be assistant pharmacist

Robert M. Taylor

To be dietitian

Marilyn K. Flood
Karen R. Gordon

To be senior assistant dietitian

Sharon L. Hughes
Janice M. Huy
Robert S. McLaughlin

To be therapist

Judith A. Bell
David A. Havlick

To be senior assistant therapist

Andrew Novick

To be health service officer

Amy C. Barkin
Neil J. Berg, Jr.
Richard C. Bohrer
Barry Bragin
Michael B. Fitzpatrick
Alan S. Harris
Robert L. Heuser
Robert C. Jackson
Ruth W. Kaneshiro
Jeffrey D. Maurer
Timothy J. Morton
George M. Nakama
Harry A. Rosenzweig
Alan F. Schmierer
Kenneth F. Schulz
William T. Stringer III
Joel I. Verter
Henry J. Wirth III

To be senior assistant health services officer

Gloria N. Ames
Mary P. Anderson
Virginia J. Behrens
Ieva Berzins
Bill L. Boggs
William S. Boivin
Linda Morris Brown
Stephen F. Carver
Peter A. Doob
Jean D. Doong
Clifford D. Evans
Kathleen E. Furey
Donald W. Gann
James W. Garvie
Charles W. Gunzburg
Ellen M. Hutchins
William G. Jones
Marion A. Jordon
Virginia M. Mahady
Bobby L. Mason
Margaret A. McDowell
Robert W. Miller
Latham R. Morris
Robert J. Morton, Jr.
Nydia M. Muniz
Frederick G. Murphy
Martin A. Oberly
Linda M. Pottern
Philip W. Quinn
Donald J. Rooney
Jacob L. Rueda III
Stanley A. Salisbury
Gary N. Sanden
Nancy L. B. Sullivan
Dawn G. Tharr
John N. Zey

To be assistant health services officer

Steven H. Ahrenholz
Robert G. Hammernik
Patricia A. Rye

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force under the provisions of sections 624, title 10 of the United States Code:

To be regular major general

Lt. Gen. Larry D. Welch, [redacted], Regular Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9, 1984:

AFRICAN DEVELOPMENT FOUNDATION

A. C. Arterbery, of California, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years.

INTERNATIONAL MONETARY FUND

Richard D. Erb, of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

Mary Kate Bush, of New York, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maurice Lee Barksdale, of Texas, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF STATE

Walter Leon Cutler, of Maryland, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Thomas W. M. Smith, of Maine, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF COMMERCE

J. Bonnie Newman, of New Hampshire, to be an Assistant Secretary of Commerce.

THE JUDICIARY

John R. Hargrove, of Maryland, to be U.S. district judge for the district of Maryland.

IN THE AIR FORCE

The following-named officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Jimmie V. Adams, [redacted], Regular Air Force.
Col. Joseph W. Ashy, [redacted], Regular Air Force.
Col. Loring R. Astorino, [redacted], Regular Air Force.
Col. Robert H. Baxter, [redacted], Regular Air Force.
Col. Malcolm F. Bolton, Jr., [redacted], Regular Air Force.
Col. Charles G. Boyd, [redacted], Regular Air Force.
Col. Stuart R. Boyd, [redacted], Regular Air Force.
Col. Edward R. Bracken, [redacted], Regular Air Force.
Col. Denis M. Brown, [redacted], Regular Air Force.
Col. George L. Butler, [redacted], Regular Air Force.
Col. Harold N. Campbell, [redacted], Regular Air Force.
Col. Richard E. Carr, [redacted], Regular Air Force.
Col. David M. Cornell, [redacted], Regular Air Force.
Col. Hugh L. Cox, III, [redacted], Regular Air Force.
Col. Richard L. Craft, [redacted], Regular Air Force.
Col. Philip M. Drew, [redacted], Regular Air Force.
Col. David B. Englund, [redacted], Regular Air Force.
Col. Larry D. Fortner, [redacted], Regular Air Force.
Col. James E. Freytag, [redacted], Regular Air Force.
Col. Richard B. Goetze, Jr., [redacted], Regular Air Force.
Col. Frank S. Goodell, [redacted], Regular Air Force.
Col. Richard E. Hearne, [redacted], Regular Air Force.
Col. William L. Hiner, [redacted], Regular Air Force.
Col. Frank B. Horton III, [redacted], Regular Air Force.
Col. John E. Jaquish, [redacted], Regular Air Force.
Col. Frank J. Kelly, Jr., [redacted], Regular Air Force.
Col. Robert H. Ludwig, [redacted], Regular Air Force.
Col. Joel M. McKean, [redacted], Regular Air Force.
Col. Raymond V. McMillan, [redacted], Regular Air Force.
Col. Eric B. Nelson, [redacted], Regular Air Force.
Col. Keithe E. Nelson, [redacted], Regular Air Force, Judge Advocate.
Col. Donald A. Rigg, [redacted], Regular Air Force.
Col. Martin J. Ryan, Jr., [redacted], Regular Air Force.
Col. John P. Schoeppner, Jr., [redacted], Regular Air Force.
Col. John Serur, [redacted], Regular Air Force.
Col. Garryl C. Sipple, [redacted], Regular Air Force.
Col. Richard D. Smith, [redacted], Regular Air Force.
Col. Donald Snyder, [redacted], Regular Air Force.
Col. Dale C. Tabor, [redacted], Regular Air Force.
Col. Earl S. Van Inwegen, [redacted], Regular Air Force.
Col. Henry Viccellio, Jr., [redacted], Regular Air Force.

Col. Charles A. Vickery, [redacted], Regular Air Force.
Col. Frank E. Willis, [redacted], Regular Air Force.
Col. Charles P. Winters, [redacted], Regular Air Force.
Col. Mark J. Worrick, [redacted], Regular Air Force.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Robert F. Dunn, [redacted], U.S. Navy.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. David E. Grange, Jr., [redacted] Army of the United States.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert Arter, [redacted], U.S. Army.

The Army National Guard of the United States officer named herein for appointment as Reserve Commissioned Officer of the Army, under the provisions of title 10, United States Code, sections 593(a), and 3385:

To be brigadier general

Col. Arthur V. Episcopo, [redacted].

IN THE AIR FORCE

Air Force nominations beginning Andrew A. Allan, and ending William R. Klemm, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Air Force nominations beginning Jacob L. Braig, and ending Edward S. Schwartz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Air Force nominations beginning Curtis D. Hodge, and ending William E. Records II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Air Force nominations beginning Donald R. Allen, and ending Rowland R. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Air Force nominations beginning Michael A. Armour, and ending Krikor O. Partamian, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Air Force nominations beginning Bernard J. Amels, and ending William A. Hill, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

IN THE ARMY

Army nominations beginning Ronald C. Davis, and ending Robert P. Lech, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning William Alexander, and ending Robert D. Stewart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning Duane V. Ackerman, and ending William T. Ramey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning George D. Imes, Jr., and ending Howard Russell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning Claude K. Jackson, and ending Charles A. Munson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning Jeffrey D. Anthony, and ending Luther O. Waller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning Robert A. Sempek, and ending John H. Pitchford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning Jerry B. Reinoehl, and ending Paul D. Szabados, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning Herman B. Barthlomew, and ending Clark B. Will, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Army nominations beginning Paul F. Adams, and ending Andrew M. Warner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

FOREIGN SERVICE

Foreign Service nominations beginning Eugene J. Friedmann, and ending Michael Mamoru Yaki, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 30, 1984.

IN THE MARINE CORPS

Marine Corps nominations beginning Mark H. Biser, and ending Charles H. Rucks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Marine Corps nominations beginning Truman O. Anderson III, and ending Lisa A. Row, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 1984.

IN THE NAVY

Navy nominations beginning John Thomas Albritton, and ending Sylvia Ethel White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Navy nominations beginning Constante U. Abaya, and ending Mary Case Wheeler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Navy nominations beginning Mark F. Clapper, and ending Paul V. Tomasic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Navy nominations beginning Joseph A. Callahan II, and ending George Hilary Watt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Navy nominations beginning John Fincher Abbot, and ending John William Zwirner, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

Navy nominations beginning James W. Crawford, and ending Dennis Robert Yeargain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 27, 1984.

EXTENSIONS OF REMARKS

INDUSTRIAL POLICY: A POOR RECORD ON JOB GROWTH AND ANTI-SMALL BUSINESS

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1984

● Mr. LUNGREN. Mr. Speaker, many proponents of industrial policy have used impassioned, emotional dialog to document the purported weakness and inevitable decline of the U.S. economy unless, of course, we embark on this unique and enlightened strategy to economic revitalization. These industrial policy doomsayers would like us to believe that while the European Community and Japan, fueled by their grand industrial policies, pass us by, the United States has completely missed the boat.

I do not buy that, the American people will not buy that, and the record shows that nothing could be further from the truth.

Most industrial policy proposals claim job growth as one of their primary objectives. However, reviewing the record, it is apparent that no nation that has utilized industrial policy has fared as well as the United States. The chart below shows that only Japan comes close to the U.S. performance in creating jobs. In the seventies, even the sacrosanct industrial policies of the Japanese Government could muster only one-third the job growth of the United States.

Apart from the chart, the dismal experience of Great Britain and France with industrial policy has been well documented and would seem to be enough evidence for the United States to abandon once and for all this misguided proposition. If indeed the United States is "far out of step with the rest of the world on the issue of Industrial Policy" as has been suggested by some industrial policy proponents, enactment of industrial policy in this country can only work to our disadvantage.

The desperation of some of the advocates of industrial policy is manifested in their futile attempts to create a panic over the state of the economy while the United States enjoys a dramatic expansion of jobs. In the year 1983, over 4 million jobs were created, the second largest gain for 1 year in our country's history. Nevertheless, even if our job growth were not as robust as it is presently, I believe the experience of Western Europe and even Japan should make it clear that industrial policy never was and never will be in the best interests of the United States.

To further illustrate the broad consensus working against industrial policy, I am inserting an editorial into the CONGRESSIONAL RECORD from the July 11, 1983 Washington Post which I would like to share with my House colleagues.

This editorial also raises another interesting and important issue: The treatment of small business in industrial policy.

A core component of the many industrial policy proposals before us is the creation of a cooperative council, the so-called Economic Cooperation Council, made up of representatives from selected sectors of the economy. After studying industrial policy proposals for several months and having chaired hearings on the subject, I have one overriding concern. Such a council would necessarily be dominated by Big Business, Big Labor, and Big Government, with a lesser proportion allotted for small business.

The mere composition of such a council should be of great concern to anyone concerned with the total picture of the U.S. economy. Where in all this bigness is the niche for small business and the individual? In no way in such an elitist council could small business exert an influence commensurate with its contribution to the vitality of the economy. Estimates on the proportion of jobs created by small business range between 50 percent and 85 percent of the total jobs in the economy. In fact, during periods of recession, small businesses are responsible for virtually all net gains in employment. It is hard to imagine the policies of the Economic Cooperation Council approaching anything that could be considered pragmatic, apolitical, or egalitarian when choosing which businesses are to be propped up.

The proposals for an industrial development bank only exacerbate the problems for small business inherent in any industrial policy proposal. As the Washington Post editorial points out, small businesses lack the money and organization, and therefore the capacity, to deal with the bureaucracy on even terms with the special interest groups that invariably dominate any politically oriented institution such as the Economic Cooperation Council or industrial development bank.

In the long run it is the small business competition that can largely be credited for injecting innovation, training the work force, and ultimately creating the jobs necessary for smooth transitions and market adjustments in our dynamic economy. With an industrial policy as a roadblock, the future would not portend well for small business.

The job creation chart and Washington Post editorial follow:

[From the Washington Post, July 11, 1983]

HOW INDUSTRIAL POLICY WORKS

Does it not strike you as curious that, in all the excited talk about industrial policy, there should be so little notice of other countries' experience? Most of the other developed countries have experimented with it repeatedly over the past generation, and they have learned a lot.

The promoters of an American industrial policy usually begin with a rather romantic description of its success in Japan. But industrial planning is only one explanation among many for Japan's extraordinary growth. A more important one is the national practice of holding down the standard of living to favor economic development. The governments of Western Europe have been working in political and cultural traditions much closer to those of the United States. In those countries it is difficult to find much reason to think that, in the turbulent 1970s and early 1980s, industrial planning has helped much. On balance, the evidence suggests that it may actually have been harmful in its diversion of money into declining industries and its tendency to postpone necessary adjustments.

Of the four largest European economies, the one that has relied least on industrial policy—West Germany's—has emerged the strongest. Of the four, West Germany's is also the most competitive in the high technologies. Industrial policy is evidently not quite a sure formula for technical superiority.

The other three leading European economic powers—France, Britain and Italy—have shown the world a lot about industrial policy. Particularly in France it has had some interesting successes over the years. But one characteristic that deserves American attention is that it always favors large enterprises. The biggest companies can respond most quickly to the daily requirements of the government bureaucracies. The biggest companies also provide the largest numbers of jobs.

For all of the brave talk about picking winners, industrial policy usually means, sooner or later, government subsidies to protect jobs in stagnant or failing companies. The planning process itself makes a political issue of every hard choice between preserving employment and raising productivity. The more highly political these decisions become, the longer they are delayed. Plants are not closed when they become obsolete and unprofitable but—as in the European steel industry in recent years—when the subsidies finally become insupportable.

Congress is now thinking seriously about industrial policy, and draft bills are beginning to circulate. It's a highly appealing idea at first glance to use the government's

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

authority to steer labor and investment into the fields of highest hope. But before it goes any futher, Congress might usefully take a careful look at the ways things have actually worked out in the countries that have tried to put that appealing idea into practice.

JOB CREATION—CIVILIAN EMPLOYMENT FORCE APPROXIMATING U.S. CONCEPTS

[In thousands]

Years	Jobs created	Percent increase
United States:		
1960–69	12,124	18.43
1970–79	20,146	25.60
1970–82	20,848	26.49
Japan:		
1960–69	6,200	14.29
1970–79	3,900	7.77
1970–82	5,480	10.93
France:		
1960–69	1,640	8.78
1970–79	800	3.93
1970–82	620	3.05
Germany:		
1960–69	80	0.31
1970–79	−640	−2.45
1970–82	−1,020	−3.91
Great Britain:		
1960–69	810	3.50
1970–79	520	2.18
1970–82	−1,280	−5.39
Italy:		
1960–69	−1,130	−5.63
1970–79	1,010	5.29
1970–82	1,300	6.81

ADMINISTRATION HEALTH POLICY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WAXMAN. Mr. Speaker, a week ago I was privileged to speak to the American Association of Retired Persons about health policy problems and the attitude of this administration toward them. As chairman of the Health and Environment Subcommittee, I am aware that few issues are of greater importance to the American people than their health, and that there are few areas where the distorted priorities of this administration have been more unfair and more shortsighted. The text of my speech to the AARP follows:

It is a pleasure for me to come before you today. This is an important year for the senior citizens of America.

It is an election year.

It is a new budget year.

It is a year in which teenagers of the New Deal will become the retired persons of the Reagan Revolution.

And President Reagan has both announced his candidacy for re-election and proposed his budget for next year.

Retired people should join with children, young mothers, the poor, and the disabled in regretting both of these decisions.

The Republican re-election theme for Reagan's second term is "Better off today. Better yet tomorrow."

I don't believe that this is true in general. And I know that it is not true in health care.

"Better off today"? Not if you're on Medicare. In 1981, the elderly on Medicare spent an average of $1150 on out-of-pocket health expenses. After these past four years, you can expect to pay an average of $1700.

"Better yet tomorrow"? Not if you're in a nursing home. The Reagan budget proposes to cut Federal Medicaid payments permanently by 3%. Since Medicaid is the biggest purchaser of long-term care, this cut will affect more than a million Medicaid patients in nursing homes all over the country.

"Better off today"? Not if you're unemployed. Over ten million people lost their health insurance last year because the family breadwinners lost their jobs. Over half those people are still unemployed and still uninsured. The Reagan Administration has vigorously opposed even the smallest Federal health program for these people and has stalled House-passed legislation to provide benefits.

"Better yet tomorrow"? Not even if you've got a job. After virtually ending all business and inheritance tax, the Administration is proposing again to start taxing the health insurance of workers.

"Better yet tomorrow"? Not if you're a pregnant woman going without prenatal care. Not if you're a child getting no checkups or preventive health care. Not if you're disabled and suddenly thrown off the Medicare rolls. Not if you're living on a fixed income and are now told to pay large parts of uncontrolled hospital costs.

The President has taken to the campaign trail to deny that he is unfair, to deny that he lacks compassion. To show us he cares he even permitted television cameras to show him with two ill children from Korea.

I applaud that show of compassion, but compassion—like charity—begins at home. I would suggest that the President have his limousine take him a few blocks from the White House and see American children who are not better off today and have few hopes for tomorrow.

Across the board, the Reagan Administration over these four years has ignored the health needs of the American people.

This President who claims to be compassionate told us that homeless Americans are wandering the streets because they choose to do so. One of his closest advisers has said that hungry people choose soup kitchens over their own kitchens because they prefer free food.

Can we expect him to tell us that the sick have chosen illness over health or that the disable want to be handicapped?

This Administration is not speaking for most Americans.

There are no voices raised at town meetings to say tuberculosis should be brought back. But the Administration has opposed TB control as costly.

There isn't a parent alive who believes we should immunize fewer children. But two years ago, the Administration tried to cut the program in half.

There are no Americans who want more retarded babies each year. But the Administration has reduced by more than one-third maternal and child health programs that can prevent retardation.

No poll will show any concern that the elderly get too much from Medicare, but the Administration has proposed higher premiums and more patient costs each year.

Instead the Administration has designed and implemented health policies that target the most vulnerable members of society—the children, the disabled, the elderly, and the poor—and that leaves these people without any support.

The Administration has consistently targetted the most vulnerable members of society—the children, the disabled, the elderly, and the poor—for program cuts.

Medicaid, the Federal-State medical care program for the poor, reaches over 3 million elderly poor. Anyone familiar with the program knows that, in most States, it has never been adequately funded.

Yet Mr. Reagan continues to push for steep cuts in Medicaid. In the list of victims of Mr. Reagan's new budget for 1985, Medicaid is slated for over $1 billion in cuts next year alone.

And if Mr. Reagan succeeds in cutting Medicaid, he will create great havoc and misery for the poor while bringing the budget deficit in 1985 from a staggering $180 billion to a staggering $179 billion.

Over the past 4 years, Mr. Reagan has pushed to increase Medicare deductibles, premiums, and coinsurance requirements for beneficiaries.

As a result of Reagan policies, Medicare beneficiaries will average over $1000 in out-of-pocket costs in 1984—and this does not include any of the costs of nursing home care.

In his new budget, Mr. Reagan continues to seek changes that would shift costs from the Federal government to Medicare beneficiaries:

He would raise the monthy premium that each elderly and disabled beneficiary must pay in order to receive coverage under Part B, raising it by 40 percent over the next 5 years.

He would raise the annual $75 deductible under Part B each year by indexing it to inflation even if Social Security cost-of-living increases do not keep pace.

He would delay initial eligibility for Medicare by one month, whether or not a beneficiary had alternative coverage during the month in which he or she turned 65.

He would put a ceiling on Medicare payments to physicians, not so that doctors will get less, but so that patients will pay more when their physicians ask them to make up the amounts that Medicare will no longer pay.

In his budget, Mr. Reagan offers no constructive proposals for the problems confronting the Medicare program. Nor does he offer any serious recommendations for the equally—if not more—difficult problems of long-term care.

It was Congress, not President Reagan, that forced the issue of reforming Medicare reimbursement for hospital services. The Administration did not even come forward with a proposal until Congress, in the 1982 tax bill, directed it to do so.

Even when they were forced to act, the Reagan Administration took only the most conservative approach to hospital reimbursement reform, limiting any changes to Medicare only. We therefore missed a great opportunity to reform hospital payment practices for all consumers, not just those covered by Medicare.

Mr. Reagan seems to believe that the problem with the Medicare program is that beneficiaries are not paying enough for their health care. This is pure, Hollywood Grade B fantasy.

The fact is, Medicare already pays for only 46 percent of the health costs of its elderly beneficiaries. Reducing what Medicare pays even further will have no effect on the price of hospital or physician services. It will have a profound effect on the beneficiaries themselves, making health care even more expensive for the less affluent elderly.

Of course we all know that the Medicare Trust Fund is in trouble and that the problem will not go away. No one doubts that if adjustments are not made, the fund will go bankrupt sometime in the next ten years.

Payroll deductions grow at a fixed rate, but the fund pays for hospital expenses that grow at almost double the rate that wages are increasing.

The population grows older, so fewer people are paying for more beneficiaries.

And Reagonomics has made the Trust Fund's problems worse. The record-breaking levels of unemployment we have just experienced have reduced the employment base for payroll tax contributions.

Unless we see a dramatic shift in Mr. Reagan's attitude toward the health needs of older Americans, the solution to the impending Medicare deficit must come from Congress.

Although there are no easy answers, there are some promising approaches that I believe we ought to consider.

First, the dominant strategy for dealing with rising Medicare expenditures must be system-wide health care cost containment. Limits should be placed on hospital spending for all patients—not just those covered by Medicare—and the elderly should be protected from burdensome physicians' fees.

An effective cost containment program could do much to reduce the potential shortfalls in the Medicare trust fund without shifting a greater financial burden onto Medicare beneficiaries.

I understand that Senator Kennedy and Congressman Gephardt will soon be introducing legislation to achieve this result. This bill will make a major contribution to the debate on Medicare, and I look forward to working with Mr. Gephardt and his colleagues on the Ways and Means Committee on this issue.

We must also look for ways to improve coverage under Medicare to assure adequate protection for disabled and older Americans. Better protection against the cost of chronic care and maintenance of existing benefits are essential to any Medicare reform effort.

Yet to improve Medicare's protection, we must assure that we have the revenues to guarantee the enhanced benefits.

In raising additional revenues, we should look at ways to spread the burden so that those who are better off pay a greater share and those who are less able carry a lighter load.

I oppose any means-test approach for Medicare. Benefits should not be linked to ability to pay, and income and assets should never be used to determine program eligibility.

We have seen what means-testing has done to the dignity of the elderly under Medicaid. We should not and cannot go that route with Medicare.

Medicare must remain a universal entitlement for all elderly and disabled—with uniform benefits and coverage, regardless of means.

But, we should not reject, out-of-hand, financing changes that consider ability to pay. For example, we ought to consider using the income tax system as a source of additional financing for Medicare. General revenues could be used to preserve current benefits and even to expand services such as long term care.

Perhaps even a surtax to help support Medicare would make some sense. I'm not endorsing that idea, but I'm willing to look at it.

Under such an approach, those with more resources pay more and those with less pay less—the basic principle of fairness. Yet, the receipt of benefits is not related to ability to pay—and that's the basic principle of Medicare entitlement.

Medicare is a commitment we must honor, not only for today's senior citizens, but also for today's workers, who are counting on the program to protect them in their older years.●

DADE CAPITALIST BRINGS HOLIDAY JOY TO CHINESE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, recently, the owner and manager of one of the largest manufacturing enterprises in Florida's 17th Congressional District made a special visit to his other factory, which is not located in Dade County, or the State of Florida, or even in this hemisphere. His other factory is located in the People's Republic of China.

The Miami Herald ran an article on this visit. I think it provides a fascinating insight into contemporary China, a country that is not well understood by Americans but which promises to become increasingly important to us in the future. I would like to share this article with my colleagues.

I visited the Peoples Republic of China not long ago and feel very strongly that closer ties between our two countries are in the best interests of both. One of the best ways to achieve this goal is through mutually beneficial trade. American entrepreneurship and goodwill are an unbeatable combination in establishing both trade and friendship across the Pacific, and Belvin Friedson and the Windmere Corp. have taken creative new steps in this direction.

DADE CAPITALIST BRINGS HOLIDAY JOY TO CHINESE

(By Michael Browning)

SHAJING VILLAGE, Shenzhen Special Economic Zone.—The 80-foot string held 200,000 firecrackers, and they took about three minutes to blow up, splitting the air with a terrific fusillade. The powder flamed in yellow-white flashes, the paper wrappers flew in all directions like red snow. Dogs ran for cover and children held their ears.

The Chinese lunar New Year came early to Shajing and the man who brought it was a 59-year-old hair dryer manufacturer from Miami named Belvin Friedson.

"This is the happiest day of my life," Friedson yelled above the furious explosions.

Drums pealed and gongs clattered. The Chinese workers—his workers—turned out by the thousand to welcome the graying capitalist from Florida most of them had never seen.

Young men waggled huge papier-mache masks, horrific with their flapping jaws and goggling eyes. Youngsters behind them jumped and pranced under the flowing silk trains. This was the lion dance, a traditional part of the Chinese New Year's merrymaking. The red and gold banner across the dusty main street said: "Welcome our American friends."

Friedson and a group of officers from Windmere Corp., a Northwest Dade firm, had traveled to China to toss a New Year's banquet for his 2,260 workers. They had helped make him rich and, as he saw it, the least he owed them was a good feed.

"My social conscience is assuaged by this," he conceded. "This has historically been an overly exploited land. I like to think that this is working out to our mutual benefit and prosperity."

His net earnings for the first three quarters of 1983 were more than $2.7 million.

Of course Friedson's prosperity far outstrips that of the Shajing villagers. He is a millionaire and more, and they are earning about $10 a week. He has taken full advantage of China's immense pool of cheap labor to turn out hair dryers and curling irons that are among the most cost-competitive in the world.

Thanks to the nimble fingers of the peasants of Shajing, Friedson's Windmere "Little Pro" 1,200-watt hair dryer goes for $9.99 in the United States—only $4.99 for customers who send in for a $5 rebate.

"We've sold a million of these things," Friedson said cheerfully. "My partner, Mr. Lai Kin [a Hong Kong resident] and I, we're getting very rich."

Enriching him further is the nature of his agreement with the Chinese. Friedson has invested no money in China, bought no land, made no permanent concrete construction in Shajing. He contracts for labor only and pays no taxes to the Chinese government.

LITTLE RISK

If the political climate were to chill tomorrow, Friedson would lose little. Even the machines on the Shajing assembly lines are old hand-me-downs from his Hong Kong factories.

But the Shajing people were thrilled to see him, notwithstanding. His hair dryers and curling irons have brought a degree of prosperity to these peasants that was inconceivable two years ago.

Before Friedson set up his factories here, they were raising cabbages, broccoli and litchi nuts. The fields of this South China coastal province look much the same today as they did a thousand years ago, prickled with the brown stubble of rice straw and crossed by canals where white ducks and brown geese swim.

From time to time, the peasants still plow up old human bones, the remains of forgotten ancestors. These they place carefully in brown earthen jars and put to one side along the edge of the fields. Thus vegetables grow on former graves, against a timeless background of green mountains and gray seas.

Friedson changed all that starting two years ago. His hair dryer and curling iron factories have made Shajing and the neighboring hamlets of Wan Feng, Bao Gang, Xin Qiao and Xiang Xing oases of extraordinary plenty. The peasants here are among the wealthiest in the People's Republic.

The $10-a-week starting wage may not sound like much, but it is double the national average income. With overtime of 25 cents an hour and bonuses of up to $25 a month for overfulfilling quotas, the ex-farmers have been able to build two-story spanking white concrete villas that the average Chinese can only dream of.

BUSINESS GROWS

"Two years ago we had 30 workers. Today we have 2,260," said Friedson, over a lunch of crabs, oysters and fresh lobster from the mouth of the Pearl River. "I really believe we're part of an historically important phase in Chinese-U.S. relations."

China thinks so too. Shajing village is part of the five-year-old Shenzhen Special Economic Zone, a curious experiment in state-controlled capitalism that has so far attracted more than 2,500 foreign enterprises and a total foreign capital investment in excess of $1.7 million.●

SPEECH BY THE HON. MARCY KAPTUR

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LEVIN of Michigan. Mr. Speaker, I ask to revise and extend my remarks.

I am inserting into the RECORD today a speech our colleague, MARCY KAPTUR gave to the congregation of Etz Chayim in Toledo, December 4.

I think it excellently sums up our congressional work relating to Israel, Lebanon, and Mideast policy overall. Her first principle of Mideast policy merits repeating on the floor today:

That we will stand by Israel as our best and strongest ally, knowing full well that Israel is not an American supplicant, but a strong and independent democracy which shares our ideals and goals. And we make it clear that we will do everything in our power to make Israel secure from its enemies.

The full speech follows:

As you are aware, the past few weeks have been incredibly hectic. Events have happened so fast, both in Washington and in the Middle East, that I thought it might be useful to recap what has taken place in order to put it into proper perspective.

I am confident about the strength and continued growth of America's friendship with Israel. And in spite of recent tensions and tragedies, the alliance with our best friend in the Middle East is alive and well. Our enduring relationship has been strengthened by recent developments which took place in Washington.

First, the House of Representatives tossed aside political expediency and voted the most ambitious foreign assistance package for Israel to ever be enacted. It calls for $2.61 billion in aid to Israel under the most favorable terms since the beginning of this program.

The foreign aid process was torturous. President Reagan had initially requested a cut in grant aid to Israel of $200 million. As the clock ticked down to the final hours of the first session of the 98th Congress, I joined with my House colleagues to pass an amendment to the Federal Budget, which increased grant assistance to the State of Israel by $425 million above the President's request. I am proud to say that this amendment, which was adopted by a vote of 262 to 150, is the biggest margin of victory for a foreign assistance bill in memory. The President signed it, and today it is the law of the land.

Congress also fought the Secretary of Defense to permit research and development for Israel's Lavi fighter plane to go forward. This research will take place in the United States and Israel, bringing jobs to both nations, while simultaneously insuring a strong deterrent force for Israel, far into the 1990's.

In the newly passed aid package, Congress specifically permits Israel to spend $300 million of its military assistance in the United States on research and development for the Lavi. In addition, Israel was granted permission to spend $250 million for procurement of defense articles, mostly for the Lavi, in Israel.

Passage of this legislation has sent a clear and unmistakable message to the world—we will not abandon our best friend in the region.

Not only have we increased aid to Israel and insured further R&D on the Lavi, but within the last year the Congress quashed two misguided Middle East initiatives hatched in the Pentagon.

First, plans leaked that the Administration planned to sell a sophisticated package of armaments to Jordan. This plan, which would have given Jordan mobile Hawk capable of destroying Israelis in their homes, was stopped in its tracks when a majority of both Houses of the Congress signed a letter putting us on record in opposition to this sale. President Reagan realized he would never have the votes to approve this sale.

Then again, late this summer, the Congress discovered that the Pentagon planned to equip a Jordanian Rapid Deployment Force with American arms and know-how. Putting the most sophisticated American weapons in the hands of the Jordanians had the word "trouble" written all over it. For the second time, it was the Congress that thwarted this plan.

A majority of the House and Senate went on record against these ideas. I guarantee that we will stand guard against any such plans which seek to give offensive arms to nations who pose a danger to the security of Israel.

Each of us understands that the path to peace in the Middle East is complex, and fraught with danger at every turn. But our role must be guided by a clear and certain set of precepts.

First, that we will stand by Israel as our best and strongest ally, knowing full well that Israel is not an American supplicant, but a strong and independent democracy which shares our ideals and goals. And we make it clear we will do everything in our power to make Israel secure from its enemies.

Second, we should work tirelessly to bring together parties who show a genuine desire for peace, and work with them to make it a reality.

I believe that until every adversary is convinced that our commitment to Israel is unshakable and enduring, they do not have the necessary inducement to join the peace process. These nations must come to understand that we will not answer the siren song of a quick and easy solution to the problem of peace in the Middle East. At the same time, though we often refer to that part of the world as the Middle East, it is actually separate nations each with its own history and view of the world. There is no doubt the region is a touchpoint for world war—as oil, internal rivalries, superpower confrontation, unsettled political situations converge.

Recently, we have observed the increasingly tragic events in Lebanon, including the bombings of the U.S. and French barracks in Beirut and the Israeli barracks in Tyre. The U.S. and Israel share the same goals in the region. These goals have been clearly expressed by officials in both countries. They are:

First, the removal of all foreign troops from Lebanon;

Second, the restoration of a sovereign Lebanon in control of its own territory; and

Third, the security of Israel's northern border.

In my view, we cannot underestimate the importance of dealing with Lebanon as a sovereign state. Because of the nature of U.S. involvement and our increasing alliances with the central government of Lebanon, we have been losing our ability to act as a neutral broker for peace in the region and for a neutral Lebanon that respects Israel and other states in the region.

We know foreign policy initiatives lie within the domain of the Presidency. And the Congress must cooperate in the national interest so long as our Nation's objectives in an area are clear. You should know that within the Congress now there is a great undertow that is observing the Lebanon situation with skepticism and concern. For those who did not support the 18 month extension, there is genuine worry that U.S. objectives have changed from its initial role as a peacekeeping force, to supporting the central government of Lebanon. As Congressman Ted Weiss said, the focus of U.S. concern seems to be shifting from Israel to Lebanon. We have committed troops, not at Israel's request, and our ultimate objective is still unclear.

In closing, in our own way, each and every one of us bears the responsibility to contribute to the task of protecting Israel and peace in the Middle East. I know that with vigilant partners like each of you, the security of Israel will not be endangered during our watch. We must search for ways to broaden the peace and all look forward to the day when the biblical prophesy will be fulfilled: ". . . they shall beat their swords into plowshares and their spears into pruning hooks. Nation shall not lift up sword against nation: Neither shall they learn war anymore." Sholom and I hope and pray that wisdom will prevail so our children and grandchildren can share a world that is truly at peace.●

CONYERS INTRODUCES BILL ON NONCONSENSUAL RECORDING OF TELEPHONE CONVERSATIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. CONYERS. Mr. Speaker, today, I am introducing a bill to make it illegal to do something I am certain most Americans assume is already illegal. When U.S. Information Agency Director Charles Z. Wick began surreptitiously taping his phone conversations, most would have assumed that he was acting in violation of the law. Unfortunately, those acts were not illegal. Unquestionably, however, they should be.

The bill I am introducing today would make it a misdemeanor offense for a Government officer or employee to make a sound recording of a conversation taking place on a telephone without the consent of all of the parties to that conversation. Violators of this law would be subject a maximum penalty of 1 year imprisonment and a fine of $100,000.

Four categories of persons who normally and reasonably must tape telephone conversations in the performance of their duties would be excepted from this law. Excepted persons would include, first, law enforcement officials; second, persons engaged in counterintelligence work; third, magistrates pursuant to Federal or State law, receiving requests by telephone for the issuance of search warrants—see, for example, rule 41(c)(2)(D) of the Federal Rules of Criminal Procedure, and fourth, handicapped persons who must record telephone conversations in order to perform their daily office tasks.

At least 13 States have already passed laws similar to the law I am proposing today. Recent events demonstrate that prohibition of the nonconsensual recording of telephone conversations by Federal employees is long overdue.

The Subcommittee on Criminal Justice, which I chair, will begin holding hearings on this bill in the near future. I invite those who are interested in testifying on it to contact the subcommittee staff at 226-2406.●

THE SOVIET UNION MUST RELEASE RAOUL WALLENBERG

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. ADDABBO. Mr. Speaker, why would not the Soviet Union release Raoul Wallenberg? Why would not Mr. Andropov answer my requests for information about this heroic Swede? Why do they continue to violate the human rights of Wallenberg and so many others?

I have no answer. But the Soviet black-out on human rights will not discourage me from pursuing the cause of freedom of these men.

I will continue to refresh the memories of my fellow colleagues and expend my energies on behalf of this man.

Raoul Wallenberg saved more than 100,000 Jews from deportation to Nazi death camps. As a Swedish diplomat during World War II, he risked his life fighting Hitler's Gestapo. These were the same armies that the Soviet Union fought against. However, after the war the Soviet Union occupied Hungary and imprisoned their ally—Wallenberg.

The exact reason for this action is unclear. It was not until 35 years after his incarceration that Andrei Gromyko, then Deputy Foreign Minister, acknowledged that Wallenberg died of heart failure in a Lubyanka prison. Witnesses have expressed their doubts as to the validity of Gromyko's statement, citing observation which contradict what the minister said. Many people believe Wallenberg is still being held at a prison inside the Iron Curtain.

The struggle to secure the truth goes on. Last week my colleague, Congressman TOM LANTOS, filed suit in the U.S. district court in Washington to force the Soviet Union to produce information about the whereabouts of this courageous hero. I must demand that the Soviets release this man as he is not only revered by the Swedes but is also an honorary citizen of the United States.

Mr. Speaker, I challenge the Soviet authorities to respond to this litigation immediately. The Soviets in their pursuit of world peace claim to exhibit a concern for the decency of human beings. To gain our respect they must prove their words embody the truth. I will not be satisfied until we learn the truth as the whereabouts of this man, who they have held hostage for almost 40 years. The time for the truth is now.●

UKRAINIAN INDEPENDENCE

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. ECKART. Mr. Speaker, in January of 1918 the Ukrainian people in Kiev proclaimed their independence. They fought relentlessly for 3 years against the Bolsheviks to establish their independence only to lose in the end to the shear numbers of the Communist army. They have been punished unmercifully ever since.

The Soviets have tried to repress and eradicate all vestiges of Ukrainian ethnic identity. They have been deprived of their ethnic future through mass assimilation programs. The Russian language has become the basic language of Ukrainian society; the Ukrainian Orthodox Church has been forced to merge with the Russian Orthodox Church; Ukrainian history has been falsified; the list continues.

Despite all of these trials, however, many Ukrainians have not and will not accept the political and cultural domination of their land. Especially noteworthy are the members of the Ukrainian Helsinki Group, the only one still active under strong Soviet suppressive actions, who have been undergoing unjust trials and harsh prison sentences in their ongoing efforts to monitor Soviet compliance with the provisions of the Helsinki Final Act.

We in the free world must pay homage to these courageous people fighting against incredible odds to preserve their national identity. Their fight for freedom and justice is one that should command the respect and support of our Nation.●

NATIONAL DEBATE ON EDUCATION POLICY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. SNYDER. Mr. Speaker, late last year, I asked my constituents in the Fourth Congressional District of Kentucky to add their voices to the national debate on education policy by responding to an education questionnaire which outlined some of the recommendations and issues raised by the National Commission on Excellence in Education. As usual, they responded to the call and over 10,000 of my constituents filled out and returned the poll.

I would like to share the results of this survey with my colleagues.

The results follow:

SPECIAL QUESTIONNAIRE ON EDUCATION

	Percentage	
	Yes	No
1. Should schools concentrate more on teaching the "basics"—English, science, math, and social studies?	97.1	2.9
2. To provide time for increased academic course time, should the school day be extended 1 hour?	41.7	58.3
3. The school year averages 180 days nationwide. Should it be extended 15 or 20 days?	45.0	55.0
4. Would you be willing to pay more in State and local taxes to provide for longer school days or school years?	37.5	62.5
5. Should students be tested before promotion to the next grade to insure that they have learned the necessary skills to continue at more advanced levels?	89.8	10.2
6. Should students be required to pass a standardized achievement test in order to graduate?	83.2	16.8
7. Should homework assignments be increased at all levels of education?	58.4	41.6
8. Do you believe that teachers' salaries are too low (during the 1981–82 school year, Kentucky teachers' salaries averaged $18,384) and that they should be increased?	51.7	48.3
9. Would you be willing to pay for increased teachers' salaries?	48.1	51.9
10. Should teachers' salaries be based on merit and the quality of their job performance?	84.2	15.8
11. Should the Federal Government increase its contribution to education?	52.1	47.9
12. Should the Federal Government, rather than the State and local school boards, set the policies and standards for educational achievement?	23.6	76.4
13. Would you be willing to pay more in Federal taxes to fund an increased Federal role in education?	19.3	80.7

Although there were only 13 questions, there was a number 14 on the questionnaire—a space for additional or clarifying comments. I wish I could list all of them for my colleagues to see.

Some of the final tabulations listed above speak for themselves and need no amplification or explanation. Virtually everyone agreed on the Commission's recommendation that schools

should get back to the basics. Overwhelming majorities favored the idea of testing students before promotion and/or graduation. A slim majority favored increased Federal contributions to education but a large majority are opposed to Federal involvement in policymaking. The tallies on those questions are pretty straight forward. However, on some of the other questions, one really needs to view the results along with the comments that accompanied those answers to get a full understanding of what the results mean.

While a striking majority of the respondents did move for a merit pay system for teachers, the comments that addressed this issue made it clear that many of those people who supported the theory of merit pay had serious doubts about whether a fair and nonpolitical system to judge merit could actually be designed. One of the most frequent comments was "My support for a merit pay system is contingent on the development of a workable system to judge teacher performance fairly." Others said they supported the idea but were concerned by the possibility that it could easily degenerate into politics as usual or an exercise in apple polishing.

The question about increasing teachers' salaries ended up in almost a tie. Many felt that $18,000 for 9 months is not all that shabby. Many felt that higher teacher pay was absolutely essential. However, in the middle, many of those who answered "no" said they might change their position if there were some guarantee that more money would mean better teachers. On the other side of the same coin, many of those who endorsed the idea of higher salaries made their "yes" vote contingent on the same permise. They would be willing to pay teachers higher salaries but only if there were some assurance that it would mean better quality.

The tally sheet indicates that there is no overwhelming mandate for longer school years or school days, but the comment section made it clear that people would be willing to accept longer days or years if necessary, but feel that schools should concentrate on using the time they have more effectively before we conclude that we need longer hours to get the job done.

This willingness to do whatever is necessary to improve education was even noticeable in the comments on taxes. Although higher taxes did not generate a great deal of enthusiasm, the comments on these money questions made it clear that most people would be willing to pay more if it was absolutely necessary. Many respondents doubted that more money was the answer. And many said that if more money is the answer, we should get that money by eliminating waste elsewhere—in the schools, the State and local governments, and the Federal Government—rather than resorting to tax increases. The Defense Department and foreign aid were mentioned more than once in connection with wasteful spending.

Other frequent comments were:

Eliminate the frills. Reduce the emphasis on sports and get rid of nonessential activities.

Do away with busing. It wastes too much money and is too disruptive. How can we think about lengthening the school day when many children are already forced to spend hours on the buses?

Alternatives to public education should be encouraged by tuition tax credits.

The Federal Government should keep its hands off education altogether. Leave it to local control.

The elderly cannot afford higher property taxes. Find some other way to raise funds for education.

Restore discipline in the schools.

The response to my questionnaire and the tremendous amount of comments it generated are solid proof that people care about the quality of education and they are willing to do whatever is necessary to see that education in this country is ready to meet the challenges of the future. We already have a good foundation with which to start and I am confident that we will be able to find the answers we need to build an even stronger educational system.●

FREEDOM FOR THE UKRAINIAN PEOPLE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. ANDERSON. Mr. Speaker, today marks the 66th anniversary of the recognition of the Ukraine as a free and independent nation. On February 9, 1918, the Ukrainian people concluded the treaty of Brest-Litovsk with the Central Powers, gaining de jure and de facto recognition just 2½ weeks after declaring their independence.

I want to take this occasion to commemorate the valiant efforts of the Ukrainian people. For the next 3½ years following independence, the Ukrainian people struggled valiantly to preserve their independence against a well-armed Russian army that far outnumbered them.

Although they were to lose this battle and fall under the control and domination of the Soviet Union, the Ukrainians would never abandon their struggle for freedom. Over the years, they have suffered through religious and cultural oppression and persecution, including the liquidation of the Ukrainian Church, and through the great famine of 1932, induced by the collectivation of farms by the Soviet Union, which resulted in 7 million deaths in Europe.

Through all of this, the Ukrainians, as the largest non-Russian ethnic group in the Soviet Union, have continued the struggle to preserve their culture and national heritage.

I hope that by our recognition of this historic occasion, we can keep the flame of hope for freedom burning inside the 50 million Ukrainians in their homeland, so that their goal may one day be achieved.●

SENTENCING REVISION ACT OF 1984

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. CONYERS. Mr. Speaker, time and again I have, in these chambers, called attention to the inefficiency and inequity that prevail in the Federal criminal justice system, and in particular in our sentencing practices. It is thus with great dismay that I have watched efforts to resolve these deficiencies fall victim to those wishing to use crime as an excuse for unjustifiable restrictions on the liberty, and invasions of the privacy, of our citizens. Too often, criminal justice reform has been manipulated for partisan purposes. Too often, the public has been misled to believe that criminal justice reform can have a significant impact on the crime rate, that if we only repealed the fourth, fifth, and sixth amendments to the Constitution we could live peaceful, crime-free lives.

The recent history of criminal justice reform efforts is only too illustrative of these problems. During the 97th Congress, efforts by the Criminal Justice Subcommittee, which I chair, to report a Criminal Code revision bill early in the second session were frustrated by an attempt to use the legislation as a vehicle for pet projects of the New Right, and later in that session by dilatory parliamentary tactics from the same quarter. By the time the bill was reported by the subcommittee, there was insufficient time remaining in the session to permit action by the full committee. During the lameduck session, proposals were sent over by the Senate which involved both criminal justice reform and so-called anticrime measures. It would have been irresponsible to deal with some of the major issues in those proposals—such as sentencing, preventive detention, and habeas corpus reform—without full Judiciary Committee consideration. I therefore opposed action at that time, and resolved to make every effort to achieve significant reform,

particularly sentencing reform, during the 98th Congress.

I am therefore pleased to announce that hearings on sentencing reform will commence shortly after our return from the district work period. I am confident that we will thus be able to continue the work we began last Congress, and that our effort will culminate in the passage of significant sentencing reform.

The work of the subcommittee during the 97th Congress is currently embodied in H.R. 2013, the Criminal Code Revision Act, which I introduced at the beginning of this Congress. In order to facilitate consideration of the sentencing provisions of this proposal, I am today introducing those provisions separately, as the Sentencing Revision Act of 1984. This bill is substantially similar in substance and form to the sentencing provisions of H.R. 6915, the Criminal Code Revision Act reported by the full Judiciary Committee during the 96th Congress. It differs from those provisions, however, in a number of areas:

1. GREATER ENCOURAGEMENT OF THE USE OF ALTERNATIVES TO PRISON

After many years of service on the Judiciary Subcommittees on Crime and Criminal Justice, I am thoroughly convinced that prisons do not rehabilitate. This fact, coupled with the extraordinary cost of imprisonment, inescapably leads to the conclusion that imprisonment should be used only for those who represent a danger to the safety of other persons. This is true regardless of whether the danger is caused by physical violence or by life-endangering corporate activities. In today's criminal justice system, however, prisons too often are full of persons who have committed only property crimes. Among the changes made by the "Sentencing Revision Act of 1984" in order to remedy this problem, two stand out. First, prior to imposing sentencing, a judge is required to consider every sentencing alternative in order of increasing severity, and to impose the first such sentence sufficient to meet the purposes of sentencing. An explanation of the reasons for the rejection of less severe alternatives must appear in the record. Such a provision has repeatedly been recommended by the American Bar Association. Second, the bill explicitly authorizes work in community service as a condition of a sentence of probation.

2. ADDITIONAL AND MORE SEVERE SENTENCES FOR WHITE-COLLAR AND CORPORATE CRIME

One of the results of the lack of sentencing alternatives in the current criminal justice system is that a judge, in sentencing a white-collar criminal, is often faced with the alternatives of imprisonment or a mere slap on the wrist. In sentencing corporations, the judge is even more restricted, since corporations cannot be imprisoned. Fine levels, established decades ago when the dollar was worth more, are completely inadequate. The Sentencing Revision Act of 1984 authorizes fines of $1 million for corporate felonies, and $100,000 for corporate misdemeanors.

It also permits fines to be leveled at an amount twice the pecuniary gain a defendant received from an offense, or twice the loss in property or cost of bodily injury suffered by the victim. Defendants may be required to notify the victims of an offense of the conviction, thus facilitating a victim's request for restitution. In order to insure a corporation's compliance with conditions of conditional discharge, the court is permitted to appoint a special master to oversee corporate operations. Finally, a court may require as a condition of probation that a corporate officer refrain from similar employment during the term of probation.

3. DELETION OF THE PROPOSED "GUIDELINES" SYSTEM OF SENTENCING

Previous Criminal Code bills in both Houses have included sentencing systems that, to varying degrees, limit the discretion of a judge through the establishment of sentencing guidelines. Testimony from numerous witnesses has convinced me that the implementation of such a system would create two serious dangers: First, political pressure could result in an escalation of sentences under the guidelines, leading to an increase in prison population, with all the concomitant losses in human and economic resources. Second, any effort to remove discretion from judges may merely place that discretion in the hands of the prosecutor who, through charging and plea bargaining decisions, can determine the sentence to be imposed. I hope that, through careful deliberations, we may avoid such results. To do so, however, it is important that we have more information on the operation of such systems. Numerous States are currently experimenting with various forms of guidelines and determinate sentencing systems. The results of such experimentation should become apparent in a short period of time. Inasmuch as sentencing reform is not an emergency, it would make considerable sense for Congress to delay enactment of a new system, and confine itself to reform of procedures and the creation of sentencing alternatives, until it has the necessary data to make an informed decision. The Sentencing Revision Act of 1984 takes this approach.

By refraining from plunging blindly into a new sentencing system we may discover that drastic change is not required. It may well be that disparity can be controlled by simply providing Federal judges with more information about the practices of their compartriots. An effort to reduce disparity through increased communication among jurists has the important additional advantage of leaving judges free to tailor sentences to the unique circumstances involved in each case. I have therefore included a requirement in the Sentencing Revision Act of 1984 that the Judicial Conference collect, analyze, and distribute data concerning the sentencing practices of Federal judges.

I believe that the Sentencing Revision Act of 1984 consititutes a moderate program for reform. With our correctional facilities already filled well beyond capacity, we cannot afford to take, as suggested by some proposals, a risky leap into extreme revisions. I am confident that our deliberations this Congress will produce a sentencing bill that will make sentencing more rational; improve the quality of the information available to the sentencing judge; insure that expensive prison space is used efficently, to house dangerous offenders; and encourage the development of effective alternatives to prison. I will commit my every effort to facilitate the enactment of such legislation into law this Congress.●

FLOURISHING STATE ENTERPRISE ZONES DRAMATIZE NEED FOR CONGRESSIONAL ACTION

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. SUNDQUIST. Mr. Speaker, there are a large number of important issues with which we should deal in the relatively short session we will be having in 1984. I am hopeful that, action on enterprise zone legislation will have a high priority.

This concept, now embodied in H.R. 1955, of which I am a cosponsor, has been before Congress for several years. It is a modest experimental proposal with great potential. Hearings have been held, impressive testimony has been gathered, the Senate has passed a bill, and successful State experiments are demonstrating the soundness of this new approach to creating jobs and revitalizing distressed communities.

President Reagan recently underscored his strong backing for enterprise zones. In his state of the Union address, there was a very clear and important plea to this body regarding this matter.

It is not just the home but the workplace and community that sustain our values and shape our future. So I ask your help in assisting more communities to break the bondage of dependency. Help us to free enterprise by permitting debate and voting "yes" on our proposal for enterprise zones in America. This has been before you for 2 years. Its passage can help high unemploy-

ment areas by creating jobs and restoring neighborhoods.

In this connection, I would like to call to this body's attention an important article by the respected commentator on Americana, Neal Pierce, which appeared in the Commercial Appeal of January 18, 1984, Pierce points out that numerous States and cities of America are not waiting for us to act on this concept.

They have already taken the initiative and are establishing their own enterprise zones.

Scores of enterprise zones are already operating in 11 States and other States have passed enabling legislation but do not have active zones yet. Positive results are already evident in terms of business start-ups, company expansions, private-sector investment and jobs saved and created.

So why a Federal bill? Because, as Neal Pierce's article notes, the biggest burdens on business come from Washington. The successes already apparent under State enterprise zone programs will be significantly enhanced by the addition of the tax incentives and regulatory relief included in H.R. 1955.

Mr. Speaker, what are we waiting for? There are 245 sponsors of H.R. 1955, including 18 of 35 members of the Ways and Means Committee. Let us work with our States and cities. Let us help them help themselves. Let us answer the President's challenge. Let us report out and debate the bill. Let us vote "yes" for enterprise zones.●

LEGISLATIVE VETO ALTERNATIVE FOR FEDERAL REGULATIONS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LOTT. Mr. Speaker, I regret that my participation in the bipartisan deficit working group session at the Blair House yesterday prevented me from testifying before Senator GRASSLEY's Judiciary Subcommittee on Administrative Practice and Procedure's hearing on his legislative veto alternative for regulations, as I had originally intended.

I do want to take this opportunity to commend Senator GRASSLEY and his ranking minority member on the subcommittee, Senator HEFLIN, on both their introduction of S. 1080, the Regulatory Reform Act, and their offering of an amendment on November 18 of last year bringing the legislative veto section of the bill into line with the Chadha decision of the Supreme Court which held the traditional one- and two-House vetoes unconstitutional. Under the new Grassley-Heflin amendment, which is similar to the legislative veto alternative in H.R. 3939, the Regulatory Oversight and Control Act, which I introduced on September 20, 1983, major regulations would be subject to approval by the enactment of joint resolutions, while nonmajor regulations could be disapproved in the same manner. I am pleased that this approach has been endorsed by both the Chamber of Commerce and the National Federation of Independent Business, and also enjoys the cosponsorship of 77 House Members.

Mr. Speaker, I am hopeful the other body will now move expeditiously on enacting a comprehensive regulatory reform bill which includes this important congressional check on the regulation process and that the House will follow that lead before the 98th Congress adjourns. Regulatory reform legislation has been kicking around in the Congress for several years now and is long overdue. The Chadha decision makes all the more imperative that we find new means to retain congressional control over this delegation of our lawmaking responsibilities to the regulatory bureaucrats, and extend that authority to all regulations which are subject to informal rulemaking.

Mr. Speaker, at this point in the RECORD I include the text of my testimony prepared for Senator GRASSLEY's subcommittee.

The testimony follows:

STATEMENT OF HON. TRENT LOTT

Mr. Chairman and members of the subcommittee, I am grateful for this opportunity today to testify in support of Senator Grassley's amendment to S. 1080, the "Regulatory Reform Act," providing an alternative to the two-House legislative veto for regulations. Before I get into the specifics of the amendment, let me reaffirm my own support for the entire bill which passed the Senate overwhelmingly in the last Congress, but was never brought to a vote in the House. Regulatory reform is an issue which has been percolating in the Congress for several years now, and I think it's extremely regrettable that we have not yet enacted a generic regulatory reform bill into law given the widespread support for such legislation both within the Congress and across the Nation.

I especially want to commend this committee and its chairman for your diligence and persistence in this effort over the years. I hope you will again be successful in passing your bill in the Senate early in this session so we can turn-up the heat in the House where enthusiasm among the powers that be has been less than luke-warm. I do not agree with those who think this effort can and should be carried-on unilaterally by the Administration through its Executive Order. In the first place, there is no assurance we will always have such regulatory reform conscious Administrations in power. In the second place, its Executive order does not apply to the independent regulatory agencies and for that reason it is necessary to extend such regulatory improvements by codifying them in permanent law. And thirdly, the Administration's efforts do not involve Congress in the process, and I think we have a very legitimate oversight and review role to play when it comes to delegating our lawmaking powers to the regulatory bureaucrats.

This in turn brings me to the subject of Senator Grassley's legislative veto alternative Amendment No. 2655 to S. 1080 as published in the November 18th Congressional Record. This amendment has been necessitated by the Supreme Court's June 23rd decision in *INS* v. *Chadha* holding the traditional one- and two-House legislative vetoes unconstitutional. S. 1080 as passed by the Senate in the last Congress and reintroduced on April 19th of last year contained a two-House veto for regulations. I will not dwell here on my quarrel with the *Chadha* decision. Suffice it to say that I found myself more in agreement with Justice White's brilliant dissent than with the majority's opinion in that case. The paradox of the *Chadha* decision, as Justice White points out in his dissent, is that while Congress has now been deprived of reserving a check on the lawmaking power it delegates to independent and Executive agencies through the rulemaking process, the agencies in turn may now issue regulations "having the force of law without bicameral approval and without the President's signature." It is difficult to believe that the Framers of the Constitution ever contemplated granting unelected bureaucrats Article I lawmaking powers without the participation of either the President or the Congress.

Nevertheless, *Chadha* is now the law of the land and we must now set about to recapture our legitimate role in the lawmaking process. I am not comforted by the alternatives suggested by some for this post-*Chadha* situation. We are blithely told that we should delegate less and legislate with more precision. While this may be possible in some cases, it ignores the realities of the modern administrative and technocratic state. We in the Congress do not have the competence, time or political cohesion necessary to legislatively assume all the authority we have delegated to the Executive Branch.

If you accept as I do that regulations will always be a necessary corollary to most of the legislation we enact, then you must decide whether you want to retain some kind of check over this delegation of legislative powers, close to the source, and before the damage is done, or whether you think it is sufficient to apply our traditional oversight and legislative powers to these situations after-the-fact. The beauty of the legislative veto device was that it allowed the Congress to intervene in a timely and efficient fashion if it wanted to, before the Executive action actually took effect. I think the same argument exists today as it did prior to *Chadha* for such an early intervention mechanism.

I therefore think Senator Grassley's amendment, calling for approval of major regulations, and permitting disapproval of nonmajor regulations, by enactment of a joint resolution within a 90-day review period, is ideally suited to retaining this congressional check on the regulatory process.

The amendment is similar to the legislative veto alternative I have proposed in H.R. 3939, the "Regulatory Oversight and Control Act of 1983," which now has some 77 House cosponsors.

Essential to both proposals, it seems to me, are the expedited procedures provided for both approval and disapproval resolutions. In the case of major rule resolutions,

which require enactment if the regulations can take effect, the introduction of approval resolutions is mandatory, as is reporting by the committees of jurisdiction within 45-days. If a committee does not report, it is automatically discharged. This is to ensure that both Houses will have an opportunity to vote on the proposed regulation and that it cannot simply be blocked by committee inaction. There is precedent for this mandatory reporting and automatic discharge device in at least six existing legislative veto statutes, including the Executive Reorganization Act, the Nuclear Nonproliferation Act, the Trade Act, Arms Control Act, MX Missile approval, and the Nuclear Waste Act.

For nonmajor rule resolutions, while there would not be automatic discharge if a committee has not reported, a discharge motion would be in order if a committee has not reported within 30-days after the rule is submitted, and one-fourth of the membership supports in writing the offering of a discharge motion. This provision in Senator Grassley's amendment differs somewhat from my bill in that I provide a "motion for consideration" in writing, whereby one-fourth of the membership can force a committee to review the rule and report a resolution. If the committee does not then report within 45-days after the rule is submitted, the resolution is automatically discharged. This front-end discharge mechanism, it seems to me, has the advantage of giving a committee advance notice of significant membership support for a disapproval resolution, and gives both Houses the benefit of a committee report on which to base its judgment. But I defer to your judgment on this subcommittee in prescribing rules of procedure for the Senate.

In conclusion, Mr. Chairman, I want to thank you for appearing before our House Rule Committee in support of this legislative veto alternative for regulations during our general hearings on the Post-*Chadha* Congress. I wish I could say with confidence that our combined testimonies had persuaded the Rules and Judiciary Committees of the House to immediately report such legislation, but I get the sense that there is more a proclivity on the part of some in the House to study the problem more than there is to do something about it. As you are aware from your own hearings last year, Congressman Sam Hall is planning to introduce an even more watered-down regulatory reform bill this month that may not even include a legislative veto alternative. So I appear before you today to plead that you again take the initiative in this area and hopefully by your actions you will prod the House to move into the vast and dangerous vacuum that has been left by the *Chadha* decision. Without bold and comprehensive responses to the loss of the legislative veto, I fear we will again witness a proliferation of complex, confusing and conflicting, half-hearted attempts to plug the dike. Thank you.●

BALTIC STATES RESOLUTION

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1984

● Mr. DAUB. Mr. Speaker, next week we will commemorate the 65th anniversary of the restoration of an independent state of Lithuania and the 733d anniversary of the founding of the Lithuanian State in 1251.

The Lithuanians are a unique people with a proud history of advancing the cause of liberty and democracy, but it is a history inexorably linked to her powerful totalitarian neighbors. As early as the 16th century, the grand princes of Lithuania became elected, constitutional monarchs who granted ever-increasing rights and privileges to their subjects. At the same time, princely absolutism developed in Moscow with a great central administration to control the life of the country.

Four centuries later, that central administration in Moscow now extends through Lithuania. Though Lithuania regained her independence from Russia on February 16, 1918, it was short-lived. For two golden decades between 1920 and 1940, the Lithuanian people—as a free nation again—progressed in democratic and constitutional government. The U.S.S.R. had renounced forever all rights of sovereignty, but like so many pledges to follow, the Soviets discarded this one in favor of aggression. The infamous Nazi-Soviet pact of 1940 was followed by the entry of Russian troops onto Lithuanian soil.

In 1941 the Nazis overran Lithuania, and in 1944 she was reconquered by the Soviet Union. Yet the thirst for freedom lives on, and Lithuania's national identity and national destiny survive.

Appropriately, the United States, which shares the goals of democracy and freedom with the people of Lithuania, has never recognized the Soviet aggression in the Baltic States. A few blocks from this Capitol Building stands the building that houses the Office of the Lithuanian Legation; this official Legation to the U.S. Government is the animate and inspirational symbol of an independent Lithuania and of the support and recognition she rightfully receives from our Nation.

Today we join with the Lithuanian people in looking toward the day when her golden age of freedom dawns anew.●

THE BANK OF GUAM—THE "PEOPLE'S BANK"

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WON PAT. Mr. Speaker, I am pleased to bring the following article on the Bank of Guam to my colleagues' attention. The Bank of Guam is an exciting local success story of my island, and its achievements under the direction of its founder, Mr. Jesus S. Leon Guerrero, president and chairman of the board, have been highlighted recently in the trade journal, Bank Marketing.

As chairman of the House subcommittee which has jurisdiction over territorial affairs, I am always proud to see the accomplishments of island business leaders brought to the attention of the business community here on the mainland. The Bank of Guam is the only locally chartered financial institution on my island, and it has flourished despite formidable competition from other internationally recognized banking concerns. Presently its holdings are reported at $115 million, after only 12 years of operation. In that time, the Bank of Guam has expanded to include branches on our neighboring islands of Palau and Saipan, Marshall, Yap, and its first branch in San Francisco, Calif., which opened a year ago. As an institution which primarily serves several small, isolated Pacific Islands, I think my colleagues will agree that the Bank of Guam is especially worthy of commendation upon its growth and business savvy.

Of particular note is the positioning of the Bank of Guam as the "People's Bank"' in its market. The bank has incorporated a marketing strategy, competing with much larger banks, as an institution which is responsible and responsive to the needs of the local community. As you can see, business people in the South Pacific region often face very similar marketing problems for commercial services as on the mainland; and the solution utilized by the vice president and director of marketing, Mr. Jesse A. Leon Guerrero, is an excellent example of strategic product positioning.

It is with considerable pride that I recommend this article on the Bank of Guam for your reference. Thank you.

BANK OF GUAM POSITIONS ITSELF AS "PEOPLES BANK"

AGANA, GUAM.—Spotlighting the fact that it is the only locally chartered institution on Guam, the Bank of Guam has found that it is possible to compete with the likes of Bank of America, Citibank, the Hong Kong Shanghai Bank and a host of others.

The $115 million institution, competing for the accounts of 110,000 islanders, has positioned itself as "The People's Bank," explained Jesse A. Leon Guerrero, the bank's marketing director.

To demonstrate the bank's dedication to serving the community, it chose the symbol of the carabao, a water buffalo used as a local workhorse for many islanders, for its logo.

With six branch locations, Bank of Guam, Guerrero emphasizes, aims to be a "workhorse with strength in finance for the people it serves."

Its newest branch, located in San Francisco, will "place the institution in a more competitive realm with respect to both the U.S. domestic market and the international arena," Guerrero said. Its emphasis is in international investments, and the branch

"will be a window to the entire Pacific Region," he added.

The Bank of Guam has established a close tie to the military, Jesse Guerrero added. This is an important connection, he explained, because Guam is vital strategically to the U.S. in the Pacific, and therefore, aside from tourism, the military presence on the island is one of the foremost industries for the economy.

Moreover, because Guam is not a "State of the Union," the Bank of Guam therefore is not precluded from establishing branches throughout Hawaii, Alaska, and the U.S. mainland. "This fact alone is an exceptional marketing tool for our institution in possibly making our presence felt both domestically, on the mainland, and internationally," Jesse Guerrero added. The opening of the San Francisco office, he noted, is only the initial step in the direction of expansion.●

IN MEMORIAM: CHARLES E. TROMBLEY

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. AuCOIN. Mr. Speaker, I rise today in sadness over the death of a valued mentor and friend, Charles E. Trombley, dean of students at Pacific University in Forest Grove, Oreg.

When I was a senior at Redmond High School in Oregon in 1960, one of the first contacts I had with the University that was to become my alma mater was Dean Trombley, then director of admissions. Thanks to his guidance I chose to enroll as a freshman at Pacific University in the fall of 1960.

Some years later, when I returned to Pacific as a U.S. Army veteran in order to complete my baccalaureate degree, Charlie had become the dean of students. As I completed my undergraduate degree and worked on the school newspaper, and later as I joined the administrative staff of the university, I came to know and respect Charlie, not only as a counselor and guide to students, but as a trusted colleague as well.

In the 1950's, 1960's, 1970's, and 1980's, Charlie contributed much to his alma mater and mine, both as a student and as a successful professional administrator. As he adjusted to the turbulent student times of the late 1960's, and early 1970's, and saw the nature of the Pacific student body change, he came to appreciate and thrive on those changes.

He realized the new-found political awareness and the racial, religious, geographic, and socioeconomic diversity at his alma mater were things to be encouraged and cherished, rather than feared and ignored. Generations of Pacific students learned this and other important lessons from Charlie.

But Charlie's influence extended far beyond the campus of the university, as he made his civic and musical presence felt in Forest Grove, throughout Washington County, and even beyond. A few short years ago, one of his colleagues at Willamette University in Salem persuaded him to come to that campus in order to fill a much-needed role in an opera production. Charlie graciously accepted, commuting to Salem for each rehersal and show in midwinter.

In addition to his qualities as a humanitarian, manager, and musician, Charlie was an active sportsman and fan. For many years he successfully competed in intramural athletics, particularly basketball. Additionally, he was seen for decades at virtually every men's and women's athletic competition sponsored by Pacific.

Charlie also played an important role in training young admission and other college student personnel administrators. He served as the mentor for more than 10 outstanding professionals now serving in higher education throughout America.

People came to work with Charlie fresh out of college, and soon wore on their way to important directorships and deanships at colleges and universities elsewhere. This was in no small measure due to Charlie's willingness to take on an inexperienced person and encourage them along professionally.

Charlie Trombley is remembered fondly by literally thousands of Pacific University alumni the world over, as well as members of the broader noncampus community. In an age of cynics, he cared. At a time of waning faith in institutions, he dedicated his life to institutions. He loved and cared very deeply. Countless people loved and cared about him in return. Charlie Trombley was a gift to all of us and his memory will always be with me.●

RAILROADS ENTERING INTO CONTRACTS WITH SHIPPERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DORGAN. Mr. Speaker, I am introducing a bill today to address a small but vital flaw embedded in the implementation of the Staggers Act. A part of that act permits railroads to enter into contracts with shippers, so long as the contracts are not discriminatory. It is my concern that small shippers be protected so that they do not get the short end of the deregulatory stick, which would happen if the railroads enter into preferential contracts with large grain shippers.

I note with some irony that there were similar concerns a century ago, when the original Interstate Commerce Act was being considered. The railroads at that time reduced rates where they had competition, and increased rates where they had none. Shippers in rural areas, who had access to only one railroad, were forced into paying outrageously high rates to get their goods to market. The public outcry over this form of rate discrimination and other railroad abuses of the market system led to the passage of the Interstate Commerce Act in 1987 and the establishment of the first independent regulatory agency, the Interstate Commerce Commission. Contracts, and discrimination in setting rates, were outlawed.

The seeds of a problem have been germinating since the Staggers Act permitted contracts. Between October of 1980, when the Staggers Act took effect, and mid-June of 1983 over 7,800 contracts were entered into by shippers and railroads. The Staggers Act provided that the essential terms of the contracts be made public, to insure that any discriminatory pricing would be exposed to the antiseptic of exposure.

The ICC, however, has taken a bizarre approach in defining how rail contracts should be disclosed. Under their regulations, the essential terms of a contract include neither the identity of the shipper nor the full rates need to be disclosed. Many smaller elevators believe that they are being denied the preferential rates given larger elevators. As the ICC has interpreted the Staggers act, they cannot determine if this is indeed the case. The need for fair pricing between shippers and railroads aroused a storm of protest a century ago. We are seeing that again today.

This legislation is a small step. It says only that all of the terms of rail contracts must be disclosed within 2 business days after filing with the ICC. It provides a measure of protection for small shippers, and no additional burden on large shipper or railroads.

It should be obvious that small shippers need to know who is getting a contract, and what the rates are, if they want to judge the fairness of the contract. The ICC has managed to overlook the obvious in rail contract disclosure.

In a similar fashion the ICC has defined that a shipper served by only one railroad, is not dominated by the railroad. The railroad is permitted to charge what it wants, and the rates will not even be reviewed by the ICC, so long as the railroad needs more revenue to attain a theoretical norm. Balancing the interests of the shippers, and especially the small shippers, with the interests of the railroads is not party of the ICC's current approach.

The direction taken by the ICC is consistent with much we have seen from this administration: Long on free market rhetoric and textbook approaches to regulation, and short on

commonsense and protection for the smaller producers.

In introducing this legislation, I am aware that the ICC will promulgate a new rule on rail contract disclosure within a few weeks. A portion of the old rule was struck down by the U.S. Court of Appeals for the Second Circuit on November 15, and sent back to the ICC. Some would argue that we should wait for the ICC to finish its deliberations before considering legislation which defines contract disclosure. I have little faith in the ICC's ability to include commonsense in their reasoning, so I am introducing this corrective measure today.●

CRS OVERSIGHT WORKSHOP

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LOTT. Mr. Speaker, I want to encourage my colleagues and their personal and committee staff to participate in a series of three oversight workshops being sponsored by the Congressional Research Service next Tuesday through Thursday, February 14-16, from 9 a.m. to 12:30 p.m. in room 2322 of the Rayburn House Office Building.

These nuts-and-bolts sessions, being conducted at the request of the bipartisan leadership, are designed to enhance knowledge and skills regarding congressional oversight so that we might do a better job at this important but all too often neglected responsibility. The sessions will be headed up by former Representatives and Senators, staff experts, executive officials, investigative journalists, and other knowledgeable commentators.

Mr. Speaker, at this point in the RECORD I include a letter from our bipartisan leadership on the oversight workshop which was sent to all Members on February 3, along with a schedule of the 3-day workshop. I strongly urge my colleagues to attend and to permit their staffs to take advantage of this most worthwhile opportunity. The materials follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 3, 1984.

DEAR COLLEAGUE: We want to bring to your attention an opportunity for you and your staff to participate in a workshop on Congressional oversight and investigations.

In order to fulfill our responsibilities to the American people to legislate wisely, to take care of the nation's welfare, and to ensure the nation's defense we must exercise greater diligence in overseeing and supervising the agencies of the Federal Government in the administration of the laws, policies and programs for which they are responsible. Today it is more important than ever that we take positive steps to ensure that Federal agencies carry out the intent of Congress in a just, equitable and fiscally responsible manner.

Five years ago, at the request of the bipartisan Leadership of the House of Representatives, the first "Workshop on Congressional Oversight and Investigations" was organized by staffs from the standing committees of the Congress and the Congressional Research Service to help Members and staff exchange information on how they conduct oversight of Federal agencies. That Workshop, attended by more than 400 House and Senate staff members, resulted in the development of the Congressional Oversight Manual, a transcript of the three-day workshop, and video tape of the proceedings which have been used on a continuing basis as staff training aids and reference materials for Members of Congress and Congressional staffs.

To build on that earlier effort to improve the Congress's Capability to conduct effective oversight of the Federal Government, the joint leadership has requested that a second Workshop on Congressional Oversight and Investigations be held during the Lincoln-Washington Birthday district work period. This latest Workshop, which has been developed by the Congressional Research Service in consultation with House and Senate committee staff directors, will be aimed at enhancing oversight knowledge and skill among Members and congressional staffs.

Workshop speakers and roundtable participants include former Members of Congress, staff experts, Executive officials, investigative reporters, and knowledgeable commentators.

We highly recommend this Workshop to you and your staff and hope that many Members and staff will be able to attend. The Workshop sessions are scheduled from 9 a.m. to 12:45 p.m. on the three days from February 14 through 16. All sessions will be held in Room 2322 of the Rayburn House Office Building.

Sincerely,

THOMAS P. O'NEILL, Jr.,
The Speaker.
JIM WRIGHT,
Majority Leader.
ROBERT H. MICHEL,
Republican Leader.

SECOND CRS WORKSHOP ON CONGRESSIONAL OVERSIGHT AND INVESTIGATIONS

TUESDAY, FEBRUARY 14

The nature and role of congressional oversight

9:00-9:15—Introduction of Program and Congressional Members. Gilbert Gude, CRS Director.

9:15-10:00—Oversight and Congressional Policymaking. To Be Announced.

10:00-11:20—Panel I. Oversight Authority and Major Procedures.

Mark Nadel, GAO, Moderator; Stanley Brand, Former House Legal Counsel, "The Constitutional Roots of Oversight"; Curtis Moore, Counsel, Senate Environment Committee, "The Authorization Process and Oversight"; Keith Mainland, Staff Director, House Appropriations Committee, "The Appropriations Process and Oversight"; and James Hamilton, Former Assistant Chief Counsel of the Senate Watergate Committee and currently Special Counsel to the House Post Office Subcommittee on Human Resources, "The Investigatory Process".

Break:

11:30-12:45—Panel II. The Press and Media in Oversight. Henry Hubbard, Deputy Bureau Chief, Newsweek. Others To Be Announced.

WEDNESDAY, FEBRUARY 15

Perspectives on congressional oversight

9:00-10:00—Reflections on Oversight. The Honorable John E. Moss.

10:00-11:20—Panel I. Oversight in Action: Some Mini-Case Studies.

Morton Rosenberg, CRS, Moderator; Peter Barash, Subcommittee Staff Director, House Committee on Government Operations; Patrick McLain, Counsel, House Energy Subcommittee on Oversight and Investigations; Hans Binnendijk, Deputy Staff Director, Senate Foreign Relations Committee; and John Lally, Counsel, House Armed Services Subcommittee on Investigations.

Break:

11:30-12:45—Panel II. Former Members View Oversight.

Gilbert Gude, CRS, Moderator (House member, 1967-77); James O'Hara (House member, 1959-77); Edward Derwinski (House member, 1959-81, currently Counselor to the State Department); and Gale W. McGee (Senate member, 1959-77).

THURSDAY, FEBRUARY 16

Effective congressional oversight of the executive branch

9:00-9:45—Powers and Constraints: Congressional Oversight; Antonin Scalia, Circuit Judge U.S. Court of Appeals for the District of Columbia; and Steven R. Ross, Legal Counsel to the Clerk of the House.

9:50-11:15—Panel I. Evaluating the Role of Inspectors General.

Thomas W. Novotny, Moderator, Senior Specialist in American Government, CRS; Robert H. Brink, Professional Staff, House Committee on Government Operations; C. Lincoln Hoewing, Professional Staff, Senate Committee on Governmental Affairs; George L. Egan, Associate Director, GAO's Accounting and Financial Management Division (Fraud Protection and Audit Oversight Group); Richard P. Kusserow, Inspector General, Department of Health and Human Services; and Joseph P. Welsch, Inspector General, Department of Transportation.

Break:

11:25-12:45—Panel II. Executive Perspectives on Oversight.

Eileen Siedman, Moderator, President, Federal Executive Institute Alumni Association; career Federal executive; Chester A. Newland, Professor, George Mason University; Past President of the American Society for Public Administration; Charles F. Bingman, Practitioner-in-Residence at the National Academy of Public Administration; career Federal executive; Eleanor Chelimsky, Director, Program Evaluation and Methodology Division, GAO; and Dwight A. Ink, Vice President, U.S. Synthetic Fuels Corporation; career Federal executive.●

TIME FOR ACTION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. OTTINGER. Mr. Speaker, the recent foreign policy address made by President Reagan did nothing to allay the suspicions of the Soviet Union or the fears of U.S. citizens. Mr. Reagan's conciliatory speech held nothing of substance, no strategems for peace, no new perspective on the recent deploy-

ment of missiles in Europe, and moreover, no sign that Mr. Reagan has learned anything from the dismal failure that is his foreign policy.

To talk to the Soviet Union, we must challenge them not to arm, but to walk bravely into peace. We need a comprehensive test ban treaty, we need serious negotiation to reduce both sides' nuclear arsenals in Europe, we need to ratify an arms limitation treaty. Then, at least, we would have a beginning.

I would like to call to my colleagues' attention a recent New York Times article on this subject by Tom Wicker.

TOO LATE TO CONCILIATE

(By Tom Wicker)

The conciliatory words President Reagan has suddenly chosen to employ cannot cover up the botch he has made of Soviet-American relations or his profound miscalculation about the deployment of U.S. nuclear missiles in Europe.

Nor is his sentimental vision of Ivan and Anya and Jim and Sally going hand in hand into the sunset likely to make Yuri Andropov forget earlier accusations that he heads an empire of evil destined for the slagheap of history. Even Andrei Gromyko, in his hard-line speech at Stockholm, could produce no anti-American insults to top these.

Mr. Reagan's high standing in current polls suggests that he can count on American voters to forget everything but his latest television appearance. But Mr. Gromyko's harsh speech afirms that the President cannot count on suspicious and insecure Soviet leaders forgetting three years of insult and intemperance—much less the facts of history.

"Our two countries have never fought each other," Mr. Reagan declared, for example. Perhaps he, with most Americans, has never learned what the Russians seldom forget, that the U.S. participated in the invasion of Siberia after World War I.

As for more recent history, Mr. Reagan insisted throughout the Geneva negotiations on medium-range missiles that Moscow would not "bargain seriously" until the U.S. actually deployed. In fact, when U.S. missiles arrived in Europe, Moscow not only broke off those talks but also the parallel strategic arms and the long-running mutual force reduction negotiations.

Mr. Reagan then insisted the Russians would quickly come back to the table. Anyone who shared that delusion must have been disabused by Mr. Gromyko's performance at Stockholm. Why should the Russians, having insisted for years that they could not accept U.S. missiles in Europe, suddenly accept them? Would Mr. Reagan, having insisted as strenuously on deployment, now be willing to withdraw the missiles in order to bring Moscow back into negotiations?

That's the measure of his miscalculation: having deployed the missiles, he can get arms-control negotiations going again only if Moscow surrenders its position or he surrenders his. Meanwhile, U.S. intermediate-range missiles already threaten the Soviet Union from less then 10 minutes away; the Russians have moved more of their own missiles into Eastern Europe; and they'll soon have medium-range missiles threatening the U.S. from vessels off both coasts and possibly from Siberia.

In whatever tones, Mr. Reagan may have a hard time convincing Ivan and Anya, and maybe even the more trusting Jim and Sally, that they are safer after this needless breakdown of talks, the resulting new round of nuclear escalation and the sinking of Soviet-American relations to the lowest, most hostile stage since the Cuban missile crisis of 1962.

Nor is there compensating merit in the Administration's claim that deploying the missiles was a positive good because the NATO alliance held together in the face of Soviet threats and propaganda. In fact, Belgium and the Netherlands may yet split the alliance on the missile issue, and two major European opposition parties—Labor in Britain and the Social Democrats in West Germany—openly opposed missile deployment.

Mr. Reagan's conciliatory speech was partly calculated to appease West European governments concerned by his belligerence and the ugly state of Soviet-American relations. A recent, privately sponsored conference in Brussels on alliance affairs engaged mostly in angry European-American recriminations; as Jean Francois-Poncet, a former French Foreign Minister, put it: "Every one of us knew that the real title was 'Atlantic Disagreements,' and by God, we got it!"

Now Paul Nitze, the U.S. negotiator on missiles in Europe, has tacitly suggested what many arms control advocates had openly urged—that brief delay in deployment of the U.S. missiles might have been a useful step toward agreement. Mr. Nitze wrote in The New York Times yesterday that of the "four critical issues" remaining "during the final days" of negotiation, he had seen "light at the end of the tunnel" on two and had reason to believe that a third—how to treat the French and British nuclear forces—could have been "surmounted or avoided."

That left only the central issue of the balance of U.S. and Soviet missile forces in Europe. On this point Mr. Nitze "hoped that with a little more time, we might find a way through that issue as well." He didn't get that time because Moscow, as it had pledged, ended the talks as soon as U.S. deployment began—but also because, despite the hopeful prospects Mr. Nitze saw, Mr. Reagan refused to countenance any delay in deployment or even to explore whether such a delay might bring a useful Soviet response.

Maybe it wouldn't have. But Jim and Sally as well as Ivan and Anya have good reason to wish that Mr. Reagan had been conciliatory then, rather than once it was too late.●

"KIDS FOR HIRE" A SUCCESS STORY

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. AuCOIN. Mr. Speaker, I would like to take a few moments today to inform my colleagues of a youth employment program in my district which has achieved remarkable success.

The Tigard Tualatin Community Youth Service's youth employment program is a nonprofit agency which finds jobs for youngsters. Since 1980, the TCYS youth employment program has worked to prevent juvenile delinquency by helping youths find jobs.

The TCYS "Kids for Hire" program has found over 1,800 temporary jobs for teenagers mowing lawns, babysitting, and doing other odd jobs. Approximately 800 teenagers have found permanent part-time and full-time jobs with local businesses.

In addition to finding jobs for the youth, TCYS had conducted hundreds of job seminars, helped youth obtain work permits and social security numbers, and made visits to local employers promoting their services. They have done such a good job that they are now having difficulty in finding enough kids to fill the job openings.

On behalf of my home community, I want to acknowledge the outstanding work of the men and women behind the "Kids for Hire" project: Bill Knudsen, executive director; Bob Small, employment specialist; Greg Honeycutt, employment specialist; Karen Stuntz, employment aide; Linda Reagan, youth and family counselor; and Bob Lee, alcohol and drug counselor.

Mr. Speaker, all of this success has been accomplished with a yearly average budget of $21,500. Since 1980, the youth employment program budget has been solely funded by the Washington County Juvenile Services Commission.

Studies are showing that youth with prior juvenile court contact who get involved in the TCYS program are staying out of trouble. Everybody wins with this program—kids learn job responsibility, taxpayers save money in juvenile justice costs, Government derives more revenue from kids at work and more dollars are cycled through local economies.

I think it is fitting that we in the House take this time to commend this fine program. I urge my colleagues to recommend this type of service to their constituents. Small businesses and youth of America will appreciate it.●

THE WAR POWERS ACT—PROBLEMS AND PARADOXES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DORGAN. Mr. Speaker, the recent tragic activities in Lebanon have once again generated calls from the Congress for the President to clarify the nature of our fleet's shelling operations in terms of their status under the War Powers Act. This is simply another in a long train of incidents where the powers, applicability, and status of this act appear to be lost in a twilight zone of shared authority

between the executive and legislative branches.

It seems particularly appropriate to me that, at this time, we take a long hard look at the genesis of the War Powers Act, and its present status, to see what, if anything can be done to improve. Such an examination has been undertaken by our colleague, Congressman TOM DASCHLE of South Dakota. On this past January 11, Congressman DASCHLE presented a speech on the War Powers Act to an academic seminar in Taiwan, as part of a program on executive-legislative relationships in the United States. I would recommend this speech as a thoughtful beginning point in our reexamination of what the War Powers Act does, and does not do.

The speech follows:

THE WAR POWERS ACT: A NEW CONGRESSIONAL PARADOX

(Remarks by Congressman Tom Daschle)

Since coming to Congress in 1979, I have become increasingly cognizant of the "checks and balances" between the Executive and Legislative branch of the federal government. While the checks created in our Constitution are usually evident, the balance many times is not. Nowhere is that more apparent than in foreign policy.

Authors of the Constitution were very careful in striking the "balance" in foreign policy making. First having given Congress the complete power of the purse, it was also given the power as the permanent Commander in Chief. This constitutional delegation of responsibility was borne out of the fear that one individual could involve this nation in war against the wishes of the people or their elected representatives. Concerned about such involvements, James Wilson—one architect of this Constitution, warned, "No single man (can) involve us in such distress," and insisted great care be given to proper balance.

In spite of the authors' best efforts to clarify their Constitutional intent with regard to this balance—it has been a source of ongoing controversy for 200 years. It has been right from the very beginning. In the view of James Madison, much of foreign policymaking, especially warmaking powers, lay exclusively with Congress:

"Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, the fundamental doctrine of the Constitution, that the power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the Legislature; that the Executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the Constitution has deemed requisite and proper."

But Alexander Hamilton professed the President retains "The supreme command and direction over military forces." Hamilton stated:

"Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority."

So it has been for 200 years. As debate ensues with each new international situation, the checks and balances created in the Constitution delicately teeter while foreign policy evolves.

However, it is my view as one Member of Congress, shared incidentally by some of my colleagues, that the Foreign Policy balance is increasingly being tipped toward the side of the President, regardless of who may hold the office. In the process, Congress is struggling to maintain its constitutional role as an equal partner in foreign policy making today.

During the past decade, there have been examples in which Congress has asserted itself in foreign policy: The SALT II Treaty—opposed in the Senate and never ratified; (2) The Panama Canal Treaty in which significant opposition within the country altered many of the conditions of the original agreement; (3) Perhaps no better example exists than the Taiwan Relations Act in which Congress literally drafted the majority of terms under which the U.S. and Taiwan would interact.

But in spite of these periodic episodes, gradually, but most certainly, the President has increased his foreign policy making ability, in many cases as a beneficiary of legal interpretations from the Supreme Court as well as other members of the Judicial Branch. The most recent example of such judicial review is the Supreme Court's determination of the unconstitutionality of the legislative veto.

In many cases the President enhances his foreign policy making ability only after the passage of legislation. His interpretive ability gives him wide flexibility in carrying out his authorized responsibilities. The implementation of the Taiwan Relations Act is an apt illustration. This may be especially true in regard to the issue of sovereignty under the Act.

While public perception is that the Congress is an equal partner, the reality is that it is not. Furthermore, the balance which does exist is not constant from one aspect of foreign policy to another. In areas relating to foreign assistance and international finance, the Congress continues to be most successful in asserting itself and thereby tempering Presidential initiatives. In treaties, too, Congress, through the Senate, has largely fulfilled its responsibilities in providing the constitutionally mandated advice and consent. But, historically, it has been the experience in this country to watch its Presidents dominate the direction taken by the United States in cases involving international hostilities. The more immediate the situation, the more dominant the President's role. Witness Grenada and Lebanon in just the past year. The more prolonged the involvement in a hostility, the greater the opportunity for public dialogue and hence congressional involvement. My personal experiences only during the past year illustrate this fact. It was following the invasion of Grenada that we were informed of the details. This is also true of Lebanon. But as with our involvement in Vietnam, the longer American troops are required to stay, the greater the opportunity for Congressional intervention in determining such policy.

In decision making situations involving international hostilities, there are three factors which handicap Members of Congress in fulfilling their responsibility. First, there are practical factors in which, generally speaking, a Member of Congress is constrained from contributing to substantive foreign policy making. One such constraint is the political limitation. An age old question asked of me, just as it must have been asked of Congressman John Marshall or John Quincy Adams is this: When addressing national issues, what criteria—what methods—do Congressmen use to arrive at a satisfactory answer? Does a Member poll his constituents? If not—what role do they play? Does he simply weigh the facts as would a judge or jury member? Does he simply extend his own philosophy to such matters, or, realistically, is it not a combination of all these?

There is no set method—as everyone knows. Each Member of Congress puts more emphasis on one criteria over others. Senators generally are considered more insulated politically—given their six year terms—and place less importance on public political pressures. In my case, the more directly affected my constituents, the more emphasis is given their views. A local water project is considered with greater attention to the views of those affected. An issue regarding foreign policy generally is not.

But even a casual observor will recognize that there are exceptions whereby political considerations take on far greater consequences. For example, the Vietnam War, the Panama Canal Treaty, the Taiwan Relations Act, and issues regarding foreign assistance.

Another constraint is time. The problem is compounded by mounting demands put upon a Congressman's time—precluding, somewhat, the opportunity to give studied consideration to foreign issues; especially if one is not on a Congressional Committee dealing with such matters. Some of the particular demands included in my own schedule are the Agriculture, Veterans, Civil Service and Steering and Policy Committees work, listening to constituents with many concerns and problems, letters and district projects, phone calls from everywhere, staff time and meetings with lobbyists and others, speeches and frequent trips to my state of South Dakota, and political fundraisers for the next election.

A third constraint is the sheer number of us! Multiply this situation described above by 535, the number of members of Congress, and one gets a clearer understanding of the institutional handicaps from which the legislative body begins to deal with foreign policy.

Besides practical constraints, another factor limiting Members of Congress' role is the historical/legal one. There is ample reference and precedent for giving the President a leading role when it comes to U.S. involvement in international hostilities. Alexander Hamilton wrote in the Federalist papers that "of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand." President Washington agreed. On April 22, 1793, he proclaimed neutrality during the outbreak of war between France and Britain. Here he was at odds with the strong view held by Thomas Jefferson that only Congress could declare neutrality, arguing that if Congress alone could declare war—Congress alone could declare neutrality. Washington's prevailing view is oftentimes considered the precedent in establishing presidential primacy in making foreign policy.

Throughout history on more than 200 occasions there have been military hostilities

involving U.S. troops without a declaration of war, including 23 in China. There have been thirty-two around the world since the last declaration of war in 1941. As I noted earlier, the historical precedents have been legitimized oftentimes by the judicial branch. The Curtis-Wright decision, for example, underscored the need for presidential discretion and freedom from statutory restriction not admissible in domestic affairs.

The third limiting factor in Congressional foreign policymaking, especially in regard to war, is an interpretive one. While the Congress retains the power to declare war, there have been no such declarations for the last 43 years. Instead we have police actions, conflicts, defensive reactions and intervention. The term war now appears to be reserved only for those cases in which all national military resources are utilized. Anything short of that, takes another name. And it is here, in these cases in which total military involvement is not anticipated, that the greatest imbalance between Congress and the President exists.

Immediately following the most dramatic illustration of this interpretative problem, Vietnam, the Congress attempted to reassert, through a redefinition of war, its power to override an Executive's commitment of military force in hostile situations. The War Powers Act was a specific response to the Vietnam conflict. It was also a more general response to those two hundred incidences in which war has not been declared and those in which the Congress' only formal constitutional power, the power to adopt a declaration of war, is rendered useless. The War Powers Act sought to reassert congressional power in this field by establishing specified actions which the President would have to take at the start of any involvement of U.S. forces.

However, after passing the Act to enhance the power of the Congress in these instances, the first ten years have shown indications that the Congress may actually have accelerated the erosion of its power. A new paradox has developed in which a statutory tool carefully designed to strengthen the arm of Congress has actually weakened it. The paradox exists in part because of the inherent weakness of this approach which is that invariably the President enjoys broad public and congressional support at the start of any military involvement. Every President has had a significant ability to frame the initial perception of U.S. involvement in hostility abroad. Many times that perception is augmented by the loss of American lives thereby strengthening the Presidents position even more. Thus, as we have seen, the President may easily gain initial approval for military involvement under the War Powers Act. Having gained such approval, the official Congressional approval will exist only because the War Powers Act exists, and then may actually stand as a barrier to Congress asserting its real power in this area—namely the power to cut off funds for such military action. The War Powers Act is almost like mandating a Gulf of Tonkin resolution. The President may lock in Congressional support for whatever U.S. military adventure at the point when the President has maximum public and Congressional support.

Another reason for the paradox is the very nature of the legislative system itself. The Presidential signature must be affixed to any legislation before it becomes law. No President has been or will be likely to sign into law something which will erode his power or latitude. Section 3 of the WPA requires the President "in every possible instance" to consult with Congress before introducing U.S. Armed Forces into situations of hostilities and imminent hostilities. Yet since its passage, in six instances where armed forces have been used, in hostilities or imminent hostilities, the President has ignored Section 3.

A third element of the paradox is one which has evolved since passage of the Act and is a result of the first two causes. In an effort to gain Presidential acknowledgment of the pertinence of the War Powers Act and to legitimize its role, the Congress has shown a willingness to negotiate away a stronger position. No better example of this exists than the one of the Lebanon Resolution debate last year. Congress voted an 18 month approval for troops in Lebanon in return for the first and then only tacit Presidential recognition of the legality of the War Powers Act and the role it gives Congress. The Congress saw as its choices either the loss of applicability of the War Powers Act to situations for which it was intended, or the endorsement of the President's position to maintain troops in Lebanon.

Perhaps Congressman Leon Panetta best summed up the delemma of most Members of Congress during the debate. He said, regardless of whether a Member of Congress is for or against resolution authorizing troops in Lebanon, each Member of Congress is forced not only to choose between an 18-month troop commitment or withdrawal but between a "limited implementation of the War Powers Act or no implementation at all."

Rather than restricting the Executives' power, the War Powers Act produces a scenario whereby the Congress will either implicitly accept a Presidential contention that a specific action is not covered by the terms of the Act, or approve the military action to legitimize its role under the Act itself. The President's ability to make military commitments is thus enhanced by the Act at the expense of the Congress.

The recognition of this dilemma has already led many Members of Congress to call for amendment of the War Powers Act or even outright repeal. Situations such as Lebanon and Grenada only lend more credence to the paradox.

As with everything complex, there is no simple solution to restoring the balance once again. The Congress' real power is in calling on the nation to debate military involvement by providing a national forum to do so; by exposing inconvenient facts a President may seek to gloss over regarding a military adventure; and in occasional cases where it is able to clearly develop a consensus against such a Presidentially ordered intervention, to force termination of that intervention through its already existing constitutional power, the power to appropriate or not appropriate funds. It is worth noting that the one clearly successful case of Congressional and public pressure preventing a commitment of U.S. resources to a conflict in recent years, was in the case of Angola where the method used was a prohibition on the use of funds in which the War Powers Act paradox was completely avoided.

It is my prediction that as the WPA paradox becomes more pronounced, it will decline in importance and use, except for periodic instances of Presidential reports to the Congress on military activities. Congress will again be challenged to seek ways to maintain the checks and restore the balance in foreign policy decisionmaking. Hard, definite laws inserting Congress into this area will not work. They cannot, as the WPA experience shows, overcome the factors working to strengthen a President and weaken the Congress. They will impede not only congressional efforts to achieve a balance in foreign policymaking responsibility, but the government's decisionmaking process itself.

In the case of Youngstown Sheet and Tube Co. vs. Sawyer in 1952, Justice Robert H. Jackson made reference to those areas in which the President and Congress "may have concurrent authority or in which its distribution is uncertain." He described it as a "zone of twilight." Justice Jackson would probably agree that no better illustration of this zone exists than in foreign policy. That the President enjoys a larger share of this twilight is not disputable. What continues to be disputable is how the Congress can insure "adherence," as Madison put it, "to the simple, the fundamental doctrine of the Constitution, that the power to declare war, including the power of judging the causes of war is fully and exclusively vested in the legislature.

Two hundred years, especially those since the last Declaration of War, should convince us that such has not been the case. But perhaps rather than some statutory elaboration of that constitutional prerogative as the source of greater responsibility and better balance would be the utilization and increased emphasis on that foremost power which Congress has also had all along: the sole power to approve where all funds are spent in the first place.●

ROUKEMA INTRODUCES PAY RAISE ACCOUNTABILITY BILL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mrs. ROUKEMA. Mr. Speaker, last month each Member of Congress received a pay raise. And, as has happened previously, the increase took effect without any congressional vote.

Congress received this in compliance with the Executive Salary Cost-of-Living Adjustment Act of 1975, which provides for cost-of-living adjustments for Members. However, I strongly believe that it is a bad law. And bad laws inevitably return to haunt Members by opening us up to criticism from voters. I believe that the majority of the public would not deny adequate compensation to Members if Members would be on the record accountable.

Today, I am introducing legislation to put forward two essential congressional pay reforms. First, my bill requires a recorded vote on any congressional pay raise or preferential tax treatment for any Member of Congress. I believe that an on the record vote should exist on each and every salary adjustment.

In addition, my bill prohibits any Congress from voting itself a raise. One Congress could vote a raise only for the next Congress, not itself. By this method, there would always be an intervening election between a vote to

raise salaries and the time that increase goes into effect.

Again, I must stress that Congress and all public officials should be fairly and adequately compensated. If salaries are too low, we could end up with a Congress composed of only millionaires and "ne'er-do-wells." But the procedure to provide for that pay should be open, Members should be on the record and accountable on the issue of salaries, and leave no room for public criticism over apparent conflicts of interest.

I insert a copy of my bill in the RECORD at this point:

H.R. 4854

A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any automatic adjustment, to provide that any bill or resolution which would increase Members' pay or confer any tax benefit with respect to Members as a separate and distinct class may be passed or adopted (as the case may be) only by a recorded vote, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Salary Act of 1984".

SEC. 2. (a) Section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended by adding at the end thereof the following new paragraph:

"(3) Any part of the recommendations of the President which relate to offices and positions described in subparagraph (A) of subsection (f) of this section shall be of an advisory nature only and, unless otherwise provided by law, shall not take effect under this subsection.".

(b)(1) The third sentence of section 225(i)(1) of the Federal Salary Act of 1967 (2 U.S.C. 359(1)) is amended by inserting "(other than recommendations with respect to those offices and positions described in subparagraph (A) of subsection (f) of this section)" before "shall become effective".

(2) Section 225(j) of the Federal salary Act of 1967 (2 U.S.C. 360) is amended—

(A) by inserting "which are" before "transmitted"; and

(B) by striking out "shall, if approved by the Congress as provided in subsection (i)," and inserting in lieu thereof ", and which become effective as provided in subsection (i), shall".

(c) section 225(f) of the Federal Salary Act of 1967 (2 U.S.C. 356) is amended—

(1) by striking out "the Vice President of the United States," in subparagraph (A); and

(2) by inserting "the Vice President of the United States, and" before "offices" in subparagraph (D).

SEC. 3. Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended to read as follows:

"SEC. 601. (a) Until otherwise provided by law, the annual rate of pay for—

"(1) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

"(2) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

"(3) the Speaker of the House of Representatives, shall be the rate payable for such positions, respectively, on the date of the enactment of the Congressional Salary Act of 1984.".

SEC. 4. (a) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which would—

(1) adjust the rate of pay of Members of Congress,

or

(2) provide, or modify any provision of law relating to, income tax credits or deductions for Members of Congress as a separate and distinct class,

unless—

(A) that bill or resolution also provides that the provisions of such bill or resolution take effect at the beginning of the Congress following the Congress during which such bill or resolution is enacted or adopted, as the case may be, and

(B) that bill or resolution deals with no subject matter other than one described in paragraph (1) or (2).

(b) Any bill or resolution referred to in subsection (a) may be passed or adopted, as the case may be, by the House of Representatives or the Senate only by a vote recorded so as to reflect the vote of each Member voting.

(c) Subsections (a) and (b) are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of each House to change such rules (so far as relating to such House) at any time, in such manner, and to the same extent as in the case of any other rule of such House.

(d) For purposes of this section, the terms "Member of Congress" and "Member" each means a member of the House of Representatives or the Senate, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

SEC. 5. This Act, and the amendments made by this Act, shall take effect on the date of the enactment of this Act.●

BAPTIST MINISTERS' CONFERENCE OPPOSES U.S. AMBASSADOR TO THE VATICAN

HON. WALTER E. FAUNTROY

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. FAUNTROY. Mr. Speaker, the Baptist Ministers' Conference, Washington, D.C. and Vicinity submitted a statement to the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations on February 7, 1984, in opposition to the announced appointment of an Ambassador to the Vatican.

The arguments and statement presented in opposition to the establishment of an Ambassadorship to the Vatican by the Baptist Ministers' Conference, Washington, D.C. and Vicinity are submitted for review by my colleagues.

BAPTIST MINISTERS' CONFERENCE
WASHINGTON, D.C. AND VICINITY,
Beltsville, MD., February 7, 1984.

Representative NEAL SMITH,
Chairman, Committee on Commerce, Justice, State and Judiciary, U.S. Capitol.

MR. CHAIRMAN: My name is John D. Bussey. I am pastor of the Bethesda Baptist Church of Washington, D.C. I am also a member of the Civic and Social Action Committee of the Baptist Ministers' Conference of Washington, D.C. and Vicinity. The Baptist Ministers' Conference is an organization of Baptist ministers with a voluntary membership of more than five hundred pastors and other ordained men in the Christian ministry (Baptist).

The submission of this statement in opposition to the idea and act of appointing and appropriating any amount of money to support the office and/or services of an Ambassador to the Vatican comes by delegated authority of the Baptist Ministers' Conference of Washington, D.C. and Vicinity.

Mr. Chairman, and Gentlemen of the Committee, we submit the following questions for your consideration in determining your vote on the matter of appointing and financing an Ambassadorship to the Vatican:

1. Is the Vatican City a Church or a State, or is it both a State and a Church?—or is it a State-Church?

2. Ambassadors are persons who represent their country at the capital of another country. His or her major job as such, is to look after the political relations between the United States and the Vatican? In view of our traditional stand against the union of church and state, why do we at this late stage of our existence need political relations with the Vatican?

3. What information is there that the Ambassador could obtain that cannot now be gotten through channels of protocol already established? Does the Vatican have military secrets which we need which only an Ambassador could get? Does the Vatican have economic, social, or even political secrets that we need and could obtain only through the services of an Ambassador? If the Vatican has this information, really as a Church of the Lord Jesus Christ, should it?

4. Have we not learned the painful lessons of past centuries of the evils of marriage of church and state? Whether the church-state was Roman Catholic or hierarchical protestant? Have not the bountiful blessings of political, economic, social, and RELIGIOUS freedom we have experienced for the past two hundred years APART from all formal and/or official ties to the Vatican or any other religious group or religious state speak loudly and profoundly to us that it is the best way?

5. Is it not strangely significant that this bold venture of the President should come in this "election" year?

6. We are sure that it isn't the geographical size of the Vatican state which impressed the President to appoint an Ambassador—its size is only 108.7 acres. Baptists own and control much more geography than this . . . so do Mormons . . . and Methodists . . . and Episcopalians . . . Seventh Day Adventists . . . Greek Orthodox . . . Muslims even, and many other churches. Is it the masses of people espoused to Roman Catholicism? Is it the world influence of the Pope and especially the popularity of the present head of the Roman Catholic

Church? What impressed our President to make such a move at this time?

7. Does the President know that no genuine open hearings were held in the Senate on the propriety and expediency of his appointment of an Ambassador to the Vatican?

8. Is the President aware of the fact that the overwhelming number of conservatives—those who support him politically—are not in favor of his appointment of an Ambassador to the Vatican?

Mr. Chairman, and Gentlemen of the Committee, we the Baptist Ministers' Conference protest most vehemently and unalterably oppose the appointment of this man and the appropriation of any funds whatever for the Ambassadorship to the Vatican by the President. Two traditional tenets of Baptists are that we contend for the largest measure of civil and religious liberty, and that we stand for the separation of church and state. It is our conviction that the appointment of an Ambassador to the Vatican is but the first in the few steps it takes to be dominated by the church. Thank you kindly.

Rev. MILTON A. COVINGTON,
President.
Rev. JOHN D. BUSSEY,
Authorized Speaker.●

PRESSING THE FIRST AMENDMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. OTTINGER. Mr. Speaker, time and again the Reagan administration has chastised the press for its criticism of domestic and foreign policies, but particulary its hard-line attitude toward the military. Thus, the press was kept out of Grenada, a blatantly illegal, outrageously violent action against a sovereign nation. The press corps was deliberately blinded and muzzled by the administration so that the invasion could go as planned and be played to the country when the set had been tidied and all the props put in place.

In the following New York Times oped from earlier this month, I. F. Stone discusses the silencing of the press. I commend this fine article to the attentio of my colleagues.

TREATING PRESS FREEDOM LIKE GRENADA

(By I. F. Stone)

IMAGINE REAGAN THE COPY EDITOR

WASHINGTON.—If this is the year that United States troops go into El Salvador, will the Reagan Administration keep the news media away, as in Grenada? It doesn't take a key to the secret war-plans locker at the Pentagon to know that the most luscious dream of the Joint Chiefs must be an antiseptic surgical strike with no television cameras or reporters snooping around until the triumphal march up Pennsylvania Ave.

Those who read Gen. Maxwell D. Taylor's "Swords and Ploughshares" (1972) remember that he thought the Vietnam War could have been won if only the media could have kept away. So it was not surprising to learn from an interview with him published this week that this is still his answer when asked how future wars can be won.

This animus against the media goes beyond the battlefield. In his book, the general blamed the press for "a campaign of defamation" against "the Presidency, the Congress, the courts, the church and business." We could repeal the First Amendment.

General Taylor's is the third voice in recent weeks to treat the media as the enemy. This sinister new chorus began when Secretary of State George P. Shultz observed, apropos Grenada, that reporters went along with the troops in World War II because in those days the media were on "our side."

Then the American Broadcasting Company's feisty Sam Donaldson challenged Ronald Reagan to explain just what "our side" meant, at the President's press conference Dec. 20. Mr. Reagan replied that beginning with the Korean War and "certainly" in Vietnam, the media were no longer on "our side, militarily."

No one can shoot poisoned arrows more amiably than Mr. Reagan. He has a genius for the subliminal slur. The victim often doesn't realize what hit him. This was in effect saying that if the media are not "on our side, militarily" why should they be allowed to go along with the troops? The phrasing implies treason.

Now, the truth about those "limited wars" is that they were fought against an enemy too far away and too small to qualify as a real threat to our national security. That's why in neither case did Presidents dare ask Congress for declarations of war. The wars just didn't make sense to people back home. Indeed, two Presidential elections were won—both by Republicans—on a promise (Dwight D. Eisenhower in 1952, Richard M. Nixon in 1972) to end them. The media were, at first, too gung ho in both wars. They did not foment the disenchantment on the home front. They lagged behind it.

Winston Churchill didn't rally Britain in its most frightening hour with phony press releases but with the bitter, and invigorating, truth—the kind the media are often criticized for supplying. The best way to undermine morale in a war is to let the public sense that it is being fed pap.

Now here is General Taylor adding a new dimension to the drive for an iron curtain of our own around future war zones. "I believe strongly," General Taylor said, "that people have a right to know what their forces are doing but not today, not tomorrow, but at the appropriate time."

The general did not explain what would be the appropriate time. But he made it clear that he wanted the story not only delayed but wrapped up with appropriate packaging. The people, he implied, wouldn't know what to do with the unadorned truth.

This is what the general said: "If they [the people] get the information in a block, they might well know what to do with it, but when they get it piecemeal, there's just confusion." So the general was asked, "Who, precisely, decides the right time for the press to make its report?" And the general replied: "It should be the President of the United States, directly or indirectly . . ." And indirectly, of course, means the military.

The President, then, is to decide when and what to disclose about what happens on the battlefield. The general summed up his new constitutional doctrine in one succinct phrase: "He gets paid for that." The President gets paid to be the nation's super copy editor! How Ronald Reagan would love the photo opportunity to appear grinning victoriously as Commander in Chief of the Media, with a five-star eyeshade. Yet, to Cuba on Thursday he broadcast on the virtues of a free press. Is Jeffersonianism for export only?●

THE LINE-ITEM VETO—TWO DIFFERENT PERSPECTIVES, BUT THE SAME CONCLUSION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DASCHLE. Mr. Speaker, ever since the President requested, in his state of the Union address, that the Congress consider passing a constitutional amendment granting the Executive a line-item veto in appropriations bills, the topic has generated considerable comment. As someone who is a strong supporter of a balanced budget constitutional amendment, and who applauds any meaningful efforts toward deficit reduction, it is difficult for me not to lend my support to this request.

However, after first blush, it appears that the line-item veto is not quite the panacea that it is being presented as. Two documents have come to my attention in recent days which make telling points against the line-item veto concept. The first is a report by the House Budget Committee which indicates that, in actuality, out of a 1985 budget of $928 billion, the areas in which the line-item veto would likely be used are on only $83 billion, or far less than 10 percent of the budget. Even more critical, however, is an editorial from the February 8 issue of the Washington Post. In this article, Congressman MICKEY EDWARDS of Oklahoma explains why he, as national chairman of the American Conservative Union, cannot support a line-item veto.

Taken in tandem, these two documents give us plenty of food for thought, and cast considerable doubt on the wisdom of a constitutional amendment allowing a line-item veto.

The documents follow:

DEFICIT REDUCTION AND THE LINE-ITEM VETO

The line-item veto could not remedy the present deficit problem. Adoption of such a constitutional amendment could not be achieved quickly. Record deficits choking off this Nation's economy are today's problem.

Current proposals for a line-item veto would limit its use to only those matters subject to discretionary annual appropriations. Interest on the national debt is a mandatory appropriation and must be paid in its entirety and therefore not subject to a line-item veto. Current law mandates that social security and other entitlements must be paid in their entirety or the Federal Government will be subject to suit from those

meeting eligibility criteria. For example, using a fiscal year 1985 projection of expenditures which total $928 billion, the following categories and amounts would be exempt from a line-item veto:

	Billions
Net interest payments	$127
Social security	187
Medicare and medicaid	92
Other mandatory programs	97
Total amount exempt from line-item veto	503

The areas where a line-item veto could reduce the deficit are national defense ($263 billion) and nondefense discretionary ($161 billion). Even in these areas, the line-item veto would have limited usefulness in achieving spending cuts. In defense, about $90 billion in outlays is based on prior year budget authority or is otherwise committed, and therefore ineligible for a line-item veto. In nondefense discretionary programs, about $78 billion in outlays is based upon prior year budget authority and likewise exempt from the reach of a line-item veto.

This means that of the total $928 billion estimated for Federal expenditures in fiscal year 1985, only $257 billion would be subject to a line-item veto.

Given the President's policies, however, this figure shrinks further. The President has requested more money for defense in the past than the Congress enacted, not less. It is reasonable to assume that the President would not use the line-item veto power on the $173 billion in defense spending that would be subject to such action. This leaves only nondefense discretionary spending about $83 billion, where the President could use a line-item veto.

The President already has powers sufficient to achieve that which he seeks through the line-item veto. The Congressional Budget and Impoundment Control Act of 1974 conferred upon the President the power to defer expenditures for line-item or to propose rescissions of specific items of spending, such rescissions to take effect with the concurrence of a simple majority vote of Congress. In his first two years in office, President Reagan used his rescission authority extensively during which time Congress allowed more than three-quarters of his rescission requests, resulting in more than $20 billion lower spending. More recently, President Reagan has not availed himself of this authority to address specific line items in appropriation measures. In fiscal year 1983, he proposed on-budget rescissions in 18 programs of $1.5 billion. In his latest budget submission, the President has proposed rescissions in only 6 on-budget programs amounting to a reduction in spending of only $388 million, about two-tenths of 1 percent of the President's projected 1985 Federal deficit.

The President alone has the power to set forth a comprehensive plan in his submission under our executive budget system. Further, the President's general veto power already a part of our Constitution is, in itself, a powerful tool to enforce negotiation and compromise between the executive and the legislative branches.

[From the Washington Post, Feb. 8, 1984]

A CONSERVATIVE'S CASE AGAINST THE LINE ITEM VETO

Frustration is the emotion with which conservatives are most familiar, and in that frustration, desperate for progress in their war to change national priorities, conservatives are sometimes tempted to toss away the cornerstones of their political value system in exchange for small and temporary victories.

Political conservatism, at its root, is a philosophy of diffusion. It is a philosophy that has as its thesis the distribution of political power among local agencies; it has as its antithesis the concentration of power in a single place, and the most feared of such repositories is the central government.

Unfortunately, conservatives who ought to know better, including some of the leading political thinkers of the right (Lew Lehrman and Jack Kemp come to mind) have, in their frustration, embraced concepts that would concentrate substantial new powers in that most concentrated of power bases, the presidency.

The latest such scheme for concentrating power in the hands of a single chief executive—offered, remarkably, by conservatives—is a plan to give the president a heretofore unprecedented power to veto individual items within congressional appropriations bills. Ronald Reagan, the nation's principal spokesman against big government, has asked for such power. House Republicans, on a test vote offered by conservative Rep. Phil Gramm, voted overwhelmingly to give it to him.

But conservatives have overlooked what the result could be. Under such a transfer of power, if a Jimmy Carter—or a Walter Mondale—chose to veto an appropriation of funds for construction of the B-1 bomber, a weapons system repeatedly supported by majorities in both House and Senate, a small band of liberals, a mere one-third of the House and Senate, could kill the program by refusing to override the veto. While a Carter, even a Mondale, would not be likely to veto an entire defense appropriations bill, and would be thus somewhat bound by congressional determination to proceed with systems such as the B-1, the power to accept most of the appropriation but single out specific items for veto could (and, if Mondale were to become president, probably would) eliminate defense items crucial to the national security.

The problem with propositions such as the line item veto is the certainty of change. Powers delegated to the presidency to be dispensed according to the wisdom and conscience of a Ronald Reagan will remain in place for the time, certain to come, when a Democrat again ascends to that increasingly lofty presidential throne.

Congress is that branch of government most compatible with the basic philosophical bent of the political conservative. In it, power is fragmented among a large number of men and women, sensitive in varying degrees to the sentiments of home folks. The frequency of House elections increases the role of local constituencies and diminishes the central power. That diffusion of power is an essential to the conservative concept of government.

If the concentration of power in the federal government is the single philosophical element on which all conservatives unite (to be generally opposed to the concentration of power in Washington is the root of American political conservatism), then, by extension, the focusing of that power in a single individual should likewise arouse fear.

Unfortunately, the frustration of having a conservative president who is somewhat hampered by the need to co-exist with a Democratic Congress causes one to chafe under the restraints of the system. There is a frustration at how hard it is to get things done; how difficult it is to bring about change. In their frustration, these impatient conservatives forget that difficulty in bringing about change is again a cardinal virtue of a Jeffersonian conservative government. The harder it is to write and rewrite laws, the greater the protection for the people.

Unfortunately, the philosophical roots of what we are about are sometimes forgotten in the pragmatic rush to achieve immediate ends. Conservatives, who ought to be champions of the congressional veto—increasing the power of the elected representatives of the people to block regulations imposed by the federal bureaucracy—find themselves opposing congressional interference with bureaucrats appointed by "our guys." They do so oblivious to the enduring nature of laws and precedents (meaning that what we do to them they will later be able to do to us).

This acquiescence to the imperial presidency for the immediate short-term gain threatens the foundation of our form of government—a system carefully designed to balance powers and limit central authority. To set constitutional protections aside for short-term expediency is to win temporary advantage at a very high long-term cost. The frustration of conservative leaders is understandable, but the temptation to place more powers in the hands of an already powerful chief executive is a temptation that should be resisted.●

AFFIRMATIVE ACTION UNDER ATTACK

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. EDWARDS of California. Mr. Speaker, our distinguished former colleague, Robert F. Drinan, has written and published a superb article on the issue of affirmative action. His excellent article appeared in the February 4, 1984, issue of the Jesuit Weekly, America magazine. I submit it for the RECORD and I commend it to my colleagues.

The text of the article follows:

AFFIRMATIVE ACTION UNDER ATTACK

(By Robert F. Drinan)

The Reagan Administration has declared war on the concept of affirmative action in almost every one of its applications. In briefs filed in the U.S. Supreme Court the Justice Department has claimed that the city of Detroit may not constitutionally follow a plan of hiring an equal number of black and white persons for Detroit's police force until the numbr of blacks in the force is 50 percent. The assistant attorney general in charge of civil rights, William Bradford Reynolds, insisted that this plan discriminates against whites and is based on unconstitutional "quotas." On Jan. 9 the Supreme Court declined to review the Detroit case, thus letting stand a lower court decision upholding the legality of the Detroit plan, but a similar case involving fire fighters in Memphis, Tenn., is still pending. But the Administration will continue to pursue its conviction that affirmative action is neither required by nor consistent with the Constitution.

It is difficult to understand why the Reagan Administration is so adamantly opposed to affirmative action. Nor is it possible to perceive any alternative it offers. In a recent debate with Mr. Reynolds I, and even some of the audience in the conservative Heritage Foundation where the debate was held, had difficulty in comprehending where Mr. Reynolds stood on the key Supreme Court decisions on affirmative action.

Affirmative action was born as a result of the Civil Rights Law of 1964. Implementing the purposes and spirit of that law, Federal agencies tried to make it clear that employers should reach out to minorities by "affirmative action." Their mandate was to bring the number of minorities in their work force more or less up to the percent of minorities in the local community. Goals, targets and timetables became the watchwords of officials at the Equal Employment Opportunity Commission and the Department of Labor as these agencies sought to rectify the thousands of situations where minorities had obviously been discriminated against for a long time. The term "quota," used benignly or otherwise, has been generally avoided.

President Johnson explained the purpose of his Executive Order 11246 in a speech at Howard University in 1965: "You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'You are free to compete with all of the others.'"

Guidelines issued in 1972 by the Department of Health, Education and Welfare made it clear that Executive Order 11246 requires two things: (1) nondiscrimination or "the elimination of all existing discriminatory conditions whether purposeful or inadvertent" and (2) "affirmative action," which requires "the employer to make additional efforts to recruit, employ and promote qualified members or groups formerly excluded."

Professional and business groups have responded conscientiously and sometimes courageously to the challenges of affirmative action. Universities and others proudly proclaim that they are "affirmative action employers." The concept has entered the marketplace and has been accepted as fair and desirable.

The American Association of University Professors explained the concept of affirmative action in these words in 1973: "What is sought in the idea of affirmative action is essentially the revision of standards and practices to assure that institutions are in fact drawing from the largest marketplace of human resources in staffing their faculties and a critical review of appointment and advancement criteria to ensure that they do not inadvertently foreclose consideration of the best qualified persons by untested presuppositions which operate to exclude women and minorities,"

The idea of affirmative action has always been conceptually difficult. It does not openly state that there has been overt discrimination in the past. It does not necessarily assume that racism or sexism has been operating. It is based on the painful phenomenon that blacks and women are grossly underrepresented in almost every occupation above those involving the least skilled persons. Affirmative action is designed to counter the negative action that brought about the exclusion of millions of persons because of their race or sex. Affirmative action does not say that unqualified persons must be hired but suggests that obviously many qualified persons have been excluded from positions because of a negative attitude toward them by those who do the hiring.

A dramatic example of affirmative action can be seen in the fact that President Carter in four years appointed more black lawyers to the Federal bench than all other Presidents taken together had ever done before. Why were not more black attorneys appointed to the Federal bench prior to the Carter Administration? That is the question that the administrators of affirmative action programs ask with respect to almost every category of workers in America.

Affirmative action programs operate with the hope that by education and example corporations and public agencies will voluntarily correct the racial and gender imbalances in their employment profile. But numerical and time goals are frequently necessary if an employer is to attain some substantial progress within a reasonable period. Hence, Federal and state programs offer goals and timetables to employers and sometimes mandate them. Most employers are willing, even anxious, to have outside help to break the pattern of a predominantly white or male work force. Remarkable progress has been made in the roughly 15 years during which affirmative action has been the accepted practice of agencies that carry out the civil rights laws of the nation.

It is therefore baffling when the Justice Department insists that it is opposed in principle to affirmative action. It is, Mr. Reynolds insists, an attempt to cure discrimination by more discrimination. In its brief submitted in the Detroit case, the Justice Department stated that it "has profound doubts whether the Constitution permits governments to adopt remedies involving racial quotas to benefit persons who are not themselves the victims of discrimination—at least in the absence of a clear statement by Congress itself." This approach seeks to evade the fact of the massive underrepresentation of blacks in certain occupations by saying that "persons who are not themselves the victims of discrimination" have no claim on society. The idea of affirmative action was created precisely to reach those situations where overt racism did not necessarily exist but the results are the same as if it did exist. Affirmative action, in other words, is designed to reach the unconscious bias and the adherence to an unexamined custom that only whites should be waitresses or plumbers or police officers.

Mr. Reynolds further obscures what is actually the thinking of the Reagan Administration when he insists that employment decisions should be color blind. This approach, of course, would blot out many of the most helpful and healthy developments in the law of race relations over the past generation. Affirmative action assumes that public and private officials in the areas of education, housing and employment can and should be color sensitive. Mr. Reynolds seems so convinced that judgments arrived at with attention to color undesirable that he has raised a serious question about the constitutionality of many color-conscious consent decrees entered into by the Justice Department in previous administrations.

In the three decisions in which the U.S. Supreme Court has ruled on affirmative action, it has not given support to the approach to affirmative action embraced by the Reagan Administration. It has not, on the other hand, cleared up the conceptual or constitutional ambiguities inherent in the idea of hiring persons on criteria not exclusively related to their competence.

The five-to-four decision in 1978 requiring the University of California Medical School at Davis to admit Allan Bakke disallowed the relatively crude method of affirmative action employed by the admission officials at Davis. But the Bakke decision did not outlaw the use of race or minority status as one of the criteria for admission to a college. The Court in fact went out of its way to praise the Harvard plan where race, along with other facts such as the ability to play the tuba, can be factored into the sophisticated formula employed for admissions. The majority decision in Bakke, moreover, approved of the use of race since it conceded that ethnic diversity is a legitimate and constitutionally acceptable goal of a university. Although the result and reasoning in Bakke are not free from ambiguity, that decision does not support the apparent position of the Administration that affirmative action itself is neither required nor allowed.

The Supreme Court in 1979 in six-to-three vote held that Brian F. Weber, a white employee of the Kaiser Aluminum & Chemical Corporation who had lost his place in a training program to a black, had no constitutional right to complain against the pact between labor and management which reserved half the openings in the training program for black employees. Mr. Reynolds denies that he ever said that the Weber decision was wrongly decided, but somehow he claims that the agreement to pursue affirmative action in the Weber situation would not be constitutional if it were pursued by public employers.

In 1980, the Supreme Court sustained a provision in a public works program enacted by Congress by which 10 percent of the work had to be granted (with some exceptions) to contracting companies controlled by minorities. The ruling in this should probably be limited to the unique facts of this now discontinued Federal program that was enacted, the Supreme Court noted, by a co-equal branch of government in order to deal with an acute crisis in the economy. But again there is no indication by the Court that affirmative action or color-conscious programs are violations of the Constitution.

If the Supreme Court had decided to review the Detroit case and rule on on the constitutionality of laying off white police officers with seniority over blacks in order to protect the objectives of affirmative action, it would have faced the toughest question yet. Federal Judge Damon J. Keith who presided at the Detroit trial held in a 73-page opinion that Detroit had for more than three decades used examinations and personnel tests that discriminated against black officers. Consequently, he ruled to sustain the affirmative action program even though this "upsets the expectation of white workers."

Blacks in Memphis won a similar victory where both the trial and appellate courts concluded that Memphis could not follow the "last-hired, first-fired" seniority rule because the objectives of affirmative action prevent the firing of recently hired blacks. This case has produced dozens of briefs by national organizations on both sides of the controversy. The A.F.L.-C.I.O. took the position of the Justice Department and urged that courts should not be allowed to displace "employees of one race who have done no wrong . . . to make room for persons of another race who have not been the victims of discrimination."

Up until the present time, it has been possible to continue to support the goals of affirmative action by holding that no whites will be hurt by it. Perhaps it will be possible to continue with that belief and conviction. An expanding economy makes it more possible to do so. But if jobs are phased out for any reason, hard choices between the rights of seniority and the rights obtained through affirmative action may have to be made. But to take an adamant position that all decisions made on affirmative action must yield to rights acquired by seniority is neither necessary nor required by the Constitution. Clearly, such a repudiation of affirmative action violates the spirit and even the letter of the vast body of law, custom and practice which has developed since 1965. That body of law was designed to change the America that the Kerner commission saw: two nations, "one white, one black."

The nation adopted affirmative action as an interim strategy for a period during which sex-based and race-rooted discrimination will gradually fade away. Affirmative action would not be needed if society could cure itself of treating women and blacks by stereotypes or by carefully concealed prejudices. Affirmative action is a technique designed to break the blindness of bias which has helped to produce a society with vast areas in which women and blacks are separated from the mainstream. To abolish affirmative action at this time is premature, unwise and destructive.

There are some legal and constitutional commentators who continue to raise hypotheticals about a possible Pandora's box if affirmative action is pressed too far. Not all of these critics of affirmative action were satisfied by the careful restraints imposed on affirmative action by the Bakke decision.

There are others who are opposed to affirmative action because they fear that a black or a woman will be placed ahead of them in the agency or corporation where they work. These fears are also present where there is a question of a minority challenge for places in schools or housing. But the remarkable thing about affirmative action is that it has worked as well as it has. Society has engaged in programs of affirmative action without requiring that everyone concede that the government and all of us owe restitution and reparation to black Americans because of what was done to them and to their ancestors for some 300 years. Affirmative action has remained fluid and flexible; it has requested voluntary compliance rather than requiring official submission. Affirmative action has so raised the consciousness of Americans that institutions are chagrined if their personnel are inordinately white or male. It seems unwise to press the Congress or the courts at this time for a definitive answer to the ultimate and enormously complicated questions involved in affirmative action. These questoins are as difficult to articulate as to resolve. If white persons or males are being hurt—and there is little if any evidence of this—individual adjustments can be attempted. If unqualified blacks or women are being hired—and again the evidence is virtually nonexistent—training programs and modifications can be arranged.

Affirmative action recognizes that society must attempt to do something to correct the monumental mistakes made by generations of Americans toward blacks and women. Affirmative action calls for a sensitivity to the institutionalized prejudice whose existence cannot be denied. What this country did in tolerating slavery from 1619 to 1865 has distorted reality for millions of Americans. What it did by requiring segregated schools up to 1954 has further confused that reality. Affirmative action, however ambiguous and nebulous, is one answer to all of the many misconceptions that Americans have about blacks and women. Affirmative action should be clarified and refined, not scorned and abandoned.●

NERVE GAS IS NO ANSWER TO THE ARMS RACE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. FLORIO. Mr. Speaker, at a time when the international community is beset by continuing tension, violence, and uncertainty, the threat of nuclear war has become more of a risk than a remote possibility. Mr. Speaker, I am disturbed that the Pentagon and the Department of Defense have chosen to respond to this risk in such a way to stimulate a renewed escalation of the arms race. Instead of emphasizing negotiation and diplomacy as a means to reduce the threat of war, the administration has chosen to stockpile more weapons and begin manufacturing chemical weapons while establishing a new arena for tension—the threat of chemical warfare.

I would like to bring to the attention of my colleagues the recent decision of the Pentagon to request from the Congress an appropriation of funds for the production of lethal nerve gas. For years, we have been striving to eliminate the threat of chemical warfare, a prospect so frightening that our State Department is preparing a draft treaty that would provide for the complete and verifiable elimination of chemical weapons. And yet, the Pentagon is proposing to spend close to $4 billion on developing and manufacturing nerve gas, a lethal chemical weapon. Though we have been assured by the Pentagon that nerve gas will not be manufactured for use in war and that our sole purpose in manufacturing nerve gas would be to use the weapon supply as a bargaining chip with the Soviets when we go to the negotiating table, it is a dangerous waste of the taxpayers' money to manufacture a lethal weapon that will be stockpiled, never to be used, and will convey to the world that we are placing more emphasis on building bigger and better weapons than we are on negotiating to reduce the arms build-up.

During the first session of the 98th Congress, I am proud to have voted with the majority of my colleagues in Congress to repudiate the administration's request for $124 million in seed money to begin the manufacture of this new generation of chemical weapons. I urge my colleagues to uphold the tradition that we have established by pursuing diplomatic means to end the arms race and avoid escalation.

I include an informative editorial from the Philadelphia Inquirer that expresses the majority opinion that renewed production of nerve gas will only result in an escalation and not a reduction of international tensions.

The editorial follows:

BUILDING UP NERVE GAS IS NO WAY TO BUILD IT DOWN

Won't they ever quit? The Pentagon is planning yet again to ask Congress to provide funds for a "new generation" of poison gas. Only two months ago Congress turned down the Reagan administration request for seed money for this new generation of binary chemical weapons. That amounted to $124 million to finance production of artillery shells containing chemicals which, harmless apart, combine to produce a lethal nerve gas. Eventually, it is estimated, that would add about $4 billion to the military bill.

The administration keeps bringing up never gas, unilaterally renounced by President Richard Nixon in his first term, and Congress keeps turning it down. True, the last episode was a squeaker in the Senate, Vice President Bush breaking a tie twice to get favorable votes. Substantial majorities of the House, however, have consistently voted against, and the House prevailed in conference.

So here they come again, the Pentagon proponents of nerve gas, with the same old rationale. The Soviet Union has the stuff, and what it has is better than the antiquated stuff that the United States still has on hand. So the United States has to build up a bigger and better stockpile of nerve gas as a deterrent to the Soviet Union.

Does the Reagan administration's right hand know what its extreme right hand is doing? In Stockholm, Secretary of State George Shultz announced that the United States is readying a proposal of a draft treaty providing for the complete and verifiable elimination of chemical warfare weapons everywhere. Mr. Shultz may have been merely trying to take the propaganda ball away from the Soviet Union. A few days before the 35-nation East-West conference in Stockholm, the Soviets and their Warsaw Pact allies, in what had the air of a propaganda ploy, offered to negotiate a ban on chemical weapons in Europe but were characteristically vague on the details of verification.

Are the Soviets serious? Having walked out of the negotiations on long-range and intermediate range nuclear weapons, are they really prepared to walk into negotiations on chemical warfare?

Assume, nevertheless, that serious negotiations do take place. What's the sense of Washington's building up nerve gas stockpiles that it intends to eliminate? The usual answer is that such stockpiles would represent bargaining chips. The trouble with that answer is (1) that it means an indefinite postponement of serious negotiations while the bargaining chips are being built up, with no reason to expect that the other side won't be piling up its own and (2) that the bargaining chips aren't persuasive.

The issue is not simply that nerve gas is immoral. Nuclear weapons are immoral. War is immoral. The issue is that nerve gas is a bad investment as a military weapon. The United States can find much better

uses of $4 billion than to waste it on a counterfeit bargaining chip.●

A NATIONAL POLICE MEMORIAL IS LONG OVERDUE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. BIAGGI. Mr. Speaker, as a 23-year veteran of the New York City Police Department, I am introducing legislation today to honor our Nation's "forgotten patriots" by establishing a National Law Enforcement Heroes Memorial in Washington, D.C. I am being joined in this important effort by Senator CLAIBORNE PELL, who is introducing an identical measure today in the Senate.

This tribute is well deserved and long overdue. The Federal Bureau of Investigation reports that during the 10-year period from 1973 through 1982, 1,600 law enforcement officers were killed in the line of duty. During these last 2 years 309 law enforcement officers, 162 in 1982, and 147 in 1983, died while performing their official duties—nearly one police death every 2 days.

Under my legislation, no Federal expenditures would be required to construct the memorial. Instead, the Law Enforcement Officers Memorial Fund, Inc., a nonprofit, tax-exempt group, would be authorized to establish the memorial through private contributions. This group would also be responsible for recommending a suitable location and design for the memorial, with final approval coming from the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

The memorial would pay tribute to all Federal, State, and local law enforcement officers killed in the line of duty. In addition, it would serve as a constant reminder of the critical need to better protect those who continue to protect us.

The risks a police officer faces in the name of public safety are greater than any other profession. In 1982, there were an average of 153 bodily assaults against police officers each day—more than six police assaults every hour. The number of police officers injured as a result of gunshot wounds averaged 36 a month in 1982.

In addition to the immeasurable personal loss, there is also a tremendous financial loss each time a police officer is killed. A 1977 study conducted by the Detroit Police Department concluded each police fatality costs an estimated $200,000, which includes death benefits to survivors, as well as the officer's training and replacement costs. Since the public safety officers death benefits program was established by the Congress in 1976, a total of $52,800,000 has been paid out to 1,036 families of slain police officers.

I am pleased to report that this proposal has already received strong pledges of active support from such leading law enforcement organizations as the Fraternal Order of Police, the International Association of Chiefs of Police, the International Union of Police Associations, the National Association of Police Organizations, the International Brotherhood of Police Officers, the National Sheriffs' Association, the National Troopers Coalition, the Police Executive Research Forum, and the National Police Officers Association of America. The Fraternal Order of Police Ladies Auxiliary, which sponsors a national peace officers Memorial Day ceremony in Washington, D.C., has also committed its substantial resources and talents to establishment of the memorial.

Mr. Speaker, with good reason, we have built memorials to honor those who lost their lives in foreign wars. A similar national monument is needed to honor those brave men and women who lose their lives at home in the war against crime.●

POLICIES OF THE INTERIOR DEPARTMENT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. AUCOIN. Mr. Speaker, for 3 years, I have fought against policies of James Watt from my position on the House Interior Appropriations Subcommittee, where his budget has been handled. My constituents and I are relieved this man is gone. But just because James Watt is gone, does not mean that the battle against developmental extremism is over.

In the new budget, the Interior Department has failed once again to request language I originally offered banning offshore oil and gas leases off the northern California coast which, because of ocean currents, is so important to Oregon's offshore environment. This has been one of the most important environmental issues of the last 4 years.

Beginning in 1981, the Congress accepted my amendments to keep Mr. Watt from opening up areas for oil and gas development—one of which was but 100 miles from the Oregon border. Since the currents in the Pacific flow northward at least half the year, Oregon's important fishing and tourist industries were jeopardized, to say nothing of the potential impact on Oregon's coastal environment. I am eager to discuss this matter with Interior Secretary Clark and to find out exactly what he intends to do. In advance of his appearance, before the Interior Appropriations Subcommittee on March 1, I simply want to say: I pledge that I will continue to fight for Oregon's environment and tourist and fishing industries and against attempts to endanger the Oregon coast, regardless of who is Secretary.

A related issue is the proposed offshore mineral leases along Gorda Ridge. The Gorda Ridge is a fissure in the Earth's crust where strategically important metals, known as polymethallic sulfides, are escaping from inside the ridge and accumulating at a depth of 8,000 feet below the ocean surface. Some of the minerals in this area may be valuable to the aerospace and defense industries. The Gorda Ridge is a 70,000-square-mile area located between 30 and 200 miles offshore and extends from Lincoln City to Cape Mendocino.

It is an open question as to whether or not the technology exists to retrieve these metals and it may be 10 to 20 years before any development occurs. If there are, in fact, great reserves of undersea metals in the Gorda Ridge, it could provide a tremendous boost to Oregon's coastal economy where the fishing and timber industries are on their backs.

On the other hand, as in the case of offshore oil and gas development, safeguards must be put in place to protect what remains of our fishing industry and to protect the environment.

The State of Oregon has expressed great concern over the Interior Department's plans regarding offshore mineral development. It is a concern I share. Deepwater mining could release toxic minerals into commercial fishing waters which could prove gravely damaging.

I intend to see that adequate environmental analysis of the Gorda Ridge is initiated and completed so that, in this instance as in all others, development is balanced by a sound regard for other values. The Oregon coast—and the resources that make it unique—is simply too precious to lose.

Now, Mr. Speaker, let me mention the most important environmental issue in the State of Oregon, the Oregon wilderness bill.

It has been nearly 1 year since the House passed H.R. 1149, the Oregon wilderness bill. Since then, Senator HATFIELD has held two hearings in Oregon and one in Washington, D.C.

There have now been over 10 hearings on this bill. It is time to pass a bill that protects some of Oregon's last few, precious wild lands. This bill has been one of my top legislative priorities for nearly 3 years. It is a fair and balanced compromise. Of the remaining 3 million roadless acres in Oregon's Federal forest lands, my bill designates a little over 1 million acres as wilderness. Those acres are special.

They contain some of Oregon's last great stands of old growth timber.

They are areas that contain some of Oregon's last great herds of elk.

And they are areas that contain some of Oregon's most pristine rivers and streams.

I have invested a tremendous amount of effort on this issue. I have visited and hiked through many of the areas found in the legislation.

Just as it is important to make sure that there is enough timber made available for Oregon's forest products industry—and I have done that as Oregon's only voice on the House Appropriations Committee—it is equally important to salvage a little bit of what makes Oregon special.

I am determined to see an Oregon wilderness bill signed into law this year. It is important to do so in order to free nearly 2 million acres not tied up by a lawsuit. It is equally important that a bill becomes law because we must save some of Oregon's most stunning and pristine lands.

We have an extraordinary opportunity to preserve for our children and their children some of Oregon as we have known it. To bequeath some of Oregon's natural heritage is a responsibility that all Oregonians share and one that I take seriously.

Mr. Speaker, the issues of wilderness, offshore development, and fisheries are critical to Oregon. Those who say we must choose between economic growth and a wholesome environment are wrong and they know it. They are the voices who in an earlier time gave us Teapot Dome and other scandalous exploitation. I believe our children need to retain some of the values that make Oregon, Oregon. That is what my fight for Oregon's coastal environment and wilderness is all about.●

WORLD POPULATION AND FERTILITY PLANNING TECHNOLOGIES: THE NEXT 20 YEARS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LEVIN of Michigan. Mr. Speaker, the International Society of Reproductive Medicine (ISRM) met on October 13, 1983, with leading scientists, physicians, and population experts to review the Office of Technology Assessment (OTA) report titled "World Population and Fertility Planning Technologies: The Next Twenty Years." The society met in the Senate office buildings under the joint sponsorship of Representative MORRIS UDALL and Senator CHARLES MCC. MATHIAS, JR. The following are the results of that meeting. I believe they will be helpful to Members of the House in dealing with the increasingly important issue of world population growth. The resolution from the meeting follows.

RESOLUTION—"WORLD POPULATION AND FERTILITY PLANNING TECHNOLOGIES"

(By the International Society of Reproductive Medicine)

As a result of the discussion, all ISRM members agree with the findings and recommend that options in the OTA report supporting increases in population planning assistance and increased funding for contraceptive research be considered by the 98th Congress during its second 1984 session.

I. STRONG U.S. GOVERNMENT ADVISORY ROLE

I.1 *Unprecedented rapid population growth in developing countries creates major barriers to their socio-economic development and contributes to increasing social and political turbulence.* Hard-won socio-economic gains by developing countries are dissipated by ever more people to feed, clothe, house and educate. Forty percent of the developing world's labor force is unemployed or under-employed, especially among the large and relatively volatile 15-24 age group. Grave environmental damage is done by over-cropping, over-grazing, deforestation and other desperate efforts of expanding populations to produce enough food. The rural poor stream into already teeming cities in search of jobs, where they contribute to social turbulence and cause unmanageable rates of urbanization. Additional millions flee, becoming impoverished immigrants and refugees in the better-off countries. The gap between rich and poor widens within and between nations, and contributes to frustration and political alienation. The ever-higher expenditure of scarce foreign exchange to import essential items such as food results in deteriorating balance-of-payments problems and contributes to growing foreign indebtedness. Population pressures contribute to the worsening of many of these problems.

I.2 *The U.S. and the world community are greatly affected by the results of population pressures in developing countries.* The impact of accumulated debt on the international financial system, for example, may undermine a whole range of intricate international relationships. Similarly, economic and political instability in only a few countries may have a global impact through such factors as increases in the international flow of migrants and refugees; disruptions in trading patterns, particularly in the supply of energy and raw materials vital to industrial and military needs; the widening gap—both economic and ideological between rich and poor nations; and shifts in regional political alliances.

I.3 *Many leaders in the developing world recognize that population problems and now publically proclaim their concern; but the commitment of many governments is still weak and in many places does not yet exist.* Intensified competition among nations and the worsening economic conditions of the last few years force governments to give priority to short-term, immediate issues. Even where a commitment exists, adequate resources are not applied, often because of cultural or religious constraints.

I.4 *Since time is not on our side, a new level of determined, coordinated and effective action is required by way of strong government commitment to adequate and effective programs.* Facts, winning examples, mounting concerns of donors, and logic can convince heads of state of the need for priority in national policies aimed at reduction in population growth rates. There is also a need to reach leaders in all sectors of society—the church, military, labor unions, parliaments and the media—regarding how excessive population growth relates to national development and international peace and security.

I.5 *U.S. Ambassadors and AID Directors in the developing countries can diplomatically and appropriately promote and support stronger government commitments to full-scale population efforts.* These would include investments in infrastructure for service delivery as well as policy changes and increased funding. Senior members of the Administration, and particularly the White House, the State and Commerce Departments, U.S. representatives in the development banks, and the Export-Import Bank, when dealing with developing country leaders or when negotiating with them on bilateral and multilateral issues, can promote and supoort effective and humane ways of reducing population growth rates as a constructive step in assuring that U.S. efforts to help the development and security of developing countries are not wasted.

Recommendation I

Therefore, the U.S. Congress, in recognition of the urgent need to curb world population growth and thus to help promote world peace, security and development, should advise the President, the Vice President, Secretary of State and other responsible senior members of the Administration to urge developing country leaders, either directly or through our ambassadors, AID heads, and other representatives, to give full recognition to the links between population growth, development and security, with a view to urging greater commitment and higher priority for humane population policies and nationwide family planning programs.

II. INCREASE INTERNATIONAL POPULATION ASSISTANCE

II.1 *Demands for funds and technical resources for population programs in the developing countries are mounting, and will continue to mount in the next two decades as more and more developing countries adopt, implement and expand more effective nationwide population and family planning programs.* Mounting demands for funds arise from five sources: Countries that have adopted population programs require the employment of increasingly more costly components to achieve comprehensive and nationwide programs; more developing countries are beginning to implement serious population programs; many developing countries, particularly in Africa, want to expand their health programs by including family planning services, even though they have not yet adopted policies to curb population growth; the numbers of couples in the childbearing age groups are increasing at a substantial rate every year, even in countries where the fertility rate has declined; and finally, funding is affected by worldwide inflation and recession.

II.2 *The implementation of comprehensive population programs proceed from easy to more difficult and costly phases.* The least costly component of population programs is the means of family planning. More costly components are needed as programs become broader and more effective. Programs generally move through four phases. The first phase requires extensive education regarding community needs, and normally involves the use of existing clinical settings in wealthy urban areas. The second phase in-

cludes the urban poor who are not normally treated by physicians and involves the training of paramedics, managers, midwives and community workers, the increasing use of the commercial network and more deliberate efforts of education. The third phase extends to the rural areas, and it is at this phase that government become aware of the need to improve the infrastructure that allows delivery of information and services and to address motivational issues more effectively. The fourth phase may require the development of individual and community incentives/disincentives for acceptance of family planning services and the integration with the health care system through maternal and child welfare services that give high priority to family planning. It is evident that even countries where successful population policies have caused large fertility declines require more funding for the increasingly difficult phases of the program. This is indeed the case in many Asian countries.

II.3 *More and more countries, particularly in Latin America, have adopted policies in recent years and are beginning to implement the needed programs.* Their lack of infrastructure, trained managers and motivation make the start-up costs much more costly than those of Asian countries which adopted programs a decade ago. As these programs progress, the funds needed to implement them mount substantially.

II.4 *In most of Africa, where leaders are not yet committed to curbing population growth and where growth rates are the highest in the world, there is increasing recognition of the need to improve maternal and child health, which can be accomplished through family planning.* These countries recognize that birth spacing can substantially lower the risks of infant and maternal mortality and morbidity. Therefore, the substantial start-up costs cover a health program which provides family planning services as an important component. As their populations increase, one can anticipate that these countries will increasingly recognize the need to curb population growth in order to advance their socio-economic development.

II.5 *It is projected that more than one billion people will be in their peak reproductive years (ages 15-29) during the next two decades, and that a tenfold increase in global family planning expenditures will be required.* Fewer than 35% of the world's 600 million couples of childbearing age (15-44) have access to family planning services; in most developing countries this figure is closer to 20%. Yet to reach the level necessary for population stabilization, contraceptive prevalence will have to reach 80%. And although global fertility rates have fallen, the absolute number of people continues to grow. The total number added to the world's population is expected to increase from 80 million in 1981 to 95 million in 2000. Three-quarters of this growth is projected to take place in 18 countries, each of which is vital to world and U.S. development and security. Experts calculate that global family planning expenditures will have to increase tenfold in order to meet the needs of reproductive-age couples and to increase contraceptive prevalence levels in developing countries to 80% by the year 2000.

II.6 *The valid demands for population and family planning assistance by developing countries, after taking into account their own substantial increased funding from their own resources, require an expansion of funds for population assistance by the U.S. Congress.* Expenditures for population and family planning programs worldwide increased at a rapid rate throughout the seventies with roughly half coming from the developing countries themselves and the rest in foreign assistance from the countries, international agencies and private organizations. The United States provided over 50% of all population assistance prior to 1973 but this share has leveled off to about 40%, while the assistance of Scandinavian countries, Japan and West Germany have increased. By 1980, total resources committed to population and family planning programs by the developing countries themselves amounted to about $1 billion. Even so, as more and more Third World governments launched or expanded family planning programs, and as global recession and inflation affected all governments, the pressure on donor assistance became severe. The U.S. Congress appropriated $190 million in fiscal 1981, but inflation cut the purchasing power below that of the peak year of 1972 ($121 million). In fiscal 1982 the appropriation was $211 million, and the President's budget for fiscal 1983 represented virtually no increase for the third year in a row. Experts in the population field estimate that donor contributions fell some $200 million short of valid developing country requests for medical training, technical assistance, contraceptive supplies, and other program inputs which could not be supplied from their own resources. After review, the U.S. Congress agreed to increase the fiscal 1984 appropriation to $240 million. This is still seriously short of the need. We believe that the U.S. should maintain its leadership position in international population assistance, which is a cost-effective investment in worldwide peace and economic security.

Recommendation II

Therefore, in view of the burgeoning needs for population and family planning assistance in developing countries and of the increased resources those countries have put into programs at a time of inflation, recession, high import costs and low export prices, we recommend that the U.S. Congress appropriate $300 million for population assistance in fiscal 1984.

III. INCREASE CONTRACEPTIVE RESEARCH FUNDING

III.1 *While the numbers of women using contraceptives in the developing world are impressive, there are still millions of women who do not want more children and who do not have access to, or use, modern contraceptives.* The most widely used contraceptives are oral pills (used by approximately 60 million women), the intra-uterine devices and sterilization procedures (used by approximately 100 million couples). Some contraceptives have side effects, require substantial medical monitoring, change menstrual patterns, are too costly, or must be provided in clinic settings (at inconvenient places and hours, with little privacy). In most rural areas services are not available at all, with the result that fertility—and maternal and infant mortality and morbidity—remain high. These limitations cause women in all parts of the world to seek induced abortion by unskilled personnel in marginal facilities. Though abortion often is not a desirable solution to unwanted fertility, it is resorted to when contraceptive means are not available or when they fail.

III.2 *New and improved contraceptive methods are needed.* There is a need to promote basic bio-medical research and contraceptive development in the search for new and improved contraceptives. Prior to 1967 contraceptive development was largely financed through industry, but many U.S. drug companies have dropped R&D because of the time and costs involved for FDA approval (or disapproval) for clinical use and because of rising product liability costs. Worldwide funding for reproductive research and contraceptive development rose from $31 million to $155 million between 1966-79, but at a level 20% less than that of 1973 when adjusted for inflation. Although actual funding levels have increased slightly, they are below the level spent in real terms in 1971. The U.S spends only a small portion of its research budget for reproductive research (only 2% of the NIH budget) and of that only 15% is for contraceptive development. A 1974 Ford Foundation study suggested at least a threefold increase in research funding, and the expert advisory committee has reportedly recommended additional funding. The OTA report indicates that present contraceptive development programs may develop many useful new and approved contraceptives if additional funding is made available. Several improved contraceptive technologies could become available by 1990 and many more thereafter if current R&D is supported. The results could be improved family planning effectiveness, reductions in the numbers of unwanted pregnancies and induced abortions, improved maternal and infant health with the resulting reduction of human suffering and increasing opportunities for economic growth.

Recommendation III

Therefore, we recommend that Congress authorize the appropriation of approximately $125 million in fiscal 1985, for the entire field of reproductive research and contraceptive development.●

THE BENEFITS OF ALCOHOL FUEL

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DASCHLE. Mr. Speaker, the recent January issue of Wheatgrower, a publication of the National Association of Wheat Growers, featured an article authored by Mr. David Hallberg, president of the Renewable Fuels Association. This article provides an excellent analysis of the numerous benefits which result from the use of domestically produced renewable alcohol fuel. To my colleagues who are concerned about the Nation's energy future and security, opportunities for improving the condition of our agricultural economy, economic revitalization and the creation of new employment opportunities, and the quality of the environment, I strongly recommend this article.

[From Wheatgrower, January 1984]

THE DREAM BECOMES A REALITY: THE WHEAT FARMER AS ENERGY PRODUCER

(By David Hallberg)

"We must alter our internal economy by processing surplus farm crops into alcohol of 10 percent . . . We will be able to establish a balanced agriculture, a balanced in-

dustry, and preserve for ourselves the greatest market in all the world: namely the market in our own land for our own people. It is a kind of diversification through which we can preserve an internal prosperity and rid ourselves of a dangerous dependence on the other nations."—Representative Everett Dirksen (R-IL) on the floor of the House of Representatives, January 28, 1935, from the Congressional Record, Vol. 79, part 1, p. 1099.

Mr. Dirksen, who later served for many years as majority leader of the United States Senate, was a remarkably prescient man. Today—nearly 50 years after his prescription for partial resolution of U.S. agricultural and energy problems was uttered on the floor of the House—the U.S. fuel ethanol industry is indeed altering "our internal economy by processing surplus farm crops into alcohol of 10 percent."

In fact, the U.S. fuel ethanol industry is now the most significant high grade liquid fuels alternative in the marketplace. In 1984, fuel ethanol producers will process roughly 200 million bushels of grain into enough ethanol to blend with gasoline on a 10 percent ethanol/90 percent gasoline ratio to account for fully five percent of total U.S. gasoline sales or roughly five billion gallons!

NEW INDUSTRY BIRTH

Many Americans are unaware of this dramatic growth in the use of agriculturally-derived ethanol as a significant substitute for imported petroleum. In just five short years, a new industry has materialized with little fanfare.

Part of the reason for this relative anonymity is the fact that changes in the external environment necessitated an abrupt change in the industry's lexicon. In 1979, the use of 10 percent ethanol in gasoline was popularized as "gasohol" when the Iranian oil supply interruption forced millions of Americans into gasoline lines. The emotional appeal of a "homegrown fuel" that could extend scarce gasoline supplies by 10 percent raised Americans' awareness of the fuel, an awareness that was further reinforced by President Carter's announcement of plans for a major gasohol program during his nationally-televised address following imposition of the Soviet grain embargo in the wake of the Afghanistan invasion.

The national resolve to mount a major alternative energy effort quickly melted, however, in the face of a softening in world oil prices and a change in administrations. By mid-1981, the imperative to extend gasoline supplies in a crude-surplus world had faded, and gasohol's allure faded with it.

Fortunately, however, fuel ethanol is not only valuable as a net displacer of imported petroleum, but it is also an excellent octane enhancer. American motorists increasingly require higher octane gasoline as new cars with higher compression engines come on the market, since inadequate fuel octane causes "pinging" and reduced engine performance.

Exacerbating the need for octane is the fact that the octane-enhancing additive that was once the most widely used—tetra-ethyl lead—is now being phased down by the EPA due to its severe health hazards. In recognition of this shift in function from gasoline extender to octane enhancer, fuel ethanol marketers dropped the name gasohol, and went to labels that emphasized its octane enhancement role, like "super unleaded with ethanol." Sales skyrocketed, and new production facilities came on-line despite the stagnation in the general economy, and particularly the alternative energy industry.

AG AS ENERGY PRODUCER

In a recent analysis titled *Policy for Rural America*, the research manager for the California Department of Food and Agriculture, Vashek Cervinka, noted that "the economic prosperity of the nation and its farms are interrelated." In arguing that the economy of rural America can be improved by encouraging "the diversification of farms into the production of food, fiber, and energy." Cervinka pointed out that, at the beginning of this century, U.S. farmers devoted 80 to 120 million acres to growing hay, oats, and other feeds for their "energy equipment"—horses and mules.

Since the advent of relatively inexpensive fossil fuels, however, this acreage has been shifted to the production of food and fiber crops. And U.S. agriculture is today plagued with what appears to be a structural excess of supply over demand.

The diminishing purchasing power of U.S. farmers can be vividly demonstrated by comparing what it took in terms of one ton of farm product to obtain one ton of oil in 1970 with 1979. For wheat, that relationship declined from 3.7 in 1970 to 1.2 in 1979, or a decline of a factor of 3.1. For corn, the decline over the nine years was 4.0. This simply means that "three to four times more farm commodities have to be exported than 10 years ago to import the same amount of energy."

There are obviously no panaceas to the problem of U.S. agricultural supply/demand imbalance and the nation's continuing dependence on imported oil. However, the fact that fuel ethanol offers an efficient way to partially address both problems makes it a logical choice to be treated as a key component of the national agricultural/energy policy.

It is a synergistic way to benefit nearly every American: farmers, by improving demand for their products; taxpayers, by reducing the need for enormous surplus commodity program outlays; laborers, by productively investing dollars otherwise would have gone to foreign oil producers in U.S. plant construction and equipment fabrication; environmentalists, by producing an environmentally benign liquid fuel that can replace lead and reduce tailpipe emissions; and policymakers, by lessening the nation's energy vulnerability and "reindustrializing" the economy at the same time.

PREVENTING PIK II

Last year's PIK program, which cost taxpayers billions of dollars in outlays and lost economic productivity, was necessitated by the lack of sufficient demand outlets for wheat and feed grains. It needn't happen again.

U.S. agriculture is the most productive sector of the total economy, and it should be encouraged to be profitable and operate at full production, not idled. By stimulating a vigorous domestic fuel ethanol program, sufficient new demand for U.S. agricultural products could be stimulated to bring about the "full production agricultural economy" that should be a fundamental national policy objective.

In 1984, over 80 commercial fuel ethanol production facilities will utilize the equivalent of 200 million bushels to produce enough ethanol to back out over $300 million worth of imported oil. These facilities span the spectrum in size from giant 100 million gallon per year capacities to below one million gallons. They are located throughout the U.S.

While the bulk of these facilities will use corn as the feedstock, there are several that will use wheat and other grains, citrus wastes, cheese whey, molasses, and even forestry residues. The technological capability to expand the fuel ethanol industry's production capacity is here today.

And the achievement of the goal set by the National Corn Growers Association of one billion bushels of grain into ethanol by 1990 is very realistic. All that is needed is the establishment of a uniform federal tax incentives policy, such as that proposed by Senator David Durenberger (R-MN) and Congressman Tom Daschle (D-SD).

The National Association of Wheat Growers is to be commended for its endorsement of these important bills. By exempting renewably-derived fuel ethanol blends from the full nine cents of the federal excise tax on motor gasoline, up from the current five cent exemption, the required foundation for the industry's expansion will be established.

It is appropriate that agricultural groups lead the effort in bringing about this long overdue adjustment in national agricultural and energy policy. A uniform federal exemption policy for fuel ethanol would allow the 32 states that currently extend their own fuel tax exemptions to end their programs, and facilitate the expansion of fuel ethanol marketing to the nation's refineries as an octane enhancer.

And as the production of fuel ethanol expands, agricultural supply/demand will come into balance, and farm sector income will improve. In the process, as Senator Dirksen said, "We can preserve an internal prosperity and rid ourselves of a dangerous dependence on the other nations." It only makes sense.●

AN INSIDER'S VIEW OF NICARAGUA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. OTTINGER. Mr. Speaker, one of my constituents, Tom Frieden, just returned from 2 months in Nicaragua where he worked with the health education department of the ministry of health. In addition to being a fine medical student, Mr. Frieden has proved himself to be a keen observer and talented writer.

His analysis of Nicaragua's social and economic progress since the overthrow of Anastasio Somoza is compellingly written and soundly based in fact. I believe Mr. Frieden's firsthand account of the living conditions in Nicaragua, particularly the gains they have made in education and medical care despite brutal opposition from the U.S.-backed Contras, would be instructive for all my colleagues.

The article follows:

AN INSIDER'S VIEW OF NICARAGUA

I have recently returned from 2 months living in Nicaragua, working with the Health Education Department of the Ministry of Health. I lived in Esteli, a city in Northern Nicaragua, and in a village nearby. I traveled, unrestricted, throughout the country.

I found the society to be friendly, open, and warm. If a free election is held in 1985, it will probably show that the great majority of people support the Sandinistas. Expectations that the mass of people of Nicaragua are eager to see the Sandinistas out of power have no basis in reality. There are several broad reasons why the Sandinistas have the enthusiastic support of most Nicaraguans.

LIVING CONDITIONS AND SOCIAL SERVICES

In the most basic terms, life is secure in Nicaragua. There are no death squads, the death penalty has been abolished, and sabotage and crime are at a minimum, due in large part to an effective police and militia system. While some visitors are disturbed by the widespread presence of police, familiarity, in this case, breeds admiration. Infractions by police officers are rare, and, when they occur, are punished severely and swiftly, with full publicity to deter others. Further, police show a uniform friendliness and respect toward both Nicaraguans and foreigners. This attitude is in sharp contrast to that of the previous government and its National Guard, which was internationally notorious for its disregard for human life, as well as a refreshing contrast to the police of El Salvador, Honduras, and Guatamala.

A second broad reason for the popularity of the Sandinistas is better nutrition. There are now extensive price supports and distribution systems for basic foodstuffs. Consumption of rice, beans, and corn have increased dramatically. Stores have been established throughout the country to buy and sell from peasants at stable and affordable prices. There have been suggestions that consumer shortages are causing widespread dissatisfaction with the government. But while there are some shortages, many of these are due to population migration caused by the attacks in the North, a shortage of foreign currency, and to rising expectations. It is not uncommon to hear someone who used to eat meat less than once a month complaining that they can only find it once a week. Rather than expressing dissatisfaction with the Sandinista leadership, complaints about food shortages are often a symbol of deep change in the society: before, people accepted not having enough food, now, they expect better.

Public work projects are also active. Thousands of miles of roads are being built. The government is building houses for tens of thousands of Nicaraguans, 24,000 latrines are built every year, and water and sanitation projects are underway. Electrification programs and the extension of water hookups in the cities are in evidence.

Advances in education have been striking. The National Literacy Crusade reduced illiteracy from 50.3 percent to 12.9 percent in four months. (Literacy being defined as the ability to read and write at a third-grade level.) Adult education is widespread—20 percent of the adult population is enrolled. Thousands of schools have been built, and nearly 3,000 teachers have been hired since the revolution. Teachers emphasize reading and arithmetic, and there is a focus on the practical details of Nicaragua. For example, the second grade reader describes the different regions of the country and their major products (cotton, beef, corn, etc.). I have seen the new one-room schoolhouses in tiny communities throughout the mountainous regions: one school for each area containing 100-300 people. Children in the most isolated hamlets are going to school and learning to read and write. Recently, Nicaragua reached the one million mark: one million people enrolled in school. The total population is 3 million.

Improvements in higher education are equally impressive. Eight new technical schools have been built, each with 2,000 students. Programs in nursing, argiculture, and allied skilled fields have been expanded rapidly. Admission to the nation's medical school has increased 400 percent—120 students per year enrolled in the largest class before the Revolution, 550 last year.

The new health care programs also contribute to the Sandinistas' support. The Scandinistas have rebuilt, reopened, and expanded hospitals, upgraded quality, extended coverage, and made consultations and hospital care free. Medications are dispensed at a nominal fee. Many hospitals are offering emergency care and 24-hour service for the first time. Hospital workers are enthusiastic, feeling that they are now working for the people of their communities, giving the best services possible despite limited resources. More than 200 clinics have been built, many in isolated rural communities without running water or electricity. Consultations rose from 2 to 6 million between 1978 and 1982. Public health measures have been broadly applied, using the voluntary participation of large sectors of the population. Immunizations have tripled, leading to a decline in the incidence of infectious disease. The largest malaria control project in Latin America was executed, with 80,000 volunteers. Infant mortality has been falling steadily, and the Ministry of Health has recently adopted a novel strategy for treating dehydration (the major cause of infant death) using community volunteers and the national women's organization.

Programs for children are perhaps the most impressive aspect of the new social service system. Food supplementation is given to pregnant and lactating mothers, and there is careful prenatal care, especially for mothers at risk. An increasing percentage of births are attended in hospitals, and, for the rural population, the Ministry of Health has been training local midwives to identify and refer women at risk for complications, and to attend normal births. Breastfeeding is promoted through a massive publicity and education campaign. Children are monitored from birth, vaccinated, and assessed for proper growth and development. Oral rehydration centers operate throughout the country to reduce infant mortality, and now community volunteers are being taught to identify and treat dehydrated children. School breakfast and lunch programs are active in many cities. Parks, recreational centers, libraries, and carnivals flourish.

Virtually none of these programs were operational under Somoza. In fact, previously, two-thirds of all children were malnourished, medical care was out of reach for 70 percent of the population, and only one child out of twenty born in a rural area finished sixth grade. Not only have the advances been striking, but they have been made despite economic sanctions by the United States which have caused a serious shortage of foreign currency, and the constant threat of attack and sabotage by the U.S.-supported groups attempting to overthrow the government.

THE WAR

Another broad reason for the unity of Nicaraguan society and the Sandinista government is the attacks of the anti-government forces, known as Contras. The Contras are seen as an outside force invading the country. In general, a society becomes more unified in the face of outside aggression. But this phenomenon alone does not explain the unified repudiation of the Contras.

The actions of the Contras have been characterized by extreme brutality and disrespect for the lives of civilians. Rather than being incidental, attacks on civilians appear to be the focus of Contra activity. Contras have:

Ambushed buses, killing all male, and at times all civilian occupants;

Murdered agricultural advisors, Ministry of Health personnel, and respected local leaders;

Burned crops, slaughtered livestock, shot at peasants harvesting their crops, and destroyed reforestation, water, and construction projects.

Within the health sector, the brutality of the Contras is omnipresent. In addition to the new rural health stations, volunteer health workers have been chosen by each community and trained by the Ministry of Health. These policies have made facilities, health workers, and community volunteers especially vulnerable to attack. Volunteer health workers are not the only targets: literacy workers, lay ministers, and local leaders are also frequent victims.

A REVOLUTION BETRAYED?

The revolution does not appear to have betrayed its promises or ideals. In fact, the freedom in Nicaragua remarkable, especially given that it faces constant threat of sabotage and aggression. The opposition press, while censored on issues of the war and commodity shortages, publishes strongly antigovernment articles daily. Opposition parties are active, and their billboards are present throughout the country.

The subject of freedom of religion in Nicaragua is perhaps one of the most misrepresented in our country. United States officials have claimed that the Sandinistas are trying to destroy religion. Working in a rural community, I lived in the cabin of a priest, and gained a strong sense of the feeling of excitement that many of Nicaragua's Church feel: they are trying, perhaps for the first time, to build a Church of the poor, closely in touch with the majority of Nicaraguans. Priests and lay ministers are actively involved in health, education, and development projects. There is religious controversy in Nicaragua, but it reflects deep tensions within the Catholic Church, rather than between Church and State. Four top government officials are priests, and many leaders are deeply religious. Many Nicaraguans, after showing a visitor progress they have made in their ministry, school or neighborhood, will make it clear that they are working so hard both because they are Sandinistas and because they are Christians.

In 1981 the Sandinistas promised elections for 1985. Planning for the elections is actively taking place. Whether these elections will be broad is a question which hangs in the balance. Continued United States support for groups trying to overthrow the Nicaraguan Government will jeopardize Nicaraguan democracy at a crucial time in its evolution.●

THE 92D STREET Y

HON. BILL GREEN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. GREEN. Mr. Speaker, I rise to bring to my colleagues' attention a most remarkable institution with a standard of excellence seldom encountered. The 92d Street Young Men's and Young Women's Hebrew Association has, since its founding in 1874, been providing New Yorkers and visitors to the city with classical symphonies, readings by major poets, and lectures by important contemporary speakers and leaders. The Y is a testimony to what the human spirit can achieve when possessed with enough inspiration and drive. To many of my colleagues a "Y" is a place for lifting weights and playing pool. But to New Yorkers, the 92d Street Y is much more.

Let me give you some history of the Y. In 1939, the poetry center was set up as the first program ever where poets could read their work as they wished it to be heard. Poets of such stature as W. H. Auden, Marianne Moore, T. S. Eliot, Dylan Thomas, and Wallace Stevens have all taken advantage of the Y's forum.

Dance at the Y is also exceptional. Agnes de Mille has said that the 92d Street Y's support and presentation of dance was crucial to the development of modern dance in America. Starting in the late 1930's, until the present time, such notables as Martha Graham, Hanya Holm, Doris Humphreys, and Jose Limon have appeared there.

Today, the 92d Street YW—YMHA offers, in addition to cultural programing, a nursery school that teaches children creativity by allowing them to develop their potential at these early critical stages. Children with learning problems have a place here too: they are taught to express themselves through drama readings. There are programs for pregnant women, singles, teenagers, and seniors, to name a few more.

This cultural landmark is an example to all us of what dedicated and creative people, with limited resources but a strong sense of purpose, can accomplish.

It is therefore with pride that I present to colleagues a portion of an article which appeared in New York magazine entitled "Pop Goes the Y" by Katharine Davis Fishman.

The article follows:

POP GOES THE "Y"

Whoosh, Boom, boom, boom. Until this year, there was one place in New York at which music lovers might expect to find Handel's Water Music accompanied by actual water. That place was the the Kaufmann Concert Hall of the 92nd Street Y, the only auditorium in the city built under a swimming pool. At 3:15 of a Sunday afternoon, just as the Y Chamber Symphony was, well, immersed in its opening selection, activity in the pool (which the Y's executive director, Reynold Levy, calls "the world's most disputed turf outside the West Bank") would reach a crescendo. Whenever someone dove in, shock waves would travel down to the bottom of the pool, a steel plate that vibrated like a loudspeaker diaphragm through the struts that hold up the ceiling of the concert hall. In its turn, the ceiling shuddered—boom, boom, boom—precisely in phase with the bottom of the pool. It cost the Y $8,500 to install isolation springs in each strut, a tactic sufficient to pacify all but the pickiest ears.

The fastidious eye, however, had better go to Lincoln Center: The 92nd Street Y exalts and exults in eclecticism. It purveys sport, culture, and social services, which explains how one man joined the senior program for solace in his old age, was spotted by the director of the American Jewish Theatre, downstairs, and ended up at age 85 with not only a lady friend but an Equity card. It has a lobby that often evokes the commissary on the M-G-M lot in 1945, swarming with extras fitted out by Wardrobe to illustrate that the Y is also a gym, a nursery school, a poets' platform, a student residence, an arts-and crafts studio, a music school, a place for singles to meet, a lecture hall, an after-school center for teenagers, an institute for adult education, a day camp, a tour organizer, and a center of Judaic study.

The Y has been some of these things since its founding, in 1874, and even more of them since the thirties, when an adventurous education director named William Kolodney offered New Yorkers the most exciting new names in modern dance (Martha Graham, Doris Humphrey, Charles Weidman), readings by such poets as W. H. Auden, Langston Hughes, and Marianne Moore, and concerts by the Budapest String Quartet. Culture flourished during Kolodney's tenure, which lasted into the fifties, but except for the Poetry Center the Y languished after he left.

In this 1983-84 season, however, the 92nd Street Y is sponsoring 82 concerts and offering 20 more by groups or artists who either co-sponsor concerts or rent the hall; 39 performances of children's theater, independently produced but subsidized by the Y; 99 lectures; 29 poetry readings; two film series; master classes by six luminaries of the concert and Broadway stages; 38 tours in and around New York; eight all-day institutes and two evening panels on Jewish subjects; High Holy Day services and dinners; and a full season by the American Jewish Theatre. The Y now spends just short of $1 million to promote its offerings via some 25 brochures backed up by radio and print ads, many produced in-house by a public-relations staff of eleven.

The Y undertakes all this promotion because nearly four-fifths of its income is earned in the marketplace, a proportion it hopes to maintain. (It takes in the money through admission fees to concerts, lectures, and classes and through membership in the Poetry and Parenting Centers and the health club. There's no overall Y membership fee.) The institution's operating budget, which has tripled in the past six years, now amounts to more than $10 million. It hustles on fund-raising scenes as well: In 1983 the 92nd Street Y received simultaneous $500,000 challenge grants from both the National Endowment for the Arts and the National Endowment for the Humanities, an achievement it believes to be unique. Its principal grants have traditionally come from the Greater New York Fund and the Federation of Jewish Philanthropies.

Without a doubt the Y is show-biz now, though observers differ about when it started to swing. Some date the resurgence to the 1975 renovation of Kaufmann Concert Hall, others to the 1977 arrival of Levy, the supercharged executive director. Perhaps, however, the first spark was lit in 1969, when the Billy Rose Foundation dropped $5,000 in Hadassah Markson's lap.

Markson, the director of the Y's music school, which her father founded, had spent her life at the Y, studying, teaching, and finally being asked to run the school; she was (and still is) a nice music teacher who got special joy from hearing a symphony of practice sounds as she got off the elevator on the second floor. In celebration of Billy Rose (who had written the lyrics to "It's Only a Paper Moon"), producer Arthur Cantor asked the Y to start a program on lyrics and lyricists. Markson called in the Broadway conductor Maurice Levine; ultimately "Yip" Harburg, Sheldon Harnick, Johnny Mercer, and Stephen Sondheim each spent a Sunday evening discussing their work. The first night, there were lines around the block; within three years Markson had to lay on a Monday-night repeat; soon "Lyrics and Lyricists" was drawing Jackie Onassis and Authur Schlesinger and Leonard Bernstein. The series, now in its fourteenth year, manages infinite variations on the basic theme. Markson has expanded her musical-theater program, putting on workshops and master classes; much of her time is still spent gathering twelve-year-olds into string quartets, but a part involves swapping jokes with the likes of Arthur Schwartz and tracking down Bob Fosse. Like the institution that nurtured her, Hadassah Markson has become show-biz.

Omus Hirshbein, the Y's director of performing arts, was born show-biz. The son of a noted Yiddish writer with a screenwriting contract, Hershbein spent his childhood in Hollywood sitting on famous laps. He studied piano at Juilliard, floundered at performing, took a job at Hunter College's Concert Bureau, and then ran it. By the time he got to the Y, in 1973, Hirshbein had a solid list of contracts. "I called in every chip I had," he says. Hirshbein, a reedy, gray-haired man for whom conversation is a form of aerobic exercise that includes eyebrow lifts, table pounding, stage whispers, and jabs with the index finger toward the listener's windpipe, says, "The earliest artists here were all people I felt close enough to beg them to take a chance and come to this place when there were black velour curtains masking the brick. I'm talking about a theatrical-looking house. You know what velour does to sound, it soaks it up!"

Fortunately, the board of directors was seeking to recapture the stature of the Kolodney era and had already decided to renovate the hall; that, plus Hirshbein's strategy of saturation programming for maximum visibility, put the Y back on the concert map. "You've got to serve a variety of publics," he says. "People who come to solo recitals aren't interested in chamber music. We started a series with Jaime Laredo, to do the most cherished works of chamber music, but the mission had to change and the audience didn't like it. Why? Because you can only do the 'Trout' Quintet for so long! The 'Trout' is a trite piece—listen to it. You do

'Verklärte Nacht,' of Schoenberg, which is the most gorgeous yummy summer-night romantic piece, and 40 people walk out before it's played! How will they ever know?"

In 1976, he engaged the conductor Gerard Schwarz to get a few musicians together and play the Brandenburg Concertos, a holiday tradition Hirshbein had started with another group at Hunter. "We did the concerts and went home to bed," he says, "and the reviews were wild. The Times and the Post said couldn't we do something more with the orchestra. Gerry and I put together a season of five concerts, the board said 'Give it a shot,' and we sold out and were critically acclaimed. Look, dear heart, we are an uptown community center. If we wait for an orchestra of quality to come to us we will grow long beards." Now the Y Chamber Symphony has filled up the available dates in Kaufmann Hall and is starting to do runouts, playing at Lincoln Center and renting the Kennedy Center and Carnegie Hall; it has made three records, and Hirshbein's dreams are not moderate. "The Academy of St. Martin-in-the-Fields must have 200 records," he says.

The Y's 1976-77 brochure listed enough events to suggest a renaissance. But the fireworks display on 92nd Street in the past six years was set off mainly by Reynold Levy, a young Brooklynite with a law degree, a Ph.D., some university teaching experience, and a background in government and nonprofit agencies. Levy aimed to build the Y into an institution of national importance. Like the executive director himself, the staffers he hired were entrepreneurial, visionary, bright, hyperactive, tense, and humorous—"flakes and crazies," he says. "You are looking at the most stable character around. When you give gifted inspired people a blank check . . . I cannot think of a good program we didn't do over the past few years because somebody said, 'We can't afford it.'" The blank check had to come from somewhere: Levy increased efforts to secure funds from government, private, and corporate donors, using some of the money to beef up promotion. And the growth in programming makes it easier to get more grants and contributions.

The result is an institution bursting its boundaries, physically and in terms of programming, pursuing what Levy smilingly calls "manifest destiny" by running classes on the West Side and lectures at schools and synagogues. While the growth has been roughly equal in social services, education, and the performing arts, in style and pace the Y is an institution decidedly altered from what it was six years ago.●

JUKEBOX BILL WRONGLY ROBS COPYRIGHT OWNERS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. GORE. Mr. Speaker, I want to bring to the attention of my colleagues a serious problem in the form of H.R. 3858, the so-called Coin Operated Phonorecord Player Copyright Act of 1983. The bill would set a one-time fee of $50 that each jukebox owner would pay for the use of copyright property.

This proposed bill would deny, permanently, the compensation historically and justifiably made to the music industry—writers, producers, and other individuals and companies which produce the material which makes jukebox operation possible in the first place.

Under present copyright law, jukebox operators are allowed to use all copyrighted material for the low annual fee of $50 per machine. That annual fee was found reasonable by an administrative agency and the courts. Now, through H.R. 3858, the jukebox operators want to replace the annual fee with a one-time $50 payment. If the bill is allowed to become law, copyright owners would receive virtually nothing for valuable property. Moreover, the royalty system on which copyright is properly based would be overturned.

This bill would reward those who have defied the law in the past with a general amnesty for past infringements. The bill presumes that the jukebox business is in trouble. Mr. Speaker, this is simply not the case.

Mr. Speaker, it would be grossly unfair to the creators of songs to do such ill-conceived damage to our copyright system. In my district, and throughout our State, literally thousands of Tennesseans are engaged in the music industry as their basic livelihood. These are not only well-known performing artists. The problem of lost income faces the many writers, production company employees, and others who labor in the music industry throughout the country.

For decades, jukebox operators benefited from a free ride because of an anomalous provision of the old 1909 Copyright Act. They paid nothing for the right to perform the copyrighted music whose performance they were selling to the public. Every neutral party which examined the issue favored repeal of this exemption. Congress agreed and, after long consideration, provided for a compulsory license for jukeboxes in the 1976 Copyright Act as a compromise to full liability.

In 1980, the Copyright Royalty Tribunal concluded that a phased-in annual fee of $50 per jukebox was reasonable. This ruling was subsequently upheld by the U.S. court of appeals and the Supreme Court denied review.

Mr. Speaker, the jukebox operators are now seeking to overturn a fair compromise based upon more than a decade of careful review by the Tribunal and the courts. The Tribunal's compromise finding, a $50 annual fee, is firmly grounded in the legislative intent of the 1976 Copyright Act.

H.R. 3858 is nothing more than an ill-disguised ploy to rob the copyright owners of recorded music of their legal property. The Congress should reject this initiative as not only bad public policy but dangerous precedent.●

INTRODUCTION OF LEGISLATION

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. ALBOSTA. Mr. Speaker, high unemployment caused by unfair foreign competition; our American companies moving overseas to take advantage of reduced taxes; reduced technology innovation. All the above are symptoms of a much larger trend in this country that must be changed. The time has come to stand up for Americans and stop the hemorrhaging of jobs and capital overseas.

Today, I am introducing two bills that I feel will be significantly helpful in reversing this trend. If enacted, these legislative measures will be instrumental in turning this country around by discouraging American companies from transporting their manufacturing plants overseas; by protecting patents on American inventions and technology; and by creating jobs for American workers, essential to the economic recovery of this Nation.

It is amazing to me that every year the United States allows American corporations to develop technology here, then packup its manufacturing plant, layoff American workers, and move its production overseas, usually so that the corporation can take advantage of low taxes in a "tax holiday" country.

Enactment of taxation on the American "runaway" plant would eliminate the tax incentives which some foreign countries offer in order to attract American investment, therefore preserving U.S. jobs in U.S. factories. Likewise, I feel it is equally important to provide U.S. inventors with the protection they need on patents by insuring that an avenue of recourse is available if a patent or technology is stolen and reproduced in another country. The bills I am introducing today addresses both of these concerns. But above all, they reaffirm this Government's commitment of keeping American jobs and American technology where they belong—in America. It is time that the Federal Government say enough. No longer will this country be bled to death by companies moving abroad taking with them the jobs that are so needed in States like Michigan with high unemployment.

TAX PROPOSAL

Under the current existing law, the income of foreign corporations operating abroad is generally not subject to current U.S. taxation. This is regardless of whether the shareholders of the corporation are from the United States or foreign countries.

In 1962, the Congress adopted subpart F provisions of the Internal Reve-

nue Code to change in part this rule in the case of certain tax haven activities. However, this change does not go far enough. This is no question some of the U.S. investment abroad in these facilities is located in countries which impose substantial corporate income taxes. Investment decisions in these cases are made on the basis of general business considerations.

However, we are seeing a new disturbing trend occurring. That is, developing countries are deviating from their normal corporate tax structure by offering tax-related incentives such as holidays from taxation to attract foreign investment. This is significant because the U.S. tax system does not tax income of a foreign subsidiary. Some U.S. companies have been enticed to move production from U.S. cities to foreign locations where they produce largely for the U.S. market. This trend must be reversed and quickly. My bill is designed to do just that by removing the income tax factor from influencing foreign investment. Let me provide an example of what I mean.

Recently, we have all read newspaper accounts of an American corporation with a manufacturing plant in the Midwest who, without proper notice, announces its plans to transfer all operating processes overseas to a tax haven country such as the Philippines or Jamaica. Even though American ingenuity and technology developed the product, the company decides to take advantage of the artificially low tax incentives in a foreign country and moves overseas. Once in the foreign country, the U.S. corporation, using the American-developed technology, makes the product, ships it to the United States and sells it in our local stores at high prices. The American worker's losses are threefold. One, the American worker loses his job to foreign competition. Second, the American worker buys the foreign-made product and sends this profit overseas. And third, U.S. revenues are unobtainable. These American-owned companies escape without paying their fair share of taxes. It is no wonder that the American taxpayer is up in arms over increased taxes when this type of tax avoidance is encouraged right in our own backyard.

To summarize, my tax proposal will add a new classification of taxable income to require that current U.S. taxation of earnings and profits of controlled foreign manufacturing corporations which benefit from tax holidays. This is accomplished by incorporating the new classification into the existing subpart F of the Internal Revenue Code.

To assist my colleagues, I ask that a copy of this legislation be reprinted in the RECORD.

A bill to discourage domestic corporations from establishing manufacturing subsidiaries in foreign countries for the purpose of avoiding Federal taxes by including in the gross income of the United States shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in any country which imposes little or no taxes on such operations or provide any tax incentive for capital investments in such operations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME FROM RUNAWAY PLANTS OR FROM MANUFACTURING OPERATIONS LOCATED IN A COUNTRY WHICH PROVIDES A TAX HOLIDAY INCLUDED IN SUBPART F INCOME.

(a) FOREIGN BASE COMPANY MANUFACTURING RELATED INCOME ADDED TO CURRENTLY TAXED AMOUNTS.—Subsection (a) of section 954 of the Internal Revenue Code of 1954 Code (defining foreign base company income) is amended by adding at the end thereof the following new paragraph:

"(6) the foreign base company manufacturing related income for the taxable year (determined under subsection (i) and reduced as provided in subsection (b)(5))."

(b) DEFINITION OF FOREIGN BASE COMPANY MANUFACTURING RELATED INCOME.—Section 954 of such Code is amended by adding at the end thereof the following new subsection:

"(i) FOREIGN BASE COMPANY MANUFACTURING RELATED INCOME.—

"(1) IN GENERAL.—For purposes of this section, the term 'foreign base company manufacturing related income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with the manufacture for or sale to any person of personal property by the controlled foreign corporation where the property sold was manufactured by the controlled foreign corporation in any country other than the United States if such property or any component of such property was manufactured—

"(A) in a tax holiday plant, or

"(B) in runaway plant.

"(2) OTHER DEFINITIONS; SPECIAL RULES.—For puposes of this subsection—

"(A) TAX HOLIDAY PLANT DEFINED.—The term 'tax holiday plant' means any facility—

"(i) operated by the controlled foreign corporation in connection with the manufacture of personal property, and

"(ii) with respect to which any economic benefit under any tax law of the country in which such facility is located accrued—

"(I) to such corporation,

"(II) for the purpose of providing an incentive to such corporation to establish, maintain, or expand such facility, and

"(III) for the taxable year of such corporation during which the personal property referred to in paragraph (1) was manufactured.

"(B) RUNAWAY PLANT DEFINED.—The term 'runaway plant' means any facility—

"(i) for the manufacture of personal property of which not less than 25 percent is used, consumed, or otherwise disposed of in the United States, and

"(ii) which is established or maintained by the controlled foreign corporation in a country in which the effective tax rate imposed by such country on the corporation is less than 80 percent of the effective tax rate which would be imposed on such corporation under this title.

"(C) ECONOMIC BENEFIT UNDER ANY TAX LAW DEFINED.—The term 'economic benefit under any tax law' includes—

"(i) any exclusion or deduction of any amount from gross income derived in connection with—

"(I) the operation of any manufacturing facility, or

"(II) the manufacture or sale of any personal property,

which would otherwise be subject to tax under the law of such country;

"(ii) any reduction in the rate of any tax which would otherwise be imposed under the laws of such country with respect to any facility or property referred to in clause (i) (including any ad valorem tax or excise tax with respect to such property);

"(iii) any credit against any tax which would otherwise be assessed against any such facility or property or any income derived in connection with the operation of any such facility or the manufacture or sale of any such facility or the manufacture or sale of any such property; and

"(iv) any abatement of any amount of tax otherwise due and any other reduction in the actual amount of tax paid to such country.

"(D) MANUFACTURE DEFINED.—The term 'manufacture' or 'manufacturing' includes any production, processing, assembling, or finishing of any personal property or any component of property not yet assembled and any packaging, handling, or other activity incidental to the shipment or delivery of such property to any buyer.

"(E) CORPORATION INCLUDES ANY RELATED PERSON.—The term 'controlled foreign corporation' includes any related person with respect to such corporation.

"(F) SPECIAL RULE FOR DETERMINING WHICH TAXABLE YEAR AN ECONOMIC BENEFIT WAS OBTAINED.—An economic benefit under any tax law shall be treated as having accrued in the taxable year of the controlled foreign corporation in which such corporation actually obtained the benefit, notwithstanding the fact that such benefit may have been allowable for any preceding or succeeding taxable year and was carried forward or back, for any reason, to the taxable year.

"(3) LIMITATION ON APPLICATION OF PARAGRAPH (1) IN CERTAIN CASES.—For purposes of this section—

"(A) IN GENERAL.—The term 'foreign base company manufacturing related income' shall not include any income of a controlled foreign corporation from the manufacture or sale of personal property if—

"(i) such corporation is not a corporation significantly engaged in manufacturing,

"(ii) the investment in the expansion of an existing facility which gave rise to a tax holiday for such facility was not a substantial investment, or

"(iii) the personal property was used, consumed, or otherwise disposed of in the country in which such property was manufactured.

"(B) CORPORATION SIGNIFICANTLY ENGAGED IN MANUFACTURING DEFINED.—

"(i) General rule.—A corporation shall be deemed to be significantly engaged in manufacturing if the value of real property and other capital assets owned or controlled by the corporation and dedicated to manufacturing operations is more than 10 percent of the total value of all real property and other capital assets owned or controlled by such corporation.

"(ii) SPECIAL RULE FOR ASSESSING PROPERTY VALUE.—The value of any property owned by the corporation is the basis of such corporation in such property. The basis of the corporation in any property which was acquired other than by purchase shall be the fair market value of such property at the time of such acquisition. Any property controlled but not owned by such corporation under any lease (or any other instrument which gives such corporation any right of use or occupancy with respect to such property) shall be treated as property acquired other than by purchase in the manner provided in the preceding sentence.

"(C) SUBSTANTIAL INVESTMENT DEFINED.—The term 'substantial investment' means any amount which—

"(i) was added to the capital account for an existing facility during the 3-year period ending on the last day of any taxable year with respect to which such facility is a tax holiday plant, and

"(ii) caused the sum of all amounts added to such account during such period to exceed 20 percent of the total value of such facility (determined in the manner provided in subparagraph (B)(ii)) on the first day of such period."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1)(A) Paragraph (4) of subsection (a) of such section 954 is amended by striking out "and" at the end thereof.

(B) Paragraph (5) of such subsection (a) is amended by inserting "and" after the comma at the end thereof.

(2) The last sentence of subsection (b)(4) of such section 954 is amended by striking out "subsection (a)(5)," and by inserting in lieu thereof "subsection (a)(5) or foreign base company manufacturing related income described in subsection (a)(6)."

(3) Subsection (b)(5) of such section 954 is amended by striking out "and the foreign base company oil related income" and by inserting in lieu thereof "the foreign base company oil related income, and the foreign base company manufacturing related income".

(4) Subsection (b) of such section 954 is amended by inserting at the end thereof the following new paragraph:

"(9) FOREIGN BASE COMPANY MANUFACTURING RELATED INCOME NOT TREATED AS ANOTHER KIND OF BASE COMPANY INCOME.—Income of a corporation which is foreign base company manufacturing related income shall not be treated as foreign base company income of such corporation under any paragraph of subsection (a) other than paragraph (6)."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1983, and to taxable years of United States shareholders in which, or with which, such taxable years of foreign corporations end.

(2) INVESTMENTS BEFORE THE DATE OF ENACTMENT NOT TAKEN INTO ACCOUNT.—No facility of a foreign controlled corporation shall be treated as a tax holiday plant (within the meaning of section 954(i)(2)(A) of such Code, as amended by this section) or as a runaway plant (within the meaning of section 954(i)(2)(B) of such Code, as amended by this section) on the basis of any amount paid or incurred with respect to such facility and added to the capital account for such facility before the date of the enactment of this Act.

PATENTED INVENTION PROTECTION ACT

America's patent system is essential to this Nation's security as it contributes to strengthening our technological base, stimulates investment in the private sector and most importantly, preserves and creates jobs. We have noticed in this country a slowing of the growth in the area of developed technology. According to the Ad Hoc Committee to Improve the Patent laws, there is a lack of patent protection. To increase the effectiveness of our patent system and provide for the protection of technology developed in this country, I am introducing the Patent Invention Protection Act.

The Patent Invention Protection Act is designed to stimulate and strengthen the incentive role for investment in the United States by providing protection of a process patented in the United States, and making those who import, sell or use a product or process liable as an infringer. Undoubtedly, this act will help to encourage research, inventions and commerical development of new technology and reduce the occurrence of unfair foreign competition.

Presently, many foreign countries have laws to protect their manufacturers against the selling of products processed with essentially stolen technology. Unbelievably, this is not available to U.S. investors and manufacturers. My bill broadens the procedural and substantive remedies available to the patentee and encourages the production of products intended for the U.S. market to be made within the United States. I ask that a copy of this bill be reprinted for the RECORD.

THE PATENT INVENTION PROTECTION ACT

A bill to amend title 35 of the United States Code to increase the effectiveness of the patent laws by providing protection to holders of United States patents from unfair foreign competition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 271 of title 35, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Whoever without authority imports into or sells or uses within the United States a product made in another country by a process patented in the United States shall be liable as an infringer.

"(f) Whoever without authority supplies or causes to be supplied in the United States the material components of a patented invention, where such components are uncombined in whole or in part, intending that such components will be combined outside of the United States, and knowing that if such components were combined within the United States the combination would be an infringement of the patent, shall be liable as an infringer.".

SEC. 2. The amendment made by the first section of this Act shall apply to all unexpired United States patents granted before or after the date of enactment of this Act.●

HON. EDWARD TOLES APPOINTED TO U.S. BANKRUPTCY COURT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mrs. COLLINS. Mr. Speaker, it gives me great pleasure to announce that the Honorable Edward Toles has been appointed as a judge of the U.S. Bankruptcy Court, in the northern district of Illinois.

A copy of his correspondence to the President and Vice President follows:

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF ILLINOIS,
Chicago Ill., December 12, 1983.

Hon. RONALD W. REAGAN,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Permit me to respectfully advise, pursuant to Title 5, United States Code, Section 8331(22)(A), that I, Edward B. Toles, a duly appointed United States Bankruptcy Court Judge, Northern District of Illinois, presently serving my official term until March 31, 1984, agree to accept appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978, (Public Law 95-598, Nov. 6, 1978, 92 Stat. 2681) which amends the retirement provisions of Title 5 of the United States Code pertaining to Bankruptcy Judges.

This notice to accept appointment as a Bankruptcy Judge under Section 201 is being filed with you, Mr. President, the Senate, and the Director of the Administrative Office of the United States Courts to protect and qualify for the enhanced retirement benefit provisions contained in 5 U.S.C. Section 8339(n) 1982.

I am aware that the future of the Bankruptcy Court is in doubt because of the failure of Congress to approve legislation addressing the constitutional problems presented by *Northern Pipeline Construction Co.* v. *Marathon Pipeline Co.*, 458 U.S. 50 (1982), but I believe that in order to preserve my retirement benefits provided in 5 U.S.C. 8339(n) 1982, this notice and advice should be filed signifying my agreement to accept an appointment as a Judge of the United States Bankruptcy Court.

Sincerely,

EDWARD B. TOLES,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF ILLINOIS,
Chicago Ill., December 12, 1983.

Hon. GEORGE W. BUSH,
Vice President of the United States, President of the Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: Notice is hereby given in conformity with Sec. 8331(22)(A) that I have agreed to accept an appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Very truly yours,

EDWARD B. TOLES,
U.S. Bankruptcy Judge.●

LEGISLATION TO PROVIDE FUNDS FOR DRUG EDUCATION PROGRAMS IN THE SCHOOLS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. ORTIZ. Mr. Speaker, today I am introducing a bill to address one of the most pressing problems facing our Nation's young people: drug abuse. My bill, entitled the "National Drug Education Act of 1984," will fund education programs in the schools to deter drug use and will provide children with information about the harmful effects of drug abuse.

Statistics indicate that young people of all socioeconomic strata use drugs, even those in grade school. A nationwide survey indicates that 50 percent of our fourth-graders believe that their peers have experimented with drugs, and 25 percent report significant peer pressure to try drugs or alcohol.

Data also demonstrate a clear relation between smoking cigarettes and using marihuana and other drugs. For example, among all teenagers in 1983, current cigarette smokers were 11 times more likely to be current marihuana users and 14 times more likely than nonsmokers to be current users of heroin, cocaine, and/or hallucinogens. At least one in every 16 high school seniors is actively smoking marihuana on a daily basis, and fully one in five have done so for at least a month at some time in their lives.

Alcohol is also being abused by our young people. About one in 16 seniors is drinking alcohol daily, and 41 percent have had five or more drinks in a row at least in the past 2 weeks.

The statistics are also shocking when translated into the costs to our society, including accidents, robberies, and murders. Drug abuse costs this Nation $100 billion annually, of which an astonishing $70 to $80 billion is attributable to drug-related crime and corruption, and $15 to $20 billion is attributable to the impact of drug abusers on the health care, law enforcement, and judicial systems, the employment market, and the general welfare and social service systems. We cannot afford this drain on our economy and judicial system. More importantly, we cannot stand by and watch our children become drawn into drug abuse because they did not know or understand the consequences. We must begin to inform our children—the sooner, the better—about the effects of drug use. That is why I have proposed this bill.

The National Drug Education Act was formulated after months of extensive hearings by the Select Committee on Narcotics Abuse and Control. The committee held hearings in my district in December and heard testimony from law enforcement officials, treatment and prevention officials, and educators. The unanimous opinion was that drug education programs in the schools play a vitally important part in helping stem the use of drugs. Children who are informed at an early age about the physical and mental effects of drug, alcohol, and tobacco use can make an informed choice to refuse to submit to peer pressure to experiment with or use these substances.

Recognizing that drug education must begin early, I have proposed that Federal funds be made available to State educational agencies to establish and improve drug, alcohol, and tobacco education programs for elementary and secondary school students. Local educational agencies would provide 5 percent of the funds, the States would contribute 20 percent, and the Department of Education would make grants available for the remaining 75 percent. The bill, which appropriates for the Department of Education $30 million over 3 years, is designed to allow local educational agencies receiving Federal grant money flexibility in developing drug education programs in their own school districts.

The act requires that State educational agencies apply to the Secretary of Education for a grant. The State agency would establish procedures to insure that the money used by local educational agencies is spent in accordance with the purposes of the act.

The local educational agency receiving these moneys must develop a drug, alcohol, and tobacco education program that: Assesses the problems and current educational programs, if any, designed to address such problems; outlines specific plans for providing or improving instruction on drug, alcohol, and tobacco use; describes the goals that are to be achieved by the drug education program, and provide an annual report on progress in obtaining these goals; estimates the cost of the program and gives assurances that the local educational agency will pay 5 percent of the program's cost; contains a plan for cooperation and coordination with local and Federal law enforcement officials; contains assurances that the program will meet any special needs of low-income and minority students; and provides procedures to insure a proper accounting of Federal funds paid to the applicant under this act.

I encourage all Members to review this proposal and join me in cosponsoring this important piece of legislation. Our children's health and welfare is at stake. The cost is small and the benefits to our children are enormous.●

THE DISCOURAGED AND PART-TIME WORKER; AMERICA'S HIDDEN UNEMPLOYED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Ms. OAKAR. Mr. Speaker, I have long been concerned that the monthly unemployment figures do not tell us how many people are really out of work in our country and in my State of Ohio. The figures released by the U.S. Bureau of Labor Statistics count only those people who are out of work and actively looking for a new job. They do not include the discouraged worker who is out of a job and has given up looking for a new one and the worker forced to take part-time work for economic reasons.

I am placing in the RECORD a recent article from the Akron, Ohio, Beacon-Journal that focuses on the plight of the discouraged worker and the undercounting of the number of unemployed by the Federal Government. We have long known about the discouraged worker. This excellent article, that appeared on February 4, 1984, is an important reminder that the much ballyhooed recovery conceals a great deal of misery and discouragement. According to the article, the real unemployment rate in the United States for the last quarter of 1983 was 12.4 percent, not the official 8.5 percent. That 12.4 percent figure includes both discouraged workers and people working part time for economic reasons—people who clearly have been bypassed by the current recovery.

Following is the article:

NOT ALL JOBLESS ARE COUNTED—RATES EXCLUDE THOSE WHO HAVE QUIT LOOKING

(By Charlene Nevada)

When the federal government announced Friday that the national unemployment rate was the lowest in more than two years, it didn't count people like Gene Sargent of Barberton.

Sargent—a Vietnam veteran laid off for more than a year—has quit looking for a job, at least for now.

And people who aren't looking for work aren't counted among the unemployed.

The Bureau of Labor Statistics' latest unemployment figure—8 percent—was calculated by a survey that counted jobless people who said they actively looked for work in January.

Ohio's jobless rate in January was 9.3 percent, compared with a peak of 14.9 percent in January 1983.

Sargent hasn't been actively looking for work lately.

He was laid off in December, 1982. He had been a telephone installer for Telecommunications in Brooks Park.

He tried looking for a job for awhile. But long lines and no jobs have left him discouraged, he said.

"I'm not a lazy American," says Sargent, who lives with his parents. "I'm not a hopeless person."

But the veteran, who studied at kent State for two years, is discouraged.

He figures things will get better in the spring when the weather breaks and he will start applying for outdoor work.

In the eyes of the federal government, people like Sargent—who have given up hunting for jobs, even though temporarily—are classified as "discouraged workers."

They are not calculated into the national unemployment rate.

Government officials defend the method. Counting only those actively seeking work, they say, gives the most valid and objective unemployment figure.

But not counting people like Sargent in the unemployment rate is increasingly becoming a bone of contention for labor unions, which argue the ever-improving unemployment rate is painting a rosier picture than really exists.

"The unemployment rate severely understates the effect of unemployment," says Arnold Cantor, assistant director of the AFL-CIO's department of economic research.

Sargent, himself, did not participate in the survey to determine unemployment in January. But others in his situation did.

The government's unemployment figures come from canvassing 60,000 households across the country, including 2,300 in Ohio.

"The unemployment rate has nothing to do with unemployment compensation, nothing to do with benefits," says Phil Rones from the Bureau of Labor Statistic's office in Washington, D.C.

Some market observers have likened the survey to a cross between the Nielsen ratings and the Gallup Poll, although government researchers avoid the comparisons.

Those 60,000 houses are selected through a complex sampling formula, according to Rones.

Persons 16 and older in each household are asked several questions and then classified as either employed, unemployed or out of the labor force.

Discouraged workers—people like Sargent—are considered out ot the labor force, according to Rones.

To get the unemployment rate, the number of unemployed persons (those actively seeking work) is divided by the total labor force (those working and those not working but actively seeking work).

Deborah Klein, a senior economist with the Bureau of Labor Statistics, says counting the so-called discouraged worker would produce a "less objective" unemployment figure.

The concept of a discouraged worker, she says is subjective. "The status is dependent on a person's state of mind" rather than being dependent on activities such as actual job hunting, she says.

So by measuring activity—counting those who actively seek work—the department believes it gets a better picture of unemployment.

The government isn't trying to minimize the unemployment picture, she says, but believes that counting those seeking work is a more accurate measure of unemployment.

The method of calculating unemployment has been reviewed and approved by blue ribbon and presidential commissions, she says.

The government does a publish—on a quarterly basis—a figure of discouraged workers, based on sampling in the 60,000 homes.

That figure is now 1.5 million, she says.

The department also prepares a separate unemployment statistic, counting those discouraged workers as well as people working part time for economic reasons.

Inclusion of those two groups boosted the unemployment rate to 12.4 percent for the last quarter of 1983, she said. At the same time, the widely circulated figure for unemployment—not counting those two groups—was 8.5 percent.

There's a reason why the figures of discouraged workers are only available quarterly instead of monthly, Ms. Klein said.

It deals with the 60,000 households in the survey.

Households who agree to participate in the survey are contacted every month for four months. Then they get an 8-month break. Then they are again included for another four months in the survey.

Only those leaving the survey are asked if they are actively seeking employment, she says. Families might not be quite truthful if asked the question every month, she says. Some people might say they sought work—when if fact they didn't—because they believe the interviewer might be disappointed otherwise.

Asking at the end of the survey period produces the most accurate picture, she says.

The report released Friday put employment at 103.2 million and unemployment at 9 million.

In November 1982, unemployment hit a post-Depression peak rate of 10.7 percent.●

INTRODUCTION OF SUPPLEMENTAL APPROPRIATION FOR FAMINE RELIEF TO AFRICA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WEISS. Mr. Speaker, a tragedy of extraordinary dimensions is affecting 24 countries of Africa. A widespread drought has devastated agricultural production and brought water levels dangerously low. The threat of famine faces an estimated 150 million Africans. Thousands are already starving to death.

In the belief that urgent intervention is imperative, I am today introducing a two-part request for a supplemental appropriation for food aid to Africa. The first part would provide $300 million for the Public Law 480, title II emergency reserve which includes food supplies as well as air transport from this country. The second part would provide $50 million for the Agency for International Development to fill nonfood emergency needs connected with the drought, such as in-country transportation and medical supplies.

I am aware of the difficulty of obtaining even rough estimates of emergency needs in developing countries. Communication networks are often undeveloped and transportation to some drought-stricken areas extremely limited. However, the United Nations Food and Agriculture Organization (FAO) has done the most comprehensive analysis of need, and I have based the amounts in my request on the FAO estimates.

An estimated 3.3 million metric tons of food aid would fill the emergency needs of these countries in fiscal year 1984, according to FAO's third situation report on emergency food aid requirements of 24 affected countries. Only 1.7 metric tons had been received or pledged when the report was released in January, leaving 1.6 metric tons of need. At $400 per metric ton, the cost of filling that need is $640 million.

The United States has developed a general standard of providing 50 percent of the total emergency food needs worldwide, a level of contribution to which the administration recommitted itself during a congressional hearing last week. Thus, in the current crisis, 50 percent of the need would require approximately $320 million.

I cannot overstress the critical need to initiate the process of approving additional famine relief. Immediate action on a supplemental request must be taken to avert mass starvation. I urge my colleagues to cosponsor this legislation.

H.R. 4863

A bill to provide supplemental appropriations of $350,000,000 for fiscal year 1984 for emergency assistance for Africa

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amounts are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1984, namely:

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For expenses during the current fiscal year, not otherwise recoverable, for commodities supplied in connection with dispositions abroad pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, an additional $300,000,000, of which $300,000,000 is hereby appropriated, which shall be available only for emergency food assistance for Africa in order to deal with problems caused by the current drought.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

EMERGENCY ASSISTANCE FOR AFRICA

For an additional amount to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $50,000,000 which shall be available only for emergency assistance for Africa in order to deal with problems caused by the current drought.●

CONGRESSIONAL PERSPECTIVES ON TOXICS

HON. MICHAEL A. ANDREWS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. ANDREWS of Texas. Mr. Speaker, I believe 1983 was a significant year for environmental issues. We have reinforced the mission of the Environmental Protection Agency and returned to its staff and leadership a sense of purpose and strength. It is my hope that we will continue to see, as we did in fiscal year 1983, renewed support for its budget and close oversight over the administration of its important programs.

It is also my hope that President Reagan now is fully aware of just how valuable the environment is to the American people, regardless of our disparate political philosophies and regardless of our various professions and interests. It is our job to insure that this lesson, taught through the grueling investigation of Ann Burford, Rita Lavelle, and others, is not allowed to be forgotten.

I am also gratified that recent discussion about the treatment and disposal of toxic wastes culminated in 1983 with the House of Representatives' passage of legislation reauthorizing the Resource Conservation and Recovery Act, our Nation's first cradle-to-grave hazardous waste management statute.

I have learned a lot about our environmental problems this past year. I have learned that our past treatment—or lack of treatment—of hazardous wastes has not only caught up with us, but has snowballed beyond our ability to control it. We are in a crisis situation. Under current practice, at least 1 ton of hazardous waste is added to the environment for every man, woman, and child in this country every year. The accumulation from past decades of industrial activity is equal to several tons of hazardous waste for every one of us. And that is just what is being placed on the land. It does not count the threat posed by other types of treatment. While it is of critical importance that our statutes reflect this fact, unfortunately, they do not. Neither have proven equal to the tasks they were designed for.

In 1976, Congress enacted the Resource Conservation and Recovery Act, or RCRA, to regulate hazardous wastes. The Comprehensive Environmental Response, Compensation and Liability Act of 1980, or CERCLA, was designed to fund and administer the cleanup of wastes. CERCLA established a $1.6 billion superfund of revenues raised primarily through taxes on petroleum and certain chemicals in order to finance the cleanup of hazardous substances when the responsible private parties cannot be identified or cannot pay.

The Office of Technology Assessment, in its March 1983 report, stated that the current monitoring practices and EPA requirements under RCRA, especially for land disposal sites, do not lead to a high level of confidence that hazardous releases will be detected and responsive action quickly taken. In fact, only about 15 percent of the hazardous wastes regulated by the State governments are subject to Federal regulations under current law. And the wastes currently exempted from control under RCRA by Congress and the EPA total several hundred million tons per year. Cleanup actions at uncontrolled sites produce several million tons of hazardous waste and contaminated materials annually which must be managed. And these have not even been included in EPA's estimates. In short, current RCRA regulations are not adequately protecting the American public from hazardous wastes.

Furthermore, what RCRA is too weak to prevent, Superfund cannot clean up. EPA has identified about 17,000 hazardous waste sites that need attention; 546 of those sites are on the national priority list and need immediate attention. New sites are constantly discovered. Yet, so far only five of them have been cleaned up. Five.

Not only has EPA been moving at a snail's pace in addressing our Nation's No. 1 environmental problem, the Superfund itself is woefully inadequate to deal with the monumental costs involved. The $1.6 billion that is supposed to clean up our Nation's wastes was to be primarily generated between 1981 and 1985 through taxes on designated chemicals and petroleum. Yet, the Office of Technology Assessment estimated in March that it would cost between $10 and $40 billion to clean up the 15,000 sites that EPA had then identified. Current Superfund money cannot hope to clean up even half the priority sites.

The kind of threat that hazardous wastes pose is an insidious one. We cannot always see or feel that our water and air are carrying contaminants. Instead, we see the incidence of cancer and other diseases increase. We are facing a problem of monumental proportions that has far-reaching implications for the health of every one of us. Further, the programs designed to address the problem are inadequate. They are too weak and in some cases simply unworkable.

Of the 41 to 54 million tons of hazardous waste that we produce every year, 80 percent of it is disposed of on the land through landfills or surface impoundments of some kind.

Yet, EPA admits—even under the administration of President Reagan who has proven himself the least environmentally sensitive U.S. President in modern history—that landfill leakage is inevitable. As Bruce Piasecki put it in an article entitled "Beyond Dumping" last year:

> . . . The search for the perfect dump is about as fruitful as trying to build a perpetual motion machine. Containers corrode and leak. Rainwater seeps into underground storage areas. Aquifers supplying drinking water eventually become contaminated.
>
> . . . The last thing we should do with our toxic wastes is figure out the best way to dump them. Washington Monthly, January 1983.

In fact, in testimony before a congressional committee, EPA officials have stated that "any liner will leak eventually."

Yet it is the EPA's position that some leakage is acceptable. In fact, contaminant levels in ground water are the standards against which landfill performance is judged. In other words, we judge how well our landfills are doing by how much poisons they release into ground water. This approach seems dangerous to me.

First, ground water contamination is sometimes not detected despite our best efforts. Second, when it is, it has often already become widespread. And aquifer cleanup, when possible, is expensive. In light of our past experience and current problems with hazardous waste, we should be striving to eliminate all future ground water contamination. We should be moving away from land disposal althogether, away from a policy that has proven nothing short of disastrous in the past.

How can we do that? Bruce Piasecki and many others point out that we should be using the vast technologies available to us and already developed to recycle our wastes, and treat them to reduce their volume and/or toxicity. West Germany, for example, has established a coordinated national waste treatment program which overseas the detoxification of 85 percent of all West Germany's wastes. That compares to the 80 percent that we dump.

For example, through a process called "chlorinolysis," a West German company converts chlorinated hydrocarbons—this is a group of chemicals that include PCB's and DDT—and other toxic residues from organic chemical production into useful substances like carbon tetrachloride, a valuable solvent used as a degreaser for machine parts. Exotic and mundane techniques exist and are in use both overseas and in the United States.

The Christian Science Monitor reported that a New England manufacturer of computer disks, for example, uses about 8,000 gallons a month of flammable solvent and needs to get rid of it. Instead of dumping it, (in their case, the nearest dump is too far away), they treat the stuff and return 5,000 gallons a month of pure solvent

to the company. They incinerate the remaining 3,000 gallons, producing steam which they use to power their plant.

Another Massachusetts firm is demonstrating the success of a new thermal process for treating hazardous organic chemical wastes using "supercritical water." The process converts the organic components into carbon dioxide and pollutant-free water, at the same time separating inorganic compounds for disposal or reuse.

While it is encouraging to hear of U.S. companies experimenting successfully with alternative treatment technologies, by and large they do it because a landfill is too inconvenient to get to. There is nothing in Federal law that rewards a waste generator for producing less waste, less toxic waste, or for disposing or treating it in a responsible manner. Conversely, there is no disincentive for those who produce highly poisonous wastes and dump them. How much sense does that make? The only reason land dumping is the predominant form of disposal is because it is the cheapest and easiest form of disposal. As long as it remains so, you can bet the practice will continue unabated.

Happily, there are signs that attitudes are changing. And I am very pleased to be a part of this process. For example, I am pleased to have participated in our approval late last year of legislation reauthorizing RCRA. We strengthened the law, bringing small waste generators under regulation and making disposal more difficult. We banned altogether the land disposal of certain wastes and directed EPA to study others for future banning. We banned the disposal of hazardous wastes in salt domes, salt beds, caves or mines unless specifically approved by the EPA and Congress. We prohibited the use of surface impoundments (depressions in the Earth like pits, lagoons, ponds, basins) for the disposal of hazardous wastes after 4 years unless EPA permits the facilities. And impoundments now in use would have to be retrofitted with double or single liners within 2 years of being permitted.

As you know, while the House passed the bill, the Senate has yet to act. Making dumping more difficult is a step in the right direction, but it is not yet law.

Further, several of my colleagues have introduced legislation to restructure the Superfund fee program. I think the approach has a lot of merit. Today, the Superfund is financed by a fee on chemicals and petroleum that are used in the manufacturing process. But that fee has no direct relation to the actual amount of waste disposed of by the manufacturer. At present there is no ecomomic incentive for any producer of hazardous waste to make it less toxic, despite the availability of a number of alternative disposal technologies. This legislation, however, would impose a tax on the land disposal of hazardous waste and graduate the tax for highly toxic wastes. The more toxic waste, the higher the tax. No tax would be charged for recycling, reuse, or detoxifying the waste. It makes a lot of sense to me to reward those who make some effort to detoxify their wastes and dispose of what they must dispose of in the safest possibly way. As a government, we should be encouraging environmental conscientiousness in every conceivable way. There are a lot of possibilities. Obviously, we should continue to ban extremely toxic chemicals from land disposal. But, perhaps we should consider tax incentives for companies that develop and use new technologies to recover, recycle and detoxify their wastes. Perhaps EPA should be devoting more of its R&D budget to exploring alternative disposal technologies. Perhaps we should institute Federal loan programs to help companies with the initial capital costs for new facilities directly related to waste reduction. Bonds could be issued and pilot programs funded. There is much that could be done. It is up to us, together, to do it.●

THE GREENHOUSE EFFECT—WE MUST BEGIN TO DEAL WITH IT NOW

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. OTTINGER. Mr. Speaker, recently two reports have been released pertaining to the greenhosue effect. One of the reports was written by the National Academy of Sciences and the other by the Environmental Protection Agency.

The following analysis of the controversy surrounding the issuance of these two reports was recently done by a young man of my acquaintance, Christopher Yarrow. I would like to commend it to my colleagues' attention.

Two organizations each wrote a report on a phenomenon called the greenhosue effect that will occur when the Earth and the air heat up because of a buildup of CO_2 in the atmosphere.

Temperatures will increase 1.5 to 4.5 degrees centigrade in 7 to 20 years causing severe floods or droughts and other catastrophies.

The report by the National Academy of Sciences says that there is plenty of time before the changes will happen and that drastic plans will only have to be made in 20 years. On the other hand, the Environmental Protection Agency (EPA) report says that planning of new land-use sites, building bulkheads, and intensive research should begin now, The academy also thinks that proper research should begin now, but they think that any preparation for the drastic changes should wait for 20 years. Both reports agree that great changes will occur. The academy's report says that with a warming of 1 degree centigrade, the growing season in the Northern States will become 10 days longer. In the Southern States, wheat, corn and soybean production will decrease 5 to 10 percent. Both reports agree that in the Arctic region the snowcaps will melt and therefore increase the ocean level. For example, in Charleston, S.C. the increase in the sea level will be 4 to 7 feet by 2100.

President Reagan's science adviser, G. A. Keyworth III, criticized the EPA's report by saying it was unwarranted and unnecessarily alarmist. I disagree with what Mr. Keyworth said. I believe he is taking this position to save funding money for the Reagan administration. He is using the academy's report as an excuse not to grant money, even though both the academy and the EPA agree that the Government must make great efforts in research. I think that preparation for the greenhouse effect should begin now as well as research by properly trained people. Now is also a good time to do research in finding a safe source of fuel instead of fossil fuel. If we can find an alternative, the greenhouse effect will be delayed a few years. I think a Government agency should be created to study the problem of the greenhouse effect and to create solutions for the expected changes. I believe that massive amounts of money will have to be put into the project and that the new agency should conduct the use of the funds. The greenhouse effect will have to be dealt with aggressively because it will seriously affect the future of humankind.

The points made by 11-year-old Mr. Yarrow in this simple presentation are well taken. The honorable Member from Ohio, Mr. SEIBERLING and the honorable Member from Arizona, Mr. UDALL and I have recently sent a letter to the National Academy of Sciences requesting that they provide Congress with information on how various measures might help delay the phenomenon of the greenhouse effect. Specifically we asked them to answer the following questions:

First, what effect would the promotion and increased utilization of renewable energy sources have on the level of carbon dioxide in the atmosphere?

Second, how would increased reliance on nuclear energy affect the Earth's temperature, given the fact that nuclear energy sources emit heat but not carbon dioxide?

Third, would a reversal in the trend toward worldwide deforestation help delay or mitigate the greenhouse effect?

The academy has agreed to consider such a study, but has indicated in a letter to Congressman SEIBERLING that appropriate funding would have to come from Congress in order for them to do so. I believe that we should consider such funding.

The greenhouse effect may or may not be inevitable, but now is the time for action; not 20 years from now.●

TRIBUTE TO MARCUS GARVEY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MOAKLEY. Mr. Speaker, Marcus Garvey had a profound and lasting effect upon black consciousness in America. Garvey's basic message, like that of Booker T. Washington, placed great stress on the need for self-reliance. Garvey, of course, was correct in that view, and it is one of the reasons that he developed such a massive following among the black community in America.

Marcus Garvey was, like many black Americans of today, a native of Jamaica. Recently, the distinguished and very able Prime Minister of Jamaica, Dr. Edward Seaga, called for a full pardon posthumously for Marcus Garvey. I share that view and hope that our Government moves quickly to grant that pardon.

Garvey was highly active at the time of the struggle for Irish independence. He was an outspoken and eloquent speaker on behalf of an independent Ireland. He also spoke out in favor of a national homeland for the Jewish people in the land of Israel.

Recently, the first of two volumes about Marcus Garvey of what will be a definitive 10 volume series has been published. The first two volumes were reviewed in the Sunday New York Times of February 5, 1984. I want to bring to my colleagues' attention this book review which makes clear the great importance of Garvey's work in America.

The review follows:

TRIBUTE TO MARCUS GARVEY

(By Eric Foner)

The black writer Harold Cruse once observed that the roots of modern black thought lie in the triangular clash of political ideologies among Booker T. Washington, W. E. B. Du Bois and Marcus Garvey. The past few years have witnessed the publication of modern editions of Washington's and Du Bois's writings. Now the task of documenting the career of the last of that remarkable triumvirate has begun. "The Marcus Garvey and Universal Negro Improvement Association Papers" will take its place among the most important records of the Afro-American experience.

Few careers, black or white, have been as meteoric as that of Garvey, whose message was racial pride and solidarity among blacks and the liberation of Africa from colonial rule. Born in 1887, he came to the United States in 1916, two years after founding the Universal Negro Improvement Association in his native Jamaica. He attracted the largest mass following among black Americans of his day.

In 1919, Garvey launched the Black Star Line, a shipping company envisioned as the linchpin of a black business movement and a vehicle for immigration to Africa by American blacks. The line was a financial disaster, and Garvey's business methods led to his conviction and jailing in 1925 for mail fraud. Deported from the United States in 1927, Garvey died in London in 1940. His movement had long since disintegrated, but as the historian C. L. R. James has written, at the height of his influence Garvey made the cause of African independence "a part of the political consciousness of the world."

These two volumes of "The Marcus Garvey Papers," inaugurating a 10-volume series, carry Garvey's story down to August 1920. They conclude with one of his more spectacular ventures—the First International Convention of the Negro Peoples of the World that brought 25,000 blacks to a rally at Madison Square Garden. The documents, culled by the editor Robert A. Hill from archives in the United States, Jamaica and Britain, will sharpen and revise previous interpretations of Garvey's thought.

That Garvey was strongly influenced by Booker T. Washington's black variant of the self-help ideal has always been known, but the Jamaican documents reveal the full extent of Garvey's debt. Like Washington, Garvey saw self-improvement as the key to black progress. Jamaican blacks, he insisted, had to free themselves from a "slavish" mentality and lives of "villainy; vice, and . . . immorality." Like Washington, the young Garvey came close to blaming blacks themselves, not exploitation, for their oppressed condition.

Garvey's ideas changed markedly in the United States, but Washington's influence remained profound. Like his mentor, this apostle of black pride judged his race's achievements by white standards. For Garvey, jazz, spirituals and the literature of the Harlem Renaissance revealed not a distinctive cultural heritage but evidence that blacks had yet to match the acheivements of whites.

Garvey came to the United States believing that conditions among American blacks were far better than in Jamaica. Events quickly reeducated him. The years 1917-19 marked a nadir in race relations, with blacks and whites battling in the streets of East St. Louis, Chicago and other cities. In this situation, Garvey's tone became more militant and his critique of the black condition more radical.

Rhetorically, at least, Garvey identified his movement with the international revolutionary upsurge of 1917-1920. He embraced the Russian Revolution, the movement for Irish independence and "the determination of the Jew to recover Palestine." Self-help and racial uplift remained central to his thought, but now the struggle to liberate Africa rather than individual self-improvement emerged as the vehicle for social change. There could be no lasting progress for blacks in America or the West Indies "until the Negro makes of Africa a strong and powerful Republic."

Despite, or rather because of, his growing popularity, Garvey never won the support of America's established black leadership. Men like Du Bois, the Chicago Defender editor Robert Abbott and the Socialist Chandler Owne viewed Garvey as an upstart and a charlatan. These volumes document their invective against him and show how he repaid them in the same coin.

Lacking the traditional bases of leadership in the black community, Garvey constructed a parallel infrastructure, winning the mass constituency that had eluded black political leaders since the end of Reconstruction. His success derived from the fortuitous conjunction of a remarkable man and a crisis-laden moment. Garvey was a master of the tools of propaganda—the pamphlet, newspaper editorial, soapbox, parade, convention—in an era before the mass media irrevocably transformed politics. Through bombastic rhetoric and flamboyant display, coupled with a radical critique of the plight of black Americans, he galvanized a sense of racial identify. Unlike the N.A.A.C.P.'s call for integration, or the black Socialists' insistence that the interests of black and white workers were identical, Garvey's appeal made a virtue of the fundamental reality of black American life—racial separation.

It was the crisis of the war years that opened the door for Garvey's spectacular rise. Migration from the rural South created a new urban black community, economically dispossessed but harboring hopes for a better future. Harlem in those years became the home of a "New Negro," outspoken, racially conscious, influenced by the worldwide upsurge of nationalism. Garvey's rise mirrored Harlem's emergence as the "capital" of black America.

At the same time, race riots and a resurgent Ku Klux Klan, revealed the depths of racial hatred, as well as the hypocrisy, of white governments that callously betrayed the principle of self-determination (when it came to the third world) at the Paris Peace Conference. This contradictory atmosphere of hope and despair created a fertile soil for Garveyism.

A black leader who preached African independence and resistance to racial violence, whose newspaper endorsed Socialist Party candidates for Congress and had kind words for the Russian Revolution, inevitably came to the attention of the official guardians of Americanism. Mr Hill includes numerous reports by military security agents and the Justice Department's Bureau of Intelligence, the forerunner of today's F.B.I. By 1919, Garvey's mail was being routinely opened, and agents and informers were infiltrating U.N.I.A. meetings. In view of his later vendetta against Martin Luther King, Jr., the young J. Edgar Hoover's obsession with deporting Garvey comes as no surprise.

Apart from what they reveal about the fragility of democratic processes in times of crisis, these documents raise important questions about historians' use of the F.B.I. reports that, thanks to the Freedom of Information Act, have lately poured out of Washington. Many books assume the accuracy and impartiality of these files but, as the Garvey documents establish, reports of intelligence agents and paid informers cannot be taken at face value.

More often that not, investigating agents revealed their own prejudices and preconceptions more accurately than the reality of Garveyism. A few documents, like a memo on "The Negro Situation" by Maj. J. E. Cutler of Military Intelligence, do link blacks' unfulfilled aspirations with Garvey's success. But even Major Cutler, described by

his superior as "an absolutely impartial expert in sociology," had recourse to the racialist categories typical of the period (describing black Americans as "a people native to the tropical zone").

Generally, Garveyism appeared to the agents and informers as a reflection of "un-American influences" rather than of real grievances. Instead of analyzing Garvey's complex ideology, their reports consistently presented his movement as "a purely anti-white campaign." Agents, both black and white, were contemptuous of Garvey's followers, describing them as unintelligent, ignorant even of "the geographical location of Africa" and, like all blacks (according to Naval intelligence), "very emotional" and lacking in "self-control."

Mr. Hill, unfortunately, never subjects these reports to the test of reliability, or discusses at any length what they tell us about the *modus operandi* of the intelligence agencies. This is symptomatic of a larger problem. Meticulous in locating and annotating individual documents—the footnotes offering biographical information about Garvey's obscure followers and critics are invaluable for scholars—Mr. Hill nonetheless fails to place the material as a whole in a larger interpretive framework.

The first volume opens with a rambling introduction to the entire series which, because it takes a topical approach, fails to illuminate the historical evolution of Garvey's thought and movement. Intriguing ideas, such as the influence on Garvey of the peasant traditions of the Caribbean, are mentioned without being fully explored, and the U.N.I.A.'s constituency is never analyzed. Nor does Mr. Hill explain the basis on which documents have been selected for publication—why, for example, a handful, but no more, of observations about Garvey by other prominent blacks have been included.

An alternative model of analytic editing is reflected in the recently published first volume of "Freedom: A Documentary History of Emancipation," whose editors provide extensive introductions to both the individual volumes and smaller groupings of documents. Mr. Hill, by contrast, errs on the side of brevity—Volume Two has a preface of three pages. The impact of his heroic job of research is blunted by its presentation as an unassimilated grab bag of material.

Nonetheless, "The Marcus Garvey Papers" lays the groundwork for a long overdue reassessment of Marcus Garvey and the legacy of racial pride, nationalism and concern with Africa be bequeathed to today's black community.●

TRIBUTE TO THOMAS FRANKLIN GLASS, JR.

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. SHELBY. Mr. Speaker, I would like to pay tribute to and recognize an outstanding businessman who was born in Uniontown, Ala., and has made such a successful business for himself in Houston.

Following is an article about Mr. Thomas Franklin Glass, Jr., chairman and chief executive officer of Spaw-Glass, Inc., that recently appeared in the Alabama News Magazine:

FROM UNIONTOWN TO HOUSTON-TOWN

School teachers often times have a powerful influence on the future of young people. If the teacher is also the young person's mother, the influence is compounded. Such was the case of Thomas Franklin Glass, Jr. of the sleepy little town of Uniontown in Alabama's Black Belt.

Glass was born in Uniontown on Aug. 22, 1918. In addition to having a school teacher mother (she was a graduate of Livingston State), his father was in the cotton/cotton seed/gin business there.

After attending Uniontown High School (Glass recalls he was but one of five boys in the graduating class), he enrolled at Marion Military Institute. When he graduated from MMI two years later he was valedictorian of the class.

It was at this point that his mother the school teacher stepped in. She recognized her son's scholastic potential, especially in math, and she was determined that he complete his final two years of college at an academically-demanding institution.

"She decided that I would either attend Duke or Rice," Glass recalls. "I told her I knew where Duke was, but where on earth was Rice? I had never heard of it. She bought me a bus ticket to Houston, and there I stayed."

Glass graduated from Rice with a degree in math in 1937, then spent two more years there in graduate and research work. From 1941 to 1944 unable to serve in the military, Glass returned to Alabama where he was on the faculty of Marion Military Institute. Later he returned to Houston to join the Texaco Development Corp. in research, then worked for a construction company for several years.

In 1952 Glass decided to go into the construction business for himself. At this point the story needs to return to Rice University. When he entered a calculus class by chance he picked a seat between Francis Chapman and Louis Spaw. As fate would have it, both would become his partners—Francis Chapman became his partner in marriage; and when Glass entered the construction business in 1953 he asked his old classmate, Louis Spaw, to be his partner. Thus was born Spaw-Glass Inc., today one of the nation's leading construction firms.

"A calculator was the first piece of equipment we bought for our one-room corporate office," Glass said. "Our first contract was to build a small addition to a residence which totaled $1,080."

By the end of its first year in operation, Spaw-Glass had completed $512,000 worth of construction. It's been straight up for the company since.

Glass today is chairman and chief executive officer of the company which has more than 1,200 employees and has completed more than $1.5 billion in commercial and other construction since 1953. Engineering News Record ranks Spaw-Glass as the 74th largest construction firm in the nation and it is ranked 29th in general building contractors.

The firm consists of nine operating companies including Spaw-Glass Constructors, Cahaba Construction Co., Richmond Equipment Division, Richmond Realty Co., Richmond Steel Co., Richmond Road Co., Richmond Steel Erectors, Marecon Inc., and Project Management Systems.

When most of the projects of Spaw-Glass have been in the Houston area, the firm opened an office in Tampa earlier this year to pursue contracts in the Southeast.

Glass admitted that he doesn't get back to the place of his birth as often as he would like.

"A number of years ago Uniontown was in need of new industry so we located a plant there . . . Cahaba Steel Company, a steel fabricating plant . . . and I went to Uniontown frequently then," Glass said. "However, that plant later merged with another company and is no longer in operation."

Earlier this year Spaw-Glass picked up yet another Alabama connection—elected to the firm's board of directors was Bill David Smith, a Tuscaloosa certified public accountant.

"When we had the Uniontown operation we got to know him," Glass said. "He is exceedingly familiar with our operation and I am confident he will make a valuable contribution as a director."

Mr. Speaker, Thomas Franklin Glass, Jr., is a shining example of the backbone of this country's business community which has made America such a great land of opportunity. He knows the meaning of hard work and exemplifies the true idea of the American dream of success.

It is with the greatest pleasure that I share these words with my colleagues in the House of Representatives. There is no doubt in my mind that this tribute is well deserved by this outstanding individual.●

THE NO-FAULT MULTIEMPLOYER PLAN TERMINATION INSURANCE REFORM ACT OF 1984

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. ERLENBORN. Mr. Speaker, today I am, together with Representatives ROUKEMA, BARTLETT and CHANDLER, introducing the No-Fault Multiemployer Plan Termination Insurance Reform Act of 1984 which provides needed reforms to the 1980 Multiemployer Pension Plan Amendments Act. We have heard many complaints from our constituents about the overreaching provisions of MEPPA, and the solutions in the no-fault bill are an outgrowth of the hearings and oversight activities that have occurred since MEPPA's enactment.

While many consider the goals of MEPPA to be worthy—to guarantee the benefits under insolvent plans, to improve plan funding, and to assess withdrawing employers with their share of plan liabilities—the crisis atmosphere in which it was enacted has inevitably resulted in certain inequities and shortcomings. In particular, the harshness of many of the rules defining employer withdrawal and resultant liability has stigmatized multiemployer plans in such a way that new plan formation has been halted and potential contributing employers have resisted coming under multiemployer plan coverage.

The no-fault bill improves on the goals of the 1980 act by removing some of its rough edges, by addressing plan underfunding as the major weakness leading to plan instability and system stagnation, by targeting special relief for the beleaguered multiemployer plans in the trucking and warehousing industries, and by permitting nonabusive normal business transactions in multiemployer industries to proceed without unwarranted regulation. The adoption of these measures in the bill will lead to the elimination of unnecessary barriers to increased employer participation in multiemployer plans, to greater plan financial stability, to the enhancement of employee pension benefit security, and to a more stable long-term outlook for the multiemployer plan termination insurance system as a whole.

Specifically, the no-fault bill provides:

Special withdrawal liability rules for plans in the trucking and warehousing industries;

The establishment of an involuntary withdrawal liability payment fund to reimburse certain plans for 90 percent of the liability which would otherwise be assessed employers for involuntary withdrawals;

Exemption from liability for employer withdrawals from fully funded plans,

Treatment of withdrawals in connection with asset sales in a manner more consistent with their present law treatment in connection with stock sales,

Improved funding of plans having unfunded vested benefits including plans in reorganization, and

Numerous other technical and clarifying changes to make the act more workable and equitable.

The problems, indeed the personal tragedies, which have plagued MEPPA have been well documented; the time has come to recognize MEPPA's deficiencies and right the wrongs the act has created.

I would be remiss, however, if I did not bring to the attention of my colleagues some of the history which has led to this current state of affairs.

During the legislative discussions leading to the enactment of ERISA in 1974, I was convinced that the concept of termination insurance for multiemployer plans was fatally flawed. Nevertheless, our colleagues in the Senate, without a single no vote, enacted pension reform including mandatory termination insurance coverage for multiemployer and other pension plans. They hesitated in pursuing termination insurance until they latched onto the concept of employer termination liability, which they felt provided the academic underpinning necessary to make the termination insurance concept viable.

It was my opinion then, and it is now, that the burdensome regulation and newly created liabilities would inevitably lead to the stifling of the private pension system and produce escalating costs for which the Federal taxpayer might ultimately be held responsible. During the 1974 ERISA debate and the 1980 debate on the Multiemployer Pension Plan Amendments Act, I offered my colleagues in the House an opportunity to redeem themselves by rejecting the concept of termination insurance. Instead we now must face the ultimate result of the adoption of the termination insurance concept, that is, MEPPA.

As finally enacted, ERISA delayed the application of mandatory termination insurance coverage for multiemployer plans for 2 years, pending further study. Mandatory coverage was delayed twice more until the fragile political coalition among affected employers, unions, and the Carter administration was formed which proved the key to enactment. As on other occasions, the delays caused Congress to act in a crisis atmosphere in which it was said that the imposition of mandatory termination insurance as provided in the 1974 act coupled with employer termination liability would lead to the mass withdrawal of employers from multiemployer plans and their ultimate demise.

The legislation was drawn up around the principle of what might be called sharing the woe. All parties were asked to pay some part of the cost. Ongoing employers were required to pay increased contributions as a result of faster funding rules. Withdrawing employers were asked to pick up a share of the unfunded liability in the plans from which they withdrew. Employers and participants were asked to contribute to the funding of the insurance program through increased premiums to the PBGC. And, finally, employees in multiemployer plans were provided benefit guarantees scaled back somewhat from those provided employees under single-employer pension plans.

As I said earlier, I believe the overall concept of termination insurance to be flawed; but given the reality that it is not likely to be repealed, the no-fault legislation offers the best chance for making the law more workable within the basic framework of the original legislation.

While the proposal addresses most of the major multiemployer issues, I know that it may not include details specific to the concerns of every industry, whether they be related to funding, trustee responsibilities, or otherwise; therefore, I encourage interested parties to provide me with their comments for improving the no-fault bill.

I am pleased that Senator DON NICKLES, chairman of the Senate Subcommittee on Labor, is introducing similar legislation at this time. I encourage my colleagues on both sides of the aisle and in both Houses to study this proposal carefully to the end that this Congress can finally put a stop to the troubles and personal tragedies created by MEPPA.

THE DANGERS OF A POLITICIZED USIA

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

Mr. GEJDENSON. Mr. Speaker, I rise today to bring a very disturbing development within the U.S. Information Agency (USIA) to the attention of my colleagues. The Washington Post reported today that the USIA has demonstrated blatant partisanship in selecting persons to participate in Government-sponsored speakers programs abroad. Apparently, this Agency has been biased in its policies by selecting a disproportionate number of administration officials and members of the Republican Party. In addition, it was reported that the agency has formulated a blacklist of at least 84 prominent liberal Democrats to be excluded from participating in programs abroad. I am outraged by this report and concerned about the consequences USIA's actions have had on U.S. credibility overseas. The damage may be irreversible.

As my colleagues know, USIA is supposed to practice objectivity in choosing people to represent a very divergent U.S. population. By creating a blacklist and selecting an unrepresentative number of conservative individuals to travel abroad, this Agency has not only violated the letter of its charter but places the credibility and integrity of our speakers and this Nation in jeopardy.

This is not the first time that the USIA, under the direction of Charles Z. Wick, has violated its charter by introducing politics into its selection process. Over the last 2 years, I have been contacted by a number of professors across the country who were either denied Fulbright scholarships on ideological grounds or were urged by USIA officials, while traveling on a Fulbright, to interject the Reagan administration's foreign policy positions into their speeches.

The right to free speech is fundamental to the American way of life. America's democratic ideals have traditionally been represented overseas by the diversity of American speakers and their freedom to express all ideological perspectives.

Speakers should not be chosen as an instrument of any administration's policies or on which side of the political spectrum they stand but rather as

independent individuals who travel to promote the free exchange of ideas. An alternative lifestyle to the Soviet Union is offered when America's democratic principles are demonstrated through the freedom of those who represent this Nation overseas. To censor these people is frightening, offers no alternative to the totalitarian way of life, damages U.S. credibility abroad, and sends contradictory signals overseas.

For the convenience of my colleagues I am inserting into the CONGRESSIONAL RECORD the Washington Post article, "USIA Blacklisted Liberals from Speaking Engagements Abroad." I am sure my colleagues will find this piece disturbing and hope that this Congress can prevent any further infringments by the USIA on the rights of the people of this country.

The article follows:

USIA BLACKLISTED LIBERALS FROM SPEAKING ENGAGEMENTS ABROAD

(By Howard Kurtz)

The U.S. Information Agency has excluded so many Democrats and other prominent people believed to be liberals from government-sponsored speaking engagements abroad that some agency staff members recently put their names on a "blacklist" of persons who should not be proposed as speakers.

During the three years of the Reagan administration, the USIA's nonpartisan American Participation program has paid speaking fees and travel expenses abroad for a growing number of administration officials and prominent Republicans and conservatives.

USIA officials said dozens of other potential speakers suggested by agency staff members or requested by USIA offices abroad were rejected for ideological or personal reasons. Many of these politicians, former government officials and journalists were put on what staff members called a "blacklist," even though most of them never asked to speak abroad for the USIA and did not know they had been blacklisted.

The USIA's acting deputy director, Leslie Lenkowsky, said he stopped use of the list after learning about it last week. "I'm not going to excuse the blacklist," Lenkowsky said. "I ordered that killed as soon as I heard about it."

The 84 names on the two-page list included former CBS News anchorman Walter Cronkite, ABC News broadcaster David Brinkley, Washington Post executive editor Benjamin C. Bradlee, Washington Post diplomatic reporter John Goshko, New York Times columnist Tom Wicker, economist John Kenneth Galbraith, consumer advocate Ralph Nader, civil rights activist Coretta Scott King, feminist Betty Friedan, writer Elizabeth Drew, magazine journalist James Fallows and author Frances FitzGerald.

Sen. Gary Hart (D-Colo.), Reps. Robert Garcia (D-N.Y.), Thomas J. Downey (D-N.Y.) and Jack Brooks (D-Tex.) and late representative Phillip Burton (D-Calif.) also were on the list, along with former Carter administration Cabinet members Patricia Roberts Harris, James R. Schlesinger and Stansfield Turner.

"I suspect there probably were people turned down for political or ideological reasons," Lenkowsky said, because of "timidity . . . , a fear of getting someone upset with you by putting the wrong person on. Some of the names on the blacklist would be exactly the sort of people we'd want to get traveling for us."

Lenkowsky denied allegations by some USIA sources that he also pressed program officials on several occasions to recruit only conservative speakers. He said he had questioned only whether some speakers were the best who could be found.

"I think [the program] will always be criticized in any administration for being tilted one way or another," he said.

The blacklist also contained some people regarded as conservative who apparently were put on it because some USIA officials disliked them, according to agency sources.

W. Scott Thompson, who supervised the overseas speaking program until leaving the USIA last fall, said he had tried "to preserve the professional integrity of the program, while obviously being responsive to the needs of the administration to make its point abroad. There is a question mark as to whether the program remained as balanced as we had fought to keep it."

USIA sources said the names of proposed speakers were circulated weekly to senior agency officials, many of whom sought to eliminate those they disliked.

"It was like a fraternity," a former official said. "Anyone from a nonconservative persuasion was 'bonged.'"

One source said USIA staff members were under constant pressure "to find conservatives who had worked in the Reagan campaign. If there was a perception we were sending too many Democrats through, we'd be given the ax. With every single name, you were on the line."

USIA Director Charles Z. Wick did not block anyone, the sources said, but often suggested Republicans whom he wanted sent abroad. Wick's aides have said his office handpicked 29 speakers up to last June.

The American Participation program began in the 1950s and now sends 500 speakers abroad each year, most of them college professors and academic experts. A USIA spokesman said the agency has increased the number of administration speakers to about 30 percent because such officials are popular attractions and best able to explain government policy. The spokesman said foreign audiences would be confused if leftwing speakers criticized the administration.

Asked last year whether the program had become unbalanced, Wick said: "We're supposed to be partisan to a certain extent as far as advertising what this administration is trying to do."

The speakers receive varying combinations to travel costs, daily fees and living expenses—ranging from small amounts to more than $7,400—for trips to Europe, Asia, Africa and Latin America.

Speakers sent abroad by the USIA include White House counselor Edwin Meese III, former White House communications director David R. Gergen, presidential speech writer Anthony Dolan, former White House domestic affairs adviser Edwin Harper, Sens. Richard G. Lugar (R-Ind.) and Alfonse M. D'Amato (R-N.Y.), members of the Republican National Committee and House Republican Conference, New York GOP gubernatorial candidate Lewis Lehrman and three justices from the Supreme Court's conservative wing, Warren E. Burger, Sandra Day O'Connor and John Paul Stevens.

Other speakers have come from conservative groups such as the American Enterprise Institute and the Heritage Foundation, with relatively few from the more liberal Brookings Institution. The few prominent Democrats have tended to be conservatives such as Norman Podhoretz and Walt W. Rostow.

During the Carter administration, the relatively few prominent Democrats selected as speakers included former Wategate prosecutor Archibald Cox, union leader Albert Shanker, White House adviser Esther Peterson, former senator Fred Harris (D-Okla.) and Les Francis, then staff director of the Carter-Mondale campaign committee. But Carter-era speakers also included conservatives such as economist Rudolph G. Penner, professor Jeane J. Kirkpatrick, authors George F. Will and Michael Novak and several Republican congressional aides.

"We leaned over backwards not to load it with political supporters, because they carry the baggage of the administration in power," said John E. Reinhardt, USIA director under Carter. "You don't fool the people overseas. A neutral explainer . . . would do us far more good than some out-and-out partisan. You're kind of foolish to stack the deck, contending that the Carter administration, in this case, could do no wrong."

Current USIA officials, arguing that pressure to recruit conservatives as speakers has not always been successful, cited a list of about 5,000 possible speakers approved during the Reagan administration, including a number of prominent liberals and Democrats. But most of those on this list—including several executives at The Washington Post—have not been invited to speak abroad. The Post, like many other news organizations, has a strict policy prohibiting its employees from accepting government-paid trips or speaking engagements.●

FOREIGN LANGUAGES: CRITICALLY IMPORTANT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. SIMON. Mr. Speaker, nearly 2 years ago, the highly respected Deputy Director of the CIA, Admiral Bobby R. Inman told the Subcommittee on Postsecondary Education that the deteriorating language capabilities of this country are presenting a major hazard to our national security. He concluded that decisive action should be taken at the Federal level to insure improvement in foreign language training in the United States. According to the Twentieth Century Fund, every American public school student should have the opportunity to acquire proficiency in a second language. The College Board reports that knowledge of a foreign language helps students prepare for careers in commerce, international relations, law, science, and the arts. A Nation at Risk also supports foreign language acquisition. The report states that, among other things, study of a foreign language serves the Nation's needs in commerce, diplomacy, defense, and education.

All of these sources are pointing to a problem of critical importance for the United States. The fact is, fewer than 4 percent of American high school graduates have completed more than 2 years of a foreign language. Any of you who have studied a language are well aware that it takes twice the number of years to become proficient. Over 4,000 secondary schools in the United States do not offer any languages to their students. And, while total college enrollment has risen from 6.9 million in 1968 to 9.9 million in 1977, enrollment in modern foreign language courses has dropped over the same period from 1.1 million to 883,000. Today I would like to submit for the record yet another statement of position on foreign language competence in America. The Joint National Committee on Languages represents 25 language associations around the country. They are perhaps more familiar than any other group to the challenges that face this country regarding foreign language education.

LANGUAGE COMPETENCE AND CULTURAL AWARENESS IN THE UNITED STATES

(A statement of the position of the Joint National Committee for Languages and the Council for Language and Other International Studies.)

The United States is a nation to whose shores have come peoples from every continent, and history records their priceless contributions. From the beginning the quality of life has been ennobled and enriched by them, and city and village streets have resounded with the music of many languages. It is a rich heritage, one to be nurtured, encouraged, cherished.

We hold that all persons in our culturally rich and linguistically diverse nation should be provided the opportunity and be encouraged to become proficient in more than one language to a degree of mastery consonant with their need and aspiration. The learning of other languages adds new linguistic competence and cultural sensitivity to already valuable linguistic backgrounds. One language is never intended to supplant another. We hold, therefore, that all persons, whatever their linguistic and cultural background, should be encouraged to preserve that proud birthright and be given the opportunity to continue to grow in the understanding and use of it.

Those who are not proficient in English should be provided the opportunity and encouragement to become so, since English is the key to gaining an accurate, broad perspective on American life, to obtaining equality of educational, economic, social and political opportunity, and thereby to participating fully and freely in society. In the same way, those who are proficient only in English should have the opportunity and should be encouraged to achieve proficiency in other languages and to know and appreciate the history and culture of other peoples. It is through the knowledge of languages and cultures that we best begin to know and comprehend the scope and significance of human experience in history, from ancient times to modern; it is through the knowledge of languages and cultures that we best learn to tolerate and appreciate cultural and linguistic diversity at home, to understand our contemporaries abroad, and so achieve our full potential as citizens of the world.

The educational establishment, despite all its diversity and resources, cannot alone assume the responsibility for providing the means for language study and encouraging learners to achieve mastery; government, at all levels, business, industry, cultural and other public and private institutions must support this effort as well.

The consequences of these principles of opportunity and encouragement are significant for both the individual and the nation. The individual will enjoy a wider and richer range of personal experience and, at the same time, benefit from an expanded scope of employment and professional opportunities. The nation also will benefit. During its relatively short history, the United States has assumed an important international role, influencing in many ways the political, social, and economic structures of life in other countries and, in turn, being influenced by those with whom it interacts. These relationships will continue, will become more numerous, and will change in character out of both choice and necessity. We believe, therefore, that language competence and cultural awareness are essential to the responsible and sensitive fulfillment of this international role.●

HUNGER

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DASCHLE. Mr. Speaker, in recent weeks doubts have been expressed about the existence of hunger in our Nation and the need for continuing food assistance and nutrition programs has been challenged. Hunger does exist and the reality of hunger has recently been chronicled by Mel Antonen, a staff writer for the Sioux Falls Argus Leader.

To my colleagues who doubt hunger exists, I urge you to read these articles describing the pain of hunger. To my colleagues who understand the oppression of hunger is not voluntary and hungry people are needy, not greedy, I likewise urge you to read these articles to encourage your efforts on behalf of politically powerless hungry people for whom food assistance and nutrition programs are life sustaining.

The articles follow:

IN THE MIDST OF PLENTY

(IN SOUTH DAKOTA, WHERE AGRICULTURE IS THE NO. 1 INDUSTRY AND FARMERS ARE PAID NOT TO PRODUCE FOOD, THE NEED FOR EMERGENCY FOOD IS WIDESPREAD AND GROWING:)

(By Mel Antonen, Argus Leader Staff)

Except for a piece of meat, six eggs and a bowl of beans, Angelo Contini's refrigerator is empty.

In a cupboard, there's an open bag of sugar and some flour; in another, there's several cans of soup.

That's the food Angelo and his wife, Carmen, have to live on until their next allotment of food stamps in three weeks.

To stretch the supply, Angelo goes a couple of days at a time without eating. Sometimes crackers and water substitute for meals.

And Carmen often gets hungry enough to walk four miles to the Bergeland Center for Seniors to eat a meal.

"Lots of times we run out of food," Angelo said. "I need food. There's no food in the house."

The Continis, who live in northeast Sioux Falls, are not alone. In South Dakota, where agriculture is the No. 1 industry and farmers are paid not to produce food, thousands of people don't know where their next meal will come from. Many of the elderly, such as the Continis, skip eating so that they can make payments for heat and shelter.

Pastors and workers in volunteer agencies around South Dakota say that persistent poverty, unemployment, disability and tighter restrictions in government programs have increased the need for emergency food in the state.

There are 48,600 people enrolled in the food stamp program in South Dakota—enough to fill the Sioux Falls Arena more than five times.

The Reagan administration wants to cut the food stamp program $1.6 billion in October. An administration task force issued a report in December which concluded that there isn't enough hunger in America to justify increases in spending more money for food.

Yet the Continis are a picture of poverty. Their small home is cramped and painted in monotonous colors.

The misery of not having enough food has clamped down on the Continis especially hard in the last two years.

It appears that Angelo's poor diet is weakening his 76-year-old body. He's thin, baldheaded with a pale complexion. He sleeps much of the time.

Drab and wrinkled clothes, splattered with stains, hang on his boney limbs. His feet are purple, black and swollen—a condition he said is caused by the frigid temperatures.

Angelo's life is hazy. It's difficult for him to speak; when he does, his few words are hard to understand. His wife, a plump woman with a toothy smile, is from Puerto Rico and prefers speaking Spanish.

Angelo was born in Brooklyn, N.Y., and worked as a janitor in a hospital there. He retired and moved to Sioux Falls in 1976 to live on Social Security payments. He said he had visited the city once in his life but cannot explain why he chose to retire here.

The Contini's retirement money, however, is getting tougher to stretch each month; the couple's food supply is cut short by the rising cost of living.

The Continis' income is $464 a month; after rent and other utilities are paid, there's $127 left. The $84 worth of food stamps lasts two weeks, he said.

The government says the allotment of food stamps that the Continis receive should assure them adequate daily nutrition. A government standard says that an adequate nutrition level for a family of two can be obtained for $139 a month—or 77 cents apiece for three meals a day.

Still, the Continis are on the edge.

"How can you save anything, Angelo asked, burying his head in his hands. "Prices keep going up. I don't have food."

Angelo's weary eyes best describe his situation. As he sits on his davenport, he talks about better days in New York: about boxing matches; about dancing; about putting in a full day's work.

Angelo said he's no longer happy. Partly because of his sore feet, he doesn't leave the

house much. He's been sick, and he doesn't get company.

"I used to be strong," he said. "I used to work. Have good food. Now, no money. No nothing."

HELP FOR THE HUNGRY

(By Mel Antonen, Argus Leader Staff)

"For I was an hungred, and ye gave me meat: I was thirsty and ye gave me drink"—Matthew 25:35

Jeannie Diaz has been unemployed for five months. If she's lucky her $76 worth of food stamps will last two or three weeks.

When she's out of food, she walks each day to the Union Gospel Mission, an interdenominational church organization that serves three free meals a day.

Diaz feels lucky. She's never had to worry about running out of food. "I live like a queen compared to some people," Diaz said. "I live great. I only wish I could do it myself."

In an area known for its ability to raise food to feed the world, stories similar to Diaz's are common. Officials in volunteer agencies say the need of emergency food is widespread and growing.

Bea Friesth, who works at First Lutheran Church, said: "Lots of people are having financial problems. Poverty causes hunger. . . . It certainly isn't diminishing."

Diaz, 41, was a motel maid, but her hard-luck story started last fall when whe was laid off.

She lives in a one-room apartment, spending her days looking for a job. She doesn't have a refrigerator and cooks meals on a hot plate that's propped on cement block near her bed.

She's unskilled and desperate for a job—so desperate that she sometimes lies about her job skills.

"If you don't have money, South Dakota is miserable," Diaz said. "In other states, like California, there's more demand for my kind of skills."

One man, who didn't want his friends to see his name in the newspaper, said he's been trying to get a job for a year so that he can supprt his wife and four daughters. He gets food stamps, and goes to churches and voluntary organizations only in extreme emergencies.

"I just don't l ke asking for help, but sometimes I have to," he said.

The number of people in South Dakota on food stamps dropped from 54,800 last March to 48,600 in December.

In March, the Reagan administration tightened requirements to get food stamps, said Michele Prestbo, supervisor for the state Department of Social Services. The change made applicants report their income every month.

Prestbo said the decrease in recipients is because some don't like the hassle of extra paper work.

"The economy may have picked up some," she said.

South Dakotans on food stamps receive an average of $42.24 a month, the government said.

None of the state's population is spared from food problems:

In 1983, the Food Pantry in Sioux Falls, an emergency food service that is supplied by donations, served 7,399 people, an all-time high. "I'm not saying people are dying in the streets, but not everyone has access to food," Madeline Boos, the Pantry's director, said.

Church Response, an organization that's sponsored by area businessmen, churches and individuals in Rapid City, helped feed 10,000 people in the Rapid City area during 1983. Church Response spent $80,000 on food for the needy in 1983, $32,000 more than a year ago. Director Marcy Palmer said 50 to 60 new people come 'n each week.

On the Cheyenne River Indian Reservation, $188,000 in federal money will be spent on food distribution programs for the needy. But tribal chairman Morgan Garreau said the money won't reach all of the people who need food.

A program administered by the South Dakota Department of Health helps 10,000 children and pregnant and breast-feeding women each month with nutrition education and food supplements. The Women, Infants and Children Special Supplemental Program, called WIC, serves 25 percent of the women who need help with nutrition. Karen Pearson, the program's director, said: "Potentially, there's 43,000 who could be served."

The American Indian Service reports that the number of Indian families needing food in the Sioux Falls area jumped from 246 in 1982 to 353 in 1983.

The Union Gospel Mission in Sioux Falls served 22,768 free meals last year.

Last December, a government task force, asked by President Reagan to study the problem of hunger in America, concluded that there's not enough hunger to justify increasing money for emergency food programs. The report said that hunger exists in some places, but there is no evidence of starvation and severe undernutrition.

Two weeks before that report, Edwin Meese, a White House counselor, said people are going for free food because that's easier than paying for it.

Many in South Dakota disagree with the task force findings.

Don Klarup, pastor at the First United Methodist Church in Sioux Falls, said his church has a steady stream of needy people coming through after their food stamps have run out.

"They aren't freeloaders," he said. "Many of them are pleading for work. They ask to do things around the church."

Russ Melby, a Brookings pastor who also works with CROP, a hunger organization that is supported by 30 protestant and orthodox churches in the country, said the Reagan administration's attitude trys to blame the problem on the hunger victim.

"It's the system's fault," he said. Last year, more than 30,000 farmers in South Dakota participated in a government program that took land out of production to increase food prices. Farmers should not be cast as the villain for incrased hunger in America. Tim Langley, director of the South Dakota Peace and Justice Center in Watertown, said.

Justice for hungry people would mean justice for farmers he said: "The hungry people don't have the money to make a demand for the resources. If the poor had money, people would be able to feed themselves. Farm prices would go up . . . Farmers and the hungry aren't opponents."

Officials aren't sure what the solution is for hunger problems. Several pastors said the distribution system must be revised. Others said more federal money is needed to help people through the difficult times.

For a family of three, the maximum benefits from all government programs—including Aid to Dependent Children, food stamps, energy assistance, rent subsidies and Medicaid—total $476, Langley said. The poverty level is $685.

"What we have is a whole class of people who can't take advantage of resources most take for granted," he said. "More and more people are falling into that class."●

LEGISLATION TO AMEND NATIONAL SCIENCE FOUNDATION ACT OF 1950 INTRODUCED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. BROWN of California. Mr. Speaker, Mr. SKEEN and I are today introducing a bill to amend the National Science Foundation (NSF) Act of 1950. The legislation proposes inclusion of an engineering function in the National Science Foundation Charter in order to stress the importance of the Foundation's engineering activities. The legislation does not authorize additional funds for the Foundation, nor is it in any way meant to detract from the strong support of the basic sciences for which the Foundation is so well respected. The legislation would enhance the ability of NSF to strengthen its current program, without having to do so at the expense of science, which would be entirely unacceptable.

Mr. Speaker, my colleagues know that I am a strong supporter of the activities of the National Science Foundation, and of the excellent support it gives to basic scientific research. But fundamental research—the area of research between scientific exploration and industry application that results in the development of new technology—has traditionally been overlooked by both the Federal Government and industry. Fundamental engineering research is vital to the national welfare. Without a definite focus on a specific application, most industries only sparingly support long-range fundamental engineering research. The results of fundamental research are a part of the national wealth upon which all can draw for future use.

Innovation depends on a strong and on-going link between science and engineering. The proposal would strengthen the role of NSF in the innovation process, which would benefit both science and engineering, as well as the economic well-being of the country. Because basic scientific research and fundamental engineering research often overlap, it is desirable to keep science and engineering support in a close partnership with the Foundation. Our proposal centers on defining a clear mission for NSF in engineering, which currently is not present in the legislation which directs NSF activities. Although NSF currently operates a healthy program for engineering, it does so without the benefit of a defined mission.

Mr. Speaker, at this time I would like to insert an excellent editorial on the subject of engineering and the National Science Foundation which appeared in a recent Science magazine.

[From Science, Jan. 27, 1984]

ENGINEERING AND THE NATIONAL SCIENCE FOUNDATION

(By F. Karl Willenbrock)

In the scientific and technical communities of both the federal and private sectors, it is widely recognized that an effort to strengthen engineering at the National Science Foundation is desirable and timely. The engineering professional societies and engineering schools have been dissatisfied with NSF programs for many years. The engineering academic community has not found NSF to be an effective source of assistance as undergraduate enrollments have expanded while out-of-date laboratory facilities and inadequate research funding have decreased the ability of the schools to attract an adequate number of faculty members or full-time graduate students.

The organizational position of engineering within the NSF administration has been improving. Engineering has emerged from a division status, to part of a Directorate of Engineering and Applied Science, to its present position as a separate directorate. Presumably engineering is no longer considered as one of the sciences or simply the application of science but rather an enterprise with distinctive characteristics of its own.

One of these characteristics is the concentration of activities in industry. More than three-quarters of the engineers in the United States are employed in industry: industrial laboratories have done the outstanding research in many fields. Since much engineering research is best carried out by teams of specialists and is frequently heavily dependent on equipment, an industrial site may often be better adapted for effective engineering research than the usual academic environment.

Although in-depth skills in scientific and mathematical analysis are needed by both scientists and engineers, an engineer must also be able to synthesize knowledge into products and systems. Their designs must satisfy scientific as well as nonscientific criteria such as manufacturability, maintainability, risk-minimization, and cost-effectiveness.

There are also distinctions in the academic world. Most engineers complete their formal education in 4-year undergraduate programs: such programs cannot be directed simply to preparation for graduate work. Post-doctoral fellowships, which are so important in the training of research scientists, are almost nonexistent among engineers.

Such differences between engineering and the sciences might lead one to the conclusion that engineering should be the responsibility of a federal agency other than NSF. Some countries have developed separate university systems for engineering and scientific education, but in the United States nearly all research universities have strong scientific and mathematical programs as well as schools of engineering. Thus the U.S. academic structure provides a rationale for expanding NSF activities in engineering rather than assigning the general support of engineering research and education to other agencies.

However, of even greater importance is the fact that the scientific and engineering enterprises operate most effectively when their borders are kept indistinct. Increases of scientific knowledge and understanding have given great impetus to engineering and technological advances. In turn, engineering and technological advances have frequently led to expansion of scientific knowledge. The interplay of science and technology, which is crucial to the rapid advance of both science and engineering, should not be hampered by institutional barriers.

If engineering in NSF is strengthened, three objectives can be simultaneously served. First, badly needed assistance to the academic engineering community can be more efficiently provided; second, the synergism between science and engineering can be reinforced; and third, the nation's technological capability can be strengthened. A dynamic engineering program at NSF is one of the most highly leveraged investments in the nation's technological future that the federal government can make.●

BUDGET FACT SHEET ON ENVIRONMENTAL AND ENERGY AGENCIES

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WOLPE. Mr. Speaker, the staff of the Environmental and Energy Study Conference has prepared for use by its members an independent analysis of President Reagan's budget for the Environmental Protection Agency and other environmental and energy agencies.

As cochairman of the conference, I would like to share this timely report with all Members.

The following excerpts are the fact sheet's introduction and its analysis of the EPA budget. The report also covers the Interior Department, the Energy Department, and other programs and provides detailed historical spending charts.

[From the Fact Sheet, Feb. 1, 1984]

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE FACT SHEET

PRESIDENT REAGAN'S FISCAL YEAR 1985 BUDGET

(By the EESC Staff)

This year's request is markedly higher than the last two years', but the more conciliatory approach still does not equal levels Congress has demanded for environmental, energy and natural resources programs.

Because the president has moved somewhat, the debate in Congress will be less clear-cut this time. Presidential supporters can argue that his increases are reasonable compromises in a tight budget year, while opponents can insist the programs need more, not less, because of heightened public concern about protecting the environment.

The highlights include:

About $100 million more for EPA's operating budget—the biggest boosts for acid rain research and management staff. Critics say $150 million more is the minimum. The hazardous waste cleanup "superfund" is doubled, while sewer grants remain level.

Slightly less for the Interior Department. Park land acquisition gets more than last year's request, but less than appropriated. Offshore leasing slows, while oil and gas leasing in refuges is out.

More money than requested last year for renewable energy and energy conservation, but less than appropriated. Fights are predicted over filling the emergency oil stockpile and a new method for funding conservation.

19 new water project construction starts, incorporating the president's new "case-by-case" policy for local cost sharing.

TABLE OF CONTENTS: Environmental Protection Agency, p. 2; Interior Department, p. 7; Energy Department, p. 10; Water Resources, p. 13; Agriculture Department, p. 14; Nuclear Regulatory Commission, p. 12; National Oceanic and Atmospheric Administration, p. 16; other agencies, p. 16; budget charts, p. 17.

NOTE: The numbers used in this Fact Sheet were taken primarily from agency budget documents and FY 1984 appropriations laws and represent the best available information at press time.

ENVIRONMENTAL PROTECTION AGENCY

As the first concession to three years of complaints about declining budget requests for the Environmental Protection Agency, the White House has offered an FY 1985 total that it says is a record boost for a domestic program—a 7 percent overall hike.

The 7 percent increase—to $4.2 billion—is somewhat misleading, however, since a mammoth 56 percent increase occurs in one particular program—the hazardous waste cleanup superfund. Individual pollution control and research programs—for air quality, water quality, drinking water, pesticides, etc.—are at just about the same levels as in the FY 1984 appropriation or slightly higher.

Superfund jumps from $410 million in the FY 1984 budget to $640 million, and the agency intends to seek a $50 million supplemental for FY 1984. Sewer construction grants are stable at $2.4 billion.

While the $4.2 billion budget is a record for the Reagan administration and will be sold that way, the near flat-funding of programs and operations accounts will mean continued heavy criticism from those who say the demands on the agency have increased in the past few years. Fueling the arguments of EPA boosters is the fact that the EPA operations total of $1.2 billion is still $150 million under the last year of the Carter administration. Add the effect of inflation since 1980 and the increased demands on the agency, and EPA fans say the total should be more on the order of $1.6 billion or $2 billion.

A key piece of ammunition for EPA boosters is the report that EPA Administrator William D. Ruckelshaus sought the FY 1981 operations level in his request to the Office of Management and Budget. Ruckelshaus would not acknowledge this directly at his budget press briefing, but the rumor is expected to be borne out at appropriations hearings next month.

Efforts to raise the budget will be met, however, by comments from Ruckelshaus and others that EPA can only absorb so much money and staff so fast. Ruckelshaus notes that the agency last year picked up $77 million more than it had in FY 1983 and $295 million more than the president originally requested for FY 1984. The FY 1985 research and development budget request is $33 million or 14 percent higher than FY 1984; the enforcement budget is up $32 million or 27 percent more than in 1984, and

acid rain research is up 124 percent or $18 million more than in FY 1984.

It is uncertain at this point whether Congress will be satisfied with Ruckelshaus' argument and with the fact that for the first time the Reagan administration has not sought to cut state grants or research and development.

In tandem with the increased funding level is an increase of staffing from 11,547 workyears, or positions, in FY 1984 to 12,298 workyears or positions.

Overview: Ruckelshaus acknowledges that the agency could justify more spending, but he says that the nation's "ultimate budget allocator," President Reagan, must determine how best to juggle limited federal dollars.

Ruckelshaus says he thinks he has enough money to do the job, but he will "be in a position in FY 1986" to ask for more money and resources. He added that some of the Carter-era programs have disappeared, including the need for synthetic fuels research.

EPA Deputy Administrator Al Alm noted that the budget is being driven by the increased staffing. These include 350 new employees for the superfund program, to support a threefold increase from 1984 in the number of sites where remedial construction will begin.

Sixty-two people will be added to the air quality program, 52 to water quality, 23 to drinking water, 75 to hazardous waste, 25 to pesticides, 41 to interdisciplinary issues, 84 to toxic substances, 7 to energy and 31 to management and support.

Ruckelshaus added that the agency is turning more and more of its resources to hazardous and toxic materials rather than conventional pollutants, because those materials are causing the biggest problems and forcing EPA to react to "crisis" situations.

Reaction: Congress may end up approving numbers close to the president's request, since many Senate Republicans will not want to raise that level and Democrats in both houses can always claim a victory in Reagan having publicly conceded that his earlier requests were too low.

But there will be efforts this year to boost the figure, both from those who will argue on strict budget calculations that the agency should be operating at a level at least as high as the last Carter budget and from those who believe Reagan is politically vulnerable on environmental issues.

SAVE-EPA, a group of former EPA employees and others concerned about EPA's welfare, say the request should be on the order of $2.1 billion. The group uses comparisons to earlier budgets to make its case. If the president wanted to match FY 1981, the level should be at least $1.35 billion, SAVE-EPA says. If the FY 1981 figure is adjusted for inflation, the number should be $1.66 billion.

The group then says that even the FY 1981 level is less than the agency needs, because the demands on EPA have doubled during the last few years while the agency has been getting fewer dollars. The FY 1984 level of funding, the group says, is equivalent to the amount appropriated for FY 1973 and corrected for inflation. The FY 1985 level will be equivalent with the FY 1974 budget corrected for inflation.

Some congressmen who worked with SAVE-EPA last year may try to reach the $1.6 billion level or at least the $1.35 billion appropriated for FY 1981. The House last year approved a $1.3 billion budget for EPA.

Senate Appropriations, however, last year approved the $1.1 billion budget offered by new EPA Administrator Ruckelshaus to replace the administration's January request of $949 million. The Senate went along partly because it did not want to appear to be ignoring Ruckelshaus' offer of rapprochement.

In conference, the House bowed to the Senate's figures.

Staff for Sen. Patrick Leahy (D-Vt.), who tried unsuccessfully to raise Ruckelshaus' budget in the Senate, say another effort will be made this year. Democrats may build their case on an ironic feature of the Reagan budget: the fact that Ruckelshaus himself reportedly sought the $1.35 billion amount from the Office of Management and Budget. "I don't see why Ruckelshaus shouldn't get the amount that he thinks the agency needs," says a Leahy aide.

The EPA boosters' biggest problems will be the apparent disinclination of either house's HUD appropriations subcommittee chairman to seek large increases for the agency.

Sen. Jake Garn (R-Utah), Senate subcommittee chairman, traditionally supports the Reagan request.

Rep. Edward P. Boland (D-Mass.), chairman of the House HUD subcommittee, last year supported only a $1.1 billion level. Boland's staff said this week that the committee will not grab at any figures, including the Ruckelshaus level or the FY 1981 level, but will decide on an appropriate total after detailed hearings on what EPA needs and can effectively use.

The aide said the 1981 level may not be appropriate because of many changes in the agency structure over the past three years. Some of EPA's responsibilities may have been taken over by the states, he said. Also he said the panel must weigh "the question of just how fast EPA can gear up . . . there's a limit on how many people" can be hired and managed effectively.

Acid Rain: The biggest boost in EPA research—124 percent—is for acid rain, a move that Ruckelshaus says will enable the agency to gather the data needed to determine whether acid rain controls should be set.

EPA's acid rain research budget will grow to $34.4 million in FY 1985. A supplemental 1984 increase of $5.5 million for a national survey of lakes potentially affected by the phenomenon also will be submitted.

While EPA is the lead agency on acid rain research, other agencies are also involved (see chart). Their funding also will double to $21 million, including a new $1 million program at the Fish and Wildlife Service to test lake liming to restore fishery resources in acidified lakes.

ACID RAIN RESEARCH

Agency breakdown	Reagan fiscal year 1985
Environmental Protection Agency	34.3
Agriculture Department:	
Cooperative State Research Service	1.3
Agricultural Research Service	.4
Forest Service	2.1
National Oceanic and Atmospheric Administration	2.4
Energy Department	8.7
Interior Department:	
Park Service	1.8
Geological Survey	3.0
Fish and Wildlife Service	.5
Bureau of Land Management	.1
Total	55.5
Types of research:	
Natural sources	.9
Man-made sources	2.0
Atmospheric processes	16.8
Deposition monitoring	8.5

ACID RAIN RESEARCH—Continued

Agency breakdown	Reagan fiscal year 1985
Aquatic effects	10.5
Terrestrial effects	9.7
Effects on materials	2.1
Control technologies	.6
Assessments and policy analysis	4.4
Total	55.5

Pinning down the government on all acid rain spending is difficult, however. According to Ruckelshaus, another $64 million at the Energy Department is going toward acid rain-related technology, principally in development of alternative ways of burning high-sulfur coal. Some EPA staff, however, suggest the $64 million might not be appropriately counted as strictly acid rain funding but could better be tagged as fossil fuels research.

Those in Congress pressing for immediate controls on sulfur dioxide and nitrogen oxide emissions from fossil fuel-fired power plants and factories are therefore disappointed by the president's research-oriented request. But Ruckelshaus put the best light possible on the request, saying that "acid rain research and controls are not mutually exclusive."

If enough data is obtained from the increased research budget to justify controls, a decision could be made at any time, he said. If the agency cannot determine for sure that controls are required, "but prudence says we should go ahead," the agency could do that, he said.

Ruckelshaus reportedly sought a demonstration control program but was overruled by the Office of Management and Budget, which is sensitive to the cost projections and to complaints from regions of the country that might have to pay more for the controls or that could lose revenues from a reduction in high-sulfur coal mining under various control scenarios.

Program Highlights: Gone are the repeated citations in last year's EPA request of reductions through "elimination of unnecessary processes," "reduction in regulatory planning costs" and "simplifying administrative requirements and state reporting." Instead, EPA this year seeks more money for strengthening regulatory enforcement and more aggressive management.

Superfund. The administration wants to boost spending for the federal toxic waste cleanup program by about 56 percent in FY 1985 over the FY 1984 appropriation and has requested a $50 million supplemental appropriation for FY 1984. Those requests would bring expenditures from the Hazardous Substance Response Trust Fund (superfund) to $460 million in 1984 and $640 million in 1985.

However, virtually the entire FY 1985 increase would come from spending all the remaining money accumulated in the superfund from earlier years—predicted by the administration to total $245 million at the end of FY 1984. More than 85 percent of the superfund comes from a special petrochemical feedstock tax, but it also includes fines paid by illegal dumpers, interest and an annual 12.5 percent contribution from the federal treasury.

Except for the fines, which the administration expects to increase nearly eightfold to $46 million, little or no increase is anticipated in the superfund's revenue sources in FY 1985. Interest will decline 25 percent to

$31 million, revenues from the industry tax will rise 5 percent to $276 million, and the federal contribution will remain at $44 million, for a total of only $397 million. The remainder of the planned $640 million expenditure comes from the $245 million left over from previous years.

Although some superfund supporters have expressed alarm that the administration proposal would virtually exhaust the $1.6 billion fund at the end of FY 1985—when superfund's authorization and the special industry taxes expire—EPA officials firmly deny any plans to let the program die. They said the administration probably would unveil a reauthorization bill in 1985.

Air. EPA is requesting slightly more funding for its air quality regulatory and enforcement programs, and the same amount as in FY 1984 for state grants. The agency promises to strengthen state implementation plans and enforcement.

Water. The amount proposed for water quality programs is slightly higher than the FY 1984 appropriation, but there is almost double the federal support—$10 million—for cleaning up the Chesapeake Bay and a new focus on re-issuing expiring discharge permits for municipal and industrial dischargers.

The request for state management grants is left at the 1984 appropriation.

Hazardous Waste. This is one of the largest operating program increases EPA is seeking, with proposed spending rising more than 11 percent from FY 1984. Half the $14 million increase is targeted at expanding and strengthening cradle-to-grave hazardous waste regulations. The remainder would boost enforcement efforts and technical assistance to states. State grants would remain at the FY 1984 level.

Toxic Substances. The requested 10 percent funding boost for EPA's toxic substances program is aimed at speeding reviews of potentially toxic chemicals and beefing up inspections of schools with unsealed asbestos insulation.

Research. Expenditures for EPA research and development would jump 14 percent from FY 1984. More than half of that increase is for acid rain research, with superfund research coming in a distant second. Other program areas increase only slightly, except for drinking water, which would decline a little.

Last year, many in Congress were outraged by the administration's proposal to slash EPA research and development by 10 percent. House Science in June 1983 reported a bill (HR 2899) to increase authorized EPA research levels. After taking over as EPA administrator Ruckelshaus mollified Congress somewhat by seeking a boost in R&D request as well.

Construction grants: For the fourth year in a row, the administration has requested the maximum authorization, $2.4 billion, for helping state and local governments build publicly owned sewage treatment works. Last year and the year before, Congress tacked on $30 million for a program to correct overflows of combined storm and sanitary sewers into estuaries and bays.

The program currently pays for as much as 75 percent of project construction costs, but starting in FY 1985 RPA is required by law to reduce the federal share to 55 percent. Other strict requirements also will be placed on construction grant applicants, according to EPA.●

THE SURVIVAL OF THE WHITE PASS & YUKON RAILWAY DEPENDS UPON MAJOR SHIPPER DECISION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, the worldwide recession of the early 1980's forced the closing in June 1982 of Canada's largest open-pit lead, zinc, and silver mine at Faro, Yukon Territory. That mine historically represents about 16 percent of Canada's total production, and more than 3 percent of worldwide production of ore concentrate.

Owned and operated by the Cyprus Anvil Mining Corp. (CAMC), the Faro mine was the dominant shipper on the White Pass & Yukon Railway. When the mine shut down, the railroad was forced to suspend freight and passenger service because, under controlling Canadian law, freight rates must be compensatory to the railroad. In the absence of mine-related traffic, the rates on the railway system for other traffic would simply have been prohibitive.

Mr. Speaker, the shutdown of the railway caused a transportation crisis in Yukon. The Canadian Transport Commission (CTC) conducted an inquiry, and published a draft report for comment in December 1983. The comment period will expire on February 15, 1984, so I am taking this opportunity to comment on the CTC findings, on behalf of the Alaska interests generally, and the people of Skagway, in particular.

The CTC Board of Inquiry has determined that the White Pass & Yukon Railway is an essential transportation system. It further concluded that the railroad should be the principal transportation system into Yukon in the future after the mine reopens, as it has been for all of this century. In past years the Canadian Federal Government has extended loans to the railroad to insure that rights-of-way and equipment are up to standard and that service is available at the most competitive rates.

Mr. Speaker, the CTC has recognized that the railway is a captive of CAMC. Without CAMC traffic the railway cannot operate under Canadian law and precedents. If CAMC does not tender its traffic to the railroad after mine reopening, probably later this year, the railroad probably will be abandoned—and service that has been the backbone of the regional transportation system since the Klondike gold rush will be lost forever.

Mr. Speaker, if the railroad is lost because CAMC chooses, for whatever reason, to tender its traffic to trucking companies rather than the railroad, the result will be an economic disaster for southeastern Alaska. The reasons for this are summarized in the following paragraphs.

The railroad originates in Skagway, the closest tidewater port for Yukon traffic, and passes through Alaska to the Canadian border, then through British Columbia and into Yukon. The terminus is at Whitehorse, the Yukon territorial capital. There are also highways which can be used, at least part of the year, from the Faro mining area to Skagway and Haines, another Alaskan tidewater port.

Although owned by Canadian interests, the railroad historically has maintained its principal facilities in Skagway. The majority of the railroad's employees are Alaskans—and this has been the case for four generations. If rail operations are abandoned, it is unlikely that Skagway could survive on seasonal tourism alone, particularly in view of the fact that Skagway's principal tourist attraction—the White Pass & Yukon passenger service—will be abandoned as well.

According to the CTC, abandonment of the railroad will result in the export of most transportation jobs from Alaska to Canada. The social costs of long-term unemployment in the Skagway region will be borne entirely by U.S. and Alaska State taxpayers.

If CAMC converts to trucking operations, there will be massive upgrading costs for the highway system to tidewater, as well as substantial annual maintenance costs for the Alaska portions of the system. These costs will be borne by U.S. and Alaska State taxpayers as well.

Also, if CAMC attempts to implement the trucking option, there will be substantial U.S. Federal costs in maintaining a customs station at the border 24 hours per day, on a year-round basis.

Mr. Speaker, these costs to Alaska are simply intolerable. Alaskans agree with the Canadian authorities on the point: The railroad should be saved, and the dominant shipper—CAMC—should be encouraged to use the railroad for its transportation requirements upon resuming mining operations.

If current restrictions on truck weight and size are maintained by Alaska, and current maintenance programs are carried forward, it will be impossible, as a practical matter, for CAMC to operate its trucks to tidewater. Only with massive investments by Alaska can CAMC succeed in its announced conversion from rail service to trucking service. Mr. Speaker, in my judgment, Alaskans will not make the accommodations required by CAMC in order to facilitate the demise not only of the railroad, but of the entire community of Skagway.

As CAMC plans the reopening of its Faro facility, I trust that the position of Alaska, as I have stated it, will be understood clearly by the company. The White Pass & Yukon Railway, and the community of Skagway, and the historic transportation system which has served both countries well for 84 years, must be preserved.

Thank you, Mr. Speaker.●

DOUBTS ABOUT HOW MUCH IS REALLY KNOWN ABOUT ACID RAIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DINGELL. Mr. Speaker, I commend for reading by my colleagues of a December 20, 1983, editorial from the Detroit News entitled "Acid Rain, Alkaline Dollars."

It is thoughtful and suggest caution in moving headlong toward a costly acid rain control program that could have a devastating economic impact on Michigan and the entire Midwest, most importantly to our industrial base and our job opportunities. The editorial follows:

ACID RAIN, ALKALINE DOLLARS

The forces that govern Washington, political and bureaucratic, are getting ready to throw buckets of money at the acid rain problem, to "solve" one of the more poorly understood scientific dilemmas of our times.

The House is working at the subcommittee level on the Waxman-Sikorski bill, the most comprehensive acid rain initiative. The Senate is struggling for solutions in omnibus revisions of the Clean Air Act, presently at committee level. The administration is debating program ideas in cabinet meetings and the Environmental Protection Agency (EPA) hopes this will result in a policy outline in time for the State of the Union address in January.

The costs for a war on acid rain would be enormous. Estimates range from $20 billion to $220 billion. As Budget Director David Stockman pointed out recently, even at the lower level the cost would be far out of line with the benefit—.025 percent of the Northeast's lakes would be preserved at a price of $6,000 a pound for the fish saved.

The zealots, always long on impatience and short on cost-benefit considerations, are stampeding the politicians on the issue. They have nearly everyone believing that acid rain is a well-understood phenomenon, and that there is a consensus in the scientific community about its causes and cures. But nothing could be further from the truth.

A National Academy of Sciences (NAS) report is usually cited as the authority for the notion that the scientific community is in one accord on the subject of acid rain. But the report is shot through with doubts, qualifications and caveats, so much so that Volker A. Mohnen of Albany, N.Y., a member of the NAS committee, wrote the New York Times pleading that the report not be misinterpreted. He said the Academy specifically warns that results from Washington's present control strategy that concentrates on the Midwest sources, will have unpredictable results "since the contribution of Midwestern sources to acid rain (in the Northeast) remains basically "unknown."

There are plenty of other high-powered, respected scientists in the United States and elsewhere who are beginning to cast doubt on just how much we really know about acid rain.

E. H. Ketchledge, a botanist at the College of Environmental Sciences and Forestry, State University of New York at Syracuse, has studied the fragile alpine vegetation on the Adirondack summits for 25 years. These tender plants should be the first to succumb to acid rain, but they are unaffected. Yet they receive the same rain as the acidified lakes downslope from them.

N. S. Baer and S. M. Beman of New York University measured white marble tombstones in national cemeteries to see whether they could track the path of acid rain through variations in erosion. The government buys the stones centrally and checks their quality carefully. The scientists found more acid erosion in urban areas, less in rural areas, and there was no corridor-like streak of damage across the Northeast region that would indicate Midwestern smoke stacks are spewing poisons into the atmosphere that later settle in New England or Canadian lakes.

Larry W. Tombaugh, chairman of the Michigan State University forestry department, says the processes that affect lakes go on for thousands of years. Calcium generated by 1930s dust storms buffered eastern lakes, but he surmises that since then other natural forces such as soil formation (acidic by nature) and forestry cutting practices that can accelerate leaching of acids from soils, have been altering the balance.

Overseas, scientific uncertainties also prevail. The Germans are worried about the dark green conifers of the Black Forest because the needles of many are turning yellow. Acid rain was blamed at first, but now another body of science says the cause may be ozone imbalance.

Reviewing all this in a Royal Society of Arts lecture, Dr. P. F. Chester of Britain said, "For better or worse, the politics of acid rain have run ahead of the science from the outset." He said Europe needs research, not an urgent corrective program. In Scandinavia, where the problem is said to be especially acute, doubtful governments are wisely spending their money on lime for lakes rather than expensive scrubbers for smokestacks. Lime neutralizes acid, regardless of source. Scrubbers attack only one potential source.

But there are powerful forces behind the panic over acid rain. It makes a great story for the media. Liberals can use it to beat on industry. Companies that mine low-sulphur coal can use it to argue that utilities should be forced to buy more of their coal and less higher-sulphur coals from other areas of the country. States like Michigan, who drove up their costs of electricity in a fit of environmental extremism during the 1970s, can use it to justify policies that would beggar their neighbors, such as Ohio, that have taken less radical approaches. Canada, which has a surfeit of hydroelectric power, might find its chances for selling this relatively clean form of energy to U.S. customers much improved.

And the new head of the Environmental Protection Agency, William Ruckelshaus, can use the issue to curry favor with the environmental groups that made life miserable for his predecessor. Other Reagan advisers doubtless see it as a way to win votes in 1984.

But there are no scientific absolutes about acid rain and thus no justification for pitching billions at it. We should emulate the prudent Scandinavians and spend affordable sums on lime for acidified lakes. And we should fund more research to find out what's really gone wrong, if anything. A few more years of study wouldn't hurt, and might save us from a huge and costly error.●

HUNGER IN AMERICA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. VENTO. Mr. Speaker, recently the President's Task Force on Food Assistance released its report which concluded that there was no evidence of widespread hunger or malnutrition in the United States. The task force report also concluded that "for the vast majority of low-income people," current food aid programs were sufficient to meet their needs.

On February 6, the Citizens Commission on Hunger in New England released the results of its own study conducted over a period of 5 months by its Harvard-based members and staff, titled "American Hunger Crisis." The contrast between the conclusion of these two efforts to define the extent of hunger in America could not be more striking. "Hunger is widespread and increasing," according to the report, and is "the result of clear and conscious actions taken by Government leaders." Cuts in unemployment benefits as well as welfare and food stamps have exacerbated this problem. It is significant to note, however, that hunger in America is no longer confined to the traditional poor in our society. Many who have never been poor before and who have never been out of work before have been forced into soup lines so that they may eat.

The researchers in this study observed that they "found hunger in every State" that they visited and that it "wasn't hard to find." Furthermore, they found evidence that hunger appears to be increasing and has had a most devastating impact upon infants and children from poor families, the elderly, and families affected by unemployment.

Mr. Speaker, to anyone who has looked objectively at the tragedy of hunger and malnutrition in our country today and who has seen those standing in soup lines, not by choice but out of necessity, it is clear that hunger and malnutrition exist. The report of the President's Task Force on Food Assistance is a whitewash which attempts to cover up the Reagan administration's responsibility

for sharp cuts in Federal nutrition programs which have increased the hunger problem. We would do well to heed the recommendations in the New England report which call for increased funds for programs to alleviate hunger, such as food stamps, aid to families with dependent children, and the women, infants, and children (WIC) supplemental nutrition programs. In my opinion, the Citizens Commission on Hunger in New England has done the Nation a great service in facing the tragedy of hunger in America squarely rather than engaging in contortions of reality, as the Reagan task force report does, to obscure the facts about hunger.●

THE PROBLEM OF UNEMPLOYMENT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. OWENS. Mr. Speaker, as the so-called economic recovery continues it leaves behind many who are facing prolonged joblessness without the protection of unemployment insurance or health insurance. Minority people in particular are being left behind in a limbo of despair and poverty. This problem is particularly severe in the black community, which is experiencing an unemployment rate more than double the rate in the white community.

The problem of unemployment is particularly severe among black youth. The December 1983 rate dropped to 49.1 percent for black youth. Although any decrease in unemployment is good, a rate of 49.1 percent is hardly cause for rejoicing. I find it most discouraging, particularly when one considers the importance of that first job. We all remember our first day of work. The sense of new adventure and the beginning of an important path to full adulthood. Each of us felt somehow more important as a wage earner. Those early experiences helped to shape our views about ourselves. Some of us had to use our new resources to help our families and others were able to find a new independence to buy something that was important in our young lives.

Working was also important for teaching us the ways of the working world. We had to be at work when scheduled and we had to be ready to work. These lessons are being denied to almost half of the young black population.

While the national unemployment rate fell precipitously from 10.7 percent in December 1982 to 8.2 percent in December 1983, the unemployment rate for black teenagers showed little improvement. From 49.1 percent in December 1982, black teenage joblessness remained at 49 percent in December 1983. White teenagers, on the other hand, followed the national trend as their unemployment rate declined from 21.6 percent in December 1982 to 17 percent in December 1983. Consequently, the ratio of black to white teenage unemployment rates rose from 2.3 to 2.9 over the year.

The movement in the overall rate of black teenage joblessness masks differing trends in black male and black female teenage unemployment. While the unemployment rate for black teenage men fell from 52.1 percent in December 1982 to 46.4 percent in December 1983, the rate increased for black teenage women from 45.8 percent to 51.9 percent over the same period. Thus, black teenage women have not joined in the recovery over the past year.

Another measure of the employment problems of black teenagers is the percentage of their population that is employed. In December 1982, only 18.7 percent of all black teenagers were working compared to 44.6 percent of their white counterparts—a white teenager being about 2.5 times as likely to be employed than a black teenager. By December 1983 the employment-population ratio for black teenagers had fallen to 18.2 percent while the rate for white teenagers increased to 47.5 percent. Thus, over the past year black teenagers have seen their chances for gaining employment deteriorate from an already low rate.

Black teenagers have extreme difficulties in finding employment. Only 18 out of every 100 in their population were working in December 1983, as compared to 47 out of every 100 of their white teenage counterparts. Furthermore, once in the labor market, black teenagers have only about a 50-percent chance, on average, of finding a job. This compares to an 83-percent chance for their white teenager counterparts. These realities demand not only our attention, but the development and funding of employment programs geared toward young people. Programs which will not only provide jobs for the moment, but the experience, skills, and inspiration to go to other jobs as adults. Our young people must know that work will exist for them and that through work they can receive the benefits that come from living in this land. These are the lessons that are not learned in school but through jobs. If the so-called recovery makes no room for our youth, it makes no room for our future.●

REINTRODUCTION OF H.R. 1690

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LELAND Mr. Speaker, today I am introducing legislation which addresses the inadequacy of the salary computation system under which Federal firefighters are presently included. Currently, Federal firefighters are included under the general schedule for base pay computations. As with many Federal employees, they fall under the Fair Labor Standards Act for premium pay and overtime computations. The bill that I introduce here will remove the Federal firefighters from the general schedule and establish a Federal firefighters salary schedule. This measure will mean no change in the premium pay and overtime pay computations, which will remain under provisions of the FLSA. The establishment of the Federal firefighters schedule will not require the expenditure of any additional public funds, nor will it mean a pay increase for Federal firefighters. I am simply seeking to address the inequities involved in classifying Federal firefighters under the general schedule. I am seeking passage of the firefighters schedule that accurately reflects, at each grade and step, the special nature of the Federal fire service at every level.

The General Schedule was designed to cover a wide range of employees and occupations making up the majority of Federal workers. It is not fair to include Federal firefighters, who work an average 72-hour week, under a system that treats all employees as if they worked a standard 40-hour, 5-day week. The general schedule is not the appropriate classification for Federal firefighters for it does not reflect the actual level of training, responsibilities, and skills involved in the performance of their duties. This is especially so in this age of advanced technology. Among the many challenges to today's firefighter are state-of-the-art techniques in aircraft, weapons and building construction; improved lifesaving and rescue procedures; and hazardous materials that have become more abundant and their handling more technical. In light of these developments, the general schedule is simply not equitable when attempting to compute compensation for Federal firefighters.

One of the most serious consequences of the current pay computation system is its very negative impact on the career development of present Federal firefighters and the difficulty it presents for attracting qualified recruits into the service. There is a reluctance on the part of qualified per-

sonnel to move into positions involving a promotion and increased responsibility because it generally means a shorter workweek and a corresponding reduction in salary and take-home pay. As an example, an assistant chief gets paid at a lower rate than a crew chief who, under the general schedule is two grades lower and subordinate to him. Similarly, the fire chief, who is a program manager and administrator, makes considerably less than the assistant chief. You can understand why, with these practices, it is becoming more and more difficult to get employees to accept promotions to more responsible jobs since they must take substantial cuts in pay to do so.

For these reasons, I am introducing this legislation to remove Federal firefighters from the general schedule and establish a separate system that is designed to eliminate the inequities of the current compensation scheme. The pay schedule that I am proposing today is a realistic classification system that accurately reflects the nature of duties and responsibilities performed at every level of the Federal fire service. It will bring the Federal fire service salaries and job descriptions in line with those of other comparable professionals in this field. I ask for your support on this much needed legislation.●

PERSONAL EXPLANATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MARKEY. Mr. Speaker, I was unavoidably absent from yesterday's session. Had I been present, I would have voted "yea" on approval of Journal and "yea" on the motion to adjourn.

Mr. Speaker, I also regret that I was not here to participate in the debate on H.R. 555, Construction Work in Progress Policy Act of 1983. As a member of the Energy and Commerce Committee, I have worked with DICK OTTINGER to pass this proconsumer legislation. I have supported this legislation for several years and am a cosponsor of H.R. 555.

Had I been here, I would have voted against the Moorhead amendment and voted for final passage of this important consumer protection measure which I am proud to be a cospònsor. I commend my colleague from New York for his leadership in getting this important consumer protection bill through the House.●

TRIBUTE TO BOB BRADER, FORMER WILKES-BARRE CITY COUNCILMAN

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. HARRISON. Mr. Speaker, Saturday evening, February 18, will be a significant day for the city of Wilkes-Barre and, indeed, for all of the Wyoming Valley. That evening is "Bob Brader Night" when former Wilkes-Barre City Councilman Robert P. Brader will be honored by his family and friends.

Bob Brader was born in Wilkes-Barre 61 years ago. During World War II, he served for 38 months in the African theater. On his return to Wilkes-Barre, he became active in both union and public affairs. He served as president of the Wilkes-Barre Mailers Union for 18 years. During this time, he was union counselor for the United Fund of Wyoming Valley and received many citations for community service from the United Way, the AFL-CIO, and the American Red Cross.

In civic affairs, Bob is a past commander of the Parsons V.F.W. and a former president of its board of directors. Likewise, he was chairman of the Wilkes-Barre City Heart Fund and a member of the board of directors of the Northeastern Heart Association. For 25 years, he was chairman of the Parsons V.F.W. blood assurance program.

But Bob's most memorable and enduring contribution has been his more than 20 years of service to the city of Wilkes-Barre as a member of its council.

First elected in 1961, Bob has the distinction of the longest service on Wilkes-Barre's city council. And he is, in addition, its only member who served under all three forms of municipal government. When he was first elected, Bob was a member of the "mayor-council" system under which the mayor and each of the four elected councilman served as head of a municipal department and, together as the city's legislative body. During those years of service, Bob was, at various times, director of the department of streets and public improvements and director of the department of accounts and finance. In 1968, the voters of Wilkes-Barre, by referendum, adopted the "strong mayor" system and Bob served as a councilman under this form of government throughout its duration. In 1974, the voters adopted the home rule charter which prevails today and continued Bob in office under that administration until his final term of office expired in January 1984.

In addition to his municipal service, Bob served for 8 years as highway maintenance superintendent V for the department of transportation. In that capacity, he had jurisdiction over all of Luzerne County. Upon his retirement from that position, he was appointed a deputy sheriff for the county.

Bob Brader decided not to run for reelection to the city council last year, Mr. Speaker, because he decided the time had come to devote more of himself to his beloved wife Jeanette and to his children Patricia, Cheryl, and Denise and to their families. That was a decision very much in keeping with the man. For over the years, Bob Brader has given of himself to government service because he believed it was the thing to do in the best interests of the community. Because he believed that his efforts made our city a better place in which to raise his family and the families of all of his fellow citizens. During those years, he accumulated experience and wisdom and shared both unstintingly with all of us who have followed him in the world of public service.

So it is a fitting thing, Mr. Speaker, that his family, colleagues, friends, and neighbors will gather on February 18 for a testimonial to Bob Brader. It will be my honor to be there and it is my pleasure, today, to bring Bob Brader's outstanding career in public service to the attention of my friends and colleagues in the House.●

A QUICK SOLUTION TO BUDGET DEFICITS

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. FOWLER. Mr. Speaker, I want to share with you and my colleagues a straightforward explanation of a fascinating idea.

John N. Perry, Jr., a visionary gentleman with an amazing record of practical successes in science, business, technology, and publishing, has come up with a deficit reduction plan characterized by commonsense and uncommon simplicity. It is called the national dividend plan, and it has been introduced in this Congress as H.R. 3961. It currently has 19 House cosponsors from all across the political spectrum.

The plan is explained in an editorial which appeared recently in the Cincinnati Enquirer, and I insert the editorial here.

A QUICK SOLUTION TO BUDGET DEFICITS

(By Thomas Gephardt)

How would you feel about a single congressional enactment that accomplished all of the following objectives?

Abolish federal budget deficits and halt the growth of the federal debt.

Impose a five-year ban on the growth of federal spending.

Encourage individual investment and savings.

Generate wider understanding and support of the free-enterprise system.

Increase productivity in American business and industry, making the United States more competitive with such economic powers as Japan and West Germany.

Encourage business to make its investments for business reasons, not for tax reasons.

Increase voter registration and in all probability, voting.

End the taxing (actually, the double-taxing) of dividends.

And distribute a national dividend of between $700 and $1,000 to every registered voter every year.

All of these goals, say supporters, would follow as night the day enactment of the National Dividend Act of 1984.

The idea of a national dividend sprang some 20 years ago from the mind of Florida newspaper publisher and oceanographer John N. Perry Jr. In the past two decades, he has submitted it to economists, accountants and members of Congress, inviting their suggestions and incorporating many of them into plan revisions. Now he has enlisted several dozen members of Congress—Democrats and Republics, liberals and conservatives, blacks and whites—as sponsors.

"It hit me," Perry explains, "that if we could divert part of the earning of corporations directly to the electorate, it would have a tendency to cut off demagogic appeals to the vote getters—or buyers."

Perry proposes, specifically, that all the income taxes paid by U.S. corporations—between $80 billion and $100 billion yearly—be put into a trust fund. The federal deficit would have the first claim on the trust fund. But any excess would be distributed among America's registered voters.

The idea is to give every American a vested interest in seeing to it that (1) federal spending does not get out of hand and (2) the federal budget is balanced. Dividend-hungry Americans, Perry believes, would outweigh in influence with Congress all the special interests that today are importuning Congress for subsidies, grants and exemptions.

What Congress would hear, as a result, would not be a few voices demanding more spending, but millions of voices demanding less. What Congress would see would be less indifference to budget deficits and more clamoring for a balanced budget. Only when the budget was balanced, after all, would the whole national dividend trust fund be available for distribution to registered voters.

One haunting question is whether those who derive a major share of their income from the federal government would co-operate. Would their interest in getting their share of the national dividend override their obvious stake in a continuation of high government spending?

You can't help thinking of the private employers who thought they could make their employees more company-minded by giving them stock in the company. The idea was to see that every employee had a personal stake in larger company profits, translatable into larger dividends for his stock. In many cases, however, it has turned out that most employees prefer higher take-home pay today to larger dividends tomorrow—particularly when it's the pay rather than the dividends that puts bread on the table.

Perry argues that no acceptable alternative has come to light in the 20 years since he advanced the idea of a national dividend. Instead, he says, the urgency has become all the more important—what with staggering deficits that Congress and even a conservative President seem incapable of harnessing.

When that point is reached, say supporters of the national dividend, it's time to change our way of doing business.

The national-dividend plan is more complex than the idea of a balanced-budget amendment, which is inching its way to national consideration. Yet it holds the hope of achieving far more widely shared goals.

The question is whether it can enlist enough congressional attention to generate a real debate. It is to attract that attention that an organization knows as Americans for the National Dividend Act Inc., has been formed, with headquarters at 1901 N. Fort Myer Drive, Rosslyn, Va. 22209.●

ENERGY DEPENDENCE THREATENS PEACE AROUND THE GLOBE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, this body for all its talk about working toward peace, is asleep at the wheel. As I speak, the situation in Lebanon is worsening and Iraqi and Iranian soldiers are exchanging bullets at an accelerated pace, moving us closer to a frightening prospect in which one of the parties decides to move against the Straits of Hormuz. When this occurs, world peace will be sorely tested, as U.S. and Western interests collide with Soviet and Eastern interest in the area.

The American people will immediately want to know what the Government is going to do about it, and what we have been doing about it so far. The answer? We have been complaining about the sight of offshore drilling rigs—protesting about the construction of nuclear powerplants—locking up huge amounts of prospective energy lands in the West—and holding congressional hearings to determine whether the Government should have gotten 0.7 cents a ton for coal or 1.4 cents per ton. We have, in effect, been asleep at the wheel, preaching rationing of scarcity instead of production of new resources.

Why are we in Lebanon? We are there because this Congress has failed for over a decade to address this Nation's energy security needs. At the same time we have been preaching energy independence, we have taken over 100 million acres of public land out of circulation from those lands that will be needed for exploration and development for our future energy security needs. Right now in Congress, the main preoccupations regarding the Nation's Outer Continental Shelf—where billions of untapped barrels of oil and gas lie—are not decisions about how to develop the OCS on a timely and responsible manner, but rather, how to place moratoriums on such development. It is time that Congress stop reacting to the incessant demands of a very small group of special interests who advocate policies so divergant from our stated national interest of securing peace through energy independence. It is time that the narrow interests of this selfish minority be repudiated by Congress in a responsible effort to establish a coherant and sensible energy policy that recognizes that our continued dependence on foreign supplies for our energy needs at home contributes significantly to global instability and the threat to peace.

I would ask that the following editorial from the Dallas Morning Record be inserted in the RECORD for the Members' attention.

Thank you, Mr. Speaker.

[From the Dallas Morning News, Feb. 1, 1984]

OIL SUPPLIES: EMBARGOES, ANYONE?

"Mideast Oil Cutoff Expected," the headline says. But wait: That one's not the cutoff we have to fear.

What Energy Secretary Hodel is talking about, in the context of Iran and Iraq's unending war, is the possible sinking of a tanker or the temporary blocking of a port.

"The chances of a long-term severe disruption are slimmer," Hodel testified the other day, "and for a complete blockage of the gulf, they are really quite slight."

This is nice to know. What's not at all nice is that, regardless of what Iran and Iraq do, the United States remains dangerously and needlessly dependent on imported oil.

Not Arab oil, mind. As of last September (the most recent month for which figures are available), the United States bought only 9.6 percent of its imported oil from Saudi Arabia, its main Middle Eastern supplier.

Mexico is today this country's main supplier. Behind second-place Saudi Arabia come, sequentially, Canada, Indonesia, Venezuela, Britain, Algeria, Nigeria, the Virgin Islands, and the Netherlands Antilles.

Yet, at that, the United States still imports about a third of its oil. That's far too much, even contrasted with the nearly 50 percent level of the late '70s. Whereas our dependence on foreign oil supplies should be declining, it's actually increasing, and with it our vulnerability to disruption of the supply lines.

Certainly, if we're going to be importing, it's wholesome that we import so much from Mexico and the Caribbean. But let's remember who sits like a spider in the middle of the Caribbean web—Fidel Castro. A few Soviet submarines, based in Cuba, could shut down the whole Caribbean oil trade, including Mexico's bountiful Cantarell field, off the Yucatan Peninsula.

So what are we supposed to do in preparation for we-know-not-what, draw up domestic rationing plans? Hardly. What we need to do is increase offshore drilling, decontrol natural gas prices, repeal the windfall profits tax on oil (which never should have been passed) and restore the 27.5 percent oil depletion allowance (which never should have been repealed).

Why don't we do these eminently sensible things? Chiefly because self-styled "friends"

of the consumer block the way; they bid us do nothing more for the Big, Rapacious Oil Companies, whom we're evidently supposed to fear more than truly big, truly rapacious foreign governments. Does all this sound slightly familiar? It should. Ideological blindness caused the last two energy crunches.●

AWARD DINNER FOR DONALD ARTHUR KIPP

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LEWIS of California. Mr. Speaker, it is with great pride that I join with family, friends and colleagues in honoring a truly remarkable man. Capt. Donald Arthur Kipp will be honored at the National Orange Show on February 24, 1984. At that time he will be celebrating the end of a long career as a peace officer.

Captain Kipp's service as a peace officer began during his military service, while stationed with the Old 29th Security Police Squadron at Norton Air Force Base. He was stationed there from October 1949 through September 1952 and reached the rate of staff sergeant.

Upon leaving the military, he joined the San Bernardino Police Department. He worked as a motorcycle policeman from September 1952 to January 1956. In January 1956, he entered the California Highway Patrol and after cadet training he was assigned to the Old Anaheim office where he served as a motorcycle officer until his transfer to San Bernardino in 1956. In February 1956 he was promoted to sergeant and was reassigned to the Sacramento Area until 1962, when he again returned to San Bernardino.

He was promoted to lieutenant in August 1967 and was assigned to the Baldwin Park Area until his return to the area. In January 1972 he became a captain and worked at the Area Command. In June 1983 he moved to the Inland Division and remained there until his retirement on February 4, 1984.

In addition to his distinguished professional service to the people of California, he has been an extremely active member of various civic groups. His activities include, but are not limited to, the presidency of the Host Lions Club, past presidency of the San Bernardino County Law Enforcement Administrative Officers' Association, past chairmanship of the Solicitation Committee for the Boy Scouts of America and past crusade chairman of the American Cancer Society for San Bernardino.

Throughout Captain Kipp's career, Lois, his wife since 1950, has supported him in his various endeavors. Together they have raised three children; Elisabeth, Claudia, and Don Jr. They are now enjoying watching their three grandchildren grow, Jody, Stan Michael and Kerri Lynn.

Donald Kipp is a fine example of the caring and sincere men that protect our lives. Those who have been privileged to work with Don Kipp recognize and admire his dedication as an outstanding citizen and for his contributions to his community as well as the entire State of California. This man has chosen a life of service and in many cases risked his life in that service.

And Mr. Speaker, I take great pride in commending to my colleagues, Donald Arthur Kipp, a truly dedicated man who has, through his selfless years of hard work, contributed to his community in a most beneficial way.●

NATIONAL MENTAL HEALTH INSURANCE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. GONZALEZ. Mr. Speaker, today I am reintroducing a bill entitled "Mental Health Act of 1984," which would provide adequate mental health care and psychiatric care to all Americans. I have been proposing such legislation for several Congresses and I hope this legislation, aimed at providing comprehensive mental health coverage as part of a national health insurance program, will be given favorable consideration this year.

The purpose of the bill—and one of its most important goals—is to place within the reach of all U.S. citizens affordable mental health care. During the past 20 years, outpatient mental health care has increased from 23 percent in 1955 to 70 percent in 1975. While this increase is promising in that it shows people are seeking the mental health care they need, they are doing so at great personal cost because most do not have health insurance plans that will cover their treatment.

For those on fixed incomes, the poor, the elderly, and minorities, this burden is tremendous. Even though the Federal Government has supported community mental centers which utilize a sliding fee scale, these services still remain inaccessible for the poor and many middle-income families. The poor also tend to be multiple users of human services and most of us know that it is the poor and middle income who find it difficult to pay for such services.

This legislation is needed this year more than in the past because the Reagan administration has proposed a scheme that would make it more unlikely that those relatively few workers who now have health insurance plans that cover mental health care will be able to have such coverage in the future. The administration has said that these so called generous health plans are driving up the cost of non-mental-health care. To discourage employers from offering such an insurance policy, the administration proposes that health insurance policies be taxed. It is not enough for Mr. Reagan that many Americans must now agonize over how they can afford the mental health care they or their loved ones need, now even those few lucky enough to have mental health care insurance coverage will be penalized.

An estimated 15 percent of the population is predicted to eventually suffer from severe mental illness. This can mean one or more of several serious conditons. Recent figures by the National Institute of Mental Health reveals that of all those who received mental health care, 3.1 percent were mentally retarded; 5.4 percent had organic brain syndrome; 22.5 percent suffered from schizophrenia; 15 percent from depressive disorders; 8.8 percent from alcoholism; 2.9 percent from drug disorders; 1.5 percent from other psychoses; 32.4 percent listed as "all others" including personality disorders and various neuroses; and a perplexing 8 percent classified as undiagnosed.

Even more disturbing are statistics which reveal that our Nation's mental health care facilities are being refilled by our young people. Approximately 42 percent of all new patients in our mental hospitals are between 18 and 34 according to the National Mental Health Institute. One sociologist, Dr. Leona Bachrach, of the University of Maryland, said this new development is troubling not only because the number of mentally ill seems to be growing, but also because their cases are more difficult to treat.

Since mental illness is a serious problem, and because the vast majority of the population in this country are from the middle and lower income categories and the cost of mental health care remains prohibitive to them, there exists a need to provide funds for national mental health insurance.

The proposed program would be funded through a mental health tax with the funding mechanism similar to those under some of the pending national health insurance program bills. The program I am recommending could be supplemental to any health insurance plan or could be implemented as a separate program. The major services provided for under this bill would include psychiatric hospital care, psychotherapy, prescribed drugs, community health center services, and home therapy. Innovative services provided would include halfway house

care, day mental hospital care, and night mental hospital care.

I encourage my colleagues to take the time and remember the people they represent and consider their needs for responsible and affordable mental health care.●

U.S. JAYCEE WOMEN WEEK

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MOLLOHAN. Mr. Speaker, next week Americans will have an opportunity to honor a special group of women. Next week, Mr. Speaker, is U.S. Jaycee Women Week.

I am particularly proud of the Wheeling, W. Va., Jaycee women who help make the public more aware of many public service organizations. Included in the long list of the foundations they help are: the Arthritis Foundation, March of Dimes, the Muscular Dystrophy Association, and the Cystic Fibrosis Foundation.

It is with great pleasure that I commend these women and the following proclamation to you.

PROCLAMATION

Whereas, the United States Jaycee Women is an organization of over 55,000 young women in 50 states serving over 3,000 communities across the country; and

Whereas, the United States Jaycee Women and the Wheeling, West Virginia, Jaycee Women are dedicated to actively promoting such public awareness and service programs as St. Jude Children's Research Hospital, Cystic Fibrosis, Rocky Mountain Multiple Sclerosis Center for Neurological Diseases, March of Dimes, Muscular Dystrophy, Arthritis Foundation;

Whereas, the United States Jaycee Women and the Ohio Valley Jaycee Women provide individual development and leadership training to young women of America; and

Whereas, Jaycee Women believe that "Service to Humanity is the Best Work of Life".

Therefore, the United States Jaycee Women and the West Virginia Jaycee Women have set aside the week of February 12-18, 1984, to recognize the many community activities of dedicated Jaycee Women in Wheeling, West Virginia, and through the country.●

PERSONAL EXPLANATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MARKEY. Mr. Speaker, I regret that I was unavoidably absent from today's debate on S. 1340. Had I been present, I would have to adopt the conference report.

I was also absent from debate on H.R. 2899, EPA research and development authorization. Had I been present, I would have voted for the rule and for final passage of this bill.

The bill is important in that it provides for much-needed research on the critical problem of hazardous wastes. As a sponsor of legislation which will give victims compensation for exposure to hazardous wastes, and as a member of the Energy and Commerce Committee, which has struggled with the issue of hazardous wastes, I fully appreciate the need for more research in this area. I applaud the efforts of Chairman FUQUA in his efforts to pass this much-needed legislation.●

JOSEPH BOYCE McCORMICK, "THE QUIET DIPLOMAT"

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. FAUNTROY. Mr. Speaker, it is my pleasure to present the following in tribute to Mr. Joseph Boyce McCormick.

He has served Sadat of Egypt and Begin of Israel; Ghandi of India and Thatcher of England; Presidents Ford and Carter; Republican and Democrats—party affiliation has never mattered. Indeed, he has served persons from every State in the United States and practically every nation in the world. Interestingly enough, he has never served the leaders of Russia.

Few can claim that they have provided energy, inspiration, and nourishment to as many powerful world leaders as well as just ordinary people, as this man.

Joseph Boyce McCormick, affectionately known to most of us as "Mr. McCormick" or "Joe," is the catering manager in the Rayburn House Office Building. He began as a waiter in Rayburn in 1965, became assistant catering manager in 1970 and was named manager in 1972.

Born in Asheville, N.C., on January 28, 1924, Joe's interest in food service was encouraged early due to the bake shop his family operated in Asheville and the pastry chef position his Aunt held at various local hotels there.

Before settling in Washington, D.C. in 1941, Joe worked a variety of jobs in Cleveland and Buffalo. Following a tour of duty in the Army from 1942 to 1946 and an honorable discharge, Joe began cooking at the Carlton Hotel in 1947. Like many establishments at that time, the labor force at the Carlton had no blacks and Joe's union, Local 209, sent him in to break the ice because he always did a good job. Prior to joining the staff at Rayburn, Joe worked at various local hotels, including the old Annapolis Hotel as well as the Indian Springs Country Club.

Joe's management philosophy and style, dedicated to excellence and striving fo the finer points, requires that he work 14 to 16-hour days. As one proud McCormick employee put it, "He often burns the midnight oil."

Despite his long hours, Joe always finds time to send flowers and visit those in his employ who fall ill. He is a family man, has raised two children, and attends church regularly.

Having read this statement you may ask, "Is Joe leaving?" The answer is a resounding "No." It seemed to some of us important during this celebration of Black History Week, that recognition be given to a man whose life's work has touched so many in a positive way. After having worked for several House Administration chairmen and three Speakers, Joe is looking to the future of service to many more.●

WILLIAM ANDRES—MINNESOTA EXECUTIVE OF THE YEAR

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. VENTO. Mr. Speaker, during the past 3 years, national attention has properly focused on the failures in our economy—the plant closings, the bankruptcies and the record unemployment levels. This era has been a national tragedy.

Yet even during this time of economic gloom, the Dayton-Hudson Co. of Minnesota has continued to grow. The success story is due in large part to William Andres, the chairman of the board of the Dayton-Hudson Corp.

When Andres became C.E.O. in 1976, Dayton-Hudson was a $2 billion diversified retailer with 386 stores in 38 States. Today it is a $6 billion corporaton with 1,083 stores in 47 States, plus Puerto Rico and Washington, D.C.

A key to the success of the Dayton-Hudson Corp. has been anticipating and responding to changes in consumer habits within a solid framework of consumer services. It was Dayton's who recognized the development of the suburbs and built Southdale, the world's first fully enclosed, two-level shopping center. Another hallmark of Dayton's consumer services is the unlimited return policy. This policy builds consumer loyalty and demands a commitment by the retailer and manufacturer to quality.

As Andres states, the Dayton approach is "not with giant leaps forward of looking into the future, but in making sure that the business is changing day to day the way the customer is changing." To be successful, this policy requires wide participatory management. Suggestions and inputs are encouraged from the boardroom executive to the retail clerk. This participatory management enhances

morale and offers unique insights into consumer trends.

The Dayton-Hudson Corp. is an integral part of Minnesota's community. Apart from their commercial activities, the Corporation maintains an active role in our community's social, economic and civic functions. The Corporation views its civic responsibilities most seriously and has committed 5 percent of its pretax profit to charitable and cultural organizations in the community.

Solid economic growth, adapting to changing consumer trends, quality goods, a commitment to consumer services and a strong sense of civic responsibility are the hallmarks of the Dayton-Hudson Corp. William Andres has continued in this tradition. He has been recognized as the C.E.O. of the Year for retailing by Financial World magazine three times. Dayton-Hudson Corp. was chosen as the best-managed retail company by the Survey of Wall Street Research. The Corporation, in 1982, was awarded the Columbia University first Lawrence A. Wien Prize in Corporate Social Responsibility.

Mr. Speaker, the Dayton-Hudson Corp. is an example for other U.S. companies currently facing difficulties. As Mr. Andres himself has noted:

Could it not be that some of the problems currently besetting some of this country's major industries (industries now suffering decline)—could it not be that some of these problems might have been lessened, had their managements been more involved in their communities, more sensitive to changes in society and more responsive to those changes?

Could some of the unsuccessful efforts to manage change be traced to lack of attention to broader issues, a lack of involvement in addressing the needs of society as a whole, rather than just the business?

Might not many of the changes have been more apparent to management, and management better able to respond, had there been more corporate involvement? More volunteerism, more philanthropy, more strategic planning with an eye toward the changing consumer, and more targeting of corporate resources into solving problems that affect the total society, and thus business?●

TAX SIMPLIFICATION AND THE FLAT TAX

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DORGAN. Mr. Speaker, many people have asked me what I think of various proposals to shelve our present income tax system and start over with something that makes more sense. My answer—after having worked with the tax system for many years, first as a State tax commissioner and now as a legislator—is, "You Bet." We must go to a simplified tax system with a minimum of deductions and exclusions and gimmicks and with much lower rates.

What was once a simple civic duty—paying taxes—has turned into an annual nightmare for millions of citizens. The present tax system simply does not work well anymore. It is unfair. And it is staggering in its complexity.

Among the various tax reform proposals on the legislative menu, the flat tax has received perhaps the most public attention. It is an intriguing idea. In its purest form, it would eliminate all deductions and credits and apply a single rate to every taxpayer, regardless of income.

The popularity of the flat-tax idea reflects, in part, I believe, the frustration of many working people with the complexity of the present tax system and with the fact that a lot of large corporations and rich folks are not paying their fair share. Unfortunately, the so-called flat tax would not solve the fairness issue. The columnist Jane Bryant Quinn, among others, has shown that a pure flat tax would shift even more and more taxes from the wealthy to middle- and lower-income families. Mr. Speaker, I am including an article by Jane Bryant Quinn, "Under Flat Tax Plan, the Rich Would Make Out Like Bandits," which shows how a flat tax would affect most working men and women.

But, I agree, we do need a tax system that everyone can understand and one that treats citizens with equal incomes similarly. The idea behind a simple flat tax can serve as a useful guide to simplify the Tax Code. This approach can be modified by developing several rates that would prevent a major shift of more tax burden to the middle-income taxpayer.

I support the simplification of the Tax Code, and I believe that we can strip away most of the complexities, attach a three- or four-rate schedule and finally have a tax system that is fair, and one that the American people can understand.

The article follows:

UNDER FLAT TAX PLAN, THE RICH WOULD MAKE OUT LIKE BANDITS

(By Jane Bryant Quinn)

NEW YORK.—The U.S. income tax code is in such a shambles that both voters and congressmen are thinking seriously about throwing it out and starting over. Last week, Sen. Robert Dole (R-Kan.) held three days of hearings on ways to simplify the system and loosen the ties that bind the average taxpayer to his accountant or tax preparer.

The so-called flat tax has most caught the popular imagination. Under a flat tax everyone would pay exactly the same percentage amount on income. Instead of taxing people at higher rates as their income rises—as is the case today—everyone would pay, say, a flat 20 percent. Doesn't that sound fair?

No, not to me it doesn't. The flat tax is clean, simple and monstrously unfair. It would cut taxes sharply for the rich while raising them for taxpayers in the middle and lower brackets.

Many people who like the sound of the flat tax have a wrong notion of how the present tax system really works. They think that the rich get away with murder. That they slip through loopholes and pay no taxes. A flat tax is suppose to force them to pay their fair share.

A tiny minority of the rich do indeed get away with murder. "But most of them pay an awful lot of tax," says Tom Field of Tax Analysts.

Last year, for example, President and Mrs. Reagan reported a gross income of $412,730 and paid $165,291 in taxes. The tax bite: 40 percent of their total income.

A well-to-do couple with two children and a $63,605 income paid $15,696—nearly 25 percent of their gross income.

By contrast a couple with two children, earning $22,105, paid only 12 percent of their income in federal taxes. A single woman earning $11,830 paid less than 10 percent.

These figures are from a sampling of tax returns provided by H & R Block, and they all tell the same story: Under our present tax system the rich pay more—not only in dollars but in percentage amount.

Official IRS figures also tell the story: In 1980, people making $50,000 and more accounted for only 16 percent of all taxpayers but paid 31 percent of all the personal taxes collected. It is simply not true that the rich get away scot-free.

Under a flat tax, however, the rich would make out like bandits.

Say, for example, that Congress simplified the present tax system by throwing out all the deductions and tax credits and applying a flat tax to the remainder. In that case, it would take a flat tax of 20 percent to raise the same amount of revenue that the government gets from the present tax system, according to an estimate by Joseph Pechman of the Brookings Institution.

A 20 percent flat tax would raise taxes sharply for the lower earners in the tax examples given above, according to calculations by H & R Block. The $11,830 earner would pay 97 percent more in taxes—a devastating increased given her low income. The $22,105 family would pay 39 percent more.

Now look what happens to the two higher-earning families in our example. Under a 20 percent flat tax, the $63,605 couple get a tax reduction of 24 percent, worth $3,775 in hard cash. President and Mrs. Reagan would get a tax cut of 50 percent, for an enormous saving of $83,353.

Various levels for a flat tax have been proposed. But by any calculation, they shift a good part of the national tax burden away from the rich and onto the shoulders of the middle class. That's why supply-side economists like the flat tax so much. They believe that cutting taxes for the rich will encourage much more saving and investing, which in turn is supposed to make the country grow.

Assuming that Congress can resist the surface simplicity and hidden unfairness of the flat tax, there are two other tax-reform ideas that do merit attention. They're often included with flat-tax schemes but would work just as well in a system where the rich are required to pay more.

One good idea is to get rid of most of the deductions and tax credits littering the tax code. Deductions and credits are what make everything so complicated. It takes four pages of fine print in the IRS tax guide, just to explain the adjustment for moving expenses.

The other good idea is to tax all sources of income alike. Money received from capital

gains, veterans' benefts or Social Security should be treated exactly the same as wage income—so that people receiving the same amount of money would pay the same amount of tax. That's fair. And because people with tax-favored income would no longer get away scot-free, tax rates could come down for everyone.●

TRIBUTE TO DR. ROBERT J. LEFKOWITZ

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. BIAGGI. Mr. Speaker, as both a lifelong resident of the Bronx and one who has been fortunate enough to represent it in the House of Representatives for the past 15 years, I always look forward to the opportunity to pay tribute to past or present Bronxites who achieve distinction.

Last November, Dr. Robert J. Lefkowitz, a native of the Bronx, who attended the Bronx High School of Science, was awarded the $100,000 Lita Annenberg Hazen Award for Excellence in Clinical Research at the Mount Sinai School of Medicine. This prestigious award was established to support biomedical researchers whose work promises future significance.

At this point in the RECORD, I wish to insert two articles focusing on the award, one from the New York Daily News of November 13, 1983, the other from the New York Times of November 11.

[From the Daily News, Nov. 13, 1983]

PRESTIGIOUS AWARD FOR BRONX NATIVE

Dr. Robert J. Lefkowitz, whose work has played a major role in developing and shaping the field of drug and hormone receptor research, has been named the 1983 recipient of the $100,000 Lita Annenberg Hazen Award for Excellence in Clinical Research.

The award, named for a philanthropist and founding sponsor of the Mount Sinai School of Medicine, was established to encourage young physicians and to support researchers whose work promises future significance.

Lefkowitz, who was born in the Bronx and attended the Bronx High School of Science, is an investigator at the Howard Hughes Medical Institute and James R. Duke professor of medicine at Duke University Medical Center. He developed the first techniques for studying several of the most important types of recepters which are molecular sites on cells that bind chemicals such as drugs, hormones, and neurotransmitters, and control their entry into the cell.

His techniques have made it possible to uncover the basic mechanisms that often cause the development of resistance to drug action in patients. This knowledge has radically changed the ways in which new drugs are designed and tested, and it altered scientists' views of how receptors interact with the body's chemicals.

Receptors are crucially involved in regulating almost all biological responses from muscle contractions to mental processes. Their existence could not be proven until about 15 years ago. Today the study of receptors is one of the most important fields of biomedical research.

Lefkowitz, 43, and his colleagues have developed methods that allow investigators to count the number of receptors in tissues to purify them and to determine their molecular structure.

Such work has also improved drug design and testing methods, increasing the speed and accuracy with which scientists can discover the action and side effects of newly formed drugs.

Lefkowitz has published more than 250 papers and co-authored three text books. His research career began in 1968.

[From the New York Times, Nov. 11, 1983]

THE HAZEN AWARD: ENHANCING MEDICAL RESEARCH

In 1968, when Dr. Robert J. Lefkowitz was a young researcher at the National Institutes of Health, he confronted a biomedical problem that had baffled scientists for more than 70 years. How do the molecules of drugs and hormones activate cells in the body, and where in the cells do they make their approach?

At that time, scientists suspected that cell-surface molecules called receptors were the key to answering both questions, but no one had been able to describe their action or even to prove their existence. Dr. Lefkowitz reasoned that if receptors were responsible for initiating cell activity, he could study them by attaching a radioactive label to drugs and hormones and tracking them as they bound to receptors.

The technique worked. With the label in place, he was able to follow the molecules through the bloodstream, each to its own specific type of receptor. It became possible to study this first link in the biological chain of events that leads to all drug and hormone action.

Thanks to the foundation laid down by Dr. Lefkowtiz and his colleagues, the identify and functions of other links in this chain are now becoming clear. In recognition of the importance of this work, Dr. Lefkowitz, who is an investigator at the Howard Hughes Medical Institute and James B. Duke professor of medicine at Duke University Medical Center, received the 1983 Lita Annenberg Hazen Award on November 9.

No such advance in biomedical research is a solitary performance. Insight leads to discovery gradually, by a process of interaction with others. A researcher may see the possibility of a solution while serving an apprenticeship; the solution may come years later in collaboration with his own apprentices. Once a discovery is made, it is used and transformed by others. Thus the whole order of existing medical thought is, measure by measure, altered.

The Lita Annenberg Hazen Award for Excellence in Clinical Research is a significant program of private philanthropy aimed at enhancing this synergistic process. The award has special importance at a time when the government is diminishing its support for research—a move that is already reducing the number of young physicians who can afford to choose a research career.

Established in 1979 by Mrs. Hazen, the award is unique among medical research prizes: half of the $100,000 award goes to an outstanding researcher and educator; the other half is used to support the work of a young research associate chosen by the award winner. By enabling young investigators to complete their apprenticeship, as well as supporting established scientists, the award seeks to catalyze the process of intraction that leads to new knowledge.

Already, major changes in the ways drugs are designed and tested have grown out of Dr. Lefkowitz' work. His discovery had suggested why the effectivenss of many drugs tends to wane after repeated doses. There is increasing evidence that this process of drug tolerance is receptor-related. If so, researchers may at last have a tool they can use to circumvent a serious pharmaceutical problem. Dr. Lefkowitz' work has also been used and extended in numerous other areas of medicine, ranging from diabetes to hypertension.

We thank Mrs. Hazen for her wisdom and her commitment to medical research in creating this award. We congratulate Dr. Robert J. Lefkowitz for his leadership, research genius and devotion to teaching, and we look forward with excitement to the new discoveries that will come from the work that Mrs. Hazen's award is now making possible.●

FEDERAL SPENDING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. EDWARDS of California. Mr. Speaker, last week we received a copy of Secretary of Defense Weinberger's annual report to Congress, outlining President Reagan's military budget request for fiscal year 1985. In addition, we are being faced with a Federal deficit for 1984 which will reach $190 billion, or more.

In an effort to get Federal spending under control, we are once again being told that some programs will have to be cut, since we do not intend to raise taxes. This then must be the year for some of the sacred cows of the Defense Department to go.

I found this article in the San Jose Mercury News, February 6, 1984, an excellent review of the various ways to cut some of the unnecessary programs from the Defense Department's budget. During this time when all of us are trying to find ways to lower the Federal deficit, I thought you might find this article extremely useful.

[From the San Jose Mercury News, Feb. 6, 1984]

INDEPENDENCE DEFENSE BUDGET

If Congress really wants to cut federal spending, it can start with some gold-plated weapons systems that grossly inflate the fiscal year 1985 defense budget—while adding little or nothing to our national security.

Take the B-1B long-range bomber. Its military mission is questionable, at best. Many critics contend that such manned bombers already are obsolete, others point out that the B-1B won't be ready much before the Stealth, which virtually everyone agrees is a vastly superior bomber.

Whatever happens this year, the nation is already stuck with at least 50 B-1Bs, because of decisions from past years. But this year the big bucks really start flowing into the pipeline. The fiscal year 1985 budget

alone asks for $8.2 billion for the B-1B program.

It ought to be cut, but it probably won't be—because the B-1B is the perfect example of a weapon with a marginal military justification, but a mammoth political constituency.

"It's a turkey, but it's an elephant of a turkey," says Gordon Adams, director of the defense budget project at the Center for Budget and Policy Priorities, a Washington think tank.

"It has over 3,000 contractors in 48 states. All but a handful of congressional districts have some little piece of the B-1 bomber."

But other questionable weapons systems haven't yet gathered the B-1B's political protection. And if they're going to be cut, this is the crucial year, when they go into what budget-watchers call a "first-boost" phase of spending.

It isn't a matter of saving money at the expense of national security; even if money were no object, the armed services would be better off without much of the hardware called for in President Reagan's five-year, $1.7 trillion military buildup.

Some of these weapons should be cut because they just don't work—or work less well than alternatives that, in some cases, are also cheaper.

In past editorials, we have explained why we believe the F-15 jet fighter, for example, is less effective than the cheaper F-16; why we think the Bradley Infantry Fighting Vehicle is a worse buy than the upgraded M-113 armored personnel carrier; and why the M-1 battle tank should be scrapped in favor of the much cheaper M-60 tank.

If Congress cuts the fiscal year 1985 requests for just these three weapons, it can save $4.7 billion, over several years.

Other weapons should be cut because they hurt, not enhance, our national security. Nerve gas is simply a bad weapon: By using it we almost certainly would kill civilians and our own troops; just by stockpiling nerve gas, we make more difficult the negotiation of international agreements banning chemical weapons.

Last year Congress refused to grant $150 million for new nerve gas production. The same request is back, in this budget. It should be deleted again.

The MX missile makes no one more secure. As a highly accurate, fixed-site land-based missile, the "Peacekeeper," as Reagan named it, is in fact a dinosaur among nuclear arms.

It would be easy to destroy, in a Soviet first strike. And it is destabilizing because the Soviets conclude, not illogically, that its only conceivable use would be as a first-strike weapon against them.

Many congressional moderates nevertheless voted production money for the MX, last year, because the president said it would help him pressure the Soviets into new agreements limiting nuclear weapons.

But even as a bargaining chip, the MX failed to have the intended effect. Not only were no arms control treaties reached, the negotiations on nuclear arms have broken down completely.

Reagan wants 100 MX missiles. Last year Congress voted money for 21; now the president is asking $5 billion for 40 more. There is hope that Congress will find the backbone to say no; last November, the House failed to kill MX production money by only 9 votes.

Failure to delete or at least cut back such big-ticket weapons systems is irresponsible in two ways.

First, since everyone agrees some cuts must be made, approval of ultra-expensive weapons like the B-1B or MX simply shifts the cuts somewhere else. Almost inevitably, the politically safe but militarily harmful reductions come out of the budget for maintenance, fuel and spare parts—the unglamorous, routine but crucial things that enable an army or navy or air force to function.

The irony is that by giving our forces bigger, more expensive weapons systems, we can in some cases actually make them less able to fight.

In a second sense, an obsessive over-production of nuclear weapons on the scale envisioned in the 1985 military budget endangers not only our national security, but the very fate of the earth, in the wholesale preparation to fight and win a nuclear war.

Every administration since Eisenhower's has understood that security, in a nuclear-armed world, is a delicate balance between armament and arms control. But the Reagan administration has relied almost exclusively on weaponry, going as far, at the armaments end of the spectrum, as unilateral disarmers would like to go at the other extreme.

Real national security demands that the balance shift back to the center. And the defense budget, as awkward as it is, provides the pragmatic handle for making that happen.●

ESTONIAN INDEPENDENCE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, on February 24, Estonians throughout the world will commemorate the 66th anniversary of Estonian independence. On that day in 1918, the courageous Estonian people proclaimed their nation an independent republic and asserted their right to self-determination. After repulsing both the German army and the Soviet Red army, the Estonians finally concluded a peace treaty with the Soviets in February of 1920.

For the first time in six centuries the Estonians were free from foreign subjugation. In the decades that followed the declaration of Estonia's independence, the Estonian people demonstrated their unshakable commitment to the ideals of liberty and justice. They adopted a constitution which embraced democratic principles and protected the rights of all citizens of Estonia, including minorities. Estonian culture thrived, complete with its flourishing folk culture, rich musical heritage and colorful language. Estonia also made great strides in both the agricultural and industrial sectors of the economy. For two decades Estonia proved itself as an optimistic, productive country.

Estonia's bright future was marred in 1939, when Stalin and Hitler made a secret pact to carve up Eastern Europe. The young republic of Estonia soon became a victim of Soviet greed; in August of 1940, in blatant violation of the 1920 peace treaty, Estonia was declared a republic of the Soviet Union.

The Soviet Union has methodically proceeded to strip Estonians of their national identity, culture, and language. The Soviets have conducted a policy of Russification, and today over 45 percent of Estonian residents are non-Estonian in origin. the economic exploitation and cultural suppression of the Estonian people by the Soviet Union constitutes a basic violation of human rights.

On February 7, 1984, Congress passed a resolution reiterating the right of the Baltic States to self-determination. The United States has never recognized the unlawful Soviet occupation of Estonia and its neighbors and has continued to maintain diplomatic relations with representatives of the independent republics of Estonia, Latvia, and Lithuania.

Estonians throughout the world continue to struggle for a new Estonian independence. I earnestly hope that Estonia may soon choose its own form of government, its own economic, political and social system without the intervention of the Soviet Union. I join with all Estonians in the celebration of Estonian independence day.●

TRIBUTE TO ANTHONY "DAP" D'APOLITO

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, service to one's community is perhaps the greatest gift an individual can give to his fellowman. One individual who has given of himself with extraordinary generosity is Anthony "Dap" D'Apolito. On February 17, 1984, the Italian American War Veterans of Youngstown, Ohio, will hold a testimonial dinner to honor this man who, I believe, is one of the outstanding citizens in the 17th District of Ohio.

"Dap" began his career with the Youngstown Police Department in November 1967. While with the force, he served in many capacities, among them the blue division, traffic division, vice squad, crime laboratory, special operations units, auto theft, and bomb disposal unit. He expanded his expertise by attending the FBI National Academy and training schools as well as several bomb technician schools held throughout the country.

Before resigning in April 1980, Mr. D'Apolito had attained the rank of sergeant—a position that was duly earned in light of his many actions of courage and dedication in the line of

duty. A shining example of his outstanding service took place on January 10, 1973. While on duty with the bomb disposal unit, he was notified that a device, thought to be a bomb, was found in an Ohio Bell Telephone Co. manhole. D'Apolito went to the scene, entered the manhole to determine if a device was present and found five sticks of high-grade dynamite with blasting caps and wiring running to an unknown source. His partner, Patrolman Frank Demain, who was off duty, arrived on the scene and both officers, using a penknife and a few home made tools, examined the device and then rendered it harmless.

Mr. D'Apolito also has served his community as chairman for the area Fraternal Order of Police Lodges in their Easter Seal telethon. He is a charter member of ITAM Post No. 2, and a member of the Sons of Italy Lodge No. 858, the FBI Academy Association, the International Association of Bomb Technicians, and St. Jude Roman Catholic Church in Columbiana.

I join with the Italian American War Veterans in honoring Anthony "Dap" D'Apolito for the time, effort, and devotion that he has given to his community. We are all the better for knowing him. Tony, I salute you.●

ZABLOCKI MEMORIAL OUTPATIENT FACILITY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. FASCELL. Mr. Speaker, it is an honor and a pleasure to introduce today legislation authorizing funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

Clem Zablocki was responsbile for the construction of the American Children's Hospital in 1964. Today it is without doubt the finest hospital in Poland. Nonetheless, both hospital authorities and American private voluntary organizations have identified an urgent need to improve the hospital's medical equipment and expand its excellent services to the Polish people with a new outpatient facility.

The legislation I am introducing accomplishes this purpose. It also furthers the late Chairman Zablocki's efforts to foster good will and humanitarian assistance between the American and Polish peoples.

Specifically, the legislation does two things. First, it authorizes the construction of this new outpatient facility, to be named after Chairman Zablocki. The cost of that construction will be paid for from excess Polish currencies held by the U.S. Government.

Second, the legislation authorizes the appropriation of $10 million which will be used in three different ways. One, to equip and furnish the new Zablocki outpatient facility. Two, to replace and improve medical equipment in the existing hospital, much of it almost 20 years old. Three, to provide medical supplies to various Polish hospitals and to the Polish people through American private voluntary agencies.

Mr. Speaker, one abiding determination of Clem Zablocki was to relieve the plight of everyday Poles. This legislation does that. As a living testimony to Chairman Zablocki, it strengthens the successful humanitarian efforts of the U.S. Government. In that sense it will enrich the already close bonds of friendship between the American and Polish peoples.

The legislation I am introducing has wide bipartisan support and has been favorably received by both the executive branch and the Polish Government. I urge my colleagues to support and cosponsor this legislation.●

H.R. 555

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. KOLTER. Mr. Speaker, seldom does the House of Representatives have the opportunity to impact on utility rates by a single vote. Yesterday's vote for H.R. 555 was a vote for fairness.

If we had permitted automatic inclusion of construction work in progress to continue, senior citizens, the unemployed, industrial, and other consumers would incur these costs when construction of powerplants is deferred or canceled. During the last 10 years, over 100 powerplants have been canceled after more than $10 billion has been spent on them. In the case of these particular plants, consumers would have been forced to contribute funds to poweplants that would have never served them. This problem is heightened when we consider the mobility of our society. Finally, acknowledging the lengthy period of time required to construct powerplants, senior citizens are often burdened with investing in powerplants that might never serve them.

This measure is also fair to utilities demonstrating a genuine need to pass construction work in progress costs on to consumers. From time to time, construction of new generating capacity places severe financial constraints on utilities. Those companies in need of assistance under proven financial hardship deserve the opportunity to legitimately request relief.

According to the Energy and Commerce Committee report accompanying this bill, the electric utility industry has enjoyed several financially robust years. Salomon Bros. determined that the average rate of return for the utility industry exceeded that of the Standard & Poor's 400 industries by more than 1 point for the 12 months ending in September 1982.

Electric utilities outperformed banks and bank holding companies, aerospace, trucking, chemicals, railroads, paper and forest products, real estate, steel and airlines during that same 1 year period.

It would not be fair to allow electric utilities a windfall, but it would not be just to eliminate an avenue of relief. H.R. 555 meets that challenge.●

FAIR TRADE STEEL ACT

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. EDGAR. Mr. Speaker, today I have decided to add my name as a cosponsor of H.R. 4352, the Fair Trade Steel Act. The bill is an effort to deal with the accelerating rate of import penetration of the domestic steel market. Imports now dominate more than 20 percent of the American market. Diminishing U.S. steel production has devastated the older industrial States, such as Pennsylvania, and threatens to seriously damage the industrial base of our Nation's economy. It is may view that there can be no long-term prosperity and stability for our Nation if our basic industries are simply allowed to decline and erode. Something has to be done.

Wisely in my view, H.R. 4352 sets a temporary limit of steel imports at 15 percent of the American market. The import limitation would last for only 5 years, and steel industry profits gained in those 5 years would be required to be invested in modernization of the steel industry. In short the goal of the legislation is to aid the American steel industry in gaining a more competitive position in the international economy.

Quotas alone will not solve the root problems which now afflict our basic industries. The cooperation of labor and management to increase productivity is needed. Available capital must be directed toward long-term investments in modern, competitive American production. Most important, the Federal Government must institute a more thoughtful and aggressive trade policy, through negotiations with our trading partners, which recognizes economic as well as political realities. For too long we have sacrificed our competitive advantages to diplomatic expediency. While this might have been a wise and farsighted policy in 1949, it is simply no longer possible to ignore the fact that our economic

dominance is slipping away. It seems to me only reasonable that the position of the United States as a political and military superpower cannot be maintained on the foundation of fundamentally weakened economy.

The Fair Trade Steel Act must be recognized as only a piece of a larger trade and industrial strategy which must unfold over the next few years. Other pieces of the strategy ought to include: Lowering of interest rates through a more rational fiscal policy; lowering the exchange rate of the dollar, again through sensible budget policies and lowered interest rates; agressive export policies designed to open up world markets to American products; maintaining a lead in technology development; and applying technology advances to our basic industries.

All of these items suggest the larger goals toward which our trade and industrial policy ought to be directed. I believe these goals can be advanced in the immediate term by promoting and calling attention to measures such as the Fair Trade Steel Act.●

INDIAN SURFACE MINING ACT OF 1984

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. UDALL. Mr. Speaker, when the Surface Mining Control and Reclamation Act (SMCRA) was enacted in 1977 left open was the question of how coal mining on Indian lands was to be regulated. Section 710 of the act directed the Secretary of the Interior to conduct a study of the issue. The study was to be done in consultation with Indian tribes and was to include proposed legislation designed to allow Indian tribes to elect to assume regulatory authority over surface mining of coal on Indian lands.

Athough section 710 called for completion of the study by January 1, 1978, no study has been forwarded to the Congress. I am informed that the Department of Interior will transmit the long awaited study presently.

In these circumstances tribes face the double disadvantage of not being able to assume full regulatory responsibility for coal mining on their lands and being denied access to money accumulating in the abandoned mines reclamation fund-money to which the tribes are entitled. The Council of Energy Resource Tribes (CERT) estimates this adds up to about $45 million.

Given the inaction by the Federal Government, the steering committee of the Coal Producing and Coal-Owning Indian Tribes of the Council of Energy Resource Tribes (CERT), has drafted a bill and requested its introduction. Today I am introducing this bill by request of Peterson Zah, chairman of the Navajo Tribal Council and the CERT steering committee. I do not necessarily endorse the measure but believe it needs to be placed on the table for consideration. Some of the provisions in the bill, particularly those relating to jurisdiction and alluvial valley floors, are certain to be the subject of much discussion and debate.

Mr. Speaker, it is time to move ahead to try to find some answers to the questions surrounding the Indian lands surface mining regulatory program. I am, therefore, scheduling a meeting of the Subcommittee on Energy and the Environment of the Interior Committee on March 19 to conduct an oversight hearing on the Indian lands program. The bill I am introducing today will serve as a useful vehicle to focus the debate.●

TRIBUTE TO THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. ORTIZ. Mr. Speaker, it is my honor and privilege to rise today and speak in tribute to the 55th anniversary of one of this country's most important and effective champions of social justice—the League of United Latin American Citizens.

As the oldest and largest Hispanic organization in the United States, LULAC has for generations been in the forefront of efforts to win equal rights and equal opportunity for the 15 million Hispanic Americans it represents. LULAC represents a cultural heritage of this Nation long in tenure and rich in sprit. Hispanic Americans have been a vital part of the American experience since a century before the landing at Plymouth Rock; we have contributed much as a people—as other cultures in this country have—toward the creation of a society whose inner strength is founded on diversity.

The achievements, however, did not come easy. The road to equal rights and equal opportunity was often barricaded with ignorance and injustice. For more than half a century LULAC diligently led the battle to lift the obstructions of injustice. They have been a leader in the effort to eradicate segregated schools and eliminate restrictions against Hispanics owning property. Recently, LULAC has led the fight to insure that Hispanics are positively portrayed in the media and are adequately represented in the media's industry work force.

LULAC has not limited its concern for basic human rights to the boundaries of this country, but has also taken an active interest in the plight of Hispanics no matter which country they are from. The league has been, and continues to be, concerned with the rights of Hispanics in Latin America. It has spoken out against military intervention in the region and strongly for a policy that recognizes economic aid as the best hope for bringing political and economic stability to our neighbors to the south.

The achievements of this organization is a tribute to the spirit and vitality of the people it represents, and a celebration of the American tradition at its finest. In its struggle for social justice, human dignity, better opportunity in education, and greater access to employment, LULAC symbolizes the two great ideals of this country—compassion and commitment; compassion to help those in need and committment to work untiringly to make the American dream part of the lives of all Hispanic Americans.

As the 1980's bring new challenges to our society, it is comforting to know that the League of United Latin American Citizens will continue to remove the barricades of social injustice on the path our Nation takes to liberty and justice for all with the same compassion and commitment it showed in its first 55 years.●

LIFELINE SERVICES TELEPHONE ACT OF 1984

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LELAND. Mr. Speaker, we are in the midst of a dramatic change in the telecommunications industry, and the way the industry responds to the needs of the marketplace. These changes will in all likelihood significantly impact the cost of telephone service to residential customers.

With these dramatic changes occurring in the telecommunications marketplace, it is the responsibility of Congress to insure that this Nation's historic commitment to universal telephone service is not abandoned. For that reason, I am today introducing legislation requiring State public utility commissions to establish special "lifeline" rates for providing local telephone service at a discounted rate for low-income residential customers.

Under this legislation, lifeline telephone service is defined as basic telephone service intended to include a limited number of calls in the local exchange area, with a per call charge for additional calls. The rate for lifeline service can be no more than 50 percent of the average charge of residential service. Lifeline service, however, may not include what is now commonly re-

ferred to as measured or budget service, where telephone charges are based on the number, distance, and duration of time spent on telephone calls. Lifeline service would be available only for a person's principal residence.

In addition, the legislation makes all qualified exchange carriers who provide lifeline telephone service eligible for payments from a lifeline service fund to defray the cost of the service. A qualified exchange carrier would receive compensation from the fund equal to 50 percent of the difference between the rate for lifeline service and the average charge for residential service in the exchange area.

The ability to communicate is, just as food, clothing and shelter are, one of the most essential necessities of life. The telephone keeps us in touch with family and friends across town and across the country, and enables us to become an active participant in the community in which we live. In many cases, particularly for the elderly and disabled, the telephone is truly a lifeline to the outside world. And for most of us, the telephone is the principal communications link to local authorities in case of emergency.

However, upward pressure on local telephone rates threatens to deprive many of the elderly and the poor of basic telephone service, isolating them from friends and their communities. Congress must address this issue to insure that every American will continue to receive affordable telephone service. This legislation will insure that those most in need of assistance, the elderly, the poor, the handicapped and the unemployed, are not forced off the telephone network.

I invite my colleagues to join me as cosponsors of this legislation.●

A CONGRESSIONAL SALUTE TO HON. CLARENCE A. BRIDGERS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. ANDERSON. Mr. Speaker, on March 19 the council and citizens of the city of Carson, Calif., will be recognizing the Honorable Clarence A. Bridgers on his retirement after 16 years of dedicated public service to the city of Carson.

A graduate of North Carolina A&T University, Clarence has been active in Carson and the surrounding area for many years. As the former mayor of the city of Carson, Clarence has continually been involved in numerous efforts to make Carson a better place in which to live and work.

Besides his work as mayor and on the city council, he also served on the city's first planning commission, which he chaired in 1970 and 1971. Also, he has served on the Southwest Area Planning Council, Community Action Agency, South Bay Cities Association, Mosquito Abatement District (chairman), West Basin Water Association, Southern California Association of Governments, California Contract Cities Association, Los Angeles County Sanitation District No. 8, National League of Cities, and U.S. Conference of Mayors.

I guess Clarence will best be remembered by his colleagues for two significant achievements. First, he was at the forefront of efforts to incorporate the city of Carson. This was a tremendous task and Clarence will, I am sure, always look back with pride on this accomplishment.

The other achievement which deserves special praise is his active involvement in the approval for construction of the beautiful new Carson Community Center. His leadership on the city council was instrumental in the construction of this facility.

In short, Mr. Speaker, Clarence Bridgers is a man with many accomplishments. Although I no longer have the honor of representing the city of Carson, I know the people of Carson will miss having Clarence in the public arena.

My wife, Lee, joins me in congratulating Clarence Bridgers on a job well done. We have always deeply respected and admired him and, although we will miss his leadership, we know he is deserving of a hard-earned retirement. We wish him and his wife, Marjorie, and their daughter, Deborah, the best in all their future endeavors.●

KOREA REMEMBERED—THE KOREAN WAR MUSEUM, SEOUL, KOREA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LENT. Mr. Speaker, this past January, I had the opportunity to attend the Pacific Security Conference in Seoul, Korea, sponsored by the Asia-World Institute of Korean Affairs and the Pacific Community Institute. One of the most memorable sights I visited during my trip was the Korean War Museum dedicated as the symbol of the defense of freedom and peace supported by the Korean Government and the U.N. Allies.

The U.N. Korean War Allies Association, Inc. (UNKWAA), initiated in 1958, was formally established in 1963 as a nonpolitical, nonprofit organization. Its aim is to strengthen the friendly ties among the allied nations of the Korean war and to contribute to the preservation of world peace. One of its most notable projects is the establishment of the Korean War Museum in Seoul, Korea.

Under the able leadership of my good friend, Representative Kap-Chong Chi, Member of the National Assembly and chairman, the UNKWAA has restored and maintained a vast collection of artifacts and memorabilia from the Korean war. The Korean War Allies Museum is truly one of the most significant historical sights in Korea's capital city.

The museum attacts thousands of visitors each year. It displays a huge collection of weapons, aircraft, and munitions used in the Korean conflict. Much of the military equipment on display, including a C-124 Globemaster and B-29 Superfortress, were originally manufactured in the United States and played big roles in defending the freedom of the people of South Korea during the war period 1950-53.

Also on display are the uniforms and flags of the 16 U.N. countries whose forces fought to free Korea from the North Korean Communist invaders, including the United States, Canada, Britain, France, Australia, and Turkey. The five nations which sent medical units are recognized alongside the 16-nation combat units.

I believe it is the only museum dedicated to the Korean war 1950-53. As a veteran of that conflict, I was moved by this fitting recognition of a chapter in world history honoring the valiant efforts of the U.N. forces to preserve peace and freedom.

This historical museum is a permanent reminder of the close ties between people of the United States and Korea which were forged during the difficult days of the Korean conflict. I urge American tourists—especially veterans of the Korean conflict—who visit Korea to see the War Memorial Museum in Seoul, located near the Korean National Assembly Building. It is maintained by the UNKWAA to demonstrate the Korean people's appreciation for the sacrifices of those servicemen and women who helped restore peace and freedom to South Korea.●

ON DEATH PENALTY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LIVINGSTON. Mr. Speaker, I want to commend the other body which is currently considering legislation to reinstitute a constitutional death penalty at the Federal level. I hope that bill passes, but regardless of the outcome at least they can say to the American people, "We tried."

It is extremely frustrating that we on this side of the Capitol cannot say the same thing, Mr. Speaker. I know. Over the course of two Congresses, I

have introduced death penalty bills and watched them die of neglect. H.R. 1476, which I introduced on February 15, 1983, has never seen the light of day. H.R. 3541, which I introduced way back in 1981, was similarly ignored. It is all very frustrating, Mr. Speaker.

Louisiana has the death penalty. A strong majority of the 50 States have the death penalty. A stronger majority of the American people favor the death penalty.

At least, Mr. Speaker, you should let this House consider the issue.●

EXPLANATION OF VOTE ON H.R. 555

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. GEKAS. Mr. Speaker, last night the House of Representatives passed H.R. 555, the Construction Work in Progress Policy Act, by a margin of 288 to 113. Unfortunately, I was unable to arrive on the House floor in time to record my vote on this important legislation. If I had, Mr. Speaker, I would have voted in favor of the measure, as evidenced by my earlier vote in the evening to defeat an amendment negating H.R. 555.

Having been a strong supporter of similar legislation in the Senate of Pennsylvania, I was prepared to vote accordingly last night to prevent the inclusion in a utility's rate base a portion of the finance costs incurred from construction work in progress. Again, I am sorry I did not have the opportunity to officially record my support for H.R. 555, and will certainly encourage the further advancement of this legislation in Congress so that it may soon become law.●

FOREIGN OWNERSHIP OF BROADCAST AND COMMON CARRIER LICENSES

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WIRTH. Mr. Speaker, Congressman GORE is introducing legislation today that relates to the question of foreign ownership of broadcast and common carrier licenses. I believe that the issue raised by this bill is a critical one to examine in the overall context of communications policy. This question also relates to the broader matter of foreign acquisition of American business—an issue addressed in part by the House last Congress when it passed uniform margin requirement legislation adopted by the Telecommunications, Consumer Protection, and Finance Subcommittee which I chair.

I wish to commend the gentleman from Tennessee for raising the important question of foreign ownership with respect to the communications area.●

TRIBUTE TO MARIE HEACOCK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. SKELTON. Mr. Speaker, as a Member of Congress, I have the opportunity to meet and become acquainted with many fine and distinguished people. I have become acquainted with the people in Missouri much better, and I also have the pleasure of being associated with many fine people who work on Capitol Hill. One of the great pleasures that I have had is having as a member of my staff a very fine and charming lady, Marie Heacock, who has served as my office manager for several years.

It is with a great sense of loss that I announce today that Marie Heacock is retiring from her duties. Marie has brought her own special brand of sunshine to Capitol Hill for the past 15 years. She started as a volunteer for our late colleague, George Andrews, and then served on his wife Elizabeth's staff when she took over the seat. Next, she worked for Representative Armitage Seldon and then moved to the staff of Congressman Ray Thornton from Arkansas when Congressman Seldon left Congress. After Congressman Thornton left Washington, it was my honor to have Marie join my office staff. Since that time she has not only performed her duties well, but she has made many friends and has been an example of cheerfulness seldom equalled.

She now retires with our good wishes with the knowledge that she has done a truly outstanding job through the years. I take this opportunity to wish Marie and her husband George the very best in the years to come. We will surely miss her, but our lives are brighter because she has passed our way.●

H.R. 4801, RETRAINING THE UNEMPLOYED

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. KOLTER. Mr. Speaker, today, I rise to address a subject which is of paramount importance to the people of my district and to all those workers throughout the country who will never be able to return to their former jobs in industry because this administration has allowed these industries to shrink while foreign imports have captured much of these American industries' former markets. I am addressing the problem of retraining unemployed workers in American industries which the administration has determined are not worthy of assistance from the Government or protection from imports, industries like steel and autos, textiles and leather goods, and all other American manufacturers who have been affected by imports.

There is great concern about deficits. The papers, the networks, and even Members of this House have addressed the issue of the Federal budget deficit, which threatens to drain this economy of much needed capital. Well, there is another deficit, the ever-increasing U.S. trade deficit. This deficit, like the Federal deficit, has reached alarming record proportions under the current administration. The 1983 trade deficit is expected to be around $65 billion, which is almost twice what it was in 1982. Mr. Speaker, $65 billion is the price we are paying to send American jobs oversees, and it is too high a price.

The President is fond of calling workers in industries such as the steel industry, the structurally unemployed. I assume he means that they may not expect to return to their old jobs. But what is being done to retrain these workers who can no longer use their current skills? So far, the administration has cut funding for the Job Training Partnership Act and tried to eliminate the Trade Adjustment Assistance Act, the two major job retraining authorities in the Federal Government. This response is like trying to lighten the load on a sinking ship by throwing the lifeboats overboard.

Today I have introduced H.R. 4801, which would merely continue the trade adjustment assistance authority, but would increase spending authority under the law to a more reasonable level, and would base those spending levels on a percentage of the trade deficit. As the trade deficit increases, so would the funding for job retraining. And if the trade deficit would turn into a trade surplus, then spending authority for this type of job retraining would be eliminated. I believe, Mr. Speaker, that this is the only sensible and humane approach to the issue of job retraining at a time when the balance of trade is continuing to swing against the American worker.

The administration may be able to turn its back on these workers who helped build this country. I, for one, cannot, I urge my colleagues to join me in cosponsoring H.R. 4801.●

TRIBUTE TO EDWIN "ZINK" ZIMMERMAN, SR.

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MRAZEK. Mr. Speaker, it is an honor to join with the community of Glen Cove in saluting Edwin "Zink" Zimmerman, Sr., on his 60 years of service as a volunteer fireman for the Chemical Engine Company No. 1 of Glen Cove Volunteer Fire Department on Long Island, N.Y. It is a privilege to bring the accomplishments of Ed Zimmerman to the attention of my colleagues in the U.S. Congress.

For years, Long Island's volunteer fire departments have played a crucial role in preserving the safety and well-being of our local communities. Since 1924, Ed has proudly performed this vital public safety function with dedication and enthusiasm. His fire attendance average has been the highest in the company for many years. Often, Ed has had to be reminded that he is not the only member of the company available to maintain the fire equipment and clean the company trucks. Clearly, Ed has been an inspiration to all other volunteer firemen who have served with him.

During his career with the Glen Cove Fire Department, Ed has held the offices of recording secretary, financial secretary, second lieutenant, first lieutenant, and captain of Chemical Company. He is presently a member of the fire policy and rescue squads. Ed has also been an active member of many Nassau County fire organizations including the North Shore Fire Council, the Fifth Battalion Executive Committee, and the Glen Cove Fire Department's Benevolent Association.

It is truly extraordinary to recognize that while Ed has been a fireman for 60 years, he has no intention of retiring. It is my sincere hope that he will continue his outstanding services to the Glen Cove community for many more years. Certainly, Ed deserves our gratitude for everything he has accomplished thus far in his career.

Mr. Speaker, I join with the family and friends of Ed Zimmerman in paying tribute to this outstanding citizen.●

THE KOREAN ALLIES WAR MUSEUM, SEOUL, KOREA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LENT. Mr. Speaker, this past January, I had the opportunity to attend the Pacific Security Conference in Seoul, Korea, sponsored by the Asia-World Institute of Korean Affairs and the Pacific Community Institute. One of the most memorable sights I visited during my trip was the Korean War Museum dedicated as the symbol of the defense of freedom and peace supported by the Korean Government and the United Nations Allies.

The United Nations Korean War Allies Association, Inc. (UNKWAA), initiated in 1958, was formally established in 1963 as a non-political, non-profit organization. Its aim is to strengthen the friendly ties among the allied nations of the Korean War and to contribute to the preservation of world peace. One of its most notable projects is the establishment of the Korean War Museum in Seoul, Korea.

Under the able leadership of my good friend, Representative Kap-Chong Chi, Member of the National Assembly and Chairman, the UNKWAA has restored and maintained a vast collection of artifacts and memorabilia from the Korean War. The Korean War Allies Museum is truly one of the most significant historical sights in South Korea.

The museum attracts thousands of visitors each year. It displays a huge collection of weapons, aircraft, and munitions used in the Korean conflicts. Also on display are the uniforms and flags of the 16 United Nations countries whose forces fought to free Korea from the North Korean communist invaders, including the United States, Canada, Britain, France, Australia, and Turkey. The five nations which sent medical units are recognized alongside the 16-nation combat units.

I believe it is the only museum dedicated to the Korean War 1950-53. As a veteran of that conflict, I was moved by this fitting recognition of a chapter in world history honoring the valiant efforts of the United Nations forces to preserve peace and freedom.

I urge American veterans of the Korean conflict who visit Korea to see the War Memorial Museum in Seoul. It is an inspiring reminder of the Korean people's appreciation for the sacrifices of those servicemen and women from many nations who helped restore peace and freedom to South Korea.●

H.R. 4785, TO REAUTHORIZE THE OLDER AMERICANS ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. PETRI. Mr. Speaker, yesterday, I was pleased to join as an original cosponsor of legislation to reauthorize the Older Americans Act. This act has helped our senior citizens and should be reauthorized. Introducing this legislation represents a first step toward reauthorization. Much work is now needed to improve the current law to better serve the needs of older Americans in the most cost-effective manner. As ranking Republican of the House subcommittee having jurisdiction over this act, I look forward to actively working with both the administration and the majority on reauthorization.

Our joint goal must be to preserve the best features of the current Older Americans Act while correcting abuses. In this respect, careful review is needed on a variety of issues, including proposed changes in the departmental status of the Administration on Aging, proposed amendments to title IV, and current concerns about political and advocative activities. I welcome the opportunity to improve the Older Americans Act.●

D-DAY NATIONAL REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LANTOS. Mr. Speaker, Omaha, Juno, Utah, Gold and Sword are more than words—they symbolized on June 6, 1944, the great hope for a quick ending of the Second World War. These were the beaches of Normandy on which the thousands of allied soldiers—Americans, British, French, and Canadian—landed in the largest amphibious invasion in the history of the world.

In honor and commemoration of the 40th anniversary of the Normandy invasion—D-day—I am introducing today a resolution honoring all the brave soldiers—Americans, British, French, and Canadians—who fought and died on the June day in 1944. We in 1984 owe a great debt to those men.

We should not be so glib to believe that the invasion was a simple military exercise. It was far from that. The planning was long and secret. For most of the early part of 1944 everyone expected that the invasion of the European continent by Allied forces was imminent. Yet, it was one of the best kept secrets of the war when the invasion would occur, and most of all, where the allied force would land. Parts of the German High Command expected the invasion, but at the Pas de Calais, and not at Normandy. There is ample evidence that certain German officers even after the invasion had begun, still believed that the Normandy beaches were being used by the Allies as a ruse to force the Germans to pull their troops out of the Pas de Calais area.

The minds that planned this invasion were some of the best in military history, including George Marshall, Dwight Eisenhower, Omar Bradley, and Sir Bernard Montgomery. These men realized the risks that were being taken, but also realized that in order to win the war against Nazi Germany, risks had to be taken. Over 150,000 soldiers were involved in battle on June 6, with over 9,000 deaths.

History remembers many dates, many events, many famous individuals. Yet, there is almost no date, no event more remembered by Americans than D-day, June 6, 1944.

The resolution I have introduced today not only honors the men of D-day, but also honors the spirit in which they served. June 6, 1944, was a solemn day, but a day we can look back to with pride and the thought that with the proper resources, we can prevail over any odds.

I call on all my colleagues to join me in sponsoring this resolution.●

PERSONAL EXPLANATION

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DAVIS. Mr. Speaker, during yesterday's session I was forced to miss the vote on H.R. 555, the construction work in progress bill. Because of the interest of a number of my constituents in this legislation, I would like to state that had I been able to be here, I would have voted yes on final passage.●

NATIONAL LABOR RELATIONS ACT AMENDMENTS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. SIMON. Mr. Speaker, I rise today for the purpose of introducing a bill amending the National Labor Relations Act. This legislation will require any company seeking protection under chapter 11 of the Bankruptcy Reform Act of 1978 to:

First, prove actual insolvency before it could void labor contracts, and

Second, negotiate with its unions to seek concessions that would help it avoid resorting to bankruptcy proceedings.

One of the central tenets of labor law is that once parties agree to sign a contract, it cannot be altered without the mutual consent of both parties until the contract expires. Likewise, our bankruptcy laws fulfill the essential function of aiding companies that are experiencing financial difficulties. What we have today is the undermining of both these laws.

In the year ending September 30, 1983, a total of 20,837 petitions under chapter 11 were filed by businesses. At this same time a steadily growing number of financially solvent companies have begun using chapter 11 to rid themselves of their labor contracts. The highly publicized care of Continental Airlines is a striking example of how an apparently solvent company can make use of the bankruptcy law to renounce its labor contract, slash wages, and fire many of its employees. Similarly, Eastern Airlines threatened to resort to chapter 11 as a way to coerce its employees to abandon benefits won just a few months earlier through collective bargaining.

These situations undermine the very foundation of our system of labor-management relations and constitute a threat to workers throughout this country.

Recourse to the bankruptcy courts under chapter 11 is a legitimate device when a company in deep financial distress needs to reorganize its affairs. However, in situations where companies are indeed solvent and seek to abrogate mutually agreed upon labor contracts, the bankruptcy courts must not be used as a substitute for the bargaining table.

Mr. Speaker, I respectfully urge my colleagues to support this bill.●

NEUTRALITY IN FEDERAL EXPENDITURES ACT OF 1984

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. CRAIG. Mr. Speaker, today there is a threat to individual liberty. This menace is from private partisan groups that influence the electorate and Government officials with taxpayer dollars.

It has been a longstanding policy that taxpayers should not subsidize the lobbying of Federal administrators or employees. Likewise, the American taxpayer should not underwrite lobbying for ideological causes or values of which they disapprove.

As Americans, we treasure our God-given rights. The overwhelming concern is fairness and first amendment rights. It is unfair for the Government to subsidize some ideas and groups while completely ignoring others.

This jeopardizes the right of free speech and discriminates between factions. Neutrality in Federal expenditures is the goal—and unless we are willing, or more important—capable—of subsidizing every ragtag opinion then neutrality is required.

We must call the Government funding of private political advocacy for what it is: Federal patronage of exclusive elitist political beliefs.

For these reasons, I am introducing the Neutrality in Federal Expenditures Act of 1984.●

CUT FEDERAL SPENDING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. OBEY. Mr. Speaker, today I and 17 other House Members (Messrs. BEDELL, BERMAN, COELHO, COOPER, DORGAN, FRANK, HARKIN, MACKAY, MITCHELL, MOODY, MRAZEK, SABO, SIKORSKY, LARRY SMITH, STARK, TALLON, and TOWNS) sent a letter to Treasury Secretary Donald T. Regan suggesting a 1-year agreement between the administration and Congress to cut Federal spending. We are proposing a 1-year freeze on the military budget in return for giving the administration the authority for 1 year to exercise a line item veto on domestic appropriations.

We have serious reservations about the line item veto but the situation is so serious that we would be willing to consider this kind of a compromise.

The full text of the letter follows:

DEAR MR. SECRETARY: We are writing this letter to follow up on the President's speech requesting line item veto authority and your statement before the Joint Economic Committee indicating that the desirable way to balance the budget is by spending reductions.

A number of us have strong doubts about the advisability of creating the kind of institutional imbalance that would be provided by a line item veto because the President was elected to be President not king. We also have some strong doubts about the ability to make a line item veto work because of the differences in the details of state budgets and federal appropriations. Nonetheless, we would be interested in trying to reach a one year emergency accommodation on these issues in order to stop the bleeding on the deficit.

We agree with your statement that the most desirable way to balance the budget is to restrain spending growth. Therefore, we would ask you to explore with the President the possibility of doing the following:

(1) The President would agree to a one year freeze on the military budget; and

(2) In return for that agreement on the part of the President, we would agree to give the President one year authority to exercise a line item veto on all appropriations bills on the domestic side of the budget.

This compromise would do three things:

(1) It would give you an opportunity to demonstrate the degree of fairness and produce with which the Administration would exercise that extraordinary power;

(2) It would, in effect, give you total control over the total amount of domestic spending for that one year in addition to giving us the one year savings we would seek on the Pentagon side; and

(3) It would clearly demonstrate exactly how much would have to be obtained from

economic growth and additional revenues in order to achieve a balanced budget.

We urge you to raise this with the President at the earliest opportunity and we await your reply.

Thank you for your consideration.

Sincerely yours.●

CPR SAVES LIVES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WYDEN. Mr. Speaker, did you know that every minute in America a person dies from a heart attack? Did you know that a good percentage of these heart attacks could be avoided if everyone in America was trained in cardio pulmonary resuscitation (CPR)?

In Seattle, Wash., where almost 50 percent of the adult population is trained in CPR, the chances of surviving a heart attack is 1 in 3. Today, on Capitol Hill, the chance of surviving that same heart attack is anywhere from 1 in 12 to 1 in 24.

Those are not good odds.

That is why Congressman WHITTAKER and I, in conjunction with Dr. Freeman Cary, the congressional physician, decided to sponsor CPR training sessions for the second consecutive year on Capitol Hill. Last February, during American Heart Month, more than 300 Capitol Hill employees registered for CPR instruction. While last year's program was a success, we think it is necessary that more congressional employees be trained in this life saving technique.

Given the statistics being released daily on the increase of heart disease in this country, and the numbers of persons who die annually from heart attacks, you owe it to a friend to participate in this course.

I hope that the Capitol Hill program will serve as an example to businesses and State and local governments that a good voluntary CPR program can save lives.●

TRIBUTE TO HAROLD HARTZEL

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. HARRISON. Mr. Speaker, on February 25, 1984, the Hazleton Elks Lodge No. 200 will pay tribute to Harold Hartzel by honoring him as their "Elk of the Year." This award represents outstanding achievement in one on which all of the Hazleton community takes pride.

Mr. Hartzel was exalted ruler of the Hazleton Elks in 1979 and 1980 and has been chairman of the youth committee and other committees of the local lodge. He is a graduate of Hazleton High School and served in the U.S. Army. He is currently employed as supervisor of Armour Handcrafts, Valmont Industrial Park. He is married to the former Joanne Orlando, R.N., and they have two daughters, Mrs. William Tarapchak, Hazleton, and Kim, who is a senior at Hazleton High School

Mr. Speaker, I join with Mr. Hartzel's family and friends in paying tribute to this outstanding citizen.●

MOON HEE KIM COMPLETES FELLOWSHIP

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. DYMALLY. Mr. Speaker, for the past 6 months, our office has had the pleasure of hosting Mr. Moon Hee Kim, a staff member of the Education, Culture, and Public Information Committee of the Korean National Assembly. Mr. Kim came to us as part of a Korean Congressional Fellows program which my office has sponsored through an arrangement with the Secretary General of the National Assembly. Mr. Kim is the fourth fellow to complete an internship in the United States.

I believe, Mr. Chairman, that as distances among countries become less and less of a barrier to interaction, it is absolutely necessary that we, in this country, work to break down any other barriers that might stand in the way of communication between ourselves and our friends in the rest of the world. To illustrate my point, I would submit that the legislative branch of our Federal Government has no program which allows even Foreign Affairs Committee staffers the opportunity to reside for a time and work in the government of the country or countries in which they have a specialization.

We expect to make policy that will govern our relations with other countries when we often know little in practical terms about the countries with which we are dealing. We, on the Foreign Affairs Committee, are sometimes criticized in the press for traveling to other countries. I regard this personal contact as essential.

That is why my staff and I are so grateful to Mr. Kim and to the Korean Government for having the foresight to organize a formal program which brings a number of their officials here to work and study. My staff and I benefit substantially from the contact we have with our Fellows. We have learned from Mr. Kim not only about his country and his government, but about the social and political concerns of his people as well.

I think such contacts give our counterparts in Korea an opportunity to see us and our Government as we really are. Mr. Kim knows in some detail now about the pressures and influences which govern our decisions on policy matters from fair trade to environmental protection. One cannot gain the sort of experience Mr. Kim has acquired by reading a book or a magazine article about another country. One has to be there. One must talk to the people, observe what they do and reflect on why they do it. We are proud to have given Mr. Kim that opportunity, and we are equally proud of the lasting friendship we have struck up with a fellow human being. Our best wishes go with Mr. Kim as he returns to his wife and baby in Korea. We will miss our friend, but we will long remember the lessons he has taught us about ourselves.●

CHIEF BEDNAR RETIRES FROM BOONTON POLICE DEPARTMENT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mrs. ROUKEMA. Mr. Speaker, William Bednar is retiring from the Boonton Police Department in Boonton, N.J., after 34 years of service, the last nine as chief of police. I ask that my colleagues join me in thanking this fine man for helping to make Boonton a safer place to live.

Chief Bednar joined the Boonton Police Department in 1949. In 1959, he was promoted to sergeant and through the years progressed through the ranks of lieutenant, captain, and deputy chief. On July 1, 1974, he was promoted to chief.

Mr. Speaker, it is because of committed professionals like Chief Bednar that small towns across this country are safe. I commend the fine work he has done over the years and wish him well in his retirement.●

NUCLEAR WASTE TRANSPORTATION SAFETY ACT OF 1984

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Ms. OAKAR. Mr. Speaker, today I am introducing the Nuclear Waste Transportation Safety Act which addresses a serious and growing problem in our country—the use of our Nation's highways to transport high level nuclear waste.

For more than a generation now, the United States has been producing high level nuclear waste, which has been accumulating in nearly every State of the Union. To deal with the problem of safely disposing of this highly toxic

material, Congress in 1982 passed the Nuclear Waste Policy Act. This carefully balanced document creates a national nuclear waste repository where this dangerous waste material can be safely stored for the thousands of years that it will remain radioactive.

Unfortunately, the Nuclear Waste Policy Act failed to address one important problem which has caused the citizens of our country to express justifiable fears. I refer to the transportation of high level nuclear waste on our highways from one reactor site to another. In the past few years, toxic nuclear materials have been regularly transported from one site to another. In many cases the material passes through densely populated areas, including the city of New York. Recently, nuclear waste shipments have been made through my own State of Ohio, en route from a site in West Valley, N.Y., to another at Two Rivers, Wis.

Understandably, the transportation of these highly toxic nuclear waste materials has caused a great deal of alarm in Ohio and in the neighboring States of New York, Pennsylvania, Indiana, Illinois, and Wisconsin, whose citizens are exposed to the unavoidable risks associated with the handling of these deadly materials. People in these States object to having to assume a risk to their health and safety, especially when they have not gained any benefits from the electricity generated by the powerplants that created the nuclear waste in the first place.

The Nuclear Waste Policy Act of 1982 established stringent procedures to minimize the dangers nuclear waste poses to the public. The act implicitly recognizes the necessity to move these wastes from their place of generation to the final repository. The legislation, however, did envision the establishment of rolling nuclear waste repositories on our Nation's highways.

The legislation I am introducing recognizes that nuclear waste has to be moved if it is to be safely disposed. In view of the creation of the Nuclear Waste Policy Act, though, the material should not have to be moved more than once. Quite simply, the Nuclear Waste Transportation Safety Act of 1984 would permit the transportation of nuclear waste, but only from the place of its generation to the final repository site that Congress created in 1982. This legislation would thereby protect the public from any unnecessary transportation of these radioactive materials. In the event of overriding reasons of public health, safety or national security, a waiver to the transportation restrictions could be issued, but only after a review by competent Federal and State officials who would have to give their written approval for any transportation of nuclear waste. Finally, the bill would provide for adequate insurance to compensate any victims of accident during the transportation of these hazardous substances. The likelihood of accident, of course, would be severely curtailed if nuclear waste is permitted to be moved only once.

Regardless of how any of us feel about nuclear power, we have to recognize that nuclear power is here and its byproducts will remain in our environment for millenia to come. Our responsibility is to minimize the risks to our citizens. The Nuclear Waste Transportation Safety Act of 1984 would eliminate unnecessary dangers associated with the transportation of these wastes. I direct the attention of my colleagues to this legislation, which I ask be printed in the RECORD, and I urge support for this necessary measure.●

A SALUTE TO CALIFORNIA'S CARDIOVASCULAR TECHNOLOGISTS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MATSUI. Mr. Speaker, I would like to take this opportunity and recognize the contributions made by California's cardiovascular technologists toward decreasing heart and vascular disease. My commendation comes at this time, as next week has been proclaimed "National Cardiovascular Technologists Week" by the American Cardiology Technologists Association.

Cardiovascular disease is the primary cause of death and disability among the American people. The American Heart Association estimates that as many as 1.5 million Americans will suffer heart attacks this year alone. The diagnostic services provided by cardiovascular technologists, however, have been of enormous benefit to the approximately 4.4 million heart attack survivors as well as numerous Americans with heart disorders.

The purpose of this special week is to educate the public about the importance of cardiovascular technologists as members of the health care team. These professionals are playing a vital role in our national effort to overcome the bane of heart disease. By designating a National Cardiovascular Technologists Week, I believe that we appropriately acknowledge and encourage these individuals' efforts to better the public's health.

In closing, I would urge my colleagues to take this moment and congratulate cardiovascular technologists in their States for their significant achievements.●

A TRIBUTE TO GENERAL THADDEUS KOSCIUSZKO

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LENT. Mr. Speaker, Polish-American communities across the United States have set aside February 12 to honor Gen. Thaddeus Kosciuszko, a compatriot in the American Revolutionary War and and a hero in the Polish fight against Russian and Prussian domination in the late 18th century.

Thaddeus Kosciuszko is a true hero of the Polish-American community who defended the principles of liberty and self-determination against great odds. He loved his native Poland and led his countrymen in battle to preserve his homeland's independence. He fought alongside Americans in the long, hard struggle for democracy. This day in his honor is fitting recognition to Thaddeus Kosciuszko's part in the birth of our Nation.

Born in February 1746, Thaddeus Kosciuszko attended royal military school in Warsaw at an early age. He later went to Paris to continue his studies, specializing in military science. As a young man, Kosciuszko was inspired by the American revolutionary spirit and, in 1776, he traveled to America to offer his services to the American Army.

During his career in the American Army, Kosciuszko, schooled in engineering and architecture, helped plan and direct the fortification of the Delaware River and several Army strongholds, including Saratoga and West Point. In 1776, he was commissioned as a colonel of engineers.

Four years later Kosciuszko was appointed chief engineer of the Army of the South, where he served under Gen. Nathaniel Greene for almost 3 years and was commissioned a brigadier general in 1783.

General Kosciuszko earned a reputation for his intelligence and ability. He was revered among American statesmen for his dedication to the cause of liberty in the long struggle to free the colonies from England's rule. George Washington and Thomas Jefferson were his friends. Along with the Marquis de Lafayette and Johann DeKalb, he was one of the few foreigners invited to join the society of officers of the American Revolutionary Army, the Society of the Cincinnati.

Kosciuszko returned to the family's estate and his native Poland in 1784. However, the encroachments of Russia into Poland under the reign of Catherine the Great brought a national uprising of the Poles. Kosciuszko helped lead the brave but unsuccessful fight against the invading Russian armies.

Finally, in 1795, Poland was divided among Russia, Prussia, and Austria.

Wounded at the battle of Maciejowice, Kosciuszko was taken prisoner and confined for 2 years until his release by Tsar Paul I.

Kosciuszko later petitioned Napoleon and Alexander I of Russia in a final attempt at negotiations to establish an independent Polish nation. His last years were spent in Switzerland, where he died in 1817.

I hope all Americans will take time on February 12 to reflect on the accomplishments of this great man, Gen. Thaddeus Kosciuszko, whose love of liberty and freedom inspires all of us.●

TRIBUTE TO JUSTIN DART

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. McCAIN. Mr. Speaker, I rise today to pay tribute to a man of exceptional character and integrity. Mr. Justin Dart was a giant of American industry and a spirited participant in our political process.

More than 50 years ago, Mr. Dart began work as a stockroom clerk in a family drugstore. He rose to become head of the Rexall drugstore chain, later to be renamed Dart Drugs. He showed us all that the American dream is alive, that hard work, perseverance and honesty are still the qualities that bring success in America.

Mr. Dart was an active citizen in California and, ultimately, national politics. He encouraged Ronald Reagan to enter his first political race for Governor of California in 1966; he is at least partly responsible for the strong leadership we have today in America. Mr. Dart demonstrated his integrity most clearly after his friend's election in 1980. He refused to come to Washington to join the Government, arguing that he could be of more use to our Nation as a private citizen and adviser to the President. He pursued those duties with the intensity of a man half his age, refusing to retire from his post even after repeated hospitalization.

Throughout his life, Mr. Dart demonstrated the characteristics that made our country great. His dedication to freedom and progress was an inspiration to us all. Mr. Dart showed us what an individual can achieve in America; he will be sorely missed.●

THE UKRAINIAN CATHOLIC CHURCH IN AMERICA

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. BORSKI. Mr. Speaker, I rise to commemorate the 100th anniversary of the Ukrainian Catholic Church in the U.S.A. and the 25th anniversary of the Philadelphia Ukrainian Catholic Archeparchy.

The first Ukrainian immigrants arrived in this Nation during the 1870s, and settled in the farming valleys of Connecticut and the industrial valleys of upstate New York. Many others settled later in Pennsylvania to work in its coal mines, while still others chose the great port city of Philadelphia, which I have the honor to represent.

America has long been a melting pot for people of different cultures, yet we have always believed in the importance of maintaining our traditional religious beliefs. Ukrainian-Americans dreamed of establishing the Ukrainian Catholic Church in the United States.

Efforts to establish the church in America began among the residents of Shenandoah, Pa. Primarily hard-coal miners, they had immigrated from the mountainous region of Lemkiwschynaw in western Ukraine. They sent a now famous letter in 1884 to Cardinal Sylvester Sembratovich, Archbishop of Lviv, Ukraine. Expressing a desire to retain traditional beliefs and teachings in the new world, they requested that a priest be sent to America to found a Ukrainian church independent of the traditional Catholic church. An approval of their petition was received in October 1884, and within 2 months Rev. Ivan Volansky arrived in America to form the new church.

The Ukrainian Catholic Church in Philadelphia is a vital force in the city, noted for its leadership and good work in the community. I am especially pleased to recognize the Philadelphia Archeparchy on the occasion of their 25th anniversary.

Mr. Speaker, I call on my colleagues to recognize the importance of the anniversary of the Ukrainian Catholic Church in the United States. The success of the church is symbolic of one of this Nation's strengths: its religious and cultural diversity.●

SCOTT GREGORY GOES TO THE OLYMPICS

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. WORTLEY. Mr. Speaker, the 1984 winter Olympics have begun. The opening ceremonies, the official commencement of the popular quadrennial games, were viewed by millions last evening in America and around the world.

I am very happy to report that one of my constituents, Scott Gregory, is in Sarajevo to compete in the ice dancing events. Scott, whose hometown of Skaneateles is just over 4,000 strong, and his partner, Lisa Spitz, have worked many long and hard years to make the U.S. Olympic team. They have practiced diligently and maintained a busy and extremely competitive schedule to share in the spotlight of the world's best athletes now in Yugoslavia.

I would like to take this opportunity to wish Scott and Lisa the very best of luck in the ice dancing competition. Both of these rising stars and their families should be commended for the dedication and unrelenting desire they have shown, and the sacrifices they have made, to reach their goal of performing and competing in the Olympics. On behalf of the people of Skaneateles, the 27th Congressional District, New York State, and the entire country, I want Scott and Lisa to know that we are very proud of them and will be watching as they and all our Olympic athletes "go for the gold."●

LITHUANIAN INDEPENDENCE DAY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. HARRISON. Mr. Speaker, next Wednesday, February 16, is a significant date in the eternal struggle of mankind to be free. On that day, 65 years ago, the independent Lithuanian nation declared its independence. This was a goal toward which it had been striving while under more than a century of Russian domination. Until 1940, freedom existed for all its citizenry. but in July 1940, a rigged election paved the way for the illegal incorporation of Lithuania into the Soviet Union. The United States has never recognized this blatant usurpation. We maintain diplomatic relations with the representatives of the former independent government and I hope we shall continue to do so until this grave injustice is corrected.

To this end, Mr. Speaker, it has been my honor to cosponsor in this body House Joint Resolution 60 directing the President of the United States to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day." I am happy to say that, symbolically, this resolution was signed into law on that very day. I am also honored to take this opportunity to congratulate my fellow citizens of

Lithuanian extraction on the steadfastness and determination with which they have maintained their traditions and been true to their glorious heritage.●

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. RATCHFORD. Mr. Speaker, February 24 marks the 66th anniversary of the independence of the Republic of Estonia. On February 18, the Connecticut Estonian Society and the Pulaski American Citizens Club of Willimantic will be commemorating this day, and I want them to know I am there in spirit.

Estonia, a tiny country in the northeastern part of the Baltic region, has enjoyed a rich and varied heritage: Estonians can trace their past to times before the Christian era. Their unique culture reflects the influence of the neighboring countries, Sweden, Germany, and Russia, each of whom has ruled this small country. The strong nationalism of the Estonians contributed to their valiantly fought, successful struggle against the Soviet Union in 1920, at which time they were finally granted their long-sought freedom.

In the two decades that they enjoyed true sovereignty, the Estonians proved what a tiny nation can do when allowed to come into its own. They showed that because of their previous domination by other countries, they truly understood the principles of democracy. The Estonian Constitution embraced the ideals of justice and liberty, and protected the legal and ethical rights of all its linguistic minorities. Estonia joined the League of Nations and was an ardent advocate for peace. All of this changed when the Soviet Union invaded in 1940. And despite the pledge of the Soviet Union to honor the Helsinki accords and to respect human rights, Estonia remains under Soviet domination—stripped of all cultural and political sovereignty, and deprived of even the most basic human freedoms.

The Estonians are a people of great courage and remarkable spirit, and I join with my friends in Connecticut in the hope that this anniversary of independence signals a new beginning in the fight for freedom.●

A TRIBUTE TO FRANK CASADO

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MARTINEZ. Mr. Speaker, I would like to pay tribute today to Frank Casado, owner of the legendary Lucy's El Adobe Cafe in Los Angeles. Frank, will be celebrating his 60th birthday this coming weekend.

There is hardly a public official, reporter, rock star, or even hanger-on who does not know Lucy's El Adobe, ensconced on Melrose Avenue in Hollywood since its founding in 1964. Named for Lucy Casado—Frank's lovely wife—the cafe earned its reputation as a home-away-from-home for former California Governor Jerry Brown. But Jerry is only one of many celebrities and politicos who frequent El Adobe.

Frank was born 60 years ago on February 16 in Guasti, Calif. He came to Los Angeles soon afterward, becoming a star running guard at Roosevelt High School for the Roughriders. He also won the Los Angeles city championship in tennis for Roosevelt.

Frank then went on to a notable career in the Navy, rising to the rank of acting chief petty officer.

Once out of the Navy, Frank married Lucy Garcia (1948) and embarked on a political career that would bring him close to Presidents, Senators, Congressmen, members of the California Legislature, and dozens of local officials. The list of names he helped reads like a Who's Who in American Politics—or at least a Who's Who of the Democratic Party. In chronological order, the list include:

Los Angeles City Councilman Ed Roybal; President John F. Kennedy; Mayor Sam Yorty; State Controller Alan Cranston; Governor Edmond G. "Pat" Brown, Sr.; Senator Robert Kennedy; Vice President Hubert Humphrey; Community College Board Member Jerry Brown; Secretary of State Jerry Brown; Governor Jerry Brown; Gov. Jerry Brown for President; Gov. Jerry Brown for U.S. Senate.

Frank also worked in a dozen campaigns for the State legislature, constitutional officers, and local officials. In the midst of all this campaign activity, Frank was one of the cofounders of the Mexican American Political Association in 1960.

Frank and Lucy mean a lot more to myself and countless other Californians than simply the owners of a favorite restaurant. Frank has repeatedly shown himself to be a shrewd adviser, a prophetic confidant and a loyal friend.●

TRIBUTE TO ROBERT L. TIENKEN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. SPENCE. Mr. Speaker, it gives me great pleasure and much personal satisfaction to salute Robert L. Tienken, a good friend and an invaluable contributor to the workings of Congress. Bob, who recently retired as Senior Specialist in American Public Law with the Congressional Research Service, was for many years a valued and trusted adviser to the members and staff of the House Committee on Standards of Official Conduct.

Born in Yonkers, N.Y., Bob earned a bachelor's degree summa cum laude in 1945 from the Princeton University, where he was elected to Phi Beta Kappa, and an LL.B. degree from Yale Univeristy Law School in 1947. He became a member of the New York State Bar in 1949.

From 1948 to 1953, he worked as an assistant in the general counsel's office of Royal Liverpool Insurance-Group, New York City. Thereafter, for several years, he was engaged in private legal practice in Princeton, N.J., during which time he earned a master's degree in political science. His longtime association with Congress began in 1957, when he joined the staff of Senator H. Alexander Smith of New Jersey as legislative assistant. When Senator Smith retired in 1958, Bob crossed Capital Hill and served as legislative assistant to Congressman Seymour Halpern.

Bob joined the Library of Congress in February 1961, as a legal analyst in American Law Division of CRS. During more than two decades of service with CRS, he held various positions, including that of assistant chief of the division in 1970. In 1973, he was promoted to Senior Specialist in American Public Law, a position which gave full sway to this detailed knowledge of Congress and congressional procedures and his remarkable anslytical abilities.

Bob enjoyed a well-deserved reputation as an expert on congressional and parliamentary procedures as well as on conflicts of interest and ethics-related matters; the latter extended to all branches of government, not simply as they applied to the Congress.

His opinion on parliamentary matters, and his intimate knowledge of House and Senate precedents, were relied on by many persons both on and off the Hill.

As with the volumes of Hinds, Cannon's, and Deschler's House Precedents and Riddick's Senate Procedure, which were always at this elbow, he was a treasure of information about how things are done in the House and Senate Chambers, and more importantly, why.

Bob's wise and discreet counsel on these and all confidential matters was widely sought and universally appreciated.

His published works for Congress in the form of prints and documents were considerable, including a compilation of precedents of exclusion, censure, and expulsion cases in the House of Representatives.

His work was marked by genuine scholarship, keen insight, and singlular objectivity. He went about his work thoroughly, dispassionately, and without fanfare.

In all his many undertakings, Robert L. Tienken was an accomplished, talented, and a devoted servant of the Congress and he will be genuinely missed.

I join his many friends and admirers in wishing him and his family a long and happy retirement.●

GENERAL THADDEUS KOSCIUSZKO

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. COUGHLIN. Mr. Speaker, I take this opportunity to commemorate the life of General Thaddeus Kosciuszko. During his lifetime, General Kosciuszko served with distinction as a brigadier general in the American Revolution and also became a hero in his native Poland, having issued a call for a general uprising in 1794 in which he led Polish forces against Russian and Prussian rule in a gallant but unsuccessful rebellion.

Born in 1746 in the Polish-Lithuanian Commonwealth, Thaddeus Kosciuszko devoted his entire life to the fight for freedom both here in America and in Poland. Two years after completing his education in Paris and being inspired by the American revolutionary ideology, Kosciuszko traveled to America in 1776, at the age of 30, to offer his services to the American Army. In October of that year, he was commissioned as a colonel of engineers, after helping plan the fortification of the Delaware River.

Later, Kosciuszko directed the fortification of Saratoga, contributing to the American victory there, and planned and supervised the fortification of West Point. In August 1780, he was appointed chief engineer of the Army in the South where he served for almost 3 years. Finally, in the spring of 1783, after 8 years of service, Thaddeus Kosciuszko attained the rank of brigadier general.

During his years in America, General Kosciuszko won the admiration and respect of many, including George Washington and Thomas Jefferson.

In mid-1784, General Kosciuszko returned to his native Poland, where he lived on the family estate until the progressive constitution of May 3, 1791 was abolished by Catherine of Russia. At that time, Kosciuszko played a leading role in resisting Russian encroachments.

When his efforts were unsuccessful and the second partition of Poland took place in 1793, he issued a call for a national uprising and led Polish forces against Russian and Prussian rule. Again, his efforts were unsuccessful and, after the battle of Maciejowice, Kosciuszko was taken prisoner by the Russians. In 1795, the third partition of Poland divided the rest of the country.

After 2 years of imprisonment, Kosciuszko was released by Tsar Paul I and returned to America, arriving in Philadelphia in August 1797. In the following months, he established a close friendship with Thomas Jefferson, with whom he spent many hours exchanging views on those issues of mutual concern.

Returning to Europe in May 1798, his final efforts to negotiate the establishment of a Polish-Lithuanian Commonwealth with Napoleon and an independent Poland with Alexander I of Russia also were unsuccessful.

General Kosciuszko died in Switzerland on October 15, 1817. Although his tireless efforts to gain Polish autonomy failed, he nevertheless remained undaunted in his commitment to the cause of freedom. His life stands as no less of an example of those fighting today in Poland for freedom.

Similarly honored in America, General Kosciuszko's commitment to freedom will be remembered on February 12. In Philadelphia there stands the Thaddeus Kosciuszko National Memorial Park, honoring the life of Thaddeus Kosciuszko and his invaluable contributions to the American Revolution. Twelve years ago, I took great pride in sponsoring legislation to establish that park and I am as proud to honor the memory of this great Polish-American patriot. Indeed, it is only fitting that we, as leaders of the free world, take this opportunity to honor General Kosciuszko. His unwavering commitment to the cause of freedom and liberty are truly a shining example of the spirit upon which this country was built.●

A HOOSIER PATRIOT

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. HILER. Mr. Speaker, it is with deep pride that I ask my collegues to join me in honoring one of those many senior Americans who, in their youth, served on distant battlefields in order to help preserve and pass on the democracy we enjoy today.

On Thursday, February 16, my constitutent, Mr. Ferdinand Piggee, a U.S. Army veteran of World War I, will be honored in South Bend, Ind. Mr. Piggee, who is 100 years old and the father of seven children, served with Company B-334, the 21st Squadron, in Brest and Marseille, France, from July 1918 through April 1919.

In observance of Black History Month, the South Bend John Adams High School Cultural Awareness Society, a student organization, will present on February 16, a "Tribute to Black Military Veterans" in the school auditorium. The purpose of the ceremony conducted by these young people is to honor black World War I and II veterans. The highlight of the ceremony will be when Mr. Piggee is given special recognition as the oldest known black World War I veteran living in South Bend.

Mr. Speaker, I am especially pleased that these young people in my district place such a high premium on the service rendered by Mr. Piggee and countless other senior Americans in defense of our special freedoms, and I ask that my colleagues join us in this special salute to this Hoosier patriot.●

EL SALVADOR: TWO SIDES

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. LIVINGSTON. Mr. Speaker, the Washington Times of February 9, 1984, contains an interesting column by Virginia Prewett on the subject of human rights in El Salvador. More specifically, Miss Prewett documents the fact that Robert White, former President Carter's Ambassador to El Salvador, and others are misleading the American people about civilian deaths in El Salvador.

All of us abhor human rights violations wherever they occur. And while we must continue to support the administration's efforts to bring about improvements in El Salvador, we should not blindly accept sensational allegations or one-sided explanations such as those put forth by Mr. White and his followers.

Civilian casualties in El Salvador have declined markedly since President Reagan's policies have been in effect, according to everyone's statistics. Even Mr. White must concede this fact. And as Miss Prewett points out in her column, which follows, White's charges of death squad activity emanating from Miami are patently groundless in two material respects: Two of those he accuses of this activity are dead, and all of his accusations of such activity were investigated by the House Foreign Affairs Committee in 1982 and 1983 and were found to be mere rumors.

I commend the Prewett column to my colleagues.

The article follows:

[From the Washington Times, Feb. 9, 1984]

DEATH SQUAD ACCUSATIONS ESCALATE

(By Virginia Prewett)

The crookedest numbers game in town is the left's use of "death-squad" body counts against conservative Salvadorans and their political party. Nowdays, the main spokesman on "death squads," Robert White, is trying to spread the stain of blame to President Reagan himself. The leftist-fringe press is spreading it to Republican Congress members and Washington convervative figures.

Mr. White, former President Carter's ambassador to El Salvador, who was dismissed by President Reagan in 1981, accuses Mr. Reagan of covering up allegations that six Salvadoran exiles finance and direct heinous crimes, including the death-squad killing of "hundred of thousands of Salvadorans suspected of liberal or leftist sympathies." Two of the accused that Mr. White says are "in Miami are dead; one died in mid-1977, long before the crimes Mr. White alleges.

The sensational White accusations launched Feb. 2 are timed to disrupt bipartisan congressional support of current Reagan administration requests for funds needed to resupply Salvadoran forces resisting guerrilla aggression, as the Kissinger Commission urges.

Though tailored for Congress, fragments of current and previous accusations by Mr. White are turning up in our national newspapers and news. Thence they spread nationwide to gullible Americans lured into leftist movements. The latter can be expected to flood Congress with "spontaneous" mail opposing military aid to El Salvador.

In practice, a misinformed U.S. audience never gets the other side of the story. When Mr. White launched his latest barrage on Feb. 2, the State Department said it had relayed his allegations to the House Foreign Affairs Committee in 1982 and 1983. After thorough exploration, the committee dismissed them as "rumors." This has been known in Washington but never publicized nationally.

The White House had indeed reacted with investigations to a November-December 1983 spurt of publicity on the "death-squads." And Sen. Jesse Helms, Senate Western Hemisphere subcommittee chairman, on Dec. 20 wrote our present envoy to San Salvador, Thomas H. Pickering, for embassy figures on death-squad allegations.

Mr. Pickering, in a Jan. 20 reply, informed Sen. Helms that embassy records show 11,811 "politically motivated civilian deaths" for the period October 1980 through December 1983. The detail cited was "October-December 1980, 2,173; 1981, 5,331; 1982, 2,630; 1883, 1,677." Mq. Pickering wrote that these data are based "exclusively on local press reports" and that ". . . the vast majortiy of politically motivated murders are carried out by persons whose identities remain secret."

Mr. Pickering gave reasons why his embassy suspects that some are committed by rightist death squads (the murderers' style of dress, types of weapons), and his rationale will be fully examined in a subsequent article. But the Pickering letter sums up by citing various factors that "make accurate analysis of the 'death squad phenomenon' extemely difficult, and they make generalizations about it dangerous, especially as a basis for U.S. policy."

Mr. Pickering's caveat comes far too late. His predecessor, Mr. White, has already injected the "death-squad" issue into foreign-policy debate, and echoes of Mr. White's accusations reverberate worldwide. Now comes a transparent effort to inject them into our presidential campaign.

I have reported how liberation theologists and outright Marxists in three San Salvador private centers that compile body counts attribute virtually all killings to rightist "death squads"—and that U.S. leftists parrot the three sources. They bandy about totals like 35,000 killed in recent years. As of January 1983, Radio Havana reported "45,000."

Republican leaders have done little in-depth homework on El Salvador, but when they do they must rely heavily on news accounts from Central American newspapers and radio broadcasts of all ideological persuasions. A new Council for Inter-American Security tabulation reports from such sources, without any ideological evaluation, the Salvadoran non-battle deaths *and* injuries during 1983's first 10 months. The CIS count says that guerrillas killed and wounded 364 "non-combatant civilians" in that period and that military and paramilitary elements (death squads) killed and wounded 349 "civilians."

The U.S. embassy tabulations and the CIS sampling are light-years short of the left's 35,000–45,000 and Mr. White's "hundreds of thousands." The list of names Mr. White calls a "gang of six" exiles ordering heinous crimes also does not withstand scrutiny. The names of the six were published in *The New York Times* of Feb. 3.

The ex-envoy says the six "now living" in Miami are "enormously wealthy former land owners," who hatch plots, hold constant meetings and communicate instructions to Roberto D'Aubuisson," the Salvadoran rightist leader and president of El Salvador's National Assembly.

First on Mr. White's list is the pen-name of a Salvadoran conservative newspaper publisher who was never a great land owner and who in fact died in mid-1977, long before the crimes of which Mr. White accuses him. Another is an internationally known banker who has not lived in Miami since May 1, 1983.

Two more Salvadorans described by Mr. White in his list as "Miami exiles," "brothers" and "wealthy land owners" are none of the three. They are distant cousins, one a career diplomat killed in a car crash in late 1982.

Yet another of the accused never sought exile in Miami nor owned great estates. The sixth accused does live in Miami and was a successful coffee planter, though not owner of "great estates." He is among the few who have managed to reach partial settlement for his losses in the sweeping U.S.-backed "land-reform" program.

From this sample of Mr. White's charges and targets, it is easy to understand why *The New York Times* reported on Jan. 27 that in the administration's two-month investigation of Salvadoran exiles, the FBI, IRS and Customs could "produce few leads." A Justice Department official told *The New York Times* that "the suspicions are like cotton candy."

That is light-years short of an adequate description.●

MAYOR CACCIABEVE OF BOONTON TOWNSHIP, N.J., RETIRES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mrs. ROUKEMA. Mr. Speaker, I want to call your attention, and that of my colleagues, to the outstanding public service of Emidio Cacciabeve of Boonton Township, N.J.

Mayor Cacciabeve is retiring from public life after 26 years of service. During those 26 years he has served the people of Boonton in various capacities. Emidio was first elected to the township council in 1958 and served on the council until he was elected mayor in 1977. During that time, he served as chairman of various committees, including the street, fire, health, and police committees. During the past 6 years, Emidio served as Boonton's mayor.

Emidio has always been a popular official and a leader of his party. He was respected by his constituents, and by others in government who had the opportunity to work with him.

I wish him well in his retirement and join the residents of Boonton in thanking him for his outstanding service.●

H.R. 4785, OLDER AMERICANS ACT CITES ALZHEIMER'S DISEASE PRIORITY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Ms. SNOWE. Mr. Speaker, yesterday, the chairman of the Education and Labor Subcommittee on Human Resources introduced the committee bill to reauthorize the Older Americans Act for an additional 3 years. I am pleased to be an original cosponsor of this measure—not only because of my belief that our elderly population benefits from the programs supported by the act, but because the bill contains a provision which I introduced in the House some months ago.

Last summer, I conducted a field hearing in Maine on Alzheimer's disease to explore the illness' effects on its victims. Witnesses, including families of victims and professional service providers, identified several problems related to the necessary long-term care of Alzheimer patients. Witness after witness cited the lack of trained personnel for nursing homes, community home health agencies, and hospitals, including veterans' hospitals.

In response to this testimony, I introduced legislation, H.R. 4272, to authorize the Administration on Aging

to give student grant priority to those who will specialize in custodial or skilled care of victims of Alzheimer's disease and related disorders. This measure also tasked State area agencies on aging and service providers to establish training and special demonstration projects related to the needs of Alzheimer patients. These provisions have now been included in title IV of the 1984 act an effort to clarify congressional priorities with regard to future training, research, and discretionary projects.

Mr. Speaker, I realize that H.R. 4785 is not a perfect bill. No legislation is. Nevertheless, as we proceed through the hearing process of the next few weeks prior to the bill's expected passage in May, I urge my colleagues to support the committee's recognition of the need for more trained personnel to care for Alzheimer victims.●

THE MILK MESS: A FAILURE TRYING TO BE A FIASCO?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1984

● Mr. MICHEL. Mr. Speaker, earlier this week the Department of Agriculture announced the dismal failure of the new dairy program.

Only 12 percent of the Nation's dairy farmers have signed up for the program rammed through the Congress and White House last fall.

We were told this program would cut 5.5 percent of production. But in fact something like 2 percent is closer to the truth.

We have the worst of all possible worlds: A failing program that will not adequately reduce dairy surpluses and one that gouges consumers through artificially high prices.

The only contribution this program has made is to the deficit.

Let us have the courage to admit this program may be in the interest of high-priced Washington lobbyists but not in the interest of the dairy farmer or American people.●

SENATE—*Monday, February 20, 1984*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

CELEBRATING GEORGE WASHINGTON'S BIRTHDAY

It is impossible to rightly govern the world without God and the Bible.—George Washington.

Let us pray.

Lord God of history, as we honor George Washington, father of our country, may we heed His testimony of need for and dependence upon God and the Bible which he shared with many of his peers. Help us to see the peril in a policy which takes God seriously, if at all, only in synagogues, temples, churches, and cathedrals, and disregards Him between Sabbaths and Sundays. Forgive our indifference to the Bible which Washington treasured as essential to national life and government. Grant us grace to reconnect with the Judeo-Christian roots which motivated our founders and upon which they built this Republic. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, under the order entered prior to the recess for the period just passed, the reading of the Journal has been dispensed with, the call of the Calendar has been dispensed with, no resolution may come over under the rule, and the morning hour is deemed to have expired.

THE SELECTION OF SENATOR LAUTENBERG TO DELIVER WASHINGTON'S FAREWELL ADDRESS

Mr. BAKER. Mr. President, as is the custom and tradition of the Senate of the United States, we will today hear the reading of President Washington's Farewell Address, to be delivered by the Senator from New Jersey (Mr. LAUTENBERG). He is another in a long and distinguished line of Senators who have made the presentation of that address, and I look forward to his presentation.

At the conclusion of the reading, the Senate will automatically stand in recess until 11 a.m. tomorrow.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Pursuant to the order of the Senate of January 24, 1901, as modified on Thursday, February 9, 1984, Washington's Farewell Address will now be read by the distinguished Senator from New Jersey (Mr. LAUTENBERG).

Mr. LAUTENBERG, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune

often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real

difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will

always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot.

How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

RECESS UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER (Mr. ANDREWS). Under the order of February 9, 1984, the Senate will now stand in recess until 11 a.m. on Tuesday, February 21, 1984.

Thereupon, at 12:52 p.m., the Senate recessed until tomorrow, Tuesday, February 21, 1984, at 11 a.m.

SENATE—*Tuesday, February 21, 1984*

(Legislative day of Monday, February 20, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of peace and truth and light, the Senate is a place of great power, pressure and phrenetic activity with very little time to think—to reflect—to get perspective. The question posed by the theologian, John Baillie, is relevant, "What is the good of labor that is not guided by constant thought about its meaning and end?" Protect the Senators from the tyranny of the urgent. Save them from circumstances which force them to let others do their thinking for them. Help them with self-management so they will take time for reflective thoughts. Deliver them from such immersion in issues that they cannot "see the forest for the trees." Guide them to time for the long look—the quiet look—the view from above. We pray this in the name of the Lord who was never in a hurry but always in charge. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, the Senate has a long legislative schedule ahead of it. This will be the longest period we will be in session for this whole year. We will resume consideration of S. 1765, the death penalty bill, under the provisions of rule XXII, cloture having been invoked.

Today is the day when regular policy meetings are held between the hours of 12 noon and 2 p.m. It is my understanding there has been an order entered for recess during that period, is that correct?

The PRESIDING OFFICER (Mr. CHAFEE). No such order has been entered to that effect.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon in length in which Senators may speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess from the hour of 12 noon until 2 p.m. today.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

THE U.S. ICEBREAKER FLEET

Mr. STEVENS. Mr. President, on March 14, 1984, at 10 a.m., the Senate Commerce Committee will hold hearings to review the status of our icebreaker fleet. Our fleet has seen a rapid decline during the past 10 years, and little innovation has followed the initial deployment of the *Polar Sea* and *Polar Star* during the mid-1970's.

The United States has slipped back in icebreaker capability. The Soviets are deploying a 20-plus—including nuclear—icebreaker fleet in our shared northern waters. Our country is falling behind our northern European allies as well. The strategic importance of the Arctic cannot be understated especially in light of the massive Soviet deployments in Northeastern Russia.

Mr. President, the decline of the U.S. icebreaker fleet can be attributed to many causes, including administrative rivalry within the Department of Transportation. I am hopeful that our hearings will help to bring out these problems and point toward a workable conclusion. We cannot allow this decline of our icebreaker capability to continue.

Over 70 percent of our Nation's Outer Continental Shelf is in Alaska. Much of that is in the Arctic region where annual ice flows block off seaborne access without icebreakers. Much of their high potential in Alaska's OCS lies in the northern Arctic region, and our dependence on those oil supplies could well rest with a capable icebreaker fleet.

Mr. President, I ask that an article entitled "Frozen Assets," by Vincent C. Thomas, Jr., which appeared in the December 1983 Sea Power, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROZEN ASSETS

(By Vincent C. Thomas, Jr.)

("I'm sorry, Mr. President, but we don't have any icebreakers available to send on such a mission. You see, one of the other agencies that uses icebreakers from time to time couldn't pay its full share of user fees for icebreaker operations, so we had to put one in mothballs temporarily just a few months ago. . . .

("Yes, sir, we did have five icebreakers, and we know the national interests might require even more, but we only have enough money to operate four. . . .

("How long would it take to get the fifth one operating again? Oh, several months at least it would cost several million dollars.")

Chances are that theoretical conversation between the President of the United States and the Commandant of the Coast Guard, whose service operates the only five seagoing icebreakers in the U.S. inventory, will never take place. But, because of an unwisely conceived system of funding for icebreaker operations—the previously mentioned "user fees"—it is possible that the nation's icebreaking capability could be reduced by 20% in the not-to-distant future. That reduction could take place, moreover, just as the Coast Guard is deeply involved in a study dictated by the Office of Management and Budget (OMB), to determine U.S. icebreaker requirements until the year 2000.

One reason the study is necessary is that the President himself has decreed that "the United States antarctic program shall be maintained at a level providing an active and influential presence in Antarctica designed to support the range of U.S. antarctic interests." He also has declared that U.S. arctic policy should be based on such factors as "protection of essential security interests, including preservation of the freedom of the seas and superjacent airspace and . . . support for sound and rational development."

THE BEAR BEGINNINGS

To outside observers it is all the more surprising, therefore, in view of the President's own position, and before the OMB-mandated study is completed, that the Coast Guard's ability to operate icebreakers in support of the President's policy is, through the user fee concept, being clearly and some would say needlessly endangered.

What happened to bring about such a situation? And what needs to be done both to solve the immediate problem and to ensure that the nation has sufficient icebreaker assets in the long term to permit effective operations in the polar regions in times of both peace and war? To answer those questions adequately it may be helpful to first look at the somewhat checkered history of U.S. icebreaker operations.

Until the purchase of Alaska from Russia in 1867, the United States had no need for icebreakers. The principal U.S. seaports were almost completely ice-free, and the first shipment of iron ore from the vast deposits in Minnesota on the Great Lakes was still 17 years away. But by the time of the Alaskan purchase both whaling and sealing were enjoying a boom period in the polar re-

gions, and some kind of icebreaking capability was needed.

Early icebreakers were for the most part simply strengthened versions of wooden sailing ships, with auxiliary steam engines added. The first such early icebreaker was the *Bear*, a Scottish-built vessel of 1,700 tons displacement originally purchased by the Navy as a relief vessel to serve on arctic missions. Acquired by the Coast Guard in 1885, she served in Alaskan waters for 39 years. She was not decommissioned, in fact, until 1946, after a career of over 60 years in the Coast Guard and the Navy.

The *Bear's* performance led to inclusion of many of her design features in the first U.S. ship built from the keel up as an icebreaker—the *Northland*, constructed in 1927 by the Newport News Shipbuilding Co., which was later to become better known as the principal builder of the Navy's aircraft carriers. A number of other vessels with ice-operating features subsequently were constructed, but outside the Coast Guard itself there was little real national interest in icebreaking, or in icebreakers, until just before the U.S. entry into World War II.

SHATTERING REALIZATION

Then the United States suddenly found itself faced with a requirement it had not even remotely foreseen. The United States had received permission from Denmark to establish bases on Denmark's large island possession of Greenland. Following the Nazi invasion of Denmark in 1940 that country was not longer able to defend Greenland—a responsibility that was assumed by the United States. Along with that responsibility came a need for icebreakers, since some bases on Greenland were accessible in winter only if icebreakers could break a channel through to them.

Because of these specific wartime requirements—and the potential need for other icebreakers—construction of four Wind-class icebreakers was begun. These ships, named after the four winds, were the first U.S. ships constructed specifically to withstand the ice pressures encountered in the polar regions and to be able to shatter a channel through the ice in those regions. Forty years later, incidentally, two of the four Wind-class icebreakers are still active, and today represent 40 percent of the total U.S. icebreaking fleet.

Shortly after Pearl Harbor, the burgeoning wartime need for iron ore brought about authorization of construction of the *Mackinaw*. A ship of much shallower draft than the oceangoing Wind-class icebreakers, the *Mackinaw* was built solely to keep Great Lakes shipping channels open during the winter. By the time she first saw service on the lakes, U.S. Iron-ore shipments had climbed to the astonishing total of more than 83 million long tons—more than 75 percent of the nation's total iron production at that time.

UNDER TWO FLAGS

By the time the four Winds were completed in 1944, the Soviet Union and the United States were allies fighting against the forces of Nazi German. The USSR needed icebreakers on an urgent basis to keep its northern ports and sea routes open and therefore requested that all four Wind ships be transferred to the Soviet Union. Three were, with only the *Eastwind* remaining under the U.S. flag. The other three were returned in the early 1950s after rigorous service under the Soviet flag. Later, after lengthy and costly repairs, *Northwind* and *Southwind* were transferred to the Navy and were renamed *Staten Island* and *Atka*, respectively. *Westwind* returned to Coast Guard service after she, too, underwent extensive repairs.

Because of the transfer of the three icebreakers to Russia, construction of three additional Wind-class ships was authorized in the latter stages of the war. When the new ships were completed in 1946–47, they entered service as the Navy ships *Burton Island* and *Edisto* and the second Coast Guard *Northwind*. Seven years later, in 1954, an improved icebreaker, the *Glacier*, was built for the Navy's use.

By 1955, therefore, as intensive preparations for the International Geophysical Year (July 1957-December 1958) were beginning—the extensive U.S. scientific program in Antarctica was starting at about the same time—the U.S. seagoing icebreaking capability was represented by eight ships, five of which were operated by the Navy and three by the Coast Guard. During the following decade, as more and more bases were established in Antarctica by a host of countries, and as exploration of that vast continent continued, the demand for icebreaker support grew accordingly. In addition, U.S. military requirements in the Arctic—the need to resupply early-warning-radar and weather stations and the Air Force base at Thule, Greenland, for example—substantially increased the nation's overall icebreaking requirements.

In 1965, partly because of increasing U.S. involvement in Vietnam, it was decided that U.S. national interests would best be served by transfer of the five Navy icebreakers to the Coast Guard. That action not only brought all icebreaker operations under one service, but also freed a sizable number of experienced Navy personnel for duty on other kinds of ships. (When the transfer was completed in 1966, the *Atka* was reassigned her former Coast Guard name *Southwind*.)

By that time it seemed clear that the United States as a nation would be very much in need of icebreakers for years and probably decades to come. Scientific requirements were on the increase, there was a greatly expanded demand for an icebreaking capability on the Great Lakes, and the Navy's potential wartime requirements for icebreakers also had increased significantly. Available to meet those demands were the same eight seagoing ships, seven of which were over 20 years old, and the *Mackinaw*, still carrying out her Great Lakes mission after 20 years. It was, in short, not a very healthy situation to begin with, and it was to grow steadily worse in the years just ahead.

Why, it seems reasonable to ask, was there no nuclear-powered ship in that small U.S. icebreaker fleet? After all, the Soviets had several years before, in the late 1950s, built the *Lenin*, the world's first nuclear-powered icebreaker. Congress, moreover, seemed very much in favor of building a U.S. nuclear icebreaker—as many in the Coast Guard also wanted.

Unfortunately for the USCG—and for the nation, it would seem—the White House considered the cost of a nuclear icebreaker exorbitant. Moreover, because of the Navy's rapidly escalating nuclear requirements, that service strongly opposed using—for construction of a nuclear propulsion plant for an icebreaker and at the expense of higher priority Navy projects—the scarce facilities and equipment then available. The end result was that the early-1960s plans for a nuclear icebreaker were shelved. Those involved in the U.S. icebreaking program nonetheless hoped that the new icebreakers that eventually would be built to replace the aging Wind ships would indeed be nuclear powered.

POWERFUL VIBRATIONS

That hope was not to be fulfilled. Instead, the design for the next two U.S. icebreakers built called for combined diesel and gas-turbine propulsion systems. Those ships, the 13,000-ton *Polar Star* and *Polar Sea*, were launched in 1973 and 1975, respectively. Each can muster 60,000 shaft horsepower (shp) from its gas turbine plant, and another 18,000 shp on the diesel side, making them one and one-half times as powerful as the *Lenin*, previously the most powerful icebreaker afloat.

The *Polar Star* encountered unforseen difficulties, regrettably, on her very first foray into the ice. The design of her new variable-pitch propellers proved inadequate to the task. Her commanding officer (then Captain, now Rear Adm. Norman Venzke), had to bring her back to port with two of her three shafts locked and an escort hovering close by in the event the third screw also were to fail. On a subsequent cruise, after modifications to the propellers had been completed, the ship experienced severe vibrations which even today have not been totally resolved. The performance of both ships otherwise has been superb, however, and the two have generally lived up to all of the USCG's high expectations.

Meanwhile, the Wind-class ships were wearing out and were falling by the wayside. At the start of 1983, only two were left. (*Glacier*, 10 years younger, is the fifth ship in today's oceangoing U.S. icebreaker fleet.)

It would have been difficult enough, under the stringent funding limitations of recent years, for the Coast Guard to have kept that greatly reduced icebreaking fleet operating even if it had been given full authorization to do so. There was in any case an even more difficult obstacle to hurdle. Under the use fee concept adopted by the Carter administration it was decreed in the late 1970s that icebreaker expenses should be borne proportionately by each of the several agencies involved in polar operations. Thus if the National Science Foundation desires to carry out a project in the Antarctic that requires icebreaker support, then the NSF would have to include the estimated cost of icebreaker operations in its budget for the year concerned.

A VARIABLE SCENARIO

The user fee concept seems simple enough in theory, and logical as well. It has not proven quite so simple in practice, however. The reason is that the number of user agencies varies from year to year; the extent and duration of icebreaking services required by each also varies annually—and substantially. With funding required from several user agencies to keep the icebreaker fleet operating, it seems clear that significant budgetary cutbacks within any one agency also could imperil the icebreaking operations carried out by or on behalf of the other user agencies.

Venzke, a veteran of four cruises to each polar region who is now, as chief of the Coast Guard's operations division, responsible for all USCG icebreaker operations, provides the following scenario: "Let's say that the National Science Foundation had planned a project in the Antarctic for which two icebreakers were to be committed, a course of action we would prefer for safety's sake. But at the last minute, because of

budget cuts, it decided only one would be used. Now you take a chance on endangering not only the entire operation because there is no backup ship in the event the one being used suffered a casualty, but you also could endanger the ship as well. And it takes 30 days to get assistance from the United States."

Venzke points out another problem with the user fee system. "Suppose an agency planned a project this year, nothing next year, and one two years hence. And no other agency includes enough funds in its budget to compensate for the off-year. What then? You can't turn off the ship like an electric iron! And if you lay it up, trying to put one of those 40-year-old ships back in commission would be a costly proposition, not only because equipment on those older ships deteriorates rapidly if it isn't constantly maintained but also because in many instances you can't get spares for needed replacement. The companies that made them [the spares] aren't around anymore."

THE SOUTHWIND BREAKOUT

It is worth emphasizing that much more than budgetary concepts are involved. Lives also are at stake. Coast Guard officials are understandably concerned about what might happen when the need arises, as it inevitably will, for icebreaker assistance in time of emergency.

Two responses made by icebreakers in previous emergencies illustrate dramatically the reason for the USCG's concern. In the fall of 1972, the icebreaker *Edisto* and a Navy auxiliary ship were stuck in the Arctic ice pack 800 miles from the North Pole when *Edisto* suffered rudder damage. *Southwind* hurriedly went to the rescue of the two ships, broke them out of the ice pack, and, although beset by 50-knot head winds and 20-foot seas, towed *Edisto* 1,000 miles to Reykjavik, Iceland, where temporary repairs could be made. *Southwind* then towed the stricken ship another 500 miles in the face of storm-force winds until the tow could be transferred to a Coast Guard cutter.

Not quite seven years later, in early 1979, *Westwind* was operating on the Great Lakes under conditions of extreme cold and record snowfall. For the first time on record, all five lakes were completely frozen at the same time. That winter, *Westwind* spent 95 consecutive days away from port, was engaged in icebreaking operations for 1,341 hours, traveled over 6,000 nautical miles, directly assisted 75 vessels, and broke out 10 separate lakeports to maintain or restore commercial navigation.

A COSTLY EXERCISE

Despite the USCG's obviously well-founded concerns, the system of funding icebreaking operations through user fees remains in effect—and now threatens, moreover, to affect icebreaking operations in ways clearly not in accord with the President's announced policies. Because of cutbacks, for example, in the research and development budget of the Maritime Administration which contained funding for icebreaker use, the Coast Guard may have to put one of its older ships out of commission at least temporarily. That in itself would be a costly exercise, as would be putting the ship back in commission at some undetermined time in the future.

How important are icebreakers to the United States? And how does the tiny U.S. icebreaker fleet compare to those of other nations? More U.S. oil now comes from the Arctic than from than from any other area of the world; the Arctic will for that reason alone increase tremendously in importance in the years ahead. (In the eyes of senior naval officials, it will become of much greater strategic importance as well.) As commercial activity increases the Arctic, there obviously will be a greater need in that region for icebreaker support. Scientific missions above the Arctic Circle will unquestionably be on the rise, too. Given the level of activity expected, it is inevitable that the demand for icebreaking services in the Arctic alone will increase substantially for the foreseeable future.

At the other end of the world, the United States remains committed to continued research as one of 14 signers of an international treaty which pledges that the exploration of Antarctica will be limited to peaceful purposes. One of the U.S. tasks resultant from that treaty involves the inspection, on behalf of all treaty signatories, of the scientific-research stations of other nations to ensure that all nations with facilities in Antarctica are living up to the terms of the treaty. The most recent inspection tour, concluded early this year, involved visits around the periphery of the frozen continent to 14 stations established by nine different countries. *Polar Star,* temporary home of the inspection team, became during that inspection cruise only the eighth ship in history to circumnavigate Antarctica; her journey of 7,773 miles took 69 days.

USSR AND CANADA AHEAD

In comparison to the icebreaker fleets of other countries, U.S. assets are relatively meager. The Soviet Union, according to the just-published 1983–84 edition of "Jane's Fighting Ships," operates 15 ships larger than the two U.S. Polars. Five of the Soviet icebreakers are over 20,000 tons displacement, and three are nuclear-powered. A fourth nuclear-powered icebreaker, projected to have 150,000 horsepower, is under construction and scheduled to be completed in 1984–85.

There are eight other Soviet oceangoing ice-capable ships in the 4,000- to 5,000-ton range, and six armed icebreakers. (With the exception of .50-caliber machine guns, none of the U.S. icebreakers are armed.)

The Soviet icebreaker fleet not only has a big advantage in numbers, it also is of much more modern design. Of the 15 heavy-duty Soviet icebreakers now active, nine are less than 10 years old. The oldest, the *Lenin,* was completed in 1959.

Canada, which is responsible, for keeping open the approaches to the St. Lawrence Seaway, and which also conducts extensive operations in the Arctic, operates the world's second largest icebreaker fleet, with eight heavy icebreakers now in its active inventory. One of these was the first icebreaker to use gas-turbine propulsion; another was the first ship to circumnavigate North America. Seven of the Canadian icebreakers are relatively new, with three having been delivered in the last five years.

If the United States were to determine that it is in the national interest to, say, double the size of its current icebreaker fleet, how much would it cost and how long would it take? Venzke estimates that adding to the present fleet new ships of equivalent capability would cost about $300 million per ship. If any or all were to be nuclear-powered the initial cost would go up considerably (but future operating costs would be lower). If construction could begin immediately, it would take at least four years before the first of the new icebreakers could be in full operation—that estimate does not, of course, take into account the time required to gain executive branch approval and to push the budget request for new-construction ships through Congress.

A TWO-SHIP CAPABILITY?

Meanwhile, the Wind-class ships continue to age rapidly. If some positive decisions about the future are not made soon, the United States may find its ability to operate in the polar regions reduced to just two ships. That is or should be an alarming prospect for a country which depends so heavily on one polar region for its energy supplies and in the other region has been the long-time world leader in scientific research.

If the United States wants, as the President has directed, both to maintain "an active and influential presence in Antarctica" and to protect its "essential security interests" in the Arctic, it needs more, much more, than a two-ship capability.

LOWER HEART DISEASE RISK: EAT OILY FISH

Mr. STEVENS. Mr. President, periodically I bring to the attention of the Senate many of the benefits of my State. One of the items I have been emphasizing over the past few months is the fact that eating fish may reduce the incidence of heart disease.

Alaska has an incredible potential for fish harvest that could vastly assist Americans in improving their daily diet.

An article appeared in USA Today indentifying research that has been done in this area showing that cholesteral levels are actually reduced by inducing a fish diet.

I ask unanimous consent that the article appearing in the February 21, 1984 edition of USA Today be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOWER HEART DISEASE RISK: EAT OILY FISH

(By Dan Sperling)

Eating fish may ward off heart disease, a new study shows.

Researchers at Oregon Health Sciences University in Portland introduced fish high in oils into the diets of 20 people with high blood-fat levels. "We found that there was a pronounced decrease of both cholesterol and trigylceride (a similar substance associated with heart attacks)," says Dr. William E. Connor. The results support a 1981 study.

The key is an oil called eicosapentanoic acid, says Dr. William P. Castelli, director of the Framingham (Mass.) Heart Study, who also has studied fish in the diet. The oil "lowers all the bad cholesterols in your blood and tends to raise the good ones," he says.

All fish contains this oil, especially oily fish such as salmon, mackerel and tuna. The oil's benefits can be seen in Eskimos, who traditionally have eaten fish and have had low heart-attack rates, Castelli says.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. I thank the Chair and I thank the distinguished assistant Republican leader.

Mr. STEVENS. Mr. President, the distinguished Senators from Washington have an item they would like to present to the Senate. I yield the balance of my time to them.

Mr. BYRD. Mr. President, I yield my remaining time to the distinguished Senator from Washington for his control, if he so needs it.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Thank you, Mr. President, and I thank the Democratic leader and the assistant Republican leader.

THE AMERICAN OLYMPIC TEAM

Mr. GORTON. Mr. President, today I am pleased to call to the attention of the Senate, and, indeed, to all Americans, the extraordinary achievements of the fine group of young people who represented the United States during the last week and one-half in the 1984 winter Olympics in Sarajevo, Yugoslavia.

One of the accomplishments of this American Olympic team has been the unprecedented Alpine skiing contests in which they have won medals, of whatever color. Previously, the best showing of American athletes in Alpine events took place in 1964, when our Olympians won four medals in those events—none of those medals being gold.

In addition, of course, our athletes did extremely well in a wide variety of other events.

All of our young American athletes, even those in the overlooked and underreported sports in which Americans are engaged only as the truest form of amateur, quietly went about their business, the business of competing vigorously with grace and commitment to the highest of Olympic ideas.

The results? Not four or five medals, but eight. And not bronze medals but silver and gold. Four of each, as a matter of fact. And numerous other young American athletes finished in fourth place, agonizingly close to additional medals.

Included among these nine American athletes were four young people from the State of Washington. They are:

Phil Mahre of Yakima, Wash., who won the gold medal in the men's slalom ski competition;

Steve Mahre, Phil's younger twin brother by 4 minutes, also of Yakima, Wash., who won the silver medal in the men's slalom event;

Debbie Armstrong of Seattle, Wash., who won the gold medal in the women's giant slalom ski competition; and

Rosalynn Sumners of Edmonds, Wash., who won the silver medal in the women's figure skating competition.

Phil Mahre's wife, Holly, at her mother's home in Arizona; presented him with their second child, born on the same day as Phil's slalom victory.

I will also take a moment, in deference to my two esteemed colleagues from California, to note that another medalist in these Olympics, Bill Johnson of Van Nuys, Calif., who won the gold medal in the men's downhill ski competition, spent many of his learning hours skiing at Mission Ridge, one of the many fine ski resorts in Washington State.

Let me hurriedly state, Mr. President, that it is not the intention of either myself or the junior Senator from the State of Washington to try to take all the credit for the Evergreen State of the accomplishment of Bill Johnson in the 1984 winter Olympics. We only intend that his training ground go down as a parenthetical remark in this celebration of the record of our U.S. Olympians.

In a more serious vein, Mr. President, I do wish to note another aspect of the accomplishment of these American youth in the 1984 Olympic games. All of them—whether medal winners or not—represented themselves, their families, and their Nation with great courage, with great commitment, with great skill, and with extraordinary grace in Olympic competition. The purpose of the Olympic games throughout the years has been to give athletes a forum in which to compete with others from around the world, with themselves and the best that they can be as individuals, and with established records in a spirit of friendship and good-will.

Can there be any doubt that these American athletes did that? I think not. Can there be any doubt that any other spirit was carried to these Olympic games by the fine athletes of other nations? Again, I think not.

What we have enjoyed witnessing during the last week and a half through the miracle of modern telecommunications has been the best in the tradition of the Olympic spirit. We have witnessed American athletes competing with those from the Soviet Union. We have witnessed athletes from Norway, Canada, and China, from France, Yugoslavia, and the two Germanies, from Italy, Chile, and Mexico, from tiny countries like Monaco, Liechtenstein, and San Marino—and, even from some very troubled countries like Lebanon, Cyprus, and Poland.

For a moment the Olympic spirit has lived for them—and within them—and they now take its spiritual rewards back home. They all have represented themselves well and deserve our thanks.

And they also deserve our challenge that they take the Olympic message home with them and show their countrymen and countrywomen that people can compete with one another without trying to destroy one another and that men and women of good-will can live with one another in peace and fraternity, respecting one another's similarities, as well as their differences.

And so it is with that spirit that the junior Senator from Washington and I will shortly offer a resolution of congratulations to all of our Olympic athletes, and especially to those who have won medals, who have done so well in the 1984 winter Olympic games in Sarajevo.

Mr. President, I thank you and yield to Senator EVANS.

Mr. EVANS. Mr. President, I join with my senior Senator from the State of Washington in reflecting on the events of the past 10 days.

What a joy it is for most Americans to be able to watch on television a different kind of competition, a different kind of contest between nations from the one we so often see on the evening news—the one of strife, of conflict, of war, of rebellion.

But here for a brief instant, young sportsmen, and some not so young engaged in contests between nations but more importantly in contests as individuals.

I had a particular empathy, during my watching the Olympics, with the not-so-young member of the Puerto Rican team, who was a luge bobsledder. He represented his country well. It was obvious that he did not have a chance of winning. But the important thing was competing. He competed well for his country and he represented the highest of Olympic ideals.

I would particularly like to reserve my remarks this morning for congratulations to members of the American team, all of them, medal winners or not, who represented this Nation so well during the recent Olympics, and most especially, of course, my congratulations to those residents of our State of Washington who acquitted themselves so well during the Olympic games: Rosalynn Sumners, the silver medalist in women's figure skating, Debbie Armstrong, the gold medalist in the giant slalom, and, of course, the Mahre twins, who over the past decade have proven themselves to be preeminent American skiers. But more than preeminent American skiers, they are twin brothers. They are brothers whose desire is to help each other. In doing so, they epitomize the strongest of American sportsmanship and the highest of the Olympic ideals.

I have a very special feeling for the Mahre brothers, for some years ago

when our boys were very young and learning to ski they engaged in what was called a mighty mite program at Crystal Mountain, Wash. On occasion, the youngsters from White Pass would come over to Crystal Mountain for competition. Our older sons had the privilege of skiing against the Mahre brothers in competition. In fact, my oldest son this last weekend said that he had the honor of beating Phil Mahre many, many years ago. I said, "I cannot remember you ever doing that." And he said, "Well, the reason was that he fell."

So one way or another it has been interesting to watch the development of these fine young men and their colleagues who have done so well in these Olympic games. My particular congratulations also go to Phil's wife Holly and their new son who someday, in years to come, may be an Olympian in his own right.

Mr. President, I thank the Chair.

SENATE RESOLUTION 350—CONGRATULATING THE AMERICAN ATHLETES AT 1984 WINTER OLYMPICS—PLACED ON CALENDAR

Mr. STEVENS. Mr. President, the distinguished senior Senator from Washington has a unanimous consent request to make which has been cleared with the minority.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I send a resolution to the desk sponsored on behalf of myself and the junior Senator from Washington (Mr. EVANS), the distinguished acting majority leader (Mr. STEVENS), and the distinguished Democratic leader (Mr. BYRD), and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORTON. Mr. President, this is the resolution congratulating our Olympians in general, specifically our eight medal winners to which I referred in my speech earlier. We shall determine later in the day when we can clear it for passage.

The resolution (S. Res. 350) follows:

S. RES. 350

Whereas, the attention of millions of people around the world has been directed during the past week toward the 1984 Winter Olympics in Sarajevo, Yugoslavia; and

Whereas, the contingent of athletes from the United States has included some of the finest young people to have represented this country in recent Olympics' competitions; and

Whereas, our best previous Alpine record in the Winter Olympics was in 1964 when four medals were won by American athletes; and

Whereas, this 1984 contingent of American athletes has achieved significant successes for themselves and their nation in this Winter Olympics; and

Whereas, these American athletes have achieved eight medals in the 1984 Winter Olympics competition, including four gold and four silver medals, five of which were in Alpine skiing for a new American record; and

Whereas, these American Olympic medal winners are:

Debbie Armstrong of Seattle, Washington, who won the gold medal in the Women's Giant Slalom competition, and

Scott Hamilton of Denver, Colorado, who won the gold medal in Men's Figure Skating; and

Bill Johnson of Van Nuys, California, who won the gold medal in the Men's Downhill ski event; and

Phil Mahre of Yakima, Washington, who won the gold medal in the Men's Slalom competition; and

Kitty and Peter Carruthers of Wilmington, Delaware, who won the silver medal in Pairs Figure Skating; and

Christin Cooper of Sun Valley, Idaho, who won the silver medal in the Women's Giant Slalom; and

Steve Mahre, also of Yakima, Washington, who won the silver medal in the Men's Slalom competition; and

Rosalynn Sumners of Edmonds, Washington, who won the silver medal in the Women's Figure Skating competition; and

Whereas, the conduct of these Olympics' medal winners and that of all their team colleagues represented themselves, their families, and their nation with extraordinary grace and courage; Now, therefore, be it

Resolved, That it is the sense of the Senate that these American athletes be exuberantly congratulated for their significant accomplishments and bearing at the 1984 Winter Olympics in Sarajevo, Yugoslavia; and that the United States Senate encourages all young American athletes to take great pride in the accomplishments of the 1984 American Olympic team and learn the qualities of commitment to excellence, grace under pressure, and good will toward other competitors that was exhibited by the 1984 American Olympic team; and

that the special congratulations of the United States Senate be extended to Phil and Holly Mahre to whom, on the day of Phil's achievement of his Olympic gold medal, was born their first son.

Mr. BAKER. Mr. President, I congratulate the distinguished senior Senator from Washington (Mr. GORTON), and others, who introduced the resolution congratulating those winners of the Olympics representing the United States. Four of the eight medal winners were from his home State of Washington.

It is with regret that I must say that the leadership on this side does not feel that it is possible to schedule consideration of that resolution today until it has been placed on the printed calendar for all to see and observe. That has been the policy of the leadership on this side for some time now, for reasons which are obvious. That is, that unless matters are placed on the printed calendar, it is difficult, if not impossible, for Members to know what matters are about to be brought up or about to be passed.

In this case, I would like to make an exception because I think it is a worthy case. My instinct would be to do so. However, I feel that I cannot.

I apologize to the Senator from Washington for that, but I am sure he will understand that it is the better part of discretion, I believe, to have these matters printed on the calendar for 1 day, even though there is no rule that requires it, so that all Members may be aware of it.

Mr. President, I assure the Senator from Washington that I will support him enthusiastically and bring the matter up at the first opportunity during the day on tomorrow, assuming it is cleared on both sides.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 3-YEAR DISASTER FOR NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, the time has come to recognize that for the past 3 years, this country and the Soviet Union have made no progress—none—on arms control. Meanwhile, both countries are racing ahead in arms competition. We are both spending billions of dollars annually to assure each of us the power to deliver enough nuclear devastation on the other to destroy each target seven times over instead of four times over. Recently, I pointed out on the Senate floor that this country is producing a net of three new nuclear weapons every day. I say net because we construct eight and dissassemble five to secure the plutonium we need for the new, more accurate and devastating missiles. Herbert Scoville, Jr., the president of the Arms Control Association, has written a devastating indictment of the dismal failure of our arms control policies in a recent article in the New York Times.

Mr. Scoville points out that the Reagan administration did nothing to advance arms control during their first 17 months in office. Finally, after overwhelming affirmation of public support for arms control talks in referenda in States throughout the Union and in one reliable public opinion poll after another, the administration was dragged—kicking and screaming—on to the arms control scene. Keep in mind that the United States as well as the Soviet Union had approached arms control with great caution for the 30 years since both countries became nuclear superpowers. We had

agreed to a threshold test ban treaty that confined nuclear tests to explosions that were below 150 kilotons. Of course, 150 kilotons was high enough to permit thorough testing of every weapons our military genius could conceive. A comprehensive test ban prohibiting all underground tests would stop the nuclear weapons technology race dead in its tracks. In SALT I and II, we had agreed to limits on launchers, but those limits were high enough to permit both superpowers to continue to devastate everything on Earth. We had agreed to make Antarctica a nuclear-free zone. This was nice for the penguins but did nothing for 99 percent of the world's population. We had also agreed to a Sea Bed Arms Control Treaty and an Accidents Measures agreement, each of which was commendable but minor. Both countries had advanced a nonproliferation treaty to prevent nuclear materials designed for peaceful purposes from being diverted to military purposes. But this has been feebly enforced. Perhaps the most significant advances in this painfully limited arms control progress were the treaties banning nuclear weapons in outer space and prohibiting nationwide antiballistic missiles here on Earth.

What has the administration done since it stepped into this halting, supercautious, very gradual 30-year approach toward limiting arms? Listen to Scoville on President Reagan's contribution to arms control:

1. He postponed indefinitely the negotiations on a comprehensive test ban treaty even though these talks had been supported by every Republican and Democratic President since Dwight D. Eisenhower. The need to do more nuclear testing was cited as the reason for putting off the talks.

2. He sent the Threshold Test Ban and Peaceful Nuclear Explosions signed by Presidents Richard Nixon and Gerald Ford back to Moscow for revision.

3. He refused to resume discussion on limiting antisatellite weapons and instead moved with high priority to begin testing an advanced weapons system for destroying Soviet space vehicles.

4. He proposed vast and expensive programs for ballistic missile defense systems, which would require abrogation of the Antiballistic Missile Treaty of 1972, the Outer Space Treaty of 1967 and the Limited Test Band treaty of 1963.

Mr. President, this is a truly appalling record. This is a time when all of us recognize that a superpower nuclear war would be a certain, unmitigated disaster—a total defeat for all sides and the certain devastation of both countries with the definite prospect for the end of life on Earth for all mankind. What has the administration given us? They have given us an unbroken record of sabotage of the pitifully inadequate progress our countries had made over three decades in arms control. Unfortunately, even the factual listing of the disastrous record of this administration on arms control must seem like a partisan, Democratic attack in an election year. Well, I challenge any Republican, any independent, anyone supporting the President to look at this record as dispassionately as possible and deny the fact that this President has torpedoed the arms control process. This is not simply a matter of failing to make progress in negotiations with the Soviet Union. Such negotiations always take many months and can drag on for years even with the most earnest intentions by an American President. This administration has—in the four specific areas specified by Scoville—actually set back and reversed the limited progress of the past 30 years.

Worst of all, this administration has approved the sale of nuclear materials and equipment to nations that have refused to sign the nuclear nonproliferation treaty. Such nations can and will certainly in some cases use these nuclear materials for military purposes. Previous administrations have been weak in enforcing the terms of the nonproliferation treaty. This administration has virtually ignored it.

Mr. President, reliable polls show that millions of American children do not expect to live out their lives because they believe they will die in a nuclear war. Time after time, an overwhelming majority of Americans voting in referenda and answering reliable public opinion polls have voted for a nuclear freeze. This Nation is a democracy. Yet, on the single subject that most Americans consider the most vital for our country—its very survival—we have an administration in power that absolutely contradicts the manifest opinion of our people.

The irony of all this is that this administration will probably win reelection and another 4 years to complete its dismantling of arms control.

Mr. President, I ask unanimous consent that the article to which I have referred from the Sunday, February 12, 1984, issue of the New York Times, by Herbert Scoville, Jr., be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 12, 1984]

POOR RECORD ON ARMS

(By Herbert Scoville, Jr.)

McLEAN, Va.—President Reagan has started his re-election campaign with a public-relations attempt to demonstrate that he and his Administration have been serious about controlling nuclear weapons and reducing the risk of nuclear war. But this public-relations blitz does nothing to change President Reagan's dismal record on the nuclear war issue, which is critical to our survival.

The blitz began with the President's own deceptively placatory speech designed to convince our allies that he really wished accommodation with the Soviet Union. Next, Paul H. Nitze, his negotiator for intermediate-range nuclear forces talks at Geneva, and then Edward L. Rowny, his strategic arms reduction talks negotiator, appeared in print and on television, arguing that the Administration's negotiating positions were sound and flexible. Secretary of State George P. Shultz said in Stockholm on Jan. 17 that Washington was ready "for early progress" once arms control negotiations were resumed.

In fact, the President deserves scant credit for any improvement in his arms control policy. Only under pressure from people in this country and Europe did he initiate any arms control negotiations. The talks on intermediate-range forces were started 10 months into his term and then only at European leaders' insistence—demands generated by the public outcry over the forthcoming deployment of Pershing 2 and cruise missiles. The strategic arms reduction talks were not begun until 17 months after Mr. Reagan took over and again only as a result of widespread American public alarm among freeze-movement activists, physicians, scientists, lawyers and other concerned organizations.

What in fact has the President done to curtail the arms race?

He postponed indefinitely the negotiations on a comprehensive test ban treaty even though these talks had been supported by every Republican and Democratic President since Dwight D. Eisenhower. The need to do more nuclear testing was cited as the reason for putting off the talks.

He sent the Threshold Test Ban and Peaceful Nuclear Explosion Treaties, signed by Presidents Richard M. Nixon and Gerald R. Ford, back to Moscow for revision.

He refused to resume discussion on limiting anti-satellite weapons and instead moved with high priority to begin testing an advanced weapons system for destroying Soviet space vehicles.

He proposed vast and expensive programs for ballistic missile defense systems, which could require abrogation of the Anti-ballistic Missile Treaty of 1972, the Outer Space Treaty of 1967 and the Limited Test Ban Treaty of 1963.

Negotiations have been used not merely to cover inaction in real arms control but also to justify the procurement of new nuclear war fighting weapons as bargaining chips.

The President's original position at the intermediate-range forces talks—the so-called zero option for eliminating all Soviet nuclear weapons aimed at Europe in exchange for American agreement to forego the deployment of cruise and Pershing 2 missiles—was palpably nonnegotiable, and Administration spokesmen admitted that they expected no encouraging Soviet response until after the Pershing 2 and cruise missiles were deployed in Europe.

Now that such deployment has begun, the Russians have predictably broken off negotiations and begun to pursue an equally misguided course—deploying more missiles aimed at Western Europe. The only ray of light in these talks was the so-called walk-in-the-woods of Mr. Nitze and his counterpart, Yuli Kvitsinsky, in which the chief American negotiator privately offered to postpone deployment of the Pershing 2 missiles. Yet, in the aftermath of this unofficial move, the director of the Arms Control and Disarmament Agency, Eugene V. Rostow, was forced to resign for his "overzealousness."

The Administration has been required to modify its original proposal several times under Western European pressure, yet it still has not faced up, even implicitly, to the real roadblock in these negotiations—the

British and French strategic nuclear weapons aimed at the Soviet Union. It is not surprising for the Soviet Union, the only country in the Eastern bloc with nuclear weapons, to be unwilling to ignore these forces—162 missiles being modernized with multiple warheads. Only now, when the Russians have broken off the intermediate-range forces talks and removed Mr. Reagan's cover for failure to deal seriously with this problem, has the Administration given even the slightest indication of being willing to merge talks about intermediate-range forces with negotiations about reducing intercontinental weapons—a possible politically acceptable tactic for dealing with this thorny issue.

The strategic arms reduction talks are also headed nowhere—Mr. Rowny's optimism notwithstanding. No date has been set for their resumption. In this case, too, our initial negotiating position was clearly unacceptable—and would have decreased American security had it been accepted. Its primary weakness—that it would have increased the vulnerability of the weapons by which both the Americans and Russians deter a first strike and this would have made a nuclear war more likely—was recognized by the bipartisan commission on the MX missile. The American position was subsequently modified, but as long as Mr. Reagan insists that the MX and the Trident 2 missiles be the mainstays of the American force, he will be undermining the stability of the nuclear balance.

Now Mr. Rowny has expresed optimism that the Russians will soon return to the table and negotiate seriously. Yet he admits that our proposals, which he recently discussed with President Reagan, are no different from those presented last October and that the Russians have shown little interest in them. In fact, Yuri V. Andropov's death makes it even more unlikely that talks will be resumed.

Mr. Rowny also proclaims that Washington is at last willing to discuss trade-offs of Soviet and American advantages in certain classes of weapons. Such trade-offs are, of course, the essence of any successful arms control negotiation, and yet it is only after three years in office that Mr. Reagan is prepared to discuss such a deal.

Given this record of delayed action, coverups and political posturing, it is hardly surprising that the American people are skeptical about the President's seriousness about arms control. The President was successful in getting some gullible Congressmen to support the procurement of MX missiles because they did not want to be blamed for his arms control failure. But in the absence of any negotiations, it is unlikely that he will be equally successful in conning the American people in this election year. This explains his real concern about the suspension of all nuclear weapons talks with Moscow.

GOLDEN FLEECE AWARD FOR FEBRUARY TO FORT WORTH REGIONAL OFFICE OF URBAN MASS TRANSPORTATION ADMINISTRATION

Mr. PROXMIRE. Mr. President, I am awarding my golden fleece of the month for February to the Fort Worth Regional Office of the Urban Mass Transportation Administration (UMTA) for flatly mismanaging $64 million of capital improvement projects reviewed by Department of Transportation auditors for the period January 1981 to May 1983.

Look no further for the classic case of runaway Federal spending. If you want to observe a spending program gone wild, check out the Fort Worth Regional Office of UMTA.

From January 1981 to May 1983, the Fort Worth office received 399 applications for local transportation projects and accepted all but 1 which was turned down for lack of money. This is not my idea of careful oversight of taxpayers money.

This rubberstamp approval led to one horror story after another. Here are some examples:

They awarded 2 grants to help build bus garages to repair 150 and 200 buses respectively. But the fleets in question consisted of only 45 and 94 buses.

They approved five grants, worth about $1.7 million, to buy spare parts for buses although only $160,000 was really needed.

They approved $1,033,680 to install air-conditioners in 200 buses despite the fact that 100 were to be sold.

They shelled out $32 million in capital assistance to one grantee, which did not have the money to match the grant.

They approved a $1 million grant to replace trolley buses, whose ridership averaged less than two passengers per trip.

If all Federal agencies were as unable to see, hear or speak in their review of grant applications, the Government would go broke even faster than it is now.

Department of Transportation auditors attributed this mismanagement to the absence of written procedures covering the review of grant applications, insufficient supervision, an imbalance in workload, a lack of technical review, and an insufficient number of visits to these local projects.

What accounts for this mismanagement? Well, maybe it was the busy schedule of the UMTA managers. After all, in the 29-month period ending February 28, 1983, these managers took a total of 98 trips, including 47 by the regional administrator alone. How many were to visit projects which had been funded? The grand total of seven. How many were to attend conferences or other meetings? Forty-four.

According to the audit report, several major cities had not been visited even though these cities had submitted project applications of a questionable nature.

UMTA regional officials agreed with the findings of the audit report and stated that they intended to carry out the corrective actions recommended in the report.

I have written to Secretary of Transportation Elizabeth Dole asking her to clean up this mess and seek refunds for all overpayments.

UNITED STATES—BEACON OF HOPE FOR THE PERSECUTED

Mr. PROXMIRE. Mr. President, over the 35 years since the United States has signed, yet not ratified, the Genocide Convention, the perennial opponents of this treaty have cited many dubious arguments against its ratification.

For example, our opponents claims that if we ratify the Genocide Convention, we would be duty-bound to intervene militarily in the Middle East to punish Arabs and Jews for killing each other. The same goes for tribunal wars in Africa, the killings in El Salvador, Angola, South Africa, or anywhere else in the world where people are being killed.

This is a fallacy. Like all treaties, the Genocide Convention can have various interpretations stemming from its wording. All nations, including the United States, have the right and obligation to give their own interpretation of any treaty through the use of understandings and reservations. These understandings and reservations protect against misinterpretations which may arise from the treaty's wording. In this regard, the Genocide Convention is no different.

Further, not all armed conflicts in the world today have as their purpose the extermination of one of the parties involved. Rather, they may represent territorial or civil struggles—that is, people or nations fighting to gain control of land or win independence.

We do not have to have war to have genocide. Hitler was not at war when he began exterminating the Jews.

We need to ratify the Genocide Convention to deter the Hilters of the world from evolving and acting. The United States has always been a beacon of hope for the persecuted around the world. Let us keep our commitment to shine this beacon of hope for all the oppressed persons of the world by ratifying the Genocide Convention during this present Congress.

CENSORING STARS AND STRIPES

Mr. PROXMIRE. Mr. President, the U.S. European Command has been censoring the newspaper of our military personnel in Europe—Stars and Stripes. General Lawson, Deputy Commander in Chief of the U.S. European Command, ordered Stars and Stripes not to print stories about the dismissal of German Gen. Guenter Kiessling because it might "undermine the discipline" of U.S. troops in Europe.

In censoring Stars and Stripes for the first time in 20 years, General

Lawson demeaned the intelligence of our military personnel and violated their rights to a free press. His action betrays a lack of respect for the democratic institutions our fighting forces are protecting in Europe.

When the first stories appeared in the European press about the forced retirement of German Gen. Guenter Kiessling, the deputy of U.S. Gen. Bernard W. Rogers, Supreme Allied Commander in Europe, Stars and Stripes decided to run the story. The editors met to discuss how to handle the story since the facts were changing daily. They decided to print a story saying that the general had been retired and that he had denied being a homosexual. It was not sensationalized and in fact played down—a 3-inch item for an inside page with a balanced presentation.

But General Lawson intervened to kill the story. Protests from the managing staff of Stars and Stripes were ignored. This was the first time in 20 years that a story had been censored in that newspaper by higher command.

Several days later, General Rogers issued a statement on the Kiessling incident from his headquarters in Casteau, Belgium. Stars and Stripes was told again they could not print the public statement from General Rogers.

Consider the irony here. The story was playing in all the European press including English language editions read by U.S. military personnel. It was on television. It was big news. But Stars and Stripes was censored from even reporting on the official and public reaction by General Rogers. This is an appalling lack of sensitivity and judgment by our European Command.

Why did they do it? I asked General Lawson and here is what he said by telegram back to me. He said "speculative reports will not be permitted to appear." He said that reading speculative and sensational news reports such as this "could possibly result in undisciplined behavior in the form of innocent but ill-chosen and uninformed remarks and actions."

Imagine that, Mr. President. The general decided that our military personnel are so weak of character that they must be protected from news stories so they do not say something wrong. What do we have a military establishment for? To protect our liberties and the Constitution. Instead we have General Lawson determining what is news and what is not based on some mythical concern about undisciplined behavior. What nonsense.

By his standards, there would be no reporting in Stars and Stripes on Watergate because the facts were not all in. There would be no reporting about racial discrimination against black U.S. soldiers in Germany because it might lead to "undisciplined behavior." There would be no stories about cost overruns because that would be too "speculative or sensational."

Once started, that is where censorship leads.

Stars and Stripes should have followed this story from start to finish. It should have printed the initial allegations and the general's denials. It should have told its readers about the investigation and how General Kiessling was exonerated and reinstated.

General Lawson owes Stars and Stripes and the American people a fast apology and that apology should be printed by Stars and Stripes next to the first amendment of the Constitution.

As the Army's own regulations state:

> The European Stars and Stripes, by demonstrating the principles of established and respected journalistic qualities, will serve as a credible, effective element of the information programs of the unified command and the Department of Defense.
>
> The calculated withholding of unfavorable news is prohibited.

But the story does not end here. Even after the original censoring of Stars and Stripes, General Lawson objected to a series of letters to the editor from appearing in Stars and Stripes which were criticial of his censorship efforts. The general only wanted one letter to be printed—excluding all the others. The editors, as is their custom, wanted to print a selection of the best, most articulate letters. A compromise was reached with the printing of four letters but the general was successful in deleting the one letter most critical of his efforts to censor the paper.

It will be interesting to see what action General Lawson takes against the editors at Stars and Stripes. Will he take retaliation against them personally? Will he try to have them transferred? He already has ordered the top management of Stars and Stripes to make a 100-mile drive to Stuttgart every week for a personal meeting with him for closer oversight of the newspaper.

General Lawson continues to defend his censoring of Stars and Stripes. His arguments are as straight forward as they are wrong. First, he claims that highly speculative reports would have no useful purpose. No purpose he says. What he means to say is that they were embarrassing reports that the European Command did not want published. As for the no useful purpose argument, you would only make that point if you were in a position to know what was useful to the reading audience. Apparently, General Lawson is the judge of what is useful to his audience and what is not.

Second, he argues that since General Kiessling was reinstated, that proves the judgment about his censorship. Consider the importance of that conclusion.

The public should not be allowed to follow a story until it is wrapped up. Only after every last fact is in should the readers of Stars and Stripes be told the facts. They do not have the mental capacity to make up their own minds. They must follow the judgments of senior commanders.

Such is the state of freedom of the press for thousands of Americans serving in uniform in Europe—defending our freedoms but not allowed their own.

I call on General Rogers to immediately step into this situation and stop the censorship of Stars and Stripes and to prohibit any retaliation by General Lawson against Stars and Stripes editors. If this does not come about, I believe that Congress should conduct some hearings into the censoring of Stars and Stripes.

Mr. President, I ask unanimous consent that certain Stars and Stripes news articles and letters to the editor be printed in the RECORD, including the one letter censored by General Lawson.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Stars and Stripes, Feb. 17, 1984]

EUCOM DEFENDS CENSORSHIP OF STRIPES

STUTTGART (UPI).—The U.S. European Comd defended Thursday its decision to censor The Stars and Stripes to keep it from publishing stories on the firing of a German general as a security risk for allegedly frequenting homosexual bars.

Navy Capt. Jay Coupe, director of public affairs at EUCOM Hq, said the fact that Gen. Guenter Kiessling, one of two deputy NATO commanders, later was reinstated by the West German government and cleared of the charges showed the correctness of the command's action.

Coupe made the statement in reply to a charge made Wednesday by Sen. William Proxmire in a statement. The Wisconsin Democrat said that Air Force Gen. Richard Lawson, deputy commander in chief of EUCOM, had "demeaned the intelligence of our military personnel and violated their rights to a free press."

Proxmire accused Lawson of betraying a lack of respect for democratic institutions by prohibiting the daily newspaper of the armed forces overseas from covering the controversy over Kiessling.

Coupe said it was the duty of the command, as it is the duty of all publishers, to protect its readers from receiving highly speculative and erroneous information and unfounded allegations.

He said there had not been a total ban on coverage because The Stars and Stripes on Jan. 14—nine days after the story broke—had been allowed to print a UPI story saying that the command had imposed a ban on coverage by the newspaper. In that story, The Stars and Stripes deleted a reference to homosexual bars.

The Stars and Stripes was not allowed to publish another story until Feb. 2, when it carried a UPI dispatch on Kiessling's reinstatement.

The newspaper's edited version of the dispatch said Defense Minister Manfred Woerner and fired Kiessling because he considered him a security risk. But it did not give Woerner's reasons—that Kiessling allegedly frequented homosexual bars in Cologne.

CENSORSHIP-ISSUE LETTERS ANSWERED BY USEUCOM

This command decision (telling The Stars and Stripes not to print the story about Gen. Guenter Kiessling) insults the mentality of all soldiers stationed in Europe. Does the command believe that none of its soldiers of families can be trusted to read information and think for themselves?

The Stars and Stripes is the sole source of news for many soldiers here in Europe who don't take the time and effort to seek out other "non-censored" publications on their own. It is very insulting to have our leaders censor our reading material under the guise that it "might hurt discipline among U.S. servicemembers".

Please remind me . . . why is it that we are here in Europe anway? To protect the right of our European allies to be able to have the freedoms that we enjoy in the U.S.?

I guess that I am one of the fortunate soldiers in Europe who has developed a friendship with several Germans, one of whom is a German officer. They have kept me informed as the information has unfolded regarding the events surrounding Gen. Kiessling's relief via the "free" German news media.

It was a very embarrassing moment for me, however, when my friends saw the headline that admitted that a commander of U.S. Forces had made a decision to censor the information from the U.S. soldiers in Europe. They were very shocked that actions could be taken in a country that was truly free. They said that such actions could never happen in the German free press.

Have we taken a step backwards as Americans? What is it again that we are actually defending over here? Something called freedom? Please define what the U.S. European Command considers freedom so I can explain the definition to my soldiers and confused German friends.—Capt. J. D. Buck Wray, Frankfurt.

The fact that some of the information about the dismissal was "believed by this division (USEUCOM) to be erroneous" does not give anyone permission to impose a ban on the printing of the news story.

If we cannot get a full picture of what's going on in the world today, how can we be expected to see the difference between so-called "free" American papers and so-called "censored" Soviet papers?

Don't misunderstand me, I'm not pro-communist. I believe that the U.S. is the absolute best country existing today. But my belief in U.S. superiority is based upon my belief in the greatness of our Constitution, especially of the Bill of Rights that gives us the freedom to see all sides of an issue.

If you deny us that freedom, what is left?

I'm 17 years old. I'm graduating this year. I want to become a newspaper journalist, and I want to serve in the United States Air Force. Please don't make it impossible for me to do both.—Druann Pagliassotti, Naples, Italy.

The particulars of the case have no bearing on whether or not it should be printed in an unofficial publication. I find the intervention of Hq USEUCOM heavy-handed and unwarranted. Facts are never "detrimental to good order and discipline." Treating us as though we are incapable of good judgment is!

I am a master sergeant with 13 years of service. If my superior officers feel they have to "protect" me from the facts, or consider me incapable of judging for myself whether something is "detrimental," then I've been defending us from the wrong enemy!—Master Sgt. Jeffry J. Tschida, RAF Mildenhall, England.

I personally could care less about the retirement of Gen. Kiessling. What I do care about is the banning of the news and the questions such action brings up concerning your selection of the news on a day-to-day basis.

I am a relatively new resident living here in Germany, and it was immediately clear that The Stars and Stripes is the only newspaper of its kind widely read on a day-to-day basis by the forces of the U.S. government.

I have little respect for the responsibility demonstrated by the news media in general. Most newspapers are pressured to publish first and ask questions later, frequently disseminating misleading, if not false, information.

The Stars and Stripes, however, is not in such a competitive position, so you have the luxury of reporting at least news which has been validated. By your very existence, though, you do have a responsibility to report the news, all of it. When your publication selectively bans information based on what the readership "needs to know," then information ceases to be news but instead becomes propaganda.

The real problem I have with this action is that I am not a U.S. service member but a U.S. government contractor. My work, and the contribution of other contractors, is just as significant to national defense as our military counterpart.

It is quite fair to say that we, as a captured audience, do not appreciate the official judgments in such matters to decide what is acceptable news.

A colleague of mine has come to your defense. He poses the simple question, "What do you expect for 15 cents?" It's easy for him to say, since he subscribes to a consolidated European newspaper which did print this story concerning Gen. Kiessling.

I do not accept this line of reasoning, though, since this is not a viable alternative for the majority of readers who depend on an inexpensive and convenient source of information. Consequently, The Stars and Stripes has a responsibility to print the whole story and let the readers decide what's important.—Smith Young, Augsburg, Germany.

EDITOR'S NOTE.—USEUCOM replies:

The writers' expression of concern about the decision to withhold certain news reports on the retirement of Gen. Guenter Kiessling from publication in The Stars and Stripes are obviously heartfelt and perfectly understandable. Now that the "Kiessling Affair" has begun to clarify, the reasons for this highly unusual step can be discussed.

The Stars and Stripes, by Department of Defense definition, is a "unified command newspaper," and USEUCOM, the unified command in Europe, is the paper's de facto "publisher." Like most publishers, USEUCOM rarely finds it necessary to intercede in Stripes' editorial operations. Like all publishers, this command must, in unusual circumstances, exercise its responsibility for editorial content, because of broader policy considerations.

Several factors concerning press coverage of this matter, taken together, led to the decision not to run many of the initial news reports in Stars and Stripes. These factors include the following:

First, Gen. Kiessling was the highest-ranking officer in the West German Bundeswehr, and his position as the second-highest-ranking officer on the staff of the Supreme Allied Commander, Europe, further enhanced his visibility.

Second, from the beginning, the focus of virtually all news reports about Gen. Kiessling's retirement was on allegations that he had been relieved by the West German government as a security risk because of personal actions or associations which would be considered scandalous.

Third, these news reports were highly speculative, in part because the Bonn government withheld definitive comment for several weeks. Moreover, the allegations were never substantiated.

Fourth, the vast majority of Stars and Stripes readers (77 percent) live and work in West Germany, where they are, in a real sense, the guests of the German people. Their closest associations are with members of the Bundeswehr with whom they work and train, and whose goodwill is an integral part of allied effectiveness.

Finally, Stars and Stripes' banner accurately proclaims it an "authorized unofficial publication for the U.S. Armed Forces." Stripes is a part of, and responsible to, the U.S. Department of Defense. Most Europeans consider material presented in Stars and Stripes to have official sanction, if not approval.

After due consideration, I decided that highly speculative and sensational news reports containing inconclusive allegations against a senior host-nation military leader, were they to appear in a newspaper widely read by U.S. personnel stationed in Germany, would serve no useful information purpose and could be inimical to good relations with our host nation.

The fact that the West German government eventually conceded that the provocative allegations against Gen. Kiessling could not be confirmed, and reinstated him with full honors in the Bundeswehr, would appear to support that judgment. Moreover, as facts and substantive government positions did emerge, they were duly reported in Stars and Stripes.—Richard L. Lawson, General, USAF, Deputy Commander in Chief.

"KIESSLING AFFAIR" FINDS ECHOES AMONG S&S READERS

Nothing in any newspaper has disturbed me as much as the Stars and Stripes story about its censorship in the matter of the firing of the deputy NATO commander, Gen. Guenter Kiessling.

Censorship is bad. Period. It is dangerous. There are no words in a democracy to describe such a thing—one needs the vocabulary of totalitarianism, mind and thought control, for that.

We are not free if we cannot have the truth, if information is denied us. What we think depends on what we know, and what we know depends on the information to which we have access. What value is there in free speech if the taps of information are shut off?

Whoever controls what information you receive, effectively controls you.

I know the story about Gen. Kiessling. I read about it in the International Herald Tribune. The story has been in all German newspapers, on television newscasts, in

every major European newspaper, in the U.S. media.

That is what makes this case so bizarrely, insanely stupid. The story about Gen. Kiessling is obviously not a matter of secrecy or national security. The Germans know about it. The Russians know about it. Everyone knows about it, except those sent over here to defend the principles of freedom and democracy—the American soldier. I do not know if what Gen. Kiessling allegedly did was legal or not. I leave that to legal authorities. I do not know if what he may have done was "immoral"—I leave that to professional moralizers. . . .

I have no way of knowing whether Gen. Kiessling posed a security risk. However, I do know absolutely that the generals who banned the story from the Stars and Stripes are more dangerous, a much greater security risk to the principles for which NATO stands, * * * there is betrayal and sedition against freedom and democracy, it is theirs, not his.

The spectre of Orwell's "1984" has been raised far too much already, but here it is in fact for you right in your daily paper, brought to you by the U.S. European Command.

The Stars and Stripes printed the story of its own censorship, but now we have the entire credibility of the paper jeopardized. The editors are obliged to tell us just how often this censorship takes place. What other things have occurred that the readers have been banned from knowing? How much information is controlled?—Michael Peterson, Rhein Main AB, Germany.

. . . This command decision insults the mentality of all soldiers stationed in Europe. Does the command believe that none of its soldiers of families can be trusted to read information and think for themselves?

Please remind me . . . why is it that we are here in Europe anyway? To protect the right of our European allies to be able to have the freedoms that we enjoy in the U.S.?

I guess that I am one of the fortunate soldiers in Europe who has developed a friendship with several Germans, one of whom is a German officer. They have kept me informed as the information has unfolded regarding the events surrounding Gen. Kiessling's relief via the "free" German news media.

. . . It was a very embarrassing moment for me however, when my friends saw the headline that admitted that a commander of U.S. Forces had made a decision to censor the information from the U.S. soldiers in Europe. They were very shocked that actions could be taken in a country that was truly free. They said that such actions could never happen in the German free press.

Have we taken a step backwards as Americans? What is it again that we are actually defending over here? Something called freedom? Please define what the S. European Command considers freedom so I can explain the definition to my soldiers and confused German friends.—Capt. J. D. Buck Wray, Frankfurt.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, all leader time is yielded back, as I understand it.

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, 66 years ago this month, the independence of the Republic of Lithuania was proclaimed. Today, we joint the people of Lithuania in remembering that historic occasion. And we express our support for their continued pursuit of the goals outlined in their 1922 constitution—freedom of expression, freedom to worship according to the dictates of one's own conscience, the freedom to celebrate one's cultural heritage, and the freedom to choose one's place of residence.

Tragically, the Republic of Lithuania was occupied militarily and incorporated by force into the Soviet Union in 1940, an action deplored by Americans and by free people everywhere. Yet, despite the restrictions placed on their freedom by the Soviet regime, Lithuanians continue to affirm their national identity and their pride in their traditions.

Mr. President, on a visit to Lithuania the first year I was in the Senate—I believe it was in 1966—I was deeply impressed with the tenacity of the Lithuanian people in preserving their folklore, their customs and their traditions. They did not succumb to the attempt by the Soviets, to "Russianize" everything. They expressed their own heritage and their own culture in their own way.

That was 18 years ago, and they have still persisted in this effort. They have many friends who speak out on their behalf. They have many relatives who live in this country, many of them right in my own State of Illinois, and particularly in the city of Chicago.

It is the hope that their friends in this country have for them, and the encouragement and moral support they provide, that keeps Lithuanians in the homeland persisting in their intentions and efforts not to be suppressed.

Americans of Lithuanian descent have been instrumental in keeping the plight of their friends and relatives in the homeland very much in our national awareness. Although they are well-integrated into American life, Lithuanian Americans have maintained their cultural heritage and have publicized the sad events taking place in Soviet-dominated Lithuania. One of the most effective ways they have done this is through their consistent support and encouragement of Radio Free Europe/Radio Liberty which broadcasts to Lithuania. Last year Congress passed an amendment I introduced which united the broadcast services to the Baltic States to increase the strength and prestige of these services. It is known as the Baltic States Service. I believe this transmission, which already functions as an informational lifeline through which we can communicate the ideals of democracy, will reinforce the distinct identity of Lithuania and her sister Baltic States.

The very fact that the Soviets and the governments of Eastern Europe spend more in attempting to block and jam Radio Liberty and Radio Free Europe than we spend in the transmissions is an indication of how powerful must be their impact, and how great must be the value of these broadcasts.

I have had a great interest in this area ever since I joined the Senate, and long before that, an interest to keep alive that spirit in Eastern Europe. We want to increase the quantity and quality of our transmissions and increase the services they provide. We want always to have a voice of truth available, so that in Eastern Europe and the Soviet Union, despite the jamming, people can find the way to tune in and find out what is going on in their own countries. They are not told what is happening in their own countries—and they need to know—and RFE/RL help to meet that need.

The plight of the oppressed peoples must always be a focus of world attention. That is why I was proud to be a cosponsor of a resolution, which passed the Senate by a wide margin last year, urging the President to take all steps necessary to bring the question of self-determination for the Baltic States before the United Nations. I am hopeful that this resolution will serve notice on the Soviet Union that the world is mindful of the deprivation of national rights and fundamental freedoms in the Baltic States.

I believe this resolution is significant because it lets the people of Lithuania know that they are not forgotten and that their perseverance and courage during their long struggle for freedom

is recognized in the free world. I hope we will learn from their determination that we cannot tire of defending freedom or the principles of democracy that guarantee our freedom; that we must continually renew our commitment to the principle of self-determination for all peoples; and that we must remember always the fortitude and bravery of the Lithuanians and others who have suffered under repressive regimes but whose national spirit has never been broken.

I look forward to the day when the people of Lithuania will enjoy the same freedoms that we do in this blessed land, and when they will be able to rule themselves in their own way. That is my prayer as we look ahead to February 16, 1984, the anniversary of Lithuanian independence.

Mr. President, the pattern and history of repression is available for all to study. With persistence, and with assistance, that pattern has been broken time after time through the centuries, and it has happened in our own time.

We can see right now in Latin America that changes are occurring in several very important countries where there has been repression and tragedy. Thousands of people have disappeared in Argentina, and the conscience of that country is now coming forward, revelations are being made by their own Government to their own people, and I think that is a salutary thing.

It is for that reason that I have never given up, and never will give up, my hope for freedom for the peoples of the Baltic States and the Soviet Union.

I held a hearing of the Foreign Relations Committee in Chicago—the first that has ever been held there—in November 1983. My hearing focused on human rights in Eastern Europe and the Soviet Union, and the denial there of basic freedoms including freedom of religion, freedom of speech, freedom of assembly, freedom of the press, and freedom to join labor organizations. We had an outstanding group of witnesses.

I then convened a new advisory council that I have invited to advise me on the issues of religious rights, and that council has been joined by former President Ford and former President Carter as honorary chairmen, and four former Secretaries of State. The letters and messages from them were extremely moving. We also have Cardinal Bernardin, Archbishop Iakovos, Rev. Theodore Hesburgh, and other noted religious leaders who have joined the council. I depend upon that council for their advice and timely information.

I am grateful to my colleague ALAN DIXON for joining me. We have a totally bipartisan council.

Mr. President, I ask unanimous consent to have printed in the RECORD the initial report from the advisory council.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT FROM THE ADVISORY COUNCIL ON RELIGIOUS RIGHTS IN EASTERN EUROPE AND THE SOVIET UNION

WASHINGTON.—The Advisory Council on Religious Rights in Eastern Europe and the Soviet Union, chaired by Senator Charles H. Percy (R-Ill.), has undertaken several initiatives on behalf of religious believers behind the Iron Curtain in recent weeks, Senator Percy reported today.

At its inaugural meeting in Chicago on November 9, 1983, Advisory Council members agreed on seven initiatives which address specific problems for religious believers in Eastern Europe and the Soviet Union:

In response to the current Soviet crackdown on religious believers, the Advisory Council authorized the Chairman to initiate a concerted intergovernmental effort to increase world attention on the harassment of all religious groups in the Soviet Union. Senator Percy has asked the Chairman of the U.S. Delegation to the North Atlantic Assembly, Senator Charles McC. Mathias, to raise the issue of Soviet religious repression at the next meeting of the Assembly in Luxembourg, May 24-28, 1984.

The Advisory Council expressed concern over the Warsaw Pact countries' systematic violation of international agreements pledging respect for religious rights, and agreed that the Chairman will offer a Senate resolution focusing on the issue. Senator Percy and Senator Claiborne Pell (D-R.I.) will introduce a resolution which makes clear that Congress expects all governments to live up to their international human rights commitments.

The Advisory Council established an information line in Washington for use by Council members which will ensure that the most current information on persons persecuted for their religious beliefs is available to the Chairman.

The Advisory Council is investigating ways of supporting the provision of additional paper to the leading Polish Catholic weekly newspaper, Tygodnik Powszechney which has a limited production due to Government paper rationing.

Senator Percy has asked the Romanian Government to comment on West German press reports that Romanian officials have been demanding bribes of up to $12,000 from prospective emigrants. Should the reports persist, the Advisory Council would pass a resolution deploring the bribes to bring to the attention of the Romanian Government.

The Advisory Council expressed concern over Romanian Orthodox priest Father Gheorghe Kalciu-Dumitreasa, who is reportedly in poor health while serving a ten-year prison sentence in Romania. Senator Percy has written to the Ambassador of Romania and to the Orthodox Patriarch of Romania requesting information on Father Kalciu's health, and expressing the hopes of the Advisory Council for Father Kalciu's release.

The Advisory Council has taken action on behalf of imprisoned priests Alfonsas Svarinskas and Sigitas Tamkevicius, both charter members of the Lithuanian Catholic Committee for the Defense of Believers' Rights. The Council has written letters of support to the priests, and Senator Percy has written Soviet Ambassador Dobrynin to protest the sentences.

Attached is a list of members of the Advisory Council and their affiliations.

ADVISORY COUNCIL ON RELIGIOUS RIGHTS IN EASTERN EUROPE AND THE SOVIET UNION

Chairman: Senator Charles H. Percy (R-Ill.).

Honorary National Co-Chairman: President Gerald R. Ford, President Jimmy Carter.

Founding Honorary Sponsors: Dean Rusk, William P. Rogers, Cyrus Vance, Alexander Haig, Jr.

Honorary Board: Joseph Cardinal Bernardin, Archbishop Iakovos, Rev. Theodore M. Hesburgh, Sen. Alan J. Dixon (D-Ill.).

Executive Committee: Andrew A. Athens, Lynn R. Buzzard, Rabbi Seymour J. Cohen, Jesse R. DeWitt, Rev. Peter Esterka, Sister Ann Gillen, Rev. J. Bryan Hehir, Petras Kisielius, Shalom Kohn, Myron B. Kuropas, Aloysius A. Mazewski, Rt. Rev. Bishop Desmond Parragh, Dr. Laszlo Pasztor, Father Victor Potapov, Casimir Pugevicius, Professor V. Bruce Rigdon, Jerry K. Rose, Rabbi Herman Schaalman, Joel Sprayregen, Sister Margaret Ellen Traxler, Dr. Paul A. Wee, Maynard Wishner.

AFFILIATIONS OF MEMBERS OF THE ADVISORY COUNCIL EXECUTIVE COMMITTEE

Andrew A. Athens, National Chairman, United Hellenic American Congress (Chicago).

Ilmars Bergmanis, Chairman, Chicago Captive Nations Committee, Inc.

Lynn R. Buzzard, Executive Director, Christian Legal Society (Oak Park, Ill.).

Rabbi Seymour J. Cohen, Spiritual leader, Anshe Emet Synagogue (Chicago).

Dr. Jesse DeWitt, Resident Bishop, Northern Ill. Conf., United Methodist Church (Chicago).

Rev. Peter Esterka, College of St. Catherine (St. Paul, Minnesota).

Sister Ann Gillen, Executive Director, Nat'l Interreligious Task Force on Sov. Jewry (Chicago).

Rev. J. Bryan Hehir, Director, Dept. of Social Development and World Peace, U.S. Catholic Conference (Wash., D.C.).

Dr. Petras Kisielius, Physician and surgeon (Cicero, Ill.).

Shalom Kohn, Sidney & Austin (Chicago).

Dr. Myron B. Kuropas, Supreme Vice President, Ukrainian National Association (DeKalb, Ill.).

Aloysius A. Mazewski, President, Polish National Alliance (Chicago).

Rt. Rev. Bishop Desmond Parragh, Retired Bishop, Hungarian Reform Church (Norridge, Ill.).

Laszlo Pasztor, Manager, Federal Affairs, Dravo Corporation (Pittsburgh, Pa.).

Rev. Victor Potapov, Chairman, Committee for the Defense of Persecuted Orthodox Christians (Wash., D.C.).

Father Casimir Pugevicius, Executive Director, Lithuanian Catholic Religious Aid (New York).

Prof. V. Bruce Rigdon, Prof. of Church History, McCormick Theological Seminary (Chicago).

Jerry K. Rose, President, Christian Communications of Chicagoland, Inc./TV 38 (Chicago).

Rabbi Herman Schaalman, Spiritual leader, Emanuel Congregation (Chicago).

Joel Sprayregen, Chairman, Chicago Conference on Soviet Jewry.

Sister Margaret Ellen Traxler, Director, Institute of Women Today (Chicago).

Dr. Paul A. Wee, General Secretary, Lutheran World Ministries (New York).

Maynard Wishner, Past President, American Jewish Congress (Chicago).

Mr. THURMOND. Mr. President, I am pleased once again to participate in the Senate's annual commemoration of Lithuanian Independence Day.

This month marks the 66th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council. The country's unlawful incorporation by force into the U.S.S.R. in 1940 has never been, nor should it ever be, recognized by the United States. We uphold the right of Lithuanians, like all peoples of the world, to determine their own national destiny.

Despite 44 years of Soviet subjugation, the courageous Lithuanian people continue to display an indomitable spirit which, I am confident, will one day set them free. Today, we rise to pay tribute to Lithuania and remind its people that the United States has not forgotten, nor will it ignore, the political injustice, religious persecution, economic exploitation, and cultural deprivation they continue to suffer at the hands of an oppressive Soviet Government and military.

Mr. President, I sincerely pray that one day soon the people of Lithuania will regain their independence and begin anew to enjoy the freedom they so rightfully deserve.

● Mr. SARBANES. Mr. President, on this, the 66th anniversary of the establishment of the Republic of Lithuania, I wish to commemorate the founding of a progressive and independent nation which, for its all too brief existence of 22 years, was a beacon of democracy. It is always a great honor for me to join with more than 1 million Americans of Lithuanian descent in recognizing the rich and diverse contributions that Lithuanian-Americans have made to our Nation, and in celebrating the quest for human dignity and freedom that this anniversary represents. This tribute is, as well, a testament to the brave struggle of thousands of Lithuanians who remain in their homeland where, even under foreign domination and repression, the principles of freedom and self-determination will not die.

Sixty-six years ago, the people of Lithuania declared themselves to be a sovereign, democratic nation. Their constitution, adopted in 1922, granted to their people the basic freedoms of speech, assembly, and religion, thus marking an end to decades of repression during which the citizens of this tiny Baltic nation struggled to regain these freedoms that were lost to foreign invaders in 1795. The hope and pride engendered by this new constitution were tragically short-lived. As was the case with many other Baltic and Eastern European societies, the self-determination briefly enjoyed by Lithuania was crushed when the Soviets overran the country in 1940. Yet even under repressive Soviet control, the Lithuanians' unsinkable spirit still survives as an example of hope to oppressed peoples everywhere.

The Lithuanians have a long and colorful history spanning over 700 years. Through the ages, they have withstood repeated assaults on their language, culture, and religion, due in no small way to their strong sense of national identity. They are a people deeply committed to their heritage; the success of the Lithuanians in maintaining their cultural identity has resulted in valuable contributions—not only to Lithuania, but to our own country as well.

In the 19th century, Lithuanian immigration to the United States increased substantially due to the oppression under the zarist regime. Many of the social and cultural activities repressed in the homeland found strong expression in America; we in Maryland are fortunate to have a large and active Lithuanian community, prospering as doctors, lawyers, businessmen, teachers, scientists, artists, and technicians. Lithuanians can be proud of their longstanding tradition of self-help and voluntarism. There are well over 2,000 Lithuanian charities and self-help organizations in the United States, and I can state first hand that their pride and respect for the traditions of freedom and equality have greatly enriched the lives of those around them.

Mr. President, it is a great tragedy that the period of freedom enjoyed by Lithuania should have been so brief and so cruelly extinguished. But we can be heartened by their ongoing devotion to the principles of human rights, and we can hope, as they hope, that the day is not far off when their beloved homeland once again flies the banner of freedom and justice for all.●

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. GLENN. Mr. President, the untimely snuffing out of a free and independent state, like the death of a young child, fills us all with grief and sorrow. So it is today with mixed feelings of admiration and sadness that I would like to join in the commemoration of the 66th anniversary of the establishment of the Independent Democratic Republic of Lithuania. This Republic, along with its sister Baltic States, was barely entering its third decade of existence when it found itself a pawn in Nazi-Stalinist politics. The Nazi-Soviet "Non-Aggression Pact" of August 23, 1939, dealt Lithuania to the Soviets. But the non-aggression pact was short-lived, and the people of Lithuania had to endure a brutal Nazi occupation, which was then followed by Soviet reoccupation. It is estimated that until 1952, almost 500,000 Lithuanians were deported to Siberia and elsewhere in the U.S.S.R. And yet armed resistance persisted in Lithuania well into the 1950's.

The Lithuanian people have demonstrated time and time again their bravery and courage. They have refused to break under the jackboot of persistent Soviet oppression, whose role in Lithuania, and throughout the Baltic States, makes a mockery of Soviet international pledges to respect fundamental human rights. A rural society, Lithuania has suffered cruelly under the Soviet policies of industrialization and forced collectivization. A deeply religious society, a majority continue to be believers despite constant Soviet religious persecution and harassment. Recent population trends are also not encouraging. While ethnic Lithuanians still comprise 80 percent of the 3.4 million population, the rate of national increase has dropped substantially while the rate of in-migration from Russia has increased by almost 60 percent. The Soviets have also given the teaching of Russian a priviledged position by law, thus attacking the cornerstone of Lithuanian culture and ethnicity, the Lithuanian language.

The effects of recent events in Poland, Lithuania's neighbor, have only served to increase the burden of the Lithuanian people. The State Department's 1983 Human Rights Report notes that "respect for human rights in Lithuania continued to deteriorate in 1983 as persecution and harassement of Catholics, refusniks, and human rights activists by Soviets authorities followed the pace of the previous 2 years." Travel and communication in general, and specifically contacts with Poland, have been restricted by security organs. Labor representatives in Lithuania, the proletariat to whom all Communist societies are supposed to be devoted, have been warned about taking up the Solidarity banner. Furthermore, apart from these political problems, economic conditions in Lithuania are not encouraging. Soviet statistics in 1982 indicated that meat production had declined for the fourth consecutive year, while milk production was failing to keep up with agricultural demand and grain harvests had been meager. While there was some improvement in 1983, living standards as a whole are falling to the lower level common to the Soviet Union.

It is extremely important that we in the United States never forget the spirit and courage of the Lithuanian people who keep alive their sense of national identity despite a continous and most ruthless Soviet campaign to destroy it. We must continue to speak out in international fora against this most blatant violation of the right to self-determination. I am proud that my Government has never recognized

the illegal and forcible incorporation of Lithuania into the Soviet Union. I am equally proud of the demonstrated commitment of the approximately 1 million people of Lithuanian descent residing in the United States to the restoration of freedom in their homeland. We must never forget that dream. We never shall.●

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. BUMPERS. Mr. President, I am pleased to call attention to a date this month that is important to all of us but especially to the many Americans of Lithuanian descent: February 16, 66th anniversary of the restoration of Lithuanian independence. It is also the 733d anniversary of the founding the Lithuanian State in 1251. This past February 16, Lithuanian Americans in Arkansas joined their brothers and sisters across the country in commemorating this special occasion that is happy and sad.

It is a happy occasion because it recalls both the reestablishment of Lithuania as an independent state in 1918 and the 733d anniversary of the founding of the Lithuanian state in 1251. For over 20 years during the 1920's and 1930's, the Lithuanian people enjoyed independence as a free and separate nation. Lithuanian agriculture, industry, and the arts all flourished during this special period, as the twin catalysts of liberty and independence triggered a continuing burst of Lithuanian creativity and accomplishment.

The commemoration of Lithuanian independence is a sad time, too, because it makes us painfully aware that this all-too-brief burst of national energy was cut short in 1940 when the Soviet Union forcibly annexed Lithuania. Thousands of Lithuanian patriots were deported or killed by the Soviets in the early stages of their occupation. This sorrow was compounded when the Soviets reoccupied Lithuania at the close of World War II, when they deported 145,000 Lithuanians, and 60,000 more in March 1949.

Soviet repression of the Lithuanian spirit continues today. Little over a week ago, Lithuanian Catholics submitted petitions with 132,000 signatures requesting the release of two Lithuanian priests, Alfonsas Svarinskas and Sigitas Tamkevicius, both serving 10-year prison sentences. And what was the Soviet reaction? The KGB has fined each person who collected the signatures the sum of 50 rubles, and the Soviet minister of justice there has threatened them with jail terms. As sad as this incident is, it demonstrates the unquenchable spirit of the Lithuanian nation in the face of Soviet despotism.

The United States has never recognized the Soviet annexation of Lithuania, and we have continued our recognition of the diplomatic corps established by independent Lithuania. We must never lose sight of the desire of the Lithuanian people to be free and independent. We must continue to press for the goal of self-determination for the people of Lithuania, inspired by the hope that one day the torch of liberty will once again burn brightly in that land.●

● Mr. ROTH. Mr. President, it is indeed a distinct honor and pleasure to join my distinguished Senate colleagues, the proud and vibrant Lithuanian-American community, and all freedom-loving peoples everywhere in commemorating this 66th anniversary of Lithuanian Independence Day.

On February 16, 1918, the people of Lithuania, declaring their right to self-determination, formally established the Independent Democratic Republic of Lithuania. Within 4 years, an historic Constitution was adopted which guaranteed, among other rights, those cherished freedoms of speech, assembly, and religion. To many, the prognosis for this fledgling Baltic nation was indeed bright and promising. Events, however, were to occur radically altering such forecasts.

This brave and inspiring democratic experiment came to an abrupt halt on an infamous day in mid-June of 1940. That day, June 15, the Red Army marched into Lithuania, crushed the independence movement, and set up a quisling puppet regime. Within 2 months' time, Lithuania was politically emasculated and forcefully incorporated into the U.S.S.R. A new and oppressive era thus began in Lithuania.

For nearly four and a half decades, Lithuania has barely existed under the oppressive yoke of Soviet domination. Besides deporting tens of thousands of Lithuanian citizens during the Second World War, the Kremlin has sought to suppress religious freedom, to destroy the national culture, to eliminate the native language, and to expunge any vestige or hint of political opposition. The past four and a half decades of Soviet oppression in Lithuania is a painful reminder that the indiscriminate use of force is the very essence of such a totalitarian regime.

Ironically, the Kremlin's policy has not dampened the spirit of Lithuanian independence; it has actually fostered a greater desire for independence. One of the "little screaming facts that sounds throughout all of history," and which has been lost on the Kremlin, is that, as John Steinbeck wrote in "The Grapes of Wrath," "Repression works only to strengthen and knit the oppressed." That exactly is what has happened and is happening in Lithuania. The indomitable spirit of the Lithuanian people lives and grows.

To its credit, the United States has never recognized the illegal and forceful annexation of Lithuania by the Soviets, and we never should. We salute the spirit of freedom that exists throughout Lithuania. We salute the determination of the people to maintain their culture, their language, their traditions, their religion, and national identity. Their struggle cannot and will not be forgotten.

Mr. President, the spark of religious and civil liberty was kindled throughout Lithuania during those 22 years between 1918 and 1940. That spirit continues to exist and grow. In spite of Soviet oppression, it cannot be destroyed. Of this spirit of liberty, Daniel Webster once wrote:

> Human agency cannot extinguish it. Like the Earth's central fire, it may be smothered for a time; the ocean may overwhelm it; mountains may press it down; but its inherent and unconquerable force will heave both the ocean and the land, and at some time or another, in some place or another, the volcano will break out and flame into heaven.

Mr. President, today we salute the determination and courage of the Lithuanian people. We also look forward to the day when that Lithuanian spirit of liberty will break out and flame again in a new age of freedom.●

● Mr. DOMENICI. Mr. President, February 16 would have marked the 66th anniversary of Lithuania's independence. Instead of a joyful celebration by a proud and freedom-loving people, this anniversary has become a bitter reminder to all Lithuanians of nearly 40 years of Soviet occupation and the systematic destruction of their ethnicity and culture.

Lithuania's independence from Poland, Russia, and Germany lasted from 1918 until 1940, long enough for her people to establish a constitutional democracy, and enact agricultural and trade reforms, which made her economy among the most productive in post-World War I Europe. There was a renaissance of cultural pride in the newly free nation, as schools multiplied, folk culture was archived, and a vigorous and free press expressed itself. All of the this was to change as Nazi Germany and Soviet Russia planned the dismemberment of Europe.

On June 15, 1940, in flagrant violation of two treaties signed by both nations, the Soviet Union—with Nazi encouragement—invaded Lithuania. Three hundred thousand Soviet troops—approximately 1 for every 10 Lithuanian citizens—poured into the country with armored and air support. Almost immediately the familiar pattern was repeated as Communist Party sponsored elections—there were no other candidates—produced a "Peoples' Diet" that voted for Lithuania's immediate incorporation into the Soviet Union. Through brutal military and political tactics, the proud people of Lithuania found themselves under a puppet government and Soviet con-

trol. In a period of 3 days during July 1940, some 35,000 Lithuanians were arrested and deported to Siberia, never to be heard from again.

Although the period 1941-44 saw Lithuania occupied by the Germans and resisting both invaders, the nation's recent history has been tragic. President Gerald R. Ford—when he was House minority leader in 1970—gave an account of the suffering Lithuania has endured:

> This [invasion] was an act of infamy which must never be acceded to by the Lithuanians themselves or by any freedom-loving people of the Earth * * *
>
> What many Americans do not know is that more than 400,000 Lithuanians were swallowed up in Russian and Siberian slave labor camps through mass deportations between 1941 and 1950, ripped from their homes by Soviet terrorists—Soviet murderers. What many Americans do not know is that about 30,000 Lithuanian freedom fighters were killed in guerrilla warfare, resisting Soviet occupation * * *.

Mr. President, the Soviet subjugation of Lithuania continues today, although the techniques are more subtle. Exploiting a religious and hard-working labor pool that is more efficient than Soviet workers, Russian has industrialized Lithuania and its Baltic sister states to a remarkable degree. The Soviet Union has two goals in pursuing this policy, the first being quality goods from Baltic workers and the second being the russification of the Baltic peoples.

Russification consists of the forced relocation of Lithuanians from their homeland, the colonization of Lithuania by Russians, and the gradual and systematic elimination of Lithuanian culture, language, and religion. In 1959, there were 87,300 Russians in Vilnius, Lithuania's capital, and by 1970, that number had grown to 146,700.

Before World War II, Russians composed about 3 percent of the Lithuanian population, and by 1979 that percentage had grown to 8.9 percent. All indications are that this process of relocation and colonization is accelerating, and with the systematic suppression of Lithuanian religion and culture and the establishment of Russian as the official language, all things Lithuanian cannot long endure.

Mr. President, despite 40 years of Soviet occupation, Lithuanians continue to practice their faiths, speak their language, revere their culture, and agitate for autonomy. In recognition of their efforts, and as freedom-loving people, we in the United States must continue our support of this brave people. The anniversary of Lithuanian independence must be remembered and celebrated by those of us who are able to. I hope you and my colleagues in the Senate will join with me in marking this bitter but hopeful independence day.●

● Mr. PRYOR. Mr. President, February 16 marked the 66th anniversary of the reestablishment of the Independent Democratic Republic of Lithuania.

On February 16, 1918, at the end of World War I, the Lithuanians declared independence from more than a century of Russian repression and tyranny. This independence restored a Lithuanian sovereignty first recognized as early as A.D. 1251. The Lithuanians had successfully defended their independence and such liberties as freedom of speech, assembly and religion from repeated Russian aggressions.

In 1940, however, the Lithuanians were the unfortunate victims of the infamous Molotov-Ribbentrop pact, which divided Eastern Europe between Hitler and Stalin and forced the Lithuanians to endure Russian repression for the past 14 years. Because of the illegality of Lithuania's incorporation into the Soviet Union, the United States has continued its de jure recognition of the original Baltic republic.

Among the human rights violations now imposed upon the Lithuanians are an enforced Russification policy, ethnic dilution and religious persecution of Catholics and other worshipers. Many Lithuanians are exiled, imprisoned, tortured or confined to psychiatric institutions for the offense of individual self-expression.

The plight of Lithuanians serves to remind us of the duty of free people everywhere to promote freedom anywhere. The admirable endeavors of Lithuanian-American communities, like the one in Hot Springs, Ark., to promote the cause of freedom should be an example to all Americans, who too often take for granted the freedoms that we enjoy.●

● Mr. LAUTENBERG. Mr. President, the 66th anniversary of the declaration of Lithuanian independence on February 16, 1984 gives us the opportunity to remember that historic occasion and to reflect upon how brief the period of independence was for the Lithuanian people. Centuries of national identity and national pride culminated in the establishment of the Lithuanian state in 1918. Such nationalism has been the most powerful political force of modern times. Joined with that force is the struggle by people everywhere for greater freedom and liberty in their lives.

We are all aware of the authoritarian regime that began to sweep away civil and political liberties in Lithuania after a coup in 1926, much as the tide of unlimited state power rolled across other parts of Europe. We are all aware of the harsh repression that followed the forcible and illegal annexation of Lithuania and her sister states of Latvia and Estonia by Stalin's Soviet Union in 1940. Hundreds of thousands of Lithuanians were arrested, deported and executed for their courage in standing up for their national identity, their independent state, and their basic human rights.

There are hundreds of thousands of Americans of Lithuanian descent who continue to share the courage and commitment of their Lithuanian kin to national identity and independence. The chairman of the Lithuanian-American Community in New Jersey is Mr. Kazys Jankunas of Lodi, N.J. There are many other groups across the Nation that keep the heritage of Lithuanian-Americans alive. They work tirelessly to remind all of us of the relentless Soviet effort to eliminate Lithuanian national pride, religious activity and basic human freedoms. They remind us that we all have a commitment to these ideals as Americans.

National self-determination, the culmination of nationalistic identity in a nation-state, has been a major force of our time throughout the world. New states continue to emerge even now, many much smaller, much poorer, much less rich in tradition and history than Lithuania. To consider the attempted incorporation of Lithuania, Latvia, and Estonia into the Soviet Union as the final chapter in the history of these Baltic peoples is, therefore, impossible. We would have to suspend history, itself, for that to be the case.

Peoples that have united in custom and thought to become a nation, like Lithuanians have done, will always press forward for freedom to maintain their traditions and give them the fullest possible expression. Other peoples, like Americans, who have successfully struggled to maintain their rights and freedoms will always be compelled to help. We will always recognize such struggles as our own.

We all can hope today that the latest change in the leadership of the Soviet Union can lead to relaxation of tensions and an end to the cultural and religious pressures on Lithuanians. But we should be ready to speak out to that end and to include such questions in our assessment of our own relations with the Soviet Union. Our remarks today honor the anniversary of a declaration of independence, but also the spirit of millions of Lithuanians that keeps it alive.●

● Mr. EXON. Mr. President, 66 years ago, on February 16, 1918, the Lithuanian people regained their independence and began rebuilding a republic from the destruction of the First World War. Their efforts resulted in a constitution which embodied the principles all Americans have always been fortunate to enjoy. The continuing brutal and inexcusable Soviet occupation and oppression of Lithuania is, therefore, an affront to Lithuanians and Americans—and indeed, to all freedom-loving people.

I join this year's commemoration with the people of Lithuania and their relatives and descendants in this country who will never give up the struggle for freedom. I am confident that the people of Lithuania will someday regain their rights to express their own thoughts, to enjoy their own culture, to follow their religious beliefs, and to determine their own form of government.

The memory of February 16, 1918 remains undimmed in the hearts of the Lithuanian people who continue to defy domination by the Soviet Union. On this special day, I am honored to pay special recognition to these heroes and to join all freedom-loving people in praising the achievements of the Lithuanian people.●

● Mr. DODD. Mr. President, on February 17, 1918, the people of Lithuania reestablished an independent republic, which guaranteed them certain inalienable rights, including the cherished freedoms of speech, assembly, and religion. The United States, along with the other nations of the world, welcomed Lithuania into the community of nations.

But 44 years ago, acting on the basis of her infamous deal with the Nazis, the Soviet Union invaded Lithuania, and forcibly incorporated her and her neighbors Estonia and Latvia into the Soviet empire. Large numbers of her citizens have been deported since the Soviet occupation began. A policy of Russification has been instituted. The objective of this policy is unmistakeable: To erase any trace of an independent Lithuanian language, history, and cultural heritage, to dissolve the Lithuanian nation in the much larger mass of Russian occupiers.

The United States has never recognized Soviet annexation of Lithuania as legitimate in any way. Soviet policy to eradicate Lithuania as a distinct political, cultural, and ethnic entity is criminal. It violates the norms of civilized conduct and international law. The United States will not and cannot accept the Soviet annexation of the Baltic States, not even as a fait accompli.

Moreover, there are unmistakeable signs that the people of Lithuania have not given up the idea of freedom and independence. Student demonstrations and workers' strikes in recent years have shown the continued commitment of the people of Lithuania to these ideals.

Today, I join with my colleagues in expressing support for the 3.4 million Lithuanians still living under Soviet domination. We must send these people, as we send to all people suffering under the yoke of the Soviet empire, our clear pledge that we shall continue to support their right to self-determination. We shall continue to call for the freedom and independence of the Lithuanian people. As we mark this 66th anniversary of Lithuanian independence, let us rededicate ourselves to the righteousness of their cause.●

● Mr. MOYNIHAN. Mr. President, on February 16, during the Lincoln's birthday recess of Congress, Lithuanians around the world marked the 66th anniversary of the Declaration of Lithuanian Independence.

On January 18, 1918, as war raged across Europe, Woodrow Wilson presented to the Congress a 14 point program outlining America's objections in the war. Believing this program to be the only possible hope for peace, Wilson said:

> What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealings by the other peoples of the world as against force and selfish aggression.

He spoke of the peaceful world in which peoples and nations were free to determine their own destiny. Shortly afterwards, no doubt encouraged by the American president's determination, the proud and courageous people of Lithuania on February 16, 1918 formally declared their independence. In the place of czarist absolutism, Lithuanians pledged themselves to a constitution that guaranteed the freedoms of speech, assembly, and religion. It was truly a landmark day for democracy in Eastern Europe and the world.

As my colleagues know, in 1940 this noble democratic experiment came to an end, crushed by the invading army of the Soviet Union. Lithuania, Latvia, and Estonia, were annexed by force and subjected to the systematic repression of national values and identity we have come to know as typical of the Soviets. Tens of thousands of Lithuanians were deported to labor camps in Siberia. Lithuanian prisoners of conscience continue to suffer in Soviet prisons today for their courageous efforts to maintain the spirit of Lithuanian independence. Quite properly, the United States has never formally acquiesced by recognizing the forced Soviet annexation of the Baltic States.

Yet, despite Soviet oppression, Lithuanians have never lost the spirit of independence. Sustained by their love of country and their unshakeable belief in freedom, they have remained true to the admirable values proclaimed on February 16, 1918. It is because of this undying hope and undaunted aspiration of the Lithuanian people we mark this anniversary each year.

The people of Lithuania are not alone—we share in their struggle. We are reminded that freedom must never be taken for granted.

In commemorating Lithuanian Independence Day we honor the indomitable spirit and tradition of the Lithuanian people. By doing, so we remind the Soviet Union that the free world remains firm in its commitment to the legitimate aspirations of the Baltic peoples.●

● Mr. D'AMATO. Mr. President, on February 16, 1984, we commemorated the 66th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council. The roots of independence grow deep in the soil of this Baltic nation.

In 1251, Mindaugus the Great brought the Lithuanian principalities together to form a unified and independent kingdom. Despite unceasing attempts to invade their little kingdom by the neighboring Teutonic knights and Russians, the people of Lithuania persevered. Under the leadership of Grand Duke Gediminas, the kingdom expanded rapidly. As a result, Lithuania remained an independent state for more than five centuries.

In 1795, the kingdom was divided between Prussia and Russia. Subsequently, the Lithuanians were denied the political independence which they had fought fervently to maintain. Under Russian czarist rule, the people were subjected to the harsh policy of Russification which was designed to deprive them of their own culture.

Sparked by the 1905 revolt in Russia, however, the seeds of nationalism and independence in Lithuania began to mature. Once again, throughout World War I, the nationalist movement continued to grow in strength and ultimately led to the formation of the Lithuanian National Council in September 1917. The following year, the council issued a declaration of independence at Viltains in February and a government was shortly formed. Despite efforts by the Bolsheviks to dominate the Republic, the nationalist government continued to rule.

Finally, the Soviets, recognizing the strong sentiment of nationalism within the Republic, signed a peace treaty with Lithuania in July 1920. The treaty declared in part, that:

> In conformity with the right declared by the Russian Soviet Federated Socialist Republic that all peoples have the right to free self-determination. Russia recognizes without any reserve the sovereignty and independence of the State of Lithuania with all juridicial consequences resulting from such recognition, and voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people.

Shortly after the start of World War II, the Soviets secured permission to station troops in Lithuania in exchange for the transfer of certain territories which had been seized from Poland. On June 15, 1940, however, an invading force of more than 300,000 Soviet troops entered Lithuania. This blatant act of aggression by the Com-

munist regime of Joseph Stalin brought to a tragic end the independence and prosperity which Lithuanians had enjoyed during the 22 years which followed the issuance of the declaration of independence in 1918. In August of 1940, the Communist leadership of the Soviet Union illegally annexed the free and independent country of Lithuania.

Since the incorporation, which the United States still does not recognize, the freedom-loving people of Lithuania have been subjected to some of the most brutual forms of oppression instituted by the Kremlin. Under Stalin, Khrushchev, Brezhnev, and Yuri Andropov, thousands of Lithuanians have been slaughtered, deported, exiled, imprisoned in slave labor camps or committed to psychiatric institutions.

Meanwhile the Soviet Government has enthusiastically, and hypocritically, joined in support of such important documents on human rights as the U.N. Universal Declaration on Human Rights and the Helsinki Final Act. The case of Viktoras Petkus, however, demonstrates the Blatant Soviet disregard for these documents. On July 13, 1978 Mr. Petkus was sentenced to 3 years imprisonment, 7 years in a special regiment camp and 5 years of internal exile for alleged anti-Soviet agitation and propaganda. His only crime was that of belonging to the Lithuania Helsinki Monitoring Group. As a prominent Lithuanian Literary historian, he has aided in revealing to the world the Soviet violations of basic human rights. Victoras Petkus is just one of the hundreds of thousands persecuted by the Soviet regime which has been imposed upon the peaceloving people of Lithuania.

In addition, these ruthless dictators have continued to follow the policy of Russification first implemented by czarist Russia. Accordingly, they have attempted to eliminate every vestige of Lithuanian culture and national identity, including the native language, religion, art, and music. Despite Soviet denial of even the most basic of human rights, the people of Lithuania have struggled heroically in their efforts to break the chains of Soviet domination. Their steadfast belief in the principles of independence and their deep rooted desire for freedom have enabled Lithuanians to endure Communist oppression.

The free spirit of the Lithuanian people will not be broken. Their search for self-determination will continue.

On February 16, Lithuanians throughout the world, including the more than 832,000 Lithuanian-Americans living in our Nation, joined in solidarity with their countrymen in observance of Lithuanian independence. In light of our Nation's dedication to the principle of independence and commitment to protection of civil liberties, it is appropriate that we join with members of the Lithuanian community by commemorating the 66th anniversary of Lithuanian Independence Day. It is imperative that the United States send a clear and strong sign of moral support to the 3.2 million Lithuanians living under Soviet tyranny and that our Government continue to champion the cause of independence for Lithuania.●

ILLINOIS OFFICIALS OPPOSE CURBS ON INDUSTRIAL DEVELOPMENT BONDS

Mr. PERCY. Mr. President, the House Ways and Means Committee has reported legislation—H.R. 4170—that would, among other things, place new limits on the use of industrial development bonds.

These IDB's, as they are called, are used by the State of Illinois and municipalities all over my State to attract new business. They have been helpful in establishing permanent, private sector jobs. They have been particularly valuable as an alternative means of financing in an era of high interest rates.

Our Governor, Jim Thompson, recently wrote me about the proposed cap on IDB's in H.R. 4170, spelling out his strong opposition to this provision. Governor Thompson notes that under the cap, Illinois would be limited to $1.8 billion in bonds a year. This is far under the amount now issued.

Mr. President, I ask unanimous consent that Governor Thompson's letter be included in the RECORD at the close of my remarks.

I have also recently heard from Chicago Mayor Harold Washington. Mayor Washington is also concerned about the impact the House bill would have on Chicago and other cities. In 1983, the city of Chicago issued $662 million in tax exempt bonds. Mayor Washington estimates that Chicago would exceed the $150 per person limit by 40 percent in 1984.

Mr. President, I ask unanimous consent that Mayor Washington's letter and position paper be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, Illinois cannot afford to lose this important economic development tool at this time. My State has been hit hard by the recession and has consistently had the fourth highest unemployment rate among the top industrial States. Moreover, in the last 2 months, when unemployment has dropped nationwide, it has inched up in Illinois.

I urge my colleagues on the Finance Committee to carefully review these letters and the mayor's position paper before they take any steps to limit IDB activity.

EXHIBIT 1

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, Ill., October 25, 1983.

Hon. CHARLES H. PERCY,
Senate Dirksen Office Building,
Washington, D.C.

DEAR CHUCK: Last week, the House Ways and Means Committee approved the Tax Reform Act of 1983 with provisions that severely restrict Industrial Development Bond (IDB) financing. If passed, the bill, H.R. 4170, will seriously hamper the State of Illinois's economic development efforts. It will restrict programs to provide housing to low income families, retard the development and improvement of pollution control facilities, prevent the rehabilitation of older buildings and industrial plants, and limit student loans.

The most damaging element of the bill is a $150 per capita state-by-state volume cap for all private purpose bonds other than mortgage revenue bonds. This includes all small issue industrial development bonds as well as bonds for multi-family housing, student loans, airport development, sewage and solid waste disposal, and pollution control.

Under the cap, Illinois would be limited to $1.8 billion in bonds per year. Last year, the Illinois Housing Development Authority issued approximately $375 million in tax-exempt housing bonds. The state estimates that $160 million in student loan bonds was issued last year. The Illinois Environmental Facilities Financing Authority predicts that it will issue $140 million in pollution control bonds this year. Bonds are also issued for many other purposes by the state and by the communities around the state. If statistics were available for all IDBs issued per year in the state, analysts are certain that the total amount would far exceed the proposed cap.

Although there may be persuasive arguments for a cap, the concept of equity cannot be ignored. In order for equity to prevail, consideration must be given to those states that rely heavily on IDBs in their economic development programs.

H.R. 4170 also eliminates the use of IDBs for the purchase of land or existing facilities. It limits bond users to $40 million in outstanding IDB financing, hampering the rapid expansion of some new firms and limiting development of larger corporations. It restricts the use of arbitrage funds to the extent that the costs of issuance cannot be covered by those funds.

These changes would virtually destroy the Industrial Development Bond program, a very important economic development tool in Illinois. Moreover, the restrictions come on the heels of effective legislative reform of the program. Just last year, in the Tax Equity and Fiscal Responsibility Act (TEFRA), Congress substantially eliminated abuses in the program, precluding the need for further restrictions this year. TEFRA added limitations which prohibited known abuses; reduced the benefits through a reduction in the rate of allowable depreciation of acquired assets; and instituted requirements for public hearings, elected official approval, and information reporting. Since the effective date of TEFRA, none of the restricted abuses has occurred and small issue industrial development bond volume has receded considerably.

Industrial Development Bonds are an important and effective economic development

tool. H.R. 4170 will have a devastating impact on Illinois's development programs and on the housing recovery in the state. I urge you to take strong steps to prevent these restrictions from becoming law by supporting Congressman Martin Frost's efforts in the Rules Committee on Wednesday, October 26 to pass a rule modification permitting the striking of the IDB restrictions, and by supporting the amendment removing the restrictions when the bill reaches the House floor on Thursday, October 27.

Sincerely,

JAMES R. THOMPSON, *Governor.*

OFFICE OF THE MAYOR,
City of Chicago, January 23, 1984.

Hon. CHARLES H. PERCY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: I have a great deal of concern about HB 4170, a proposal to restrict the use of private activity bonds. The passage of this legislation will have a tremendous impact on Chicago's development efforts. I have attached a report which delineates the impact of HB 4170 on Chicago.

In 1983 the City of Chicago issued $662 million in tax exempt bonds. Based on the $150 per person limit, Chicago will surpass the cap by 40 percent in 1984 and 36 percent in 1985. Airport expansion plans alone for 1984, estimated at $515 million will exceed Chicago's cap. In addition, the cap would reduce new housing construction and rehabilitation by approximately 25 percent. Other harmful provisions restrict the use of bond proceeds for acquisition of land and existing facilities. This discriminates against older cities by effectively prohibiting rehabilitation.

I would like to recommend that you consider the options I outlined in the attached report. Basically, these consist of targeting the use of private activity bonds to areas with the greatest need, identifying various special purpose exemptions such as multifamily housing, distributing the bond authority across the region for regional projects and phasing in the establishment of a cap over several years.

If you wish to discuss this further, please contact Robert Mier, Commissioner of the Department of Economic Development at 312/744-3881 or Ronald Gibbs, Director of our Washington, D.C. Office at 202/554-7900.

Sincerely,

HAROLD WASHINGTON.

THE IMPACT OF THE PROPOSED RESTRICTIONS ON (HB 4170) PRIVATE ACTIVITY BONDS IN CHICAGO

INTRODUCTION

As Congress resumes its debate on HB 4170, a proposal to severely restrict the use of "private activity" bonds, it is important to understand the severe impact on Chicago these changes would causes. A "worst case" scenario would find Chicago denied at least 38 percent of its potential "private activity" bond financing in the next two years, having a severe effect on its economic revitalization efforts. For example, it would likely reduce new housing construction and housing rehabilitation by approximately 25 percent.

While HB 4170 may yet undergo significant modifications, (including those contained in the compromise version rejected by the House of Representatives last fall) this analysis addresses the provisions of HB 4170 as it now stands. Namely, it assumes that the proposed $150 per person limit applied to Home Rule Municipalities will result in approximately $432 million per year maximum bond issuance for Chicago. The $150/person limit includes all "private activity" bonds currently issued for housing, aviation, and economic development purposes including General Airport Revenue Bonds. Finally, this examination assumes the bill will continue to restrict the use of bond proceeds for acquisition of land and existing facilities. These conditions constitutes the "worst case" outlined above.

In 1983, the City of Chicago Department of Aviation, Economic Development, and Housing issued $662 million in tax exempt bonds. These departments anticipate an even greater need in the next two years: $723 million in 1984 and $679 million in 1985, which exceeds the proposed cap by 40 percent and 36.4 percent, respectively. The following table summarizes the City of Chicago's actual and projected issuance of tax exempt bonds for the 1980–1985 period (in millions of dollars):

	1980	1981	1982	1983	Planned	
					1984	1985
Aviation	0	0	144	361	515	425
Economic development	56	45.7	27.9	46.6	48	54
Housing	0	0	42.7	254.4	160	200
Total	56	45.7	214.6	662.1	723	679

IMPACT OF THE LIMIT

The impact of HB 4170 on Chicago can best be understood by exploring the three main areas of activity using these bonds within Chicago: aviation, economic development, and housing.

(a) Aviation

In the area of aviation, the City has embarked on a major airport development program to modernize and increase the capacities of both O'Hare and Midway. Although the collective design capacity of these airports is 25 million passengers annually, they now handle over 40 million passengers per year, mostly through O'Hare. It is estimated that this volume will expand to 80 million annual passengers by the year 2000, drawn from the three state region. This traffic represents a demand for air services reflecting the needs of an expanding and modernizing regional economy. Without the planned expansions, this economic growth will be tempered.

From the perspective of the City of Chigago, the aviation expansion plans could not be financed without "private activity" bonds. Planned bond activity for 1984 alone totals $515 million, which includes $335 million in the form of General Airport Revenue Bonds. This would exceed the City of Chicago's total estimated annual cap by 19.2 percent.

Both O'Hare and Midway airports serve the entire metropolitan region of over 7 million people, not only Chicago. According to the provisions of HB 4170, the bonds used to finance the development of the airports would not be counted toward the limit of any other municipalities. This enables other regional jurisdictions, often competitors of Chicago for new economic activity, to benefit from the airport development without sacrificing any of their development resources.

(b) Economic development

Due to a number of well recited factors, Chicago has often found itself at a competitive disadvantage for retaining or capturing economic activity. The "private activity" bond program, in the form of Industrial Revenue Bonds, has enabled Chicago to stimulate economic activities in areas of the city most in need of employment opportunities. In addition, companies that do benefit from the IRB's create needed tax revenues for the City, State, and Federal government. In 1983 alone, the Department of Economic Development coordinated 17 industrial revenue bond projects representing $46.6 million in new investment. These projects also resulted in the creation of 1584 jobs and in the retention of an additional 2419.

The IRB program represents the most attractive incentive the City can currently offer businesses that consider expansion or relocation in Chicago. The bonds provide an excellent tool for the private sector to assist the City in leveraging public funds, often constituting an essential component of a project which requires both public and private funds.

The department plans to aggressively expand this program in the next several years, with goals of $48 and $54 million annually in 1984 and 1985. It is exploring various techniques of issuing these instruments which would make them more useful for financing smaller industrial developments, with emphasis on reducing the fixed costs of financing. The goal is to have a greater impact on the small and minority business sectors, the anticipated source of considerable new job growth in Chicago.

(c) Housing

The restriction of "private activity" bonds will have a two-fold impact on housing in Chicago, an overall estimated 25 percent reduction of aggregate new housing, construction or housing rehabilitation, and a virtual elimination of any effort to provide affordable housing to low-to-moderate income households. The City's "private activity" bond program has played a major role in Chicago's development. For example, almost 50 percent of housing units constructed or substantially rehabilitated in Chicago in 1982–83 resulted from the Department of Housing's use of "private activity" bonds, (4270 units out of a total production of 8939).

Probably more critical is the impact of the curtailment of "private activity" bonds on low-to-moderate income households. Historically, the Hud Section 8 program has played a primary role in increasing the supply of rental units for low-to-moderate income households. With the elimination of Section 8, the burden now falls on the only remaining resource of the "private activity" bond program, which contains a requirement that at least 17.5 percent of the units be reserved for low-to-moderate income tenants.

RESTRICTIONS ON ACQUISITION OF LAND OR EXISTING FACILITIES

HB 4170 also includes severe restrictions limiting the use of bond proceeds for the acquisition of land and existing facilities. By allowing the use of the bonds only for new construction, the act clearly favors suburban areas, giving such areas a powerful added competitive advantage over older central cities. This is an especially ironic consequence of the act in light of the fact that the original intent of IRB's was to provide an incentive for industrial development in depressed regions. These provisions effectively discriminate against older urban areas by preventing use of bonds for the rehabilitation and re-use of vacant or underutilized

industrial, commercial and residential space. Nearly 70 percent of all DED bond projects through 1982 involved the renovation of existing facilities rather than new construction. With these provisions, businesses will be more likely to consider a suburban location where new construction and land are easier and less expensive. In addition to the cap, this provision would further limit Chicago's ability to use "private activity" bonds for economic development and housing purposes.

CONCLUSION

"Private activity" bonds have been used positively in Chicago to redevelop commercial, industrial and residential areas and to bring employment opportunities to areas with the greatest needs. For example, the Department of Economic Development's 1982 survey of 100 bond recipients found that 60 percent of bond financing has gone to facilities located in the City's low income areas. HB 4170 would seriously impact the City of Chicago's efforts to promote economic revitalization especially in areas of greatest need. At a national level, it represents a drawing back from efforts to stimulate the economies of the less advantaged areas.

RECOMMENDATIONS

Although Congress is entertaining a number of possible modifications to HB 4170, the following approaches would mitigate its impact on Chicago.

1. Targeting.—Recognize the original purpose of the "private activity" bonds for economic development and permit the use of bonds in areas with the greatest need. If a cap must be maintained, criteria should be developed to allocate the cap among the most distressed cities and states. In addition, bond proceeds should be allowed to finance the rehabilitation of existing facilities, a modification of vital importance to older, economically disadvantaged areas.

2. Exemptions.—The broad category of private industry bonds includes many special purpose bonds which involve multi-million dollar projects that will absorb most of any cap, and effectively prohibit small scale economic development projects. Consequently, we propose several exemptions to provide space under the cap.

(a) Exclude housing bonds from the restrictions of HB 4170 recognizing that "private activity" bonds represent virtually the only vehicle for expanding the supply of housing accessible to low to moderate income households.

(b) Exclude General Airport Revenue Bonds from the restrictions. In 1984, this would involve $335 million.

3. For projects with a clear regional and national impact, like the O' Hare expansion, distribute the burden of use of the bonding authority across the benefiting region. For example, the $515 million of airport bonds planned for 1984 might be distributed for accounting purposes by population resulting in only about $200 million counting toward Chicago's limit.

4. Limit the maximum size of project for which "private activity" bonds can be used with larger projects requiring Congressional approval.

5. Approach the long run limit gradually. If the $150/person limit was reached in 1988, municipalities would have time to explore alternative methods of financing.

AGC PRESIDENT PEPPER LEAVES OFFICE

Mr. PERCY. Mr. President, next month, Richard S. Pepper, president of the Associated General Contractors of America, will step down after completing a 1-year term.

I congratulate him on bringing to the Nation's attention the problem of our deteriorating public works infrastructure. The report completed by his organization has received wide attention both on Capitol Hill and in statehouses throughout the Nation.

Mr. Pepper is a native of Chicago and is chairman of the board of a Chicago-based construction firm, Pepper Construction Co.

He is a real credit to the community. Mr. Pepper is a director of both the Chicago Boys Club and the Chicago Heart Association. He is former chairman of the John Evans Club at Northwestern University.

I would like to share with my colleagues, and ask unanimous consent that it be reprinted in the RECORD, an article from the Engineering News-Record which details Mr. Pepper's "Push for Productivity."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEPPER: BE COST-EFFECTIVE OR DIE

In addition to being the 1983 president of the Associated General Contractors, Richard S. Pepper, the chairman of Chicago-based Pepper Construction Co., is a leading indicator of where the construction industry is heading in the 1980s.

In his 26 years as president and then chairman of the firm his father founded, Pepper has met productivity problems head-on and seen Pepper Construction grow to 50 times its size in 1957. Pepper is a union contractor in Illinois, but he faced business realities and established open shop operations in Florida and Texas. He respects the craftsmanship of many building tradesmen, but he talks tough when their unions want higher wages than the market will bear. Most of all, Pepper is a productivity-pusher who hates to see men or money sit idle when there is a job to be done and profit to be earned.

"Like all other industries, construction faces the test and challenge of cost-effectiveness," Pepper told AGC members convening in Atlanta this week. "Meeting that test and challenge will determine the future" of construction industry management and labor.

The key problem facing his firm, his association and his industry today, says Pepper, is the demand by the building trades for high wages and restrictive work rules in a time when union construction is losing markets to the open shop. If the building trades don't learn to share contractors' concerns about the bottom line, he says, union construction "won't survive, and the open shop movement will take over the industry."

ROLLOVERS

To reverse the decline of union construction, says Pepper, the building trades will have to change the way they do business. "Any bargaining that takes place in 1983 has to be zero-based," he says, adding that unions in Chicago and elsewhere must give "serious consideration to a rollover of existing contracts that are up in April, May and June of this year, extending them for another year or longer. Union journeymen have literally priced themselves out of the market."

In addition, says Pepper, "we have to get rid of featherbedding and take a look at productivity, jurisdictional disputes and the use of helpers. And, in lieu of strikes, we're going to have to get some sort of impasse-settlement plan into our agreements." Last April, AGC and most of the basic trades agreed on a standardized settlement plan, but to date few local unions have included it in their contracts.

HOPE FOR RECOVERY

The root of the building trades' problems, Pepper believes, is weak leadership. "The union movement and union contractors could do very, very well if the international presidents took a stronger leadership role and did not give their local unions complete autonomy," he says. For now, Pepper says union contractors can only hope that the Market Recovery Program for Union Construction being pushed by the National Construction Employers Council and the Building and Construction Trades Department, AFL-CIO, will gain acceptance at the local level. The program, started last year, is designed to encourage the establishment of local management-labor committees to identify and address competitive problems. The program's success, Pepper says, "is entirely based on the collective bargaining and the contracts coming up" this spring.

Pepper also hopes that the Business Roundtable's Construction Industry Cost Effectiveness Project will have a strong impact, not only on union construction but on the industry as a whole. The project's 23 reports, which contain more than 220 recommendations for improving cost-effectiveness in the industry, provides "an excellent summary" of the failings "not only of the building trades, but of contractors and owners themselves." Earlier this week, Pepper appointed an AGC task force to work with the Roundtable to speed inclusion of many of the project's recommendations in contracts negotiated by AGC's collective-bargaining chapters.

OPEN SHOP OPTION

But despite the hope he holds for the Roundtable's project and the market-recovery plan, Pepper, like many other union contractors, is eyeing open shop contruction as a viable alternative. "The building trades here in Chicago are excellent," he says, adding that he "would prefer to be a union contractor. But I have to be realistic as a management person and say if we cannot survive, we would consider being open shop."

Outside of its headquarters state, Pepper Construction already is. "We have assigned our bargaining rights (to an AGC chapter) in Illinois," says Pepper, but "we have not done so in any other state. When we go into (Florida or Texas), we analyze which is more competitive overall—open shop or union." Following this analysis, he says, "we have determined many times that we should work on an open shop basis."

One of the goals of Pepper Construction's five-year strategic plan is "to broaden our markets," says Pepper, and the only way to do that is to expand Chicago—where "we have always had a good market"—to the sunbelt. "We have young, aggressive people who want to see the company grow and to grow with the company," he explains, so

Pepper Construction opened offices in Orlando and Dallas and sought new construction contracts in those fast-growing areas. According to Pepper, fully 35 percent of the firm's $193 million in 1982 revenues came from outside Illinois.

In addition to pushing into new markets—and pushing the building trades to accept lower wages and less restrictive work rules—Pepper Construction's "young, aggressive people" are pushing to increase their own productivity. Thirty years ago, the firm was managed "by the seat of its pants," says Pepper. "But today, I think, it's a professional business and you need management abilities. All of our managers are coming out of college and are well-trained."

NEW BLOOD

Among the firm's younger executives is Geoffrey C. Knudson, 40, who was promoted to president when John I. Skanderup, 63, became Pepper Construction's vice chairman. In a similar fashion, older executives have been promoted or, when they retired, replaced with executives more highly trained in business and finance. In some cases, new positions were created to deal with the growing complexities of the business.

"We created (the position of) vice president-finance for Gordon B. Marshall," who is 39 and a certified public accountant, says Knudson. And Joel Thomason, 33, with previous experience at a Chicago construction materials company, was added to the staff as head of accounting. Those additions to Pepper Construction's management "gave us the financial expertise we needed," he adds.

The firm's executives, particularly Knudson, have been playing increasingly important roles in recent months while Pepper has been away on association business. Pepper says that while he worked 80-hour weeks in his earlier years as head of the firm, he now delegates day-to-day administration to Knudson. "Being in AGC, I have to," he says, adding that recently he was away for more than three weeks in a single month.

PROFIT CENTERS

Knudson concurs, saying, "We place a lot of emphasis on autonomy, both in our specific operations and in our individual responsibilities. Each of our project managers is really a profit center." Pepper adds, "Everything has to be a profit center in our business—even our accounting department. They have to work our cash flow."

While many contractors have come to look at financing as a losing battle in recent years, Pepper says, in 1982 "we made $1.5 million on our money in interest." That considerable interest is due in part to the firm's tradition of not borrowing—all work has to be financed from cash flow. But the interest is also due to Pepper's insistence that the accounting department make retained earnings as profitable as any of the roughly 400 jobs the firm takes on each year.

Pepper's meticulous approach to profits and productivity, his moves to the sunbelt and the open shop, and his tough talk to the building trades reflect the growing pragmatism of the nation's union contractors at the end of one of the longest recessions on record. According to Pepper, he has no choice but to talk tough and face the firm's and the industry's problems head-on. "The survival of union construction is at stake."

OPTIMISM, PESSIMISM

In addition to promoting the importance of cost-effectiveness in the construction industry, AGC President Pepper has the following views on current industry issues:

On the Impartial Jurisdictional Disputes Board: "We hung in there on a month-to-month basis for 18 months, trying to work out a reasonable solution where awards would be made on cost-effectiveness. We felt that it was not wise to stay in something that was not productive."

On the National Construction Industry Council: "In past years, NCIC tried to take a stand on every issue. If NCIC is to be successful in 1983, we should take two issues we can agree on and concentrate on them."

On standard subcontract forms: "I'm very optimistic about the chances of reaching an agreement [with the subcontractor groups] this year."

On small-business set-asides: "If I had the power to change things, I'd make construction exempt from [the Small Business Administration's set-aside program]." At the very least, he says, "SBA ought to get [set-asides in construction] down to jobs of about $250,000."

On pension-plan changes: The chances for amending the Employee Retirement Income Security Act "will be very remote in this Congress. If we go in to testify [on ERISA while Congress is focusing on the budget], we just won't be heard."

On Davis-Bacon repeal: "President Reagan is a man of his word. We will not see the repeal of Davis-Bacon over the next two years."

On infrastructure improvements: "A start has been made in addressing America's transportation needs, but it was a long-delayed start and is not the ultimate solution to either our transportation or other public-facilities needs."

DEREGULATION RIGHT CHOICE: UNITED'S FERRIS

Mr. PERCY. Mr. President, last fall, Richard J. Ferris, chairman of United Airlines, spoke before the 1983 meeting of the National Association of Casualty and Surety Executives and the National Association of Casualty and Surety Agents.

The speech marked the fifth anniversary of the enactment of the Airline Deregulation Act of 1978, which was, I might add, supported by United Airlines.

As Chairman Ferris points out in his speech, the transition from a tightly regulated industry to deregulation has not been easy because of the: Tripling of oil prices; grounding of the McDonnell-Douglas DC-10; air controllers strike with capacity restrictions at many key airports. Some of these controls still persist; and recession.

Yet, Chairman Ferris believes that because of deregulation, United serves the public better and more efficiently.

I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PLAYING THE GAME AFTER THE RULES CHANGE

(Richard J. Ferris)

The airline industry marks an important anniversary this month. Five years ago, then-President Jimmy Carter deregulated the airlines.

These five years have been tough, but rewarding.

Tough because airline deregulation has been a phased process that will culminate with the sunset of the Civil Aeronautics Board on December 31, 1984. Tough because we didn't gain route freedom, i.e., asset allocation, until January 1, 1982. Tough because we didn't obtain pricing freedom until last January. And tough because what we knew was going to be a difficult transition from a tightly regulated economic environment to a free-market system was made even more difficult by four major occurrences: Tripling of oil prices; grounding of DC-10s; the worst recession since the depression; and the air-traffic-controllers' strike, which has idled a hefty percent of our asset base for two years.

Murphy's law was in full swing.

These past five years also have been tough because of the personal hardship borne by many of our employees as we exorcised the inefficiencies inherent in a regulated industry.

But the past five years have been rewarding, too. Rewarding because business exists to serve society, and today we are serving the public much more efficiently.

As you know, United virtually stood alone in the airline industry as a supporter of deregulation. For a while, at industry meetings, I was about as popular as a skunk at a lawn party. But being an advocate of deregulation allowed United to play a constructive role in fashioning the legislation that changed our industry.

Of course, a change from 40 years of tight regulation to a free-market doesn't come about overnight, or in a year, or even in five years. It doesn't come about problem-free or without some sleepless nights spent wondering what the long-term effects will be. Effects on the organization you head; on the employees who depend on you for their livelihood; and on the shareholders who stake their money on your ability to run a profitable company.

So how does a business move from nearly five decades of tight economic regulation to little or no regulation? The same way you drive in Tokyo traffic—very carefully.

We thought we were prepared for a free market. We were—but not enough. We've learned a lot since 1978. We did some things right. We missed the mark on others.

I hope some of the lessons we learned will be useful to you as you face changing times in the financial-services industry. And as you face a more intensely competitive marketplace.

These five lessons sounded simple enough as I prepared this speech. But they weren't so clear-cut back in 1978.

The lessons? We learned to change the way we think. We learned to define our mission and its supporting strategies, keeping the unexpected in mind. We learned to break out revenue and expense by product line. We learned to cut costs. We learned to know our customers.

Let me tell you about each of them.

The first lesson: We learned to change the way we think.

The new environment required—no, demanded—we examine all of the old beliefs about our business. It was one thing to say United couldn't be the same kind of airline it was in days of government regulation. It was another thing to be able to describe what kind of airline United was going to become. Occasionally our top-management meetings took on the tone of the jury in "Twelve Angry Men."

This ability to think clearly—devoid of 40 years of mental baggage—was key to a successful transition. It still is key today. The ability to think clearly is a constant factor to be dealt with in all the lessons we learned.

United—like each of your companies—has a distinct culture. When you move that culture to a new environment, you don't have time to wait for the evolution of the species as it occurs in nature.

The August 1982 issue of the Harvard Business Review highlighted the thinking gap in an article called "Deregulation—Surviving the Transition." The article presented these contrasting views:

When it comes to the customer, regulated thinking says the regulator may be viewed as the most important customer. But market thinking says the ultimate customer is the focal point.

When it comes to cost, regulated thinking promotes cross subsidy of products and services and breeds a lack of cost sensitivity because costs are part of the rate base. But market thinking dictates that costs be kept by product and/or markets served.

When it comes to employees, regulated thinking prefers a paternalistic orientation. But market thinking prefers results orientation.

When it comes to competition, regulated thinking seeks to limit competition. But market thinking seeks product superiority and cost efficiency to rebuff competition.

When it comes to decisionmaking, regulated thinking becomes concerned with the process, i.e., forms and procedures. But market thinking becomes concerned with the results.

Clear thinking was—and still is—the toughest lesson of deregulation. Without it, you cannot properly address the other lessons learned. Without it, you cannot properly establish the mission of your corporation. Or the strategies to achieve the mission. Or the proper organizations to carry out the strategies. Or the ability to find new markets and to serve them cost effectively.

In my opinion, this thinking process requires the intense involvement of the CEO and of the COO. No one else can provide the leadership that will effectively change a company's culture, mentality, or thinking in a reasonable amount of time. I define reasonable as survival versus extinction. Examples of both are evident in the airline industry today.

The second lesson: We learned to define our mission and supporting strategies, keeping the unexpected in mind.

There was little need and little incentive to plan when government regulation protected us from the real world like an incubator protects a newly hatched chick.

We thought we were prepared for deregulation because for years we supported it, talked about it, thought about it. But we were wrong.

We didn't realize how much and how fast we would have to change when competition came knocking at our door. And we didn't anticipate the knock would be so loud. For example, we didn't foresee the degree and the duration of pricing wars.

When the CAB gave up control over airline pricing last January, new airlines sprang up, clamoring for business. Established airlines fought to keep their share. Shaky airlines desperate to keep cash flowing slashed their prices. The air-fare war was on.

To help us achieve our mission—and to refine it in the years ahead—we set up an issues-management committee. The committee will monitor the outside environment. It will analyze how social, political and economic changes are likely to affect our business. And it will establish policies for dealing with those external influences.

The third lesson: We learned to break out revenue and expense by product line.

Looking at total revenue and expense generally is acceptable in a regulated industry, where costs are often averaged and incentives are not encouraged. But that's neither acceptable nor desirable in a free market.

By breaking out revenue and expense by product line, we pinpointed the source of our successes and our failures.

We also put talented people at corporate headquarters in charge of various geographical segments of our business. Just like consumer-goods companies use brand managers to track their product lines.

The fourth lesson: We learned to cut costs.

We knew we had to be competitive with new low-cost airlines. Airlines that don't have the overhead, the investment in facilities and equipment and the high-seniority, highly-paid employees we do.

So we took the painful step of trimming our work force from nearly 54,500 employees to a low of 41,500. Even though we reduced our manpower by 13,000 people, we still were running an airline about the same size. Reducing manpower alone produced a 22 percent improvement in productivity.

Asset productivity was another vital cost-reduction effort. When free of the slot restraints brought on by the controllers' strike, our airplanes will be flying 10½ hours a day versus 8½ hours a day. When beginning service to new cities, we found ways to reduce manpower and facility requirements by 30 to 50 percent. Then we applied these new standards to existing cities.

We also changed the way we negotiate with our unions. The key whenever possible is cooperation, not confrontation.

For example, rather than negotiate against a tight deadline, we asked our pilot union for a six-month contract extension. That way an all-new agreement could be worked out. It was a pivotal point in United's history. The cooperative effort to improve United's competitive position resulted in an entirely new contract, written from scratch. The contract gave United the crew flexibility and the cost savings it needed.

Similar efforts continue today as United and its unions recognize the need to fashion even more productive labor contracts to insure our interdependent economic future.

Cutting costs at United is like peeling an onion. You always find another layer underneath. At each of our profit-planning session—and we have three a year—we have found more to peel away. At each session, we have probed management's ways and have found vestiges of regulated thinking. To be honest, the onion is a hell of a lot bigger than we thought. And I think we're going to be peeling for some time to come.

The fifth lesson: We learned to know our customers.

Knowing them better helps us compete better. By surveying our passengers every day of the year on selected flights, we collect timely and extensive data for marketing decisions. We know, for example, that passengers are price conscious.

By studying ticket transactions, we also know that more and more passengers are using travel agents. Therefore, we recently reaffirmed that travel agents are the best way to sell our product to the traveling public.

That's it. Five simple lessons.

One: Change your thinking. Certain ways of managing become so ingrained that we don't even want to consider doing things differently. But a new environment and a changing world demand new thinking by you and by your managers. Making your managers set goals, question costs and consider options will result in a stronger management team. I wasted a year by not beginning this process sooner.

Two: Define your mission and supporting strategies, keeping the unexpected in mind. Something always will happen to set you back or—if you're lucky—to propel you forward. Unexpected changes that set you back can be overcome. Unexpected changes that propel you forward can work to your advantage.

Three: Break out revenue and expense by product line. That gives you incentive to be efficient, competitive, profitable.

Four: Cut costs. To survive in a competitive industry, you must get your costs under control. Just as important, you must keep them under control.

Five: Know your customers. Good market research means you can deliver a product or service that meets customers' needs. That translates into repeat business and revenue.

I hope that all or some of these lessons will be of benefit to you.

Some of you might think—like one reporter does—that I'm too optimistic. He said, "Dick Ferris must believe in miracles because he still advocates deregulation in the face of financial losses." He's right, in a sense.

I believe in the miracle of the free enterprise system and in the economic right of companies to succeed or to fail on their own merits. I also believe that given a chance to operate in a more normal environment, and given an opportunity to adjust to the profound changes that have taken place, the airlines eventually will be financially successful.

I've shared some thoughts with you today about airline deregulation, about facing change, about coping with competition and about playing the game after the rules change.

If you find some of the lessons United Airlines has learned to be practical, applicable or beneficial to your business—and I sincerely hope you do—then my time and yours has been well spent this morning.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 4656.—CERTIFICATION REQUIREMENTS WITH RESPECT TO EL SALVADOR

Mr. BYRD. Mr. President, there is a bill, H.R. 4656, that has proceeded under rule XIV and if it is allowed to proceed just before morning business ends today, the Chair would bring that matter forward. I have a couple of Senators who need to settle some

views on the matter; one wants it done and the other does not want it done. I ask unanimous consent that that matter be put over until after the close of morning business today.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank the Chair.

(After the close of morning business, the following occurred:)

The PRESIDING OFFICER. The clerk will read H.R. 4656.

The bill clerk read as follows:

A bill (H.R. 4656) to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever, occurs first.

REPORT FROM THE PRESIDENT ON LEBANON

Mr. THURMOND. Mr. President, in my capacity as President pro tempore of the Senate, I have received a report and accompanying letter from President Reagan dated February 13 and 14, 1984, respectively, regarding the role of U.S. Armed Forces in Lebanon.

In order that Senators and other readers of the CONGRESSIONAL RECORD may review the information contained in these documents, I ask unanimous consent that a copy of them be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 14, 1984.

Hon. STROM THURMOND,
President Pro Tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am providing herewith a further report with respect to the situation in Lebanon and the participation of the United States Armed Forces in the Multinational Force. This report, prepared by the Secretaries of State and Defense and covering the period from December 12, 1983 to February 13, 1984, is consistent with Section 4 of the Multinational Force in Lebanon Resolution. This report also includes the information called for by the House version of the Resolution and is submitted consistent with its more restrictive time limits.

Congressional support for our continued participation in the Multinational Force remains critical to peace, national reconciliation, and the withdrawal of all foreign forces from Lebanon. We will continue to keep you informed as to further developments with respect to this situation.

Sincerely,

RONALD REAGAN.

LEBANON REPORT: FEBRUARY 13, 1984

U.S. FOREIGN POLICY INTERESTS SERVED BY U.S. PARTICIPATION IN THE MNF

U.S. foreign policy interests remain as stated in the report of December 12, 1983. The Government of Lebanon (GOL) requested the return of the Multinational Force (MNF) to the Beirut area following the tragedy of Sabra/Shatilla. The presence of the MNF was requested specifically to facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area and thereby to further efforts of the Lebanese Government to assure the safety of persons in the area and to bring an end to the violence. The MNF remains in Lebanon to help provide the Lebanese Government and Lebanese communities an opportunity to reach agreement on broadening the government and to negotiate the withdrawal of foreign forces. The presence of U.S. forces is a critical part of a shared effort with our Western allies—the British, French and Italians—in the Multinational Force. They are as committed as we to assisting the Lebanese to restore peace and stability to their country. The presence of this Multinational Force further symbolizes Western support for Lebanon's efforts not only to withstand external pressure but to enter serious negotiations with Syria on troop withdrawals.

In order to use U.S. assets in Lebanon most effectively, on February 7 the President announced several changes in the orientation of our political and military resources, all of which are consistent with the existing mandate of the MNF. First, in order to enhance the safety of MNF personnel, authority has been given to U.S. naval forces offshore to provide naval gunfire and air support against any units in Syrian-controlled parts of Lebanon firing into the greater Beirut area, as well as against any units directly attacking MNF or U.S. personnel and facilities. Second is more intensified support and training for the Lebanese Armed Forces (LAF), including counter-terrorism training and an increase in our exchange of intelligence information. Third, we have decided that the large contingent of Marines dug in at the Beirut Airport is no longer the most effective way of maintaining an MNF presence. They have become a target in an area that is no longer under government control. Their redeployment to ships offshore will take place in phases based on an assessment of the situation, but with a tentative goal of completion within 30 days, as discussed later in this report. Military personnel will remain on the ground for the purpose of protecting our remaining personnel including those engaged in training and equipping the LAF.

The intention is to redeploy our military resources in a way that can best help the Lebanese, without signalling a lessening in our resolve. The United States will remain fully engaged. We will continue our intensive efforts to bring all sides to the bargaining table. We will continue to press the Lebanese government and the opposition alike to move toward political accommodation.

Until stability is at hand, Lebanon will be a flashpoint for conflict between Israel and Syria and therefore potentially between the United States and the USSR. Instability in Lebanon affects Israel's security directly. Indirectly, the ability of the Government of Lebanon to deal with its security problems, aided by the U.S. and other responsible members of the international community, will affect the confidence of the moderate Arab governments. Our relationship with those governments will be strongly affected by our record in Lebanon, as will the prospects for a wider peace in the area.

SITUATION IN LEBANON: LEVEL OF FIGHTING AND STATUS OF CEASEFIRE

There was an extensive breakdown in the security situation at the end of this reporting period which resulted in the LAF's losing control of West Beirut. Fighting intensified throughout the greater Beirut area involving both heavy exchanges of fire between the LAF and opposing forces on the ground and extensive barrages of artillery and rocket fire. Two Navy A-6 aircraft conducted strikes against artillery positions in response to firing endangering the U.S. MNF or diplomatic facilities. During the course of this fighting the LAF lost effective control of West Beriut, and was experiencing difficulty in maintaining discipline and morale. The LAF re-established its lines along the "Green Line" dividing East and West Beirut. Indications are that although some units suffered significant personnel losses through surrender, desertion, or refusal to fight, the bulk of the force remains intact and loyal to the Government of Lebanon.

February 8 was marked by extensive use of naval gunfire. U.S.S. *New Jersey* and U.S.S. *Caron* conducted naval gunfire throughout the day against artillery and rocket positions in Syria controlled portions of Lebanon which were firing on Beirut. A large number of hostile shells fell in the vicinity of the Ambassador's residence at Yarze. The two ships fired a total of 790 rounds (340 16-inch and 450 5-inch).

On February 9 naval gunfire was again employed to respond to hostile fire received from Syrian-controlled portions of Lebanon. The area around Yarze, which contains U.S. diplomatic and MNF personnel, was deliberately fired upon. Recurring artillery and small arms duels continue to spill over into U.S. MNF areas. Occasionally the U.S. MNF is directly targeted. The threat and incidence of terrorist attack on individuals and units of the MNF continues.

In addition to the substantial use of naval gunfire in early February, there were three other instances—on December 13, 14 and 18—of Syrian or Syrian-backed firing on U.S. reconnaissance planes; in each instance U.S. naval gunfire was used to respond to the sources of fire. The U.S.S. *New Jersey's* 16-inch guns were used for the first time on December 14. We were forced to use naval gunfire to silence batteries used to shell Marine positions in an outbreak of fighting in mid-January. On January 8, one Marine assigned to chancery protection duties was killed by small arms fire at a helicopter pad not far from the Embassy. Two Marines were killed on January 30 in fighting at the airport. The U.S. airman captured on December 4 was released by Syria on January 2 at the request of the USG and the Reverend Jackson.

Two important security problems were resolved during this reporting period. The first of these was the lifting of the siege of Dayr al-Qamar pursuant to an agreement that provided for the safe exodus of thousands of refugees, the withdrawal of a 2,000-man militia and the insertion of government forces into the town to maintain order and keep the peace. The operation was completed in mid-December; all sides have respected the agreement, and the Christian population of Dayr al-Qamar is living in peace. That agreement was an encouraging development; Lebanese government and militia leaders negotiated in good faith and both Syria and Israel were also involved in various ways in ensuring that the agreement could be implemented. It is this kind of political compromise that is being worked on for other areas of Lebanon.

In addition, Saudi Arabia mediated an agreement between Palestinian Liberation Organization Chairman Arafat and Syria that halted the fighting in the Tripoli area between pro- and anti-Arafat factions and

permitted the evacuation from Lebanon of Arafat and 4,000 of his troops. The United States supported on humanitarian grounds the consensus in the UN Security Council for the use of UN flags on the evacuation ships, and we urged both publicly and privately the safe departure from the port of Tripoli, which began on December 20. The issue from our perspective was not to support any particular party involved, but the brutality of the shelling of Palestinian camps and the city of Tripoli by Syrian and Syrian-supported Palestinian forces needed to be stopped as a humanitarian matter.

On December 24, a French MNF unit withdrew from a position it had been occupying at an United Nations Relief and Works Agency school adjacent to the Sabra/Shatilla camp area. As the Lebanese Armed Forces moved in to take over this position, it met some resistance from the camps, sparking fighting which drew in the Shi'a Amal the next day. This Christmas fighting ended in the LAF succeeding in sealing off the camp area as a terrorist infiltration route from the southern suburbs into downtown Beirut.

RESPONSIBILITIES, ACTIVITIES AND COMPOSITION OF THE MNF

Under its mandate, which remains unchanged, the MNF provides a multinational presence requested by the Lebanese government to assist it and the LAF in the Beirut area. The MNF is not authorized to engage in combat, but may exercise the right of self-defense. The U.S. MNF follows a policy of active self-defense in response to attacks and to improve its security. In order to enhance the safety of MNF personnel, authority has been given to U.S. naval forces offshore to provide naval gunfire and air support against any units in Syrian-controlled parts of Lebanon firing into greater Beirut, as well as against any units directly attacking MNF or U.S. personnel and facilities.

The MNF is currently composed of the following units which perform the functions indicated at the request of the Lebanese government. Their precise functions within the MNF mission have varied over time and continue to be subject to adjustment in light of changing circumstances.

One U.S. Marine Amphibious Unit (MAU) is ashore at Beirut International Airport as a 1,400-man force which also provides external security troops at U.S. diplomatic facilities in the greater Beirut area. Additional elements of the MAU in reserve, mainly combat support and combat service support elements, are aboard amphibious ships offshore Beirut. Pending the conclusion of consultations with the GOL and our MNF allies, this force will be redeployed as soon as conditions warrant, with a tentative goal of completion within 30 days. As noted above, U.S. military personnel currently with the MNF will remain on the ground for the protection of our remaining personnel.

Two Italian battalions are in a 1,400-man force in southwest Beirut and also help protect the Sabra and Shatilla refugee camps. The Italian government has nearly completed the four-month process of returning the size of its force to that level from a high of 2,200 men. The Italians announced on February 8 their intention to withdraw further forces, but to leave a portion of their MNF contingent to protect the camp areas.

The French battalions serve as a force in and near the port of Beirut. The French have returned approximately 460 personnel from the MNF to the United Nations Interim Force In Lebanon (UNIFIL) in southern Lebanon, which leaves them at a level of 1600 men, well above their original troop commitment.

One British motorized reconnaissance company of 100 men withdrew from their position east of Beirut International Airport on February 8 and embarked in a Royal Navy ship offshore until the situation clarifies.

In addition, each contingent of the MNF has naval and/or air support forces in the region.

ESTIMATED COST OF U.S. PARTICIPATION IN THE MNF [1]

MNF Deployment:

U.S. Marine Corps (fiscal year 1984 estimated costs):	*Millions*
Operations and maintenance	$12.1
Military personnel	5.5
Total	17.6

Support for the MNF:

U.S. Navy (fiscal year 1984 estimated costs):	*Millions*
Ship operations in the Eastern Mediterranean	$36.1
Augmentation resupply	3.9
Cargo handling	.7
Medical support	2.1
Other support	2.0
Total	44.8

MNF MILITARY CASUALTIES

The following military casualties have occurred since the MNF deployed to Beirut in September 1982 and since the last report to Congress:

	Killed in action		Wounded in action		Captured	
	Total	Since Dec. 12, 1983	Total	Since Dec. 12, 1983	Total	Since Dec. 12, 1983
United States	264	14	134	4	[1]	0
Italy	2	0	26	8		
France	77	2	60	4		
United Kingdom	0	0	1	0		

[1] Released.

EFFORTS TO REDUCE THE MNF

The Marines are in Lebanon as part of a broadly based international peacekeeping effort to help keep the peace. Together with our MNF partners and the troop contributors to UNIFIL in southern Lebanon, the U.S. is one of a dozen nations that provide forces for this purpose.

Despite the changing situation on the ground, our basic strategy to reduce and eventually eliminate the need for the MNF remains unchanged and continues to center on our diplomatic efforts to encourage reconciliation among Lebanese factions, help expand the control of the Lebanese government over the territory of Lebanon, and create circumstances that will lead to removal of all foreign troops from Lebanon. At the President's direction, the number of men ashore will be reduced in phases and redeployed to ships offshore, with a tentative goal of completion within 30 days, as discussed herein. *It is not possible at this time to predict the exact duration of the need for the MNF.* We will continue to assess this question in the light of progress toward the objectives of national reconciliation and establishment of Lebanese government control.

[1] This estimate encompasses all of Fiscal Year 1984 to the present.

Meanwhile, the possibility of supplementing or replacing the MNF with a UN peacekeeping operation is also being kept open, although this can be accomplished only if the Lebanese situation calms sufficiently to permit progress in the political dialogue among the parties concerned. We have carried out consultations with the UN Security Council members, the UN Secretariat and our MNF partners to assess prospects for an expanded UN peacekeeping role in various parts of Lebanon. France has informally raised in the Security Council the idea of replacing the MNF with a UN presence. The outlook for a UN role in Beirut remains uncertain; deployments anywhere in the country would depend on agreement of the UN Security Council, the parties on the ground, and potential contributing states.

Our long-term goal in Lebanon remains the same, but should not be confused with the mission of the MNF. The MNF is not a permanent or long-term force. It is not intended that it remain until the U.S. achieves its long-term goals in Lebanon.

CONTRIBUTIONS TO LEBANON BY MNF MEMBERS

In addition to their contributions of troops to the MNF, members of the MNF are providing military and economic assistance to Lebanon. The U.S. is providing $150 million (no year funds) in economic assistance, which it plans to have fully obligated by the end of FY 84. France has reportedly offered $256.6 million in 1983/84, mostly in commercial credits, while Italy is providing $142 million, largely in soft loans, over the next 3-4 years. The UK has provided $3 million, but it and the others are channeling additional contributions to Lebanon through the European Economic Community.

The Administration is considering a substantial supplemental funding request in 1984 in grants or credits for military equipment and training as part of our concerted effort to reconstitute the LAF and make it a strong arm of the central government's authority. The difficulties the Lebanese Army is now experiencing will be closely watched in this context. We plan to expend $46.8 million in FY 84 funds ($15 million appropriated for Lebanon and $31 million in reprogrammed FMS funds). Italy is suppling armored personnel carriers to Lebanon. France has provided 30 AMX tanks, 40 APCs and 10 light helicopters. In addition, the French are training units of the LAF and the Internal Security Force (ISF).

PROGRESS IN TRAINING THE LEBANESE ARMED FORCES

Our training efforts have focussed on four general areas: logistics, maintenance and supply; operational deployment of U.S.-supplied equipment; and, management and operations planning, all conducted by mobile training teams. We have spent 37 training teams—ranging in size from one person to 26 members—to Lebanon since January 1, 1983; 25 have completed their missions and have departed. There are now 118 trainers in Lebanon, near our average of 100 trainers in Lebanon at any one time. Ten more teams may be scheduled for deployment over the next few months. All of this training has been provided under Foreign Military sales (FMS) procedures and paid for by the Lebanese. We are also conducting some training within the U.S. funded partly through International Military Education and Training funds and partly through FMS. Since the security situation in Lebanon precludes the sending of many LAF officers to the U.S., for 1984, the GOL has

chosen to focus its training in the U.S. on individual program like helicopter and fighter pilot training. The French have provided some training in logistics and operations for the LAF brigade equipped with French-origin heavy equipment.

Given recent events, reflected above, it is not possible to gauge when the LAF will be capable of maintaining internal security in Lebanon. As reflected in the President's announcement of February 7, a vigorous acceleration of training, equipping and support of the LAF is planned to enhance LAF effectiveness.

PROGRESS TOWARD NATIONAL RECONCILIATION

Progress toward national reconciliation was set back by the serious deterioration in the security situation in Beirut in early February. We are working with the Lebanese, Syrians, Israelis and Saudis to try to find a formula for a negotiated solution, and the Saudis have recently sent a senior emissary to Damascus to follow up these efforts.

PROGRESS IN NEGOTIATIONS TOWARD POLITICAL SETTLEMENT

Negotiations on a security plan had been underway for some time when the attacks on West Beirut brought them to a halt. Political level contacts continue behind the scenes. The United States continues to press for a political dialogue between the government and leaders of Lebanon's communities. This in turn would pave the way for an expanded, broadly representative government able to deal with fundamental questions of political, social and economic reform and the withdrawal of foreign forces. If Syria and others are convinced of the resolve of the MNF partners to remain in Lebanon until progress is made, it would have a positive effect on reconciliation.

REPORT OF SENATOR SPECTER ON LECTURE AND TRADE TRIP TO CHINA

Mr. SPECTER. Mr. President, I wish to report to the Senate on my recent trip to Taiwan and the People's Republic of China. From January 3-16, I made a speaking tour of the two Chinas, appearing before university audiences in Taipei, Hong Kong, Peking, and Shanghai. During this trip I also conferred with Cabinet officers and other officials of the two governments.

CONCERN OVER NUCLEAR WAR

Students at Taiwan and mainland China's universities are worried that the fallout of nuclear war between the United States and U.S.S.R. would destroy their societies as well. My lecture tour found these young people preoccupied with the issue just like their counterparts in Europe and America. Similarly, governmental officials looked to United States and Soviet leaders to agree on arms reduction as an indispensable first step toward worldwide nuclear weapons controls.

Questions at the Institute of Foreign Affairs in Peking were particularly penetrating: Why was it necessary to deploy new missiles in Western Europe since there were already so many weapons aimed at the Soviet Union? Was President Reagan's tough talk against the Russians a tactic to whip up emotional support for his 1984 reelection campaign?

At Fudan University in Shanghai a student showed depth on the subject by asking if the merger of START (strategic arms reduction talks) and INF (intermediate nuclear forces) would induce the Soviets to return to the bargaining table at Geneva. While the students in Soochow University in Taipei asked about the nuclear issue, they were more interested in conventional arms sales from the United States to Taiwan because of the more immediate concern over a possible conflict with the People's Republic of China.

Taiwan officials denied the reports that their Government was developing nuclear weapons. They insisted that their nuclear activity was only for domestic energy. In Peking, People's Republic of China foreign affairs officials minimized their nation's nuclear forces. When asked if they would be interested in participating in superpower negotiations on nuclear disarmament, they said yes but only after a U.S.-U.S.S.R. agreement had set the stage for meaningful participation by other nations.

TWO CHINAS

Students and officials in the two Chinas asked about many other subjects, too. There was keen interest, for example, on how the United States would handle its relations with one government without undermining its relations with the other.

On the basis of my meetings and observations and readings before and since the trip, I have come to the following conclusions.

U.S. interests require great skill in walking a tight rope between the People's Republic of China and Taiwan. Conversations with officials from both governments during visits to the two Chinas convinced me that a dual relationship can be maintained.

The United States should maintain its long-standing ties with Taiwan even as we build new ties to mainland China. To do so successfully, however, we need to make some important distinctions—between political against trade ties, and between defensive against offensive weapons.

TRADE

Just because we switched our diplomatic recognition from Taipei to Peking does not signify less interest in the people of Taiwan or the reciprocal advantages of trade. Trade between the United States and Taiwan is large and growing. If we follow our country's best interests, trade, particularly exports, will increase still further.

In the American Institute on Taiwan, which replaced our Embassy upon derecognition, we have a fine vehicle for assisting U.S. businessmen. In fact, from my meetings with its director, I think it may be functioning even more effectively on such matters than the Embassy did.

Likewise, trade will become a driving force and a primary benefit of our Nation's relations with the People's Republic. Although miniscule only a few years ago, trade with the People's Republic of China has now grown to the multibillion dollar category. With the recent watershed decision of the Peking Government to open up the mainland to the world, trade promises to increase even faster.

With American Counsuls General now operating in the trade centers of Shanghai and Canton as well as an American Ambassador in Peking, the mechanisms are in place to promote rapid growth. China's population of over 1 billion, nearly five times than that of the United States itself, means the potential for trade is historically unprecedented and virtually unlimited. Already, China has amassed $20 billion in foreign reserves to finance major purchases they have already decided to make in areas such as nuclear power, transportation, communications, and electronics. With such cash on hand, greatly increased U.S. exports need not await further economic development in China, but can begin immediately.

DEFENSE ISSUES

Strategic defense forms the other leg on which our relationships with China and Taiwan each stand. A friendly relationship with PRC is to use strategic advantage. It is very much in our interest that one-third of the Soviet's 360 SS-20 missiles and 15 Soviet divisions are deployed near the Chinese border. Also, as a nuclear power with its own ICBM's, China helps deter Soviet mischief in the entire Far East.

Taiwan, in turn, deters China from foreign adventure against other nations as well as against Taiwan itself. Based on our longstanding friendship with the people of Taiwan and our commitments under the Taiwan Relations Act, we should continue to sell Taiwan arms necessary for defense.

So long as we place proper emphasis on the words "necessary" and "defense," we can avoid injuring our relations with the People's Republic although its officials will continue to protest vehemently about U.S. sales of any high-tech armaments.

Our denial of Taipei's request for advanced jet fighters, which followed such protests, was inevitable. This fighter has sufficient range to operate over much of the mainland, not just the airspace over the straits separating the two Chinas. But our allowing sales of antisubmarine helicopters, despite protests, was equally sound, for they are truly defensive.

The United States also has a major interest in showing allies the world over that it is not a fickle friend. If we

were to abandon Taiwan, our credibility as the leader of the free world would diminish.

Matching the President's visit to the PRC in April with defensive weapons for Taiwan is the next stage in maintaining our dual relationship.

But trade rather than defense forms the core of both relationships. Trade with Taiwan is already in excess of $20 billion and with the mainland in excess of $5 billion. With proper action, it could increase rapidly.

FOREIGN COMPETITION

Congressional action to strengthen export and promotional activities of the State and Commerce Departments could materially aid U.S. business to capture its fair share of enormous trade opportunities now opening in mainland China and Taiwan. My tour of the two Chinas provided the basis for legislative initiatives to expand exports when my subcommittee of the Appropriations Committee considers the budgets for those two Departments during this session. Japan and Germany lost the last World War, but they will decisively win the next trade war unless American business and Government promptly take aggressive action in the Far East.

The $12 billion steel manufacturing complex now under construction in Baoshan near Shanghai is illustrative of Japanese and German dominance.

The victors appeared to be Japan and Germany when we were shown a 300-room guest house used to house visiting Japanese engineers. Looking at another large hotel under construction, we were told that was for 300 Germans who were expected to work on the installation. It was almost as if Americans need not apply. And we have not applied ourselves to the vast opportunities.

INCREASED TRADE

Visiting Taiwan and mainland China, I saw the immediate potential for enormous increases in American exports. The governments in both Peking and Taipei have now made firm decisions to expand trade with U.S. companies; and they have the money.

The People's Republic of China has accumulated an estimated $20 to $25 billion in foreign reserves which they have programed for construction of nuclear powerplants, steel mills, coal mines, transportation, electronics, petroleum exploration and other major projects. The Taiwanese authorities, recognizing they must end their $6.5 billion annual trade surplus with the United States, are determined to increase their purchases from our country of a broad variety of goods and services. In nuclear power alone, they may spend $10 billion in the next few years.

Are American companies simply unable to compete successfully? Not at all! In fact in many products, U.S. firms are favored. For example, from meeting with nuclear and trade officials, it seemed clear to me that American reactors were their first choice. Yet because our Government has not yet concluded the bilateral agreement on nonproliferation required by U.S. law, the mainland officials recently bought a French nuclear reactor.

Another weakness in Government concerns the activities of the Commerce Department overseas. Our Government has stationed commercial attachés in key business cities like the young woman I met in Shanghai. They feed information back to Washington but often do not get the answers fast enough.

U.S. ACTION

To remove these obstacles, I am contacting the Secretaries of State and Commerce. State needs to bring its negotiations on nonproliferation to a close. After all, China already has nuclear weapons itself and has announced it will not sell nuclear technology to others. For its part, Commerce needs to expand its headquarters support for the attachés abroad and increase their numbers. As a member of the Appropriations Subcommittee on the State, Commerce and Justice Departments, I am interested to help add or reallocate the funds necessary to strengthen and speed up these efforts. With respect to the commercial attaché program, I may propose a major expansion, headed by a top official and concentrating on trade with the Far East. For an investment of perhaps $30 million, we can improve the odds of our country's firms getting business worth at least $30 billion.

While large U.S. companies like Westinghouse are well known in both Chinas, many smaller companies in various industries are not. Conversely, they do not know what is about to be bought. When they find out, it's too late: the Japanese have already made a deal. One project after project, I learned that when U.S. businesses had been informed, they had not followed up quickly with inquiries or bids. More should.

Where firms lack local offices to pursue matters in Peking or Taipei, they need to use the commercial attachés. Without someone on the scene constantly pressing their interests, the competitors from both Europe and Asia, who do have people there, will usually prevail.

Nor can companies rely on initiatives from the Chinese Government. Chinese officials are continually courted by our competition. If U.S. firms remain aloof, they will forfeit a big share of the growing market in the two Chinas.

With increased exports so important to future prosperity, our Government and our businesses should become partners in developing trade with China.

With regard to the problems of the American steel industry as it tries to respond to competition from modern foreign facilities such as those I say in Khaoshiung, Taiwan and Shanghai, I ask unanimous consent to have printed in the RECORD an article I wrote that was published February 6, 1984, by the Pittsburgh Post-Gazette.

There being no objection, the article ordered to be printed in the RECORD, as follows:

A NATIONAL POLICY ON FOREIGN STEEL

WASHINGTON.—Thousands of unemployed American steelworkers, including many from Pennsylvania, worry about the future of our steel industry as subsidized steel from foreign producers continues to be dumped on our markets.

Based on inspections of new steel plants in Tokyo, Taiwan and Shanghai, the future of the American steel industry looks bleak unless our national policy changes significantly and promptly.

The modern steel plants in the Far East are governmentally owned or subsidized, so their prices need not reflect even their signficantly lower costs of production. Meanwhile, we have generously shared our technology and experiences with our prospective competitors while we have failed to invest sufficient capital to keep pace with the state of the art.

As bad as it has been in the loss of jobs in our steel plants, the future will be even worse when a massive mill like Bao Shan in Shanghai, which I say on a recent trip, is finished and produces the projected six million tons annually.

Nothing in Pennsylvania compares to this complex which stretches for miles beginning with enormous unloading docks for coal and iron ore at the edge of the Yangtze River, moves along lengthy conveyor belts to blast furnaces and extends to mammoth warehouses. While the Peoples Republic of China may be an importer of steel for some time to build up its own intrastructure, such massive facilities will figure prominently in the world market in the long run.

The Taiwan government located its China Steel Corp. immediately adjacent to its China Shipbuilding Corp. in Kaohsiung, so that finished steel rolls right out for use in ship construction. This ultra-modern facility pays $3.50 per hour to its workers who live in nearby planned communities. Kaoshiung's managers say their plant is more efficient and can produce steel more cheaply than most of Japan's 20-year-old plants.

Unlike the outright governmental ownership of Hao Shan by the Peoples Republic of China and Kaohsiung by Taiwan, Japan aids its steel mills with sophisticated subsidies, including currency manipulation and government financing. A showpiece steel mill was constructed within the past few years in Tokyo Bay with perfect access to adjacent rails and ships. Computers and robots will keep this plant in the forefront of production technology for years to come.

There is obviously no way that American steel producers can compete with heavily subsidized imports. Free trade means fair trade and that means the absence of subsidies or dumping. While our laws prohibit injury to domestic producers through such dumping practices, remedies through the International Trade Commission have been

totally ineffective. Complaints have taken months and sometimes years to process with little effect.

Senate Bill 418, which I introduced last year, would deal effectively with dumping and subsidies by granting federal courts jurisdiction to enjoin or prohibit such imports. Injunctions could be issued in a matter of weeks and damages would be paid to the workers or companies sustaining the losses instead of the government in the form of countervailing duties.

Observing the large capital investments in the modern plants in Tokyo, Shanghai and Kaohsiung, it is obvious that some new approach must be found to finance modern production facilities in the United States. Only $2 billion to $2½ billion is being invested annually of the $6 billion necessary to modernize our steel industry. The accelerated depreciation provisions, enacted in the 1981 tax law, have not provided the anticipated stimulus for more capital investment.

In Senate hearings last year before our Judiciary Committee, Dennis Carney, President of Wheeling-Pittsburgh Steel Co., proposed a modern equivalent of the Reconstruction Finance Corp. to help provide the necessary capitalization. While it is difficult to undertake additional federal expenditures in the face of $300-billion deficit, a solid steel industry is as vital for national defense as many of the $249.5 billion expenditures of the Department of Defense.

If we are to retain a viable steel industry in the United States, prompt action must be taken. A colossus of a plant like Bao Shan and the ultra-modern facilities in Taiwan and Japan are only symptomatic of the expanding problem of foreign exports. No one has suggested that the United States should give up on its steel industry. But that will be the result unless we awaken to the threat and act realistically to meet it.

NINETIETH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

Mr. PERCY. Mr. President, tomorrow the Ukrainian National Association will celebrate its 90th anniversary. As one of the oldest and largest Ukrainian organizations in America, the Ukrainian National Association (UNA) has taken the lead in helping Ukrainians adapt to life in this country.

Over the years, the UNA has worked to preserve the unique and rich heritage of Ukrainians while helping them become active participants in American society. Upon its founding on February 22, 1894, the UNA established cultural, religious, patriotic and social programs to provide support for Ukrainians in the New World. The UNA further provided much needed financial assistance to new immigrants.

The UNA continues to sponsor a wide range of community activities for its members and to extend financial support to Ukrainians across the country. Through newspapers and periodicals, the UNA keeps its members informed of news and events of interest to the Ukrainian-American community. There are 80,000 UNA members, and the organization is growing.

My friend, Myron Kuropas of DeKalb, Ill., has served with distinction as supreme vice president of the UNA. I have known Mr. Kuropas for more than 20 years, and he is an impressive leader and champion of Ukrainian rights.

The programs of the UNA are of great service and benefit to Ukrainians in America. The UNA has helped build a strong Ukrainian community in this country which has contributed significantly to American society. I extend my congratulations to the Ukrainian National Association on its anniversary and commend it for its excellent record and accomplishments. I wish the UNA much success in its continuing efforts on behalf of Ukrainian Americans.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. this afternoon.

Thereupon, the Senate, at 12:03 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

DEATH PENALTY

The PRESIDING OFFICER (Mrs. HAWKINS). The clerk will report the pending business.

The bill clerk read as follows:

A bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

The Senate resumed consideration of the bill.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I yield 30 minutes of my time to Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me thank the minority leader, my friend from West Virginia, for yielding me that additional time. I am not sure I will be needing it, but I may, and I do appreciate his yielding me that time.

I am wondering if I could ask my friend from South Carolina some questions about the bill. There are a number of areas which I think could use some clarification. I am wondering whether he might be willing to answer some inquiries from this Senator about some of the meaning of the language in the bill.

Mr. STEVENS. Madam President, I beg the Senator's pardon. I think he asked the chairman a question, and we were conferring with him at the same time. I do not think he heard the question.

Mr. BYRD. Madam President, will the Senator withhold?

Mr. LEVIN. Yes.

Mr. BYRD. Madam President, I ask unanimous consent that this time for this colloquy, which is not exactly on the subject the Senator is about to address, not be charged to him but be charged equally between Mr. STEVENS and me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, it has been suggested that we try to see if there is a possibility of getting an understanding on when we might have a final vote. I wonder if I might ask my good friend if he has any idea when he might seek to call up his amendments or to take them to a vote.

Mr. LEVIN. I would know within the next hour or hour-and-a-half whether I will be calling up either of those amendments. I do believe, however, that other Senators will want to speak on the bill.

I will know, if I can have an hour or so, after I have a colloquy with the Senator from South Carolina, whether I will be calling up those amendments.

Mr. STEVENS. And I might say that I hope we will be able to find out whether Senators intend to use their time in the cloture period. Maybe it would be best to put a request through the cloakrooms to determine who intends to use their time so that we can know as close as possible when the vote on this bill might occur.

I take it the chairman is ready to vote at any time.

Mr. THURMOND. Mr. President, we are ready to vote now or just as soon as possible.

Mr. STEVENS. We would be happy, I might say, if it is possible to do so, to enter into an agreement that a vote would occur tomorrow at 2 p.m. A number of Senators have inquired if it would be possible to make a time certain for a vote. I do not want to press the distinguished Senator from Michigan on that at this time, but I want all Senators to realize that there have been some requests for a time certain on a final vote. If it is going to come to a vote tomorrow, we would like to get that as soon as possible.

Mr. BYRD. Will the distinguished Senator yield?

Mr. STEVENS. I yield.

Mr. BYRD. I feel it would be well if all Members were on notice as to when a vote on final passage would occur. Therefore, if this is agreeable with the distinguished assistant Republican leader, we on our side will begin to probe, via the telephone, to see if we can clear a time for a final vote. We may be able to or may not be able to.

Mr. LEVIN. Will the minority leader yield for a question?

Mr. BYRD. Yes.

Mr. LEVIN. Even though I may not call up the two amendments on file, which will depend on the colloquy I will have with the Senator from South Carolina, I understand that other Senators could call up those amendments if they saw fit, if I determined not to call them up. I say that in case there are other Senators who want to consider calling them up. Again, I want to emphasize I do not know whether I will or will not until I have concluded my colloquy with my friend from South Carolina.

I also understand the second-degree amendment filed by Senator HATFIELD is also possible of being called up. I do not know whether he intends to call it up or not.

Mr. STEVENS. The amendment of Senator HATFIELD would only be in order if the Senator from Michigan called up his amendment or if someone else called up his amendment. Senator HATFIELD may determine to call it up himself. But I do think that Senators ought to be on notice that it is still possible there might be a vote today of some type, and it would be our hope that we could bring the matter to a final vote tomorrow, unless there are developments that we are not informed of as yet.

I thank the Senator for yielding. It is my understanding that this time does not count against the Senator's time. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Madam President, if I could ask my friend from South Carolina a number of questions, and the meaning of some of the sections of this bill, I would like to proceed. I have been going over it trying to understand what many of the sections provide. I have read the committee report and some of the Supreme Court opinions. I do have a few questions.

First of all, relative to the first section of the bill, section 3591, that section establishes what are called the threshold criteria for taking the next step. If a defendant has been found guilty of certain types of offenses, then there would be a separate hearing to look into mitigating and aggravating factors. But it is those threshold criteria that I would like to ask my friend from South Carolina about to begin with.

Am I correct in assuming that it is the factfinder that makes the determination as to whether or not, for instance, an attempt to kill the President of the United States results in bodily injury to the President or comes dangerously close to causing the death of the President? Is that a decision for the factfinder?

Mr. THURMOND. Mr. President, in response to the question by the able Senator from Michigan, I would say yes, it is.

Mr. LEVIN. That, as I understand, is stated in the report though it is not stated in the bill.

Following that, when does the factfinder make that determination? Is that made at a separate hearing before the section 3593 hearing?

Mr. THURMOND. Mr. President, the factfinder would make it all together.

Mr. LEVIN. Is that stated somewhere in the bill?

Mr. THURMOND. Would the Senator repeat the last question?

Mr. LEVIN. Is that statement of the Senator, that the factfinder would make that decision at the same hearing described in section 3593, stated somewhere in the bill or is that in the committee report? Where is that stated?

Mr. THURMOND. I do not believe it is specifically stated, but it is implicit that as a past of the bifurcated trial, this determination is to be made in the sentencing hearing by the factfinder based on information present in the sentencing portion of the proceeding.

Mr. LEVIN. I thank the Senator.

By what burden of proof does the factfinder make that decision, that threshold criteria decision? Is it required that the factfinder make that finding beyond a reasonable doubt?

Mr. THURMOND. Beyond a reasonable doubt.

Mr. LEVIN. Is that stated anywhere in the bill or in the committee report?

Mr. THURMOND. It is in the bill. If the Senator will give me just a minute, I will locate it.

At the bottom of page 10 of the bill the Senator will find the answer to his question.

The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt.

Mr. LEVIN. My question does not relate to the establishment of aggravating factors. My question related to the threshold criteria set forth in section 3591. I am not referring to the mitigating or aggravating factors which are set forth in section 3592. I understand that those must be established beyond a reasonable doubt.

My question relates to the threshold criteria that are established in section 3591 and which my friend indicates can be established at that same 3593 hearing.

Mr. THURMOND. As a history of this legislation shows over the last Congress and this Congress, these threshold criteria are considered as aggravating factors that must be found before proceeding to the next step. In the bill this year, the threshold factors have been moved to the first part of the bill to clarify their threshold importance. But the committee intended the standard of proof be beyond a reasonable doubt, as in previous versions of the bill.

Mr. LEVIN. I thought the threshold criteria were set forth in 3591 and the mitigating and aggravating factors were set forth in 3592.

Mr. THURMOND. 3591 states:

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(a) an offense described in section 794 of section 2381 of this title;

"(b) an offense described in section 1751(c) of this title, if the offense constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(c) any other offense for which a sentence of death is provided, if the defendant—

"(1) intentionally killed the victim;

"(2) intentionally inflicted serious bodily injury that resulted in the death of the victim; or

"(3) intentionally participated in an act that he knew, or reasonably should have known, would create a grave risk of death to a person, other than one of the participants in the offense, and the victim died as a direct result of the act;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified.

I think that explains it.

Mr. LEVIN. Let me restate the question. I am not sure I stated it as clearly as I should have.

The mitigating and aggravating factors which must be proven beyond a reasonable doubt are set forth in section 3592, but before you get to that section my friend has just indicated that the factfinder must make a decision that the threshold criteria are satisfied in section 3591.

My question is, Must those threshold criteria be proven beyond a reasonable doubt in order to get to section 3592? My friend answered that they must be. All I asked was, where in the bill does it say that, that the threshold criteria of 3591 must be established beyond a reasonable doubt?

Mr. THURMOND. Maybe there is some confusion. I would only reiterate that the threshold factors were intended to be treated as threshold aggravating criteria to be found by the trier of fact beyond a reasonable doubt. I think section 3591 and the other provisions of the bill make this clear.

Mr. LEVIN. The case of Enmund against Florida is referred to in the committee report. I would like to ask the floor manager of the bill whether or not, under the facts of that case, the defendant could be executed under this bill?

Mr. THURMOND. In response to the distinguished Senator, the answer is no, because the case would not fit the criteria set out in section 3591(c).

Mr. LEVIN. In that regard, would it not be up to the factfinder to determine whether Enmund reasonably should have known that the action which he intentionally participated in would create a grave risk of death to the victim in that case?

Mr. THURMOND. The answer would be yes.

Mr. LEVIN. So that a factfinder could find that Enmund reasonably should have known that the act in which he participated would create a grave risk of death?

Mr. THURMOND. Madam President, like any other part of the charge, it would depend upon the circumstance and facts of the case. In the Enmund case, the factual determinations made by the Florida court would preclude the death penalty under this bill.

Mr. LEVIN. The Supreme Court in Enmund against Florida—I now read from this opinion—said that it is up to them:

> To judge whether the eighth amendment permits imposition of the death penalty on one such as Enmund who aids and abets a felony in the course of which a murder is committed by others but who does not himself kill, attempt to kill, or intend that a killing take place or that lethal force will be employed. We have concluded, along with most legislatures and juries, that it does not.

If the Supreme Court has specifically said the eighth amendment prohibits Enmund from being executed, as I understand my friend's answer to the question, the factfinder under this bill could have found evidence that Enmund reasonably should have known that the act in which he participated created a grave risk of death and therefore he could have been executed. Why does not that decision directly conflict with the decision in Enmund against Florida?

Mr. THURMOND. I believe the Senator is reading from two different places. I am not sure what the factfinder could have found in Enmund. The facts actually found by the Enmund court, however, would preclude the death penalty under this bill.

Mr. LEVIN. Yes, I read from the bill which said if you intentionally participate in an act——

Mr. THURMOND. In the Enmund against Florida case, page 18, section IV, I read:

> Because the Florida Supreme Court affirmed the death penalty in this case in the absence of proof that Enmund killed or attempted to kill, and regardless of whether Enmund intended or contemplated that life would be taken, we reverse the judgment upholding the death penalty and remand for further proceedings not inconsistent with this opinion.

In another place the Supreme Court talked about whether there was a showing that Enmund anticipated that "lethal force would or might be used if necessary to effectuate the robbery or a safe escape."

Mr. LEVIN. I followed that language and I do not see anything inconsistent with the point I am making. This bill, as I understand it, says that a factfinder can render a judgment of execution and death if he finds that the defendant intentionally participated in an act that he knew or reasonably should have known—reasonably should have known, I emphasize—would create a grave risk of death to a person.

The Enmund decision specifically says that you must—the defendant, "himself must kill, attempt to kill, or intend that a killing take place or that lethal force be employed."

My question is, How does the language in the bill jibe with that very clear holding in Enmund?

Mr. THURMOND. Well, Madam President, if he contemplated that life would be taken and the jury so found beyond a reasonable doubt, it seems that would be clear.

Mr. LEVIN. I agree with that. The decision says if he contemplated. The bill says if he should have known, not that he contemplated as in Enmund. It says if he should have known something.

Mr. THURMOND. I do not know if there is any distinction between contemplated or reasonably should have known.

Mr. LEVIN. The Senator from South Carolina sees no difference?

Mr. THURMOND. I would think the language would effectively be the same. The effect of it would be the same in both cases.

Mr. LEVIN. Would this language attempt to adopt, then, a subjective test rather than an objective test?

Mr. THURMOND. I do not think so, Madam President. I think that the language referred to in the Enmund decision that refers to contemplation that a life would be taken or anticipation that lethal force would or might be used, is a concept compatible with the language that he knew, or reasonably should have known that a life would have been taken or lethal force would or might have been used.

Mr. LEVIN. Perhaps I could ask my question a little more directly.

Does the bill, in that subsection (c), section 3591, adopt an objective or a subjective test?

Mr. THURMOND. We think that is an objective test, that he knew or reasonably should have known.

Mr. LEVIN. This adopts an objective test?

Mr. THURMOND. Yes.

Mr. LEVIN. I thank the Senator.

Madam President, it seems to be clear beyond any reasonable doubt that the Enmund decision of the Supreme Court requires that a subjective test be adopted, because it says that the eighth amendment permits execution only if the murder is—that the defendant himself kills, attempts to kill, or intends—intends—that a killing take place or that lethal force be employed.

Or, to use the words which my friend from South Carolina quoted at the end, "That the defendant himself intends or contemplates that life would be taken."

Those words are clearly words that are subjective. They are not a reasonable-man test, as we used to call it, a test of negligence where somebody reasonably should have known. They are clearly words that are subjective, going to the state of mind of a person. I would think that this threshold provision is clearly flawed in that regard.

I shall move on to a different subject, because I think my friend at least has clarified the section for us.

Moving to a different section, if I could refer my friend, the floor manager, to section 3593 of the bill, the language I am referring to in particular is at the top of page 8. This section refers to a special hearing. The purpose of that special hearing is to determine whether a sentence of death is justified and provides in subsection (a) that if, in a case involving an offense described in the earlier section:

> The attorney for the Government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice.

Then the bill sets forth exactly what the notice should contain.

Subsection (2) says that the notice shall set forth the aggravating factor or factors that the Government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

My question of the floor manager of the bill is whether or not the hearing that is contemplated in that section is limited to the aggravating factors which are set forth in the notice?

Mr. THURMOND. Madam President, in response to the distinguished Senator, I say it is not.

Mr. LEVIN. It is not.

Mr. THURMOND. That is correct. The Government must prove at least one statutory aggravating factor beyond a reasonable doubt and the jury must make such a special finding.

Mr. LEVIN. Is the floor manager then saying that the prosecution or the Government could argue an aggravating factor other than that for which it gave notice—and since I assume that is what the floor manager is saying—what is the purpose of the notice except to put the defendant on notice?

Mr. THURMOND. It puts him on notice of the statutory aggravating factors upon which the Government intends to rely to meet its obligation to prove at least one statutory aggravating factor.

Mr. LEVIN. But there is no requirement that it list all the factors?

Mr. THURMOND. Would the Senator repeat that question?

Mr. LEVIN. There is no requirement that it list all the factors that it is going to rely on?

Mr. THURMOND. No, there is not.

Mr. LEVIN. Which factors must it give notice of, and which ones need it not give notice of?

Mr. THURMOND. The Government would have to give notice and would have to prove one aggravating factor.

Mr. LEVIN. Just one aggravating factor? Did I hear the Senator correctly?

Mr. THURMOND. That is right.

Mr. LEVIN. Any one aggravating factor.

Referring then to the same general section, but in the middle of page 11 under "Return of Special Findings" it says:

> The jury or, if there is no jury, the Court shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under Section 3592.

And then it says:

> The jury must find the existence of a mitigating or aggravating factor by unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if majority of the jury finds the existence of such a specific factor.

Is my understanding correct that the jury need not return a special finding as to any aggravating factor which is not enumerated in section 3592?

Mr. THURMOND. The Senator is correct.

Mr. LEVIN. My next question, then is whether or not the jury could make its decision to execute the defendant based on nonenumerated factors alone?

Mr. THURMOND. The answer is "no." It must find at least one statutory aggravating factor.

Mr. LEVIN. If the jury is not required to make a special finding on the nonenumerated agravating factor, which, as I understand from the Senator, they do not have to do, if that is the basis of their recommendation or their finding that the defendant should be executed, how would we know what the aggravating factor is that they are relying on if there is no requirement that the nonenumerated factors have to be specially found by the jury?

Mr. THURMOND. Well, the Government has to allege at least one aggravating factor and the jury has to find that.

Mr. LEVIN. For a nonenumerated aggravating factor, one that is not enumerated in the statute, my friend from South Carolina said there is no requirement for a special finding?

Mr. THURMOND. Well, the Government could rely on unenumerated aggravating factors to be weighed by the jury in its ultimate decision whether the death penalty is justified.

Mr. LEVIN. The Government could or could not rely on that?

Mr. THURMOND. They can weigh all aggravating factors made a part of the record in the ultimate decision. They must, however, make special findings as to at least one statutory aggravating factor before they can reach the final determination.

Mr. LEVIN. The jury?

Mr. THURMOND. They can weigh it as a part of the entire record.

Mr. LEVIN. If there is no requirement that the jury make a special finding on it, my question is how would you know that that is the basis of their finding that the defendant be executed?

Mr. THURMOND. I do not know that you would because the ultimate determination is a general weighing of the record by the jury.

Mr. LEVIN. My next question then relates to the second portion of that subparagraph that:

> The jury must find the existence of a mitigating or aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific fact.

I wonder if my friend, the floor manager, might find it easier to follow my question if he looked at the same chart. I ask that the Senator perhaps take a look at it.

This gets a little bit complicated, but I think it is important for legislative history that we go through this process.

At the top of this chart I am hypothesizing a situation where the jury considers four aggravating factors. On factor No. 1, they vote 7 to 5 that it exists. On aggravating factor No. 2 that they consider, they vote 2 to 10 against its existence; on aggravating factor No. 3, 2 to 10 against its existence, and on aggravating factor No. 4 that they consider, only 1 person there finds that the aggravating factor exists and 11 of the jurors find that it does not exist.

For the purpose of this question, I should like my friend to assume that each juror votes yes on one of those factors so that all 12 jurors have voted yes on one of the four factors.

My question is whether or not the person could be executed based on the fact that there was a majority for factor No. 1.

Mr. THURMOND. If there is a majority voting for No. 1 and it is assumed at issue, all would have voted yes on at least one factor.

Mr. LEVIN. So that under the fact situation that I just hypothesized where each of the jurors votes yes on one factor, even though no more than two jurors voted yes on factors Nos. 2, 3, and 4, the fact that a majority of seven voted yes on factor No. 1 would be sufficient for an execution to be ordered?

Mr. THURMOND. Well, this is a two-stage process. They would have to find the aggravating factor and then they would have to vote unanimously on the death penalty on the record as a whole.

Mr. LEVIN. I understand, but in terms of stage 1, would this get them by stage 1?

Mr. THURMOND. The answer is yes.

Mr. LEVIN. I thank my friend.

Now, looking down to the bottom half of this chart where there are 4 mitigating factors that are being considered by the jury and on all 4 mitigating factors 11 jurors find that it exists but 1 juror in each of these 4 cases finds it does not exist, and that is the same juror—under my hypothesis, it is always the same juror who finds that the mitigating factor does not exist, and by definition it is always the same 11 jurors that find that all 4 mitigating factors do exist—would this situation constitute the finding of a mitigating fact since there is not a unanimous vote by all 12 jurors that some factor exists?

Mr. THURMOND. I believe that the Senator previously asked a question along that line. I think I recall citing page 11, the middle of the page:

> The jury must find the existence of a mitigating or aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific factor.

I think that answers the Senator's question.

Mr. LEVIN. Well, it really does not answer the question.

Does that mean that each of the jurors must agree that at least one of the mitigating factors exists?

Mr. THURMOND. Well, if there is one juror holding out, it would not meet the criteria.

Mr. LEVIN. But in order for a mitigating factor to have been found to exist, does that mean each of the

jurors must agree that at least one of the factors existed?

Mr. THURMOND. That is correct.

Mr. LEVIN. I thank the Senator.

Now, going down then to the next subsection, "Return of a Finding Concerning a Sentence of Death," at the bottom of page 11:

If, in the case of—

And then you specify the offenses in the bill—and then the provision reads as follows:

the jury or, if there is no jury, the court shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death.

I point out to my friend that in the chart which I have just gone through with him, that jury found only one aggravating factor to exist—and that by a vote of 7 to 5—and they could consider that now in phase 2 as to whether or not to vote death for the defendant, whereas that same jury by a vote of 11 to 1 found that four mitigating factors existed, and yet they could not consider any of those mitigating factors in this second phase because in the absence of unanimity that at least some mitigating factor existed.

The jury could not be said to have found that a mitigating factor existed. It is a real anomaly in this bill, and I would think it would be stricken as unconstitutional in front of any court, not just the Supreme Court, in that it reaches that conclusion because here again with a 7 to 5 vote on one factor, one aggravating factor, that can be considered on the ultimate question of whether or not a sentence of death is justified. But even though there is a vote of 11 to 1 on four mitigating factors, because that one person is the same in each of the four cases and therefore there was no unanimity that at least one factor existed, or to put it in the words of the committee report, each of the jurors did not agree that at least one of the factors existed, the jury could not consider those mitigating factors in the ultimate question of whether or not a death sentence is justified.

I find that to be not only an anomaly but also a defect of such constitutional magnitude that I believe this bill is defective.

Let me ask the Senator a few more questions.

Before I do that, Madam President, I ask unanimous consent that the table to which we have been referring be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Yes	No
4 aggravating factors: [1]		
Number 1	7	5
Number 2	2	10
Number 3	2	10
Number 4	1	11
4 mitigating factors: [2]		
Number 1	11	1
Number 2	11	1
Number 3	11	1
Number 4	11	1

[1] Assume each juror votes yes on 1 factor.
[2] Assume 1 negative vote is always the same juror.

Mr. LEVIN. Madam President, I yield the floor at this time.

Mr. THURMOND. I call the Senator's attention to the bottom of page 11, which provides:

. . . In the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

Mr. LEVIN. I thank the Senator. I think that leaves in place what we just described, what I perhaps charitably called an anomaly, but which I think is more damaging than that, the constitutionality of this provision.

I thank the Senator for pointing that out.

Mr. DECONCINI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent to have printed in the RECORD a portion of a letter from the Department of Justice, dated May 26, 1981, entitled "Suggestions for Amending the Bill To Reenact the Federal Death Penalty Statutes."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUGGESTIONS FOR AMENDING THE BILL

(a) Finding aggravated factors by majority vote.

S. 114 does require unanimous agreement of the jurors before a sentence of death may be imposed. A problem arises, however, through the bill's provision that aggravating factors may be found by a majority vote. In theory this means that a sentence of death could be imposed by a jury which divided, 7-5, on the existence of two distinct aggravating factors, with all twelve jurors nevertheless concurring that (for different reasons) the death penalty was warranted. The difficult legal question posed by the majority vote provision—one that no federal appellate court has to our knowledge addressed—is whether the aggravating factors, in the context of the bill's overall procedural scheme, constitute the kind of "issue" which, under *Andres* v. *United States, supra,* and related cases must be decided unanimously. Moreover, the majority vote provision runs the risk of appearing to be arbitrary, contrary to the Supreme Court's emphasis that it is of vital importance to the defendant and to the community that any decision to impose the death penalty be, and appear to be based on reason rather than caprice or emotion. *Gardner* v. *Florida,* 430 U.S. 349, 358 (1977).

In our view, the clearly preferable course is to avoid these potential constitutional questions by requiring that the jury's finding as to the existence of any aggravating factor be unanimous. Some earlier versions of this legislation so provided. Although the purpose of the non-unanimity provision may be to guard against a too narrow application of the death penalty in a case where all jurors concur in at least some aggravating factors, from a practical standpoint it seems unlikely that a jury, which could not unanimously agree upon the basis for its conclusion that the death penalty should be imposed, would conclude that it should be. We thus recommend that the word "majority", on page 4, line 19, be changed to "unanimous."

Mr. LEVIN. Madam President, as we approach the vote on final passage of S. 1765, the bill to reinact Federal death penalty statutes, there are a number of arguments which have been made by the opponents of capital punishment which should be summarized.

First, the opponents of this bill have argued that because the system is imperfect we should leave room to correct our errors. Senator METZENBAUM has submitted for the record a list of 48 cases in which the defendant was convicted of a capital crime and was later found to be innocent. I have provided for the record documentation on nearly 20 such cases to support the argument that the risk of error associated with capital punishment is great. Because the death penalty is irreversible, it is an inappropriate punishment in a system which depends upon human beings to decide who shall live and who shall die.

One of the cases I did not mention during the debate 2 weeks ago is that of Earl Charles, of Savannah, Ga., who was sentenced to death for the murders of Max and Fred Rosenstein. Earl Charles spent over 3 years on Georgia's death row before he was released from prison when his lawyers proved he was innocent of the crime. During the hearings which were held on S. 114, the predecessor to S. 1765, Mr. Charles testified about his ordeal on death row. He stated:

The incontestable truth about capital punishment is one that society prefers to overlook. This truth is simply the fact that many innocent human beings will lose their lives because of the frailties which permeate the very core of our criminal justice system. My own experience bears witness to the subhuman results which stem from a sentence of death.

Earl Charles was released from prison after his employer learned that a police officer remembered talking to Charles in Tampa, Fla., on the day that the murders occurred in Savannah, Ga. The jury in Charles' original murder trial was apparently not persuaded by the time cards submitted by Charles' defense attorney that showed he was at work in Florida on the day of the murders in Georgia. Nor was

the jury persuaded by the testimony of Charles' supervisor, who along with his boss, confirmed that Charles was at work in Tampa on that day. But, after the district attorney's office learned that a police officer had written in his records that he had interviewed Charles because he was a new employee in Tampa on the day of the murders in Savannah, the case was finally reopened. When he appeared before the Judiciary Committee, Earl Charles went on to tell his story as follows:

During the DA's new investigation, it was learned that my photos had been shown to the alleged eyewitnesses by two detectives in the Savannah Police Department at the beginning of the original investigation. But after showing my photo to the women on more than one occasion, they still did not pick me out as the murderer. Later in the original investigation, another detective took a photo of me as the suspect. This detective then told the women that it didn't matter whether they identified me or not, because he knew that I had done it and he was issuing warrants for my arrest. This original miscarriage of justice had been the starting point of my hellish experience.

Madam President, we simply cannot provide guarantees in this or any other legislation that the system will not make mistakes. The Earl Charles case and the other cases which are too numerous to mention again today, alone provide a just cause why we should defeat this bill. When the risk of error is considered in combination with the other arguments against capital punishment, a vote in opposition to S. 1765 becomes even more compelling.

I would remind my colleagues that this Senator has represented persons who have been convicted wrongfully of capital offenses who, after 33 years in prison, were finally proven to be totally innocent of the crime for which they were convicted. And if we had capital punishment in Michigan, that never could have happened and that person, Charles Clark, and his colleagues could never have walked out of Michigan's prisons.

One of the primary arguments advanced by Senators who have spoken in favor of the death penalty is that it will deter crime. But the proponents of this bill have failed to present evidence that the death penalty deters any more than does the threat of life in prison. While the committee has concluded in its report on the bill that the evidence on deterrence is "inconclusive," to use the word of the committee, a comparison of murder rates in States with the death penalty and States without it shows that States with the death penalty have murder rates about twice as high as those without the death penalty.

I have submitted for the record a study on murder rates done by the Library of Congress. It bears repeating now that the Library found that over a 6-year period between 1977 and 1982, States with the death penalty averaged 10.78 murders per 100,000 population while States without the death penalty averaged 5.75—just about one-half the number of murders which occurred in States with the death penalty. This is also the pattern which emerges from an examination of murder rates in the years prior to the Supreme Court's decision in Furman against Georgia. I ask unanimous consent that another Library of Congress comparison of pre-Furman murder rates be printed in the RECORD at this point.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

TABLE 1.—MURDER RATES IN STATES WITH THE DEATH PENALTY AND IN STATES WITHOUT THE DEATH PENALTY, 1961–66

	Death penalty States		Nondeath penalty States	
	Number of States	Murder rate [1]	Number of States	Murder rate [1]
1961	45	4.83	5	1.65
1962	45	4.82	5	1.21
1963	44	4.70	6	2.42
1964	43	5.07	7	2.40
1965	41	5.33	9	2.90
1966	41	5.85	9	3.27
For all years, 1961–66		5.10		2.31

[1] 100,000 population.

Sources: Data on which States had death penalty from: Furman v. Georgia, 408 U.S. 372 (1972). Data on murder rates from: U.S. Department of Justice, Federal Bureau of Investigation. Uniform Crime Reports, 1961–66. U.S. Government Printing Office., various years.

Mr. LEVIN. Madam President, these comparisons and other studies on the deterrent effect of capital punishment suggest that the death penalty may actually stimulate violent crime. In a study conducted by William J. Bowers and Glenn L. Pierce, of the Center for Applied Social Research at Northeastern University, the brutalizing effect of capital punishment was examined. The authors of the study found that: "In New York State over the period of 1907–63 there were, on the average, two additional homicides in the month after an execution." The authors concluded:

Such a brutalizing effect of executions is consistent with research on violent events such as publicized suicides, mass murders, and assassinations; with previous studies of the long-term effects of the availability and use of capital punishment; and with a small number of investigations of short-term impact of executions in the days, weeks, and months that follow. This suggests that the message of executions is one of lethal vengeance more than deterrence.

Studies of States which have abolished capital punishment and then reinstituted it, have also provided evidence that the death penalty fails as a deterrent. Thorsten Sellin examined changes in homicide rates in 11 States which abolished and later reintroduced the death penalty. He concluded that, "There is no evidence that the abolition of the death penalty generally causes an increase in criminal homicides or that its reintroduction is followed by a decline." That appears in Thorsten Selling's book, "Capital Punishment," at page 124.

When the Prime Minister of Canada, Pierre Trudeau, addressed Canada's legislative body in 1976 about a bill to abolish capital punishment in Canada, he said:

My primary concern here is not compassion for the murderer. My concern is for the society which adopts vengeance as an acceptable motive for its collective behavior. It we make that choice, we will snuff out some of that boundless hope and confidence in ourselves and other people, which has marked our maturing as a free people. We will have chosen violence as a weapon against the violence we profess to abhor. Who is so confident that he knows for sure that such an official endorsement of violence will not harden the society we were elected to improve, will not pervade gradually many different relationships in our society? Who is so confident that he knows for sure that acceptance of state violence will not lead to the greater social acceptance of lesser forms of violence among our people? Vengeance and violence damage and destroy those who adopt them, and lessen respect for the dignity and rights of others among those who condone them.

Madam President, another persuasive reason why the Senate should reject this bill is that even under the State statutes which have met the Supreme Court's scrutiny, this extreme form of punishment continues to be applied arbitrarily and capriciously. I have submitted for the RECORD a chart of the racial patterns in sentencing based on a study of eight States with large death row populations. The chart shows that murderers of whites are between 5 and 10 times more likely to be sentenced to death than are the murderers of blacks—not because these murders were more heinous or because they were committed in the course of a felony or any other factor which might have influenced a jury or judge; the authors of the study controlled for these factors—but because of the race of the victim.

The study itself, which was conducted by Samuel Gross and Robert Mauro of Stanford University, provides the following information about racial patterns in capital sentencing in the States of Georgia, Florida, and Illinois:

. . . The risk of a death sentence was far lower in each of these three states for those convicted for killing black people than for those condemned for killing whites. In Georgia, those who killed whites were almost 10 times as likely to be sentenced to death as those who killed blacks: in Florida the ratio was about 8 to 1, and in Illinois about 6 to 1.

In sum then, Madam President, because the risk that innocent people will be executed under this bill is great; because the proponents of this measure have failed to establish that it deters crimes; and because capital punishment continues to be unjustly applied in our country today; this bill

should be defeated. There are nearly 1,300 men and women on death row in America. In the State of Florida alone, over 200 men and women await their death by electrocution. Some of these people may be innocent. Some of them have been convicted because of their race or the race of the victim. None of them were deterred by Florida's death penalty statute.

One additional reason, and a critical one, for defeating this bill is the arbitrary provisions that it contains, provisions which violate the Supreme Court mandate that the jury be clearly given guidelines as to what is mitigating or aggravating factors. And it also violates the Supreme Court mandate clearly set out in the Enmund case that in order to convict somebody of a homicide that that person must, himself or herself, attempt a homicide or intend a homicide. Clearly in Enmund, the Supreme Court adopted a subjective test, a test going into the state of the mind of the defendant before we could execute that defendant and rejected the objective test which the floor managers so clearly indicate is adopted by this bill.

Courts all over the Nation have struggled with the intricate legal issues surrounding capital convictions. The legal issues do not get any easier to comprehend or sort out. In fact, every time the courts hand down a decision, the current status of the law in this area becomes more confusing. Judicial and criminal justice resources, which are so precious, are being wasted on the effort to implement sentences of death when they could be devoted to more effective solutions to the problem of violent crime.

Because the penalty of death is "unique in its severity," the Constitution requires that the defendant be given the opportunity to appeal, and the appeals process is lengthy. I for one am relieved that it often takes years before a defendant who has been sentenced to death is actually executed. If it were not for the time gap between convictions and executions many of the cases where an innocent person was sentenced to death and later found to be innocent would never have been brought to light. The person would have been executed before the truth could be made known. At the same time, however, I think we would all agree that because of the lengthy appeals process (we have executed 12 people in this country since the Supreme Court upheld the constitutionality of the new death penalty statutes in its Gregg decision) and the high percentage of capital cases which are overturned on appeal, the death penalty will never be swift or certain. As a result, it fails miserably as a sanction against violent crime.

Madam President, the Legal Defense Fund's most recent bimonthly report, "Death Penalty USA," lists the names of 1,289 death row inmates who are currently awaiting execution. If we executed 1 of these individuals every day for the next 3 years, we would still have 294 men and women on death row, not including the number of people we would have added to the death row population during that same period.

The U.S. Congress has a special responsibility to divorce itself from the emotionalism surrounding this issue so as to determine whether the death penalty is an appropriate sanction. Although S. 1765 is unlikely to have a significant impact upon the number of people sentenced to death in America, it will send a message to the States. If the Congress approves this bill, it will be endorsing the way capital punishment is being applied in the States today, or at least that is the way some people may read it.

I have said before and I repeat again, the proponents and opponents of this bill share equally in revulsion to violent crime and a desire to relieve Americans of the fear of violence. We part ways when we face the question of whether the death penalty will reduce violent crime. No one is sympathetic to murderers, but we are worried about a society which legalizes violence as a way of responding to violence.

History has proven that adoption of legalized violence does not deter violence. Indeed, it probably begets it against us all.

Capital punishment, as we have seen, has its own specific victim. Because by the nature of our system, it has been and will be applied against some innocent ones.

Capital punishment, as we have seen, rarely is used against the wealthy or the powerful.

We should reject it, because it cannot help us achieve our common goal and is too often applied unfairly, erroneously, and arbitrarily.

Madam President, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, we find ourselves once again immersed in the debate regarding studies and opinions of whether or not the death penalty is a deterrent.

I agree with the distinguished Senator from Michigan that there is great evidence on both sides. One of the foremost studies in this area was conducted by Isaac Ehrlich and published by the American Economic Review in 1975. This thorough study, conducted over a long period of time by Mr. Ehrlich, concludes that every additional execution would have saved the lives of seven or eight potential murder victims.

Mr. Ehrlich's study has been questioned and reviewed and brought under great scrutiny. The most that can be said about the Ehrlich analysis is that it does cast doubt on the theory of the 1960's and 1970's that executions have no deterrent value.

On the other side of the coin, Prof. Thorsten Sellin, in 1967, published a study which purported to find that executions are not a deterrent to murder. Sellin's study has been subject to the same vigorous review and scrutiny as the Ehrlich study. Once again his conclusion is debatable. The major criticism of the Sellin study is that Professor Sellin studied all States which had the death penalty on their books, not only those which were actively carrying out the death penalty.

So we see, Madam President, that there will be infinite debate on whether or not the death penalty is a deterrent. The question of deterrence and the effect of capital punishment on future criminal activity has probably been the issue most debated by those favoring the abolition of the penalty and those desiring to retain it.

The studies just reviewed and others on the issue of deterrence, reach contradictory conclusions. If the absence of any correlation between capital punishment and the commission of homicides could actually be proved by these studies, the argument for abolition, based on the issue of deterrence, would be much stronger.

The first and most obvious point in reference to the statistical evidence, is that those who are, in fact, deterred by the threat of the death penalty and do not commit murder, are not included in the statistical data. There is no way to determine the number of such people.

Second, even those favoring abolition agree that the available evidence on the subject of deterrence is, at best, inadequate.

In short, the availabie data on this question is inconclusive. I think that is very clear. In the absence of reliable statistical evidence, great weight must be placed on the experience of those who are most frequently called upon to deal with murderers and potential murderers, and who are thus in the best position to judge the effectiveness of the remedy. These individuals are law enforcement officials. The vast majority of these officials continue to favor the retention of the death penalty as a deterrent to violent crime. One such individual is Sheriff Peter Pitchess, of Los Angeles County, who testified before the California State Senate Committee on the Judiciary. He said:

I can tell that the overwhelming majority of people in law enforcement—the ones who are dealing with these criminals, the ones who are seeing them not as statistics but real, live human beings, and who are studying their human behavior—are overwhelm-

ingly convinced that capital punishment is a deterrent.

The issue for our purposes here has been definitely resolved by the Supreme Court in the Gregg case, the Supreme Court stated in Gregg that it is appropriate for a legislature to consider deterrence as a justification for the imposition of the death penalty.

That is us. We are the legislature. We have before us that consideration. The question is only going to be resolved by casting votes. We must decide whether or not we believe capital punishment is a deterrent or not a deterrent and whether or not we believe it is appropriate or not appropriate.

Although some of the studies suggest that the death penalty may not function as a significantly greater deterrent than lesser penalties, there is no convincing empirical evidence either supporting or refuting this view. We may, nevertheless, assume safely that there are murderers, such as those who act in passion, for whom the threat of death has little or no deterrent effect whatsoever. But for many others, the death penalty undoubtedly is a significant deterrent.

A frequently made argument in opposition to the death penalty as a deterrent is that most homicides are crimes of passion against which no penalty constitutes a true deterrent. Although it is true that many murders and homicides are indeed the result of passion, it is equally true that a very large number are the result of premeditation. Even in crimes of passion some level of reasoning is maintained. Without the existence of such reasoning, one element of the charge itself would not be present.

Notwithstanding the great weight of experience and the intrinsic rationality of a deterrent effect, I doubt that deterrence can ever be empirically proven or disproven.

Clearly a person would be slow to undertake an act that would result in the loss of something which if of the highest value. Since life itself is the most highly prized possession any individual has, he or she would be most hesitant to engage in conduct which would result in the forfeiting of that life.

I think that is commonsense, Madam President. It is based on what any of us here, or any person you ask on the street, feel about the value of life. That is something we ought not forget.

But the death penalty ought not to be thought of solely in terms of individual deterence. It also has a value in terms of social and general deterrence as well. By associating the penalty with the crimes for which it is imposed, society is made more aware of the horror of those crimes. There is instilled in its members the desire to avoid such conduct and, consequently, the punishment attached to it.

I believe capital punishment serves a legitimate function of retribution. It is through retribution that society expresses its outrage, its sense of revulsion, toward those who undermine the foundations of civilized society by contravening its laws and committing such lawless acts.

It reflects the fact that criminals have not simply inflicted injury upon discrete individuals. They have also weakened the often tenuous bonds that holds communities together. Without capital punishment, it appears to me that we will have repeated incidents such as the one we have discussed previously that occurred in Marion, Ill. In the Federal prison in Marion two guards were brutally killed by two inmates who each faced three life sentences and had absolutely nothing to lose.

The retributive functions of punishment in general, capital punishment in particular, have been discussed by many, many scholars.

I ask unanimous consent at this time that excerpts of remarks by Lord Justice Denning before the British Royal Commission on Capital Punishment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else . . . The ultimate justification of any punishment is not that it is a deterrent, but that it is the emphatic denunciation by the community of a crime; and from this point of view, there are some murders which, in the present state of public opinion, demand the most emphatic denunciation of all; namely, the death penalty.

Mr. DECONCINI. Madam President, we are faced today with an awesome decision. We must decide whether or not society should move forward and whether or not the Federal Government should carry out the capital punishment provisions already called for in Federal law. I submit that, notwithstanding eloquent arguments made by our good friend from Michigan knowing full well of his strong support for law enforcement, it is time now to bring this issue before the Senate. It is time for all Senators to conscientiously cast their votes. I truly hope that my colleagues will pass this bill overwhelmingly.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from Michigan.

Mr. LEVIN. First, let me thank my friend from Arizona for his usual graciousness.

I just wanted to inform the Senate, as I indicated earlier I might do, that I do not intend to call up either of the two amendments that I have on file for the reasons I indicated that I would not be calling up those amendments.

Mr. President, I do understand that it is permissible for others to call them up if they wish. We have indicated that before, but I do not see anyone else here on the floor. Without in any way trying to take over the role of the manager, I have nothing to add to what I have already said. I do not intend to call up the two amendments which I have on file. I would think if somebody else wanted to call up those amendments, they would let us know of that intention.

Again, I thank the Senator from Arizona for his kindness.

Mr. DECONCINI. Mr. President, I thank the Senator from Michigan for his diligence in this matter and for his professional presentation of his amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is a messenger at the door who desires entry into the Chamber. I yield now so that the Chair may admit him.

(Messages from the President of the United States received at 4:15 p.m., are printed under routine morning business later in today's RECORD.)

DISAPPROVAL OF S. 684, THE WATER RESOURCES RESEARCH ACT—MESSAGE RECEIVED FROM THE PRESIDENT—PM 117

Mr. BAKER. Mr. President, one of the messages brought to us by the President's messenger is a veto message on S. 684, the Water Resources Research Act, is that correct?

The PRESIDING OFFICER (Mr. SPECTER). The majority leader is correct.

Mr. BAKER. Mr. President, I believe the request that I am now about to put has been approved by the minority leader.

I ask unanimous consent that the veto message on S. 684 be considered as having been read and that it be printed in the RECORD and spread in full upon the Journal, and that in addition the message be held at the desk and that it be proceeded to by the majority leader at such time as the majority leader may choose after first consulting with the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message ordered to be printed in the RECORD is as follows:

To the Senate of the United States:

I am returning herewith without my approval S. 684, an act "To authorize an ongoing program of water resources research, and for other purposes."

Title I would authorize appropriations totalling $36 million annually for the fiscal years 1985-1989 for a variety of water resources research activities throughout the nation, including a new, separate authorization of grants for the development of water technology, which is not an appropriate Federal activity.

Title II would convey desalting test facilities that are no longer in Federal use to Wrightsville Beach, North Carolina, and Roswell, New Mexico. The Administration has supported these conveyances. I would be pleased to sign a bill that provides only for them.

For some twenty years, the Federal government has provided "seed money" for the type of water research that would be authorized by Title I. This Federal support has produced a number of successful State water research institutes. I believe that these State institutes are now at a point where further Federal involvement in their research activities is not necessary. They can stand and continue to succeed on their own.

Moreover, the water research that S. 684 would promote can be characterized as mostly local or in some cases regional in nature. The focus of such research will of course vary from State to State because water problems and needs often differ by region. The States and private industry should be fully responsible for financing research necessary to deal with their own particular problems and needs.

If we are to truly succeed in reducing Federal spending we must sort out those responsibilities which are appropriately Federal from those which can be more effectively and fairly implemented at the State and local level.

Accordingly, I feel constrained to disapprove S. 684.

RONALD REAGAN.

THE WHITE HOUSE, *February 21, 1984.*

REREFERRAL OF S. 2074

Mr. BAKER. Mr. President, the next request I have also bears the approval notion of the minority leader. It is in respect to the rereferral of S. 2074.

Mr. President, I ask unanimous consent that the referral of S. 2074, a bill to improve the traffic control on State Highway 66, to the Committee on Commerce, Science, and Transportation, be vitiated and that it be referred instead to the Committee on the Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, we are in the process of trying to establish a time certain for the vote on final passage of the death penalty bill tomorrow. I think we will have the clearance process completed on both sides. If it is cleared, I will put the request in a few moments.

At this moment, however, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is no further debate, I am told, on the death penalty bill. I ask unanimous consent that there now be a period for the transaction of routine morning business, to extend not past the hour of 4:45 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate on February 14 and February 16, 1984, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on February 14 and February 16, 1984, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a sundry nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS AND THE NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT—PM 114

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate, on February 16, 1984, during the adjournment of the Senate, received the following message from the President of the United States; together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I transmit herewith the Annual Report of the National Endowment for the Arts and the National Council on the Arts for the Fiscal Year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *February 16, 1984.*

DRAFT LEGISLATION ON CENTRAL AMERICA—MESSAGE FROM THE PRESIDENT—PM 115

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate, on February 17, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I herewith transmit proposed legislation that embodies the consensus arrived at by the National Bipartisan Commission on Central America. Its unifying thread is the spirit of the late Senator Henry M. Jackson—to advance the twin purposes of national security and human development.

Peace and individual betterment are universal purposes. They are at the heart of the American dream. Yet, today in Central America these goals are not realized. Poverty and violence are widespread. As a consequence, democratic forces are not able to flourish, and those who seek to disrupt freedom and opportunity threaten the heart of those nations.

Throughout our history, our leaders have put country before party on issues in foreign affairs important to the national interest. The Commission identifies the situation in Central America as this kind of issue. The 12 Commissioners—Democrats and Republicans alike—conclude "that Central America is both vital and vulnerable, and that whatever other crises may arise to claim the nation's attention, the United States cannot afford to turn away from that threatened region."

We face an inescapable reality: we must come to the support of our neighbors. The democratic elements in Central America need our help. For them to overcome the problems of accumulated historical inequities and immediate armed threats will take time, effort, and resources. We must support those efforts.

As the Commission recommends, our policy must be based on the principles of democratic self-determination, economic and social improvement that fairly benefits all, and cooperation in meeting threats to the security of the region.

Accordingly, I propose the "Central America Democracy, Peace and Development Initiative Act of 1984." This Act calls for an increased commitment of resources beginning immediately and extending regularly over the next 5 years. This assistance is necessary to support the balance of economic, political, diplomatic, and security measures that will be pursued simultaneously.

I propose authorization for an $8 billion, 5-year reconstruction and development program for Central America, composed of $6 billion in direct appropriations and $2 billion in insurance and guarantee authority. For fiscal year 1985 the figures are $1.1 billion and $600 million, respectively. In addition, the plan calls for $400 million in supplemental appropriations for an emergency economic stabilization program for fiscal year 1984.

These resources will support agricultural development, education, health services, export promotion, land reform, housing, humanitarian relief, trade credit insurance, aid for small businesses, and other activities. Because democracy is essential to effective development, special attention will be given to increasing scholarships, leadership training, educational exchanges, and support for the growth of democratic institutions.

Regional institutions such as the Central American Common Market (CACM) and the Central American Bank for Economic Integration (CABEI) made a major contribution to the region's economic growth in the 1960's and early 1970's. I am proposing a substantial assistance program to revitalize these institutions and thereby stimulate intraregional trade and economic activity.

To enable the countries of Central America to participate directly in the planning of these efforts, I shall explore the creation of a Central American Development Organization (CADO). This would enable political and private leaders from both the United States and Central America to review objectives and progress, and make recommendations on the nature and levels of our assistance efforts. The organization would, in effect, help to oversee and coordinate the major efforts that must be made. The legislation I am proposing sets out a series of principles to guide the negotiations for the establishment of this new regional institution. I intend to respect those principles in these negotiations and in our subsequent participation in CADO. As the Commission recognized, the ultimate control of aid funds will always rest with the donors. Consistent with the Constitution and this precept, final disposition of funds appropriated under this legislation will be subject to the ultimate control of the Congress and the President.

The National Bipartisan Commission specifically recommends significantly increased levels of military aid to the region, especially El Salvador. In the words of the Report, "the worst possible policy for El Salvador is to provide just enough aid to keep the war going, but too little to wage it successfully." I propose authorization for a $259 million supplemental appropriation for the region for fiscal year 1984 and a $256 million program for fiscal year 1985.

U.S. military assistance is vital to shield progress on human rights and democratization against violence from extremes of both left and right. I shall ensure that this assistance is provided under conditions necessary to foster human rights and political and economic development, and our Administration will consult with the Members of the Congress to make certain that our assistance is used fairly and effectively.

No new laws are needed to carry out many of the Commission's recommendations. There is, for example, a consensus on an integral part of our strategy in Central America: support for actions implementing the 21 Contadora objectives to help bring about peace. The Contadora objectives are in Central America's interest and in ours. Similarly, we are urging other nations to increase their assistance to the area.

I believe it is no accident that the Commission reached many of the same conclusions about comprehensive solutions to Central America's problems as have the participants in the Contadora process. As Dr. Kissinger noted in his January 10 letter to me, "the best route to consensus on U.S. policy toward Central America is by exposure to the realities of Central America."

The National Bipartisan Commission on Central America has done its work. Now it is our turn. Unless we act—quickly, humanely, and firmly—we shall face a crisis that is much worse for everyone concerned. We owe it to our children to make sure that our neighbors have a chance to live decent lives in freedom.

I, therefore, ask that the enclosed legislation be given your urgent attention and early and favorable action.

RONALD REAGAN.

THE WHITE HOUSE, *February 17, 1984.*

U.S. FOREIGN SCIENCE AND TECHNOLOGY COOPERATION REPORT—MESSAGE FROM THE PRESIDENT—PM 116

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate, on February 17, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the requirements of Title V of the Foreign Relations Authorization Act for Fiscal Year 1979 (Public Law 95-426), I am transmitting the 1983 annual report on the United States Government's international activities in the fields of science and technology. As in the past, this report has been prepared by the Department of State in collaboration with other concerned agencies of the Federal government.

I would like to take this opportunity, first of all, to express again my personal regret on the passing of Congressman Clement J. Zablocki. As Chairman of the House Foreign Affairs Committee and of the Subcommittee on International Security and Scientific Affairs, Congressman Zablocki made many significant contributions to this Nation's pursuit of foreign relations spanning several administrations. None of these, however, was more important than his tireless efforts to see that science and technology play greater roles in the conduct of foreign policy. Chairman Zablocki understood well the benefits of scientific progress toward economic growth both for our Nation and others across the globe and incorporated that understanding into the Title V legislation of which he was the prime architect. On behalf of the people of the United States, I want to express the gratitude of the Nation for his many years of distinguished service.

Science and technology have been key to the economic and social development of the United States. Political liberty and free enterprise provide a fertile environment to American scientists and engineers who have given us a standard of living unequaled in the history of the world. We are certain that science and technology offer similar hope to all nations committed to the pursuit of realistic and sustained economic development. The United States has increasingly made cooperative scientific and technological ar-

rangements important to our developmental assistance efforts to Third World countries and of strengthened bilateral relations with other industrialized nations.

During 1983 we were successful in our efforts to encourage international science and technology cooperation. There were many positive developments which are set out in detail in this report. Of particular importance, though, are several of our bilateral relations. It is important to develop a strong bilateral relationship with the People's Republic of China while maintaining our friendship with the democratic nations of Asia. Broad-based science and technology agreements are a vital part of our efforts to build this relationship. The role of science and technology plays a similar role in Latin America. This is particularly true in our bilateral relations with Brazil and Mexico. I am certain that these nations attach as much importance to scientific and technology cooperation as we do. We will continue to pursue the opportunities for increased cooperation.

Perhaps the most disturbing development of 1983 in the field of science and technology has been our reluctant, but necessary, decision to give notice of our intent to withdraw from participation in UNESCO. Our persistent efforts over the past 3 years to convince the UNESCO bureaucracy in Paris to address the Agency's serious problems of administrative and fiscal mismanagement and to reorient its direction to pursue once again only the mission envisioned in its charter have failed. We see no viable option but to sever our ties with this Agency if its overt hostility to American values and its increasing substantive impotence and procedural abuse are not satisfactorily corrected. We will strive to minimize any significant adverse effect on beneficial science and technology activities at UNESCO by making alternative arrangements for U.S. participation in such programs.

Our scientific and technological relations with the Soviet Union and Poland have been adversely affected by disappointing Soviet attitudes and actions. In our Title V Report for 1982, I made it clear that cooperation depends upon the steps the Soviet Government takes to comply with recognized norms of international behavior. Soviet behavior still falls far short of this standard, and our position remains unchanged. We will continue to carefully observe Soviet behavior and adjust our science and technology cooperation accordingly.

In the overall international arena, we can be proud of our scientific leadership. It can go a long way in helping the cause of freedom and economic growth around the world. The international programs described in this report benefit our Nation and our cooperative partners, and are a source of good will around the world.

RONALD REAGAN.

THE WHITE HOUSE, *February 17, 1984.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate on February 16, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2899. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes; and

H.J. Res. 466. Joint resolution designating May 1984 as "Older Americans Month."

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2899. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes; to the Committee on Environment and Public Works.

H.J. Res. 466. Joint resolution designating May 1984 as "Older Americans Month"; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 9, 1984, the following enrolled bills and joint resolutions were signed on February 10, 1984, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND):

S. 1340. An act to revise and extend the Rehabilitation Act of 1973 to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes;

H.R. 1557. An act for the relief of William D. Benont; and

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on February 10, 1984, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 1340. An act to revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes; and

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2541. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on seven new deferrals of appropriations and seven revisions to previous deferrals of appropriated funds; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Foreign Relations; and Labor and Human Resources.

EC-2542. A communication from the Assistant Administrator of the Environmental Protection Agency (Pesticides and Toxic Substances), transmitting, pursuant to law, the Agency's final rule for registration procedures for pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2543. A communication from the Acting General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize certain military construction for fiscal year 1985; to the Committee on Armed Services.

EC-2544. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, the annual report on the Panama Canal Treaties; to the Committee on Armed Services.

EC-2545. A communication from the Secretary of the Air Force transmitting, pursuant to law, a report on an increase of 50 percent in the unit cost of the Inertial Upper Stage program; to the Committee on Armed Services.

EC-2546. A communication from the General Counsel of the Department of Defense transmitting, pursuant to law, a copy of an executive order amending the Manual for Courts-Martial; to the Committee on Armed Services.

EC-2547. A communication from the Secretary of Defense transmitting, pursuant to law, a report on officers and employees of Federal Contract Research Centers paid out of Federal funds whose rate of basic pay exceeded that of Level II of the Executive Schedule; to the Committee on Armed Services.

EC-2548. A communication from the Principal Deputy Assistant Secretary of Defense for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the storage and warehousing function at the Naval Public Works Center, San Diego, Calif., to performance under contract; to the Committee on Armed Services.

EC-2549. A communication from the Secretary of Defense transmitting, pursuant to law, notice that he is waiving certain provisions (sec. 11) of the Stevenson-Wydler Technology Innovation Act; to the Committee on Commerce, Science, and Transportation.

EC-2550. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize

appropriations for fiscal 1985 and 1986 for certain maritime programs of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 351. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 746; referred to the Committee on the Budget.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 746. A bill to establish the Illinois and Michigan Canal Natural Heritage Corridor in the State of Illinois, and for other purposes (Rept. No. 98-355).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 803. A bill to establish the Commission on the Centennial Review of the Civil Service (Rept. No. 98-356).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2312. A bill to designate certain National Forest System lands in the State of South Carolina to the National Wilderness Preservation System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2313. A bill to permit credit for civil service retirement purposes and in computing length of service for purposes of determining leave, compensation, health insurance, severance pay, tenure and status in the case of certain individuals who performed National Guard technician services before January 1, 1969; to the Committee on Governmental Affairs.

By Mr. TOWER.

S. 2314. A bill to amend the Panama Canal Act of 1979 to provide that claims against the Panama Canal Commission for vessel damage sustained in the Panama Canal or adjacent waters, other than the canal locks, may be handled in the same manner as claims for vessel damage while passing through the canal locks, and for other purposes; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself and Mr. TRIBLE):

S. 2315. A bill to amend the Energy Security Act and the National Energy Conservation Policy to repeal the statutory authorities administered by the Residential Energy Conservation Service and the Commercial and Apartment Conservation Service; to the Committee on Energy and Natural Resources.

By Mr. STENNIS:

S. 2316. A bill for the relief of Daweeratana Rugsacum; to the Committee on the Judiciary.

By Mr. CHILES (for himself, Mr. ANDREWS, Mr. BUMPERS, Mr. BURDICK, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DURENBERGER, Mr. EAGLETON, Mr. GLENN, Mr. GOLDWATER, Mr. HELMS, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEVIN, Mr. McCLURE, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PRYOR, Mr. PELL, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, and Mr. THURMOND):

S. J. Res. 239. Designating the week of October 21 through October 27, 1984, as "Lupus Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself, Mr. EVANS, Mr. STEVENS, Mr. BYRD, Mr. THURMOND, and Mr. SYMMS):

S. Res. 350. Resolution congratulating American athletes for their significant accomplishments and bearing at the 1984 Winter Olympics in Sarajevo, Yugoslavia; placed on the calendar.

By Mr. McCLURE (from the Committee on Energy and Natural Resources):

S. RES. 351. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 746; to the Committee on the Budget.

By Mr. DODD (for himself and Mr. PELL):

S. Con. Res. 95. Concurrent resolution expressing the sense of Congress that funding levels for Federal foreign language and international education and exchange programs should be maintained or increased; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 2312. A bill to designate certain national forest system lands in the State of South Carolina to the national wilderness preservation system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SOUTH CAROLINA WILDERNESS ACT OF 1984

Mr. THURMOND. Mr. President, I rise today to introduce legislation which will designate certain national forest system lands in the State of South Carolina as an addition to the national wilderness preservation system.

This parcel is generally referred to as the "Ellicott Rock Wilderness." The property is located in the Sumter National Forest and consists of approximately 1,969 acres.

Mr. President, after several years of study, the U.S. Forest Service has decided that the most suitable use for this acreage is as a designated wilderness area. The privately organized South Carolina Forestry Association concurs with this conclusion.

Mr. President, I have always felt that our national forest system is a precious natural resource. By properly designating use of these forest lands, we can help preserve them for generations to come.

In general, the national forest system should be wisely managed for multiple use of their resources, including pulpwood and timber harvesting, wildlife habitation, recreation, and other compatible uses. At the same time, some areas within the national forest boundaries are not well suited for forestry production and other associated uses. Many of these areas are beautiful, nearly pristine environments which are best preserved for the enjoyment of present and future generations in their natural state. There is widespread agreement that the Ellicott Rock acreage is an area ideally suited for wilderness designation.

I believe my Senate colleagues will find this legislation to be meritorious and noncontroversial. For this reason, I hope that the Senate Agriculture Committee will give this bill very careful consideration and report it to the full Senate for review in the very near future.

By Mr. THURMOND:

S. 2313. A bill to permit credit for civil service retirement purposes and in computing length of service for purposes of determining leave, compensation, health insurance, severence pay, tenure, and status in the case of certain individuals who performed National Guard technician service before January 1, 1969; to the Committee on Governmental Affairs.

RECOMPUTATION OF CERTAIN NATIONAL GUARD SERVICE

Mr. THURMOND. Mr. President, today I am pleased to introduced legislation to permit credit for civil service retirement and other benefit purposes for certain individuals who performed National Guard technician service before January 1, 1969.

Under present law, Mr. President, National Guard Technicians are permitted credit for service performed prior to January 1, 1969, only if they continued in service beyond that date. This means that technicians that left the Guard before January 1, 1969, for such good reasons as medical disability or to transfer to the Reserves, are presently ineligible for credit for their prior service toward a number of very important benefits.

Mr. President, my bill will correct this situation by allowing credit for all prior service without regard to date of separation. It will provide fair and equal treatment for all those men and women who have served their country as technicians in the National Guard, and guarantee them equal compensation for equal work. Individuals who were separated from the Guard between January 1, 1969, and the date of

enactment of this act will have 1 year after enactment to apply for redetermination of length of service for their benefits.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(b) of title 5, United States Code, relating to creditable service, is amended by striking out the second to the last sentence.

SEC. 2. Section 3(c) of the National Guard Technicians Act of 1968 (82 Stat. 757; 32 U.S.C. 709 note), relating to determining length of service for purposes of leave, employee death and disability compensation, group life and health insurance, severance pay, tenure, and status, is amended by striking out the last sentence.

SEC. 3. (a)(1) Except as provided in paragraph (2), the amendment made by the first section of this Act applies only with respect to individuals separating from employment by the Government on or after the date of the enactment of this Act.

(2)(A) In the case of any individual who—

(i) was employed under section 709 of title 32, United States Code, relating to National Guard technicians, or any prior corresponding provision of law, before January 1, 1969, and

(ii) was separated from employment by the Government on or after January 1, 1969, and before the date of the enactment of this Act,

any annuity under subchapter III of chapter 83 of title 5, United States Code, based on such individual's service (as defined in section 8331 (12) of such title) shall be redetermined to take into account the amendment made by the first section of this Act, if application is made therefor within one year after the date of the enactment of this Act.

(B) Any change in an annuity resulting from a redetermination under subparagraph (A) shall apply only with respect to monthly payments accruing after the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendment made by section 2 of this Act applies only with respect to individuals performing service as an officer or employee of the Government on or after the date of the enactment of this Act and only for the purposes of determining—

(A) any annual leave accruing under section 6303 of title 5, United States Code, to any such individual on or after such date; and

(B) Federal employees death and disability compensation, group life and health insurance, severance pay, tenure, and status with respect to any such individual.

(2) The amendment made by section 2 of this Act applies with respect to any individual who separated from employment by the Government on or after January 1, 1969, and before the date of the enactment of this Act, for the purpose of determining whether such individual is an annuitant under section 8901(3)(A) of title 5, United States Code. Any individual who qualifies as an annuitant under section 8901(3)(A) of such title as a result of the application of such amendment shall be enrolled in a health benefits plan (described by section 8903 of such title) of such individual's choice, if—

(A) application for enrollment is made within one year after the date of the enactment of this Act, and

(B) such individual qualifies under section 8905(b)(1)(A) of such title.

By Mr. GRASSLEY (for himself and Mr. TRIBLE):

S. 2315. A bill to amend the Energy Security Act and the National Energy Conservation Policy Act to repeal the statutory authorities administered by the residential energy conservation service and the commercial and apartment conservation service; to the Committee on Energy and Natural Resources.

REPEAL OF RESIDENTIAL CONSERVATION SERVICE PROGRAM

● Mr. GRASSLEY. Mr. President, today I am introducing legislation to repeal the residential conservation service program. I am joined in this effort by my colleague from Virginia, Senator TRIBLE.

While the intent of the residential conservation service program is laudable, the implementation of the program has left much to be desired. The purpose of the service was to provide energy users with an audit of their usage, and suggestions on how to improve their energy conservation. Public utilities were to provide this service, and could charge $15. As a result of the audit, homeowners were to be encouraged to take action to improve their energy efficiency.

Certainly, the above scenario is a worthwhile one. However, the RSC program is a good idea with a terrible track record. It has not succeeded in getting more homeowners and apartment dwellers interested in conservation efforts, and those individuals who have utilized the program are not those to whom the services were targeted.

Iowa's history with the program has been one of frustration. The individuals most likely to sign up for the program are in high-income, high-education brackets who often have already taken action to improve their energy efficiency, and merely want the utilities' "seal of approval" on previously done work. Low-income individuals generally do not utilize the service, and furthermore, if they do, they seldom have the financial means to take the action recommended by the utilities as a result of the energy audit.

Iowa's experience is not unique. Nationwide statistics indicate only a 4-percent participation rate in the program. Of that percentage, 75 to 80 percent fit the high-income, high-education description.

One additional problem with this program is the manner in which the Department of Energy has chosen to implement it. States must follow Federal guidelines in structuring the program, and the DOE has virtually no flexibility in granting States any leeway in fashioning the program to meet the individual States needs. Iowa has adjusted its RSC program to conform to the needs of Iowans. However, Iowa now finds itself in a battle with the Department to revise its carefully thought out plan to fulfill the requirements dictated from Washington. If Iowa fails to make changes—which it deems are inappropriate—the program will no longer be administered by the State, but under the Federal standby plan.

Iowa was one of the first States to adopt a residential conservation service program, and conducted exhaustive studies to tailor the program to benefit Iowa's consumers. It seems incredible to this Senator that a State which wants to develop a good plan, and administer it in the manner best for its consumers should have to bow to the inflexibility of the Federal bureaucracy.

It is clear that the current program is not working. Weatherization programs and energy conservation programs are extremely important. However, the residential conservation service program is a bad program, kept alive under the guise of being proconsumer. I suggest there is very little about the program that is proconsumer or proconservation. Rather, it has become an infrequently used service utilized by those most able to afford an energy audit, the cost of which is picked up by the entire ratepaying population.

If Congress is to encourage conservation and weatherization programs, we need to start anew with a very different approach. Repeal of the residential conservation service program is the best way to begin.●

By Mr. CHILES (for himself, Mr. ANDREWS, Mr. BUMPERS, Mr. BURDICK, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DURENBERGER, Mr. EAGLETON, Mr. GLENN, Mr. GOLDWATER, Mr. HELMS, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEVIN, Mr. MCCLURE, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PRYOR, Mr. PELL, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, and Mr. THURMOND):

S.J. Res. 239. Joint resolution designating the week of October 21 through October 27, 1984, as "Lupus Awareness Week"; to the Committee on the Judiciary.

LUPUS AWARENESS WEEK

● Mr. CHILES. Mr. President, today I am introducing a joint resolution to designate October 21-27, 1984, as Lupus Awareness Week. An identical joint resolution is being introduced in the House of Representatives by Rep-

resentative ROBERT BORSKI of Pennsylvania.

Lupus erythematosis is a chronic, inflammatory disease of the connective tissue. Translated, its name means "red wolf" which describes the red, bite-shaped rash characteristic of the disease. Skin rashes are just one of many symptoms common to lupus. Others include fever, joint pains, weight loss, fatigue, heart problems, anemia, kidney, and sensory malfunction, false-positive tests for syphilis, sun sensitivity, pleurisy, pneumonia, hair loss, mental or emotional problems, nausea, vomiting, and jaundice. This is a disease of inflammation, inflammation caused by anti-bodies sent out to attack other cells of the body. In short the body of a lupus victim is trying to destroy itself.

Nearly 1 million people, 90 percent of them women in their child-bearing years, are afflicted with lupus and 50,000 new cases are reported each year. Lupus affects more people than does muscular dystrophy, cystic fibrosis, rheumatic fever, pernicious anemia, Hodgkin's disease, or leukemia. This is not a rare disease, yet many Americans have never heard of lupus or its debilitating effects. Even some physicians are unfamiliar with lupus. As a result, the disease may go misdiagnosed or be diagnosed too late.

There is no known cure for lupus erythematosis. However, thanks to important research and improved diagnostic methods, 80 to 90 percent of all lupus victims can look forward to a normal lifespan. Moreover, beneficial therapy and treatment is enabling lupus patients to lead productive lives. Unfortunately, though, some people still die from lupus and many others continue to suffer from its painful symptoms. Clearly, more needs to be done.

The time is now to find a cure for lupus. With heightened awareness, the money and support necessary to finding a cure can be obtained. A more knowledgeable public can also insure the early diagnosis so essential to effective treatment of the disease. Lupus Awareness Week can and will make a difference in the lives of lupus victims and their families. I urge my colleagues to join me in this effort to help them.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 239

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the week of October 21, 1984 through October 27, 1984, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 874

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 874, a bill to provide for a program for the improvement of instruction in mathematics and science, and for other purposes.

S. 1329

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1329, a bill to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

S. 1539

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1539, a bill to amend the Public Health Service Act to provide home- and community-based services for the elderly and the disabled.

S. 1540

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1540, a bill to amend the Public Health Service Act to provide for coordination with State Medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1733

At the request of Mr. TRIBLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1733, a bill to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 1756

At the request of Mr. DURENBERGER, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of S. 1756, supra.

S. 1873

At the request of Mr. SIMPSON, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1873, a bill to require the President to report to Congress by July 1, 1987, concerning the need for a new educational assistance program for service members to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to provide for the expeditous consideration of proposed legislation establishing such a program.

S. 1948

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 1948, a bill to establish a national minimum drinking age of 21.

S. 1992

At the request of Mr. BENTSEN, the names of the Senator from Texas (Mr. TOWER), the Senator from Alabama (Mr. HEFLIN), the Senator from Nebraska (Mr. EXON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2004

At the request of Mr. JEPSEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2004, a bill to amend the Farmland Protection Act to improve the administration of such act, and for other purposes.

S. 2017

At the request of Mr. HELMS, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2017, a bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers and members of the uniformed services who receive subsistence and housing allowance.

S. 2031

At the request of Mr. MOYNIHAN, the names of the Senator from South Dakota (Mr. PRESSLER), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2048

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2048, a bill to provide for the establishment of a Task Force in Organ Procurement and Transplantation and an Organ Procurement and

Transplantation Registry, and for other purposes.

S. 2086

At the request of Mr. MOYNIHAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2086, a bill to revise tax law relating to publisher inventories.

S. 2099

At the request of Mr. JEPSEN, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2203

At the request of Mr. SPECTER, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 2203, a bill to repeal section 2392 of title 10, United States Code, relating to the prohibition on the use of Department of Defense funds to relieve economic dislocations, and for other purposes.

S. 2214

At the request of Mr. GLENN, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 2214, a bill to require that certain assistance may be furnished to El Salvador only if the President reports to the congress on plans of the Government of El Salvador to control indiscriminate violence, and for other purposes.

S. 2229

At the request of Mr. BOSCHWITZ, the names of the Senator from Indiana (Mr. QUAYLE), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2229, a bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction.

S. 2232

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2232, a bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation, investment tax credit, and deductions allowable for luxury automobiles.

S. 2256

At the request of Mr. HUDDLESTON, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veteran's Association.

S. 2263

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2263, a bill to amend title 23, United States Code, to reduce the amount of certain Federal-aid highway funds for any State in which the minimum age for the purchase or public possession of alcoholic beverages is less than 21 years.

S. 2275

At the request of Mr. CHAFEE, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2275, a bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes.

S. 2307

At the request of Mr. BOSCHWITZ, the names of the Senator from Colorado (Mr. HART), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

SENATE JOINT RESOLUTION 143

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberous Sclerosis Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from New York (Mr. D'AMATO) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the names of the Senator from Texas (Mr. TOWER) and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE JOINT RESOLUTION 193

At the request of Mrs. HAWKINS, the names of the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating March 6, 1984, as "Frozen Food Day."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. STEVENS), the Senator from Virginia (Mr. TRIBLE), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 204, a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the names of the Senator from Utah (Mr. HATCH), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Connecticut (Mr. WEICKER), the Senator from Kansas (Mr. DOLE), the Senator from Georgia (Mr. NUNN), the Senator from Wisconsin (Mr. KASTEN), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. MCCLURE) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Ohio (Mr. GLENN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Tennessee (Mr. SASSER), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. SYMMS), the Senator from Rhode Island (Mr. PELL), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary."

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Senate Joint Resolution 222, a joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mr. BENTSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New York (Mr. D'AMATO), the Senator from Florida

(Mrs. HAWKINS), the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Senate Joint Resolution 225, a joint resolution designating the month of March 1984 as "National Eye Donor Month."

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Kansas (Mr. Dole), the Senator from Montana (Mr. BAUCUS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mr. CHILES), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 237

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. SASSER), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Concurrent Resolution 72, a concurrent resolution calling on the President to appoint a special envoy for Northern Ireland.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. DECONCINI, the names of the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and the regulations prescribed by the Secretary of the Treasury under such provisions, or any other provisions of the Internal Revenue Code or regulations, should not be modified or amended in any way that will alter the manner in which mortgage-backed builder bond translations are currently taxed.

SENATE RESOLUTION 93

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Concurrent Resolution 93, a concurrent resolution authorizing the Rotunda of the U.S. Capitol to be used on April 30, 1984, for a ceremony commemorating the days of remembrance of victims of the Holocaust.

SENATE RESOLUTION 287

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 287, a resolution establishing a Task Force on Agricultural Credit.

SENATE RESOLUTION 306

At the request of Mr. KENNEDY, the names of the Senator from Tennessee (Mr. SASSER), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Resolution 306, a resolution to preserve the food stamp program and other food assistance programs.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Maine (Mr. COHEN), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE RESOLUTION 336

At the request of Mr. DOLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Resolution 336, a resolution to proclaim "Circle K International Week."

SENATE CONCURRENT RESOLUTION 95—RELATING TO FUNDING FOR FOREIGN LANGUAGE AND INTERNATIONAL EDUCATION

Mr. DODD (for himself and Mr. PELL) submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

S. CON. RES. 95

Whereas a number of national education task forces and commissions, including the National Commission on Excellence in Education, have outlined a serious decline in the study of foreign languages in the United States and have recommended increased second language training at all eduational levels;

Whereas leading members of the defense and intelligence communities have expressed concern about America's lack of expertise in international studies and in foreign language proficiency;

Whereas the United States has produced insufficient numbers of qualified area studies and foreign language specialists during the last decade to meet our future defense, diplomatic, and intelligence needs;

Whereas the study of the less commonly taught but strategically important languages and cultures such as Japanese, Chinese, Arabic, and Russian is extremely limited in the United States;

Whereas new programs in the combined study of business, foreign languages, and international relations would make a significant contribution to the reversal of America's declining economic competitiveness in international trade;

Whereas in comparison with the investments of America's allies and potential adversaries, the United States Government's investment in foreign language and international education historically has been quite small;

Whereas approximately 80 percent of the Nation's foreign language training in the less commonly taught languages takes place at federally funded National Resource Centers for Foreign Languages and International Studies;

Whereas for fiscal years 1984 and 1985 the present Administration has recommended zero budget funding for the Office of International Education and Foreign Language Studies, which funds the National Resource Centers and the Fulbright-Hays Scholarship program; and

Whereas Congress has consistently rejected the Administration's proposals and fully funded the Office of International Education and Foreign Language Studies for fiscal year 1984: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the fiscal year 1985 funding levels for Federal foreign language and international education and exchange programs should be maintained or increased above fiscal year 1984 levels.

● Mr. DODD. Mr. President, today I am submitting, along with the distinguished ranking member of the Education Subcommittee, Mr. PELL, a concurrent resolution expressing the sense of Congress that funding levels for foreign language and international education and exchange programs should be maintained or increased above fiscal year 1984 levels. Representative LEON PANETTA of California is introducing identical legislation in the House.

We are offering this concurrent resolution in response to the administration's zero funding request for title VI and Fulbright-Hays 102(b)(6). This action is taken as part of a planned elimination of nine small categorical programs, totaling approximately $143 million in current spending.

The effect of this elimination of Federal support would be the extinction of many international education and foreign language programs on U.S. campuses.

This exclusion of Federal funding is especially baffling in light of the findings of the President's own Commission on Excellence in Education. The Commission stated in "A Nation at Risk:"

We live among the determined, well educated, and strongly motivated competitors. We compete with them for international standing and markets, not only with products but also with the ideas from our own laboratories * * * America's position in the world may once have been reasonably secure with only a few well-trained men and women. It is no longer.

This task force, as well as many others, have identified the need to support and enhance what might be termed, "international education"—foreign language and cultural studies, and student exchange programs—in an effort to help secure the national defense and promote economic security.

One area critically dependent upon adequate instruction in foreign languages and culture is international trade.

The United States has been a traditional leader in international trade. Our merchandise trade deficit, however, in 1983 was estimated to be $70 billion with the likelihood of reaching a startling $100 billion in 1984.

No one will dispute that there are a number of contributing economic factors for the decline in American foreign trade supremacy. The lack of understanding and knowledge of our customer nations and their languages, nonetheless, has played an important role in this decline.

Japanese business executives, on the other hand, attribute much of their country's success in international trade to their in-depth knowledge of American culture, consumer habits, and language.

For example, in 1979, according to the President's Commission on Foreign Language and International Studies, there were approximately 10,000 English-speaking Japanese business representatives assigned to the United States who were involved in some way with providing goods for the American consumer.

At the same time, there were fewer than 900 American business representatives in Japan. The majority of these American businessmen possessed little or no knowledge of the Japanese language. In fact, they were often forced to rely on their foreign buyers for the translation of messages and contracts.

International trade is just one area where the need for familiarity with other countries and their people and language is evident. Several Federal agencies are in need of individuals proficient in foreign language.

For example, Adm. Bobby Inman, former Deputy Director of the CIA, recently voiced his concerns regarding the lack of qualified linguists needed in various important positions within the CIA and NSA.

Craig T. Wilson, Special Assistant to the Secretary of Defense for Intelligence and Human Resources, reported that approximately one-half of the 13,000 positions in the DOD requiring foreign language skills were filled by employees who did not possess the necessary language competence.

Federal agencies are not exclusive in their need for professionals with foreign language skills. Other fields where the need for foreign language expertise is becoming more acute are public service, law enforcement, teaching, and science and research.

It is highly ironic that as the need increases dramatically for a well-trained cadre of American professionals who can deal effectively with trade deficits, the economy, research and development, national defense, and world political events, the administration's proposed budget has zero funded support for international education programs and foreign language studies, title VI and Fulbright-Hays 102(b)(6).

The administration's title IV proposal would terminate support for 91 national resource centers, 50 undergraduate international studies programs, 800 foreign language and area studies fellowships, approximately 30 research projects for language and area teaching materials, and terminate support for 26 new matching grants, now in their second year of funding in areas relating to international business and economic competitiveness made possible under part B of title VI.

Under Fulbright-Hays 102(b)(6), the adminstration's proposal would eliminate support for approximately 36 group projects abroad, 11 foreign curriculum consultants, 35 faculty research projects abroad, 98 awards for Ph. D. dissertation research abroad, and 11 projects implementing special binational agreements.

It is highly unlikely that the Nation will have adequate numbers of professionals who possess the required knowledge and understanding of foreign countries and their languages if Federal support for these programs is withdrawn.

Dr. Fritz Stern, professor of history at Columbia University said it well:

There is no substitute for trained familiarity with the culture and history and languages of our principal allies, our principal economic partners, and, increasingly, our principal rivals.

Mr. President, I hope the Senate will act quickly and affirmatively on this concurrent resolution.●

SENATE RESOLUTION 351—WAIVING CONGRESSIONAL BUDGET ACT

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 351

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 746, to establish the Illinois and Michigan Canal National Heritage Corridor in the State in Illinois, and for other purposes. S. 746, the "Illinois and Michigan Canal National Heritage Corridor Act of 1983", as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of S. 746. Such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION ACT AMENDMENTS

JEPSEN AMENDMENT NO. 2711

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979; as follows:

On page 53, after line 9, add the following new section:

CARGO PREFERENCE REQUIREMENTS

SEC. 19. (a) The Senate finds that—

(1) the United States balance of merchandise trade in 1982 was a negative $31,800,000,000;

(2) the United States share of world exports has declined from 15.4 percent in 1970 to 13 percent in 1982;

(3) one out of every eight United States manufacturing jobs is for export production and 20 percent of our industrial production is exported;

(4) agriculture is the largest employer in the Nation providing for almost twenty-three million jobs, one million three hundred thousand of these being export related;

(5) the value of agricultural exports has dropped 18.9 percent since 1981 and United States agricultural market share has dropped precipitously for such commodities as coarse grains, wheat, cotton, soybean meal and oil, rice, and poultry;

(6) increased ocean shipping costs will negate numerous United States efforts to promote exports;

(7) current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

(8) increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, nonferrous refining, and paper industries;

(9) trade barriers have proven harmful to United States industry, labor, and consumers in the past;

(10) world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

(11) the United States merchant marine is uncompetitive in the world market with United States-flag bulk shipping costs as much as 300 percent higher than the world average; and

(12) ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements.

(b) It is the sense of the Senate to further expansion of cargo preference requirements imposed under section 901 of the Merchant Marine Act, 1936 (46 U.S.C. 1241), and the Joint Resolution of March 26, 1934 (48 Stat. 500, chapter 90; 46 U.S.C. 1241-1), whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will continue hearings on the First Concurrent Budget Resolution for Fiscal Year 1985 beginning on Tuesday, February 21. All hearings will be held in room 608 of the Dirksen Senate Office Building. The following is a list of the witnesses scheduled to testify at the hearings:

TUESDAY, FEB. 21, 9:30 A.M.

George P. Shultz, Secretary of State;

TUESDAY, FEB. 21, 1:30 P.M.

Dr. Terrel H. Bell, Secretary of Education;

Dr. Jo Ann Krueger, Principal, Manzano High School, Albuquerque, NM;

Dr. Allan Odden, Education Commission of the States;

Dr. Patricia Graham, Dean, Graduate School of Education, Harvard University;

WEDNESDAY, FEB. 22, 9:30 A.M.

Margaret Heckler, Secretary, Department of Health and Human Services;

Vita Ostrander, President-Elect, American Association of Retired Persons;

Dr. Karen Davis, Chairman and Professor, Department of Health Policy and Management, Johns Hopkins University;

THURSDAY, FEB. 23, 9:30 A.M.

Mr. M. Lee Rice, President, Shipbuilders Council of America;

Gen. W. Y. Smith, (retired), Wilson Center for Public Policy; and

Mr. Josh Epstein, Guest Scholar, Brookings Institute.

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget has rescheduled its meeting with George P. Shultz, Secretary of State, from 9:30 a.m. to 2:30 p.m., Tuesday, February 21, 1984. The meeting will be held in room 608 of the Dirksen Senate Office Building.

For further information, contact Carolyn McCallum of the Senate Budget Committee at 224-0849.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on agricultural trade legislation pending before the subcommittee. Specifically, the subcommittee will examine two bills: S. 2005, the Agricultural Export Trade Equity Act of 1983, and S. 2304, the Food Aid and Export Market Promotion Act.

The hearing will be on Thursday, February 23, 1984, at 9 a.m. in room 328-A, Russell Senate Office Building.

For further information please contact committee staff at 224-2035.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, The Committee on Agriculture, Nutrition, and Forestry will hold a hearing to review the recommendations made by the Grace Commission regarding the Department of Agriculture.

The leadoff witness will be J. Peter Grace, Chairman, Executive Committee, President's Private Sector Survey on Cost Control in the Federal Government.

The hearing will be held on Wednesday, February 22, 1984, at 9 a.m. in room 328-A, Russell Senate Office Building.

For further information please contact committee staff at 224-2035.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Richard H. Francis, of Virginia, to be president of the Solar Energy and Energy Conservation Bank.

The hearing will be held on Thursday, February 23, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-366, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. David Doane of the committee staff at 224-7144.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Research and Development to review the President's proposed budget for the Department of Energy's research and development programs.

These oversight hearings which will be held in room SD-366 of the Dirksen Senate Office Building have been scheduled as follows: Monday, March 5 at 10 a.m.—Environment and safety programs; Monday, March 12 at 10 a.m.—Fossil programs; Friday, March 16 at 9:30 a.m.—Conservation and renewable energy programs; Tuesday, March 20 at 2 p.m.—Energy research programs; and Thursday, March 22 at 2 p.m.—Nuclear energy programs and nuclear waste activities.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Paul Gilman or Mr. Elliot Chakoff of the subcommittee staff at 224-4431.

ADDITIONAL STATEMENTS

AMAZING GRACE

● Mr. SYMMS. Mr. President, Peter Grace is challenging us to meet a national economic imperative.

Mr. Grace had proven that about 30 percent of our taxes never get past the "in" and "out" boxes in millions of Washington offices.

Peter Grace is talking about Government waste—a taboo word in the hallways of Washington agencies. For this reason alone, Mr. Grace is a heretic in this town, an unwanted prophet. Because he does not live here, because he must earn a profit for himself and his employees, Mr. Grace understands that nothing that is wantonly wasteful can long survive—not even big government. He believes in the morality of stretching tax dollars. He knows that the ultimate social issue, the final fairness issue, in Washington today is waste.

Mr. Grace has a strong belief that government has a deep, moral obligation to spend wisely and well—for the sake of benefactor and beneficiary alike.

This is the source of Mr. Grace's anger. So if he strikes you as unnecessarily caustic or rude, understand the source of his anger. Mr. Grace knows the numbers, and he sees our inexcusable dereliction of duty in those numbers. This is why President Reagan asked him to head the President's Private Sector Survey on Cost Control. And that is why each and every Member of this body has an obligation to read the Commission's report and see it acted upon.

Mr. President, I ask that an article from November 28, 1983, edition of Barron's be printed in the RECORD.

The article follows:

[From Barron's, Nov. 28, 1983]

AMAZING GRACE—BARING WASHINGTON'S MONUMENTAL WASTE

(By Thomas G. Donlan)

WASHINGTON.—J. Peter Grace believes that President Reagan could wipe out at least half of the nation's $200-billion deficit with a stroke of his pen.

The U.S. government makes Grace mad. "People should know that at least 30 percent or 35 percent of their taxes are wasted, absolutely wasted." His anger is formidable. At 70, the third-generation head of W. R. Grace & Co. is an irascible chief executive

who bullies subordinates and gets things done. Grace remade a family steamship and trading company into an international conglomerate that runs everything from chemical plants to taco joints. So, it's no surprise that President Reagan picked him to run the latest effort to remake the government in the shape of a business.

Grace recruited 161 corporate big shots for the President's Private Sector Survey on Cost Control. The 161, in turn, loaned the commission more than 1,300 accountants and managers who actually poked through the files and records of government departments in search of waste. Grace reckons that nearly two years of poking and report-writing cost the companies involved more than $60 million. A special charitable foundation handled the finances so that money or time spent could be tax-deductible.

From that $60 million came 41 books full of recommendations as gigantic as an $18-billion reformation of the Civil Service pension system and as picayune as the discovery of 64 Indians who were not old enough to qualify for the pensions they were receiving. The 2,287 specific recommendations call for estimated savings of $297 billion over three years; $68 billion in user fees and other "revenue enhancements" over the same period; and $68 billion worth of one-shot cash flow accelerations. (The commission warns that these figures include some double counting, wih the same problems discovered twice by different subcommittees. The final report, due to be put in Reagan's Christmas stocking late next month, is supposed to eliminate the duplications.)

About 60 percent of the changes would require legislation. But, if the surveyors are right and the President and all other executive-branch officials implemented all the recommendations, at least $100 billion—probably much more—would be lopped off the deficit next year. If Congress went along, too, there would be a surplus.

Peter Grace thinks the executive branch and the Congress will resist much of the task force's suggestions. He gives the commission a 40 percent chance that its report will not be consigned to the same government junk heap littered with the reports of every other President's commission. "That's a fighting chance," Grace says. He approvingly quotes Mother Theresa: "God didn't create me to be successful. He created me to be faithful."

Grace also believes that two more years of large deficits and Treasury borrowings will crowd out private investment and sink the economic recovery. A large faction in the Reagan Administration, led publicly by treasury Secretary Donald Regan, does not agree, but Grace shrugs off the opposing point of view. "That's politics. Maybe they are saying that so they can get through 1984." Grace believes—at least with that 40 percent probability—that things will get so bad that the American people will demand a change.

Grace, who says most of his job is now public relations, aims "to get the American people up in arms so that they want the numbers of the committees." Right now, he claims, "90 percent of the American people don't know what's going on." He says he wants to do what the banks did when they aroused people to demand repeal of tax withholding on dividends and interest.

One big difficulty, he admits, is that some of the commission's recommendations go against long historical precedents. The commission wants, for example, to repeal the Davis-Bacon Act, a 1935 law requiring government contractors to pay the "prevailing wage," which frequently works out to a union wage higher than the cheapest labor available. The commission says repeal of Davis-Bacon and two similar laws could save $11.6 billion in the first three years. Sixteen previous government study commissions made the same suggestion.

For the most part, however, the survey avoided policy judgments. Its reports rip this and slash that with the best of previous commissions, but it also argues that hundreds of billions of dollars could be saved by doing things more efficiently, rather than doing less.

There would be just as many MX missiles and M-1 tanks rolling off the production lines, just as many soldiers and sailors defending the nation. But retired soldiers would not get military pensions while they worked at civilian jobs.

There would be just as many needy people receiving government aid. But loafers and cheaters would be penalized, and the middle class would find their Social Security checks taxed and find themselves paying more of their medical bills.

Some business would be losers, because they wouldn't sip so deeply at the government trough. Others would be winners, because they would provide services that the government now does ineptly or wastefully.

Here's a sample of the Grace Commission recommendations. (Most of the commission's figures are calculated as three-year savings in order to allow time for implementation of each change.)

DATA PROCESSING

Nothing made the surveyors madder than the government's misuse of computers. "In the early 1960s, the federal government was the acknowledged leader in using state-of-the-art computers. . . . Today, about half the government's inventory is so old that it is no longer supported by the manufacturers and must be maintained by specially-trained personnel."

The government spends at least $12 billion a year on computers, but little thought is given to compatibility. The New York regional office of Health and Human Services, the survey notes, has 10 different incompatible brands of computers. Thus, it is difficult to cross-check welfare applications with other records.

The Air Force has obsolete computers that generate 500,000 pounds of paper a month. The computer subcommittee estimated modernization would save $580 million over three years.

The Army Corps of Engineers has 20-year-old General Electric computers that were obsolete in the mid-'Sixties. The surveyors found a corps district that spent $127,000 over 20 months to maintain one such computer, which ran two hours a month. The cost: $3,175 per hour.

The government's computers, on average are 6.7 years old—twice as old as industry's average. And with a procurement process that takes up to four years, many computers are obsolete when they arrive. One way to handle that problem is not to use the equipment, even though the taxpayers have bought it. The Federal Aviation Administration shelled out $4 million for data terminals in 1976, but never installed them. The FAA decided the equipment needed modifications, which still haven't been made.

The Department of Transportation had a different solution. It contracted out $18 million worth of time-sharing in fiscal 1982 even though its own computers were idle more than half the time.

PROPERTY MANAGEMENT

Imagine the total amount of office space used by business in the nation's 10 largest cities. Now quadruple that. That's how much space the federal government uses. It owns buildings, acquired for $42 billion, worth no one knows how much today. In practically every sector of the government, the surveyors found much property that is useless or misused.

There are 4,000 military installations in the U.S. The Defense Department considers 132 "significant." Congress, however, eyes each installation as a source of payroll and prosperity; any attempt to close one brings fierce opposition from legislators from the affected area. The surveyors estimated $2 billion would be saved if installations were consolidated for efficiency.

As for the U.S. Postal Service, more than one-third of its post offices—12,469—serve fewer than 100 customers. Consolidation could save $272 million over three years.

Military aircraft consumed $5.7 billion worth of aviation fuel in fiscal 1981, yet there's no program to manage fuel consumption. The surveyors reckoned that reducing power on takeoffs, keeping engines within specifications and other practices could save $1.2 billion over three years.

Federal hospitals also don't conserve energy. The surveyors figure they could save $16 million to $55 million by applying the energy conservation measures that are standard in other hospitals.

The General Services Administration, which manages most of the public buildings, isn't up to private standards. According to the surveyors, a comparable private outfit runs with one-sixth the data-processing expenses, one-seventeenth the personnel and one-four-teenth the cost.

The federal government has $20 billion in construction contracts outstanding. The surveyors report that at least $800 million is sheer waste because the government specifies exact materials to be used instead of specifying performance and letting the contractor procure the materials. They also recommended assigning project managers instead of interagency committees to supervise construction; the average project takes 24 months to build and consumes another five years in delay and change orders. Project managers could save the government $450 million over three years, the surveyors estimate.

CASH MANAGEMENT

The government frequently pays early and bills late, or never. It has $219 billion in receivables, of which $35 billion is delinquent. That does not count $97 billion (as of fiscal 1981) in delinquent Internal Revenue Service accounts. What the government needs, according to the surveyors, is an Office of Financial Management with a chief financial officer who could be as tough on the government as such officials are on the departments in a corporation.

The task force also estimated that, if the government paid all its bills on the due date, it would reduce cash outlays by $6.3 billion. (But $1.4 billion would be offset by prompt payment of bills the government now pays late.) In addition, the government would not have to pay interest on $4.9 billion that otherwise would be added to the national debt. At 10 percent interest, a "one-shot" savings of $4.9 billion saves $1.6 billion in interest over three years.

Cash management policies throughout government are not in tune with the aggressive approaches of big corporations. With $7

billion a day in cash flow, cutting the float on funds in transit by 1 percent would amount to a one-shot saving of $21 billion, on which $7 billion in interest would be saved in three years.

The Department of Housing and Urban Development contacts delinquent borrowers three times a year and has a success rate of 15 percent-20 percent. Private debt collectors contact debtors 24 to 36 times a year and have an 80 percent success rate. The surveyors estimate HUD could recoup $19 million by hiring private collection agencies.

Other examples: It costs the Army $4.20 to issue a payroll check, compared to the private sector average of $1. That is $40 million a year lost to ineffeciency. Similarly, the Veterans Administration spends more than $100 to process each medical claim. The private insurance average is less than $6.

FRAUD, WASTE, AND ERRORS

The task force report on transfer payments reads as though it were written by victims of combat fatigue. The surveyors estimated that $4.1 billion in overpayments were made in 1982 due to ineffective verification of eligibility and payment size in welfare, food stamps, Medicaid, housing assistance and Supplemental Security Income. Just requiring quarterly income reports and cross-checking with the IRS could save $2.2 billion over three years, the surveyors believe.

Then there's Social Security. It made an estimated $14.6 billion in erroneous payments from 1980 to 1982. Its income-reporting system is three years behind schedule, which is costing the government $128 million a year in interest alone.

Then there's the Veterans Administration, which has no accuracy verification system for its $5 billion a year payments to veterans and their survivors. Such a system, the surveyors say, could save Uncle Sam $1.5 billion over three years.

PERSONNEL AND RETIREMENT

Civil Service and military retirement costs add up to $37 billion a year and have been rising 13.6 percent annually for the last 36 years. These current costs, of course, ignore the unfunded future liabilities of the systems, which now amount to $1.1 trillion and are growing at nearly $100 billion a year, assuming a 6 percent discount rate and 40-year amortization. (Social Security represents another $1.6 trillion or so in unfunded pension liability.)

The surveyors, in a recommendation sure to make the commission hated by nearly every federal employee, recommended bringing federal retirement benefits in line with those in the private sector. For Civil Service, the minimum retirement age would rise from 52 to 62, retirement benefits would be a reduced percentage of the last year's pay, early retirement penalties would be increased, cost-of-living allowances would not be allowed to rise faster than the pay for active workers and all federal employees would be forced to pay into Social Security. Changes in the military pension plan would not be so stiff, but would reduce the benefits of early retirement. This recommendation carries the biggest single ticket in the whole 41 volumes: $38 billion over three years.

There's more. A federal worker accrues sick days without limit, then at the end of his or her career, adds them onto total service for calculation of the pension. Ending this practice would save $1.1 billion over three years, the Grace group argues.

The surveyors estimated that nearly one-third of all government employees in the Washington, D.C., area are in the wrong job grade or title. Overpayments are estimated at $682 million a year. Another $34 million is spent intentionally overpaying workers: anyone reduced to a lower level position because of a general layoff is paid at the old salary for two years.

PROCUREMENT

The federal government made more than 18 million purchases, costing $159 billion, in fiscal 1982. Items held in inventory are valued at $88 billion. The surveyors focused on the $125 billion spent for the military. But they failed to probe one area in which waste, cost overruns and other problems frequently pop up: weapons systems.

Grace says Reagan told him there's a lot of waste in Defense. Please find it. But don't touch the weapons systems." Grace, who supports the Administration's increases in defense, agreed. "Who am I to say you don't need the MX missile? It's too serious, too technical and too important, and it's life and death."

However, the President's stricture left plenty of room for criticism of the military. The surveyors recommended three major new policies: awarding dual contracts to competitive suppliers, writing multiyear procurement contracts and giving spare parts contracts to competitors. They also recommended better accounting and auditing. And they said the new policies also should be applied to civilian agencies.

The effect of better purchasing discipline is hard to measure, but the surveyors gave some estimates: Dual sourcing should save $340 million a year. Spare parts could be ordered more efficiently to save $600 million on the F-18 fighter plane alone. A better balance between ordering large quantities and the cost of holding inventory could save $3.5 billion on a one-shot basis and another $1 billion over three years.

GRANTS AND SUBSIDIES

The surveyors were generally skeptical of federal programs designed to assist businesses and individuals who have come on hard times or need help to get going. Several programs attracted particular attention.

In 1954, wool was considered a strategic commodity because of its importance for military uniforms. Since then, the use of synthetic fibers has reduced its importance, but the U.S. Department of Agriculture still has a $42.1-million (its value in fiscal 1980) program to encourage wool production. The surveyors say the government spends at least $2.63 a pound to increase production of wool worth 88 cents a pound.

In 1980, Congress appropriated $946 million to aid victims of the disaster at the Mount St. Helens eruption. Only $386 million was spent for relief. What happened to the rest is a mystery.

One final example: the ACTION agency, which runs Vista, the Peace Corps and other volunteer activities, spends 22 cents of every dollar on administrations, vs. 12 cents for the United Way.

PRIVATIZATION

The federal government is the nation's largest power producer, insurer, lender, borrower, landowner, tenant, holder of grazing areas and timberland, owner of grain and operator of hospitals, warehouses, ships and trucks. The survey enthusiastically recommends shifting many of these functions to the private sector. Sales of assets would raise billions and, anyway, the surveyors say, many run at operating losses because of mismanagement.

Renewing a plaint ignored since the first Tennessee Valley Authority dam went up, the surveyors recommend "disengagement" from hydroelectric power and say the government stands to save $18.5 billion over three years.

There are 238 military commissaries in the continental U.S., including six in the Washington, D.C. area, five in San Francisco and five in San Antonio. The surveyors question the need for subsidized food service, especially in view of the fact that 48 percent of commissary customers are not from active duty military families. The government could save $2.4 billion by turning over management of needed commissaries to private stores, closing those that aren't needed and ending the subsidy for discounts that average 30 percent off private stores' prices.

In fiscal 1981, it cost the Veterans Administration $45 a day to contract out for an individual's nursing home care. The VA's cost in its own facilities was $109 a day. The VA continues to build new nursing homes and spends $61,250 per bed compared to $15,900 per bed for one private firm cited in the report.

Since 1972, the federal government has spent $32 billion in aid for sewage treatment plants under the Clean Waters Act, but the Environmental Protection Administration says another $118 billion still is needed. The surveyors recommend leasing back existing plants to private operators to finance the next generation of improvements.

Other areas recommended for privatization and contracting out include Space Shuttles, the federally owned airports in the Washington, D.C., area, the federal civilian vehicle fleet, some activities of the Coast Guard and Social Security's data-processing department.

USER FEES

Where privatization seems too difficult or impractical, the surveyors recommend charging users for federal services instead of spreading the burden over all taxpayers.

The surveyors also recommended raising about $500 million a year in user fees to support the Coast Guard.

Visitors to National Parks paid an average three cents each toward operations and maintenance that costs every taxpayer $1.53 a year. The Grace group suggested raising $20.7 million by hiking fees or adding fees. Raising the admission fee for a family of four at Grand Canyon National Park from $2 to $5 would still cost less than the same family would pay to ride the elevator to the top of the Empire State Building.

Taxpayers pay 95 percent of the cost of searches for documents under the Freedom of Information Act. Shifting the burden to the requesters, most of whom represent large businesses, would save $232 million over three years, the surveyors said.

The 41 reports of the President's Private Sector Survey on Cost Control make a stack more than three feet high. It is doubtful that anyone in the government will read every word. The important question is whether officials will read the sections covering their areas of responsibility.

Grace says the White House and the Office of Management and Budget have set up an accountability system that should trace reaction to each of the 2,287 recommendations. He contends that most of the recommendations are "ageless" and can be implemented whenever the government ac-

quires the necessary political will. And he says some are already accepted.

Grace claims credit for the survey for a $4.9 billion savings expected in fiscal 1985 through cash management improvements; a $172 million savings over three years from eliminating 1,200 administrative positions at the Department of Health and Human Services; and recapture during the next year of some $65 million in delinquent student loans owed by current or retired federal employees.

That's $5.2 billion down, $427 billion to go.●

MORTGAGE REVENUE BONDS: A FAIR ALTERNATIVE

● Mr. HUDDLESTON. Mr. President, there is a lot of talk these days about the fairness of many governmental policies we are being asked to adopt by this administration. As a democratic government, which represents people at every income level, I believe that it is extremely important to promote policies that increase the ability of as many people as possible to share in the American dream.

One of the attainable goals we have traditionally held out to people in this country is the opportunity to own their own home if they work hard and are productive members of society. By promoting widespread homeownership, we have assured that people will have decent housing in which to raise their families and that they will have the opportunity to invest in the future of our great country.

Unfortunately, I believe that the Federal Government is in the process of breaking the promise we have made to the working people in this country, namely, that they can share in the great American dream of homeownership.

In the last 3 years, a downward trend has developed regarding homeownership. Since 1980, homeownership in this country has dropped 2 percent, and if interest rates continue to remain at their current high levels, we can expect this trend to continue. Currently, the average mortgage rate is almost 14 percent, and this rate is simply pricing low and moderate income families out of the housing market.

One of the most effective steps we can take to reverse this trend is to get interest rates down to a reasonable level. However, lowering interest rates is tied to the broader and more complex problems of huge Federal deficits and the economic policies that have produced them.

So far, we have been unsuccessful in getting the kind of cooperation and leadership from the administration that would have had an immediate impact on the huge deficits we now face. Absent this cooperation, the prospect of significantly reducing deficits and interest rates in the near future is extremely remote. However, there are other positive steps we can and must take to offset the negative impact that excessive interest rates have on homeownership.

One of the most important contributions we can make is to continue the highly successful mortgage revenue bond program that expired at the end of 1983. At a time when normal interest rates were pricing people out of the housing market, this program helped to keep housing affordable for low and moderate income Americans. In Kentucky, the program has been used very effectively, and I believe that it should and must be continued.

During the last session of Congress, I cosponsored S. 137, which would have repealed the December 31, 1983 sunset date on single family mortgage revenue bonds. Although the Senate passed a termination of the sunset in another tax bill I supported, it was dropped in conference in an effort to use it as leverage to get more controversial tax legislation passed at a later date.

I believe that the cost of mortgage revenue bonds is reasonable, and that there is a continuing and urgent need for them. To kill this very valuable program is not fair to the low and moderate income Americans who have a right to expect that they can own their own homes.

I call upon the leadership of the Senate and the Finance Committee to place before the Senate legislation that would terminate the existing sunset on mortgage revenue bonds. I also call upon the administration to curb its paranoia of tax-exempt bonds, and to help bring greater fairness to the housing market.

The mortgage revenue bond program makes housing more affordable for low and moderate income Americans. It generates tax revenue and provides jobs for out-of-work Americans. In 1983, bond proceeds provided financing for about 220,000 units, generated about 100,000 jobs and produced about $800 million in taxes. The median income of State mortgage bond program beneficiaries was about $18,000 in 1981 and $23,000 in 1982, as compared to approximately $39,000 for home buyers served by conventional loans.

I believe that we should reinstitute the mortgage revenue bond program—it is the only fair thing to do.●

NATIONAL POW/MIA RECOGNITION DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 171, introduced by my distinguished colleague and friend, the senior Senator from Mississippi. This resolution would designate July 20, 1984, as "National POW/MIA Recognition Day."

As of today, 2,494 Americans remain unaccounted for in Southeast Asia. This includes 1,150 known to have been killed in action, but whose remains have never been recovered. All but 14 of these 2,494 have now been listed as "presumed dead" by the Department of Defense.

However, since 1975, hundreds of Indochinese refugees have reported firsthand, live sightings of Americans still held captive in Southeast Asia. Over 180 of these reports are still under investigation by the Joint Casualty Resolution Center.

Mr. President, we owe a great debt to those Americans still unaccounted for in Southeast Asia, to their families, and to all American prisoners of war. They have had to endure often brutal and inhuman treatment by their captors. Having served their country far beyond the call of duty, these men, at the very least, deserve our recognition. This resolution to set aside a day in their honor is one small step we can take now.

I will continue to press for maximum official efforts by the Department of Defense, the Department of State, and our intelligence community to document and investigate all reports of Americans still being held captive in Southeast Asia. Until we can bring them home, we must join together in support of this measure to make certain that their memory continues to live.

I ask my colleagues to join with me in support of this important measure. We must keep faith with those who have sacrificed so much for our country.●

IOWA CONFRONTS HIGH HEALTH CARE COSTS

● Mr. GRASSLEY. Mr. President, I would like to call to my colleagues' attention the progress my State of Iowa is making in confronting the problem of high health care costs. Following the recommendations of the Governor's commission on health care costs, and with the tireless efforts of the Health Policy Corp. of Iowa, a quiet revolution is brewing.

The level of cooperation displayed by the various groups involved is most impressive. Business, labor, and the State government have exhibited a true team spirit in tackling the monumental job of controlling skyrocketing health care costs. This work is being done with the cooperation and the assistance of hospital representatives, doctors, and insurers. By involving all factions and interest groups affected by the problem, a consensus-building forum is possible.

While disagreements are by no means rare, the key to the coalition's success is participation and a willingness to consider opposing viewpoints. The ultimate goal is shared by all: Quality care in an affordable environ-

ment. As a guest of this health risk task force on one occasion, I was impressed by their ability to address difficult and potentially divisive issues. It is apparent to me that the Iowa approach is working.

I urge my colleagues to take note of Iowa's tremendous progress in opening lines of communication in order to address a common concern. The cost of health care, particularly as it relates to medicare, is an issue the Congress must soon consider. Iowa's experience demonstrates that, with cooperation, we can meet this challenge.

I submit for the RECORD on article entitled "A Quiet Revolution Comes to Iowa."

[From Public Welfare, Winter 1984]

A QUIET REVOLUTION COMES TO IOWA

(By Michael V. Reagen and Marilyn J. Musser)

Iowa is known as a sedate agricultural state with miles of rolling prairies dotted by a few towns and cities. But appearances can be deceiving. Iowa's tranquil image belies a quiet but spirited revolution churning in corporate board rooms, union halls, and legislative offices. This revolution is creating dynamic new partnerships between public and private interests, alliances dedicated to tackling problems that face individual cities and the state as a whole. In the past, these groups worked separately, although they may have shared common goals. Now they are working together: business, labor, government, as well as other groups.

Today in Des Moines, business leaders have set aside competition to strive for revitalization of the downtown business district. Recently workers at a Cedar Rapids packing plant agreed to a major pay cut, a concession granted when the company was confronted with bankruptcy. And across the state, business, labor, insurance carriers, and other groups are cooperating to contain health care costs.

Such a private-public team now is being formed in Iowa with the state Department of Human Services (DHS) as one of the participants. A collaboration between the public DHS and private-sector groups offers benefits for all. Many similar kinds of services are offered by public and private agencies—assistance programs for alcohol and chemical abuse, for example. Coordinating services will foster efficiency and eliminate duplication. This saves money for both sectors. Also, it provides a forum for the business sector to demonstrate its commitment to maintaining and improving the quality of life for Iowans.

An unpredictable economy, increased demands for services, and limited fiscal resources have called for solutions that are out of the ordinary. As the Reagan administration persists in efforts to contain the national debt, federal contributions continue to shrink for programs providing job assistance and unemployment benefits, child care, health care, treatment for substance abuse, and other needs. Clients facing reduced federal support look for help from Iowa's human services departments, which also find their own resources trimmed. Taxpayers are unwilling to help shoulder the state's new financial burden, even though Iowa had less than $1 million in its treasury last summer.

BUILDING A PARTNERSHIP

The DHS is confronted, then, with stretching smaller budgets to meet increased human needs, a nationwide dilemma. Because of the flagging economy, the flow of money into DHS programs is restricted; yet the same economic conditions inflate welfare rolls. The department is faced with two choices: better coordinating programs with those offered elsewhere to make better use of resources and avoid duplication, or cutting back department offerings. Reducing services in a time of increased demand is not acceptable, so the obvious choice is collaboration to continue providing programs and help for Iowa's human services clients.

Building such a partnership involves four steps: Developing a climate for communication among individual leaders in the DHS and private sector, a climate that encourages trading of ideas as well as debate; acknowledging the joint responsibility of the two groups and the need for their sustained participation; recognizing the strengths and weaknesses of participating groups; and identifying a body of people, with representatives from both sectors, to help mold policy.

This process is not unique in Iowa. The state's health care industry already has taken steps to address critical issues that were forcing health costs higher and squeezing the budgets or corporations and individuals alike. These efforts to make quality health care affordable and accessible to all residents can serve as a model for the human services.

The partnership between public and private health care sectors has been forged with participation from government, major employers, labor unions, the medical profession, insurance carriers, and consumer interest groups. Coalitions of business and labor leaders across the state have been discussing their role as major purchasers of health care. Government, as another major purchaser, also is an essential member of the team; and legislative initiatives are primary components of the overall strategy to control the cost of health care. Hospital representatives, doctors, and insurance carriers are integral members of the group, since their services are at the heart of the issue. Reform of Iowa's health care system has demanded a statewide perspective and a collaborative approach to implementing reforms.

One organization, the Health Policy Corporation of Iowa (HPCI), has distinguished itself in coordinating and supporting the exchange of ideas of disparate groups. A private, nonprofit agency, HPCI has been designated to carry out recommendations from a governor's study panel on health costs and to design and implement strategies for health planning and research. It is recognized as a catalyst for many public and private initiatives. During Iowa's intensive two-year effort to control its health costs, each group involved has faced its part in the problem and its possible role in a solution. HPCI links these efforts and provides a forum.

BEATING THE COSTS

The forum on the health care delivery system was launched in 1981 when Governor Robert Ray announced the formation of a commission to develop initiatives aimed at controlling health care costs in Iowa. Medicaid expenses had increased 600 percent in just ten years; and the cost of health insurance premiums for state employees had risen to $23 million a year. Both business and labor leaders were concerned about the effect of health care costs on Iowa's economy. In response, eleven people were selected to serve on the Governor's Commission on Health Care Costs. The commission membership represented all the groups having an interest in the matter—business, labor, providers, consumers, and government. Chairing the panel was R. Melvin Henderson, dean of academic affairs at Simpson College.

During its sixteen-month study, the commission identified problems such as long average lengths of hospital stays, high utilization rates, and great variances in those rates around the state. It also suggested strategies for solving the problems and laid out a ten-year agenda. The commission called for an increased emphasis on market incentive for competition and also recognized the need for enabling legislation. The group acknowledged the need to expand the types of facilities from the traditional hospital to health maintenance organizations and other alternatives. It also cited the need to improve the health care information system to provide consumers with current and precise information.

While the commission was doing its work, other movements were underway to address the health cost issue. The former Iowa Health System Agency (IHSA), a health planning organization, formed a task force to study how to make health planning more effective. At the same time, another group of business, labor, and insurance representatives was discussing its possible role in implementing changes and recommendations from the Governor's Commission on Health Care Costs. During a joint 1981 meeting, the IHSA task force and the business-labor coalition found they had a common interest: the formation of an independent corporation representing major purchasers, consumers, and providers of health care. The IHSA agreed to undergo corporate restructuring; and the private, nonprofit HPCI was formed in May 1982.

Twenty-one individuals representing the major interest groups, including business, labor, consumers, and hospitals, were appointed to three-year terms on the HPCI board. Board Chair Charles S. Johnson, vice-president of finance for Pioneer Hi-Bred International in Des Moines, was the leading spokesperson of the business sector concerning health cost management. Also a member of the governor's commission, Johnson summed up the challenge to the HPCI board this way:

"Critics of the efforts to manage health care costs often contend that the issue is one of either spending more or getting less health care, that is, rationing. This, in my opinion, is not the case. Quite the opposite. We are either going to learn to manage the system so that we get optimum results for the resources spent, or we will continue to spend in the present wasteful way and hasten the day when the limited resources available to health care force us to ration."

Johnson minces no words with peers in outlining the responsibility of major employers, such as his own firm, in reforming the health care system. He points out that business, labor, and governments as major buyers have played an important part in the way health care is delivered today. He is critical of how major employers have purchased health care and the poor job they have done at specifying what kind of care should be purchased, at what price, and in what quantities. He says that businesses must start addressing the issue of costs, as

well as the type of care available, insisting that there be alternatives that can provide quality care for fewer dollars.

The current vice-chair is Melvin Henderson, chair of the former commission. Recently he observed that HPCI brings together distinct groups with a common concern, but no common strategy for achieving their goals—yet. In a situation such as this, Henderson has pointed out, the participants must consider several different viewpoints and be willing to share their turf. "The board members are learning that reducing health care costs is all our turf. Every group has its own interests and should have. . . . [At the same time], it appears that people are willing to look at others' concerns. . . . The board exemplifies disagreement and conciliation," he said.

Solutions hinge on cooperation and participation—and a willingness of each of the groups to see itself as part of the problem.

PRIORITIES AND DIFFERENCES

Physicians are another group reassessing their role in the health delivery system. John Tyrrell, a Manchester family practice physician, represents the Iowa Medical Society. Tyrrell insists that maintaining a high level of care is a priority for Iowa's doctors, which colors their attitudes on the kind of care they offer and what they charge for that care. Medical technology offers many ways to save, improve, or prolong life—and many of these are costly. At the same time, Tyrrell points out that "everyone agrees that health care is becoming unaffordable," so a question arises as to how much of this new technology should always be offered or used. He said that physicians must address the cost when determining treatment, adding, "We're just going to have to lean toward the quality angle." At the same time, both patient and doctor must realize that "good medical care doesn't have to be deluxe medical care."

The board is wrestling with issues on which there is no firm consensus. Questions remain. For example, to what extent should Iowa's health care system be regulated by the state? Which alternatives to hospitals, such as health maintenance organizations, should be promoted by HPCI?

Labor representative Don Rowen, executive vice-president of the Iowa Federation of Labor, AFL-CIO, notes that the HPCI board has taken steps that do not always agree with labor's view. For example, his constituency feels that some alternative forms of health care delivery actually save money, while some simply shift costs. Rowen's constituency may not agree with all decisions made by the HPCI board; but Rowen said, "That doesn't keep us from working. As representatives of working people, we have a long-term commitment to make sure that quality health care is affordable."

HPCI is providing a forum for the exchange of differing views and a climate for cooperation in controlling health care costs. Through this effort, the state's health care leaders have served as catalysts for significant initiatives involving both the public and private sectors. HPCI advocated a legislative proposal that received resounding support from the 1983 session of the Iowa General Assembly. The centerpiece of this package was the establishment of the Iowa Health Data Commission, a clearinghouse that will improve the availability of information on physician and hospital charges around the state. This level of disclosure has never been achieved by any other state.

HPCI also helped establish community-based groups on health policy and planning. Major public education campaigns have been undertaken, and continuing support for the dialogue and action involving key interest groups must continue.

Iowa has accomplished much in just a two-year period. The state's problems were severe. Nonetheless, health care providers and purchasers have avoided a fruitless confrontation and instead have formed a viable alliance. Major purchasers—the government, labor unions, and large employers—have demonstrated their commitment in their cost-management initiatives. The challenge facing these interest groups in the future will be to sustain momentum and maintain positive relations as the initial strategies take hold.

The model for building the private-public partnership has proven effective in the complex field of health care delivery and policy, so it is reasonable to assume it could be applied successfully to other types of human services. Such a partnership is essential when economic hardship tries both citizen and government alike, requiring nontraditional solutions.

Changing demographics deepened the dilemma. The typical family of two parents and two children is a thing of the past; the numbers of single-parent households, on the rise since the 1970s, will continue to increase. The changing structure of these families creates a need for more community services and trained professionals to deal with individuals who are alone or who cannot cope with their responsibilities.

There are some signs the Iowa economy will show modest improvement in the months ahead, but tight money and limited resources will continue. High interest rates will limit diversification of industry. Agriculture, long the strongest element of the state's economy, has been hiring fewer workers—and the drought will exacerbate this situation. Young workers will continue to leave the state, for which an unemployment rate of 4 to 5 percent is predicted. As a country, we will continue to move from an industrial to an informational society characterized by high technology. These shifts cause stress, lost jobs, and displaced workers. New and better human services must be ready to meet the demands.

OTHER ALLIANCES

During his 1981 campaign for cutbacks in federal welfare funding, President Reagan urged less public and more private involvement in the delivery of human services. He stressed volunteerism as a way to meet the needs government can no longer afford to finance. This is plausible, but it is not enough. Shared authority and responsibility for community programs is essential. Community leaders—public and private—must share accountability for meeting the needs of residents. To do this, human services administrators must tap the private-sector volunteer pool and corporate philanthropy.

In Iowa, these steps already are being taken. Every other Friday in Des Moines, leaders in government, industry, and labor sit down for breakfast at what can best be described as a human services round table. Called "Friday Forums," these discussions focus on issues ranging from human services to the arts to nuclear arms. The forums were established by Iowa DHS officials in cooperation with Drake University and the Des Moines Chamber of Commerce. The purpose was to establish an alliance of local leaders in Des Moines, the State's center of business.

Friday Forum speakers have represented all sectors of the community and have included a former governor, the present governor, a university president, a publishing executive, an assistant city manager, and a Roman Catholic bishop. These sessions are more than just friendly gatherings; they establish communication among community leaders who might not otherwise meet. Friday Forums have been particularly enlightening for DHS representatives who have learned they must translate their goals and concerns into terms familiar to private business leaders.

Twenty-nine local human services planning groups comprise another aspect of the partnership. Over 350 citizens represent the community agencies, businesses, and service organizations that ultimately provide and pay for human services. Among those participating are the United Way, Junior League, chambers of commerce, churches, colleges, as well as government agencies and elected officials. These planning groups identify specific community needs, inventory existing services, and pinpoint the gaps and duplication in service. They also develop collective funding recommendations and long-range plans. The focus is on integration: providing the best services to the most people by eliminating duplication, reducing costs, and bridging gaps in service.

One example of success in establishing effective planning groups can be seen in the Des Moines district of DHS, which includes eight counties and the state's capital. A human services coordinating board, representing city, county, and state governments and the regional United Way, has recently completed an inventory of human services in the greater Des Moines area.

Another nonprofit-private industry connection has blossomed in the Des Moines area—the Central Iowa Food Bank. It provides food for the hungry through donations from industries. In turn, the businesses receive tax breaks.

In Wapello County, a council with representatives from private and public organizations may soon appoint members from industry. The council has already worked with industry on many occasions. After a recent layoff of John Deere employees in Ottumwa, the company asked the council to make a special presentation to employees on community services.

Other districts meet with local human services agencies and businesses on specific problems, such as how to respond to utility cutoffs or how to distribute federal commodities to needy citizens. When word of federal surplus commodities hit the DHS Waterloo District, several unions, an area agency on aging, and the offices of a U.S. congressman and senator worked together to develop a model commodity distribution plan. DHS, which was designated by the governor to coordinate statewide commodity distribution, applied this plan throughout the state. Interaction between community groups and industries in each district resulted in a cadre of volunteers to distribute cheese and butter. Last year, a monthly average of 4,600 volunteers distributed 8.6 million pounds of cheese and butter to the poor. The potential exists to expand the cooperation shown in commodity distribution to overall human services planning.

The relationship between the private and public sectors in human services was examined more closely at the Governor's Conference on Human Services last fall. Chairing the event were two key figures in Iowa's business forum: Charles Johnson, from Pio-

neer Hi-Bred and HCPI chair, and Marvin Pomerantz, a leader in the building industry.

The business community and the DHS both provide services that affect the quality of life. To the extent that business and industry are successful or profitable, employment increases and the jobless rate decreases. Government tax revenues increase, and the demand for human services such as food stamps decreases. Insofar as health and human services are successful, clients become self-supporting, tax-paying consumers of business goods and services. This boosts business profits. By turning tax consumers into taxpayers, the tax base is broadened, profits are increased, and demand for human services is reduced further.

Clearly, the spirit and substance of the public and private partnership as a means of improving human services are thriving in Iowa; the quiet revolution is having an impact. The HPCI model for the public-private partnership, the Friday Forums, and human services planning groups all demonstrate that new alliances can make a difference. It may well be that the nurturing of such alliances will become, in the near future, an important part of the job for all human services managers.●

IDAHO BUSINESSMAN OF THE YEAR

● Mr. SYMMS. Mr. President, my good friend Bob Hammond of Idaho Falls was recently honored by Idaho State University as the State's businessman of the year. I cannot think of anyone more deserving of that honor.

Bob is an outstanding businessman who worked his way up the ladder from office clerk to president of a major company. He has also been very active in numerous civic and charitable causes. He has been president of the local chamber of commerce, a captain for the United Way, a fundraiser for the Boy Scouts, for schools, hospitals, and other worthwhile organizations. He has also found time to serve as a deacon in his church and to maintain an interest in sports and politics. He believes strongly that businessmen and women should become involved in politics and community service. And he believes that his success in business is directly related to his efforts as an inveterate volunteer.

I am proud of Bob Hammond. He has set an example that all of us—especially the young—can admire and attempt to follow. The Idaho Falls Post-Register recently published a fine feature article on Bob written by the paper's business editor Joe L. Marker. Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Post-Register, Nov. 3, 1983]

IDAHO FALLS BUSINESSMAN RECEIVES ISU ACCOLADE

(By Joe L. Marker)

Idaho Falls businessman Robert "Bob" Hammond, president of the Idaho-Montana Division of Arnold Machinery Co., has been named "Idaho Businessman of the Year" by Idaho State University.

The award will be presented to him at a formal dinner Nov. 10 at 7 p.m. at Little Tree Inn in Pocatello. The guest speaker will be the new president of the University of Utah, Dr. Chase N. Peterson, who headed the artificial heart program of which Dr. Barney Clark was the recipient.

Hammond said he feels he is "really about as a native, grassroots Idaho businessman as there is in this area."

Supporting that statement is the fact that his great grandmother, Mrs. Jane Hammond, was the first white woman to settle in his native Custer County. His mother, Sue O'Connor Hammond, also came from an early settler family in Forney. His great grandparents came to Idaho from Missouri.

Bob Jr. attended grade school in Mackay and high school in Challis, then graduated from Idaho State University with a degree in Business and Pre-Law. He served in the U.S. Army as an artillery officer in Germany, and upon discharge came to Idaho Falls looking for employment.

He married Lorna Osterberg of Idaho Falls in 1955. Her parents had both lived in Idaho since the early 1900s. After the Hammonds were married they spent a year in Germany together while he was stationed there in the U.S. Army.

Hammond started his business career in the fall of 1956 as a timekeeper and office clerk at the Clark Concrete Corporation on South Yellowstone Highway.

After that he took a job as office manager and estimator for a contractor that built the new highway from Clark Hill to Granite Hill east of Ririe in Bonneville County.

When the contract was completed Hammond took employment as a parts manager and service manager for the Lang Company in Idaho Falls. Two years later Lang was sold to Arnold Machinery, and Hammond became a salesman for Arnold in Idaho Falls. Three years later he was named branch manager here, and in 1967 was named a vice president of the company. Five years later he was elected a director of the company and subsequently he became president of the Idaho-Montana Division.

Hammond has been active in civic and business affairs in Idaho Falls, the state and the Intermountain area, having served as president of the Greater Idaho Falls Chamber of Commerce in 1973, and as one of the major team captains in United Way on numerous occasions, and on fund-raising drives for Eastern Idaho Vocational-Technical School.

He is the Idaho member on the Intermountain Health Care board of directors, and was the recipient in 1980 of the Idaho Associated General Contractors "Outstanding Award for the Associate Members" of that organization.

He has also been active in the Republican Party as a precinct committeeman in New Sweden and has served as master of ceremonies for numerous banquets and rallies, including Steve Symms' campaign kickoff in Eastern Idaho.

He maintains an interest in sports and supports the ISU Bengal Boosters.

Hammond has served as a deacon in the Idaho Falls First Presbyterian Church and chaired fund-raising campaigns for Teton Peaks Council, Boy Scouts of America.

Hammond has a philosophy of living in which he says "I believe strongly in volunteerism and service to the community for the betterment of mankind. I also believe strongly in the inherent dignity of the individual and that everyone is entitled to treatment with courtesy, consideration, respect and fairness, because it takes the whole community, working together to insure the quantity and quality of life that we citizens of Idaho have come to love and enjoy."

He says his success in business "is directly related to the efforts and fun that I've had participating in community and state service and civic projects. Business is the one truly innovative factor in our society and consequently I believe that businessmen and women should take leadership roles in political, charitable and civic organizations whose efforts lead to our community and state improvement."

Hammond and his son Lance farm in New Sweden, and he also still owns the family homestead, which is a swimming pool resort and ranch near Challis.

The Hammonds also have two daughters, Kathrin in Idaho Falls and Mary who lives at home.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEPARTMENT OF DEFENSE,
DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 27, 1984.

In reply refer to: I-16423/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 84-26, concerning the Department of the Navy's proposed Letter of Offer to Australia for defense articles and services in excess of $50 million. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-26

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i)(U) Prospective Purchaser: Australia.

(ii) Total Estimated Value: Major Defense Equipment (as defined in Section 47(6) of

the Arms Export Control Act) ——; Other ——; Total ——.

(iii) Description of Articles or Services Offered: ——.

(iv)(U) Military Department: Navy (AOY).

(v)(U) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi)(U) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii)(U) Section 28 Report: Case not included in Section 28 report.

(viii)(U) Date Report Delivered to Congress: January 27, 1984.

POLICY JUSTIFICATION

(U) As an ally under the ANZUS Treaty, Australia plays a major role in assuring the stability of Southeast Asia and the South Pacific and is strategically located with respect to the Indian Ocean. Therefore, the United States has cooperated in improving Australia's military capability through foreign military sales, logistics agreements, and combined exercises.

(U) The sale of this equipment and support will not affect the basic military balance in the region.

(U) The principal contractors will be the Raytheon Corporation of Lowell, Massachusetts, and the General Dynamics Corporation of Pomona, California.

(U) Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Australia; however, in country contractor technical services will be performed by one contractor representative for six months.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEPARTMENT OF DEFENSE,
DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 27, 1984.

In reply refer to: I-04602/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-24 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed letter of Offer to Saudi Arabia for defense articles and services estimated to cost $26 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-24

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense Equipment (as defined in Section 47(6) of the Arms Export Control Act)—$22 million; Other—$4 million; Total—$26 million.

(iii) Description of Articles or Services Offered: A quantity of 2,538 Improved-TOW anti-armor missiles.

(iv) Military Department: Army (VGK).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: January 27, 1984.

POLICY JUSTIFICATION

SAUDI ARABIA—IMPROVED-TOW MISSILES

The Government of Saudi Arabia has requested the purchase of a quantity of 2,538 Improved-TOW (I-TOW) anti-armor missiles at an estimated cost of $26 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

The I-TOW missiles will be used to build war reserve stock levels and will support the modernization of the Saudi Arabian Forces (SALF) by enhancing its anti-armor capability. The Saudis have previously purchased 10,738 TOW missiles and have been offered another 2,538 missiles which they have not yet accepted. The entire TOW program, including this offer, totals 15,814 missiles, well below the requirement validated by the U.S. Government for basic loan and war reserves. The SALF will have no difficulty in absorbing these items.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Company of Canoga Park, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEPARTMENT OF DEFENSE,
DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 27, 1984.

In reply refer to: I-16420/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-27 and under separate cover the classifed annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Italy for defense articles and services estimated to cost $94 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-27

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Italy.

(ii) Total Estimated Value: Major Defense Equipment (as defined in Section 47(6) of the Arms Export Control Act)—$0 million; Other—$94 million; Total—$94 million.

(iii) Description of Articles or Services Offered: Refurbishment and upgrade of two Italian Navy TARTAR Weapon Systems.

(iv) Military Department: Navy (MBC).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Included in report for quarter ending September 30, 1983.

(viii) Date Report Delivered to Congress: January 27, 1984.

POLICY JUSTIFICATION

ITALY—REFURBISHMENT OF TARTAR WEAPON SYSTEMS

The Government of Italy has requested the purchase of refurbishment and upgrade of two Italian Navy TARTAR Weapon Systems at an estimated cost of $94 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Italy; furthering NATO rationalization, and interoperability; and enhancing the defenses of the Western Alliance.

This sale is the second phase of an extensive modernization of the surface-to-air capability of the Italian Navy. The Italian Navy is currently procurring the TARTAR Weapon Systems under FMS for its newly constructed guided missile destroyers (DDGs). This sale will expand and upgrade the surface-to-air capability of the newly constructed DDGs.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be the Raytheon Corporation of Waltham, Massachusetts; General Electric of Pittsfield, Massachusetts; FMC/Northern Ordnance of Minneapolis, Minnesota; and Vitro Corporation of Silver Spring, Maryland.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Italy.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

THE 1984 AUTOMATED MANUFACTURING CONFERENCE AND EXHIBITION

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HOLLINGS. Mr. President, it is no secret that America's position as a world leader in industrial output is being threatened and the necessity of industry to retool for the future is upon us. We must find ways to increase productivity, reduce costs, and improve quality of production if we want to compete competitively in the world marketplace.

That is why I commend the efforts of the South Carolina State Development Board and others in their sponsorship of the first comprehensive Automated Manufacturing Conference and Exhibition to be held in the Southeast. The conference will be held at the Textile Hall Convention Center in Greenville, S.C., March 19-22.

This conference will showcase more than 100 exhibitions displaying state-of-the-art equipment which will intro-

duce participants to systems, devices, and techniques that will drive the workplace into the next century. The diversity of exhibitions is expected to generate 10,000 to 12,000 attendees from many manufacturing disciplines throughout the industrial base of the Southeast.

From robots to metal working, to computer software to energy management, the exhibitors will have products and services impacting almost every aspect of industry. Upper management and purchasing managers will also find their time well spent as they view hi-tech adaptations of recent science fiction to the real world of production, inventory control, data acquisitions, and improving efficiencies throughout the plant.

The conference will also offer a series of seminars on the many transformations that hi-tech may well create in our society. The primary focus will be how the economic structure of the society of the future will differ from the industrial society we have known. A special emphasis will be placed on the social consequences of computers and telecommunications and how these technologies will change the very nature of markets and ideas.

This conference is a good step in helping us understand the systems, devices, and techniques that will drive the workplace of the next century and thereby help America to reclaim its share of the international market.●

NATIONAL GARDEN WEEK

● Mr. D'AMATO. Mr. President, I rise today to add my name as a cosponsor of Senate Joint Resolution 143, a resolution introduced by my distinguished colleague from Montana, to commemorate the calendar week beginning with Sunday, June 3, 1984, as National Garden Week.

Gardening ranks as one of America's most popular leisure activities. Over 33 million families in the United States today have gardens on their property.

Gardens are not only a recreational and economical resource, they also provide beauty and tranquility to areas lacking these aesthetic qualities. Many urban dwellers are tilling the soil of their rooftop gardens, providing them personal enrichment and enjoyment.

But gardening is more than just a pastime. It is an economic investment. The high cost of groceries has given people cause to take up the hoe. Families are able to cut down on food bills by growing their own tomatoes, cucumbers, onions, lettuce, beans, etc. This not only provides good food for the table while cutting costs, but also gives Americans a feeling of accomplishment and self-worth.

I urge my colleagues to join me in this worthy proposal by cosponsoring this legislation to recognize our Nation's gardeners.●

STATE AND LOCAL RIVER CONSERVATION ACT

● Mr. MOYNIHAN. Mr. President, today I join my distinguished colleague from Minnesota (Senator DURENBERGER) as a cosponsor of the State and Local River Conservation Act. Senator DURENBERGER introduced the bill as S. 1756 on August 3, 1983.

Some 7,000 miles of river throughout the Nation are protected under the Wild and Scenic Rivers Act. As the name indicates, this act created a Federal program to preserve the wild and scenic character of our most outstanding rivers. Selective preservation of these resources is vital in view of the strong pressures toward regulation of river flows and development along river banks.

Although the Federal program targets the most precious American rivers, it cannot protect all the suitable rivers. State and local governments must take the initiative to extend protection to additional streams found to have exceptional value as free-flowing waters. About half the State currently pursue river conservation programs, with the degree of protection varying widely. In most cases, a paucity of funding rather than a lack of interest operates as the primary constraint.

Since establishing its program in 1972, my own State of New York has designated for protection 1,248 miles of river, more than any other State. Many of the rivers flow through the vast and beautiful Adirondack Park, as well as more densely populated areas. The agency that administers the program, the New York State Department of Environmental Conservation, is reviewing 8 additional rivers and estimates that up to 70 more are potentially eligible. For each designated river, the DEC prepares in cooperation with local communities a conservation plan including land use controls, protection of wetlands, flood plains, and cultural resources, and recreational use of the river. Yet the program faces a severe staffing shortage, with no personnel working full time on river conservation.

S. 1756 would encourage such State and local efforts. The bill would authorize $5 million per year in Federal matching grants to States and communities for planning efforts and program administration. An additional $2 million could be used for statewide river assessments. The bill would strengthen conservation efforts by requiring that the State concur with any proposed activity along a designated river requiring a Federal permit. Finally, S. 1756 would provide tax incentives for the donation of lands, easements, and rights-of-way and would encourage the use of volunteers in river conservation programs. I urge my colleagues in the Senate to support the passage of this valuable legislation.●

CONTROLLING THE NUCLEAR PROLIFERATION DILEMMA

● Mr. HUMPHREY. Mr. President, approaching the troubling dilemma of controlling nuclear proliferation has proven difficult for scientists and scholars, as well as Presidents and Congresses, for nearly four decades. With the rapid and ever-expanding knowledge of nuclear technology must come the will to limit its spread, and hence lessen the threat of nuclear war.

This morning I am submitting for the RECORD two separate editorials carried recently by the Washington Post and the Washington Times. The Washington Post editorial of February 9, 1984, carries a clear and sensible message: Our Government has a right, as well as the opportunity, to substantially reform our role in the spread of crucial nuclear equipment and material. The Washington Times of February 8, 1984, describes with a flair the potential impact of our present policy. Indeed, rational individuals do not desire to see countries without military nuclear capability achieve that end, and certainly not as a result to a lax U.S. policy. Both articles articulate the advantages of establishing a firm U.S. export policy for nuclear components classified as significant for nuclear explosive purposes.

I strongly recommend these two editorials to my colleagues, and am certain that, in reading them, they will fully understand the objectives of the Humphrey-Roth amendment. We plan to offer our amendment when this body considers the export administration amendments of 1983.

I ask that the texts of these two articles appear in the RECORD.

The material follows:

[From the Washington Times, Feb. 8, 1984]

TERROR PROLIFERATES

When 20-kiloton nuclear explosives—the size that leveled Hiroshima and Nagasaki—simultaneously devastate Washington, Manhattan, London, Paris, Bonn, Peking, Moscow, and Leningrad, is there any chance missiles won't fly? Not on your life.

The six-ton weapon that brought World War II to an end was delivered in a B-29 bomber. Four decades of technological development have made it possible to put those same 20 kilotons of nuclear power into a suitcase. A nuclear kiloton has the destructive force of 2,000 pounds of TNT.

The U.S., the U.S.S.R., Britain, France, Red China, and India all have nuclear weapons. Israel and South Africa *may* have nuclear capability. Taiwan, Pakistan, Brazil, and Argentina have nuclear research programs that could lead to weapons development. And so do Iraq and Libya.

Iraq and Libya?!

American manufacturers freely export products and technology classified as "significant for nuclear explosive purposes" by

the Nuclear Regulatory Commisson. Sens. Gordon J. Humphrey, R-NH., and William V. Roth, R-Del., are leading the drive to amend the Export Administration Act to prohibit such exports to any "nonweapons" nation that refuses full nuclear facility inspection by the International Atomic Energy Agency. The vote is scheduled for tomorrow. We strongly support the Humphrey-Roth Amendment.

While the nuclear freezeniks follow the morally easy path of criticizing the Western nuclear deterrent, they ignore the quiet, unsensational spread of atomic weapons technology to the Second and Third Worlds, some leaders of which think of themselves as latter-day political messiahs sent to cleanse the Earth of non-believers. It doesn't take much imagination to see how dangerous nuclear weapons would be in such hands.

A popular misquotation has Lenin saying that the capitalists would sell their enemies rope with which to hang the sellers. The lyrics are wrong, but the melody isn't. Lenin was prophetic when he said capitalists would "strive toward their own suicide" by selling military technology to their worst enemies. Humphrey-Roth is a long stride toward the problem's still-distant solution.

No one believes more strongly in the free market than we. But we don't think anyone should sell dynamite to children, or nuclear technology to governments with grudges.

[From the Washington Post, Feb. 9, 1984]

CONTROLLING NUCLEAR EXPORTS

Nobody much likes even thinking about the ominous questions of nuclear proliferation. But it remains true that the threat of nuclear weapons is not limited to the armories of the five powers that acknowledge possessing them. Perhaps six or eight others are moving toward them some of them countries with histories of radically unstable and aggressive politics. The United States can't do much about the technology that these countries already command. But it can do a lot to slow down the flow of crucial equipment and materials to them.

The Senate will have an opportunity to make an important contribution when—sometime this month—the Export Administration Act finally comes to the floor. A bipartisan group of senators led by Gordon Humphrey of New Hampshire intends to offer an amendment tightening the standards under which this country permits exports with implications for nuclear arms. Those exports would be prohibited to countries that have refused to open their nuclear facilities to inspection by the International Atomic Energy Agency. The amendment would allow the president to make exceptions where he was prepared to cite reasons of national security. But this change in the law would end the practice of licensing extremely sensitive exports inconspicuously at low levels of government.

This amendment is a response to two particularly egregious cases last year. In one the administration routinely approved a transfer of heavy water to Argentina, which subsequently announced that it possesses all the processes needed for the manufacture of weapons. In the other case, during a trip to India, Secretary of State George Shultz assured his hosts that the United States would allow them to buy here certain equipment for their Tarapur reactor. India has already exploded what it calls a "device" and the rest of the world calls a bomb. Neither India nor Argentina permits IAEA inspection of all its nuclear facilities. The Indian sale, incidentally, seems recently to have got derailed, casting some doubt on all the assertions by successive administrations that this kind of thing is essential to American diplomacy in South Asia.

The technology now in the hands of Argentina and India—not to mention South Africa, Iraq, Pakistan and the rest—is irrevocably theirs. But that's all the greater reason for the United States to be careful about certain further sales and the conditions under which they are licensed. It is important to give great visibility to these sales, and to force the people at the top of government—both the U.S. government and the recipient—to think carefully about what they are doing. That's the purpose of the amendment now being put forward by Sen. Humphrey and his colleagues. People who are uneasy about the proliferation of nuclear weapons will want to see it passed.●

THE 25TH ANNIVERSARY OF THE MARXIST REGIME OF FIDEL CASTRO

● Mr. D'AMATO. Mr. President, 1984 marks the 25th anniversary of the Marxist regime of Fidel Castro on the island of Cuba. It is an anniversary marked by sorrow and apprehension by peaceful, freedom loving people throughout the world.

The Castro government has already trumpeted the so-called gains achieved in the two-and-a-half decades since it rode to power on its now-familiar calling card of bullets and bloodshed. But, objectively, what are the genuine hallmarks of 25 years of Communist inspired government on this island 90 miles off the coast of Florida?

Forced rationing has effectively denied the people of Cuba quality food and consumer goods since 1962. The Old Town section of Havana is in crumbling disrepair, yet still serves as inadequate housing for thousands. Inhuman and degrading prisons hold countless political prisoners who are randomly beaten if they do not renounce viewpoints that differ from Castroite ideology. Cuban troops and insurgents have crossed the globe to sow the seeds of bloody revolution, willfully wreaking havoc on internal and regional stability.

It is abundantly clear that little progress can be found in the "success story" being mouthed by the Castro regime 25 years after gaining control of Cuba. Instead, the world sees a troubled Caribbean nation, propped up by Soviet military and economic assistance, serving as a hired gun to stimulate violence and conflict while unable to provide adequately for its citizens at home.

Mr. President, I ask to have printed in the RECORD a recent article in the Wall Street Journal authored by a constituent of mine. A perceptive analyst of the Cuban Government, Roland A. Alum, Jr., is a professor at the John Jay College of Criminal Justice of the City University of New York.

The article follows:

CASTRO'S LEGACY TO CUBA: A CULTURE OF POVERTY

The presence of Fidel Castro's regime in Cuba, and Cuba's global involvement, have been the most important factors in bringing U.S. and world attention to Latin America and the Caribbean over the last 25 years. The day after tomorrow, on Jan. 1, 1984, Fidel Castro celebrates his 25th anniversary in power. As noted recently in the London Telegraph, Cuba may well be edging toward George Orwell's regimented "dystopia" (a word coined by Irving Kristol meaning a utopian vision gone horribly awry) of 1984 as it nears its own revolution's silver jubilee.

Despite the disappointing evidence, we continue to hear suggestions proposing the Cuban system as an alternative for the currently torn, semi-feudal and militarized Central American nations. The proponents of the "Cuban model" claim that most of the sociopolitical problems besetting Central America have been solved in post-1959 Cuba; that the socioeconomic problems inherited by Castro are well on their way to being eliminated. However, years of fact-finding by qualified social scientists—many of whom started out quite sympathetic to the Castro regime—contradict this popular notion.

Perhaps the most authoritative perspective on the effects of Castro's internal policies comes from the publication of material relating to the research of the world renowned social-anthropologist Oscar Lewis and his associates. The research for this work was done in Havana between 1969-70, shortly before Mr. Lewis's death. He had attempted, in his still little-known Cuban research project, to test his debated theory on the "culture of poverty," particularly his own corollary. He believed that the so-called culture of poverty could not exist in a socialist society because the conditions that supported it were expected to be present solely in capitalist-oriented economies.

Douglas Butterworth, a collaborator with Mr. Lewis, concludes with disillusionment in his book "The People of Buena Ventura" (University of Illinois Press, 1980) that after years of efforts to "reeducate and indoctrinate" the poor, those poor have not lived up to the expectations of the state. In fact, he adds with surprise, this is so despite such tangible benefits as the creation of public housing and utilities. Mr. Butterworth relates the social problems he found among poor people relocated to housing projects in Havana—problems that closely resemble Mr. Lewis's requisites for a culture of poverty: classist attitudes, regionalism, quarrels, violence, delinquency, theft, vandalism, mutual suspiciousness and distrust, racism, sexism, fatherless homes, spouse-beating, prostitution. blackmarketeering, drug trafficking, escapism into folk religion and the occult, and so forth.

Furthermore, Mr. Butterworth honestly admits that a case for a culture of poverty in pre-Castro times could not be scientifically documented. Thus, the project's findings validate the observations given in so many other accounts, including those from Cuban emigres who normally are not taken seriously. Simply put, the culture of poverty seems to be visible in post-revolutionary Cuba, though not necessarily as a survivor of the ancient regime. The culture of poverty exists in Cuba today as a new element that apparently did not exist prior to 1959, despite the many known deficiencies of the old system.

Scientific data on contemporary Cuba have further implications. In 1968, prior to his on-site field work, Mr. Lewis wrote: "It is my impression that the Castro regime—unlike Marx and Engels—did not write off the so-called 'lumpen proletariat' as . . . inherently reactionary and anti-revolutionary. . . ." If Mr. Lewis's (and Mr. Butterworth's) own subsequent field accounts and the growing corpus of Cubanology are not enough to disprove that thesis, the mass exodus from Cuba of three years ago certainly contradicts Mr. Lewis's original quotation.

Much publicity is still being given to the social undesirables who were among the 130,000 or so refugees (almost 1.5% of the entire Cuban population) fleeing Cuba in the summer of 1980. In fact, the lead character in the new Al Pacino film "Scarface" is a Cuban refugee who came to the U.S. through the "freedom flotilla" only to rise as a kingpin in the underworld. The important fact to note about this new wave of immigrants, as sociologist Sylvia Pedraza-Bailey has found, is that the vast majority of them were born and/or raised under Castro's rule and come from the lower socioeconomic strata. In other words, these are the people expected to have been the primary beneficiaries and supporters of socialist policies.

We are still being told by the proponents of the Cuban model that the government's goal is the creation of what the Argentine physician "Che" Guevara optimistically called the "new man": an altruistic, highly motivated, totally committed socialist individual. However, many of the traits enumerated in Mr. Lewis' description of the culture of poverty are now exhibited among young Cubans raised under the dictates of the new regime. This is no longer a matter of speculation; experienced researchers reporting on "new Cubans both inside and outside of the island have now documented this phenomenon.

Taking into account the evidence at hand—as well as the government's own criteria for success—one is led to reach three conclusions about post-revolutionary Cuba: first, that the extolled Homo Novus a la Che Guevara turned out to be exactly the opposite of what the Cuban leaders expected (or claimed to expect); second, that contrary to Mr. Lewis' earlier impression, the Castro regime—like Marx and Engels—did write off the 'lumpen proletariat' (i.e., the poorest of the poor); third, that in the light of theories ascribing deviant and criminal behavior to the economic order, particularly those placing the burden exclusively on capitalism, there is a pathetic need for a revision of Cuban social theories. In sum, careful students of the revolutionary process conclude that the Cuban system has not only failed in eradicating social problems ascribed to the pre-revolutionary structures, but it may have exacerbated those problems and even created new ones.

Appraisals of other aspects of the Cuban model are just as gloomy. Internationally renowned scholars such as Hugh Thomas, Carlos Ripoll and Irving Horowitz have contrasted many of the much-publicized myths surrounding the Cuban phenomenon with the internal realities. Assessing the limits of Cuba's appeal, Gordon Lewis, an independent Marxist at the University of Puerto Rico, has put the matter quite candidly: "It is curious that so many . . . groups (still) accept the Cuban-Soviet model when that very same model is under severe scrutiny. . . ." A model that, he warns unabashedly, "can only mean the road to the totalitarian society."

On the balance sheet, objective experts concur that probably the most outstanding achievement of Cuba's highly militarized government has not been in the social or economic arenas, but rather in its projection of a favorable image abroad. Harvard Prof. Jorge Dominguez, University of Miami historian Jaime Suchlicki, and Kisinger Commission economist Carlos Diaz-Alejandro agree that the self-perpetuation of Castro's uninterrupted administration (which is one of the oldest in the world) is, ironically, one of his greatest political achievements.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the Chairman of the Foreigh Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 13, 1984.

In reply refer to: I-04617/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-18 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Turkey for defense articles and services estimated to cost $70 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-18

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Turkey.
(ii) Total Estimated Value:

	Millions
Major defense equipment [1]	$65
Other	5
Total	70

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: A quantity of 15 F-4E aircraft.

(iv) Military Department: Air Force (SNN and SNU).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: February 13, 1984.

POLICY JUSTIFICATION

Turkey—F-4E aircraft

The Government of Turkey has requested the purchase of 15 F-4E aircraft at an estimated cost of $70 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Turkey in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

These 15 F-4E aircraft will contribute to the modernization of the Turkish Air Force. The aircraft will be provided in accordance with and subject to the limitations on use and transfer provided for under the Arms Export Control Act as embodied in the terms of sale. This sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

There will be no prime contractor in this sale since the aircraft will be provided from inventory.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Turkey.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE,
Washington, D.C., February 9, 1984.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Turkey of 15 F-4E aircraft at an estimated cost of $70 million is consistent with principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the abovenamed articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

WILLIAM SCHNEIDER, Jr.,
Under Secretary of State for Security Assistance, Science and Technology.●

FORCED LABOR IN THE SOVIET UNION

● Mr. SYMMS. Mr. President, it is disturbing to realize that slavery—often thought of as only an ugly episode in the archaic past—is a thriving 20th century institution. I refer to numerous reports of forced labor in the Soviet Union.

I would like to add here that Wes Gullet of the Senate Republican Conference has worked many long and unpaid hours to spread the awareness of the Soviet slave system in the committee rooms and editorial offices of Washington, D.C. He is to be commended for his humanitarian efforts. Working with Wes, members of my staff recently received firsthand information on this subject when they were briefed by Mikhail Makarenko, a Soviet dissident now living in the United States. Mr. Makarenko is not afraid to speak out, despite considerable personal risk, on his knowledge of human rights abuse in the Soviet Union. He presents weighty, empirical evidence that the Soviets rely heavily on forced labor as a major segment of their economic system. He shows that slavery is being used to manufacture export commodities and to construct the Soviet natural gas pipeline to Western Europe. Their purpose? To increase hard-currency earnings by lowering the cost of production of exports with slave labor. In this way, the Soviets are able to subsidize their ever-growing military machine, and to keep their patchwork economy operating.

Mr. President, what adjectives can we find to describe the use of human beings as chattel? How do we convey the slow, living horrow of slavery in mere words? In a Marxist-Leninist society, slavery in one form or another is the only remaining system of incentives—the incentive of mere survival. Slavery belies the basic lie, the inherent hypocrisy of the so-called workers' state, in which the most hallowed ideals of free labor are perverted to serve the interests of a totalitarian state.

Mr. President, only someone who has lived in such a system could describe it. I direct my colleagues to a letter by just such an individual, one Anatoly Marchenko, that was reprinted in the Wall Street Journal on January 20, alongside an editorial in that newspaper. I ask that the articles be printed in the RECORD.

The material follows:

[From the Wall Street Journal, Jan. 20, 1984]

MAGGOTS AND PRODUCTION QUOTAS IN A SOVIET CAMP

The following statement was addressed to U.S.S.I. Procurator-General A.M. Rekunkov Nov. 16, 1983, by Anatoly Marchanko, a prisoner in a Perm labor camp. It reached the West through Soviet human-rights activists and was translated by New York-based Khronika Press:

This will be the fourth time I have written you about arbitrary acts of labor-camp officials and their insulting behavior toward political prisoners.

I know that other political prisoners from our camp have sent similar statements to the Procurator's Office. Our appeals to the organs of supervision and control have been met with silence (yours, for example), or with formal answers covering up or justifying illegal and arbitrary acts. That makes the Procurator's Office and you personally accomplices in the "violation of socialist legality" (which seems to be your term for cruel and humiliating treatment), a new twist in the history of "developed socialism."

Let me recall some facts:

On May 4, 1983, the political prisoner Zurab Gogiya noticed a maggot in his bowl of soup. He told two friends, Stepan Khmara and S. Uvarov, about it and expressed his dissatisfaction to the senior cook. The camp commander Maj. Osin sent all three to punishment cells for 15 days (for slandering the kitchen). Two additional punishments were added: The three prisoners were deprived of canteen privileges and of family visits.

Gogiya, Khmara and Uvarov protested Osin's action. The three received similar answers from the Procurator's Office: "The substandard preparation of food was not substantiated by our examination. . . . The punishment was correct."

Not substantiated by examination!

On July 11, the political prisoner A.K. Kolpakhbaev extracted a maggot from his supper. It was still alive! I saw it myself and presented this unsubstantiated-by-examination fact—a live maggot—to officer of the day Capt. Sidyakov. The following day, July 12, political prisoner Ivan Kovalev fished out with his spoon another such "fact." He visited the kitchen together with the officer of the day Lt. Volkov and found another maggot in a cooking pan.

On July 19, political prisoner A.Y. Shipkov discovered a maggot in his breakfast.

Are those sufficient facts to call for a serious inspection of the food and the kitchen? And to cancel the unjust punishments of the first three prisoners? Not at all! Shipkov and Kolpakhbaev managed to escape any consequences of their "tactless discoveries." (They were looking forward to visits and lodged no complaint after observing the fate of their fellow prisoners.) Kovalev addressed a complaint to Osin. The next day Kovalev was deprived of canteen privileges. Soon thereafter he was sent to a punishment cell for 15 days. When his term expired on Aug. 2, Kovalev was not released. He was sentenced to 12 more days in the punishment cell; on Aug. 14 to another 15 days and then to six months in the camp prison. Of course, different pretexts were given for Kovalev's punishments. (They can find a reason to punish anyone, anytime. So what if it's a fake. Just try to prove it!) We all understood the real reason for Kovalev's punishment—his complaint about the maggots.

Neither the state nor the hard-earned money of Soviet taxpayers supports us. We Soviet prisoners pay for our food, clothing, boots and even our barbed wire and guards. The cost of those items is subtracted from our earnings in the camp. They take one ruble a day for the camp chow. It is only one ruble, but it gives us the right to decent food, cooked without maggots.

My statement has another point: the reason for punishment and persecution. Other than silly reasons (such as "appeared at work without a jacket," "reading after curfew," etc.) and false reasons, the favorite reason is "nonfulfillment of the production quota." That was the formal basis for the punishment of Khmara, Gogiya, Uvarov, Kovalev and many other prisoners. You must meet the quota without regard to your physical capacity (Khmara, a cardiac patient, was assigned to heavy labor), without regard to your background or skills, without regard to whether you are in the barracks or in a punishment cell. For nonfulfillment of quota, you face loss of canteen privilege, cancellation of family visits, a punishment cell, or transfer to the camp prison or a separate prison. It is not just forced labor—it is squeezing out the prisoner's vital juices. "We will starve you and freeze you not because you are Ivan Kovalev but because you are not fulfilling your quota," Kovalev was told in the camp prison by Ponomarev, the camp doctor! Of course the Procurator's Office confirms: "punished correctly," "the administration acted lawfully."

A propaganda display has been built in our camp: "Where Our Products Go." We see that products of the workshop with the unrevealing name "Institution VS 389/35" are sent to the Socialist countries, and exported to Egypt, Pakistan, India and France. Of course, they are forwarded through in Sverdlovsk or some other town without the hallmark of the prisoner who produced them. VS 389/35 is only a subsidiary of those great enterprises producing for export. We know to what countries our products are sent, but do the buyers know where the products are made? Do they know who produced them, receiving for their labor thin soup with maggots and, if they fail to produce their "quota," the punishment cell?

The facts that I have cited permit me to assert that the labor-camp system together with the Procurator's Office (in the camps for political prisoners there are KGB officers as well) constitute a versatile machine for squeezing from the convicts sufficient surplus value to make Soviet products manufactured for export really competitive on the world market.

The Procurator's Office deserves a place in the trinity. It is always on the side of the MVD and the KGB, always against the prisoners. And never on the side of the law.

Anatoly Marchenko was born in 1938, the son of a Siberian railroad worker. Since his first conviction for a political crime (treason, for an attempt to flee to Iran in March 1961), Mr. Marchenko has spent more time in prison, labor camp and internal exile than he has at liberty. He is the author of "My Testimony" (Dutton, New York, 1969), about conditions in the post-Stalin penal system. Mr. Marchenko was sentenced in September 1981 to 10 years in labor camp and five years of internal exile for his second book "From Tarusa to Chuna" (Strathcona, Royal Oak, Mich., 1980), an account of a 53-day hunger strike he conducted in 1975.

Ivan Kovalev, the son of prisoner of conscience Sergei Kovalev and husband of Tatiana Osipova, also a prisoner of conscience, was sentenced in April 1982 to five years in labor camp and five years of internal exile for participation in the Moscow Helsinki Group, a human-rights organization.

Stepan Khmara was born in the Ukraine in 1937. He was sentenced in December 1980 to seven years in labor camp and five years of internal exile for participation in the Ukrainian Herald, a samizdat journal.

Zurab Gogiya, a journalist born in 1946, was sentenced in September 1980 to five years in labor camp and three years of internal exile for circulating nationalist leaflets in Georgia.

THE SLAVE LABOR ISSUE

The nearby letter from a Soviet labor camp in the Perm region should make interesting reading for the U.S. Treasury Department. The well-known political prisoner Anatoly Marchenko is putting some facts on the table about Soviet forced labor that Treasury Secretary Regan has seemingly preferred to ignore.

One of the duties of the Treasury Department is to enforce an obscure law prohibiting the importation of "all goods, wares, articles and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or forced labor." This law, Section 307 of the 1930 Smoot-Hawley Tariff, was almost unknown in Washington until Commissioner William von Raab of the U.S. Customs Service read about it in the Reader's Digest. Commissioner von Raab, a Reagan appointee, was preparing to enforce it when the higher-ups found out and sent the issue to the graveyard of a high-level interagency committee, we're told. Section 307 is still on hold. Congressional sources say Treasury wants to drop this hot potato by promoting Commissioner von Raab to some less controversial job.

It's all an embarrassing spotlight on one of the Soviet Union's more repugnant features. At a conservative estimate, some two million prisoners labor in the Gulag. The total Russian work force is about 115 million, and forced labor is much less productive than the rest, but still two million workers are not insignificant in anyone's economy, and certainly not when thought of in human terms. They fell trees, mine gold and uranium, polish glass (for chandeliers!), assemble wooden chairs and, in the case of Mr. Marchenko's Institutions VS 389/35, operate lathes. According to a Central Intelligence Agency report, some Gulag-made wooden furniture, electrical components and glass camera lenses may be reaching the U.S. Private sources also charge that forced labor contributes to production of anhydrous ammonia, one of the main Soviet exports to the West.

Physical conditions in the camps are appalling enough, but the situation is infinitely worsened by the arbitrary conduct of the MVD authorities. By a recent Russian law, camp directors can extend a prisoner's sentence almost at will.

Unions, human-rights groups and congressmen have been hampered in raising this issue by the lack of specific information on imports coming from the camps. Some charges have been vague or inaccurate, to the point of being repudiated by those Soviet dissidents who have adopted a policy of rigid accuracy. But Mr. Marchenko's account comes through reliable channels, and he has been highly credible in the past. Apparently the MVD itself likes to brag about its Gulag-made exports.

If the government really wanted to learn, it could probably find out all it needs to know to exclude forced-labor imports. It may seem like a small issue in terms of the actual value of the imports involved, but if anyone in Washington is really serious about human rights, it becomes a very large issue. We wonder why the adminsitration seems so willing to brush it away.●

HUNGER: A NATIONAL PROBLEM

● Mr. SASSER. Mr. President, I rise today to address an issue which has attracted considerable attention lately, namely, the issue of hunger in America. While I find the administration's insensitivity to this problem shocking, I do not find it surprising.

Indeed, upon close examination of the President's recently submitted fiscal year 1985 budget, one can see all too clearly where this issue stands in the administration's list of priorities. One of the most severe cuts would result in the termination of more than one-half million low-income pregnant women, infants, and children from the supplemental food program for women, infants, and children, the so-called WIC program.

Another proposal in the President's budget would merge the child care food program and the summer food program and then freeze funding at the fiscal year 1985 levels. This would effectively result in a cut of nearly 20 percent below "current services" levels for these programs.

The administration's suggestion that hunger is an "anecdotal" problem in America clearly misrepresents the reality of the hunger problem. The President's task force on food assistance simply skirts the issue when it declares that since hunger "can neither be positively refuted nor definitely proved, it is likely that hunger will remain as an issue on our national policy agenda for an indefinite future."

Well, Mr. President, remarks such as these simply disregard the fact that twice as many people sought free meals in 1983 at many of Tennessee's soup kitchens than in the previous year. Remarks such as these disregard the fact that a family of four participating in the AFDC program receives only $154 per month: and that food stamp participants nationwide are expected to feed each member of their family on a mere 46 cents per day.

On a recent visit to Miami, Fla., I came across an article in the Miami News which brings the problem home most forcefully. The article describes a situation which unfortunately is typical of all too many families in this great land of ours. The story describes the plight of Sandra Alfonso and her four children. I urge my colleagues to read the article and remember that stories like these are occurring in every city and town in the Nation at this very minute.

Mr. President, I ask that the text of the Miami News article be inserted in the RECORD at this point.

The article follows:

HUNGER IN DADE COUNTY

(By John Doussard)

"It's OK," Sandra Alfonso said, "There's a lot of good things in beans. There's a lot of good things in rice. And there's not money for anything else. Meat is too expensive. Vegetables are too expensive. I buy beans in lots of colors, red and white and black and green, so the children don't get tired of eating them all the time. Beans are good for them."

Dinner is the only meal the two oldest, Jose, 13, and Sandra, 7, eat at home. They're old enough to go to school and receive a free lunch there, although occasionally they have a bag of cookies or a pound cake as a treat at home. From Thursday's dinner, Alfonso had set aside one extra meatball so that the two babies—Farah, 3, and Elba, not quite 1½—would have something to eat the next day at lunch.

It is Jose who worries his mother, Jose the one she talks about when asked almost anything about the kids. He is a good boy, but at 13 is beginning to notice what is around him, what he doesn't have that others do—a radio, new tennis shoes. And food. Like every teen-ager, he is always hungry, asking for fried chicken and cookies and pound cake, as much as he wants every day. And then he sits down to a table that is always the same, last week fading into the week before, variety coming in colors, not tastes.

"I buy milk for the babies," Sandra Alfonso said. "If I don't have money for milk they get sugar water. They like sugar water. It tastes good and fills them up when there is nothing else. Milk costs $2.50 a gallon and that is a lot of money.

"But when I can I try to buy the milk and save it for when they go to bed. That way, the babies have something nice in their stomachs when they go to sleep."

Is there hunger in America?

For four months, the President's Task Force on Food Assistance had investigated that simple, single question. And two weeks ago in Washington, the group was back with its preliminary report, with answers.

President Reagan had called for the task force in August, after the Census Bureau had reported domestic poverty—the number of people living without enough to adequately feed and clothe themselves, and live in safe shelter—was the highest since 1965, the year Lyndon Johnson had declared America's War on Poverty. The numbers were staggering in a land of wealth: 34.4 million Americans, 15 percent of the country. In a memo to White House counselor (now Attorney General-designate) Edwin Meese, Reagan said the report had left him "perplexed." Wasn't the government, he said, already taking care of this sort of thing?

But even as the question was being asked in Washington, Dade County was living answers of its own. For more than a year now, agencies that care for the estimated 300,000 living in poverty in Dade have been inundated with request for assistance—food, mostly—on a scale that many say is unprecedented here, in some cases comparable to the poverty of the '30s.

Some shelters are reporting caseloads where pleas for help have doubled; most come not from the estimated 4,000 homeless who wander South Florida's streets, but from what is now being called "the new poor"—an unemployed working class.

In July, a Government Accounting Office study showed the unemployed middle class as the fastest growing segement of the hungry in America. And while Dade County's unemployment figures have dropped to the lowest point in two years, agency workers say many who show up at their doors are people whose jobs have, perhaps permanently, disappeared. Those who have given

up looking don't show up in the government's unemploymemt figures.

"If you're talking about people who are dying of malnutrition, then no, there is no hunger in America," said Mary Smith of the Christian Community Service Agency. "But if you define hunger as not having enough to eat to meet the minimum daily requirements for basic nutrition, then yes, there's a lot of that here.

"There are families of four in Dade who are having to decide who eats tonight, Mom and Dad or the kids, or if everyone should get just a taste to tide them over. And we're not just talking about Liberty City and Overtown. Only 50 percent of the hunger in Dade Count is confined to what's called the '18 targeted areas' where you expect the poor to live. The other half is spread out among the rest of us."

Last week 10,000 senior citizens showed up at the Orange Bowl ro receive two, two-pound blocks of surplus government cheese and a half gallon of milk. Hundreds had shown up by 4 a.m. to wait, and at 7—three hours before the Red Cross said it would open its doors—more than 2,000 people stood in line.

"How can anyone say there's no hunger?" said Sonia Cohen, a Red Cross spokesman. "You have to ask yourself: 'Who would stand in line just for a piece of Cheese?' The only ones eligible for this stuff were senior citizens receiving SSI [Supplemental Security Income], and if anyone thinks they were doing it just to save a few dollars, they're crazy.

"You have to be very, very hungry to stand in line for this stuff. I wouldn't do it, especially not at their age. Would you?"

One problem the President's task force identified was the lack of a statistical yardstick by which to measure the nation's hunger. "We cannot report on any indicator," they wrote, "that will tell us where and how much hunger has gone up in recent years." But there are numbers of a kind.

In Dade, despite tougher eligibility requirements imposed by the Reagan administration for welfare (Aid to Families with Dependent Children), the number of families receiving such assistance in Dade has risen dramatically in the last year, from 13,797 households in 1982 to more than 22,000. Another 80,000 families receive food stamps. For a family of four, welfare brings in $273 a month, and as much as $253 in food stamps, the amount based on a sliding fee determined by a family's resources. If a family received the maximum amount, its $6,312 annual total would still fall more than $3,000 below the federal poverty line.

The task force said such participation in government programs was a clear indication that the needs of the hungry were being met. ". . . For the vast majority of low-income people, the private and public parts of the income maintenance and food assistance efforts are available and sufficient for those who take advantage of them," the task force concluded. But even those charged with maintaining those programs aren't so sure.

"There are a lot of people out there who don't meet the minimum eligibility requirements to get in our programs who are still going hungry," said Mae Bryant, program manager for social services for the state's Department of Health and Rehabilitative Services.

"And some of those who meet our requirements are going hungry, too. In this town, $273 won't pay your rent in the worst part of town. And for older people on fixed incomes, well, their benefits don't mean a thing. A lot of them are single people now. That means they get $76 a month from us to eat on."

If hunger visits every part of Dade, it is the very young and very old who are most susceptible to its ills. According to statistics from Metro's Department of Human Resources, nearly one-third of all children in Dade under 18 live in poverty; for children under six, the number is one in every five. Together, the very young and very old comprise 50 percent of the country's poor.

"It's not just hunger," said Catherine Hertel, director of professional services for United Family Services, "but the effects of poor nutrition as well. Vegetables and meat and fresh fruit cost a lot of money, so the poor don't buy them. When they eat, it's a lot of starches that will fill them up, potatoes, rice, beans and bread.

"I have an old man I know who takes his Social Security check when it arrives each month and goes out and buys 30 cans of spaghetti so he'll have something to eat for the rest of the month. That's all he eats. Is he starving to death? No. But who knows what he's doing to himself."

Last year, a federal government survey ranked Miami as the nation's sixth poorest city—Fort Lauderdale was 77th—but like most figures that try to account for Miami's poor, the numbers are probably wrong, unable to account for the phantom population of refugees that move quietly through South Florida. "A lot of people who need help aren't counted in because they're refugees—Haitians, South Americans—who don't qualify for anything," said Herman Izquierdo, who works in the Little Havana office of the Christian Community Assistance Agency.

"We have as many as 25,000 Nicaraguans alone down here who need some form of help and can't get it. They live in small apartments with two or three families—13 or 14 people—jammed into one place.

"They're anonymous people."

Though no exact figures on hunger exist, some separate facts do. An October report by the U.S. Conference of Mayors charges "more hunger today than at any time since the 1930s," and a study by the Center on Budget and Policy Priorities estimates the number of people standing in soup lines increased by 50 percent in 1983.

In the cities, the story is told in the numbers of hungry who line up for food: In Chicago, 6 million tons of food were distributed by food banks in 1982; three times that amount were distributed in the first 10 months of '83 alone. In Seattle, the amount of free food distributed has risen 300 percent since 1980. In Columbus, Ohio, an Emergency Assistance Task Force took more than 200,000 requests for food last year.

In October, a House subcommittee heard a panel of doctors testify that nutrition deficiencies were causing increasing problems around the country, including a high proportion of poor children whose bodies are below normal weight and height. A Harvard study among school children from Boston's poor neighborhoods found "a substantial growth failure" among children under 5, and the Washington-based Food Research and Action Center, using Census Bureau figures, estimated that because of tougher Reagan administration guidelines, only 22 million of the estimated 34 million Americans living below the poverty line received food stamps. Fifty million people, the center said, qualified.

"I'm at an age where I can remember back to the Depression, and that's the only thing I remember that's like what we're seeing now," said Howard Cawein, director of Daily Bread, a Miami volunteer food bank that distributes surplus food to charitable agencies throughout the county. When it opened 18 months ago, Daily Bread supplied 26 agencies. Today, it has 181—private charities, churches, government outlets. At the Salvation Army, one of the agencies it serves, the number coming for help has doubled in the last year.

But in the end, with no firm—statistical—data to work with, the President's task force concluded that, while hunger existed, it could not be accurately measured and was not caused by cuts to social service programs enacted by the Reagan administration, estimated to be $12 billion by the Congressional Budget Office. The report's findings have since drawn fire from the U.S. Conference of Mayors, the National Governors Association and private and church-related charitable groups including the National Council of Churches.

"We have not been able to substantiate allegations of rampant hunger" in America, the task force concluded. "We regret our inability to document the degree of "non-clinical" hunger because our lack of definite quantitative proof contributes to a climate in which policy discussions become unhelpfully heated . . ."

The only hard information in Sandra Alfonso's life is the knowledge that each month there won't be enough food to last all 30 days, that after three weeks her children will be able to eat only through the kindness of someone else. She is not starving, at least in a medical sense, but her life is one in which much of the food that many Americans take for granted is not even a remote possibility.

She moved again two weeks ago, to a small apartment only a few blocks from the concentrated affluence of the Omni. It's one long room, actually, divided with 8-foot sheets of plasterboard that don't reach the ceiling. The dividers slice out two small bedrooms, each only big enough for a dresser and bed and to turn around in. It's $260 a month. The bare bulbs hang from exposed wires, and pipes from the upstairs make the bathroom an obstacle course. But it's still cheaper than her old place a few blocks further north. They were paying $275 for it.

"That's 15 dollars I can save," Alfonso said, "and 15 dollars can buy a lot of food for my kids."

Each month, she receives $315 in welfare payments and another $171 in food stamps. Making out a budget on that kind of money is relatively simple: rent, food and whatever is left goes to pay whatever part of the utility bill she can. Her apartment came with a gas stove, but she uses a hot plate that has only one burner working. "It's not so bad," she says, "you just have to start getting things ready real early." There simply wasn't enough money to get the gas turned on.

Sandra Alfonso came to America from El Salvador 15 years ago, a quiet 17-year-old girl who had seen a picture of the United States once in a book and begged her mother to let her come see it for herself. They'd made a deal—if Sandra finished the sixth grade, her mother would let her come to America. She landed in New York in November of 1968, a place that still makes her smile. A month later she met Jose Alfonso. They were married before spring. Jose Jr. came two years later. Sandra and the two

babies were born in Miami, after Jose had driven down on a lark with friends. She left him three years ago, when she was pregnant with Elba, the little one.

The average welfare assistance in America allots 46 cents to feed each member of the family at every meal. Alfonso has only about two-thirds of that to work with, making things stretch by serving one meal a day to everyone except the babies. She tries to serve meat once a week—ground beef or chicken—and occasional treats. The children, like kids everywhere, don't like vegetables, but they're too expensive for the Alfonso family anyway. She buys only a few carrots from time to time to stick in soup with potatoes.

When her food stamps run out around the third week of the month, she is luckier than many others. Some people buy popcorn when their food stamps run out, which fills up the stomach and fools it until the first of the month. Others buy only bread. But Alfonso has credit at one of the small Spanish groceries that dot neighborhoods around here. It is a trade-off: In exchange for shopping in a place where the prices are higher, she gets credit at the end of the month when there's nothing left to eat.

"So I have to go to the Spanish stores. They are good people, but I have to keep buying things to keep getting the credit. What I do is save a little bit back each time I go. That way I can also go to the Grand Union and buy something like milk."

She is a methodical shopper: She buys whatever is the cheapest. Rice comes in 15-pound sacks. "Welfare mothers are the best budget managers in the country," said Mae Bryant of HRS. "They have to constantly think and juggle because what they have is never enough. They're always thinking, 'This month I pay the light bill and then skip it next month so I can pay the phone.' No one realizes how much stress there is living that way."

Alfonso said she tries from time to time to find odd jobs, part-time work that won't take her too far from the neighborhood. It's been three years since she worked a steady job, caring for an elderly woman on the Beach who eventually moved back up north. "I like working, I like making money," she said, "and no one wants to stay around all day."

There have been a few things since, such as selling cosmetics door-to-door for a friend, but nothing that lasted more than a few hours or days. The main problem is a familiar one to poor women: There are few places to leave the children during the day, and almost no job for which they are qualified pays enough to hire a babysitter.

"I don't worry about me," she said. "God is with me everywhere I am. But I worry about the children. I worry about them being in this neighborhood. I don't let them play outside, only at school. I worry at the end of the month when there is no food and I can't get a dollar to pay for something to eat. So I pray to God a lot. I go to my church on Tuesday and Thursday and Sunday, and I pray that my children will have a life.

"But I don't think this will ever end. I don't think it will ever get better. I won't be able to give my kids anything more than what they have right now. I won't ever have money to buy them things. What I hope will happen is that my children will grow up and get jobs.

"They'll grow up and be working and, when they do, one of them will want to take in the old woman who is their mother and take care of her."●

ADVANCE NOTIFICATION: PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications have been received, which I submit for the RECORD.

Interested Senators may inquire as to the details of these advance notifications at the office of the Committee on Foreign Relations, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 9, 1984.

In reply refer to: I-00999/84.

Dr. HANS BINNENDIJK,
Professional Staff Members,
Committee on Foreign Relations,
Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILLIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 8, 1984.

In reply refer to: I-00073/84.

Dr. HANS BINNENDIJK,
Professional Staff Members,
Committee on Foreign Relations,
Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILLIP C. GAST,
Director.

THE GOOD SAMARITAN VOLUNTEER MILEAGE BILL

● Mr. ARMSTRONG. Mr. President, is Government policymaking voluntarism a luxury that few Americans can afford?

This question, Mr. President, was posed at a congressional hearing and struck with lightning bolt force. Lightning then struck twice when the answer came back loud and clear: Yes, Government policy does discourage voluntarism.

To reverse this policy, Senator DAVE DURENBERGER and I are introducing the Good Samaritan Volunteer Mileage Act.

The facts are indisputable. Though social needs are greater than ever, fewer and fewer Americans are financially able to deliver meals to shut-ins, visit the sick, take scouts on camping trips, drive a cancer-stricken child to daily treatments, or help conduct the local special Olympics.

This decline is at least partly the fault of Federal tax policy which prevents proper reimbursement for volunteer costs. Although costs of owning and operating a car exceed 24 cents a mile, volunteers can deduct from their taxes only 9 cents for each volunteer mile driven, or about one-third of the actual costs.

The result? Americans no longer just volunteer; they have to pay to volunteer.

The good samaritan volunteer mileage bill Senator DURENBERGER and I are introducing will correct this problem. It is simple. Volunteers would be able to deduct the same mileage costs as businessmen and Government workers, who use cars in their work—20 cents a mile.

The justice of this bill is clear. Consider the following cases: A State volunteer director attends a week-long volunteer convention in Hawaii. As long as most of the day is spent in volunteer meetings, the trip—airfare, meals, lodging, sightseeing, et cetera—is fully deductible. When the director returns, and resumes work driving about the State coordinating volunteer activities, only 9 cents a mile is deductible.

A Salvation Army volunteer who comforts the sick can deduct only 9 cents a mile for driving to the hospital. Yet a salesman calling on that same hospital to sell medical supplies not only earns a salary but deducts 20 cents a mile from his Federal tax return.

A Red Cross volunteer reporting to a disaster shelter during a flood is allowed by the Federal Government to

deduct only 9 cents a mile to get there. Yet a paid employee of the Federal Emergency Management Agency is reimbursed 20 cents a mile to drive to the same shelter.

Or consider neighbors who band together to establish neighborhood citizen watches to patrol their streets. They can deduct only 9 cents a mile, but a security guard hired to patrol the same neighborhood can deduct 20 cents a mile.

Or consider the chairman of the Denver chapter of the American Red Cross who each year drives more than 2,300 volunteer miles. Though he is allowed a deduction of only 9 cents a mile, the actual cost for owning and running his car exceeds 25 cents per mile.

More than 92 million Americans volunteer their time, services, skills, and cars to help the needy, the victims of natural disasters, the homeless, the sick, the imprisoned, the homebound. The total value of these services exceed $64 billion, according to the Gallup organization.

These volunteers are essential to our national well-being. Without them, there is a real question about whether our less fortunate could even survive. Neighbors helping neighbors is an American tradition; it is something that the Federal Government should encourage, not tax.

But voluntarism is becoming a luxury that too few Americans can no longer afford because Federal policy is horribly out of date.

The volunteer mileage deduction became law in 1958. Then the deduction was 7 cents a mile, gasoline sold for 29 cents a gallon, and oil was 15 cents a quart. Today, gasoline costs upward of $1.29, and oil exceeds $1 a quart—increases of more than 300 percent and 500 percent.

And what can volunteers deduct for their mileage?

Only 9 cents a mile, just a 28-percent increase in 25 years.

It is no surprise, then, that volunteer leaders report their frustration in trying to recruit and retain volunteers and their cars:

The Junior League of Denver reports a sharp drop in school volunteers, especially in low-income urban areas where mothers must drive crosstown to reach their children's schools.

The director of the Colorado Office of Voluntarism reports that three seniors programs are threatened because the low mileage deduction allowed by the IRS make it impossible for seniors to fit volunteer work and expense into their budgets.

The District of Columbia retired senior volunteer program reports that "volunteers are unable to continue volunteering as a result of high costs of driving their car."

Contact, a youth community communications hotline in Syracuse, N.Y., reports increasing resistance from volunteers to requests for participation in workshops away from volunteers' homes.

Montgomery County, Md., reports a dramatic decrease in willingness of volunteers to provide cars to deliver services. It is so serious the county is considering loaning county cars to volunteers, at considerable expense to the county.

These and other case histories underscore why this legislation is urgently needed. High gasoline costs and the refusal of the Federal Government to allow volunteers on adequate deduction for mileage costs in computing their Federal income taxes jeopardize the quality—and in some cases, the very existence—of many vital volunteer programs.

Congress should not want responsibility for the decline in voluntarism.

To help the spirit of voluntarism to prosper, I urge quick enactment of the good samaritan volunteer mileage bill.●

TAX REFORM

● Mr. SYMMS. Mr. President, in my 12 years in the Congress, I have learned that it is very difficult to reform years of bad policy and Government excess. Nevertheless, reform can be achieved—excesses can be redressed.

We are paying for our excesses today. And we will continue to pay for our excesses as long as we continue to borrow against the future. With bracket creep, we have continued to increase the tax burden for Americans. Now we tax away more than 20 percent of our gross national product. Spending has also increased sharply, to 23 percent of the GNP in 1980. We accomplished this dubious record by milking the middle-income taxpayer. Ignoring the tax burden we had heaped on him, ignoring the high cost of living, ignoring the middle-class contribution to the Nation's wealth—Congress allowed taxes to rise through bracket creep. This was far worse than taxation without representation; it was Government by autopilot.

Then, as inflation hit the double-digit rate, something else happened—our taxing and spending policies began to affect not just the middle class, but the less fortunate as well.

Elder citizens were severely penalized for years of frugality and thrift. Young people and minorities were beginning to land their first skilled jobs, becoming better off than they had ever been before. Then the double blows of bracket creep and inflation took away any gain.

In short, Congress had turned the rationale for incentive inside out, making a cruel joke out of every pay bonus.

Well, we finally did something about bracket creep. We killed it. Beginning in January 1985, indexing will restore incentives; once again, pay bonuses will actually mean something. And the beauty of this major tax reform accomplishment is that it is extremely unlikely that any Congress will be able to summon the arrogance necessary to repeal the indexing of our taxes. Such a Congress would have to withstand a firestorm of open outrage and popular indignation unprecedented in recent times.

I mention this to remind ourselves that there are victories in Washington, that destructive economic and tax policies can be changed. Mountains can be moved if enough of us push hard enough, long enough.

Mr. President, I ask that an article by Robert W. Merry in the December 7, 1984, edition of the Wall Street Journal be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Wednesday, Dec. 7, 1983]

THE '81 TAX BILL'S LONG-TERM RETURNS

(By Robert W. Merry)

WASHINGTON.—I took over this newspaper's coverage of tax and budget legislation in early 1980, just as the country's ruling Democratic Party, panicking over a collapsing bond market and an approaching election, mounted a rare assault on the large budget deficits plaguing the government. The assault failed.

I now leave that assignment after covering the effort of Sen. Robert Dole and other Republicans to mount an attack on today's deficits, far larger than anyone dreamed possible four years ago. That effort also failed.

And every effort in between has failed. Nothing changes, it would appear.

But appearances are wrong. In fact, a great deal has changed during the years I've beheld the spectacle of Congress grappling with fiscal policy. The debate and balance of political power surrounding the issue of taxes and spending have been transformed entirely, and probably for a long time to come. Democrats, once predominant on the issue, have lost control of it. Tax increases, once automatic and hidden, now must be enacted in specific detail and in the open. And the White House, once limited in influence over such issues, seems to be emerging with enhanced power.

BACK TO THE 1970'S

The key to all this was the electoral earthquake of 1980 and Ronald Reagan's remarkable political success in curbing the country's tax-burden growth even in the absence of commensurate spending-growth curbs. This policy is best exemplified by tax indexing, the plan to expand tax brackets with inflation so Americans won't find themselves pushed into ever-higher brackets as their incomes rise along with prices. That plan is scheduled to take effect Jan. 1, 1985, and it increasingly appears that critics won't be able to marshal enough support to repeal it or scale it back before that date.

To understand the significance of indexing, it's necessary to go back to the 1970s, when inflation began its insidious attack on the nation's economy. The result was automatic revenue windfalls for the government

and great political flexibility for those in Congress inclined toward more and greater spending programs.

Throughout the 1950s and much of the 1960s, the nation's tax burden, as a percentage of the gross national product, had fluctuated between 17% and 18.5%. By the early 1970s, it began creeping up to about 19%. Then came the mid-1970s and ever-higher inflation. Taxes shot up to 19.5% of GNP in fiscal 1974 and stayed above that level thereafter, except for one year. The tax burden reached 21.9% in fiscal 1981, and President Carter's fiscal-1982 budget projected it to rise to 22.7% by fiscal 1983.

Three important facts attended this development. First, Congress never really voted for this tax-burden growth. While some "tax reform" measures of the 1970s did expand the tax base by eliminating certain tax preferences—provisions that favored business, the wealthy or other groups of taxpayers—most revenue measures passed in this period actually were billed as tax reductions. Taxes were rising through "bracket creep."

Second, when Congress did enact so-called tax reductions, it generally gave more relief to lower-income Americans. Tax-relief measures generally were aimed at those earning less than $15,000 to $20,000 a year. Those earning more than $30,000 or so were considered well off and got much less relief. Meantime, bracket creep, intertwined with Congress's tax action, increased the progressivity of the tax code in ways that greatly increased the tax burden on the middle class. These same people also shouldered a substantial share of the big Social Security tax increases enacted in 1977.

Third, this growing tax burden never closed the fiscal gap, never brought the government close to a balanced budget. As government receipts rose, government spending rose even more. By 1980, total spending reached 23% of GNP, compared with a range of 17% to 19.5% during the growth years of the 1950s and the 1960s. As a consequence, President Carter's tax projections rose inexorably so he could redeem, at least on paper, his promise of eventually balancing the budget.

In retrospect, it seems inevitable that such policies would be rejected; more and more ordinary Americans felt they were getting little sympathy from Washington politicians as they struggled to keep their after-tax income abreast of inflation. The result was that the Democrats lost much of the middle class—and hence their mandate to rule.

Enter President Reagan and a fresh crop of Senate Republicans hell-bent on slashing the nation's tax burden. When the dust settled after the tax battles of 1981 and 1982, the president had succeeded in reducing the burden substantially. Mr. Reagan's projections call for an annual tax burden of 19% to 20% of GNP after economic recovery erases the effects of recession on tax receipts. By contrast, President Carter foresaw persistent tax-burden figures near 23%.

What's more, there won't be any more automatic revenue windfalls for the government. They will be eliminated by the 1981 law that indexes tax brackets. If Congress wants more revenue, it will have to vote for new measures and take the political heat.

This fact carries profound political significance. No longer can politicians dispense political favors without regard to the tough questions of spending-and-revenue trade-offs. Representing back-home constituencies will become much more difficult and much less fun—but probably more responsible.

This remains only dimly perceived by many on Capitol Hill. As the significance of tax indexing began to seep into the congressional consciousness, many simply assumed that it would be repealed, just as the president's individual income-tax cuts were expected to be scaled back. But it now seems apparent that that won't happen, for the simple reason that it would set off that middle class that, battered and angry in 1980, fostered this tax-policy revolution in the first place.

In fact, many Democrats were skittish when House Speaker Thomas P. O'Neill sought to scale back this year's individual tax-cut installment, beginning with taxpayers earning $40,000 to $50,000. Connecticut's Rep. Barbara Kennelly, a Democrat with well-honed political instincts, noted at the time that a two-income family living on $50,000 with two children in college and a 12% mortgage probably doesn't consider itself very well off at all. And many young House Democrats are warning their leaders that attacks on tax indexing would fall unacceptably hard on lower- and middle-income Americans. Tax brackets are narrower at those income levels, and inflation pushes those taxpayers into higher brackets much more quickly. As for Republicans, "it's Holy Grail for us," says a top GOP House staff official.

Thus, indexing seems to have arrived, bringing with it some big implications. Among them:

Experimental economics: Although there's widespread skepticism about supply-side predictions that economic growth spurred by Mr. Reagan's tax cuts can slash deficits, that proposition now seems destined for a genuine test (depending, of course, on the nature of monetary policy in coming months). The Reagan tax cuts won't be obliterated by Congress before they have a chance to have some of the impact predicted by supply-siders. And to whatever extent they do have impact, that will reduce the need for future tax increases.

Tax-Spending Trade-offs: Bereft of automatic tax increases, congressional friends of various spending interests will find themselves in an entirely new political game. They may win some revenue-raising concessions in order to protect some pet programs, but almost certainly they will have to give up some other spending in exchange. The balance of political power, once held by spending advocates, is now much more evenly divided between spending and tax-cut advocates, with tax-cutters clearly holding the edge as long as they hold the White House. Already, in fact, we see a dearth of new spending measures getting serious attention in Congress.

Institutional Changes: The administration actually could get even more leverage over Congress as lawmakers come to grips with the distasteful choices they will face on fiscal matters. One way to escape the political whipsaw is to dump more responsibility on the president, to give him greater power to rescind congressionally mandated spending. This seemed laughably impossible a few years ago; it's now being discussed more seriously than ever, and many lawmakers see growing support for it.

Tax Reform: When Congress does more to raise revenues, it probably will follow the 1982 course and pare down tax preferences before attempting to take back the broad-based tax-rate cuts enacted in 1981. It won't be easy: The corporate and other special interests, with their high-priced lobbyists and special access to Congress, may look back on the big 1981 bill, that catchall of tax goodies, as their greatest hour. But taking on some of them surely will be more palatable than raising the ire of that tax-weary middle class. Thus, Congress may be headed toward a synthesis of the tax-preference hostility of tax-reform advocates and the rate-reduction advocacy of supply-siders.

All this certainly is not to suggest that these developments will lead to a balanced budget any time soon. Nearly four years of covering fiscal legislation does not exactly breed political naivete. But it is to suggest that the Reagan revolution is just beginning to be felt politically by a Congress in the grip of tax and spending decisions amid huge projected deficits. From now on, fiscal battles will be fought on an entirely new battleground.●

SOVIET JEWRY

● Mr. MOYNIHAN. Mr. President, one frequently hears reference made to "doublespeak," George Orwell's fitting characterization of the deliberate distortion of the meaning of words to the point where they serve not to convey ideas or information but rather to obscure and to deceive.

As my colleagues know, for many years the Soviet Union has been embarked upon a sustained propaganda attack against the legitimacy of the State of Israel, a campaign in which doublespeak has been raised to levels of state policy. In this, as I have stated, Israel serves as a metaphor for the West. Israel's very right to exist as a sovereign nation has been challenged frequently through attacks on Zionism, and the institutions of the Israeli Government.

Incredibly, Pravda, the official voice of the Soviet Communist Party, has gone so far as to accuse Zionists of complicity with Nazi atrocities against Jews during the Second World War. The thinly disguised anti-Semitism of the Soviet Government, and its simple-minded mendacity in respect thereof, is nowhere more blatant than in an article published in Pravda on January 17. It is attributed to one Vladimir Bolshakov, a professional propagandist whose particular specialty seems to be the discrediting of Zionism as racism.

In the course of one medium-length article, Bolshakov manages to equate Zionism with racism, fascism, and nazism.

In the Pravda article to which I have referred, Mr. Bolshakov asks: "How can there be any question of anti-Semitism in the U.S.S.R.—a country where the propaganda of racism and national enmity, including anti-Semitism—is forbidden by law?"

The facts reveal this outrageous claim for what it is.

Recently, the Greater New York Conference on Soviet Jewry announced that in the course of 1983 only 1,314 Jews were permitted to emigrate from the Soviet Union. This is

the lowest level of Jewish emigration in 20 years, and it represents a 98-percent decline from the 51,320 Jews who left the Soviet Union in 1979.

I would like to have printed in the RECORD at this point a table detailing the emigration levels for the months of 1983 in comparison to previous years.

The table follows:

JEWISH EMIGRATION FROM THE U.S.S.R.

	1979	1980	1981	1982	1983
January	3,722	2,803	850	290	81
February	3,837	3,023	1,407	283	125
March	4,418	3,049	1,249	289	101
April	4,296	2,469	1,155	288	114
May	4,163	1,976	1,141	205	116
June	4,358	1,767	866	182	102
July	4,068	1,205	779	186	167
August	4,711	770	430	238	130
September	4,663	1,307	405	246	135
October	4,746	1,424	368	168	90
November	4,193	789	363	137	56
December	4,145	889	434	176	97
Total	51,320	21,471	9,447	2,688	1,314

Source: Figures provided by the Greater New York Conference on Soviet Jewry.

Mr. MOYNIHAN. The Soviet Government—and the officially sanctioned Anti-Zionist Committee established last April—would like the world to believe that the majority of Jews who may have wanted to emigrate have now done so. This is not the case.

There are today in the Soviet Union, as best as can be determined, some 3 million Jews. Of these, more than 400,000 have begun the tenuous and dangerous process of applying for exit visas. Those daring to apply for visas are subject to KGB harassment that includes physical intimidation, dismissal from jobs, and threats of imprisonment.

Virtually all Jews are discriminated against in the Soviet Union. One is not permitted to learn Hebrew or to teach classes on religion. Jews do not win admittance to university, or to responsible positions in government or society. Those who in these circumstances therefore desire to leave are mercilessly persecuted. These are facts.

During 1983, Soviet authorities increased already strong pressure on Jews who wished to express themselves religiously and culturally. Hebrew classes are disrupted, prayer services are dispersed—Jews in the Soviet Union are not able to celebrate the religious holidays central to their faith. An ominous illustration of the heightened pressure on observant Jews is the harsh sentence given to Iosef Begun by a Soviet court on October 14. Begun, whose offense was to desire to emigrate and his effort to teach the Hebrew language, received the maximum sentence of 12 years—7 years in prison and 5 years in internal exile.

Begun's harsh sentence is in return a grim reminder of what Soviet authorities had earlier done to Anatoly Shcharansky, a leader of the Jewish cultural movement in the 1970's. Shcharansky, falsely accused of espionage on behalf of the United States and sentenced in 1978 to 13 years, has suffered in labor camps and is now imprisoned in the notorious Chistopol prison. His family fears that he is gravely ill and is not receiving proper medical care—they fear for his life.

In December, the fate of Iosef Begun, Anatoly Shcharansky, and other Soviet Jews became even more uncertain as the Soviet Government imposed a new law permitting prison officials to extend by up to 5 years the sentence of prisoners who allegedly disobey or oppose labor camp authorities. The new measure, article 188-3 of the Criminal Code of the Russian Republic, went into effect on October 1, 1983. The measure is a weapon to be used against Soviet dissidents who continue to refuse to renounce their causes while incarcerated.

When Pravda asks, "How can there be any question of anti-Semitism in the Soviet Union?" the free world must resound with the names of Anatoly Shscharansky, Iosef Begun, Ida Nudel, Levi Elbert, and the thousands of other Jews in the Soviet Union, who suffer especially because they yearn to leave.

In 1984 doublespeak must not deceive us. For if we do not speak out for human rights—for the basic rights of Soviet Jews—we permit the Soviet Government to deceive the world. The definition of truth begins to fade and we find ourselves in a world where human rights have no meaning. The world George Orwell described.●

AMNESTY FOR ILLEGALS

● Mr. EAST. Mr. President, the American people want our immigration laws enforced. They do not want Congress to capitulate to this invasion and grant amnesty to millions of illegal aliens.

No one knows what the cost of amnesty will be. However, one thing is certain, we could double the entire budget of the Immigration and Naturalization Service for a fraction of the added welfare costs of amnesty.

Victor Riesel, a distinguished columnist, warns in the February 18 issue of Human Events that "Amnesty for Illegals Could Bankrupt U.S."

I ask that his article be printed in the RECORD.

The article follows:

. . . AMNESTY FOR ILLEGALS COULD BANKRUPT U.S.

(By Victor Riesel)

Your personal calculator will explode unless it can reckon the billions of dollars it will cost the U.S. at a minimum before 1990 if all illegal aliens or "undocumented workers" are given full amnesty under the bills now being conjured in Congress.

Our country, with its wide-open borders, would lose some $150 billion before the century's final decade rolls in.

There's far more here than elephantine sums looted from ballooning entitlements by those who sometimes insouciantly enter our nation. The damage includes the cost of American and legal aliens displaced from their jobs by the "undocumented" ones. It's estimated that 65 legitimate workers are bumped from their employment by every hundred illegals who are smuggled or simply wander in.

I've been on this illegal-alien story since Jimmy Carter's theoreticians beatifically dubbed the newcomers "undocumented workers." I've discovered that even those most knowledgeable in law enforcement areas and universities aren't certain how many illegals there are, how many come in annually or how many treat themselves to the entitlements ranging from food stamps to Medicaid.

The lowest estimate puts working illegals at 5.5 million. The moderates place them at 12 million. And the specialists who pore over computer inputs and printouts will wager there are more than 20 million.

This does not reflect on our border patrols or the Immigration and Naturalization Service. What force can round up the tens of thousands who sneak in monthly? Each illegal can be outfitted quickly and supplied with a full set of his or her documents for as little as $25 to $100, depending on the locale.

The Social Security Administration tries. It issues about 12 million cards yearly. And 200,000 of them go to legal aliens who are prohibited from taking jobs in this country. The cards are needed for bankbooks, stockholders registration, driver's licenses, university enrollment and all sorts of payments.

However, only a small number of these account for false identity capers. But cards are lost or passed on by some who leave the country. Yet in the next five years there will be about a million of them around.

What did confound even a coordinated group made up of U.S. agency experts is the impossibility of tourniqueting the flood of false identity papers. Only an identity card, carefully devised of material which would be almost uncounterfeitable, could do it. But there are strong forces opposed to such "ID"—though such tickets are mandatory in many nations.

A dramatic report comes from a Rice University (Texas) study that concludes that illegals displace American workers who in turn cost the nation some $25 billion annually. This loss spurts from the payment to the jobless of unemployment compensation, the drop of income tax from the displaced, and lowering of tax revenue because the "undocumented workers" frequently are paid under the table and take less on the record for the IRS.

The tragedy is that some of the legal aliens and a citizenry edged out of work by the newcomers stay on the unemployment list for lengthy periods. This adds to the cost of production because the employer's unemployment compensation rates covering his entire work force increase. This upward adjustment is usually permanent.

Exactly how many of our people are disemployed by "undocumented workers" can't be counted because the number of illegals is estimated from five million to 20 million. Some of them reportedly commute. They come. They buy false identities. They save sufficiently to return home. They visit their families on a line from Mexico to Hong Kong and then slip back in.

They especially hurt our minority workers—many blacks, Hispanics and others who are in apparel shops, "factories-in-the-fields" (agricultural employment), and in hotels and restaurant kitchens.

This adds more jobless to welfare and Medicaid rosters. And if the "undocumented workers," with their forged papers, are senior citizens, it pumps up Social Security and more swiftly empties the Medicare fund.

Add to this the steady dispatch of dollars abroad by the illegals. This is cautiously estimated at about $3 billion yearly. It increases our rocketing foreign balance-of-payments deficit. Surely the monies are needed by families abroad.

But what of our own workers desperate for the dollars here? What of the difficulty to trace fakery of those in our entitlement programs whose checks are sent abroad and who suddenly develop wives and other dependents? The General Accounting Office has probed that one.

Yet the Congress is prepared to enact a general amnesty law. Why? The cost of this is judged by the Office of Management and Budget (OMB) at $2 billion to $3 billion annually during the next five years. This would spring from the entitlements which newly legalized aliens would acquire.

It doesn't include the annual loss of billions of dollars from those pushed from their jobs by illegals. The OMB's figures are the most cautious.

Why should the "undocumented" ones be granted anything if they've been here only a few years and have hurt our own workers? Why should the taxpayers have to make up about $30 billion a year? Amnesty, unless limited, isn't charity. It's masochism.●

WE NEED MORE MAYORS LIKE AL McCLUSKEY

● Mr. SYMMS. Mr. President, back in my hometown of Caldwell, Idaho, we have a very interesting and hard-working mayor named Al McCluskey. Mayor McCluskey does not wait for things to happen; he makes them happen. He does not wait for Uncle Sam to solve the city's problems; he takes the initiative and encourages the citizens of Caldwell to do the same.

The Idaho Statesman, in a recent editorial, called attention to several of Mayor McCluskey's especially imaginative ideas and proposals such as punishing drunken drivers by putting the letters "DUI" on their license plates, and organizing a Mexican-American Advisory Council to promote better relations between Hispanics and Anglos in Caldwell.

Some of his ideas cannot actually be applied to a given situation. But Mayor McCluskey at least is trying to find solutions to Caldwell's problems in Caldwell, instead of looking to Washington with his hopes high and his hand out. We need more mayors like him in Idaho and every other State.

Mr. President, I ask that the Idaho Statesman editorial, "There's Life After Red-Eyed Pete," be placed in the RECORD.

The editorial follows:

THERE'S LIFE AFTER RED-EYED PETE

No matter how you feel about Caldwell's potential for becoming a booming retirement community, you have to hand it to Mayor Al McCluskey. He keeps coming up with interesting ideas.

The latest from Caldwell's inimitable chief executive is his proposal to promote the city as a place for retirees to settle. McCluskey talks—enthusiastically, of course—about Caldwell's peaceful nature, medical facilities, recreational opportunities and good climate.

Whether McCluskey will succeed remains to be seen, but he already has shown that he is willing to play his hunches and try his ideas—apparently without worrying unduly about testing the political wind aforehand.

McCluskey has floated a lot of ideas in his three years as mayor. He proposed punishing drunken drivers by putting the letters "DUI" on their license plates. He came up with a scheme to generate power by installing a turbine in Indian Creek. He organized the Young Adult Advisory Council so that juvenile first-offenders could stay out of court by appearing for retribution before a group of residents. He organized a Mexican-American Advisory Council to try to promote better relations between Hispanics and Anglos in Caldwell.

And, most recently, he amused the whole valley by promoting the whimsical funeral of Red-Eyed Pete, the traffic light that used to hang at the intersection of Fifth Avenue and Interstate 84.

Not all of McCluskey's ideas will pan out, but the important thing is that he keeps plugging away. Idaho could use more like him.●

ROY RICHARDS

● Mr. MATTINGLY. Mr. President, I should like to congratulate Mr. Roy Richards, president and founder of Southwire Co. in Carrollton, Ga., for being named Copper Man of the Year for 1984. Mr. Richards is the first copper fabricator to receive this honor.

Mr. Richards was the driving force behind the development of the continuous casting of copper rod in 1963, a process that revolutionized the copper industry and advanced his small west Georgia wire mill into the international marketplace. Today, 60 percent of the copper rod made in the free world is on continuous casting machines designed by Southwire Co.

It is, indeed, an honor for me personally and on behalf of the State of Georgia to recognize Mr. Richards' outstanding achievements. I hope that other fine Georgians continue to follow Mr. Richards' pursuit of such fine technological advances.●

SENATOR BRADLEY, A TEAM PLAYER

Mr. BYRD. Mr. President, in today's Washington Post, there appears an article on our colleague, the senior Senator from New Jersey (Mr. BRADLEY). Though the article concerns Senator BRADLEY's career as a professional basketball player, it touches on those qualities which have made Senator BRADLEY a successful Senator as well. These include his ever-ready willingness to work as a team player and his disciplined dedication to the task at hand, whether it be perfecting his basketball skill or mastering the many duties which make up a Senator's day. I congratulate the distinguished Senator on the honor he received as of last Saturday night in New York. If other Senators have not noticed it, I call attention to the article entitled "Bradley: Team Player Gets Singular Honor." I would like just to read a sentence or two, as follows:

No. 24 belongs to the ages now. It hangs high above the Madison Square Garden floor, with No. 19, No. 22 and No. 10. Up there for generations to remember with affection. Four jerseys from the——

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRADLEY: TEAM PLAYER GETS SINGULAR HONOR

(By Tony Kornheiser)

NEW YORK.—No. 24 belongs to the ages now. It hangs high above the Madison Square Garden Floor, with No. 19, No. 22 and No. 10. Up there for generations to remember with affection. Four jerseys from the greatest team I ever saw, the New York Knickerbockers of 1969 to 1973: Reed's, DeBusschere's, Frazier's and now Bradley's. Camelot's team. A team of truth and beauty, a team of all for one and one for all, a team whose whole was always greater, than the sum of its parts.

On Saturday night, a man who has spent his adult life in public view, a man of discipline and accomplishment, a fine and good man in rare position to become a great man, warmed himself in the brilliant sun of gratitude. As 19,591 fans—including former teammates like Dave DeBusschere, Earl Monroe, Jerry Lucas, Phil Jackson, Cazzie Russell, Dick Barnett and Dave Stallworth—cheered lustily, Bill Bradley, once a small forward and now a U.S. senator from New Jersey, was awarded the ultimate athletic honor, having his uniform retired.

"I remember years ago," Bradley told the crowd, "after a game in Chicago, a man coming up to me and asking me, 'Do you really like playing ball?'

'Yes, yes, I do,' I told him.

" 'I think I know what you mean,' he said. 'I used to play the trumpet in a band. We were good. So good that we got offers to tour, the others wanted to do it, but I didn't.'

" 'Why not?' I asked him.

" 'I guess because it didn't fit in my life's plan. It didn't seem secure. So I went to law school instead.'

" 'And do you like the law?' I asked him.

" 'Yes,' he said. 'But not like playing the trumpet.' "

A week before the ceremony, Bradley sat in his Senate office and spoke about the honor about to come. "I first heard about it last summer," he said. "I kind of felt like, well, okay." He waved his arms in an embarrassed manner. "I'd had some second thoughts about it. Part of me said, 'I don't think I should have it retired until after

Monroe, maybe even Barnett.' Part of me asked the question: 'Do you deserve this?'

"But ultimately, I said that's for others to judge, whether I do or I don't. Do I feel like I was a contributing member of that group? Yes. Do I feel like I played a significant role? Yes. So the more I thought about it, the more I felt very sentimental about it, the more I liked it.

"But was I great?" Bradley considered the question fully; he never averaged more than 16 points per game in 10 pro seasons, his career average was under 13 points per game. "No, I don't think I was great—not if you define great through points. But if you define it in different terms it becomes more complex. In the pros I really had to sense what my role was; I had to be much more subtle than in college."

He smiled at the sense of what he'd done, how he'd changed, who he was. "That's why this means so much to me. Because it's done within the concept of the team. There was an element of truth to that team.

"It wasn't that we won, but how we won. We did it in a way that energized everybody. The crowd was a part of it, and we were a part of it individually and as a whole. We were all breathing in at the same moment, all exhaling at the same moment. Maybe in one game, or a two-of-three, we might be overpowered. But if the series lasted long enough, we'd have found a way to win."

If he chose, Bradley could paper the walls of his office with photos that give testimony to his athletic prowess. Instead, he has hung only two. One was taken at the buzzer ending the dramatic seventh game of the 1970 championship series against Los Angeles, in which Bradley's clenched fists are halfway to heaven. And the other, taken seconds after the Knicks' 1973 championship clincher against those same Lakers, in which Bradley has jumped into Reed's arms, basketball's version of the famous Don Larsen-Yogi Berra moment of ecstasy.

It is instructive that Bradley, not given to public passion, should declare these photos his personal favorites.

"The elation, the emotional release, the sense of accomplishment, the sense of joy," Bradley said, smiling as much at what they say to him as what they say about him. "I guess those are the peak moments."

He seemed slightly embarrassed at his uncharacteristic emotional expansiveness, but the lesson outweighed the risk. "What kept me playing," he said, "were the experience of those peaks, he wanting to have them again, and those moments when things worked together correctly—the backdoor play; the pass that leads to the pass that leads to the basket; the sense that somehow or other things were right, the group meshed."

All for one, one for all.

"Those moments," Bradley said, satisfied that indeed the Knicks had managed to catch the wind, "those moments have an inexorable rightness to them."

When he left professional basketball in 1977, Bradley left for good. Unlike so many athletes who suffer withdrawal pains and cannot adjust to a life beyond the playing fields, Bradley never looked back in longing. Not since then has he played a game of basketball. No full court. No half court. Not even one-on-one. What's done is done.

And yet there was a time last summer. Well, better to let him tell it:

"I had turned 40," Bradley said, "and for a present somebody had given me a tape of the seventh game of the 1970 championship. I took it home and played it for my 5-year-old daughter; it was the first time she'd ever seen me playing basketball. She knows Willis and Dave, and when she saw the tape she said, 'There's Mr. Reed.' I said, 'That's right. And there's Mr. DeBusschere.' She looked at the man I was pointing to and said, 'That's not Mr. DeBusschere. Mr. DeBusschere has gray hair.' "

Bradley chuckled. Age, you unrelenting thief, you.

"Anyway," Bradley said, "after I watched it, I really kind of got the itch. So I went down to a playground near the house and started shooting around. I went through my warm-up routine, the one I'd done since I was 14 years old. Only I didn't spend my usual three hours doing it, just 40 minutes. The first 10 minutes were just range finding. I went from spot to spot, trying to hit 13 or 15 in a row. I didn't do much jumping; I couldn't. But I found that you never really lose your shot, you just lose the ability to get your shot. You lose the ability to move and the ability to last. Tell you the truth, after I found my range, it felt terrific. The only problem was the next day."

Bradley's laugh was as rich as hot fudge.

"The next day my knees were aching."

Bradley went down to the court a few times after that. Once there were some kids shooting around, and they said to him, "Let's play." He was convinced they didn't know him. "How could they? I was just some older man shooting baskets in a playground."

Bradley declined the game. It wasn't part of his life's plan any more.

The trumpet stays in a case now, its lovely notes stilled. Perhaps forever. The song is gone, but the melody lingers on.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, today's Executive Calendar on this side shows that nominations under the Department of the Interior beginning under New Reports and continuing on page 2, as well as nominations placed on the Secretary's desk in the Foreign Service, have been cleared for action by unanimous consent. May I inquire of the minority leader if he is prepared at this time to consider all or any portion of those nominations?

Mr. BYRD. Mr. President, the minority is prepared to proceed only with the two nominations on page 1 of the calendar.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, that suggests that there is one nomination we can do at this time that has been cleared on both sides. That is Calendar Order No. 461, the nomination of Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior. I ask unanimous consent that the Senate now go into executive session for the purpose of considering that nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior.

Mr. McCLURE. Mr. President, the Committee on Energy and Natural Resources unanimously approved the nomination of Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior for Territorial and International Affairs on Thursday, February 9, 1984. A hearing to consider Mr. Montoya's nomination was held on Monday, February 6. I would like to express my strong support for the selection of Mr. Montoya to assume the role of Assistant Secretary.

Mr. Montoya is currently serving as Acting Assistant Secretary for Territorial and International Affairs, having previously served as Deputy Secretary. As such, he has demonstrated the ability and skills essential to serve effectively in the position for which he has been nominated.

Mr. President, on behalf of the Energy and Natural Resources Committee, I am pleased to recommend Senate approval of the nomination of Richard Thomas Montoya to be an Assistant Secretary of the Interior for Territorial and International Affairs.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, six Senators be recognized on special orders for not to exceed 15 minutes each as follows in this order: Senators JEPSEN, PROXMIRE, BAUCUS, ABDNOR, EXON, and HART.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE TOMORROW AT 2:30 P.M. ON S. 1765

Mr. BAKER. Mr. President, the request I am about to put now I believe is clear in all its components, but let me state it now for the consideration of the minority leader and other Members.

I ask unanimous consent that, at the hour of 2:30 p.m. on tomorrow, February 22, the Senate proceed to vote on the passage of S. 1765, the death penalty bill, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, it is anticipated that, after the execution of special orders, there will be a brief period for the transaction of routine morning business, to be followed by a resumption of the consideration of the unfinished business, which is the death penalty bill.

Mr. President, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of S. 52, which is Calendar Order 356, the career crime bill, after the disposition of the death penalty bill.

After the time for the transaction of routine morning business is completed, the Senate will resume consideration of the unfinished business, which is S. 1765, the death penalty bill. A vote on that measure will occur at 2:30 p.m. The leadership on this side has announced its intention to ask the Senate to turn to consideration of the career crime bill after the disposition of the death penalty bill.

DIVISION OF TIME ON DEBATE

Mr. President, the minority leader has suggested, and very properly so, that we allocate the time available for debate on the death penalty bill tomorrow. We do not know exactly when we shall be on the death penalty bill, but I would estimate that we can be on it by 12 o'clock, which will leave approximately 2½ hours for debate before the vote occurs at 2:30 p.m.

I ask unanimous consent that the time for debate on the bill tomorrow be divided on the ratio of 1½ hours under the control of the minority leader or his designee and 1 hour under the control of the distinguished chairman of the committee or his designee. Before the Chair puts that request, the meaning of the request is that if there is 2½ hours, it will be divided 1½ hours to 1 hour. If there is more time, the remaining time, if any, will be divided on the same ratio in order to assure equity on both sides.

I put the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE IOWA CAUCUSES

Mr. BAKER. Mr. President, I wish to make this brief and somewhat facetious statement. Today is the day after the Iowa caucuses, and I am sure that Members on both sides of the aisle wish to congratulate the winners and commiserate with those who did not win, especially to point out that Senator HART will be with us tomorrow and will make a speech in this special order time. We will all be here listening. I cannot help but be a little nostalgic, Mr. President, in no way diminishing or disparaging the second place finish of Senator HART in Iowa. Three years ago I also was a candidate but on the other side of the ticket, and while Senator HART received 15 percent and was second and a great winner, I received 17 percent and was third and got bombed. So times do change according to the perspective. I congratulate Senator HART and assure him I will be there listening with keen interest to hear how he did that and to hear the latest report from the battle scene in Iowa.

RECORD TO REMAIN OPEN UNTIL 5:30 P.M.

Mr. BAKER. Mr. President, may I say to the minority leader that I know of nothing else to be done today. I am prepared to ask that the Record remain open today until 5:30 p.m., and if we have nothing else to transact, I put that request and propose then to ask the Senate to stand in recess.

Mr. BYRD. Mr. President, that will be fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the majority leader. I have nothing further.

Mr. BAKER. I thank the minority leader.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, if no other Member is seeking recognition and the minority leader has nothing further, I move, in accordance with the order previously entered, that the Senate now stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 4:31 p.m. the Senate recessed until Wednesday, February 22, 1984, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 14, 1984, under authority of the order of the Senate of February 9, 1984:

THE JUDICIARY

Harry L. Hupp, of California, to be U.S. district judge for the central district of California vice A. Andrew Hauk, retired.

Sarah Evans Barker, of Indiana, to be U.S. district judge for the southern district of Indiana vice Cale J. Holder, deceased.

IN THE NAVY

The following-named captains of the U.S. Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Caudill, Robert Paul, Jr.
Sears, Henry James Tipp
Summitt, James Knox

SUPPLY CORPS

Whittaker, James Benjamin
Phillips, Robert Avery
Squibb, Rodney Kaye

CIVIL ENGINEER CORPS

Kelley, Frederick Guyer

DENTAL CORPS

Koch, Robert Wayne

IN THE NAVY

The following-named captains of the Line of the Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Johnson, Thomas James
Ailes, Robert Heber
Bump, Stanley Earl
Campbell, Norman Dean
Quast, Harry Stillman
Koenig, John Weldon
McGrail, Charles Reynolds, Jr.
Adams, John Warren
Palmer, Leslie Nelson
West, Ralph Whitaker, Jr.
Wheatley, Gary Francis
Loftus, Stephen Francis
Sharp, Grant Alexander
Clexton, Edward William, Jr.
Colley, Michael Christian
Taylor, Raynor Andrew Kent
Seesholtz, John Richard
Fox, Thomas Robert
Taylor, Jeremy Dolph
Schwaab, Denis Thomas
Less, Anthony Albert
Gentz, Richard Corbett
Rich, Roger Lee, Jr.
Cossey James Donald
Toney, Robert Lee
Pittenger, Richard Fay
Donovan, Francis Raymond
Gallo, Salvatore Frank
Zeller, Raymond Guy
Kersh, John McKay
Truly, Richard Harrison
Miller, Paul David

ENGINEERING DUTY OFFICER

Holloway, Lowell John
Horne, Roger Bigelow, Jr.

AERONAUTICAL ENGINEERING DUTY OFFICER

Friichtenicht, Richard Del
Kirkpatrick, John Henry

SPECIAL DUTY OFFICER (INTELLIGENCE)

Studeman, William Oliver

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Joseph W. Griffin, [redacted].
Brig. Gen. Kenneth W. Himsel, [redacted].
Brig. Gen. William A. Jackson, [redacted].
Brig. Gen. Hubert M. Leonard, [redacted].
Brig. Gen. Lloyd M. Price, [redacted].
Brig. Gen. Ivan R. Smith, [redacted].

To be brigadier general

Brig. Gen. Alvin D. McArthur, [redacted].
Brig. Gen. Teddy E. Williams, [redacted].
Col. Ronald Bowman, [redacted].
Col. Charles D. Brackeen, [redacted].
Col. Billie J. Brinkley, [redacted].
Col. Lytle Brown III, [redacted].
Col. Donald Burdick, [redacted].
Col. Glen R. Chapin, [redacted].
Col. Richard L. Chastain, [redacted].
Col. Irwin K. Cockett, Jr., [redacted].
Col. Richard D. DeMara, [redacted].
Col. Norman E. Duckworth, [redacted].
Col. Carl G. Farrell, [redacted].
Col. James H. Garner, [redacted].
Col. Thomas R. Hearn, Jr., [redacted].
Col. Marion H. Kinon, [redacted].
Col. Howard I. Manweiler, [redacted].
Col. Bobby L. Matthews, [redacted].
Col. Amedeo C. Merolla, [redacted].
Col. Wafford H. Merrell, Jr., [redacted].
Col. William K. McDaniel, [redacted].
Col. Max V. McLaughlin, [redacted].
Col. Russell E. Summerlin, [redacted].
Col. Richard D. Sylvain, [redacted].
Col. David J. Thomas, [redacted].
Col. Mel C. Thrash, [redacted].
Col. Robert C. Thrasher, [redacted].
Col. George W. Treadwell, [redacted].
Col. Richard G. Weinberg, [redacted].
Col. Stanley J. Wilk, [redacted].

Executive nominations received by the Secretary of the Senate February 16, 1984, under authority of the order of the Senate of February 9, 1984:

DEPARTMENT OF DEFENSE

Robert H. Conn, of Virginia, to be an Assistant Secretary of the Navy (new position—Public Law 98-94 of September 24, 1983).

THE JUDICIARY

Edward J. Garcia, of California, to be U.S. district judge for the eastern district of California vice Philip C. Wilkins, retired.

BOARD FOR INTERNATIONAL BROADCASTING

Edward Noonan Ney, of New York, to be a member of the board for International Broadcasting for a term expiring April 28, 1985, vice Charles David Ablard, term expired.

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as career members of the Senior Foreign Service of the classes stated, and also for any other appointments indicated:

For appointment as a career member of the Senior Foreign Service, class of Minister-Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald D. Cohen, of Maryland.

For appointment in the Foreign Service as a career member of the Senior Foreign Service of the United States of America, class of Counselor:

U.S. INFORMATION AGENCY

Robert Barry Fulton, of Pennsylvania.

For appointment as a career member of the Senior Foreign Service, class of Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Robert H. Bell, of Virginia.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service officers of class 2, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Manuel F. Acosta, of Arizona.

DEPARTMENT OF COMMERCE

Eric R. Weaver, of the District of Columbia.

U. S. INFORMATION AGENCY

Marcia Annette Grant, of the District of Columbia.

For appointment as a Foreign Service officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Alfreda Elizabeth Meyers, of Arizona.

For appointment as Foreign Service officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Vivienne Zoe Ascher, of New Hampshire.
Holly Hamachek Ashby, of Texas.
Elizabeth Pritchard Barr, of Maryland.
John L. Berntsen, of Wisconsin.
Michael Anthony Butler, of Virginia.
Karen Ruth Clark, of California.
Margaret E. Colvin, of New Hampshire.
Robert William Dry, of Florida.
William D. Fleming, of Pennsylvania.
Jane Leahy Miller Floyd, of Washington.
Stephen Reid Fox, of Washington.
James Jay Hamilton, of New York.
William Thomas Harris, Jr., of Florida.
Robert B. Houston III, of Washington.
Kristie Anne Kenney, of Virginia.
Anne M. Koenig, of California.
Robert Lawrence Lane, of Virginia.
Edward Alex Lee, of Texas.
Robert L. Luaces, of New York.
Donnie Paul Minyard, of Virginia.
Anthony C. Newton, of New Jersey.
Kenneth Morgan Peoples, of Louisiana.
Constance Ann Philpot, of the District of Columbia.
David R. Ramos, of Texas.
Charles E. Robertson III, of Michigan.
Camille Elizabeth Sailer, of Pennsylvania.
Fabio Marino Saturni, of California.
Marc J. Sievers, of Utah.
Bernarr L. Stadius, of Oregon.
Jacques Stanitz III, of Ohio.
Judith Anne Strotz, of Virginia.
Eleanor Bly Sutter, of New York.
Nadia Tongour, of California.
A. Daniel Weygandt, of Virginia.
Alejandro Daniel Wolff, of California.

For appointment as a Foreign Service officer of class 4, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

U.S. INFORMATION AGENCY

Pamela M. Seaton, of Louisiana.

The following-named members of the Foreign Service of the Departments of State and Commerce, to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Elizabeth Jamieson Agnew, of Virginia.
Paul A. Albers, of Minnesota.
Phillip Lee Anto, of New York.
Lee P. Arellano, of Virginia.
Richard Charles Beer, of Virginia.
James Bigus, of California.
Richard E. Blee, of Virginia.
Juliana I. Bray, of Wisconsin.
Charles C. Burgess, of Florida.
Kevin A. Callahan, of Virginia.
John J. Carroll, of New York.
Arjun Rex Chakrawarti, of Louisiana.
Mark D. Cheng, of Massachusetts.
Martha Cheng, of Kansas.
Kenneth Stephen Chern, of New York.
Edith C. Clark, of California.
John C. Clarkson, of Washington.
Judith M. Cline, of New Mexico.
Anne Kathryn Cusick, of California.
Mary Elizabeth Daly, of Virginia.
Garland L. Dennett, of Utah.
Ronald James Deutch, of Texas.
Joseph L. Dodds, of South Dakota.
Robert Anthony Dolce, of Connecticut.
Boyd Raymond Doty, of Florida.
Jonathan C. Downs, of Pennsylvania.
Philip Raymond, Drouin, of Connecticut.
Lewis Keith Elbinger, of Connecticut.
Stanley T. Enga, of Hawaii.
David P. Ewing, of Massachusetts.
Carol S. Fuller, of Pennsylvania.
David W. Fulton, of Virginia.
Keith Gainey, of Ohio.
Stephen A. Good, of Virginia.
James Bingham Gray, of California.
Mary Elizabeth Hayes, of Colorado.
Craig A. Hoepfl, of Virginia.
John S. Holt, of Texas.
David P. Hunt, of the District of Columbia.
Jason Hyland, of California.
Nancy C. Johnson, of Virginia.
Randall D. Johnson, of Virginia.
William Kelly Joyce, Jr., of Michigan.
Hyong-Bum Kim, of the District of Columbia.
Ann P. Lambert, of Missouri.
Christopher Larson, of New York.
Robert J. Lavey, of Nebraska.
Ruth Gillian Leavitt, of Virginia.
Steven P. Levine, of the District of Columbia.
Elizabeth J. Lewandowski, of the District of Columbia.
John Arthur Lowell, of Texas.
Robert E. Mattingly, of Maryland.
Louis Mazel, of Massachusetts.
Elizabeth A. McIntyre, of Massachusetts.

Glenn B. Miller, of Massachusetts.
Bryan M. Mills, of Texas.
Maria E. Morales, of the District of Columbia.
Richard Howell Morgan, of Louisiana.
Nancy J. Norem, of California.
Daniel John O'Grady, of Michigan.
Richard Para, of Texas.
Paul C. Payne, of North Carolina.
James Allison Phillips, of California.
Jeannette Cohn Piña, of California.
Susan M. Ratliff, of the District of Columbia.
Raymond Douglas Richhart, Jr., of California.
Earl M. Rickerson, of New York.
John W. Roberts, of the District of Columbia.
Debra S. Sands, of California.
Anita G. Schroeder, of Maryland.
Eric K. Sletten, of Nevada.
Eugenia M. Smith, of Ohio.
Fred L. Smith, of Virginia.
Gary C. Stansbury, of Arizona.
Richard M. Stephenson, Jr., of Virginia.
Margaret E. Straub, of Virginia.
McKim Symington, Jr., of the District of Columbia.
Marianne Toner, of Pennsylvania.
Thaddeus W. Troy, of North Carolina.
Scott W. Tschirgi, of Pennsylvania.
Jonathan Standeh Turak, of Maryland.
David Andrew Tyler, of Illinois.
Stephen Andrew Vann, of Alabama.
Jeanne R. Vertefeuille, of Virginia.
John H. Walbridge, Jr., of New Jersey.
Samuel Robert Watson III, of Virginia.
Janet M. Weber, of New York.
Joseph W. Wippl, of Minnesota.
Mary Hillers Witt, of Virginia.
Steven H. Zaveloff, of New York.
Robert B. Zuehlke, of Virginia.
Consular Officers of the United States of America:
Travis A. Finley, of California.
Joseph J. Hazewski, of Arizona.
Annette J. Moore, of California.
Raymond M. Nowakowski, of Pennsylvania.
Secretaries in the Diplomatic Service of the United States of America:
John Robert Crook, of Maryland.
Robert F. Grealy, of Massachusetts.
Carol A. Murray Kim, of Virginia.
Gregory D. Stoloff, of New York.
John R. Thomson, of New York.

IN THE COAST GUARD

The following Regular and Reserve officers of the U.S. Coast Guard for promotion to the grade of lieutenant commander:

Keith R. Colwell
William D. Chappell
Thomas J. Neill
Eric H. Olsson, Jr.
Michael L. Stafford
Lawrence B. King
James H. J. Schaeffer
Michael A. Roberts
David F. Miller
Daniel J. Elliott
Jeffrey M. Garrett
Leonard J. Kelly, Jr.
James M. Seagraves
Brian V. Hunter
Guy E. Motzer
Ronald R. Weston
Richard R. Beardsworth
John C. Burson
Terence M. Hurley
Richard E. Lang
Philip M. Sanders
William J. Lee II
Michael L. Hardie
Kenneth U. Dykstra
Philip G. Matyas
James L. House
Peter K. Mitchell
Kevin J. Eldridge
Thomas W. Sechler
Lawrence I. Kiern
Richard A. Koehler
Mark A. Fisher
Joseph F. Ahern
David M. Loerzel
James M. Dwyer
Richard L. Ryan
Daniel G. Henderson
Daniel F. Ryan II
Marcus E. Jorgensen
Michael E. Saylor
Gary Krizanovic
Stefen G. Venckus
Scott W. Allen
Timothy W. Hylton
James M. Garrett
Victor J. Zoschak, Jr.
Jeffrey J. Hathaway
Joseph A. Conroy, Jr.
Joseph P. Brusseau
James C. Vansice
Bruce A. Russell, Jr.
Albert F. Suchy IV
Guy R. Colonna
Scott F. Kayser
Stephen K. Toney
Michael W. Collier
Ronald A. Nilsen
Dana A. Goward
John T. O'Connor
Robert L. Gazlay
Richard S. Hartman, Jr.
David W. Gault
Gregory B. Kirkbride
Kyle W. Blackman
Robert M. Wicklund
Drew F. Vanriper
Gary W. Palmer
John T. Murray
Walter E. Hanson, Jr.
Arthur E. Brooks
Charles L. Miller
Joseph C. Bridger III
Gerald M. Davis
Michael L. Maxey
Robert J. Brulle
Myles S. Boothe
William G. Braceland
Timothy C. Haugan
Michael M. Blume
David G. Dickman
Thomas D. Johns
James E. Spence
Ronald R. Borison
Robert L. Porter, Jr.
Mark E. Ashley
Michael J. Chaplain
Jeffrey J. Seeley
Steven G. Hilferty
Domenico A. Diiulio
Kenneth A. Ward
Jeffrey G. Lantz
Robert N. Petersen
Paul A. Dufresne
Richard A. Huwel
David W. Reed
Richard J. Fitzpatrick
John A. Wcislo
Steven L. Nylund
Steven G. Hein
Thomas C. King, Jr.
Christopher Schoonmaker
David W. Mackenzie
James B. Crawford
James J. Vallone
Susan M. Krupanski
Bradley J. Willis
Edmond R. Morris
Jerzy J. Kichner
Stephen J. Harvey
Richard J. Formisano
Roger D. Kacmarski
Thomas C. Mielke
Donald R. O'Malley
Glenn F. Epler
Carl E. McGill
Patrick E. Ryan
James F. Reed
James Rutkovsky
Randall W. Freitas
Thomas M. Curelli
Ralph L. Crawford, Jr.
Raymond J. Brown
Steven M. Waldmann
Thomas J. Mackell
George H. Detweiler, Jr.
Walter Brawand III
Richard A. Roth
Adan D. Guerrero
Allen L. Thompson, Jr.
John J. McQueeney II
John S. Sedlak
Dan Deputy
William A. Kosty
Robert J. Papp, Jr.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Paul E. Burke
John B. Schempf

The following officer of the U.S. Coast Guard Reserve for promotion to the grade of commander:

David M. Bernstein

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant:

Douglas P. Riggins
John J. O. Lapke
Joseph V. Pancotti
William J. McHenry
William V. Smyth
Scott M. I. Holley
Martin D. Stewart
Charles E. McMahon
Johnny L. Hollowell
Duane M. Smith
Christopher T. Boegel
George A. Cognet
James W. Kelly
Harvey H. Kammerer
Daniel A. Neptun
Earl W. Fairchild, Jr.
Gary J. Fox
Robert P. Rutledge
Russell E. Glendenning
James W. Johnson
John C. Gifford
Robert E. Carson
Robert L. Hood, Jr.
Douglas J. Wisniewski
Kevin P. Mizak
Robert W. Nutting
Bradley M. Jacobs
Chet A. Hartley
Gregory A. Kmiecik
Leland L. Jones
Jeffrey O. Stull
Allen Lotz
Franz P. Schiffmann
George G. Arbutina
Kurt W. Nancarrow
David B. McLeish
Francis J. Sturm
David C. Spillman
Mark Boe
Christopher A. Abel
Norris E. Merkle
Robert C. Parker
William D. Wiedenhoeft
Frank E. Mullen
Keith C. Gross
Joel F. Sasscer
Jon D. Allen
William H. Jones
Dan S. Takasugi
Christopher J. Conklin
Kevin S. Cook
Dane S. Egli
Frank H. Leidy
Thomas K. Ehni
Douglas B. Lane
Jeffrey D. Stieb
Charles N. Dickerson
William J. Belmondo
George D. Walker, Jr.
Mark B. Case
Bruce E. Viekman
Patrick T. Kelly
Kenneth L. King, Jr.
Curtis L. Dubay
Bruce M. Ross
Michael L. Blair
Charles S. Johnson, Jr.
Richard L. Boy, Jr.
Timothy R. Girton
Donald R. Wright
Robert C. Ayer
Ronald A. Gan
Neil E. Vandevoorde
Daniel D. Cronin
David P. McDede
David C. Aurand
Michael J. Burgard
G. Arthur Robbins
Mark J. Fiebrandt
William R. Grawe
Stephen L. Sielbeck
Jon M. Watson
Michael S. Swegles
Dana E. Ware
Richard J. Preston, Jr.
Francis A. Dutch
Daniel K. Oliver
Kevin A. Redig
Kevin E. Lodeen
John D. McCann, Jr.
Kenneth L. Savoie
Neal J. Armstrong
Emil Sikorsky III
Stephen J. Darmody
Peter J. Boynton
Herbert A. Black III
Kenneth Carvalho
John H. Russell
Donald A. Moore, Jr.
Donald L. Sturdivant, Jr.
David A. Medina
Neil O. Buschman
David H. Sump
Michael B. Amonson
Keith Letourneau
Joseph T. Ahern
David R. King
Alexander O. Simonka, Jr.
Michael J. Scanlon, Jr.
Jay P. Blinkinsop
David G. Holman
Paul H. Crissy
Thomas L. Koontz
Philip T. Daniels
William G. Boehm
Vincent B. Mitchell III
Daniel R. May
William J. Semrau
Eric M. Jewess
Edward E. Baker
James K. Louttit
Mark A. Kowalski
John Costello
Linda Johansen
Susan Donner

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Richard L. Wharton
Edward D. Zacharias
Perry J. Colburn
Patrick Timmerman
Duane E. Stenbak
Richard E. Hoffman
David A. Flag
Richard A. Boyd
William M. Eastman
William R. Wilson
Philip B. Serinis
David K. Seavey
James E. Morrison
Steven R. Baum
Timothy J. Rourke
Andrew L. Daly
Lyle A. Rice
Paul J. Cormier

The following Regular officer of the U.S. Navy to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant:

Kim N. Rose

IN THE MARINE CORPS

The following-named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624:

Frederick E. Sisley
James D. Beans
Joseph P. Hoar
Royal N. Moore, Jr.
Donald E. P. Miller

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by

the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated:

MEDICAL CORPS

To be colonel

Betts, Stanley L., xxx-xx-xxxx
Pevey, Willard J., xxx-xx-xxxx

To be lieutenant colonel

Matamoros, Aurelio, Jr., xxx-xx-xxxx

To be major

Arnold, Roy M., xxx-xx-xxxx
Chacon, Frank T., xxx-xx-xxxx

To be captain

McGhee, Judith E., xxx-xx-xxxx

DENTAL CORPS

To be major

Anderson, Gary A., xxx-xx-xxxx
Hermesch, Charles B., xxx-xx-xxxx
Hurt, John D., xxx-xx-xxxx
Roth, William C., xxx-xx-xxxx
Wilson, Steven R., xxx-xx-xxxx

To be captain

Bedell, Charles E., xxx-xx-xxxx
Blair, Kevin F., xxx-xx-xxxx
Dickson, Scott S., xxx-xx-xxxx
Frazier, Robert Q., xxx-xx-xxxx
Layton, Stephen C., xxx-xx-xxxx
Smith, Ronald T., xxx-xx-xxxx
Vaughters, Vincent C., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated:

LINE OF THE AIR FORCE

To be lieutenant colonel

Eskeli, Terrence L., xxx-xx-xxxx
Robinson, Roy H., III., xxx-xx-xxxx
Sievers, Donald W., xxx-xx-xxxx

To be major

Carpenter, David A., xxx-xx-xxxx
Carver, John P., xxx-xx-xxxx
Dillman, Wayne D., xxx-xx-xxxx
Strange, James T., Jr., xxx-xx-xxxx
Whitecotton, William I., xxx-xx-xxxx

The following-named officer for reappointment to the Active Duty List of the Regular Air Force in the grade indicated under the provisions of section 1210 and 1211, title 10, United States Code.

To be captain

Nunemaker, Donald G., Jr., xxx-xx-xxxx

The following officers for permanent promotion in the U.S. Air Force, in accordance with sections 624 and 1552, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be lieutenant colonel

Blanchard, Michael D., xxx-xx-xxxx
Parton, Edgar L., III xxx-xx-xxxx

The following Air Force officers for permanent promotion in the U.S. Air Force, in accordance with section 601, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with date of rank to be determined by the Secretary of the Air Force:

To be lieutenant colonel

Duckworth, Dale L., xxx-xx-xxxx

The following officer for promotion in the Air Force Reserve, under the provisions of sections 1552 and 8366, title 10, United States Code (non-EAD):

To be Lieutenant colonel

Nelson, Roger L., xxx-xx-xxxx

The following person for appointment as Reserve of the Air Force (ANGUS) in the grade indicated, under the provisions of sections 593, 8351 and 8392, title 10, United States Code:

To be colonel

Lamb, Robert J., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be colonel

Chollet, Hillary A., xxx-xx-xxxx
Jackson, James K., xxx-xx-xxxx
Jenkins, Douglas W., Jr., xxx-xx-xxxx

To be lieutenant colonel

Bond, William L., xxx-xx-xxxx
Clarke, Angela A. W., xxx-xx-xxxx
Feigleman, Bernard H., xxx-xx-xxxx
Kenyon, Barbara A., xxx-xx-xxxx
Kumar, Vasantha A. R., xxx-xx-xxxx
Larosa, John J., xxx-xx-xxxx
Long, Philip M., xxx-xx-xxxx
Martin, William C., xxx-xx-xxxx
Methner, John P., xxx-xx-xxxx
Schultz, R. J. Black, xxx-xx-xxxx
Tucker, Garrett R., III, xxx-xx-xxxx
Wilson, William E., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force (ANGUS) in the grade indicated, under the provisions of section 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code:

MEDICAL CORPS

To be lieutenant colonel

Hagen, William M., xxx-xx-xxxx
Skellenger, William S., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be lieutenant colonel

Ross, Raymond M., xxx-xx-xxxx

To be major

Beavers, Robert G., Jr., xxx-xx-xxxx
Francis, Roger A., xxx-xx-xxxx
Larson, Dennis L., xxx-xx-xxxx
Smith, Lewill C., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Irvin, Henry C., xxx-xx-xxxx
McCulloh, Ralph E., xxx-xx-xxxx

To be major

Mulnix, John R., xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, provided that in no case shall any of the following officers be appointed in a grade higher than lieutenant colonel.

LINE OF THE AIR FORCE

Gallagher, Thomas N., xxx-xx-xxxx
Lawrence, Kathryn E., xxx-xx-xxxx
Lieberg, Gary E., xxx-xx-xxxx
Louder, Robert B., xxx-xx-xxxx
Medford, James W., xxx-xx-xxxx
Metzger, John R., xxx-xx-xxxx
Moyer, John D. W., xxx-xx-xxxx
Nelson, Kenneth D., xxx-xx-xxxx
Roberts, William C., III, xxx-xx-xxxx
Shipley, Robert R., xxx-xx-xxxx
Smith, Roy C., xxx-xx-xxxx
Traylor, Bobby C., xxx-xx-xxxx
Wieder, George A., xxx-xx-xxxx
Young, Gary C., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall any of the following officers be appointed in a grade higher than lieutenant colonel.

CHAPLAIN

Zebron, Samuel, xxx-xx-xxxx

JUDGE ADVOCATE

Jones, Charles G., xxx-xx-xxxx

NURSE CORPS

Avery, Betty J., xxx-xx-xxxx
Berg, Jessilyn, xxx-xx-xxxx
Bonner, Cynthia U., xxx-xx-xxxx
Cottrill, Sue M., xxx-xx-xxxx
Davis, Colleen W., xxx-xx-xxxx
Dobson, Rita E., xxx-xx-xxxx
Kamper, Sandra M., xxx-xx-xxxx
Sullivan, Mary P., xxx-xx-xxxx
Tossing, Rosanne K., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Carroll, Roland J., Jr., xxx-xx-xxxx
Foster, C. Stephen, xxx-xx-xxxx
Gray, Glen H., xxx-xx-xxxx
Hight, Fred T., Jr., xxx-xx-xxxx
Hughes, Christopher L., xxx-xx-xxxx
Jones, Thomas K., Jr., xxx-xx-xxxx
Lonsdale, Thomas J., xxx-xx-xxxx
Machado, Joseph A., III, xxx-xx-xxxx
Roger, Roland J., xxx-xx-xxxx
Steiger, Carl L., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Bybee, Ronald F., xxx-xx-xxxx
Miller, Roger L., xxx-xx-xxxx
Morgan, Edwin B., Jr., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert T. Cates, xxx-xx-xxxx.
Maj. William G. Crow, xxx-xx-xxxx.
Maj. Robert F. Deuel, xxx-xx-xxxx.
Maj. George J. Elledge, xxx-xx-xxxx.
Maj. Henry A. Gallmeyer, xxx-xx-xxxx.
Maj. Jack S. Hill, xxx-xx-xxxx.
Maj. Eugene T. Maratta, xxx-xx-xxxx.
Maj. Richard E. McLane II, xxx-xx-xxxx.
Maj. Alan M. Miller, xxx-xx-xxxx.
Maj. Paul W. Sandefer, xxx-xx-xxxx.
Maj. Dale K. Snider, Jr., xxx-xx-xxxx.
Maj. Randal M. Thomas, xxx-xx-xxxx.
Maj. Steven Westgate, xxx-xx-xxxx.
Maj. David F. Wherley, Jr., xxx-xx-xxxx.
Maj. Benjamin R. Whitlaw, xxx-xx-xxxx.

MEDICAL CORPS

Maj. Anis A. Khan, xxx-xx-xxxx.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be deter-

mined by the Secretary of the Air Force provided that in no case shall the officers be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be major

Smith, Lewill C., xxx-xx-xxxx

To be captain

Andreozzi, Alane A., xxx-xx-xxxx

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

CHAPLAIN

To be captain

Harris, Walter M., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be lieutenant colonel

Abate, Nicholas, xxx-xx-xxxx
Abbott, Ira R., III, xxx-xx-xxxx
Acker, John F. F., xxx-xx-xxxx
Ackermann, Edward, xxx-xx-xxxx
Ackert, James E., xxx-xx-xxxx
Acton, John E., xxx-xx-xxxx
Adams, Wiley F., xxx-xx-xxxx
Aho, Donald A., xxx-xx-xxxx
Alber, Steven C., xxx-xx-xxxx
Albers, Robert M., xxx-xx-xxxx
Alcala, Gabriel J., xxx-xx-xxxx
Aldebol, Anthony W., xxx-xx-xxxx
Aldrich, Charles L., xxx-xx-xxxx
Alexander, David W., xxx-xx-xxxx
Alexander, Dean C., xxx-xx-xxxx
Alexander, Joseph D., xxx-xx-xxxx
Alexander, Robert W., xxx-xx-xxxx
Alexander, William D., Jr., xxx-xx-xxxx
Alexander, William S., xxx-xx-xxxx
Alexandrow, Nick, xxx-xx-xxxx
Allard, David C., xxx-xx-xxxx
Allen, John C., xxx-xx-xxxx
Allen, Kirby E., xxx-xx-xxxx
Allen, Richard L., xxx-xx-xxxx
Allen, Robert C., xxx-xx-xx...
Allen, Robert G., Jr., xxx-xx-xxxx
Allison, Ronald L., xxx-xx-xxxx
Alringer, Richard A., xxx-xx-xxxx
Altevogt, William C., xxx-xx-xxxx
Alton, Jack W., Jr., xxx-xx-xxxx
Alvin, Ronald C., xxx-xx-xxxx
Ammirati, Louis J., xxx-xx-xxxx
Anderson, Charles E., xxx-xx-xxxx
Anderson, Frank J., Jr., xxx-xx-xxxx
Anderson, Robert D., xxx-xx-xxxx
Anderson, Wayne H., xxx-xx-xxxx
Andrea, Ronald L., xxx-xx-xxxx
Angerman, George G., xxx-xx-xxxx
Anglemyer, Richard M., xxx-xx-xxxx
Anthony, Michael D., xxx-xx-xxxx
Applegate, William J., xxx-xx-xxxx
Applewhite, Jim R., xxx-xx-xxxx
Araki, Clyde S., xxx-xx-xxxx
Arkfeld, Gerald L., Jr., xxx-xx-xxxx
Armington, Judie A., xxx-xx-xxxx
Armstrong, Bill L., xxx-xx-xxxx
Armstrong, Donald J., Jr., xxx-xx-xxxx
Ashmore, Frederick M., xxx-xx-xxxx
Aston, James A., xxx-xx-xxxx
Atkinson, Thomas F., Jr., xxx-xx-xxxx
Attuso, Ronald V., xxx-xx-xxxx
Aubrey, James R., xxx-xx-xxxx
Auwarter, Carmen E., xxx-xx-xxxx
Auyong, Dayton H. C., xxx-xx-xxxx
Avery, Gerald N., xxx-xx-xxxx
Babcock, Richard R., Jr., xxx-xx-xxxx
Babiak, Nicholas J., xxx-xx-xxxx
Babyok, Robert F., Jr., xxx-xx-xxxx
Baginsky, Vincent J., xxx-xx-xxxx
Bailey, Joseph A., Jr., xxx-xx-xxxx
Bailey, Maxwell C., xxx-xx-xxxx
Baird, Wayne J., xxx-xx-xxxx
Baker, Charles W., Jr., xxx-xx-xxxx
Baker, David E., xxx-xx-xxxx
Baker, Ellery E., xxx-xx-xxxx
Baker, John R., xxx-xx-xxxx
Baker, Joseph D., xxx-xx-xxxx
Baker, Norman R., xxx-xx-xxxx
Baker, William H., xxx-xx-xxxx
Bala, Walter A., xxx-xx-xxxx
Balazs, Brent W., xxx-xx-xxxx
Baldassari, Ronald J., xxx-xx-xxxx
Balthun, Wayne E., xxx-xx-xxxx
Bangs, Geoffrey E., xxx-xx-xxxx
Bangs, Terry L., xxx-xx-xxxx
Banks, Joe M., II, xxx-xx-xxxx
Bannon, Edward A., xxx-xx-xxxx
Baralt, Raymond A., xxx-xx-xxxx
Barash, Harry M., xxx-xx-xxxx
Barber, Michael A., xxx-xx-xxxx
Barbi, Kenneth W., xxx-xx-xxxx
Barbier, Kermit M., xxx-xx-xxxx
Barclay, Robert L., xxx-xx-xxxx
Baril, Thomas E., xxx-xx-xxxx
Barlow, James D., xxx-xx-xxxx
Barna, Theodore K., xxx-xx-xxxx
Barnes, Linda B., xxx-xx-xxxx
Barr, Robert D., xxx-xx-xxxx
Barrett, Robert P., xxx-xx-xxxx
Barrows, Donald K., xxx-xx-xxxx
Bartee, Luther M., xxx-xx-xxxx
Bartlett, Frank R., xxx-xx-xxxx
Bartlow, Robert L., xxx-xx-xxxx
Barucky, Jerry M., xxx-xx-xxxx
Bass, Marvin G., xxx-xx-xxxx
Bassett, Frederick E., xxx-xx-xxxx
Batchelder, Floyd P., xxx-xx-xxxx
Bates, Eugene F., xxx-xx-xxxx
Bauer, George C., III, xxx-xx-xxxx
Bauer, Lee A., xxx-xx-xxxx
Bauer, Stephen A., xxx-xx-xxxx
Baxter, Lewis D., xxx-xx-xxxx
Bayless, Robert F., xxx-xx-xxxx
Beard, Michael W., xxx-xx-xxxx
Beauregard, Avery J., xxx-xx-xxxx
Beck, David R., xxx-xx-xxxx
Becker, Allan R., xxx-xx-xxxx
Beeck, Kenneth R., xxx-xx-xxxx
Beekman, William D., xxx-xx-xxxx
Behr, Robert D., xxx-xx-xxxx
Bein, Peter J., xxx-xx-xxxx
Beishke, John J., Jr., xxx-xx-xxxx
Belche, George R., xxx-xx-xxxx
Bell, Charles T., xxx-xx-xxxx
Bell, Glenn L., Jr., xxx-xx-xxxx
Bell, Robert L., xxx-xx-xxxx
Bellan, James M., II, xxx-xx-xxxx
Bellinger, Robert W., xxx-xx-xxxx
Belmont, Gary R., xxx-xx-xxxx
Belote, William A., Jr., xxx-xx-xxxx
Benn, Clyde E., xxx-xx-xxxx
Bennett, Edwin W., Jr., xxx-xx-xxxx
Bennett, Ronald W., xxx-xx-xxxx
Benson, Jerry L., xxx-xx-xxxx
Bentley, Bedford T., Jr., xxx-xx-xxxx
Benton, Jeffrey C., xxx-xx-xxxx
Berg, Walter R., xxx-xx-xxxx
Bergquist, Ronald E., xxx-xx-xxxx
Berner, Brent A., xxx-xx-xxxx
Berney, Patrick M., xxx-xx-xxxx
Berry, Bruce M., xxx-xx-xxxx
Berry, Edward M., III, xxx-xx-xxxx
Bertino, Thomas A., xxx-xx-xxxx
Bertrand, Randall L., xxx-xx-xxxx
Berty, Barry J. T., xxx-xx-xxxx
Bessert, Galen C., xxx-xx-xxxx
Bethart, Edgar J., Jr., xxx-xx-xxxx
Bettcher, James R., xxx-xx-xxxx
Bielowicz, Paul L., xxx-xx-xxxx
Billick, Donald M., xxx-xx-xxxx
Birk, Frank T., xxx-xx-xxxx
Bischoff, Ronald W., xxx-xx-xxxx
Bitner, Charles B., xxx-xx-xxxx
Bixler, Christie E., II, xxx-xx-xxxx
Blackman, William J., xxx-xx-xxxx
Blackwell, Lotus B., III, xxx-xx-xxxx
Blaho, Albert J., xxx-xx-xxxx
Blaisdell, Franklin J., xxx-xx-xxxx
Blamey, John T., xxx-xx-xxxx
Blanchard, Warren C., Jr., xxx-xx-xxxx
Blankenbeker, Cleon J., xxx-xx-xxxx
Blaxton, Eldon C., xxx-xx-xxxx
Bliss, Robert D., xxx-xx-xxxx
Blocher, Bruce K., xxx-xx-xxxx
Bloom, Richard L., xxx-xx-xxxx
Blutt, Kenneth E., xxx-xx-xxxx
Boatright, Ronald L., xxx-xx-xxxx
Boggan, James F., xxx-xx-xxxx
Bolalek, Philip J., xxx-xx-xxxx
Boland, Thomas J., xxx-xx-xxxx
Boland, Thomas R., xxx-xx-xxxx
Bole, Samuel J., xxx-xx-xxxx
Bomersbach, Richard L., xxx-xx-xxxx
Boneske, Franklin, xxx-xx-xxxx
Bonfiglio, Victor J., xxx-xx-xxxx
Bonin, James J., Jr., xxx-xx-xxxx
Bonitz, William A., xxx-xx-xxxx
Bonn, Robert C., Jr., xxx-xx-xxxx
Bonner, John H., xxx-xx-xxxx
Booker, Michael P., xxx-xx-xxxx
Boone, John S., xxx-xx-xxxx
Booth, George R., xxx-xx-xxxx
Bordenave, Robert J., xxx-xx-xxxx
Boroczk, Dennis M., xxx-xx-xxxx
Bortfeld, Stephen R., xxx-xx-xxxx
Borum, John P., xxx-xx-xxxx
Bose, Clarence M., xxx-xx-xxxx
Bossart, Roger A., xxx-xx-xxxx
Boswell, Gordon F., xxx-xx-xxxx
Boswell, Irving W., III, xxx-xx-xxxx
Boswell, James W., xxx-xx-xxxx
Botta, Joseph E., xxx-xx-xxxx
Botula, Charles, III, xxx-xx-xxxx
Bourke, Thomas J., xxx-xx-xxxx
Bourque, James K., xxx-xx-xxxx
Bowen, Edward C., xxx-xx-xxxx
Bowen, Gordon H., xxx-xx-xxxx
Bower, Frederick B., Jr., xxx-xx-xxxx
Bowles, Robert J., xxx-xx-xxxx
Bowman, Gerald L., xxx-xx-xxxx
Bowman, Robert D., xxx-xx-xxxx
Boyce, Earl J., xxx-xx-xxxx
Boyd, George V., III, xxx-xx-xxxx
Boyd, Stephen B., xxx-xx-xxxx
Boyer, David G., xxx-xx-xxxx
Brackett, Howard R., Jr., xxx-xx-xxxx
Brackin, William W., xxx-xx-xxxx
Brady, Doyle E., xxx-xx-xxxx
Brady, Roger A., xxx-xx-xxxx
Bragaw, Charles L., xxx-xx-xxxx
Brashear, Dick D., II, xxx-xx-xxxx
Brauer, Harold E., xxx-xx-xxxx
Brearey, Jonathan L., xxx-xx-xxxx
Breckenridge, Daniel W., xxx-xx-xxxx
Breen, Paul M., xxx-xx-xxxx
Breese, David L., xxx-xx-xxxx
Brennan, Edward J., xxx-xx-xxxx
Brewer, Richard R., xxx-xx-xxxx
Bridal, Donald D., xxx-xx-xxxx
Bridges, Clayton G., xxx-xx-xxxx
Brinkman, Roy D., xxx-xx-xxxx
Bristow, Richard D., xxx-xx-xxxx
Broas, Michael J., xxx-xx-xxxx
Brod, Thomas J., xxx-xx-xxxx
Brogan, Dennis M., xxx-xx-xxxx
Brogdon, Bill D., xxx-xx-xxxx
Brooks, John W., xxx-xx-xxxx
Brooks, Robert J., xxx-xx-xxxx

Brooks, William C., xxx-xx-xxxx
Broom, Steven M., xxx-xx-xxxx
Brown, Charles B., xxx-xx-xxxx
Brown, David A., Jr., xxx-xx-xxxx
Brown, Doyle D., xxx-xx-xxxx
Brown, Gerald W., Jr., xxx-xx-xxxx
Brown, Harold R., Jr., xxx-xx-xxxx
Brown, Herbert R., III, xxx-xx-xxxx
Brown, James T., xxx-xx-xxxx
Brown, Richard E., III, xxx-xx-xxxx
Brown, Scott B., xxx-xx-xxxx
Brown, William R., xxx-xx-xxxx
Brownlee, Donald H., xxx-xx-xxxx
Bruchas, James M., xxx-xx-xxxx
Bruner, Richard E., xxx-xx-xxxx
Brunson, Richard L., xxx-xx-xxxx
Brus, Robert A., xxx-xx-xxxx
Bryan, Oscar V., Jr., xxx-xx-xxxx
Bryan, Steven A., xxx-xx-xxxx
Bryant, James H., xxx-xx-xxxx
Bryden, James F., xxx-xx-xxxx
Buchan, Francis, xxx-xx-xxxx
Buchanan, Paul E., Jr., xxx-xx-xxxx
Buckley, David C., xxx-xx-xxxx
Buckner, John H., Jr., xxx-xx-xxxx
Buckner, Mark S., xxx-xx-xxxx
Budzinski, Willard C., Jr., xxx-xx-xxxx
Buettner, Terry W., xxx-xx-xxxx
Buffin, John K., xxx-xx-xxxx
Buffkin, Bobby D., xxx-xx-xxxx
Bulat, Antone S., xxx-xx-xxxx
Bundy, Richard B., xxx-xx-xxxx
Buono, Bruce J., xxx-xx-xxxx
Burke, Joseph P., Jr., xxx-xx-xxxx
Burke, Joseph W., xxx-xx-xxxx
Burke, Thomas L., Jr., xxx-xx-xxxx
Burleson, Thomas H., Jr., xxx-xx-xxxx
Burns, Edward J., III, xxx-xx-xxxx
Burns, Robert A., xxx-xx-xxxx
Burr, Annette L., xxx-xx-xxxx
Burton, Robert O., xxx-xx-xxxx
Busch, William W., xxx-xx-xxxx
Buss, Michael J., xxx-xx-xxxx
Butt, Edward L., xxx-xx-xxxx
Byars, William R., xxx-xx-xxxx
Byers, Mel D., xxx-xx-xxxx
Byrne, Mary, xxx-xx-xxxx
Cabe, Robert D., xxx-xx-xxxx
Cafiero, Carl A., xxx-xx-xxxx
Cain, John H., xxx-xx-xxxx
Caldwell, Hartley M., III, xxx-xx-xxxx
Caldwell, Jon D., xxx-xx-xxxx
Calhoun, William L., xxx-xx-xxxx
Cameron, Hugh C., xxx-xx-xxxx
Campany, Richard C., Jr., xxx-xx-xxxx
Campbell, Douglas A., xxx-xx-xxxx
Campbell, Edward L., xxx-xx-xxxx
Campbell, Harry G., xxx-xx-xxxx
Campbell, John J., xxx-xx-xxxx
Campbell, Richard., H., xxx-xx-xxxx
Campbell, Wayne D., xxx-xx-xxxx
Cannan, David, M., xxx-xx-xxxx
Cannava, Vincent A., xxx-xx-xxxx
Cannon, Randall F., xxx-xx-xxxx
Capella, William L., xxx-xx-xxxx
Capozella, William P., xxx-xx-xxxx
Caravello, Christopher, xxx-xx-xxxx
Carberry, Don L., xxx-xx-xxxx
Cardiel, Richard B., xxx-xx-xxxx
Cardona, Angel A., xxx-xx-xxxx
Carlson, Bruce A., xxx-xx-xxxx
Carlson, Dennis A., xxx-xx-xxxx
Carlson, James R., xxx-xx-xxxx
Carlton, James A., xxx-xx-xxxx
Carney, John M., xxx-xx-xxxx
Carosella, Peter, xxx-xx-xxxx
Carpenter, Bryan F., xxx-xx-xxxx
Carpenter, Francis E., xxx-xx-xxxx
Carpenter, Gary E., xxx-xx-xxxx
Carreras, Gilbert D., xxx-xx-xxxx
Carroll, Alfred R., Jr., xxx-xx-xxxx
Carroll, Jerald E., xxx-xx-xxxx
Carroll, Terence W., xxx-xx-xxxx
Carruthers, Riley W., xxx-xx-xxxx
Carson, Charles A., Jr., xxx-xx-xxxx
Carson, Leonard R., III, xxx-xx-xxxx
Carstensen, Richard D., xxx-xx-xxxx
Carter, Douglas J., xxx-xx-xxxx
Carter, Harold N., xxx-xx-xxxx
Carter, James E., xxx-xx-xxxx
Carter, Robert E., xxx-xx-xxxx
Carvell, Frank J., xxx-xx-xxxx
Cary, Mitchell D., xxx-xx-xxxx
Casati, Richard W., xxx-xx-xxxx
Casteel, Terence L., xxx-xx-xxxx
Cates, Charles E., xxx-xx-xxxx
Certain, John N., xxx-xx-xxxx
Chabot, Gary A., xxx-xx-xxxx
Chadsey, David E., xxx-xx-xxxx
Chadwick, Larry M., xxx-xx-xxxx
Chalmer, Lawrence R., xxx-xx-xxxx
Chambers, Howard B., Jr., xxx-xx-xxxx
Chandler, John W., xxx-xx-xxxx
Chaney, Joseph A., xxx-xx-xxxx
Chapman, John C., Jr., xxx-xx-xxxx
Chapman, Michael G., xxx-xx-xxxx
Chapman, Thomas N., xxx-xx-xxxx
Chappelear, James W., Jr., xxx-xx-xxxx
Chenard, Wayne P., xxx-xx-xxxx
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Renne, Eric S., xxx-xx-xxxx
Stainman, Theodore H., xxx-xx-xxxx
Szufel, Adam E., xxx-xx-xxxx
Zebron, Samuel, xxx-xx-xxxx

JUDGE ADVOCATE

Brower, Charles L., xxx-xx-xxxx
Byassee, William D., xxx-xx-xxxx
Capio, Ralph J., xxx-xx-xxxx
Davis, Jay L., xxx-xx-xxxx
Deaustin, Bradley J., xxx-xx-xxxx
Deaver, Maurice A., Jr., xxx-xx-xxxx
Denson, Jeffrey M., xxx-xx-xxxx
Edgin, Gordon R., xxx-xx-xxxx
Farr, Richard L., xxx-xx-xxxx
Fiore, Joseph C., xxx-xx-xxxx
Ford, Michael R., xxx-xx-xxxx
Gamboa, Glenn J., xxx-xx-xxxx
Grunick, Gary A., xxx-xx-xxxx
Henabray, William M., Jr., xxx-xx-xxxx
Henry, William C., xxx-xx-xxxx
Hoch, Karl J., Jr., xxx-xx-xxxx
Hotchkiss, Hervey A., xxx-xx-xxxx
Hourcle, Laurent R., xxx-xx-xxxx
Hudkins, John W., xxx-xx-xxxx
Johnston, James D., xxx-xx-xxxx
Jones, Charles G., xxx-xx-xxxx
Kessler, Brian L., xxx-xx-xxxx
McBride, James W., xxx-xx-xxxx
Morgan, Jack H., xxx-xx-xxxx
Morrison, Wade B., xxx-xx-xxxx
Mounts, Robert T., xxx-xx-xxxx
Myers, Charles R., xxx-xx-xxxx
Nowak, Robert C., xxx-xx-xxxx
Nye, Michael W., xxx-xx-xxxx
Potuk, James N., xxx-xx-xxxx
Rowland, Jay A., xxx-xx-xxxx
Schlabs, Glenn H., xxx-xx-xxxx
Smith, Gary A., xxx-xx-xxxx
Sternal, Guy J., xxx-xx-xxxx
Stubbs, Jerald D., xxx-xx-xxxx
Taggart, David A., xxx-xx-xxxx
Teschner, Charles F., xxx-xx-xxxx
Torgeson, Michael G., xxx-xx-xxxx
Wilder, Harlan G., xxx-xx-xxxx
Wilson, Robert J., Jr., xxx-xx-xxxx
Yoder, Dennis S., xxx-xx-xxxx
Zier, George S., xxx-xx-xxxx

NURSE CORPS

Andrews, Miron A., xxx-xx-xxxx
Ashley, Eileen M., xxx-xx-xxxx
Avery, Betty J., xxx-xx-xxxx
Baran, Carolyn J., xxx-xx-xxxx
Barbi, Susan J. F., xxx-xx-xxxx
Bartlett, Alayne L., xxx-xx-xxxx
Belville, Brenda L., xxx-xx-xxxx
Berg, Jessilyn, xxx-xx-xxxx
Bonner, Cynthia U., xxx-xx-xxxx
Booker, Carol M., xxx-xx-xxxx
Christensen, Susan M., xxx-xx-xxxx
Cottrill, Sue M., xxx-xx-xxxx
Cox, Cheryle L., xxx-xx-xxxx
Cox, Mary K., xxx-xx-xxxx
Davis, Colleen W., xxx-xx-xxxx
Davis, Kathryn S., xxx-xx-xxxx
Dobson, Rita E., xxx-xx-xxxx
Elliott, Nancy A., xxx-xx-xxxx
Frain, Patricia E., xxx-xx-xxxx
Francis, Lynn A., xxx-xx-xxxx
Frey, Thomas D., xxx-xx-xxxx
Garten, Marjorie J., xxx-xx-xxxx
Grubor, Darlene A. M., xxx-xx-xxxx
Hansen, Phyllis J., xxx-xx-xxxx
Heaberg, Gail L., xxx-xx-xxxx
Jackson, David B., xxx-xx-xxxx
Kamper, Sandra M., xxx-xx-xxxx
Kutzner, Nancy A., xxx-xx-xxxx
Lazik, Adelaide E., xxx-xx-xxxx
MacDonald, Elizabeth A., xxx-xx-xxxx
Marinson, Deadotta, xxx-xx-xxxx
Massey, Sarah J., xxx-xx-xxxx
Monroe, Mary E., xxx-xx-xxxx
Morey, Ann M., xxx-xx-xxxx
Moses, Sharon A., xxx-xx-xxxx
Nancarrow, Ruth L., xxx-xx-xxxx
Parker, Helen L., xxx-xx-xxxx
Post, Mary A., xxx-xx-xxxx
Raines, Kathryn M., xxx-xx-xxxx
Rogenes, Kathryn A., xxx-xx-xxxx
Sanger, Jean K., xxx-xx-xxxx
Seibold, Margaret A., xxx-xx-xxxx
Sitko, Christine A., xxx-xx-xxxx
Smith, Suanne, xxx-xx-xxxx
Sousa, Carolyn M., xxx-xx-xxxx
Stierle, Linda J., xxx-xx-xxxx
Sullivan, Mary P., xxx-xx-xxxx
Terriberry, Cynthia A., xxx-xx-xxxx
Tossing, Rosanne K., xxx-xx-xxxx
Vokes, Rita A., xxx-xx-xxxx
Wilson, Helen A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Baker, David J., xxx-xx-xxxx
Best, Gordon W., xxx-xx-xx...
Carroll, Roland J., Jr., xxx-xx-xxxx
Daft, Rodger H., xxx-xx-xxxx
Daves, Laurence M., xxx-xx-xxxx
Fitzgerald, Paul G., xxx-xx-xxxx
Foster, C. Stephen, xxx-xx-xxxx
Gray, Glen H., xxx-xx-xxxx
Hanko, James F., xxx-xx-xxxx
Head, William C., xxx-xx-xxxx
Hight, Fred T., Jr., xxx-xx-xxxx
Holes, John E., xxx-xx-xxxx
Hughes, Christopher L., xxx-xx-xxxx
Hunter, Harold H., Jr., xxx-xx-xxxx
Jiru, Michael W., xxx-xx-xxxx
Jones, Thomas K., Jr., xxx-xx-xxxx
Kearns, William P., III, xxx-xx-xxxx
Knoop, David M., xxx-xx-xxxx
Labash, John D., xxx-xx-xxxx
Lonsdale, Thomas J., xxx-xx-xxxx
Lyons, Michael W., xxx-xx-xxxx
MacHado, Joseph A., III, xxx-xx-xxxx
McKee, Timothy C., xxx-xx-xxxx
Melchiorre, Joseph E. Jr., xxx-xx-xxxx
Mirick, Steven C., xxx-xx-xxxx

Moss Robert J., Jr., xxx-xx-xxxx
Nicholson, Henry B., Jr., xxx-xx-xxxx
Partridge, Stephen L., xxx-xx-xxxx
Penwell, Gary W., xxx-xx-xxxx
Roger, Roland J., xxx-xx-xxxx
Russell, Sydney S., xxx-xx-xxxx
Sanders, Jimmy D., xxx-xx-xxxx
Schafer, Jeffery C., xxx-xx-xxxx
Steiger, Carl L., xxx-xx-xxxx
Szwast, Gary W., xxx-xx-xxxx
Vojtasko, Michael C., xxx-xx-xxxx
Williams, Carrol C., xxx-xx-xxxx
Wyrick, Michael K., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Barnes, Edward S., xxx-xx-xxxx
Bauer, John W., xxx-xx-xxxx
Burr, John G., xxx-xx-xxxx
Bybee, Ronald F., xxx-xx-xxxx
Chicilo, Thomas J., xxx-xx-xxxx
Cox, John D., xxx-xx-xxxx
George, Larry C., xxx-xx-xxxx
Gookin, Michael D., xxx-xx-xxxx
Gunnels, Robert D., xxx-xx-xxxx
Hartgraves, Stanley L., xxx-xx-xxxx
James, George R., xxx-xx-xxxx
Ksiazek, Thomas G., xxx-xx-xxxx
Kuzma, Robert J., xxx-xx-xxxx
Lang, Jerry T., xxx-xx-xxxx
Livingston, James M., xxx-xx-xxxx
McElwey, David W., xxx-xx-xxxx
McLaughlin, William H., xxx-xx-xxxx
McNutt, Gary R., xxx-xx-xxxx
Miller, Roger L., xxx-xx-xxxx
Morgan, Edwin B., Jr., xxx-xx-xxxx
Nelson, Robert C., xxx-xx-xxxx
Nemmers, Stephen J., xxx-xx-xxxx
Nichols, James B., xxx-xx-xxxx
Olfenbuttel, Robert F., xxx-xx-xxxx
Orrell, Doyle L., xxx-xx-xxxx
Palagi, Peter A., xxx-xx-xxxx
Peterson, Lamont R., xxx-xx-xxxx
Porter, Paul F., xxx-xx-xxxx
Readinger, Sharon A., xxx-xx-xxxx
Rogers, Earl D., xxx-xx-xxxx
Sanders, Mary A., xxx-xx-xxxx
Smogur, Thomas G., xxx-xx-xxxx
Stork, Roger L., xxx-xx-xxxx
Sutay, Robert J., xxx-xx-xxxx
Swanson, John W., xxx-xx-xxxx
Sweigart, Marlin L., xxx-xx-xxxx
Tanner, Merle R., Jr., xxx-xx-xxxx
Tedor, John B., xxx-xx-xxxx
Tenaglia, Ronald J., xxx-xx-xxxx
Termaath, Stephen G., xxx-xx-xxxx
Warner, Ronald D., xxx-xx-xxxx
Warnken, Reimund G., xxx-xx-xxxx
Wasem, Gary A., xxx-xx-xxxx
Worthy, Charles D., Jr., xxx-xx-xxxx
Yoshii, Dan O., xxx-xx-xxxx

IN THE NAVY

The following-named medical college graduates to be appointed permanent captain in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593:

Cowan, George S. M. McSwain, Norman E.

The following-named ex-Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, Untied States Code, section 593.

Kostiuk, Eugene S. Young, Stanley B.

Michael C. Egan, ex-Naval Reserve officer, to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593.

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the Line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Butler, Otis E., III
Cole, Harry H.
Coonce, Thomas R.
Cummins, Cory S.
DeAngelis, Paul M.
Denny, Jeffrey G.
Dooris, William J.
Erdman, Bernard W.
Evans, Kenneth J.
Gauthier, Ronald D.
Green, Michael G.
Gross, Rodney D.
Hill, Timothy S.
Irvin, Ronald B. M.
Kiefer, Claudia J.
Kim, Thomas P.
Koszenski, Harry C.
LaRoche, Roy E., Jr.
McCarthy, Peter J.
Nelson, Christopher J.
Padelford, Timothy P.
Parkhurst, David C., II
Poarch, Julia E. Y.
Quick, Robert J.
Richter, John A., II
Ross, Alexander J.
Simmons, Howard C., II
Snyder, Diane L.
St. John, Theodore J.
Surrett, Robert L.
Whitten, John J.

The following-named Navy enlistee candidates to be appointd permanent chief warrant officers, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Cervantes, Mario C.
Szymanski, William J.
Williams, William H.

IN THE MARINE CORPS

The following-named Marine Corps enlisted commissioning education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Avey, Thomas G., xx...
Baldwin, Mary H., xx...
Becker, James C., Jr., xx...
Buchanan, Larry, xxxx
Caldwell, Gregory R., xxxx
Campbell, Kent P., xx...
Capets, David, xx...
Chamberlain, Thomas J., xx...
Cooney, James J., Jr., xx...
Coulson, Robert W., xx...
Cristy, Jose G., II, xxxx
Dominick, James V., III, xx...
Dorn, Ralph P., xx...
Ellis, Steven J., xx...
Ellrick, Daniel A., xx...
Fuller, Scott J., xx...
Giles, Herman H., Jr., xx...
Gillan, Daniel J., xx...
Groves, Michael A., xx...
Hansen, Charles C., xx...
Hansen, Richard D., xx...
Hurston, David L., xx...
Justice, Barry D., xx...
Lewis, Effie L., xx...
Lewis, Michael D., xx...
Londrie, Harold R., xx...
Marshall, Larry R., xxxx
Martin, Tracy L., xx...
Martin, William E., xx...
Matherly, Ray A., xx...
Meredith, William E., Jr., xx...
Pierce, Keith W., xx...
Radtke, Steven C., xx...
Ragland, John P., xxxx
Schultz, Paul D., xx...
Sodergren, Mark J., xx...
Stopp, David A., xx...
Wall, Jay C., xxxx
Weston, Tammy R., xx...
Williams, Joe F., Jr., xx...
Wilson, Joseph A., xx...

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107:

Abraham, Peter E., xxxx
Adam, James P., xx...
Allen, Scott T., xx...
Ambrosi, John T., xx...
Anderson, Richard A., xx...
Anderson, Richard L., xxxx
Andy, Joseph A., xx...
Anglin, Paul S., xx...
Angulo, Vince E., xx...
Ankewich, Carl M., xx...
Anthony, Eric D., xx...
Appleton, Thomas J., xxxx
Bachman, Joseph R., xxxx
Bailes, Elbert L., III, xx...
Bain, Dale W., xx...
Baker, Byron L., xx...
Ball, Michael S., xx...
Bass, Keith W., xx...
Beatty, James R., xx...
Belke, Stephen W., xx...
Bell, Jo A., xx...
Benford, Leo W., xxxx
Bennett, Calvin B., III, xx...
Bennett, Sherri L., xx...
Benson, Charles A., Jr., xx...
Berkowitz, Robert J., xx...
Berryman, Michael C., xx...
Bishop, James H., xx...
Blackmon, Warren A., xx...
Bland, Richard K., xx...
Blashka, Bruce G., xx...
Blaylock, Mikel F., xx...
Bogan, Harold A., xx...
Boggs, Sharon R., xxxx
Bonn, Bo R., xx...
Bookwalter, Timothy J., xx...
Boraks, Michael W., xx...
Bowers, Robert E., xx...
Boyer, Richard D., xx...
Brackett, Donald C., xx...
Brannen, Daniel J., xx...
Bremer, James K., xx...
Brow, John A., xx...
Brower, John A., xx...
Brown, Bernard L., xx...
Brown, Stephen J., xx...
Burke, Adrian W., xx...
Burkhart, Lynn L., xx...
Bywaters, Kevin L., xx...
Cady, Kevin L., xx...
Cajka, Daniel A., xx...
Capotosto, David A., xxxx
Carhart, Scott T., xx...
Carpentier, Thomas F., xx...
Carter, Perry W., xx...
Castaneda, Filmer M., xx...
Castellvi, Robert F., xxxx
Cave, Edward H., xxxx
Chan, Bruce A., xx...
Chapman, Murray W., xx...
Cicchinelli, Matthew R., xx...
Clark, Jamie E., xx...
Clark, Paul K., xx...
Clark, Robert D., xx...
Claucherty, Jonathan S., xx...
Claus, Robert C., xx...
Clay, Stephen W., xx...
Clayton, Larry, xx...
Cluck, Carl L., xx...
Cochran, John W., xx...
Comer, Vernon B., xx...
Cope, William R., xx...
Corderman, Gary L., xx...
Costa, Anthony P., xxxx
Cover, Christopher R., xx...
Cowan, Charles W., xx...
Craighead, Donald R., xx...
Crenshaw, Craig C., xx...
Crouch, Robert M., xx...
Croy, Steven R., xx...
Cubbege, Jill E., xx...
Culhane, Brian M., xx...
Cunningham, Eugene R., xx...
Damm, Eric M., xx...

Davenport, David A., XX...
Davis, George W., III, XX...
Deliberto, Gary R., XX...
Dirksmeier, Peter J., XX...
Dixon, James K., XX...
Dolan, Michael J., XX...
Dosev, Cristov, XX...
Douglas, Michael S., XX...
Dowling, Christopher S., XX...
Downes, Eric S., XXXX
Downs, Bruce M., XX...
Dunn, Keith E., XX...
Earnest, Lisa M., XX...
Efta, Damian D., XX...
Epplin, Michael A., XX...
Eshelman, William P., Jr., XX...
Evers, Clayton O., XX...
Everson, Mark J., XX...
Fack, Joachim W., XX...
Fahy, John P., XX...
Ferrando, Stephen A., XX...
Ferrick, Michael G., XX...
Fischler, Kenneth S., XX...
Fishburn, David A., XX...
Flores, Shawn R., XX...
Flynn, Michael D., XX...
Foster, Sterling H., XX...
Fox, Thomas M., XX...
Franklin, Glenn M., XX...
Gaines, Mark E., XX...
Gainey, Wesley R., XX...
Gaiter, Valerie Y., XX...
Games, Timothy E., XX...
Garner, Ches H., XX...
Garvey, Dennis P., XX...
Gass, James D., XX...
Gibson, Thomas L., XX...
Gill, Kenyon M., III, XX...
Glodosky, David M., XX...
Goolsby, Thomas C., Jr., XX...
Gordon, John R., III, XX...
Goudreau, Thomas J., XX...
Green, Edward M., XX...
Guenther, Uwe W., XX...
Gunderson, Kevin R., XX...
Hahn, Peter L., XX...
Haliday, Christian N., XX...
Hall, Mark E., XX...
Hankins, David S., 0692
Hanna, Guy C., XX...
Hannay, Jeffrey M., XXXX
Hanyok, Michael B., XX...
Harchelroad, Mark R., XX...
Hardiman, Timothy J., XX...
Hawes, Eric A., XX...
Hayden, Christopher E., XX...
Henderson, Michael P., XX...
Higgins, Timothy P., XX...
Hightower, Michael C., XX...
Hite, Jeffery A., XXXX
Holladay, Steven M., XX...
Hurd, Rodney O., XX...
Ingebretsen, Carl R., XX...
Jackson, Harry B., Jr., XXXX
Janousek, Guy M., XXXX
Jasper, Marc W., XX...
Jaworski, John J., XXXX
Jebens, Mark S., XX...
Jensen, Donald K., XX...
Johnson, Ledell, XXXX
Johnson, Stewart J., XX...
Jones, Glennon F., XX...
Jones, Reginald L., XX...
Joyce, Robert E., XX...
Kasky, Wendy L., XX...
Kaupp, David S., XXXX
Kazin, Gerard G., XX...
Kelley, Craig A., XX...
Kenkel, James D., XXXX
Kesh, Robert D., XX...
Kim, Earl T., XX...
Kingston, James L., XXXX
Kinney, Troy W., XX...
Kirkland, Charles L., XX...
Kittelson, John O., XX...
Kmiecik, Janet M., XX...
Koerber, Darrel L., XX...
Kowalski, Michal, XX...
Kratzert, John L., XX...
Kroh, Thomas S., XX...
Lanicek, Richard E., XX...
Larson, Thomas E., XX...
Lawler, Brian A., XXXX
Lessig, Thomas F., XXXX
Light, Martin C., Jr., XX...
Lindsey, Bruce D., XX...
Little, Thomas E., XX...
Lobbezoo, Mark A., XX...
Lones, Kenneth R., II, XX...
Lotocki, Michael J., XX...
Lynch, Mark V., XX...
Lynn, Thomas A., XX...
Maclean, Andrew B., XX...
Mahoney, Joseph E., XX...
Malone, Douglas R., XX...
Mann, Alan A., XX...
Marino, Richard M., XX...
Mark, Michael A., XX...
Marks, Aaron B., XX...
Martellotto, Michael J., XX...
Massey, Jill M., XX...
Matthews, Brent R., XX...
McCarthy, Gary J., XX...
McClintock, Bruce J., XX...
McConnell, Kevin M., XX...
McCoy, Michael D., XX...
McCubbin, Timothy I., XX...
McEowen, John A., XX...
McGinn, Patrick M., XXXX
McGugan, Patrice L., XX...
McHugh, Andrew M., XX...
McIntosh, Benjamin R., XXXX
McLaughlin, John R., XX...
McLendon, Charles S., XXXX
Mendel, John E., XX...
Merinar, John R., Jr., XX...
Meyer, Timothy E., XX...
Micucci, Michael A., XX...
Mikkelsen, John K., XX...
Mikkelson, David P., XX...
Mills, Craig D., XX...
Mills, William G., III, XX...
Mitchell, Joel J., XX...
Monteferrante, Richard A., XX...
Morgan, David P., XX...
Morgan, Richard W., Jr., XX...
Morgan, William F., XX...
Morrison, Wayne, XX...
Morse, Timothy E., XX...
Muchowicz, Mark S., XX...
Murphy, James S., XX...
Murphy, Thomas J., XX...
Murphy, Timothy J., XX...
Murray, Susan L., XX...
Nicolai, John A., XX...
Niebuhr, Dyvonne S., XX...
Nishioka, Carl H., XX...
Noel, William E., XX...
Norris, William T., XX...
Nowicki, Anthony W., XX...
Null, Dejuan P., XX...
O'gburn, John G., XX...
O'Hara, Stephen C., XX...
Oliver, Randy K., XX...
Olszko, Christopher J., XX...
Oshea, Richard T, XXXX
Owens, Michael J., XX...
Padgett, Mark L., XX...
Panknin, James D., Jr., XX...
Parker, William J., XX...
Partin, Robert W., XX...
Pavack, Anthony C., XXXX
Pavolko, Michael T., XX...
Peacock, David A., XX...
Perry, Robert R., Jr., XX...
Phaneuf, Jeffrey M., XX...
Phelan, James J., III, XX...
Phillips, David E., XX...
Pike, John R., XX...
Pilotte, Steven J., XX...
Polins, Gregory R., XX...
Powell, Patrick A., XXXX
Powers, Joel R., XX...
Pratt, Alan M., XX...
Price, Ernest E., IV, XX...
Probert, Edward W., Jr., XX...
Pugh, James B., XX...
Ramirez, Roberto F., XX...
Rampey, William J., Jr., XX...
Reddy, Peter C., XX...
Reid, Terry L., XX...
Reinwald, Shawn M., XX...
Remick, Daryl F., XX...
Reschar, John V., Jr., XX...
Richards, Larry A., XXXX
Ridley, Frank M., IV, XX...
Riggs, Arthur A., III, XX...
Riley, Wendall, XX...
Robertson, Darrell F., XX...
Robinson, Kevin J., XX...
Rogers, Steven J., XX...
Romano, Carl V., XX...
Rominski, Michael T., XX...
Rucker, Kenneth L., XX...
Runkel, Edward L., XX...
Runyon, David A., XX...
Rupert, Jeremiah, I, XX...
Ryan, David A., XX...
Schmidt, Michael D., XX...
Schmidt, Steven B., XX...
Schmitz, Richard M., XX...
Sederburg, Kelvin B., XX...
Selman, Thomas H., III, XX...
Seroka, Gregory D., XX...
Setzer, Steven R., XX...
Sharp, Daniel L., XX...
Shawhan, Kirk A., XX...
Shinnick, John D., Jr., XX...
Simmons, Paul F., XX...
Slavens, Douglas J., XX...
Slewka, Anthony P., XX...
Smith, Kevin P., XX...
Snyder, William D., XX...
Sokoloski, Glenn D., XX...
Spondre, Ira, XX...
Spratt, Katherine G., XX...
Stansfield, Floyd J., XX...
Stauffer, Richard V., XX...
Stinson, James E., XX...
Sullivan, Stephen M., XX...
Sumner, Mark D., XX...
Swatzell, William J., XX...
Talaber, Richard E., XX...
Taylor, Daniel A., XX...
Terando, David J., XX...
Thomas, Gary L., XX...
Thompson, Phillip F., XX...
Thompson, Randy H., XX...
Thompson, William G., XX...
Thormer, Darrel L., XX...
Titus, Mark D., XX...
Tringali, Arthur M., XX...
Vanstee, Peter M., XX...
Vasley, Anthony G., XX...
Vernon, Gregory J., XX...
Vickers, David A., XX...
Volandt, Stephen L., XX...
Walls, William J., XX...
Walter, John J., XX...
Walton, William D., XX...
Welker, Ernest B., Jr., XX...
Wendt, Roger A., XXXX
Wersel, Richard M., Jr., XX...
Wessinger, Courtney S., XX...
Westman, Michael R., XX...
Whitaker, Barron D., XX...
White, Jeffrey L., XX...
Wilbourn, James N., III, XX...
Wild, Mark A., XXXX
Wilkinson, Timothy M., XX...
Williams, Anthony K., XX...
Williams, Edward V., XX...

Williams, Jon H., xx...
Wilson, Lonnie M., xx...
Wilson, Timothy M., xx...
Wojtysiak, Randall W., xx...
Wolf, David J., xx...

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for transfer into the Regular Marine Corps under the provisions of title 10, United States Code, section 531 and 555:

To be colonel

MacFarlane, John L., xxx-xx-xxxx

To be major

Bader, Bruce W., xxx-xx-xxxx
Glassmire, Charles F., xxx-xx-xxxx
Hobart, Ted W., xxx-xx-xxxx
Jacobson, George G., xxx-xx-xxxx
James, Peter A., xxx-xx-xxxx
Moon, Frederick J., xxx-xx-xxxx
Smith, William H., xxx-xx-xxxx

To be captain

Arp, Richard P., xxx-xx-xxxx
Bosco, Dennis E., xxx-xx-xxxx
Buescher, Howard G., xxx-xx-xxxx
Buranosky, Joseph F., xxx-xx-xxxx
Burke, Jeffrey L., xxx-xx-xxxx
Burke, Paul J., xxx-xx-xxxx
Buynak, Larry R., xxx-xx-xxxx
Caulfield, Thomas V., xxx-xx-xxxx
Cleveland, William R., xxx-xx-xxxx
Compton, Danny M., xxx-xx-xxxx
Conant, Thomas L., xxx-xx-xxxx
Dalton, Robert C., xxx-xx-xxxx
Daugherty, Lester A., xxx-xx-xxxx
Doyle, Scott A., xxx-xx-xxxx
Dunn, John M., xxx-xx-xxxx
Elkins, Steven T., xxx-xx-xxxx
Fox, John N., xxx-xx-xxxx
Frawley, James J., xxx-xx-xxxx
Gaare, Thomas G., xxx-xx-xxxx
George, Brian J., xxx-xx-xxxx
Gleason, Phillip B., xxx-xx-xxxx
Guddeck, William J., xxx-xx-xxxx
Haney, James J., xxx-xx-xxxx
Henry, Allen C., xxx-xx-xxxx
Hingston, William A., xxx-xx-xxxx
Johnson, Oke I., xxx-xx-xxxx
Ladner, Paul F., xxx-xx-xxxx
Lange, William M., xxx-xx-xxxx
Maserjian, James B., xxx-xx-xxxx
Medeiros, Herbert J., xxx-xx-xxxx
Osborn, Michael R., xxx-xx-xxxx
Powell, Gary B., xxx-xx-xxxx
Pryor, Roger M., xxx-xx-xxxx
Raleigh, Robert K., xxx-xx-xxxx
Rogers, James A., xxx-xx-xxxx
Rohde, Stephen J., xxx-xx-xxxx
Sapp, Vernon T., III, xxx-xx-xxxx
Smith, Del C., III, xxx-xx-xxxx
Smith, Jackie B., xxx-xx-xxxx
Stratton, David B., xxx-xx-xxxx
Taylor, George J., xxx-xx-xxxx
Thomas, John A., xxx-xx-xxxx
Wales, Michael C., xxx-xx-xxxx
Warmke, Donald D., xxx-xx-xxxx
Watson, Gary W., xxx-xx-xxxx
Zaffuto, Mark J., xxx-xx-xxxx

To be lieutenant

Abrams, David L., xxx-xx-xxxx
Alexander, Teri L., xxx-xx-xxxx
Alles, Mark J., xxx-xx-xxxx
Amberg, Teresa J., xxx-xx-xxxx
Arends, Elizabeth A., xxx-xx-xxxx
Arnold, Chester A., xxx-xx-xxxx
Audette, Stephen T., xxx-xx-xxxx
Babb, George B., Jr., xxx-xx-xxxx
Bailey, James C., xxx-xx-xxxx
Bembenek, Denis J., xxx-xx-xxxx
Bickenbach, John P., xxx-xx-xxxx
Birkholz, Keith A., xxx-xx-xxxx
Black, William M., Jr., xxx-xx-xxxx
Blair, Brian R., xxx-xx-xxxx
Blanchard, Christophe E., xxx-xx-xxxx
Bocker, Peter E., xxx-xx-xxxx
Bohorques, Don L., Jr., xxx-xx-xxxx
Bolleau, Lamont D., Jr., xxx-xx-xxxx
Bolander, Jeffrey W., xxx-xx-xxxx
Boyle, Terrence R., xxx-xx-xxxx
Braden, Cydnie C., xxx-xx-xxxx
Bradley, Scott G., xxx-xx-xxxx
Breckenridge, Robert E., xxx-xx-xxxx
Brown, Stephen E., xxx-xx-xxxx
Brown, Wes W., xxx-xx-xxxx
Browning, Ronald E., xxx-xx-xxxx
Bruggeman, Robert Q., xxx-xx-xxxx
Bucher, John R., xxx-xx-xxxx
Buckley, Paul J., xxx-xx-xxxx
Burns, Wanda J., xxx-xx-xxxx
Camarena, Carlos J., xxx-xx-xxxx
Cameron, Stephen J., xxx-xx-xxxx
Canterbury, Jincy L., xxx-xx-xxxx
Caporale, Louis D., Jr., xxx-xx-xxxx
Carter, Michael R., xxx-xx-xxxx
Cass, Benjamin M., xxx-xx-xxxx
Cline, Don D., xxx-xx-xxxx
Cole, Joseph M., xxx-xx-xxxx
Colley, William C., xxx-xx-xxxx
Collins, Sherwood E., III, xxx-xx-xxxx
Comingore, Carol A., xxx-xx-xxxx
Cooke, John J., III, xxx-xx-xxxx
Costello, Brian T., xxx-xx-xxxx
Cowan, Donald M., xxx-xx-xxxx
Coz, Peter B., xxx-xx-xxxx
Crittenden, Ann L., xxx-xx-xxxx
Crowe, William B., xxx-xx-xxxx
Cushman, Daniel I., xxx-xx-xxxx
Cyrus, John W., III, xxx-xx-xxxx
Czarnecki, Gerald L., xxx-xx-xxxx
Daily, Douglas J., xxx-xx-xxxx
DeGeorge, Edwin W., Jr., xxx-xx-xxxx
Delaney, Thomas R., xxx-xx-xxxx
Delugo, Richard M., xxx-xx-xxxx
Devin, Timothy J., xxx-xx-xxxx
Dipasquale, Jeffrey D., xxx-xx-xxxx
Dobbins, Richard E., Jr., xxx-xx-xxxx
Eiler, David E., xxx-xx-xxxx
Elkins, David M., xxx-xx-xxxx
Farino, Dale F., xxx-xx-xxxx
Farley, Milford G., II, xxx-xx-xxxx
Farra, Patrick K., III, xxx-xx-xxxx
Farrell, Janet H., xxx-xx-xxxx
Ferguson, Michael A., xxx-xx-xxxx
Ferketish, Gregory M., xxx-xx-xxxx
Fletcher, Paul K., xxx-xx-xxxx
Flohr, Michael E., xxx-xx-xxxx
Flores, Edmund F., xxx-xx-xxxx
Frank, Timothy E., xxx-xx-xxxx
Franklin, John B., Jr., xxx-xx-xxxx
Gaither, Timothy P., xxx-xx-xxxx
Gentry, Bart R., xxx-xx-xxxx
Ghannam, John H., xxx-xx-xxxx
Gibbs, Thomas B., xxx-xx-xxxx
Gielow, Harold R., xxx-xx-xxxx
Giles, Danny L., xxx-xx-xxxx
Gilmore, Ronald F., xxx-xx-xxxx
Gilmore, John F., xxx-xx-xxxx
Glazer, Thomas E., xxx-xx-xxxx
Gough, Patrick J., xxx-xx-xxxx
Gresham, William F., xxx-xx-xxxx
Griffith, David P., xxx-xx-xxxx
Griffith, Rayburn G., xxx-xx-xxxx
Guy, Frederick T., III, xxx-xx-xxxx
Hammer, Raymond W., xxx-xx-xxxx
Hammond, Steven P., xxx-xx-xxxx
Hartz, Gregory., xxx-xx-xxxx
Hasey, Richard M., xxx-xx-xxxx
Haskell, Kip J., xxx-xx-xxxx
Haynes, Charles T., xxx-xx-xxxx
Heggy, Patrick C., xxx-xx-xxxx
Hensley, Edward B., Jr., xxx-xx-xxxx
Hergert, John G., xxx-xx-xxxx
Herrmann, Kevin G., xxx-xx-xxxx
Hertig, Steven J., xxx-xx-xxxx
Hesse, David M., xxx-xx-xxxx
Hickey, John E., xxx-xx-xxxx
Hill, Jack H., xxx-xx-xxxx
Hittle, Daniel C., xxx-xx-xxxx
Hodge, Randall A., xxx-xx-xxxx
Hogg, Steven D., xxx-xx-xxxx
Hough, David K., xxx-xx-xxxx
Hovland, Joel B., xxx-xx-xxxx
Hunt, Albert M., Jr., xxx-xx-xxxx
Irick, Ronald P., xxx-xx-xxxx
Jensen, Robert D., xxx-xx-xxxx
Jerothe, Douglas J., xxx-xx-xxxx
Jewett, Laurence L., xxx-xx-xxxx
Jones, Alan M., xxx-xx-xxxx
Kaplan, Albert H., xxx-xx-xxxx
Keena, Timothy E., xxx-xx-xxxx
Kelley, Patrick C., xxx-xx-xxxx
Kelly, Robert W., Jr., xxx-xx-xxxx
Kernop, Gary G., xxx-xx-xxxx
Kirchner, Lorin R., xxx-xx-xxxx
Koehler, Edwin L., Jr., xxx-xx-xxxx
Kolos, Daniel W., xxx-xx-xxxx
Konold, Eugene L., Jr., xxx-xx-xxxx
Kuhnert, Robert A., xxx-xx-xxxx
Kuiken, Peter A., xxx-xx-xxxx
Lawrence, Jeffery J., xxx-xx-xxxx
Lewis, Alan R., xxx-xx-xxxx
Lilley, Gene T., Jr., xxx-xx-xxxx
Little, Stephen L., xxx-xx-xxxx
Louf, Brian J., xxx-xx-xxxx
Malay, Mark P., xxx-xx-xxxx
Matt, Peter D., xxx-xx-xxxx
Mattfeld, Stanley J., xxx-xx-xxxx
Mayer, Daniel L., xxx-xx-xxxx
Mazur, Frank D., xxx-xx-xxxx
McAdam, Kean, xxx-xx-xxxx
McCarthy, David M., xxx-xx-xxxx
McCarthy, Peter G., xxx-xx-xxxx
McCue, Edward M., III, xxx-xx-xxxx
McCullough, Patrick J., xxx-xx-xxxx
McCusker, Michael J., xxx-xx-xxxx
McFadden, Rick T., xxx-xx-xxxx
McGinnis, Maureenbur, xxx-xx-xxxx
McKinnon, Ann M., xxx-xx-xxxx
McMenomy, Chris D., xxx-xx-xxxx
McNulty, Daniel A., xxx-xx-xxxx
McNulty, Dennis M., xxx-xx-xxxx
Mengelkoch, Jerry G., xxx-xx-xxxx
Meyer, Lawrence D., xxx-xx-xxxx
Miller, Eric W., xxx-xx-xxxx
Minor, Richard A., xxx-xx-xxxx
Miranda, John A., xxx-xx-xxxx
Mizerak, William P., xxx-xx-...
Molofsky, Joseph, xxx-xx-xxxx
Morris, Ailneal, xxx-xx-xxxx
Morrison, Barry K., xxx-xx-xxxx
Moss, Edward J., xxx-xx-xxxx
Mulvaney, Edward P., xxx-xx-xxxx
Munson, Douglas A., Jr., xxx-xx-xxxx
Murphy, Donald R., xxx-xx-xxxx
Murphy, John D., Jr., xxx-xx-xxxx
Myers, Leslie M., Jr., xxx-xx-xxxx
Nicholson, Lawrence D., xxx-xx-xxxx
Nixon, Harold J., xxx-xx-xxxx
Nold, Mark L., xxx-xx-xxxx
Olevsky, Richard S., xxx-xx-xxxx
Oltorik, Thomas F., Jr., xxx-xx-xxxx
Owens, Christophe S., xxx-xx-xxxx
Peabody, Charles B., xxx-xx-xxxx
Pederson, Peter S., xxx-xx-xxxx
Petrosino, Steven P., xxx-xx-xxxx
Praught, Timothy J., xxx-xx-xxxx
Prendergast, Thomas J., Jr., xxx-xx-xxxx
Preston, Glenn H., xxx-xx-xxxx
Pricskett, James T., xxx-xx-xxxx
Progar, Thomas A., xxx-xx-xxxx
Pultro, Joseph N., xxx-xx-xxxx
Quick, John L., xxx-xx-xxxx
Rawers, Brian A., xxx-xx-xxxx
Ray, Jacky E., xxx-xx-xxxx
Rayfield, Richard M., xxx-xx-xxxx
Reid, Beverly J., xxx-xx-xxxx
Ridgeway, Scott W., Jr., xxx-xx-xxxx
Robb, David R., xxx-xx-xxxx
Robertson, Maureen A., xxx-xx-xxxx
Robins, Andrew L., xxx-xx-xxxx

Rocha, Joseph M., xxx-xx-xxxx
Rosenberger, Glenn W., xxx-xx-xxxx
Russell, Robert P., xxx-xx-xxxx
Sabal, Dennis G., xxx-xx-xxxx
Salaz, David R., xxx-xx-xxxx
Sargent, Bradford M., xxx-xx-xxxx
Sawyer, Kevin C., xxx-xx-xxxx
Schmidt, Robert A., xxx-xx-xxxx
Schneider, Glenn T., xxx-xx-xxxx
Schreiber, Paul K., xxx-xx-xxxx
Schuler, Sue I., xxx-xx-...
Schwarm, Karl A., xxx-xx-xxxx
Schwob, Matthew P., xxx-xx-xxxx
Scott, Kevin M., xxx-xx-xxxx
Shafer, George C., III, xxx-xx-xxxx
Singley, Charles E., Jr., xxx-xx-xxxx
Sinnott, James R., xxx-xx-xxxx
Sloane, Eric M., xxx-xx-xxxx
Stoss, Debra L., xxx-xx-xxxx
Sullivan, Bret T., xxx-xx-xxxx
Sullivan, John M., Jr., xxx-xx-xxxx
Summer, Ellen E., xxx-xx-xxxx
Sutz, Steven S., xxx-xx-xxxx
Talkington, Rory E., xxx-xx-xxxx
Tanzler, Mark H., xxx-xx-xxxx
Tierney, David H., xxx-xx-xxxx
Torres, Herminio, Jr., xxx-xx-xxxx
Truba, Gregory A., xxx-xx-xxxx
Trujillo, Michael V., xxx-xx-xxxx
Turner, Robert J., Jr., xxx-xx-xxxx
Turner, Venice J., xxx-xx-xxxx
Underwood, William E., IV, xxx-xx-xxxx
Venetten, James P., xxx-xx-xxxx
Vaughan, Gary A., xxx-xx-xxxx
Vaughn, Paul E., xxx-xx-xxxx
Vaught, Edward E., xxx-xx-xxxx
Viers, Michael W., xxx-xx-xxxx
Volodkevich, Irene J., xxx-xx-xxxx
Vonada, Andrew L., xxx-xx-xxxx
Wade, Paul R., III, xxx-xx-xxxx
Wagner, Erich J., xxx-xx-xxxx
Walden, Robert E., xxx-xx-xxxx
Walker, Patrick T., xxx-xx-xxxx
Walsh, Edward M., xxx-xx-xxxx
Walter, Donald A., xxx-xx-xxxx
Wasek, James S., xxx-xx-xxxx
Watson, Kent A., xxx-xx-xxxx
Webb, Michael K., xxx-xx-xxxx
West, William G., xxx-xx-xxxx
Will, Alan B., xxx-xx-xxxx
Willison, Gary L., xxx-xx-xxxx
Winter, Edward J., xxx-xx-xxxx
Wolf, Stephen S., xxx-xx-xxxx
Wong, George, xxx-xx-xxxx
Wray, Osamu, xxx-xx-xxxx
Yarnell, Edward, xxx-xx-xxxx
Yecke, Dennis J., xxx-xx-xxxx
Young, William O., VII, xxx-xx-xxxx
Zabicki, Walter T., xxx-xx-xxxx
Zaborowski, Francis S., xxx-xx-xxxx
Zuest, Bruce, xxx-xx-xxxx

To be warrant officer

Benner, Walter F., xxx-xx-xxxx
Bowden, John W., III, xxx-xx-xxxx
McEvoy, Paul E., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107:

Davis, Mark A., xx...
Flemming, Keith L., xx...
Higbee, Robert W., xx...
Holbrook, Robert C., xx...
Nees, James E., xx...
Schum, John M., xx...
Sellers, Bruce C., xx...

The following-named temporary disability retired officer for reappointment to the grade of major in the U.S. Marine Corps, pursuant to title 10, United States Code, section 1211:

LaFreniere, Aurel E., xx...

Executive nominations received by the Senate February 21, 1984:

The following-named officers for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

IN THE NAVY

To be captain

Commander Daniel C. Brandenstein, xx... xxx-xx...

To be commander

Lt. Commander Dale A. Gardner, xxx-x... xxx...

IN THE AIR FORCE

To be colonel

Lt. Col. Guion S. Bluford, Jr., xxx-xx-xxxx

To be lieutenant colonel

Maj. Brewster H. Shaw, Jr., xxx-xx-xxxx

CONFIRMATION

Executive nomination confirmed by the Senate February 21, 1984:

DEPARTMENT OF THE INTERIOR

Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, February 21, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 9, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, February 21, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we open our hearts to another day, O God, we are conscious of Your blessing on every side. We thank You that You nurture us, forgive us and cause us opportunities for joy and satisfaction. May we not put aside the remembrance of all the good gifts we have received, and may not the presence of freedom in a good land become commonplace in our thoughts. We thank You, O gracious God, for this day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 3655. An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1330. An act to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes; and

S. 2040. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PHILLIP HARPER

The Clerk called the bill (H.R. 1426) for the relief of Phillip Harper.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOUNTAHA BOU-ASSALI SAAD

The Clerk called the bill (H.R. 936) for the relief of Mountaha Bou-Assali Saad.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

THE ITALIANS WIN FRIENDS IN LEBANON BY ESTABLISHING A HOSPITAL

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, the Italian portion of the multinational force in Beirut left that city over the weekend. The Italian soldiers' departure was most moving. Children hugged them. Women gave them flowers. It seems that the Italians had established a hospital; 60,000 Lebanese—Moslem, Palestinian, Christians, anybody who was hurt, was given medical help.

Our marines were also leaving Beirut this weekend. These fine young men were not embraced and accompanied by children to their boats. We did not build a hospital, Mr. Speaker. We apparently did not allow our American marines to become friends with the Lebanese.

We did send 5-inch and 16-inch shells into Moslem villages and town squares; and, as Navy Secretary John F. Lehman remarked, "You cannot preclude hitting the odd sheperd in the hills," when firing the 16-inch guns.

Mr. Speaker, I suggest that we should learn from the Italians. Two hundred million Moslems throughout the world will have good reason to think kindly of them. What will they think about us Americans and our President, the people who sent the 5- and 16-inch shells?

LEBANON—A FOREIGN POLICY FAILURE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, as the events leading to our tragic policy in Lebanon unfold, and as we watch the withdrawal of our marines from the bunkers of Beirut, we lament the failure of American foreign policy in

the [redacted]—the purpose of which was never made clear to Congress or the American people.

That policy cloaked in ambiguity has now cost our Nation 264 lives. It has resulted in the deaths of thousands of innocent Lebanese and the pointless destruction of entire villages in that country. It has encouraged the radical elements of the Arab world, while further endangering our friends in Israel.

[redacted]

The true story of this failed policy is now emerging. It has become clear that [redacted] implemented that policy over the objections of our Nation's military leaders and continued that policy at the urging of his Secretary of State in spite of numerous signs that it could never work. It was a policy that defied commonsense. It was a policy which naively presumed that military intervention by a superpower could be more effective than diplomatic initiatives.

[redacted] has properly taken the blame for the Lebanon debacle. Now, he must rebuild our foreign policy in that region. For that reason, I call upon the Secretary of State George Shultz to resign in order to clean the way for a new, more constructive American policy in the Middle East. There is no disagreement that Secretary Shultz has come to symbolize the Reagan policies in that region. Similarly, no greater signal could be provided of our intention to set a new course in the Middle East and in our foreign policy than the resignation of Mr. Shultz.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will be in order.

The Chair would like to suggest that the rules of the House prohibit the engagement of private conversation with someone who is in the process of speaking or has just concluded speaking and would ask the gentleman on his left and the gentleman on his right to extend to one another the courtesies commonly expected of Members of the House.

SACRIFICES SHOULD BE BORNE EQUALLY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, returning from the February recess, the unanimous message among constituents is do something about the Federal deficit. This is the first time in all the recesses that we have taken that the view is almost unanimous; by liberals, by conservatives, by [redacted], Independents, and [redacted] All that our constituents [redacted] for, Mr. Speaker, is that if [redacted] going to sacrifice, we should [redacted] equally, whether it is in [redacted] spending and domestic spending, whether it is talking about tax reform, and whether it is talking about entitlements.

The message is, "[redacted] that sacrifice." Mr. Speaker, we [redacted]

The majority leader, representing House Democrats, is right in stating that military spending must be part of this bipartisan agenda to reduce the deficit.

TIME TO IMPLEMENT A NEW POLICY IN LEBANON

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, it is clear that the administration's current policy has failed in Lebanon. It is time for our marines to leave their untenable site, but it is also time to develop an effective policy for Lebanon, one that does not leave the country at the mercy of Syria's whims.

Syria has made no secret of its territorial claims to Lebanon, and has used the sect conflict within the country to achieve internal chaos, leaving Lebanon powerless and its people suffering. The Assad government claims that it was invited into the country to keep the peace but instead has fueled discord for its own gain. It will only benefit from the vacuum left by the collapse of the Gemayel government.

Syria has signaled the Lebanese Government that it will not negotiate a reconciliation until the Israelis have withdrawn from the south, leaving the country helpless and indefensible. With the abrogation of President Gemayel's 1983 accord with Israel, Syria will allow a negotiation process to begin. But this peace process will amount only to complete deference to Syrian goals since the new Government of Lebanon will have to meet the approval of the Assad government. The only government that will meet such standards is one that is so weak that it cannot resist the strategic moves of Soviet-backed Syrian forces.

If Syria gets its way, the United States will lose more than the support of the friendly Lebanese Government. It will also lose a vital strategic buffer between Israel and a hostile, violent government. The United States cannot let this happen. A Lebanon that is sympathetic to Syria will put an intolerable stress on the border with Israel. If our peacekeeping efforts have failed, our resolve to protect and strengthen the popularly elected Gemayel government must not. It is time to implement a new policy that allows us to effectively counter threats to our strategic interests in Lebanon.

[redacted] was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, one message came through loud and clear while I was home in Kansas this past week. With respect to the deficits, they want both Democrats and Republicans, both the White House and the Congress to stop the rhetoric, stop the posturing, stop the finger pointing, and to stop looking for someone to blame. They are tired of all of that, and they are mighty worried that these deficits as far as the eye can see are going to bring recovery to a screeching halt.

They are worried that if we in Washington do not bury the hatchet, we could end up burying the country.

It was also clear to me that they recognize that everyone is going to have to share in resolving this mess. They know that it is going to mean holding the line on spending, and they are willing to accept their part of that as long as it is fair. They know that it is going to mean some changes on the tax side and again they are willing to accept that as long as it is part of a sensible, balanced package.

Kansans are levelheaded, practical people. They have a good inate sense of when we have a problem that demands urgent attention, one that cannot afford to be put off. They are right on this one. And I encourage the President and the leadership of both parties to do what they say: Lower the rhetoric and get busy developing a real resolution before we finalize the first budget resolution.

AMERICANS WANT MARINES OUT OF BEIRUT THIS WEEK

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, Americans, are confused about Lebanon, but I know I share their hope that this week brings an end to our tragic military involvement in that country.

As proud and patriotic as Americans are, nobody wants more marines killed or wounded, sitting ducks in a raging

civil war. That is the message from the folks back home.

Mr. Speaker, this country must stay strong and protect freedom around the world. But before we commit troops in the future, we must be certain of our foreign policy goals, and just as certain that we can and will protect the troops we commit to fulfill those goals.

The need for a clear foreign policy is the lesson of our tragic involvement in Lebanon.

A SALUTE TO OUR WINTER OLYMPIC REPRESENTATIVES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, I rise today to commend the skill, artistry, and dedication of our American representatives to the 1984 winter Olympic games. Along with millions of Americans, I watched last week as American athletes competed against the world's best. We can all take pride in their performances.

Although the technology of television made those Olympic games more personal than ever, even this extensive coverage could not show the effort and sacrifice American athletes made just to be there. Their grace and seemingly effortless performances belies the years of training and sacrifice to reach world class competition.

Unlike many other nations, American support for Olympic athletes in the past has been minimal. I am very happy that this attitude is changing. We owe these young champions all the opportunities, all the support we can give.

Five gold medals, and countless championship performances are things which we can all share. The achievements of our young men and women should be inspiration to every American. I know all my colleagues join me in saluting our winter Olympic representatives. And we look forward to the efforts of our summer Olympic athletes in Los Angeles.

WHAT A DIFFERENCE A YEAR MAKES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am here to sing a new hit song, "What a Difference a Year Makes."

Last year the refrain that we heard constantly from the well of this House was a condemnation of the President, blaming the President of the United States for the then existing economic statistics. Unemployment was up, and interest rates were up, and all these bad signs.

Today what a difference a year makes. Just as the well of the House was full of speeches blaming the President for what existed, it is time now to sing that new song, "What a Difference a Year Makes," and give credit to the President because all the economic indicators are up. Unemployment is down. Employment is up. Housing starts are up. Auto sales are up. Every conceivable gross national product statistic is up. Factory output is up. You name it, the President ought to have credit for it, just as he received the blame for it a year ago when the refrain was, "Blame the President."

What a difference a year makes. All we have to do now is, with courage that is lacking in this Congress, to attack the deficit without rhetoric and without pointing the finger of blame as the finger was pointed at the President last year.

THE BALANCED BUDGET AMENDMENT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, we have been asking the Democratic leadership of this House since the 2d session of the 98th Congress to bring to the floor of the House for a vote a proposed balanced budget amendment to the Federal Constitution.

To date we have not been successful in bringing it to the floor of the House for a vote.

I have news for my colleagues this morning. Last Friday, in California, we took an historic step. We filed a little over 600,000 signatures by petitions which will put on the ballot for November 1984 the issue of whether or not we, in California, want to make California the 33d State in the Union demanding that the Federal Government get its fiscal house in order by adopting this proposed constitutional amendment.

I might also advise my colleagues that an initiative is underway in the State of Montana, which would make the 34th State that would be on the ballot in November 1984 as well.

We could avoid the impending constitutional crisis whereby this Congress is required to call a constitutional convention by proposing the amendment—at least bringing it on the floor of the House for a vote.

I again ask the Speaker to do that.

VOLUNTARY SCHOOL PRAYER AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, today we return from recess where supposedly we went home and listened to what the American people were telling us about what needs to be done in this Congress.

I suspect the message we got from the American people is essentially the one that we brought back when we came back in January. The American people want an agenda acted on which is in fact an agenda that they believe in and not a greedy special interest agenda such as has been characterized in this House over the last several months.

Part of that agenda is the voluntary school prayer constitutional amendment. And, Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of such an amendment.

The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leadership. This request has been cleared by the minority leadership.

So I would now yield to a spokesman from the majority leadership for the appropriate clearance.

I wish the gentleman from Texas could speak for his leadership.

But, Mr. Speaker, I hear no response from the leadership. That should make it clear to the American people who stands in the way of voluntary school prayer, the Democratic leadership of the House.

RESULTS OF IOWA CAUCUS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I watched with great fascination last night as C-Span gave us live coverage of the Iowa caucuses and then later on the various network coverages and I want to tender an apology to the Democratic leadership of the House.

I had thought that the various systems by which you stacked the deck and the ways in which you stacked the committees and staffs were peculiar to the House. But I watched Mr. Mondale win 45 percent of the vote and 88 percent of the delegates last night and I frankly could not believe the way it was stacked. GARY HART got one-third as many votes as Mr. Mondale and is going to get 2 delegates to Mr. Mondales's 48. And that represents, if that continues this year, Mr. Mondale will be the least legitimate nominee of a party since William Howard Taft caused the split of the Republican Party in 1912.

□ 1220

I think it is an amazing kind of mathematics that 45 percent of the vote equals virtually 90 percent of the delegates to the convention.

A BALANCED FEDERAL BUDGET

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I, like many other Members, spent a great deal of my time back in southwest Florida talking to the people about what the problems were and how they perceived the deficit. But, in addition to that, I had the opportunity to read an editorial which really caught my eye. The editorial was referring to a recent Gallup poll of union members about a balanced Federal budget. Sixty-three percent of those indicated that they supported a balanced Federal budget. The interesting thing was that, apparently, the leadership of the AFL-CIO is out of step with its members. And the reason that caught my eye is because that seems to be what we are experiencing right here on the floor of the House.

It was my intention at this time and I had hoped that I would have the opportunity to offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget. But the Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leadership. The request has been cleared by the minority leadership, and I would now yield to a spokesman from the majority leadership for an appropriate clearance.

Mr. Speaker, there being no approval, I think it is clear who is blocking the will of the American people.

MAJOR ISSUES AWAIT DEBATE IN THE HOUSE

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, last week, this House took a recess for Washington's Birthday. We recessed for the entire week. We became perhaps the only institution in the country that would not only take the day off but take the entire week off, and it was over the objections of many of us in this House, because many of us would have had us last week and this week begin to debate the major issues that are facing this country—the issue of deficit reduction, the issue of spending, the issue of a line-item veto, the issue of a constitutional amendment to balance the budget, and bankruptcy reform.

I am disappointed to note that this week again we return and we are not debating any of these issues on the floor.

So at this time, as I did the previous week, I would hope to offer a unanimous consent request calling for consideration of a line-item veto constitutional amendment. The Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leadership. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for an appropriate clearance.

Mr. Speaker, I hear no response, and that should continue to make it clear to the American people who stands in the way of a line-item veto and deficit reduction.

WINTER OLYMPIC PARTICIPANTS FROM STATE OF WASHINGTON WIN FOUR MEDALS

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, the citizens of the State of Washington are justifiably proud, for our citizens brought home four of those eight medals that we have just won in the winter Olympics, the best production of the American Alpine team ever in our history.

These names now are household items for the rest of this country: Debbie Armstrong, from Seattle; Rosalynn Sumners, from Edmonds; Phil and Steve Mahre, of my own Yakima Valley. We cannot quite claim Bill Johnson. He is from California, but he trained at Mission Ridge in central Washington State.

These accomplishments in the winter Olympics point out the quality of these young Americans and their will to win, and we are very proud of them. It also points out the unique recreational opportunities that abound in the Evergreen State.

REPRESENTATIVE BARBER CONABLE: A CLASS ACT

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I would like to add my statement of regret to those already being made around the country about the upcoming retirement of one of the most respected Members of this body. I am speaking of Congressman BARBER CONABLE.

These are some of the phrases that have been used to describe Congressman Conable in recent press reports: "Refreshing," "candid," "wise," "a truly independent thinker," "a man of unquestioned integrity and firm adherence to principles," "one of the brightest and most effective Members of the House," and "a tribute to reason and civility." And I could go on listing the richly deserved praise—some praise, I should add, from publications not particularly sympathetic to Congressman CONABLE's conservatism.

But Congressman CONABLE's achievement transcends any partisan or ideological consideration. He has set a standard to which all of us should aspire. He has never bowed to special interest groups or to narrow ideologies. He has never compromised his principles for passing political gain. For 20 years, he has been first and foremost his own man.

BARBER CONABLE is a true statesman. His departure is a loss for me, for New York State, and for the entire American public. BARBER CONABLE is the type of Representative who restores people's faith in government.

AMERICAN POLICY IN LEBANON

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I could not believe by ears when I heard my colleagues from the other side of the aisle criticizing American policy in Lebanon. Because that is exactly what it was, it was American policy, it was policy that was voted on in this House by Members of both the Democrat and the Republican Parties.

John Kennedy said in 1962 that America would pay any price, support any friend, oppose any foe, to preserve liberty and freedom. He did not just say we would get in the ones we could win.

President Reagan has sent Mr. Habib and Mr. Shultz, and now Mr. Rumsfeld, from capital to capital, working many hours trying to bring about peace in Lebanon. I think we have learned that our foreign policy, especially foreign policy in the Middle East, is not always easy. But should we have abandoned the Lebanese people, that would not have been clear foreign policy, it would not have been right foreign policy, and it would not have been American.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the order of the House of February 9, 1984, the Chair announces that the Speaker has today appointed the following Members to represent the House of Representatives at appropriate ceremonies on February 22, 1984, the birthday of George Washington: Mr. BOUCHER of Virginia; and Mr. BATEMAN, of Virginia.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following com-

munication from the Clerk of the House of Representatives:

FEBRUARY 10, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:30 p.m. on Friday, February 10, 1984, the following message from the Secretary of the Senate: That the Senate agree to the amendments of the House to the Bill S. 1388.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 21, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 1:20 p.m. on Thursday, February 16, 1984 and said to contain a message from the President whereby he transmits the annual report for fiscal year 1983 of the National Endowment for the Arts and the National Council on the Arts;

(2) At 4:15 p.m. on Friday, February 17, 1984 and said to contain a message from the President whereby he transmits the United States Foreign Science and Technology Cooperation Report; and

(3) At 4:15 p.m. on Friday, February 17, 1984 and said to contain a message from the President together with draft legislation entitled the "Central America Democracy, Peace and Development Initiative Act of 1984" and a section-by-section analysis thereon.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS AND NATIONAL COUNCIL ON THE ARTS FOR FISCAL YEAR 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Tuesday, February 21, 1984.)

□ 1230

DRAFT LEGISLATION ENTITLED THE "CENTRAL AMERICA DEMOCRACY, PEACE AND DEVELOPMENT INITIATIVE ACT OF 1984"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-172)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, February 21, 1984.)

THE 1983 ANNUAL REPORT ON THE U.S. GOVERNMENT'S INTERNATIONAL ACTIVITIES IN THE FIELDS OF SCIENCE AND TECHNOLOGY — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Tuesday, February 21, 1984.)

CIVIL SERVICE MISCELLANEOUS AMENDMENTS ACT OF 1983

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4336) to make certain miscellaneous changes in laws relating to the civil service, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, strike out beginning with line 1 over to and including line 23 on page 5.

Page 6, line 2, strike out "SEC. 6." and insert "SEC. 5.".

Page 6, line 16, strike out all after "(d)(1)" down to and including "which" in line 17, and insert "The revolving fund referred to in section 1304(e)(1) of this title".

Page 7, line 8, strike out "SEC. 7." and insert "SEC. 6.".

Page 7, line 9, strike out "implementation" and insert "operation".

Page 7, line 11, strike out "and currently in operation".

Page 7, line 14, strike out "4703(d)(1)(B)" and insert "4703(d)(1)".

Mrs. SCHROEDER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Colorado?

Mr. PASHAYAN. Mr. Speaker, reserving the right to object, and I will not object, I rise in support of H.R. 4336, the Miscellaneous Civil Service Amendments Act of 1983. This piece of legislation originated in the House Subcommittee on Civil Service. Our colleagues in the Senate made three changes in the bill just before the Washington-Lincoln recess. I have no objection to any of the amendments and urge my colleagues to approve the legislation again.

The Senate deleted section 5, amending the Vacancies Act, because the proposed changes were substantive. Until further study can be done, the vacancy appointment process will remain as it is now. In addition, the bill has been amended to continue use of the OPM revolving fund by the President's Commission on Executive Exchange. The Commission will still be allowed to collect fees from its participants as it would have in the House bill. Finally, the limit on the number of personnel participating in the Navy personnel demonstration programs at China Lake and San Diego, Calif., has been removed at the request of the Department of the Navy.

This bill will amend the current civil service laws in a manner beneficial to the conduct of our Government.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield, the House passed this bill on November 16, 1983. As it passed the House, the bill made eight minor changes in the civil service laws. These changes related to reemployment of administrative law judges, the Federal Labor Relations Authority, the Vacancies Act, the executive exchange program run by the President's Commission on Executive Exchange, and a personnel demonstration project conducted by the Navy in southern California.

The Senate passed the bill a week ago Thursday with three minor amendments. One amendment struck all the changes to the Vacancies Act. This was done at the request of the administration, which wants to consider possible changes more closely. A second amendment, also made at the request of the administration, permits the President's Commission on Executive Exchange to utilize the revolving fund already extant at the Office of Personnel Management, rather than create a new revolving fund in Treasury. The third amendment permits the Navy to extend the coverage of its personnel demonstration project to additional employees at the Naval Ocean Systems Command in San Diego. Cur-

rent law limits the project to 5,000 people.

Neither the House-passed version nor the bill as amended by the Senate costs any money. The Commission on Executive Exchange is, however, rather desperate for the revolving fund authority contained in this bill, since its authority to collect and expend participation fees ended on December 31, 1983.

Mr. PASHAYAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2708, FOREIGN LANGUAGE ASSISTANCE FOR NATIONAL SECURITY ACT OF 1983

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-599) on the resolution (H. Res. 440) providing for the consideration of the bill (H.R. 2708) to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2751, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT AMENDMENTS OF 1983

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2751) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall be in order to consider an amendment printed in the Congressional Record of October 27, 1983, by, and if offered by, Representative Coleman of Missouri and all points of order against the amendment for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA) for purposes of debate only, and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 351 is an open rule providing for the consideration of H.R. 2751, a bill to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule makes in order an Education and Labor Committee amendment in the nature of a substitute which shall be considered as an original bill for the purposes of amendment. The rule also waives points of order against an amendment by Mr. COLEMAN of Missouri for failure to comply with clause 5(a) of rule XXI. Clause 5(a), rule XXI prohibits an appropriation in a legislative bill. Mr. COLEMAN's amendment would violate the rule because it authorizes expenditures for a new program establishing a National Medal of Arts, although these expenditures would come from funds already appropriated for the National Endowment for the Arts. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2751 provides that the Institute of Museum Services be transferred from the administrative jurisdiction of the Department of Education to the National Foundation on the Arts and the Humanities. This makes permanent a change already effected by the interior appropriation bills for fiscal years 1982 and 1983, and makes conforming and technical changes in the law consistent with that action.

H.R. 2751 also amends the authorization levels for the National Endowment for the Arts, the National Endowment for Humanities, and the Institute of Museum Services. The bill also provides a set-aside of National Endowment for the Arts funds for cultural institutions in the District of Columbia which are of national significance.

Mr. Speaker, House Resolution 351 will provide for full and open consideration of this legislation. I urge adoption of the rule.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is one thing in the committee report on this bill that is made in order by this rule which caught my attention. The dissenting views begin with the sentence:

H.R. 2751, a seemingly innocuous technical bill, is another attempt at dismantling the Omnibus Reconciliation Act of 1981.

Since that reconciliation bill is the one known as the Latta-Gramm bill, I decided to check a little further. It turns out that this bill increases the authorization levels for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services for fiscal year 1984 approximately 40-percent higher than the levels set in the Reconciliation Act of 1981. However, the appropriations for these three agencies have exceeded their authorizations for the past 2 years in violation of the Reconciliation Act of 1981.

In the time since this rule was reported from the Committee on Rules on October 27, 1983, the current year's appropriation was agreed to which sets funding levels slightly below the authorizations in this bill. This means that any discussion about fiscal year 1984 funding levels in this bill is now futile.

This has raised the point, Mr. Speaker, as to how we get into these situations where we have these deficits.

THE DEFICITS AND A BALANCED BUDGET

(Mr. LATTA asked and was given permission to proceed out of order.)

Mr. LATTA. Speaking about the deficits, we are hearing more and more rhetoric, and I have to be very kind when I say rhetoric, about the deficits and who is responsible for them. I got to thinking that maybe the American people would like to look in on what has been happening during the past couple of years with some of the spending legislation, some of the authorizations, which help create the problem with deficits.

The President, whether he is Jimmy Carter or Ronald Reagan or Gerald Ford, or whoever he might be, does not spend any more money than is first authorized and appropriated by the Congress, the Congress of the United States. So I asked the staff to pick out some votes, and we are going

to be doing this periodically just to keep the record straight, over the past couple of years to see how we have been voting in this House as between the parties, because a very definite trend has been established.

Let us go back to that Gramm-Latta bill that we have heard condemned many, many times, because it saved money. It saved money. We reduced the Carter budget, which he left for this administration, from its growth of about 11 percent—and I stress the word growth—over the preceding year to about 6 percent—6 percent growth. We ended up saving about $50 billion. The vote was taken on the 7th day of May 1981 to save that amount of money. Well, now, who voted for what? Seventy-four percent of our Democratic friends voting that day voted not to save that money, but to spend it. Lo and behold, on our side, for the first time in memory on an important piece of legislation, all the Republicans voted to save money. Not one single Republican voted against that piece of legislation.

Then we had the reconciliation bill which we heard condemned many, many times because it, too, saved money, and it changed basic law to save that money, $37.3 million. How did our Democratic friends vote on that? Well, by the record, and it is clear, all one has to do is turn to that little CONGRESSIONAL RECORD and read it for yourself, on the 26th day of June 1981, 88 percent of our Democratic friends voted to spend the money, add to the deficit, and only 1 percent of the Republicans.

Then a little bit later, on October 6, 1981, we had a Labor-HHS appropriations bill which we wanted to recommit to save just a tiny amount, only $700 million of the taxpayers' money, and how did they end up voting on this piece of legislation on that particular day, H.R. 4560? Eighty-eight percent of our Democratic friends voted to spend the money; 22 percent of our Republican friends voted to do likewise.

On the 12th day of November 1981, we had H.R. 4075, the Interior appropriations bill. On the floor, the motion was made to recommit it to committee to save $1.1 billion, which would not be added to the deficit. Well, by the record, 87 percent of our Democratic friends voted not to save the money and 4 percent of our Republican friends voted not to save the money.

On the 16th day of November 1981, on House Journal Resolution 357, on the continuing resolution, a motion to recommit with instructions to save $4 billion, and not to add it to the deficit, 86 percent of our Democratic friends voted not to save the money, but to add it to the deficit, and 10 percent of our Republican friends voted likewise.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Not at this moment. I will be happy to yield when I finish.

Mr. SIMON. All right. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I have just a few more learning experiences to pass along to the gentleman before I yield, and at that time I will be happy to yield. If he would like to change his votes, I think it is a little bit late.

On the 22d day of November 1981, on House Joint Resolution 357, on the conference report of the continuing resolution, a motion to recommit to save $3.2 billion, 96 percent of our Democratic friends voted not to save the money, and once again we got none of our Republican friends voting not to save the money.

On the 24th day of May 1982, when we had the first budget resolution substitute up to save $52 billion, we had 91 percent of our Democratic friends voting against it and 10 percent of our Republican friends.

On the 10th day of June 1982, we had the substitute back up, where we had 81 percent of our Democratic friends voting not to save the money, but to spend it, and 8 percent of our Republican friends.

On the 24th day of June 1982, we had H.R. 5922, an urgent supplemental veto override of $1.3 billion in savings, and 91 percent of our Democratic friends voted to spend the money and not to save it, add it to the deficit, and 29 percent of our Republican friends voted to do likewise.

On the 3d day of August 1982, on H.R. 6862, on a reconciliation bill dealing with the Post Office, $3.1 billion in savings. Well, how was the vote? Ninety-one percent of our Democratic friends voted to spend the money; 22 percent of our Republican friends voted to spend the money.

□ 1240

On the 18th day of August 1982, on H.R. 6955, on the reconciliation conference report to save $3.3 billion, 61 percent of our Democratic friends voted to spend the money and 18 percent of our Republican friends voted to spend the money.

On the 1st day of October 1982, on House Resolution 604—and this is mighty important because we are hearing about it to a considerable extent around the country now, dealing with the balanced budget amendment, and we might recall that the Senate has passed that with an adequate number of votes to be submitted to the States for confirmation, and it had failed here in the House; and how did they vote?—71 percent of our Democratic friends voted against that balanced budget amendment, and 11 percent of our Republican friends voted that way.

On the 23d day of March 1983, on House Concurrent Resolution 91, on the first budget resolution—and we might recall that that was a big spending item—we could have saved $9 billion, but 86 percent of our Democratic friends voted to spend the money, along with 2 percent of our Republican friends.

On the 11th day of May 1983, on H.R. 1983, the Emergency Housing Assistance Act, where we could have saved $800 million—and that is not very much money around this place, but to the taxpayers around the country it is a lot of money—87 percent of our Democratic friends voted to spend the money, and 6 percent of our Republican friends voted likewise.

On the 2d day of June 1983, on H.R. 3133, on the HUD appropriations bill, $10 billion could have been saved. But how did they vote? Eighty-four percent of our Democratic friends voted to spend the money, and 4 percent of our Republican friends voted to do likewise.

On the 23d day of June 1983, on House Concurrent Resolution 91, on the conference report, where $8.3 billion in savings could have been had, 82 percent of our Democratic friends voted not to save the money and 24 percent of our Republican friends voted likewise.

On the 28th day of June 1983, on H.R. 3363, the Interior appropriations bills, where we merely wanted a little 4-percent reduction—and we all remember that—we could have saved $300 million of the taxpayers' money, but only 84 percent of our Democratic friends voted against the savings, and, lo and behold, once again we found 100 percent of our Republican friends voted to save the money.

On the 13th day of July 1983, on H.R. 1, the Housing Rural Recovery Act, where $16 billion was involved, 91 percent of our Democratic friends voted to spend it and 17 percent of our Republican friends voted to do likewise.

On the 3d day of August 1983, on H.R. 3021, on health insurance and new programs for the unemployed, $1 billion was involved, and 83 percent of our Democratic friends voted to spend the money, along with 22 percent of our Republican friends.

□ 1250

On the 15th day of September 1983, on H.R. 3391, the Trade Adjustment Assistance Act, where we could have saved $100 million—not very much money around this place, but around out over the country where we have the taxpayers it is a lot of money—80 percent of our Democratic friends voted to spend it, 10 percent of our Republican friends voted to do likewise.

On the 21st day of September 1983, on H.R. 1036, the Community Renewal Employment Act, $3.5 billion, 87 percent of our Democratic friends voted

to spend it, 12 percent of our Republicans voted to do likewise.

On a continuing resolution on the 8th day of November 1983, on House Joint Resolution 403, where we could have saved a billion dollars, 75 percent of our Democratic friends voted not to save it, 10 percent of our Republicans voted likewise.

So it goes. We are going to put it in the record and anybody who wants to check them out are welcome to do so.

I will be happy to yield to my friend, the gentleman from Illinois, if he wants to change any of his votes.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Did I catch the gentleman napping?

Mr. SIMON. I am sorry.

Mr. LATTA. I would be happy to yield.

Mr. SIMON. Well, first of all, I was intrigued by the gentleman's nonpartisan remarks that he just made here.

Mr. LATTA. I stated the record exactly as it was and is. If the gentleman would like to check the record, he will find it exactly that way.

Mr. SIMON. Well, first of all, the record probably is as the gentleman suggested on the various votes.

Mr. LATTA. Not probably, it is as I stated it.

Mr. SIMON. All right, I trust the gentleman from Ohio implicitly.

Mr. LATTA. I thank the gentleman.

Mr. SIMON. Maybe not the gentleman's judgment, but when he presents his facts.

Mr. LATTA. Well, the gentleman had better trust my judgment and change some of his votes.

Mr. SIMON. But in addition, of course, many of the things the gentleman talks about are programs, the so-called savings, are things that really impacted on poor people; but I noticed one major omission. I did not hear anything about these wasteful weapons programs, how each side voted on those.

There are two other things that I think would be very informative if the gentleman from Ohio would come back to this body and tell us how many of those wasteful things that he talked about the President signed and how many of those wasteful things the gentleman talked about that the Republican Senate approved. I think the gentleman could come back with a more full report a little later on that would be very informative.

Mr. LATTA. Well, the gentleman has heard nothing yet. Just wait until we get it all out there. We are going to have it all out there. We are just starting.

Mr. SIMON. Well, I look forward to a more complete report from the gentleman from Ohio.

Mr. LATTA. This is a pretty good start, does not the gentleman think?

The SPEAKER pro tempore (Mr. KAZEN). Does the gentleman yield back the balance of his time?

Mr. LATTA. Mr. Speaker, I will reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. GLICKMAN) for purposes of debate only.

Mr. GLICKMAN. Mr. Speaker, I would say to the gentleman from Ohio that if he would devote one-tenth of the effort that he just did going through a partisan exchange of the cause of the problems of all the world to a constructive and bipartisan debate on how to reduce this deficit, the world and the country would be enternally grateful.

I was just home for several days in Kansas and what the people were telling me was the same message. Republicans, Democrats, and Independents, stop the partisan finger pointing at who caused all the problems in the past. That is all the gentleman did was tell us about the past.

Mr. LATTA. Mr. Speaker, will the gentleman yield there?

Mr. GLICKMAN. Let me just finish my point.

Mr. LATTA. Mr. Speaker, if the gentleman will yield, I think the gentleman is misstating, because we stated exactly what the votes were.

The SPEAKER pro tempore. The gentleman from Kansas refuses to yield.

Mr. GLICKMAN. Mr. Speaker, let me give the gentleman some time as soon as I finish.

The partisanship, whether it exists on the gentleman's side or on our side, the excessive partisanship is resented by the American people who see very, very large deficits, caused by both the gentleman's party and my party and they want constructive solutions, not a historic litany on who caused all the problems in the past.

I have said many times before, let us split the blame. You take half the problem and I will take half the problem and then I think the American people will go forward with trying to figure out what can be done in the future.

The idea now is to encourage a responsible bipartisan consensus on reducing this budget deficit, not to go point by point as to who created all the evils, because I say to the gentleman from Ohio (Mr. LATTA), there are plenty of evils to share.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. Yes, I am glad to yield.

Mr. SIMON. Mr. Speaker, I simply want to commend the gentleman from Kansas. He is absolutely on the mark.

In the State of Illinois and in the State of Kansas and all over this country, they are tired of the partisan bickering. It does us no good, neither party any good to do this. We ought to be sitting down together working. Frankly, we ought to be doing it before this coming election, not after the election. We ought to be moving on it now.

I commend the gentleman. I think he is absolutely on target.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in response, I was listening to the gentleman from Illinois when he commended me on the nonpartisanship when we were spelling out the votes, Republicans versus Democrats.

I do not think that it is partisanship when you lay before the Congress and the American people what the votes are. I am not ashamed of any votes I ever cast here. I might have recast some of them if I had it to do over; but certainly at the time I cast those votes I thought I was doing the best thing for my country. If anybody wants to get down in the well, I can recall a gentleman who used to be in this body who is now the mayor of New York City, Mr. Koch, you will recall that he was quite liberal. He voted for everything that came along, but as soon as he became mayor of New York, he said this, and this is not exactly probably word for word, but he said, "I wish I had some of those votes back that I cast for all those spending programs," because he had a budget coming.

Sure, I think that this problem transcends political parties and partisanship. I agree with that a hundred percent, but I disagree with this argument that is going around and we are hearing it these days, look at the Reagan deficit, look at the Republican deficit.

Well, I am telling you that the record does not show that the Republicans have been voting for all of these add-ons. If you want it all spelled out, I am going to take the time to put it all in the record. If we have to go back over the last 25 years when you have been in control of this Congress, since I have been here, and spell out word for word, vote for vote, on who has been voting for all these increases.

You know, you have got to accept part of the responsibility. I am willing to accept my part of the responsibility. Yes; I voted for programs in defense, so has the gentleman. I am not ashamed of it. We were headed for the draft under Mr. Carter. The Armed Services Committee was about ready to start hearings on the draft, if you recall, because we were not getting adequate personnel into the services. We were not able to keep the people that we wanted to keep.

What did we do? We voted for increased pay for those people so we could get the type of individuals that we wanted and to keep those individuals and I am proud of it. I am proud of it.

So I do not know what all the hankering is all about; but I am telling you this, it is high time that this bipartisan commission is named on the Democratic side so they can get down to work on trying to agree on something to reduce this deficit. We have appointed the Members on our side on the House and on the Senate side. Where are the appointees on the Democratic side?

Oh, I know they are saying to the President of the United States, "You give us a long list where you are going to riddle the Defense Department by $100 billion and then we will come down and talk."

Well, now, what kind of a President would we have to do that?

Are you saying on the Democratic side that you do not want to reduce the deficit, you only want to talk about it?

I was a member of the Gang of 17. We met many times down there with the Secretary and with the Members on the other side and with the Members on this side in good faith and in good conscience. I am ready, willing and able, as a Member who has been appointed on our side to go down there any time to meet on this question in a bipartisan fashion.

It is past time, sure, regardless of who is to blame for these deficits, it is past time to do something about them and you cannot do it by passing every piece of legislation that comes on this floor. We had one up in the Rules Committee this morning, a good program, because it dealt with foreign languages. We need it. The gentleman from Illinois was up there testifying on it. We need it, but the question is whether or not it ought to be back with the States where it rightfully belongs, or whether we ought to take it on down here in Washington and add to our deficits.

We could certainly do it in Ohio, where they have increased our income taxes under the Celeste administration, with a Democratic-controlled House and Senate back there by 90 percent. They have got the money. We do not have the money here in Washington to do it. It is a question of where the responsibility adequately belongs.

We cannot do everything down here for everybody. We cannot do everything that Fritz Mondale is telling the American people to get those votes. "Do everything for everybody, just elect me President of the United States."

We have heard that guff far too long. It is time now to sit down on that issue and try to come up with a budget that we can all support and save this country economically while we have the time to do it.

□ 1300

That is what we are talking about and hopefully that will come about.

Mr. DERRICK. Mr. Speaker, I want the gentleman from Ohio to know that it has been my great pleasure to sit over here for the last 20 minutes and hear his articulate and erudite discussion of the fiscal affairs of this Nation. If we have no more speakers over there, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE HENRY A. WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. HENRY A. WAXMAN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 13, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House of Representatives, that my district office was served with a deposition subpoena issued by the United States District Court for the Central District of California. I will, in consultation with the General Counsel to the Clerk of the House, make the determinations required by Rule L (50).

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House of the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 10, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have received a subpoena issued by the Superior Court of the District of Columbia. I will, in consultation with my General Counsel, make the determinations required by Rule L (50).

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 351 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2751.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2751, to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. SIMON) will be recognized for 30 minutes and the gentleman from Missouri (Mr. COLEMAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what we are doing here is basically making some technical changes. We are bringing up the authorization to the levels that are more realistic, that comply with appropriations and comply at least in a small part with need.

The reality is that arts are a help to the economy of this country. The reality is we are going to be remembered as a civilization someday not for the bombers we build or the tanks we make or the ribbons of concrete with which we sometimes brutalize the landscape. We are going to be remembered for other things, and this touches on those other things.

We as a nation on a per capita basis spend much less than the other democracies. I am pleased to say I believe this bill is noncontroversial and passed out of committee unanimously.

I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act of 1983.

H.R. 2751 has two purposes. First, the bill makes technical amendments to the Museum Services Act of 1976 and the National Foundation on the Arts and Humanities Act of 1965. These amendments will transfer the Institute of Museum Services from the Department of Education to the National Foundation on the Arts and Humanities. Although the de facto transfer was accomplished in the fiscal year 1982 and fiscal year 1983 Interior Appropriations bills, the authorization legislation has not been amended. Without these changes, the Director of IMS is required to report to the Secretary of Education as if the Institute were still within the Department. Also without these changes, the Director of the Institute is not eligible to serve on the advisory panel for the National Foundation of the Arts and Humanities. H.R. 2751 amends the enabling statutes of both the Institute and the Foundation to recognize the transfer of IMS.

H.R. 2751 also amends the 1980 amendments to the National Foundation on the Arts and Humanities and the Museum Services Acts to provide higher authorizations for fiscal years 1984 and 1985. The authorizations for all three agencies within the Foundation have been held level for the past 2 fiscal years. At the same time, the 1981 Reconciliation Act and the 1982 and 1983 Interior Appropriations have exceeded authorization levels. H.R. 2751 recognizes the support the Endowments and IMS have received from Congress during the past 2 years and raises the authorizations to more closely conform to actual appropriations.

Cultural support is an investment, returning far more to local economics than it costs. For example, for every $1 spent on cultural activities, at least $4 is spent on related activities such as transportation, lodging, and restaurants. A February 1983 study of the New York area credited the arts with over 110,000 jobs and an infusion of $5.6 billion into the local economy. Funding for the arts is good business and it is important to our spirit as a Nation.

The administration has informed us that they have no objection to H.R. 2751. I urge you to vote for this bill.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I am pleased to yield to the chairman of our full committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. First I want to take this opportunity to compliment the gentleman from Illinois (Mr. SIMON) who has spent so much time in bringing this bill to the floor and working out a much better program than we have had in the past. It has been my privilege to support the legislation from day one and observe these improvements throughout the years.

Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act Amendments of 1983. The major purposes of the bill are:

To recognize the transfer from the Department of Education of the Institute for Museum Services as an independent agency within the Foundation; and

To provide funding authorizations for 1984 and 1985 for the Foundation programs.

The transfer of the Institute for Museum Services was accomplished in fact by fiscal years 1982 and 1983 Interior appropriation bills, but conforming changes in the original statutes for the Institute and the National Foundation are needed to recognize the transfer of the Institute from the Department of Education to the Foundation as a member agency.

H.R. 2751 raises the authorization ceilings for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum Services to more closely conform to the actual appropriations provided by the Congress. This bill recognizes the additional support the Endowments and the Institute for Museum Services have received from Congress during the last 2 years.

Established in 1965, the National Endowment for the Arts has provided funds and services to local nonprofit groups and individuals in such fields as folk art, literature, media art, dance, theatre, opera, and visual arts. Also, created in 1965 was the National Endowment for the Humanities to provide similar support in such fields as history, philosophy, languages, linguistics, archeology, and certain aspects of the social sciences. The newcomer to the Foundation, the Institute for Museum Services, authorized in 1976, provides matching grants to museums, botanical gardens, aquariums, and zoos. I have supported these programs from their inception, and I continue to support them as one important means of improving the quality of the arts and humanities and sharing these treasures with more and more Americans, especially the youth of this country.

It is important for all of us to realize the tremendous value of the arts, humanities and museum services, not only in deepening our understanding of our culture and history and enhancing the quality of life for our citizens, but to recognize the value of the economic impact these programs have on the local community. While these dollar amounts are usually small, their impact on the local community is not.

Cultural support is a wise investment of Government dollars for a number of reasons. Witnesses have testified before the Subcommittee on Postsecondary Education, chaired by my distinguished colleague Representative PAUL SIMON, that dollars spent on the arts generate nonart dollars in businesses such as restaurants, lodging, and transportation at a rate of at least $4 for every $1 spent on cultural activities. Also the impact of cultural activity on the tourism industry is significant, and tourism is an important source of revenues for the States. The jobs and increased revenues stimulated by the arts activities are returned to the Treasury in taxes, more than returning Government's original investment. It is a good program, that works well and makes sense.

The National Endowments work to preserve art forms that are typically American from all parts of the Nation. In my own State of Kentucky the National Endowment for the Arts has provided grants to the Appleshop Crafts program where Kentucky craftspeople are provided with living, working, and exhibition space. Appleshop provides the means for the continuation of Kentucky crafts, the protection of our cultural history, and the opportunity for sharing our American heritage.

The National Endowment for the Arts also provides grants to the Louisville New Playwrights, a theater organization devoted to producing plays by unknown talents, giving them a place to begin their artistic careers. If the appreciative audiences and fine critical reviews are not enough to show the success of the program, the Pulitzer Prize winning works should be. The future generation of theatergoers will be provided with quality works, because the funds are available from the Government to encourage these young artists now.

These two programs in Kentucky are an indication of how the Foundation and Institute can exemplify both the past and the future of artistic achievement, and programs of this type are being nurtured and developed with support from the NEA, NEH, and IMS in every State in the Union.

On May 10 the full Committee on Education and Labor, which I am privileged to chair, marked up H.R. 2751 and reported the bill by voice vote. In doing so, the committee renewed and reaffirmed our national commitment to the survival of the arts, the humanities, and museum services for our Nation. H.R. 2751 strengthens the National Foundation and Institute in several ways, but most importantly by increasing the authorization to keep pace with the Appropriations Committee. This is an important step toward acknowledging the value of the arts, humanities, and museums in our society. However, even with the proposed increases the United States is far behind many other countries in terms of support for the arts and humanities and museums. We have tremendous talent in the United States that needs to be encouraged and nourished, not slighted by a shortsighted policy.

I am pleased that H.R. 2751 is before the House today and that we have the opportunity to take a leadership role in acknowledging that not only is it appropriate for Government to provide the means to stimulate cultural growth and greatness, it is a necessary and proper role. I urge all of you to join the Committee on Education and Labor in passing this beneficial legislation for the preservation of our cultural heritage, as well as to provide opportunities for our continued growth in artistic development.

Mr. SIMON. I thank the chairman of the full committee.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. SIMON. At this time I yield to the distinguished gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding and would

like to take this opportunity to commend the gentleman from Illinois (Mr. SIMON) for his extensive and committed work in this area. But for his leadership and commitment, I am not so sure that the National Endowment for the Arts would fare as well.

I rise for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, as you know, I had intended to offer two related amendments to this bill aimed at combating the use of National Endowment Funds for programs or projects which promote stereotyping or in any way serve to denigrate any ethnic, racial, religious, or minority group.

My amendments were prompted by a recent disclosure that the endowment had provided some $40,000 to the Virginia Opera Association which included funds for a modern production of "Rigoletto" which contained an advertisement campaign patently offensive to the Italian-American community.

It was also prompted by a second disclosure that the Endowment is also providing some $850,000 in funds to assist the Metropolitan Opera House in New York City's Lincoln Center conduct its current season. Included in their schedule is another modern version of "Rigoletto" to be produced by the English National Opera Co. Here again the change in theme from the 15th century to Little Italy in the 1950's and words such as las-cosa nostra are introduced into the lyrics.

I have called upon the Chairman of the Endowment to take steps to combat this problem but as of yet without success yet I consider the issue to be worthy of further investigation.

Therefore, Mr. Chairman, in recognition of the substantive and serious impact of these amendments on Endowment activities I would be willing not to offer them with an assurance that you will authorize a hearing of your subcommittee as soon as possible to investigate these and other known cases of Endowment Funds being inappropriately used for these purposes as well as to explore ways to avert future incidents.

I will be happy to yield to the chairman who hopefully will provide me with that assurance.

Mr. SIMON. I thank the gentleman from New York.

I am pleased to give him that assurance. It is a sensitive, delicate area.

Clearly the gentleman does not want and I do not want censorship, and that is not what you are asking for. At the same time, we want to make sure that Federal funds are not used to denigrate any nationality, race, any creed, and that is what the gentleman is interested in and what I am interested in.

I have had a brief discussion with the Chairman of the National Endowment for the Arts about this problem and we will hold hearings, I can assure the gentleman from New York, to see if there is not some way, without having Federal censorship or anything like that, that we can send a signal to all who receive any funds that we do not want these funds to be used in any way to in any way put down any nationality, any race, any creed, any group of people.

Mr. BIAGGI. I want to thank the chairman for that assurance. I am not surprised by his response because it is consistent with his whole philosophy of life, and we are grateful to him for that assurance. His point about censorship is well taken. It has never been my intention to invoke any form of Federal censorship. However, I maintain in the strongest possible terms that it is a blatant misuse of Federal tax dollars if it serves to offend any group of citizens from our great Nation.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act Amendments of 1983.

Mr. Chairman, this bill makes technical amendments to effect the transfer of the Institute of Museum Services (IMS) from the Department of Education to the National Foundation on the Arts and Humanities, increases the authorization levels for the National Endowment for the Arts (NEA), the National Endowment for the Humanities, and the IMS to be consistent with fiscal year 1984 appropriations.

Also, I am offering an amendment to H.R. 2751 to establish a national medal of arts. The national medal of arts would be awarded by the President to no more than 12 individuals or groups a year who make outstanding contributions to the arts in the United States. The National Council on the Arts, a congressionally mandated body within NEA, would select the recipients of the medal, and all costs would be borne by NEA. Recipients of the award could be artists or patrons. The idea of the national medal of arts was conceived by the President's Task Force on the Arts and Humanities after being charged by the President with finding a way to reward contributions to the arts by performing artists and supporters.

The costs associated with this medal are to be borne by the NEA from its administrative budget. To have the medals made by a private firm—which is less costly than by the U.S. Mint—and to account for administrative time on the part of the National Council members, will cost, according to NEA, less than $25,000 the first year, and less than $16,000 each following year.

This national medal of arts will be a small way of saying thanks to our American artists and to patrons of the arts.

The administration has indicated its support of this bill, and the inclusion of the amendment establishing a national medal of arts was a direct request of the NEA Chairman and the President.

I want to thank my good friend from Illinois, Mr. SIMON, for his willingness to work with this side of the aisle on this bill and for his support of the national medal of arts. I urge my colleagues to support H.R. 2751.

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Mr. SIMON. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act.

The National Foundation on the Arts and Humanities, and the Institute for Museum Services have been charged with encouraging and supporting national progress and scholarship in the humanities and in the arts, recognizing that while this is primarily an activity of the private sector, there remains a role for the Federal Government in its advancement.

H.R. 2751 would provide authority for the continuation of these programs through fiscal year 1985, and would make technical amendments to the existing act to reflect the 1982 transfer of the Institute of Museum Services to the National Foundation.

Mr. Chairman, these amendments are not controversial. Members on both sides of the aisle recognize the value of our investment in arts and humanities programs, which return $4 in spending for each dollar invested in a cultural event. In most instances, only a small portion of even that dollar investment comes from Federal sources, as these grants attract private contributions in ratios of up to $6 private for each public dollar.

I urge my colleagues to join me in support of this simple, technical extension of the National Foundation on Arts and Humanities and to vote in favor of passage of the bill.

Mr. SIMON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

In addition to being a member of the Committee on Ways and Means and an influential member of this body, he also chairs the Congressional Caucus on the Arts.

Mr. DOWNEY of New York. Mr. Chairman, I rise in support of H.R. 2751 and congratulate both the gentleman from Illinois (Mr. SIMON) and the gentleman from Missouri (Mr. COLEMAN) for the work they have done. I also want to pay special recognition to the gentleman from Illinois who serves as an executive board member

as well of the Arts Caucus and is known throughout this country for his unique and valuable contributions to the arts in America.

Mr. Chairman, I have had the opportunity to serve now as caucus chairman for almost 2 years and it is with excitement and pleasure that I report to you on the tremendous increase in artistic activity in this country as a result of the money that this Government has set aside for the arts since 1965. There is just no question that the imprimatur of the National Endowment for the Humanities and the Arts serves to stimulate more private money, more corporate money for the arts. And with the help of Mr. SIMON and Mr. YATES, the subcommittee chairmen of the Committee on Appropriations, we have managed, this Congress has, to provide the necessary fuel for the artistic fire in this country. There is just no doubt that as we age as a society we begin to recognize the value of arts and science to this society.

Where would we be without the thriving dance communities that we have; the orchestral groups; things like "Hall Walls" in Buffalo that encourage young artists to participate and show their works? All of this is a response to the role that the National Government has played.

Again, I want to add my strong words of support to the work the gentleman from Illinois has done and to make sure my colleagues recognize the critical role the Endowment on Humanities and Museum Services has played to the cultural and social development of this country.

Mr. Chairman, I rise in support of H.R. 2751, legislation sponsored by my distinguished colleague from Illinois, who is also a member of the Congressional Arts Caucus Executive Board.

Since 1965, the National Endowments for the Arts and Humanities have maintained strong bipartisan support throughout all Republican and Democratic administrations. In 1981, these agencies even received a stamp of approval from the Reagan administration's Task Force on the Arts and Humanities. That report stated that the endowments "are sound and should remain as originally conceived." But, in each budget proposed by the Reagan administration, NEA and NEH were slated for funding cuts—and the Institute of Museum Services was proposed to be eliminated. Furthermore, in the Reconciliation Act of 1981 the authorization levels of all three agencies were drastically lowered.

Congress, however, led by Mr. YATES, his subcommittee, and a growing number of Arts Caucus members, fought to hold appropriations for NEA, NEH, and IMS to levels which allow the agencies to maintain their leadership in America's artistic community.

Consequently, for the past several years, appropriations for NEA, NEH, and IMS have been higher than their authorization levels. H.R. 2751 merely brings past legislation in line with current congressional decisions. In addition, the bill transfers the IMS from the Education Department to the National Foundation on the Arts and Humanities—a more appropriate administrative position for the third important partner in our Federal support program for our Nation's cultural activities.

I urge approval of the bill and commend Mr. SIMON for his outstanding work on behalf of the arts and humanities in America.

● Mr. FORD of Michigan. Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act Amendments of 1983. This bill renews a commitment by the Federal Government to continue its important role in promoting and protecting our Nation's cultural and artistic resources.

Specifically, the bill would authorize an increase in funding for the current fiscal year for programs in the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services. This increase is approximately 16 percent higher than the amount provided for the programs in the preceding 2 years. In addition, the bill would transfer the Institute of Museum Services from the Department of Education to the National Foundation on the Arts and Humanities which will facilitate the coordination and communication among the three agencies.

The endowments were established in 1965, and between 1965 and 1980 our Nation experienced a virtual explosion of the arts and humanities. Within the short span of 15 years, professional symphony orchestras increased sixfold; professional theater groups grew tenfold; and the number of dance companies expanded from 30 to 400. For the first time, we as a nation have come closer to insuring that access to our Nation's vast cultural resources are not determined by economic or geographic circumstances.

In the glow of this enormously successful and relatively inexpensive Federal venture, President Reagan initiated deep cuts in 1981, through the Gramm-Latta Reconciliation Act. These cuts reduced by almost half the authorization level that was established for the arts and humanities programs by the 1980 reauthorization bill. The higher authorization levels, established by the 1980 reauthorization, had been overwhelmingly adopted in the House by voice vote. Actual funding for the programs has exceeded these low levels, but has remained constant for the past 2 years. In effect, this is a reduction in funding given the impact of inflation.

We cannot afford to reduce Federal support for these programs and weaken their effectiveness. We have been enriched through the creative energies of our most talented individuals, and through their works we are provided a clearer vision of ourselves and of our Nation. No less important, the arts and humanities stimulate and strengthen economic growth in our communities. For every dollar spent on cultural activities, a minimum of $4 more is spent on related activities such as transportation, lodging, and restaurants that will bolster local economies. The Federal share is only a small fraction of the total amount spent on the arts. "Seed" money provided by the Federal Government can be the single catalyst needed to revitalize an entire urban area. My own State, Michigan, still in the process of recovering from the worst economic crisis experienced since the Great Depression, needs these programs more than ever to help rekindle its spirit and foster economic growth.

H.R. 2751 would unequivocably reaffirm support for the arts and humanities. It would rescind the legislation which enacted cuts in 1981 and would authorize funding for the current fiscal year at levels more in line with the amounts already appropriated. I am very pleased that this bill has bipartisan support and hope for its early enactment.●

● Mr. FRENZEL. Mr. Chairman, the purposes of H.R. 2751 are wonderful. I am pleased that all the amendments have been worked out in advance.

I have supported the National Endowment for the Arts since I came to this House. I still do. But increases of the amount contemplated in H.R. 2751 should not be passed, at a time when most Members are lecturing each other, and their constituents, about the deficit.

No element of our budget should be increased by the huge percentages called for in H.R. 2751.

Passage of this bill will merely reinforce what the people have always known. The Congress will never tighten the budget belt for any of its pet programs.

I have no objection to increasing the authorization for the National Endowment for the Arts by the amount that the entire budget is increased. I have no such similar affection for the Endowment for the Humanities, a program which delivers little of use to the people.●

● Mr. JEFFORDS. Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on Arts and Humanities Amendments. This legislation authorizes funding for the National Foundation on Arts and Humanities, and it transfers the Institute of

Museum Services to the jurisdiction of the Foundation. In doing so, H.R. 2751 further legitimizes the Foundation as an institution crucial to the growth of arts and humanities in America.

Since this body created the Foundation as an independent executive agency in 1965, it has played an important role in the expansion of arts and humanities throughout communities across this Nation. The Foundation provides leadership to all those involved in the arts and humanities by serving as their advocate and as a source of information.

Because the Foundation is a catalyst for private activity, it is especially successful in promoting American cultural endeavors. Through matching and challenge grants, apprenticeships, and fellowships, the Foundation encourages private citizens to study and enjoy all aspects of American culture.

By transferring the Institute of Museum Services from the Education Department to the jurisdiction of the National Foundation on Arts and Humanities, this legislation insures the coordination necessary to effectively promote activity in this field.

Once again, Mr. Chairman, I must reiterate my strong support for the adoption of this bill. The Foundation must continue to provide opportunity for artists, intellectuals, and audiences to expand their creativity and enjoyment throughout America.●

● Mr. WEISS. Mr. Chairman, I take this occasion to express my strong support of H.R. 2751 to increase the authorization levels for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH) and the Institute for Museum Services (IMS). The measure simply brings the authorization levels in line with the appropriations that have been enacted for fiscal year 1984.

When the existing authorization levels were set in the Reconciliation Act of 1981 (Gramm-Latta II), the administration argued that the private sector would more than make up for cuts in the arts and humanities. But corporations and foundations soon found themselves swamped with demands from many social service groups that were also suffering from Federal cutbacks. The small proportion of private sector giving that goes to the arts has tended to focus on large, well-established institutions. And State and local governments have been unable to stretch their limited resources to provide greater funding of the arts.

Moreover, struggles by arts groups to become more financially independent often prove counterproductive. Strenuous fundraising diverts energy from creative efforts. Higher admissions prices shut out the people on limited budgets, undermining one of the NEA's original purposes—to open the arts to a wider audience.

The fact is that arts organizations have no place else to turn. If we are going to encourage and strengthen our Nation's artistic and cultural life, then we absolutely must support strong Federal funding for the arts.

H.R. 2751 is one more step in the effort to restore the Federal commitment to the arts and to help the arts community recover from the recession and earlier budget cuts.

It clearly merits the support of this House.●

● Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 2751 which amends the National Foundation, on the Arts and Humanities Act. It will correct a serious problem within the Institute of Museum Services by providing that the terms of board members will continue until their replacements have taken office. This will eliminate the lack of a quorum which affected board meetings in the past. Money spent on the arts is an investment in the future. For fiscal 1984, the arts were budgeted for only $248.7 million or 0.00028 percent of the total estimated $900.1 billion budget. That contrasts with 31 percent of the budget for military spending. The arts are worth fighting for and funding and I urge my colleagues to do both.●

Mr. COLEMAN of Missouri. Mr. Chairman, if there is no other time to be taken by the majority, the minority would yield back the balance of its time.

Mr. SIMON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may by cited as the "National Foundation on the Arts and the Humanities Act Amendments of 1983".

TECHNICAL AMENDMENT

SEC. 2. The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended by striking out the first section thereof and inserting in lieu thereof the following:

"TITLE I—ENDOWMENTS FOR ARTS AND HUMANITIES

"SHORT TITLE

"SECTION 1. This title may be cited as the 'National Foundation on the Arts and the Humanities Act of 1965'.".

DECLARATION OF PURPOSE

SEC. 3. Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) that museums are vital to the preservation of our cultural heritage and should be supported in their role as curator of our national consciousness;".

ENTITIES WITHIN FOUNDATION

SEC. 4. (a) Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

(1) by striking out "and a Federal Council" and inserting in lieu thereof ", A Federal Council", and

(2) by inserting ", and an Institute of Museum Services" before "(hereinafter established)".

(b) Section 4(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(b)) is amended by inserting ", and for institutions which preserve the cultural heritage of the United States" after "United States".

CONTINUITY OF MEMBERSHIP OF NATIONAL COUNCILS

SEC. 5. (a) Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting at the end thereof the following: "Notwithstanding any other provision of this subsection, a member shall serve after the expiration of his term until his successor takes office.".

(b) Section 8(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(c)) is amended by adding at the end thereof the following: "Notwithstanding any other provisions of this subsection, a member shall serve after the expiration of his term until his successor takes office.".

MEMBERSHIP OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 6. (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by inserting "the Director of the Institute of Museum Services," after "Humanities,".

(b) Section 9(c)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)(4)) is amended by striking out "and the Institute of Museum Services".

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking out "$154,000,000 for fiscal year 1984, and $170,000,000" and inserting in lieu thereof "$128,500,000 for fiscal year 1984, and such sums as may be necessary", and

(B) in subparagraph (B) by striking out "$152,000,000 for fiscal year 1984, and $167,500,000" and inserting in lieu thereof "$127,000,000 for fiscal year 1984, and such sums as may be necessary",

(2) in paragraph (2)—

(A) in subparagraph (A) by striking out "$20,000,000 for fiscal year 1984, and $22,500,000" and inserting in lieu thereof "$10,000,000 for fiscal year 1984, and such sums as may be necessary",

(B) in subparagraph (B) by striking out "$16,500,000 for fiscal year 1984, and $18,500,000" and inserting in lieu thereof "$11,500,000 for fiscal year 1984, and such sums as may be necessary", and

(3) in paragraph (3)—

(A) in subparagraph (A) by striking out "$36,000,000 for fiscal year 1984, and $40,000,000" and inserting in lieu thereof

"$28,000,000 for fiscal year 1984, and such sums as may be necessary", and

(B) in subparagraph (B) by striking out "$40,000,000 for fiscal year 1984, and $44,000,000" and inserting in lieu thereof "$20,000,000 for fiscal year 1984, and such sums as may be necessary".

(b) Section 11(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d)) is amended by inserting "under this title" after "made".

ALLOCATION OF FUNDS FOR DISTRICT OF COLUMBIA

SEC. 8. With funds made available to carry out the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.), the Chairman of the National Endowment for the Arts shall exercise the Chairman's authority under such Act to make grants, in an aggregate amount of not less than $500,000 for each of the fiscal years 1984 and 1985, to groups in the District of Columbia which are of national significance and which receive no funds under any program administered by the Secretary of the Interior or by any entity established within the Department of the Interior.

ESTABLISHMENT OF INSTITUTE OF MUSEUM SERVICES

SEC. 9. Section 203 of the Museum Services Act (20 U.S.C. 962) is amended by striking out ", within the Department of Education" and inserting in lieu thereof "within the National Foundation on the Arts and the Humanities".

NATIONAL MUSEUM SERVICES BOARD

SEC. 10. (a) Section 204(a)(2) of the Museum Services Act (20 U.S.C. 963(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (iii) by inserting "and" at the end thereof,

(B) in clause (iv) by striking out "; and" and inserting in lieu thereof a period, and

(C) by striking out clause (v), and

(2) in subparagraph (B) by striking out "clause (v)" and inserting in lieu thereof "clause (iv)".

(b) Section 204(b) of the Museum Services Act (20 U.S.C. 963(b)) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this subsection, a member shall serve after the expiration of his term of office until his successor takes office.".

(c) Section 204(c) of the Museum Services Act (20 U.S.C. 963(c)) is amended by striking out "Eight" and inserting in lieu thereof "Except as provided in subsection (d)(2), eight".

(d) Section 204(d)(2) of the Museum Services Act (20 U.S.C. 963(d)(2)) is amended by striking out "eight" and inserting in lieu thereof "seven".

CONFORMING AMENDMENT

SEC. 11. Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964(a)(2)) is amended by striking out the first sentence.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended by striking out "$40,000,000 for fiscal year 1984, and $45,000,000" and inserting in lieu thereof "$13,490,000 for fiscal year 1984, and such sums as may be necessary."

REPEALERS

SEC. 13. Sections 521, 523, and 524 of subtitle A of the Omnibus Education Reconciliation Act of 1981 are repealed.

Mr. SIMON. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. SIMON

Mr. SIMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIMON: Page 6, strike out lines 4 through 15 (and redesignate succeeding sections accordingly).

Page 8, line 5, strike out "$13,490,000" and insert in lieu thereof "$20,150,000".

Mr. SIMON. Mr. Chairman and my colleagues, this basically has two portions.

First, it changes the museum authorization to conform to actual appropriations.

Second, it strikes, on page 6, a section that has some opposition from the administration. I had discussed this with my distinguished colleague from Illinois, Mr. YATES, who was on the floor just a few minutes ago, who has provided just exceptional leadership in this whole field of the arts and humanities and all of us in Congress and in the Nation are indebted to him for his leadership. But I think we can work out some problems that do exist for the Washington Performing Arts Society and some other groups when it comes up to appropriations. As far as I know, there is no controversy on this amendment.

I move its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SIMON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. COLEMAN of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Missouri: Page 8, after line 10, insert the following new section:

NATIONAL MEDAL OF ARTS

SEC. 14. (a) There is hereby established a National Medal of Arts, which shall be a medal of such design as is deemed appropriate by the President, on the basis of recommendations submitted by the National Council on the Arts, and which shall be awarded as provided in subsection (b).

(b)(1) The President shall from time to time award the National Medal of Arts, on the basis of recommendations from the National Council on the Arts, to individuals or groups who in the President's judgment are deserving of special recognition by reason of their outstanding contributions to the excellence, growth, support, and availability of the arts in the United States.

(2) Not more than twelve of such medals may be awarded in any calendar year.

(3) An individual may be awarded the National Medal of Arts only if at the time such award is made such individual—

(A) is a citizen or other national of the United States; or

(B) is an alien lawfully admitted to the United States fo permanent residence who (i) has filed an application or petition for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act and (ii) is not permanently ineligible to become a citizen of the United States.

(4) a group may be awarded the National Medal of Arts only if such group is organized or incorporated in the United States.

(5) The presentation of the National Medal of Arts shall be made by the President with such ceremonies as the President may deem proper, including attendance by appropriate Members of Congress.

(c) Funds made available to the National Endowment for the Arts shall be used to carry out this section.

Mr. COLEMAN of Missouri (during the reading). I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN of Missouri. This is the amendment I discussed in my opening statement. It would create a National Medal of the Arts, to be given by the President on the recommendation of the National Council on Arts, to give to patrons and artists in this country recognition for their contributions to the arts. I do not think it is controversial. It has the support of the administration.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman from Missouri for this amendment. It does not add any increased authorization to the bill, no increased cost to the bill. I think it is a very worthy thing and I am pleased to urge support of it.

□ 1320

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDEE: Page 8, after line 10, insert the following new section:

INSTITUTE OF AMERICAN INDIAN ARTS

SEC. 15. (a) The Secretary of the Interior shall—

(1) enter into a long-term agreement with the College of Santa Fe, Santa Fe, New Mexico, to provide educational facilities for the use of, and to develop cooperative educational/arts programs to be carried out with the postsecondary fine arts and museum services programs of, the Institute of American Indian Arts administered by the Bureau of Indian Affairs,

(2) conduct such activities as are necessary to improve the facilities used by the Institute of American Indian Arts at Santa Fe College, and

(3) provide museum facilities in Santa Fe, New Mexico, for the benefit of the Institute of American Indian Arts.

(b) Subsection (a) shall take effect on October 1, 1984.

Mr. KILDEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Chairman, my amendment would direct the Secretary of the Interior to enter into a long-term agreement with the College of Santa Fe in Santa Fe, N. Mex., to provide educational facilities for the use of the Institute of American Indian Arts administered by the Bureau of Indian Affairs.

The Secretary is also directed to upgrade the facilities used by the Institute, particularly studio and museum facilities, and to develop cooperative educational arts programs. This would also allow for the transfer of remaining Institute programs which are presently located on the campus of the Santa Fe Indian School operated by the All Indian Pueblo Council.

This amendment is not a new authorization or program. It simply stabilizes the existing arrangement whereby the Institute of American Indian Arts leases facilities on a year-by-year basis. Authority for the funds for the Institute already exist, as this is an ongoing program. Facility plans also currently exist including plans for a museum facility, which will be submitted in the course of the Bureau of Indian Affairs budget request. This is not an entitlement and any funds would be subjected to an appropriation.

The existing relationship with the College of Santa Fe has proved extremely beneficial to the Institute, which has been given the full use of library, gymnasium, and support facilities. Furthermore, the students of both schools have benefited greatly by a liberal program exchange policy, which has allowed Indian students to take academic courses to augment their artistic training. The amendment has the backing of both institutions and is in conformance with the goals of the Board of Directors of the Institute. In addition, when implemented, the amendment will help insure the proper maintenance and preservation of one of our Nation's primary collections of Native American art, a collection whose current condition and housing is a national disgrace.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in support. It seems to me this is a sensible amendment. It also calls attention to an area where, frankly, we, as a Nation, have not done what we could in the way of doing more than just keeping native Americans in almost a welfare state.

I appreciate the work that my colleague from Michigan and my colleague from Missouri did on the tribally controlled college bill.

We have made some steps forward—and this is another step forward. I commend the gentleman. I think it is an excellent amendment.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment to H.R. 2751, the National Foundation on the Arts and Humanities Act of 1983, offered by the gentleman from Michigan (Mr. KILDEE), to make permanent the current cooperative relationship between the College of Santa Fe in my district in New Mexico and the Institute of American Indian Arts (IAIA).

The College of Santa Fe and the IAIA are in the third year of a contract agreement that permits the IAIA to share a number of facilities with the College of Santa Fe. The IAIA was forced to vacate their previous site to make room for a new Indian school. The IAIA provides a unique, rich, and historically significant artistic contribution to an already culturally diverse campus. Santa Fe College students are given the opportunity to take art courses taught by IAIA instructors. Conversely, IAIA students take a number of the outstanding humanities courses that are offered at the College of Santa Fe. This cultural and educational exchange has proven to be extremely beneficial for the College of Santa Fe, the IAIA, as well as the entire Santa Fe community. Strong support for a continuing relationship between these two fine institutions is shared by both schools and the community.

Mr. Chairman, not only does the IAIA benefit from being located in an academic setting, the institute benefits financially as well. Possible alternative sites for the IAIA have been thoroughly explored over the past few years and each alternative would be more costly and logistically impractical for the institute.

The Santa Fe Indian School, which currently houses the IAIA museum and a couple of IAIA studios, strongly supports making the arrangement between the College of Santa Fe and the IAIA permanent provided that other programs at the Santa Fe Indian School are left intact.

Finally, a permanent relationship between the college and the institute would allow for long-term planning. Presently, the college has available land for the construction and eventual expansion of an IAIA art museum. However, without the knowledge of a permanent relationship, no substantive planning for the building of the museum is feasible.

Mr. Chairman, as the old saying goes, "If it ain't broke, don't fix it." The current relationship between the College of Santa Fe and the Institute of American Indian Arts works well and to the benefit of all those involved. It only makes sense to make this relationship permanent so that the two institutions can begin to plan for the future and build on their current success.

I urge Members to vote for this amendment and for final passage of the National Foundation on the Arts and Humanities Act. I want to again take this opportunity to thank my colleague from Michigan for offering this amendment and to commend him for his outstanding work and leadership on issues affecting native American education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2751.

Federal support for the arts and humanities is not a frill. It is essential for maintaining our country's rich cultural life and fostering creativity and imagination among our citizens. And on a purely economic level, Federal dollars spent on the arts represent one of the best investments Government can make.

Every dollar given to the arts community by the National Endowment for the Arts, the primary vehicle for Federal support for the arts, has been matched by $1 to $3 of private support or earned income. In turn, every $1 spent by the arts community returns between $7 and $12 in income to the community in the form of direct income, such as employment, and through the process that economists call the "multiplier effect"—the development of stores and restaurants, tourism, and neighborhood revitalization sparked by artistic activity.

In my district, performances at the newly renovated Shubert Theater in New Haven, Stratford's American Shakespeare Theater, the Yale Repertory Theater, the New Haven Symphony, and Long Wharf attract audiences from all over the Northeast. New Haven's Audubon Street renovation has encouraged new restaurants and stores and has provided the community with a center of cultural activity. These kinds of artistic endeavor have a direct impact on Connecticut's economy. In 1979, the most recent year for

which I have seen statistics, audiences attending Connecticut cultural events spent $25 million on goods and services other than admissions, resulting in a total economic impact of $72 million. For 87 percent of those in the audiences, the cultural event was the primary reason for their being in the area—and 17 percent came from outside New England to attend.

Overall, in Connecticut, the nonprofit arts industry has an economic impact of over $331 million. It provides more than 8,500 jobs. It spent a total of $41.1 million (in 1978, the most recent year for which statistics are available), which led to a total economic of $96.5 million within the State, and returned $1.9 million in Federal income taxes and $154,230 in State taxes.

This Congress has made it clear that we are not willing to accept the massive cutbacks that the administration has proposed since 1981. Last year, our appropriation for the National Foundation on the Arts and the Humanities was substantially higher than the authorization level set by the Gramm-Latta Reconciliation Act of 1981. It is time that we established authorization levels that are more in line with what we have demonstrated we are willing to invest in the arts and humanities.

Mr. Chairman, we are all concerned about the Federal deficit, but the amounts we are talking about here are tiny fractions of 1 percent of the Federal budget. Eliminating Federal support for the arts entirely would have no noticeable impact on balancing the budget, but would have a tremendous cost in terms of lost jobs, development, and taxes.

My district contains the seventh poorest city in the country, New Haven. Bringing diverse kinds of people into the center city is essential for improving its economic health. We have seen that a strong Federal support for the arts can play a major role in stimulating economic revitalization in New Haven, elsewhere in the third Connecticut District, and in our Nation as a whole.

Mr. STRATTON. Mr. Chairman, it was my understanding that there was not going to be any voting today, so I was not on the floor at the time the consideration of the request for the money for the National Foundation on the Arts and the Humanities Act Amendments of 1983 was made in the House. The majority whip, Mr. FOLEY, assured us on February 9, page H691, that "we do not intend to schedule any legislation at this juncture."

As a result, I am not as well prepared to express my views on this legislation as I would like to be. But let me state the case as I see it. I am opposed to this legislation because the National Foundation on the Arts is an elitist organization. They are not interested in the efforts of small communities. The city of Schenectady, my home, for example, has conducted a very outstanding program for reviving art and music productions in the old Proctor's Theater. The community has raised over $1 million for this purpose. Yet every time a list of grants and supporting funds come out from the Foundation, it is only the large cities, like New York or Philadelphia, or the world-famous Metropolitan Opera Company who get any attention. I think this is totally out of line. Previous administrations did not ignore small communities. If Congress is to authorize all this money then certainly there ought to be encouragement for the smaller communities, particularly in areas where funds are hard to come by.

If this record of elitism continues, I intend to oppose any appropriation for the National Foundation on the Arts and Humanities, both in the House and in the other body. It is in the smaller communities of America where Federal funds can do the most good. We do not need to spend our tax dollars to make the rich richer. We need to help those less renowned areas who are making herculean efforts to see that their people have a reasonable opportunity to see great artistic productions, just as can be done by the people of the city of New York.

I hope the conference committee will take this point into consideration.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MORRISON of Connecticut) having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2751), to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, pursuant to House Resolution 351, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2751, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

IS THE HOUSE OF REPRESENTATIVES REALLY GOING ABOUT THE NATION'S BUSINESS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I take a little time here today to call the attention of Members of the House to the fact that we are at 1:30 in the afternoon and have completed our legislative schedule again for today.

I raise this again, as I have on several previous occasions, to ask whether or not we are really going about the Nation's business.

Now, whatever your views are on the National Foundation on the Arts and the Humanities Act that we had before us today, I think you do have to raise the question as to whether or not that is the single most important item that could have been brought to the House floor on a day back from recess; and, even if it was among the more important items that could have been brought before us, whether or not this was the only item that should have been considered in the House of Representatives. In fact, that is the only item that we considered here today after being home for a full week on recess.

I would suggest that the rest of the schedule for this week hardly is one that is going to cause the Members a great deal of difficulty in leaving early each day.

We have a bill up tomorrow to create a hunger committee, which I doubt will be very controversial, and we are likely to be finished early tomorrow soon after we go into session at 3 o'clock in the afternoon. Later on in the week we have the Foreign Language Assistance for National Security Act, it again being very doubtful that we are going to spend a lot of time on that particular bill either.

That is the entire schedule for this week.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. SILJANDER. I am amazed that I got up at 4-something this morning to rush on a Red-Eye flight to come to Washington, D.C. I was informed that we may have something substantive to do, to vote on and to talk about. And

rather than communicating with constituents, you and I are sitting on the floor here today, an empty Chamber, no votes having been taken, nothing productive done.

May I say that I did do one thing that I feel might be somewhat relevant to this whole effort of getting up early in the morning and flying here for virtually nothing. There is discharge petition, I would like to inform the Members and those listening, No. 7. It deals with H.R. 1176. H.R. 1176 unlike other bills, is an important bill. It has 334 cosponsors, not one or two, not just Democrats or Republicans, but 332 liberals, conservatives, and moderate Republicans and Democrats.

The bill deals with mortgage revenue bonds, an issue to assist and to help the homeowner who is suffering from high prime interest rates. And I have offered a discharge petition because the bill is bottled up. Now, is it bottled up because it is not important? I do not think there is a Member of Congress who feels that opportunities for home mortgages for the American people is not an important issue. But it is bottled up for one reason: Politics.

It is bottled up because they are holding it hostage for tax increase bills, as happened last year, or for some other type of bill.

On behalf of 334 of us of all forms of ideology on both sides of the aisle, I call upon the leadership who has control of the bill to please release the bill, please let a bill out of committee that the vast majority of Members of this body support. And if they will not, will the 334, at least 218 of you, courageously stand up, walk down to the well and please sign Discharge Petition No. 7 so that we can say that we did something this week instead of absolutely nothing, and did something positive for the taxpayers of America.

Mr. WALKER. Mr. Speaker, is the gentleman suggesting that, with 334 cosponsors, that might have been something that we could have taken up on the floor today, since we finished at 1:30 in the afternoon, and we have got at least, under a normal working man's day, 4 hours left?

Of course, too often around here we do not regard ourselves in the same class as normal working people in this country. We quit early in the afternoon. But the fact is that here we are, and we could have been doing something.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I am grateful to the gentleman from Michigan for bringing up the fact that there has been a discharge petition filed on the mortgage revenue bond extension.

During my conversations with people back in my district, they have informed me unanimously that mortgage revenue bonds are extremely vital to keep the recovery going in our home construction and real estate industries.

I think that feeling is shared by most of the Members of Congress in cosponsoring the bill that has been offered by my colleague, the gentleman from Michigan.

However, as we know around here, merely cosponsoring a piece of legislation does not mean that we are pushing that legislation unless we decide to do something like signing a discharge petition to get that legislation out of committee and moving on the floor of the House of Representatives.

One of the reasons why the omnibus tax increase bill put together by the Ways and Means Committee did not even get a rule approved on the floor of the House last November was because the Ways and Means Committee deliberately obstructed an extension of the Mortgage Revenue Bond Act and did not include that in that omnibus bill.

Now, I understand that the Ways and Means Committee has not had a change of heart. That is not unusual, considering the record of that committee, because I remember during my first session here 4½ years ago there were 290-some cosponsors on an accelerated business depreciation bill, over two-thirds of the House of Representatives, and then Chairman Ullman locked it in his bottom drawer and it took the election of Ronald Reagan as President of the United States to give the Ways and Means Committee the push to pick that up and pass it.

□ 1340

Had President Reagan not been elected, I think that the tomb that is currently presided over by the gentleman from Illinois (Mr. ROSTENKOWSKI) would still lock up that very meritorious bill cosponsored by a majority of the Members of the House, just like the keeper of the Committee on Ways and Means tomb is doing with the bill of the gentleman from Michigan. So I wish you luck in getting Discharge Petition No. 7 signed.

Mr. WALKER. I thank the gentleman from Wisconsin.

Both gentlemen have made a very important point here. We have three-quarters of the Members of the House who have cosponsored a bill, and yet what we are being told is that that bill cannot be scheduled to come out here on the floor for consideration. Regardless of the fact that three-quarters of the Members of this House think it is important enough to move forward, it does not get scheduled, and instead, we go through whole weeks where we accomplish next to nothing, where we do very, very minor pieces of legislation and do not bring bills of this type to the House floor.

I think what it does is, it says to the American people that this House is not working; that we are not doing the people's business; that the American people's agenda is not being addressed on this House floor and is, in fact, being blocked from being addressed on this House floor. Every week that we have one of these light schedules, every week where we come to 1:30 in the afternoon and shut this place down to all intents and purposes, have no votes at all, and so on, and every week that the American people look into this Chamber and see a handful of people here with the business over, they ought to ask the question why? What in the world are we really doing around here if we cannot address an agenda, even an agenda where three-quarters of the Members of the House say on a particular bill that it is something that they want done, and yet it is never scheduled.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman from Wisconsin and the gentleman from Pennsylvania bring up good points. Here is an opportunity for those of us who oftentimes just freely cosign bills because someone back home might want us to, to really put some leadership behind a signature for once. Some of those 334 of us who have cosponsored an extension of mortgage revenue bonding bill, here is an opportunity for us to stand up courageously and tell the leadership on all sides of the aisle that we have cosigned a bill because we believe it is in the best interest of the people back home. Those of us who are desirous of finding or building a new home and cannot do so, mortgage revenue bonds will give us, an extension, will give many Americans an opportunity to build that dream home, to purchase the home of those Americans' desires, those of us who had an interest in a new home.

Here is an opportunity for us to stand up courageously, walk down to the well and put our John Hancock on something that would be productive for the American people.

Mr. WALKER. I appreciate the gentleman's statement, and I think the gentleman is well aware of the fact that if his bill were to sponsor something like National Cauliflower Week and he got 218 signatures on that, of course, that would be brought immediately to the House floor and we would consider that out here. That momentous occasion would take place on the floor and, sure enough, National Cauliflower Week would be proclaimed with 218 signatures. The gentleman has 334 signatures on his bill that

really does something on behalf of the American people, and he cannot get it brought to the floor.

It tells us that something is awfully screwy around this place and that there is a screw loose in our operating procedures.

One thing that we did hear on the House floor today, though, that I thought was rather disturbing and I think maybe would be worth our while to talk about a little bit, was a statement made eariler today by the gentleman from Arkansas, a member of the leadership of the Congress, who suggested on the House floor that he thought that George Shultz should resign. I assume that he may have been speaking on behalf of his leadership, since he is a leader who speaks regularly on the House floor in the 1-minute remarks carrying his party policy position.

He suggested that George Shultz ought to resign over the question of Lebanon; that we had a failed policy in Lebanon and that it is high time for people to resign based upon that failed policy.

I would suggest to the gentleman from Arkansas that there is plenty of blame to go around for the failed policy in Lebanon and it ill behooves this body to suggest that we can lay the blame at George Shultz's doorstep or at the doorstep of the President of the United States. I would suggest that this body has contributed as much as anybody to the failed policy in Lebanon, and probably more than most.

It was not the President of the United States who originally proposed some months ago that we have an 18-month time period for affecting the policy in Lebanon. As a matter of fact, up until that time the policy had been rather successful. The Marines had not been attacked at that point. We were pursuing the peacekeeping role there. And all of a sudden the House of Representatives, in its infinite wisdom, decided that we had to step in and take charge of the policy. We had to implement the War Powers Act.

So a compromise was arrived at with this administration for an 18-month policy in Lebanon, and therein our problems began. I would suggest that beginning with that particular resolution we began on a downhill track in Lebanon that was absolutely then turned into a disaster when Congress came back from its recess a few weeks ago and suggested in the Democratic Caucus that it was time to cut and run in Lebanon, thereby encouraging the Syrians, encouraging the radical groups in the Middle East, to think that they could in fact keep the United States from implementing a policy and that they can implement a policy of their own.

I would suggest that that blame rests right here; that there is at least as much blame as can be heaped upon the President of the United States and upon the Secretary of State. Therefore, if we are going to talk about resignations, I would suggest that maybe we better start talking about people in this Chamber who are also responsible for having us implement that kind of policy and spoke out very loudly for it; that if resignations are in order, the resignations ought to come in this body as well.

Mr. SILJANDER. If the gentleman will yield further, let me just make sure that I am not mishearing the gentleman.

There is a statement made on the floor that George Shultz should resign as Secretary of State because of the failure of our policy in Lebanon. Is that a summary?

Mr. WALKER. That is precisely what the statement was earlier today.

Mr. SILJANDER. Let me throw out an example, alluding to what the gentleman was saying earlier.

Mr. WALKER. Let me just clarify. The gentleman serves on the subcommittee that handles this matter; is that correct?

Mr. SILJANDER. I serve on the Europe and Middle East Subcommittee that deals with this matter, and the Foreign Affairs Committee that dealt with the 18-month resolution, and I sit on the same committee that introduced what I would call a cut-and-run resolution.

Let us bring our memories back. A cut-and-run resolution was introduced by the majority party into the Committee on Foreign Affairs. The very next day, after the shock signals went across the ocean to the Middle East, the shock signals shaking the Middle East, that the Congress is considering an immediate, prompt withdrawal of American troops from Lebanon, what happened the very next day?

The very next day the shelling increased so heavily, in fact heavier than it had been for many years. The following day the entire Moslem contingent of the Cabinet resigned, and we are to the disaster, the accelerated disaster in Lebanon today——

Mr. WALKER. If the gentleman will allow me to reclaim my time for just a moment, was that not also the period of time when the Moslems that had been a part of the Lebanese Army that were being trained by the United States and was working itself into being a fairly effective fighting force on behalf of a united Lebanon, did they not begin to leave the army in droves soon after that resolution came in that the gentleman is describing, an event of unraveling?

□ 1350

Mr. SILJANDER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Michigan.

Mr. SILJANDER. Sixty percent of the Lebanese Army are Moslems, the regulars. Many of them left and went to their barracks, refusing to fight, refusing to support a government that many of them perceived, with the outside world, including the multinational force contingent and the Americans who are a part of that force, was receiving support that was waning and lacking.

So if there has been any attempt to destabilize Lebanon or any reaction to the negative policies, it was a reaction to the fact that there was a cut-and-run resolution, in my opinion, introduced in the Foreign Affairs Committee in the House of Representatives a day before the shelling increased, 2 days before the Moslems decided to resign and begin in the Cabinet of the Gemayel government the acceleration of death, of bombing, and of intensity of warfare in that country.

And this is no coincidence. May I add that I cannot believe that it happened to be a coincidence. I think the American people can see for themselves that at any time we in America and we in this Congress move on a key foreign policy issue those shock waves are felt and respected and oftentimes misinterpreted overseas, and the foreign policies of our friends and enemies alike are oftentimes assessed based on what they perceive our policy in this Congress to be. So that was a bad time, it was the wrong time, it was the wrong issue, and it was the wrong place to introduce a cut-and-run resolution.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

I would simply say to the gentleman that as far as I was concerned, I had some questions about our policy in Lebanon, as I think many Members did. I am in the position of being one who did not vote for the 18-month resolution. I thought that was a bad idea. And I would not have voted for the resolution that emerged from the Democratic caucus either because that was really a rotten idea.

The point is that the policy that was being implemented out of this House added up to one total disaster and tragedy. I think that the American people have to make an assessment of that. And to have someone come to the floor out of the Democratic leadership, as it was suggested here today, and say that all of this should fall on the doorstep of George Shultz and the President of the United States is to make nonsense. They have to assume their responsibility. They are partially responsible for the policy, and I submit that this House and this Congress are very much responsible for the policies we implement as well. It is a real shame to have that kind of statement made that was made earlier today.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, that was exactly what I was thinking today when the resignation of the Secretary of State was called for, and I felt perhaps it follows that everyone who contributed in some way to the final resolution in Lebanon should also resign. That means that we would have mass resignations in the Congress itself if logic were to be followed through, because in my judgment, as the gentleman from Michigan said and as the gentleman in the well has also iterated, the debate in this very Chamber contributed to the misunderstandings or miscalculations or proper calculations, as it turned out, that Syria made in taking whatever action it did to finally force the hand of the multinational force and to cause the redeployment of our marines.

Mr. WALKER. Certainly the Syrians do not need very much encouragement in the Middle East to become disruptive and to try to do everything they can in order to emasculate and undercut our foreign policy. They are acting as puppets of the Soviet Union, and they need no encouragement. To receive the kind of encouragement they got day after day after day here just a couple of weeks ago coming out of this House of Representatives compounded the tragedy in Lebanon.

I do not know whether we ever had a viable policy there or not. As I stated earlier, I always had questions about it. But the fact is that I do know one thing, that we compounded the tragedy horribly by what came out of the House of Representatives, what was interpreted around the country and around the world as representing the majority sentiment of this House of Representatives, and we have to bear at least a portion of this responsibility. I think not to bear a portion of the responsibility and not to admit that we also failed is to bury our heads and to demagogue the issue to a great extent.

Mr. GEKAS. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I agree with the gentleman, and I just want to add one footnote to all of this. In my judgment, history will judge that George Shultz' decision and, therefore, the Government's decision and America's decision made in Lebanon was one that was rooted in noble ideas. The nobility of going to the rescue of a land which traditionally has been a democracy, a land which has been pro-West and supporting all the values in which we pride ourselves, and to establish a final opportunity for that nation to find its own identity again, that in itself justified the presence of our marines. If one asks the marines themselves, they will practically to a man indicate that they wanted to carry out that mission of peacekeeping and to give Lebanon a chance to survive.

Even if we looked at it more completely than just the nobility of what we attempted to do there, looking at it from the point of view of the national security and economic interests of our Nation, it was the right thing to do to try to establish a presence in Lebanon. What that presence ultimately will be, presence there must be.

Mr. WALKER. Mr. Speaker, the gentleman makes a good point. We were in there trying to support a legitimate Government of Lebanon. Out of the tragedy of Lebanon is likely to come an illegitimate government, a government dominated by Syrian interests, a nation partitioned that, therefore, can offer no hope to its people.

It reminds one of the tragedy compounded by this Congress after our experience in Southeast Asia when many Members of this Congress patted themselves on the back and congratulated themselves for having been a part of withdrawing the United States from Southeast Asia, for helping to implement a policy in Southeast Asia where we refused to win the war and refused to allow our soldiers to do any more than go into the field and be shot at. And yet what we see as a result of that policy is a mass genocide that took place in Southeast Asia, an absolute tragedy of immeasurable proportions that took place there, because once again this Congress chose to cut and run rather than to carry out a defined policy and a defined mission.

I seriously question whether or not we have not also created the climate for infinite tragedy in the Middle East with the policies that this Congress is in large part responsible for bringing about.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman form Michigan.

Mr. SILJANDER. Mr. Speaker, I think it is important that we assess this and ask, what alternatives did we have?

We could have stayed in Lebanon beyond the objections, according to the pollsters, of the American people. The Marines could have stayed and been shot at and possibly picked off one by one. But the President, sensing the situation as it was, sensing the Syrian and the Druze influence as it was, decided that the second option was not a logical one either—cut and run.

What does cut and run imply? To get up and leave implies that, "Yes, Ayatollah Khomeini, you have successfully influenced American foreign policy." It means that a pint-sized dictator of Iran has pointed his finger at what is called and termed one of the great world powers, and he would have succeeded in manipulating our foreign policy by attacking and killing Americans.

And obviously, where would that policy have ended? In a tragedy. An American University president was assassinated. Do we pull out all our professionals? Thirty-three Americans were also tragically killed by another kamikaze, radical Islamic car bombing of our Embassy in Beirut. We had a bombing of our Embassy in Kuwait. And where do the terrorist attacks stop, and then where does our policy need to be addressed? And then how far and where will we go in terms of allowing those attacks, those cowardly, vicious kamikaze terrorist attacks? How far will we let them go in telling us and manipulating our foreign policy?

So obviously the President is not in a position and should not be in a position to allow those types of terrorists to dictate and mandate our foreign policy.

So what is the third alternative? The third alternative was a commonsense phased redeployment of our marines from a more vulnerable position onshore to a less vulnerable position offshore.

The other part of the commonsense alternative is that we have been training the Lebanese Army. There are now five brigades trained by the United States, one by the French, and in another 30 days there should be two more Lebanese brigades fully trained.

What the President has said is that we will fill in our void, the MNF void, with our French and U.S.-trained Lebanese brigades. Let them try as best they can to handle their own situation as best they see fit. It is a commonsense, logical approach.

But are we cutting and running? No. Our 6 Fleet is still there as a major deterrent. American foreign policy is still strong, and, as the gentleman from Pennsylvania alluded to it, as long as a legitimate constitutional Government of Lebanon stands, we should maintain our commitments, for if we falter on our commitments in Lebanon, what good is our American commitment anywhere in the world?

Mr. WALKER. Mr. Speaker, I thank the gentleman from Michigan.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding.

I have hesitated even to stand up here and speak because I tend to get excited when I think about the situation in Lebanon and what happened to our marines. But I think there is something that really ought to be pointed out, and the gentleman from Pennsylvania has touched on it when

he said the Congress ought to have the guts to stand up here and take partial blame for what happened.

I read the report of the Armed Services Subcommittee on what happened when the Marine headquarters was blown up, I saw all the criticism piled on the Marine Corps, and I hope all the Members of Congress listened to what kind of an effect that report had and what kind of an effect the one from the Pentagon had on the future of enlistments by U.S. citizens in the armed services. I am a former marine, and I have gone out and I have talked to some of the ROTC units around this country. Since 1975 ROTC programs on some of the most liberal campuses across this Nation have expanded tenfold. Patriotism is back in America.

And what did this Congress do? I can tell the Members what it did. Since the bombing on October 23, when we lost the 241 marines, nothing was happening in Lebanon because, without the aid of Congress and without the aid of all these engineers and architects, the U.S. Marine Corps, that battalion that was over there, went out on its own to protect themselves against terrorism. What did they do? They went out, with the cooperation of the Lebanese Government and the Army, and they commandeered over 100 of these reinforced steel shipping containers like we see on board ships. These things are 40 feet long and 8 feet wide.

And what did they do? They redeployed themselves out of the buildings and between the shoreline and the airport. They dug themselves in so that they had sleeping quarters, they had headquarters, and they had places where they could protect themselves against catastrophic loss. And they did it without the help of these gentlemen in the Congress. They did it all by themselves.

But what happened? From October 23 until we came back in session there was not one major attack on the U. S. Marine Corps battalion in Beirut, not one. As a matter of fact, there were even friendly give-and-takes between the so-called Druze militia and the other factions that were there.

□ 1400

I went over there between Christmas and New Year's and spent several days, not only talking to American marines, everybody from lance corporals to the top dog over there, and there was no danger of any catastrophic loss to our marines and the situation was stable.

But what happened the day we came back here? Congress and the Democrats started talking about that we have to pull our marines out of Lebanon. We have to pull them out of there. We have got to get them home and the minute we did that, that is when Syria and that is when all these religious factions in opposition to the legitimate government in Lebanon began to put the pressure on and that is when all hell broke loose over there.

So let me tell you, whose fault was it? It was the fault of the U.S. Congress and more particularly those members of the Democratic Party and some Republicans who did not have the guts to keep our people there and keep peace at that time.

I started to talk about the ROTC. You know, in that report that came back from the Armed Services Subcommittee, they talk about wanting to take the bars and stripes of U.S. Marine officers and enlisted men because of a bad decision they made for leaving those marines in a barracks building.

Well, you know, all the way through history, whether it is the First World War, the Second World War, the Korean war, the Vietnam war, when a commander makes a decision of whether to put his troops here or there, you do not take his stripes because somebody got killed, because that man was trying to make the right decision; and yet this Congress is recommending that we take somebody's bars and stripes.

Do you know what is going to happen to young men today that want to go to college and there is an ROTC program there and, sure, they can go to college free providing they guarantee that when they graduate they spend x number of years in time in the armed services, do you think they are going to make a career out of the Army, the Navy, or the Marine Corps or the Air Force if this Congress is going to come along and say 10 years later to that young man who served his country, "You made a bad decision. We want to put a letter in your file so that you can never be advanced or promoted again."

Congress ought to keep its nose out of it. The Constitution provides for foreign policy to be conducted by the President of the United States of America. That is what he was elected for and you and I should not be interfering.

If we had not interferred, we would still have stability and peace in Lebanon today and we would have a chance for the survivability of that government.

Now, what is going to happen? I am scared to death that 3 or 4 or 5 years from now when Syria and Russia have taken over as the dominant force in the Middle East that you are going to be called on to put 150,000 marines in there to save the likes of Israel and Saudi Arabia and some of the other countries, and instead of that we pulled out, we turned tail and we ran because of the Congress of the United States.

We ought to be ashamed of ourselves.

Mr. WALKER. I thank the gentleman from New York.

I am glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

With the gentleman's indulgence, I would like to comment on a statement made earlier in the gentleman's special order. The statement that I make does not mean to diminish the point the gentleman was making at the time, which is that the House is not making progress, is not scheduling work. That is a valid point and I support the gentleman when he makes it.

As a matter of fact, sometimes I think from a taxpayer's standpoint, it is the very best thing when the House makes no progress, for that is the only time that they are protected.

On the other hand, I think the House has the obligation to move forward and to try to make improvements in the name of all the people of the United States, so I am grateful for the gentleman's effort.

The point I wanted to make is that the problem of mortgage revenue bonds was raised earlier in the conversation. Someone suggested that that bill has never emerged. It has never emerged from the Ways and Means Committee by itself; however, it was a part of the Ways and Means Committee bill that was rejected by the House when the rule fell last year.

Many Members, in fact, the majority of the House voted against the rule and many Members who support the extension of mortgage revenue bonds voted against the rule because in total they thought that the bill was deficient and I believe that no Member should ever have to vote for a portion that he or she likes when the rest of the bill is inadequate. I vote against appropriations all the time on that basis; but I just want to say that at least in defense of the committee, it did bring out that bill in a package. While it would have been nicer to bring it out alone, at least the committee's work should not be considered a total failure in that respect.

I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Minnesota very much for making the point. I think it is important to have that on the record.

I guess the point that this gentleman made earlier was just the fact that if we had something for National Cauliflower Week and got 218 signatures on it, we would run it out here to the floor immediately and act on it. In this case, evidently this bill has 334 cosponsors. It does seem to me that something with that kind of popularity might be eligible for some singular action on the House floor, rather than

have it tied to a number of other controversial items that were in the tax package.

Since the Congress does seem to have plenty of time on its hands some of these afternoons, it does seem to me that might be the kind of bill that we could be looking to take up and certainly the leadership could get the support of most Members of the House to single out that item and bring it out on to the floor for singular action.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. The gentleman, I think, is dead right. I think the point is very good. I wish that the committee had brought out the bill individually.

As the gentleman knows, however, the other body has a penchant for snapping up the House bill numbers and sending them back with allegedly unconstitutional provisions, and so often our committee is reluctant to release bills in single file for fear of what might happen to them in the processes here.

I do not offer that as a personal excuse, but just as an explanation of one of the reasons why it has not moved the way the gentleman and I would prefer.

Again, I think the gentleman has made a good point and I do not diminish that at all. I thank the gentleman.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I must agree with him that the irresponsibility of the other body is a legend.

Mr. Speaker, I would simply close this special order by making the point again that I do think that it is somewhat questionable that here we are on an afternoon, Congress has finished its business, we have not moved on to the legislative agenda that the American people would like to see addressed and we are in a position of closing down the House each week, having not addressed the major issues before the American people.

□ 1410

That is something that needs to be looked at by the Members of this body and the question needs to be asked: Why?

I yield back the balance of my time.

IMPACTS OF EQUAL RIGHTS AMENDMENT ON OUR LAWS AND SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, this is the fourth in a series of nine special orders exploring the impact that House Joint Resolution 1, the proposed equal rights amendment, will have on our laws and society. The first three special orders covered the subjects of the effect the ERA will have on rights relating to abortion; on our armed services; and on veterans preference programs at the Federal, State, and local levels. This special order will be devoted to possible impact of the ERA on the thousands of private and parochial schools that exist in our country today. If we take proponents at their word, the impact could cause an undesirable upheaval in private and parochial education.

When House Joint Resolution 1 was before the full House Committee on the Judiciary, the gentleman from California (Mr. LUNGREN) offered an amendment which read as follows:

SEC. 2. Nothing in this article shall be construed to relate to private or parochial educational institutions.

Despite the fact that it received bipartisan support, it failed by a vote of 12 to 19. However, sharp and long debate over the amendment shows that Congress needs to spell out whether we want the ERA to affect so sensitive an area as private and religious education. The amendment would have parochial single-sex schools—seminaries, all-boy or all-girl high schools, colleges, et cetera, from being attacked as being discriminatory.

In testimony that was received by the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, it became apparent that witnesses could not provide assurances that the ERA would not impact on private and parochial schools. Some witnesses were convinced that the ERA, however, would have a great impact on private and parochial schools.

Before addressing the issue, I would like to summarize and quote testimony that was given to our subcommittee and the Senate Judiciary Subcommittee on the Constitution, which devoted a whole day of hearings to this important issue.

Prof. Grover Rees, of the University of Texas Law School, stated:

Another possibility is an expansion of 'state action' to cover for instance, institutions receiving government benefits, tax exemptions, or licenses. This would call into question the consitutionality of single-sex private colleges, and might also cause religious institutions such as the Roman Catholic Church which retain an all-male ministry to lose their tax exemption. (Those who argue that such tax exemptions are required by the First Amendment are referred to the Court's recent decision in the *Bob Jones* case. If sex discrimination is treated like race discrimination, the Catholic Church has exactly the same constitutional right to its tax-exempt status as the racially discriminatory religious institution in that case had.)

Dr. Bernice Sandler, executive director, Project on the Status of Women, Association of American Colleges, stated to the subcommittee on September 14, 1983:

Men's single-sex schools that do not have Federal funds may be vulnerable to losing their federal tax-exempt status as a charitable institution. The standards applied to make that determination would be those set forth by the Supreme Court in the recent case involving Bob Jones University. In that case, the Court noted that the denial of tax-exempt status is permissible, though not compelled, under the Constitution.

Mrs. Phyllis Schlafly of the Eagle Forum stated:

Therefore, if ERA were ever added to our Constitution, it would give the Government a fundamental overriding interest in eradicating sex discrimination; and this interest would override the First Amendment rights of all religious schools. That means that churches which do not ordain women (or which treat women differently in any way) would lose tax exemption for their schools and seminaries.

Prof. Henry Monaghan, of Columbia University Law School, in testimony before the Subcommittee on Civil and Constitutional Rights, stated he had no doubt that the tax-exempt status of a general university that discriminated on the basis of sex—that is, a single-sex universities or colleges—could be revoked. While indicating there may be a difference between a seminary and a university he did state:

I guess I think you could also revoke the tax exemptions of even a theological school or a seminary that was discriminatory. The government is under no obligation to subsidize what it can't prohibit.

In testimony before the Senate Judiciary Subcommittee on the Constitution, Prof. Jeremy Rabkin of Cornell University testified that:

Following the Court's ruling in Bob Jones, then, it seems inescapable that all single-sex institutions must be denied tax exemptions. Thus the ERA would not only make all-women's colleges ineligible for tax exemptions, but also Catholic seminaries, for example, unless they admit women for training to the priesthood.

He went on further to note:

It seems inescapable that a institution like Yeshiva University of New York, which does have co-educational programs, must still forfeit its tax exemption if it maintains separate seating for men and women in religious services.

After hearing what the experts had to say on this issue, it does not take a strained imagination to see that the equal rights amendment could have a sweeping impact on many of our private and parochial schools.

The ERA refers to "equality of rights under the law." This means there must be some sort of State action involved before the ERA is triggered. The 14th amendment, which also has a State action requirement, has been construed broadly so that the distinction between what is private action and what is public—State—action has become quite muddled. Just recently, the U.S. Supreme Court more clearly and greatly expanded the State action requirement to render a law unconstitutional.

In *Bob Jones University* v. *United States* (No. 83-3, decided May 24, 1983, 51 U.S.L.W. 4593), the Supreme Court held that the Internal Revenue Service was permitted to revoke the tax-exempt status of a university which for religious reasons prohibited interracial dating and marriages. If the equal rights amendment becomes a part of our Constitution, and sex is elevated to the level of a suspect classification, it is very possible that the Internal Revenue Service, using the same "public policy" rationale articulated in the *Bob Jones* case, would deny tax-exempt status to religious educational institutions that discriminate on the basis of sex—that is, those which do not train women to become priests, rabbis, ministers, and so forth—or 501(c) tax-exempt status to private single-sex institutions.

In full committee, statements were made by the chairman of the subcommittee (Mr. EDWARDS of California) and the gentlewoman from Colorado (Mrs. SCHROEDER) that tax-exempt status without any other State or Federal involvement. The House Judiciary Committee was assured that purely private clubs, fraternities and sororities would not be affected under the ERA. However, I would like to note that in the State of Maryland, a lawsuit has been filed to take away the tax-exempt status of Burning Tree Country Club. Burning Tree is a single-sex country club in Maryland, a State that has an equal rights amendment in its constitution. An opinion rendered to State Senator Stewart Bainum, Jr., by Steven Sachs, the Maryland attorney general, found:

> In summary, it is our opinion that article 81, § 19(e)(4), as applied to single-sex country clubs, violates article 46 of the Declaration of Rights, the Equal Rights Amendment.

I bring this up as a person who has no opinion as to the constitutionality of this law under the Maryland constitution. We do not have a similar case in Wisconsin. However, it does show that people are already in court arguing that State action can constitute nothing more than a State granting tax-exempt status. Other State action, such as providing guaranteed student loans, et cetera, would not be required.

During House Judiciary Committee debate on the amendment, it became apparent that the proponents of the ERA who were opposed to the amendment and who spoke on the issue did not know what effect the ERA would have on these institutions. For example, no legal authority was given at the hearings or in markup to prevent IRS from removing the tax-exempt status of private single-sex schools or certain religious educational institutions in accordance with public policy. In fact, it appeared that a double standard would be used with men's single-sex schools being outlawed while women's single-sex schools would be allowed to continue to operate under a tax-exempt status if fulfilling a compensatory purpose. While observations were made that the standard would be strict judicial scrutiny, on one opponent of the Lungren private and parochial schools amendment could clearly articulate how this standard would be applied.

I would like to mention that even if one does not accept the premise that the granting of tax-exempt status is State action, State action under the ERA could be a variety of things, many of which have already been construed as State action for purposes of the 14th amendment and various civil rights statutes. Public involvement could mean an institution receiving direct financial assistance from the Federal, State, or local government for its educational programs or building programs; indirect financial assistance—that is, grants, loans, or guaranteed student loans—made to students for tuition costs; tuition tax credits at the Federal or State level to parents who send their children to private or parochial schools; to name a few. In fact, Dr. Donna Shalala, president of Hunter College, who was selected to testify by ERA proponents at a hearing before the Senate Subcommittee on the Constitution on October 13, 1982, on the effects of the ERA on private education, stated:

> I do not know of any institution in the country in which there is not public involvement.

Thus, it seems the ERA would affect all private educational institutions.

In the area of parochial schools, similar and different concerns arise. For example, the Catholic Church, Orthodox Jewish Synagogue, and the Mormon Church all have policies that distinguish in their treatment between men and women. Constitutional scholars differ over the ERA's application to religious and parochial schools.

Thus, it seems clear that the ERA will greatly impact on our private and parochial schools. We must ask ourselves if we should leave it up to the Federal judiciary—the unelected branch of Government—to decide if there will be any impact and what that impact will be. I would hope that if the ERA is brought up again it would be under a rule that would allow an amendment to be offered on this important question.

At this point I include the following:

[From the Washington Post, Oct. 14, 1983]

(By James J. Kilpatrick)

TAKING THE ERA LITERALLY

Little by little, a new legislative history is being created for the Equal Rights Amendment, and in the process some troubling second thoughts are taking shape. If ratified, ERA manifestly would work some change in our law. The question is, What change?

For the record, we are talking about this proposed amendment to the Constitution "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Orrin G. Hatch of Utah, chairman of the Senate's subcommittee on the Constitution, recently published an informative booklet under the title of "The Equal Rights Amendment: Myths and Realities." The senator is opposed to the amendment, but his essay is in no way inflammatory. From his subcommittee also comes the testimony of two witnesses, Prof. Jeremy A. Rabkin and Dr. Donna Shalala, on the narrow issue of the ERA's effect upon private education.

Hatch's measured conclusion is that the amendment's words "mean what they seem to mean—that *no* law establishing disparate treatment for men and women will be constitutional." The intent of the ERA, in the words of Prof. Philip Kurland, is to establish "unisex by national mandate." Thus we are talking of radical change in both state and federal law. Is such change desirable?

Shalala is president of Hunter College. She was chosen by proponents of the ERA to testify in support of the amendment before Hatch's subcommittee. In her judgment, ratification of the ERA would require the integration of all single-sex private schools and colleges receiving any form of direct or indirect public funds Adoption of the amendment would prohibit all forms of public scholarship assistance or free textbooks at such institutions. The ERA would require that single-sex fraternities and sororities be made bisexual. All school policies would have to be sex-neutral; if there is a rule on length of hair, the same rule must apply to both sexes.

Rabkin, director of the Program on Courts and Public Policy at Cornell, concurs in this assessment. He raises a question I myself have raised many times before: as a matter of constitutional law, would "on account of sex" be equated with "on account of race"? He finds it difficult to dispute this prospect, and he finds the prospect disturbing.

At its last term, in the famous case of Bob Jones University, the Supreme Court rewrote the law on tax-exempt institutions. If an institution violates "fundamental national policy," said the court, it is not "charitable," and if it is not "charitable," it cannot qualify for tax deductions. In that case, racial discrimination was held to violate fundamental national policy. It scarcely can be disputed that an amendment to the Constitution also would reflect "fundamental national policy."

On this line of reasoning, said Rabkin, Catholic seminaries could not qualify for tax exemption "unless they admit women for training to the priesthood." Also, "It seems inescapable that an institution like Yeshiva University in New York, which does have coeducational programs, must still for-

feit its tax exemption if it maintains separate seating for men and women in religious services." Unlike existing civil rights statutes, the ERA contains no exceptions for religious institutions, or for such single-sex tax-exempt groups as the Boy Scouts and Girl Scouts.

Are sex and race under the ERA constitutionally equal? Does no law mean no law? The amendment's supporters have the burden of proving the equation would not rule hereafter.

□ 1420

Mr. SENSENBRENNER. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding. First, I would like to ask him a question. Has the gentleman been informed as to whether the record of the Committee on the Judiciary on this legislation has been printed and is available to other Members?

Mr. SENSENBRENNER. No; it is not. The committee report that was to contain the full transcript of proceedings in the markup in the Committee on the Judiciary that was approved by the committee on my unanimous-consent request has not been filed with the Clerk of the House of Representatives and printed and available for distribution.

I was told during the markup, the first week of November, that I could not have 2 additional days to file dissenting views to the equal rights amendment and other Members additional time to file supplemental or minority or additional views, because they have to hurry up and file the report with the Clerk of the House.

Well, Mr. LUNGREN, that was 3½ months ago, and it seems to me that the rush-rush job of the committee in November has somewhat fallen astray. And I believe that that committee report and the dissenting views and the transcript of the proceedings before the full Committee on the Judiciary would be very enlightening to the Members and to the public at large if it were released by the pro-ERA majority of the Committee on the Judiciary.

Mr. LUNGREN. Is it not also true that if the ERA were to come to us under regular legislative procedure that that report would, in the normal course of things, be available for review by all Members of the House before they were required to vote on this issue?

Mr. SENSENBRENNER. That is certainly correct. And even in most cases where a bill is brought up under suspension of the rules; as the ERA was done in November, the committee report is available for the Members to study before they cast their votes on the subject.

Mr. LUNGREN. And the purpose for that of course is to give the membership the benefit of the deliberations of the subcommittee and committee that was charged with the responsibility of considering this issue and hopefully give them an ability to make an informed judgment as opposed to voting out of ignorance.

Mr. SENSENBRENNER. The gentleman from California (Mr. LUNGREN) is absolutely correct.

I have a feeling there are many ERA supporters in the Committee on the Judiciary that want to play "I Have Got a Secret" with the committee report for fear it will be damaging to their case should they bring the ERA up again on the floor of the House of Representatives.

Mr. LUNGREN. I want to thank the gentleman for bringing this issue to the attention of the membership of this House. Some who might wander into this Chamber at this time might wonder why we are dealing with such a serious issue when there does not seem to be an overwhelming interest, at least as evidenced by the attendance of the membership.

I think it is important for us to point out the fact that we were denied an opportunity to debate this issue in the full light of the total membership when in fact this issue was brought up under a Suspension Calendar method, in which we were limited to 20 minutes per side on the question, itself, and that in fact no amendments were offered because they were not allowed to be offered at that time.

And the gentleman specifically has taken this special order to talk about an issue that I raised in the full committee and that is the impact of the equal rights amendment on private educational institutions.

I believe, as the gentleman does, that this warrants serious scrutiny. The expansion of the State action doctrine with respect to racial classifications under the 14th amendment is a possible foreshadowing of its applicability to gender-based classifications.

It must be remembered that proponents of the equal rights amendment argue strenuously and seriously that it is needed in order to obtain the same protection afforded by the courts with respect to racial-based classification.

The gentleman mentioned Dr. Donna Shalala, who was of course selected by the ERA advocates to testify at the Senate hearings. She indeed testified:

I do not know of any institution in the country in which there is not public involvement.

Mr. Jeremy Rabkin, director of the program on courts and public policy at Cornell University, testified before the same Senate subcommittee that—

Following the court's ruling in *Bob Jones*, then it seems inescapable that all single-sex institutions must be denied tax exemptions.

Thus ERA would not only make all-women colleges ineligible for tax exemptions but also Catholic seminaries, for example, unless they admit women for training to the priesthood.

Rabkin further testified that:

It seems inescapable that an institution, Yeshiva University in New York, which does have coeducational programs must still forfeit its tax exemption if it maintains separate seating for men and women in religious services.

In testimony by our Subcommittee on Civil and Constitutional Rights, Professor Monaghan of the Columbia University School of Law, again a supporter of ERA, testified: "There may be a difference between a seminary and a university." He then went on to add, however: "I guess I think you could also revoke the tax exemption of even a theological seminary that was discriminating."

I must confess that I am a practicing Roman Catholic. I have some concern about whether women should or should not be members of the priesthood. But I do not think the forum for that debate ought to be in the Congress of the United States or ought to be on a State legislative level or certainly should not be ultimately decided by the Supreme Court of the United States.

Mr. SENSENBRENNER. I think the gentleman makes a very valid point, and that is that issues of religious doctrine, such as ordination of women to the priesthood or the ministry, seating of men and women in different sections of the church or synagogue for purposes of religious services should not be decided by the Government under the first amendment to the Constitution and the traditions that we have developed in this country since the Bill of Rights was adopted.

□ 1430

Those issues should be thrashed out within the hierarchical procedures that are set forth in that particular religious denomination. Now I happen to be a member of a church that does permit the ordination of women to the priesthood, albeit that was accomplished not without a considerable amount of controversy within the Episcopal Church. But I think that that is the place where those issues should be resolved, not here in Congress, not across the street in the Supreme Court, and definitely not downtown in the offices of the IRS, where some person can decide by administrative fiat whether or not that institution should continue to enjoy a tax exemption.

Mr. LUNGREN. If the gentleman will recall the debate we had in the full committee over what standard would apply in terms of interpretation by the court, there were varying opinions on that. And the advocates could not tell us precisely what standard would apply.

But I would suggest to the gentleman that it might be good for us to

make the membership, the full membership of this House, cognizant of the fact that under one interpretation we would go beyond what we have discussed here. And that is, we would go beyond the question of tax exemption and we would go to the question of whether under certain standards being applied to the ERA there would be a determination by courts that in fact such institutions would be themselves unconstitutional. Thus allowing a member of the sex that is not allowed priesthood, for instance in the Catholic Church, a woman, to bring a lawsuit saying that in fact the very institution of a seminary would be unconstitutional and attacking its very existence in that regard.

Mr. SENSENBRENNER. Reclaiming my time, the gentleman from California is correct that if the courts should adopt the absolute standard in judging discrimination cases brought under the equal rights amendment, should it be passed and ratified, that would have the precise result.

Now that goes back on almost 200 years of American jurisprudence where in church controversy cases the courts will look at whether the church has followed its own canons or its own procedures in determining the controversy, but will not apply the canon law in terms of imposing its judgment on the church in the outcome of that controversy.

In other words, the court's jurisdiction is limited to an overview of the procedural system that the church has set up for itself, rather than the substantive system.

Now, if we go to the strict judicial scrutiny standard which might be the standard that the courts adopt and the proponents cannot tell us that for sure, then, in effect, what we are doing is giving some bureaucrat down at the IRS the opportunity to decide for himself or herself whether an institution that does discriminate by sex according to church rules will be able to maintain its tax exemption. That is the holding in the Bob Jones case where the court said the IRS was not required to revoke Bob Jones University's tax exemption, but that it could do so by making a determination that the public policy against racial discrimination overruled the church policy against interracial dating and marriages.

Mr. LUNGREN. So if the gentleman will yield further, the bottom line here is that the problem is that we do not know what the full impact of the ERA will be on private and parochial educational institutions. I have a very good idea what it may very well be, but I cannot speak with any assurity on that because that would ultimately be decided on the Supreme Court level.

Unfortunately, the text of the amendment itself gives us no clue on what the likely impact will be. The answer that the courts will decide is an abnegation of our responsibility as lawmakers to clearly delineate public policy.

It seems to me that some of the proponents are in the position of the well-known caricature of a used car salesman and that is they promise more or less than what is there for sale. They have told us on the one hand, do not be concerned about the questions of interference in church matters. And on the other hand, they have told us, well, it should be decided by the courts because they ultimately must make the decision anyway.

In other words, they have said, we should not take cognizance of this fact and we should not attempt to specifically say this is an area that we think ought not to be decided by the legislature or by the judicial branch, but within the confines of those churches themselves. And that is where we are. And that is where we were in the Judiciary Committee. And it was for that reason that I offered an amendment before the full Judiciary Committee markup that stipulated that nothing in the ERA shall be construed to relate to private or parochial educational institutions. It is thus apparent that the ERA could potentially have a dramatic impact on private educational institutions because we refuse to attach even this simple amendment to it. Many of us who are sympathetic to the plight of these institutions were therefore chagrined over the decision of the House leadership to deny Members of this body an opportunity to offer clarifying language when the ERA was brought up under the so-called suspension, but as I think we should refer to it, the gag rule imposed last November 15.

The cavalier take-it-or-leave-it manner in which we were forced to operate was an obvious attempt to ignore the substantive issues relating to the proposed amendment.

And therefore, for this body to have acted in any other fashion than to have voted down the ERA at that time would have been the height of irresponsibility.

If I might say so gentleman, in conclusion, I spoke to one of the strong supporters from the other side of the aisle on the ERA after its defeat. And I asked her why it was brought up. And she said: "We had our reasons."

And I inquired as to whether those reasons included a sincere desire to have that passed.

And at that point she mentioned to me that if we had allowed amendments to be adopted at least two amendments would have been adopted. Certainly the one with respect to the question of abortion-neutral stance and certainly the one with respect to whether women would be required to engage in combat as a result of the application of ERA.

And I said: "What is wrong with that?"

And she then stated to me: "Because those of us who support ERA would have lost 50 supporters for ERA if those amendments had been adopted."

And that brings the question to me whether or not we can fashion an ERA which takes care of the various problems that were articulated in the hearings, both on the Senate and the House side, and it suggests to me that we had better deal with those openly on the floor if we are honestly going to present the American people the full-scale debate to which they are entitled and to which we have a responsibility to engage as their representatives.

Again I want to thank the gentleman for giving me this time. I want to thank the gentleman for taking this time. And I would hope that the fact that we have not had the printed record of the committee deliberations and the committee report presented to the membership here would be one reason why Members would resist bringing to the floor the ERA under a Suspension Calendar in the near future. So that if we are to deal with this issue, we deal with some information so that we might make informed judgment as opposed to voting out of ignorance.

Mr. SENSENBRENNER. I thank the gentleman from California for his very own pointed remarks, particularly in bringing to light the fact that the Judiciary Committee has not filed the committee report after 3½ months of saying that it had to be filed almost immediately and also bringing to the membership's attention the conversation that he had with one of the principal supporters of the equal rights amendment.

We have had a similar situation in my State of Wisconsin that I think is in point to this entire debate as well. The State legislature in Wisconsin in 1982 considered an amendment to the State constitution that was worded identically to the proposed Federal ERA. Both the Wisconsin Assembly and the Wisconsin Senate added language that made that amendment abortion neutral, such as the amendment that I hope to be able to propose to the Federal ERA here in the House of Representatives. And that amendment was successful in both the State assembly and the State senate.

Now as soon as that amendment was adopted and the ERA became abortion neutral, some of the most avid supporters of the State ERA put their support on the back burner, including our Gov. Anthony Earl.

And, as a result, the amendment has not been brought up for second consideration in the State legislature to be placed on a referendum ballot to see

how the voters will decide on it during the 1983 and 1984 legislative sessions.

Now, from what the gentleman from California (Mr. LUNGREN) has stated, together with what has happened in my home State, I am really beginning to wonder whether some of the avid proponents of the ERA want to amend the Constitution to take care of the economic discrimination that is acknowledged by practically everybody to exist in our society, or whether they want to continue using this issue as a way to put together political hit lists and raise funds for their favorite organizations, knowing full well the equal rights amendment will never pass this Congress or be ratified by 38 States.

□ 1440

I now yield to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN of Utah. Mr. Speaker, I appreciate the gentleman from Wisconsin yielding and his scholarly report that he has given, and the gentleman from California.

Let me say that in my home State of Utah in 1973 I think we were the first State to take a look at ratifying the ERA. It failed in 1973; it failed again in 1975. One of the reasons it failed is what you gentleman have been talking about today regarding the private parochial institutions. It also failed because of the abortion, military and privacy angles that came up.

Let me say that at that particular time, as we analyzed it, we wondered about the few short words that were included in the equal rights amendment and we wondered if really we were taking away the discretion of the legislature, and we felt that we were. We came to the conclusion that what we were doing, in effect, was taking away all the reams and thousands of printed pages that have come about in statutory law and the common law and relegating that to the courts. We did not feel good about that. Consequently, it did not pass. Later, as a member of the National Conference of State Legislators, when I was Speaker of the Utah House, we came to the conclusion that it would never pass 38 States in its given condition, and I really think it is an exercise in futility to bring it up under a suspension or gag rule, of all ways to bring it up, on something as important as this, and that the Lungren amendment should have been put in at the time in the Judiciary Committee.

But to the issue that we are discussing today, the ERA creates a conflict between freedom of religion and sexual equality. Take for example the Roman Catholic Church which teaches that only men should train for and hold the priesthood. Catholics believe that they should retain their tax-exempt status even though the church runs all-men seminaries and parochial schools. They believe that the first amendment gives them that right.

Now, the ERA would strike down all laws which discriminate on the basis of sex. If the ERA passes, what would happen to the tax laws which grant the tax-exempt status to private and parochial schools and religions which treat men and women differently?

A recent Supreme Court decision gives us an indication of what might happen. In Bob Jones against Regan, the Supreme Court struck down the tax-exempt status of a religious school because the school discriminates on the basis of race. The schools' pleas invoking the first amendment freedom of religion were ignored. The Court set a precedent by ruling that the Government's fundamental overriding interest in eradicating racial discrimination in education * * * substantially outweighs whatever burden denial of tax benefits places on petitioners' exercise of their religious beliefs."

In a recent congressional hearing on the ERA, the Senate's chief sponsor of the ERA was asked if the ERA would strike down the tax-exempt status of schools, seminaries, and churches which treat men and women differently. Here is the Senator's answer to Senator HATCH:

> Again, Mr. Chairman, you have an interpretation of religion conflicting with the interpretation of the equality of sex. You are in exactly the same situation that you would have if you have a conflict between freedom of religion and racial equality.

Is it so farfetched to believe that the Supreme Court would use Bob Jones as a precedent to strike down churches' tax-exempt status? Certainly not. If the same strict scrutiny rule used to interpret racial discrimination is used on sex discrimination cases, these churches that we are speaking about and their schools stand to lose their tax-exempt status.

Feminists have their own ideas about the tax-exempt question. The National Organization for Women (NOW), the most vocal and powerful proponent of the ERA, has demanded that religious seminaries recruit men and women equally.

Instead of determining it upon their own theological and ecclesiastical background, what they believe is their own canon of ethics, they now demand that they bring in men and women equally.

They urge tax exemptions be denied any church actively opposed to abortion or ordaining women.

What assurances do we have that a Supreme Court sympathetic to NOW's demands would not use the ERA to strike down the tax-exempt status of churches? Absolutely none. The only way to protect the tax-exempt status of churches and church-owned schools is to pass the Lungren amendment that was brought up in the Judiciary Committee.

If this comes up again, I would surely hope that something this important, something that has been debated this long in so many legislative halls, speaking of all of the hours in just our own State we used on it, that we could at least bring up these amendments here on the floor.

Mr. SENSENBRENNER. I thank the gentleman from Utah for stating very articulately what the issue really is relating to the tax-exempt status of churches and private and parochial schools and seminaries where men and women are treated differently.

In quoting the National Organization for Women's publication, I think it very clearly states that what will happen if the ERA is passed and ratified is that that organization will be the first to file a lawsuit in court attempting to revise the religious practices of a number of churches and denominations that operate in this country through Federal judicial decree.

I do not think that is the type of freedom of religion that the framers of the first amendment to the Constitution thought and what the Supreme Court has upheld for the almost 200 years of the history of the first amendment. There is a danger that the first amendment and religious freedom of expression can be chinked away with the ERA, and I would hope that the Lungren amendment would be adopted should the ERA be brought up again.

● Mrs. LLOYD. Mr. Speaker, under the language of the ERA would a private school, which is not coeducational, or which does not admit male and female students on an identical basis be subject to legal attack?

We have a recent Supreme Court decision which gives us a good reason to believe that an all-girl or all-boy school might have a difficult time surviving. A great number of private schools receive some measure of indirect public assistance. Passage of the equal rights amendment would set out the public policy that differentiation on the basis of sex in and of itself is suspect. And the Supreme Court has said that the IRS has the authority to deny exemptions to any institution acting contrary to public opinion.

It is not likely that all of these schools would be subject to affirmative action but it does follow that they could face a loss of assistance should they choose to run counter to the public policy stated in the ERA.

Of course, the admission practices and guiding philosophies of the private institutions are dictated by religious doctrine. But if these institutions receive public assistance and if they conduct their affairs in opposition to a fundamental public policy; that is, nondiscrimination on account of sex, they are likely to find themselves challenged.

We need to protect private schools, secular as well as religious, which choose to make distinctions on the basis of sex by including language in the ERA which prevents a denial of their tax exemptions.●

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

IOWA, LEBANON, AND THE HYPOCRISY OF THE LIBERAL DEMOCRATS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, the topic of my special order, because of last night's events in Iowa, and today's comments by the deputy Democratic whip, the gentleman from Arkansas (Mr. ALEXANDER), is: Iowa, Lebanon, and the hypocrisy of the liberal Democrats.

I was first struck with this last night when I tuned into what was excellent coverage of the Iowa precinct caucuses by C-Span and to discussions on two of the networks to discover that fairness, openness, and equal opportunity in the liberal Democratic Party means that if you are Walter Mondale and you get 45 percent of the vote, you get 88 percent of the delegates. You get almost 2 delegates for every percentage of the vote that you got. If you are everybody else in the Democratic Party, it does not matter what you got, because you are not going to get to play.

It really struck me that here was a precinct caucus environment absolutely suited for Walter Mondale, designed for a candidate who had sold out to big labor, who sold out to the National Education Association, and who could bring to bear real muscle. A man who in case after case, in newspaper story after newspaper story, had wired the caucuses and had thousands of workers, as JOHN GLENN's campaign tried to point out, almost certainly cheating in terms of the Federal Election Commission rules, absolutely violating the intent of the public financing of Presidential campaigns. In addition to the money Mondale was spending, the United Auto Workers, the AFL-CIO, the National Education Association were each in effect cheating by adding their money on behalf of Mondale. In a setting in which he had every possible advantage, he still could only get 45 percent of the vote. But in the past, for the last 60 years, 45 percent of the vote for a front runner in a rigged game would have been a disaster. They had further defined rigging the game, because under the new rules of the Democratic Party, 45 percent equals 90 percent.

Now, that is a kind of mathematics which says if you have got the muscle and you are the insiders, you are going to win. If you do not have the muscle and you are not the insiders, you have not got a prayer.

I think in this setting I could not help but reflect last night—and I have to confess, as a student of politics and as somebody who has watched it for a number of years—I was absolutely astounded at the difference, sitting there as a citizen at home, between what was happening over on the one side, which was the popular vote total, and what was happening on the other side.

There was GARY HART, at 15 percent. He got one-third the vote of Walter Mondale. He gets 2 delegates. Walter Mondale gets 48. That is a 24-to-1 rate on delegates compared to a 3-to-1 rate on votes.

Here is George McGovern, who gets a fairly respectable vote; he gets nothing. Here is Jesse Jackson and ALAN CRANSTON. You can go right down the list. They get nothing. They are totally closed out, not because they were not getting votes, but because the game is now so thoroughly rigged that even if you take on big labor, even if you take on the National Education Association, even if you take on a favorite son from next door, even in a setting where he should have swept the board, you still cannot win.

□ 1450

I was flabbergasted. I must say I thought C-SPAN did an extraordinary job of covering a precinct caucus in Des Moines and allowing us to watch for several hours and see how the game was rigged. It was an interesting experience.

I have to say, furthermore, as I watched that, as it sank in on me that there was an absolute lock on Iowa for Walter Mondale almost despite anything he could do to blow it, I began to reflect on the way in which liberal Democrats use language. The way in which they feel very comfortable blatantly saying one thing and doing another. Blatantly standing up and saying that they are for fair elections in public financing, except, of course, all of their allies are going to cheat like United Auto Workers and the AFL-CIO and the National Education Association. They are for equal chance to compete, except that only the boss candidate gets to win.

Now, in that setting, I sat here today and I listened to the gentleman from Arkansas, the deputy whip (Mr. ALEXANDER) talk about how Mr. Shultz, the Secretary of State, is responsible for whatever happens in Lebanon. Now, I know personally, because I watched him do it, that the deputy whip is in fact very well aware of the power of television. Last year, in fact, he used the power of television and the House floor to be able to communicate certain ideas he believes in. Since I know that he is an educated man and is aware that Syria now owns television sets, I feel reasonably comfortable that he must be aware of the fact that the Syrian Embassy watches American television. The reality which we face, which I do not think a single liberal Democrat has yet confronted, is that when they go through week after week after week of hysterical, irresponsible and vicious demagoguery and that foreign countries watch that kind of language. When they say over and over again we are going to force the United States to withdraw from Lebanon or El Salvador or wherever they want us to withdraw from next, foreign countries watch that sort of behavior. Foreign countries have now watched the United States for a long enough period of time they understand the relationship between American domestic politics, and the capacity of the American Government to stay in business and to do things.

So, for some of these liberal Democrats to first make it impossible to stay, to communicate in public their commitment to not staying, and to then attack the Reagan administration for not having been able to stay, it seems to me is in fact an extraordinary setting.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Speaker, what I find particularly interesting in this line of reasoning is that I was here on the floor of the House and sat back in Committee when we decided in a bipartisan manner to proceed with a policy that allowed the President to deploy our Marines in Lebanon for 18 months. I opposed this policy. When it came time to vote on this issue, I stood on this floor and saw the leaders of the Democratic Party go to their membership and twist arms to get them to vote for the 18-month agreement. They said the President needs bipartisan support, and leadership on our side has agreed to join the President. Make no mistake, Democrat leaders brought pressure to bear—some of my friends within the Democratic Party told me about instances where their arms were twisted—when we considered our course of action in Lebanon.

Now we turn around and see these same people on the liberal side of the aisle trying to point a finger, a partisan finger, as we discuss the situation in Lebanon. I think everyone should make note of the fact that it was the President and the bipartisan leadership on both sides of the aisle who came together and said that if we reached a situation in Lebanon where there was a breakdown in authority, that America, as part of the multina-

tional force, would withdraw. That is essentially what happened. The President provided the leadership to say that we have given it our best effort, it has not worked out and it is time for use to leave. For the liberals to start screaming and pointing fingers at the President is the height of hypocracy.

Certainly, to try to make political points out of this sorry situation is not the decent thing to do.

The people who entered into supporting this 18-month agreement all share responsibility for it—Republicans and Democrats alike. They ought to just accept it and realize it was a bipartisan commitment to get in and it ought to be a bipartisan commitment now that we are getting out. The finger pointing ought to stop. We have a tragic situation over there and politics has no place at this point in time.

Shame on the liberals on that side of the aisle. Shame on the demagogs who now seek to make some political advantage out of what was a bipartisan foreign policy in one of the crucial parts of this world. Shame on you. Stop this handwringing and finger-pointing and do not do it any more, for the American people are not going to forgive you for this kind of demagoguery at a very difficult time in this Nation's history.

Mr. GINGRICH. The gentleman from Ohio used a fascinating phrase. he talked about the decent thing to do. Let me suggest that the Members of this body and the country need to look at the Iowa results, and realize that 40 percent of the vote in Iowa was to the left of Walter Mondale. That is, if you take the votes that went to HART, McGOVERN, CRANSTON, and Jackson, 40 percent of the Democratic Party in Iowa was to the left of Walter Mondale in regard to Walter Mondale as a centrist candidate.

The savagery of that left, I think, is going to be stunning. It was Senator GARY HART who said in Iowa that 300 American boys died because Walter Mondale took months to make up his mind. Now, in terms of a vicious, personal attack of one Democrat upon another, and in terms of the kind of, I think, irresponsible demagoguery we are going to see in the near future, that comes pretty close to taking the cake. We now have a setting where the gentleman from Colorado, who is even more liberal than Mr. Mondale, is complaining because it took Mr. Mondale 18 days to make up his mind on Grenada. Presidents do not usually have that sort of convenience, and he is complaining and is trying to ascribe in an effort to move further and further to the left so that we will end up with a HART-CRANSTON-McGOVERN candidacy. The real left wing versus the Walter Mondale candidacy that, up until a few months ago, most of us thought was the left wing, and as someone has said recently, possibly with the Republican Party offering a space for Mr. GLENN, who clearly has no room left for him in the Democratic Party.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Speaker, I found the gentleman's comments in regard to the exercise in Iowa last night of considerable interest. As I watched the media reports of that activity and then read the newspapers this morning, the thing that struck me is that an estimated something in the vicinity of 100,000 people took part in the Democratic caucuses on yesterday. The successful candidate, Mr. Mondale, got 24,000 votes and a few.

That 100,000 is some 20 percent of the average congressional district population that any one of the Members in this Chamber represents; 20 percent of my constituency, for instance, or yours. The 24,000 votes that was received by the frontrunner does not make a good city council race in most of the municipal areas of my district.

The second gentleman, the runner-up, got the magnificent total of 8,000-some odd votes, which I would hardly interpret as a mandate, but it catapulted him into the second runner's spot for the Democratic Presidential nomination.

I submit that I know some dogcatchers in some of my parts of Virginia that got there with not very many more votes than that, and certainly not very many less.

Mr. GINGRICH. Does the gentleman seriously suggest that some of the people who ran for dogcatcher would, in fact, make better Presidents than some of the people who ended up in the runner-up position?

Mr. PARRIS. I am not sure I would go that far. I was engaged in a mathematical exercise.

Mr. GINGRICH. I just wanted to check and make sure we kept this in a serious vein.

Let me pick up on the gentleman's point for just a second, though.

If you listened to the American news media last night, the 24,000 votes, which is not enough to win any congressional primary in America now, for 24,000 votes Walter Mondale was picking up 48 out of the 50 delegates and was being annointed as the probable President on the basis. The fix was in, that the rules had been so thoroughly rigged that, in fact, for 24,000 votes we are going to now choose the Democratic nominee for President, and other people who had a chance to run were being excluded by the droves, both in the newspaper headlines this morning and in the television coverage last night.

□ 1500

I think that there is a very grave danger here that if we repudiate a generation of one-citizen, one-vote, and we start moving into a period when a member who gets 45 percent can get 95 percent of the delegates, the Democrats are likely to nominate the least legitimate candidate for the Presidency since the Republicans nominated William Howard Taft in 1912.

So what we are seeing is a reversion to a preprogressive movement fix in which the bosses get their candidates virtually without regard to what happens in the primaries. As the newsmen kept saying last night over and over again, "We don't see any way you can stop Mondale." And this is at a point when he was getting 45 percent of the vote.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I think the gentleman might be a little too harsh on that 24,000 figure. I have it on good authority that those 24,000 people who voted for Mondale equaled the number of employees of the three networks that covered the story in Iowa. So certainly there ought to be some importance attached to that.

Mr. GINGRICH. Mr. Speaker, what I would like to know, and I think it would be a fascinating thing to find out, is how many votes per paid union worker Mondale got in Iowa. I suspect it cannot be much more than about 30 per paid union worker.

I would say that in a situation where it is totally rigged, where every possible advantage is on behalf of the better known former Carter Vice President, for him to only get 24,000 votes and declare it a victory is a sign, I think, of a remarkable myopia.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think one of the Presidential candidates on the Democratic side, Mr. Jackson, has been making exactly the same point that the gentleman from Georgia is making now, that in fact he is running in a rigged election, that he does not stand a chance regardless of how well he does in the popular vote. If, for instance, next week in New Hampshire he should do very, very well in the popular vote, the chances are that he still will not get very many delegates because, once again, the fix will be in.

So I think once again the gentleman's point is supported by at least one of the candidates who is running in the primary and who understands precisely what is done by the Democratic party when they seek to freeze

out minorities and freeze out real popular participation and instead go back to the old boss system. I think that the gentleman's example of what took place in Iowa last evening is precisely correct.

Mr. GINGRICH. Mr. Speaker, as the gentleman knows, we have been trying to make the point here in the House, there is a tendency for this body to be run by liberal Democrats basically on a boss system. I think last night's primary was a revelation. It showed, as Mr. Jackson has been saying, that it is part of the whole system, and that it is just the nature of the late 20th-century liberal Democratic Party that bosses ought to have more to say than ordinary people. I think we are seeing that really settle in.

But I want to go back to the reason really why I tied Iowa and Lebanon together. The frightening thing for the future of democracy is the capacity of our friends on the left to use words to mean whatever they want. So fairness gets to be rigged rules in the primary, so responsible bipartisanship becomes irresponsible demogoguery, and so we end up today with the fourth-ranking Democrat in this House rising to suggest that the Secretary of State should resign because a policy fails— a policy which failed at least in part because of the liberal Democrats in this House.

And I think that that kind of—and I would be delighted if the gentleman who is laughing would like to try to defend some of the behavior we have been describing. I think it is easy enough to laugh, but the reality is that the dictator in Syria, Assad, clearly watches us on television. His embassy watches this House on television. They read the newspaper accounts. When the gentleman's party continues this decade-long tradition of weakness in foreign policy, they come to the conclusion that we are weak.

It was Assad who said about three weeks ago as a dictator speaking to an American interviewer that the United States is like a runner who is short of breath. We have no staying power. We have no capacity to survive in the world at large. He was confident that with the help of this Congress, our foreign policy would collapse.

The gentleman may think it a laughing matter, but I suspect the people who are dying in Beirut do not.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I, too, was disturbed by the message we saw coming from the Democratic side of the aisle that somehow we made a mistake in Lebanon and Secretary Shultz should pay for that mistake with his job.

I can recall the words that have been printed many times, the statement by John Kennedy during his inaugural address, when he said that the United States would bear any burden, oppose any foe, pay any price to preserve liberty and freedom throughout the world, and I think it is important that Kennedy did not say that we are only going to take on the ones that we know we can win, and if it looks like we might lose, if it looks like we might not prevail in trying to preserve democracy in any particular place in the world, then we will withdraw and we will retreat.

I think certainly the Gemayel government qualified under the Kennedy proposition as being a government that we should have supported, that we should have helped, and I think it is frustrating to participate in a bipartisan ratification of a policy when we decided in this House to stay in Lebanon, we decided it was an American policy, it was not a Democratic policy, it was not a Republican policy, it was not just the policy of the President, but it was the American policy to be in Lebanon and to gamble and to hope that the small chance of that very fragile government surviving would pay off.

I have seen lately coming from some quarters in this Nation the suggestion that somehow Mr. Gemayel is in the same boat as Mr. Diem and other people we have supported in years past, and that somehow the United States just cannot have an effect in trying to preserve or to spread democracy throughout the world, the suggestion that somehow we are always doomed to failure.

I am reminded today that because we at least acted, although we did not act as firmly as we should, we acted in Korea, and today we have an ally in South Korea that otherwise would not have been there had the United States not been interested at that time in opposing a foe of liberty and freedom and in supporting a friend and a potential friend. Because we supported the South Koreans and because we helped them, we have today a very strong nation there which participates in the Western coalition of democracy.

It is frustrating also to see again—and I think the gentleman hit it on the head when he said the Syrians watch television—it is frustrating to see my colleagues get up on the floor of the House and telegraph signals to the Syrians that this Congress does not have staying power. I think if there was any message that the Syrians and Assad should have taken from what went on in this House in the display, the partisan display of rhetoric against the President, it was that if they waited long enough, the United States would leave, and if they waited long enough, the U.S. Congress would put enough pressure on the administration that it would not take Syrian troops in Lebanon or Beirut to drive the Americans out, that it would happen because of what was happening in Congress.

That is not a proper message to send to the Syrians. I think that once again the old proposition that foreign policy should leave the American shores with one voice and with a certain unity between the legislative branch and the executive branch has never been more important than it is today.

So I would hope that we will maintain a presence in Lebanon. I think that it is more important than ever that we maintain a presence there now because the government is in a state of transition. What occurs there is in a very fast moving transition. It is more important than when we had a static situation to stay there now so that we might shape to some degree what happens in Lebanon.

Mr. GINGRICH. Mr. Speaker, I want to go over this for just a minute again, because we had a very distinguished and very well educated Member of this body a few minutes ago who thought this was all a joke. Let me say that I may use very strong language because, frankly, I am sickened by some of the things I see done in this country.

I look back on 1974 and 1975 and I see—and I say it flatly, not as a partisan statement but as an absolute reality—that the liberal Democratic wing in this House cut off aid to Vietnam and sent a signal. Today I can show you the interviews with North Vietnamese generals in which they said flatly it was them watching the U.S. Congress which convinced them they could launch an offensive in the south. I look at the boat refugees who are killed and raped by pirates today because people in this building, in this very Chamber, had no guts and because they cut off a policy. On whose hands is that blood?

I look then at 1979 when a very weak national Democratic administration sent a signal around the world that said, "The United States is against you if you are pro-American and a dictator, and we are not going to bother you if you are anti-American and a dictator." And what happened? The Shah fell.

Does anyone want to seriously argue that a fundamentalist, Islamic regime under Khomeini is better for human rights? Do any feminists want to come in here and say that women are better off in Iran today?

□ 1510

Does anybody want to come in and say that the butchery under Khomeini has been any better than what we had under the Shah? I am not defending the Shah, but I am saying that the reality is in a Third World country like

Iran that what has happened is despicable, and U.S. policies were partly to blame.

Look at Nicaragua. Look at La Prensa, which even under Somosa was a free newspaper, which is now being strangled. There are now Communist agents of both Cuba and the Soviet Union working.

It was this liberal Democratic wing of the Democratic party that sent the signals.

Look at Afghanistan. If the Russians had any sense that the United States had the courage to supply weapons to Afghanistan, there would have been no invasion.

Look at Poland, where a free labor union effort was repressed with impugnity. Then in 1980 the hostage crisis became so disgusting that the American people became so sickened with weakness that they frankly threw out, both in the Senate and in the White House, the liberal Democrats who caused these problems.

Where are we today? The leading candidate for the Democratic nomination, Mr. Mondale, refers to Gemayel's government as a Christian faction. This is language worthy of Neville Chamberlain, who always found an excuse not to help Czechoslovakia and who would have found an excuse, I think, to avoid going anywhere.

Where would we draw the line? Clearly, Mr. HART would not draw the line in El Salvador. He probably would not draw the line in Mexico. He might in Texas. The primary has not been held there yet.

The fact is I frankly get angry because I look around the world and I look at violence in Afghanistan, violence in Beirut, violence in El Salvador, violence in the South China Sea, and I do not see America to blame, despite all the efforts of McGovern, Mondale, and HART, and despite the efforts of liberal Democrats in this Chamber.

I think if the United States were stronger, if we had more courage, if we were bolder, the world would be safer. I think we would be in better shape today.

When I see the deputy Democratic whip get up and attack the Secretary of State for at least having tried, then frankly I do get a sense of outrage. I think the strong language is justified by the even stronger realities that innocent men and women and children are being killed today because in this Congress, people sent a signal that the United States did not have the courage to last. If I were an American ally, frankly, I would be scared. I would look at this Congress, I would look at some of the people who have a leading role in this Congress on foreign policy and I would ask myself, are those reliable allies? They said last fall, as the gentleman from California and Ohio pointed out, let us have a bipartisan foreign policy in Lebanon and that did not last 4 months.

Now, if you cannot at the very top of a party have a policy that lasts 4 months and if you publicly signal the absence of that foreign policy problem, then it should little surprise you that enemies and your opponents around the world are willing to look at you and to say, as Hassad, the dictator in Syria, said:

The United States has no ability to stay. The United States has no capacity to last in the world at large.

Thank you, Mr. Speaker.

COAL SEVERANCE TAXES MUST BE PROHIBITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, I am today introducing legislation, the Coal Severance Tax Prohibition Act of 1984, that would amend the Energy Policy and Conservation Act to prohibit States from imposing severance taxes on coal. Unlike legislation I sponsored in the 97th Congress (H.R. 4841 introduced on October 27, 1981) and legislation I cosponsored in the 96th Congress (H.R. 6625 introduced by Congressman PHILIP R. SHARP on February 26, 1980), the bill I am today introducing prohibits such taxes rather than imposing a 12½ percent ceiling on such taxes.

According to the Illinois Commerce Commission, electricity ratepayers in the service territories of the four major electric utilities in Illinois paid over $45 million coal severance taxes during 1982 as follows:

Central Illinois Light Co. (Peoria)	$1,914,667
Central Illinois Public Service (Springfield)	80,065
Commonwealth Edison (Chicago)	41,834,910
Illinois Power (Decatur)	1,431,171
Total	45,260,813

These figures were provided to me by the Illinios Commerce Commission in a January 25 letter and are slightly higher than the understated figures provided by the Commission on January 19. Mr. Speaker, for the benefit of our colleagues, I would like to include in the RECORD at this point the text of the January 10 letter I sent to Chairman O'Connor of the Illinois Commerce Commission and his January 19 response. Additionally, I would like to include the text of my bill.

The material follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 10, 1984.

Hon. PHILIP O'CONNOR,
Chairman, Illinois Commerce Commission, Chicago, Ill.

DEAR PHIL: I am interested in pursuing the issue of coal severance taxes. My main interest is the impact of such taxation on Illinois ratepayers.

As you may know, I have pursued this matter in the past. During the 96th Congress, I cosponsored severance tax limitation legislation, H.R. 6625. This bill was sponsored by Congressman Philip R. Sharp. During the 97th Congress, I introduced similar legislation, H.R. 4841. Both of these bills were referred to the Energy and Commerce Committee, of which I am a member.

I would appreciate your thoughts on this issue, especially in terms of Illinois impact of coal severance taxes that are in effect in other states. I would also be interested in knowing the status of any energy severance taxes that Illinois imposes or is considering imposing.

Thank you for your assistance in this matter.

Sincerely,

TOM CORCORAN,
Representative in Congress.

STATE OF ILLINOIS,
ILLINOIS COMMERCE COMMISSION,
Chicago, Ill., January 19, 1984.

Hon. TOM CORCORAN,
Member of the U.S. House of Representatives, Washington, D.C.

DEAR TOM: In response to your inquiry of January 10, I am forwarding some information on the severance tax issue, particularly as it applies to coal delivered to Illinois.

Illinois utilities in 1982 purchased 24,871,128 tons of Illinois coal at an average cost of $31.05 per ton ($28.30 for the coal and $2.75 for transportation). Illinois coal accounts for approximately 59.1% of the coal that Illinois utilities use. Another 1,157,663 tons of coal (or 2.7% of the coal used) comes from Indiana. Neither Illinois nor Indiana imposes a severance tax on coal at this time.

The remaining 38.2% of the coal used in Illinois comes from Colorado, Kentucky, Montana and Wyoming. Each of these states imposes a severance tax on the coal extracted from it, with each applying a different tax rate. The effective tax rate ranges from 2% to 30% and we have estimated that the resulting taxes amount to approximately $43,367,883 for 1982, or 10% of the cost of coal excluding transportation costs. As transportation costs can nearly double the price of coal, severance taxes can be considered as 5% of the final price paid. The accompaning tables provide specific data on prices and severance taxes for coal delivered to Illinois utilities.

With regard to your question about Illinois' imposition of severance taxes, there is at present a 4% tax on timber production in the state but this is the only tax on a natural resource now imposed. Proposals impose a severance tax on exports from Illinois have been introduced in recent sessions of the Illinois General Assembly. However, the bills have not passed either house.

Severance taxes are, of course, among a wide array of taxes affecting utilities in the state. A member of our staff is currently compiling information on the impact of taxation on selected Illinois utilities in terms of consumer costs. We will be happy to provide you with this material as it becomes available. In the mean time, please contact us with any questions regarding issues and the enclosed information on severance taxes.

If I can be of any further assistance to you or your constituents, please do not hesitate to contact me.

Sincerely,

PHILIP R. O'CONNOR,
Chairman.

H.R. 4869

A bill prohibiting States from imposing coal severance taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Coal Severance Tax Prohibition Act of 1984".

(b) The Congress finds that—

(1) certain States impose severance taxes on coal, while other States impose no such taxes;

(2) much of the coal subject to severance taxes is destined for shipment in interstate commerce;

(3) coal is one of of our Nation's most valuable natural resources;

(4) production and use of this valuable natural resource must be encouraged; and

(5) increased costs due to coal severance taxes are passed on to consumers.

(c) Title V of the Energy Policy and Conservation Act, relating to general provisions, is amended by adding after part C of the following new part:

"PART D—PROHIBITION OF IMPOSITION OF COAL SEVERANCE TAX

"COAL SEVERANCE TAX PROHIBITION

"SEC. 571. (a) A State may not impose a severance tax with respect to any coal produced in such State and destined for shipment in interstate commerce.

"(b) For purposes of subsection (a), the term 'severance tax' means any tax or fee established by any State (or any political subdivision thereof) and levied on, measured by, or otherwise imposed with respect to coal. Such term shall not include any income tax, sales tax, property tax, or any other similar tax or fee if such tax or fee—

"(1) applies with respect to a broad range of business activities or types of property, and

"(2) does not result in a significantly higher rate of tax or fee than is generally applicable to the other activities or property with respect to which it is imposed.".

(d) The table of contents of such Act is amended by adding at the end thereof the following:

"PART D—PROHIBITION OF IMPOSITION OF COAL SEVERANCE TAX

"Sec. 571. Coal severance tax prohibition.".

(e) The amendments made by subsections (c) and (d) of this Act shall take effect on the first day of the first month beginning more than 30 days after the date of the enactment of this Act.●

THE SEXUAL ASSAULT ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes.

Mr. HOYER. Mr. Speaker, prior to my coming to the Congress, when I served as president of the Maryland Senate, I also acted as chairman of the Maryland General Assembly's special legislative committee on rape and related offenses.

Out of the work of this committee came the adoption in 1976 of a major revision and reform of the State's laws and evidentiary rules concerning rape and sexual offenses. This development was clearly the result of the recognition at the time of the marked increase in the incidence of rape, together with a growing concern in society about the emotional trauma and treatment experienced by the victims of this crime.

This heightened awareness, Mr. Speaker, both of the difficulty faced by the prosecutors in successfully prosecuting rape cases and in the mistreatment and handling of victims of these crimes by the very system that should protect them prompted Maryland to modernize and reform its rape and sexual offense laws.

Unfortunately, the positive reform undertaken by the States has not yet reached the Federal level. Although sexual offense crimes are principally a concern of State law enforcement to the extent that they occur within the special maritime and territorial Federal jurisdiction, they become a significant Federal law enforcement problem as well. It is imperative, in my opinion, and in the opinion of my cosponsors, Congressman CARR of Michigan, Congresswoman MIKULSKI of Maryland, and Congresswoman FIEDLER of California, for Federal sexual offense laws also to be updated in order to insure the availability of effective prosecutional tools.

To this end, Mr. Speaker, I and my colleagues are introducing legislation which seeks to reform existing Federal laws as they pertain to sexual offenses. In brief, our bill would replace the current law by adopting a series of graded sexual offenses. A second significant change would be to replace the term "rape" with a reformulation of the offense in terms of a sexual assault. In addition, it would eliminate the spousal exception and would make the statute "sex neutral"; that is, it would apply to both hetero and homosexual forcible circumstances as well as expanding the scope of the law's protection to males.

Let me for a moment, Mr. Speaker, review the current Federal statute as it pertains to this crime.

Title 18, United States Code, section 2032, which punishes statutory rape, sets the age of consent at 16 years. Under the provision, only females can be victims, and the age of the perpetrator is not an element in the crime. Thus, it is possible to have a defendant younger than the victim.

I would stress that this is in a consensual relationship.

Second, title 18 of United States Code, section 113(a), which punishes assault with intent to rape, requires a specific intent to have intercourse as an element of that crime. The touching of a person's intimate parts will not sustain a conviction, without proof that the perpetrator intended to have intercourse.

Title 18, United States Code, section 2031, provides for a rape conviction to carry the death penalty or any term of years up to life imprisonment. The Federal statute has been interpreted by the courts to incorporate the common law definition of rape. Thus, it has been held that rape involves carnal knowledge of a female, not the offender's wife, by force or threat of bodily harm and without her consent.

In my bill, the adoption of graded sexual offenses is based upon the theory that these crimes should be categorized and dealt with in terms of the seriousness of the offense, the degree of criminal activity undertaken by the assailant, and the extent of harm suffered by the victim. The appropriate penalty then would be based upon the character and circumstance of the commission of the offense.

Presently, Mr. Speaker, Federal law fails to acknowledge that the factual circumstances of all sexual offenses are not the same and are thus not subject to the same penalty. This series of gradation would reflect the reality of the actual situation and would permit a greater latitude of discretion among the prosecutor, defense attorney, and presiding judge, in determining the outcome of the individual cases.

In setting out the different gradations, I relied upon, first, the degree of sexual imposition, and second, the gravity of harm inflicted upon the victim. These determinants are, to a large degree, identifiable and measurable.

Thus, the proposed legislation would replace the current single crime of "rape" with a series of graded offenses ranging from sexual battery, which would be a misdemeanor punishable by imprisonment not to exceed 1 year, to aggravated sexual assault, which would be a felony punishable by up to life imprisonment.

The gradations, Mr. Speaker, are as follows:

Sexual battery is defined as an intentional touching, either directly or through the clothing of any person's intimate parts without that person's consent.

Aggravated sexual battery involves the same intentional touching as sexual battery, but the magnitude of harm caused by the perpetrator in many cases will be greater. In certain instances, contact will be aggravated by the use of actual force, intoxicants, or other similar substances, or as is so often the case, the threat of bodily harm. Additional aggravating circumstances are where the contact is performed upon certain segments of society that are deserving of societal protection, such as children under the age of 12 and those who are known by the

offender to be unable to appraise the nature of such conduct, whether by reason of mental disease or defect or intoxication. The presence of aggravating circumstances raises the likelihood of harm to the victim and measures the degree of criminal activity undertaken by the assailant. Thus, the offense is punishable in this case by imprisonment of up to 10 years.

Sexual assault involves a significantly greater degree of sexual imposition. The term "sexual act" is defined, and in this instance would call for a term of years up to 15 years.

Aggravated sexual assault occurs where the sexual assault is accomplished by the use of physical force or by a threat that any person will be imminently subjected to death, serious bodily injury or kidnaping, such as where the assailant employs or displays a dangerous or deadly weapon or is aided and abetted by one or more other persons.

□ 1520

Obviously the presence of multiple assailants heightens both the dangers to the victim and the psychological trauma to which the victim is subjected.

Additional aggravating circumstances are when the assault is performed upon a child not yet 12 years of age if the offender is at least 4 years older and where the assault is performed upon an individual whose ability to appraise his or her conduct has been substantially impaired by the imposition of intoxicants or other similar substances by the offender. The crime in this instance is punishable by imprisonment not to exceed 25 years.

Unquestionably, a victim of aggravated sexual assault suffers personal humiliation, degradation, substantial emotional trauma, and often physical harm. Under the legislation proposed if during the offense of aggravated sexual assault the offender inflicts severe bodily injury, disfigurement, permanent disease, or protracted incapacitating mental anguish upon the victim or any person, then the offender is subject to a term of life imprisonment.

Lastly, there is a provision dealing with sexual abuse of minors, a particularly vulnerable section of our society. Under my bill, anyone who knowingly engages in a sexual act with a minor who has attained the age of 12 years but has not attained the age of 16 and who is at least 4 years younger than the offender commits sexual abuse of a minor and may be imprisoned up to 5 years.

In addition to gradation, a second significant change imposed by the legislation is to replace the term "rape" with a reformulation of the offense in terms of sexual assault. This is more than a symbolic gesture or a simple renaming of a violent crime, for it does represent a significant break with tradition and with the connotations surrounding the word "rape."

The change carries with it a substantial rethinking both in how we view the crime of rape as well as how it is prosecuted. By defining the offense in terms of assault, which by definition implies nonconsent, the legislation attempts to redirect the factfinder's focus away from the victim to the offender's actions.

The problem of eliminating sexist traditions, which have evolved around the concepts of "consent" and "against her will" is enormous. Historically, the overriding significance attached to determining whether the victim has consented has had serious repercussions upon the victim who often felt as if she were the offender.

The third change is elimination of the spousal exception. Under English common law a man could not be found guilty of raping his wife. This justification has been explained in terms of consent, which has been deemed a matrimonial privilege existing for as long as the term of marriage. The theory that a woman possessed the right to deny her spouse sexual access was, and is still, viewed by many State statutes as being inconsistent with the social expectations regarding marriage. Another justification for the spousal exception is that historically women were regarded as the property, and I will repeat that, historically women were regarded as the property of their husbands, just as children were regarded as property of their fathers.

When American State legislators enacted laws dealing with the crime of rape, the spousal exception was, in many instances, written into the statutory definition of rape or, in other States, was adopted by case law. Many States have reformed their rape laws in this area, following the lead of Michigan, the State of my cosponsor, the gentleman from Michigan (Mr. CARR), under whose statute marriage is a defense except in those cases where the couple was living apart and one had filed for separate maintenance or divorce. Maryland also permits marriage as a bar to prosecution for rape except where the defendant and victim at the time of the offense were living separate and apart pursuant to a decree of divorce "a mensa et thoro," more commonly known as legal separation.

Presently State laws vary widely as to the extent to which spouses may be prosecuted for the crime of rape. The majority of States have statutory provision which shield spouses from protection. Let me repeat that. The majority of the States shield spouses from prosecution for the rape of their spouse. A number of these States, however, do eliminate this shield where the couple is living apart or has filed for divorce, separate maintenance or legal separation. Six States, in fact, have enacted legislation which totally abolishes spousal immunity.

The justifications for eliminating this immunity are compelling, in my opinion, however rational the arguments may be for retaining the exception. Violent crimes against spouses are a national problem. Such crimes committed within the privacy of homes by those who publicly profess love and then brutalize their spouse in private moments needs to be addressed. It has been estimated that one-third of the women who seek shelters have also been sexually assaulted by their spouses. The problem that confronts legislators when considering the spousal exception is deciding at what point, if any, should the government intervene in a marital relationship.

It is true that marriage involves a prior and continuing relation of intimacy. The law does not recognize, however, the right of a spouse to beat the other nor does the law erect legal shields behind which spouses may engage in otherwise violent behavior. In this instance, sexual assault carries additional burdens. It involves violence as well as a specific kind of degrading and unwanted intimacy. The law does not sanction sexual violence between strangers or among friends. There is no justification for permitting it between spouses.

Last, as I indicated previously, the legislation is sex neutral and thus applies both to hetero and homosexual forcible circumstances as well as expanding the scope of the law's protection to males.

Mr. Speaker, the goals of reforming Federal law in the area of sexual offenses are these: To facilitate prosecution of these heinous crimes, and, second, to insure that the interests of victims are respected in the criminal justice process.

I believe that the legislation introduced by the gentleman from Michigan (Mr. CARR), the gentlewoman from Maryland (Ms. MIKULSKI), the gentlewoman from California (Ms. FIEDLER), is a significant, important, and needed step forward in the reform of our criminal statutes and the protection of innocent victims.

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. HOYER. At this time I will be glad to yield to the distinguished cosponsor of the bill from the State of Michigan (Mr. CARR).

Mr. CARR. Mr. Speaker, I want to congratulate the gentleman on the leadership he has taken in this very important issue which I know is important to all of us.

Mr. Speaker, I am joining Mr. HOYER today in introducing a bill to fight one

of the most serious violent crimes in America today—the crime of rape.

In the past few years, our society has experienced a revolution in our thinking about rape. We are finally coming to realize that this very personal violation of privacy is fundamentally a crime of violence. Its victims come from every age group, every sex, and every walk of life. We have realized that this crime is a grave threat to the safety and well-being of all our citizens.

We have also realized that it is often not easy to put the sexual assault criminal behind bars. Some of society's most violent criminals are walking the streets today because the laws in many parts of our country—and on the Federal books—are not adequate to address crimes of sexual assault.

We need laws that acknowledge the complexity of sexual assault. Just as not every murder is a first degree murder, not every sexual assault is a first degree offense. We try the crime of murder by degree, and we should do the same with the crime of sexual assault.

On that score, I am proud to commend my State of Michigan for its leading role in bringing rape laws into the 20th century. In 1975 my State set an example for many other States by putting a staircase of sexual assault laws into our State code.

The most violent sexual assaults in Michigan continue to draw a very severe penalty—life imprisonment. However, cases involving little or no violence—cases which once might have been thrown out of court—are now prosecuted as well, and a conviction often results.

Let me offer a brief picture of the progress this law has brought about in Michigan. In Detroit, the conviction rate for rape has held steady at 70 percent since 1975, when the sexual conduct statute went into effect. The number of convictions in Michigan as a whole jumped from 8 per month before 1975 to 21 per month between 1976 and 1978.

Many States have followed this example, resulting in improved conviction rates across the country. However, the Federal code maintains the archaic view of rape as a one-dimensional crime. It is crucial that we bring our Federal standard into line with the progressive laws of States such as Michigan, Maryland, and California.

This is not only important in the few sexual assault cases tried under Federal jurisdiction, it is important in setting the pace for thinking across our Nation, in creating a model for States which have not updated their laws.

Why is this so important? Because there is one forcible rape in our Nation every 7 minutes. The number of rapes reported has climbed steadily over the past decade. However, the number of convictions nationwide remains at about 50 percent. Too many sexual criminals continue to walk the streets in our country.

By modernizing sexual assault laws on the Federal books, we are saying that 50 percent is not enough. We are putting the Federal Government solidly behind the States' efforts to fight this unspeakable crime. We are helping set a standard that puts violent criminals behind bars, and we are assuring that all Americans can walk the streets and live their lives safely and without fear.

□ 1530

And convictions are up. Whereas the national average of 50-percent conviction rate, in Detroit the conviction rate for rape has been held steady at 70 percent since the law was passed in 1975. When the sexual conduct statute went into effect the number of convictions in Michigan as a whole jumped from 8 per month to 21 per month in a period between 1976 and 1978.

If we can have victims step forward, have the defendant treated as the problem rather than the victim, if we can have assurance of swift, speedy, and forceful justice, I am confident that the requirement and the deterrent against criminal sexual assault will be improved. It is a most important problem. Once again, I want to congratulate Congressman HOYER for bringing this to the attention of the Nation.

Mr. HOYER. I thank the gentleman for his statement and congratulate him as well for his leadership and hard work in the formulation of this legislation. His office has been very much involved. Mr. CARR personally has been involved. We think many of the suggestions he has made and brought to this legislation have significantly improved it.

I want to thank the gentleman from Michigan. And I point out that what he says is absolutely correct, the Michigan statute which was one of the first adopted if not the first adopted in the Nation, which recognized the necessity to more specifically define the actual crimes that were involved in this case and also to protect the victim from what historically was in trials dealing with the crimes of rape, an attack on the victim, uniquely in terms of criminal defense law; that statute was a great step forward for the Nation; it was the basis of the Maryland reform.

And I might say it was also given great attention by the States of California and New York which, very shortly after Michigan adopted its statute, followed suit. I congratulate the gentleman from Michigan for his real contribution in this effort.

Mr. CARR. By congratulating me you really congratulate the State legislators in the State of Michigan, the principal sponsor of the bill being State Representative Mary Brown.

I might ask you to rehearse for us just briefly the jurisdiction. As you both know, the Federal law is not the primary law of criminal sexual assault in America. But there are important areas of criminal jurisdiction. I think it would be helpful on the record for you to enumerate that.

Mr. HOYER. I appreciate the gentleman's question.

The jurisdiction to which this reform bill will apply is defined in 18 U.S.C. 7 as those lands over which there is Federal jurisdiction now or will occur in the future; primarily in an area that is well known to most persons, such as the military bases of our Armed Forces either here or around the world. So that would be a principal situs.

In addition, it will also apply to the maritime jurisdiction of the United States, as pointed out by Congresswoman MIKULSKI, who serves on the Committee on Merchant Marine and Fisheries. She pointed out that vessels at sea under the U.S. flag and U.S. jurisdiction will fall under this legislation as well.

The gentleman (Mr. CARR) is correct that the primary responsibility for the enforcement and formulation of the criminal laws of this land are at the State level. However, as the gentleman also knows, there were a significant number of prosecutions for rape in this country under Federal law and we believe this statute will facilitate the U.S. attorneys in the prosecution of those cases and will also make more confident victims which, as the gentleman points out, are very reluctant to come forward, confident in the fact that because of the broad range of offenses and the definition of those offenses legislatively, that the probability of conviction of their assailants has been substantially heightened.

Mr. CARR. I thank the gentleman.

One other area where the gentleman enumerated the value of this bill earlier today was in the Federal prison system. I think that needs to be said as well. The bill we introduce today is sex-neutral. It matters not the sex of the victim or indeed the sex of the offender; what makes a difference is the sexual nature of the assault.

And as we know, in prisons throughout America, no less the Federal penal system, there is a problem of homosexual rape which may, in fact, be only a violation of prison rules at this point in time. If this bill is passed into law it would, in fact, be an additional Federal criminal offense.

Mr. HOYER. I think the gentleman makes a very good point. Certain Federal correctional facilities, over which the Federal Government may have jurisdiction, will be included. During the time that we had hearings in the State

of Maryland in 1975, we had some 20 hearings; many local correctional facility personnel testified before us on the rising incidence of sexual assaults committed by inmates against one another.

And we had many psychologists and psychiatrists testify as to the very significant nature of the trauma that such crimes perpetrated on the victims. In many instances because of the fact they were homosexual rapes, the trauma on the victim was much greater than it would have been in a heterosexual rape. I think the gentleman makes a good point. This bill will apply to homosexual rape and it will point out the seriousness of those kinds of attacks in correctional facilities and will provide additional tools for prosecutors to go after that kind of criminal conduct.

Mr. CARR. I thank the gentleman for his comment and I think one final discussion should be had on the record.

In the State of Michigan, and I believe in the State of Maryland and in other States, their criminal sexual offense laws have shielded the victim from having his or her past sexual conduct be made in evidence in a court of law, in a so-called rape trial. That is not included in this particular piece of legislation. It was done so intentionally.

I think the gentleman from Maryland ought to explain to those people who will be looking on as interested parties, they might be interested in knowing why.

Mr. HOYER. In Maryland and in Michigan we proceeded on sort of a two-track system. One dealt with the substantive definition of the crime and the penalties for violation thereof.

The other, the second track dealt with the evidence that could be introduced in the prosecution or defense of that crime. The gentleman from Michigan is referring to the latter aspect with which we did not deal in this legislation.

We did not do so because Federal rule 412 already prohibits the introduction of reputation or opinion evidence of the victim regarding past sexual behavior. Under that rule specific acts of sexual behavior by the victim are also not admissible except for very limited purposes. Now, one of the things that we were interested to find in the course of our hearings is that historically, chastity was not defined as the lack of sexual relations with others.

Chastity in effect, historically, was a state of mind. So the reputation for chastity was effectively a reputation for clean minds. Obviously, over the years, that changed. What would happen in the defense of a rape trial is that the defense attorney would try to undermine the reputation of the victim; not really to say whether or not that victim had been attacked or viciously assaulted but in effect to say this victim somehow, because of past experiences, is not as eligible for the protection of the law as she otherwise might be.

Clearly, that was, from our perspective, a prejudiced view. It was also a view which undermined the quest for truth, which tried to focus attention upon the victim rather than at the crime that had been perpetrated against the victim.

□ 1540

But, luckily, we did not have to deal with it in this legislation because Public Law 95-540 which added rule 412 to the Federal rules of evidence addressed that issue.

Mr. CARR. I thank the gentleman for his explanation.

Mr. HOYER. Mr. Speaker, I urge the Members to give very serious attention to this legislation which we believe is a needed and effective step forward in the prosecution of crimes of great concern to our society.

GENERAL THADDEUS KOSCIUSZKO—VALIANT SOLDIER, COURAGEOUS PATRIOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, February 12 marked the 238th anniversary of the birth of Gen. Thaddeus Kosciuszko, the great Polish patriot and soldier, who made significant contributions to the cause of American independence. Although he was not a native American, General Kosciuszko's heroic and selfless actions during the American Revolution were held in such high esteem that Congress bestowed on him the rights and privileges of American citizenship and the rank of brigadier general.

Tadeusz Andrzej Bonawentura Kosciuszko was born in Mereczowczyzna, Poland, in 1746, and began his education in military strategy and engineering at the Warsaw Corps of Cadets. The King of Poland, impressed with Kosciuszko's natural ability in military matters, sent him to France to pursue further studies, and he developed an expertise in military fortification.

The news of the outbreak of hostilities in America kindled Kosciuszko's imagination and his desire to fight for the cause of liberty. He abandoned his commission in the royal Polish forces, leaving his homeland temporarily to serve under General Washington in the American response to British oppression.

His first assignment was the construction of a fortification against the expected attack near the Delaware River, and for his efforts Kosciuszko was given a colonel's commission and was appointed to the staff of General Gates at Ticonderoga. Kosciuszko was again able to display his brilliance as a military strategist at the Battle of Saratoga. The British plan was to isolate New England from the other colonies, and by helping to defeat this strategy and force the surrender of Britian's general "Gentleman Johnny" Burgoyne, Kosciuszko helped bring France and Spain into the struggle for American independence, because these countries now felt that the colonies had the potential to win.

Perhaps Kosciuszko's most important undertaking was the construction of an American fortification at West Point. His talent lay in his ability to make use of an area's terrain for defense purposes, and the British were forced to change their plans when they realized that this fortification was impregnable. Consequently, the British abandoned the North and the Hudson Valley and attempted their defeat of the colonies from the South. However, Kosciuszko also moved to the South, and continued to use the same military tactics, which ultimately led to the defeat of the British.

Kosciuszko spent 6 years in the American Army. His long, faithful, and meritorious service was recognized in 1783 when Congress made him a brigadier general, and his brave and resourceful actions were not overlooked by America's Founding Fathers. He became a true friend of Thomas Jefferson, whom he made executor of his will. As a final act of gratitude and respect, Gen. George Washington nominated General Kosciuszko for membership in the Order of the Cincinnati, which had been formed by the officers of the Continental Army. His induction into the order was the highest compliment the Continental Army could award.

Mr. Speaker, I am proud to join Polish-Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Polish descent all over this Nation, in commemorating the birth of Thaddeus Kosciuszko, a great and true friend of the United States. His name will forever remain a symbol of courage for Americans, and people all over the world, who are dedicated to the cause of freedom.●

RAY CLOUGHERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, in these political times it has become somewhat fashionable to speak disparagingly of the contributions by civil servants to our national well-being. Often overlooked is the difference a single

dedicated Government employee can make in the lives of people who, usually as a last resort, turn to the Government for assistance.

Ray Clougherty, a longtime employee of the Veterans' Administration in Pittsburgh, is the type of Federal worker who made a difference for thousands. Since I came to Congress in 1981, Mr. Clougherty has worked diligently to meet the needs of my constituents with special cases before the Veterans' Administration, just as he did for many years for my predecessor in the Congress.

Ray Clougherty's nearly 41 years of service with the VA began shortly after he served in Europe with the Army in World War II. He worked in the VA Pittsburgh regional office in personnel services before going to work in VA centers in the city. In 1972, he began work at the Highland Drive VA Center, and was personnel officer there until February 1981. He then served as program analyst in the Office of the Director until his retirement this year.

Earning the respect of his coworkers throughout his years of service in the VA, Ray Clougherty showed the leadership qualities necessary to make a Government agency serve its intended beneficiaries. I know that his example will inspire others to do likewise.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 15 minutes.

● Mr. NEAL. Mr. Speaker, I am informing the House today of the U.S. Export-Import Bank's proposal to extend a direct loan of $104,276,445 to enable the Republic of Indonesia to purchase four new Boeing 929 jetfoil boats from the Boeing Co. of Seattle.

According to the Eximbank, this sale is expected to be the first phase of a program in which Boeing will join P. T. Pabrik Kapal Indonesia ("P. T. Pal") in manufacturing a total of 10 jetfoil vessels for use by the Indonesian Navy in shore patrol.

The Indonesian project is expected to enable Boeing, the only U.S. manufacturer in the hydrofoil industry, to keep open that part of its operation—which employs 285 people—and to compete in a worldwide market for a potential $2.5 billion in export sales over the next 10 years.

This Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank is required to notify Congress of any proposed direct credits or financial guarantees, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the proposed transaction after 25 days of continuous session of the Congress after notification.

I am submitting for the RECORD the complete Eximbank notification, which provides additional details on the proposed transaction. I would welcome any questions or comments my colleagues might have on this proposal.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 31, 1984.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(i) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 31, 1984.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to the Republic of Indonesia ("ROI").

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to extend a direct credit in the amount of $104,276,445 to the ROI to facilitate the purchase from the United States of four new Boeing 929 jetfoils and related engineering and technical services. The total U.S. export value for this transaction is estimated to be $160,425,300.

The four jetfoils and related services represent the first phase of a potential ten vessel program. The Boeing Company will assist P.T. Pabrik Kapal Indonesia ("P.T. Pal"), the national shipbuilding company, to co-manufacture vessels in later phases of the program.

2. Identity of the parties

The ROI will be the borrower and will issue an unconditional full faith and credit obligation to repay the Eximbank Credit. P.T. Pal will purchase the jetfoils and related services, and Indonesia's Navy will operate the vessels.

3. Nature and use of goods and services

The principal goods to be exported from the U.S. during the period 1984–1987 are four new Boeing 929 jetfoils and related engineering and technical services. Most of the major components of the four jetfoils will be manufactured in the Seattle-Renton-Everett area by Boeing Marine Systems. It is also expected that other United States suppliers located in 40 states will furnish components and spare parts. Final outfitting of the vessels will take place in Indonesia.

The Indonesian Navy will use the jetfoils to police Indonesia's internal archipelagic waters and coastal areas in a surveillance and control system developed by Indonesia's Ministry of Science and Technology. The Navy will employ these craft to patrol fisheries, conduct search and rescue, enforce marine environmental controls, provide service aids to navigation, suppress smuggling and control piracy in the Malaccan Straits area.

B. EXPLANATION OF FINANCING

1. Reasons

In July, 1983, Eximbank issued a preliminary commitment offering to provide financing for four Boeing jetfoils and related engineering and technical services. The preliminary commitment was issued on terms considered necessary to meet competition from foreign official financing on alternative patrol boats.

This export will provide a total of 1,813 man-years of U.S. employment, of which approximately 90 man-years are in small businesses. The Boeing Company is the only remaining U.S. supplier in the hydrofoil industry. Boeing advises that without this export, it would have had to suspend jetfoil production, resulting in an immediate reduction in its workforce of 285. Such a suspension would remove the United States from a market with an estimated potential of $2.5 billion in export sales over the next ten years, providing up to 17,000 man-years of employment.

2. The financing plan

The financing plan for the total U.S. procurement supported by the Eximbank direct credit is as follows:

	Amount	Percentage of U.S. costs
Cash Payment	$56,148,855	35
Eximbank Credit	104,276,445	65
Total	160,425,300	100

(a) Eximbank Charges

The Eximbank Credit will bear interest at the rate of 9.5 percent per annum, payable semiannually. There will be a commitment fee of 0.5 percent per annum charged on the undisbursed portion of the Eximbank Credit. In addition, there will be a credit application fee of 2 percent of the amount of the Eximbank Credit.

(b) Repayment Terms

The financing for the jetfoils will be repaid in two repayment schedules of 20 semiannual installments each, beginning February 28, 1987 for disbursements made through August 31, 1986; and beginning December 31, 1988 for disbursements made after August 31, 1986.

Attached is additional information on Eximbank activity in and economic data on the Republic of Indonesia.

Sincerely,

WILLIAM H. DRAPER III.

Eximbank exposure in the Republic of Indonesia as of November 30, 1983

[In thousands of dollars]

Direct Loans	736,522
Financial guarantees	35,800
Bank guarantees and other	3,830

Insurance	15,823
Medium-term	(1,761)
Short-term	(14,062)
Total exposure	791,975

REPAYMENT EXPERIENCE

Payment of principal, interest and fees due on Eximbank loans to Indonesian borrowers have usually been prompt.

INDONESIA—KEY ECONOMIC INDICATORS

[Exchange rate: 1981: US$1=630 rupiah; 1982: US$1=660 rupiah; 1983: US $1=970 rupiah]

	1981	1982	1983
Population (million midyear)	150	153	156
GDP (percent growth in constant 1973 prices)	7.9	2.3	[1] 2–3
GDP (in millions of dollars, current prices)	86,500	90,350	
Per capita (dollars)	540	590	
Consumer price index	180	198	[2] 220
Money supply (rps. billion—December 31)	6,486	7,121	[3] 7,823
Foreign investment approvals (nonoil) (in millions of dollars)	1,012	1,291	[1] 1,500
Net official international reserves (in millions of dollars—December 31)	6,244	4,154	[1] 4,500
External official debt [4] (disbursed—in millions of dollars—December 31)	15,709	17,500	[1] 22,000
Debt service (in millions of dollars)	2,100	2,500	[1] 2,700
	1981–82 actual	1982–83 actual	1983–84 budget
Government budget (rps. billion): [5]			
Routine expenditures	6,978	6,996	7,275
Development expenditures	6,940	7,360	9,290
Domestic revenues	12,213	12,418	13,823
Development receipts (external loans and grants)	1,709	1,940	2,742
	1981–82 actual	1982–83 actual	1983–84 estimate
Official balance of payments (in millions of dollars): [6]			
Overall balance (change in off. reserves)	−988	−3,280	1,000
Current account	−2,790	−6,715	−5,500
Exports, merchandise	22,994	18,751	18,700
Oil and LNG (gross)	18,824	14,858	14,000
Nonoil	4,170	3,893	4,700
Imports, merchandise	19,969	20,364	18,500
Oil and LNG sector imports	5,408	4,874	4,500
Nonoil	14,561	15,490	14,000
	1981	1982	[1] 1983
United States-Indonesian trade (in millions of dollars): [7]			
Indonesian exports to the United States	6,022	4,224	4,400
U.S. share of Indonesian exports (percent)	18.3	22.5	24.7
Indonesian imports from the United States	1,297	2,017	1,800
U.S. share of Indonesian imports (percent)	13.5	14.2	14.0

[1] Embassy estimates.
[2] October.
[3] September.
[4] Government debt, including debt of state corporations such as Pertamina and Garuda.
[5] Indonesian fiscal year April 1 to March 31 (Source: fiscal year 1983–84 budget).
[6] Source: Fiscal year 1983–84 budget and the statistical annex to the President's speech of August 16, 1983.
[7] Trade flows based on U.S. Department of Commerce statistics, while market share is calculated using Indonesian official statistics.
Source: Bank Indonesia, Central Bureau of Statistics, Ministry of Finance, Investment Coordinating Board, U.S. Department of Commerce, Embassy Estimates.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous matter:)

Mr. DANNEMEYER, for 30 minutes, today.

Mr. CORCORAN, for 10 minutes, today.

Mr. EMERSON, for 60 minutes, on February 22.

Mr. WALKER, for 60 minutes, on February 22.

Mr. GINGRICH, for 60 minutes, on February 22.

Mr. WEBER, for 60 minutes, on February 22.

Mr. MACK, for 60 minutes, on February 22.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous matter:)

Mr. HOYER, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 60 minutes, on February 22.

Mr. ALEXANDER, for 60 minutes, on February 22.

(The following Members (at the request of Mr. CARR) to revise and extend their remarks and include extraneous matter:)

Mr. NEAL, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STRATTON, immediately preceding the vote on H.R. 2751, National Foundation on the Arts and the Humanities Act Amendments of 1983, on today.

(The following Members (at the request of Mr. MACK) and to include extraneous matter:)

Mr. PHILIP M. CRANE in two instances.

Mr. SCHULZE.

Mr. VANDER JAGT.

Mr. CORCORAN.

Mr. DANNEMEYER.

Mr. LIVINGSTON.

Mr. MICHEL.

Mr. DUNCAN.

Mr. MARRIOTT.

Mr. FRENZEL.

Mr. GREEN in three instances.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. FASCELL.

Mr. ROE.

Mr. GAYDOS.

Mr. KILDEE.

Mr. ECKART.

Mr. RATCHFORD.

Mr. BEDELL.

Mr. LEHMAN of Florida.

Mr. COELHO.

Mr. HAMILTON in two instances.

Mrs. HALL of Indiana.

Mr. MAVROULES.

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mrs. BOXER.

Mr. LOWRY of Washington.

Mr. OBERSTAR.

Mr. MATSUI.

Mr. LANTOS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1330. An act to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes; to the Committee on Public Works and Transportation and the Committee on Government Operations.

S. 2040. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

ADJOURNMENT

Mr. CARR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 22, 1983, at 3 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on February 9, 1984, the following report was filed on February 14, 1984]

Mr. RANGEL: Select Committee on Narcotics Abuse and Control. Annual report for the year 1983 of the Select Committee on Narcotics Abuse and Control, first session (Rept. No. 98-598). Referred to the Committee of the Whole House on the State of the Union.

[Submitted February 21, 1984]

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 440. Resolution providing for the consideration of H.R. 2708, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary

foreign language instruction (Rept. No. 98-599). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X:

Consideration of H.R. 3082 by the Committees on Interior and Insular Affairs and Public Works and Transportation extended for an additional period ending not later than March 6, 1984.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHULZE:

H.R. 4868: A bill to provide that a consent to the application of former section 820 of the Internal Revenue Code of 1954 shall be treated as timely made in certain cases; to the Committee on Ways and Means.

By Mr. CORCORAN:

H.R. 4869. A bill prohibiting States from imposing coal severance taxes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself, Mr. FAUNTROY, Ms. FERRARO, Mr. GRAY, Mr. KASTENMEIER, Mr. LELAND, Mr. MARKEY, Ms. MIKULSKI, Mr. RATCHFORD, Mr. RODINO, Mr. SABO, Mr. SHANNON, Mr. STOKES, Mr. TORRES, Mr. TOWNS, and Mr. YATES):

H.R. 4870. A bill to provide for the solvency of the medicare program and to reform the health care financing system; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DANNEMEYER:

H.R. 4871. A bill to require amendment of the Internal Revenue Code of 1954 to provide a simple income tax with a single low rate of tax and to require the Secretary of the Treasury to propose legislation to establish such an income tax; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 4872. A bill to amend the Internal Revenue Code of 1954 to provide that interest credited on a deposit or account in a bank or other financial institution shall not be included in income if such interest cannot be withdrawn because of a bankruptcy or other insolvency proceeding; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. BROOMFIELD) (by request):

H.R. 4873. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize development and security assistance programs for fiscal years 1984 and 1985, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. BARNES, Mr. BROOMFIELD, and Mr. LAGOMARSINO) (by request):

H.R. 4874. A bill to establish a long-term framework to build democracy, restore peace, and improve living conditions in Central America, to authorize assistance for the fiscal years 1984 through 1989, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GUARINI:

H.R. 4875. A bill to amend the Internal Revenue Code of 1954 to provide for a deduction for certain amounts paid into a reserve for service liability losses and expenses of design professionals, and for other purposes; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. CARR, Ms. MIKULSKI, and Ms. FIEDLER):

H.R. 4876. A bill to amend title 18 of the United States Code with respect to sexual assaults; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. BARNES, Mr. PHILIP M. CRANE, Ms. FERRARO, Mr. GREEN, Mr. LONG of Maryland, Mr. MICA, Mr. PORTER, Mr. MRAZEK, Mr. SILJANDER, Mr. VANDER JAGT, Mr. ACKERMAN, Mr. AUCOIN, Mr. OBERSTAR Mr. SIKORSKI, and Mr. SIMON):

H.R. 4877. A bill to require that the U.S. Embassy in Israel be located in the city of Jerusalem; to the Committee on Foreign Affairs.

By Mr. NIELSON of Utah:

H.R. 4878. A bill to amend the trade readjustment program under the Trade Act of 1974 with respect to the time within which payments for training may be made to adversely affected workers; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 4879. A bill to amend title II of the Social Security Act to repeal the separate definition of disability presently applicable to widows and widowers; to the Committee on Ways and Means.

H.R. 4880. A bill to amend title II of the Social Security Act to modify the actuarial reduction formula as it applies to surviving spouses who qualify for disability insurance benefits after first having become entitled to reduced widow's or widower's insurance benefits, to assure that their own coverage credits (on which such disability benefits are based) will be more realistically recognized in the resulting combined benefit amount; to the Committee on Ways and Means.

H.R. 4881. A bill to amend title II of the Social Security Act to extend the period during which a surviving spouse or surviving divorced spouse must have initially become disabled in order to qualify for widow's or widower's benefits before attaining age 60, in cases where such surviving spouse or surviving divorced spouse works after the death of the insured individual on whose wage record such benefits are payable; to the Committee on Ways and Means.

H.R. 4882. A bill to amend title II of the Social Security Act to extend the benefits of the delayed retirement credit to surviving spouses and surviving divorced spouses who work and whose widow's or widower's insurance benefits are higher than their old-age insurance benefits; to the Committee on Ways and Means.

H.R. 4883. A bill to amend section 102 of the Social Security Amendments of 1983 to include individuals between the ages of 46 and 55 within the special provisions (now applicable only to individuals age 55 or over) which liberalize the insured status requirements for certain employees of nonprofit organizations whose services were mandatorily covered by such amendments; to the Committee on Ways and Means.

By Mrs. SCHNEIDER (for herself, Mr. ST GERMAIN, and Mr. ORTIZ, and Mr. COUGHLIN):

H.R. 4884. A bill to impose a moratorium on fishing for Atlantic striped bass in order to restore that species, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SHANNON:

H.R. 4885. A bill to provide a one-time amnesty from criminal and civil tax penalties for taxpayers who notify the Internal Revenue Service of previous underpayments of Federal tax and pay such underpayments in full with interest; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 4886. A bill to specify further those actions of nonmarket economy countries in discouraging or preventing emigration that will make those countries ineligible for trade benefits under title IV of the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4887. A bill to permit until January 1, 1987, the duty-free entry of magnetron tubes used in microwave cooking appliances; to the Committee on Ways and Means.

By Mr. RITTER:

H.J. Res. 485. Joint resolution to designate the week of October 7, 1984, through October 13, 1984, as "National Birds of Prey Conservation Week"; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

H.J. Res. 486. Joint resolution to designate the month of March 1985 as "National Hemophilia Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mr. ACKERMAN, Mr. BARNES, Mr. BERMAN, Mr. BEVILL, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. CHAPPIE, Mr. CLARKE, Mr. DEWINE, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. FORSYTHE, Mr. RALPH M. HALL, Mr. HAWKINS, Mr. HORTON, Mr. HOWARD, Mr. HYDE, Mr. KASICH, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. MCCAIN, Mr. MCGRATH, Mr. MADIGAN, Mr. MARKEY, Mr. MONTGOMERY, Mr. OWENS, Mr. O'BRIEN, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROE, Mr. SABO, Mr. SCHEUER, Mr. SIMON, Mr. SISISKY, Mr. SKELTON, Mr. STANGELAND, Mr. VANDER JAGT, Mr. WILLIAMS of Ohio, Mr. WON PAT, Mr. VENTO, and Mr. WORTLEY):

H.J. Res. 487. Joint resolution to designate June 6, 1984, "D-Day National Remembrance"; to the Committee on Post Office and Civil Service.

By Mr. FEIGHAN (for himself, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, and Mr. SOLARZ):

H. Con. Res. 259. Concurrent resolution expressing the sense of the Congress that the Vatican should recognize the State of Israel and should establish diplomatic relations with that country; to the Committee on Foreign Affairs.

By Mr. WORTLEY:

H. Con. Res. 260. Concurrent resolution expressing the sense of Congress that the Soviet Union should allow Igor Ogurtsov to be released from internal exile and allowed to emigrate to the West without renouncing his views; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GONZALEZ introduced a bill (H.R. 4888) for the relief of Pedro Narvaez-Gua-

jardo, Rosario Bernal de Narvaez, and family; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 470: Mr. PHILIP M. CRANE.

H.R. 659: Mr. MARLENEE and Mr. WEBER.

H.R. 881: Mr. YATES, Mr. SCHUMER, Mr. MRAZEK, Mr. CONTE, Mr. DONNELLY, Mr. LAFALCE, Ms. FERRARO, Mr. TOWNS, and Mr. SMITH of New Jersey.

H.R. 991: Mr. MCCURDY.

H.R. 1092: Mr. KOSTMAYER and Mr. HOWARD.

H.R. 1249: Mr. SPRATT.

H.R. 1788: Mr. KOLTER.

H.R. 1797: Mr. ROSTENKOWSKI.

H.R. 1815: Mr. ADDABBO and Mr. CROCKETT.

H.R. 1880: Mr. ASPIN and Mr. BIAGGI.

H.R. 1891: Mr. BROWN of Colorado, Mr. DURBIN, Mr. MCEWEN, Mr. PASHAYAN, and Mr. REID.

H.R. 1918: Mr. SHAW, Mr. CHAPPIE, and Mr. KOLTER.

H.R. 2053: Mr. LANTOS, Mr. SHUSTER, Mr. WISE, and Mr. OTTINGER.

H.R. 2204: Ms. MIKULSKI, Mr. LAGOMARSINO, and Mr. RAHALL.

H.R. 2372: Mr. WILSON and Mr. ARCHER.

H.R. 2468: Mr. ROWLAND and Mr. STENHOLM.

H.R. 2852: Mr. DYSON.

H.R. 2927: Mr. HANCE, Mr. REGULA, and Mr. VANDER JAGT.

H.R. 3082: Mr. DEWINE.

H.R. 3141: Mr. WAXMAN, Mrs. KENNELLY, and Mr. GRAY.

H.R. 3282: Mr. ANNUNZIO, Mr. LELAND, and Mr. COURTER.

H.R. 3477: Mrs. HOLT and Mr. DANIEL B. CRANE.

H.R. 3482: Mr. MOODY, Mr. SABO, Mr. GEJDENSON, Mr. BIAGGI, Mr. MARKEY, and Mr. RATCHFORD.

H.R. 3734: Mrs. ROUKEMA.

H.R. 3778: Mr. DOWNEY of New York, Mr. EDGAR, Mr. MATSUI, Mr. OWENS, and Mr. WOLPE.

H.R. 3803: Mr. COLEMAN of Texas, Mr. BEREUTER, Mr. REID, Mr. LEWIS of Florida, Mr. OXLEY, Mr. STUDDS, Mr. WISE, Mr. ECKART, Mr. PETRI, Mr. GEJDENSON, Mr. LOWRY of Washington, Mr. DENNY SMITH, Mr. WEBER, Mr. RICHARDSON, Mr. HOWARD, Mr. ERDREICH, Mr. LUNDINE, Mr. TAUKE, Mr. LENT, Mr. GOODLING, and Mr. DAUB.

H.R. 3811: Mr. FOLEY, Mr. LANTOS, Mr. ANDERSON, Mr. FISH, Mr. STARK, Mr. DONNELLY, Mr. HUGHES, and Mr. STRATTON.

H.R. 3858: Mr. STENHOLM, Mr. KOLTER, Mr. WHITLEY, Mr. TAUKE, Mr. YOUNG of Alaska, Mr. PENNY, Mr. WILLIAMS of Ohio, and Mr. HARTNETT.

H.R. 3917: Mr. PATTERSON.

H.R. 3961: Mr. BILIRAKIS.

H.R. 4034: Mr. SIMON, Mr. ROE, Mr. NIELSON of Utah, Mr. DURBIN, Mr. CORCORAN, and Mrs. MARTIN of Illinois.

H.R. 4049: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. LLOYD, Mrs. BOXER, and Mr. ZSCHAU.

H.R. 4050: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. LLOYD, Mrs. BOXER, Mr. ZSCHAU.

H.R. 4051: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. BOXER, and Mr. ZSCHAU.

H.R. 4067: Mr. HARRISON, Mrs. SMITH of Nebraska, Mr. CORRADA, Mr. FOLEY, Mr. ROYBAL, Mr. VENTO, Mr. SAVAGE, Mr. LEHMAN of California, Mr. RAHALL, Mr. BOEHLERT, Mr. MINETA, and Mr. FAUNTROY.

H.R. 4110: Mrs. MIKULSKI and Mr. SILJANDER.

H.R. 4117: Mr. BEDELL, Mr. BONKER, Mrs. BOXER, Mr. CONYERS, Mr. DYSON, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. MARTINEZ, and Mr. WYDEN.

H.R. 4125: Mr. ACKERMAN and Mr. WEAVER.

H.R. 4164: Mr. FORD of Tennessee.

H.R. 4262: Mr. BONER of Tennessee and Mrs. LLOYD.

H.R. 4263: Mr. BONER of Tennessee and Mrs. LLOYD.

H.R. 4287: Mr. DURBIN, Mr. PEPPER, Mr. PERKINS, Mr. FUQUA, Mr. HORTON, Mr. KENNELLY, and Mr. DORGAN.

H.R. 4300: Mr. MADIGAN, Mr. KASICH, Mr. WEISS, Mr. WHITEHURST, Mr. MCKINNEY, Mr. BATES, Mr. BARNES, Mr. EVANS of Illinois, Mr. TORRICELLI, Mr. BOSCO, and Mr. YOUNG of Missouri.

H.R. 4405: Mr. LUNDINE, Mr. OTTINGER, Mr. LENT, and Mr. DOWNEY of New York.

H.R. 4427: Mr. NOWAK and MCCOLLUM.

H.R. 4431: Mr. EMERSON.

H.R. 4440: Mrs. BOXER, Mr. DASCHLE, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. LELAND, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MARTINEZ, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. NOWAK, Mr. OBERSTAR, Mr. OTTINGER, Mr. SABO, Mr. TOWNS, and Mr. WILLIAMS of Ohio.

H.R. 4447: Mr. YATES, Mr. WISE, Mr. LEVIN of Michigan, Mr. KILDEE, Mr. SEIBERLING, Mr. MCNULTY, Mr. OWENS, Mr. LELAND, Mr. PATTERSON, Mr. KASTENMEIER, Mr. BEDELL, Mr. GEJDENSON, and Mr. VENTO.

H.R. 4500: Mr. BEREUTER, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. COLEMAN of Missouri, Mr. DANNEMEYER, Mr. DAVIS, Mr. DEWINE, Mr. HARTNETT, Mrs. HOLT, Mr. HOYER, Mrs. JOHNSON, Mr. KINDNESS, Mr. LAFALCE, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MARRIOTT, Mrs. MARTIN of Illinois, Mr. MCEWEN, Mr. PORTER, Mr. SKEEN, Mr. WEBER, and Mr. WYLIE.

H.R. 4505: Mr. MORRISON of Connecticut, Mr. ROSE, Mr. HOWARD, Mr. BERMAN, Mr. CORCORAN, Mr. BATES, Mr. MATSUI, Mr. CARNEY, Mr. ROE, Mr. STUDDS, Mrs. BOXER, Mr. CLAY, Mr. KILDEE, Mr. ERDREICH, Mr. TORRES, Mr. MARTINEZ, Mr. CARPER, Mr. BEILENSON, Mr. MAVROULES, Mr. KOLTER, Mr. LELAND, Mrs. HALL of Indiana, Mr. SIMON, Mr. DELLUMS, Mr. FLORIO, Ms. OAKER, Mr. FISH, Mr. D'AMOURS, Mr. DYSON, Mr. COELHO, Mr. BONIOR of Michigan, Mr. DYMALLY, Mr. RATCHFORD, Mr. DANIEL B. CRANE, Mr. FROST, Mr. OBERSTAR, Mr. FAZIO, Mr. MINETA, Mr. TORRICELLI, and Ms. FERRARO.

H.R. 4507: Mr. SCHULZE.

H.R. 4571: Mr. CHAPPIE, Mr. HYDE, Mr. MONTGOMERY, Mr. ROBERTS, Mr. RODINO, Mrs. ROUKEMA, Mr. SENSENBRENNER, Mr. TAUKE, Mr. WILLIAMS of Montana, and Mr. WORTLEY.

H.R. 4594: Mr. CLARKE and Mr. RITTER.

H.R. 4616: Mr. EDGAR, Mr. LANTOS, and Mrs. SCHROEDER.

H.R. 4676: Ms. KAPTUR, Mr. PERKINS, Mr. SABO, Mr. LELAND, Mr. MITCHELL, Mr. MARTINEZ, Mr. CROCKETT, Mr. RANGEL, Mr. RAHALL, Mr. WILLIAMS of Ohio, Mr. WON PAT, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. STOKES, Mr. SOLARZ, Mr. CONTE, and Mr. VENTO.

H.R. 4772: Mr. JEFFORDS.

H.R. 4788: Mr. BEVILL, Mr. FISH, Mr. KINDNESS, Mr. HAMMERSCHMIDT, Mr. PATMAN, and Mr. APPLEGATE.

H.R. 4813: Mr. FAUNTROY and Mr. MOODY.

H.R. 4865: Mr. JEFFORDS and Mr. HARKIN.

H.J. Res. 95: Mr. BROWN of California and Mr. SHUMWAY.

H.J. Res. 120: Mr. DICKS.

H.J. Res. 121: Mr. ST GERMAIN, Mr. SISISKY, Mr. HOPKINS, and Mr. BRITT.

H.J. Res. 196: Mr. PRITCHARD, Mr. WYDEN, Mr. WALGREN, and Mr. MOORE.

H.J. Res. 332: Mr. BILIRAKIS, Mr. FORD of Tennessee, Mr. JACOBS, Mr. PERKINS, Mr. TRAXLER, Mr. WON PAT, Mrs. BOGGS, Mr. EMERSON, Mr. HAMILTON, Mr. LIVINGSTON, Mr. LOWERY of California, Mrs. MARTIN of Illinois, Mr. SHELBY, Mr. DENNY SMITH, Mr. SWIFT, Mr. SYNAR, Mr. TAUZIN, and Mr. WYDEN.

H.J. Res. 356: Mr. ROSE, Mr. KASICH, Mr. BIAGGI, Mr. TOWNS, Mr. DOWDY of Mississippi, Mr. CAMPBELL, Mr. MADIGAN, Mr. SLATTERY, Mr. WON PAT, Mr. MARTINEZ, Mr. REID, Mr. MARRIOTT, Mr. KINDNESS, Mr. HAYES, Mr. DAUB, Mr. MOODY, Mr. ANDREWS of Texas, Mr. MCGRATH, Mr. FRENZEL, Mr. LEWIS of Florida, Mr. QUILLEN, Mrs. BYRON, Mr. WINN, Mr. GUNDERSON, Mr. WIRTH, Mr. BLILEY, Mr. WHEAT, Mr. CHAPPELL, Mr. HALL of Ohio, Ms. MIKULSKI, Mr. SCHEUER, Mr. BARTLETT, Mr. GEKAS, Mr. MARKEY, Mr. RATCHFORD, Mr. MCNULTY, Mr. WILSON, Mr. MURPHY, Mr. WHITTAKER, Mr. GUARINI, Mr. LELAND, Mr. RANGEL, and Mr. RAHALL.

H.J. Res. 373: Mr. ACKERMAN, Mr. ADDABBO, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANNUNZIO, Mr. ASPIN, Mr. BARNARD, Mr. BATEMAN, Mr. BATES, Mr. BEDELL, Mr. BEILENSON, Mr. BENNETT, Mr. BERMAN, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BOLAND, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BROOKS, Mr. FROST, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. CAMPBELL, Mr. CARNEY, Mr. CARR, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLAY, Mr. COATS, Mr. COELHO, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. CONTE, Mr. COOPER, Mr. CORRADA, Mr. COUGHLIN, Mr. COYNE, Mr. CRAIG, Mr. DANNEMEYER, Mr. DARDEN, Mr. DASCHLE, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DIXON, Mr. DREIER of California, Mr. DURBIN, Mr. EDGAR, Mr. EDWARDS of California, Mr. EMERSON, Mr. ENGLISH, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRANKLIN, Mr. FRENZEL, Mr. FUQUA, Mr. GAYDOS, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GORE, Mr. GRAMM, Mr. GRAY, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HARKIN, Mr. HATCHER, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HIGHTOWER, Mr. HORTON, Mr. HOWARD, Mr. HUCKABY, Mr. HUTTO, Mrs. JOHNSON, Mr. JONES of North Carolina, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LELAND, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. LUKEN, Mr. LUNGREN, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MILLER of Ohio, Mr. MILLER of California, Mr. MINETA, Mr. MONTGOMERY, Mr. MOODY, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NELSON of Florida, Ms. OAKAR, Mr. O'BRIEN, Mr. OLIN, Mr. ORTIZ, Mr. OTTINGER, Mr. OWENS, Mr. PACKARD, Mr. PASHAYAN, Mr. PATTERSON, Mr. PRICE, Mr. PRITCHARD, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mr. ROYBAL, Mr. RUSSO, Mrs. SCHNEIDER, Mr. SHAW, Mr. SHUMWAY, Mr. SIKORSKI, Mr. SKEEN, Mr. SKELTON, Mr.

SMITH of Iowa, Mr. ROBERT F. SMITH, Mr. STANGELAND, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. TALLON, Mr. TAUKE, Mr. THOMAS of California, Mr. TORRES, Mr. TOWNS, Mr. UDALL, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHEAT, Mr. WHITLEY, Mr. WHITTEN, Mr. WINN, Mr. WIRTH, Mr. WOLPE, Mr. WON PAT, Mr. YATES, Mr. YATRON, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 389: Mr. EDGAR and Mr. ROE.

H.J. Res. 404: Mr. HILLIS.

H.J. Res. 407: Mrs. MARTIN of Illinois, Mr. DANNEMEYER, Mr. LOWERY of California, and Mr. O'BRIEN.

H.J. Res. 416: Mr. BATEMAN.

H.J. Res. 423: Mr. LONG of Louisiana, Mr. ARCHER, Mr. TRAXLER, Mr. MRAZEK, Mr. FORSYTHE, Mr. YOUNG of Missouri, Mr. NIELSON of Utah, Mr. MCCAIN, Mr. AKAKA, Mr. DUNCAN, Mr. LAGOMARSINO, Mr. MARKEY, Mr. BIAGGI, Mr. MCGRATH, Mr. UDALL, Mr. DIXON, Mr. SUNIA, Mr. FORD of Tennessee, Mr. ACKERMAN, Mr. DAVIS, Mr. KOSTMAYER, Mr. STENHOLM, Mr. BORSKI, Mr. WYDEN, Mr. LEVINE of California, Mr. HOWARD, and Mr. SHUMWAY.

H.J. Res. 443: Mr. FOWLER, Ms. MIKULSKI, Mr. AKAKA, Mr. CORRADA, Mr. PANETTA, Mrs. BYRON, Mr. BONKER, Mr. LUKEN, Mr. FAUNTROY, and Mr. STOKES.

H.J. Res. 445: Mr. LUJAN, Mr. MINISH, Mr. PATTERSON, Mr. LEVINE of California, Mr. LATTA, Mr. RODINO, Mr. ORTIZ, Mr. CHAPPIE, Mr. TAUKE, Mr. LEACH of Iowa Mr. SNYDER, Mr. HOPKINS, Mr. COUGHLIN, Mr. PACKARD, Mr. CARPER, Mr. HAYES, Mr. LUNDINE, Mr. SPRATT, Mr. BORSKI, Mr. GUNDERSON, Mr. OWENS, Mr. PATMAN, Mr. MONTGOMERY, Mr. HILLIS, Mr. TORRICELLI, Mr. SCHUMER, Mr. DAVIS, and Mr. WHITTAKER.

H.J. Res. 451: Ms. SNOWE, Mr. MOAKLEY, Mr. HUTTO, Mr. WON PAT, Mr. HOYER, Mr. FORSYTHE, Mr. MARTIN of New York, Mr. O'BRIEN, Mr. THOMAS of California, Mrs. KENNELLY, Mr. DREIER of California, Mr. MORRISON of Connecticut, Mr. ARCHER, Mr. LEWIS of California, Mr. BEVILL, Mr. EVANS of Illinois, Mr. ADDABBO, Mr. LAGOMARSINO, Mr. CLAY, Mr. HARRISON, Mr. MAZZOLI, Mr. WINN, Mr. BATES, Mr. DWYER of New Jersey, Mr. LEWIS of Florida, Mr. MCCLOSKEY, Mr. UDALL, Mr. DIXON, Mr. ROE, Mr. WOLF, Mr. FRANK, Mr. BIAGGI, Mr. LUDINE, Mr. WYLIE, Mr. GRADISON, Mr. OWENS, Mr. FORD of Tennessee, Mr. SMITH of Florida, Mr. WEISS, Mr. PASHAYAN, Mr. BILIRAKIS, Mr. LELAND, Mr. KASICH, Mr. HAMMERSCHMIDT, Mr. PATMAN, Mr. NIELSON of Utah, Mr. HYDE, Mr. SOLARZ, Mr. DUNCAN, Mr. MCCAIN, Mr. FRENZEL, Mr. BONIOR of Michigan, Mr. ROBINSON, Mr. MADIGAN, Mr. SAWYER, Mr. GIBBONS, Mr. BERMAN, Mr. MCGRATH, Mr. FAZIO, Mr. SCHEUER, Mr. AKAKA, Mr. DYSON, Mr. RATCHFORD, Mr. BRITT, Mr. ACKERMAN, Mr. DERRICK, Mr. HORTON, Mr. KOSTMAYER, Mr. FISH, Mr. STENHOLM, Mr. BEDELL, Mr. SIMON, and Mr. WORTLEY.

H.J. Res. 458: Mr. ACKERMAN, Mr. LONG of Louisiana, Mr. DINGELL, Mr. KASICH, Mr. HAMILTON, Mr. HARRISON, Mr. CROCKETT, JR., Mr. MOAKLEY, Mr. BROYHILL, Mr. O'BRIEN, Mr. ROE, Mr. ENGLISH, Mr. KOSTMAYER, Mr. ORTIZ, Mr. FISH, JR., Mr. SISISKY, Mr. HOYER, Mr. WOLF, Mr. WYDEN, Mr. ADDABBO, Mrs. BOGGS, and Mr. WEAVER.

H.J. Res. 475: Mr. WHITLEY, Mrs. SCHNEIDER, and Mr. SHELBY.

H. Con. Res. 123: Mr. CROCKETT, Mr. VENTO, and Mrs. SCHNEIDER.

H. Con. Res. 216: Mr. DANIEL B. CRANE, and Mr. MCCANDLESS.

H. Res. 327: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. LLOYD, Mr. MCCURDY, Mrs. BOXER, and Mr. ZSCHAU.

H. Res. 337: Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. WYDEN, Mr. MITCHELL, Mrs. BURTON of California, Mr. MCCLOSKEY, Mr. KOLTER, Mr. MOLLOHAN, Mr. COYNE, Mr. TALLON, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. RATCHFORD, and Mr. HEFTEL of Hawaii.

H. Res. 372: Mr. DANIEL B. CRANE and Mr. MCCANDLESS.

H. Res. 377: Mr. CROCKETT.

H. Res. 433: Mr. HATCHER, Mr. ROWLAND, Mr. WILLIAMS of Montana, Mr. LONG of Louisiana, Mr. HARRISON, Mr. CROCKETT, Mr. TOWNS, Mr. PENNY, Mr. FAUNTROY, and Mr. BEDELL.

EXTENSIONS OF REMARKS

MEMBERS OF SMALL BUSINESS COMMITTEE APPEAL TO SAVE VITAL PROGRAM

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. BEDELL. Mr. Speaker, last week 38 members of the Small Business Committee took an unusual step by sending a letter to the Ways and Means Committee in an effort to save a vital small business program.

The Small Business Administration's pollution control loan program was set up to help small businesses obtain long-term reasonable rate financing for their Government-mandated pollution control expenditures. The SBA has used their authority under the program to guarantee tax-exempt bond issues that are used by small businesses to finance the cost of their pollution control equipment. Investors are offered Government-guaranteed, tax-free bonds, while small companies are able to obtain long-term, low-rate financing for these nonrevenue producing assets.

By all measures the program has been a success. It even generates revenue for the Federal Treasury from the management fees collected from the participating small businesses. The management fee is supposed to cover SBA's losses from the program, but the default rate has been so low that SBA's losses have been covered by the interest earned on the loan reserve pool. As of June 30, 1983, there was a balance of $38.5 million in the loan reserve pool—$23.7 million was income generated from fees and $5.6 million was the interest income.

The most important thing about this SBA program is that it allows small business the same benefits as big business. Of course, big business does not need Federal guarantees to issue tax-exempt pollution control bonds. By the end of the third quarter of 1983 alone, big business floated approximately $2.3 billion in tax-exempt pollution control bonds. By contrast, the SBA program was funded at $250 million.

Unfortunately, the IDB provision of H.R. 4170 contains language that would severely cripple this important small business program. While exemptions are carved out in the IDB provisions for other Federal programs, such as veterans' and student loans, this vital SBA program was inadvertently left out of the bill.

Mr. Speaker, we hope this action by the Small Business Committee will help bring this unfortunate oversight to the attention of the Ways and Means Committee, and we hope we can work together to save this program. I think we can all agree that it is not the intention of the Ways and Means Committee to strip away rights from small business and put them at a competitive disadvantage their big business counterparts.

At this point, I would like to include in the RECORD the letter that the 38 members of the Small Business Committee sent to the Ways and Means Committee, and an outline discusses the history and importance of the program.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESSS,
Washington, D.C., February 7, 1984.

Hon. DAN ROSTENKOWSKI,
Chairman, Ways and Means Committee.

DEAR MR. CHAIRMAN: As members of the Small Business Committee, we wish to make you aware of a program that is of great importance to the small business community. The Small Business Administration's pollution control loan program was designed to help small firms obtain long-term reasonable rate financing for Government-mandated pollution control expenditures.

By all measures, the program has been a success. It even generates revenues for the Federal Treasury from the management fees collected from the participating small businesses. The management fee is supposed to cover SBA's losses from the program, but the default rate has been so slow that SBA's losses have been covered by the interest earned on the loan reserve pool.

Most importantly, however, this SBA program allows small businesses to obtain pollution control financing on the same basis that big businesses obtain it. This is vital, since this type of expenditure is non-revenue producing, and generally not available from conventional sources.

Big businesses have sufficient credit to offer tax-exempt pollution control bonds to the public. Small firms do not. Because of this, together with the relatively small size of their issues, many small firms would not be able to obtain pollution control financing without the help of SBA's program.

Last year, the Small Business Committee reported H.R. 3020, which reauthorized the pollution control program in the SBA's fiscal year 1984 and fiscal year 1985 budget. H.R. 3020 also makes it clear that SBA cannot discriminate against small firms wishing to finance their pollution control expenditures on a tax-free basis as big businesses do.

Unfortunately, H.R. 4170, the revenue measure reported by the Ways and Means Committee last session, would have prevented this SBA program from fulfilling its mandate. By denying the use of Federal loan guarantees in conjunction with tax-exempt bonds, hundreds of small firms would be forced to finance their Government-mandated pollution control expenditures at a much higher cost than their big business competitors.

Although we share your concern about our nation's serious deficit problem, we are sure you will agree that it is not the kind of program you want your Committee to abolish. Thus, we strongly recommend that your Committee exempt this SBA program from any restrictions on the issuance of tax-exempt bonds.

Sincerely,

Parren J. Mitchell, Berkley Bedell, Neal Smith, Joseph P. Addabbo, Henry B. Gonzalez, John J. LaFalce, Joseph M. McDade, Silvio O. Conte, William S. Broomfield, Lyle Williams, Win Weber, Henry J. Nowak, Andy Ireland, Nicholas Mavroules, Ike Skelton, Dennis E. Eckart, Thomas A. Luken, Gus Savage, Ron Wyden, Buddy Roemer, Norman Sisisky, Dan Schaefer, David Dreier, Guy V. Molinari, Christopher H. Smith, Michael Bilirakis, Gene Chappie, Sherwood L. Boehlert, Hal Daub, Toby Roth, Estaban Edward Torres, Tom J. Vandergriff, Robin C. Britt, Charles Hatcher, Charles A. Hayes, Richard Ray, Charles W. Stenholm, and James R. Olin.

FACTS ABOUT THE SBA'S POLLUTION CONTROL LOAN PROGRAM

PURPOSE OF THE PROGRAM

The Small Business Administration's pollution control loan program was established to help small businesses obtain long-term, reasonable rate financing for government-mandated pollution control expenditures. The SBA was given the authority to guarantee tax-exempt bond issues that small businesses used to finance pollution control expenditures. No substitute for the SBA program exists.

THE PROGRAM WORKS

This program, when it has been able to function as Congress intended it to function, met the objective of helping small business finance the costs of complying with environmental protection laws.

The program earns the government money because of the fees collected from small business participants. Almost $24 million in fees and over $5.5. million in interest on those fees has accrued to date. The default rate is so low that the interest earned on the fees is sufficient to cover program losses.

BIG BUSINESS HAS AN ADVANTAGE OVER SMALL BUSINESS, SMALL BUSINESS NEEDS THIS PROGRAM FOR EQUALITY

The program was designed to give small businesses the same opportunity that big businesses have to finance government-mandated pollution control abatement facilities.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

31-059 O-87-45 (Pt. 2)

Big businesses do not need the guarantee or small issue pooling authority because of their access to the capital markets and the size of their bond issue tax-exempt pollution control bonds.

Big businesses issued $513 million in tax-exempt pollution control bonds in the first quarter of 1983. That is twice the amount Congress authorized for all small businesses in fiscal year 1983.

RECENT ACTION ON THE SMALL BUSINESS POLLUTION CONTROL PROGRAM

The Administration has sought for two years to deny small businesses the same benefits that big businesses have in pollution control financing. First, the Treasury issued Revenue Ruling 81-216 to deny small businesses the ability to pool their pollution control bond issues and receive tax-exempt status. The FY83 continuing resolution helped to overcome that obstacle.

Next, the Administration tried to cut the loan guarantee authority in SBA's pollution control program. But the House and Senate Small Business Committees restored those funds, as well as extra authority to meet the pent-up demand in the small business community for the program.

Finally, on January 1, 1982, the OMB denied the SBA the authority to guarantee any tax-exempt financing. (Tax-exempt financing is necessary for small business because of savings on interest and the longer periods that development bonds allow versus commercial loans. Big businesses use tax-exempt bonds to finance their pollution control expenditures.)

Since this OMB-imposed ban on SBA guaranteed, tax-exempt pollution control financing, SBA concluded only one deal for taxable financing. Before the OMB order, SBA had 98 applications for tax-exempt financing. Those 98 applications have since been rejected by the SBA.

SBA has not used one single dollar of their authority to help small businesses get tax-exempt pollution control financing in over 20 months.

In February legislation was introduced (H.R. 6189) which seeks to deny SBA authority to discriminate against small businesses that want to use SBA guarantees in connection with tax-exempt bonds. Immediately following this, the Administration proposed a deferral of the operating expenses for SBA's pollution control loan guarantee program. House Resolution 76 was passed unanimously on March 3 to disapprove this deferral.

The House Small Business Committee proposed $500 million for fiscal year 1984 in their June 1983 proposed authorization levels. The Senate Small Business Committee recommended $250 million for fiscal year 1984 in their (October 7) authorization bill.

IMPLICATIONS OF WAYS AND MEANS COMMITTEE BILL

IDB caps for pollution control financing and denial of tax-exemption of bond status if a Federal guarantee is provided would be disasterous for the SBA pollution control program. IDB caps for pollution control financing would prohibit local and regional agencies from fulfilling their statutory responsibilities to meet specific community preferences. Without the tax-exempt status for federally-guaranteed bonds, small businesses would be unable to acquire the necessary capital to install the pollution abatement facilities mandated by Federal, state and local laws. Small businesses would not have the same advantages that big businesses presently have in pollution control financing.●

CONGRESSIONAL TRIBUTE TO EVELYNNE MARIE MEADE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. ANDERSON. Mr. Speaker, on February 29, 1984, the faculty club of the University of California at Davis, will be honoring Evelynne Marie Meade on her retirement after her many years of service to the university. This occasion also has special meaning to me because Evelynne served as my executive secretary while I was Lieutenant Governor of California.

Evelynne lives in Sacramento with her husband Elmer. They have had four sons: Rick, Gary, Randy, and Jim.

Mrs. Meade was born in Sacramento, Calif., and attended Sacramento High School, Sacramento City College, and the University of California at Berkeley. In December 1941, she began what will be on March 1, 1984, 35 years and 2 months of California State and university service. Evelynne began as an intermediate typist clerk and worked for the California State department of employment, department of social welfare, and the department of natural resources. She then moved on to become stenographer/clerk for the department of public works, for the chief of fairs and expositions and was senior stenographer/clerk in the audits division of the department of finance.

It was in January 1959, that Evelynne came to work for me as senior stenographer/clerk and later served as secretary and executive secretary. She became the first female executive secretary to serve a constitutional officer in the history of California. During my years as Lieutenant Governor, I found her to be a dedicated and trusted public servant who met every challenge head on. Evelynne was not only a very efficient and effective executive secretary, but my wife Lee and I counted her and her husband Elmer as our close personal friends.

After leaving my office, Evelynne came to the University of California at Davis. Since November 1967, she has been the executive assistant to Chancellor Emeritus Emil M. Mrak. It is easy to say that her presence will be deeply missed.

My wife, Lee, joins me in congratulating Evelynne for her many years of service to the people of California. I would like to wish her and her husband, Elmer, along with their four sons and six grandchildren: Michael, Kip, Thomas, Melissa, Misha, and Heidi, an enriching, happy, and prosperous future.●

THE "OTHER" REFUGEES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, in recent months we have all heard a great deal about the plight of the civilians of El Salvador. Many of them have been forced to flee their homeland because of the civil war that has raged there for several years now. This is indeed a tragic situation, and one that should not be ignored.

It seems strange to me, however, that little or nothing is said about the refugees of another country in that same region: Nicaragua. For the most part, the U.S. media has ignored the situation that has prevailed there since the Sandinistas seized power in 1979. Seldom do we hear about the nearly 250,000 Nicaraguans who have fled their homeland since that year, but the question must be asked: Why have they fled? Do prosperous, free and content people leave their native land for no reason? The answer is painfully obvious; the Nicaraguan people have responded with their feet to the oppressive and totalitarian rule imposed upon them. Rather than endure the injustice and the tyranny of the Marxist-Leninist regime which the Sandinistas have sought to create, many brave Nicaraguans have taken their chances in other, freer nations.

The time has come to recognize Central America's "other" refugees. I recommend the following article that recently appeared in the Washington Times as an excellent and enlightening account of their plight. It details some of the abuses and atrocities committed by the Sandinistas against their own people.

[From the Washington Times, Jan. 26, 1984]

REFUGEES FLEE NICARAGUA, TELL OF SANDINISTA ATROCITIES

(By Jay Mallin Sr.)

A growing number of refugees are fleeing Sandinista-run Nicaragua, according to reports reaching the U.S. State Department, and some of these refugees are relating accounts of atrocities committed by the Sandinistas in rural areas.

The Nicaraguan exodus is approaching, comparatively, the size of the exodus from communist Cuba over the past years. To date some 80,000 Nicaraguans have fled their homeland to neighboring Costa Rica and Honduras. The population of Nicaragua is 3 million.

A number of Nicaraguans at a refugee camp near the town of Tilaran in Costa Rica recently were interviewed by U.S. refugee officials. The Washington Times has obtained transcripts of the interviews, in which the refugees reported witnessing killings, beatings and rapes and told of being subjected to a torrent of verbal abuses and degradations at the hands of the Sandinistas.

Most of the refugees fleeing Nicaragua have crossed the border into Costa Rica on Nicaragua's southern border. There are now approximately 50,000 Nicaraguans in Costa Rica. Only about 2,400 are in refugee camps; the remainder are undocumented.

Honduras, to the north, has received about 28,000 Nicaraguans. More than half of these have been Miskito Indians from the northeastern portion of the country. Some 1,000 Indians from the town of Francia Sirpi trekked into Honduras last December, protected by 250 warriors and accompanied by Catholic Bishop Salvador Schlaefer.

Mistreatment of citizens by the Sandinista regime has not been limited to the rural areas near Costa Rica. The Miskito Indians have been a particular target. In a speech delivered a few days ago at the Foreign Service Institute, Deputy Assistant Secretary of Defense for Inter-American Affairs Nestor D. Sanchez stated:

"The Nicaraguan National Directorate seems to be following the Cuban example with zeal. It relentlessly attacks persons and organizations such as the Catholic Church or the Indian communities of the east coast it fears might challenge its power."

Following are excerpts from the transcripts of interviews with the Tilaran refugees. The full names of the interviewees are withheld for their protection:

Gabriel: "In San Miguelito a woman, mother of two children, who attended Catholic Masses, was taken from her house at midnight. They shaved her hair and cut her. All the soldiers raped her and then they cut her throat. Everyone who attends Mass is persecuted."

Emilia: "When they arrived at my house they made zanganadas (rude remarks). They robbed everything, hit people, tortured. The children 12 to 15 years old were taken away, forced to join them. Those that refused had their hands destroyed one by one so that they would tell where their parents were. Then they cut their throats; they don't waste bullets on children."

Fidelina: "They put my brother in his house and killed him in his own house. They left him buried in the patio of the house."

Margarito: "They made my son and my son-in-law dig holes. Later they seized one of my sons, tied him up, knocked him down. They beat him, killing him. They cut my son-in-law's throat."

Rofina: "They killed my two sons and cut off their fingers and toes. Then they pulled their bodies behind a horse."

Cecilio: "Some men arrived at my house, saying they were contras (rebels) and asking me to tell them where the camps were. I told them I didn't know anything and then they accused me of being a piricuaco (peasant slang for Sandinistas meaning rabid dog) and said they would take me away. Once we were far from my house they said they were not contras but were from State Security.

"Almost 40 of the 200 men that came to my house remained with me. They took me to a deep ditch. They began to torture me. They tied my hands behind me, leaving bruises. They hit me. The blows were with the weapons they carried, AKs. They blindfolded me, they covered my mouth. They got on top of me. They wanted to know if I had any contact (with the rebels).

"They took my money and my clothes, leaving me completely naked. Because I am a tailor I had a measuring tape. They tightened it around my neck until I was almost without oxygen. They hit my spine. The torture was for almost an hour, and they warned me that if they found me in my house the next day, they would kill me, and that is why I came here.

"Anyone who makes an accusation (against the Sandinistas) is tortured and disappears together with his family. I am frightened because of this information I am giving."●

TRIBUTE TO NAT KRUMBEIN

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. SISISKY. Mr. Speaker, I would like to share with you and our colleagues the achievements of one of the Commonwealth of Virginia's remarkable citizens.

The Order of the Lion Award is Alpha Epsilon PI's premier award. It was established by AEPI's national council resolution in 1947, and can only be awarded by the national council.

The criteria for the award requires service on either the supreme board of governors or the fiscal control board; and this service should extend over a span of many years and exhibit achievement above and beyond the call of duty. It is awarded only when there is a suitable candidate available. There have been only 30 recipients of this award since 1948.

Nat Krumbein will be receiving this award on Saturday, March 10, 1984, in Richmond, Va.

He was first elected to the national board in 1963, at the 50th anniversary convention held in New York. He rose through the ranks and in August 1971, at Lake Geneva, Wis., was elected national president. He has served on the fiscal control board for 4 years and has served as a director of the Alpha Epsilon PI Foundation since 1963. He currently serves as vice chairman of the foundation.

Mr. Krumbein has established and is funding a scholarship through the foundation for undergraduate students.

Nat has been the founder of many chapters of this fraternity at many different universities. In addition, Nat has helped get hundreds of students into college who would not have otherwise received a college education. His commitment to the youth of our Commonwealth has been and is admirable and it is only fitting that he is receiving this prestigious award.●

WHAT KIND OF INDUSTRIAL POLICY FOR AMERICA AND THE AUTO INDUSTRY?

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FLORIO. Mr. Speaker, on February 8, I chaired a hearing of the Subcommittee on Commerce, Transportation, and Tourism regarding the future of the auto industry in light of the Federal Trade Commission's tentative approval of a proposed joint venture between General Motors and Toyota.

One of the issues addressed in this hearing was whether we can any longer afford the haphazard approach we have taken to the future of the auto industry. In a recent article in Fortune, which I am here inserting in the RECORD, former White House adviser Stuart Eizenstat argues that our current makeshift approach to industrial policy often results in self-defeating and contradictory policies.

Whether a decision like the FTC decision on the joint venture, with the far-reaching consequences some observers suggest it could have, is a satisfactory way of making industrial policy is an important question which we should continue to explore.

[From Fortune, Jan. 23, 1984]

INDUSTRIAL POLICY: NOT IF, BUT HOW

(By Stuart E. Eizenstat)

Every President since George Washington has practiced microeconomics in a piecemeal, uncoordinated way.

If industrial policy were all the things its critics writing in Fortune have made it out to be—a guise for protectionism, centralized planning, and increased government intervention—I would be opposed too. But it need not be any of these things. A well-considered industrial policy would be only the more effective organization of what every President since George Washington has been doing in a piecemeal, uncoordinated way when he makes decisions affecting individual sectors of the economy.

Industrial policy is as old as the Republic. The encouragement of exports, relief from import competition, construction of highways and waterways, development of railroads and airlines, subsidized water for the West, price supports for farmers, the space program, environmental regulations, tax incentives for business investment and home ownership, stockpiling of strategic metals—all these involve industrial policy decisions that directly affect particular sectors of the economy.

From my White House experience it is clear that Presidents, whether Democratic or Republican, liberals, moderates, or conservatives, will continue to make industrial policy decisions affecting particular industries as surely as day follows night. Our political system and economic necessity ensure that Presidents are continually bombarded by requests for special relief from individual companies and entire industries. Whether it is Lockheed and Conrail with President Nixon, Chrysler and synthetic fuels with

President Carter, or quotas on Japanese cars, Chinese textiles, and European steel with President Reagan, microeconomic decisions are inevitable. They are part of a political process by which Presidents seek to satisfy influential economic interests in order to govern effectively and to secure reelection. We are not confronted with a simple choice between less or more government intervention. The choice is between frequent ad hoc interventions and more coordinated policy.

Decisions are now made without any effort at coordination and synthesis. Every significant regulatory decision by a federal agency has an impact on the industry regulated, but in my experience agencies promulgate regulations only in the context of their narrow mandates. This was the case, for example, with the Carter Administration's cotton-dust regulations, which required extensive engineering changes in manufacturing plants. The regulators did not consider the effect on the competitiveness of the U.S. textile industry.

The result of the lack of coordination is a crazy quilt—a makeshift industrial policy of often contradictory individual decisions. The effective tax rates on corporations show perverse disparities, depending on what industry they are in. The federal government supports almost half the R&D undertaken in the U.S. but, again, with no coordinated result. More than $100 billion a year in federally subsidized loans and loan guarantees is dispersed to industries with no consideration of the impact that other governmental decisions—import relief, procurement, tax incentives, R&D—have on those same industries. Each decision is subject to the pressures of the moment. We give import relief to the auto industry, and at the same time we impose on it expensive regulatory burdens and relatively high tax rates, while providing little federal R&D help.

Consider the trade area. While I was at the White House, every supplication for trade relief came across my desk before arriving at the President's. I met frequently with representatives of industries as disparate as shoes and steel, textiles and automobiles. President Carter was a firm and vigorous free trader, yet statutory, economic, and political considerations that operate in every Administration led to temporary import relief for CB radios, high-carbon ferrochrome, industrial fasteners, color TV sets, footwear, and textile goods. In our Administration as in its predecessors, relief was rarely conditioned on an industry commitment to shape up so as to avoid the need for more relief later.

Nowhere was this more evident than with the Carter Administration's efforts to assist the ailing steel industry—another excursion into "industrial policy." In 1980 the Commerce Department, in close cooperation with management and unions in the industry, sent to the White House a program to reinstate the trigger price mechanism for import relief and to provide favorable tax write-offs and a stretchout of antipollution deadlines. It was a fait accompli by the time I saw it. The industry was pleased, but the public got little from the package. Management made no firm commitments to rationalize capacity and modernize plants, and labor gave no concessions on wages or work rules. Meeting with the C.E.O. of the major steel companies in the Roosevelt Room of the White House, I was able to obtain only a vague last minute promise to reinvest the additional cash flow attributable to the relief program in modernization of plant and equipment. This was too little and too late, as shown by U.S. Steel's subsequent purchase of Marathon Oil Co. Because no effective mircoeconomic process was in place, the steel rescue amounted to an open-ended handout.

It is time to stop handing out relief without achieving anything for the public good. An industrial policy can help obtain broader public benefit from the inevitable special relief that Presidents will grant.

The Chrysler aid package, which I worked on with Secretaries of the Treasury Michael Blumenthal and William Miller, did entail trade-offs. There the government was faced with the bankruptcy of a major U.S. company, an increase in concentration and loss of competition in the auto industry, and a large additional drain on the unemployment insurance and welfare systems. The aid package put together with Congress required major sacrifices by management, creditors, and labor. It led to a new management team, a revamped fleet of cars, and significant wage concessions. Chrysler, and tens of thousands of jobs, were saved—and the federal government made money on the deal!

Many economists of various ideological stripes oppose industrial policy as an evasion of sound macroeconomic policy. Again, it need not be. A well-managed fiscal and monetary policy is central to economic and industrial health. At this time our prime target must be a reduction in the budget deficit and lower interest rates to promote sustained economic growth. But there is still a supplemental need for a more coherent set of micro-policies than those now employed by Presidents.

I see "industrial policy" as something that moves with and does not try to oppose basic market forces; that discourages protectionist relief without clear industry-led plans to deal with fundamental problems; and that eases the adjustments required by rapid industrial change. None of the following components of such a policy should provoke hysteria:

Government-assisted job-training efforts through the private sector for workers displaced by industrial change. The U.S. should move from welfare-liked extended unemployment payments to an integrated employment and training system.

Expanded and better-directed government R&D efforts to assist new industries that have major export opportunities and older industries that have the possibility of modernizing to remain competitive.

A small coordinating unit within the White House domestic affairs office I headed in the Carter years. It would apprise the President and Congress of the effects that federal actions in areas of trade, taxes, procurement, loans, and the like have on the competitive position of industries, and it would help the President coordinate these actions. The unit should be backed up by the Commerce Department's industry analysis section.

A tripartite labor, management, government board to serve as a mechanism for dialogue—not as a planning group. Its central mission should be to help find ways to increase management efficiency, worker productivity, and wage moderation, all without the club of recession. It could help achieve trade-offs between government, labor, and management. I well recall something that Lane Kirkland of the AFL-CIO told us at the White House during our days of double-digit inflation and high interest rates: if we got him 5% interest rates from the Fed, he would help get us 5% wage demands from the unions. The pay and price committees we established late in the Carter Administration began to provide a forum for dialogue, but the requirement that they act in the open according to the "sunshine laws" impaired their effectiveness. So did the poor overall economic environment—a clear indication that no industrial policy can succeed without positive fiscal and monetary policies.

Some proponents of industrial policy have urged the establishment of a federal financing institution modeled on the old Reconstruction Finance Corporation. This idea should be approached with great caution. A Treasury study done during our Administration noted many positive accomplishments by the RFC. It provided needed investment funds during a time of collapse in private capital markets, and it helped in the transition from a peacetime to a wartime economy by financing defense plants. But the RFC became politicized over the years, and what role a revived RFC would have in today's economy remains ill defined.

Industrial policy along the lines I have indicated would not be a panacea, of course, even with a much longer list of components. But together with sound budget, tax, and monetary policies, such an approach could help America finish the balance of the 20th Century in a healthier, stronger, more competitive position than it otherwise would. The question is not whether to have an industrial policy, but whether to have it with or without coordination.●

THE 10TH ANNIVERSARY OF LENOX HILL HOSPITAL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GREEN. Mr. Speaker, I rise to recognize and congratulate the Lenox Hill Hospital, which will be commemorating the 10th anniversary of its health education center on March 5.

This storefront facility was the first of its kind in New York City, offering free health education and information to more than 200,000 New Yorkers. Since that time, the health education center has established itself as a national leader in preventative medicine through such programs as free health education and screening, literature, exhibits, lectures, audiovisual programs, counseling, and the tel-med telephone service, which features free tape recorded messages answering tens of thousands of health-related questions annually.

On the occasion of its 10th anniversary, I ask my colleagues to join me in recognizing the outstanding contributions that the Lenox Hill Hospital Health Education Center has made to the health and welfare of the New York community. I encourage this center to continue expanding its diverse community programs as a model for other health facilities in the Nation.●

FOURTH QUARTER FINANCIAL REPORT OF CONGRESSIONAL STEEL CAUCUS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mrs. MARTIN of Illinois. Mr. Speaker, in accordance with Executive Committee Order No. 1, I am respectfully submitting herewith the financial report of the Congressional Steel Caucus for the fourth quarter of 1983, for insertion into the RECORD. The report is as follows:

Quarterly Report: Fund Balance Statement, 1983, U.S. House of Representatives, Congressional Steel Caucus

Balance remaining (as of September 30, 1983)	$4,879.19
Total revenues (clerk hire, dues, donations)	15,105.05
Total	19,984.24
Less expenses:	
October 1983	5,862.82
September 1983	6,339.98
December 1983	4,280.59
Total	16,483.39
Total unexpended revenues (as of December 31, 1983)	3,500.85

Quarterly Report: Cumulative Statement of Expenses, U.S. House of Representatives, Congressional Steel Caucus

Salaries	$55,241.79
Travel	0
Stationary	718.74
Postage	211.31
Telephone	1,126.37
Publications	527.35
Equipment	5,586.45
Printing	1,643.50
Miscellaneous	12,152.18
Total expenses (as of December 31, 1983)	77,207.69

98TH CONGRESS—MEMBERS OF THE CONGRESSIONAL STEEL CAUCUS

(Members who have paid dues as of December 31, 1983)

Sonny Montgomery, Bill Nichols, George O'Brien, Bill Coyne, Bill Clinger, Cardiss Collins, Ron Wyden, Bud Hillis, Donald Pease, Jim Oberstar, Gus Savage, Nick Joe Rahall, Ray Kogovsek, Bob McEwen, Sam B. Hall, Robert Walker, Clement Zablocki, John Murtha, Richard Shelby, Ralph Regula, and Mark Siljander.

Tom Bevill, Tom Kindness, Stan Lundine, Henry Nowak, Robert Roe, Alan Mollohan, Mary Rose Oakar, George Gekas, Peter Kostmayer, Robert Borski, Howard Nielson, Frank Guarini, Robert Davis, Joeseph Kolter, Chris Smith, Jamie Whitten, Charles Wilson, William Goodling, Jack Edwards, and Doug Barnard.

Joseph Gaydos, Doug Walgren, Bruce Vento, Lawrence Coughlin, Barbara A. Mikulski, Joseph Addabbo, Joseph McDade, Richard Schulze, Austin Murphy, Jack Fields, Doug Applegate, George Miller, Marty Russo, Don Ritter, John Dingell, Dennis Eckart, James Martin, E. Thomas Coleman, Clarence Miller, Gene Taylor, and Bud Shuster.

William Ford, Tom Luken, Bob Edgar, Katie Hall, Louis Stokes, Gus Yatron, Harley O. Staggers, Clarence Long, Ben Erdreich, Lyle Williams, George Brown, Thomas Ridge, Mel Price, Lynn Martin, Bill Young, Thomas Carper, Bernard Dwyer, Bill Emerson, William Lipinski, and Marcy Kaptur.●

LOST INTEREST UNDER BANKRUPTCY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. DUNCAN. Mr. Speaker, because of a quirk in the tax-accounting rules, many depositors of bankrupt financial institutions are required to pay income tax on interest that they have not received and may never receive—merely because the interest was credited to their accounts prior to the filing of the bankruptcy petition. This interest is often in limbo. In cases where it may never be paid, it should be taxed only if and when it is actually received by the depositors.

Taxing it when received not only would provide a more accurate measure of each year's income, it would delay the tax until the year in which the depositors receive the funds on which the tax is imposed. In fact, until that latter year, many of the recipients may not even have money to pay the tax.

This quirk in the current tax law is something that, I believe, Congress never intended. It arises because of the interplay between the tax-accounting rules in Internal Revenue Code section 451 and a doctrine known as the constructive-receipt doctrine.

Under the constructive-receipt doctrine, a depositor reporting taxable income on a cash receipts and disbursements method of accounting—the method used by most individuals—includes interest in income during the year it is credited to the account and first available for withdrawal. Thus, if a bank credits interest to an account and the interest is available for withdrawal by the depositor until the next day, when the bank files a bankruptcy petition, the interest must be included in the depositors' income that year—even though it is no longer available for withdrawal and even though it may never be paid.

This lost interest, although included currently in income, cannot be deducted until the first taxable year during which there is no longer any chance that it will be paid. Due to the unique complexity of the claims arising in a bankruptcy, particularly with the failure of an uninsured bank, the lost interest may not be allowed as a deduction until some time in the distant future.

If the lost interest were not included in income in the first place, no deduction would be necessary and, in fact, no future deduction would be allowed under current law.

Therefore, the bill I am introducing today would modify the tax-accounting rules under Internal Revenue Code section 451 to eliminate the unnecessary harsh treatment of depositors of an insolvent financial institution by providing a more reasonable accounting of their interest income. Interest that is otherwise includable in their current taxable income under present law, but that they have not received, would not have to be included in their taxable income until the year it is received.●

TRADE ACT OF 1974

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. SCHULZE. Mr. Speaker, today I am introducing legislation which would expand on a provision of the Trade Act of 1974 known as the Jackson-Vanik amendment. That amendment was added to promote freedom of emigration in nonmarket economy or Communist countries, and the law states that most-favored-nation (MFN) trade benefits and low-interest credits will not be available to such countries if they deny their citizens the opportunity to emigrate, or if they impose more than a nominal tax on those who desire to emigrate.

The purpose of this provision of our law was to promote fundamental human rights in those countries. Yet I and many of my colleagues have found over the years that these few restrictions are not sufficient to adequately cover the types of harassment and deprivation suffered routinely by citizens in Communist countries who express the desire to emigrate.

We in the Congress are confronted with these issues each year when we vote on whether to permit the administration to waive the provisions of Jackson-Vanik in order to give Communist Romania the benefit of receiving favorable MFN status. It is on these yearly occasions when it becomes most clear the types of Government-encouraged hardship suffered by would-be emigrants in many nonmarket economy countries.

As an example, during last year's discussion of practices in Romania, the U.S. Helsinki Watch Committee stated that "Romania's internal policies have deteriorated to the point where Romania is now one of the worst human rights offenders in Eastern Europe." The Commission on Security and Cooperation in Europe reported last year that emigration statistics alone do not give an accurate picture of emigration, and that behind almost each of the emigration figures "were months and

often years of harassment and procedural and economic obstacles."

A further example was found last year in the semiannual report by President Reagan to the Commission on Implementing the Helsinki Final Act by Romania, covering the 6-month period between December 1, 1982 and May 31, 1983. That report discussed extensive harassment and stated that:

Repressive policies on human rights matters makes its position more compatible with those of the Sovient Union and some other Eastern European countries.

A report by the Senate Foreign Relation Committee of last year cities specific types of harassment of those desiring to emigrate, stating that:

It has been reported that often . . . individuals desiring to emigrate are harassed at their workplace or fired from their jobs and that their children and spouses are also harassed.

Mr. Speaker, these and other similar observations by creditable organizations such as these are most disturbing, and reflect what I and many of my colleagues have heard from these and other sources. In fact, there are numerous specific forms of harassment which have been listed by various sources and which have come to the attention of me and a number of my colleagues. The legislation I am introducing today expands the provisions of Jackson-Vanik to include actions which we know take place and which we believe are not only condoned by the Government involved, but most often instigated by the Government.

My legislation is offered in the hopes that its passage will discourage these types of human rights violation and in the hope it might help relieve a little of the suffering currently inflicted on would-be emigrants in Communist countries. In the words of the U.S. Helsinki Watch Committee:

The spirit of the (Jackson-Vanik) amendment has been interpreted to include the human rights situation as a whole.

The legislation adds the following regarding Communist countries seeking MFN benefits and credits, to include a country that:

(4) Discriminates, or permits, encourages or condones discrimination because of religious beliefs;

(5) Permits, encourages, or condones harassment of would-be emigrates and their families in all forms, including but not limited to the following: (a) Eviction from dwelling place; (b) arbitrary detention, arrest, or imprisonment, including subjection to charges of economic crimes such as parasitism and theft; (c) confiscation of ration cards; (d) confiscation of identification cards; (e) harassment in school or on the job; (f) deprivation of place in school; (g) dismissal from job, demotion from job, relocation/transfer of employment; (h) confiscation of household goods; and (i) incarceration in psychiatric hospitals.●

SUPPORT GROWS FOR CIGARETTE EXCISE TAX INCREASE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. OBERSTAR. Mr. Speaker, in 1982, during consideration of the Tax Equity and Fiscal Responsibility Act of 1982, Congress came very close to enacting a permanent increase in the cigarette excise tax to 16 cents. Regrettably, the increase was made temporary, only through 1985.

In October, I introduced H.R. 4125 which would raise the excise tax permanently to 28 cents per package. The 28-cent figure represents the amount of tax which Congress would have imposed in TEFRA, had it simply indexed the excise tax to inflation during the period 1951 through 1981. In 1951, Congress imposed an 8-cent tax and did not increase it for 31 years.

H.R. 4125 now has 14 cosponsors. In addition, in December, the Advisory Council on Social Security recommended an increase in the Federal excise tax on cigarettes.

I ask that a report of the Coalition on Smoking OR Health on the action by the Advisory Council be made part of the record at this point.

I urge Members who have not yet joined in supporting H.R. 4125 to do so now. This legislation will make a significant contribution to deficit reduction.

ADVISORY COUNCIL ON SOCIAL SECURITY RECOMMENDS AN INCREASE IN THE FEDERAL CIGARETTE EXCISE TAX

In early December the Advisory Council on Social Security concluded its deliberations and recommended that federal excise taxes on cigarettes be increased with the additional revenue to be earmarked to the Federal Hospital Insurance Trust Fund. The Advisory Council on Social Security was appointed in September 1982 to recommend solutions to the financial crisis facing the Federal Hospital Insurance Trust Fund and Medicare program. Over the past 15 months the Advisory Council has held extensive hearings and considered a wide variety of options for reducing the expected deficit in the Medicare program.

From the beginning the Coalition urged the Advisory Council to recommend an increase in the cigarette excise tax to reduce the Medicare deficit. Under intensive pressure from the tobacco lobby, the Advisory Council in August 1983 originally voted not to recommend an increase in the federal cigarette excise tax. However, after fully considering all of the evidence about the relationship between smoking and health and the health care costs directly attributable to smoking, the Advisory Council voted to reverse its position in September 1983 and to recommend an increase in the cigarette and alcohol excise taxes as the only tax increases to be included in its Report. Critical to the Advisory Council's decision was a finding by its that there is a direct demonstrated correlation between the use of cigarettes and increased federal health care costs. The Council also concluded that an increase in the cigarette excise tax represents "the most fair and equitable" of the revenue enhancement alternatives considered.

The recommendations of the Advisory Council have been forwarded to Department of Health and Human Services Secretary Margaret Heckler for her review and approval. They will then be forwarded to Congress for consideration. What action Congress will take during an election year is difficult to predict but given the mounting federal deficit and the financial crisis facing the Medicare system, Congress is under increasing pressure to act.●

A TRIBUTE TO WILLIAM BEHMOIRAM

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GREEN. Mr. Speaker, I would like to take this time to congratulate six distinguished citizens, who will be honored at the 72d anniversary banquet of the National Council of Young Israel. Young Israel with its branches in the United States, Canada, and Israel is an organization which has dedicated itself through its various programs and activities to providing both religious and nonsectarian benefits to the citizens and individual communities of our Nation. It has stood up for the principles that make America great. It has encouraged people to become active in community affairs and the free political process, while remaining true to the ancient Torah heritage of the Jewish people.

Such a record of service however, is only possible through the unselfish commitment of various individuals in a community. The people to be honored at Young Israel's banquet are model examples of such individuals.

William Behmoiram, who is a prominent leader of the Jericho, Long Island Jewish community and president of the Forest Green Park Cemetery, will receive the Young Israel "Humanitarian Award" for demonstrating continued concern for the welfare and dignity of his fellow man.

Jack Gold, a leader of Young Israel branches in Crown Heights and Belle Harbor, will receive the "Community Service Award." Mr. Gold has dedicated his life to the selfless service of his community.

Mr. and Mrs. Ruby and Judy Gruenbaum, prominent leaders of the Forest Hills Young Israel community will receive the "Golden Shofar Award." Both have been key figures in the National Young Israel movement; Mr. Gruenbaum as vice president of the national council and Mrs. Gruenbaum in her enthusiastic activity as a member of the presidium of Young Israels Womens League.

The spiritual leader of the Young Israel of Hillcrest, and one of the leading figures of the American orthodox rabbinate, Rabbi Simcha Krauss, will receive the "Silver Shofar Award" for his record of accomplishment as one of Americas leading pulpit rabbis.

William Tate, who is the vice president of district 65 United Auto Workers of America and chairman of the board of the Bedford Stuyvesant Restoration Corp. will receive Young Israels "Man of the Year Award." Mr. Tate has received many citations for his tireless efforts on behalf of noble causes and has long been active in the struggle for human rights and freedom.

I would like to recognize and bring to the attention of my colleagues that all the aforementioned individuals have devoted much of their time, effort and care for the betterment of their communities and to the furtherance of the principles of Young Israel and our country.

I would also like my colleagues to recognize the following citizens for their devotion and service to the National Council of Young Israel. As I have previously mentioned the Young Israel is an organization whose valuable programs benefit all. At Young Israels 72d anniversary banquet in New York City these distinguished people will be presented with citations of honor in recognition of their devoted service. The following people in alphabetical order will receive Young Israels prestigious Shofar Award:

Mr. and Mrs. Norman and Zena Dachs of the Young Israel of Woodmere, N.Y.

Rabbi and Mrs. Heshy Gissinger, of the Young Israel of Bedford Bay, N.Y.

Mr. and Mrs. Harry Goldfarb of the Young Israel of Flatbush, N.Y.

Mr. and Mrs. Carl Goldstein of the Young Israel of Pelham Parkway, N.Y.

Mr. and Mrs. Louis Horowitz of the Young Israel of Oak Woods, Mo.

Mr. Joe King of the Young Israel of Williamsburg, N.Y.

Mr. and Mrs. Sidney Mochan, president of Young Israel of Avenue K, Brooklyn, N.Y.

Mr. and Mrs. Howard Turner of the Young Israel of Oceanside, N.Y.

Mr. and Mrs. Herbert Weiss, president of Young Israel of Greater Miami, Fla.

Mr. and Mrs. Joseph Zoldan, national commander, Jewish War Veterans of U.S.A. of the young Israel of Canton, Ohio.

At their banquet the National Council of Young Israel will also have a special memorial to the late New York State Senator Jeremiah Bloom, of the 19th senatorial district. He will be remembered for his distinctive responsibility and leadership regarding many noble causes.

All of the above-mentioned distinguished persons being honored by the National Council of Young Israel are deserving of national attention and recognition for their great efforts on behalf of their communities.●

MATTHEW PATRICK LYNCH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. BERMAN. Mr. Speaker, Matthew Patrick Lynch of Sherman Oaks, Calif., will be honored on February 24, 1984, on the occasion of the completion of his term of office as president of the Sherman Oaks Chamber of Commerce.

Mr. Lynch has involved himself in his community in many ways and through many organizations. He has served as an officer of the San Fernando Valley Business and Professional Association, the Committee Investigating Valley Independent City County (CIVICC), Breakfast Forum, West Valley Community Hospital, Mid-Valley Police Council, Build Rehabilitation Industries, Inc., United Chambers of Commerce, and the Free Enterprise Committee. He is a member and supporter of many other community-oriented organizations, and in addition serves on the advisory boards of the Citizens Legal Defense Alliance, the Panorama Institute of Health, and the California Child Study Foundation.

It is a privilege to have the opportunity to memorialize the talents, energy, and public spirit of this dedicated gentleman.●

USIA ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MICHEL. Mr. Speaker, it is becoming increasingly clear that our overseas information programs are an important part of our overall foreign policy. The recent report of the U.S. Information Agency's Advisory Commission on Public Diplomacy emphasizes this fact.

Because of the importance of this report, I would like at this time to insert into the RECORD, "A Message from the Chairman," by Commission Chairman Edwin J. Feulner, Jr., and a summary of the points made by the Commission in its report to the Congress.

A MESSAGE FROM THE CHAIRMAN

(By Edwin J. Feulner, Jr.)

Public diplomacy has come of age.

During the last several years, as foreign policy decisions have been seen to have a direct impact on American politics and the economy, the role of public diplomacy has been substantially heightened. In recognition of this fact, the importance of the U.S. Information Agency within the foreign affairs community has been correspondingly increased.

This Administration, with the Commission's strong support, has undertaken a long-term commitment to augment USIA's financial resources and modernize its facilities. It is heartening to those who believe in the importance of public diplomacy that the long-time "starvation diet" of the Agency has been to some extent overcome, particularly at a time of great pressure to reduce federal spending. Funding levels have increased in the last three years, although measured in constant dollars, the Agency still operates at a substantially lower budget level than it enjoyed in its peak post war years.

Effective communication of American policies and values is an important tool for the policymaker. There are severe limitations on military action in virtually any foreign policy crisis. Similarly, concerted economic action is difficult because of domestic political considerations and because coordinated action among allies is often difficult to achieve. Thus, public diplomacy often becomes the most appropriate, indeed sometimes the only, course of action available to our policymakers.

However, public diplomacy is important in its own right not just as the "other option." As Disraeli said, "It is with words that we govern men." The role of semantics is critical in any battle of ideas. This Commission has expended considerable effort during the past year on this issue, and we invite public discussion of the subject.

My colleagues and I have traveled throughout the world a great deal during the past several years, and we have talked with many USIA officers and American ambassadors. We have also met with a number of senior foreign policymakers in Washington. We have been consistently impressed by the quality of USIA personnel and the high regard in which they are held by others in the foreign affairs community. Their ability to reach foreign opinion leaders, to explain the subtle nuances of American foreign policy, to convey the universal regard that Americans of all political persuasions have for our system of government, and their ability to respond quickly with official U.S. Government views on fastbreaking events make the USIA professional an essential part of the American foreign policy process.

Much of USIA's work is not new. It includes time-tested techniques which are used by our allies and adversaries as well: exchange programs, foreign radio broadcasting, television, magazines, books, libraries and cultural centers, and many other activities which are discussed and evaluated in this report.

The current Administration, and particularly USIA Director Charles Z. Wick, have brought new energy and a renewed sense of purpose to the Agency. Director Wick, while occasionally criticized for his personal style, has nonetheless brought the Agency to the forefront of U.S. foreign affairs. New initiatives, such as "Euronet" (satellite television links to embassies in Europe), modernization of the Voice of America, youth exchanges, and substantial expansion of educational exchange programs, have led to a heightened sense of the importance and relevance of the mission of USIA.

Director Wick has opened up USIA to new ideas and new people. Private sector advisory committees have brought some of the best minds from America's private sector to the work of public diplomacy. Their ideas have been a positive stimulus to USIA.

Certain policy and managerial changes have raised criticism as well as support among members of Congress and the national news media. While this Commission has been alert to such criticism, it is our judgment that the improvements have far outweighed whatever shortcomings might be seen in the Agency.

The communication skills and advisory capabilities of USIA today are being more effectively utilized. Their full use in the making of foreign policy—as well as in policy implementation—will not be realized until the Director of the U.S. Information Agency participates regularly as a statutory advisor to the National Security Council. This is a recommendation which the Commission has made previously. We strongly endorse it again this year.

The United States Information Agency is effectively carrying out its legislative mandate. We commend this report to everyone interested in public diplomacy.

THE ROLE OF USIA AND PUBLIC DIPLOMACY

The Commission recommends that a Presidential Directive be issued implementing Congressional intent that the Director of USIA serve as a statutory advisor to the National Security Council and as the principal advisor to the President on foreign public opinion and the conduct of public diplomacy.

The Commission recommends that a task force be created under the National Security Council to assess the problem of semantics in the international "war of words" and propose an institutionalized means to counter misleading terminology and increase the accuracy of international political discourse.

The Commission recommends that USIA's capability to assess the probable reaction of foreign public opinion be utilized in the making of every major foreign policy proposal or policy options study.

VOICE OF AMERICA

The Commission believes it is urgent and essential that the U.S. do more to ensure that the Voice of America can deliver a strong, reliable signal worldwide.

The Commission recommends that VOA give a higher priority to research and development on direct satellite broadcasting (DBS) technology.

The Commission recommends that a Special Representative of the President with the rank of ambassador be appointed to coordinate U.S. Government activities relating to the negotiation of VOA transmitter site agreements.

The Commission believes that placing Radio Marti within the Voice of America is questionable public policy that sets a precedent of uncertain consequence. The Commission recommends that USIA take care to ensure that VOA's Charter is not compromised, that Radio Marti meets the highest standards of accuracy and objectivity, and that it not become the voice of any single segment of American society.

RESEARCH

The Commission recommends that the staff and budget of the Office of Research be increased substantially to provide the research capability required for national security and foreign policy needs and for the regular and methodical evaluation of Agency programs and products.

EXHIBITS

The Commission recommends that USIA strengthen American cultural and political presence through an expanded exhibits program in Western Europe and the Third World.

PRIVATE SECTOR PROGRAMS

The Commission recommends that Congress not extend the requirement that it be notified fifteen days in advance of all USIA program grants.

The Commission recommends that USIA seek and encourage promising new organizations to participate in its grant programs. Effective, traditionally-funded organizations, subject to careful scrutiny and periodic review, should continue to play a central role in multiplying what can be accomplished through government programs.

DONATED BOOKS

The Commission recommends that Congress enact legislation increasing the tax deduction for donated books to increase the incentive for publishers to donate books for USIA program use.

ENGLISH TEACHING

The Commission recommends that the Agency strengthen its English teaching programs and give increased support to Binational Centers.●

PATRICIA OLSON PLACES FIRST IN VOICE OF DEMOCRACY CONTEST

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding resident of Cherry Hill, N.J., Patricia Olson. Patricia, in her junior year at Cherry Hill High School East, has been awarded first place in the New Jersey Voice of Democracy contest, sponsored by the Veterans of Foreign Wars. Patricia represented the Cherry Hill V.F.W., Post 2218.

The contest required all entrants to write a short composition on a specific topic. This year's topic was "My Role in Upholding Our Constitution." In winning the statewide competition, Patricia won a $2,000 scholarship and earned the right to represent New Jersey in the national competition, which will be held in Washington, D.C. in March.

Patricia's composition, which emphasizes the fundamental right of all Americans to express themselves freely, shows a unique appreciation of life in a free society. Indeed, her family, friends, and fellow New Jerseyans should take pride in her accomplishment.

I commend Patricia for this fine achievement, and know that she will serve New Jersey well at the national competition in March. I am sure that my colleagues will join me in wishing Patricia Olson the best of luck, not only in Washington, D.C. but in her every endeavor. I respectfully request that Patricia's winning composition be entered in the CONGRESSIONAL RECORD.

Patricia Olson's winning composition follows:

"Freedom is the building block of our beloved Constitution—the supreme law of the land. The freedom of religion, the freedom of speech, the freedom of the press, and the freedoms to assemble and to petition—these freedoms were given to us by our Founding Fathers so that we would be active American citizens. Even if Americans disagree with Government leaders, Americans have the right to exercise these civil liberties.

My idea of how to uphold the Constitution was inspired by Voltaire's words, "I'll disagree with everything you say, but I will defend to the death your right to say it." Although Voltaire specifically addresses the freedom of speech in this quotation, the general meaning can be applied to all four freedoms.

America is a special land because it allows anyone to practice whatever religion he desires. Unlike other countries, America permits its people to worship openly without fear of being arrested or penalized for their religious beliefs. As an American, I have been given the freedom to practice my chosen religion. My role in upholding the Constitution in this instance is to be an active church member.

The freedom of speech is the most significant civil liberty granted in the Bill of Rights. However, this is truly a privilege that is overlooked much too often. Americans are able to express their opinions at any time, yet they are either hesitant to do so or they lack a means of communications. We have been fortunate enough at our school to have a cable television station. Through this station, I have been given the opportunity to speak out on issues of concern to my school and to my community. It is my role and it is my responsibility as an American to utilize these resources that are available to me.

I emphasize the importance of the freedoms of speech and of the press. Other countries do not allow their citizens these freedoms. In Russia, newspapers are censored, novelists are silenced, and even history books are altered to erase records of dissent. We are not subjected to these restrictions. And yet, freedom of the press is taken for granted much too often by Americans. Editorials and opinions can be printed as well as straight news stories. I feel that it is my duty as a productive American citizen to write letters to the editor and to read about government happenings. By doing this, I support the Constitution.

The right to assemble and to petition is essential in a democratic society. This liberty gives us the ability to gather and to write a list of grievances to the government. This is the very essence of democracy, and it allows us to interact with the government directly.

To uphold the Constitution is certainly a great responsibility. Because of this, my role in doing so is multi-faceted. Treasuring and using these four freedoms are important in this task of supporting the supreme law of the land. However, sometimes I feel that this is not enough. I must also encourage my friends to exercise their civil liberties. The freedoms of speech, religion, assembly, and petition are sometimes taken for grant-

ed. However, I say "From Every Mountainside, Let Freedom Ring."●

NATIONAL HEMOPHILIA AWARENESS MONTH, MARCH 1985

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GREEN. Mr. Speaker, I rise to bring my colleague's attention to a House joint resolution I am introducing today which will make March 1985 "National Hemophilia Awareness Month." This bill will help to clarify some of the misconceptions the public has about hemophilia. At the present time, there is much fear among the public and hemophilia victims themselves about the correlation between hemophilia and acquired immuno-deficiency syndrome (AIDS).

Hemophilia is caused by an "inactivity of one of the blood proteins necessary for clotting." It strikes mostly males of all races, nationalities, and economic levels. Although it is a genetic disease, a family history of hemophilia is not required to contract it. Hemophilia occurs in 1 out of every 4,000 males. At present, there is no cure for hemophilia. Treatment, which causes the blood to clot temporarily, is very expensive.

Although a majority of the public believes that external bleeding causes hemophilia victims the most trouble, this is not the case. The major problem for hemophilia patients is internal bleeding, which can occur at any time without cause. This bleeding results in permanent change of muscles and joints and causes considerable pain.

Since November 30, 1983, 21 cases of AIDS have been identified among patients with hemophilia. Because hemophiliacs fear that donors may have AIDS there has been a marked decline of hemophilia patients receiving clotting factor treatment. This action is dangerous because the risk of damage to joints is greater than the risk of contracting AIDS. The National Hemophilia Association urges all hemophilia victims to continue clotting treatment.

There is also a fear among the public that by coming into contact with hemophilia patients they risk contracting AIDS. Currently, there are no data to prove such a theory.

"National Hemophilia Awareness Month" will educate the public about this disease. It will separate the facts from the myths about hemophilia. I, therefore, urge my colleagues to cosponsor this resolution and support all the activities and events that take place during this month.

The resolution is as follows:

H.J. RES. 486

Whereas hemophilia is an incurable hereditary disorder that prevents proper coagulation of the blood;

Whereas hemophilia, which strikes males almost exclusively, occurs in one of every 4,000 live male births regardless of race, nationality, or family economic status;

Whereas hemophilia can lead to disabilities or death for some hemophiliacs;

Whereas, despite recent medical advances in the diagnosis and treatment of hemophilia, many hemophiliacs continue to face unpredictable medical complications due to the disorder;

Whereas with proper medical treatment and adequate financial assistance, hemophiliacs can live healthy, normal, and independent lives; and

Whereas increased public awareness of the causes and effects of hemophilia will help dispel many common misconceptions concerning the disorder: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1985 is hereby designated as "National Hemophilia Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

NUCLEAR TEST BAN CHALLENGE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mrs. BOXER. Mr. Speaker, on January 23, 1984, Congressman MAVROULES joined me in introducing House Joint Resolution 441, the nuclear test ban challenge. The Boxer-Mavroules resolution calls upon the President to halt underground nuclear weapons testing and challenges the Soviet Union to do the same.

John F. Kennedy said his most shining hour in the White House was signing of the Limited Test Ban Treaty. Indeed, the most significant arms control achievement since World War II remains the Limited Test Ban Treaty advanced and successfully negotiated with the Soviet Union by President Kennedy in 1963.

Over 100 nations have joined the United States and the Soviets in signing this treaty which continues in effect today. Unfortunately, the arms race continues with underground nuclear tests being a crucial part of the process of developing new weapons which the nuclear powers eventually deploy.

Over 1,300 tests by nuclear explosion have been conducted by various nations since the United States dropped atomic bombs at Hiroshima and Nagasaki. Tests continue to this day with the United States conducting an average of 20 tests per year for the period from 1963 to 1983.

In 1983, many of us worked for a bilateral resolution which eventually passed the House of Representatives calling for a mutual ban on testing, development, and deployment of nuclear weapons. Most observers believe that the test ban is the appropriate first step to achieving a nuclear freeze.

RECENT HISTORY

A comprehensive test ban treaty has been sought by all six Presidents prior to Ronald Reagan. President Eisenhower remarked that the failure to stop all nuclear explosions was the greatest regret of his Presidency. President Kennedy succeeded with the limited test ban which he hoped would be the first step toward a comprehensive ban. Since President Kennedy's success in 1963, progress has been slow. Soviet President Brezhnev and President Nixon agreed in 1974, in response to a Soviet proposal to stop all explosions, to ban explosions of nuclear weapons larger than 150 kilotons. This agreement became known as the Threshold Test Ban Treaty. A companion treaty was negotiated by Presidents Ford and Brezhnev in 1976 which restricted testing of peaceful nuclear devices to levels below 150 kilotons. Although the Threshold Test Ban Treaty (TTBT) and the Treaty on Nuclear Explosions for Peaceful Purposes (PNE) were signed by Mr. Brezhnev and our Presidents, the Senate has yet to ratify them which makes them nonbinding. However, both countries have adhered informally to the treaties' provisions.

The most recent progress was made during the Carter administration in negotiations between the United States and the Soviet Union and the United Kingdom. Most major issues for a Comprehensive Test Ban Treaty were resolved including many sensitive verification questions. The Soviets agreed to:

First, a network of seismic monitoring stations on Soviet territory;

Second, provisions in principle for the use of onsite inspections to resolve suspicious events;

Third, an international exchange of seismic and other testing data;

Fourth, a moratorium on peaceful nuclear explosions.

Unfortunately, events in Afghanistan and Iran and other political considerations caused these negotiations to stagnate and die. President Reagan has refused to support negotiations for a comprehensive test ban and formally abandoned these negotiations in July of 1982.

VERIFICATION

The primary objection most commonly raised to proposals for a ban on underground testing has to do with the issue of whether such a ban can be verified. Opponents have argued that the Soviets might cheat on such a treaty, and it would be difficult to distinguish between a small explosion and an earthquake. This objection

simply is not valid in light of scientific progress since 1963. Perhaps the best article on this subject was published in the October 1982 issue of Scientific American entitled "The Verification of a Comprehensive Nuclear Test Ban," by seismologists Lynn R. Sykes and Jack F. Evernden. They discuss a range of scenarios and conclude that in the worst case—the Soviets attempting to evade detection of an explosion by muffling it in an underground cavity such as a salt mine or by conducting it to coincide with an earthquake—they are confident we could detect such a blast down to about 10 kilotons with instruments outside the Soviet Union and down to about 1 kiloton with stations inside the Soviet Union such as those agreed to during the trilateral negotiations mentioned above. Satellites and other technology are also useful in policing such a treaty. Explosions at less than 1 kiloton would have little if any military value when one considers that the Hiroshima bomb was 13 kilotons and most modern strategic weapons have warhead yields in excess of 100 kilotons to the megaton range. In testimony at a congressional briefing in January of 1983, Professor Sykes stated, in part:

My sense is that most of the scientists who have worked on this problem conclude that the scientific and technical methods needed to verify a comprehensive ban were clearly established by 1968, if not earlier. The problem of a comprehensive ban has always been largely political. This was certainly the case after 1968 * * *. The test ban talks that took place from 1977 to 1980 resolved in principle all of the longstanding issues about verification of a comprehensive test ban treaty.

Professor Sykes goes on to state that perhaps the only real reason to not negotiate a test ban is the desire to continue testing in order to develop a new generation of nuclear weapons. Continued testing has the potential to produce weapons which are even more destabilizing and to encourage further proliferation of nuclear weapons to other countries.

THE BOXER-MAVROULES RESOLUTION

What makes the Boxer-Mavroules resolution unique among recent test ban initiatives is that it contains a specific action plan and a first step which can be taken by the United States to achieve a test ban on underground testing. The process has the successful precedent in that President Kennedy employed a similar approach in 1963 when he announced at American University that the United States would not conduct its next atmospheric test and challenged the Soviets to do the same resulting in a rapidly negotiated treaty which has endured to this day. Virtually all objections to "What do we do if the Soviets either overtly or covertly violate the treaty?" can be answered with a simple response. First, scientific advances make such a violation virtually impossible. Second, if the Soviets conduct tests in violation of the treaty, we can simply resume our testing program and be no worse off than we are today.

America's last five-star general, Omar Bradley, anticipated our plight over 25 years ago when he said:

The central problem of our time—as I view it—is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves. For we have defiled our intellect by the creation of such scientific instruments of destruction that we are now in desperate danger of destroying ourselves. Our plight is critical and with each effort we have made to relieve it by further scientific advance, we have succeeded only in aggravating our peril.

I urge Members on both sides of the aisle, who share a concern for peace and survival, to join me in cosponsoring House Joint Resolution 411.●

HOUSE JOINT RESOLUTION 441—NUCLEAR TEST BAN CHALLENGE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MAVROULES. Mr. Speaker, on January 23, my colleague BARBARA BOXER and I introduced the nuclear test ban challenge resolution, House Joint Resolution 441. We call upon the President to suspend all testing of nuclear weapons and to challenge the Soviet Union to do the same.

All arms control negotiations between the United States and the Soviet Union are currently stalled, and it is unlikely the deadlock will be broken. Meanwhile, in the absence of negotiations, a new generation of nuclear missiles is being deployed in Europe, dangerous first strike systems are being tested and produced, and the arms race is expanding into outer space.

To break the current jam in arms negotiations and to prevent further escalation in the arms race, we propose that the United States initiate a moratorium on nuclear weapons testing and challenge the Soviet Union to suspend its testing. Such an initiative will also encourage a freeze on the production and deployment of nuclear weapons. House Joint Resolution 441 is a logical and sensible first step toward our ultimate goal of mutual arms reduction.

House Joint Resolution 441 has five steps:

The United States will suspend all testing of nuclear weapons including underground explosions.

A challenge will be made to the Soviet Union, Great Britain, and other nuclear powers to suspend their testing.

It will become U.S. policy that testing will be resumed only if the Soviet Union proceeds with further underground testing of nuclear weapons.

The United States shall make use of all existing technology to verify that nuclear explosions have ceased.

The President will initiate negotiations for a permanent United States-Soviet Comprehensive Test Ban Treaty.

History has given us a precedent. In 1963, John F. Kennedy declared a U.S. moratorium on nuclear weapons testing. The Soviet Union responded by suspending their testing. Within months, the United States and the Soviet Union signed the Limited Test Ban Treaty, which outlawed nuclear explosions in the Earth's atmosphere and under the ocean. We must build upon the success of that approach to put an end to all nuclear weapons testing.

The current administration is the only one in over 30 years that has not made a Comprehensive Test Ban Treaty a national objective. Beginning under the Eisenhower administration, negotiations for a Comprehensive Test Ban Treaty have made considerable headway. The Limited Test Ban Treaty of 1963, the Threshold Test Ban Treaty of 1974, the Peaceful Nuclear Explosions Treaty of 1976, and other agreed principles are all examples of progressive steps in arms control. If the present administration is serious about arms control, this resolution offers them the chance to prove it.

We, in this House, representing millions of Americans who want to put an end to the nuclear arms race, have demonstrated our commitment and concern over this issue. In 1983, we won a victory by adopting a nuclear weapons freeze. We have been successful in stopping production of a new generation of chemical weapons. Our effort to block production of the MX missile will continue and intensify. We must add to that list of accomplishments an end to the testing of nuclear weapons and a step taken toward arms reduction. Therefore, I urge the House to support the nuclear test ban challenge resolution.●

SOCIAL SECURITY ACT AMENDMENTS BENEFITING WOMEN

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. OBERSTAR. Mr. Speaker, in virtually all respects, the Social Security Act, on its face, no longer discriminates on the basis of gender. Yet, in application, many provisions of the law result in lower benefits to women, not only because of fewer years in the work force and lower wages, but also because provisions placed in the law

years ago have not been reviewed and updated. To correct these inequities, I am today introducing five bills.

My first measure would repeal the separate definition of disability which is now applicable only to widows and widowers so that their disability claims would be considered on the same criteria used for all other disabled individuals. Women would be the primary beneficiaries of this change since most widowers would be entitled to greater benefits on their own work records as a result of higher average wages and a greater number of years in the work force. (This provision is also contained in H.R. 3411, a more comprehensive disability bill I introduced last year.)

When survivor's benefits were first extended to widows in 1967, no reliable estimate could be made as to the number of individuals who would be newly entitled to benefits. To protect the OASI Trust Fund from possible excessive outlays, several limitations were imposed. I believe it is time that each of these limitations be reviewed, but I call particular attention today to the continued use of a separate definition of disability.

To quality for disability insurance benefits or SSI benefits, each applicant must establish that he or she suffers from medically determinable impairments so severe as to preclude any substantially gainful activity. Claims are approved if medical evidence meets or equals a published listing of impairments which the medical profession and the Social Security Administration have agreed are so serious as to preclude employment. If disabilities are severe, but do not quite meet the listings, wage earners and SSI applicants are entitled to a second evaluation step which takes into consideration age, education, and previous work history. Recent figures are not available, but past experience with the disability insurance program resulted in 80 percent of all claims being approved on the basis of medical evidence alone and an additional 20 percent approved when the limitations imposed by age, lack of education or limited experience were evaluated.

Claims are automatically denied without reference to age, education, and experience for widows and widowers if disabilities do not quite meet the listings. As a result of this disparity in definition of disability, the State Disability Determination Service frequently is required to render two separate, contradictory disability decisions. On applications filed concurrently, a widow's claim is denied because she is not disabled. At the same time, her claim for disability insurance benefits as a worker or supplementary security income is approved because she is disabled.

Since the administration began conducting continuing disability investigations in March 1981, we have all become painfully aware of the stringency of the definition of disability as it applies to wage earners and SSI applicants. I do not believe we can ask that these harsh standards be ameliorated and, at the same time, continue to impose an even harsher standard of disability on widows. I urge my colleagues to insist that this change be included in any disability legislation considered by this body this year.

My second bill addresses the method of computing a benefit when a widow is entitled to her own disability benefit and to an additional amount as a survivor based on the work record of her deceased husband.

A worker's disability benefit is determined as if he or she had reached age 65 while a widow's benefit is actuarially reduced if she is less than 65 years of age. If a widow qualifies for her own disability benefit first and subsequently qualifies for a widow's benefit, an actuarial reduction is applied only to the difference between her own benefit and her survivor's benefit. If she applies for an age-reduced widow's benefit first and is later found eligible for her own disabled worker's benefit, the reduction in her widow's benefit is never recomputed to reflect her own entitlement.

The following example assumes that a widow would be entitled to a survivor's benefit of $400 a month at age 65 based on her deceased husband's work record and that she is also eligible for a disability benefit of $250 a month on her own employment:

If a widow qualifies for her own disability at age 59½, her monthly benefit would be $250. If, at age 60, she filed for an age-reduced widow's benefit, her monthly payment would be her own $250, plus a widow's benefit computed by reducing the full $400 by her own $250 and then actuarially reducing the $150 difference for each month she is less then 65 years of age. In this case, the age-reduced entitlement would be $107 a month. Her total monthly annuity would be $357.

If this same widow began receiving an age-reduced widow's benefit at age 60 without qualifying first for her own disability benefit, her $400 monthly entitlement would be reduced to $286. If she became eligible for her own disability benefit at age 60½, her total monthly payment would never rise above $286. Under the provisions of the legislation I am introducing, her benefit would be recomputed to reflect the fact she received a widow's benefit for 6 months. In this example, her new widow's entitlement would be $388 a month. She would then receive her own $250, plus the age-reduced difference between her own benefit and her widow's benefit or $250, plus $103 for a total monthly annuity of $353.

This recomputation is similar to that which now occurs if a wage earner applies for an actuarially reduced early retirement benefit at age 62 and subsequently becomes eligible for a disability benefit. It is equitable to the widow because it takes into consideration her own work efforts regardless of whether she qualifies first for a disability benefit or first for a widow's benefit.

A third measure addressed to the problems faced by disabled widows is an extension of time to qualify for benefits.

Under current law, a disabled widow's benefit is payable only if a widow becomes disabled within 7 years of her husband's death or within 7 years of the time she last qualifies for mother's benefits. If she becomes disabled after 7 years, she is ineligible for widow's benefits until she reaches age 60.

The presumption of law has been that a widow neither caring for young children nor disabled, is capable of self-support. If a widow accepts the responsibility of self-support and enters the work force, she will qualify for her own disabled worker's benefit before her protection as a widow expires. Any benefit payable however, can be totally inadequate if the widow has very few years in the work force.

My bill would extend the 7 year survivor benefit period by 3 calendar months for each quarter of social security coverage earned by a widow after her husband's death. Under the provisions of this bill, a widow who enters into and remains in the work force will never lose the protection of survivor's benefits although the amount payable on the basis of the deceased husband's wage record would continually decline as her own personal entitlement increased due to her own work efforts.

My fourth bill would extend delayed retirement credits to widows who work past age 65 before filing for survivors' benefits.

Under present law, any worker who delays retiring has his or her entitlement increased by three-twelfths of 1 percent for each month after age 65 that a benefit is not paid. This bonus, which will rise to 8 percent after 1989, is meant to partially compensate the worker for the months of benefits which will never be paid. Although the 3 percent per year credit is not adequate, it is comparable in its intent to the actuarial reduction which is applicable when a worker retires early. In effect, the savings to the Old Age and Survivors Insurance Trust Fund resulting from delaying retirement are shared with the worker who remains in the work force after age 65.

This credit is seldom of any value whatsoever to a widow because any increase in her own entitlement merely serves to reduce the supplemental amount to which she is entitled on the basis of her deceased husband's work

record. The resultant savings accrue only to the trust fund.

My bill would require the Social Security Administration to apply the delayed retirement credit to the highest wage record on which benefits are paid to any individual. Under the provisions of this measure, a widow who works past age 65 will also share in trust fund savings.

The final bill I am introducing today would extend the graduated insured status provisions of Public Law 98-21 to persons between the ages of 46 and 55 who were working for nonprofit organizations on January 1, 1984, and who became subject to social security as a result of the Social Security Amendments of 1983.

The 1983 amendments recognized that some nonprofit employees would reach retirement age before they could work a sufficient length of time to qualify for social security benefits. To prevent this from happening, the amendments reduced the calendar quarters of social security coverage required to qualify for benefits for persons between the ages of 55 and 64, who were working for nonprofit organizations on that date. Individuals who had attained age 60 before January 1984 can become eligible for social security benefits with as few as 6 calendar quarters of social security wage credits. Under the graduated revised coverage requirements, nonprofit employees who reached age 55 or 56 last year can qualify for benefits with 20 quarters of employment under social security. Individuals less than 55 years of age, however, still require 40 calendar quarters of wage credits to qualify for retirement benefits. My bill would eliminate this "notch" by requiring 2 additional quarters of coverage for each year or partial year the individual was less than 55 on January 1, 1984.

Changes made to the Social Security Act apply equally to men and women. The law itself, in most respects, does not discriminate. Women continue to receive far less in retirement benefits than men receive as a result of lower wages and fewer years in the work force. In many cases, however, benefit differences exist because we have not reviewed provisions of the law for philosophical consistency. To my mind, we have an obligation to look beyond the letter of the law to the bottom line and make the changes that are necessary to remove inequities and vestiges of discrimination which result from the application of provisions of law which are not in and of themselves discriminatory.

I urge my colleagues to join me in this endeavor.●

A FRIEND'S LOSS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, few of our colleagues are held in more esteem or enjoy more affection and respect than DANTE FASCELL.

When tragedy struck the FASCELL family earlier this month and the news came that DANTE and Jeanne-Marie's only son had been killed in a car accident, a pall of dismay descended over the Members of this House.

Members of the Florida delegation, especially those of us who represent south Florida, were approached repeatedly by colleagues expressing their shock and sympathy. People wanted so strongly not to believe.

The Miami Herald, in an editorial published on February 11, shows how deeply DANTE's and Jeanne-Marie's loss has been felt in our community. I know that this support and the affection and support of their friends in Washington will help to see them through this terrible time.

Mr. Speaker, the Herald editorial follows:

A FRIEND'S LOSS

Death always shocks the victim's relatives and friends, even when it results from advanced age or extended illness. When it strikes unexpectedly at a young person in his prime, the impact is even greater.

Congressman and Mrs. Dante Fascell now are enveloped in the protective embrace of hundreds of thousands of South Floridians and of thousands more who know them in Washington. The tragic death Thursday morning of their only son in an accident on Seven Mile Bridge has moved the entire community.

The sense of loss is deepened, if that is possible, by the universal acknowledgement that the new bridges of the Florida Keys are very special to Representative Fascell. He fought hard for the funds to rebuild them, and he proudly displayed the accomplishment during his re-election campaign in 1982.

Dante and Jeanne-Marie Fascell inspire an affection among their neighbors that goes far beyond respect for the skills that last year brought him the prestigious chairmanship of the House Foreign Affairs Committee. Their warmth and humor over the years have made genuine friends of mere constituents.

On behalf of all South Florida, then, The Herald offers deepest sympathy to Mr. and Mrs. Fascell and to their two daughters. May the support of their many friends help to sustain them in this terrible loss.●

WINSTON-SALEM "BIGGER THAN LIFE" MEDAL OF HONOR HERO LAID TO REST AT ARLINGTON NATIONAL CEMETERY

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. NEAL. Mr. Speaker, on Monday, February 13, another American hero was laid to rest at Arlington National Cemetery. He was Lawrence Joel, holder of the Medal of Honor, who died February 4 in his hometown of Winston-Salem, N.C. His death, at age 54, was attributed to a diabetic coma.

Mr. Joel was buried with full military honors at Arlington on a day that was as eerie as the occasion was solemn. A chilling mist hung in the afternoon air. Dense fog shrouded the cemetery, obscuring the treetops and wafting among the gravestones, as if ghosts of the entombed were on the march. To those who watched, and those who wept, it was a scene not soon to be forgotten.

I describe the scene in some detail because it was symbolic of the lack of public attention accorded, these days, to our war heroes; and, I might add, to those who have sacrificed all or part of themselves in the several wars our country has fought. The drizzle, the chill, and the fog made of Joel's burial a very private rite. That, I am compelled to believe, is the way an indifferent public wanted it.

Except for hometown media coverage, Joel's death and burial received little public notice. Yet here was a man whose exploits on November 8, 1965, are bound, when one reads of them, to bring a flush of pride to any but the most callous among us.

So I want to take a few minutes, Mr. Speaker, to tell my colleagues about Lawrence Joel, about his valor, and about the humility with which he wore the mantle of greatness.

To begin with, it must be said that his suffering neither began nor ended on the battlefield. Of his early life, it is sufficient to say that he was black, born of humble parents in a southern town in 1928, and raised during the Great Depression. For almost 20 years after his memorable action, he carried the wounds of war upon his body and in the core of his being.

After retiring from the Army in 1972, he worked as a counselor for the Veterans' Administration until, last summer, ill health drove him from his job. At the time of his death, his vision was so poor he could not drive a car. He had applied for, and had been denied, civil service disability benefits.

Yet he who had suffered so much for so long inflicted so little pain on other people, including the enemy. His

heroic feats were performed as a medic, fighting without a gun to save the lives of comrades wounded in a Viet Cong ambush. I quote the citation accompanying his Medal of Honor:

Specialist Sixth Class (then Sp5c) Joel demonstrated indominatable courage, determination, and professional skill when a numerically superior and well-concealed Viet Cong element launched a vicious attack which wounded or killed nearly every man in the lead squad of the company. After treating the men wounded by the initial burst of gunfire, he bravely moved forward to assist others who were wounded while proceeding to their objective. While moving from man to man, he was struck in the right leg by machinegun fire. Although painfully wounded his desire to aid his fellow soldiers transcended all personal feeling. He bandaged his own wound and self-administered morphine to deaden the pain enabling him to continue his dangerous undertaking. Through this period of time, he constantly shouted words of encouragement to all around him. Then, completely ignoring the warnings of others, and his pain, he continued to search for wounded, exposing himself to hostile fire; and, as bullets dug up the dirt around him, he held plasma bottles high while kneeling completly engrossed in his life saving mission. Then, after being struck a second time and with a bullet lodged in his thigh, he dragged himself over the battlefield and succeeded in treating 13 more men before his medical supplies ran out.

Displaying resourcefulness, he saved the life of 1 man by placing a plastic bag over a severe chest wound to congeal the blood. As 1 of the platoons pursued the Viet Cong, an insurgent force in concealed positions opened fire on the platoon and wounded many more soldiers. With a new stock of supplies, Sp6c. Joel again shouted words of encouragement as he crawled through the intense hail of gunfire to the wounded men. After the 24-hour battle subsided and the Viet Cong dead numbered 410, snipers continued to harass the company. Throughout the long battle, Sp6c. Joel never lost sight of his mission as a medical aidman and continued to comfort and treat the wounded until his own evacuation was ordered. His meticulous attention to duty saved a large number of lives and his unselfish, daring example under the most adverse conditions was an inspiration to all.

Lt. Col. James Hutchens, who was the chaplain of Joel's company when it came under fire that day, stated it even more eloquently at Joel's memorial service in Fort Myer Chapel:

Every man on Hill 65 that day can look back today and say that he's alive because of Lawrence Joel. I watched Joel that day, and the best way I know to describe him is that he was bigger than life. I was convinced that he was indestructible. There was a shield around him, and I know God protected him.

"If Joel leaves a legacy," Colonel Hutchens said, "it's that he served not only his country but his God and his Savior at a time when it was very important. His model for his comrades and for the world as a whole was a man not afraid to lay down his life for his friends. . . . I knew during those few hours on November 8, 1965, that there was not a greater man who had walked on this Earth."

Mr. Speaker, only a few people were present at Mr. Joel's funeral. Among them were Secretary of the Army John O. Marsh, Jr.; five other holders of the Medal of Honor; several bemedaled officers and men who had served with Joel in Vietnam; and standing inconspiciously at the edge of the small crowd at the graveside, the general, now retired, who organized Joel's brigade and led it into Vietnam.

About 35 members of Joel's family also were present. They might not have been able to attend had not the Department of the Army snipped its own redtape, at the last minute, and provided transportation for them.

Mr. Speaker, it is often said these days that what America needs most is a few national heroes. I wish the people who say such things would realize that we already have them all over this land. They live quietly among their neighbors, still bearing the scars of the wars in which they served, still serving their country in other ways.

Lawrence Joel was such a man, and symbolic of all such men. He was embarassed by the attention sometimes paid to him. And those others of whom I speak are much like Joel. In offering their lives, they enabled others to live. He served with uncommon valor: they, with the fortitude and courage that is a common American virtue.

I salute Lawrence Joel, Mr. Speaker. And I salute his comrades, living and dead, who have, whenever duty called, shouldered the responsibility of defending our great country.●

A VIEW OF AMERICA'S FUTURE

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MARRIOTT. Mr. Speaker, it is now 1984. George Orwell predicted a dim future for our truly American beliefs, traditions and goals. It was a wrong prediction. Despite what many cynics have stated, despite the criticisms often heard about our society and despite the forecasts for a depressing future, America is alive and strong. I, for one, am tired of all the complaints we have heard about our country. It still, after all, despite stumbling blocks, is the best road in the universe toward freedom and individual liberty. It is, as stated by our President, "The best, last hope of mankind." I am ready to stand up for America—and for the people that make up America.

Robert F. Dee, chairman of the board for Smith Kline Beckman Corp., has made a statement entitled, "From Sea to Shining Sea" and put forth his reasons why America is "better than ever." As I believe more of us should be quoting Mr. Dee than Mr. Orwell, I would like to bring his comments to your attention. I attach his statement here and I ask that my colleagues look closely at not only the patriotism expressed in Mr. Dee's words, but also the truth.

FROM SEA TO SHINING SEA

As a new year starts—especially one in which George Orwell predicted political deterioration on a global scale—it's interesting to assess where things stand.

When I watch TV news and some of the TV specials and read some of the articles in newspapers and magazines, I detect an all-too-frequent pervasive cynicism about the present and future of America.

If you listen to the media (and, I'm sorry to say, to some of the academic) cynics, you get the feeling that America is in bad shape.

Tom Wolfe, author of "The Right Stuff," a book and now a film about our space program, tells about a speaker he heard addressing a large group of students at a college. He opened the meeting by saying, "America is a leaden, life-denying society."

BETTER THAN EVER

I take the stand that America is no such thing, that it's in better condition today than it has ever been, politially, socially and economically. And especially when you compare the United States with other countries.

Here are a few points to consider:

Americans are healthier than ever; we're living longer and living healthier. Since 1970, the death rate from heart disease has dropped 25 percent and deaths due to strokes have declined by 40 percent.

The crime rate is down; in the first six months of 1983, continuing the previous year's trend, decreases were reported in all major crimes in all parts of the country.

Inflation has dropped dramatically. In 1983, wholesale prices rose only six tenths of 1 percent, the smallest rise since 1964. Last year's rise in consumer prices was only 3.8 percent, the smallest increase in more than a decade.

Interest rates, while high, have declined substantially. The prime rate averaged less than 11 percent in 1983, compared to 1981's average of 19 percent.

Unemployment has dropped faster than even the most optimistic expectations.

The productivity rate is moving upward after a long period of sluggishness.

We have the strongest stock market since the end of World War II.

For the first time in nearly 20 years, surveys show Americans expressing greatly increased confidence in the government.

Obviously not everything is perfect. We're confronted with a major discrepancy between the income and outlays of the Federal government of perhaps $200 billion a year and a cold war that has once again intensified. So I'm not an uncritical optimist. But looking toward the broad horizon, I believe that major progress has been made on many fronts in our country.

Some of the cynics accuse Americans of a lack of "morality" in our economic system, quite apart from its successes.

Yet the fact is that compared with two thirds of the planet—where bribery political corruption and violations of human rights are taken for granted—American morality and respect for human rights are unexcelled.

Racism? In only a very few countries of the world are there laws that prohibit racial discrimination and at the same time actively

seek to redress past wrongs. Our country has made great progress in this respect, even though we still haven't reached the Promised Land and must redouble our efforts.

Environmental hazards? We have better air quality than we ever had in our cities 50 years ago. Although pollution problems still persist, public reaction has made polluters keenly sensitive to the problems and substantial progress has been made.

I usually end these messages with a plea to readers to write their elected representatives. I urge you to continue doing so when you see problems that need correction, whether in the private or public sectors.

But my main message as we begin 1984 is that there's absolutely no reason for cynicism about America's present and future . . . from sea to shining sea.●

DOES THE ADMINISTRATION SEEK MILITARY VICTORY IN CENTRAL AMERICA?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. HAMILTON. Mr. Speaker, on Monday, September 12, 1983, the Under Secretary of Defense for Policy, Mr. Fred C. Ikle, delivered a speech entitled "U.S. Policy for Central America—Can We Succeed?" In the speech, Mr. Ikle said, "We seek victory for the forces of democracy. And that victory has two components: One, defeating militarily those organized forces of violence that refuse to accept the democratic will of the people. Two, establishing an adequate internal system for justice and personal security." After reading the speech, I initiated correspondence with President Reagan, inquiring whether it was the policy of the United States to seek military victory in Central America. The correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., October 7, 1983.

Hon. RONALD W. REAGAN,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In a recent speech before the Baltimore Council on Foreign Relations, Under Secretary of Defense Fred C. Ikle defined the U.S. policy objectives in Central America in terms of a military victory.

Under Secretary Ikle said "we seek victory for the forces of democracy." He lists the following two components of a victory:

One: Defeating militarily those organized forces of violence that refuse to accept the democratic will of the people.

Two: Establishing an adequate internal system for justice and personal security.

Under Secretary Ikle's emphasis on military victory and his silence on the role of negotiations contradicts the methods and objectives you outlined before a joint session of the Congress on April 27, 1983.

You specified four basic goals in your speech:

"We will support democracy, reform and human freedom;

"We will support economic development;

"We will support the security of the region's threatened nations;

"We will support dialogue and negotiations—both among the countries of the region and within each country";

You, then, added that "the United States will work toward a political solution in Central America which will serve the interests of the democratic process."

The emphasis your speech places on four basic objectives—among them, military security, rather than military victory—contrasts sharply with Under Secretary Ikle's speech.

I would like to know whether Under Secretary Ikle's speech accurately states your policy.

I appreciate your consideration of this matter. I look forward to your response.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

THE WHITE HOUSE,
Washington, D.C., November 21, 1983.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives, Washington, D.C.

DEAR LEE: Thank you for your letter to President Reagan concerning Under Secretary of Defense Fred C. Ikle's address on Central America to the Baltimore Council on Foreign Relations. You ask whether or not the Under Secretary's remarks accurately state President Reagan's policies. By focusing on the entire text, rather than singling out a particular phrase, one can see that Dr. Ikle's statements were completely in line with the President's policy, which simultaneously seeks to promote economic development, political democracy, improved human rights and an end to Marxist-Leninist and extreme rightist violence in the entire region. As an official of the Defense Department it is logical he would give some emphasis to the military aspects of the situation. Even at that, however, he emphasized a point the President has often made, that three-fourths of our assistance is economic, not militarily. Dr. Ikle also underscored the need for a program which would include humanitarian assistance to ensure the ultimate success of our policy.

With best wishes,
Sincerely,
KENNETH M. DUBERSTEIN,
Assistant to the President.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., December 1, 1983.

KENNETH M. DUBERSTEIN,
Assistant to the President, The White House,
Washington, D.C.

DEAR MR. DUBERSTEIN: Thank you for your letter of November 21st in reply to my letter to the President of October 7, 1983 concerning a speech before the Baltimore Council on Foreign Relations by Under Secretary of Defense Fred C. Ikle regarding United States policy objectives in Central America.

I appreciated your response but feel one question still needs to be answered: Does the President specifically endorse Dr. Ikle's call for military victory in the region?

I appreciate your consideration of this question and would appreciate a prompt reply.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

THE WHITE HOUSE,
Washington, D.C., December 28, 1983.

Hon. LEE H. HAMILTON,
Subcommittee on Europe and the Middle East, House of Representatives, Washington, D.C.

DEAR LEE: Ken Duberstein asked me to acknowledge your follow-up letter requesting clarification of the President's position regarding U.S. policy objectives in Central America. Your letter has been shared with the President's advisers for their consideration, and you will hear further following this review.

With best wishes,
Sincerely,
M. B. OGLESBY, Jr.,
Assistant to the President.

THE WHITE HOUSE,
Washington, January 31, 1984.

Hon. LEE H. HAMILTON,
Subcommittee on Europe and the Middle East, House of Representatives, Washington, D.C.

DEAR MR. HAMILTON: This is in response to your follow-up letter of December 1, 1983, concerning the President's position on U.S. policy objectives in Central America. Ken Duberstein's initial response of November 21, 1983, indicated that Dr. Ikle's speech to the Baltimore Council on Foreign Relations (copy attached) was consistent with the President's policy. As he explained at that time, it is logical that Dr. Ikle, as an official of the Department of Defense, would give emphasis to the military aspects of the situation. However, a careful reading of Dr. Ikle's speech makes clear that he did not call for "military victory in the region," nor has the President ever called for a military victory. Thus, I believe the question in your letter of December 1, does not arise.

Sincerely,
ROBERT C. MCFARLANE.●

SISTER CLAUDIA BURKE: A MARVEL TO BEHOLD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues a truly remarkable program run in my district by the Franciscan Sisters of the Poor for those who are needy during this economic crisis in Michigan. The program is administered by an equally remarkable nun, Sister Claudia Burke, and it is through her and the others that the Catholic Outreach program works to insure that the needy are fed, clothed, and housed in Flint, Mich. The good works of Sister Claudia and Catholic Outreach recently were detailed in an article published in the Catholic Weekly. The article follows:

SISTER CLAUDIA BURKE: A MARVEL TO BEHOLD

(By George Jaksa)

FLINT.—She has enough drive and stamina to put many young adults to shame.

She also has a commitment to the poor and down-and-outers that is a marvel to behold.

Thousands of people have come to her office for emergency help. They may need money to buy gasoline for a trip to Ann Arbor, funds to meet house payments, grocery money, or payment of a utility bill.

The need never seems to end and nor does the determination of Sister Claudia Burke to help them.

Helping others has been the life pattern of Sr. Claudia since she entered the Franciscan Sisters of the Poor 40 years ago. Her early years in the order were spent working with the needy at the Catholic community services agency in Cincinnati, Ohio.

For the last 21 years Sister has been in Flint in social services work. She joined Catholic Social Services of Flint in 1960 and made a lifetime impression with many whom she helped with adoptions.

At the same time, she and the other Franciscan Sisters were helping needy and down-and-outers at Holy Angels Convent now St. Michael Church where she was mother superior.

Holy Angels convent became known as a place where a person could be sure of getting a sandwich if they were hungry. And, many lined up to get the noontime handout.

Holy Angels convent also was a pantry for nonperishable goods, collected and stored until they were given away. The convent basement also was a storage area for furniture and clothing for the needy.

Not only were Sr. Claudia and the other Franciscan Sisters noted for their good works but their cheerful dispositions worked almost as many wonders as their handouts.

Sr. Claudia's resourcefulness is a component of her marvelous witness to Christian principles. Over the years money has been raised to help people through selling pumpkins, handmade calendars, donuts at area donut shops, government grants and bingo games.

Bingo is the big money maker since Sister founded Catholic Outreach seven years ago. The games bring between $80,000 and $100,000 annually to the Outreach program.

When the economy is tight, bingo revenues decline. And as might be expected, when the economy is slow more people come to Catholic Outreach at Garland St. and Third Ave. in downtown Flint looking for help.

Catholic Outreach realizes revenues from its own bingo games, from the Catholic Community Services and from the efforts of Christian Service Commissions and their extended membership at four Flint parishes.

Two-thirds of the revenue from Christian Service Commission sponsored games at Sacred Heart Church are earmarked for Catholic Outreach. All of the revenues earned by Christian Services Commissions of St. Pius X, St. Agnes and St. Francis of Assisi parishes go to Catholic Outreach.

Individual gifts and government grants also aid the work of Catholic Outreach where Sr. Claudia directs a staff of three full-time staffers, a part-time employee and a full-ltime volunteer:

But, the need is greater than the resources. They are so great that there have been times that Catholic Outreach has been closed only to reopen when more funds become available.

Sr. Claudia said part of the problem for many residents is that their income, based on a $4 to $5 per hour wage, won't make ends meet in an economy built around an auto worker's paycheck.

Paying utilities, rent, land contract obligations, keeping the family car running and even coming up with enough money for groceries becomes a big challenge.

"Many of these people make enough money so they aren't eligible for government assistance and yet don't get enough to pay their bills," Sr. Claudia explained.

Friends are planning to honor Sr. Claudia at a 7 p.m. Mass Friday, Feb. 3, in St. Michael Church, Fifth Ave. at N. Saginaw St. Bishop Kenneth Povish will be principal celebrant of the liturgy where Sr. Claudia will renew her vows. A reception will follow.

Supporters of Sr. Claudia and Catholic Outreach are hoping to obtain enough money through donations to purchase a van or small truck to help Sister in operation of Catholic Outreach. The vehicle also would be used to pick up and distribute food, furniture and other items.

Contributions designated "Anniversary Fund" can be mailed to Catholic Outreach, P.O. Box 815, Flint, MI 48501.

As usual, donations will be cheerfully accepted.●

THE NATIONAL RECOVERY—AS OTHERS SEE IT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GAYDOS. Mr. Speaker, this administration likes to speak in glowing terms about the national economic recovery. It sees the end of the recession. It sees Americans flocking back to work in droves. It sees a time when all roads will run downhill—if we only stay the course.

That is the view the President gets from 1600 Pennsylvania Avenue.

He would get a different one from an unemployment line in the Commonwealth of Pennsylvania.

From the vantage point of more than 100,000 unemployed workers in just two counties from my 20th congressional district—Allegheny and Westmoreland—there is little sign of the much heralded economic recovery. The only things they see going downhill are their jobs, their lives, and their futures.

The view of the unemployed is more accurately depicted in an editorial from the February 4 edition of the Valley News Dispatch in Tarentum, Pa., than from the economic reports issued by the White House.

I am inserting a copy of the editorial into today's RECORD in hopes that it may catch the eyes of some officials within the administration and let them see the recovery as others do.

The editorial follows:

[From the Valley News Dispatch, Feb. 4, 1984]

HERALDED RECOVERY HASN'T REACHED US

Alle-Kiski Valley residents must stifle a yawn when they read and hear those daily optimistic stock market reports and booming economic forecasts.

They haven't seen much of recovery here.

Once again yesterday we learned that the country's civilian unemployment rate dropped to 8 percent in January while the rate in the four Alle-Kiski Valley counties rose in December.

And for the short-term, the expectation is that the unemployment figures in January and February in the Alle-Kiski Valley will continue to climb. That's when people hired for the Christmas rush are laid off and join those laid off from such weather-sensitive industries as construction.

William J. Ceriani, regional labor market analyst for the state Office of Employment Security, while noting the recovery has been slower to come to this area than the rest of the nation, remains confident. He said, "Slowly but surely there's some improvement in the economy overall."

In numbers of people, Allegheny County now has 73,600 out of work, Butler 7,600, Armstrong 5,000 and Westmoreland 25,700.

That is close to 115,000 people in our four counties who are unemployed.

No wonder they view with skeptism a White House budget that proposes more billions of dollars for defense while recommending further cuts in social aid and health programs for the jobless, elderly, handicapped and poor.

Our congressmen, along with U.S. Senators Heinz and Specter and Gov. Thornburgh, must fight to see to it that these unemployed people in Western Pennsylvania receive full and necessary assistance from their federal and state governments.

Being told, as they are every day, that the recovery is on the way is not good enough.

They and their families have to survive in the meantime.

And that takes government help, not another kick in the shins.●

STRIPED BASS MORATORIUM

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mrs. SCHNEIDER. Mr. Speaker, I am today introducing a bill that seeks to restore the endangered population of the striped bass along the Atlantic coast. For almost 400 years, Americans have enjoyed the pursuit and the dining pleasure of the striped bass, a fish unique to our shores which has been called "the aquatic equivalent of the bald eagle." The first colonists learned about the striped bass from the Indians, and it was this food source that enabled them to avoid starvation during the early winters on Cape Cod. The first conservation statute in this country, passed in New England in 1639, outlawed the use of striped bass as fertilizer. Later, funds from the sale of the fish were used to build the Nation's first public schools. Since that time, the striper, which

spawns in fresh water, migrates along the coastlines of 11 States and often grows to a size above 50 pounds, has justly earned a reputation as the king of the Atlantic gamefish.

Now, however, within the brief span of 10 years, the striped bass has gone from its greatest period of abundance to the most catastrophic period of scarcity in its long history. Since 1973, reported landings of striped bass have fallen by 90 percent along the Eastern seaboard. The annual survey of reproductive success in the Chesapeake Bay, the region which historically accounted for up to 90 percent of the coastal migratory stock, has reached an all-time low.

Today, all that remains of this once-booming fishery are primarily the very old and the very young—and even these are in perilously short supply. The striped bass, according to the scientists conducting the Emergency Striped Bass Study authorized by the Congress in 1979, is in danger of being lost as a usable resource. The interim report of the striped bass study, released last week, recommends imposing an immediate and severe restriction on the harvesting of striped bass including "consideration of a total moratorium." This report states that "the coastal migratory stock cannot continue to support the level of fishing mortality that currently exists."

The bill which I am proposing would mandate a coastwide moratorium on the possession of striped bass by all fishermen, along the Atlantic coast and spawning rivers and tributaries, for a period of 3 years. This is the minimum amount of time that scientific experts deem necessary for any recovery of the striped bass population to begin. If the annual survey of reproductive success in the Chesapeake Bay should remain at a critical level, the moratorium could be extended for an additional 2 years. In the event we do attain our goal before the end of the 3 years, there is a provision for lifting the moratorium.

It is clear that fishing pressure is not the only reason for the terrible decline of the striped bass. Laboratory studies indicate that the fish, particularly in the early life stages, are dying from chemical contamination, and the scientific report calls for a substantial reduction in the discharge of toxic materials into nursery and spawning areas. Any ultimate solution must place emphasis on efforts such as the recent initiative to begin restoring the Chesapeake Bay habitat. But that is going to take many years and many millions of dollars. According to the scientists, the striped bass simply cannot withstand the dual stresses of habitat contamination and fishing mortality.

There are several precedents, both historical and recent, which indicate that the striped bass population can indeed return in abundance if fishing effort is curtailed. One hundred years ago, an ardent fisherman and conservationist named Robert Roosevelt—Theodore Roosevelt's uncle—warned that "the large bass are diminishing at so rapid a rate that there is danger that before many years have passed, surf fishing will have ceased to be practiced." By the turn of the century, his prediction had proven true. The striped bass populations that once filled many streams and estuaries on the Eastern seaboard had been fished out. Commercial and recreational fishermen focused their attention on other species. Finally, during the mid-1930's, the striped bass began to return in abundance. By 1973, landings were at an all-time high.

During the past decade, severe restrictions on fishermen in the Hudson and James River areas have resulted in a rapid turnabout in striped bass abundance. In 1976, commercial fishing for striped bass in the Hudson River was banned because of elevated levels of PCB's detected in the fish. A similar ban was imposed in the James River, due to unsafe concentrations of kepone. Since the sale of these fish was halted, the populations in both rivers have bounced back. Last year, the annual survey of reproductive success in the Hudson was the second highest in 10 years. In comparison to the Chesapeake, however, both the Hudson and James River populations of striped bass contribute a small portion of the coastal fishery.

I am urging this measure not only for the sake of conservation, but because the decline of the striped bass has caused a significant loss of revenue to the economy of the Northeast region. A recently published economic study under the sea grant program reveals that the striped bass' gradual disappearances resulted in the loss of approximately 7,500 jobs and $220 million in economic activity to the coastal areas of 10 states in 1980.

The striped bass is clearly a "money fish," and it is not commercial fishermen alone who are responsible for the overfishing. The sea grant economic survey shows that over 80 percent of the coastal recreational fishermen also sell their catch. This means that the depleted striped bass population remains vulnerable to thousands of fishermen, using highly-sophisticated equipment. The numbers of fishermen are far greater, and the pollution far more pervasive, than existed during the earlier decline at the turn of the century.

I am calling for a congressional initiative for a coastwide moratorium on the taking and possession of the Atlantic striped bass for a 3-year period.

My own State of Rhode Island has already taken this step, but one State alone will not make the difference. A moratorium is a drastic measure, but this species is in real trouble and the Atlantic States do not seem able to respond to the crisis in a timely and effective fashion. Also, of all the management alternatives, a ban affecting all fishermen is the most equitable solution and the one that promises the quickest results.

Congressional action would end the bickering between States and among commercial and recreational fishermen. It would be an equitable solution, which would allow time for the States to arrive at the crucial permanent management measures required once the moratorium is to be lifted.

Within my State, and among fishing and conservation groups all along the coast, I have received indication of strong support for the congressional action which I am calling for. Thousands of people, who have known the meaning of fishing for striped bass, deeply desire that future generations have the opportunity to pursue this fish for pleasure or livelihood.

Mr. Speaker, I urge speedy consideration and enactment of this important legislation.●

TEN WAYS TO IMPROVE TV'S CAMPAIGN COVERAGE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FRENZEL. Mr. Speaker, former President Gerald R. Ford, in an article in the February 18 issue of TV Guide, has made 10 suggestions for improvement of TV campaign coverage.

The Ford proposals are not radical. They are simple and sensible. In fact, there is so much plain good sense in them that they will undoubtedly be ignored by networks and stations alike.

Of particular interest to Congress is the Ford proposal No. 7. It states simply: "Don't use exit polls."

Several committees of this House have directed their attention to exit polling. Under the leadership of Congressmen SWIFT and THOMAS, the Committee on House Administration has spoken out strongly against exit polls. So far, legislation on this subject seems unwise, but it hoped that the networks might surprise us with responsible conduct.

The Ford article follows:

10 WAYS TO IMPROVE TV'S CAMPAIGN COVERAGE

(By Gerald R. Ford)

We've just entered the 1984 Presidential campaign year. How will television news cover the campaigns and the candidates? A majority of Americans receive their political news primarily from television. Is it doing a good enough job? Could it do better—and if so, how?

To find out, we asked former President Gerald R. Ford to give us his views on how television affects Presidential campaigns

and how it could improve its coverage. His comments and suggestions take the form of 10 "modest proposals" for the networks to adopt during 1984 and subsequent election years.—The Editors

1. Let the candidates speak for themselves—but give them adequate time to do so. One of the things that irks me are 10- or 15-second sound bites from the candidates' speeches that correspondents who cover campaigns almost invariably insert into their news spots. I understand the problems the reporters face: the need to put together, under deadline pressure, a piece that is telegenic and also contains information. But the problem of the short sound bite is twofold. First, it leads to taking things out of context. Second, it causes candidates to tailor their speeches for the cameras, which means viewers often hear simplistic, overly generalized answers.

There is no way to respond to a question about the economy or unemployment or foreign policy in 10 or 15 seconds. And yet that's how long Presidential candidates generally get on the nightly news to deal with these complex issues. What is at fault here is the system: a system in which news-program producers feel they have to do a nightly campaign piece, but don't think that it warrants more than one or one and a half of the precious 22 or so minutes they have for all the night's news.

The answer seems simple enough: don't do a campaign spot every night. But when you do one, give the candidate time to develop his thoughts.

2. Come to grips with the issues better. It would be tremendously helpful to the electorate if the networks would take each of the candidates and, for five to 10 minutes, perhaps a half dozen times between Labor Day and Election Day, let them expand on their views about specific subjects. I'm not suggesting that the candidates produce these segments. They should be questioned by reporters or anchorpeople. But there has to be a better way to illustrate the different views presented by the major candidates, and a better way to offer them adequate time to express themselves.

Television is good at bringing out candidates' personalities. The camera doesn't lie and, after months of watching, we have a pretty good idea of what each candidate is like. How do they act under pressure? How do others react to them? Are they the kind of people who can successfully undertake what has to be the most important job in the world?

We can learn some of this from watching nightly coverage. But to get behind the personality of a candidate and discover how he thinks, we should be able to see him respond to specific—and detailed—questions.

3. Concentrate less on polls and surveys. Each of the networks now has its own pollster. That's good business for the people who take polls, but I think it is bad for viewers. If the networks would take the time they spend on polls and use it instead on discussions of the issues by the candidates, there would be a healthy payoff for voters.

The question occurs to me: why do networks conduct so many polls? One answer is that because of the new technological developments of the past few years, polls provide good visuals. The figures are also dramatic—such and such a percentage feel this or that about a candidate. The problem here is that polls tend to oversimplify things. And oversimplification is one of the things we need least during a political campaign.

4. Break out of Washington more. I suggest that in 1984 the candidates hold major—and nationally televised—press conferences in all areas of the country. During these, local reporters should have the chance to ask questions. We initiated regional press conferences when I was in the White House, and they were tremendously successful. The White House press corps, perhaps, didn't like them so much. But the regional press did. And the questions local reporters put to me were instructive—both for viewers who saw them on television and for me.

People in the Midwest, the South, or the West have different concerns than those who spend their lives covering politics on the Potomac. We should all learn what those local concerns are, and how the policies promoted by the candidates will affect the vast majority of Americans who live beyond the New York-Washington corridor.

In addition to local press conferences, I'd also suggest that the nightly news shows make a policy of getting out into the countryside. Perhaps spend one evening doing a special report on what's happening in Pittsburgh; another in Detroit; another in San Antonio, Texas; or Fresno, Cal. Deal with how the solutions being offered by each of the candidates would affect the people in those places, or places like them.

5. Get the candidates to debate on television. None of the debates I've ever seen or taken part in have been perfect, but they are an effective way for Americans to contrast the candidates and see how each presents his case. In two campaigns, I think debates have been crucial to an election: John F. Kennedy's 1960 debates with Richard Nixon helped him immeasurably. And I think that candidate Ronald Reagan was aided by his performance against incumbent President Jimmy Carter 20 years later.

The format, however, could stand some improvement. For example, I'd like to see the candidates question each other directly. And it would be educational if there were more than the single debate between the two major-party candidates that was held in 1980. Mr. Carter and I met three times. That seems like a good number. Two of the debates might be conducted by having members of the press ask the questions, while the third would pit the candidates face-to-face.

6. Be scrupulously fair and accurate. Don't report simply to make headlines. During the 1976 campaign, there was an allegation that I had misused funds during one of my Congressional races. The matter was thoroughly investigated by a special prosecutor who made the determination that there was no substance whatsoever to the allegation. Now, during the time the prosecutor was looking into the matter, one network correspondent—I won't say who—gave something like 10 minutes of air time to the allegation over a three-week period. I know that because I had my press secretary, Ron Nessen, check it out. How much time did the reporter give the news that the charges were unfounded? Thirty seconds—if that.

This is a clear indication of unfairness—both on the reporter's part and the network's. I'm not arguing that the charge should not have been reported. But once it was, it seems to me that there was no reason to speculate on the outcome until the prosecutor had reached a decision.

One possible reason for reporting of this type is the competition among correspondents to get on the air—a rush for scoops for headlines that will guarantee them space on the evening news. Another is carelessness. The solution lies with those who produce the nightly news programs. They must prune correspondents' copy with care to ensure that the news is balanced and even-handed. They must avoid the cheap shot, the careless phrase.

7. Don't use exit polls. I do not believe that exit polls—the polls networks take by interviewing people after they have voted—should be used at all. Nor am I in favor of early projections made from vote counts before the polls have closed.

If a network, on the basis of 100 exit-polls comments throughout a state, were to predict a Presidential winner at noon on Election Day, the report could have serious repercussions—both in that state and nationally. Projections based on exit polling are unscientific and can often be misleading.

On the other hand, I have nothing against the old network technique of calling a race based on scientific surveys of selected voter precincts once the polls have closed. If the networks were to trace the vote in their selected precincts over the past 10 years, for example, they could probably forecast the winner. That is different from an exit poll; it is using the actual, final voting results.

Such voting-precinct studies, as they're called, are accurate. And they use factual, publicly available information. People who are interviewed by networks as they leave the polls are under no obligation to tell the truth. They might simply be telling their network interrogators what they think the networks want to hear.

8. Get away from lengthy coverage of the national Presidential nominating conventions. There are portions of the conventions that should be seen by everyone. But much of what goes on is journalistic chaff and could easily be dispensed with. What I suggest is that the networks give thoughtful consideration to funding the Public Broadcasting Service and allowing it to broadcast the conventions gavel-to-gavel. PBS could keep a start-to-finish visual record of the proceedings, which would be valuable historically. The networks could then use their own initiative to determine how much they wanted to cover.

9. The week before the election, devote a substantial amount of time to the historical stand of each candidate on the issues. The networks each maintain computerized files of all the videotape they have shot during the campaign. The week before the elections, they should use those files to compile a video record of how each candidate stands on the issues facing the Nation. In the past, these tapes have often been used to chide candidates about their positions. When Vice-President George Bush, for example, denied having used the phrase "voodoo economics," it was simple for the networks to dig out the tape of him saying it. But I see a more constructive use for these invaluable video archives: if the network news producers would carefully extract a candidate's positions on domestic and foreign policy, unemployment, inflation, the deficit—all the issues that face us—and present them to the public, it could be tremendously educational for voters.

This would have to be done carefully. Remarks should not be taken out of context. But if the montage were done with precision, it would be possible for viewers to see exactly where each of those running for President stood on every key issue. It would bypass television's tendency to focus on personalities and help the electorate make a truly knowledgeable decision when they walk into the voting booth.

10. Don't start coverage of the Presidential campaigns until Jan. 1 of the election year. The people who run the network news divisions will probably scream bloody murder at this suggestion and tell us that, because of competition, it's impossible to hold back. But it could be done, and here is how: pass a law making it illegal for candidates to receive, or for anyone to donate, money to a Presidential campaign before Jan. 1 of the election year. Money is the mother's milk of politics. The Democratic hopefuls—some of whom have been running for more than a year—so far have raised more than $15 million. They'll probably raise another $10 million before they're through. If the money were cut off until Jan. 1, there'd be a lot less campaigning—and a lot less to cover.

What we'd get is a campaign that resembles those in other democratic countries, where the process takes weeks instead of months, and where issues are foremost in people's minds, not personalities. Shorter campaigns would remove much of the "horse-race" aspect of American politics. That would probably offend some of our political pundits, because it means less work for them.

But a shorter campaign, with television focusing on the issues and giving the voters an accurate, balanced picture of where the candidates stand, could do a lot to get more of us where we belong on Election Day—in the voting booths.●

COMMUNITY NURSING CENTERS LEGISLATION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. WYDEN. Mr. Speaker, I am pleased to join with several of my colleagues in introducing legislation which will encourage a new, less costly alternative in health care delivery—the community nursing center (CNC).

There are many senior citizens throughout the United States who would be able to live at home if in-home or other nursing services were available to them under the medicare system. Instead, they often must live in long-term care institutions where the needed care is provided, but at a much greater cost. By bringing CNC's into the medicare system, our Nation's elderly will have a real alternative to high cost institutional care.

Clipping the wings of soaring health care costs cannot be done by reducing the eligibility and benefits of millions of Americans in need, but by developing better and more economical approaches toward meeting those needs. The CNC proposal is, in short, an example of how to save money without gutting and cutting federally supported health care programs.

Additionally, rather than creating a whole new group of provider organizations, this proposal would build upon the well known abilities of community-based nursing organizations. These organizations include visiting nurse agencies (VNA's) and the extensive nursing components of municipal health departments, almost all of whom are now medicare providers. CNC's would, however, have clearly defined service areas, in order to avoid the problem of an oversupply of providers.

In order to qualify as a CNC, an agency must provide its services at substantially lower costs than other medicare providers in the same area who offer the same type of services.

The VNA's and public health nursing departments have a proven track record under medicare as low-cost providers on any index used—whether per visit or per case. Health Care Financing Administration (HCFA) cost comparison studies have borne this out.

A CNC differs from hospital outpatient departments and neighborhood health centers because of its professional nursing orientation and its emphasis on providing necessary service in or out of the home rather than in a single setting.

This bill, which was introduced with minor differences in the Senate by Senators INOUYE of Hawaii and PACKWOOD of Oregon, would help to prevent the unnecessary institutionalization of this Nation's senior citizens and would help cut medicare costs by more effectively utilizing the 1.6 million registered nurses in this country.

Mr. Speaker, I urge my colleagues to take a good look at this legislation. I hope they will also find merit in the idea and will join me in supporting this new concept in health care delivery.

The bill follows:

H.R. 4865

A bill to amend titles XVIII and XIX of the Social Security Act to provide coverage for community nursing center services under the medicare and medicaid programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Nursing Centers Act of 1984".

MEDICARE PROVISIONS

SEC. 2. (a) Section 1861 of the Social Security Act is amended by inserting after subsection (aa) the following new subsection:

"COMMUNITY NURSING CENTER SERVICES

"(bb)(1) The term 'community nursing center services' means any of the following items and services which are furnished to an individual by a community nursing center (as defined in paragraph (2)) or by others under arrangements made by such center, which are furnished under a nursing plan of care established and reviewed in accordance with paragraph (3), and which are furnished at the community nursing center, the individual's home, or any other appropriate location:

"(A) part-time or intermittent nursing care furnished by or under the supervision of a registered professional nurse;

"(B) physical, occupational, or speech therapy;

"(C) social services necessary to and supportive of the overall nursing plan of care and included in such plan;

"(D) part-time or intermittent services of a home-health aide who has successfully completed a training program approved by the Secretary;●

REPORT TO THE CONGRESS ON THE NATIONAL ARCHIVES

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. BATES. Mr. Speaker, two institutions of great importance to all Americans will celebrate their 50th birthdays this year. The first is the National Archives in whose care rests the Declaration of Independence, the Constitution, and all Federal Government records of lasting historical importance.

The second institution, less well known, but no less significant, is the National Historical Publications and Records Commission. I have the honor to sit on this Commission as the sole delegate from the House of Representatives. I would like to give you some idea today of the role of this Commission and its accomplishments in the preservation of our Nation's history.

The act of Congress that established the National Archives also provided for a National Historical Publications Commission which would "make plans, estimates, and recommendations for such historical works and collections of sources as seems appropriate for publication and/or otherwise recording at the public expense." There was no funding for the Commission and no staff, but the Commission could plan.

President Harry Truman, impressed by volume 1 of "The Papers of Thomas Jefferson," took steps to create a more comprehensive program for the publication of the public and private writings of those who have contributed greatly to the development of this Nation. While there was still no funding, the Commission encouraged historical institutions to undertake preservation projects.

Congress launched the Commission's grant program in 1964. Using a combination of Federal and private funds the Commission was able to assist a number of documentary projects.

New legislation in 1974 allowed the Commission to undertake project for the collection, preservation, arrangement, and description of historical records in addition to its continuing publications function. Since that time the Commission has become a major driving force in the effort to save valuable State and local government records, to preserve deteriorating historical photograph collections, to

assist in training archivists, curators, and conservationists.

Since the founding of the Commission 50 years ago 385 volumes have followed the first volume of the Jefferson Papers. The works have varied from the "Papers of Gen. George C. Marshall" to "Freedom: A Documentary History of Emancipation."

In addition, the Commission has sponsored the publication of more than 150 separate microform editions of manuscript and archival collections of broad research interest. These total over 5,700 reels of microfilm and over 1,000 microfiche. The Commission has also sponsored the publication of the "Directory of Archives and Manuscript Repositories in the United States," a basic reference tool found in every research library.

Speaking on February 3, 1984, to the Truman Institute, Dr. Robert M. Warner, Archivist of the United States and Chairman of the Commission, pointed out the Commission's leading role in publishing the papers of black Americans. February is Black History Month and the collection and preservation of the invaluable records of Americans such as Frederick Douglass, Booker T. Washington, and Marcus Garvey is a tribute to the work of the Commission and the rich history of this Nation.

I have been honored with the appointment to the Commission by the Speaker of the House of Representatives. The Commission has brought to life the history of this great Nation and preserved its important traditions. I look forward to beginning its second 50 years with the other members of this distinguished Commission.●

FUNDAMENTAL SCIENCE IN THE STATES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. WALGREN. Mr. Speaker, in today's struggle to maintain our Nation's scientific leadership, there is a clear need to make the most of all the scientific talent available to us. There are a number of areas where scientific talent is underused, among them women, minorities, and scientists at less prominent universities.

One effort to deal with this problem is the National Science Foundation's experimental program to stimulate competitive research (Epscor). This 5-year program was established to increase the ability of scientists at universities in five States, which were among the lowest in Federal research funding, to compete successfully for Federal research funds. The Epscor program, which provided awards to help support statewide research improvement plans, is scheduled to end in 1984.

In an editorial in the February 17, 1984, issue of Science, Prof. Gary A. Strobel, who directs the Epscor project at Montana State University, describes achievements made by his university under the program. Dr. Strobel believes that the accomplishments of Epscor, made with a modest Federal investment, demonstrate the need to broaden this approach to advance science and science education nationwide.

The Subcommittee on Science, Research and Technology is presently conducting its annual review of NSF's budget, and we will be looking at all of the Foundation's programs. It is helpful to have the benefit of a university's experience under Epscor, and I would like to share Dr. Strobel's thoughtful article with my colleagues:

[From Science, Feb. 17, 1984]

FUNDAMENTAL SCIENCE IN THE STATES

The total federal research budget of the United States for 1983–1984 is approximately $47 billion. About 14 percent of this ($6 billion to $7 billion) is dedicated to fundamental research, and half of this sum is spent at colleges and universities. Campuses in the ten states that are best funded have received the bulk (60 to 65 percent) of the federal research dollars, while only 1 to 2 percent goes to schools in the ten states where the funding is low.

The sophisticated equipment, laboratory facilities, libraries, and the high-quality professionals at the top institutions are a vital part of the relatively good health and status of the U.S. research picture. However, in view of the changing demographies in the country, it may be time to consider a greater distribution of high-quality science centers. Would an increase in research dollars to states that are not well funded and to the poorly funded institutions in the richer states enhance our total science base, improve undergraduate education in science, and provide better graduate education in these locations? Should incentives and opportunities, be provided to scientists in these locations to become more competitive? The answer to these questions is affirmative for a number of reasons.

Since the middle to late 1970's there has been a dramatic increase in the number of people who receive Ph.D.'s at the top universities and find employment in the medium-level universities throughout the United States. Their ability to acquire competitive grants from federal agencies is hindered by heavy teaching loads, an inability to develop scientifically compelling grant applications, academic isolation, lack of mentors, and poor local support for scientific research and creative activity. Thus, the total scientific talent of these individuals has not been captured. Their research and teaching effectiveness might be greatly improved by funding their research efforts. To rectify some of these problems, the National Science Foundation in 1980 launched the Experimental Program to Stimulate Competitive Research (EPSCoR) in five states that were at the bottom in total federal research funding: Montana, South Carolina, Arkansas, West Virginia, and Maine. After each state had thoroughly assessed its problems and developed a comprehensive plan, a modest sum of $2 million to $3 million was awarded to each state. Since 1980 dramatic strides have been made in upgrading science in these states through speaker programs, extensive extramural peer review of proposals, consultants, infusion of new state and private dollars, and shifting of teaching loads.

In Montana the EPSCoR program, known as MONTS ("Montanans on a New Trac for Science"), has relied on more than 500 peer reviewers in evaluating its scientific proposals. It has supported several hundred seminar speakers and consultants. At present, well over 50 percent of the original MONTS investigators have acquired extramural research funds. These funds have come from federal, state, and private organizations and agencies, and the amounts are nearly double those originally received from NSF. Furthermore, after NSF-EPSCoR funding has ceased, the MONTS program will continue with state funding. In Montana, the unique local and regional land, water, and wildlife resources have been well suited for study by MONTS investigators. For example, MONTS paleontologist John R. Horner, now independently funded by NSF, is continuing to excavate in north central Montana where he discovered extensive dinosaur nesting sites, complete with eggs and young.

Ultimately, increased scientific activity in the EPSCoR institutions stengthens both undergraduate and graduate education. In some cases, political leaders realized that economic development in their area is directly related to the status of research activities at the educational institutions of the state. The achievements made under EPSCoR, with a relatively modest federal investment, show that his approach should be broadened by NSF and other federal and state agencies to advance science and science education nationwide.—Gary A. Strobel, MONTS Project Director and R. G. Gray, Professor, Montana State University, Bozeman 59717.●

ENVIRONMENTAL CLEANUP BENEFITS INDUSTRY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. ROE. Mr. Speaker, on January 9 my fellow colleague from New Jersey Representative JAMES J. FLORIO had the opportunity to address the New Jersey Chapter of AWARE, a group whose main intent is to alert women about resource and energy issues confronting our country today. As you know, Mr. FLORIO is the author of the 1980 Superfund law which set up a national fund to help clean up our Nation's hazardous waste sites.

In his address, the South Jersey Representative shared with AWARE members and representatives from utilities and energy organizations his views on the increased need for strong environmental protection policies. Furthermore, Mr. FLORIO once again reiterated his firm belief that stringent environmental regulations benefit not only the environment and consumers, but industry and the business community as well.

As someone who also believes industry would profit from renewed clean air and water regulations especially, I would like to submit a review of the Florio AWARE address to my colleagues' attention.

[From the Madison Eagle, Florham Park, Jan. 12, 1984]

FLORIO SAYS ENVIRONMENTAL REGULATIONS BENEFIT BUSINESS

(By Ida Picker)

"Environmental regulations are in the best interests of the business community," U.S. Representative James J. Florio (Democrat-Pine Hill, NJ) told the audience of about 80 people at a dinner sponsored by A.W.A.R.E. (Alerting Women About Resources and Energy) on Monday, Jan. 9 at the William Pitt Colonial Inn in Chatham.

James Florio is perhaps best known as the primary author of the act known as the "Superfund," passed in December 1980, whose purpose is to provide funds and authority to clean up hazardous waste dumpsites and to respond to chemical spills.

Speaking on one of his favorite topics, environmental protection regulations, Rep. Florio emphasized that, contrary to the prevailing philosopy in the country, environmental regulations are financially beneficial to industry.

He outlined the ways in which clean air and water regulations are cost-effective for the business commujity.

1. As a means of preserving the public trust. Adhering to environmental regulations can be a means of giving industry and business a "clean bill of health." Florio pointed out that the Chemical Manufacturers Association came forward this year to endorse the concept of reauthorization of the Superfund, although in 1980 they opposed it. The chemical industry, Florio said, had come to the realization that they should not be perceived by the public as opponents of cleaning up toxic waste.

Industries, he continued, are using regulations as a marketing device to show the public they are in compliance with regulatory standards.

2. Cost savings. Although compliance requires an initial investment, ultimately it will save money, Florio assured the group.

"Regulations are an economic blessing in disguise," he said. Following the example of 3M Company, industry can produce less waste, resulting in a higher degree of productivity. Recycling waste is another cost-saver.

"It goes without saying," Florio added, that compliance reduces the possible liability of a company."

3. Jobs and economic development potential. Regulations spur "innovative scientific achievement" and help "focus America's inventive genius," he said.

The hazardous waste/solid waste industry is in itself a whole new industry, creating jobs. Adherence also assures the continued well-being of New Jersey's water-intensive major industries by assuring a supply of good water to the food processing, pharmaceutical, agricultural and chemical industries.

4. A level playing field for industry. What is wanted is "even-handed sensible regulation," where everyone is required to adhere to the same rules, Florio asserted, When regulations are poorly enforced, industry does not know what to do.

His presentation was well-received by the audience which included representatives of JCP&L (Jersey Central Power and Light), PSE&G Public Service Electric and Gas), Burns and Roe, an energy consulting firm, an energy activist group based in Washington, D.C. called Citizens Energy Coalition, as well as a number of interested A.W.A.R.E. members.

Following his talk, he knowledgeably handled audience questions about environmental concerns such as acid rain and nuclear generators.

The sponsor of the event A.W.A.R.E., is a New Jersey chapter of a national organization, N.E.W. (Nuclear Energy Women).

According to A.W.A.R.E. President, Caren Freyer, a former Chatham Township resident, the purpose of the group, formed in 1980, is "to educate women of the need for different energy alternatives." Although many of the 300 members from New Jersey, New York and Pennsylvania are associated with utility companies, it is a "no-biased organization," Ms. Freyer said, designed as a "forum for energy." The group, she said, takes neither a pro-nuclear nor a pro-solar energy stand.

A.W.A.R.E. is open to the public and welcomes new members. Dues are $2 per year. Anyone interested should contact Fran Sentner, PSE&G, T-5A, P.O. Box 570, 80 Park Plaza, Newark, NJ 07101.●

THE ACTIVITIES OF THE SUBCOMMITTEES ON HEALTH AND SAFETY OF THE COMMITTEE ON EDUCATION AND LABOR DURING THE FIRST SESSION OF THE 98TH CONGRESS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GAYDOS. Mr. Speaker, the Subcommittee on Health and Safety, on which I am privileged to serve as chairman, conducted oversight hearings during the 1st session of the 98th Congress on the following matters subject to the jurisdiction of the subcommittee. They were:

I. The administration of the Federal Mine Safety and Health Act of 1977 with respect to coal mining.

II. Benchmark staffing levels for States which operate their own occupational safety and health programs under section 18 of the Occupational Safety and Health Act of 1970.

III. Fire and explosion at Texaco storage tank facility at Newark, N.J., January 7, 1983.

IV. The activities of the Occupational Safety and Health Administration with respect to dormant regulatory activities involving 116 substances.

I. THE ADMINISTRATION OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977 WITH RESPECT TO COAL MINING

The subcommittee conducted a series of oversight hearings on coal mine safety and health at which the following individuals testified:

Mr. Richard Trumka, president, International Union of United Mine Workers of America.

Hon. Ford B. Ford, Assistant Secretary of Labor for Mine Safety and Health.

Mr. Joseph Lamonica, Administrator, Coal Mine Safety and Health.

Mr. Robert H. Quenon, chairman, Bituminous Coal Operators' Association.

Mr. Joseph D. Brennan, president, Bituminous Coal Operators' Association.

Mr. James A. Clem, vice president, Safety and Industrial Hygiene, Bituminous Coal Operators' Association.

Mr. Ralph E. Bailey, chairman, American Mining Congress.

Mr. Ralph Hatch, chairman, Coal Mine Safety Committee, American Mining Congress.

SYNOPSIS OF TESTIMONY

1. MR. TRUMKA, ON BEHALF OF THE INTERNATIONAL UNION OF UNITED MINE WORKERS OF AMERICA (UMWA)

A. GENERAL COMMENTS ON MINE SAFETY AND HEALTH

Our ultimate goal should be zero fatalities and zero injuries in our industry.

We have seen a trend away from penalty assessment that Congress mandated in 1977. Right now, penalties for non-S&S—and S&S means a significant and substantial violation of the law—are cited for $20. Twenty dollars will allow you to violate the law if it is a non-S&S violation.

At one time, 80 percent of the violations cited by MSHA were considered significant and substantial. In the last quarter of 1982, that percentage fell to 13 percent.

The following are now considered nonsignificant and insubstantial: The lack of rock dust, 4.5 percent accumulation of methane, unguarded and exposed power circuits on a shuttle car, violations of the roof control plan, unsupported, loose, broken, inadequately supported, a power center located within 80 feet of the pillar line, and 5 inches of coal dust and loose coal in shuttle car roadway.

We have seen a direct correlation between districts that cite a larger number of S&S violations and a smaller number of S&S violations. Those that cite significant and substantial have a better accident frequency rate and fatality rate.

There are areas of the law where regulations have never been passed, areas dealing with recordkeeping, with toxic substances and standards for handling of toxic substances, pattern violations which was placed in this 1977 act, training for construction workers in the mining industry, health and safety regulations for construction workers in the safety industry, and we must go back to strict enforcement and return to a penalty system that provides strong incentives for compliance.

The year 1978, which was our best year in mine health and safety, was also the year that MSHA employed the greatest number of mine inspectors. In 1979, that number decreased and the rate increased. In 1980, the number of inspectors decreased further, and the rate increased further. In 1981, the number of inspectors decreased and the rate went up. In 1982, the number of inspectors, while not back to the 1978 level, was increased and the rate tipped. Now we are asked to eliminate an additional 129 inspectors from coal enforcement.

The fatality rate for surface mines in this country right now has decreased. In 1968, it was 1.2. Right now, it hovers at about 0.03. It is about the same, identical rate as the European miners have for underground mines. Our surface rate is identical to the European underground rate. Our underground rate is roughly twice the surface rate, roughly twice of what it is in England, Germany and comparable countries.

I would suggest that every violation of a health standard be considered S&S, every violation—violations of noise standards, violations of the dust standards. We had an inspection that they found 4.8 milligrams in the atmosphere of that mine. The prescribed standard that you advanced was 2 milligrams. The atmosphere was never to exceed those 2 milligrams. An inspector found an atmosphere of 4.8. He found that to be nonsignificant and insubstantial. I find that finding inhumane and callous.

MSHA has announced that they will use the National Gypsum decision as a springboard to not only attack significant and substantial as it applies to mandatory safety standards, but as it applies to health standards.

I do not think we have a long wall in the country that is in compliance with the dust standards right now.

At each mine throughout the country that is a UMWA mine, we have a safety committee composed of three people. Into the contract we have negotiated provisions for them to enforce the law. That safety committee is paid for by the local.

Many of the districts have district inspectors that also assist the safety committee and Federal inspectors. The three safety committeemen are there on a full-time basis. We have roughly 50 people in our safety division that we pay for that help us in the fields. We have increased the number of safety people periodically.

Seventy percent of the underground coal mines in the United States are below the mandated standard of 2 milligrams of respiratory dust per cubic meter of air. The 30 percent who exceed such standard are in long-wall mining. To the extent that CAV's take away from enforcement of the act, the UMWA would object to them, because, "We do not think that they are authorized under the act."

B. NORTH AMERICAN COAL CO. NO. 6 MINE

I asked a team of my inspectors to conduct an inspection simultaneously with or immediately following the inspection team of MSHA. They did that. At the North American Coal Co. No. 6 mine, my inspectors went into the mine on the 16th, 17th, and 18th of February. MSHA inspectors were there the 14th, 15th, 16th, 17th and 18th of February. Our inspections coincided somewhat. MSHA had a team of four inspectors; we had a safety committee and three inspectors. MSHA logged 17 inspection shifts and found 12 violations and issued one 104-B order. The UMWA inspection team logged 18 inspection shifts—1 additional inspection shift—and they found 160 violations of the law.

For the fourth quarter, MSHA in their entire inspection found 135 violations at that mine, 5 of which they considered as S&S. That is in an entire inspection quarter.

The mine was chosen for the inspection because it had an incident rate of 22.7 in the fourth quarter of 1982, as opposed to an industrial average of 19.4.

After hearing the results, I questioned my inspectors. I asked them perhaps if they had been unduly hard. They indicated to me that in the vast area of that mine and in the few days they had to inspect it, they looked for big things. They were not nitpicking.

2. HON. FORD B. FORD AND MR. LAMONICA, ON BEHALF OF THE MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

A. NORTH AMERICAN COAL CO. NO. 6 MINE

On January 3, 1983, MSHA commenced an inspection of the North American Coal Co. Powhatan No. 6 Mine in its entirety which concluded with a close-out conference on March 31, 1983. During the 3-month MSHA inspection, there was full participation by the representatives of the miners. Several UMWA safety committeemen at the mine accompanied our inspectors throughout the inspection and also participated in the pre and postinspection conferences.

During the course of the MSHA inspection, the UMWA conducted its own inspection of the Powhatan No. 6 Mine. Its inspection commenced on February 16 and concluded on February 18. At the time the UMWA finished its inspection, the MSHA inspection was still in progress and was not completed until March 31, 1983.

On February 22, 1983, the UMWA issued a report of its inspection, a copy of which was received by the MSHA St. Clairsville office on the same day. After reviewing the report and determining a number of the conditions noted by the UMWA did not constitute violations of any MSHA standard, MSHA inspectors were sent the next day, February 23, to conduct a spot hazard inspection. During the spot inspection, MSHA investigated the remaining conditions identified by the UMWA to attempt to determine if violations of Federal safety and health regulations existed. This followup inspection in response to the report was performed at the Powhatan No. 6 mine on February 23, 24, 25, and 28, 1983, and a representative of miners accompanied the MSHA inspectors each day.

During the followup spot inspection eight citations were issued, five of which were directly related to conditions identified in the union report. A report of the followup spot inspection was then prepared and copies were transmitted to both mine management and the UMWA district 6 office. No response concerning the followup inspection and report was received from the UMWA.

After completing the spot inspection in response to the UMWA report, MSHA continued its inspection of the Powhatan No. 6 mine which concluded on March 31, 1983. As of February 18, when the UMWA concluded its inspection, MSHA had issued 115 citations at the mine. During the last month of the inspection, MSHA issued an additional 21 citations and 2 orders. Thus, a total of 136 citations and 2 orders were issued during the inspection of the mine in its entirety—not including the 8 citations issued during the spot followup inspection in response to the UMWA inspection report.

The UMWA report of their inspection of the North American Coal Co. Powhatan No. 6 mine contained a total of 146 conditions described as violations of safety and health standards. Of the 146 conditions reported, 28 referred to breaker posts not being installed in cross cuts along the track and belt. Current MSHA regulations and criteria for roof control plan approval refer to the use of breaker posts during pillar mining only. During the MSHA inspection no pillar mining was being done at the Powhatan No. 6 mine. However, the installation of breaker posts in these areas may be required under State law.

The UMWA inspection report also described 15 conditions concerning problems with belt rollers which were stated to be violations. The mere presence of stuck or frozen rollers in a belt conveyor system does not constitute an MSHA violation.

Of the 146 conditions reported by the UMWA, approximately 90 of the conditions did not constitute violations of Federal safety and health standards at the Powhatan No. 6 mine. The remaining conditions did not include enough information for MSHA to determine if a violation of the particular standard referenced by the UMWA existed when the UMWA inspection was made. Moreover, MSHA was unable to

substantiate any violations regarding these conditions during the spot followup inspection. Before an MSHA inspector can issue citations for violations, the conditions associated with the violations must be fully substantiated. In addition, a mine is a constantly changing environment and new conditions are encountered in a mine on a daily basis as the working faces advance. Potentially hazardous conditions are also often corrected by mine operators, which foreseeably may have occurred in this case after the UMWA inspection. Thus, a violation noted one day may not exist the next and vice versa. As a result, it is difficult, if not impossible, to reinspect a mine and make a determination as to whether a violation existed on a particular date.

B. GENERAL REMARKS

Last year MSHA accomplished a major reorganization, hired and began training more than 200 new coal mine inspectors and specialists, continued major rulemaking projects and embarked on new ones, focused special emphasis programs on the worst hazards, and set up new forums for dialog among industry, labor, and Government.

In both the coal and the metal and nonmetal mining industries in 1982, injury rates continued the steadily downward trend they have shown for many years. In coal mining, the all-injury rate declined from 8.92 injuries per 200,000 employee hours in 1981 to 8.06 in 1982. The actual number of reported injuries also fell from 18,821 in 1981 to 16,561 last year. What these figures mean is that, last year, coal mining became a safer industry in which to work.

The same was true in metal and nonmetal mining. The all-injury rate in the industry dropped from 5.65 in 1981 to 4.49 in 1982, again following the encouraging trend of declining rates we have seen for some time. Comparisons between 1982 and the previous years in metal and nonmetal mining are somewhat difficult, however. A substantial sector of this industry was exempted from MSHA jurisdiction through appropriations riders during part of last year, so that complete injury and work-time data could not be collected. But the data MSHA did compile showed continued progress.

Fatal injuries also declined compared with the previous year. In coal mining, there were 122 deaths in 1982, down from 153 in 1981, and indications are that the trend is continuing. As of February 25, 1983, there were 8 fatalities compared to 33 on this date a year ago. Likewise, in metal and nonmetal mining, accidental deaths also decreased from 84 in 1981 to a new historical low of 67 last year.

In recent months, MSHA initiatives have made important strides toward making "cooperation" more than a catchword. Current MSHA initiatives are leading to more dialog and more cooperative activities among the sectors of the mining community than ever before.

MSHA district organizations are no longer strictly in the business of inspections. They also assist mine operators to improve safety and training programs. Training specialists newly assigned to the districts work with both management and labor in solving safety and health problems at selected mines where simply conducting more inspections is not the answer.

MSHA has forged stronger lines of communication and teamwork with State mine safety programs across the Nation.

In line with the President's commitment to comprehensive regulatory reform, MSHA is now reviewing several groups of its rules. The goal is to clarify vague requirements that can lead to arbitrary or conflicting interpretations, to remove overlaps and duplications, to eliminate any requirements that do not further safety and health, to accommodate state-of-the-art technology, and to reorganize the regulations so they will be easier to understand and use.

Last year, MSHA revamped the rules for civil penalty assessments. The new rules gave greater credit for correcting violations promptly and provided a flat penalty for any violation that is not significant and substantial. Industry has reacted positively to these revisions, and under these rules, the vast majority of violations MSHA inspectors find are being corrected promptly.

MSHA is now engaged in reviewing eight major groups of metal and nonmetal mine safety and health regulations, as well as all the safety standards that apply to underground coal mining. Additional major reviews scheduled to begin soon will deal with education and training regulations and with reporting and recordkeeping requirements.

MSHA's goal is to complete all these reviews and to have improved regulations covering these areas in place before the end of 1984.

In this regulatory review process, participation by industry, labor representatives, and all members of the mining community who may be affected by rule changes is an integral part of MSHA's plan. To insure that the mining public has every chance to take part, MSHA asked the mining public for comments even before beginning to draft possible revisions in coal and metal/nonmetal review projects. In the metal and nonmetal project, public comments were used in selecting priority areas for review and, last spring, MSHA held 26 public conferences throughout the country to obtain advance input into the revision process.

Shortly MSHA will be proposing a new rule designed to streamline approval and certification of mining equipment. This proposal will allow for an alternative procedure for certain mining equipment approvals, under which the required product testing could be performed by the manufacturer or by a third party rather than by MSHA if certain requirements are met. Such a rule will benefit MSHA, industry and the miners by helping to speed approvals of new equipment, reducing backlogs of equipment awaiting tests, and conserving MSHA resources, while continuing to insure that such equipment is safe for use in the mines.

Last spring MSHA offered for the mining community's consideration several suggestions concerning areas where the law might be changed to give MSHA more flexibility to do a better job.

They are:

First, the current requirement for two complete annual inspections at every surface mine should be eliminated.

Second, in certain situations a notice of violation should issue instead of a citation.

Third, MSHA should be given more flexibility in approving training plans. The requirements of 24 hours training for new surface miners and 8 hours refresher training for all miners should be deleted.

Fourth, MSHA should be allowed to provide onsite consultation at producting mines.

MSHA and the Secretary of Labor still oppose the transfer of jurisdiction over surface stone, sand and gravel, et cetera, to OSHA under an appropriations rider. The appropriations rider last year caused great disruption at MSHA.

3. MR. QUENON, MR. BRENNAN AND MR. CLEM, ON BEHALF OF THE BITUMINOUS COAL OPERATORS' ASSOCIATION (BCOA)

The coal mining record in health and safety since 1969 is one of continuing improvement. The fatality rate, for example, has dropped from 0.17 per 200,000 hours worked in 1969 to 0.06 in 1982.

Records indicate BCOA member companies have consistently been ahead of the industry generally. The number of fatalities at BCOA companies, for example, has declined from 100 in 1969 to 41 in 1982, even though employment increased by approximately 35,000 people.

Pursuant to a contractual commitment between BCOA and UMWA there is a joint industry health and safety committee composed of three safety and health experts appointed by BCOA and three by the UMWA. The joint committee has the general charge of addressing health and safety matters of importance to the industry. It is also charged specifically with consulting with MSHA and the Depart-

ment of Health and Human Services on regulatory matters. While the individual approaches of the members may differ there is consistent agreement on the overall goals and often on specifics.

In response to recommendations based on joint committee investigations, MSHA has revised the application of standards for installation of cabs or canopies on mining equipment, and for illumination of working places, resulting in improved miner safety. Field tests of self-contained, self-rescue devices conducted by MSHA in cooperation with the joint committee resulted in a reconsideration of the MSHA conclusion that the normal deployment system would be for miners to wear or carry the devices. This was a positive development leading to a more acceptable and practical deployment system.

There is also a joint BCOA/UMWA training committee which has just finished revising its training program for UMWA health and safety committee members.

BCOA companies also have training commitments under the national bituminous coal wage agreement, which address both health and safety and skill development. In addition, most companies have extensive training programs for the various managerial levels with particular emphasis on frontline foremen.

The 1969 act was and is designed to prevent accidents caused by physical conditions in coal mines. Among other matters, disaster-type accidents, falls of roof, and the work environment are addressed, standards are set, and enforcement procedures written. There is no doubt the overall effect of these things has been beneficial.

However, BCOA believes that the effectiveness of the enforcement strategy has reached its optimum level. In order to move forward in accident prevention, we must build upon the present initiatives with new approaches such as, first, the development and introduction of new technology to remove miners for high risk situations; second, continued research and development in production technology with built-in safety factors; and, third, the intensification of management initiatives to instill the safety habit in every employee so that accidents caused by so-called human errors can be reduced significantly.

These basic problems cannot be remedied solely by the enforcement strategy. Progress is mainly dependent upon management's efforts, with the full cooperation of the work force and its institutions, and upon the recognition by MSHA of the inapplicability of its present approach in addressing the human factor.

Management is accepting its primary responsibility in the safety area, by implementing and managing those programs necessary to fulfill that obligation.

The employees at a given coal mine and the labor organization which may represent them must accept the responsibility to work safely and to use their institutional actions to further the ongoing safety effort.

The Government's enforcement resources should be directed objectively at those elements of the mining process with the greatest degree of risk and toward continuing problems which are amenable to the enforcement approach. Regulations should be directed at real safety concerns. Any promulgation of new regulations should be made only after full opportunity for meaningful and credible comments by all interested parties. It is only after those comments are considered that a decision as to the need for feasibility or regulations should be made.

The reorganization of MSHA, which gave the district managers all the tools for enforcement, training and the total safety effort has been in place since last spring. Conceptually, this shifts the emphasis to the overall goal of improving safety with enforcement being just one component of achieving that goal. It is a healthy step in the proper direction.

It is perhaps too early to pass total judgment on all aspects of the reorganization, but coupled with the fixed penalty approach for nonhazardous violations which are abated timely, it appears that more time and resources are available to concentrate on the more important safety problems in the mining environment.

BCOA is pleased that MSHA has undertaken a review of the mandatory regulations adopted under authority of the statute. The existing coal regulations probably are the most comprehensive and detailed of any set of health and safety regulations for any industry. Basically, those regulations are expansions of the interim standards set out in the 1969 act, supplemented by regulations in other areas the act directed the Secretary to address, and additional regulations covering matters the agency identified as potential problems.

Until now, no comprehensive review of the regulations has been attempted, although a changed coal industry has emerged in the 13 years since the basic interim mandatory standards were written. The 1983 coal industry is characterized by revolutionary changes in technology, economics, ownership pattern, work force demography, and more significantly by new management perspectives. It clearly is time for a comprehensive review of the regulations to bring them in line with today's needs.

In addition to reviewing the standards, BCOA also has proposed regulations setting out a procedure for MSHA approval of the mine operator's plans, such as for ventilation and roof control. The act currently requires these to be submitted to the Secretary for his approval. The procedure is defective because no independent review is provided in the event the Secretary withdraws or declines approval of the operator's proposed plan. In addition to establishing a means for independent review of the issue, the BCOA proposal would establish reasonable deadlines for MSHA and operator responses. This principle is of extreme importance to the coal industry. The present inequities can be remedied by regulation which will not change a single mandatory standard and in no way reduce MSHA authority to approve or disapprove an operator's plan. MSHA's credibility and performance will be strengthened by a system in which its decisions are subjected to the scrutiny and reinforcement of an independent review.

Pending the results of the regulatory review process, BCOA is not, at this time, urging statutory change. We do have areas where, if the act were opened, we would seek improvements. The physical standards required by the act are still a sound foundation for safety, subject to updating and improvement through the rulemaking process.

BCOA believes that the MSHA jurisdiction should include independent contractors performing work on mine property. It has taken this position very strongly in the past, and still believes that MSHA jurisdiction over such contractors should be continued. In addition, independent contractors should be for purposes of the act, held accountable as operators for their actions in dealing with health and safety conditions.

BCOA believes that the current number of training hours required for new entrants and for annual retraining has proven to be adequate and effective.

4. MR. BAILEY AND MR. HATCH ON BEHALF OF THE AMERICAN MINING CONGRESS (AMC)

The worldwide recession caused a significant decrease in the demand for mining products. This decline in demand for domestic production resulted in mines operating at less than full capacity, and in some cases being shut down. The lower level of production resulted in significant unemployment in the mining industry. Unemployment in coal mining was 18.1 percent in 1982 compared with 7.2 percent in 1981.

The industry has made significant progress in reducing the fatal injury rates since the passage of the 1966 Federal Metal and Nonmetallic Safety Act and the 1969 Coal Mine Health and Safety Act. The industry's engineering advances and the efforts of its safety professionals have played a

major role in the improvement of safety and health. For each 100 million metric tons of coal produced by underground mining in 1980, the United States had 31 fatalities, compared to 80 in West Germany, 30 in Great Britain, and 94 in France. However, the accident frequency is still not acceptable to the mining industry.

The 1977 act does not adequately treat violations according to their seriousness or the degree of operator fault. Although the National Gypsum decision and the reform of the civil penalty regulations were the first steps toward balanced enforcement, citations are still required to be issued and fines assessed for even the most trivial of violations. Mine closure orders issued on the basis of violations that are "significant and substantial" and caused by the operator's "unwarrantable failure" to comply with the act. These terms, however, are not clearly defined in the act and have been loosely applied so that, in sharp contrast to OSHA, closure orders can be issued for violations that do not warrant such drastic action.

The 1977 act indiscriminately requires mandatory enforcement inspections at all mines, regardless of their safety records, and severely restricts consultive nonenforcement visits at operating mines. The result is that inspectors are generally viewed as policemen rather than safety professionals who could provide constructive assistance.

The shotgun approach of the mandatory inspection requirements, when combined with the mandatory requirements for issuing citations and assessing fines, prevents the Secretary from applying MSHA's resources in an effective way and inhibits operators from seeking consultation from the agency.

Rather than improving safety and health, present inspection procedures tend to be disruptive, time consuming, and confrontational. MSHA should have discretion to focus its enforcement activities at those locations where enforcement is warranted.

The Secretary should be authorized to focus the agency's resources on the prevention of accidents and their causes. MSHA should conduct compliance assistance visits, training programs, and safety analysis programs for any operator who requests them. And operators should be permitted to request these programs without the fear of retaliatory enforcement.

A meaningful right to contest alleged violations should be afforded operators. Like OSHA, an automatic stay of enforcement should be allowed for nonserious violations which are challenged in good faith by the operator. An operator should be granted a stay of enforcement by the Review Commission for violations which are alleged to be serious if the operator establishes that the delay would not threaten the health or safety of the miners.

The mine plan approval system was originally intended to allow mine operators flexibility in meeting regulatory requirements. If properly implemented, it would have provided for site-specific compliance methods with general regulatory requirements. However, over the years this laudable goal has been thwarted by MSHA's development of standardized lists of plan requirements, which are in essence a form of ad hoc rulemaking without the benefit of public input.

Additional requirements for mining plans without a thorough investigation of the needs have resulted in the reduction of actual hours engaged in production. The inflexible position of not recognizing the differences in geological strata from mine to mine in approving roof control plans and the constant threat of not having a roof control or ventilation plan approved unless it includes the inspector's demands, cut heavily into morale and productivity. These areas of overregulation should be carefully examined and remedial action taken.

AMC has proposed a formal mine plan approval procedure which would encourage cooperative efforts to arrive at an agreed upon site-specific mine plan. If elements of the plan were not agreed to, they would be subject to review by an independent administrative law judge of the Federal Mine Safety and Health Review Commission.

Were regulation achieves greater safety, AMC has no quarrel. But, where it does not enhance safety, AMC believes that Federal regulation is misplaced and is counter productive. Rigid, inflexible, thoughtless regulation, no matter how well intended, can have a plainly detrimental effect on achieving a safe, effective and productive mining industry. It is the overregulation and enforcement of the Act as an end in itself that has caused the industry most of its problems.

It is important, however, not to lose sight of the fact that the root cause of the industry's problems with the Mine Safety and Health Act is the act's overwhelming emphasis on the issuance of citations rather than on accident prevention.

MSHA should issue citations and assess fines in a timely fashion. Unfair delays caused by Government inaction can result in the unavailability of witnesses or the loss of evidence and can ultimately deprive mine operators or individuals of an opportunity for a meaningful defense.

AMC members recognize and accept their responsibility to manage the mines and enforce safety and health rules. Yet, mine operators are cited and fines assessed for violations committed by miners in contravention of safety training and clearly enunciated company policy.

Under section 110 of the act, except for smoking violations, civil penalties for violations are assessed solely against the operators. Violations committed by individual miners, even if willful, are imputed to the operator, and the offending miner has no responsibility for them. The assumption which underlies the strict liability concept ignores the fact that foremen cannot observe and control the action of all miners at all times.

Operators should have an affirmative defense in those instances when the violation is caused by an individual miner in contravention of conpany policy or rules or mandatory health or safety standards. This affirmative defense should be available if the operator can establish that the violation was caused by a miner who has been instructed in the operating procedures required by the governing policy, rule or standard, and that such policy has been enforced by the operator.

Secretary Ford has allowed early preproposal public involvement during MSHA's current regulatory review. This commendable procedure ought to be a standard part of MSHA rulemaking. It would also be desirable to require formalized rulemaking procedures that would require MSHA to justify a standard thorough cross examination, if it is challenged. Even though the legislative history to the 1977 act provides the Secretary with discretion to hold formal hearings, this procedure for validating standards has never been used.

In addition, with respect to health standards, unlike safety standards, operators have no opportunity to petition the agency for a variance that would allow for an equally effective or better alternative means of compliance. Similarly, manufacturers of mining equipment are unable to petition for variances.

II. BENCHMARK STAFFING LEVELS FOR STATES WHICH OPERATE THEIR OWN OCCUPATIONAL SAFETY AND HEALTH PROGRAMS UNDER SECTION 18 OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

A. EVOLUTION OF THE "BENCHMARK" ISSUE

Section 18 of the Occupational Safety and Health Act of 1970 provides a detailed procedure for a State to develop and establish an OSHA program for approval by the Occupational Safety and Health Administration.

More specifically, a State plan must develop and enforce safety and health standards which, "will be at least as effective as" Federal standards.

Additionally, the State plan must "have the legal authority and qualified personnel necessary for the enforcement of such standards."

Section 23 of the act provides for Federal grants not to exceed 50 per-

cent of the total cost of State programs.

Shortly after the OSHA Act became effective on April 28, 1971, the then OSHA Administration initiated a procedure to encourage States to develop occupational safety and health programs that would receive OSHA's approval. At the same time the OSHA Administration purposely limited the number of inspectors to be employed by Federal OSHA, based on the assumption that the States would assume responsibility for occupational safety and health through OSHA approved programs and it would not be necessary for OSHA to maintain a substantial inspection force of its own.

Many States did submit their OSHA programs for approval and it quickly became a concern of organized labor that if these State plans were approved based upon a limited inspection force—more or less comparable to the then limited Federal inspection force—that the congressional mandate would be flouted.

Accordingly, the AFL-CIO commenced an action against OSHA in 1974 contending that unless OSHA was restrained by court order, it would be granting approval to State plans which has inadequate staff.

This litigation culminated in 1978 in a decision by the U.S. Court of Appeals for the District of Columbia that OSHA could only grant final approval to a State that had a "fully effective" program. The matter was then remanded to the U.S. District Court for the District of Columbia for the establishment of specific staffing requirements for each state which had submitted a plan for approval.

In April 1980 OSHA and the AFL-CIO submitted a report to the court which was adopted by the court. This set forth specific staffing levels for both safety inspectors and health inspectors. These numbers are the so-called benchmarks.

The publication of these staffing levels indicated that of the 24 jurisdictions which had requested approval of their plans, only the State of Connecticut had staffing levels equal to the benchmarks.

The current OSHA Administration has endeavored to address the situation by requesting an amendment to the OSHA appropriations bill which would grant the authority to OSHA to approve state plans with staffing levels less than those established by the court order.

Such rider was included in the initial continuing resolution for fiscal 1983 but was dropped from the subsequent resolution which funds OSHA for the remainder of 1983.

House Report 97-980, which accompanied House Joint Resolution 631, the continuing appropriations bill for fiscal 1983—(Public Law 377), states that the authorizing committees should "carefully examine" the "staffing levels in those states that operate their own occupational safety and health programs under Section 18 of the Occupational Safety and Health Act."

Following the inclusion of the rider in the initial continuing resolution for fiscal 1983, OSHA in November 1983, published in the Federal Register the so-called revised benchmarks. These would have allowed 21 of the 24 jurisdictions to qualify for final approval as having the requisite safety and health inspectors.

B. SYNOPSIS OF OVERSIGHT HEARING PURSUANT TO THE RECOMMENDATIONS CONTAINED IN HOUSE REPORT 97-980 . . . "TO CAREFULLY EXAMINE" THE "BENCHMARKS" ISSUE, THE SUBCOMMITTEE CONDUCTED A SERIES OF OVERSIGHT HEARINGS AT WHICH THE FOLLOWING INDIVIDUALS TESTIFIED

Mr. H. Wayne Mount, Administrator, Division of Occupational Safety and Health, Department of Labor and Industrial Relations, State of Hawaii.

Mr. Clayton Deane, assistant commissioner, Department of Labor and Industry, Commonwealth of Virginia.

Mr. Jan Thomas, chief administrator, Virginia Occupational Safety and Health Program.

Hon. Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health.

Mr. Patrick Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health.

Hon. Thelma Stovall, commissioner, Kentucky Department of Labor.

Mr. Steve Forbes, Federal/State Coordinator for Kentucky OSHA.

Hon. Edgar L. McGowan, commissioner of labor, State of South Carolina.

Mr. Michael D. Ragland, deputy commissioner of labor, State of North Carolina.

Hon. Donald D. Owsley, administrator, State of Wyoming Occupational Health and Safety Department.

Hon. Joyce Hearn, member of the House of Representatives for the State of South Carolina, and chairman of the national advisory committee on occupational safety and health.

Mr. George H. Cohen, attorney at law, on behalf of the AFL-CIO.

Mr. Jack Sheehan, United Steelworkers of America, AFL-CIO, on behalf of the AFL-CIO.

1. MR. MOUNT, ON BEHALF OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, STATE OF HAWAII

Hawaii's OSH law was passed in 1972, the plan was initially approved in 1973 and became operational in January 1974. Concurrent Federal jurisdiction was withdrawn by operational status agreement in May 1976 and certification was forthcoming in April 1978.

The Hawaii OSH plan integrates safety and health enforcement with voluntary compliance programs, consisting of training, consultation, education and information programs. It has a certified occupational health laboratory and a technical library complete with loan services for reference material and visual training aids. The library loan service is available to everyone and we find U.S. Government agencies among our greatest users.

The currently authorized staffing level—by State biennium budget and annual 23(g) grant—is 18 safety inspectors and 9 health inspectors. The OSHA benchmark plan, as accepted by the district court, set Hawaii's "fully effective" staffing levels at nine safety and nine health inspectors. The more recent adjustment of the benchmark proposed by OSHA to meet Federal equivalency further reduced staffing to four safety and two health inspectors. If Hawaii were to accept the judgment of the district court or OSHA without challenge, the Hawaii program would be decimated. Hawaii does not believe that any degree of program effectiveness can be maintained in Hawaii if they are to be constrained to the staffing levels contained in either proposal.

The currently authorized staffing levels grew out of our experience with the Hawaii Industrial Safety Division with appropriate allowances for adding an occupational health dimension in all program elements. Only modest growth has been experienced since pre-OSHA coverage and part of the growth was needed to accomodate the necessary liaison and coordination between State and Federal OSH programs. Implementation of the benchmarks would be a giant step backward in Hawaii.

We have no quarrel with the basic issues which led to the suit and the judgment that staffing and funding plans should exist to assure satisfactorily effective enforcement. We disagree, almost totally, with the procedures employed and the formula used in developing the staffing levels accepted by the court. One of the immediate problems we had with the court order was the apparent focus on a completely new program term "fully effective." We question the meaning of this term and the apparent focus of the order on this term. If the court order is to have practical meaning, this term begs for definition.

The court directed the use of the best information and techniques. We maintain that this was not done since averaged national data was generally applied, even though specific State data was readily available. The court directed consideration of the State's ability to allocate inspectors efficiently. This was not done, even though OSHA was aware that States have better information than is available nationally. On the basis of current, and constantly updated information,

we are able to schedule inspectors into specific establishments which are experiencing injuries and illnesses. Lacking establishment information, OSHA provides shotgun coverage of entire industries on the basis of analysis, often 2 years or more old. The benchmark formula assumes the OSHA system to be in effect in all jurisdictions.

The court also directed consideration of productivity influence on health inspections. This was not done although it was generally known that many States, such as Hawaii, have analytical laboratory services onsite and under local program control. OSHA relied, and continue to rely, on central laboratory facilities and the U.S. postal system.

One of the arbitrary decisions made was the exclusion of all nonmanufacturing industries with 10 or fewer employees from any enforcement coverage. Rationale for this decision was not provided. Our experience does not support the view that injuries and illnesses are confined to larger establishments. This arbitrary exclusion, if implemented, would affect 80 percent of Hawaii employers and bar 17 percent of our employees from the promised protection of the law.

Public sector—State, county, and city government—in Hawaii represents almost 15 percent of the work force. The benchmark formula allowed public sector inspection coverage at 2 percent of total safety and 1.8 percent of the health inspection coverage applied in the private sector. This is woefully inadequate particularly since local government employment also has pockets of high hazard activities.

We believe one of the very serious mistakes made during the formulation of the benchmarks was the assumption that you can average the dissimilar industrial activities of all States, design inspection response to the apparent needs of the resulting industrial model and expect the same response to be effective when applied to the actual industrial mix of each State.

The benchmark constraints would rarely permit us entry for inspection into agriculture, wholesale and retail trades, and the services industry.

Hawaii is one of three jurisdictions now under active consideration for final approval of our State program under section 18(e) of the OSH Act. We are eligible because our enforcement staff is at or greater than the court-ordered benchmarks. We recognize that we qualify within the benchmark staffing criteria because Hawaii is more dissimilar to the benchmark model than are the other 21 jurisdictions, for which great staffing increases are directed. We are eager to obtain the statutory promise to final plan approval and we feel that our program is deserving. However, we also believe that our eligibility—because of the dissimilarities—and the denial of consideration to equally deserving States is alone sufficient grounds to challenge the credibility of the benchmarks.

Our Hawaii State legislators, who have supported our plan from the start, have not recently asked, and I hope will not soon ask, "What is the minimum effective staffing level or what is the optimum staffing level?" Will they believe the Administrator's response that 27 inspectors are needed, or will they believe a senior U.S. court's view that 18 inspectors would be "fully effective," or OSHA who suggests that 6 inspectors would be adequate for now?

2. MR. DEANE AND MRS. THOMAS ON BEHALF OF THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM, COMMONWEALTH OF VIRGINIA

The Federal benchmarks system relies totally on an assumption that the number of inspections determines the effectiveness of an OSHA program and that more inspections mean safer workplaces. Our position is quite simple—we do not believe that the use of any benchmark criteria has proved helpful or should be paramount in evaluating the effectiveness of individual State programs, and we believe the entire system should be scrapped and replaced with more flexible and qualitative standards that are based on the real results being achieved by State health and safety programs.

The Commonwealth of Virginia operated worker safety programs for more than 25 years prior to the passage of OSHA in 1970. The Commonwealth of Virginia has consistently fallen below the national average in work related injuries and accidents. At this time the Virginia program is seeking certification by the U.S. Department of Labor and is not yet at the point of seeking final approval. However, if the Commonwealth were at that point, regardless of how efficient or effective the program may be, final approval could not be given because of failure to meet staffing benchmarks. Why? Not because we have been ineffective in safeguarding workers' safety—we clearly have been effective—but because we are not meeting an arbitrary benchmark figure on staffing and funding; because in fact, we have been consistently doing a better job with less money and fewer people in providing safety and health in the workplace as reflected by injury and accident statistics.

The record clearly shows that Virginia workplaces are, on the average, safer than the average workplaces nationally, indicating to reasonable persons that the Virginia OSHA program is at least as effective as the United States OSHA program.

When the Bailey's Crossroads building collapsed, killing 14 workers, and the kepone poisoning episode occurred, Federal OSHA was asserting jurisdiction in Virginia. In 1977, just prior to the time Virginia OSHA took over, there were 11 Federal safety inspectors and 5 Federal health inspectors in the Commonwealth of Virginia. Currently, Virginia OSHA has 38 safety inspectors and 18 health inspectors.

We urge Congress to clarify its intent that the appropriate standard for granting or withdrawing approval of a State OSHA program is whether the State program is at least as effective as the Federal program in protecting worker safety. In making this clarification, we request that the Congress mandate that the Secretary of Labor, in determining whether to approve or disapprove of State programs, evaluate workplace safety and health results. We think the present approach of evaluating a State program largely on the basis of the extent to which it mirrors the Federal system is wrong.

In addition, we recommend that the Congress review the problem of court-ordered inspector staffing levels. It seems to me that every State should have the assurance that its OSHA program, with respect to staffing, will be approved if it maintains an inspector force at the level indicated by the actual funding of the Federal share of the program by the Congress.

3. MR. AUCHTER AND MR. TYSON, ON BEHALF OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Twenty-four States and jurisdictions are now operating programs with initial Federal approval. Twenty-one of these State plans have also received certification, an intermediate mark of Federal approval signifying that the plans in question have successfully completed a 3-year developmental period and have in place all the structural components of an effective program, such as enabling legislation, regulations, review procedures, adequate safety and health standards, and the like. Some of these State plans have been in operation for as long as 10 years and are long overdue for final approval under section 18(e) of the act, an approval the States and their legislatures expected to have been achieved within 4 to 5 years of initial approval of their plans.

OSHA is unable to grant final approval to otherwise eligible State OSHA programs because of unrealistic requirements for compliance staffing levels.

The 1978 court decision stipulated that it did not matter what the staffing level of the Federal program was; State programs, in order to gain final approval, had to have compliance staffing at levels that were "fully effective." The court told the Secretary to develop numbers or benchmarks for such fully effective levels.

This, to our knowledge, was the first time in the legislative and judicial history of the act that the term "fully ef-

fective" appeared. The phrases—"at least as effective," "adequate funds," "satisfactory assurances," "effective and comprehensive * * * program,"—appear in the criteria for approval of State plans enumerated in subsection (c) of section 18 of the act. Nowhere were fully effective compliance staffing levels discussed in the congressional hearings or debates that preceded passage of the act.

The appeals court did not define a fully effective program but directed the Agency to do so. The formula OSHA subsequently used to develop the 1980 staffing benchmarks was based on the assumption of a need for sufficient safety and health compliance officers to provide a regular presence in all workplaces covered under the act.

In our judgment, the Congress did not envision regular inspections in every workplace and did not intend that the States should strive toward that goal. The act requires only "satisfactory assurances" that there will be the "qualified (State) personnel necessary" for enforcement purposes and that "adequate (State) funds" will be devoted to that purpose. Almost every paragraph of section 18 of the act established the concept of a State program "at least as effective" as the Federal. It is unlikely that Congress intended the portion of the Nation covered by State plans to face an OSHA compliance presence considerably larger than the Federal.

The Court also required OSHA to establish a timetable for each State to achieve its benchmark levels, but provided that if Congress failed to appropriate sufficient funds, States could not be required to move to those levels. At the same time, the court order precluded OSHA from granting final approval until the full benchmarks levels were reached.

Thus, in the last analysis, the benchmarks issue is a funding issue. The Congress in the past several years, by the funds it has provided for State staffing, has in effect indicated through the appropriations process that the staffing goals established in 1980 were excessive. The court of appeals recognized that this might be the case when it stated that "the Secretary may draw up his plan and find at some point in the future Congress is unwilling to appropriate the funds requested." We believe that it is unfair to deny final approval to effective State programs because they cannot meet requirements for which there are no available Federal matching funds at present and no likelihood of such funds in the future.

The State plan States have expressed concern that this continued impasse over benchmarks might cause some State legislatures to discontinue funding for their programs. If that occurs, it is estimated that it would cost the Federal Government more than $110 million to maintain the present complement of State plan compliance officers now being funded with 50 percent matching funds appropriated by the various State legislatures. This would mean a 128-percent increase in the cost of implementing the OSHA program in these States.

Because the appeals court decision explicitly provides that State staffing benchmarks may be modified by the appropriations process, the President's reguest for supplemental appropriations for 1982 and his budget requests for both 1983 and 1984 have contained language allowing OSHA to grant final approval to otherwise eligible State plans when their comp-liance staffing was at least the equivalent of Federal staffing.

The language in the 1982 and 1983 requests would not have required any reduction in existing State staffing even though many States exceeded, and continue to exceed, "equivalent" staffing levels. The language would merely have set equivalent levels as a minimum condition for final approval. Because there was concern, however, on the part of some States that a benchmark equivalent to the Federal level might be used to restrict States to that level, additional language was included in the 1984 budget request to make clear that under "equivalent" benchmarks OSHA could not "require States to reduce staffing that exceeds these levels."

The proposed appropriations language in our judgment is in accord with the terms of the court order and would not eliminate the concept of a fully effective benchwork goal, even though we now believe such a goal is unreasonable and unwarranted. States would still be expected to move toward fully effective staffing levels as funding became available.

The ultimate goal of the 1980 benchmarks process was to establish for each plan State an allegedly ideal number of safety and health inspectors needed to provide a fully effective enforcement level. It was the intention of the then OSHA Secretary that the numbers should be quite high.

The central question in determining the number of safety and health inspectors needed for a fully effective program for each State was how frequently an establishment should receive a regularly scheduled inspection. Two panels, each consisting of eight Federal and six State employees, were asked to determine, based on data and experience, an optimum frequency and duration for "general schedule" inspections in establishments that had been categorized as to size of work force and degree of hazard. These inspection frequencies were then multiplied by the number of establishments in each industry in each State. Also figuring in the calculations were estimates of the time required to complete unscheduled inspections, as well as estimates based on Federal experience of available persons hours per year. The result of this process was publication on April 25, 1980, of State staffing benchmarks which required States to increase their safety compliance staffs by 48 percent had their health compliance staffs by 439 percent.

The report filed by the Department of Labor with the court in 1980 stated that OSHA would undertake a comprehensive review of the benchmark model within 2 years in order to determine whether the benchmarks should be revised.

Early in 1982 OSHA undertook such a review. The Agency concluded that the formula on which the 1980 benchmarks had been predicated was flawed in several respects and had resulted in inappropriately high staffing requirements in some States. Accordingly, in March 1982, OSHA began preparing a proposal to revise the methodology employed and to take a more pragmatic approach, which would give greater consideration to efficient allocation of resources.

The Agency's action in this regard was suspended in September 1982, when the Congress included language in the fiscal year 1982 Supplemental Appropriations Act permitting OSHA to consider for final approval otherwise eligible State plans meeting equivalent Federal staffing levels.

OSHA is in the process of contracting outside the Agency for expert assistance to review the basis for determining staffing benchmarks for a fully effective enforcement program. The Agency's objective is to establish, through a joint Federal-State effort, viable staffing goals which are consistent with the 1978 district court order, the 1980 OSHA report to the court, and the recent NACOSH recommendation. Any proposal to revise the benchmarks would, of course, be published for public comment.

Another solution to the benchmarks impasse might be an amendment to the act that would State specifically that State compliance staffing levels must be "at least as effective" as Federal levels. Such an amendment would require only a slight modification in the language of section 18 to clarify the ambiguity that led to the appeals court decision that caused the problem in the first place.

4. MS. STOVALL AND MR. FORBES ON BEHALF OF KENTUCKY OSHA

The State legislation which enabled Kentucky to assume responsibility for occupational safety and health activities in the Commonwealth was enacted more than a decade ago.

The point which should be emphasized is that the Kentucky occupational safety and health program today is a multifaceted effort and has been so

for nearly 10 years. The enforcement portion of this effort, which we all recognize is an important and highly visible part of the effort is just that—only part of the effort.

While OSHA's report to the court in the benchmark case stated:

> Consultations and other employer education efforts will alter management decisions in such areas as investments, job design, new technologies, plant organization and overall commitments to workplace safety and health. With the futher development of these new and existing programs, the agency expects that the changing attitudes among workers, employers, and the public will be even more marked in the next few years. The result will be that educational and voluntary assistance programs and initiatives by employers and employee organizations will in many instances effectively achieve safe and healthy workplace environments, thus, reducing the need for inspections.

It failed to acknowledge that States such as Kentucky already had active voluntary assistance programs—operating for nearly 7 years at that time—which had been achieving "safe and healthy workplace environments, thus, reducing the need for inspections."

The method used by OSHA for establishing the initial benchmark staffing levels treated the State programs as if no State had ever conducted an inspection prior to 1980.

Furthermore the proposal failed to recognize that efforts by safety officers and industrial hygienists complement each other through a system of referral inspections. The field person of the Kentucky occupational safety and health program, whether a safety officer or industrial hygienist is a safety and health professional. Our staff has been cross trained in both disciplines.

The fact that the safety enforcement staff and the health enforcement staff complement each other's capabilities, however, was never considered in the establishment of the original benchmarks as health staffing levels were established by one group and safety staffing levels were established by another without any communications between groups.

A history of safety and health inspections, a history of safety and health referrals, a history of voluntary compliance programs, and perhaps most important a history of declining injury and illness rates all indicate that the Kentucky program at its present staffing levels is achieving the objectives of both Federal and State occupational safety and health laws.

As a former member of the Kentucky General Assembly, as Lieutenant Governor—in which I presided over the Kentucky Senate—and as an observer of Kentucky State government for over 30 years, it is my opinion that the 1980 benchmark levels, particularly for industrial hygiene are at such an unrealistic and insurmountable level that before the Kentucky General Assembly would quadruple the State industrial hygiene compliance staff, you will see enforcement responsibilities returned to the Federal Government. It is my understanding that the level of staff which would then be maintained by OSHA in Kentucky would be roughly half of the present staff. In my opinion those who would suffer the most in such a turn of events would be the working men and women of Kentucky.

While we do feel our present staffing level is near optimum for enforcement purposes, we also recognize the need for the establishment of minimum staffing levels for the State programs. It is our suggestion, therefore, that a new staffing level study be convened in which those most knowledgeable about a State, particularly State program administrators, be given leading roles. Furthermore, we would suggest that, in contrast to the previous benchmark effort, individual State-specific data be used in determining staffing needs. This might include not only the number, type, and size of workplaces in the State, but also the geographic spread of businesses throughout the State. It might include not only the number of safety officers and industrial hygienists, but also the degree of cross-training they have received, their locations throughout the State, the number of referrals that are made, et cetera. It might include an historical perspective involving not just previous enforcement data, but also background information surrounding voluntary compliance efforts, consultation, training, and educational services.

5. MR. MC GOWAN, ON BEHALF OF THE SOUTH CAROLINA OSHA PROGRAM

South Carolina was the first State to obtain initial approval, and became operational January 1, 1973. On August 3, 1976, Assistant Secretary of OSHA, Mort Corn, certified that South Carolina had completed all development steps and was fully operational.

But Assistant Secretary Bingham took the narrowest possible interpretation of the court order and ignored important factors which the court had recognized. The court specifically limited its decision to measurement of a fully effective enforcement program. This is not the same as a total OSH program. The court recognized this when it required the Assistant Secretary to consider "a scheduling system which analyzes past injury experience to ascertain those employers or groups of employers most likely to have hazards which could be eliminated by inspection" in regards to safety factors, and added the further language "the extent to which hazardous exposures can be eliminated by inspection" as to health factors. The Assistant Secretary never considered this aspect in responding to the court order. Instead, the Assistant Secretary announced the benchmarks predicated on inspecting every workplace in America for compliance with the occupational safety and health standards. Some were to be inspected every 1.7 years and others every 70 years. This approach—that enforcement is the total program—will never accomplish the goal which Congress set.

The Assistant Secretary and the AFL-CIO in their joint report to the court established the number of enforcement officers as being the sole criterion of an effective program. Even if one considers that the number of enforcement officers is a criterion of an effective program, it is only a minor criterion. However, even if it is the sole criterion, in arriving at the numbers the Assistant Secretary employed bad methodology applied to bad data.

The data for enforcement officer productivity was taken from Federal experience prior to 1978. From the inception, State enforcement officers' productivity has been higher than that of their Federal counterparts. This is due basically to the State enforcement officers' paperwork not being geared to trying the case in the courthouse, whereas the Federal paperwork is geared toward litigation.

The benchmarks have been made obsolete by additional elements since their original calculation. Congress addressed the issue when it exempted many employers with 10 or fewer employees from general inspection. It addressed the issue when it exempted larger employers who voluntarily participate in consultation programs. Also, Congress has not adequately approriated funds consistent with the benchmarks for the State programs. The court recognized how relevant congressional budgetary decisions are in its order when it stated that the numbers would have to be revised if Congress failed to fund a benchmark-sized enforcement program.

Faced with these realities, the States as well as the Federal OSHA, have worked creatively to focus enforcement activities where they can be most effective. South Carolina has cross trained safety and health personnel so that referrals are much more detailed and a wall-to-wall inspection of a referred case is no longer necessary.

The benchmarks should be repudiated as soon as possible by both Congress and the U.S. Department of Labor. Congress should make it clear to the U.S. Department of Labor that the congressional intent was to grant final approval to States whose overall OSHA programs are totally effective.

At the same time, the U.S. Department of Labor should immediately

begin to establish real and valid criteria to measure the effectiveness of State programs for final approval. These criteria should be responsive to the court's order and place standards enforcement in its proper perspective as only a part of an effective and total OSH program. Most importantly, these criteria should be developed in the manner Congress has prescribed. The Administrative Procedures Act is Congress recognition that agencies make their best decisions after access to all the relevant information that a concerned public wishes to offer. Part of the problem in developing the benchmarks was lack of input from the States who were involved in the programs, lack of input from OSH professionals who cared very much about achieving effectiveness, and lack of input from the public.

6. MR. RAGLAND, ON BEHALF OF THE NORTH CAROLINA OSHA PROGRAM

The North Carolina State plan was certified as being fully operational in October 1976 and since that time, we have been eligible for, and have been anticipating, final approval of our State plan. Most likely, this would have been granted by now, if it were not for the benchmark issue and the meaning of "fully effective State programs."

While North Carolina is concerned about the level of both the safety and health benchmarks as they presently exist, perhaps there is even more concern for the total impossibility of meeting, and the lack of necessity for, the unrealistic health benchmarks. Industrial hygienists are just simply not available at the levels established by the benchmarks, nor are they required. A point made by one of our sister States back in 1980, which always was favorably received, but never acted upon, involved the fact that the deliberations to determine the appropriate number of safety and health enforcement personnel, not only ignored the impact of, and interrelationships with, consultation, education, training, and so forth, as indicated above, but also ignored the fact that the safety compliance officers and the industrial hygienists work in conjunction with each other. Well-trained safety compliance officers, for whom there is a much greater availability than industrial hygienists, are capable of recognizing the presence, or absence, of potential health hazards and can make intelligent, professional referrals to their health counterparts, thereby eliminating the need for industrial hygienists to make complete wall-to-wall inspections in precisely the same establishments as have been recently inspected by safety officers.

Yet, the method of calculating the benchmarks totally ignored this factor. To ignore this capability, not only wastes resources, both manpower and funds, but places an additional burden on the businessman of having two separate lengthy inspections, while one complete and one partial inspection would suffice.

OSHA should commence at once to establish new benchmarks which, regardless of the terminology used—"fully effective" or "as effective as"—reflect the varying needs and conditions for State to State. The formulation of the benchmarks should take into account the appropriate relationships of enforcement, consultation, education, training, and other voluntary assistance programs that may result in exemptions for certain employers. This process should recognize the impact of the referral system and the interaction between safety and health. The comprehensive history of inspection capabilities already compiled by the various States should provide a valuable data source in determining what can be reasonably expected to be accomplished and measure this against what reasonably should be expected, and thereby project appropriate levels of increase—if necessary.

Congress should also play a role. It should determine just what is to be expected of State programs pursuant to section 18 of the Occupational Safety and Health Act, and not leave this to the various whims of succeeding assistant secretaries. Congress should provide specific language as to what is required, that is, "fully effective" or "as effective as" State programs for final approval, and to what extent it intends to commit funds. It might even consider the requirement of an independent body to pass judgment on a State's performance as to its worthiness for final approval, such as NACOSH, for example.

In assessing these positions, Congress should take into account just what State programs are actually doing. It should consider the thousands of inspections, consultations, and training programs being provided as a result of State programs. Present staffing in most State programs comes far closer to the benchmarks in question than does the staffing in non-State plan States. Injury/illness rates and their trend since State plan approval should be considered. In North Carolina, for example, in 1981 the lost workday rate was 64 percent below the comparable rate for the entire Nation. For the same period the lost workday case rate was 46 percent below that of the entire Nation. There has been an overall steady decline in the various rates since initial approval of North Carolina's State plan.

The proposed benchmarks for North Carolina would require 83 safety officers as opposed to the 38 we are presently allotted. One hundred nineteen industrial hygienists would be required, compared to the present allotment of 13. While we recognize the need to increase the industrial hygienist enforcement staff, we certainly would never need anything near the present benchmark figure. As a matter of fact, we believe that our State program as it presently exists is certainly "as effective as" its Federal counterpart.

7. MR. OWSLEY, ON BEHALF OF THE DEPARTMENT OF OCCUPATIONAL HEALTH AND SAFETY, STATE OF WYOMING

With rare exceptions, there are no highly sophisticated industries in Wyoming and Wyoming OSHA cannot justify to its commission, its legislature or to its Governor, the necessity of hiring seven additional industrial hygienists simply to placate a misbegotten benchmark figure derived from an over-compensating formula, designed by the old Federal OSHA regime as an artificial barrier to State plan approval.

The State of Wyoming applauds Mr. Auchter and his staff for their rational approach of attempting to require State staffing on a pro rata equivalency to Federal staffing levels. However, these percentage benchmarks were, because of congressional funding curtailments, extremely low, and in Wyoming, which allows no deficit spending, the ever-watchful State legislature would restrict this agency to these staffing levels, thus emasculating our program to the point that it would be virtually worthless.

In a practical sense, considering the economic situation at this time, it would not only be impractical, but totally foolhardy, for our commission to approach the Wyoming Legislature to request additional personnel to meet the "fully effective" benchmarks. Further, during the recent review of our agency under the "sunset proceedings" our legislature was very concerned that after 12 years of effort Wyoming has been unable to obtain its final determination under section 18(e) of the Federal law. No amount of dialog could convince that body that final approval hinged on a requirement of more than tripling our industrial hygiene section, when their audit report clearly displayed the fact that this agency is sufficiently staffed to provide full coverage for both health and safety for the industrial mix in this State.

A comparison of just five of the State program States demonstrates the complexity of the problem of attempting to establish one formula which can be applied to all State programs. Consideration must be given to the unique differences of each State. The industry mix, history and experience, distance traveled to complete schedule requirements, and number and size of establishments are but a few of the factors that must be involved in the decisionmaking process.

For example, in the four States, other than Wyoming, manufacturing

is a large part of their worker population. Wyoming's public administration, at 6.3 percent of worker population, far exceeds manufacturing, at 3 percent.

Each State has it own unique mixture of items to consider in order to determine its manpower needs. Some items are the number of establishments, how they are clustered, their size, their business, and their hazards. Another is the travel to get to the establishment.

"Fully effective" is obviously a desirable goal, but, in a practical sense, could hardly be what Congress felt was attainable when the Occupational Safety and Health Act of 1970 was passed.

8. MS. HEARN, ON BEHALF OF THE NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

At the NACOSH quarterly meeting in March 1983, it adopted the following:

RESOLUTION

The National Advisory Committee on Occupational Safety and Health recommends to the Secretary of Labor that revised benchmarks for measuring State plan effectiveness be immediately developed and that these benchmarks be based upon current data and program direction and that specifically recognize the following factors:

1. The extent of voluntary compliance with promulgated standards.

2. The nature of occupational injuries and illness in each standard industrial classification and the application of promulgated standards to these hazards.

3. The appropriate roles of training and consultation in reducing workplace injury and illness rates, particularly in standard industrial classifications where standards are not readily applicable.

4. The program effects of Congressional exemptions for small businesses, of improved inspection targeting systems, of inspection exemptions for employers with injury rates below the national average, of Congressional budget limitations, and of new standards with self-enforcement provisions.

5. The most current data concerning each State.

And it be further resolved that the National Advisory Committee on Occupational Safety and Health recommends to the Secretary of Labor that appropriate action be taken by Congress to address this issue.

Most of the State plans have been operational for more than 5 years now. Many of them are more effective than their Federal counterparts in neighboring States. Recognition of their effectiveness is due. Final approval should be realistic for those who are having an impact on the accident and illness rates in their workplaces lest we lose their valuable contribution to the total effort.

After 9 years of litigation, administrative and political activity, the benchmarks remain a focus of a larger more crucial question—a question Congress is uniquely qualified to answer. What do we want from the Williams-Steiger Act, the Occupational Safety and Health Act of 1970? Various interest groups, various courts, and various administrations in the Labor Department have answered the question in various ways. Each pleads its special knowledge of "the intent of Congress."

Congress knows its own intent. We ask that you state it by resolution, by recommendation to the Secretary of Labor, by committee report or by any other mechanism available to you. It is time to regather the efforts now diverted to the benchmarks and refocus upon our primary goal which is minimizing exposure to hazards in the workplace. If it is your intent that the States play a meaningful role in the national occupational safety and health effort, we need to know whether it is to be limited to standards enforcement or whether their role is more broad. We also need to know what efforts you intend to support financially. With this information the Secretary of Labor can promulgate regulations for final approval which are realistic and consistent with our national effort and States can make considered decisions concerning their continued commitment.

9. MR. COHEN AND MR. SHEEHAN, ON BEHALF OF THE AFL-CIO

In 1970 Congress made the judgment that occupational safety and health had to be dealt with on a "uniform, nationwide basis"—section 2(b)—through a centralized Federal system.

In this connection, one major purpose of the act was "to expand significantly the number of properly trained personnel to work in the field of occupational safety and health" (S. Rep. No. 91-1282, Leg. Hist. 162). The scheme of the statute provides for a centralized system of Federal inspectors who are federally trained to enforce the Federal substantive rights created by the act. Congress concluded such a centralized system offered a promise of levels of worker protection which would far surpass the spotty record of "achievement" that had marked the performance of the individual States.

To be sure, Congress established a procedure whereby even after Federal standards are promulgated, a State which desires to reacquire jurisdiction over and responsibility for developing and enforcing standards may do so. But given that the States' refusals to act had led to Federal action in the first place, Congress was understandably reluctant to turn the responsibility over safety and health back to the States absent precise assurances that the States could demonstrate the capacity to do what they had failed to do historically—to protect workers effectively. To this end, the Congress fashioned a procedure whereby the State must submit a "plan" which, inter alia, meets certain stringent criteria. The two key criteria for purposes of this discussion are set forth in section 18(c)(4) and (5). Those subparagraphs provide that the plan must:

(4) contain ( ) satisfactory assurances that such (state) agency or agencies have or will have . . . *qualified personnel* necessary for the enforcement of said standards.

(5) give ( ) satisfactory assurances that such state will *devote adequate funds* to the administration and enforcement of such standards. (Italic added.)

The OSHA administration apparently would have this committee believe that the court created out of whole cloth the notion of a "fully effective" compliance staffing level (Auchter statement). It goes so far as to berate the court of appeals on the grounds that Congress could not have intended to precondition final approval of State plans upon States having in place a "fully effective" enforcement capability, suggesting that such a result necessarily would be incompatible with the purpose of the act. In this regard, we believe that the Assistant Secretary seriously underestimates the extent to which the Congress that enacted OSHA subscribed to the fundamental principle that an "effective enforcement program"—section 2(b)(1)—is essential to achieving the overriding statutory objective of "assur(ing) so far as possible every working man and woman in the Nation safe and healthful working conditions"—section 2(b).

In any event, this much is clear: The court's use of the term "fully effective"—far from contravening the legislative intent—derives from and adheres to that intent. For as explained, Congress insisted upon assurances that States would as a condition of reacquiring jurisdiction devote the compliance personnel and funds "necessary to do the job." Obviously, Congress did not want the job done on an inadequate, haphazard or sporadic basis as had been the case prior to the passage of the act; Congress wanted the job done properly and that goal cannot be attained absent fully effective enforcement programs.

In sum, as the Assistant Secretary ultimately acknowledges, the administration's ardent desire to grant final approval to any State plan where the compliance staffing levels, while not fully effective, equal—that is, are "equivalent to" or "at least as effective as"—the Federal levels, is foreclosed by the language of the act, as definitively interpreted by the court. And to the extent that this OSHA administration seeks to replace the fully effective enforcement standard for approving State plans with a Federal comparability standard, this would, of course, require an amendment to the act.

In recognition of the fact that over time changed circumstances might justify a revision of the benchmark criteria and, in turn, the number of compliance personnel necessary for fully effective enforcement programs, a procedure was established for adjusting or

modifying the benchmarks because of "new data, information or other relevant considerations." The report contemplates that a revision of the benchmark model itself may be accomplished by any one of three possible means—congressional action as described in footnote 40 of the court's opinion; adjustments in response to petitions by individual States; and, finally, by administrative action initiated by the Secretary. As to the latter, the report states:

As discussed previously, the determination of the benchmark levels established by the Department has been based upon numerous data elements, inspection philosophies, assumptions, and judgments, all of which are subject to change as new data and experience are developed.

Therefore, the Department will, no later than the second anniversary date of the submission of this report (i.e., April 1982), undertake a comprehensive review of the benchmark model to determine whether the experience up to that time, or changes in enforcement technique require a revision of the Department's initial benchmark.

The AFL-CIO expressly agreed to this provision.

Even at this point, the Assistant Secretary retains the right to commence further rulemaking on State plan benchmarks where, for example, experience or changes in enforcement techniques would, in the Secretary's judgment, justify a revision of the earlier benchmarks. The critical point remains, however, that no change in the benchmarks can be predicated on the Secretary's legally erroneous interpretation of section 18 (c)(4) and (5) as requiring only that a State provide staff personnel and funding levels at least as effective as or equivalent to the Federal enforcement program.

Pending "final approval" each State is continuing to administer and enforce its own program while receiving 50 percent matching Federal funds. Meanwhile, each of the States retains the wherewithal to obtain final approval by demonstrating its commitment to worker safety and health, that is, by meeting the compliance staffing and resources requirements reasonably imposed in the 1980 benchmarks. Unless and until each State does so, a grant of final approval would make a mockery of the Congress efforts that led to the enactment of OSHA—such approval would return matters to where they stood in 1967 when the States were exercising jurisdiction over occupational safety and health issues even though they did not devote adequate manpower and resources to get the job done.

All that remains of the Assistant Secretary's position is his creation of the specter of a possible mass closedown of State plans which purportedly would mean a significant increase in the cost of the Federal Government's program. There is a distinctly hollow ring to that threat, especially as to those States which remain dedicated to raising the status of occupational safety and health within their geographical boundaries. And, even if the threat were bona fide, why should the Federal Government allow itself to be financially blackmailed into ceding jurisdiction back to the States in circumstances where there is no health and safety justification for such action?

The AFL-CIO has uniformly subscribed to the notion of reviewing and, if the need be, revising benchmarks. We have never opposed that.

Maybe we ought to ask OSHA to take a look at the methodology, scrap it if they do not like it, come in through the regular procedure with another methodology, and take a look at the data base—is the data base too stringent and was there enough information in the data base—and then apply the formula.

I certainly do not think the passage of OSHA was predicated on the fact that there would be State plans. I think that was far to the contrary. I look back on that time, and I almost feel that if we didn't even have section 18 in the act, the momentum, the concern at that time OSHA was going through—whether you had 18 in there or not—there was just a general perception that the States have failed in this area.

So I would like to indicate that it was just the other way around. Maybe if there was really a perception that the States were going to come in, there might have been more focus on section 18 than there was. There was hardly any. The legislative history in this area is rather sparse.

There is no basis—let alone any compelling justification—for an amendment of sections 18(c)(4) and (5) of the act. For unless and until such State seeking final approval has in place sufficient personnel and funding levels to do the enforcement job effectively, the preeminent purpose of the act—that is, to protect worker safety and health—will not have been served. Thus, the Assistant Secretary's above-described attempt to rely upon an appropriations rider is nothing more than a backdoor device to accomplish indirectly a drastic substantive change in those provisions of the act.

C. ACTION TAKEN BY THE COMMITTEE ON EDUCATION AND LABOR

Following the conclusion of the oversight hearings by the Subcommittee on Health and Safety, the chairman submitted the following for consideration by the Committee on Education and Labor at its meeting on July 13, 1983.

DIRECTION TO THE CHAIRMAN OF THE EDUCATION AND LABOR COMMITTEE ON OSHA STATE PLANS

I move that the chairman be directed to communicate to the chairman of the Committee on Appropriations and to the chairman of the Subcommittee on Labor-Health and Human Services-Education of the Committee on Appropriations that it is the position of the Committee on Education and Labor that:

First, any statutory restriction having an effect on the methodology utilized by the Occupational Safety and Health Administration to assess State plan approvals under section 18 of the Occupational Safety and Health Act of 1970 is an authorizing committee issue and, therefore, solely within the jurisdiction of the Committee on Education and Labor;

Second, that the committee specifically opposes any statutory limitation which predetermines staffing levels for State plan approval based on "equivalent to Federal staffing levels" formula as not consistent with law and, therefore, opposes the inclusion of such a limiting amendment to any appropriations measure.

After discussion by the committee, the measure was adopted and submitted to the chairman of the House Committee on Appropriations and its Subcommittee on Labor-Health and Human Services-Education.

III. FIRE AND EXPLOSION AT TEXACO STORAGE TANK FACILITY AT NEWARK, N.J., JANUARY 7, 1983

On January 7, 1983, a fire and explosion occurred at a Texaco storage tank facility at Newark, N.J., killing one person, injuring several others, and causing substantial property damage.

The Subcommittee on Health and Safety conducted 2 days of oversight hearings at which the following individuals testified:

Mr. Gary E. Pittman, operations manager for Texaco, Cherry Hills, N.J.

Mr. Larry V. Utke, general attorney, Texaco.

Mr. Marvin L. Dimond, assistant general manager, marketing operations, Texaco.

Mr. Robert Fitzpatrick, battalion chief, Newark, N.J. Fire Department.

Mr. Emil Nardone, captain, Newark, N.J., Fire Department.

Mr. John B. Miles, Director of Field Coordination and Experimental Programs, OSHA.

Mr. Roger Reeves, chairman, committee on safety and fire protection, American Petroleum Institute.

Mr. Michael Hildebrand, coordinator of safety and fire protection, American Petroleum Institute.

Mr. John C. Gerard, Washington representative, National Fire Protection Association.

Mr. Martin F. Henry, flammable liquids field service, National Fire Protection Association.

Mr. Dan J. Piliero, general counsel, National Fire Protection Association.

SYNOPSIS OF TESTIMONY

1. MR. PITTMAN, MR. UTKE AND MR. DIMOND, ON BEHALF OF TEXACO

The Texaco Newark Sales Terminal is located across the Hudson River from New York City. It consists of a number of petroleum storage tanks which we use for the storage of gasoline, No. 6 fuel oil, No. 2 furnace oil, and diesel fuel. This material is delivered into the terminal primarily by pipeline or barge. It is stored temporarily in large tanks before shipment out in smaller quantities to customers usually by barge or tank truck.

On the night of January 6, 1983, there was to be a pipeline receipt from the Colonial Pipeline Co. of 38,000 barrels of super unleaded gasoline. It was to be stored in tank No. 67. At the time the delivery was scheduled, it was determined that there was not enough room in tank No. 67 to hold the entire delivery. Consequently, arrangements were made to transfer some of the product already in tank No. 67 to storage tank No. 5. There was ample time available to easily make this transfer before the pipeline delivery was completed.

What actually happened is that the transfer of sufficient product to tank No. 5 was not completed in time. The result was an overfill of tank No. 67 near the end of the pipeline delivery which was not detected in time to prevent the overflow. The overflow of gasoline in tank No. 67 was contained in a safety dike which surrounds the tank but as the gasoline was exposed to open air it began to vaporize. In turn we believe the vapors from the gasoline were ignited by an open flame on an adjoining property.

There would have been no explosion and no fire at all had existing, standard company instructions been followed. This was one of those improbable situations in which a combination of mistakes by several different people, as well as other unusual circumstances, all come together in a short timeframe to contribute to a tragic accident. For example, had proper scheduling and timing of the deliveries taken place the delivery would have been accomplished without incident. Or, if proper gaging and monitoring of the incoming delivery had taken place throughout the evening in accordance with our standards, procedures and instructions, any one of several people on duty at the time would have realized a problem was developing and taken corrective action.

More specifically, Texaco's standard instructions and procedures require that during the receipt of a pipeline delivery tanks are to be gaged on an hourly basis to determine that the incoming product is flowing at a proper rate into the designated tank. Knowing the capacity of the tank and the amount of the delivery to be received it is a simple matter to see if you will run out of tank storage space before the receipt is complete.

In addition, Texaco instructions require a person to be at the tank receiving the delivery 30 minutes prior to completion of the delivery. This person is to observe the product level and accomplish the closing procedures at the tank. In this instance, all of the overflow which occurred happened in the last 15 to 20 minutes of the delivery. We found out later that operators on duty did not arrive at the tank until shortly before the scheduled completion of delivery. They discovered the spill and advised Colonial to stop pumping—but it was too late.

If our operators had detected the developing overfill condition earlier it would have been possible to prevent an overflow of the tank by the following methods:

First, simply call the Colonial Pipeline and request that they immediately shut down or cease pumping operations.

Second, closing Texaco's valve against the Colonial Pipeline.

Third, diverting the flow of product to another tank in our terminal.

Our procedures at the Newark Sales Terminal relative to the receipt of pipeline deliveries are long established and completely consistent with NFPA codes and industry practices for safe petroleum product handling. The same procedures and practices have been followed over many years at this terminal with a safe receipt of literally many, many thousands of deliveries of product. In addition, the safety procedures in effect at Newark are also consistent with safe product handling procedures we use at other terminals throughout the United States with an extraordinary safety record up until the time of our explosion and fire in Newark.

Our investigation indicated:

First, it was determined the procedures are fully adequate and did not need to be changed or amended.

Second, the basic difficulty appears to have been a people problem. We took what we believe was necessary disciplinary and corrective action with employees involved. Five were discharged including one supervisor. A sixth employee was suspended for 4 weeks. The plant manager was replaced. Finally, an area manager was demoted and reassigned.

Third, a comprehensive review of our instruction and procedures for all remaining employees at the terminal was conducted in order to assure again that all of our employees at this terminal are familiar with the detailed company procedures.

Fourth, in order to prevent this type of occurrence at any of our other terminals throughout the United States we have had meetings with terminal superintendents, managers, and terminal employees as well as team inspections of every Texaco terminal in the United States in order to verify that safe practices and procedures in accordance with existing Texaco instructions are being followed. A discussion of the Newark fire and explosion with each of them has served to reinforce an awareness and need for safe product handling.

2. MR. FITZPATRICK AND MR. NARDONE, ON BEHALF OF THE NEWARK, N.J., FIRE DEPARTMENT

The Texaco facility in Newark is one whose functions are solely the storage and delivery of petroleum products. There is no production of petroleum product on this site.

The serious incident at the Texaco storage facility in Newark, on the morning of January 7, was caused by the overfilling of a gasoline storage tank receiving a shipment via pipeline. Approximately 150,000 gallons spilled into the common dike enclosure and vapors drifted approximately 1,000 feet to an incinerator in an industrial facility which provided the source of ignition. The flame flashed back to an adjacent tank within the common diked area and it was this tank that exploded. One person was killed, two dozen injured, and many millions of dollars in property damage occurred.

The human element appears to have played a key role in the cause of this incident. Failure to physically check the tanks at prescribed intervals and properly record the information, along with error in computing the amount of product going into and coming out of various tanks, led to the overflow of tank No. 67.

None of these tanks were equipped with automatic high-level alarms which we feel would have alerted the terminal operators to the overflow condition.

There was no installed fire protection system, although a portable foam appliance was available on location.

All tanks were surrounded by a common dike to accept any overflow which might be generated by these tanks.

None of the tanks in this entire facility was protected by any type of automatic high-level alarm or shutoff. It should be noted that the Texaco Co. was in compliance with the accepted practices of the National Fire Protection Association. The Flammable Liquid Code of the NFPA (standard No. 30) specifies a number of alternative methods for guarding against the dangers of overflow.

Newark's Fire Prevention Code references the National Fire Codes of the National Fire Protection Association (NFPA).

This incident points out the need for safeguards in addition to relying solely on the human element, especially during the large volume transfer of class I flammable liquids which pos-

sesses the potential for large loss of life and property.

What clearly emerges from this serious incident is that safeguards, in addition to the human element, are urgently required in order to prevent catastrophes of this magnitude in the future.

The Newark Fire Department has already petitioned the NFPA Flammable and Combustible Liquid Code Committee to revise its code to require all three methods of monitoring the filling of tanks rather than allow a choice of only one of them as is the present situation.

Legislation requiring this has been introduced in the New Jersey Senate and it is recommended that nothing less than these minimum requirements be enacted nationwide.

3. MR. MILES, ON BEHALF OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

On January 7, 1983, the day on which the accident at the Texaco installation at Newark, N.J. occurred, two compliance officers from OSHA's Dover area office—a safety specialist and an industrial hygienist—began an investigation which was completed on April 26. On May 3, the Agency issued a serious safety citation to Texaco for violation of section 5(a)(1) of the Occupational Safety and Health Act, with a proposed penalty of $720 and a proposed abatement date.

The citation stated that employees of Texaco U.S.A. were exposed to hazards associated with fire and explosion that resulted from the overfilling and consequent overflow of a gasoline storage tank or tanks. The citation further stated that these hazards existed for two reasons. First, the employer had failed to provide adequate supervision to insure that the operating procedures and safeguards prescribed in the company's operating manual were being followed during the receipt of gasoline at the terminal pipeline and inplant transfer operations. And, second, the employer had not provided a program for all employees involved in these tank-fill operations to assure that they were familiar with, and followed, the procedures for safe operations outlined in the operating manual.

On May 26, 1983, Texaco U.S.A. filed a notice contesting the citation, the proposed penalty, and the abatement date.

Assuming that properly designed, well-maintained tanks are provided, the greatest hazard in tank farms occurs during the transfer of liquids to and from storage rather than in storage itself.

Factors to be considered in the transfer and storage of flammable liquids include the physical characteristics of the liquid itself, the reliability of the mechanical equipment used, and the knowledge and awareness of employees of the hazards of the operation. Tank overflow or overfilling is possible when valves, alarms, or other mechanical transfer devices malfunction. Proper maintenance and periodic testing can insure proper operation.

Subpart H of OSHA's general industry standards (29 CFR Part 1910) regulates the safe storage and handling of hazardous materials. These standards are based upon national consensus standards—standards developed and approved by groups in the private sector with representation from industry, labor and specialists—and were adopted by OSHA in 1971. Certain provisions of subpart H specifically apply to the storage, use, and handling of flammable and combustible liquids. Among other things, they require that storage tanks for flammable and combustible liquids be constructed of certain specified materials, that a minimum distance be maintained between tanks, depending on their contents, and that certain measures be instituted to control sources of ignition and prevent accidents during transfer operations.

In addition to specific standards, the act itself provides a general duty clause, section 5(a)(1), which states that an employer must "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm * * *"

It is OSHA's policy to use its limited resources to enforce its standards in establishments where reliable information indicates the needs are the greatest. More than 80 percent of OSHA's safety inspection resources are now being concentrated in establishments in high-hazard industries. To be classified as a high-hazard industry, an industry's lost workday injury incidence rate must be higher than the national average for all industries, which was 3.7 lost workday injuries for every 100 full-time workers in 1981, the latest year for which data are available. In low-hazard industries—industries with lost workday injury incidence rates lower than the national average—OSHA also inspects but such inspections are limited primarily to investigations of fatalities, other catastrophes and accidents, and employee complaints.

The petroleum and petroleum product industry, which includes tank farms, is ranked by OSHA as a low-hazard industry since the incidence of injuries resulting in lost workdays in this industry was 2.7 per 100 full-time workers in 1981. In fact, since 1976, when the Bureau of Labor Statistics began reporting identifiable occupational injury and illness statistics for this industry, it has consistently demonstrated a better-than-average safety record than all private sector industry.

Consequently, OSHA inspections of petroleum tank farms and similar facilities have been, for the most part, investigations of employee complaints and accidents, including fatalities/catastrophes. From July 1972 to April 1983, the agency conducted 175 inspections at "petroleum bulk stations and terminals." Thirty-one of those inspections were in response to accidents—23 involved fatalities/catastrophes—and 95 were in response to employee complaints. The remaining inspections consisted of 18 planned or programed inspections and 31 followup inspections.

The results of these inspections have generally reflected the low incidence of injuries in this industry. For example, 79 of the 175 inspections—45 percent—resulted in no citations. Of the remaining 96 inspections, 57 establishments were issued a total of 188 other-than-serious violations. Forty-six establishments were issued a total of 77 serious, willful or repeat violations. Only 30 of the establishments were cited for violating OSHA's standards applicable to tank farm operations; 12 establishments were cited for 14 violations of section 5(a)(1) of the act.

There has been criticism in the New Jersey press about the amount of OSHA's proposed penalty. The penalty structure established in the OSHA Act relates, in every instance, to violations of standards or other OSHA requirements, not to numbers of fatalities or injuries. While a willful or repeated violation could result in assessment of a civil penalty of as much as $10,000, there was no evidence to support such a citation in this particular case. When there has been loss of life due to violation of a standard and the Government has proven willful disregard of that standard, criminal penalties of up to $10,000 and/or 6 months imprisonment can be imposed upon conviction.

The maximum that OSHA can legally propose to fine a company for a serious violation is $1,000. In this instance, after analyzing factors required by the statute to be considered in calculating a penalty, such as the number of employees at the plant, their proximity to the hazard, and the gravity of the hazard, OSHA proposed a $720 fine for the alleged serious violation. All procedures in this inspection follow well-defined, long established policies.

4. MR. REEVES AND MR. HILDEBRAND, ON BEHALF OF THE AMERICAN PETROLEUM INSTITUTE (API)

The petroleum industry is concerned for the safety of its employees and the general public. The consensus standards process as utilized in the development of NFPA-30, the Flammable and Combustible Liquids Code, provides a flexible and practical approach to prevent tank overfills. Section 2-9 of this document is especially applicable to the Texaco fire at Newark, N.J. Regardless of the methods utilized, how-

ever, safe operations must require complete adherence to the rules and procedures by those employees who are performing the actual tasks at hand.

With respect to the use of automatic shutoffs on tanks, there have been failures. There has been, throughout the industry, some discussions on this and we have not developed hard numbers, but there have been failures in the system, and like all devices, they require maintenance and even with the maintenance, however, you do not have a totally fail-safe type of system.

At the present time, an API task force is looking into this and doing literature research and exploring the various types of devices that would be available, and new technology that would be available, as well as actual field experience where some of these have been installed.

The assumption that high level alarms or automatic shutoffs would solve the problem is not a correct one.

Obviously any open flame can ignite a petroleum vapor cloud from gasoline. An open-flame source at another piece of property near the particular tank farm should be controlled by zoning or local ordinance, that is the way it has been handled for many years, and it still seems to be an appropriate method.

5. MR. GERARD, MR. HENRY AND MR. PILIERO, ON BEHALF OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

NFPA is a nonprofit, technical and educational membership organization, founded in 1896. It has remained the principal public advocate for safety since its inception. As a practical means of supporting such advocacy NFPA develops and publishes fire safety codes and standards.

One of the functions of NFPA's standards is that they serve as the basis of governmental regulation. Federal, State, and local governmental authorities adopt NFPA standards as the basis of law and regulation and enforce provisions of NFPA standards. In this context, it is important to note that NFPA standards have consistently withstood judicial scrutiny and that the consensus based process generally constitutes proof of reasonableness in courts of law.

Approximately 200 employees of the Federal Government, representing some 25 Federal agencies, and about 500 employees of State and local government serve on NFPA committees which, together with many individuals, insures that the public interest is represented in the committee activities.

NFPA 30, the Flammable and Combustible Liquids Code, was first published in 1913. Over the course of the intervening years, it has been revised on numerous occasions, as conditions and experiences have dictated. The current (1981) edition is adopted, in whole or in great part by 35 States. The code has also been adopted by the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor. Substantial segments of NFPA 30 are also used, as per copyright agreement, by other code-developing bodies, such as the Uniform Fire Code (UFC), and the Building Officials and Code Administrators (BOCA).

The subject of protection against overfilling of tanks is relatively new to NFPA 30, in that the subject was not addressed at all until the 1976 edition. The wording that was introduced in 1976 remained unchanged in the 1977 and 1981 editions.

John P. Caulfield, the director of the Newark Fire Department, has submitted a formal proposal to the NFPA 30 committee recommending changes in the 1984 edition.

There is not anything that is totally fail-safe. There have been overfills on tanks that have been equipped with high-level alarms, that either did not function or were out of service. The alternates that are presented in the code are adequate if properly implemented. There may come a day when they develop the better high-level alarm and automatic shutdown, but at this point the options that are presented in the code are probably the best available options that one can have.

In the development of our standards, NFPA recommends what would be an appropriate safety level, and recommends a model or appropriate safety level for a State or a locality to use. It is then for the State and locality to take that recommended standard and should it determine that that standard has been violated for the people of that State, through their legislative process, to determine what is the appropriate thing.

IV. THE ACTIVITIES OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINSTRATION WITH RESPECT TO DORMANT REGULATORY ACTIVITIES INVOLVING 116 SUBSTANCES

A hearing was conducted to assess the proposed activities of the Occupational Safety and Health Administration with reference to an internal OSHA document reporting on the status of 116 substances where rulemaking activities were dormant.

The following individuals testified before the subcommittee:

Hon. Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health.

Dr. Leonard Vance, Director of Health Standards Programs for OSHA.

SYNOPSIS OF TESTIMONY

When this OSHA Administration assumed office early in 1981, we found a helter-skelter collection of standards activity—much of it of an information-gathering nature—on many substances found in American workplaces. Work on some of those substances had been sporadically in progress since 1973. There were dozens of standards projects that OSHA had allowed to remain dormant for years.

OSHA began the process of culling active regulatory development projects from inactive ones late in the summer of 1982. As a first step, the staff had to identify all of the partially completed activities. The Federal Register was scoured for notices regarding OSHA rulemaking activities. All in all, 116 such projects were found. Of these 116 rulemaking projects, the latest informal public hearing—on a proposed standard for beryllium—was held on August 16, 1977. The most recent notice of proposed rulemaking was published in November 1975. A breakdown of the nature of the activities associated with these projects follows:

Nine informal public hearings—seven held in 1975; two held in 1977.

Twenty-three notices of proposed rulemaking—all published in 1975.

Forty-seven advance notices of proposed rulemaking—all published between 1973 and 1976.

Sixty-one requests for information—one published in 1979; five published in 1978; two published in 1977; and fifty-three published prior to 1977.

Only 23 of the 116 items listed were full-fledged regulatory proposals and only six of these proposed to revise current permissible exposure limits. The rest were requests for information on various toxic chemicals in which OSHA had some interest at the time. OSHA alternatively titled these requests for information as either "Requests for Information" or "Advance Notices of Proposed Rulemaking" in the Federal Register. Decisionmaking regarding what to call the requests appears to have been arbitrary as both types of Federal Register notices contained the same amount of limited information. It was only with the advent of OSHA's Regulatory Management System in 1981 that use of the title "Advance Notice of Proposed Rulemaking" was confined to projects with which the Agency had every intention of proceeding with the next stage of the rulemaking process—publication of a formal "Notice of Proposed Rulemaking."

In order to insure that Agency standards setting proceeded in an orderly fashion, it was apparent that OSHA's management and the public had to have a clear idea of what OSHA was working on and what OSHA was not working on. In determining how staff work on standards development would proceed during my tenure at OSHA, a detailed system for the development of OSHA safety and health standards known as the regulation management system was undertaken. One element of this system involves preparation of three preliminary documents for each standards

action contemplated: First, an Assistant Secretary's summary, second, a research and analysis plan, and third, a work plan.

The document that apparently formed the basis of the erroneous charge which is the subject of this hearing was an early draft of just such an Assistant Secretary's summary, prepared by a preliminary team, which began its work late in the summer of 1982. A summary of this kind is one of several planning documents prepared to help determine whether OSHA should proceed with the development of a proposed standard. This particular preliminary planning document, however, has not yet been presented as a basis for decisionmaking on standards development. Indeed, I had not even seen the document until the recent publicity brought it to my attention.

It is certainly not an OSHA policy statement, as the media reports imply. On the contrary, each of the 17 pages of this document bears the statement:

This draft is not final and bears no official endorsement. It should not be reproduced nor reported upon as official OSHA policy.

This language should have made it very clear that the document was simply an early working draft.

The purpose of this exercise was to compile an inventory of all partially completed standards projects and to evaluate their status. Ultimately, it will be my decision whether to reactivate any of these regulatory projects and my responsibility to inform the public of that decision.

This administration of OSHA has never proposed to "scrap" action on the 116 substances listed in the draft summary. OSHA has never had any intention of allowing any part of the dormant standards project to move forward if doing so would threaten the health of workers.

Months ago, OSHA staff asked the National Institute for Occupational Safety and Health (NIOSH) to review the 116 substances listed in the draft summary, and to report on the adequacy of the present OSHA permissible exposure limits. OSHA met NIOSH staff on this matter on March 30, April 21, and June 15, 1983. The evaluation by NIOSH is continuing.

Overlooked in the allegations about OSHA's plans for the 116 substances are the following important facts: First, 110 of the 116 standards development projects were initiated in the years 1973 through 1976. Second, in the years following, there was little if any action on these substances. Since 1975, hearings have taken place on only two substances—sulfur dioxide and beryllium—and that the most recent of these occurred in August 1977. Third, OSHA has standards in place for 112 of the 116 items on the list in the draft summary. (These regulations are found in the Federal code at 29 CFR 1910.1000).

It has been alleged that OSHA is planning to "eliminate the files" on these 116 inactive projects. This is absolutely untrue. In the 13 years of its history, OSHA has accumulated literally hundreds of cubic feet of paper records which have exceeded the storage capacity of the file cabinets in the Agency's Directorate of Health Standards Programs. There was almost no control over this pile of paper in the past years. OSHA had never cleaned or updated any of its health standards files. Unused or inactive files were placed in boxes and containers of all types and simply pushed into corners. As a result, many cubic feet of valuable Agency records were misplaced, discarded or otherwise improperly disposed of over the years. In recent months, in conjunction with the National Archives and Records Service—an agency of the General Services Administration—OSHA has conducted a major files cleanup and archiving operation in the Directorate of Health Standards Programs. This has resulted in the preparation of over 125 cubic feet of records for permanent, retrievable storage. These documents are awaiting transfer to the appropriate Federal records center. This is the first time in the Agency's history that the records of valuable Agency health standards development have been properly archived.

OSHA's present regulatory agenda includes items that were not being worked on at all when this administration took office. As new data have become available, OSHA's regulatory priorities have changed. The regulatory management system has allowed OSHA the flexibility to react to new information about such substances. For example, OSHA now has standards actions under way for ethylene oxide, ethylene dibromide, and methylenedianiline.

Mr. Speaker, I would like to take this opportunity to thank the Members of Congress and the other individuals who have appeared as witnesses before the subcommittee. I particularly want to thank all the Members of the subcommittee who have cooperated and participated in the activities of the subcommittee.●

LOUISIANA ENTERPRISE ZONES

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LIVINGSTON. Mr. Speaker, where this Congress has failed, Louisiana Gov. Dave Treen has succeeded. He has led the Louisiana Legislature in a program enacting enterprise zones that are beginning to pay off for local economies. Tax breaks for business are creating jobs for workers.

As an original cosponsor of H.R. 1955, the Enterprise Zone Employment and Development Act of 1983, I urge the leadership of this body to follow Louisiana's lead and enact legislation at the Federal level.

The details of Louisiana's success are contained in the following February 2, 1984, editorial of the Times-Picayune, which I commend to my colleagues:

NEW TAX ACT PAYING OFF

A tax incentive program sponsored by Gov. David C. Treen and approved by the Legislature in 1981 has begun to pay dividends for the state's economy.

The Enterprise Zone Tax Relief Act provides incentives to companies to locate in places where unemployment is high. That could be almost any place in Louisiana, although some areas are much worse off than others. Participating companies receive exemptions from sales taxes on construction materials and a $2,500 credit against corporate income and franchise taxes for each new job created. Local governments can grant local sales tax exemptions also if they choose.

Local and state economies get the additional jobs and payrolls, and local and state governments get expanded tax bases.

Since the act was passed, Gov. Treen has approved for the tax benefits 41 companies that were first screened and approved by local governments and the state Board of Commerce and Industry. Ten of the companies were recently approved, and they are expected to provide 1,159 jobs, primarily in economically depressed north Louisiana, although a printing company in New Orleans also is on the list.

The new list reflects the kind of economic diversification that should rebound to the benefit of the state's economy for years to come. In addition to the New Orleans printing company, which will employ 70 persons, the latest list includes a Shreveport manufacturer of plastic toys that will employ 180, a forest products company in Plain Dealing that will provide 22 jobs, a Delhi company that will make systems for cotton baling and also employ 22 and a company in Benton that will produce diesel starters and parts and employ 175.

Louisiana's long-standing 10-year tax exemption program for new and expanding industries has largely benefited heavy, capital-intensive industries, from which the state's economy has benefited. The new tax relief act appears to be off to a good start in promoting the kind of smaller manufacturing industries the state needs to expand its economic base and provide jobs in areas where jobs are scare.●

LEGISLATION TO CREATE AN INDEPENDENT OIL TRADING COMPANY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. ST GERMAIN. Mr. Speaker, I am pleased to join with my colleague from New York in the introduction of

legislation to create an independent oil trading company.

The establishment of an oil trading corporation—to store gasoline and home heating oil that would be sold during times of shortage—would seek to put an end to the phenomenon of price increases during times of plenty. A lack of management, rather than a lack of crude seems to be at the root of our current energy problems.

Recent events concerning the price of energy demonstrates the need for such a trading company. While we have enjoyed a virtual oil glut over the past few years, we are not immune to unexpected shortages. We have learned the hard way that even a hint of a shortage sets off a chain reaction that results in panic buying, hoarding and, ultimately, price increases. A good example of this is home heating oil prices jumping 25 cents a gallon this winter. Despite a crude oil glut, low inventories at the start of winter seemed standard procedure with the oil companies and the American consumer paid for it dearly.

On several occasions in this and earlier Congresses, I have advanced the idea of establishing a backup supply of crude in the Northeast so there would be a reserve in the event of an emergency. This reserve would serve as an insurance policy, if you will, to many Americans who might otherwise be left "high and dry" should there be a serious energy crisis. The oil trading company proposed in this legislation is an extension on this theme. By definition, it would be a much needed stabilizing influence in an industry that, to say the least, has an enormous effect on our economy.

Mr. Speaker, an oil trading company would provide us the opportunity to learn from lessons of the past. Hindsight tells us that shortages and the accompanying panic buying and hoarding cause prices to jump. And when the smoke clears, and inventories are replenished, those prices remain high. I urge my collegues to join Mr. OTTINGER and me in their sponsorship of this consumer-oriented legislation.●

THE CASE OF ANTANAS TERLECKAS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FASCELL. Mr. Speaker, recent events in the Soviet Union have once again focused the world's attention upon that nation and the enigmatic quality of its political system. One characteristic of that system is perfectly clear, however—the repression suffered by those individuals within the Soviet Union who dare to openly question the prevailing political orthodoxy promulgated by the Kremlin leadership.

One of these dissenters is Antanas Terleckas, a Lithuanian patriot whose commitment to human rights and the historical heritage of his Baltic homeland have made him the subject of unremitting repression at the hands of the KGB. Mr. Terleckas, who was but 15 years of age when first arrested by Soviet occupation forces in Lithuania, was imprisoned from 1957–61 for alleged treason, from 1973–74 for human rights activities, and was most recently sentenced in 1980 to another 3 years in labor camp and 5 years in internal exile. This latest sentence followed a wave of repression in Lithuania directed primarily at human rights activists who, along with their fellow Balts in Estonia and Latvia, had signed a memorandum condemning the 1939 Ribbentrop-Molotov Pact.

As the world is now aware, this cynical pact between Hitler and Stalin gave the former "permission," so to speak, to occupy Lithuania while Stalin was given a free hand in Latvia, Estonia, and Finland. Antanas Terleckas' signature was the first to appear, along with 44 others, on the memorandum protesting this disgraceful episode in history; 2 months later, he was under arrest for "anti-Soviet agitation and propaganda." After a sham trial almost a year later, Terleckas was sent to the Perm labor camp for political prisoners, to share the bitter fate of other courageous human rights activists such as Yuri Orlov, Anatoly Marchenko, and Vasyl Stus.

Commenting on Terleckas' sentence, a group of Lithuanian activists wrote that "Antanas Terleckas committed no crime, but merely did his sacred duty, an obligation which everyone must shoulder. The term "criminal" applies rather to the reprisals that are being carried out by the security organs, because such use of force is an unreconcilable enemy of any rights or freedoms." The West German newspaper Deutsche Tagepost, pointed out that "Antanas Terleckas was accused of nationalism, because he communicated the truth, which is indisputable, but unpleasant to the Soviet Union."

During one of his many interrogations, Antanas Terleckas was told by a KGB agent that it was dangerous for one with his political views to live in Lithuania. What may have been an off-hand remark by a minor functionary has apparently become official policy. In November 1981, Terleckas wrote "I was warned that my life would be made very difficult and that after 5 years of exile, I would return with my health broken." At one point, he was offered amnesty from his scheduled exile if he would renounce his past activities. Needless to say, Terleckas refused. Now, I have just received word that Antanas Terleckas' health is indeed rapidly deteriorating. The debilitating effect of the prison camp and the difficult environmental conditions in which he lives are threatening his life.

Mr. Speaker, the Lithuanian underground journal "Ausra" has warned that "if the world fails to hear the plea of this prisoner, if there is no flood of demands to free this freedom fighter, he may perish." I think I speak for all the Members of this body, when I call upon the Soviet Government to free Antanas Terleckas from his exile and allow him to return to his beloved native Lithuania.●

ENTERPRISE ZONES: OPPORTUNITY FOR REAL, LASTING ECONOMIC GROWTH

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. VANDER JAGT. Mr. Speaker, on January 12, 1984, a special op-ed article appeared in the Detroit News, Detroit, Mich., entitled Enterprise Zones—Creating a Climate for Growth. It began as follows:

> The idea sprouted either amid the rubble of Charlotte Street in the South Bronx or on some other mean streets in towns and cities across the country. The idea, in a nutshell, was to turn the mean streets back into the main streets.
>
> How? The same way these once flourishing areas had grown in the first place: by creating the climate for local and private initiative to do its best.

The author was the distinguished Secretary of Housing and Urban Development, Samuel R. Pierce, Jr. and he was describing enterprise zones, an idea which is embodied in H.R. 1955. In this relatively short session, this body will have to deal with many important issues. One that must not fall by the wayside is the enterprise zone legislation. President Reagan in the state of the Union address underscored his strong support for enterprise zones.

Enterprise zones requires the cooperation and initiative of local and State governments and the private sector. It gets the Federal Government out of the way and encourages the removal of local, State, and Federal burdens that have impeded operation of the free enterprise system in blighted areas.

While this body has failed to take up the enterprise zone legislation, 20 States have enacted legislation creating their own programs. They are already operating in a number of States with positive results in business startups or expansions, private sector investments and jobs saved and created.

There are carefully targeted incentives for those who participate in enterprise zones. They will stimulate the creation of jobs and physical revitalization of blighted areas. The stage is set for an enterprise zone effort that can help turn decay into growth, slums into thriving communities and the jobless into taxpaying workers.

Enterprise zone legislation has passed the Senate and well over a majority of this body, including a majority of the Ways and Means Committee are sponsors of H.R. 1955. Enterprise zones offer hope. Enterprise zones create public-private partnerships.

This body should not be an obstacle to implementation of this modest concept on a national scale. We must not let this session end without passing H.R. 1955.

I commend Secretary Pierce's description of the enterprise zone idea to the Members of this body and hope it will encourage progress in passing this legislation. The Detroit News article follows:

[From the Detroit News, Jan. 12, 1984]

ENTERPRISE ZONES—CREATING A CLIMATE FOR GROWTH

(By Samuel R. Pierce, Jr.)

The idea sprouted either amid the rubble of Charlotte Street in the South Bronx or on some other mean streets in towns and cities across the country. The idea, in a nutshell, was to turn the mean streets back into the main streets.

How? The same way these once-flourishing areas had grown in the first place: by creating the climate for local and private initiative to do its best.

From the beginning the idea had bipartisan support. (New York congressmen Jack Kemp, a Republican, and Robert Garcia, a Democrat, were in the vanguard.) Democrats as well as Republicans in the Senate and House signed up for it and borrowed a name from the British, who were trying something similar: enterprise zones. The Reagan administration gave it leadership, and the president has sent a bill to Congress proposing that enterprise zones be supported by law.

At the same time, many states began to develop their own enterprise-zone laws, and so far 20 states have enacted such laws. Today, the stage is set for an enterprise-zone effort that can help turn decay into growth, slums into thriving communities, and the jobless into taxpaying workers.

The idea is simple: Get people to change the way they think about these areas. Change the perception of them from pits of despair to centers of opportunity. There are a number of ways to do that, but we decided early on that there was one way not to do it: by imposing heavy-handed requirements from Washington and pouring in more money from the federal Treasury.

That way, we had learned, failure lies. And the elements of failure are well-known: bureaucratic red tape, mismanagement (or worse) of public funds, and—what is even more critical—the loss of local and private initiative.

Instead, the enterprise-zones concept throws the ball to local and private initiative. For a change, it gets the federal government out of the way and encourages the removal of local, state, and federal burdens that have impeded operation of the free enterprise system in blighted areas. It says to governors and mayors and other local officials: "Look, in the next three years the secretary of the U.S. Department of Housing and Urban Development is going to designate 75 enterprise zones throughout the country. Some of those zones could be in your state or your community.

"But there are no guarantees, because it's going to be an open competition. You just have to come up with a strategy, a plan that offers the best prospect for success of your zone or zones.

"If you win the competition, the federal government will help by targeting tax breaks for job creation and investment in plant, equipment, and housing, and relaxing some restrictions on the operation of the free enterprise system.

"With effective pooling of your own resources, plus those from the private sector (perhaps a venture capital pool from local banks) and such federal programs as community development block grants and urban development action grants, you'll be able to improve local services to the zones: better fire and police protection, and better sanitation and transportation. Such services will make your zone more attractive for people to invest in, and to work and live in."

That's what the enterprise-zone concept says to state and local officials. It offers even more incentives to investors—to businessmen and businesswomen, big and small, to individuals who want to invest some of their assets in one or more of the new zone enterprises. To such investors, the concept says, "If you operate a business in an enterprise zone, the federal government will give you certain tax and regulatory relief. These benefits, together with those your state and community will provide, will give you substantial opportunities to make a go of your enterprise. You will also have the added satisfaction of creating jobs and participating in your area's revitalization."

Finally, the enterprise-zone legislation addresses potential workers. It says, in effect, "Here's an opportunity for employment where there probably was none before. Your income tax will be lower than it would be in other areas. Your opportunities for training in a new skill or trade will be better, and therefore your prospects for advancement will be brighter.

"Your personal success will be tied to the success of the business and zone you work in. Your contribution is an essential factor in this process."

In short, incentives for everyone who participates are written into the enterprise-zone bill. It is realistic in that it appeals to self-interest as well as civic pride.

It is realistic, too, in that its initial goals are limited. By limiting the numbers of zones to 75 in the first three years, the bill admits frankly that it is an experiment. It also opens the prospect for evaluation and fine tuning in the light of experience.

Finally, it offers hope in areas where that essential commodity is usually lacking. Through public-private partnership, depressed areas can recapture the economic momentum they somehow lost somewhere along the line.

The administration's bill has passed the Senate once and 245 congressmen—well over a majority—are sponsoring it in the House. Therefore, I look to Congress to enact the enterprise-zone law.●

THE PRESIDENT'S BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 15, 1984, into the CONGRESSIONAL RECORD:

THE PRESIDENT'S BUDGET

The President's 1985 budget, presented to Congress just last week, continues to cut domestic spending as it delays major tax increases and moves forward with a huge military buildup. His budget calls for outlays of $925 billion, revenues of $745 billion, and a deficit of $180 billion. He projects large but declining deficits in later years. The deficits are the largest in history.

A distinguishing feature of the budget is that the deficits are greatly underestimated. The underestimate is due to economic assumptions that are too optimistic, overstating revenues and understating outlays. The President's view that the deficit will fall to $123 billion by 1989 is based on projections of extremely favorable economic growth, inflation, jobs, and interest rates exceeding the best results of the 1950's and 1960's. For example, Treasury bill rates of 9% would have to drop to 5%, and for the next seven years we would have to have economic growth averaging 4.3%, to make Mr. Reagan right. Mr. Feldstein, the Chairman of the Council of Economic Advisors, acknowledges the problem when he says that "it's clear that our forecast . . . is only appropriate on the assumption that there will be significant action after the election to deal with the deficits." If the deficits are not cut, he continues, "we would expect lower real growth and higher inflation." Mr. Feldstein adds that the budget is not what the administration wants to see happen in 1985.

Perhaps the most distinguishing feature of the budget is that it does not deal with the deficits, whether in 1985 or in later years. It does not indicate what revenue or spending policies might be implemented to bring revenue into line with spending. It does not advise Congress what the President would do about the deficits. Until only a few weeks ago, Mr. Reagan appeared to be saying that deficits do not matter. The important things are growth in the economy, the conquest of inflation, the creation of jobs, and the raising of productivity. But in the days shortly before the budget was submitted, the President apparently decided that deficits do matter. In the parts of the budget prepared last, this concern is obvious. It is missing altogether in the parts of the budget prepared first. Mr. Reagan now seems to accept that he must find a way to trim the huge deficits. Still, his budget proposes no immediate, direct action.

Rather than tackle the deficits forthwith, the President puts forward two constitutional amendments pertaining to the budget process. One would demand that the budget be balanced every year. The other would give the chief executive power to veto single items in appropriation bills. Whatever their merits, these proposed amendments would require lengthy consideration, so years would pass before they could become the law of the land. Thus, neither one provides a realistic way to check the swelling deficits of the 1980's. In a similar vein, Mr. Reagan suggests that a bipartisan commission study

the deficit and then recommends spending cuts. In the meantime, Congress would make a "downpayment" on the deficit by enacting spending cuts totalling $100 billion over the next three years. While the deficit is expected to reach approximately $600 billion over the next three years and a $100-billion reduction would be welcome, the downpayment would be only a modest start. Besides, members of Congress have noted that the President apparently has limited the areas of compromise on spending, so the mandate of the bipartisan commission and the focus of the downpayment might be quite narrow. Mr. Reagan has remained firm in his belief that the large military buildup should continue, that the big 1981 tax cuts should be preserved, and that the domestic budget alone is excessive.

When asked about a tax hike, the President does not reject it, but says: "To those who say we must raise taxes, I say, 'Wait!' " Instead, he suggests a study of the tax code to be completed in December of 1984, after the general election. The idea is that the study would show us how revenue could be raised by closing tax "loopholes" and broadening the tax "base," admirable efforts by any standard. But even if the recommendations of such a study were promptly translated into law—a highly doubtful outcome given the complexity of the tax code and the intensity of resistance to changing it—a major impact on the deficits would not be apparent for several years.

A more realistic (but still optimistic) view of the deficit, one put forward by the nonpartisan Congressional Budget Office, suggests that Mr. Reagan's budget will lead not to gradually declining deficits, but to deficits rising sharply to $300 billion by 1989. These "super deficits" will not be eliminated by economic growth. They stem directly from accelerated defense spending, ballooning interest payments on the national debt, and excessive tax cuts, not from uncontrolled domestic spending. Mr. Feldstein, the President's own economist, notes that "the things that raise the deficit are defense spending, interest on the national debt, and the tax reductions. The thing that has reduced the deficit has been the decline in domestic spending, excluding Social Security."

Because Mr. Reagan's budget contains overly optimistic economic assumptions, does nothing to address the deficits, and provokes intense nonpartisan criticism, it is hardly surprising that the President and his top economic staff quickly and publicly backed away from it. The budget had hardly reached my desk when Mr. Reagan called the deficits in the budget "totally unacceptable." Mr. Feldstein expressed the same sentiments when he said, "None of us likes the budget, from the President on down." Even so, it was offered as the nation's fiscal blueprint.

The reaction in Congress could have been predicted. The President's budget has come under sharp attack from Republicans and Democrats alike, principally because it ignores the deficits. Because the budget is so faulty, legislators are saying that Congress should not delay the crafting of a new budget, one that will preserve the economic recovery now underway. Negotiations between Mr. Reagan and Congress on a program to reduce the deficits immediately must supersede all consideration of what the President has offered so far.●

A PLEA FOR ILYA VAITZBLIT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in the call of conscience vigil for Soviet Jews. I would first like to extend my congratulations to my distinguished colleague from Pennsylvania, LAWRENCE COUGHLIN, who has assumed the responsibility of organizing this year's vigil. The vigil serves the important function of reminding us of the continuing repression of Soviet Jews.

Mr. Speaker, I wish to call to the attention of this House the plight of Ilya Vaitzblit. It is in many ways typical of so many Soviet Jews. He first applied to emigrate in 1973, but his application was refused on the pretext of his alleged access to classified material. He has repeatedly made application since 1973, and each time has been denied.

Ilya has suffered from multiple sclerosis since 1966. This fact is acknowledged by the Soviet authorities, as he was declared by a Soviet medical commission to be an invalid of the "first group" (completely disabled patients, obtaining their livelihood through permanent support from others). Presently he is nearly deaf, half blind and confined to bed with his limbs paralyzed.

Ilya's son and brother have already emigrated to Israel, and his hope and theirs is to be reunited before he dies.

It is difficult to imagine that a regime can be so unfeeling toward humanitarian cases. With nothing to gain by continuing to hold Ilya, the Soviet regime nonetheless proceeds in this insanity.

The position of Soviet Jews is essentially an ostracism in their own country. Unable to practice fully their religion, they are also denied permission to emigrate to join their fellow believers. The cries of the world to end this repression are met with silence, and the numbers of Jews allowed to emigrate is reduced.

Today, as we recall the plight of all Soviet Jews, I ask that you consider the case of Ilya Vaitzblit. The pain that he suffers by the uncertain future of his request to emigrate is a pain that many feel. As Members of Congress, we must continue to speak out against this reprehensible Soviet activity and against this violation of the Helsinki Final Act.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence, I was not present when the House voted on February 8 and 9. Had I been present, I would have voted in the following way:

WEDNESDAY, FEBRUARY 8

On a motion to approve the House Journal of Tuesday, February 7, "yea."

On adoption of the adjournment resolution for the Washington district work period, "nay."

On the Moorhead amendment to H.R. 555, construction work in progress, to codify a ruling of the Federal Energy Regulatory Commission in lieu of the committee-passed bill, "paired for."

On final passage of H.R. 555, "paired against."

On a motion to commit Thursday, February 9 the resolution making committee assignments, with instructions to constitute committees in actual proportion to the House's political party membership, "paired for."

On adoption of the conference report on S. 1340, Rehabilitation Act amendments, "yea."

On adoption of the rule providing for consideration of H.R. 2899, environmental research bill, "yea."

On final passage of H.R. 2899, "yea."●

FUTURE FARMERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. NATCHER. Mr. Speaker, I join with the members of the Future Farmers of America as they observe National FFA Week with the theme "Keeping America on the Grow—Vocational Agriculture and FFA."

Future Farmers of America is an organization that develops agricultural leadership, cooperation, and citizenship. Members are high school students enrolled in vocational agriculture classes in public high schools and area vocational education centers. Currently there are nearly a half million active FFA members. Degrees of membership are awarded on the basis of individual achievement in the organization. Each member begins as a Greenhand and progresses to Chapter Farmer Degree in the local chapter. The State Farmer Degree is presented by the State FFA association and the American Farmer Degree is presented by the National FFA organization.

Each chapter develops an annual program of activities and each member of the chapter carries out a supervised occupational experience program. The Future Farmers of America provides awards recognizing members of achievement at the chapter, district or area, State, and National levels. These award programs directly relate to the supervised occupational experience programs so that every vocational agriculture-FFA member can participate.

Kentucky has 14,398 members and 149 chapters. Last year 1,023 members and 123 FFA advisers attended FFA leadership training at the Kentucky FFA leadership training center in Hardinsburg, Ky., to develop skills and ability lead local chapters. Kentucky FFA chapters also participated in the National Safety Award program, Building Our American Communities Award program, and FFA farm operation identification program. I am especially proud that Spencer County, located in the Second District of Kentucky which I have the privilege to represent, was the State winner of the Building Our American Communities Award.

I know of no group of young people who are accomplishing more in the field of agriculture for their home communities, State, and Nation than members of the Future Farmers of America. I want to take this opportunity to commend the members of Future Farmers of America for their accomplishments during the past year and to wish them continued success in the future.●

FLAT TAX LEGISLATION INTRODUCED

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. DANNEMEYER. Mr. Speaker, not too long ago, I conducted a poll among my constituents in the 39th District regarding problems in the present tax system and possible corrective measures. The results are very telling.

Ninety-five and four-tenths percent agreed that our current tax system is too complex and inefficient.

Ninety-four and two-tenths percent agreed that our current rate structure is burdensome to individuals and to the economic well-being of the Nation.

Eighty-two and five-tenths percent agreed that a flat-tax system should be instituted in place of the present progressive tax system.

Seventy-three and eight-tenths percent agreed that a flat-rate tax of 15 percent with no exemptions or deductions would be preferable to the present system (the entire text and results of the poll appear at the end of this statement).

Because this is a Government of the people, by the people and for the people, I say it is about time the Members of Congress started listening to the people. It is about time we started governing in their interest instead of bowing to the temptations of the special interests.

It is for this reason that I am introducing legislation to do away with the problems which plague our present tax system. The bill I am proposing today would require the Internal Revenue Service to develop a flat-tax system that would result in a tax rate of not more than 15 percent upon individuals and corporations starting January 1, 1987. For individual taxpayers, I have called for a personal exemption, a deduction for dependents, a deduction for charitable contributions, a deduction for home mortgage interest on a taxpayer's principal residence, an exemption for capital gains, and no tax at all for the poorest households. As for corporations, I have allowed for a flat tax of not more than 15 percent to be applied to gross revenues with a deduction for capital expenses, a deduction for amounts paid for goods and services, and a deduction for charitable contributions.

A flat-tax system such as the one just described would provide numerous advantages over the present system.

First, it would allow for a reduction in the tax rate for most Americans resulting in lower taxes paid by individuals and their families. In 1982, the marginal tax rate for a family of four earning median income was 25 percent. For a family earning one-half median income, the tax rate was 16 percent. And for a family earning twice median income, the tax rate was 40 percent and higher. The average tax rate for corporations in 1982 was 20.5 percent.

Second, it would eliminate the intolerable complexity of the present tax system. The Commissioner of Internal Revenue in 1977 summarized the difficulties in the progressive tax system when he stated that the basic filing procedures for U.S. tax returns were beyond the comprehension of most people. As every American who has ever filed an income tax form is acutely aware, the myriad of deductions and exemptions, the special calculations, the multiple methods, and all the confusing limitations are enough to start the innocent taxpayer's head spinning. It is no wonder that a great many Americans have given up on the task of filling out their own tax forms and sought help from a third party—a lawyer, accountant, or whomever. In 1954, only 18 percent of taxpayers used tax return preparers; over 80 percent filled out their forms personally. In 1982, 61 percent of 1040 forms were prepared by specialists—over 32.8 million taxpayers overall.

Business taxpayers are faced with an even greater dilemma. In 1977, businesses spent an estimated 109 million man-hours filling out W-2 forms alone. Yet, when one has tackled the first form, a collossus of others loom around the corner—form 941, form 1120, and on and on. To fill out all these items costs the corporate sector a great deal, with small businesses being hit the hardest. In 1976, small businesses nationwide spent more than $11 billion to have their Federal income tax forms prepared.

This burden is not the fault of the IRS. It is the result of a long history of congressional tax legislation, the sum of which seems to have no clear rhyme or reason. Indeed, in a 1975 address to the Tax Foundation, then Secretary of Treasury William E. Simon said, "I'm not even sure the IRS experts understand the system anymore. How can they when they are dealing with a Tax Code and regulations that exceed 6,000 pages of fine print?"

The legislation I am introducing would not only enable postcard tax forms to become a reality, thereby saving the taxpayers a great deal of time and expense, but it would also greatly simplify the job of the IRS.

Third, the flat tax I am proposing would give the economy an additional boost. It would increase incentives to earn and produce, thereby stimulating economic growth and additional Federal revenues. If middle income Americans have to give Uncle Sam $1 and change for every additional $2 earned, is it any wonder that more and more individuals are disinclined to earn that extra dollar? The same logic can be applied to the corporate sector. With high marginal rates, there is a diminished incentive to produce and make additional profit. A flat-tax system would enhance this incentive and hence stimulate productivity and employment.

Furthermore, the double taxation of savings which exists in the present tax system penalizes capital formation which is essential to economic growth. Also, tax expenditures—deductions, credits and exemptions—distort investment flows by directing money away from the competitive marketplace into noncompetitive projects. Both of these problems would be largely eliminated by switching to a limited deduction, flat-rate tax approach.

Fourth, because tax administration would be infinitely more efficient under a flat-tax system, the IRS could focus on eliminating the present underground economy by drastically reducing the number of tax evaders, thus raising additional Treasury revenue. The IRS estimates that unreported income and overstated deductions—

the underground economy—has risen from an estimated $29 billion in 1973 to $87 billion in 1981, and estimates for 1985 are $120 billion. And these estimates might be low. Other students of the Federal income tax put the size of the underground economy as high as $542 billion a year. If the latter figure is any where near accurate, it represents potential revenues large enough to balance the budget on an annual basis.

Fifth, the flat-tax proposal I am introducing will automatically incorporate tax indexing into the tax system, thus eliminating any bracket creep phenomenon where inflation pushes one's income into higher tax brackets without Congress voting a tax increase.

Sixth, a flat tax would give a resulting perception of equity back to the tax system. Former Commissioner of Internal Revenue Jerome Kurtz recently said, "A tax system such as ours—which relies heavily on taxpayer cooperation—can only work if most taxpayers perceive the system as fair." Yet, the poll results from my district indicate that there is an overwhelming loss of faith in the present progressive tax system due primarily to its excessive complexity and enormous inefficiency. Recent polls taken by the noted public opinion pollster Louis Harris confirm that this is a nationwide problem. A flat tax, in turn, would make everyone pay their fair share while adding new life to the economy.

One of the most frequently heard objections to the flat-tax concept is that it sounds good, but it will not work. However, Hong Kong has had a flat-tax system since 1966, virtually identical to the one I am suggesting today, and it has worked. The Hong Kong system has a flat rate of taxation of 15 percent for individuals and 16.5 percent for corporations, with very few deductions or exemptions allowed.

The results of Hong Kong's flat-tax policies have surpassed even the most optimistic estimates. In the period immediately following World War II, Hong Kong was in the economic doldrums. An impoverished and devastatingly depressed state, its annual per capita income stood at a mere $180. But, since that time, minimized disincentives on savings and investment due to the low levels of taxation have led to an economic growth rate of 9 percent per year in Hong Kong, including double-digit growth in the last few years. Even in the recession year of 1981, investment and job creation stimulated by low rates of taxation held the unemployment level to 3.8 percent. Moreover, the enormous economic growth stimulated by a narrow tax base and low rates of taxation has yielded increased tax revenues for the Government. Currently, Hong Kong has a budget surplus, a near absence of public debt, and no need to resort to the inflationary practice of deficit financing. At the same time, Hong Kong provides its citizens with a rather generous social safety net including extensive housing, education, health, transportation, social security, and other social services, not to mention the fact that the poorest 20 percent of the population has benefited extensively from the fivefold increase in per capita income since 1948. Is it any wonder that officials in Hong Kong are so enthusiastic about the virtues of a simple and inexpensive flat-tax system?

Experience is the best teacher. Given the facts, the need for the flat-tax system I am recommending is very clear. Now it is time for the Government to open its eyes to both the problems of the present tax system and the wishes of the American people. It is time we adopted a flat tax.

QUESTIONAIRE RESULTS

(Numbers indicate percentages)

Do you agree or disagree with the following statements?

(1) Our current tax system is too complex and inefficient. Agree strongly 87.9, agree somewhat 7.5, undecided 1.6, disagree somewhat 2.0, and disagree strongly .9.

(2) Our current rate structure is burdensome to individuals and to the economic well-being of the nation. Agree strongly 82.8, agree somewhat 11.4, undecided 1.6, disagree somewhat 3.2, and disagree strongly 1.1.

(3) The United States tax system ought to have different tax rates for different levels of income. Agree strongly 17.2, agree somewhat 14.1, undecided 7.3, disagree somewhat 14.6, and disagree strongly 46.8.

(4) A single-rate tax applied evenly to all but the poorest individuals with very few deductions allowed would be preferable to the present system. Agree strongly 68.0, agree somewhat 14.5, undecided 4.5, disagree somewhat 3.9, and disagree strongly 9.0.

(5) If you agree in question 4, the flat rate for this tax should be: 10 percent 34.3, 12 percent 14.4, 15 percent 43.3, 18 percent 6.0, and 20 percent 2.1.

NOTE.—A recent study has indicated that a 14-16 percent rate is necessary to sustain present levels of tax revenue with very few deductions allowed.

(6) Some deductions should be allowed, including:

(a) Car loans; (b) charitable contributions; (c) debts-losses; (d) interest income; (e) home mortgage; (f) medical expenses; (g) state-local taxes; and (h) tuition costs.

Agree strongly: (a) 19.2, (b) 43.1, (c) 21.1, (d) 30.8, (e) 47.1, (f) 43.2, (g) 33.8, (h) 22.9. Agree somewhat: (a) 8.6, (b) 19.8, (c) 12.2, (d) 11.2, (e) 11.4, (f) 17.8, (g) 36.1, (h) 12.1. Undecided: (a) 6.4, (b) 6.7, (c) 16.5, (d) 9.4, (e) 5.9, (f) 15.2, (g) 9.6, (h) 10.0. Disagree somewhat: (a) 14.8, (b) 4.4, (c) 14.7, (d) 9.0, (e) 6.0, (f) 9.2, (g) 7.0, (h) 10.5. Disagree strongly: (a) 51.0, (b) 25.9, (c) 35.5, (d) 39.6, (e) 29.5, (f) 14.5, (g) 13.5, (h) 44.5.

(7) Some exclusions of income should be allowed including those for: (a) Capital gains, (b) social security income, and (c) housing allowances for ministers and teachers of Gospel and parochial schools.

Agree strongly: (a) 34.7, (b) 62.9, (c) 11.3. Agree somewhat: (a) 16.4, (b) 13.9, (c) 7.5. Undecided: (a) 9.2, (b) 5.0, (c) 12.3. Disagree somewhat: (a) 10.3 (b) 4.0 (c) 12.8. Disagree strongly: (a) 29.4 (b) 14.2 (c) 56.1.

(8) A one-time personal exemption should consist of: (a) $1,000, (b) 2,000, (c) 3,000, (d) 4,000, (e) 5,000, and (f) other.

(a) 12.6, (b) 13.6, (c) 13.0, (d) 5.4, (e) 24.6, and (f) 30.8.

(9) Additional exemptions should be allowed for:

The blind: Yes 81.6, no 18.4.
The disabled: Yes 80.1, no 19.9.
The elderly: Yes 76.8, no 23.2.
Children: Yes 57.3, no 42.7.

(10) Poor households earning less than the following each year should be exempt from tax (assume family of four): Under $10,000 38.4, under $12,000 22.0, under $15,000 23.8 and other 15.7.

(11) A flat-rate tax of 15 percent with no exemptions or deductions would be more preferable than our progressive rate tax with all of the present exemptions and deductions.

Agree strongly: 48.5, agree somewhat: 25.3, undecided: 6.0, disagree somewhat 6.9, and disagree strongly: 13.3.

(12) Our present progressive rate income tax would be more preferable than a flat tax if: (a) The tax rates were lowered, (b) some, but not all, of the deductions were eliminated, and (c) existing tax laws were evenly and fairly enforced.

Agree strongly: (a) 32.4, (b) 18.8, (c) 40.4. Agree somewhat: (a) 12.3, (b) 16.7, (c) 11.4. Undecided: (a) 5.7, (b) 7.6, (c) 6.8. Disagree somewhat: (a) 9.0 (b) 11.2 (c) 6.1. Disagree strongly: (a) 40.6 (b) 45.6 (c) 35.3.

(13) The flat-rate tax concept warrants further study.

Agree strongly 80.4, agree somewhat 8.5, undecided 1.5, disagree somewhat 1.9, and disagree strongly 7.5.●

THE RETIREMENT OF CAPT. PAUL GUNDERMAN

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. COELHO. Mr. Speaker, I rise today before my colleagues to honor a great Californian on his retirement from 31 years of service with the California Highway Patrol. Capt. Paul L. Gunderman ended his career with the CHP on December 30, 1983, and will celebrate his retirement at a party to be given in his honor on March 3, 1984.

Paul is a fine example of a man dedicated to his country, community, and his family. His career began in 1952 when he joined the Pasadena Police Department, and his 31 years in law enforcement have carried him almost the entire length of the State. In 1973, Paul received his captain's bars and was assigned to Los Banos, becoming the first captain assigned to the office when it was upgraded from a lieutenant's command. Captain Gunderman served in that post until coming to Merced in 1977, where he remained until his retirement.

Besides his dedication to his career, Paul has served as vice president of the Merced United Way and as chairman of Kops for Kids, which collects toys for children in the Merced area. Paul also serves as the secretary of the North Merced Rotary.

Paul Gunderman can be proud of his service to his job and to his country. Paul's retirement will be a loss to the California Highway Patrol, but we all wish him a long and happy future. I am honored to have this opportunity to pay tribute to such an outstanding American.●

JIMMY CRUM

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. KASICH. Mr. Speaker, I appreciate this opportunity to extend national recognition for the outstanding humanitarian efforts of WCMH-TV sports director Jimmy Crum.

Jimmy is known as the sports authority in central Ohio and in 1970 was named the most outstanding sportscaster in Ohio by the National Sportscasters and Sportswriter Association. A native of Mansfield, Ohio, he began a broadcasting career at the age of 14 of WMAN radio. He served with the Marine Corps and Armed Forces Radio, then attended Ohio University majoring in radio. He joined TV 4 in Columbus in 1953 after working for WOUI and WRFD radio stations.

However, Jimmy Crum is much more than a sportscaster for in spite of his prestigious professional awards for excellence in broadcasting, he continually is involved in programs to bring a better life to handicapped children.

In 1965, he personally initiated the nonprofit "Recreation Unlimited" fund at TV 4 which has raised almost $800,000 in 18 years to send handicapped children to summer camp. Jimmy's interest in the handicapped dates back many, many years when he was inspired by the courage of a young polio victim at Children's Hospital.

His numerous activities include the Franklin County Society for Crippled Children where he served as chairman of the board, Ohio Society of Prevention of Blindness, Children's Hospital, United Cerebral Palsy of Columbus and Franklin County, State Occupational Therapy Board, Ohio Easter Seal Society. Professionally, he has been active in the local chapter of American Federation of TV and Radio Artists, which he helped to organize, and is a past president of the Ohio Sportscaster Association.

Among Jimmy's awards and tributes are two Kennedy Foundation International Awards, Ohio Easter Seal Society's "Golden Brace" Award, Ohio Young Republicans' Francis P. Bolton Humanitarian Award, and the 1977 Outstanding Columbus Citizen Award by Central Ohio Chapter Public Relations Society of America.

He has received the Ohio Governor's Award for his achievements in community involvement, and the Columbus mayor and Franklin County commissioners proclaimed May 10, 1978, as Jimmy Crum Day for his outstanding and tireless efforts with many community organizations.

In addition, he possesses a regional Emmy Award, a Billboard Award, and the John Hervey Award for Excellence in Reporting.

Mr. Speaker, I am proud to bring the accomplishments of this distinguished central Ohioan to the attention of my colleagues. The dedication and spirit of Jimmy Crum is an inspiration to us all and I ask my colleagues to join with me in a heartfelt and warm tribute to this outstanding American for his selfless and devoted efforts on behalf of handicapped children.●

EXECUTIVE ORDER 9066

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MATSUI. Mr. Speaker, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, the Presidential document which set into motion a series of governmental actions which resulted in one of the most extraordinary episodes in the history of this country: The forced exclusion and detention of U.S. citizens and legal resident aliens of Japanese ancestry.

In and of itself, the Executive order was not a constitutionally questionable document. It ordered the military command to provide security within this Nation's borders at a time when the United States had been thrust into a global war. The President acted within his constitutional powers in issuing such a command.

However, it is clear from Government documents that there was a clear intent in the Executive order to discriminate against persons of Japanese ancestry, including those who were American citizens. A memorandum to the President from the U.S. Attorney General, Francis Biddle, dated April 17, 1943, states, "You signed the original Executive order permitting the exclusion so the Army could handle the Japs. It was never intended to apply to Italians and Germans."

As a result of Executive Order 9066, over 120,000 persons of Japanese ancestry, the majority of whom were American citizens, were forced under armed military guard to leave their homes, their businesses, and their careers, and were placed in military detention camps for the duration of World War II.

The findings of the Commission on Wartime Relocation and Internment of Civilians, which concluded an 18 month study with a report to the Congress titled "Personal Justice Denied," were unequivocal in stating that American citizens and legal resident aliens of Japanese ancestry presented no security threat to the United States, and that there was no justification for the actions taken against them. The report states:

> The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it—detention, ending detention and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria, and a failure of political leadership * * *. A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.

Mr. Speaker, during the month of February when this Nation celebrates the birthdays of George Washington and Abraham Lincoln, two of the greatest Presidents this Nation has ever known, two towering figures who symbolize the birth of the American democratic ideals of freedom and equality, it also behooves us during this month to recall the actions of another President who stands in equal greatness.

It does us well, Mr. Speaker, to remember February 19, 1942, not to diminish the greatness of Franklin Delano Roosevelt, but to remind ourselves that a democratic nation requires the vigilance of its leaders and of its people. While we can look with pride at our past achievements and to the benefits of freedom and liberty we now enjoy, we must also have the courage to look to our past errors and to rectify them if we are to remain the leader among the free nations of the world.●

SELF-DETERMINATION OF THE BALTIC STATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, as a proud member of the Ad Hoc Committee on the Baltic States and Ukraine, I am honored to rise in support of Senate Concurrent Resolution 80. This resolution speaks forcibly of the overwhelming need for the United States to continue diplomatic recognition of the sovereignty of the three in-

dependent Baltic republics—Estonia, Latvia, and Lithuania.

America must fulfill her national obligation, as an adherent to the United Nations Charter, to promote and encourage international respect for human rights and fundamental freedoms in those captive states.

How many of us really know what "democracy" is? The term connotes different meanings to different people. I will wager, however, that those who do not live under its purview know what democracy is not.

The imprisoned peoples of the Baltic States need to know that the United States of America is concerned with restoring their lost democratic principles of political and cultural self-determination. The Soviet Union must be made aware that these peoples have the right to be granted freedom to choose their own governments without outside intervention or subversion. Such are the laudable aims of Senate Concurrent Resolution 80. If we do not support these shared goals, we will only serve to degrade that undefinable essence of democracy that we enjoy in America.●

SAN MATEO COUNTY YOUTH AND PARENTS PLAN ACTION ON DRUG ABUSE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LANTOS. Mr. Speaker, this past week, during the district work period, a group of my constituents gathered in my office to plan a coordinated effort to eradicate alcohol and drug abuse in San Mateo County. Attending this meeting was a cross-section of citizens ranging from concerned parents to social service professionals working in the field of prevention of substance abuse. The ideas generated in our discussion, and the meeting itself, may provide incentive for my colleagues in the House who may also want to take initiative in addressing this widespread problem.

Teenage substance abuse affects our whole society; it is no respector of persons. We can all be touched by the tragic consequences of young people whose lives are maimed and destroyed because they do not know how to say "no." If we do not meet this problem head-on, I am convinced we will stand by to see our society decay from within.

As my constituents pointed out, we must work together at local, State, and Federal levels. There is room for anyone who wants to help. Many different groups are needed. Overlap and duplication of effort may be avoided through coordination and communication, but no one should hesitate to become involved in some aspect of prevention. We have only ourselves, our youth, and our Nation to save.

Many creative ideas were proposed in our group discussion, including the suggestion that taxes be increased on alcohol, with the resulting funds targeted for programs to prevent teenage substance abuse. Another suggestion is to make alcohol advertisements nondeductible as a business expense. This would force the alcohol industry to take the money for advertisements out of their profits.

A final suggestion was to encourage professional athletes and entertainment stars to provide responsible leadership in informing the Nation's youth of the dangers of drug and alcohol abuse. Those are the models who have enormous influence on teenagers today.

I will soon introduce legislation calling upon the Congress to urge the advertising sponsors of the summer Olympic games in Los Angeles to use part of their advertising time for public service advertisements aimed at the prevention of alcohol and drug use and abuse.

I urge my colleagues in the House of Representatives to join me in this national and grassroots effort to help our youth learn when and how to say "no" to peers and pushers when the pressure is on.●

SALUTE TO OLYMPIC MEDAL WINNERS

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LOWRY of Washington. Mr. Speaker, it is with great pride that I rise to congratulate the four Washington State athletes who won medals at the winter Olympics. Giant slalom winner Debbie Armstrong from Seattle, figure skating silver medalist Rosalynn Sumners of Edmonds and of course Phil and Steve Mahre of Yakima, the first and second finishers in the men's slalom, are a great source of pride for all Americans and particularly for those of us from Washington State. Not only are they gifted atheles who displayed considerable grace under pressure, they demonstrated the Olypmic spirit itself. I congratulate these four great competitors for their performances at Sarajevo.●